

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
17 December 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 DECEMBER 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, Cr Daniel Simpson

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Kate Alder-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

SUSPENSION OF STANDING ORDERS

RESOLUTION 171219/1

Moved: Cr Daniel Simpson

Seconded: Cr Sandra Humphrys

A motion was moved that Council suspend standing orders to allow Superintendent Toby Lindsay to address Council.

CARRIED

Superintendent Toby Lindsay (LEOCON – Northern Rivers, Local Emergency Management Committee (LEMC)) addressed Council in relation to Emergency Management in the Northern Rivers area. Wished to formally recognise Council staff members Vaughan Macdonald (NR LEMC Chair), Angela Jones (NR LEMC - RVC LEMO) and Kaela Barber (NR EOC/LEMC Executive Support) for their valuable contributions and efforts over the past three years. Noting the

Emergency Operations Centre (EOC) has been activated eight times this current year, in active operations.

Presented certificates “NSW Police Force, Richmond Police District Commendation Award” and medals to signify appreciation from the NSW Police Service.

In addition, medals were presented to Kelly Moroney and Sharon Davidson for their support and commitment during the operations at the EOC during the past four months.

The Mayor thanked Superintendent Toby Lindsay for his leadership and his team’s role in supporting the EOC during the unprecedented emergency periods and in particular during the October 8, 2019, Bushfire catastrophe.

RESUMPTION OF STANDING ORDERS

RESOLUTION 171219/2

Moved: Cr Daniel Simpson

Seconded: Cr Stephen Morrissey

A motion was moved that Council resume standing orders.

CARRIED

4 APOLOGIES

Nil

5 MAYORAL MINUTES

5.1 MAYORAL MINUTE - IMPACTS OF CLIMATE CHANGE

RESOLUTION 171219/3

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. Acknowledges that the Richmond Valley local government area is currently, and in the future will be, substantially affected by climate impacts, particularly bushfires, drought, floods and sea level rise;
2. Request the Federal and State Governments take further steps to address the effects of climate change;
3. Writes to our local Federal and State Members of Parliament advising them of Council’s resolution and urging them to lead and support councils and communities to address the effects of climate change.

CARRIED

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD ON 19 NOVEMBER 2019****RESOLUTION 171219/4**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

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

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil

8 DECLARATION OF INTERESTS

Cr Robert Mustow declared a non-pecuniary interest in relation to item 14.1 Development Assessment Application – 2019/0166 Subdivision to create 69 lots, due to being a landowner in the village, however not an adjoining property owner.

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYOR ATTENDANCES 12 NOVEMBER 2019 - 9 DECEMBER 2019****RESOLUTION 171219/5**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Mayor's attendance report 12 November – 9 December 2019.

CARRIED

12 DELEGATE'S REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE**RESOLUTION 171219/6**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That items 15.2, 15.3 & 17.1 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS**14.1 DEVELOPMENT ASSESSMENT APPLICATION - 2019/0166 SUBDIVISION TO CREATE 69 LOTS****EXECUTIVE SUMMARY**

A development application has been received for subdivision to create 69 lots (68 x residential lots and 1 x primary production residue lot) including site filling, the construction of roads and installation of associated infrastructure. The proposed development is located at Lot 142 DP 807533 - 55 Broadwater Quarry Road, Broadwater and is zoned RU5 – Village and RU1 – Primary Production.

The proposed subdivision creates 68 additional residential lots located within the village zoning. The village zoning is an open zone with an array of permissible land uses. The additional stock will provide for a range of land uses, services and facilities to be located, though the primary use of the additional lots is expected to be for residential uses. The proposed subdivision creates 1 primary production residue lot. The proposed Lot 69 will not enjoy a dwelling opportunity and is being created solely for the purposes of agriculture.

RESOLUTION 171219/7

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Development Application No. 2019.0166 be approved subject to the recommended conditions contained in this report.

CARRIED

15 FINANCIAL REPORTS**15.1 FINANCIAL HARDSHIP - NATURAL DISASTER POLICY****EXECUTIVE SUMMARY**

In the wake of the recent devastating bushfires, Richmond Valley Council has developed a new draft policy to help alleviate financial hardship which can result following a natural disaster.

The draft Financial Hardship – Natural Disaster Policy proposes to grant financial relief by deferring the due date for payment of rates and charges for those impacted by natural disasters. This would allow property owners two years to pay any outstanding rates and charges from the current year, and includes the withholding of all interest on outstanding monies for that period. A payment plan will then be put in place to recover the outstanding debt over the following two years.

Council resolved at its November Ordinary Meeting to put this policy on public exhibition seeking feedback from the public. The exhibition period closes on Monday 16 December 2019, at the time of compiling this report only one submission has been received, this submission supports the policy. Any submission received between the time of writing this report and the exhibition closing date will be given to Councillors prior to or at the December Ordinary Meeting.

RESOLUTION 171219/8

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council adopt the Financial Hardship - Natural Disaster Policy.

CARRIED

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

Investment Portfolio	General Bank Accounts	Trust Funds	Total
\$47,535,807	\$1,367,069	\$87,050	\$48,989,927

The weighted average rate of return on Council's investments for November 2019 was 4.41% which is above the 90 Day Bank Bill Index for November of 0.885%.

RESOLUTION 171219/9

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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

CARRIED

15.3 MONTHLY BUDGET ADJUSTMENTS REPORT - NOVEMBER 2019

EXECUTIVE SUMMARY

This report details the proposed budget adjustments for the month of November 2019. The main adjustments include the addition of \$361,328 towards water and sewerage capital works projects, largely made up of \$124,083 in filter investigations at the Casino Water Treatment Plant along with \$117,287 towards stabilising the dosing building at the raw water pump station. Further adjustments include a reallocation of funding from the High Street road rehabilitation towards Pioneer Street road rehabilitation due to unforeseen additional works in the sub grade of Pioneer Street.

The proposed changes see Council's capital works program increase by \$354,528 to a projected total of \$22,845,665. Council's projected surplus of \$240,304 for 2019/2020 will remain unchanged as all the proposed changes are fully funded from reserves or reallocations from other project budgets. The report provides further details of the proposed changes as well as the revised budget position as at 30 November 2019.

RESOLUTION 171219/10

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council:

1. Approve the proposed budget adjustments for the month of November 2019.
2. Note the revised budget position for 2019/2020 as at 30 November 2019.

.CARRIED

16 TENDER REPORTS

16.1 TENDER - PROVISION OF SWIMMING POOLS MANAGEMENT SERVICES - VP161675

EXECUTIVE SUMMARY

Richmond Valley Council called for tenders seeking the professional services of an aquatic contractor for the management of pools across the LGA. The facilities for consideration in the scope of works are Casino Memorial Baths, Evans Head Aquatic Centre, Woodburn Public Baths and Coraki Public Baths. The contract term will be for a period of three years commencing 1 July 2020 with the option for extension of an additional two, three-year terms.

RESOLUTION 171219/11

Moved: Cr Daniel Simpson

Seconded: Cr Stephen Morrissey

That Council:

1. Do not accept either of the submissions received for Tender VP161675 – Provision of Swimming Pools Management Services due to the evaluation panel's assessment that the submissions are non-conforming;
2. Apply Clause 178 (3e) of the *Local Government (General) Regulation 2005* to authorise the General Manager to enter direct negotiations with any qualified contractors and endorse relevant contracts, including affixing the seal of Council where appropriate, to secure a contractor generally in accordance with the scope of the tender;
3. Develop a business case for Council to internally manage the four pools for a period of two years while the upgrade to the Casino Memorial Pool is undertaken;
4. Notes that the outcomes of recommendations 2 and 3 will be brought back to Council for a decision.

CARRIED

17 GENERAL BUSINESS

17.1 CROWN ROAD TRANSFER - THE GAP, UPDATED REPORT

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 171219/12

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council:

1. Apply to Department of Planning, Industry and Environment – (Crown Lands) to transfer the crown road reserve to Council's control as shown in the diagram.
2. Record in its Asset database the limits of the road to be maintained.
3. Advise the adjoining property owners that maintenance of the road will be the responsibility of the person(s) benefiting from its construction in accordance with Roads Act 1993 Sec 142 Maintenance of works and structures.

CARRIED

18 MATTERS FOR INFORMATION

RESOLUTION 171219/13

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

CARRIED

18.1 CUSTOMER SERVICE REPORT - 1 JULY 2019 TO 30 NOVEMBER 2019

RESOLUTION 171219/14

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the Customer Service Report for the period 1 July 2019 to 30 November 2019.

CARRIED

18.2 GRANT APPLICATION INFORMATION REPORT - NOVEMBER 2019**RESOLUTION 171219/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

CARRIED

18.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 NOVEMBER 2019 TO 30 NOVEMBER 2019**RESOLUTION 171219/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the Development Application report for the period 1 November 2019 to 30 November 2019.

CARRIED

18.4 CODE OF CONDUCT COMPLAINTS STATISTICS**RESOLUTION 171219/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the Code of Conduct Complaints Statistics for the period 1 September 2018 to 31 August 2019.

CARRIED

18.5 CORRESPONDENCE SUBMITTED TO DECEMBER 2019 ORDINARY MEETING**RESOLUTION 171219/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the below correspondence submitted to the December 2019 Ordinary meeting.

1. Submission to the Legislative Assembly Committee on Investment, Industry and Regional Development of the drought in the Richmond Valley Local Government Area highlighting ways the NSW Government can assist drought affected communities in NSW.
2. Letter to the Hon David Littleproud MP, seeking consideration of Richmond Valley Council's eligibility for the Drought Communities Program.

CARRIED

19 QUESTIONS ON NOTICE

Nil

20 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil

The Meeting closed at 5.50pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 February 2020.

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CHAIRPERSON