

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
20 July 2021**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 20 JULY 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 (via Zoom) and Cr Daniel Simpson.

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) and 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

Nil

5 MAYORAL MINUTES

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD ON 22 JUNE 2021

RESOLUTION 200721/1

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That Council confirms the Minutes of the Ordinary Meeting held on 22 June 2021.

CARRIED

Cr Sandra Humphrys noted the minutes as accurate, however offered the following point of clarification regarding item 16.4:

“You may recall I put in a declaration of interest for Item 16.4 – Event Funding Support Scheme and I was to leave the room, however without thinking I moved the “Matters determined without debate”.

This resulted in Cr Humphry’s name being recorded as the mover of Item 16.4.

The Mayor acknowledged Cr Humphrys’ statement and noted that no debate had occurred on this item as it was resolved as a matter determined without debate.

Cr Lyons asked if more extensive summaries of public submissions to Council could be included in the minutes, or a copy of the full presentation provided as an attachment. In particular Cr Lyons noted the address by Dr Gates to Council’s June meeting and the considerable amount of information contained within that address.

The Mayor noted that it had been Council’s practice to provide an appropriate summary of presentations in the minutes. However, the full content of presentations was available on Council’s website via recordings of the Council meeting.

The General Manager undertook to investigate the practices of other councils regarding the minuting of public presentations and consider any changes when reviewing Council’s Code of Meeting Practice in the next term of Council.

7 MATTERS ARISING OUT OF THE MINUTES

Cr Daniel Simpson referred to Item 16.3 – Casino Water Tower Mural and asked when work would commence on the project.

The Director Community Service Delivery advised that Council had hoped to see work commence in August, however COVID restrictions were affecting these plans, as the artists were based in Queensland. Council has applied to the grant funding body for an extension of time to complete the project and hopes to see work start in the coming weeks.

8 DECLARATION OF INTERESTS

Cr Daniel Simpson declared a non-pecuniary interest in relation to Item 20.3 Tender VP 244401 – Cemetery Maintenance and Operational Assistance, due to being a friend of one of the tenderers.

The Director Organisational Services declared a significant non-pecuniary interest in relation to Item 20.3 Tender VP 244401 – Cemetery Maintenance and Operational Assistance, due to one of the tenderers being a family friend.

The General Manager noted that the Director Organisational Services had not been involved in the assessment of this tender.

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT

11.1 MAYORAL ATTENDANCES 14 JUNE - 12 JULY 2021

RESOLUTION 200721/2

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report from 14 June – 12 July 2021.

CARRIED

12 DELEGATES' REPORTS

12.1 DELEGATES' REPORT SUBMITTED TO JULY 2021 ORDINARY MEETING

RESOLUTION 200721/3

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council receives and notes the Delegates' Report for the month of June 2021.

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 200721/4**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That item 14.2 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS**14.1 GRANT FUNDING PERFORMANCE AND OUTCOMES****EXECUTIVE SUMMARY**

Over the past five years, Richmond Valley Council has secured government funding commitments of more than \$100 million for vital community projects and programs. So far \$86.4m has been received, with more funding to come as projects such as the Casino Showground, Industry Activation precincts and the Northern Rivers Rail Trail move towards completion.

Council's success in obtaining these grants has been due to its work in preparing long-term plans and 'shovel ready' projects and building a reputation with funding providers as an organisation that delivers projects on time and within budget.

Council has invested in developing its in-house capabilities to ensure that it has the best chance of competing for funding opportunities and is well prepared to manage disaster recovery claims for community infrastructure. This has resulted in 123 successful applications for community projects over the past five years, and commitments of more than \$19 million in natural disaster funding to repair assets damaged in bushfires and floods.

Of the funding received so far, \$46.9m was in operating grants and \$39.5m in capital grants. In some instances Council received the money as part of a government-led allocation process, in others it competed successfully with other local government areas for funding. Of the competitive grants, council's success rate is currently 57.7% (123 projects out of 213 applications). Some of these works are yet to be completed and will ultimately deliver projects to the value of \$88.9 million, with \$75.9m being provided through government funds.

RESOLUTION 200721/5

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That Council:

1. Notes Richmond Valley Council's success in securing commitments of more than \$100 million in government grants over the past five years
2. Continues to seek funding for community projects and programs identified in Council's strategic plans
3. Writes to the Member for Clarence and the Member for Page, thanking them for their ongoing assistance in securing funding for the Richmond Valley community.

CARRIED

14.2 APPOINTMENT OF NATIVE TITLE MANAGER**EXECUTIVE SUMMARY**

Council is required to give notice each year to the Department of Planning, Industry and Environment of the name and contact details of any person the council has engaged as a Native Title Manager. Council's Manager Asset Planning has attended the required training for qualifying as a Native Title Manager. This staff member has been a Native Title Manager since November 2018 and it is proposed to continue this appointment.

RESOLUTION 200721/6

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That:

1. Council gives notice to the relevant Minister, in accordance with the *Crown Land Management Act 2016* requirements (s.8.8), that Council's Manager Asset Planning, Mr Andrew Leach, has been retained as Council's Native Title Manager.
2. A copy of the resolution be provided to the Department of Planning, Industry and Environment.

CARRIED

15 FINANCIAL REPORTS**15.1 FINANCIAL ANALYSIS REPORT - JUNE 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 30 June 2021 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	TCorp IM Funds	Total
\$20,747,100	\$21,000,000	\$4,750,390	\$15,356,889	\$61,854,379

The weighted average rate of return on Council's investments for June 2021 was 4.13% which was above the Bloomberg AusBond Bank Bill Index for June of 0.00%, which is Council's benchmark.

RESOLUTION 200721/7

Moved: Cr Jill Lyons

Seconded: Cr Sam Cornish

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

CARRIED

16 GENERAL BUSINESS

16.1 REGIONAL ROAD RECLASSIFICATION UPDATE

EXECUTIVE SUMMARY

Richmond Valley Council is currently liaising with Transport for NSW (TfNSW) regarding two State Road Reclassification processes:

1. Council's submission to the State Road network review, proposing transfer or reclassification of four roads within the local government area
2. The future handover of infrastructure assets to Council following completion of the Pacific Highway bypass of Woodburn and Broadwater.

Council has been progressing with plans to improve the Woodburn CBD streetscape, so it is ready to take advantage of future funding opportunities, once responsibility for the road is resolved.

RESOLUTION 200721/8

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council:

1. Receives and notes the Regional Road Reclassification Project update;
2. Notes that negotiations are continuing with Transport for NSW regarding RVC's road reclassification proposals and road assets handover to deliver the best possible outcome for the Richmond Valley community; and
3. Notes that Council Officers are continuing to work with TfNSW on options to improve the Woodburn CBD as outlined in this report.

CARRIED

17 MATTERS FOR INFORMATION

RESOLUTION 200721/9

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

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

CARRIED

17.1 CUSTOMER EXPERIENCE REPORT 1 APRIL 2021 - 30 JUNE 2021

RESOLUTION 200721/10

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Council receives and notes the Customer Experience Report for the period 1 April – 30 June 2021.

CARRIED

17.2 GRANT APPLICATION INFORMATION REPORT - JUNE 2021**RESOLUTION 200721/11**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

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

CARRIED

17.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 JUNE 2021 TO 30 JUNE 2021**RESOLUTION 200721/12**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Council receives and notes the Development Application report for the period 1 June 2021 to 30 June 2021.

CARRIED

17.4 ROCK FISHING SAFETY UPDATE**RESOLUTION 200721/13**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Council receives and notes the information contained within the Rock Fishing Safety Update report.

CARRIED

17.5 CORRESPONDENCE - PRIME MINISTER THE HON SCOTT MORRISON MP - RECOVERY ASSISTANCE**RESOLUTION 200721/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Council receives and notes the correspondence provided from the Prime Minister, the Hon Scott Morrison MP's office, following Council's letter of thanks for disaster recovery funding.

CARRIED

18 QUESTIONS ON NOTICE

Nil

19 QUESTIONS FOR NEXT MEETING (IN WRITING)

Cr Daniel Simpson asked the following questions;

1. Could the General Manager please outline the community consultation process that Council will undertake in relation to the Development application for the construction of a 24-hour service station and restaurant complex at New Italy?

The General Manager advised that a development application had been lodged for the New Italy proposal and was on public exhibition until the 16th August, with full details being available on Council's website. Council had advised of the public exhibition via a press release, information on its website and Facebook page and letter box drops to the immediate neighbourhood. Members of the public were encouraged to make a submission. Council would also be consulting with relevant State Agencies as part of the development assessment process.

2. Could the General Manager please provide Council with an update on the proposed Bentley Quarry expansion?

The General Manager advised that no development application had been received at this stage regarding the proposal. Council staff continued to monitor activity in the area, in response to public concerns.

3. Could the General Manager please explain what is the trigger for a development application to be referred to the Joint Regional Planning Panel (JRPP)?

The General Manager referred the question to Director Community Service Delivery.

The Director Community Service Delivery confirmed the trigger for a development to be forwarded to JRPP is:

- A capital investment value (CIV) of \$30m or over, or
- \$5m or over if the development is:-
 - council related
 - lodged by or on behalf of the Crown (State of NSW)
 - private infrastructure and community facilities
 - eco-tourist facilities
- extractive industries, waste facilities and marinas that are designated development,
- certain coastal subdivisions
- development with a CIV* between \$10 million and \$30 million which is referred to the Planning Panel by the applicant after 120 days

The Mayor thanked staff for the answers.

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 Casino Industries Activation Negotiation Update

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.

20.2 Tender VP217057 - Installation and Monitoring of Council's Security System

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 VP244401- Cemetery Maintenance and Operational Assistance

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 VP240268 - Construction of Rappville Hall

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 VP245985 - Reynolds Road Industrial Estate Electrical Reticulation

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 Outcome of Negotiations, Northern Rivers Livestock Exchange Feeding Contract (Tender VP204658)

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 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 200721/15

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

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.

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 5.54pm. The public left the Chamber.

The Open Council meeting resumed at 6.58pm.

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

21 RESOLUTIONS OF CLOSED COUNCIL**20.1 Casino Industries Activation Negotiation Update**

That Council

1. Notes the update on the Casino Industries Activation project;
2. Supports the actions as set out in this report under Option 1, to secure the funding to commence pre-planning work for the Casino Industries Activation project under the Government's Bushfire Local Economic Recovery Fund;
3. Authorises the General Manager to enter into and sign required documents, call options, contracts and transfers, including affixing the seal of Council where appropriate, for the lease and sale of the land generally in accordance with the details contained within this report and the prior Council report regarding this matter of 19 September 2017.
4. Authorises the General Manager to action Option 2 as set out in this report to enable the Casino Industries Activation Infrastructure Project to proceed.

20.2 Tender VP217057 - Installation and Monitoring of Council's Security System

That

1. Council accepts the tender from Dash Integrated Systems which represents best value for Council at \$55,269.18 (exclusive of GST) for the first year including installation and monitoring of Council's Offices and Building.
2. An option for a further two years, one year plus one year, be awarded on satisfactory performance and the yearly amount for monitoring services to be increased as per the Consumer Price Index (CPI)
3. 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.

20.3 Tender VP244401- Cemetery Maintenance and Operational Assistance

That

1. Council accepts the tendered price schedules from S.R Davidson & T.A Davidson for Cemetery Maintenance and Operational Assistance, with an estimated annual cost of \$75,427 (exclusive of GST) per year.
2. An option for a further two years, assessed at annual intervals, be awarded on satisfactory performance and the yearly amount to be increased as per the Consumer Price Index (CPI)
3. 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.

20.4 Tender VP240268 - Construction of Rappville Hall

That

1. Council accepts the tender from G.J Bennett & S.C Robertson which represents the best value for Council at \$1,199,495.45 (exclusive of GST); and
2. The General Manager be authorised to negotiate and finalise the terms and conditions and sign 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 VP245985 - Reynolds Road Industrial Estate Electrical Reticulation

That

1. Council accepts the tender from QUANTA Lines Pty Ltd which represents the best value for Council at \$244,540.00 (exclusive of GST); and
2. The General Manager be authorised to negotiate and finalise the terms and conditions and sign any contract or agreement, in line with the content of this report and the available budget and affixing the seal of Council where necessary.

20.6 Outcome of Negotiations, Northern Rivers Livestock Exchange Feeding Contract (Tender VP204658)

That Council:

1. Receives and notes the outcome of negotiations for Tender VP204658 Northern Rivers Livestock Exchange Feeding Contract
2. Notes the award of the contract to Macrae Harvesting and Baling Contractors under the terms outlined in this report.

The Meeting closed at 7.04 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 August 2021.

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CHAIRPERSON