

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
21 March 2023**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 21 MARCH 2023 AT 6PM**

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

PRESENT: Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Robert Hayes, Cr 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), Charlene Reeves (Executive Assistant Projects & Business Development), 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

Nil.

4 APOLOGIES

RESOLUTION 210323/1

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That the apology received from Cr Sam Cornish be accepted and leave of absence granted.

CARRIED

5 MAYORAL MINUTES

5.1 MAYORAL MINUTE - RESTORATION OF BUNGAWALBIN LEVEE

RESOLUTION 210323/2

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. Acknowledges the community's concerns regarding the damage to the Bungawalbin levee and the need to improve its flood resilience;
2. Notes Rous County Council's continued efforts to repair and upgrade the levee, despite a number of unsuccessful applications for funding;
3. Following the NSW election, makes representations to our local State MP and relevant Minister, local Federal MP and relevant Minister, seeking funding for Rous County Council to upgrade the levee for the benefit of the surrounding Richmond Valley community.

CARRIED

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD 21 FEBRUARY 2023

RESOLUTION 210323/3

Moved: Cr Stephen Morrissey

Seconded: Cr Debra McGillan

That Council confirms the Minutes of the Ordinary Meeting held on 21 February 2023.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil.

8 DECLARATION OF INTERESTS

Cr Patrick Deegan declared a non-pecuniary – insignificant conflict in relation to item 15.2 Airforce Beach Vehicular Access Optoins, due to a being a semi regular vehicle user on Airforce Beach.

Cr Robert Hayes declared a non-pecuniary – insignificant conflict in relation to item 15.2 Airforce Beach Vehicular Access Optoins, due to living close to the 4WD beach access.

General Manager Vaughan Macdonald declared a non pecuniary – insignificant conflict interest in relation to item 17.3 Civic Risk Mutual – option to extend contract for provision of insurance services, due to being a board member which consists of representatives of the Member Councils.

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCE REPORT 14 FEBRUARY - 13 MARCH 2023****RESOLUTION 210323/4**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 14 February – 13 March 2023.

CARRIED**12 DELEGATES' REPORTS****12.1 DELEGATES' REPORT MARCH 2023 - ROUS COUNTY COUNCIL****RESOLUTION 210323/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receives and notes the Delegates' Report – Rous County Council for March 2023.

CARRIED**13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 210323/6**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That items 17.1, 17.2, 17.3 be determined without debate.

CARRIED

14 GENERAL MANAGER**14.1 NORTHERN RIVERS RECONSTRUCTION CORPORATION FLOOD RECOVERY UPDATE****EXECUTIVE SUMMARY**

Council resolved at its February Meeting to invite Northern Rivers Reconstruction Corporation Chief Executive, David Witherdin to provide an update on the Richmond Valley's flood recovery progress. Mr Witherdin attended Council's March Information Session and provided details on the Corporation's activities including the Resilient Homes Program, proposed housing development under the Resilient Lands Program and future planning to improve flood resilience in local villages. He also answered numerous questions from Councillors concerning flood recovery issues that are being raised by the community. Council stressed the need to expedite local recovery programs and to provide homeowners with certainty on government funding options. Further consultation between Council and the NRRC is planned as the Corporation moves towards releasing its regional growth strategy and finalising housing buy-back offers.

RESOLUTION 210323/7

Moved: Cr Robert Hayes

Seconded: Cr Stephen Morrissey

That Council:

1. Acknowledges the progress achieved in delivering the Northern Rivers Reconstruction Corporation's flood recovery program.
2. Continues to work closely with the NRRC to expedite housing and development programs, improve flood resilience and complete much needed infrastructure repairs in the Richmond Valley.

CARRIED

15 COMMUNITY SERVICE DELIVERY**15.1 MANAGING CONFLICTS OF INTEREST FOR COUNCIL-RELATED DEVELOPMENT POLICY****EXECUTIVE SUMMARY**

Recent amendments to the Environmental Planning and Assessment Regulation 2021 come into force on 3 April 2023 and require Council to have a Conflicts of Interest Policy for Council-related Development Applications, and to consider the policy when determining any such development applications (DAs).

The draft Policy, that received in principle support at Council's 21 February 2023 Ordinary Meeting, was publicly exhibited from 22 February 2023 to 8 March 2023 with one submission being received. As a result of feedback, Appendix A of the draft policy has been amended to provide further clarification. The revised policy is presented to Council for adoption.

RESOLUTION 210323/8

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council adopts CPOL15.22 Managing Conflicts of Interest for Council-related Development policy.

CARRIED

15.2 AIRFORCE BEACH VEHICULAR ACCESS OPTIONS

EXECUTIVE SUMMARY

At Council's February 2023 Ordinary Meeting a report was presented outlining the frequency of anti-social behaviour on the region's beaches, and the impact of increased patrols. Council resolved to receive a further report on the process of limiting vehicular access to Airforce Beach, Evans Head.

Initial consultation has been carried out in order to comprehensively brief Councillors on the available options. Liaison with government agencies supports the current ranger patrols and further restriction on Airforce Beach. The cost of imposing a night-time curfew would appear to be cost prohibitive, leaving Council with the options of continuing the status quo or closing the beach to recreational vehicles (4WDs).

RESOLUTION 210323/9

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. Receives and notes the information contained within the Airforce Beach Vehicular Access Options report;
2. Notes the ongoing challenges with driver behaviour and vandalism to access points on Airforce Beach and Boundary Creek;
3. Continues to closely monitor usage, behaviour and enforcement action especially over the Easter School Holiday period, with a no tolerance approach to enforcement, and then schedules a Councillor Information Session in Evans Head to consider a further report to enable all Councillors to visit the beach to consider all issues before making decisions to further restrict access to Airforce Beach.

CARRIED

15.3 SUSTAINABLE COMMUNITIES STRATEGY

EXECUTIVE SUMMARY

At its 20 December 2022 Ordinary Meeting, Council resolved to place the Draft Sustainable Communities Strategy on public exhibition for an extended period of 60 days ending 28 February 2023.

This report provides feedback obtained during public consultation received by Council during the exhibition period and recommends that the Draft Strategy be adopted.

RESOLUTION 210323/10

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council adopts the Sustainable Communities Strategy 2023-2028.

CARRIED

16 PROJECTS & BUSINESS DEVELOPMENT

16.1 NRLX PROPOSED FEES AND CHARGES

EXECUTIVE SUMMARY

At its Ordinary Meeting held 20 December 2022, Council resolved to place the proposed NRLX fees and charges for the 2023-24 financial year on public exhibition for an extended period of 60 days, ending 28 February 2023. If subsequently endorsed, these proposed fees and charges are to be incorporated into the 2023-24 Revenue Policy.

This report provides information regarding public submissions received by Council during the exhibition period.

RESOLUTION 210323/11

Moved: Cr Robert Hayes

Seconded: Cr Stephen Morrissey

That Council:

1. Notes the consultation undertaken on the proposed fees and charges for the NRLX which have been exhibited in accordance with the *Local Government Act 1993*;
2. Endorses the proposed fees and charges for incorporation in its 2023-24 Revenue Policy.

CARRIED

17 ORGANISATIONAL SERVICES**17.1 FINANCIAL ANALYSIS REPORT - FEBRUARY 2023****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 28 February 2023 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$17,780,649	\$37,000,000	\$4,750,390	\$2,000,000	\$14,954,378	\$76,485,417

The weighted average rate of return on Council's cash and investments as at 28 February 2023 was 1.93% which was above the Bloomberg AusBond Bank Bill Index for February of 0.24%, which is Council's benchmark.

RESOLUTION 210323/12

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council adopts the Financial Analysis Report detailing the performance of its cash and investments for the month of February 2023.

CARRIED

17.2 REVIEW OF RELATED PARTY DISCLOSURE POLICY**EXECUTIVE SUMMARY**

Council undertakes regular reviews of policies and procedures to ensure they remain compliant with relevant legislation and reflect best practice measures. The Related Party Disclosure Policy has been reviewed and is now presented to Council for adoption.

RESOLUTION 210323/13

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council adopts the revised Related Party Disclosure Policy.

CARRIED

17.3 CIVICRISK MUTUAL - OPTION TO EXTEND CONTRACT FOR PROVISION OF INSURANCE SERVICES**EXECUTIVE SUMMARY**

Council entered into a three-year contract with CivicRisk Mutual Pty Ltd (the Mutual) as provider of Council's insurance related services and insurance coverage, commencing on 1 July 2020. Council Resolution 180220/25 made in February 2020, contained an option to extend the contract by a further two years based on performance of the Mutual.

The three-year term of the contract will conclude on 30 June 2023. Based on the information provided within the report, it is recommended that Council grant the two-year performance-based extension.

RESOLUTION 210323/14

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council grants a two-year extension to the existing contract for insurance related services and insurance coverage to CivicRisk Mutual Pty Ltd, for the period 1 July 2023 to 30 June 2025.

CARRIED

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION**RESOLUTION 210323/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

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

CARRIED

19.1 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 FEBRUARY 2023 - 28 FEBRUARY 2023**RESOLUTION 210323/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council receives and notes the Development Application report for the period 1 February 2023 – 28 February 2023.

CARRIED

19.2 GRANT APPLICATION INFORMATION REPORT - FEBRUARY 2023**RESOLUTION 210323/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council receives and notes the Grant Application Information Report for the month of February 2023.

CARRIED

20 QUESTIONS ON NOTICE

Nil.

21 QUESTIONS FOR NEXT MEETING (IN WRITING)**21.1 CR ROBERT HAYES - NORTHERN RIVERS RECONSTRUCTION CORPORATION**

At the March 2023 Council Information Session, the CEO of the Northern Rivers Reconstruction Corporation, Mr David Witherdin, addressed Councillors and staff and he was questioned by the General Manager of Richmond Valley Council as to what the Corporation could do to assist with the re-establishment of a supermarket in Woodburn after the 2022 floods. Can Council follow up with Mr Witherdin to confirm in writing what the Corporation has done to assist the Woodburn community in their plight to have this valued community business re-instated?

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 VP333456 - Colley Park Facility Building

This matter relates to a (d)(i) 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 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 210323/18

Moved: Cr Sandra Humphrys

Seconded: Cr Debra McGillan

That:

1. Council enters 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 6:47pm

The Open Council meeting resumed at 6:55pm

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

23 RESOLUTIONS OF CLOSED COUNCIL**22.1 Tender VP333456 - Colley Park Facility Building**

That Council:

1. Declines the submissions received for Tender VP333465 – Colley Park Facility Building due to three submission prices being higher than the budget allocated for the works and two being non-conforming tenders.
2. Applies Clause 178 (3e) of the Local Government (General) Regulation 2021 to authorise the General Manager to enter 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 outcome of the negotiations will be reported to Council for information at a future meeting.

The Meeting closed at 6:56pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 April 2023.

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CHAIRPERSON