

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
21 May 2019**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 21 MAY 2019 AT 5PM**

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), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish and Cr Robert Hayes.

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 PUBLIC ACCESS - DR RICHARD GATES

Dr Richard Gates referred to Item 5.1 Mayoral Minute – NSW Government's Emergency Service Levy Increase and its imposition on local councils without consultation; an estimated cost of \$60,000 on ratepayers in the first instance and unknown quantum for the future.

Further advised he has no issue with funds being raised to care for emergency service personnel, however the cost shifting from State Government to local government is increasing at an accelerated rate, which he believes is the reason for applications for Special Rate Variations to make up the short fall.

Suggest that in the letter to the local State Member, whilst registering an objection to the Emergency Services Levy, Council include its concern at the increasing rate of cost shifting which is occurring.

The Mayor thanked Dr Gates for his address and advised the information would be taken into consideration when a response is prepared.

4 APOLOGIES

RESOLUTION 210519/1

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That the apologies received from Cr Sandra Humphrys and Cr Jill Lyons be accepted and leave of absences granted.

CARRIED

Note: Cr Daniel Simpson was previously granted leave of absence for the May and June meetings.

5 MAYORAL MINUTES

5.1 MAYORAL MINUTE - NSW GOVERNMENT'S EMERGENCY SERVICE LEVY INCREASE – IMPACT ON RATEPAYERS

RESOLUTION 210519/2

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That:

1. Council notes the NSW Government's Emergency Service Levy Increase report and the estimated financial impact on Council of over \$60,000;
2. Council supports Local Government NSW's calls for the NSW Government to cover the initial additional \$19m increase to local governments for the first year and then work with local councils to redesign the funding mechanism for the scheme to ensure fairness into the future;
3. Council supports the Mayor writing to the Member for Clarence, Chris Gulaptis MP seeking his support to review the proposed increases.

CARRIED

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD ON 16 APRIL 2019

RESOLUTION 210519/3

Moved: Cr Robert Hayes
Seconded: Cr Stephen Morrissey

That Council confirms the Minutes of the Ordinary meeting held on 16 April 2019

CARRIED

6.2 MINUTES OF INTERNAL AUDIT AND RISK COMMITTEE MEETING HELD 7 MAY 2019**RESOLUTION 210519/4**

Moved: Cr Sam Cornish
Seconded: Cr Robert Hayes

That Council receives and adopts the minutes of the Internal Audit and Risk Committee meeting held 7 May 2019.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil.

8 DECLARATION OF INTERESTS

The General Manager declared a pecuniary interest in relation to Item 21.1 General Manager's Performance Agreement and Contract, as the matter relates to the General Manager's remuneration and contract terms.

9 PETITIONS

Nil

10 NOTICE OF MOTION**10.1 NOTICE OF MOTION - CR ROBERT HAYES - STAN PAYNE OVAL TOILETS****RESOLUTION 210519/5**

Moved: Cr Robert Hayes
Seconded: Cr Sam Cornish

1. That Council consider opening the toilet facilities at Stan Payne Oval in Evans Head 7 days per week for use by the users of the adjacent newly upgraded children's park and playground.
2. A report be brought back to a future Council meeting on this issue.

CARRIED

10.2 NOTICE OF MOTION - CR ROBERT HAYES - WOODBURN SWIMMING POOL**MOTION**

Moved: Cr Robert Hayes
Seconded: Cr Sam Cornish

That Council consider closing the Woodburn Swimming Pool until funds become available in the future to perform a full modern upgrade to the facility if it is warranted at that time, and in the interim utilise some of the funds that are now required for urgent maintenance and public health items, to establish water park type facilities as part of the upgrade to the river front park in Woodburn.

AMENDMENT

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That Council consult with the community on the future of the Woodburn Pool including identifying any alternate options available and a report be brought back to a future meeting.

The amendment was put to the vote and became the motion.

RESOLUTION 210519/6

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That Council consult with the community on the future of the Woodburn Pool including identifying any alternate options available and a report be brought back to a future meeting.

CARRIED

11 MAYOR'S REPORT**11.1 MAYOR'S ATTENDANCES 9 APRIL 2019 -13 MAY 2019****RESOLUTION 210519/7**

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That Council receive and note the Mayor's attendance report 9 April 2019 – 13 May 2019.

CARRIED

12 DELEGATE'S REPORTS**12.1 DELEGATES' REPORT SUBMITTED TO MAY 2019 ORDINARY MEETING.****RESOLUTION 210519/8**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Delegates' report for the month of May 2019.

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 210519/9**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That items 14.2, 15.2, 15.3, 16.1 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS

14.1 DRAFT REVISED DELIVERY PROGRAM 2017/2021, DRAFT OPERATIONAL PLAN 2019/2020 (INCLUDING DRAFT FINANCIAL ESTIMATES 2019/2022) AND DRAFT REVENUE POLICY 2019/2020

EXECUTIVE SUMMARY

The Independent Pricing and Regulatory Pricing Tribunal (IPART) has advised Council it has been successful with its application for a special rate variation of 5.5% per annum over a four-year period to 30 June 2023. This will generate an additional \$3.9 million over the 4-year period and will allow Council to maintain its existing service levels, maintain and renew infrastructure and enhance its financial sustainability. IPART's full determination is available on the IPART website for further information.

The following documents have been compiled by staff in consultation with Councillors based on the approved special rate variation:

1. Draft Revised Delivery Program 2017/2021,
2. Draft Operational Plan 2019/2020 (including Draft Financial Estimates for the period 2019/2023),
3. Draft Revenue Policy 2019/2020, and
4. Draft Long Term Financial Plan 2019/2029

As detailed in the circulated documents, the draft budget estimates projects an unrestricted cash surplus of \$200,896 in 2019/2020 and further surpluses across the four year Delivery Program. The approval of Council's special rate variation has allowed the inclusion of a number of new projects and budget initiatives in line with the application to IPART with a focus on Asset Renewals. This will also ensure Council can improve its operating result before capital grants and contributions whilst delivering core services and essential capital works.

A copy of the Draft Revised Delivery Program 2017/2021, Draft Operational Plan 2019/2020 (including Draft Financial Estimates 2019/2023), Draft Revenue Policy 2019/2020 and Draft Long Term Financial Plan 2019/2029 have been circulated separately to Councillors.

RESOLUTION 210519/10

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That

1. The Draft Revised Delivery Program 2017/2021, Draft Operational Plan 2019/2020 (including Draft Financial Estimates 2019/2023), Draft Revenue Policy 2019/2020 and Draft Long Term Financial Plan 2019/2029 be placed on public exhibition for a period of at least 28 days.
2. The draft documents be brought back to Council to consider any submissions received for final adoption at the Ordinary Meeting of Council on 25 June 2019.

CARRIED

14.2 MAYORAL ALLOWANCE/COUNCILLOR FEES 2019/2020**EXECUTIVE SUMMARY**

Each financial year, the Local Government Remuneration Tribunal determines the minimum and maximum remuneration payable to Mayors and Councillors for carrying out their duties. The determination by the Local Government Remuneration Tribunal is pursuant to Sections 239 and 241 of the *Local Government Act 1993*.

Council has received notification that the Local Government Remuneration Tribunal has determined that the Mayoral and Councillor Fees are to increase by 2.5% for the 2019/2020 financial year. The only way a Council can increase the fees payable by more than this percentage is if the Local Government Remuneration Tribunal re-categorises that Council.

Richmond Valley Council is classified as a Regional Rural Council. The minimum and maximum fees set by the Tribunal for the 2019/2020 financial year for Regional Rural Councils are as follows:

	Minimum Fee	Maximum Fee
Councillor Annual Fee	\$9,190.00	\$20,280.00
Mayoral Additional Annual Fee	\$19,580.00	\$44,250.00

RESOLUTION 210519/11

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

Recommended that:

1. Council set the Mayoral Allowance for the 2019/2020 financial year effective from 1 July 2019 at \$44,250 per annum or \$3,687.50 per month, being the maximum remuneration allowable for a Regional Rural Council.
2. Council set the Councillor Fee for the 2019/2020 financial year effective from 1 July 2019 at \$20,280 per annum or \$1,690.00 per month, being the maximum remuneration allowable for a Regional Rural Council.

CARRIED

15 FINANCIAL REPORTS**15.1 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 31 MARCH 2019****EXECUTIVE SUMMARY**

This report outlines the proposed adjustments for the 2018/2019 budget for the quarter ended 31 March 2019. These adjustments exclude all previously adopted Monthly Budget Adjustments.

The proposed changes see Council's projected operating surplus from continuing operations for 2018/2019 increase from the revised budget operating surplus as at 28 February 2019 of \$12,359,147 to \$12,662,926. The operating result before capital grants and contributions has improved by \$168,081, to a projected loss of \$4,115,882. There has been a decrease in reserve funding of \$2,249,083, with a revised projected transfer to cash reserves of \$1,538,637. This is primarily due to the removal of \$2,448,664 in capital works projects.

Income from continuing operations has increased by \$757,899, with total income now projected to be \$74,432,401. This is largely due to revised extraction rates at Petersons Quarry resulting in an expected \$384,805 in additional revenue. Council was also successful with \$120,000 in grant funding under the Regional Cultural Fund for Casino Civic Hall Revitalisation. In addition, higher than anticipated Section 64 contributions have been received, resulting in an increase in income of \$50,000.

Expenses from continuing operations have increased by \$454,120 with total operating expenses now projected to be \$61,769,475. This increase is largely due to the removal and relocation of the Living Museum and Visitor Information Centre in Evans Head for \$400,000.

Council's capital works program has been reviewed, resulting in a decrease of \$2,448,664 to a projected total of \$30,713,839. This is largely due to several projects being carried over into 2019/2020. The major reductions are in the areas of Real Estate Development (\$800,000), Waste Management (\$516,788), Sports Grounds, Parks & Facilities (\$200,877) and Fleet Management (\$499,719). A further decrease is attributed to Sewerage Services with \$369,527 in works no longer required.

A detailed Quarterly Budget Review Statement for the third quarter of the 2018/2019 year has been circulated separately to each Councillor. These changes are disclosed by Priority Areas on pages 2-8 of the Quarterly Budget Review Statement and detailed explanations are provided on pages 9-16.

RESOLUTION 210519/12

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council adopt the Quarterly Budget Review Statement as at 31 March 2019 and approve the recommended variations.

CARRIED

15.2 FINANCIAL ANALYSIS REPORT - APRIL 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 30 April 2019 including General Bank Accounts and Trust Funds is shown below.

Investment Portfolio	General Bank Accounts	Trust Funds	Total
\$41,707,432	\$580,602	\$87,050	\$42,375,084

The average rate of return on Council's investments for April 2019 was 3.23% which is above the 90 Day Bank Bill Index for April of 1.56%.

RESOLUTION 210519/13

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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

CARRIED

15.3 WRITE-OFF OF MONIES UNDER DELEGATION - JULY 2018 TO MARCH 2019**EXECUTIVE SUMMARY**

At the April 2015 Ordinary Meeting Council resolved to provide a summary report on a bi-annual basis outlining the write-offs made during the period under the General Manager's delegation.

This report provides a summary of write-offs for the period of 1 July 2018 – 31 March 2019

RESOLUTION 210519/14

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the information provided in this report.

CARRIED

16 TENDER REPORTS**16.1 TENDER - DESIGN AND CONSTRUCT ROOF OVER STAN PAYNE OVAL GRANDSTAND (VP140128)****EXECUTIVE SUMMARY**

Richmond Valley Council has received funding from the Stronger Country Communities' Fund (Round 2) that focuses on delivering crucial infrastructure to improve the quality of life for people in regional NSW. This funding was received to support multiple projects.

One of the elements of these projects was to improve the grandstand facility at the Stan Payne oval in Evans head.

Council called for tenders from suitably qualified and experienced contractors to construct a roof, and upgrade the handrails and access to the existing grandstand.

RESOLUTION 210519/15

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That

1. AGS Commercial Pty Ltd be approved as the preferred tenderer for the Stan Payne Oval grandstand roof project for Richmond Valley Council at the tendered rate of \$179,390.00 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 the scope of works, in line with the content of this report and the available budget, and affixing the seal of Council where necessary.

CARRIED

17 GENERAL BUSINESS

Nil

18 MATTERS FOR INFORMATION**RESOLUTION 210519/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

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

CARRIED

18.1 SIGNIFICANT PROJECTS UPDATE**RESOLUTION 210519/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council note the Significant Projects Update report.

CARRIED

18.2 SERVICE NSW - EASY TO DO BUSINESS PROGRAM UPDATE**RESOLUTION 210519/18**

Moved: Cr Stephen Morrissey
Seconded: Cr Robert Hayes

That Council note the information provided in relation to the Easy to do Business program.

CARRIED

18.3 COMMUNITY FINANCIAL ASSISTANCE PROGRAM ROUND TWO 2018/2019**RESOLUTION 210519/19**

Moved: Cr Stephen Morrissey
Seconded: Cr Robert Hayes

That Council receive and note the allocation under the Community Financial Assistance Program Round 2 2018/2019.

CARRIED

18.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 APRIL 2019 TO 30 APRIL 2019**RESOLUTION 210519/20**

Moved: Cr Stephen Morrissey
Seconded: Cr Robert Hayes

That Council receive and note the development application report for the period 1 April 2019 to 30 April 2019.

CARRIED

18.5 GRANT APPLICATION INFORMATION REPORT - APRIL 2019**RESOLUTION 210519/21**

Moved: Cr Stephen Morrissey
Seconded: Cr Robert Hayes

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

CARRIED

18.6 CORRESPONDENCE SUBMITTED TO MAY 2019 ORDINARY MEETING**RESOLUTION 210519/22**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receive and note the correspondence from Roads and Maritime Services (Transport for NSW)

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 Performance Agreement and Contract**

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. (Reason stated: Public funds support staff and for reasons of accountability and transparency this information should be made public).

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 210519/23

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

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 6.05pm.

Council closed its meeting at 6.05 pm. The public left the Chamber.

The Open Council Meeting resumed at 6.13pm

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 Performance Agreement and Contract

That Council:

1. Approve the General Manager's performance agreement for the coming year,
2. Note the request by the General Manager for the renewal of his contract for a five year period and acknowledge his very satisfactory performance and the commitment he has shown to the Richmond Valley community, and
3. Approve for the Mayor to have a new five (5) year contract prepared for the General Manager in response to his request for renewal of his contract and have it executed with it to take effect from 1 July 2019.

The Meeting closed at 6.15 pm.

The minutes of this meeting are to be confirmed at the Ordinary Council Meeting held on 25 June 2019.

.....
CHAIRPERSON