

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
19 November 2019**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 19 NOVEMBER 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), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons and Cr Daniel Simpson.

IN ATTENDANCE: Vaughan Macdonald (General Manager), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Kate Allder-Conn (Governance Officer) and 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 AND QUESTION TIME - ITEM 14.3 FREE CAMPING OPTIONS IN THE RICHMOND VALLEY

Mr John Oomen representative of Casino Chamber of Commerce and Industry addressed the meeting in relation to Item 14.3 Free Camping Options in the Richmond Valley.

Mr Oomen congratulated Council on the free camping initiative and commented the Chamber recognises the benefits which will be gained through improved parking, additional directional signage and increased visitations to the Casino CBD. Becoming an RV Friendly town will further build on tourism opportunities, with long-term benefits.

The Mayor thanked Mr Oomen for the address.

4 APOLOGIES

Nil. Director Infrastructure & Environment Angela Jones absence was noted, currently undertaking the role of Local Emergency Management Officer at the Emergency Operations Centre in Casino.

5 MAYORAL MINUTES

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD ON 22 OCTOBER 2019****RESOLUTION 191119/1**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council confirms the Minutes of the Ordinary meeting held on 22 October 2019.

CARRIED**6.2 MINUTES OF INTERNAL AUDIT AND RISK COMMITTEE MEETINGS HELD ON 22 OCTOBER 2019 AND 6 NOVEMBER 2019****RESOLUTION 191119/2**

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council receives and adopts the minutes of the Internal Audit and Risk Committee meetings held on 22 October 2019 and 6 November 2019.

CARRIED**7 MATTERS ARISING OUT OF THE MINUTES****5.1 Mayoral Minute – Bushfire Recovery Relief**

Cr Hayes referred to Item 5.1 dot point 9 and asked if the Mayor's partner's name could be included in the resolution, as previously requested.

The Mayor accepted the amendment.

8 DECLARATION OF INTERESTS

Nil.

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYOR ATTENDANCES 17 OCTOBER - 11 NOVEMBER 2019****RESOLUTION 191119/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Mayor's attendance report 17 October – 11 November 2019.

CARRIED

12 DELEGATE'S REPORTS**12.1 DELEGATES' REPORT SUBMITTED TO NOVEMBER 2019 ORDINARY MEETING.****RESOLUTION 191119/4**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council receive and note the Delegates' report from Cr Mustow and Cr Humphrys for the month of November 2019.

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 191119/5**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That items 15.2, 16.1 & 17.3 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS

14.1 DRAFT ANNUAL REPORT 2018/2019

EXECUTIVE SUMMARY

The Annual Report is one of the key points of accountability between Council and its community reporting on the progress being made on implementation of the Delivery Program, progress towards achievement of Community Strategic Plan outcomes, and financial performance against the annual and long-term financial plan.

RESOLUTION 191119/6

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. Endorses the Richmond Valley Council 2018/2019 Annual report.
2. In accordance with s.428 of the Local Government Act 1993, posts the finalised Annual Report on Council's website and provide a copy to the Minister.
3. Add Councillor group photo to the Annual report.

CARRIED

14.2 BUSHFIRE RECOVERY UPDATE

EXECUTIVE SUMMARY

Council continues to provide significant support to both the emergency response and recovery efforts due to the impacts of the Busbys Flat Road fire of 8 October and now the Myall Creek Road fire of 8 November 2019, which continues to burn in the Bungawalbin and new Italy areas of the Valley. The details of Council's response to date are set out in this report.

RESOLUTION 191119/7

Moved: Cr Daniel Simpson

Seconded: Cr Sandra Humphrys

That Council:

1. Notes the Bushfire Recovery Update report,
2. Place the Draft Financial Hardship – Natural Disaster policy on public exhibition for a period of 28 days,
3. Provide in principle agreement to waive the council levied Development Assessment fees for properties that remain in the same ownership, that are directly affected by the 8 October and 8 November 2019 Natural Disasters for a two-year period from 8 October 2019 in line with section 610E of the Local Government Act, and
4. Advertise its intention to waive fees for properties destroyed in the October and November 2019 Natural Disasters as required by section 610F of the Local Government Act.

CARRIED

14.3 FREE CAMPING OPTIONS IN THE RICHMOND VALLEY**EXECUTIVE SUMMARY**

The Recreational Vehicle (RV) travel market continues to grow in Australia with new research revealing RV ownership is at an all-time high, with close to 680,000 vehicles registered in 2018 - 612,767 caravans and 66,611 campervans. This equates to one in 13 households in Australia having a registered RV.

Council's aim is to find the correct balance between capturing the economic opportunities available through the RV market and supporting the needs of local businesses in the region including accommodation providers, in particular caravan parks.

RESOLUTION 191119/8

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council:

1. Seeks approval through Crown Lands to utilise the Casino Showground as an RV Friendly site.
2. Submits an application to CMCA for the Casino Showground to become an RV Friendly Town.
3. Continues to investigate suitable locations for short-stay parking for RVs in Woodburn, and New Italy.

CARRIED

15 FINANCIAL REPORTS**15.1 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 30 SEPTEMBER 2019****EXECUTIVE SUMMARY**

This report outlines the proposed adjustments for the 2019/2020 budget for the quarter ended 30 September 2019. These adjustments exclude all previously adopted Monthly Budget Adjustments.

The proposed changes see Council's projected operating surplus from continuing operations for 2019/2020 improve from the revised budget deficit as at 31 July 2019 of \$312,798 to a surplus of \$36,141. The operating result before capital grants and contributions has decreased however to a projected loss of \$5,124,874. There has been a decrease in reserve funding of \$1,174,207, with a revised projected transfer from cash reserves of \$4,687,216. This is primarily due to the removal of \$1,025,000 in capital revenue which was for the sale of land in Evans Head, this land ended up settling last financial year.

Income from continuing operations has increased by \$660,841, with total income now projected to be \$65,069,651. This is largely due to the approval of several infrastructure projects under the Rural Fire Fighting Fund for \$265,000 along with the approval of stage 2 of the Johnston Street, Bruxner Highway Shared Pathway. Council also received notification of its Financial Assistance Grant entitlement for 2019/2020 which was \$104,436 higher than originally budgeted.

Expenses from continuing operations have increased by \$311,902 with total operating expenses now projected to be \$65,033,509. This increase is largely due to the approval of several infrastructure projects under the Rural Fire Fighting Fund for \$155,000, as mentioned above, along with \$66,224 in projects funded from Better Waste and Recycling grant funding.

Council's capital works program has increased by \$451,098, to a projected total of \$22,491,137. This is largely due to the approval of stage 2 of the Johnston Street, Bruxner Highway Shared Pathway, along with \$110,000 in infrastructure projects under the Rural Fire Fighting Fund. In addition, a review of the sewerage services capital works program has resulted in an additional \$92,914 being allocated towards the capital works program.

A detailed Quarterly Budget Review Statement for the first quarter of the 2019/2020 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 9-11.

RESOLUTION 191119/9

Moved: Cr Daniel Simpson

Seconded: Cr Sam Cornish

That Council adopt the Quarterly Budget Review Statement as at 30 September 2019 and approve the recommended variations.

CARRIED

15.2 FINANCIAL ANALYSIS REPORT - OCTOBER 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 9) and Council's Investment Policy.

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

Investment Portfolio	General Bank Accounts	Trust Funds	Total
\$46,621,670	\$454,813	\$87,050	\$47,163,533

The weighted average rate of return on Council's investments for October 2019 was 2.10% which is above the 90 Day Bank Bill Index for October of 0.925%.

RESOLUTION 191119/10

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council adopt the Financial Analysis Report detailing investment performance for the month of October 2019.

.CARRIED

15.3 2018/2019 RICHMOND VALLEY COUNCIL FINANCIAL STATEMENTS**EXECUTIVE SUMMARY**

At the Ordinary Meeting held on 22 October 2019, Council was required by Section 413 of the *Local Government Act 1993* to adopt the financial statements for the 2018/2019 financial year as a result of the completion of the audit process. At this meeting, Council also resolved to present the audited financial statements to the public at the Ordinary Meeting to be held on 19 November 2019.

RESOLUTION 191119/11

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That in accordance with Sections 418 and 419 of the *Local Government Act 1993*, Council present the financial statements of Richmond Valley Council for the financial year ended 30 June 2019 to the public.

CARRIED

15.4 NORTHERN RIVERS LIVESTOCK EXCHANGE STATISTICS AND FINANCIAL PERFORMANCE AS AT 30 SEPTEMBER 2019

EXECUTIVE SUMMARY

This report provides an update on the Northern Rivers Livestock Exchange (NRLX) financial performance as at 30 September 2019, as well as monthly throughput information from 2014/2015 to 2019/2020 YTD.

NRLX throughput is currently at the highest levels seen in the past five years. It is clear a significant influencing factor is the ongoing prolonged drought conditions. Notwithstanding, the NRLX throughput is 19.52% higher than its own five-year average and 35.1% higher than 2018/2019 YTD throughput. This sets NRLX apart from the remainder of the state which has only seen a 10.2% increase in throughput from the 2018/2019 Q1 throughput. This figure includes NRLX's increase, therefore the state average would actually be lower.

Income from user charges and fees is currently \$328,994 and 25.76% of projected yearly budget. This figure is \$82,596 higher than Q1 2018/2019 due to the increased throughput.

Operating expenditure is \$500,281 as at 30 September 2019 which is 32.10% of budgeted expenditure for the financial year. Operational expenditure is higher than anticipated for YTD due to ongoing construction works that have recently been completed. NRLX operations are investing higher levels of labour and operational budget to complete improvements that were not included in the capital build budget such as landscaping, concreting works including footpaths, agent's office surrounds, air conditioning, and ongoing technology improvements including improving mobile phone coverage given the ongoing delay in the completion of a phone tower to service the Nammoona precinct. Some of these costs are in the process of being transferred to capital budgets which will improve the NRLX operational result.

Internal charges are at \$88,217 for the quarter. Internal charges are the operation's third highest expense item behind Depreciation (\$462,010) and Salaries (\$456,688). Internal charges cover things like Council insurances, support costs, internal plant charges and rates. Council insurances are paid in full in the first quarter of each year, this obviously inflates internal charges for the first three quarters of the financial year, also there are certain plant charges that will need to be transferred to capital expenditure as they are for plant used in the NRLX construction works, bearing this in mind internal plant charges are slightly higher than anticipated for the first quarter.

It's important to note that NRLX has embarked on new ground with the employment and training of additional personnel during the intervening period to ensure business continuity while addressing excess leave for longer term existing staff. A concerted effort has been made to reduce leave liabilities during the same period.

It is imperative that the NRLX supports the \$100 Million plus industry with succession planning, modernised selling techniques through use of technology and systems, along with business continuity planning which has previously not been adequately addressed.

RESOLUTION 191119/12

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council note the performance of the Northern Rivers Livestock Exchange as at 30 September 2019.

CARRIED

15.5 SECTION 64, SECTION 7.11 AND SECTION 7.12 CONTRIBUTIONS**EXECUTIVE SUMMARY**

Council recovers contributions, raises levies and enters into planning agreements on development works that are subject to a development consent issued by Council.

Council collected \$2,306,459 in contributions in the last financial year and expended \$1,298,750. Current reserves total \$8,014,721 as at 30 June 2019.

RESOLUTION 191119/13

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council receive and note the Section 64, Section 7.11 and Section 7.12 contributions for the 2018/2019 financial year.

CARRIED

16 TENDER REPORTS**16.1 TENDER - STAGE 1 CANNING DRIVE SUBDIVISION - VP165363****EXECUTIVE SUMMARY**

Richmond Valley Council called for Tenders for appropriately qualified and experienced contractors for the construction of Stage 1 (Lots 1 to 10 inclusive) of a residential subdivision at Canning Drive, Casino including bulk earthworks for Stage 2. The works include but are not limited to erosion and sedimentation works, traffic management, earthworks, drainage, road and pavement construction, and water and sewer reticulation.

RESOLUTION 191119/14

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That:

1. Council accept the tender from Price Civil Pty Ltd which represents the best value for Council at \$473,987.50 (exclusive of GST); and
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**17.1 CROWN ROAD TRANSFER - THE GAP****EXECUTIVE SUMMARY**

Council has received a request from the property owner of Lot 6 DP 261664 for Council to take control of a crown road reserve that provides access to the property. Access to the applicant's property is via a Crown Road that comes off The Gap Road, adjacent to 240 The Gap Road, Woodburn. Department of Planning, Industry and Environment (Crown Lands) have advised the applicant that if future construction approvals are required for construction of a driveway to this property, the control of the road should be transferred to Council.

RESOLUTION 191119/15

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council defer the item (Crown Road Transfer – The Gap) until further information is received for consideration.

CARRIED

17.2 DA2019/0034 – SUBDIVISION TO CREATE TWO LOTS (LOT 1 - 334.8M2 AND LOT 2 - 398.1M2) – 135 AND 137 RIVER STREET, WOODBURN

A Development Application has been received for the re-subdivision of two existing lots to create two new lots at 135 and 137 River Street, Woodburn. The purpose of the subdivision is to realign the properties common boundary in order to rectify existing encroachments. The existing lots are both currently below minimum lot size.

The site is zoned RU5 – Village. Clause 4.1 of the *Richmond Valley Local Environmental Plan 2012* (RVLEP) designates a 600 m² minimum lot size for the land. The subdivision will result in both lots being below the prescribed minimum lot size standard. Proposed Lot 1 being 334.8m² and proposed Lot 2 being 398.1m².

The applicant has requested, pursuant to Clause 4.6 of the RVLEP a variation to the minimum lot size to permit the creation of both lots. The variation is in excess of 10% of the development standard and therefore must be determined by the Council in accordance with the notification of assumed concurrence issued by the Secretary of the Department of Planning and Environment.

RESOLUTION 191119/16

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Council:

1. Pursuant to clause 4.6 of Richmond Valley Local Environmental Plan 2012 approve a variation in respect of clause 4.1 Minimum subdivision lot size, and
2. Approve Development Application No. 2020.0034 subject to the recommended conditions contained within the conditions of consent notice.

CARRIED

17.3 DRAFT COMMUNITY PARTICIPATION PLAN AND DRAFT DEVELOPMENT CONTROL PLAN AMENDMENT - POST EXHIBITION REPORT

EXECUTIVE SUMMARY

Community Participation Plans (CPP) are a new requirement under the *Environmental Planning and Assessment Act 1979* (the Act) aimed at outlining how and when the community will be engaged by NSW Planning Authorities across a range of development assessment and strategic planning functions under the Act.

All NSW Planning Authorities, including councils, are required to prepare CPPs for their respective planning functions and have a final version published on the NSW Planning Portal by 1 December 2019.

Richmond Valley Council's draft CPP and a consequential Development Control Plan amendment, were publicly exhibited from 29 August 2019 to 27 September 2019 (a total of 29 days). One submission, generally supportive of the document, was received.

A number of minor changes have been made to the Draft CPP, with the final version presented for adoption by Council.

RESOLUTION 191119/17

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council:

1. Adopt:
 - (a) Richmond Valley Council Community Participation Plan 2019 (dated Nov 2019); and
 - (b) Richmond Valley Council Development Control Plan 2015 (Amendment No.1) – Community Participation Plan (dated Nov 2019); and
2. Publish these documents on Council's website and the NSW Planning Portal by 1 December 2019.

CARRIED

18 MATTERS FOR INFORMATION

RESOLUTION 191119/18

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

CARRIED

18.1 COMMUNITY FINANCIAL ASSISTANCE PROGRAM ROUND ONE 2019/2020

RESOLUTION 191119/19

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the allocation under the Community Financial Assistance Program Round 1 2019/2020.

CARRIED

18.2 GRANT APPLICATION INFORMATION REPORT - OCTOBER 2019**RESOLUTION 191119/20**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

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

CARRIED

18.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 OCTOBER 2019 TO 31 OCTOBER 2019**RESOLUTION 191119/21**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

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

CARRIED

19 QUESTIONS ON NOTICE**19.1 QUESTIONS WITH NOTICE, PROVIDED BY CR JILL LYONS AT ORDINARY MEETING 22 OCTOBER 2019.**

The following questions on notice were received from Councillor Jill Lyons.

Questions

1. Regarding the sinking road problem in Coraki at the intersection of Richmond Terrace and Allwood St is the council considering what action to take?
If action is being considered what might be included in that consideration?
2. Regarding the recently re-fenced area along the riverside behind Windsor Park Coraki does the Council propose to maintain a mowing schedule and how that would be implemented?
With regard to that area the dual use by people and animals would seem to be undesirable both for people and animals.
Has the council excluded the area's use for animal grazing?

Responses

1. Council has engaged Regional Geotechnics to review all relevant geotechnical investigations of Richmond Terrace, Coraki that have been undertaken by Council as far back as 2003 to the current day. The work will provide Council with short- and long-term options to rectify the pavement failure. A draft report has been received which is currently being reviewed. The Report will be finalised and then inform Council's planning and decision making on the allocation of funding or to seek grant funding when opportunities arise to enable rectification works on Richmond Terrace to be planned, and when funding is confirmed, undertaken.

2. The Windsor Park area will be maintained either by mowing or at times selected cattle grazing. The paddock fencing has been constructed in a manner which allows people to walk through adjacent to cattle paddocks. Signage will be placed on the gates, and at times the space may be "dog on leash" to ensure safety when cattle are grazing in the reserve area. If people use common-sense when there are cattle in the area, it has been assessed as a low risk co-habitation. Council has a good relationship with the grazier and is keen to ensure a co-habitation in the area wherever possible. Council will monitor usage of this area and any issues that arise.

RESOLUTION 191119/22

Moved: Cr Jill Lyons

Seconded: Cr Sam Cornish

That the responses to the questions raised by Councillor Jill Lyons were received and noted.

CARRIED

20 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil.

The Meeting closed at 6.15 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 December 2019.

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CHAIRPERSON