

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
20 December 2022**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 20 DECEMBER 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 (Chief of Staff), Julie Clark (Personal Assistant to the General Manager and Mayor), Simon Breeze (IT Support Coordinator)

1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 PRAYER

The meeting opened with a prayer by the General Manager.

3 PUBLIC ACCESS

A late request to address Council was received by Ms Cindy Lusted, Rappville BlazeAid Co-ordinator.

The Chair advised a resolution would be required to allow Ms Lusted to provide the address.

RESOLUTION 201222/1

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Ms Cindy Lusted, Rappville BlazeAid Co-ordinator be permitted to address Council.

CARRIED

MS CINDY LUSTED, RAPPVILLE BLAZE AID CO-ORDINATOR; ADDRESSED COUNCIL IN RELATION TO ITEM 15.2 BLAZE AID CONTRIBUTION ACKNOWLEDGEMENT AND EXPRESSED CONCERN REGARDING THE END OF THE GROUP'S TENURE AT THE RAPPVILLE SHOWGROUNDS.

MS LUSTED COMMENTED THAT THE BLAZE AID VOLUNTEERS HAVE WORKED TIRELESSLY WITHIN THE COMMUNITY ASSISTING FARMERS SINCE 2019 AND ASKED

THAT THE VOLUNTEERS BE PERMITTED TO REMAIN IN THE AREA TO CONTINUE THEIR GOOD WORK.

THE MAYOR THANKED MS LUSTED FOR HER ATTENDANCE AND ADDRESS TO THE MEETING.

A FULL RECORDING OF THE PUBLIC ADDRESS TO THE MEETING IS AVAILABLE AT:

<HTTPS://RICHMONDVALLEY.NSW.GOV.AU/COUNCIL/COUNCIL-MEETINGS/COUNCIL-MEETING-VIDEOS/>

4 APOLOGIES

Nil

5 MAYORAL MINUTES

5.1 MAYORAL MINUTE - ACKNOWLEDGEMENT OF THE RICHMOND VALLEY COMMUNITY

RESOLUTION 201222/2

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council extends its deep appreciation to all those who have worked tirelessly this year to support and rebuild the Richmond Valley community.

CARRIED

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD 15 NOVEMBER 2022

RESOLUTION 201222/3

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

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

CARRIED

7 GENERAL BUSINESS

Nil

8 MATTERS ARISING OUT OF THE MINUTES

Item 14.1 Flood Recovery Update;

In response to questions raised at the November meeting, Cr Sandra Humphrys provided an update on Rous County Council's progress in repairing the Bungawalbyn levee.

“Rous has been working actively to repair the damaged levee and return it to its pre-flood condition however, this has been hindered by wet conditions following the flood, availability of contractors to complete the work and access to the damaged sections of the levee.

The section of levee which runs close and adjacent to Bungawalbyn Creek has been returned to its pre-flood height. Rous is continuing to investigate solutions to the subsiding rock embankment at the location of the 2021 levee, and will continue to pursue funding to maintain and improve the condition of the levee and look for solutions to reduce the impact of over-topping events when they occur.”

9 DECLARATION OF INTERESTS

Cr Robert Hayes declared a pecuniary interest in relation to item 17.1 Overheight Raising of Dwelling, due to being the applicant for DA 2023/0076.

Director Community Service Delivery Angela Jones declared a non pecuniary insignificant conflict in relation to Item 18.2 Northern Rivers Livestock Exchange Revenue Policy 2023/24 and Agent Licence Procurement Process, due to holding an account at the NRLX to buy and sell cattle.

DIRECTOR PROJECTS & BUSINESS DEVELOPMENT BEN ZELLER DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT IN RELATION TO ITEM 20.4 COMMUNITY FINANCIAL ASSISTANCE PROGRAM 2022/23 ROUND ONE, DUE TO BEING A COMMITTEE MEMBER OF CASINO CRICKET CLUB.

10 PETITIONS

Nil

11 NOTICE OF MOTION

11.1 NOTICE OF MOTION - RICHMOND VALLEY WATER & SEWERAGE CHARGES REVIEW

RESOLUTION 201222/4

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That Council:

1. Notes the significant capital works program that will be required over the next 10 years to ensure Casino’s long-term water security and improve water supply and sewerage services throughout the Richmond Valley;
2. Notes that the NSW Government’s new Regulatory Assurance framework for Local Water Utilities requires Councils to implement sound pricing and prudent financial management in their water and sewerage operations;
3. Undertakes a comprehensive review of Council’s water and sewerage pricing structure inclusive of all existing water supply agreements in Quarter 1 of 2023, with a view to:
 - Achieve full cost recovery of water and sewer operations
 - Ensure equity amongst all classes of water/sewer customers
 - Encourage efficient water usage and improved environmental performance.
4. Receives a further report on water and sewerage pricing at the April 2023 Ordinary Meeting.

CARRIED**12 MAYOR'S REPORT****12.1 MAYORAL ATTENDANCE REPORT 8 NOVEMBER - 12 DECEMBER 2022****RESOLUTION 201222/5**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 8 November – 12 December 2022.

CARRIED**13 DELEGATES' REPORTS**

Nil

14 MATTERS DETERMINED WITHOUT DEBATE**14.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 201222/6**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That items 16.1, 16.2, 16.3, 17.2, identified be determined without debate.

CARRIED

15 GENERAL MANAGER

15.1 INSURANCE CLASS ACTION UPDATE

EXECUTIVE SUMMARY

Richmond Valley Council has been involved in a class action against JLT Risk Solutions Pty Ltd (formerly called Jardine Lloyd Thompson Pty Ltd) (JLT) for the past three years. The class action follows concerns by RVC and 20 other local councils, with the governance and operations of the Statewide Mutual Scheme. At the time of preparing the report, Council was awaiting judgment in the Supreme Court of NSW following the Court proceedings which concluded in November 2021. Judgement was subsequently handed down on 19 December and the General Manager provided Council with an update of the outcome.

Richmond Valley Council was the lead plaintiff, with Parkes Shire Council and Mid-Western Regional Council forming a steering committee to guide proceedings on behalf of the group of 21 NSW Councils that signed up to the action. The matter relates to recovery of past losses claimed on the grounds that Richmond Valley Council, together with the other councils who are group members, suffered losses as a result of following the defendant's failure to provide proper broking advice regarding councils' property and/or public liability and professional indemnity insurance, through a scheme known as Statewide Mutual.

It was alleged that the defendant:

1. breached its general law and contractual duty to exercise reasonable care and skill in the performance of its broking services and in the provision of recommendations and advice; and
2. earned fees and commissions in breach of fiduciary duties that it owed to Council.

Since Council took action to question the NSW Local Government insurance industry the Richmond Valley community has benefited from significant premium savings in excess of \$1.4 million and a positive claims experience following the 2022 flood events.

Council's current insurer Civic Risk Mutual has been very supportive since Council joined and as a result of the floods in 2022 paid out the full flood cover limit of \$5 million. Civic Risk Mutual has also continued to provide Council with ongoing flood cover for future flooding events.

The savings on premiums and the flood events payout have led to financial benefits conservatively estimated at in excess of \$4.4 million since 2017/18, which enables Council to provide additional services and infrastructure support to its community.

RESOLUTION 201222/7

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. Notes the status of the judgment for the Insurance Class Action; and
2. Notes the financial benefits achieved for the Richmond Valley community, conservatively estimated at over \$4.4 million, as a result of Council challenging the previous insurance arrangements in NSW and successfully moving to Civic Risk Mutual.

CARRIED

15.2 BLAZE AID CONTRIBUTION ACKNOWLEDGEMENT

EXECUTIVE SUMMARY

The BlazeAid charity and its many volunteers have been helping fire and flood-affected residents in the Richmond Valley clear debris and rebuild fences since the bushfires of 2019, and more recently following the 2022 flood events and gratefully acknowledges their support for our community.

Council has hosted BlazeAid at its Casino Showground since late 2019 and with the commencement of the showground upgrade project this year, the camp was moved to the Rappville Sportsground. The Casino Showground will not be available again until 2024 and the Rappville Sportsground Committee and the community want the Rappville Sportsground to be available for community events from 21 January 2023.

It is now time for the Richmond Valley community to move to its next phase of recovery, which is to move towards a business as usual approach, which will enable the BlazeAid volunteers to move to other parts of NSW which need assistance following recent flood events. The Richmond Valley community wishes BlazeAid well and looks forward to hearing about its support for other communities impacted by natural disasters.

RESOLUTION 201222/8

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That Council:

1. Acknowledges the significant contribution BlazeAid has made to support so many landowners across the Richmond Valley to recovery from damage to their properties and fences following the 2019 bushfire season and more recently the 2022 floods;
2. Writes to the founder of BlazeAid, Kevin Butler, to thank him and the many Blaze Aid volunteers for their support of the Richmond Valley community over the past three years.

CARRIED

16 ORGANISATIONAL SERVICES

16.1 REVIEW OF COUNCIL'S INVESTMENT POLICY

EXECUTIVE SUMMARY

Council reviews its Investment Policy on an annual basis to ensure it remains appropriate in changing economic, investment and legislative environments. Following a major review in 2020 and some refinements to the policy last year, this year's review resulted in some minor changes to align with Council's current organisational structure. No mandatory changes are required.

RESOLUTION 201222/9

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council:

1. Adopts the revised Investment Policy;
2. Continues to utilise Laminar Capital as its financial advisory service provider and the Treasury Direct online investment platform for another 12 months.

CARRIED

16.2 CONDUCT OF LOCAL GOVERNMENT ELECTION SEPTEMBER 2024

EXECUTIVE SUMMARY

Under section 296AA of the *Local Government Act 1993* (LG Act), councils are required to make a decision by 13 March 2023, on how their ordinary elections in September 2024 are to be administered.

This report satisfies the requirement to make this determination, with notification to be made to the NSW Electoral Commission upon resolution.

RESOLUTION 201222/10

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That, in accordance with Section 296 of the *Local Government Act 1993* Council enters into an election arrangement by contract with the NSW Electoral Commissioner to administer all elections of the Council for the 2024 council term including:

- The 2024 ordinary election;
- Any subsequent by-elections that may arise; and
- Any polls or constitutional referenda that may be required.

CARRIED

16.3 FINANCIAL ANALYSIS REPORT - NOVEMBER 2022**EXECUTIVE SUMMARY**

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

The value of Council's cash and investments at 30 November 2022 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$19,426,127	\$41,000,000	\$4,750,390	\$2,000,000	\$14,953,772	\$82,130,289

The weighted average rate of return on Council's cash and investments as at 30 November 2022 was 7.52% which was above the Bloomberg AusBond Bank Bill Index for November of 0.25%, which is Council's benchmark.

RESOLUTION 201222/11

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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

CARRIED

At 6:45 pm, Cr Robert Hayes left the meeting.

17 COMMUNITY SERVICE DELIVERY**17.1 OVERHEIGHT RAISING OF DWELLING****EXECUTIVE SUMMARY**

Council has received a development application for alternations and additions to a flood-affected home at Woodburn. This includes raising the dwelling by 1.8 m to help avoid future inundation. The proposal would result in the building being more than 10% above the permissible height limit and, therefore, it must be referred to Council for determination. As the home is located on a large rural lot and there will be no impacts on neighbouring properties, the variation is recommended for approval.

RESOLUTION 201222/12

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That pursuant to Clause 4.6 of *Richmond Valley Local Environmental Plan 2012* a variation in respect of Clause 4.3 Height of Buildings be granted for DA2023/0076, as outlined in this report.

CARRIED

At 6:47 pm, Cr Robert Hayes returned to the meeting.

17.2 SUSTAINABLE COMMUNITIES STRATEGY

EXECUTIVE SUMMARY

The Richmond Valley will experience new opportunities for growth and prosperity over the next 20 years with activation of the Regional Jobs Precinct and plans to provide more than 2000 new family homes within the community. Council recognises the need to balance this growth with strategies to preserve the unique lifestyle, identity and landscapes that the community values and to encourage sustainable living within a changing climate.

The Draft Richmond Valley Sustainable Communities Strategy, presented for Council's consideration, includes practical measures to support liveable, healthy communities and protect the environment as the region continues to grow. The strategy replaces Council's Environmental Charter, adopted in 2016, and focuses on protecting the Valley's unique bushland, biodiversity, rivers and waterways, as well as building community resilience in a changing climate and strengthening Council's environmental performance.

This includes opportunities for greening and cooling our communities, reducing Council's energy usage and waste production and attracting additional grant funding for environmental projects. It is proposed to exhibit the document for community feedback for an extended period until February 2023

RESOLUTION 201222/13

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council endorses the Draft Sustainable Communities Strategy and authorises public exhibition of the document for an extended period from December 2022 to February 2023.

CARRIED

18 PROJECTS & BUSINESS DEVELOPMENT

18.1 LEEVILLE HALL

EXECUTIVE SUMMARY

In February 2022, flood waters inundated the Leeville Hall and caused severe structural and internal damage to the hall. The force of the water shifted the building from its foundations and Council now faces significant costs to repair the damage and improve flood safety at the site. The hall has experienced declining patronage over the years, due to the limited population it serves and the proximity of other facilities at Casino. Assessments have been made on the required repair costs, and investigation into the value of repairing and raising the hall height. Council has consulted with the community and stakeholders regarding future options for the hall. While there is renewed local interest in revitalising the facility, Council needs to balance this against the high flood risk of the site and the likely inability of securing development consent for a proposal at this location under current standards. It is therefore proposed that the hall be decommissioned, and that Council commences discussions with the community on suitable future uses of the site.

RESOLUTION 201222/14

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. Notes the minimal usage of the Leeville Hall over the past 5-10 years and acknowledges the efforts of the new members of the hall committee to increase community support and patronage for the facility;
2. Notes that the proposed rebuild of the facility is unlikely to secure development consent due to its location within a floodway and inability to meet modern effluent management standards
3. Concedes that the Leeville Hall is no longer a viable facility at this location due to the issues noted in item 2 above and in this report; and
4. Authorises the General Manager to clear the site to make it safe and commence discussions with the members of the new committee on potential future suitable uses of the site and to reflect the history of the Leeville Hall.

CARRIED

18.2 NORTHERN RIVERS LIVESTOCK EXCHANGE REVENUE POLICY 2023/24 AND AGENT LICENCE PROCUREMENT PROCESS

EXECUTIVE SUMMARY

Over the past six months Council has reviewed a revised Northern Rivers Livestock Exchange (NRLX) Business Plan for 2022. The business plan has evolved since the first iteration of 2020 and the current plan is strategically focused on a vertically integrated business that will provide future financial stability. The business plan outlines expansion and growth strategies, most notably through an Expression of Interest (EOI) process. The EOI is an approach to market allowing the Council to gauge interest with the opportunity for existing, additional, or alternative agencies to provide services from the NRLX. An EOI allows for an impartial, open, and competitive process that is aimed at refining the businesses that have the benefit of utilising community assets for commercial and financial gain and it is critical that Council ensures a competitive marketplace is provided.

A revised revenue policy is to be placed on exhibition for a period of 60 days from 21 December 2022. The revenue policy has only one change regarding an existing fee and the introduction of new operational processes with associated fees. The proposal is for the adoption of a new fee methodology and transition the Agent Business usage fee from a fixed per head charge to a percentage of gross revenue of 0.2 %

These changes are in the overall interests of future NRLX operations, NRLX site users and Richmond Valley ratepayers. It is critical that the NRLX remains competitive but financially sustainable into the future.

RESOLUTION 201222/15

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That Council:

1. Endorses the NRLX Business Plan 2022;
2. Approves the exhibition of the NRLX 2023/24 Revenue Policy for an extended period of 60 days;
3. Fixes the core Vendor Sale fees at existing levels for a further three years;
4. Adopts a new fee methodology and transition the Agent Business usage fee from a fixed per head charge to a percentage of gross revenue of 0.2%;
5. Endorses the Expression of Interest process for Agent Licence Agreements and the initial availability of seven Licence Agreements from 1 July 2023;
6. Authorises the General Manager to conduct the procurement process and approve the outcomes for 2023-2026 Agent Licences in line with the content of this report.

CARRIED

19 GENERAL BUSINESS

Nil

20 MATTERS FOR INFORMATION**RESOLUTION 201222/16**

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

That the following reports submitted for information be received and noted.

CARRIED

20.1 OUTCOME OF NEGOTIATIONS OF TENDER VP311535 - DESIGN AND CONSTRUCT JACKYBULBIN BRIDGE REPLACEMENT**RESOLUTION 201222/17**

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

That Council receives and notes the report on the outcome of negotiations for Tender VP311535 – Design and Construct JackyBulbin Bridge Replacement.

CARRIED

20.2 GRANT APPLICATION INFORMATION REPORT - NOVEMBER 2022**RESOLUTION 201222/18**

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

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

CARRIED

20.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 NOVEMBER 2022 TO 30 NOVEMBER 2022**RESOLUTION 201222/19**

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

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

CARRIED

20.4 COMMUNITY FINANCIAL ASSISTANCE PROGRAM 2022/2023 ROUND ONE**RESOLUTION 201222/20**

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

That Council receives and notes the allocations under the Community Financial Assistance Program 2022/2023 Round One.

CARRIED

20.5 INTERNAL AUDIT AND RISK COMMITTEE MINUTES 22 NOVEMBER 2022

RESOLUTION 201222/21

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council receives and notes the Minutes of the Internal Audit and Risk Committee Meeting held on 22 November 2022.

CARRIED

21 QUESTIONS ON NOTICE

Nil

22 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil

23 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:

23.1 Water Restrictors

This matter relates to a discussion in relation to the personal hardship of a resident or ratepayer, is considered to be confidential under Section 10A(2) - (b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

23.2 Write-off under financial hardship provisions

This matter relates to a discussion in relation to the personal hardship of a resident or ratepayer, is considered to be confidential under Section 10A(2) - (b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

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

The Chair called for representations from the gallery.

There were no verbal representations from the gallery in respect of this item.

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 201222/22

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That:

1. Council resolved to enter Closed Council to consider the business identified in Item 22.1, together with any late reported 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 the business to be discussed 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 section 11(2) *Local Government Act 1993*.

CARRIED

COUNCIL CLOSED ITS MEETING AT 7.07 PM.

THE OPEN COUNCIL MEETING RESUMED AT 7.11 PM.

THE RESOLUTIONS OF THE CLOSED COUNCIL MEETING WERE READ BY THE DIRECTOR ORGANISATIONAL SERVICES.

24 RESOLUTIONS OF CLOSED COUNCIL**23.1 Water Restrictors**

That Council receives and notes the results of the installation of water restrictors for the purpose of debt collection on properties.

23.2 Write-off Under Financial Hardship Provisions

That Council approves the financial hardship provisions outlined in option two of this report for property id P115365.

The Meeting closed at 7.15pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 February 2023.

.....
CHAIRPERSON