

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
15 August 2023**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 15 AUGUST 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), Julie Clark (Personal Assistant to the General Manager and Mayor), and 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 150823/1

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 - LOCAL GOVERNMENT WEEK AWARDS 2023****RESOLUTION 150823/2**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

- 1 Acknowledges receipt of the RH Dougherty Award for its Rebuilding the Richmond Valley recovery plan
- 2 Extends its congratulations to all Council staff involved in preparing and delivering the plan to support our community's continued flood recovery.

CARRIED

5.2 MAYORAL MINUTE - CASINO TRUCK SHOW**RESOLUTION 150823/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

- 1 Notes the outstanding success of the 2023 North Coast Petroleum Casino Truck Show and its well-deserved title as the biggest truck show in the southern hemisphere.
- 2 Extends its congratulations to the Organising Committee, volunteers and council staff led by our Community Connection team for delivering a high quality event for our community.

CARRIED

RESOLUTION 150823/4

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council accepts the Mayoral Minute – Casino Showground Precinct Funding Boost as a late item to the business paper.

CARRIED

5.3 MAYORAL MINUTE - CASINO SHOWGROUND PROJECT FUNDING BOOST**RESOLUTION 150823/5**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council:

1. Acknowledges the receipt of an additional \$4.6m for the Casino Showground and Racecourse upgrade, under the Bushfire Local Economic Recovery Fund.
2. Notes the significant investment by the Australian and NSW Governments in supporting Council's development of this precinct as a leading regional equestrian centre.
3. Writes to the Minister for Regional NSW, the Minister for the North Coast, the Member for Page and the Member for Clarence to thank them for their continued support for the showground project.

CARRIED**6 CONFIRMATION OF MINUTES****6.1 MINUTES ORDINARY MEETING HELD 18 JULY 2023****RESOLUTION 150823/6**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

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

CARRIED**7 MATTERS ARISING OUT OF THE MINUTES**

Nil

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

10 NOTICE OF MOTION**10.1 NOTICE OF MOTION - RATE REBATE EXTENSION****RESOLUTION 150823/7**

Moved: Cr Robert Hayes
Seconded: Cr Patrick Deegan

That Council writes to the Premier of NSW, the Hon. Chris Minns MP, seeking further rate relief for flood-affected residents across the Richmond Valley area for the 2023/24 financial year.

CARRIED

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCE REPORT 12 JULY - 8 AUGUST 2023****RESOLUTION 150823/8**

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 12 July – 8 August 2023.

CARRIED

12 DELEGATES' REPORTS**12.1 DELEGATES REPORT - NATIONAL SALEYARDS EXPO JULY 2023****RESOLUTION 150823/9**

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

That Council receives and notes the Delegates' Report for the month of July 2023.

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE

RESOLUTION 150823/10

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That items 17.1 and 17.2 identified be determined without debate.

CARRIED

14 GENERAL MANAGER

14.1 REBUILDING THE RICHMOND VALLEY DELIVERY PROGRAM PROGRESS REPORT

EXECUTIVE SUMMARY

Richmond Valley Council has completed the first 12 months of its Rebuilding the Richmond Valley interim Delivery Program, with substantial progress in all areas of flood recovery.

The recovery journey from the catastrophic 2022 floods is expected to take at least three years, with activity during the first year focused on:

- Understanding the scale of the damage and how long it will take to fix
- Completing emergency repairs to essential infrastructure, such as water supply, sewerage services and road networks
- Getting people back into their homes wherever possible
- Fixing essential facilities, such as halls and sports grounds, so that communities can come together again
- Supporting the long-term recovery of our environment
- Advocating for support and funding from state and federal governments to complete the recovery process.

At the end of Year One, we have seen positive progress in these areas. Council has now completed its emergency infrastructure repairs and the majority of restoration works for community buildings and sporting facilities. More than \$36m has been secured in government funding to support recovery works. However, continued delays with regional buy-backs, relocation and house resilience programs remain a major concern for the community and Council will continue to advocate strongly for further assistance.

Actions for the remaining two years of the program have been incorporated into Council's 2023-25 Delivery Program. This will concentrate on continued repairs and reconstruction of flood damaged roads and bridges, major infrastructure upgrades, improving preparedness for natural disasters and supporting long-term economic growth and prosperity for the Valley.

RESOLUTION 150823/11

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council:

1. Receives and notes the progress report for the January-July 2023 period of the Rebuilding the Richmond Valley Delivery Program;
2. Acknowledges the outstanding efforts of the community in its continued journey towards recovery from the 2022 floods;
3. Continues to advocate strongly for:
 - a) urgent progress in implementing regional housing solutions, and
 - b) accelerated approvals for Disaster Recovery Funding Arrangements (DRFA) claims for essential infrastructure repairs.

CARRIED

15 COMMUNITY SERVICE DELIVERY

Nil

16 PROJECTS & BUSINESS DEVELOPMENT

Nil

17 ORGANISATIONAL SERVICES**17.1 FINANCIAL ANALYSIS REPORT - JULY 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 (AASB9) and Council's Investment Policy.

The value of Council's cash and investments at 31 July 2023 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$15,405,218	\$47,000,000	\$5,750,390	\$2,000,000	\$15,506,502	\$85,662,110

The weighted average rate of return on Council's cash and investments as at 31 July 2023 was 6.28% which was above the Bloomberg AusBond Bank Bill Index for July of 0.37%, which is Council's benchmark.

RESOLUTION 150823/12

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 July 2023.

CARRIED

17.2 MONTHLY BUDGET ADJUSTMENTS REPORT - JULY 2023**EXECUTIVE SUMMARY**

This report details proposed budgeted “Carry Forwards” and “Revotes” for the 2023 Financial Year.

Carry forwards represent the unspent portion of budgeted projects that were either started or contracted to be started in the 2022/2023 year. Revotes represent the unspent portion of budgeted projects that were not underway in the 2022/2023 year.

Both carry forwards and revotes are an annual occurrence and can be due to several factors including, savings in completion of projects, where those funds can then be utilised on new or additional projects, weather events, contractor availability, material availability, timing of grant funding and the associated expenditure of those funds.

The proposed carry forwards total \$7,331,606 comprising \$170,342 in operating expenditure and \$7,161,264 in capital expenditure. This represents only 0.21% of budgeted operating expenditure and 13.56% of budgeted capital expenditure for 2022/2023.

The proposed revotes total \$852,140 comprising \$624,386 in operating expenditure and \$227,754 in capital expenditure. This represents only 0.77% of budgeted operating expenditure and 0.43% of budgeted capital expenditure for 2022/2023.

Council’s annual Financial Statements are currently being prepared for audit and as such, the final carry forward and revote budgets are still subject to change. At this stage the proposed changes will have no impact on the projected budget surplus of \$212,574 for 2023/2024 as the carry over works are fully funded from unexpended grants and contributions or previously budgeted from other reserves.

RESOLUTION 150823/13

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council:

1. Notes carry forwards for the financial year ended 30 June 2023
2. Approves revotes for the financial year ended 30 June 2023
3. Notes the revised budget for 2023/2024, including carry forward and revotes.

CARRIED

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION**RESOLUTION 150823/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

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

CARRIED

19.1 NORTHERN RIVERS LIVESTOCK EXCHANGE STATISTICS AS AT 30 JUNE 2023**RESOLUTION 150823/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the Northern Rivers Livestock Exchange Statistics as at 30 June 2023.

CARRIED

19.2 RICHMOND-UPPER CLARENCE REGIONAL LIBRARY ANNUAL REPORT 2022/2023**RESOLUTION 150823/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the Richmond-Upper Clarence Regional Library Annual Report 2022/2023.

CARRIED

19.3 GRANT APPLICATION INFORMATION REPORT - JULY 2023**RESOLUTION 150823/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

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

CARRIED

19.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 JULY 2023 - 31 JULY 2023**RESOLUTION 150823/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the Development Application report for the period 1 July 2023 to 31 July 2023.

CARRIED

19.5 NSW WATER CONFERENCE 26-28 JUNE 2023**RESOLUTION 150823/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the summary of the LGNSW Water Management Conference held 26-28 June 2023.

CARRIED

19.6 CORRESPONDENCE: RICHMOND VALLEY FLOOD RECOVERY PRIORITIES**RESOLUTION 150823/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the correspondence provided to:

- The Hon. Chris John Minns, MP Premier of New South Wales
- The Hon. Jihad Dib MP, Minister for Customer Service and Digital Government, Minister for Emergency Services, and Minister for Youth Justice, and
- The Hon. Paul Scully MP, Minister for Planning and Public Spaces

CARRIED

19.7 TENDER VP333465 - COLLEY PARK FACILITY BUILDING**RESOLUTION 150823/21**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the report Tender VP333465 – Colley Park Facility Building.

CARRIED

20 QUESTIONS ON NOTICE

20.1 QUESTIONS ON NOTICE - NORTHERN RIVERS LIVESTOCK EXCHANGE

The following questions on notice were received from Councillor Robert Hayes.

Questions

Background

We are now nearly 7 weeks into no sales at the Northern Rivers Livestock Exchange (NRLX) due to agents refusing to sign the licence agreements to operate at the facility, leaving doubt over the future of the NRLX as a livestock selling facility. To inform our future decision making around our ongoing involvement in the management of the complex, can the General Manager answer the following questions:

1. What is the current value of the complex?
2. Is Council able to lease the complex and what would that entail?
3. What other business uses could the complex be suited for?
4. If, prior to 30th June 2023 with the previous selling permit and fees in place, a special rate levy was applied across all ratepayers within the Richmond Valley Local Government Area to bring the NRLX business to a break-even operating result, allowing for all expenditure including maintenance, borrowing costs and depreciation, what would that levy amount be?
5. What are the potential impacts for Council if serious Work Health & Safety issues occur at the facility?

Responses

The General Manager advised;

1. The current written down value of the asset is \$28.5m. To get an indication of the market value of the asset we would need to procure an independent market valuation.
2. Councils do have the authority to lease their assets. To lease the facility to operate as a saleyard, a draft contract could be drawn up and Council could go to Public Tender. A panel would assess the submissions and if a successful tender was resolved by Council a contract would be signed granting an operating lease as a saleyard to the successful tenderer.
3. The NRLX Business Plan did not assess other uses, however some options that could be considered include:
 - Private enterprise saleyard
 - Boutique livestock or other animal sales e.g. horse sales
 - Parts of the premises could potentially be utilised as a small volume feedlot subject to licensing amendments with the EPA
 - Covered green waste organics processing facility
4. The 2022/23 NRLX Program Deficit was \$647,000. With 10,828 rateable properties, a flat rate special levy across all properties would require a levy of \$60 per property to fund the

NRLX program deficit so it breaks even.

5. Section 19 of the WHS Act sets out our Primary Duty of Care and specifies that the Person Conducting a Business or Undertaking PCBU must ensure, so far as is reasonably practicable the health and safety of all workers.

Section 20 of the WHS Act sets out the Duty of persons conducting businesses or undertakings involving management or control of workplaces which includes:

“The person with management or control of a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person”.

Penalties - If found guilty of recklessly exposing a person to risk of death or injury and not upholding these primary duties, penalties may include a personal fine for an employee of up to \$381,000 and up to 5 years imprisonment, the officer (PCBU) up to \$761,000 and up to 5 years imprisonment, and for a body corporate, which includes a Council, it is \$3.8m.

RESOLUTION 150823/22

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That the responses received in relation to the Questions on Notice - Northern Rivers Livestock Exchange be received and noted.

CARRIED

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 Tender VP359745 - Design and Construct Package - Reynolds Road Bridge and Lollback Creek Bridge Replacement

This matter relates to (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) - (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).

22.2 Tender VP367264 - South Casino Sewage Transfer Station (Pumping Station)

This matter relates to (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.

22.3 Write-off of Monies Under Delegation

This matter relates to

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) discussion in relation to the personal hardship of a resident or ratepayer.

This matter is considered to be confidential under Section 10A(2) - (a) and (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 personnel matters concerning particular individuals (other than councillors) and discussion in relation to the personal hardship of a resident or ratepayer.

22.4 Northern Rivers Livestock Exchange Agent Licence Procurement Process Update

This matter relates to (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.

RESOLUTION 150823/23

Moved: Cr Stephen Morrissey

Seconded: Cr Debra McGillan

That:

1. Council enters Closed Council to consider the business identified in Item 22, 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 7.18 pm.

The Open Council meeting resumed at 8.05 pm.

The resolutions of the Closed Council meeting were read by the Director Projects & Business Development, Director Community Service Delivery, Director Organisational Services and the General Manager.

23 RESOLUTIONS OF CLOSED COUNCIL

22.1 Tender VP359745 - Design and Construct Package - Reynolds Road Bridge and Lollback Creek Bridge Replacement

That

1. Council accepts the tender from Ozwide Bridge Rail and Civil Pty Ltd which represents the best value for council at \$1,358,250 (exclusive of GST); 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.

22.2 Tender VP367264 - South Casino Sewage Transfer Station (Pumping Station)

That Council:

1. Declines the submissions received for Tender VP367264 – South Casino Sewage Transfer Station (Pumping Station) due to the single submission prices being higher than the budget allocated for the works.
2. Applies Clause 178 (3)(e) 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. Notes that the outcome of the negotiations will be reported to Council for information at a future meeting.

22.3 Write-off of Monies Under Delegation

That Council receives and notes the Write-off of monies totalling \$7,765.11 under the General Manager's delegation.

22.4 Northern Rivers Livestock Exchange Agent Licence Procurement Process Update

That Council receives and notes the Northern Rivers Livestock Exchange Agent Licence Procurement Process update and the interest shown in operating at the facility.

The Meeting closed at 8.10pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 September 2023.

.....
CHAIRPERSON