

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
16 March 2021**

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**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 16 MARCH 2021 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 Allder-Conn (Governance Coordinator), Charlene Reeves (Project Support Officer), 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**

### **3.1 PUBLIC ACCESS AND QUESTION TIME – ITEM 14.1 DA2021/0071 SITE AMALGAMATION**

Mr Adrian Zakaras, Town Planner, Newton Denny & Chapelle, addressed the meeting in relation to Item 14.1 – DA2021/0071 – 36 & 38 Mangrove Street, Evans Head speaking in support of the application and provided the following address:

*It is noted that:*

- *No public submissions were received regarding the proposal.*
- *The proposed lot sizes are consistent with the development pattern in the locality with at least 15 lots within the immediate vicinity below the minimum lot size.*
- *Clause 4.1C of the LEP provides a mechanism for lots to a size of 350m<sup>2</sup> to be created in the locality.*
- *The proposal allows the owner of No 38 to bring the current dwelling into compliance with Council's DCP and the current BCA and fire separation requirements. The owner has also advised that the footings for the dwelling encroach over the boundary.*

- *The proposal does not diminish the development potential of the larger allotment, Number 36, as a 611m2 block realistically can only support an attached dual occupancy. The reduced lot size of approximately 500m2 also has the ability to support an attached dual occupancy which demonstrates the public benefit is not compromised.*
- *It has been demonstrated that there are sufficient environmental planning grounds to approve the proposal and the variation to the minimum lot size standards are warranted in the circumstances of this case.*

The Mayor thanked Mr Zakaras for his address to the meeting.

#### **4 APOLOGIES**

Nil

#### **5 MAYORAL MINUTES**

Nil

#### **6 CONFIRMATION OF MINUTES**

##### **6.1 INTERNAL AUDIT AND RISK COMMITTEE MINUTES 2 FEBRUARY 2021**

###### **RESOLUTION 160321/1**

Moved: Cr Daniel Simpson

Seconded: Cr Jill Lyons

That Council receives and notes the Minutes of the Internal Audit and Risk Committee Meeting held on 2 February 2021.

**CARRIED**

##### **6.2 MINUTES ORDINARY MEETING HELD ON 16 FEBRUARY 2021**

###### **RESOLUTION 160321/2**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That:

1. Council confirms the Minutes of the Ordinary Meeting held on 16 February 2021.

**CARRIED**

Minor adjustments made to Item 16.2 – South Ballina Beach Closure to ensure accuracy.

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

Cr Simpson referred to Item 16.6 - Naming of Roads associated with Pacific Highway Project and enquired whether incorrect signage had been removed.

The Director Infrastructure & Environment advised that representation had been made to Transport for NSW and that further advice would be provided to Councillors once available.

**8 DECLARATION OF INTERESTS**

The General Manager, Vaughan Macdonald, declared a pecuniary interest in relation to Item 20.4 – General Manager’s Annual Performance Review February 2021 and left the meeting for this item.

**9 PETITIONS**

Nil

**10 NOTICE OF MOTION**

Nil

**11 MAYOR’S REPORT****11.1 MAYORAL ATTENDANCES 9 FEBRUARY - 8 MARCH 2021****RESOLUTION 160321/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor’s attendance report 9 February – 8 March 2021.

**CARRIED**

**12 DELEGATES' REPORTS****12.1 DELEGATES' REPORT SUBMITTED TO MARCH 2021 ORDINARY MEETING****RESOLUTION 160321/4**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receives and notes the Delegates’ Report for the month of February 2021.

**CARRIED**

**13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 160321/5**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Item 14.2 identified be determined without debate.

**CARRIED**

## 14 GENERAL MANAGER'S REPORTS

### 14.1 DA2021/0071 – SITE AMALGAMATION OF LOT 3 AND LOT 173, RE-SUBDIVISION TO CREATE TWO LOTS BEING LOT 1 (464M2) & LOT 2 (500.6M2) AND ASSOCIATED VARIATION TO CLAUSE 4.6 OF RVLEP – 36 & 38 MANGROVE STREET, EVANS HEAD

#### EXECUTIVE SUMMARY

A Development Application has been received for the site amalgamation of Lot 3 and Lot 173, re-subdivision to create two lots being proposed Lot 1 (464m<sup>2</sup>) and proposed Lot 2 (500.6m<sup>2</sup>) and associated variation to the minimum subdivision lot size development standard pursuant to Clause 4.6 of the *Richmond Valley Local Environmental Plan 2012 (RVLEP)* at 36 and 38 Mangrove Street, Evans Head. The existing site at 38 Mangrove Street (Lot 3) provides an approved single dwelling and is currently below minimum lot size. The adjoining site at 36 Mangrove Street (Lot 173) meets the minimum lot size and is currently vacant.

The site is zoned R1 – General Residential. Clause 4.1 of the *RVLEP* stipulates a minimum lot size of 600m<sup>2</sup> for the locality. The proposed subdivision will result in both lots being below the prescribed minimum lot size development standard. Proposed Lot 1 being 464m<sup>2</sup> and proposed Lot 2 being 500.6m<sup>2</sup>.

The applicant has requested, pursuant to clause 4.6 of the LEP a variation to the minimum lot size to permit the creation of both lots. The variation is in excess of 10% of the development standard and therefore must be determined by the Council in accordance with Secretary of the Department of Planning and Environment's notification of assumed concurrence.

Council resolved to approve the variation, noting that its reasons for doing so were:

- a) the proposal was publicly exhibited, resulting in no objections,
- b) the proposed lot sizes are consistent with the existing historical subdivision pattern in the vicinity,
- c) given the subdivision pattern and development types in the vicinity of the proposal, it is not considered that the public benefit is compromised, and
- d) the proposed variation does not raise any matter of significance for State or regional environmental planning and does not set a precedent for other similar development applications.

#### RESOLUTION 160321/6

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That:

1. Pursuant to clause 4.6 of *Richmond Valley Local Environmental Plan 2012* a variation in respect of clause 4.1 minimum subdivision lot size be approved.
2. Development Application DA2021/0071 be approved in accordance with the proposed conditions of consent and reasons for supporting the variation as contained in this report.

**CARRIED**

**14.2 PROPOSED ROAD CLOSURE AND SALE OF JABIRU LANE CASINO****EXECUTIVE SUMMARY**

The Casino RSM has approached Council for the closure and sale of Council public roads contained within and adjoining land owned by the RSM.

Council would be required to undertake relevant consultation in accordance with Section 38B of the *Roads Act 1993* to close the public road for disposal.

A land valuation for the roads has been obtained and a further report will be submitted to Council at the end of the consultation period for consideration and determination.

**RESOLUTION 160321/7**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That:

1. Council undertakes the relevant consultation in accordance with Section 38B of the *Roads Act 1993* to close the public road for disposal.
2. A further report be submitted to Council at the completion of the consultation.

**CARRIED**

**15 FINANCIAL REPORTS****15.1 FINANCIAL ANALYSIS REPORT - FEBRUARY 2021****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the status and performance of its investment portfolio in accordance with the *Local Government Act 1993* s.625, Local Government (General) Regulation 2005 cl.212, Australian Accounting Standard (AASB 9) and Council's Investment Policy. The value of Council's Investment Portfolio as at 28 February 2021 is shown below.

Bank Accounts	Term Deposits	Floating Rate Notes	TCorp IM Funds	Total
\$19,477,334	\$24,000,000	\$750,000	\$11,751,034	\$55,978,368

The weighted average rate of return on Council's investments for February 2021 was -0.92% which was below the Bloomberg AusBond Bank Bill Index for February of 0.00%, which is Council's benchmark.

**RESOLUTION 160321/8**

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council adopts the Financial Analysis Report detailing investment performance for the month of February 2021.

**CARRIED**



**16 GENERAL BUSINESS****16.1 DRAFT DEVELOPMENT CONTROL PLAN 2021****EXECUTIVE SUMMARY**

Over the past six months, Council has undertaken a comprehensive review of its Development Control Plan (DCP) to ensure consistency of development, improve local neighbourhood amenity and strengthen alignment with existing NSW codes and guidelines.

As a result, the *Draft Richmond Valley Development Control Plan 2021* has been prepared and it is proposed to exhibit the Draft Plan from 24 March 2021, with written submissions being received until 6 May 2021. This report seeks Council's endorsement to undertake the community consultation process.

**RESOLUTION 160321/9**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council:

1. Notes the current Development Control Plan (DCP) has been reviewed by Council officers with input from Councillors and frequent users of the DCP, and
2. Approves for public exhibition of the Draft Richmond Valley Development Control Plan 2021 for a minimum period of 28 days.

**CARRIED**

**16.2 DEBT RECOVERY POLICY REVIEW****EXECUTIVE SUMMARY**

Council adopted the Debt Recovery Policy in its current form on 16 October 2018. Due to increasing unpaid water accounts, the policy has been reviewed and proposed additions have been made to include the use of water restrictors to improve debt recovery. Should Council adopt these changes, it is proposed to implement them in the new financial year.

**RESOLUTION 160321/10**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council adopts the revised Debt Recovery Policy and notes the proposed timetable for implementation.

**CARRIED**

**16.3 DRAFT NSW WATER STRATEGY****EXECUTIVE SUMMARY**

The NSW Government has developed a Draft NSW Water Strategy to guide its priorities and actions on water quality and security issues over the next 20 years. The Draft Strategy is currently on public exhibition and Council has been invited to make a submission. The issues raised in the Draft Strategy are very relevant to the Richmond Valley and will impact on Council's long-term water planning and service delivery. Of key concern are the predicted impacts of climate change and the need to identify alternative water sources.

**RESOLUTION 160321/11**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That Council:

1. Notes the issues raised in the Draft NSW Water Strategy regarding water quality and long-term security
2. Authorises the General Manager to make a submission on Council's behalf to the Draft Strategy public consultation.

**CARRIED**

**17 MATTERS FOR INFORMATION****RESOLUTION 160321/12**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

**CARRIED**

**17.1 GRANT APPLICATION INFORMATION REPORT - FEBRUARY 2021****RESOLUTION 160321/13**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the Grant Application Information Report for the month of February 2021.

**CARRIED**

**17.2 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 FEBRUARY 2021 TO 28 FEBRUARY 2021****RESOLUTION 160321/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the Development Application report for the period 1 February 2021 to 28 February 2021.

**CARRIED**

**17.3 WOMEN'S TRY A TRADE PROGRAM****RESOLUTION 160321/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the information provided in the Women's Try a Trade program report.

**CARRIED**

**17.4 CORRESPONDENCE - CENTRE STREET TRAFFIC ISSUES****RESOLUTION 160321/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the correspondence provided to the Minister for Regional Transport and Roads the Hon. Paul Toole MP, State Member Chris Gulaptis MP and Federal Member Kevin Hogan MP reiterating the community's serious concerns with traffic and pedestrian safety along Centre Street, Casino.

**CARRIED**

**18 QUESTIONS ON NOTICE****18.1 QUESTION ON NOTICE - CR SIMPSON - PACIFIC HIGHWAY/RIVER STREET WOODBURN - STATUS UPDATE AND PEDESTRIAN CROSSING**

The following question on notice was received from Councillor Simpson.

**Question**

Could the General Manager please outline where we are at with the handback of what was the Pacific Highway/River Street, Woodburn and comment on the process required to obtain a pedestrian crossing in Woodburn?

**Response**

Advice received from Transport for NSW (TfNSW) is that the reclassification process is not yet finalised, and a further update will be provided in July. Until the NSW Government agrees to re-classify the road, it will remain under the control of TfNSW. Therefore, a crossing at Woodburn is a matter for TfNSW and responsibility for streetscaping is yet to be resolved.

**RESOLUTION 160321/17**

Moved: Cr Daniel Simpson

Seconded: Cr Sandra Humphrys

That the response to the question regarding Pacific Highway/River Street Woodburn, Status update and pedestrian crossing, raised by Councillor Simpson be received and noted.

**CARRIED**

**19 QUESTIONS FOR NEXT MEETING (IN WRITING)**

Nil

**20 MATTERS REFERRED TO CLOSED COUNCIL****RECOMMENDATION**

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:

**20.1 Tender – Construct Bridge, Crown Road Busbys Flat**

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.

**20.2 Tender – Canning Drive Stage 2 Civil Works**

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.

**20.3 Proposed Purchase of Casino Bowling Club Land**

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.

**20.4 General Manager's Annual Performance Review - February 2021**

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 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 160321/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That:

1. Council resolved to enter Closed Council to consider the business identified in Item 20.1, 20.2, 20.3 and 20.4 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*.

**CARRIED**

Council closed its meeting at 5:48pm. The public left the Chamber.

The Open Council meeting resumed at 5:59pm.

## **21 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 and Director Infrastructure & Environment.

### **20.1 Tender – Construct Bridge, Crown Road Busbys Flat**

That Council:

1. Awards the tender to MCS Ltd for the construction of Crown Road Bridge near 2260 Busbys Flat Rd, Busbys Flat, at the assessed tendered rate of \$608,933.67 inclusive of GST.
2. Authorises the General Manager to enter into and endorse relevant contracts and documents, including affixing the Seal of Council where appropriate, generally in accordance with the details contained within this report.

**20.2 Tender – Canning Drive Stage 2 Civil Works**

That:

1. Council accept the tender from Santin Earthmoving which represents the best value for Council at \$202,004.30 (exclusive of GST); and
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, including extension of the scope of works, in line with the content of this report and the available budget, and affixing the seal of Council where necessary.

**20.3 Proposed Purchase of Casino Bowling Club Land**

That:

1. Council authorises the General Manager to negotiate the purchase of the land generally in accordance with the details contained within this report.
2. Council authorises 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.

**20.4 General Manager's Annual Performance Review - February 2021**

The Panel agreed and recommend Council approves that:

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 as outlined in this report be awarded to the General Manager's total remuneration package in recognition of:
  - the results achieved for the period
  - the high standards set and achieved by the General Manager, and
  - in line with market remuneration rates in like sized councils.
2. The Mayor, General Manager and Facilitator are to develop a draft performance agreement for the coming year, for review and adoption by all Councillors.

The Meeting closed at 6:03pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 April 2021.

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**CHAIRPERSON**