

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
19 October 2021**

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**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 19 OCTOBER 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 Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons, 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), Dean Fordham (Manager Finance and Procurement) Julie Clark (Personal Assistant to the General Manager and Mayor), Daniel Goulding (IT Support Officer)

## **1 ACKNOWLEDGEMENT OF COUNTRY**

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

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

## **2 PRAYER**

The meeting opened with a prayer by the General Manager.

## **3 PUBLIC ACCESS AND QUESTION TIME**

Nil

## **4 APOLOGIES**

### **RESOLUTION 191021/1**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That the apology received from Cr Sam Cornish be accepted and leave of absence granted.

**CARRIED**

## **5 MAYORAL MINUTES**

Nil

## 6 CONFIRMATION OF MINUTES

### 6.1 MINUTES ORDINARY MEETING HELD ON 21 SEPTEMBER 2021

#### RESOLUTION 191021/2

Moved: Cr Robert Hayes

Seconded: Cr Jill Lyons

That Council confirms the Minutes of the Ordinary Meeting held on 21 September 2021.

**CARRIED**

**Note:** Cr Lyons referred to Item 17.1 North Coast Alternate Waste Solutions Project Update and NSW Energy from Waste Infrastructure Plan. Cr Lyons noted that, although she was recorded as moving the motion, she had raised concerns about this particular item and these concerns were not reflected in the minutes. The General Manager advised that the motion moved had been for the receipt of the information only and the minutes reflected that resolution. Items included within this section of the agenda, do not require a determination of Council, they are provided for Councillors' information.

### 6.2 MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 8 SEPTEMBER 2021

#### RESOLUTION 191021/3

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council receives and endorses the recommendations contained within the report of the Local Traffic Committee meeting held via electronic format on 8 September 2021.

**CARRIED**

## 7 MATTERS ARISING OUT OF THE MINUTES

### 7.1 MATTERS ARISING OUT OF THE MINUTES

1. Cr Robert Hayes referred to Item 19.1 Questions with Notice and advice that surplus funds could be made available to upgrade the southern access broadwalk and asked about the progression of this matter.

The General Manager advised a quote had been sought and a site meeting held, with the costings to be brought back to Council for consideration.

2. Cr Daniel Simpson referred to Item 10.1 Notice of Motion - Evans Head Ambulance Station and noted that as per the resolution, Council had written to Chris Gulaptis MP, however to date no letter of response had been received.

The Mayor advised both the incoming and outgoing letters to Chris Gulaptis MP would be included in a future report to Council when available.

## **8 DECLARATION OF INTERESTS**

Cr Stephen Morrissey declared a non-pecuniary interest in relation to Item 20.3 Tender VP262603 - Construct Culverts and Bridge approach repair on Gores Road and Item 20.7 Tender VP264776 – Design and Construct Culverts – Barragunda and Busbys Flat Roads, due to a work colleague being one of the tenderers.

Cr Sandra Humphrys declared a non-pecuniary interest in relation to Item 17.5 Community Recovery and Resilience Fund, due to being a member of Casino's Own Wireless Association Inc which is one of the applicants applying for funding.

## **9 PETITIONS**

Nil

## **10 NOTICE OF MOTION**

Nil

## **11 MAYOR'S REPORT**

### **11.1 MAYORAL ATTENDANCES 14 SEPTEMBER - 11 OCTOBER 2021**

#### **RESOLUTION 191021/4**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report from 14 September – 11 October 2021.

**CARRIED**

## **12 DELEGATES' REPORTS**

Nil

## **13 MATTERS DETERMINED WITHOUT DEBATE**

### **13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE**

#### **RESOLUTION 191021/5**

Moved: Cr Jill Lyons

Seconded: Cr Daniel Simpson

That items 15.3 and 16.4 identified be determined without debate.

**CARRIED**

**14 GENERAL MANAGER'S REPORTS**

Nil

**15 FINANCIAL REPORTS****15.1 DRAFT FINANCIAL STATEMENTS 2020/2021****EXECUTIVE SUMMARY**

Council's draft financial statements for the year ended 30 June 2021 have been prepared and subjected to external audit by the Audit Office of New South Wales. A copy of the draft financial statements and draft auditor's report have been provided separately to Councillors for their information.

**RESOLUTION 191021/6**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council:

1. Adopts the general purpose financial statements, special purpose financial statements and special schedules for the year ended 30 June 2021.
2. Certifies the following in respect of the general purpose financial statements and special purpose financial statements for the year ended 30 June 2021:
  - (a) Council's general purpose financial statements and special purpose financial statements have been prepared in accordance with:
    - (i) The *Local Government Act 1993 (NSW)* and the regulations made thereunder, and
    - (ii) The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board, and
    - (iii) The Local Government Code of Accounting Practice and Financial Reporting.
  - (b) The general purpose financial statements and special purpose financial statements present fairly Council's financial position and operating result for the year ended 30 June 2021 and:
    - (i) The reports are in accordance with Council's accounting and other records;
    - (ii) The signatories to this statement being the Mayor, a Councillor, General Manager and Responsible Accounting Officer are not aware of anything that would make the financial statements false or misleading in any way;
3. Fixes Tuesday 16 November 2021 as the date for the meeting to present the financial statements for the year ended 30 June 2021 to the public, invites submissions in writing and provides appropriate public notice of this meeting.
4. Receives and notes the draft auditor's report.
5. Adopts the restricted assets (reserves) schedule as detailed in this report.

**CARRIED**

## **15.2 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 30 SEPTEMBER 2021**

### **EXECUTIVE SUMMARY**

This report outlines the proposed adjustments for the 2021/2022 budget for the quarter ended 30 September 2021 along with proposed carry over works from the financial year ended 30 June 2021.

The proposed changes see Council's projected operating surplus from continuing operations for 2021/2022 increase to \$14,682,369, from the original budget surplus of \$12,047,736. The operating result before capital grants and contributions has decreased slightly to a projected loss of \$3,563,482.

Income from continuing operations has increased by \$4,024,821, to a projected total of \$83,768,086. This is largely due to natural disaster grant funding being approved for several roads and bridges projects from the flood events in 2020/2021. Expenses from continuing operations have increased by \$1,390,188, to a projected total of \$69,085,717.

Council has performed a thorough review of its capital works program, resulting in an increase of \$2,459,058, to a projected total of \$49,339,614. This is largely due to projects being carried over to 2021/2022 having been delayed by wet weather and COVID-19 restrictions. The major increases are in the areas of Building and Maintaining Roads, which is largely natural disaster flood projects. There is a medium-level risk that the delivery of Council's capital works program will be impacted by supply constraints and contractor availability, which has been heightened by recent lockdowns and border closures due to COVID-19. These impacts will be closely monitored, with any adjustments required to be included in future quarterly budget reviews or monthly budget adjustment reports to Council.

Council's unrestricted cash surplus has decreased by \$18,000, to \$288,588 as at 30 September 2021. This is a result of Council adopting an interest free period from 1 October 2021 to 31 December 2021 for outstanding rates and annual charges to assist the community and businesses impacted by COVID-19 restrictions and lockdowns.

A detailed Quarterly Budget Review Statement for the first quarter of the 2021/2022 year has been circulated separately to each Councillor. These changes are disclosed by Priority Areas on pages 2-8 of the Quarterly Budget Review Statement and detailed explanations are provided on pages 9-17.

### **RESOLUTION 191021/7**

Moved: Cr Daniel Simpson

Seconded: Cr Sandra Humphrys

That Council adopts the Quarterly Budget Review Statement as at 30 September 2021 and approves the recommended variations.

**CARRIED**



**15.3 FINANCIAL ANALYSIS REPORT - SEPTEMBER 2021****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the status and performance of its cash and 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 cash and investments at 30 September 2021 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$18,110,017	\$25,000,000	\$4,750,390	\$2,000,000	\$15,551,632	\$65,412,039

The weighted average rate of return on Council's cash and investments for September 2021 was negative 3.38% which was below the Bloomberg AusBond Bank Bill Index for September of 0.00%, which is Council's benchmark.

**RESOLUTION 191021/8**

Moved: Cr Jill Lyons

Seconded: Cr Daniel Simpson

That Council adopts the Financial Analysis Report detailing the performance of its cash and investments for the month of September 2021.

**CARRIED**

**15.4 TATHAM AND BROADWATER BRIDGE DESIGN FUNDING OPTIONS****EXECUTIVE SUMMARY**

The Broadwater Bridge crossing the Richmond River at Broadwater and, the "twin" bridges at Tatham crossing Spring Creek and Deep Creek, need major works or replacement in the near future. Inspections and scope of works have been undertaken and now the detailed designs require commencement so that Council can develop an estimate of costs and seek funding from State or Federal agencies for the proposed works.

The result of a recent Request for Quotation (RFQ) process sees the preferred option of \$42,500 (exclusive of GST) for the design of the Broadwater Project and \$115,000 (exclusive of GST) for the design of the "twin" bridges at Tatham with the preferred quote received from Bridge Knowledge consultants. These design works are currently unfunded and officers request a budget adjustment from Council's internally restricted Road Rehabilitation Reserve to fund the designs.

**RESOLUTION 191021/9**

Moved: Cr Robert Hayes

Seconded: Cr Daniel Simpson

That Council:

1. Approves the transfer of \$42,500 from Council's Road Rehabilitation Reserve to fund the design works for the Broadwater Bridge at Broadwater, and notes Lismore City Council's shared funding obligations under the boundary agreement and the intention to seek future funding for these works.
2. Approves the transfer of \$115,000 from Council's Road Rehabilitation Reserve to fund the

design works for the “twin” bridges at Tatham on the Casino Coraki Rd (MR145).

**CARRIED**

## 16 GENERAL BUSINESS

### 16.1 FLOOD PLANNING REFORMS - LEP FLOOD PLANNING CLAUSES

#### EXECUTIVE SUMMARY

NSW Flood Planning Reforms commenced on 14 July 2021. Amongst other things, the package of reforms included two new flood planning clauses which were added to the Standard Instrument LEP.

Upon commencement of the reforms, **Clause 5.21 Flood Planning** was automatically inserted into the *Richmond Valley LEP 2012* and replaced clause 6.5 of the same title. This new clause included additional considerations of flood planning guidelines; the compatibility of development with regard to flood function and behaviour and not just flood hazard; and the safe occupation and efficient evacuation of people from developments in a flood event.

**Clause 5.22 Special Flood Considerations** is optional for councils to adopt. This clause applies to:

- *sensitive and hazardous developments* on land outside the scope of clause 5.21, and
- any other development on land where flooding could cause a particular risk to life and require the evacuation of people or other safety considerations.

Council already considers the likely impacts of floods on development, including rarer/larger floods in certain locations, therefore the inclusion of clause 5.22 is consistent with existing assessment processes, should Council wish to include it in the *Richmond Valley LEP 2012*.

This report provides information on the new flood planning clauses and seeks a resolution of Council to adopt optional clause 5.22 into the *Richmond Valley LEP 2012*, and to define *sensitive and hazardous developments* by adopting all the development types listed within the Direction to the clause.

The adoption of clause 5.22 will be facilitated by a bulk LEP amendment to be prepared and publicly exhibited by the Department of Planning, Industry and Environment in 2022.

#### RESOLUTION 191021/10

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council:

1. Receives and notes the Flood Planning Reforms report;
2. Endorses the inclusion of *Clause 5.22 Special Flood Considerations* from the Standard Instrument LEP in the Richmond Valley Local Environmental Plan 2012, and accepts the Department of Planning, Industry and Environment’s offer to prepare a bulk LEP amendment
3. Adopts a definition for *sensitive and hazardous development* that includes all the listed development types provided within the Direction to Clause 5.22.

**.CARRIED**

## **16.2 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 has undertaken public exhibition of proposed names for two roads as part of the Reynolds Road Industrial Estate development, in accordance with Section 162 of the *Roads Act 1993* and Part 2 of the Roads Regulation 2018. The proposed road names subject to this report did not receive any submissions during the public exhibition period.

### **RESOLUTION 191021/11**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council formally adopts the following road names: Victory Camp Road and Liberty Road, as part of the Reynolds Road Industrial subdivision.

**CARRIED**

## **16.3 ROADS TO HOME PROGRAM - BOGAL LOCAL ABORIGINAL LAND COUNCIL**

### **EXECUTIVE SUMMARY**

Council has received a request from the Bogal Local Aboriginal Land Council (LALC) to take over and manage the Box Ridge subdivision roads, road reserve and associated infrastructure as part of the NSW Government's Roads to Home Program. Under this program, the reserve would undergo significant infrastructure improvements. Currently, the entire Box Ridge Reservation is identified as one land parcel, and as part of this program, it is proposed the land be subdivided into separate housing blocks, which will be separately rated and serviced by Council. Bogal LALC is seeking Council acceptance of this proposal.

### **RESOLUTION 191021/12**

Moved: Cr Daniel Simpson

Seconded: Cr Stephen Morrissey

That Council:

1. Receives and notes the information contained in this report.
2. Authorises the General Manager to continue to engage with the Bogal Local Aboriginal Land Council to establish the details of the proposed Roads to Home Project, the financial and management implications for Council and the benefits to the community.
3. Notes that a report on outcomes will be brought back to a future meeting of Council.

**CARRIED**

**16.4 COMMUNITY PREPAREDNESS AND RESILIENCE ADVERSE EVENT PLAN****EXECUTIVE SUMMARY**

At its Ordinary Meeting of 21 September 2021, Council resolved to place the draft Community Preparedness and Resilience Adverse Event Plan on public exhibition.

This report provides information regarding public submissions received by Council during the exhibition period and recommends that Council adopts the plan.

**RESOLUTION 191021/13**

Moved: Cr Jill Lyons

Seconded: Cr Daniel Simpson

That Council adopts the Community Preparedness and Resilience Adverse Event Plan.

**CARRIED**

**17 MATTERS FOR INFORMATION****RESOLUTION 191021/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

**CARRIED**

**17.1 CORRESPONDENCE - AUSTRALIAN DEFENCE FORCE****RESOLUTION 191021/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the correspondence from the Chief of Joint Operations, Australian Defence Force and the United States Armed Forces, thanking Council for supporting the exercise "Talisman Sabre 2021".

**CARRIED**

**17.2 GRANT APPLICATION INFORMATION REPORT - SEPTEMBER 2021****RESOLUTION 191021/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

**CARRIED**

**17.3 CUSTOMER EXPERIENCE REPORT 1 JULY 2021 - 30 SEPTEMBER 2021****RESOLUTION 191021/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

**CARRIED****17.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 SEPTEMBER 2021 TO 30 SEPTEMBER 2021****RESOLUTION 191021/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

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

**CARRIED****17.5 COMMUNITY RECOVERY AND RESILIENCE FUND****RESOLUTION 191021/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receives and notes the allocations under the Federal Government's Bushfire Community Recovery and Resilience Fund.

**CARRIED****18 QUESTIONS ON NOTICE**

Nil

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

### **19.1 QUESTIONS FOR NEXT MEETING – CR ROBERT HAYES – DUST EVENT EVANS HEAD**

Cr Robert Hayes referred to the so-called “Desert Storm Event” that took place in Evans Head on Monday 4<sup>th</sup> October 2021.

*Can Council supply information to residents that were affected by the dust that eventuated from the construction site for the “Thyme Lifestyle resort” located behind Currajong Street in Evans Head.*

*Explaining to them their possible course of action to get their properties cleaned inclusive of names and direct phone/email contact of the developer and the construction company responsible for the works?*

The General Manager advised that the event caused a lot of concern for Council and the community. Contractors for the site SEE Civil were responsible for managing the works and are required to have management plans in place for these matters.

Developers Serenitas had responded to the incident and SEE Civil had been doorknocking residents in the aftermath to address concerns, as well as meeting with Council staff. The contractors are ensuring added dust mitigation measures are put in place to protect the local community against a recurrence of this type of events.

Contact details of the contractors will be provided to Councillors and customer service staff to pass on to affected residents.

## **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 VP260033 - Provision of Legal Services**

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 VP231943 - Tree Maintenance and Roadside Vegetation Management Services**

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 VP262603 - Construct Culverts and Bridge approach repair on Gores 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 VP263156 - Design and Construct Unnamed Bridge on Elliotts Road, Myrtle Creek**

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 VP262608 - Flood Works Package 2 - Codrington Coraki Culverts - Design and Construct**

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 Tender VP262609 - Design and Construct Piling and Causeway - Upper Cherry Tree Road Embankment**

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.

**20.7 Tender VP264776 - Design and Construct Culverts - Barragunda and Busbys Flat Roads**

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.

**20.8 Tender VP262610 - Ainsworth Road Embankment and Culvert 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.

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 191021/20**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That:

1. Council resolves to enter Closed Council to consider the business identified in Items 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 20.7 and 20.8 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 6.21pm.

The Open Council meeting resumed at 6.50pm

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

**21 RESOLUTIONS OF CLOSED COUNCIL****20.1 Tender VP260033 - Provision of Legal Services**

That Council:

1. Appoints the following sixteen tenderers to a panel to provide legal services at their tendered rates, at best advantage to Council:
  - Coutts Lawyers & Conveyancers
  - Dentons Australia Limited
  - Holding Redlich
  - Lindsay Taylor Lawyers
  - Local Government Legal
  - Marsdens Law Group
  - Mitchell Playford & Radburn
  - Moray & Agnew Newcastle
  - Parker & Kissane Solicitors
  - Pikes & Verekers Lawyers
  - Redenbach Legal
  - RMB Lawyers
  - Shaw Reynolds Lawyers
  - Sparke Helmore Lawyers
  - Swaab
  - Wilshire Webb Staunton Beattie
2. Notes that the contract will run for the period 1 December 2021 to 30 November 2026.
3. Authorises the General Manager 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.



**20.2 Tender VP231943 - Tree Maintenance and Roadside Vegetation Management Services**

That:

1. Council appoints the following six tenderers to a panel to provide various tree maintenance and roadside vegetation management services for the period 1 November 2021 to 31 October 2024:
  - Eviron Group
  - Lismore Tree Services Pty Ltd
  - Richmond Valley Tree Services Pty Ltd
  - Savco Vegetation Services
  - Summit Open Spaces
  - TreeServe Pty Ltd
2. Provision be allowed for two x one-year extensions to the contract based on satisfactory contractor performance.
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 VP262603 - Construct Culverts and Bridge approach repair on Gores Road**

That:

1. Council accepts the tender from Somerville Excavator Hire which represents the best value for Council at \$266,186.36 (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.

**20.4 Tender VP263156 - Design and Construct Unnamed Bridge on Elliotts Road, Myrtle Creek**

That Council:

1. Accepts the tender from MCS Civil (NSW) PTY LTD which represents the best value for Council at \$298,722.55 (exclusive of GST); and
2. Authorises the General Manager 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 VP262608 - Flood Works Package 2 - Codrington Coraki Culverts - Design and Construct**

That:

1. Council accepts the tender from Kyogle Earthworx which represents the best value for Council at \$652,559.10 (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.

**20.6 Tender VP262609 - Design and Construct Piling and Causeway - Upper Cherry Tree Road Embankment**

That Council:

1. Declines all submissions received for Tender VP262609 – Detailed Design and Construct Piling and Causeway – Upper Cherry Tree Road Embankment due to all submissions being either higher than the budget allocated for the works, not meeting project scope or were non-conforming.
2. Apply Clause 178 (3e) of the *Local Government (General) Regulation 2021* to authorise the General Manager to enter into direct negotiations with suitably qualified contractors with a view to obtaining delivery of the priorities within the project scope and the approved Transport for NSW budget, and to finalise the terms of the contract or agreement and affixing the seal of Council where necessary.
3. Note that the outcomes of the negotiations will be reported to Council for information at a future meeting.

**20.7 Tender VP264776 - Design and Construct Culverts - Barragunda and Busbys Flat Roads**

That:

1. Council accepts the tender from Somerville Excavator Hire which represents the best value for Council at \$63,222 (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.

**20.8 Tender VP262610 - Ainsworth Road Embankment and Culvert Works**

That:

1. Council accepts the tender from MCS Civil which represents the best value and outcome for Council at \$640,816.45 (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.

The Meeting closed at 7pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 November 2021.

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**CHAIRPERSON**