

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
20 October 2020**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 20 OCTOBER 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), Kate Alder-Conn (Governance Coordinator), Julie Clark (Personal Assistant to the General Manager and Mayor) and Daniel Goulding (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.

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 15 SEPTEMBER 2020

RESOLUTION 201020/1

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council confirms the Minutes of the Ordinary Meeting held on 15 September 2020.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

7.1 MINUTES 15 SEPTEMBER 2020, ITEM 17.5 EVANS HEAD OFF-LEASH AREA

Cr Robert Hayes enquired as to when new dog off-leash signage will be installed at the site and what action will be taken against those using the area, prior to the signage being updated?

Council's Chief Financial Officer/ Manager Mid-Richmond advised signage design is currently being prepared and signage should be available by the end of October. Rangers are focusing on education rather than issuing penalties at this stage.

7.2 MINUTES 15 SEPTEMBER 2020, ITEM 21.1 WOODVIEW QUARRY LEASE NEGOTIATIONS

Cr Robert Mustow advised that he would be asking a question during closed session on this matter.

8 DECLARATION OF INTERESTS

Cr Robert Mustow declared a pecuniary interest in relation to Item 21.1 – Proposed Property Acquisition (owner of a property in close proximity) and left the meeting for this item.

The General Manager Vaughan Macdonald declared a pecuniary interest in relation to Item 21.2 – General Manager's Mid-Year Performance Review – October 2020 (employment contract) and left the meeting for this item.

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYOR ATTENDANCES 8 SEPTEMBER - 12 OCTOBER 2020****RESOLUTION 201020/2**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report 8 September – 12 October 2020.

CARRIED

12 DELEGATE'S REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 201020/3**

Moved: Cr Sandra Humphrys

Seconded: Cr Daniel Simpson

That items 15.3 and 17.5 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS

Nil

15 FINANCIAL REPORTS**15.1 REVIEW OF COUNCIL'S INVESTMENT POLICY****EXECUTIVE SUMMARY**

Council reviews its Investment Policy on an annual basis. The latest review has been undertaken with assistance from Council's investment advisors Laminar Capital, resulting in further refinements being recommended. The review considered adopting the investment framework required under TCorp's lending criteria but found the potential loss of investment returns to Council under this framework would outweigh any savings from accessing slightly cheaper loans. The changes and additions to the policy are detailed within the report.

RESOLUTION 201020/4

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council adopts the revised Investment Policy.

CARRIED

15.2 DRAFT FINANCIAL STATEMENTS 2019/2020

EXECUTIVE SUMMARY

Council's draft financial statements for the year ended 30 June 2020 have been prepared and subjected to external audit by the Audit Office of New South Wales. A copy of the draft financial statements and draft auditor's report have been provided separately to Councillors for their information.

RESOLUTION 201020/5

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That:

1. Council adopts the general purpose financial statements, special purpose financial statements and special schedules for the year ended 30 June 2020.
2. Council certifies the following in respect of the general purpose financial statements and special purpose financial statements for the year ended 30 June 2020:
 - (a) Council's general purpose financial statements and special purpose financial statements have been prepared in accordance with:
 - (i) The *Local Government Act 1993 (NSW)* and the regulations made thereunder, and
 - (ii) The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board, and
 - (iii) The Local Government Code of Accounting Practice and Financial Reporting.
 - (b) The general purpose financial statements and special purpose financial statements present fairly Council's financial position and operating result for the year ended 30 June 2020 and:
 - (i) The reports are in accordance with Council's accounting and other records,
 - (ii) The signatories to this statement being the Mayor, a Councillor, General Manager and Responsible Accounting Officer are not aware of anything that would make the financial statements false or misleading in any way,
 - (iii) Council fixes Tuesday 17 November 2020 as the date for the meeting to present the financial statements for the year ended 30 June 2020 to the public and invite submissions in writing. Council provide appropriate public notice of this meeting
 - (iv) Council receives and notes the draft auditor's report,
 - (v) Council adopts the restricted assets (reserves) schedule as detailed in this report.

CARRIED

15.3 FINANCIAL ANALYSIS REPORT - SEPTEMBER 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 September 2020 including General Bank Accounts and Trust Funds is shown below.

| Investment Portfolio | General Bank Accounts | Trust Funds | Total |
|----------------------|-----------------------|-------------|--------------|
| \$54,091,849 | \$1,606,638 | \$87,050 | \$55,785,537 |

The weighted average rate of return on Council's investments for September 2020 was 0.23% which was below the 90 Day Bank Bill Index for September of 0.90%.

RESOLUTION 201020/6

Moved: Cr Sandra Humphrys

Seconded: Cr Daniel Simpson

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

CARRIED

16 TENDER REPORTS

Nil

17 GENERAL BUSINESS**17.1 APPLICATION TO CLOSE PUBLIC ROAD - PART EMU PARK ROAD, ELLANGOWAN****EXECUTIVE SUMMARY**

This report seeks to close and sell an area of unused road reserve contained within 250-350 Emu Park Road, Ellangowan, which is not deemed necessary for road purposes.

RESOLUTION 201020/7

Moved: Cr Daniel Simpson

Seconded: Cr Sandra Humphrys

That:

1. In accordance with Section 38D of the *Roads Act 1993*, Council supports the application to close the unused road which is contained within 250-350 Emu Park Road, Ellangowan (Lot 5 DP 810900), as shown on the plan included.
2. Upon closure, Council offers to sell the land to the applicant in accordance with either current land valuation as set by the Valuer General or in line with market valuation, as determined by

the General Manager, to seek the most advantageous outcome for Council.

3. The General Manager be delegated authority to negotiate the final boundaries of the proposed closure and the conditions of the sale, including the signing of documents and affixing of the Council Seal, as necessary.
4. The applicant be required to consolidate the land with adjoining lot (being Lot 5 DP 810900), at the earliest opportunity, and to meet the costs associated with the road closure, sale and consolidation.

CARRIED

17.2 APPLICATION TO CLOSE PUBLIC ROAD - PART MYALL CREEK ROAD, BORA RIDGE

EXECUTIVE SUMMARY

This report seeks to formally close part of a road at Bora Ridge and classify the land as operational, to support the continued operation of the Bora Ridge Landfill site.

The Bora Ridge Landfill is largely located on a Crown Reserve; however some facility structures encroach into the adjoining Myall Creek Road Reserve. For Council to operate within relevant EPA licence guidelines this facility must be contained within a whole property rather than a road reserve.

Council has undertaken the statutory advertising of the proposed road closure. No objections on closure were received. The State of NSW (Crown Lands) has given approval subject to creating a right of carriageway to maintain access to the Crown Reserve 94338.

Council's intention is to retain ownership of this closed road as part of the landfill facility. Council is required to classify the land as either community or operational. Classifying the land as operational supports the current functions of the landfill.

RESOLUTION 201020/8

Moved: Cr Daniel Simpson

Seconded: Cr Stephen Morrissey

That:

1. In accordance with Section 38D of the *Roads Act 1993*, Council supports the application to close part of Myall Creek Road, Bora Ridge identified on Deposited Plan 1256308.
2. The General Manager be given delegated authority to execute the registration of a right of carriageway over the new land to the benefit Crown Reserve 94338, (Lot 354 DP728161) and to affix the Council Seal, as necessary.
3. Council classifies the land as operational land.

CARRIED

17.3 APPLICATION TO CLOSE PUBLIC ROAD - PART MYALL CREEK ROAD, CORAKI**EXECUTIVE SUMMARY**

This report seeks to close and sell an area of unused dedicated public road which traverses through private properties at Myall Creek Road, Coraki (off Woodburn Coraki Road).

Rous County Council has existing flood mitigation infrastructure located within the unformed section of road which can be protected by way of an easement to enable future access to these assets.

The five applicants have given an undertaking that they will meet all costs associated with the road closure and sale.

RESOLUTION 201020/9

Moved: Cr Daniel Simpson

Seconded: Cr Jill Lyons

That:

1. In accordance with Section 38D of the *Roads Act 1993*, Council supports the application to close the part of Myall Creek Road Coraki, contained within Lot B DP39983, Lot 1 & 2 DP 730422, Lot 12 DP133419, and Lot 1 DP 171724 (shown on Image 1).
2. The General Manager be given delegated authority to:
 - Negotiate the final boundaries of the proposed closure;
 - Execute the registration of right of carriageway, and restrictions for flood mitigation infrastructure;
 - Negotiate the sale of land in accordance with either current land valuation as set by the Valuer General or in line with market valuation, as determined by the General Manager to seek the most advantageous outcome for Council.
 - Sign the necessary documentation to implement this resolution, including affixing the Seal of Council as required.
3. The applicants be required to consolidate the subject land with adjoining land upon transfer, and to meet the costs associated with the road closure and sale.

CARRIED

17.4 APPLICATION TO CLOSE PUBLIC ROAD - PART EAGAR STREET, CORAKI

EXECUTIVE SUMMARY

This report seeks to close and sell an area of unused dedicated public road being part Eagar Street, Coraki (adjoining 21-23 Queen Elizabeth Drive, Coraki).

The adjoining property owners have been utilising part of this road reserve for over forty-five years. There is currently an 8-metre-wide and 60-metre-long area (480m² total area) enclosed by a fence into their property.

The full length of the adjoining land (Lot 2 Section A in DP 7104) is 100.58 metres. Council can consider the alternatives of closing the part road at a length of 60 metres (current fenced area) or 100.58 metres (full length of the adjoining land) as part of the sale negotiation.

RESOLUTION 201020/10

Moved: Cr Daniel Simpson

Seconded: Cr Sandra Humphrys

That:

1. In accordance with Section 38D of the *Roads Act 1993*, Council supports the application to close part of Eagar Street Coraki, which adjoins 21-23 Queen Elizabeth Drive Coraki (being Lot 2 Section A in DP 7104) as shown on the Image 1.
2. Upon closure, Council offers to sell the land to the applicant in accordance with either current land valuation as set by the Valuer General or in line with market valuation, as determined by the General Manager, to seek the most advantageous outcome for Council.
3. The General Manager be delegated authority to negotiate the final boundaries of the proposed closure, and the conditions of the sale, including the signing of documents and affixing the Council Seal as necessary.
4. The applicants be required to consolidate the subject land with adjoining land upon transfer and to meet the costs associated with the road closure and sale.

CARRIED

17.5 QUEEN ELIZABETH PARK DRAFT MASTER PLAN

EXECUTIVE SUMMARY

Council staff have been working with stakeholders over the past 12 months to establish a draft master plan for future development of the Queen Elizabeth Park Sporting Complex. A final draft document is presented to Council for consideration, following recent workshops with each key stakeholder group and community consultation.

RESOLUTION 201020/11

Moved: Cr Sandra Humphrys

Seconded: Cr Daniel Simpson

That Council adopts the Queen Elizabeth Park Sporting Complex Draft Master Plan.

CARRIED

17.6 AMENDED COMMUNITY PARTICIPATION PLAN - POST EXHIBITION REPORT

EXECUTIVE SUMMARY

Following the resolution of the Council Meeting held on 19 May 2020, the *Draft Richmond Valley Council Community Participation Plan 2020* (Draft CPP) was prepared. The Draft CPP is based upon the foundations of the 2019 CPP and incorporates amendments to:

- Remove mandatory requirements to publish notices in newspapers; and
- Include Manager discretion to waive or reduce advertising/notification of minor applications/modifications.

Furthermore, a general review of the 2019 CPP was undertaken and additional changes include minor wording and format changes, and updates to engagement requirements resulting from legislation changes to the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Regulation. Due to a lack of clarity on how to amend a CPP, it has been decided to repeal the 2019 CPP and replace it with the 2020 CPP.

The Draft CPP was publicly exhibited for 45 days commencing on 27 August 2020 with one submission received.

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council:

1. Adopts the *Richmond Valley Council Community Participation Plan 2020 (Oct 2020)*;
2. Provides a copy of the adopted CPP to be published on the NSW Planning Portal; and
3. Notes that the adopted CPP will commence from the date of publication on the Portal.

The motion was withdrawn.

The following motion was then moved;

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Item 17.6 Amended Community Participation Plan – Post Exhibition Report be deferred until the November Ordinary Meeting.

The Motion was put to the vote and Carried.

RESOLUTION 201020/12

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Item 17.6 Amended Community Participation Plan – Post Exhibition Report be deferred until the November Ordinary Meeting.

CARRIED

17.7 PLANNING PROPOSAL TO REZONE LAND AT RILEYS HILL

EXECUTIVE SUMMARY

Council has received a revised Planning Proposal to rezone land on Hills Rd, Riley's Hill, on behalf of the owner, Monal Pty Ltd. The revised proposal substantially reduces the number of residential lots proposed (from 70 to 36) and maintains a portion of the land for primary production and environmental protection.

The land adjoins the existing village zone and has been identified for Future Urban Growth under the North Coast Regional Plan.

Council considered the original Planning Proposal in November 2017 and resolved to submit it to the (then) Department of Planning and Environment for a Gateway Determination. Given the significant changes to the proposal and the length of time that has elapsed, resubmission to the Department will be required before further consultation can proceed.

Following the new Gateway Determination, the proposal will be exhibited for public consultation. Council expects that this will be early in the new year.

Council's November 2017 resolution requested delegation of Ministerial plan making functions to RVC, however, given that the new proposal includes an E2 – Environmental Protection zoning, this can no longer occur. The process will now be led by the Department of Planning, Industry and Environment (DPIE), with Council managing the exhibition and consultation process, as per DPIE's requirements.

RESOLUTION 201020/12

Moved: Cr Daniel Simpson

Seconded: Cr Sam Cornish

That Council:

1. Supports the revised Planning Proposal PP2016/0006 proposing to amend the *Richmond Valley Local Environmental Plan 2012* by rezoning Lot 100 DP1201719 from Zone *RU1 – Primary Production* to include the following:
 - Part Zone *RU5 – Village* with an 800m² minimum lot size;
 - Part *RU1 – Primary Production* with a 2-hectare minimum lot size;
 - Part *E2 – Environmental Protection*.
2. Submits Planning Proposal PP2016/0006 to the NSW Department of Planning, Industry and Environment for a further Gateway Determination.
3. Notes that community consultation on the proposal will take place following the new Gateway Determination.

CARRIED

18 MATTERS FOR INFORMATION**RESOLUTION 201020/13**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

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

CARRIED

18.1 REVIEW OF RELATED PARTY DISCLOSURE POLICY**EXECUTIVE SUMMARY**

As part of Council's ongoing policy review process, a review has been undertaken of the Related Party Disclosure Policy.

RESOLUTION 201020/14

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

That Council receives and notes the updated Related Party Disclosure Policy.

CARRIED

18.2 CORAKI RIVERSIDE CARAVAN PARK EXPRESSION OF INTEREST**RESOLUTION 201020/15**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

That Council receives and notes the outcome of the Expressions of Interest process for the management of the Coraki Riverside Caravan Park and Camping Grounds.

CARRIED

18.3 GRANT APPLICATION INFORMATION REPORT - SEPTEMBER 2020**RESOLUTION 201020/16**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

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

CARRIED

18.4 AUSTRALIAN LIVESTOCK MARKETS ASSOCIATION - ANNUAL GENERAL MEETING**RESOLUTION 201020/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the Australian Livestock Markets Association – Annual General Meeting report.

CARRIED**18.5 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 SEPTEMBER TO 30 SEPTEMBER 2020****RESOLUTION 201020/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

CARRIED**18.6 CUSTOMER EXPERIENCE REPORT 1 JULY 2020 TO 30 SEPTEMBER 2020****RESOLUTION 201020/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the Customer Experience Report for the period 1 July 2020 to 30 September 2020.

CARRIED**19 QUESTIONS ON NOTICE**

Nil

20 QUESTIONS FOR NEXT MEETING (IN WRITING)

20.1 QUESTIONS FOR NOVEMBER 2020 ORDINARY MEETING

Cr Daniel Simpson raised the following questions;

1. Can the General Manager please outline if there has been any further discussion regarding the possibility of Evans Head obtaining a large picture sign on the new highway?
2. Can the General Manager please outline the expected timeframes for the large picture signs to be erected for Woodburn and Broadwater?

The General Manager provided the following responses;

1. Conversations have taken place regarding potential picture signage for Evans Head and the matter will continue to be pursued.
2. Council has been advised that the signage frames for Woodburn and Broadwater are now in place and the signs are in production, which should be erected prior to December 2020 school holidays.

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 Proposed Property Acquisition

This matter is considered to be confidential under Section 10A(2) - (c) 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.

21.2 General Manager's Mid-Year Performance Review - October 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).

The General Manager reported that no written representations had been received in respect to the items 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 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 201020/20

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 and 21.2, together with any late report 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 6.09pm. The public left the Chamber.

The Open Council Meeting resumed at 6.21pm.

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 (Item 21.1) and Chair (Item 21.2).

21.1 Proposed Property Acquisition

That Council:

1. Authorise the General Manager to negotiate the purchase of a parcel of land in Casino generally in accordance with the details contained within this report.
2. Authorise the General Manager to enter into and endorse relevant documents, contracts and transfers, including affixing the seal of Council where appropriate, for the purchase of the land generally in accordance with the details contained within this report.

21.2 General Manager's Mid-Year Performance Review - October 2020

That Council:

1. Notes the Panel's key findings of the General Manager's positive performance review including:
 - the results achieved during a period in which the organisation has had to support the community through drought, bushfires, a flood and now the COVID-19 pandemic,
 - the organisation's proactive approach to the combined recovery efforts and the support being pursued to stimulate our local economy, and
 - the high standards set and achieved by the General Manager, and
2. Supports the Panel's recommendation for a discretionary increase, in line with the content of this report and 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.

The Meeting closed at 6.22pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 November 2020.

.....
CHAIRPERSON