

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
16 May 2023**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 16 MAY 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 Robert Hayes, Cr Patrick Deegan and 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), Hayley Martin (Principal Accountant), 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

Nil

4 APOLOGIES

RESOLUTION 160523/1

Moved: Cr Robert Hayes
Seconded: Cr Debra McGillan

That the apologies received from Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish and Cr Sandra Humphrys, be accepted and leave of absence granted.

CARRIED

5 MAYORAL MINUTES**5.1 MAYORAL MINUTE - CASINO COURT HOUSE - FLOOD DAMAGE ONGOING CLOSURE****RESOLUTION 160523/2**

Moved: Cr Robert Mustow
Seconded: Cr Patrick Deegan

That Council writes to the Minister for Communities and Justice and our Local Member for Clarence, seeking assistance to expedite the repair works required to ensure the reopening of the Casino Court House as soon as possible given the impacts it is having on our community and the local economy.

CARRIED

5.2 MAYORAL MINUTE - SIGNIFICANT INCREASE IN EMERGENCY SERVICES LEVY COSTS**RESOLUTION 160523/3**

Moved: Cr Robert Mustow
Seconded: Cr Debra McGillan

That:

1. Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member:
 - a. Expressing Council's concerns with the NSW Government's decision to discontinue the subsidy on the Emergency Services Levy (ESL) which will impact on Council's service delivery in 2023/24;
 - b. Noting that as a consequence of the 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded.
 - c. Advising that the Government's decision is likely to mean a reduction in important local services and/or the cancellation of necessary infrastructure projects;
 - d. Calling on the NSW Government to take action to:
 - i. restore the Emergency Services Levy subsidy in 2023/24;
 - ii. introduce legislation to separate the ESL from the general rating provisions to enable councils to recover the full cost via a separate item listed on the annual rate notice;
 - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.

CARRIED

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD 18 APRIL 2023****RESOLUTION 160523/4**

Moved: Cr Robert Hayes
Seconded: Cr Patrick Deegan

That Council confirms the Minutes of the Ordinary Meeting held on 18 April 2023.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES**7.1 NORTHERN RIVERS RECONSTRUCTION CORPORATION RESPONSE**

Cr Robert Hayes referred to the April Ordinary meeting:-

- Item 3 Public Access; address from Tania Hundy from Woodburn IGA, seeking financial support for her business, and
- Item 20 Northern Rivers Reconstruction Corporation Question and the Question on Notice at the March Ordinary meeting; asking if Council had received a response to its correspondence to the Corporation, seeking support to re-establish the Woodburn IGA business.

The General Manager advised that a letter was written to Mr David Witherdin the CEO of the Northern Rivers Reconstruction Corporation, a copy was also forwarded to Mr Betts, Coordinator of the NSW Reconstruction Authority, seeking a response. Both have acknowledged the correspondence, however no answer has been provided to date.

The Mayor also advised that the matter had been raised with Janelle Saffin MP State Member for Lismore and the Hon Paul Scully MP, Minister for Planning and Open Spaces, and they are following up on this issue.

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCE REPORT 11 APRIL - 10 MAY 2023****RESOLUTION 160523/5**

Moved: Cr Robert Mustow

Seconded: Cr Debra McGillan

That Council receives and notes the Mayoral Attendance Report for the period 11 April – 10 May 2023, with the amendment that the Mayor did not attend the 10th May Coraki Golf Club meeting as reported.

CARRIED

12 DELEGATES' REPORTS**12.1 DELEGATES' REPORT MAY 2023 - ROUS COUNTY COUNCIL****RESOLUTION 160523/6**

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

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

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 160523/7**

Moved: Cr Patrick Deegan

Seconded: Cr Robert Hayes

That item 17.2 identified be determined without debate.

CARRIED

14 GENERAL MANAGER**14.1 DRAFT COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM****EXECUTIVE SUMMARY**

Richmond Valley Council's new draft Community Strategic Plan – Richmond Valley 2040, and draft Delivery Program 2023-25 have been prepared following community consultation and are presented for Council's consideration.

Preparation of the documents was delayed due to the catastrophic floods in 2022 and Council has been implementing its Rebuilding the Richmond Valley Recovery Plan as an interim delivery program over the past year to support flood recovery. Community consultation for the plans resumed in October 2022, and a further six months of community surveys, consultation sessions and on-line engagement has been completed.

The new Community Strategic Plan focuses on long-term sustainable growth and building back better after the floods, while still preserving the Richmond Valley's relaxed lifestyle, unique environment and sense of community connection.

Should Council endorse the draft plans for exhibition, they will be placed on public display for at least 28 days, before being presented to Council for final consideration at its 29 June 2023 extraordinary meeting.

RESOLUTION 160523/8

Moved: Cr Robert Mustow

Seconded: Cr Debra McGillan

That Council:

1. Notes the March 2022 resolution to adopt a revised Integrated Planning and Reporting schedule for the 2022-23 financial year, due to the impacts of catastrophic flooding on the Richmond Valley.
2. Notes that the delayed community consultation program for the Community Strategic Plan has now been completed, and a draft Community Strategic Plan, Richmond Valley 2040, has been prepared.
3. Places the Draft Community Strategic Plan and Draft Delivery Program 2023-25 on public exhibition for a period of 28 days.

CARRIED

15 COMMUNITY SERVICE DELIVERY

Nil

16 PROJECTS & BUSINESS DEVELOPMENT

Nil

17 ORGANISATIONAL SERVICES**17.1 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 31 MARCH 2023****EXECUTIVE SUMMARY**

This report outlines the proposed adjustments for the 2022/2023 budget for the quarter ended 31 March 2023.

The proposed changes see Council's projected operating surplus from continuing operations for 2022/2023 increase to \$38,952,841, from the budget surplus of \$34,400,998 at 31 December 2022. The net operating result before capital grants and contributions has decreased slightly to a surplus of \$4,972,697.

Income from continuing operations has increased by \$8,445,829, to a projected total of \$120,115,778. This is largely due to an increase in grant funding being received as well as an increase in the interest revenue budget with higher than anticipated returns on Council's investments. Expenses from continuing operations have increased by \$3,893,986 to a projected cost of \$81,162,936.

Council has performed a thorough review of its capital works program, resulting in an overall decrease of \$1,283,006 to a projected total of \$52,800,316. The delivery and budgeting of Council's capital works program has been strongly impacted by supply constraints and contractor availability along with continuing with recovery and reconstruction projects which are taking priority. It is expected that these impacts will be felt throughout the current financial year and likely into the 2023/2024 financial year as the community and economy recovers. As at the end of March the Capital Works program is 66% complete, which is a pleasing position considering the abovementioned constraints. In a normal year Council's Capital works program would total approximately \$20 to \$25 million, as at 31 March the actual spend is \$34,822,637. Council will continue to ensure its capital works program is closely monitored.

Council's unrestricted cash surplus has remained unchanged at \$287,260 as of 31 March 2023.

A detailed Quarterly Budget Review Statement for the third quarter of the 2022/2023 financial year has been circulated separately to each Councillor. These changes are disclosed by priority areas on pages 4-8 of the Quarterly Budget Review Statement and detailed explanations are provided on pages 9-17.

RESOLUTION 160523/9

Moved: Cr Debra McGillan

Seconded: Cr Robert Hayes

That Council:

1. Receives the Quarterly Budget Review Statement as at 31 March 2023; and
2. Approves the recommended budget variations.

CARRIED

17.2 FINANCIAL ANALYSIS REPORT - APRIL 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 30 April 2023 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$14,920,756	\$36,000,000	\$5,750,390	\$2,000,000	\$15,303,546	\$73,974,692

The weighted average rate of return on Council's cash and investments as at 30 April 2023 was 5.58% which was above the Bloomberg AusBond Bank Bill Index for April of 0.30%, which is Council's benchmark.

RESOLUTION 160523/10

Moved: Cr Patrick Deegan

Seconded: Cr Robert Hayes

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

CARRIED

17.3 DRAFT OPERATIONAL PLAN 2023/2024 (INCLUDING DRAFT FINANCIAL ESTIMATES 2023/2027), DRAFT REVENUE POLICY 2023/2024 AND DRAFT LONG TERM FINANCIAL PLAN 2023/2033**EXECUTIVE SUMMARY**

The following documents have been prepared in consultation with Councillors:

1. Draft Operational Plan 2023/2024 (including Draft Financial Estimates for the period 2023/2027),
2. Draft Revenue Policy 2023/2024, and
3. Draft Long-Term Financial Plan 2023/2033

RESOLUTION 160523/11

Moved: Cr Robert Mustow

Seconded: Cr Patrick Deegan

That:

1. The Draft Operational Plan 2023/2024 (including Draft Financial Estimates 2023/2027), Draft Revenue Policy 2023/2024 and Draft Long Term Financial Plan 2023/2033 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 Extraordinary Meeting of Council on 29 June 2023.

CARRIED

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION**RESOLUTION 160523/12**

Moved: Cr Patrick Deegan

Seconded: Cr Robert Hayes

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

CARRIED

19.1 WOODBURN RIVERSIDE STREETSCAPE DESIGN**RESOLUTION 160523/13**

Moved: Cr Patrick Deegan

Seconded: Cr Robert Hayes

That Council receives and notes the awarding of the Woodburn Riverside Streetscape Design to Ennismorefield Landscape Architects.

CARRIED

19.2 OUTCOME OF THE COMMUNITY FINANCIAL ASSISTANCE PROGRAM 2022/2023 ROUND TWO FUNDING**RESOLUTION 160523/14**

Moved: Cr Patrick Deegan

Seconded: Cr Robert Hayes

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

CARRIED

19.3 EVENT SUPPORT SCHEME ALLOCATION 2023/2024**RESOLUTION 160523/15**

Moved: Cr Patrick Deegan

Seconded: Cr Robert Hayes

That Council receives and notes the allocations under the Event Support Scheme Application 2023/2024.

CARRIED

19.4 GRANT APPLICATION INFORMATION REPORT - APRIL 2023**RESOLUTION 160523/16**

Moved: Cr Patrick Deegan

Seconded: Cr Robert Hayes

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

CARRIED

19.5 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 APRIL 2023 - 30 APRIL 2023**RESOLUTION 160523/17**

Moved: Cr Patrick Deegan

Seconded: Cr Robert Hayes

That Council receives and notes the Development Application report for the period 1 April 2023 – 30 April 2023.

CARRIED

19.6 INFRASTRUCTURE RECONSTRUCTION UPDATE**RESOLUTION 160523/18**

Moved: Cr Patrick Deegan

Seconded: Cr Robert Hayes

That Council receives and notes the information provided in the Infrastructure Reconstruction Update.

CARRIED

20 QUESTIONS ON NOTICE

Nil

21 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil

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 Write Off Bad Debt

This matter 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.

22.2 Tender VP351528 Illawong Lane, Drainage Construction

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 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 160523/19

Moved: Cr Robert Hayes

Seconded: Cr Patrick Deegan

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 6.47 pm

The Open Council meeting resumed at 6.57 pm

The resolutions of the Closed Council meeting were read by the Director Organisational Services (Item 22.1) and Director Community Service Delivery (Item 22.2).

23 RESOLUTIONS OF CLOSED COUNCIL**22.1 Write Off Bad Debt**

That Council writes off the bad debt as detailed in the report.

22.2 Tender VP351528 Illawong Lane, Drainage Construction

That Council:

1. Declines the submissions received for Tender VP351528 – Illawong Lane Drainage Construction due to one submission price being higher than the budget allocated for the works and the other one being a non-conforming tender.
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 procure 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. Approves an increased budget allocation for this project in accordance with the upper limit identified in this report.
4. Notes that the outcome of the negotiations will be reported to Council for information at a future meeting.

The Meeting closed at 7.00 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 June 2023.

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CHAIRPERSON