

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
19 July 2022**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 19 JULY 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: Angela Jones (Acting General Manager), Ryan Gaiter (Director Organisational Services), Ben Zeller (Director Projects & Business Development), Jenna Hazelwood (Leader Strategy), Kate Alder-Conn (Governance Coordinator), Lewis Martin (IT Support Officer)

1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 PRAYER

The meeting opened with a prayer by the Acting General Manager.

3 PUBLIC ACCESS AND QUESTION TIME

Dr Richard Gates addressed Council in relation to Item 15.1 Code of Meeting Practice. Dr Gates raised concerns about the proposed Code in relation to its public access clauses, and the challenges it may create for members of the public to address Council on issues of concern.

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

Ms Lyndall Murray addressed Council in relation to Item 19.7 Iron Gates Development Update. Ms Murray spoke in opposition of the Iron Gates development, addressing issues such as affordable housing and flood concerns.

The Mayor thanked Ms Murray for her attendance and presentation to the meeting.

Ms Elaine Saunders addressed Council in relation to Item 19.7 Iron Gates Development Update. Ms Saunders spoke in opposition of the Iron Gates development, specifically noting concerns over the suitability of the proposed development site in terms of risk created by fire and flood.

The Mayor thanked Ms Saunders for her attendance and presentation to the meeting.

A full recording of the addresses to the meeting are available at:

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

4 APOLOGIES**4.1 APOLOGIES****RESOLUTION 190722/1**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That the apology received from General Manager, Vaughan Macdonald, be accepted.

CARRIED

5 MAYORAL MINUTES

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD 28 JUNE 2022****RESOLUTION 190722/2**

Moved: Cr Robert Hayes

Seconded: Cr Stephen Morrissey

That Council confirms the Minutes of the Ordinary Meeting held on 28 June 2022.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil

8 DECLARATION OF INTERESTS

The Mayor, Robert Mustow, declared a pecuniary interest in relation to Item 14.1 Flood Relief – Development and Construction Fees. The Mayor left the meeting for this item.

Director Organisational Services, Ryan Gaiter, declared a pecuniary interest in relation to Item 14.1 Flood Relief – Development and Construction Fees. Director Gaiter left the meeting for this item.

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCES 21 JUNE - 11 JULY 2022****RESOLUTION 190722/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 21 June – 11 July 2022.

CARRIED

12 DELEGATES' REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 190722/4**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That item 15.2 identified be determined without debate.

CARRIED

Due to the pecuniary interest noted at Item 8, the Mayor and Director Gaiter left the meeting for Item 14.1. Deputy Mayor, Stephen Morrissey, held the position of Chair for this item.

14 GENERAL MANAGER**14.1 FLOOD RELIEF - DEVELOPMENT AND CONSTRUCTION FEES****EXECUTIVE SUMMARY**

Council resolved at its June 2022 Ordinary meeting to consider options for offering fee relief for rebuilding works on flood affected properties and called for a further report on the matter. This report considers the extent of flood damage to properties in the Richmond Valley and notes that the majority of flood-affected homes will not require development approval (with associated application/inspection fees) to complete flood damage repairs. However, Council may wish to consider options to assist owners whose homes will require demolition and reconstruction due to flood damage, similar to the support offered to bushfire victims following the 2019 fires.

RESOLUTION 190722/5

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council:

1. Receives and notes the information in the report.
2. Continues to advocate for NSW Government support for housing programs that may include buyback, house raising, resilient rebuilding and the potential for land swaps as a priority action for flood-affected properties.
3. That Council receives a further report on funding options in line with those provided for 2019 bushfire assistance.

CARRIED

15 ORGANISATIONAL SERVICES**15.1 CODE OF MEETING PRACTICE****EXECUTIVE SUMMARY**

The Code of Meeting Practice (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.

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 190722/6

Moved: Cr Patrick Deegan

Seconded: Cr Sandra Humphrys

That Council:

1. Adopts the Richmond Valley Council Code of Meeting Practice 2022;
2. Notes that no community submissions were received in response to the public exhibition of the draft Code.

CARRIED

15.2 FINANCIAL ANALYSIS REPORT - JUNE 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 June 2022 is shown below:

| Bank Accounts | Term Deposits | Floating Rate Notes | Fixed Rate Bonds | TCorp IM Funds | Total |
|---------------|---------------|---------------------|------------------|----------------|--------------|
| \$18,664,637 | \$39,000,000 | \$4,750,390 | \$2,000,000 | \$14,329,094 | \$78,744,121 |

The weighted average rate of return on Council's cash and investments as at 30 June 2022 was negative (5.08%) which was below the Bloomberg AusBond Bank Bill Index for June of 0.05%, which is Council's benchmark.

RESOLUTION 190722/7

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

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

CARRIED

16 COMMUNITY SERVICE DELIVERY**16.1 PLANNING PROPOSAL - ASSESSMENT REPORT - RURAL RESIDENTIAL REZONING CNR REARDONS & DARKE LANES SWAN BAY****EXECUTIVE SUMMARY**

Council has received a Planning Proposal application (PP2022/0001) (Portal Case No. PP-2022-502) seeking to amend the *Richmond Valley Local Environmental Plan 2012* (the LEP) by rezoning about 43ha of land at 395 Reardons Lane (corner of Darke Lane) Swan Bay to enable its subdivision into potentially 43 rural residential lots (Zone R5 Large Lot Residential) having a minimum lot size of 7500m². The residual part of the property (about 83ha) would retain Zone RU1 Primary Production with a minimum lot size of 40ha.

This proposal is supported by Council's Rural Residential Development Strategy which identifies a corridor of potential large lot residential development along sections of Reardons Lane, including this land.

Council's support for the Planning Proposal is required prior to seeking a Gateway Determination from the Department of Planning and Environment (DPE). Council may at the same time seek Local Plan-making Authority which grants Council and/or its nominee Ministerial plan making delegations to finalise the LEP Amendment subject to meeting Gateway conditions.

RESOLUTION 190722/8

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That:

1. Council supports Planning Proposal PP2022/0001 (Portal Case No. PP-2022-502), which proposes to amend the *Richmond Valley LEP 2012*, as it applies to 395 Reardons Lane (corner of Darke Lane) Swan Bay, being Lots 831, 832 & 833 DP847683, by rezoning the land to facilitate a rural residential development;
2. PP2022/0001 be submitted to the Department of Planning and Environment for a Gateway Determination; and
3. Council seeks Local Plan-making authority for this Planning Proposal and delegate this to the General Manager.

CARRIED

17 PROJECTS & BUSINESS DEVELOPMENT

Nil

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION**RESOLUTION 190722/9**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

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

CARRIED

19.1 NATIVE TITLE MANAGER**RESOLUTION 190722/10**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That:

1. Council gives notice to the relevant Minister, in accordance with the *Crown Land Management Act 2016* requirements (s.8.8), that Council's Manager Asset Planning, Mr Andrew Leach, has been retained as Council's Native Title Manager.
2. A copy of the resolution be provided to the Department of Planning and Environment.

CARRIED

19.2 WRITE-OFF OF MONIES UNDER DELEGATION**RESOLUTION 190722/11**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the information provided within this report.

CARRIED

19.3 CORRESPONDENCE - PREMIER OF NSW, INDEPENDENT FLOOD INQUIRY SUBMISSION**RESOLUTION 190722/12**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the correspondence received from the Premier of NSW, the Hon Dominic Perrottet, following Council's submission to the Independent Flood Inquiry.

CARRIED

19.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 JUNE 2022 TO 30 JUNE 2022**RESOLUTION 190722/13**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

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

CARRIED

19.5 CUSTOMER EXPERIENCE REPORT 1 APRIL - 30 JUNE 2022**RESOLUTION 190722/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the Customer Experience Report for the period 1 April – 30 June 2022.

CARRIED

19.6 GRANT APPLICATION INFORMATION REPORT - JUNE 2022**RESOLUTION 190722/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

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

CARRIED

19.7 IRON GATES DEVELOPMENT UPDATE**RESOLUTION 190722/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the information provided within the Iron Gates Development Update report.

CARRIED

20 QUESTIONS ON NOTICE

Nil

21 QUESTIONS FOR NEXT MEETING (IN WRITING)**21.1 QUESTIONS IN WRITING**

Cr Robert Hayes submitted the following questions in writing:

The NSW Government's announcement to provide rate assistance for those residents impacted by flooding has come as a welcome relief for those doing it tough.

- Does this relief expire when a property is sold on?
- In a commercial lease situation, the tenant is usually responsible for all outgoings, including land rates. Does the rate relief remain with the property if the current lease expires or is terminated?

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 Tender VP308256 Design and Construct Amenities Block at Casino Showgrounds

This matter relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

This matter is considered to be confidential under Section 10A(2) - (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

22.2 Tender VP284690 Nammoona Waste and Resource Recovery Facility Cell 6A Construction

This matter relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

This matter is considered to be confidential under Section 10A(2) - (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

The Acting General Manager reported that no written representations had been received in respect of the items listed for consideration in Closed Council.

The Chair called for verbal representations from the gallery.

There were no representations from the gallery.

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

RESOLUTION 190722/17

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That:

1. Council resolves to enter Closed Council to consider the business identified in Item 22.1 and 22.2, together with any late reports tabled at the meeting.
2. Pursuant to section 10A(2) 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 10(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 11(2) of the *Local Government Act 1993*.

CARRIED

Council closed its meeting at 7.09pm.

The Open Council meeting resumed at 7.19pm.

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

23 RESOLUTIONS OF CLOSED COUNCIL**Item 22.1 Tender VP308256 Design and Construct Amenities Block at Casino Showgrounds**

That Council:

1. Declines the submissions received for Tender VP308256 – Design and Construct Amenities Block at Casino Showgrounds due to the prices submitted being higher than the budget allocated for the works.
2. Applies Clause 178 (3e) of the Local Government (General) Regulation 2021 to authorise the General Manager to enter into direct negotiations with suitably qualified contractors with a view to obtaining works that provide council with the best outcome both from a financial and delivery perspective, and to finalise the terms of the contract or agreement and affixing the seal of Council where necessary.
3. Notes that the outcomes of the negotiations will be reported to Council for information at a future meeting.

Item 22.2 Tender VP284690 Nammoona Waste and Resource Recovery Facility Cell 6A Construction

That:

1. Council accepts the tender from Synergy Resource Management which represents the best value for Council at \$2,642,737.00 (exclusive of GST) for the construction of a new waste cell at the Nammoona Waste and Resource Recovery Facility; and
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, in line with the content of this report and the available budget and affixing the seal of Council where necessary.

The Meeting closed at 7.21pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 August 2022.

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CHAIRPERSON