

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
17 March 2020**

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**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 17 MARCH 2020 AT 5.00PM**

*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 Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons.

**IN ATTENDANCE:** Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Scott Walters (Manager Information and Technology Services), Kate Alder-Conn (Governance Officer), 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 17.1 BUSHFIRE RECOVERY ASSISTANCE FUNDING**

Mr John Oomen addressed the meeting in relation to Item 17.1 Bushfire Recovery Assistance Funding and spoke on behalf of members of the Community Disaster Advice Centre (CDAC) who have been supporting the community and providing direction to those affected by the disaster. Mr Oomen thanked Council for the ongoing support and requested the business model which has been developed be considered by Council for any future disasters that may occur.

The Mayor thanked Mr Oomen for his address and advised his suggestion will be considered.

## **4 APOLOGIES**

### **RESOLUTION 170320/1**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That the apology received from Cr Morrissey and Cr Simpson be accepted and leave of absences granted.

**CARRIED**

## **5 MAYORAL MINUTES**

### **5.1 MAYORAL MINUTE - IMPACTS AND MANAGEMENT OF COVID-19**

#### **RESOLUTION 170320/2**

Moved: Cr Robert Mustow

Seconded: Cr Jill Lyons

That Council notes the impacts and actions being taken by Council to manage the response to COVID-19.

**CARRIED**

## **6 CONFIRMATION OF MINUTES**

### **6.1 MINUTES ORDINARY MEETING HELD ON 18 FEBRUARY 2020**

#### **RESOLUTION 170320/3**

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That Council confirms the Minutes of the Ordinary meeting held on 18 February 2020.

**CARRIED**

## **7 MATTERS ARISING OUT OF THE MINUTES**

Nil

## **8 DECLARATION OF INTERESTS**

Nil

## **9 PETITIONS**

Nil

**10 NOTICE OF MOTION**

Nil

**11 MAYOR'S REPORT****11.1 MAYOR ATTENDANCES 11 FEBRUARY - 10 MARCH 2020****RESOLUTION 170320/4**

Moved: Cr Robert Mustow

Seconded: Cr Jill Lyons

That Council receive and note the Mayor's attendance report 11 February – 10 March 2020.

**CARRIED****12 DELEGATE'S REPORTS****12.1 DELEGATES' REPORT SUBMITTED TO MARCH 2020 ORDINARY MEETING****RESOLUTION 170320/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receive and note the Delegates' report for the month of March 2020.

**CARRIED****13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 170320/6**

Moved: Cr Sam Cornish

Seconded: Cr Robert Hayes

That items 15.2 and 17.2 identified be determined without debate.

**CARRIED**

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

### **14.1 DEVELOPMENT PRINCIPLES AND DEVELOPMENT ASSESSMENT PANEL POLICY**

#### **EXECUTIVE SUMMARY**

The current Development Assessment Panel (DAP) Policy was adopted in 2015. It has recently been amended to include a development principles component that reflects how Council will encourage and promote sustainable development within Council's local government area.

#### **RESOLUTION 170320/7**

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council adopt the amended Development Principles and Development Assessment Panel Policy.

**CARRIED**

## **15 FINANCIAL REPORTS**

### **15.1 MONTHLY BUDGET ADJUSTMENTS REPORT - FEBRUARY 2020**

#### **EXECUTIVE SUMMARY**

This report details the proposed budget adjustments for the month of February 2020. The main adjustment includes the removal of \$670,894 from the waste management capital works program, largely due to the transfer of \$578,894 for Nammoona cell capping to the 2020/2021 financial year. In addition, Council has been granted funding towards the Northern Rivers Rail Trail project of which \$500,000 is expected to be spent this financial year. Further adjustments include the reallocation of \$104,400 in funding towards the trial of a new stabilising and waterproofing product on three unsealed roads that are constantly subject to corrugation, along with \$87,000 being allocated towards the replacement of playground equipment at Lilly Pilly Park.

The proposed changes see Council's capital works program decrease slightly by \$2,713 to a projected total of \$24,032,340. 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 29 February 2020.

#### **RESOLUTION 170320/8**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council:

1. Approve the proposed budget adjustments for the month of February 2020.
2. Note the revised budget position for 2019/2020 as at 29 February 2020.
3. Review the leftover budget funds from Stan Payne Oval playground by reallocating funding to toilets at Evans Head Cemetery and Lilly Pilly Park, Evans Head.

**CARRIED**

**15.2 FINANCIAL ANALYSIS REPORT - FEBRUARY 2020****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 29 February 2020 including General Bank Accounts and Trust Funds is shown below.

Investment Portfolio	General Bank Accounts	Trust Funds	Total
\$49,689,607	\$1,136,831	\$87,050	\$50,913,489

The weighted average rate of return on Council's investments for February 2020 was -2.90% which was below the 90 Day Bank Bill Index for February of 0.810%.

**RESOLUTION 170320/9**

Moved: Cr Sam Cornish

Seconded: Cr Robert Hayes

That Council adopt the Financial Analysis Report detailing investment performance for the month of February 2020.

**CARRIED**

**16 TENDER REPORTS****16.1 VP177662 - CONSTRUCTION OF FACILITY & AMENITIES BLOCK - CORAKI RIVERSIDE CARAVAN PARK****EXECUTIVE SUMMARY**

Richmond Valley Council has received funding from the Federal Government as part of the Community Development Grants Program. This program focuses on delivering crucial infrastructure to improve the quality of life for people in regional NSW.

One of the projects funded from the Community Development Grants Program is the Construction of a Facility and Amenities block at the Coraki Caravan Park.

Council called for tenders from suitably qualified and experienced contractors for the construction of a facility and amenities block at Coraki Riverside Caravan Park.

**RESOLUTION 170320/10**

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

That:

1. AGS Commercial Pty Ltd be approved as the preferred tenderer for the Construction of Facilities and Amenities block at the Coraki Caravan Park project valued at \$583,647.51 (ex GST).
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, including reducing or extending 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 BUSHFIRE RECOVERY ASSISTANCE FUNDING**

#### **EXECUTIVE SUMMARY**

The National Bushfire Recovery Agency has advised the Federal Government will provide a total of \$1,416,667 to support recovery projects within the Richmond Valley Council area following the bush fires which have severely impacted our community which started in October 2019.

The fires resulted in 48% of our local government area and more than 350 homes, outbuildings and facilities being destroyed or damaged. This large-scale bushfire burnt 142,741 hectares of land within the LGA and severely impacted key industries including primary producers and the forestry and timber industry.

These impacts have had an immediate ripple effect throughout the regional economy and economic stimulus is urgent required.

Funding guidelines for the National Bushfire Recovery Grant require a program of works be developed within three months of the announcement which is 10 April 2020 and then report back to the Commonwealth within 12 months.

Projects and activities which have been identified as essential for the recovery and renewal of communities include:

- Rebuilding damaged or destroyed Council assets such as key local roads, bridges and community facilities;
- Employing additional local staff to take on specialist recovery or planning roles to help coordinate and plan the rebuilding effort;
- Hosting new public activities and events to bring communities together and attract visitors back to affected regions; and
- Immediate maintenance and repairs to relief and evacuation centres.

#### **RESOLUTION 170320/11**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That:

1. Council approve the projects identified in the following table and outlined in this report in relation to bushfire recovery and funding.

<b>Project</b>	<b>Amount</b>	<b>Program of Works</b>
Rappville Hall	\$500,000	Rebuilding of hall and additional funds for a community precinct providing improved space and outdoor covered areas.
Rappville Pedestrian/Cycle Access	\$230,000	Pedestrian/cycle access from the school to the post office.
Rappville Master Plan and	\$50,000	Develop a master plan aimed at expanding the scale of the village

investigations		
New Italy Mountain Bike Trails	\$50,000	Rebuild trails located in the Tabbimoble and Doubleduke State Forests.
Recovery resourcing including staff and administrative support	\$110,000	Staff resource costs during recovery process.
New Italy Museum	\$100,000	Provide emergency infrastructure and upgrading of facilities the hall.
Rappville Sportsground	\$220,000	Replace burnt infrastructure and allow for upgraded facilities.
Music Event	\$60,000	To aid in the wellbeing and recovery of the community (1 <sup>st</sup> anniversary of event).
Local Emergency Management Centre	\$10,000	Technical improvements to the local emergency operating centre
Portable Shower/toilet facilities	\$80,000	Purchase portable shower/toilet facilities for community.
Recovery items	\$6,667	Contribution to commencement of study for pedestrian pathway design and Rappville Masterplan
<b>Total</b>	<b>\$1,416,667</b>	

2. The National Bushfire Recovery Agency be notified of the program of works prior to 10 April 2020.
3. A report be prepared within 12 months detailing the projects and their expenditure as per the funding guidelines.

**CARRIED**

## 17.2 RENAMING OF ROAD - COOK STREET, BROADWATER

### EXECUTIVE SUMMARY

The current road naming issue of Cook Street in Broadwater has arisen due to a local resident being declined a pension rebate due to addressing issues. There are currently 2 sections of Cook Street; an east/west portion and north/south portion that meet and form a T-intersection. One section of Cook Street is required to be renamed to minimise any addressing issues in the future. As the east/west section has no residents formally addressed off it, it is proposed to be renamed.

### RESOLUTION 170320/12

Moved: Cr Sam Cornish

Seconded: Cr Robert Hayes

That Council approves:

1. Renaming the east/west section of Cook Street to Maloney Street; and
2. In the event Maloney Street is rejected by the Geographic Names Board (GNB), then the east/west section of Cook Street be renamed Henry Street.

**CARRIED**

### **17.3 RAZORBACK LOOKOUT MASTER PLAN**

#### **EXECUTIVE SUMMARY**

Council has undertaken a master plan process to provide a strategic direction for the future development and layout of the Razorback Lookout at Evans Head. Following initial requests from the Evans Head Business and Community Chamber a draft document was prepared for public comment. Following submissions, consideration of the ideas was compiled, and this final draft master plan has been provided to Council for adoption.

#### **RESOLUTION 170320/13**

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council adopt the Razorback Lookout Master Plan for use when future suitable funding opportunities arise.

**CARRIED**

### **17.4 RICHMOND RIVER GOVERNANCE AND FUNDING FRAMEWORK FINAL REPORT**

#### **EXECUTIVE SUMMARY**

The Richmond River Governance and Funding Framework Final Report has been presented to Councillors for endorsement, and in accordance with Council's Ordinary Meeting 18 February, 2020, resolution, any submissions from the general public received via Council's website be passed onto the managing State Department - Environment, Energy and Science (formerly Office of Environment and Heritage).

#### **RESOLUTION 170320/14**

Moved: Cr Jill Lyons

Seconded: Cr Robert Hayes

That Council:

1. Endorse the Richmond River Governance and Funding Framework Final Report and forward any submissions received during the 21-day exhibition of the report onto the Department of Environment, Energy and Science for their consideration; and
2. Support the intent of the recommendations of the report to appoint a NSW Government agency to have responsibility to drive the improvement of Richmond River Health outcomes.

**CARRIED**

**18 MATTERS FOR INFORMATION****RESOLUTION 170320/15**

Moved: Cr Robert Hayes  
Seconded: Cr Sandra Humphrys

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

**CARRIED**

**18.1 DISCLOSURE OF INTEREST - APPOINTMENT OF DESIGNATED PERSONS****RESOLUTION 170320/16**

Moved: Cr Robert Hayes  
Seconded: Cr Sandra Humphrys

That Council receive and note the newly appointed designated person positions tabled for the information of Council.

**CARRIED**

**18.2 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 FEBRUARY TO 29 FEBRUARY 2020****RESOLUTION 170320/17**

Moved: Cr Robert Hayes  
Seconded: Cr Sandra Humphrys

That Council receive and note the development application report for the period 1 February to 29 February 2020.

**CARRIED**

**18.3 GRANT APPLICATION INFORMATION REPORT - FEBRUARY 2020****RESOLUTION 170320/18**

Moved: Cr Robert Hayes  
Seconded: Cr Sandra Humphrys

That Council receive and note the Grant Application Information Report for the month of February 2020.

**CARRIED**

**18.4 GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 AGENCY INFORMATION GUIDE****EXECUTIVE SUMMARY**

Under Division 2 of the *Government Information (Public Access) Act 2009* (GIPA Act) agencies are required to adopt and maintain an Agency Information Guide (AIG). A review of the current 2015 version of Council's AIG has now taken place.

**RESOLUTION 170320/19**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council receive and note the updated Government Information (Public Access) Act 2009 Agency Information Guide.

**CARRIED**

**18.5 REVIEW OF DISCLOSURE OF INTEREST PROCEDURE AND DESIGNATED PERSONS LIST****EXECUTIVE SUMMARY**

As part of Council's ongoing policy review process a review has been undertaken of Council's Disclosure of Interest Procedure, together with the positions Council nominates as designated persons. Going forward, Council will be required to publish designated persons' returns of interest on Council's website. This report details the approach Council will take to fulfilling this obligation.

**RESOLUTION 170320/20**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council:

1. Adopt the revised List of Designated Persons, together with the revised Disclosure of Interest Procedure;
2. Acknowledge that from 1 July 2020, Council will publish redacted versions of designated persons' returns of interest on Council's website.

**CARRIED**

**18.6 CORRESPONDENCE SUBMITTED TO MARCH 2020 ORDINARY MEETING****RESOLUTION 170320/21**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council receive and note the correspondence from Strathfield Council extending support to various regional Councils following the 2019 Bushfires.

**CARRIED**

**19 QUESTIONS ON NOTICE****19.1 QUESTIONS WITH NOTICE, PROVIDED AT ORDINARY MEETING 18 FEBRUARY 2020**

The following questions on notice were received from Councillor Jill Lyons in relation to Item 12.1 Delegates' Report Submitted to February 2020 Ordinary Meeting, which referred to a summary of the Rous County Council 11 December 2019 Ordinary meeting:

**Questions:**

1. Why was the Floodgate and Drainage Management Guidelines Policy revoked?
2. Shouldn't the policy be maintained to reduce any negative impacts on the river quality as they have been previously by the flood migration communities system as per the NSW Floodplain Developer Guidelines and NSW Fisheries Management Act 1994 and NSW Local Government Act 1993?
3. Who asked for this decision and who prepared the report that recommended this decision?
4. Is this decision supported by Department of Primary Industry, Fisheries and other relevant agencies?
5. With the revoking of this policy what has been put in place instead? Who will be responsible for maintaining and monitoring the floodgates now?
6. Does this decision go against Rous County Council's duty of care?

**Responses:**

The following information was provided from Rous Water General Manager:

The guidelines that the policy was written on are out of date, and do not reflect current leading practice. Rous have active flood gate management plans for these assets. Details of the active floodgate management plans can be found on the following link: [https://www.rous.nsw.gov.au/cp\\_themes/default/page.asp?p=DOC-BXC-08-83-64](https://www.rous.nsw.gov.au/cp_themes/default/page.asp?p=DOC-BXC-08-83-64)

Revoking this policy in no way removes Rous responsibility under our proclamation, the recommendation to revoke this policy was undertaken in consultation with Operations and Planning teams. Our flood mitigation team within operations is responsible for all flood mitigation related maintenance activities.

The Department of Primary Industry is a key stakeholder with active floodgate management plans.

The governance and funding review of which Rous was a key stakeholder did not cover floodgate operation, only governance structures.

**RESOLUTION 170320/22**

Moved: Cr Jill Lyons

Seconded: Cr Sam Cornish

That the responses to the questions regarding, Rous County Council 11 December 2019 Ordinary meeting, raised by Councillor Jill Lyons, be received and noted.

**CARRIED**

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

Nil

## 21 MATTERS REFERRED TO CLOSED COUNCIL

### 21.1 Evans Head Aerodrome Existing Contract for Sale

This matter is considered to be confidential under Section 10A(2) - (c) and (d)(i) 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

The General Manager reported that a written representation had been received in respect to the item listed for consideration in Closed Council from Dr Richard Gates, President Evans Head Memorial Aerodrome Committee Inc, and is as follows;

*“My Committee objects to this matter being considered behind closed doors notwithstanding refuge behind Section 10 of the LGA. There is no report whatsoever about this matter available to the public. In our view it is not good enough to just state that the matter is about an existing contract for sale of the aerodrome, a matter which has been outstanding for many years now without resolution. There is no mention of the extensive caveats over the aerodrome nor of a previous legal case regarding the caveats. There are many other matters in the public interest which should be considered in open council. Council has an obligation to keep us informed but has, in our view, failed to do so.”*

The Chair called for verbal 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 170320/23

Moved: Cr Jill Lyons

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*.

Council closed its meeting at 6.08pm. The public left the Chamber.

**CARRIED**

The Open Council meeting resumed at 6.15pm.

**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 General Manager.

**21.1 EVANS HEAD AERODROME EXISTING CONTRACT FOR SALE**

That :

1. Council authorise the General Manager to take appropriate action regarding the contract for sale of the land, generally in accordance with the details considered by Council.
2. Council authorise the General Manager to enter into and endorse relevant documents, including affixing the seal of Council where appropriate, generally in accordance with the details considered by Council.
3. A report be brought back to Council on the progress of this matter at key points.

The Meeting closed at 6.16pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 April 2020.

.....  
**CHAIRPERSON**