

Richmond
Valley
Council



AGENDA

Ordinary Council Meeting

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

Date: Tuesday, 18 March 2025

Time: 6pm

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

**Vaughan Macdonald
General Manager**

Statement of Ethical Obligations

In accordance with Clause 3.23 of the Model Code of Meeting Practice, Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the *Local Government Act 1993* and their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Oath or affirmation of office

The Oath or Affirmation is taken by each Councillor whereby they swear or declare to:

Undertake the duties of the office of Councillor in the best interests of the people of the Richmond Valley and Richmond Valley Council, and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

Conflicts of interest

All Councillors must declare and manage any conflicts of interest they may have in matters being considered at Council meetings in accordance with Council's Code of Conduct.

All declarations of conflicts of interest and how the conflict of interest was managed will be recorded in the minutes of the meeting at which the declaration was made.

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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****4 APOLOGIES**

5 MAYORAL MINUTES**5.1 MAYORAL MINUTE - TROPICAL CYCLONE ALFRED - IMPACTS AND RECOVERY****RECOMMENDATION**

That Council considers the updated Mayoral Minute, to be tabled at the 18 March 2025 Ordinary Meeting, outlining the impacts, response and recovery planning for the Richmond Valley following Tropical Cyclone Alfred.

REPORT

The Richmond Valley has once again experienced the threat of natural disaster, with Tropical Cyclone Alfred having significant impacts on Southeast Queensland and the Northern Rivers regions. Thankfully, the outstanding efforts of the community and emergency services in preparing for this event have helped to ensure that we are in a better position to recover. The Mid-Richmond communities continue to experience significant flood inundation at the time of this report and Council is currently focussing on flood response and preparing to assess the damage to local roads and infrastructure. An updated Mayoral Minute will be tabled at the meeting which will include an early assessment of damage and other information related to Council's preparations, response and recovery planning following the weather event.

ATTACHMENT(S)

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD 18 FEBRUARY 2025****RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting held on 18 February 2025.

REPORT

Refer attached Minutes.

ATTACHMENT(S)

- 1. Unconfirmed Minutes Ordinary Meeting 18 February 2025 (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 MAYORAL ATTENDANCE REPORT 13 FEBRUARY - 11 MARCH 2025****RECOMMENDATION**

That Council receives and notes the Mayoral Attendance Report for the period 13 February – 11 March 2025.

February

- 15th Beef Week 100 Day Launch Function
- 17th Truck Show Community Donation Presentation
- 17th Reconstruction Authority Meeting Lismore
- 18th Truck Show Community Donation Presentation
- 18th Richmond Valley Council Ordinary meeting
- 19th Rous County Council Ordinary meeting Ballina
- 19th Rous County Council Induction
- 20th Northern Rivers Bushfire Management meeting
- 20th Meeting with CEO Reconstruction Authority, Mal Lanyon
- 21st Northern Rivers Joint Organisation meeting Murwillumbah
- 22nd Marine Rescue Evans Head Awards Presentation
- 25th Shadow Minister - Regional Transport and Roads meeting
- 26th Community Forum – Richmond Valley 2040 at Casino

March

- 4th Meeting with Kevin Hogan MP and Senator Perin Davey at Woodburn
- 4th Update Meeting TC Alfred, Senator Tony Sheldon
- 4th Richmond Valley Councillor Information Session
- 5th Seniors' Week Celebration - Casino
- 6th Update Meeting TC Alfred, Senator Tony Sheldon
- 7th Update Meeting TC Alfred, Senator Tony Sheldon
- 8th Update Meeting TC Alfred, Senator Tony Sheldon
- 9th TC Alfred Media Conference Lismore
- 9th NSW Reconstruction Authority meeting with Councils impacted by TC Alfred
- 9th Update Meeting TC Alfred, Senator Tony Sheldon
- 10th Lower River flood visit
- 11th Update Meeting TC Alfred, Senator Tony Sheldon
- 11th Discussion with Her Excellency Governor General Sam Mostyn

During TC Alfred event I was based in Casino, monitoring flood heights, responding to enquiries from Richmond Valley Council residents and the media.

ATTACHMENT(S)

Nil

12 DELEGATES' REPORTS**12.1 DELEGATES' REPORT MARCH 2025 - ROUS COUNTY COUNCIL****RECOMMENDATION**

That Council receives and notes the Delegates' Report – Rous County Council for March 2025.

REPORT

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

Cr Robert Mustow and Cr Sandra Humphrys have provided the following summary of the main items of business for the Rous County Council Ordinary Meeting held on 19 February 2025.

ATTACHMENT(S)**1. Summary Rous County Council Meeting 19 February 2025**



Rous County Council meeting 19 February 2025 Summary of main items of business

1. Meeting locations in 2025

Until Rous moves into purpose-built offices in Ballina, Rous County Council meetings will be held at the offices of constituent councils.

Meeting dates and locations are:

- 19 February – Ballina Shire Council
- 16 April – Byron Shire Council
- 18 June – Lismore City Council
- 20 August – Richmond Valley Council
- 15 October – Ballina Shire Council
- 10 December – to be confirmed

2. Notice of motion for acknowledgement of correspondence from Widjabul Wia-bal and local First Nations people regarding Dunoon Dam proposal

Widjabul Wia-bal Day was held in Lismore on 19 December 2024 commemorating the Native Title determination that was made in 2022 covering various parts of the Northern Rivers region. At that event 85 Widjabul Wia-bal and local First Nations people signed letters to Rous County Council Councillors expressing their opposition to the Dunoon Dam proposal.

Cr. Elia Hauge moved a Notice of Motion regarding the Native Title determination, acknowledgement of the letters and the position of the Widjabul Wia-Bul and local First Nations people regarding the proposed Dunoon Dam which, when put to a vote the motion was not carried.

3. Purchase of Marom Creek Water Treatment Plant and transitional charging arrangements for new customers

Rous and Ballina Shire Council have been working to finalise the acquisition by Rous of the Marom Creek Water Treatment Plant (and associated assets). This includes approximately 11.1km of water distribution pipelines that have 57 retail water connections.

To ensure the 57 retail water customers are not financially disadvantaged, it was endorsed by Council that a transitional fee structure be adopted for a period of five years to provide a smooth and progressive fee increase for the affected customers.

The total estimated loss in revenue is \$34,724 over the 5-year period, based on an average recorded consumption for the transitioning customers over the last 2-year period. At the same time, the expected total retail revenue from the newly transferred retail customers is \$339,655.

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4. Gallans Road – Project Update

In October 2021, Rous resolved to purchase 57 Gallans Road, Ballina, NSW to consolidate its workplaces.

The property will provide an integrated administration and works depot complex, Council chambers and public meeting space with opportunities for enhanced community engagement.

Council was provided with an update on the project (as at January 2025), including:

- Background information about two reports (dated 19 April 2023 and 10 October 2023) relating to budget allocation and procurement, and the development of the Probity Plan and Risk Management Framework.
- In January 2024 Rous proceeded with a select tender to award the construction contract (Alder Construction Pty Limited).
- On 22 August 2024, Ballina Shire Council approved Council's Development Application Change of Use from rural industry to Public Administration Building and Depot (DA2023/343).
- Reporting requirements on the progress of the project will be quarterly to the council.
- Design documentation to 90% has been completed and is now in the final stages of 'Issued for Construction.'
- Demolition work has been completed.

At this stage, construction is expected to be completed within the calendar year.

5. Policy Reviews

- (a) Adopted - Code of Conduct and Code of Conduct Procedures
- (b) Adopted - Cyber Security policy
- (c) Approve public exhibition - Payment of fees, expenses and provision of facilities for chairperson and councillors.

6. Information Reports

Council received and noted various information reports including:

- Quarterly Budget Review Statement (at 31 December 2024) report.
- Integrated Planning and Reporting Framework: Delivery Program | Operational Plan performance report (1 July 2024 – 31 December 2024).
- Minutes from the Audit, Risk and Improvement Committee meetings of 14 October 2024 and 25 November 2024.
- Summaries relating to Retail Water Customer Account Assistance and Debt Write-Off (for the previous six-month period).

For a copy of the agenda for the meeting click [HERE](#)

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**14.1 RESPONSE TO NOTICE OF MOTION - FLOOD BUYBACKS AND NEW HOME APPROVALS FOR FLOOD PRONE LAND IN THE MID-RICHMOND**

Author: Vaughan Macdonald

EXECUTIVE SUMMARY

At the February Council meeting a motion was unanimously supported by Councillors and Council in relation to Flood Buybacks and new home approvals. Council subsequently wrote to the Chief Executive Officer of the NSW Reconstruction Authority, seeking a response to Part 1 of the resolution. (See Attachment 1) The letter also sought a response to a series of Questions on Notice submitted by Cr Murray at the February meeting regarding the Reconstruction Authority's Resilient Homes Program. To date, no response has been received from the Authority likely due to the current focus on recovery from the Cyclone Alfred event. A further report will be provided to Council once a response is received.

RECOMMENDATION

That Council notes the update on the actions from the Notice of Motion and that a further report will be provided when a response from the Reconstruction Authority is received.

DELIVERY PROGRAM LINKS

Objective 1: Rebuild and reconnect our communities

1A Revitalise flood-affected towns and villages

1A2 Prepare long-term plans for Mid-Richmond villages

BUDGET IMPLICATIONS

Completion of the new Richmond Valley Floodplain Risk Management Plan is being co-funded by Council and the NSW Government.

REPORT

At Council's February meeting, Cr Hayes presented the following Notice of motion:

That:

1. *Council seeks urgent clarification from the NSW Reconstruction Authority on future uses and restrictions to be applied to buy-back lands within the Richmond Valley.*
2. *A report be presented to the March 2025 Ordinary meeting outlining:*
 - i. *The Reconstruction Authority's response to the above.*
 - ii. *Council's current planning requirements for new, upgraded and replacement development on flood affected lands in the Mid-Richmond villages.*

The motion was unanimously supported by Councillors and Council subsequently wrote to the Chief Executive Officer of the NSW Reconstruction Authority, seeking a response to Part 1 of the resolution. The letter also sought a response to a series of Questions on Notice submitted by Cr Murray at the February meeting regarding the Reconstruction Authority's Resilient Homes Program. To date, no response has been received from the Authority and given its current focus on

recovery from the Cyclone Alfred event, it is unlikely that this matter will be addressed prior to the March Ordinary Meeting. A further report will be provided to Council once a response is received.

In the meantime, this report focuses on:

- Discussions so far between Council and the Reconstruction Authority regarding the current status of local buy-back properties
- A response to Part 2 ii of the resolution regarding current requirements for flood affected lands in the Mid Richmond villages.

Buy-back lands

Over the past 12 months, Council has continued to work with the NSW Reconstruction Authority to clarify the potential impacts and opportunities of housing buy-backs under the Resilient Homes Program. The program originally received an allocation of \$790m for buy-backs and housing resilience upgrades, such as raising and retrofitting, in the Northern Rivers. This was increased to \$880m in December 2024. The greatest proportion of the buy-back funding has been expended in the Lismore local government area, with the Richmond Valley receiving only a small percentage.

Due to the confidential nature of negotiations between property owners and the Authority, it has been challenging to gain clarity on how many properties within the Richmond Valley had accepted offers and where these lands were located. Discussions with the Authority have confirmed that a total of 56 buy-back offers were extended to Richmond Valley property owners, but not all of these offers have been accepted. The scheme has now progressed to the point where Council can confidently identify those parcels of land which have been transferred to the ownership of the Reconstruction Authority under the buy-back arrangements. There are currently 38 properties that have completed ownership transfer: 16 in Woodburn, 5 in Broadwater and 17 in Casino. It is expected that there may be some additional ownership transfers before the first round of offers is finalised. It is not anticipated that further buy-backs will be offered in the Richmond Valley, with the additional funds allocated to the scheme for a potential second round of offers believed to be earmarked for more purchases in higher risk LGAs.

Council has participated in a number of discussions with the Reconstruction Authority regarding possible future use of the buy-back properties and whether ownership is of interest to Council and/or if land is to be transferred to RVC. While there are some parcels of land within the 38 properties currently identified that may have potential operational or community use, Council officers are working through options and what the terms and conditions and any transfers to Council would be with the Authority. Key issues yet to be resolved include whether existing buy-back homes could be converted to non-residential uses and what, if any, infrastructure would be permissible on vacant buy-back lands, for example whether they could be converted to parks, or overnight rest areas for campervans. It is also unclear whether any funding would be available from the Authority to support conversion of these properties to beneficial community use. Council continues to develop options for the consideration of the Authority and a further report will be presented to Council when more information is available.

Current planning requirements

Since the 2022 floods, assessment of proposed development on the floodplain has become increasingly more complex. While Planning NSW has directed councils to take a risk-based approach to assessment of these developments, it is yet to fully clarify what this approach should entail. Councils are largely left to interpret the advice, based on their own particular circumstances and available flood-risk information. The most recent advice was issued by the Department in March 2024 in the Planning Circular: *Update on addressing flood risk in planning decisions* (Attachment 2). The Circular refers Councils to the general assessment requirements of s.4.15 of the *Environmental Planning and Assessment Act 1979* and identifies eight key considerations for a risk-based assessment of proposals. These include matters such as:

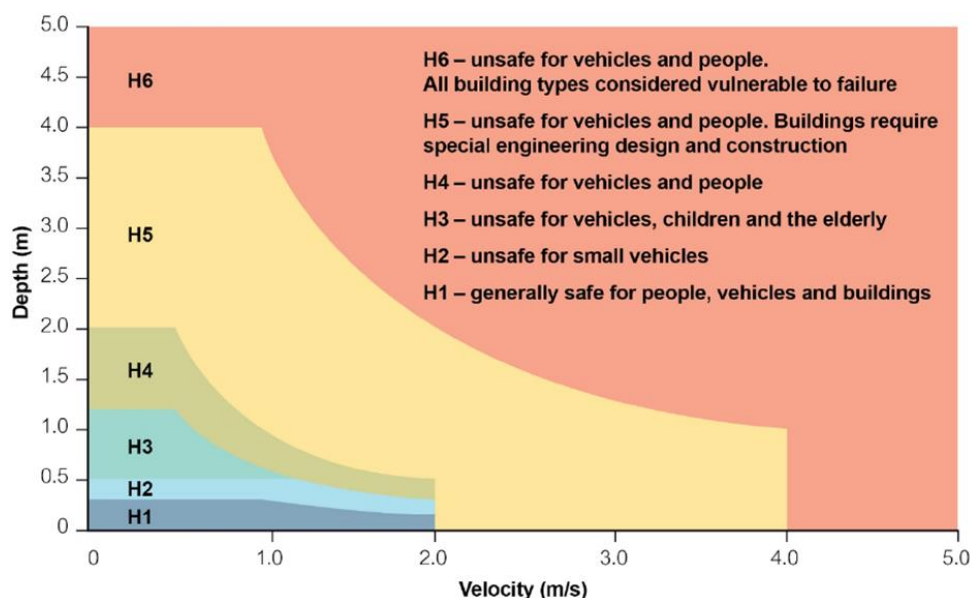
- whether the proposal is in a high-risk catchment
- the location of the proposal in relation to flood behaviour and constraints
- the hazard vulnerability classification of the land
- frequency of inundation, and
- whether the proposal provides for safe occupation and efficient and effective evacuation in flood events and how it is to be achieved.

The greater the perceived risk of the property, the more complex the assessment process becomes, with more documentation required to support the assessment.

Council's Development Control Plan currently prohibits residential development on land where flood water exceeds 2 metres depth (in a 1%AEP flood + Climate Change). Despite the DCP provision, Council has been employing a risk-based approach to the assessment of development applications since before the 2022 floods and has granted consents to developments where the depth exceeds 2 metres (1%AEP+CC). Those applications have been subjected to higher scrutiny due to the heightened flood risk for these locations. However, since the March 2024 Planning Circular was issued, questions have arisen as to whether higher densities of development can or should be supported in these areas, as it potentially places more people at risk. There is currently no clear policy position on this from the NSW Government and it is a matter for each Council to determine whether higher density development, such as subdivisions, duplexes and flats can be safely accommodated within the requirements set out by the Circular. A key consideration in assessing proposals in flood-affected areas is the Flood Hazard Classification of each property.

Flood hazard classification

Flood hazard categorisation is defined by the *NSW Flood Risk Management Guideline* (FB03) by combining flood depth and flood velocity (see below).

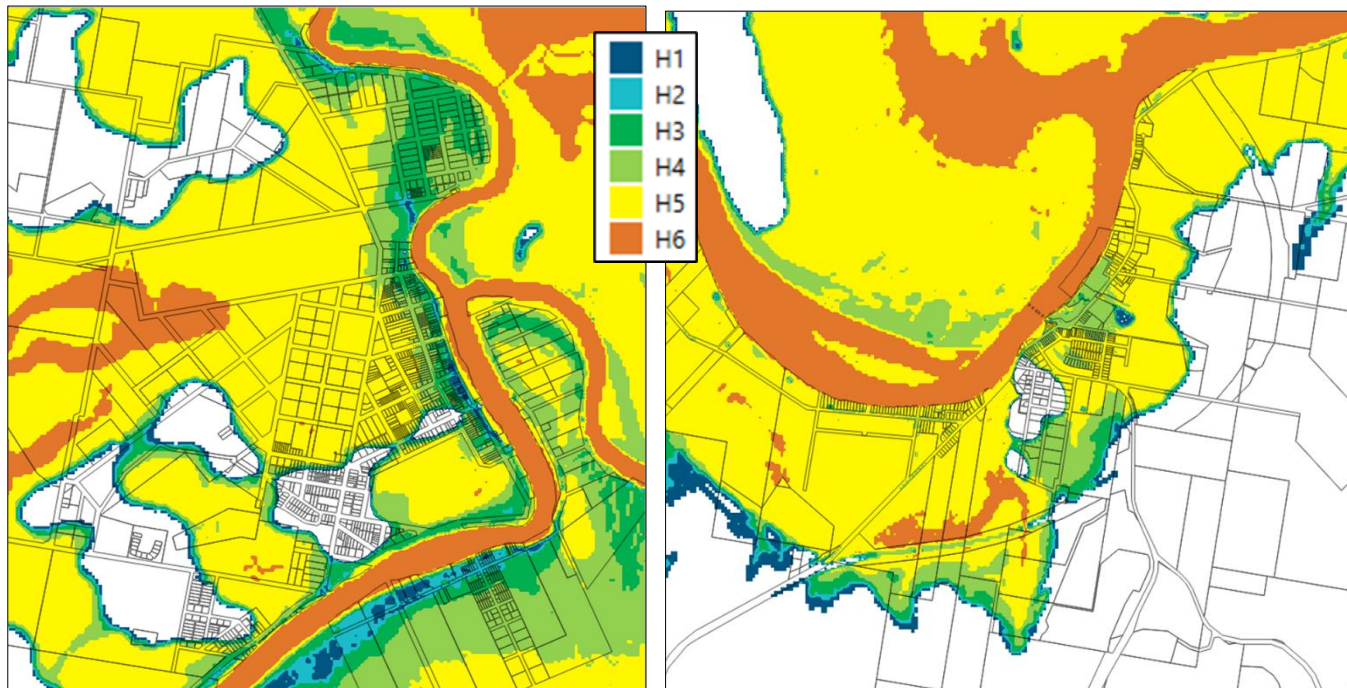


General flood hazard vulnerability curve

- *H1—Generally safe for vehicle, people and buildings*
- *H2—Unsafe for small vehicles*
- *H3—Unsafe for vehicles, children and the elderly*
- *H4—Unsafe for vehicles and people*
- *H5—Unsafe for vehicles and people. All building types vulnerable to structural damage. Some less robust building types vulnerable to failure*
- *H6—Unsafe for vehicles and people. All building types considered vulnerable to failure*

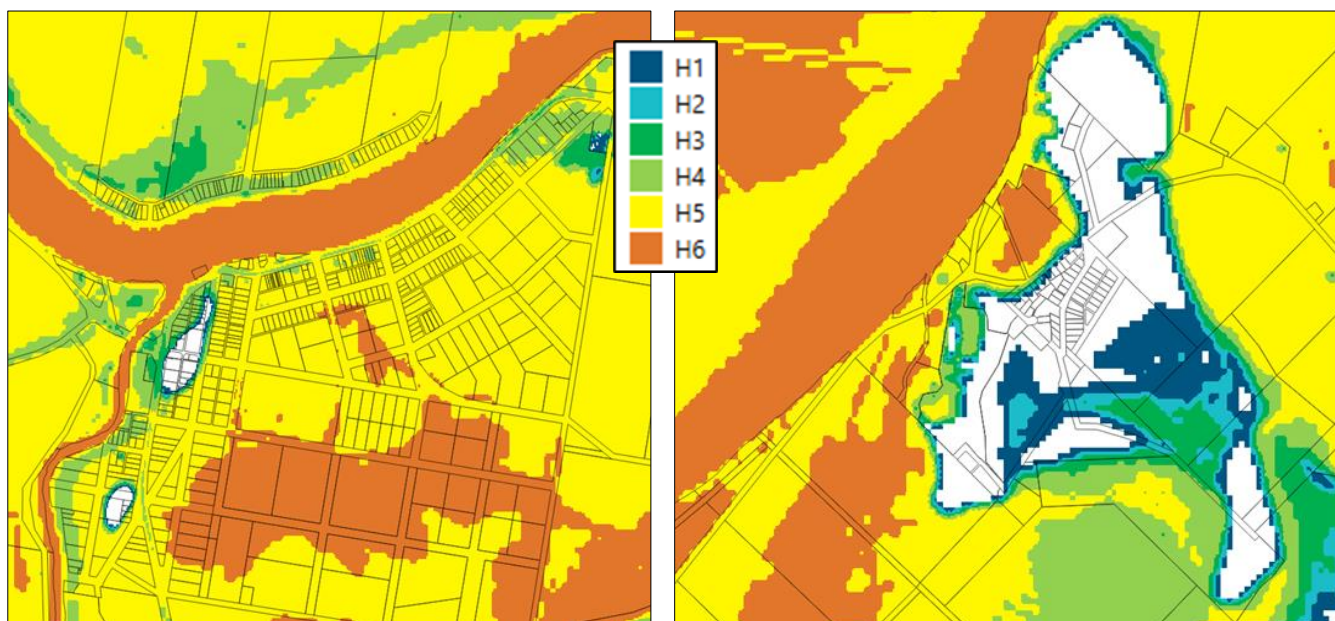
The *NSW Flood Risk Management Guideline – Flood Hazard* (FB03) combines flood depth and flood velocity to define flood hazard categories. H1 to H4 are equivalent to low hazard and H5 & H6 equivalent to high hazard. Modelling of flood hazards in a 1%AEP+CC event for the Mid-Richmond, shows that all three villages – Woodburn, Broadwater/Rileys Hill and Coraki are significantly impacted, with extensive areas at H5 and H6 hazard classification. The maps on the following page show the results of this modelling.

Under a risk-based approach hazard categories need to be understood across a range of design flood events for a site (up to and including extreme events such as the probable maximum flood (PMF)). While it may be possible for some development to take place in H5 classification areas, where there is low flood velocity, careful consideration is required as to how buildings can be safely designed and constructed in these areas and whether it is financially viable to do so.



Coraki Hazard Category Map (1%AEP+CC)

Broadwater Hazard Category Map (1%AEP+CC)



Woodburn Hazard Category Map (1%AEP+CC)

Rileys Hill Hazard Category Map (1%AEP+CC)

In assessing development applications, Council considers not only the hazard category, but also potential variations in the extent of flooding, flood duration, expected warning times, flood isolation, evacuation routes and access to flood refuges for the different flood magnitudes. These are critical considerations given the potential for flooding, such as in 2022, to exceed the minimum habitable floor levels as they currently stand. While shelter in place options might be acceptable for smaller flood events, higher floods could leave residents isolated from accessible flood refuges and requiring rescue from emergency services.

Future outlook

Finalisation of the new Floodplain Risk Management Plan will assist in identifying more detailed options for proposed development in flood-affected villages. It is also expected that the Regional Disaster Adaptation Plan, currently being prepared by the NSW Reconstruction Authority will provide more specific guidance on planning controls and flood planning levels across the region. In the meantime, Council will continue to rely on guidance from its current Floodplain Risk Management plan, the LEP (cl.5.21), DCP, its recently updated Flood Study and the Flood Risk Management Manual to help determine whether it will be safe to grant consent to new and modified developments after considering such things as-

- Provision for all habitable floors to be located above the Flood Planning Area (FPA), as a minimum. This may include limitations on ground floor infill development.

(The FPA is the 1% AEP Flood Level including Climate Change plus 500mm freeboard)

- Construction standards, including use of flood compatible materials and engineering for structural soundness for the force of floodwater, debris impact and buoyancy
- Evacuation, access, and safety for the residents as well as the safety of attending emergency response teams.

In the longer term, the Mid-Richmond Place Plans provided guidance on how flood-affected communities could address resilience and adaptation challenges, using the CSIRO's Maintain, Modify and Transform pathways (see below). While the 'Maintain' pathway mainly addresses immediate flood recovery, getting communities 'back to normal' and exploring opportunities to improve resilience, it does not address the longer-term questions as to whether further development should be encouraged. Three years on from the 2022 flood, there is an opportunity to explore the 'Modify' pathway, which includes a more detailed analysis of where new development could realistically be enabled to manage risk while still supporting continued growth. The current Floodplain Risk Management Plan process provides an opportunity to consider these issues, including any options for potential mitigation works, and ultimately incorporate risk-management guidance into the Development Control Plan.

**MAINTAIN****THE MAINTAIN PATHWAY***The Maintain pathway promotes:*

- Continued use of existing urban land to support housing provision
- Resilient design of property to help mitigate risk
- Strong focus on community reconnection and services support post-event
- Short term improvements in socio-economic wellbeing like bringing increased tourism to drive business support

It does not generally:

- Help a community be resilient long term, but is good for getting 'back to normal'
- Address longer term issues of repeated events or long-onset issues
- Involve substantial mitigation works
- Explicitly promote new development in unsafe and inappropriate locations

**MODIFY****THE MODIFY PATHWAY***The Modify pathway promotes:*

- Utilisation of land which is lowest risk and begins to address climate resilient development principles to reduce residents' exposure to risk
- Supporting continued growth of existing settlements but in a resilient and sustainable way using mitigation as a core principle of risk reduction
- Re-thinking how much a town can and should grow due to risk, and the role it performs in its 'hinterland'
- Strong role for increased investment by government

It does not generally:

- Stop a community from experiencing extreme or long onset risks
- Guarantee a community will be sustainable long term, unless safe growth can occur which supports ongoing town viability
- Succeed without community-driven commitment to place

**TRANSFORM****THE TRANSFORM PATHWAY***The Modify pathway promotes:*

- Acceptance that the place is unsafe in the short, medium or long term and action is required to move or adapt to avoid or limit that risk
- A full 're-think' of what the town is, what it looks like, and where it should be
- A new urban approach to maximise long-term socio-economic sustainability and ensure future residents are not exposed to intolerable risk
- Coordinated community, local government and State and Federal cooperation

It does not generally:

- Happen without policy commitment across government or substantial funding and implementation commitment of government
- Result in the long term continued habitation of the place

CONSULTATION

Council conducted extensive community consultation to develop the Mid-Richmond Place Plans and further community consultation is currently underway to develop the new Floodplain Risk Management Plan. Council is also working directly with the NSW Reconstruction Authority to support development of the Regional Disaster Adaptation Plan.

CONCLUSION

Since the 2022 floods, assessment of proposed development on the floodplain has become increasingly more complex with many key policy issues yet to be resolved. While Planning NSW has directed Councils to take a risk-based approach to assessment of these developments, it is yet to fully clarify what this approach should entail. Councils are largely left to interpret the advice, based on their own particular circumstances and available flood-risk information.

Key questions such as the future use of buy-back lands also remain in under consideration with Council working with the NSW Reconstruction Authority to progress options for these properties.

In addressing current development applications, Council has relied on guidance from the most recent Planning Circular in interpreting its responsibilities under s.4.15 of the *Environmental Planning and Assessment Act 1979*. It has also drawn on its recently updated flood study to better understand flood hazard categories and potential flood behaviour in each of the Mid-Richmond villages. Completion of the new Floodplain Risk Management Plan, as well as the Regional Disaster Adaptation Plan will help to further clarify future options for development within our Mid-Richmond communities.

ATTACHMENT(S)

1. **Letter to NSW Reconstruction Authority**
2. **Planning Circular PS24-001: Update in addressing flood risk in planning decisions**



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February 2025

Mr Mal Lanyon APM
Chief Executive Officer
NSW Reconstruction Authority

Via email:

Dear Mr Lanyon,

Resilient Homes Program and future management of buy-back lands

Richmond Valley Council resolved, at its 18 February 2025 meeting, to write to the NSW Reconstruction Authority seeking urgent clarification on future uses and restrictions to be applied to buy-back lands within the Richmond Valley. This matter arises from our Mid-Richmond communities' ongoing concerns for the long-term recovery and viability of their villages in the wake of the 2022 floods. At the February Council meeting, local residents expressed their strong desire to see their communities build back better and continue to thrive.

As you would be aware, Council partnered with the Reconstruction Authority, last year, to develop combined Place Planning/Adaptation Planning for the Mid-Richmond communities of Woodburn, Broadwater/Rileys Hill, Coraki and Evans Head to help address some of the challenges of place-based resilience and adaptation. These Plans, recently recognised by the Planning Institute of Australia for excellence in adaptation planning, identified that each of the communities could rise to the challenge of building back better in a changing climate, by drawing on the CSIRO's resilience and adaptation pathways approach. The Plans set out a strategy for each village to apply the Maintain, Modify and Transform pathways of the CSIRO model as they progress through flood recovery, identify opportunities for responsible growth and increased resilience and prepare to adapt to long-term challenges. The Plans also identified that, in order to move to a confident position, each community would need to address outstanding recovery issues, such as the implementation of the Reconstruction Authority's Resilient Homes Program. Resolving unanswered questions around timeframes for finalisation of the program and the future management of buy-back lands will allow them to progress to the next stage of adaptation, working with Council to develop risk-based land-use planning solutions for each village.

Of particular concern to residents is whether the buy-back properties will be restricted from all future uses, or could be adapted to other community purposes, for example converting a residence to a commercial facility. The community is of the view that this would serve the intent of reducing risk to occupants, while still allowing for economic stimulus. Other questions arising from the community relate to the future potential to replace buy-back homes with more flood-resilient structures and thus retain the use of the land. Council would greatly appreciate clarification from the Authority on which specific uses of buy-back lands will be permitted and which will not.

Love where we live and work



During the February meeting, further concerns regarding the administration of the Resilient Homes program were raised, with Cr Lyndall Murray tabling a series of Questions on Notice for response at the 18 March Council meeting. I would appreciate your assistance in answering these questions, as all of them relate to the Reconstruction Authority's administration of the Program, which is outside the purview of Council.

The questions are as follows:

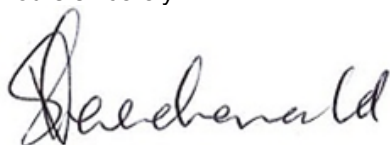
1. Will all priority homes mapped 1-4 in the Resilient Homes Program receive a grant and what is the timeline to deliver these in full?
2. Of the total number of homes affected by the 2022 flood, how many promised grants have been approved and distributed across the three Resilient Homes Grant streams? Additionally, please provide a breakdown by grant stream and postcode for Richmond Valley residents.
3. How much of the \$790 million has been distributed, with a breakdown by postcode, priority level, and the average time taken for approval?
4. Can the Authority provide clear details about the Retreat Program, including how people can apply and the timeline for its rollout across properties over five hectares. Will the funding be equivalent to the house raise grant stream? If not, why?
5. What is the process for RA agents in connecting applicants to mental health services, and how many individuals have been referred to the police for welfare checks in the Richmond Valley?
6. Can we follow up with the relevant agency to confirm the revised date for the outcome of the Woodburn IGA's business grant application, which was supposed to be resolved on 17 February?

Thank you for your consideration of these matters. As I am obliged under Council's resolution to report on the Authority's response at the 18 March 2025 Council meeting, I would greatly appreciate your prompt attention to the questions raised.

Council looks forward to continuing to work with the NSW Reconstruction Authority to support the continued flood recovery of our Mid-Richmond communities and develop clear resilience pathways for their future.

If you or any of your team would like to discuss this matter, please contact me directly.

Yours sincerely



Vaughan Macdonald
General Manager



Planning circular

PLANNING SYSTEM

Update on addressing flood risk in planning decisions

Circular	PS 24-001
Issued	1 March 2024
Related	Supplement to PS 21-006

Update on addressing flood risk in planning decisions

This circular supplements PS 21-006 *Considering flooding in land use planning: guidance and statutory requirements* and provides additional information to planning authorities in relation to addressing flood risk in land use planning and development assessment under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The circular outlines existing flood-related planning policies and provides further information and advice on their application in planning. The circular also provides updates on flood-related policy initiatives underway, including action taken in response to the *2022 NSW Flood Inquiry*.

2022 NSW Flood Inquiry

An independent expert inquiry (the NSW Flood Inquiry) led by Professor Mary O'Kane AC and Michael Fuller APM was undertaken into the preparation for, causes of, response to, and recovery from the significant flood events experienced in NSW in early 2022.

The NSW Flood Inquiry Report (released July 2022) included 28 recommendations for change and highlighted the importance of taking a more proactive, risk-based approach to flooding in planning decisions, including greater consideration of climate change.

The NSW Department of Planning, Housing and Infrastructure (the department) is working with councils, government agencies and key stakeholders to implement the NSW Government's response to the NSW Flood Inquiry.

As part of this work, this circular provides advice to councils and other planning authorities about land use planning and development assessment on flood prone land. This includes information on:

- existing flood-related planning policies that planning authorities should continue to apply to address flood risks
- further advice on flood matters for planning authorities to consider when making decisions for planning proposals, local and regional development applications, and State significant development and State significant infrastructure.

Consistent with the findings of the NSW Flood Inquiry, the department recommends applying a risk-based approach when addressing flooding in planning decisions. This includes ensuring that:

- the level of assessment undertaken for a planning proposal or development proposal is proportionate to the likely impacts of the proposal, including taking into account the relative flood risk of the proposal
- planning decisions are based on a balanced consideration of the merits, risks and impacts of a given proposal, and that appropriate measures are in place to limit impacts to an acceptable level and achieve a tolerable flood risk level for flood-affected proposals.

The following information sets out the key existing flood-related planning policies in NSW and provides advice on how they are applied using a risk-based approach.

Flood risk assessment and management

Councils are primarily responsible for managing flood risk in their local government areas (LGAs). These risks are managed through the development and implementation of floodplain risk management plans under the flood risk management (FRM) process.

Existing guidance for councils on managing flood risks through the FRM process includes:

- **NSW Flood Prone Land Policy and Flood Risk Management Manual: the management of flood liable land (2023)**
- **Flood Risk Management Toolkit**
- **Local Government Act 1993** (LG Act), section 733 – exemption from liability

Council flood studies and floodplain risk management studies and plans provide flood maps and information

on flood behaviour and constraints (including flood hazard). These studies form the basis for setting flood planning levels to use in planning decisions.

Councils should continue to work closely with the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) on managing flood risk in their LGAs through the FRM process. Councils can seek technical and financial support from DCCEEW through the Floodplain Management Program to support this work.

Proposed changes to Floodplain Development Manual and guidelines

In June 2023 the Flood Risk Management Manual 2023 was gazetted. This replaced the Floodplain Development Manual 2005. The new version of the manual and associated toolkit continues to include advice for councils to consider when reviewing and determining flood planning levels.

NSW Reconstruction Authority

Under the recently commenced *NSW Reconstruction Authority Act 2022*, the NSW Reconstruction Authority (the Authority) must prepare a **State disaster mitigation plan** (SDMP) and may require the relevant entity to prepare a **disaster adaptation plans** (DAP) in consultation with councils and other relevant planning authorities or prepare a DAP itself. Once these plans are made, councils must have regard to them when exercising relevant functions under the EP&A Act and LG Act.

The Authority may also undertake work related to flood modelling and determining flood planning levels, particularly for priority high-risk catchments¹.

For further information visit the [NSW Reconstruction Authority webpage](#)

Land use planning

In line with the department's 2021 **Flood Prone Land Package**, planning authorities are required to assess planning proposals in accordance with **Section 9.1 Ministerial Direction - 4.1 Flooding** - for planning proposals that create, remove or alter a zone or a provision that affects flood prone land.

The **Considering flooding in land use planning guideline** (2021) provides further guidance to councils on flood-related land use planning and the areas where flood-related development controls should apply.

The **Planning Circular PS21-006 - Considering flooding in land use planning: guidance and statutory requirements** is still current and provides information on the application of **Ministerial Direction - 4.1 Flooding** (which was previously referred to as Local Planning Direction 4.3 - Flooding) and the

application of the **Considering flooding in land use planning guideline**.

As outlined in the **Considering flooding in land use planning guideline**, councils should also update their development control plans (DCPs) to indicate the relevant flood planning levels and flood planning areas that have been identified through the FRM process and where they apply.

Further advice on assessing flood-affected planning proposals is provided below (under the heading **Supporting information and advice**) and in **Attachment A**.

Flood notations on planning certificates

The *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) sets out matters required to be specified in a planning certificate (see s 290, and Sch 2).

A council must specify the following information on a planning certificate:

- a) If the land or part of the land is within the flood planning area and subject to flood-related development controls (EP&A Regulation, s 9(1) of Sch 2),
- b) If the land or part of the land is between the flood planning area and the probable maximum flood (PMF) and subject to flood-related development controls (EP&A Regulation, s 9(2) of Sch 2).

These planning certificate requirements were introduced in 2021 as part of the department's Flood Prone Land Package and they support broader public awareness of flood development controls applying to land in each LGA.

Note. The above requirements were previously set out in clauses 7A(1) and (2) of Sch 4 of the repealed *Environmental Planning and Assessment Regulation 2000*.

Development assessment

Before determining a development application (DA), the consent authority is required to undertake an evaluation of the proposed development in accordance with relevant legislation, plans, development controls, policies and guidelines. Provisions that may be applicable to flood-related planning assessment include:

- **section 4.15 Evaluation** (EP&A Act) – Identifies matters to consider when determining DAs, including associated LEP and DCP requirements that may include flood-related development controls
- **clause 5.21 Flood Planning** (Standard Instrument – Principal Local Environmental Plan (SILEP)) – Compulsory LEP provision with considerations and requirements for development proposed within the

¹ **NSW Flood Inquiry 2022 (Vol 2 Full Report)** identifies high-risk catchments: Northern Rivers, Hawkesbury–Nepean, Georges,

Wilsons, Tweed, Macleay, Richmond, Hunter, Clarence and Shoalhaven

flood planning area

- **clause 5.22 Special Flood Considerations** (SILEP) – Optional LEP ² provision with requirements for sensitive and hazardous development on land between the flood planning area and the PMF, and other development on land that may present a flood safety risk.

DAs are assessed and determined on their merits, having regard to potential economic, environmental and social impacts and the principles of ecologically sustainable development, including factoring in any flood risks or flood impacts associated with the development.

Further advice on assessing flood-affected development proposals is provided below (under the heading **Supporting information and advice**) and in **Attachment A**.

Complying development on flood control lots

Flood control lots are those properties that have been identified as being within Council's flood planning area. Certain State Environmental Planning Policies (SEPPs) set out rules relating to complying development on flood control lots, including:

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for residential, commercial and industrial, and agritourism development
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) for schools, TAFEs and universities
- State Environmental Planning Policy (Housing) 2021 for secondary dwellings and group homes.

Under these SEPPs, complying development cannot be carried out on flood control lots without certification from the relevant council or a professional engineer specialising in hydraulic engineering that the part of the lot being used for development is not a flood storage area, floodway area, flow path, high hazard area, or a high risk area.

Additional provisions for certification are set out in each SEPP, such as additional certification requirements, minimum finished floor levels and the use of flood compatible materials.

Supporting information and advice for flood-affected proposals

While further work is being undertaken in response to the findings of the NSW Flood Inquiry, the department

recommends that planning authorities apply a risk-based approach to the assessment of flood-affected proposals, including planning proposals, local and regional DAs, State significant development applications and State significant infrastructure applications.

This risk-based approach should take into account the **flood risk profile** of each proposal which considers the flood characteristics for the location, the nature and type of development and any impacts on the existing community and surrounding properties. Matters to consider when determining the flood risk profile should include:

- whether the proposal is in a high-risk catchment
- the location of the proposal in relation to flood behaviour and constraints including:
 - floodway, flood storage area or flood fringe area
 - the hazard vulnerability classification of the land³
 - frequency of inundation
- whether the proposal provides for safe occupation and efficient and effective evacuation in flood events and how it is to be achieved
- in high-risk catchments, whether the proposal is likely to result in a significant increase to the risk to life in other parts of the catchment in a PMF flood event
- any known evacuation constraints such as the flood emergency response classification⁴ for the area and available warning times (including rate of rise and when the evacuation route is cut off by floodwater)
- whether the proposal is for a sensitive or hazardous land use⁵, or other higher risk uses⁶ and what mitigation strategies (if any) are proposed to reduce any identified risks
- whether there may be adverse flooding impacts on surrounding properties
- potential impacts of cut and fill and other building works on flood behaviour
- ability of proposed development to withstand flood impacts.

The above matters should be considered across a range of flood scenarios for high risk proposals. The typical events examined may include the 10% Annual Exceedance Probability (AEP), 5% AEP, 1% AEP, 0.5% or 0.2% AEP, the PMF event, and in relation to the flood planning level (if available). The Department of Climate Change, Energy, the Environment and Water's **Flood Impact and Risk Assessment – Flood Risk Management Guide LU01** (2023)

² This clause may not be included in the LEP that applies to a particular DA, in which case, it will not be necessary to consider.

³ The **Australian Disaster Resilience Guideline 7-3 Flood Hazard** (AIDR, 2017) defines flood hazard categories.

⁴ Refer to **Flood Emergency Response Planning Classification of Communities** (DECC, 2007)

⁵ **Clause 5.22 Special flood considerations** (SILEP) defines sensitive and hazardous land uses, which include boarding houses, caravan parks, correctional centres, early education and care

facilities, eco-tourist facilities, educational establishments, emergency services facilities, group homes, hazardous industries, hazardous storage establishments, hospitals, hostels, information and education facilities, respite day care centres, seniors housing, sewerage systems, tourist and visitor accommodation, and water supply systems.

⁶ Higher risk uses on floodplains may include hospitals, medical centres, correctional centres and complexes, residential development and educational establishments.

provides advice on flood impact and risk assessments (FIRA) for flood-affected planning proposals and DAs.

Consistent with the NSW Flood Inquiry, extreme flood events such as the 0.05% or 0.02% AEP should also be considered, particularly for higher risk proposals and when setting flood planning levels to support land use planning.

The impacts of climate change on future flood frequency and levels should also be considered. Advice on the consideration of climate change in understanding flood behaviour is available on [DCCEEWS website](#).

Based on these factors, planning authorities may require more information from proponents on flood risk and mitigation measures, especially for higher risk proposals. Higher risk proposals may also require technical advice from flood experts on flood risk, mitigation measures, impacts on surrounding properties, cumulative impacts on flood behaviour and evacuation capacity.

For lower risk proposals, it would generally not be necessary to require further flood information as part of the assessment. This may include where proposals are located outside floodways or flood storage areas and within low hazard areas of the floodplain, particularly for proposals that do not involve sensitive, hazardous or higher risk land uses, or where evacuation constraints are minimal.

Planning authorities should also refer to any relevant strategic plans or studies that may provide broader local or regional context for considering flood risks (including cumulative impacts), along with other strategic considerations. This may include consideration of regional and district plans, infrastructure plans, as well as any publicly available documents such as regional flood studies or local/regional evacuation capacity studies.

Risk-based assessment and decision-making

The matters to consider outlined above are intended to support well-informed decisions regarding development on flood prone land, particularly where flood risks and impacts are potentially significant. These matters build on the standard assessment considerations outlined under the headings **Land use planning** and **Development assessment** above.

Consistent with a risk-based approach, the level of flood assessment carried out for a given proposal should be proportionate to the relative flood risk and likely flood impacts of the proposal. Planning authorities should consider whether the amount and detail of flood information accompanying the application is commensurate with the flood risk level of the proposal, whether the existing flood information is adequate, and/or whether further flood information is needed to support the application.

Decisions on planning proposals and development

proposals are merit-based and involve the weighing up of the benefits of the proposal (such as the strategic merits, or local/regional economic or social benefits) against the costs (including any potential risks or impacts of the project).

For higher risk proposals, project variations, mitigation measures or flood conditions of consent may be necessary in order to limit impacts to an acceptable level and achieve a tolerable flood risk level.

Further information

Attachment A to this circular summarises matters planning authorities should consider when addressing flood risk in planning decisions.

For more information about flooding and land use planning visit www.planning.nsw.gov.au/flooding

The department has also developed **Planning for a more resilient NSW - A strategic guide to planning for natural hazards** (November 2021) and a supporting resource kit to help planning authorities make decisions that more effectively consider natural hazard risk and build sustainable, hazard-resilient communities. The guide promotes the adoption of an 'all-hazards' approach to land-use planning, including requiring careful consideration of all hazards in collaboration with relevant natural hazard and emergency managers. For more information visit <https://www.planning.nsw.gov.au/policy-and-legislation/resilience-and-natural-hazard-risk/natural-hazards>

Please email questions to stakeholder.engagement@planning.nsw.gov.au

Department of Planning, Housing and Infrastructure circulars are available at planning.nsw.gov.au/circulars

Authorised by:

David Gainsford

Deputy Secretary Development Assessment and Infrastructure

Department of Planning, Housing and Infrastructure

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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ATTACHMENT A – Summary of guidance and resources for addressing flood risk in planning decisions

	Addressing flood risk in planning decisions – Current framework	Further guidance and matters to consider
Flood impact and risk assessment and management	<p>Guidance for councils on managing flood risk through FRM process:</p> <ul style="list-style-type: none"> • NSW Flood Prone Land Policy and Flood risk management manual: the management of flood liable land (2023) • Floodplain Risk Management Toolkit • s733 Local Government Act 1993 (LG Act) – exemption from liability 	<p>NSW Reconstruction Authority must develop SDMP and may prepare a DAP or require a DAP from the relevant entity. Councils are to have regard to disaster plans when exercising functions under the EP&A Act and LG Act.</p>
Land use planning	<p>Planning authorities assess planning proposals in line with existing flood-related land use planning provisions:</p> <ul style="list-style-type: none"> • s 9.1 Ministerial Direction - 4.1 Flooding – for planning proposals affecting flood prone land • Planning Circular PS21-006 – Considering flooding in land use planning • Considering flooding in land use planning guideline (2021) <p>Councils update DCPs to ensure FPLs, FPAs and related development controls remain current and effective.</p> <p>Councils to provide notations on planning certificates to indicate whether land is subject to flood-related development controls within the FPA or between the FPA and PMF.</p>	<p>Department recommends planning authorities adopt a risk-based approach to the assessment of planning proposals, local and regional DAs, and SSD and SSI applications. This should include taking into account the flood risk profile of each proposal. Matters to consider include:</p> <ul style="list-style-type: none"> • whether the proposal is in a high-risk catchment • the location of the proposal in relation to flood behaviour and constraints including: <ul style="list-style-type: none"> ○ floodway, flood storage area or flood fringe area ○ the hazard vulnerability classification of the land ○ frequency of inundation • whether the proposal provides for safe occupation and efficient and effective evacuation in flood events and how it is to be achieved • any known evacuation constraints such as the flood emergency response classification for the area and available warning times (including rate of rise and when the evacuation route is cut by floodwater) • whether the proposal is for a sensitive or hazardous land use, or other higher risk uses and what controls (if any) are proposed to reduce any identified risks • whether there may be adverse flooding impacts on surrounding properties • potential impacts of cut and fill and other building works on flood behaviour • ability of proposed development to withstand flood impacts. <p>These matters should be considered across a range of flood events such as the 10% AEP, 5% AEP, 1% AEP, 0.5 or 0.2% AEP, the PMF event, and the FPL (if available), as well as 0.02% or 0.05% AEP events for higher risk proposals. Climate change to also be considered.</p> <p>Flood Impact and Risk Assessment - Flood Risk Management Guide LU01 (2023) provides advice on flood impact and risk assessment for planning proposals and DAs.</p> <p>Planning authorities should also refer to plans or studies that provide broader context for considering flood risks (including cumulative impacts) if available (for example, strategic plans, infrastructure plans, regional flood studies and local/regional evacuation capacity studies).</p>
Development assessment	<p>Consent authorities relevantly assess DAs in line with existing flood-related assessment provisions such as:</p> <ul style="list-style-type: none"> • s 4.15 Evaluation EP&A Act – Matters for consideration when determining DAs, including applicable LEP and DCP requirements • cl 5.21 Flood Planning (SILEP) – mandatory LEP provision for development proposed within the FPA • cl 5.22 Special Flood Considerations (SILEP) – optional LEP provision for sensitive and hazardous development on land between the FPA and PMF, and other development on land that may present a flood safety risk. <p>Special provisions in SEPPs for complying development on flood control lots.</p>	
<p>Abbreviations: AEP - annual exceedance probability; DAP - disaster adaptation plan; DA - development application; DCP - development control plan; FPA - flood planning area; FPL - flood planning level; FRM - flood risk management; LEP - local environmental plan; PMF - probable maximum flood; SDMP - State disaster mitigation plan; SILEP - Standard Instrument – Principal local Environmental Plan; SSD - State significant development; SSI - State significant infrastructure.</p>		

14.2 ENERGY FROM WASTE FRAMEWORK REVIEW

Author: Vaughan Macdonald

EXECUTIVE SUMMARY

The NSW Environment Protection Authority (EPA) has progressed a review of the Energy from Waste framework for the NSW Government and identified potential changes to the framework. The EPA has released an options paper [Energy from waste – options paper](#) and invited Council's views on potential changes to the framework. The feedback received will help to inform the NSW Government's decisions on future amendments.

There are three key proposed changes to the framework:

1. **Changes to the precincts and associated risks**
2. **Changes to the definition of thermal treatment**
3. **Changes to the exception relating to powering industrial or manufacturing processes on site**

The main change that will impact the Richmond Valley is the proposed removal of the Richmond Valley Regional Job Precinct as a priority infrastructure area for Energy from Waste Facilities.

Richmond Valley Council has been exploring Alternate Waste Treatment Solutions since 2017 as part of its Waste and Resource Recovery Strategy. The NSW EfW Infrastructure Plan 2021, which was designed to encourage investment in regional NSW, was the first document that specified EfW facilities could only be established in four LGAs in NSW.

On many occasions Council sought support from Regional NSW to prepare and deliver a community education program, to improve understanding of the operation of these facilities. However, no commitment to a specific Energy from Waste facility education/information program was provided. As a result of this apparent lack of political support for the emergence of EfW facilities, along with questions on the commercial viability of an EfW facility on the North Coast, Council resolved, in November 2022, to pause all investigations into Energy from Waste facilities.

It is therefore timely that the EPA has now reviewed its EfW Framework and proposed the removal of the Richmond Valley RJP as an option for an EfW facility in NSW. This reflects the results of Council's own investigations and will help to alleviate the concerns held by some in the Richmond Valley community.

RECOMMENDATION

That Council:

1. Notes the proposed changes to the NSW Government's Energy from Waste Framework, outlined in the energy from waste options paper;
2. Strongly supports the proposed removal of the Richmond Valley Regional Jobs Precinct as a priority infrastructure area for energy from waste facilities;
3. Confirms its commitment to alternate waste treatment solutions as part of the circular economy and supports proposed changes to the definition of thermal treatment, as well as the proposed exception relating to powering industrial or manufacturing processes on site;
4. Updates its Waste and Resource Recovery Strategy to reflect any amendments to the NSW Framework that may be made following the consultation.

DELIVERY PROGRAM LINKS

Objective 9: Transition to a circular economy

9A Develop long-term circular economy options

9A1 Develop and implement the Richmond Valley Circular Economy Strategy

BUDGET IMPLICATIONS

There are no direct budget implications as a result of this recommendation.

REPORT

NSW Government Options Paper

The NSW Environment Protection Authority (EPA) has progressed a review of the Energy from Waste framework for the NSW Government and identified potential changes to the framework. It has released an options paper [Energy from waste – options paper](#) and invited Council's views on potential changes to the framework. The feedback received will inform the NSW Government's decisions on any future amendments.

There are three key proposed changes to the framework:

1. Changes to the precincts and associated risks

The paper outlines some changes to the locations where energy from waste facilities can be proposed and developed. This includes adding Tomago, located near Newcastle, as a new priority infrastructure area and adding the former Wallerawang Power Station to the already established West Lithgow Precinct. It is proposed that the Richmond Valley Regional Jobs Precinct is no longer identified as a priority infrastructure area.

2. Changes to the definition of thermal treatment

Expanding the exclusions to allow certain types of waste to be thermally treated to produce new products or inputs to those products, not just for plastic.

Also, under consideration is expanding the exclusions to include processes that produce a clear environmental benefit, as defined by the criteria in the Regulation or guidelines.

3. Changes to the exception relating to powering industrial or manufacturing processes on site

Adjusting the exception under clause 144(4) of the Regulation to enable the EPA to consider and allow proposals to replace liquefied petroleum gas, natural gas, and liquefied natural gas with energy recovery from waste, on a case-by-case basis. This is to maximise the value of waste where it can be demonstrated that it is safe and environmentally sound.

The main change that will impact the Richmond Valley is the removal of the Richmond Valley Regional Job Precinct as a priority infrastructure area. An overview of Council's investigation of energy from waste as an alternate waste treatment solution is outlined below.

Richmond Valley Council EfW investigations

Council has been exploring Alternate Waste Treatment Solutions since 2017 as part of its Waste and Resource Recovery Strategy.

The NSW EfW Infrastructure Plan 2021, which was designed to encourage investment in regional NSW, was the first document that specified EfW facilities could only be established in four LGAs in NSW (with some minor exemptions where a facility provided power for facilities within the same allotment). The Plan was written by the EPA, and included commentary that inferred that these facilities should not be built in metropolitan areas, despite the fact there are hundreds of them built in densely populated areas across the world.

This was a departure from the NSW Government's circular economy policy position and ultimately served to stigmatise EfW facilities, rather than encourage an informed exploration of the options. From this point on, the four identified areas Goulburn, Lithgow, Parkes & Richmond Valley have had to deal with the consequences of this prohibition approach, which was embedded in the Thermal Energy from Waste Regulation early in 2022. Council made a submission to this draft

regulation pointing out these challenges, however its concerns were largely ignored and the Regulation was made.

On many occasions Council sought support from Regional NSW to prepare and deliver a community education program, however no commitment to a specific Energy from Waste facility education/information program was provided.

In mid-2022, Richmond Valley Council (on behalf of nine Councils on the North Coast) sought Expressions of Interest (Eoi) from the waste management industry to provide long term alternative waste treatment infrastructure. The Eoi sought solutions for processing residual waste, recyclates and organics (food and garden). Sixteen submissions were received, which clearly demonstrated there was interest from the market in developing infrastructure on the North Coast. The details of these submissions were included in a report to Council's November 2022 meeting.

The EOI process showed that, with the volume of residual waste expected to be generated by the North Coast region (approx. 100,000 tonnes), the region did not have sufficient waste for a commercially viable EfW facility using existing proven technology. A minimum of 300,000 tonnes of residual waste annually would have been required.

Richmond Valley Council decision to pause investigations

As a result of the apparent lack of political support for the emergence of EfW facilities, as well as questions on the commercial viability of an EfW facility on the North Coast, Council resolved the following at its November 2022 meeting:

That Council:

- 1. Notes that IPART has decided to NOT use its powers to 'peg' Councils' waste management charges following its review of waste regulation;*
- 2. Notes Council's responses to the Draft Thermal Energy Regulation consultation processes, both individually and with Parkes and Lithgow Councils;*
- 3. Pauses its active investigation into an Energy from Waste facility for the Richmond Valley while the Parkes Special Activation Precinct EfW proposal proceeds and monitors progress, community reactions and outcomes;*
- 4. Continues to consider other options in the Alternative Waste Treatment Solutions Expression of Interest responses and keep North Coast Councils updated on any progress and opportunities for collaboration.*
- 5. Consults the community on the Draft Richmond Valley Regional Jobs Precinct Master Plan when it is finalised in 2023 and as part of that process provides the opportunity for the community to express opinions on Energy from Waste facilities as a solution to Council's residual waste management challenges.*

It is therefore timely that the EPA has now reviewed the EfW Framework and proposed the removal of the Richmond Valley RJP as an option for an EfW facility in NSW. This reflects the results of Council's own investigations and will help to alleviate the concerns held by some in the Richmond Valley community.

Future options for residual waste

While Council's investigations have demonstrated that an EfW facility is not a viable investment in the Richmond Valley at this stage, and local landfill capacity has recently been increased, our community will still need to identify alternative solutions for managing residual waste in the longer term. The opening of Cell 6 at the Nammoona facility will provide some 12-15 years of waste management security, but beyond 2040 there are, as yet, no identified alternative. Our community currently produces some 11,600 tonnes of residual waste each year and recovers a total of 4,900 tonnes of recyclable materials. However, with contamination rates currently as high as 23% for yellow collection bins it is becoming increasingly difficult to process these materials. Council's landfill sites remain our greatest source of greenhouse gas production, accounting for some 8,800 tonnes CO₂-E each year. With removal of the EfW option, Council will need to continue to explore new technologies to reduce and manage residual waste to meet the needs of a growing community

and reduce our impacts on the environment. These options will be further explored in the upcoming review of the Waste and Resource Recovery Strategy.

CONSULTATION

Council has consulted with the community on multiple occasions since 2017 and reported publicly on the issues throughout this time. This included during the development of the Richmond Valley Regional Jobs Precinct Masterplan, which is now awaiting final Government approval following Council's endorsement in June 2024. While there are a wide range of opinions on the subject of EfW facilities within the community, community sentiment is sufficient that social licence for these facilities has not been achieved.

While it is disappointing that the NSW Government did not choose to undertake an active community education and awareness campaign on EfW facilities when the framework was first announced, it now appears to have reviewed that position and is ready to open a conversation with regions surrounding Sydney on potential EfW opportunities.

CONCLUSION

Given the background and decisions that have been made by Governments, and the outcomes of Council's own investigations into viability, it would appear that the time has come to move on from the pursuit of EfW facilities as an alternate waste treatment technology for the Richmond Valley community.

ATTACHMENT(S)

Nil

15 COMMUNITY SERVICE DELIVERY**15.1 POST EXHIBITION REPORT - DRAFT SECTION 7.11 HEAVY HAULAGE CONTRIBUTIONS PLAN**

Director: Angela Jones

Responsible Officer: Tony McAteer

EXECUTIVE SUMMARY

At the 17 December 2024 Ordinary Meeting Council endorsed the Draft Richmond Valley Council Section 7.11 Heavy Haulage Contributions Plan (as amended) for public exhibition.

The Draft Plan was publicly exhibited from 27 January 2025 to 28 February 2025 in accordance with the Richmond Valley Council Community Participation Plan. No submissions were received.

The Draft Plan is now presented for Council's consideration.

RECOMMENDATION

That Council:

1. Notes the outcome of the community consultation for the Draft 7.11 Heavy Haulage Contributions Plan (as Amended);
2. Adopts the Richmond Valley Council Section 7.11 Heavy Haulage Contributions Plan (as Amended) (March 2025) and publishes a copy of the Plan on its website.

DELIVERY PROGRAM LINKS

Objective 6: Provide infrastructure that meets community needs

6B Partner with State Government to upgrade and maintain key freight links, regional roads and tourist routes

6B1 Maintain regionally significant infrastructure and advocate for long-term investment

BUDGET IMPLICATIONS

Amendments to the Heavy Haulage Contributions Plan address notable increases in road construction costs (an increase of 122% since 2013 compared to a 33% increase in inflation (CPI) over the same period). Ultimately this means Council will be better placed to maintain the road network in the vicinity of future heavy haulage developments.

REPORT

The Draft Richmond Valley Council Section 7.11 Heavy Haulage Contributions Plan (as amended) proposes amendments to update:

- Statutory references throughout the plan--such as section 94 is now section 7.11 under the EP&A Act, and
- The formula used to calculate contributions for new heavy haulage developments, by:
 - Increasing the cost to construct a kilometre of road from \$450,000 to \$1,000,000, and
 - Adjusting the heavy haulage truck loading factors to account for increased use of larger/heavier vehicles - average loading factor for use of Class 4 heavy rigid vehicles (3-axle truck) and combination vehicles (3-axle truck and 3-axle dog).

The updated formula results in the following calculated heavy haulage contributions-

Development Type	Average Haul Distance	Draft Contributions (based on \$1M/km road upgrade + adjusted loading factor)	
		\$/tonne/km	Contribution/tonne
Extractive Industry (with annual extraction volume)			
<=20,000m ³	10km	\$0.180	\$1.80
>20,000m ³	15km	\$0.180	\$2.70
Other Heavy Haulage Developments	TBC	\$0.180	To be determined during development assessment

It should be noted that this amendment will not apply retrospectively to historic heavy haulage development consents. Those developments have consent conditions specifying the heavy haulage contribution rate, that was applicable at the time of consent, plus an annual CPI increase.

CONSULTATION

The Draft Plan was exhibited from 27 January 2025 to 28 February 2025 as per the Richmond Valley Council Community Participation Plan. This involved:

- A written notice being posted to active heavy haulage operators in the LGA
- A published notice displayed on the Richmond Valley Council “On Exhibition” webpage including a digital copy of the Draft Plan
- A printed notice displayed at each of the Casino and Evans Head Customer Service Centres including a printed copy of the Draft Plan
- Social media posts on Council’s Facebook page with links to the On Exhibition webpage
- An article post in the Richmond Valley eNewsletter

No submissions were received.

CONCLUSION

A review has been undertaken of Council’s Section 7.11 (formerly s.94) Heavy Haulage Contributions Plan. The review identified several areas requiring amendment. This included updates to-

- statutory references and
- adjustments to the contribution calculation formula, to account for average increased costs to construct a kilometre road (an increase of 133% since 2013 which exceeds the CPI (inflation) rate of 33% over the same period), and to align the heavy haulage truck loading factor to account for larger/heavier trucks (such as a truck and dog combination).

The Draft Plan was publicly exhibited from 27 January 2025 to 28 February 2025 with no submissions received. The Section 7.11 Heavy Haulage Contributions Plan (as amended) is now presented for Council’s consideration.

ATTACHMENT(S)

1. **Richmond Valley Council Section 7.11 Heavy Haulage Contributions Plan (as Amended) March 2025 (under separate cover)**

15.2 BULK WATER CHARGES

Director: Angela Jones

Responsible Officer: David Timms

EXECUTIVE SUMMARY

At its June 2024 Ordinary Meeting, Council amended its Revenue Policy for the 2024/2025 financial year to create equity between existing external bulk water customers. These changes resulted in a small number of customers being inappropriately charged both the bulk water charge and a water access charge. In December 2024 Council resolved to endorse a revised 2024/2025 Revenue Policy with a new Private Property Connection – Bulk Water Sale Charge included and place the Policy on public exhibition as required. The revised Policy was publicly exhibited between 20 December 2024 and 11 February 2025 and no submissions were received. The revised 2024/2025 Revenue Policy is now presented for Council's consideration.

RECOMMENDATION

That Council:

1. Adopts the revised 2024/2025 Revenue Policy including the addition of a new Private Property Connection – Bulk Water Sale Charge.
2. Applies the new charge from 1 July 2024.

DELIVERY PROGRAM LINKS

Objective 6: Provide infrastructure that meets community needs

6D Manage water supply, sewerage and drainage effectively

6D5 Manage our water/sewer business effectively

BUDGET IMPLICATIONS

Nil

REPORT

In December 2024 a report was provided to Council on Bulk Water Charges and recommended changes to the Revenue Policy.

Each year, Council sets its water charges for various customers and publishes them in its Revenue Policy. There are three main types of water customers:

1. Residential customers who are connected to the water supply network
2. Industrial/commercial customers who are connected to the network; and
3. External customers who aren't connected to the network but occasionally buy water from Council (for example farms topping up their house tanks during a drought).

Customers who are connected to the network pay a two-part charge, including:

- An access fee (based on the size of the water meter) which contributes to the cost of providing, maintaining and upgrading the water network; and
- A usage fee that covers the cost of treating and supplying the water to premises

Customers who aren't connected to the network are charged a single fee which incorporates both the cost of maintaining the water network and the cost of the water supplied. Connected properties are classified as either residential or non-residential (commercial/industrial) and billed accordingly and external customers generally source their water through fixed filling stations or use metered standpipes that record how much water is taken. Changes to the Revenue Policy for 2024/25 have

highlighted a small number of customers that don't fit neatly into any of these categories and this includes two properties in Casino that supply water through private on-property meter assemblies/connections, set up specifically for approved water carting purposes. These properties pay the access fee because they are connected to the system but are also paying the external customer usage fees because they are supplying properties that are outside the water network.

In 2024/25 Council rationalised its charges for using water filling stations and metered standpipes to make them the same i.e. \$7.20 per kL. This was an increase from \$4.75 per kL. This had a significant impact on the two private on-property meter customers, who were effectively contributing twice to the access charge.

To address the disparity in the bulk water charges, it was proposed to introduce a new water charge in Council's Revenue Policy, 'Private Property connection – Bulk Water Sales'. The proposed charge for this is \$4.95 per kL and takes into account that the customer already contributes separately to the access charge and aligns with the existing 'High consumption Charges' currently applicable to residential consumption >200kL.

To implement this change it was necessary to amend the Revenue Policy and place the revised Policy on public exhibition. At the December 2024 meeting it was resolved:

That Council:

1. *Endorses the proposed amendment to the Richmond Valley Council Revenue Policy 2024/2025 to introduce a Private Property Connection – Bulk Water Sale Charge.*
2. *Places the proposed amendment on Public Exhibition for a period of at least 30 days (excluding public holidays and a period of 2 weeks over the Christmas period).*
3. *Notes that a further report will be presented for Council's consideration at the conclusion of the exhibition period.*

The amended Revenue Policy 2024/2025 was placed on public exhibition on 20 December 2024 and closed for submissions on 11 February 2025. No submissions were received by Council.

As no submissions have been received, it is recommended that the amended Revenue Policy 2024/2025 be adopted by Council, noting that the new Private Property Connection – Bulk Water Sales charge would apply from 1 July 2024.

The table below indicates the proposed new charge (**in bold**) to be added:

Name	Year 23/24 Fee (inc GST)	Year 24/25 Fee (inc GST)	Unit	GST	Pricing Cat.
Other Water Fees					
Sale of Water From Standpipes and transfer stations	\$4.75	\$7.20	Per kL	N	E
Private Property Connection – Bulk Water Sales	-	\$4.95	Per kL	N	E

CONSULTATION

The revised Revenue Policy was publicly exhibited from 20 December 2024 to 11 February 2025 and there were no submissions received by Council.

CONCLUSION

A revised prices for bulk water sales charges in its 2024/2025 Revenue Policy to provide equity amongst external bulk water customers. However, this resulted in anomalies for a small number of customers who provide their own private meter assemblies for water carting. These customers were being charged a bulk water fee in addition to access charges, resulting in them contributing to the cost of maintaining the system twice. By including a new Private Property Connection – Bulk Water Sales category in the Policy, this disparity will be removed. The amended Revenue Policy is now presented for Council's consideration.

ATTACHMENT(S)

Nil

16 PROJECTS & BUSINESS DEVELOPMENT

Nil

17 ORGANISATIONAL SERVICES

17.1 FINANCIAL ANALYSIS REPORT - FEBRUARY 2025

Director: Ryan Gaiter

Responsible Officer: Rylee Vidler

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the status and performance of its cash and investment portfolio in accordance with the *Local Government Act 1993* s.625, Local Government (General) Regulation 2021 cl.212, Australian Accounting Standard (AASB 9) and Council's Investment Policy.

The value of Council's cash and investments at 28 February 2025 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$20,305,766	\$30,000,000	\$6,750,390	\$4,500,000	\$17,480,387	\$79,036,542

The weighted average rate of return on Council's cash and investments at 28 February 2025 was 4.32% which was above the Bloomberg AusBond Bank Bill Index for February of 4.07% (annualised), which is Council's benchmark.

RECOMMENDATION

That Council adopts the Financial Analysis Report detailing the performance of its cash and investments for the month of February 2025.

DELIVERY PROGRAM LINKS

Objective 11: Manage resources responsibly

11A Manage finances responsibly and provide value for money

11A1 Undertake long-term financial planning and ensure compliance with financial regulation

BUDGET IMPLICATIONS

As at 28 February 2025, Council has earned \$1,900,381 in interest and \$1,034,119 in fair value gains from funds held in TCorp, for a total investment income of \$2,934,500. This equates to 125% of the annual budget for interest and investment income of \$2,347,506.

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 reduced the cash rate by 25 basis points to 4.10% per annum at its February meeting.

Rate of Return

The weighted average rate of return on cash and investments in February was 4.32%, a decrease in 47 basis points from the previous month. The rate of return is 26 basis points above the Bloomberg AusBond Bank Bill Index of 4.07% (annualised) which is Council's benchmark.

Council's NSW Treasury Corporation IM Funds returned net gains of \$40,574 during the month of February. The Medium-Term Growth Fund (MTGF) returned a gain of \$52,879 and the Long-Term Growth Fund (LTGF) returned a loss of \$12,305.

Ongoing geopolitical tensions and uncertainty surrounding US tariffs has impacted investors' opinions in financial markets. The RBA announced the first rate cut of this cycle, however emphasised the fact that investors should not expect a rapid easing cycle as Australia's tight labour market may still generate inflationary pressures.

A conservative approach to the interest budget has been applied in the 31 December quarterly budget review due to the uncertainty around the economy with 35% of the interest earned to date being in fair value gains which are prone to fluctuations with the market. This will be further reviewed in future budget reviews and adjusted accordingly.

The MTGF has a recommended investment timeframe of seven or more years (original investment was October 2018) and the LTGF has a recommended investment timeframe of 10 or more years (original investment was June 2021) during which time it is expected that there will be ups and downs in fair value gains. However, it should be noted that, despite the variation in returns, there has been no impact on the principal sum originally invested by Council.

Term deposits and floating rate notes continue to offer increasing rates of return, which is positive, however, some banking institutions are still limiting the number of deposits they will accept, and others are not accepting any deposits at present.

Council's Cash and Investments Portfolio

Council held cash and investments of \$79,036,542 at 28 February 2025. This was made up of Council's Business Online Saver Account (\$7,187,000), Macquarie Cash Management Account (\$11,508,090), Term Deposits (\$30,000,000), Floating Rate Notes (\$6,750,390), Bonds (\$4,500,000), NSW Treasury Corporation Investments (\$17,480,387) and other bank accounts (\$1,610,676).

Council's investment portfolio had maturity dates ranging from same day up to 1,742 days. Term deposits, floating rate notes and bonds of \$41,250,390 represented 52.19% of the total portfolio as at 28 February 2025.

Council did not make any new investments during February 2025.

Council had the following investment maturities during the month of February 2025:

Banking Institution	Investment Type	Environmentally Sustainable Investment	Amount Invested	Interest Earned
Judo Bank	Term Deposit	Y	\$2,000,000	\$49,315
National Australia Bank	Term Deposit	N	\$2,000,000	\$32,877
Total			\$4,000,000	\$82,192

Council had \$17,480,387 in longer term investments being the MTGF and LTGF held with NSW Treasury Corporation as at 28 February 2025. The investment values and fair value returns are shown below:

Investment Holding	Fair Value 28 February 25	Fair Value Gain/(Loss) at 28 February 25	Fair Value Gain/(Loss) YTD	Fair Value Gain/(Loss) Life of Investment
Medium Term Growth Fund	\$13,756,720	\$52,879	\$729,266	\$2,751,690
Long Term Growth Fund	\$3,723,667	(\$12,305)	\$304,853	\$723,667
Total	\$17,480,387	\$40,574	\$1,034,119	\$3,475,357

Environmentally Sustainable Investments (ESI's)

Council's cash and investments portfolio of \$79,036,542 at 28 February 2025 includes \$38,730,387 or 49% with no direct investment in the fossil fuel industry.

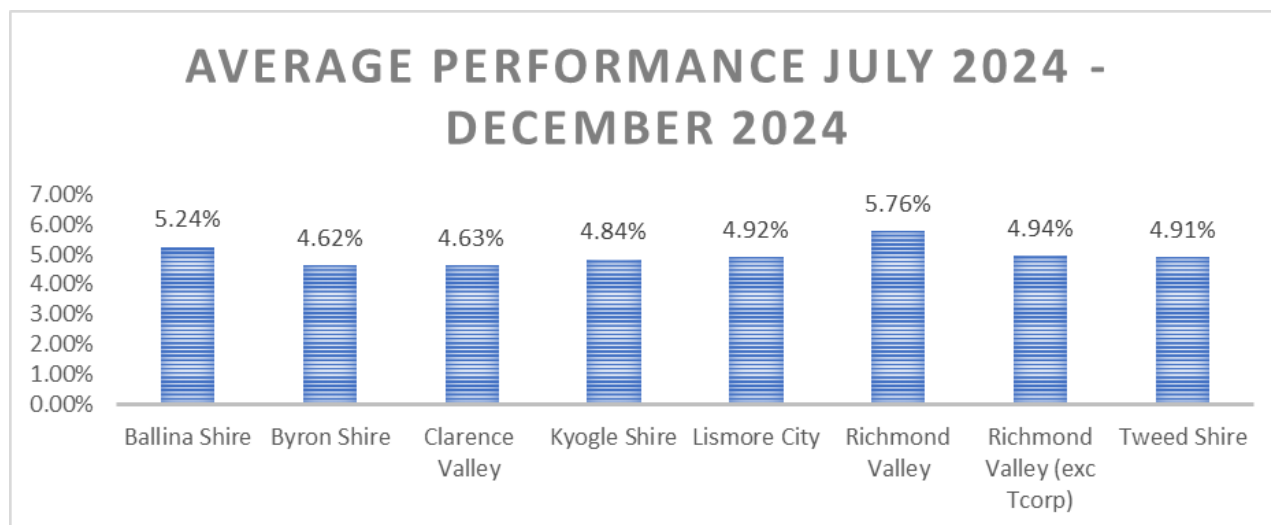
These percentages include Council's investments with NSW Treasury Corporation and Northern Territory Treasury Corporation.

NSW Treasury Corporation has a stewardship approach to ESIs which focuses on managing environmental, social and governance (ESG) risks and opportunities, particularly climate change which is expected to impact portfolios over the long term. The stewardship policy states NSW Treasury Corporation believes incorporating these principles into investment decisions results in better risk-adjusted financial outcomes. Even though NSW Treasury Corporation takes this stewardship approach, its monthly reporting only highlights the different asset classes, not individual investments, and the level of investment in the fossil fuel industry.

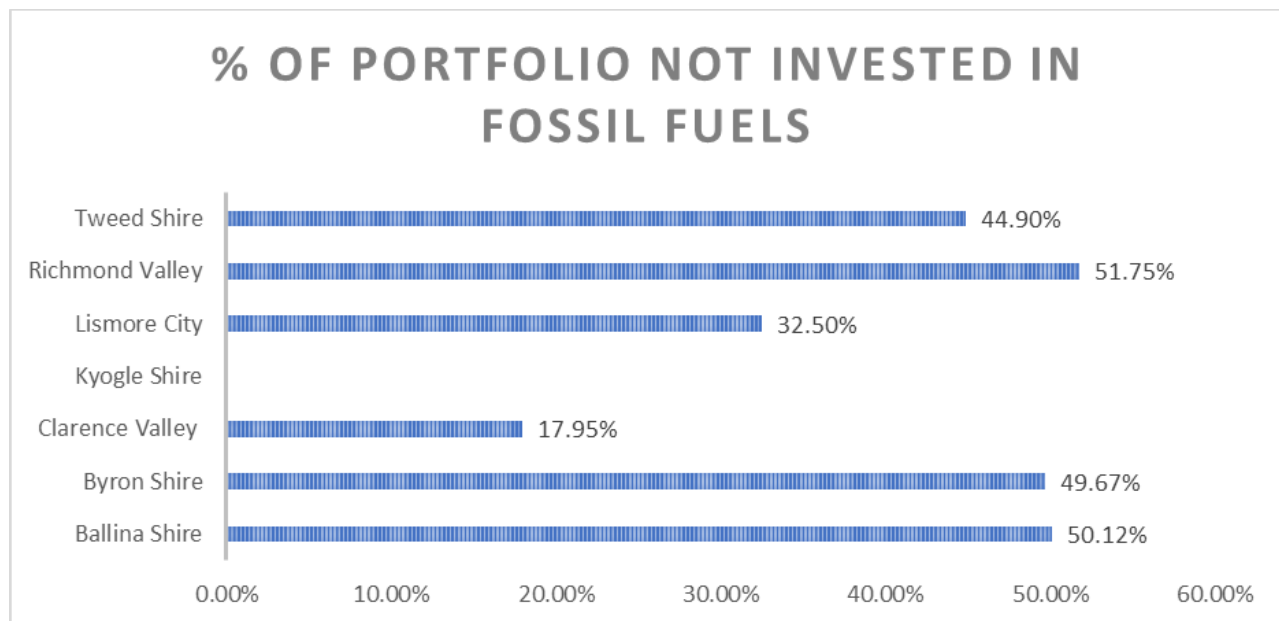
Northern Territory Treasury Corporation utilises funds to assist with its infrastructure requirements such as housing, transport, health, and education services. While no statement has been provided on its investment strategy, it has been assumed that providing funding towards its own infrastructure will not involve direct investment in the fossil fuel industry.

Northern Rivers Joint Organisation Comparison

Following the December Council meeting, a review was performed on the investment performance of the councils in the Northern Rivers Joint Organisation (NRJO) for the six-month period of July to December 2024. The data was collected from the monthly investment reports presented to each council. The findings are shown below.



Richmond Valley has the highest average performance at 5.76% which includes funds invested in TCorp. Excluding the funds in TCorp, Richmond Valley has an average return of 4.94%, if the funds were to be invested at the average TD rate for the month. This is third out of the seven councils.



Richmond Valley also has the highest average ESI figure during the period, with an average of 51.75% of the portfolio not invested in fossil fuel investments. Note: Kyogle does not publish an ESI figure.

All neighbouring councils have investments in term deposits and cash at call accounts. Only four of the seven councils are investing in floating rate notes and bonds. Richmond Valley is the only council investing with NSW Treasury Corp.

CONCLUSION

During the month of February 2025, Council's investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

As at 28 February 2025 Council's cash and investments totalled \$79,036,542 with \$20,305,766 of this being funds held in bank accounts. The weighted average rate of return was 4.32% and total investment revenue equals 125.00% of budgeted revenue for the year to 28 February 2025.

ATTACHMENT(S)

1. RVC Investment Pack - February 2025 (under separate cover)

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION**RECOMMENDATION**

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

19.1 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 26 FEBRUARY 2025**RECOMMENDATION**

That Council receives and notes the Minutes of the Audit, Risk and Improvement Committee meeting held on 26 February 2025.

ATTACHMENT(S)

- 1. Minutes of the Audit, Risk and Improvement Committee meeting 26 February 2025 (under separate cover)**

19.2 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 FEBRUARY 2025 - 28 FEBRUARY 2025

Director: Angela Jones

Responsible Officer: Andy Edwards

RECOMMENDATION

That Council receives and notes the Development Application report for the period 1 February 2025 to 28 February 2025

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 4.55 approvals, applications which were refused and withdrawn, and applications with no development value, such as subdivisions.

Council receives a fortnightly summary of the status of applications (including all received) and notifications of all determinations of Development Applications are included in the Community Newsletter on a monthly basis.

The total number of Development Applications and Complying Development Applications determined within the Local Government area for the period 1 February 2025 to 28 February 2025 was sixteen (16) with a total value of \$2,056,810.46.

The graph below shows the number of development applications processed by Council over five financial years.

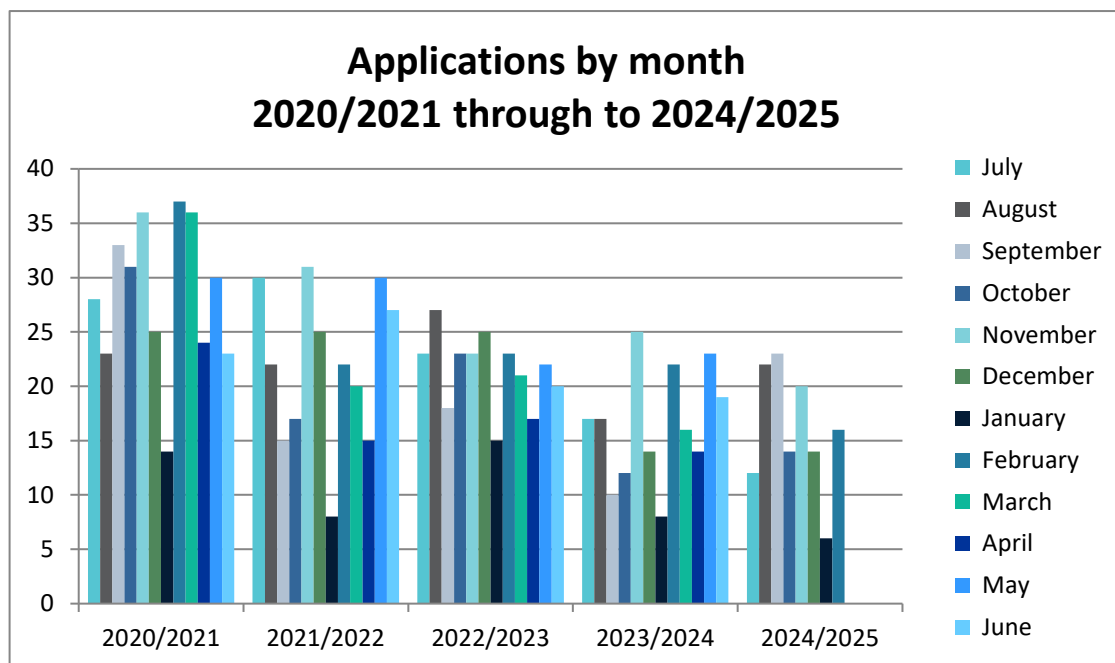


Figure 1: Monthly number of development applications and CDCs processed by Council over five financial years.

Figure 2 provides the annual value of Development Consents including CDCs issued by Council and private certifiers over five financial years. Figure 3 provides a detailed review of the value for the reporting month of February 2025.

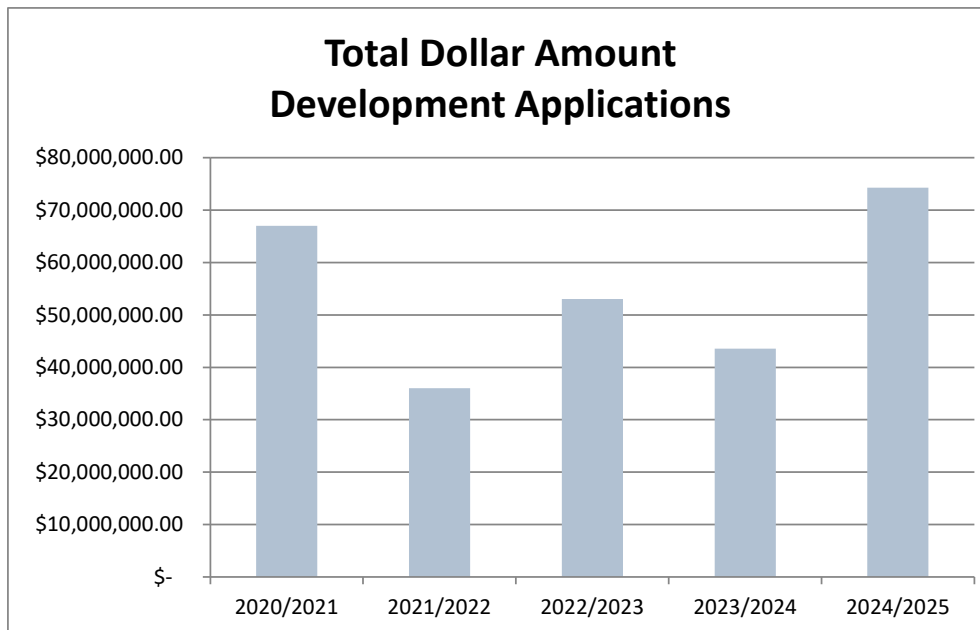


Figure 2: Annual value of development

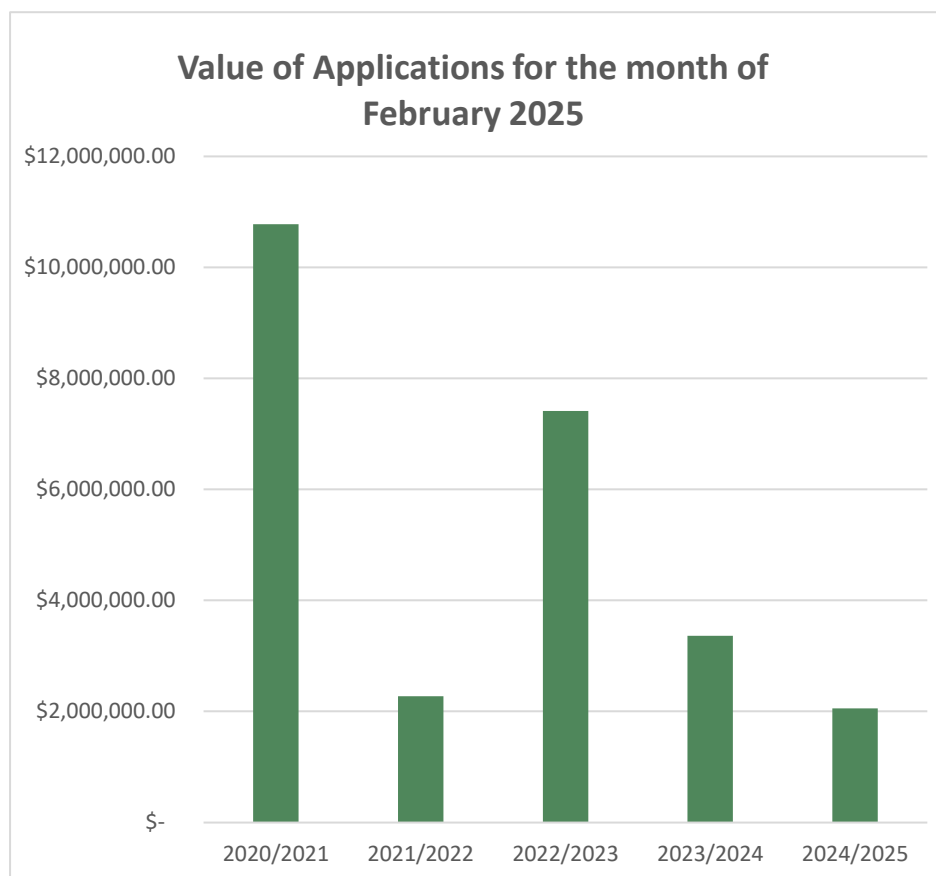


Figure 3: Value of development for the month of February 2025

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 detail the number of applications determined by Council over the past five years.

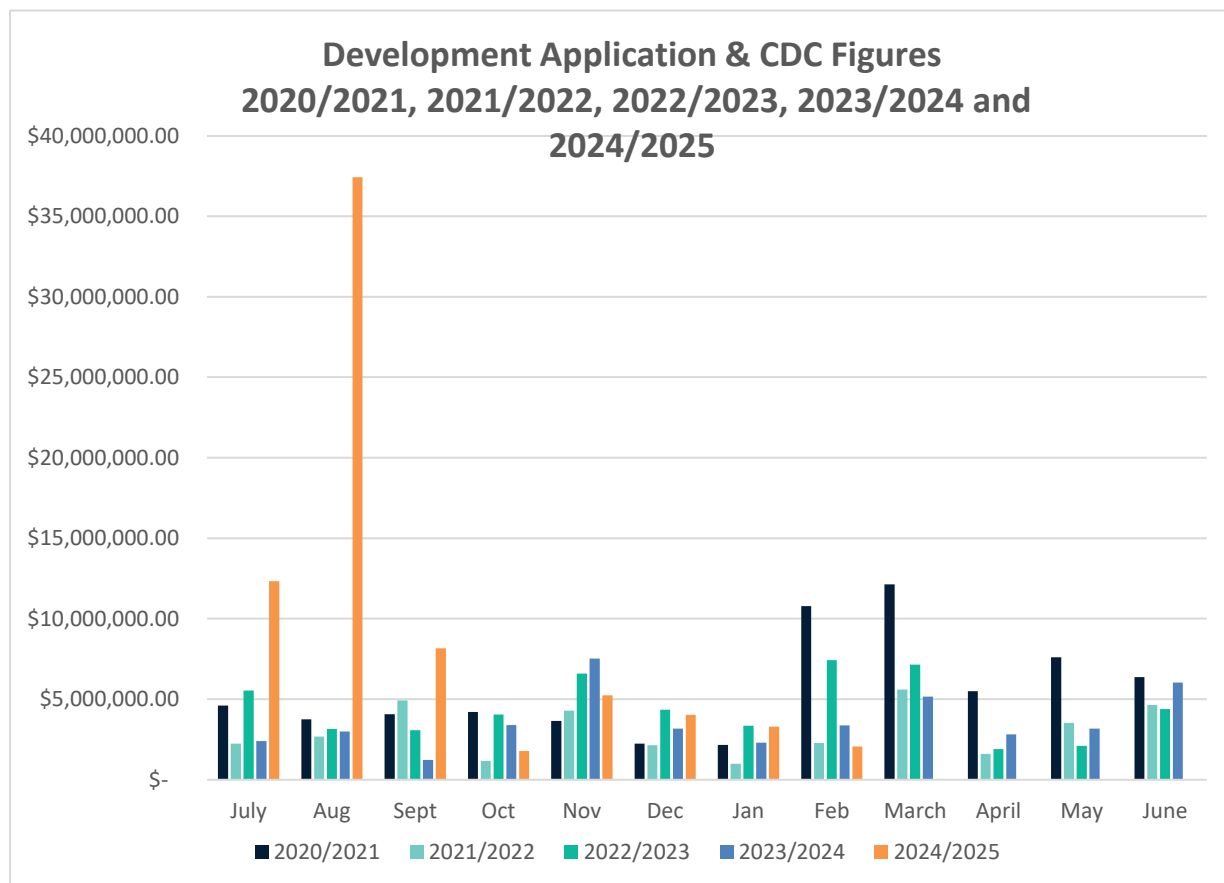


Figure 4: Value of development applications per month over five financial years.

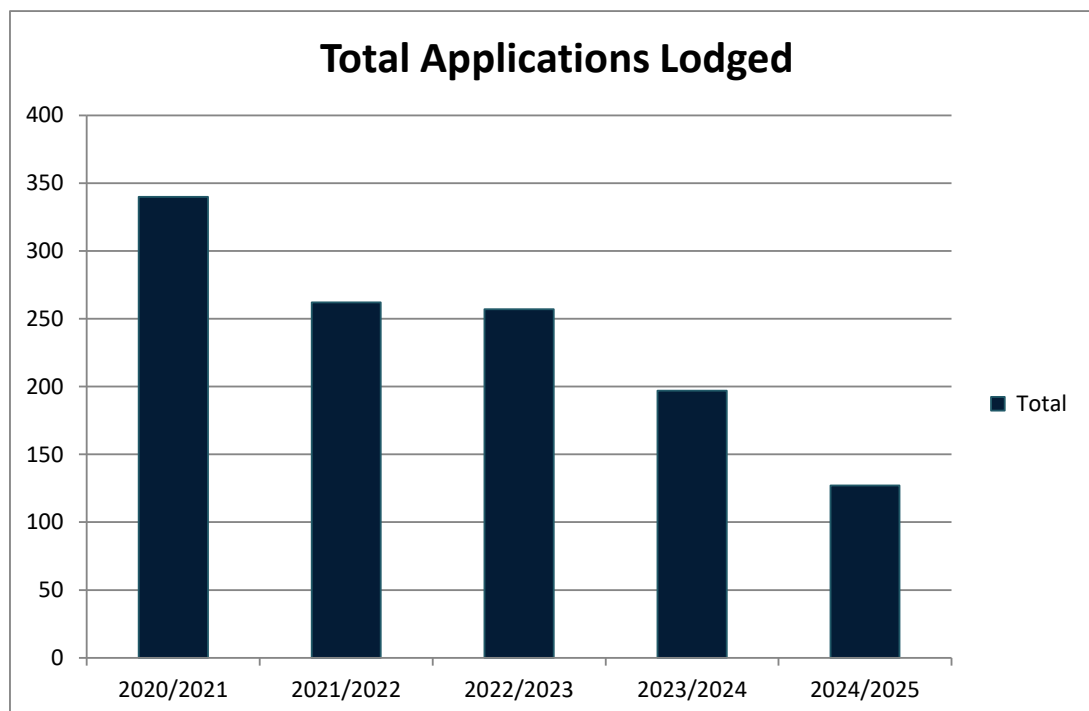


Figure 5: Number of Development Applications & CDCs per annum over five financial years

Activity for the month of February 2025

General Approvals (excluding Subdivisions, Section 4.55)	11
Section 4.55 amendments to original consent	1
Operational Consent	-
Subdivision	-
Refused	-
Complying Development (Council Approved)	-
Complying Development (Private Certifier Approved)	4
Amended Complying Development (Private Certifier Approved)	-
TOTAL NUMBER OF DEVELOPMENT APPLICATIONS DETERMINED	16
Rejected	-
Withdrawn	-
Average assessment days for applications determined in February 2025 (Planning & Building Combined)	29
No. of Integrated development applications determined in February 2025	0
No. of Designated development applications determined in February 2025	0

ATTACHMENT(S)

Nil

Summary of Development Applications determined under the Environmental Planning and Assessment Act for the period 1 February 2025 to 28 February 2025								
Application ID	Applicant	Owners	Location	Development	Date Received (In Portal)	Date Accepted (In Portal)	Determination Date	Estimated Cost
DA2025/0099	J L Connolly	H T Pratt & J L Connolly	10 Light Street, Casino	Resited structure to create a single-storey secondary dwelling and associated works	1/12/2024	4/12/2024	18/02/2025	\$80,000.00
DA2025/0101	B De Nardi	L E Cowie	33 Hotham Street, Casino	Conversion of an existing shop into a two (2) bedroom residence	5/12/2024	11/12/2024	4/02/2025	\$269,280.00
DA2025/0111	K Boekeman	K Boekeman & M J Haynes	10 Pitt Street, Broadwater	Construction of a 2 storey dwelling	18/12/2024	24/12/2024	10/02/2025	\$743,061.46
DA2025/0112	North Coast Sheds & Garages Pty Ltd	N E & A L G Brown	55 Williams Road, Woodburn	Demolition of existing shed and construction of new farm shed with awning	19/12/2024	10/01/2025	11/02/2025	\$67,699.00
DA2025/0113	T J Murphy	W A & T J Murphy	20 Bairnsdale School Road, Yorklea	As-built swimming pool and associated fencing	19/12/2024	6/01/2025	5/02/2025	\$19,300.00
DA2025/0115	A Faulder	N Bird & J D Bird	2 Churchill Crescent, Casino	Freestanding carport	23/12/2024	10/01/2025	27/02/2025	\$11,000.00
DA2025/0117	B J Wheeler	B J Wheeler & S H Williams	2 Division Street, Casino	Construction of a 12x8m shed	6/01/2025	14/01/2025	27/02/2025	\$27,000.00
DA2025/0119	J I Virtue	J I Virtue & N Estreich	69 Manifold Road, North Casino	9m x 12m Shed	8/01/2025	15/01/2025	27/02/2025	\$19,800.00
DA2025/0121	F C Hathaway & J A Hathaway	F C Hathaway & J A Hathaway	860 Naughtons Gap Road, Naughtons Gap	Installation of an in ground fibreglass composite swimming pool with associated fencing.	13/01/2025	16/01/2025	13/02/2025	\$59,990.00

Summary of Development Applications determined under the Environmental Planning and Assessment Act for the period 1 February 2025 to 28 February 2025								
Application ID	Applicant	Owners	Location	Development	Date Received (In Portal)	Date Accepted (In Portal)	Determination Date	Estimated Cost
DA2025/0122	N J W King	D W & W M King	47 Short Street, Casino	Converting "Bedroom 3" into a walk-in robe and ensuite for "Bedroom 4"	14/01/2025	20/01/2025	18/02/2025	\$19,000.00
DA2025/0124	N M & B W Conlan	N M & B W Conlan	75 Haughwood Road, Bora Ridge	Construction of a new dwelling and decommissioning of existing dwelling	15/01/2025	20/01/2025	28/02/2025	\$551,000.00
MA2025/0015	The Trustee for Terania Consulting Unit Trust	J W & F J Rose	15 Fairy Hill School Road, Fairy Hill	S4.55(1A) Modification to increase the height of approved shed with amenities and earthworks	29/01/2025	30/01/2025	28/02/2025	\$0.00

Summary of Council Certified Complying Development Applications determined under the Environmental Planning and Assessment Act for the period 1 February 2025 to 28 February 2025								
Application ID	Applicant	Owners	Location	Development	Date Received (In Portal)	Date Accepted (In Portal)	Determination Date	Estimated Cost
Nil								

Summary of Flood Affected Development Applications determined under the Environmental Planning and Assessment Act for the period 1 February 2025 to 28 February 2025								
Application ID	Applicant	Owners	Location	Development	Date Received (In Portal)	Date Accepted (In Portal)	Determination Date	Estimated Cost
Nil								

Summary of Privately Certified Applications determined under the Environmental Planning and Assessment Act for the period 1 February 2025 to 28 February 2025								
Application ID	Applicant	Owners	Location	Development	Date Submitted to Council for Registration	Date Accepted	Determination Date	Estimated Cost
CDC2025/0016	RTM Trading Pty Ltd t/as Direct Certification	NSW Land and Housing Corporation	42 Walker Street, Casino	Demolition of existing dwelling and ancillary development	19/02/2025	25/02/2025	14/02/2025	\$30,000.00
CDC2025/0017	RTM Trading Pty Ltd t/as Direct Certification	NSW Land and Housing Corporation	34 Light Street, Casino	Demolition of existing dwelling and ancillary development	19/02/2025	27/02/2025	14/02/2025	\$30,000.00
CDC2025/0018	RTM Trading Pty Ltd t/as Direct Certification	NSW Land and Housing Corporation	36 Light Street, Casino	Demolition of existing dwelling and ancillary development	19/02/2025	27/02/2025	14/02/2025	\$30,000.00
CDC2025/0019	Buildcert Certification Pty Ltd	A J Campbell, R C Campbell, M R Campbell & C L Campbell	26 Minjehla Road, Swan Bay	Swimming pool	20/02/2025	26/02/2025	20/02/2025	\$99,680.00

Summary of Development Applications determined under the Environmental Planning and Assessment Act with a Clause 4.6 Variation for the period 1 February 2025 to 28 February 2025								
Application ID	Applicant	Owners	Location	Development	Date Received (in Portal)	Date Accepted (In Portal)	Determination Date	Estimated Cost
Nil								

Summary of Development Applications Refused under the Environmental Planning and Assessment Act for the period 1 February 2025 to 28 February 2025								
Application ID	Applicant	Owners	Location	Development	Date Received (in Portal)	Date Accepted (In Portal)	Determination Date	Estimated Cost
Nil								

Summary of Development Applications Rejected under the Environmental Planning and Assessment Act for the period 1 February 2025 to 28 February 2025								
Application ID	Applicant	Owners	Location	Development	Date Received (in Portal)	Date Accepted (In Portal)	Rejected Date	Estimated Cost
Nil								
Summary of Development Applications Withdrawn under the Environmental Planning and Assessment Act for the period 1 February 2025 to 28 February 2025								
Application ID	Applicant	Owners	Location	Development	Date Received (in Portal)	Date Accepted (In Portal)	Withdrawn Date	Estimated Cost
Nil								

19.3 GRANT APPLICATION INFORMATION REPORT - FEBRUARY 2025

Director: Ryan Gaiter

Responsible Officer: Rylee Vidler

RECOMMENDATION

That Council receives and notes the Grant Application Information Report for the month of February 2025.

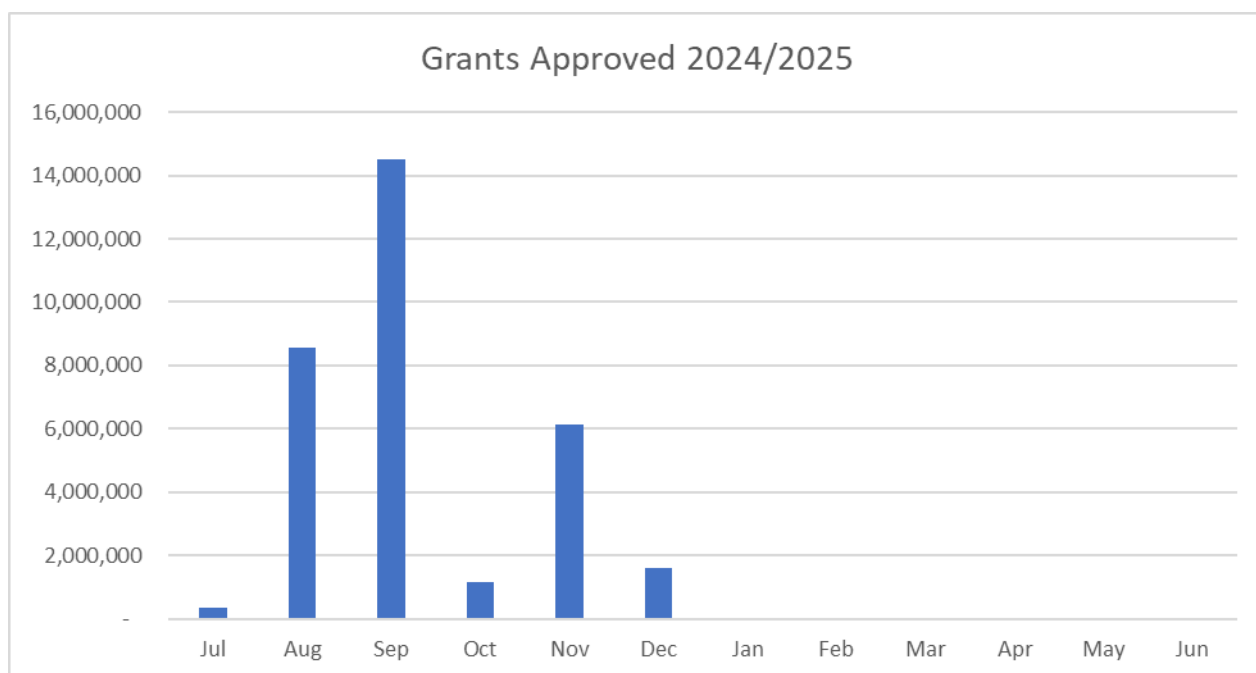
REPORT

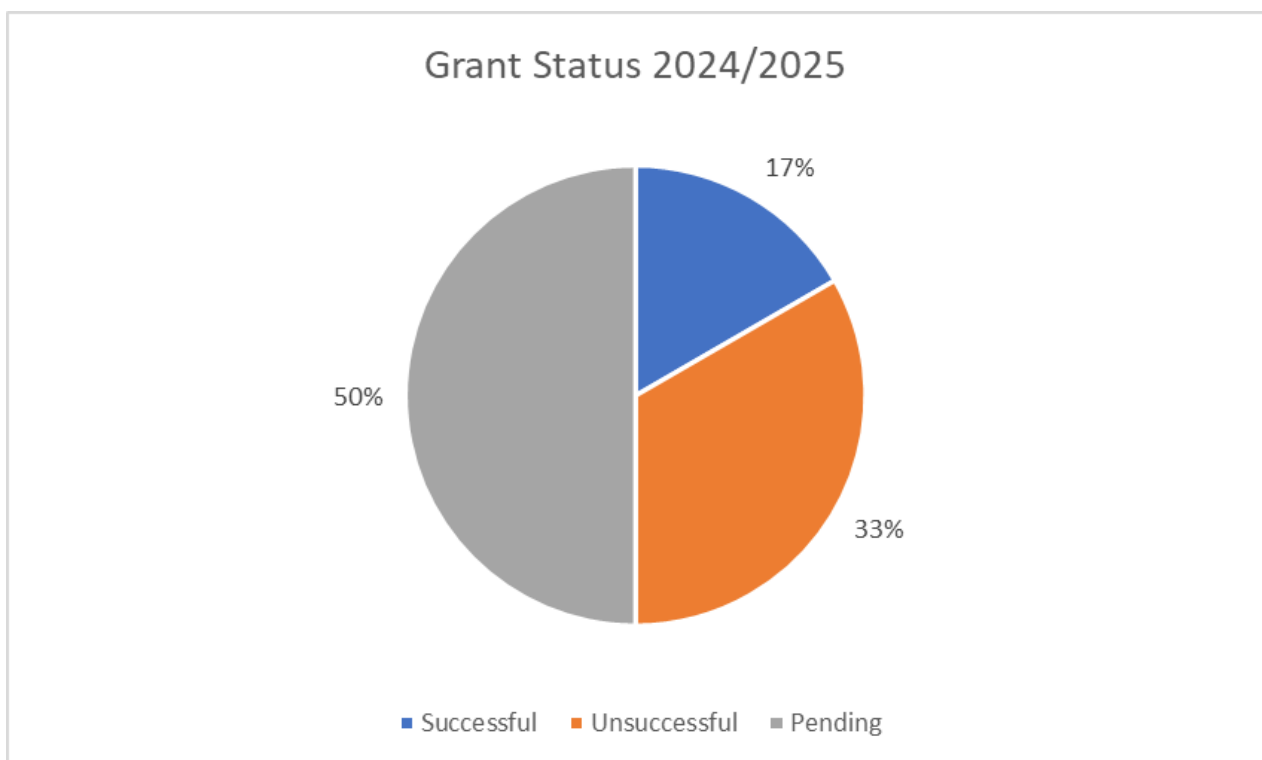
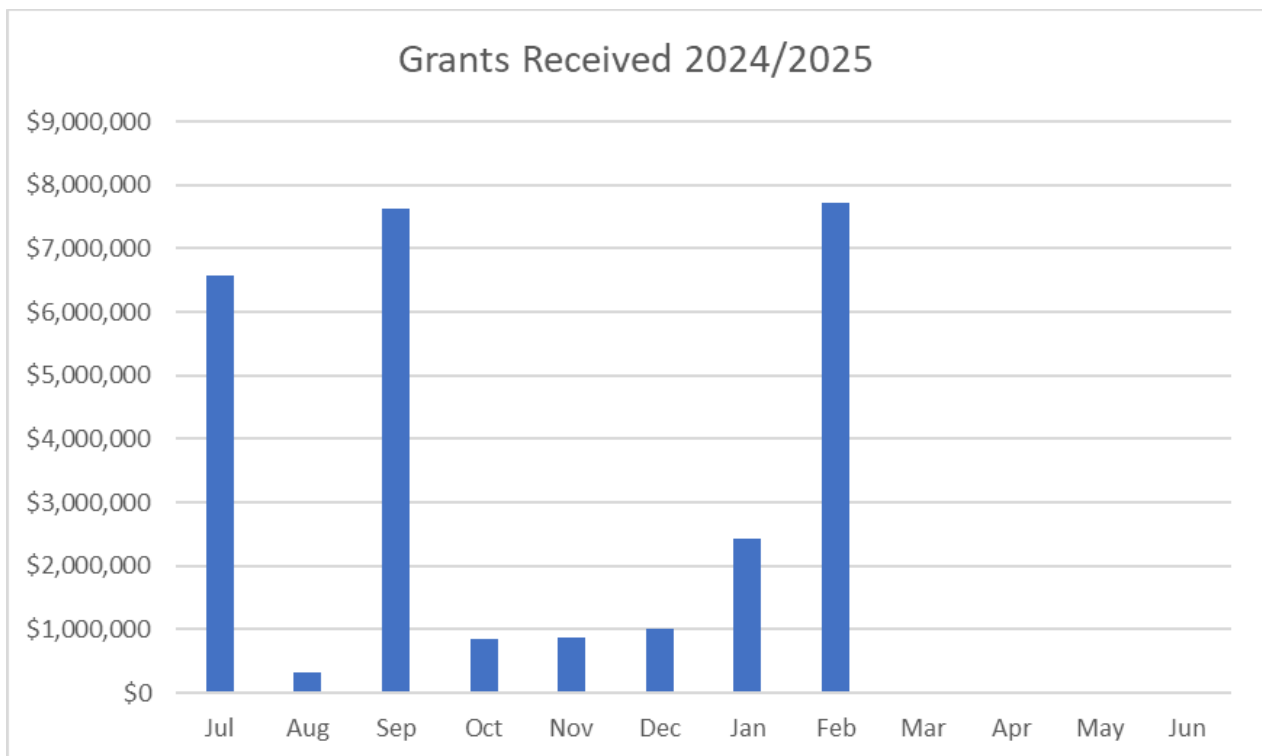
This report provides information on grant applications that have been approved, grants that have been received, grant applications that were unsuccessful and grant applications that were submitted for the month of February 2025.

During the reporting period, there were no new grants approved. Council was notified of two unsuccessful applications during the period.

Council received funding for eight grants totalling \$7,724,591.

A summary of grants approved and received, as well as the status of applications for the current financial year to 28 February is shown below:





Grant Applications Submitted

Project Name	Funding Body	Funding Name	Project Value	Grant Funding	Council Funding	Application Submitted
Rail Trail Habitat Restoration	Department of Climate Change, Energy, The Environment and Water (DCCEEW) (State)	Biodiversity Conservation Project Fund	\$ 20,000	\$ 20,000	\$ -	21 February 2025
Comment: If successful, this project will aim to restore and enhance the habitat for a nearby microbat colony while addressing erosion issues, re-establishing endemic native vegetation, and providing shade for both community members and migrating wildlife.						

Grants that have been received

Project Name	Funding Body	Funding Name	Project Value	Grant Funding	Council Funding	Application Submitted	Date Received	Total Received
LRCIP Phase 3: Pool and Colley Park Upgrades	Department of Infrastructure, Transport, Regional Development and Communications (Federal)	Local Roads and Community Infrastructure Grants (LRCI).	\$ 2,004,428	\$ 2,004,428	\$ -	7 June 2022	\$ 200,443 19 February 2025	\$ 2,004,428
Comment: Final payment received.								
Betterment of Casino Swimming Clubhouse	Regional NSW (State)	Community Assets Program	\$ 546,875	\$ 546,875	\$ -	27 March 2023	\$ 164,063 20 February 2025	\$ 382,813
Comment: Milestone payment received.								
Financial Assistance Grant 2024/25	NSW Local Government Grants Commission (Federal)	Financial Assistance Grant	\$ 6,842,387	\$ 6,842,387	\$ -	N/A - Annual Allocation	\$ 268,790 20 February 2025	\$ 6,573,597
Comment: Quarter 3 instalment of the 2024/2025 FAG Grant.								
Richmond Valley Street Fair	Transport for NSW (State)	Open Streets Program	\$ 21,500	\$ 21,500	\$ -	29 April 2024	\$ 4,300 21 February 2025	\$ 21,500
Comment: Final payment made for successful event.								

Project Name	Funding Body	Funding Name	Project Value	Grant Funding	Council Funding	Application Submitted	Date Received	Total Received
Richmond Valley Floodplain Risk Management Study and Plan	Department of Climate Change, Energy, the Environment and Water (State)	Floodplain Management Program 2023-24	\$ 200,000	\$ 133,333	\$ 66,667	17 April 2023	\$ 17,840 27 February 2025	\$ 17,840
Comment: Progress payment received.								
Upgrade of Richmond Valley's Town Entry Signs: Traditional Custodian Acknowledgment	Department of Regional NSW (State)	Stronger Country Communities Fund Round 4	\$ 55,000	\$ 55,000	\$ -	24 June 2021	\$ 11,000 27 February 2025	\$ 55,000
Comment: Final payment made on project completion.								
NSW Severe Weather and Flooding from 22 February onwards - AGRN 1012 EPAR Works	Transport for NSW (State)	Disaster Recovery Funding Arrangements (DRFA)	\$ 51,974,455	\$51,974,455	\$ -	Various dates	\$ 7,056,155 27 February 2025	\$25,285,038
Comment: Payment made in accordance with tripartite agreement.								
Richmond Valley Australia Day Celebrations	National Australia Day Council (Federal)	Australia Day 2025 Community Events Grant Program	\$ 16,600	\$ 10,000	\$ 6,600	11 October 2024	\$ 2,000 28 February 2025	\$ 10,000
Comment: Final 20% received for successful event.								

Unsuccessful Grant Applications

Project Name	Funding Body	Funding Name	Project Value	Grant Funding	Council Funding	Application Submitted	Advised Unsuccessful
Richmond Valley Regional Jobs Precinct	Department of Infrastructure, Transport, Regional Development, Communications and the Arts (Federal)	Regional Precincts and Partnerships Program - Steam One	\$ 5,571,694	\$ 5,000,000	\$ 571,694	5 March 2024	11 February 2025
Comment: Applications were assessed on a merit-basis to consider how well the applications meet the Department's policy and program objectives.							
Casino Raw Water Pump Station 200kw Solar Farm	Department of Climate Change, Energy, the Environment and Water (Federal)	Community Energy Upgrades Fund Round 1	\$ 739,000	\$ 369,500	\$ 369,500	30 April 2024	20 February 2025
Comment: Funding oversubscribed and the aggregate score of the application did not outscore other applications.							

ATTACHMENT(S)

Nil

20 QUESTIONS ON NOTICE**20.1 QUESTIONS ON NOTICE - 2022 FLOOD IMPACT UPDATE**

The following questions on notice were received from Councillor Murray at the February 2025 Ordinary meeting. The questions relate to the NSW Reconstruction Authority's Resilient Homes Program.

Questions

1. Will all priority homes mapped 1-4 receive a grant and what is the timeline to deliver these in full?
2. Of the total number of homes affected by the 2022 flood, how many promised grants have been approved and distributed across the three Resilient Homes Grant streams? Additionally, provide a breakdown by grant stream and postcode for Richmond Valley residents.
3. How much of the \$790 million has been distributed, with a breakdown by postcode, priority level, and the average time taken for approval?
4. Provide clear details about the retreat program, including how people can apply and the timeline for its rollout across properties over five hectares. Will the funding be equivalent to the house raise grant stream? If not, why?
5. What is the process for RA agents in connecting applicants to mental health services, and how many individuals have been referred to the police for welfare checks in the Richmond Valley?
6. Can we follow up with the relevant agency to confirm the revised date for the outcome of the Woodburn IGA's business grant application, which was supposed to be yesterday?

Responses

Council wrote to the NSW Reconstruction Authority, seeking clarification of these issues on 20 February 2025 and has participated in discussions with the Authority regarding the Resilient Homes Program. To date, Council has not received a response to its letter, and given the Authority's current focus on recovery from the Cyclone Alfred event, it is unlikely that this matter will be addressed prior to the March Ordinary Meeting. Council will continue to work with the Authority to progress a response to the Questions on Notice.

RECOMMENDATION

That Council continues to seek a response from the NSW Reconstruction Authority to the Questions on Notice raised by Councillor Murray.

ATTACHMENT(S)

Nil

21 QUESTIONS FOR NEXT MEETING (IN WRITING)

22 MATTERS REFERRED TO CLOSED COUNCIL**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

22.1 Tender VP430435 - Design & Construct Casino Suspension Bridge

This matter relates to (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

22.2 Tender REGPRO412425 - Provision of Traffic Control Services

This matter relates to (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

22.3 Tender REGPRO402425 - Road Safety Barrier Systems

This matter relates to (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

These matters are considered to be confidential under Section 10A(2) - (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

23 RESOLUTIONS OF CLOSED COUNCIL