

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
21 April 2020**

ORDER OF BUSINESS

1	ACKNOWLEDGEMENT OF COUNTRY	4
2	PRAYER	4
3	PUBLIC ACCESS AND QUESTION TIME	4
4	APOLOGIES	4
5	MAYORAL MINUTES	5
5.1	Mayoral Minute - BlazeAid	5
5.2	Mayoral Minute - Country Mayors' Association.....	5
5.3	Mayoral Minute - LGNSW Economic Stimulus to Support COVID Recovery	6
6	CONFIRMATION OF MINUTES	7
6.1	Minutes Ordinary Meeting held on 17 March 2020	7
6.2	Minutes Extraordinary Meeting held on 7 April 2020	7
7	MATTERS ARISING OUT OF THE MINUTES	7
8	DECLARATION OF INTERESTS	7
9	PETITIONS	7
	Nil	
10	NOTICE OF MOTION	7
	Nil	
11	MAYOR'S REPORT	7
11.1	Mayor Attendances 11 March - 13 April 2020.....	7
12	DELEGATE'S REPORTS	8
	Nil	
13	MATTERS DETERMINED WITHOUT DEBATE	8
13.1	Matters to be Determined Without Debate.....	8
14	GENERAL MANAGER'S REPORTS	9
14.1	Review of Increased Ranger Patrols on Richmond Valley Council Beaches - Operation High Sands.....	9
14.2	Councillor Superannuation Discussion Paper.....	11
15	FINANCIAL REPORTS	12
15.1	Monthly Budget Adjustments Report - March 2020	12
15.2	Financial Analysis Report - March 2020	13
16	TENDER REPORTS	13
	Nil	
17	GENERAL BUSINESS	13
	Nil	
18	MATTERS FOR INFORMATION	13
18.1	Customer Service Report 1 January - 31 March 2020.....	14
18.2	Review of Complaints Management and Mandatory Reporting Policy	14
18.3	LGNSW Super Defined Benefits Scheme.....	14

18.4	Development Applications determined under the Environmental Planning and Assessment Act for the period 1 March to 31 March 2020	15
18.5	Grant Application Information Report - March 2020.....	15
19	QUESTIONS ON NOTICE	15
	Nil	
20	QUESTIONS FOR NEXT MEETING (IN WRITING).....	15
21	MATTERS REFERRED TO CLOSED COUNCIL	16
21.1	General Manager's Annual Performance Review for Period Ending February 2020.....	16
22	RESOLUTIONS OF CLOSED COUNCIL	17

**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 21 APRIL 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 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), Scott Walters (Manager Information and Technology Services) 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

Nil.

4 APOLOGIES

Nil

ANZAC DAY 25 APRIL 2020

Anzac Day will be commemorated this upcoming Saturday, the Mayor asked everyone to pay tributes to those who have fallen.

5 MAYORAL MINUTES**5.1 MAYORAL MINUTE - BLAZE AID****RESOLUTION 210420/1**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. acknowledge the significant contribution the BlazeAid camp at the Casino Showground, and the many volunteers who assisted, to securing properties with new fencing following the 2019 Bushfires;
2. write to BlazeAid and thank them for their efforts and in particular the coordinators who ran the camp;
3. write to relevant NSW Government Ministers to thank them for their financial support for the camp and to emphasise the importance of volunteer groups like BlazeAid in building resilience in communities to respond to natural disasters.

CARRIED

The Mayor requested that the following be recorded and noted within the minutes:

That Council staff members; Lani Hancock and Kelly Moroney and their support staff be acknowledged for their efforts, as can be seen in the Camp Coordinator, Ron Murphy's letter. They have done an outstanding job.

5.2 MAYORAL MINUTE - COUNTRY MAYORS' ASSOCIATION**RESOLUTION 210420/2**

Moved: Cr Robert Mustow

Seconded: Cr Daniel Simpson

That Richmond Valley Council make application to join the Country Mayors' Association NSW.

CARRIED

5.3 MAYORAL MINUTE - LGNSW ECONOMIC STIMULUS TO SUPPORT COVID RECOVERY

RESOLUTION 210420/3

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. Commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies throughout this crisis.
2. Calls on the Federal Government and NSW Government to urgently deliver comprehensive financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
3. Calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% of Commonwealth revenues to help councils maintain essential functions and services, acknowledging the increased costs and likely revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
 - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
4. Write to our local Federal Member, the Hon Kevin Hogan MP, and our local State Member, the Hon Chris Gulaptis MP, to seek their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. Endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. Advise LGNSW of the passage of this Mayoral Minute.

CARRIED

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD ON 17 MARCH 2020****RESOLUTION 210420/4**

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council confirms the Minutes of the Ordinary meeting held on 17 March 2020.

CARRIED**6.2 MINUTES EXTRAORDINARY MEETING HELD ON 7 APRIL 2020****RESOLUTION 210420/5**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council confirms the Minutes of the Extraordinary meeting held on 7 April 2020.

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

Nil.

8 DECLARATION OF INTERESTS

The General Manager declared a pecuniary interest in Item 21.1 General Manager's Annual Performance Review for period ending February 2020 (employment contract).

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYOR ATTENDANCES 11 MARCH - 13 APRIL 2020****RESOLUTION 210420/6**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Mayor's attendance report 11 March – 13 April 2020.

CARRIED

12 DELEGATE'S REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE

RESOLUTION 210420/7

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That item 15.1 be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS

14.1 REVIEW OF INCREASED RANGER PATROLS ON RICHMOND VALLEY COUNCIL BEACHES - OPERATION HIGH SANDS

EXECUTIVE SUMMARY

Over the course of 2019, Richmond Valley Council explored options to deal with anti-social behaviour, vehicle offences and to a lesser degree dog issues, that were being experienced on the region's beaches. During this period, discussions were held with Ballina Shire Council representatives with regard to introducing a shared permit system, such discussions resulted in Ballina Shire Council indicating a reluctance to enter into such a permit system.

A proposal to introduce a permit system on Richmond Valley Council controlled beaches was exhibited in 2019 and community feedback considered. The majority of the feedback was not supportive of a permit system, with a preference for increased Police and Ranger patrols. A report was provided to the Ordinary Meeting on 17 September 2019, Item 14.2 'Review of Submissions for Beach Permit System'. It was resolved:

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.*

It should be noted that Ballina Shire Council recently resolved to introduce a beach permit system on their controlled beaches, one of which adjoins Broadwater Beach which is under Richmond Valley Council control. It was deemed prudent to bring forward the periodical review of the effectiveness of the increased patrolling to determine whether any changes to the current procedures is warranted.

MOTION

Moved: Cr Jill Lyons

Seconded: Cr Sam Cornish

That:

1. Richmond Valley Council continue to undertake beach patrols on weekends and school holiday periods with the ongoing support of the NSW Police and other Government agencies into the foreseeable future and that the introduction of a permit system is not warranted at this time nor supported by the local community.
2. The situation be monitored into the future and a report be provided to Council.

AMENDMENT

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Richmond Valley Council continue to undertake beach patrols on weekends and school holiday periods with the ongoing support of the NSW Police and other Government agencies into the foreseeable future and that the introduction of a permit system is not warranted at this time nor supported by the local community.

Councillor Simpson withdrew the amendment.

The motion was put to the vote and carried.

RESOLUTION 210420/8

Moved: Cr Jill Lyons

Seconded: Cr Sam Cornish

That:

1. Richmond Valley Council continue to undertake beach patrols on weekends and school holiday periods with the ongoing support of the NSW Police and other Government agencies into the foreseeable future and that the introduction of a permit system is not warranted at this time nor supported by the local community.
2. The situation be monitored into the future and a report be provided to Council.

CARRIED

14.2 COUNCILLOR SUPERANNUATION DISCUSSION PAPER

EXECUTIVE SUMMARY

The Office of Local Government issued Circular 20-05 3 March 2020. This circular advises councils about the release of a discussion paper on councillor superannuation. The paper provides information on the current process for setting councillor remuneration, the arguments for and against the payment of superannuation contributions for mayors and councillors as well as providing four different options for consideration.

MOTION

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council

1. Authorise the General Manager to make a submission to the Office of Local Government supporting Option 2 with the requirement that consultation with the community happen before it is implemented.
2. Informs the local community of the discussion paper and invites the community to make submissions direct to the Office of Local Government on this issue.

AMENDMENT

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council

1. Authorise the General Manager to make a submission to the Office of Local Government supporting Option 4 with the requirement that consultation with the community happen before it is implemented.
2. Informs the local community of the discussion paper and invites the community to make submissions direct to the Office of Local Government on this issue.

The amendment was put to the vote and was carried

In Favour: Crs Robert Mustow, Sam Cornish, Robert Hayes, Jill Lyons and Daniel Simpson

Against: Crs Stephen Morrissey and Sandra Humphrys

CARRIED 5/2

The amendment became the motion.

RESOLUTION 210420/9

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council:

1. Authorise the General Manager to make a submission to the Office of Local Government supporting Option 4 with the requirement that consultation with the community happen before it is implemented.
2. Informs the local community of the discussion paper and invites the community to make submissions direct to the Office of Local Government on this issue.

In Favour: Crs Robert Mustow, Sam Cornish, Robert Hayes, Jill Lyons and Daniel Simpson

Against: Crs Stephen Morrissey and Sandra Humphrys

CARRIED 5/2

15 FINANCIAL REPORTS

15.1 MONTHLY BUDGET ADJUSTMENTS REPORT - MARCH 2020

EXECUTIVE SUMMARY

This report details the proposed budget adjustments for the month of March 2020. The main adjustment includes the allocation of \$636,667 of the \$1,416,667 in Bushfire Recovery funding towards projects to be completed in the 2019/2020 financial year. Further adjustments include the addition of \$195,500 in Water Supplies capital works as well as \$47,367 towards Sewerage Services capital works.

The proposed changes see Council's income from continuing operations increase by \$1,416,667 as a result of the Fire Recovery grant. Operating expenditure has also increased by \$356,500 and the capital works program increased by \$502,534 to a projected total of \$24,534,874. 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 31 March 2020.

RESOLUTION 210420/10

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council:

1. Approve the proposed budget adjustments for the month of March 2020.
2. Note the revised budget position for 2019/2020 as at 31 March 2020.

CARRIED

15.2 FINANCIAL ANALYSIS REPORT - MARCH 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 31 March 2020 including General Bank Accounts and Trust Funds is shown below.

Investment Portfolio	General Bank Accounts	Trust Funds	Total
\$50,100,962	\$517,093	\$87,050	\$50,705,105

The weighted average rate of return on Council's investments for March 2020 was -12.06% which was below the 90 Day Bank Bill Index for March of 0.373%. This was due to the economic impacts of COVID-19, which has adversely affected the NSW Treasury Corporation Medium Term Growth Fund. Further details are provided in the report, along with a market update statement from NSW Treasury Corporation.

RESOLUTION 210420/11

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

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

CARRIED

16 TENDER REPORTS

Nil

17 GENERAL BUSINESS

Nil

18 MATTERS FOR INFORMATION**RESOLUTION 210420/12**

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 JANUARY - 31 MARCH 2020**RESOLUTION 210420/13**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

1. That Council receive and note the Customer Service Report for the period 1 January 2020 to 31 March 2020.
2. Staff be congratulated on their efforts and achievements, particularly through the COVID-19 event.

CARRIED

18.2 REVIEW OF COMPLAINTS MANAGEMENT AND MANDATORY REPORTING POLICY**EXECUTIVE SUMMARY**

As part of Council's ongoing policy review process, a review has been undertaken of Council's Complaints Management Policy. The policy has been updated and renamed as it now incorporates the Complaints Handling Policy, which was formerly a standalone policy. The policy has been renamed as the Complaints Management and Mandatory Reporting Policy, and now includes a section on the Reportable Conduct Scheme under the *Children's Guardian Act 2019*.

RESOLUTION 210420/14

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the Complaints Management and Mandatory Reporting Policy.

CARRIED

18.3 LGNSW SUPER DEFINED BENEFITS SCHEME**RESOLUTION 210420/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note correspondence received regarding LGNSW Super Defined Benefits Scheme.

CARRIED

18.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 MARCH TO 31 MARCH 2020

RESOLUTION 210420/16

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the development application report for the period 1 March to 31 March 2020.

CARRIED

18.5 GRANT APPLICATION INFORMATION REPORT - MARCH 2020

RESOLUTION 210420/17

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

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 Annual Performance Review for Period Ending February 2020

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 a written representation had been received in respect to the item listed for consideration in Closed Council from Dr Richard Gates as follows;

- *"I express my continuing objection to the matter of the General Manager's Performance Review going behind closed doors under Section 10A(2)-(a). It is not clear how the performance review being made available to public scrutiny would not be in the public interest as the General Manager's salary and any bonuses are paid for by us, the ratepayers. The pillars of local government are supposed to transparency and accountability. This closed door session does not meet either. Notwithstanding the provision of the local government Act, no case has been made to show how a closed door evaluation is in the public interest particularly when the criteria and methods for performance review are not made available for public scrutiny. Quite apart from the actual performance of the General Manager there is always the question of the validity and reliability of the methods and criteria used, and the purpose(s) of the Performance Review. Both are vexed issues in assessment of human performance. Where is the evidence which deals with these issues?"*

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 210420/18

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

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

Having declared a pecuniary interest in Item 21.1 Vaughan Macdonald (General Manager) together with the Director Infrastructure and Environment and Manager Information and Technology Services, left the meeting at 6.08 pm.

Council closed its meeting at 6.09 pm.

The Open Council meeting resumed at 6.14 pm.

The General Manager, Director Infrastructure and Environment and Manager Information and Technology Services returned to the meeting at 6.14 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 Mayor.

That the Panel agreed and recommended to Council:

1. In accordance with Clause 8.3 of the Standard Contract of Employment, General Managers of Local Government in NSW and the Guidelines for the Appointment and Oversight of General Managers, a discretionary increase is deserving based on the content of this report and:
 - the results achieved for the period, and
 - the high standards set and achieved by the General Manager.
3. Due to the current economic conditions and uncertainty experienced by the local community and Australia as a result of the COVID-19 crisis, any amount of discretionary increase be deferred for consideration at the next mid-term review due in October 2020 and reassessed in light of the economic conditions at that time.
3. The Mayor, General Manager and Facilitator are to develop a draft performance agreement for the coming year, for review and agreement by all Councillors.

The Meeting closed at 6.16 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 May 2020.

.....
CHAIRPERSON