

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
15 February 2022**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 15 FEBRUARY 2022 AT 6PM**

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 Patrick Deegan, Cr Debra McGillan

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 & Procurement), Julie Clark (Personal Assistant to the General Manager and Mayor), Kate Allder-Conn (Governance Coordinator), Simon Breeze (IT Support Coordinator)

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

Ms Deborah Johnston addressed Council with regard to Item 17.1 Grant Application Information Report – November 2021, December 2021 and January 2022.

Ms Johnston highlighted the frequent and unpredictable nature of flooding in the Bungawalbyn valley and the impact of recent floods in the region. She raised concerns regarding potential flood impacts on a recently approved development for a primitive camping ground. Ms Johnston also expressed support for Council's grant funding application to appoint an Ecological Educator.

A recording of Ms Johnston's address is available at:

<https://richmondvalley.nsw.gov.au/council/council-meetings/council-meeting-videos/>

Dr Richard Gates addressed Council with regard to the following items: Item 5.2 Mayoral Minute - 2022-23 Rate peg impacts on local government, Item 5.3 Mayoral Minute - Roadworks program, Item 14.2 Delegation of Authority to the General Manager, Item 15.1 Financial Analysis Report - November 2021, December 2021 and January 2022, and Item 17.1 Grant Application Information Report - November 2021, December 2021 and January 2022.

Dr Gates commented on the following issues on behalf of Evans Head Residents for Sustainable Development:

- Item 5.2 – The recommendation to seek an increase of the 2022-23 rate peg for NSW was not supported, however, it was agreed that IPART should be held accountable for its decisions.
- Item 5.3 – The request for additional funding for roads was supported, however noting that local government funding would be better supported by restoration of the Financial Assistance Grant and a reduction in cost shifting.
- Item 14.2 – Expressed concerns regarding proposed delegation of authority to the General Manager to decide section 356 Community Financial Assistance funding and Event Support funding and stressed the need for transparency in the assessment process.
- Item 15.1 – Expressed concerns with Council investing in the fossil fuel industry and the reported downturn in TCorp investments.
- Item 17.1 – Council’s grant applications for “Connecting Women to Trades”, flood studies and employment of an ecologist to educate and collaborate with the community were supported.

A recording of Dr Gates’ address is available at:

<https://richmondvalley.nsw.gov.au/council/council-meetings/council-meeting-videos/>

Ms Rosemary Joseph addressed Council with regard to Item 14.1 Northern Rivers Rail Trail – Casino to Bentley – update.

Ms Joseph represented the community group, Beyond Bentley – Our Sustainable Future Inc, which includes some 40 community members, she raised the following issues:-

- The group strongly supported the Casino to Bentley Rail Trail project, regarding it as a catalyst project for tourism in the area, and commended Council on its initiative in undertaking the project.
- Ms Joseph raised concerns regarding potential impacts on the Rail Trail and supporting activities from a proposed quarry development at Bentley.

A recording of the presentation is available at:

<https://richmondvalley.nsw.gov.au/council/council-meetings/council-meeting-videos/>

Ms Joseph submitted the following questions for Council’s consideration:

- 1) What does Council see as the benefits to the local Bentley community of the Rail Trail development?
- 2) How can the local community be involved to ensure the success of the Rail Trail?
- 3) Does Council acknowledge the risks posed to the federally-funded \$17.4M investment in the Rail Trail by inappropriate development such as the Bentley Quarry?
- 4) Should the quarry be approved, with its associated blasting, crushing and 140 truck movements per day, how does Council envisage the function of the camping, picnic and playground at Bentley precinct only 1.2km away, which is an important component of the Rail Trail plan?

General Manager, Vaughan Macdonald, provided the following response to the questions during the meeting:-

1) *What does Council see as the benefits to the local Bentley community of the Rail Trail development?*

The Rail Trail is a regionally significant project that will not only benefit Bentley, and the Richmond Valley, but also bring economic, environmental and social benefits to the Northern Rivers region.

A comprehensive Economic Impact Assessment has been undertaken for the Casino to Eltham Stage of the Rail Trail, which provides robust financial evidence for investment in the Project. The direct economic benefits of the Project include:

- During the construction phase, the Project will generate 62 direct local jobs and support \$24.4 million in additional spending in the community and a further 127 indirect jobs.
- On completion, the Casino to Eltham Stage is forecast to attract almost 52,000 persons per annum initially, including 28,250 local users and 23,200 visitors to the Northern Rivers region.
- The direct spending associated with these visitors is approximately \$1.9 million per year, which will support an additional 15 direct jobs across the region.
- Over the next 30 years, the Casino to Eltham Stage will deliver a Net Present Value of \$21.5 million, with almost \$1.70 in benefits to the community created for every dollar spent in construction and maintenance of the Rail Trail.

Benefits to the Bentley area include:

- Studies on rail trails have shown that nearby properties receive direct benefits and increased land values.
- Opportunities for new, or additional business ventures along the Trail. A number of landowners are currently considering options for tourism and hospitality ventures that will benefit from Rail Trail visitors. Council and Destination North Coast have conducted workshops to help develop these ideas.
- Opportunities to establish Bentley as the “mid-way point” on the Casino-Lismore section of the Trail.

2) *How can the local community be involved to ensure the success of the Rail Trail?*

Council has been working with the Northern Rivers Rail Trail group for more than 5 years and has been communicating and working with members of our community throughout this time.

There will be more opportunities to attend workshops and information sessions specific to the Rail Trail. These are generally updated on Council’s Casino-Bentley Rail Trail Facebook page: <https://www.facebook.com/CasinoBentleyRailTrail>.

Council’s Coordinator Economic Development, Brad Birney, is leading the project. Members of the community are encouraged to make contact.

There is also an option for residents within the Richmond Valley to become members of the Northern Rivers Rail Trail Supporters Group.

- 3) *Does Council acknowledge the risks posed to the federally-funded \$17.4M investment in the Rail Trail by inappropriate development such as the Bentley Quarry?*

Council's focus is on delivering the Richmond Valley section of the NRRT. We look forward to construction of the Trail commencing soon with the Detailed Design tender up for approval by Council this evening.

It is not appropriate for Council to comment on a development application that is in the assessment stage and one that is to be determined by the Northern Regional Planning Panel (NRPP).

Council's role is to support the NRPP through the assessment process so that it can make a fully informed decision. The public submissions that were submitted during the recent public exhibition will be considered in the assessment process and by the Panel.

The Panel's role is to consider the merits of the proposal and any potential impacts on matters including neighbouring properties and road networks. This may include consideration of the Rail Trail and associated activities.

- 4) *Should the quarry be approved, with its associated blasting, crushing and 140 truck movements per day, how does Council envisage the function of the camping, picnic and playground at Bentley precinct only 1.2km away, which is an important component of the Rail Trail plan?*

The NRPP's role is to assess the development application on its merits and take into account permissibility and surrounding land uses in making its determination. It is not appropriate for Council to respond directly to the claims in the question as they will be considered in the assessment process.

Council's focus is to get the Rail Trail completed from Casino to Bentley, and if there are funds available, consider the other elements identified in the Master Plan including the camping and playground.

If the development application were to be approved, Council's role will be to identify and implement measures that enable activities to co-exist in harmony - as we do in assessing and determining all development proposals in the Richmond Valley local government area.

4 APOLOGIES

Nil

5 MAYORAL MINUTES

5.1 MAYORAL MINUTE - WELCOME TO THE 2022-24 COUNCIL

RESOLUTION 150222/1

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. Receives and notes the Mayoral Minute
2. Acknowledges the contribution of former Councillors Daniel Simpson and Jill Lyons to the Richmond Valley Community during their years of service.

CARRIED

5.2 MAYORAL MINUTE - 2022-23 RATE PEG IMPACTS ON LOCAL GOVERNMENT**RESOLUTION 150222/2**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council writes to the Premier of NSW, Deputy Premier of NSW, the Minister for Local Government, Member for Clarence and the Chair of the Independent Pricing and Regulatory Tribunal to:

1. Seek an immediate increase in the 2022-23 rate peg to at least 2%, to assist communities in regional NSW
2. Request an urgent review of the Local Government Cost Index methodology, in consultation with NSW councils.

CARRIED

5.3 MAYORAL MINUTE - ROADWORKS PROGRAM**RESOLUTION 150222/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That:

- 1) Council writes to the NSW Minister for Regional Transport and Roads, and the Members for Clarence and Page, seeking continued support and funding for vital roadworks in the Richmond Valley.
- 2) The General Manager prepares a report for Council's March ordinary meeting, outlining road maintenance programs and priorities for the 2022-24 council term.

CARRIED

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD ON 16 NOVEMBER 2021****RESOLUTION 150222/4**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

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

CARRIED

6.2 MINUTES EXTRAORDINARY MEETING HELD ON 18 JANUARY 2022**RESOLUTION 150222/5**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council confirms the Minutes of the Extraordinary Meeting held on 18 January 2022.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil

8 DECLARATION OF INTERESTS

Cr Robert Hayes declared a non-pecuniary interest in relation to:

- Item 17.5 Customer Experience Report 1 October 2021 – 31 December 2021, and
- Item 17.7 Development Applications Determined under the Environmental Planning and Assessment Act for the period 1 November 2021 – 31 January 2022.

The interest was declared as an insignificant conflict arising due to Cr Hayes' use of the planning portal in the course of his work. The identified reports were Information Reports, with no decisions to be made, therefore Cr Hayes remained in the meeting for these items.

General Manager, Vaughan Macdonald declared a pecuniary interest in relation to Item 17.9 Disclosure of Interest Return – General Manager, due to the nature of the interests outlined in the report. As the identified report was an Information Report, with no decision to be made, the General Manager remained in the meeting for this item.

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCES 13 NOVEMBER 2021 - 6 FEBRUARY 2022****RESOLUTION 150222/6**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report from 13 November 2021 – 6 February 2022.

CARRIED

12 DELEGATES' REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 150222/7**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That items 14.2 and 15.1 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS**14.1 NORTHERN RIVERS RAIL TRAIL - CASINO TO BENTLEY - UPDATE****EXECUTIVE SUMMARY**

Council is set to commence work on the Casino to Bentley section of the Northern Rivers Rail Trail, with construction being fully funded by a \$7.5 million grant from the Federal Government's Tourism Icons Program. This report provides an update on the status of the project.

RESOLUTION 150222/8

Moved: Cr Robert Mustow

Seconded: Cr Debra McGillan

That Council:

1. Receives and notes the Northern Rivers Rail Trail – Casino to Bentley – Update report and,
2. Authorises the General Manager to negotiate and finalise the terms and conditions of any contract, lease, licence, agreement or legal instrument, in line with the content of this report, previous resolutions authorising this project and within the approved budget and affixing the seal of Council where necessary.
3. Receives regular update reports on the progress of the Northern Rivers Rail Trail.

CARRIED

14.2 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER

EXECUTIVE SUMMARY

Section 380 of the *Local Government Act 1993* (LG Act) requires Council to review its delegations during the first 12 months of each term of office. This report is presented to confirm delegations for Richmond Valley Council's General Manager, Vaughan Macdonald.

RESOLUTION 150222/9

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That:

1. All previous delegations to the General Manager be revoked.
2. Council delegates to the General Manager all of the functions of the Council pursuant to section 377 of the *Local Government Act 1993*, as outlined in this report, excluding:
 - a) Those functions specified in clauses (a) to (u) of section 377(1) of the *Local Government Act 1993*,
 - b) Any function that would be inconsistent with the aims, objectives or provisions of any existing Council policy,
 - c) Any function where Council, by resolution, has lawfully directed that a particular matter be referred to Council for decision, in which event this delegation shall not apply to such particular matter unless and until such direction or resolution is revoked by further lawful direction or resolution, and
 - d) The write-off of any debts owed to Council with a value of more than \$5,000.
3. The General Manager takes steps to ensure the conditions and limitations outlined above (point two of the recommendation) apply to functions sub-delegated to Council staff by the General Manager, where appropriate.
4. Council delegates the responsibility for determining the allocation of section 356 Community Financial Assistance Programs to the General Manager, with determinations to be made following a workshop with Councillors and in accordance with Council's Community Financial Assistance Program Policy.
5. Council delegates the responsibility for determining the allocation of funding under the Events Support Program to the General Manager, with determinations to be made following a workshop with Councillors and in accordance with the revised Event Support Policy.
6. Council adopts the revised Event Support Policy and associated Event Support Funding Guidelines.

CARRIED

14.3 MODIFICATION APPLICATION: DA2021/0147.02 - RETAIL READY FACILITY, 10615 SUMMERLAND WAY CASINO**EXECUTIVE SUMMARY**

A Modification Application DA2021/0147.02 has been received for the installation of an ancillary gas vessel in association with the approved Retail Ready Facility (RRF). The proposal is for a 50 tonne Carbon Dioxide (CO²) gas vessel which has a diameter of 3 metres, and height of 11.5 metres.

A variation to the Height of Buildings development standard under *Richmond Valley Local Environmental Plan (RVLEP) 2012* has been requested. The variation exceeds 10% and therefore the application is referred to Council for determination.

RESOLUTION 150222/10

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That:

1. Pursuant to Clause 4.6 of the *Richmond Valley Local Environmental Plan 2012*, a variation in respect of Clause 4.3 Height of Buildings be granted.
2. Development Application No. 2021/0147.02 be approved subject to the Conditions contained in this report.

CARRIED

15 FINANCIAL REPORTS**15.1 FINANCIAL ANALYSIS REPORT - NOVEMBER 2021, DECEMBER 2021 AND JANUARY 2022****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 2021 cl.212, Australian Accounting Standard (AASB 9) and Council's Investment Policy.

The value of Council's cash and investments at 30 November 2021, 31 December 2021 and 31 January 2022 is shown below:

Month	Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
November 2021	\$16,979,433	\$25,000,000	\$4,750,390	\$2,000,000	\$15,661,586	\$64,391,410
December 2021	\$17,209,250	\$25,000,000	\$4,750,390	\$2,000,000	\$15,802,812	\$64,762,452
January 2022	\$17,266,748	\$29,000,000	\$4,750,390	\$2,000,000	\$15,602,590	\$68,619,727

The weighted average rate of return on Council's cash and investments for November 2021 was 4.42% which was above the Bloomberg AusBond Bank Bill Index for November of 0.00%, which is Council's benchmark.

The weighted average rate of return on Council's cash and investments for December 2021 was 3.24% which was above the Bloomberg AusBond Bank Bill Index for December of 0.00%.

The weighted average rate of return on Council's cash and investments for January 2022 was negative (2.98%) which was below the Bloomberg AusBond Bank Bill Index for January of 0.00%.

RESOLUTION 150222/11

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That Council adopts the Financial Analysis Report detailing the performance of its cash and investments for the months of November 2021, December 2021 and January 2022.

CARRIED

15.2 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 31 DECEMBER 2021

EXECUTIVE SUMMARY

This report outlines the proposed adjustments for the 2021/2022 budget for the quarter ended 31 December 2021.

The proposed changes see Council's projected operating surplus from continuing operations for 2021/2022 increase to \$16,247,525, from the budget surplus of \$14,682,369 at 30 September 2021. The operating result before capital grants and contributions has improved slightly to a projected loss of \$3,507,771.

Income from continuing operations has increased by \$4,138,711, to a projected total of \$87,906,797. This is largely due to Council being successful in a number of grant funded projects, in particular the Bushfire Generated Green Waste and Northern Rivers Rail Trail Phase 2. Expenses from continuing operations have increased by \$2,573,555, to a projected total of \$71,659,272.

Council has performed a thorough review of its capital works program, resulting in a decrease of \$3,633,146, to a projected total of \$45,706,468. As anticipated in the previous quarterly budget review, the delivery of Council's capital works program continues to be impacted by supply constraints and contractor availability along with wet weather and a number of unplanned emergency works that have taken priority. These impacts are likely to continue for the remainder of this financial year so Council's capital works program will be closely monitored with any adjustments required being included in future monthly and quarterly budget reviews reported to Council.

Council's unrestricted cash surplus has remained unchanged at \$288,588 as at 31 December 2021.

A detailed Quarterly Budget Review Statement for the second 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 9-14.

RESOLUTION 150222/12

Moved: Cr Robert Hayes

Seconded: Cr Stephen Morrissey

That Council adopts the Quarterly Budget Review Statement as at 31 December 2021 and approves the recommended variations.

CARRIED

16 GENERAL BUSINESS

Nil

17 MATTERS FOR INFORMATION**RESOLUTION 150222/13**

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

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

CARRIED

17.1 GRANT APPLICATION INFORMATION REPORT - NOVEMBER 2021, DECEMBER 2021 AND JANUARY 2022**RESOLUTION 150222/14**

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

That Council receives and notes the Grant Application Information Report for the months of November 2021, December 2021 and January 2022.

CARRIED

17.2 APPOINTMENT OF PUBLIC OFFICER**RESOLUTION 150222/15**

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

That Council notes the appointment of Council's Director Organisational Services, Ryan Gaiter, as Public Officer.

CARRIED

17.3 WRITE-OFF OF MONIES UNDER DELEGATION**EXECUTIVE SUMMARY**

At the April 2015 Ordinary Meeting Council resolved to provide a summary report on a bi-annual basis outlining the write-offs that occurred during the period under the General Manager's delegation.

This summary report covers the period 1 July 2021 to 31 December 2021.

RESOLUTION 150222/16

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

That Council receives and notes the information in the Write-off of monies under delegation report.

CARRIED

17.4 DELIVERY PROGRAM PROGRESS REPORT - JULY 2021 TO DECEMBER 2021**EXECUTIVE SUMMARY**

Council adopted the revised 2017/2022 Delivery Program in June 2021. In accordance with the *Local Government Act 1993* the General Manager must ensure that progress reports are provided to the Council reporting on the progress of all principal activities detailed in the Delivery Program at least every six months. This report relates to and provides information about the achievement of the targeted outcomes prescribed in the Delivery Program.

The report is presented in a traffic light indicator format and provides commentary on the progress of all Delivery Program actions and milestones and progress against the Community Strategic Plan (CSP) performance measures for each community objective within the four priority areas of the CSP. The report represents the results at the end of the first half of the 2021/2022 Delivery Program.

A dashboard has been provided to summarise Council's overall performance in meeting its targets. The percentage of on schedule and completed activities (96%) demonstrates a solid performance for the first six months of the final year of the five-year program (as extended by 12 months due to the delay in the local government election caused by the COVID-19 pandemic).

RESOLUTION 150222/17

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council receives and notes the Progress Report (July 2021 - December 2021) on the Delivery Program 2017/2022.

CARRIED

17.5 CUSTOMER EXPERIENCE REPORT 1 OCTOBER 2021 - 31 DECEMBER 2021**RESOLUTION 150222/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

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

CARRIED

17.6 PROGRESS OF WOODBURN CORAKI ROAD UPGRADE**RESOLUTION 150222/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council receives and notes the information in the Progress of Woodburn Coraki Road Upgrade report and continues to explore options for further funding.

CARRIED

17.7 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 NOVEMBER 2021 TO 31 JANUARY 2022

RESOLUTION 150222/20

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council receives and notes the Development Application report for the period 1 November 2021 to 31 January 2022.

CARRIED

17.8 CORRESPONDENCE - CHRIS GULAPTIS MP

RESOLUTION 150222/21

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council receives and notes the correspondence from the Hon Chris Gulaptis MP congratulating Council on winning the Ixom 2021 Best Tasting Tap Water in Australia competition.

CARRIED

17.9 DISCLOSURE OF INTEREST RETURN - GENERAL MANAGER

RESOLUTION 150222/22

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council receives and notes the updated disclosure of interest return completed by the General Manager, dated 9 December 2021, tabled for the information of Council.

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 VP277869 - Design and Construct Willox Bridge Replacement - Casino Coraki Road, Tatham

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 T492122RTC - Supply of Ready Mixed Concrete

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 VP283594 – Detailed Design of Casino to Bentley Section of the Northern Rivers Rail Trail including Ancillary 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.

20.4 Financial Hardship Application - Property ID 137795

This matter is considered to be confidential under Section 10A(2) - (a) and (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 personnel matters concerning particular individuals (other than councillors) and discussion in relation to the personal hardship of a resident or ratepayer.

20.5 Financial Hardship Application - Property ID 138240

This matter is considered to be confidential under Section 10A(2) - (a) and (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 personnel matters concerning particular individuals (other than councillors) and 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 *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 150222/23

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That:

1. Council resolves to enter Closed Council to consider the business identified in Items 20.1, 20.2, 20.3, 20.4 and 20.5 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 7.50pm.

The Open Council meeting resumed at 8.13pm.

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

21 RESOLUTIONS OF CLOSED COUNCIL**20.1 Tender VP277869 - Design and Construct Willox Bridge Replacement - Casino Coraki Road, Tatham**

That Council:

1. Declines the only submission received for Tender VP277869 – Design and Construct Willox Bridge Replacement due to it being non-conforming and higher than the budget allocated for the works.
2. Applies 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 works that provide council with the best outcome both from a financial and delivery perspective, and to finalise the terms of the contract or agreement and affixing the seal of Council where necessary.
3. Notes that the outcomes of the negotiations will be reported to Council for information at a future meeting.

20.2 Tender T492122RTC - Supply of Ready Mixed Concrete

That:

1. For the Supply and Delivery of Ready Mixed Concrete, Council appoints the following Tenders to a panel of suppliers for the period 1 April 2022 to 31 March 2024:
 - Boral Resources
 - Graham's Concrete
 - Holcim
2. A provision is allowed for a further 12-month extension to the contract based on satisfactory supplier performance, which may take this contract through to 31 March 2025.

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 VP283594 – Detailed Design of Casino to Bentley Section of the Northern Rivers Rail Trail including Ancillary Works

That:

1. Council accepts the tender from Burchills Engineering Solutions which represents the best value for Council at \$362,900 (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 Financial Hardship Application - Property ID 137795

That Council:

1. Notes the options for debt relief as provided in this report for outstanding rates and charges totalling \$60,760.74 for this property.
2. Notes the extensive assistance and support that Council has offered to the ratepayer over the course of this matter, dating back to 2010.
3. Enters into an extended agreement of financial hardship as provided in option two within the report.
4. Notes the provision for sale of land for unpaid rates and charges that is available to Council under the *Local Government Act 1993* should the property owner default on the financial hardship agreement.

20.5 Financial Hardship Application - Property ID 138240

That Council:

1. Notes the options for debt relief as provided in this report for outstanding rates and charges totalling \$19,140.20 for this property.
2. Notes the extensive assistance and support that Council has offered to the ratepayer over the course of this matter, dating back to 2017.
3. Enters into an extended agreement of financial hardship as provided in option two as detailed in the report.
4. Notes the provision for sale of land for unpaid rates and charges that is available to Council under the *Local Government Act 1993* should the property owner default on the financial hardship agreement.

The Meeting closed at 8.20pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 March 2022.

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CHAIRPERSON