



AGENDA

Ordinary Council Meeting

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Tuesday, 17 May 2022

Time: 6pm

**Location: Council Chambers
10 Graham Place, Casino**

**Vaughan Macdonald
General Manager**

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1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor will provide 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**3 PUBLIC ACCESS AND QUESTION TIME****4 APOLOGIES****5 MAYORAL MINUTES**

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD ON 19 APRIL 2022

Director: Vaughan Macdonald

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 19 April 2022.

REPORT

See attached minutes.

ATTACHMENT(S)

- 1. Unconfirmed Minutes 19 April 2022 (under separate cover)**

7 MATTERS ARISING OUT OF THE MINUTES

8 DECLARATION OF INTERESTS

(Councillors to specify details of item and nature of interest)

9 PETITIONS

Nil

10 NOTICE OF MOTION**10.1 NOTICE OF MOTION; CR PATRICK DEEGAN - VOLUNTARY HOUSE RAISING SCHEME**

I, Councillor Patrick Deegan, give notice that at the next Ordinary Meeting of Council to be held on 17 May 2022, I intend to move the following motion:

NOTICE OF MOTION

That Council:

1. Acknowledges many residents in the Mid Richmond and across the Richmond Valley, are preparing to refit their homes and to take actions to protect their homes from future flood events such as raising their homes. Residents would prefer to raise their homes before refitting, as the process of raising the home has the potential to damage new internal works undertaken.
2. Notes on current timelines Council will complete its Floodplain Risk Management Plan by late 2023 and is not able to consider a Voluntary House Raising Scheme until this time.
3. Writes to the State Government seeking urgent support to complete the Floodplain Risk Management Plan to bring forward Council's Voluntary House Raising Scheme. Council also asks for the State Government to urgently implement its own Voluntary House Raising Scheme for Richmond Valley Residents.

I commend this Notice of Motion to Council.

ATTACHMENT(S)

Nil

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCES 12 APRIL - 10 MAY 2022**

Director: Vaughan Macdonald

Responsible Officer: Robert Mustow

RECOMMENDATION

That Council receives and notes the Mayor's attendance report from 12 April – 10 May 2022.

REPORT**April 2022**

- 12th Casino Pool upgrade site visit
- 13th Citizenship ceremony
- 13th Minister Natasha McClaren-Jones visit Woodburn
- 14th Regional Flood Mitigation discussion at Lismore
- 19th NSW Premier visit announcing The Northern Rivers Reconstruction Corporation (NRRC)
- 19th Richmond Valley Council Ordinary Meeting
- 20th Rous Water IP&R Workshop
- 24th Lions Club - Need for Feed BBQ
- 25th Anzac Day Services – Rappville Dawn Service
- 25th Woodburn Memorial Service
- 25th Broadwater Memorial Service
- 25th Anzac Day retreat service Casino
- 28th Kevin Hogan – Razorback Lookout soft launch
- 29th Casino High School Anzac Day Service
- 30th COW Muster Casino RSM
- 30th Beers for Broadwater @ Ballina

May 2022

- 1st COW Muster Casino RSM
- 2nd Coraki Recovery Advisory Group Meeting
- 3rd Richmond Valley Council, Councillor Information Session
- 5th The Casino Food Co-op - Official Opening Retail Ready Facility
- 5th Broadwater Recovery Advisory Group Meeting
- 5th Woodburn Recovery Advisory Group Meeting
- 6th Affordable Housing Launch Event.
- 10th NSW Northern Rivers Flood Roadshow for Business Support

ATTACHMENT(S)

Nil

12 DELEGATES' REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE

Each Councillor is given the opportunity to indicate which items they wish to debate or question. Item numbers identified for debate or questioning will be read to the Meeting.

Following identification of the above items a motion will be moved in regard to the balance of items being determined without debate.

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

That items identified be determined without debate.

14 GENERAL MANAGER

Nil

15 ORGANISATIONAL SERVICES

15.1 COUNCILLOR SUPERANNUATION

Director: Ryan Gaiter

Responsible Officer: Hayley Martin

EXECUTIVE SUMMARY

The *Local Government Amendment Act 2021* (Amendment Act) was passed by the NSW Parliament on 13 May 2021. The Amendment Act section 254B provides Council with the option to make superannuation contribution payments for Councillors from 1 July 2022, equivalent in amount to superannuation guarantee payments.

The decision to make superannuation contribution payments must be made by resolution at an open Council meeting.

RECOMMENDATION

That Council resolves in line with option one as detailed in the report, to commence payment of superannuation equivalent in amount to superannuation guarantee payments, from 1 July 2022.

DELIVERY PROGRAM LINKS

Making Council Great

CS1: Leading and Advocating for our Community

CS1.3: Ensure transparency and accountability in council's operations

BUDGET IMPLICATIONS

Council Draft Budget for 2022/2023 includes an estimated cost of \$20,346, factoring in a 2% increase in Mayoral and Councillor Fees for 2022/2023 and assuming the superannuation guarantee increases to 10.5% from 1 July 2022.

REPORT

The *Local Government Act 1993* was amended in May 2021 to now include section 254B Payment for superannuation contributions to councillors which allows the payment of superannuation to councillors from July 2022 in addition to their annual fee.

These changes bring New South Wales in line with Victoria and Queensland where councils are required to make superannuation guarantee contributions in addition to mayoral and councillor fees payable.

The key rulings from this amendment include:

- Superannuation contributions are the amount payable under the Commonwealth superannuation legislation as if the councillor was an employee of the council i.e. the superannuation guarantee.
- Superannuation contributions are payable with, and at the same intervals as, the annual fee payable to the councillor.
- Council is not permitted to make a superannuation contribution payment:
 - unless council has previously passed a resolution at an open meeting to make superannuation contributions to its councillors, or

- if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or
 - to the extent the councillor has agreed in writing to forgo or reduce the payment.
- Councillors will not be taken to be an employee of council.
- Superannuation contributions will not constitute salary for the purposes of any Act.

For this report Council has three options:

Option One

Council resolves to commence superannuation payments to the Mayor and Councillors equivalent to the superannuation guarantee payment. This has an estimated cost for next financial year of \$20,346.

Option Two

Council resolves to commence superannuation payments to the Mayor and Councillors at a reduced amount as determined by Council.

Option Three

Council resolves to forgo superannuation payments to the Mayor and Councillors.

The amendment of the Act followed the release of a Councillor Superannuation Discussion Paper in March 2020 which was discussed at the April 2020 Councillor Information Session and reported to Council at its April 2020 Ordinary Meeting. The reasons for extending superannuation to mayors and councillors, in addition to their fees, include ensuring adequate remuneration for the performance of duties and addressing the historical anomaly of being denied a benefit enjoyed by the broader workforce.

CONCLUSION

Following the amendment of the *Local Government Act 1993*, Councillors have the option to be paid superannuation contributions from 1 July 2022, equivalent to the superannuation guarantee. Councillors also have the option to forgo or reduce the payment. For the payment of superannuation to commence from 1 July 2022, Council must pass a resolution at an open meeting and nominate a superannuation account for the payment before the end of the month to which the payment relates.

Should Council resolve option 1 or option 2 of the recommendation, this matter will be brought to Council as part of the 2022/2023 Mayoral and Councillor Fees determination report once the Local Government Remuneration Tribunal determines the minimum and maximum fees for the 2022/2023 financial year.

ATTACHMENT(S)

Nil

15.2 DRAFT DELIVERY PROGRAM 2022/2025, DRAFT OPERATIONAL PLAN 2022/2023 (INCLUDING DRAFT FINANCIAL ESTIMATES 2022/2026), DRAFT REVENUE POLICY 2022/2023 AND DRAFT LONG TERM FINANCIAL PLAN 2022/2032

Director: Ryan Gaiter

Responsible Officer: Hayley Martin

EXECUTIVE SUMMARY

The following documents have been compiled by staff in consultation with Councillors:

1. Draft Delivery Program 2022/2025
2. Draft Operational Plan 2022/2023 (including Draft Financial Estimates for the period 2022/2026),
3. Draft Revenue Policy 2022/2023, and
4. Draft Long-Term Financial Plan 2022/2032

RECOMMENDATION

That:

1. The Draft Delivery Program 2022/2025, Draft Operational Plan 2022/2023 (including Draft Financial Estimates 2022/2026), Draft Revenue Policy 2022/2023 and Draft Long Term Financial Plan 2022/2032 be placed on public exhibition for a period of at least 28 days.
2. The draft documents be brought back to Council to consider any submissions received for final adoption at the Ordinary Meeting of Council on 28 June 2022.

DELIVERY PROGRAM LINKS

Making Council Great

CS2: Great Support

CS2.12: Ensure compliance with Accounting Standards and Local Government Legislation

BUDGET IMPLICATIONS

As outlined in the report.

REPORT

Council is required to undertake its planning and reporting activities in accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005 by implementing the Local Government Integrated Planning and Reporting Framework and to consider the Office of Local Government's Integrated Planning and Reporting Guidelines for guidance and best practice methods for drafting the plans.

The Draft Delivery Program is Council's three year Recovery Plan in response to the February/March 2022 floods. This plan sets out Richmond Valley Council's vision to help restore the Richmond Valley over the next three years, in partnership with the community, disaster support agencies and state and federal governments. It is a plan to not just rebuild - but to build back better and stronger, so we are ready to face the next challenge and embrace the next opportunity.

The Delivery Program is accompanied by a four-year capital works program for the period 2022/2026 and a one year Operational Plan outlining Council's budget for 2022/2023.

The Draft Operational Plan (including Draft Financial Estimates 2022/2026) delivers an unrestricted cash surplus of \$257,786, in 2022/2023, with projected surpluses across the remaining three year forward estimates as shown in the table below:

While the unrestricted cash result is important and should be a surplus, the focus should be on Council's operating result before capital grants and contributions. Council's projected operating result before capital grants and contributions for 2022/2023 is a deficit of \$1,856,369, which improves to a projected deficit of \$133,636 over the four year forward estimates.

The approval of Council's special rate variation has given Council the ability to focus on moving towards a break-even operating result before capital grants and contributions, which is the benchmark set by the NSW Office of Local Government. Finding ways of achieving additional income, reducing operating expenditure and refining asset valuation methodologies, to accurately reflect depreciation of Council's assets remain key areas to focus on moving forward.

The draft budget has been prepared at a challenging time, when the full impacts of the February-March 2022 floods are still being assessed and many issues are yet to be resolved. Council expects that there will be increasing clarity on the scale of the damage and repairs required and the level of financial assistance available as the 2022-23 financial year unfolds. In this regard, the draft budget has been prepared based on Council's previously identified priorities and the best information currently available on potential flood impacts.

Major Capital Works

The draft budget for 2022/2023 includes a sizeable capital works program of \$45.6 million and whilst the assessment of flood damaged infrastructure continues, it should be noted that these projects have not been included in the draft budget. Despite Council having faced a number of challenges during the last 12 months, the capital works program demonstrates Council's desire to continue to deliver for the community whilst rebuilding the flood affected areas of the Richmond Valley. This program will be closely monitored as the ability to procure goods and services required to deliver these projects will be a challenge along with any changes in priorities as a result of damaged infrastructure.

The major projects are outlined below:

- Urban Road renewals \$1.57m, including \$599k for Country Lane Rehab
- Sealed Rural Local Roads & Bridges renewals \$2.53m
- Benn's Road \$1.136m
- Sealed Regional Road renewals \$1.53m
- MR145 Woodburn-Coraki Road Major Upgrade \$7m
- Unsealed Rural Local Roads & Bridges renewals \$650k
- Crawford Square Playground Redevelopment \$398k
- Casino Showground and Racecourse Upgrade \$5.99m
- Casino Memorial Pool \$1.085m
- Water Mains Renewals \$629k
- Casino Water Treatment Plant Process Augmentation Design \$320k
- Sewer Relining Program \$800,000
- Casino Pump Station 8 Upgrade \$240k
- Casino Sewer Treatment Plant Augmentation Investigation & Design \$250k
- Coraki Sewer Treatment Plant Automation Switchboard and PLC Upgrade \$325k
- Evans Head Sewer Treatment Plant Design \$300k
- Northern Rivers Rail Trail (Casino to Bentley) \$6.8m
- Illawong Lane Drainage \$325k
- Real Estate development projects \$5.05m
- Fleet Management plant purchases \$2.4m
- Construction of Cell 6 at Nammoona Landfill \$1.5m
- Resource Recovery Infrastructure Projects \$500k

Draft Revenue Policy – Fees & Charges 2022/2023

In developing the 2022/2023 income budget, the following increases have been proposed to Rates and Annual Charges:

- General Rates – to increase by 5.5% in-line with the special rate variation
- Domestic Waste Annual Charge – to increase by 3.23% to \$640
- Non-Domestic Waste Annual Charge – to increase by 4.58% to \$655
- Water Annual Charges – to increase by 5.00%
- Sewerage Annual Charges – to increase by 3.25%

A copy of the Draft Revised Delivery Program 2022/2025, Draft Operational Plan 2022/2023 (including Draft Financial Estimates 2022/2026), Draft Revenue Policy 2022/2023 and Draft Long-Term Financial Plan 2022/2032 have been circulated separately to Councillors.

CONSULTATION

There has been community engagement which has informed the development of our strategies and plans, however this has been impacted by the recent two major flood events which has required us to re-focus on recovery and rebuilding. The public exhibition of our Recovery Plan and these supporting documents provides

In accordance with the Integrated Planning and Reporting requirements the Draft Delivery Program 2022/2025, Draft Operational Plan 2022/2023 (including Draft Financial Estimates 2022/2026), Draft Revenue Policy 2022/2023 and Draft Long-Term Financial Plan 2022/2032 will be placed on public exhibition for a period of at least 28 days. During that time public submissions on the documents can be made. A further report on the documents and submissions received will be presented to the Ordinary Meeting scheduled for 28 June 2022.

CONCLUSION

The Draft Delivery Program 2022/2025, Draft Operational Plan 2022/2023 (including Draft Financial Estimates 2022/2026), Draft Revenue Policy 2022/2023 and Draft Long-Term Financial Plan 2022/2032 have been prepared based on extensive consultation with the community and are presented to Council for consideration. The report recommends that these documents be placed on public exhibition.

ATTACHMENT(S)

1. **Draft Operational Plan 2022/2023 (Including financial estimates 2022/2026) (under separate cover)**
2. **Draft Long Term Financial Plan 2022/2032 (under separate cover)**
3. **Draft Revenue Policy 2022/2023 (under separate cover)**

15.3 FLOOD RECOVERY COMMUNITY SUPPORT OPTIONS

Director: Ryan Gaiter

Responsible Officer: Ryan Gaiter

EXECUTIVE SUMMARY

Following the Ordinary Council meeting in March 2022, Council introduced rating relief across the LGA in response to the unprecedented February flood event by waiving interest on all overdue rates (rates and water/sewer charges) for the remainder of the 2021/2022 financial year.

This report provides additional information on options for relief.

RECOMMENDATION

That Council:

1. Notes the community support options available;
2. Continue to advocate for a rate relief scheme, funded by the NSW Government;
3. Extend the interest free period on overdue rates charges by an additional 6 months, until 31 December 2022.

DELIVERY PROGRAM LINKS

Making Council Great

CS1: Leading and Advocating for our Community

CS1.3: Ensure transparency and accountability in council's operations

BUDGET IMPLICATIONS

The rate relief will delay revenue from this area but in the scale of our rating income this can be managed across the forward years budgets, with an estimated impact of \$59,000.

Any fee relief for development assessment will need to be absorbed by Council's operational budgets and will have an impact on our operational result. At this point in time we do not have a clear understanding of which properties would need such relief, therefore it is not possible to estimate a cost to Council.

REPORT

Council has been at the forefront of supporting response and recovery efforts across the Richmond Valley from the impact of the February/March 2022 flood event, this includes providing financial relief options for impacted rate payers.

Following the Ordinary March Council Meeting, the General Manager wrote to the NSW Premier seeking support to provide additional rating relief to flood affected communities, on a similar basis to the bushfire relief arrangements introduced in 2020. In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2021, Council does not have the ability to write off rates and charges.

The NSW Government's response provided by the Minister for Local Government advised that there is no commitment from the State Government with regard to introducing a rate rebate scheme for flood victims at this time, and instead provided details of grant funding options available as short-term relief for both Councils and individuals; information Council was already aware of. A copy of Council's letter and the Minister for Local Government's response is attached to this report.

Notice of Natural Disaster Declaration

As a result of the significant impact of this flood event, a Notice of Natural Disaster Declaration for Richmond Valley was issued. This declaration activates Natural Disaster Relief and Recovery Arrangements (NDRRA). NDRRA sets out the Australian Government's response to natural disasters and includes the provision of relief and recovery assistance to disaster affected communities. Through the NDRRA, the Australian Government provides financial assistance directly to the states to assist them with costs associated with certain disaster relief and recovery assistance measures. The NDRRA makes provisions for state governments to activate relief and recovery assistance immediately following a disaster without seeking approval from the Australian Government.

Where the NDRRA is activated, the Australian Government may fund up to 75 per cent of the assistance available to individuals and communities. This contribution is delivered through a number of NDRRA measures and may include:

- personal hardship and distress assistance
- counter disaster operations
- concessional loans or interest subsidies for small businesses and primary producers
- transport freight subsidies for primary producers
- loans and grants to voluntary non-profit organisations
- the restoration or replacement of essential public assets
- community recovery funds.

Financial Hardship – Natural Disaster Policy

Council's Financial Hardship Natural Disaster Policy provides relief by deferring the due date for payment of rates and charges allowing the ratepayer/property owner the following two years to pay the outstanding rates and charges, including withholding of interest on outstanding monies for that period. A payment plan would then be put in place to recover the outstanding debt over the following two years.

Water

Council has recently generated charges for the water/sewer usage period of 1 December 2021 to 25 February 2022, pre-natural disaster, which included an estimate on many lower river properties, due to the timing of the natural disaster and many properties being inaccessible.

Due to the wide spread impact of the flood, Council is aware that many affected properties have some kind of water supply infrastructure damage, ranging from damaged water meters to hot water systems being damaged/removed from the property by the impact of flood waters.

Council staff have received numerous enquiries from impacted residents, some stating that they are unwilling to pay as they believe Council should not be raising charges during this period.

In response to this, Council has made available a notification system for property owners on Council's website, allowing property owners the opportunity to provide council with information regarding their damaged services. This type of information will also be captured in the next meter read, which will be a physical read of meters, allowing staff to assess infrastructure damages and inconsistency in previous meter reads. Customers are being encouraged to contact Council to discuss their specific circumstances where required.

Development Application requirements

Council has started to receive enquiries from community members wanting to understand the development application requirements for demolition and re-building.

There are many people who wish to return to their properties, and we will need to support them to have somewhere to reside. An option for this can be temporary occupation.

The temporary occupation could be limited to caravans and converting sheds to liveable spaces by adding wet areas. Temporary occupation permits are usually issued for a period of 12 months with the option of extending for a further 12 months if the applicant wishes to reapply. Council can offer temporary occupation permits for 2 years up front, to allow residents time and not having to reapply as some people may need longer than 12 months.

Council officers are working flexibly where possible to determine and provide advice on streamlined approval pathways to enable the re-building of dwellings to minimise any costs to our community.

The State Government has also just announced the Flood Property Assessment Program. At this point in time we are uncertain as to how this scheme will interact with Council's approval processes and are currently working with the Department of Planning to clarify these issues.

File requests

Council has had requests to view files from property owners and insurance companies. Where this is directly related to the impacts of the natural disaster, we have waived the \$30 fee.

CONSULTATION

Consultation between Council, various Federal and State Government Departments and business support services is ongoing with the aim of providing the best possible support for the Richmond Valley community.

CONCLUSION

We will continue to communicate with Government and business support groups to get the best possible support and relief for our community.

ATTACHMENT(S)

1. **Letter to the Premier - Flooding event in the Richmond Valley**
2. **Letter from the Hon. Wendy Tuckerman MP**



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ABN 54 145 907 009

30 March 2022

The Hon Dominic Perrottet
Premier of NSW
52 Martin Place
SYDNEY NSW 2000

Dear Premier Perrottet

Richmond Valley Flood Recovery Planning

Thank you for visiting our region for a significant period of time following the 2022 flood disaster, to meet with our communities and listen to their stories. Your support is appreciated by our community and it's important for decision makers to view firsthand the damage to homes, businesses, and public infrastructure in the Richmond Valley.

As we discussed during your visits, the impacts of this flood are far-reaching and profound, and our community will take many years to recover. Although it is still difficult to assess the full extent of loss and damage, Council believes the repair and replacement costs for roads, bridges and other critical infrastructure will exceed \$150 million. The cost to local homes and businesses and the impact on the health and wellbeing of our community will be far greater than that.

Our Council appreciates the assistance that we have received so far from the NSW Government and we want to continue to work in partnership with you as we plan the long-term response to this unprecedented event. Council is developing a three-year recovery plan for the Richmond Valley, and it is in relation to this plan that I write, on behalf of Council, seeking your support.

Long-term community planning

At its 15 March 2022 meeting, Council considered how best to address its requirement under s.402 of the *Local Government Act 1993* to review our community's long-term plan and endorse a revised version within six months of the 2021 election. The Richmond Valley's Community Strategic Plan was last reviewed in 2017 and our community has experienced significant changes since that time, including the impacts of devastating bushfires, five major flood events, the Covid pandemic and, most recently, the record flood of March 2022.

These events have reshaped the Richmond Valley and will redefine our future. But our community is not yet ready to consider these long-term impacts and options. As you saw on your visits to the Valley, the immediate concerns of safety, shelter and financial security are the main focus for many community members in the wake of this disaster. Council understands these needs and has a plan to respond directly to flood recovery over the next 12 months and to continue to support this recovery for the following two years. That is why we are seeking your endorsement to delay the review of our Community Strategic Plan until 2023, until such time as the 12-month recovery plan has been implemented and our

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community is in a better position to identify its long-term priorities. Council will consult further with the Office of Local Government on this matter.

Rating relief

Council also endorsed an initial package of rating relief at its March meeting, to support those immediately impacted by the floods. However, we also resolved to write to you seeking further support from the NSW Government in this regard. Following the devastating 2019 bushfires, Service NSW administered a scheme whereby residents could receive a rates rebate from the NSW Government. This was of great assistance in supporting the recovery of our community and we would seek your help in re-introducing this scheme, or similar arrangements, to assist our local flood victims. This would ensure that those directly impacted by the floods receive financial support, while Council continues to receive the rating income it relies upon to undertake the massive task of rebuilding the Richmond Valley.

Tendering concessions

As Council begins to undertake the major construction works required to rebuild our roads, bridges and water and sewerage networks, we would also seek support from the NSW Government to assist in streamlining the local government tendering process. Under the requirements of the *Local Government Act 1993*, Council is required to call tenders for works over the value of \$250,000. Following the 2019-20 bushfires, the NSW Government provided a temporary increase of the tendering threshold to \$500,000 for councils undertaking recovery works. This was of great assistance to our Council at the time and we would seek your support in introducing a similar concession for those undertaking flood-related repair works in the wake of this latest disaster.

Having experienced eight natural disasters in the past three years, our Council understands how important these immediate assistance measures can be in helping communities to get back on their feet and providing stimulus to the regional economy. We are also preparing a Flood Impact and Response Report along with an Economic Impact Assessment which we intend to have available for you by next week.

Thank you again for your continued support for our community. Please feel free to contact Council's General Manager, Vaughan Macdonald on mobile 0415 155 257 should you or your team require further information on these matters.

Yours sincerely



Robert Mustow
Mayor



Vaughan Macdonald
General Manager

Cc.

Deputy Premier, Minister for Regional NSW, Minister for Police, Mr Paul Toole MP

Minister for Local Government, Ms Wendy Tuckerman MP

Minister for Emergency Services, Ms Steph Cooke MP

Member for Clarence, Mr Chris Gulaptis, MP



The Hon. Wendy Tuckerman MP
Minister for Local Government

Our Ref: A815488

Clr Robert Mustow
Mayor
Richmond Valley Council
Via email: council@richmondvalley.nsw.gov.au

Dear Clr Mustow

Thank you for your correspondence of 30 March 2022 to the Premier, the Hon. Dominic Perrottet MP, regarding Richmond Valley Council's (Council) flood recovery planning.

At the outset, I would like to acknowledge the challenges currently faced by Council and its community recovering from the recent major flood event. I would like to assure you that the NSW Government will do what it can to support the recovery effort.

I have addressed each of the matters you have raised below:

Long Term Community Planning

I understand that your community has endured a series of disasters and will need time to recover from this most recent emergency before it can properly consider the future in the area.

As you have noted, under the *Local Government Act 1993*, councils are required to review their community strategic plans before 30 June following the election and to establish a new delivery program to cover the principal activities of the council for the 4-year period commencing on 1 July following the election.

The Act does not contain a mechanism that would allow councils to be exempted from these requirements or to extend the statutory timeframes. However, the Government recognises the extraordinary challenges currently faced by Council and its community in recovering from the floods and the potential for this to impact on the Council's capacity to meet these timeframes.

The Act does not specify the extent to which the current community strategic plan is reviewed, and councils should tailor their review of the community strategic plan to suit their circumstances, understanding that this will be an unusually short council term.

Rating Relief

I would like to commend Council for quickly putting in place measures to provide rating relief to its ratepayers immediately affected by the floods.

I acknowledge Council's request for the NSW Government to offer rates rebates or a similar scheme to flood victims similar to those made available to victims of the 2019/2020 bushfires. For the 2022 Floods the NSW Government has announced an \$80 million working capital fund to provide concessional loans to councils to supplement cashflow and operational performance given the anticipated loss of revenue from council rates as a result of hardship. This will build upon

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 5280 ■ W: nsw.gov.au/ministertuckerman

council's existing hardship processes. Further details about this process and fund will be released in the coming weeks.

I was also pleased to announce grants of \$1 million to flood affected councils, including Richmond Valley Council to assist with immediate social, built, economic and environmental needs. The Government will continue to work closely with Council to ensure it, and its community, has the resources and support needed to recover. I also anticipate that in the coming week further grants to support Richmond Valley will be made available.

The NSW Government has also made a range of financial assistance available to people impacted by severe weather and flooding in NSW from 22 February 2022 onwards. Further information on the financial support available for people affected by the floods is available at: <https://www.nsw.gov.au/floods/people>.

Tendering Concessions

I am pleased to advise that the Government is currently considering amendments to the *Local Government (General) Regulation 2021* to prescribe a higher tendering threshold for contracts relating to natural disaster response and recovery. Further information about this will be provided to councils soon.

Should Council require further support or assistance in relation to these or any other matters, please do not hesitate to contact your Council Engagement Manager at the Office of Local Government, Karen Purser on 0488 499 736 or by email at karen.purser@olg.nsw.gov.au. Thank you for taking the time to bring this matter to the Government's attention.

Yours sincerely



The Hon. Wendy Tuckerman MP
Minister for Local Government

Date: 3 May 2022

15.4 DRAFT CODE OF MEETING PRACTICE

Director: Ryan Gaiter

Responsible Officer: Kate Alder-Conn

EXECUTIVE SUMMARY

The Model Code of Meeting Practice for Local Councils in NSW (the Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the Local Government (General) Regulation 2021 (the Regulation).

The Code applies to all meetings of councils and committees of which all the members are councillors. Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code within 12 months of the local government elections, held in December 2021. Councils must exhibit a draft of the Code for a period of at least 28 days and provide members of the community at least 42 days in which to comment on the draft Code.

RECOMMENDATION

1. That Council:
 - (a) Notes the Draft Model Code of Meeting Practice, with proposed changes as outlined in this report;
 - (b) Acknowledge that the Draft Code will be publicly exhibited for a minimum of 28 days following the May Ordinary Meeting; and
 - (c) Following a 42-day period for community feedback, the Code will be brought before Council for adoption.

DELIVERY PROGRAM LINKS

Making Council Great

CS1: Leading and Advocating for our Community

CS1.1: Improve decision making by engaging stakeholders and taking community input into account

BUDGET IMPLICATIONS

Nil

REPORT

The Model Code of Meeting Practice for Local Councils in NSW (the Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the Local Government (General) Regulation 2021 (the Regulation).

The Code applies to all meetings of councils and committees of which all the members are councillors. Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code within 12 months of the local government elections, held in December 2021. The Code to be adopted can also incorporate the non-mandatory provisions, together with additional provisions, provided they are not inconsistent with the mandatory provisions.

Councils must exhibit a draft of the Code for a period of at least 28 days and provide the community at least 42 days in which to comment on the draft Code.

The draft Code shows non-mandatory provisions in red font. Supplementary provisions are indicated in green font.

Since the last Model Code of Meeting Practice was adopted in 2019, there have been a number of changes including:

- **Statement of Ethical Obligations – Clause 3.23**
An amendment has been made to the Model Meeting Code implementing Recommendation 6 in ICAC's report in relation to its investigation of the former Canterbury City Council. ICAC recommended that the Model Meeting Code be amended to require that council business papers include a reminder to councillors of their oath or affirmation of office, and their conflict of interest disclosure obligations.
- **Audio-Visual Link Implications – Clauses 3.35, 4.2, 4.15 - 4.29, 4.44, 13.20, 14.20 - 14.21 & 15.20**
The Model Meeting Code contains new provisions that allow councils to permit individual councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies.
- **Webcasting – Clauses 4.34 to 4.39**
Amendments have also been made to the provisions governing the webcasting of meetings and disorder at meetings to reflect amendments to the Regulation since the previous iteration of the Model Meeting Code was prescribed.

Suggested changes include the amendment of the clauses pertaining to Public Access, shown at 4.33 (pages 14 – 15).

Public Access

4.33 The Council Meeting Business Paper will include a section titled 'Public Access'.

The procedure for the conduct of the **Public Access Sessions** will be as follows:

- 1) The Public Access Sessions will be held in conjunction with Ordinary Council Meetings on agenda items only.
- 2) The Public Access Sessions will be conducted at the commencement of the meeting on the scheduled days or during meeting time at the discretion of the Mayor/General Manager.
- 3) A time limit of five (5) minutes per address will be applied with a maximum of six (6) time slots allocated at any one session. Each time slot shall be for one (1) item on the agenda.
- 4) Prior appointment for addressing Council must be made through Council's Governance Department with advice as to agenda item. Applications for allocation of access must be made by 4.30pm on the Monday prior to the scheduled meeting with details to be provided to Councillors by midday on the day of the meeting.
- 5) **Public access shall only be granted on matters for determination, unless prior approval is granted for matters for information, which shall be approved by the General Manager on a case-by-case basis.**
- 6) **The General Manager reserves the right to view any proposed presentations to be included in a public access session prior to the meeting. Presentations are to be forwarded to Council for review by 2.00pm on the Tuesday prior to the**

scheduled meeting. Permission to include a presentation is at the General Manager's discretion.

- 7) The General Manager reserves the right to determine what level of detail shall be included in the Minutes, with regard to public access presentations. The Minutes will acknowledge the speaker and the general nature of the address, however, will not capture the presentation verbatim.**
- 8) Council's response to an address (if any) will not necessarily be given at the time of the address. Should an answer not be provided at the Council Meeting, a written response will be forwarded to the person raising the question within seven (7) days of the meeting. A copy of the response is to be provided to Councillors and recorded in the minutes of the following meeting.**
- 9) At all times during the address, participants will respect the right of the Chairperson to terminate the session. There is to be no debate on a response provided by Council.**
- 10) Addresses are not to be directed to any individual.**
- 11) Councillors will have the right to question the speaker on the topic outside the presentation time.
- 12) 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.**

The changes have been proposed to factor in the implications of live webcasting of meetings, and to streamline the public access process.

CONSULTATION

Following presentation to the May Ordinary Meeting, community consultation will be undertaken, with a public exhibition period of not less than 28 days, with feedback to be received for a period of 42 days.

CONCLUSION

This report summarises the proposed amendments to the Model Code of Meeting Practice, to be put on public exhibition following the May Ordinary Meeting, prior to being presented to a future Council meeting for adoption.

ATTACHMENT(S)

- 1. Draft Model Code of Meeting Practice (under separate cover)**

15.5 FINANCIAL ANALYSIS REPORT - APRIL 2022**Director:** Ryan Gaiter**Responsible Officer:** Hayley Martin**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 April 2022 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$19,890,786	\$29,000,000	\$4,750,390	\$2,000,000	\$14,876,788	\$70,517,964

The weighted average rate of return on Council's cash and investments for April 2022 was negative (2.99%) which was below the Bloomberg AusBond Bank Bill Index for April of negative (0.02%), which is Council's benchmark.

RECOMMENDATION

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

DELIVERY PROGRAM LINKS

Making Council Great

CS1: Leading and Advocating for our Community

CS1.4: Provide high level financial and business analysis advice to monitor performance

BUDGET IMPLICATIONS

As at 30 April 2022, Council has earned \$289,247 in interest and \$480,101 fair value losses for total interest and investment income of negative (\$190,854). This equates to a current loss of 22.45% against the annual budget for interest and investment income of \$850,000. Council currently receives a net return of 0.55% on its Macquarie CMA Account after Council's financial advisors receive their commission of 0.05%. Commissions for the 2021/2022 financial year to 30 April 2022 total \$3,786.

The fair value losses are in medium and long term products and exiting these products in the current market conditions is not recommended. Future fair value gains or losses will continue to be monitored and reported to Council.

REPORT**Reserve Bank of Australia (RBA) Cash Rate Update**

The RBA maintained the cash rate at 0.10% per annum at its April meeting.

Rate of Return

The weighted average rate of return on cash and investments in April 2022 was negative (2.99%), a decrease of 60 basis points from the previous month. The rate of return is 297 basis points below the Bloomberg AusBond Bank Bill Index of negative (0.02%) which is Council's benchmark.

Council's NSW Treasury Corporation IM Funds returned net losses of \$218,291 during April 2022, bringing the total losses for the 2021/2022 financial year to 30 April 2022 to \$480,101.

The Medium-Term Growth Fund (MTGF) returned a loss of \$168,569 and the Long Term Growth Fund (LTGF) returned a loss of \$49,722.

The continued war in Ukraine and the volatility in financial markets led to a disappointing result in April; however, it is important to note that these are long term investments with returns being subject to market volatility, particularly in times of economic uncertainty. The MTGF has a recommended investment timeframe of 3-7 years (original investment was October 2018) and the LTGF has a recommended investment timeframe of 7 years or greater (original investment was June 2021).

Term deposits and floating rate notes continue to offer low rates of return; however, these are starting to show signs of increasing. Some banking institutions are still limiting the number of deposits they will accept, and others are not accepting any deposits at present.

Council's Cash and Investments Portfolio

Council held cash and investments of \$70,517,964 at 30 April 2022. This was made up of Council's Business Online Saver Account (\$9,025,000), Macquarie Cash Management Account (\$10,004,767), Term Deposits (\$29,000,000), Floating Rate Notes (\$4,750,390), Bonds (\$2,000,000), NSW Treasury Corporation Investments (\$14,876,788) and other bank accounts (\$861,019).

Council's investment portfolio had maturity dates ranging from same day up to 1,742 days. Term deposits, floating rate notes and bonds of \$35,750,390 represented 50.7% of the total portfolio as at 30 April 2022.

Council made the following new investments during April 2022:

Banking Institution	Investment Type	Environmentally Sustainable Investment	Amount Invested	Investment Term	Interest Rate
Australian Unity Bank	Term Deposit	Y	\$2,000,000	3 months	1.00%
Judo Bank	Term Deposit	Y	\$1,000,000	3 months	1.05%
Members Equity Bank	Term Deposit	Y	\$1,000,000	6 months	1.75%
Members Equity Bank	Term Deposit	Y	\$2,000,000	3 months	1.00%
Total			\$6,000,000		

Council had the following investment maturities during the month of April 2022:

Banking Institution	Investment Type	Environmentally Sustainable Investment	Amount Invested	Interest Earned
Judo Bank	Term Deposit	Y	\$1,000,000	\$9,900
Bank of Sydney	Term Deposit	Y	\$2,000,000	\$4,033
Judo Bank	Term Deposit	Y	\$1,000,000	\$4,241

Bank of Sydney	Term Deposit	Y	\$2,000,000	\$3,945
Total			\$6,000,000	\$22,119

Council had \$14,876,788 in longer term investments being the MTGF and LTGF held with NSW Treasury Corporation as at 30 April 2022. The investment values and fair value returns are shown below:

Investment Holding	Fair Value 30 Apr 22	Fair Value Gain/(Loss) Apr-22	Fair Value Gain/(Loss) YTD	Fair Value Gain/(Loss) Life of Investment
Medium Term Growth Fund	\$11,942,382	(\$168,569)	(\$394,922)	\$937,353
Long Term Growth Fund	\$2,934,406	(\$49,722)	(\$85,179)	(\$65,594)
Total	\$14,876,788	(\$218,291)	(\$480,101)	\$871,759

Environmentally Sustainable Investments (ESI's)

Council's cash and investments portfolio of \$70,517,964 at 30 April 2022 includes \$46,626,788 or 66.1% with no direct investment in the fossil fuel industry.

These include Council's investments with NSW Treasury Corporation and Northern Territory Treasury Corporation.

NSW Treasury Corporation has a stewardship approach to ESIs which focuses on managing environmental, social and governance (ESG) risks and opportunities, particularly climate change which is expected to impact portfolios over the long term. The stewardship policy states NSW Treasury Corporation believes incorporating these principles into investment decisions results in better risk-adjusted financial outcomes. Even though NSW Treasury Corporation takes this stewardship approach, its monthly reporting only highlights the different asset classes, not individual investments, and the level of investment in the fossil fuel industry.

Northern Territory Treasury Corporation utilises funds to assist with its infrastructure requirements such as housing, transport, health, and education services. Whilst no statement has been provided on its investment strategy, it has been assumed that providing funding towards its own infrastructure will not involve direct investment in the fossil fuel industry.

CONCLUSION

During the month of April 2022, Council's investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

As at 30 April 2022 Council's cash and investments totalled \$70,517,964 with \$19,890,786 of this being funds held in bank accounts. The weighted average rate of return was negative (2.99%) for the month of April 2022 and total investment revenue equals negative (22.45%) of budgeted revenue for the year to 30 April 2022.

ATTACHMENT(S)

1. RVC Investment Pack - April 2022 (under separate cover)

15.6 REVIEW OF PURCHASING POLICY

Director: Ryan Gaiter

Responsible Officer: Geoff Dellar

RECOMMENDATION

That Council receives and notes the revised Purchasing Policy, inclusive of a local content provision and GIPA reporting requirements.

REPORT

Council adopted the current Purchasing Policy (CPOL 6.06) on 18 August 2015. The policy was developed in compliance with the Local Government (General) Regulation 2005. The Regulation has since been reviewed, with compliance now required with the Local Government (General) Regulation 2021.

Most of the changes in the 2021 Regulation relate to procurement involving the use of electronic submission of tender documents and deletion of references to previous forms of technology no longer in general use, however, this change to the Regulation requires Council to review the current Purchasing Policy and Purchasing Procedure.

The review has particularly focused on the wording and inclusion of a local first policy, and requirements under the *Government Information (Public Access) Act 2009* (GIPA Act).

Since 2015 Council has operated under the current Purchasing Policy, that reflects in the policy statement - a commitment to obtaining best value for money through the implementation of an efficient and ethical purchasing policy. Included in the policy wording is a direct reference to Council not recognising a "local preference" within the policy or procedure. This statement also states that "local businesses are encouraged to discuss Council's procurement strategy and any opportunities which may exist to compete for a share of Council's business". This statement may imply that Council is not supportive of local business in its purchasing activities and places a greater value on cost than local content, which is not the intention (or result) of the statement.

To address this, a new version of the Purchasing Policy and the associated procedure has been written to specifically address:

- How a local contractor or supplier is defined,
- How much weight is to be applied to submissions from local suppliers or contractors, and
- The method utilised to apply a weighting to submissions from local suppliers and contractors.

The objectives of this change in policy and procedure are to:

- Provide benefits to the local economy in Council's procurement processes,
- Allow tenderers to demonstrate the benefits of their bid easily and simply to the local economy by using a standard tender schedule format,
- Allow easy assessment by Council within the tender evaluation system,
- Encourage suppliers from outside the Richmond Valley Council area to submit tenders by providing a transparent method of assessing local content,
- Promote the use of local contractors, materials, and services,
- Have a fair and transparent system that addresses probity, and
- Ensure tenders are evaluated on an equal footing.

Government Information (Public Access)

While the current Purchasing Policy makes reference to “compliance with legislative requirements”, the current purchasing procedure provided little information on the relevant GIPA requirements or thresholds for reporting. This has now been addressed in the Purchasing Procedure adopted as an internal procedure in December 2021. Clear detail on the requirement to report, the required content of the report and detail of information that is not to be included in a report, have been added, bringing the procedure into line with the *Government Information (Public Access) Act 2009*.

The objectives of this change in procedure are to:

- Provide clear information to Council staff engaged in procurement of goods or services to advise them of the responsibilities of Council under the GIPA Act, and
- To ensure public access to documents as prescribed by the GIPA Act.

The new purchasing policy is comprehensive and addresses how Council will provide value for money while maintaining an efficient and ethical purchasing process. The procedure utilises three basic steps in all purchasing activities:

1. Adherence to key principals,
2. Adoption and strict adherence to the purchasing procedure, and
3. Finance department reporting on purchasing activities to highlight areas of departure from stated purpose.

Consultation

During the review of the policy and procedure consultation occurred with member councils of the NRJO, councils not linked to the NRJO and internally with Council’s finance and governance departments.

Conclusion

Councils are required to comply with the Local Government (General) Regulation 2021, which this change to the purchasing policy and procedure demonstrates. The timing of the review also allows focus on parts of the current policy and procedure that were lacking content, clear intention or did not clearly represent Council’s agreed behaviours.

The proposed policy and internally adopted procedure now formally address a local first policy and GIPA Act requirements.

ATTACHMENT(S)

1. Draft Purchasing Policy (under separate cover)

15.7 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 31 MARCH 2022

Director: Ryan Gaiter

Responsible Officer: Hayley Martin

EXECUTIVE SUMMARY

This report outlines the proposed adjustments for the 2021/2022 budget for the quarter ended 31 March 2022. This quarterly budget reviewed has been prepared during a very challenging time, as the full impacts of the February-March floods are still being assessed.

The proposed changes see Council's projected operating surplus from continuing operations for 2021/2022 increase slightly to \$16,347,497, from the budget surplus of \$16,247,525 at 31 December 2021. The operating result before capital grants and contributions has improved slightly to a projected loss of \$1,600,735.

Income from continuing operations has increased by \$1,670,765, to a projected total of \$89,577,562. This is largely due to an increase in private works being carried as well as Council receiving a \$1 million Flood Recovery Grant. Expenses from continuing operations have increased by \$1,570,792, to a projected total of \$73,230,064.

Council has performed a review of its capital works program given the unprecedented flood events, resulting in a decrease of \$7,121,799, to a projected total of \$38,584,669. The delivery of Council's capital works program has been significantly impacted by the flooding and will continue to be impacted by supply constraints and contractor availability along with ongoing wet weather. These impacts are likely to continue for the remainder of this financial year, so Council's capital works program will be closely monitored and reassessed for carry overs at 30 June 2022.

Council's unrestricted cash surplus has remained unchanged at \$288,588 as at 31 March 2022.

A detailed Quarterly Budget Review Statement for the third 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 9-13.

RECOMMENDATION

That Council:

1. Receives the Quarterly Budget Review Statement as at 31 March 2022; and
2. Approves the recommended budget variations.

DELIVERY PROGRAM LINKS

Making Council Great

CS1: Leading and Advocating for our Community

CS1.4: Provide high level financial and business analysis advice to monitor performance

BUDGET IMPLICATIONS

As detailed in the report.

REPORT

The budget review for the third quarter of the 2021/2022 financial year has seen Council's operating result from continuing operations improve to a projected surplus of \$16,347,497. This is an increase of \$99,973 from the revised budget surplus of \$16,247,525 at 31 December 2021. Council's projected operating result before capital grants and contributions is a loss of \$1,600,735.

Council's estimated budget result (unrestricted cash result) has remained unchanged from the revised budget as at 31 December 2021 of \$288,588.

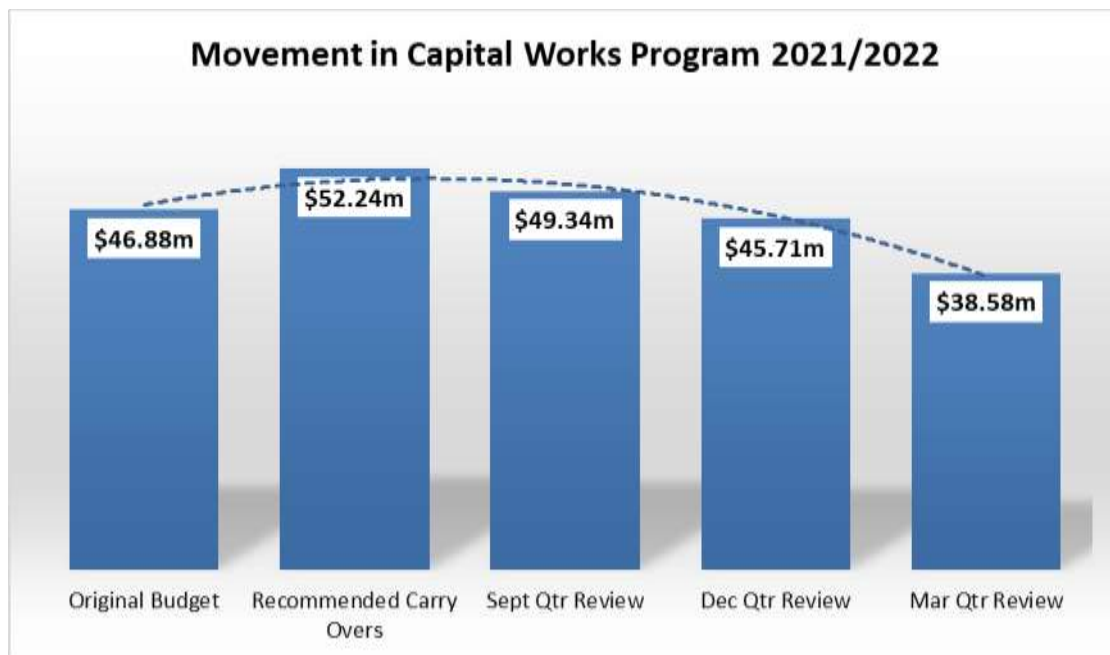
In overall cash terms, there is a decrease in the estimated funding from reserves of \$7,221,772, with an estimated total transfer from reserves of \$177,106 for the 2021/2022 financial year. This is mainly due to a decrease in capital works.

Income from continuing operations has increased by \$1,670,765, with total income now projected to be \$89,577,562. Largely contributing to this increase is \$2,198,040 in contributions towards private works for the restoration of damaged roads as a result of the Pacific Highway Upgrade along with \$1 million being received in Local Government Recovery Grants for the February 2022 Flood Event to be utilised towards undertaking immediate recovery activities. Offsetting these increases was the removal of \$1,200,000 in grant funding for the Casino Swimming Pool Upgrade as works will continue into the 2022/2023 financial year. All recommended changes for Council resolution of \$1,670,765 are disclosed by Priority Area on page 4 of the Quarterly Budget Review Statement and detailed explanations are provided on pages 9-13.

Expenses from continuing operations have increased by \$1,570,792 to a projected total of \$73,230,064. This is largely attributed to the increase in private works of \$1.6 million this financial year for restoration works of damaged roads as a result of the Pacific Highway upgrade, as mentioned above. All recommended changes for Council resolution of \$1,570,792 are disclosed by Priority Area on page 5 of the Quarterly Budget Review Statement and detailed explanations are provided on pages 9-13.

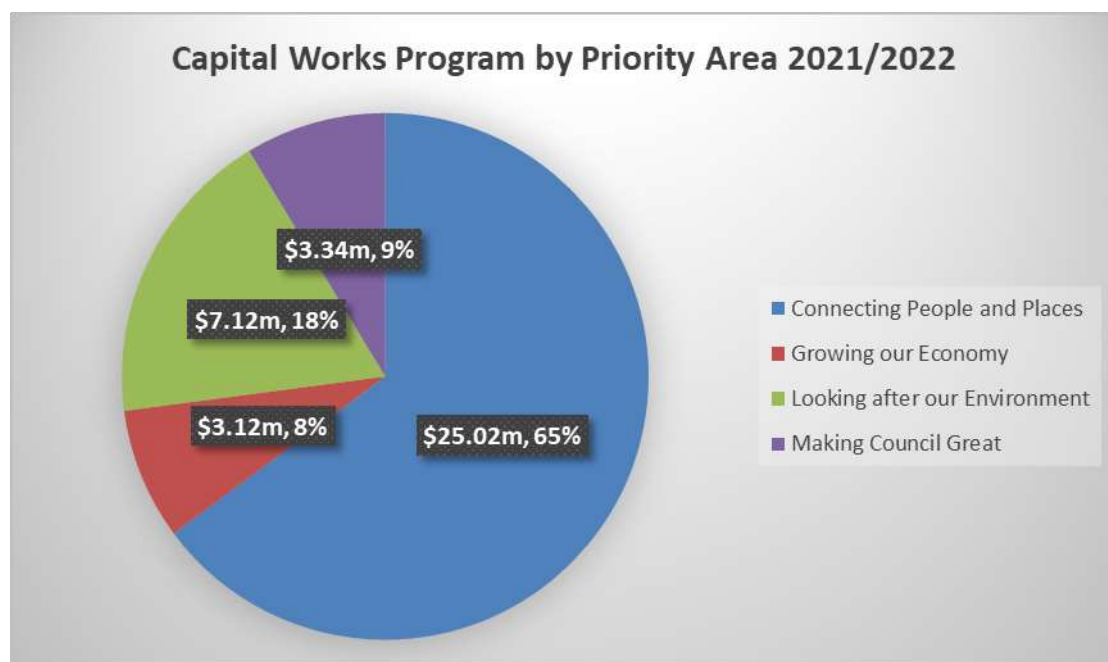
Council's capital works budget has decreased from the revised budget by \$7,121,799, to a projected capital works program of \$38,584,669 at 31 March 2022. Council is still undertaking assessments of flood damaged infrastructure and with the continuing wet weather as well as, like many other industries, significant supply constraints and delays in contractor availability, the ability to complete the capital works program remains unknown. As the scale of the disaster unfolds the adjustments performed in this review were done so with the information currently available and it is likely that there will be further adjustments at the end of this financial year which will require carry over to 2022/2023. Decreases for the March Quarter are largely attributed to the Casino Swimming Pool Upgrade, Casino Showgrounds and Racecourse Upgrade, Nammoona Landfill Cell 6 Construction, along with \$2.2 million of road projects which have all been impacted by wet weather and supply constraints. It is also important to note that the remaining capital works program does not include any of the immediate reconstruction works for essential public assets as approval for these came post 31 March 2022. All recommended changes to the Capital Works Program are disclosed by Priority Area on page 6 of Council's Quarterly Budget Review Statement and detailed explanations are provided on pages 9-13.

The following graph tracks the movement in the capital works program for 2021/2022. Council started the year with an adopted budget of \$46.88 million, once the carry over works were added the capital works budget totalled \$52.24 million, staff then completed a review of the capital works budget at the end of the first quarter and removed \$2.9 million in projects that will not be completed this financial year, along with a further \$3.6m in the second quarter, leaving a capital works program of \$45.71 million as at 31 December 2021. A further review during the March quarter has resulted in an additional \$7.12 million being removed, leaving a capital works program of \$38,584,669 as at 31 March 2022.



Council's capital works program will need to be closely monitored and further reviewed at the end of financial year.

The following graph provides a summary of the capital works program by Priority Area:



Council's projected budget position and recommended changes for Council resolution are summarised in the table below:

Quarterly Budget Review Statement for the quarter ended 31 March 2022	Original Budget 2021/2022	Recommended Changes for Council Resolution	Projected Year End Result 2021/2022
Income from Continuing Operations	87,906,797	1,670,765	89,577,562
Expenses from Continuing Operations	71,659,272	1,570,792	73,230,064
Operating Result from Continuing Operations	16,247,525	99,973	16,347,497
Operating Result before Capital Income	(3,507,771)	1,907,036	(1,600,735)
Add: Non-Cash Expenses	17,742,716	0	17,742,716
Add: Non-Operating Funds Employed	7,959,945	0	7,959,945
Less: Capital Expenditure	45,706,468	(7,121,799)	38,584,669
Less: Loan Repayments	2,999,794	0	2,999,794
Estimated Funding Result – Surplus/(Deficit)	(6,756,077)	7,221,772	465,694
Restricted Funds – Increase/(Decrease)	(7,044,666)	7,221,772	177,106
Unrestricted Funds – Increase/(Decrease)	288,588	0	288,588

Pages 9 to 13 of the attached Quarterly Budget Review Statement contain the detailed budget variation explanations. A summary of the main contributing factors within each Priority Area is as follows:

Connecting People & Places

- Decrease in capital grants of \$1.2 million of grant funding for the Casino Swimming Pool which will continue into 2022/2023.
- Increase in operating revenue for emergency management with Council receiving \$1 million towards immediate recovery activities from the February flood event.
- Decrease in capital expenditure for building and maintaining roads as flood damaged infrastructure are being assessed.

Growing our Economy

- Increase in operating revenue and expenditure for private works with council receiving a contribution towards the restoration of damaged roads as a result of the pacific highway upgrade and asset handover process.
- Decrease in capital expenditure for real estate development, with \$525,000 being transferred into 2022/2023 for the Casino Industries Activation project, sewer rising main works.

Looking after our Environment

- Reduction in capital works for waste management of \$1,105,000 largely due to \$1,000,000 for Cell 6 Construction at Nammoona being transferred to 2022/2023.
- Decrease in Sewerage Services capital works of \$217,662 as Council assesses the extent of damage to infrastructure from the recent flood events.

Making Council Great

- Decrease in capital expenditure for engineering support of \$70,418 with casino depot road sealing works being delayed until 2022/2023.

CONSULTATION

Nil.

CONCLUSION

As at the end of the third quarter, Council's operating result from continuing operations is a projected surplus of \$16,347,497, with a projected loss before capital grants and contributions of \$1,600,735. Council's capital works budget has decreased to \$38,584,669 and this will be closely

monitored as the extent of damage to Council assets are realised. Council's estimated budget result (unrestricted cash result) has remained unchanged at \$288,588 and overall, Council's projected financial position at year end remains satisfactory.

ATTACHMENT(S)

1. **Quarterly Budget Review Statement 31 March 2022 (under separate cover)**

16 COMMUNITY SERVICE DELIVERY

Nil

17 PROJECTS & BUSINESS DEVELOPMENT

17.1 QUEEN ELIZABETH PARK PLAN OF MANAGEMENT

Director: Ben Zeller

Responsible Officer: Kim Anderson

EXECUTIVE SUMMARY

The draft Plan of Management for Queen Elizabeth Park was developed to provide a clear direction for future management of the facility and set a path to deliver the adopted Master Plan in accordance with the *Crown Land Management Act 2016* (CLM Act) and the *Local Government Act 1993* (LG Act).

Crown Lands provided confirmation on 13 January 2022 that the draft Plan of Management satisfies the requirements under Section 3.23(6) of the CLM Act and the plan can be publicly exhibited in accordance with Section 38 of the LG Act.

The draft plan was placed on public exhibition and no submissions were received.

RECOMMENDATION

That Council adopts the attached Queen Elizabeth Park Plan of Management, in accordance with Section 40 of the *Local Government Act 1993*.

DELIVERY PROGRAM LINKS

Connecting People and Places

PP1: Fresh and Vibrant Community

PP1.3: Provide clean, safe and accessible open spaces and recreational services to the community and visitors

BUDGET IMPLICATIONS

Nil

REPORT

The draft Plan of Management for Queen Elizabeth Park identifies the values, use, management practices and the broader public purpose for which the land has been reserved or dedicated. The draft Plan of Management applies the legislative framework under the principles of the *Local Government Act 1993* (LG Act), identifying the land as if it were “Community” land and providing an appropriate directed category that meets community needs.

Queen Elizabeth Park is owned by both the Crown and Council and managed by Richmond Valley Council. Council is appointed Crown Land Manager under the *Crown Land Management Act 2016* (CLM Act). The CLM Act authorises local councils appointed to manage dedicated or reserved Crown land to manage that land as if it was public land under the LG Act. Therefore, all Crown land reserves managed by council as “Community” land are required to have a Plan of Management under the LG Act.

Council engaged with the community to develop a master plan for the facility to capture the vision, direction, improvement, and enhanced redevelopment of the sporting complex to improve sporting facilities for the community. After extensive consultation, the Queen Elizabeth Park Sporting Complex Master Plan was adopted by Council on 20 October 2020 which forms an appendix to this draft Plan of Management.

Crown Lands provided confirmation on 13 January 2022 that the draft Plan of Management satisfies the requirements under section 3.23(6) of the CLM Act and that Council can progress to public exhibition in accordance with section 38 of the LG Act.

Acting Principal Policy and Project Manager as delegate for the Minister for Lands and Water, provided consent for Council to adopt the Plan of Management under clause 70B of the *Crown Land Management Regulation 2018* following Public Exhibition, provided it is not altered from the exhibition draft. Any changes to the draft Plan of Management after public exhibition will require further approval from the Minister prior to Council adoption.

The draft Plan of Management is categorising the Crown Land Reserve for the first time in accordance with the LG Act. As this is the first time the reserve has been categorised Council was not required to hold a public hearing in accordance with Section 3.23(7)(c) of the CLM Act.

The land owned by Richmond Valley Council included in the draft Plan of Management retains the same classification being 'Sportsground' with the previous Plan of Management adopted in September 1999. As this draft Plan of Management does not alter the categorisation a public hearing is not required in accordance with Section 40A of the LG Act.

The draft Plan of Management was placed on public exhibition from 7 February to 21 March 2022. Council did not receive any submissions.

CONSULTATION

Council staff have worked closely with stakeholders and user groups at the facility to develop a Master Plan and draft Plan of Management.

The draft Plan of Management was placed on public exhibition in accordance with Section 38 LG Act for 28 days and was open for public submissions for a total of 42 days, closing 21 March 2022.

During this period no public submissions were received.

Council was not required to hold a public hearing for this draft plan of management in accordance with Section 3.23(7)(c) of the CLM Act and Section 40A of the LG Act.

CONCLUSION

The draft Queen Elizabeth Park Plan of Management involved extensive engagement with relevant stakeholders including public exhibition requirements undertaken in accordance with the LG Act and the CLM Act. Council did not receive any submissions during the public exhibition period and the draft Plan of Management is presented for Council's consideration for formal adoption.

ATTACHMENT(S)

- 1. Draft Queen Elizabeth Park Plan of Management (under separate cover)**

17.2 MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 12 APRIL 2022

Director: Ben Zeller

Responsible Officer: Graeme Robertson

EXECUTIVE SUMMARY

The Local Traffic Committee (LTC) conducted a meeting on 12 April 2022 to discuss a proposed extension of a 50kph speed zone on approach to Casino on the Casino Coraki Road, MR145.

RECOMMENDATION

That Council adopt the recommendations contained within the report of the Local Traffic Committee meeting held via electronic format on 12 April 2022.

DELIVERY PROGRAM LINKS

Connecting People and Places

PP2: Getting Around

PP2.1: Improve Road Management practices at Richmond Valley Council

BUDGET IMPLICATIONS

Nil

REPORT

The Local Traffic Committee (LTC) considered one item associated with a request for extension of a 50kph speed zone on approach to Casino on the Casino Coraki Road, MR145.

As part of the pre-DA acceptance process within Council and subsequent discussion with the subdivision consultant, RPS Group, it was identified that a proposed subdivision housing development in Lennox Street, Casino would benefit from access to Hare Street (Casino Coraki Road).

The proposed access into Hare Street would currently be located on a classified road (MR145) within a 100kph zone and as such this would restrict this access being approved from an urban development.

The following committee members were contacted: Ms Angela Jones (Director Community Service Delivery), Sergeant Dearne Jeffree (NSW Police), Ms Alexie Miller (TfNSW), Mr Chris Gulaptis MP (Member for Clarence), and Cr Robert Hayes (Councillor, Richmond Valley Council).

The meeting (which was held online) was facilitated by Mr Graeme Robertson (Coordinator Asset Management).

The Committee considered the request to implement the extension of the 50kph zone on Hare Street, Casino, as proposed.

All responses were in favour of the request.

The responses received satisfy the requirements of the Local Traffic Committee as identified in TfNSW publication "Delegation to Councils for the Regulation of Traffic" March 2009.

CONCLUSION

The LTC recommend supporting the request to approve the 50kph speed zone extension.

ATTACHMENT(S)

- 1. Minutes of Local Traffic Committee - held 12 April 2022 (under separate cover)**
- 2. Speed Zone Extension - Hare Street, Casino (under separate cover)**

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION**RECOMMENDATION**

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

19.1 GRANT APPLICATION INFORMATION REPORT - APRIL 2022

Director: Ryan Gaiter

Responsible Officer: Hayley Martin

RECOMMENDATION

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

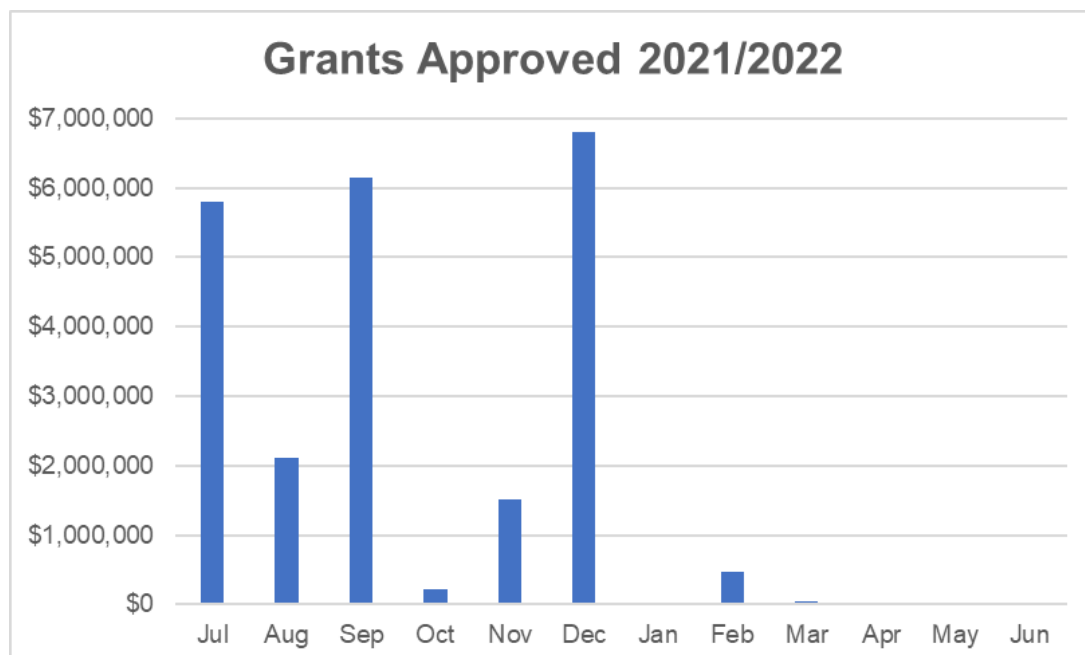
REPORT

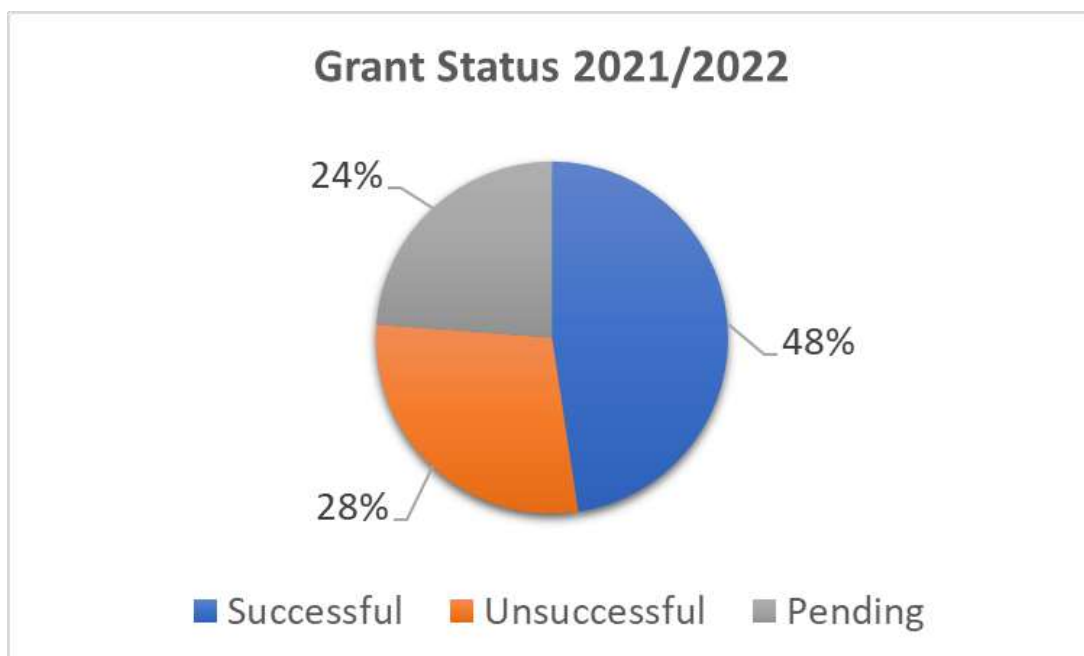
This report provides information on grant applications that have been approved, grants that have been received, grant applications that were unsuccessful and grant applications that were submitted for the month of April 2022.

During the reporting period, there were no grants approved.

Council received funding for four grants totalling \$4,919,117. Council was notified of three unsuccessful grant application and did not submit any grant applications during the period.

A summary of grants approved and received as well as the status of applications for the financial year to 30 April 2022 is shown below:





Grants that have been received

Project Name	Funding Body	Funding Name	Project Value	Grant Funding	Council Funding	Application Submitted	Date Received	Total Received
Financial Assistance Grant 2022/2023	NSW Local Government Grants Commission (Federal)	Financial Assistance Grant	\$5,832,375	\$5,832,375	\$ -	N/A - Annual allocation	\$ 4,374,281 14 April 2022	\$4,374,281
Comments: This payment was in advance for 2022/23. The total allocation is not yet known, and the current funding figures are estimated based on this payment being approximately 75% as advised.								
AGRN871 - NSW Bushfires: August 2019 onwards EPAR	Transport for NSW (State)	Disaster Recovery Funding Arrangements (DRFA)	\$2,178,500	\$2,178,500	\$ -	N/A	\$ 190,351 28 April 2022	\$1,216,473
Comments: Progressive claim received for bridge works completed as a result AGRN871 2019 Bushfires.								
NSW Storms and Floods 10 March 2021 Onwards AGRN960 – EPAR Packaged Works 1-15	Transport for NSW (State)	Disaster Recovery Funding Arrangements (DRFA)	\$5,800,000	\$5,800,000	\$ -	N/A	\$ 29,558 28 April 2022	\$1,456,722
Comments: Progressive claim received for emergency works performed on Bungawalbyn-Whiporie Road as a result of AGRN960 2021 Floods.								
AGRN871 - NSW Bushfires: August 2019 onwards Emergency Works and Immediate Reconstruction Works	Transport for NSW (State)	Disaster Recovery Funding Arrangements (DRFA)	\$1,895,016	\$1,895,016	\$ -	N/A	\$ 324,927 28 April 2022	\$1,895,016
Comments: Progressive claim received for emergency works performed as a result of AGRN871 2019 Bushfires.								

Project Name	Funding Body	Funding Name	Project Value	Grant Funding	Council Funding	Application Submitted	Advised Unsuccessful
Digital Promotions - promote, inform and entertain	State Library NSW (State)	Public Library Infrastructure Grants 2021/22	\$ 63,397	\$ 53,759	\$ 9,638	28 October 2021	7 April 2022
Comments: N/A							
Colley Park Basketball Court Upgrade	Office of Responsible Gambling (State)	Infrastructure Grant Round 3	\$ 100,000	\$ 50,000	\$ 50,000	22 November 2021	8 April 2022
Comments: N/A							
NBN - Coraki Fixed Wireless to Fibre to the Premise Technology Switch	National Recovery and Resilience Agency (Federal)	Preparing Australian Communities	\$4,101,809	\$1,582,756	\$2,519,053	22 December 2021	8 April 2022
Comments: N/A							

ATTACHMENT(S)

Nil

19.2 CORRESPONDENCE - DISASTER RELIEF AUSTRALIA

Director: Vaughan Macdonald

Responsible Officer: Julie Clark

RECOMMENDATION

That Council receives and notes the correspondence forwarded to Disaster Relief Australia.

SUMMARY OF CORRESPONDENCE

Disaster Relief Australia has supported the Coraki community's recovery and the attached letter acknowledges and thanks them for their contribution.

ATTACHMENT(S)

- 1. Disaster Relief Australia**



10 Graham Place Casino NSW 2470
Postal: Locked Bag 10 Casino NSW 2470
t: 02 6660 0300 f: 02 6660 1300

council@richmondvalley.nsw.gov.au
www.richmondvalley.nsw.gov.au

ABN 54 145 907 009

4 May 2022

Mr Markus Bucy
Chief Operating Officer
Disaster Relief Australia
1/299 Elizabeth Street
SYDNEY NSW 2000

Via Email: markus.bucy@disasterreliefaus.org

Dear Markus

On behalf of Richmond Valley Council, we would like to sincerely thank you for the assistance Disaster Relief Australia has provided to our community in the aftermath of the February/March 2022 floods, which devastated the Richmond Valley and the Northern Rivers.

You answered the call and delivered in spades. Chris Koedam, and your team of amazingly dedicated volunteers provided much needed support and guidance for Council and the heavily impacted community of Coraki, as well as nearby Woodburn and Broadwater.

Disaster Relief Australia has the ultimate can-do spirit with the right tools, skillsets, and experience to help our local community through this crisis. Navigating the disaster response was something we could not do alone. Having Disaster Relief Australia embedded in the community and working alongside Council, the Australian Defence Force, volunteers and the community has given us a head start to recovery and healing.

We extend our sincere appreciation to all Disaster Relief Australia volunteers for your outstanding support during one of the most challenging periods in our history. In years to come when people look back on this period, they will know that it was organisations like Disaster Relief Australia that made a positive difference in people lives.

Yours sincerely

A handwritten signature in black ink, appearing to read "R Mustow".

Robert Mustow
Mayor

A handwritten signature in black ink, appearing to read "Vaughan Macdonald".

Vaughan Macdonald
General Manager

19.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 APRIL 2022 TO 30 APRIL 2022

Director: Angela Jones

Responsible Officer: Andy Edwards

RECOMMENDATION

That Council receives and notes the Development Application report for the period 1 April 2022 to 30 April 2022.

REPORT

This report provides a summary of development activity on a monthly basis. All Development Applications determined in the month are outlined in this report, including Section 4.55 approvals, applications which were refused and withdrawn, and applications with no development value, such as subdivisions.

Council receives a fortnightly summary of the status of applications (including all received) and notifications of all determinations of Development Applications are included in the Community Newsletter on a monthly basis.

The total number of Development Applications and Complying Development Applications determined within the Local Government area for the period 1 April to 30 April 2022 was 15, with a total value of \$1,594,717.00 with one of these applications being for a bushfire affected property.

The graph below shows the number of development applications processed by Council over five financial years.

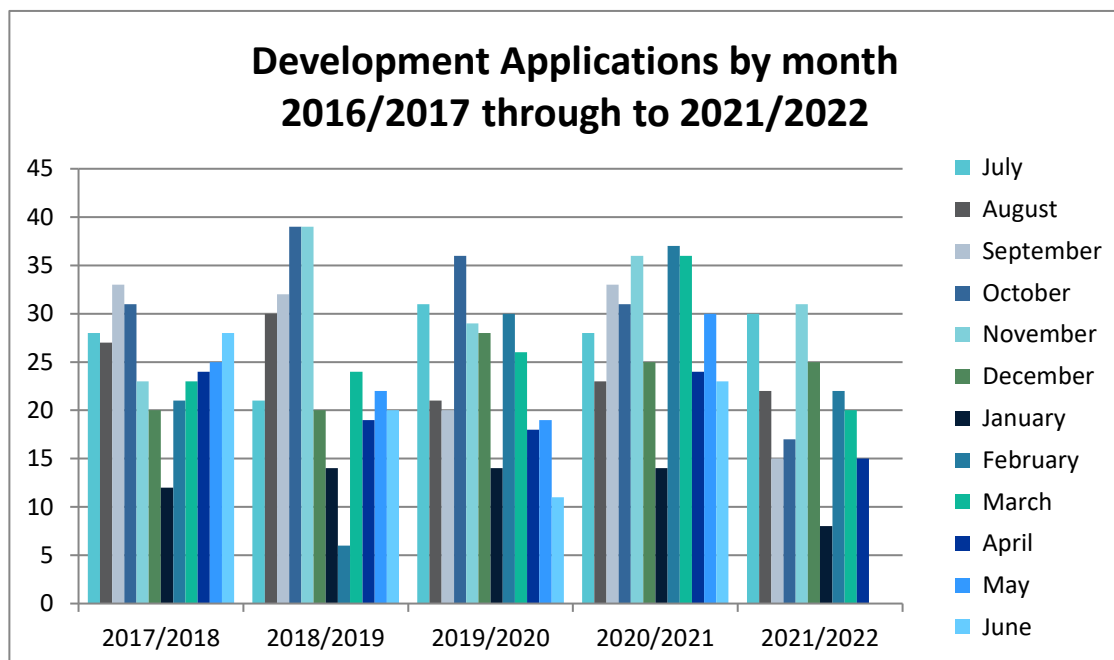


Figure 1: Monthly number of development applications processed by Council over five financial years.

Figure 2 graph provides the annual value of Development Consents issued by Council over five financial years and Figure 3 provides a detailed review of the value for the reporting month of April 2022.

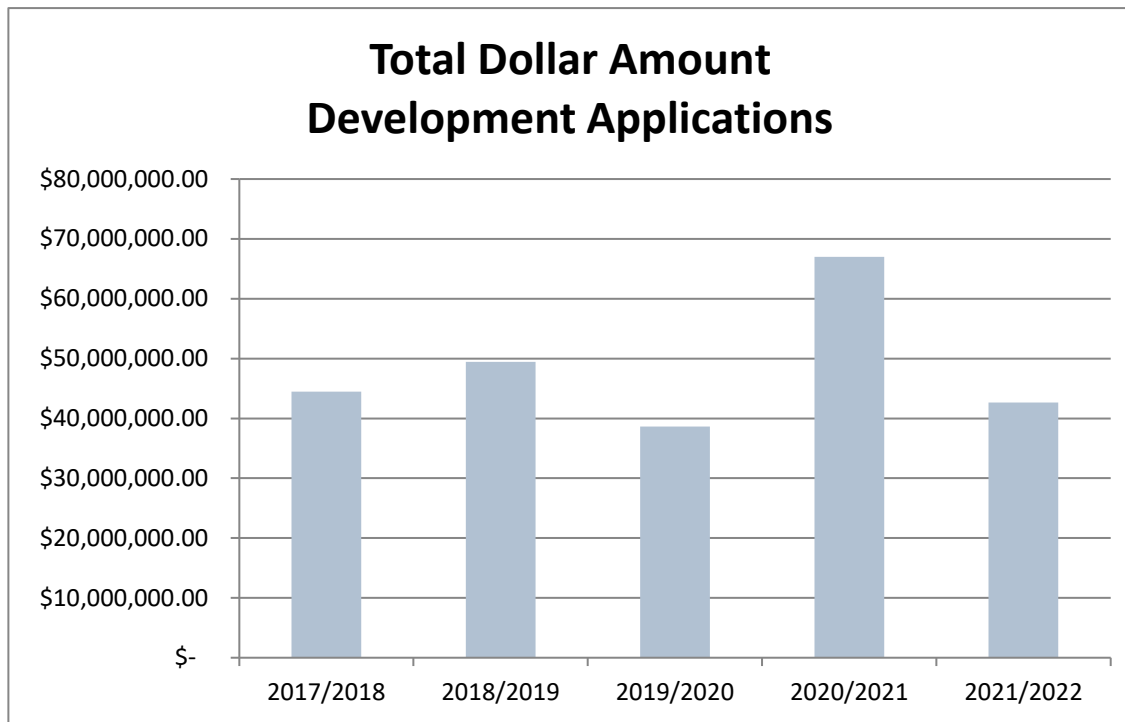


Figure 2: Annual value of development.

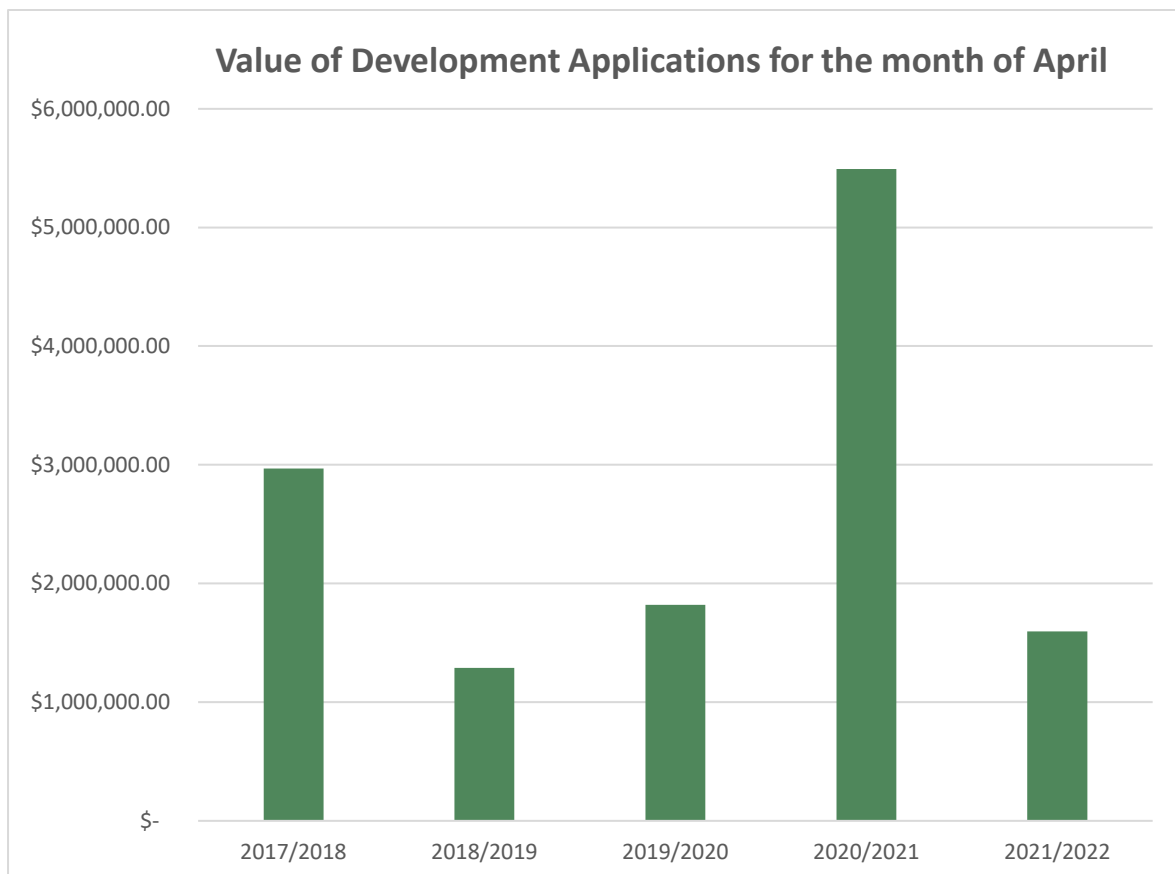


Figure 3: Value of development for the month of April 2022

Number of Development Applications

The number of applications received by Council does not necessarily reflect the value of developments, as single large developments can be equivalent in value to a large number of more standard type developments such as sheds, dwellings and small commercial developments.

Figures 4 and 5 detail the number of applications determined by Council over the past five years.

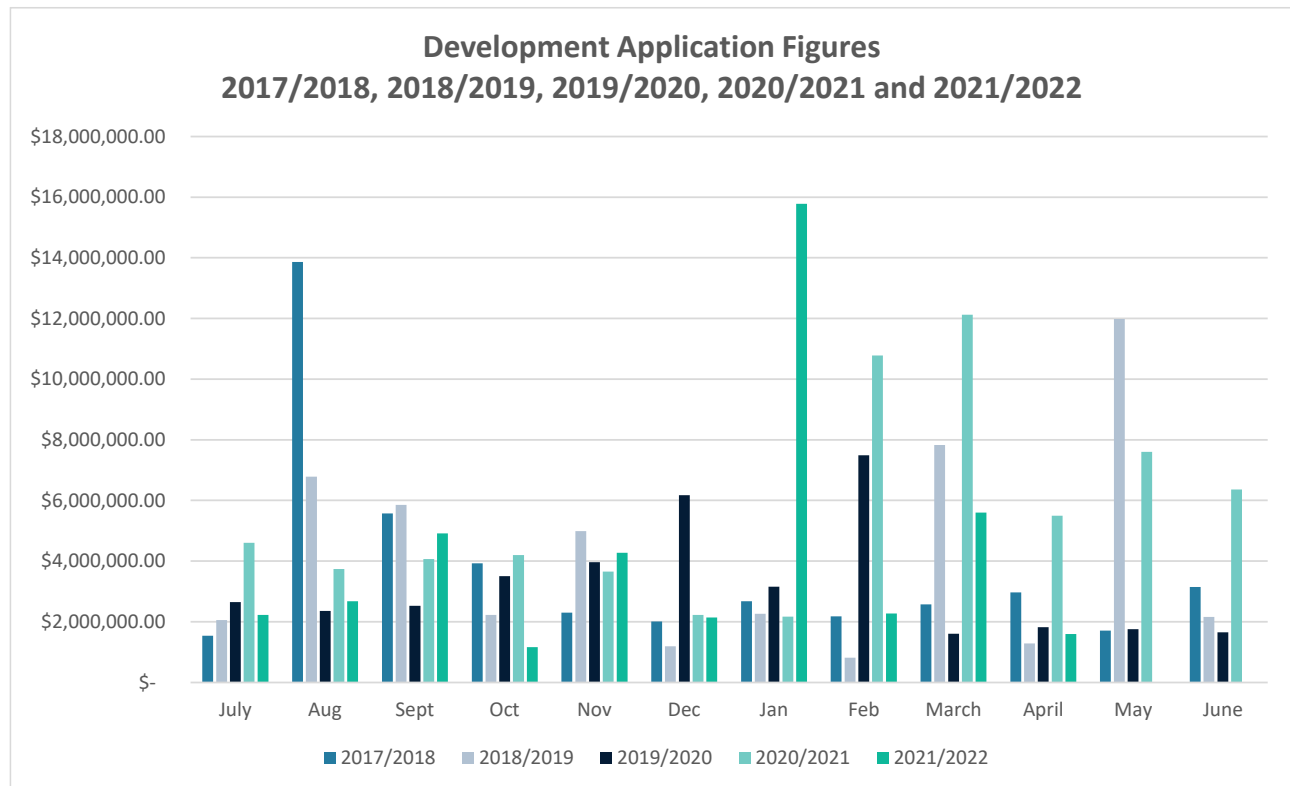


Figure 4: Value of development applications per month over five financial years.

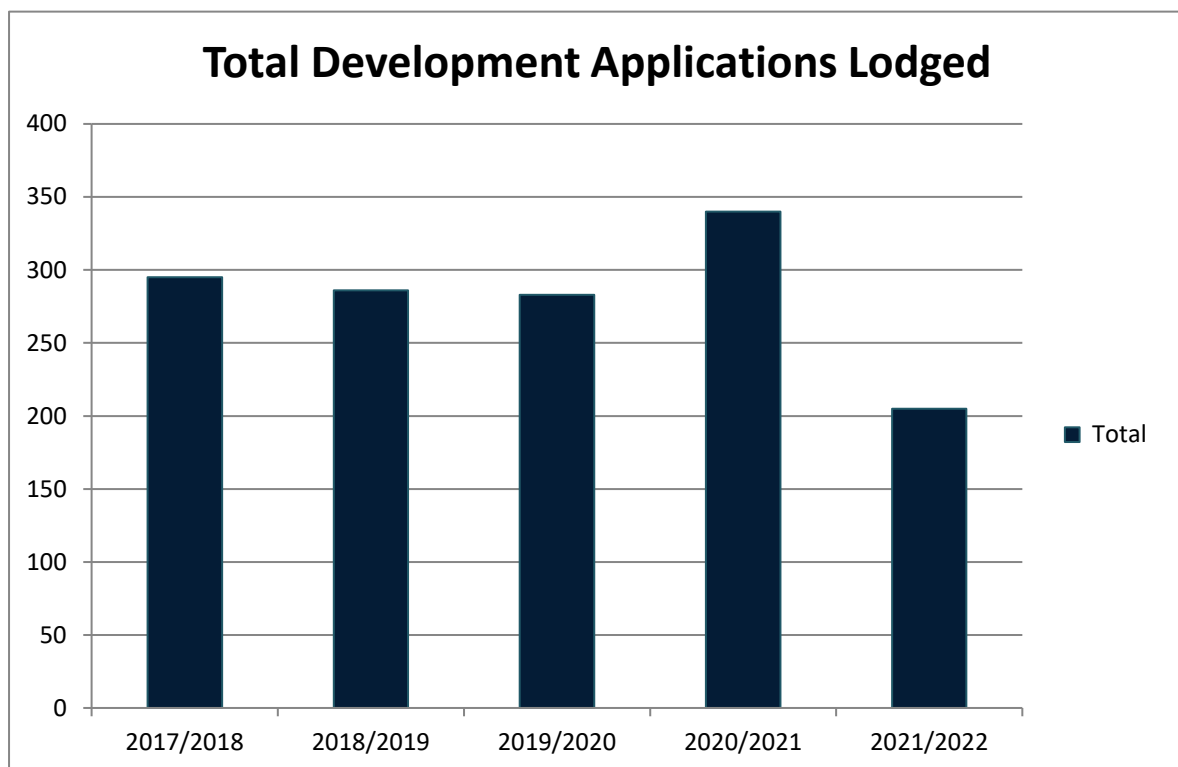


Figure 5: Number of Development Applications per annum over five financial years.

Activity for the month of April 2022

General Approvals (excluding Subdivisions, Section 4.55)	13
Section 4.55 amendments to original consent	2
Subdivision	
Refused	
Withdrawn	
Complying Development (Private Certifier Approved)	
TOTAL	15
Average assessment days for applications determined in April 2022	42
No. of Integrated development applications determined in April 2022	1
No. of Designated development applications determined in April 2022	0
No. of building/ compliance inspections undertaken in April 2022.	70

Please note: A private contractor has been engaged to undertake inspections in the Mid Richmond.

DELIVERY PROGRAM LINKS

Growing our Economy

EC1: Driving Economic Growth

EC1.6: Improved customer satisfaction with the DA process

BUDGET IMPLICATIONS

Nil

ATTACHMENT(S)

Nil

Summary of Development Applications determined under the Environmental Planning and Assessment Act for the period 1 April 2022 to 30 April 2022							
Application ID	Applicant	Owners	Location	Development	Date Lodged	Determination Date	Estimated Cost
DA2017/0054.04	Manage-Design-Engineer Pty Ltd	Serenitas Communities Holdings Pty Ltd	74 Currajong Street, Evans Head	Section 4.55 (1A) modification to accommodate minor internal site planning amendments including: <ul style="list-style-type: none"> • Portion of existing Stage 2 amended to become Stage 2a including road alignment and site layout. • Stage 2a comprising sites 14-29 and 59, Community Lawn No 1 and Basin 2 • Community facilities deferred to a later stage 	8/02/2022	21/04/2022	\$0.00
DA2022/0077	Trueline Patios & Extensions Northern Rivers	PS Townsend & VM Walkington	2/18 Sunderland Street, Evans Head	Construction of a carport	14/10/2021	26/04/2022	\$19,800.00
DA2022/0117	Senica Consultancy Group	J Wythes & ML Simpson	18 Sharpe Road, Woodburn	Dwelling with an attached garage	13/12/2021	21/04/2022	\$402,470.00
DA2022/0143	Hayes Building Consultancy	MS & SJ Longly	33 Ocean Drive, Evans Head	Full internal renovations as well as extensions to the rear (East) side of the building inclusive of timber deck alterations with a variation request to the building line set back from 6m to 4.5m from the front boundary	25/01/2022	1/04/2022	\$148,500.00
DA2022/0149	Town Planning Strategies	Richmond Valley Council	Casino Aerodrome, 1 East Street, Casino	Installation of a fuel tank with a capacity of 5,200 litres and a bowser at existing airport (Casino Airport) and associated works	1/02/2022	1/04/2022	\$50,000.00
DA2022/0151	Crestwood Drafting Services	LK & SM Darragh	2345 Coraki Ellangowan Road, Ellangowan	Dwelling additions being master bedroom and ensuite extension to existing residential building	7/02/2022	12/04/2022	\$49,500.00

Summary of Development Applications determined under the Environmental Planning and Assessment Act for the period 1 April 2022 to 30 April 2022							
Application ID	Applicant	Owners	Location	Development	Date Lodged	Determination Date	Estimated Cost
DA2022/0156	BJ Farrelly	BJ Farrelly & RJ Marshall	650 Sextonville Road, Dobies Bight	Covered patio area	11/02/2022	26/04/2022	\$15,130.00
DA2022/0158	E Bryant	CJ Firth	72 Woodburn Street, Evans Head	Fit-out of an existing shop to use it as a neighbourhood shop and associated works	15/02/2022	14/04/2022	\$25,000.00
DA2022/0168	MJ Bulmer	MJ Bulmer	38 Colches Street, Casino	Demolition of existing single bay shed, construction of a new 8m x 6m shed plus an attached 6m x 6m carport. Total dimensions being 14m x 6m	18/02/2022	29/04/2022	\$18,590.00
DA2022/0172	Crestwood Drafting Services	JA & JN Pirlo	7 Light Street, Casino	Extension to existing clad residence including new bathroom, kitchen, office and outdoor area/deck	22/02/2022	13/04/2022	\$78,100.00
DA2022/0176	AGS Commercial Pty Ltd	SJ Millard & GR Ford	6 Laurie Place, Casino	Shed	25/02/2022	20/04/2022	\$27,875.00
DA2022/0181	KL Clapham	LS & KL Clapham	10 Camille Court, Spring Grove	Resited dwelling	8/03/2022	26/04/2022	\$200,000.00
DA2022/0188	Evoke Pools	NL Cuskelly & MK Hanley	8 Wallum Drive, Doonbah	32,000L swimming pool & 2,500L spa with associated fencing	21/03/2022	26/04/2022	\$54,975.00
DA2022/0151.01	Crestwood Drafting Services	LK & SM Darragh	2345 Coraki Ellangowan Road, Ellangowan	Section 4.55(1) - Modification to amend minor clerical errors - dwelling additions being master bedroom and ensuite extension to existing residential building	20/04/2022	22/04/2022	\$0.00

Summary of Bushfire Affected Development Applications determined under the Environmental Planning and Assessment Act for the period 1 April 2022 to 30 April 2022							
DA2022/0152	Professional Planning Group - PPlan	MR & J Small	2560 Old Tenterfield Road, Wyan	*** BUSHFIRE AFFECTED **** Single storey dwelling with attached double garage	8/02/2022	20/04/2022	\$504,777.00

20 QUESTIONS ON NOTICE

Nil

21 QUESTIONS FOR NEXT MEETING (IN WRITING)

22 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:

22.1 General Manager's Annual Performance Review - 2021/22

This matter relates to (a) personnel matters concerning particular individuals (other than councillors).

This matter is considered to be confidential under Section 10A(2) - (a) 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).

23 RESOLUTIONS OF CLOSED COUNCIL