

Ordinary Council Meeting Minutes

25 May 2021



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01. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Council Chambers, Maclean, 25 May 2021 commencing at 2.00pm and closing at 5.20pm.

OPENING PRAYER – The opening prayer was said by the Mayor.

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

I acknowledge the traditional custodians of these lands on which this meeting is taking place and pay tribute and respect to the Elders both past and present of the Bundjalung, Gumbaynggirr and Yaegl nations which lie within the Council boundaries.

ANNOUNCEMENT

All present are advised that this meeting is being broadcast live and audio recorded. Your attendance at this meeting is your acceptance that your image may be recorded and streamed to the internet as well as being retained in the archive of the record of the Council meeting.

Speakers are asked not to make insulting or defamatory statements and to take care when discussing other people's personal information. No other persons are permitted to record the meeting unless specifically authorised by Council to do so.

MEMBERS

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

PRESENT

A/General Manager and Director Corporate & Governance (Laura Black), Director Environment, Planning & Community (Des Schroder), Director Works & Civil (Jamie Fleeting) and Minutes Secretary (Lesley McBay).

02. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE – Cr Karen Toms, Cr Richie Williamson and Mr Ashley Lindsay (General Manager)**MOTION**

Kingsley/Ellem

That a leave of absence be granted to Councillors Toms and Williamson.

Voting recorded as follows:

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

Against: Nil

03. DISCLOSURES AND DECLARATIONS OF INTEREST**Declarations received at the commencement of and during the Ordinary Meeting**

<i>Name</i>	<i>Item</i>	<i>Interest/Action</i>
Cr Novak	6a.21.026	Pecuniary - Remain in the meeting Applicant for a DA
Cr Novak	6b.21.026	Non-Significant Non-Pecuniary - Remain in the meeting Applicant lives on the same street
Cr Kingsley	07.21.009	Pecuniary - Leave the meeting Co-worker is a committee member

Declarations received at Committee Meetings

<i>Name</i>	<i>Item</i>	<i>Interest/Action</i>
Cr Ellem	6c.21.058	Significant Non-Pecuniary - Leave the meeting Employed by Janelle Safin MP, who made representations on behalf of the rate payer.
Cr Ellem	6c.21.062	Non-Significant Non-Pecuniary - Remain in the meeting Owns a property adjoining the reserve

04. CONFIRMATION OF MINUTES**COUNCIL RESOLUTION**

Lysaught/Kingsley

That the Minutes of the Ordinary Meeting of Council dated 27 April 2021, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows:

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

Against: Nil

05. MAYORAL MINUTES – Nil

The Mayor and Deputy Mayor took a moment to congratulate Mr Des Schroder on his retirement and wished him well on behalf of Council.

a. GENERAL MANAGER

ITEM	6a.21.021	BEST PRACTICE DIVIDEND FROM THE WATER FUND FOR THE YEAR ENDED 30 JUNE 2020
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Meeting	Council	25 May 2021
Directorate	Corporate & Governance	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Yes	

SUMMARY

This report outlines the proposal for Council to seek a dividend from its Water Supply business relating to the year ended 30 June 2020 results (surplus). Council has been adjudged by an independent auditor (Forsyths) to have materially met the eligibility criteria set out by the NSW Department of Planning, Industry and Environment – Water (DPIEW) “Best practice management of water supply and sewerage” Guidelines.

OFFICER RECOMMENDATION

That Council

1. Considers that it has achieved substantial compliance with the required outcome for each of the 6 criteria in Table 1 of the NSW Department of Planning, Industry and Environment – Water (DPIEW) “Best practice management of water supply and sewerage” Guidelines.
2. Seek approval from the NSW Department of Planning, Industry and Environment to pay a dividend of \$609,741 from its Water Supply business for the 2019/20 financial year to be paid to the General Fund in 2020/21.

COUNCIL RESOLUTION – 6a.21.021

Ellem/Lysaught

That Council

1. **Considers that it has achieved substantial compliance with the required outcome for each of the 6 criteria in Table 1 of the NSW Department of Planning, Industry and Environment – Water (DPIEW) “Best practice management of water supply and sewerage” Guidelines.**
2. **Seek approval from the NSW Department of Planning, Industry and Environment to pay a dividend of \$609,741 from its Water Supply business for the 2019/20 financial year to be paid to the General Fund in 2020/21.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

The maximum Water Fund dividend payment is based on whichever is the lesser of 50% of surplus operating result or, \$27 per assessment. The estimated maximum dividend for 2019/20 is \$609,741. To be eligible for the dividend Council must comply with the following 6 criteria as per the NSW Department of Planning, Industry and Environment – Water (DPIEW) “Best practice management of water supply and sewerage” Guidelines (“the Guidelines”):

1. That the Strategic Business Plan meets the criteria as set out in the Guidelines;
 - That a 30 year financial plan (using DPIEW financial modelling – FINMOD) has been established and

the forward cost estimates have been determined to assess whether the minimum water charges and other incomes meet future costs;

2. That the documented pricing and developer charges comply with the Guidelines;
 - That a Development Servicing Plan has been established, including an assessment of water supply developer charges;
 - That complying tariffs or dual water supplies (if applicable) have been established;
3. That Council has implemented a water conservation and demand management process;
4. That Council has created a drought management plan and related processes;
5. That the level of annual performance reporting for the water fund over the past two years to ratepayers and the public, including Key Performance Indicators (KPI's) measured against the strategic business plan, has been adequate; and
6. That Council has completed an Integrated Water Cycle Management evaluation and strategy.

DPIEW also requires an opinion on whether the overhead allocation charge from Council's General Fund to the Water Fund is "fair and reasonable".

With this in mind, Forsyths Chartered Accountants were engaged to assess performance against the Guidelines eligibility criteria to enable payment of a dividend from the Water Fund to the General Fund, for the year ended 30 June 2020.

KEY ISSUES

The conclusion that Forsyths reached is that Council did comply, in all material respects, with the dividend eligibility criteria of the Guidelines for the year ended 30 June 2020.

Forsyths also raised other areas which provide an opportunity for management to improve the reliability of information, increase controls and reduce future risks that might cause Council to be ineligible for dividends in future years. They are as follows:

- a) The Integrated Water Cycle Management (IWCM) strategy document was adopted in the 2009 financial year and is presently outside the eight-year period for renewal as recommended by the Guidelines. However, DPIEW are aware of the delay and has recommended this is deferred until yield modelling is completed as outlined in the DPIEW North Coast Regional Water Strategy. *Council has presently engaged external consultants to commence demand assessments as one of the first stages of the revised IWCM as well as the secure yield analysis.*
- b) Asset management processes – it is increasingly important for Council to refine and capture its asset data and improve its systems i.e. capture all the various data sources including maintenance work conducted, GIS, condition inspections, etc., and provide "automated" asset risk assessed ranking with regard to asset renewal and maintenance to flow into Council's IWCM, SBP, LTFP and Asset Management Plans. This will allow improved audit trails and justification for estimating asset maintenance, renewal and augmentation needs in the future. *Council plans to go live with a new fully integrated Corporate Enterprise System from 1 July 2021 which should address these comments.*
- c) The forecast period in the Council LTFP (which includes water operations) is for a period of 10 years but the Guidelines advise the LTFP for water and sewer functions should have forecasts for a period of 30 years. Council's LTFP forecast period should be extended to 30 years to allow Council to clearly demonstrate that the LTFP meets the Guidelines and aligns with FINMOD forecasts. *A future LTFP product release by Councils current provider will allow Council to model past 10 years.*
- d) The Water AMP needs to be modified with specific examples of required maintenance for water infrastructure, to improve user understanding and relevance. *A full review of the Asset Management Plan and Asset Register is being carried out by 30 June 2022.*
- e) Risk management issues identified include Water Weir transfer, improvements in infrastructure modelling of required maintenance/asset renewal/back log works requirements which will then have impacts on the LTFP/AMPs/SBP and IWCM outcomes, and changes in expected service level due to Government regulation. *The risks stated have been included in Council's Water Cycle Planning Processes.*

COUNCIL IMPLICATIONS

Budget/Financial

The cost of engaging Forsyths for the review was \$12,000 GST exclusive and is within Council's 2020/21 budget for audit fees of \$129,000 on PJ 993065-7353-2510 & 2512.

Under the Guidelines Council is also required to pay a dividend to the General Fund for tax equivalents of \$3 per assessment. This tax equivalent dividend payment has already been made for the 2019/20 Financial Year.

Asset Management

SBP, LTFP, AMP and IWCM documents for the water fund rely heavily on Council's asset management process to identify future infrastructure needs including renewals, maintenance and augmentation.

Forsyths found that Council's asset data is spread across various sources including hardcopy asset manuals (e.g. treatment works and pump stations), maintenance software, computer spreadsheets, GIS mapping and the Technology One asset register. This made it difficult for Forsyths to assess the critical asset issues including required maintenance, condition and age risks. It also meant that there was no clear audit trail between the SBP, LTFP, AMP and IWCM and underlying asset records.

Policy or Regulation

NSW Department of Planning, Industry and Environment – Water (DPIEW) “Best practice management of water supply and sewerage” Guidelines.

Consultation

Consultation was undertaken with the manager of Water Cycle and the Finance & Asset Strategy Planner in preparing the Forsyths' Review of Eligibility to Pay Water Function Dividends for the year ended 30 June 2020.

Legal and Risk Management

The risk management issues of Water Weir transfer, improvements in infrastructure modelling, and changes in expected service level due to Government regulation have been included in Council's water cycle planning process.

Climate Change

N/A

Prepared by	Michael Salvestro, Acting Manager Finance & Supply
Attachment	Forsyths' Review of Eligibility to Pay Water Function Dividends for the year ended 30 June 2020

ITEM 6a.21.022 DEFERRED CAPITAL WORKS PROJECTS 20/21

Meeting	Council	25 May 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

The purpose of this report is to provide an update to Council on the status of the 2020/21 Capital Works delivery Program. It includes a list of projects that have been identified as either part or full deferral to the 2021/22 Capital Works Program.

The list includes additional projects (or project value) identified for deferral to the combined effect of a number of external factors impacting on the delivery program including:

- Impacts on domestic and global supply chain issues attributed to Covid-19
- Limitations on the availability of suitable contractors. For example, South East QLD border closures throughout Q1, Q2 and part of Q3.
- Declared natural disasters. Three (3) storm/flood related disasters across the Clarence Valley since December 2020 with the March flood categorised as a major flood.
- State Government approval timeframes have been considerably longer arising from Covid-19.
- Additional pressures (supply and demand) on sourcing contractors with stimulus funding across the State.
- Native Title Determination - A few projects are currently sensitive to pending Native Title consideration.

This report aims to provide some transparency to the projects scheduled for the current year, but not yet commenced (or recently commenced) and therefore deferred to the following year. The effect of this report will reduce the carry forward effect reported in Q1 of the following year, as the funds will be removed from the current year and included in the draft 2021/2022 budget currently on public exhibition.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the list of Deferred Projects for 2020/21, attached to this report.
2. Endorse the budget variations to the 2020/21 Revised Budget and associated Financial Reserves to reflect the removal of the deferred projects as identified in the Attachment. These variations will be included in the 2020/21 General Purpose Financial Statements. Refer to Audit report.
3. Endorse the draft 2021/22 Capital Works Program to be updated with the deferred projects and associated values as identified in the attachment.

COUNCIL RESOLUTION – 6a.21.022

Novak/Kingsley

That Council:

1. **Receive and note the list of Deferred Projects for 2020/21, attached to this report.**
2. **Endorse the budget variations to the 2020/21 Revised Budget and associated Financial Reserves to reflect the removal of the deferred projects as identified in the Attachment. These variations will be included in the 2020/21 General Purpose Financial Statements. Refer to Audit report.**
3. **Endorse the draft 2021/22 Capital Works Program to be updated with the deferred projects and associated values as identified in the attachment.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme	2 Infrastructure
Objective	2.1 We will have communities that are well serviced with appropriate infrastructure
Strategy	2.1.3 Provide strategic asset management planning

BACKGROUND

Works are undertaken to maintain Council assets and undertake construction within budgets and timeframes established by Council. Departures from set programs and budgets are reported to Council as part of the works program reporting.

At the June 2020 ordinary meeting Council adopted the draft 2020/21 Operational Plan (Item 6a.20.014). The Operational Plan is a key document underpinning the Integrated Planning and Reporting Framework (IP&R). It is a one-year plan (reviewed annually) that outlines the detail of the Delivery Program and identifies the individual projects and activities that will be undertaken in a specific financial year.

The Capital Works Program at June 2020 was reported at \$70.67m. There have been an increasing number of stimulus-based grants awarded to Council since June 2020, many of which require the completion of further capital works. In light of this, the dollar value of the Capital Works Program has since grown to \$97.55m approximately.

Importantly, in the preparation of draft 2021/22 Operational Plan staff have identified the need to defer (or defer in part) a number of projects to ensure the various grants and stimulus based funded projects are prioritised and comply with the individual funding agreements for completion. Works to the value of \$26.13 m were identified early in the year as requiring deferral and have already been included in the draft 2021/22 Capital Works Program, however this report now finalises our review after subsequent climatic events and includes all works requiring deferral.

KEY ISSUES

Whilst every endeavour is made to complete all works included in this program, ultimately the successful delivery of these works is dependant on a range of factors that can often extend beyond the direct control of staff or council. Staff have also had to reprioritise of works due to new grant funded commitments received throughout the year.

Some of those contributing factors are noted below:

Covid-19 and Material Supply Issues

The effects of the coronavirus (COVID-19) on the world economy and global supply chains are rapidly unfolding and are likely to have wide-ranging impacts to many Australian companies. Staff have recently observed long lead times with some products and material supplies that would ordinarily be available "off the shelf". A contractor recently advised that their supplier of mill finish metal was significantly impacted resulting in an estimated 5 month wait for the shortfall. Reinforced concrete pipes (RCP) used for stormwater drainage applications were also in short supply including reinforcing steel used in concrete were also impacted. Due to the shortage of material supplies, the purchase costs have also increased. The delay in material supplies and increases in supply cost will in some instances adversely impact on project delivery timelines and project costs.

Light and Heavy Fleet Replacement 20/21

Long lead times for light and heavy plant has been an issue for plant replacement for some months. There are currently up to 12 months delays being experienced on some item of plant. A number of plant items due for replacement in 20/21 have been ordered though will not be receipted (or deferred) until 21/22 as a result of those delays.

Natural Disasters

During 2020/21, the Clarence Valley received above average rainfall leading to 3 flood events, one classified as a major event. There were 150 (approx.) flood affected roads throughout the LGA attributed to the March 2021 flood event with significant impacts to both the unsealed and sealed road network. These events have also impacted on staff's ability to not only access assets requiring work in 2020/21 but has also placed pressure on the delivery of materials. The reallocation of resources was also necessary from 'business as

usual' activities to managing our flood response and recovery. As such, works that were intended to be completed as part of the 2020/21 Capital Works Program are now unable to be completed in the current year and will be deferred to 2021/22.

It is also important to note in terms of future programs staff have identified up to \$15m (being a combination of claims over the past 3 natural disasters) that are currently being assessed (TfNSW and Resilience NSW) under the provisions of the Essential Public Asset Restoration Works (EPARW) in line with the 'opt in' claim methodology that is consistent with the natural disaster guidelines. Those works once approved can be completed over a 2-year period again adding more projects to the delivery program. It is important to also acknowledge that these claims, whilst providing an opportunity to increase our resilience on road related assets, have resulted in an additional administration burden on staff.

Deferred Projects (extract)

Table 1 represents a list (extract only) of a number of key community projects from the attachment where an increase to the project deferral value has been identified. That is the project has been broken into distinct stages, with the distinct stages being delivered across financial years.

Table 1: Extract of Projects from the 2020/21 Capital Works Program identified for part or full deferral

Project/sub service	Project	Deferral (Part/Full)	Value deferred (\$000)	Comment/Project Status
Sewer Fund	Iluka STP Biosolids Hardstand Area	Part	\$345	Construction started 10/05/21 will be completed in July/Aug 2021
	North Grafton - EPA Licence Requirements	Part	\$350	Detailed concept design completed; detailed design commenced
	Sewer Easement Acquisition	Full	\$1,000	Unknown timeframe re determination of Crown Land easement values by VG.
Water Fund	Reservoirs - Renewals Expenses	Part	\$960	Tender award anticipated June 2021, with expenditure over 21/22/23
	Shannon Creek Dam Dissipator Gabion Wall Repair	Full	\$1,000	Tenders scheduled to be called in late May (delayed by the March Flood) and awarded at July meeting. Work to be carried out throughout the dry season
	Shannon Creek Dam Drainage Upgrade	Full	\$205	Tenders scheduled to be called in late May and awarded at July meeting. Work to be carried out throughout the dry season
Open Spaces	William Agar Park Pathway, Yamba	Part	\$180	Materials/orders to be raised by 30 June. Goods received in early 21/22
	Corcoran Park Footbridge Upgrade	Full	\$639	Recent grant project. RFQ being prepared
	Maclean Showground - Main Arena Lighting Upgrade	Full	\$232	Recent grant project. RFQ being prepared
	Townsend Park Playground Equipment Renewals	Part	\$560	External grant funded project that has commenced
	Ulmarra Riverside and Village Precinct (URVP) Project	Part	\$390	External grant funded project, 90% design and community consultation completed.
	Zig Zag pathway - Yamba	Part	\$348	RFT for materials completed and orders being placed. Works expected to commence early June 2021
	Administration Building 2 Prince St Improvements	Part	\$4,400	Expected completion early September. Projected carry forward based on cash flow and timing claims
	Holiday Pk - Calypso Yamba HP Redevelopment	Part	\$1,440	External grant funded to August 2022. and Pending native title considerations.

Project/sub service	Project	Deferral (Part/Full)	Value deferred (\$000)	Comment/Project Status
	Brooms Head Caravan Park Septic System upgrade	Part	\$1,700	Detailed design currently being completed in consultation with the local community
Roads	Armidale Road Clouds Creek - Elevation, Alignment Works Stage	Full	\$630	Variation has been sought with TfNSW to defer project.
Bridges	Dignans Bridge Replacement, Coongbar Road	Part	\$318	Site investigations complete, design to be complete by July 2021. Construction to commence March 2022.
Plant	Sewer Heavy Plant Replacement Program	Full	\$356	Plant will not be delivered until 21/22.
	Vacuum Excavation Unit	Full	\$275	Plant will not be delivered until 21/22.
Total (refer attachment for full list)			\$15.5 m (approx)	

The table (extract) demonstrates the challenges of managing a growing Capital Works Program within the current climate and sensitive external factors that will continue to impact on council's capacity to successfully deliver a program in full.

COUNCIL IMPLICATIONS

Budget/Financial

The 2020/21 Revised Budget and associated Financial Reserves will be updated to reflect the deferral of project works to the value as identified in the attachment. Additionally, the 2021/22 Draft Capital Works Program and Budget will be updated to include the same value of deferred capital works.

Asset Management

Maintenance standards are undertaken in accordance with that detailed in the relevant Asset Management Plan. Capital works are as detailed in the Delivery Plan and Operational Plan. In general terms the projects that have been for deferral to 2021/22 are not considered to increase the risk to asset renewal, however works identified at both the Calypso Holiday Park and Broom Head Caravan Park have assets that require fairly urgent asset renewal works to ensure they satisfy basic operational standards.

Policy or Regulation

There are no policy or regulation implications.

Consultation

Consultation has been held internally with Finance, Civil Services, Water Cycle, and Open Spaces and Facilities staff.

Legal and Risk Management

No legal risks have been identified in this report, however with current supply chain issues likely to be felt across many industries for some time there is an ongoing risk to procurement generally for some projects that will require more strategic planning to minimise our exposure to the supply issues.

Climate Change

There are no climate change implications.

Prepared by	Kate Maginnity, Jamie Fleeting
Attachment	Deferred Projects 20-21

ITEM	6a.21.023	CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES – MINUTES OF MEETINGS
Meeting	Council	25 May 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Yes	

SUMMARY

This report provides a copy of the minutes of the meetings and recommendations from the Clarence and Lower Clarence Sports Committees held on 17 May 2021 for consideration.

OFFICER RECOMMENDATION

That Council:

1. receive and note the Minutes from Monday 17 May 2021 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
2. endorse the recommendation by the Lower Clarence Sports Committee to seek quotations, based on Council's engineers recommendation, to complete an analysis and options report to determine required improvements to drainage network from Ngayundi Yamba Sports Complex to the outlet and that the preferred quotation be reported to Council for consideration for funding.
3. endorse the recommendation by the Clarence Sports Committee that \$372.27 (ex GST) is allocated to the Clarence River Cricket Association to Improve Practice Nets at Ellem Oval.
4. endorse the recommendation by the Clarence Sports Committee that, if successful in the external funding application, \$9,349.00 (ex GST) is allocated to the Grafton Netball Association for Netball Court Redevelopment at Westward Park.
5. endorse the recommendation by the Clarence Sports Committee that \$5,981.82 (ex GST) is allocated to the Clarence River Yacht Club for Kitchen Facilities and Storage Shelves at Corcoran Park.
6. endorse the recommendation by the Clarence Sports Committee that Junction Hill Tennis Association application for Disabled Shower and Storage Room is not supported due to being inconsistent with the funding guidelines.
7. endorse the recommendation by the Lower Clarence Sports Committee that \$2,332.00 (ex GST) is allocated to the Maclean Football Club for Canteen Renewal at Wherrett Park.
8. endorse the recommendation by the Lower Clarence Sports Committee that \$378.72 (ex GST) is allocated to the Maclean Show Society for Livestock Water Trough at Maclean Showground.
9. endorse the recommendation by the Lower Clarence Sports Committee that \$13,780.00 (ex GST) is allocated to the Maclean Show Society for Clydesdale Building Kitchen Appliances at Maclean Showground.
10. endorse the recommendation by the Lower Clarence Sports Committee that \$1,538.24 (ex GST) is allocated to the Yamba Football Club for Player Seating, Barrier & Goal Netting at Ngayundi Yamba Sports Complex.
11. endorse the recommendation by the Lower Clarence Sports Committee that \$792.24 (ex GST) is allocated to the CR U3A Croquet Group for UV Protection Polos at Ngayundi Yamba Sports Complex.
12. endorse the recommendation by the Lower Clarence Sports Committee that Harwood Cricket Club application for Synthetic Pitch be prioritised for the next available funding round.
13. endorse the recommendation by the Lower Clarence Sports Committee that Lower Clarence Tennis Association application for Upgrade Surface of Two Tennis Courts be prioritised for the next available funding round.
14. endorse the recommendation by the Lower Clarence Sports Committee that Maclean Dirt Bike Club application for Replace Canteen Roof be prioritised for the next available funding round.

COUNCIL RESOLUTION – 6a.21.023

Novak/Ellem

That Council:

1. receive and note the Minutes from Monday 17 May 2021 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
2. endorse the recommendation by the Lower Clarence Sports Committee to seek quotations, based on Council's engineers recommendation, to complete an analysis and options report to determine

required improvements to drainage network from Ngayundi Yamba Sports Complex to the outlet and that the preferred quotation be reported to Council for consideration for funding.

3. endorse the recommendation by the Clarence Sports Committee that \$372.27 (ex GST) is allocated to the Clarence River Cricket Association to Improve Practice Nets at Ellem Oval.
4. endorse the recommendation by the Clarence Sports Committee that, if successful in the external funding application, \$9,349.00 (ex GST) is allocated to the Grafton Netball Association for Netball Court Redevelopment at Westward Park.
5. endorse the recommendation by the Clarence Sports Committee that \$5,981.82 (ex GST) is allocated to the Clarence River Yacht Club for Kitchen Facilities and Storage Shelves at Corcoran Park.
6. endorse the recommendation by the Clarence Sports Committee that Junction Hill Tennis Association application for Disabled Shower and Storage Room is not supported due to being inconsistent with the funding guidelines.
7. endorse the recommendation by the Lower Clarence Sports Committee that \$2,332.00 (ex GST) is allocated to the Maclean Football Club for Canteen Renewal at Wherrett Park.
8. endorse the recommendation by the Lower Clarence Sports Committee that \$378.72 (ex GST) is allocated to the Maclean Show Society for Livestock Water Trough at Maclean Showground.
9. endorse the recommendation by the Lower Clarence Sports Committee that \$13,780.00 (ex GST) is allocated to the Maclean Show Society for Clydesdale Building Kitchen Appliances at Maclean Showground.
10. endorse the recommendation by the Lower Clarence Sports Committee that \$1,538.24 (ex GST) is allocated to the Yamba Football Club for Player Seating, Barrier & Goal Netting at Ngayundi Yamba Sports Complex.
11. endorse the recommendation by the Lower Clarence Sports Committee that \$792.24 (ex GST) is allocated to the CR U3A Croquet Group for UV Protection Polos at Ngayundi Yamba Sports Complex.
12. endorse the recommendation by the Lower Clarence Sports Committee that Harwood Cricket Club application for Synthetic Pitch be prioritised for the next available funding round.
13. endorse the recommendation by the Lower Clarence Sports Committee that Lower Clarence Tennis Association application for Upgrade Surface of Two Tennis Courts be prioritised for the next available funding round.
14. endorse the recommendation by the Lower Clarence Sports Committee that Maclean Dirt Bike Club application for Replace Canteen Roof be prioritised for the next available funding round.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

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

BACKGROUND

Two sports committees operate within the Clarence Valley, the Clarence Sports Committee and the Lower Clarence Sports Committee. The Clarence Sports Committee meet in Rushforth Park facility at 4:30pm and the Lower Clarence Sports Committee meet in Maclean Chambers at 7:00pm on the second Monday of the month, at three month intervals.

This report provides a copy of the minutes of the meetings and recommendations from the Sports Committees meetings that were held on Monday 17 May 2021.

KEY ISSUES**Summary of General Business**

A summary of the matters discussed at each Committee is as follows –

Clarence Sports Committee

- Sports Awards 2021 – report from Sub-Committee
- Sports Committee Funded Projects – update from delegates
- 2020/21 Sports Committee Funding – Round 2
- Regional Sport Facility Fund
- COVID-19 Safety Plans
- NSW Government Stronger Country Communities Fund (Round 4)
- Change in Meeting location – 2021
- General Business and updates from sporting delegates

Lower Clarence Sports Committee

- Sports Awards 2021 – report from Sub-Committee
- Grant Funding – update from Council
- Yamba Sports Complex – Internal Drainage
- Sports Committee Funded Projects – update from delegates
- 2020/21 Sports Committee Funding – Round 2
- COVID-19 Safety Plans
- NSW Government Stronger Country Communities Fund (Round 4)
- General Business and updates from sporting delegates

Sports Committee Funding

Council supports two Sports Committees in the Clarence Valley. The Clarence and Lower Clarence Sports Committee's make recommendations to Council for the annual allocation of funds (currently \$35,000.00 per committee) for projects of a capital nature that enable the participation in sport in the Clarence Valley. Received applications, after assessment by Council Officers against the Application Guidelines and Criteria for Sports Committee Funding Assistance, will be reported to, and considered at, the next available Sports Committee meeting. Recommendations made by the Sports Committees are then reported to Council for consideration and endorsement at the next available Meeting of Council.

The 2020/21 Sports Committee Funding (Round 2) applications opened on Monday 15 February 2021 and closed on Sunday 2 May 2021. A total of four applications were received for the Clarence Sports Committee requesting \$26,643.82 in funding, with eight applications being received for the Lower Clarence Sports Committee requesting \$38,699.03 in funding.

Yamba Sports Complex – Internal Drainage

An action of the meeting of the Lower Clarence Sports Committee held on 15 February 2021 was that *"The LCSC please ask Director Jamie Fleeting to investigate the works necessary to clear the drainage from YSC to the outlet."*

An initial investigation completed recommended the completion of an analysis and options report to determine required improvements to drainage network from Yamba Sports Complex to the outlet.

Committee Recommendation: The LCSC support the engineer's recommendation to complete an analysis and options report to determine required improvements to drainage network from Yamba Sports Complex to the outlet. Further the LCSC recommends that Council seeks quotations and funds an analysis and options report.

COUNCIL IMPLICATIONS**Budget/Financial**

Council has allocated an amount of \$35,000.00 grant funding to the Clarence Sports Committee and an amount of \$35,000.00 grant funding to the Lower Clarence Sports Committee to undertake capital works. Funding is on a dollar for dollar (1:1) basis with applicants.

At its December 2020 meeting Council endorsed (ITEM 6c.20.188) the Clarence Sports Committee recommendations for \$19,296.91 to be allocated to Round 1 projects, leaving a total of \$15,703.09 grant

funding available for Round 2 projects. A total of \$15,703.09 funding has been recommended by the Clarence Sports Committee for endorsement by Council.

Council endorsed (ITEM 6c.20.188) at its December 2020 meeting the Lower Clarence Sports Committee recommendations for \$16,178.80 to be allocated to Round 1 projects, leaving a total of \$18,821.20 grant funding available for Round 2 projects. A total of \$18,821.20 funding has been recommended by the Lower Clarence Sports Committee for endorsement by Council.

It is recommended that the any balance of remaining funds after Round 2 allocations be returned to Council's Sportsground Income Reserve Account (RA11035) in accordance with Council's adopted application guidelines.

Asset Management

Application Guidelines and Criteria for Sports Committee Funding Assistance specify that funded projects will at all times remain the property of Clarence Valley Council. Council sporting assets are managed in the Open Spaces Assessment Management Plan and Swimming Pool Asset Management Plan.

Funding applications that align with Councils strategic planning documents (Clarence Valley Open Space Strategic Plan; Clarence Valley Sports Facilities Plan; Clarence Valley Council's Disability Action Plan) will have a higher priority when considering projects for recommendation. Ongoing maintenance is required at many of Council's sporting facilities, however, applications for funding through the sports committee must be made by the individual sports.

Policy or Regulation

The following references are applicable to this report:

- Sports Committees (Clarence and Lower) are committees of Council being appointed under s.355 of the Local Government Act 1993
- Clarence Valley Council Handbook For s355 Committees
- Asset Management Policy V 3.0
- Clarence Valley Sports Facilities Plan – November 2011
- Clarence Sports Committee Constitution
- Lower Clarence Sports Committee Constitution
- Application Guidelines and Criteria for Sports Committee Funding Assistance

Consultation

Consultation occurred with delegates at the Clarence Sports Committee and Lower Clarence Sports Committee meetings on Monday 17 May 2021.

Legal and Risk Management

Sports Committees (Clarence and Lower) are committees of Council being appointed under s.355 of the Local Government Act 1993 and are appointed to make recommendations to Council on the sporting interests in the Clarence Valley area.

The Clarence Valley Council Handbook For s355 Committees (June 2014) states that:

"Your Committee is a Committee of Council. It is established under s.355 of the Local Government Act 1993, allowing Council to delegate under s.377 of the Act some of its functions to it. The delegations are set out in the Constitution adopted by Council for your Committee.

As such, Council is responsible for everything that your Committee does while it is acting within its Constitution. It is therefore important that your Committee only acts within the powers set out in its Constitution and keeps Council advised of what it is doing. Many of the guidelines in this Manual are there to ensure that Council is aware of your Committee's activities.

From a legal perspective, it is important for you to be aware that your Committee is acting on behalf of Council. Legally your Committee is 'Council', and anything your Committee does while it is acting within its Constitution is Council's responsibility. The actions of your Committee are actions of Council. Your Committee should not act independently of Council. If it does act independently and outside its Constitution, then its members may be liable for its actions."

Climate Change

N/A

Prepared by	Gavin Beveridge, Parks & Recreation Officer
Attachment	Attachment A - Minutes – Clarence Sports Committee Meeting – 17 May 2021 Attachment B - Minutes – Lower Clarence Sports Committee Meeting – 17 May 2021

ITEM	6a.21.024	EVERYONE CAN PLAY 2021-22 PROJECT PRIORITIES
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Meeting	Council	25 May 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	To be tabled	

SUMMARY

Council has been notified that the Everyone Can Play 2021-22 program opened for applications 10 May 2021. This report is seeking endorsement to submit applications which aligns with the funding requirements.

OFFICER RECOMMENDATION

That Council

1. Receive and note the playground priorities for funding.
2. Submit applications for Yamba Oval (upgrade) and Wherrett Park (new) as identified in this report.

COUNCIL RESOLUTION – 6a.21.024**Kingsley/ Novak**

That Council

1. Receive and note the playground priorities for funding.
2. Submit applications for Yamba Oval (upgrade) and Wherrett Park (new) as identified in this report and include as part of the sketch design that will be developed for the purposes of applying for the grant for the Wherrett Park (new) the following:
 - a. A fully wheelchair compliant (wheel on wheel off not requiring transfer) piece of equipment similar to the wheelchair accessible carousel at Jacaranda Park
 - b. Sensory equipment similar to the Rainbow Harp and the Sand Factory at Jacaranda Park
 - c. Accessible paths and/or wet pour rubber softfall where appropriate throughout the Park providing access to all equipment (accessible and non-accessible equipment).

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, Novak, Lysaught
 Against: Nil

CARRIED**LINKAGE TO OUR COMMUNITY PLAN**

Theme	1 Society
Objective	1.2 We will have a safe, active and healthy region
Strategy	1.2.1 Provide, maintain and develop sport and recreational facilities and encourage greater utilisation and participation

BACKGROUNDEveryone Can Play Program

The Everyone Can Play 2021-22 program opened for applications 10 May 2021 to build new and improved inclusive play spaces, with \$5 million available for communities across NSW. Applications close on 12pm (midday), 25 June 2021.

The 2021-22 round of grant funding the following categories and amounts apply:

- Inclusive playspace – Upgrade – up to \$75,000
- Inclusive playspace – New – up to \$200,000

Local Government applicants must match the funding granted on a dollar for dollar basis.

At the time of the announcement the NSW Government Minister for Planning and Public Spaces Rob Stokes said this is the fourth and final round of grants under the Everyone Can Play program. This \$15 million program has already delivered 108 new or improved accessible play spaces throughout NSW since 2018.

Council has successfully applied and received funding from the 2 of the 3 prior rounds, in doing so Council has delivered improvements to Jacaranda Park, Alex Bell Park, and more recently Townsend Park.

Playground Policy & Asset Management Plan

At its meeting 18 August 2015, Council considered a report [Item 14.142/15] resolving to adopt the Playgrounds AMP S3V1 and the Playground Policy V1.0.

Council received a status report at its 15 December 2020 meeting [6c.20.195]. The report detailed that from the 55 actions that were to be completed during the life of the 10-year plan 71% of the actions will have been implemented by the end of 2020-21, leaving 16 actions to be completed over the remaining 3 years.

A key element of the Policy being the provision of All Abilities Playgrounds. Section 5.7 of the policy stating:

'The network of Council playgrounds will include an All Abilities Playgrounds at the Regional Playground, All Abilities Playgrounds at other playgrounds where possible, including three (3) Liberty Swings (Grafton Jacaranda Park playground, Maclean Wherrett Park playground and Yamba Oval playground) in line with the Open Space Strategic Plan and Standards'.

Feedback received through the playground working group (that was formed to guide the development of Jacaranda Park) was that the industry generally had moved away from the provision of 'Liberty Swings' due to their 'exclusive' design requirements and that advancements in equipment design created alternate movement options. While the implementation has moved away from 'Liberty Swings' key elements of this section of the policy remain valid, being the provision of 'All Abilities Playgrounds at other playgrounds where possible' and the three key locations identified for inclusive play being 'Grafton Jacaranda Park playground, Maclean Wherrett Park playground and Yamba Oval playground'.

KEY ISSUES

The Everyone Can Play program is targeted grant funding being playground specific. The 2021-22 round is the fourth and final round of grants under the program. The following categories and amounts can be applied for:

- Inclusive playspace – Upgrade – up to \$75,000
- Inclusive playspace – New – up to \$200,000

Local Government applicants must match the funding granted on a dollar for dollar basis.

With the endorsement of Council, the available funding through the Everyone Can Play program provides Council with the opportunity to complete a key action identified in the adopted Playground Policy being to improve accessibility & inclusivity by upgrading Yamba Oval and renewing Wherrett Park Playground.

Yamba Oval – Inclusive playspace upgrade

The playground (equipment and space) was upgraded in 2018 within the available budget and generally aligns with the Everyone Can Play guideline. The key elements of the upgrade being;

- footpath link between River Street footpath and the existing picnic shelter that connected into and formed a footpath around the playground;
- a selection of play equipment that provides a range of learning & physical development skills for a variety of ages and abilities (spinning (accessible via transfer), rocking (accessible via transfer), sliding (accessible via transfer), climbing, swinging (accessible via transfer), role play, sharing, socialising);
- natural play (feature rock stepping stones) and sensory plantings;
- natural shade over the playground equipment;
- pine bark softfall (impact attenuation layer);
- site furniture - backed seats with armrests, wheelchair access picnic tables & bbq and litter bin, large picnic shelter; and
- barrier fencing.

With the upgrade Yamba Oval playground now is an important, much loved, regularly used community space, however feedback received from members of our community is that due to the pine bark access to some items of equipment is difficult, and the lack of a defined footpath to the toilet and water fountain increases risk of vehicle / pedestrian conflict and reduces accessibility.

The concept design included wet pour rubber softfall to enable improved access to equipment and additional sections of footpath linking the toilets, water fountain and skate park to improve connections and accessibility. Due to available budget these elements were not constructed.

It is recommended that an application be made to the Everyone Can Play 2021-22 program to upgrade Yamba Oval playground to include wet pour rubber softfall and additional sections of footpath, if successful the works will improve its alignment to the Everyone Can Play guideline and provide a better facility for our community and visitors.



Figure 1 - Yamba Oval Playground

Wherrett Park – inclusive playspace (new)

The playground is a remnant from early playground planning and pre the asset management plan. The equipment is mixed age (installed 1999 and 2003) and from different suppliers. All equipment is deteriorating and requires renewal.

The existing playground does not align with the Everyone Can Play guideline with the following flaws:

- poor access - single footpath connection point and no clear link to the adjacent public toilet or water fountain. No link to the adjacent skate park;
- offers limited carers facilities - limited site furniture / limited shelter / no bbqs;
- no shade over the playground;
- no inclusive play elements or equipment.

Topographic survey has been undertaken of the site, however no other planning or design has been undertaken at the time of writing this report.

It is recommended that an application be made to the Everyone Can Play 2021-22 program to renew Wherrett Park playground consistent with the Everyone Can Play guideline. Should Council endorse this recommendation a sketch design will be developed for the purposes of applying for the grant, this will be refined following community engagement and if successful feedback from Everyone Can Play.



Figure 2 - Wherrett Park Playground

COUNCIL IMPLICATIONS

Budget/Financial

A total of \$280,000 is included in the exhibited draft 21-22 Capital Works Budget for Playground renewals. The funding identified for Tucabia \$70,000 (Local) and Wherrett Park \$210,000 (District).

Local Government applicants must match the funding granted on a dollar for dollar basis.

For the Everyone Can Play 2021-22 round of grant funding the following categories and amounts apply:

- Inclusive playspace – Upgrade – up to \$75,000
- Inclusive playspace – New – up to \$200,000

Based on quotations and/or similar projects, the price estimates for the applications are as follows:

Yamba Oval, Yamba	Playground surface upgrade & footpath connections	\$70,000.00
Wherrett Park, Maclean	New inclusive playground	\$350,000.00

As matching funds are required on a dollar for dollar basis and no current budget is available for Yamba Oval, for the purposes of making an application it is recommended that \$35,000 be allocated from the Wherrett Park vote to Yamba Oval, leaving a balance of \$175,000 for Wherrett Park.

Should Council be unsuccessful with these applications the budget would remain at \$210,000 for Wherrett Park and the project delivered within the available budget.

Asset Management

Yamba Oval, Yamba

The playground (equipment and space) was upgraded in 2018 within the available budget. The equipment and footpaths are in good condition. The proposed works aims to upgrade / replace areas of pine bark softfall (impact attenuation layer) with wet pour rubber softfall. Additionally, it is proposed to extend sections of footpath to improve connections and accessibility.

Wherrett Park, Maclean

The equipment is mixed aged and supplier, most of the equipment being installed 1999 and the remainder in 2003. All equipment is deteriorating and requires renewal. The target date for renewal per the adopted AMP being 2020. The order of the AMP was changed slightly to take advantage of funding sourced by the Maclean Lions for Townsend Park.

The on-going maintenance, operation and renewal of the assets will be supported in the Open Spaces Asset Management Plan.

Policy or Regulation

The following references are applicable to this report:

- Playgrounds Asset Management Plan S3V1
- Playground Policy V1.0

- Clarence Valley Council Disability Inclusion Action Plan 2017 – 2021
- Clarence Valley Open Space Strategic Plan 2012-2021
- NSW Government Everyone Can Play (ECP) Guideline
- AS 4422:2016 Playground surfacing - Specifications, requirements and test method
- AS 4685.0:2017 Playground equipment and surfacing, Part 0: Development, installation, inspection, maintenance and operation
- AS 4685.0:2017 Amd 1:2019 Playground equipment and surfacing, Part 0: Development, installation, inspection, maintenance and operation
- AS 4685.1:2014 Playground equipment and surfacing, Part 1: General safety requirements and test methods (EN 1176-1:2008, MOD)
- AS 4685.11:2014 Playground equipment, Part 11: Additional specific safety requirements and test methods for spatial networks (EN 1176-11:2008, MOD)
- AS 4685.2:2014 Playground equipment and surfacing, Part 2: Additional specific safety requirements and test methods for swings (EN 1176-2:2008, MOD)
- AS 4685.3:2014 Playground equipment and surfacing, Part 3: Additional specific safety requirements and test methods for slides (EN 1176-3:2008, MOD)
- AS 4685.4:2014 Playground equipment and surfacing, Part 4: Additional specific safety requirements and test methods for cableways (EN 1176-4:2008, MOD)
- AS 4685.5:2014 Playground equipment and surfacing, Part 5: Additional specific safety requirements and test methods for carousels (EN 1176-5:2008, MOD)
- AS 4685.6:2014 Playground equipment and surfacing, Part 6: Additional specific safety requirements and test methods for rocking equipment

Consultation

The Playgrounds asset management plan and policy was developed from a strong base of community engagement, discussions with Council staff, and was placed on exhibition prior to adoption. Further and location specific community engagement will be undertaken as the project progresses by inviting the community to assist in designing the new and upgraded playgrounds.

Legal and Risk Management

Council staff work directly with industry to ensure all new playgrounds are constructed to comply with the relevant Australian Standards, with this compliance being documented through independent engineering certification. Further dedicated Open Spaces staff maintain Council's network of playgrounds in line with the associated manufacturers handbooks and have also established and implemented playground inspection procedures based on the relevant Australian Standards and the defined service levels. Routine visual and operational inspections are completed by suitability competent staff, with the comprehensive inspections being completed by independent Level 3 accredited inspectors.

Climate Change

N/A

Prepared by	David Sutton – Open Spaces Coordinator
To be tabled	Concept Plan Yamba Oval

ITEM	6a.21.025	NON-RESIDENTIAL SEWER CHARGING
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Meeting	Council	25 May 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	To be tabled	

SUMMARY

This report responds to Resolution 6b.21.014 (April 2021 ordinary meeting) by proposing a new non-residential sewer and water charging methodology to apply to all non-residential developments approved after 1 July 2021. The methodology proposes a “high consumption” sewer and water charge to recover the capital investment formerly recovered through sewer and water developer contributions. Advantages of the proposed “high consumption” methodology are that it defers the up front capital expense of contributions and ensures occupiers that move properties do not lose the contributions “credit” they have paid (as credit lies with a property rather than an occupier).

As a result of the proposed “high consumption” methodology for sewer and water charges for non-residential development approved after 1 July 2021 there will also be different sewer ‘high consumption’ charges between “up river” and “down river” that reflects the current difference between sewer developer contributions for the two areas.

OFFICER RECOMMENDATION

That Council:

1. Subject to the adoption of a “high consumption non-residential charge” for sewer and water when the Revenue Policy is adopted, commencing 1 July 2021:
 - a. rescind point 3 of Resolution 15.102/17 from the 27 June 2017 Council meeting, and
 - b. charge non-residential development a 1 Equivalent Tenement (ET) developer contribution for each lot at the subdivision stage.
2. Amend the draft 2021/22 revenue policy with the addition of the following:
In Section 3 add:

A Non-Residential High Consumption Charge will apply to non-residential properties with development approval issued after 1 July 2021. The Non-Residential High Consumption Charge is calculated by amortising the Section 64 Developer Charge for water over 40 years with a cost of capital of 5% and a forecast escalation of developer charges of 2.5% and then divided by 230kL/year

(the NSW Water Directorate’s adopted value of the annual water consumption per ET). Adding this result to the Consumption Charge gives the High Consumption Charge as shown in Table 1.

In Table 1 of Section 3 (Water Charges) add:

Non-Residential High Consumption Charge (for development approved after 1 July 2021) for average daily water consumption above 1.233kL/day per billing period - \$3.46/kL.

In Section 4 add:

A Non-Residential High Consumption Charge will apply to non-residential properties with development approval issued after 1 July 2021. The Non-Residential High Consumption Charge is calculated by amortising the Section 64 Developer Charge for sewer over 40 years with a cost of capital of 5% and a forecast escalation of developer charges of 2.5% and then divided by 138kL/year (the NSW Water Directorate’s adopted value of the annual water consumption per ET multiplied by a sewage discharge factor of 60%). Adding this result to the Consumption Charge gives the High Consumption Charges as shown in Table 1.

In Table 1 of Section 4 (Sewerage Charges) add:

Non-Residential High Consumption Sewerage Generation Charge (for development approved after 1 July 2021) for sewage generation above 0.74kL/day per billing period – Grafton, Junction Hill & Coutts Crossing - \$5.58/kL.

Non-Residential High Consumption Sewerage Generation Charge (for development approved after 1 July 2021) for sewage generation above 0.74kL/day per billing period - Maclean, Townsend, Ilarwill, Lawrence, Iluka, Yamba - \$7.14/kL.

COUNCIL RESOLUTION – 6a.21.025

Novak/Ellem

That Council:

1. Subject to the adoption of a “high consumption non-residential charge” for sewer and water when the Revenue Policy is adopted, commencing 1 July 2021:
 - a. rescind point 3 of Resolution 15.102/17 from the 27 June 2017 Council meeting, and
 - b. charge non-residential development a 1 Equivalent Tenement (ET) developer contribution for each lot at the subdivision stage.
2. Amend the draft 2021/22 revenue policy with the addition of the following:
In Section 3 add:

A Non-Residential High Consumption Charge will apply to non-residential properties with development approval issued after 1 July 2021. The Non-Residential High Consumption Charge is calculated by amortising the Section 64 Developer Charge for water over 40 years with a cost of capital of 5% and a forecast escalation of developer charges of 2.5% and then divided by 230kL/year

(the NSW Water Directorate’s adopted value of the annual water consumption per ET). Adding this result to the Consumption Charge gives the High Consumption Charge as shown in Table 1.

In Table 1 of Section 3 (Water Charges) add:

Non-Residential High Consumption Charge (for development approved after 1 July 2021) for average daily water consumption above 1.233kL/day per billing period - \$3.46/kL.

In Section 4 add:

A Non-Residential High Consumption Charge will apply to non-residential properties with development approval issued after 1 July 2021. The Non-Residential High Consumption Charge is calculated by amortising the Section 64 Developer Charge for sewer over 40 years with a cost of capital of 5% and a forecast escalation of developer charges of 2.5% and then divided by 138kL/year (the NSW Water Directorate’s adopted value of the annual water consumption per ET multiplied by a sewage discharge factor of 60%). Adding this result to the Consumption Charge gives the High Consumption Charges as shown in Table 1.

In Table 1 of Section 4 (Sewerage Charges) add:

Non-Residential High Consumption Sewerage Generation Charge (for development approved after 1 July 2021) for sewage generation above 0.74kL/day per billing period – Grafton, Junction Hill & Coutts Crossing - \$5.58/kL.

Non-Residential High Consumption Sewerage Generation Charge (for development approved after 1 July 2021) for sewage generation above 0.74kL/day per billing period - Maclean, Townsend, Ilarwill, Lawrence, Iluka, Yamba - \$7.14/kL.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

At its meeting of 27 June 2017 Council adopted a methodology for non-residential developments of using the Water Directorate's *Section 64 Determinations of Equivalent Tenements Guidelines* to calculate developer contributions (Resolution 15.102/17). Changes of use of a premises may be specified as "exempt" development under Section 2.20A of the *SEPP (Exempt and Complying Development Codes)* - <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572#pt.2-div.1-sdiv.10A> and therefore are not required to obtain any consent from Council or a Certificate of Compliance from the Water Utility. A non-residential development consent grants approval for a type of development (e.g. specialised retail) rather than consenting to a specific proposed occupier of a site. Future changes of use which fit the exempt development classification can increase the sewer generation or water consumption from a property without any recourse for Council to charge developer contributions for the increased demand on the system. The Water Directorate guidelines partially address the permissible change of use issue by estimating the theoretical sewer and water demand for developments using floor area rather than the fixtures proposed in a particular development applications. This recognises that exempt developments can increase fixtures with no recourse to Council.

Point 3 of Council resolution 6b.21.014 at its meeting of 27 April 2021 requested a report into non-residential sewer charging:

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

This report responds to the resolution by proposing a different methodology for recovering the capital investment Council has made in providing sewer and water infrastructure with capacity to service future development.

KEY ISSUES

A methodology adopted by some other councils is to charge both residential and non-residential properties a developer contribution per lot, and to then to recover the equivalent of the annualised cost of the developer contributions on that component of non-residential sewer and water usage which is higher than average residential development through a "high consumption charge". This methodology decreases the "up front" cost of non-residential developments by reducing or eliminating the sewer and water developer contributions.

It is proposed that the "high consumption" methodology only apply to non-residential developments approved after 1 July 2021. The current sewer and water developer contributions have been amortised over a 40 year period with the cost of capital estimated at 5% (which is the current DPIE-Water suggested discount rate) and CPI over the 40 year period is assumed to be 2.5%. The annual water consumption of 230kL/year is based on the Water Directorate Guidelines; if the actual average CVC consumption in 2019/20 of 138kL/year was used the high consumption charge would be about 25% higher as the same capital amount is being amortised over a significantly less annual volume. The high consumption sewer charges are based on a sewer discharge factor (i.e. the volume of water consumption which goes to sewer) of 60% which is the standard residential discharge factor.

For the 2021/22 Section 64 charges, as shown in the attachment the amortised high consumption charges are calculated as:

Area	Proposed 2021/22 Section 64 Contribution (\$/ET)	Proposed 2021/22 Consumption Charge (\$/kL)	Amortised High Consumption Increment (\$/kL)	High Consumption Charge (\$/kL)
Water – All	\$5,017	\$2.59	\$0.87	\$3.46 ¹
Sewer– Grafton, Junction Hill & Coutts Crossing	\$6,863	\$3.60	\$1.98	\$5.58 ²
Sewer - Maclean, Townsend, Illarwill, Lawrence, Iluka, Yamba	\$12,269		\$3.54	\$7.14 ²

1. Applies to that component of water consumption above 1.233kL/day
2. Applies to that component of sewage generation above 0.74kL/day

Advantages of applying a high consumption methodology are:

- The "credit" from developer contributions currently remains with a property. If an occupier of a premises who has obtained development consent (with payment of sewer and water development

contributions) moves to another property, they are currently unable to transfer the “credit” for their development and need to pay new contributions at the new property.

- Developer contributions are not tax deductible but as sewer and water charges are a business expense they are tax deductible. This has some tax advantages for businesses.

Disadvantages of a high consumption methodology are:

- it will significantly increase the sewer and water charges for the non-residential developments where it applies (noting that they have not had to pay the up front capital cost), and
- there will be different high consumption sewer charges in different areas due to there being different Section 64 sewer contributions in those areas.

It is proposed that this methodology apply to all non-residential development approved after 1 July 2021. Unless a “blanket” approach is adopted, the proposed methodology would be too difficult for Council’s revenue and development sections to administer. The proposed methodology is considered relatively simple to implement.

The proposal will not be able to apply retrospectively to non-residential developments which have already received consent as they will have had Section 64 contributions calculated in accordance with the currently adopted methodology.

COUNCIL IMPLICATIONS

Budget/Financial

This proposal will decrease the developer contributions received by Council but increase the consumption revenue. It is theoretically cost neutral in that the increase in consumption revenue, in the long term, will match the decrease in contributions. If adopted, the proposal should “even out” the sewer and water fund cash flows as developer contribution income varies significantly from year to year depending on development whereas income from charges is relatively constant..

Asset Management

Nil.

Policy or Regulation

Local Government Act

Consultation

Environment, Development & Strategic Planning section.
Finance Section

Legal and Risk Management

While significantly decreasing the “up front” cost of new non-residential developments by reducing Section 64 contributions, this proposal will potentially significantly increase those development’s sewer and water consumption charges.

While a high non-residential consumption charge is not included in the DPIE Water Best Practice Guidelines, other Councils which have introduced a similar charge have obtained legal advice indicating the methodology is not at variance with the Guidelines; however, those Councils have not proposed to obtain a dividend from their sewer and water funds. Payment of a dividend requires DPIE Water approval.

Climate Change

As a true “user pays” methodology, this proposal will provide a significant incentive for future non-residential developments to reduce their water consumption and sewer generation.

Prepared by	Greg Mashiah, Manager Water Cycle
To be tabled	Calculation of High Consumption Charge

ITEM 6a.21.026 DEVELOPMENT APPLICATIONS

Meeting	Council	25 May 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	To be tabled	

SUMMARY

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

OFFICER RECOMMENDATION

That the update on Development Applications be noted.

COUNCIL RESOLUTION – 6a.21.026

Simmons/Kingsley

That the update on Development Applications be noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme	5 Leadership
Objective	5.1 We will have a strong, accountable and representative Government
Strategy	5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

The calculation method for the numbers of days an application is held by Council includes all calendar days including weekends and public holidays. This method is consistent with the NSW Department of Planning *Development Assessment Best Practice Guide – to assist Council to improve delivery timeframes*. A small percentage of development applications (DAs) approved have been with Council for a substantial amount of time and hence, these applications upwardly skew the average processing time. Hence, the median (or middle score) processing time for DAs has been included to give an additional indication of the amount of time taken to approve development applications during the reporting period. As Council has commenced taking applications electronically through the NSW Planning Portal the received date and the total number of days often does not match. The reason for this being that the application number is generated once Council accepts the application through the portal and issues the proponent with an invoice, the clock starts once payment of the application fees has been received which is usually not on the same day. Council's reporting of elapsed days has been refined to ensure numbers presented are compliant with the Environmental Planning and Assessment Regulation 2000 (the Regulation). The received date is taken from the date of payment in accordance with Clause 50 of the Regulation. Furthermore, as per Clause 107 of the Regulation, the first two days after an application is lodged, being the received day and following day, are not included in the assessment period.

As of the start of 2020, Council is now collecting estimated cost of works for subdivisions including all civil and associated works to create the allotments, previously the only cost of works included in subdivision application were building works.

KEY ISSUES

The figures from 1 July 2020 to 30 April 2021 are:

No. of Applications Received	No of Applications Approved	Value of Approved Works	No of Lots Approved	Processing Times (including stop-the-clock days)
823	758	\$116,208,843.69	100	Average : 62 days Median: 41 days

Of the 758 approved Development Applications between 1 July 2020 and 30 April 2021, 367 (48%) were determined within 40 days or less.

Exceptions to Development Standards under Clause 4.6 of the LEP

There below table shows the use of Clause 4.6 for Development Applications determined during April 2021.

DA No.	Property	Standard to be Varied	Extent of Variation	Concurring Authority & Justification
DA2021/0166	545 Rushforth Road South Grafton 2460	Clause 4.2D (2) c of CVLEP - distance between two dwellings (max of 100m)	100m (200%)	Council at their meeting 27 April 2021 – The proposed building site is within an open area and responds to the gully and topography of the site. - Locating the dwelling within 100m would mean the owners would incur unreasonable financial costs due to significant earthworks required to establish a level building surface. The proposed site will have limited impact on the rural character and amenity of the locality.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

NSW Department of Planning Development Assessment Best Practice Guide – to assist Council to improve delivery timeframes

Consultation

Applicants with DAs exceeding 40 days would generally be aware of the reason/s why their DA has not been determined. Staff processing DAs are encouraged to maintain regular contact with Applicants and there remains room to improve this communication. Improvements such as this form one of the outcomes from Council's DA Review Project currently underway.

Correspondence acknowledging receipt of DAs or requesting additional information contains details of the staff member (including direct phone number) responsible for assessment of the DA. Hence, Applicants can easily make contact with the relevant officer if they require assistance or have any questions.

Legal and Risk Management

DAs that have not been determined within a period of 40 days (not including any 'stop-the-clock' days) can be considered by the Applicant to be deemed refusal. This factor is unlikely to apply to most of the DAs listed in the earlier table as the calculation of 40 days used for this report does not exclude 'stop-the-clock' days. However, when the appropriate circumstances apply to a DA then the *Environmental Planning and Assessment Act 1979* provides that an Applicant can lodge an appeal to the Land and Environment Court against the deemed refusal and request the Court to determine the DA. It is rare that Applicants pursue this course of action as the cost and time associated with pursuing Court action does not generally justify such action, especially if Applicants are confident that their DA will be approved when determined. DAs where a recommendation for refusal is possible are more likely to be subject to such appeal.

Climate Change

The matters discussed in this report have no direct impact on climate change or the effects thereof. Development or works proposed in individual DAs can have implications and these can be considered in assessment of DAs as relevant, eg development on land subject to long term sea level rise and/or coastal erosion.

Prepared by	James Hamilton, Development Planner
To be Tabled	Approved Applications and Undetermined Applications over 40 days

VOTE BY EXCEPTION**Kingsley/Novak**

That the following Items be adopted as recommended:

6b.21.020
6b.21.021
6b.21.023
6b.21.028
6c.21.051
6c.21.053
6c.21.054
6c.21.055
6c.21.056
6c.21.057
6c.21.059
6c.21.061
6c.21.062
6c.21.063
6c.21.064
6c.21.065
6c.21.066
6c.21.068
6c.21.070
6c.21.071
6d.21.004

Voting recorded as follows:

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

Against: Nil

b. ENVIRONMENT, PLANNING & COMMUNITY REPORT

MINUTES of a meeting of the **ENVIRONMENT, PLANNING & COMMUNITY COMMITTEE** of Clarence Valley Council held in the Council Chambers, Maclean on Tuesday, 18 May 2021 commencing at 3.30pm and closing at 5.03pm.

MEMBERS

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

PRESENT

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

APOLOGIES – Cr Richie Williamson, Cr Karen Toms, Mr Ashley Lindsay (General Manager)

MOTION

Novak, Clancy

That the apologies be accepted.

Voting recorded as follows:

For: Clancy, Novak, Simmons, Baker

Against: Nil

DISCLOSURE AND DECLARATIONS OF INTEREST - Nil

ITEM	6b.21.019	DA2021/0004 – GENERAL INDUSTRY (CAR WASH) – 160 NORTH STREET, GRAFTON
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Meeting	Environment, Planning & Community Committee	18 May 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes plus Confidential Attachment	

SUMMARY

<i>Applicant</i>	Dale Brushett
<i>Owner</i>	Brewhouse Group Pty Ltd
<i>Address</i>	160 North Street, Grafton (being Lot 13 DP1120659)
<i>Submissions</i>	Yes - two

Council is in receipt of Development Application DA2021/0004 which proposes a car wash, dry detailing bay and 2 vacuum bays at 160 North Street, Grafton. In accordance with the Community Participation Plan the application was notified and advertised and during the exhibition period, 2 submissions were received.

Council staff are recommending approval of the application subject to a reduction in the proposed 24-hour operating hours to 7.00am-8.00pm .

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

OFFICER RECOMMENDATION

That Council approve Development Application DA2021/0004 subject to the operating hours being limited to 7am to 8pm, seven days per week and the draft conditions and advices contained in Schedule 1 attached.

COMMITTEE RECOMMENDATION

Simmons/Clancy

That Council approve Development Application DA2021/0004 subject to the operating hours being limited to 7am to 7pm, six days per week Monday to Saturday and from 8am to 3pm on Sunday and the draft conditions and advices contained in Schedule 1 attached, after amendment to reflect the operating hours of this resolution.

Voting recorded as follows:

For: Clancy, Novak, Simmons, Baker

Against: Nil

MOTION

Baker/Novak

That Council approve Development Application DA2021/0004 subject to the operating hours being limited to 7am to 8pm, seven days per week and the draft conditions and advices contained in Schedule 1 attached.

AMENDMENT TO MOTION

Clancy/Kingsley

That Council approve Development Application DA2021/0004 subject to the operating hours being limited to 7am to 8pm, six days per week and from 9am to 8pm on a Sunday and the draft conditions and advices contained in Schedule 1 attached.

Voting recorded as follows:

For: Simmons, Kingsley, Clancy, Ellem, Novak,

Against: Lysaught, Baker,

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

COUNCIL RESOLUTION – 6b.21.019**Baker/Novak**

That Council approve Development Application DA2021/0004 subject to the operating hours being limited to 7am to 8pm, six days per week and from 9am to 8pm on a Sunday and the draft conditions and advices contained in Schedule 1 attached.

Voting recorded as follows:

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

Against: Nil

CARRIED**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application DA2021/0004 was lodged on 7 January 2021 for a car wash, dry detailing bay and 2 vacuum bays at 160 North Street, Grafton. The proposed use is located within an existing shed located 16m off the boundary. The development includes an awning addition for a dry detailing bay off the southern face of the existing shed reducing the setback to 10m off the boundary and 2 vacuum bays within the boundary and the awning.

The site is currently an industrial complex and is zoned IN1 General Industrial under the provisions of the *Clarence Valley Local Environmental Plan 2011*. The proposed development is permissible with consent and complies with the objectives of the zone. For the purposes of this development application, the proposal has been defined as general industry (car wash) which is permissible with consent in the zone. The subject land has frontage to North Street and is located adjacent to residential premises.

Council received 2 submissions during the exhibition period. In summary, the primary issues raised by the submissions include:

- 24-hour operation and associated noise impacts.
- Increased traffic impacts, overflow onto North Street and road and pedestrian safety.
- Lighting impacts on the neighbourhood.
- Impacts from signage and illumination.
- Devaluation of adjoining properties.

The existing shed and location proposed for the car wash included in the proposal was previously utilised for a bulk container return operated by the NSW Government return and earn program. This generated unprecedented demand and traffic flows to the site, which exacerbated key issues identified in this report. The use was relocated to the rear of the site to eliminate and mitigate issues generated.

KEY ISSUES**1. Hours of operation as 24-hour and associated noise impacts**

The location of the proposed development is along the North Street road frontage of the land which adjoins residential dwellings on the opposite side of North Street. Submissions have raised concerns about impacts on residential receivers because of noise generated from machinery and traffic from the 24-hour operation of the proposed car wash.

Comment:

In response to concerns raised in the submissions, Council staff requested the applicant submit an Acoustic Noise Assessment in accordance with the Environmental Protection Authority (EPA) Noise Policy for Industry 2017 and demonstrate that the 24-hour proposal does not cause offensive or intrusive noise to nearby residential receivers. No formal acoustic assessment was submitted by the applicant, however in response the applicant stated that the service of providing a car wash to the community outweighs the concerns of the neighbours nearby.

Council staff were not satisfied that the proposed 24-hour operation was appropriately justified as there will likely be an unreasonable disturbance to residential receivers generated by the car wash use from a 24-hour operation.

Therefore, the imposition of conditions reducing the hours of operation from 24-hours to 07.00am to 08.00pm will minimise any potential noise impacts to nearby residences. Additionally, a condition to ensure compliance with the EPA Noise Policy for Industry has been imposed to limit noise emission levels from the site to nearby residences and reduce any potential land use conflicts. The land is zoned IN1 for industrial purposes and the use is consistent with permitted uses within the zone.

2. Increased traffic impacts, overflow onto North Street and road and pedestrian safety

Additional traffic movements will be generated by the car wash and submissions have raised concerns about overflowing traffic onto North Street and safety implications from an increase in traffic.

Comment:

The development will add to the traffic flow in the surrounding road network and in particular North Street.

There are 4 bays onsite to service the proposed car wash which have adequate queuing space along these bays if occupied. There are also additional onsite carparking spaces located in close proximity to the cleaning bays. The site is deemed to have adequate area and capacity available to contain additional traffic generated by the proposal.

An assessment undertaken by Council has determined that the proposed development will generate minimal demand for carparking and there is adequate provision of access from the existing Gate 4 and 5 onsite.

Overall, the application complies with the DCP with respect to engineering issues and it is considered that road safety will be slightly affected but not to any significant degree.

3. Lighting impacts on the neighbourhood

The development and associated lighting have potential to cause a nuisance and disturb the surrounding amenity, this issue was raised in submissions received by Council.

Comment:

The issue of light spill has been assessed and to reduce any potential impacts to adjoining residential premises, it is recommended that lighting for signage be restricted to operational hours only. The site will be required to comply with the Internal Lighting Standards of AS for safety and crime prevention. It is noted the proposed lights for the premise are indicated to be directed towards the car wash shed and security lighting is directed inwards from the road.

4. Impacts from signage

Proposed sizes for business identification signage detract from the heritage values present onsite, and submissions received by Council raise concerns about the bulk and size of the signage facing North Street. In addition, illumination may cause a disturbance after dark to the surrounding residential receivers from glare and lights shining.

Comment:

In response to the concerns raised within the submissions, conditions of consent restricting the size of business identification signage facing North Street and the size of signage indicated above the car wash bay entry and exit have been imposed as per the Draft Advices and Conditions in Schedule 1. Additionally, details of any illuminated signs must be submitted to and approved by Council, prior to any construction ensuring signage is suitable and any potential impacts to nearby residences are minimised.

5. Devaluation of adjoining properties

Concern about the devaluation of properties adjoining the development were raised in submissions received by Council.

Comment:

The impact of the proposed development on the value of surrounding properties is difficult to quantify. Increase or loss of property value is not a matter that can be directly related to development proposals such as this.

The site is currently an industrial complex and is zoned IN1 General Industrial under the provisions of the *Clarence Valley Local Environmental Plan 2011*. The proposed development is permissible with consent and complies with the objectives of the zone.

6. Request for reduction in Section 64 Contributions

The applicant has requested a reduction in Section 64 Contributions payable on the following grounds:

- *Cost of works & Equipment is expected to be \$425,000 and has been considered by Brewhouse Group while assessing this proposal and reluctantly accepts councils fixed fees and charges regarding Clause 7.12.*
- *However, is still adamant about excessive Section 64 Fees and Charges and the level of equivalent tenement (ET) being charged as result of this proposal. The Owners seeks further clarification and assessment while attending to this development proposal. Local sustainability practises undertaken by Washtec address the ET philosophy based on an 85% savings being applied. The reasoning behind the DMU meeting and the assumptions by industry standards being applied. Thereby decreasing the ET to a more agreeable amount would allow this project to be more financially viable over time. Given the research from a well-known industry leader (Washtec) has invested into this industry.*
- *The owner would like the assessor to seriously consider this agenda while determining the outcome of this proposal. Maybe more discussions are required.*
- *The owner is looking to have the ET's adjusted to meet a more agreeable figure and justify why an additional \$70,000 needs to be incorporated into the Carwash system, when all he has to do is pay the ET amount of \$87,000.*
- *The owner is asking the panel of councillors to reflect on the long-term benefits of reducing the ecological footprint to save money. Which is a philosophy of every L.G. Authority throughout NSW.*
- *Washtec have design a product called AquaPur which will be incorporated into this Carwash system. The following is why:*
 - a) *This product has been concluded to save a record-breaking amount of water.*
 - b) *Nearly 100 percent of water used for washing is recycled.*
 - c) *Efficiency and reliability are the main factors here. Up to 600 washes per month are possible without adding chemicals.*
 - d) *This additionally reduces your costs.*
 - e) *Design: compact.*
 - f) *Design approval Z-83.3-24.*
 - g) *Ideal for: operators with an efficiency-oriented approach.*
 - h) *Water flow: 4 m³/h.*

Comment:

Council officers when considering DAs for new uses of existing buildings on the subject land must calculate what water and/or sewer headworks contribution credits apply to that particular part of the premises before determining what headworks contributions would apply. The proposed car wash is proposed to be accommodated in a new building on the subject land and hence, there would be no credit for such headworks in the circumstances.

Contribution rates for car washes (per lane) are included in the Water Directorate's Section 64 Guidelines. Council resolved in June 2017 that there is no scope for CVC staff to reduce Section 64 contributions for pro-active water management measures. More specifically, Council resolved that:

Non-residential sewer and water developer contributions be calculated using the Water Directorate's Section 64 Determinations of Equivalent Tenements Guidelines and for categories of development not included in those guidelines, the developer contributions be calculated from first principles based on the estimated water consumption and sewage generation of a development.

The proposed development was assessed as contributing an additional 5.24 ET demand on Council's water supply, and an additional 8.57 ET loading on Council's sewerage system. This includes an applicable credit for pre-existing uses. The following headworks charges have been applied as per the 2020/21 financial year rates:

Water Headworks \$4,979.00 x 5.24 additional ET = \$ 26,089.96

Sewer Headworks \$6,811.00 x 8.57 additional ET = \$ 58,370.27

Council staff do not support a reduction to the Section 64 contributions because:

- The contributions have been applied in accordance with the methodology within the Water Directorate Guidelines for car washes.
- The applicant has not demonstrated or provided sufficient supporting information to demonstrate that the consumption rates are less than that determined by the adopted Water Directorate Guidelines.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy 55 - Remediation of Land

Clarence Valley Local Environmental Plan 2011

Clarence Valley Council Development Control Plan for Development in Industrial Zones

EPA Noise Policy for Industry (2017)

Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Building Surveyor	Supported with conditions
Engineering	Supported with conditions
Heritage	Supported with conditions

Legal and Risk Management

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

Climate Change

The proposed development would contribute to CO² emissions through the internal fit out construction and operation of the premises, which are both considered to be contributing factors for climate change via materials, maintenance and associated energy and resource use. Notwithstanding the above comments, if the development is approved, the proposal is within an existing building not requiring additional resources for construction of the shed. However, additional resources are required for the internal construction of the car wash within the existing shed and the addition of an awning off the side, will result in further emissions from manufacturing of materials required.

Prepared by	Alex Clark, Trainee Planner
Attachment	1. Plans 2. Submission 3. Section 4.15 Evaluation Report 4. Additional Information Response from applicant 19 February 2021
Confidential	5. Submission

Schedule 1

Draft Advices and Conditions of Consent for DA2021/0004

Definitions

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

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

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

Civil Works may include:

- a Earthworks
- b Roadworks (including car parking and/or driveways).
- c Drainage works,
- d Structures
- e Water & Sewerage Reticulation
- f Provision of Utility Services

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

Advices

1. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.
2. The existing toilet does not comply with AS1428.1 2009 and should be upgraded to comply, unless there is a fully compliant accessible toilet in the near vicinity on the property that can be accessed by car wash users.
3. The following approvals are required for this development and are to be issued by Council and/or accredited private certifier as applicable to the development.
 - a Local Government Act Section 68 - drainage, water & sewer approval;
 - b Approval of Civil engineering works for development on private property. (Refer Environmental Planning and Assessment Act 1979 Section 6.5(2), Building Professionals Act Section 74A - Categories C1 to C6 inclusive and Building Professionals Regulation Section 20C

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

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

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

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

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

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

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

The proposed development has been assessed as contributing an additional 5.24 ET demand on Council's water supply, and an additional 8.57 ET loading on Council's sewerage system. This includes an applicable credit for pre-existing uses. The headworks charges at 2020/21 financial year rates are:

Water Headworks \$4,979.00 x 5.24 additional ET	= \$ 26,089.96
Sewer Headworks \$6,811.00 x 8.57 additional ET	= \$ 58,370.27

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

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

7. Owners are advised of the consent requirements of Clause 5.10 of *Clarence Valley Local Environmental Plan 2011* in relation to the need to obtain prior consent for all works including tree removal, new fences, and any alterations to the fabric, finish and appearance of a heritage item or building in a Heritage Conservation Area. Many works can be approved through the 'no fee' minor works and maintenance heritage exemptions of Clause 5.10(3) but must be put in writing and approved prior to commencement. See application form on Council's website.
8. Artificial lighting around the perimeter of a building, must -
- a be controlled by -
 - i a daylight sensor; or
 - ii a time switch that is capable of switching on and off electric power to the system at variable pre-programmed times and on variable pre-programmed days; and
 - b when the total perimeter lighting load exceeds 100 W -
 - i. have an average light source efficiency of not less than 60 Lumens/w; or be controlled by a motion detector in accordance with Specification J6.
9. Effective measures are to be taken to prevent any nuisance being caused by noise, vibration, smell, fumes, dust, smoke, wastewater products and the like at all times.

Conditions

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

Plan Title	Drawn by	Plan Date	Drawing No	Revision
Existing Site Plan – Layout	BHG	5/3/2021	A1.101	B
Brewhouse Carwash Layout	BHG	5/3/2021	A2.101	B
Brewhouse Carwash – East & West Elevations	BHG	5/3/2021	A3.101	B

Brewhouse Carwash – North & South Elevation	BHG	5/3/2021	A3.102	B
Roof Storm Water & Sewer Drainage Plan	BHG	5/3/2021	A4.101	B
Landscaping Layout & Schedule	BHG	5/3/2021	A6.101	B

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

\$4,250.00

GL S94ACVCOthResAcco

This amount is based on the following calculation

- a Proposed cost of carrying out the development is more than \$200,000 = value of development x 0.01
- b The value of development stated in the application was \$425,000.00

The contributions are to be paid to Council prior to release of the Construction Certificate. All contribution plans are available for inspection at Clarence Valley Council Offices, 50 River Street, Maclean and 2 Prince Street, Grafton.

In the event of any subsequent amendment to the approved Development Plans, the calculated contribution amounts may vary, and if so will become the contribution payable. A true estimate of the value of development must be provided when application is made for the Construction Certificate.

- 3. Signage on the awning fascia fronting North Street is to be no larger than 0.5m wide x 8.0m long.
- 4. Signage above the car wash bay on the Eastern and Western elevations are to be no larger than 0.3m wide x 4.0m long.
- 5. No internally illuminated signs are permitted on-site. Any lighting to be illuminated is to be externally lit with spotlights directed downwards to not produce glare.
- 6. Any artificial lighting is only to be illuminated during operating hours.
- 7. All outdoor lighting is to be in accordance with Council's outdoor lighting guideline and to not cause a nuisance and be directed downwards and away from sensitive receivers.
- 8. All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued.
- 9. The on-site landscaping is to be maintained on a regular basis, to comply with the approved plans.
- 10. One (1) car wash bay is permitted. No additional wet car wash bays are permitted, automated or otherwise. A separate Development Application (DA) will be required to be lodged for any additional car wash bays.
- 11. The development must be designed and operated such that, with regard to operational noise:
 - a. The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 07:00 am and 08:00 pm at the boundary of any affected residence.
 - b. The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Frequency (31.5Hz - 8kHz inclusive) between 08:00pm and 07:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 08:00pm and 07:00am.

- 12. The hours of operation shall be limited to between 07:00am to 08:00pm seven (7) days a week.

13. A schedule of all external finishes and colours, sympathetic to the significance and setting of the Heritage are to be submitted to, and approved by Council prior to release of the Construction Certificate. Primary, bold, vivid and neon colours are not to be used. Corporate signage is to be restricted to the awning fascia and small areas of the building. The main colour of the building façade is to be in neutral colour.
14. No construction is to be commenced until a Construction Certificate has been issued.
15. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
16. Working hours on construction or demolition shall be limited to the following:

7.00 am to 6.00 pm 6 days per week
No work permitted on Sundays and public holidays

The builder is responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.
17. Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway unless specific written approval has been obtained from Council beforehand.

All excavations and back filling associated with the erection and demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.
18. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
 - a Stating that unauthorised entry to the work site is prohibited;
 - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 - c Showing the name, address and telephone number of the principal certifier for the work.
Any such sign is to be removed when the work has been completed.
19. An application to discharge liquid trade waste to Council's sewerage system shall be submitted for assessment with the Construction Certificate application. Detailed trade waste drainage plans shall be submitted with the application.
20. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to issuing the Occupation Certificate.
21. Chemical and oil storage containers shall be contained in a roofed and bunded area. The bund shall have the capacity to contain at least 110% of the volume of the largest container or other acceptable means of containment that prevents flow to the sewerage system or environment in the case of accident, leakage or spills.
22. The wash bay and detailing bay shall be roofed and bunded to prevent the ingress of rainwater to the sewerage system and the discharge of wastewater to the environment. The roof shall overhang the edge of the bunded area on all open sides by no less than 10 degrees from the vertical.
23. Wastewater from the wash bay system shall discharge through an approved oil separator prior to discharging to Council's sewerage system. A non emulsifying pump shall be used to pump the wastewater to the oil separator. The oil separator must be fitted with an oil collection container and a sludge withdrawal system. It shall be sized according to the influent flow rate and be contained in a roofed and bunded area with the bunded area draining back to the head of the pre-treatment system.
24. A testable containment backflow prevention device shall be installed in the vicinity of the water meter in accordance with AS/NZS3500, Plumbing and Drainage, Part 1: Water Services.

25. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Building Occupation Certificate. This may require payment of a fee.
26. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
27. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an Occupation Certificate is issued.
28. During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.

ITEM	6b.21.020	DA2021/0057 – DECK ON RIVER SIDE OF LEVEE WALL AT 72 MCHUGH STREET, GRAFTON
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Meeting	Environment, Planning & Community Committee	18 May 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Paul & Jenny Hyland
<i>Owner</i>	P Hyland
<i>Address</i>	72 McHugh Street, Grafton
<i>Submissions</i>	Nil

DA2021/0057 was submitted to retain a deck that has been erected in a floodway without prior development approval. The application is not supported by Council staff and the applicant has requested the application be referred to a Council meeting.

OFFICER RECOMMENDATION

That Council refuse DA2021/0057 as the deck is located in a floodway, is not designed to withstand a major flood and sets an undesirable precedent for other structures in the floodway in Grafton.

COMMITTEE RECOMMENDATION

Baker/Novak

That the matter be deferred until the next Committee meeting in June 2021 to allow the applicant to do a deputation.

Voting recorded as follows:

For: Clancy, Baker, Simmons, Novak

Against: Nil

COUNCIL RESOLUTION – 6b.21.020

Kingsley/Novak

That the matter be deferred until the next Committee meeting in June 2021 to allow the applicant to do a deputation.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

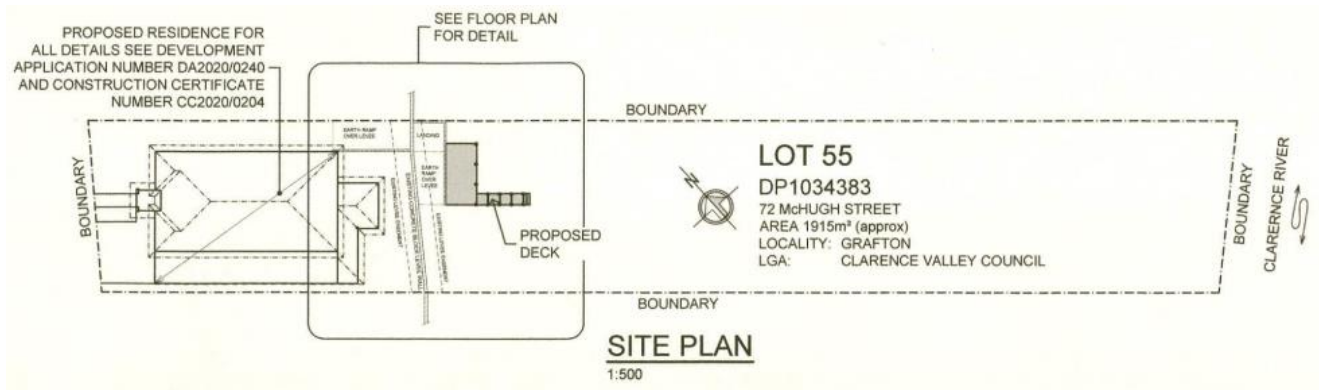
Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application 2021/0057 was submitted on 2 February 2021 for a recently erected low set deck with dimensions of 6 x 3m with a set of landings and steps 4.6m x 1.1m. The deck does not meet the exempt development criteria under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as it is located on the river side of the levee wall (ie in a floodway) and is not considered to be of 'minimal environmental impact'.



KEY ISSUES

The CVC Residential Development Control Plan defines a floodway as ‘those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.’

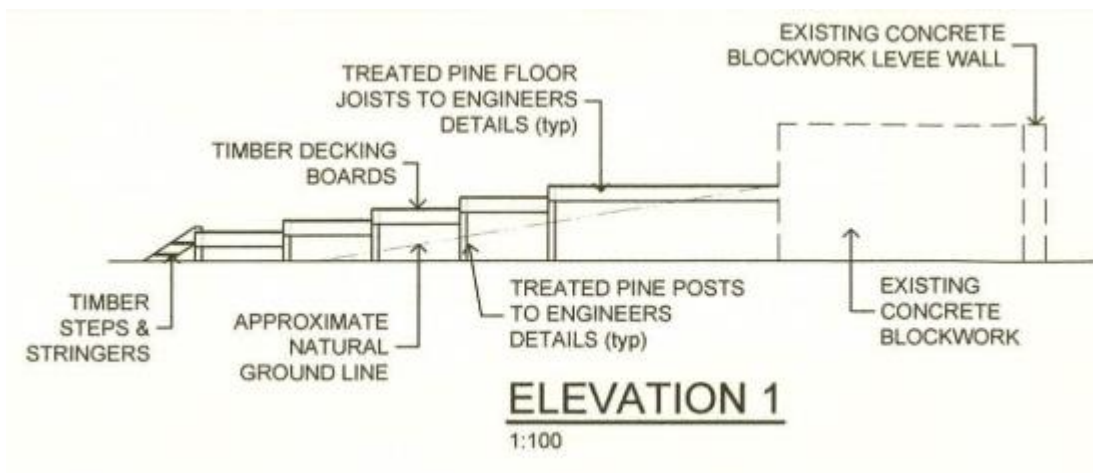
The land between the two levee walls in Grafton is a constriction of the river and is a floodway. Schedule D3 of Council’s Development Control Plan (DCP) states that ‘Urban Residential & Associated Uses’ are an unsuitable land use in a floodway.

Clause D3.1 of the DCP states ‘Development should not detrimentally increase the potential flood effects on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain’.

The applicant has submitted an engineer’s certificate that states ‘the potential for the deck to damage the levee is extremely low due to the location of the deck, the profile of the deck and the protection to the levee offered by the (adjoining) earthen and concrete blockwork ramp construction’. The engineer was not able to certify the structure would withstand a major flood, even though this was requested by Council staff.

The DA was considered by staff at a Development Assessment Panel meeting and was not supported for the following reasons:

- New structures on private land are not desirable in floodways due to the likelihood of damage to the structures and resultant debris entering the river.
- The deck is likely to trap flood debris such as logs in a major flood which would cause an impediment to flow which can increase flood effects elsewhere.
- Council has historically not approved structures of this nature on private land on the river side of the levee in Grafton.
- Whilst one small deck may not have a major impact on flood flows the approval of the deck would set an undesirable precedent for other structures to be erected in the floodway on private land in Grafton. The cumulative effect of more structures in the floodway is likely to further restrict river flows in a major flood which can increase flood effects elsewhere.



COUNCIL IMPLICATIONS

Budget/Financial

There may be a cost to Council if the applicant chooses to appeal a refusal decision of Council.

Asset Management

N/A

Policy or Regulation

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

Consultation

The proposal was notified to neighbours with no submissions received.

Legal and Risk Management

The Grafton levee system does not provide protection to Grafton and South Grafton to the 1:100 year flood level. In fact, it is estimated to provide protection to approximately the 1:25 to 1:30 year flood. In order to limit its legal liability Council should be careful in relation to the structures it approves in a floodway where levees only provide protection to a 1:25 to 1:30 year flood level. The approval of structures in a floodway that are not able to withstand flood forces in a major flood may increase Council's legal liability should the structure break up and be deposited elsewhere.

Climate Change

The scientific community has warned that extreme weather events including increased severity of flooding is one of the effects of climate change.

Prepared by	Greg McCarthy, Senior Building Surveyor
Attachment	1. Plans submitted with DA2021/0057 2. Engineer's certificate submitted with DA2021/0057

ITEM	6b.21.021	DA2021/0074 – RECREATION FACILITIES (INDOOR) – 140 FITZROY STREET, GRAFTON
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Meeting	Environment, Planning & Community Committee	18 May 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Shaun Davidson – Hybrid Fitness Training
<i>Owner</i>	Downes Electrical Pty Ltd
<i>Address</i>	140 Fitzroy Street, Grafton (being Lot 6 DP6959)
<i>Submissions</i>	Nil

Council is in receipt of Development Application DA2021/0074 which is proposing a change of use to a recreation facility (indoor), named Hybrid Fitness Training on B3 Commercial Core zoned land consisting of 544m² floor area. There is currently an existing commercial building on the subject land. In accordance with the Community Participation Plan the application was notified, during the exhibition period Council received no submissions regarding the proposal.

The applicant has applied for a variation of 4 car parking spaces under Clause F2 number of car parking spaces under the Business Zones Development Control Plan (DCP), the extent of the variation is outside of Council staff delegations to determine. Therefore, the application is provided to Council for determination.

The applicant has also requested the variation fee be waived on financial hardship grounds.

The report provides an assessment of the application and recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council:

1. Support a variation to the parking controls in the DCP and approve the development subject to the draft conditions of consent contained in Schedule 1 which requires the upgrade of the car parking area;
2. Not support a fee waiver of \$650 as it is inconsistent with Council's adopted schedule of Fees and Charges; and
3. Require the applicant to pay the \$650 fee prior to the issue of consent.

COMMITTEE RECOMMENDATION

Novak/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Clancy, Novak, Simmons, Baker

Against: Nil

COUNCIL RESOLUTION – 6b.21.021

Kingsley/Novak

That Council:

- 1. Support a variation to the parking controls in the DCP and approve the development subject to the draft conditions of consent contained in Schedule 1 which requires the upgrade of the car parking area;**
- 2. Not support a fee waiver of \$650 as it is inconsistent with Council's adopted schedule of Fees and Charges; and**
- 3. Require the applicant to pay the \$650 fee prior to the issue of consent.**

Voting recorded as follows:**For:** Simmons, Kingsley, Baker, Ellem, Clancy, Novak, Lysaught**Against:** Nil**CARRIED****LINKAGE TO OUR COMMUNITY PLAN**

Theme	5 Leadership
Objective	5.1 We will have a strong, accountable and representative Government
Strategy	5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application DA2021/0074 was lodged on 9 February 2021 for a change of use to a recreation facility (indoor) at 140 Fitzroy Street, Grafton. The site is currently under a commercial premise use with an existing commercial building. The subject land is zoned B3 Commercial Core under the provisions of the *Clarence Valley Local Environmental Plan 2011*. The proposed recreation facility (indoor) is permissible with consent and complies with the objectives of the zone. The subject land has frontage to Fitzroy Street and King Lane and is located among similar business allotments. The proposal includes an internal fit out of the existing building.

There is an existing car parking area to the rear of the building which gains access off King Lane. The existing car parking located on Lot 6 DP6959 consists of the following approvals:

DA2475 approved alterations and additions to existing dwelling to permit establishment of commercial premises on 7 November 1980. The following conditions related to car parking were imposed on the approval:

Condition 8 - The car parking area shall be constructed at the rear of the premises in accordance with the submitted plan.

Condition 9 - Such are parking area shall be constructed with a hard-standing surface, and each space shall be delineated.

DA88/103 approved alterations additions to existing commercial premises on 1 December 1988. The following condition related to car parking was imposed on the approval:

Condition 4 - application to provide six (6) on-site car parking spaces in accordance with the submitted plans. The parking surface must be of any hard standing all-weather material, with each space clearly delineated. (Section 90 (1) (i)).

KEY ISSUES**1. Provision of on-site parking**

The applicant is seeking a variation of Clause F2 number of car parking spaces under the Business Zones Development Control Plan to enable the proposed change of use to operate with 6 car parking spaces. The development was proposed with 7 car parking spaces but is deemed to only have on-site space to adequately provide 6 car parking spaces.

Comment:

The proposal initially included 7 car parking spaces at the dimensions required by Australian Standards, however, after assessment by Council's Development Engineer, the carpark was found to only have capacity for 6 spaces. Council's DCP requires that vehicles enter and leave the site in a forward direction, this requirement has to be varied to allow the additional sixth car parking space as it is on a 45 degree angle with the remaining 5 car parking spaces located at 90 degrees with adequate manoeuvring area.

Clause F3 of the DCP allows Council to consider variations in the following circumstances:

- (a) *The proposed development is a minor addition to an existing building and is not likely to generate additional parking demand, or the calculation of the parking requirement is less than 1 car space.*
- (b) *The peak demand for parking generated by the proposed development is outside the hours of 8:30AM and 5:30PM, and adequate on-street car parking is available and in proximity to the proposed development.*

The following matters must be considered in determining an application to vary the DCP requirements:

- (i) *The location, type and scale of the proposed development.*
- (ii) *The existing level of on-site car parking on the development site.*
- (iii) *The compatibility of the car parking location and design with adjoining properties.*
- (iv) *The nature and volume of traffic on the adjoining street network.*
- (v) *The geometry and width of the adjoining street network.*
- (vi) *The availability and accessibility of public car parking areas.*
- (vii) *Comments from the NSW Roads and Traffic Authority, if applicable.*
- (viii) *Whether an offer has been made to contribute to "deficit" parking by means of a planning agreement.*

The development provides fitness classes with all classes during normal business hours not generating additional demand for on-street parking due to limited class sizes and numbers. This enables all clients to use car parking at the rear on-site. Larger classes are held before 8.30am and after 5.30pm therefore outside of peak hours.

Taking into consideration the matters under Clause F3, the scale and volume of traffic generated by the use, Council staff support the variation of this DCP requirement. Access to the car parking space is off King Lane and peak demand for parking is deemed to be outside of primary business hours (8.30am to 5.30pm). The parking impact of the proposed change of use is therefore deemed to be minimal.

2. Requirement to upgrade car parking area

Clause F8 of Part F Parking and Vehicular access controls of the Business Zones DCP requires:

1. All parking areas must be constructed with a base course pavement of an adequate depth to suit the type of expected traffic, both number and type of vehicles.
2. All parking areas must be surfaced with either 2 coat bitumen seal, asphaltic concrete, concrete or interlocking pavers.

It is a standard requirement to be included in conditions of consent that a proposed car parking area be upgraded to a hard stand material, to allow manoeuvring of vehicles.

Comment:

Council staff inspected the site and provided the applicant preliminary advice that the car parking area would require sealing upgrade works and this requirement would likely be a condition of consent. Subsequently, the applicant has requested this requirement be removed or waived because of the financial burden it places on the small business owner who is a tenant of the property.

Historical Council development approvals from 7 November 1980 and 1 December 1988 for the subject land required car parking be constructed of hard standing material. The status of the rear area of the site consists of crushed gravel material which appears to have been introduced recently. It has been unable to be determined if the requirements of previous development approvals have been satisfied given the age of the consents (1980 and 1988) which may have prevented the requirement to upgrade to the current standard being included in the draft conditions for this application.

Surrounding the subject site are a variety of commercial sites with a mixture of car parking formats and construction. There are formal sealed carparks and informal grassed areas utilised as car parking. The site gains access to the rear of the land from King Lane which is a Council maintained road and is shown to be in poor condition upon conducting a site inspection of the premises.

It is recommended that the standard condition to upgrade the carpark area be required as part of this consent in line with Council's DCP, noting that the applicant (who will be a tenant of the property) advised of financial hardship experienced following mandatory shutdowns of the business operations due to COVID-19 and is not in the position to upgrade the existing carpark.

3. Development Control Plan variation fee of \$650.00

The application was received and processed by Council staff, once allocated Council staff identified the variation being sought by the applicant was greater than 10% which requires payment of a fee.

An additional information letter was sent 24 February 2021 formally advising of the car parking upgrade requirements and that payment of a \$650.00 DCP variation fee was applicable.

Comment:

Correspondence with the applicant and a meeting followed the additional information letter to find a resolution to allow determination of the application. The applicant advised of financial hardship experienced following mandatory shutdowns of the business operations due to COVID-19 and is not in the position to make payment of the variation fee. Therefore, the applicant has requested the DCP variation fee of \$650.00 be waived.

Council staff do not have the delegation to waive fees as per Council's Fees and Charges, as such the request has been forwarded to Council for a decision.

The following options have been provided for Council's consideration:

Option 1

That Council:

- Support a variation to the parking controls in the DCP and approve the development subject to the draft conditions of consent contained in Schedule 1 which requires the upgrade of the car parking area;
- Not support a fee waiver of \$650 as it is inconsistent with Council's adopted schedule of Fees and Charges; and
- Require the applicant to pay the \$650 fee prior to the issue of consent.

This is the preferred option.

Option 2

That Council

- Support a variation to the DCP and approve the development subject to the draft conditions of consent contained in Schedule 1 and remove condition 7 requiring the car parking area to be upgraded.
- Approve the waiver of the DCP variation fee of \$650.00, noting that this would be inconsistent with Council's adopted schedule of Fees and Charges

This option is not the preferred option, however, due to the financial burden on a small business under a short term fixed lease to upgrade the car parking area may be considered unreasonable.

COUNCIL IMPLICATIONS**Budget/Financial**

There may be financial costs to Council should the applicant appeal Council's decision. The application was accompanied by all fees required to be paid by Council's Fees and Charges, except the variation fee of \$650.00. Assessment of the application has been completed by staff utilising recurrent staffing budgets.

If Council endorses waiving the variation fee of \$650.00 this will not be paid and allocated as per Council's Fees and Charges.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy 55 - Remediation of Land

Clarence Valley Local Environmental Plan 2011

Clarence Valley Council Development Control Plan for Development in Business Zones

Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Building Surveyor	Supported with conditions
Engineering	Supported with conditions

Legal and Risk Management

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

Climate Change

The proposed development would contribute to CO² emissions through the internal fit out construction and operation of the premises, which are both considered to be contributing factors for climate change via materials, maintenance and associated energy and resource use. Notwithstanding the above comments, if the development is approved, the proposal is within an existing building not requiring additional resources for construction.

Prepared by	Alex Clark, Trainee Planner
Attachment	1. Proposed Plans 2. Section 4.15 Evaluation Report

**Schedule 1
Draft Advices and Conditions of Consent for DA2021/0074**

Definitions

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

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

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

Advices

1. Owners are advised of the consent requirements of Clause 5.10 of Clarence Valley LEP 2011 in relation to the need to obtain prior consent for all works including tree removal, new fences, and any alterations to the fabric, finish and appearance of a heritage item or building in a Heritage Conservation Area. Many works can be approved through the 'no fee' minor works and maintenance heritage exemptions of Clause 5.10(3) but must be put in writing and approved prior to commencement. See application form on Council's website.
2. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the NSW Roads Act 1993.
3. The proposed car parking layout will require amendment in accordance with the requirements of the DCP and the conditions of this consent. A revised design is to be submitted to Council for approval prior to construction.

Conditions

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

Plan Title
Site Plan – 140 Fitzroy Street
Floor Plan – 140 Fitzroy Street

Drawn by
Shaun Davidson
Shaun Davidson

2. A separate Development Application will be required for any advertisements that are not defined as “exempt development” under the *Clarence Valley Local Environmental Plan 2011*.
3. All activities associated with the conduct of the business are to be wholly contained within Lot 6 DP6956.
4. Effective measures are to be taken to prevent any nuisance being caused by noise, vibration, smell, fumes, dust, smoke, wastewater products and the like at all times.

Any noise generated from the use must not be considered to be “offensive noise” as defined in the *Protection of the Environment Operations Act 1997*.
5. Prior to commencement of operations floor coverings suitable for absorbing noise and vibrations from falling weights and other training activities must be installed to areas utilised for training.
6. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
7. A detailed plan of the proposed car parking must be submitted to Council within 3 months from the date of this consent. Construction of the parking area must be complete within 3 months from the date of Council approval for the car parking design.

Car parking, driveways, manoeuvring and access areas must be designed, constructed, sealed, line marked and drained in accordance with AS2890, the relevant parts of the applicable Council DCP and NRDC.

All stormwater falling on the car parking area is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC.

An application for driveway access crossing is to be submitted and approved prior to any work commencing.
8. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, ‘NSW Managing Urban Stormwater - Soils and Construction (Blue Book)’ and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until works are complete.
9. The building shall be provided with a system of exit and emergency lighting complying with AS293.1 within 6 months of the date of this consent with an electrical contractor's certificate of compliance being provided to Council confirming compliance with the standard.
10. Manufacturer's specifications and fire test reports confirming compliance with Part C1.10 Fire Hazard Properties of the BCA shall be provided in respect to the floor coverings within 1 month of the date of this consent.
11. Both the front and rear egress doorways shall be provided with fixed hold open devices within 1 month of the date of this consent.
12. Provide a completed fire safety certificate (form available on Council's website) in respect to the existing portable fire extinguishers and the required exit and emergency lighting system within 6 months of the date of this consent.

ITEM	6b.21.022	DA2021/0107 – ALTERATIONS AND ADDITIONS TO DWELLING – 5 COOK STREET, YAMBA
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Meeting	Environment, Planning & Community Committee	18 May 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Glen Richmond
<i>Owner</i>	Gabrielle Nomchong
<i>Address</i>	5 Cook Street, Yamba
<i>Submissions</i>	Yes – 3 submissions against

Council is in receipt of Development Application DA2021/0107 which proposes alterations and additions to an existing dwelling at 5 Cook Street, Yamba. In accordance with the Community Participation Plan the application was notified and 3 submissions were received. The application is forwarded to Council for a decision as a result of the public interest in the proposal which are unable to be reasonably dealt with through conditions of consent. The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council approve Development Application DA2021/0107 subject to the draft advices and conditions contained in Schedule 1.

COMMITTEE RECOMMENDATION

Simmons/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Clancy, Simmons, Baker

Against: Novak

COUNCIL RESOLUTION – 6b.21.022

Novak/Lysaught

That Council approve Development Application DA2021/0107 subject to the draft advices and conditions contained in Schedule 1.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application DA2021/0107 was lodged on 23 February 2021 for alterations and additions to an existing dwelling. The proposed additions include additional internal floor area on both the ground and first floor and a first floor deck off the western side of the dwelling. The subject land is zoned R2 Low Density

Residential under the *Clarence Valley Local Environmental Plan 2011* (the LEP), the proposed additions are not exempt and hence is permissible with consent.

The proposal was notified from 24 February to 10 March 2021, 3 submissions were received during the exhibition period against the proposal. The main issues raised in the objections received include the building work has already commenced, noise impacts from the new rear deck, loss of privacy and use of the dwelling for short term rental accommodation. Council received one complaint the day the application was lodged from another concerned resident regarding the commencement of building works and use of the dwelling for short term rental accommodation.

KEY ISSUES

1. Use of Dwelling for Short Term Rental Accommodation

In all submissions received and prior to the Development Application being received by Council, complaints were received by Council regarding the use of the subject property for short term rental accommodation (STRA) through Airbnb. Issues raised regarding the use as STRA include noise until late at night, extensive numbers of vehicles, parties and anti-social behaviour.

Upon receiving the complaints, Council staff wrote to the owner advising of the nature of the complaints received and the use could be considered to be prohibited. The applicant has advised that the property is not available for use as an STRA through Airbnb. A search of the Airbnb website, however, shows the dwelling is still active, however, cannot be booked at the current time.

Council staff also wrote to those that had made complaints and advised of the current Council position on STRA within the Clarence Valley, refer to the March 2018 Council resolution (Item No. 13.010/18). The resolution is as follows:

- Pending the New South Wales State Government adopting a policy position on the issue and/or approval of a planning proposal, commence a program of community education for a period of 3 months focusing on the canal area of Yamba.*
- Investigate and, where substantiated, take enforcement action for properties let for short term holiday letting where serious community impacts including neighbour disputes or conflicts (party houses) are alleged, as outlined in the *Dobrohotoff v Bennic* court case (summarised in this report and the confidential legal advice in the attachment).*
- Note that evidence collection alone will cost around \$5,000 and any individual court case a minimum of \$30,000.*

Attached to the correspondence to those that had made complaints was a log book to record any impacts that were observed during a 2 to 3 week period before returning the log to Council. At the time of writing the report, no log books have been received. The purpose of the log book is to gain corroborating evidence to substantiate the claims made prior to taking further action as Council staff cannot always be present.

The NSW State Government has now announced the new regulatory and planning framework that will come into effect as of 1 November 2021 whereby all owners or letting agents will need to ensure that properties used for STRA are registered and comply with the relevant requirements.

At this point in time, staff are satisfied that the building will not be used for STRA and no further action is required. Should Council receive further complaints and corroborating evidence to support the alleged use of the premises for STRA, appropriate action will be taken at that time.

2. Impact on Amenity

A further matter that was raised in the submissions, is the proposed additions including extra living area and a rear deck which would enable more occupants, consequently having a greater impact on the amenity of the neighbourhood through noise and parties. These concerns primarily relate to the issue of the STRA use of the dwelling. Plans submitted by the applicant show that the western portion of the deck, towards those that have made a submission, will be screened with louvres. This will limit noise and light directed to the west and reduce the overall impact on the neighbourhood.

3. Commencement of Building Works

For information purposes and full transparency, it was brought to Council's attention that the works proposed under this application were commenced without approval. This work did not meet the criteria for exempt development (i.e. development that does not require Council approval) listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Therefore, prior development approval should have been obtained. Council staff do not condone unauthorised works and as such, attended the site and advised the applicant verbally to discontinue work immediately, to date no further work has been undertaken since staff attended the site.

It should be noted that during the assessment of this application, Council staff identified that the ground floor on the southern side has been enclosed without prior Council approval in approximately March 2008 based on a Google Street view image. This work was undertaken by the previous owners of the property and is to be authorised as part of this Development Application.

Given the fact that part of construction works commenced without approval, Council is unable to issue a Construction Certificate (CC) for that component of the work and a Building Certificate will have to be applied for separately prior to issue of the CC for the remaining work. A condition to this effect is contained in Schedule 1 – Draft Advices and Conditions.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy 55 - Remediation of Land

Clarence Valley Local Environmental Plan 2011

Clarence Valley Council Development Control Plan for Development in Residential Zones

Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Building Surveyor	Supported subject to conditions

Legal and Risk Management

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

Climate Change

The proposed development would contribute to CO₂-equivalent emissions through construction and operation which are considered to be a driver for climate change via building materials, construction methods, maintenance and associated energy and resource use. Notwithstanding the above comments, if the development is approved, the proposed building is required to comply with the energy efficiency requirements of the Building Code of Australia (BCA) and the NSW Building and Sustainability Index (BASIX) which will ensure that the development meets legislative requirements for sustainability.

Prepared by	James Hamilton, Development Planner
Attachment	1. Proposed Plans 2. Submissions 3. Section 4.15 Report

Schedule 1
Draft Advices and Conditions of Consent for DA2021/0107

Advices

1. No construction is to be commenced until a Construction Certificate has been issued.
2. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.
3. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
 - a Lodgement of a Construction Certificate application including a complete set of architectural dimensioned plans for the entire ground floor and first floor levels with section views detailing the floor to ceiling heights, window and door schedules, basix commitments and all timber sizes including spans, spacings and stress grades.
4. Metal building components installed in coastal locations shall have corrosion protection measures complying with the Building Code of Australia. This applies to brick wall ties, steel framing, fixings and metal sheet roofing in locations within 10km of breaking surf or 1km of salt water not subject to breaking surf. Higher standards apply the closer the location is to breaking surf.
5. Demolition work is to be carried out in accordance with AS 2601.
6. All structural timber exposed to the weather (i.e. posts, joists and bearers of decks or unprotected beams protruding from the house) shall be Class 1 or 2 durability or timber treated to H3 Hazard level. Documentation confirming the durability class/hazard protection level of the timber used shall be submitted to Council prior to the issue of the Occupation Certificate.
7. A safety balustrade shall be provided in accordance with Part 3.9.2 of the Building Code of Australia (BCA) to all landings, balconies and stairways with a height of one (1) metre above ground level. The balustrade must be constructed so that it does not permit a 125mm sphere to pass through it. Wire balustrade systems shall comply with the requirements of Clause 3.9.2.5 of the BCA. The height must not be less than:
 - a 1m above the floor of any deck, balcony, landing or the like; or
 - b 865mm above the nosing of stair treads or the floor of a ramp.
8. Stairs shall be constructed as per Part 3.9 of the Building Code of Australia. The maximum and minimum riser and tread sizes and slope relationship shall be met. The treads must have a slip resistance classification, or a nosing strip with a slip resistance classification not less than that listed in Part 3.9 (see below) when tested in accordance with AS 4586.

Table 3.9.1.3 SLIP-RESISTANCE CLASSIFICATION

Application	Surface Conditions	
	Dry (indoor)	Wet (outdoor)
Ramp not steeper than 1:8	P4 or R10	P5 or R12
Tread surface	P3 or R10	P4 or R11
Nosing or landing edge strip	P3	P4

9. All glazing is to be selected and installed in accordance with the provisions of AS 1288 or AS 2047. Upon completion of the building and prior to its occupation, the glass suppliers/installers certificate is to be submitted to Council.
10. A smoke alarm system designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, and complying with Part 3.7 of the Building Code of Australia shall be installed. Smoke alarms must be interconnected where there is more than one alarm, installed on each level and not located in dead air space. A licensed electrical contractor's installation certificate is to be submitted to Council prior to occupation.

11. A handrail shall be installed to at least one side of a stairway or ramp providing a change in elevation of 1m or more to meet Clause 3.9.2.4 of the BCA.
12. A bedroom window opening must be protected to prevent children falling out where the floor level of the room is 2m or more above the outside surface beneath. The openable portion of the window must be protected with:
 - a a device to restrict the window from opening more than 125mm or,
 - b a screen with secure fittings.

A window with its lowest openable section at least 1.7m above the floor is exempt from this requirement.
13. The enclosure of the ground floor level and the bearer and joist construction that was originally proposed for DA2021/0107 at this property was erected without prior Council approval and Council progress inspections did not occur during construction works. A building information certificate application under Division 6.7 of the Environmental Planning & Assessment Act shall be submitted to Council. An approval subject to conditions has been granted. When the conditions of this development approval have been complied with, Council shall be notified for a final inspection so that a building certificate can be issued to finalise the matter.
14. The deck/balcony shall be attached to the external wall of the building in accordance with Part 3.10.6 of the BCA. Decks more than 1.0m above the ground shall be diagonally braced in accordance with Clause 3.10.6.4. Details of the proposed method of attachment and bracing shall be detailed on plans submitted to Council for approval prior to issue of the Construction Certificate. If the deck/balcony will be attached to a brick veneer, double brick or concrete block wall that is not fully core filled the method of attachment shall be designed by a structural engineer.
15. The certificates and documentation requested in this approval (e.g. glazing certificate, smoke alarm certificate, etc.) should be emailed to council@clarence.nsw.gov.au quoting the development application number in conjunction with booking the final inspection.
16. All new work shall be treated and maintained against termites in accordance with AS 3660.1.
 - a Upon installation of the method of treatment a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660.1.
 - b A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i the method of protection;
 - ii the date of installation of the system;
 - iii where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
 - iv the need to maintain and inspect the system on a regular basis.

Conditions

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

Plan Title	Drawn by	Plan Date
Site Map	Glen Richmond	10/02/2021
Site Map 2	Glen Richmond	10/02/2021
Floor Plan and Elevations	Glen Richmond	10/02/2021
Existing Ground Floor Plan	Glen Richmond	N/A

2. The two storey dwelling shall have a maximum of one set of kitchen facilities and one set of laundry facilities as detailed in the Building Code of Australia Part 3.8.3.2.

3. A Building Information Certificate (BIC) under Division 6.7 of the Environmental Planning & Assessment Act shall be obtained from Council for the as built works including the enclosure of the ground floor level and the bearer and joist construction that was originally proposed for DA2021/0107 prior to the issuance of a Construction Certificate. The BIC shall include a report/certificate from a practising structural engineer confirming that the as built works is or can be made structurally sound including wind loads to N2 specifying any required works to be undertaken and carry out any works required by that report/certificate to ensure it is structurally sound. Final certification from the author of the report is to be provided after the required upgrade works (if any) have been carried out.
4. All excavated materials must be treated in general accordance with the Management Guidelines detailed within the "Acid Sulfate Soil Manual, Acid Sulfate Soil Management Advisory Committee, August 1998". Agricultural Lime must be applied (and incorporated into the soil) at a rate of 50kg/m³ of soil.
5. **Adjoining Building Work** A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:
 - a Preserve and protect the building from damage; and
 - b If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a professional engineer or an accredited certifier.

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

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

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

8. On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
9. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot. Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
10. An Asbestos Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the asbestos related works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

11. Prior to the issue of an Occupation Certificate all requirements listed in the relevant Basix Certificate for this development shall be completed/installed.
12. The building shall not be used as flats or adapted for separate occupation.
13. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.
14. All **new** hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50°C. A higher hot water temperature is acceptable at all other fixtures, eg. laundry tub and kitchen sink.
15. A fully dimensioned and notated work as executed sewer drainage and storm water plan is to be submitted to Council and the property owner upon completion of all drainage lines. A Certificate of Compliance for Plumbing and Drainage Work shall be submitted to Council upon completion of work.
16. A minimum height of 150mm shall be maintained between the top of the sewer overflow gully riser and the lowest fixture connected to the drain. The overflow gully shall also be 75mm above surrounding ground level, except if located in a path where it shall finish at a level so as to prevent the ponding and ingress of water.
17. Roof water, including overflow from a tank, is to be discharged into the most appropriate street gutter. Provide non breakable fittings where the stormwater pipe meets the kerb. Where the gutter is unformed, concrete protection is to be provided to the end of the pipe.
18. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
19. All erosion and sediment control measures are to be installed and maintained in accordance with the Statement for Sediment and Erosion Control that was submitted with the Development Application.
20. **Home Building Act** Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - a has been informed in writing of the licensee's name and contract licence number; and
 - b is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - c has been informed in writing of the person's name and owner builder permit number, or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act.

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

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

7.00 am to 6.00 pm Monday to Friday

8.00 am to 1.00 pm Saturdays

No work permitted on Sundays and public holidays

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

22. **Mandatory Inspections** The head contractor or owner-builder must give Council as the certifying authority at least 24 hours notice to enable the following inspections to be performed at the appropriate time:
- a **Pier holes** (if any), before concrete is poured,
 - b After reinforcement is in positions and before pouring of any **in-situ reinforced concrete** building element,
 - c Before internal covering/lining of the **framework** for any floor, wall, roof, or other building element,
 - d **Plumbing work** prior to covering/lining walls,
 - e **Sewer drainage** work prior to back filling/lining,
 - f Before covering **waterproofing in any wet areas**,
 - g Before covering any **stormwater drainage** connections,
 - h After the **building work has been completed** and prior to occupation.

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

23. All new class 1a parts of the building that have not been constructed shall comply with the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas. A Structural Engineers certificate shall be submitted prior to issue of the Construction Certificate to verify the building will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.
24. All building construction below 2.9m AHD shall be of flood compatible materials.
25. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
26. The roof covering is to be of a colour which does not produce glare which adversely affects the amenity of adjoining properties. White colorbond, galvanised iron and zincalume are not permitted.
27. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
28. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
- a Stating that unauthorised entry to the work site is prohibited;
 - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 - c Showing the name, address and telephone number of the principal certifier for the work.

Any such sign is to be removed when the work has been completed.

ITEM	6b.21.023	REV2021/0004 – REVIEW OF SUB2021/0003 – CONDITION 10 REQUIRING KERB AND GUTTER – 115 JUBILEE STREET, TOWNSEND
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Meeting	Environment, Planning & Community Committee	18 May 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Mr James O'Donohue C/- O'Donohue Hanna and Associates
<i>Owner</i>	Mr David Cowling
<i>Address</i>	115 Jubilee Street, Townsend
<i>Submissions</i>	Nil

Development Application SUB2021/0003 for a 2 lot subdivision upon 115 Jubilee Street, Townsend was approved on 22 March 2021. The approval was issued with Condition 10 requiring the upgrade and sealing of Jubilee Street for the full frontage of the development site.

The applicant has now submitted a Division 8.2 Application (REV2021/0004) requesting removal of the road upgrading requirement imposed in Condition 10 of the consent.

As the request to remove the road upgrading condition is not supported by Council's Development Engineer or Civil Services section the review is being referred to Council for consideration and determination.

OFFICER RECOMMENDATION

That Council refuse REV2021/0004 and not remove Condition 10 from SUB2021/0003.

COMMITTEE RECOMMENDATION

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Novak, Baker, Clancy

Against: Simmons

COUNCIL RESOLUTION – 6b.21.023

Kingsley/Novak

That Council refuse REV2021/0004 and not remove Condition 10 from SUB2021/0003.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application SUB2021/0003 for a 2 lot subdivision upon 115 Jubilee Street, Townsend was approved under delegated authority of Council staff on 22 March 2021. The subject land is zoned IN1

General Industrial under the Clarence Valley Local Environmental Plan 2011 and the proposed development is permissible with consent within the zone.

Division 8.2 of the *Environmental Planning and Assessment Act 1979* allows an applicant to request a review of their determination within 6 months of the date of approval if they are not satisfied with the imposition of certain conditions.

KEY ISSUES

1. Request to delete Condition 10 requiring the road upgrading of Jubilee Street

The applicant has requested a review of SUB2021/0003 to remove the requirement of Condition 10 relating to the upgrade of Jubilee Street for the following reasons:

- *The proposal only seeks consent to create one (1) additional vacant lot, as detailed in our Development Application and as shown on the approved plan, with vehicular access and public utility services available to/from Paperbark Drive;*
- *The proposal will not result in any change to the business operating with frontage to Jubilee Street;*
- *The additional lot will have absolutely zero impact on Jubilee Street as there is no requirement or intention to alter any of the current Council approved access arrangements to/from the land nor extend services from that street to the new lot;*
- *It is clear that the proposal will not increase vehicular movements or traffic volumes in Jubilee Street, therefore, the required upgrade is obviously unwarranted from an engineering and/or traffic perspective.*
- *The cost of the upgrade (geotechnical testing, details survey, engineering design and plans, Council fees and charges, road and stormwater construction, construction supervision, works as executed survey and plans and bond) may deem the proposal economically unviable with the resultant loss of investment, employment opportunities, contributions to Council and future rates. Ongoing Council media releases suggests that such investment and increase in employment opportunities is a Council priority, however, the inclusion of Condition 10 suggests that Council is, in reality, not supportive of local investment at all; and*
- *The condition is, unfortunately, another example of a developer being required to undertake work which has no connection to the proposed development.*

Condition 10 reads:

10. *Prior to the issue of the Subdivision Certificate, Jubilee Street is to be upgraded and sealed in accordance with the requirements of this condition. A Road Design Plan must be submitted for approval with a **SWC** application.*

Jubilee Street must be upgraded for the full frontage of the lot to provide:

- a *Concrete Kerb and Gutter to match existing kerb alignment in Jubilee Street.*
- b *Road pavement and seal widening to match existing kerb alignment in Jubilee Street.*
- c *Bitumen spray-seal surfacing must be a 2 coat seal 14 mm / 7 mm with prime.*
- d *Minimum depth of suitable compacted sub-base and base material.*
- e *Adequate tie-in to existing pavement, seal and stormwater drainage infrastructure in Jubilee Street.*
- f *Adequate roadside drainage and verge shaping.*
- g *Existing roadside street trees to remain.*

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

Comment

A site inspection was conducted on 19 February 2021 to inspect the condition of the existing road pavement along the Jubilee Street frontage of the subdivision site (see below).



Jubilee Street (facing west) at the boundary of Lot 105 DP877444.



Jubilee Street (facing east) at the boundary of Lot 3 DP1130832

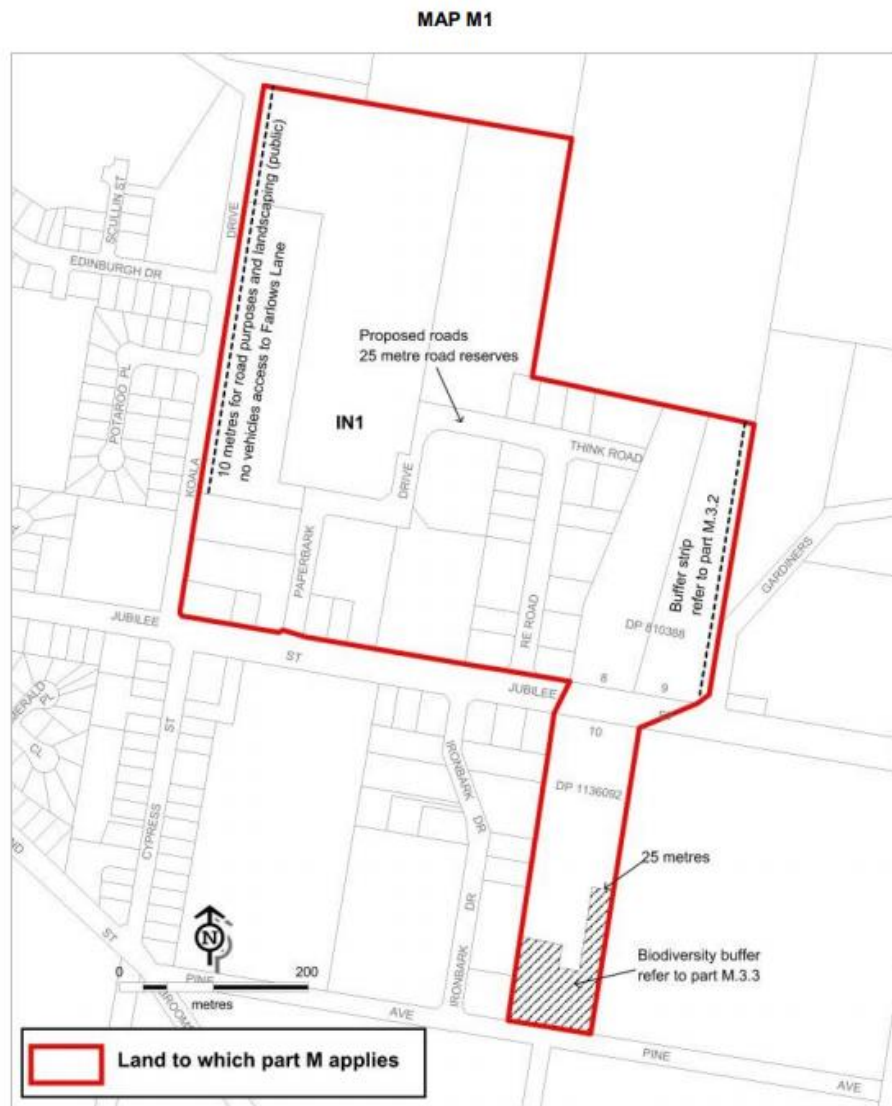


Jubilee Street (facing west) at the boundary of Lot 3 DP1130832

Either side of the property frontage is separated by road widening with kerb and gutter along Jubilee Street as shown in the photos above. The existing property has 2 unformal access points onto Jubilee Street which are resulting in the continued deterioration of Council's road pavement. The proposed subdivision will allow for future development of the industrial land and increased use of Jubilee Street through the generation of traffic using the property.

The existing sealed carriageway width of Jubilee Street along the property frontage varies between 6 metres and 10 metres.

In accordance with Part H4 of the Industrial Zones DCP, the minimum carriageway width required is 13 metres where on-street parallel parking is provided. Furthermore, in accordance with Part M of the Industrial Zones DCP (which applies to the development lot), roads are to be bitumen sealed with kerb and gutter.



Extract of Part M of Industrial Zones DCP

Part H6 of the Industrial Zones DCP also requires suitable road access for industrial development. Further, Clause 7.8 Essential Services of the Clarence Valley LEP 2011 requires Council to be satisfied that any utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available. Such infrastructure includes the supply of suitable road access. As demonstrated in the photographs above, the current road access is not suitable.

In order to provide adequate road and stormwater servicing to the proposed subdivision and provide a better functioning road network servicing the industrial zoning, it will be required that the existing road pavement be widened, sealed and kerb provided to match existing alignment, for the full frontage of Jubilee Street. This is a requirement of the industrial DCP, is consistent with previous development within the area and will reduce the future impacts of traffic on Council's industrial road network in Jubilee Street.

If these works are not required at subdivision stage, it will be the responsibility of the future property owners to undertake these works through development of the created lots. This will ultimately result in an 'end user pays' situation where the developer is not responsible for these costs. If this does not occur, it will be Council's responsibility to construct the works to prevent further damage to the existing road pavement.

For this reason, it is recommended that Council refuse to remove Condition 10 from the consent.

COUNCIL IMPLICATIONS**Budget/Financial**

If Council resolves to remove Condition 10, this will ultimately result in additional costs being required for maintenance works of the road. Through retention of the condition, Council will reduce the short term cost of upgrading and long term maintenance cost of the road.

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

Asset Management

Council staff recommend that Jubilee Street for the frontage of the development site be upgraded in accordance with the DCP because this will improve the longevity of the road asset at no cost to Council.

Policy or Regulation

Environmental Planning & Assessment Act 1979
 Environmental Planning & Assessment Regulation 2000
 Roads Act 1993
 Clarence Valley Local Environmental Plan 2011
 Industrial Zones Development Control Plan (DCP)
 Clarence Valley Council Roads Policy

Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Removal of Condition 10 not supported
Civil Services	Removal of Condition 10 not supported

Legal and Risk Management

The applicant may appeal Council's determination of the development application in the NSW Land and Environment Court for which there would be a financial cost to Council.

Climate Change

Future buildings on the vacant lot will need to be compliant with the NSW Government's building sustainability index in terms of thermal comfort, water efficiency and energy efficiency and achieving this certification makes new residential development more sustainable and less of a contributor to climate change compared to older forms of housing.

Prepared by	Carmen Landers, Acting Development Services Coordinator
Attachment	A. Request from Applicant B. Plan C. Notice of Determination – SUB2021/0003 D. Section 4.15 Assessment

ITEM	6b.21.024	MOD2021/0016 – PROPOSED PLANTER BOXES, AS BUILT ADDITIONAL TIMBER DECKING INCLUDING ACCESS RAMPS, INCREASE IN STUDIO ROOF, REDUCTION OF THE OPENINGS WITHIN THE EXTERNAL WALLS, INCREASE IN FLOOR AREA, USE OF NON-FLOOD COMPATIBLE MATERIALS AND CHANGE IN LOCATION OF PLANTER BOX - 19 GUMNUT ROAD, YAMBA
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Meeting	Environment, Planning & Community Committee	18 May 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes plus To be tabled Attachment	

SUMMARY

<i>Applicant</i>	Todd Campbell
<i>Owner</i>	Todd & Krystyna Campbell
<i>Address</i>	19 Gumnut Road, Yamba
<i>Submissions</i>	Three (3) including 40 signatures

MOD2021/0016 for proposed planter boxes, as-built additional timber decking including access ramps, increase in studio roof size, reduction of the glazing within the external walls, increase in floor area, use of non-flood compatible materials and change in location of planter box was lodged with Council on 8 March 2021.

Following a site inspection undertaken in February 2021 and in response to community feedback, Clarence Valley Council wrote to the applicant requesting that they lodge a Section 4.55 Application to modify the development consent DA2019/0439. This was to address the as-built inconsistencies with the approved DA2019/0429 and CC2019/0377 observed on Council's site inspection.

In accordance with the Community Participation Plan the application was notified and during the exhibition period, three submissions were received. This report provides an assessment of the issues raised during the assessment of the application, a summary of the submissions received and a recommendation for Council's consideration.

In addition, Council should note that DA2021/0153 for a proposed retractable privacy screen and an existing retractable awning and rainwater tank at 19 Gumnut Road is also being considered at the May 2021 Council meeting.

OFFICER RECOMMENDATION

That DA2019/0439 be modified to include:

The proposed planter boxes, as-built additional timber decking including access ramps, increase in studio roof size, changes of the openings, reduction of glazing within the external walls, increase in floor area, use of non-flood compatible materials and the change in location of planter box subject to the Draft Amended Advices and Conditions contained in Schedule 1.

MOTION

Novak/Clancy

That this matter be deferred until the Office of Local Government and NSW Ombudsman investigation has been determined.

Voting recorded as follows:

For: Novak

Against: Baker, Clancy, Simmons

The Motion was put and declared LOST.

COMMITTEE RECOMMENDATION

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Simmons

Against: Clancy, Novak

The motion was put and declared CARRIED on the casting vote of the Committee Chair (Cr Baker).

The Mayor asked that it be noted that Cr Toms and Cr Novak supplied questions on this item and the next and Cr Novak was unable to access the response to her emails due to a lack of internet availability. Cr Toms' questions and responses are provided at Item 9 Questions with Notice as tabled.

COUNCIL RESOLUTION – 6b.21.024

Baker/Lysaught

That Council approve MOD2021/0016 application for proposed planter boxes, as-built additional timber decking including access ramps, increase in studio roof size, changes of the openings, reduction of glazing within the external walls, increase in floor area, use of non-flood compatible materials and the change in location of planter box subject to the Draft Amended Advices and Conditions contained in Schedule 1.

Voting recorded as follows:

For: Baker, Lysaught, Ellem, Kingsley, Simmons

Against: Novak, Clancy

CARRIED

AMENDMENT TO MOTION – LAPSED FOR WANT OF A SECONDER

Ellem

That Council approve MOD2021/0016 application for the as-built additional timber decking including access ramps, increase in studio roof size, changes of the openings, reduction of glazing within the external walls, and increase in floor area, subject to the Draft Amended Advices and Conditions contained in Schedule 1. The as-built planter boxes be removed as they do not comply with the development control plan.

FORESHADOWED MOTION

Novak

That Council not approve MOD2021/0016.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

DA2019/0439 was lodged on 14 August 2019 for a proposed studio, deck, carport and awning. Several submissions on the DA were received including ones from members of the community that were not formally notified. The Development Application complied with Council's Residential Development Control Plan, received endorsement from Council's Development Assessment Panel and as per standard process was conditionally approved on 25 November 2019 under delegated authority.

The approval of the original Development Application DA2019/0439 was not well received from the objectors which resulted in a high level of scrutiny during the construction phase of the development. In response to

this feedback, Council undertook a site inspection in February 2021 where a number of inconsistencies with the approved plans were identified. This resulted in the lodgement of DA2021/0153 and MOD2021/0016.

Key themes raised in the submissions on DA2021/0153 and MOD2021/0016 include:

- Several views were expressed about the legitimacy of minor structures being constructed within the areas set by the building line from the canal front boundaries of the lots, and perceived precedent issues as a result.
- Non-compliance with the residential Development Control Plan.
- Whether or not a survey plan had been produced to confirm the siting of the development on the property.
- Additional items constructed that were not approved in DA2019/0439 (the subject of separate report on DA2021/0153)
- Several as-built non compliances with DA2019/0439 (subject of this report).
- Allegations of privacy and amenity disturbances that pre-date DA2019/0439. These matters are not the subject of this report and will continue to be investigated as necessary required by Council's Regulatory Services staff.

Three submissions objecting to MOD2021/0016 were received. This included a 67 page submission from one objector that explored a range of compliance issues and opinions which can be broadly categorised within the key themes identified above. It is understood that the 40 signature petition contained in Attachment 5 of this submission are in support of the concerns raised in this submission.

The assessment presented in the Key Issues section below has considered community submissions received on MOD2021/0016, a site inspection by Council staff undertaken in February 2021 and the Section 4.55 Application to modify the development consent DA2019/0439 provided by the applicant in response to Council's request.

KEY ISSUES

1. Non-compliances with the Residential Zones Development Control Plan

a) Landscaping

Clause 19 of the Residential Zones Development Control Plan details that all development on land in the Zone R2 Low Density Residential must have a minimum of 45% of the site area as landscaped area. Landscaped area is defined as a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

This modification to the original DA2019/0439 provides an approximate landscaped area of around 30%. The gradient of the northern section of the lot adjacent to the canal would limit the practical use of the property's primary private open space area and access to the canal for older family members that have reduced mobility without the inclusion of the additional as constructed decking. The 15 percent reduction in the required landscaped area is considered a minor variation and the additional planting from what was originally proposed will contribute to the streetscape character and enhance the appearance of the development from the street and neighbouring properties.

b) Flood compatible building components

Part D of the Residential Zones Development Control Plan (DCP) details the Floodplain Management Controls. The 1 in 100 year flood level for this property is approximately 2.4 metres AHD plus an additional 500mm freeboard resulting in the requirement for a minimum floor height level of 2.9 metres AHD for the primary habitable floor area. The Residential DCP defines primary habitable floor area in a residential situation as the majority of bedrooms, main living area, kitchen and first bathroom.

The studio is not considered as part of the primary habitable floor area and therefore is not required to achieve the minimum floor height level of 2.9 metres AHD as suggested by one objector, however, all construction below the design level should be of flood compatible building components. The existing ground floor level unit has a floor level of 2.25 metres AHD and the studio has a floor level equivalent to the 1 in 100 year flood level of 2.4 metres AHD.

This modification to the original DA2019/0439 seeks to vary the DCP by not constructing the external walls from solid brickwork, blockwork, reinforced concrete or mass concrete for the first 0.5m above the flood compatible finish floor level of the concrete slab.

The as-built studio satisfies the performance criteria of Part D of the DCP and the use of timber frame wall construction is considered suitable in the context of the development.

2. Inconsistences with DA2019/0439

a) Decking and access ramps

Additional as constructed timber decking to the north and south of the studio, north of the swimming pool, and access ramps to the north and east of the swimming pool has been provided. The decking north and adjacent of the swimming pool and both of the access ramps excluding a small section within 450mm from the northern boundary meets the criteria for exempt development (i.e. development that does not require Council approval) listed in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The majority of the remaining decking has been constructed above existing concrete excluding a small section of approximately 5m² adjacent to the revetment wall. The total area of decking that exceeds the development standards of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is conservatively calculated at less than 11m² and is considered a minor variation.

b) Increase in studio roof size

The studio roof has increased by 1600mm in length in an easterly direction and slightly reduced in the westerly direction and has created additional shade for the occupants in and around the swimming pool area. The height, design and pitch of the roof matches the existing and complies with the DCP. Setbacks comply with the acceptable construction practise of the Building Code of Australia. The increase of roof size in this location is considered a minor variation.

c) Reduction of glazing in studio

Variations of the openings within the external walls of the studio in the northern, southern, and eastern elevations has occurred resulting in an overall reduction of glazing totalling 10.62m². These variations are considered minor and suitable as the large glass stacker door in the northern elevation adjacent to the western boundary has been replaced with a smaller glass sliding window and door.

d) Glass balustrading

Glass balustrading with a timber top rail has been provided which varies from the original timber and wire barrier construction. This is considered a very minor variation and suitable as it matches the existing swimming pool barrier.

e) Additional planter boxes

Additional planter boxes are proposed adjacent to the eastern and western boundaries of the lot providing a vertical component of landscaping which will be aesthetically pleasing in the middle to long term dependent on the nature of plantings. This will provide additional screening and privacy between the adjoining properties which was a concern raised by one objector, and contributes to the streetscape character while enhancing the appearance of the development from the street and neighbouring properties. The proposed planter boxes are located where they can be easily accessed for maintenance and will not be adversely impacted by or impact upon, vehicle or pedestrian movement, electricity wires or other utility infrastructure and are considered as a valued component of the development.

f) Change in location of planter box

The existing planter box depicted in the image below was originally proposed to be located on the deck, however, has been constructed between the deck and western boundary of the lot with the top of the planter box approximately 490mm above the deck.

One submission received detailed the lack of privacy and overlooking into the rear yard and within the bedrooms of the dwelling from the existing deck. This existing planter box would help reduce these overlooking and privacy issues for both properties.



g) Slight increase in floor area

The internal floor area of the studio has slightly increased by approximately 1.8m². This is considered a very minor variation.

The additional decking and access ramps, increase in the size of the studio roof, reduction of glazing in the external walls, glass balustrading including timber top rails use of non-flood compatible materials and the existing and proposed planter boxes have all been assessed to have a limited impact in the context of the development on the adjoining and surrounding properties and as such, are recommended for approval.

The plans submitted with this Development Application include a misdescription of the deck cantilever over revetment wall rather than deck cantilever not over revetment wall within the western elevation and the site plan indicates that the as constructed deck is within 900mm of the western boundary rather than the as constructed deck achieving a 900mm setback from the western boundary. If approved these plans will be amended.

3. General comments

Some of the objectors made several comments regarding the adequacy of the plans included with the Notification and the structural capacity of some of the built elements. The plans included with the Notification are considered of sufficient detail for submitters to make an informed comment on the development application and Section 4.55 Application to modify the development consent DA2019/0439.

Council considers all community feedback received on Notified developments, however, the decision on whether the proposed development satisfies the structural requirements of relevant design standards rests with Council's qualified Accredited Certifiers.

COUNCIL IMPLICATIONS

Budget/Financial

There may be a financial cost to Council if the applicant appeals Council's decision.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979
 Environmental Planning and Assessment Regulations 2000
 State Environmental Planning Policy (Coastal Management) 2018
 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
 Clarence Valley Local Environmental Plan 2011
 Residential Zones Development Control Plan
 Building Code of Australia

Consultation

N/A

Legal and Risk Management

Should the applicant be dissatisfied with Council's decision, they may exercise a right of appeal to the land and Environment Court

Climate Change

N/A

Prepared by	Carmen Landers, Acting Development Services Coordinator Kerry Harre, Building Services Coordinator Scott Whitehouse, Senior Building Surveyor
Attachment	A. Plans B. Notice of Determination DA2019/0439 and approved plans
To be tabled	C. Submissions

**Schedule 1
Draft Amended Advices and Conditions**

Advices**Insert new Advice 10**

10. The as-built additional timber decking including a small section of the northern access ramp adjacent to the revetment wall and the increase in studio roof at this property were erected without prior Council approval and Council progress inspections did not occur during construction works. A Building Information Certificate application under Division 6.7 of the *Environmental Planning & Assessment Act* shall be submitted to Council. An approval subject to conditions has been granted. When the conditions of this development approval have been complied with, Council shall be notified for a final inspection so that a building certificate can be issued to finalise the matter.

Conditions**Amend Condition 1**

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

Drawn Drawing No A001 revision E, Drawn by JWHIDA, Drawing Date 24/02/21, Sheets 1 -11

Insert new Condition 31

31. A Building Information Certificate under Division 6.7 of the *Environmental Planning & Assessment Act* shall be obtained from Council for the as-built additional timber decking including a small section of the northern access ramp adjacent to the revetment wall and the increase in studio roof. The building certificate application shall be accompanied by a practising structural engineer's certificate of structural adequacy in respect of the as-built additional timber decking including a small section of the northern access ramp adjacent to the revetment wall and the increase in studio roof.

ITEM	6b.21.025	DA2021/0153 – PROPOSED RETRACTABLE PRIVACY SCREEN AND EXISTING RETRACTABLE AWNING AND RAINWATER TANK - 19 GUMNUT ROAD, YAMBA
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Meeting	Environment, Planning & Community Committee	18 May 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes plus To be tabled Attachment	

SUMMARY

<i>Applicant</i>	Todd Campbell
<i>Owner</i>	Todd & Krystyna Campbell
<i>Address</i>	19 Gumnut Road, Yamba
<i>Submissions</i>	Six (6) including 40 signatures

Development Application DA2021/0153 for a retractable privacy screen and awning, rainwater tank and floating pontoon was lodged with Council on 9 March 2021. The rainwater tank and retractable awning were constructed without Council approval and do not meet the development standards for exempt development (i.e. development that does not require Council approval) listed in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The retractable privacy screen has not been constructed or installed and the floating pontoon has been removed from the application. Accordingly, this application only seeks approval for:

- Proposed retractable privacy screen
- Existing retractable awning (as-built)
- Existing rainwater tank (as-built)

In accordance with the Community Participation Plan the application was notified and during the exhibition period, 6 submissions were received. This report provides an assessment of the issues raised during assessment of the application, a summary of the submissions received and a recommendation for Council's consideration.

In addition, Council should note that a Section 4.55 Amendment MOD2021/0016 is also being considered at the May 2021 Council Meeting for this property.

OFFICER RECOMMENDATION

That:

1. The proposed retractable privacy screen, existing retractable awning and rainwater tank are conditionally approved subject to the Advices and Conditions contained in Schedule 1.
2. A decision on the existing floating pontoon be subject to a separate DA and not be made until the Planning Proposal to reclassify the adjoining drainage reserve lot (Lot 223 DP260230) and 4 other drainage reserve lots from Community Land to Operational Land is resolved.

COMMITTEE RECOMMENDATION

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Simmons, Clancy

Against: Novak

COUNCIL RESOLUTION – 6b.21.025

Baker/Kingsley

That Council

1. **Approve the retractable privacy screen, existing retractable awning and rainwater tank subject to the Advices and Conditions contained in Schedule 1.**

2. Advise the applicant that a Development Application for a floating pontoon cannot be considered as the adjoining drainage reserve (Lot 223 DP260230) is classified Community land and should be resubmitted when/in the event the Planning Proposal to reclassify the adjoining drainage reserve to Operational land is completed and endorsed.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Lysaught

Against: Clancy, Novak Ellem,

CARRIED

MOTION OF DISSENT - LOST

Clancy

That Cr Novak is within her rights to raise the matter of the Ombudsman and that both items are under enquiry.

Voting recorded as follows:

For: Clancy, Ellem

Against: Baker, Novak, Simmons, Lysaught, Kingsley

The Mayor adjourned the Council meeting to seek advice at 3.33pm. The Council meeting resumed at 3.38pm.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

DA2019/0439 was lodged on 14 August 2019 for a proposed studio, deck, carport and awning. Several submissions were received including ones from members of the community that were not formally notified. The Development Application complied with Council's Residential Development Control Plan, received endorsement from Council's Development Assessment Panel and as per standard process was conditionally approved on 25 November 2019 under delegated authority.

The approval of the original Development Application DA2019/0439 was not well received from the objectors which resulted in a high level of scrutiny during the construction phase of the development. In response to this feedback, Council undertook a site inspection in February 2021 where a number of inconsistencies with the approved plans were identified. This resulted in the lodgement of DA2021/0153 and MOD2021/0016.

Key themes raised in the submissions on DA2021/0153 and MOD2021/0016 include:

- Several views were expressed about the legitimacy of minor structures being constructed within the areas set by the building line from the canal front boundaries of the lots, and perceived precedent issues as a result.
- Non-compliance with the Residential Development Control Plan.
- Whether or not a survey plan had been produced to confirm the sitting of the development on the property.
- Additional items constructed that were not approved in DA2019/0439 (the subject of this report).
- Several as-built non compliances with DA2019/0439 (subject of separate report on MOD2021/0016).
- Allegations of privacy and amenity disturbances that pre-date DA2019/0439. These matters are not the subject of this report and will continue to be investigated as necessary by Council's Regulatory Services staff.

Six submissions objecting to DA2021/0153 were received. This included a 67 page submission from one objector that explored a range of compliance issues and opinions which can be broadly categorised within the key themes identified above. It is understood that the 40 signature petition contained in Attachment 5 of this submission are in support of the concerns raised in this submission.

The assessment presented in this report has considered the community submissions received and a summary of the issues is presented below.

KEY ISSUES**1. Proposed and existing structures located within the rear building alignment**

Clause C16.7 and Schedule C2 of the Residential Zones DCP sets a 7.5m rear building alignment to all Crystal Waters "wet" lots.

The proposed retractable privacy screen (4.7m wide x 2.34m high) and existing retractable awning (6m x 3.6m) inclusive of wind sensor for automatic retraction are located within the rear 7.5 metre building alignment. A survey has confirmed that the rear set back to the rumpus room is within 5cm of the required setback from revetment wall.

Schedule C2(5) of the DCP details that the building lines apply only to major buildings on the site. Council allows the construction of inground swimming pools, retaining walls, fences, paving and minor structures such as barbecues, pergolas and the like within the areas set by the building line from the canal front boundaries of the lots.

The retractable features of the screen and awning are considered minor in nature and similar to the minor structures listed above, as opposed to major buildings that are required to achieve a minimum 7.5m rear building alignment in this location. The retractable awning is therefore considered consistent with the intent of the DCP.

The intent of the rear building alignments to the canals and waterways is to protect view corridors. As the lot is located at the end of the canal the loss of views will be limited due to the adjoining properties having first floor level verandahs with their primary view corridor in a northerly direction. Lots not located at the end of the canal which have multiple view corridors in different directions and the impacts of this type of awning and screen are considered minimal.

One submission received detailed the lack of privacy and overlooking into the rear yard and within the bedrooms of the adjoining dwelling at 17 Gumnut Road from the existing deck. The proposed retractable privacy screen would mitigate this impact by reducing overlooking and privacy issues for both properties.



Aerial Photograph showing location of property and view corridors (Google Earth Image)

2. Existing rainwater tank

The existing rainwater tank with dimensions of 2.6m wide x 2.1m high x 0.7m deep is located approximately 7.5 metres from the rear boundary with a 0.1m setback from the western boundary.



One submission received highlighted that the existing rainwater tank is located within the 900mm setback from the western boundary. Rainwater tanks are typically located within close proximity of side boundaries within the Zone R2 Low Density Residential of Yamba as it is a practical use of the area between a residential building and the property boundary, complies with the acceptable construction practice of the

Building Code of Australia and is not relevant to the setback provisions of the Residential Development Control Plan as they relate to buildings not rainwater tanks.

As the existing rainwater tank and retractable awning does not meet the criteria for exempt development (i.e. development that does not require Council approval) listed in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, prior development consent is required before the installation/erection and therefore will now require the lodgement and approval of a Building Information Certificate to formalise the unauthorised installation/erection if approved by Council.

3. Existing floating pontoon docks

The installed floating docks with sizes of 6m x 3.1m and 5.2m x 2.5m are connected to the existing centrally located pontoon and jetty with an approximated setback of 3.1 metres from the continuation of the eastern boundary of the lot. These floating pontoon docks were originally included as part of this Development Application, however, Council has prepared a planning proposal to reclassify the adjoining drainage reserve lot (Lot 223, DP260230) and 4 other drainage reserve lots from Community Land to Operational land.

The *Local Government Act 1993* does not permit private structures on public land that has a Community classification. Therefore, Council cannot approve a DA featuring a floating pontoon dock until such time as the planning proposal is resolved.

4. Misdescription on Plans

The plans submitted with this Development Application include a misdescription of proposed rather than existing for the floating pontoon docks, retractable awning and water tank. If approved these plans will be amended.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979
 Environmental Planning and Assessment Regulations 2000
 State Environmental Planning Policy (Coastal Management) 2018
 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
 Clarence Valley Local Environmental Plan 2011
 Residential Zones Development Control Plan
 Building Code of Australia

Consultation

N/A

Legal and Risk Management

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

Climate Change

The proposed rainwater tank retractable privacy screen and awning provide solar screening and rainwater harvesting for reuse onsite which will improve energy efficiency of the existing studio.

Prepared by	Scott Whitehouse, Senior Building Surveyor
Attachment	A. Site plan
To be tabled	B. Submissions

**Schedule 1
Draft Advices and Conditions**

Advices

1. No construction is to be commenced until a Construction Certificate has been issued regarding the retractable privacy screen.
2. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be submitted to Council at least two (2) days before work commences.
3. Metal building components installed in coastal locations shall have corrosion protection measures complying with the Building Code of Australia. This applies to brick wall ties, steel framing, fixings and metal sheet roofing in locations within 10km of breaking surf or 1km of salt water not subject to breaking surf. Higher standards apply the closer the location is to breaking surf.
4. The retractable awning and rainwater tank at this property were erected/installed without prior Council approval and Council progress inspections did not occur during construction works. A building information certificate application under Division 6.7 of the *Environmental Planning & Assessment Act* shall be submitted to Council. An approval subject to conditions has been granted. When the conditions of this development approval have been complied with, Council shall be notified for a final inspection so that a building certificate can be issued to finalise the matter.
5. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
 - a) Lodgement of a Construction Certificate application regarding the retractable privacy screen.

Conditions

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

Drawing No A001, Drawn by JWHIDA, Drawing Date 23/02/21, Sheet 1 of 1

2. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
3. **Working/Construction Hours** Working hours on construction or demolition shall be limited to the following:

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

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

4. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
 1. Stating that unauthorised entry to the work site is prohibited, and
 2. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 3. Showing the name, address and telephone number of the principal certifier for the work, and any such sign is to be removed when the work has been completed.
5. The roof covering is to be of a colour which does not produce glare which adversely affects the amenity of adjoining properties. White colorbond, galvanised iron and zincalume are not permitted.

6. **Mandatory Inspections** The head contractor or owner-builder must give Council as the certifying authority at least 24 hours notice to enable the following inspections to be performed at the appropriate time:
- a) **Pier holes** (if any), before concrete is poured,
 - b) Before internal covering/lining of the **framework** for any floor, wall, roof, or other building element,
 - c) Before covering any **stormwater drainage** connections,
 - d) After the **building work has been completed** and prior to occupation.

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

7. All excavated materials must be treated in general accordance with the Management Guidelines detailed within the "Acid Sulfate Soil Manual, Acid Sulfate Soil Management Advisory Committee, August 1998". Agricultural Lime must be applied (and incorporated into the soil) at a rate of 50kg/m³ of soil.
8. All erosion and sediment control measures are to be installed and maintained in accordance with the Statement for Sediment and Erosion Control that was submitted with the development application.
9. No portion of the existing deck is to be enclosed without prior written approval being obtained from Council.
10. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.
11. Roof water, including overflow from a tank, is to be discharged into the most appropriate street gutter. Provide non breakable fittings where the stormwater pipe meets the kerb. Where the gutter is unformed, concrete protection is to be provided to the end of the pipe.
12. A Building Information Certificate under Division 6.7 of the *Environmental Planning & Assessment Act* shall be obtained from Council for the retractable awning and rainwater tank. The Building Certificate application shall be accompanied by a practising structural engineer's certificate of structural adequacy in respect of the retractable awning.

ITEM	6b.21.026	DA2021/0116 – FOOD AND DRINK PREMISES (SMALL BAR AND RESTAURANT) 2/4 YAMBA STREET, YAMBA LOTS 1 & 2 DP506131
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Meeting	Environment, Planning & Community Committee	18 May 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Dane Bryne
<i>Owner</i>	Barry Jones
<i>Address</i>	2/4 Yamba Street, Yamba
<i>Submissions</i>	Yes (3 objections and 42 in support)

Development Application DA2021/0116 seeks approval for a small bar and restaurant in an existing shop at 2/4 Yamba Street, Yamba. The premises is proposed to be named the "The Last Rites Bar". The bar and restaurant will have a small stage area for live music entertainment.

There were 45 submissions received during the notification period. Many submissions were received in support as being a much-needed music venue for local musicians, the local community and visitors. The submissions against the proposal raised issues in regard to noise, alcohol related issues and the impact on the amenity of the locality, alcohol licencing and car parking/traffic generation. Notably the NSW Coffs/Clarence Police District Licensing Sergeant has objected to the proposal.

These issues are discussed in detail within the Key Issues section of this report, however in summary, through set hours of operation and physical noise attenuation methods, the development is recommended for approval subject to the imposition of the conditions contained within Schedule 1.

OFFICER RECOMMENDATION

That DA2021/0116 be approved subject to the conditions contained in Schedule 1.

MOTION

Novak/Simmons

That this matter be deferred to Council meeting so that the Police report can be updated and reflect their plan of management options.

Voting recorded as follows:

For: Novak

Against: Simmons, Clancy, Baker

The motion was put and declared LOST.

COMMITTEE RECOMMENDATION

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Simmons,

Against: Novak, Clancy

The motion was put and declared CARRIED on the casting vote of the Committee Chair (Cr Baker).

COUNCIL RESOLUTION – 6b.21.026**Ellem/Kingsley**

That DA2021/0116 be approved subject to the conditions contained in Schedule 1 with a variation to Condition 12 to be “The maximum number of patrons will be limited to 75 patrons at any one time”.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Lysaught, Ellem

Against: Novak, Clancy

CARRIED**LINKAGE TO OUR COMMUNITY PLAN**

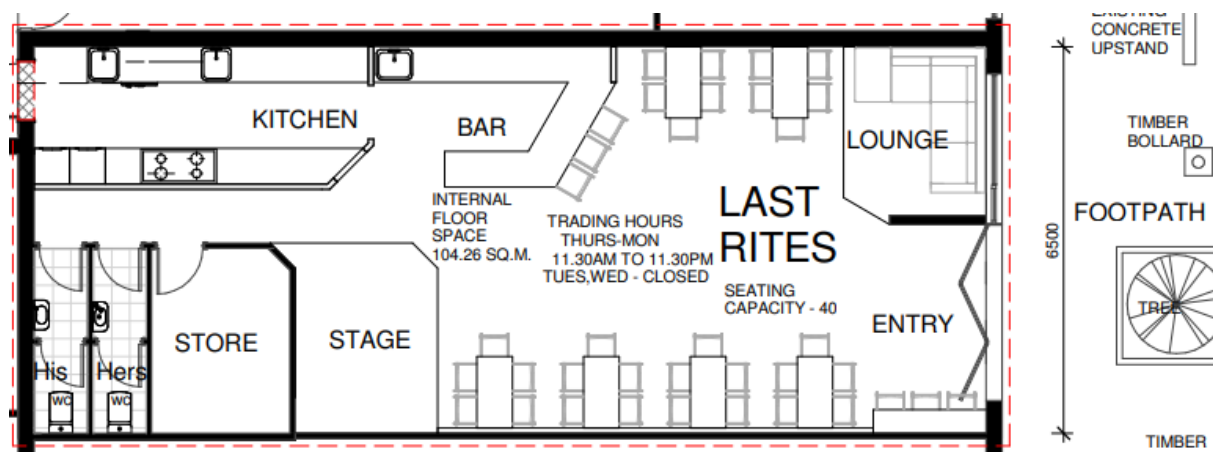
Theme 3 Economy

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

Strategy 3.1.3 Provide land use planning that facilitates and balances economic growth, environmental protection and social equity

BACKGROUND

DA2021/0116 was received on 25 February 2021. The bar and restaurant is proposed in a shop with a floor area of 104.26 m².



The application included plans, statement of environmental effects and an alcohol plan of management setting out how the proposal is to be operated and managed. In summary:

- Trading hours: Thursday, Friday and Monday 3.00pm – 11.30pm (closed Tuesday and Wednesday)
- Trading hours: Saturday and Sunday 11.30am – 11.30pm
- Maximum patron numbers: 120
- Commitments for responsible service of alcohol, staffing, security, fire safety and dealing with intoxicated and anti-social behaviour.

KEY ISSUES**Issue 1 – Noise impacts**

There are 2 main areas of concern from potential noise being: a) impacts stemming from amplified music and b) number of patrons onsite and entering and leaving the premises.

In response to the concerns raised within the submissions, the applicant proposed the following measures to reduce noise from the premises:

- Implementing up to \$15K for sound reduction and mitigation.
- \$6K in CCTV security systems and lighting.
- Consultation with NSW Police.

- Patrons will be inside the premises at all times; the proposal is not seeking footpath patronage as is the case for other venues in Yamba.
- There is adequate available parking, public transport options.
- Patrons will be provided with substantial meals with food being available up to 30 minutes prior to closing.
- There will be a zero tolerance to anti-social behavior on and around the premises.

Comment:

The specific details on the noise reduction and mitigation will need to be provided to Council's satisfaction prior to allowing the premises to operate. This is likely to include soundproofing measures of sound insulation, management measures and sound-proof glazing. A condition of consent is proposed to require that sound proofing measures adopted are to be supported by an acoustic consultant's report that determines that the measures in place are adequate to protect the surrounding locality from nuisance or offensive noise.

Similar to requirements imposed on other premises, any noise emitted from the premises will be required to not exceed 5dBA above background noise which is in accordance with the NSW Industrial Noise Policy. If the premises is determined as emitting offensive noise once in operation, the applicant is required to engage an acoustic consultant to assess the noise limits and any recommendations suggested to reduce any impacts will be required to be implemented.

The proposal will also be conditioned that the noise level emitted from the premises must not exceed the background noise level in any Octave Band Frequency (31.5Hz – 8kHz inclusive) by more than 5dB during opening hours, at the boundary of any affected residence. This is also consistent with the NSW Industrial Noise Policy Guidelines.

Issue 2 – Hours of Operation

Concerns have been raised within the submissions regarding the proposed hours of operation and impact of late nights to the amenity of the neighbourhood.

Comment:

Similar to other bars and restaurants in Yamba the hours of operation will be set so that the businesses are on a level playing field. The hours of operation on Sunday and Public Holidays to 11.30pm is not supported and the premises will be required to be closed by 10.00pm on a Sunday and Public Holidays. This has been reflected in the draft conditions of consent in Schedule 1.

Issue 3 – NSW Coffs/Clarence Police submission

Concerns were raised in regard to the approval of another licensed premises in the Yamba CBD with the current density, number of patrons and the potential for increased anti-social and other alcohol related issues such as alcohol related crime, impact on vulnerable communities, alcohol attributed hospitalisations and deaths, road trauma and traffic offences and limited Police resources.

Comment:

A food and drink premises is a permitted use in the B2 Local Centre Zone under the Clarence Valley Local Environmental Plan 2011 (the LEP). The issue of a liquor licence to a premise is a matter for NSW Justice - Liquor and Gaming and in recent years the liquor licensing of small bars and restaurants has changed to simplify the process of obtaining a licence.

The impacts that alcohol related activities have on the community are a valid concern though the issues go beyond the approval process of developments like this. In issuing the liquor licences the NSW Justice - Liquor and Gaming has significant penalties for premises that are in breach of their licence and to indirectly control anti-social behaviour.

The NSW Police submission provided suggestions/measures to be implemented if the proposal was approved. These have been included and satisfactorily addressed through the proposed management operations and proposed conditions of consent.

Issue 4 – number of patrons

Concern has been raised regarding the available area in the premises and the maximum proposed patrons being up to 120 at any one time.

Comment:

A general bar liquor licence limits the number of patrons to no more than 120 in a venue without gaming machines and does not restrict patrons on a per metre squared basis.

Under the National Building Code (BC) a restaurant is deemed to accommodate one person per every square metre of floor area. The available floor area (with tables and chairs removed) is calculated to be just under 50m² available floor area. For this reason the maximum number of patrons will be limited to 50 patrons at any one time. An appropriate condition of consent has been imposed to ensure compliance with the BC.

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act, 1979
 Environmental Planning and Assessment Regulations, 2000
 Clarence Valley Local Environmental Plan 2011
 Business Zones Development Control Plan (DCP)
 Clarence Valley Council Trade Waste Policy
 NSW Industrial Noise Policy

Consultation

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Health & Building	Supported with conditions
Environmental Health	Supported with conditions
Trade Waste	Supported with conditions

Legal and Risk Management

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

Climate Change

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

Prepared by	Pat Ridgway, Senior Development Planner
Attachment	A. Plans B. Submissions C. Alcohol Plan of Management D. Section 4.15 Assessment Report

Schedule 1 Draft Conditions:**Advices**

1. No construction is to be commenced until a Construction Certificate has been issued.
2. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be submitted to Council at least two (2) days before work commences.
3. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
 - a Lodgement of a Construction Certificate application.
4. All materials used in the building (in particular floor linings and floor coverings) must comply with the fire hazard properties specified in Specification C1.10 of the Building Code of Australia. Manufacturer's specifications and standard fire test reports confirming compliance will need to be provided prior to the issue of an Occupation Certificate.
5. Portable fire extinguishers must be provided and must be selected, located and distributed in accordance with AS 2444.
6. The dividing wall that separates the adjoining hair salon and partial fit-out at this property was erected without prior Council approval and Council progress inspections did not occur during construction works. A Building Information Certificate application under Division 6.7 of the *Environmental Planning & Assessment Act* shall be submitted to Council. An approval subject to conditions has been granted. When the conditions of this development approval have been complied with, Council shall be notified for a final inspection so that a Building Certificate can be issued to finalise the matter.

Conditions

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

Plan	Drawn by	Plan Date	Sheet No	Rev.
Site Plan	Yamba Design & Drafting	18/2/21	DA02	A
Elevations	Yamba Design & Drafting	18/2/21	DA04	A
Elevations	Yamba Design & Drafting	18/2/21	DA05	A
Street Elevation	Yamba Design & Drafting	18/2/21	DA06	A

2. The development must be designed and operated such that, with regard to music and patron noise:
 - a. The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00am and 11:30pm at the boundary of any affected residence.
 - b. The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Frequency (31.5Hz – 8kHz inclusive) between 11:30pm and 07:00am at the boundary of any affected residence.
3. The equivalent continuous A-weighted level of noise from the mechanical plant, measured over a 15 minute period, shall not exceed the background noise level by more than 5dB at 1 metre from the façade of the most affected residential receiver who has not given written permission for an exceedance of this condition.
4. Should a complaint be received by Council and the noise be determined "offensive", the applicant shall engage a suitably qualified acoustic consultant at their expense to assess the noise and recommend reasonable and feasible methods of attenuation to be undertaken.

5. The approved opening/operating hours are:
 - Monday, Thursday and Friday - 3.00pm – 11.30pm
 - Tuesday and Wednesday - closed
 - Saturday 11.30am – 11.30pm
 - Sundays and Public Holidays 11.30am – 10.00pm
6. The noise from the licensed premises shall not be audible within any habitable room in any residential premises during opening hours.
7. The specific details on the noise reduction and mitigation will need to be provided to Council's satisfaction prior to issue of the Construction Certificate.
8. The specific details on the noise reduction and mitigation will need to be provided to Council's satisfaction prior to issue of the Construction Certificate. Sound proofing measures are to be supported by an acoustic consultant's report that determines that the measures in place are adequate to protect the surrounding locality from nuisance or offensive noise.
9. The premises is to operate at all times in accordance with the Alcohol Plan of Management. An amended Alcohol Plan of Management is to be submitted for approval noting that Sunday and Public Holiday closing hours are to be amended to 10.00pm.
10. A Security Plan of Management (SPM) that demonstrate security management measures:
 - How the behaviour of staff and patrons when entering and leaving the premises will be managed to minimise disturbance to the surrounding neighbourhood, and
 - Crowd control measures on-site and off-siteis to be provided to Council for approval prior to the issue of an Occupation Certificate.
11. The Security management measures in the SMP are to be in place at all times.
12. The maximum number of patrons will be limited to 50 patrons at any one time. A sign must be displayed in a prominent position in the premises that specifies the maximum number of persons that are permitted in the premises.
13. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to issuing the Occupation Certificate.
14. An application to discharge liquid trade waste to Council's sewerage system shall be submitted for assessment with the Construction Certificate application. Detailed trade waste drainage plans shall be submitted with the application.
15. All sinks and floor wastes in food preparation areas shall contain basket arrestors.
16. All liquid trade waste from the kitchen shall discharge through a 1000L grease arrestor. The grease arrestor shall be installed in accordance with AS/NZS3500, the plumbing code of Australia and Council requirements. It shall be located in an area accessible for the pump out contractor.
17. Chemical and oil storage containers shall be contained in a roofed and bunded area. The bund shall have the capacity to contain at least 110% of the volume of the largest container or other acceptable means of containment that prevents flow to the sewerage system or environment in the case of accident, leakage or spills.
18. The hand wash basin must have a minimum capacity of 11 litres and be of sufficient size to allow easy and effective cleaning of hands, arms and face.
19. The hand wash basin shall be provided with hot and cold water dispensed from a single mixer set.
20. Equipment, shelves, counters and the like, where not located on plinths, shall be supported on approved metal legs not less than 150 mm above the floor or on wheels or castors to permit movement for cleaning.
21. A paper towel dispenser and soap dispenser shall be fitted adjacent to the hand wash basin.

22. All hot and cold food appliances shall be equipped with an externally located, easily visible, industrial type thermometer, accurate to 1°C, to enable monitoring of the appliances' operating temperature.
23. The ceiling shall be smooth, sealed and of an impervious material. Drop-in panel ceilings are not acceptable.
24. Walls shall be of solid construction, sealed, of an impervious material, and able to be easily and effectively cleaned.
25. External windows and doors to the food preparation and food storage areas shall be made insect/vermin proof.
26. Designated shelving/cupboards shall be provided for the storage of cleaning chemicals and staff personal belongings.
27. Light fittings in the food preparation and food storage areas, including those that are part of equipment used to process or display open food, shall be –
 - a. Designed and constructed to prevent contamination of food should the globe or tube shatter; and
 - b. Free from any features that would harbour dirt, dust or insects or make the fitting difficult to clean.
 - c. Installed such that it provides sufficient lighting to adequately illuminate all areas of the food premise to enable food handlers to assess cleanliness, pest control and conduct food handling safely.
28. The food premises must be provided with a commercial type dishwasher and shall be fitted with a thermometer clearly visible to the operator indicating temperature for the washing and rinsing operation or be fitted with an automatic pilot light visible to the operator which indicates that the water in the heating device has reached the correct temperature.
29. Floors within the kitchen and bar area must be smooth, impervious, not allow ponding of water and to the extent that is practical not allow for harborage of pests.
30. Floor to wall intersections within the bar and kitchen area must be provided with coving with an internal radius of not less than 50mm.
31. The food premises must be provided with a cleaner's sink within the store room that will allow for correct disposal of mop bucket and other liquid wastes.
32. Cooking appliances must not exceed a total maximum electrical power input exceeding 8kW; or a total gas power input exceeding 29MJ/h; or the total maximum power input to more than one apparatus exceeds 0.5 kW electrical power; or 1.8 MJ/hour gas per m² of floor area for the room or enclosure.
33. The toilet facilities access must be by an air lock, hallway and fitted with self-closing doors at all access doorways; or the toilet facilities must be provided with mechanical exhaust ventilation and the doorway to the toilet be adequately screened from view.
34. The development is not to be occupied or used until such time as an Occupation Certificate and Building Certificate have been issued.
35. **Working hours on construction or demolition shall be limited to the following:**
7.00 am to 6.00 pm Monday to Friday
7.00am to 1.00pm Saturday
No work permitted on Sundays and public holidays

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

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

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

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

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

38. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:

- a Stating that unauthorised entry to the work site is prohibited, and
- b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
- c Showing the name, address and telephone number of the principal certifying authority for the work, and

Any such sign is to be removed when the work has been completed.

39. **Mandatory Inspections** The head contractor or owner-builder must give Council as the certifying authority at least 24 hours notice to enable the following inspections to be performed at the appropriate time:

- a After the **building work has been completed** and prior to occupation.

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

40. Approval under section 68 of the Local Government Act for plumbing and drainage shall be obtained from Council prior to issue of any Construction Certificate.

41. A Building Information Certificate under Division 6.7 of the Environmental Planning & Assessment Act shall be obtained from Council for the dividing wall that separates the adjoining hair salon and partial fit-out prior to use of the premises.

ITEM	6b.21.027	PROPOSED ROAD NAME – ROAD RESERVE OFF BLACK MOUNTAIN ROAD, NYMBOIDA
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Meeting	Environment, Planning & Community Committee	18 May 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Clarence Valley Council
<i>Owner</i>	Clarence Valley Council
<i>Address</i>	Road Reserve off Black Mountain Road, Nymboida
<i>Submissions</i>	Yes – 3

Council is proposing to name a road reserve off Black Mountain Road, Nymboida in response to a request from local residents that use the road for access and require a formal address. There are 2 road name proposal options and the community are divided on the options available.

OFFICER RECOMMENDATION

That Council:

1. Endorse the road name proposal for River Reserve Road.
2. Resolve to submit a road name proposal for River Reserve Road to the Geographical Names Board.

COMMITTEE RECOMMENDATION

Novak/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Clancy, Simmons, Baker, Novak

Against: Nil

COUNCIL RESOLUTION – 6b.21.027

Kingsley/Clancy

That Council defer consideration of this item to allow more extensive consultation and opportunity for submissions and deputations, with the matter being reported to the Environment, Planning & Community Committee meeting in June 2021.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Following the 2019 bushfires, several landowners at Nymboida expressed concerns to Council regarding the lack of a formal name for road reserve off Black Mountain Road. The road reserve is not formally named via a gazette, however, the residents refer to the road reserve as Reserve Road. In response to these concerns, it is proposed to formally name the subject road reserve

One suggestion put forward to Council for consideration was Pitkins Road which originates from the name of previous residents of the locality. The road is used to access Pitkins Falls on the other side of the Nymboida River and Pitkins Island located in the middle of the Nymboida River next to the falls. Long term land owners of a property adjoining the road reserve were also of the family name 'Pitkins'.

Council notified the road name proposal of "Pitkins Road" as suggested by some members of the community. Three submissions were received, with 1 supporting the proposal and 2 not supporting the proposal. The 2 submissions against the proposed naming of "Pitkins Road" requested that the unnamed road reserve be named "Reserve Road" which was rejected by the Geographical Names Board (GNB). Subsequently, River Reserve Road was provided as an alternative. Both Pitkins Road and River Reserve Road have been approved by Geographical Names Board subject to additional notification and advertising for residents.

KEY ISSUES

1. River Reserve Road

Feedback received from submissions on the road name proposal for Pitkins Road suggested using River Reserve Road as a substitute if Reserve Road was not supported.

Comment:

The road reserve grants access to a Council reserve Lot 13 DP264405 which is named Black Mountain Reserve and fronts the Nymboida River allowing public access. The suggested road name proposal was submitted by Council staff to GNB and approved to allow the option to be available for Council to make a decision. This is the preferred name as it keeps the common vernacular of local residents and reduces any potential confusion from adoption of a different name. The use of River Reserve Road as the preferred name is consistent with the Principles of Naming Roads set out within the NSW Address Policy and User Manual and Council's adopted Road and Street Naming Policy.

2. Pitkins Road

Pitkins Road was suggested from residents during a meeting with Council staff following the 2019 bushfires. This name was submitted to and approved for use by GNB. Residents adjoining the road reserve and within close proximity were notified and feedback was received

Comment:

During the exhibition period for Pitkins Road, Council received 2 submissions not supporting the proposal and suggesting an alternative road name. There was 1 submission in support of Pitkins Road. Given the fact that there are multiple other geographic features with the name of Pitkins in the locality and the fact the road is already commonly known as Reserve Road, Council staff are of the opinion that the adoption of River Reserve Road is more suitable in this instance.

COUNCIL IMPLICATIONS

Budget/Financial

Assessment of the proposal has been completed by staff utilising recurrent staffing budgets.

Asset Management

The road will be formally recognised, and a name included for asset management purposes.

Policy or Regulation

Roads Act 1993
Clarence Valley Council Roads Policy
Clarence Valley Council Road and Street Naming Policy
NSW Address Policy and User Manual

Consultation

The road name proposal is required to be notified and advertised in accordance with the *Roads Act 1993*.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Alex Clark, Trainee Planner
Attachment	A. Submissions B. Map showing location of road

ITEM	6b.21.028	GRAFTON REGIONAL GALLERY REDEVELOPMENT PROJECT COMPLETION REPORT
Meeting	Environment, Planning & Community Committee	18 May 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

The Grafton Regional Gallery redevelopment project has been successfully completed within budget and within an acceptable time frame. The Occupation Certificate was issued in December 2020 and commissioning period was extended to accommodate landscaping, installation of public art design elements and finishing touches. The building was officially opened on Friday, 19 March by the Hon. Don Harwin, BEc(Hons) MLC and visitation to the site from the opening on 19 March to the end of April was 2,297.

OFFICER RECOMMENDATION

That Council:

1. Acknowledge the completion of this successful project within an acceptable time period and on budget.
2. Note that use of the new Project Management & Framework has been used successfully to achieve the above outcome.
3. Acknowledge the solid teamwork that led to the success of this project across all departments of Council and with project contractors including Complete Urban, Public Works, DRA Architects, O'Donnell & Hanlon and thank the 24 local contractors who worked on the project.
4. Note the local economic impact of the construction phase of the project due to the significant local employment through the engagement of local contractors.

COMMITTEE RECOMMENDATION

Simmons/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Clancy, Novak, Baker, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.21.028

Kingsley/Novak

That Council:

1. **Acknowledge the completion of this successful project within an acceptable time period and on budget.**
2. **Note that use of the new Project Management Framework has been used successfully to achieve the above outcome.**
3. **Acknowledge the solid teamwork that led to the success of this project across all departments of Council and with project contractors including Complete Urban, Public Works, DRA Architects, O'Donnell & Hanlon and thank the 24 local contractors who worked on the project.**
4. **Note the local economic impact of the construction phase of the project due to the significant local employment through the engagement of local contractors.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme	1 Society
Objective	1.3 We will have a diverse and creative culture
Strategy	1.3.1 Support arts, learning, cultural services, community events and festivals

BACKGROUND

In 2018 the Council was successfully awarded a \$7.6 million grant from the Create NSW Regional Cultural Fund to undertake the redevelopment of Grafton Regional Gallery (GRG). The project will enhance the liveability of the region by offering a dynamic cultural precinct in Grafton and create a vibrant regional arts and cultural destination for the Clarence Valley.

The new facility will allow the Gallery to care for our community's significant art collections and ensure that it can be enjoyed by future generations. It will also allow the Grafton Regional Gallery to create partnerships with significant arts and cultural organisations to present outstanding experiences otherwise not available within this region.

The core objectives for the GRG project were to:

- Re-invigorate Grafton Regional Gallery as a vibrant arts and culture destination, an icon in Clarence Valley offering X-factor arts experiences that are a match for the contemporary expectations of community and visitor target markets.
- Generate increased social benefits with the expanded Gallery being a place that reaches and engages with a significantly broader audience, encouraging the community to embrace arts as part of everyday social interaction, leisure, and personal development.
- Create a regional gallery that is fit for purpose, enabling the exhibition and secure storage of artworks to national standards.
- Increase long term sustainability with the installation of mandatory climate controls and conversion to energy efficient systems allowing the Gallery to exhibit and attract significant exhibitions and reduce energy costs.
- Create an environment which ensures the appropriate conservation of the permanent collections.

The specifics of the project included:

- Construction of a national standard main gallery at the rear of the existing gallery on land already acquired by Clarence Valley Council.
- Construction of Collection storage above flood level for the \$3.764 million collection (largest on the North Coast).
- Construction of Collection conservation area, loading dock and exhibition storage.
- Repurposed studio workshop and exhibition facilities for improved and expanded events, meetings, artist engagement and professional development.
- New kitchen facilities to enhance the café experience for visitors.
- Refurbishment of administration area and repurposing of the loft gallery into meeting spaces and reference library.
- Refurbishment of public toilets and addition of staff toilets to enable the hosting of larger events, visitations and meet regulatory requirements.
- Installation of solar panels, water tanks, energy efficient lights and more efficient air conditioning systems.
- Minor works in Prentice House to modernise essential systems including fire safety monitoring, CCTV, data cabling and renewed retail space.

KEY ISSUES

The Grafton Regional Gallery project was one of the first projects delivered within the new Project Management Framework. The successful delivery of this project on time and on budget can be contributed to the following:

- **Planning & Design**
 - A significant amount of time was spent planning, developing and working through the requirements and design of the project. A robust Design & Requirements Brief and Room Data Sheets were

developed to respond to the Gallery and wider Council operational requirements. A clear scope for the project was developed and adhered to throughout the project delivery.

- Design changes were kept to a minimum, reflecting the quality of the Design & Requirements Brief and Room Data Sheets.
 - The accurate quantity surveys carried out during the development of the project ensured the project was delivered on budget. The project focused on “must haves” and not “nice to haves”. A list of additional works that could be archived and actioned if the project went to plan was developed, this included upgrades to Prentice House.
- **Team Collaboration**
 - All relevant areas of the Council operational team were consulted in the development and design phase to ensure that completed building would operate within existing building management systems.
 - Quality collaboration and communication across the wider project team which included Complete Urban, Public Works, DRA Architects and O'Donnell & Hanlon.
 - **Longevity of building**
 - Materials, equipment, and design elements were selected for their long-life span and minimal ongoing maintenance costs, as well as energy efficiency, supporting sustainable ongoing operational costs.
 - The design and reconfiguration of spaces across the site provides flexibility in usage, ensuring the longevity of the site throughout time.
 - **Supporting the local economy**
 - During the construction phase a high percentage of contractors engaged were local which equated to 69 FTE positions for the construction period. First Nations employment for the entire construction period was above the required participation.

COUNCIL IMPLICATIONS

Budget/Financial

Delivery of the capital project was completed on time and within budget.

On-time Completion

In accordance with approved Variation Deed the project completion date was changed from 24 months to 30 months. This change in effect adjusts the project completion to December 2020.

In accordance with the funding agreement final payment conditions of completion the Occupation Certificate was dated 16 December 2020 and therefore this project is deemed to have been completed on time.

Within Budget Completion

The Create NSW contribution to project budget for this project is \$7,621,480 (Exc. GST). Delivery of the capital project cost was within budget at \$7,620,841.

Please find below a breakdown of the final total project cost:

Description	Costs (\$)
Capital Project spend	7,620,841.00
Industry Contribution - Gallery Foundation	100,000.00
CVC In Kind Contribution (costs covered in Gallery operational budget and staff time estimation)	81,316.98 CASH 38,111.74 INKIND
CVC Land and Building Contribution	5,406,135.00
Final Total Cost	13,246,405.00

Asset Management

N/A

Policy or Regulation

N/A

Consultation

The Gallery Advisory Committee, Gallery Foundation and Friends of the Gallery were consulted throughout the project.

Legal and Risk Management

N/A

Climate Change

Installation of solar panels, water tanks, energy efficient lights and more efficient air conditioning systems were utilised in this project. In addition, provision has been made for the future installation of an electric vehicle charging unit.

Prepared by	Niomi Sands, Gallery Director
Attachment	Grafton Regional Gallery Redevelopment Project Completion

c. CORPORATE GOVERNANCE AND WORKS COMMITTEE

MINUTES of a meeting of the **CORPORATE, GOVERNANCE & WORKS COMMITTEE** of Clarence Valley Council held in the Council Chambers, Maclean on Tuesday, 18 May 2021, commencing at 2.05pm and closing at 2.56pm.

In the absence of the Chairperson, Cr Karen Toms, Mayor Jim Simmons opened the Committee meeting with a vote for Chairperson.

MOTION

Lysaught/Ellem

That Cr Kingsley as nominated assume the Chair for this Committee meeting in the absence of Cr Toms.

Voting recorded as follows:

For: Lysaught, Kingsley, Ellem, Simmons

Against: Nil

Cr Kingsley assumed the Chair.

MEMBERS

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

PRESENT

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

APOLOGIES – Cr Toms, Cr Williamson, Mr Ashley Lindsay (General Manager)

MOTION

Kingsley/Lysaught

That a leave of absence for Committee member Cr Karen Toms be granted.

Voting recorded as follows:

For: Lysaught, Kingsley, Ellem, Simmons

Against: Nil

DISCLOSURE AND DECLARATIONS OF INTEREST

<i>Name</i>	<i>Item</i>	<i>Interest/Action</i>
Cr Ellem	6c.21.058	Significant Non-Pecuniary - Leave the meeting Employed by Janelle Safin MP who provided a letter of support on this matter
Cr Ellem	6c.21.062	Non-Significant Non-Pecuniary - Remain in the meeting Owns a property adjoining the reserve

ITEM	6c.21.051	2020/21 MONTHLY FINANCIAL REPORT – APRIL 2021
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Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Yes	

SUMMARY

The purpose of this report is to provide financial data at the end of each month for actual income and expenditure, for all funds and provide advance notice of potential budget variations.

This report is submitted to Council in addition to the statutory reporting requirements of the Quarterly Budget Review Statements. Variations reported in this monthly financial report will be included in the 2020/21 General Purpose Financial Statements Refer to Audit report (to be tabled in October), as this replaces the fourth Quarter Budget Review Statement, in the Integrated Planning & Reporting cycle.

Budget variations identified in this report impact the General Fund end of year result by \$59,705. The reserve fund variations identified in this report will increase the reserve funds by \$406,918.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the monthly financial information report for April 2021, attached to this report.
2. Endorse the proposed General Fund variations as set out in this report totalling \$59,705, which will be included in the 2020/21 General Purpose Financial Statements Refer to Audit report.
3. Endorse the proposed variations, which increase Financial Reserves by \$406,918, which will be included in the 2020/21 General Purpose Financial Statements Refer to Audit report.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Ellem, Lysaught, Kingsley, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.051

Kingsley/Novak

That Council:

1. Receive and note the monthly financial information report for April 2021, attached to this report.
2. Endorse the proposed General Fund variations as set out in this report totalling \$59,705, which will be included in the 2020/21 General Purpose Financial Statements Refer to Audit report.
3. Endorse the proposed variations, which increase Financial Reserves by \$406,918, which will be included in the 2020/21 General Purpose Financial Statements Refer to Audit report.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

Section 202 of the *Local Government (General) Regulation 2005* requires that the responsible accounting officer of a council must:

- a) *Establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of the council's income and expenditure, and*
- b) *If any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*

The attachment to this report incorporates a monthly transactional summary of operational and capital income and expenditure by sub service for all Funds. Included in this summary are actual loan repayments transacted and estimated accruals for depreciation, staff entitlements and interest, with these being confirmed at end of year. Reserve interest is excluded, as this is transacted annually.

The report table below highlights any proposed budget variations that staff have become aware of during the past month that may affect the 2020/21 budget. The mechanism for revising the adopted budget is the Quarterly Budget Review Statement (QBRs) in compliance with Clause 203 of the *Local Government (General) Regulation 2005*.

QBRs reports are submitted to Council in October, February (in the absence of a January meeting) and April of each year, with annual financial information being reported in October (Refer to Audit and Pre-Audit Budget V Actual Result) and November (Annual Financial Statements).

KEY ISSUES

Major Budget Variations Proposed

Following is a list of the major proposed variations identified during the month of April 2021.

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
215	Service – Finance & Supply			
	Sub-Service – General Purpose Revenue Management	(\$5,562)	\$Nil	N/A
	<ul style="list-style-type: none"> • Water Fund surplus dividend increased to align with projected value per audit report. • Sewer Fund surplus dividend removed as unable to recognise in 2020/21 • Rates revenue increased to align with values levied 	\$430,137	\$Nil	N/A
		(\$200,000)	\$Nil	N/A
341	Service – Parks & Open Spaces			
	Sub-Service – Parks and Reserves			
	<ul style="list-style-type: none"> • Adjust Crown Reserve Improvement Grant (CRIF) for Corcoran Park Footbridge Upgrade to account for GST application (\$3,991) • Adjust Crown Reserve Improvement Grant 20/21 (CRIF) for Jabour Park light fittings to account for GST application (\$7,452) • Fund Maclean Showground Stables upgrade from the Crown Reserve Improvement Grant 19/20 (CRIF) held in Reserve 89227. Remove the CRIF Grant budget duplication (\$30,000) 	\$Nil	\$Nil	N/A
		\$Nil	\$Nil	N/A
		\$Nil	\$30,000	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	<ul style="list-style-type: none"> Fund Maclean Pool Solar Blankets from My Community Projects 2019 Grant held in Reserve 80086 Increase resource budgets to cover surplus staffing requirements due to additional parks & reserves maintenance activity caused by high rainfall and current year flood events Fund additional resourcing required for increased Public Amenities cleaning and garbage collection due to COVID and Tourism activity 	\$Nil	\$9,986	N/A
		\$200,000	\$Nil	N/A
		\$50,000	\$Nil	N/A
342	<p>Service – Natural Resource Management Sub-Service – Natural Resource Management</p> <ul style="list-style-type: none"> Allocate Planning Industry and Environment Grant for Koala Conservation in Clarence Valley (\$20,000) Allocate Crown Reserve Improvement Grant 20/21 (CRIF) for Noxious Weeds on Vacant Crown Land (\$18,182) Allocate the Crown Reserve Improvement Grant 20/21 (CRIF) to control the weeds in the Minnie Water Foreshore area (\$6,818) Remove 2019 Flying-Fox Grant Program Grant budget as funds were received in the prior year (\$8,400) Allocate the Flying-fox Grants program to South Grafton Flying-fox Impact Mitigation project (\$9,091) 	\$Nil	\$Nil	N/A
		\$Nil	\$Nil	N/A
		\$Nil	\$Nil	N/A
		\$Nil	\$Nil	N/A
		\$Nil	\$Nil	N/A
343	<p>Service – Building & Facilities Sub-Service – Buildings & Facilities</p> <ul style="list-style-type: none"> Remove project management wages as already included within specific capital works budgets 	(\$159,410)	\$Nil	N/A
344	<p>Service – Waste Services Sub-Service – Waste & Sustainability</p> <ul style="list-style-type: none"> Remove the duplicated budget for the North East Waste Illegal Dumping project funded by RA 31171. 	\$Nil	(\$22,329)	N/A
390	<p>Service – Water Cycle Sub-Service – Watercycle Management</p> <ul style="list-style-type: none"> Water Fund surplus dividend increased to align with projected value per audit report. (RA 79010) Sewer Fund surplus dividend removed as unable to recognise in 2020/21. (RA 79025) 	\$Nil	\$5,562	N/A
		\$Nil	(\$430,137)	N/A
421	<p>Service – Library Services Sub-Service – Public Libraries</p> <ul style="list-style-type: none"> Allocate the Be Connected Building Digital Skills 2020/21 Grant to Be Connected – Building Digital Skills project (\$2,500) Increase casual staff budget to provide for current casual workforce allocated to library programs. 	\$Nil	\$Nil	N/A
		\$47,040	\$Nil	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
422	Service – Cultural Services Sub-Service – Regional Gallery <ul style="list-style-type: none"> Adjust Regional Cultural Fund Grant Income for the Gallery expansion to align with the next Milestone payment per grant agreement (\$57,480) 	\$Nil	\$Nil	N/A
440	Service – Environment, Development & Strategic Planning Sub-Service – EDSP Administration & Support <ul style="list-style-type: none"> Increase Planning Certificate revenue in alignment with increased development activity 	(\$12,500)	\$Nil	N/A
441	Service – Environment, Development & Strategic Planning Sub-Service – Building Services <ul style="list-style-type: none"> Increase Section 68 Income in line with increased development activity and current revenue trends 	(\$160,000)	\$Nil	N/A
443	Service – Environment, Development & Strategic Planning Sub-Service – Strategic Planning Allocate the Department of Planning, Industry and Environment Regional NSW Planning Portal Grant to NSW Planning Portal Upgrade (\$50,000)	\$Nil	\$Nil	N/A
444	Service – Environment, Development & Strategic Planning Sub-Service – Development Services <ul style="list-style-type: none"> Increase Sub Division Income in line with increased development activity and current revenue trends 	(\$130,000)	\$Nil	N/A
	TOTAL Proposed General Fund / Reserve Balance Impact	\$59,705	(\$406,918)	

Explanation of Attachment

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

- Accruals for depreciation, staff entitlements and Reserve interest are estimated only based on adopted budget, with actual accruals calculated and adjusted end of year.

COUNCIL IMPLICATIONS

Budget/Financial

General Fund Budget (Surplus)/Deficit

Original Budget Adopted by Council June 2020	(\$335,373)	Surplus
Q1 Revised Budget – September	\$361,486	Deficit
Q2 Revised Budget – December	\$18,178	Deficit
Q3 Revised Budget – March	\$227,788	Deficit
Q4 Proposed Budget Variations - April	\$59,705	Deficit
Proposed Movement of General Fund 2020/21 Budget Result April 2021	\$331,784	Deficit

Proposed Impact on External and Internal Financial Reserve Funds Result

Reserve Movements

Original Budget Adopted by Council June 2020	\$3,679,256	Decrease
2019/20 Carry Forwards	\$10,538,785	Decrease
Q1 Revised Budget – September	\$6,927,012	Decrease
Q2 Revised Budget – December	\$3,398,473	Decrease
Q3 Revised Budget – March	\$2,899,316	Decrease
Q4 Proposed Budget Variations - April	(\$406,918)	Increase
Proposed Movement of Reserve Funds 2020/21 Budget Result April 2021	\$27,035,924	Decrease

Asset Management

N/A

Policy or RegulationSection 202 of the *Local Government (General) Regulation***Consultation**

This report has been prepared in consultation with the Management Accounting Team and relevant Budget Managers.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Katie Mann, Management Accountant
Attachment	A: Income and Expenditure Statements by Service & Sub Service

ITEM 6c.21.052 2021 DEBT REVIEW UPDATE

Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes plus Confidential Attachment	

SUMMARY

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

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

This report was considered at the Ordinary Meeting held 27 April 2021, however the resolution of Council was insufficient to accurately identify the updates to the Policy required to affect the change. The Policy is being tabled this month to clearly articulate the changes to be made.

OFFICER RECOMMENDATION

That Council update its Borrowing Policy to incorporate changes as identified in red text in Attachment C, to reflect the increased Sustainable Debt Level of \$197M as outlined in the Ernst & Young March 2021 Debt Review Update.

MOTION – Ruled out of order

Simmons

That Council

1. Update its Borrowing Policy to incorporate changes as identified in red text in Attachment C, to reflect the increased Sustainable Debt Level of \$197M as outlined in the Ernst & Young March 2021 Debt Review Update.
2. Continue to operate CCHP as a financial independent separate business activity of Council.
3. Not entertain any borrowing proposal that comes forward to borrow above Ernst & Young's assessed Holiday Parks sustainable debt level of \$10.9M.

COMMITTEE RECOMMENDATION

Ellem/Lysaught

That Council update its Borrowing Policy to incorporate changes as identified in red text in Attachment C, to reflect the increased Sustainable Debt Level of \$197M as outlined in the Ernst & Young March 2021 Debt Review Update which supports up to an additional \$24M to fund infrastructure upgrades to Holiday Parks.

Voting recorded as follows:

For: Ellem, Lysaught, Simmons, Kingsley

Against: Nil

COUNCIL RESOLUTION – 6c.21.052

Ellem/Lysaught

That Council update its Borrowing Policy to incorporate changes as identified in red text in Attachment C, to reflect the increased Sustainable Debt Level of \$197M as outlined in the Ernst & Young March 2021 Debt Review Update which supports loan borrowings of up to an additional \$24M to fund infrastructure upgrades to Holiday Parks.

Voting recorded as follows:**For: Simmons, Kingsley, Baker, Lysaught, Ellem, Clancy, Novak****Against: Nil****CARRIED****LINKAGE TO OUR COMMUNITY PLAN**

Theme	5 Leadership
Objective	5.2 We will have an effective and efficient organisation
Strategy	5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

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

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

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

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

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

KEY ISSUES

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

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

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

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

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

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

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

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

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

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

Applying Moody’s credit rating methodology EY assess the credit profile of Council to be Aa2 which translates to rated as ‘high quality and very low credit risk’. This rating is one notch above the assessment from the 2016 EY Report (Aa3) and is 2 notches below the Commonwealth of Australia and the State of NSW (both triple A rated). Council’s Borrowing Policy has been updated (refer Attachment C) to reflect the finding of EY’s 2021 report and it is recommended that Council endorse these changes.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

N/A

Policy or Regulation

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

Consultation

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

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Laura Black – Director Corporate & Governance
Attachment	A – Borrowing Policy B – EY March 2021 Debt Review Update – Executive Summary C – Updated Borrowing Policy
Confidential	D - EY March 2021 Debt Review Update Full Report

MOTION

Kingsley/Novak

That the Ordinary Council meeting be adjourned at 4.28pm.

Voting recorded as follows:

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

Against: Nil

The Ordinary Council meeting resumed at 4.40pm.

ITEM	6c.21.053	NEW AND REVISED POLICIES – SURVEILLANCE DEVICES, WATER RESTRICTIONS AND COMPLAINTS MANAGEMENT
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Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

The purpose of this report is to seek a resolution to place three draft policies on public exhibition:

- Surveillance Device for Compliance and Law Enforcement Activity Policy (new).
- Water Restrictions Policy (revised).
- Complaints Management Policy (revised).

OFFICER RECOMMENDATION

That the new draft Surveillance Device for Compliance and Law Enforcement Activity Policy and the revised Water Restrictions Policy and Complaints Management Policy be placed on public exhibition for 28 days and if no submissions are received that they be adopted.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.053

Kingsley/Novak

That the new draft Surveillance Device for Compliance and Law Enforcement Activity Policy and the revised Water Restrictions Policy and Complaints Management Policy be placed on public exhibition for 28 days and if no submissions are received that they be adopted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.2 Create awareness of Council's roles, responsibilities and services

BACKGROUND

The new Surveillance Device for Compliance and Law Enforcement Activity Policy falls under the Environment, Planning and Community Directorate and was reviewed by the Manager, Environment, Planning and Community Development. It supports the use of surveillance devices (for example body-cameras) for compliance and law enforcement activities. It should be read in association with the Surveillance Device Use for Compliance and Law Enforcement Activities Procedure.

The revised Water Restrictions Policy falls under the Works and Civil Directorate and was reviewed by the Manager Water Cycle. The amended Policy aims to align Council more closely with the water restriction policy of the adjoining council, Coffs Harbour.

The revised Complaints Management Policy falls under the Corporate and Governance Directorate and was reviewed by the Director Corporate and Governance. This updates the current Policy to align it with current thinking and advice from the NSW Ombudsman, in particular aligning the Policy with Council's Unreasonable Complainant Procedure (UCC) adopted in 2020.

KEY ISSUES

Surveillance Device for Compliance and Law Enforcement Activity

The legislative environment of this Policy is complex. Multiple pieces of legislation, for example the Privacy and Personal Information Protection (PPIP) Act 1998, the Local Government Act 1993 and the Workplace Surveillance Act (2005) have informed this draft Policy. It has also been developed to ensure consistency with other Council policy, for example the Clarence Valley Enforcement Policy.

There have been a number of recent incidents where regulatory services staff have been subjected to significant verbal and physical abuse from members of the community. A policy that supports the use of surveillance devices like body cameras is expected to improve workplace health and safety outcomes for impacted staff.

A copy of the Policy is tabled.

Water Restrictions Policy

The revised Policy only applies to properties using water supplied by Council's water supply infrastructure. It refines permanent water conservation measures, introduces revised triggers for water restrictions and revocation levels. It also specifies usage types to align with particular levels.

A copy of the Policy is attached with highlighted amendments, a marked up copy is not possible as the draft policy has been written in a new template.

Complaints Management Policy

The revised Policy adopts the direction from the NSW Ombudsman pertaining to complaints generally and unreasonable complainants specifically. It introduces cleaner lines of accountability for complaints and recognises that Council structure no longer incorporates a 'Conduct Committee', with these functions being fulfilled by the Corporate and Governance team.

A copy of the Policy is tabled with highlighted amendments, a marked up copy is not possible as the draft policy has been written in a new template.

COUNCIL IMPLICATIONS

Budget/Financial

These draft Policies have been developed using existing staff budgets.

Asset Management

N/A

Policy or Regulation

Surveillance Device for Compliance and Law Enforcement Activity

Privacy and Personal Information Protection Act 1998

Local Government Act 1993

Workplace Surveillance Act 2005

Water Restrictions Policy

NSW Water Management Act 2000

Shannon Creek Water license no: 30SL066010 issued 17th March 2006

Local Government Act 1993

Local Government (General) Regulation, 2005

Complaints Management Policy

Local Government Act 1993

Government Information (Public Access) Act 2009 (GIPA Act)

Government Information (Public Access) Regulation 2018 (GIPA Regulation)

Privacy and Personal Information Protection Act 1998 (PPIP Act)

Public Interest Disclosures Act 1994 (PID Act)

Ombudsman NSW Unreasonable Complainant Conduct Model Policy 2013

Ombudsman NSW Managing Unreasonable Conduct by a Complainant Workbook 2020

Consultation

The draft Policies have been developed collaboratively between Council staff, review of other local government areas and the relevant state government agencies.

Legal and Risk Management

Policy forms part of Council's risk management framework.

Climate Change

Climate change is a consideration when determining the Water Restrictions Policy and climate change modelling (as part of an updated integrated water cycle management plan) will further inform the Water Restrictions Policy.

Prepared by	Governance Officer, Bligh Grant
To be tabled	A: Draft Policy - Surveillance Device Use for Compliance and Law Enforcement Activities B: Surveillance Device Use for Compliance and Law Enforcement Activities Procedure C: Revised Policy – Water Restrictions D: Revised Policy – Complaints Management

ITEM	6c.21.054	PARTIAL LAND ACQUISITION FOR ROAD PURPOSES – ARDENT STREET SOUTH GRAFTON - ROAD AND DRAIN
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Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

This report seeks to obtain a resolution of Council to acquire land required for road purposes.

OFFICER RECOMMENDATION

That

1. Council endorse the partial acquisition of Lot 3 DP 825809 as per the area shown in Figure 1.
2. All costs including the landowner's reasonable costs associated with the acquisition be borne by Council including but not limited to survey, valuation, Council fees and legal fees.
3. The General Manager be delegated authority to negotiate the compensation payable to the landowner and sign all documents necessary to acquire the land for road purposes.
4. The acquired land be classified as Operational land and then dedicated as public road.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.054

Kingsley/Novak

That

1. Council endorse the partial acquisition of Lot 3 DP 825809 as per the area shown in Figure 1.
2. All costs including the landowner's reasonable costs associated with the acquisition be borne by Council including but not limited to survey, valuation, Council fees and legal fees.
3. The General Manager be delegated authority to negotiate the compensation payable to the landowner and sign all documents necessary to acquire the land for road purposes.
4. The acquired land be classified as Operational land and then dedicated as public road.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.2 Ensure adequate natural disaster management

BACKGROUND

Council own Ardent Street South Grafton road reserve. Constructed in the road reserve is an open drain that drains from the South Grafton common flood storage area to the Clarence River.

KEY ISSUES

Lot 3 DP 825809 being 200 Ryan Street, South Grafton adjoins this section of Ardent Street road/drain. The current landowner of Lot 3 approached Council as she understood there may be an encroachment of the road reserve onto her land. Council arranged a survey and it was confirmed that the road reserve does encroach onto part Lot 3 DP 825809 by 396.8m². The extent of the encroachment is shown in Figure 1.

The drain within in the road reserve was constructed in the early 1960s. It is an integral part of the drainage network in the South Grafton area. It is impractical to relocate or realign the drain in this section to remove the encroachment and it is therefore recommended to acquire the land subject to the encroachment from the landowner.

In addition, Transport for NSW are currently attending the site and improving the culvert at the intersection of Ryan Street and Ardent Street.

The boundary of the property is already fenced. The area of land to be acquired has been surveyed using the existing fence as the boundary. There is no requirement to undertake any associated property works.

Council's preference is to enter into an agreement with the landowner and process the acquisition via a subdivision plan. Alternatively, an acquisition plan can be registered and after an agreement is reached the acquisition can be gazetted. If the landowner does not agree then Council can acquire the required land by the compulsory acquisition process. In the event an agreement cannot be finalised then a further report will be brought back to Council, however, it is considered that an agreeable outcome can be reached as the landowner's solicitor has indicated this in correspondence.

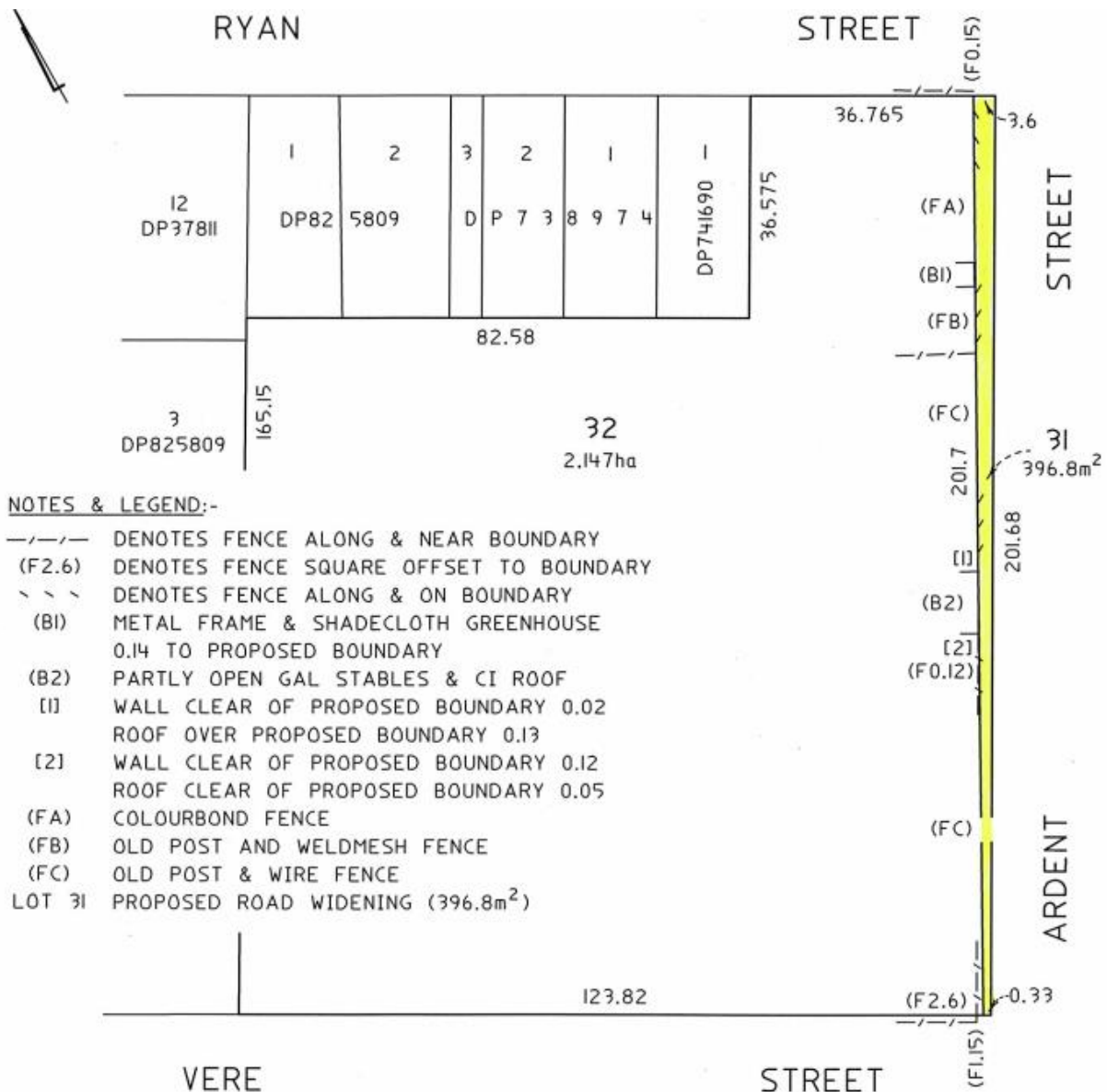


Figure 1 – part Lot 3 DP 825809 to be acquired for road purposes

COUNCIL IMPLICATIONS

Budget/Financial

As part of the acquisition process Council is required to meet all costs including the landowner’s reasonable costs. These costs being a valuation, survey, compensation and legal costs. It is estimated that the total costs could be in the vicinity of \$30,000. Final costs will not be known until the required plans and reports have been obtained. The acquisition will be funded from RA10899 – Road Acquisitions.

Asset Management

The road reserve and flood drain are already on Council’s Assets Register.

Policy or Regulation

Local Government Act 1993 – Section 377 of the Act provides that only a Council can decide to acquire land.
Roads Act 1993 – Section 177 provides that a Council can acquire land for the any purpose of the Act.
Land Acquisition (Just Terms Compensation) Act 1991 provides the procedure for the land acquisition and the compensation assessment.

Consultation

Consultation has been undertaken with the landowner and the landowner’s solicitor who support the acquisition subject to appropriate compensation. Council’s Civil Services and Floodplain staff have been consulted and contributed to the content of the report.

Legal and Risk Management

Acquisition of the land will ensure that the existing Council road and drainage asset are located on Council owned land.

Climate Change

N/A

Prepared by	Kylee Baker, Property Coordinator
Attachment	Nil

ITEM	6c.21.055	REQUEST FROM ACCOUNT 2039956 FOR CONSIDERATION FOR REDUCTION IN WATER ACCOUNT
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Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Confidential	

SUMMARY

The property owner of Water Account 2039956 submitted a request on 15 April 2021, seeking a reduction on the water usage charges raised due to higher than normal usage or water theft.

OFFICER RECOMMENDATION

That

1. Council not grant a concession on Account 2039956 as it does not comply with the Concealed Water Leak Allowance Policy and the water meter test as conducted by Council on 1 December 2020 registered that the meter was working correctly and had an accurate reading.
2. The property owner be advised that
 - i) if a suitable arrangement is entered into by 30 June 2021, the period for payment on this account will be extended to twelve months.
 - ii) if a payment arrangement is not entered into by 30 June 2021, debt recovery will continue in accordance with its Debt Recovery – Water Billing Policy.

COMMITTEE RECOMMENDATION

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.055

Kingsley/Novak

That

1. Council not grant a concession on Account 2039956 as it does not comply with the Concealed Water Leak Allowance Policy and the water meter test as conducted by Council on 1 December 2020 registered that the meter was working correctly and had an accurate reading.
2. The property owner be advised that
 - i) if a suitable arrangement is entered into by 30 June 2021, the period for payment on this account will be extended to twelve months.
 - ii) if a payment arrangement is not entered into by 30 June 2021, debt recovery will continue in accordance with its Debt Recovery – Water Billing Policy.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

The property owner of Water Account 2039956 submitted a request dated 15 April 2021, seeking a reduction on the water and sewerage usage charges raised for four previously issued water notices under Council's Concealed Water Leak Policy (Attachment A).

The definition of a concealed leak within the terms of Council's Concealed Water Leak Allowance Policy states:

"A Concealed Leak – is water escaping from a private water service that is hidden from view and defined as occurring within pipeline breaks or connections in the ground, under slabs or within walls and is not clearly visible to the owner. (It does not involve leakage from an appliance, fixture, water pump, hot water or the like. Lush grass or damp soil does not constitute being concealed from view.)"

Listed below are the reading dates, meter reads, daily average consumption, usage and total amount payable since May 2019, including the four accounts in question, highlighting when the issue of high consumption commenced.

Meter Read Date	Meter Read	Reading Days	Daily Average Consumption	Usage/ KI	Total Amount
05/03/2021	1587	120	0.433	52	\$387.18
05/11/2020	1535	119	0.597	71	\$487.20
09/07/2020	1464	148	0.946	140	\$961.66
12/02/2020	1324	92	3.967	365	\$2,507.19
12/11/2019	959	95	2.747	261	\$1,792.81
09/08/2019	698	88	1.500	132	\$878.06
13/05/2019	566	94	0.713	67	\$445.69

The property owner advised that a local plumber attended the property to inspect the site for signs of water leakage and it was reported that the plumber had not detected any leak. The two commercial tenants of the property were also advised of the excessive water usage and could not offer any explanation as to the increase.

The matter of water theft was raised as being a possibility, however Council was advised by the property owner that it would be highly unlikely due to the water meter being in a highly visible location.

There is only one water meter on the property and the property owner paid Council to have the meter tested. It was tested on the 1 December 2020 and the test indicated that the meter was 100.5% accurate, that is the meter measured 0.5% more than the actual quantity.

Clause 158(5) of the Local Government (General) Regulation 2005 states:

"A water meter that registers less than 4 per cent more or less than the correct quantity is taken to correctly measure the water passing through it".

The daily average consumption increased during the period 09/08/2019 to 09/07/2020 (as highlighted in the table above), however the property owner did not request to have the meter tested until 1/12/2020, twelve months later than the first significant increase in water usage.

Council received the water meter test at a time when the property owner's daily average consumption had dropped to 0.597KIs, indicating that there had previously been excessive water use or an unattended and treatable leak, which had now been fixed.

KEY ISSUES

The Concealed Water Leak Allowance Policy automatically denies the applicant a reduction on the water and sewerage usage account as the plumber did not find a leak and the meter testing concluded that it was reading accurately.

COUNCIL IMPLICATIONS**Budget/Financial**

If no adjustment is granted there will be no impact on the income for the 2020/21 financial year, however if a concession is granted to this account as per the ratepayers request which, if approved, would be \$1,879.35 (based on the Concealed Leak Policy). Income for the 2020/21 financial year on PJ 902125-6219-1241 (Water Usage Non Residential Income \$684.20), PJ 906115-6219-1247 (Sewer – Usage Non Residential Income \$903.60) and PJ 906120-6275-1210 (Liquid Trade Waste Income \$291.55) will be reduced.

Asset Management

N/A

Policy or Regulation

Concealed Water Leak Allowance Policy
 Clause 158(5) of the Local Government (General) Regulation 2005

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Paula Krahe, Revenue Co-Ordinator
Confidential	A – Application for Concealed Leak
Attachments	B – Council's Water Meter Test C – Council's response advising outcome of the Water Meter Test

ITEM	6c.21.056	REQUEST FROM ACCOUNT 2161586 FOR CONSIDERATION FOR REDUCTION IN WATER ACCOUNT
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Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Confidential	

SUMMARY

The property owner of Water Account 2161586 submitted a request on 30 April 2021, seeking a reduction on the water usage charges raised due to higher than normal usage.

OFFICER RECOMMENDATION

That on compassionate grounds, Council grant a concession of \$485.10 on Account 2161586 in respect of water usage charges on the property where a water leak was detected and immediately repaired by a non-registered plumber.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.056

Kingsley/Novak

That on compassionate grounds, Council grant a concession of \$485.10 on Account 2161586 in respect of water usage charges on the property where a water leak was detected and immediately repaired by a non-registered plumber.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

The property owner of Water Account 2161586 submitted a request dated 30 April 2021, seeking a reduction on the water usage charge as the concealed leak was detected and repaired immediately by her son-in-law and not a registered plumber, in order for her to care for her sick and invalid husband who has since passed away (Attachment A).

The definition of a concealed leak within the terms of Council's Concealed Water Leak Allowance Policy states:

“A Concealed Leak – is water escaping from a private water service that is hidden from view and defined as occurring within pipeline breaks or connections in the ground,

under slabs or within walls and is not clearly visible to the owner. (It does not involve leakage from an appliance, fixture, water pump, hot water or the like. Lush grass or damp soil does not constitute being concealed from view.)”

The property owner advised that she had contacted a local plumber together with her husband’s care provider as soon as the leak was detected. She did not get a response from either the plumber or her husband’s care provider and she desperately needed the leak to be repaired in order to maintain the level of care her husband required. The property owner then contacted her son-in-law who went to the property and repaired the leak. The property owner took photos of the concealed leak (Attachment B).

Council received a Concealed Leak Application from the property owner on the 4 January 2021 seeking a concession on the water account (Attachment C). A response was sent to the property owner advising that due to the son-in-law repairing the leak and he was not a licenced plumber, Council was unable to assist with a concession (Attachment D).

Council’s Concealed Water Leak Allowance Policy states:

4.3 Clarence Valley Council grants an allowance for water lost through a concealed or hidden leak in the private water service of customers. The allowance will be granted provided that:

- *The customer was unaware of the leak and the leak was concealed from view,*
- *The leak was not due to the neglect of obvious defects in the private water service,*
- *The private water service is repaired and a report from the plumber submitted to Council confirming the repairs are in accordance with the Plumbing and Drainage Act 2011 No. 59 Section 6 Part 2 Division 1 which states:*

6 Plumbing and drainage work to be carried out only by authorised persons

A person must not do any kind of plumbing and drainage work unless the person:

- (a) holds an endorsed contractor licence or a supervisor certificate in force under the Home Building Act 1989 authorising the holder to do that kind of work, or*
- (b) does the work under the immediate supervision of the holder of such a licence or certificate, or*
- (b) holds a tradesperson certificate in force under the Home Building Act 1989 authorising the holder to do that work under supervision and does that work under the general supervision of the holder of a licence or certificate referred to in paragraph (a)*

KEY ISSUES

The previous consumption history is detailed below and indicates a relatively low usage normally:

Meter Read Date	Meter Read	Reading Days	Daily Average Consumption	Usage/ KI	Total Amount
20/11/2020	2272	121	1.992	241	\$723.53
22/07/2020	2031	152	0.625	95	\$211.05
21/02/2020	1936	88	0.830	73	\$181.77
25/11/2019	1863	97	1.113	108	\$268.92
20/08/2019	1755	88	0.625	55	\$108.25

While the Concealed Water Leak Allowance Policy automatically denies the applicant a reduction on their water usage account as a licensed plumber did not repair the leak, the officer recommendation supports an empathetic response based on compassionate grounds for consideration by Council.

The alternative position for Council is to uphold the Policy and not grant a concession.

COUNCIL IMPLICATIONS**Budget/Financial**

If no adjustment is granted there will be no impact on the income for the 2020/21 financial year, however if a concession is granted to this account as per the ratepayers request which, if approved, would be \$485.10 (based on the Concealed Leak Policy). Income for the 2020/21 financial year on PJ 902125-6218-1240 (Water Usage Residential Income) will be reduced.

Asset Management

N/A

Policy or Regulation

Concealed Water Leak Allowance Policy

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Paula Krahe, Revenue Co-Ordinator
Attachment	A – Written request from the Property Owner seeking concession B – Photos of the Concealed Leak C – Application for Concealed Leak D – Council letter advising not eligible for a concession

ITEM	6c.21.057	REQUEST FROM OWNER PN102708 FOR CONSIDERATION FOR REIMBURSEMENT OF LEVIES OVERCHARGED IN EXCESS OF 7 YEARS
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Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Confidential	

SUMMARY

The owner of PN102708 submitted a request on 27 April 2021, seeking a reimbursement of sewerage levies overcharged for a period of more than 7 years. Council has already issued a reimbursement of sewerage levies overcharged on PN102708 for the period up to 7 years as per Council's Rates - Refund and Adjustment Policy.

OFFICER RECOMMENDATION

That Council not reimburse the amount of \$2,486.00 to the owner of PN 102708 being the difference between the sewerage connected charge and the sewerage unconnected charge levied for the period 2005-2013 as Council has already provided a reimbursement in accordance with Council's Rates - Refund and Adjustment Policy.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That Council reimburse the overcharged amount of \$2,486.00 to the owner of PN 102708 being the difference between the sewerage connected charge and the sewerage unconnected charge levied for the period 2005-2013.

Voting recorded as follows:

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.057

Kingsley/Novak

That Council reimburse the overcharged amount of \$2,486.00 to the owner of PN 102708 being the difference between the sewerage connected charge and the sewerage unconnected charge levied for the period 2005-2013.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

Council recently conducted an audit of the sewerage charges on all properties within the Clarence Valley Council area. As a result of the audit some properties were highlighted as having an anomaly. All anomalies have been amended to either apply additional charges or apply a credit as determined by the audit. The anomaly on PN 102708 had existed for more than 7 years.

Council's Rates – Refund and Adjustment Policy states that:

“Where adjustments or refunds to accounts are to be made based upon Council error a refund or adjustment will be made in retrospect for a period of up to 7 years. If a new owner has taken over the property within the 7 year period a refund or adjustment will not be awarded prior to the ownership date of transfer”.

Council has applied the Rates – Refund and Adjustment Policy and issued a refund cheque in the amount of \$2,758.00 for sewerage charges incorrectly levied within the 7 year period and the details are listed below.

Year	Sewer Connection	Sewer Availability	Overcharged Amount
2014/2015	988	571	\$ 417.00
2015/2016	1076	622	\$ 454.00
2016/2017	1092	631	\$ 461.00
2017/2018	1109	640	\$ 469.00
2018/2019	1125	650	\$ 475.00
2019/2020	1142	660	\$ 482.00
2020/2021	1159	670	\$ 489.00
SUB-TOTAL			\$ 3,247.00
Already credited 2020/2021 year			-\$ 489.00
TOTAL			\$ 2,758.00

The owner of PN12708 has owned the property since 3 April 2001 and is seeking an ex-gratia payment of the incorrectly levied sewerage charges going back in excess of the 7 year period to at least the 2005 Council amalgamation (Attachment A).

Details of the charges in excess of the 7 year period are listed below:

Property Number 102708			
Year	Sewer Connection	Sewer Availability	Overcharged Amount
2013/2014	907	524	\$ 383.00
2012/2013	829	479	\$ 350.00
2011/2012	757	437	\$ 320.00
2010/2011	694	400	\$ 294.00
2009/2010	637	367	\$ 270.00
2008/2009	585	337	\$ 248.00
2007/2008	530	305	\$ 225.00
2006/2007	480	276	\$ 204.00
2005/2006	452	260	\$ 192.00
			\$ 2,486.00

KEY ISSUES

Council has issued a refund of up to 7 years in accordance with its Rates - Refund and Adjustment Policy but seeks a resolution to grant a refund of \$2,486.00 being the amount represented by greater than 7 years (the period 2005-2014).

COUNCIL IMPLICATIONS

Budget/Financial

If no adjustment is granted there will be no impact on the income for the 2020/2021 financial year, however if an additional refund is granted to this account as per the calculations listed above, income for the 2020/2021 financial year on PJ 906115-6218-1209 (Sewer Residential Income) will be reduced.

Asset Management

N/A

Policy or Regulation

Rates – Refund and Adjustment Policy

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Paula Krahe, Revenue Co-Ordinator
Confidential	A – Application for ex-gratia payment in excess of 7 years

ITEM	6c.21.058	REQUEST FROM OWNERS PN100551 TO CONSIDER THE WAIVER OF OUTSTANDING RATES AND CHARGES
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Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Confidential	

SUMMARY

The owners of Property No 100551 have sought representation from Janelle Saffin, MP Member for Lismore and The Hon. John Barilaro MP, Deputy Premier, Minister for Regional New South Wales and Minister for Industry and Trade in respect to waiving the outstanding rates and charges on their property and offering them a “fresh start”.

OFFICER RECOMMENDATION

That Council

1. Not waive the outstanding rates and charges on Property No 100551 as the dispute between the owner and Forestry Corporation of NSW was not on leasehold land held within Clarence Valley Council, but rather enter into a formal agreement with the owner offering a payment arrangement that seeks to cover current ordinary rates and annual charges and any arrears on the property.
2. On receipt of payments they be applied to the payment of ordinary rates and annual charges in the order in which they became due.
3. In the event the ratepayers meet the agreed payment arrangements in full, any interest charges accrued since 1 July 2012 be written off.

Having declared an interest in this item, Cr Ellem left the CG&W Committee meeting at 2.33pm and returned at 2.34pm.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Simmons

Against: Nil

Having declared an interest in this item, Cr Ellem left the Council meeting at 4.40pm and returned at 4.41pm.

COUNCIL RESOLUTION – 6c.21.058

Kingsley/Lysaught

That Council

1. **Not waive the outstanding rates and charges on Property No 100551 as the dispute between the owner and Forestry Corporation of NSW was not on leasehold land held within Clarence Valley Council, but rather enter into a formal agreement with the owner offering a payment arrangement that seeks to cover current ordinary rates and annual charges and any arrears on the property.**
2. **On receipt of payments they be applied to the payment of ordinary rates and annual charges in the order in which they became due.**
3. **In the event the ratepayers meet the agreed payment arrangements in full, any interest charges accrued since 1 July 2012 be written off.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme	5 Leadership
Objective	5.2 We will have an effective and efficient organisation
Strategy	5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

The company owner of Property No 100551 submitted a request for the waiving of outstanding rates and charges on their property as a gesture of goodwill by both Tenterfield Shire Council and Clarence Valley Council and a request for a fresh start (Attachment A).

The company owns four freehold lots within Clarence Valley Council and leased two lots in Tenterfield Shire Council. On the 19 July 2010 the company was deregistered due to the failure to lodge a 2008-2009 annual report as required. On or around 20 September 2016, the Crown leases within the Tenterfield Shire Council were forfeited by the company owner to the Forestry Corporation of NSW (Forestry Corporation) for non-payment of rent. The company owner was reinstated as a corporation on 8 December 2016 but did not regain tenure of the leasehold land within Tenterfield Shire Council, where 300 truckloads of timber were logged during the second half of 2017, equating to \$300,000 in revenue.

Timber on property under Crown Land lease remains the property of the Crown and leaseholders are not entitled to the proceeds of the sale of the timber. If the lease had not been forfeited, the company owner may have been entitled to up to a third of the resource acquisition fee, less the operating expenses, to compensate for the disturbance to the lease during these operations. However, as the lease was forfeited in 2016, there was no disturbance to the leaseholders.

The Forestry Corporation has already provided significant financial relief to the company owner by waiving several years of unpaid rental fees and Tenterfield Shire Council have written off any outstanding rates and charges on the forfeited lease.

The company owner and their neighbour have paid legal costs trying to seek compensation from the royalties gained by the Forestry Corporation to no avail and are now requesting that Council waive the outstanding rates and charges and have a "fresh start", despite the property in Clarence Valley local government area not being connected to the leased property in Tenterfield shire.

The outstanding balances are listed below:

Rates	\$8,118.64
Charges	\$440.00
Interest	\$1,409.28
Less Payments from 01/07/2012	-\$2,967.12
Total	\$7,000.80

The owner sought representation from Janelle Saffin, Member for Lismore (Attachment B) and John Barilaro, Deputy Premier, Minister for Regional New South Wales and Minister for Industry and Trade (Attachment C.)

KEY ISSUES

The dispute over the logging of the forfeited lease and the payment of any outstanding rates and charges is between the owner, Forestry Corporation and Tenterfield Shire Council. It appears that both the Forestry Corporation and Tenterfield Shire Council have written off outstanding rates, charges and rent due on the leasehold land.

The land held within Clarence Valley Council is freehold land and is not related to the logging of the forfeited lease in any way.

COUNCIL IMPLICATIONS**Budget/Financial**

If no adjustment is granted there will be no impact on the income for the 2020/2021 financial year. If a payment arrangement is made and adhered to (most likely in 2021/2022), interest accrued to date amounting to \$1,409.28 will be written off and income for the 2021/2022 financial year on PJ 993200-6270-1320 (Rates Interest General Income) will be reduced.

Asset Management

N/A

Policy or Regulation

Hardship – Ordinary Rates and Annual Charges

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Paula Krahe, Revenue Coordinator
Confidential	A – Letter from the Owners B – Letter from Janelle Saffin, Member for Lismore C – Letter from John Barilaro, Deputy Premier, Minister for Regional New South Wales and Minister for Industry and Trade

ITEM 6c.21.059 2021/22 SPECIAL EVENT SPONSORSHIP PROGRAM – ROUND ONE

Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

This report presents a summary of sponsorship applications received under Round One of the Special Events Sponsorship 2020/21 program, the criteria applied in the assessment of the applications and recommendations for the allocation of funding.

OFFICER RECOMMENDATION

That Council adopt the recommendations for the provision of funding to applicants as listed in the attached schedule to the value of \$52,750, pending adoption of the 2021/2022 budget at the June Ordinary meeting, and authorise the processing of these sponsorships in accord with the adopted Event Sponsorship Policy.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.059

Kingsley/Novak

That Council adopt the recommendations for the provision of funding to applicants as listed in the attached schedule to the value of \$52,750, pending adoption of the 2021/2022 budget at the June Ordinary meeting, and authorise the processing of these sponsorships in accord with the adopted Event Sponsorship Policy.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

Applications for sponsorship under Round One of Council's Special Events Sponsorship Program opened on 31 March 2021 and closed on 2 May 2021. The funding program was promoted through a media release, social media, CVC Noticeboard e-newsletter and Council's website. Emails were also sent to all previous applicants.

All applications were completed and submitted online via the smartygrants software program. A total of 15 applications were received in this round, requesting a total of \$70,350 in sponsorship.

As initiated in 2014/15, there are two rounds of calling for sponsorship applications. This is the first round, for events held between July 2021 and February 2022.

Applications were assessed against the following criteria as set out in program guidelines:

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

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

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

KEY ISSUES

The 15 requests are listed in the attachment with a recommended sponsorship amount. Should Council adopt the officer recommendations, the financial commitment will total \$52,750. The total allocated amount in the 2021/22 draft budget is \$90,000 of which \$12,140 has been allocated for the Yamba Triathlon and Lions Convention.

COUNCIL IMPLICATIONS

Budget/Financial

The total cost of recommendations for Round One of the Special Event Sponsorship program in 2021/22 is \$52,750. The total draft budget allocation for this program is \$90,000.

Asset Management

N/A

Policy or Regulation

Event Sponsorship Policy

Consultation

Consultation occurred within the Communications & Industry Engagement Team and with the Open Spaces & Facilities section.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Alicia Savelloni, Events Development Officer, Communications and Industry Engagement
Attachment	Sponsorship List

ITEM	6c.21.060	SPORTS TOURISM PROGRAM BEYOND 2021
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Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Confidential	

SUMMARY

The report presents a proposal to conduct the Sports Tourism Program without Sports Marketing Australia.

OFFICER RECOMMENDATION

That

1. Council cease the engagement of Sports Marketing Australia at the end of the current 3 year contract and continue with the Sports Tourism Program "in-house".
2. A Sports Tourism Program policy be developed to guide Council's sponsorship dollar, and that it be tabled at the November 2021 meeting to be considered by the new Council.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.060

Kingsley/Novak

That

1. Council cease the engagement of Sports Marketing Australia at the end of the current 3 year contract and continue with the Sports Tourism Program "in-house".
2. A Sports Tourism Program policy be developed to guide Council's sponsorship dollar, and that it be tabled at the November 2021 meeting to be considered by the new Council.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

The Sports Tourism Program began in 2013, with the engagement of Sports Marketing Australia (SMA), to deliver their Decentralization Program. The purpose of the program is to leverage economic benefits for the community and maximise the potential of the niche industry of sports tourism.

KEY ISSUES

The relationship between CVC and SMA has been a fruitful one; however, it is now becoming evident that it has run its due course. A number of elements indicate this:

- SMA increased their client base from 32 to 64 LGAs across Australia since 2013.
- In 2013, SMA set a limit of servicing 12 LGAs across NSW. They no longer set a maximum limit meaning more location options in NSW for the events. Includes places like Wollongong and Penrith, originally these larger LGA's were not eligible for the Decentralization Program.
- At the time of engagement, and one of the strong reasons pushing CVC to engage SMA, their clients included a number of our neighbouring LGA's (Ballina, Lismore, Port Macquarie, Taree, Tweed Heads). Currently, only Port Macquarie remains as a client of SMA.
- SMA has expanded to include entertainment events, which are spectator rather than participant orientated. These types of events do not meet our needs.

Table 1.1 shows the events currently under contract with SMA.

EVENT	ORGANISATION	DATE	2021/22	DATE	2022/23
State Hockey Championships	Hockey NSW	July 2021	10,000	July 2022	10,000
Cricket NSW Country Pathways Championships	Cricket NSW	Sep 2021	8,000	Sep 2022	8,000
Yamba Starlight Yoga Festival	Starlight Festivals	Oct 2021	3,000		
Yamba Triathlon	NX Sports	Dec 2021	4,500		
Combined High School Rowing	Rowing NSW	Feb 2022	3,500		
		TOTAL	\$29,000		\$18,000

A proposed sports tourism calendar is attached as Confidential Attachment A.

Our intention is to continue with the Sports Tourism Program. We have gained a good foundation of knowledge about the sports tourism industry over the past eight years.

COUNCIL IMPLICATIONS**Budget/Financial**

The fees paid to Sports Marketing Australia, approximately \$10,000 per year, would be diverted to the Sports Tourism Program for sponsorship of events directly.

Asset Management

N/A

Policy or Regulation

Events Sponsorship Policy

Consultation

Consultation occurred with the members of the Sports Tourism Decision Making Panel and with relevant sporting organisations.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Alicia Savelloni, Events Development Officer
Confidential	A – Sports Tourism Program

ITEM	6c.21.061	CLARENCE RIVER WAY MASTERPLAN ACHIEVEMENTS AND DRAFT “THE CLARENCE – RIVER WAY MASTERPLAN II”.
Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

The Clarence River Way Masterplan was adopted by Council in 2009. This report highlights some of the achievements of this strategic plan. A review has been undertaken and the new draft “The Clarence – River Way Masterplan II” developed. This report seeks to put “The Clarence – River Way Master Plan II” on public exhibition for a period of 28 days inviting community comment.

OFFICER RECOMMENDATION

That

1. Council note the information received on Clarence River Way Masterplan achievements.
2. The draft “The Clarence – River Way Masterplan II” be placed on public exhibition for 28 days inviting community comment.
3. Information received during public exhibition be reported to Council in July 2021.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.061

Kingsley/Novak

That

1. Council note the information received on Clarence River Way Masterplan achievements.
2. The draft “The Clarence – River Way Masterplan II” be placed on public exhibition for 28 days inviting community comment.
3. Information received during public exhibition be reported to Council in July 2021.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

Strategy 3.1.6 Develop initiatives capitalising on the Clarence river and the Clarence Valley’s competitive advantages

BACKGROUND

In developing The Clarence Edge (Clarence Valley Economic Development Strategic Plan), overwhelmingly the one prominent issue at every focus group and community workshop was our river. It is considered by many our greatest asset and we had turned our backs on it. The next logical step was to develop plan focusing on the Clarence River.

To enable the fruition of this community aspiration the Clarence River Way Masterplan (2009) (CRW) was developed. The project was underpinned by extensive community and industry consultation. The outcome was an integrated market driven tourism destination initiative. CRW sought to position the Clarence River as one of the nation's great river experiences. It was not conceived as one single thing, but the combination of many interrelated actions spread over a large geographical area and time frame.

Since the original CRW was adopted in 2009, it has been used to generate funding and guide strategic development initiatives along the Clarence River and in its towns and villages. Many of the actions of CRW have been implemented.

KEY ISSUES

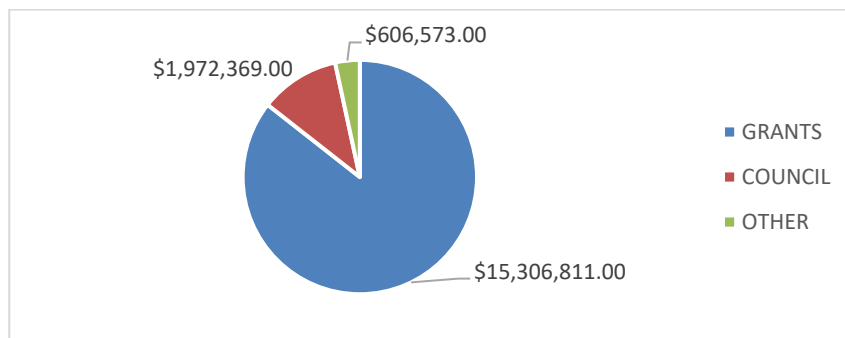
Clarence River Way Masterplan implementation

CRW has enabled council to achieve many infrastructure projects beyond its financial capacity as well as focused the whole organization on achieving these actions. Taking this strategic approach has meant council has been able to capitalise on opportunities to leverage Australian and NSW funding.

Following on from the adoption of CRW, a series of sub-plans or concept plans have been developed with further community consultation. Over the last ten years these have included:

- Clarence River Wharves Development Plan
- Skinner Street Masterplan
- South Grafton Plaza
- Grafton Waterfront Precinct Plan
 - Maclean Riverside Precinct Plan
 - McLachlan Park Redevelopment
 - Ulmarra Riverside Precinct Plan
 - Corcoran Park Masterplan
 - Harwood Riverside & Village Precinct Plan

CRW has successfully secured over \$15.3million in grant funding with a matching contribution from Council of just \$1.9m. That is a significant return on investment for Council.



CRW actions cover a broad spectrum of projects, not just infrastructure. A highlight of some of these other achievements include:

The development of a single tourism brand. Revision and refining tourism collateral. Cruising & Sailing guide and Yaegl tourist drive. Aboriginal signage (towns) project. Sculptures in Maclean and Yamba. Development of the Clarence Canoe & Kayak trail (primitive campsites and guide) and Hinterland operator's cluster. Industry clusters developed and supported: Tourism & Hospitality, and Marine & Manufacturing. Development support for events including: Gate to Plate with Growers & Producers workshops held to support their preparation, review and plan developed for Jacaranda Festival. Sponsorship of new events; Clarence 100, Adventurethon, Bass fishing competition

Raising the profile of the Clarence River has also seen significant buy-in from community and private investors; for example; new tourism accommodation (B&Bs and expansion of existing), expanded house boat business, Seelands Ski Park, wake boarding and ski school, safari camping and new kayak hire businesses.

The Clarence River Way Masterplan has proven that proactive planning backed by plenty of community input and consultation is a winning combination.

Draft The Clarence – River Way Masterplan II

Ten years on, Council and CLOUSTON Associates are reviewing, evaluating and updating the Clarence River Way Masterplan to ensure it remains a relevant reference document. Draft The Clarence – River Way Masterplan II reviews the social and environmental factors that have changed in the last 10 years, both in the physical environment and to the people who live, work and visit the Clarence Valley region.

Ultimately, the draft The Clarence - River Way Masterplan II provides an up-to-date strategic action plan to guide tourism investment in the region. The project scope is the boundaries of the Clarence Valley Council Local Government Area, as well as important linkages and viewpoints in the surrounding areas.

The draft Masterplan includes developing Grafton as a tourism destination and maximising opportunities for nature-based tourism from the Yuraygir and Bundjalung National Parks to the western hinterland.

This report seeks to put the draft The Clarence – River Way Masterplan II on public exhibition seeking public comment.

COUNCIL IMPLICATIONS

Budget/Financial

The review of the Clarence River Way Masterplan is funded through 2020/21 project budget allocation with costs being \$64,463.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

Clarence Valley Council internal consultation including: Executive, Open Spaces, Community Development, Planning & Environment, Civil Works, Industry Engagement and Tourism.

Focus groups with various industry and community stakeholders and government agencies. Face to face meetings with tourism operators whilst touring the hinterland. Grafton Ngerrie Land Council and Yaegl Traditional Owners have been engaged with additional consultation to occur throughout exhibition.

In addition to the current consultation for The Clarence – River Way Masterplan II, it should be noted that Council officers and CLOUSTON Associates have conducted significant community consultation throughout the ten years of CRW. In particular, developing Community Economic Development Plans and concept plans for river towns. Working closely with industry clusters and facilitating workshops. The consultation for The Clarence – River Way Masterplan II will include this continual community engagement.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Elizabeth Fairweather Coordinator Community & Industry Engagement
To be tabled	Draft – The Clarence - River Way Masterplan II

ITEM	6c.21.062	ADOPTION OF THE WOLOWEYAH FORESHORE RESERVE VEGETATION MANAGEMENT PLAN
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Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	To be tabled	

SUMMARY

The draft Wooloweyah Foreshore Reserve Vegetation Management Plan (VMP) has been exhibited, submissions received, considered, and the draft VMP updated. This report now seeks Council's adoption of the revised draft Wooloweyah Foreshore Reserve Vegetation Management Plan that includes amendments from the exhibition process.

OFFICER RECOMMENDATION

That Council

1. Receive and note the submissions received in response to the public exhibition of the draft document.
2. Adopt the Wooloweyah Foreshore Reserve Vegetation Management Plan.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.062

Kingsley/Novak

That Council

1. Receive and note the submissions received in response to the public exhibition of the draft document.
2. Adopt the Wooloweyah Foreshore Reserve Vegetation Management Plan.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

Strategy 4.1.2 Promote sustainable Natural Resource Management

BACKGROUND

At the February 2021 Ordinary Council Meeting, Council considered a report (item 6c.21.002) on the draft Wooloweyah Foreshore Reserve Vegetation Management Plan resolving:

That Council place the Draft Vegetation Management Plan for Wooloweyah Foreshore Reserve on public exhibition for a minimum period of 30 days and if there are no submissions or comment received that the Plan be adopted.

The draft Wooloweyah Foreshore Reserve Vegetation Management Plan has been exhibited, submissions received, considered, and the draft Plan updated. This report summarises the submissions received and recommends adoption of the revised Plan as attached.

The Wooloweyah Foreshore Reserve is Crown land managed by Council as the Crown land manager of Reserve 95841 for Public Recreation and Preservation of Native Flora, notified 5 March 1982. Council has managed this reserve since its date of gazettal.

There are conflicting land uses in some areas of the Reserve, which impact on native vegetation through introduced plantings from adjoining private properties, garden escapees, unauthorised clearing including mowing. This plan aims to unify non-conforming land uses and restore these areas.

The management and control of weeds and strengthening foreshore areas in the Wooloweyah Foreshore Reserve through strategic planting and maintaining vegetation buffers to prevent erosion and maintain the suite of vegetation communities, are objectives in this plan. The plan also emphasises the importance of maintaining liaison with the local community and reserve neighbours.

The plan identifies management zones and vegetation management actions necessary in each zone, particularly regarding weeds. The plan aims to improve native vegetation condition and management on the reserve.

This plan will become an operational plan authorised under the existing *Wooloweyah Foreshore Reserve Plan of Management* when adopted.

KEY ISSUES

The draft Plan was exhibited for 30 days, available at the front counter of both the Maclean and Victoria Street Council offices. There were 8 submissions received.

Table 1: Summary of Submissions

Submission	Issue	Response
1	Congratulations to Council for a job well done W provides essential habitat that needs to be protected Include migratory species in the 'conservation values' of the VMP	VMP amended to include migratory species.
2	Wooloweyah Landcare appreciate Council's efforts and support the draft Wooloweyah Foreshore Reserve Plan of Management.	Noted.
3	Congratulations on an excellent job. As the founder of Wooloweyah Landcare Group, now member of Yamba LC group glad to see recognition/protection of this beautiful place.	Noted.
4	The Wooloweyah Foreshore Reserve provides essential habitat and is part of an important corridor for native fauna, including birds. These include threatened and migratory species listed in both State and Commonwealth legislation, including the Squirrel Glider, White-eared Monarch, Rufous Fantail, Wompoo Pigeon, Rose-crowned Fruit-Dove, Flying Foxes, Whitebellied Sea-eagle, Eastern Osprey, Glossy Black-Cockatoo, Little Lorikeet, Powerful Owl and Common Planigale. These species should be included in the Conservation Values section of the WFMVMP. The plan appears to be comprehensive in vegetation management and addresses important issues that are a threat to the Reserve, unauthorised clearing, excessive mowing and dumping of garden waste that generates weed issues (we have green bins so why?)	Noted.
5	I think the main issues/ impacts have been identified re vegetation management, except possibly the importation of weed seeds on maintenance vehicles and tractors including along the roadsides where weeds are spreading including new incursions (mainly from roadside mowing and cars parking on nature strips), and the seeds wash into the lake and foreshore via stormwater. I support the plan & actions. Well done Council & staff! I found the plan to be concise, practical, & useful	In the VMP, <i>Zone 1 Action 5</i> states 'Reduce mowing to designated areas and clean mowing equipment prior to entering Reserve'. No change.

Submission	Issue	Response
6	<p>I congratulate Clarence Valley Council for reviewing and reinstating this Vegetation Management Plan. Restating the objectives of the Wooloweyah foreshore reserve is important to enable effective implementation of actions. In particular the ongoing restoration of native vegetation is essential to the maintenance of natural biodiversity next to an urban environment. In addition, the intact threatened ecological ecosystems on the lakes edge also support a healthy marine environment. To that end, stronger enforcement of unauthorised encroachment, clearing and planting on the reserve is needed. Prosecution of illegal clearing has not been undertaken in recent years. Further education of newer residents is an ongoing concern. In particular a dramatic increase of the planting of Giant Strelitzia in recently arrived residents' gardens throughout the village. Landcare also need active council support in their attempts to educate residents. In conclusion, I fully support the implementation of this Vegetation Management Plan.</p>	<p>Council will continue to support Landcare in efforts to educate neighbouring landowners, including new residents. Noted.</p>
7	<p>Firstly, I would like to congratulate and thank Council, and all contributors, for producing such a thorough and practical document in the form of the Draft Wooloweyah Foreshore Reserve Vegetation Management Plan. The importance of the Reserve as a crucial corridor between Wooloweyah Lagoon and Yuraygir National Park is noted in the Draft and I think the value of the Reserve was never more demonstrably visible than during the Bushfires of 2019 when wildlife fled towards the Lakeside vegetation ahead of the fire front. Following the fires, many birds and other wildlife moved to the foreshore to feed and find cover. These Threatened Ecological Communities have great value, not only in of themselves, but as refuge. It may be important to emphasise some of the threatened and, as yet, not listed as threatened, wildlife that rely on these ecosystems. I note also that the Draft refers to Community Education and I thank the Council for including this as it is so invaluable to the success of the Plan. It may not be in the remit as the Plan is in relation to Vegetation Management, but it is important that Wooloweyah residents know not only about garden escapees, vegetation dumping and the weeds on their properties, but that it Version: 1, Version Date: 12/04/2021 Document Set ID: 2216415 is also important that they not allow pets to roam in the Reserve. Pets damage the potential that the Reserve has as a Habitat or Corridor and given the Threatened species that use the Reserve it is fundamental that both pest plant and non-native animals are excluded from the Reserve. The emphasis on revegetation and restoration of disturbed or cleared areas with local gene plantings is very welcome, as is the focus on enforcement of the Foreshore's stated remit as a Reserve for the purpose of Public Recreation and Preservation of Native Flora. Lastly, I would like to say that I look forward to contributing to the Enacting of the Management Plan through my involvement with Wooloweyah Landcare and through being a property owner in Wooloweyah.</p>	<p>Noted. Roaming domestic pets are the jurisdiction of Council Rangers. If feral dogs are present, then Local Land Services will be notified.</p>
8	<p>Despite the stated high priority of including of the local community in developing this plan, I am disappointed that there has not been any direct contact to any of the above parties from CVC - most locals would be unaware of its existence and therefore not respond or have any input.</p> <p>The plan calls for mowing to be confined to identified areas with no collection of fallen timber seemingly for the remainder (7.1). Over time this will render much of the zone un-mowed and ultimately unusable for safe recreation. Identifying / communicating specific areas for replanting (7.4) would be the preferred method of regrowing flora.</p> <p>Removal or management of dead, standing trees is not covered in the plan.</p>	<p>The draft VMP was placed on exhibition for 30 days and was advertised according to Council protocols.</p> <p>Increasing access points from the Reserve to residences would increase the likelihood of weeds, erosion and clearing of native vegetation – not supported.</p>

Submission	Issue	Response
	<p>Another issue which has preservation implications for this zone is illegal camping. Although there is signage, the impact of this practice is likely to increase. It appears that the main management strategy of the other zones is essentially one of exclusion. A more inclusive approach will engender greater ownership of issues and cooperation in addressing them. Access along the residents' boundaries would delineate the reserve and make control of encroachment easier. The area would be greater valued if there were low impact access and instances of illegal practice would also be closely monitored. Residents could be encouraged / assisted to set up group access points across the rear of their properties that enables flora management that conforms with plan outcomes. These access measures could also help to address another element that should be addressed in the plan—Fire risk management.</p>	<p>Fire is managed through the Clarence Valley Bush Fire Risk Management Plan and respective Village Protection Strategy</p>

COUNCIL IMPLICATIONS

Budget/Financial

Council activities identified in the plan will be funded annually through the Sub Service Parks Reserve—financial project 945111 – Bush Regeneration. Funding opportunities through external grants will be sought to compliment other operational activities linked to the plan.

Asset Management

The proposed *Wooloweyah Foreshore Reserve Vegetation Management Plan* provides management direction, actions and strategies to protect and enhance the natural assets growing on this reserve. It will be used to guide Council and community efforts in managing this ecologically important resource.

Policy or Regulation

Biodiversity Conservation Act 2016
Crown Land Management Act 2016
Biosecurity Act 2015
Local Government Act 1993

Consultation

The draft Plan was placed on public exhibition for 30 days for comments. As native title exists on the reserve, Council also referred the plan directly to NTSCorp and Yaegl Traditional Owners Aboriginal Corporation RNTBC for comment.

Legal and Risk Management

This vegetation management plan has been written to provide for the management of Crown land having regard to the principles of Crown land management and community expectations.

Climate Change

Maintaining and improving our natural environment assists in increasing ecosystem resilience to changes brought about by climate change.

Prepared by	Heather Mitchell, Biodiversity Officer
To be tabled	Wooloweyah Foreshore Reserve Vegetation Management Plan

ITEM 6c.21.063 LOCAL TRAFFIC COMMITTEE

Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	To be tabled	

SUMMARY

This report lists the recommendations made at 5 May 2021 meeting of the Clarence Valley Council Local Traffic Committee.

OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee included in the Minutes of its 5 May 2021 meeting be adopted by Council.

COMMITTEE RECOMMENDATION

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.063

Kingsley/Novak

That the recommendations of the Local Traffic Committee included in the Minutes of its 5 May 2021 meeting be adopted by Council.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

BACKGROUND

The following agenda items were considered at the Local Traffic Committee held on 5 May 2021.

Item: 008/21 RIVER ROAD EAST – PROPOSED CLOSURE

That the Committee approve the road closure to River Road East at the location nominated on the attached sketch. A lockable gate will be installed to allow access along the road in times of flood with the keys held by the Roads Supervisors for the area.

Item: 009/21 128 BACON STREET, GRAFTON - TIMED PARKING

1. That 2 Hour timed parking restriction be provided to the frontage of 128 Bacon Street, Grafton.
2. That the business be requested to formalise on site parking and provide reserved parking for high priority customers.

Item: 010/21 DUKE STREET AND VICTORIA STREET, GRAFTON – LINEMARKING

That parking guidelines be provided in Duke Street south of Victoria Street and the “No Stopping” on the southern side of the Police Station entrance be moved 3m further south to provide clearance to the driveway entrance.

Item: 011/21 EVENT APPLICATION – YAMBA TWILIGHT MARKETS

That this event be approved subject to the compliance to the relevant conditions below.

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000) *Provided*
2. NSW Police approval is obtained – *Application lodged awaiting approval confirmation.*
- ~~3. Roads and Maritime Services approval is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.~~
- ~~4. National Heavy Vehicle Regulator approval is obtained as required where road closures of approved Restricted Access Vehicles routes require identification of new routes for traffic detours.~~
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein – *Provided*
6. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s. The following traffic control conditions shall also be observed;
 - a. Traffic Control Plans to include a map indicating any alternative routes required for traffic detours. – *Provided*
 - b. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites – *Provided*
 - c. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event – *As per Traffic Control Plan provided.*
 - ~~d. Temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event. Where local council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police~~
 - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons – *Approved contract supplier*
7. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner – *to be undertaken by applicant prior to event after approval*
8. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event – *to be undertaken by applicant prior to event after approval*
9. Community and affected business consultation including adequate response/action to any raised concerns – *to be undertaken by applicant prior to event after approval*
10. Arrangements made for private property access and egress affected by the event – *to be undertaken by applicant prior to event after approval*
11. The event organiser notifies local community of the impact of the event/s by advertising in the *local paper/s* a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints – *to be undertaken by applicant prior to event after approval*
12. That the applicant organise for the events to be listed on council's web page – *to be undertaken by applicant prior to event after approval.*

Item: 012/21 CLARENCE HEAD LONGBOARDERS SURF EVENT 2021

That this event be approved subject to the compliance to the relevant conditions below.

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000) *Provided*
2. NSW Police approval is obtained – *Approval lodged with Police.*
- ~~3. Roads and Maritime Services approval is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.~~
- ~~4. National Heavy Vehicle Regulator approval is obtained as required where road closures of approved Restricted Access Vehicles routes require identification of new routes for traffic detours.~~
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein – *Provided*

6. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s. The following traffic control conditions shall also be observed;
 - a. Traffic Control Plans to include a map indicating any alternative routes required for traffic detours. – *Provided*
 - b. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites – *Provided*
 - c. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event – *As per Traffic Control Plan provided.*
 - d. ~~Temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event. Where local council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police~~
 - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons – *Approved contract supplier*
7. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner – *to be undertaken by applicant prior to event after approval*
8. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event – *to be undertaken by applicant prior to event after approval*
9. Community and affected business consultation including adequate response/action to any raised concerns – *to be undertaken by applicant prior to event after approval*
10. Arrangements made for private property access and egress affected by the event – *to be undertaken by applicant prior to event after approval*
11. The event organiser notifies local community of the impact of the event/s by advertising in the *local paper/s* a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints – *to be undertaken by applicant prior to event after approval*
12. That the applicant organise for the events to be listed on council's web page – *to be undertaken by applicant prior to event after approval.*

Item: 013/21 EVENT APPLICATION – YAMBA ROTARY EAT STREET MARKETS 2021

That this event be approved subject to the compliance to the relevant conditions below:

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000)
2. NSW Police approval is obtained – Approval attached.
3. ~~Roads and Maritime Services approval is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.~~
4. ~~National Heavy Vehicle Regulator approval is obtained as required where road closures of approved Restricted Access Vehicles routes require identification of new routes for traffic detours.~~
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein
6. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s. The following traffic control conditions shall also be observed;
 - a. Traffic Control Plans to include a map indicating any alternative routes required for traffic detours.
 - b. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites
 - c. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
 - d. ~~Temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event. Where local council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police~~

- e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons
7. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner
8. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event
9. Community and affected business consultation including adequate response/action to any raised concerns
10. Arrangements made for private property access and egress affected by the event
11. The event organiser notifies local community of the impact of the event/s by advertising in the *local paper/s* a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
12. That the applicant organise for the events to be listed on council's web page

Item: 014/21 SIGNAGE - OLD FERRY ROAD ASHBY

1. The existing 50kph speed zone sign be replaced with two R4-1B (50kph) speed restriction signs and R4-12B end speed limit signs be attached to the rear.
2. Council to provide sight distance for both directions at the intersection of Esk Lane and Clarence Street to determine whether it meets the warrant for the installation of a stop sign. Where visibility is limited due to some removable obstruction, (eg vegetation or earth bank) attempts should be made to remove the obstruction rather than install a STOP sign.
3. That a W2-10L – side road on curve- sign be installed on Old Ferry Road 70m south of Esk Lane.

Item: 015/21 YAMBA CYCLING CLUB

That the Committee approve the Traffic Management Plans for proposed courses on Woodford Island and Fairtrader Drive only and that the Traffic Management Plans for the James Creek and Ashby courses not be approved and that Council liaise with the group to develop alternative courses.

Item: 016/21 GRAFTON INFANTS SCHOOL – KISS AND DROP ZONE

That the Committee review and endorse Option B as the preferred location on Mary Street for the Kiss and Drop Facility.

Item: 017/21 ARTHUR STREET, GRAFTON - HEAVY VEHICLES

That no further action be taken due to no evidence of a major issue and no breaches evident.

Item: 018/21 INTERSECTION OF WOODFORD ST AND ARGYLE ST, MACLEAN

That no further action be taken in changing the priority at this intersection.

The following items were also discussed at the committee:

Coutts Crossing School Crossing Zone – Concept Plans
Pedestrian Access and Mobility Plan Hickey Street and Iluka Road, Iluka
Yamba Road – Median Strip
Grafton Waterfront Project
Woolli Community Hall Parking
Ulmarra Precinct Project

Item: 019/21 GRAFTON CBD PLAN AND TRANSPORT STRATEGY – TEMPORARY TRIALS AND COMMUNITY ENGAGEMENT

1. That the report and Council resolution to proceed with a 4-week trial of changes to Prince Street.
2. That a presentation from the Project Manager will be made to the next Committee meeting about the draft Precinct Plan, Transport Strategy and Car Parking Audit and Strategy on exhibition and initial feedback received at that time.
3. That Committee concur with the changes to regulatory signage to facilitate front to kerb parking in the small section of Prince Street between Charcoal Chicken and the corner of Bacon and Prince Street

KEY ISSUES

The minutes are attached.

COUNCIL IMPLICATIONS**Budget/Financial**

The additional signage and line marking that will be installed will cost approximately \$2,000. This can be accommodated within existing operational budgets.

Asset Management

The new traffic facilities will become assets on the asset register.

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Jamie Fleeting – Director Works & Civil
To be tabled	Traffic Committee Minutes

ITEM 6c.21.064 PROPERTY 134515 REQUEST FOR SEWER CONNECTION

Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Confidential	

SUMMARY

Property 134515 is located outside of Council's defined reticulated sewerage catchments and in accordance with the Sewer and Water Connections Policy is not permitted to connect to sewer. The property owner has requested that Council consider a variation to the policy to enable them to connect. It is considered there are no special circumstances justifying a variation to the policy in this instance, and as such agreeing to their request would set a precedent for connections outside of the defined sewerage catchments, which would potentially result in network "creep". It is therefore recommended that Council uphold its policy and refuse this request.

OFFICER RECOMMENDATION

That Council refuse the request, in accordance with the requirements of the Sewer and Water Connection Policy.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That

1. Council grant an exception to the Sewer and Water Connection Policy for Property No 134515 and approve a connection to Council's sewer main on the basis that:
 - a) Potential environmental and health impacts of an on-site sewer system (OSSM) located at Property No 134515 would be addressed with a sewer connection
 - b) The property is located within in a flood prone area.
2. All associated costs with the sewer connection be borne by the property owner.

Voting recorded as follows:

For: Kingsley, Simmons, Lysaught, Ellem

Against: Nil

COUNCIL RESOLUTION – 6c.21.064

Kingsley/Novak

That

1. Council grant an exception to the Sewer and Water Connection Policy for Property No 134515 and approve a connection to Council's sewer main on the basis that:
 - a) Potential environmental and health impacts of an on-site sewer system (OSSM) located at Property No 134515 would be addressed with a sewer connection.
 - b) The property is located within in a flood prone area.
2. All associated costs with the sewer connection be borne by the property owner.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

Section 4.2.2 of the Sewer and Water Connection Policy, which was last adopted by Council at its meeting of 20 December 2017, provided:

Through its Development Servicing Plan for Sewerage Services, Council has adopted defined sewerage catchments for towns and villages which are serviced with reticulated sewerage. Clarence Valley Council will generally not permit properties outside of its defined sewerage catchments to connect to reticulated sewerage. Connection of properties outside of defined sewerage catchments will only be permitted where there is an environmental or health issue with an existing on-site system such that Council issues an order for the property to connect to reticulated sewerage under Section 124 of the Local Government Act 1993. Such orders can only be issued on a property located within 75 metres of an existing Council sewerage main.

Property 134515 is a vacant property located outside of the defined sewer catchment. When the property owner submitted a development application for the construction of a dwelling, they were advised by staff that in accordance with the Policy they would not be permitted to connect to reticulated sewer and would be required to service their property with an on-site sewerage system. They subsequently obtained development consent, including Section 68 approval for an on-site sewerage system.

The property owner has now requested Council consider a variation to the Policy and permit their connection to reticulated sewerage (refer attachments/letter).

KEY ISSUES

The Sewer and Water Connection Policy specifically prohibits sewer connections outside of the defined sewer catchments in order to prevent network “creep”. The only exception provided under the policy is where a property has an existing on-site system which is unable to be upgraded to meet environmental and health requirements.

Property 134515 is currently vacant and the property owner has obtained approval to construct an on-site system which meets Council’s requirements. The property has been able to obtain a Section 68 approval is considered to demonstrate that there are no special circumstances justifying variation of the Policy to permit this property to connect. If Council were to approve this request, as there are no special circumstances justifying a variation it would set a precedent which would facilitate “creep” of the sewerage network beyond the defined sewer catchments.

It is noted the property owner attached correspondence from a Council officer regarding their request. Council officers are not authorised to provide such letters and the Manager Environment, Development & Strategic Planning has advised the letter should be considered as being a letter of support from a private citizen and does not represent the view of his department.

COUNCIL IMPLICATIONS

Budget/Financial

Nil if the request is refused. If the request is agreed the precedent which would be set would result in possible future sewerage network “creep” which would increase operation, maintenance and renewal costs.

Asset Management

Nil if the request is refused. If the request is agreed the precedent which would be set would result in possible future sewerage network “creep” would increase Council’s sewer asset base.

Policy or Regulation

Sewer and Water Connection Policy
Local Government Act

Consultation

Environment, Development & Strategic Planning section. The Manager, who currently has responsibility for On Site Management approvals, concurs with this report’s recommendation that the request for a variation of the Policy be refused.

Legal and Risk Management

As noted in the report, the key risk if this request is agreed is that it set a precedent which would potentially result in sewerage network “creep”.

Climate Change

N/A

Prepared by	Greg Mashiah, Manager Water Cycle
Confidential	Request from owner of Property 134515

ITEM	6c.21.065	ACQUISITION OF LAND FOR ROAD PURPOSES - MCINTYRES LANE GULMARRAD
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Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Confidential	

SUMMARY

The reconstruction of the damaged section of McIntyres Lane at Gulmarrad requires the partial acquisition of adjacent privately owned land to facilitate drainage improvements.

OFFICER RECOMMENDATION

That Council:

1. Acquire part of Lot 2 DP 327815 for road purposes (approximately 1828m²) and offer a compensation amount as detailed in the confidential attachment.
2. Replace and reinstate the affected fence to a standard agreed with the landowner.
3. Delegate authority to the General Manager to execute all documents associated with the land acquisition.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.065

Kingsley/Novak

That Council:

1. **Acquire part of Lot 2 DP 327815 for road purposes (approximately 1828m²) and offer a compensation amount as detailed in the confidential attachment.**
2. **Replace and reinstate the affected fence to a standard agreed with the landowner.**
3. **Delegate authority to the General Manager to execute all documents associated with the land acquisition.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

BACKGROUND

McIntyres Lane Gulmarrad was damaged during the February 2020 flash flood storm event. Funding is being confirmed through Transport NSW Disaster Recovery for the reconstruction of the area. This will include improvements to the stormwater drainage including increased culvert capacity.

To complete the desired drainage improvements and retain the drainage infrastructure within Council land, Council is required to acquire approximately 1828m² of land from Lot 2 DP 327815.

A registered surveyor will be engaged by Council to confirm the position of the new boundary for finalisation of the property acquisition.

KEY ISSUES

Additional width over the affected section of the road provided by this acquisition will allow reconstruction of the culvert inlet which is currently restricted by the existing fence line. This will also allow diversion of the existing drains at an increased distance from the road shoulder.

COUNCIL IMPLICATIONS

Budget/Financial

The acquisition of the land will be handled by Council's solicitor and there will be professional costs involved accordingly.

The overall costs will be part of the funding application. However if acquisition costs are not an approved component of the funding then it will be costed to RA 10899 Road Acquisitions. An estimation of costs is detailed in the confidential attachment.

Asset Management

The land acquired and installed assets during the project to facilitate the road construction will be recorded in Council's asset register.

Policy or Regulation

Land Acquisition (Just Terms Compensation) Act 1991
Roads Act 1993

Consultation

The landowner of Lot 2 DP 327815 has been consulted and agreed to Council's acquisition of the land for the compensation amount as detailed in the attachment.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Dylan Kelly, Construction Engineer
Confidential	A - Land Acquisition Details and Plan

ITEM 6c.21.066 COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN

Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.066

Kingsley/Novak

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

KEY ISSUES

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

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

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993 S355 (1)

Consultation

Staff and Managers

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Checklist

ITEM	6c.21.067	STRATEGIES FOR FUTURE UNSEALED AND SEALED ROAD NETWORK IMPROVEMENTS
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Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

In March 2021 a report (Item 6c.21.032) was received by Council detailing the results and recommendations of the unsealed roads material trials that was conducted over the past 3 years. The March report also resolved that a subsequent report was to be prepared for Council to consider the prioritisation of the unsealed road maintenance (re-sheet) program in preparation for the 2021/22 Operation Plan.

Currently Council's corporate plans do not include programs that fund the upgrading and sealing of unsealed gravel roads. This report will also present the findings of a further review to the March 2018 report that considered a cost benefit analysis of sealing a list of 43 'candidate' unsealed roads.

In broad terms Council has a road network that consists of 1000km (unsealed) and 1500 km of sealed roads (approx.) and consequently Council needs to carefully consider the investment of its limited funds in maintenance and capital works strategies including the repairing of sealed roads as distinct to sealing lightly trafficked rural roads which it may not have sufficient funds in the future to maintain them to an acceptable level.

OFFICER RECOMMENDATION

That Council

1. Receive and note this report.
2. Undertake the re-sheeting program of listed unsealed roads contained in this report in accordance with the March 2021 Council resolution (Item 6c.21.032).
3. Receive a report within the first quarter of 2021/2022 that lists:
 - (a) a program of candidate renewal/reconstruction in accordance with the road condition assessment that has been commissioned for the sealed road network
 - (b) a program of candidate missing link roads for sealing
4. Amend the Roads Policy to identify that Council will not routinely program activities to seal unsealed roads and instead include that the recommended Australian Research Roads Board best practice guidelines be used for all future consideration of sealing unsealed roads and report the amended policy to Council's June 2021 meeting.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.067

Kingsley/Lysaught

That Council

- 1. Receive and note this report.**
- 2. Undertake the re-sheeting program of listed unsealed roads contained in this report in accordance with the March 2021 Council resolution (Item 6c.21.032).**
- 3. Receive a report within the first quarter of 2021/2022 that lists:**
 - (a) a program of candidate renewal/reconstruction in accordance with the road condition assessment that has been commissioned for the sealed road network**
 - (b) a program of candidate missing link roads for sealing**

4. Amend the Roads Policy to identify that Council will not routinely program activities to seal unsealed roads and instead include that the recommended Australian Research Roads Board best practice guidelines be used for all future consideration of sealing unsealed roads and report the amended policy to Council's June 2021 meeting.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

BACKGROUND

At the March 2021 Council meeting (Item 6c.21.032) Council resolved to receive a report prioritising a re-sheeting program for unsealed roads in preparation of the 21/22 Operational Plan.

The allocation of funding and prioritisation of road maintenance and capital works (renewal) activities will continue to present challenges for Council into the foreseeable future. As the Local Roads Authority, Council maintains care and control of a significant road network comprising approximately 1000km of unsealed and 1500km of sealed roads, stretching across a very large Local Government Area (LGA) of over 10,000sq km.

The following provides a summary on the various aspects or work practices applied to unsealed and sealed roads.

Unsealed Roads (maintenance/upgrade)

- Routine maintenance - Recurrent grading of unsealed roads in accordance with Council's Roads Policy.
- Re-sheeting (unsealed road) – Where new gravel is added to an unsealed road where severe deterioration of the road has occurred and can compromise safety of motorists.
- Sealing of unsealed roads - Council will not routinely program activities to seal unsealed roads. The sealing of unsealed roads will only be undertaken through defined special purpose projects identified by resolution of Council within the Operational Plan subject to available funding and grants. Council also has a number of unsealed road segments that are connected or adjoin sealed roads. The sealing of these segments is considered a higher priority than the sealing of complete gravel roads due to the relatively higher maintenance costs associated with those unsealed links.

Sealed Roads (maintenance/upgrade/renewal)

- Pothole patching – The repair with asphalt or premix of an isolated hole in the roadway surface.
- Heavy Patching – Often carried out in conjunction with or prior to reseal program. This repair is carried out with asphalt on any series of holes on the roadway surface which results in a total patched area greater than 10m².
- Reseals - Resealing is the process of spraying bitumen onto a road pavement and then rolling a uniformly sized stone to create a new surface. It is the most economical method of sealed road pavement resurfacing and the best way to maintain its life.
- In situ-stabilisation – The stabilisation of the subgrade or an existing pavement is carried out in place. Stabilisation can be in the form of lime, concrete, foam bitumen and may include the addition of paving material to maintain profiles as appropriate.
- Full reconstruction (wearing surface with asphalt or two coat seal) – More often required when the wearing surface and underlying pavement has deteriorated passed its useful life and a full reconstruction is required.

The March 2018 report included a review of a future works program (extract from June 2011 report) for the sealing of unsealed gravel roads. Council's corporate plans do not currently include programs that fund the upgrading and sealing of unsealed gravel roads. The March 2018 report included reference to a previous report (June 2011) that reviewed and considered a potential future works program for the sealing of gravel roads.

The technical advice from the report following the cost benefit analysis included:

.. 'the only gravel roads warranting further consideration of sealing are James Creek Road and McIntyres Lane'.

It is acknowledged that both roads (James Creek Road and McIntyres Lane) have since been sealed. In summary the following roads have been sealed or repaired.

Since (June 2011)	<ul style="list-style-type: none"> • Old Ferry Road, Ashby • Golf Links Road, Ilarwill • Iluka Breakwall Road • Back Kings Creek Road, Lawrence
Since (March 2018)	<ul style="list-style-type: none"> • McIntyre's Lane Gulmarrad • James Creek Road James Creek • Nicholsons Lane Harwood as part of the Harwood Marine Precinct Project.

KEY ISSUES

1. Re-Sheeting Program (unsealed roads) for 2021/2022

The unsealed road network has in fact become better with the introduction of better-quality aggregates and gravel thus providing a more resilient performing pavement. Council has also been relatively successful in securing grant funding (including Fixing Local Roads) to fix a variety of local roads within our LGA in the last 2 years. It is important to note that the intervention levels (between grading frequencies) has dramatically reduced on road segments that have been re-sheeted with high quality gravel.

Council was recently successful in funding under Fixing Local Roads (Round 2) for:

- Firth Heinz Road - 10.9 km - gravel re-sheeting – value \$655,355.00
- Orchard Road - 350m - gravel re-sheeting – \$33,943.00

A program for resheeting a number of unsealed roads has been developed by staff for the 21/22 financial year which follows an unsealed road pavement trial conducted over the past 3 years. The nominated program for 2021-2022 considered several factors including.

- Road failures arising from deficient loss of gravel beyond serviceable limits
- Recurrent maintenance costs
- Sensitive road or access routes including school routes or businesses
- Increased safety concerns

The nominated program is included in Attachment A. The selection criteria adopted for those nominated roads is included in Table 1.

Table 1. Unsealed road re-sheet selection criteria

Location	Length	Contributing Factors
Firth Heinze Road, Pillar Valley	10.9 km	Firth Heinz Rd is the only access road into this area, high level flood bypass. The unsealed pavement lacks a solid gravel base, road is in poor condition and includes a school bus route, rural produce route and used by emergency service vehicles during times of flood.
Orchard Road, Mountainview	350 m	Unsealed pavement lacks a solid gravel base, road is in poor condition and is a primary access to a timber mill and sand quarry.
Lawrence/Tully Road, Lawrence	12.55 km	Unsealed pavement lacks a solid gravel base, road is in poor condition used by gravel haulage trucks and rural primary produce route.
Golf Links Road, Woodford Island	1.2 km	Unsealed pavement lacks a solid gravel base, road is in poor condition and rural primary produce route.

Location	Length	Contributing Factors
Glens Road, Nymboida	4.94 km	Unsealed pavement lacks a solid gravel base, road is in poor condition includes a school bus route and rural primary produce route.
Marengo Road, Hernani	11.43 km	Unsealed pavement lacks a solid gravel base, road is in a poor condition and rural primary produce route.

All of the above roads will be re-sheeted with 100 mm of premium gravel complying with Council’s own specified material that was developed in response to the trial process and results.

2. Existing Sealed Roads (in poor condition)

Council has many sealed roads that have deteriorated to the point that routine maintenance is no longer in a position to hold the pavement in a manageable state and now requires major intervention in the way of full pavement reconstruction. Future consideration may also be given to returning some very low trafficked sealed roads back to an unsealed road however this will be subject to a review of a condition assessment that has been commissioned across the entire sealed road network.

Colletts Island Road (Lavadia) for example has a total maintained length of 3951m with an average width of 3m, comprising 2394m sealed and 1557m unsealed. This road is subject to flooding and has suffered from water infiltration into the pavement as shown in the photos below.

Many sealed roads in the Swan Creek, Lavadia, Tucabia areas are in poor condition with old seals that are brittle and well beyond there expected life. Many of these roads are subject to flooding and damage does not necessarily occur during the flooding event but occurs post the event due to the pavement and surrounding areas being saturated.



Figure 1: Colletts Island Road, Lavadia (sealed road) servicing 6 properties



Figure 2: Lake Road, Swan Creek



Figure 3: Gilletts Ridge Road damage caused by saturated pavement



Figure 4: Gilletts Ridge Road flood debris on fences

Staff have prepared a list of sealed roads which are in a poor state of repair and should be considered for reconstruction/ rehabilitation over the next 10 years, refer Attachment B.

The attached list of sealed roads which needs to be considered for reconstruction/ rehabilitation over the coming years are not only in poor condition but are subject to greater volumes of traffic than the majority of the 43 roads as listed for consideration for sealing in the 2011 and 2018 reports.

Most of these sealed roads are in the more heavily populated areas of the Valley and have larger volumes of both light and heavy vehicles. This is likely to attract a higher level of risk in relation to traffic safety for Council.

3. Sealing of roads (connecting adjoining sealed roads)

Staff have identified several unsealed road segments that are connected at both ends by sealed roads. The sealing of these road segments is considered a higher priority than the general sealing of gravel roads due to the relatively higher maintenance costs (\$/km) associated with floating plant and equipment to carry limited maintenance works.

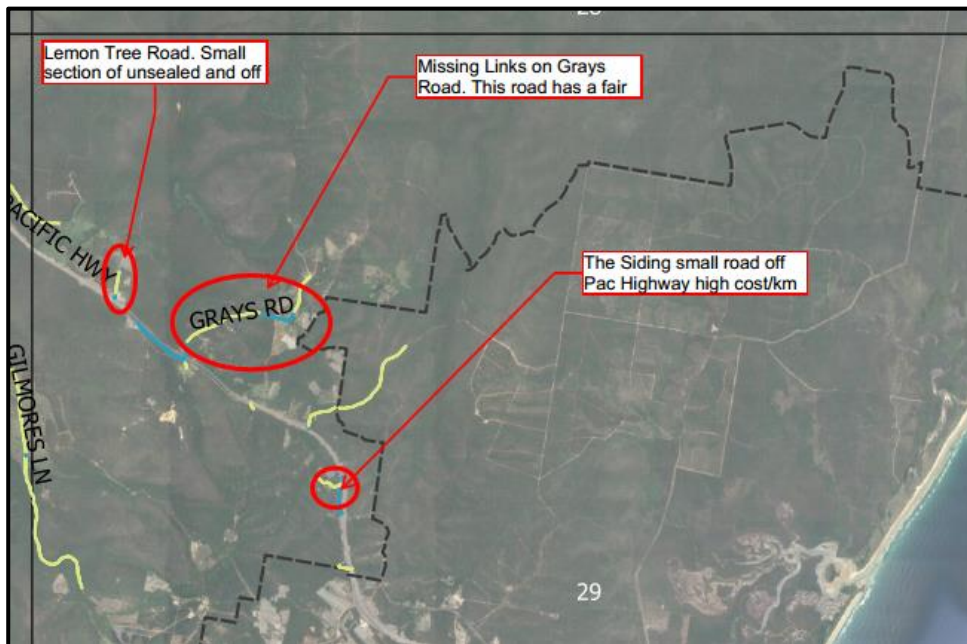


Figure 5: Example locations of unsealed roads adjoining sealed road segments

The Siding noted in Figure 5 shows a small section of unsealed road that adjoins the highway and is costly to maintain on a cost per kilometre basis as a result of the plant that is required to be floated into site for a relatively low scope of work.

4. Naturally Occurring Asbestos

It should also be noted that Council has an active Asbestos Contaminated Gravel Roads program (predominantly on Clarence Way a regional road) with an annual allocation of \$200,000. The works typically involve the capping and sealing of unsealed road segments that have been tested and identified as contaminated with asbestos. It is understood that when the program was developed the scope included 25.5 km with an anticipated completion in the 2029/2030 financial year. Sealing roads with naturally occurring asbestos are also considered a priority over the sealing of smaller unsealed roads.

5. Dinjerra Road, Glenugie (unsealed road)

Council has requested staff prepare an estimate and scope of work with the view that the upgrade of Dinjerra Road to a sealed road standard might be staged within the capital works program over the next couple of years being 21/22 – 22/23.

Dinjerra Road is an unsealed road 4.7km long and attracts a grading frequency of 3 times per year in accordance with the Roads Policy. In 2019 an 800m section of Dinjerra Road was sealed using a Gatt seal treatment as part of a broader network unsealed road trial.

In August 2020 the remaining 3.2km section of unsealed road (to the second bridge) was re-sheeted with 100 mm of premium gravel complying to the Australian Research Roads Board (ARRB) specification for unsealed roads. The cost to undertake those works totalled \$218,373. It is also understood the last section of unsealed road gravel is not as prone to the same level of deterioration (located on higher ground and very low traffic) so that section is typically graded only and was not part of the re-sheet works conducted in August 2020.

It is understood staff have received positive feedback from the local community in relation to those works. Staff anticipate that the overall condition of the road will remain serviceable for approximately 4 -5 years before re-sheeting is required again.

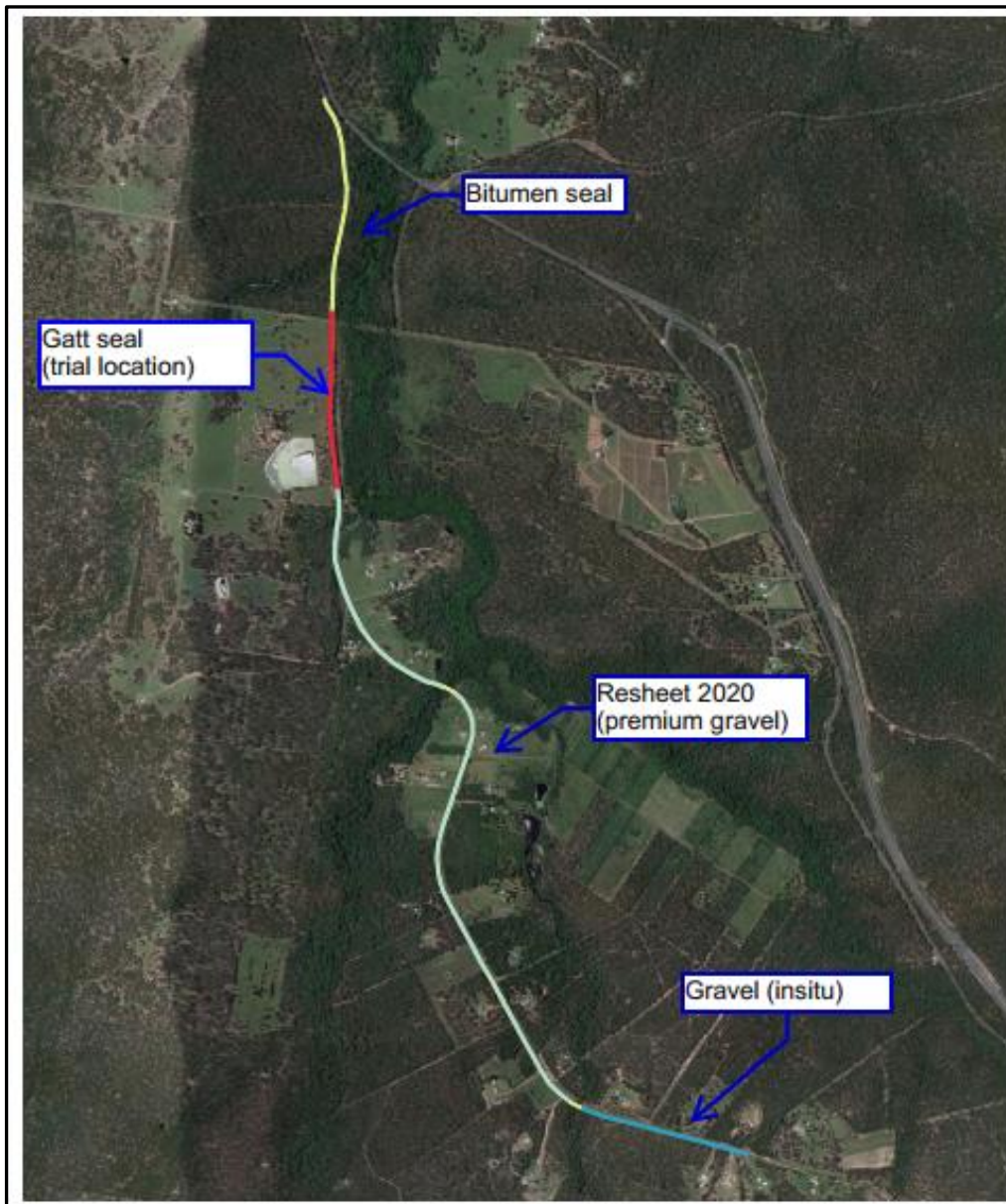


Figure 6: Dinjerra Road showing works conducted since 2019

It is estimated to cost \$1.28 million (not including drainage) to prepare and place a two-coat seal on the 3.2km section of road that was re-sheeted in 2020. This is not a low-cost seal but to a standard that is consistent with reducing maintenance costs associated with low cost seals. It is also important to note the following:

- traffic volumes are considered low at 156 vehicles per day (2016)
- no through road traffic thereby maintaining low traffic volumes
- a gravel re-sheet that was placed in August 2020 is anticipated to last 5-6 years

On the basis of these contributing factors Dinjerra Road is not considered a candidate for sealing. The ARRB is an independent source of reliable and robust guidance on infrastructure including unsealed and sealed roads. The guideline for 'Unsealed Roads Best Practice Guidelines' suggests the following be considered for sealing unsealed roads.

- *Current practice with some rural councils is not to consider sealing an unsealed road where the current AADT is less than 150.*
- *Where the AADT is greater than 500 it is a potential candidate for sealing.*

Dinjerra Road would not be a recommended candidate road for sealing in accordance with the ARRB best practice guidelines.

6. Road Condition Assessment

Staff have recently commissioned a road asset management consultancy to undertake a detailed road condition assessment of Council's sealed road network. The collected data includes information such as:

- High definition video
- GPS and precision distance measuring
- Roughness – roughness index calculation with high speed lasers
- Rutting – scanning lasers to accurately measure the transverse profile of the road
- Texture - high frequency lasers measure mean profile depth of road surface macrotexture
- Asset management planning

The data is anticipated to assist staff with the strategic development of future maintenance and capital works programs, preplanning, detailed design and facilitate safer road grant (shovel ready) applications.

It is anticipated that the data will be collated towards the end of 20/21 and being processed within the first quarter of 21/22.

Note: The previous condition assessment was carried out by ARRB in 2015.

Potential Funding Sources

There is a range of potential funding sources for the upgrading and sealing of Council roads. Some of the funding sources have restrictions on their use and these are reflected in the comments below.

Funding	Grant Requirements
General Revenue	No restriction on use.
Block Grant/Supplementary Block Grant	For use on Regional Roads only. Funds typically used to provide other 50% to REPAIR Program projects but this is at the discretion of Council.
REPAIR Program	For use on Regional Roads only. Project provides 50% of funding. At present Council can nominate projects but likely to change to a merit based process.
Roads to Recovery	For any road related program nominated by Council.
Fixing Country Roads	For projects that better connect local and regional roads to state highways and key freight hubs. Project provides 50% of funding.
Heavy Vehicle Safety and Productivity Program	For projects to improve heavy vehicle safety and freight efficiency, saving lives and reducing travel times. Program provides 50% of funding. Possibility for Clarence Way.
Regional Growth Fund	Options may be available under the provisions of this scheme however there is not any category of funding that would suit the intent of maintenance upgrades.
RA 10880 – IR – Roads (SIC)	This is an internal reserve of Council that is funded from Council's contracted works with Roads and Maritime Services. Council typically uses funds from this reserve for road related projects.

COUNCIL IMPLICATIONS

Budget/Financial

The gravel resheet program is to be funded from a combination of the following sources:

- Fixing Local Roads Grant
- State Government Stimulus funding grant
- Council's recurrent maintenance gravel re-sheeting budget

Asset Management

The objective of the gravel resheet program is to reduce the frequency of grading and extend the effective life of the gravel pavement which will improve the overall condition of Council's unsealed road network.

Policy or Regulation

Roads Policy

Consultation

The gravel roads re-sheet program is subject to formal endorsement of the 2021/2022 capital works program. The appropriate consultation will be undertaken with the effected residents in due course.

Legal and Risk Management

With the improvement of the overall condition of our unsealed road network through gravel re-sheeting the occurrence of accidents and the need for ongoing maintenance to vehicles due to poor road conditions should reduce.

Climate Change

Benefits to climate change will be realised into the future through more efficient use of premium gravel material on unsealed roads and reducing recurrent maintenance (plant, fuel, resources).

Prepared by	Ross McCann, Senior Maintenance Engineer Steve Hartshorne, Maintenance Engineer Phil Daniels, Maintenance Engineer
Attachment	A – 2021/22 FY Gravel Roads Resheet Program B – List of existing sealed roads requiring reconstruction or rehabilitation

ITEM 6c.21.068 IMPROVEMENT STRATEGIES PROGRESS

Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

At Council's Ordinary Meeting held 18 February 2020, Council received a report on achievement of 2019/2020 improvement strategies associated with meeting the financial objectives of "Fit for the Future". This report provides Council with a final update on achievement of the "Fit for the Future" improvement strategies identified for the 2020/21 financial year as adopted by Council at its June 2019 meeting (refer Item 6a.19.004).

OFFICER RECOMMENDATION

That Council

1. Receive and note this final report on progress against the 2020/2021 Operational Result Improvement Strategies Schedule (Attachment A).
2. Note the achievement of the "Fit for the Future" operating result objective, to identify and transact operating result improvements totalling \$8,598,354 over a 5 year period.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.068

That Council

1. Receive and note this final report on progress against the 2020/2021 Operational Result Improvement Strategies Schedule (Attachment A).
2. Note the achievement of the "Fit for the Future" operating result objective, to identify and transact operating result improvements totalling \$8,598,354 over a 5 year period.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

Council received a report on improvement strategies in June 2019 (Item 6a.19.004), which provided an updated improvement strategies schedule (refer attachment). The updated schedule removed completed

and/or problematic items and replaced these with updated potential improvement strategies providing greater scope to achieving identified operational savings.

Whilst recognising that Council still has to find improvement strategies to the value of \$3,964,072 by the end of 2020/21, this report additionally provided that cost savings are not to be apportioned to specific actions, but rather the goal be to achieve an annual total financial Operational Expenditure (Opex) saving in line with previous targets.

A report was proposed (Item 6c.20.019) to be tabled in June identifying the remaining 2019/2020 improvement strategies totalling \$2,223,218. A further report was tabled in June 2020 (Item 6c.20.103), deferring the status report until the financial end of year process was completed for the 2019/20 year. The final value of improvement strategies identified in 2019/20 after completion of the end of year processing was \$2,254,082.

The December 2020 six monthly progress report (Item 6c.20.193) identified achievement of a further improvement strategy savings totalling \$1,453,069.

The below table summarises the financial Operational savings by year from 2017/18 to 2020/21 against the improvement strategies schedule adopted in 2016:

Year	2017/18	2018/19 + previous years unrecognised	2019/20 + previous years unrecognised	2020/21
Planned savings against specific actions	\$3,794,870	\$2,505,131	\$2,669,591	\$3,548,563
Actual savings achieved against planned actions	\$3,415,527	\$1,218,795	\$415,509	\$1,453,069
Carry forward savings to be recognised in following year	\$379,343	\$1,286,336	\$2,254,082	\$0
Identified and planned savings still to be accounted for in 20/21				\$2,095,494

KEY ISSUES

The total targeted improvement strategies for 2019/20 was \$ 2,669,591. Due to the impacts of COVID-19 and the bushfire events of 2019/20, this target was unable to be achieved with only \$415,509 of improvement strategies being recognised. This has resulted in a further \$2,254,082 being transferred to the 2020/21 target improvement strategy value, increasing it from \$1,294,481 to \$3,548,563.

Significant progress has been made in identifying, investigating and recording the financial savings that have resulted from various improvement strategies during 2020/21. To date improvement strategies to the value of \$1,453,069 have been recognised in current year (Item 6c.20.193). This report identifies a further \$2,339,880 in recognised savings bringing the total achieved savings over 2020/21 and 2021/22 to \$3,792,950. All these are the direct result of intended action to reduce costs.

A full schedule of the individual improvement strategies and their progress to date can be found in the attachment. In general, the key initiatives leading to these additional savings can be summarised as follows:

- Rationalisation of Council owned buildings
- Revenue stream reviews increasing final yields
- Achievement of processing efficiencies within Corporate & Governance
- Implementation of a Project Management Framework combined with a review capitalisation to provide better control in order to gain efficiencies and ensure organisational benefit

As summarised in the table below, combining the current year savings and adjustments already included in the 2021/22 Draft Budget, the total value of the Target Improvement Strategies (\$2.095 million) has not only been achieved but surpassed with an additional \$244,387 of savings realised by the end of 2021/22. In addition to the initiated improvement strategies and sought savings, it is anticipated that there will be further net improvements to the operational bottom line as the consequence and ripple effect of increased efficiencies across the organisation are realised.

Item	Amount
Target Improvement Strategies Saving Value – 2020/21	\$3,548,563
Savings Realised	
- July to December 2020 (Item 6c.20.193)	\$1,453,069
- January 2021 to May 2021	\$ 527,443
- Draft 21/22 Budget	\$1,812,437
Total Savings Realised	\$3,792,950
Additional Savings Realised to date	\$244,387

Further details of the strategies identified to date and their individual status can be found in Attachment A. It should also be noted, that due to subsequent Council decisions, some previously identified improvement strategies are now unable to be completed. These items are also highlighted in the attachment.

As per the Fit for the Future objectives, Council's Operating Result has now been significantly improved with \$8,598,354 of savings recognised over a five year period. As such, this will be the last Improvement Strategies Progress Report received by Council.

While the Financial Benchmarks remain reportable in the Financial Statements, the Government has signalled a new Local Government Performance Measurement Framework, Integrated Planning & Reporting Framework and Audit & Risk Improvement Framework all being developed to guide councils in future sustainable decision making and organisational performance. The new frameworks aim to have a strong focus on supporting councils to actively manage and improve their organisation's performance.

COUNCIL IMPLICATIONS

Budget/Financial

The 2020/21 Original Budget has already been reduced for the \$1,980,512. Additionally, \$1,182,437 savings have been included in the 2021/22 Draft Budget. Details of these savings are identified in Attachment A

Asset Management

N/A

Policy or Regulation

N/A

Consultation

Discussions have been held with the Executive and relevant Managers to determine the financial savings resulting from each identified improvement strategy.

Legal and Risk Management

Council was required to meet the objectives of its Fit for the Future submission, which details the ways in which financial sustainability will be achieved.

Climate Change

N/A

Prepared by	Kate Maginnity, Manager Finance & Supply
Attachment	A – 2020/21 Operational Result Improvement Strategies May 2021

ITEM 6c.21.069 MONTHLY INVESTMENT REPORT – APRIL 2021

Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That the report indicating Council's funds investment position as at 30 April 2021 be received and noted.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Simmons

Against: Ellem

COUNCIL RESOLUTION – 6c.21.069

Kingsley/Lysaught

That the report indicating Council's funds investment position as at 30 April 2021 be received and noted.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Lysaught

Against: Ellem, Clancy, Novak

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

KEY ISSUES**Source of Funds Invested**

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

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

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

Portfolio Credit Limits

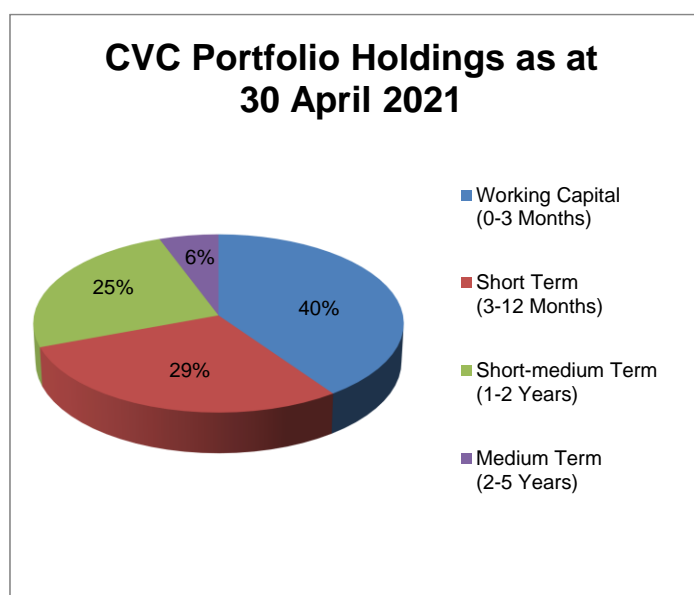
Tabled below is a summary of Council's investments as at 30 April 2021 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 30 April 2021				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	4,990,194	3.99%	Yes
AA	100.00%	44,206,568	35.34%	Yes
A	60.00%	24,250,000	19.38%	Yes
BBB	50.00%	51,658,321	41.29%	Yes
TOTAL INVESTMENTS		125,105,083	100.00%	

Note, a permanent cap of \$250,000 per person per institution on deposits is guaranteed by the Federal Government under the *Financial Claims Scheme* and hence receives a rating of AAA.

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council's investments by maturity as at 30 April 2021. Excluding "at-call" working capital, 43.16% of Council's investments are maturing within the next twelve months.



Individual Institution or Counterparty Limits

Tabled below is a summary of Council's investments as at 30 April 2021 which details compliance with Council's Investment Policy Counterparty Limits.

Individual Institution or Counterparty Limits as at 30 April 2021					
Financial Institution	Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
TERM DEPOSITS & FRNs*					
AMP	BBB	15.00%	8,000,000	6.39%	Yes
BoQ	BBB+	15.00%	14,000,000	11.19%	Yes
Bendigo	BBB+	15.00%	3,000,000	2.40%	Yes
CBA	AA-	30.00%	3,000,000	2.40%	Yes
Credit Union Australia	BBB	15.00%	2,000,000	1.60%	Yes
Defence	BBB	15.00%	10,000,000	7.99%	Yes
ING Direct	A	15.00%	13,000,000	10.39%	Yes
Macquarie	A	15.00%	3,000,000	2.40%	Yes
ME Bank	BBB	15.00%	5,000,000	4.00%	Yes
NAB	AA-	30.00%	14,000,000	11.19%	Yes
P&N	BBB	15.00%	3,000,000	2.40%	Yes
RaboDirect	A+	15.00%	9,000,000	7.19%	Yes
Westpac	AA-	30.00%	5,000,000	4.00%	Yes
TOTAL TERM DEPOSITS & FRNs*			92,000,000	73.54%	
MANAGED FUNDS					
TCorp	AAA	40.00%	490,194	0.39%	Yes
TOTAL MANAGED FUNDS			490,194	0.39%	
FUNDS AT CALL					
AMP	BBB	15.00%	8,350,127	6.67%	Yes
AMP	BBB	15.00%	1,058,194	0.85%	Yes
ANZ	AA-	30.00%	6,787,928	5.43%	Yes
CBA	AA-	30.00%	9,357,275	7.48%	Yes
CBA	AA-	30.00%	7,061,365	5.64%	Yes
TOTAL FUNDS AT CALL			32,614,889	26.07%	
TOTAL INVESTMENTS			125,105,083	100.00%	

Register of Investments - Clarence Valley Council as at 30 April 2021					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
WORKING CAPITAL (0-3 MONTHS)					
T-CorpIM Cash Fund	490,194	0.39%	At-Call	0.00%	AAA
AMP Bank Ltd	8,350,127	6.67%	At-Call	0.80%	BBB
AMP Bank Ltd	1,058,194	0.85%	At-Call	0.50%	BBB
ANZ Banking Group Ltd	6,787,928	5.43%	At-Call	0.05%	AA-
Commonwealth Bank of Australia	9,357,275	7.48%	At-Call	0.00%	AA-
Commonwealth Bank of Australia	7,061,365	5.64%	At-Call	0.05%	AA-
AMP Bank Ltd	2,000,000	1.60%	17/05/2021	0.70%	BBB
Bank Of Queensland Ltd	2,000,000	1.60%	04/06/2021	1.15%	BBB+
Bank Of Queensland Ltd	1,000,000	0.80%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.80%	06/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	2,000,000	1.60%	08/07/2021	0.95%	BBB+
Credit Union Australia	2,000,000	1.60%	07/07/2021	0.50%	BBB
Macquarie Bank Ltd	3,000,000	2.40%	11/05/2021	1.30%	A
ME Bank Ltd	2,000,000	1.60%	07/05/2021	1.35%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.60%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.80%	21/06/2021	3.07%	A+
TOTAL WORKING CAPITAL (0-3 MONTHS)	51,105,083	40.85%		0.68%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	1,000,000	0.80%	31/08/2021	0.80%	BBB
AMP Bank Ltd	2,000,000	1.60%	02/12/2021	1.60%	BBB
AMP Bank Ltd	3,000,000	2.40%	05/03/2022	0.95%	BBB
Bank Of Queensland Ltd	1,000,000	0.80%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.80%	02/12/2021	0.54%	BBB+
Bendigo Bank	3,000,000	2.40%	15/10/2021	0.45%	BBB+
Commonwealth Bank of Australia	3,000,000	2.40%	12/11/2021	0.55%	AA-
Defence Bank	2,000,000	1.60%	17/12/2021	0.50%	BBB
ING	2,000,000	1.60%	29/11/2021	1.55%	A
ING	3,000,000	2.40%	11/02/2022	1.60%	A
ING	2,000,000	1.60%	21/02/2022	1.60%	A
ING	3,000,000	2.40%	21/02/2022	1.60%	A
ME Bank Ltd	1,000,000	0.80%	15/02/2022	0.45%	BBB
ME Bank Ltd	2,000,000	1.60%	03/03/2022	0.45%	BBB
National Australia Bank	2,000,000	1.60%	11/08/2021	0.85%	AA-
National Australia Bank	2,000,000	1.60%	10/09/2021	0.75%	AA-
National Australia Bank	2,000,000	1.60%	02/12/2021	0.50%	AA-
Westpac Bank	1,000,000	0.80%	16/11/2021	1.21%	AA-
TOTAL SHORT TERM (3-12 MONTHS)	36,000,000	28.78%		1.05%	

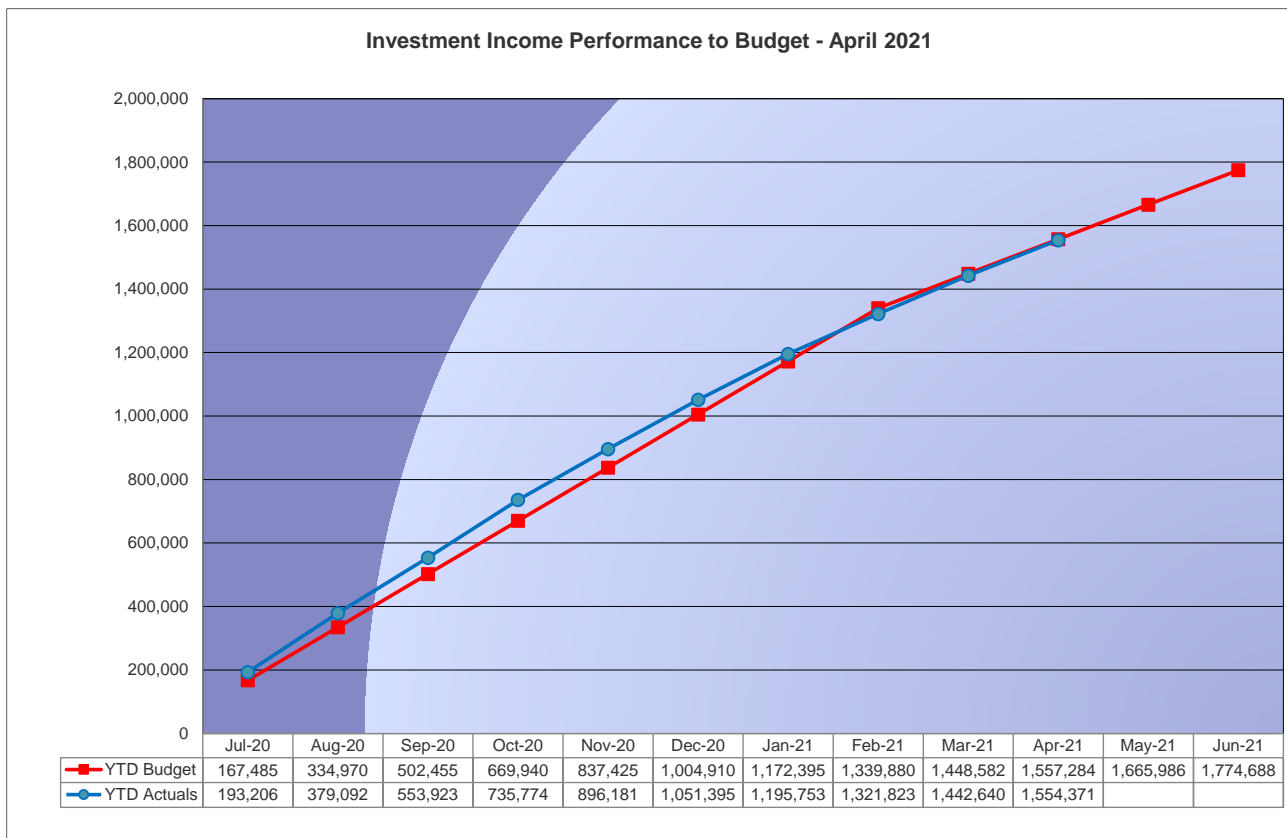
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.80%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.80%	03/08/2022	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.60%	08/02/2023	3.55%	BBB+
Defence Bank	2,000,000	1.60%	21/11/2022	0.62%	BBB
Defence Bank	2,000,000	1.60%	02/12/2022	0.64%	BBB
Defence Bank	2,000,000	1.60%	03/03/2023	0.50%	BBB
Defence Bank	2,000,000	1.60%	9/03/2023	0.53%	BBB
ING	1,000,000	0.80%	04/10/2022	3.66%	A
ING	2,000,000	1.60%	02/03/2023	0.55%	A
National Australia Bank	2,000,000	1.60%	18/11/2022	0.60%	AA-
National Australia Bank	2,000,000	1.60%	01/12/2022	0.60%	AA-
National Australia Bank	2,000,000	1.60%	06/03/2023	0.60%	AA-
P&N Bank	3,000,000	2.40%	13/03/2023	0.55%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.60%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.80%	05/12/2022	3.21%	A+
Westpac Bank	2,000,000	1.60%	18/07/2022	1.06%	AA-
Westpac Bank	2,000,000	1.60%	13/03/2023	0.96%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	31,000,000	24.78%		1.39%	
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	2,000,000	1.60%	21/08/2023	3.60%	BBB+
National Australia Bank	2,000,000	1.60%	12/01/2026	1.00%	AA-
RaboDirect (Australia) Ltd	1,000,000	0.80%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.60%	19/09/2023	3.40%	A+
TOTAL MEDIUM TERM (2-5 YEARS)	7,000,000	5.60%		2.77%	
TOTAL INVESTMENTS	125,105,083	100.00%		1.08%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 30 April 2021			
	Actual	Budget 2020/21	Over/(Under)
This Month			
Cash Deposits & FRNs	\$111,711	\$108,682	\$3,029
Managed Funds	\$20	\$20	\$0
	\$111,731	\$108,702	\$3,029
Year to Date			
Cash Deposits & FRNs	\$1,552,892	\$1,555,244	(\$2,352)
Managed Funds	\$1,479	\$2,040	(\$561)
	\$1,554,371	\$1,557,284	(\$2,913)

- Actual results have shown that total interest income to 30 April 2021 is \$2.9K under the 2020-21 YTD revised budget of \$1.557M.
- Council's last remaining FRN's was sold during April with a realised capital gain of \$38,670.

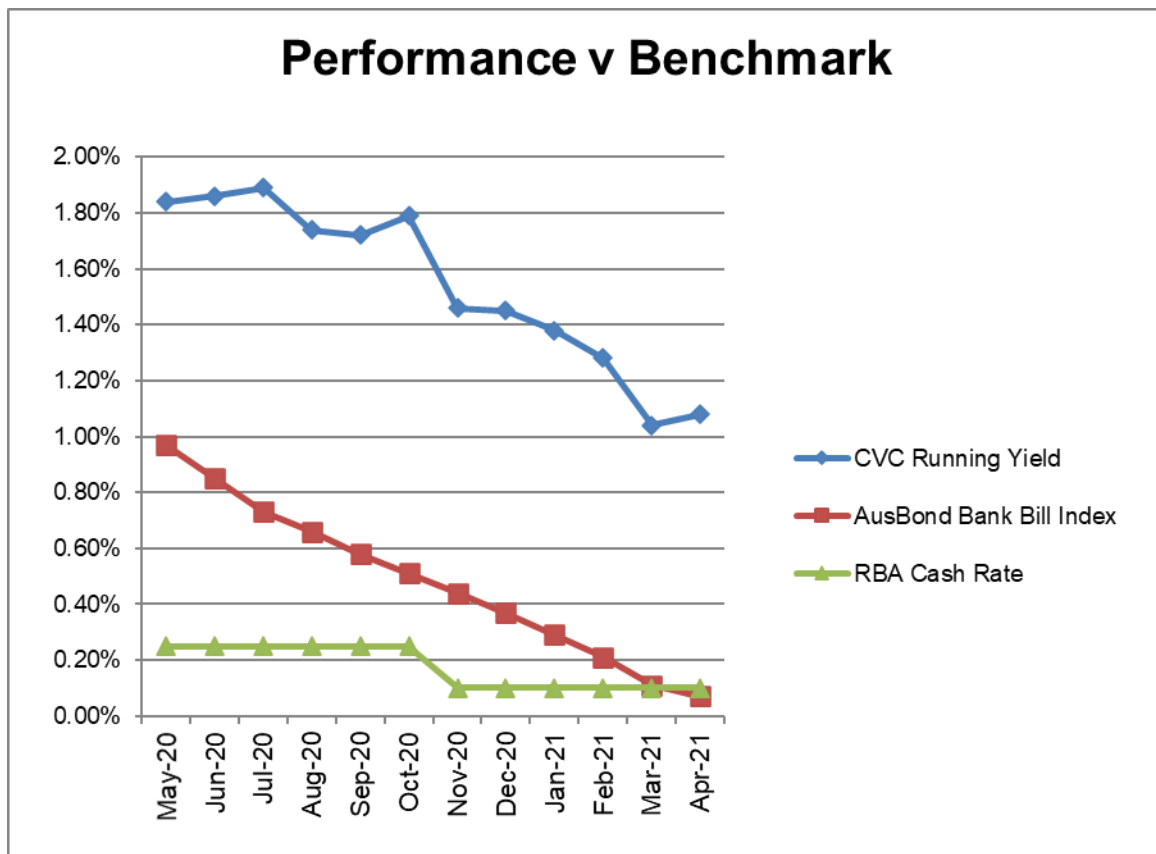


- Running yields* to 30 April 2021 have been:

AMP Business	0.50%
AMP 31 Day Notice	0.80%
ANZ Premium Business	0.05%
CBA General	0.00%
24hr Call Account	0.05%
T-CorpIM Cash Fund	0.00%
Term Deposits	<u>1.38%</u>
Total	1.08%

*Running yield is a measure of the return (before costs) that would be earned from current positions if there were no trades and no fluctuation in market yields.

- The RBA cash rate at the end of April was 0.10%. The benchmark AusBond Bank Bill Index was 0.07% for April.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +1.08% (March 1.04%).



The following investment was transacted during April:

- Westpac FRN \$1.5M, sold 30/04/2021.

Asset Management

N/A

Policy or Regulation

Local Government Act 1993

Part 9, Division 5, Clause 212 of the Local Government (General) Regulation 2005

Investment Policy

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

Climate change impact of the current investment portfolio has not been undertaken. Investments are driven by the current Investment Policy.

Prepared by	Kirsty Gooley – Acting Financial Accountant
Attachment	A: Movement of Funds Between Months – April 2021

ITEM	6c.21.070	UPDATED DISCLOSURE OF INTERESTS RETURNS 30 DECEMBER 2020 - 31 MARCH 2021
Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Corporate & Governance	
Reviewed by	Manager - Organisational Development (Alex Moar)	
Attachment	To be tabled	

SUMMARY

The purpose of this report is to comply with Council's obligations under the Local Government Act and associated instruments and guidelines, in particular Council's 'Disclosure of Interests—Reporting Responsibilities' Procedure and Council's Code of Conduct, as derived from the Model Code of Conduct, Part 4.

OFFICER RECOMMENDATION

That the updated disclosures of interests returns by Councillors and designated persons be accepted by Council and made available in redacted form on Council's website as part of Council's obligations under open access requirements.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.070

Kingsley/Novak

That the updated disclosures of interests returns by Councillors and designated persons be accepted by Council and made available in redacted form on Council's website as part of Council's obligations under open access requirements.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.8 Ensure good governance, effective risk management and statutory compliance

BACKGROUND

Updated disclosures of interests returns are required at various points in Council's calendar and at points in the career progression of designated persons. These are specified in Council's Code of Conduct. This report appends seven quarterly updates of disclosures of interests and one exit return.

KEY ISSUES

Council no longer automatically redacts information from returns. Rather, the public interest test as specified in clause 14 of the GIPA Act (2009) is applied to each return. Unredacted returns are kept on file; redacted returns are posted on Council's website.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993

Government Information (Public Access) Act 2009

Privacy and Personal Information Protection Act 1998

Clarence Valley Council 'Disclosure of Interests—Reporting Responsibilities Procedure

Clarence Valley Council Code of Conduct

Information and Privacy Commission: Information Access Guideline 1: For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons)—September 2019.

Consultation

Information and Privacy Commission.

Legal and Risk Management

The disclosures of interests returns regime is a statutory requirement and an important part of Council's risk management.

Climate Change

N/A

Prepared by	Bligh Grant, Governance Officer
To be tabled	Redacted Updated Returns for Crs Arthur Lysaught, Debrah Novak and for designated persons

ITEM	6c.21.071	WORKS REPORT
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Meeting	Corporate, Governance & Works Committee	18 May 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

Reports on capital and major maintenance works carried out by the Works and Civil Group until late April 2021.

OFFICER RECOMMENDATION

That the Works report be received and noted.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.071

Kingsley/Novak

That the Works report be received and noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources


BACKGROUND


Works are undertaken to maintain Council assets and undertake construction within budgets and timeframes established by Council. Departures from set programs and budgets are reported to Council as part of the works program reporting.


KEY ISSUES

The projects below highlight capital projects being undertaken during April 2021.

Project:	Pilot Hill Yamba Drainage works	
Project Description:	Undertake audit and improve surface drainage in Marine Parade Yamba as per recommendations in JK Geotechnics Report adopted by Council in May 2018.	

Budget:	\$35,000	
Expenditure:	\$13,542	
Status:	<ul style="list-style-type: none"> Stormwater drainage assessment indicated that four properties were discharging roof water directly onto the Marine Parade road reserve, which potentially exacerbated the risk of landslip. Following liaison with JK Geotechnics, stormwater from three properties was redirected clear of the road reserve. This work appears to have been effective as the road reserve at this location, which has historically been very boggy, was much drier in the March 2021 rainfall event. The remaining property owner initially declined to have work undertaken on their stormwater discharge but have now agreed and it is hoped the work will be undertaken by the end of this financial year. Pressure sewer system to replace existing gravity sewer is currently in design phase. 	

Project:	Townsend Depot Sign Shed Roof Renewal	
Project Description:	To renew the roof and flashings on two signage sheds at Townsend Depot.	
Budget:	\$9,700	
Expenditure:	\$3,915	
Status:	<ul style="list-style-type: none"> Works in progress – completion due end of May 2021 	

Project:	Clarence Way, Pulganbar	
Project Description:	Provide initial bitumen seal on two gravel sections (2.2km) of Clarence Way including improvements to formation width, horizontal and vertical alignment.	
Budget:	\$1,447,000	
Expenditure:	\$922,207.13 (including commitments)	
Status:	<ul style="list-style-type: none"> Works commenced in February 2021 however have been severely hampered by recent inclement weather in March/April. 75% of earthworks (including pavement layers) are completed across the two sites Drainage works to commence early May followed shortly after by the final pavement layer and seal. Completion of project anticipated late June. 	

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

Maintenance standards are undertaken in accordance with that detailed in the relevant Asset Management Plan. Capital works are as detailed in the Delivery Plan and Operational Plan.

Policy or Regulation

There are no policy or regulation implications.

Consultation

Consultation has been held internally with Civil Services Section and Water Cycle Section and Open Spaces and Facilities Section.

Legal and Risk Management

There are no legal or risk management implications.

Climate Change

There are no climate change implications.

Prepared by	Dylan Kelly, Greg Mashiah, Peter Birch
Attachment	Works Program

d. INFORMATION ITEMS

ITEM	6d.21.004	ITEMS FOR INFORMATION
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Meeting	Council	25 May 2021
Directorate	Office of General Manager	
Reviewed by	A/General Manager - Laura Black	
Attachment	Yes	

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted:

1. Clarence Valley Cultural Committee – Minutes for November 2020
2. Deputy Premier NSW – Stronger Country Communities Fund – Round Four

COUNCIL RESOLUTION – 6d.21.004**Kingsley/Novak**

That the Items for Information as listed below be noted:

1. Clarence Valley Cultural Committee – Minutes for November 2020
2. Deputy Premier NSW – Stronger Country Communities Fund – Round Four

Voting recorded as follows:

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

Against: Nil

CARRIED

Prepared by	Lesley McBay, Coordinator Executive Support
Attachments	As listed above

e. TENDERS

ITEM	6e.21.007	EXPRESSION OF INTEREST – CONSTRUCTION OF THE GRAFTON WATERFRONT PRECINCT PROJECT ON CROWN LAND
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Meeting	Council	25 May 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Confidential	

SUMMARY

Expressions of Interest (EOI 21/02) were invited on 22 April 2021 for suitably experienced, skilled and competent construction contractors for the select tender for the construction of the Grafton Waterfront Precinct Project.

The EOI closed on 13 May 2021 and the submissions were evaluated in accordance with the requirements of the EOI Evaluation Plan (EEP). Following the evaluation process this report recommends approval of the four shortlisted contractors.

OFFICER RECOMMENDATION

That Council invite the following contractors to submit tenders for the Construction of the Grafton Waterfront Precinct Project:

1. Alder Constructions Pty Ltd
2. Haslin Constructions Pty Ltd
3. Hazell Bros (QLD) Pty Ltd
4. See Civil Pty Ltd

COUNCIL RESOLUTION – 6e.21.007**Lysaught/Kingsley**

That Council invite the following contractors to submit tenders for the Construction of the Grafton Waterfront Precinct Project:

- 1. Alder Constructions Pty Ltd**
- 2. Haslin Constructions Pty Ltd**
- 3. Hazell Bros (QLD) Pty Ltd**
- 4. See Civil Pty Ltd**

Voting recorded as follows:

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

Against: Nil

CARRIED**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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

BACKGROUND

Council has been awarded an Australian Government Grant for \$6.5M to develop the Grafton Waterfront Precinct Project. In order to achieve best value for money a two-stage selective tender process involving an initial Expressions of Interest (EOI 21/02) and then an invited tender has been adopted.

The EOI was called for suitably experienced, skilled and competent construction contractors to tender for the construction of the Grafton Waterfront Precinct Project

An EOI Evaluation Plan (EEP) was prepared and a Tender Evaluation Committee (TEC) assessed the submissions. The EEP stipulated the process, criteria and scoring that was used in assessing the applicants.

The EOI closed on 13 May 2021 with submissions received from ten Contractors:

1. Alder Constructions Pty Ltd
2. CD Civil Pty Ltd
3. Deepend Pty Ltd T/A Newcastle Street Furniture
4. Haslin Construction Pty Ltd
5. Hazell Bros QLD Pty Ltd
6. Ledonne Constructions Pty Ltd
7. Metal Manufacturers Ltd T/A TLE Electrical
8. Mid North Coast Contractors
9. SEE Civil Pty Ltd
10. SMC Marine Pty Ltd
(listed alphabetically)

KEY ISSUES

The TEC has undertaken an assessment of the tenders taking into consideration the following criteria;

Mandatory Participation Criteria (Pass/Fail)

- Legal Entity
- Work Health and Safety Management System
- Environmental Management System
- Quality Management System

Evaluation Criteria (Scored)

- Applicants Experience and Capabilities
- Personnel Proposed
- Proposed subcontractors
- Understanding of Contract requirements

The submissions were assessed and scored against the methodology detailed in the EEP. The scores are detailed in the attached confidential attachment to this report. In order to achieve a competitive market is created for the selective tender the TEC recommend that the Four (4) highest rated Contractors be selected to participate in the invited tender. The shortlist of contractors being:

1. Alder Constructions Pty Ltd
2. Haslin Constructions Pty Ltd
3. Hazell Bros (QLD) Pty Ltd
4. See Civil Pty Ltd
(listed alphabetically)

COUNCIL IMPLICATIONS

Budget/Financial

Council has allocated funding of \$6,500,000 for the project (design & construction) from an Australian Government Grant. The two stage tender process was considered to deliver the best value for money outcome for Council.

The project schedule, contract price and recommended tenderer should be reported back to the August ordinary Council meeting.

Asset Management

N/A

Policy or Regulation

The EOI process that was conducted is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- The assessment of selective tenders will include consideration of local content as part of the assessment criteria as required under Council's Policy. That will include consideration for using local sub-contractors, purchase of materials and services, and employment outcomes for both locals trades, apprentices and aboriginal employment outcomes.

- The tenderers were required to demonstrate their skills, experience in competence in constructing similar types of projects.

Consultation

N/A

Legal and Risk Management

The Tendering process has followed the requirements of the Local Government Act and Regulation. The company directors for the shortlisted tenderers are -

Tenderer	ABN	Name of Partners and Directors
Alder Constructions Pty Ltd	31 106 657 470	Greg Alder – Managing Director Dean Cheffers – General Manager
CD Civil Pty Ltd	80 642 026 300	Craig Wills – Managing director
Deepend Pty Ltd T/A Newcastle Street Furniture	Not Provided	No information provided – Passed Over
Haslin Construction Pty Ltd	85 051 102 124	Colin Woods - Director
Hazell Bros QLD Pty Ltd	46 145 228 986	Geoffrey Hazell – Managing Director Robert Hazell – Assets Manager/Director Justin Leslie – General Manager/Director Simon Barr – Operations Manager/Director
Ledonne Constructions Pty Ltd	68 003 117 717	Antonio Ledonne – Managing Director
Metal Manufacturers Ltd T/A TLE Electrical	13 003 762 641	No information provided – Passed Over
Mid North Coast Contractors	12 158 993 143	Shaun Bowditch – Managing Director Stephen Bowditch – Director Karen Bowditch - Director
SEE Civil Pty Ltd	88 115 963 427	Mark Turner – Exc Director Operations Peter Newton – Exc People Steven Turner – Managing director
SMC Marine Pty Ltd	48 096 465 333	Peter Phillip - Director

Note: Tenderers listed alphabetically throughout the report

Climate Change

N/A

Prepared by	Andy Seaman, Project Manager
Attachment	Confidential - EOI Tender Recommendation Report

ITEM 6e.21.008 RFT20-48 – CLOUDS CREEK BRIDGE REPLACEMENT

Meeting	Council	25 May 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Confidential	

SUMMARY

Council called open tenders for the design and construction for the replacement of the bush-fire damaged Clouds Creek Bridge on Armidale Road. The tender closed on 22 April 2021. This report presents the outcome of the tender process and seeks Councils resolution to accept the most advantageous tender.

OFFICER RECOMMENDATION

That:

1. Council accept the tender submitted from Ark Construction Group Pty Ltd for TFT20-48 – Clouds Creek Bridge Replacement at a cost of \$1,836,115 (excl GST) to be funded from Bushfire Recovery – Armidale Rd at Clouds Creek Bridge (PJ 176292) and the Council seal attached.
2. The General Manager be authorised to approve variations up to 15% of the contract sum.

COUNCIL RESOLUTION – 6e.21.008**Kingsley/Lysaught**

That:

1. Council accept the tender submitted from Ark Construction Group Pty Ltd for TFT20-48 – Clouds Creek Bridge Replacement at a cost of \$1,836,115 (excl GST) to be funded from Bushfire Recovery – Armidale Rd at Clouds Creek Bridge (PJ 176292) and the Council seal attached.
2. The General Manager be authorised to approve variations up to 15% of the contract sum.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Lysaught, Ellem, Clancy, Novak
Against: Nil

CARRIED**LINKAGE TO OUR COMMUNITY PLAN**

Theme	2 Infrastructure
Objective	2.1 We will have communities that are well serviced with appropriate infrastructure
Strategy	2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

BACKGROUND

The Clouds Creek Bridge was damaged by bushfires in late 2019. Council engaged SMEC (consulting engineers) to undertake assessments of the damaged structure to determine the cost of repairing or replacing the bridge to current engineering standards. Based on that assessment it was determined that complete replacement of the bridge with a reinforced concrete structure was the most feasible option, rather than repairing the existing timber structure. Subsequently Council engaged consultant Bridge Knowledge to conduct investigations at the site and develop three options for the concept design of the replacement structure, recommending a preferred option.

This tender was prepared on the basis of the preferred concept design option provided by Bridge Knowledge Pty Ltd.

Transport for NSW (TfNSW) provided an agreed funding schedule including confirmation of the Upper Limit Fee for restoration of Clouds Creek Bridge as an essential public asset on 27 January 2021. Following

acceptance of the agreed funding schedule Council commenced the process of seeking tenders from suitably qualified Contractors for the detailed design and construction of the new bridge, including demolition of the existing structure.

KEY ISSUES

Tenders were assessed by a Tender Evaluation Committee (TEC) using a 60% price and 40% non price weighting. A detailed report from the TEC is included in the confidential attachments.

Six (6) tender submissions were received and all submissions were deemed to be conforming and progressed through to a detailed evaluation process.

The TEP considers that, in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation*, the Tender which having regard to all the circumstances (price and non-price) appears to be the most advantageous to Council is from ARK Construction Group Pty Ltd and recommends that this tender be accepted.

An independent financial assessment was obtained to confirm the preferred tenderer had the financial capacity to deliver the project. A copy of the financial assessment is included in the confidential attachments.

COUNCIL IMPLICATIONS

Budget/Financial

The Clouds Creek Bridge was damaged by bushfire in late 2019. The project is classified as Essential Public Asset Reconstruction works under the Disaster Recover Funding Arrangements. Council has agreed to an approved upper limit fee including \$2,200,000 (excluding GST) for the construction of the new bridge.

The available budget for the tender is Bushfire Recovery – Armidale Rd at Clouds Creek Bridge, PJ 176292 and the GST exclusive tender price is \$1,836,115.

Asset Management

The Clouds Creek Bridge on Armidale Road was damaged by bushfire in late 2019 and has been out of service since then. A single lane temporary bridge is currently in place, diverting traffic around the damaged bridge.

The new reinforced concrete bridge will provide a 100 year design life and will provide complete replacement of the fire-damaged timber structure.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

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

Consultation

External consultants were engaged to provide independent advice on the repair or replacement of the bridge and the preferred concept design option for a replacement structure. The advice provided was used to support Council's request for funding of the bridge replacement as restoration of an essential public asset.

The upper limit fee sought as a result of the consultant's advice has been agreed to by TfNSW.

Legal and Risk Management

The Tendering process has followed the requirements of the Local Government Act and Regulation.

There were six submissions received. The company partners and directors of the six companies that submitted tenders are:

Tenderer	Name & Position
ARK Construction Group Pty Ltd	Ashley Lambart McLauchlan, Managing Director
MCS Civil (NSW) Pty Ltd	Christopher Murhpy, Sole Director / Company Secretary
Mirait Technologies Australia Pty Ltd	Kerry White, Chief Executive Officer / Director Ian Richter, Chief Operations Officer / Director Ian Laing, Director Osamu Ebihara, Director Masatoshi Okuda, Director Naomi Komoda, Director
Quickway Constructions Pty Ltd	Derek Mullally, Managing Director David Tan, Director / CFO Peter Wilkinson, Director
Saunders Civilbuild Pty Limited	Listed on the Australian Stock Exchange
Willis Brant & Associates	Gavin Willis, Director Christopher Gorrick, Director

Climate Change

A Review of Environmental Factors (REF) report has been prepared for the project by a consultant engaged by Council. The REF found that the project will contribute to carbon emissions and climate change to a minor extent as a result of the carbon dioxide emissions generated by vehicles and plant. The project site is not located within an area of land that is subject to flooding or coastal erosion.

Prepared by	Adele McGeary, Bridges Engineer
Confidential	Tender Recommendation Report Detailed Financial Assessments (2 of)

ITEM 6e.21.009 RFT20-49 – CHEVALLEYS BRIDGE REPLACEMENT

Meeting	Council	25 May 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Confidential	

SUMMARY

Council called open tenders for the design and construction for the replacement of the bush-fire damaged Chevalleys Bridge on Coaldale Road. The tender closed on 22 April 2021. This report presents the outcome of the tender process and seeks Councils resolution to accept the most advantageous tender.

OFFICER RECOMMENDATION

That:

1. Council accept the tender Ark Construction Group Pty Ltd for TFT20-49 – Chevalleys Bridge Replacement at a cost of \$1,242,961 (excl GST) to be funded from Bushfire Recovery – Coaldale Road, Chevalleys Bridge (PJ 176294) and the Council seal attached.
2. The General Manager be authorised to approve variations up to 15% of the contract sum.

COUNCIL RESOLUTION – 6e.21.009**Kingsley/Lysaught**

That:

1. Council accept the tender Ark Construction Group Pty Ltd for TFT20-49 – Chevalleys Bridge Replacement at a cost of \$1,242,961 (excl GST) to be funded from Bushfire Recovery – Coaldale Road, Chevalleys Bridge (PJ 176294) and the Council seal attached.
2. The General Manager be authorised to approve variations up to 15% of the contract sum.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

BACKGROUND

Chevalleys Bridge was damaged by bushfire in late 2019. Council engaged SMEC (consultant engineers) to undertake an assessment of the damaged structure to determine the cost of repairing or replacing the bridge to current engineering standards. The assessment informed the decision that complete replacement of the bridge with a reinforced concrete structure was the most feasible option, rather than repair of the existing timber structure. It was decided that the existing single lane bridge should be replaced with a two-lane structure to match the standard of the other recent bridge replacements on Coaldale Road. Subsequently Council engaged consultant Bridge Knowledge to conduct investigations at the site and develop three options for the concept design of the replacement structure, recommending a preferred option.

This tender was prepared on the basis of the preferred concept design option provided by Bridge Knowledge Pty Ltd.

Council staff were advised by Resilience NSW representatives that funding for restoration of public assets would not be approved for the full cost of replacement of the bridge with a two-lane wide structure. As a

result, Council applied for, and successfully secured, NSW Government's Fixing Country Bridges program funding for 50% for the new bridge.

Transport for NSW (TfNSW) provided an agreed funding schedule including confirmation of the Upper Limit Fee for restoration of Chevalleys Bridge as an essential public asset on 27 January 2021. The funding amount was for 50% contribution towards the new structure. Following acceptance of the agreed funding schedule Council commenced the process of seeking tenders from suitably qualified Contractors for the detailed design and construction of the new bridge, including demolition of the existing structure.

KEY ISSUES

Tenders were assessed by a Tender Evaluation Committee (TEC) using a criteria of 60% price and 40% non price weighting. A detailed report from the TEC is included in the confidential attachments.

Four (4) tender submissions were received and all submissions were deemed to be conforming and progressed through to a detailed evaluation stage.

The TEP considers that, in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation*, the Tender which having regard to all the circumstances (price and non-price) appears to be the most advantageous to Council is from ARK Construction Group Pty Ltd and recommends that this tender be accepted.

An independent financial assessment was obtained to confirm the preferred tenderer had the financial capacity to deliver the project. A copy of the financial assessment is included in the confidential attachments.

COUNCIL IMPLICATIONS

Budget/Financial

The project is classified as Essential Public Asset Reconstruction works under the Disaster Recovery Funding Arrangements. Council has agreed to an approved upper limit fee including \$914,497.00 (excluding GST) for the construction of the new bridge. The NSW Government Fixing Country Bridge Program funding offered for the project is \$847,875.00. This equates to a total of \$1,762,372.

The available budget for the tender is Bushfire Recovery – Coaldale Road, Chevalleys Bridge, PJ 176294 and the GST exclusive tender price is \$1,242,961.

Asset Management

Chevalleys Bridge on Coaldale Road was damaged by bushfire in late 2019 and has been impaired since then. Traffic control measures are currently in place, slowing traffic and guiding them away from the side of the bridge with significant fire damage.

The new reinforced concrete bridge will provide a 100-year design life and will provide complete replacement of the fire-damaged timber structure.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

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

Consultation

External consultants were engaged to provide independent advice on the repair or replacement of the bridge and the preferred concept design option for a replacement structure. The advice provided was used to support Council's request for funding of the bridge replacement as restoration of an essential public asset.

Funding was sought on the basis of the consultant's advice has successfully been secured.

Legal and Risk Management

The Tendering process has followed the requirements of the Local Government Act and Regulation.

There were four submissions received. The company partners and directors of the four companies that submitted tenders are:

Tenderer	Name & Position
ARK Construction Group Pty Ltd	Ashley Lambart McLauchlan, Managing Director
MCS Civil (NSW) Pty Ltd	Christopher Murhpy, Sole Director / Company Secretary
Quickway Constructions Pty Ltd	Derek Mullally, Managing Director David Tan, Director / CFO Peter Wilkinson, Director
Saunders Civilbuild Pty Limited	Listed on the Australian Stock Exchange

Climate Change

A Review of Environmental Factors (REF) report has been prepared for the project by a consultant engaged by Council. The REF found that the project will contribute to carbon emissions and climate change to a minor extent as a result of the emissions generated by vehicles and plant. The project site is not located within an area of land that is subject to flooding or coastal erosion.

Prepared by	Adele McGeary, Bridges Engineer
Confidential	Tender Recommendation Report Detailed Financial Assessment

7. NOTICE OF MOTIONS

ITEM	07.21.009	COPMANHURST CAMPDRAFT AUSTRALIAN ABCRA CHAMPIONSHIPS SPONSORSHIP
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Meeting	Council	25 May 2021
Directorate	Notice of Motion	
Submitted by	Cr Debrah Novak	
Attachment	Yes	

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

SUMMARY

The Copmanhurst Campdraft is one of the Clarence Valley's annual premier sporting events which takes place every September and attracts hundreds of competitors and spectators from throughout Australia. This annual campdraft has been cancelled for the past two years and this year's highly anticipated event is significant for two reasons.

Firstly, it will be an opportunity for the farming community and campdraft enthusiasts to gather and unite after the devastating drought, catastrophic summer bushfires, and Covid-19 impacts. The second reason being the club will also be hosting for the first time the Australian ABCRA championships.

To host these national championships the Copmanhurst Campdraft Club must hire extra facilities to stage these titles.

PROPOSED MOTION

That Council, as per the supplied quote, donate \$6,490.00 to the Copmanhurst Campdraft Committee for the combination hire of a toilet/shower trailer for 4 days.

This Includes: 9 x Toilets and 6 x Showers divided into male/female. All consumables, paper, hand soap, sanitiser, cleaning solutions, LPG Delivery costs based on 230 kms trip with operator to stay on site to maintain and service the facilities.

Having declared an interest in this item, Cr Kingsley left the Council meeting at 4.57pm and returned at 5.06pm.

COUNCIL RESOLUTION – 07.21.009

Novak/Simmons

That Council, having considered the need for equity highlighted in the officer's comment in considering applications for funding, invite the Copmanhurst Campdraft Committee to submit an out of time application also identified in the officer's comment for sponsorship of their event.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme	3 Economy
Objective	3.1 We will have an attractive and diverse environment for business, tourism and industry
Strategy	3.1.5 Attract and grow events which contribute to the economy with a focus on high participatory events

BACKGROUND

Originally established in 1957 with the aim of providing a competitive and social event for campdraft and rodeo enthusiasts across Northern NSW, the campdraft has gone from strength to strength over the years and now attracts competitors from around NSW and QLD, injecting dollars back into the community.

The ABCRA championships will see our local campdraft attract competitors from all over the country, giving competitors the opportunity to gain extra points prior to the National finals held in Tamworth in January 2022.

Australian Bushmen's Campdraft and Rodeo Association (ABCRA) is Australia's largest Rodeo, Campdraft and Challenge, Sorting & Penning organisation formed in 1946 for the purpose of coordinating and assisting affiliated committees to conduct their events.

The Copmanhurst Campdraft Committee is a long standing, highly respected, dedicated group of local, generational farmers who have co-ordinated this annual community sporting event at a personal and financial cost to themselves for over 60 years.

KEY ISSUES

To comply with the guidelines of hosting the ABCRA championships, the Copmanhurst committee must provide adequate facilities for the staging of this prestigious event.

Under the ABCRA Guidelines, the hosting committee must have sufficient permanent and portable shower facilities to cater for the expected number of competitors/spectators.

Facilities should be worked on 800 people 1 shower per 100 people. Toilets - provision of permanent and portable toilets.

As the Copmanhurst Recreational grounds only provide 4 permanent showers and 6 toilets, this will not be sufficient. The Copmanhurst Campdraft Committee have obtained a quote for additional toilets and showers for the four-day event to comply.

COUNCIL IMPLICATIONS**Budget/Financial**

Applications had already closed for the Clarence Valley Council's Special Events and Sponsorship Program. Seeking to have the \$6,490.00 for this significant event included in the 2021/2022 Budget as per the supplied quote.

Policy or Regulation

N/A

Consultation

Copmanhurst Campdraft Committee, Copmanhurst Community, and the Australian Bushmen's Campdraft and Rodeo Association (ABCRA)

Legal and Risk Management

N/A

Attachment:	Quote for Combination Toilet and Shower Hire Trailer
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STAFF COMMENT – Alicia Savelloni

The Copmanhurst Campdraft organisers applied for sponsorship in 2016 and were successful, receiving \$1,000. As the organisers are familiar with Council's Special Event Sponsorship process, we would be happy to receive an application for the 2021 event. We have accepted applications outside of Round 1 and Round 2 from other event organisers (such as the recent Lions Convention application and report to Council). Considering the event is in late September, there is still time.

Receiving a request for sponsorship funds in this manner, via a NOM, is unfair to the other event organisers, who apply through the correct transparent process and are assessed accordingly.

A point of clarification around the request in the proposed motion to 'donate' funds. The Special Event Sponsorship program provides sponsorship to event organisations as defined in CVC's Event Sponsorship Policy:

"Outbound Event Sponsorship means a business transaction in which Council provides a financial contribution or value in-kind, to support an event, project, service or activity, in return for negotiated commercial and other benefits to the Clarence Valley."

This is different from a donation and donations fall under CVC's Donations Policy, which guides the Community Initiatives Program. A sponsorship is treated differently to a donation under the Local Government Act.

It's assumed the NOM is requesting CVC sponsor the Copmanhurst Campdraft if the request is for the event to be part of the Special Event Sponsorship program.

8. CONFIDENTIAL BUSINESS

ITEM	08.21.005	OPTION ON AIRSPACE OVER THE PARKING AREA ADJACENT TO GRAFTON REGIONAL LIBRARY
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Meeting	Council	25 May 2021
Directorate	Environment, Planning & Community	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Confidential	

CONFIDENTIAL *The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section: 10A 2 (c) The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

MOTION

Novak/Kingsley

That Council move into closed session to consider the item 08.21.005 Option on Airspace over the parking area adjacent to Grafton Regional Library in accordance with the Local Government Act 1993 10A 2 (c) *The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

Voting recorded as follows:

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

Against: Nil

Council moved into closed session at 5.08pm. The meeting broadcast was turned off.

Council moved into open forum at 5.17pm. The broadcast was resumed.

MOTION

Simmons/Baker

That Council adopt but not make public the recommendation for Item 08.21.005 Option on Airspace over the parking area adjacent to Grafton Regional Library under the Local Government Act 1993 Section 10A 2-c as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Voting recorded as follows:

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

Against: Nil

9. QUESTIONS WITH NOTICE

ITEM 09.21.002 QUESTIONS WITH NOTICE

Meeting

Council

25 May 2021

CR KAREN TOMS

Please find following my questions with notice as per our Code of Meeting Practice.

Item 6b.21.024 MOD2021/0016 (responses are in red font)

Q1 why weren't council progress inspections carried out?

Building surveyors have critical inspections around footings, stormwater, concreting and the frame and only return for a final inspection for occupation. On this DA, one of the final occupation inspections found inconsistencies and asked the owner to submit a modification now before Council. The building surveyors would not be on site to pick up the minor variations reported. It is not unusual to pick up minor variations during the final occupation inspection, and when this occurs they need to be either approved or modified.

Qa. If council inspections were done, would they have prevented the noncompliance of the original consent and the need for this MOD/DA?

See above it is more than likely these variations would not be picked up until final inspection.

Q2. Why has condition 14 from the original consent (That all structures within 7.5mt of the rear building alignment shall not exceed 1.2mt in height from existing ground level) not been included in this new DA?

It's unclear from the question what structures are being referred to. The Residential DCP limits the height of main buildings and fencing within the 7.5 metre rear building alignment. The suitability of other structures within the rear building alignment is for the consideration of Council at the May meeting where the draft conditions may be amended, or Council can create new conditions as part of the determination.

Q3. Have council planners decided it is no longer necessary to have that 1.2m height limit?

See above. This is in front of Council how DCPs can be varied.

Q4. Or has condition 14 been removed to accommodate the applicant's non-compliance?

Again not sure what is being referred to.

Q5. It is alleged in a submission there are 12 conditions from the original DA not addressed.

The variations that Council staff have found are addressed in the report to Council.

Is that true? If yes

Q6. Do any of the modifications carried out that contradict the original DA consent and conditions and now seeking retrospective approval impact more than the original DA on the privacy and amenity to the adjacent neighbours as described by them in their submission?

No - actually the planter boxes now located between the deck and the adjoining neighbour increase privacy.

Q5. If they do, what action or conditions have council staff applied to mitigate the negative impacts to this family?

The new DA actually improves privacy by adding a retractable privacy screen and the planter box relocation improves privacy.

Q6 There is evidence the retaining wall was built before this modification DA was submitted, please advise why it is not included so it can be certified?

The existing retaining wall is not part of the current DA and is not under consideration at this point. In addition, Council staff do not certify structures. The onus is on the applicant to provide proof of certification.

Or does council have evidence it has been certified by a structural engineer?

Records have not been checked, as the retaining wall is not part of the current DA, certification would have been required at the time of the approval of construction.

MOTION

Baker/Kingsley

That the questions with notice and the answers be noted.

Voting recorded as follows:

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

Against: Nil

10. LATE ITEMS OF BUSINESS - Nil

11. CLOSE OF ORDINARY MEETING

There being no further business the Council meeting closed at 5.20pm.