

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
21 July 2020**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 21 JULY 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), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Scott Walters (Manager Information Technology Services), Daniel Goulding (IT Support Officer), Julie Clark (Personal Assistant to the General Manager and Mayor) and Latia Sawyer (Acting Managerial Assistant).

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

5 MAYORAL MINUTES

5.1 MAYORAL MINUTE - PROPOSED ELECTORAL BOUNDARIES REDISTRIBUTION

RESOLUTION 210720/1

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the information on proposed electoral boundaries redistribution for the Clarence and Lismore electorates.

CARRIED

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD ON 23 JUNE 2020

RESOLUTION 210720/2

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council confirms the Minutes of the Ordinary meeting held on 23 June 2020.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

7.1 MAYORAL ATTENDANCES 12 MAY - 15 JUNE 2020 (ORDINARY MEETING 23 JUNE 2020)

RECOMMENDATION

Cr Stephen Morrissey referred to a meeting with Minister Toole (10 June) and sought an update on the discussions in relation to funding of Woodburn/Coraki Road upgrade.

The General Manager advised subsequent meetings have been held between Transport for NSW and Council on various matters, including the NSW Government's election commitment to contribute \$10 million to upgrade Woodburn/Coraki Road.

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYOR ATTENDANCES 15 JUNE - 13 JULY 2020****RESOLUTION 210720/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report 15 June – 13 July 2020

CARRIED**12 DELEGATE'S REPORTS**

Nil

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 210720/4**

Moved: Cr Robert Hayes

Seconded: Cr Jill Lyons

That items 14.2 and 15.1 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS

14.1 RESOURCE RECOVERY AND WASTE STRATEGY

EXECUTIVE SUMMARY

A draft Resource Recovery and Waste Management Strategy has been prepared to guide the future direction of Council's waste business from 2020-2030. The Strategy will help Council to navigate complex and ever-changing issues in the waste management industry and further develop resource recovery in the Richmond Valley.

The Strategy aims to provide a reliable, efficient, cost effective and environmentally sustainable resource recovery and waste management service for the community. It will provide a pathway for planning essential services and infrastructure investment.

RESOLUTION 210720/5

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council adopts the draft Strategy for Resource Recovery and Waste Management.

CARRIED

14.2 APPOINTMENT OF NATIVE TITLE MANAGER

EXECUTIVE SUMMARY

Council is required to give notice to the Department of Planning, Industry and Environment of the name and contact details of any person the council has engaged as a Native Title Manager. Council's Manager Asset Planning has attended the one-day training required for qualifying as a Native Title Manager. This staff member has been a Native Title Manager since November 2018 and it is proposed to continue this appointment.

RESOLUTION 210720/6

Moved: Cr Robert Hayes

Seconded: Cr Jill Lyons

That:

1. Council give notice to the relevant Minister, in accordance with the *Crown Land Management Act 2016* requirements (s.8.8), that Council's Manager Asset Planning, Mr Andrew Leach, has been retained as Council's Native Title Manager.
2. That a copy of the resolution be provided to the Department of Planning Industry and Environment.

CARRIED

15 FINANCIAL REPORTS**15.1 FINANCIAL ANALYSIS REPORT - JUNE 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 30 June 2020 including General Bank Accounts and Trust Funds is shown below.

Investment Portfolio	General Bank Accounts	Trust Funds	Total
\$52,820,318	\$512,191	\$87,050	\$53,419,559

The weighted average rate of return on Council's investments for June 2020 was 1.84% which was above the 90 Day Bank Bill Index for June of 1.015%.

RESOLUTION 210720/7

Moved: Cr Robert Hayes

Seconded: Cr Jill Lyons

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

CARRIED

16 TENDER REPORTS**16.1 DESIGN OF CASINO MEMORIAL SWIMMING POOL UPGRADE (VP191367)****EXECUTIVE SUMMARY**

Richmond Valley Council called for tenders seeking appropriately qualified and experienced contractors to prepare design documentation for the upgrades to the Casino Memorial Pool. The successful tenderer will be responsible for developing and documenting all necessary drawings, specifications and amendments needed for a staged development including concept design, final design, development approvals and construction certification, tender/contract period and, construction period.

RESOLUTION 210720/8

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council refer this matter as Item 21.3 Tender – Design of Casino Memorial Swimming Pool Upgrade VP191367, to Closed Council pursuant to Section 10A(2) - (c) of the *Local Government Act 1993*.

CARRIED

17 GENERAL BUSINESS

17.1 ROCK FISHING SAFETY UPDATE

EXECUTIVE SUMMARY

Council resolved to opt-in to the *Rock Fishing Safety Act 2016* from 26 January 2019. Initially, there was a six-month educational period to help phase in the Act. However, in May 2019, Administration of the Act was changed to transfer responsibility to the Minister for Police and Emergency Services and the Minister for Local Government. Due to this change in Ministerial duties, Council resolved on 26 August 2019 to further extend the educational period until 26 July 2020. This report outlines the next steps in implementing the *Rock Fishing Safety Act 2016* following the end of the education period.

RESOLUTION 210720/9

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That

1. Council notes the closure of the extended period of education for the *Rock Fishing Safety Act 2016*, with enforcement action to commence as at 27 July 2020.
2. Council will continue to promote safe fishing practices through education and notify the public when the enforcement period commences.
3. A report is to be presented to Council every twelve months providing an update on the *Rock Fishing Safety Act 2016*, including regulatory action taken within the period.

CARRIED

18 MATTERS FOR INFORMATION

RESOLUTION 210720/10

Moved: Cr Daniel Simpson

Seconded: Cr Jill Lyons

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

CARRIED

18.1 CUSTOMER SERVICE REPORT 1 APRIL 2020 - 30 JUNE 2020

RESOLUTION 210720/11

Moved: Cr Daniel Simpson

Seconded: Cr Jill Lyons

That Council receives and notes the Customer Service Report for the period 1 April 2020 to 30 June 2020.

CARRIED

18.2 GRANT APPLICATION INFORMATION REPORT - JUNE 2020**RESOLUTION 210720/12**

Moved: Cr Daniel Simpson

Seconded: Cr Jill Lyons

That Council receives and notes the Grant Application Information Report for the month of June 2020.

CARRIED

18.3 WRITE-OFF OF MONIES UNDER DELEGATION**RESOLUTION 210720/13**

Moved: Cr Daniel Simpson

Seconded: Cr Jill Lyons

That Council receives and notes the information provided in this report.

CARRIED

18.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 JUNE TO 30 JUNE 2020**RESOLUTION 210720/14**

Moved: Cr Daniel Simpson

Seconded: Cr Jill Lyons

That Council receives and notes the development application report for the period 1 June to 30 June 2020.

CARRIED

18.5 CORRESPONDENCE - ROUS COUNTY COUNCIL'S PROPOSED FUTURE WATER PROJECT 2060**RESOLUTION 210720/15**

Moved: Cr Daniel Simpson

Seconded: Cr Jill Lyons

Council receives and notes the correspondence from Rous County Council's Proposed Future Water Project 2060.

CARRIED

18.6 CORRESPONDENCE - TARGET STORE CASINO CLOSURE**RESOLUTION 210720/16**

Moved: Cr Daniel Simpson

Seconded: Cr Jill Lyons

That Council receives and notes the correspondence regarding the proposed closure of Target Store in Casino.

CARRIED

19 QUESTIONS ON NOTICE

Nil

20 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil

21 MATTERS REFERRED TO CLOSED COUNCIL

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

21.1 Woodview Quarry Lease Tender VP186832

This matter is considered to be confidential under Section 10A(2) - (d)(ii) 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 competitor of the council.

21.2 Plant Hire Service Tender - VP186847

This matter is considered to be confidential under Section 10A(2) - (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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

21.3 Tender - Design of Casino Memorial Swimming Pool Upgrade VP191367

This matter is considered to be confidential under Section 10A(2) - (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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

These matters are considered to be confidential under Section 10A(2) - (d)(ii) and 10A(2) - (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.

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 210720/17

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That:

1. Council resolved to enter Closed Council to consider the business identified in Items 21.1, 21.2 and 21.3 together with any late reports tabled at the meeting.
2. Pursuant to Section 10A(2) - (c) 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 5.35pm. The public left the Chamber.

CARRIED

RESOLUTION 210720/18

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council moves out of Closed Council into Open Council.

CARRIED

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 Director Infrastructure and Environment.

21.1 WOODVIEW QUARRY LEASE TENDER VP186832

1. That the General Manager be authorised to negotiate a commercial outcome for the lease of Woodview Quarry in accordance with the information contained in the Woodview Quarry Lease Tender Report and discussions by Council.
2. That a report be brought to Council on the outcome of the negotiations for a commercial agreement to lease the quarry prior to any lease being finalised.

21.2 PLANT HIRE SERVICE TENDER – VP186847

That:

1. Council appoint all compliant tenderers to a panel to provide various plant hire services for the period 1 July 2020 until 30 June 2022.
2. Provision be allowed for two x one-year extensions to the contract based on satisfactory contractor performance.
3. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, including affixing the seal of Council where necessary.

21.3 TENDER – DESIGN OF CASINO MEMORIAL SWIMMING POOL UPGRADE VP191367 (DETAILED REPORT)

That Council:

1. Declines all submissions received for Tender VP191367 – Design of Casino Memorial Swimming Pool Upgrade due to all submissions being higher than the budget allocated for the works.
2. Determines not to call fresh Tenders, as submissions received were of sufficient number and quality to make a new tender process unwarranted.
3. Apply Clause 178 (3e) of the *Local Government (General) Regulation 2005* to authorise the General Manager to enter into direct negotiations with nominated tenderers, with a view to obtaining works within the available budget, and to finalise the terms of the contract or agreement, including affixing the seal of Council where necessary.
4. Note that the outcomes of the negotiations will be reported to Council for information.

The Meeting closed at 6.00 pm.

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

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CHAIRPERSON