

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
18 August 2020**

**ORDER OF BUSINESS**

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b> .....	<b>4</b>
<b>2</b>	<b>PRAYER</b> .....	<b>4</b>
<b>3</b>	<b>PUBLIC ACCESS AND QUESTION TIME</b> .....	<b>4</b>
<b>4</b>	<b>APOLOGIES</b> .....	<b>4</b>
<b>5</b>	<b>MAYORAL MINUTES</b> .....	<b>5</b>
	1.1 Mayoral Minute - Impact of Queensland Border Closure .....	5
<b>6</b>	<b>CONFIRMATION OF MINUTES</b> .....	<b>5</b>
	6.1 Minutes Ordinary Meeting held on 21 July 2020.....	5
	6.2 Minutes of the Internal Audit and Risk Committee Meeting held on 4 August 2020.....	5
<b>7</b>	<b>MATTERS ARISING OUT OF THE MINUTES</b> .....	<b>5</b>
<b>8</b>	<b>DECLARATION OF INTERESTS</b> .....	<b>5</b>
<b>9</b>	<b>PETITIONS</b> .....	<b>5</b>
	Nil	
<b>10</b>	<b>NOTICE OF MOTION</b> .....	<b>6</b>
	10.1 Notice of Motion - Additional Signage Pacific Highway Motorway .....	6
<b>11</b>	<b>MAYOR'S REPORT</b> .....	<b>6</b>
	11.1 Mayor Attendances 14 July - 10 August 2020 .....	6
<b>12</b>	<b>DELEGATE'S REPORTS</b> .....	<b>6</b>
	Nil	
<b>13</b>	<b>MATTERS DETERMINED WITHOUT DEBATE</b> .....	<b>6</b>
	13.1 Matters to be Determined Without Debate.....	6
<b>14</b>	<b>GENERAL MANAGER'S REPORTS</b> .....	<b>7</b>
	14.1 Delivery Program Progress Report (January 2020 to June 2020).....	7
	14.2 Rous County Council Future Water Project 2060 .....	7
<b>15</b>	<b>FINANCIAL REPORTS</b> .....	<b>8</b>
	15.1 Monthly Budget Adjustments Report - July 2020 .....	8
	15.2 Financial Analysis Report - July 2020.....	9
<b>16</b>	<b>TENDER REPORTS</b> .....	<b>9</b>
	Nil	
<b>17</b>	<b>GENERAL BUSINESS</b> .....	<b>10</b>
	17.1 Lennox Street Casino Residential Rezoning (PP2018/0001) & Planning Agreement - Post Exhibition Report .....	10
	17.2 Cemeteries and Burial Policy .....	11
	17.3 NSW Shark Program 2020/2021 .....	11
	17.4 Naming of Public Parks, Reserves, Sporting Fields and Council Facilities Revised Procedure and Casino Cricket Association Request for Oval Naming .....	12

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<b>18</b>	<b>MATTERS FOR INFORMATION .....</b>	<b>12</b>
18.1	Richmond-Upper Clarence Regional Library Annual Report 2019/2020 .....	12
18.2	Grant Application Information Report - July 2020 .....	13
18.3	Development Applications determined under the Environmental Planning and Assessment Act for the period 1 July to 31 July 2020.....	13
18.4	Upgrade of Casino Memorial Olympic Pool Preferred Tenderer .....	13
<b>19</b>	<b>QUESTIONS ON NOTICE .....</b>	<b>13</b>
	Nil	
<b>20</b>	<b>QUESTIONS FOR NEXT MEETING (IN WRITING).....</b>	<b>13</b>
<b>21</b>	<b>MATTERS REFERRED TO CLOSED COUNCIL .....</b>	<b>14</b>
21.1	Write Off Bad Debt .....	14
<b>22</b>	<b>RESOLUTIONS OF CLOSED COUNCIL .....</b>	<b>15</b>

**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 18 AUGUST 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 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 and Technology Services), Kate Alder-Conn (Governance Officer), Julie Clark (Personal Assistant to the General Manager and Mayor), Simon Breeze (IT Support Officer).

## **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.

A minute's silence was observed as a mark of respect for former Councillor and Mayor Charlie Cox OAM.

## **3 PUBLIC ACCESS AND QUESTION TIME**

Nil

## **4 APOLOGIES**

### **RESOLUTION 180820/1**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That the apology received from Cr Sam Cornish be accepted and leave of absence granted.

**CARRIED**

**5 MAYORAL MINUTES****1.1 MAYORAL MINUTE - IMPACT OF QUEENSLAND BORDER CLOSURE****RESOLUTION 180820/2**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council continues to advocate, via the Cross-Border Commissioner and Northern Rivers Joint Organisation, for more practical and reasonable cross-border travel arrangements between the Northern Rivers and Southern Queensland.

**CARRIED**

**6 CONFIRMATION OF MINUTES****6.1 MINUTES ORDINARY MEETING HELD ON 21 JULY 2020****RESOLUTION 180820/3**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That Council confirms the Minutes of the Ordinary meeting held on 21 July 2020.

**CARRIED**

**6.2 MINUTES OF THE INTERNAL AUDIT AND RISK COMMITTEE MEETING HELD ON 4 AUGUST 2020****RESOLUTION 180820/4**

Moved: Cr Daniel Simpson

Seconded: Cr Sandra Humphrys

That the Minutes of the Internal Audit and Risk Committee Meeting, held on 4 August 2020, be taken as read and confirmed as a true record of proceedings.

**CARRIED**

**7 MATTERS ARISING OUT OF THE MINUTES**

Nil

**8 DECLARATION OF INTERESTS**

Nil

**9 PETITIONS**

Nil

**10 NOTICE OF MOTION****10.1 NOTICE OF MOTION - ADDITIONAL SIGNAGE PACIFIC HIGHWAY MOTORWAY****RESOLUTION 180820/5**

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council writes to Mr Kevin Hogan MP, the Member for Page and Mr Chris Gulaptis MP, the Member for Clarence seeking their support for TfNSW to include a sign which includes a photo north of the Broadwater exit and south of the Woodburn exit to advise the exit for Evans Head. The signs should be the same as those provided along the Pacific Motorway for Ballina and Maclean and as will be provided for Broadwater and Woodburn.

**CARRIED**

**11 MAYOR'S REPORT****11.1 MAYOR ATTENDANCES 14 JULY - 10 AUGUST 2020****RESOLUTION 180820/6**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report 14 July – 10 August 2020.

**CARRIED**

**12 DELEGATE'S REPORTS**

Nil

**13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 180820/7**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That items 15.1, 17.2, 17.3 identified be determined without debate.

**CARRIED**

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

### **14.1 DELIVERY PROGRAM PROGRESS REPORT (JANUARY 2020 TO JUNE 2020)**

#### **EXECUTIVE SUMMARY**

Council adopted the revised 2017/2021 Delivery Program in June 2020. In accordance with the *Local Government Act 1993* the General Manager must ensure that progress reports are provided to the Council reporting on the progress of all principal activities detailed in the Delivery Program at least every six months. This report relates to and provides information about the achievement of the targeted outcomes prescribed in the Delivery Program.

The report is presented in a traffic light indicator format and provides commentary on the progress of all Delivery Program actions and milestones and progress against the Community Strategic Plan (CSP) performance measures for each community objective within the four priority areas of the CSP. The report represents the results at the end of year three of the Delivery Program.

A dashboard has been provided to summarise Council's overall performance in meeting its four-year targets. The number of on schedule and completed traffic lights (90%) demonstrates a solid performance for the final 6 months of the third year of the four-year program.

#### **RESOLUTION 180820/8**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Progress Report (January 2020 to June 2020) on the Delivery Program 2017/2021.

**CARRIED**

### **14.2 ROUS COUNTY COUNCIL FUTURE WATER PROJECT 2060**

#### **EXECUTIVE SUMMARY**

The Rous County Council (RCC) Future Water Project (FWP) 2060 has been released for community feedback. Council received a presentation from the General Manager of RCC at its August Information Session and has reviewed the information publicly available.

Following this presentation and working through the key points listed below in the report, Council endorses the approach being undertaken by RCC to seek the views of the community on the options being considered under the Plan.

#### **RESOLUTION 180820/9**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council:

1. Endorse Rous County Council's Future Water Project (FWP) 2060 and the community consultation process underway.
2. Authorise the General Manager to provide a submission to Rous County Council, based on the matters outlined in this report.

**CARRIED**

## **15 FINANCIAL REPORTS**

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

#### **EXECUTIVE SUMMARY**

This report details proposed carry over works for the financial year ended 30 June 2020 as well as the proposed adjustments to the 2020/2021 original budget for the month of July 2020.

Carry over works represent those projects that were not fully completed in the previous financial year of 2019/2020. This is an annual occurrence and can be due to several factors. These include savings in completion of projects, where those funds can then be utilised on new or additional projects, weather events, and the timing of grant funding and the associated expenditure of those funds.

The proposed adjustments for carry over works total \$2,767,675, comprising \$605,557 in operating expenditure and \$2,162,118 in capital expenditure. This represents only 0.8% of budgeted operating expenditure and 10.8% of budgeted capital expenditure for 2019/2020. Council's annual Financial Statements are currently being prepared for audit and as such, the final carry over budgets are still subject to change. Any changes will be included in the Quarterly Budget Review Statement as at 30 September 2020, once unexpended grants and final reserve balances have been audited.

This report also details proposed adjustments to the 2020/2021 original budget for the month of July 2020. The main adjustment includes the proposed reallocation of \$400,000 from Sandy Creek Bridge towards Naughtons Gap Road, Woodburn Riverside Park and Casino Drill Hall Riverside. Council is awaiting approval for alternative funding for Sandy Creek Bridge for 2020/2021. Other adjustments include the addition of a project at Casino North reservoir to refurbish valves and install new submersible pumps in each pit.

In summary, the proposed changes will have no impact on the projected budget surplus of \$318,869 for 2020/2021 as the carry over works are fully funded from unexpended grants and contributions or other reserves. Likewise, the proposed budget adjustments for the month of July 2020 are either a reallocation of funds between projects or fully funded from reserves.

Although the final end of year result for 2019/2020 is still being prepared for audit, at this stage the projected budget result from the May 2020 Monthly Budget Review remains unchanged at a surplus of \$122,219.

The report provides further details of the proposed budget changes as well as the revised 2020/2021 budget position as at 31 July 2020.

#### **RESOLUTION 180820/10**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council:

1. Approve carry over works for the financial year ended 30 June 2020;
2. Approve the proposed adjustments to the 2020/2021 original budget for the month of July 2020; and
3. Note the revised 2020/2021 budget position as at 31 July 2020.

**CARRIED**



**15.2 FINANCIAL ANALYSIS REPORT - JULY 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 July 2020 including General Bank Accounts and Trust Funds is shown below.

<b>Investment Portfolio</b>	<b>General Bank Accounts</b>	<b>Trust Funds</b>	<b>Total</b>
\$49,520,900	\$742,570	\$87,050	\$50,350,520

The weighted average rate of return on Council's investments for July 2020 was 3.04% which was above the 90 Day Bank Bill Index for July of 1.00%.

**RESOLUTION 180820/11**

Moved: Cr Robert Mustow

Seconded: Cr Daniel Simpson

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

**CARRIED**

**16 TENDER REPORTS**

Nil

**17 GENERAL BUSINESS****17.1 LENNOX STREET CASINO RESIDENTIAL REZONING (PP2018/0001) & PLANNING AGREEMENT - POST EXHIBITION REPORT****EXECUTIVE SUMMARY**

Planning Proposal PP2018/0001 proposes to rezone a 4-ha area of land bounded by Lennox, East, Boundary and Hare Streets, Casino for residential development (Zone R1 General Residential with a minimum lot size of 600m<sup>2</sup>).

The proposal was supported by Council in Resolution No. 191217/7 and a Gateway Determination was obtained from the Department of Planning, Industry and Environment (DPIE) on 21 September 2018. Agency Consultation has been satisfactorily completed, and the Planning Proposal was publicly exhibited for 30 days. Two (2) submissions were received during the exhibition period and neither has raised issues requiring amendment to the Planning Proposal.

A Planning Agreement was prepared to support the Planning Proposal and secure a minimum of 6 biodiversity offset credits for the clearing of a small patch of Forest Red Gum on the land. This Agreement was publicly exhibited concurrently with the Planning Proposal with no submissions being received. The Planning Agreement must be endorsed by Council and the owner and registered on title for the land prior to finalising the Local Environmental Plan Amendment.

Local Plan-making functions have been delegated to Council for this Planning Proposal, and Council has received formal advice from the Secretary that it agrees Section 9.1 Direction inconsistencies are justified.

Subject to gaining a positive resolution to this report, Council can proceed to finalise the Planning Proposal and make the Planning Agreement.

**RESOLUTION 180820/12**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That:

1. Council receive and note the report on Planning Proposal PP2018/0001;
2. Pursuant to authorisations under Section 3.36(2) of the Environmental Planning & Assessment Act, Council proceed to make a local environmental plan to give effect to PP2018/0001;
3. Local Plan-making authorisation from the Planning Secretary (dated 21 September 2019) be delegated to the General Manager to make the final Local Environmental Plan Amendment (previously delegated per Resolution No. 191217/7);
4. The General Manager be authorised to enter into a Planning Agreement to secure biodiversity offset credits for future development pursuant to PP2018/0001; and
5. Finalisation of the Local Environmental Plan Amendment (i.e. notification on the NSW Legislation Website) not take place until after the Planning Agreement has been made and registered on title.

**CARRIED**

## **17.2 CEMETERIES AND BURIAL POLICY**

### **EXECUTIVE SUMMARY**

Council has developed a draft Cemeteries and Burial Policy to encourage best practice in the overall management of cemetery infrastructure and interments. The policy was presented to the June Ordinary Council Meeting where the recommendation to place the policy on public exhibition for a period of 28 days was resolved.

The 28-day public exhibition period closed on 27 July 2020 and one verbal submission was made. As a result of this a change has been made to Section 30 of the Policy.

### **RESOLUTION 180820/13**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council adopts the Cemeteries and Burial Policy.

**CARRIED**

## **17.3 NSW SHARK PROGRAM 2020/2021**

### **EXECUTIVE SUMMARY**

Richmond Valley Council has been included in the next round of shark mitigation initiatives in NSW as part of the \$8 million allocation announced by the Minister for Agriculture and Western NSW, Adam Marshall on 1 July 2020. It is important that we support and advocate for this initiative as it not only provides the NSW Department of Primary Industry, Shark Management Team vital data to continue to implement the mitigation measures but also provides a sense of safety in our community, particularly over the holiday months.

### **RESOLUTION 180820/14**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council:

1. Receives and notes the status of the NSW Government's Shark Program;
2. Writes to the Minister for Agriculture and Western NSW, Adam Marshall, as well as the NSW Department of Primary Industry Shark Management Team to commend them on the program and the inclusion of the Richmond Valley in the current and future shark mitigation measures being delivered for 2020/2021.

**CARRIED**

#### **17.4 NAMING OF PUBLIC PARKS, RESERVES, SPORTING FIELDS AND COUNCIL FACILITIES REVISED PROCEDURE AND CASINO CRICKET ASSOCIATION REQUEST FOR OVAL NAMING**

##### **EXECUTIVE SUMMARY**

Council has been approached to allow the naming of a playing field within the Queen Elizabeth Reserve to recognise the achievements and contribution of Mr John McDonald to local cricket over 65 years. To allow this to be formalised, a draft review of the relevant procedure has been provided to Council for adoption.

##### **RESOLUTION 180820/15**

Moved: Cr Robert Hayes

Seconded: Cr Daniel Simpson

That Council:

1. Adopt the revised Naming of Public Parks, Reserves, Sporting Fields and Council Facilities Procedure which recognises changes relevant to internal features, and;
2. Council endorse the recommendation to name Queen Elizabeth Oval No 7 in honour of Mr John McDonald in recognition of his service to local cricket over 65 years.

Note: Policy to include the wording "*Council reserves the right to revoke or rename a reserve or facility or part thereof if it believes that the naming is no longer appropriate or relevant to that feature*".

**CARRIED**

#### **18 MATTERS FOR INFORMATION**

##### **RESOLUTION 180820/16**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

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

**CARRIED**

#### **18.1 RICHMOND-UPPER CLARENCE REGIONAL LIBRARY ANNUAL REPORT 2019/2020**

##### **RESOLUTION 180820/17**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That the Richmond-Upper Clarence Regional Library 2019/2020 Annual Report which highlights the important services provided across the Richmond Valley and Kyogle areas be received and noted.

**CARRIED**

**18.2 GRANT APPLICATION INFORMATION REPORT - JULY 2020****RESOLUTION 180820/18**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

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

**CARRIED**

**18.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 JULY TO 31 JULY 2020****RESOLUTION 180820/19**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That Council receives and notes the development application report for the period 1 July to 31 July 2020.

**CARRIED**

**18.4 UPGRADE OF CASINO MEMORIAL OLYMPIC POOL PREFERRED TENDERER****RESOLUTION 180820/20**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That Council receive and note the contents of the Upgrade of Casino Memorial Olympic Pool Preferred Tenderer report.

**CARRIED**

**19 QUESTIONS ON NOTICE**

Nil

**20 QUESTIONS FOR NEXT MEETING (IN WRITING)****20.1 CR ROBERT HAYES – QUESTIONS FOR SEPTEMBER 2020 ORDINARY MEETING**

With the ongoing complaints regarding 4WD usage of Airforce Beach, can Council staff investigate further and report back to Council, determining what is involved and what cost to Council will be required to implement a fee free online permit system for 4WD access to Airforce Beach, so that the local Rangers and the Police can better regulate this area.

## 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 Write Off Bad Debt

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).

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 that 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 10(2) as outlined above.

### RESOLUTION 180820/21

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That:

1. Council resolved to enter Closed Council to consider the business identified in Item 21.1, together with any late reported 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*.

**CARRIED**

Council closed its meeting at 5.48pm. The public left the Chamber.

The Open Council Meeting resumed at 5.54pm.

## 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 Chair.

### 21.1 Write off bad debt

That Council:

1. Write off the debt as detailed in the report due to all recovery options being exhausted, and
2. Necessary steps be undertaken to ensure the debt default is listed on relevant parties' credit files.

The Meeting closed at 5.55pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 September 2020.

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CHAIRPERSON