

Richmond  
Valley  
Council



## **Minutes**

### **Ordinary Meeting**

**Tuesday, 20 December 2016**

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**MINUTES OF THE ORDINARY MEETING OF RICHMOND VALLEY COUNCIL,  
HELD IN THE COUNCIL CHAMBERS, CNR WALKER STREET AND GRAHAM  
PLACE, CASINO, ON TUESDAY, 20 DECEMBER 2016 AT 5.02 P.M.**

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**PRESENT**

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Crs Robert Mustow (Mayor), Daniel Simpson (Deputy Mayor), Sam Cornish, Robert Hayes, Sandra Humphrys, Jill Lyons and Steve Morrissey.

Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure and Environment), Ryan Gaiter (Acting Chief Operating Officer) and Roslyn Townsend (Corporate Support Officer) were also in attendance.

**1 ACKNOWLEDGEMENT OF COUNTRY**

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The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

*"Council would like to show its respect and acknowledge all of the traditional custodians of land within the Richmond Valley Council area and show respect to elders past and present."*

**2 PRAYER**

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The meeting opened with a prayer by the General Manager.

**3 PUBLIC ACCESS AND QUESTION TIME**

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**3.1 PUBLIC ACCESS - MR LASZLO BIRO - ITEM 15.5 - COMMUNITY FINANCIAL ASSISTANCE PROGRAM**

Mr Biro, on behalf of Ms Liz Stops, spoke in support of the funding allocation to Casino Environment Centre which will be used to assist with a nesting box project involving school students.

**3.2 PUBLIC ACCESS - MR LASZLO BIRO - ITEM 14.3 - RICHMOND VALLEY COUNCIL INVESTMENTS AND THE FOSSIL FUEL INDUSTRY**

Mr Biro, on behalf of Ms Liz Stops, addressed Council regarding divestment from institutions that support the fossil fuel industry.

The Mayor thanked Mr Biro for his presentations.

### 3.3 QUESTIONS - MR LASZLO BIRO

The General Manager responded to the following questions which were asked by Mr Biro, on behalf of Ms Liz Stops:

#### Question 1

*"Regarding TCorp's Investment Stewardship Policy, could the General Manager please elaborate on how the terms 'materiality' and 'quality' can be defined within the context in which they are used on page 22 of the business papers?"*

The General Manager advised that Council's report included the Oxford Dictionary's definition of materiality to give readers who may not be familiar with the term a better understanding. Materiality is a subjective term that TCorp use in the context of their work in assessing products and investments.

#### Question 2

*"Will TCorp's implementation project of the Investment Stewardship Policy, when fully realised, detail all materiality criteria?"*

The General Manager advised that materiality is identified from ongoing assessment and TCorp is unlikely to be able to generate a list of all the materiality criteria at any one time. Development of a seasoned view on materiality around any one of the Environment, Social and Governance factors is likely to be a medium term process.

#### Question 3

*"Does TCorp rule out investment in uranium mining? If not, what is Council's response to that?"*

The General Manager advised at this time uranium mining is not an excluded activity. It is also a matter for Council to decide if a response is necessary.

#### Question 4

*"Will Council undertake to report on the implementation of TCorp's Investment Stewardship Policy and its implications for fossil free investment at the end of the financial year and at 6 monthly intervals thereafter?"*

The General Manager advised that this is a matter for Council to determine as to whether it wants those reviews to be undertaken. However, it should be noted that Treasury Corporation (TCorp) is the NSW Government's investment corporation. That obviously provides security for the funds that it manages.

Council adopted its Investment Policy in July this year after a thorough review. There are strict limits and guidelines on what products Councils are able to invest in set by a Ministerial Order with which Council must comply.

Council decided to invest in TCorp and withdrawing funds from there would impact on Council's returns as the investments are 3-5 year products to gain maximum return. Council also benefits through cheaper borrowing from TCorp.

Council's Investment Policy has enabled Council to invest \$9M in Socially Responsible Investment institutions without impacting on its returns.

#### Question 5

*"Referring to page 88 of the business papers, will Council undertake to contact the State Government and request that current coal seam gas exploration licences be cancelled?"*

The General Manager advised that the comment on page 88 in relation to coal seam gas exploration licences was an error. It should have included the word 'no' before 'current'. Page 73 and 74 of the Regional SoE Report is the relevant section of the report which identifies that there are no coal seam gas exploration licences. The General Manager advised it is therefore not necessary to contact the NSW Government.

## **4 APOLOGIES**

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Nil.

## **5 MAYORAL MINUTE**

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Nil.

## **6 CONFIRMATION OF MINUTES**

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### **6.1 ORDINARY MEETING MINUTES - TUESDAY, 15 NOVEMBER 2016**

A copy of the Minutes of the Ordinary Meeting, held on Tuesday, 15 November 2016, was distributed with the Business Paper.

### **RECOMMENDATION**

Recommended that the Minutes of the Ordinary Meeting, held on Tuesday, 15 November 2016, be taken as read and confirmed as a true record of proceedings.

### **201216/ 1 RESOLVED (Cr Morrissey/Cr Hayes)**

That the Minutes of the Ordinary Meeting, held on Tuesday, 15 November 2016, be taken as read and confirmed as a true record of proceedings.

FOR VOTE - All Council members voted unanimously.

**6.2 EXTRAORDINARY MEETING MINUTES - TUESDAY, 6 DECEMBER 2016**

A copy of the Minutes of the Extraordinary Meeting, held on Tuesday, 6 December 2016, was distributed with the Business Paper.

**RECOMMENDATION**

Recommended that the Minutes of the Extraordinary Meeting, held on Tuesday, 6 December 2016, be taken as read and confirmed as a true record of proceedings.

**201216/ 2 RESOLVED** (Cr Morrissey/Cr Hayes)

That the Minutes of the Extraordinary Meeting, held on Tuesday, 6 December 2016, be taken as read and confirmed as a true record of proceedings.

FOR VOTE - All Council members voted unanimously.

**7 MATTERS ARISING OUT OF THE MINUTES**

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Nil.

**8 DECLARATION OF INTERESTS**

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Nil.

**9 PETITIONS**

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Nil.

**10 NOTICES OF MOTION**

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Nil.

**11 MAYOR'S REPORT**

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**11.1 MAYOR'S ATTENDANCES - 10 NOVEMBER TO 13 DECEMBER 2016**

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**RECOMMENDATION**

Recommended that the Mayor's Report be received and noted.

**201216/ 3    RESOLVED    (Cr Mustow/Cr Lyons)**

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

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**Report**

The Mayor attends a number of meetings/functions on behalf of Council.

The following information has been provided by the Mayor in regard to recent attendances.

***November 2016***

- 10 November – Casino High School Year 12 graduation
- 11 November – Remembrance Day
- 12 November – Northern Cooperative Meat Company Open Day
- 12 November – Combined Services Club dinner
- 13 November – Military Museum AGM
- 13 November – Woodburn/Evans Head & District Orchid & Foliage Society Christmas Party
- 14 November – Meeting with resident
- 14 November – Casino Rail Freight Terminal discussions
- 14 November – NRLX Advisory Group meeting
- 15 November – Office of Local Government - Hit the ground running workshop for Councillors held at Ballina
- 15 November – Ordinary Meeting
- 16 November – Rous Water Meeting
- 17 November – Library Volunteer Christmas morning tea
- 17 November – Broadwater Community Consultation
- 18 November – NOROC AGM
- 18 November – Shark Strategy meeting Ballina & Meeting with Premier Baird.
- 19 November – Odd Fellows Manchester Unity welcome
- 19 November – Rotary Craft and Beer Expo
- 21 November – Meeting with resident
- 24 November – Santa promotions photo
- 24 November – Rappville community consultation
- 30 November – Meeting with resident

***December 2016***

- 1 December – RVC Street Christmas party Casino
- 2 December – Casino Hospital Auxiliary Christmas morning tea
- 3 December – Casino Dance Academy Christmas concert
- 5 December – International Volunteer day morning tea
- 5 December – Evans Head Tourism Booklet launch



- 5 December – Evans Head Christmas Tree lighting
- 6 December – Casino West Public School annual presentation
- 6 December – Internal Audit Committee
- 6 December – Extraordinary Council meeting
- 6 December – Councillor information session
- 7 December – Dr James Cowley presentation on regional economic development (invitation from the Hon Kevin Hogan MP)
- 8 December – RVC staff Christmas party
- 8 December – Evans Head Senior Citizens' Christmas party
- 9 December – Casino Environment Centre photo
- 9 December – Casino Tennis Club – presentation night and Christmas party
- 11 December – Lions Christmas Carols Casino
- 12 December – Casino Aero Club representatives meeting
- 13 December – Casino Primary School Awards

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## **12 DELEGATES' REPORTS**

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### **12.1 DELEGATE'S REPORT SUBMITTED TO THE DECEMBER 2016 ORDINARY MEETING**

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#### **RECOMMENDATION**

Recommended that the Delegate's Report be received and noted.

**201216/ 4 RESOLVED** (Cr Humphrys/Cr Cornish)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

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#### **Report**

Council delegates are required to report on meetings/forums attended on Council's behalf.

The following information has been provided in regard to meetings/functions attended by Councillors.

#### ***Rous County Council Meeting 16 November 2016***

Cr Robert Mustow and Cr Sandra Humphrys have provided the attached summary of the main items of business for Rous County Council Meeting held on 16 November 2016.



## Summary of main items of business for Rous County Council meeting 16 November 2016

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### 1. Audited financial reports and auditor's report for the year ending 30 June 2016

Following advertising, the final Audited Reports for 2015/16 were presented to Council. It was noted that no public submissions had been received.

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### 2. Quarterly Budget Review Statement (QBRs) as at 30 September 2016

The result presented in the QBRs was noted and variations were authorised to the amounts from those previously estimated.

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### 3. Public exhibition of proposed policy: Payment of expenses and provision of facilities for chairperson and councillors

Council approved public consultation in relation to its proposed policy; submissions close on 15 December 2016.

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### 4. Information reports

#### i). Investments – October 2016

This report outlined all Council's investments and borrowings as at October 2016. Investments totalled \$31,373,603 with a return of 2.68%.

#### ii). Water production and usage – October 2016

The report indicated that for the October 2016 period water consumption by constituent councils had increased when compared to the same period last year.

Daily source usage during the period averaged 32.203ML which was an increase from the September 2016 daily average of 28.130ML.

At the time of the report Rocky Creek Dam was below full capacity at 90.77%.

#### iii). Annual Code of Conduct Complaints Statistics reports

Council noted that the reports for Rous County Council, Far North Coast County Council and Richmond River County Council showed nil complaints for the three Counties.

**5. Risk and Audit Committee update**

Council adopted the minutes of the Risk and Audit Committee meeting of 2 November 2016. The Committee Chairperson, Mr Brian Wilkinson, presented to Council to provide an update on operations of the Committee including progress of completion of action items.

*For a copy of the draft Minutes for this meeting and the business paper, please go to Council's website <http://www.rous.nsw.gov.au>*

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**13 MATTERS DETERMINED WITHOUT DEBATE**

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**201216/ 5 RESOLVED** (Cr Morrissey/Cr Lyons)

That Items 14.1, 14.2 and 14.6 be determined without debate.

FOR VOTE - All Council members voted unanimously.

**14 MATTERS FOR DETERMINATION**

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**14.1 INTERNAL AUDIT COMMITTEE MEETING HELD ON TUESDAY 6 DECEMBER 2016**

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**RECOMMENDATION**

Recommended that the Minutes of the Internal Audit Committee Meeting held on Tuesday, 6 December 2016 be received and adopted.

**201216/ 6 RESOLVED** (Cr Morrissey/Cr Lyons)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

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**Executive Summary**

The Internal Audit Committee provides independent assurance and assistance to the Richmond Valley Council on risk management, control, governance and external accountability responsibilities. The Committee meets four times a year in accordance with the Meeting Plan which is adopted annually.

At the meeting held on 6 December 2016 the Committee discussed the following items.

1. Election of Internal Audit Committee Chairperson
2. Closing Report from the external auditors
3. Internal Audit Report undertaken since the last meeting being the Plant and Fleet Review
4. Outstanding Action Item from previous report being the People Management Review

**Community Strategic Plan Links**

Focus Area 7 Governance and Process - Long Term Goal 7.5 Sound Governance and Legislative Practices.

**Budget Implications**

Nil.

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## Report

The Minutes of the meeting held on 6 December 2016 are provided below.

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**MINUTES OF THE INTERNAL AUDIT COMMITTEE MEETING HELD IN THE COUNCIL CHAMBERS, RICHMOND VALLEY COUNCIL, CNR WALKER STREET AND GRAHAM PLACE, CASINO, ON TUESDAY, 6 DECEMBER 2016 AT 4 PM**

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### PRESENT

Cr Robert Mustow, Cr Daniel Simpson, Cr Stephen Morrissey, Cr Robert Hayes, Cr Sandra Humphrys, Cr Sam Cornish and Cr Jill Lyons.

Jarrod Lean & Adam Kim (Internal Auditor Grant Thornton), Geoff Dwyer (Thomas, Noble & Russell), Vaughan Macdonald (General Manager), Ben Zeller (Executive Internal Audit), Ryan Gaiter (Acting Chief Operating Officer) Angela Jones (Director of Infrastructure and Environment and Julie Clark (Personal Assistant to General Manager and Mayor) were also in attendance.

### APOLOGIES

Nil

### DECLARATION OF INTERESTS

Nil

### AGENDA ITEMS

#### 1. Election of Chairperson

It was moved by Cr Hayes, seconded by Cr Humphrys  
That Councillor Daniel Simpson be nominated as Chair.

The nomination for the position of Chair was accepted by Cr Daniel Simpson.

#### Recommendation (Cr Hayes /Cr Humphrys)

Councillor Daniel Simpson be appointed as Chair of the Internal Audit Committee for the ensuing twelve months.

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

#### 2. Thomas Noble and Russell Presentation

Thomas Noble and Russell representative Geoff Dwyer addressed the meeting and provided a summary outline of the report "Closing Report to the Internal Audit Committee and Presentation of Council's Financial Statements 30 June 2016".

#### Recommendation:

A report to be provided to the next Internal Audit Meeting identifying timelines for actions required to be completed.

Note: a thorough review to be undertaken of signatories on bank accounts to ensure they are up-to date.

### 3. Internal Audit Reports

Representatives from Grant Thornton presented the report on the Plant and Fleet review. The review received an overall rating of Needs Improvement. The auditors reported 5 findings (2 high, 1 low and 2 for performance improvement)

The review highlighted:

- Data integrity issues
- Lack of monitoring systems for scheduled fleet servicing
- Lack of plant utilisation analysis
- Reliance on paper based forms and processes.

The report has been reviewed by the relevant managers and they have included their responses and planned actions.

The General Manager also suggested that responsibility for actions in future reports be allocated at Manager level.

### 4. Outstanding Action Items

There was one outstanding action item from prior reviews:

People Management

- 30 June 2016. It is recommended that Council implement a staff engagement survey.
- Comments – Pulse Survey pilot to commence in Jan/Feb 2017 to provide real time monthly feedback on staff engagement.

Committee is comfortable that actions will be undertaken.

### OTHER MATTERS

- Structure and membership of Audit Committee will remain subject to future advice from the Office of Local Government and/or Auditor General.
- The Mayor requested a history of the makeup of the audit committee. Executive Office to action.

Next Internal Audit Committee meeting to be held in March 2017, at 4pm

The meeting closed at 4.45 pm

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**14.2 FINANCIAL ANALYSIS REPORT - NOVEMBER 2016****Responsible Officer:**Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond)

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**RECOMMENDATION**

Recommended that Council adopt the Financial Analysis Report detailing investment performance for the month of November 2016.

**201216/ 7 RESOLVED** (Cr Morrissey/Cr Lyons)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

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**Executive Summary**

The Financial Analysis Report gives an overview of Council's performance in regards to investment returns; investments made and reports on the balance of Council's Investment Portfolio as at the end of the reported month. This overview is both a legislative requirement and essential in keeping Council up to date on the monthly performance of Council's investments. Council's investment balance as at 30 November 2016 is shown below:

Period	Investment Portfolio
30 November 2016	\$32,656,615.43

The rate of return on Council's investments for November 2016 is 2.44% which is above the 90 Day Bank Bill Index of 1.76%.

**Community Strategic Plan Links**

Focus Area 7 Governance and Process - Long Term Goal 7.5 Sound Governance and Legislative Practices

**Budget Implications**

As at 30 November 2016, Council had earned \$113,176.32 in interest and \$165,657.41 in fair value gains for total investment revenue of \$278,833.73 against a budget of \$878,540.00 (which equates to 31.74%).

**Report**

The Financial Analysis Report aims to disclose information regarding Council's investment portfolio in accordance with the *Local Government Act 1993* (Section 625), *Local Government (General) Regulations 2005* (Clause 212) and Council's Investment Policy.

This report includes the provision of Fair Value for all of Council's investments. Council receives indicative market valuations on these investments monthly (where available) and this can be compared to the Face Value or original cost of the investment when purchased (where available). The notion of Fair Value is to comply with Australian Accounting Standard AASB 139. The market valuations of Fair Value valuations are an indication only of what a particular investment is worth at a point in time and will vary from month to month depending upon market conditions.

The Reserve Bank of Australia left the cash rate unchanged at the November 2016 meeting, so the cash rate in Australia was 1.50% per annum at 30 November 2016.

Council's cash and term deposit investment portfolio has maturity dates ranging from same day up to 210 days. Deposits are made taking into account cash flow requirements and the most beneficial investment rates available at the time of making any investment. Council had a term deposit portfolio of \$11,000,000.00 representing 33.68% of the total portfolio as at 30 November 2016. Council made four new term deposit for the period and four term deposits matured within the period. All investments are in accordance with Council's Investment Policy.

Average interest rates available for investments have decreased from the previous month from 2.51% to 2.44%.

Council has invested \$16,000,000 in longer term investments being the Cash Facility Trusts with NSW Treasury Corporation. The investment values as at 30 November 2016 are shown below:

<b>Period</b>	<b>Hourglass Cash Facility Trust</b>	<b>Hourglass Strategic Cash Facility Trust</b>
As at 30 November 2016	\$8,232,399.26	\$8,242,860.00

The value of Council's Investment Portfolio as at 30 November 2016 as well as our General Bank Accounts and Trust Funds are shown below:

<b>Period</b>	<b>Investment Portfolio</b>	<b>Face Value</b>	<b>General Bank Accounts</b>	<b>Trust Funds</b>
30 November 2016	\$32,656,615.43	\$32,181,356.17	\$929,929.59	\$120,994.55

Council staff continually look for ways to increase Council's investment performance, both on a returns basis and in the way of environmentally and socially responsible investments. Council staff are currently assessing the difference between investing with financial institutions which do not invest in the fossil fuel industry and those that do, to understand the financial impact of a change in policy. Once enough data is collected to understand the impact a further report will be presented to Council.

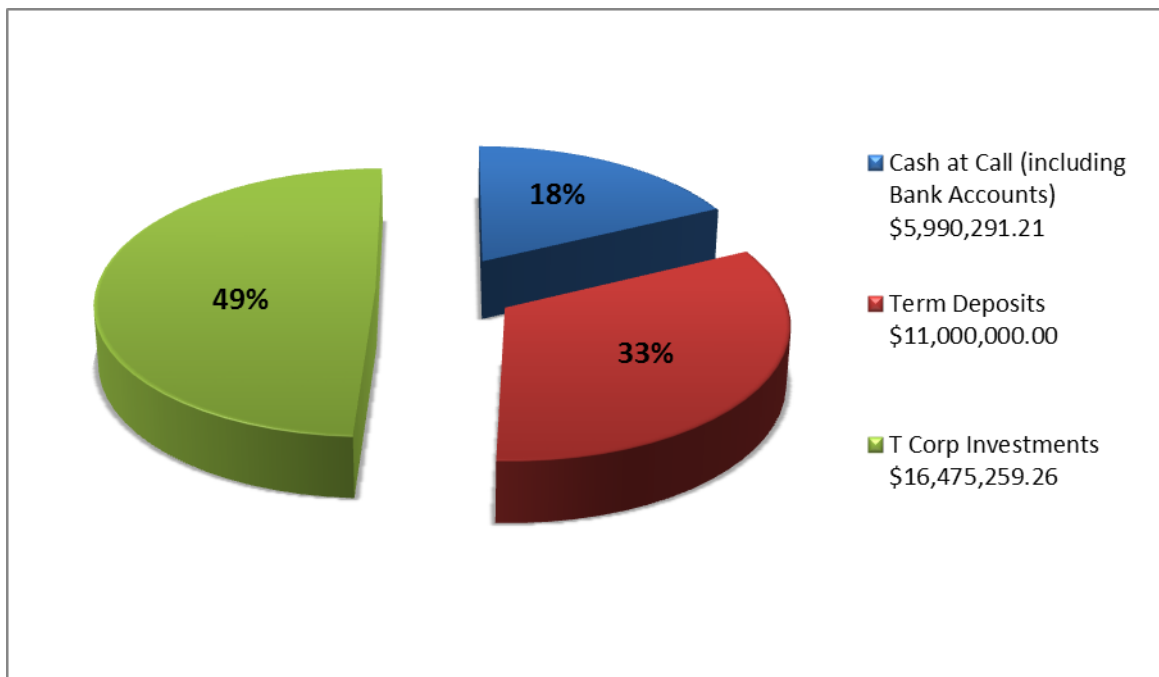


## Conclusion

Council is continually looking for ways to increase its investment performance. Consistent with Council's Investment Policy, a significant portion of the investment portfolio is now invested with New South Wales Treasury Corporation in the Hourglass Cash Facility Trust and Hourglass Strategic Cash Facility Trust with the aim of achieving higher returns.

Further information has been included in this report below providing an in-depth breakdown of Council's performance.

The following graph shows a breakup of Council's investment portfolio as at 30 November 2016:



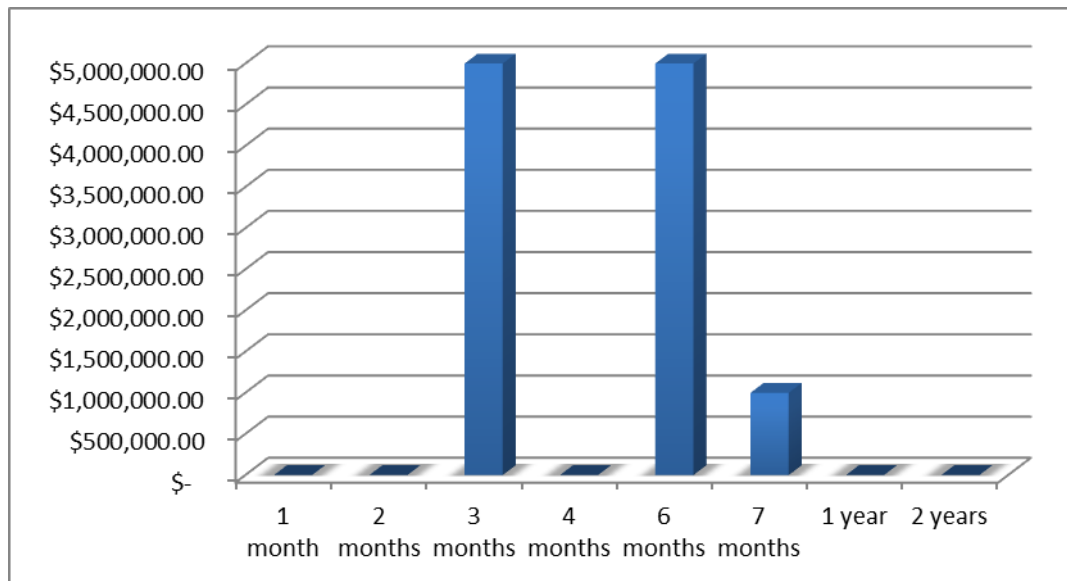
Council made one new term deposit during the month of November 2016.

Financial Institution	Investment Amounts (\$)	Maturity Date	Investment Rate per annum (%)	Days Invested
Bank of QLD	1,000,000.00	9/05/2017	2.80	180
Beyond Bank	1,000,000.00	27/02/2017	2.68	91
NAB	1,000,000.00	27/02/2017	2.70	91
Auswide Bank	1,000,000.00	29/05/2017	2.83	181

Total term deposit maturities during the month ending 30 November 2016 included returning principal (in full) and interest, are shown in the following table.

Financial Institution	Investment Amount (\$)	Maturity Date	Investment Rate per annum (%)	Interest Received (\$)
Newcastle Permanent	1,000,000.00	9/11/2016	2.80	6,904.11
Beyond Bank	1,000,000.00	28/11/2016	2.70	6,731.51
Greater Bank	1,000,000.00	28/11/2016	2.70	6,657.53
Newcastle Permanent	1,000,000.00	29/11/2016	2.70	6,657.53

The following graph shows the length of time of Council's term deposit maturities as at 30 November 2016.



RICHMOND VALLEY COUNCIL FINANCIAL ANALYSIS REPORT AT 30 November 2016														
Investment Name	Investment Source	Investment Type	Rating	Investment Date	Maturity Date	Interest Basis	Interest Frequency	Current Interest Rate for Month	Original Investment Value	Current Investment Fair Value	Fair Valuation Date	% of Total Portfolio	Capital Guarantee Maturity	
<u>Cash at Call</u>														
CBA Business Online Saver	Commonwealth Bank	At Call	A1+/AA	At Call	Variable		Monthly	0.06%	N/A	5,181,356.17	30/11/2016	15.87%	No	
Total Cash at Call										5,181,356.17		15.87%		
<u>Term Deposits</u>														
Term Deposit	AMP Ltd	Term Deposit	A1+/AA-	7/06/2016	5/12/2016	Fixed for Term	Maturity	0.25%	N/A	1,000,000.00	30/11/2016	3.06%	Part	
Term Deposit	AMP Ltd	Term Deposit	A1+/AA-	18/08/2016	16/03/2017	Fixed for Term	Maturity	0.25%	N/A	1,000,000.00	30/11/2016	3.06%	Part	
Term Deposit	Greater Bank	Term Deposit	A2/BBB+	30/08/2016	27/02/2017	Fixed for Term	Maturity	0.23%	N/A	1,000,000.00	30/11/2016	3.06%	Part	
Term Deposit	Bank of QLD	Term Deposit	A2/BBB	1/09/2016	1/03/2017	Fixed for Term	Maturity	0.23%	N/A	1,000,000.00	30/11/2016	3.06%	Part	
Term Deposit	Members Equity Bank	Term Deposit	A2/BBB	5/09/2016	5/12/2016	Fixed for Term	Maturity	0.22%	N/A	1,000,000.00	30/11/2016	3.06%	Part	
Term Deposit	Beyond Bank	Term Deposit	A2/BBB+	28/09/2016	3/01/2017	Fixed for Term	Maturity	0.23%	N/A	1,000,000.00	30/11/2016	3.06%	Part	
Term Deposit	Members Equity Bank	Term Deposit	A2/BBB	6/10/2016	5/01/2017	Fixed for Term	Maturity	0.22%	N/A	1,000,000.00	30/11/2016	3.06%	Part	
Term Deposit	Bank of QLD	Term Deposit	A2/BBB	9/11/2016	9/05/2017	Fixed for Term	Maturity	0.23%	N/A	1,000,000.00	30/11/2016	3.06%	Part	
Term Deposit	NAB	Term Deposit	A2/BBB	28/11/2016	27/02/2017	Fixed for Term	Maturity	0.23%	N/A	1,000,000.00	30/11/2016	3.06%	Part	
Term Deposit	Beyond Bank	Term Deposit	A2/BBB+	28/11/2016	27/02/2017	Fixed for Term	Maturity	0.22%	N/A	1,000,000.00	30/11/2016	3.06%	Part	
Term Deposit	Auswide Bank	Term Deposit	A2/BBB	29/11/2016	29/05/2017	Fixed for Term	Maturity	0.24%	N/A	1,000,000.00	30/11/2016	3.06%	Part	
Total Term Deposits										11,000,000.00		33.68%		
<u>Fixed Interest Securities</u>														
Total Fixed Interest Securities										0.00	0.00			
<u>NSW Treasury Corporation Hourglass Investments</u>														
Cash Facility Trust	NSW Treasury Corporation	Trust	Various	N/A			Monthly	0.14%	8,000,000.00	8,232,399.26	30/11/2016	25.21%		
Strategic Cash Facility Trust	NSW Treasury Corporation	Trust	Various	N/A			Monthly	0.11%	8,000,000.00	8,242,860.00	30/11/2016	25.24%		
Total Fixed Interest Securities										16,000,000.00	16,475,259.26		50.45%	
Total Investment Portfolio at Face Value									32,181,356.17					
Total Investment Portfolio at Fair Value										32,656,615.43				
Overall Average Interest Rate for month - Portfolio									0.20%					
<u>Bank Accounts</u>														
Account Name	Balance \$ 30-Nov-16													
General Fund Bank Account	796,656.01													
Trust Fund Bank Account	120,994.55													
NAB Cheque Account	-20.00													
Evans Head Memorial Areodrome Fund	12,299.03													
Total	929,929.59													
Total Bank Account Portfolio										929,929.59				
Total Portfolio										33,586,545.02				

**14.3 RICHMOND VALLEY COUNCIL INVESTMENTS AND THE FOSSIL FUEL INDUSTRY****Responsible Officer:**Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond)

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**RECOMMENDATION**

Recommended that:

1. Council maintain its current banking services provider and Investment policy.
2. Council staff give investment preference to financial institutions that do not support the fossil fuel industry where investments comply with Richmond Valley Council's Investment policy, the Ministerial Order and relevant legislation as well as provide a rate of return that is equal to or better than those offered by institutions that support the fossil fuel industry.

**201216/ 8 RESOLVED (Cr Lyons/Cr Hayes)**

That:

1. Council maintain its current banking services provider and Investment policy.
2. Council staff give investment preference to financial institutions that do not support the fossil fuel industry where investments comply with Richmond Valley Council's Investment policy, the Ministerial Order and relevant legislation as well as provide a rate of return that is equal to or better than those offered by institutions that support the fossil fuel industry.
3. Council requests that Local Government NSW prepare and maintain and regularly update a list of authorised deposit taking institutions that are committed to fossil free and environmentally responsible investments and lending, and to request that the updates be forwarded to Council for consideration.
4. Council requests regular updates (6 monthly) on TCorp's Stewardship Policy and ask TCorp to consider prohibiting nuclear power. Could Council also ask that TCorp report back to Council on their decisions and their reasons for such.

FOR VOTE - All Council members voted unanimously.

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**Executive Summary**

The Richmond Valley Council Investments and the Fossil Fuel Industry report provides information on Council's banking, term deposit and other investments and their relationship to institutions involved in the fossil fuel industry. The report

compares actual expected term deposit investment performance with expected performance if Council had divested from investments relating to the fossil fuel industry over the four month period from 1 August 2016 to 30 November 2016.

The report also reviews the policies of other Councils that have addressed this issue. The common theme coming from the other Councils is that all are in support of divestment, as long as the rates offered are the same or better than other rates available at the time of investment.

At present Council has \$11 million in term deposit investments; currently \$9 million of these funds are invested with financial institutions that do not have links to the fossil fuel industry.

Council may wish to form an opinion as to whether shifting investments to financial institutions which do not have links to the fossil fuel industry is an important policy issue, bearing in mind fossil fuels remain a significant natural resource that supports energy needs and export markets and therefore our national economy. Council's current Investment policy is consistent with the Richmond Valley Council Environmental Charter, a copy of which is included with this report.

### **Community Strategic Plan Links**

Focus Area 7 Governance and Process - Long Term Goal 7.5 Sound Governance and Legislative Practices

### **Budget Implications**

Council will earn \$132,743.01 in interest revenue from term deposits that were established during the period 1 August 2016 to 30 November 2016. Alternatively if Council had only utilised term deposits that had divested from the fossil fuel industry then \$131,293.15 in interest revenue would be earned for the same period. The result of these changes would be a minor shortfall to Council of \$1,449.86.

### **Report**

#### ***Banking Services***

Council currently utilises the Commonwealth Bank of Australia for the majority of its banking services including its transactional banking and some other minor services are held with the National Australia Bank. Council's banking service requirements are complex and onerous, enough so that a smaller banking institution would be unlikely to deliver all the services Council requires. Council tenders its banking services and historically the only institutions which have submitted conforming tenders are Commonwealth Bank of Australia (CBA), National Australia Bank (NAB), Westpac Banking Corporation (Westpac) and the Australia and New Zealand Banking Group Limited (ANZ).

Council banking through CommBiz involves customer receipting at the Casino and Evans Head Offices and various Landfill sites including cash, cheques and

EFTPOS transactions, Australia Post payments, Bpay payments and direct deposits. The volume of receipting transactions is significant and can be seen in the table below.

<b>Receipt Type</b>	<b>2015/16 FYR</b>	<b>2016/17 FYR (to 30/11/16)</b>
Australia Post	16,641	7,503
Bpay	38,425	20,435
Direct Debit	29,720	13,513
Counter/Bank Statement Receipts	22,980	10,177
<b>Total</b>	<b>107,766</b>	<b>51,628</b>

CommBiz also enable numerous direct debit payments, the ability to make creditor payments online as a batch, meet loan repayments and complete transfers. CommBiz has many online banking features that are beneficial to Council such as online statements, advanced security features, real time account transactions and the ability to use the CommBiz mobile phone app for banking. The Commonwealth Bank of Australia also provides Council with staff credit cards that are utilised with relative ease and have proven to be very secure.

The Commonwealth Bank of Australia, National Australia Bank, Australia and New Zealand Banking Group and Westpac Banking Corporation all have investments in parties that operate in the fossil fuel industry. While this is not ideal from a sustainability perspective it is believed that there are no institutions outside of the major four that could provide the same level of service as these banking institutions. In addition the cost and time involved to move Council's banking services including online access, reporting, equipment, integration with Technology One and the re-training of staff would be significant.

### ***Investments***

Council has significant funds invested in term deposits (\$11,000,000.00 in total as at 30 November 2016). A comparison analysis has been performed on new investments made during the period 1 August 2016 to 30 November 2016. The following institutions have been invested in during this period and have investments in parties that operate in the fossil fuel industry:

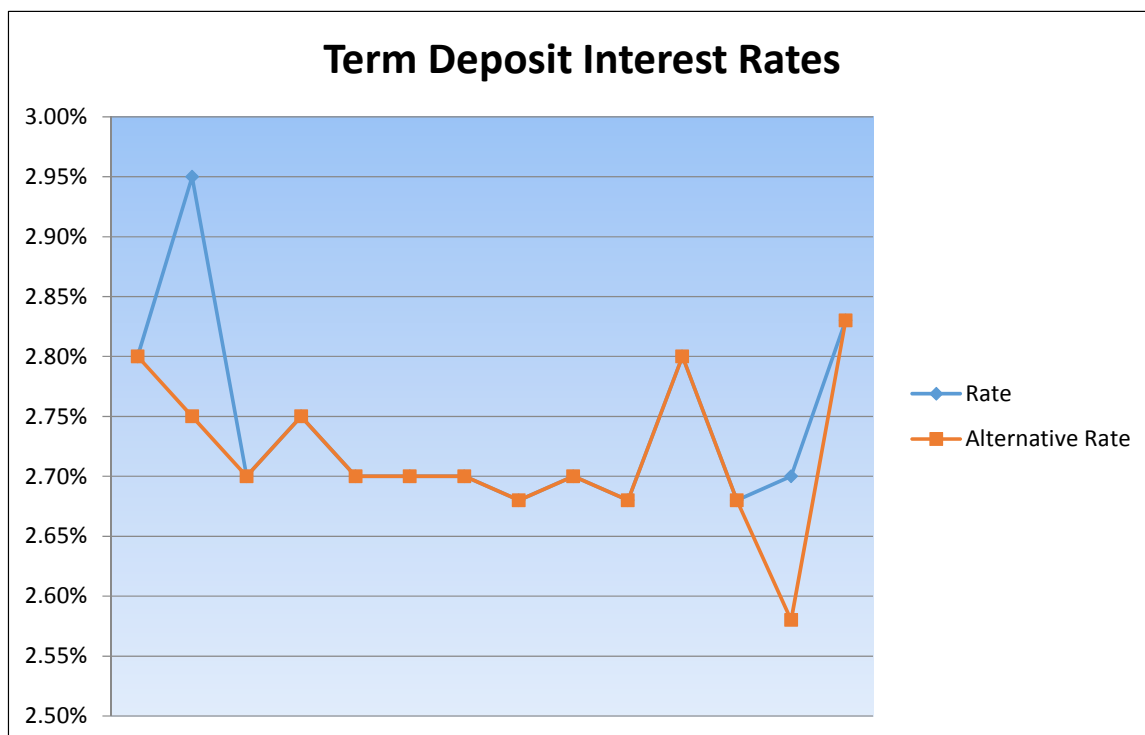
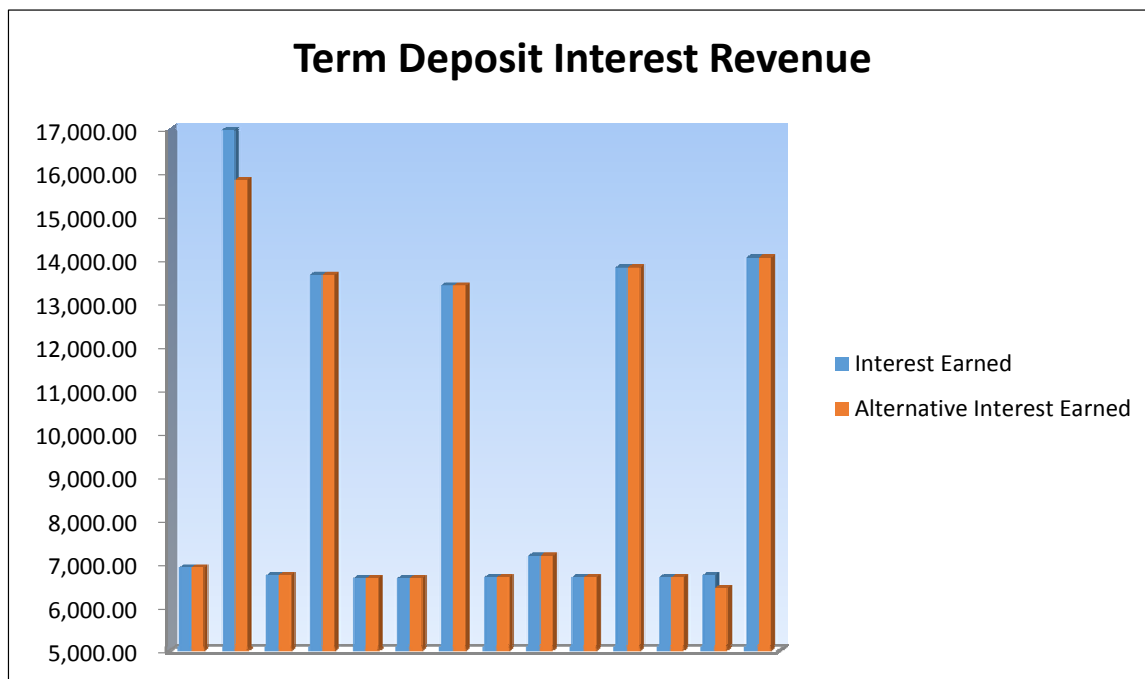
- AMP Ltd
- National Australia Bank

The following institutions have been invested in during this period and do not have investments in parties that operate in the fossil fuel industry:

- Bank of Queensland
- Beyond Bank
- Elders Rural Bank
- Greater Bank
- Members Equity Bank
- Newcastle Permanent Building Society

Council staff have recorded the interest revenue that will be generated from term deposits made from 1 August 2016 to 30 November 2016 when compared to

revenue that would be generated if term deposit investments were restricted to institutions without investments in parties that operate in the fossil fuel industry. Total interest revenue of \$132,743.01 will be generated from the actual term deposits made during this period including a term deposit with AMP Limited at 2.95% and a term deposit with National Australia Bank at 2.70%. Total interest revenue of \$131,293.15 would be generated if Council restricted the institutions utilised for term deposits and utilised Bank of Queensland at 2.75% and Auswide Bank at 2.58% instead of those mentioned previously. This would have resulted in a minor shortfall in interest revenue to Council of \$1,449.86. The effects of these changes in interest rates and the returns generated are shown in the graphs below.



Since August 2015 Council has invested a significant portion of its investment portfolio with New South Wales Treasury Corporation (TCorp) which currently manages over \$70 billion in third party funds. This change in the investment structure came about as Councillors and Council staff responded to an investment portfolio review that was undertaken by TCorp in 2015. This review highlighted the need for Council to look at alternative investment options outside of term deposits while remaining compliant with the Local Government Act and Ministerial Orders. Investments such as TCorp Hourglass Investments have allowed Council to do this.

Initially Council invested \$3,000,000.00 in both the Cash Facility Trust and the Strategic Cash Facility Trust (these trusts are now known as the TCorpIM Cash Fund and the TCorpIM Strategic Cash Fund) which has increased to the current level of investment of \$8,000,000.00 in each trust. These funds are subject to market changes and as such their rate of return isn't set like term deposits but fluctuates. Year to date the rate of return on the TCorpIM Cash Fund is 2.31% per annum and the TCorpIM Strategic Cash Fund is 2.55% per annum.

Council staff contacted TCorp regarding their position on institutions involved in the fossil fuel industry earlier this financial year and were advised that at that time TCorp were undergoing a process of developing a formal position on the matter. A follow up conversation in September 2016 revealed that TCorp had been working with Mercer Investments, a leading consultant on the integration of Environment, Social and Governance (ESG) factors into investment decision making to develop a new Investment Stewardship Policy. This policy was presented to and adopted by the TCorp Board on 30 September 2016 after being endorsed by TCorp's Board Investment Committee and NSW Treasury's Asset and Liability Committee.

In summary the policy covers the following (the policy in its entirety is attached):

- the policy is based on a belief that integrating ESG factors into the investment process will lead to better risk-adjusted returns over time.
- references the evidence that climate change is expected to have an impact on investment portfolios over the long term.
- advocates an integration-based approach over an exclusion-based approach.
- specifies TCorp's expectations in assessing climate-change related risks and opportunities, including carbon foot printing, evaluation of the energy efficiency of assets, stranded asset risk, carbon reduction strategies, viability and valuation of fossil fuel reserves.

The policy states TCorp's beliefs, their approach to ESG integration, lists exclusions, discusses client alignment, active ownership, implementation and monitoring and reporting. TCorp representatives have advised that due to the complexity and importance of this policy that its implementation may extend through the end of the financial year (30 June 2017). While the policy doesn't specifically address the fossil fuel industry it does discuss the 'Academic and industry evidence' of the impact of climate change on investment portfolios over time. As such managing climate change risk is a material part of the ESG integration portion of the policy.



The policy also commits TCorp to undertake annual assessments of its carbon footprint as well as environmental, social and governance reviews of its portfolios. That being said TCorp has not committed to a complete divestment from the fossil fuel industry or the institutions who invest in the industry. TCorp's view is that an exclusion based approach is not based on best practice or the guidelines provided by bodies such as the Principles for Responsible Investment (PRI) and as such they are more concerned with managing the risk associated with these investments.

The impact of this policy is likely to be more prevalent in TCorp's equity portfolios rather than the TCorpIM Cash Fund or TCorpIM Strategic Cash Fund that Council currently invests in. The policy does reference materiality as a consideration factor in assessing investments. Materiality refers to the quality of an item being considered relevant or significant. At this time no specific threshold has been identified for materiality purposes and it has been noted that this will form part of the implementation project.

### ***Other Council Approaches***

As at 30 November 2016 there are 28 Local Government Councils in Australia that have made a commitment to fossil free divestment according to the Go Fossil Free organisation. In New South Wales there are 10 Local Government Councils listed these being:

- Marrickville Council
- Leichhardt Municipal Council
- Lismore City Council
- Gloucester Shire Council
- Newcastle City Council
- Byron Shire Council
- Albury City Council
- Ballina Shire Council
- Randwick City Council
- City of Sydney

Locally Lismore City, Byron Shire and Ballina Shire Councils have made the list. Lismore City Council passed a motion at its Ordinary Council Meeting on 10 March 2015 to give preference to financial institutions that do not invest in or finance the fossil fuel industry as long as the investment is compliant with Lismore City Council's investment policy and that the rate of interest on the investment is favourable to Council relative to similar investments available at the time. Similarly Byron Shire Council passed a motion at its Ordinary Council Meeting on 8 October 2015 to give preference to financial institutions that invest in or finance environmentally and socially responsible investments where the investment complies with legislation and policy objectives and that the rate of return on the investment is favourable to Council relative to comparable investments available at the time. Ballina Shire Council also passed a motion at its Ordinary Council Meeting on 26 November 2015 in regard to its investment portfolio. Council agreed to divest its term investment portfolio from all fossil fuel aligned financial institutions as the existing investments mature provided that the

investments comply with Council's investment policy and that the investment rate of return is comparable or better than those offered by fossil fuel aligned financial institutions.

While these Councils have made a significant effort to incorporate sustainable investment practices into their investment portfolio they haven't committed to full divestment of their term deposit funds. All three local Councils have included in their motions that the investment must not only comply with their investment policies and in Byron Shire Council's case the relevant legislation but that the rate of return must be similar or better to the institutions that have dealings with the fossil fuel industry.

In regard to the Councils outside the local area the following Local Government Councils have adopted motions that, similarly to Lismore City, Byron Shire and Ballina Shire, give preference to investments that do not have dealings with the fossil fuel industry on the proviso that the investments are compliant with their investment policies and that the rate of return is favourable when compared to other investments that are available at the time:

- Marrickville Council
- Leichhardt Municipal Council
- Newcastle City Council
- Albury City Council
- Randwick City Council
- City of Sydney

The following Local Government Council has adopted motions that are a true divestment away from investments aligned with the fossil fuel industry or seen as unethical and/or at risk of becoming stranded:

- Gloucester Shire Council

It is quite clear from this data that while many Councils have committed to preferring investments that are not aligned with the fossil fuel industry in New South Wales Gloucester Shire Council is the only Council with a true divestment stance. The stance of the majority here is supported by TCorp's view as stated earlier based on advice from bodies such as the Principles for Responsible Investment (PRI).

Recently Byron Shire Council invested \$1,000,000.00 in a Westpac Climate Bond with Westpac Bank. This investment is a 5 year floating rate note with a variable return calculated at 1.17% above the bank bill swap rate. The funds raised by Westpac Bank with these funds are being used to finance renewable energy generation projects such as wind farms and low carbon commercial buildings. Westpac Bank state that these 'support the commitment we have had to sustainability and managing our environmental impacts for more than 20 years' though it should be noted that as an organisation Westpac Bank does invest in institutions that relate to the fossil fuel industry. While this particular investment product supports sustainable investment it could be argued that Westpac Bank as a whole does not.

## Conclusion

It is recommended that Council maintain its banking services provider and Investment policy and consideration continue to be given when term deposit investments are made to give preference to institutions that do not support the fossil fuel industry. However it is recommended that this be on the basis that these investments must comply with Richmond Valley Council's Investment policy, the Ministerial Order and relevant legislation as well as provide a rate of return that is equal to or better than those offered by institutions aligned with the fossil fuel industry.

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### **Richmond Valley Council Environmental Charter**

Richmond Valley Council is committed to the long term care of the environment from which our community derives prosperity, enjoyment and quality of life. Richmond Valley Council's activities are based on the principles of sustainability, giving due consideration to the natural environment through the following:

- Efficient use of water, energy and other resources, minimising waste and emissions where practicable and encouraging reuse and/or recycling of wastes.
- Uptake of new and alternate technology opportunities such as renewable energy options, where they are shown to be economically viable.
- Monitoring Council operations to assess potential impacts on the environment, addressing unacceptable risks in appropriate timeframes and ensuring that appropriate response plans are in place for environmental emergencies.
- Council shall show due consideration for the environmental impacts of activities when planning Council works, assessing development applications and generally within proposals by the broader community. Consideration shall be based on a balance of environmental, social and economic factors.
- Treating compliance with environmental legislation, licences and approvals as a minimum standard for Council activities and beyond that, aiming for continual improvement in environmental management.
- Keeping abreast of environmental legislation and proposed changes, and working effectively with environmental authorities to provide optimal outcomes for Council and the communities that we serve.
- Ongoing training of employees and contractors to provide understanding of their responsibilities regarding the environment including potential impacts of their activities.
- Providing education to the Richmond Valley Community to assist the community embrace continual improvement in environmental sustainability.



# Investment Stewardship Policy

## Board Policy 3.30

### Belief Statement

This policy has been developed with reference to the following TCorp beliefs.

#### **TCorp believes that:**

- It is incumbent on TCorp as manager of over \$70 billion in third party funds to be an effective steward of the assets entrusted to us.
- Investment stewardship encompasses the management of environmental, social and governance (ESG) risks and active ownership of the companies to which TCorp's clients have exposure.
- Integrating ESG factors into the investment process will lead to better risk-adjusted returns over time.
- TCorp's belief on the benefits of ESG integration and active ownership is evidence-based. While the strength of the evidence is constantly evolving, most recent studies show that the evidence is strongest in the areas of corporate governance and the management of climate change risk.
- TCorp's stewardship and ESG integration practices should be aligned with industry best-practice. Vigilance is required to ensure that TCorp's practices evolve along with best-practice.
- TCorp expects the investment managers we employ to demonstrate a commitment to investment stewardship, ESG integration and active ownership.
- The investment managers should use their influence as shareholders to encourage companies to operate responsibly and minimise their negative environmental and social impacts.
- An integration-based approach to stewardship is likely to lead to better investment outcomes over time than an exclusion-based approach.
- Where exclusions are made, these should be based on government policy (for example, tobacco) or in alignment with Australia or New South Wales convention commitments (for instance, controversial weapons).

## Policy Statement

The Board resolves that:

### ESG Integration

- In order to deliver the best long-term risk adjusted returns for clients, ESG factors should be integrated into the investment processes of the appointed investment managers. TCorp will evaluate the ESG policies and practices of its investment managers as part of the manager selection process, as well as during periodic manager reviews.
- TCorp recognises that the materiality of ESG factors will vary by asset class and investment style and will take this into account in the ESG review process.
- Management will periodically request examples of cases where ESG factors influenced an investment decision as a part of regular reporting.
- In its routine engagement with its investment managers, TCorp will encourage its investment managers to further the active integration of material ESG factors into the investment process.
- Various studies show that good corporate governance practices are reflected in statistically and economically significant higher market values and conversely, that poor governance practices deliver poor investment performance relative to the wider market. As such, TCorp expects its investment managers to review the governance practices of companies in their funds and consider any governance risks into the investment decision-making process.
- Academic and industry evidence indicate that climate change is expected to have an impact on investment portfolios over the long-term. As part of its approach to ESG integration, TCorp expects its investment managers to assess climate change-related risks and opportunities in its investments and to manage them accordingly. This may include, but is not limited to:
  - Reviewing the carbon footprint of investment strategies;
  - Understanding the climate change and carbon reduction strategies of any carbon intensive companies in the portfolio, and their potential to reduce emissions;
  - Analysing the resiliency of any real assets given the anticipated physical impacts of climate change including acute or severe weather incidence;
  - Considering the energy, water and waste efficiency of assets in the portfolio; and
  - Assessing the viability and valuation of fossil fuel reserves, given the shift to a low carbon energy mix (e.g. stranded assets risk).

### Exclusions

- Consistent with TCorp's stakeholders' beliefs and government policy, investment managers appointed by TCorp for the Hour-Glass and TCorpIM funds are prohibited from investing in companies whose primary business is the manufacture of tobacco products.
  - For listed equity investments, compliance with these prohibitions will be evaluated with reference to appropriate benchmarks that exclude tobacco. For example, the MSCI World Ex Tobacco, Ex Australia Index in Australian Dollars with net dividends reinvested, unhedged, and the MSCI Emerging Markets Ex Tobacco Index in Australian Dollars with net dividends reinvested, unhedged.

- Investment managers may not invest in any other stocks, outside the benchmark, identified by MSCI under Global Industry Classification Standard code 302030 Tobacco, or in any debt securities issued by these same tobacco companies.

## Client Alignment

- TCorp may, from time to time, determine that other activities should be prohibited from some or all of its investments based on direction provided by the NSW Government or TCorp clients.
- TCorp may, from time to time, consider investment opportunities linked to sustainability themes, consistent with its clients' commitments to environmental and social sustainability.
- TCorp will be advocates of this policy to its clients. Where TCorp clients' beliefs around ESG and investor stewardship differ, they may develop their own policies which supersede this policy.

## Active Ownership

- In keeping with its proxy voting policy (Board Policy 3.29), TCorp expects its investment managers to exercise any voting rights attached to a share or unit forming part of a portfolio on behalf of client investors. Voting rights should be exercised consistent with good governance standards, for example as outlined in the Financial Services Council Blue Book, and always with a view to protecting and enhancing long term investor value. TCorp retains ultimate voting discretion in all instances, and will use its voting authority particularly when votes are considered contested.
- Given its significant diversified holdings, TCorp will use its influence, via its investment managers, to encourage companies to manage any material ESG risks and capitalise on any sustainability-related opportunities. To this end, investment managers should engage with companies where management of material ESG risks or opportunities is considered lacking, and there is a reasonable potential for success from the engagement.
- TCorp may also collaborate with other likeminded investors, via industry bodies or through service providers, to encourage the development of industry standards around investor stewardship and ESG, in the interest of a more sustainable and robust financial system.

## Implementation

- In implementing this policy, TCorp will take into consideration:
  - The materiality of any ESG issue in focus;
  - The position of the government of NSW on the issue in focus;
  - The ability to implement in an efficient manner, noting that some investment strategies and vehicles may not be able to fully accommodate TCorp's Investment Stewardship Policy at this point;
  - The capacity of TCorp and/or its service providers to influence an outcome;
  - The likelihood of success; and
  - The cost of implementation, and likely benefit – both financial and reputational – to TCorp and its clients.
- A practical understanding of ESG issues is essential if TCorp staff are to effectively engage with investment managers and other service providers and oversee the implementation of this policy. TCorp will arrange relevant ESG training for key staff and Board Directors and provide additional supporting materials as necessary.



## **Monitoring & Reporting**

- Management must ensure that Investment Management Agreements with investment managers provide adequate coverage with regards to reporting on ESG integration, client alignment, and active ownership in compliance with this policy and having regard to industry best practice guidelines (e.g. Financial Services Council Standard 20: Superannuation Governance including ESG Risk reporting).
- Management will request annual reporting from its investment managers on compliance with this Investment Stewardship Policy.
- Management will undertake an annual ESG review of its investments, in line with this policy. This will include:
  - A review of investment manager effectiveness in integrating ESG factors;
  - A security-level ESG risk report across relevant asset classes;
  - An assessment of the carbon footprint and/or climate change resiliency of the portfolio; and
  - A review of investment manager proxy voting and engagement activities.
- TCorp will communicate its Investment Stewardship Policy and practices on its website, in its annual report and via periodic client reporting as required.
- TCorp will monitor best-practice ESG integration practices and will review its Investment Stewardship Policy and practices to ensure alignment with best-practice, on at least an annual basis.

**Policy Adopted: September 2016**

**To be Reviewed: September 2018**

**14.4 2016/2017 REVENUE POLICY AMENDMENT - CEMETERY FEES AND CHARGES****Responsible Officer:**Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond)

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**RECOMMENDATION**

Recommended that:

1. Council adopt the amendments to the 2016/2017 Revenue Policy as outlined in this report.
2. The amendments to the Revenue Policy not be advertised.

**201216/ 9 RESOLVED** (Cr Simpson/Cr Morrissey)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

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**Executive Summary**

The Community Strategic Plan identified a requirement to improve local cemeteries; this has been achieved through an approved capital works program. Several projects have been initiated and/or completed that will provide affordable and well-presented cemetery sites and services.

The Cemetery Strategy developed in 2014 identified several important issues faced across our LGA, including a gap in the availability of burial sites in Casino over the next 55 years and the need for available spaces and affordable alternatives for an aging population. It was proposed the addition of a memorial garden to promote cremation as an alternate internment option would not only decrease the pressure on the site for enough available land but also provide an affordable alternative.

Based on current internment patterns, Coraki Cemetery has 121 years of future capacity, Casino has 55 years and Evans Head has 54 years. It is anticipated that a shift in internment preferences could significantly extend the operational life of Council's existing cemeteries.

Included with this strategy and improvements was the construction of the new Infant Burial Centre in the Evans Head Cemetery. The construction has now provided a specialised location specific for infant burials for children up to five years of age. Previously, children were either buried in a singular plot or had their ashes placed in plots of family members and columbarium walls.

The alternative sites that have been constructed are both cost effective and provide a progressive approach for internments within the LGA. The pricing



structure is less restrictive to family members while providing a suitable and practical choice.

### Community Strategic Plan Links

Focus Area 6 Transport and Infrastructure - Long Term Goal 6.1 (Strategy 6.3.4).

### Budget Implications

The advertised Cemetery charges do not currently include the new proposed fees and charges for the Memorial Gardens built in Casino and Evans Head. The Infant Burial Centre in Evans Head does not have new fees attached to it; it is simply offering an alternative area for children to be laid to rest.

These charges require inclusion as detailed in this report to avoid having any significant impact on the cemetery budget and clearly defining the new fees and charges for members of the public.

### Report

Council adopted the 2016/2017 Revenue Policy at its Ordinary Meeting on 28 June 2016. Subsequently, new Cemetery Capital Works Projects have increased the capacity, availability and opportunity for local residents to make an informed burial choice according to their needs and financial resources.

The tables below show the new Cemetery fee and charges to be added as per individual townships and sites:

Casino Lawn Cemetery - Memorial Gardens		
Plot Size Memorial Gardens:		1 m <sup>2</sup>
Rose Garden Internments:		1 – 4 ashes
Magnolia Garden Internments:		1 – 2 ashes
Camellia Garden Internments:		1 – 2 ashes
General		\$
Reservation of plot - Rose memorial garden		400.00
Reservation of plot - Camellia memorial garden		450.00
Reservation of plot - Magnolia memorial garden		500.00
Internment of ashes - walls and graves		220.00
Plaque only placement - all		215.00
Rock & plaque only - memorial gardens		300.00
Rock supply and placement		85.00
Memorial shrub - 1st internment	Memorial gardens only	80.00
Memorial shrub - 2nd internment		60.00
Memorial shrub - 3rd internment		40.00
Memorial shrub - 4th internment		20.00
Scatter of ashes - memorial gardens		70.00
Perpetual maintenance – memorial gardens		POA
Exhumation – supervised (per hr or part thereof)		160.00

<b>Evans Head Lawn Cemetery - Memorial Gardens</b>	
Plot Size Memorial Gardens:	1 m <sup>2</sup>
Memorial Garden Internments	1 – 4 ashes
<b>General</b>	<b>\$</b>
Reservation of plot - Memorial garden	240.00
Internment of ashes - Walls and graves	220.00
Internment of ashes – Memorial gardens	250.00
Plaque only placement - all	215.00
Rock & plaque only - memorial gardens	300.00
Rock supply and placement	85.00
Memorial shrub - 1st internment	80.00
Memorial shrub - 2nd internment	60.00
Memorial shrub - 3rd internment	40.00
Memorial shrub - 4th internment	20.00
Scatter of ashes - memorial gardens	70.00
Perpetual maintenance – memorial gardens	POA
Exhumation – supervised (per hr or part thereof)	160.00

For comparison purposes, the following are the current fees in Council's 2016/2017 Revenue Policy:

- Reservation Fee                      \$960.00
- New Grave Fee                      \$960.00
- Burial Fee                      \$1,915.00
- Perpetual Maintenance              \$530.00 per plot

As can be seen from above, the proposed fee structure allows for much more affordable options.

In determining these fees an assessment of neighbouring Councils' fee structures for similar services was taken into account.

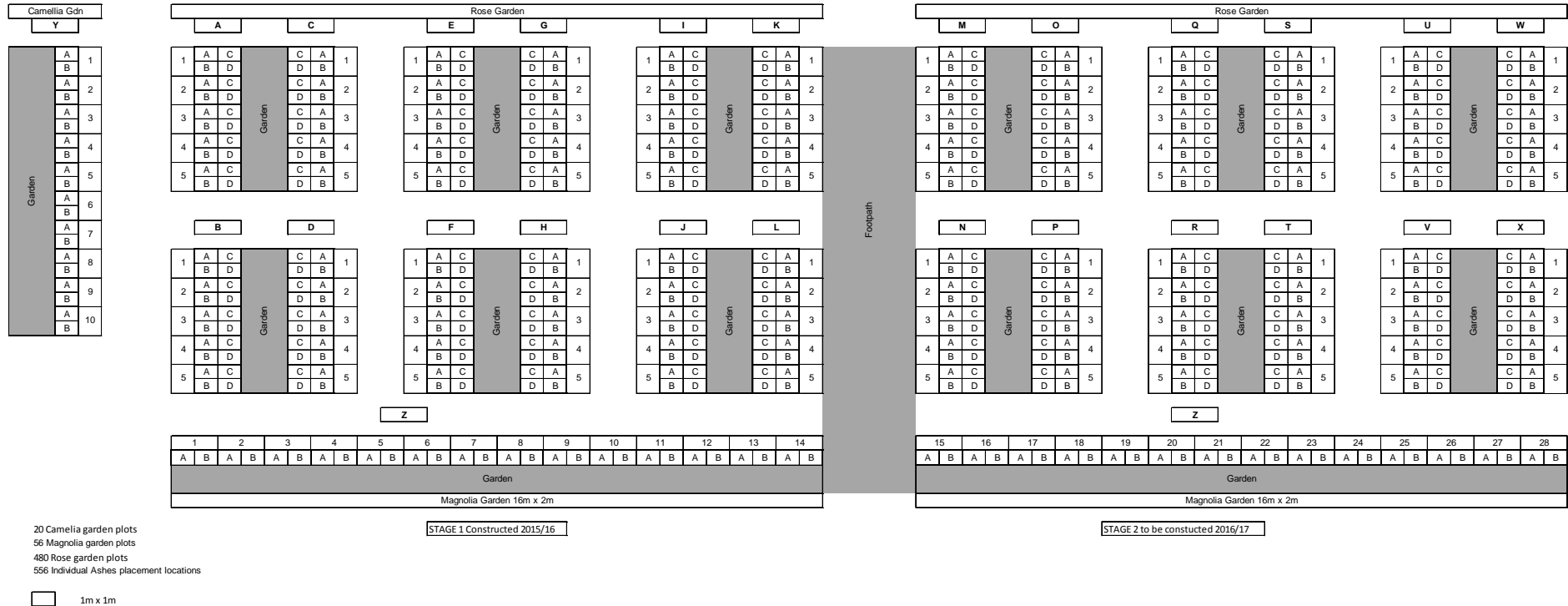
The new Infant Burial Centre is unique to the Northern Rivers area providing a dedicated Burial Centre for infants up to 5 years of age. There is no added fee for this service, it is simply an added option for families to consider.

The new fees associated with the newly constructed centres will provide better cemetery opportunities and clarity for local residents. Once adopted, Council will be able to begin taking reservations for constructed centres.

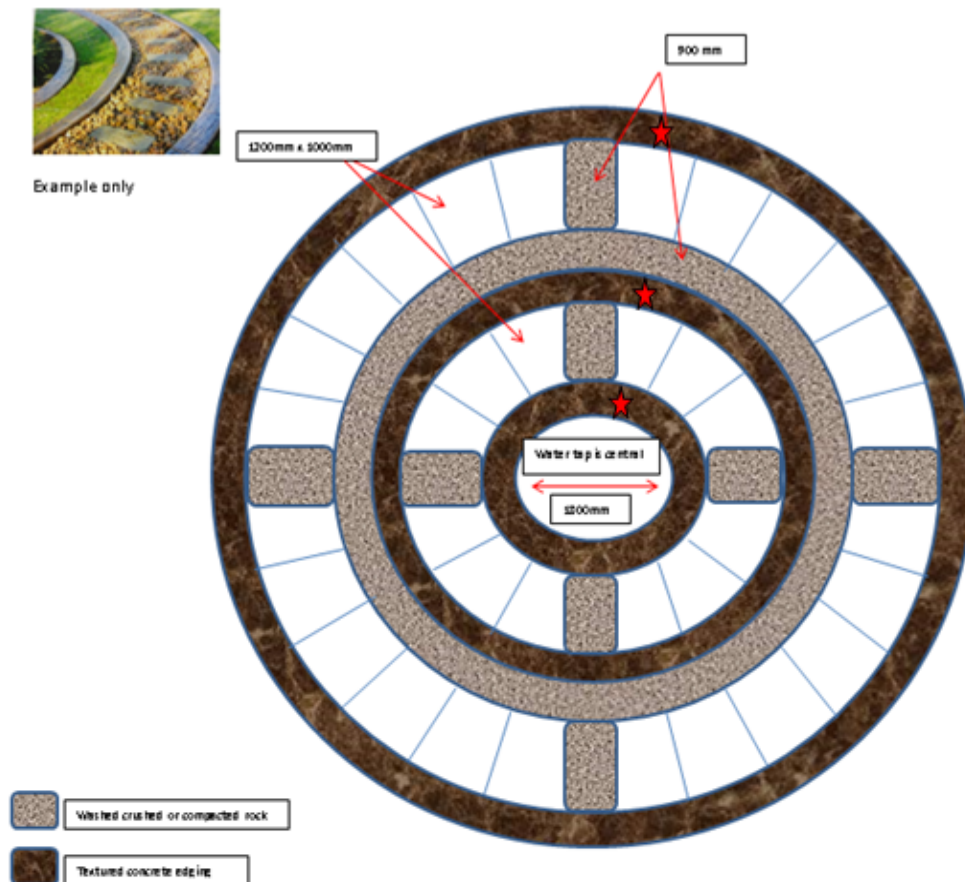
## **Conclusion**

Adoption of this report by Council will address the amendments required to be made to the 2016/2017 Revenue Policy. This includes the provision of new services and more options being made available for local residents.

Map of Casino Lawn Cemetery Memorial Gardens



## EVANS HEAD CEMETERY INFANTS BURIAL & ASHES 'CIRCLE OF LIFE'



### Specifics of site

Inner circle Row A ( A1 to A12) – Ashes only - 12 sites available

2 nd circle Row B (B1 to B 20) – Burials - 20 sites provided

3 rd circle Row C (C1 to C39) – Burials – 39 sites available, 1 burial allocated in section (Identified as C22)

### Numbering of sites:

Site numbering to begin from top east sites (see red star inserted above) for starting points.

Plaques – Preference is for rounded or oblong type plaques, maximum measurements for plaques are as follows

Inner circle 190mm H x 200mm L

2 nd circle 190mm H x 300mm L

3 rd circle 190mm H x 300mm L

Costs for ashes placements and burials to be further determined

Perpetual maintenance costs also to be determined



### Casino Lawn Cemetery Memorial Gardens



### Evans Head Infant Burial Ground



## 14.5 COMMUNITY SATISFACTION SURVEY

### Responsible Officer:

Deborah McLean (Manager Governance and Risk)

## RECOMMENDATION

Recommended that Council receive and note:

1. Micromex Telephone Poll Results.
2. Micromex Summary of Telephone Poll Results.

### 201216/ 10 RESOLVED (Cr Mustow/Cr Lyons)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

## Executive Summary

As part of Council's engagement efforts in reviewing the Community Strategic Plan, a customer satisfaction poll was conducted to assist Council in the pre-planning process and provide a clear indication of the communities' opinions and priorities.

In August 2016, Council engaged Micromex Research to conduct a satisfaction telephone poll of 403 residents of the Richmond Valley. The research was conducted as the key engagement method to inform Council's new Community Strategic Plan and determine the communities' priorities over the next 10 year period.

Residents were surveyed from the following areas:

Town / Locality	%	Town / Locality	%	Town / Locality	%
Casino	41%	Shannon Brook	1%	Rappville	1%
Evans Head	15%	Spring Grove	1%	Piora	<1%
Coraki	8%	Doonbah	1%	Rileys Hill	<1%
Woodburn	6%	Naughtons Gap	1%	Wyan	<1%
Fairy Hill	4%	Yorklea	1%	Woodview	<1%
North Casino	3%	Myrtle Creek	1%	Tomki	<1%
Broadwater	3%	Stratheden	1%	Coombell	<1%
Ellangowan	3%	Codrington	1%	New Italy	<1%
Leeville	2%	Tatham	1%	Dobies Bight	<1%
Bentley	1%	West Coraki	1%	Swan Bay	<1%
Backmede	1%	Bungawalbin	1%		

Besides identifying questions relating to demographics, residents were surveyed on the following broad areas:

- The community experience,
- Council services,
- Priority issues,
- Preferred Signature Projects, and
- Retail spending.

A summary of the findings can be found in the Community Research Presentation Richmond Valley Council (7 November 2016) and the full Micromex Report Richmond Valley Community Research (26 September 2016), copies of which have been circulated separately to each Councillor.

### **Community Strategic Plan Links**

Focus Area 1 – Our Natural Environment

Focus Area 2 – Our Local Economy

Focus Area 3 – Our Community and Culture

Focus Area 4 – Our Recreation and Open Spaces

Focus Area 5 – Our Rural and Open Developments

Focus Area 6 – Our Transport and Infrastructure

Focus Area 7 – Our Governance and Process

### **Budget Implications**

Council has allocated \$52,500 in the 2015/16 budget for Integrated Planning and Reporting. These funds provide sufficient allocation for the costs involved in conducting the survey poll.

### **Report**

#### ***Overall Comments***

The presentation in the attachment to the business paper identified the following key results:

**Overall satisfaction with the performance of Richmond Valley Council was high, with 94% of residents stating that they were at least ‘somewhat satisfied’ with the performance of Council over the last 12 months, significantly increasing from 2013.**

Notably, five areas including ‘car parking’, ‘financial management’, ‘protecting the natural environment’, ‘stormwater’, and ‘festivals and events’ have significantly increased in satisfaction since 2013.

‘Maintaining local roads’ and ‘community consultation/engagement’ were identified as key drivers of overall satisfaction with Council, ‘community consultation/engagement’ in particular having a strong impact on overall satisfaction.

Residents had high levels of agreement with community related statements, with 81% agreeing that ‘the Richmond Valley Council Area is a good place to live’.

Furthermore, residents strongly value their community spirit, and the friendliness in the area. The location and the access to services it provides, as well as the peace and quiet in the area are also highly valued by residents.

Though residents had an overall positive outlook on living in Richmond Valley, they expressed concern for ‘local employment’ and ‘road maintenance /infrastructure’.

This feedback enables Council to focus on key areas of importance and concern to the Richmond Valley residents as priorities in the new Community Strategic Plan. These key areas consist of the following priorities:

- investing more in our roads
- improving our communication, consultation and engagement
- ensuring that local employment remains at the very top of our community’s priorities
- concentrating on the basics – good infrastructure and services
- ensuring that any new infrastructure and assets has capacity to create local employment

### ***Signature Projects***

The following excerpt from the Report outlines residents’ priorities for Signature projects.

*When assessing residents’ support for Signature Projects to undertake over the next four years, residents were most supportive of the ‘Casino Rail Freight Terminal’.*

*Residents were least supportive of the project ‘The Northern Rivers Rail Trail’.*

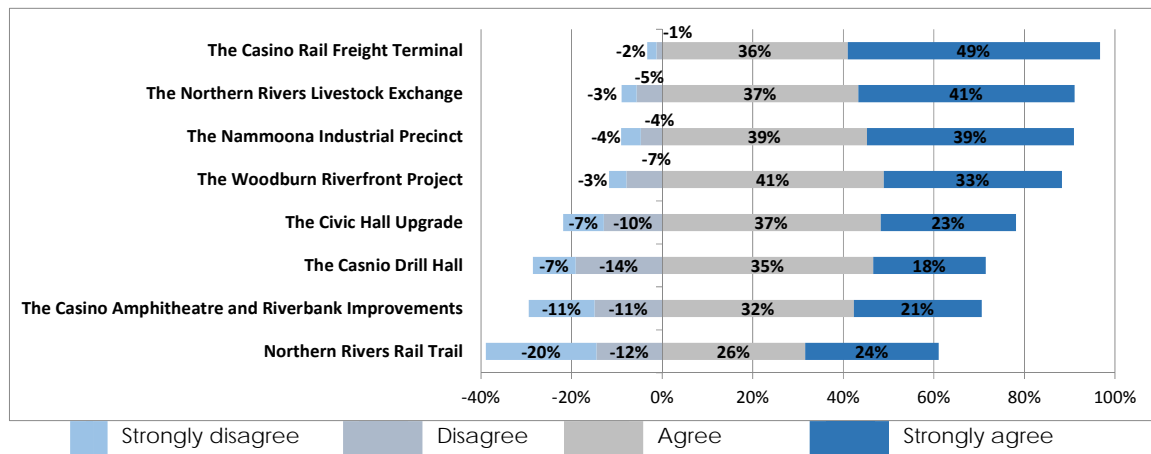
*Females were significantly more supportive of ‘The Civic Hall Upgrade’, whilst males significantly preferred to support ‘The Nammoona Industrial Precinct’.*

*18-24 years olds were significantly more supportive of ‘The Woodburn Riverfront Project’ and ‘The Northern Rivers Rail Trail’. 25-34 year olds were also significantly more supportive of ‘The Northern Rivers Rail Trail’, whilst those aged 65+ were significantly less likely to support this project.*

*Rural residents showed significantly higher support for ‘The Civic Hall Upgrade’ and ‘The Casino Drill Hall’.*

*Residents from Villages were significantly more likely to support ‘The Woodburn Riverfront Project’, but were significantly less likely to support ‘The Northern Rivers Livestock Exchange’, ‘The Nammoona Industrial Precinct’ and ‘The Casino Rail Freight Terminal’.*





## Consultation

The Micromex Telephone Poll was a key part of community consultations which have been ongoing over 2015 and 2016 as part of Council's Community Strategic Plan and Integrated Planning and Review processes.

Additional consultations have included:

1. Casino Drill Hall Meeting, Signature Project, August 2015 and Open Night October 2015,
2. Coraki Town Meeting, September 2015,
3. Staff Ideas Challenge, December 2015,
4. Broadwater Survey Results, April 2016,
5. Woodburn Riverfront Project Meeting, May 2016,
6. Casino Civic Hall Signature Projects Night, June 2016,
7. Community Survey, SurveyMonkey, July 2016,
8. Disability Inclusion Action Plan Survey, May 2016,
9. Vision Impaired Community Meeting, Casino, September 2016,
10. AbilityLinks Meeting, September 2016,
11. Schools Survey, October 2016, and
12. Listening Tour, November 2016: Evans Head, Coraki, Woodburn, Rappville, Broadwater.

## Conclusion

Community members have given comprehensive and valuable feedback regarding their preferred direction and priorities for the development of the Richmond Valley Towards 2030 Community Strategic Plan and the information included in the attachments to the business paper will inform Council and assist in setting priorities over the next ten years.

**14.6 BORA RIDGE WASTE FACILITY GRANT FUNDING****Responsible Officer:**David Timms (Manager Infrastructure Services)

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**RECOMMENDATION**

Recommended that:

1. Council construct a transfer station at the Bora Ridge Waste Facility commensurate with usage and the community's needs to ensure a service is maintained and operate it one day per week (Saturday), commencing 4 March 2017.
2. Council notify the Environmental Trust of its intention to proceed with the construction of a transfer station by signing the deed of agreement for the grant funding.

**201216/ 11 RESOLVED** (Cr Morrissey/Cr Lyons)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

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**Executive Summary**

This year Council was awarded two grants from the Environmental Trust under the Waste Less Recycle More initiative. The funds were for the closure of the Bora Ridge Landfill and the construction of a transfer station at that site. The grants were \$200,000.00, excluding GST each.

The site has been financially unsustainable for some time and while finalising the landfill closure design, questions were raised with respect to the need for a transfer station at the site and if there were other options available.

Bora Ridge Landfill closed in May 2016. A temporary transfer station was put in place and investigations commenced to consider the appropriate design and sizing of the new transfer station. Data indicates there is an average usage of five customers per day when the facility is open and it was concluded that this is unsustainable for the current hours of operation. Other alternatives and sites were considered, however the grant funding is not transferable.

After consultation with Council, who recognise the need for a service to be maintained in this community, the most sustainable outcome is to construct a transfer station on site; the scale of which is yet to be determined. It will require reduced opening hours in order to be more operationally sustainable.

## **Community Strategic Plan Links**

Focus Area 1 Natural Environment - Long term Goal 1.3 Environmental Protection (Strategy 1.3.2 - Provide services and programs which protect and enhance our natural and built environment).

## **Budget Implications**

Council has been awarded funding to construct a Transfer Station at the Bora Ridge site being \$200,000.00 with a 30 % contribution requirement for Council which can be cash or in-kind contribution or a combination of both. Any cash requirements will be taken from existing reserves.

## **Report**

It was reported early in 2016 of the need for the costs of service delivery to be acceptable to the community while also providing revenue that meets required needs for long term capital planning and the ever increasing demands of regulatory compliance. These are just some of the challenges that confront Council if they are to effectively manage waste not only from an environmental perspective but one that is also economically sustainable over the long term.

Bora Ridge landfill is an example of Council reviewing service delivery and making changes to control costs. The facility was closed in May 2016 due to the sites space being exhausted. In conjunction with the closure Council this year was awarded two grants from the Environmental Trust under the Waste Less Recycle More initiative; \$200,000 for the closure of the Bora Ridge Landfill and \$200,000 for the construction of a transfer station at that site.

The goal of the grant funding is to achieve sound environmental outcomes while providing an ongoing community service.

Information has previously been reported about the Bora Ridge waste facility running at a considerable loss for some time. While finalising the landfill closure design there were questions raised by staff in respect to the need for a transfer station at the Bora Ridge site considering the three bin domestic waste service provided and the proximity of other alternative sites for self-haul disposal.

Council asked the waste team to consider other options and scenarios that might continue to offer a localised service. Various models and ideas were considered but the grant funding for the transfer station, despite requests of EPA for flexibility, was not transferable to other sites making alternatives cost prohibitive.

When Bora Ridge Landfill was closed in May this year a temporary transfer station was put in place. At the same time data was gathered to assess the use of the facility including waste types. The data will be used to consider the appropriate design and sizing of the new Transfer Station. The data shows there is an average usage of five customers per day using the facility which is not sustainable considering the current operational hours of the facility.

Following considerable deliberation and consultation, the construction of a Transfer Station at the Bora Ridge Landfill site appears to be the best outcome for the community by using the dedicated grant funding available but with reduced operational hours.

The final design and scale will be determined by further investigation and consultation.

### **Consultation**

The waste team has conducted a number of Councillor information sessions about the Coraki/Bora Ridge and surrounds waste and resource recovery service to consider the best outcome for the community and one which is both economically and environmentally sustainable.

### **Conclusion**

After an extensive review of the waste and resource recovery service to the Bora Ridge and Coraki area, the best option to ensure service delivery to the community is maintained at an acceptable level (and hence cost) is to build a transfer station of a design and scale yet to be determined with the grant funding. To achieve this Council is required to inform the Environmental Trust of its intention to proceed and sign the Deed of Agreement as soon as possible.

## **14.7 TENDER REGPRO231617 - SUPPLY AND DELIVERY OF INDUSTRIAL HARDWARE**

### **Responsible Officer:**

Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond)

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### **RECOMMENDATION**

Recommended that:

1. J. Blackwood & Sons be awarded the contract to supply and deliver industrial hardware to participating Richmond Tweed Clarence Member Councils for the period 1 January 2017 to 30 December 2018,
2. Provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 30 December 2019, and
3. The Common Seal of Council be affixed to any documentation where required.

### **201216/ 12 RESOLVED (Cr Simpson/Cr Humphrys)**

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

## **Executive Summary**

Richmond Valley Council is a member of Regional Procurement's Richmond Tweed Clarence (RTC) Group. Regional Procurement runs tenders for regional Local Government member groups to aggregate the combined local tenders in order to attract greater supplier competition and lower pricing for member Councils.

Regional Procurement has called a Single Source by Council tender for participating RTC Member Councils for the Supply and Delivery of Industrial Hardware. Tenders closed at 10:00am on 1 November 2016.

Industrial hardware is all the small tools and equipment e.g. hammers, brooms, dust masks, hoses etc. This also includes consumables items such as bin liners, detergent, bottles, emery cloth, duct tape etc.

Participating Councils from RTC Group in this Tender were Clarence Valley Council and Richmond Valley Council.

The tender was advertised in the following:

1. 8 October 2016 - Tender advertisement placed in the Sydney Morning Herald, Gold Coast Bulletin and uploaded to Tenderlink,
2. 10 October 2016 - Tender advertisement placed in the Western Magazine.

Six tender documents were issued to interested parties however only two Tenders in total were received from:

- J. Blackwood & Son Pty Limited, and
- Tecorp Pty Limited - Direct Sales.

## **Community Strategic Plan Links**

Focus Area 6 Transport and Infrastructure - Long Term Goal 6.1 (Strategy 6.1.1).

## **Budget Implications**

This Tender is for the ongoing supply of Industrial Hardware. The hardware items are purchased as a part of stock items within Councils' Stores section and issued to specific projects within Councils' adopted budgets.

## **Report**

In accordance with the *Local Government (General) Regulation 2005* (Part 7, Tendering) where expenditure on a Tender exceeds \$150,000 over the term of the contract a Council must, by resolution, adopt a report accepting the Tender recommendation.

J. Blackwood and Sons and BSC Motion Technologies (the incumbent suppliers for this contract) were contacted before the Tender was advertised by Regional

Procurement to supply a list of the products used by client Councils which forms the top listings. Both companies were advised of when the Tender was to be advertised and were contacted during the Tender process to advise of the close of Tender. BSC Motion Technologies have not submitted for this Tender.

### ***Contract Duration***

This contract will run for 24 months from 1 January 2017 to 31 December 2018. A one year option may be taken up, based on satisfactory performance by the successful Tenderer/s.

### ***Probity***

The tender has been conducted in accordance with Clause 166(a) of the *Local Government (General) Regulation 2005*.

Conflict of Interest Declarations were signed by all participating Evaluation Panel Members including the Regional Procurement Facilitator. The declarations are available to be viewed if required.

All tenderer insurance records were checked against Tender requirements and potential non-conformities were noted in the Evaluation Matrix for the consideration of the panel.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process.

### ***Tender Analysis***

The RTC tender evaluation was conducted on 3 November 2016 by the following:

- Colin Carey - Richmond Valley Council
- Trevor Pate - Clarence Valley Council
- All Facilitated by - Craig Wade Account Executive Regional Procurement

### ***Evaluation Results***

		<b>J. Blackwood &amp; Son Pty Limited</b>	<b>Tecorp Pty Limited Direct Sales</b>
Richmond Valley Council Price Top Items	55	55.00	37.25
Referees	15	12.10	13.90
Guaranteed Delivery Time Schedule	15	13.00	15.00
Customer Service Schedule	15	12.00	12.00
Richmond Valley Council Final Score incorporating price and evaluation criteria	<b>100</b>	<b>92.10</b>	<b>78.15</b>

It is recommended that J. Blackwood & Son Pty Limited be selected as the preferred Tender based on the evaluation. This decision is based on the Evaluation Panel's discussion in relation to localities of the branches in Coffs

Harbour and Lismore and that the actual price comparison for J. Blackwood & Son Pty Limited was the better option.

### **Consultation**

Consultation took place between Regional Procurement, Clarence Valley Council and Richmond Valley Council throughout the Tender process.

### **Conclusion**

It is recommended that J. Blackwood & Son Pty Limited be awarded this contract as the Single Source Supplier for Supply and Delivery of Industrial Hardware for the period 1 January 2017 to 31 December 2018 with the provision for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2019.

## **14.8 TENDER RVC313.15 - DESIGN AND CONSTRUCT TENNIS COURTS AT STAN PAYNE OVAL, EVANS HEAD**

### **Responsible Officer:**

Andrew Leach (Manager Asset Planning)

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### **RECOMMENDATION**

Recommended that:

1. Council accept the tender from Summerland Tennis for the construction of four concrete based Courts, for \$383,900.00 inclusive of GST.
2. Council receive \$50,000 from Evans Head Tennis Club towards the cost of construction.
3. Council use the balance of the budget to work with the Evans Head Tennis Club to construct clubhouse facilities.
4. The Common Seal of Council be affixed to any documentation where required.

**201216/ 13 RESOLVED** (Cr Simpson/Cr Hayes)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

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### **Executive Summary**

Richmond Valley Council called for tenders from appropriately qualified and experienced contractors for the Design and Construction of three Tennis Courts

with the option of a fourth as part of the relocation of the Evans Head Tennis Club (EHTC) from Silver Sands Holiday Park to Stan Payne Oval, Evans Head

These tenders were originally sought in October 2015, with five being received, however funding from North Coast Holiday Parks, being linked to the acceptance of a park masterplan, was not approved by the Minister until November 2016. Due to the passage of time since the original submissions, tenderers were asked to resubmit their pricing, with four out of the original five having resubmitted.

The four submissions for the tender were received with all respondents evaluated as conforming tenders. Tenderers were invited to demonstrate abilities and options using a synthetic surface as the standard base point. All respondents meet the minimum tender specification requirements.

### Community Strategic Plan Links

Focus Area 4 Recreation and Open Spaces - Long Term Goal 4.1.1 Provide assistance, support and advice to local sporting organisations to improve indoor and outdoor sporting facilities.

### Budget Implications

Summerland Tennis is recommended as best value to Council with a cost of \$383,900.00 inclusive of GST. Total Budget is \$492,604 with additional \$50,000 contribution from EHTC.

### Report

Council called for suitably qualified contractors to submit tenders for the design and construction of tennis courts at Stan Payne Oval, Evans Head.

Tenders were called and closed in November 2015 but due to funding not being approved, the process was placed on hold until confirmation was received from North Coast Holiday Parks that funding was available. Confirmation was received in November 2016 and tenderers were asked to resubmit their prices. Final adjusted Tenders were received from the following companies:

Table 1 – Revised Tender submissions – inclusive of GST

	<b>Court Number</b>	<b>Base</b>	<b>Surface</b>	<b>Cost incl. GST</b>
<b>Summerland Tennis</b>	4	2 Concrete/2 RB	2 Rebound Ace/ 2 synthetic	\$ 327,800.00
	4	Concrete	2 Rebound Ace/ 2 synthetic	\$ 383,900.00
<b>Court Craft</b>	3	RB and Asphalt	Synthetic	\$ 406,780.00
	3	Concrete	Synthetic	\$ 409,788.50
	4	RB and Asphalt	Synthetic	\$ 500,588.00
	4	Concrete	Synthetic	\$ 509,674.00
<b>Kyogle Earthworks</b>	3	Crushed Rock	Synthetic	\$ 284,156.40
	4	Crushed Rock	Synthetic	\$ 349,434.36



	<b>Court Number</b>	<b>Base</b>	<b>Surface</b>	<b>Cost incl. GST</b>
<b>KCL Sports</b>	3	Concrete	Synthetic	\$ 427,969.85
	3	Crushed Rock	Synthetic	\$ 307,676.00
	4	Crushed Rock	Synthetic	\$ 397,928.00
	4	Concrete	Synthetic	\$ 553,607.00

\*RB is road base/crushed rock.

Council's Manager Asset Planning, Engineering Officer Assets and Co-ordinator Purchasing and Stores have been involved in the development of specifications and assessment criteria.

### ***Tender Analysis***

The tenders are ranked in order and works are awarded to the successful tenderer that is the most advantageous for Council.

Tenders were evaluated by the Evaluation Panel on the following 65:35 method with price being 65% and non-priced criteria being 35%.

### ***Contract Duration***

This contract will be issued as soon as a recommendation is adopted with the works to be completed late this financial year.

### ***Probity***

The tender has been conducted in accordance with Clause 166(a) of the *Local Government (General) Regulation 2005*.

Conflict of Interest Declarations were signed by all participating evaluation panel members.

All tenderer insurance records were checked against tender requirements and potential non-conformities were noted in the Evaluation Matrix for the consideration of the panel.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement® Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process.

### **1. Pre-Evaluation Actions**

Council decided to call for tenders for the provision of design and construction of tennis courts. An Evaluation Plan was prepared and endorsed by the Evaluation Committee prior to close of Tenders.

2. Initial Evaluation

All tenders were received prior to the nominated closing date and time.

*Non-Conforming Tenders*

All respondents submitted conforming tenders in accordance with specifications.

3. Evaluation of Non-Price Criteria

The information submitted by the contractors was evaluated against the specified non-price criteria, in accordance with the Evaluation Plan.

The non-price criteria for evaluation are as follows:

- Proven experience in similar works,
- Capacity to complete the works as agreed,
- Referees and references,
- Evidence of Benefit to local economy.

The scores were weighted against each criterion and totalled as shown in the table below:

Summerland Tennis	2.6
Court Craft	2.8
KCL Sports	2.6
Kyogle Earthworks	1.85

4. Selection of the Most Advantageous Tender

Total weighted scores were obtained for the tenderers by adding the total non-price score and price scores to reach a total score.

To compare like for like construction, initial evaluations were undertaken on the construction of 3 courts constructed on roadbase/crushed rock with a synthetic surface. These scores taking both price and non-price saw the following results:

Summerland Tennis	9.1
Court Craft	5.86
KCL Sports	6.38
Kyogle Earthworks	7.11

Tenderers were encouraged to demonstrate options of designs, and surface types which would provide better functionality and a long life. These treatments and options are listed in Table 1 of this report.

The Tender with the highest total score from the responses was Summerland Tennis and is identified as the most advantageous to Council at this time.

Following discussions with Evans Head Tennis Club (EHTC), and considering Tennis Australia Standards, it was assessed the best value for money, providing quality and long life is the four court concrete based option with two Rebound Ace courts, and two synthetic courts. This combination would allow for best possible pathway for coaching and training on surfaces used at higher tournament level which the rebound ace provides.

The concrete base is seen as a far better long term option than crushed rock and/or asphalt providing a stable base for a long period of time.

Taking these factors into consideration, it is recommended the tender for this project be awarded to Summerland Tennis with a submission of \$383,900.00 inclusive of GST.

The total for the project is taking into consideration the contributions of the EHTC, to build clubrooms and complete the project. Council Officers are currently working with the tennis club and local trade's people to deliver the best possible option with the funds available.

### **Consultation**

Consultation was undertaken during this process with Council Staff, North Coast Holiday Parks, and the Evans Head Tennis Club.

### **Conclusion**

It is recommended Council accept the tender from Summerland Tennis for the construction of four concrete based Courts which represents best value for Council for \$383,900.00 inclusive of GST.

## **14.9 DA2017/0100 - MARA GLOBAL FOODS PTY LTD - VARIATION TO MAXIMUM BUILDING HEIGHT**

### **Responsible Officer:**

Angela Jones (Director Infrastructure and Environment)

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### **RECOMMENDATION**

Recommended that the written request, received with DA2017/0100, for a variation to the 8.5 metre building height be supported pursuant to Clause 4.6 of the *Richmond Valley Local Environmental Plan 2012*.

### **201216/ 14 RESOLVED (Cr Morrissey/Cr Simpson)**

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

## **Executive Summary**

Newton Denny Chapelle has lodged Development Application (DA2017/0100) on behalf of Mara Global Foods Pty Ltd for alterations and additions to an existing Rural Industry (Grain Storage and Processing Facility) at 535 Bennis Road, Shannon Brook being on Lot 1 DP876258.

The development includes alterations to the roofline of an existing shed which will raise a lower portion of the roofline to 11.6 metres to match the existing building height. The proposal also includes a new storage shed that will be 11.41 meters high. The *Richmond Valley Local Environmental Plan 2012 (LEP)* designates an 8.5 metre maximum building height for the land.

The applicant has requested, pursuant to Clause 4.6 of the LEP, a variation to the maximum building height which will be in keeping with bulk, height and scale of existing structures at the facility.

The purpose of this report is to provide commentary and seek concurrence of Council to approve the variation request whilst the application is being assessed by Council officers. This will facilitate the assessment process and assist in reducing assessment timeframes.

## **Community Strategic Plan Links**

Focus Area 2 Local Economy - Long Term Goal 2.1 (Strategies 2.1.9) and Focus Area 5 Rural and Urban Developments - Long Term Goal 5.2 (Strategies 5.2.3).

## **Budget Implications**

Nil.

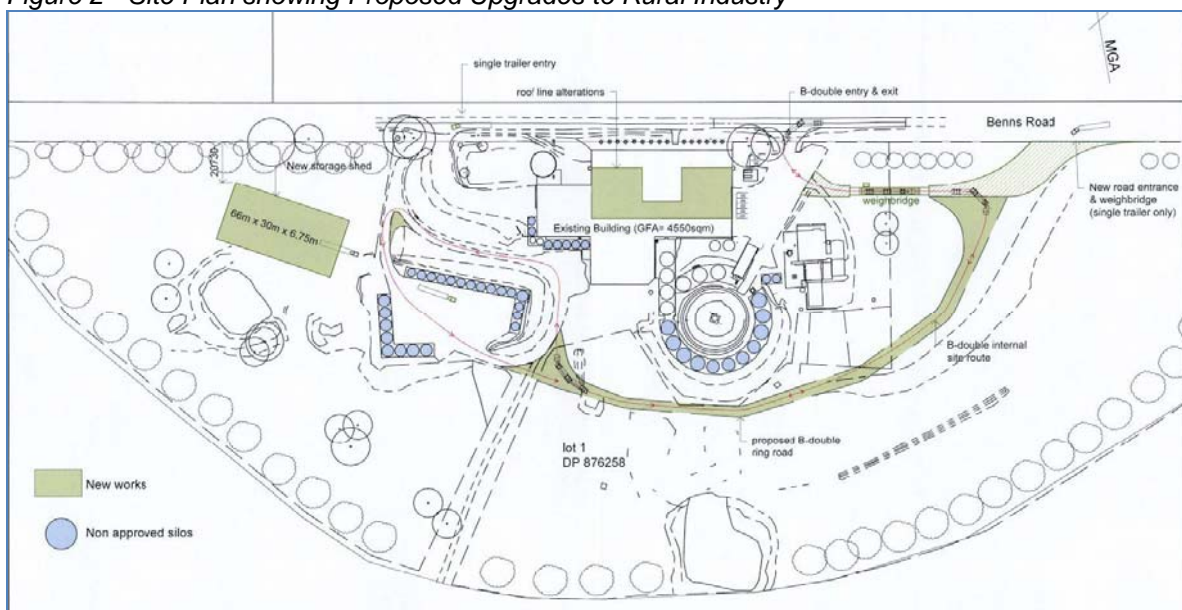
## **Report**

Newton Denny Chapelle lodged a development application on behalf of Mara Global Foods Pty Ltd (DA2017/0100) with Council on 17 November 2017 for a \$1.1million upgrade to its existing Rural Industry (Grain Storage and Processing Facility) at 535 Bennis Road, Shannon Brook. Part of the proposed upgrades includes altering the roofline of an existing shed to a total height of 11.6 metres above natural ground level. The proposal also includes a new storage shed that will be 11.41 meters above natural ground level.

Figure 1- Site Plan showing existing structures on site.



Figure 2 - Site Plan showing Proposed Upgrades to Rural Industry



### **Building Height Restrictions**

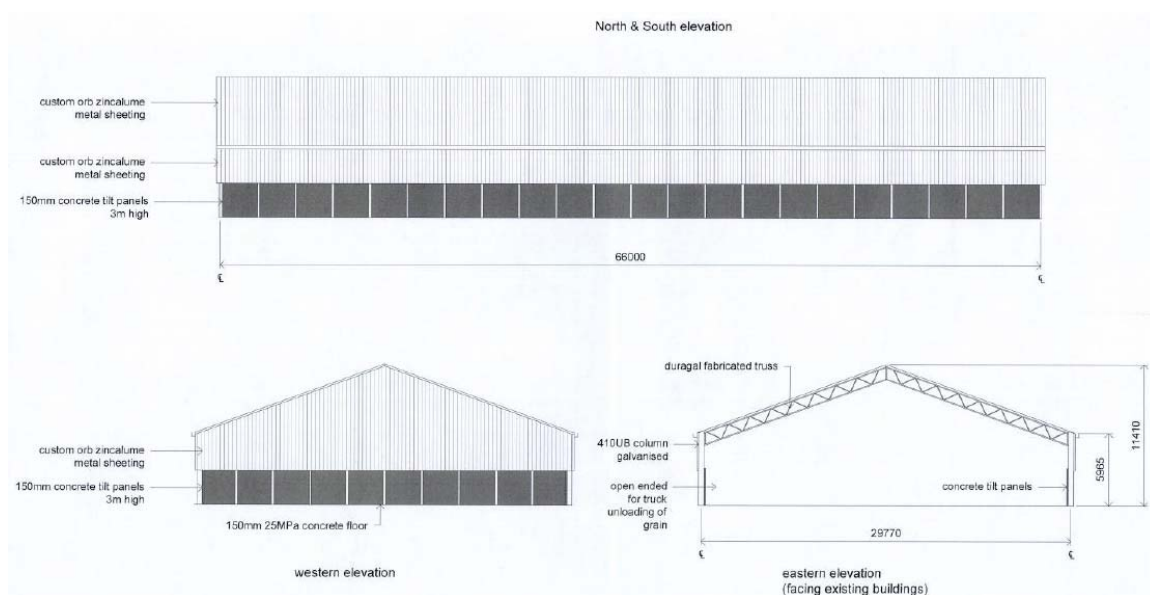
The *Richmond Valley LEP 2012* contains Clause 4.3 Height of Buildings and a Height of Buildings Map. These provisions restrict development on this land to a maximum building height of 8.5 metres. The objectives of the clause are to ensure development will be in keeping with the character of existing development in the vicinity and that it will not significantly impact upon views, privacy or solar access.

**Clause 4.3 Height of Buildings**

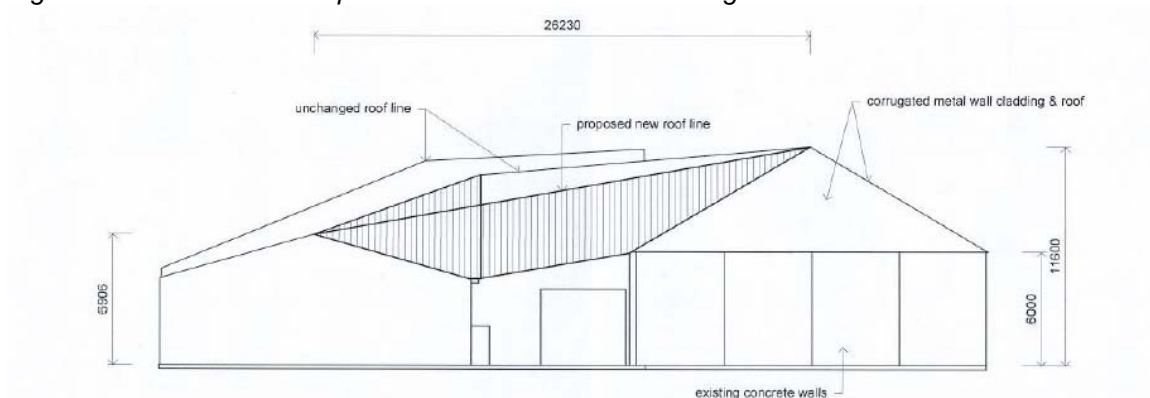
- 1) *The objectives of this clause are as follows:*
  - a) *to establish the maximum height for buildings,*
  - b) *to ensure that the height of buildings complements the streetscape and character of the area in which the buildings are located,*
  - c) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*
- 2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

In accordance with Figures 3 and 4, the existing shed on the property has a variable roofline with a current maximum height of 11.6 metres. The realignment of this roofline will merely raise a lower portion of the roofline to 11.6 metres to match the existing building height. There will be no overall increase in building height than what currently exists for this shed. The new shed will have an overall height of 11.41 metres which is in keeping with existing infrastructure on the property. The new shed will be similar in appearance and height to that of existing construction on the property and will be located inside the boundaries of the land and well away from any adjoining neighbours. Therefore, there will be no loss of views, privacy or solar access for neighbouring properties if the development were to exceed the 8.5 metres building height limit.

*Figure 3 – Elevations of Proposed New Storage Shed*



*Figure 4 – Elevations of Proposed Roof Alterations to Existing Shed*



### ***Variations to Development Standards***

Clause 4.6 of the LEP provides a relative degree of flexibility by allowing certain development standards to be varied if the circumstances of the case determine compliance to be unreasonable or unnecessary; there are sufficient environmental planning grounds to justify contravention; and variation would be consistent with the objectives of the standard.

Furthermore, the concurrence of the Director-General of the Department of Planning and Environment is required prior to consenting to the development application. Notwithstanding, the Director has notified councils that they may assume concurrence subject to the requirements contained within *Planning Circular PS08-003 Variations to Development Standards* and *Planning Circular PS08-014 Reporting Variations to Development Standards*. These Circulars and assumed concurrence are further discussed later in this report.

#### **4.6 Exceptions to development standards**

- 1) *The objectives of this clause are as follows:*
  - a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- 2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- 3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- 4) *Development consent must not be granted for development that contravenes a development standard unless:*
  - a) *the consent authority is satisfied that:*
    - i. *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - ii. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - b) *the concurrence of the Director-General has been obtained.*
- 5) *In deciding whether to grant concurrence, the Director-General must consider:*
  - a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - b) *the public benefit of maintaining the development standard, and*
  - c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- 6) *Not relevant to this application.*
- 7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

- 8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
- a) *a development standard for complying development,*
  - b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
  - c) *clause 5.4,*
  - d) *clause 6.1.*

### ***Assumed Concurrence of the Director-General***

*Planning Circular PS08-003 Variations to development standards*, issued on 9 May 2008, contains notification to Councils that arrangements for the Director-General's concurrence can be assumed in respect of any environmental planning instrument that adopts clause 4.6 of the Standard Instrument LEP. This assumed concurrence is conditional upon reporting all such variations, made under clause 4.6, to the Department on a quarterly basis.

Further requirements to those in PS08-003 were distributed in *Planning Circular PS08-014 Reporting variations to development Standards*, issued on 14 November 2008. They require Councils to keep a public register of all development applications granted variations, with a report of those applications to go to each council meeting. They also require that variations greater than 10% shall be determined by full Council. It is this later requirement that has prompted the preparation of this report.

### ***Clause 4.6 Request to vary the Building Height***

As reported above, a request has been received with DA2017/0100 to vary the 8.5 metre building height at the facility. A copy of the request is included below.

The request is to allow for buildings to be erected up to 11.41 and 11.6 metres above natural ground level. This represents a variation from the development standard of 34% and 36% respectively. As the variations exceed 10%, the variations must be determined by the full Council if the Director's assumed concurrence is to be utilised.

### ***Consideration of the Variation Request***

Having regard to the variation request and the provisions of clause 4.6, the following comments are made:

1. ***Is Clause 4.3 Height of Buildings excluded from the operation of clause 4.6?*** – No. The only exclusions are for complying development standards, standards from the BASIX SEPP, standards within *Clause 5.4 Controls relating to miscellaneous permissible uses*, and standards within *Clause 6.1 Acid Sulfate Soils*.
2. ***Has a written request been received from the applicant seeking to justify the contravention by demonstrating compliance with the development standard is unreasonable or unnecessary, and there are***



**sufficient planning grounds to justify the contravention?** – Yes, refer to a copy of the written request as published in this report (Figure 5).

3. **Has the written request been considered by the consent authority?** – Yes. This report has been written expressly to consider the variation and assess whether it should be supported and granted Director-General's concurrence under assumed delegation per Planning Circular PS08-003.
4. **Is compliance with the building height development standard unreasonable or unnecessary in the circumstances of the case?** – Yes. The existing shed on the property already exceeds the 8.5 metre maximum building height. The proposed buildings, while exceeding the standard by about 34-36%, will be in keeping with the general height and scale of existing development.

Furthermore, the objectives of clause 4.3 provide that the height restrictions are to ensure that buildings compliment the streetscape and character of the area and minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development. The development site and the new construction can be characterised as rural industry. This is in keeping with the locality. The proposed buildings will be entirely contained within the boundaries of the land, well away from the nearest adjoining property that could be impacted by the bulk and scale of the taller structures.

5. **Are there sufficient environmental planning grounds to justify the building height contravention?** – Yes. The new buildings will be generally in keeping with the bulk and scale of existing development on the land. The additions will also provide for greater operational efficiencies at the facility and provide a safer environment for staff.
6. **Is the Applicant's written request adequate?** – Yes.
7. **Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development in the zone in which it is proposed?** – Yes. The objectives of Clause 4.3 Building Height are to ensure that buildings compliment the streetscape and character of the area and minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development. The proposal easily satisfies these objectives.

The land is contained within Zone RU1 Primary Production. The zone objectives are to encourage sustainable primary industry production by maintaining and enhancing the natural resource base; encourage diversity in primary industry enterprises and systems appropriate to the area; minimise the fragmentation and alienation of resource lands; minimise conflict between land uses; and ensure that development does not unreasonably increase the demand for public services or facilities. The proposal is consistent with these objectives.

8. ***Has the Director concurred with the variation?*** – No, however, Planning Circular PS08-003 grants all Councils assumed concurrence to determine variations under clause 4.6, subject to requirements. These require a variation greater than 10% be determined by full Council, which is the purpose of this report. They also require, reporting of all variations on a quarterly basis, and the keeping of a public register of development granted variations. Council's development register is compliant with this requirement and a quarterly report is issued to the Department.


### **Consultation**

DA2017/0100 is required to be advertised and notified and is currently on exhibition until 7 December 2016. At the time of authorising this report, no submissions had been received regarding this application. Processing of the application has not yet been completed and the application is currently being assessed by Council officers. Notwithstanding, this report only addresses whether a variation to the building height should be supported and does not pre-empt whether the development application will be granted consent, nor whether submissions will be received.

### **Conclusion**

DA2017/0100 proposes alterations and additions to the existing Rural Industry (Grain Storage and Processing Facility) for Mara Global Foods Pty Ltd. Construction associated with the development will exceed the 8.5 metre building height limit established by the *Richmond Valley Local Environmental Plan 2012* under clause 4.3. A written request has been submitted by the applicant (under clause 4.6 of the LEP) that seeks a variation to the maximum building height to permit structures up to 11.6 metres above natural ground level. The request appears to be satisfactory given that the buildings are in keeping with the bulk and scale of existing development at the facility and will not impact on views, privacy or solar access to adjoining properties.

Because the variation request exceeds 10% it must be determined by full Council, if the Director's concurrence is to be assumed. If Council resolves to support the variation, the application can continue to be processed under Section 79C of the *EP&A Act* and determined under delegation.

	<p><b>RICHMOND VALLEY COUNCIL</b>  Offices: Cnr Graham Place and Walker Street, Casino  Cnr Woodburn Street &amp; School Lane, Evans Head  Postal Address: Locked Bag 10, CASINO NSW 2470  Email Address: council@richmondvalley.nsw.gov.au  Casino Telephone: (02) 6660 0300 - Fax: (02) 6660 1300  Evans Head Telephone: (02) 6682 4392 - Fax: (02) 6682 4252</p>	<p>Development Application No. _____  Date ____/____/____</p>
<p><b>REQUEST TO VARY LEP DEVELOPMENT STANDARDS  CLAUSE 4.6</b></p>		

Applicant/s Name: Newton Denny Chapelle

Address: 535 Bennis Road, Shannon Brook

Property Description: Lot 1 DP 876258

1. What is the zoning of the land?

RU1 – Primary Production

2. What are the objectives of the zone?

RU1 – Primary Production

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.

3. What is the development standard being varied? e.g. height, lot size

Clause 4.3 – Height of Buildings sets a maximum building height limit of 8.5 metres and therefore is proposed to be varied.

As illustrated on the submitted elevation drawings, the proposed new roof line of the existing building will contain an overall height of 11.6 metres. As the overall maximum building height proposed exceeds 8.5 metres, a variation is respectfully requested to be approved by Richmond Valley Council to permit the LEP height exceedance.

The proposed new grain storage building will comprise an overall height of 11.41 metres and therefore a variation is also sought to permit the building to exceed the 8.5 metre LEP height limit.

4. Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.3

5. What are the objectives of the development standard?

The objectives of Clause 4.3 are as follows:

- (a) to establish the maximum height for buildings,
- (b) to ensure that the height of buildings complements the streetscape and character of the area in which the buildings are located,
- (c) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

6. What is the numeric value of the development standard in the environmental planning instrument?  
8.5 metres.

7. What is proposed numeric value of the development standard in your development application?  
Proposed new roof line of the existing building – 11.6 metres  
Proposed new grain storage building – 11.41 metres

8. What is the percentage variation (between your proposal and the environmental planning instrument)?

Proposed new roof line of the existing building – 36.5%

Proposed new grain storage building – 34.2%

9. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

Strict compliance with the development standard is unreasonable and/or unnecessary for the following reasons:

- The existing building height of 11.6 metres is already established on the site through previous building development. The proposed new roof line has been designed to complement the existing design and roof line of the current building. The proposal does not seek to exceed the existing building height already established on the site;
- The roof height exceedance associated with the existing building only relates to the upper part of the proposed roof structure and the remainder of the roof complies with 8.5 metres;
- The proposed grain storage building is proposed with a lesser building height than the existing main building and thereby does not exceed the already established building height of the site;
- When viewing towards the property from the east and west along Benns Road, the external roof line of the proposed grain storage building will fall below the pitch height of the existing building due to the sites varying topographical levels;
- The proposed height variations will not result in overshadowing impacts on any adjoining properties;
- The proposed height exceedance of the buildings is not considered to be detrimental to the aesthetics or character of the rural environment in which the subject site is located due to the existing building height already established on the subject land.

10. How would strict compliance hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Act?

Concerning Object 5(a)(i):

Strict compliance with the 8.5 metre building height would hinder the attainment of the specified object, in particular it would hinder the aim which is to encourage proper management and development of the land which in this instance is a rural industry which supports the use of agricultural land practices. In this regard, as per Section 3.1.3 of the SEE:

- The current roof line places a box gutter in the middle of the factory and in this regard the roofline alteration aims to improve stormwater management associated with the building;
- The existing grain grading and cleaning and drying lines in the factory are being replaced or upgraded with more energy efficient, OHS compliant and food safe equipment. The extra height gained from the roof line adjustments allows this equipment to be installed in areas that currently have a low roof to provide an efficient flow of product through the facility. It will also greatly help with ventilation and dust management and employee comfort for the middle of summer when temperatures are at their maximum.

Request to vary LEP Development Standards - Clause 4.6

In respect to promoting the social and economic welfare of the community and encouraging a better environment, existing infrastructure on site for grain storage includes external cylindrical silos and two internal concrete bunkers. Due to their design and construction these internal bunkers, which were built some time ago, are viewed as a potential hazard for long term storage as grain storage technology has changed significantly in this time and safer processes are now available. The large bunkers also have an intricate overhead system which is aging and the company is taking the view of acting now to mitigate any future issues that may arise regarding employee safety or product quality. The new grain storage shed (i.e. dimensions and building height) will allow this with minimised noise and dust issues (as opposed to the current design that exhaust outwards to the road side of the property). The new grain storage shed will essentially allow for the relocation of existing bulk grain storage on-site.

Concerning Object 5(a)(ii):

It is submitted that the height of the proposed roof alteration and construction of the new grain storage building promotes the orderly development of the site by creating a uniform building height which matches the already established building height on the subject land.

**Note:** If more than one development standard is varied, an application will be needed for each variation (e.g. height)

11. Is the development standard a performance based control? Give details.

The development standard is a prescriptive based numerical control.

#### **Additional matters to address**

*As outlined in the Department of Planning and Infrastructure fact sheet "Varying Development Standards: A Guide" there are other additional matters that applicants should address when applying to vary a development standard.*

12. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

Strict compliance with the nominated standard would be unreasonable and/or unnecessary due to the following reasons:

- The objectives of the RU1- Primary Production zone of the Richmond Valley LEP 2012 can be satisfied as demonstrated within Section 4.2.1 of the SEE.
- The remaining provisions of the Richmond Valley LEP 2012 can be satisfied as demonstrated in Section 4.2.2 of the Statement of Environmental Effects.
- For the reasons submitted above under Question 9.
- The proposed variation is not deemed to create a cumulative effect that would undermine the objective of the development standard or the planning objectives for the subject RU1 Primary Production zone.

Applicant's Signature .....

Date .....

2 / 12 / 16

**14.10 DISCONTINUANCE OF PLANNING PROPOSAL FOR RURAL RESIDENTIAL LAND AT PIORA****Responsible Officer:**Angela Jones (Director Infrastructure and Environment)

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**RECOMMENDATION**

Recommended that Council officially request the discontinuation of Planning Proposal LEP-0011 (Department Ref: PP\_2014\_RICHM\_006\_00) which proposes to rezone land at Ellems Bridge Road, Piora to RU5 - Large Lot Residential.

**201216/ 15 RESOLVED** (Cr Morrissey/Cr Hayes)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

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**Executive Summary**

Planning Proposal LEP-0011 sought to rezone Part Lot 2 DP1170052 and Lot 1 DP449328 Ellems Bridge Road, Piora from RU1 – Primary Production to R5 – Large Lot Residential. The proposal has been unable to satisfactorily address the Department of Primary Industries (DPI) concerns that potential future land use conflict will restrict the extraction potential of the adjoining Woodview Quarry. The quarry is a State Significant Resource and, despite the fact the proponent has been given a number of extensions to allow for appropriate studies and testing to be conducted, all attempts to seek resolution and progress the matter have been unsuccessful to date.

**Community Strategic Plan Links**

Focus Area 5 Rural and Urban Development - Long term Goal 5.1 Land Use Development should be Appropriate for the Retention of a Country Atmosphere and Village Lifestyle (Strategies 5.1.1 and 5.1.2)

**Budget Implications**

Nil.

**Report**

Planning Proposal (LEP-0011) which seeks to rezone land at Ellems Bridge Road, Piora has an extensive and complicated history which precedes the current Planning Proposal assessment process. The rezoning was initially proposed in early 2004 and there were complications which saw the proponent

argue it should be included for consideration, despite not being in an immediate release area in the Rural Residential Strategy.

The rezoning was initially assessed in 2004 where the adjoining quarry and other unresolved issues delayed the proposal. Council Strategic Planning resources were then almost exclusively tied up with preparing the new Local Environmental Plan for a period of time so the rezoning proposal was placed on hold.

Changes to the legislation meant the proposal had to be re-submitted as a Planning Proposal under the new Part 3 Gateway LEP Process pursuant to the *Environmental Planning and Assessment Act (EP&A) 1979*. Advice had been sought and provided by the Department of Primary Industries (DPI) which highlighted the need to protect Woodview Quarry as it is an important resource which has been designated a State Significant Resource. DPI highlighted the potential issue of future land use conflict between the quarry and the proposed rural residential development.

Council resolved to 'conditionally support' Planning Proposal LEP-0011 on 15 October 2013. A Gateway Determination was sought and granted by the Department of Planning LEP Panel with the stipulation a number of studies were to be undertaken, including but not limited to:

- An assessment in consultation with the NSW Department of Trade and Investment – Mineral Resources Branch as to the likely extent and direction of future quarry expansion;
- An assessment of noise, dust, vibration and traffic – with regard to the lifespan and extent of future operation of Woodview quarry;
- A revised LUCRA (Land Use Conflict Risk Assessment); and
- A revised justification for the need for further rural-residential style development not within an immediate release area identified within the Strategy.

Since then, Council has elected to support the applicant in extending the timeframe on a further two occasions to 2 November 2015 and then 5 August 2016. On each occasion, the continued support of Council was granted on the basis of assurances from the proponent the necessary and vital studies required would be undertaken before the next Gateway expiry. Leading up to the present issued gateway expiry, the consultant advised Council a third party was intending to financially supporting the project and Council accepted an authority and met again to discuss the matter in detail on 18 August 2016. As issues remained unresolved with the proximity to the quarry, a suggestion was put forward to move the development area outside the influence of the quarry to an area still identified within the Strategy. Recent upgrades to electricity transmission lines unfortunately reduced the developable 'yield' and the costs of reverting the whole project back through the Gateway Determination process most likely proved financially unviable. Assurances were given by those at the meeting that, if they intended to pursue the matter they would advise Council accordingly before October's end, and to date no further assurance or retraction of the proposal has been forthcoming.



## **Consultation**

The Planning Proposal (LEP-0011) was referred and many discussions ensued with the NSW Department of Trade and Investment – Resources and Energy over the issues with the location of the development in respect of the quarry. A response was received in July 2013 which recognised that "...The entire subdivision proposal area lies within the 1km transition area of the resource (and that by)...using a distance of 500m from the currently active quarry face in the LUCRA...the assessment fails to acknowledge the possibility of impacts over a greater distance which have the potential to affect the entire subdivision proposal area. Nor does the 500m distance from the active quarry face used acknowledge the possibility of extensions to the existing quarry in the future."

## **Conclusion**

Despite numerous attempts to procure the required information from the consultant and proponent, outstanding issues remain. Council recommends discontinuing support for Planning Proposal (LEP-0011) due to the inability of the proponent to justify the land use conflict issues with the adjoining Woodview Quarry as it may impact on the long term viability of the State Significant Resource. All avenues were investigated to potentially amend the proposal in the final stages of the third Gateway Determination, however the extent of the changes would involve the retraction of the current proposal and a fresh Gateway Determination would need to be sought with an entirely new proposal and with studies relevant to the new location.

The Department of Planning and Environment have indicated the correct mechanism for retracting Council support for the proposal is via Council Resolution. The current Gateway Determination is due to expire on 24 December 2016 and the recommendation from Council's strategic planning staff and the Department of Planning and Environment is to request the discontinuation of the proposal.





19/07/2013

Craig Rideout  
Planning Officer  
Infrastructure & Environment  
Richmond Valley Council  
Locked Bag 10  
Casino NSW 2470

Your Reference: P1002919 70662, LEP0011:CR  
Our Reference (TRIM): OUT13/19435

EMAILED

Dear Mr Rideout

**Re: Draft Richmond Valley LEP 2012 Amendment – Planning Proposal to rezone land at Ellems Bridge Road Piora from RU1 to R5 – Part Lot 2 DP 1170052 and Lot 1 DP 449328**

Thank you for the opportunity to provide advice on the above planning proposal. This is a response from the NSW Department of Trade & Investment (DTIRIS) – Mineral Resources Branch (MRB). The Department of Primary Industries, incorporating advice from Agriculture, Fisheries and Forests NSW may respond separately.

The subject land, including Part Lot 2 DP 1170052 and Lot 1 DP 449328, is located immediately to the south of the Woodview Quarry. The quarry is located on Lot 3 DP 833453 and operated by Richmond Valley Quarry. The site has been mapped as a regionally significant resource in MRB's Statewide Mineral Resource Audit (refer to Fig 1). MRB supplied information to council regarding mineral resources in Richmond Valley LGA in the form of a data package in August 2012.

The quarry which has been operating since approximately 1945, has produced a range of products for the region including material for roadbase applications, concrete and railway ballast. The site contains a valuable basalt resource of approximately 1.75M tonnes, with potential to produce 30 000 to 40 000 tonnes of coarse aggregate per annum for over 40 years.

A 1000m transition area has been mapped around the site due to the nature of extraction which requires blasting. Transition areas are indicative of the areas that may be subject to significant impacts from mining or quarrying operations. They are based upon criteria previously developed by the (then) Environmental Protection Authority. This area extends from the edge of Lot 3 for a distance of 1km in order to adequately represent the area that could be subject to impacts from the quarry operation in the future.

The entire subdivision proposal area lies within the 1km transition area of the resource (refer to Fig 1). By using a distance of 500m from the currently active quarry face in the LUCRA, the assessment fails to acknowledge the possibility of impacts over a greater distance of 1km which have the potential to affect the entire subdivision proposal area. Nor

NSW Department of Trade and Investment, Regional Infrastructure and Services  
RESOURCES & ENERGY DIVISION  
PO Box 344 Hunter Region Mail Centre NSW 2310  
Tel: 02 4931 6666 Fax: 02 4931 6726  
ABN 51 734 124 190  
[www.dtiris.nsw.gov.au](http://www.dtiris.nsw.gov.au)

does the 500m distance from the active quarry face used acknowledge the possibility of extensions to the existing quarry in the future.

Changes to land use which are incompatible with mineral exploration and mining can result in the loss to the community of valuable mineral resources. It is therefore essential, when planning how land is to be used, to take account of both known mineral resources and the potential for further discoveries.


NSW Trade & Investment recommends that councils adopt the following strategies regarding mineral resources in its planning.

1. Operating mines and quarries should be protected from sterilisation or hindrance by encroachment of incompatible adjacent development.
2. Known resources and areas of identified high mineral potential should not be unnecessarily sterilised by inappropriate zoning or development.
3. Access to land for mineral exploration and possible development should be maintained over as much of the planning area as possible.

MRB has serious concerns regarding the proposed rezoning of the subject lands for the purpose of rural residential development in such close proximity to an existing quarry extracting a valuable hard rock resource. Council must satisfy itself that the proponent has adequately demonstrated that the Woodview Quarry, and the potential for future extensions to existing operations on site, will not be unnecessarily sterilised by land use conflict resulting from inappropriate zoning and development on adjacent lands.

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the MRB Land Use team at [landuse.minerals@industry.nsw.gov.au](mailto:landuse.minerals@industry.nsw.gov.au).

Yours sincerely



Cressida Gilmore  
Team Leader Land Use

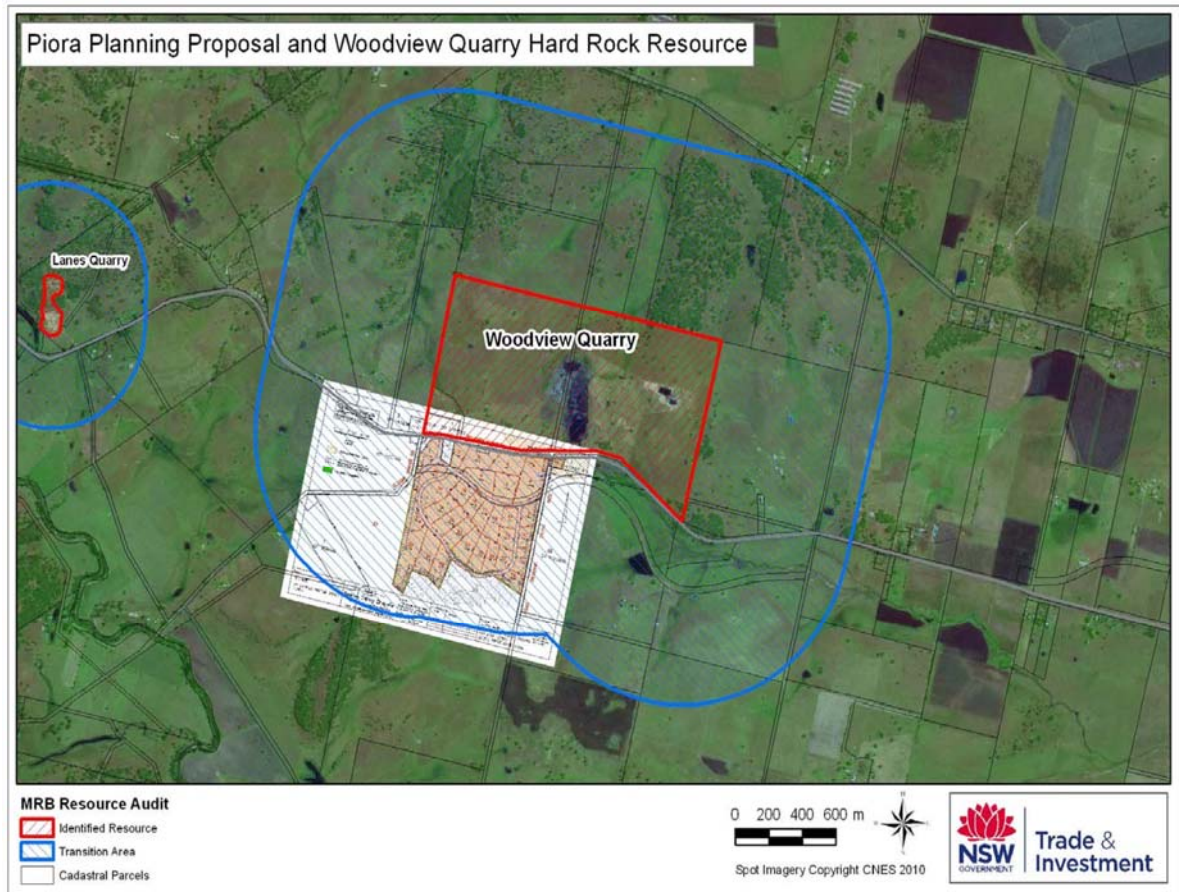


Figure 1 Woodview Quarry Identified Resource and Ellems Bridge Road - Piora Planning Proposal

**14.11 DEDICATION OF ROADS IN RAPPVILLE****Responsible Officer:**Andrew Leach (Manager Asset Planning)

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**RECOMMENDATION**

Recommended that:

1. Council take such steps as are practical to comply with Section 17 of the Roads Act 1993 which requires Council to notify the person who was the owner of Ivy and Nandabah Streets Rappville prior to 1 January 1920 of Council's intention to dedicate these streets as public road under Section 16 of the Roads Act 1993.
2. If no application is made by the owner to the Land and Environment Court within 40 days of that notification, a notice will be placed in the NSW Government Gazette dedicating the land as public road.

**201216/ 16 RESOLVED** (Cr Simpson/Cr Morrissey)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

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**Executive Summary**

Ivy and Nandabah Streets, Rappville were not correctly dedicated as public roads when they were created in 1908. There are provisions in the Roads Act 1993 to dedicate certain land as a public road that can be followed by Council. It is proposed to advertise Council's intention to dedicate the land for a 40 day period. If no declarations by the land owners are made to the Land and Environment Court during that period, Council may publish a notice in the NSW Government Gazette dedicating the land as a public road.

**Community Strategic Plan Links**

Focus Area 6 Our Transport and Infrastructure – Long Term Goal 6.1 Roads, Drainage and other Infrastructure Asset Classes.

**Budget Implications**

Costs associated with the local advertising and the Gazette Notice can be funded from existing Council budget allocations.

Roads Act 1993 Section 16 (4) states that "No compensation is payable to any person with respect to any loss or damage arising from the operation of this section".





its intention to do so to be served on the owner of the land. Following a period of not less than 28 days, if no declarations are made by the owner of the land to the Land and Environment Court, Council can proceed with dedicating the land known as Ivy and Nandabah Streets Rappville as public road.

Exact ownership details from the original title are not known, but investigations indicate that the land was originally owned by Mr W.H. Rapp.

### **Consultation**

The Roads Act requires Council's using Section 16 to dedicate land as a public road to serve its intention to do so on the owner of the land. This provision was proclaimed legislation at the time when some of the original subdividers were alive and easily located. Given that it has been 108 years since the registration of DP 5405 it is no longer likely to be possible to notify the original owner.

It is therefore proposed to advertise Council's intention to dedicate Ivy and Nandabah Streets Rappville through Council's regular newspaper advertisement and other online media avenues. The minimum required advertising period required by the Roads Act is 28 days. Given the Christmas holiday period is approaching and no Ordinary Council meeting in January, the advertising period can be extended to 40 days. If no application is made by the owner of the land to the Land and Environment Court after this time, a notice will be placed in the NSW Government Gazette dedicating the land as public road.

### **Conclusion**

Ivy and Nandabah Streets Rappville were not correctly dedicated as public roads when they were created in 1908. To dedicate them as a public road, Council can follow the requirements of the Roads Act 1993 and publish a notice in the Government Gazette to that effect.

## **14.12 DRAFT COASTAL MANAGEMENT SEPP**

### **Responsible Officer:**

Angela Jones (Director Infrastructure and Environment)

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### **RECOMMENDATION**

Recommended that a submission be made on the *Draft State Environmental Planning Policy (Coastal Management) 2016* outlining issues and concerns Council has with the structure and language used within several clauses, and with mapping of the Coastal Zone.

### **201216/ 17 RESOLVED (Cr Simpson/Cr Humphrys)**

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

(Note: The Director Infrastructure and Environment provided Councillors with a copy of the draft submission at the meeting and welcomed Councillor feedback by close of business on 3 January 2017. The closing date for submissions has been extended to 20 January 2017.)

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## **Executive Summary**

*Draft State Environmental Planning Policy (Coastal Management) 2016* (the Draft SEPP) will feature as a major component of the new *Coastal Management Act 2016*. The Act was assented to in June 2016 with a commencement date yet to be proclaimed, and is currently on public exhibition with submission closing on 23 December 2016.

The Draft SEPP will host mapping of the Coastal Zone, as defined within the Act, and establish development controls for land uses within the coastal zone as well as for coastal protection works.

A number of concerns are evident with the accuracy of wetland mapping and with the extent of the coastal use area to 1 kilometre beyond the tidal waters of the Richmond River, Bungawalbin Creek and Wilsons River.

Furthermore, the retrofitting of SEPP14 and SEPP26 development control provisions into Clause 11 has been poorly drafted. As it currently stands development on land that is partially mapped as coastal wetland or littoral rainforest will be called up as designated development even when the development falls outside the mapped wetland or rainforest area.

A number of other concerns, areas of improvement, or areas where the intent of provisions could be better explained have been outlined in this report and, along with those above, should feature in a Council submission.

## **Community Strategic Plan Links**

Focus Area 5 Our Rural and Urban Developments - Long Term Goal 5.1 Land Use Development should be Appropriate for the Retention of a Country Atmosphere and Village Lifestyle (Strategy 5.1.2).

## **Budget Implications**

Nil.

## **Report**

*Draft State Environmental Planning Policy (Coastal Management) 2016* (the Draft SEPP), along with a Draft Local Planning Section 117 Ministerial Direction for Coastal Management, and amendments to the Standard Instrument LEP are on public exhibition seeking submissions until close of business on 23 December 2016.

These planning documents are part of a suite of reforms that Minister Rob Stokes commenced several years ago. Stage 2 of the reforms is now in the mist of being implemented with Parliament assenting to a new *Coastal Management Act 2016* in June this year, with a commencement date yet to be proclaimed.

### ***Coastal Management Act 2016 (Assented 7 Jun 2016)***

The main elements of the new Act are to:

- repeal the Coastal Protection Act 1979
- define the coastal zone (to be done through mapping contained in a State Environmental Planning Policy (SEPP))
- adopt a new Coastal Management Manual (to assist with the preparation of Coastal Management Programs (CMPs))
- provide for the creation and periodic review of Coastal Management Programs (CMPs) (fundamentally the same as the present Coastal Zone Management Plans (CZMPs))
- have a strong emphasis on implementing CMPs (an \$89M funding program has just been announced by the Minister)
- require CMPs to be incorporated into Community Strategic Plans (CSPs) and LEPs, with reporting on implementation through the Local Government Integrated Planning and Reporting (IPR) process
- establish an independent NSW Coastal Council
- regulate compliance and enforcement of development within the coastal zone via the Environmental Planning and Assessment Act 1979 (EPandA Act)
- regulate coastal protection works

### ***Draft Coastal Management SEPP***

The *Coastal Management Act 2016* is scheduled to commence in the first quarter of 2017, however it can't commence until the new Coastal Management SEPP has been finalised.

The primary purpose of the Draft SEPP is to:

- identify coastal zone by mapping the coastal management areas (in order of hierarchy) -
  - coastal wetlands and littoral rainforest areas (plus an additional 100 metre area in proximity to the coastal wetland and littoral rainforest areas)
  - coastal vulnerability areas
  - coastal environment areas, and
  - coastal use areas

The extent of the Coastal Zone, as proposed in the Draft SEPP, is shown by the green region within Figure 1.

- repeal *SEPP71 Coastal Protection*, *SEPP14 Coastal Wetlands* and *SEPP26 Littoral Rainforests* (albeit that much of the regulatory and mapping from these SEPPs will be incorporated into the Draft SEPP)
- establish development controls for land uses within the coastal zone
- establish controls around coastal protection works



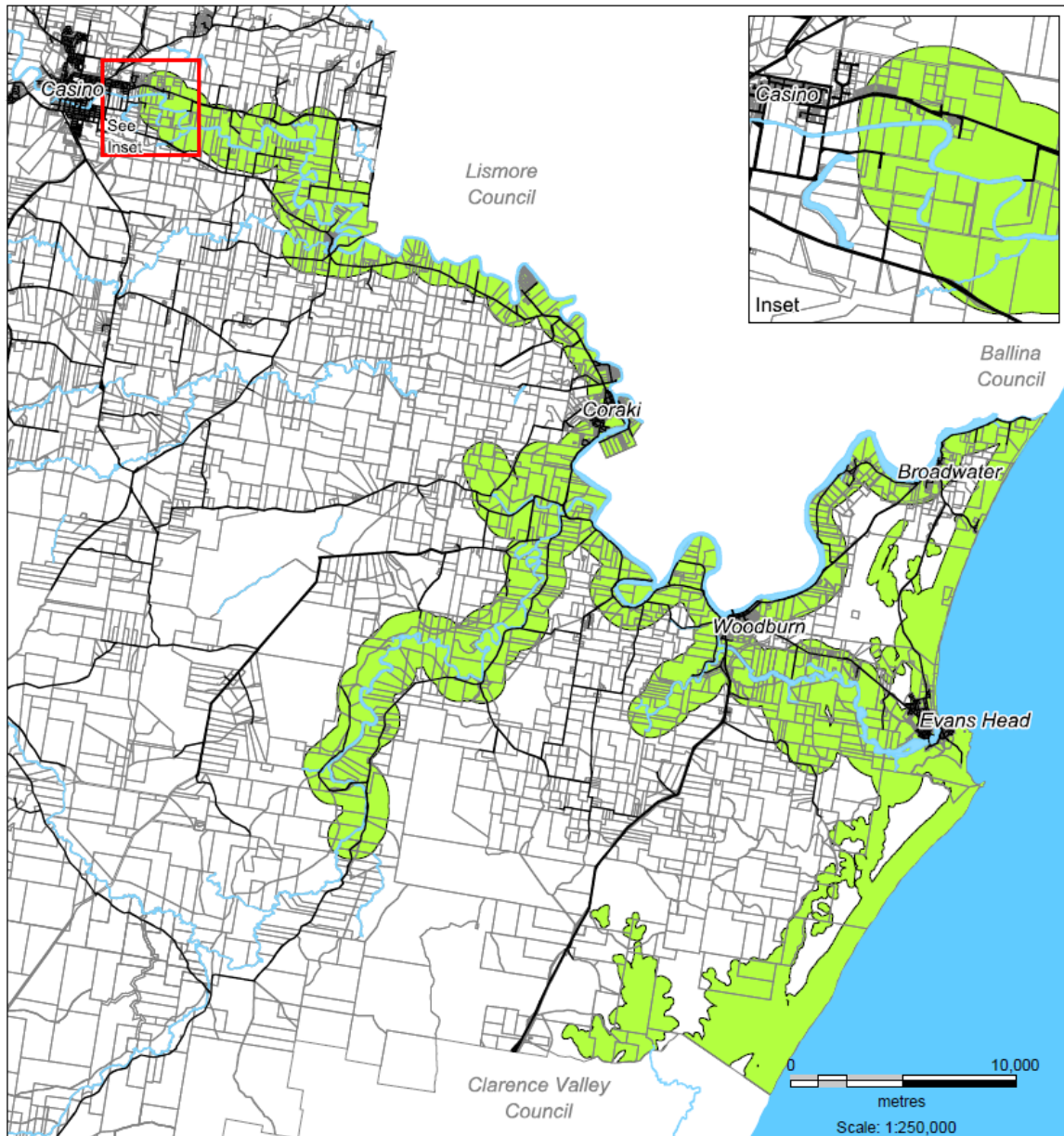


Figure 1 - Green region represents the extent of the Coastal Zone within the Richmond Valley Council area, as mapped within the Draft Coastal Management SEPP

### **Draft Section 117 Direction – Coastal Management**

Section 117 of the *Environmental Planning and Assessment Act 1979* enables the Minister to direct a public authority, or person, having functions under the Act to exercise those functions.

Section 117 Direction provides that planning proposals must include provisions that give effect to and are consistent with:

- the *Coastal Management Act 2016* and the objectives of the relevant coastal management areas;
- the NSW Coastal Management Manual;
- NSW Coastal Design Guidelines 2003; and
- any relevant Coastal Management Program (CMP).

It also will not permit the rezoning of land which would increase land-use intensity within a coastal vulnerability area or land affected by a coastal hazard, as per the Coastal Management Manual.

Amendment of the *Coastal Management SEPP* maps will be permitted, but only where it is supported by evidence in a Coastal Management Program.

***Draft Standard Instrument (LEP) Amendment (Coastal Management) Order 2016***

The Standard Instrument LEP (SILEP) is a templated LEP used as the backbone of all recently endorsed Local Environmental Plans including the *Richmond Valley LEP 2012*.

This amendment includes:

- replacing references to the *Coastal Protection Act 1979*;
- changing or omitting coastal zone related definitions within the dictionary; and
- omitting *clause 5.5 Development within the coastal zone*.

Clause 5.5 provides consideration for coastal management issues when assessing development applications. These considerations will be incorporated into the Draft SEPP for the relevant coastal management areas.

**Discussion**

***Coastal Wetlands Mapping Issues***

The Draft SEPP will repeal SEPP14 Coastal Wetlands and adopt a reviewed version of the wetland mapping. Unfortunately, the reviewed mapping is equally as poor as its predecessor. Figure 2 shows a screen shot of the Draft SEPP wetland mapping compared to the SEPP14 mapping. Feedback on early versions of the mapping was sought by the Department in mid-2016. Whilst some minor changes are evident, the mapping still falls short of expectations.

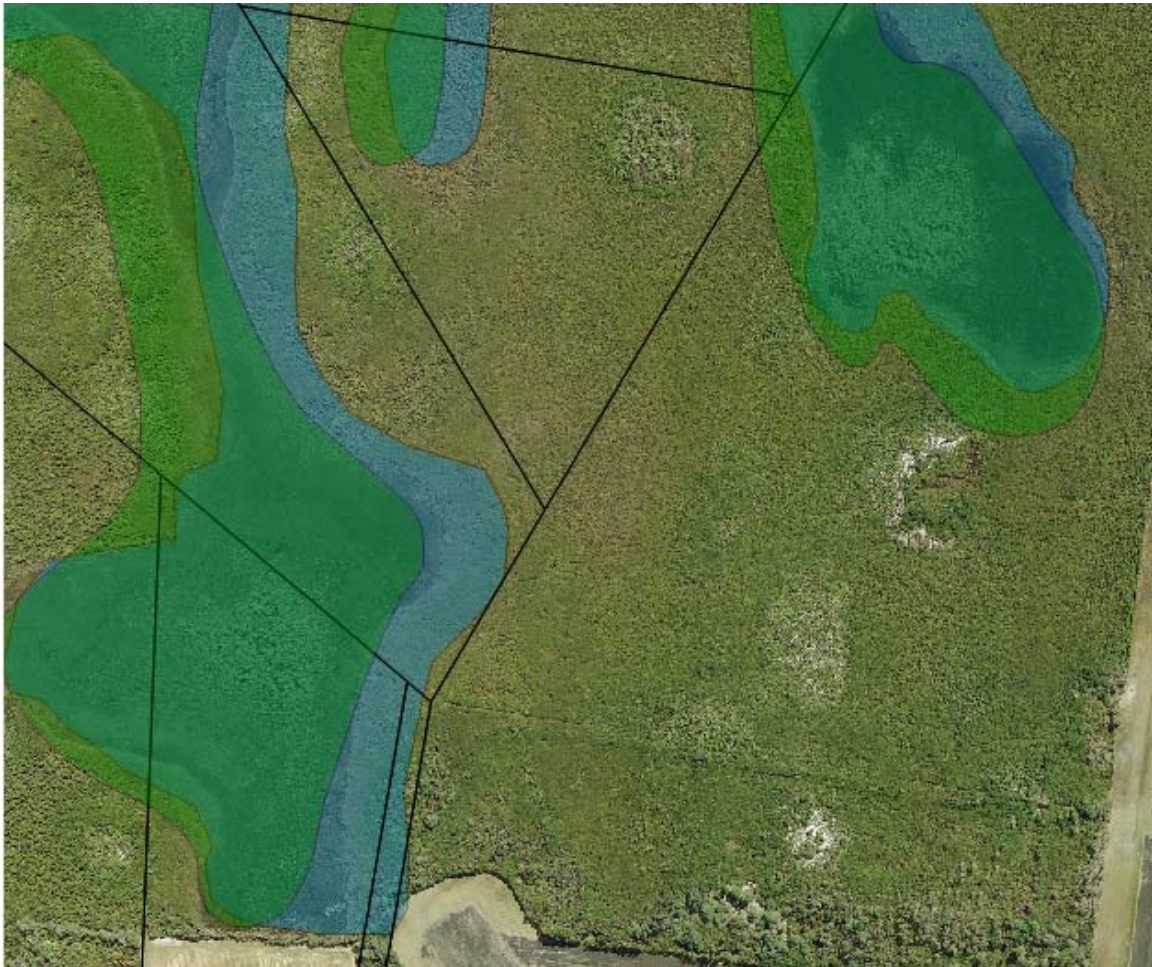


Figure 2 - Draft coastal wetland mapping (blue) compared to SEPP14 Coastal Wetland mapping (green) for a site near Evans Head (Aerial photo, NSW LPI 2012)

### **Coastal Vulnerability Area Mapping**

An Explanation of Intended Effects (EIE) for the *Draft Coastal Management SEPP* was exhibited with the *Draft Coastal Management Act* in 2015. The EIE proposed Coastal Vulnerability Area mapping would consist of regional coastal hazard mapping, and could include local hazard mapping from LEPs and DCPs at the request of councils. Since the EIE was prepared, the Department has changed its position and omitted regional data from the draft Coastal Vulnerability Map, thus only displaying local data from LEPs and DCPs.

Recent verbal advice from the Department has indicated it is now willing to accept additional local mapping from coastal hazard studies prepared as part of Coastal Zone Management Plans. In the case of Richmond Valley Council, a coastal hazards study was prepared for the *Evans Head Coastline and Evans River Estuary Coastal Zone Management Plan 2013* (the Evans Head CZMP), but this has yet to be certified by the Minister due to a Departmental hold being placed on Plans while the coastal reforms were being prepared. Once the Evans Head CZMP has been certified, Council may choose to include this coastal hazard data into the SEPP, which can be done at a one or five year review of the SEPP, or by a Council initiate Planning Proposal at any time.

***Coastal Use Area Mapping Issues***

The *Draft Coastal Management SEPP* EIE for the Coastal Use area mapping provided that it would comprise of a landward area (of 500 metres or 1 kilometre), measured from high water mark, would apply to:

- the coastal waters of the State
- any bay, estuary, coastal lake or lagoon
- upstream in any coastal river or estuary to one kilometre beyond the limit of any recognised mangroves on or associated with the river or estuary
- if there are no such recognised mangroves, then to one kilometre beyond the tidal limit of the river or estuary
- the boundary will be shown to the nearest cadastral boundary or easily recognisable physical boundary
- within the Sydney metropolitan area the boundary will represent the land affected by or affecting coastal processes (generally between 50 metres and 200 metres)

The recognised upper extent of mangroves on the Richmond River falls between Rileys Hill and Woodburn, about 5 kilometres from Woodburn. Despite what was provided in the EIE, the Draft Coastal Use Area has been mapped as a 1 kilometre buffer to the entire tidal waters of the Richmond River, Bungawalbin Creek and Wilsons River. As such, the Coastal Use Area extends to just below Casino on the Richmond River, to just beyond Neilleys Lagoon Road bridge crossing (Yellow Crossing) on Bungawalbin Creek, and beyond Lismore on the Wilsons River.





Figure 3 – Coastal Environment Area (pink) and Coastal Use Area (cream) at the tidal limits of the Richmond River at Casino

Clause 15 of the Draft SEPP references mapping of the coastal use area and provides heads of consideration for the assessment of development proposals. The heads of consideration mostly relate to being satisfied that development will:

- maintain public access to foreshores, beaches, headlands and rock platforms
- minimise overshadowing, wind funnelling and the loss of views from public places to foreshores
- will not adversely impact on visual amenity and scenic qualities of the coast
- will not adversely impact on Aboriginal cultural heritage
- will not adversely impact on use of the surf zone.

From the above considerations the only relevant matters for a development proposal at Casino would be maintaining foreshore access, minimising overshadowing and view loss to foreshores, and not adversely impacting on Aboriginal cultural heritage. It should be noted that “foreshore” is defined in the *Coastal Management Act 2016* as land falling between the highest and lowest

astronomical tides, which at Casino would comprise of something close to 10 to 20 centimetres of river bank. It seems illogical to apply such heads of consideration to such a small area of foreshore which isn't visible beyond the top bank for the river. Mapping for the draft Coastal Environment area includes the entire estuary (up to the full extent of the tidal waters), including a 100 metre buffer. This buffer more than covers the extent of the river bank and offers ample opportunity to assess the impact of development close to the river without having to also apply a 1 kilometre coastal use area.

### ***Mapping Issues in General***

Council was supplied spatial mapping for the Draft SEPP to enable it to be more thoroughly reviewed. This data has spatial mapping issues such as missing or stray nodes, bow-ties, overlapping nodes, and holes. These issues shouldn't impact on the viewing of data or how it applies to land, but may influence the interrogation of the spatial data by GIS and SQL systems. These data issues aren't unusual, especially for large datasets, but the sheer volume of these issues shows how rushed the data was prepared.

### ***Development of Coastal Wetlands and Littoral Rainforest Land (Clause 11)***

SEPP14 and SEPP26 commenced in 1985 and 1988, respectively, and will be repealed by the Draft SEPP. There is no SEPP26 Littoral Rainforest mapped within the Richmond Valley Council LGA so commentary on clause 11 will only refer to coastal wetlands.

The development control provisions from SEPP14 require development consent to:

- clear
- construct a levee on
- drain, or
- fill

land *“outlined by the outer edge of the heavy black line on the map”*. Such developments are treated as designated development, meaning they need an Environmental Impact Statement (EIS), and cannot be granted consent without the concurrence of the Minister. These development controls have been incorporated into Clause 11 of the Draft SEPP.

Unfortunately, Clause 11 provisions are a poor reproduction of the SEPP14 development controls. As it stands, the designated development provisions will equally apply to the mapped coastal wetland area as they do to the remainder of any property it intersects. Furthermore, “any other development” and “environmental protection works” have been added as development types covered by the clause. For example, a development on that part of a property located outside a mapped coastal wetland, say to build a dwelling house, will require an EIS, firstly because part of the land is identified within a coastal wetland, and secondly, because a dwelling house is called up as “any other development”. I doubt this was the intent of Clause 11 especially given how it is described within the EIE, FAQ, and factsheets.

Another point of confusion surrounding this clause is how the clearing of native vegetation provision should be interpreted, with:

- one interpretation being that it only applies to native vegetation, as defined under the *Native Vegetation Act*;
- another interpretation being that it will apply to any native vegetation, but the definition of how the vegetation is damaged or removed would be as per the *Native Vegetation Act*; and
- another interpretation being that this clearing provision will not apply if the *Native Vegetation Act* is excluded from applying, such as where there is a Section 138 approval under the *Roads Act*.

Clarification of the intent should be provided.

***Development on land in proximity to coastal wetlands and littoral rainforest land (Clause 12)***

Section 6 of the *Coastal Management Act 2016* refers to coastal wetlands and littoral rainforest areas to be identified by a SEPP along with “*land adjoining those features*”. This “adjoining land” has been captured by the Draft SEPP as a 100 metre buffer surrounding the coastal wetlands and littoral rainforest areas. Clause 12 of the Draft SEPP provides that any development within “proximity” to coastal wetlands must satisfy certain assessment criteria before consent may be granted.

Consistent language is needed between the Act, which refers to “adjoining”, and the Draft SEPP, which refers to “proximity”.

***Development on certain land within the coastal vulnerability area (Clause 13)***

Several of the assessment criteria that must be satisfied for proposed development is whether it is likely to cause increased risk of coastal hazards, or alter coastal processes to the detriment of the natural environment, “*on that land or other land*”. The question is how extensive must the development assessment be before a consent authority can be satisfied that “other land” will not be detrimentally impacted?

***Assessment of adverse impact and increased risk***

Clauses 12, 14 and 16 all contain development assessment criteria that requires the consent authority to be satisfied that the development will:

- protect;
- not have an adverse impact on; or
- will not likely cause increased risk.

If a development involves clearing part of a coastal wetland its protection might be difficult to satisfy. As such these provisions should relate to protecting the

remaining biophysical, hydrological and ecological integrity of the area, and/or include mitigation measures to offset losses.

### ***Emergency coastal protection works by public authority***

Clause 21 permits emergency coastal protection works (ECPW) to be carried out on land as exempt development if carried out by or on behalf of a public authority, in accordance with a coastal zone emergency action sub plan (or a CZMP).

ECPW are defined as comprising the placement of sand, or of sandbags for a period of less than 90 days to protect a beach or sand dune from wave erosion. The type of material that can be used is quite specific and rules out the use of any other materials, barriers or other temporary measures. The emergency action sub plan might be a better instrument to establish what materials or structures will be suitable, and this could be guided by the Coastal Management Manual.

The other issue is that councils or State agencies will need to authorise such work which leaves them potentially liable for any damages that might result from the works.

### ***Flexible zone provisions (Clause 23)***

Clause 5.3 of the *Richmond Valley LEP 2012* enables development within 30 metres of a zone boundary to be granted consent for a use permitted in the adjoining zone but prohibited in the zone that it is to be located. The LEP restricts the use of this clause:

- for zones RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management and Zone W1 Natural Waterways, or
- on land within the coastal zone, or
- for the development of sex service premises or restricted premises.

Clause 23 also prevents the use of the flexible zone clause on land to which the Coastal Management SEPP applies. This restriction on the use of the clause was already contained in the LEP, however, consideration needs to be given to freeing up the provision where only the coastal use area applies.

### **Consultation**

The Department of Planning and Environment, along with the NSW Office of Environment and Heritage, are exhibiting *Draft State Environmental Planning Policy (Coastal Management) 2016*, along with a Section 117 Direction and amendments to the Standard Instrument LEP.

These documents will be on exhibition from 11 November 2016, with submissions closing on 23 December 2016.



In addition to the above, the Draft SEPP, albeit as an Explanation of Intended Effects (EIE), was previously exhibited with the *Draft Coastal Management Act* in 2015.

### **Conclusion**

The Coastal Management reforms appear, on initial inspection, to be an improvement on the overly complex systems that was in place under the *Coastal Protection Act 1979*. The new legislation will rely upon the *Environmental Planning and Assessment Act 1979* to regulate and control development within the coastal zone. This will be done in the main by a Coastal Management SEPP which will also host mapping of the coastal zone and its 4 coastal management areas.

The *Draft Coastal Management SEPP* is currently on exhibition with submissions closing on 23 December 2016.

In the main, the structure and content of the Draft SEPP appears to be straight forward, however, there are a number of issues with the mapping and how several of the clauses have been drafted. These issues have been addressed in detail within the report and should feature within a written submission by Council.

## **15 MATTERS FOR INFORMATION**

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### **RECOMMENDATION**

Recommended that the following reports submitted for information be received and noted.

**201216/ 18 RESOLVED** (Cr Morrissey/Cr Cornish)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

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### **15.1 2015/2016 RICHMOND VALLEY COUNCIL FINANCIAL STATEMENTS**

#### **Responsible Officer:**

Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond)

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### **Report**

Council has now concluded due process in the advertising of the Financial Statements for the year ended 30 June 2016.

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At Council's 25 October 2016 Ordinary Meeting the Financial Statements were presented to Council and a presentation was provided from Council's Auditor, Mr Geoff Dwyer from Thomas Noble and Russell. At the same meeting Council set the date of Tuesday, 15 November 2016 as the date for the meeting to present the Financial Statements to the public and invite submissions. The submission period closed at 4:00 pm, Tuesday, 22 November 2016.

Council did not receive any submissions on the 2015/2016 Financial Statements.

Presentation of Council's Financial Statements to the public is the last step in complying with the legislative requirements regarding annual financial reporting. This process is now complete for the 2015/2016 financial year.

### **Community Strategic Plan Links**

Focus Area 7 Governance and Process – Long Term Goal – 7.5 Sound Governance and Legislative Practices

### **Budget Implications**

Nil.

## **15.2 RICHMOND VALLEY COUNCIL ANNUAL REPORT 2015/2016**

### **Responsible Officer:**

Deborah McLean (Manager Governance and Risk)

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### **Report**

In accordance with Section 428 of the *Local Government Act 1993*, Council must prepare an annual report within five months of the end of the financial year.

The Annual Report outlines Council's achievements in implementing its Delivery Program and the effectiveness of the principal activities undertaken in achieving the objectives in the Community Strategic Plan. The report also includes a copy of Council's audited Financial Statements. It also contains all the information required by the *Local Government (General) Regulation 2005* and the Integrated Planning and Reporting Guidelines issued by the NSW Office of Local Government.

In the year of an ordinary election, the Annual Report must also include an End of Term Report and a State of the Environment Report. The End of Term Report outlines the achievements in implementing the Community Strategic Plan over the previous four years. The State of the Environment Report reports on environmental issues relevant to the objectives in the Community Strategic Plan.

The Richmond Valley Council 2015/2016 Annual Report has been prepared in accordance with the *Local Government Act* and associated Regulations and

Guidelines and has been posted on Council's Website. A copy of the report can be located at

[http://www.richmondvalley.nsw.gov.au/page/Your\\_Council/Governance/Integrated\\_Planning\\_and\\_Reporting/Annual\\_Report/](http://www.richmondvalley.nsw.gov.au/page/Your_Council/Governance/Integrated_Planning_and_Reporting/Annual_Report/) and is also available for viewing at Council's offices.

A copy of the 2015/2016 Annual Report has been circulated separately to each Councillor.

### **Community Strategic Plan Links**

Focus Area 7 Governance and Process - Long Term Goal 7.5 Sound Governance and Legislative Practices.

## **15.3 2016 STATEMENT OF ENVIRONMENT REPORT**

### **Responsible Officer:**

Andrew Hanna (Manager Environment and Regulatory Services)

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### **Report**

The State of Environment (SoE) report is a requirement for local government under the *Local Government Act 1993*. Amendments to the Act in 2009 altered the reporting schedule and structure, requiring a comprehensive review of SoE reporting every four years (in the year of an ordinary election).

Council's SoE is part of a Regional SoE (RSoE) across a region covered by 12 participating Councils. The region forms an area from Port Macquarie-Hastings in the south to Tweed Heads in the north.

The purpose of the SoE report is to provide information to the community and Local and State Governments on the condition of the environment in the reporting area, key pressures acting on the environment and responses to those key pressures.

Condition–pressure–response based environmental information can be used to increase community awareness of environmental issues, and to guide natural resource managers in prioritising and addressing management actions. For Council the information is useful to help set environmental objectives within the Community Strategic Plan.

SoE Reports are part of the NSW Government's Integrated Planning and Reporting (IP&R) framework. This framework guides each Council's strategic planning and reporting, and requires the creation of a Community Strategic Plan which incorporates environmental objectives among other things. A copy of the 2016 State of Environment Report is available to the public and can be downloaded from following link:

[http://www.richmondvalley.nsw.gov.au/page/Environment/State\\_of\\_the\\_Environment/](http://www.richmondvalley.nsw.gov.au/page/Environment/State_of_the_Environment/)

***Regional Reporting***

Regional reporting for SoE Reports is promoted in the Local Government Act. It enables a range of environmental features to be assessed on a catchment basis and provides a regional picture instead of reporting simply in an isolated area with arbitrary administrative boundaries (a council area).

The region which Richmond Valley is part of in the SoE includes 12 general Councils and the County Council, Rous Water. The project is supported by the Local Land Service and also involves relevant NSW Government agencies

The RSoE utilises national, state and local data which is broken down by local government area (where possible) to provide local trends but is also used to provide regional trends. The reporting region for the 2016 report has changed since the 2012 report due to the transition of the Northern Rivers Catchment Management Authority (CMA) to the North Coast Local Land Services (LLS) in 2014. This change resulted in the reporting region changing to match the boundaries of the 12 participating Local Government Areas (LGA). Figure 1 shows the location of the region and participating LGAs for 2016.

Participating councils are:

- Ballina Shire Council
- Bellingen Shire Council
- Byron Shire Council
- Clarence Valley Council
- Coffs Harbour City Council
- Kempsey Shire Council
- Kyogle Shire Council
- Lismore City Council
- Nambucca Shire Council
- Port Macquarie – Hastings Council
- Richmond Valley Council
- Tweed Shire Council
- Rous Water



### **Data**

Data was provided by Councils as well as participating State Government agencies. The data is based on four environmental themes:

1. People and the Environment
2. Biodiversity and Vegetation
3. Land and Soils
4. Water

Each theme contains a number of resource categories, for example the Water theme's resource categories include:

1. estuarine and freshwater rivers,
2. wetlands,
3. groundwater, and
4. near shore marine.

Resource categories are then divided into indicators and measures. Indicators and measures relate to whether it is a condition, pressure or response.

An example of a condition, under the “Water” theme in the resource category; “Estuarine and freshwater rivers” is the indicator; ‘presence of riparian vegetation’ and the measure; “length or area of known riparian vegetation by LGA”. This indicator and measure is identified as a condition as it refers to a state in which we know the environment to be in at a particular time.

An indicator which is a response, however under the same theme (Water) and same resource category (estuarine and freshwater rivers) is; “river restoration works and riparian vegetation restoration”. This indicator reports what work has been done to improve an environmental value, so it is a response not a condition.

An example of an indicator that is a pressure however is “onsite sewage management system performance”. A pressure is the type of indicator or measure that is at risk of degrading or placing pressure on the environment and the disposal of wastewater on land presents a risk to the environment.

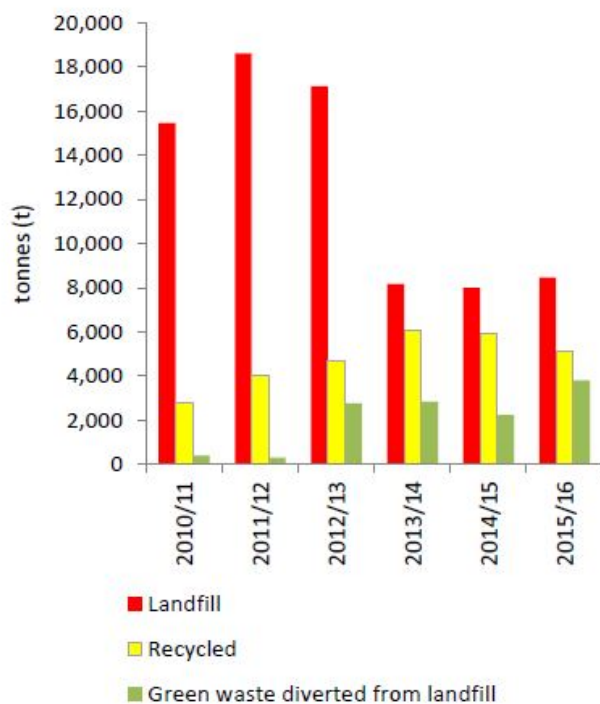
Data quality in the regional report is highly variable, and therefore a rating of data quality is provided for each indicator. Quality ratings were either provided by the data provider or were based on discussion with the data provider. High quality data indicates the data provider has confidence the data is accurate and reliable. Medium data quality is mostly accurate and reliable but has a small degree of error or uncertainty. Low quality data has inaccuracies and a large degree of uncertainty, which may be due to an incomplete dataset or the methods used to collect the data.

The data shows the region faces a range of pressures including an increasing population centred on the coast, associated increasing natural resource use and expanding urban areas. Monitoring of these pressures and their impacts is critical to allow timely management to prevent further degradation of an already impacted environment.

### ***Richmond Valley – Snapshot by Theme***

#### **1. People and the Environment**

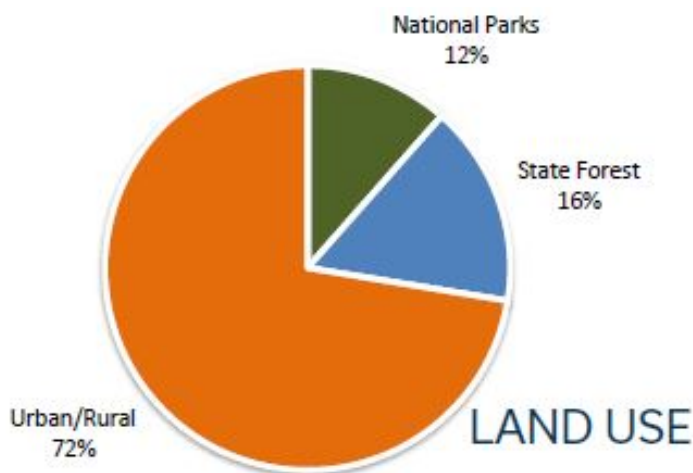
- Population is steady. In 2009 the population was 22,417 and in 2015 it was 23,181.
- 24% of dwellings have roof top solar
- Council roof-top solar installations and energy efficient street lighting abate over 60tonnes of CO<sub>2</sub> -e annually.
- Overall waste generated decreased by 7% since 2011, however waste going to landfill decreased by 45%. Greenwaste and bio solids are composted and 51% of all waste generated is recycled. (see table below).



- 349 kilolitres of water is used in the community which is an increase of 34% from 2011 and the highest in the region, however our LGA has the highest percent of industry consumption per total consumption. Residential water use averages 172 kilolitres per connection annually which is equal to the NSW regional average.

## 2. Biodiversity and Vegetation

- Council rehabilitated five hectares of land annually and numerous other sites were managed by the local Landcare groups.
- The Koala has been declared vulnerable since the last SoE and three new endangered species being black-tailed antechinus, wollumbin dogwood and Torrington min-bush.
- Far North Coast Weeds Authority conducted over 2,500 km of weed control each year along rivers, roadsides and railways.
- A further 4,369 Ha of land has been protected under Councils LEP and 5 conservation agreements protect 1,282 Ha of private land.
- Main pests of concern are cane toads, wild dogs, feral cats, foxes and Indian myna birds.



**3. Landuse and Soils**

- Soil types found in the LGA are in a fair to good condition however organic carbon, acidity, gully and sheet erosion, and soil structure are issues.
- Mining licences exist in the LGA for clay and shale.
- There are no current coal seam gas exploration licences.

**4. Water**

- An overall health rating for the Richmond River in an Ecohealth monitoring program conducted in 2014 was a D+ (poor) with scores of F (fail) downstream of Casino. Key issues as to why the river rated so low were poor riparian vegetation, eroding river banks and associated sediment loads and elevated nutrients.
- Council continues to implement the beach watch water quality program with 3 out of 4 locations being rated as very good.
- Wastewater discharged to waterways has increased by 32% since 2012 however 14% of wastewater is being re-used.
- All groundwater sources have water sharing plans and there are no known allocation concerns.

**Community Strategic Plan Links**

Focus Area 3 Community and Culture – Long Term Goal 3.3 Community Health and Wellbeing and Social Inclusion and Focus Area 4 Recreation and Open Space - Long Term Goal 4.3 Manage Public Lands and Resources for the Community Benefit.

**Budget Implications**

Each representative Council contributes towards the funding of a Project Officer employed by the Local Land Service who prepares the report in consultation with each Council. Richmond Valley's contribution for this report was \$10,000.00, budgeted in the 2016/17 financial year.

**Consultation**

No consultation required.

**15.4 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT****Responsible Officer:**

Simon Adcock (Chief Operating Officer)

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**Report**

In accordance with Clause 12.1 and 12.2 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, the Complaints Coordinator is required to report complaints statistics to the Office of Local Government and to Council within three months of the end of September each year.



The Chief Operating Officer has the authority to carry out the functions of the Disclosure's Officer under the *Public Interest Disclosures Act 1993* and in accordance with Council's Internal Reporting Policy.

The Code of Conduct Complaints Statistics Report for the period 1 September 2015 to 31 August 2016 is included in this report for the information of Council.

### Community Strategic Plan Links

Focus Area 7 Governance and Process - Long Term Goal 7.5 Sound Governance and Legislative Practices.

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## Office of Local Government

### Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2015 - 31 August 2016.

**Date Due:** 31 December 2016

*To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by 30 November 2016.*

**Survey return email address:** [codeofconduct@olg.nsw.gov.au](mailto:codeofconduct@olg.nsw.gov.au)

<b>Council Name:</b>	Richmond Valley Council
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<b>Contact Name:</b>	Deborah McLean
<b>Contact Phone:</b>	02 6660 0313
<b>Contact Position:</b>	Manager Governance & Risk
<b>Contact Email:</b>	<a href="mailto:dmclean@rvc.nsw.gov.au">dmclean@rvc.nsw.gov.au</a>

All responses to be numeric.

**Where there is a zero value, please enter 0.**

Enquiries: Performance Team  
Office of Local Government  
Phone: (02) 4428 4100  
Enquiry email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

Model Code of Conduct Complaints Statistics Richmond Valley Council		
Number of Complaints		
1	a The total number of complaints <b>received</b> in the period about councillors and the General Manager (GM) under the code of conduct	1
	b The total number of complaints <b>finalised</b> in the period about councillors and the GM under the code of conduct	1
Overview of Complaints and Cost		
2	a The number of complaints <b>finalised at the outset</b> by alternative means by the GM or Mayor	0
	b The number of complaints <b>referred to the Office of Local Government</b> under a special complaints management arrangement	0
	c The number of code of conduct complaints <b>referred to a conduct reviewer</b>	1
	d The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer	1
	e The number of code of conduct complaints <b>referred back to GM or Mayor</b> for resolution after preliminary assessment by conduct reviewer	0
	f The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>	1
	g The number of finalised code of conduct complaints <b>investigated by a conduct review committee</b>	0
	h The number of finalised complaints investigated where there was found to be <b>no breach</b>	1
	i The number of finalised complaints investigated where there was found to be <b>a breach</b>	0
	j The number of complaints referred by the GM or Mayor <b>to another agency</b> or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
	k The number of complaints being investigated that are <b>not yet finalised</b>	0
	l The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	450

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action <span style="float: right; border: 1px solid black; padding: 2px 10px;">1</span>
b	To resolve the complaint by alternative and appropriate strategies <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
e	To investigate the matter <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was <b>no breach</b> , in which the following recommendations were made:
a	That the council revise its policies or procedures <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
b	That a person or persons undertake training or other education <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
5	The number of investigated complaints resulting in a determination that there <b>was a breach</b> in which the following recommendations were made:
a	That the council revise any of its policies or procedures <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
c	That the subject person be counselled for their conduct <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
d	That the subject person apologise to any person or organisation affected by the breach <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
e	That findings of inappropriate conduct be made public <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span>

Categories of misconduct	
7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a General conduct (Part 3)	0
b Conflict of interest (Part 4)	0
c Personal benefit (Part 5)	0
d Relationship between council officials (Part 6)	0
e Access to information and resources (Part 7)	0
Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	0

## 15.5 COMMUNITY FINANCIAL ASSISTANCE PROGRAM

### Responsible Officer:

Vaughan Macdonald (General Manager)

### Report

Council allocates an amount of financial assistance each year for requests from individuals, groups and organisations seeking financial assistance. Council's Policy 1.2 Community Financial Assistance Program provides for two rounds of funding allocations each year. The policy also sets out the method of determining allocations in accordance with the strategies, eligibility and selection criteria outlined in the policy.

Council has allocated \$70,000 in the 2016/17 budget for financial assistance funding. The policy provides for two equal funding rounds. There is currently \$35,000 worth of funding available. The first round of funding was advertised in September 2016 and Council received 28 applications.

All of the applications received have been reviewed in accordance with the policy. Of the 28 applications, there are 24 applications that fit the eligibility requirements and selection criteria. Fifteen of these were able to be partially or fully funded.



In determining eligibility, consideration has been given to Council's Community Strategic Plan and the deliverables in the Delivery Program and Operational Plan, as well as eligibility requirements and selection criteria.

A Councillor Workshop was held on 2 November 2016 and applications were assessed, with the General Manager approving the allocation of funds for Section 356 Community Financial Assistance funds as indicated in the following tables under delegation from Council as resolved at Council's November 2016 Ordinary meeting.

It should be noted that Councillors Simpson, Hayes, Humphrys and Lyons declared conflicts of interest and did not participate in the assessment of applications

### **Community Strategic Plan Links**

Focus Area 7 Governance and Process - Long term Goal 7.5 Sound Governance and Legislative Practices

### **Budget Implications**

Council has allocated \$70,000 in the 2016/17 budget for financial assistance. The total amount of current funds available is \$35,000. The policy provides for two rounds of funding in the budget period. The proposed allocation of \$35,000 is within budgetary constraints.

### **Summary of Applications**

The following table summarises the applications which did meet the eligibility criteria and have been partially or fully funded.

<b>Organisation</b>	<b>Requested allocation</b>	<b>Proposed Use</b>	<b>Amount allocated</b>
2nd Casino Scout Group (Scouts Aust, NSW Branch)	\$1,251.70	Purchase 2 hiking tents, archery starting set and materials to make and repair billy carts.	\$1,251.70
Broadwater Rileys Hill Community Hall	\$280.00	Purchase shelving and 4 plastic tubs to store historical records and photos.	\$280.00
Casino & District Historical Society Inc	\$1,485.00	Purchase a vacuum cleaner and 3 TV/DVDs to upgrade displays in the War Room, Aboriginal display and large room.	\$1,485.00
Casino Environment Centre	\$1,078.00	Purchase a 90 degree nest box inspection camera and accessories for nesting box project to be rolled out in schools.	\$1,078.00
Casino Lions Club Inc	\$4,000.00	Contribute towards the purchase of a catering trailer for Casino Lions.	\$4,000.00
Casino Miniature Railway and Museum (Pacific Coast Railway Society Inc)	\$1,800.00	Add an extra platform to the station and concrete around the ticket office to enable easier and safer access.	\$1,800.00

Organisation	Requested allocation	Proposed Use	Amount allocated
Casino's Own Wireless Association Incorporated	\$4,500.00	Purchase an On-Air Mixing Desk to replace the one currently being used.	\$4,500.00
Community Radio Coraki Association Incorporated	\$2,398.00	Purchase new telephone interface.	\$2,398.00
Ellangowan Public Hall	\$3,000.00	Paint exterior of Ellangowan Public Hall.	\$3,000.00
Evans Head Pre School Association Inc (Woodburn Pre School)	\$2,520.00	Manufacture and install overhead cabinets in kitchen.	\$2,520.00
Mid Richmond Neighbourhood Centre Inc	\$5,000.00	1. Awning for BBQ area. 2. Connection of water tank to hall 3. Signage to advertise the Hive Community Garden.	\$1400.00
Northern Rivers Dirty Wheels Mountain Bike Club Incorporated	\$3,671.25	Purchase directional signage and create a 300m long extension of one of our feature trails.	\$3,671.25
Northern Rivers Drag Racing Association	\$600.00	Purchase a P.A. system.	\$600.00
Rileys Hill War Memorial Reserve Trust	\$3,200.00	Purchase of raw materials to renovate and upgrade the war memorial reserve at Rileys Hill.	\$3,200.00
UnitingCare Casino Transport Team	\$3,800.00	Transport approximately 60 Richmond Valley aged, low income residents to specialist medical appointments in Lismore and Ballina.	\$3,800.00
<b>Total amount allocated</b>			<b>\$34,983.95</b>

The following table summarises the applications which did meet the eligibility criteria but were not funded.

Organisation	Requested allocation	Proposed Use	Comments
Casino Pony Club	\$6,193.00	Erect a boundary fence at Casino Pony Club to ensure safety of children and animals.	Infrastructure project of narrow benefit to general community.
Casino Returned Servicemen's Memorial Club Ltd	\$2,500.00	Implement a training program for high school students who have an interest in becoming a chef.	Organisation has ability to fund projects through other sources.
Casino Town Tennis Club	\$6,073.00	Replace the current Club kitchen that is in need of repair.	Infrastructure project of narrow benefit to general community.
Evans Head Business & Community Chamber Incorporated	\$5,000.00	To purchase a full outdoor wall LED signage unit as a communication tool to deliver information to the local community, day visitors & tourists.	Community consultation required.
Evans Head Pre School Association Inc (Evans Head Pre School)	\$1,395.00	Install lockers for children's belongings and replace sewn pockets for family correspondence.	Organisation submitted two applications. Funded Woodburn Preschool project.

Organisation	Requested allocation	Proposed Use	Comments
Mid Richmond Education Fund	\$3,000.00	Providing scholarships of approximately \$500 to young people seeking to further their education.	Narrow benefit to general community. Council has previously declined funding requests for education (and sports) on the basis that they benefit individuals rather than groups.
Northern Region SLSA Helicopter Rescue Service Pty Ltd t/a Westpac Life Saver Rescue Helicopter	\$750.00	To purchase an additional iPad to prepare apps for the aircraft's iPad.	Organisation has ability to fund projects through other sources.
WIRES Northern Rivers	\$2,000.00	A rehabilitation aviary for raptors & large cockatoos.	Narrow benefit to general community.
Woodburn Pony Club	\$8,000.00	To replace the existing fencing of the pony club grounds.	Infrastructure project of narrow benefit to general community.

The following table includes four applications which did not meet the eligibility criteria.

Organisation	Requested allocation	Proposed Use	Comments
Cancer Council NSW	\$2,035.00	To help to pay for the cost of hiring a stage for the Casino Relay For Life event.	Not recommended – events are ineligible for funding under the guidelines.
Victorian Skateboard Association Inc	\$6,778.00	To run 12 co-educational skateboard workshops.	Not recommended – wages are ineligible for funding under the guidelines.
Woodburn Business & Community Chamber In (WBCC)	\$2,400.00	To appoint a secretary for 1 day/week for 12 weeks.	Not recommended – wages are ineligible for funding under the guidelines.
Woodburn Event Team Inc.	\$500.00	Partially fund the expenses of organising the traditional evening of carol-singing in the Riverside Park for Woodburn and surrounds.	Not recommended – events are ineligible for funding under the guidelines.

**15.6 GRANT APPLICATION INFORMATION - NOVEMBER 2016****Responsible Officer:**

Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond)

**Report**

This report provides information on grant applications that have been approved, grant applications that have been received, grant applications that were unsuccessful and grant applications submitted in the month of November 2016.

No grant projects were approved though Council received funding for three grants during the reporting period totalling \$1,294,299.00. Council was notified as being unsuccessful with one grant applications during the month of November 2016. Council applied for one new grant during the month of November 2016. The details of these grants are provided below:

***Grants that have been received******Project - Flood Event of April-May 2015/Restoration Works***

Project ID	10199
Funding Body	NSW Roads and Maritime Services
Funding Name	Natural Disaster Funding
Government Level	State
Project Value (excl GST)	\$1,606,655.00
Grant Amount (excl GST)	\$1,577,655.00
Council/Other (excl GST)	\$ 29,000.00
Date Application Submitted	17 August 2015
Comment (if required)	N/A
Date Approved/Received	\$23,000.00 received 23 November 2016
Total Funds Received To Date	\$1,354,980.00

***Project – Roads to Recovery***

Project ID	N/A
Funding Body	Department of Infrastructure and Regional Development
Funding Name	Roads to Recovery Program
Government Level	Federal
Project Name	Roads to Recovery Program 2015-2019
Project Value (excl GST)	\$4,207,632.00
Grant Amount (excl GST)	\$4,207,632.00
Council/Other (excl GST)	\$ 0.00
Date Application Submitted	N/A – annual allocation
Comment (if required)	2 <sup>nd</sup> Instalment 2016/2017
Date Approved/Received	\$123,001.00 received 23 November 2016
Total Funds Received To Date	\$3,639,529.00



**Project – FAGS 2016/17**

Project ID	N/A
Funding Body	N/A
Funding Name	NSW Local Government Grants Commission
Government Level	2016/2017 Financial Assistance Grant
Project Name	Federal
Project Value (excl GST)	\$4,593,192.00
Grant Amount (excl GST)	\$4,593,192.00
Council/Other (excl GST)	\$ 0.00
Date Application Submitted	N/A
Comment (if required)	Approved 17 August 2016
Date Approved/Received	\$1,148,298.00 received 16 November 2016 (General Purpose Component \$777,655.00, Local Roads Component \$370,643.00)
Total Funds Received To Date	\$2,296,596.00

**Unsuccessful Grant Applications****80th Anniversary of Casino Civic Hall**

Project ID	10204
Funding Body	Arts NSW
Funding Name	Arts & Cultural Projects
Government Level	State
Project Value (excl GST)	\$61,225.00
Grant Amount (excl GST)	\$60,000.00
Council/Other (excl GST)	\$ 1,225.00
Date Application Submitted	27 June 2016
Comment (if required)	N/A
Date Advised Unsuccessful	28 October 2016 (notified on 4 November 2016)

**Grant Applications Submitted****Reuse of Concrete Wastes for Road Construction**

Project ID	10233
Funding Body	NSW EPA
Funding Name	Circulate Civil Construction Market Program
Government Level	State
Project Value (excl GST)	\$27,665.00
Grant Amount (excl GST)	\$27,665.00
Council/Other (excl GST)	\$0.00
Date Application Submitted	25 November 2016
Comment (if required)	Reuse of Concrete Wastes for Road Construction

## **Community Strategic Plan Links**

Focus Area 7 Governance and Process – Long Term Goal 7.1.

## **Budget Implications**

All Council funding required regarding the grants in this report has been included in the Richmond Valley Council budget.

### **15.7 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 NOVEMBER 2016 TO 30 NOVEMBER 2016**

#### **Responsible Officer:**

Angela Jones (Director Infrastructure and Environment)

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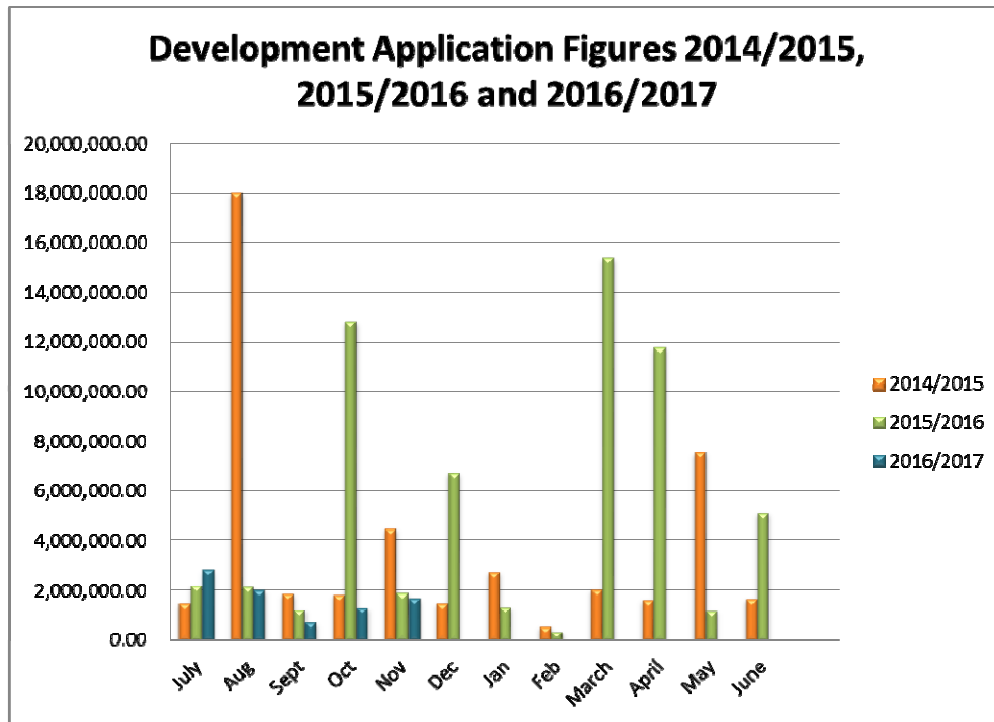
## **Report**

This report provides a summary of development activity on a monthly basis. All Development Applications determined in the month are outlined in this report, including Section 96 approvals, applications that are refused and withdrawn, and applications with no development value such as subdivisions.

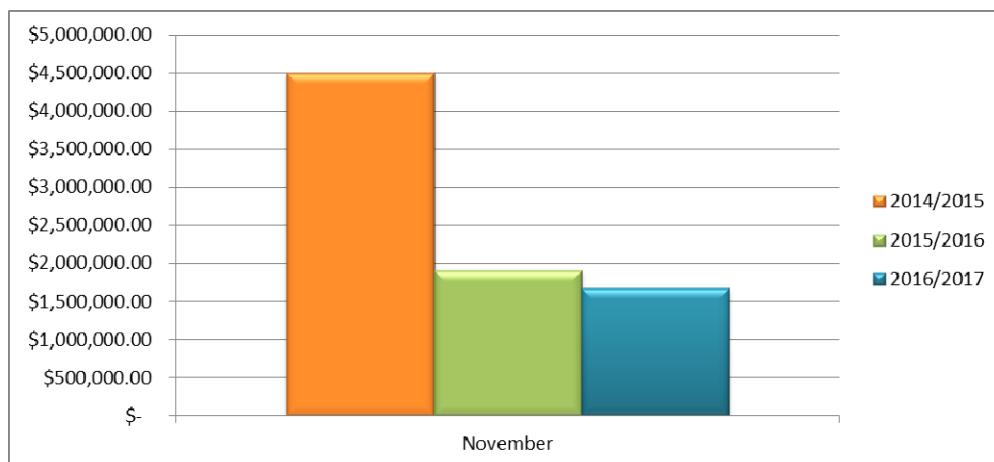
Council receives a weekly summary of the status of applications (including all received). Council notifies all determinations of Development Applications in the local newspaper pursuant to Clause 101 of the Environmental Planning and Assessment Act 1979 (as amended) on a monthly basis.

The total number of Development Applications and Complying Development Applications determined within the Local Government area for the period 1 November 2016 to 30 November 2016 was 32, with a total value of \$1,668,039.00.

In order to provide a better understanding of the value of Development Consents issued by Council over a 12 month period, a graph is set out below detailing this information.



The following graph provides a closer look at the value of Development Consents issued by Council for the reporting month of November.



### ***Activity for the month of November***

General Approvals (excluding Subdivisions, Section 96s)	26
Section 96 amendments to original consent	4
Subdivision	0
Refused	0
Withdrawn	1
Complying Development (Private Certifier Approved)	1
<b>TOTAL</b>	<b>32</b>

### **Community Strategic Plan Links**

Focus Area 5 Rural and Urban Developments – Long term Goal 5.1 Land use Development should be appropriate for the retention of a Country Atmosphere and Village Lifestyle.

Summary of Development Applications determined under the Environmental Planning and Assessment Act for the period 1 November 2016 to 30 November 2016							
Application ID	Applicant	Owners	Location	Parcel Description	Development	Determination Date	Estimated Cost
DA2016/0118	LA Watson	Mrs L A Watson	68 Barker Street, Casino	Lot 1 DP 346028	Demolition of Heritage List Flat Building and Associated Carport	1/11/2016	\$ 40,000.00
DA2011/0223.03	Planit Consulting	Richmond Valley Council	Memorial Airport Drive, Evans Head	Part Lot 141 DP 1067639	S96 Modification	24/11/2016	\$ -
DA2017/0038	TJ & CP Foster	Mrs C P Foster Mr T J Foster	992 Coraki Ellangowan Road, West Coraki	Lot A DP 358429 Lot 62 DP 1024236 Lot 3 DP 1131027 Lot 4 DP 1131027	Change of use - Convert 'As Built' shed to dwelling	17/11/2016	\$ 80,000.00
DA2011/0316.01	Riverina (Australia) Pty Ltd	Riverina (Australia) Pty Ltd	175 Reynolds Road, Casino	Lot 101 DP 860152	S96 Modification - 2 Silos, Storage Warehouse & Increase Production of Stockfeed	1/11/2016	\$ -
DA2017/0045	AGS Commercial Pty Ltd	Mrs C E Napthali Mr G Napthali	20 Neville Bienne Memorial Drive, Casino	Lot 6 DP 1142601	"As Built" Retaining Wall and Site Filling	17/11/2016	\$ 20,000.00
DA2017/0057	GP Burke	Mr G P Burke	1 Echidna Place, Rileys Hill	Lot 1 DP 1152558	Granny Flats	3/11/2016	\$ 20,000.00
CDC2017/0003	CL & JL Hayden	Mr C L Hayden Ms J L Hayden Mr G T Keogh	385 Woodburn Evans Head Road, Doonbah	Lot 441 DP 755624	Housing Alterations and Additions	15/11/2016	\$ 195,000.00
DA2017/0060	Dale Brushett	Mrs A E Keogh Mrs K A Keogh	19 Echidna Place, Rileys Hill	Lot 8 DP 1152558	Dwelling Alterations & Additions	1/11/2016	\$ 40,000.00
DA2017/0063	RE Butler	Mr R E Butler Mrs K E Butler	12 Wharf Street, Broadwater	Lot 19 DP 1167916	Shed	9/11/2016	\$ 26,700.00
DA2017/0066	RMC King	Mr R M C King	27 Hillside Drive, Fairy Hill	Lot 27 DP 260731	Shed	7/11/2016	\$ 29,000.00
DA2017/0070	AGS Commercial Pty Ltd	B & K Slater Pty Ltd	Sullivans Road, Stratheden	Lot 55 DP 755738 Lot 1 DP 179409 EP 22662	Farm Shed	2/11/2016	\$ 44,000.00
DA2017/0072	NP Keen	Mrs J A Keen Mr N P Keen	18 Angus Place, North Casino	Lot 2 DP 1063513	Shed and Open Bay	2/11/2016	\$ 19,800.00
DA2017/0073	LA Hamilton	Ms L A Hamilton	31 Beech Street, Evans Head	Lot 3 DP 405003	Alterations and Additions	7/11/2016	\$ 140,000.00
DA2017/0074	VAO O'Rourke	Ms V A O O'Rourke	24 Trustrums Hill Road, Woodburn	Lot 8 DP 864108 Lot 35 DP 864108	Garage	10/11/2016	\$ 18,045.00
DA2017/0076	S Newman	Enviro Safe Products Pty Limited	249 Reardons Lane, Swan Bay	Lot 4 DP 809345	Shed with toilet	3/11/2016	\$ 11,800.00
DA2017/0078	Minter Developments Pty Ltd	Ms S J Irwin Ms S M Kelly	21 Durack Circuit, Casino	Lot 88 DP 1154324	Dwelling	16/11/2016	\$ 309,528.00
DA2017/0080	D and L Small - Builders	Mr J E Vidler Mrs L C Vidler	152 North Street, Casino	Lot A DP 159034	Covered Deck	14/11/2016	\$ 55,531.00
DA2017/0081	WG & SM Elliott	Mr W G Elliott Mrs S M Elliott	22 Tallwood Avenue, Casino	Lot 42 DP 262841	Shed	16/11/2016	\$ 30,000.00

Application ID	Applicant	Owners	Location	Parcel Description	Development	Determination Date	Estimated Cost
DA2014/0131.03	Casino School of Arts Trustees	Casino School of Arts Trustees	76-92 Walker Street, Casino	Lot 1 DP 772410	S96 Modification - Change of Use to Permit Commercial Offices for Tenancy	15/11/2016	\$ -
DA2017/0083	RN & SJ Slater	Mr R N Slater Mrs S J Slater	600 Spring Grove Road, Spring Grove	Lot 2 DP 807392	Dwelling and Shed	17/11/2016	\$ 250,000.00
CDC2017/0004	Certis Building Certification	Aldi Foods Pty Limited	133-145 Centre Street, Casino	Lot 1 DP 1135868	Alterations & Additions to exiting Aldi	7/09/2016	\$ 5,000.00
DA2017/0084	Evans Head Holistic Health	Western Pacific Australia Pty Ltd	2/5 Oak Street, Evans Head	Lot 2 SP 84193	Change of Use to Health Clinic and Internal Fitout	10/11/2016	\$ 12,500.00
DA2017/0085	BRF & DB Low	Mr B R F Low Mrs D B Low	37A East Street, Casino	Lot 2 DP 1193513	Above Ground Swimming Pool	29/11/2016	\$ 9,000.00
DA2017/0086	Wayne Lollback Building Co Pty Ltd	Mr K A Smith Mrs M Smith	60 Colches Street, Casino	Lot 1 DP 418712	Deck and ramp	4/11/2016	\$ 19,550.00
DA2017/0087	DJ Henderson	Mr D J Henderson	58A Lennox Street, Casino	Lot 1 DP 784162	Carport and Variation to Development Control Plan 2015	24/11/2016	\$ 1,800.00
DA2017/0089	LM Planning Solutions Pty Ltd	Mr A M Odonoghue Ms S T E Simmons	40 Ivory Circuit, Casino	Lot 13 DP 1201423	Dwelling	10/11/2016	\$ 160,525.00
DA2017/0092	Hayes Building Consultancy	Mr R S Forsyth Mrs K M Forsyth	21 Cashmore Street, Evans Head	Lot A DP 314337	Dwelling Extensions	29/11/2016	\$ 48,000.00
DA2017/0092	Forsyth	Mr R S Forsyth Mrs K M Forsyth	21 Cashmore Street, Evans Head	Lot A DP 314337	Dwelling Extensions	29/11/2016	\$ 48,000.00
DA2011/0037.02	CD & RA Scott	Mr C D Scott, Mrs R A Scott	15 Stocks Road, North Casino	Lot 13 DP 1132283	S96 Modification - As Built - WC and hand basin	15/11/2016	\$ -
DA2017/0096	Simpson	Deneti Pty Ltd	99-103 River Street (Pacific Hwy), Woodburn	Lot 4 Sec 14 DP 759110 Lot 1 DP 361175	Alterations to Existing Commercial Kitchen (Mechanical Ventilation)	29/11/2016	\$ 10,260.00
DA2017/0101	MT & AJ Crimmins	Mrs A J Crimmins, Mr M T Crimmins	50 Coopers Lane, Codrington	Lot 1 DP 127186 Lot 1 DP 435847	Fibreglass Swimming Pool	29/11/2016	\$ 19,500.00
CDC2017/0006	Hayes Building Consultancy	Mr N J Hayes, Ms K L Eggins	19 Woodburn Street, Woodburn	Lot 1 DP 308683	Carport	21/11/2016	\$ 4,500.00

**16 QUESTIONS ON NOTICE**

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Nil.

**17 QUESTIONS FOR NEXT MEETING (IN WRITING)**

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Nil.

**18 MATTERS REFERRED TO CLOSED COUNCIL**

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Nil.

**19 RESOLUTIONS OF CLOSED COUNCIL**

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Nil.

The Mayor extended best wishes to Councillors, staff and community members for the Christmas season.

The Meeting closed at 6.12pm.

**CONFIRMED - 21 February 2017**

**CHAIRMAN**