

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
20 June 2023**

ORDER OF BUSINESS

1	ACKNOWLEDGEMENT OF COUNTRY	4
2	PRAYER	4
3	PUBLIC ACCESS	4
4	APOLOGIES	4
5	MAYORAL MINUTES	4
	Nil	
6	CONFIRMATION OF MINUTES	5
	6.1 Minutes Ordinary Meeting held 16 May 2023	5
7	MATTERS ARISING OUT OF THE MINUTES	5
8	DECLARATION OF INTERESTS	5
9	PETITIONS	6
	Nil	
10	NOTICE OF MOTION	6
	Nil	
11	MAYOR'S REPORT	6
	11.1 Mayoral Attendance Report 11 May - 12 June 2023.....	6
12	DELEGATES' REPORTS	6
	Nil	
13	MATTERS DETERMINED WITHOUT DEBATE	6
	13.1 Matters to be Determined Without Debate.....	6
14	GENERAL MANAGER	7
	14.1 Release of Draft Resilient Lands Strategy and Flood Hazard Mapping	7
15	COMMUNITY SERVICE DELIVERY	8
	15.1 Draft Richmond Valley Flood Study.....	8
16	PROJECTS & BUSINESS DEVELOPMENT	8
	16.1 Lands, Buildings and Other Structures Asset Management Plan.....	8
	16.2 Stan Payne Oval Master Plan	9
	16.3 Proposed Part Road Closure - Foy Street, Casino	9
	16.4 Transfer of Crown Road to Council - Lagoon Road, Coraki.....	10
17	ORGANISATIONAL SERVICES	11
	17.1 Councillor Remuneration 2023/2024	11
	17.2 Financial Analysis Report - May 2023	11
18	GENERAL BUSINESS	12
	Nil	
19	MATTERS FOR INFORMATION	12
	19.1 IPART - Draft report on the rate peg methodology review	12

19.2	Outcome of Negotiations of Tender VP339938 - Supply & Delivery of Four Mobile Caravans	12
19.3	Development Applications Determined Under the Environmental Planning and Assessment Act for the Period 1 May 2023 - 31 May 2023	13
19.4	Grant Application Information Report - May 2023.....	13
19.5	Internal Audit and Risk Committee Minutes 3 May 2023	13
19.6	Correspondence - Casino Court House Closure.....	13
19.7	Correspondence - Emergency Services Levy.....	14
20	QUESTIONS ON NOTICE.....	14
	Nil	
21	QUESTIONS FOR NEXT MEETING (IN WRITING).....	14
22	MATTERS REFERRED TO CLOSED COUNCIL	14
22.1	Northern Rivers Livestock Exchange Agent Licence Procurement Process	14
23	RESOLUTIONS OF CLOSED COUNCIL	15

**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 20 JUNE 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 Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Debra McGillan and Cr Patrick Deegan.

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

Nil

4 APOLOGIES

Nil

5 MAYORAL MINUTES

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD 16 MAY 2023

RESOLUTION 200623/1

Moved: Cr Debra McGillan

Seconded: Cr Robert Hayes

That Council confirms the Minutes of the Ordinary Meeting held on 16 May 2023.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

7.1 NORTHERN RIVERS RECONSTRUCTION AUTHORITY RESPONSE

Cr Robert Hayes referred to Item 7.1 Northern Rivers Reconstruction Corporation (NRRC) Response, and the letter provided to the Corporation's CEO David Witherdin seeking assistance for the Woodburn IGA, and asked if a response had been received?

Also the approaches made to Janelle Saffin MP and Minister for Planning and Public Spaces the Hon Paul Scully MP who were following up on the issue.

The General Manager advised a response letter had been received from the NRRC, which would be forwarded to Councillors. In summary, the letter states the focus of the NRRC is housing recovery and it currently does not have any programs which would fit the Woodburn IGA's business request. The Woodburn IGA's owner, Ms Hundy has also received a similar response from the NRRC and was thankful for Council's support in bringing this matter to the government's attention.

7.2 WOODBURN RIVERSIDE STREETScape DESIGN

Cr Robert Hayes referred to Item 19.1 Woodburn Riverside Streetscape Design and enquired who were following up on the issue and asked if there was a timeline.

Director Projects & Business Development advised the contract for the works was executed on 19 June 2023 with a timeline of consultation with the public commencing in the upcoming weeks and the designs to be commenced within two months.

8 DECLARATION OF INTERESTS

Cr Robert Mustow declared a pecuniary interest in relation to Item 14.1 Release of Draft Resilient Lands Strategy and Flood Hazard Mapping, due to owning a flood impacted property.

Ryan Gaiter Director Organisational Services declared a pecuniary interest in relation to Item 14.1 Release of Draft Resilient Lands Strategy and Flood Hazard Mapping, due to owning a flood impacted property.

Cr Debra McGillan declared a pecuniary interest in relation to Item 14.1 Release of Draft Resilient Lands Strategy and Flood Hazard Mapping, due to owning a flood impacted property.

Cr Robert Hayes declared a non-pecuniary interest in relation to Item 19.3 Development Applications Determined Under the Environmental Planning and Assessment Act for the period 1 May 2023 – 31 May 2023, due to being the applicant for listed development applications.

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT

11.1 MAYORAL ATTENDANCE REPORT 11 MAY - 12 JUNE 2023

RESOLUTION 200623/2

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 11 May – 12 June 2023.

CARRIED

12 DELEGATES' REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE

RESOLUTION 200623/3

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That items 16.1, 16.3, 16.4, 17.1 and 17.2 be determined without debate.

CARRIED

At 6:13 pm, Cr Robert Mustow, Cr Debra McGillan and Director Organisational Services left the meeting.

The Mayor vacated the position of Chair.

The Deputy Mayor assumed the position of Chair.

14 GENERAL MANAGER**14.1 RELEASE OF DRAFT RESILIENT LANDS STRATEGY AND FLOOD HAZARD MAPPING****EXECUTIVE SUMMARY**

The Northern Rivers Reconstruction Corporation has achieved two major milestones in its Flood Recovery Programs with the release of the Draft Northern Rivers Resilient Lands Strategy - identifying suitable lands for future flood-safe development - and the provision of flood hazard mapping, to support the Resilient Homes program.

While the draft Resilient Lands Strategy provides some hope for future large-scale residential development in the Richmond Valley, the Resilient Homes announcements are a disappointing result for flood-affected communities in the Mid-Richmond. The flood hazard maps show that most investment in housing buy-backs will be centred on Lismore, with very few properties in Coraki, Woodburn, Broadwater and Riley's Hill identified for priority consideration.

Council will continue to work with the Northern Rivers Reconstruction Corporation to achieve better outcomes for these communities. It will also continue to support investigations into future residential land releases, in consultation with the NRRC, Regional NSW and landowners.

RESOLUTION 200623/4

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That Council:

1. Notes the release of the Northern Rivers Resilient Lands Strategy and Flood Hazard Mapping
2. Makes a submission to the public exhibition of the draft Resilient Lands Strategy, supporting the identification of land at Fairy Hill for priority investigation, and seeking further development of affordable housing on Crown Lands in the Richmond Valley
3. Writes to the Northern Rivers Reconstruction Corporation, expressing its disappointment at the outcomes of the Resilient Homes Program for communities in the Mid-Richmond, and seeking further support for flood recovery in these communities.

CARRIED

At 6:21 pm, Cr Robert Mustow, Cr Debra McGillan and Director Organisational Services returned to the meeting.

The Mayor resumed the position of Chair.

15 COMMUNITY SERVICE DELIVERY**15.1 DRAFT RICHMOND VALLEY FLOOD STUDY****EXECUTIVE SUMMARY**

BMT Commercial Australia Pty Ltd was commissioned in early 2021 to prepare a new flood model and study for the Richmond Valley LGA's floodplains. The scope of the project was to replace a number of smaller, often inconsistent, and dated flood studies with a single much larger modern flood model and study. A Draft Report was presented to Council on 25 February 2022 but required review almost immediately due to the significant flood events that occurred during late February and March 2022.

BMT was subsequently commissioned to update the model and study to incorporate data from the 2022 flood event and to undertake additional calibration. This update has now been completed and the revised Draft Richmond Valley Flood Study Report (2023) is presented for Council's consideration.

RESOLUTION 200623/5

Moved: Cr Robert Hayes

Seconded: Cr Stephen Morrissey

That Council:

1. Receives the Draft Richmond Valley Flood Study;
2. Provides in-principle support for the study; and
3. Authorises the public exhibition of the study in accordance with Council's Community Participation Plan.

CARRIED

16 PROJECTS & BUSINESS DEVELOPMENT**16.1 LANDS, BUILDINGS AND OTHER STRUCTURES ASSET MANAGEMENT PLAN****EXECUTIVE SUMMARY****RESOLUTION 200623/6**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council considers and adopts the Land, Buildings and Other Structures 2023-2032 Asset Management Plan.

CARRIED

16.2 STAN PAYNE OVAL MASTER PLAN

EXECUTIVE SUMMARY

Council staff have been liaising with stakeholders over the past 12 months to establish a draft Master Plan for the future development of Stan Payne Oval, Evans Head. Council has conducted various workshops and undertaken public consultation. A final draft Master Plan is presented to Council for consideration and adoption.

RESOLUTION 200623/7

Moved: Cr Robert Hayes

Seconded: Cr Stephen Morrissey

That Council adopts the draft Stan Payne Oval Master Plan.

CARRIED

16.3 PROPOSED PART ROAD CLOSURE - FOY STREET, CASINO

EXECUTIVE SUMMARY

Council is undertaking road upgrades within Foy Street, Country Lane, and Kent Street Casino to improve road access and drainage to support a safer road network. Due to the existing road width constraints, larger vehicles (garbage trucks, buses etc) are unable to easily turn around.

Preliminary discussions with the owners of 6 Foy Street (Applicant), explored the opportunity to construct a cul-de-sac with a radius suitable for a larger turning circle that would encroach into their property. The Applicant has requested the unformed portion of Foy Street to be closed in compensation providing opportunity for additional car parking facilities (see *Map 1*). The severed land, i.e., southern part of Foy Street not required for the Applicant would be proposed to become Council operational land.

Council is required to undertake relevant consultation in accordance with Section 38B of the *Roads Act 1993* to close the public road. The land is zoned RE1 Public Recreation. A rezoning of the land to include an additional permitted use for the provisions of car parking facilities would be required for this development. The rezoning process would be proposed to run in conjunction with the exhibition of the road closure.

RESOLUTION 200623/8

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That:

1. Council undertakes formal notification to close the council public road in accordance with Section 38B of the *Roads Act 1993*.
2. Council commences the process to rezone the proposed closed road land with an additional permitted use to include provisions for car parking facilities.
3. A further report be submitted to Council at the completion of the consultation.

CARRIED

16.4 TRANSFER OF CROWN ROAD TO COUNCIL - LAGOON ROAD, CORAKI**EXECUTIVE SUMMARY**

NSW Crown Lands has approached Council to transfer the ownership of the crown road sections of Lagoon Road to Council.

The residents of Lagoon Road have requested that Council undertakes the maintenance responsibility of Lagoon Road, and the additional adjoining formed unmaintained Council public road.

This report outlines the community benefits, costs and maintenance responsibilities involved in transferring part of Lagoon Road, Coraki to Council and recommends that the transfer takes place.

RESOLUTION 200623/9

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That:

1. Council accepts the transfer of ownership of the unsealed Lagoon Road Coraki from NSW Crown Lands to Council as a dedicated public road.
2. The residents are required to upgrade private driveways located within the road reserve at their own cost to adhere to relevant safety and road standard requirements.
3. The residents of Lagoon Road are required to financially contribute a total combined sum of \$46,000 towards the upgrade of the road (drainage, culverts, and headwalls) to meet Council's minimum road standard.
4. Following payment in full and completion of road upgrade works Council accepts Lagoon Road and the adjoining road into Council's unsealed road maintenance program as a class C gravel road.
5. The road naming process is undertaken to formally name the road adjoining Lagoon Road.

CARRIED

17 ORGANISATIONAL SERVICES**17.1 COUNCILLOR REMUNERATION 2023/2024****EXECUTIVE SUMMARY**

Each financial year, the Local Government Remuneration Tribunal determines the minimum and maximum remuneration payable to Mayors and Councillors for carrying out their duties. The determination by the Local Government Remuneration Tribunal is pursuant to Sections 239 and 241 of the *Local Government Act 1993*.

Council has received notification that the Local Government Remuneration Tribunal has determined that the Mayoral and Councillor Fees are to increase 3% for the 2023/2024 financial year.

RESOLUTION 200623/10

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council:

1. Notes the Local Government Remuneration Tribunal determination for the 2023/24 financial year.
2. Sets the Mayoral Allowance for the 2023/2024 financial year effective from 1 July 2023 at \$47,420.00 per annum or \$3,951.67 per month.
3. Sets the Councillor Fee for the 2023/2024 financial year effective from 1 July 2023 at \$21,730.00 per annum or \$1,810.83 per month.

CARRIED

17.2 FINANCIAL ANALYSIS REPORT - MAY 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 31 May 2023 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$19,603,032	\$34,000,000	\$5,750,390	\$2,000,000	\$15,260,721	\$76,614,143

The weighted average rate of return on Council's cash and investments as at 31 May 2023 was 2.74% which was above the Bloomberg AusBond Bank Bill Index for May of 0.29%, which is Council's benchmark.

RESOLUTION 200623/11

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

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

CARRIED

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION

RESOLUTION 200623/12

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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

CARRIED

19.1 IPART - DRAFT REPORT ON THE RATE PEG METHODOLOGY REVIEW

RESOLUTION 200623/13

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receives and notes the information on IPART's draft review of the rate peg methodology.

CARRIED

19.2 OUTCOME OF NEGOTIATIONS OF TENDER VP339938 - SUPPLY & DELIVERY OF FOUR MOBILE CARAVANS

RESOLUTION 200623/14

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receives the report on the Outcome of Negotiations of Tender VP339938 - Supply & Delivery of four Mobile Caravans and notes the engagement of:

1. Work Caravans Pty Ltd to deliver two mobile amenities vans for \$102,000 (ex GST) each, and one mobile office and lunchroom for \$109,090.91 (ex GST), and;
2. The Food Trailer King Pty Ltd to deliver one mobile kitchen van and cool room for \$83,127 (ex GST).

CARRIED

19.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 MAY 2023 - 31 MAY 2023**RESOLUTION 200623/15**

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That Council receives and notes the Development Application report for the period 1 May 2023 – 31 May 2023.

CARRIED

19.4 GRANT APPLICATION INFORMATION REPORT - MAY 2023**RESOLUTION 200623/16**

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

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

CARRIED

19.5 INTERNAL AUDIT AND RISK COMMITTEE MINUTES 3 MAY 2023**RESOLUTION 200623/17**

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That Council receives and notes the Minutes of the Internal Audit and Risk Committee Meeting held on 3 May 2023.

CARRIED

19.6 CORRESPONDENCE - CASINO COURT HOUSE CLOSURE**RESOLUTION 200623/18**

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That Council:

1. Receives and notes the correspondence forwarded to the Attorney General and Member for Clarence, as resolved at Council's May Ordinary meeting; Mayoral Minute: Casino Court House – Flood Damage Ongoing Closure.
2. Notes that Council is yet to receive a response from the Attorney General
3. Notes the address delivered by Mr Richie Williamson (Member for Clarence) on 23 May 2023 to NSW Parliament in response to this matter.

CARRIED

19.7 CORRESPONDENCE - EMERGENCY SERVICES LEVY**RESOLUTION 200623/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receives and notes the correspondence forwarded to the Treasurer, Minister for Emergency Services, the Minister for Local Government and the Member for Clarence regarding concerns with the Emergency Services Levy.

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 Northern Rivers Livestock Exchange Agent Licence Procurement Process

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 item 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 provision of section 10(2) outlined above.

RESOLUTION 200623/20

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

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 6.33 pm.

The Open Council meeting resumed at 7.04 pm.

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

23 RESOLUTIONS OF CLOSED COUNCIL**Item 22.1 Northern Rivers Livestock Exchange Agent Licence Procurement Process**

That Council:

1. Notes the progress and outcomes of the Expression of Interest Agent Licence Procurement process,
2. Reaffirms its endorsement of the NRLX fees and charges as resolved by Council at its March 2023 Ordinary meeting and included in the Draft Revenue Policy 2023/24, and
3. Authorises the General Manager to establish an ongoing EOI process as outlined in this report to secure agencies for up to seven licences and report the outcomes back to Council.

The Meeting closed at 7.05 pm

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

.....
CHAIRPERSON