

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
17 September 2019**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 17 SEPTEMBER 2019 AT 5 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), 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 and Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Julie Clark (Personal Assistant to the General Manager and Mayor) and Kaela Barber (Managerial Assistant, Infrastructure and Environment)

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 AND QUESTION TIME - NOTICE OF MOTION - TOWN ENTRY SIGNS

The following persons addressed Council in relation to Item 10.1 – Notice of Motion – Town Entry Signs;

Ms Kirby Barker spoke on behalf of the Bandjalang People and the Evans Head Pre-School Association Inc. advocating for Council leadership towards the installation of traditional owner signage at the entry and exit points of Richmond Valley Council villages/towns. Advised children, families and educators of the Evans Head and Woodburn communities have identified there is currently no signage and requested Council work collaboratively with members of the community to create signage showing individual stories for each location.

The Mayor thanked Ms Barker for addressing Council.

Mr Craig Gillespie, Teacher of Evans River K-12, outlined a valuable Aboriginal program provided at the school and spoke of the importance of encouraging language and culture into the daily teaching curriculum for students. Advised of a "Cultural Suitcase" which is provided to students to assist them understand Aboriginal heritage and provide tools to learn language and confidently speak on behalf of their country, carry out acknowledgements and welcome addresses.

Mr Gillespie thanked Council for its involvement in the community and set a challenge for Council to create a "Cultural Suitcase" of its own for the entire Richmond Valley community.

The Mayor thanked Mr Gillespie for his address.

Ms Allyson Cuskelly, Director of Evans Head Preschool Association Inc. spoke about the importance of having traditional owner signage. Signage would provide a strong sense of identity, connectiveness and confidence to assist children be effective communicators.

With the implementation of signage, it would provide the community and visitors with the knowledge of the land to which they are on.

Further advised that the group would like to be involved in the project of creating signage.

The Mayor thanked Ms Cuskelly for addressing Council.

4 APOLOGIES

Nil

5 MAYORAL MINUTES

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD ON 20 AUGUST 2019

RESOLUTION 170919/1

Moved: Cr Robert Hayes

Seconded: Cr Jill Lyons

That Council confirms the Minutes of the Ordinary meeting held on 20 August 2019

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil.

8 DECLARATION OF INTERESTS

NIL.

9 PETITIONS

Nil.

10 NOTICE OF MOTION**10.1 NOTICE OF MOTION - TOWN ENTRY SIGNS****RESOLUTION 170919/2**

Moved: Cr Robert Hayes
Seconded: Cr Daniel Simpson

That:

1. A report be brought back to Council on the possible impacts and associated costs on rate payers by installing signs at the entry points to our towns and villages; in stages, Stage 1 being Evans Head and Woodburn and future stages being Broadwater, Coraki, Rappville and Casino to acknowledge the traditional owners of the Bundjalung Country, that we reside on.
2. Council take into consideration, the submissions delivered to the General Manager on 3 September 2019 on behalf of the early childhood educators in our community, as well as the addresses by representatives of the Evans Head-Woodburn Preschool and the Evans River K-12 School at tonight's meeting with regards to the progress they have achieved with their curriculum and how the installation of these signs will further educate our children towards reconciliation and recognition of the Traditional owners.

CARRIED

11 MAYOR'S REPORT**11.1 MAYOR ATTENDANCES 13 AUGUST - 9 SEPTEMBER 2019****RESOLUTION 170919/3**

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That Council receive and note the Mayor attendance report 13 August – 9 September 2019.

CARRIED

12 DELEGATE'S REPORTS**12.1 DELEGATES' REPORT SUBMITTED TO SEPTEMBER 2019 ORDINARY MEETING.****RESOLUTION 170919/4**

Moved: Cr Robert Mustow
Seconded: Cr Sandra Humphrys

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

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 170919/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That items 15.1, 16.1 and 17.1 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS**14.1 ELECTION OF DEPUTY MAYOR****EXECUTIVE SUMMARY**

Section 231 of the *Local Government Act 1993 (The Act)* provides that the Councillors may elect a Deputy Mayor for the mayoral term or for a shorter term. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function, or if there is a casual vacancy in the office of Mayor.

Schedule 7 of the *Local Government (General) Regulation 2005 (The Regulations)* provides for the method of conduct for the election of Deputy Mayor. The methods of conduct for the election, if more than one Councillor is nominated, are by preferential ballot, by ordinary ballot or by open voting.

It is recommended that the Deputy Mayor be elected for a 12-month term and that the method of conduct for the election of Deputy Mayor be by open voting.

It is also appropriate following declaration of the election result that nomination forms and any ballot papers be destroyed.

RESOLUTION 170919/6

Moved: Cr Robert Hayes

Seconded: Cr Jill Lyons

That:

1. Council elect a Deputy Mayor for a one-year period.
2. Nominations for the position of Deputy Mayor be submitted in accordance with the Local Government (General) Regulation 2005, Schedule 7.
3. The method of conduct for the election of Deputy Mayor be by open voting.
4. Following declaration of the election result, nomination forms be destroyed.

CARRIED

The General Manager, as Returning Officer for the election, advised that he had received one nomination for the position of Deputy Mayor and called for further nominations from the floor, however none were submitted. He advised that the nomination he had received was a valid nomination and it was from Cr Morrissey.

As there was one nomination only, Cr Morrissey was declared elected as Deputy Mayor for the next 12 months.

The Mayor congratulated Cr Morrissey on his election as Deputy Mayor.

14.2 REVIEW OF SUBMISSIONS FOR BEACH PERMIT SYSTEM

EXECUTIVE SUMMARY

At Council's Ordinary meeting of 19 February 2019, the following question was raised:

Item 19.1 "What can Council do to control the amount of out of area vehicles which access Airforce Beach for inappropriate uses, without detracting from the local users".

Research was carried out by Council's Ranger and information received was then presented in a Briefing Note at the Councillor Information Session of 2 July 2019. Council then publicly exhibited the proposal to introduce a Beach Permit Scheme with submissions revealing that there is a widely acknowledged issue on the beach from driving offences and anti-social behaviour.

Based on feedback from the community, several actions such as an increase in Ranger patrols, the introduction of a media campaign and a review of beach access signage are recommended.

RESOLUTION 170919/7

Moved: Cr Robert Hayes

Seconded: Cr Daniel Simpson

That Council:

1. Increase ranger patrols, including weekend patrols, commencing from October 2019. This would be in liaison with NSW Police Force, Crowns Lands and the National Parks and Wildlife Service and will commence at the start of the October Long-weekend School holidays which begin on 28 September 2019.
2. Develop and implement a media campaign focusing on improved behaviour from beach goers and highlighting that a zero-tolerance approach will be taken by Council rangers.
3. Review beach signage to ensure beach rules and speed limits are clear.
4. Approve a budget adjustment of \$11,800 from the 2019/20 budget surplus to fund additional Ranger salaries to undertake beach patrols.
5. Undertake a periodical review of the effectiveness of the increased patrolling with a report to be submitted to Council after June 2020.

CARRIED

15 FINANCIAL REPORTS**15.1 FINANCIAL ANALYSIS REPORT - AUGUST 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 August 2019 including General Bank Accounts and Trust Funds is shown below.

Investment Portfolio	General Bank Accounts	Trust Funds	Total
\$46,162,589	\$2,048,310	\$87,050	\$48,297,949

The weighted average rate of return on Council's investments for August 2019 was 2.29% which is above the 90 Day Bank Bill Index for August of 0.97%.

RESOLUTION 170919/8

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

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

CARRIED

16 TENDER REPORTS**16.1 REHABILITATION OF SEWER MAINS - VP155217****EXECUTIVE SUMMARY**

Richmond Valley Council sought Tenders for the rehabilitation of sewer gravity mains within the township of Casino. Council has an aging sewer network which currently experiences ground water infiltration as a result of deterioration. This coupled with the risk of failure requires these assets to be assessed and rehabilitated on a priority basis.

Four (4) submissions for tender were received. Three (3) were evaluated as conforming tenders. Insituform Pacific is recommended as the successful tenderer and most advantageous to council.

RESOLUTION 170919/9

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That

1. Council accept the tender for Insituform Pacific which represents best value for Council at the tendered price of \$773,215.45 (exclusive of GST)
2. Allow for the Common Seal of Council be affixed to any documentation as required.

CARRIED

17 GENERAL BUSINESS**17.1 ROAD MAINTENANCE AND CONSTRUCTION SERVICES REVIEW UPDATE ON IMPLEMENTATION ACTIONS****EXECUTIVE SUMMARY**

At the March 2017 Ordinary Meeting, Council resolved to adopt the recommendations of the Road Maintenance and Construction Services Review and to report to Council every six months on the progress of the implementation of the recommendations.

This report provides commentary on the actions undertaken in response to the recommendations made in the report, through to 31 August 2019.

RESOLUTION 170919/10

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That:

1. Council receive and note the progress report on the implementation of the recommendations of the Road Maintenance and Construction Services Review; and
2. Further progress report will be submitted on an annual basis.

CARRIED

18 MATTERS FOR INFORMATION**RESOLUTION 170919/11**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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

CARRIED

18.1 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 AUGUST 2019 TO 31 AUGUST 2019

RESOLUTION 170919/12

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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

CARRIED

18.2 GRANT APPLICATION INFORMATION REPORT - AUGUST 2019

RESOLUTION 170919/13

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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

CARRIED

19 QUESTIONS ON NOTICE**19.1 QUESTIONS WITH NOTICE, PROVIDED AT ORDINARY MEETING 20 AUGUST 2019**

The following questions on notice were received from Councillor Daniel Simpson.

Questions:

1. Does the Council have a process in place to monitor development applications that have been approved and have commenced, but have not obtained interim or final approval?
2. Is there a best practice standard issued by either the Department of Local Government or Department of Planning in relation to development applications that have not obtained interim or final approval?
3. Is there any potential liability for Council if approval and commenced development applications are not signed off?
4. Is there any potential liability for Council in regard to Fire Safety Statements that have not been issued by businesses, when annual submission is required?

Responses:

1. Under the EP&A Act Council is not required to monitor the status of individual applications. It should be noted that many approved DAs do not commence immediately and some do not proceed if they aren't activated within five years. In 2018/19 Council determined 274 DAs. Given this volume of DAs Council does not have the resources or a current program in place to monitor development statuses. Compliance with consent conditions is the responsibility of the applicant/landowner. Consent conditions are often placed on consents which require the applicant/owner to notify Council when the structure requires an occupation certificate.
2. Part 6 of the EP&A Act 1979 describes what the type of certificate and when a certificate is required to be issued for building works and when a building is required to be finalised and an Occupation Certificate issued. Depending on the nature of a development, Council Officers will impose various standard conditions on a Development Consent to ensure legislative requirements are adhered to. Council is not aware of a specific standard or Guideline on this matter issued by the Department of Planning Infrastructure and Environment which now includes the Office of Local Government. However, additional information regarding Frequently Asked Questions – Occupation Certificates is attached.
3. Council applies various conditions of consent requiring an Occupation Certificate to be issued prior to the use of the building. The obligation is on the owner/applicant to advise Council when the building is fit for occupation. Development Consents are a legal document and the onus is on the owner/applicant to comply with the conditions of consent. There are liabilities for the owner if an Occupation Certificate is not obtained, impacts such as not being able to occupy the building, the sale or demolition of the building, insurance/risk exposure and the risk of legal action by Council to rectify the matter.
4. Council currently does not have the resources to monitor Fire Safety Certificates/Statements as the emphasis is placed on the owner to ensure their business is safe for their clients/customers and appropriate safety measures are in place. The requirement for annual Fire Safety Certificates/Statements is conditioned on a Development Consent and as such the onus is placed on the owner to comply with consent conditions. Council can challenge non-compliance or breaches of consent conditions pursuant to Acts and Regulations. Council officers are obliged to identify and require compliance with any observations of inadequate fire safety

measures made during regular inspections of businesses for food safety compliance or building certification. Council also is required to respond to complaints of inadequate fire safety measures within a building and will take appropriate action to ensure safety measures are in place within the building and public safety is ensured.

RESOLUTION 170919/14

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That the responses to the questions regarding development and related issues, raised by Councillor Daniel Simpson, be received and noted.

CARRIED

20 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil.

21 MATTERS REFERRED TO CLOSED COUNCIL

21.1 Write off Bad Debt

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.

There were no representations from the gallery.

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 170919/15

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That:

1. Council resolved to enter 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

Council closed its meeting at 5.50 pm. The public left the Chamber.

The Open Council Meeting resumed at 5.55 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 WRITE OFF BAD DEBT

That Council write off the "bad debt" as set out in the report.

The Meeting closed at 5.56 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 22 October 2019.

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CHAIRPERSON