

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
17 May 2022**

**ORDER OF BUSINESS**

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b> .....	<b>4</b>
<b>2</b>	<b>PRAYER</b> .....	<b>4</b>
<b>3</b>	<b>PUBLIC ACCESS AND QUESTION TIME</b> .....	<b>4</b>
<b>4</b>	<b>APOLOGIES</b> .....	<b>4</b>
<b>5</b>	<b>MAYORAL MINUTES</b> .....	<b>5</b>
	Nil	
<b>6</b>	<b>CONFIRMATION OF MINUTES</b> .....	<b>5</b>
	6.1 Minutes Ordinary Meeting held on 19 April 2022 .....	5
<b>7</b>	<b>MATTERS ARISING OUT OF THE MINUTES</b> .....	<b>5</b>
<b>8</b>	<b>DECLARATION OF INTERESTS</b> .....	<b>5</b>
<b>9</b>	<b>PETITIONS</b> .....	<b>5</b>
	Nil	
<b>10</b>	<b>NOTICE OF MOTION</b> .....	<b>5</b>
	10.1 Notice of Motion; Cr Patrick Deegan - Voluntary House Raising Scheme.....	5
<b>11</b>	<b>MAYOR'S REPORT</b> .....	<b>6</b>
	11.1 Mayoral Attendances 12 April - 10 May 2022 .....	6
<b>12</b>	<b>DELEGATES' REPORTS</b> .....	<b>6</b>
	Nil	
<b>13</b>	<b>MATTERS DETERMINED WITHOUT DEBATE</b> .....	<b>6</b>
	13.1 Matters to be Determined Without Debate.....	6
<b>14</b>	<b>GENERAL MANAGER</b> .....	<b>6</b>
	Nil	
<b>15</b>	<b>ORGANISATIONAL SERVICES</b> .....	<b>7</b>
	15.1 Councillor Superannuation .....	7
	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.....	7
	15.3 Flood Recovery Community Support Options.....	8
	15.4 Draft Code of Meeting Practice .....	8
	15.5 Financial Analysis Report - April 2022 .....	9
	15.6 Review of Purchasing Policy .....	9
	15.7 Quarterly Budget Review Statement for the Quarter ended 31 March 2022 .....	10
<b>16</b>	<b>COMMUNITY SERVICE DELIVERY</b> .....	<b>10</b>
	Nil	
<b>17</b>	<b>PROJECTS &amp; BUSINESS DEVELOPMENT</b> .....	<b>11</b>
	17.1 Queen Elizabeth Park Plan of Management.....	11
	17.2 Minutes of the Local Traffic Committee Meeting held 12 April 2022 .....	11

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<b>18</b>	<b>GENERAL BUSINESS .....</b>	<b>11</b>
	Nil	
<b>19</b>	<b>MATTERS FOR INFORMATION .....</b>	<b>12</b>
19.1	Grant Application Information Report - April 2022 .....	12
19.2	Correspondence - Disaster Relief Australia.....	12
19.3	Development Applications determined under the Environmental Planning and Assessment Act for the period 1 April 2022 to 30 April 2022 .....	12
<b>20</b>	<b>QUESTIONS ON NOTICE .....</b>	<b>12</b>
	Nil	
<b>21</b>	<b>QUESTIONS FOR NEXT MEETING (IN WRITING).....</b>	<b>13</b>
<b>22</b>	<b>MATTERS REFERRED TO CLOSED COUNCIL .....</b>	<b>13</b>
22.1	General Manager's Annual Performance Review - 2021/22 .....	13
<b>23</b>	<b>RESOLUTIONS OF CLOSED COUNCIL .....</b>	<b>14</b>

**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 17 MAY 2022 AT 6PM**

*Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.*

**PRESENT:** Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Patrick Deegan, Cr Debra McGillan

**IN ATTENDANCE:** Vaughan Macdonald (General Manager), Angela Jones (Director Community Service Delivery), Ryan Gaiter (Director Organisational Services), Ben Zeller (Director Projects & Business Development), Jenna Hazelwood (Leader Strategy), Kate Alder-Conn (Governance Coordinator), 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**

Dr Richard Gates addressed Council in relation to the following three items:

- Item 10.1 Notice of Motion – Voluntary House Raising Scheme
- Item 15.1 Councillor Superannuation
- Item 15.3 Flood Recovery Community Support Options

Dr Gates expressed concern over the timeframe for the completion of Council's Floodplain Risk Management Plan and over the delay of the delivery of the Community Strategic Plan. Support was expressed for payment of Councillor superannuation.

A recording of Dr Gates' address is available at:

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

The Mayor thanked Dr Gates for his attendance and presentation to the meeting.

## **4 APOLOGIES**

Nil

**5 MAYORAL MINUTES**

Nil

**6 CONFIRMATION OF MINUTES****6.1 MINUTES ORDINARY MEETING HELD ON 19 APRIL 2022****RESOLUTION 170522/1**

Moved: Cr Debra McGillan

Seconded: Cr Robert Hayes

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

**CARRIED****7 MATTERS ARISING OUT OF THE MINUTES**

Nil

**8 DECLARATION OF INTERESTS**

The General Manager, Vaughan Macdonald, declared a pecuniary interest in relation to Item 22.1 General Manager's Annual Performance Review 2021/22 and left the meeting for this item.

**9 PETITIONS**

Nil

**10 NOTICE OF MOTION****10.1 NOTICE OF MOTION; CR PATRICK DEEGAN - VOLUNTARY HOUSE RAISING SCHEME****RESOLUTION 170522/2**

Moved: Cr Patrick Deegan

Seconded: Cr Robert Hayes

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 the Northern Rivers Region.

**CARRIED**

## **11 MAYOR'S REPORT**

### **11.1 MAYORAL ATTENDANCES 12 APRIL - 10 MAY 2022**

#### **RESOLUTION 170522/3**

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

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

**CARRIED**

## **12 DELEGATES' REPORTS**

Nil

## **13 MATTERS DETERMINED WITHOUT DEBATE**

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

#### **RESOLUTION 170522/4**

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

That items 15.4, 15.5, 15.6, 17.1 and 17.2 identified be determined without debate.

**CARRIED**

## **14 GENERAL MANAGER**

Nil

**15 ORGANISATIONAL SERVICES****15.1 COUNCILLOR SUPERANNUATION****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.

**RESOLUTION 170522/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

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.

**CARRIED**

**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****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.

**RESOLUTION 170522/6**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

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.

**CARRIED**

### 15.3 FLOOD RECOVERY COMMUNITY SUPPORT OPTIONS

#### 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.

#### RESOLUTION 170522/7

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council:

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

**CARRIED**

### 15.4 DRAFT CODE OF MEETING PRACTICE

#### 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.

#### RESOLUTION 170522/8

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

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.

**CARRIED**



**15.5 FINANCIAL ANALYSIS REPORT - APRIL 2022****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the status and performance of its cash and investment portfolio in accordance with the *Local Government Act 1993* s.625, Local Government (General) Regulation 2021 cl.212, Australian Accounting Standard (AASB 9) and Council's Investment Policy.

The value of Council's cash and investments at 30 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.

**RESOLUTION 170522/9**

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

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

**CARRIED**

**15.6 REVIEW OF PURCHASING POLICY****EXECUTIVE SUMMARY**

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.

**RESOLUTION 170522/10**

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

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

**CARRIED**

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

### **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.

### **RESOLUTION 170522/11**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council:

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

**CARRIED**

## **16 COMMUNITY SERVICE DELIVERY**

Nil

**17 PROJECTS & BUSINESS DEVELOPMENT****17.1 QUEEN ELIZABETH PARK PLAN OF MANAGEMENT****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.

**RESOLUTION 170522/12**

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

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

**CARRIED**

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

**RESOLUTION 170522/13**

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

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

**CARRIED**

**18 GENERAL BUSINESS**

Nil

**19 MATTERS FOR INFORMATION****RESOLUTION 170522/14**

Moved: Cr Sam Cornish  
Seconded: Cr Robert Hayes

Recommended that the following reports submitted for information, being 19.1, 19.2 and 19.3 be received and noted.

**CARRIED**

**19.1 GRANT APPLICATION INFORMATION REPORT - APRIL 2022****RESOLUTION 170522/15**

Moved: Cr Sam Cornish  
Seconded: Cr Robert Hayes

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

**CARRIED**

**19.2 CORRESPONDENCE - DISASTER RELIEF AUSTRALIA****RESOLUTION 170522/16**

Moved: Cr Sam Cornish  
Seconded: Cr Robert Hayes

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

**CARRIED**

**19.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 APRIL 2022 TO 30 APRIL 2022****RESOLUTION 170522/17**

Moved: Cr Sam Cornish  
Seconded: Cr Robert Hayes

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

**CARRIED**

**20 QUESTIONS ON NOTICE**

Nil

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

### **21.1 CR ROBERT HAYES - CASINO'S FUTURE WATER SECURITY**

Can a report come back to Council detailing the effect that the Northern Cooperative Meat Company (NCMC) (now known as Casino Food Co-Op) has on the long-term water security of the town water supply in Casino?

Can the report:

- Outline the contractual arrangements that are in place between Council and the NCMC and how ratepayers are financially impacted by this agreement;
- Include a desktop study as to the result, if the NCMC were not drawing water from Casino's water supply; and
- Discuss any other options that are available to the NCMC for their future water supply.

The General Manager advised that a report will be brought to a future meeting.

## **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 General Manager's Annual Performance Review - 2021/22**

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).

The Mayor reported that a written representation had been received in respect to Item 22.1 General Manager's Annual Performance Review – 2021/22, listed for consideration in Closed Council from Dr Richard Gates.

Dr Gates' submission objected to the matter being heard in Closed Council on the grounds that the matter is in the public interest and that the process and purpose of the performance review should be able to be subject to public scrutiny.

Dr Gates further raised concerns that Councillors may not have adequate training or experience to conduct the performance review process and that the methodology for the review is not subject to public scrutiny.

The Mayor responded that under Section 10A(2) (a) of the *Local Government Act 1993*, personnel matters concerning individuals (other than councillors) can be conducted under closed council.

The Chair called for verbal representations from the gallery.

There were no representations from the gallery.

The Chair advised that under section 10A *Local Government Act 1993*, the media and public are to be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10(2) as outlined above.

**RESOLUTION 170522/18**

Moved: Cr Sam Cornish  
Seconded: Cr Robert Hayes

That:

1. Council resolves to enter Closed Council to consider the business identified in Item 22.1, 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**

Council closed its meeting at 7.01pm.

The Open Council meeting resumed at 7.07pm.

The resolutions of Closed Council were read by the Mayor.

**23 RESOLUTIONS OF CLOSED COUNCIL****22.1 General Manager's Annual Performance Review – 2021/22**

The Panel agreed and recommend:

1. In accordance with Clause 8.3 of the Standard Contract of Employment, General Managers of Local Government in NSW and the Guidelines for the Appointment and Oversight of General Managers, a discretionary increase as outlined in the report be awarded to the General Manager's total remuneration package in recognition of:
  - the results achieved for the period
  - the high standards set and achieved by the General Manager, and
  - in line with market remuneration rates in like sized councils.
2. The discretionary increase is to take effect from the General Manager's anniversary date, being 16 February 2022.
3. The Mayor, General Manager and Facilitator are to develop a draft performance agreement for the coming year, for review and adoption by all Councillors.

**The Meeting closed at 7.09pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 June 2022.**

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**CHAIRPERSON**