

# **RICHMOND VALLEY COUNCIL**

## **Minutes**

### **Ordinary Meeting**

**Tuesday, 18 November 2008**

## Table of Contents

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<b>PRESENT</b> .....	<b>1</b>
<b>1 PRAYER AND NATIONAL ANTHEM</b> .....	<b>1</b>
<b>1A PRESENTATIONS TO STAFF</b> .....	<b>1</b>
1A.1 Presentations to Staff (25 and 15 Years Service and Training).....	1
<b>2 PUBLIC ACCESS</b> .....	<b>2</b>
2.1 Address by Mrs Samantha Elley regarding Item 11.16 - Lease and Cleaning of Toilets at rear of Oak Street Arcade, Evans Head .....	2
2.2 Address by Mr Ian Drinkwater regarding Item 11.18 - 2007/2008 Financial Reports .....	2
<b>2A PRESENTATION BY COUNCIL'S AUDITOR</b> .....	<b>2</b>
2A.1 Presentation by Mr Geoff Dwyer (Thomas Noble and Russell) regarding Council's 2007/2008 Financial Reports .....	2
<b>3 APOLOGIES</b> .....	<b>3</b>
<b>4 MAYORAL MINUTE</b> .....	<b>3</b>
<b>5 CONFIRMATION OF MINUTES</b> .....	<b>3</b>
<b>6 MATTERS ARISING OUT OF THE MINUTES</b> .....	<b>3</b>
6.1 Tree Vandalism in Evans Head - Erection of Screens (Ordinary Meeting Minute 211008/30 - Pages 66-73) .....	3
<b>7 DECLARATION OF INTERESTS</b> .....	<b>4</b>
7.1 Declaration of Interests - Ordinary Meeting 18 November 2008 .....	4
<b>8 NOTICES OF MOTION</b> .....	<b>5</b>
8.1 Notice of Motion (Cr Donella Kinnish) - Distribution of Business Papers .....	5
<b>9 MAYOR'S REPORT</b> .....	<b>7</b>
9.1 Mayor's Report Submitted to November 2008 Ordinary Meeting .....	7

<b>10</b>	<b>DELEGATES' REPORTS .....</b>	<b>8</b>
10.1	Delegates' Reports Submitted to November 2008 Ordinary Meeting .....	8
<b>11</b>	<b>MATTERS FOR DETERMINATION .....</b>	<b>11</b>
11.1	Shires Association 'A' Division Meeting.....	11
11.2	Business Excellence Framework .....	12
11.3	Integrated Planning and Reporting .....	13
11.4	Internal Audit.....	16
11.5	Media Policy.....	20
11.6	Council Workshops/Works Committee.....	23
11.7	Council Rate Structure .....	24
11.8	Council Salary System - Performance Criteria.....	26
11.9	Employee/Community Surveys .....	29
11.10	Submission to Infrastructure Australia - Casino-Murwillumbah Rail Corridor.....	31
11.11	Environmental Defenders Office - Request for Road Improvements at Moonem Road on behalf of Mr Ron Marshall .....	34
11.12	Hancocks Road - Maintenance of Gravel Roads and Flood Damage Claim .....	40
11.13	Viaduct - North Street, Casino .....	46
11.14	Suggested Road Re-naming for the Woodburn-Casino Road .....	47
11.15	Road Naming - North Casino Subdivision (Heathwood Place, Stocks Road, Dixon Place and Sparkes Place).....	50
11.16	Lease and Cleaning of Toilets at rear of Oak Street Arcade, Evans Head .....	52
11.17	National Timber Councils Taskforce Membership.....	55
11.18	2007/2008 Financial Reports .....	57
11.19	Review of Richmond Valley Council Management Plan 2008/2011 as at 30 September 2008.....	64
11.20	Financial Analysis Report - October 2008.....	67
11.21	Program and Services Review - Economic Development/Promotions.....	71
11.22	Beef Week .....	78
11.23	New Italy Driver Reviver - Request for Funding .....	87
11.24	Section 356 Financial Assistance .....	88

11.25	Renewal of Agreement - Alfresco Dining - Walker Street, Casino.....	91
11.26	Application for Change to Rating Category for Rating Purposes - Spring Grove Road, Casino .....	92
11.27	Development Application DA2009.0115 - Council Works Depot to be constructed in two (2) stages, including workshop, covered plant area, concrete construction area, electricians workshop, store, stockpile bays, car parks & other associated buildings & wor .....	95
11.28	Amendment to Development Control Plan No 10 - Evans Head .....	116
11.29	National Local Government Drug and Alcohol Advisory Committee.....	124
11.30	Motor Vehicle Fleet - Additional Tray-back Utility.....	126
<b>12</b>	<b>MATTERS FOR INFORMATION.....</b>	<b>129</b>
12.1	Correspondence for Information Submitted to November 2008 Ordinary Meeting.....	129
12.2	Legal Services Status Report as at the end of September 2008 .....	134
12.3	Request Action Management System (RAMS) .....	138
12.4	Financial Position and Operational Efficiencies .....	139
12.5	Guidelines for Model Code of Conduct .....	139
12.6	Personnel - Accrued Annual Leave as at 27 September 2008 .....	140
12.7	Infrastructure Australia Program .....	141
12.8	Coraki Common - Maintenance .....	142
12.9	Livestock Exchange Statistics as at October 2008 .....	143
12.10	Status of Engineering Works for the Month of October 2008 ..	144
12.11	Status of Water and Sewer Works for the Month of October 2008 .....	146
12.12	Contract Bridgework and Component Orders for the Month of October 2008 .....	147
12.13	Evans Head Sewerage Treatment Plant Pollution Reduction Programs for October 2008.....	148
12.14	Fluoridation of Casino Water Supply.....	151
12.15	Extension of Maternity Leave Provisions .....	152
12.16	Presentation of Staff Service Awards.....	154
12.17	Development Applications Determined under the Environmental Planning and Assessment Act for the Period 1 October 2008 to 31 October 2008.....	155

12.18	Draft Local Environmental Plan Update .....	156
<b>13</b>	<b>COUNCILLORS' QUESTIONS (IN WRITING).....</b>	<b>158</b>
13.1	Rainwater Tanks (Item 12.9/Page 170 of 21 October 2008 Minutes) .....	158
13.2	Cities for Climate Protection Program (Item 12.6/Page 162 of 21 October 2008 Minutes).....	158
13.3	Proposal to Develop a Residential Airpark at Evans Head Memorial Aerodrome (Item 11.36 of 21 October 2008 Minutes) .....	159
13.4	Currajong Street Evans Head .....	159
<b>14</b>	<b>MATTERS REFERRED TO CLOSED COUNCIL.....</b>	<b>160</b>
14.1	Confidential Legal Advice (Iron Gates Matter) .....	161
<b>15</b>	<b>RESOLUTIONS OF CLOSED COUNCIL.....</b>	<b>162</b>

**MINUTES OF THE ORDINARY MEETING OF RICHMOND VALLEY COUNCIL,  
HELD IN THE COUNCIL CHAMBERS, CNR WALKER STREET AND GRAHAM  
PLACE, CASINO, ON TUESDAY, 18 NOVEMBER 2008 AT 4.30 P.M.**

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**PRESENT**

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Crs. C.J. Sullivan (Mayor), C.J. Cox, O. Crawford, S.A. George, R.F. Jeffery, D.A. Kinnish, S.E. Morrissey and R.A. Mustow.

The General Manager, Director Corporate Services, Director Works, Director Environmental Development Services, Manager Finance and Executive Assistant (Roslyn Townsend) were also in attendance.

**1 PRAYER AND NATIONAL ANTHEM**

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Those present at the meeting stood for the prayer by the Director Corporate Services and the singing of the National Anthem.

**1A PRESENTATIONS TO STAFF**

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**1A.1 PRESENTATIONS TO STAFF (25 AND 15 YEARS SERVICE AND TRAINING)**

The Mayor advised that a number of presentations were to be made to staff on behalf of Council.

Firstly, he congratulated staff for their outstanding service of 25 years and 15 years respectively. Presentations were then made to Geoff Carroll, Dennis Fardon and Robert Jarrett (Attilio Gava not present) for 25 years service and Guy Brien (Trevor Turner not present) for 15 years service.

The Mayor advised that presentations were also to be made to staff who had been provided with the opportunity by Council to complete traineeships through the North Coast Institute of TAFE. Certificates were presented to the following staff:

Lani Morrow - Certificate III Business Administration  
Colin Carey - Certificate IV Warehousing and Storage  
Gary Mead - Certificate II Water Industries  
Mark Benton - Certificate II Water Industries  
Tony Carroll - Certificate II Water Industries  
Trevor Gill - Certificate II Water Industries  
Brent Merton - Certificate II Water Industries.

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**2 PUBLIC ACCESS**

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**2.1 ADDRESS BY MRS SAMANTHA ELLEY REGARDING ITEM 11.16 - LEASE AND CLEANING OF TOILETS AT REAR OF OAK STREET ARCADE, EVANS HEAD**

Mrs. Elley, an Evans Head business/café owner, addressed Council on the issue of reopening the toilets in the Oak Street Arcade at Evans Head and advised that since the toilets had been closed there had been numerous enquiries from people as to the location of public toilets. Mrs. Elley commented on reasoning which had been put forward in the report for not reopening toilets, pointing out that Evans Head should not be compared to Casino and raised issues such as distance required to walk to toilets for mothers with toddlers, pregnant women, the elderly and people with disabilities. In conclusion, Mrs. Elley stated that the toilets should be in Oak Street being the main shopping and dining area not out of the way near the Library.

Mrs. Elley responded to questions from Councillors, following which the Mayor thanked her for her presentation.

**2.2 ADDRESS BY MR IAN DRINKWATER REGARDING ITEM 11.18 - 2007/2008 FINANCIAL REPORTS**

Mr. Drinkwater addressed Council regarding the method of presenting information in Council's financial reports and suggested a number of minor alterations to the report format and contents to make the financial information more user friendly.

Mr. Drinkwater responded to a question from a Councillor, following which the Mayor thanked him for his presentation.

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**2A PRESENTATION BY COUNCIL'S AUDITOR**

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**2A.1 PRESENTATION BY MR GEOFF DWYER (THOMAS NOBLE AND RUSSELL) REGARDING COUNCIL'S 2007/2008 FINANCIAL REPORTS**

The Mayor welcomed Mr. Geoff Dwyer from Thomas Noble and Russell, Council's Auditors, to the meeting.

Mr. Dwyer conveyed the apologies of Darran Singh (audit partner in charge of Richmond Valley Council) who was unable to attend the meeting.

Mr. Dwyer gave a presentation in respect of Council's Financial Reports for the financial year ended 30 June 2008 and provided explanations on the reports and their results.

At the conclusion of the presentation a question and answer session was conducted, following which the Mayor thanked Mr. Dwyer for his presentation.

### **3 APOLOGIES**

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An apology was tendered on behalf of Cr. Wheatley.

**181108/ 1 RESOLVED** (Cr. Mustow/Cr. Jeffery)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

### **4 MAYORAL MINUTE**

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Nil.

### **5 CONFIRMATION OF MINUTES**

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**181108/ 2 RESOLVED** (Cr. Jeffery/Cr. Cox)

That the Minutes of the Ordinary Meeting, held on 21 October 2008 and the Minutes of the Reserve Trust Meeting, held on 11 November 2008, be taken as read and confirmed as true records of proceedings.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

### **6 MATTERS ARISING OUT OF THE MINUTES**

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#### **6.1 TREE VANDALISM IN EVANS HEAD - ERECTION OF SCREENS (ORDINARY MEETING MINUTE 211008/30 - PAGES 66-73)**

Cr. Cox enquired whether there had been any response to advertisements calling for expressions of interest from residents of Evans Head in joining a reclamation or care group.

The Director Works advised that to his knowledge advertising was continuing but there had been no formal responses to date.

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## **7 DECLARATION OF INTERESTS**

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### **7.1 DECLARATION OF INTERESTS - ORDINARY MEETING 18 NOVEMBER 2008**

Cr. Sullivan declared a non-pecuniary interest in Item 11.22 - Beef Week (Member of Beef Week Promotions Committee).

Cr. Kinnish declared a non-pecuniary interest in Item 11.23 - New Italy Driver Reviver - Request for Funding (Association with the New Italy Committee who want to build the building that Driver Reviver want to locate to).

Cr. Mustow declared a non-pecuniary interest in Item 12.17 - Development Applications Determined under the Environmental Planning and Assessment Act for the period 1 October 2008 to 31 October 2008 (Owner of land but not the applicant).

Cr. Jeffery declared a non-pecuniary interest in Item 11.24 - Section 356 Financial Assistance (His wife and he are members of the Evans Head and District Junior Cricket Committee).

Cr. Crawford declared a non-pecuniary interest in Item 11.24 - Section 356 Financial Assistance (Involvement with Casino Ratepayers and Residents Association in completing paperwork prior to Councillor election and his wife is on the Committee of the Casino Amateur Swimming Club).

Cr. George declared a non-pecuniary interest in Item 11.22 - Beef Week (Beef Week Promotions Committee President).

**181108/ 3 RESOLVED** (Cr. Mustow/Cr. Kinnish)

That the declarations of interest of Crs. Sullivan, Kinnish, Mustow, Jeffery, Crawford and George be noted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

## **8 NOTICES OF MOTION**

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### **8.1 NOTICE OF MOTION (CR DONELLA KINNISH) - DISTRIBUTION OF BUSINESS PAPERS**

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#### **Background**

Cr. Kinnish submitted a Notice of Motion and the following rationale on 4 November 2008.

"Council aimed to distribute Business Papers by Thursday afternoon for a meeting the following Tuesday. Papers, without appendices, were generally available on the Council website on the Friday. Public access requests are to be received by 4.30 p.m. Monday (day prior) to the meeting.

Council at its Extraordinary Meeting on 1 October 2008 resolved to change Council's Ordinary Meeting commencement time from 2.00 p.m. to 4.30 p.m.

#### **Issues**

Local Government Guidelines require three days notice to be given for a meeting. DLG have clarified that the Act does not distinguish between calendar day and working day.

If a councillor or a member of the public seeks clarification on a query relating to an item in the Business Paper they have less than three working days to do so prior to the meeting. Given the composition of the current Council there are some councillors who are occupied with employment obligations during the same working hours of Council. Other councillors may also have commitments during normal working times that restricts the time to effectively read, and/or address items in the business papers prior to the meeting.

Each Council is able to adopt timeframes to suit their particular requirements. As such the following neighbouring Councils operate in this regard as follows:

- Lismore - business papers are distributed seven days prior to the meeting (7 days).
- Ballina - business papers available on the website Friday, distribution to Councillors by Saturday for the Thursday meeting (5-6 days).
- Byron - business papers are distributed seven days prior to the meeting (7 days).
- Clarence - business papers distributed Friday morning and on website for Tuesday afternoon meeting (4.5 days).
- Kyogle - business papers are distributed to councillors Tuesday afternoon, on website Wednesday morning for the meeting the following Monday (6 days).
- Richmond Valley - business papers distributed late Thursday afternoon to councillors, on website Friday for Tuesday afternoon meeting (5 days).

An important element to consider is that the contents of the Business Paper is not known until it is released/distributed. This makes it highly desirable to read as soon as possible should there be an item that does need to be clarified or requires further information. However, this raises the issue of what is possible and/or practical as opposed to 'desirable' to enable any reasonable timeframe in which to contact Council should such contact be required.

Most other local Councils have identified the need to extend the timeframe between the distribution of business papers and the meeting to give adequate time to both councillors and residents who do not have the 'luxury' of being able to read papers shortly after they are released/distributed should there be queries/requests that need to be addressed.

### **Conclusion**

The time variation of the release/distribution of business papers before Council meetings in the region varies from one Council working on four and a half days to two Councils operating on a seven day period. Richmond Valley Council operates on the second tightest timeframe of the six Councils. The public have less than two working days to read the papers and contact Council if there is to be a request to seek public access.

Given that the seven day timeframe has been successfully operational in those Councils who operate on this longer timeframe, it would seem reasonable to assume that no impediment would exist to the operations within Richmond Valley Council if a similar timeframe was adopted. It would require an adjustment of only two days to current program times for only the first month of implementation. However, the seven day period would provide the community's representatives (councillors) and the community a more adequate time to take on board the items before Council for deliberation.

Hence the Notice of Motion: That Council increase the timeframe to seven days between the distribution of the Business Paper and the meeting time for that Business Paper."

### **Notice of Motion**

That Council increase the timeframe to seven days between the distribution of the Business Paper and the meeting for that Business Paper.

A **Motion** was moved by Cr. Kinnish and seconded by Cr. Crawford

That Council increase the timeframe to seven days between the distribution of the Business Paper and the meeting for that Business Paper.

The **Motion** was **lost**.

FOR VOTE - Cr. Kinnish

AGAINST VOTE - Cr. Sullivan, Cr. Cox, Cr. Crawford, Cr. George, Cr. Jeffery, Cr. Morrissey, Cr. Mustow

ABSENT. DID NOT VOTE - Cr. Wheatley

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**9 MAYOR'S REPORT**

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**9.1 MAYOR'S REPORT SUBMITTED TO NOVEMBER 2008 ORDINARY MEETING**

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**Background**

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

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

**Subject Matter of Attendance:** Rous Water Ordinary Meeting held at Lismore on 22 October 2008.

**Precis/Summary of Issues Discussed/Considered:**

Cr. Jeffery and myself (as Council's delegates) attended the first meeting of Rous Water since the September local government elections.

The Agenda included reports from the General Manager, Mr. Kyme Lavelle and the Operations Service Manager, Mr. Wayne Franklin.

As the new Council consists of six out of eight Councillors elected for their first term as Rous Water delegates, a lot of time was spent in discussing the role and responsibilities of Rous Water as a water authority.

Many questions were asked, particularly in regard to the Perradenya Development and the position of Rous Water in its responsibilities to this development. Wednesday, 12 November 2008, was scheduled for an inspection and workshop in this regard.

The election for executive positions was also held which resulted in Cr. Col Sullivan (Richmond Valley Council) elected as Chairman and Cr. Phil Silver (Ballina Shire Council) as Deputy Chairman.

**Outcomes/Actions Required by Council: --****RECOMMENDATION**

Recommended that the report be received and noted.

**181108/ 4 RESOLVED** (Cr. Cox/Cr. George)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

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**10 DELEGATES' REPORTS**

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**10.1 DELEGATES' REPORTS SUBMITTED TO NOVEMBER 2008  
ORDINARY MEETING**

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**Background**

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

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

**Submitted by Cr. Cox**

**Subject Matter of Attendance:** Richmond River County Council Ordinary Meeting held at Lismore on Wednesday, 15 October 2008.

**Precis/Summary of Issues Discussed/Considered:**

The Richmond River County Council Charter provides responsibility for flood mitigation and floodplain management on behalf of the three constituent Councils - Ballina, Lismore and Richmond Valley, on the Richmond River Floodplain. A major function is the maintenance of the various canals and floodgate structures under its control.

The recently revised proclamation establishes equal delegate representation from each Council. Delegates are as follows:

Ballina - Cr. Alan Brown and Cr. David Wright

Lismore - Cr. John Chant (Chair) and Cr. Isaac Smith

Richmond Valley - Cr. Charlie Cox (Deputy Chair) and Cr. Owen Crawford.

Meetings are held bi-monthly (February, April, June, August, October, December) on the second Wednesday of the month at Rous Headquarters, Lismore, commencing at 1.30 p.m.

Matters from the meeting attended by both Richmond Valley Council Delegates included:

Flood Canals/Floodgates - maintenance issues of cane trash etc. clogging gates; livestock damage to banks.

Keith Hall Drainage - local landholders seeking Council maintain drain. Matter to be further investigated.

Model Code of Conduct - adopted. Sub-Committee to assess Expressions of Interest received for Conduct Review positions.

Works Activities - main works consist of herbicide spraying and floodgate/drain maintenance. Continuing to clear unexpended grants.

Tuckombil Canal - resolved to lower existing temporary structure by some 100mm for a 12 month trial period. (See information report Item 12.11 to Richmond Valley Council's Meeting of 21 October 2008).

Councillor Training - budget allows for delegates to attend conferences/training opportunities related to Richmond River County Council activities.

17 November 2008 - Delegates will undertake Resource Management Field Trip to floodplain management sites.

17-10 February 2009 - Delegates encouraged to attend Annual NSW Floodplain Management Authorities Annual Conference Albury. (Of special significance this year is the joint attendance of Victoria).

Annual Financial Reports and Audit Report Year Ending 30 June 2008 - completed and to be advertised 22-28 October 2008 for presentation to 10 December Meeting.

**Outcomes/Actions Required by Council: --**

**181108/ 5 RESOLVED** (Cr. Cox/Cr. Crawford)

That Council accept an additional delegate's report from Cr. Jeffery (a copy of which had been circulated to each Councillor at the meeting).

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

**Background**

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

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

**Submitted by Cr. Jeffery**

**Subject Matter of Attendance:** Rous Water Ordinary Meeting held at Lismore on 22 October 2008.

**Precis/Summary of Issues Discussed/Considered:**

I am pleased to report that Mayor Sullivan was elected Chair of and Mayor Silver (Ballina Shire Council) was elected Deputy.

At the induction program, the General Manager recommended a tour to familiarise all delegates with the working of the organisation, included in this was the proposed Dunoon Dam and Perradenya Resident Estate.

Council's Auditor delivered the annual audit. As to be expected questions were asked about the effects of the world economy have on investments.

A report was tabled for council to determine whether to proceed with the Perradenya water reclamation plant. This project has been a long drawn out and controversial issue. It was obvious that Rous water was between a rock and a hard place because of the original Development Application. The decision to go ahead with this construction of the water reclamation plant in my opinion, was the obvious answer. Council resolved to call for expressions of interest for Project Managers to upgrade the Rocky Creek embankment.

It was interesting to find that the dam was located on Rocky Creek and during construction, the creek was diverted through the dam site utilising large concrete pipes, which were subsequently blocked and buried in the dam. It has been determined that the dam embankment requires upgrading to meet modern engineering standards.

Rous Water has been advised it is eligible for financial assistance from Government under Country Towns Water Sewage Programs. In March 2008 Rous wrote for confirmation, predictably no reply in writing has been received to date.

The recommendation was carried that tenders be called for Project Manager Services for the upgrading initially. This of course will not be eligible for government funding.

The actual structural works will wait funding; this stalling by the NSW State Government is appalling - obviously as a cost saving by them. This first meeting was big, but terribly interesting.

**Outcomes/Actions Required by Council: --**

## **RECOMMENDATION**

Recommended that the Delegates' Reports be received and noted.

**181108/ 6 RESOLVED** (Cr. Cox/Cr. Jeffery)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

The Mayor congratulated Cr. Cox on being elected Vice Chairman of Richmond River County Council.

## 11 MATTERS FOR DETERMINATION

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### 11.1 SHIRES ASSOCIATION 'A' DIVISION MEETING

**Reference:** Governance - Conferences; Government Relations - Conferences

**Prepared by:** General Manager

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#### Background

Correspondence has been received from the Shires Association of NSW 'A' Division Secretary (DWS 296509) as follows:

*"Just some advance notice to advise you that the 2009 'A' Division Conference will be hosted by Tweed Shire Council on Thursday, 12 February 2009.*

*It would be appreciated if you could forward any motions for consideration to me as soon as possible.*

*As soon as the conference arrangements are known I will let you know."*

#### Report

##### *Issues*

The 'A' Division consists of Councils from Tweed to Kempsey and the proposed Meeting is a mechanism for Councils to be updated on issues being pursued by the Shires Association of NSW and to also consider any motions that the area wants to have considered at the State Conference in June 2009.

Accordingly, Council should determine any motions it wants to put forward and to also authorise the attendance of available Councillors.

#### Conclusion

This report outlines the proposed Meeting for 'A' Division in February 2009.

#### RECOMMENDATION

Recommended that Council determine any motions it wants to put to the 'A' Division Meeting and further, that Council authorise the attendance of available Councillors at the 'A' Division Meeting.

**181108/ 7 RESOLVED** (Cr. Jeffery/Cr. Cox)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

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## 11.2 BUSINESS EXCELLENCE FRAMEWORK

**Reference:** Corporate Management - Planning

**Prepared by:** General Manager

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### **Background**

A number of Councils and organisations throughout Australia have (in recent years) been involved with a process/program to improve their organisational performance. The Business Excellence Framework has eight driving principles - leadership, customers, systems thinking, people, continuous improvement, information and knowledge, corporate and social responsibility, and sustainable results.

### **Report**

#### ***Issues***

The aim of the Business Excellence Framework is to improve performance through continuous improvement with the outcomes sought by participating organisations being aligned to the organisational objectives. In the local area, Byron Shire introduced the framework in 2003 and Ballina Shire has commenced the process in 2008. There are a range of other Councils from across Australia that utilise the framework.

A Business Excellence Framework Information Sheet has been circulated separately to each Councillor.

The framework not only involves the involvement of employees at all levels of the organisation, but also requires participation as part of a network. This includes an integrated approach to leadership and management that aims to achieve long term sustainability. Accordingly, the framework links to the Integrated Planning processes being introduced by the Department of Local Government. Accordingly, committing to such a process/framework will require a budget allocation.

#### ***Financial Implications***

From the information provided by participating Councils and the Framework Co-ordinators (SAI Global), the standard investment in the first year is about \$39,500 plus GST. This includes:

- The intellectual property for EilG, which will then be customised for Richmond Valley Council
- An Executive Workshop
- A Workshop with the Council's BE Team to develop the project plan
- A Getting Started Workshop
- 2 Days of Support to develop Systems Views and to complete self-assessments
- 6 Staff Awareness sessions
- Continuous Improvement Workshops for the CI Champions
- 2 Days of Executive monitoring.

The initial return on investment is expected to be approximately \$100K realised after about 1.5 years. This is primarily delivered through waste reduction in key processes.

There will of course be an ongoing cost for the program - estimated to be \$15,000 per annum.

It is proposed that Council fund the initial investment in the framework via the Workers Compensation Incentive Restricted Asset with future costs to be incorporated as part of Council's Corporate/Governance budget.

### **Conclusion**

It is considered an opportune time for Council to consider being involved/ implementing a continuous improvement ethos via the Business Excellence Framework. Therefore, Council's support for the concept/program is urged.

### **RECOMMENDATION**

Recommended that Council support the introduction of the Business Excellence Framework at Council with initial costs for same being funded from the Workers Compensation Incentive Works Restricted Asset.

**181108/ 8 RESOLVED** (Cr. Jeffery/Cr. Cox)

That the above recommendation be adopted.

FOR VOTE - Cr. Sullivan, Cr. Cox, Cr. Crawford, Cr. George, Cr. Jeffery, Cr. Kinnish, Cr. Morrissey

AGAINST VOTE - Cr. Mustow

ABSENT. DID NOT VOTE - Cr. Wheatley

## **11.3 INTEGRATED PLANNING AND REPORTING**

**Reference:** Corporate Management - Planning, Reporting

**Prepared by:** General Manager

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### **Background**

Over recent years the NSW Government has discussed with Local Government the need for more integrated planning and reporting processes, i.e. there has been a critical examination of the current Management Plan/Annual Report/State of Environment Report processes with a view of establishing a more integrated approach.

A recent Department of Local Government (DLG) Circular (08-65) advised that the Department is continuing to develop the new integrated planning and reporting systems for local government. In that regard, the DLG indicated that a Draft Amendment Bill, Regulation and Guidelines are being finalised for a

proposed release in November 2008. It is understood that under the proposals Council will be required to develop:

- a long-term (ten year minimum) community strategic plan setting out community priorities,
- a four year delivery plan to establish activities undertaken by a Council during its term of office, consistent with the strategic plan,
- a 12 month operational plan,
- a long-term (ten year minimum) financial plan, and
- a workforce plan.

The recent DLG Circular advised that it is planned that all Councils will be operating under the new system from the commencement of the next local government electoral term in September 2012. Councils will be asked to nominate which implementation "Group" they wish to be in, i.e. Group 1 - Community Strategic Plan adopted by 31/3/2010 and Delivery Program adopted by 30/6/2010, Group 2 - 31/3/2011 and 30/6/2011, Group 3 - 31/3/2012 and 30/6/2012.

## **Report**

### ***Issues***

The concept of Integrated Planning and Reporting is supported. A report prepared by the Director Corporate Services in relation to the concept has been circulated separately to each Councillor (and had previously been reported to the October Meeting).

It is prudent for Council to be considering how it approaches the task of preparing its Community Strategic and Delivery Program in readiness for the upcoming legislative changes.

With that in mind and on the basis that the new planning/reporting processes represent opportunity, discussions have been held with University of Technology Sydney (UTS Centre for Local Government) regarding a "Getting Ready for Integrated Planning and Reporting Program"/"Integrated Planning Capacity Building Program" they have developed.

A copy of the UTS brochure on the program has been circulated separately to each Councillor.

It is considered that the program can be of benefit to Council for the following reasons:

- Council does not have specific governance staff that can focus solely on the preparation of the new planning documents.
- The aim of the new legislation is to get Councils to think/plan more strategically. With a newly elected Council, there is an opportunity for Council to review its priorities/forward direction in conjunction with the implementation of integrated planning and reporting processes. The UTS

program will provide for capacity building and define a structured process for which to achieve same. This will include a linkage to community engagement - which has been identified as a strong desire of Council.

### ***Financial Implications***

The discussions with UTS have indicated that costs in the order of \$40,000 would be required for implementation of the program.

Whilst this amount is considerable it needs to be recognised that there are potentially significant benefits from participating in such a program, e.g. building capacity/organisational improvement, have a defined process to guide implementation of an important project, an improved outcome for Council/and the community, etc.

Should Council determine to take advantage of the UTS program, it is proposed that funding be sourced from the Workers Compensation Incentive Works Reserve; that reserve has been accumulated from incentive payments received in recent years relating to improved Workers Compensation performance. Accordingly, utilising same for organisational improvement is considered appropriate.

A draft "program" (for Stage 1) from UTS has been circulated to each Councillor.

Note: A separate report has been prepared by the Director Corporate Services relating to Sustainability Planning. That report relates/links to matters in this report and was reported to Council at the October 2008 Meeting.

### **Conclusion**

The proposed new legislation relating to integrated planning and reporting by NSW Local Government represents an opportunity for organisational improvement and in improving the way Council's future direction is explained. This then provides a means of improving Council's strategic and communication process. The use of the UTS program will enhance that opportunity.

### **RECOMMENDATION**

Recommended that Council commit to participation in the University of Technology (Sydney) Integrated Planning and Reporting Capacity Building Program and that funds for same be allocated from the Workers Compensation Incentive Works Reserve.

**181108/ 9 RESOLVED** (Cr. Kinnish/Cr. Morrissey)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

## 11.4 INTERNAL AUDIT

**Reference:** Corporate Management - Audit

**Prepared by:** General Manager

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### Background

It was resolved at the October 2008 Meeting that Council immediately undertake assessment and scope requirements for an internal audit function with the view of implementing an internal audit committee and internal audit plan.

### Report

#### *Issues*

On 14 October 2008 the Department of Local Government (DLG) issued Circular 08-64 - Internal Audit Guidelines for Councils and County Councils. A comprehensive set of guidelines were issued in conjunction with the Circular. A copy of the Department's Circular and Guidelines have been circulated separately to each Councillor.

It is important to note the following extracts from the DLG Circular:

- Internal audit is widely used in corporate Australia as a key mechanism to assist in managing risk and improving efficiency and effectiveness.
- There is also growing acceptance of the importance of internal audit and risk management in local government.
- Effective internal audit and risk management processes should become part of "business as usual" operations for Council.
- The Internal Audit Guidelines propose oversight of Council systems and processes through an audit committee.
- The combination of an effective audit committee and internal audit function provide a formal means by which Councillors can obtain assurance that risk management and internal controls are working effectively.

The above extracts (and the Guidelines) clearly indicate a desire by the DLG that Councils embrace the internal audit concept and look to applying same within their respective organisation. However, it is also clear that the effective implementation of the internal audit concept is in fact introducing or applying another "function" for Council. This will require/involve additional resources and/or changes to processes.

In view of the above it can be seen that implementing an effective internal audit process is not a basic/minor task but is one that is complex and needs considerable thought and understanding by both Councillors and Staff. It will be particularly important in progressing this issue for Councillors and Staff to have a similar definition and expectation about what is involved/required. In that respect the DLG Guidelines provide that "definition" and it is proposed that Council utilise those Guidelines as its implementation framework. The framework and

definitions, etc. outlined in the Guidelines may represent something different to what Councillors expected of an internal audit. It is also considered that the implementation of internal audit processes are an organisational improvement mechanism and need to be recognised as such. (Note: there are other organisational improvement mechanisms that are being reported to Council separately.)

In assessing the implementation of internal audit processes Council needs to be mindful of the following:

- (a) the internal audit process is a Governance function; the Governance Unit of Council currently includes two Executive Assistants, the Governance Officer, an Administration Assistant (also Telephone Reception) and a Part-time Administration Assistant (24 hours per week). Council has previously identified the need for a Property Officer/Risk Officer, however that position has not been funded/established. It should also be noted that since the introduction of DataWorks at Council (October 2007), the Part-time Administration Assistant has been used for that role (in lieu of Governance duties).
- (b) The DLG Guidelines indicate that risk management is/should be integrated with internal audit mechanisms. Council does not currently have a specific risk management officer; that role is currently part of the Governance Officer position and is also subject of a monthly Risk Management/Loss Control Meeting involving the General Manager, Directors, the Governance Officer and Human Resource Staff. As indicated earlier in the report, the need for a more specific Risk Officer had previously been identified, however, commitment of resources to same has not been made.

As part of the progression of this matter, Council will need to give consideration to how it proposes to resource the Internal Audit function.

The thrust of Council's resolution at the October 2008 Meeting was to assess and scope requirements for an internal audit function with a view to implementing an internal audit committee and internal audit plan. In that regard, the purpose of this report is to assess the issues involved and to also scope (determine the range) of activities involved with an internal audit function.

As indicated previously in this report the DLG Guidelines define the concept of the internal audit function and in that respect Council is encouraged to utilise those Guidelines as part of the implementation of internal audit processes. The Guidelines and the information in this report effectively respond to the assessment and scope parts of Council's resolution.

To implement an internal audit committee and internal audit plan, Council will firstly need to determine that it will establish an internal audit function and also determine how that function is proposed to be resourced. Prior to fully addressing matters relating to the implementation of an internal audit function, feedback is sought from Council on resourcing the proposal.

The DLG Guidelines have specific content in relation to establishing an Audit Committee and also Audit Committee Plans. As indicated above, it is proposed that Council would utilise the DLG Guidelines as a resource to "guide" processes. In that regard it will be important in establishing an Audit Committee/Audit Charter/Audit Plan to ensure that roles and responsibilities are defined and consistently maintained.

To progress further with an implementation plan at this time is considered premature; in that regard, a commitment by Council to an internal audit function, utilising the DLG Guidelines and a level of resources is required to enable an implementation "process" to be mapped out, i.e. if Council does not propose to allocate additional resources to the internal audit function, then "fully" implementing the processes identified by the DLG Guidelines will be difficult. The clarification of Council commitments would enable a more definitive implementation "program" to be established (and options for resourcing same detailed). From the General Manager's perspective, the implementation of an effective internal audit structure will be of benefit to the organisation and is supported.

An implementation plan may also involve Council in assessing whether there are opportunities to resource share with other Council's regarding an internal audit function.

### **Conclusion**

This report outlines initial issues that need to be considered and determined in relation to the implementation of a "valid" internal audit process at Council. Following determination of Council's commitment to the process, it is proposed that further detailed information be provided to Council.

### **RECOMMENDATION**

Recommended that Council:

1. Determine whether it proposes to implement an internal audit function.
2. Determine that any implementation of an internal audit function will be based on the Department of Local Government Guidelines.
3. Indicate to the General Manager the level of resources proposed for any implementation.
4. Be provided with a further report on the implementation process/program for an internal audit function.

A **Motion** was moved by Cr. Cox and seconded by Cr. Morrissey

That Council:

1. Further explore the implementation of an internal audit function.
2. Determine that any implementation of an internal audit function will be based on the Department of Local Government Guidelines.
3. Indicate to the General Manager the level of resources proposed for any implementation.

4. Be provided with a further report to the December 2008 Meeting on the implementation process/program for an internal audit function.

An **Amendment** was moved by Cr. Jeffery and seconded by Cr. Kinnish

That Council:

1. Determine whether it proposes to implement an internal audit function.
2. Determine that any implementation of an internal audit function will be based on the Department of Local Government Guidelines.
3. Indicate to the General Manager the level of resources proposed for any implementation.
4. Be provided with a further report to the December 2008 Meeting on the implementation process/program for an internal audit function.

Cr. Kinnish gave notice of her intention to foreshadow an Amendment.

The **Amendment** was **lost**.

A **Further Amendment** was moved by Cr. Kinnish and seconded by Cr. Jeffery

That Council:

1. Determine that the implementation of an internal audit function will be based on the Department of Local Government Guidelines.
2. Indicate to the General Manager the level of resources proposed for any implementation.
3. Be provided with a further report to the December 2008 Meeting on the implementation process/program for an internal audit function.

The **Further Amendment** was **lost**.

The **Motion** was **carried** (as follows):

**181108/ 10 RESOLVED** (Cr. Cox/Cr. Morrissey)

That Council:

1. Further explore the implementation of an internal audit function.
2. Determine that any implementation of an internal audit function will be based on the Department of Local Government Guidelines.
3. Indicate to the General Manager the level of resources proposed for any implementation.
4. Be provided with a further report to the December 2008 Meeting on the implementation process/program for an internal audit function.

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr. Wheatley

**11.5 MEDIA POLICY**

**Reference:** Community Relations - Media Liaison; Corporate Management - Policy

**Prepared by:** General Manager

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**Background**

At Council's October 2008 Meeting it was resolved that all Councillors receive a copy of all press releases from Richmond Valley Council.

In addition, it was resolved that a policy be prepared in regard to the issue of Press and Media Releases.

**Report****Issues**

Staff have been advised/reminded of the need for press releases to be issued to all Councillors. It is proposed to incorporate that requirement in the draft policy requested by Council.

In regard to the preparation of the draft policy, reference was made to the policies utilised by Lismore City Council and Tweed Shire Council.

A draft Media Policy has been prepared for consideration by Council and is incorporated in this report.

**Conclusion**

This report responds to resolutions by Council at the October 2008 Meeting. In that respect a draft Media Policy is presented for Council consideration.

**RECOMMENDATION**

Recommended that Council adopt the Draft Media Policy.

**181108/ 11 RESOLVED** (Cr. Mustow/Cr. Kinnish)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

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## RICHMOND VALLEY COUNCIL POLICY REGISTER

**Policy No:**

**Reference:** Community Relations - Media Liaison

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<b>POLICY:</b>	<b>MEDIA</b>
<b>FUNCTION:</b>	Governance
<b>OBJECTIVE:</b>	This Policy relates to Council's dealings with all media (print and broadcast) and defines the expectations relating to same.
<b>DIRECTORATE:</b>	<b>CORPORATE SERVICES</b>

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### SPECIFIC OBJECTIVES

- To ensure Council manages and has knowledge of information that is sent to the media.
- To ensure Council utilises the media to inform the community of its actions and activities.
- To ensure that distribution of media is undertaken appropriately and in a controlled manner.
- To ensure a consistent approach to media distribution.
- To enhance the provisions of Council's Code of Conduct.

### AUTHORISATION

The Mayor and General Manager are authorised to make press releases and media statements on Council business/affairs on Council's behalf.

Other Staff and Councillors do not have authority to make statements on Council's behalf without first obtaining approval from the General Manager or the Council, as appropriate.

Note: Council officials need to ensure that they clarify whether or not they are acting on behalf of Council when speaking publicly or attending functions.

### PREPARING AND ISSUING MEDIA RELEASES

Media releases can be prepared by the respective Directorates of Council and are to relate to Council's activities, decisions and plans. All proposed releases are to be authorised by the respective Director and forwarded to the General Manager for approval (prior to release).

The Mayor may approve media releases on Mayoral letterhead as desired.

Following authorisation of media releases, distribution to media is to be arranged via Council's Governance Unit, with the distribution to include a copy of the release being forwarded to all Councillors.

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**Adopted:**  
**Reviewed:**

Page 1

**PROVIDING A COUNCIL SPOKESPERSON FOR COMMENT OR INTERVIEW**

Wherever possible and practicable, Council will provide a spokesperson for comment or interview in support of a media release issued, or at the request of a media outlet. The allocation of a spokesperson will be made by the General Manager or in the case of a Mayoral release, by the Mayor.

**ENQUIRIES**

All media enquiries are to be allocated to the General Manager or relevant Director (or Mayor as appropriate).

**MEDIA ACCESS TO COUNCIL BUSINESS PAPERS**

Representatives of local media outlets should have access to Council Business Papers as near as possible to the time they are available to Councillors.

**LIAISON WITH MEDIA OUTLETS**

All media outlets are to be treated equally and without bias. All media releases and other statements/announcements are to be provided to all and any relevant outlets for reporting.

**VARIATION**

Council reserves the right to review, vary and/or revoke this Policy from time to time.

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***Adopted:***  
***Reviewed:***

*Page 2*

**11.6 COUNCIL WORKSHOPS/WORKS COMMITTEE****Reference:** Governance - Council Meetings**Prepared by:** General Manager

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**Background**

Council has set a schedule of Council Workshops with the next Workshop scheduled for 2 December 2008.

**Report*****Issues***

There are a range of issues/topics that could/should be discussed and/or inspected prior to Christmas. In that regard, it is requested that Council consider an additional Workshop day and/or Works Committee inspections.

The NOROC Meeting is on 25 November and the Constitutional Summit is being held on 9 December 2008. A suggested date is Thursday, 27 November 2008.

**Conclusion**

The provision of an additional Workshop/Works Committee day will assist in clearing a backlog of inspections/issues.

**RECOMMENDATION**

Recommended that Council determine if it is possible to schedule an additional Workshop/Works Committee Meeting for Thursday, 27 November 2008.

**181108/ 12 RESOLVED** (Cr. Cox/Cr. Morrissey)

That Council determine to schedule an additional Workshop/Works Committee Meeting for Thursday, 27 November 2008.

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr. Wheatley

Cr. Jeffery indicated that he would be an apology for the Workshop/Works Committee Meeting as he would be attending an Aboriginal Network Conference in Armidale.

## 11.7 COUNCIL RATE STRUCTURE

**Reference:** Rates and Valuations - Fees and Charges

**Prepared by:** General Manager

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### Background

As part of the 2008/2009 Management Plan process Council made a decision to unify the rate structure across the Council area.

Correspondence relating to that matter has been received from the Evans Head Progress Association Inc. (DWS 294337) as follows:

*"The residents of the Richmond Valley have now had their say about the way in which the council has been run and the actions and attitudes of some councillors.*

*Some leadership now needs to be displayed by the current councillors. The deceitful "Rate Equality" campaign and vote needs to be revisited. We pay for our garbage services per service, we pay for our water as used, we pay for our sewerage under a formula that includes water used and the size of the water meter. The rate payment should be spread evenly throughout the shire. That is the residents of all towns and villages who have access to the same services should pay the same amount of money. RVC does not supply more of its services to people who own more expensive housing blocks so in keeping with true "Rate Equality" everyone who has access to the same services should pay the same amount of rates. The time has come to get rid of the Upper/Lower Richmond divide and get rid of the "Ad Valorem".*

*Everyone treated equally and everyone treated fairly.*

*The residents of the Richmond Valley Council area have shown their displeasure at the way that some of the previous councillors treated us so please do not disappoint us again."*

### Report

#### Issues

The correspondence requests that Council revisit the Rate Structure and to get rid of the "Ad Valorem".

Council considers its rating structure on an annual basis, i.e. as part of the annual Management Plan. Accordingly, any change to the rate structure would need to be implemented from 1 July 2009.

The rate structure was the subject of community forums and other processes as part of the 2008/2009 Management Plan processes (and had been subject of consideration previously by Council).

In undertaking its previous decision making processes on this matter, it was clear that there were varying views on the issue.

In determining the rate structure, Council complied with the provisions of the Local Government Act/Local Government Guidelines which state that the levying of general rates is based on land value - a general rate may consist of an ad valorem amount (subject to a minimum rate) or a base amount to which an ad valorem is added. Council implemented the base rate plus ad valorem structure. In that respect the use of land values is ratified via legislation.

The change implemented in 2008/2009 was that the base rate and ad valorem rate were the same across the Council area. Previously there had been different ad valorem rates. The use of a unified ad valorem rate means that those with higher land values pay higher rates. As indicated earlier, legislation clearly dictates that land values are the basis for rates. The use of the base rate/ad valorem combination helps to flatten the impact of higher land values.

Accordingly, the basis for Council proceeding with a unified rate structure involved the following:

- The need to respond to what has been seen as anomalies with the then existing rate structure.
- to establish a consistent philosophy of having the same rates and charges mechanism applying across the Council area.
- recognising that land values are the determining component of rates (as defined by legislation and the Department of Local Government "Council Rating and Revenue Raising Manual").
- recognising the provisions of legislation and the abovementioned Manual in flattening and reducing the impact of land values by utilising a base rate as part of the rate structure.
- endeavouring to meet the objectives of the Act in having a rate structure that is based on property, is simple, fair and broadly uniform.

With regard to the recent correspondence from the Evans Head Progress Association, the issue of removing the Ad Valorem cannot be acted on as ad valorems are legislated as part of rate structures.

This then leaves the request to revisit the rate structure. Accordingly, Council will need to determine its proposed course of action in that regard.

### **Conclusion**

Council has received correspondence from the Evans Head Progress Association requesting that Council revisit the rate structure. Council will need to determine what action is proposed in that regard.

**RECOMMENDATION**

Recommended that Council determine any proposed action in regard to the rate structure.

A **Motion** was moved by Cr. Jeffery and seconded by Cr. Kinnish

That Council revisit the Ad Valorem rate and get independent expert advice on a fairer method of rate structure for the whole Council area.

An **Amendment** was moved by Cr. Crawford and seconded by Cr. Mustow

That a report be provided to Council on the costs associated with getting an independent person to do a review of the rates structure.

The **Amendment** was **carried**.

The **Amendment** then became the **Motion** and was **carried** (as follows):

**181108/ 13 RESOLVED** (Cr. Crawford/Cr. Mustow)

That a report be provided to Council on the costs associated with getting an independent person to do a review of the rates structure.

FOR VOTE - Cr. Sullivan, Cr. Cox, Cr. Crawford, Cr. George, Cr. Morrissey, Cr. Mustow

AGAINST VOTE - Cr. Jeffery, Cr. Kinnish

ABSENT. DID NOT VOTE - Cr. Wheatley

**11.8 COUNCIL SALARY SYSTEM - PERFORMANCE CRITERIA**

**Reference:** Personnel - Employment Conditions, Payroll,  
Performance Appraisal

**Prepared by:** General Manager

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**Background**

Operating Procedures for Council's Salary System have been in place for a number of years. The Salary System is very much Award based and focussed on skill based salary progression.

The Award does provide for performance based salary allocation, however, apart from performance criteria being part of Director positions (and the General Manager) all other staff positions relate to skill based factors.

## **Report**

### ***Issues***

It needs to be recognised that since the time of amalgamation (in 2000) there has had to be considerable work done to integrate the previous two Salary Systems and to overcome anomalies that existed. This has taken some time as the individual rights of employees and industrial issues needed to be complied with and recognised.

In that respect a decision was taken to stick to skill based progression criteria rather than introduce performance criteria (and potentially complicate issues as there were already anomalies and naturally a desire by staff to look at their own circumstance rather than the overall picture of the organisation).

Currently each staff position in Council is evaluated and allocated a Grade within one of the 28 Grades of Council's Salary System. Within each Grade there is an entry level and three (3) subsequent skill steps. Criteria is attached to each of the skill steps for the respective positions and progression through the grades is related to the acquisition and application of skills. Accordingly, once employees reach Step 3 of their position there is no available progression.

Over recent years there has been an expansion and growth of the skills needed in many positions of Council, i.e. increased legislative requirements requiring tickets and qualifications, increased governance processes, increasing community expectations, more focus on processes/productivity, etc.

From the General Manager's perspective the time has come where Council needs to consider amending its Salary System so that it is more flexible (but still Award compliant). In that respect Council's Salary System needs to be more responsive in the current recruitment and retention climate.

The initial focus of that change should be in exploring the implementation of performance measures/criteria (in addition to the existing skills based criteria). In particular, it is important that performance criteria is introduced at positions that are Manager level in the organisation. Those areas of Council are ones that require focus on retention/recruitment and succession planning issues.

As indicated earlier in this report each of Council's positions are evaluated to determine the Grade of the position. Given the varied scope of positions in recent years (particularly supervisory and management positions), it is becoming increasingly difficult to allocate a totally accurate Grade for some positions, i.e. because the skills, qualifications for the various components of the position vary significantly depending on the nature of the role.

With that in mind, it is considered that Council's Salary System needs to have more flexibility in allocating the Grades for positions and for performance criteria matters to be introduced for all positions over a period of time.

In that regard, it is proposed to initially focus on the Manager positions.

**Consultation**

In developing proposed changes to the Salary System consultation will need to be undertaken with individual employees and also via the Consultative Committee.

**Financial Implications**

The aim of this process is not to increase staff salary levels, but to provide for a more effective Salary System. In that respect, Council is aware of organisational improvement issues outlined in other reports to this Meeting (particularly the Integrated Planning and Reporting processes and internal audit function). The implementation of these and other matters will require Directors/Managers and other Supervisors to "step up". From that perspective and also in view of the need to retain/recruit staff and to cater for succession planning, the implementation of performance (outcomes based) criteria is considered essential.

No definitive financial impacts can be provided at this time; that will need to be built into future budget processes. However, the implementation of such processes can/will have positive effects for the organisation.

If action is not taken in this regard, Richmond Valley Council will lag behind in the progression of the organisation and future sustainability.

**Conclusion**

There is a need for Council to commence action to make the Salary System more current and flexible, particularly in regard to managerial/supervisory positions. Accordingly, Council's support of the approach identified in this report is urged.

**RECOMMENDATION**

Recommended that Council support the progression of the introduction of performance criteria into Council's Salary System and for the initial focus to be in the management/supervisory area. Further, that as part of this process the diversity of managerial roles be recognised as part of position evaluations.

**181108/ 14 RESOLVED** (Cr. Mustow/Cr. Cox)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

**11.9 EMPLOYEE/COMMUNITY SURVEYS**

**Reference:** Community Relations - Community Consultation;  
Personnel - Employment Conditions

**Prepared by:** General Manager

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**Background**

In the past Council has undertaken both employee opinion and community satisfaction surveys. Those processes have been useful to Council and, with a view to reinitiating future surveys, information has been obtained from Insync Surveys Pty. Ltd.

**Report*****Issues***

Insync Surveys have undertaken a range of survey information for a number of Councils across Australia.

The benefit of surveys is that it provides the organisation/Council with information on what the current views of the communities/employees are and importantly provides information regarding future actions that should/could be taken.

The purpose of a community survey would be to ascertain the community's attitudes and connectedness towards:

- Richmond Valley as a place to live
- key priorities for Council to focus on over the next ten years
- importance of the services provided by Council to the community
- the community's satisfaction with Council services.

At the commencement of the term of Council and also in view of the integrated planning and reporting processes, the completion of a community survey in the near future would seem to be appropriate.

In the past, Council's Community Satisfaction Surveys have been undertaken via in house resources. There has been some criticism of the processes and also it has been difficult to get the community to focus on the survey issues. In that respect, it is considered that utilisation of an external provider, using a process that has been used successfully in other local government areas would be an appropriate course of action.

Based on Council's population of 23,000 a minimum sample of 378 would be required. This could be done via a paper based survey or a phone based survey and would involve costs of \$19,459 or \$24,793 respectively. A broader sample range would also be appropriate.

The purpose of an employee survey will be to provide information that can be used to drive performance and assess the current levels of employee engagement and satisfaction. This information can be benchmarked against other Councils and private sector organisations and will form the basis of actions that need to be taken to become a more effective and efficient organisation - this will focus on the following categories:

leadership and innovation, strategy and planning processes, data, information and knowledge, people, community and customer focus, processes, products and services, and business results.

It needs to be recognised that such a survey can provide valuable information that can be utilised in conjunction with other organisational improvement processes. In that regard, Council needs to remain aware of employee issues and address associated matters to remain competitive in the recruitment/retention of employees.

The utilisation of an external provider, using a proven and structured process, will mean that the survey will not be biased and can be benchmarked against other organisations in a professional manner. The cost for same would be in the order of \$18,000.

Note: for both the community and employee surveys, should Council undertake future surveys utilising the same basis, those survey costs would have a discount factor involved.

### ***Financial Implications***

It is recognised that proceeding with the survey processes will require the allocation of additional funds. However, the completion of same would have benefits for Council and enhance other processes that are proposed to be taken.

With regard to the community satisfaction survey and the employee opinion survey, it is proposed that Council sanction the paper based survey and allocate funds of \$25,000 from the Workers Compensation Incentive Works Restricted Asset for that purpose. It is proposed that an additional allocation of \$18,000 be made from the same funding source for the employee survey.

### **Conclusion**

It is considered that Council can benefit from and utilise information from both a community satisfaction survey and an employee opinion survey. Accordingly, it is proposed that Council endorse proposals for same and allocate appropriate resources.

### **RECOMMENDATION**

Recommended that Council endorse the proposals to undertake a community satisfaction (paper based) survey and an employee opinion survey. Further, that an amount of \$43,000 be allocated from the Workers Compensation Incentive Works Restricted Asset for that purpose.

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**181108/ 15 RESOLVED** (Cr. Mustow/Cr. Cox)

That the above recommendation be adopted.

FOR VOTE - Cr. Sullivan, Cr. Cox, Cr. Crawford, Cr. George, Cr. Jeffery, Cr. Morrissey, Cr. Mustow

AGAINST VOTE - Cr. Kinnish

ABSENT. DID NOT VOTE - Cr. Wheatley

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**11.10 SUBMISSION TO INFRASTRUCTURE AUSTRALIA - CASINO-MURWILLUMBAH RAIL CORRIDOR**

**Reference:** Economic Development - Industries, Planning; Traffic and Transport - Planning

**Prepared by:** Director Works

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**Background**

In April 2004, the Casino-Murwillumbah XPT passenger rail service was shut down and replaced by a coach service that delivers passengers to the station at Casino to connect with the Brisbane-Sydney service.

Richmond Valley Council (RVC) is in receipt of correspondence from Byron Shire Council (BSC), seeking RVC for support for BSC's submission to Infrastructure Australia for the refurbishment of the Casino to Murwillumbah rail corridor and its extension to the Gold Coast Airport.

A copy of the BSC Submission has been provided and has been circulated to Councillors separately.

This submission was an action that arose as a result of BSC's resolution at its Ordinary meeting of 9 October 2008 as follows:

*"That Council prepare and lodge a submission to Infrastructure Australia by 15 October for funding to:*

- a) Refurbish the Casino-Murwillumbah rail line for the introduction of commuter rail services and;
- b) Construct a rail link from Murwillumbah to connect with the Queensland Rail at Coolangatta Airport."

**Report****Issues**

The submission of BSC is separated into six (6) parts associated with defining goals, identifying problems, assessing options and providing solutions.

Since the closure of the Casino-Murwillumbah rail line there has been significant lobbying for the reinstatement of the line. A variety of reports and investigations

have been undertaken by Federal, State and Local Governments as well as other interest groups associated with the viability of the rail line in an endeavour to have the rail line reinstated.

RVC has not undertaken an in-depth assessment of the costs and benefits of the expenditure of funds for a reinstated or new rail connection between Casino and the Queensland border. Nor has RVC undertaken an assessment of the return on investment of the capital required to construct this connection given that, generally speaking, railway services in Australia are subsidised heavily by Government and there are significant impacts arising from the construction and maintenance of major rail infrastructure. RVC has lobbied for the completion of an Integrated Regional Transport Plan that would clarify the need and timing of rail infrastructure on the North Coast in the context of multimodal integration and usage patterns. Thus neither an Economic assessment nor Needs assessment has been considered previously by RVC.

RVC, from a philosophical perspective, has been very active in supporting attempts to re-establish a rail connection between Casino and Murwillumbah and has also been supportive of consideration of the benefits of extending this rail service to the Queensland border.

As such, it is appropriate for RVC to continue to support 'in principal' the facilitation of an effective integrated transport network for Australia's east coast, in particular, linkages between the major eastern cities and the North Coast of New South Wales with south east Queensland.

Council has been active in promoting the need for the completion of an Integrated Regional Transport Plan for the North Coast such that the benefits of rail as an integral part of the system could be accurately assessed and quantified.

To date councils on the North Coast have been unable to solicit funding from any sphere of government towards this essential project which should provide a firm decision making platform in relation to transport management in the future.

### ***Policy***

Council has no policies that specifically apply to this issue.

### ***Environmental***

Council has not undertaken an environmental assessment of the benefits or dis-benefits of the re-establishment of the Casino-Murwillumbah rail line nor the extension of this network to the Queensland border.

### ***Asset***

No asset impact assessment has been undertaken. If funds were available, would this money be better spent on local roads, fast tracking the Pacific Highway upgrade or other modal issues with transport? It is noted that Council for some time has sought assistance with funding for the conduct of an

Integrated Regional Transport Plan to provide the basis and the framework for informed decision making of the need for re-establishment and extension of rail services in an overall regional and state/national context.

### ***Social***

The re-establishment of rail infrastructure may have benefits in relation to potential development of rail related infrastructure as well as provide access to services for residents of the council area having difficulty utilising bus services or other transport options.

### ***Consultation***

Council has undertaken limited consultation in regards to this matter.

### ***Economic***

Council has not undertaken an Economic Assessment of the benefits or consequences of supporting this application. No assessment at this stage is intended as it is proposed to offer 'in principal' support to the concept. Council has previously identified its commitment to funding its share of the Integrated Regional Transport Plan for the North Coast which should provide essential information for the assessment of the proposal in future.

### ***Strategic Links***

Council has not received a significant complaint associated with the implementation of bus services to replace rail services following the cessation of the Casino-Murwillumbah rail line. The completion of an Integrated Regional Transport Plan would allow assessment of the integration of rail services into other transport modes which RVC has input into or controls.

### ***Financial Implications***

There are no current financial implications.

### ***Climate Change/Sustainability***

The submission by BSC makes reference to the impacts of climate change and sustainability, however, RVC has not undertaken any assessment of the information provided as it is intended to support the proposal 'in principal'. Rail may or may not be sustainable in the future depending on how much it is utilised versus the impact of its construction.

### ***Conclusion***

The Richmond Valley Council community has been provided with access to rail services via the replacement of the Casino-Murwillumbah rail line utilising buses. Council has not undertaken any financial, economic, social or sustainability assessments, in relation to proposals to reinstate the Casino-Murwillumbah rail line or extend it from Murwillumbah to the Queensland border.

Richmond Valley Council has been very proactive in seeking support for the completion of an Integrated Regional Transport Plan for the North Coast that would appropriately address the requirements for integration of rail with other forms of transport both in a regional context and in relation to the connectivity of rail services between NSW and Queensland.

Council has been supportive of endeavours to ensure appropriate rail services are maintained as a component of a transport network and it is appropriate to give 'in principal' support to the BSC submission in order to continue to progress consideration of the issues.

### **RECOMMENDATION**

Recommended that Council give 'in principal' support to the submission by Byron Shire Council to Infrastructure Australia for the refurbishment of the Casino-Murwillumbah rail corridor and consideration of its extension to the Gold Coast Airport.

**181108/ 16 RESOLVED** (Cr. Cox/Cr. George)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

#### **11.11 ENVIRONMENTAL DEFENDERS OFFICE - REQUEST FOR ROAD IMPROVEMENTS AT MOONEM ROAD ON BEHALF OF MR RON MARSHALL**

**Reference:** Roads - Maintenance; Development and Building Controls - Applications; Moonem Road New Italy

**Prepared by:** Manager Strategic Planning

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### **Background**

Council has received a letter from the Environmental Defenders Office (EDO) in regards to a complaint received from Mr. Ron Marshall of 520 Moonem Road, New Italy regarding the alleged impact of dust affecting his health emanating from the gravel road adjacent to his property.

The main points of the letter relate to:

- Concerns about the impact of dust from trucks driving along Moonem Road from Newman's Gravel Quarry.
- The possible impact of silicosis occurring as a result of possible quartz which may be in sandstone roadbase used on the road.
- Concern regarding the potential effect of dust to his water supply.

- Concern regarding the speed of movement of the trucks.
- Concern regarding the inaction of Council in providing a remedy to the continued complaints about road conditions.
- A request that either Council bitumen seal 200 metres of the road adjacent to all residences along the routes used by gravel trucks in this area and/or Council reduce the speed limit along these roads to 40-50km per hour.
- A request that Council use any road maintenance contributions derived from the nearby quarry for this purpose.
- If Council takes no action, Mr. Marshall, having to consider taking private proceedings which may then involve Council incurring significant legal costs.

## **Report**

### ***Issues***

Complaints from Mr. Marshall regarding dust, drainage, speed and the maintenance of the gravel road have been ongoing for a number of years.

It is not only Mr. Marshall but the newly formed 'New Italy Roads Group', which express the same concerns for the roads in the area that are traversed by trucks.

In response to the group's concerns, Council's Works Committee inspected the area in April 2007. The conclusions of that inspection were reported to Council at its meeting on 15 May 2007.

The Works Committee formed the view that the road conditions in the area were generally of a very acceptable standard and could see no need for change in Council's policies and resolved, amongst other things, that the routine matters of drainage and surface be addressed when plant is next in the area and that no action be taken regarding the introduction of speed limits on gravel roads in that area. The majority of drainage issues have been attended to or are planned for when appropriate plant is next in the area.

The EDO on behalf of Mr. Marshall raises a number of issues that require further discussion.

### **Health Impact from Dust**

The EDO raises the possibility of the potential for quartz to be a component of the sandstone roadbase and with quartz being crystalline silica, there may be the possibility of Mr. Marshall to develop silicosis. The EDO raises the possibility that workers in the road building industry have been warned of potential risk of the silicosis when working in dusty areas according to Union Safe information.

It is presumed that the EDO is referring to the Union Safe Work Sheet on 'Silica, Dust and Respiratory Disease'. This refers to the possibility of contracting respiratory diseases if working in extremely dusty conditions where silica dust is present.

No test has been undertaken on the composition of gravels to determine if silica based products are a component of Council's gravels used in the area. Nor has any assessment been undertaken of exposure limits and exposure pathways associated with gravel roads in the area. In the absence of an identified real or specific risk associated with Council's Duty of Care relating to its road maintenance practices, no testing is proposed at this time. Whilst sandstone has been used in the past on some roads in the area, recent resheeting has been undertaken using material from Petersons Quarry which is basalt based material.

### Speed Restrictions

The EDO refers to the issue of the lack of speed restriction in that area.

The report to Council on 15 May 2008 commented that "*in relation to speed limit reductions in the area, there was nothing to suggest a need for speed limits associated with the general low speed environment, more so it was highly unlikely that any enforcement would occur and, generally speaking, broken windscreens are a hazard associated with the use of unsealed rural roads and are generally an issue associated with driver behaviour which the introduction of speed limits would not address*".

When Council, most recently, undertook speed and traffic counts on Moonem Road from February to March, 2007 it was noted that the 85 percentile speed of all vehicles was only 65.2km/hr with 95% of all vehicles travelling less than 72.7km/hr. The trucks passing over the traffic counter travelled at speeds of less than 70km/hr.

This would reinforce Council's previous view that there would be no value in installing speed restrictions, particularly being mindful that they are not likely to be enforced by the police.

This position has been generally supported by Council's Traffic Committee in the past in discussing speed limits on gravel roads where the road geometry is appropriate.

### Withholding Traffic Counts

The EDO comments that Mr. Marshall has advised them that Council has previously counted the number of trucks using this stretch of road but has not been forthcoming about that number to Mr. Marshall.

Council has no record of denying access to counts. The most recent counts in 2007 are available in full if required. Traffic count data for the entire unsealed roads network was made available as part of the unsealed roads review in 2005/2006.

### Traffic Volumes

It is interesting to note that over the one month period from February to March 2007 the average daily traffic count was approximately 27 vehicles per day, of which the heavy vehicles represented only approximately 3%.

It should be noted that these traffic counters were installed between Reardons Lane and Mr. Marshall's property along Moonem Road.

It is obvious that there were no or minimal quarry trucks operating at that time. This count is believed to represent the normal traffic occurring on that road. No complaints were received from residents of the area at the time the counters were placed regarding non-representative use of the road.

### Quarry Traffic

Based on information provided by local quarry operator, Mr. Newman, the Boggy Creek Quarry produced about 20,000 tonnes/year, over the last 6 years. This is approximately 1,600 loads. It is believed the majority of the material from the quarry is taken north via Reardons Lane. Project specific impacts do occur in the New Italy area when the quarry is supplying material to the south of New Italy. Council has been auditing quarries to ensure compliance with consent conditions. This work is ongoing.

Legally loaded and registered trucks are able to use the road network.

### Dust

The EDO's letter disagrees with Council's conclusion that the road surface had 'consolidated quite well'. Their evidence from Mr. Marshall's letter shows significant dust clouds.

It should be noted that this phrase by Council, refers to the condition of the surface and not the amount of dust that is being generated.

It is an obvious statement that gravel roads, during the dry period of the year, will always generate dust. Council simply does not have the financial resources to seal its existing gravel network. If funds were available, they would be applied against the Class A roads first.

It is worth noting that, of the 9,534 RAMS Requests received by the Works Directorate since August 2004, only 9 relate to dust. It would appear that even the majority of people along the haul route, have not raised issues.

Of more concern was drainage where 574 RAMS Requests were received, 347 for gravel road grading, 1,451 for roads general and 496 for roads maintenance.

It is important to consider these statistics when deciding future priorities for expenditure.

In conclusion the EDO requests that, based on the concerns of Mr. Marshall and the New Italy Roads Group, it would be desirable to bitumen seal 200m adjoining all residences on the gravel sections of Moonem and Swan Bay-New Italy Roads and Reardons Lane from the quarry to the Pacific Highway at New Italy. In conjunction with this they also request the speed limit be reduced to 40km or 50km per hour.

The above report already addresses the issue of the speed limit.

In regard to the bitumen sealing of 200m adjacent to the affected residences it is noted that there are approximately 11 houses along this particular haul route which would be within a distance of approximately 50 metres from the road similar to Mr. Marshall that maybe impacted by dust. In addition, there are a further 12 residences slightly further away which may also be impacted.

An average cost to widen and bitumen seal the road to 6 metres for a distance of 200 metres would be of the order of \$50,000.

This is a total cost to Council of some \$550,000 for the 11 residences.

It is important to assess the 'big picture' as it may relate to similar problems throughout the Council area.

As mentioned previously, Council maintains in excess of 500 km of gravel road.

The number of residences affected by dust during the dry period would be significant and the cost for Council to rectify this situation would, obviously, be significant.

Although some funds are collected from the quarry operators as a condition of consent for road maintenance, this work only covers general maintenance and would not provide sufficient funds to allow for bitumen sealing.

Council is, at present, preparing Asset Management Plans which will identify the difficult task that Council is facing in maintaining its bitumen sealed and unsealed road network. The Asset Management Plans will identify the level of funding that is required to maintain the road assets.

It is expected that these core Asset Management Plans will be completed by 30 June 2009, at which time Council will be in a better position to assess the funding needs for its roads.

### ***Environmental***

There is always concern of the impact of dust on residences adjoining gravel roads, but with the level of funding required to resolve this problem, it is one that Council is unlikely to ever be able to address.

### ***Asset***

Council maintains in excess of 500km of gravel road, and with the restriction on funding, has had to devise policies of service levels that fit in with the available funds. It has been shown that, from the response from the community, it is impossible to meet all of the community's needs with the available funds.

***Social***

The importance of gravel roads to the rural communities is well recognised and one that is always a cause of ongoing discussion within Council to determine the most appropriate levels of service given the available funds.

***Consultation***

There has been considerable ongoing community consultation with people within the Swan Bay-New Italy community regarding the road maintenance requirements and Council's decisions has always been based on the needs of the community, given the restrictions on funds.

***Financial Implications***

This report, obviously, points out the big picture that exists for the cost to bitumen seal sections of road adjacent to all properties within the Council area that are impacted by dust emanating from traffic flowing along gravel roads.

The financial resources have not been able to be provided within the current budget.

Given the preparation of the Asset Management Plans, which are due to be completed by 30 June 2009, it is appropriate to wait until their completion so that the full implications can be assessed.

***Conclusion***

It is acknowledged that the issue of dust adjacent to gravel roads in a rural environment is always one of concern.

It is concluded that, from a Council perspective, it is a major issue that within the current level of funding cannot be addressed.

Based on consultation with the community in the Swan Bay-New Italy area, they have concerns, not only for dust, but also the condition of the road surface and drainage, amongst other things.

Council maintains in excess of 500km of gravel road, along which length a large number of residences are impacted by dust. The report highlights a significant cost involved in resolving just the dust issue alone, without the other maintenance problems that are a source of complaint to Council.

With the completion of the core Assets Management Plans, Council will be in a better position to assess the cost implications for the maintenance of its road network and at time will be in a better position to make a decision on priorities that will impact on the whole Council area. Mr. Marshall has received the same considerations and service levels that are afforded all other residents of the Council in accordance with Council's agreed service levels and capacity to pay. It is recommended that no action be taken on Mr. Marshall's request at the present time.

**RECOMMENDATION**

Recommended that the Environmental Defender's Office be advised that, whilst Council is most sympathetic to Mr. Marshall's concerns, it is unable to accede to his requests at the present time to bitumen seal adjacent to his property for the reasons set out in the above report. Further, that the Environmental Defender's Office be provided with a full copy of this report.

**181108/ 17 RESOLVED** (Cr. Cox/Cr. Crawford)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr. Wheatley

**11.12 HANCOCKS ROAD - MAINTENANCE OF GRAVEL ROADS AND FLOOD DAMAGE CLAIM**

**Reference:** Roads - Maintenance; Hancocks Road

**Prepared by:** Manager Strategic Planning

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**Background**

Hancocks Road is a short length of gravel road which runs off the Bruxner Highway west of Casino. The road runs approximately 200m along a dedicated section of road and then there are two tracks/road reserves leading off to properties owned by Messrs Spinaze (Lot 11, DP1009603) and Brooker (Lot 66, DP755625).

The former Richmond River Shire Council apparently undertook maintenance up to Mr. Spinaze's house and westward towards a grid at the entrance to Mr. Brooker's property.

In recent years, as a part of the development of Asset Plans, Council has been preparing a Roads Asset Register. Considerable research has been undertaken into the roads maintained by Council to ensure that any maintenance undertaken is on dedicated road reserves.

When Council consulted with the community on its service level for unsealed roads maintenance in 2006, it listed the length of Hancocks Road at 480m.

It was found that in some cases, the former councils had been undertaking maintenance work on Crown road reserves which were not dedicated to Council and, in some cases, on private properties or roads outside of the road reserve. Over a period of years these anomalies have been identified and Council's maintained length reduced to only those road reserves that are dedicated.

It is believed that within the current adopted assets register, the vast majority of these anomalies have been corrected.

There is no doubt that with the large number of road reserves throughout the Council area there may still be the occasional anomaly which will arise that will require further correction.

In many of the road reserves formally maintained by the Richmond River Shire Council, yellow timber posts were erected at the end of the maintained section of road.

In the Hancocks Road case, a yellow timber post is erected at the grid at the entrance to Mr. Brooker's property. No such timber peg still remains at the entrance of Mr. Spinaze's property.

The track leading to Mr. Brooker's property running westward from the end of the dedicated road reserve is along a Crown road.

The section of track leading from the dedicated road reserve to Mr. Spinaze's property is in private property.

## **Report**

### ***Issues***

During the 2008 flood, damage was sustained to Hancocks Road. A claim was made to repair the road chainage 0 to 450 metres. The length selected was the approximate length of the section assumed to be maintained and in need of flood restoration. The maintained length was taken from the previous service level review data, not the asset register.

As part of the overall flood damage restoration program, because of the significant amount of work involved, a number of contractor teams have been engaged to assist Council with the restoration work.

Recently one of those contract teams undertook the restoration work in the Hancocks Road area. As part of undertaking this work, instructions have been given to the grader teams, of the requirements of the work to be undertaken as part of the flood damage restoration. In this case a program showing the approved flood damage works which listed 450m for Hancocks Road.

Contractors have also been instructed that, if there are any other sections of road which require routine maintenance, then this should be appropriately undertaken at the time when plant is in the area.

In this case, part of the contract team consisted of a former Richmond River Shire Council grader driver who used to undertake all maintenance on the former Richmond River Shire gravel network. In this particular case, he undertook some work along the roads or tracks formally maintained by the Shire to both Messrs Brooker's and Spinaze's properties as well as completing the flood damage to the length described based on his understanding of the road network. This was generally in accordance with the Shire's former maintenance regime.

Council staff supervising the work did not realise that the former Shire used to undertake maintenance work along a more extensive length of this road than is now undertaken, nor was the difference between the approved flood damage claim and the length of maintained road as per asset register identified.

As part of the revision of the assets register to ensure that Council only maintains legally dedicated road reserves, all Council's staff and grader operators had been issued with details by the Asset Engineer of what should be the legal maintained lengths.

The Assets Engineer, in reviewing all of the road network in 2006, found that Hancocks Road was only dedicated for a distance of approx. 200 metres and in the final maintained network submitted to the Overseers and Grader Operators, this length was corrected, so that the final maintained length of Hancocks Road now officially stands at 200 metres. A Map indicating the length of Hancocks Road legally maintained by Council has been circulated separately to each councillor.

Unfortunately, in this case, the contractor, a former Richmond River Shire Council employee, undertook the work on a section of road previously maintained by the Shire. This work was undertaken in good faith in accordance with instructions given.

The work, in fact, was undertaken up to the former Shire's yellow marker peg along the section of Crown road leading to Mr. Hancock's property and for the section of track leading to Mr. Spinaze's ramp through private property.

Approximately 110 tonnes of gravel was put on each access track.

Council therefore, cannot legally maintain the Crown road leading to Mr. Brooker's property unless it seeks its gazettal as a public road (would require upgrade at expense of applicant), or seek approval of the Crown. Council's Policy and the Local Government Act controls the section of road leading to Mr. Spinaze's, which is private property.

Since the revision of the asset register in 2006, no work has been undertaken on these sections of road, in particular, the Crown road, nor has, work been undertaken on any Crown roads since that time to the best knowledge of Council's engineers.

There may still be the odd anomaly arising in the future that will require correction. As the asset register is developing, refinements are regularly being undertaken.

Council needs to deal with the mistake that has been made with works undertaken in the vicinity of Hancocks Road. The flood damage claim has processes for dealing with Crown roads and the funds cannot be applied to private property.

The maintenance work undertaken on the Crown road reserve section leading to Mr. Brooker's property can be retained if the Crown has no issues. The cost of

the contract works and supply of gravel can be charged to the Quarry Reserve if Council is unable to have the works transferred to the Crown Roads Flood Damage claim.

In the case of the section of road to Mr. Spinaze's property, contact has been made with Mr. Spinaze regarding this genuine mistake.

Council has apologised to Mr. Spinaze for entering his private property and has explained the situation and has enquired if a contribution towards the supply of gravel/grading may be forthcoming, as he is the only beneficiary.

Mr. Spinaze has advised that he is not in a position at present to contribute to this work.

The unsealed roads maintenance allocation should not be used to fund this work as this would mean other roads would have less maintenance.

Council has no legal basis to enter Mr. Spinaze's property and recover the gravel.

### ***Legal***

Council is not in a legal position to maintain Crown road reserves and, particularly, not in private property.

The mistake was a genuine one due to the fact that the contractor happened to be a former Council grader operator who maintained these sections of road previously.

Council will be placing coloured steel posts to clearly indicate the maintained section of Hancocks Road so that this problem does not occur in the future.

With regard to the work undertaken on private property, Council has apologised to Mr. Spinaze for entering his property and assured him that this will not occur in the future.

In accordance with Section 67 (2) of the Local Government Act 1993, a Council must not carry out work on private property at less than the approved fee, unless it is resolved by Council in an open meeting before the work is carried out.

This work has already been undertaken. In Section 67 (3) this resolution must be included in Council's next annual report.

In Section 67 (4) the following information must be reported to Council after the work is carried out:

- The person for whom the work was carried out. In this case Mr. Frank Spinaze.
- The nature of the work. In this case gravelling of the access track to Mr. Spinaze's house.

- The type and quantity of materials used. In this case the material used was "weathered basalt rural blend" and approximately 110 tonnes was used.
- The charge made for those materials. In this case, as the work was undertaken as an honest mistake, no charge has been levied.
- The total of the number of hours taken and the amount charged. In this case, the breakdown of time and cost is as follows:

Grader	2.5 Hours	\$ 370
Roller	2.5 Hours	\$ 265
Water Cart	2.75 Hours	\$ 275
Gravel Trucks	2 Hours	\$ 285
Gravel	110 Tonnes	<u>\$2,575</u>
<b>Total</b>		<b>\$3,770</b>

- The reason for carrying out the work. In this case, to provide access to the property.

Council is required to resolve to undertake this work at no cost to Mr. Spinaze.

In addition, Council will need to resolve to fund the cost of \$3,770 from an appropriate source, proposed as the Quarry Reserve.

### ***Policy***

Clearly this mistake has been a breach in policy in that Council should not have undertaken work on a road or track that is not dedicated to Council. This will be corrected by the installation of appropriately marked guideposts to define the maintained length.

### ***Asset***

Considerable effort has been placed into developing an accurate asset register and the work on this asset register is ongoing to refine any anomalies such as this.

There are still, apparently, some old yellow timber posts that mark the previously Shire maintained lengths.

A number of Council's currently maintained roads have been marked with yellow steel posts so that Council operators and the community are clearly aware of the legally maintained length.

Further work will be undertaken shortly by Council to ensure that all of the gravel roads are clearly marked with the yellow steel marker post to ensure that this genuine mistake does not occur in the future.

### ***Social***

Messrs Spinaze and Brooker have benefited in the past by the former Shire undertaking work to their property, that technically was not legally possible.

They will be both written to and formally advised of the situation, provided with a copy of this report and Council will apologise for any inconvenience or confusion that may have occurred.

### ***Consultation***

Council has consulted with Mr. Spinaze regarding the gravel delivered within his property and apologised for Council's error.

### ***Economic***

This mistake has resulted in approximately \$3,770 of gravel resheeting and grading being undertaken on private property. A similar expenditure has occurred on Crown roads at this location.

### **Conclusion**

Council has put considerable effort into developing an accurate roads asset register to define the legal road length of its road network. Considerable effort has been put into advising the community and Council staff of those legally maintained lengths.

In this case it is clear that a genuine mistake has occurred with work undertaken by a contractor who used to be a former Richmond River Shire Council employee, Council staff in not identifying the error when the flood damage claim was made and by Council staff inadequately instructing the contract crew.

The works cannot be funded from the flood damage claim. Other unsealed roads should not suffer from reduced total maintenance funds because of this work. It is proposed to charge these works against the Quarry Reserve.

### **RECOMMENDATION**

Recommended that:

1. Council recognise that a mistake was made in grading the extension of Hancocks Road for an approximate distance of 250m on private property, providing access to Lot 11, DP1009603 at a value of \$3,770 and resolve not to charge the property owner and to fund this work from the Petersen's Quarry Reserve.
2. The owners of Lot 11, DP1009603 and Lot 66, DP755625 be provided with a copy of this report and an apology from Council for the confusion caused by Council's actions.
3. The flood damage claim for this road be adjusted accordingly following consultation with the Roads and Traffic Authority and Department of Lands.

**181108/ 18 RESOLVED** (Cr. Kinnish/Cr. Morrissey)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

**11.13 VIADUCT - NORTH STREET, CASINO****Reference:** Roads - Street Management; North Street**Prepared by:** Engineering Assistant – Assets

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**Background**

Council has received a petition from residents neighbouring the North Street viaduct asking that the viaduct be closed at night, preventing access through it. The neighbours see this area as an anti-social playground of a night and feel that closing the viaduct, specifically at night, will prevent this behaviour.

The viaduct is strategically located between the Hotham Street crossing and the overhead railway bridge, providing easy access from Colches Street to Hotham Street. The viaduct is located directly opposite the Casino Memorial Hospital, with concrete footpaths running through the viaduct to the hospital. As identified in the petition, this is a major thoroughfare for school children. This pedestrian transport route is obviously used extensively at night as well, as evidenced by the complaints of the petitioners.

It has also been requested to include the viaduct in the ongoing maintenance program and undertake regular cleaning of it. Currently the viaduct is cleaned once a week and this may be increased to twice a week, subject to budget restraints and quarterly reviews.

**Report*****Issues***

The viaduct is the property of the Australian Rail Track Corporation (ARTC) and is not owned by Council. To affix security gates to the viaduct will require concurrence from ARTC. Council staff have liaised with ARTC Infrastructure representatives and have received correspondence that the ARTC do not support the proposal.

Should the viaduct be closed at night, ARTC has expressed concerns due to the condition of the fencing adjacent to the viaduct. ARTC believes that pedestrians may attempt to cross the rail corridor at the viaduct rather than use the overpass south of the railway station.

Council currently cleans the viaduct once a week by means of hand sweeping.

Closing the viaduct may not address the antisocial behaviour, instead just transfer it.

***Legal***

Liability will become an issue if a pedestrian is struck within the rail corridor by a train or maintenance vehicle, due to the passage way being locked.

**Staff**

The increase in the maintenance program will cause a minor cost increase. As a result there will be minimal impact to the Works program and budget.

**Conclusion**

As ARTC is the owner of the viaduct located in North Street, Casino, Council is required to obtain its consent to affix security gates to the viaduct. ARTC has indicated that they will not support this proposal, as it has expressed concern that pedestrians will enter the railway corridor to cross over the line as a shortcut.

Council currently carries out maintenance on the viaduct once a week and this may be increased to twice a week subject to budget restraints and quarterly reviews.

**RECOMMENDATION**

Recommended that Council:

1. Advise the petitioners it is unable to close the viaduct as it is not a Council asset and ARTC do not support it.
2. Increase its service level to cleaning two times per week and incorporate into the ongoing maintenance program.

**181108/ 19 RESOLVED** (Cr. Jeffery/Cr. Cox)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

**11.14 SUGGESTED ROAD RE-NAMING FOR THE WOODBURN-CASINO ROAD**

**Reference:** Roads - Naming

**Prepared by:** Manager Strategic Planning

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**Background**

An application has been submitted by Mr David Miller to rename the Woodburn-Casino Road (Main Road 145) to the Richmond Valley Way for its full length.

The reasoning for this suggestion is that Mr Miller believes that there is some confusion with the name of this road as he believes that it has at least four (4) local names depending on where one resides.

## **Report**

### ***Issues***

The Woodburn-Casino Road is a regional road, known as Main Road (MR) 145.

As stated by Mr Miller, the road is actually broken up into four (4) different road names.

The section from the Bruxner Highway to Boundary Street at Casino is called Hare Street.

The section of road from Boundary Street at Casino to approximately Dawson Street at Coraki is called the Casino-Coraki Road.

The section of road from Dawson Street to Swamp Street in Coraki is known as Queen Elizabeth Drive.

The section of road from Swamp Street at Coraki to the Pacific Highway at Woodburn is called the Woodburn-Coraki Road.

All of these sections of road have individual road numbers.

There is no doubt that the various names Woodburn-Casino Road, Woodburn-Coraki Road, Casino-Coraki Road are frequently used.

However, all of these road names are well established and the people who reside on these roads have been given appropriate rural addressing road numbers depending on the location of their residences.

Although there is merit in renaming the road for its full length with a common road name, it is a complicated and time consuming process to obtain community support to rename their address. All of these people along the full length of this road would be required to change their address and all of their details with the various government departments, banks, etc.

It is unlikely that such a move would receive unanimous support and the resources required to drive this process and undertake the consultation are unlikely to yield a positive result.

Council has an adopted policy and procedure for the naming and renaming of roads. Normally this procedure would be applied and thus the applicant would have been sent the appropriate form to complete and the renaming proposal would have commenced a process of public consultation. This would involve writing to all residents of the road to solicit their opinion.

In this instance a variation from procedure is proposed given the low likelihood of the community reaching consensus on the proposal and the emotive nature of a road name change affecting so many residences.

***Social***

The suggestion to give the road one name has merit and would certainly remove any potential for confusion should this happen.

As stated above the impact on the community could be significant in that considerable effort is required by each of the property owners to change all of their details for all activities linked to property addresses.

The issue is whether the short to mid term issues that would arise are worthy of potential longer term benefits or lack of clear position by the community and emotive impact.

***Consultation***

To date no consultation has been held with the community, however, it is believed that there would be resistance to such a proposal. Council's policies and procedures provide the consultative framework. A deviation from this framework is proposed for this application.

***Financial Implications***

The main implication in adopting the suggestion to advertise for a name change would mainly involve staff time and, therefore, the cost of the staff time. There is also some cost in new signage.

It is difficult to estimate the cost of this exercise, given that there is likely to be some resistance to the proposal and the consultation process will impact on many residences.

***Conclusion***

Although the suggestion has merit, it is likely that resistance will be attracted by such a proposal, given the effort required of the people on this road to change all of their mailing/address details with the various departments, authorities, etc.

Council has existing policies and procedures in place to deal with applications for road renaming. The options available are to commence a consultative process with all residents accessing this road, or to recognise that a definitive outcome is unlikely and the impact of following procedures may not be beneficial or cost effective.

Based on this conclusion and the likely resources to be involved in driving this process, it is recommended that this proposal not be supported at this stage.

**RECOMMENDATION**

Recommended that:

1. Council divert from its road naming policies and procedures for this application and not proceed with consultation with affected residents.

2. Mr. Miller be thanked for his suggestion and acknowledgment be given to the merit of this proposal and advise that, given the likely community opposition and lack of clear outcome, no action be taken to rename the Woodburn-Casino Road to the Richmond Valley Way.

**181108/ 20 RESOLVED** (Cr. Jeffery/Cr. Cox)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr. Wheatley

**11.15 ROAD NAMING - NORTH CASINO SUBDIVISION (HEATHWOOD PLACE, STOCKS ROAD, DIXON PLACE AND SPARKES PLACE)**

**Reference:** Roads - Naming

**Prepared by:** Engineering Support Officer

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**Background**

Council is in receipt of a development application for a rural residential subdivision of Lot 1, DP 555675 and Lot 1, DP 9933, off Musgraves Road, North Casino known as Fig Tree Hill Estate. Within the subdivision there are to be four (4) new roads constructed. The applicant has requested that the roads be named Heathwood Place, Stocks Road, Dixon Place and Sparkes Place.

**Report**

***Issues***

Council, as a Road Naming Authority, must consider the submissions and objections received in relation to the proposed names of new roads within its Local Government area.

This is a rural residential subdivision of Lot 1, DP 555675 and Lot 1, DP 9933 Musgraves Road, North Casino known as Fig Tree Hill Estate.

The proposed road names are Heathwood Place, Stocks Road, Dixon Place and Sparkes Place.

The proposed Heathwood Place is part of a subdivision off Musgraves Road. The road commences where it intersects with Musgraves Road between Lot 24, DP 1113025 and Lot 2, DP868425 and runs in a north easterly direction for 234 metres. The proposed Heathwood Place is a cul-de-sac.

The proposed Stocks Road is part of a subdivision off Musgraves Road. The road commences where it intersects with Musgraves Road between Lot 4, DP 718174 and Lot 96, DP 755727 and runs in southerly direction for 266 metres.

The proposed Dixon Place is part of a subdivision off Musgraves Road. The proposed Dixon Place will intersect with the proposed Stocks Road. Dixon Place is a cul-de-sac and runs in a north westerly direction for a distance of 86 metres.

The proposed Sparkes Place is part of a subdivision off Musgraves Road. , The proposed Sparkes Place will intersect with the proposed Stocks Road. Sparkes Place is a cul-de-sac and runs in a south easterly direction for a distance of 74 metres.

### ***Legal***

Road naming is legislated under the Roads Act 1993. The Act empowers the Authority in charge of the road with the rights to name it. Local roads and streets fall under the jurisdiction of the local council which administers the area. State Roads etc. come under the authority of the Roads and Traffic Authority.

The process to name a road is outlined in the Roads (General) Regulation 2000 Division 2 Naming of Roads. The road naming authority must follow this process.

### ***Policy***

In conjunction with this process, which must be followed under the Roads (General) Regulation 2000, Council also follows the process set out in the Procedure for Road (including Bridges) and Street Naming, which was adopted by Council on 20 February 2007.

### ***Consultation***

In accordance with the Roads (General) Regulation 2000 and Council's Procedure, each new proposed road name must be advertised for a period of one (1) month in a local newspaper.

All appropriate Government Departments and/or Authorities were forwarded correspondence outlining this proposal and were invited to lodge submissions or objections in writing to Council.

Council received no submissions or objections in relation to the proposed new road names.

### ***Conclusion***

Council as the Road Naming Authority received a request to name four (4) roads as part for the Fig Tree Estate Development. The names are in accordance with the Geographical Names Board Guidelines and Council's Road (Including Bridges) and Street Naming Procedures. Further, Council received no objections to the use of the names put forward.

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**RECOMMENDATION**

Recommended that:

1. Council, as the Road Naming Authority, formally endorse that the roads be named:
  - Heathwood Place
  - Stocks Road
  - Dixon Place
  - Sparkes Place
2. Advertisements be placed in the NSW Government Gazette and the Public Notices section of the local newspaper, the Northern Star, informing the public of the road names.
3. Correspondence be forwarded to all appropriate Departments, Authorities and the Applicant, informing them of the new road names.

**181108/ 21 RESOLVED** (Cr. Cox/Cr. Morrissey)

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr. Wheatley

That the above recommendation be adopted.

**11.16 LEASE AND CLEANING OF TOILETS AT REAR OF OAK STREET ARCADE, EVANS HEAD**

**Reference:** Council Properties - Maintenance; P80302, P80303

**Prepared by:** Manager Strategic Planning

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**Background**

As a result of the expiration of the lease on the private toilets at the rear of the Oak Street Arcade at Evans Head, Council was advised at its meeting on 20 May 2008, that the annual cost to lease, clean and maintain these toilets was \$22,400 per annum, in comparison to a cost of approximately \$27,000 to maintain the toilets at Razorback Lookout, Shark Bay, Kalimna Park, Old Boat Ramp, New Boat Ramp and Airforce Beach. Council also considered the toilet availability in the CBD at Casino where, following the closure of the toilets at the old Council Chambers, Council now only provide toilets at the Civic Hall, to cover all of the CBD area.

The distance required to be travelled by people in using the Casino toilets is generally well in excess of 100 metres which is the distance required to be travelled by Evans Head people to use the toilets adjacent to the kiosk and/or the library.

Council having considered that with adequate signposting, making the toilets adjacent to the library available 7 days per week and utilising the funds available from discontinuing the service to improve the condition and service levels at other toilets, Council resolved at its meeting on 15 July 2008 not to renew the lease.

A petition has now been received, organised by shop owner, Mrs Samantha Elley, requesting Council to reconsider its decision. The petition is signed by approximately 200 people.

Mrs Elley sights recent incidences of pregnant women, young mothers with toddlers, elderly ladies and local amputees having difficulty in walking the approximate 100 metres from the middle of Oak Street either way to the library or the kiosk toilets. She also expresses concern that, contrary to Council's promises, the toilets adjacent to the library have not been opened 7 days a week, and also makes claim of inadequate signposting giving directions to the other toilets.

## **Report**

### ***Issues***

Upon investigation, it would appear that more distinct signposting is required in the middle of Oak Street giving directions to the library and Silver Sands Holiday Park toilets. Discussions with the contractor reveal that the toilets have been opened 7 days a week since he was instructed to do so. There was some delay between the Council resolution and the engagement of the contractor to provide this service.

Based on the ongoing concern regarding the lack of signage in the middle of Oak Street, it is now proposed that additional signage be installed to overcome this problem.

The letter and petition provide the same reasons that were considered by Council at its meeting on 15 July 2008, following the consultation period.

If Council was to consider other toilet blocks, it is more likely that consideration would be given to install additional facilities in Casino, a town of 12,000 people, compared to Evans Head, a town of 3,000 people where Evans Head has 9 available public toilets compared with only 6 in the whole of the Casino area.

It was noted that when Council originally called for submissions regarding priorities for the upgrading of the CBD, the request for additional toilets stood out as being one of the major priorities.

Given this information, there appears to be no additional arguments that would indicate that Council should reverse its decision.

### ***Social***

There is obviously strong community support in Evans Head for additional toilets in the middle of Oak Street. Equally there is strong support for additional

facilities in Casino where there is a lower level of service and yet a greater population.

### **Consultation**

This petition clearly indicates a perceived need for additional facilities in Evans Head.

### **Financial Implications**

As the cost of maintaining just this one set of toilets in the Oak Street Arcade is \$22,400, it would have a significant impact on the public conveniences budget should Council reconsider or reverse its decision. Given that the savings by not renewing the lease have been used to improve the condition and level of service at all other facilities, this would then have an impact on those services.

### **Conclusion**

The petition provides the same information that was previously considered when Council advertised for submissions, giving notice of its intentions to relinquish the lease of the Oak Street Arcade toilets. The letter attached to the petition indicates that the community does not believe that there is adequate signposting and further improvements are necessary in this area. Advice from the contractor indicates that since his contract was extended to provide for the opening and closing of the toilets on the weekends, that this work has been consistently undertaken.

### **RECOMMENDATION**

Recommended that Council adhere to its decision to relinquish the lease of the toilets at the rear of the Oak Street Arcade, Evans Head, improve the current signage and not provide additional facilities in the Evans Head CBD at this stage.

A **Motion** was moved by Cr. Mustow and seconded by Cr. Crawford

That Council adhere to its decision to relinquish the lease of the toilets at the rear of the Oak Street Arcade, Evans Head, improve the current signage and not provide additional facilities in the Evans Head CBD at this stage.

The **Motion** was **carried** on the casting vote of the Mayor (as follows):

**181108/ 22 RESOLVED** (Cr. Mustow/Cr. Crawford)

That Council adhere to its decision to relinquish the lease of the toilets at the rear of the Oak Street Arcade, Evans Head, improve the current signage and not provide additional facilities in the Evans Head CBD at this stage.

FOR VOTE - Cr. Sullivan, Cr. Cox, Cr. Crawford, Cr. Mustow

AGAINST VOTE - Cr. George, Cr. Jeffery, Cr. Kinnish, Cr. Morrissey

ABSENT. DID NOT VOTE - Cr. Wheatley

Cr. Jeffery retired from the meeting, the time being 7.24 p.m.

**11.17 NATIONAL TIMBER COUNCILS TASKFORCE MEMBERSHIP**

**Reference:** Land Use and Planning - Planning; Economic Development - Liaison, Planning

**Prepared by:** Director Corporate Services

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**Background**

The National Timber Councils Taskforce has written to Council inviting membership of the National Timber Councils Taskforce Association. The National Timber Taskforce has been formed as a national association to provide a voice for the local government sector at the federal level regarding best practice plantation development and sustainable native forestry, and the many opportunities and challenges these present to local government.

Since its inception, the National Timber Councils Taskforce has had four successful delegations to Canberra on issues of national priority for local government, in addition to meetings of committed members in Newcastle, Darwin and Shepparton. The National Timber Councils Taskforce received its formal incorporation as an association in September 2007 and has appointed a National President and two delegates from each state forming an Executive Committee.

Membership of the National Timber Councils Taskforce is governed by the association rules. Membership is open to local governments in rural and regional Australia where the timber industry and forest stewardship are recognised as significant factors in the local economy and community. It is also open to the Australian Local Government Association and Vision 2020: Plantations Australia as non-voting members.

**Report*****Issues***

Council may appoint two representatives, one of which must be a Councillor to participate and vote at meetings and membership would cost \$2,000 plus GST.

***Environmental***

The Forestry/Plantation is an emerging industry in the Council's area and the broader region and any future developments may have environmental matters that would need to be considered.

***Economic***

Due to the anticipated future growth of the forestry and plantation industry in this area, economic benefits could be generated by future developments in Council's area. Membership would also have the benefits of being part of an organisation that is Australia wide and as such, would provide access to information and provide Federal and State Government Departments to provide for more

effective and informed decisions by Council. There are currently approximately 100 members. The Executive consists of two representatives from each State.

### **Staff**

Should Council decide to become a member of the Taskforce and wish to appoint a staff member also, it is considered appropriate that a staff member with knowledge of economic development be appointed. It is not considered appropriate to appoint a regulatory staff member as this could constitute a conflict of interest.

### **Financial Implications**

Membership of the Taskforce could be funded through existing votes within the Economic Development Budget.

There are two meetings held each year which coincide with the Australian Local Government Association Conference and the National Roads Congress each year and as most Councils attend these conferences, costs are kept to a minimum. The next Annual General Meeting of the Taskforce will be held in Melbourne on 8 or 9 December 2008 to coincide with the Constitutional Summit of Local Government Special National General Assembly being held from 8 to 11 December and therefore this would minimise costs as Council will be represented at the Congress. There are a further two meetings each year which are held via teleconferencing arrangements.

Given the meeting dates of the National Timber Councils Taskforce, it is appropriate that Council representatives be the Mayor and General Manager (or his representative).

### **Conclusion**

The establishment of the National Timber Councils Taskforce represents a significant and new opportunity for local government to engage in effective dialogue with both Federal and State Governments in regard to forestry related issues and their impacts on Councils and their local communities. Council could reconsider membership if it decides to join, following a further assessment of the initial perceived advantages over the period.

### **RECOMMENDATION**

Recommended that:

1. Council accept the invitation to join the National Timber Councils Taskforce with the membership fee funded from the economic development program and membership be reviewed after the initial 12 month period.
2. Council appoint the Mayor and General Manager (or his representative) as delegates to the National Timber Councils Taskforce.

**181108/ 23 RESOLVED** (Cr. Mustow/Cr. Kinnish)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Jeffery, Cr. Wheatley

Cr. Jeffery returned to the meeting, the time being 7.26 p.m.

Cr. Crawford retired from the meeting, the time being 7.27 p.m.

**11.18 2007/2008 FINANCIAL REPORTS**

**Reference:** Financial Management - Reporting

**Prepared by:** Manager Finance

**Background**

Section 413 of the Local Government Act 1993 requires Council to prepare financial reports and refer them to audit as soon as practicable after the end of the year. Section 416 of the Local Government Act 1993 requires this process to be completed and the financial reports audited within four months of the end of the financial year. Council may recall a report was provided to the October 2008 Ordinary Council Meeting that indicated the Financial Reports would not be ready and that Council had applied for an extension until 1 December 2008 under Section 416 of the Local Government Act 1993. Council received approval of the extension from the Department of Local Government until 1 December 2008 on 31 October 2008.

**Report****Issues**

The financial reports for the year ended 30 June 2008 for Richmond Valley Council have been completed, referred to audit and subsequently audited by Council's Auditor, Thomas Noble and Russell. The draft Financial Reports and draft Auditor's Report have been provided for information to Councillors. Council's Auditors will address Council at the meeting in respect of the financial reports and will be available to respond to questions. The financial results for the year are detailed as follows:

<b>Income Statement</b>	<b>Actual 2008 \$'000</b>	<b>Actual 2007 \$'000</b>
<b>Income from Continuing Operations</b>		
<b>Revenue</b>		
Rates and Annual Charges	13,734	12,590
User Charges and Fees	12,742	11,360
Interest Received	0	2,275
Other Revenues	61	247
Grants and Contributions - Operating	9,638	7,162
Grants and Contributions – Capital	5,265	4,079
<b>Total Income from Continuing Operations</b>	<b>41,440</b>	<b>37,713</b>

<b>Expenses from Continuing Operations</b>		
Employee Benefits and on costs	13,107	12,724
Borrowing Costs	1,065	816
Materials and Contracts	10,612	8,849
Depreciation, Amortisation and Impairment	10,047	9,434
Other Expenses	3,479	3,476
Interest and Investment Losses	1,244	0
Net Loss on Disposal of Assets	2,569	401
<b>Total Expenses from Continuing Operations</b>	<b>42,123</b>	<b>35,700</b>
<b>Operating Result from Continuing Operations</b>	<b>(683)</b>	<b>2,013</b>
Discontinued Operations	0	0
<b>Net Operating Result for the Year</b>	<b>(683)</b>	<b>2,013</b>
<b>Net Operating Result before Capital Grants &amp; Contributions</b>	<b>(5,948)</b>	<b>(2,066)</b>

<b>Balance Sheet</b>	<b>Actual 2008 \$'000</b>	<b>Actual 2007 \$'000</b>
<b>Current Assets</b>		
Cash and Cash Equivalents	8,205	3,989
Investments	14,238	19,195
Receivables	5,884	5,140
Inventories	2,830	2,515
Other	177	154
<b>Total Current Assets</b>	<b>31,334</b>	<b>30,993</b>
<b>Non-Current Assets</b>		
Investments	16,438	10,259
Receivables	725	1,255
Inventories	46	46
Infrastructure, Property, Plant & Equipment	376,762	362,355
Intangible Assets	34	40
Other	0	30
<b>Total Non-Current Assets</b>	<b>394,004</b>	<b>373,985</b>
<b>Total Assets</b>	<b>425,339</b>	<b>404,978</b>
<b>Current Liabilities</b>		
Payables	4,526	4,036
Interest Bearing Liabilities	765	716
Provisions	5,002	4,112
<b>Total Current Liabilities</b>	<b>10,292</b>	<b>8,863</b>
<b>Non-Current Liabilities</b>		
Payables	1,571	1,087
Interest Bearing Liabilities	18,861	13,685
Provisions	1,449	2,268
<b>Total Non-Current Liabilities</b>	<b>21,881</b>	<b>17,040</b>
<b>Total Liabilities</b>	<b>32,174</b>	<b>25,903</b>
<b>Net Assets</b>	<b>393,165</b>	<b>379,075</b>
<b>Equity</b>		
Retained Earnings	297,686	298,369
Asset Revaluation Reserve	95,479	80,706
<b>Total Equity</b>	<b>393,165</b>	<b>379,075</b>

<b>Cash Flow Statement</b>	<b>Actual 2008 \$'000</b>	<b>Actual 2007 \$'000</b>
<b>Cash Flows from Operating Activities - Receipts</b>		
Rates and Annual Charges	13,694	12,689
User Charges and Fees	13,223	10,902
Interest and Investment Revenue Received	2,330	2,165
Grants and Contributions	13,575	10,612
Other	233	247
<b>Cash Flows from Operating Activities - Payments</b>		
Employee Costs	(12,983)	(12,590)
Materials and Contracts	(10,669)	(7,840)
Borrowing Costs	(1,120)	(513)
Other	(4,068)	(3,481)
<b>Net Cash provided by (or used in) Operating Activities</b>	<b>14,214</b>	<b>12,191</b>
<b>Cash Flows from Investing Activities - Receipts</b>		
Sale of Investment Securities	5,782	19,373
Sale of Real Estate Assets	0	0
Sale of Infrastructure, Property, Plant & Equip	1,107	1,002
Deferred Debtor Receipts	337	904
<b>Cash Flows from Investing Activities - Payments</b>		
Purchase of Investment Securities	(10,586)	(19,803)
Purchase of Infrastructure, Property, Plant & Equip	(12,550)	(18,979)
Deferred Debtor Advances Made	0	(1,363)
<b>Net Cash provided by (or used in) Investing Activities</b>	<b>(15,910)</b>	<b>(18,866)</b>
<b>Cash Flows from Financing Activities - Receipts</b>		
Proceeds from Borrowings and Advances	5,941	6,800
Proceeds from Retirement Home Contributions	1,000	209
<b>Cash Flows from Financing Activities - Payments</b>		
Repayment of Borrowings and Advances	(716)	(537)
Repayment of Retirement Home Contributions	(313)	(224)
<b>Net Cash provided by (or used in) Financing Activities</b>	<b>5,912</b>	<b>6,248</b>
<b>Net Increase (Decrease) in Cash Assets Held</b>	<b>4,216</b>	<b>(426)</b>
Cash and Cash Equivalents – beginning of year	3,988	4,414
<b>Cash and Cash Equivalents – end of year</b>	<b>8,205</b>	<b>3,988</b>

The operating result for the 2007/2008 financial year details a deficit of \$683,000. This is in contrast to the operating surplus of \$2,013,000 for the 2006/2007 financial year. Principally this result has arisen in the majority from the write down of Council's investment portfolio on a fair value basis as at 30 June 2008 compared to 30 June 2007. This write down amounted to \$3,582,000 due to the credit crisis and world wide problems in the financial system. This write down had to be written off against total interest revenue of \$2,339,000 with any excess recognised as an expense resulting in an expense of \$1,244,000 as interest and investment losses. It needs to be stressed this does not constitute a cash loss on these investments as at 30 June 2008 as Council has not redeemed any of these investments as they are long term investments. The loss is an accounting loss in recognition of compliance with Accounting Standard AASB139 'Financial Instruments Recognition and Measurement' as the

investments have to be carried at fair value, a representation of market value. The loss is attributable to the indicative market value as at 30 June 2008.

Excluding capital grants and contributions, there was an actual operating deficit of \$5,948,000 representing a decline of \$3,882,000 over the 2006/2007 financial year result. If the write down of Council's investments was removed from the result, the actual change between years was a decline of \$300,000. Other significant items affecting the operating result were the write off of the old Evans Head Sewerage Treatment Plant now that the new plant was commissioned during 2007/2008. The impact of this saw the majority increase in the net loss from disposal of assets of \$2,569,000, an increase of \$2,168,000 from the previous financial year. The ongoing revaluation of infrastructure, property, plant and equipment has impacted depreciation expense and will continue to do so. Depreciation expense between 2007/2008 and 2006/2007 increased by \$613,000. When these matters are taken into consideration, in comparison to the 2006/2007 financial year, the operating result for 2007/2008 was actually a significant improvement. Notwithstanding this, the ongoing operational losses again is highlighting the difficulty of Council to fund infrastructure depreciation. This will become even more difficult when roads and drainage assets are revalued. Again, as reported last year, the revenue base of Council needs to be addressed as is currently happening Council is still reliant on variable income sources such as grants and user charges which are not guaranteed revenue sources from year to year. As has been previously raised in other reports and highlighted to the community, Council's revenue from general rates and general annual charges is very low as a percentage of total revenue. Total general rates and general annual charges being Council's guaranteed general revenue amounted to \$8,242,000 or 19.88% of total revenue. To address the ongoing operational losses in the General Fund especially to fund depreciation, Council needs to address this situation.

The above comments aside, Council's overall financial position as demonstrated in the Balance Sheet remains in a satisfactory condition in the short term. If attention is directed to Note 13 of the financial reports outlining performance ratios, Council has achieved the following results:

- Unrestricted current ratio comparing unrestricted current assets and current liabilities is more of an indicator of pure general fund activities as it excludes restricted activities. In this regard for 2007/2008 the unrestricted current ratio is 2.31 compared with 3.48 for 2006/2007. This means Council has \$2.31 worth of unrestricted current assets for every \$1.00 of unrestricted current liabilities. Whilst a decline on the previous year, this ratio is satisfactory if it is 2.00. The decline in this ratio is most attributable to the write down on investments held.
- Debt service ratio compares the cost of servicing debt as a proportion of operating revenue. This indicator has now risen to be 5.39% in 2007/2008 compared to 4.00% in 2006/2007. During 2005/2006, Council borrowed \$5,800,000 to fund sewerage capital works, a further \$6,800,000 in 2006/2007 and a further \$5,941,000 in 2007/2008 for sewerage. These new loans are starting to be repaid and consequently a greater proportion of revenue i.e. sewerage is required to cover the expense, hence the

increase in the ratio. It must be remembered however this will have no impact on General Fund as Sewerage Fund will finance these loan repayments and interest. Council should also note that the water fund remained debt free during 2007/2008 financial year in respect of borrowings. Also the debt position in respect of borrowings for General Fund will again improve in 2007/2008 as there was no borrowing for this fund but existing loans will be repaid.

- Rates and annual charges coverage ratio. This ratio compares revenue generated from rates and annual charges to total revenues. For 2007/2008 this has increased slightly to 33.14% compared to 33.00% in 2006/2007. Again this ratio is relatively low. And has been relatively consistent for the last three financial years even though Council has been approved significant rate rises in percentage terms but the dollar amounts raised are coming of a low base.
- Rates and annual charges outstanding percentage measures the effectiveness of recovering outstanding rates and annual charges. For 2007/2008, the outstanding rates and annual charges percentage has reduced from 3.82% in 2006/2007 to 3.63% in 2007/2008. The ongoing concerted effort in recovery of outstanding rates and charges has improved this result, whilst a slight reduction, there are more rates and charges levied.

As at the 30 June 2008, Council has \$38.881 million in cash, cash equivalents and investments, an increase of \$5.438 million compared to 30 June 2007. Excluding the \$5.941 million loan borrowed for sewerage late in the 2007/2008 financial year, plus the impact of the investment write down, Council's overall cash position has remained very stable.

The schedule of restricted assets (reserves) held by Council as at 30 June 2008 compared to total cash, cash equivalents and investments are as follows with restricted assets (reserve) levels from 30 June 2007 shown in comparison:

<b>Restricted Asset</b>	<b>30 June 2008 \$</b>	<b>30 June 2007 \$</b>
<b>External Restricted Assets</b>		
Bonds and Deposits	232,336.20	165,895.11
Developer Contributions	8,038,448.40	7,384,467.87
RTA Contributions	119,992.92	81,300.09
Unexpended Grants	734,062.01	834,327.97
Water Supply	3,257,885.19	2,870,593.91
Sewerage Services	5,411,054.92	4,245,287.30
Stormwater Management	89,190.25	0.00
Specific Purpose Unexpended Loans Sewerage	5,941,000.00	2,409,436.80
Domestic Waste Management	1,312,595.81	845,716.77
Silver Sands Holiday Park	1,627,056.80	1,309,220.48
Retirement Village Entry Contributions	1,617,591.32	929,733.08
Retirement Village Bequests	12,748.77	12,798.02
Unearned Revenue	0.00	6,597.38
Other	499,210.84	491,231.47
<b>Total External Restricted Assets</b>	<b>28,893,173.43</b>	<b>21,586,606.25</b>

<b>Internal Restricted Assets</b>		
Employee Leave Entitlements	1,223,709.04	1,054,934.27
Unexpended Rates Variation 2007/2008	389,800.00	0.00
Plant Replacement	1,572,146.24	3,467,027.23
Office Equipment	17,079.03	29,557.96
Petersons Quarry	1,021,646.26	899,517.49
Woodview Quarry	249,276.58	0.00
Quarry Rehabilitation	306,279.53	221,331.43
Insurance Reserve	427,457.74	561,854.76
Real Estate and Infrastructure	1,050,139.56	2,664,477.05
Evans Head Airport	0.00	103,801.87
Other Waste Management	1,020,524.87	757,198.78
Casino Saleyards	225,911.81	111,722.30
Mid Richmond Residents Village	0.00	196,907.69
Rural Road Safety Program	123,870.19	69,263.72
Unexpended Rural Road Maintenance Rates	75,817.72	171,871.02
RTA State Roads Maintenance Contract	1,353,297.60	834,757.73
Private Works Contingency	89,391.46	48,082.14
Public Cemeteries Perpetual Maintenance	187,086.22	111,364.30
Doolan Deck Contingency	0.00	0.00
Development Assessment Staffing Reserve	16,186.84	74,757.35
Emergency Management Reserve	44,089.22	40,195.62
Property Assessments Reserve (Insurance)	43,649.01	28,311.00
Workers Compensation Incentive Works	225,466.32	170,545.82
Uncompleted Works	325,100.00	238,954.83
<b>Total Internal Restrictions</b>	<b>9,987,925.23</b>	<b>11,856,434.35</b>
<b>Total Restrictions</b>	<b>38,881,098.67</b>	<b>33,443,040.60</b>
<b>Available Cash Assets and Investments</b>	<b>38,881,098.67</b>	<b>33,443,040.60</b>
<b>Unrestricted Cash and Investments</b>	<b>0.00</b>	<b>0.00</b>

## Conclusion

To formalise the financial reporting process for the year ended 30 June 2008, there are legislative steps Council must follow. In accordance with Section 413 2(c) of the Local Government Act 1993, the following statements are required to be included in the resolution of this report to enable Council to adopt the financial reports for the year ended 30 June 2008:

- (a) The Council's general purpose financial reports and special purpose financial reports have been drawn up in accordance with:
  - (i) The Local Government Act 1993 (as amended) and Regulations; and,
  - (ii) The Local Government Code of Accounting Practice and Financial Reporting; and,
  - (iii) The Australian Accounting Standards and professional pronouncements.
  
- (b) The general purpose financial reports and special purpose financial reports present fairly the Council's financial position and operating result for the year and:
  - (i) The reports are in accordance with the Council's accounting and other records and;

- (ii) The signatures to this statement, being the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer are not aware of anything that would make the Financial Statements false or misleading in any way.

In accordance with Section 418 of the Local Government Act 1993, Council must fix a date for a meeting to be held where the financial reports for the year ended 30 June 2008 are to be presented to the public. The Council must also give public notice of this date and invite submissions in writing from the public within seven days of the financial reports being presented to the public. The Council must also make available copies of the financial reports for inspection by the public from the date public notice is given until the day after the meeting where the financial reports were presented.

## **RECOMMENDATION**

Recommended that:

1. Council adopt the general purpose financial reports, special schedules and special purpose financial reports for the year ended 30 June 2008.
2. Council certify the following in respect of the general purpose financial reports and special purpose financial reports for the year ended 30 June 2008:
  - (a) The Council's general purpose financial reports and special purpose financial reports have been drawn up in accordance with:
    - (i) The Local Government Act 1993 (as amended) and Regulations; and,
    - (ii) The Local Government Code of Accounting Practice and Financial Reporting; and,
    - (iii) The Australian Accounting Standards and professional pronouncements.
  - (b) The general purpose financial reports and special purpose financial reports present fairly the Council's financial position and operating result for the year and:
    - (i) The reports are in accordance with the Council's accounting and other records.
    - (ii) The signatures to this statement, being the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer are not aware of anything that would make the Financial Statements false or misleading in any way.
    - (iii) Council fix Tuesday, 16 December 2008 as the date for the meeting to present the financial reports for the year ended 30 June 2008 to the public and provide appropriate public notice of this meeting.

- (iv) Council receive and note the Auditors reports and thank the Auditors, Thomas Noble and Russell for their presentation.
- (v) Council adopt the restricted assets (reserves) schedule as detailed in this report.

**181108/ 24 RESOLVED** (Cr. Mustow/Cr. Cox)

That the above recommendation be adopted, subject to the amendment of point 2(b)(ii) by the replacement of the word "Deputy Mayor" with the word "Councillor."

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Crawford, Cr. Wheatley

Council suggested that a letter be issued to Mr. Drinkwater responding to issues raised during his public access presentation and explaining Council's legislative responsibilities regarding its financial reports.

Cr. Crawford returned to the meeting, the time being 7.29 p.m.

**11.19 REVIEW OF RICHMOND VALLEY COUNCIL MANAGEMENT PLAN 2008/2011 AS AT 30 SEPTEMBER 2008**

**Reference:** Corporate Management – Planning: Financial Management - Budgeting

**Prepared by:** Manager Finance

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**Background**

Clause 203 of the Local Government (General) Regulation 2005 and Section 407 of the Local Government Act 1993 require within two months of the end of each quarter a report be provided to Council on a review of the budget estimates and implementation of the management plan.

**Report**

**Issues**

The quarterly review of Richmond Valley Council's 2008/2011 Management Plan incorporating a review of the 2008/2009 budget as at 30 September 2008, has been circulated separately to each Councillor.

The document has been prepared on the basis of an analysis of the financial aspects with an incorporation of the review of Council's strategies, actions and performance indicators.

The Budget Review for the first quarter of the 2008/2009 financial year has seen the estimated budget result remain in a balanced position as at the 30 September 2008 Budget Review. In overall cash terms, the estimated deficit in

cash has increased by \$3,251,200 from a cash deficit as per the adoption of the original budget estimates to a cash deficit of \$10,749,900 as at the 30 September 2008 Budget Review.

The revised estimates for Council are summarised in the table below with detailed explanations contained in the attachment to the business paper.

<b>2008/2009 Budget Review Statement as at 30 September 2008</b>	<b>Original Estimate 01/7/2008</b>	<b>Revote</b>	<b>Revised Estimate 30/9/2008</b>
Operating Revenue	53,816,000	1,316,200	55,132,200
Operating Expenditure	59,221,000	2,442,600	61,643,600
<b>Operating Result – Surplus/(Deficit)</b>	<b>(5,405,000)</b>	<b>(1,106,400)</b>	<b>(6,511,400)</b>
Add: Capital Revenue	7,761,300	770,000	8,531,300
<b>Change in Net Assets</b>	<b>2,356,300</b>	<b>(336,400)</b>	<b>2,019,900</b>
Add: Non-Cash Expenses	11,241,500	0	11,241,500
Add: Non-Operating Funds Employed	4,508,800	20,000	4,528,800
Subtract: Funds Deployed for Non-Operating Purposes	25,605,300	2,934,800	28,540,100
<b>Cash Surplus/(Deficit)</b>	<b>(7,498,700)</b>	<b>(3,251,200)</b>	<b>(10,749,900)</b>
Restricted Funds – Increase/(Decrease)	(7,498,700)	(3,251,200)	(10,749,900)
<b>Working Funds – Increase/(Decrease)</b>	<b>0</b>	<b>0</b>	<b>0</b>

Overall the estimated financial position of Council in the short term for the 2008/2009 financial year as at 30 September 2008 is satisfactory. The Budget Review as at 30 September 2008 contains a number of adjustments that have been able to maintain the budget result.

Whilst the budget result is balanced, this current budget would be about the biggest budget this Council has ever had. There is much included and attention must be made regarding to managing the cash flow of Council carefully over the remainder of this year if all items in the budget are achieved. Timing of expenditure and receipt of funding will be critical. The proposed revised budget for 2008/2009 has picked up all the works not completed from last financial year plus the works program for this year. In addition to this on the operating expenditure side, provision has now been provided for the substantial funding contribution Council will be making towards the remediation of the Evans Head Aerodrome.

Historically, Council has not been able to achieve all the works program in prior years and given total capital expenditure is anticipated to be \$27.5million for 2008/2009, it is debatable it will happen this financial year. Even so, the level of expenditure will be closely monitored and subsequent reviews of the budget may have further adjustments, especially if it becomes likely all anticipated works will not be completed. However, on the assumption the budget objectives will be achieved for this financial year, it is imperative that Council realise ongoing expenditure at this level is not sustainable in the longer term. It is accepted there is a lot happening in the 2008/2009 financial year and some of this is a once off but Council needs to be aware that if internal reserves are to be used for adopted purposes and not replenished, they will eventually disappear. This will

hamper Council's ability in the longer term to conduct works programs based on the size in the current 2008/2009 estimates given the already limited revenue sources.

### **Conclusion**

As indicated earlier in this report, detailed explanations of the required budget adjustments are included in the Management Plan 2008/2011 Review as at 30 September 2008. The document also includes progress on implementation of Council's 2008/2011 Management Plan objectives in relation to the 2008/2009 financial year. Adoption of the 2008/2011 Management Plan Review and quarterly 2008/2009 Budget Review as at 30 September 2008 by Council will ensure compliance with Clause 203 of the Local Government (General) Regulation 2005 and Section 407 of the Local Government Act 1993 for the quarter ended 30 September 2008.

### **RECOMMENDATION**

Recommended that Council adopt the revised 2008/2011 Management Plan and 2008/2009 Budget Estimates as at 30 September 2008 and approve the variations thereto.

**181108/ 25 RESOLVED** (Cr. Jeffery/Cr. Cox)

That the above recommendation be adopted.

FOR VOTE - Cr. Sullivan, Cr. Cox, Cr. Crawford, Cr. George, Cr. Jeffery, Cr. Morrissey, Cr. Mustow

AGAINST VOTE - Cr. Kinnish

ABSENT. DID NOT VOTE - Cr. Wheatley

Cr. Kinnish requested that her vote be recorded against the resolution as the review document reflected decisions that had been made after 30 September 2008 (i.e. on 21 October 2008) relating to the Program Aerodromes and that these particular amendments should be included in the review as at 31 December.

The General Manager responded "that is correct."

Note: A copy of the adopted Management Plan 2008/2011 Review as at 30 September 2008 was attached to the archived Minutes of this Meeting.

**11.20 FINANCIAL ANALYSIS REPORT - OCTOBER 2008****Reference:** Financial Management - Investments**Prepared by:** Manager Finance

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**Background**

Clause 212 of the Local Government (General) Regulation 2005 requires Council to be provided with a monthly report concerning Council's Investments.

**Report*****Issues***

The Financial Analysis Report for October 2008, included with this report, aims to disclose greater information regarding Council's investment portfolio along with balances of Council's bank accounts, outstanding sundry debtors, outstanding rates and water/sewerage charges.

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

In the report presented to Council last month relating to September 2008, it was mentioned that September 2008 was most distressful. Unfortunately, October 2008 has resulted in being more distressful. Some recent commentary has summed things up well where it was stated "*The current environment is characterised by extreme volatility as bad news piles on bad news. There seems to be nowhere to hide as all asset classes have been affected by the credit squeeze and the slowing down of almost every economy in the world*".

On the Australian front, the ramifications of the Federal Government's guarantee on bank deposits for three years has started to filter out. Because of the guarantee, some are saying the smallest Credit Union in Australia is now as strong as the Commonwealth Bank because the Federal Government has guaranteed deposits. Whilst the move by the Federal Government was designed to add stability to the resilient Australian Banking System, it created an imbalance. Those institutions that are not Authorised Deposit-Taking Institutions (ADI's) such as mortgage funds, managed funds, property funds saw dramatic requests for withdrawals as investors sought haven with institutions that were covered by the guarantee. The impact of this is that the Managers of these funds in a lot of cases have frozen withdrawals from the funds to protect the funds from collapsing. This has left some investors without access to their funds. The Federal Government's response to this is an invitation to these funds to apply for a banking licence which will then enable access to the guarantee on deposits.

The stock market in October 2008 could be described as a roller coaster with international markets losing between 11% to 24% during the month. The market in Australia fell 14%.

The Reserve Bank in Australia during the month cut the official interest rate by 1.00% to 6.00%. There was another cut in November 2008 by 0.75% to 5.25% and some analysts are suggesting at least another 0.5% in December 2008. Longer term indications are the cash rate in Australia may very well be in the 3% to 4% range by the middle of 2009. If the cash rate continues to fall as indicated, this will have an impact on the interest income Council will be able to achieve for 2008/2009.

In relation to Council's investment portfolio, following on from the information provided to last month's Ordinary Meeting, there is still no further advice on what will happen with the Esperance 2 CDO post the default of Lehman Brothers. Council is still awaiting advice from the trustee of the investment being the Bank of New York. Interestingly though, Council received a valuation statement from Lehman Brothers for the month of September 2008 during October 2008 for this investment. During the month of October 2008, there were reports about the collapse of three global banks based in Iceland. One of Council's other CDO investments known as Momentum CDO Europe – Trio, was linked to these institutions as a reference entity. Consequently this CDO with a face value of \$1,000,000 and a current fair value of \$206,800 may now be in default completely. This investment could be lost entirely but this is still not clear as it could possibly recover.

In relation to the Collatorised Debt Obligation (CDO) investments generally that Council has in its portfolio, these are designed to withstand a series of defaults. If the investment has not defaulted entirely by the time it matures, Council will receive all principal invested. These investments are debt obligations and debt has a maturity date upon which it must be repaid. This is also the case even though current market valuations or fair value suggests a much lower value at this point in time.

The events of October 2008 have also caused some of Council's other capital protected investments to deleverage to the capital protection mechanism to protect the principal of the investment. The impact of this is that these investments will not pay any future coupons even though some of these investments have up to seven years until maturity. That being said, all coupons due on these investments to date have been received. Council's investment advisor, Grove Research and Advisory are looking at other options regarding these investments and further information will be provided to Council when known.

### ***Legal***

Council must maintain its investments in accordance with Section 625 of the Local Government Act 1993, NSW Minister for Local Government's Investment Order issued from time to time and Clauses 212 of the Local Government (General) Regulation 2005. This report certifies Council's investments are held in accordance with these legislative requirements.

***Policy***

Council has adopted Policy 1.4.3 regarding investments.

**Conclusion**

It must be remembered investment performance needs to be measured over the life of a particular investment, not only in isolation of a one or two month return. Council has long term investments designed to be held to maturity where it could be expected market conditions will be different at maturity then currently exists. This report is also provided to Council in the aim of satisfying current legislative requirements regarding investments.

**RECOMMENDATION**

Recommended that Council adopt the Financial Analysis Report for October 2008 detailing balances of outstanding rates/charges, water/sewerage charges, sundry debtors, bank account balances and investments.

**181108/ 26 RESOLVED** (Cr. Cox/Cr. George)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

RICHMOND VALLEY COUNCIL FINANCIAL ANALYSIS REPORT AT 31 OCTOBER 2008														
Investment Name	Investment Source	Investment Type	Rating	Investment Date	Maturity Date	Interest Basis	Interest Frequency	Current Interest Rate for Month	Original Investment Value	Current Investment Fair Value	Fair Valuation Date	% of Total Portfolio	Capital Guarantee Maturity	
<b>Cash at Call</b>														
Commonwealth Bank Cash Deposit	Commonwealth Bank	11am at Call	AA	At Call	Variable		Quarterly	0.50%	N/A	800,000.00	31/10/2008	2.55%	No	
ANZ High Yield Cash Account	ANZ Nominees	11am at Call	AA	At Call	Variable		Monthly	0.53%	N/A	93.43	31/10/2008	0.00%	No	
<b>Total Cash at Call</b>										<b>800,093.43</b>		<b>2.55%</b>		
<b>Term Deposits</b>														
I3 Fixed Term Deposit	Summerland Credit Union	Term Deposit	N/A	31/10/2008	2/02/2009	Fixed for Term	Quarterly	0.61%	N/A	1,314,459.05	31/10/2008	4.20%	No	
Transferable Certificate of Deposit	Bank of Queensland	TCD	BBB+	10/06/2008	10/07/2009	Fixed for Term	Maturity	0.75%	N/A	3,000,000.00	31/10/2008	9.58%	No	
Transferable Certificate of Deposit	Investec Bank	TCD	P1, F2	10/06/2008	10/07/2009	Fixed for Term	Maturity	0.77%	N/A	2,941,000.00	31/10/2008	9.39%	No	
Transferable Certificate of Deposit	Commonwealth Bank	TCD	AA	24/06/2008	24/06/2011	3mth BBSW + 0.80%	Quarterly	0.68%	N/A	1,000,000.00	31/10/2008	3.19%	No	
<b>Total Term Deposits</b>										<b>8,255,459.05</b>		<b>26.35%</b>		
<b>Managed Funds</b>														
Macquarie Income Plus Fund No 1	Macquarie Bank	Managed Fund	AAf	At Call	Variable		Monthly	-2.92%	N/A	5,549,524.53	31/10/2008	17.72%	No	
Aberdeen Cash Plus Fund	Aberdeen	Managed Fund	AAf	At Call	Variable		Monthly	1.26%	N/A	4,542,208.42	31/10/2008	14.50%	No	
Blackrock Diversified Credit Fund	Blackrock	Managed Fund	AAf	At Call	Variable		Monthly	-7.06%	N/A	2,464,710.07	31/10/2008	7.87%	No	
Blackrock Care & Maintenance Fund	Blackrock	Managed Fund	AAf	At Call	Variable		Monthly	0.00%	N/A	1,069,080.77	31/10/2008	3.41%	No	
<b>Total Managed Funds</b>										<b>13,625,523.79</b>		<b>43.50%</b>		
<b>Fixed Interest Securities</b>														
Select Access FRN 2005-5 (Sails)	ABN-AMRO Morgans Bank	CDO	AA	26/07/2005	14/12/2010	3mth BBSW + 0.80%	Quarterly	0.67%	500,000.00	475,205.00	31/10/2008	1.52%	No	
Aphex Pacific Capital - (Phoenix)	ABN-AMRO Morgans Bank	FRN	AAA	14/08/2007	10/11/2011	3mth BBSW + 2.05%	Quarterly	0.78%	500,000.00	426,900.00	31/10/2008	1.56%	No	
ANZ Executors & Trustee Co - (Asprit 2)	ANZ Investment Bank	CPPI - Fund	AA	29/05/2007	30/03/2013	50% perform max 10%	Yearly	0.00%	200,000.00	163,108.00	31/10/2008	0.52%	Yes	
Averon CPP Limited - (Averon II)	ANZ Investment Bank	CPPI - Fund	AAA	13/07/2007	13/07/2014	BBSW + 1.50%	Quarterly	0.77%	500,000.00	405,350.00	31/08/2008	1.29%	Yes	
Momentum CDO Europe - (Trio)	Calyon	CDO	BB	6/03/2007	30/09/2010	3mthBBSW + 0.50%	Quarterly	0.75%	1,000,000.00	206,800.00	30/06/2008	0.66%	No	
Sirens BV 2007-2 [B1.a] - (Cargo II)	Cligroup Wealth Advisors	Commodity Link Note	AAA	28/03/2007	28/03/2012	3mthBBSW + 1.40%	Quarterly	0.77%	1,000,000.00	726,100.00	21/10/2008	2.32%	No	
Octagon PLC (EMU Note)	FIIG Securities	CPPI - Hedge	AAA	25/10/2005	25/10/2015	50% performance	Yearly	0.00%	500,000.00	418,850.00	31/10/2008	1.34%	Yes	
AB Svensk Exportkredit - (All Seasons)	FIIG Securities	CPPI - Hedge	AA+	29/06/2006	29/08/2014	8.00%	Yearly	0.67%	500,000.00	318,350.00	31/10/2008	1.02%	Yes	
Credit Suisse - (Aqueduct Note)	FIIG Securities	Capital Protect Fund	AA-	22/12/2006	21/06/2010	7.00%	Quarterly	0.00%	500,000.00	456,800.00	31/10/2008	1.46%	Yes	
Magnolia Finance Ltd 2005-14 (Flinders)	Lehman Brothers	CDO2	AA	10/02/2005	20/03/2012	3mth BBSW + 1.50%	Quarterly	0.74%	1,500,000.00	1,125,000.00	30/09/2008	3.59%	No	
Beryl Finance Limited (Esperance 2)	Lehman Brothers	CDO	AAA	20/03/2006	20/03/2013	3mth BBSW + 1.30%	Quarterly	0.76%	1,000,000.00	516,100.00	30/09/2008	1.65%	No	
Herald Ltd Series 24 (Quartz)	Lehman Brothers	CDO	A-	31/08/2005	20/12/2010	3mth BBSW + 1.50%	Quarterly	0.74%	500,000.00	298,935.00	30/09/2008	0.95%	No	
Nexus 4 Topaz Notes (Nexus 4)	Lehman Brothers	Listed CDO	AA-	11/07/2005	23/06/2015	6mth BBSW + 4.42%	Half Yearly	0.00%	997,900.00	478,992.00	31/10/2008	1.53%	Yes	
Longreach Fund 1-2006	Longreach	Capital Protect Fund	AAAF	29/09/2006	29/09/2011	2.00% + capital growth	Half Yearly	0.17%	1,000,000.00	961,300.00	31/10/2008	3.07%	Yes	
UBS Series 25 (CPIN)	Longreach	Capital Protect Note	AA+	4/04/2007	4/04/2014	7.00%	Half Yearly	0.00%	500,000.00	326,450.00	31/10/2008	1.04%	Yes	
Series 33 - STIRM 2	Longreach	Capital Protect Note	AA	31/03/2008	10/05/2013	Variable	Maturity	N/A	500,000.00	445,100.00	31/10/2008	1.42%	Yes	
Select Access FRN 2005-4 (Titanium)	Macquarie/RIMSEC	CDO	AAA	31/05/2005	14/12/2010	3mth BBSW + 0.80%	Quarterly	0.67%	500,000.00	487,005.00	30/06/2008	1.55%	No	
Phoenix Trust - (Focus Notes)	Westpac Bank	CPPI - Equity	AA	20/12/2006	20/12/2012	6mth BBSW	Half Yearly	0.00%	500,000.00	408,301.50	31/10/2008	1.30%	Yes	
<b>Total Fixed Interest Securities</b>										<b>12,197,900.00</b>		<b>8,644,646.50</b>	<b>27.60%</b>	
<b>Bank Accounts</b>														
		<b>Balance \$</b>												
		<b>31-Oct-08</b>												
Account Name														
General Fund Bank Account			148,231.12											
Trust Fund Bank Account			602,466.57											
<b>Total</b>			<b>750,697.69</b>											
								<b>Total Investment Portfolio at Face Value</b>		<b>34,878,976.27</b>				
								<b>Total Investment Portfolio at Fair Value</b>		<b>31,325,722.77</b>				
								Overall Average Interest Rate for month - Profolio		0.10%				
								One Month Bank Bill Index		0.71%				
<b>Rates &amp; Charges Collection (excluding Water and Sewerage)</b>														
		<b>Balance \$</b>												
		<b>31-Oct-08</b>												
Rates & Charges Arrears 1/7/2008			605,958.87											
Add: Levies to 31/10/08			9,282,518.88											
<b>Total Outstanding</b>			<b>9,888,477.75</b>											
Less: Collections to 31/10/08			4,064,212.01											
<b>Balance Outstanding at 31/10/08</b>			<b>5,824,265.74</b>											
<b>Percentage Collected</b>		<b>41.10%</b>												
<b>Outstanding Debtors (All Types)</b>														
		<b>Debtor Type</b>												
		<b>31-Oct-08</b>												
		<b>Outstanding \$</b>												
		<b>31-Oct-08</b>												
Sundry Debtors		925,722.98												
Rates & Charges		5,824,265.74												
Water & Sewerage Charges		2,655,328.16												
<b>Total</b>		<b>9,405,316.88</b>												

The Manager Finance retired from the meeting, the time being 7.34 p.m.

## **11.21 PROGRAM AND SERVICES REVIEW - ECONOMIC DEVELOPMENT/ PROMOTIONS**

**Reference:** Economic Development - Reporting; Recreation and Cultural Services - Programs

**Prepared by:** Tourism and Promotions Officer

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### **Background**

Further to the triennial Program and Services Review presentation delivered to Council in October 2007, the General Manager invited the Economic Development Team to further consider the future of the Economic Development Program in the context of both contemporary and future initiatives. The present team, headed by the Director Corporate Services, consists of three permanent positions and three part-time positions with staff allocated as follows:

#### Full-time Staff

Community Development Co-ordinator  
Tourism and Promotions Officer  
Events and Cultural Liaison Officer

#### Part-time Staff

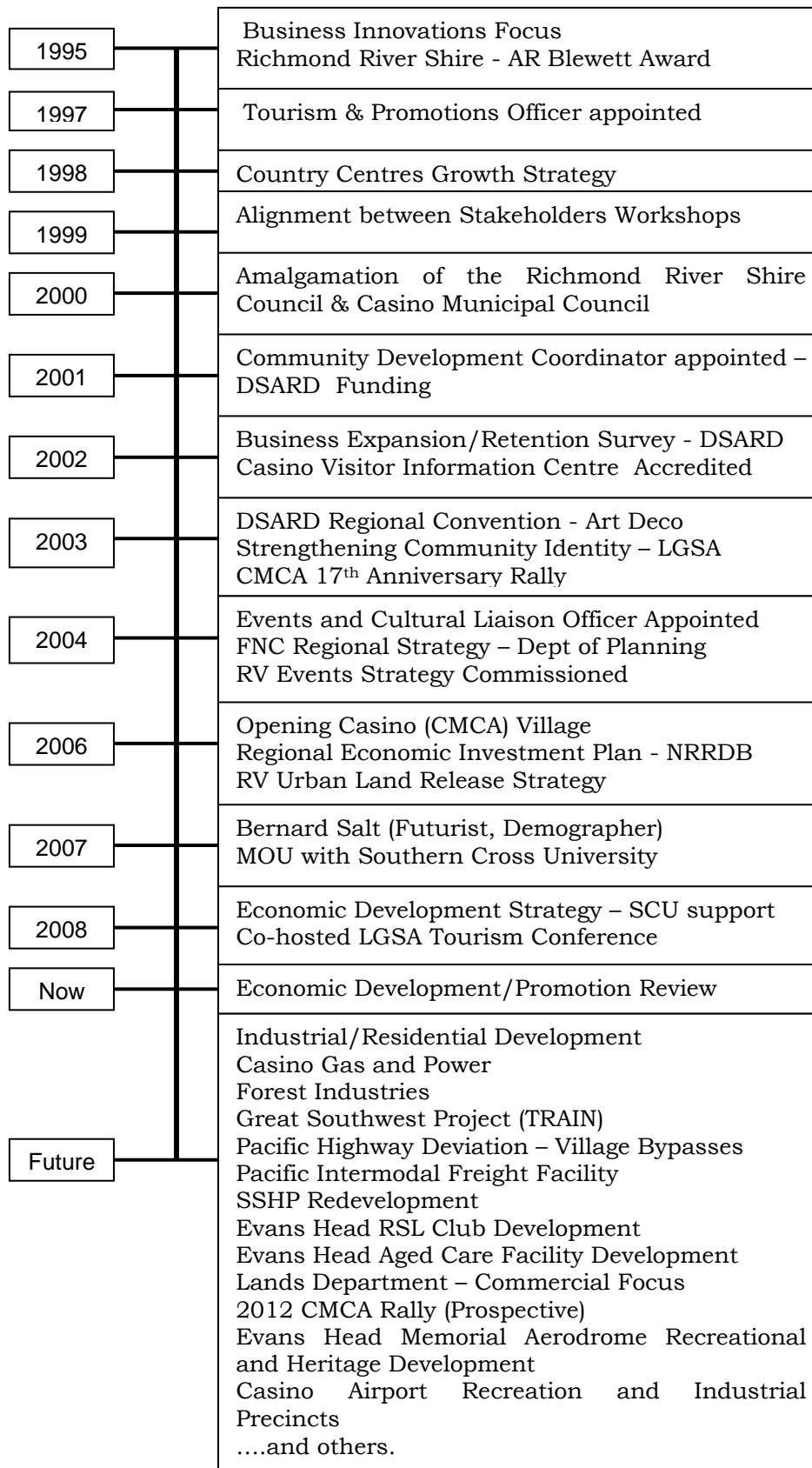
Tourism Communications and Development Officer  
Visitor Services Co-ordinator X 2

The functions of Economic Development traditionally reported directly to Council via two independent Section 355 Committees. The Tourism Advisory Committee has been a function of Council for 10 years (established in 1997), while the Economic Development Committee was established in 2002, post amalgamation of Casino and Richmond River Shire Councils but was recessed in December 2007. A pivotal trigger of the Review was the Council needing to consider its 2008/2009 budget and review of all programs.

The General Manager therefore took this opportunity to seek new directions for the planning, management and delivery functions of tourism and economic development, in order to present the incoming Council (September 2008 election) with a positive approach moving forward in line with future documented growth predictions for the communities of Richmond Valley Council.

Upon reflection, the pattern of establishment and delivery of the Economic Development/Promotions functions has been guided by a number of significant milestones across the past decade. Diagram 1 highlights many of these initiatives by simple timeline presentation. Some have been externally born and seeded by past State government initiatives while others have been internally conceived as both a response to broader initiatives or local community pressures.

**Richmond Valley Development Timeline**



***Diagram 1***

To progress the Program Review and guide discussion for future developments, the General Manager introduced a workshop process to be undertaken over two days, being 18 and 31 July 2008. An independent workshop facilitator, Dr Stuart Hase, introduced a set of Rules of Engagement and an Agenda for the workshop sessions.

Workshop participants (the Team) included:

Director Corporate Services  
Community Development Co-ordinator  
Tourism and Promotions Officer  
Tourism Communications and Development Officer  
Events and Cultural Liaison Officer

## **Report**

### ***Issues***

In completing the exercise, the primary issues relating to the broader environment of Economic Development/Promotions were

1. Investigate alternatives to current EDU program
2. Develop a quantifiable measure of outputs from EDU
3. Formalise Council Policy for EDU
4. Development of Economic Development Strategy
5. Reform structure of EDU to meet the demands identified through the Strategy
6. Consider an implementation strategy to guide the program in the interim.

### **Strategic Issue 1 – Alternatives to the Economic Development/Promotions Unit**

While various communities/councils adopt a range of strategies to perform the functions of Tourism, Cultural Enhancement, Community Development and Economic Development, the team was certainly cognitive and supportive of the mutual aspects to all functions. Naturally, synergies can be achieved by clear communications, workflows and shared skills.

Discussion arose over independent incorporated associations (e.g. Tweed Economic Development Corporation v Tweed Tourism, Clarence River Tourist Association v Clarence Valley Council and Lismore Unlimited v Lismore Economic Development Unit) however, without the broader resource base of some of these larger neighbouring centres, Richmond Valley would struggle to uphold a viable unit in the short term without significant government (including Council) financial support.

### **Strategic 2 - Qualify/Analyse Outputs**

It is recognised that accountability and transparency in respect to yield on ratepayer funds is of utmost importance. The Economic Development/

Promotions Program will seek to develop standard reporting that is SMART - Simple; Measurable; Actionable; Responsive and Timely.

While not all activities have direct quantifiable outputs as measured in dollars and cents, the activities of the Program must be developed around key performance indicators that can turn often intangible benefits into quantifiable outputs through the adoption of standard multipliers or criteria targets.

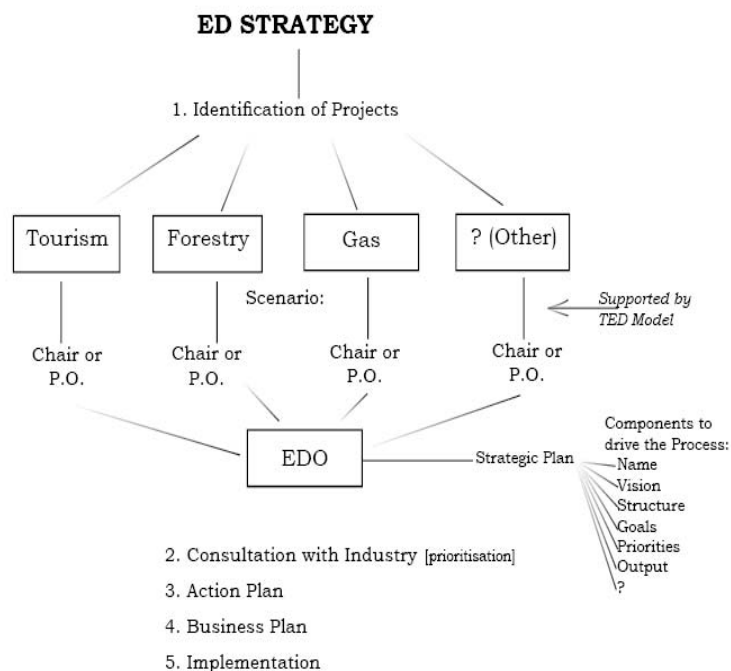
This will most certainly require the adoption of a more broad based benchmarking analysis to ensure the full costs and benefits of activities of the Council are attributed in the model and not just the direct activities of the Economic Development/Promotions Program. Such modelling could be based on the Tweed Economic Development Model (TEDM), Tourism Impact Model (TIM) or the Tourism Optimisation Management Model (TOMM).

Strategic Issue 3 – Policy Development

Progress toward this initiative is to be advised by Management/Council post the November Workshop and November Council meeting.

Strategic Issue 4 – Economic Development Strategy

Diagram 2 below merely conceptualises the relationships between specific industry sectors and explores mechanisms for communication and management of same. It is not to be construed as the definitive structure for the ongoing management of economic development/promotions across the Richmond Valley but merely a discussion item. Preliminary work on a desk audit to support an Economic Development Strategy formation has already been undertaken in conjunction with Southern Cross University.



**Diagram 2**

### Strategic Issue 5 – Structural Reform

The team explored the notion of developing a new Name, Vision and Mission for the Economic Development/Promotions Program. The process to achieve this was to consider a Vision and then develop a Mission to achieve the Vision. Then, reflecting on the intent of both, a word association exercise was undertaken to ensure any name for the Program easily reflected its purpose and function. This word association test was further peer reviewed by over 50 industry and sector specific stakeholders to confirm broad acceptance for a Program name. Additionally, the organisational structure was discussed with acceptance that the structure would be best informed by the Strategy and the specific demands emanating from the Strategy.

Proposals are:

Name: Richmond Valley Economic and Cultural Development Program

Vision: Working together to make the Richmond Valley a prosperous, vibrant and healthy environment.

Mission: To create and implement programs and strategies that support, attract, retain and foster industry, business and our natural environment to provide jobs, attract new residents and increase the cultural and economic opportunities within the Richmond Valley.

Any new structure needs to recognise current budgetary restraint while providing flexibility to achieve a broader focus as various sectors (as identified through the Economic Development Strategy) create demand.

### Strategic Issue 6 – Priorities for the Unit

The team recognised the imperative to maintain the current Program outlined within the existing Management Plan while developing strategies for the future. In this regard short, medium and long term targets were identified.

Short Term:

- Continue to function as per existing structure within frameworks for 2008/2009 Program
- Report Team workshop outcomes to Council via the General Manager
- Present Program overview to November Council Workshop via PowerPoint presentation.

Medium Term:

- Develop Policy to support functions of the Program
- Develop Economic and Cultural Development Strategy
- Redesign the Organisational Structure
- Develop Position Descriptions around positions, as per strategic requirements, not people.

**Long Term:**

- Implement Action Plans from Economic and Cultural Development Strategy
- Review, Analyse and Report to Council

Following the internal review undertaken by staff above a further presentation on the program and services was delivered to the Council Workshop on 11 November.

The presentation was set in the context of the 'present', the 'current/future influence' and finally the 'opportunities' for Richmond Valley through to 2020. Copies of the Powerpoint Presentation have subsequently been issued to all Councillors.

While every single line item within the Program was not dissected, a range of items covering a broad cross section including Arts, Visitor Services, Industrial Development and New Opportunities was discussed to demonstrate the interdependence of items within the program rather than the independence of same. The Richmond Valley was highlighted as a 'hot spot' for economic development initiatives well into the future.

***Economic***

Economic opportunities were identified throughout the PowerPoint Presentation to the Workshop on 11 October 2008.

***Staff***

Identified within the Background Section of this report.

***Strategic Links***

Identified under 'Influences' on Slide 11 of the PowerPoint Presentation to the Workshop on 11 October 2008.

***Financial Implications***

Further advancement of the Economic Development/Promotions Program will continue to have effect on Council's finances as initiatives are fostered by Council (and/or in partnership with government agencies and private enterprise) to bring overall wealth into the broader community that benefits all members of the community. A budget currently exists within the Management Plan to support existing operations. Additional external funding will be sought to fast track the development of the Economic Development Strategy described in Strategic Issue 4 above. It is proposed that staff actively pursue funding from both State and Federal government agencies to enhance the baseline support offered by Southern Cross University to deliver on this project.

## **Conclusion**

A review of the program and services for the Economic Development/Promotions of Richmond Valley Council has been commenced with a range of initiatives described within this report to guide the future direction of this Program. As identified through the internal processes and further through the Council Workshop, Economic Development/Promotion has been shown to be a catalyst for growth within this community at all levels, local, regional, state and national. The power of the Program to realise its potential as a real economic driver for this community well into the future is dependent on the support of Council to implement the proposed Strategic Issues 1-6 identified above.

### ***General Manager's Comment:***

Council would be aware that at the October 2008 Meeting, it was resolved that the General Manager advise the status and proposed action in relation to the Tourism and Economic Development functions of Council. This report effectively responds to that resolution.

As indicated in this report, a presentation of Economic Development/Promotion issues was made at the November Council Information Session. It is intended that such presentation (and this report) are an "introduction" for Councillors on the issue and that further review processes (involving elected representatives) be held.

From the General Manager's perspective (and as outlined in this report) the review process to date has involved Council staff putting forward their perspectives on the various issues involving the delivery of tourism and economic services (i.e. they have ownership of the process). It is now appropriate that Council contribute to the process and with a view to determining the future direction for the Economic Development/Promotion Program. Subject to Council endorsing the recommendations of this report, a process to further progress the review will be mapped out.

## **RECOMMENDATION**

Recommended that:

1. Council endorse the development of an Economic Development/Promotions Policy.
2. Staff actively pursue external funding and/or other options to fast track the development of an Economic Development Strategy for the Richmond Valley Council.
3. Further progression of the Economic Development/Promotions Review be undertaken (in conjunction with elected representatives).
4. Council give further consideration to the Program's organisational structure as part of the overall organisational review and management plan for the 2009/2010 year.

**181108/ 27 RESOLVED** (Cr. Cox/Cr. Crawford)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr. Wheatley

The Manager Finance returned to the meeting, the time being 7.41 p.m.

The Director Works retired from the meeting, the time being 7.43 p.m.

**11.22 BEEF WEEK**

**Reference:** Recreation and Cultural Services - Event Management

**Prepared by:** Tourism and Promotions Officer

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**Background**

Council, through the Tourism and Events staff, has been liaising with the Beef Week Promotions Committee Inc via the various Beef Week Coordinators, three separate Boards and the Beef Week Steering Committee for in excess of three years in an attempt to have Beef Week justifiably recognised as the 'signature' event of the Richmond Valley. While the status of 'signature' event brings with it significant sponsorship value, both direct from Council and via associated commercial interests, it also carries responsibilities of business acumen not expected from many of the smaller Valley events that receive funding via alternate arrangements; generally the Richmond Valley Events Funding Scheme.

To this end Council offered to work with the Beef Week Promotional Committee to develop a five year Business Plan to guide the future development of the 'signature' event. This report presents a chronological history of that engagement and poses questions that require considered deliberation by Council as to which event is the right vehicle to carry the 'signature' event flag for the Richmond Valley into the second decade of 2000.

The follow item was reported to Council in February 2007.

"BEEF WEEK

**BACKGROUND**

*Previous resolutions of Council from July 2006 (2006-464) and December 2006 (2006-880) have guided Events Staff in their continued efforts to provide professional and practical support for the Casino Beef Week Promotions Committee Inc (Beef Week). As advised in December, Beef Week, by formal correspondence dated 21 November 2006, acknowledged with pleasure Council's offer of support via the 'signature' event model and accepted the requirements therein to work with the Tourism and Events staff in Council to develop and implement a 5 year Business and Marketing Plan by way of an independent facilitator.*

*A brief chronology of initiatives undertaken leading up to that acceptance and immediately post acceptance is as follows:*

- March 2006 Invitation by Council extended to Beef Week to discuss future strategic planning for Beef Week beyond the 2006 event.*
- May 2006 Beef Week's 25<sup>th</sup> Anniversary event conducted under a cloud of doubt and negative press re the future sustainability.*
- April 2006 Offer by Council of financial support (\$2,000) to Beef Week to supplement costs of an independent facilitator to drive a community/industry workshop program to guide the planning process.*
- July 2006 Beef Week offered by Council the Richmond Valley 'signature' event status to align the vision and objectives of Beef Week and Council through an event strategy beyond 2007.*
- September 2006 Meeting held between Beef Week and Council events staff to plot a course of progress toward the 2007 event in parallel with the independent strategic planning process looking beyond 2007.*
- September 2006 Stakeholders and sponsors luncheon held to assess third party support and level of commitment from same to Beef Week.*
- October 2006 Events staff assists Beef Week with successful \$10,000 TNSW Flagship Funding grant application.*
- November 2006 Timetable and program presented to Beef Week to assist them in the execution of the parallel activities; 2007 event planning and strategic event planning beyond 2007.*
- November 2006 Beef Week accepts Council's offer of support via the 'signature' event model.*
- December 2006 Events staffs liaise with Beef Week to develop a consultancy brief to elicit 'expression of interests' to facilitate the strategic planning process.*
- January 2007 Beef Week nominated a 'steering committee' to oversee the planning process to ensure broad community perspectives were address through the planning process. Current (2007) Beef Week Coordinator to act as the project coordinator.*
- February 2007 Beef Week Promotions Committee cancels 2007 event with no reference to the strategic planning process.*

*As outlined through the December 2006 report, ...."correspondence was received dated 20 November 2006 advising that the Beef Week Promotional Committee wish to formally accept Council's offer to establish Beef Week as Richmond Valley's inaugural 'Signature' event.*

*Subsequently, the Tourism Promotions Officer and Events and Cultural Liaison Officer have met with the new Beef Week Coordinator (Ms Janelle Hancock) to further develop the ‘Signature’ event concept to ensure that Council’s significant contribution is directed effectively and substantial outcomes are reached over the next 12 months. Specifically it is important to ensure the sustainability of the Event and in this regard a Business & Marketing Plan for the next five years needs to be developed and substantially implemented before the ‘Signature’ event status is reviewed prior to the 2007/08 Council budget is adopted. If satisfactory progress has been made at that time, Council may wish to confer the ‘Signature’ event status to one event for a nominal period e.g. three years subject to annual evaluation and review. This would also support a more strategic approach to planning and sustainability for the event.”*

## REPORT

### *Issues*

*Council’s tourism and events staff have continually made themselves available to assist, support and guide the Beef Week Committee in all deliberations (as indicated above). However, both the Beef Week Committee and Council are now in a situation where progress on the strategic planning process for the ‘signature’ event is in limbo (i.e. no substantial progress has been made) despite Council staff currently engaging in 2007/2008-2013 management and budget planning.*

*At the time of preparing this report the only guidance or direction from Beef Week in relation to forward planning is via press articles (these are presenting conflicting and unsubstantiated information). If one believes the media articles one could be persuaded that a public forum/rally may emanate in the not too distant future. It is understood that the Beef Week Committee will be considering issues at a meeting in mid February.*

*Despite the announcement by Beef Week that the 2007 event is not to proceed, the way forward for this event is for Beef Week to immediately engage and progress the strategic planning process in the manner already prescribed. This will allow the community, industry, sponsors and other interested stakeholders a valid and transparent opportunity to guide the revitalisation of a ‘signature’ event for the Richmond Valley. If the beef industry is to be the foundation for such a revival then this will shine brightly through the process and will be supported via that industry. The content/theme/timing/program etc and then the resourcing of such activities or initiatives will be determined/identified also through the planning process.*

*Recognising that there is considerable past social capital already invested in Beef Week it is extremely important not to get caught up in the ‘emotional’ turmoil of the present and look for considered and sustainable solutions for the future in the interests of the wider Richmond Valley. Council, by resolution (2006-464), has already pledged ratepayer support through financial capital received from right across the Richmond Valley; thus any forward planning must be done in the interests of the whole community and not just as representative of a single local community. Casino is the hub of the Richmond Valley and can thereby justify hosting such an event but it must be planned and implemented for the right reasons and not just as a knee-jerk reaction to the current demise. The process may in fact support the Beef Week Board’s decision that Casino is not the appropriate host for such an event at this period of time or in this current environment.*

## CONCLUSION

*Richmond Valley Council has previously pledged support for Beef Week via a ‘signature’ event model. Beef Week has acknowledged this status and accepted Council’s offer and conditions. It is imperative that the prescribed process be implemented to support the*

*decisions of both organisations to guide realistic and sustainable outcomes. As further progress/information comes to hand it will be advised and reported to Council in March.*

Attachments

Nil

RECOMMENDATION

*Recommended that:*

1. *Council remain committed to the resolution of July 2006 (2006-464) supporting Beef Week through the strategic planning process in the manner prescribed.*
2. *A further report is submitted to the March meeting advising progress with a view to guiding the 2007/2008 budgetary processes in respect to holistic events support."*

**Report**

**Issues**

Post the cancellation of Beef Week 2007 a series of events have transpired within the Beef Week organisation with a raft of correspondence/dialogue also executed between Beef Week and Council. Set within the context of:

*..... 'Beef Week, by formal correspondence dated 21 November 2006, acknowledged with pleasure Council's offer of support via the 'signature' event model and accepted the requirements therein to work with the Tourism and Events staff in Council to develop and implement a 5 year Business and Marketing Plan by way of an independent facilitator',*

*.....a brief chronology of initiatives undertaken post acceptance is as follows:*

March 2007                      Beef Week Coordinator contract terminated. Tourism and Promotions Officer nominated to assist Beef Week with coordination and administration of the Business Planning process. Tourism and Promotions Officer secures Flagship Funding to be held over (through Northern Rivers Tourism) for Beef Week 2008 rather than surrendering it back to the State.

Councillor Sullivan elected as Council representative on the Beef Week Steering Committee formed to oversight the Business Planning process.

Events and Cultural Liaison Officer also asked to provide guidance through the Steering Committee.

June 2007                      Lorick Management engaged as independent facilitator to produce the Business Plan. Three consultation sessions conducted.

Council, through the Tourism and Events staff coordinate the mock Beef Week initiative for the Seven Network's 'Sunrise' Television Program.

- 
- July 2007 Beef Week AGM held. Cr Sullivan elected President.
- August 2007 Beef Week Board meets with Steering Committee to integrate 'business planning' thinking into Board processes.
- October 2007 New Coordinator appointed to the Beef Week Promotions Committee Inc.
- February 2008 Business Plan 2009 - 13 presented to the Board. Council staff attempt to reconfirm funding obligations, address operational, regulation, marketing and Flagship Funding requirements through the Beef Week Office.
- Response received:.... *'what is there to discuss in relation to Marketing and Research for Flagship funding for 2008, when we have already submitted our documentation, which includes ALL required aspects .....*'.
- April 2008 Richmond Valley Events Research Project initiated. Beef Week agree to support specific attributes tailored directly for Beef Week for an agreed \$2500 contribution toward the research costs.
- Tourism NSW announces the 2009 Flagship Funding Round open. Council staff forward advice to Beef Week Office. Beef Week Office submits EOI independent of Richmond Valley Tourism.
- May 2008 Communications emanating from Beef Week Office remain non-engaging. Beef Week insistent that Council's only interest is with 'Council Services' i.e. related to setting-up of street events.
- June 2008 Council staff congratulates Beef Week on revival of Beef Week and invite a debrief meeting. Beef Week Office responds:.... *'presume that you are referring to a debriefing meeting' to review and plan Council Services related to, Street Set-Up for 2009'? Isn't it a little early to call such a meeting?*
- Council's response: ... *'Council's interests relate to a much wider perspective relative to the Event's development; not only for Richmond Valley but for the State of NSW' and 'to develop foundations that go well beyond 'street setup' for any year'.*
- July 2008 Council hosts workshop to present Research Project results to Beef Week Board members and facilitate further actions from the 2009-2013 Business Plan.
- August 2008 Workshop summary forwarded to Beef Week Office under the following context;

... 'notes (summary) are for the Boards consideration and deliberation. We at Richmond Valley Tourism are poised to assist in these matters. We await your response'.

Beef Week office response;

... 'I am also bewildered as to **WHY**, you are so eager to 'adopt in principle, the Lorick Management Plan', even to suggest that an, 'extra ordinary Board/Committee meeting be convened to 'accept this plan "PRIOR" to the AGM be convened?? Please be reminded that we applied our own marketing and business plan, to successfully run/manage the 2008 festival without the Lorick Management Plan, so what is the urgency to utilise the 2008 (changed to 2009 because it was presented too late) Lorick Plan now?? We are aware of a, 'very obvious possible reason,' but we would like to know your reason as well, just for the record'.

And;

... 'I would like to quote Mr Brian Wilkinson, GM RVC at a meeting convened prior to the 2008 BW Festival, "RVC are not engaged in 'running/management the Beef Week Festival, but only to assist with provision of the RVC facilities and implementation of services for the street events for the festival'.

August 2008

Council staff assist Beef Week Board member develop funding submission to the Regional Arts Fund to support further Street Theatre initiatives in 2009.

Tourism NSW announces six Northern Rivers events short listed for 2009 Flagship Funding. Beef Week was unsuccessful in securing continued funding from TNSW beyond the 2006 grant.

Beef Week Office seeks clarification from Council on expenditure incurred by Council to support the 2008 Festival as reflected against Council's Signature Event Fund.

September 2008

2006 Flagship Funds released to Beef Week by TNSW through Northern Rivers Tourism.

Council forwards requested expenditure details and requests that Beef Week;

... 'provide a report on the progress and status of issues related to the "signature" event funding criteria';

particularly;

... 'the Board's intent regarding the continuation of business planning/marketing and research projects'.

October 2008 Council receives written submission from Beef Week Office re RVC 'Signature Event' – Criteria Compliance

Beef Week 2008 AGM completed.

It is recognised that the current Board is somewhat different in make up to the past Board and again different to the originating Board that entered into the contract for Signature event. The similarity, however, between the three Boards is that their indifferent attitude toward Council, as a facilitator of change and lack of respect for Council as a primary supporter through sponsorship, has not changed.

Despite numerous attempts by Council staff to offer assistance and guidance to successive Beef Week Boards in order to ensure the 2006 Resolutions of Council and intent by both parties (Beef Week Board and RVC) for a Richmond Valley Signature Event were met, Council's offers have not been embraced. Consequently, despite a resurrection of the Festival in 2008, there has been very little progress reported to Council to date in regard to adoption and implementation of the 2009-13 Business Plan.

Additionally, any cordial attempt through the Beef Week Office to;

*.... 'accept the requirements therein to work with the Tourism and Events staff in Council (Correspondence 21/11/06)' ... to achieve same has been lacking.*

Thus the forward projections/sustainability for Beef Week as the signature event for the Richmond Valley beyond 2009 is little advanced today than it was in 2005.

### **Policy**

While no formal Policy for the Signature Event existed back in 2005/06 when the former deliberations/discussions were formulated, the two organisations conceded that the way forward was through strategic and business planning with consequent implementation of the planning outcomes. Beef Week's acceptance of terms for the signature event status and request for Council assistance to achieve same was received via correspondence of 21 November 2006.

### **Social**

The Beef Week Festival is broadly recognised as a very significant event on the Richmond Valley social calendar. Research conducted at the 2008 event via independent research company - Destination Research and Development – has found that approximately 65% of attendees are local with comments from participants reflecting the strong social flavour of the event. A copy of the Research Fact Sheet has been circulated separately to each Councillor.

***Economic***

Research conducted during the 2008 Events suggests;

Average expenditure by local attendees is \$167

Average expenditure by visiting attendees is \$240

Total estimated visitor expenditure is \$960,000 (Assuming 4000 visitors).

***Strategic Links***

The Richmond Valley Signature Event has cause to both inform and deliver outcomes for several strategic documents and Plans within Council:

Richmond Valley Management Plan  
Richmond Valley Events Strategy  
Richmond Valley Social Plan  
Richmond Valley Cultural Plan (draft).

***Financial Implications***

Council currently has an allocation of \$26 000 indexed at CPI made available within the 2008-12 Management Plan to support a 'signature' event. The question is not, should this money be made available for same but which event has the capacity and desire to meet the obligation to receive the support in respect to the criteria previously discussed.

Clearly the Richmond Valley Events Research Project has highlighted the substantial benefits, economic and social, that flow from the conduct of events across the Valley. Expressed as return on investment (ROI), for every direct dollar Richmond Valley Council spends on supporting events a return of \$ 100 is returned to the community by way of direct spending only. To apply industry standard multipliers it could be said that the indirect return is 2.5:1. This equates to an additional \$250 return to the community making a total of \$350 return. Therefore the yield on Council expenditure is very significant.

The Research has also widened the eyes of many Event Organising Committees as they had not previously analysed their customers. With this new found wisdom, Richmond Valley Tourism looks forward to further partnerships with Events across the Valley to leverage the traditional Council spend with individual Event spend to gain further efficiencies in marketing and promotion for the Richmond Valley.

Cr Jeffery, as part of discussions on a Notice of Motion (21/10/08), suggested that Richmond Valley Tourism had been sitting on their hands for the past 10 years as no new events had emerged across the Valley, despite there being 13 staff on the payroll at an annual salaries expense of \$212 000. While these assertions are not supported, and the record will provide a contrasting account, Cr Jeffery does raise a very interesting point. Should Council be actively seeking new events or continuing to inject funds, without accountability, into traditional events?

## Conclusion

By way of Resolution (2006-464 and 2006-880) Council clearly enunciated its support of a Signature Event for the Richmond Valley and by way of correspondence dated 21 November 2006 the Beef Week Board accepted the Challenge. Recognising it was not an easy road, the Board also invited Richmond Valley Tourism to guide them along the journey.

Richmond Valley Tourism embraced this opportunity to further develop a longstanding, highly accepted but tired community event into an outstanding signature tourism event, not only for the Richmond Valley but also the State of NSW. The 2007 TNSW Flagship Funding was to be the key to opening the tourism doors elevating Beef Week from being a community event into a tourism event. Council must now carefully consider if Beef Week has grasped the reins of change, leveraged the offers of assistance from Richmond Valley Tourism (particularly with marketing, media, governance facilitation) and recognised or respected the 'partnership' opportunities that the 'signature' event status affords an event through broader Richmond Valley Council services.

Additionally, has the Beef Week Office embraced the Council Resolution of 2006 (Signature Event), accepted sound advice and offers of assistance and created opportunity for Council to support the event in ways other than;

*... 'to assist with provision of the RVC facilities and implementation of services for the street events for the festival'.*

Council needs to now consider the above and make determination as to the future of the Signature event and the worthiness of all contenders to carry the 'signature' event mantle in order for staff to be confident in their future actions in respect to same.

## RECOMMENDATION

Recommended that:

1. Council invite further written submission from the Beef Week Office/Board as to their view:
  - (a) in regard to the 'signature' event status,
  - (b) as to ongoing funds to Beef Week by Council,
  - (c) as to the continuation of business planning/marketing and research projects,
  - (d) as to the distribution to Board members of Council's stated position on matters of future interest to Council,
  - (e) as to their capacity/willingness to engage with Council's Tourism and Events Staff to facilitate initiatives from the Business Plan 2009-2013 including aspects of the Summary Notes of 30 July 2008.
2. A further report be presented to Council upon receipt of the advice sought above.

**181108/ 28 RESOLVED** (Cr. Mustow/Cr. Crawford)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

The Director Works returned to the meeting, the time being 7.45 p.m.

**11.23 NEW ITALY DRIVER REVIVER - REQUEST FOR FUNDING**

**Reference:** Community Relations - Sponsorship; Community Services - Service Provision; P27305

**Prepared by:** Director Corporate Services

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**Background**

The Co-ordinator of the New Italy Driver Reviver Committee has written to Council requesting financial assistance to relocate their counter which is located at the New Italy Museum Complex on the Pacific Highway south of Woodburn.

**Report****Issues**

The Committee has been advised that the counter from where the Committee currently operates needs to be relocated following a management audit undertaken by the museum to make way for a souvenir shop. The museum will assist by laying a concrete slab, building the walls and roof for a new building and has requested the Committee to undertake the internal fit out. At this stage the cost is expected to be \$5,000 plus.

**Policy**

Council's Policy 1.4.5 - Guidelines for Section 356 Financial Assistance, provides for those non-profit organisations that assist Council with exercising its functions. Whilst it would appear to be a most worthy cause, the functions of the New Italy Driver Reviver do not meet the criteria for financial assistance as it is not related to a function of Council.

Council could have provided assistance in other respects should the land that the building is to be relocated to was a Council road reserve, however the land is owned by the Museum Complex.

**Financial Implications**

Council has available an amount of \$9,600 of which Council has followed the procedure outlined in its Financial Assistance Policy to allocate funds. However, due to the criteria of the policy, the New Italy Driver Reviver Committee would not qualify to apply.

## Conclusion

The New Italy Driver Committee is a most worthy organisation and provides a valuable service to users of the Pacific Highway during busy holiday times. Due to the criteria of Council's Policy in respect of donations, Council is not in a position to provide financial assistance.

## RECOMMENDATION

Recommended that the New Italy Driver Reviver Committee be advised that unfortunately Council is not able to accede to the request to provide financial assistance.

The Director Corporate Services advised that he had received information that the New Italy Driver Reviver Committee may be able to obtain some funding assistance through the RTA.

### **181108/ 29 RESOLVED** (Cr. Jeffery/Cr. Mustow)

That the New Italy Driver Reviver Committee be advised that unfortunately Council is not able to accede to the request to provide financial assistance, however, the Committee be advised to correspond with the RTA regarding funding.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

## **11.24 SECTION 356 FINANCIAL ASSISTANCE**

**Reference:** Grants and Subsidies - Programs

**Prepared by:** Governance Officer

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## Background

Council allocates an amount in the Management Plan annually for requests/submissions from groups and organisations seeking financial assistance.

## Report

### *Issues*

An amount of \$9,600 is available for distribution with a reserve of \$1,000.00 for the balance of 2008/2009.

Advertisements had been placed in newspapers for community groups to apply for funding under the Section 356 Financial Assistance Policy. The closing date for applications to be submitted was the 29 August 2008.

Copies of the applications received, a ranking sheet together with the Policy 'Guidelines for Section 356 (Local Government Act 1993) Financial Assistance' had been issued to each Councillor to enable them to read the applications and determine rankings as per the policy.

<b>Applicant</b>	<b>Reason</b>	<b>Amount \$</b>	<b>Recommended Amount \$</b>
Uniting Care Casino Transport Team	Contribution towards the cost of mobile communication between drivers and office staff	3,000.00	<b>1,100.00</b>
The Northern Region Westpac Life saver Rescue Helicopter	Purchase a "Toughbook" laptop computer.	1,000.00	<b>500.00</b>
Woodburn Chamber of Commerce	Carols by Candlelight	330.00	<b>300.00</b>
Evans Head District Junior Cricket Club Inc	Purchase of cricket "Milo in2CRICKET" equipment	600.00	<b>400.00</b>
Lions Club of Coraki Inc	Purchase 6x4 trailer and BBQ to assist community	1,495.00	<b>800.00</b>
Lions Club of Coraki Inc	Coraki Candles by Candlelight	350.00	<b>300.00</b>
Camp Quality	Donation towards entering a car in "esCarpade" a fun raiser for Camp Quality	1,000.00	<b>500.00</b>
Lions Club of Ballina Inc	Opportunity for disabled children to attend Festival of Magic Show	500.00	<b>Not Eligible - Outside Council's Area</b>
Animal Rights Rescue Group	Construction of kennels for rescued dogs	2,000.00	<b>400.00</b>
Casino Ratepayers and Residents Assoc. Inc	Purchase office equipment	1,117.88	<b>100.00</b>
Casino Amateur Swimming Club	Replace lane ropes	1581.00	<b>850.00</b>
Casino District Cricket Association Inc	Purchase of a ride on mower to augment council mowing at QE Park	1,500.00	<b>750.00</b>
Windara Communities Ltd	Purchase two stabilised trolleys to transport plants around the nursery.	940.00	<b>800.00</b>
Casino and District Family History Group	Purchase a microfilm reader/printer	7,860.60	<b>600.00</b>
Pacific coast Railway Society Inc	Paint the waiting room and museum inside	1,500.00	<b>550.00</b>

<b>Applicant</b>	<b>Reason</b>	<b>Amount \$</b>	<b>Recommended Amount \$</b>
St Mary's Community Pre-School Inc	Purchase of four Sun-block blinds to reduce the glare of the afternoon sun.	500.00	<b>350.00</b>
Woodburn and District Garden Club	Develop a Garden Show	500.00	<b>300.00</b>
Casino BMX Club Inc	Erection of a power pole and supply of power	1,000.00	<b>600.00</b>
Casino Eagle Archers	Purchase bows, arrows and equipment that was recently stolen	2,000.00	<b>400.00</b>
	<b>Total</b>	\$28,774.48	<b>\$9,600.00</b>

On finalisation of the allocation it is proposed to invite the successful applicants to attend the December Council meeting to be presented with their cheques.

### ***Policy***

Council's Policy "Guidelines for Section 356 (Local Government Act 1993) Financial Assistance" provides criteria for selection for groups and organisations for financial assistance.

### **Conclusion**

Applications received for financial assistance were ranked according to the policy and the allocations determined by the Councillors.

### **RECOMMENDATION**

Recommended that Council confirm the proposed allocation of financial assistance available under Council's Policy Guidelines for Section 356 (Local Government Act 1993) Financial Assistance.

**181108/ 30 RESOLVED** (Cr. Cox/Cr. Kinnish)

That the above recommendation be adopted.  
 FOR VOTE - All Council members voted unanimously.  
 ABSENT. DID NOT VOTE - Cr. Wheatley

**11.25 RENEWAL OF AGREEMENT - ALFRESCO DINING - WALKER STREET, CASINO**

**Reference:** Council Properties – Usage; P2775, P4021, P4022; Walker Street, Casino

**Prepared by:** Governance Officer

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**Background**

In September 2006, Council resolved to grant the use of part of Walker Street, Casino, by Nidera Pty. Ltd. for the purposes of Alfresco Dining for a 2 year period.

**Report*****Issues***

Nidera Pty Ltd has applied to continue the Agreement for a further 2 years.

The Alfresco Dining area leased by Nidera Pty Ltd is part of the Casino Central Business District upgrade. Current estimates show that funding will be available for this project in 2009/2010. It is therefore prudent to restrict this lease to one (1) year and a new lease be considered after the completion of the project.

The current lease arrangement however, has been working satisfactorily with an amount of \$3,146.00 per annum including GST. The rental amount had been set previously by Council.

It is considered that there would be minimal change (if any) to the previous valuation. Accordingly, it is proposed that Council renew the Agreement under the same conditions with the period changed to one (1) year.

***Common Seal***

Council's authority is required for the affixing of the Common Seal to the Agreement.

**Conclusion**

Nidera Pty Ltd has applied to continue the Agreement for Alfresco Dining for a further two (2) years, however due to the Casino Central Business District upgrade, it would be prudent to restrict this lease to one (1) year and a new lease be considered after the completion of the project.

**RECOMMENDATION**

Recommended that:

1. Council renew the Licence Agreement with Nidera Pty for the use of part of Walker Street, Casino, for the purpose of Alfresco Dining for a further one (1) year.
2. Council authorise the affixing of the Common Seal.

**181108/ 31 RESOLVED** (Cr. Jeffery/Cr. George)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

**11.26 APPLICATION FOR CHANGE TO RATING CATEGORY FOR RATING PURPOSES - SPRING GROVE ROAD, CASINO**

**Reference:** Rate Classifications – Rates and Valuations

**Prepared by:** Revenue Co-ordinator

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**Background**

An application has been received from the owner of Assessment 10282-00000-8 for a property located at 1105 Spring Grove Road, Casino, requesting a review of the category for rating purposes under Section 525(1) of the Local Government Act 1993.

**Report*****Issues***

The application is for the 2008/2009 rating year and it is fair to say as a result of the change in the rating structure regarding unification of the residential rate to apply in 2008/2009. The assessment is currently rated as General Residential and the owner has requested a rating category change to Rural Residential.

Ratepayers are able to request Council to review the rating category declared for their property. Alterations to rating categories must be applied in accordance with the Local Government Act 1993 definitions disclosed later in the report and not solely as a vehicle to necessarily pay less rates.

The aforementioned assessment would meet the criteria of Rural Residential as listed in the Local Government Act 1993 Dictionary Section 3.

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**Legal**

The relevant sections of the Local Government Act 1993 relating to definitions and processes applicable for categorisation of a property for rating are listed below:

*"Section 525(1) –*

*1) A rateable person (or the person's agent) may apply to the council at any time:*  
*(a) for a review of a declaration that the person's rateable land is within a particular category for the purposes of section 514, or*  
*(b) to have the person's rateable land declared to be within a particular category for the purposes of that section.*

*(2) An application must be in the approved form, must include a description of the land concerned and must nominate the category the applicant considers the land should be within.*

*(3) The council must declare the land to be within the category nominated in the application unless it has reasonable grounds for believing that the land is not within that category.*

*(4) If the council has reasonable grounds for believing that the land is not within the nominated category, it may notify the applicant of any further information it requires in order to be satisfied that the land is within that category. After considering any such information, the council must declare the category for the land.*

*(5) The council must notify the applicant of its decision. The council must include the reasons for its decision if it declares that the land is not within the category nominated in the application.*

*(6) If the council has not notified the applicant of its decision within 40 days after the application is made to it, the council is taken, at the end of the 40-day period, to have declared the land to be within its existing category.*

*Categorisation as Residential – Section 516 Local Government Act 1993*

*1) Land is to be categorised as "residential" if it is a parcel of rateable land valued as one assessment and:*

*(a) its dominant use is for residential accommodation (otherwise than as a hotel, motel, guest-house, backpacker hostel or nursing home or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the regulations), or*

*(b) in the case of vacant land, it is zoned or otherwise designated for use under an environmental planning instrument (with or without development consent) for residential purposes, or*

*(c) it is rural residential land.*

*(1A) For the purposes of this section, a "boarding house" or a "lodging house" means a building wholly or partly let as lodging in which each letting provides the tariff-paying occupant with a principal place of residence and in which:*

(a) *each tariff charged does not exceed the maximum tariff for boarding houses or lodging houses for the time being determined by the Minister by order published in the Gazette for the purposes of this subsection, and*  
(b) *there are at least 3 tariff-paying occupants who have resided there for the last 3 consecutive months, or any period totalling 3 months during the last year,*  
*and includes a vacant building that was so let immediately before becoming vacant, but does not include a residential flat building, licensed premises, a private hotel, a building containing serviced apartments or a backpacker hostel or other tourist establishment.*

(2) *The regulations may prescribe circumstances in which land is or is not to be categorised as residential.*

#### *Categorisation as Business – Section 518 Local Government Act 1993*

*Land is to be categorised as "business" if it cannot be categorised as farmland, residential or mining.*

*Rural Residential Categorisation – Rural Residential is a sub category of the residential rating category currently employed by Council. It is not compulsory for Council to have a Rural Residential Category. The definition of Rural Residential Land is contained in the Dictionary to the Local Government Act 1993.*

*"rural residential land" means land that:*

- (a) is the site of a dwelling, and*
- (b) is not less than 2 hectares and not more than 40 hectares in area, and*
- (c) is either:*
  - (i) not zoned or otherwise designated for use under an environmental planning instrument, or*
  - (ii) zoned or otherwise designated for use under such an instrument for non-urban purposes, and*
- (d) does not have a significant and substantial commercial purpose or character."*

#### **Financial Implications**

If Council approves the application subject of this report that meets the requirements of the Local Government Act 1993 in regard to rating category change, then this will result in \$156.62 of the 2008/2009 general rate revenue to be written-off.

#### **Conclusion**

It is up to Council to approve any proposed rating category change subject of this report. Council can choose not to adjust an application received or approve as indicated in the report. Council though could be faced with legal action via proceedings in the Land and Environment Court as allowed by Section 526 of the Local Government Act 1993 if it does not approve a rating category change application that does meet the relevant criteria/definitions.

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**RECOMMENDATION**

Recommended that:

1. The rating category change application subject of this report that meets the criteria/definitions Rural Residential as defined by the Local Government Act 1993, be changed from General Residential to Rural Residential.
2. Council authorise a total write-off of \$156.62 of 2008/2009 rate income, being the rate income to be lost in relation to the proposed approved application.
3. Council advise the applicant in writing of its decision.

**181108/ 32 RESOLVED** (Cr. Crawford/Cr. Kinnish)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

**11.27 DEVELOPMENT APPLICATION DA2009.0115 - COUNCIL WORKS DEPOT TO BE CONSTRUCTED IN TWO (2) STAGES, INCLUDING WORKSHOP, COVERED PLANT AREA, CONCRETE CONSTRUCTION AREA, ELECTRICIANS WORKSHOP, STORE, STOCKPILE BAYS, CAR PARKS & ASSOCIATED BUILDINGS & WORK**

**Reference:** Development and Building Controls - Development Applications; DA2009/115; P1001379

**Prepared by:** Manager Planning and Development

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**Background**

In accordance with Council Policy No. 2.7.5 – Application Referred to Council for Determination, Development Application No. 2009.0115 is submitted to Council for determination as it is considered a significant application where Council is applicant.

Council has out grown the current works depot site which is located on the western side of Memorial Airport Drive, Evans Head. Moving the existing depot to the site proposed, land will become available for the establishment of an aged care facility or other suitable land use. An Options Analysis Report was prepared by GHD (2006) to determine the most suitable location of the proposed new works depot. The subject site, referred to in GHD's options analysis as 'vacant land' was the preferred location.

The proposed new works depot site is generally flat and low lying, with typical ground levels below 10 m AHD. The site has previously been subject to clearing

and regular changes in ground level associated with use as a "borrow pit" for the adjacent landfill and clean fill storage depot.

## **Report**

### ***Applicant***

GeoLINK (on behalf of Richmond Valley Council)  
PO Box 9  
Lennox Head NSW 2479

### ***Subject Property***

Lot 10 DP 1075394  
Broadwater-Evans Head Road  
Evans Head

The site is located on the western side of the Broadwater – Evans Head Road, adjacent to the existing waste transfer station and Sewerage Treatment Plant (STP). The subject land is bounded to the north-west by Broadwater National Park, to the south-west by Council owned land which forms part of the curtilage of the Evans Head Memorial Aerodrome.

Lot 10 DP 1075394 has an area of 33.92 ha and is irregular in shape, with road frontage on the eastern boundary. An easement for a 20.115 m wide road reserve is located along the north-western boundary to access Lot 1 DP 605097

### ***Zoning***

1(b1) Secondary Agricultural Land pursuant to the *Richmond River LEP 1992*.  
(as amended)

### ***Description of Development***

Development consent is sought for a new Council works depot. The proposed works depot will include:

- Water and sewerage area
- Concrete construction area;
- Electrician's workshop;
- Parks and Gardens area;
- Road Construction Crew area which includes a multi-purpose workshop;
- Staff amenities;
- Main store;
- Car park area;
- Plant storage area;
- Stock pile bays (5); and
- Chemical storage for petrol/ thinners (300 L), kerosene/turpentine (400 L), Oil (2,500 L) and paint (400 L).

To enable construction of the proposed works depot, works will also involve creating a new bitumen sealed access, providing a sewer connection to the existing pump station located at the adjacent waste transfer station, which is then pumped to the STP; and stormwater management works.

### ***Exhibition Period***

The subject proposal was notified for a period of 21 days being from 4 October 2008 to 24 October 2008. The Statement of Environmental Effects was on display at the administration offices of Richmond Valley Council at Evans Head and Casino.

All adjoining landholders, as well as owners in the immediate vicinity, were notified in writing of the proposed development and exhibition period in accordance with Council Policy No. 2.7.6.

### ***External Referrals***

The subject proposal does not constitute Designated or Integrated Development in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 (as amended)* and as such external referrals were not sought.

### ***Environmental Planning Considerations***

A full assessment under Section 79C (1) of the *Environmental Planning and Assessment Act 1979 (as amended)* has been undertaken. The following planning instruments and policies are relevant to the proposal and their requirements have been considered as part of the assessment process:

- State Environmental Planning Policy No. 14 – Coastal Wetland
- State Environmental Planning Policy No. 26 – Littoral Rainforest
- State Environmental Planning Policy No. 44 – Koala Habitat Protection
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 71 – Coastal Protection
- North Coast Regional Environmental Plan 1998
- Development Control Plan No. 5 – Acid Sulfate Soils
- Development Control Plan No. 9 – Water Sensitive Urban Design
- Richmond River Local Environmental Plan 1992.

The subject site has been identified as being within Category 1 and 2 Vegetation and is therefore classified as bush fire prone land. The proposed development does not include any habitable components and does not involve the subdivision of land and as such is not regarded as 'special fire protection purpose' and a 'Bushfire Safety Authority' is not required.

Consideration has been given to the fact the subject site is identified as Class 5 on the Acid Sulfate Soil Planning Map. The proposed site has prior Development Consent to fill the site by approximately 1 above the original surface. No works will be undertaken below this fill level to comply with Acid Sulfate Soil provisions.

Currently there are 31 staff at the existing works depot. These staff will be relocated to the proposed site. The 30 car parking spaces to be provided shall be sufficient to cater for car parking requirements for staff based on the accepted rate of 1 space per 2 staff. There will be sufficient car parking spaces available for visitors to the site. Plans indicate an additional 22 car parking spaces can be provided on the site to cater for any staff increases in the future (these are shown as 'Stage 2 – Future Carpark' on Plan No. 1171/07). These additional car park spaces shall be subject to separate Development Consent should the need arise to have them constructed. A Consent Condition has been drafted to this effect.

The proposed development will not have a significant impact on the natural environment. Removal of approximately 0.07 ha of native is required to allow for access into the proposed works depot. In terms of social and economic impacts, the provision of a new Council works depot is unlikely to cause significant impacts.

The proposed development is permissible with consent under the Richmond River Local Environmental Plan 1992 and is generally consistent with the development standards applicable within Richmond Valley Council, including relevant State Environmental Planning Policies. It is not expected that any environmental impacts will result from the proposal

Appropriate conditions have been imposed on the draft consent to ensure the requirements of the planning instruments are met and no adverse environmental impacts will result from the establishment of the proposed development.

### ***Submission***

No submissions were received as result of the notification of this proposal.

### **Conclusion**

The Development Assessment Panel endorsed the proposed conditions at its meeting of 6 November 2008. Appropriate conditions have been imposed on the draft consent to ensure the requirements of the planning instruments are met and any potential adverse environmental impacts will be minimised.

### **RECOMMENDATION**

Recommended that Development Application No. 2009.0115 be approved subject to the following conditions:

1. In granting this development consent, Council requires:
  - All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
  - All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
  - Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) No. 1171/05 – 1171/12` dated Sept 2008 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

### **PUBLIC UTILITIES**

2. **Prior to release of the Interim/Occupation Certificate**, documentary evidence is to be provided to the Principal Certifying Authority indicating telephone services to the premises have been installed.

**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

3. **Prior to the issuing of the Interim/Occupation Certificate**, the proponent shall ensure the installation of electrical power to the premises.

**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

### **LANDSCAPING**

4. A detailed landscaping plan (in duplicate) shall be submitted to Council and approved **prior to release of the Construction Certificate**. Landscaping plans shall be in accordance with **Council's Landscape Guideline** and relevant Development Control Plans. Species identified in Council's Landscape Guideline shall be planted wherever possible. Landscaping plans shall indicate:

- location of Council's sewer
- proposed location for planted shrubs and trees
- botanical name of shrubs and trees to be planted
- mature height of trees to be planted
- location of grassed areas
- location of paved areas
- location of trees identified for retention in the development application plans.

The Council approved landscaping shall be completed prior to the release of the Occupation Certificate and maintained at all times to the satisfaction of Council. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

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

### **CARPARKING**

5. Provision shall be made for a total of 30 (2 being for disabled persons) carparking spaces with a bitumen sealed/paved or equivalent surface

constructed and landscaped in accordance with the requirements of the Australian Standard AS2890.1 Parking Facilities – Off-street Parking and Council's Development, Design and Construction Manuals (as amended). Documentary evidence to be submitted to Council prior to the release of a **Final Occupation Certificate**. Design plans to be submitted to and approved by Council **prior to the release of the Construction Certificate**.

*Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

6. The 22 carparking spaces as shown as 'Stage 2 – Future Carpark' on Plan No. 1171/07 dated Aug 2009, shall be subject to separate Development Consent and do not form part of this approval.

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

7. Carparking, as shown on the approved plan, shall be clearly marked on the ground and signage erected to clearly indicate off-street parking is available **prior to the release of a Final Occupation Certificate**.

*Reason: To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 79C(c))*

8. All vehicles connected with the premises shall be parked or garaged within the property **at all times**.

*Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))*

9. The development shall provide on site vehicle parking for all tradesmen, plant and equipment and the storage of materials. No street parking of construction vehicles or storage of materials or barricading of footpaths shall occur without the written consent of Council.

*Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

## **WORKS**

10. All civil works that will become Council assets are to be carried out in accordance with the Northern Rivers Local Government Development and Design Manual, Northern Rivers Local Government Construction Manual and other Council standards/policies as appropriate.

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

11. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Works. The repairs shall be carried out **prior to the issue of an Occupation Certificate**.

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

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

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

12. Application (under Section 138 of the Roads Act) for approval to carry out any work within the road reserve is to be made to Council prior to any such works commencing. This includes driveway crossings and aprons, water, sewerage, stormwater, road works, kerb and gutter, etc. (Completion of Council's Application for Construction of Vehicular Accessway form and payment of the cost/bond satisfies the Section 138 requirement for crossings and aprons. Bond amounts are the rates applicable at the time of payment.)

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

The owner or contractor must not undertake any work within the public road reserve without giving Council's Works Department **two (2) working days notice of proposed commencement**. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

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

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

13. The developer shall have a suitably qualified or experienced supervisor on all projects where civil engineering works (to be vested in Council) are required. The name of the supervisor, who shall be responsible for the overall supervision of the works, is to be submitted to and approved by Council **prior to the release of the Construction Certificate**.

**Reason:** *To ensure adequate supervision and co-ordination of the works.*

14. The developer may engage contractors and sub-contractors to carry out civil engineering works that are to become Council's assets. Details (name, qualifications, experience, insurance currency, etc) of proposed contractors and sub-contractors for specific civil works are to be submitted to Council's Works Department for approval **prior to the commencement of any work on the future Council assets**.

**Reason:** *To ensure adequately qualified and experienced contractors and sub-contractors are engaged on the works.*

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

The bond must be paid to Council **prior to the release of the Occupation Certificate.**

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

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

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

#### **WORKS FEES AND CONTRIBUTIONS**

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

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

18. Payment of contributions levied under Section 64 of the Local Government Act, and Richmond Valley Council Revenue Policy and Contributions Plan are required. Such levies shall contribute towards the provision of public services and/or amenities and water and sewage augmentation identified in the attached schedule.

The rates detailed in the attached schedule are applicable on the date of consent. Rous Water charges are subject to change and shall be charged at the correct

rate at the date of payment. All contributions, bonds etc. shall be paid **prior to the release of Construction Certificate.**

*Reason: To provide funds for the provision of services and facilities identified in Richmond Valley Council's Section 94 Contributions Plan (EPA Act Sec 94) and the Water and Sewer Developer Contributions Plan.*

### Former Richmond River Shire Council Area

Levy Area		Job No/ Receipt Code	No. of ET's	Cost per ET (\$)	Amount Payable (\$)
<b>Section 64</b>					
Water Headworks	Evans Head	408	0.7	880.00	616.00
Sewerage Headworks	Evans Head	233	0.7	15,230.00	10,661.00
<b>Rous Water Charges</b>					
Water Supply		410	0.7	3,600.00	2,520.00
<b>TOTAL</b>					<b>13,797.00</b>

### WORKS DESIGN

19. Plans showing all civil engineering works that will become Council's assets, e.g. roads, kerb and gutter, stormwater drainage, water, sewer, etc, shall be submitted to Richmond Valley Council. Council approval of the plans is required **prior to the release of a Construction Certificate.** Such works shall be designed and documented in accordance with Council's Standards.

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

20. Full design plans of the proposed engineering works to satisfy water supply and sewerage conditions shall be submitted to Council. Such plans must be approved by the Council's Water and Wastewater section **prior to the issue of the Construction Certificate.**

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

Construction and acceptance by Richmond Valley Council of the water supply and sewerage infrastructure is to be completed **prior to the release of the Occupation Certificate.**

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

21. Existing services that require reconstruction or adjusting to suit a development (water, sewerage, stormwater, road works, kerb and gutter, etc.) are to be carried out at the developer's expense. Construction is to be in accordance with Council's standards, or the affected asset owners standards, and shall be completed **prior to the issue of an Occupation Certificate.**

*Reason: To protect existing services.*

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**WORKS ENVIRONMENTAL**

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

adjoining land  
natural drainage courses  
constructed drainage systems, and  
waterways

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

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

***Reason:** To minimise erosion and sediment and associated impacts in accordance with the Protection of the Environment Operations Act, and to protect the capacity of downstream drainage networks (both constructed and natural)*

**WORKS INSPECTION/TESTING**

23. Test results of civil works that will become Council's assets are required to be submitted to Council to ensure that the material supplied and the work carried out conforms to the Northern Rivers Local Government Development and Design Manual and the Northern Rivers Local Government Construction Manual. The full cost of all testing is to be met by the developer.

Test results for road pavement materials, pavement densities, sealing designs and spraying records, pipeline pressure testing, concrete compressive strength, etc are to be submitted to Council as soon as they are available. All testing results are to be received by Council **prior to the release of the Occupation or Subdivision Certificate**.

***Reason:** To ensure that materials used and construction methods satisfy Council's standards.*

24. Civil works that become Council's assets (or works that will impact on Council's infrastructure e.g. inter-allotment drainage lines and pits) will require hold point inspections to be carried out by a representative of Council and the developer at the appropriate stages for the particular type of construction.

As a minimum, a pre-construction inspection to assess proposed construction methods, trees to be removed, erosion and sediment controls, traffic controls, etc. is required to be held between Richmond Valley Council staff, the contractor, and the project manager.

All inspections will require a **minimum of 24 hours prior notification** to Council.

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

25. Road works hold point inspections are to be carried out by a representative of Council and the developer at the following typical stages (not all stages may be applicable):

- Pre-construction – An initial inspection to assess proposed construction method, trees to be removed, erosion and sediment controls, compulsory inspections, etc.
- Filling – During filling works, at completion of each layer of fill.
- Drainage – Drainage lines after laying and jointing, but before backfilling.
- Subgrade – Road formation prior to gravelling.
- Sub-Base – Sub-Base course gravel prior to kerb and gutter and/or base course gravel.
- Base course – Prior to surface coating.
- Surface Coating
- Line Marking
- Work as Executed plans
- Practical Completion
- End of maintenance period

All inspections will require a **minimum of 24 hours prior notification** to Council.

**Reason:** *To ensure engineering works are constructed to Council's standards.*

26. Water Supply works hold point inspections are to be carried out by a representative of Council and the developer at the following typical stages (not all stages may be applicable):

- Pre-construction – An initial inspection to assess proposed construction method, trench standards, backfilling, trees to be removed, erosion and sediment controls, compulsory inspections, etc.
- water main installation prior to backfilling
- water main and services pressure testing
- hydrant tops, valve tops etc.
- Work as Executed plans
- Practical Completion
- End of maintenance period

All inspections will require a **minimum of 24 hours prior notification** to Council.

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

27. Sewerage works hold point inspections are to be carried out by a representative of Council and the developer at the following typical stages (not all stages may be applicable):

- Pre-construction – An initial inspection to assess proposed construction methods, trench standards, backfilling, trees to be removed, erosion and sediment controls, compulsory inspections, etc.
- sewer line installation prior to backfilling
- sewer line pressure testing
- manhole construction including benching
- manhole leak testing
- Work as Executed plans
- Practical Completion
- End of maintenance period

All inspections will require a **minimum of 24 hours prior notification** to Council.

**Reason:** *To ensure engineering works are constructed to Council's Standards.*

## **ROADS**

28. The developer shall provide the following road works, with associated stormwater drainage structures, that have been designed and constructed in accordance with Council's Northern Rivers Development and Design Manual and the Northern Rivers Local Government Construction Manual. The developer shall be responsible for any costs, including maintenance, for a period of twelve months from

1. the date of approval of completion of the work,  
or
2. from the date of the commencement of the maintenance bond (whichever is later).

Required road works include:

### ROADS

Construction of roads and associated drainage shall be in accordance with the AUS SPEC Manual (Northern Rivers).

### INTERSECTIONS

The intersection with Broadwater Evans Head Road and the internal access road shall be constructed in accordance with AUS SPEC Manual and RTA Road design guide Section 4: The Intersections

shall be up graded to have BAL and BAR treatments, giving particular attention to drainage of intersection.

### ACCESS ROADS

Construction of internal access road and drainage from the Broadwater Evans Head Road to the Proposed Depot Gates shall be in accordance with the AUS SPEC Manual (Northern Rivers).

Road works include pavement design, drainage design, construction and sealing of the proposed roadway in accordance with the Northern Rivers Local Government Development and Design Manual and the Northern Rivers Local Government Construction Manual. Pavement design plans and proposed sealing details are to be submitted to and approved by Richmond Valley Council **prior to the release of the Construction Certificate.**

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

### **WATER SUPPLY**

29. The proponent shall provide water works to service the development, including all necessary water supply mains, hydrants, and metered service. The works shall include a water service to cater for commercial, domestic and fire fighting requirements as applicable. Details of the required size of service to accommodate commercial, domestic and fire requirements are to be submitted to Council for the determination of a current estimated cost (actual cost must be charged). The service, up to and including the master water meter and backflow prevention, will be constructed by Council at the applicant's cost. Payment to Richmond Valley Council is required **prior to the issue of a Construction Certificate.**

Installation of the water supply will be a private works order and actual cost must be charged in accordance with Council's private works policy. The applicant's is required to obtain an estimate of cost from Council's Operations Engineer (Water and Sewer) for the purpose of initial prepayment. Payment to Richmond Valley Council is required **prior to the issue of a Construction Certificate.**

Construction and acceptance by Richmond Valley Council of the water supply infrastructure is to be completed **prior to the release of the Occupation Certificate.**

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

### **SEWERAGE**

30. The proponent shall provide sewerage infrastructure to service the development. Sewerage works shall be designed and constructed in accordance with Council's standard. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Council's Water and Wastewater section for a period of twelve months from the date

of practical completion. Works shall include a sewer junction to each allotment at a location and depth to enable connection of future dwellings. All mains and junctions are to be a minimum of 150 mm diameter.

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

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

## **STORMWATER**

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

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

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

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

Construction and acceptance by Richmond Valley Council of the Stormwater infrastructure is to be completed **prior to the release of the Occupation Certificate.**

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

## **WORK AS EXECUTED**

32. **Prior to release of an Occupation Certificate**, a suitably qualified person or the Principal Certifying Authority is required to furnish a Compliance Certificate confirming:

all drainage lines have been located within the respective easements or road reserves,  
road works are in accordance with the approved design plan,  
any other structures like retaining walls, etc are located in accordance with the Construction Certificate, and all stormwater has been directed to a Council approved drainage system,  
water supply works are in accordance with the approved design plan,  
and  
sewerage works are in accordance with the approved design plan

**Reason:** *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans.*

33. Upon completion of works to be vested in Council, and **prior to the issue of a Subdivision or Occupation Certificate, Work as Executed** drawings and plans in digital format shall be lodged with Council (AutoCAD or similar – changes as a separate layer in red). Minor works that have not been prepared electronically are to be submitted at 1:500 scale or better. All work as executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plan is accurate. The plans must clearly identify any amendments (in red) to the original design. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action with respect to breach of copyright.

Sewer plans are to include full junction details – distance from downstream manhole, and depth.

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

#### **ENVIRONMENTAL HEALTH**

34. The proposed land-use shall not result in the emission of offensive noise.

Offensive noise means: noise that by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstance, is likely to:

- a) be harmful to
- b) be offensive to
- c) interfere unreasonably with the comfort or repose of, a person who is:
  - (i) if the offensive noise is made in premises that are not a public place – outside those premises,  
or
  - (ii) if the offensive noise is made in premises that are a public place – within or outside those premises.

**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b)).*

35. **Prior to the release of Construction Certificate**, an application to discharge trade waste, including a plan that contains all details of the proposed trade waste installation, shall be submitted to Council. Designs are to be in accordance with Australian Standard 3500, the NSW Code of Practice – Plumbing and Drainage and the Department of Water and Energy guidelines for Liquid Trade Waste.

**Reason:** *To ensure adequate protection of utility services and ensure compliance with relevant standards.*

36. All chemicals and fuels are to be stored in an environmentally sensitive manner. All reasonable precautions to protect the environment from spills and leaks are to be taken. The storage of dangerous goods must comply with the requirements of the NSW WorkCover Authority and *Dangerous Goods Act 1975*.

**Reason:** *To preserve and protect the environment (EPA Act Sec 79C(b)).*

#### **BUILDING**

37. A Construction Certificate must be obtained from Council or an accredited certifier at least two (2) days prior to any building or ancillary work commencing. Where the Construction Certificate is obtained from an accredited certifier the determination and all appropriate documents must be notified to Council within seven (7) days of the date of determination.

**Reason:** *Required by Section 81A of the Environmental Planning and Assessment Act, 1979 and Part 8, Division 2 of the Environmental Planning and Assessment Regulation, 2000.*

38. Notification of appointment of the Principal Certifying Authority must be submitted to the Council two (2) days prior to the commencement of work.

**Reason:** *Required by Section 81A(2) of the Environmental Planning and Assessment Act, 1979 and Clause 135 of the Environmental Planning and Assessment Regulation, 2000.*

39. A fence must be erected between the work site and a public place.

**Reason:** *To protect the health and safety of the public.*

40. Erosion and sediment control measures must be put in place and be maintained to prevent soil erosion and the transportation of sediment from the site and eventually into natural or constructed drainage lines or watercourses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Work may not proceed until the sedimentation controls are in place. Failure to comply with these requirements may result in penalty notices being issued without further notice.

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

41. Details and certification prepared by a Practising Structural Engineer must be submitted to the certifying authority for the following **prior to the issue of a Construction Certificate:**

- a) site classification
- b) all footings and slabs
- c) all bracing and tie downs including design wind speed assessment.
- d) structural steelwork
- e) retaining wall
- f) reinforced masonry construction
- g) bracing details for trusses.

The certification must:

- i) certify that the design complies with the requirements of the Building Code of Australia; and
- ii) set out the basis on which it is given and the extent to which relevant codes of practice, specifications, rules or other publications have been relied upon.
- iii) Details of bore log results (if applicable)

**Reason:** *To ensure that the key structural elements of the building or structure have been designed to suit the site conditions.*

42. The wet areas are to be treated and impervious to moisture at all floor wall junctions with an approved material in accordance with the Building Code of Australia, and Australian Standard 3740. The shower area is to be provided with a completely impervious tray using either a preformed tray of approved material or an in-situ treatment complying with AS 3740. Floor surfaces shall be impervious and graded to a floor waste.

**Reason:** *To prevent water damage to the building structure.*

43. The building must be clad in low-reflective material.

**Reason:** *To minimise the reflectivity of the building.*

44. Access for people with disabilities must be provided to and within the building as set out in Table D3.2 of the Building Code of Australia by means of a continuous path of travel in accordance with AS1428.1:-

- i) from any car-parking space on the allotment (whether within or outside the building) provided in accordance with D3.5; and
- ii) from any other building on the allotment to which access for people with disabilities is required; and

**Reason:** *Required by Part D3.2 of the Building Code of Australia.*

45. Sanitary facilities for people with disabilities must be provided as set out in Part D3.2 and F2.4 of the Building Code of Australia.

**Reason:** *Required by Parts D3.2 & F2.4 of the Building Code of Australia.*

46. Detailed working drawings for the fitout to the toilet for disabled persons shall be submitted to and approved by Council prior to that stage of work commencing. (Details shall be in accordance with AS 1428.1 Design for Access and Mobility).

**Reason:** *To ensure compliance with the Building Code of Australia.*

47. If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required with 48 hours notice;

- a) at the commencement of the building work, erosion control, safety signs and site toilet facilities to be erected.
- b) after excavation for, and prior to the placement of, any footings.
- c) prior to pouring any in-situ reinforced concrete building element.
- d) prior to covering of the framework for any floor, wall, roof or other building element.
- e) prior to covering waterproofing in any wet areas. (Class 2, 3 & 4 only 10% of rooms)
- f) prior to covering any stormwater drainage connections.
- g) the external drainage lines which have been installed by a licensed plumber. A water test is required prior to drains being covered. A layout plan of the house drains certified by the plumber must be submitted to Council.
- h) after the building work has been completed and prior to any occupation certificate being issued in relation to the building. **Prior to final inspection being requested, all certificates required by this consent are to be submitted to Council.**

**NOTE: Inspections are not available in Coraki and the lower river area on Fridays.**

**Reason:** *To monitor compliance with the Development Consent and Construction Certificate.*

48. At completion/occupation, the following certification must be submitted to Council, if Council is to be engaged as the Principal Certifying Authority:
- a) 'Works as executed' diagram of external and internal drainage. A licensed plumber's certification that 'works as executed' complies with AS 3500 must accompany the diagram.
  - b) Window manufacturer's certification that glazing components comply with the relevant Australian Standards.
  - c) Installation certificates in relation to essential fire safety measures.

**Reason:** *To monitor compliance with the Development Consent and Construction Certificate.*

49. **FIRE HYDRANTS**

The fire hydrant system:-

- (a) (i) must be installed in accordance with AS2419.1.
- (b) be connected to a water main.
- (c) internal hydrants shall be located in positions that are accessible to firefighting personnel as follows:
  - (i) Either within each required fl-re isolated stairway, ramp or Passageway, or within the tenanted space served by the exit within 4 m of the door serving the required exit.
  - (ii) At a Position whereby any point on a floor of a building is within reach of a 6 m hose stream issuing from a nozzle at the end of a 30 m length of hose connected to the hydrant outlet.
  - (iii) In single storey buildings and the ground floor of multi-storey buildings, external hydrants complying with specified flows and

pressures may be used instead of required internal hydrants so that any point of the ground floor of a building is within reach of a 6 m hose stream issuing from a nozzle at the end of a 60 m length of hose connected to the hydrant outlet or a fire authority pump appliance.

- (iv) At such positions whereby internal walls, partitions, doorways, storage racking, stored goods and any other obstructions which could restrict the passage of hose throughout the building or area to be protected do not compromise the requirements of Items (c) and (d).
- (d) Roof hydrants shall be located so that every part of the roof of the building, including any subsidiary structure or item of plant, is within reach of a hose stream, in accordance with the requirements for internal hydrants.
- (e) External hydrants shall be located so that:-
  - (i) they are accessible to fire brigade personnel;
  - (ii) they are not less than 6 m from a wall of a building, except that the regulatory authority may permit the hydrants to be mounted closer to the wall where site conditions so dictate;

**NOTE:** The 6 m clearance distance required from the wall of a building is intended to provide access to the hydrant under radiant heat from the fire and give a degree of protection in the event of building collapse.

- (iii) they are not obstructed by parking, or loading, and unloading of vehicles;

Where necessary, external hydrants shall be protected from mechanical damage.

In any case, hydrants shall not be mounted on external walls which have a fire resistance rating less than fire resistance level of 90/90/190. Where a hydrant is permitted to be mounted on an external wall, the hydrant shall be located so that the fire resistance level of 90/90/90 wall extends not less than:-

- (i) on each side of the hydrant 2 m; and
- (ii) from ground level 3 m or the height of the wall, whichever is the lesser.

Vide Clause E1.3 of the Building Code of Australia.

**Reason:** To provide fire fighters access to water within a reasonable distance.

## 50. FIRE HOSE REELS

Fire hose reels shall be provided:-

- (a) so that the nozzle end of a fully extended fire hose fitted to the reel and laid to avoid any partitions or other physical barriers will reach every part of the floor of the storey; and
- (b) have hose reels provided in accordance with (a) located,-
  - (i) externally; or
  - (ii) internally within 4 m of an exit; or
  - (iii) internally adjacent to a hydrant (other than one within a fire isolated exit); or

- (iv) in any combination of (i), (ii) and (iii).  
so that the hose will not need to pass through doorways fitted with fire or smoke doors, except doorways; referred to in C2.13, C3.11 or C3.13 and doorways in walls referred to in C2.12 of the Building Code of Australia.
- (c) Where connected to a metered water supply:-
  - (i) maintain the required flow rate at the most hydraulically disadvantaged hose reel;

**Reason:** *To aid in preventing the spread of fire.*

#### 51. **PORTABLE FIRE EXTINGUISHERS**

Portable fire extinguishers must be provided as listed in Table E1.6 of the Building Code of Australia and must be selected, located and distributed in accordance with AS2444.

Vide Clause E1.6 of the Building Code of Australia.

**Reason:** *To aid in preventing the spread of fire.*

#### 52. **EMERGENCY LIGHTING/EXIT SIGN**

A system of emergency lighting and exit signs shall be installed throughout the complex and in any individual tenancies. Plans of the proposed type and location of emergency lights and exit signs shall be submitted to Council and approved prior to works commencing at this stage.

The drawings shall indicate that:-

1. (a) Every emergency lighting system must:-
  - (i) be automatic in operation; and
  - (ii) provide sufficient illumination without undue delay for safe evacuation of all areas of the building where it is required; and
  - (iii) if it is a central system, be suitably protected from damage by fire.
- (b) Emergency lighting must comply with AS 2293. 1.
2. An exit sign must be clearly visible to persons approaching the exit, and must be installed on, above or adjacent to each:-
  - (a) door providing direct egress from a storey to:-
    - (i) an enclosed stairway, passageway or ramp serving as a required exit; and an external stairway, passageway or ramp serving as a required exit; and
    - (ii) required exit; and
    - (iii) an external access balcony leading to a required exit; and door from an enclosed stairway, passageway or ramp at every level of discharge to a road or open space; and
  - (c) horizontal exit; and
  - (d) door serving as, or forming part of, a required exit in a storey required to be provided with emergency lighting in accordance with E4.2.
3. If an exit is not readily apparent to persons occupying or visiting the building, then exit signs must be installed:-

- (a) in appropriate positions in corridors, hallways, lobbies, foyers, auditoria, and the like, indicating the direction to a required exit; and
- (b) in a Class 9b building used as a Place of public entertainment - in any external egress path to a street where the exit does not open directly onto a street.

**Reason:** *To facilitate safe egress from a building in an emergency.*

**53. EGRESS DOORS**

The door serving as a required exit shall swing in the direction of egress and be readily open able, without a key and by single handed action, on a single device which is located between 900 mm and 1200 mm above the floor, and does not comprise a bolt or a padlock or a separately operated deadlock. Vide Clause D2.21 of the Building Code of Australia.

**Reason:** *To ensure that devices used are familiar to people thereby providing ready access in the case of an emergency.*

**54. PROTECTION OF MAIN SWITCHBOARD**

The main switchboard which sustains emergency equipment operating in the emergency mode must be:

- (i) separated from any other part of the building by construction having an FRL of not less than 120/120/120; an
- (ii) have any doorway in that construction protected with a self closing fire door an FRL of not less than -/120/30.

Vide Clause C2.13 of Building Code of Australia.

**Reason:** *To prevent risk of damage by fire to equipment that must function during an emergency.*

55. Personal egress doors are to be provided to the Workshop Store area in accordance with Section D of the Building Code of Australia.

**Reason:** *To satisfy the Building Code of Australia*

56. The building upon completion must satisfy the performance provision of Section J of the Building Code of Australia. Details of compliance must be submitted (**prior to issue of the Construction Certificate**).

**Reason:** *To satisfy Section J of Building Code of Australia.*

**181108/ 33 RESOLVED** (Cr. Cox/Cr. Jeffery)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

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**11.28 AMENDMENT TO DEVELOPMENT CONTROL PLAN NO 10 - EVANS HEAD**

**Reference:** Land Use and Planning - Planning

**Prepared by:** Development Assessment Planner

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**Background**

Council resolved to prepare and publicly exhibit Draft Development Control Plan No 10 Evans Head (Amendment No. 4) on 15 April 2008.

Following exhibition review of submissions was undertaken and reported to Council on 19 August 2008. At this time Council resolved to adopt Development Control Plan No 10 Evans Head (Amendment No. 4) and undertake public notification. A copy of Council's Minute 190808/38 from the August Ordinary Meeting had been circulated separately to each Councillor.

Public notification was deferred at the request of the Director of Environmental Development Services to ensure that the amendment was consistent with the adopted Local Housing Affordability Policy (August 2008). The purpose of this report is to have the amendment readopted for notification purposes.

**Report*****Issues***

On 19 August 2008 Council resolved to adopt a Local Housing Affordability Policy. Following notification of this Policy, it was considered necessary to ensure that Development Control Plan No. 10 (Amendment No 4) Evans Head was consistent with the objectives of Council's Local Housing Affordability Policy. As a result, public notification of Development Control Plan No 10 (Amendment No 4) was deferred.

A review undertaken by Council Planning Officers, determined there to be no inconsistencies as amendments to DCP 10 would not affect density provisions of DCP 10. Therefore the objectives of the Affordable Housing Policy are upheld.

It was further noted a typographical error in numbering of amendments has occurred. The plan is to be correctly described as Development Control Plan No 10 Evans Head (Amendment No. 5).

***Legal***

Adoption of Development Control Plan No 10 – Evans Head (Amendment 5) is required to be notified within 28 days of the determination so that it can become effective from the date of the notice or such later date as notified. This notification was deferred and the 28 day window has closed, therefore requiring a new resolution.

**Conclusion**

Development Control Plan No 10 - Evans Head (Amendment No. 4) was adopted by Council on 19 August 2008. Consistency with the objectives of the Local Housing Policy are upheld by the Draft Amendment. The amendment should be correctly described as Development Control Plan No 10 Evans Head (Amendment No 5).

A copy of the Consolidated Version of Development Control Plan No. 10 (Incorporating amendments 1 to 5) had been circulated separately to each Councillor.

**RECOMMENDATION**

Recommended that:

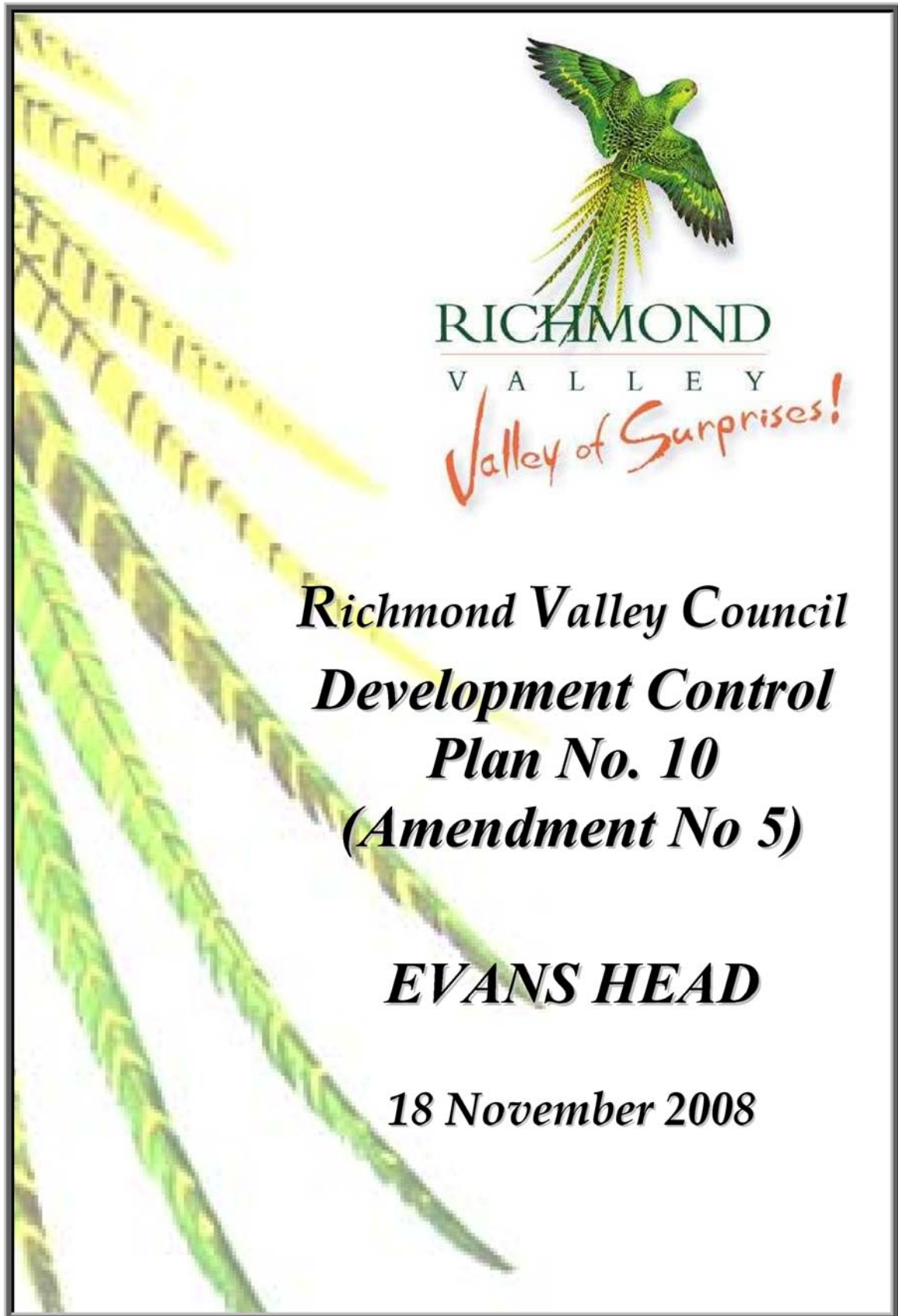
1. Council adopt DCP 10 – Evans Head (Amendment 5) as previously adopted by Council in Minute No. 190808/38 of 19 August 2008, and attached to this report.
2. A public notice be published notifying of the adoption of the DCP and that it become effective immediately.

**181108/ 34 RESOLVED** (Cr. Cox/Cr. Crawford)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

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## CONTENTS

INTRODUCTION .....	3
1.1    Aims, objectives, etc .....	3
1.2    Land to which this Plan applies .....	3
1.3    Relationship to other Planning Instruments .....	3
1.3.1 Richmond River Development Control Plan No 10 .....	3
AMENDMENT OF RICHMOND VALLEY COUNCIL DEVELOPMENT CONTROL PLAN NO 10 .....	3
2.1    Amendment of Richmond Valley Council Development Control Plan No 10 .....	3
SCHEDULE 1 AMENDMENTS TO RICHMOND VALLEY COUNCIL DEVELOPMENT CONTROL PLAN NO 10 .....	4

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Planning Team: Sonja Kennedy (Development Assessment Officer) and Cherie Smith (Development Assessment Officer)

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Richmond Valley Council – Richmond Valley Council Development Control Plan No 10 (Amendment No. 5) adopted by Richmond Valley Council on 18 November 2008.

Richmond Valley Council - Richmond Valley Council Development Control Plan No 10 (Amendment No. 5) became effective on [insert date]

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Council File No. **T.375.04**

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## INTRODUCTION

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### 1.1 Aims, objectives, etc

The aim of this Plan is to amend *Richmond Valley Council Development Control Plan No 10* by:

- i) Defining the minimum allowable allotment area for closer rural settlement areas in Casino; and
- ii) Defining several design criteria to be used to ensure the allotment can accommodate a dwelling and effluent disposal with flexibility.

### 1.2 Land to which this Plan applies

To the extent that this Plan applies, the proposed amendments will apply to land within the area defined by Richmond River Development Control Plan Number 10 Evans Head.

### 1.3 Relationship to other Planning Instruments

#### 1.3.1 Richmond River Development Control Plan No 10

This Development Control Plan amends *Richmond River Development Control Plan No 10*, as provided by clause 22(1) of the *Environmental Planning and Assessment Regulation 2000*, in the manner set out in Schedule 1.

*EP&A Reg. 2000*

**22 How may a development control plan be amended or repealed?**

- (1) A council may amend a development control plan by a subsequent development control plan.
- (2) A council may repeal a development control plan:
  - (a) by a subsequent development control plan, or
  - (b) by public notice in a local newspaper of its decision to repeal the plan.

## AMENDMENT OF RICHMOND VALLEY COUNCIL DEVELOPMENT CONTROL PLAN NO 10

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### 2.1 Amendment of Richmond Valley Council Development Control Plan No 10

*Richmond Valley Council Development Control Plan No 10* is amended as set out in Schedule 1.

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**SCHEDULE 1 AMENDMENTS TO  
RICHMOND VALLEY  
COUNCIL DEVELOPMENT  
CONTROL PLAN NO 10**

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The following amendments are applicable to *Richmond Valley Council Development Control Plan No 10*.

[A] Omit the following definitions within Clause 2.1

“Landscaped Open Space”, “Percentage Site Coverage”, “Setback”

[B] Insert new definitions as follows within Clause 2.1 in appropriate alphabetical order:

**“LANDSCAPED OPEN SPACE”** means that portion of a site which is designated, developed, capable of being maintained and used as naturally planted gardens, and/or turfed areas. Private open space shall be a minimum 25m<sup>2</sup> per dwelling/unit.

NOTE: Any hardstand surface within the private open space areas shall be excluded from any landscaped open space calculations

**“PERCENTAGE SITE COVERAGE”** means the proportion of a site covered by all buildings and structures roofed with impervious materials, shown as a percentage of the total site area. It includes garages, carports, patios, decks, balconies, gate-houses, porticos and the like.

**“SETBACK”** means the minimum distance from any lot boundary to a building or structure.

[C] Insert new clause immediately following 5.4.6.2;

**5.4.6.3** All development is to be contained within a building height plane. The plane is to be projected at an angle of 45 degrees over the actual land to be build upon, from a distance of 1.8 metres above natural ground level at the boundary of the site as indicated in the following diagrams.

[D] Insert new clause immediately following 5.4.9.1

**5.4.9.2** Any new development (including additions and alterations to existing buildings) is to allow for the reasonable sharing of views. In areas with significant views (as determined by Council), a view loss assessment should accompany the development application.

[E] Insert new clause immediately following 6.1.15.1 (a)

(b) Any new development (including additions and alterations to existing buildings) is to allow for the reasonable sharing of views. In areas with significant views (as determined by Council), a view loss assessment should accompany the development application

[F] Omit Car Parking requirements for Residential Flat Buildings within Table 6.1.17.3 and insert new Car Parking requirements for Residential Flat Buildings within Table 6.1.17.3

Residential Flat Buildings	1 space per small dwelling ( $\leq 100\text{m}^2$ GFA) or 2 spaces per large dwelling ( $> 100\text{m}^2$ GFA), plus 1 visitor space for 3 flats or part thereof.
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[G] Omit Clause 6.1.11.1 (b) and insert new clause immediately following 6.1.11.1 (a)

(b): The minimum landscaped open space for residential flat buildings, serviced apartments and boarding houses shall be 35% of the site area. Each lower floor dwelling is to have a minimum  $25\text{m}^2$  of private open space with direct connection to indoor living areas.

[H] Amend reference to sub-clause 7.1.3 within clause 8.1, replace text 7.1.3 with 6.1.3.

The allowable site density for this control plan area is outlined in Part 6, sub-clause 6.1.3 of this Development Control Plan

[I] Omit 9 meter reference from diagram in clause 6.1.6.

**11.29 NATIONAL LOCAL GOVERNMENT DRUG AND ALCOHOL ADVISORY COMMITTEE**

**Reference:** Environmental Management - Licensing; Community Services - Planning; Public Health - Campaigns

**Prepared by:** Manager Environment Health and Regulatory Control

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**Background**

In June 2008 the National Local Government Drug and Alcohol Advisory Committee held a workshop on the role of Local Government in state licensing regulatory frameworks with thirty five (35) Local Government town, health, and community safety planners, compliance officers and Councillors, representing fifteen (15) Councils across six (6) states and territories.

The purpose of the workshop was to review the scope and nature of Local Government involvement in liquor licensing across the various state jurisdictions in order to identify opportunities to improve processes and practices to achieve a consistent and holistic national approach to alcohol management. As a result of this workshop there was an agreed paper entitled "Local Government Recommendations on Liquor Licensing" which was developed for submission to a ministerial council on drugs strategy which was hosting a national alcohol forum.

**Report*****Issues***

Local Government has a significant role in mitigating the impacts of alcohol within its local communities and can play an important role in augmenting or complementing liquor licensing regulation. In order to address alcohol related issues and reduce the associated harms within their communities Local Government is seeking greater involvement and participation in State Liquor Licensing regimes.

To this end a series of recommendations were drafted by the committee to be put forward as strong recommendations to the National Alcohol Strategy aimed at providing a more coordinated, detailed and holistic approach to the management of all issues relating to liquor licensing and their effects within local communities. This is further reinforced by recommendations increasing the involvement and level of determination by local government with regard to these types of licenses so that all the effects that may impact on a local community can be adequately addressed, discussed and determined on a local level with adequate and proper community involvement.

The current regime within New South Wales does allow Local Governments involvement in such applications to a degree so that at present Councils can make comment on any liquor licence application in conjunction with the Police and if appropriate make comments and/or request conditions upon any licence. The proposals however put together by the National Local Government Drug and Alcohol Advisory committee goes further than the current legislative

requirements in New South Wales. It also addresses the issue of resourcing an increased involvement and commitment by Local Government by recommending local Councils receive fifty percent (50%) of any liquor licence application fees. Obviously the issue of resourcing any increased involvement by Local Government in the process is an important one and therefore this National agreed strategy is well worth supporting on this basis.

Circulated separately to this report are an advocacy letter and a copy of the Local Government recommendations on liquor licensing which include greater details of control mechanisms that may be utilised by Local Government.

The advisory committee are now asking Local Government bodies throughout Australia to send an advocacy letter, pre-drafted by the advisory committee, to the Minister for Health and Ageing in Canberra supporting the recommendations of the National Local Government Drug and Alcohol Advisory Committee paper. This letter goes on to say that Council agrees with the recommendations, sees the importance of a coordinated National approach, and supports the recommendations so that "Local Government can be an essential player in better managing the critical issue of liquor licensing in communities across Australia".

### ***Legal***

There are no direct legal implications from a letter of support as requested by the advisory committee as it supports proposed recommendations and holds no statutory binding power.

### ***Policy***

The adoption of uniform requirements as proposed by the forum would support Council's existing policies in relation to the protection and enhancement of its existing communities.

### ***Social***

The development of liquor licensing laws which give Councils greater powers and resources to adequately assess and have real input into the issuing and operation of liquor licenses within its local area would have large and obvious benefits to the social fabric of our community. Councils would be, as previously mentioned, in a position to make meaningful recommendations on liquor issues that directly affect rate payers, residents and communities. This could only be a positive thing for both the local communities and Councils operations.

### ***Consultation***

No consultation is required at this time.

### ***Conclusion***

It is considered that the recommendations are sensible, feasible and positive and would benefit the community of Richmond Valley Council. It is further considered that the recommendations in relation to resourcing such an initiative

with a fifty percent (50%) share of the licensing fees would adequately cover any additional costs associated with Councils additional involvement. It is therefore concluded that it would be in Councils interest to support the National Local Government Drug and Alcohol Advisory Committee's submission to the Minister for Health and Ageing supporting the Local Government recommendations on liquor licensing.

## **RECOMMENDATION**

Recommended that Richmond Valley Council completes and sends the advocacy letter of support to the Minister for Health and Ageing as prepared by the Advisory Committee.

**181108/ 35 RESOLVED** (Cr. Jeffery/Cr. Kinnish)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

## **11.30 MOTOR VEHICLE FLEET - ADDITIONAL TRAY-BACK UTILITY**

**Reference:** Plant, Equipment and Stores - Acquisition

**Prepared by:** Manager Environment Health and Regulatory Control

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### **Background**

The Nammoona Landfill site is currently serviced by one (1) "light vehicle", being a Subaru Brumby Ute. As part of the assessment of replacement of this piece of plant its usage and necessity were measured.

It was determined that due to the expanded duties of the Nammoona landfill staff, particularly with responsibilities associated with street bin collection and cemetery maintenance, an additional light vehicle (tray-back utility) would also be required.

### **Report**

#### ***Issues***

Council landfill staff at Casino historically had little or no need to leave the subject site as its operations were generally self contained. The existing light vehicle used on the site was predominantly utilised for trips off site for stores, equipment and plant and also to carry out clean up duties around the perimeter of the site and on the access roads as required.

The expanded nature of the roles however at the site over the last three (3) to four (4) years has seen the use of this subject vehicle expanded past its capacities. The landfill staff are now regularly involved in both street bin collection and maintenance, as well as the maintenance and replacement of

domestic and commercial mobile garbage bins. This regularly requires the collection and delivery of new and/or replacement bins to ratepayers and/or the collection of missed services as appropriate.

Further use of the vehicle has become more common with Council's cemetery operations which are now run out of the Nammoona Landfill depot site. Staff are regularly required to attend any of Council's cemetery sites to assist with mowing, maintenance and/or grave preparation.

These additional uses are over and above the previous existing use of the vehicle on site for general site maintenance and grounds maintenance requirements.

This has therefore necessitated the proposed purchase of an additional vehicle so that all of these duties can be adequately covered.

### ***Policy***

With regard to Council's policy for the motor vehicle fleet it is a requirement that the purchase of any new plant be approved by Council. This report is prepared to comply with the requirements of that policy.

### ***Environmental***

The provision of the additional light vehicle (tray-back utility) will ensure that Council is meeting all of its environmental responsibilities with regard to both landfill and cemetery operations including ensuring that appropriate clean-up and maintenance works have been carried out in the immediate vicinity of Council's Nammoona Landfill site.

### ***Asset***

The provision of the additional utility will be funded through Council's plant fund as an additional light vehicle asset. Discussions have been held with Council's Fleet Manager who has advised that sufficient funds are currently available within this financial year's budget to purchase the aforementioned vehicle from existing plant reserves.

### ***Economic***

The annual operating costs of the additional utility can be covered by the existing Nammoona Landfill budget and Council's cemetery operations which will, in effect, partly utilise the vehicle.

Both the subject utilities, (being the replacement of the existing and the new additional utility) will be offered to the Senior Landfill Operators at the Nammoona Landfill site for commuter use which will, in accordance with Council's policy, produce a separate income stream to help cover the costs of provision of the vehicles.

**Staff**

As mentioned above the new utility and replacement utility will be offered to the two Senior Landfill Operators at Nammoona as commuter use vehicles only. This will however bring these positions in line with Senior Landfill Operators in the lower river area, (Bora Ridge and Evans Head) who already have access to commuter use utilities as part of their position. This will rectify an existing discrepancy between Senior Landfill Operator positions.

**Financial Implications**

As previously mentioned there are no negative financial implications from the proposed additional fleet vehicle.

**Conclusion**

The need for an additional tray-back utility for use at the Nammoona Landfill site and Council street bin and cemetery operations has clearly been identified over the last twelve (12) to eighteen (18) months as an operational need. This additional vehicle will allow both the landfill staff and cemetery staff to carry out their required duties more effectively and efficiently and ensure that response times to requests for replacement bins and/or missed services in particular are increased.

**RECOMMENDATION**

Recommended that:

1. An additional light vehicle (tray-back utility) be purchased by the plant fleet for use at the Nammoona Landfill facility in accordance with Council Policy.
2. This new tray-back utility and the existing tray-back utility be offered to the Senior Landfill Operators at Nammoona for commuter use only in accordance with Council's policy.

**181108/ 36 RESOLVED** (Cr. Jeffery/Cr. Crawford)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

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## 12 MATTERS FOR INFORMATION

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### 12.1 CORRESPONDENCE FOR INFORMATION SUBMITTED TO NOVEMBER 2008 ORDINARY MEETING

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#### Background

Council receives a range of correspondence that Councillors need to be aware of; accordingly, the following correspondence is submitted for information.

**Roads and Traffic Authority** - (DWS 291470) - Advising that the New South Wales and Australian Governments have been jointly funding the Pacific Highway upgrade since 1996 and that in more recent times the RTA has been working to identify the final route of the upgraded highway to both protect that corridor and provide greater certainty for landowners who may have been affected by other route options considered during the selection process.

The work to identify the future highway route in the Richmond Valley Council local government area has been completed and a concept design has now been finalised for the section of highway between Woodburn and Ballina.

This concept design has been developed in consultation with affected landowners and the general community and was displayed publicly between 17 March and 2 May 2008 and 8 submissions were considered.

The RTA now seeks Council's co-operation in including the proposed road corridor in its Local Environmental Plan (LEP) which the RTA understands is currently being updated in line with the standard LEP template. Accordingly, the RTA has requested that Council amend its LEP to place an SP2-Infrastructure Zone over the road corridor land.

**Independent Commission Against Corruption** - (DWS 292742) - Forwarding a link to the third part of the Commission's report on its investigation into corruption allegations affecting Wollongong City Council which was furnished to the presiding officers on 8 October 2008.

The third and final part of the report addresses all relevant matters arising out of the Commission's investigation and were not dealt with in the first two parts of the report released on 4 March and 28 May 2008 respectively.

The investigation found that Beth Morgan, a former Senior Development Project Officer at the Council, engaged in corrupt conduct by providing favours to developers with whom she was intimately involved. These favours included improperly approving applications for excessive developments, providing monetary concessions and supplying council information.

Corrupt conduct findings are also made against two of the developers Ms. Morgan assisted (Frank Vellar and Bulent "Glen" Tabak) and three of her

superiors at the Council (former General Manager Rod Oxley and former senior managers Joe Scimone and John Gilbert).

Corrupt conduct findings are also made against former Councillors Valerio Zanotto (for providing unauthorised Council information to Mr. Vellar and voting in favour of his development proposals while concealing their friendship and financial relationship), and Kiril Jonovski, Zeki Esen and Frank Gigliotti for soliciting a political donation from Mr. Vellar in return for supporting one of his development proposals, and for completing false or misleading pecuniary interest returns.

The report recommends that consideration be given to obtaining the advice of the Director of Public Prosecutions with respect to the prosecution of 11 persons for 139 criminal offences.

**Australian Hotels Association** - (DWS 294529) - Advising that over the last few years the Australian Hotels Association has provided local government bodies across Australia with information on issues affecting our members and the broader tourism and hospitality industry, including sponsoring the ALGA Annual Conference and the provisions of special editions of the AHA National Magazine - Our Hotel.

The changing face of Australian society means that local communities now, more than ever, need a place to meet and socialise and the AHA is committed to identifying ways the industry can work constructively with local councils to achieve mutually beneficial outcomes for their members and the broader community.

The AHA hopes that the information provides Council with greater insights into their industry and encourages Council to enhance the working relationship with local hoteliers and saying that effective consultation will benefit the community and the many residents who patronise their venues.

**Department of Immigration and Citizenship (DIAC)** - (DWS 294528) - Advising that the DIAC continues to be committed to strengthening social cohesion, community harmony and cross cultural understanding and forwarding an information kit which highlights some of the positive achievements of community projects funded under the Department's National Action Plan to Build on Social Cohesion, Harmony and Security, which is a whole-of-government program involving federal, state and territory governments.

The National Action Plan projects address issues of marginalisation, integration and collaboration, and the information kit is one practical way of building bridges between Muslim and non-Muslim Australians. The information kit can be obtained from the Department's website at [www.immi.gov.au/nap](http://www.immi.gov.au/nap).

**Department of Local Government** - (DWS 295292) - Forwarding Circular 08-65 reminding local councils of current annual reporting, social/community planning and state of the environment reporting requirements for the 2007-2008 year and providing an update on the Integrated Planning and Reporting project.

Councils will be aware that the Department is continuing to develop the new integrated planning and reporting system for NSW local government and is currently finalising the Draft Amendment Bill, Regulation and Guidelines and it is planned to release the proposed planning and reporting system for full public consultation in November 2008, so that the associated Bill may be introduced to Parliament in the 2009 Budget session.

It is planned to introduce the new system in three groups of councils over a three year period and Councils will be asked to nominate the group they would like to be in after the legislative changes have been passed by Parliament, as follows:

Group 1: Community Strategic Plan adopted by 31 March 2010 and Delivery Program adopted by 30 June 2010.

Group 2: Community Strategic Plan adopted by 31 March 2011 and Delivery Program adopted by 30 June 2010.

Group 3: Community Strategic Plan adopted by 31 March 2012 and Delivery Program adopted by 30 June 2012.

Councils are encouraged to consider which group they would like to be in and it is expected that councils already have, or are substantially progressed towards having a strategic plan would be in Group 1. It is planned that all councils will be operating under the new system from the commencement of the next local government electoral term in September 2012.

**Legislative Council Standing Committee on State Development** - (DWS 295923) - Advising that in August 2008 the Committee Chair wrote to Council advising that the NSW Legislative Council's Standing Committee on State Development is conducting an inquiry into the New South Wales planning framework and invited Council to make a submission. A copy of the terms of reference were enclosed for Council's information.

As there may have been changes to the composition of councils following the September local government elections, the invitation is repeated with the closing date for submissions being 14 December 2008.

**The Hon Barbara Perry MP, Minister for Local Government** - (DWS 295929) - Writing to the General Manager advising of her vision for the local government sector as follows:

*"I recognise that councils are large, complex organisations that provide essential services and facilities to their local community in an environment where expectations are increasing and resources are limited.*

*As Minister for Local Government, my priorities will be to help ensure councils are able to be responsive to their community's needs - both now and for the future. I believe this will entail continued strategic planning, better community engagement, strong governance at the local level, a focus on results and the development of a culture of continuous improvement.*

*The Department of Local Government will continue to develop programs to address these priorities, which will include ongoing consultation with the local government sector.*

*I have recently written to all elected councillors in NSW regarding their role as a community leader, as well as a member of the Council's governing body. I have asked councillors to ensure that Council has a strong strategic direction in order to provide the services a local community requires.*

*As the General Manager, I am sure you will support the councillors in undertaking their role. New councillors, in particular, will need your support and assistance in understanding their responsibilities as a member of Council's governing body."*

**Office of the Minister for Planning** - (DWS 295919) - Thanking Council for its correspondence in relation to the Casino Community Centre and advising that Council's comments have been noted, however, as the matter falls within the administration of the Hon. Paul Lynch, MP, Minister for Ageing, Minister for Disability Services and Minister for Aboriginal Affairs, the correspondence has been referred to him for consideration and direct reply.

**NSW Ombudsman** - (DWS 296638) - Advising that the NSW Ombudsman's 2007-2008 Annual Report was tabled in the New South Wales Parliament on 22 October 2008 and is available on the website [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

**Department of Local Government** - (DWS 297891) - Forwarding Circular 08-68 advising that the Department has released the "Directory of Policy Advice for Councils". The Directory contains policy advice and information provided to councils by the Department through circulars, guidelines and practice notes on a variety of topics and includes answers to Frequently Asked Questions on some topics.

The Directory can be accessed from the "Information for Councils" page on the Department's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) and will be updated as new policy documents are made available.

**Local Government and Shires Associations of NSW** - (DWS 298189) - Advising that on 22 October 2008 the Minister for Local Government gave notice to the NSW Legislative Assembly of the Local Government Amendment Bill (Legal Status) Bill 2008 (the "Bill"), which seeks to amend the Local Government Act 1993 (NSW) to:

- (a) remove the corporate status of councils and county councils, and
- (b) provide that a person who is appointed to a position at a council on a temporary basis while the holder of the position is on parental leave may continue in that position for a period of up to 24 months (instead of the existing upper limit of 12 months applicable to other temporary appointments).

The Associations are disappointed that local government employers were not consulted during the drafting of the Bill.

**Department of Planning** - (DWS 298188) - Forwarding a copy of the revised guideline "Disclosure of Political Donations and Gifts: A Guideline (October 2008)" which replaces the earlier guideline published in August 2008. (A copy of the document was issued to the Mayor and Councillors on 31 October 2008).

**Election Funding Authority of New South Wales** - (DWS 297366) - Advising that the Authority has written to each of the recently elected councillors in Council's local government area to advise them of their obligations under the Election Funding and Disclosure Act 1981 with respect to the bi-annual reporting conditions.

Councillors are reminded to ensure that they have acknowledged that they received the correspondence and are aware of their obligations under the above Act as there are significant penalties for any Councillor who fails to lodge a declaration every six months.

General Managers have no obligation regarding the administration of these provisions and should not undertake to submit declarations to the Authority on behalf of their Councillors. If additional information regarding funding and disclosure provisions is required, please visit the Authority's website at [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au).

**National Sea Change Taskforce** - (DWS 298841) - Forwarding the National Sea Change Taskforce Newsletter for October 2008 which includes:

- Taskforce Chair tells AGM coastal communities can look to the future with more hope than in previous years
- Annual General Meeting endorses move to incorporate the Taskforce
- Gary Gray responds to concerns about the Inquiry into the new Regional Development Funding Program.

(A copy of the Newsletter is available for perusal by Councillors.)

**Director General, Department of Local Government** - (DWS 298583) - Replying to Council's letter of 8 October 2008 regarding a request under Section 416 of the Local Government Act 1993 for an extension of time until 1 December 2008 to submit Council's 2007-2008 financial statements, advising as follows:

*"Requests for extensions of time to submit financial reports are generally not approved unless there are extraordinary circumstances. However, given the reasons outlined in Council's letter, on this occasion, I am prepared to approve an extension until 1 December 2008.*

*Council would be aware that under Section 428(2a) of the Local Government Act 1993, it is required to include its Financial Statements as part of its Annual Report. The Act does not contain a provision for an extension of time to lodge Annual Reports.*

*Further, it should be noted that failure to lodge the Financial Data Return (following the audit of the financial statements) for 2007/2008 may result in*

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*Council's data being excluded from the 207/2008 Comparative Information publication.*

**Director General, Department of Local Government - (DWS 298582) -** Replying to Council's letter of 19 September 2008 attaching a copy of the progress report on implementation of the recommendations made in the Promoting Better Practice review report on Richmond Valley Council, advising as follows:

*"Overall, the Department is satisfied with the progress that Council has made and the timetable for further action. The Department notes a number of actions will be completed over the coming months and looks forward to receiving Council's next progress report in March 2009.*

*I appreciate Council keeping the Department informed on the progress of implementing the Promoting Better Practice recommendations at Richmond Valley Council."*

## **RECOMMENDATION**

Recommended that the above correspondence be received and noted.

**181108/ 37 RESOLVED** (Cr. Mustow/Cr. Cox)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

## **12.2 LEGAL SERVICES STATUS REPORT AS AT THE END OF SEPTEMBER 2008**

**Reference:** Legal Services - Advice

**Prepared by:** General Manager

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### **Background**

Council has various issues being progressed via its legal representatives.

A quarterly report is provided to Council on the status of various matters. Items that involve specific legal advice will be reported separately to Closed Council.

### **Report**

#### ***Issues***

The following status summary is provided on legal items at the end of September 2008; in that regard previous reports have indicated the history/status of issues.

1. Iron Gates Pty. Ltd. (in liquidation) and G.A. Ingles

This matter is listed for hearing in February 2009. A Brief has been prepared for Senior Counsel regarding liability and Expert Reports are being prepared. Note: Arrangements are being made for Council's Solicitor to address Council on this matter.

2. Sale to Ex-Services Home, Ballina

Matter in abeyance until contamination issues resolved.

3. Acquisition of Land - Woodburn Street, Evans Head

Land valuation processes to be resolved.

4. Richmond Valley Council and Ors ats Duus - Insurance Application (Supreme Court of QLD No: BS of 8745/04)

It would appear this matter is now complete. Awaiting finalisation.

5. Acquisition of Land - Sextonville/Old Dyraaba Roads

Proposed road closure. Correspondence forwarded to Solicitor.

6. Land Acquisition - Backmede Road, Backmede

Further research being undertaken by Solicitors.

7. Road Widening for Casino-Coraki Road, Tatham

Plan has been executed; awaiting response from executors of estate. Further contact being made with Solicitors for the Executor.

8. Sale of Land - Pty: Casino Airport

Awaiting finalisation of Plan for lodgement with Land and Property Information.

9. Sale of Industrial Land - Casino Industrial Estate

Matter finalised.

10. Lease to Casino Neighbourhood Centre

Draft lease received from the Department of Lands. Amendments to be made.

11. Proposed Sale 1/619161 - Old Toilet Block Area, Graham Place

Matter finalised.

12. Evans Head Memorial Aerodrome - Contamination

No change since previous report.

13. Acquisition of Easement

Council to make necessary application; Department of Lands have prepared report.

14. Supreme Court Proceedings - Land Sale

Matter listed for Hearing in November 2008. Note - separate report to Council, July 2008.

15. Transfer of Title - Jumbunna

Matter finalised.

16. Quarry Matters

No change since last report.

17. Sewer Plan Agreement

Awaiting correspondence from other party's Solicitors.

18. Development Without Consent

Proposed action being considered

19. Plan of Subdivision - Irving Drive, Casino

Matter finalised.

20. Registration of Plan of Easement - Richmond River, Casino.

Plans registered 16 September 2008.

21. Development Carried Out Without Development Consent

Listed for Hearing, 10 July 2008.

22. Sale of Land - Electrical Supply

Advice forwarded to Council; to be reported to Council.

23. Contract Agreements

Letters of advice provided to Council. No further action required.

24. Newspaper Retraction

Matter finalised.

25. Notices of Intention

Further instructions to be provided.

26. Silver Sands Tenancy Agreements

Material provided being considered by Solicitors.

27. Electricity Easement

Further instructions to be provided.

28. Website

Advice to be provide on this matter by Solicitors.

29. Purchase of Onsite Caravan

Matter finalised.

30. Silver Sands Privacy Statement

Matter finalised.

31. Sale to Exhibition Marketing Pty. Ltd.

Original Section 88B Instrument provided to Council.

32. Enforcement Proceedings

Correspondence sent to other party's Solicitors.

33. Legal Opinion regarding Subdivision Matter

Advice has been forwarded on matter.

34. Sale of Land (Casino Industrial Estate)

Special Conditions for inclusion in Contract being drafted.

35. Quarry Consent

Advice to Council being finalised.

36. Easement - Pacific Highway, Broadwater

Council to provide further information.

## **Conclusion**

This report provides information on the progression of various legal issues.

Should Councillors require detail on any item, contact can be made with the General Manager prior to the Meeting.

### **12.3 REQUEST ACTION MANAGEMENT SYSTEM (RAMS)**

**Reference:** Customer Service - Reporting

**Prepared by:** General Manager

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## **Background**

The Request Action Management System (RAMS), since its introduction in 2004, has been used to track and record information in relation to “action requests” received by Council.

## **Report**

### ***Issues***

A Summary of RAMS information has been prepared for the period 1 July to 30 September 2008 and a copy has been circulated separately to each Councillor.

During the period requests have been received by a variety of methods, with 66% received via the telephone, 10% being lodged at the front counter, 6% received via after hours calls, 11% recorded via Environmental Development Services administration processes, with the balance being received by a variety of other methods such as verbal, facsimile, email and letter. The majority of requests received (95%) had been recorded as requests for work to be carried out, with 3% being recorded as a complaint and 2% being recorded as an enquiry or thank you.

Of the total of 1,309 requests received during the July to September 2008 period, 88% had been completed, with 2% outstanding, 9% overdue and 1% referred for further action.

## **Conclusion**

The RAMS statistical information is provided to Council for notation.

**12.4 FINANCIAL POSITION AND OPERATIONAL EFFICIENCIES**

**Reference:** Corporate Management - Audit; Financial Management - Audit

**Prepared by:** General Manager

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**Background**

At Council's October 2008 Meeting it was resolved that Council seek specific comment from its Auditors on the financial position of Council and how Council can assess the efficiency of its operations.

**Report****Issues**

Correspondence has been drafted to Council's Auditors in regard to the resolution made by Council.

**Conclusion**

The report refers to follow up action taken in respect to a resolution relating to Council's financial position and the effectiveness of its operations.

**12.5 GUIDELINES FOR MODEL CODE OF CONDUCT**

**Reference:** Governance - Councillors; Personnel - Employment Conditions

**Prepared by:** General Manager

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**Background**

The Department of Local Government has issued Circular 08-63 (DWS 292712) in regard to the Model Code of Conduct. The Circular and Guidelines have been previously issued to Councillors.

**Report****Issues**

It is proposed that the Guidelines will be utilised in the "training" of staff and Councillors in regard to the Code of Conduct and to also review the Model Code adopted by Council with a view to enhancement of same.

That will be subject of a future report to Council.

## Conclusion

This report provides information in relation to the Department's Circular - Updated Guidelines for the Model Code of Conduct for Local Councils in NSW.

### 12.6 PERSONNEL - ACCRUED ANNUAL LEAVE AS AT 27 SEPTEMBER 2008

**Reference:** Personnel - Leave

**Prepared by:** General Manager

## Background

A quarterly report is provided to Council in relation to excessive annual leave balances.

## Report

### Issues

The General Manager reported the following summary in relation to excessive leave balances as at 27 September 2008.

<u>Outstanding Balance</u> (Hours)	<u>Limit (Hours)</u>	<u>Comment</u>
309.57	280.00	Employee aware of issue and has commenced reducing leave.
411.35	304.00	Letter sent to employee.
286.94	280.00	Minimal excess.
283.12	280.00	Minimal excess.
406.57	280.00	Leave scheduled.
367.00	304.00	Letter sent to employee.
309.25	304.00	Minimal excess.
366.25	304.00	Letter sent to employee.
303.27	280.00	Letter sent to employee previously.
332.50	304.00	Leave taken.
342.73	280.00	Letter sent to employee.
289.20	280.00	Minimal excess. Leave scheduled.
307.61	280.00	Leave taken.
290.65	280.00	Minimal excess.
334.20	304.00	Leave taken.
342.44	280.00	Letter sent to employee.
392.25	304.00	Letter sent to employee.

## Conclusion

This report provides information on excessive annual leave balances.

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**12.7 INFRASTRUCTURE AUSTRALIA PROGRAM**

**Reference:** Grants and Subsidies - Advertisements, Applications

**Prepared by:** General Manager

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**Background**

At the October 2008 Meeting it was resolved that Council enquire into the possibility of funding projects under the future Infrastructure Fund (including the Evans Head Pool).

**Report****Issues**

It is assumed that this motion refers to Infrastructure Australia.

Infrastructure Australia has the role of advising governments, investors and owners of infrastructure concerning nationally significant infrastructure priorities (including possible funding mechanisms).

A discussion paper was released earlier this year to facilitate public discussion about how the nation could improve planning and investment to meet Australia's future needs, as well as improving the way we use the infrastructure already in place. The discussion paper process for which submissions closed on 15 October 2008, invited evidence based submissions to inform the tasks and agenda of Infrastructure Australia, i.e. what is needed to increase infrastructure development. In that regard, the focus is on infrastructure related issues of national significance.

Given the above, Infrastructure Australia is not "designed" for local projects at this time. However, the progression of issues will be monitored to see if the focus changes.

In addition to the Infrastructure Australia Program there have been recent press releases relating to a new Regional and Local Community Infrastructure Program (RLCIP). That program replaces the former Regional Partnerships Program. The recent press releases indicated that the Federal Government would fast track the release of funds for that program. It is understood that funds for that program are not due to be released until the 2009/2010 budget. It is further understood that this and other political funding for local/community infrastructure projects will be subject of discussions at the Australian Council of Local Government Forum on 18 November 2008.

The Regional and Local Communities Infrastructure Program will be a potential source of funds for the Evans Head Pool Project. In that regard, criteria for the program and the release of funds will be monitored. It is understood that an Interim Report on the RLCIP was presented to Parliament on 5 November 2008. That report indicated that the new program should focus on community infrastructure - halls, stadiums, playgrounds, walking tracks, etc. However, the specific definition/criteria for the program was not finalised.

## Conclusion

This report responds to a previous resolution by Council.

## 12.8 CORAKI COMMON - MAINTENANCE

**Reference:** Community Services - Service Provision; P22025

**Prepared by:** General Manager

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## Background

At the June 2008 Council Meeting a question was asked of the General Manager as follows:

*"Can this Council urge the Police to do something to stop young children who should be at school repeatedly lighting fires on the Common at Coraki causing unnecessary call-outs of the Town Fire Brigade and taking people away from their jobs including Richmond Valley Council employees?"*

On 21 July 2008 correspondence was forwarded to the Department of Lands enquiring regarding slashing of the site and the establishment of a fire trail around the outer edge of the Common. A request was also made for a controlled burn off.

## Report

### Issues

Correspondence has been received from the Department of Lands (DWS 292328) stating as follows:

*"The situation is that Lands had Far North Coast Weeds, poison all the camphor laurels trees over the site. At this stage the works are proving effective, with some minor follow up treatment scheduled.*

*Several persons at Coraki have been approached with a view to have a licence for grazing negotiated with Lands. Unfortunately this is proving difficult, however a definite outcome is hoped for in the coming weeks.*

*Irrespective of the outcome with a licence to graze the site, it is planned to undertake some slashing of parts of the site."*

## Conclusion

This report provides information relating to the following up of a question raised at a previous Council Meeting.

**12.9 LIVESTOCK EXCHANGE STATISTICS AS AT OCTOBER 2008****Reference:** Commercial Activities - Service Provision**Prepared by:** Saleyards Administrator**Background**

Saleyard throughput information (which is collected on a monthly basis) is used as a comparison of throughput for previous years.

**Report****Issues**

The following is a summary of Saleyard statistics.

<b><u>Grown Cattle</u></b>	<b><u>2008/09</u></b>	<b><u>2007/08</u></b>	<b><u>2006/07</u></b>	<b><u>2005/06</u></b>
July	10,978	14,382	9,666	12,478
August	9,254	10,348	9,770	13,024
September	7,152	5,901	6,075	9,507
October	9,022	5,236	2,568	8,485
November		8,064	5,641	11,347
December		6,388	2,267	4,659
January		11,659	8,162	7,166
February		15,174	11,189	11,726
March		17,167	20,095	18,230
April		11,001	8,591	8,792
May		10,323	14,351	11,433
June		10,076	14,487	8,554
<b>TOTAL</b>	<b>36,406</b>	<b>125,719</b>	<b>112,862</b>	<b>125,401</b>

<b><u>Bobby Calves</u></b>	<b><u>2008/09</u></b>	<b><u>2007/08</u></b>	<b><u>2006/07</u></b>	<b><u>2005/06</u></b>
July	168	264	183	218
August	174	247	290	153
September	146	151	213	224
October	189	187	145	188
November		108	195	207
December		83	105	114
January		219	384	202
February		199	280	170
March		220	280	247
April		295	168	197
May		168	340	271
June		132	167	223
<b>TOTAL</b>	<b>677</b>	<b>2,273</b>	<b>2,750</b>	<b>2,414</b>

**Conclusion**

This report provides information on Saleyard throughput.

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## 12.10 STATUS OF ENGINEERING WORKS FOR THE MONTH OF OCTOBER 2008

**Reference:** Corporate Management - Planning

**Prepared by:** Operations Engineer – Roads/General Services

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### **Background**

This report provides an update on the works undertaken within the month of October.

### **Report**

#### ***Issues***

##### A. State Roads Maintenance and Construction Works

Routine maintenance was undertaken on the State Highway network.

Guard rail repairs and replacement, due to damage as a result of the January flooding, on the Summerland Way at Lagoon Bridge and at Leeville has been completed.

Repairs to the road shoulder and re-instatement of the wire rope safety fencing, damaged as a result of the January flooding, has commenced on the Bruxner Highway at Piora.

The bitumen resealing program is scheduled to commence in early November.

Roadside slashing and spraying has continued.

##### B. Regional Roads – Block Grant

Routine maintenance was undertaken on the Regional Road network.

Roadside slashing and spraying has continued.

##### C. Local Roads

Routine maintenance was undertaken on the Local Road and Drainage network.

Road reconstruction and drainage works have been completed on Naughtons Gap Road.

Guard rail repairs and replacement, due to damage as a result of the January flooding, has been completed on the following bridge approaches.

Hoults Bridge (*Busby's Flat*)  
Elfords Bridge (*Dobies Bight*)  
Coopers Bridge (*Yorklea*)

Routine gravel re-sheeting works have been undertaken on

Ellems Bridge Road                      (*West of Benns Road*)

Routine grading works were undertaken on:

Myrtle Forest Road                      Upper Mongogarie Road

Gravel resheeting works, required as a result of the January flooding, have been undertaken on:

Bungawalbin Whiporie Road	Williams Road
Elliots Road	Clearfield Road
Myrtle Creek Road	Upper Cherry Creek Road
Busbys Flat Road	( <i>To Mt Pickapene</i> )
Ellems Bridge Road	( <i>East of Benns Road</i> )
Benns Road	Piora Lane
Brookers Road	Pollocks Road

Roadside slashing and spraying has continued.

#### D. Urban Works

Routine maintenance was undertaken on the Urban Road and Drainage network.

Routine street cleaning, toilet cleaning, town, park and reserve mowing continues as per agreed service levels.

Stormwater drainage works to improve the dispersal of overland flows has been completed in Short Street, Casino.

The construction of concrete pedestrian access ramps, behind the training wall on the Evans River, and onto the beach adjacent to the northern break wall at Evans Head, has been carried out.

Works have continued on the Settlers Subdivision site in Casino. Lot filling is progressing to schedule as is the sub base pavement works. Construction of the stormwater drainage network for stage 1 has commenced. The installation of under road service conduits and preparation of the pavement for kerb and gutter is anticipated to be undertaken during November.

Road rehabilitation works in East Street, Casino, between Naughtons Gap Road and Johnston Street will commence in early November

Construction works to improve the drainage in Redwood Lane, Woodburn will commence in early November

#### **Conclusion**

This report is an update of status of work activities undertaken by the operational section of roads and general services of Council's Works Directorate.

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**12.11 STATUS OF WATER AND SEWER WORKS FOR THE MONTH OF OCTOBER 2008**

**Reference:** Corporate Management - Planning

**Prepared by:** Engineering Assistant - Services

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**Background**

This report provides an update on the works undertaken in the water and sewer section within the month of October.

**Report*****Issues***

Lower River crews have been undertaking water and sewerage works within the Silver Sands Holiday Park, as well as continuing on with manhole maintenance.

Construction crews have completed installation of pipe work and fittings associated with the mains replacement project within Centre Street, Richmond Street, and Graham Place. The Construction crew are currently replacing the outdated Ø300mm asbestos cement water main within West Street, Casino.

Works associated with the upgrade of Casino's Sewerage Pump Station 2 have also been carried out, with a new switchboard in place and internal cement walls removed.

The conversion of Casino's Water Treatment Plant's Chlorine Dosing System from Gas to Sodium Hypochlorite (liquid Chlorine) has now been completed. The Sodium Hypochlorite System is now up, running and fully functional.

**Private Works - Completed**

Water Service Connection - Lot 339 Riley's Hill Road, Riley's Hill  
Water Service Connection - IGA Supermarket Site, Evans Head  
Bolboschoenus Order from Casino Waste Water Treatment Plant - Bluedale Nursery

**Upcoming Private Works**

Water Service Connection - 73 Pratt Street, Casino

Crews are also undertaking RAMS and other maintenance as required in both the Lower River and Casino areas.

**Conclusion**

This report is an update of status of work activities undertaken by the water and sewer operational section of Council's Works Directorate.

## 12.12 CONTRACT BRIDGEWORK AND COMPONENT ORDERS FOR THE MONTH OF OCTOBER 2008

**Reference:** Commercial Activities - Contracting, Reporting

**Prepared by:** Manager Concrete Products/Bridge Construction

### Background

This report provides an update on activities undertaken in the Concrete Products and Bridge Construction section for the month of September 2008.

### Report

#### Issues

##### Doolan Decks

Flowers Bridge (4 units)	Kyogle SC	Complete awaiting delivery
Tunglebung Creek Bridge (3 units)	Kyogle SC	In Progress
Bottle Creek Rd Bridge (2 units)	Kyogle SC	In Progress
Little Murray Bridge (8 Units)	Bellingen SC	In Program

##### Precast/Prestressed Products

Giddys Bridge Planks (39)	Tweed SC	Complete awaiting delivery
Perch Creek Bridge Planks (15)	Tweed SC	Complete awaiting delivery
Little Creek Bridge (15)	Kyogle SC	In Progress
Prestressed Piles	BBA	In Progress (approx 16%)
Christine Avenue Bridge	Gold Coast CC	In Program (Dec/Jan)
Northern Busway - PSC Planks	Abigroup	In Progress (approx 87%)
Ulong Creek Bridge - PSC Planks	Coffs Harbour CC	In Program
McGraths Bridge - PSC Planks	Lockyear Valley Regional Council	In Progress
Little Murray Bridge Headstock Beams (10)	Bellingen SC	In Program
Grafton Saleyards Cattle Troughs	Clarence Valley Council	In Program

##### In-situ Construction

Little Ck Bridge	Kyogle SC	In Progress
Tunglebung Ck Bridge	Kyogle SC	In Progress
Bottle Ck Rd Bridge	Kyogle SC	In Progress
McGrath's Bridge	Lockyer Valley RC	In Progress

##### Design

Design Tuncester Bridge	Lismore CC	In Progress
Design of Little Creek Bridge	Kyogle SC	Complete
Design of Bottle Creek Rd Bridge	Kyogle SC	Complete
Design of Ulong Creek Bridge	Coffs Harbour CC	Complete
Design of Yellow Creek Bridge	Ballina SC	In Program

### Jobs Tendered For

Supply Doolan Decks and Precast Headstock Beams for Little Murray Bridge, Bellingen Shire Council (Successful)  
Supply precast concrete cattle troughs for Grafton Saleyards, Clarence Valley Council (Successful)

### **Conclusion**

This report is an update of work activities being undertaken by the Concrete Products/Bridge Construction Section of Council's Works Directorate.

### **12.13 EVANS HEAD SEWERAGE TREATMENT PLANT POLLUTION REDUCTION PROGRAMS FOR OCTOBER 2008**

**Reference:** Environmental Management - Monitoring, Programs;  
Parks and Reserves - Design and Construction;  
Sewerage and Drainage - Meetings, Monitoring

**Prepared by:** Water and Sewer Planning Development Engineer

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### **Background**

The Department of Environment and Climate Change (DECC) has developed three Pollution Reduction Programs (PRP's) to specify parameters and timeframes for the Evans Head Sewerage Augmentation. In addition, Council has committed to a number of other projects in Evans Head to improve the performance of the sewerage system. This report provides an update of implementation of the PRP's, and will also form the monthly update report required by DECC for the effluent re-use scheme.

### **Report**

#### ***Issues***

#### **1. PRP - Effluent Re-use**

##### ***(a) Irrigation Works***

Council is required to provide monthly updates to the DECC Regional Office on the progress of the Re-use Scheme. Council adopted the Evans Head Effluent Reuse Strategy at the December 2006 meeting. Think Water, previously known as Rothwells Pumps and Irrigation, were appointed to construct Stage 1 of the irrigation systems at the December 2007 Council meeting.

Since they were awarded the contract, Think Water, have been delayed in doing the work by wet weather and the limited time frames they have available to 'fit in' with the local sporting groups. To date their progress of work is:

- Woodburn Public School has been completed.
- Woodburn Oval has commenced.
- Woodburn-Evans Head Golf Club has commenced
- Stan Payne Oval is all but complete.
- Evans River K-12 School is all but complete.
- Beech Street Foreshore, Wattle Street Park, Woodburn Road vegetation. Not started yet. The project will be started next year.
- Woodburn Oval, Woodburn-Evans head Golf Club, Stan Payne Oval and Evans River K-12 School are all scheduled for completion by the end of the year.

In order to fully complete all of the irrigation works as designed on the Woodburn-Evans Head Golf Club, Evans River K-12 and Woodburn Public School further grant funding needs to be sourced. The Community Water Grants (CWG) funding so far received will only fund approximately half of the work in these areas. Until more grant funds can be sourced (the CWG Scheme has now ceased) these three sites will not be completed.

*(b) Re-Use Mains and Pump Stations*

Expressions of Interest (EOI) were called on 28 June 2008 for the construction of the effluent re-use mains in Evans Head and Woodburn, including associated pump stations at Stan Payne Oval, Woodburn Oval and the Golf Course. The EOI also included work on the construction of the storage pond at the Sewerage Treatment Plant, the pump station and rising main upgrades in Woodburn and the Broadwater sewerage mains, pump units and pump station.

The Expressions of Interest (EOI) were closed on 22 July 2008 and have been evaluated. Seven (7) separate contractors have been shortlisted for this work. The next phase is to involve the selected contractors to participate in the Early Contractor Involvement (ECI) process prior to the calling of tenders for the construction work.

2. PRP 6– Stage 2 Reclaimed Water Release Point Investigation

This PRP required Council to submit a Stage 2 Reclaimed Water Release Point Investigation to the DECC by 31 July 2008. The final report has now been received from Connell Wagner and was submitted to the DECC by the required date of 31 July 2008.

Discussions are currently being held with DECC and Council's consultant, Hydrosphere, to negotiate the next stage of work involving planning investigations, geotechnical investigations and monitoring requirements at the nominated discharge site (Site C1) in the ocean.

3. PRP 10 – Salty Lagoon Monitoring Program

Council must submit Interim Salty Lagoon Ecosystem Recovery Monitoring Program Reports to the DECC as follows:

30 September 2008  
31 March 2009; and  
30 September 2009

Council must submit the final Salty lagoon Ecosystem Recovery Monitoring Program report - completion date 31 March 2010.

A nine (9) point plan for the rehabilitation of Salty Lagoon was adopted by Council at August 2006 Council Meeting.

The following table provides a summary of Council's progress with the rehabilitation project.

Task	Progress
1. Implement dry weather reuse	Construction of the Stage 1 irrigation schemes commenced in January 2008. Due to the delays caused by wet weather and depending on progress of the DWE funding process, effluent re-use should commence early in 2010.
2. Develop and implement an ecosystem monitoring program	The first Interim Report has been completed and received by DECC
3. Implement STP augmentation	The augmentation of the Evans Head STP is now completed.
4. Consider reed harvesting	This will be considered for implementation after Steps 1 and 3 have been completed, depending on the outcome of Step 2.
5. Consider implementing revegetation	This will be considered for implementation after Steps 1 and 3 have been completed, depending on the outcome of Step 2.
6. Implement the preferred wet weather release option	Council adopted the preferred wet weather release strategy at the October 2006 meeting. The stage 2 reclaimed water release point investigation has been completed. The next stage of work is currently being negotiated with DECC.
7. Review the monitoring program	To be conducted throughout the monitoring period (see step 2).
8. Consider closure of the artificial channel	This will be considered for implementation after steps 6 and 7 have been completed.
9. Re-assess after 5 years of monitoring	This is scheduled for 2012.

#### 4. Beachwatch

Beachwatch monitoring is being conducted at Evans Head, with samples collected weekly from Airforce Beach, Main Beach, Evans River and Shark Bay. Council is able to provide a rating of the water quality at each location. "Good" and "Fair" ratings are suitable for swimming, while "Poor" and "Bad" ratings are not recommended for swimming. The ratings for the previous reporting periods are contained in the table below.

<b>Date</b>	<b>Airforce Beach</b>	<b>Main Beach</b>	<b>Shark Bay</b>	<b>Evans River</b>
07/10/2008	Good	Good	Good	Good
14/10/2008	Good	Good	Good	Good
22/10/2008	Good	Good	Good	Good
28/10/2008	Good	Good	Good	Good

### ***Sustainability (EDS Principles)***

All projects are being conducted in accordance with the principals of Ecologically Sustainable Development (ESD):

- The precautionary principle
- Inter-generational equity
- Conservation of biological diversity and ecological integrity
- Improved valuation, pricing and incentive

### **Conclusion**

The augmentation of the Evans Head Sewerage Treatment Plant and sewerage reticulation systems are progressing in accordance with the directions of DECC and the PRPs attached to the Evans Head STP Environmental Protection Licence.

## **12.14 FLUORIDATION OF CASINO WATER SUPPLY**

**Reference:** Water Supply - Monitoring

**Prepared by:** Water and Sewer Planning Development Engineer

### **Background**

Council has received direction to fluoridate the Casino water supply by 31 December 2008 from the Director General of NSW Health as gazetted on the 13 April 2007.

This report provides a brief update on the progress of this project to date.

### **Report**

#### ***Issues***

Previous reports to Council have updated progress of this scheme. To date Council has:

- Received direction from the NSW Health Department to fluoridate the Casino water supply by 31 December 2008.
- Received approval of the Form 1 application from NSW Health, giving Council approval to proceed to call quotations to design and install the fluoridation system.

- Developed a specification for the design, supply, and installation of the fluoridation system which has been approved by Department of Water and Energy (DWE).
- Called quotations from six companies for the design and installation of the fluoridation system. Quotations closed on 2 July 2008.
- Awarded the quotation to Prominent Fluid Controls for a total price of \$97,619.50 (including GST).
- Nearly completed the modifications to the existing fluoride room to make it compliant with current specifications.

Prominent Fluid Controls are currently constructing the fluoride dosing skip which is scheduled for delivery in the second week of November 2008.

### Communication and Training

An important part of the process is the development of a communication strategy to advise and educate the Casino community on the fluoridation of their water supply. This communication strategy has been developed and the first stage has been implemented – a press release was issued as well as a mail-out to the entire Richmond Valley area in August giving residents information about fluoridation and the benefits. The second mail-out will be done in November 2008.

In addition, staff require training to operate the system and are required to obtain a Fluoride Plant Operators Certificate issued by NSW Health. The water treatment plant operators, as well as the Operations Engineer - Water and Sewer have now completed this training.

### **Conclusion**

This report provides a brief summary of the fluoridation process to date and provides information about the approval and implementation process. Council has been directed to implement fluoridation of the Casino Water Supply by 31 December 2008.

## **12.15 EXTENSION OF MATERNITY LEAVE PROVISIONS**

**Reference:** Personnel - Industrial Relations

**Prepared by:** Manager Human Resources

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### **Background**

The Productivity Commission has recommended that parents receive 18 weeks' paid parental leave that can be shared by both parents, plus an additional two weeks' paid paternity leave reserved for the father (or same sex partner).

## Report

In February 2008 the Federal Government asked the Productivity Commission to undertake a public enquiry into paid maternity, paternity and parental leave, concentrating on support for parents of newborn children up to the age of two years. The recommendation for 18 weeks' paid leave is a draft model submitted for the Government's consideration preceding a last round of national consultations.

The draft model would see payment at the level of the adult minimum wage, currently \$543.78 per week, plus other prescriptions. What is unclear to date and will be part of the broader consultation is who will bear the cost of such a scheme, employers or the government.

The extension of existing Maternity Leave provisions is consistent with a more general relaxation of working conditions either in response to broader social demands for better work life balance or the need to be flexible in the employment relationship in order to attract and retain staff in a different recruitment environment.

This Council complies with the Local Government (State) Award and provides for nine weeks full time or eighteen weeks on half pay.

Current Award provisions also provide for a combination of paid Maternity Leave and unpaid Parental Leave for up to twelve months with rights to return to the position held prior to the commencement.

Advice has been received that Marrickville Council has extended its paid Maternity Leave provisions to fourteen (14) weeks. That Council has also advised that it has written to:

- the Federal Government, Local Government calling on it to establish a national paid maternity system;
- the Local Government and Shires Association to increase award paid maternity provisions from 9 to 14 weeks;
- the Australian Local Government Association calling on it to take up the campaign for a national paid maternity leave system; and

encourages all Councils in NSW give consideration to extending Maternity Leave provisions at all Councils throughout NSW.

## Issues

Given the significant increase in this employment entitlement, double the current provision, the costs associated with this change are expected to change proportionately. Over the past two years, the annual costs of Maternity and Parental Leave has averaged \$21,163.21.

As stated earlier the Productivity Commission's recommendation has been made for the benefit of national consultation prior to the delivery of final report in February 2009.

Before that time however, the Productivity Commission needs to consider two very important questions:

1. Who shall pay for the national parental leave scheme, the employer as is currently the case or the taxpayer via a Federally funded scheme, and
2. Can the country afford such a scheme in light of the deepening financial crisis.

### **Conclusion**

This report is provided for information only at this time.

## **12.16 PRESENTATION OF STAFF SERVICE AWARDS**

**Reference:** Personnel - Awards

**Prepared by:** Governance Officer

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### **Background**

In accordance to Council's Policy - Staff Service Incentive and Retirement Presentations, staff are eligible to be recognised for their service to Richmond Valley Council.

### **Report**

#### ***Issues***

The policy prescribes that on completion of 25 years continuous service with Richmond Valley Council, Staff are to be presented, at a Council Meeting, with an inscribed Plaque of Appreciation and a gift to the value of \$150.00. The following employees are due for this recognition:

- Geoffrey Carroll
- Dennis Fardon
- Attilio Gava
- Robert Jarrett

On completion of 15 years continuous service with Richmond Valley Council, Staff are to be presented, at a Council Meeting, with a Certificate of Appreciation and a gift to the value of \$50.00. The following employees are due for this recognition:

- Guy Brien
- Trevor Turner

Arrangements have been made for the Mayor to make the presentations to the above staff at Council's Meeting on 18 November 2008.

### **Policy**

Presentations are made in accordance with Council's Staff Service Incentives and Retirement Presentations Policy.

### **Conclusion**

Council's Policy - Staff Service Incentive and Retirement Presentations allows for presentations to be made to staff with 25 years and 15 years continuous service.

## **12.17 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 OCTOBER 2008 TO 31 OCTOBER 2008**

**Reference:** Development and Building Controls - Development Applications

**Prepared by:** Manager Planning and Development

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### **Background**

A summary of all Development Applications determined by Council is subject of a report in each Business Paper for information purposes only. In addition to this summary, Council notifies all determinations of Development Applications in the local newspaper pursuant to Clause 101 of the *Environmental Planning and Assessment Act 1979 (as amended)* on a weekly basis.

### **Report**

#### **Issues**

This report presents to Council a summary of Development Applications determined by Council either under delegated authority or by Council resolution for the period 1 October 2008 to 31 October 2008.

### **Conclusion**

The total value of Development Applications determined by Council for the period 1 October 2008 to 31 October 2008 is \$5,045,742.00.

**12.18 DRAFT LOCAL ENVIRONMENTAL PLAN UPDATE****Reference:** Land Use and Planning - Planning, Zoning**Prepared by:** Manager Planning and Development

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**Background**

In 2005 the NSW Department of Planning (DoP) advised all Councils they would be required to prepare new Local Environmental Plans (LEP) using a standard template. In March 2006, Richmond Valley Council was given the template and directed to have the draft prepared within 3 years. The Standard LEP template was one of the first initiatives developed as part of the NSW Planning Reform programme. The aim of the template was to have all LEPs consistent throughout NSW in an attempt to simplify the planning process.

Preparation of the preliminary draft LEP has been undertaken by Richmond Valley Council planning staff. The purpose of this report is to provide Council with an update as to the progress of the drafting of the new Richmond Valley Local Environmental Plan.

**Report*****Issues***

The preparation of the Draft Richmond Valley LEP is slowly progressing. A Preliminary Draft was sent to the Department of Planning (DoP) in October 2008 for comment. Council planners subsequently met with DoP staff in Grafton on 29 October 2008 to discuss the Preliminary Draft and to gain feedback and comments.

The DoP provided comprehensive comments, advising of several required changes to the document many of which referred to the deletion of Section 79C consideration matters; and deleting any duplicate references to provisions of other Acts and Regulations.

In addition the DoP are seeking the following changes to the Preliminary Draft Richmond Valley LEP:

- Consistency with other Draft LEPs that have already been through Parliamentary Counsel (PC). The DoP have advised the Tweed LEP is favoured particularly in relation to Exempt and Complying Development provisions, and clauses relating to environmental overlays and flooding.
- Inclusion of Urban Land Release provisions to enable the collection of contributions on behalf of State Agencies for the likes of schools etc.
- Inclusion of floor space ratios into the LEP as they can not be in the DCP where they have been traditionally located.
- Building height map needs to refer to an actual height in metres as opposed to number of storeys.

Several of the draft clauses will be referred to other branches of the DoP for comment, such as the Heritage Branch regarding New Italy Historic Settlement clause and Legal Branch regarding irregular zone boundary and flood prone land clauses. The DoP will be providing Council with comments regarding these non-standard clauses in the near future.

Staff are continuing work on the draft maps which will for part of the LEP, many of which have already been completed.

Like many Councils, Richmond Valley is struggling with preparation of the Standard LEP due to the complexity of practice notes, directions, State and regional policies, as well as Ministerial changes. The DoP have significantly altered the draft template over the past 3 years since the process began. In many instances Council staff have had to go back to the drawing board when advised of changes months, even years into the process which has resulted in additional staff time being required and a further drain on existing resources.

The complexity of the process, compounded by vague, evolving and ever changing directions from the DoP, has resulted in Richmond Valley Council being behind schedule in the preparation of a draft LEP and as such it will not be able to meet the March 2009 timeframe set by the DoP.

On the North Coast only Tweed has a Section 65 Certificate and Clarence is presently going through the LEP Review Panel and PC. Byron has applied and been granted an extension. Advice has been obtained regarding expected delays in the Legal Branch of the DoP, with legal opinions and Section 65 Certificates taking over 8 months.

### ***Consultation***

The first round of Section 62 consultation commenced in October. A second round of consultation, targeting relevant Agency Officers, is expected to be undertaken February/March 2009. By the time the second round of consultation occurs, the Draft LEP should be a reasonably final document with all mapping completed.

The Draft LEP is expected to be workshopped with Councillors Mid 2009 and a report will be presented to Council for a recommendation following the workshop.

### ***Staff***

Resourcing the preparation of the draft LEP template has been an issue. As mentioned previously, significant staff time has been taken when the DoP has made changes to the template. There have been resourcing issues with a number of set-backs due to staff resignations and training of new staff to enable them to get up to speed with the process. In addition, key staff involved in the drafting of the LEP have been involved in the defence of legal Appeals (i.e. Iron Gates). The Iron Gates Appeal is set for hearing in February 2009 and until such time as legal proceedings are finalised, priority will be given to the defence preparation.

## Conclusion

It is likely the Standard LEP template will have further amendments over the coming years as issues with draft LEPs become apparent during the process. Council should be aware there may be further delays in the preparation of the draft LEP which are out of the control of staff. If there are any significant changes to the abovementioned timeframes, a report will be furnished to Council for information. Given the issues with resources, especially staff availability; a formal request will be made to the DoP requesting a 12 month extension to the imposed timeframe.

## RECOMMENDATION

Recommended that the items submitted for information be received and noted.

**181108/ 38 RESOLVED** (Cr. Jeffery/Cr. George)

That the above recommendation be adopted.

Cr. Mustow retired from the meeting, the time being 7.54 p.m.

## 13 COUNCILLORS' QUESTIONS (IN WRITING)

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The following questions had been presented to the General Manager in accordance with Council's Code of Meeting Practice.

### 13.1 RAINWATER TANKS (ITEM 12.9/PAGE 170 OF 21 OCTOBER 2008 MINUTES)

Cr. Kinnish - "Has Council collected such data? If not, when is it going to be collected and how? If so, what is the data?"

The Director Works advised that no action has been taken yet to implement the recommendation. It is part of the IWCM process. Staff will need to address the matter and the other recommendations in due course

### 13.2 CITIES FOR CLIMATE PROTECTION PROGRAM (ITEM 12.6/PAGE 162 OF 21 OCTOBER 2008 MINUTES)

Cr. Kinnish - "Although Council determined, in June 2008 to get started it appears that funding still has not been 'reinstated'. Business Papers and Minutes state that *"A separate budget report is being prepared that will involve the reinstatement of the \$25,000 proposed funding allocation."*

- i) When is the \$25,000 mentioned to undertake the first step to determine how to reduce Council's emissions to be reinstated?
- ii) Why was this funding taken away to now have to be reinstated?"

The Director Works advised that the \$25,000 still exists. Funding was removed in the first cut of the draft budget, however, the \$25,000 was reinstated and is available as it shows up in the September Review.

### **13.3 PROPOSAL TO DEVELOP A RESIDENTIAL AIRPARK AT EVANS HEAD MEMORIAL AERODROME (ITEM 11.36 OF 21 OCTOBER 2008 MINUTES)**

Cr. Kinnish -

- "i) On the current designated area for an Airpark under the Plan of Management what area is available for building of hangars and houses?
- ii) What proportion of this "designated area" must be preserved for runways and aprons, that is, the area not able to be built upon?"

The Director Environmental Development Services advised that in respect to question i) development within the northern hangar zone area is outlined within Policy No. 16 of the Plan of Management. Buildings in this area should be contained within the footprints of the former six hangars, which had a floor area of just over 1,000m<sup>2</sup> (total area of six hangars about 6,050m<sup>2</sup>) and should not entail the removal or destruction of apron areas (although resurfacing may be permitted if the new use requires additional hard paving). The form, orientation, external building materials and as far as possible, scale of any building located within the Aerodrome northern hangar area should be sympathetic to those of the surviving Bellman Hangar, the objective being to echo the rhythm and scale of the WW11 built form and evoke an aviation association.

In response to question ii), the Director Environmental Development Services advised that as previously stated development within the northern hangar area is outlined within Policy No. 16 of the Plan of Management. The total area of the northern hangar area is approximately 5.5 hectares and at this time no boundary survey has been undertaken. Policy 16 requires the retention of the existing apron areas.

Cr. Mustow returned to the meeting, the time being 7.56 p.m.

### **13.4 CURRAJONG STREET EVANS HEAD**

Cr. Kinnish -

- "i) What is the status of the land that was originally designated, and a DA was granted upon, for an Aged Care facility in Currajong Street, Evans Head?
- ii) How much of this 7.63 hectare site is owned by Richmond Valley Council?
- iii) How much of this land is owned by Crown Lands?
- iv) Does Council know if this land was resumed or acquired by the Australian Federal Government at any time during WWII? If so, what was the prior use of the land?"

The Director Environmental Development Services advised that the land referred to is Part Lot 2, DP 1012063, Currajong Street, Evans Head and is currently vacant Crown Land. The land is subject to a Native Title Claim (it has an area of

5.7 hectares) with Lot 1, DP 819251 (having an area of 9,262m<sup>2</sup>) and Lots 49 and 50, DP 806937 (having an area of 8,171m<sup>2</sup>), together with Part Lot 1, DP 1031888 (485m<sup>2</sup>), Tuckeroo Crescent, Evans Head being vacant land owned by Richmond Valley Council.

In response to the question "How much of this 7.63 hectare site is owned by Richmond Valley Council?", the Director advised approximately 1.79 hectares.

In response to the question "How much of this land is owned by Crown Lands?", the Director advised approximately 5.7 hectares.

In response to the question "Does Council know if this land was resumed or acquired by the Australian Federal Government?", the Director advised that the land does not form part of the land acquired by the Commonwealth on the 1st April 1937. The land at the time was set aside for residential housing.

#### **14 MATTERS REFERRED TO CLOSED COUNCIL**

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**Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in a closed part of a meeting.**

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

#### **14.1 CONFIDENTIAL LEGAL ADVICE (IRON GATES MATTER)**

##### **Reason for Confidentiality**

This matter is classified CONFIDENTIAL under section 10A(2)(g) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The information provides specific legal advice to Council in regard to an upcoming legal defence. Therefore it is inappropriate that the information be disclosed/available to the public.

##### **RECOMMENDATION**

Recommended that:

1. Council resolve into Closed Council to consider business identified, together with any late reports tabled at the meeting.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

*Section 10A(4) of the Local Government Act 1993 provides that members of the public be allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.*

- *Motion to close meeting - moved and seconded.*
- *Any written representations to be read by the General Manager. (Details to be recorded in minutes.)*
- *Verbal representations made in accordance with the Supplementary provisions of the Code of Meeting Practice. (Acknowledgement of process [and time, etc.] to be recorded in minutes.)*

*Pursuant to section 10A(4), the public invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.*

The General Manager reported that no written representations had been received in respect to the items listed for consideration in Closed Council.

The Mayor called for verbal representations from the gallery.

There were no representations from the gallery.

**181108/ 39 RESOLVED** (Cr. Crawford/Cr. Cox)

That:

1. Council resolve into Closed Council to consider business identified, together with any late reports tabled at the meeting.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Wheatley

Council closed its meeting at 8.01 p.m. The public and media left the Chamber.

Open Council resumed at 8.10 p.m.

## **15 RESOLUTIONS OF CLOSED COUNCIL**

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The following resolution of Council, while the meeting was closed to the public, was read to the meeting by the General Manager.

### **CONFIDENTIAL LEGAL ADVICE (IRON GATES MATTER)**

That the information be received and noted.

The Meeting closed at 8.11 p.m.

**CONFIRMED - 16 December 2008**

**CHAIRMAN**