

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
19 April 2022**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 19 APRIL 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 Robert Hayes, 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), Julie Clark (Personal Assistant to the General Manager and Mayor), Simon Breeze (IT Support Coordinator) and Lewis Martin (IT Support).

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 14.1 Flood recovery update and Item 17.1 Local Roads and Community Infrastructure Grants (Phase 3) Project Nomination. Ms Johnston spoke about the effect of the February/March flood events in the Bungawalbyn area and emphasised the need for continued assistance during the recovery process.

Ms Johnston highlighted the high conservation value of the Bungawalbyn area and encouraged Council to include the Bungawalbyn Creek, its tributaries and wetlands, in any restoration programs that may become available. She also called for restoration of the Bungawalbyn-Whiporie Road, to ensure access for residents and allow the clean-up process to be completed.

Additionally, Ms Johnston highlighted the need to restore the Bungawalbyn levee and Neilleys Lagoon river height gauge and provide additional rain and river height gauges to assist residents in managing their response to future flood events.

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

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

Dr Richard Gates, Executive Member of Evans Head Residents for Sustainable Development Inc. addressed Council in relation to the following three items:

- Item 15.2 Financial Analysis Report – March 2022: Calling for council to reduce its investment in the fossil fuel industry and seek independent legal advice on the potential risks associated with investment products.
- Item 15.1 Fraud and Corruption Control Plan: Commending Council for developing the plan and advocating for further measures to improve transparency and accountability.
- Item 19.5 Correspondence to NSW Premier – Commenting that the request for increased special rate variation is not appropriate at this point in time and Council should seek additional monies to come from FAGS grants.

A recording of Dr Gates' address is available at:

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

The Mayor thanked Ms Johnston and Dr Gates for their attendance and presentations to the meeting.

4 APOLOGIES

RESOLUTION 190422/1

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That the apologies received from Cr Sam Cornish and Cr Sandra Humphrys be accepted and leave of absence granted.

CARRIED

5 MAYORAL MINUTES

5.1 MAYORAL MINUTE - FLOOD ASSISTANCE ACKNOWLEDGEMENT

RESOLUTION 190422/2

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. Acknowledges the tremendous support received by the Richmond Valley community from volunteers, community organisations, emergency services agencies and the Australian Defence Force during the 2022 flood events,
2. Writes to local councils who provided staff secondments and shared resources during the flood to thank them for their support.

CARRIED

5.2 MAYORAL MINUTE - NORTHERN RIVERS RECONSTRUCTION CORPORATION

RESOLUTION 190422/3

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council

1. Notes the establishment of the Northern Rivers Reconstruction Corporation,
2. Writes to the Premier and Deputy Premier of NSW, thanking them for responding to our representations which have emphasised the need for prompt action given the scale of devastation across our community, and stressing the importance of the Corporation working closely with local councils and communities in planning and delivering redevelopment works for the region's recovery.

CARRIED

5.3 MAYORAL MINUTE - NORTHERN RIVERS RESILIENCE INITIATIVE

RESOLUTION 190422/4

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. Notes the outcomes of the initial meeting of the Northern River Resilience Initiative, and
2. Supports the active participation of Council in any advisory groups or sub-committees that are established to support the work.

CARRIED

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD ON 15 MARCH 2022

RESOLUTION 190422/5

Moved: Cr Robert Hayes

Seconded: Cr Patrick Deegan

That Council confirms the Minutes of the Ordinary Meeting held on 15 March 2022.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil

8 DECLARATION OF INTERESTS

Cr Stephen Morrissey declared a non-pecuniary, insignificant interest in relation to Item 19.4 - Development Applications determined under the Environmental Planning and Assessment Act for the period 1 March to 31 March 2022, due to a being Vice President of Jumbunna Community Preschool and Early Intervention Centre.

9 PETITIONS

Nil

10 NOTICE OF MOTION**10.1 NOTICE OF MOTION; CR ROBERT HAYES - CODE OF MEETING PRACTICE AMENDMENT****RESOLUTION 190422/6**

Moved: Cr Robert Hayes

Seconded: Cr Debra McGillan

That the procedure for the conduct of the Public Access Sessions in Item 8 of the Code of Meeting Practice be amended from:

- 8) Applications for public access made by individuals, on behalf of an organisation, may be asked to provide proof that they have the organisation's authority to address Council on the organisation's behalf.

to:

- 8) Applications for public access made by individuals, on behalf of an organisation, prior to commencing their address to council are to provide proof that they have the organisation's authority to address Council on the organisation's behalf.

Favour: Crs Robert Mustow, Stephen Morrissey, Robert Hayes and Debra McGillan

Against: Cr Patrick Deegan

CARRIED 4/1

The General Manager noted that Council's Code of Meeting Practice was currently being reviewed, as required by the *Local Government Act 1993* following a council election. A revised Draft Code, incorporating the above amendment, will be presented to the May meeting of Council, with a view to exhibiting the document for the required public consultation period.

10.2 NOTICE OF MOTION; CR ROBERT HAYES - RECENT FLOOD IMPACTS IN THE LOWER RIVER AREAS**RESOLUTION 190422/7**

Moved: Cr Robert Hayes

Seconded: Cr Patrick Deegan

That Council:

1. Makes a submission to any Inquiry, inclusive of representation of long-time local residents, agricultural groups and business organisations. Also, that a full review of the flooding impacts in the vicinity of the Motorway be included and design changes made, in conjunction with flood mitigation measures to relieve the lower river of these impacts in the future.
2. Acknowledges that many Mid-Richmond residents have stated that they raised concerns regarding the impact the highway would have on flooding during the consultation phase for the highway and that these same residents are of the view that these concerns were not taken into account prior to design and construction.
3. Writes to the appropriate government agency requesting a full investigation into the impact the upgraded Pacific Highway had on the recent flood events.

CARRIED

10.3 NOTICE OF MOTION; CR PATRICK DEEGAN - IMPACT OF THE PACIFIC HIGHWAY ON MID-RICHMOND COMMUNITIES**NOTICE OF MOTION**

Cr Deegan withdrew his motion, following the inclusion of the motion into Item 10.2 Cr Robert Hayes – Recent Flood Impacts in the Lower River Areas.

10.4 NOTICE OF MOTION; CR PATRICK DEEGAN - RECONSTRUCTION COMMISSION**NOTICE OF MOTION**

Cr Deegan withdrew his motion, following the inclusion of the late Supplementary report - Item 5.2 Mayoral Minute – Northern Rivers Reconstruction Corporation.

10.5 NOTICE OF MOTION; CR PATRICK DEEGAN - RICHMOND VALLEY COUNCIL STAFF THANKS**RESOLUTION 190422/8**

Moved: Cr Patrick Deegan

Seconded: Cr Robert Hayes

That Council:

1. Applauds the extraordinary response of the community in responding to the emergency in saving lives and property in the recent flooding events.
2. Acknowledges that a number of Council staff were directly impacted by the flooding. Staff stepped up to support the community, putting in extraordinary hours and many working seven days a week. Many also undertook roles well outside of their normal duties.
3. Recognises the work all council staff have put in to support our community. Council recognises the challenges staff faced in delivering services and engaging with the community with such widespread destruction and intermittent or non-existent communication. Council recognises the personal impact that this disaster has also had on many staff. Council sincerely thanks all staff for their work right across the organisation.
4. Requests that this message of thanks be communicated to all staff by the General Manager.

CARRIED

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCES 11 MARCH - 11 APRIL 2022****RESOLUTION 190422/9**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report from 11 March – 11 April, 2022.

CARRIED

12 DELEGATES' REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE**RESOLUTION 190422/10**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That items 15.3, 16.2, 17.1 identified be determined without debate.

CARRIED

14 GENERAL MANAGER**14.1 FLOOD RECOVERY UPDATE**

Council continues to advocate to Federal and NSW Governments for significant and ongoing support for the Richmond Valley, following a second major flood event this month. To support our advocacy and help quantify the scale and impact of the flood events, Council has prepared two documents: The Richmond Valley Flood 2022 Response and the Richmond Valley Flooding Economic Impacts Statement (attached). These documents have been provided to Federal and State Government representatives and provide an overview of the impacts of the floods and the actions already taken by Council to support our community. They further identify the practical support that will be required from government to enable a swift recovery from the unprecedented and devastating flood event.

Council continues to participate in a number of NSW Government initiated committees and forums to coordinate the recovery effort across the Northern Rivers region. A key example is our recent inclusion on the Housing Recovery Taskforce which is working to provide temporary housing solutions for the thousands of displaced people across the Northern Rivers. Once short-term solutions have been achieved it will shift its focus to medium-long term solutions to the undersupply of housing in the Northern Rivers.

This report provides a status update on a range of issues that Council is dealing with to support our community's recovery. It also responds to the February Mayoral Minute seeking an outline of our road maintenance programs and priorities for the 2022-24 council term – this will be included in our Recovery Plan which will be workshopped with Council and placed on Public Exhibition following the May Council meeting.

Information on the NSW Government Flood Inquiry is also included, with the community encouraged to take advantage of the opportunity to make submissions to highlight what they believe needs to be done to mitigate and better manage the impacts of future flood events.

RESOLUTION 190422/11

Moved: Cr Robert Hayes

Seconded: Cr Debra McGillan

That Council:

1. Notes the information provided in this report.
2. Forwards a copy of this agenda item to both our local members inclusive of the following four recommendations to further enhance the urgency of the information contained in the documents already with the state and federal governments
3. Makes further and more vigorous representation to Federal and NSW Governments on behalf of our community for significant and ongoing financial support delivered in a timely

manner for the Richmond Valley, following on from the two major floods that have destroyed people's lives.

4. Inform both levels of government, that community members affected by these floods are overwhelmed and disgruntled by the need to deal with multiple agencies in order to access financial assistance to aid their recovery from these catastrophic events.
5. Make them aware that financial assistance needs to be released quickly and directly to affected residents, business and adjoining agricultural industries, or small towns like Coraki, Woodburn and Broadwater and their surrounding areas will not recover.
6. That the effort of Richmond Valley Council to fund, repair and restore infrastructure in these towns will be wasted if the residents who make up these towns don't have the financial resources to recover and move forward.

CARRIED

15 ORGANISATIONAL SERVICES

15.1 FRAUD AND CORRUPTION CONTROL PLAN

EXECUTIVE SUMMARY

Council has developed a Fraud and Corruption Control Plan, in order to raise awareness of fraud and corruption risks within the organisation. The plan aims to outline keys risks and communicate Council's expectations, together with satisfying a recommendation made during an insurer initiated due diligence review.

RESOLUTION 190422/12

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council adopts the Fraud and Corruption Control Plan.

CARRIED

15.2 FINANCIAL ANALYSIS REPORT - MARCH 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 31 March 2022 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$19,002,276	\$29,000,000	\$4,750,390	\$2,000,000	\$15,095,079	\$69,847,746

The weighted average rate of return on Council's cash and investments for March 2022 was negative (2.39%) which was below the Bloomberg AusBond Bank Bill Index for March of 0.00%, which is Council's benchmark.

RESOLUTION 190422/13

Moved: Cr Robert Mustow

Seconded: Cr Patrick Deegan

That Council adopts the Financial Analysis Report detailing the performance of its cash and investments for the month of March 2022.

CARRIED

15.3 SECTION 7.11, 7.12 AND SECTION 64 DEVELOPER CONTRIBUTIONS AND EXPENDITURE UPDATE 2020/2021 AND 2021/2022 TO 31 MARCH 2022**EXECUTIVE SUMMARY**

Council recovers contributions, raises levies and enters into planning agreements on development works that are subject to a development consent issued by Council. This report provides an update on developer contributions income and expenditure for the previous 2020/2021 financial year and the current 2021/2022 financial year to 31 March 2022.

Council collected a total of \$1,166,460 in developer contributions in the last financial year 2020/2021 and expended \$901,469. Unexpended developer contributions held in cash reserves totalled \$9,961,697 as at 30 June 2021.

During the current financial year 2021/2022 to 31 March 2022, Council has collected a total of \$943,022 in developer contributions and expended \$622,153.

Details of the different types of contributions are provided in the report.

RESOLUTION 190422/14

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the update on Section 7.11, Section 7.12 and Section 64 developer contributions for the 2020/2021 financial year and 2021/2022 financial year to 31 March 2022.

CARRIED

16 COMMUNITY SERVICE DELIVERY

16.1 VOLUNTARY HOUSE RAISING SCHEME

EXECUTIVE SUMMARY

The Richmond Valley has recently experienced unprecedented flooding, with significant damage to more than 400 homes. As the recovery process begins, Council has received a number of enquiries from owners seeking to take advantage of the Voluntary House Raising Scheme (VHRS), administered by the NSW Department of Planning & Environment.

The VHRS is a complex scheme, requiring local councils to opt-in to the process once they have completed various essential flood studies and planning. The scheme is limited to homes that are considered at very high risk of inundation because they are low to the ground and in flood prone areas. It generally involves co-contributions from the NSW Government, council and/or homeowner.

Council was about to finalise its new flood study when the catastrophic 2022 event occurred. It will now need to review the study to consider the levels recorded in this flood and complete new Floodplain Risk Management Plans for Casino and the Mid-Richmond before it would be eligible to take part in a Voluntary House Raising Scheme under the current arrangements. This process could take at least 12 months and will cost approximately \$200,000.

At the end of the process, it is expected that only a small number of homes would qualify for participation in a VHRS under the current guidelines. In the meantime, Council will consider other options to support flood affected homeowners. The recently announced Property Assessment and Demolition Scheme, funded by the NSW Government, provides additional opportunities for assistance.

RESOLUTION 190422/15

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council

1. Progresses the review of the Richmond Valley Flood Study and preparation of Floodplain Risk Assessment Plans.
2. Considers options to participate in the Voluntary House Raising Scheme upon completion of these plans.
3. Works with the NSW Government to identify other opportunities to assist flood affected homeowners.

CARRIED

16.2 REVIEW OF CUSTOMER SERVICE CHARTER AND STANDARDS

EXECUTIVE SUMMARY

Council adopted the Customer Service Framework and Charter in July 2019. The Charter sets out Council's commitment to customer service in its operation and activities. In order to ensure the currency of the Charter, a review has been undertaken.

RESOLUTION 190422/16

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council adopt the updated and renamed Customer Service Charter and Standards, as detailed in this report.

CARRIED

16.3 COUNCILLOR APPOINTMENT TO SYDNEY AND REGIONAL PLANNING PANELS

EXECUTIVE SUMMARY

On 16 July 2019, Councillor Hayes was nominated as one of Council's representatives on the Northern Regional Planning Panel. The standard term for nominated members is 3 years unless otherwise advised by Council.

Section 4.4 of the attached Sydney and Regional Planning Panel Operational Procedures states that: *"Two council members are appointed by each council. At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism."*

The planning panel advises that Council should nominate 2 alternate members for the panel in the instance that its delegated permanent representatives are not available, and these details should also be supplied.

The three year term for Cr Robert Hayes is coming to an end and it is time for Council to nominate two Council members and alternates. Members are eligible for re-appointment.

RESOLUTION 190422/17

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council nominates two regional planning panel members and two alternates. Details of the nominated members are to be forwarded to the NSW Planning Panel's Secretariat.

Nominated members:

- Cr Robert Hayes
- Mr Peter Jeuken (Lismore City Council)

Alternate members:

- Cr Sam Cornish (subject to his acceptance).
- Or a suitably qualified staff member from Lismore City Council, by agreement.

CARRIED

17 PROJECTS & BUSINESS DEVELOPMENT**17.1 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE GRANTS (PHASE 3) PROJECT NOMINATIONS****EXECUTIVE SUMMARY**

Richmond Valley Council has been afforded the opportunity to nominate potential infrastructure projects under Phase 3 of the Federal Governments Local Roads and Community Infrastructure Program (LRCI Program). \$2,004,428 has been allocated to Council in this phase. This report sets out the options that Council has considered for this funding criteria and a recommendation has been made to fund additional works required to complete Stage 1 of the Casino Memorial Pool Upgrade, upgrades to the Evans Head and Coraki Pools and improvements at the Casino Colley Park precinct.

RESOLUTION 190422/18

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council

Allocate the available \$2,004,428 under the Local Roads Community Infrastructure Program toward Stage 1 of the Casino Memorial Pool Upgrade, Evans Head and Coraki Pools improvements, and improvements at the Casino Colley Park precinct in the amounts outlined in the report.

CARRIED

17.2 RAPPVILLE SEWERAGE SCHEME PROGRESS**EXECUTIVE SUMMARY**

The design process for the Rappville Sewerage Scheme has reached a critical decision point regarding the connection principles. Public Works Advisory is the mandated project manager for this \$3 million grant, and continues to work closely with Council's Project Management Office to deliver this important project for the future of Rappville.

For the scheme to provide the best efficiency, value and environmental outcomes, it is recommended that all identified lots in the planning stage of the scheme, will be required to connect before the system is launched. The project budget allows for property connections to existing dwellings, and boundary kits to vacant lots within the Rappville village.

RESOLUTION 190422/19

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That:

1. Existing dwellings and vacant lots within Rappville, be required to connect at the time of major project works and prior to the scheme launch, to the Rappville Sewerage Scheme. The initial connections will be funded by the project budget and lot holders will then be committed to Council's annual sewerage charge,
2. Future developments in Rappville will be required to connect to the Rappville Sewerage Scheme at the cost of the developer consistent with other development in the Richmond Valley.

CARRIED**18 GENERAL BUSINESS**

Nil

19 MATTERS FOR INFORMATION**RESOLUTION 190422/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

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

CARRIED**19.1 CUSTOMER EXPERIENCE REPORT 1 JANUARY - 31 MARCH 2022****RESOLUTION 190422/21**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That Council receives and notes the Customer Experience Report for the period 1 January – 31 March 2022.

CARRIED**19.2 GRANT APPLICATION INFORMATION REPORT - MARCH 2022****RESOLUTION 190422/22**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That Council receives and notes the Grant Application Information Report for the month of March 2022.

CARRIED**19.3 NORTHERN RIVERS LIVESTOCK EXCHANGE STATISTICS AS AT 31 MARCH 2022****RESOLUTION 190422/23**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That Council receives and notes the financial year to date Northern Rivers Livestock Exchange Statistics as of 31 March 2022.

CARRIED

19.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 MARCH TO 31 MARCH 2022**RESOLUTION 190422/24**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

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

CARRIED

19.5 CORRESPONDENCE TO NSW PREMIER**RESOLUTION 190422/25**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That Council receives and notes the correspondence forwarded to NSW Premier;

- Seeking support towards the Richmond Valley's flood recovery process
- Expressing concern at IPART's decision to impose the lowest rate peg in 20 years for the 2022-23 financial year.

CARRIED

20 QUESTIONS ON NOTICE**20.1 COUNCILLOR ROBERT HAYES - FLOOD REVIEW**

The following question on notice was received from Councillor Robert Hayes at the March Ordinary Meeting of Council.

Question

Can the General Manager advocate for any future review or inquiry into the recent floods to include representation of people on the ground of our Richmond Valley, including agricultural, business and community organisations?

Response

The Flood Recovery Update report in this Business Paper provides commentary on Council's intentions in regard to the recently announced NSW Government Flood Inquiry.

21 QUESTIONS FOR NEXT MEETING (IN WRITING)**21.1 COUNCILLOR ROBERT HAYES - NATURAL DISASTER AND LEP**

Cr Robert Hayes: I understand Council is seeking adoption of a Natural Disaster clause into its Local Environmental Plan by late May 2022.

What has instigated this and what effects will this clause have following natural disasters in the RVC in the future?

Response:

Council is currently seeking adoption of the Natural Disaster Clause from the Department of Planning and Environment (DPE) by 22 May 2022.

This will allow a previously approved property that has been damaged/destroyed in a natural disaster to be approved and rebuilt, even if such development would now be prohibited under the current LEP. The development will still be assessed against relevant building standards.

22 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:

22.1 Proposed Residential and Industrial Property Acquisition

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.

22.2 Loan Borrowing Program 2021/2022

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.

22.3 Tender - Supply and Delivery of Water Meters T552122RTC

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 a written representation had been received in respect to Item 22.2 Loan Borrowing Program 2021/2022, listed for consideration in Closed Council from Dr Richard Gates, Executive Member, Evans Head Residents for Sustainable Development Inc.

The General Manager read the submission to the meeting. Dr Gates asserted that there was insufficient information provided regarding this item for the public to form a clear understanding of what was proposed.

The General Manager responded that the loan borrowing program was approved in Council's budget for this financial year and details are also submitted to the Office of Local Government for Council's loan borrowing term. This item in Closed Council, is merely determining the rates at which we are able to borrow those funds, hence the rates are commercial in confidence.

The Chair called for verbal representations from the gallery.

Dr Richard Gates, Executive Member, Evans Head Residents for Sustainable Development Inc. addressed the meeting and asked what the loan borrowings were for and why it was needed.

The General Manager advised clarification would be included in the resolution, which will be made available in open council.

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 190422/26

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That:

1. Council resolves to enter Closed Council to consider the business identified in Item 20.1, 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

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

23 RESOLUTIONS OF CLOSED COUNCIL**22.1 Proposed Residential and Industrial Property Acquisition**

That:

1. Subject to completion of relevant financial due diligence, Council authorises the General Manager to negotiate the purchase of the land generally in accordance with the details contained within this report.
2. Council authorises the General Manager to endorse relevant documents, contracts, and transfers, including affixing the seal of Council where appropriate, for the purchase of the land generally in accordance with the details contained within this report.
3. That a report on the progress of the acquisition be provided at key decision points.

22.2 Loan Borrowing Program 2021/2022

That Council:

1. Authorises the borrowing of \$4,740,000 for the funding of three garbage trucks, upgrades to the Casino Memorial Pool and construction of Cell 6 at Nammoona Landfill as previously adopted as part of Council's current Delivery Program.
2. Authorises the execution of the Business Letter of Offer from National Australia Bank.
3. Authorises the affixing the Council Seal to any documents to execute the loan borrowings outlined in this report.

22.3 Tender - Supply and Delivery of Water Meters T552122RTC

That:

1. Due to the responses received not offering the best value result for Council, all tenders be rejected in accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2021 and that in accordance with Clause 178(3)(e) negotiations be held with suitable suppliers to minimise the cost of meter replacement for Council; 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.
3. Such contract to be for the period 1 May 2022 to 30 April 2023.

The Meeting closed at 8.40pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 May 2022.

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CHAIRPERSON