

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
16 April 2019**

**ORDER OF BUSINESS**

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b> .....	<b>4</b>
<b>2</b>	<b>PRAYER</b> .....	<b>4</b>
<b>3</b>	<b>PUBLIC ACCESS AND QUESTION TIME</b> .....	<b>4</b>
<b>4</b>	<b>APOLOGIES</b> .....	<b>5</b>
<b>5</b>	<b>MAYORAL MINUTES</b> .....	<b>6</b>
	Nil	
<b>6</b>	<b>CONFIRMATION OF MINUTES</b> .....	<b>6</b>
6.1	Minutes Ordinary Meeting held on 19 March 2019 .....	6
6.2	Minutes Extraordinary Meeting held on 28 March 2019.....	6
<b>7</b>	<b>MATTERS ARISING OUT OF THE MINUTES</b> .....	<b>6</b>
<b>8</b>	<b>DECLARATION OF INTERESTS</b> .....	<b>6</b>
<b>9</b>	<b>PETITIONS</b> .....	<b>7</b>
	Nil	
<b>10</b>	<b>NOTICE OF MOTION</b> .....	<b>7</b>
	Nil	
<b>11</b>	<b>MAYOR'S REPORT</b> .....	<b>7</b>
11.1	Mayor's Attendances 13 March - 8 April 2019 .....	7
<b>12</b>	<b>DELEGATE'S REPORTS</b> .....	<b>7</b>
	Nil	
<b>13</b>	<b>MATTERS DETERMINED WITHOUT DEBATE</b> .....	<b>7</b>
13.1	Matters to be Determined Without Debate.....	7
<b>14</b>	<b>GENERAL MANAGER'S REPORTS</b> .....	<b>8</b>
14.1	Draft Code of Meeting Practice .....	8
14.2	Northern Rivers Livestock Exchange Business Update and 2019/2020 Fees and Charges .....	9
<b>15</b>	<b>FINANCIAL REPORTS</b> .....	<b>10</b>
15.1	Financial Analysis Report - March 2019 .....	10
<b>16</b>	<b>TENDER REPORTS</b> .....	<b>11</b>
16.1	Tender RVC-847625 - Construct Shared Pathway on Bruxner Highway and on Summerland Way, Casino.....	11
16.2	Supply and Delivery of Stationery .....	11
16.3	Supply and Delivery of Water Meters - REGPRO191819 .....	12
<b>17</b>	<b>GENERAL BUSINESS</b> .....	<b>13</b>
17.1	Unsealed Roads Maintenance Funding.....	13
17.2	Amendments to Operation of the Local Heritage Grants Scheme .....	14
<b>18</b>	<b>MATTERS FOR INFORMATION</b> .....	<b>14</b>
18.1	Customer Service Report - Quarterly update 1 January 2019 to 31 March 2019.....	14

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18.2	Grant Application Information Report - March 2019.....	15
18.3	Development Applications determined under the Environmental Planning and Assessment Act for the period 1 March 2019 to 31 March 2019.....	15
18.4	Tender RA315920RVC Electricity Reverse Auction - Contestable Sites and Street Lighting (Unmetered) .....	15
18.5	Correspondence Submitted to April 2019 Ordinary Meeting .....	15
<b>19</b>	<b>QUESTIONS ON NOTICE .....</b>	<b>15</b>
	Nil	
<b>20</b>	<b>QUESTIONS FOR NEXT MEETING (IN WRITING).....</b>	<b>16</b>
	Nil	
<b>21</b>	<b>MATTERS REFERRED TO CLOSED COUNCIL .....</b>	<b>16</b>
21.1	General Manager's Annual Performance Review for Period Ending February 2019.....	16
<b>22</b>	<b>RESOLUTIONS OF CLOSED COUNCIL .....</b>	<b>17</b>
21.1	General Manager's Annual Performance Review for Period Ending February 2019.....	17

**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 16 APRIL 2019 AT 5.00 PM**

*Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.*

**PRESENT:** Cr Robert Mustow (Mayor/Chair), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons, Cr Daniel Simpson

**IN ATTENDANCE:** Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Deborah McLean (Manager Governance & Risk), Julie Clark (Personal Assistant to the General Manager and Mayor)

## **1 ACKNOWLEDGEMENT OF COUNTRY**

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

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

## **2 PRAYER**

The meeting opened with a prayer by the General Manager.

## **3 PUBLIC ACCESS AND QUESTION TIME**

### **3.1 Questions – Ms Liz Stops**

Ms Stops asked the following questions;

Referring to Item 6.1 Ordinary Meeting Minutes of 19 March 2019; Item 5.1 Mayoral Minute – Technical Tour Summary:-

1. Is the facility fuelled and kept up to temperature by something other than waste or does the waste itself provide the fuel?
2. How is the temperature regulated?
3. Is there any residue left from the incinerating process and if so what is it composed of?
4. Are there any emissions from the incinerating process?
5. Are there any by-products as a result of the process, apart from the power generated?

The General Manager responded with the following information;

It is an exciting project with new technology. Australia is currently behind in our waste management practices.

1. The facilities are primarily fuelled by waste, there is some fuel required for the initial start-up of the furnace but once burning no other fuels is required. The technology we are looking at is diverting waste that would otherwise be landfilled as the fuel source.
2. Through control over the process. The furnace has a conveyor which is used to control the rate of combustion through the presence of oxygen (air) and volume of waste and speed which the waste travels through the furnace.
3. Yes there is residue around 5-10% of the original volume. This residue is referred to as fly ash and bottom ash. These products can be used in the production of cement and some construction activities or would need to be landfilled.
4. Yes the combustion does create gas emissions. The furnace burns at over 850 degrees which reduces the dioxins produced. The emissions are put through scrubbers and filters to clean the air prior to release. The technology we viewed exceeds the emission standards required by the NSW Environmental Protection Authority as well as the EU and of course Japan. Interestingly at the facilities we visited, which were operating fully, there was no visible gas emissions.  
From the information we have to date, there is a positive outcome with this technology with an overall net reduction in greenhouse emissions.  
Emissions from landfill are all but eliminated, there are emissions from the facility which are below EPA standards and the facility produces energy which provides baseload power which therefore can replace coal-fired power stations.
5. The by-products of the process are heat, fly ash and bottom ash.  
In Australia the heat will have limited commercial application as we do not have the heating demand that cooler climate countries have. There may be some opportunity for a new industry that requires heat for process to establish and utilise this by product however to date we are not relying on this for feasibility of the project.  
Ash residues can be utilised in cement production which will be investigated for suitability and marketability.

The outcomes of the pre-feasibility study are positive and we are continuing discussions with Pacific Consultants, Councils in the region and NSW Government agencies. There is a lot of interest in Energy from Waste across NSW and a facility is under construction in Western Australia.

It would be a very big project for the Richmond Valley and the Northern Rivers, which would be thoroughly assessed by relevant Government agencies before proceeding.

It is early days but Energy from Waste provides a possible solution to the massive challenges we face with the escalating costs of waste management which our community currently faces.

The General Manager thanked Ms Stops for her questions.

#### **4 APOLOGIES**

Nil

**RESOLUTION 160419/1**

Moved: Cr Sandra Humphrys  
Seconded: Cr Robert Hayes

That Cr Simpson's request for leave of absence for the months of May and June 2019 be received and granted.

**CARRIED**

**5 MAYORAL MINUTES**

Nil

**6 CONFIRMATION OF MINUTES****6.1 MINUTES ORDINARY MEETING HELD ON 19 MARCH 2019****RESOLUTION 160419/2**

Moved: Cr Stephen Morrissey  
Seconded: Cr Jill Lyons

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

**CARRIED**

**6.2 MINUTES EXTRAORDINARY MEETING HELD ON 28 MARCH 2019****RESOLUTION 160419/3**

Moved: Cr Daniel Simpson  
Seconded: Cr Sandra Humphrys

That Council confirms the Extraordinary Minutes of the meeting held on 28 March 2019.

**CARRIED**

**7 MATTERS ARISING OUT OF THE MINUTES****5.1 Extraordinary Meeting held 28 March 2019; Living Museum Relocation and Visitor Information Centre Establishment Update**

Cr Hayes referred to the living museum relocation and enquired if the process is on schedule?

The General Manager advised there has been some issues including NSW Government Elections effecting gazettal timeframes, however the works are on track and there are no delays anticipated.

**8 DECLARATION OF INTERESTS**

The General Manager declared a pecuniary interest in Item 21.1 General Manager's Annual Performance Review for period ending February 2019 (employment contract).

**9 PETITIONS**

Nil

**10 NOTICE OF MOTION**

Nil

**11 MAYOR'S REPORT****11.1 MAYOR'S ATTENDANCES 13 MARCH - 8 APRIL 2019****RESOLUTION 160419/4**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Mayor's attendance report 13 March – 8 April 2019.

**CARRIED****12 DELEGATE'S REPORTS**

Nil

**13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 160419/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That items 14.1, 15.1, 16.2, 16.3, 17.2 identified be determined without debate.

**CARRIED**

## **14 GENERAL MANAGER'S REPORTS**

### **14.1 DRAFT CODE OF MEETING PRACTICE**

#### **EXECUTIVE SUMMARY**

Amendments made to the *Local Government Act 1993* (LGA) in August 2016 by the *Local Government Amendment (Governance and Planning) Act 2016* provide for a model code of meeting practice (Model Meeting Code) to be prescribed by the Regulation.

Following an extensive consultation process, a Model Meeting Code has been prescribed under the *Local Government (General) Regulation 2005* (the Regulation) and the existing meetings provisions of the Regulation have been repealed. The Model Meeting Code contains mandatory and non-mandatory provisions.

In response, the Richmond Valley Council Draft Model Code of Meeting Practice (Draft Meeting Code) was prepared and presented at the April 2019 Councillor Information Session. The Draft Meeting Code contains the mandatory provisions as well as a number of non-mandatory and supplementary provisions.

Council must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code no later than 12 months after the next ordinary council elections.

#### **RESOLUTION 160419/6**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That

1. Council exhibit the Richmond Valley Council Draft Model Code of Meeting Practice for at least 28 days and provide members of the community at least 42 days in which to comment.
2. Council consider community feedback at the completion of the exhibition period and prepare a final Richmond Valley Council Model Code of Meeting Practice for adoption at the June 2019 Ordinary Meeting.

**CARRIED**



## **14.2 NORTHERN RIVERS LIVESTOCK EXCHANGE BUSINESS UPDATE AND 2019/2020 FEES AND CHARGES**

### **EXECUTIVE SUMMARY**

As the completion of the \$14 million upgrade draws closer, the newly branded Northern Rivers Livestock Exchange (NRLX) is an emerging business working to establish itself as a major competitor in the livestock trading market across Northern NSW, with significant time and hard work invested in redefining the NRLX as a business over the past few years. In June 2018 a Redevelopment and Operations Manager was appointed to the NRLX with the aim of continuing to develop the NRLX as a competitive and commercial enterprise that is financially sustainable and supports the economic prosperity of the Richmond Valley community.

As part of the strategic approach taken to NRLX operations, it is advantageous to finalise the 2019/2020 fee structure at the earliest opportunity to provide stability and confidence to key stakeholders, such as vendors and agents. It is vital for NRLX to demonstrate its commitment to existing stakeholders as a competitive growth focused operation that is willing to pursue new business and opportunities by adapting to a changing and in recent times often volatile marketplace.

In addition to the NRLX's growth strategies, it is also imperative to demonstrate a commitment of supporting the local agriculture sector following a prolonged and difficult drought. Providing stability to the fee structure at this time and making this decision early will be of great significance to all NRLX stakeholders.

### **RESOLUTION 160419/7**

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council:

1. notes the content of the report and the impact that the drought conditions being experienced across the Northern Rivers region is having on cattle producers, including their choice of livestock marketing method;
2. due to these factors provide approval for the following fees to remain at the same level as in 2018/19 and be included in the 2019/20 Draft Revenue Policy:
  - Agent Business Licence Fee of \$10,500 per annum
  - Agent Business Usage Fee of \$0.75 per head
  - Vendor Usage Fee of \$10.80 per head
  - Vendor Capital Levy of \$2.05 per head
3. notes that the other fees as set out in the attached schedule will be included in the 2019/20 Draft Revenue Policy for consultation.

**CARRIED**

**15 FINANCIAL REPORTS****15.1 FINANCIAL ANALYSIS REPORT - MARCH 2019****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council on the status and performance of its investment portfolio in accordance with the *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2005* (Clause 212), Australian Accounting Standard (AASB 139) and Council's Investment Policy.

The value of Council's Investment Portfolio as at 31 March 2019 including General Bank Accounts and Trust Funds is shown below.

<b>Investment Portfolio</b>	<b>General Bank Accounts</b>	<b>Trust Funds</b>	<b>Total</b>
\$43,517,736	\$977,222	\$87,050	\$44,582,008

The average rate of return on Council's investments for March 2019 was 3.10% which is above the 90 Day Bank Bill Index for March of 1.77%.

**RESOLUTION 160419/8**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

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

**CARRIED**

**16 TENDER REPORTS****16.1 TENDER RVC-847625 - CONSTRUCT SHARED PATHWAY ON BRUXNER HIGHWAY AND ON SUMMERLAND WAY, CASINO****EXECUTIVE SUMMARY**

Richmond Valley Council has received funding to construct a shared cycle way on the Bruxner Highway (Johnston St from Walker Street to Clark Street) and on Summerland Way (from Eccles Street to Casino Showgrounds Entrance), Casino.

This project funding was for cycleways on highways with the two projects is included in Council's Pedestrian Access and Mobility Plan and therefore has community support.

Council called for tenders from suitably qualified and experienced contractors to construct both pathway sections.

**RESOLUTION 160419/9**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That

1. NRC Group Pty Ltd be approved as the preferred tenderer for the construction of both Portions A and B of the Casino Shared Pathway project for Richmond Valley Council at the tendered rate of \$587,875.00 exclusive of GST.
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement including extension of scope of works in line with the content of this report and the available budget and affixing the seal of Council where necessary.

**CARRIED**

**16.2 SUPPLY AND DELIVERY OF STATIONERY****EXECUTIVE SUMMARY**

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

Regional Procurement® has called an open panel source by council tender for the supply and delivery of stationery. The tender closed at 10:00am on 5 February 2019.

**RESOLUTION 160419/10**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

Recommended that

1. Dolphin Stationery Pty Ltd be awarded the contract for supply and delivery of stationery to participating Regional Procurement's Richmond Tweed Clarence (RTC) Group member councils for the period 1 April 2019 to 31 March 2021.
2. Provision be allowed for a 12-month extension based on satisfactory supplier performance which may take this contract through to 31 March 2022.

3. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, including affixing the seal of Council where necessary.

**CARRIED**

### **16.3 SUPPLY AND DELIVERY OF WATER METERS - REGPRO191819**

#### **EXECUTIVE SUMMARY**

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

Regional Procurement® has called a Single Source by Council tender for participating RTC member councils for the Supply and Delivery of Water Meters.

Tenders closed at 10.00am on 5 February 2019.

#### **RESOLUTION 160419/11**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That

1. Elster Metering Pty Ltd be awarded the contract for supply and delivery of water meters to participating RTC member Councils for the period 1 April 2019 to 31 March 2021.
2. Provision be allowed for a 12-month extension based on satisfactory supplier performance which may take this contract through to 31 March 2022.
3. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, including affixing the seal of Council where necessary.

**CARRIED**

**17 GENERAL BUSINESS****17.1 UNSEALED ROADS MAINTENANCE FUNDING****EXECUTIVE SUMMARY**

Council has two rural roads maintenance grading teams. These teams are usually funded by rural road maintenance budgets and natural disaster funding budgets to complete their full year of works. As our area has recently been in an extended dry period there are no natural disaster funded projects. The dry conditions have meant that these crews have moved towards more reactionary works. As natural disaster funding works is funded from grants, Council officers are requesting additional funding for these reactionary works to be completed.

The majority of funding can be found in other budgets, which requires Council approval for the funding transfers to occur. Council officers are also requesting an amount of \$60,000 to be funded from this financial year's projected surplus, which is higher than originally anticipated due to additional Financial Assistance Grants, which Council has the discretion to allocate as it sees fit. Given the importance of good quality roads to our community and the safety issues being faced with some roads this additional funding is necessary.

**RESOLUTION 160419/12**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That

1. Council approve the following budget adjustments.
  - (a) Transfer \$100,000 from interest revenue to rural road maintenance.
  - (b) Transfer \$15,000 from capital gravel re-sheets to rural road maintenance.
2. Council allow a further increase of \$60,000 to rural road maintenance budgets, funded from the surplus

**.CARRIED**

**17.2 AMENDMENTS TO OPERATION OF THE LOCAL HERITAGE GRANTS SCHEME****EXECUTIVE SUMMARY**

The Local Heritage Grants Scheme is part of a heritage incentives program offered by Council. The Scheme aims to promote the positives of heritage item ownership, and to encourage the ongoing maintenance of heritage fabric.

The Scheme underwent a review in 2016, however concerns have been raised over the effectiveness of the Scheme given the small amounts on offer. It is proposed to continue the Scheme with some minor changes to the maximum grant amounts that can be offered.

**RESOLUTION 160419/13**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That Council continue to operate a Local Heritage Grants Scheme under the existing guidelines, except:

- grants up to a maximum of \$2,000 may be offered, with a minimum 50% co-contribution from the owner, with larger grants to be considered on merit for more significant maintenance/restoration projects; and
- the larger \$10,000 grant pool will no longer be offered separately to the total grant allocation

**CARRIED**

**18 MATTERS FOR INFORMATION****RESOLUTION 160419/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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

**CARRIED**

**18.1 CUSTOMER SERVICE REPORT - QUARTERLY UPDATE 1 JANUARY 2019 TO 31 MARCH 2019****RESOLUTION 160419/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the quarterly Customer Service Report for the period 1 January 2019 – 31 March 2019.

**CARRIED**

**18.2 GRANT APPLICATION INFORMATION REPORT - MARCH 2019****RESOLUTION 160419/16**

Moved: Cr Stephen Morrissey  
Seconded: Cr Sam Cornish

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

**CARRIED**

**18.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 MARCH 2019 TO 31 MARCH 2019****RESOLUTION 160419/17**

Moved: Cr Stephen Morrissey  
Seconded: Cr Sam Cornish

That Council receive and note the development application report for the period 1 March 2019 to 31 March 2019.

**CARRIED**

**18.4 TENDER RA315920RVC ELECTRICITY REVERSE AUCTION - CONTESTABLE SITES AND STREET LIGHTING (UNMETERED)****RESOLUTION 160419/18**

Moved: Cr Stephen Morrissey  
Seconded: Cr Sam Cornish

That Council receive and note the report on the reverse auction results for Contestable Sites and Street Lighting and the contractual arrangement entered into with Origin Energy for both contracts.

**CARRIED**

**18.5 CORRESPONDENCE SUBMITTED TO APRIL 2019 ORDINARY MEETING****RESOLUTION 160419/19**

Moved: Cr Stephen Morrissey  
Seconded: Cr Sam Cornish

That Council receive and note the report on the reverse auction results for Contestable Sites and Street Lighting and the contractual arrangement entered into with Origin Energy for both contracts

**CARRIED**

**19 QUESTIONS ON NOTICE**

Nil

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

Nil

**21 MATTERS REFERRED TO CLOSED COUNCIL****21.1 General Manager's Annual Performance Review for Period Ending February 2019****Reason for Confidentiality**

This matter is considered to be confidential under Section 10A(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

This matter is classified confidential due to its content containing personnel issues.

It is not appropriate for personnel issues to be discussed in public. As part of Council process, the outcome of consideration of the matter will be disclosed to the public.

The General Manager reported that no written representations had been received in respect to the item listed for consideration in Closed Council.

The Chair called for verbal representations from the gallery.

- Dr Richard Gates (from the gallery) objected to Council entering into Closed Council to discuss Item 21.1.

The Chair advised under section 10A of the Local Government Act 1993, the media and public are to 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.

**RESOLUTION 160419/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That

1. Council resolve into Closed Council to consider the business identified in Item 21.1, 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*.

**CARRIED**

Having declared a pecuniary interest in Item 21.1 Vaughan Macdonald (General Manager) together with the Director Infrastructure and Environment, Chief Financial Officer/Manager Mid-Richmond and Manager Governance and Risk, left the meeting at 5.50pm.

Council closed its meeting at 5.51 pm. The public left the Chamber.



The Open Council Meeting resumed at 5.54 pm.

## **22 RESOLUTIONS OF CLOSED COUNCIL**

The following resolutions of Council, passed while the meeting was closed to the public, were read to the Open Council Meeting by the Chair.

### **21.1 General Manager's Annual Performance Review for Period Ending February 2019**

That:

1. In accordance with Clause 8.3 of the Standard Contract of Employment, General Managers of Local Government in NSW and the Guidelines for the Appointment and Oversight of General Managers, award a discretionary increase as set out in this report to the General Manager's Total Remuneration Package (TRP), inclusive of the Statutory and Other Offices Remuneration Tribunal (SOORT) increase, in recognition of:
  - the results achieved for the period
  - the high standards set and achieved by the General Manager, and
  - to bring his total remuneration into line with market remuneration rates in like sized councils.
2. That the increase be applied effective from the contract anniversary date of 16 February 2019.
3. The Mayor and General Manager are to develop a draft performance agreement for the coming year, for review and adoption by all Councillors.

The Meeting closed at 5.56 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 May 2019.

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**CHAIRPERSON**