



# **AGENDA**

## **Ordinary Council Meeting**

**I hereby give notice that an Ordinary Meeting of Council will be held on:**

**Date: Tuesday, 17 December 2019**

**Time: 5.00 pm**

**Location: Council Chambers  
10 Graham Place, Casino**

**Vaughan Macdonald  
General Manager**

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**1 ACKNOWLEDGEMENT OF COUNTRY**

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

*"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."*

**2 PRAYER****3 PUBLIC ACCESS AND QUESTION TIME****4 APOLOGIES**

## **5 MAYORAL MINUTES**

### **5.1 MAYORAL MINUTE - IMPACTS OF CLIMATE CHANGE**

**Author:** Robert Mustow, Mayor

#### **RECOMMENDATION**

That Council:

1. Acknowledges that the Richmond Valley local government area is currently, and in the future will be, substantially affected by climate impacts, particularly bushfires, drought, floods and sea level rise;
2. Request the Federal and State Governments take further steps to address the effects of climate change;
3. Writes to our local Federal and State Members of Parliament advising them of Council's resolution and urging them to lead and support councils and communities to address the effects of climate change.

#### **DELIVERY PROGRAM LINKS**

Priority 3 - Looking after our Environment

Promoting the Protection of the Environment

Provide services and programs which protect and enhance our natural and built environment.

Priority 4 - Making Council Great

Advocate strongly on behalf of the community with State and Federal Government and other regional bodies.

#### **REPORT**

Richmond Valley Council's Environmental Charter makes a commitment to the long-term care of the environment and acknowledges the impacts of climate change as a global issue to which Council needs to plan for.

There has been a move by over seventy Australian Councils to resolve in differing ways to seek a stronger commitment from the State and Federal Government to addressing the impacts of climate change.

The current bushfire emergency is clearly influenced by the impacts of a changing climate, with the ongoing drought and heatwave conditions leading to almost 50% of the Richmond Valley local government area being fire affected.

It is timely to emphasise that Council is very concerned by the impacts of climate change and to seek increased commitment to dealing with this serious global issue by our NSW and Federal Governments. Council is committed to working productively with our Governments to improve our response to this challenge.

**ATTACHMENT(S)**

Nil

**6 CONFIRMATION OF MINUTES**

**6.1 MINUTES ORDINARY MEETING HELD ON 19 NOVEMBER 2019**

**Author:** Vaughan Macdonald, General Manager

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary meeting held on 19 November 2019.

**ATTACHMENT(S)**

- 1. Ordinary Meeting Minutes 19 November 2019 (under separate cover)**

**7        MATTERS ARISING OUT OF THE MINUTES**

**8        DECLARATION OF INTERESTS**

(Councillors to specify details of item and nature of interest)

**9        PETITIONS**

Nil

**10       NOTICE OF MOTION**

Nil



**11 MAYOR'S REPORT****11.1 MAYOR ATTENDANCES 12 NOVEMBER 2019 - 9 DECEMBER 2019**

**Author:** Robert Mustow, Mayor

**RECOMMENDATION**

That Council receive and note the Mayor's attendance report 12 November – 9 December 2019.

**REPORT****November**

- 12<sup>th</sup> Pacific Consultants Meeting
- 12<sup>th</sup> Rural Fire Service - Anthony Albanese visit
- 12<sup>th</sup> BlazeAid visit to Rappville Cemetery
- 12<sup>th</sup> RFS Control Centre
- 13<sup>th</sup> Showground - NCMC announcement for Blaze Aid
- 13<sup>th</sup> Rural Fire Service Control Centre
- 13<sup>th</sup> Bishop visit
- 14<sup>th</sup> BlazeAid volunteers farewell
- 14<sup>th</sup> Casino High School Year 12 Formal
- 15<sup>th</sup> Rural Fire Service Control Centre
- 15<sup>th</sup> Bush Fire Community Recovery Get-together
- 16<sup>th</sup> Rural Fire Service Control Centre
- 16<sup>th</sup> St Mary's Year 12 Formal
- 17<sup>th</sup> Rural Fire Service Control Centre
- 17<sup>th</sup> Woodburn/Evans Head & District Orchid & Foliage Society Christmas Luncheon
- 17<sup>th</sup> Coraki Function
- 18<sup>th</sup> Rural Fire Service Control Centre
- 19<sup>th</sup> Rural Fire Service Control Centre
- 19<sup>th</sup> Baptist Preschool Excursion Visit to Chambers
- 19<sup>th</sup> Richmond Valley Council Ordinary Meeting
- 20<sup>th</sup> Rural Fire Service Control Centre
- 20<sup>th</sup> Rous County Council Workshop
- 20<sup>th</sup> Casino Christian School Year 12 Formal
- 22<sup>nd</sup> Hunter's Hill Council visit
- 22<sup>nd</sup> NSW Business Chamber Awards – Sydney
- 25<sup>th</sup> Rural Fire Service Control Centre
- 25<sup>th</sup> Evans Head Senior Citizens Christmas Party
- 26<sup>th</sup> Connect Accountants Christmas Party
- 27<sup>th</sup> Baptist Preschool Excursion Visit to Chambers
- 27<sup>th</sup> Jumbanna and Library Visit
- 27<sup>th</sup> Rappville Artist discussion
- 28<sup>th</sup> Library Christmas Party
- 28<sup>th</sup> Chris Gulaptis Awards presentation
- 28<sup>th</sup> Chris Gulaptis Rural Fire Service visit
- 28<sup>th</sup> Chris Gulaptis BlazeAid visit
- 28<sup>th</sup> Casino Food Basket
- 29<sup>th</sup> Casino Hospital Auxiliary Xmas morning tea
- 29<sup>th</sup> Mary-Anne Bentley Ballet Review
- 30<sup>th</sup> Joint visitor information centres volunteers' Christmas Party
- 30<sup>th</sup> Bulls on the Green

**December**

- 2<sup>nd</sup> Evans River RSL Day Club
- 2<sup>nd</sup> Rappville Community Consultation meeting
- 3<sup>rd</sup> Councillor Information Session Evans Head
- 3<sup>rd</sup> Evans Head Christmas Tree Lightup & BBQ
- 4<sup>th</sup> NZ Firefighters farewell at Ballina
- 4<sup>th</sup> Rappville School Book Author visitation
- 4<sup>th</sup> BlazeAid farewell
- 5<sup>th</sup> Dirtgirlworld site visit
- 5<sup>th</sup> Casino Christmas Street Party
- 7<sup>th</sup> Casino & District Historical Society Luncheon
- 7<sup>th</sup> Rappville - Manly Sea Eagles visit
- 7<sup>th</sup> Coraki Christmas Carols
- 7<sup>th</sup> Broadwater Bowling Club Christmas
- 8<sup>th</sup> Casino Tennis Club Christmas Party Awards
- 8<sup>th</sup> Lions Club Christmas Carols
- 9<sup>th</sup> Casino Christian School Presentation

**ATTACHMENT(S)**

**Nil**

**12 DELEGATE'S REPORTS**

Nil

**13 MATTERS DETERMINED WITHOUT DEBATE**

Each Councillor is given the opportunity to indicate which items they wish to debate or question. Item numbers identified for debate or questioning will be read to the Meeting.

Following identification of the above items a motion will be moved in regard to the balance of items being determined without debate.

**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RECOMMENDATION**

That items identified be determined without debate.

**14 GENERAL MANAGER'S REPORTS****14.1 DEVELOPMENT ASSESSMENT APPLICATION - 2019/0166 SUBDIVISION TO CREATE 69 LOTS**

**Author:** Megan Yates, Graduate Development Assessment Planner

**EXECUTIVE SUMMARY**

A development application has been received for subdivision to create 69 lots (68 x residential lots and 1 x primary production residue lot) including site filling, the construction of roads and installation of associated infrastructure. The proposed development is located at Lot 142 DP 807533 - 55 Broadwater Quarry Road, Broadwater and is zoned RU5 – Village and RU1 – Primary Production.

The proposed subdivision creates 68 additional residential lots located within the village zoning. The village zoning is an open zone with an array of permissible land uses. The additional stock will provide for a range of land uses, services and facilities to be located, though the primary use of the additional lots is expected to be for residential uses. The proposed subdivision creates 1 primary production residue lot. The proposed Lot 69 will not enjoy a dwelling opportunity and is being created solely for the purposes of agriculture.

**RECOMMENDATION**

That Development Application No. 2019.0166 be approved subject to the recommended conditions contained in this report.

**DELIVERY PROGRAM LINKS**

Growing our Economy

EC1: Driving Economic Growth

EC1.4: Provide support to prospective developers regarding Council processes and requirements

**BUDGET IMPLICATIONS**

Nil.

**REPORT**

In accordance with Council Policy 15.2 – Development Assessment Panel (DAP) – Role, Constitution and Operation, Development Application No. 2019/0166 is submitted to Council for determination as the application involves a subdivision with greater than 50 lots which cannot be determined by DAP.

**Applicant**

Ardill Payne and Partners  
PO Box 20  
BALLINA NSW 2478

**Subject Property**

Lot 142 DP 807533  
55 Broadwater Quarry Road, Broadwater

**Zoning**

The subject site is zoned RU5 Village and RU1 Primary Production under the Richmond Valley Local Environmental Plan (LEP) 2012.

### Description of Development

The application seeks consent for a subdivision to create 69 lots at 55 Broadwater Quarry Road, Broadwater. The development comprises the following key components:

- Subdivision to create 69 lots
  - 68 x residential lots with lots sizes ranging from 667.9m<sup>2</sup> to 1126.5m<sup>2</sup>
  - 1 x primary production residue lot with a lot size of 14.53 hectares
- Earthworks
- Infrastructure including:
  - Storm water
  - Sewer
  - Water
  - Roads

The proposed development footprint is shown in Figure 1.



Figure 1 – Proposed Development

### Exhibition Period

The subject proposal was notified for a period of 30 days being from 13 February 2019 to 15 March 2019. The Statement of Environmental Effects was on display at the administration offices of Richmond Valley Council at Casino and Evans Head. The application was also made available on Council's website for viewing for the duration of the exhibition period.

All adjoining landholders, as well as owners in a one (1) kilometre radius from the site, were notified in writing of the proposed development and exhibition period in accordance with Richmond Valley Development Control Plan 2015. The application was also published in the local newspaper in the edition of 13 February 2019.

**External Referrals**

The following external referrals were undertaken as part of the assessment process:

Authority	Comment
<b>NSW Rural Fire Service</b>	General Terms of Approval received 5 June 2019 which form part of the consent conditions.
<b>Natural Resource Access Regulators</b>	Comments received 12 August 2019 determining a controlled activity approval is not required and no further assessment by NRAR is necessary.
<b>NSW Roads and Maritime Services</b>	Comments received 25 March 2019 requesting additional information including a Traffic Impact Assessment. Final comments received 21 November 2019.
<b>Essential Energy</b>	Comments received 22 February 2019 and have formed part of the consent conditions.
<b>NSW Department of Primary Industry – Agriculture</b>	Comments received 15 March 2019 and have been incorporated into the development.
<b>NSW Department of Primary Industry – Fisheries</b>	Comments were received 4 March 2019. No issues were raised, the site is not within key fish habitat.
<b>Rous County Council</b>	Comments received 22 August 2019 and form part of the recommended conditions of consent.

**Internal Referrals**

Authority	Comment
<b>Environmental Health</b>	Kristin Blain Former Acting Coordinator Environment and Regulatory Services – Acceptable subject to conditions.
<b>Development Engineer</b>	Brian Eggins Senior Administration Officer - Acceptable subject to conditions.
<b>Building Certifier</b>	Neville McDonald Former Coordinator Building Services - Acceptable subject to conditions.

**Environmental Planning Considerations**

A full assessment under Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979 (as amended)* has been undertaken. The submitted Statement of Environmental Effects and additional information addresses the requirements of the applicable legislation and provides detailed specialist and technical reports in support of the application.

The following legislation, planning instruments and policies are relevant to the proposal and their requirements have been considered as part of the assessment process:

- Biodiversity Conservation Act 2016
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 44 – Koala Habitat
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Coastal Management) 2018
- State Environmental Planning Policy (Primary Production and Rural Development) 2019
- Richmond Valley Local Environmental Plan 2012
- Richmond Valley Development Control Plan 2015

**Key Issues with the Application**

The proposed development is considered to have impacts during construction which will be conditioned. The likely impacts of the development are short term and related to the construction works particularly the importation of fill and construction of civil infrastructure. The longer-term impacts may include short term construction of the dwelling houses, changes to the traffic network social and economic impacts of additional housing stock and availability of land in a small rural village which has positive social and economic benefits to the surrounding communities.

Some minor adverse impacts of the development are considered below, these primarily relate to the short-term effects of construction works and are able to be mitigated or managed by way of standard construction management practices as outlined in the Statement of Environmental Effects, and consent conditions as recommended contained in this report.

### **Vegetation and Biodiversity**

#### Biodiversity Conservation Act 2016

Part 7 of the Biodiversity Conservation Act requires development applications under Part 4 of the EPA Act to determine whether the proposed development is likely to significantly affect threatened species. The proposed development involves the removal of native vegetation being *Leersia hexandra* (Swamp Ricegrass). The removal of native vegetation required an assessment in accordance with the Biodiversity Conservation Act 2016 (BC Act).

A biodiversity assessment prepared by Biodiversity Assessments and Solutions dated 11 March 2019 was submitted to Council as additional information. In accordance with Section 7.2 of the BC Act the assessment included a threshold test, assessment of the biodiversity values map and a test of significance to determine whether further biodiversity assessment was required.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 sets out the threshold limits for developments clearing native vegetation. These limits are based on the minimum lot size applicable to the land. As the minimum lot size for this property is less than 1 hectare the threshold for future assessment is 0.25 hectares (2500m<sup>2</sup>). The threshold test was calculated based on the length of the drainage network impacted by the proposed development and the approximate area covered by the native vegetation. The estimated cover of native vegetation was 80m<sup>2</sup> which does not exceed the threshold of 2500m<sup>2</sup> for the property and therefore did not trigger further assessment.

Clause 7.3 of the Biodiversity Conservation Regulation sets out clearing on land within the Biodiversity Values Map is determined to exceed the thresholds and requiring additional assessment. The assessment undertaken by Biodiversity Assessments and Solutions identified that no part of the site is included on the Biodiversity Values Map. As shown below in Figure 2 the property is not mapped as having significant biodiversity on the Biodiversity Values Map produced by the Office of Environment and Heritage. The map was accessed on 6 June 2019 showing no mapped area on the property.



Figure 2 – Excerpt from Biodiversity Values Map

A test of significance in accordance with Section 7.3 of the BC Act was undertaken by Biodiversity Assessments and Solutions. The test identified five (5) species recorded within 1,500 metres of the site and also considered other fauna species with the potential to occur at the site. The species identified within 1,500 metres of the site were:

- Wallum Froglet
- Barred Cuckoo-shrike
- Brolga
- Brush-tailed Phascogale
- Koala

Out of the five (5) fauna highlighted above two (2) species were identified with a 'low' likelihood to occur being the Wallum Froglet and the Brolga. The Test of Significance was undertaken only for the Wallum Froglet with the rationale being while there was no preferred habitat or linkages to habitat for either species, Wallum Froglets were known to occasionally utilise drains near preferred habitat whereas there was limited potential for Brolgas to occur at the site other than for infrequent foraging. The Test of Significance determined the proposed development would not result in a significant impact on threatened species or endangered ecological communities and therefore no further assessment was required.

### **Construction Impacts**

The development is likely to have some localised construction related impacts particularly related to the importation of fill and construction of civil infrastructure. Additional short-term traffic, noise, dusts and vibration typical of construction projects is anticipated. Due to the extent of the construction works a condition of consent will be recommended to require the preparation of a Construction Environmental Management Plan (CEMP) to be submitted to and approved by Richmond Valley Council prior to the issue of a Construction Certificate to deal with potential construction impacts. The CEMP will be required to address issues such as:

- Traffic management
- Details of the source of fill and transport routes
- Construction staging plan
- Noise and vibration
- Dust – air quality management plan
- Complaints management register

The Air Quality/Dust Management Plan will require consideration of measures to be undertaken including:

- Potential sources and impacts of dust
- Air and dust management objectives consistent with relevant legislation, guidelines and standards
- A monitoring program to assess compliance with the identified objectives
- Contingency plans to be implemented in the event of non-compliances and/or complaints about dust

Additional conditions will be recommended to reduce the potential impact on adjoining properties and local infrastructure including limits on construction hours, sediment and erosion control measures, waste management, traffic control plan, dilapidation report on adjoining properties and council roads, loading and unloading on site, shake down grids and dust suppression.

### **Earthworks & Infrastructure**

The proposed development involves significant earthworks to be undertaken to realize the subdivision. The total extent of the earthworks proposed is approximately 60,000m<sup>3</sup> of fill. Earthworks will be required in association with the construction of the required infrastructure (sewer, water, storm water) and filling of the site.



The property heights range from RL 1.5 to 3 metres AHD. The development application proposes filling the land to levels of between RL 2.3-3.15 metres AHD. This will enable future dwellings to be sited above the habitable floor level. Storm water infrastructure is required to ensure there is no adverse impact on adjoining properties. Construction impacts that may result from the construction of the required infrastructure and the proposed filling will be managed through a consent condition requiring a Construction Environmental Management Plan (CEMP) as stated above.

A preliminary site investigation has been undertaken for contaminated lands. Council's Manager Environment and Regulatory Services has reviewed the assessment and is satisfied the site is suitable for residential use.

The site is within 95 metres of the Richmond River. The earthworks and filling are not perceived likely to have an adverse impact on this existing watercourse. The earthworks and filling will be managed through consent conditions relating to sediment and erosion control, the disposal of excavated materials and protection of the amenity of the area. Stormwater from the site once constructed will be directed to existing stormwater outlets into the Richmond River.

Excavations are anticipated to enable the construction of the civil infrastructure and consent conditions relating to erosion and sediment control, the disposal of excavated materials and protection of the amenity of the area have also been recommended. Civil infrastructure to be constructed includes stormwater drainage infrastructure, water, sewer and roads.

Stormwater and sewer infrastructure will be covered by an easement to allow access to the infrastructure. Proposed water infrastructure will be constructed within the existing and proposed road reserves. Conditions regarding construction of infrastructure and requirements for easement will be recommended as part of the consent.

### **Stormwater**

A Stormwater Management Plan (SWMP) prepared by Ardill Payne and Partners January 2019 was submitted with the application detailing the proposed storm water management. The proposal includes additional hard surfaces including new formed roads and, in the future, residential dwellings, driveways and roofed areas.

The SWMP identified the following objectives to be achieved for stormwater management at the site:

- Ensure flows from the proposed development do not inundate Broadwater Evans Head Road in all flood events up to and including the 2% Average Exceedance Probability (AEP) storm event (1 in 50 year event).
- Ensure flows from the proposed development do not inundate any roads within and/or bordering the subdivision during storm events up to and including the 10% AEP event (1 in 10 year event) and that flows within kerbs are limited to widths less than 2.5m.
- Ensure the minor drainage network within the development has capacity to convey flows from the storms up to and including 20% AEP (1 in 5 year event).
- Ensure all overland flows are conveyed in a safe manner.
- Provide a level of treatment for water leaving the subject site through the use of water sensitive urban design practices.

The proposal includes additional stormwater management infrastructure to direct the stormwater away from the development and surrounding areas. The development site is downstream of a larger catchment and therefore the SWMP does not include any detention of stormwater as detention is likely to increase peak out-flows. The SWMP proposes to convey flows quickly from the site before flows from the upstream catchment reach the site and surrounding area. The

SWMP proposes a drainage system that conveys flow from the development site via a series of swales, pit and pipe drainage lines and culverts.

Council's Development Engineer has reviewed the SWMP and have considered the arrangements suitable. Detailed design plans will be required to be submitted for approval prior to the issue of a construction certificate.

### **Traffic Safety & Road Network**

The proposed development provides additional residential lots within proximity to the Pacific Highway and the new Pacific Motorway. As the application involves a subdivision to create 69 lots with access to the subdivision within 90 metres of a classified road (Pacific Highway), the application was referred to NSW Roads and Maritime Services (RMS) in accordance with Clause 104 and Schedule 3 of the ISEPP. The application was referred to NSW RMS on 11 February.

The proposed development in combination with the new Pacific Motorway has the potential to alter traffic patterns and road safety in the Broadwater area. Through liaising with NSW RMS and the applicant, additional infrastructure upgrades and conditions of consent are proposed to minimise the impact of the development on the existing road network, specifically Broadwater Evans Head Road. RMS held concerns over 21 residential lots fronting Broadwater Evans Head Road and the potential traffic safety impacts this could have.

A traffic impact assessment, including revised versions following RMS comments, was provided by the applicant addressing traffic impacts and road safety regarding the proposed development. As an outcome of the traffic impact assessment and to address RMS concerns regarding the 21 residential lots fronting Broadwater Evans Head Road, the following infrastructure upgrades and restrictions will be required as part of the development:

- Restrictions on the use of the land being the following:
  - Lots 13 to 28 restricting the property access to one single vehicular access only to Broadwater Evans Head Road.
  - Lots 7 and 12 restricting vehicular access to Broadwater Evans Head Road. Access to the lots shall be from George Street only.
  - Lot 29 restricting vehicular access to Broadwater Evans Head Road. Access to the lot shall be from the unnamed road only.
  - Lots 13 to 28 to restrict residential accommodation to one single dwelling. A single dwelling house only is to be permitted.
  - Lots 13 to 28 shall be restricted from any future subdivision. Any further subdivision is not permitted
- Pavement and seal widening (with parallel parking lane) of Broadwater Evans Head Road from the unnamed road to George Street
- The Broadwater Evans Head Road / George Street intersection shall be upgraded to a CHR-S intersection to protect right turn vehicles into George St accessing the development.
- No Right Turn signage in accordance with Roads and Maritime Services design and installation requirements shall be erected on the northbound approach on the existing Pacific Highway to the Pitt Street intersection.
- No Right Turn signage shall be erected on the westbound approach on Broadwater Evans Head Road to the un named road intersection.
- Traffic calming device(s) along George Street

Additional upgrades including upgrades to George Street, Pitt Street, Unnamed Road, construction of a link road between Unnamed Road and George Street and construction of water, sewer and stormwater infrastructure is also required. These will be conditioned as part of the consent.

### **Submissions**

Council received thirteen (13) submissions during the exhibition period. A summary of the matters raised in these submissions is addressed below:

Issue Raised	Comments
Road Safety/Traffic	<p>The application was referred to NSW RMS in accordance with Clause 104 of the ISEPP. A Traffic Impact Assessment (TIA) was undertaken. As a result of the TIA and consultation with NSW RMS and the applicant, additional infrastructure upgrades and conditions of consent are proposed to minimise the impact of the development on the existing road network.</p> <p>Council's Engineers have considered the access arrangements suitable.</p>
Developer Contributions/Village Improvement Levy	<p>A recommended condition of consent will be included requiring payment of Section 94A Levy fees. The amount of fees will be calculated based on the cost of works on the construction certificate for civil works. The fees paid will form part of the Section 94A levy money pool which is used to undertake the schedule of works outlined in the Section 94A Contributions Plan.</p>
Rear Lane Access	<p>The proposed subdivision will not impede, change or compromise the existing rear lane accesses or existing crossings enjoyed by any adjacent lots/dwellings.</p> <p>The application includes some storm water infrastructure located within the rear lane access of properties 18 to 26 Pitt Street however this infrastructure will not impact on the rear access to these properties.</p>
Stormwater and Drainage	<p>A Stormwater Management Plan prepared by Ardill Payne and Partners January 2019 was submitted with the application detailing the proposed storm water management. The proposal includes additional hard surfaces including new formed roads and, in the future, residential dwellings, driveways and roofed areas.</p> <p>The proposal includes additional stormwater management infrastructure to direct the stormwater away from the development and surrounding areas. The development site is downstream of a larger catchment and therefore the SWMP does not include any detention of stormwater as detention is likely to increase peak out-flows. The SWMP proposes to convey flows quickly from the site before flows from the upstream catchment reach the site and surrounding area. The SWMP proposes a drainage system that conveys flow from the development site via a series of swales, pit and pipe drainage lines and culverts.</p>
Flooding	<p>The proposed development site is subject to the 1 in 100 ARI flood event. Earthworks are required to enable future dwellings to be sited above the habitable floor level.</p> <p>Council's Development Engineers have assessed the flood impacts of the proposed development and is satisfied with the proposed earthworks and filling to bring the site to an acceptable level for two storey dwellings and provide drainage.</p>
Fill/Earthworks	<p>The application proposes approximately 60,000m<sup>3</sup> of fill to be brought to the site. Earthworks and fill are required for the construction of required infrastructure and filling the site to meet minimum habitable floor levels.</p> <p>The property levels range from RL 1.5 to 3 metres AHD. The development application proposes filling the land to levels of between RL 2.3-3.15 metres AHD. This will enable future dwellings to be sited above the habitable floor level. Storm water infrastructure is required to ensure there is no adverse</p>

	<p>impact on adjoining properties.</p> <p>There is potential for some short-term construction impacts during construction of the required infrastructure. This will be managed through a Construction Environmental Management Plan as a condition of consent.</p>
Impact of two storey dwellings	Any future development application for a dwelling will require assessment of amenity impacts including potential impacts on privacy and overshadowing. Applications will be required to be neighbour notified in accordance with the RVCP which will allow opportunities for viewing of the application and submissions to be made. Submissions will be required to be taken into consideration in the assessment process.
Land use conflict	A Land Use Conflict Risk Assessment prepared by Ardill Payne and Partners January 2019 was submitted with the application assessing the potential for land use conflict and any mitigation measures proposed. The application was referred to Department of Primary Industries – Agriculture for comment. A response from DPI – Agriculture was received 15 March 2019 raising concerns regarding the LUCRA assessment and suggesting the requirement for a minimum 50 metre planted buffer along to rear boundaries of lots 1-7 within Lot 69. An amended LUCRA was submitted 14 March 2019 and referred to DPI – Agriculture. Communications between the applicant and DPI – Agriculture resulted in the required buffer being reduced to a 30 metre maintained buffer to align with the ‘right to farm’ policy.
Impact on future expansions/development	Future proposed development and expansions of existing developments is not a relevant planning matter in terms of this application. Any future development will need to comply with the relevant legislation and policies and have regard for any existing development in the vicinity.
Infrastructure capacity	<p>Council’s Water and Sewer team has confirmed there is capacity in council’s system for the additional 68 residential lots.</p> <p>The application was referred to Rous County Council as the bulk water supplier for the area to confirm capacity for the additional lots. A condition of consent has been recommended to stage the development to align with Rous upgrades to be completed by 2022 to ensure there is capacity for all the lots being created.</p>
No assessment of koalas	Additional information received 9 May 2019 included an assessment against the State Environmental Planning Policy No. 44 – Koala Habitat Protection. The assessment found that the land is not considered potential koala habitat and does not constitute core koala habitat as defined by the SEPP. Therefore, no further assessment including a koala plan of management is required.
Access/extent of Lot 69	<p>Drawing No. DA03 Issue 05 ‘Plan of proposed subdivision sheet 2 of 2’ dated 28/11/19 identifies the full extent of proposed Lot 69 including dimensions and area which is a residual productive agricultural lot having an area of 14.53 hectares.</p> <p>Additional information submitted 9 May 2019 states ‘there is no intention to remove, impede, or alter the existing ‘informal’ access that will be situated on proposed lot 69 which services Lot 1 DP 102890.</p>
Change from Agricultural	The part of the subject land that will contain lots 1-68 is zoned

land to Residential Land/too many lots for small lot	RU5 – Village and has a mapped minimum lot size of 600m <sup>2</sup> when the lots are connected to reticulated water and sewer. The subdivision proposes lots ranging from 667.9m <sup>2</sup> to 1126.5m <sup>2</sup> with an average area of 854.1m <sup>2</sup> . The proposed subdivision has therefore not maximised the achievable density of the lot. Each lot provides sufficient area for suitable location of dwellings that comply with the relevant standards.
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### Details of Conditions

The conditions of consent are set out as follows:

1. In granting this development consent, Council requires:
  - All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
  - All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
  - Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions and be substantially in accordance with the Statement of Environmental Effects, and supporting documents submitted with the application, and stamped approved plan(s) No.
  - Plan of Proposed Subdivision Sheet 1 of 2 Job No. 4004 Dwg No. DA02 Issue 05 dated 28/11/19
  - Plan of Proposed Subdivision Sheet 2 of 2 Job No. 4004 Dwg No. DA03 Issue 05 dated 28/11/19
  - Bulk Earthworks Plan Job No. 4004 Dwg No. DA07 Issue 03 dated 01/04/19
  - Concept Channelised Interchange & Road Widening Plan Job No. 4004 Dwg No. DA13 Issue 01 dated 27/11/19
  - Land Dedication Plan Job No. 4004 Dwg No. DA14 Issue 02 dated 28/11/19

A copy/copies of the approved plan is/are attached to this consent.

**Reason:** To correctly describe what has been approved. (EPA Act Sec 4.15 (formerly 79C))

2. **Prior to the release of the relevant Subdivision Certificate** a restriction on the use of land pursuant to Section 88B of the Conveyancing Act 1919 shall be placed on the relevant lots. Required restrictions include:
  - a) Lots 13 to 28 restricting the property access to one single vehicular access only to Broadwater Evans Head Road.
  - b) Lots 7 and 12 restricting vehicular access to Broadwater Evans Head Road. Access to the lots shall be from George Street only.
  - c) Lot 29 restricting vehicular access to Broadwater Evans Head Road. Access to the lot shall be from the unnamed road only.
  - d) Lots 13 to 28 to restrict residential accommodation to one single dwelling. A single dwelling house only is to be permitted.
  - e) Lots 13 to 28 shall be restricted from any future subdivision. Any further subdivision is not permitted

An appropriately worded draft instrument is to be submitted to and approved by Richmond Valley Council prior to release of the relevant Subdivision Certificate.

**Reason:** To address traffic safety and RMS concerns regarding direct access onto Broadwater Evans Head Road.

3. A restriction on the use of land pursuant to Section 88 of the Conveyancing Act 1919 shall be placed on proposed Lot 69 restricting the construction of any dwelling on the lot in accordance with the provisions of Clause 4.2 of the Richmond Valley Local Environmental Plan 2012. The Instrument shall be approved by Richmond Valley Council **prior to the release of the relevant Subdivision Certificate**.

**Reason:** *To ensure compliance with the Richmond Valley Local Environmental Plan 2012.*

4. A restriction on the use of the land pursuant to the Conveyancing Act 1919 shall be placed on proposed Lot 69 for the 30 metre wide agricultural land buffer. The restriction shall provide for the respective owners to maintain the area so it provides buffering to adjoining residential allotments. An appropriately worded 88 instrument is to be submitted and approved by Richmond Valley Council **prior to release of the relevant Subdivision Certificate**.

**Reason:** *To ensure the proposed Land Use Conflict buffers are identified and maintained for their intended purpose and to ensure future dealings in land identify restrictions on use.*

5. The development shall be staged to ensure water supply capacity is available to every lot. Rous County Council has advised capacity for approximately 20 lots exists currently. **Prior to the release of any subdivision certificate**, certification from Rous County Council is required confirming capacity for water supply is available to service any of the lots shown on the relevant linen plan.

**Reason:** *To ensure reticulated water can be supplied to the lots.*

6. Evidence of compliance with NSW Rural Fire Service Integrated Development conditions of this consent is required. Certification from a Fire Protection Association Australia (FPAA) certified practitioner shall be provided to Richmond Valley Council **prior to release of the relevant Subdivision Certificate**.

**Reason:** *To ensure compliance with this consent and Planning for Bush Fire Protection 2006.*

7. The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in **Council's Revenue Policy**.

**Reason:** *To comply with environmental planning instrument. (EPA Act Sec 4.15 (formerly 79C(a))*

8. A Certificate of Compliance from a relevant energy supplier shall be required confirming that it has provided electrical power to each lot, including the full length of battle-axe handles, and adequate street lighting for the development as required by the Australian Standard and that charges for the extension of electricity supply have been paid **prior to release of the relevant Subdivision Certificate**.

**Reason:** *To ensure adequate provision of utility services. (EPA Act Sec 4.15 (formerly 79C(b))*

9. The existing 11kV overhead powerlines, at the developer's expense, will either need to be:
- Re-located into the road reserve, as part of the subdivision; or
  - removed and re-supplied as underground powerlines, as part of the subdivision.

Essential Energy's Contestable Works team can be contacted for specific requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au)  
<<mailto:contestableworks@essentialenergy.com.au>>.

Evidence of compliance with Essential Energy requirements shall be submitted to Council **prior to the release of the relevant subdivision certificate.**

**Reason:** *To comply with Essential Energy requirements for overhead powerlines.*

10. Easement/s are to be created for any electrical infrastructure. The easements are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.

**Reason:** *To comply with Essential Energy requirements for electrical infrastructure.*

11. Any activities undertaken where there is electricity infrastructure within the property or electricity infrastructure within close proximity to the property must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

**Reason:** *To comply with Essential Energy requirements for electrical infrastructure.*

12. The Developer shall provide telecommunications infrastructure including National Broadband Network (NBN) as required by the relevant telecommunications supplier. A Certificate of Compliance from the relevant telecommunications supplier confirming that telecommunications to all residential lots has been provided is required **prior to the issue of the relevant Subdivision Certificate.**

**Reason:** *To ensure adequate provision of utility services. (EPA Act Sec 4.15)*

13. The developer shall provide feature street trees to the subdivision. A detailed landscaping plan shall be submitted to and approved by Richmond Valley Council **prior to issue of the Construction Certificate for road construction.** Landscaping plans shall indicate:

- location of sewer/infrastructure/easements
- size of trees to be planted (usually measured by pot size)
- proposed location for planted trees
- botanical name of trees to be planted, including mature height of trees
- location of grassed areas
- location of paved areas

Trees should be aligned in an avenue style formation and have a uniform planting scheme. Planting locations must consider the location of utility services. Trees are to be double staked with soft mesh ties and are to have deep watering installed.

Approved landscaping shall be completed immediately following infrastructure work and maintained, including replacement as necessary, to ensure establishment. **Prior to issue the relevant Subdivision Certificate** Richmond Valley Council shall confirm;

- a. the trees are in healthy established condition, and
- b. satisfactory arrangements are in place for the continued maintenance of the trees until they are established (minimum twelve (12) month period) e.g. Private works agreements, landscape bond etc.

**Reason:** *To ensure that appropriate landscaping is provided and established. (EPA Act Sec 79C(c))*

14. **Prior to the issue of the Construction Certificate**, the applicant shall engage a practising professional in the field to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing adjoining buildings on Lots 2 to 6 DP 1499 (18 to 26 Pitt Street, Broadwater) and Lot 141 DP 807533 (17 George Street, Broadwater), surrounding infrastructure and roads. The report shall be submitted to and approved by Richmond Valley Council **prior to the issue of the Construction Certificate**.

In the event that access for undertaking the report is denied, the Dilapidation Report shall be based on a survey of what can be observed externally and the owner, principal contractor or owner-builder must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining property(ies).

**Reason:** *To ensure any damage to assets and infrastructure is compensated.*

15. All loading and unloading of material are to be carried out off-street and wholly within the sites.

**Reason:** *To protect the amenity of the area and ensure all works are carried out onsite.*

16. Access to and from the site onto public roads shall have a shakedown grid or equivalent to minimise the transportation of material onto the road network from the site.

**Reason:** *To protect the amenity of the area and Council assets.*

17. A Construction Environmental Management Plan (CEMP) must be submitted to and approved by Richmond Valley Council **prior to the issue of the Construction Certificate**. The CEMP must address, but not be limited to the following matters:
- Hours of work which addresses traffic management during peak/school zone periods and any noise generating activity
  - Contact details of site manager and project liaison officer. The Project Liaison Officer shall act as a single point of contact for Council, Government Authorities and the general public in relation to any issues that arise in relation to the project generally. A sign detailing the project and containing the names and contact numbers of the Developer, Main Contractor, and Designer shall be erected and maintained in a prominent position at the relevant subdivision works site. The sign is to remain in place until the relevant Subdivision Certificate is issued.
  - Complaints management register
  - Location of existing services
  - Details of the source of fill and transport routes
  - Traffic management (vehicles, pedestrian and cyclists)
  - Construction Traffic Management Plan
  - Construction staging plan (where the works will be completed in stages)
  - Restoration of damage to public assets
  - Noise and vibration
  - Dust - Air quality management plan (include escalation protocols and triggers)
  - Materials storage areas including any soil stockpiles
  - An unexpected finds protocol to appropriately manage unexpected potential contamination issues encountered during works

During construction, the Developer shall comply with the requirements of the approved Construction Environmental Management Plan. To the extent of any inconsistency between the plan and the conditions of this consent, the conditions shall prevail.



**Reason:** *To ensure the construction of the development is managed appropriately.*

18. The required Air Quality/Dust Management Plan must form part of the CEMP. This Plan must show the locations of all potentially affected properties and residences on a map and provide details of air quality control measures to be undertaken during construction, including:
- Potential sources and impacts of dust
  - Air and dust management objectives consistent with relevant legislation, guidelines and standards
  - A monitoring program to assess compliance with the identified objectives
  - Mitigation measures to be implemented including wetting of exposed surfaces from a water truck and measures during weather conditions where high dust episodes are likely (such as strong winds in dry weather)
  - A progressive stabilisation/rehabilitation strategy for disturbed surfaces with the aim of minimising exposed surfaces
  - Contingency plans to be implemented in the event of non-compliance and/or complaints about dust
  - Procedures for regularly reviewing the effectiveness of the Air Quality/Dust Management Plan
  - All construction activities that generate dust shall cease when average wind speeds exceed 10m/s (36 km/h) or when existing dust suppression methods are ineffective. The Development shall be responsible for the monitoring of on-site wind speeds and be able to produce this data to Council on request.
  - The generation of dust during construction works must be minimised to prevent construction activities from causing air quality impacts that are hazardous or a nuisance to sensitive receivers.

**Reason:** *To minimise the impact of the development on the adjoining properties.*

19. Complaints Management Plan and Register to form part of the CEMP must include:
- A telephone number on which complaints and enquiries about construction and operation activities may be registered.
  - A postal address to which written complaints and enquiries may be sent.
  - An email address to which electronic complaints and enquiries may be sent.
  - Information on all complaints received, including the means by which they were addressed and whether resolution was reached.

The information contained within the Plan must be made available to Council upon request.

**Reason:** *To ensure complaints are managed and dealt with appropriately.*

20. The required Construction Traffic Management Plan (CTMP) shall form part of the CEMP. The CTMP shall be prepared by a suitably qualified person. The CTMP must address, but not be limited to the following matters:
- Details of staging
  - Vehicle movement plans
  - Traffic Control Plans
  - Drive Code of Conduct
  - A map of the primary access route for construction traffic highlighting critical locations.
  - A map of the primary haulage route/s for importation of fill for civil works.
  - Safety initiatives for construction traffic in residential areas and along school bus routes.
  - An induction process for vehicle operators & regular toolbox meetings.
  - A complaint resolution and disciplinary procedure.

- Any community consultation measures for peak construction periods.

**Reason:** *To ensure construction works are appropriately managed.*

21. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater - Soils and Construction, LANDCOM, March 2004. Soils erosion and sediment control measures are to include but not be limited to the following:
- An all-weather construction access, including truck wheel wash, must be provided to the site. All construction vehicles are to enter and exit the site via this access so as to minimise erosion on site and prevent the movement of soil material onto surrounding roadways. When necessary, roadways shall be swept, and all drains and gutters cleaned of sediment material.
  - Disturbed exposed areas including stockpiles must be stabilised via seeding, hydro-mulched or other adequate stabilisation method immediately after completion of each work stage to protect the exposed area from water and wind erosion.
  - Exposed surfaces including access pads and stockpiles must be regularly wetted to suppress dust generation. As a minimum at least one water truck must be available at the site at all times. Water sprays, sprinklers, dust suppression material such as hydro-mulch and covering of stockpiles must also be used when needed to prevent the emission of dust from the site.
  - The transport of soil or similar material to and from the site must be covered to prevent the generation of dust and material leaving the vehicles.
  - Daily inspections of all erosion, dust and sediment controls must be carried out to ensure they are adequately maintained. Inspections of all such controls must also be carried out prior to the onset of heavy rain.
  - Any soil, mud or other material deposited on public roads associated with construction activities must be removed and disposed of appropriately to prevent stormwater pollution.
  - Soil protection measures specifically for the bulk earthworks construction phase.

A Soil Erosion and Sediment Control Plan shall be submitted to and approved by Richmond Valley Council **prior to the issue of each relevant Subdivision Civil Works Construction Certificate.**

The methods to be used shall be designed in accordance with the book '**Managing Urban Stormwater: Soils & Construction**' also known as '**the Blue Book**' published by NSW Landcom.

The measures shall be put in place to control stormwater runoff during the construction stages. These control measures shall be in place **prior to the commencement of construction works** and shall prevent soil erosion and transport of sediments from the development site into either:

- adjoining land
- natural drainage courses
- constructed drainage systems, and
- waterways

All control measures are to be maintained in an operational condition at all times during construction and until vegetation or permanent structures can satisfactorily control stormwater runoff. Control measures shall be regularly cleared of sediment and debris build-up, to ensure continued operation.

During construction works all motor fuels, oils and other chemicals are to be stored and used on site in a manner which ensures no contamination of stormwater. No incidents of visible pollution leaving the construction site. No litter placed in a position where it may be blown or

washed off site.

**Reason:** *To ensure appropriate erosion and sediment controls measures are in place to protect the environment.*

22. All work, including demolition, excavation and building work must comply with Australian Standard AS 2436:1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* and NSW *Interim Construction Noise Guidelines* (DECC 2009).

**Reason:** *To protect the amenity of the area.*

23. Vehicles servicing the development (including deliveries and waste collection) shall not park and/or wait in the surrounding residential areas prior to 7.00 am or after 6.00 pm Monday to Fridays and prior to 8.00 am or after 1.00 pm Saturdays.

**Reason:** *To protect the amenity of the area.*

## INFRASTRUCTURE

24. All civil works which will become Council assets are to be carried out in accordance with the relevant Austroads Guidelines, Australian Standards, Roads and Maritime Services Supplements, Northern Rivers Local Government Development and Design Manual, Northern Rivers Local Government Construction Manual and other Council standards/policies as appropriate (e.g. Broadwater Sewerage Scheme low pressure sewerage system).

Note: Broadwater Evans Head Road will become a link from the new Pacific Highway Broadwater Interchange to the old Pacific Highway so Roads and Maritime Services standards are to be used for any works that will affect, or will be affected, by Broadwater Evans Head Road.

**Reason:** *To ensure that works are carried out to appropriate Standards.*

25. Works within any part of the road reserve which will impact on pedestrians or traffic flow (including temporary site fencing which restricts pedestrian access, temporary disruption to traffic, etc) requires the preparation of a **Traffic Control Plan**. The Plan shall comply with the provisions of the Roads and Maritime Services (formerly RTA) document “**Traffic Control at Work Sites**” manual and shall be prepared by a person who is qualified, authorised and has passed an Roads and Maritime Services (formerly RTA) approved training course. The TCP designer's certification number is to appear on the Traffic Control Plans.

The Plan shall be submitted to and verified by Richmond Valley Council **prior to the commencement of works in the road reserve.**

The developer shall maintain all warning signs, lights, barriers and fences etc in accordance with the Traffic Control Plan, Australian Standards and Work Cover guidelines.

Safe public access around any works shall be provided at all times unless detailed in the Traffic Control Plan.

Any advertising required to be undertaken by Council shall be at the developer's cost.

All contractors working on such road reserve areas are to have Public Liability Cover to a minimum value of \$10,000,000. A certificate of currency is to be forwarded to Council **prior to the commencement of works.**

**Reason:** *To ensure works carried out in the road reserve are carried out in a safe environment.*

26. Any damage caused to public infrastructure (roads, footpaths, kerb and gutter, stormwater, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Manager Infrastructure and Environment (and delegated staff). The repairs shall be carried out **prior to the release of the Subdivision Certificate**.

Council shall be notified in writing, **prior to commencement of works**, of any existing damage to roads, stormwater drainage, kerb and gutter or footpaths.

Absence of notification signifies that no damage exists, and the applicant is therefore liable for the cost of reinstatement of any damage found at the completion of the works.

**Reason:** *To protect the existing and future amenity of the locality and to formally record any pre-existing damage to existing assets.*

27. Application (under Section 138 of the Roads Act) for approval to carry out any work within the road reserve shall be made to Council by any contractor proposing to carry out any such works **prior to any such works commencing**. This includes driveway crossings and aprons, water, sewerage, stormwater, road works, kerb and gutter, footpaths, etc.

Any advertising required to be undertaken by Council shall be at the developer's cost.

The owner or contractor shall not undertake any work within the public road reserve giving Council's Infrastructure and Environment Department **five (5) working days notice of proposed commencement**. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

Note1: Road Closure advertisement fees will be required for road closures and are required (10) working days notice of proposed commencement.

Note 2: The Roads and Maritime Services classification of Broadwater Evans Head Road may change with the completion of the Pacific Highway Upgrade project - Broadwater Evans Head Road becomes a link road from the new Broadwater interchange to the current Pacific Highway and may be subject to future Roads and Maritime Services Road Occupancy Licence and Works Authority Deeds, etc.

All contractors working on such areas are to have Public Liability Cover to a minimum value of \$10,000,000. A certificate of currency is to be forwarded to Council prior to the commencement of works.

**Reason:** *To comply with Section 138 of the Roads Act 1993.*

28. A defects liability bond (in cash or Bank Guarantee) shall be lodged with Council. The date of Practical Completion shall be the date upon which the relevant defects liability bond has been paid. The bond shall be based on 10% of the value of the works which will become Council's assets (Council's adopted Revenue Policy (Fees and Charges)), and will be held by Council for a period of 12 months from the date of Practical Completion. The defects liability bond will be refunded at the satisfactory completion of the maintenance period (12 months). The bond shall only be released by advice from Richmond Valley Council that both the defects liability period has been completed, and that the works have been completed and are satisfactory at the end of the defects liability period.

The bond shall be paid to Council **prior to the release of the relevant Subdivision**

**Certificate.**

**Reason:** To provide adequate funds for the rectification of non-compliances, or failure to carry out maintenance during the maintenance period.

29. A Civil Engineering assessment fee is to be paid to Council **prior to the issue the relevant Subdivision Civil Works Construction Certificate** for the assessment of plans, issue the relevant Construction Certificate, and inspection of civil works which will impact on or become Council's assets. Rates are as detailed in Council's Revenue Policy (Fees and Charges), with quantities assessed from approved plans detailing such civil works.

**Reason:** To ensure engineering works are designed and constructed to Council standards.

30. All building and construction work by private contractors in NSW, costing \$25,000 or more, is liable for the payment of the **Long Service Levy** to the Long Service Levy Payments Corporation. Construction work includes civil construction such as roads and bridges, pipelines, fuel gas and water storage and distribution infrastructure, sewerage drainage and treatment systems, retaining walls, electrical distribution infrastructure, etc. Confirmation of the payment to the Corporation (Council is an agent) is to be submitted to Council **prior to the issue of the relevant Subdivision Civil Works Construction Certificate**. (Payments through Council are to be made payable to Richmond Valley Council. Cheques payable to the Corporation cannot be accepted by Richmond Valley Council.)

**Reason:** To ensure the long service levy on private contractor constructed works is paid in accordance with State Government legislation.

31. Payment to Richmond Valley Council of contributions levied under Section 64 of the Local Government Act, Richmond Valley Council's Revenue Policy and Development Servicing Plans, and Rous Water's Development Servicing Plan is required generally in accordance with the attached current schedule, and shall be payable at the rates applicable at the date of payment. #Payments may be made to Richmond Valley Council as an agent for Rous Water.)

Contributions for the lots within any Subdivision Certificate application shall be paid **prior to the release of the relevant Subdivision Certificate**.

Section 64 Local Govt Act & Water Management Act 2000 Levy Area - Evans Head, Woodburn and Broadwater	TechOne Code	No. of ET's	Cost per ET (\$)	Amount Payable (\$)
RVC Water Headworks	WatS64Hwks	68.0	\$ 2,123.00	\$ 144,364.00
RVC Sewerage Headworks	SewS64Hwks	68.0	\$ 8,000.00	\$ 544,000.00
Rous Water #Water Headworks	Rous64Hwks	68.0	\$ 8,733.00	\$ 593,844.00
<b>Total Section 64 contributions</b> (current @ 26/11/2019 but generally applicable for payment 1/7/2019 to 30/6/2020) After 30/6/2020 payment rates will be in accordance with Council's Revenue Policy at the time of payment				<b>\$1,282,208.00</b>

**NOTE:** A Property Levy (connection fee) for each new lot is payable by separate condition for the supply of a sewer pumping pod for each lot. Future installation of the pod will be at the individual lot owner's cost.

**Reason:** To provide funds for the provision of services and facilities identified in Richmond Valley Council's Water and Sewer Development Servicing Plans, and Rous Water's Development Servicing Plan.

32. Payment to Richmond Valley Council of contributions levied under Section 7.12 (formerly 94A) of the Environmental Planning and Assessment Act 1979 and Richmond Valley Council's Revenue Policy and Contributions Plan is required in accordance with the attached schedule. The levy is applied to all development over \$100,000.00 (with legislated exemptions). Such levies shall contribute towards the provision, extension or augmentation of public amenities or public services in accordance with Richmond Valley Council's Section 94A Development Contributions Plan. (available on Council's website at [www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au) under Planning & Development, then Development Policies & Guidelines)

Total cost of the development shall be in accordance with Section 5 of the Richmond Valley Council Section 94A Development Contributions Plan and shall include all private and proposed Council infrastructure, and include such items as consultant fees, demolition works, excavation, site preparation, all buildings, power supply, telecommunications supply, water supply, sewerage pipelines/manholes, stormwater pipelines/pits, inter allotment drainage lines, stormwater treatment devices, driveways/roads, lighting, earthworks, retaining walls, preparing executing and registering plans of subdivision and covenants and easement, etc.. Costs shall include GST (Environmental Planning and Assessment Regulation 25J (3) (i)).

Contributions required by this condition may be adjusted at the time of payment of the contribution in accordance with the formula detailed in Section 1.2 of Richmond Valley Council's Development Contributions Plan ie by CPI from the date of consent, or recalculated in accordance with changes greater than CPI in the total cost as shown on the Construction Certificate(s).

All contributions shall be paid **prior to the issue of the relevant Subdivision Civil Works Construction Certificate**, and shall be at the rate of 1% as any partial Construction Certificate is part of the overall cost.

<b>Richmond Valley Section 94A Development Contributions Plan 2010</b>			
<b>Environmental Planning and Assessment Act 1979</b>		<b>Job No/ Receipt Code PLD 103</b>	
<b>Levy area - full Richmond Valley Council</b>			
Total Cost of Development: \$ 3,194,460 (as per DA application, but may be adjusted in accordance with Construction Certificate(s) where increased cost is greater than CPI)		@ % of total cost	Contribution
\$ 0 - \$ 100,000	No levy	No levy	No levy
or \$ 100,001 - \$ 200,000	\$ N/A	0.5 %	\$ N/A
or > \$ 200,000	\$ 3,194,460	1.0 %	\$ 31,944.60

**Reason:** To provide funds for the provision of services and facilities identified in Richmond Valley Council's Section 94A Development Contributions Plan.

33. The creation of easements for services, rights of carriageway and restrictions as to user may be applicable under Section 88B of the Conveyancing Act. Easements will be required for sewer, water supply, stormwater drainage, inter-allotment drainage, electricity, etc. and shall be shown on the submitted linen plan of the subdivision.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain Council's standard conditions for the infrastructure enclosed by the easement as well as provisions enabling such restrictions, easement or rights of way to be revoked, varied or modified only with the consent of Council. The applicant's is required to obtain Council's standard conditions for Section 88B Instrument by contacting Council's administration engineers. The subdivision plan and section 88B Instrument shall be approved by Richmond Valley Council **prior to the release of the relevant Subdivision Certificate**.

**Reason:** To provide adequate access and protection for services.

34. Corner lots are to have a truncation of 4.0m measured along the streets.

**Reason:** *To maintain footpath widths and sight distances at intersections.*

35. The developer is to submit to Richmond Valley Council suggested street name(s) for the new road(s) preferably **one (1) month prior to the issue of the first Subdivision Certificate**. Earlier submission is preferred to allow adequate time for Council assessment and the Geographic Names Board referrals processes. A minimum of three suggested names (prioritised by number) are to be submitted to Council together with reasoning for the selected names.

Richmond Valley Council will assess the suggested road name for compliance with the New South Wales Road Naming Policy 2013. Richmond Valley Council will lodge the selected name through the Geographic Names Board submission portal for issue to relevant assessing authorities (minimum of 28 days processing time).

All costs associated with the road naming and advertising are at the expense of the developer (refer Council's adopted Revenue Policy.).

The applicant will be advised on the outcome of the process such that the name may be incorporated into the submitted linen plan(s).

**Reason:** *To provide a suitable street name(s) for the new street(s) in accordance with the New South Wales Road Naming Policy 2013 and the Geographic Names Board requirements.*

36. The Broadwater Evans Head Road road reserve is to be sufficiently widened along the frontage of the development in order to provide sufficient width for the services (water, sewer, stormwater, electricity, telecommunications, pathway, etc). The road reserve widening is to be shown and dedicated as road reserve on the submitted linen plans for the subdivision. The road widening is to be dedicated free of cost to Council.

**Reason:** *To provide adequate space for future services, pedestrian movements and road pavement widening.*

37. Plans showing all civil engineering works which will become Council's assets, eg roads, kerb and gutter, stormwater drainage, water, low pressure sewerage system, footpaths, etc, and inter allotment drainage lines, etc. shall be submitted to Richmond Valley Council. Council approval of the plans is required **prior to the issue of the relevant Subdivision Civil Works Construction Certificate**. Such works shall be designed and documented in accordance with Roads and Maritime Services and Council Standards.

Note: sufficient detail of other stages and conflicting infrastructure shall be provided to ensure that the overall design is compatible.

**Reason:** *To Provide adequate services for the development.*

38. Existing services/infrastructure which requires reconstruction or adjusting to suit a development (electricity, telecommunications, water, sewerage, stormwater, road works, kerb and gutter, footpaths, crossings and driveways, etc.) are to be carried out at the developer's expense. Construction is to be in accordance with Roads and Maritime Services and Council standards, or the affected asset owner's standards, and shall be completed **prior to the release of the relevant Subdivision Certificate**.

**Reason:** *To protect existing services.*

39. **Prior to the release of the relevant Subdivision Certificate**, a geotechnical certificate for the subdivision is to be submitted to and approved by Council showing the suitability of each site for residential development. The Geotechnical Certificate shall provide the following certification:

A NATA registered geotechnical testing authority shall submit documentary certification, certifying the fill pad material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments".

A qualified practising engineer, experienced in soil mechanics, shall provide certification of the following:

- Each allotment is suitable for residential purposes
- Classifying each allotment in accordance with AS 2870 "Residential slabs and footings".

Any allotment subject to further earthworks will require an amended Geotechnical Certificate.

**Reason:** *To ensure proper geotechnical supervision and to provide information to future purchasers.*

40. The developer is to supply and erect a street name sign(s) for the street(s). The sign(s) is/are to be similar in style to existing signs in the area. The sign is to be erected **prior to the release of the relevant Subdivision Certificate**.

**Reason:** *To provide street signage for the development.*

41. The developer shall provide the road related works generally in accordance with the layout plans submitted with the Development Application (and subject to final approval of engineering design plans), with associated kerb and gutter, pavement construction, and stormwater drainage structures that have been designed and constructed in accordance with Roads and Maritime Services standards, Council's Northern Rivers Development and Design Manual and the Northern Rivers Local Government Construction Manual. The developer shall be responsible for any costs, including maintenance, for a period of twelve months from the date of approval of completion of the work.

Required road works (and impacted infrastructure) include:

- a. Pavement and seal widening of Pitt Street along the northern frontage of the development.
- b. Pavement and seal widening of the unnamed road (western end of development) from Pitt Street to Broadwater Evans Head Road.
- c. New internal road from George Street to the unnamed road.
- d. Pavement and seal widening of George Street north from Broadwater Evans Head Road along the frontage of the subdivision.
- e. Footpath along the Broadwater Evans Head Road frontage.
- f. Footpath/Cycleway along George Street in accordance with existing cycleway, with connectivity to the existing bike path in Broadwater Evans Head Road.
- g. The proposed relocation of the existing cycleway crossing of George Street will be subject to final engineering design plans approval and shall incorporate traffic calming characteristics.
- h. Pavement and seal widening (with a parallel parking lane) of Broadwater Evans Head Road from the unnamed road to George Street, and the CHR-S upgraded intersection.
- i. In order to accommodate the parking lane in item 8 and all proposed infrastructure, the front property boundary of Lots 12 to 29 should be sufficiently set back from the existing boundary line, with the potential of the rear boundary of Lots 13 to 28 moving north. The



pressure sewerage pumping line proposed at the rear of Lots 13 to 28 to service Lots 13 to 28 and Lots 31 to 46 may also be relocated to the road reserve of the lots serviced by the pressure sewer line. (The final detailed design of the infrastructure services layout will determine the extent of any required boundary adjustments.)

- j. The Broadwater Evans Head Road / George Street intersection shall be upgraded to a CHR-S intersection to protect right turn vehicles into George St accessing the development. The design must be compatible with the upgrade of the Broadwater Evans Head Road Broadwater Quarry Road intersection to the east of George Street.
- k. No Right Turn signage in accordance with Roads and Maritime Services design and installation requirements shall be erected on the northbound approach on the existing Pacific Highway to the Pitt Street intersection.
- l. No Right Turn signage shall be erected on the westbound approach on Broadwater Evans Head Road to the unnamed road intersection.

Road works include pavement design, drainage design, construction and sealing of the proposed roadway in accordance with the Northern Rivers Local Government Development and Design Manual and the Northern Rivers Local Government Construction Manual. The changes to boundaries and infrastructure shall be shown on the detailed engineering infrastructure design plans and shall be submitted to and approved by Richmond Valley Council **prior to the issue of the relevant Subdivision Civil Works Construction Certificate.**

**NOTE 1:** The adjustments will minimise any reduction in useable area on each property, and retain a suitable width for the path, sewer pumping line, stormwater infrastructure and the parallel parking lane in the Broadwater Evans Head Road footpath area, and improve sight distances and general safety for the increased and changed traffic usage of the area.

**NOTE 2:** It is advised that the completion of subdivision civil works along Broadwater Evans Head Road (stormwater, parking lane, sewer pumping line, path way, water supply, electricity, telecommunications (NBN), etc.) should be undertaken in the early stages to minimise impacts on construction from increased traffic with the opening of the new Broadwater interchange on the Pacific Highway upgrade.

**Reason:** *To ensure an adequate road network in accordance with adopted standards.*

- 42. The developer shall provide water supply works (mains, valve, hydrants, services, etc) to service the development. The works shall be designed and constructed in accordance with WSA 03-2011 (as amended), AUSPEC (Northern Rivers) Design and Construction Specifications D11 and C401, and any other relevant Council Standards and/or Guidelines as applicable. Construction and acceptance by Richmond Valley Council of the water supply infrastructure is to be completed **prior to the release of the relevant Subdivision Certificate.**

**NOTE:** The infrastructure may be undertaken in its entirety however as the bulk water supply is from Rous County Council, the timing of lot releases requires approval from Rous County Council as per separate condition.

**Reason:** *To Provide adequate water supply services for the development.*

- 43. **Prior to issue of a relevant Subdivision Certificate** all approved lots within the subdivision certificate application must be connected to Council's reticulated pressure sewerage system. The Developer is responsible for the design and installation of the complete sewer system including the pressure delivery lines connections valves etc and the boundary kit. Design and construction shall be in accordance with:
  - WSAA Pressure Sewerage Code of Australia (WSA 07-2007).
  - Richmond Valley Council Pressure Sewer Policy (Policy No. 3.20.3) and Pressure

### Sewerage Code of Practice.

The connection of the Development's pressure sewer network to Council's existing network is to be carried out by Richmond Valley Council. Actual costs for this connection must be charged in accordance with Council's private works policy. The applicant is required to obtain an estimate of cost from Council's Operations Officer - Water and Sewer Services, Ph. 66600343, for the purpose of initial prepayment. Payment shall be made prior to connecting to Council's existing system.

A Property Levy (connection fee) for each new lot (assuming 1 sewer pumping unit per lot) is to be paid by the Developer in accordance with Council's Revenue Policy. The current property levy fee for the 2019/2020 financial year is:

- \$ 6,870 per unit (inc. GST) for a standard E-One unit.
- \$ 8,395 per unit (incl GST) for a low height E-One unit.
- \$ 13,850 per unit (incl GST) for a duplex E-One unit.

The property levy shall be charged at the rate as applicable at time of payment. Payment shall be made **prior to issue of the relevant Subdivision Certificate.**

**NOTE:** The property levy is in addition to the Section 64 sewerage developer contributions for increased demand on the overall infrastructure and treatment. The installation cost of the pod and electrical system is the responsibility of the individual lot developer eg house builder.)

**Reason:** *To provide adequate services for the development.*

44. All stormwater is to be directed to Council's existing stormwater drainage system and/or a natural watercourse. Stormwater design plans (including pipe sizes, pit surface and invert levels, driveway and parking area levels and directions of flow, treatment details, etc) in accordance with Council's standards for urban and rural stormwater drainage are to be prepared and shall be submitted to Richmond Valley Council. Council approval of the plans of the management of stormwater is required **prior to the issue of the relevant Subdivision Civil Works Construction Certificate.**

All designs shall have provision to ensure that all gross pollutants remain above ground and cannot enter Council's stormwater system.

Inter-allotment drainage shall be provided for all lots where roof/paved area water does not drain directly to a public road or defined drainage area. This includes surrounding properties that flow onto the development, or receive flow from the development.

Council will not support the use of 'wet sump systems' for the treatment of stormwater quality, plans showing such devices will not be approved for construction.

Roads Act Section 138 approval and Public Liability Cover to a minimum value of \$10,000,000.00 is required for contractors working in the road reserve. A certificate of currency is required.

Construction and acceptance by Richmond Valley Council of the stormwater infrastructure is to be completed **prior to the or release of the relevant Subdivision Certificate.**

**Reason:** *To ensure an adequate stormwater drainage system in accordance with adopted standards.*

45. Inter-allotment drainage shall be provided for all lots where roof runoff/tank overflow/paved area water does not drain directly to a public road or defined drainage area.

Full design plans of the proposed engineering works for the construction of the inter allotment drainage line shall be submitted to and approved by Richmond Valley Council's Works section **prior to the issue of the relevant Subdivision Civil Works Construction Certificate**.

Construction and acceptance by Richmond Valley Council of the inter allotment drainage line infrastructure is to be completed **prior to the release of the relevant Subdivision Certificate**. Public Liability Cover to a minimum value of \$10,000,000.00 is required for contractors working in the road reserve. A certificate of currency is required.

Such drainage shall be contained within easements to be created upon registration of the final plan of subdivision. Details with respect of such drainage easements shall be submitted **prior to the release of the relevant Subdivision Certificate**. Easements for inter allotment stormwater drainage shall benefit and burden affected lots with no responsibilities to Council.

**Reason:** To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from or onto any paved areas and buildings which may be constructed on the land.

46. **Prior to the release of a subdivision certificate for the primary production lot**, the proposed stormwater line draining proposed Lot 69 (the eastern residual cane field lot) shall be constructed to enable filling of the existing drain(s) that run through the proposed residential lots. Early construction of the pipeline along Broadwater Evans Head Road is advisable to minimise traffic conflicts due to increased future traffic volumes.

**Reason:** To provide clear access to the development of the residential area and minimise traffic conflicts.

47. Mid Richmond Floodplain Risk Management Plan Control Measure **FL2c**  
All habitable floor levels shall be greater than or equal to the 100 year flood level plus 0.5 m freeboard:

RL 4.5 m AHD (100yr ARI design flood) + 0.5m (freeboard) = **RL 5.0 m AHD (min. floor)**

A survey certificate signed by a practising qualified surveyor is to be submitted to Richmond Valley Council **prior to the issue of the relevant Subdivision Certificate** detailing the actual low ground and high ground levels on each lot.

**Details shall be submitted in the following format.**

Mid Richmond Floodplain Risk Management Plan	
DA Number	DA 2019/0166
Street Number	
Street	
Town/Village	Broadwater
Lot Number	
Deposited Plan	
Habitable Floor Level (m AHD) actual	Not applicable
Low Ground Level of the lot (m AHD)	
High Ground Level of the lot (m AHD)	

**Reason:** To comply with the requirements of Council's adopted Mid Richmond Floodplain Risk Management Plan.

48. Upon completion of works to be vested in Council, **Work as Executed** drawings and plans in digital format shall be submitted to and approved by Richmond Valley Council **prior to the release of the relevant Subdivision Certificate** (AutoCAD or similar - changes as a separate layer in red). All work as executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plan is accurate. The plans shall clearly identify any amendments (in red) to the original design. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action with respect to breach of copyright.

**Reason:** *To provide adequate records of services for the development.*

49. Inspection and Testing of the civil engineering works which will become Council's assets (e.g. roads, kerb and gutter, stormwater drainage, water, sewer, footpaths, etc, or works which will impact on other infrastructure owners or adjoining properties e.g. inter allotment drainage lines and pits) shall be in accordance with the Northern Rivers Local Government Development and Design Manual and the Northern Rivers Local Government Construction Manual and applicable Roads and Maritime Services standards.

**Reason:** *To ensure engineering works are constructed to council standards.*  
*Environmental*

## ENVIRONMENTAL HEALTH

50. No fill material shall be imported to the site until such time as a Validation Certificate for the fill material has been submitted to, considered and approved by Council. A copy of a report forming the basis for the validation is also to be provided. The Validation Certificate shall:
- be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
  - clearly state the legal property description of the fill material source site and the total amount of fill tested,
  - provide details of the volume of fill material to be used in the filling operations,
  - provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2009, and
  - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

If the Principal Certifying Authority is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation work may be requested. In these circumstances the works shall be carried out prior to any further approved works.

**Reason:** *To protect health and environment.*

51. Any excavated material is to be managed in accordance with the Acid Sulfate Management plan prepared by Ardill Payne dated December 2018.

**Reason:** *To protect and manage the environment.*

52. If the waste is classified as solid waste, the material is to be disposed of at a licence premises approved by NSW Environmental Protection Authority to receive solid waste.

If the waste is classified as contaminated, the material is to be taken to a premises approved and licenced by NSW Environmental Protection Authority to receive that classified waste. Receipts of disposal are to be retained and provided to Council upon request.

***Reason:** To ensure that environmental protection measures are being adhered to.*

### **INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL**

**General terms of approval for NSW Rural Fire Service under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997'**

#### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity lots 1 – 68 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. A restriction to the land use, pursuant to section 88B of the 'Conveyancing Act 1919', shall be placed upon proposed lot 69 requiring the provision of an asset protection zones (APZ) as specified below.
  - The 30 metre western edge of proposed lot 69, where lot 69 adjoins the eastern boundaries of proposed lots 1 – 7.

The APZ shall be managed as an inner protection area (IPA), as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### **Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

4. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

### **CONSULTATION**

Council received thirteen (13) submissions during the exhibition period of 28 days which have been addressed above.

**CONCLUSION**

The proposed development is permissible with consent pursuant to the Richmond Valley Local Environmental Plan 2012. A full assessment of the application in accordance with legislative requirements has been undertaken.

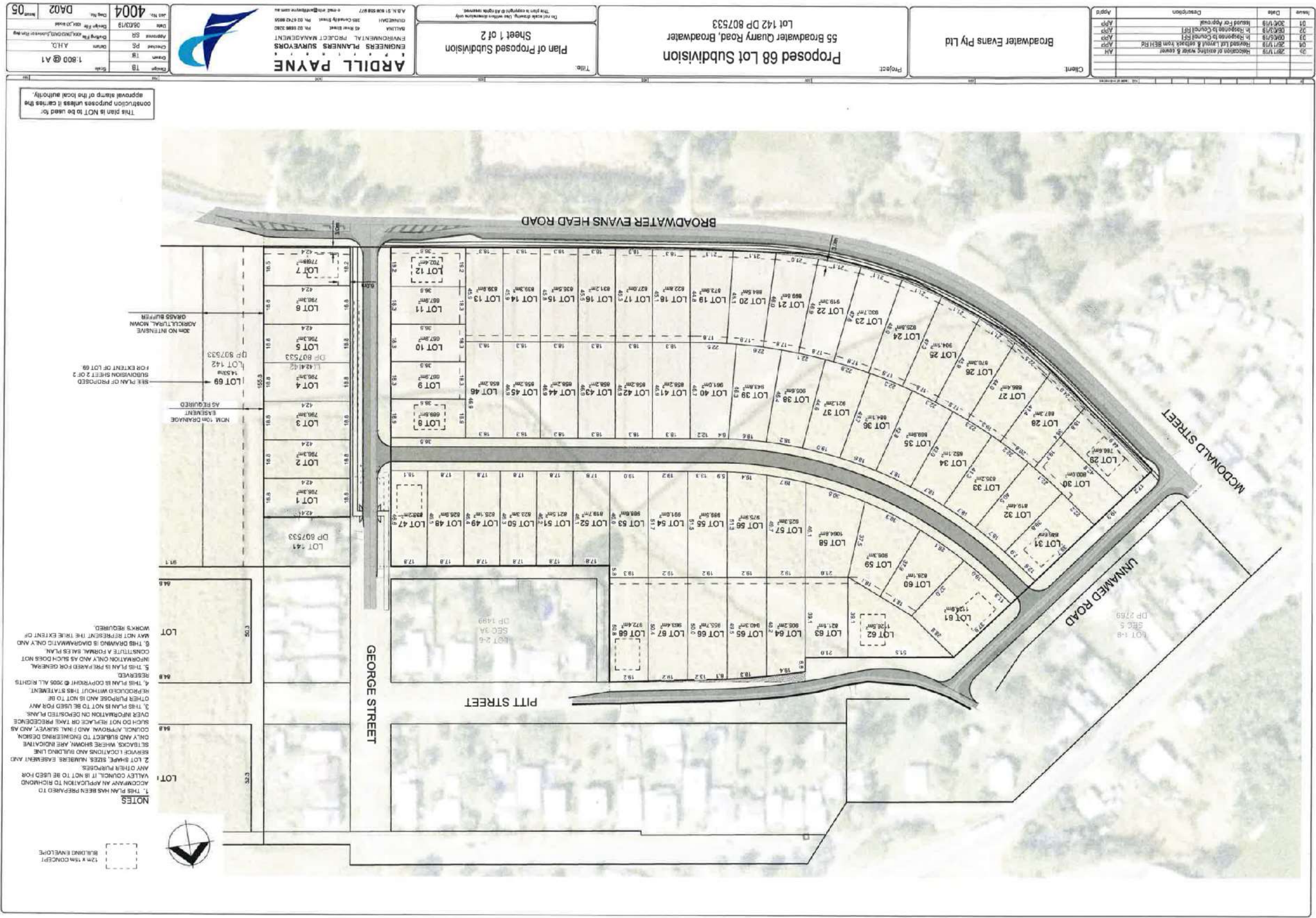
The submitted Statement of Environmental Effects and additional information adequately addresses the legal requirements and provides recommendations in support of the development.

The Development Assessment Panel endorsed the proposed conditions at its meeting of 3 December 2019. Appropriate conditions have been imposed on the draft consent to ensure the requirements of the planning instruments are met and any potential adverse environmental impacts will be minimised.

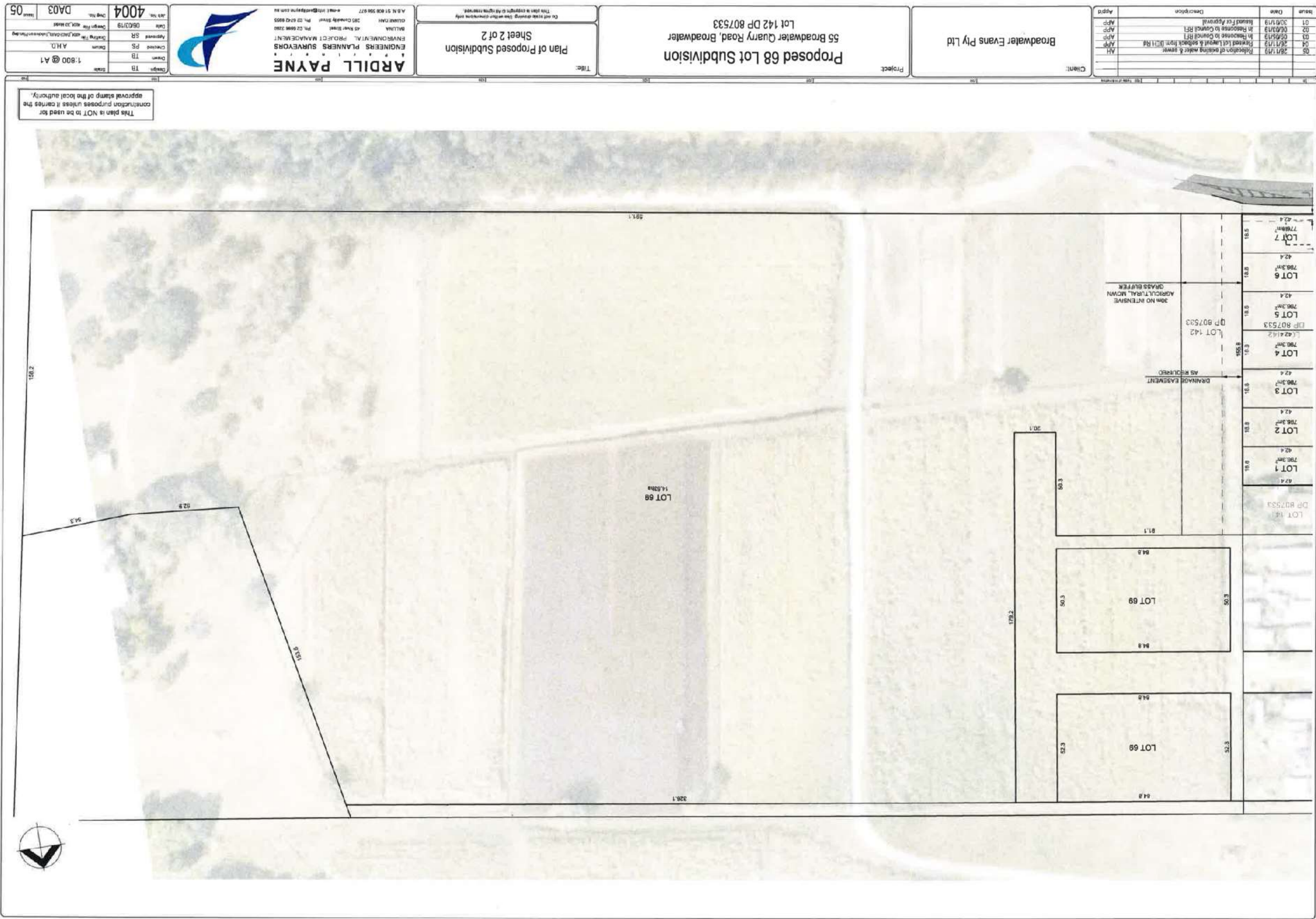
**ATTACHMENT(S)**

- 1. Proposed plans including subdivision layout**

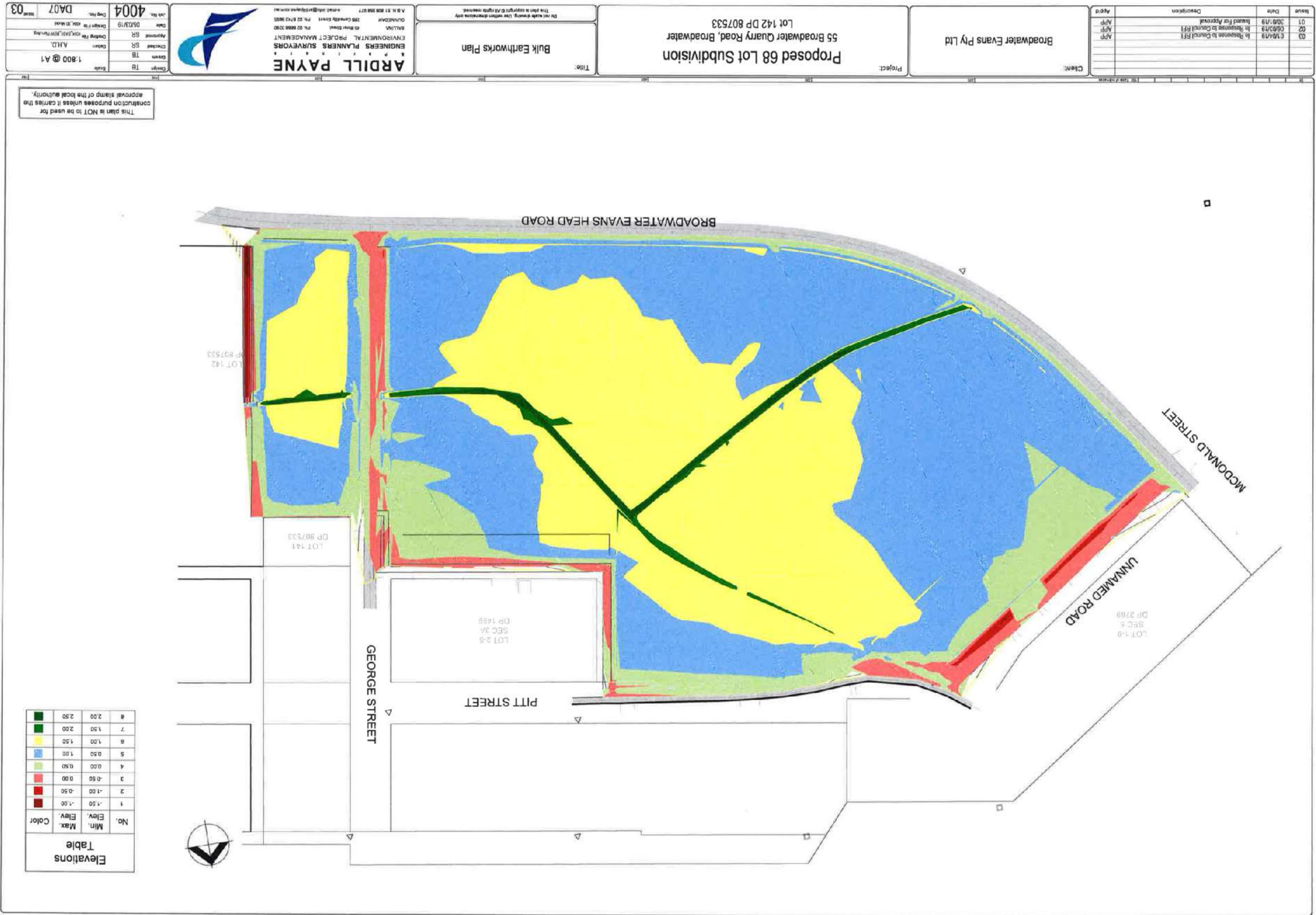


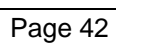




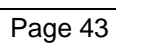














## **15 FINANCIAL REPORTS**

### **15.1 FINANCIAL HARDSHIP - NATURAL DISASTER POLICY**

**Author:** Ryan Gaiter, Chief Financial Officer / Manager Mid-Richmond

#### **EXECUTIVE SUMMARY**

In the wake of the recent devastating bushfires, Richmond Valley Council has developed a new draft policy to help alleviate financial hardship which can result following a natural disaster.

The draft Financial Hardship – Natural Disaster Policy proposes to grant financial relief by deferring the due date for payment of rates and charges for those impacted by natural disasters. This would allow property owners two years to pay any outstanding rates and charges from the current year, and includes the withholding of all interest on outstanding monies for that period. A payment plan will then be put in place to recover the outstanding debt over the following two years.

Council resolved at its November Ordinary Meeting to put this policy on public exhibition seeking feedback from the public. The exhibition period closes on Monday 16 December 2019, at the time of compiling this report only one submission has been received, this submission supports the policy. Any submission received between the time of writing this report and the exhibition closing date will be given to Councillors prior to or at the December Ordinary Meeting.

#### **RECOMMENDATION**

That Council adopt the Financial Hardship - Natural Disaster Policy.

#### **DELIVERY PROGRAM LINKS**

Making Council Great

CS1: Leading and Advocating for our Community

CS1.3: Ensure transparency and accountability in council's operations

#### **BUDGET IMPLICATIONS**

The policy will delay revenue from this area but in the scale of our rating income this can be managed across the next three years budgets.

#### **REPORT**

The draft Financial Hardship – Natural Disaster Policy was discussed at the November Councillor Information Session held on Wednesday 6 November 2019. The draft policy was then reported to the November Ordinary Meeting where Council resolved to put the draft policy on display seeking submissions from the public. In developing this policy, staff consulted with Lismore City Council to enquire what it did for ratepayers suffering hardship after the most recent Lismore flood events. Lismore City Council gave relief under their standard hardship policy which gives the following twelve months for the rates to be paid up to date. Council staff believed a longer period of time would be required to help ratepayers that suffer from a natural disaster, therefore recommend a further twelve months in this policy.

The draft policy grants financial relief by deferring the due date for payment of rates and charges allowing the ratepayer/property owners the following two years to pay the outstanding rates and charges, including withholding of interest on outstanding monies for that period. A payment plan would then be put in place to recover the outstanding debt over the following two years. As the bushfires have impacted even more areas of Council's LGA, adoption of this policy will be more widely used than first anticipated. Being a Natural Disaster policy, the policy can also be used by ratepayers suffering financial hardship due to flood or drought.

**CONSULTATION**

The Financial Hardship – Natural Disaster Policy is currently on public exhibition seeking submissions. The exhibition period closes Monday, 16 December 2019.

**CONCLUSION**

The Financial Hardship – Natural Disaster Policy has been developed to assist ratepayers suffering financial hardship from a natural disaster. The policy was developed to help ratepayers recovering from a natural disaster by allowing them an extended timeline to pay their rates without penalties of interest. The policy has only received one submission to date which is in favour of the policy, any further submissions received will be given to Councillors prior to or at the December Ordinary Meeting.

**ATTACHMENT(S)****1. Natural Disaster Policy**



## Council Policy

<b>Policy Title:</b>	<b>Financial Hardship – Natural Disaster</b>
<b>Policy Number:</b>	Policy Number (if unknown, refer to Governance)
<b>Focus Area:</b>	Refer Revised Delivery Program 2017-2021 Page 4
<b>Responsibility:</b>	Finance and Procurement
<b>Meeting Adopted:</b>	Draft - October 2019



### OBJECTIVE

This policy is to determine the process for considering applications for Financial Hardship – Natural Disaster suffered as result of a declared natural disaster. This policy covers Council rates and charges (this includes water, sewerage, waste and storm water).

### SCOPE

This policy is applicable to all ratepayers/property owners who have been affected by a declared natural disaster (fire, flood, drought). Council will grant financial relief by deferring the due date for payment of rates and charges allowing the ratepayer/property owners the following two years to pay the outstanding rates and charges off, including withholding of interest on outstanding monies for that period. A payment plan would then be put in place to recover the outstanding debt over the following two years.

### POLICY

This policy, Financial Hardship – Natural Disaster is to establish provisions to assist ratepayers that may be experiencing financial hardship due to a declared natural disaster. Financial hardship is reflected by limited means to pay for necessary goods and services.

If the application is granted this may result in the following:

- (a) Council will withhold charging interest on all accounts for the agreed period
- (b) Council will not commence debt recovery action for the agreed period
- (c) Council will halt any debt recovery action that has commenced on outstanding payments
- (d) Council will continue to post or email notices with accumulating balances to last known address

### APPLICATION CONDITIONS AND PROCEDURES

- (a) The applicant must be the owner or part owner of the property and be liable for the payment of rates and charges on the property

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Adopted: Date

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- (b) The application provided by Council must be completed and submitted
- (c) The application must be accompanied with the correct supporting documentation as requested by Council
- (d) If the application is granted, Council will withhold interest for the period of the remainder of the current financial year and the following two financial years.
- (e) The applicant must complete a Council Payment Arrangement form.  
The payment arrangement will allow the applicant to delay payment of the current years rates and charges.  
At the commencement of the following financial year, after the levy and charges are raised, Council will notify the applicant of the payments required to have all rates for that year paid including half of the postponed years rates, Council will do the same for the following year. This allows the ratepayer the next two financial years to pay off the postponed rates, including the rates for those years.

### CANCELLATION OF FINANCIAL HARDSHIP AGREEMENT

The Financial Hardship agreement may be cancelled by Council due to the following:

- (a) Defaulting on payment arrangement (defaulting on the payment arrangement will mean interest will be re-instated on all outstanding payments)
- (b) Ratepayer no longer owns the property
- (c) Ratepayer advises Council that financial hardship no longer applies
- (d) Council receives information that financial hardship no longer exists

Such cancellation will be at the discretion of the General Manager

### PRIVACY OF THE APPLICANT

Personal information collected as a result of this policy and application will only be used for the purpose of assessing eligibility and will not be used for any other purpose, or disclosed to any other person, unless required by law to do so, or authorised by the applicant to disclose.

### REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, compliance requirements or at least every two years.

Version Number	Date	Reason / Comments
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Richmond Valley Council - Insert Policy Number & Policy Title

Adopted: Date

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1	October 2019	New policy
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Richmond Valley Council - Insert Policy Number & Policy Title

Adopted: Date

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**15.2 FINANCIAL ANALYSIS REPORT - NOVEMBER 2019****Author: Jono Patino, Financial Accountant****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council on the status and performance of its investment portfolio in accordance with the *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2005* (Clause 212), Australian Accounting Standard (AASB 9) and Council's Investment Policy.

The value of Council's Investment Portfolio as at 30 November 2019 including General Bank Accounts and Trust Funds is shown below.

Investment Portfolio	General Bank Accounts	Trust Funds	Total
\$47,535,807	\$1,367,069	\$87,050	\$48,989,927

The weighted average rate of return on Council's investments for November 2019 was 4.41% which is above the 90 Day Bank Bill Index for November of 0.885%.

**RECOMMENDATION**

Recommended that Council adopt the Financial Analysis Report detailing investment performance for the month of November 2019.

**DELIVERY PROGRAM LINKS**

Making Council Great

CS1: Leading and Advocating for our Community

CS1.4: Provide high level financial and business analysis advice to monitor performance

**BUDGET IMPLICATIONS**

As at 30 November 2019, Council had earned \$178,603 in interest and \$348,019 in fair value gains for total investment revenue of \$526,622 against a budget of \$995,000 (which equates to 52.93%). Future fair value gains or losses will continue to be monitored and reported to Council.

**REPORT****Reserve Bank of Australia (RBA) Cash Rate Update**

The RBA left the cash rate at 0.75% per annum at its November 2019 meeting.

**Rate of Return**

The weighted average rate of return on investments in November 2019 was 4.41%, an increase of 231 basis points from the previous month. The rate of return is 352 basis points above the 90 Day Bank Bill Index of 0.885% which is Council's benchmark.

**Council's Investment Portfolio**

The value of Council's Investment Portfolio as at 30 November 2019 including General Bank Accounts and Trust Funds are shown below.

Investment Portfolio	Face Value	General Bank Accounts	Trust Funds
\$47,535,807	\$46,163,311	\$1,367,069	\$87,050

The Investment Portfolio balance at 30 November 2019 of \$47,535,807 is made up of Council's Business Online Saver Account (\$6,660,000), Term Deposits (\$21,000,000) and NSW Treasury Corporation Investments (\$19,875,807).

Council's investment portfolio has maturity dates ranging from same day up to 732 days. Term deposits of \$21,000,000 represented 44.18% of the total portfolio as at 30 November 2019. Council did not invest in any new term deposits during the month of November 2019 and two term deposits matured during the month. This was due to timing with Council set to invest significant funds in December 2019.

Council had \$19,875,807 in longer term investments being the Cash Facility Trust and Medium-Term Growth Fund with NSW Treasury Corporation as at 30 November 2019. The investment values are shown below.

<b>Investment Holding</b>	<b>Fair Value 30-Nov19</b>	<b>Fair Value Gain/(Loss) November 2019</b>	<b>Fair Value Gain/(Loss) YTD</b>
Cash Facility Trust	\$10,159,667	\$10,226	\$50,739
Medium Term Growth Fund	\$9,716,140	\$108,912	\$297,280
<b>Total</b>	<b>\$19,875,807</b>	<b>\$119,138</b>	<b>\$348,019</b>

### **Environmentally Sustainable Investments (ESI's)**

The current holdings in ESI's is \$9,000,000 or 18.93% of the total portfolio. While this percentage may seem low, the reason for this is this percentage is only calculated using ESI term deposits against Council's total investment portfolio. NSW Treasury Corporation, who hold a significant proportion of Council's investments are still to release a position statement in relation to Environmentally Sustainable Investments. The information for the assessment has been sourced from the website [www.marketforces.org.au](http://www.marketforces.org.au) which is an affiliate project of the Friends of the Earth Australia.

NSW Treasury Corporation continues to take a stewardship approach to ESI's (this policy was last updated in December 2018). The focus of this policy is on the management of Environmental, Social and Governance (ESG) risks and opportunities as well as active ownership of assets which includes proxy voting and corporate engagement. A major focus is on the materiality of ESG issues including climate change which is expected to have an impact on portfolios over the long term both from a risk and opportunity perspective. These issues are managed through investment managers and stewardship principles are embedded into investment funds. Bearing this in mind, if the NSW Treasury Corporation investments were considered to be ESI's, the current holding in ESI's would be \$28,875,807 or 60.75% of the total investment portfolio.

### **CONCLUSION**

During the month of November 2019 Council's investments have been made in accordance with the Act, the Regulations and Council's Investment Policy. As at 30 November 2019 Council's investments totalled \$47,535,807 with a further \$1,454,119 held in bank accounts. The weighted average rate of return was 4.41% for the month of November and total investment revenue equals 52.93% of budgeted revenue for the year to 30 November 2019.

### **ATTACHMENT(S)**

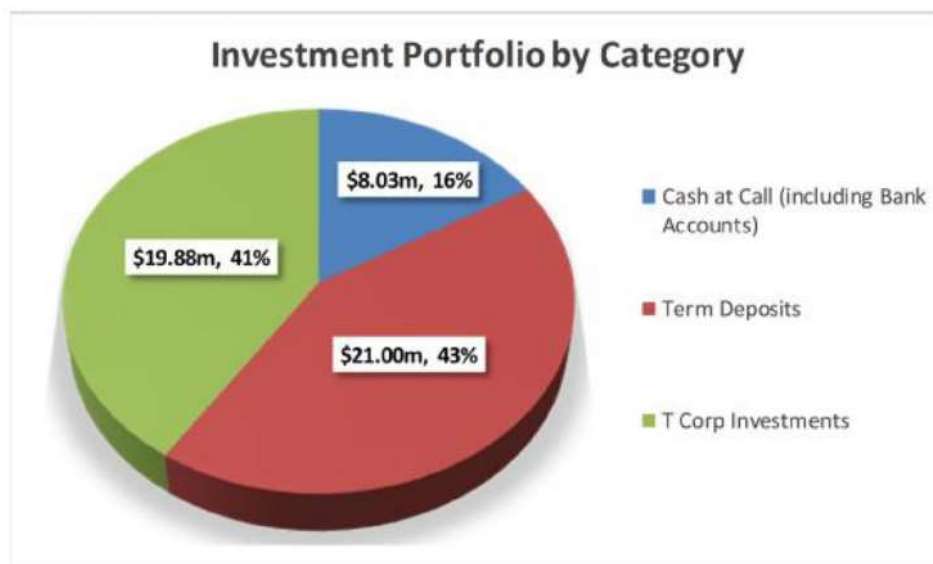
#### **1. Financial Analysis Report Attachments**

**Attachment(s)**

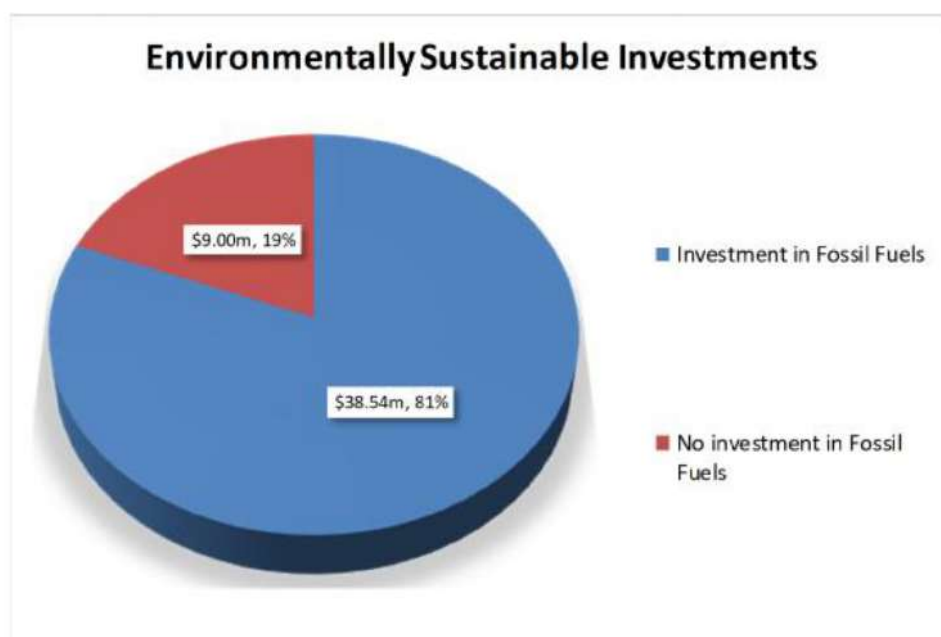
Included below:

1. Supporting Graphs; and
2. Investment Portfolio as at 30 November 2019

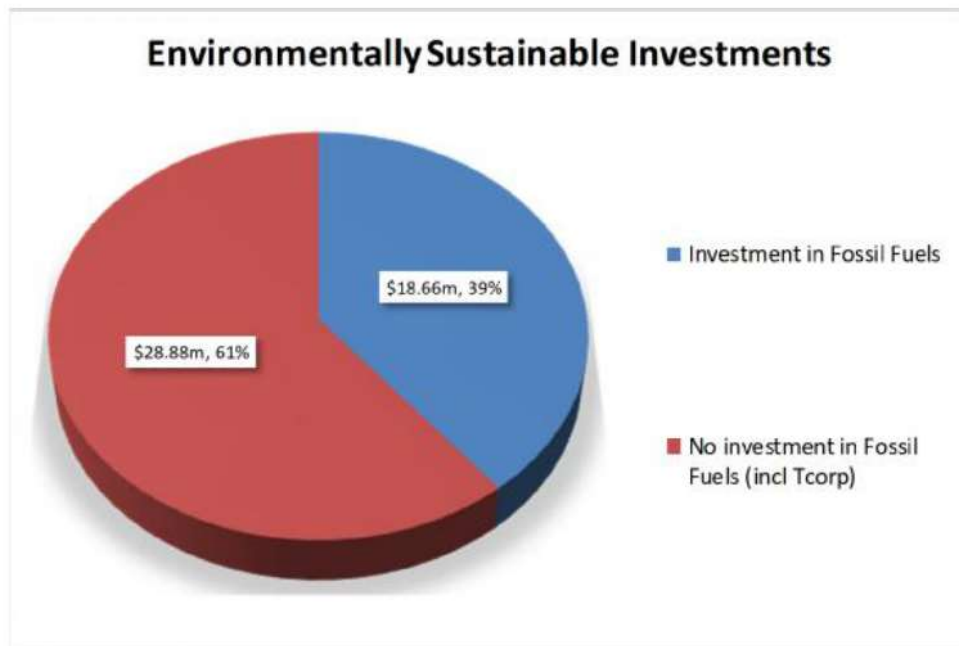
The following graph shows Council's investment portfolio by investment category as at 30 November 2019.



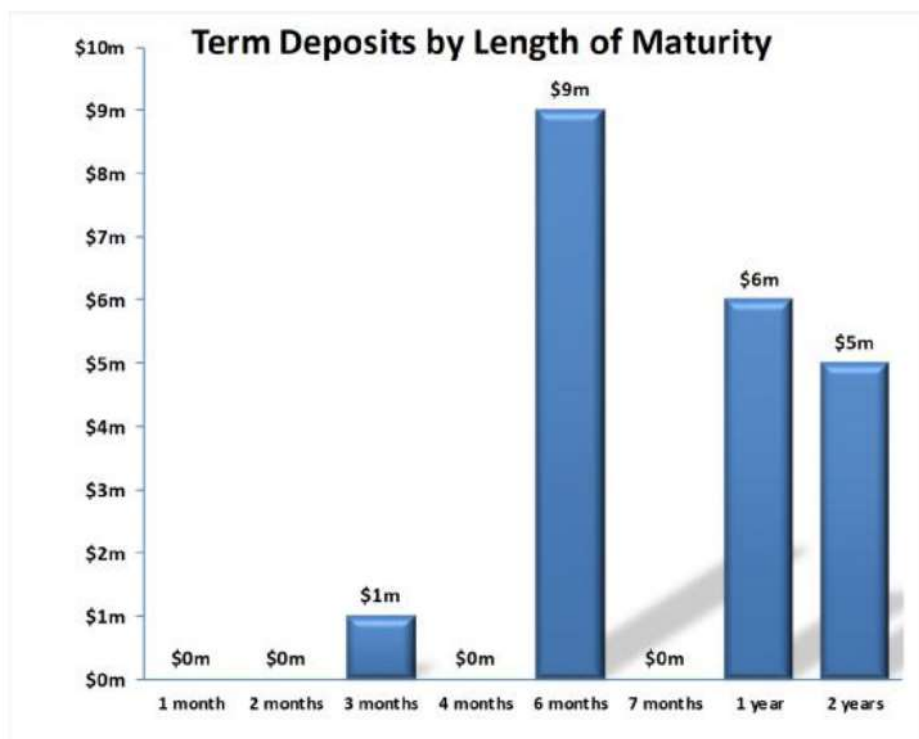
The following graph details Council's Environmentally Sustainable Investments as a percentage of Council's investment portfolio as at 30 November 2019.



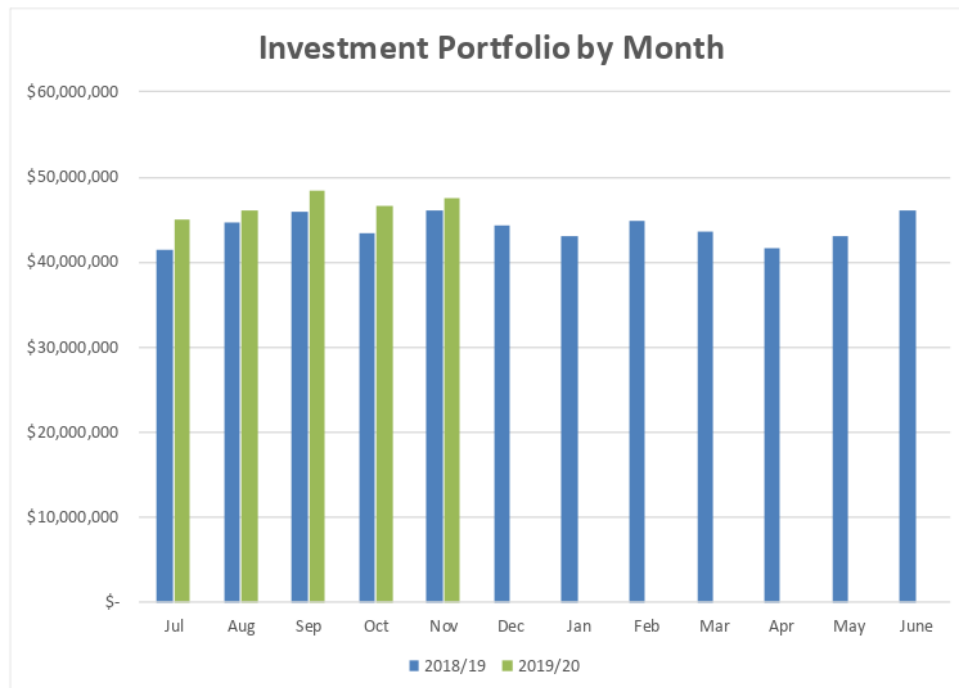
The following graph details Council's Environmentally Sustainable Investments as a percentage of Council's investment portfolio as at 30 November 2019 assuming that Council's TCorp funds were included.



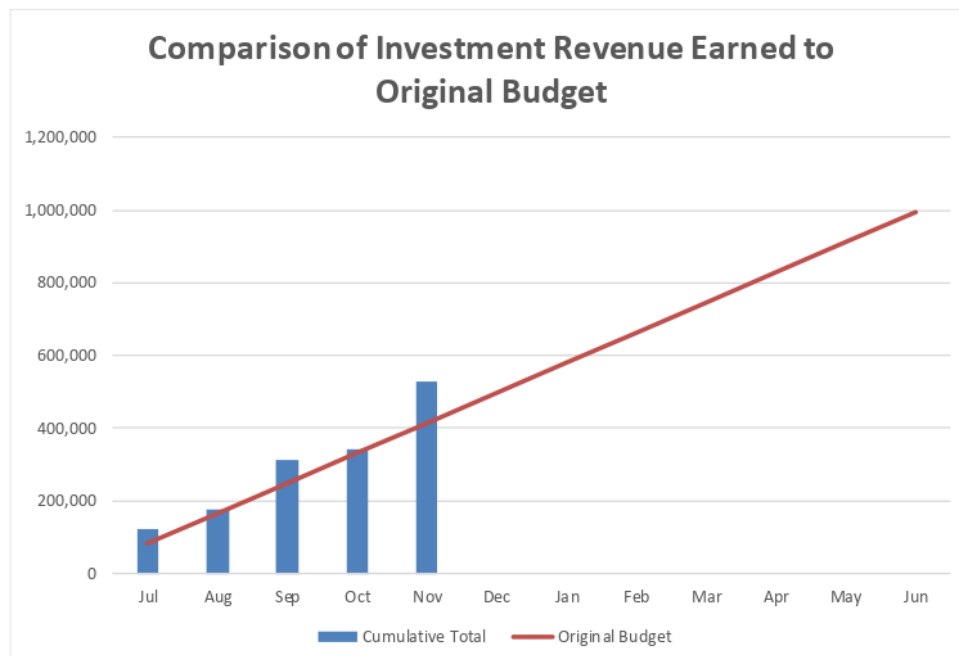
The following graph shows the length of time of Council's term deposit maturities as at 30 November 2019.



The following graph shows Council's total investment portfolio by month over the past two financial years to date.



The following graph compares Council's total investment revenue by month to the original budgeted revenue.



RICHMOND VALLEY COUNCIL FINANCIAL ANALYSIS REPORT AS AT 30 NOVEMBER 2019											
Investment Source	Investment Type	Rating	Environmentally Sustainable Investments	Investment Date	Maturity Date	Rate of Return	Original Investment Value	Current Investment Fair Value	Interest/ Fair Value Gain Received	% of Total Portfolio	
<b>Cash at Call</b> CBABusiness Online Saver Interest on Other Bank Accounts	At Call	A1+/AA	N	At Call		1.10%	N/A	6,660,000	4,450 17	14.01%	
<b>Total</b>								<b>6,660,000</b>	<b>4,467</b>	<b>14.01%</b>	
<b>Term Deposits</b>											
ING Direct	Term Deposit	A2/A-	N	21/02/2018	21/02/2020	2.90%	N/A	1,000,000	0	2.10%	
ING Direct	Term Deposit	A2/A-	N	1/03/2018	2/03/2020	2.88%	N/A	1,000,000	0	2.10%	
ING Direct	Term Deposit	A2/A-	N	5/03/2018	5/03/2020	2.88%	N/A	1,000,000	0	2.10%	
Greater Bank	Term Deposit	A2/BBB	Y	13/06/2018	12/06/2020	3.00%	N/A	1,000,000	0	2.10%	
Defence Bank	Term Deposit	A2/BBB	Y	3/09/2018	2/09/2020	3.00%	N/A	1,000,000	0	2.10%	
MyState Bank Limited	Term Deposit	A2/BBB	Y	3/12/2018	3/12/2019	2.85%	N/A	1,000,000	0	2.10%	
Australian Military Bank	Term Deposit	Unrated	Y	4/12/2018	4/12/2019	2.99%	N/A	1,000,000	0	2.10%	
Auswide Bank	Term Deposit	A3/BBB-	Y	12/12/2018	12/12/2019	2.90%	N/A	1,000,000	0	2.10%	
Australian Military Bank	Term Deposit	Unrated	Y	20/02/2019	20/02/2020	2.90%	N/A	1,000,000	0	2.10%	
Westpac	Term Deposit	A1+/AA-	N	1/03/2019	2/03/2020	2.63%	N/A	1,000,000	0	2.10%	
AMP Ltd	Term Deposit	A2/BBB+	N	4/06/2019	2/12/2019	2.65%	N/A	1,000,000	0	2.10%	
AMP Ltd	Term Deposit	A2/BBB+	N	12/06/2019	11/12/2019	2.60%	N/A	1,000,000	0	2.10%	
Judo Bank	Term Deposit	Unrated	Y	13/06/2019	12/12/2019	2.52%	N/A	1,000,000	0	2.10%	
AMP Ltd	Term Deposit	A2/BBB+	N	26/08/2019	24/02/2020	2.20%	N/A	1,000,000	0	2.10%	
Westpac	Term Deposit	A1+/AA-	N	3/09/2019	3/12/2019	1.82%	N/A	1,000,000	0	2.10%	
AMP Ltd	Term Deposit	A2/BBB+	N	3/09/2019	2/03/2020	2.20%	N/A	1,000,000	0	2.10%	
Judo Bank	Term Deposit	Unrated	Y	3/09/2019	3/09/2020	2.05%	N/A	1,000,000	0	2.10%	
Macquarie Bank	Term Deposit	A1/A	N	6/09/2019	6/03/2020	1.75%	N/A	1,000,000	0	2.10%	
Judo Bank	Term Deposit	Unrated	Y	9/09/2019	10/03/2020	2.15%	N/A	1,000,000	0	2.10%	
Macquarie Bank	Term Deposit	A1/A	N	13/09/2019	16/03/2020	1.75%	N/A	1,000,000	0	2.10%	
National Australia Bank	Term Deposit	A1+/AA-	N	18/09/2019	18/03/2020	1.75%	N/A	1,000,000	0	2.10%	
AMP Rebate									690		
<b>Matured Term Deposits</b>											
Bank of Us	Term Deposit	Unrated	Y	29/11/2018	29/11/2019	2.95%	N/A		29,500		
Bank of Us	Term Deposit	Unrated	Y	29/11/2018	29/11/2019	2.95%	N/A		29,500		
<b>Total</b>								<b>21,000,000</b>	<b>59,690</b>	<b>44.18%</b>	
<b>NSW Treasury Corporation Hourglass Investments</b>											
Cash Facility Trust	Trust		N	Various	N/A	1.20%	9,498,282	10,159,667	10,226	21.37%	
Medium Term Growth Fund	Trust		N	Various	N/A	13.56%	9,005,029	9,716,140	108,912	20.44%	
<b>Total</b>								<b>18,503,311</b>	<b>19,875,807</b>	<b>119,138</b>	<b>41.81%</b>
<b>Bank Accounts</b>											
<b>Account Name</b>		<b>Balance \$</b>		<b>30-Nov-19</b>		<b>Total Investment Portfolio at Face Value</b>		<b>46,163,311</b>		<b>Total Investment Portfolio at Fair Value</b>	
General Fund Bank Account		1,367,049				<b>Interest Revenue Received</b>		<b>47,535,807</b>		<b>183,295</b>	
Trust Fund Bank Account		87,050				<b>Weighted Average Interest Rate</b>		4.41%			
NAB Cheque Account		20				<b>Total Bank Account Portfolio</b>		<b>1,454,119</b>			
<b>Total</b>		<b>1,454,119</b>				<b>Total Portfolio</b>		<b>48,989,927</b>			

**15.3 MONTHLY BUDGET ADJUSTMENTS REPORT - NOVEMBER 2019**

**Author:** Hayley Martin, Business Development Accountant

**EXECUTIVE SUMMARY**

This report details the proposed budget adjustments for the month of November 2019. The main adjustments include the addition of \$361,328 towards water and sewerage capital works projects, largely made up of \$124,083 in filter investigations at the Casino Water Treatment Plant along with \$117,287 towards stabilising the dosing building at the raw water pump station. Further adjustments include a reallocation of funding from the High Street road rehabilitation towards Pioneer Street road rehabilitation due to unforeseen additional works in the sub grade of Pioneer Street.

The proposed changes see Council's capital works program increase by \$354,528 to a projected total of \$22,845,665. Council's projected surplus of \$240,304 for 2019/2020 will remain unchanged as all the proposed changes are fully funded from reserves or reallocations from other project budgets. The report provides further details of the proposed changes as well as the revised budget position as at 30 November 2019.

**RECOMMENDATION**

That Council:

1. Approve the proposed budget adjustments for the month of November 2019.
2. Note the revised budget position for 2019/2020 as at 30 November 2019.

**DELIVERY PROGRAM LINKS**

Making Council Great

CS1: Leading and Advocating for our Community

CS1.4: Provide high level financial and business analysis advice to monitor performance

**BUDGET IMPLICATIONS**

As detailed in the report.

**REPORT**

During the month of November 2019, the following adjustments have been proposed.

**Reallocation of Funds between Projects**

*Urban Local Roads*

It is proposed to transfer an additional \$60,000 from High Street road rehabilitation towards the rehabilitation of Pioneer Street due to unforeseen works identified in the sub grade of Pioneer Street. This has increased the scope of works and therefore additional funding is required to complete the project.



Project Description	Revised Budget 30-Sep-19	Proposed Adjustment	Revised Budget 30-Nov-19
Pioneer Street Road Rehabilitation	30,000	60,000	90,000
High Street Road Rehabilitation	60,000	(60,000)	0

### Addition of New Projects

#### Waste Management

Due to the recent fires in the region and loss of property incurred, managing waste has become a large task, in particular with the identification of asbestos materials. It is proposed to transfer \$55,000 from waste infrastructure projects towards the purchase of an asbestos identification gun to assist with this process.

Project Description	Revised Budget 30-Sep-19	Proposed Adjustment	Revised Budget 30-Nov-19
Waste – Asbestos Identification Gun	0	55,000	55,000
Waste Infrastructure	96,305	(55,000)	41,305

#### Sewerage Services

A number of adjustments are proposed for the sewerage services capital works program including an additional \$103,168 in new projects funded from sewerage infrastructure reserves, along with a \$9,000 reallocation from an existing project. These adjustments are outlined in the table below.

Project Description	Revised Budget 30-Sep-19	Proposed Adjustment	Revised Budget 30-Nov-19
Sewer Pump Station QE Park Casino – Replace grinder commutator	0	29,698	29,698
Sewer Pump Station 13 Casino – Submersible Pump	0	9,000	9,000
Sewer Treatment Plant Casino – Inlet spirals replacement	0	73,470	73,470
Sewer Treatment Plant Casino – Pipework Renewal	92,000	(9,000)	83,000

The existing grinder at the sewer pump station near QE Park in Casino has reached the end of its life and is no longer working. A replacement grinder/mulcher is required for this location to be funded from reserves. In addition, the submersible pump at Pump Station 13 in Casino has also reached the end of life and requires a replacement pump. This is proposed to be funded from savings in the STP valves and pipework renewal project. A further \$73,470 is required from reserves to replace spirals and brushes at the STP in Casino. The three spirals for the existing screw conveyors in the inlet works have rusted due to high hydrogen levels. A separate project will improve ventilation to minimise hydrogen levels.

#### Water Supplies

It is proposed to fund an additional \$249,160 in capital projects from the Water Infrastructure Reserves. These adjustments are outlined in the table below:

Project Description	Revised Budget 30-Sep-19	Proposed Adjustment	Revised Budget 30-Nov-19
Casino North Reservoir Tank #1 Integrity Testing	0	7,790	7,790
Casino Raw Water Pump Station – Level and stabilise dosing building	30,000	117,287	147,287
Casino Water Treatment Plant – Filters Investigation	33,872	124,083	157,955

Integrity testing is required at Casino's North Reservoir due to leaking and rusted roof trusses. It is proposed to allocate \$7,790 towards an assessment to ascertain if remedial work is required. The western side of the raw water pump station dosing building is shifting due to ground subsidence with civil works required to support and stabilise the building. It is proposed to allocate a further \$117,287 towards this work. In addition, a further \$124,083 is proposed to be allocated towards the investigation of the design and performance of the filters at the Casino water treatment plant. It has been identified that these filters have not been operating effectively and may need refurbishment work.

#### *Council Offices*

It is proposed to allocate \$2,200 from Real Estate Reserves towards a new air conditioner in the ANNEX Building in Casino as the current system is no longer operational.

Project Description	Revised Budget 30-Sep-19	Proposed Adjustment	Revised Budget 30-Nov-19
ANNEX Building Air Conditioner	0	2,200	2,200

#### **Revised Budget Position**

The effect of the proposed adjustments on the 2019/2020 budget is summarised in the table below, with the important information for Council to note being the recommended changes for resolution.

Budget Adjustments February 2019	Revised Budget 30-Sep-19	Recommended Changes for Council Resolution	Revised Budget 30-Nov-19
Income from Continuing Operations	65,069,651	0	65,069,651
Expenses from Continuing Operations	65,033,509	0	65,033,509
<b>Operating Result from Continuing Operations</b>	<b>36,141</b>	<b>0</b>	<b>36,141</b>
Add: Non-cash Expenses	18,446,841	0	18,446,841
Add: Non-Operating Funds Employed	2,046,891	0	2,046,891
Less: Capital Expenditure	22,491,137	354,528	22,845,665
Less: Loan Repayments	2,485,648	0	2,485,648
<b>Estimated Funding Result - Surplus/(Deficit)</b>	<b>(4,446,912)</b>	<b>(354,528)</b>	<b>(4,801,440)</b>
Restricted Funds - Increase/(Decrease)	(4,687,216)	(354,528)	(5,041,744)
<b>Working Funds - Increase/(Decrease)</b>	<b>240,304</b>	<b>0</b>	<b>240,304</b>

**CONCLUSION**

In conclusion, the proposed budget adjustments for the month of November 2019 will have no impact on the projected budget surplus of \$240,304 for 2019/2020 as all works are fully funded from reserves or the reallocation of funding from other project budgets.

**ATTACHMENT(S)**

Nil

**16 TENDER REPORTS****16.1 TENDER - PROVISION OF SWIMMING POOLS MANAGEMENT SERVICES - VP161675**

**Author:** Ben Zeller, Manager Projects and Performance

**EXECUTIVE SUMMARY**

Richmond Valley Council called for tenders seeking the professional services of an aquatic contractor for the management of pools across the LGA. The facilities for consideration in the scope of works are Casino Memorial Baths, Evans Head Aquatic Centre, Woodburn Public Baths and Coraki Public Baths. The contract term will be for a period of three years commencing 1 July 2020 with the option for extension of an additional two, three-year terms.

**RECOMMENDATION**

For Council's consideration.

**DELIVERY PROGRAM LINKS**

Connecting People and Places

PP1: Fresh and Vibrant Community

PP1.4: Provide safe and well maintained Swimming Pools

**REPORT**

Due to the tender closing on 11 December 2019 and the evaluation having not been finalised at the time of printing the business paper, further detailed information will be provided to Council prior to the Ordinary meeting.

**ATTACHMENT(S)**

Nil

**17 GENERAL BUSINESS****17.1 CROWN ROAD TRANSFER - THE GAP, UPDATED REPORT**

**Author:** Matt Kinkead, Coordinator Project Development and Design

**EXECUTIVE SUMMARY**

Council has received a request from the property owner of Lot 6 DP 261664 for Council to take control of a crown road reserve that provides access to the property. Access to the applicant's property is via a Crown Road that comes off The Gap Road, adjacent to 240 The Gap Road, Woodburn. Department of Planning, Industry and Environment (Crown Lands) have advised the applicant that if future construction approvals are required for construction of a driveway to this property, the control of the road should be transferred to Council.

**RECOMMENDATION**

That Council:

1. Apply to Department of Planning, Industry and Environment – (Crown Lands) to transfer the crown road reserve to Council's control as shown in the diagram.
2. Record in its Asset database the limits of the road to be maintained.
3. Advise the adjoining property owners that maintenance of the road will be the responsibility of the person(s) benefiting from its construction in accordance with Roads Act 1993 Sec 142 Maintenance of works and structures.

**DELIVERY PROGRAM LINKS**

Connecting People and Places

PP2: Getting Around

PP2.1: Improve Road Management practices at Richmond Valley Council

**BUDGET IMPLICATIONS**

The estimated costs incurred in the transfer of the crown road reserve to Council control is approximately \$100, which will be funded by the applicant. Staff time will be required to prepare the necessary documentation for the transfer.

**REPORT**

Council has been approached by the owner of Lot 6 DP 261664, requesting the Crown Road that provides access to his property to be transferred to Council. The land does not directly front a Council maintained road but is accessed from The Gap Road via the Crown Road reserve adjacent to the western side boundary of 240 The Gap Road, Woodburn (Lot 4 DP 261664). This Crown Road reserve also serves as legal access for several other rural properties. The total length of the road reserve is approximately 1.4km.

The applicant is seeking to construct an access to his property. Crown Lands are not a constructing authority and does not approve such requests. The purpose of the road transfer to Council is so approval for construction works can be provided. Preliminary discussions with the applicant indicate that an unsealed driveway standard is proposed, with future maintenance being the responsibility of the applicant in accordance with the provisions of the Roads Act.

Transfer of the road reserve would not involve the maintenance or construction of any additional road pavement by Council. If the road reserve is transferred to Council's control, approval for access works can be approved into the future using the provisions of the Roads Act. Council's asset database would need to be updated to reflect that this road reserve will not contain a Council maintained road pavement. There are over 100 Council controlled road reserves that contain road pavements that are not maintained by Council. The total length of these unmaintained pavements is almost 80km.



## CONSULTATION

Council has been in consultation with the applicant and has reviewed Department of Planning, Industry and Environment (Crown Lands) correspondence on the matter. Council wrote to the other adjoining property owners seeking their comments on the proposed transfer.

Council staff discussed the proposal with a representative for the local landholders. During the discussion, it was agreed to that if the full length of the road reserve was transferred to Council's control, it would afford other property owners adjacent to the road the option of constructing an extension of the driveway to their respective properties. Confirmation was also made that the road reserve would continue to be available for the public to traverse along the road reserve into the future.

Any development applications lodged by any of the properties adjoining this road reserve would be required to meet the access requirements of the Rural Fire Service, as per normal referral procedures. Other options included closing the road reserve and creating a Right of Carriageway in favour of all the adjoining properties. This was not a viable suggestion as this places certain limitations on the type of development when the land does not adjoin a road reserve. These include Rural Fire Service conditions and subdivision possibilities.

Department of Planning, Industry and Environment (Crown Lands) have indicated that they would be agreeable to this road transfer.

## **CONCLUSION**

Transfer of this road reserve from Crown will allow Council to control the standard of any future construction activities within the road reserve. It will also ensure that access is maintained for the other properties that rely on this road reserve for legal access.

## **ATTACHMENT(S)**

**Nil**

**18 MATTERS FOR INFORMATION****RECOMMENDATION**

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

**18.1 CUSTOMER SERVICE REPORT - 1 JULY 2019 TO 30 NOVEMBER 2019**

**Author:** Kelly Moroney, Manager Customer Experience

**RECOMMENDATION**

That Council receive and note the Customer Service Report for the period 1 July 2019 to 30 November 2019.

**REPORT**

Council is committed to providing a high level of customer service to the community. The Customer Service Framework was adopted by Council at the Ordinary Meeting on 19 July 2016 and reviewed at the Ordinary Meeting on 25 June 2019. As a result, this report detailing Council's performance against the standards in the framework has been developed. The report also contains details on the resolution of customer requests made through the Contact Centre. Analysis is undertaken to determine what strategies or areas of improvement are required.

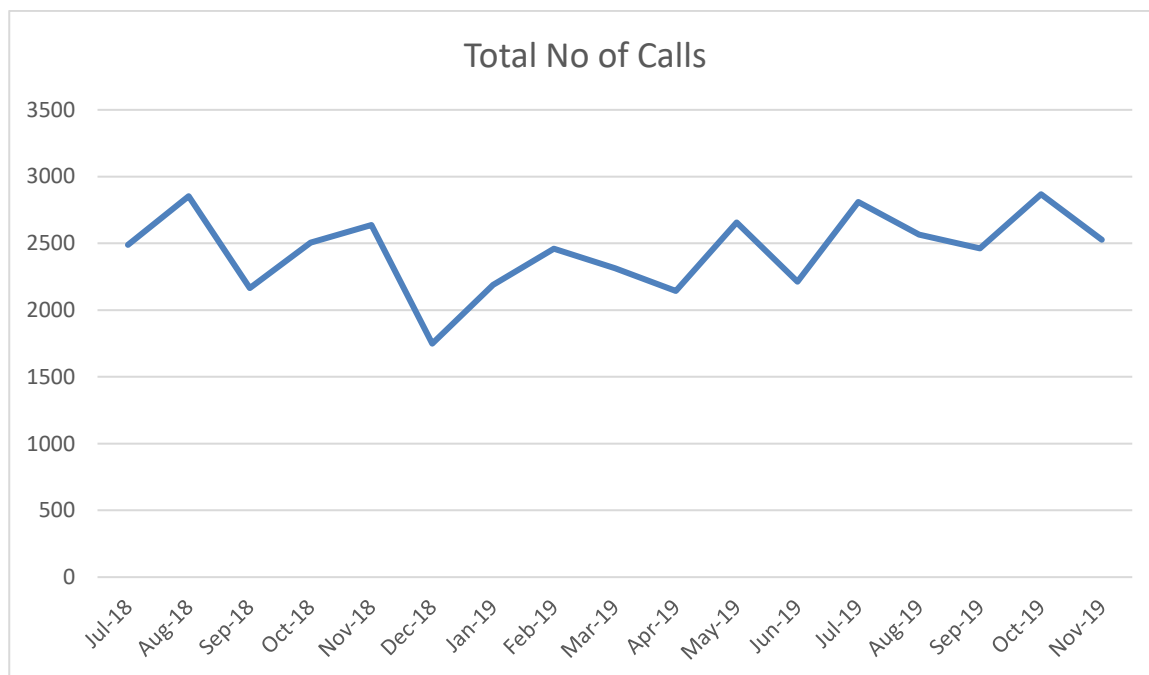
The report comprises of the following three parts:

- Customer Service Contact Centre data,
- Customer Request Management System (CRM) data, and
- Development Concierge Statistics

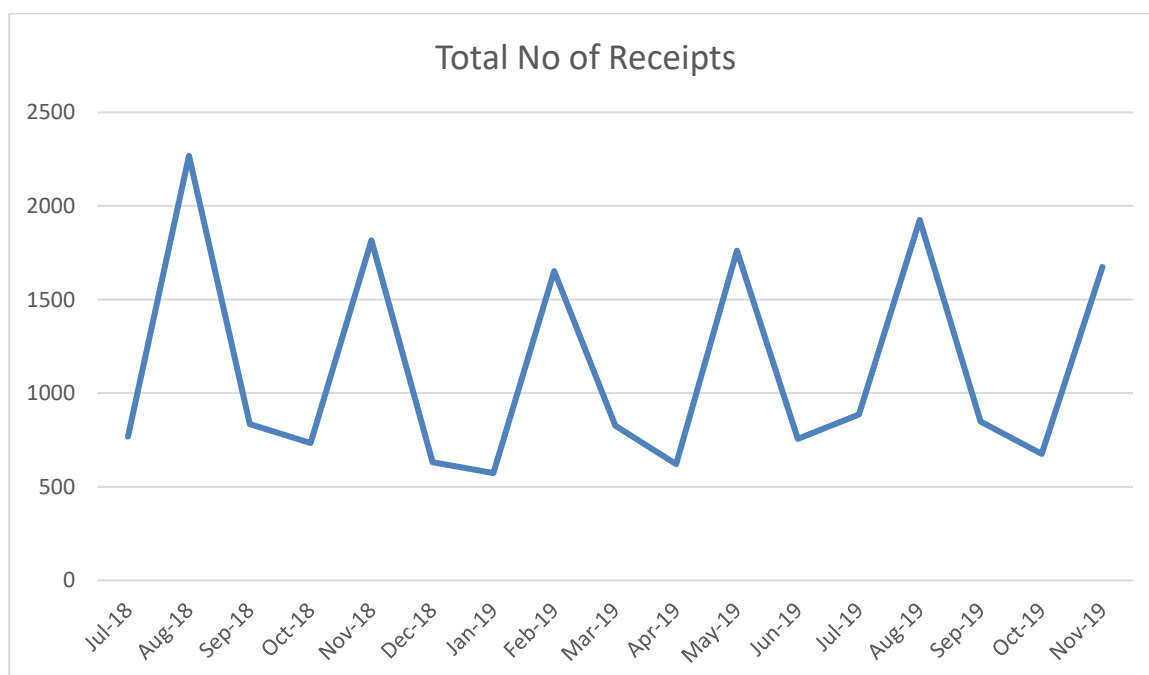
***Customer Service Contact Centre Data - Key Statistics*****Calls Statistics**

A total of 13,233 calls were received during the report period which is an increase from previous comparative periods, this can be directly contributed to the bush fire impacts on the call centre by an increase in calls received for assistance and guidance. The Contact Centre has significantly exceeded all service targets for the report period including 90% of calls answered within 20 seconds, average time each caller spends in the queue is 15 seconds and the percentage rate for calls abandoned is less than 1%.



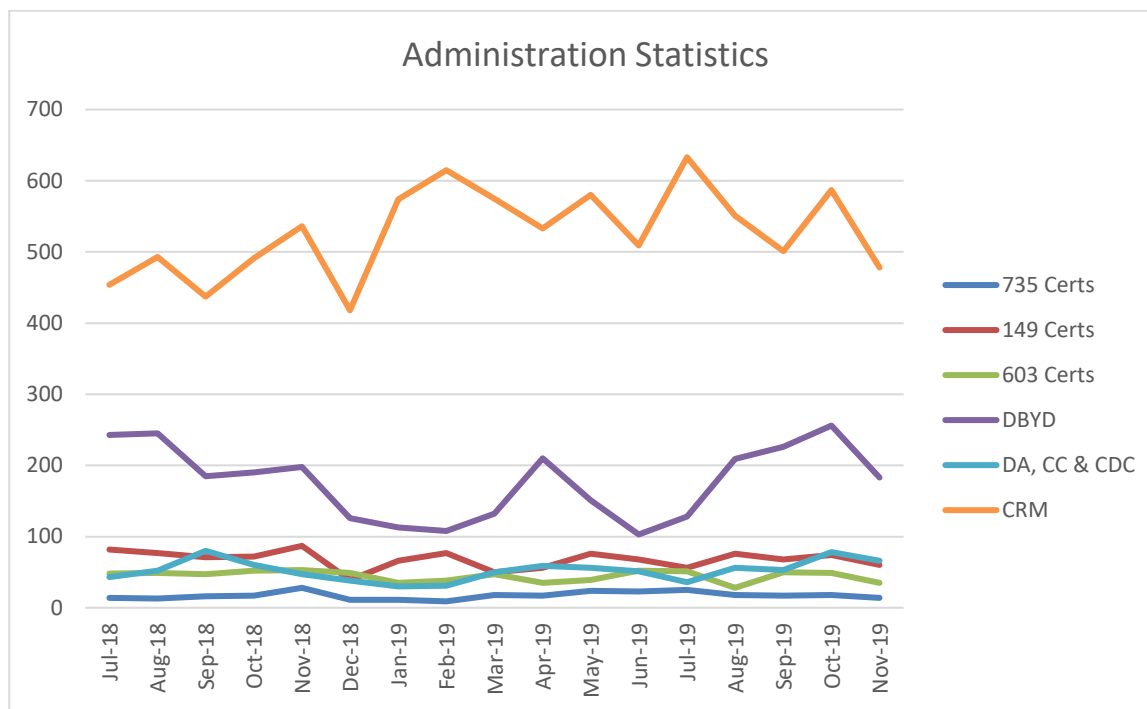
*Figure 1. Total Number of Calls***Receipt & Administration Statistics**

A total of 6,010 receipts were actioned for the report period which is a slight decrease from the previous comparative period. The month of August did see a marked increase which can be attributed to the rates notice being issued on 31 July 2019.

*Figure 2. Total Numbers of Receipts*

95% of Section 735A, 149, 603 Certificates were completed within set timeframes in accordance with Council's service standards. When comparing the statistics from this report period to comparative prior there is a decrease in Dial Before You Dig Applications.

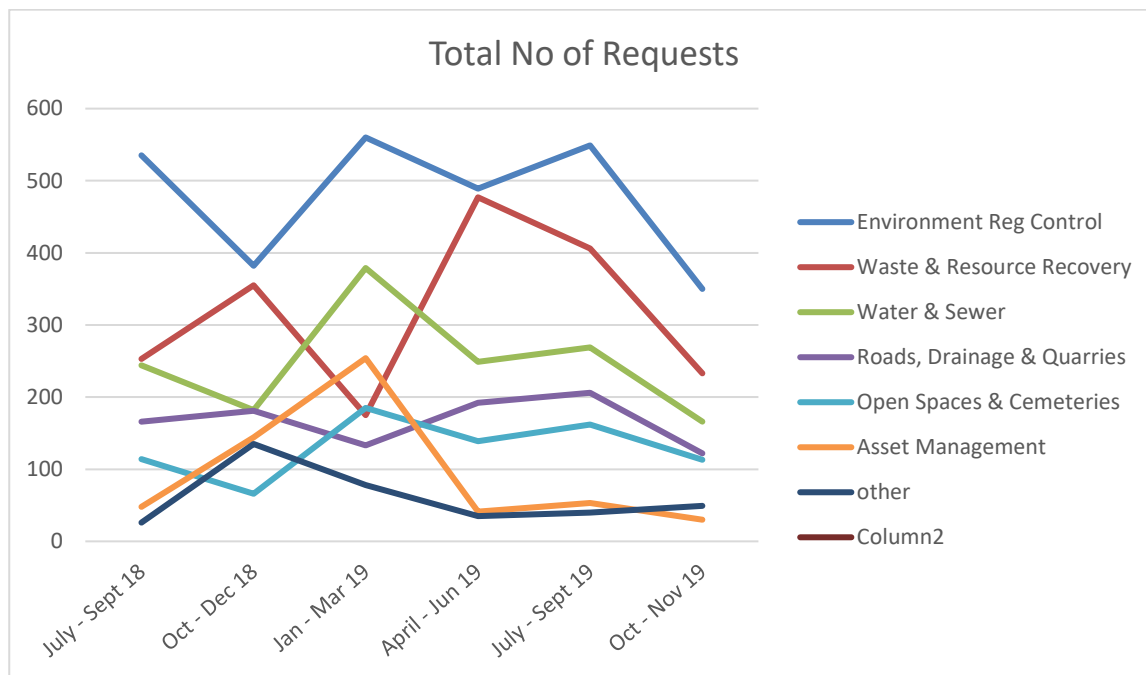
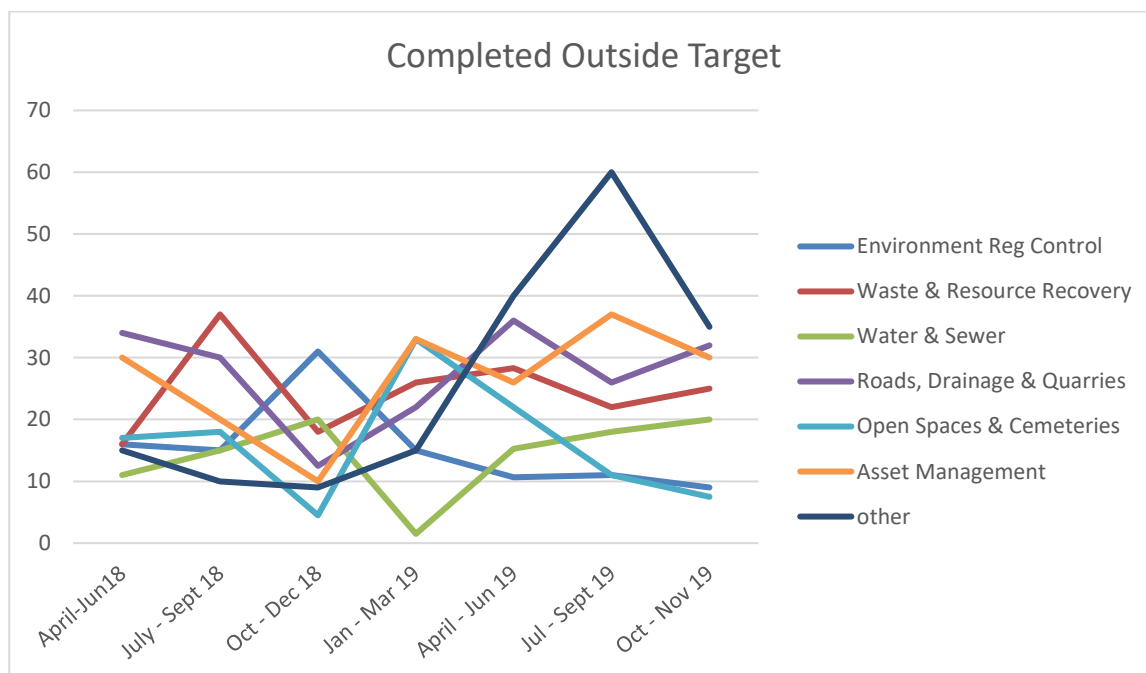
*Figure 3. Administration Statistics*

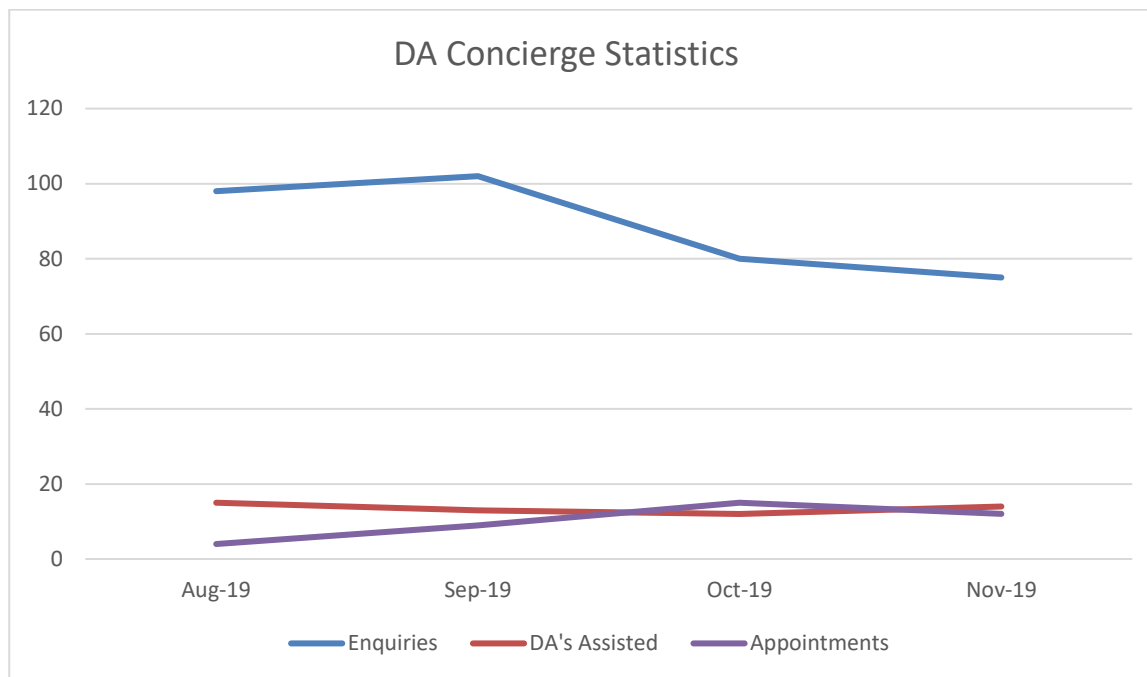


### ***Customer Request Management System - Key Statistics***

This report has resulted in a total of 2750 requests being lodged which has resulted in an increase of 13% comparative to the corresponding period for the previous year. A total of 19% of requests were completed outside target which is a decrease from the last comparative period result overall.

Similar to the last quarter, the majority of Council requests were referred to Environment Regulatory Control.

*Figure 4. Number of Requests**Figure 5. Completed Outside Target*

**Development Concierge – Key Statistics**

Council implemented the Development Concierge role in 2019 to assist customers on the lodgement of a development applications and to provide advice and guidance to the requirements needed to lodge an application. This can be a complex process for people in the community who have not previously lodged a development application. One of the purposes of the role is to improve the quality of development applications and to provide one contact for customers who may have previously been required to speak to a number of technical officers to gain the necessary advice needed to lodge an application. Community and staff feedback has been overwhelmingly positive and a number of development applications have been assisted with the support of the development concierge role. The role has also realised a productivity saving for the technical officers who are able to spend more of their time assessing development applications.

**Opportunity for Improvement**

Following a review of the report results, a number of opportunities for improvement have been identified. These areas, as highlighted below, will be the focus of the customer service team in the coming months.

- Customer Request Management System (CRM)**

While the rate of requests completed within target has remained steady for this report period there are areas which require improvement. Additional monitoring and reporting of the CRM system will be utilised to identify potential efficiency gains. The customer service section will work with the relevant areas to ensure any unresolved requests are finalised and any opportunities to improve the CRM system are implemented.

- Casino Administration Office Front Counter/Foyer Area**

The Casino administration foyer and customer service area has been repainted with only the panelling boards remaining to be recovered this has provided a more inviting professional customer area with many positive comments received from the public and the staff. The project is currently running under budget and is using local tradespeople to undertake the works.

**CONCLUSION**

The information contained in this report demonstrates the significant volume of tasks and actions which are required to be completed by our frontline Customer Service staff. The Customer Service standards we have set ourselves are generally met and more often than not exceeded.

Statistical analysis of Customer Service Contact Centre data, Customer Request Management System (CRM) and the Development Concierge statistics enables identification of opportunities to improve Council's Customer Service and ensure our processes are as efficient and effective as they can be.

In accordance with Council's Customer Service Framework, we continue to strive for the provision of high standards in customer service to the community. For Council to continue to provide this high level of customer service, monitoring of our performance, the implementation of strategies and constant improvements to processes are required to this area of our business.

**ATTACHMENT(S)**

Nil

**18.2 GRANT APPLICATION INFORMATION REPORT - NOVEMBER 2019****Author: Jono Patino, Financial Accountant****RECOMMENDATION**

That Council receive and note the Grant Application Information Report for the month of November 2019.

**REPORT**

This report provides information on grant applications that have been approved, grants that have been received, grant applications that were unsuccessful and grant applications submitted for the month of November 2019.

During the reporting period two grants were approved (one is being administered by Rous County Council while the other is on behalf of the Broadwater s355 Committee)), funding was received for three grants totalling \$805,757. Council was notified as being unsuccessful with four grant applications and three grants were applied for.

**Grants that have been approved**

<b>Broadwater Tennis Courts Upgrade (on behalf of S355 Committee)</b>	
Project ID	10329
Funding Body	Department of Infrastructure, Transport, Cities and Regional Development
Funding Name	Stronger Communities Program - Round 5
Government Level	State
Project Value (exc GST)	\$5,667
Grant Funding (exc GST)	\$2,555
Council Funding (Excl GST)	\$3,122
Date Application Submitted	3 October 2019
Date Approved	21 November 2019
Comment (if required)	This grant was submitted on behalf of the Broadwater s355 Committee.

<b>Stage 1 Scoping Study for the Development of a Coastal Management Program for the Richmond River (Rous County Council)</b>	
Project ID	N/A
Funding Body	Department of Planning, Industry and Environment
Funding Name	Coastal and Estuary Grant Funding
Government Level	State
Project Value (exc GST)	\$100,000
Grant Funding (exc GST)	\$ 50,000

Council Funding (Excl GST)	\$ 10,000
Other Funding (exc GST)	\$ 40,000
Date Application Submitted	1 June 2019
Date Approved	23 October 2019 (notified 7 November 2019)
Comment (if required)	Rous County Council are administering this grant project in partnership with Richmond Valley Council, Kyogle Council, Lismore City Council, Ballina Shire Council and Byron Shire Council.

### Grants that have been received

#### Enhancing Fish Highways, Riparian Restoration at the Junction of the Richmond and Wilsons Rivers, Coraki NSW (Stage 1)

Project ID	10275
Funding Body	NSW Primary Industries
Funding Name	Recreational Fishing Trust Grant
Government Level	State
Project Value (exc GST)	\$57,821
Grant Funding (exc GST)	\$19,996
Council Funding (exc GST)	\$37,825
Date Application Submitted	18 September 2017
Date Received	\$15,996 received 20 November 2019
Total Funds Received To Date	\$19,996 (total funding received)
Comment (if required)	N/A

#### Financial Assistance Grant 2019/2020

Project ID	N/A
Funding Body	N/A
Funding Name	NSW Local Government Grants Commission
Government Level	Federal
Project Value (exc GST)	\$5,234,436
Grant Funding (exc GST)	\$5,234,436
Council Funding (exc GST)	\$ 0
Date Application Submitted	N/A
Date Received	\$639,761 received 18 November 2019 (General Purpose Component \$439,700, Local Roads Component \$200,061)
Total Funds Received To Date	\$3,917,869
Comment (if required)	N/A

Roads to Recovery Program 2020-2024	
Project ID	N/A
Funding Body	Department of Infrastructure and Regional Development
Funding Name	Roads to Recovery Program
Government Level	Federal
Project Value (exc GST)	\$5,011,072
Grant Funding (exc GST)	\$5,011,072
Council Funding (exc GST)	\$ 0
Date Application Submitted	N/A – annual allocation
Date Received	\$150,000 received 27 November 2019
Total Funds Received To Date	\$150,000
Comment (if required)	N/A

### ***Unsuccessful Grant Applications***

Yorklea Fire Control Centre Facility Upgrades	
Project ID	10309
Funding Body	NSW Government – Department of Industry - Lands
Funding Name	Crown Reserves Improvement Fund Program
Government Level	State
Project Value (exc GST)	\$47,964
Grant Funding (exc GST)	\$47,964
Council Funding (exc GST)	\$ 0
Date Application Submitted	22 March 2019
Date Advised Unsuccessful	5 November 2019
Comment (if required)	N/A

Memorial Park - Filtration System	
Project ID	10310
Funding Body	NSW Government – Department of Industry - Lands
Funding Name	Crown Reserves Improvement Fund Program
Government Level	State
Project Value (exc GST)	\$594,916
Grant Funding (exc GST)	\$594,916
Council Funding (exc GST)	\$ 0



Date Application Submitted	22 March 2019
Date Advised Unsuccessful	5 November 2019
Comment (if required)	N/A

#### Coraki Caravan Park - Amenities Block

Project ID	10311
Funding Body	NSW Government – Department of Industry - Lands
Funding Name	Crown Reserves Improvement Fund Program
Government Level	State
Project Value (exc GST)	\$572,298
Grant Funding (exc GST)	\$549,571
Council Funding (exc GST)	\$ 22,727
Date Application Submitted	22 March 2019
Date Advised Unsuccessful	5 November 2019
Comment (if required)	N/A

#### Coronation Park - Facility Upgrades

Project ID	10312
Funding Body	NSW Government – Department of Industry - Lands
Funding Name	Crown Reserves Improvement Fund Program
Government Level	State
Project Value (exc GST)	\$500,229
Grant Funding (exc GST)	\$472,956
Council Funding (exc GST)	\$ 27,273
Date Application Submitted	22 March 2019
Date Advised Unsuccessful	5 November 2019
Comment (if required)	N/A

#### **Grant Applications Submitted**

##### Rejuvenate, Remodel, Renew and Refresh the Evans Head Library

Project ID	10331
Funding Body	State Library NSW
Funding Name	Public Library Infrastructure Grants 2019/20
Government Level	State
Project Value (exc GST)	\$979,023
Grant Funding (exc GST)	\$399,053

Council Funding (exc GST)	\$579,970
Date Application Submitted	8 November 2019
Comment (if required)	N/A

#### NSW Youth Week 2020

Project ID	10332
Funding Body	Department of Justice and Communities
Funding Name	2020 NSW Youth Week Funding
Government Level	State
Project Value (exc GST)	\$3,774
Grant Funding (exc GST)	\$1,887
Council Funding (exc GST)	\$1,887
Date Application Submitted	15 November 2019
Comment (if required)	N/A

#### Naughtons Gap Road Dilapidation Repairs and Maintenance

Project ID	10333
Funding Body	Transport for NSW
Funding Name	Fixing Local Roads Round 1 2019
Government Level	State
Project Value (exc GST)	\$500,000
Grant Funding (exc GST)	\$400,000
Council Funding (exc GST)	\$100,000
Date Application Submitted	27 November 2019
Comment (if required)	N/A

#### ATTACHMENT(S)

Nil

### 18.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 NOVEMBER 2019 TO 30 NOVEMBER 2019

**Author:** Andy Edwards, Manager Development and Environment

#### RECOMMENDATION

That Council receive and note the Development Application report for the period 1 November 2019 to 30 November 2019.

#### 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 its community newsletter 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 2019 to 30 November 2019 was 29, with a total value of \$3,959,380.00.

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 in Figure 1 below.

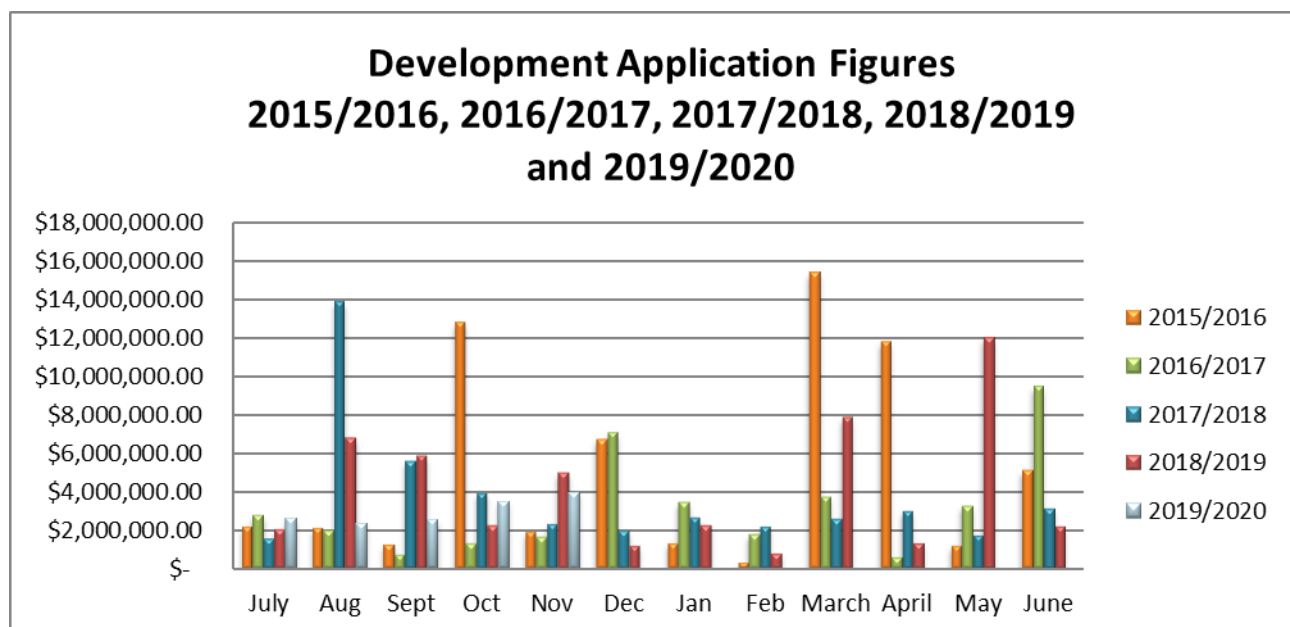


Figure 1: Monthly dollar value of development processed by Council over five financial years.

Figure 2 graph provides the annual value of Development Consents issued by Council over five financial years and Figure 3 graph provides a detailed review of the value for the reporting month of November 2019.

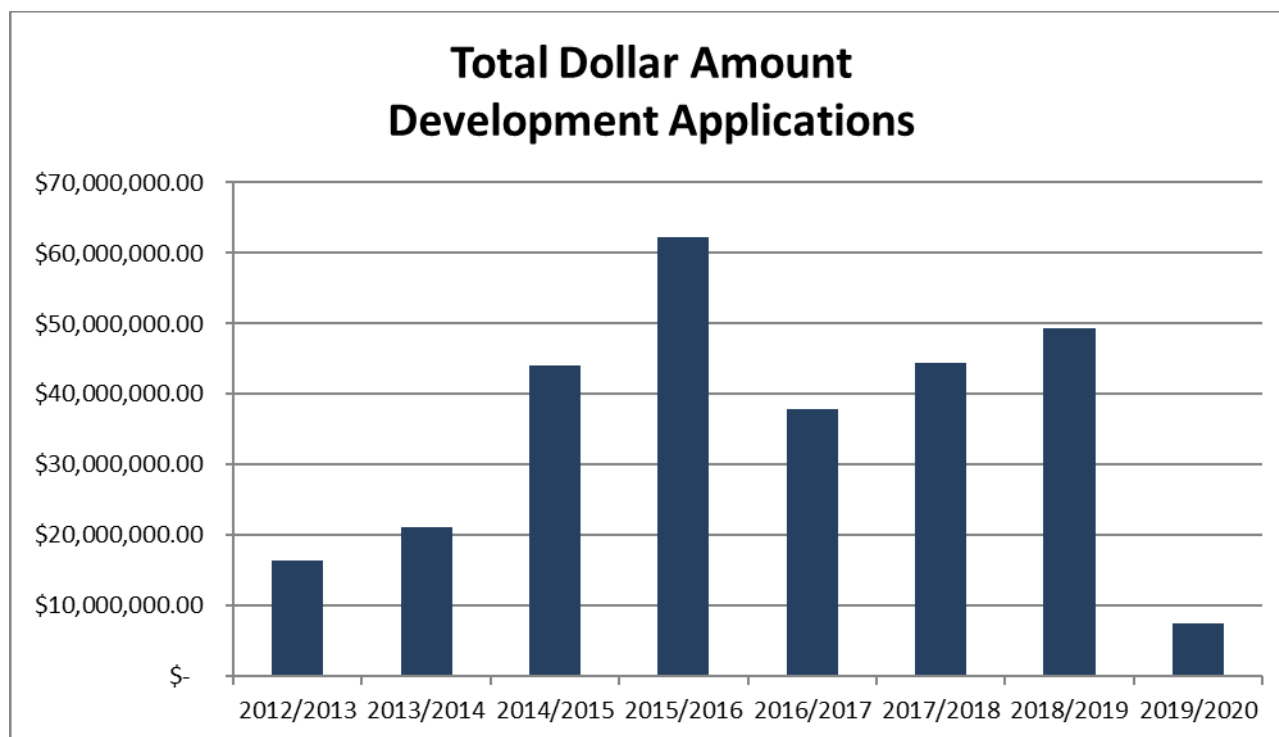


Figure 2: Annual value of development.

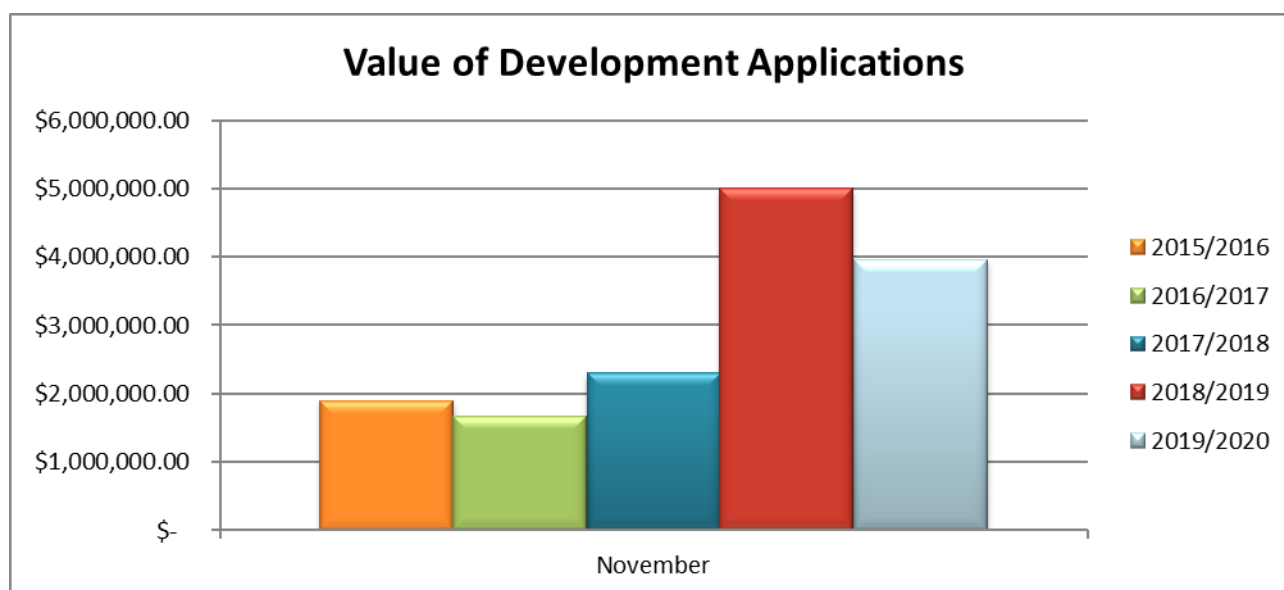


Figure 3: Value of development for the month of November.

### **Number of Development Applications**

The number of applications received by Council does not necessarily reflect the value of developments as single large developments can be equivalent in value to a large number of more standard type developments such as sheds, dwellings and small commercial developments.

Figures 4 and 5 below detail the number of applications determined by Council.

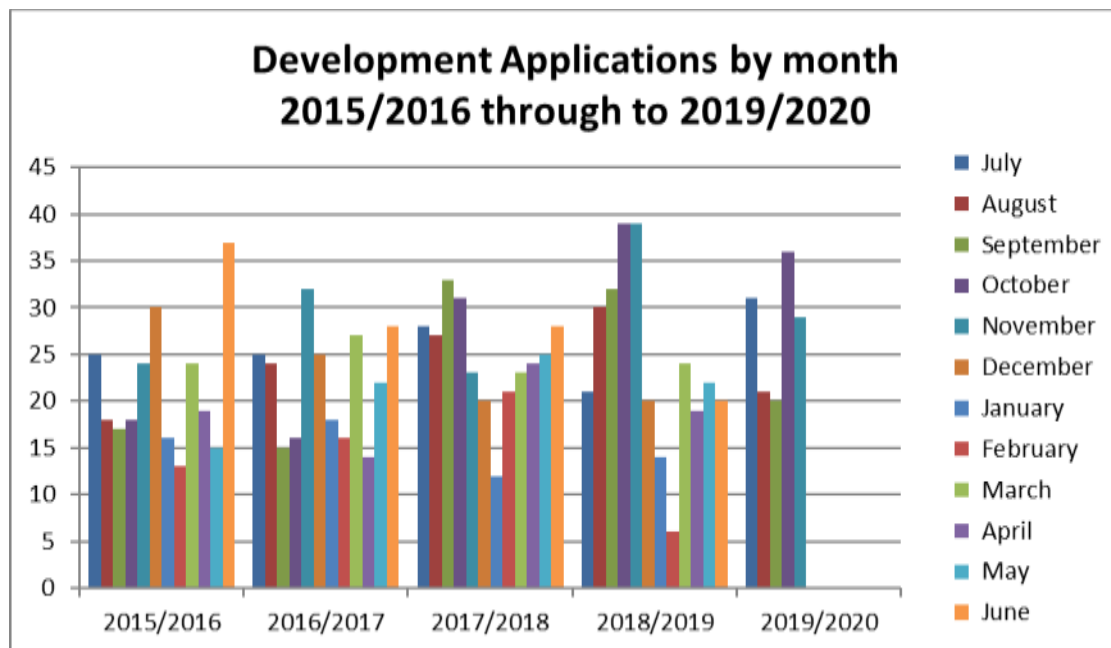


Figure 4: Number of Development Applications per month over five financial years.

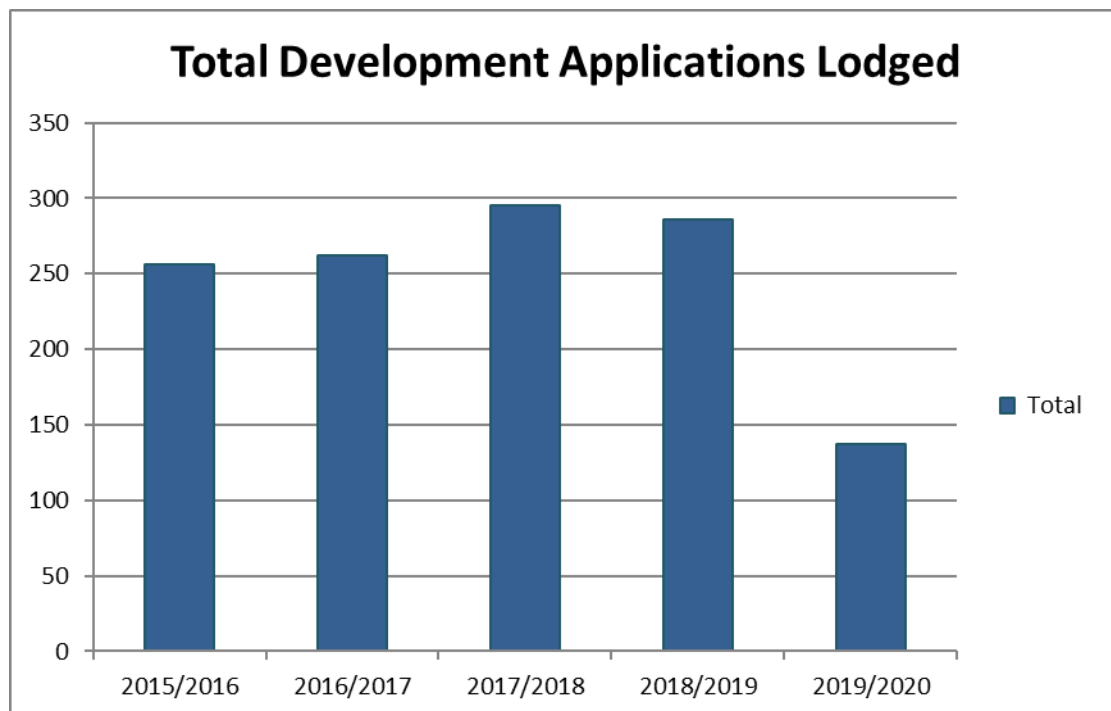


Figure 5: Number of development applications per year over five financial years.

**Activity for the month of November 2019**

General Approvals (excluding Subdivisions, Section 96s)	24
Section 96 amendments to original consent	3
Subdivision	1
Refused	0
Withdrawn	0
Complying Development (Private Certifier Approved)	1
<b>TOTAL</b>	<b>29</b>

**DELIVERY PROGRAM LINKS**

Growing our Economy

EC1: Driving Economic Growth

EC1.6: Improved customer satisfaction with the DA process

**BUDGET IMPLICATIONS**

Nil

Summary of Development Applications determined under the Environmental Planning and Assessment Act							
Application ID	Applicant	Owners	Location	Development	Date Lodged	Determination Date	Estimated Cost
DA2019/0267	Perry Homes (Aust) Pty Ltd	A & J M Mohammed	66 Currajong Street, Evans Head	Dwelling	14/06/2019	26/11/2019	\$ 254,000.000
DA2020/0021	Hayes Building Consultancy	R P Thorpe	21 Cassia Street, Evans Head	Dual occupancy, 'as built' alts & adds on	8/08/2019	26/11/2019	\$ 260,000.000
DA2020/0030	Hodges Shorten Architects Pty Ltd	BaptistCare NSW & ACT	3 Spring Street, Coraki	Alterations & additions	20/08/2019	19/11/2019	\$ 106,000.000
DA2020/0034	Vision Planning Pty Ltd	P M Marchant	135 River Street (Pacific Hwy), Woodburn	Subdivision to create two lots being Lot 1 (334.8m2) and Lot 2 (398.1m2)	26/08/2019	19/11/2019	\$ 10,000.000
DA2020/0040	S J Heath	M D & B J Clark & S J Heath	24 Heath Street, Evans Head	Awning	3/09/2019	19/11/2019	\$ 23,650.000
DA2016/0163.01	S Dickie	S F Todd	29 Dean Street, Casino	Dwelling with attached garage	16/09/2019	6/11/2019	\$ -
DA2020/0051	Newton Denny Chapelle	I J & M M Rann	5 Tomki Drive, Casino	109 storage sheds	17/09/2019	26/11/2019	\$ 661,500.000
DA2020/0052	Barker Studio Architects	K W & H M Bloem	14 Riverview Street, Evans Head	Demolition of part of existing house and new additions and carport	17/09/2019	12/11/2019	\$ 375,000.000
DA2020/0075	D A & A M Dorey	D A & A M Dorey	48 Little Pitt Street, Broadwater	Swimming pool and associated fencing	11/10/2019	18/11/2019	\$ 5,000.000
DA2019/0146.02	AGS Commercial Pty Ltd	Richmond Valley Council	74 Dargaville Drive, Casino	Alterations and additions to existing NRLX Canteen	14/10/2019	7/11/2019	\$ 3,000.000
DA2020/0078	Senica Consultancy Group	L A Day & L J Harris	Verulam View, Spring Grove	Dwelling	14/10/2019	6/11/2019	\$ 351,229.000
DA2020/0079	Senica Consultancy Group	K D Toovey & N D Weston	55 Verulam View, Spring Grove	Dwelling	14/10/2019	6/11/2019	\$ 357,679.000
DA2020/0081	AGS Commercial Pty Ltd	J J M Burstson	12 Rayner Street, Casino	Alterations and additions to dwelling & concrete driveway	15/10/2019	6/11/2019	\$ 80,000.000
DA2020/0082	Narellan Pools Northern Rivers	B W & A L Watson	7 Heathwood Place, North Casino	Swimming pool and associated fencing	15/10/2019	6/11/2019	\$ 36,500.000
DA2020/0083	AGS Commercial Pty Ltd	P J & R G Rose	21 Murray Street, Rappville	Shed and awning	16/10/2019	11/11/2019	\$ 32,808.000
DA2020/0085	N D Weston	K D Toovey & N D Weston	55 Verulam View, Spring Grove	Shed	17/10/2019	6/11/2019	\$ 29,645.000
DA2020/0088	R W & N P Bryant	R W & N P Bryant	7 Short Street, Coraki	Dwelling alterations and additions	18/10/2019	20/11/2019	\$ 135,000.000
DA2020/0090	K L Greenwood	A P & K L Greenwood	54 Flatley Place, North Casino	Shed	22/10/2019	11/11/2019	\$ 19,890.000
DA2020/0091	AGS Commercial Pty Ltd	R S J Cooper & K E Hobson	13 Convent Parade, Casino	Shed	22/10/2019	11/11/2019	\$ 11,715.000
DA2020/0095	Northern Rivers Sheds	L C & M Blasche	50 Durack Circuit, Casino	Shed	23/10/2019	13/11/2019	\$ 17,830.000
DA2020/0096	S C Robertson	M A & S C Robertson	43 Flatley Place, North Casino	Swimming pool & associated fencing	24/10/2019	15/11/2019	\$ 18,450.000
DA2020/0097	L A Day	L A Day & L J Harris	Verulam View, Spring Grove	Swimming pool & associated fencing	25/10/2019	13/11/2019	\$ 37,675.000
DA2020/0099	Narellan Pools Northern Rivers	S R C & K L Irvine	3 Marsh Place, Casino	Swimming pool & associated fencing	25/10/2019	13/11/2019	\$ 31,000.000
DA2020/0102	Ballina Pool Shop	W & C M Algie	915 Swan Bay New Italy Road, New Italy	Swimming pool & associated fencing	28/10/2019	25/11/2019	\$ 35,025.000
DA2017/0239.02	K J Evans	B A Lee & K J Evans	199 Reardons Lane, Swan Bay	Storage shed and farm shed	30/10/2019	12/11/2019	\$ -
DA2020/0103	AGS Commercial Pty Ltd	P J & V A French	4 Sparkes Place, North Casino	Shed	1/11/2019	20/11/2019	\$ 60,000.000
DA2020/0107	Narellan Pools Northern Rivers	J Innes	19 Ivory Circuit, Casino	Swimming pool & associated fencing	1/11/2019	25/11/2019	\$ 37,300.000
CDC2020/0010	East Coast Building Consultants	P H Robson	Casuarina Drive, Swan Bay	Dwelling	8/11/2019	7/11/2019	\$ 430,147.000
CDC2020/0011	East Coast Building Consultants	M & A T Went	Verulam View, Spring Grove	Dwelling	8/11/2019	5/11/2019	\$ 539,337.000

**ATTACHMENT(S)**

**Nil**



**18.4 CODE OF CONDUCT COMPLAINTS STATISTICS**

**Author:** Deborah McLean, Manager Governance & Risk

**RECOMMENDATION**

That Council receive and note the Code of Conduct Complaints Statistics for the period 1 September 2018 to 31 August 2019.

**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 General Manager has the authority to carry out the functions of the Disclosures 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 2018 to 31 August 2019 is included in this report for the information of Council.

**DELIVERY PROGRAM LINKS**

Making Council Great

CS1 Leading and Advocating for our Community

CS1.1 Improve decision making by engaging stakeholders and taking community input into account

**BUDGET IMPLICATIONS**

Not applicable

**CONSULTATION**

Not applicable

**ATTACHMENT(S)**

1. Office of Local Government Model Code of Conduct Complaints Statistics - 1 September 2018 - 31 August 2019

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	0
	b The total number of complaints <b>finalised</b> in the period about councillors and the GM under the code of conduct	0
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>	0
	d The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer	0
	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>	0
	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>	0
	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	0

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 <input type="text" value="0"/>
b	To resolve the complaint by alternative and appropriate strategies <input type="text" value="0"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies <input type="text" value="0"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police <input type="text" value="0"/>
e	To investigate the matter <input type="text" value="0"/>
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter <input type="text" value="0"/>
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 <input type="text" value="0"/>
b	That a person or persons undertake training or other education <input type="text" value="0"/>
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 <input type="text" value="0"/>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach <input type="text" value="0"/>
c	That the subject person be counselled for their conduct <input type="text" value="0"/>
d	That the subject person apologise to any person or organisation affected by the breach <input type="text" value="0"/>
e	That findings of inappropriate conduct be made public <input type="text" value="0"/>
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach <input type="text" value="0"/>
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 <input type="text" value="0"/>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action <input type="text" value="0"/>
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures and clause 7.20 of the new Procedures <input type="text" value="0"/>

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)	<input type="text" value="0"/>
b Conflict of interest (FMCC Part 4) and Non-pecuniary conflict of interest (NMCC Part 5)	<input type="text" value="0"/>
c Personal benefit (FMCC Part 5 / NMCC Part 6)	<input type="text" value="0"/>
d Relationship between council officials (FMCC Part 6 / NMCC Part 7)	<input type="text" value="0"/>
e Access to information and resources (FMCC Part 7 / NMCC Part 8)	<input type="text" value="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	<input type="text" value="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	<input type="text" value="0"/>

**18.5 CORRESPONDENCE SUBMITTED TO DECEMBER 2019 ORDINARY MEETING**

**Author:** Vaughan Macdonald, General Manager

**SUMMARY OF CORRESPONDENCE**

1. Council was invited to provide a submission to the Legislative Assembly Committee on Investment, Industry and Regional Development. Our goal in providing a submission impact of the drought in the Richmond Valley Local Government Area and to highlight ways the NSW Government can assist drought affected communities in NSW (a copy of the correspondence submitted follows).
2. Letter to the Hon David Littleproud MP, seeking consideration of Richmond Valley Council's eligibility for the Drought Communities Program (copy of letter follows).

**ATTACHMENT(S)**

1. **NSW State Parliament Committee - Regional NSW Drought Impact Submission**
2. **Minister Littleproud MP - Impacts of the Drought in the Richmond Valley local government area**



10 Graham Place Casino NSW 2470  
Postal: Locked Bag 10 Casino NSW 2470

t: 02 6660 0300 f: 02 6660 1300

[council@richmondvalley.nsw.gov.au](mailto:council@richmondvalley.nsw.gov.au)  
[www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au)

ABN 54 145 907 009

29 November 2019

The Chair  
Committee on Investment, Industry and Regional Development  
Parliament House  
Macquarie Street  
Sydney NSW 2000  
Email: [investmentindustry@parliament.nsw.gov.au](mailto:investmentindustry@parliament.nsw.gov.au)

Dear Minister

### **Impacts of the drought in the Richmond Valley local government area**

Thank you for your invitation to make a submission to the Legislative Assembly Committee on Investment, Industry and Regional Development. Council's goal is to provide information on the impact of the drought in the Richmond Valley Local Government Area (LGA) and to highlight ways the NSW Government can assist drought affected communities in NSW.

The Richmond Valley LGA is located in the Northern Rivers region of NSW and covers 3,050 square kilometres of land that extends from the coastline at Evans Head to the foothills of the Great Dividing Range in the west interspersed with prime agricultural land, regional villages, State forests and National parks. The largest town is Casino and our smaller communities include Broadwater, Coraki, Evans Head, New Italy, Woodburn and Rappville with a combined population of over 23,000, with 7.2% of the Richmond Valley population are Aboriginal and Torres Strait Islander people.

The Richmond Valley LGA is recognised by the NSW Government as being in drought and intense drought. Department of Primary Industries rainfall data shows the Richmond Valley is suffering from intense drought.

Our economy is highly reliant on agriculture. Many of our farmers are suffering economically and physically due to the persistent and intense drought and as a result, so too is the wider community. Some farmers have had to totally de-stock their properties due to lack of water and feed and have no other means of income.

The Northern Rivers Regional Economic Development Strategy 2018-2022 recognises Casino as one of the Northern Rivers' primary agricultural hubs. In the Richmond Valley there are 8,414 jobs. Food product manufacturing is the largest single employment industry in the Richmond Valley comprising 1,725 jobs or 20% of the workforce. This industry includes:

- Meat (beef and pork) processing,
- Dairy product manufacturing
- Sugarcane milling and sugar manufacturing
- Hide tanning
- Ti tree processing

-2-

Combined with the 684 jobs in the Agricultural industry, this accounts for 28% of total employment. The total output by industry of the Richmond Valley is currently \$1.747 billion. Food product manufacturing together with the Agriculture industry account for \$728 million of this output which is over 41% of the total output.

The critical nature of these industries on the Richmond Valley economy cannot be understated and the impact of the drought is being acutely felt.

The Northern Rivers Livestock Exchange, commonly known as the Casino Saleyards, is the regional selling facility for the Northern Rivers. Record numbers of cattle are being seen at the sales each week, but this does not reflect a strength in the market. Low prices are being recorded and this is due to the sheer number of farms which are 'destocking' due to the cost of food and water for their livestock.

This process of destocking will have a ripple effect throughout the local economy and will have long-lasting effects.

The most genuine way the Government can assist regional economies is by investing in infrastructure and policy that will prepare communities for future drought events. Major water retention and distribution infrastructure investments from Government will build resilience for communities, whilst fast tracking regulatory approvals and financial assistance for farmers to invest in on-farm water infrastructure such as dams and irrigation will enhance and strengthen their future.

Initiatives such as temporary relief from state taxes, charges and levies for drought affected businesses are well received and all play a part in getting businesses through tough times, but the true work will be building resilience for future events.

I would be happy to discuss the matter with you further and can be contacted on either 02 66600231 (office) or Mobile: 0415 155 257.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Vaughan Macdonald', written in a cursive style.

Vaughan Macdonald  
**General Manager**



10 Graham Place Casino NSW 2470  
Postal: Locked Bag 10 Casino NSW 2470

t: 02 6660 0300 f: 02 6660 1300

[council@richmondvalley.nsw.gov.au](mailto:council@richmondvalley.nsw.gov.au)  
[www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au)

ABN 54 145 907 009

9 December 2019

The Hon David Littleproud MP  
Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency  
Management  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600  
Via email: [minister.littleproud@agriculture.gov.au](mailto:minister.littleproud@agriculture.gov.au)

Dear Minister

**Impacts of the drought in the Richmond Valley local government area**

I am writing to you to provide some information on the impact of the drought in the Richmond Valley Local Government Area (LGA) and to ask you to consider our eligibility for the Drought Communities Programme.

The Richmond Valley LGA is located in the Northern Rivers region of NSW and covers 3,050 square kilometres of land that extends from the coastline at Evans Head to the foothills of the Great Dividing Range in the west interspersed with prime agricultural land, regional villages, State forests and National parks. The largest town is Casino and our smaller communities include Broadwater, Coraki, Evans Head, New Italy, Woodburn and Rappville with a combined population of over 23,000.

Rainfall data shows the Richmond Valley is suffering from intense drought. The Richmond Valley LGA is recognised by the NSW Government as being in drought and intense drought.

The Richmond Valley economy is highly reliant on agriculture. Many of our farmers are suffering economically and physically due to the persistent and intense drought and as a result, so too is the wider community. Some farmers have had to totally de-stock their properties due to lack of water and feed and have no other means of income – these are the very people Drought Communities Program is intended to help.

I understand that one of the key criteria for eligibility under the Drought Communities Programme is the percentage of employment attributable to the agricultural sector. I am asking you today to consider that agricultural sector jobs are more than just on farm.

The Northern Rivers Regional Economic Development Strategy 2018-2022 recognises Casino and Kyogle as the Northern Rivers' primary agricultural hubs. In the Richmond Valley there are 8,414 jobs. Food product manufacturing is the largest single employment industry in the Richmond Valley comprising 1,725 jobs or 20% of the workforce. This industry includes



- Meat (beef and pork) processing,
- Dairy product manufacturing
- Sugarcane milling and sugar manufacturing
- Hide tanning
- Ti tree processing

Combined with the 684 jobs in the Agricultural industry, this accounts for 28% of total employment. The total output by industry of the Richmond Valley is currently \$1.747 billion. Food product manufacturing together with the Agriculture industry account for \$728 million of this output which is over 41% of the total output.

Should Richmond Valley be formally recognised as being affected by drought and becomes eligible for the Drought Communities Programme, Council will utilise this funding to complete local infrastructure and drought-relief projects which will build resilience within our agricultural communities and businesses.

I therefore respectfully ask that Richmond Valley Council be added to the list of Eligible Councils to qualify for the Drought Communities Program. I would be happy to discuss the matter with you further and can be contacted on my mobile 0415 155 257.

Yours sincerely



Vaughan Macdonald  
**General Manager**

**19 QUESTIONS ON NOTICE**

Nil

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