

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
22 June 2021**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 22 JUNE 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.

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Community Service Delivery), Ryan Gaiter (Director Organisational Services), Ben Zeller (Director Projects & Business Development), Jenna Hazelwood (Leader Strategy), Julie Clark (Personal Assistant to the General Manager and Mayor), Simon Breeze (IT Support Officer).

1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."

2 PRAYER

The meeting opened with a prayer by the General Manager.

3 PUBLIC ACCESS AND QUESTION TIME

3.1 PUBLIC ACCESS AND QUESTION TIME - ITEM 14.2 BOUNDARY CREEK BEACH ACCESS

Dr Richard Gates, Executive Member Evans Head Residents for Sustainable Development Incorporated addressed the meeting in relation to Item 14.2 Boundary Creek Beach Access.

Dr Gates expressed his concern at the impact of off-road vehicles on Airforce Beach and highlighted the impacts on the beach structure and native species such as shorebirds, pippies and ghost crabs, as well as concerns for public safety and amenity. He called for council to seek an agreed position with Ballina Shire Council, Crown Lands and National Parks about closure of the entire beach from Evans Head to Ballina with exemptions restricted to Agency, Traditional Land Holders and professional fishers. Dr Gates also presented a series of images of off-road vehicle impacts on Airforce Beach for Councillors' consideration.

The Mayor thanked Dr Gates for his address to the meeting.

4 APOLOGIES**RESOLUTION 220621/1**

Moved: Cr Robert Hayes
Seconded: Cr Sandra Humphrys

That the apology received from Cr Daniel Simpson be accepted and leave of absence granted.

CARRIED

5 MAYORAL MINUTES

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD ON 18 MAY 2021****RESOLUTION 220621/2**

Moved: Cr Jill Lyons
Seconded: Cr Sandra Humphrys

That Council confirms the Minutes of the Ordinary Meeting held on 18 May 2021.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil.

8 DECLARATION OF INTERESTS

Cr Sandra Humphrys declared a non-pecuniary in relation to:-

- Item 16.4 – Event Funding Support Scheme 2021-2022 member of COWFM seeking funding for the Country Music Festival event, and
- Item 16.5 - Proposed Road Naming - resident of street mentioned within the report.

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCES 10 MAY - 13 JUNE 2021****RESOLUTION 220621/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report from 10 May – 13 June 2021.

CARRIED

12 DELEGATES' REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 220621/4**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That items 14.3, 16.2, 16.4 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS**14.1 DRAFT REVISED DELIVERY PROGRAM 2017/2022, DRAFT OPERATIONAL PLAN 2021/2022 (INCLUDING DRAFT FINANCIAL ESTIMATES 2021/2025), DRAFT REVENUE POLICY 2021/2022 AND DRAFT LONG TERM FINANCIAL PLAN 2021/2031****EXECUTIVE SUMMARY**

At its Ordinary Meeting held 18 May 2021, Council resolved to place the Draft Delivery Program, Draft Operational Plan (including Financial Estimates), Draft Revenue Policy and Draft Long Term Financial Plan on public exhibition.

This report provides information regarding public submissions received by Council during the exhibition period, details minor amendments that have been made to the Draft Financial Estimates and recommends that Council adopt the documents.

RESOLUTION 220621/5

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That

1. Council adopts the Revised Delivery Program 2017/2022, Operational Plan 2021/2022 (including Financial Estimates 2021/2025), Revenue Policy 2021/2022 and Long Term

Financial Plan 2021/2031 the subject of this report.

2. In respect of the general land rates contained in the 2021/2022 Draft Revenue Policy, Council in accordance with Sections 535 and 537 of the *Local Government Act 1993* makes the following General Rates for the 2021/2022 financial year:

Rating Category	Base Amount	% Yield from Base Amount	Rate in Dollar (Ad Valorem)
Residential	\$310.00	27.37%	\$0.00547
Rural Residential (sub-category)	\$290.00	28.96%	\$0.00379
Business	\$360.00	10.63%	\$0.01512
Farmland	\$360.00	19.47%	\$0.00408

3. In relation to interest on overdue rates and charges, Council makes and imposes the maximum charge for interest, as determined by the Minister for Local Government and in accordance with Section 566 (3) of the *Local Government Act 1993*, as follows:
- (i) for the period 1 July 2021 to 30 June 2022; 6.0% per annum
4. In respect of annual charges and user charges for Waste Management, Water, Sewerage and Stormwater Management Service Charges, in accordance with Section 535 of the *Local Government Act 1993*, Council makes these charges as detailed in the 2021/2022 Draft Revenue Policy to apply to the 2021/2022 financial year.
5. The General Manager thanks all staff on behalf of Council, for their preparation of the 2021/22 budget and for their contribution to the delivery of Council's programs and projects over the last five (5) financial years.

CARRIED

14.2 BOUNDARY CREEK BEACH ACCESS

EXECUTIVE SUMMARY

Following Councillor Robert Hayes' Notice of Motion, Airforce Beach Access presented to the May Ordinary meeting, the following was resolved;

That Council:

- 1. Review and consider alternate arrangements for four-wheel drive access to the recently closed areas on Airforce Beach, from Boundary Creek towards the South to the black rocks, so that local "Senior" beach Fishers can gain entry to this area on a regular basis for their preferred relaxation activity.*
- 2. Following investigation, a report be presented to Council's June Ordinary meeting for consideration.*
- 3. Receives and notes the letters of support provided from local fishers.*

The Boundary Creek Beach access was closed in February 2021. A padlocked gate was installed, and keys were issued to emergency services, approved commercial fishers and indigenous representatives. Council has since received representations from other groups seeking access to the beach. The beach access raises safety concerns as it becomes dangerous following dry periods and is a single lane with the potential to cause vehicle accidents. The potential for the access keys to be cut and further distributed without Council approval has been raised.

It is recommended that advice be sought from Ballina Shire Council, Department of Planning, Industry and Environment and National Parks and Wildlife Services in order to seek a consistent approach to the beach access restrictions and the continual management of the restrictions between Ballina Beach access and the Boundary Creek access. A further report could be brought back to Council.

MOTION

Moved: Cr Jill Lyons

That Council:

1. Notes the history of the Ballina beach closures, the actions of other land managers to restrict access to 4WDs and Richmond Valley Council's response to the revised access arrangements.
2. Seeks an agreed position with Ballina Shire Council, the Department of Planning, Industry and Environment (Crown Lands) and National Parks and Wildlife Services to close the beach from the Airforce Beach entrance at Evans Head through to South Ballina Beach and include an agreed position for managing future exemption requests.
3. Reports back to Council when responses from all organisations are received, with details of the proposed management strategy.

The motion lapsed for want of a seconder.

MOTION

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That Council:

1. Notes the history of the Ballina beach closures, the actions of other land managers to restrict access to 4WDs and Richmond Valley Council's response to the revised access arrangements.
2. Authorises the General Manager to write to Ballina Shire Council, the Department of Planning, Industry and Environment (Crown Lands) and National Parks and Wildlife Services to seek written advice on their proposed arrangements for managing beach access exemptions and seeking an agreed position between the four land managers for addressing future exemption requests.
3. Reports back to Council when responses from all organisations are received, with details of the proposed management strategy.

An amendment was moved by Councillor Jill Lyons

That Council:

1. Notes the history of the Ballina beach closures, the actions of other land managers to restrict access to 4WDs and Richmond Valley Council's response to the revised access arrangements.
2. Authorises the General Manager to write to Ballina Shire Council, the Department of Planning, Industry and Environment (Crown Lands) and National Parks and Wildlife Services to seek written advice on their proposed arrangements for managing beach access exemptions and seeking an agreed position between the four land managers for addressing future exemption requests.
3. Reports back to Council when responses from all organisations are received, with details of the proposed management strategy, including consideration of closing the access at Airforce beach and Boundary Creek, should the evidence support this.

The amendment lapsed for want of a seconder.

The motion was put to the vote and was carried.

RESOLUTION 220621/6

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That Council:

1. Notes the history of the Ballina beach closures, the actions of other land managers to restrict access to 4WDs and Richmond Valley Council's response to the revised access arrangements.

2. Authorises the General Manager to write to Ballina Shire Council, the Department of Planning, Industry and Environment (Crown Lands) and National Parks and Wildlife Services to seek written advice on their proposed arrangements for managing beach access exemptions and seeking an agreed position between the four land managers for addressing future exemption requests.
3. Reports back to Council when responses from all organisations are received, with details of the proposed management strategy.

In Favour: Crs Robert Mustow, Stephen Morrissey, Sam Cornish, Robert Hayes and Sandra Humphrys

Against: Cr Jill Lyons

CARRIED 5/1

CARRIED

14.3 MAYORAL ALLOWANCE/COUNCILLOR FEES 2021/2022

EXECUTIVE SUMMARY

Each financial year, the Local Government Remuneration Tribunal determines the minimum and maximum remuneration payable to Mayors and Councillors for carrying out their duties. The determination by the Local Government Remuneration Tribunal is pursuant to sections 239 and 241 of the *Local Government Act 1993*.

Council has received notification that the Local Government Remuneration Tribunal has determined that the Mayoral and Councillor Fees are to increase by 2% for the 2021/2022 financial year. The only way a Council can increase the fees payable by more than this percentage is if the Local Government Remuneration Tribunal re-categorises that Council.

Richmond Valley Council is classified as a Regional Rural Council. The minimum and maximum fees set by the Tribunal for the 2021/2022 financial year for Regional Rural Councils are as follows:

	Minimum Fee	Maximum Fee
Councillor Annual Fee	\$9,370.00	\$20,690.00
Mayoral Additional Annual Fee	\$19,970.00	\$45,140.00

Council has a long held policy of setting the fees at the maximum allowance, consistent with the majority of Councils in NSW.

RESOLUTION 220621/7

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

Recommended that:

1. Council sets the Mayoral Allowance for the 2021/2022 financial year effective from 1 July 2021 at \$45,140.00 per annum or \$3,761.67 per month.
2. Council sets the Councillor Fee for the 2021/2022 financial year effective from 1 July 2021 at \$20,690.00 per annum or \$1,724.17 per month.

CARRIED

15 FINANCIAL REPORTS**15.1 FINANCIAL ANALYSIS REPORT - MAY 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 May 2021 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	TCorp IM Funds	Total
\$27,156,849	\$20,000,000	\$3,250,390	\$12,167,426	\$62,574,666

The weighted average rate of return on Council's investments for May 2021 was 2.01% which was above the Bloomberg AusBond Bank Bill Index for May of 0.00%, which is Council's benchmark.

RESOLUTION 220621/8

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

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

CARRIED

16 GENERAL BUSINESS**16.1 DRAFT RICHMOND VALLEY DEVELOPMENT CONTROL PLAN 2021 - POST EXHIBITION REPORT****EXECUTIVE SUMMARY**

Draft Richmond Valley Development Control Plan 2021 was publicly exhibited from 24 March 2021 to 6 May 2021 and is now presented to Council for adoption.

During the submission period there were five (5) submissions received covering a variety of issues including:

- rural setback requirements;
- requests for guidelines on a number of matters, such as development on waterways and temporary events;
- residential development standards, primarily relating to side boundary setbacks and an objection to the removal of the Building Height Plane;
- concerns about development adjoining airports particularly the State Heritage listed Evans Head Memorial Aerodrome.

A summary of the issues raised, along with commentary, has been provided in the report along with a number of proposed amendments.

It is recommended that DCP 2021 be adopted, subject to several changes, with a commencement date of 1 August 2021. This delayed commencement will provide Council with ample time to modify internal systems, and applicants sufficient lead in time to the new DCP requirements for DAs under preparation.

RESOLUTION 220621/9

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council

1. receives and notes the report,
2. adopts *Richmond Valley Development Control Plan 2021* (as published within the report) subject to:
 - (a) amending the rural side boundary setback to 5 metres; and
 - (b) changing the urban side boundary setback to -

$$\text{side boundary setback} = \frac{\text{building height} - 3.5}{4} + 0.9 \text{ m}$$

, and

3. submits a copy of the adopted DCP for publishing on the NSW Planning Portal with a commencement date of 1 August 2021.

CARRIED

16.2 COUNTRY LANE CASINO CROWN ROAD TRANSFER AND LAND ACQUISITION**EXECUTIVE SUMMARY**

Country Lane Casino is a Crown road reserve that is approximately 200m long, 6 metres wide and connects Foy and Kent Streets, Casino. Constructed within this road reserve is a 4m wide unsealed pavement maintained by Council. A Fixing Local Roads Grant has been awarded to Council for the upgrade and sealing the existing road. In order to facilitate this work, Council needs to have control of the road reserve transferred from Crown to Council. To allow for the required road widening, part of the adjoining property, being Lot 7016 DP 1051717 also needs to be acquired. This land is Crown land under the control of Richmond Valley Council. In order to acquire Crown land, the provisions of *the Land Acquisition (Just Terms Compensation) Act 1991* need to be met. This Act provides the statutory process for empowered authorities to acquire any interest in land for a public purpose.

RESOLUTION 220621/10

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That Council:

1. Applies to Department of Planning, Industry and Environment to transfer control of Country Lane Casino (between Kent Street and Foy Street) from Crown to Council's control.
2. Initiates proceedings to acquire part of Lot 7016 DP 1051717 from the Crown using the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. Authorises the completion of acquisition documentation under the Common Seal of Council (where required).
4. Authorises the General Manager to sign all required documentation in relation to the road transfer and land acquisition.

CARRIED

16.3 CASINO WATER TOWER MURAL

EXECUTIVE SUMMARY

The idea of a mural for the Casino water tower located on the corner of Walker and Hare Streets was first imagined by the community many years ago, and interest again started to grow following the popularity of the Australian Silo Art Trail.

Having been presented with a funding opportunity, Council sought to commission an artist, or team of artists, to develop a large mural around the top section of the reservoir to create a unique statement about the evolving identity of Casino and its community. Some key objectives for the mural included:

- A cultural landmark for Casino with reference to Aboriginal and European history.
- Is colourful and is consistent with the Discover Richmond Valley brand guidelines and colour scheme.
- Respects its place as the southern gateway to Casino.
- Creates a strong feeling of identity, public pride and ownership of the mural.
- A destination artwork which people travel specifically to see.
- Setting a new benchmark for public art and design excellence.

Council invited experienced artists and/or artist teams to submit an expression of interest for the concept development, design and production of a mural for the Casino water tower.

The mural will be the largest public art project in the history of the Richmond Valley, therefore, it was critical the community became involved on what it would like to see featured on the water tower. Submitted artwork was placed on public exhibition for 28 days, closing Thursday 3 June. Submissions received favoured Queensland-based The Brightsiders.

Through careful planning and consideration to technique and materials - and noting the mural will need regular maintenance - Council anticipates the design could last as long as 15 to 20 years, with a minimum projected life span of 10 years.

RESOLUTION 220621/11

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

That Council:

1. Notes the submissions received on the four final artworks following a comprehensive community consultation process; and
2. Endorses The Brightsiders design as the Mural to be painted on the Casino Water Tower subject to feedback referred to in this report.
3. Notes that the design submitted by Apparition Media will be considered for future Richmond Valley Council Public Art projects.

CARRIED

16.4 EVENT FUNDING SUPPORT SCHEME 2021-2022

EXECUTIVE SUMMARY

Richmond Valley Council provides community groups and organisations with an annual opportunity to apply for financial assistance towards the cost of funding a variety of events within the Richmond Valley area.

The Event Support Scheme has been operating for a number of years and contributes positively to the quality of life and the economy of the Richmond Valley, meeting a number of goals outlined in Council's Community Strategic Plan and Delivery Program.

RESOLUTION 220621/12

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That \$17,050 cash and \$8014 in-kind support is allocated from the Event Support Scheme in accordance with the recommendations outlined in this report.

CARRIED

At 5:57 pm, Cr Sandra Humphrys left the meeting.

16.5 PROPOSED ROAD NAMING

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.

Council publicly exhibited six proposed road name calling for public submissions during April and May 2021. Council received six objections to the proposed road names which is detailed in the Report. Three road names are proposed to undertake a further review and be presented in a future Council report.

RESOLUTION 220621/13

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council formally adopts the following road names: Spencer Road, Baraang Drive and Flooded Gum Drive.

CARRIED

At 6.00 pm, Cr Sandra Humphrys returned to the meeting.

16.6 RICHMOND PARK PLAN OF MANAGEMENT

EXECUTIVE SUMMARY

A plan of management is a statutory instrument that provides strategic planning and governance for the management and use of community land. Council has developed a draft Plan of Management for Richmond Park to meet statutory obligations of the *Crown Land Management Act 2016* which sets out the objectives, performance targets and provides the framework for the management use, and tenures over the land.

Richmond Park includes Casino Golf Course, Greyhound slipping track, Casino Mini Rail and Museum, Jabiru Geneebeinga Wetlands and Richmond Park Wildlife Refuge.

The draft Plan of Management provides recommendations including the development of a Master Plan for the reserve which will require an increase in funding to implement the deliverables.

The draft Plan of Management is required to be submitted to the relevant Minister for approval. After approval is received the plan will be placed on public exhibition prior to being presented to Council for adoption.

RESOLUTION 220621/14

Moved: Cr Jill Lyons

Seconded: Cr Sandra Humphrys

That Council:

1. Submits the draft Plan of Management for Richmond Park to the Minister for Water, Property and Housing for approval.
2. Subject to that approval, places the draft Plan of Management on public exhibition for 28 days and provide a minimum of 42 days for submissions before the draft document is presented to Council for adoption.

CARRIED

17 MATTERS FOR INFORMATION

RESOLUTION 220621/15

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 - MAY 2021

RESOLUTION 220621/16

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

CARRIED

17.2 DISCLOSURE OF INTEREST - APPOINTMENT OF DESIGNATED PERSONS**RESOLUTION 220621/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the newly appointed designated person positions tabled for the information of Council.

CARRIED

17.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 MAY 2021 TO 31 MAY 2021**RESOLUTION 220621/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

CARRIED

17.4 CORAKI RIVERSIDE CARAVAN PARK VISITATION NUMBERS**RESOLUTION 220621/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That the Council notes the information contained in this report.

CARRIED

17.5 LETTERS TO MINISTER CONSTANCE, ROUS COUNTY COUNCIL & ANZ BANK RESPONSE**RESOLUTION 220621/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the following correspondence: -

1. Letter to Minister Constance raising concerns in relation to the ongoing maintenance of the Evans Head Breakwall; and
2. Submission to Rous County Council relating to the Rous Future Water Project 2060.
3. Response from ANZ Bank in relation to closing the Casino branch.

CARRIED

18 QUESTIONS ON NOTICE

Nil

19 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil

20 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:

20.1 Tender VP242344 - Detailed Design of Casino Showground Precinct

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 VP243179 - Upgrade of the Casino Racing Club Sand and Grass Tracks

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 VP232433 - Design and Construct Bridge - JTR Smalls, Old Tenterfield 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.

20.4 Tender VP240912 - Reynolds Road Industrial Subdivision - Sewer Pump Station and Rising Main

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.

20.5 Tender VP242338 - Sewer Pump Station 604 Renewal 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.

20.6 Concealed Water Leak

This matter is considered to be confidential under Section 10A(2) - (b) 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 discussion in relation to the personal hardship of a resident or ratepayer.

The General Manager reported that no written representations had been received in respect of 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 220621/21

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That:

1. Council resolves to enter Closed Council to consider the business identified in Items 20.1 and 20.2 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 6.14pm. The public left the Chamber.

The Open Council meeting resumed at 6.33 pm.

The resolutions of Closed Council were read by the General Manager, Director Organisational Development, Director of Projects Business Development and Director Community Service Delivery.

21 RESOLUTIONS OF CLOSED COUNCIL

20.1 Tender VP242344 - Detailed Design of Casino Showground Precinct

That Council

1. Declines all submissions received for Tender VP242344 – Detailed Design of Casino Showground Precinct due to all submissions being higher than the budget allocated for the works.
2. Determines not to call fresh Tenders, as submissions received were of sufficient number and quality to make a new tender process unwarranted.
3. Applies Clause 178 (3e) of the *Local Government (General) Regulation 2005* to authorise the General Manager to enter into direct negotiations with nominated tenderers, with a view to obtaining works within the available budget, and to finalise the terms of the contract or agreement, including affixing the seal of Council where necessary.
4. Notes that the outcomes of the negotiations be reported to Council for information.

20.2 Tender VP243179 - Upgrade of the Casino Racing Club Sand and Grass Tracks

That Council:

1. Declines all submissions received for Tender VP243179 – Upgrade of the Casino Racing Club Sand and Grass Tracks due to all submissions being higher than the budget allocated for the work and potential for variations based on tender response.
2. Applies the Local Government (General) Regulation 2005, under Clause 178 (3e) of the Local Government (General) Regulation 2005, to authorise the General Manager to enter into negotiation with any person (whether or not the person was a tenderer) with a view to entering into a contract or contracts in relation to the subject matter of the tender, to obtain the works within the available budget and to affix the seal of Council where necessary .
3. Notes that the outcomes of the negotiations be reported to Council for information.

20.3 Tender VP232433 - Design and Construct Bridge - JTR Smalls, Old Tenterfield Road

That Council:

1. Awards the Tender for the Design and Construction of JTR Smalls Bridge, Coraki to Ozwide Bridge Rail & Civil Pty Ltd at the assessed tendered rate of \$501,325.45 (Ex 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.

20.4 Tender VP240912 - Reynolds Road Industrial Subdivision - Sewer Pump Station and Rising Main

That:

1. Council accepts the tender from CIVILCS Pty Ltd which represents the best value for Council at \$1,115,601.22 (exclusive of GST); and
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, in line with the content of this report and the available budget and affixing the seal of Council where necessary.

20.5 Tender VP242338 - Sewer Pump Station 604 Renewal Works

That:

1. Council accepts the tender from Willow and Sparrow Pty Ltd which represents best value for money at \$271,878.00 (exclusive 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.

20.6 Concealed Water Leak

That Council

1. Approves the concealed leak claim and approves a write-off as set out in the report, under the terms of its Policy.
2. Approves a further write-off as set out in the report in response to the owner's claim of financial hardship.

The Meeting closed at 6.40 pm.

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

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CHAIRPERSON