

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
20 April 2021**

ORDER OF BUSINESS

1	ACKNOWLEDGEMENT OF COUNTRY	4
2	PRAYER	4
3	PUBLIC ACCESS AND QUESTION TIME	4
4	APOLOGIES	4
5	MAYORAL MINUTES	4
	Nil	
6	CONFIRMATION OF MINUTES	5
	6.1 Minutes Ordinary Meeting held on 16 March 2021	5
7	MATTERS ARISING OUT OF THE MINUTES	5
8	DECLARATION OF INTERESTS	5
9	PETITIONS	5
	Nil	
10	NOTICE OF MOTION	5
	Nil	
11	MAYOR'S REPORT	5
	11.1 Mayoral Attendances 9 March - 10 April 2021	5
12	DELEGATES' REPORTS	6
	12.1 Delegates' Report Submitted to April 2021 Ordinary Meeting	6
13	MATTERS DETERMINED WITHOUT DEBATE	6
	13.1 Matters to be Determined Without Debate.....	6
14	GENERAL MANAGER'S REPORTS	6
	14.1 Disaster Recovery Works Update.....	6
	14.2 Richmond Valley Council Risk Management Framework	7
15	FINANCIAL REPORTS	8
	15.1 Financial Analysis Report - March 2021	8
16	GENERAL BUSINESS	8
	16.1 Review of Gathering Information Policy.....	8
	16.2 Naming of roads to resolve addressing confusion	9
	16.3 Casino Showground and Racecourse Plan of Management.....	9
	16.4 NSW Shark Program Update	10
17	MATTERS FOR INFORMATION	10
	17.1 Review of Disclosure of Interest Procedure and Designated Persons List.....	11
	17.2 Customer Experience Report 1 January 2021 - 31 March 2021	11
	17.3 Development Applications determined under the Environmental Planning and Assessment Act for the period 1 March 2021 to 31 March 2021	11
	17.4 Grant Application Information Report - March 2021	11
	17.5 Draft State Water Strategy submission.....	12
	17.6 Local Government NSW - Annual Report.....	12

18	QUESTIONS ON NOTICE	12
	Nil	
19	QUESTIONS FOR NEXT MEETING (IN WRITING).....	12
20	MATTERS REFERRED TO CLOSED COUNCIL	13
20.1	Tender - Construction of Shared Pathway Bruxner Highway (Colches Street to Centre Street) & Replacement of existing pathway on Summerland Way (Light Street to Eccles Street)	13
20.2	Tender – Rectification and Underpinning at Casino Raw Water Plant	13
20.3	Tender VP232432 - Design and Construct Bridge - Sandy Creek No. 1, Coraki - Ellangowan Road	13
21	RESOLUTIONS OF CLOSED COUNCIL	14

**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 20 APRIL 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), Ryan Gaiter (Director Organisational Services), Ben Zeller (Director Projects & Business Development), David Timms (Acting Director Community Service Delivery), Jenna Hazelwood (Leader Strategy), Kate Alder-Conn (Governance Coordinator), 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.

3 PUBLIC ACCESS AND QUESTION TIME

Nil

4 APOLOGIES

RESOLUTION 200421/1

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That the apology received from Director Community Service Delivery, Angela Jones be accepted.

CARRIED

5 MAYORAL MINUTES

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD ON 16 MARCH 2021****RESOLUTION 200421/2**

Moved: Cr Daniel Simpson

Seconded: Cr Stephen Morrissey

That Council confirms the Minutes of the Ordinary Meeting held on 16 March 2021.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCES 9 MARCH - 10 APRIL 2021****RESOLUTION 200421/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report 9 March – 10 April 2021.

CARRIED

12 DELEGATES' REPORTS

12.1 DELEGATES' REPORT SUBMITTED TO APRIL 2021 ORDINARY MEETING

RESOLUTION 200421/4

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council:

1. Receives and notes the Delegates' Report for the month of March 2021.
2. Authorises the General Manager to prepare a submission to Rous County Council's Future Water Project public consultation, based on Richmond Valley Council's previous response.

CARRIED

The General Manager acknowledged the Mayor's request for the submission to include concerns about disposal of land and to include it in the next community newsletter as suggested by Cr Simpson.

13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE

RESOLUTION 200421/5

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That items 14.2, 16.1 and 16.2 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS

14.1 DISASTER RECOVERY WORKS UPDATE

EXECUTIVE SUMMARY

Richmond Valley Council Local Government Area has experienced five major adverse natural events in 18 months, starting with the October 2019 Busby's Flat Road and Myall Creek Road bushfires, followed by flood events in February and December 2020, a storm in February 2021, and most recently another flood in March 2021. These events have been declared as Natural Disasters which has allowed Council to claim funding to restore infrastructure. Council has claimed \$13.9M in works and programmed repairs, with an estimated \$12.5M of damage yet to be claimed from the March 2021 flood event.

The NSW Bushfire Community Recovery Officer (CRO) program has been extended a further 12 months and will now include flood recovery. Richmond Valley Council has been announced as one of the LGAs to have its funding extended.

RESOLUTION 200421/6

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. Notes the information contained in this report on the impacts of the Natural Disasters being experienced by the Richmond Valley community, and
2. Writes to the Prime Minister, Deputy Prime Minister, Premier, Deputy Premier, local Federal and State members of Parliament to acknowledge ongoing Government support for the Richmond Valley community's recovery from the five Natural Disasters since October 2019.

CARRIED

14.2 RICHMOND VALLEY COUNCIL RISK MANAGEMENT FRAMEWORK**EXECUTIVE SUMMARY**

Richmond Valley Council has been working to strengthen its risk management practices to help Council adapt to a changing environment, improve performance and deliver its strategic goals. The Risk Management System has five key components, four of which are already in place. The final element, the Risk Management Framework has now been completed and is presented for Council's consideration.

RESOLUTION 200421/7

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council adopts the Richmond Valley Council Risk Management Framework.

CARRIED

15 FINANCIAL REPORTS**15.1 FINANCIAL ANALYSIS REPORT - MARCH 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 31 March 2021 is shown below.

Bank Accounts	Term Deposits	Floating Rate Notes	TCorp IM Funds	Total
\$23,823,923	\$22,000,000	\$3,250,390	\$11,906,022	\$60,980,335

The weighted average rate of return on Council's investments for March 2021 was 3.59% which was above the Bloomberg AusBond Bank Bill Index for March of 0.00%, which is Council's benchmark.

RESOLUTION 200421/8

Moved: Cr Robert Mustow
Seconded: Cr Sandra Humphrys

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

CARRIED**16 GENERAL BUSINESS****16.1 REVIEW OF GATHERING INFORMATION POLICY****EXECUTIVE SUMMARY**

As part of Council's ongoing policy review process a review has been undertaken of the Gathering Information Policy. The policy has been renamed Gathering Information for Legal and Insurance Matters. This change has been made to clarify the purpose and application of the policy. In addition, a supplementary procedure has been established to assist staff in implementing the policy.

RESOLUTION 200421/9

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

That Council adopts the Gathering Information for Legal and Insurance Matters policy.

CARRIED

16.2 NAMING OF ROADS TO RESOLVE ADDRESSING CONFUSION

EXECUTIVE SUMMARY

Council is a Roads Authority, under Section 7 of the *Roads Act 1993*, and is responsible for formally naming public roads in accordance with the Act and Regulation.

The following roads have been identified where properties front or have access to roads without a formal road name or where addressing confusion exists. This impacts on residents' ability for service delivery and possible delays in an emergency response.

Council exhibited thirteen proposed road names calling for public submissions during February and March 2021. The ten road names included in this report have not received any objections to the proposed road names. Where submissions and objections were received alternative proposed names have been identified and are currently under review. These names will be presented in a future Council report.

RESOLUTION 200421/10

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council formally adopts the following road names:

- (a) Ahern Road
- (b) Morandini Road
- (c) Gava Road
- (d) Tedesco Road
- (e) Redgate Road
- (f) Swan Bay Road (name extension)
- (g) Thady Lane
- (h) Country Lane
- (i) Tulk Road
- (j) Myall Creek Road (name extension)

CARRIED

16.3 CASINO SHOWGROUND AND RACECOURSE PLAN OF MANAGEMENT

EXECUTIVE SUMMARY

Council, with assistance from Locale Consulting, has developed a draft Plan of Management for Casino Showground and Racecourse in accordance with the *Crown Land Management Act 2016* (CLM Act) and the *Local Government Act 1993* (LG Act).

The draft Plan of Management was developed to provide a clear direction for future management of the facility and set a path to deliver the adopted Master Plan.

Council resolved at the Ordinary meeting on 15 September 2020 to submit the draft plan to the Minister for Water, Property and Housing for approval prior to public exhibition.

The draft plan was placed on public exhibition and no submissions were received.

RESOLUTION 200421/11

Moved: Cr Robert Mustow
Seconded: Cr Daniel Simpson

That Council adopts the attached Casino Showgrounds and Racecourse Plan of Management, as publicly exhibited in accordance with Section 40 of the *Local Government Act 1993*.

CARRIED

16.4 NSW SHARK PROGRAM UPDATE**EXECUTIVE SUMMARY**

Over the past five years, Richmond Valley Council has benefited from being included in the Shark Management Program delivered by NSW Department of Primary Industry and funded by the NSW Government. The funding to support the mitigation measures currently in place comes to an end on 30 June 2021. This report provides an update on the status of the Program. The initiative has helped to improve safety for beach users at Evans Head, particularly over the holiday months, and provided vital data for the DPIE Shark Management Team to implement appropriate mitigation measures. It is recommended that Council seeks additional funding from the NSW Government to ensure this important program continues.

RESOLUTION 200421/12

Moved: Cr Daniel Simpson
Seconded: Cr Jill Lyons

That Council:

1. Receives and notes the status of the NSW Government's Shark Program, concluding on 30 June 2021;
2. Writes to the Minister for Primary Industries and the Department of Primary Industries (DPI) Shark Management Team providing feedback on shark mitigation measures and requesting that the program be funded by the NSW Government on an ongoing basis;
3. Notes that the General Manager will submit a response to the shark management stakeholder survey being conducted by the University of Wollongong and Charles Sturt University.

CARRIED

17 MATTERS FOR INFORMATION**RESOLUTION 200421/13**

Moved: Cr Stephen Morrissey
Seconded: Cr Jill Lyons

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

CARRIED

17.1 REVIEW OF DISCLOSURE OF INTEREST PROCEDURE AND DESIGNATED PERSONS LIST**EXECUTIVE SUMMARY**

A review has been undertaken of Council's Disclosure of Interest Procedure, together with the positions Council nominates as designated persons. The purpose of this report is to outline the changes proposed to this procedure.

RESOLUTION 200421/14

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council adopts the revised List of Designated Persons, together with the revised Disclosure of Interest Procedure.

CARRIED

17.2 CUSTOMER EXPERIENCE REPORT 1 JANUARY 2021 - 31 MARCH 2021**RESOLUTION 200421/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the Customer Experience Report for the period 1 January 2021 – 31 March 2021.

CARRIED

17.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 MARCH 2021 TO 31 MARCH 2021**RESOLUTION 200421/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the Development Application report for the period 1 March 2021 to 31 March 2021.

CARRIED

17.4 GRANT APPLICATION INFORMATION REPORT - MARCH 2021**RESOLUTION 200421/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

CARRIED

17.5 DRAFT STATE WATER STRATEGY SUBMISSION**RESOLUTION 200421/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the Draft State Water Strategy submission.

CARRIED

17.6 LOCAL GOVERNMENT NSW - ANNUAL REPORT**RESOLUTION 200421/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the correspondence from Local Government NSW regarding the LGNSW annual report.

CARRIED

18 QUESTIONS ON NOTICE

Nil

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 - Construction of Shared Pathway Bruxner Highway (Colches Street to Centre Street) & Replacement of existing pathway on Summerland Way (Light Street to Eccles Street)

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 – Rectification and Underpinning at Casino Raw Water Plant

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 Tender VP232432 - Design and Construct Bridge - Sandy Creek No. 1, Coraki - Ellangowan Road

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 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 200421/20

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That:

1. Council resolved to enter Closed Council to consider the business identified in Item 20.1, 20.2 and 20.3 together with any late reports tabled at the meeting.
2. Pursuant to section 10A(2) – (c) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

CARRIED

Council closed its meeting at 5:33pm. The public left the Chamber.

The Open Council meeting resumed at 5.40pm.

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.

20.1 Tender - Construction of Shared Pathway Bruxner Highway (Colches Street to Centre Street) & Replacement of existing pathway on Summerland Way (Light Street to Eccles Street)

That:

1. Council awards the tender for construction of the Casino Shared Pathway project on the Bruxner Highway and Centre Street to NRC Group Pty Ltd at the tendered rate of \$309,983.00 exclusive of GST.
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement including the 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.

20.2 Tender – Rectification and Underpinning at Casino Raw Water Plant

That Council:

1. Awards the tender to Greg Clark Building Pty Ltd for rectification and underpinning at Casino Raw Water Plant at the tendered rate of \$127,700 (exclusive of GST).
2. Approves an additional budget allocation of \$50,130 from the Water Fund Reserve for certification and support works.
3. 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.

20.3 Tender VP232432 - Design and Construct Bridge - Sandy Creek No. 1, Coraki - Ellangowan Road

That Council:

1. Awards the tender for the design and construction of Sandy Creek No. 1 bridge, Coraki to Ozwide Bridge Rail & Civil Pty Ltd at the assessed tendered rate of \$418,000.00 (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.

The Meeting closed at 5.42pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 May 2021.

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CHAIRPERSON