

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
15 September 2020**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 15 SEPTEMBER 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 (via Zoom from 5.05pm), 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), Jenna Hazelwood (Strategy Manager), Simon Breeze (IT Support 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.

2.1 SHIRLEY WHEATLEY PASSING

A minute's silence was observed as a mark of respect for former Councillor and Deputy Mayor Shirley Wheatley.

3 PUBLIC ACCESS AND QUESTION TIME

Nil

4 APOLOGIES

Nil

5 MAYORAL MINUTES

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD ON 18 AUGUST 2020

RESOLUTION 150920/1

Moved: Cr Jill Lyons

Seconded: Cr Daniel Simpson

That Council confirms the Minutes of the Ordinary Meeting held on 18 August 2020.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

7.1 MINUTES 18 AUGUST 2020, ITEM 10.1 NOTICE OF MOTION - ADDITIONAL SIGNAGE PACIFIC HIGHWAY MOTORWAY

Cr Simpson referred to Item 10.1 Notice of Motion - Additional Signage Pacific Highway Motorway and asked if letters have been written, as previously requested to Mr Kevin Hogan MP, the Member for Page and Mr Chris Gulaptis MP, the Member for Clarence and asked if Council has received a response?

The General Manager confirmed letters were drafted and sent and a copy forwarded to Minister Toole. A follow-up discussion was held Thursday 10 September with the Regional Director of Transport for NSW and the local member, who have advised the matter is receiving further investigation.

7.2 MINUTES 18 AUGUST 2020, ITEM 17.3 NSW SHARK PROGRAM 2020/2021

Cr Simpson referred to Item 17.3 NSW Shark Program 2020/2021 and queried drone operating times and questioned when the program is due to commence?

The Chief Financial Officer/Manager Mid-Richmond advised drones will begin operating from 21 September, when Queensland school holidays start.

Cr Simpson asked if the request to amend drone times, operating from 7am-3pm rather than 9am-5pm, has been responded to?

The Chief Financial Officer/Manager Mid-Richmond advised the question has been raised, however no response received to date.

8 DECLARATION OF INTERESTS

NIL.

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYOR ATTENDANCES 11 AUGUST - 7 SEPTEMBER 2020****RESOLUTION 150920/2**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report 11 August – 7 September 2020.

CARRIED**12 DELEGATE'S REPORTS****12.1 DELEGATES' REPORT SUBMITTED TO SEPTEMBER 2020 ORDINARY MEETING****RESOLUTION 150920/3**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receives and notes the Delegates' Report for the month of August 2020.

CARRIED**13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 150920/4**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That items 14.2,15.1, 17.1, 17.3,17.6 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS

14.1 ELECTION OF DEPUTY MAYOR

EXECUTIVE SUMMARY

Section 231 of the *Local Government Act 1993* (The Act) provides that the Councillors may elect a Deputy Mayor for the mayoral term or for a shorter term. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function, or if there is a casual vacancy in the office of Mayor.

Schedule 7 of the *Local Government (General) Regulation 2005* (The Regulation) provides for the method of conducting the election of Deputy Mayor.

Under the Regulation, nominations for the position of Deputy Mayor are to be made in writing by two or more councillors (one of whom may be the nominee) and delivered to the returning officer.

If more than one candidate is nominated, the Regulation provides for the election to be conducted by either preferential ballot, ordinary ballot or open voting. Following public declaration of the election result, nomination forms and any ballot papers used in the election may be destroyed.

As Council's term of office is due to conclude in September 2021, the Deputy Mayor may only be elected for a maximum 12-month term. It is recommended that the method of conduct for the election of Deputy Mayor be by open voting.

RESOLUTION 150920/5

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That:

1. Council elects a Deputy Mayor for a 12-month term.
2. Nominations for the position of Deputy Mayor be submitted in accordance with the *Local Government (General) Regulation 2005*, Schedule 7.
3. The method of conduct for the election of Deputy Mayor be by open voting.
4. Following declaration of the election result, nomination forms be destroyed.
5. Notification of the result be made to the Office of Local Government and LGNSW.

The General Manager, as Returning Officer for the election, advised that he had received one nomination for the position of Deputy Mayor and called for further nominations from the floor, however none were submitted. He advised that the nomination he had received was a valid nomination and it was from Cr Morrissey.

As there was one nomination only, Cr Morrissey was declared elected as Deputy Mayor for the next 12 months.

The Mayor congratulated Cr Morrissey on his election as Deputy Mayor.

.CARRIED

14.2 REVIEW OF CODE OF CONDUCT AND GIFTS AND BENEFITS POLICY**EXECUTIVE SUMMARY**

Council adopted the 2018 *Model Code of Conduct for Local Councils in NSW* (Model Code of Conduct) and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Procedures) in February 2019.

Following consultation undertaken by the Office of Local Government, the new 2020 Model Code of Conduct and Procedures have been prescribed under the *Local Government (General) Regulation 2005* (Regulation).

The new Model Code of Conduct and Procedures came into effect on 14 August 2020. Councils are to adopt a code and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.

The amendment to the Code of Conduct requires an update of Council's Gifts and Benefits Policy.

RESOLUTION 150920/6

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council:

1. Adopts the 2020 *Model Code of Conduct for Local Councils in NSW and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*, and
2. Adopts the revised Gifts and Benefits Policy.

CARRIED

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

Investment Portfolio	General Bank Accounts	Trust Funds	Total
\$53,798,990	\$2,021,236	\$87,050	\$55,907,276

The weighted average rate of return on Council's investments for August 2020 was 2.46% which was above the 90 Day Bank Bill Index for August of 0.90%.

RESOLUTION 150920/7

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council adopts the Financial Analysis Report detailing investment performance for the month of August 2020.

CARRIED**16 TENDER REPORTS**

Nil

17 GENERAL BUSINESS**17.1 CASINO SHOWGROUND RACECOURSE RECREATION RESERVE PLAN OF MANAGEMENT****EXECUTIVE SUMMARY**

Council, with assistance from Locale Consulting, has developed a Draft Plan of Management for Casino Showground Racecourse Recreation Reserve. Over the past few years, Council staff have worked closely with stakeholders and user groups at the facility to develop an extensive Master Plan for the site.

The Master Plan process was initiated in 2018 following changes to the *Crown Land Management Act* and was adopted by Council on 18 September 2018 following public exhibition. The plan outlines a clear direction for future planning and management of the facility.

RESOLUTION 150920/8

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council:

1. Submits the Draft Plan of Management to the Minister for Water, Property and Housing for approval
2. Places the approved document on public exhibition before it is presented to Council for adoption.

CARRIED

17.2 CLASSIFICATION OF LAND - FUTURE RAPPVILLE HALL SITE

EXECUTIVE SUMMARY

At its meeting on 23 June 2020 Council resolved to acquire two parcels of land in Rappville for the site of the future Rappville Hall development.

In order for the development to proceed, two further steps must be completed:

- The two parcels of land must be consolidated into one lot
- The land must be classified by Council as either operational or community land.

Section 31 of the *Local Government Act 1993* requires Council to adopt the classification by resolution.

While Council's intention is that the site is developed for long-term community use to support the recovery of Rappville, classifying the land as operational would provide more flexibility in the type of community facilities that could be established.

A public notice regarding the proposed classification of the land as operational was advertised for a period of 28 days on the Richmond Valley Council website in accordance with section 34(3) *Local Government Act 1993*. No responses or submissions were received.

RESOLUTION 150920/9

Moved: Cr Daniel Simpson

Seconded: Cr Stephen Morrissey

That Council:

1. Classifies the land at 3 Lyons Street, Rappville (being Lot 2 Section 5 DP 758869) and 10 Murray Street, Rappville (being Lot 3 Section 5 DP 758869) as operational land.
2. Consolidates the two parcels into one lot, as outlined in this report.

CARRIED

17.3 RAPPVILLE RESERVE DRAFT PLAN OF MANAGEMENT

EXECUTIVE SUMMARY

The Local Land Government Act 1993 (LG Act) requires all Council owned land classified as 'community' to be used and managed in accordance with a plan of management. The last known plan of management for Rappville Reserve was adopted by Council in 1996.

The Rappville Reserve Draft Plan of Management has been developed to identify any future uses and developments on the land which meet the values and expectations of the community. The 2019 bushfires which devastated the village have highlighted the importance of this land as a broader community facility. Future significant works have been proposed on this land as part of rebuilding the community. To enable this to occur it was proposed to alter the subject land categorisation from 'sportsground' to part 'general community use', and part 'sportsground'.

The Rappville Reserve Draft Plan of Management has completed the public exhibition requirements. A public hearing was conducted by an independent third party to satisfy legislative requirements to the public land re-categorisation. No public submissions have been received. The independent third party provided a recommendation to Council on the subject land as a written report at the completion of the public hearing. It is proposed for Council to acknowledge this report and adopt the draft plan in its current form.

RESOLUTION 150920/10

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council:

1. Acknowledges the Final Public Hearing Report - Land Re-Categorisation Rappville Reserve 28 August 2020; and
2. Adopts the Draft Plan of Management for Rappville Reserve, Rappville.

CARRIED

17.4 ROAD MAINTENANCE AND CONSTRUCTION SERVICES REVIEW UPDATE ON IMPLEMENTATION ACTIONS

EXECUTIVE SUMMARY

At the March 2017 Ordinary Meeting, Council resolved to adopt the recommendations of the Road Maintenance and Construction Services Review. Up until September 2019, six-monthly update reports on actioning the recommendations were provided to Council. In September 2019 Council resolved the reporting period change to yearly.

This report provides commentary on the actions undertaken in response to the recommendations made in the report through to 31 August 2020.

RESOLUTION 150920/11

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That:

1. Council receives and notes the progress report on the implementation of the recommendations of the Road Maintenance and Construction Services Review; and

2. A final progress report be submitted to Council at the August 2021 Ordinary Meeting.

CARRIED

17.5 EVANS HEAD OFF-LEASH AREA

EXECUTIVE SUMMARY

Council has been working with the Evans Head community for some years to explore the option of fencing the existing off-leash area within Coast Guard Park.

At the August Councillor Information Session, a report was presented with the findings of recent consultation that indicated there was no clear preference for any of the options. This report details the findings of community consultation over time, as well as alternative options to provide additional dog-friendly facilities at Evans Head.

RESOLUTION 150920/12

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council:

1. Leaves the current off-leash dog area at Coast Guard Park Evans Head unfenced;
2. Upgrades and extends Airforce Beach off-leash area as outlined in this report; and
3. Allocates any remaining funding from the fencing budget towards additional dog-friendly facilities, as outlined in this report.

CARRIED

17.6 RENAMING OF ROAD - DUNCAN STREET BROADWATER

EXECUTIVE SUMMARY

At the June 2020 Ordinary Meeting, Council endorsed the renaming of the east/west section of Cook Street in Broadwater. Following this an advertisement was placed in the local newspaper for the new street name to be Duncan Street, Broadwater. Council now requires a resolution to formalise this process through the NSW Place and Road Naming Proposal System.

RESOLUTION 150920/13

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council:

1. Formally adopts Duncan Street, Broadwater as the new name for the east/west section of Cook Street, Broadwater
2. Proceeds with the formal renaming processes through the NSW Place and Road Naming Proposal System; and
3. Supplies and installs street signage on either end of the street along with the supply of street number signage.

CARRIED

18 MATTERS FOR INFORMATION**RESOLUTION 150920/14**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

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

CARRIED

18.1 DISCLOSURE OF INTERESTS - COUNCILLORS AND DESIGNATED PERSONS**RESOLUTION 150920/15**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

That the Disclosure of Interest Returns for the period 1 July 2019 to 30 June 2020 be received and noted.

CARRIED

18.2 REVIEW OF ACCESS TO COUNCIL RECORDS BY THE PUBLIC POLICY AND PRIVACY MANAGEMENT PLAN**EXECUTIVE SUMMARY**

As part of Council's ongoing policy review process, a review has been undertaken of Council's Access to Council Records by the Public Policy, together with Council's Privacy Management Plan. The policy and plan have been updated to reflect current legislation and have been combined into one policy named Access to Council Records and Privacy Management Plan.

RESOLUTION 150920/16

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

That Council receives and notes the Access to Council Records and Privacy Management Plan.

CARRIED

18.3 CORRESPONDENCE - LOCAL GOVERNMENT ECONOMIC STIMULUS PACKAGE**RESOLUTION 150920/17**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

That Council receives and notes the correspondence regarding the Local Government Economic Stimulus Package.

CARRIED

18.4 CORRESPONDENCE - SUBMISSION TO LEGISLATIVE COUNCIL INQUIRY INTO GOVERNMENT GRANTS PROGRAMS**RESOLUTION 150920/18**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

That Council receives and notes the correspondence regarding the Inquiry into the Integrity, Efficacy and Value for Money of NSW Government Grant Programs.

CARRIED

18.5 CORRESPONDENCE - SUBMISSION TO ROUS FUTURE WATER PROJECT 2060**RESOLUTION 150920/19**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

That Council receives and notes the correspondence regarding Rous County Council's Future Water Project 2060.

.CARRIED

18.6 GRANT APPLICATION INFORMATION REPORT - AUGUST 2020**RESOLUTION 150920/20**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

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

CARRIED

18.7 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 AUGUST TO 31 AUGUST 2020**RESOLUTION 150920/21**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

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

CARRIED

19 QUESTIONS ON NOTICE

19.1 ONLINE BEACH PERMIT SYSTEM ON AIRFORCE BEACH

The following question on notice was received from Councillor Robert Hayes.

Question

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.

Response

Council is responsible for managing beaches within the local government area and ensuring an appropriate balance between environmental protection and opportunities for recreation. All councils on the North Coast have sought to address the potential conflicts between passive beach uses (walking, swimming, fishing relaxing) and more active pursuits, such as 4-wheel-driving, with most implementing some form of permit system for beach vehicle access.

To introduce a permit system for beach access, RVC would need to undertake the following actions:

- Develop a Vehicles on Beaches policy to inform the rules and conditions relating to beach access
- Determine which legislative instrument will be used to issue and enforce the permits - generally s632 of the *Local Government Act 1993*.
- Establish a means of issuing the permits
- Provide the required signage and community information
- Establish a program for enforcing the permit requirements.

Of the seven North Coast councils who currently have a beach permit system, only one, Ballina, currently uses a ticketing system and App. The other councils generally require users to purchase a permit in person either at the council building or via a local outlet, such as the visitor information centre. All councils using the permit system levy an annual fee – ranging from \$66 to \$230, or between \$18 and \$60 for a visitor pass (varying from 1 day to 30-day access). The fee covers the cost of implementing the system and, in some cases, provides funds for beach restoration and improvement works.

If RVC chose to introduce a no-charge permit system, the cost of establishing and maintaining the system would be shared by the ratepayers.

Options for implementing an on-line permit include:

- Developing an in-house solution – such as filling out a form on Council's website, printing out a permit, or using a QR code to access an on-line form
- Using an existing App, such as EasyPark, or similar

Both options would require council to maintain an on-line data base, so that Rangers could verify that the person driving the vehicle had applied for a permit and the vehicle registration details matched. This information is essential to support any regulatory action, such as issuing a fine for not having a permit.

With an in-house system, Council would be required to securely store personal information associated with the permits, to provide secure access to this information so that Rangers could enforce the requirements, and to undertake audits of the system to ensure it remained secure. The

estimated development cost for an in-house system is approximately \$10,000.

If Council chose to use an existing App, licensing fees for the product would apply and there would be additional costs associated with integrating the system with Council's network (so Rangers could enforce the requirements). Licensing fees vary depending on the App selected, however the estimated cost of using and integrating these systems is \$10,000 to \$15,000. Additionally, most existing Apps require users to enter their credit card details prior to accessing the form. So, even if Council chose not to charge for the permit, users would still have to share their personal information to access the system.

To ensure Rangers could enforce the permits under s632 of the Act, Council would need to erect additional signs, or update its existing signage at beach access points. The estimated cost of additional signage is \$4000.

A consistent monitoring and enforcement program would also be required to ensure that drivers were complying with the permit rules.

As neighbouring councils continue to increase regulation and further restrict vehicle access to their beaches, it can be expected that 4WD activity on RVC's beaches may increase.

Other options for better regulating vehicles on Airforce Beach might include:

- Introducing a curfew system to prevent driving on the beach after dark. (This matter was raised following a recent serious accident on the beach)
- Restricting the area available for vehicle access, for example, up to the coffee rock area
- Encouraging residents to use the Snap, Send Solve App to report inappropriate behaviour
- Increasing patrols on the beach
- Aligning with other North Coast councils' policies and paid permit systems – for example Nambucca, Kempsey and Port Macquarie-Hastings Councils currently have reciprocal permit arrangements.

Council Rangers will continue to monitor the situation at Airforce Beach over the coming months and further updates will be provided to Council.

RESOLUTION 150920/22

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council receives and notes the information provided.

CARRIED

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 Negotiations

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.

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 150920/23

Moved: Cr Stephen Morrissey

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 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 Woodview Quarry Lease Negotiations

That Council:

1. Declines all submissions received for Tender VP186832 – Leasing of Richmond Valley Council's Woodview Quarry due to all submissions not being commercially attractive to Council.
2. Determines not to call fresh tenders, due to the limited number of potential persons or parties that might be interested in leasing the quarry.
3. Apply Clause 178(3)(e) of the Local Government (General) Regulation 2005 to authorise the General Manager to enter into negotiations with any person (whether or not the person was a tenderer) with a view to reaching a commercially acceptable agreement, including affixing the seal of Council where necessary.
4. Be provided with a report on the outcomes of the negotiation process for information purposes.

The Meeting closed at 5.55pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 October 2020.

.....
CHAIRPERSON