

Richmond
Valley
Council



AGENDA

Ordinary Council Meeting

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Tuesday, 19 September 2023

Time: 6pm

**Location: Council Chambers
10 Graham Place, Casino**

**Vaughan Macdonald
General Manager**

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1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor will provide 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**3 PUBLIC ACCESS****4 APOLOGIES****5 MAYORAL MINUTES**

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD 15 AUGUST 2023

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 15 August 2023.

REPORT

Refer attached Minutes.

ATTACHMENT(S)

- 1. Unconfirmed Minutes 15 August 2023 (under separate cover)**

7 MATTERS ARISING OUT OF THE MINUTES

8 DECLARATION OF INTERESTS

(Councillors to specify details of item and nature of interest)

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCE REPORT 9 AUGUST - 11 SEPTEMBER 2023**

Author: Robert Mustow

RECOMMENDATION

That Council receives and notes the Mayoral Attendance Report for the period 9 August – 11 September 2023.

August

- 10th Northern Rivers Recovery Community Leaders Forum
- 10th Casino West Art Show
- 11th Northern Rivers Joint Organisation meeting and workshop
- 12th Casino Racing Club Event
- 15th Casino Truck Show donation to Jumbunna Community Preschool and Early Intervention Centre
- 15th Richmond Valley Council Ordinary meeting
- 16th Rous County Council Ordinary meeting
- 17th Casino Truck Show donation presentation to Westpac Helicopter Service
- 18th Vietnam Veterans Wreath Laying Ceremony Evans Head
- 18th Casino Truck Show donation presentation to Casino Community Kitchen.
- 20th Woodburn Pony Club Gymkhana
- 24th Northern Rivers Recovery Community Leaders Forum
- 26th Richmond Valley Business Awards
- 27th Darren Chapman Fun Run Lismore
- 31st Legacy Week – Wreath laying Ceremony at Richmond Valley Council
-

September

- 4th Public Meeting, Casino; Let's Put Beef Back into the Capital
- 5th Richmond Valley Councillor Information session at Evans Head
- 6th NSW Reconstruction Authority meeting
- 7th Northern Rivers Recovery Community Leaders Forum
- 8th Momentum Collective Friday BBQ breakfast
- 10th Lifeline Out of the Shadows Walk

ATTACHMENT(S)

Nil

12 DELEGATES' REPORTS**12.1 DELEGATES' REPORT SEPTEMBER 2023 - ROUS COUNTY COUNCIL****RECOMMENDATION**

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

REPORT

Council delegates are required to report on meetings/forums attended on Council's behalf.

Cr Robert Mustow and Cr Sandra Humphrys have provided the following summary of the main items of business for the Rous County Council Ordinary Meeting held on 16 August 2023.

ATTACHMENT(S)**1. Rous County Council Meeting 16 August 2023**

Rous Council Meeting 16 August 2023

Summary of main items of business



1. Presentation: Audit, Risk and Improvement Committee

Brian Wilkinson (ARIC Chair) presented his final ARIC Performance Report 2022/23 before bidding farewell and commencing his well-deserved retirement.

Cr Mustow thanked Brian for his time and effort during his ten years with Rous and extended Council's best wishes for the future.

2. Preliminary 2022/23 end of financial year summary and budget carry forwards

The Preliminary 2022/23 financial summary provided an overview of Rous' financial performance, detailing the transfers and identifying works to be carried forward to the 2023/34 financial year.

Council approved the funds to be carried forward as detailed in Tables 11 - 12 of the report.

3. Retail water bad debt write-off

Council deferred the decision until the February 2024 Council meeting, with no interest to be applied to the account during that period. Staff will continue to work with the customer for the debt recovery of \$2,500.

4. Proposed change to ownership – Lismore Levee Scheme

Cr Gordon and Cr Rob (LCC) left the meeting during discussion on this item on the grounds of a significant, non-pecuniary interest.

Council resolved to:

1. Acknowledge that the devastating and widespread impact of the 2022 Floods has highlighted the importance of local government partnering and working cooperatively for the benefit of the community.
2. Note that Lismore City Council has been successful in independently securing grant funding under the Northern Rivers Recovery and Resilience Program for upgrade and improvement works to the Lismore Levee Scheme and that Lismore is seeking to engage with Rous regarding consent to undertake those works.
3. Recognise that the historic role of Rous in urban flood mitigation has changed and having regard to the Lismore Levee Scheme asset renewal, replacement and upgrade works independently completed and planned by Lismore City Council, resolve to transfer the Lismore Levee Scheme to Lismore City Council and enable centralised control, ownership, operation and maintenance by that Council as the local government entity serving the community directly benefited by the Scheme.
4. Invite the Lismore City Council Mayor and General Manager to meet with the Rous Chair and General Manager to negotiate and agree next steps.
5. Confirm its commitment to work with Lismore City Council to ensure no delay to any planned upgrade and improvement works for the Lismore Levee Scheme.

6. Write to relevant funding bodies to request financial assistance to affect the transfer of the Lismore Levee Scheme to ensure no cost is borne by either Lismore City Council or Rous.
7. Revoke point 1(b) of resolution [84/22] arising from Council's meeting of 14 December 2022.
8. Authorise the General Manager to affect all necessary actions associated with and ancillary to the implementation of this resolution of Council.

5. Lumley Park Bore Retrieval

As part of ongoing works for establishing the proposed Alstonville Groundwater Scheme, the four existing bore sites at Convery's Lane, Lumley Park, Ellis Road and Lindendale Road required internal camera inspections, cleaning of the bore casings/screens and pumping capacity tests as all the bores had not been in operation for a number of years.

ACS Equip Pty Ltd were recommended as being the best contractor with the capability to undertake this task in eastern Australia. The only other contractor in the industry with similar capability and equipment being Aged Developments, is in Western Australia.

The pump within the Lumley Park bore could not be retrieved or lifted out from the bore casing.

Council agreed to provide an exemption as per Section 55(3)(i) of the *Local Government Act 1993 (NSW)* to carry out services valued at over \$250,000 without going to tender because of the bespoke nature of the work and the extremely limited supplier options.

It was also agreed to continue the engagement of ACS Equip Pty Ltd to a maximum amount of \$415,000 (incl GST), as they have a unique set of skills and equipment required to execute the completion of this task with the Lumley Park Bore.

6. Information reports

i) Investments – July 2023

- The RBA cash rate is 4.1%. The 90-day average bank bill swap rate (BBSW) is 4.26%.
- Total funds invested is \$37,628,593. This includes term investments and cheque account balance.
- Weighted Average Return is 4.21%. This represents an increase of 13 basis point compared from the June 2023 result (4.08%) and is 5 basis points below Council's benchmark (the average 90-day BBSW rate of 4.26%).
- Interest earned is \$147,526. Compared to the original budget this is \$49,284 above the pro-rata budget.
- Cheque account balance is \$453,892.
- 'Weel' Credit Card account balance is \$17,941. This is a bank account with Cuscal Limited and is used to hold funds for a prepaid credit card app that is now in use by all corporate card holders at Rous.
- Ethical holdings is \$4,998,155 (12.44% of current holdings).

ii) Water production and consumption – July 2023

The table below is the July 2023 bulk water sales to the constituent councils in kilolitres compared to the corresponding July sales for 2022 and 2021.

Council	Jul 2021 (kL)	Jul 2022 (kL)	Jul 2023 (kL)	% of Total Sales
Ballina Shire Council	291,977	280,661	303,534	36.97%
Byron Shire Council	171,109	178,812	220,110	26.81%
Lismore City Council	245,070	222,022	244,908	29.83%
Richmond Valley Council	50,189	41,241	52,492	6.39%
Total monthly consumption by constituent councils	758,345	722,736	821,044	

iii) Retail water customer account assistance

Two applications for financial assistance (amounting to \$3,158.79) in accordance with section 356 (1) under Council's '*Retail Water Customer Account Assistance*' policy were received and approved by the General Manager.

iv) Debt write-off information summary

Council received and noted the debt write-off information summary with debts written-off totalling \$ 5,766.65 for the period 1 January 2023 to 30 June 2023.

v) Overview - Local Government NSW Water Conference 26-28 June 2023

Rous participated in this year's Water Conference which was held in Parkes NSW and represented by:

- Chair - Cr Robert Mustow
- Councillors - Sandra Humphrys and Big Rob
- Phillip Rudd - General Manager
- Tom Lloyd - Dams and Treatment Engineering Manager
- Rhys Oates - Dams and Treatment Assistant Team Leader

A summary of the conference was presented for Council's information.

vi) Audit Risk and Improvement Committee (ARIC) – meeting update

Council received and noted the ARIC minutes of 24 July 2023 and the ARIC performance report for the period 2022-2023.

Council also acknowledged the valuable contribution made by Brian Wilkinson over several years in his capacity as Chairperson of the Audit, Risk and Improvement Committee.

vii) Operational Plan 2022-2023 Scorecard - (Y1 - Q4) 01 April 2023 to 30 June 2023

The report was received and noted.

viii) Tenders awarded by the General Manager under Delegation

Council received and noted the information provided in the report on tenders accepted and contracts awarded by the General Manager under delegated authority during the period 2022/23.

ix) Annual Report: Rous Regional Demand Management Plan 2023-2024

Council noted the progress of demand management deliverables for the 2022-2023 financial year including budget expenditure. The report also provided a summary on:

- Deferred programs starting 2023-2024
- Sustainable water partner program 2022/2023
- Residential water tank rebate 2022/2023
- Education/Engagement
- Smart metering and backflow prevention
- Water loss management program
- Water supply pricing

x) Reports/actions pending

The report was received and noted.

7. Confidential matters

i) Perradenya Estate – update report

Cr Rob and Cr Gordon declared a significant, non-pecuniary interest and left the meeting during discussions. It is also noted a copy of the 'Perradenya Estate – update report' was not provided to Cr Rob and Cr Gordon.

Council resolved to:

1. Receive and note the report.
2. Take all necessary steps outlined in the report to finalise the Perradenya Land Development. If any prior resolution is inconsistent with this resolution, that outstanding resolution is deemed to be revoked.
3. Authorise the General Manager to take all steps outlined in the report to finalise the Perradenya Land Development.

Council's business paper and draft meeting minutes can be found via the following link:
<https://rous.nsw.gov.au/business-papers-and-meeting-minutes>

13 MATTERS DETERMINED WITHOUT DEBATE

Each Councillor is given the opportunity to indicate which items they wish to debate or question. Item numbers identified for debate or questioning will be read to the Meeting.

Following identification of the above items a motion will be moved in regard to the balance of items being determined without debate.

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE**RECOMMENDATION**

That items identified be determined without debate.

14 GENERAL MANAGER**14.1 NORTHERN RIVERS LIVESTOCK EXCHANGE FUTURE OPTIONS**

Author: Vaughan Macdonald

EXECUTIVE SUMMARY

Casino's cattle saleyard, now known as the Northern Rivers Livestock Exchange (NRLX) has been owned and operated by local government since 1985. Ownership of the facility passed from the former Casino Municipal Council to the newly-amalgamated Richmond Valley Council in February 2000.

Since that time, Council has worked hard to support the local beef industry and provide the capital investment and expertise required to develop the NRLX into a leading business facility, which reflects modern standards of safety, animal welfare and efficient operations. Council's efforts have been rewarded by the NRLX's current standing as the Number 2 saleyards in NSW, following a \$15m upgrade, funded by Council in partnership with the Federal and NSW Governments.

However, the path to continued improvement at the NRLX has been a long and challenging one, with persistent resistance to change and ongoing disputes with stock and station agents who operate as tenants of the facility, under a licence agreement. The latest dispute over fees and operational changes has seen cessation of cattle sales for more than two months. This has resulted in significant impacts on local beef producers and associated businesses.

At a public meeting in Casino on 4 September, cattle producers and stakeholders in attendance made it clear that they did not share Council's vision for the NRLX and no longer supported Council in its continued management of the facility. They advocated for industry representatives to take on this role. While transition out of direct operation of the NRLX may be an option for Council, any future arrangement would need to ensure that the NRLX is wholly self-funding, without continued subsidisation by Richmond Valley ratepayers. Councils are required to operate their business activities without cross-subsidisation to ensure competitive neutrality.

Following the public meeting, a further attempt was made to reach consensus with the agents and re-open sales at the NRLX. This meeting was unsuccessful, marking the seventh failed attempt at seeking details to achieve a resolution. In these circumstances, it would appear that the likelihood of reaching a consensus is minimal and further attempts at resolution will only prolong the impacts on cattle producers who use the NRLX.

Council now finds itself at the point where a long-term solution is required, to ensure that cattle sales can resume as soon as possible, and the NRLX continues to play a pivotal role in the regional economy.

Accordingly, it is recommended that Richmond Valley Council now proceeds to an open-market tender process, seeking applications from suitably qualified and experienced entities to lease the NRLX facility for a long term period. In the interim, Council will continue to explore avenues to re-establish sales at the facility.

RECOMMENDATION

That Council:

1. Reaffirms its commitment to position the NRLX as one of the leading saleyards in NSW, and notes the significant investment in upgrading the facility since 2016, including \$10.5m in government funding and \$4.5 million by Council, including a \$3 million loan;
2. Notes the history of negotiations and stakeholder feedback when the issue of operational changes and user fees and charges at the NRLX have been proposed, consulted and determined by consecutive Councils;
3. Notes the detailed procurement process that has been implemented since December 2022 to secure Agent Licences for 2023-26 and the negotiation opportunities that have been offered;
4. Approves an open market tender process for a long term lease of the Northern Rivers Livestock Exchange to an appropriately experienced entity in line with the details in this report, with the appointment of a suitably qualified independent contractor to manage the procurement process;
5. As a short term measure to re-commence sales at the NRLX, continues with the existing open EOI process for interested businesses, including but not limited to previously successful agencies, on terms consistent with the 2023 – 2026 Agent licence agreement and in line with the adopted revenue policy, until a lease agreement is executed;
6. Notes that a further report will be brought to Council to consider the recommendations of the open market tender process and to determine the successful lessee.

DELIVERY PROGRAM LINKS

Objective 11: Manage resources responsibly

11E Manage Council's commercial activities for community benefit

11E1 Identify opportunities for strategic investment and business development

BUDGET IMPLICATIONS

The 2022/23 financial year results for the NRLX are detailed in the August 2023 Council report. The NRLX continues to run at an operating deficit of \$469,282 and the overall program is in deficit by \$647,303. Future gradual reductions in depreciation and the settlement of borrowing obligations over the next 2 years, will improve these results. However, without the revenue and operational changes endorsed by Council in December 2022, it is unlikely that the NRLX will achieve a program surplus in the foreseeable future. This means that for the facility's operating result to break even, each Richmond Valley ratepayer is in effect subsidising its operation at \$60 per year for each rateable property.

Councils are required by regulation to manage their assets on a whole-of-life basis, to ensure they are maintained to an appropriate standard, to fund depreciation and ensure there are sufficient resources to upgrade and ultimately replace the asset. Council's NRLX Business Plan and adopted Revenue Policy for 2023/24 provides a pathway to meet these obligations, while continuing to grow the NRLX's market share and improve operational outcomes for long term benefits.

However, if Council is unable to secure this revenue stream, due to protracted disputes, other options for funding the ongoing operation of the facility will need to be explored.

While it is usual local government practice for ratepayers to share the cost of operating community facilities provided for the social and physical wellbeing of residents, such as libraries, community halls, sports fields, parks and swimming pools, cross-subsidisation of business activities from general rate revenue should not occur. Councils are required to operate their business activities

without cross-subsidisation to ensure competitive neutrality is maintained and has been implementing these changes incrementally since 2016.

REPORT

History of the NRLX

The Casino cattle saleyards, now known as the Northern Rivers Livestock Exchange (NRLX) has been owned and operated by local government since 1985. The site was classified as “operational land” in 1994, following changes to the Local Government Act, and ownership of the facility passed from the former Casino Municipal Council to the newly-amalgamated Richmond Valley Council in February 2000.

Since that time, Council has worked hard to support the local beef industry and provide the capital investment and expertise required to develop the NRLX into a leading business facility, despite ongoing challenges. Multiple elected Councils have faced continued resistance when proposing to make changes to the facility, improve its operating culture and shift the funding model to reduce its reliance on ratepayer contributions and taxpayer funded grants.

Across Australia, the saleyards industry is experiencing major change, with smaller, council-owned facilities being the first commercial casualties. More than 40 saleyards have closed their doors since 2007, as the move to larger, regionalised facilities continues. Operators who are not prepared to embrace new business models and legislative compliance requirements will not survive in the future.

Discussions about alternative management models for the NRLX began as early as 2009, with consideration of lease or sale options to secure a long-term management solution. In 2015, an offer for a 30-year lease was received and this offer was subsequently accepted by Council in January 2016. However, a rescission motion was successfully lodged the following month, calling for further investigation of options for sale/lease or owner/operation by Council before a decision was made.

In May 2016, following a financial analysis of options and a community meeting, Council resolved to continue to own NRLX as a business with increased fees to improve financial sustainability and to seek Government funding for upgrades. This funding was subsequently secured in 2016 – 2018, with some \$10.5 million from the Federal and NSW Governments. Council invested an additional \$4.5m to complete the major upgrade in 2019. The funding was secured through borrowings and Council continues to repay the capital and interest on the loan.

In 2017, when Council was still completing stage one of the upgrade, agencies operating at the facility refused to sign selling permits after an Agent Business Usage fee of \$1/head was introduced in the 2017/18 Revenue Policy. The facility was closed for two weeks. Council then resolved to reduce the Agent Business Usage Fee to 50 cents/head and agents signed the permits and the facility re-opened.

In 2020, a three-year licence agreement was accepted by the agents with the Business Usage Fee increased to \$1/head. This fee was levied in a time of market growth for the beef industry, with cattle regularly achieving prices in excess of \$1000 a head. As a result of these charges and increasing operational costs, the facility continued to operate at a deficit.

In 2022 the Environmental Protection Authority (EPA) imposed another Pollution Reduction Program on the facility, to improve the operation of its effluent ponds. Council continues to seek more than \$5m in funding required to restore and upgrade the ponds.

A new business plan to improve performance

In response to ongoing operational deficits and continued safety, animal welfare and cultural issues at the saleyards, Council reviewed its NRLX business operations during 2022. A revised Business Plan was presented to Council and adopted at the December 2022 Council meeting. The Business Plan identified improvements to the operation of the facility that were consistent with modern industry standards. The Plan included strategies to extend operating licences at NRLX to up to seven agencies, to increase competition, improve service levels and improve vendor pricing. A new licence agreement would be offered to each successful agency, reflecting operational and cultural changes required at the facility and including a new pricing structure.

Council managed the Business Plan as a commercial-in-confidence document as it includes confidential information that, if released, would impact the facility's competitive advantage. The *Local Government Act 1993* provides for this information to be considered by Council in a Closed Session of Council and kept as confidential - in the same way that Council manages its business arrangements for other facilities, such as its quarries.

The new Business Plan, aimed to position the NRLX as a financially sustainable, modern livestock exchange and a leader in best practice. It proposed changes to operational processes at the facility to give Council more direct control of services, rather than these being contracted out. This would allow Council to better manage safety, animal welfare and operational risks, while also improving financial returns and moving NRLX towards break-even.

To support these new arrangements, Council established a Livestock Team to manage the cattle after they had been sold by the agents. This system is in place in eight of the top 10 saleyards in Australia and is considered standard industry practice to effectively manage risks. Under the new arrangements, Agencies would continue servicing their clients from the field, bringing livestock to the saleyards using local transporters, receiving, and drafting the cattle into the selling pens and running the auction. The NRLX team would support the sale process through pre-sale scanning to speed up the administrative and weighing processes, as well as enabling more live streaming of sales, increasing competition in the marketplace to benefit all producers.

Council also adopted a new Revenue Policy for the NRLX in February 2023, following a two-month public consultation period. The new fees and charges aimed to improve the NRLX's financial position, while ensuring that there was no increase to vendor charges. These charges are currently fixed for a six-year period from 2020-2026. The 2023/24 fees and charges were released early, to enable those agencies considering an Expression of Interest to know the fees that would be in place at the facility from 1 July 2023. The Revenue Policy was again publicly exhibited as part of the usual Revenue Policy consultation during May and June 2023. The Revenue Policy included a shift to a percentage-based agent business usage fee, a system widely used in saleyards Australia-wide, which means that as fees move with the market, so do agency commissions. This was set at 0.2 percent of sale revenue, which means that if an animal sells for \$1000, Council will receive \$2 from agencies for use of the facility and conducting their business activities. Many similar saleyards charge a 0.3% of gross sales revenue agency fee and this was a recommendation in the 2018 NRLX Operational Review.

Throughout both public consultation processes only one submission was received in response to the Revenue Policy, which raised concerns about vendor fee increases. The Revenue Policy included no increase in fees for vendors for another three years, remaining the same as the last three years.

The Agent Licence Expression of Interest process

As part of the new Business Plan, Council resolved to offer up to seven new Agents Licence Agreements for the facility, to help increase competition and improve returns to producers. The new licences were offered through an Expressions of Interest process, in accordance with government regulations, to ensure fairness and impartiality.

Local Government Procurement was engaged as Council's probity advisors for the Expression of Interest (EOI) process. A probity plan and evaluation plan were drafted and signed off by the evaluation panel and probity advisors. Following is a summary of the process:

December 2022

- Council staff facilitated a briefing on 14 December with current agent licence holders to outline the upcoming EOI, the proposed fee adjustments, the exhibition of the Revenue Policy and other relevant points.
- On 15 December, Council wrote to each individual agency, confirming the meeting on the previous day, detailing the process that was going to be undertaken over the coming six months, including release of the revenue policy, the EOI, the requirements for communication during the EOI process and instructions on how to participate in the public access session of a council meeting were supplied.
- The NRLX Revenue Policy 2023/24, the Business Plan and EOI process was endorsed at the December 2022 Ordinary Council Meeting.
- The Revenue Policy was placed on public exhibition on 21 December 2022 through until 28 February 2023.

January 2023

- An EOI inviting submissions 'to appoint seven suitably qualified and experienced agencies to provide their services from the NRLX' was released publicly on 16 January 2023. This information was emailed directly to each agency on 17 January, as well as more than 2000 people on 19 January who regularly receive information updates on the NRLX. A copy of the draft licence agreement was forwarded on request after a confidentiality agreement was signed. This is standard practice for business licence agreements of this nature.
- During the EOI advertised period interested agencies had the opportunity to raise questions and seek clarifications on the EOI document and the licence agreement. This is standard practice during Government procurement processes.

February 2023

- On 8 February, Council met with incumbent agencies to explain how the VendorPanel system worked and the requirement that all licence queries be lodged through this system to ensure all potential applicants had access to the same information.
- Exhibition of the NRLX Revenue Policy ended on 28 February.
- One submission from a producer group was received after the closing date, but still considered.

April 2023

- The EOI submission period closed on 3 April 2023, with five submissions received.

- The Assessment Panel for the EOI included a Probity Advisor and an independent panel member with significant NSW Government experience.
- Assessment of EOIs was completed and reported to the General Manager in line with the Council resolution.
- On 17 April, Council wrote to applicants seeking written confirmation of clauses to be clarified and any proposed amendments to be supplied.

Outcomes of the EOI and licence refinements

Outcomes of the EOI process were communicated to all applicants on 12 May 2023, with four of the five applicants being successful. The fifth applicant didn't address the selection criteria to the required standard and feedback was provided. Following communications with applicants throughout the EOI process and further refining by Council's legal advisors, there were amendments made to the NRLX Agent Licence Agreement.

Further requests to clarify items in the licence agreement were received on 19 May 2023 and a meeting between individual agencies, their Australia Livestock and Property Agents Association representative and Council was held online on 26 May 2023.

The items of clarification were addressed and responded to in detail on 6 June 2023 with a request for signed licences to be returned by 5pm Friday 9 June. Alterations were made to the draft licence agreement as a result of the discussions.

Refusal to sign licence agreements

Although there were a number of agreed changes to the licence agreement, the four agencies who were successful in the EOI process ultimately refused to sign the agreement.

The following provides a summary of the discussions that followed:

June 2023

- A detailed Licence Agreement clarifications document was supplied to agencies highlighting clauses amended with 15 clauses identified. The document also highlighted key NRLX operational information that was provided in the original EOI of 16 January.
- On June 6 Council received advice that the agencies would not be signing the agreement in its current state with one requesting changes to fees and no other specific feedback being provided.
- A further opportunity was provided to sign the agreement until 15 June 2023.
- One agency supplied detailed information and feedback on five specific clauses and subsequently council made three amendments, providing clarification of one clause and one change request was denied.
- On 19 June, Council supplied Version 3 of the licence to successful applicants, following these amendments.
- On 20 June, the agencies again refused to sign.
- An in-person meeting was held with the successful agencies on 30 June to discuss concerns. No specific details of licence agreement concerns were provided.

July 2023

- Council sent an email to the successful applicants on 2 July offering the following terms:

- *The new fees and charges schedule will commence from 1 July 2023. The Agent Business Usage fee of 0.2% of gross revenue from sales will apply.*
- *We will continue the transition to the NRLX team taking over the delivery side of the operation, as Council has made clear it is a direction we must follow for safety, liability and performance reasons. This could include assessment of the \$/head charge for providing these services if there is valid evidence that the service can be provided for a lower fee. A report would need to be provided to Council at a meeting to re-consider this fee. The next Council meeting is on Tuesday 18 July.*
- *We will provide each Agency with one more opportunity to identify any concerns with the licence agreement. Any concerns are to be provided in writing to Council by 5pm Tuesday 4 July. It should be noted that all concerns that have been raised previously by individual Agencies have been considered and addressed. Unfortunately, not all Agencies have provided detailed comments.*
- *Until a licence has been signed by an Agency there will be no sales.*
- Council received a letter on 4 July from the CAAI with a long list of page numbers and clause numbers from the licence agreement, with no information on what the concerns were. Numerous requests for these details have not been responded to.

Further attempts to receive detailed feedback on the licence agreement concerns and fees were made via email on 6 July 2023. Although Council had demonstrated a willingness to consider changes to the licence agreement, and agreed upon a series of amendments, the four successful agencies still refused to sign the agreement. Following these failed attempts to gain consensus, cattle sales ceased at the NRLX. Since then, Council has been dealing with threats of legal action and ongoing assertions and allegations.

As a show of good faith Council allowed the Casino All Breeds Sale to proceed on 29 July, which showcased the facility, provided an important opportunity for breeders and producers, as well as enabling funds to be raised and donated to local charities. It was disappointing to then have a CAAI statement to stakeholders released on the following, which included many inaccuracies.

Following the community meeting on 4 September, Council made further attempts to resolve the dispute on 6 and 11 September – all to no avail.

The need for a changed Safety Culture

Council is convinced that the new operational changes are essential for the future of the NRLX as we are obligated by legislation, duty of care and animal welfare to ensure there is no poor behaviour or safety breaches occurring at the facility. There have been numerous attempts to improve safety culture at the NRLX over the past five years, with limited success. Council has a responsibility under the *Work Health and Safety Act 2011* to have effective management systems in place. Section 19 of the Act sets out the 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. The General Manager of a Council is ultimately responsible for safety incidents and accidents at facilities owned and managed by the council.

If Council or an employee is 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, which is the General Manager) up to \$761,000 and up to 5 years' imprisonment, and for a body corporate, which includes a Council, the fine is \$3.8 million.

Council has acted responsibly in making operational changes that are essential for the health and safety of all at the NRLX facility. These practices are implemented at major saleyards throughout Australia as shown in the following table and for good reasons.

Saleyard Ranking	Saleyard	3yr Average Throughput	Operator	Operating model
1	Roma	277,845	Council	Contract scanning, contract delivery by operator
2	Dalby	220,530	Council	Contract scanning, contract delivery by operator
3	Wodonga	160,440	Private	Scanning, livestock management by operator
4	Wagga Wagga	158,762	Council	Contract scanning, contract delivery by operator
5	Dubbo	155,131	Council	Contracted directly by agents
6	Gracemere	144,322	Private	Scanning, livestock management by operator
7	Leongatha	141,640	Private	Scanning, livestock management by operator
8	Carcoar	116,013	Private	Scanning, livestock management by operator
9	Pakenham	114,386	Private	Scanning, livestock management by operator
10	Casino	111,838	Council	No pre-sale scanning, livestock management by agents
11	Tamworth	110,819	Private	Scanning, livestock management by operator

Where do we go from here?

Although numerous attempts have been made to resolve the ongoing dispute with agencies, Council has now reached the point where a permanent long-term solution must be found. It is untenable to accept a situation where trade can be continually disrupted at NRLX through disputes and demands from a small number of service providers. When sales are disrupted, farming families suffer the consequences and it impacts the wider community.

Council has invested in good faith to develop this facility and position it as one of the best saleyards in NSW. This investment was in direct response to calls from the community in 2016, to secure the future of the NRLX. Over the past seven years, more than \$15 million has been invested to directly support the local beef industry. This high-quality business operation has returned hundreds of millions of dollars to cattle vendors across the Northern Rivers since its upgrade which was completed in 2019. It is disappointing that these achievements have not been acknowledged by some in the industry in recent public commentary.

While very disappointing, it has become clear that the future vision for the NRLX facility will be best placed to be achieved through a new operating model.

Leasing the NRLX Facility

Council has previously considered other operating models for the NRLX facility and it would appear that the beef industry is ready to take on a more active role in managing the facility.

Throughout Australia, saleyards are moving away from small council-owned operations to regional facilities, operated by private entities. There are a number of specialist operators who would be well placed to take on the challenge of returning the NRLX to business and achieving continued growth so that the saleyard's contribution to the Richmond Valley and Northern Rivers economy can continue. A lease could be structured, offered and negotiated to remove any financial burden on Council and its ratepayers and provide a return on the asset to the community. Council has successfully leased its Peterson and Woodview Quarries along similar lines, ensuring a positive return to ratepayers.

Should Council resolve to proceed in this direction, a lease offer document and draft lease contract could be prepared promptly, with appropriate commercial advice sought to determine the best lease structure and timeframes to maximise producer and ratepayer benefits, and then be put to the open market. Should Council approve the lease option, it will be recommended that an independent evaluation process be established to ensure that the required levels of probity and integrity are built into the process. Following completion of the independent assessment, a report would be brought to Council to consider the recommendations and determine an outcome.

Getting the NRLX back to business

While Council explores future operating models, it is important that efforts should continue to restore sales at the facility and reduce the impacts on local producers. Council has received interest from other agencies who wish to establish operations at the facility and these negotiations will continue, with a view to achieving a short-term solution. The door remains open for the four agencies who were successful in the EOI process to engage in meaningful discussions on an interim solution, but details of what that could look like need to be provided in good faith. Any agency that previously applied unsuccessfully can also reapply under the ongoing open EOI process.

CONSULTATION

There have been multiple opportunities for the community to have a say on the changes at the NRLX. The Revenue Policy has been publicly exhibited twice in the last six months with only one submission received. Additionally, Council receives regular reports on operations at the NRLX, including a full financial analysis. The continued operating deficit at the facility has been consistently reported, along with plans to introduce a new business model. Throughout the EOI process, local agencies were given multiple opportunities to ask questions, or raise issues with the draft licensing agreement. Multiple attempts have also been made by Council to achieve consensus and return sales to the NRLX.

CONCLUSION

In 2016, Richmond Valley Council made a commitment to the community that it would invest in the future of the Casino saleyards, to create a leading, modern facility. The NRLX now stands as testament to that commitment, having generated \$862 million in cattle sales since that time and achieved an industry rating of No. 2 in NSW, under Council's management of the facility. Council has a vision for this facility to continue to grow as a modern saleyard for the benefit of all stakeholders and ratepayers, which meets industry standards for safety, animal welfare and environmental management and continues to achieve top returns for vendors. However, protracted disputes with tenants of the facility, who operate cattle sales under licence, have impeded Council's progress in achieving this vision. s

At a public meeting in Casino on 4 September, cattle producers in attendance made it clear that they no longer supported Council's management of the facility. In the face of continued failed negotiations to restart sales at the facility, a long-term solution is now required to ensure the NRLX can continue to play a pivotal role in the regional economy. The protracted dispute is directly impacting on local farmers and continued unfounded assertions and allegations are dividing the community. Council must also consider the interests of those in the community who weren't at the public meeting and make decisions in the best interests of all Richmond Valley ratepayers and residents.

Accordingly, it is recommended that Council transitions out of direct management of the facility and proceeds to an open-market tender, seeking submissions from suitably qualified and experienced private entities to lease the NRLX facility for a long term period.

ATTACHMENT(S)

Nil

15 COMMUNITY SERVICE DELIVERY

15.1 RICHMOND VALLEY FLOOD STUDY - POST EXHIBITION REPORT

Director: Angela Jones

Responsible Officer: Tony McAteer

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. The scope of the project was further expanded in 2022 to incorporate data from the 2022 floods into the model's calibration and Study flood frequency analysis.

The Draft Richmond Valley Flood Study (the Draft Study) was granted in principle support at the Ordinary Meeting of Council held on 20 June 2023, and subsequently publicly exhibition from 3 July 2023 to 13 August 2023.

Several submissions raised concerns about calibration of the model based upon historic flood observations or the lack of available flood information particularly in areas such as the Bungawalbin. Overall, these concerns have been addressed, resulting in no proposed changes to the exhibited Draft Study as a result of the exhibition process.

The final Richmond Valley Flood Study 2023 is now presented for Council's consideration.

RECOMMENDATION

That Council:

1. Notes the outcomes of community consultation on the Draft Richmond Valley Flood Study 2023.
2. Adopts the *Richmond Valley Flood Study 2023* to replace all existing flood studies, as they apply to Richmond Valley LGA.

DELIVERY PROGRAM LINKS

Objective 5: Live sustainably in a changing climate

5B Undertake long-term risk management planning for flood and bushfire

5B1 Complete Richmond Valley Flood Study and Floodplain Risk Management Plan

BUDGET IMPLICATIONS

Nil

REPORT

Flooding in NSW is managed in accordance with the NSW Government's Flood Prone Land Policy (the Policy). The NSW Government's *Floodplain Development Manual* (DIPNR, 2005) was replaced on 30 June 2023 with the *Flood Risk Management Manual: The policy and manual for the management of flood liable land* (DPE, 2023). Both manuals support the Policy by defining the responsibilities, roles, and processes for the management of flood prone land in NSW. This includes the development and implementation of local flood studies and floodplain risk management studies and plans to define and manage flood risk. These are prepared through a

staged approach which is defined by the flood risk management process shown in Figure 1, noting this differs only slightly to that of the former manual.

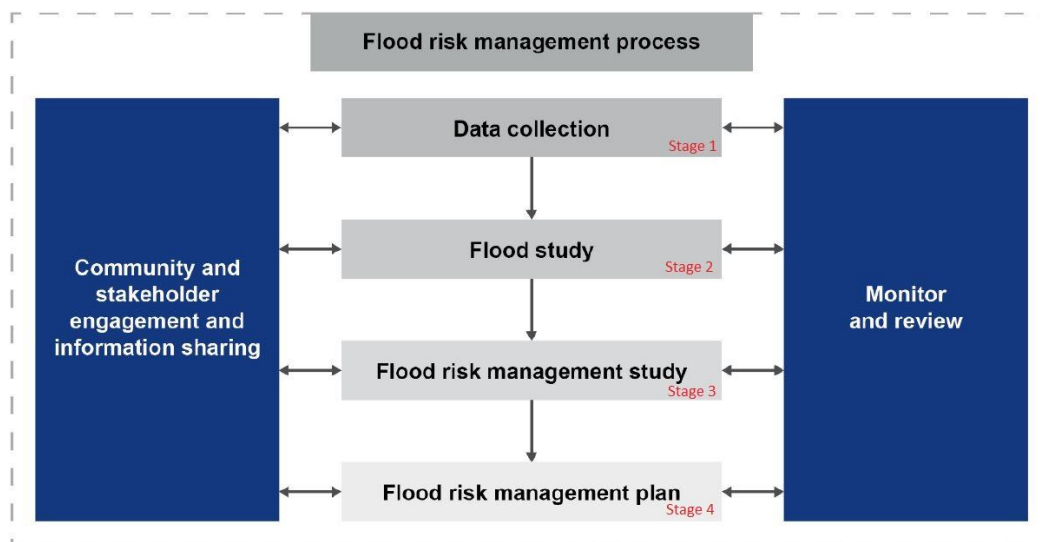


Figure 1 – Stages in the NSW Flood risk management process (Adapted from Flood Risk Management Manual, 2023)

The Richmond Valley Flood Study (the Study) represents Stages 1 and 2 of the process which remains fundamentally unchanged in the new manual.

The Study

The Study commenced in early 2021 with the successful commissioning of BMT Commercial Australia Pty Ltd (BMT) to prepare a new flood model and study with financial support from the NSW Government.

The Study set out to:

- replace a number of historic flood studies with a single, consistent, up to date, and higher resolution flood model;
- expand modelling to a larger part of the LGA's floodplain (about 86% of the LGA's floodplain has been modelled, up from 52% coverage with existing studies);
- incorporate Climate Change (CC) as well as Australian Rainfall and Runoff 2019 (AR&R2019) standards into the modelling;
- incorporate significant floodplain terrain modifications into the model, such as the inclusion of the Pacific Motorway upgrade; and
- calibrate to several historic flood events, which was expanded to include the 2022 floods.

The Draft Study was reported to the Ordinary Meeting of Council, held on 16 June 2023, where in principle support was given to its public exhibition.

CONSULTATION

Community and stakeholder engagement was undertaken between 3 July 2023 and 13 August 2023. The following engagement methods were employed-

- Published notices –
 - Details of the exhibition and how to make a submission, including a digital copy of the Draft Study, were published on Council's "On Exhibition" web page.
 - Mapping from the study was available as PDF maps (Volume 2 of the Study) and spatially via the Intramaps Spatial Viewer.

- Post on Richmond Valley Council's Facebook page on 3 July 2023.
- Article within the July 2023 edition of "Valley Views" Council Newsletter (delivered to all LGA letterboxes).
- Article within the 18 July 2023 edition of "Community Connections" electronic newsletter.
- Printed Notices were displayed at each of Council's Casino and Evans Head Customer Service Centres along with hard copies of the Draft Study Report and A3 mapping.
- Stakeholder notifications were sent to 7 government agencies and 3 neighbouring councils.
- Community drop-in Information Sessions were conducted at the-
 - Casino Community & Culture Centre on 26 July 2023 from 1 pm to 6pm, and
 - Evans Head Library meeting room on 27 July 2023 from 12 noon to 4pm.

Each session was attended by a representative from BMT and a Council officer where face-to-face interviews discussed the draft Study and receive feedback.

A total of 12 people attended the information sessions (6 in Casino and 6 in Evans Head), with 2 written community submissions, an informal community submission, and 5 agency submissions received during the consultation period.

The attached Engagement Memorandum, produced by BMT, outlines the engagement methods undertaken and summarises feedback received.

Agency Written Submissions

Agency submissions were generally supportive of the Draft Study, with Rous Water, NSW Reconstruction Authority, Transport for NSW, and Lismore Council congratulating Council for getting the Study to its present position and thanking Council for the referral. Lismore Council also asked for access to flood study data for the lower Wilsons River (within the Lismore LGA) once the project was complete.

SES submission was primarily interested in the study meeting key aspects of the *Emergency Management Planning Flood Risk Mitigation Guideline* and key principles of the *Floodplain Development Manual*. The review of the NSW SES Flood Plan contents is of significant importance to the community and the Study needs to include this in its process.

BMT has noted that the Study forms part of the floodplain management process as defined in the NSW Floodplain Development Manual. The Study defines the nature and extent of the flood problem and will underpin a subsequent flood risk management study and plan which will quantify and weigh the relevant risks to communities, including looking at emergency management planning. It is expected that the NSW SES Flood Plan will be reviewed against the flood study outputs during this subsequent flood risk management study. In addition to the design flood mapping, the Study includes a number of post processed outputs that will facilitate future analysis including information on affected populations, locations and lengths of roads inundated, and areas that become high or low flood islands.

Community Written Submissions

Two written submissions from the community both relate to calibration of the model.

1. The first submission provided an account of experienced floods in 1954, 1974, and 2022 over a Casino rural property the family had owned for over 100 years.

The submission assumes the 2022 flood at Casino was between a 1 in 500 and 1 in 1000 year flood event, and in this context, questions calibration of the results given the model provides for 1 in 100 year peak flood levels that are higher than that experienced during 2022.

There is no disputing the submission's observations from historic flood events, however, while the 2022 flood event at Lismore aligned to between a 1 in 500 and 1 in 1000 year flood event it was more closely aligned to a 1 in 100 year event at Casino.

BMT acknowledges that, based on available information, its modelling of the 2022 flood at Casino is likely to be slightly higher than recorded levels (in the order of 0.1 to 0.2 metres higher) (see Section 6.6.2 of the report which discusses this in more detail). However, it appears the 2022 model's results match reasonably well with the submission's observations.

The submission also questioned flooding on the northern part of their land and disputes flood water crossing the Bruxner Highway.

Modelling of the 2022 flood event showed this area to be inundated to depths between 0.2 and 0.5 metres with water entering from the west (via town) and south (directly from the Richmond River and across the Bruxner Highway). The model also has shallow flow crossing the Bruxner Highway at its peak.

While the submission recalls no overtopping of the highway in 2022, there are photos of flood debris across the road in this location which indicates there was some flow over the highway at the flood peak.

BMT has stated that minor discrepancies in flood levels between the model and observations are to be expected but in this instance they are within acceptable calibration tolerances.

2. The second submission relates primarily to the Bungawalbin Creek catchment with concern raised around the lack of available gauges (in the Bungawalbin Creek catchment) meaning a proper study has not been undertaken for this catchment. The submission also notes that road raising, specifically Coraki-Woodburn Road, surrounding the Bungawalbin catchment has not been taken into consideration.

BMT recognises that it remains challenging to calibrate to floods within the Bungawalbin Creek catchment due to the sparse coverage of gauges (both rainfall and river water level). Furthermore, the significant magnitude of the 2022 event caused a number of gauges to fail. Following the 2022 floods, a data collection exercise was undertaken by Public Works Advisory in a separate exercise to the Flood Study. BMT received a copy of the surveyed peak flood levels to use in the model calibration. Whilst useful, the survey only indirectly captures the peak of the flood and remains fairly sparse in coverage throughout the Bungawalbin. The 2022 event calibration within the Bungawalbin Creek catchment achieved a good level of calibration in the area around Rappville and near the confluence with the Richmond River. The calibration is poorer for parts of the catchment in between, although this is based on the sparse number of surveyed flood marks available. Notwithstanding, the Draft Richmond Valley Flood Study has significantly extended the model coverage upstream into the Bungawalbin Creek catchment compared to the previous 2010 flood study. This allows for an improved understanding of flood behaviour to assist with future floodplain risk management. It is understood that there is a program of works in place to address the lack of gauges across the entire Richmond River catchment, which includes a proposal to increase river and rainfall gauging in the Bungawalbin Creek catchment.

With regards to the specific point about Coraki-Woodburn Road not being included in the model, BMT notes that this was included. The road upgrade occurred after the capture of LiDAR data used to form the model base topography, however, survey data for the road upgrade was read into the model as an additional dataset.

Community Feedback via Information Sessions

Twelve (12) people attended the community information sessions, 6 at Casino and 6 at Evans Head. The majority of feedback related to individual property queries about updated flood levels. Other specific queries or points mentioned were as follows:

- Queries seeking information on the flood study and its purpose.
- Providing anecdotal accounts of the 1954 flood.
- Wanting to discuss the flood study findings in the Mid Richmond and Bungawalbin parts of the catchment, including anecdotal information on the flood water flowing backwards into the Bungawalbin catchment when it becomes a large flood storage area during Richmond/Wilsons dominated floods.

- Wanting to discuss observations of the 2022 flood event including observations of flow paths and estimated velocities in the Swan Bay and Woodburn area.
- Queries on the rainfall inputs, for example how can we know what a 1 in 500 AEP (0.2% AEP) rainfall is when we only have 100 years of data?
- Queries on the climate change allowances applied in the study and concern that these allowances are not enough.

Informal Submission

An enquiry was received relating to flood levels recorded at the Coraki gauge during the 2017 and 2022 flood events. The concern related to the recorded 800mm difference at the gauge (6mAHD in 2017 and 6.8mAHD in 2022) which seems far too small given observed differences between these floods.

In one example, premises on the western fringe of Coraki was unaffected by flooding in 2017 but in 2022 it was inundated by up to 2 metres of flood water. This was much larger than an 800mm difference.

The modelled 2017 and 2022 flood levels for this premises both correlate with the observations provided. An explanation for the large variation is that the 2017 flood was a Wilsons River dominated flood which didn't cross Richmond Terrace, therefore levels on the western fringe of Coraki were much lower than that in the river. The 2022 flood event was a significant flood event in all three sub-catchments of the Richmond, therefore flooding at Coraki was much more widespread resulting in much higher flood levels at this premise.

At another premises the submission points out that in 2017 there was no flooding over Richmond Terrace but estimates there to be 1.5 metres over the road in 2022, which is larger than the 800mm difference recorded at the gauge.

Model results for 2017 correlate with the 2017 observations, but the 2022 simulation doesn't have flood water to the observed depth over Richmond Terrace. The only way to verify the observed level would be to have it surveyed. This hasn't happened however Public Works Advisory did collect a number of observed flood levels across Coraki following the 2022 flood. The surveyed levels tend to be around the 6.5 to 7 metres AHD level which tend to agree with the peak level recorded at the Coraki gauge (see figure 2).

No updates to the Study are proposed as a result of consultation.

CONCLUSION

The Draft Richmond Valley Flood Study went through a community engagement process from 3 July 2023 to 13 August 2023. During the process Council received feedback and submissions which have been reported above and in the attached Engagement Memo by BMT. Based upon the above submissions and community feedback no changes to the model are recommended.

The final version of the *Richmond Valley Flood Study*, which has been separately distributed to Councillors due to the large file size, is presented for Council's consideration.

The next phases of this project will be to:

- Officially forward the final flood study to the Department of Planning and Environment, so the Floodplain Management Program grant can be acquitted,
- Incorporate the new Study and design flood levels into Council's flood planning controls, and
- Commence preparation of a Floodplain Risk Management Study and Plan.



Figure 2 – PWA surveyed flood levels from Coraki following the 2022 flood event – these correlate closely with the peak flood level of 6.8m AHD recorded at the Coraki gauge.

ATTACHMENT(S)

- 1. BMT Engagement Memo (under separate cover)**

16 PROJECTS & BUSINESS DEVELOPMENT**16.1 PROPOSED LAND AND EASEMENT ACQUISITION FOR THE RAPPVILLE SEWAGE TREATMENT PLANT**

Director: Ben Zeller

Responsible Officer: Daniel Rowlands

EXECUTIVE SUMMARY

Council is proceeding with its plans to develop a new sewerage system for Rappville. As part of this project, suitable land needs to be acquired for the sewage treatment plant and sewer easement.

The acquisition of the land and easement will enable the development of the Rappville STP in a suitable location to support improved infrastructure for the residents of Rappville following the devastating 2019 bushfires.

Council has consulted with the affected landholder to negotiate terms for the acquisition in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* and *Local Government Act 1993*. It is recommended that Council now proceeds with the acquisition.

RECOMMENDATION

That:

1. Council acquires by agreement as an authority contained in the *Local Government Act 1993* for the purpose of the Rappville Sewer Treatment Plant.
 - a. Lot 1 DP1296496, being part of Lot 160 Deposited Plan 755260 with an area of 10ha.
 - b. 3-meter-wide easement over Lot 1 Deposited Plan 724193 as shown on Deposited Plan 1296497.
2. The landholder be compensated the agreed value of \$160,000 for the land and easement acquisition.
3. Council authorises the General Manager to enter into relevant contracts and endorse documents and transfers, including affixing the seal of Council where appropriate, for the acquisition of the land and easement generally in accordance with the details contained within this report.
4. The acquisition is not for the purpose of resale.
5. The land is to be classified as Operational Land.
6. Minerals are to be excluded from the acquisition.
7. The necessary applications be made to the Minister and the Governor.

DELIVERY PROGRAM LINKS

Objective 6: Provide infrastructure that meets community needs

6D Manage water supply, sewerage and drainage effectively

6D1 Plan for future water/sewer services and upgrades

BUDGET IMPLICATIONS

The purchase of the land and easement has been included in the budget and will be funded from the \$3 million funding received through the Bushfire Local Economic Relief Fund (BLERF) for the development of the Rappville Sewerage Treatment Plant.

REPORT

The village of Rappville and the existing onsite sewerage systems were affected by bushfires in October 2019. The current onsite systems across the whole village have been inspected by Council with a view to assessing the need to upgrade these systems, against the provision of a new reticulated collection system and a centralised Sewerage Treatment Plant (STP).

Public Works Advisory (PWA) undertook an options study in March 2021 to assess the options. The outcome of this study and the subsequent community consultation by Council was that a reticulated sewerage scheme would be provided for the village.

In 2021, Council received \$3 million in BLERF funding for the development of a Rappville Sewage Treatment Plant. Determining a suitable location for the STP forms part of this project and the cost will be funded under the BLERF amount received. Council will shortly review the full project costs with Public Works, to ensure the project can proceed within budget.

NSW Public Works is acting on behalf of Richmond Valley Council to acquire 10ha of land located in the Rappville area and an easement for sewer. The land and easement are required for the development of the Rappville Sewage Treatment Plant.

The land identified as being Part of Lot 160 DP 755260 as shown on DP1296496 and the easement for sewer over Lot 1 DP 724193 as shown on DP 1296497 has been identified as being suitable for the Rappville STP development. Registered plans are attached for Councillors' information.

The owner of the land has accepted the offer of compensation of \$160,000 for the 10ha of land and easement for sewer. This figure has been agreed upon by Council's valuers, Acumentis Valuers, and Heron Todd White Valuers engaged by the owner.

CONSULTATION

Discussions have been held with NSW Public Works, which is managing the project, and the owner of the land and easement that is proposed for purchase.

CONCLUSION

Council is proceeding with its plans to develop a new sewerage system for Rappville. As part of this project, suitable land needs to be acquired for the sewage treatment plant and sewer easement. Council has completed negotiations with the owner of the land and it is now recommended that the acquisition proceeds.

ATTACHMENT(S)

1. **Deposited Plan 1296496 (under separate cover)**
2. **Deposited Plan 1296497 (under separate cover)**

16.2 NAMING OF UNNAMED ROADS AND BRIDGES

Director: Ben Zeller

Responsible Officer: Kim Anderson

EXECUTIVE SUMMARY

Council is a Roads Authority, under Section 7 of the *Roads Act 1993*, and is responsible for formally naming public roads in accordance with the Act and Regulation.

Council publicly requested road name suggestions for unnamed roads, and unnamed bridges within the Richmond Valley. The purpose of the naming is for identification, addressing purposes, emergency response and service delivery.

Council has undertaken public exhibition of proposed road names and bridges names, in accordance with Section 162 of the *Roads Act 1993* and Part 2 of the Roads Regulation 2018. The proposed road names subject to this report received support or no feedback during the public exhibition period. Where multiple submissions were received these will be subject to a review and further consultation then will be presented as a future report to Council.

RECOMMENDATION

That Council formally adopts the following:

1. Road names:
 - a) Patrica Street, Seller Lane, and Holloway Road Casino
 - b) Melaleuca Road, and Candido Rise New Italy
 - c) Joan Street, and Hull Lane Woodburn
 - d) Avenmore Road Greenridge
 - e) Tomkinsons Road Backmede
 - f) Willows Road Evans Head
 - g) Thomas Road Busbys Flat and
 - h) Burton Road Mongogarrie
2. Bridge names: Josephs Gully Bridge, Rosolen Bridge, Fred Rose Bridge, Hannas Bridge, Roy Steen Bridge, Campbell Bridge, Physics Creek Bridge, Cordato Bridge, Partridges Bridge, John Whites Bridge, Caminiti Bridge, Atkinson Bridge, Pyers Bridge, and Yabsley Bridge

DELIVERY PROGRAM LINKS

Objective 6: Provide infrastructure that meets community needs

6C Provide a network of safe, well-constructed local roads, bridges, footpaths and cycleways

6C1 Deliver local infrastructure maintenance and renewal programs

BUDGET IMPLICATIONS

New signage will be installed with costings allocated from the road signage maintenance budget.

REPORT

Council is a Roads Authority, under Section 7 of the *Roads Act 1993*, and is responsible for formally naming public roads and bridges in accordance with the Act and Regulation.

Council publicly requested road name suggestions for unnamed roads, and unnamed bridges within the Richmond Valley. The purpose of the naming is for identification, addressing purposes, emergency response and service delivery.

Council received 19 road name and 14 bridge name suggestions from the community. From the suggestions several names were rejected as they did not comply with the NSW Address Policy and Guidelines. Road name suggestions that were pre-approved from the NSW Geographical Names Board were identified for future public consultation.

Council publicly exhibited and notified affected residents of the suggested pre-approved names, requesting feedback. Where multiple submissions or objections were received these will be subject to a review and further consultation then will be presented as a future report to Council.

All road names proposed for adoption received support or no objection. Candido Rise New Italy was placed on public exhibition following the Pacific Highway upgrade in 2021. It had been the subject of multiple exhibitions and consultation with residents where no clear outcome could be agreed. In the interest of resolving a formalised name it is proposed to adopt Candido Rise as the original pre-approved road name which has the support of the directly affected resident.

CONSULTATION

Council has undertaken public exhibition of proposed names and bridges names, in accordance with Section 162 of the *Roads Act 1993* and Part 2 of the Roads Regulation 2018.

The proposed road names subject to this report received two submissions supporting the road name suggestions during the public exhibition period. The bridge names subject to this report did not receive any objections.

CONCLUSION

It is proposed that Council, as the road naming authority, follow the recommendations and processes outlined in this report to adopt the road and bridge names.

ATTACHMENT(S)

1. Road naming location and details (under separate cover)
2. Bridge naming location and details (under separate cover)

16.3 COMPULSORY LAND ACQUISITION FOR PUBLIC ROAD

Director: Ben Zeller

Responsible Officer: Kim Anderson

EXECUTIVE SUMMARY

The two bridges traversing Shannon Brook and Spring Creek located on Casino Coraki Road (known as twin Tatham Bridges) require replacement due to the poor structural condition of the infrastructure.

Council has approved a suitable design for the replacement of these bridges and has secured funding of \$18.7M for the construction of the two bridge replacements. Part of these works involve the land acquisition for the existing road footprint and the new alignment. It is proposed to negotiate with affected landholders and present a future report to Council for determination on the land acquisition.

Three parcels of land being Lots 5-7 Section 2 Deposited Plan 1494 impacted by the road realignment are residual lots from the original crown grant. The current owner of this land is the Estate of the late Francis Le Bon who died on 21 February 1892. There has been no estate claim recorded at the Land Titles Office to this residual land following his death.

Council's only option is to acquire this land by compulsory process under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Council will seek to be reimbursed for outstanding rates and charges on the land using the proportion of compensation payable for the land acquisition.

RECOMMENDATION

That Council

1. Acquires Lots 5-7 Section 2 Deposited Plan 1494 by the compulsory process under the *Land Acquisition (Just Terms Compensation) Act 1991* by authority contained in the *Roads Act 1993* for the purpose of public road.
2. Approves the making of an application to the Minister for Local Government for the issue of a Proposed Acquisition Notice under the *Land Acquisition (Just Terms Compensation) Act 1993 (NSW)* with respect to the subject land.
3. Authorises the General Manager to sign any related documents, including affixing the Common Seal of Richmond Valley Council as required.
4. Nominates that minerals are to be excluded from the acquisition.
5. Requests reimbursement for any monies outstanding for rating and charges deducted from any compensation claims should any parties declare an interest in the land.
6. Seeks authorisation to place in trust the compensation value less any amount payable outstanding for rating and charges to be held for the nominated 6-year trust period, and that compensation funds are directed to balance outstanding rates and charges.
7. Dedicates the subject land as a public road.

DELIVERY PROGRAM LINKS

Objective 6: Provide infrastructure that meets community needs

6C Provide a network of safe, well-constructed local roads, bridges, footpaths and cycleways

6C1 Deliver local infrastructure maintenance and renewal programs

BUDGET IMPLICATIONS

Where a registered landowner cannot be located, the compensation value as determined by the Valuer-General must be held in trust for 6 years under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Following the expiration of 6 years and no claim for compensation has been made, the value is to be paid to the Treasurer into the Consolidated Fund. Any request for payment by a Local Government Authority to the Treasurer is discretionary.

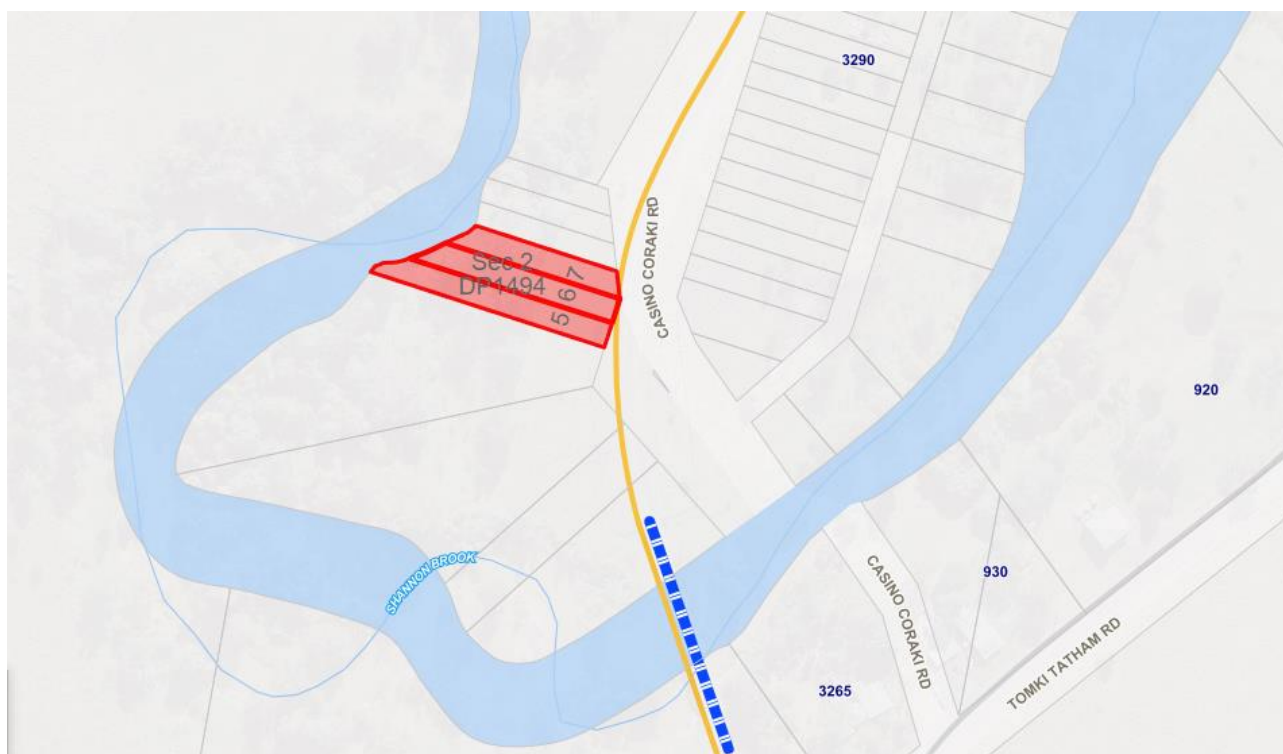
Costs incurred for land acquisition will be funded from Council's internal reserves. The outstanding rating and charges due on this property as of 30 June 2023 is valued at \$22,453.90.

REPORT

The two bridges traversing Shannon Brook and Spring Creek located on Casino Coraki Road (known as twin Tatham Bridges) require replacement. Following the 2022 Floods a load restriction has been placed on these exiting regional road bridges due to their poor structural condition.

Council has approved a suitable design for the replacement of these bridges and has secured funding of \$18.7M for the bridge replacements. Part of these works involve the land acquisition for the existing road footprint and the new alignment. It is proposed to negotiate with affected landholders and present a future report to Council for determination on the land acquisition.

Three parcels of land being Lots 5-7 Section 2 Deposited Plan 1494 requiring to be acquired are residual lots from the original crown grant. The current owner of this land is the Estate of the Late Francis Le Bon who died on 21 February 1892. There has been no estate claim recorded at the Land Titles Office to this residual land following his death. Council's only option is to acquire this land by compulsory process under the *Land Acquisition (Just Terms Compensation) Act 1991*.



Map 1: Showing land to be acquired.



Map 2: Showing land to be acquired with aerial photography.

A plan to acquire land for public road on existing alignment was registered in 2000 via Deposited Plan 1002117. This plan was superseded by Deposited Plan 1189522 registered in 2014 with an area of acquisition of 709.6m². The new alignment will require an additional 503.4m². It is proposed that the whole of Lots 5-7 Section 2 Deposited Plan 1494 be acquired for public road with a total land area of 2382.9m².

The current owner of the land is derived from the current certificate of title being Vol 259 Fol 54. This title deed recognises the ownership of Francis Le Bon who purchased the land on 25 June 1863. The residue of land in the folio comprises of Lots 5-7 Section 2 deposited plan 1494.

It is proposed that Council acquires the whole of Lots 5-7 Section 2 Deposited Plan 1494 for public road. An area of 1213m² is required for the current realignment for upgrade to the new bridge. It is proposed that the residual land be utilised for public access to the river.

The property has been accruing unpaid rates and charges annually including interest which is currently valued at a debt of \$22,453.90 (30 June 2023). It is proposed that any compensation payable is used to recover outstanding debts until the land has become dedicated as public road.

CONSULTATION

Council is required to undertake public consultation in accordance with *Land Acquisition (Just Terms Compensation) Act 1991*.

CONCLUSION

The land is required for the twin Tatham Bridge upgrades and the realignment of Casino Coraki Road being a major Regional Road. As this land relates to a deceased estate with no known beneficiaries the compulsory acquisition path is the only option available to Council. It is therefore recommended that Council undertakes the compulsory acquisition to acquire the land as public road.

ATTACHMENT(S)

Nil

17 ORGANISATIONAL SERVICES

17.1 INTERNAL REPORTING (PUBLIC INTEREST DISCLOSURES) POLICY

Director: Ryan Gaiter

Responsible Officer: Kate Alder-Conn

EXECUTIVE SUMMARY

The *Public Interest Disclosures Act 2022* (PID Act 2022) will commence in October 2023 and will repeal the *Public Interest Disclosures Act 1994* (PID Act 1994). The PID Act 2022 introduces significant reforms to the ways that public interest disclosures are made, received and dealt with in New South Wales and is intended to provide greater protection of persons who make public interest disclosures than that currently afforded under the PID Act 1994.

The introduction of the PID Act 2022 has necessitated a complete rewrite of the existing Internal Reporting (Public Interest Disclosures) Policy. The revised policy closely mirrors the NSW Ombudsman's model PID policy, released recently.

RECOMMENDATION

That Council:

1. Adopts the Internal Reporting (Public Interest Disclosures) Policy; and
2. Acknowledges that all required training of Council Officers will be undertaken in accordance with legislative requirements.

DELIVERY PROGRAM LINKS

Objective 10: Lead and advocate for our community

10C Lead with integrity

10C1 Provide representative and accountable community governance

BUDGET IMPLICATIONS

Staff training will be required in order to comply with the PID Act 2022. Once the scope of required training has been confirmed and costed, budget implications will be considered fully.

REPORT

The *Public Interest Disclosures Act 2022* (PID Act 2022), commencing in October 2023 will repeal the *Public Interest Disclosures Act 1994* (PID Act 1994). The PID Act 2022 introduces significant reforms to the ways that public interest disclosures are made, received and dealt with in New South Wales and is intended to provide greater protection of persons who make public interest disclosures.

Key requirements under the PID Act 2022**1. Public Interest Disclosure Policy**

Under section 43 PID Act 2022, the policy must include:

- procedures for dealing with, acknowledging receipt of and providing information to the makers of, voluntary public interest disclosures,
- procedures for assessing and minimising the risk of detrimental action being taken against a person as a result of a public interest disclosure being made,
- identifying the responsibilities imposed by the PID Act 2022 on the head of the agency, other disclosure officers and managers associated with the agency, and
- a list identifying the disclosure officers for the agency and their contact details.

2. Parties authorised to receive PIDs

Currently, PIDs can be made to the General Manager, Mayor (for reports about the GM only), Disclosure Coordinator (Director Organisational Services) and Disclosure Officers (Director Community Service Delivery and Manager People and Culture). This structure has been maintained within the revised policy.

In addition, nominated Disclosure Officers are also required at each work site that are permanently maintained by Council at which more than one person is employed. The nominated officer is to be the most senior ongoing employee who ordinarily works at the site (under section 18(1)(b) of the PID Act 2022).

Under the PID Act 2022 the number of recipients of voluntary public interest disclosures has been widened to include a 'manager' of the person making the disclosure. The term 'manager' is very broadly defined in section 15 of the PID Act 2022 to include the person who directly, or indirectly, supervises the reporting party. It can also be a person who the disclosing party directly, or indirectly, reports to. A person may have more than one manager under the PID Act 2022.

As implementation of the new legislation is rolled out, and further advice issued by the NSW Ombudsman, Council will ensure all required officers receive the mandatory training.

3. Who can make a PID?

The categories of persons who can make a public interest disclosure are significantly expanded under the PID Act 2022. In addition to persons employed by an agency, persons providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer, will be able to make a public interest disclosure. Local councils are identified in the *Government Sector Employment Act 2013* as agencies under the PID Act 2022, and accordingly any employees, contractors, subcontractors and volunteers of any of those agencies will be a public official for the purposes of the Act.

Revised policy

The revised policy very closely mirrors the model policy recently released by the NSW Ombudsman; therefore, meeting the requirements of the PID Act 2022. The nominated Disclosure Coordinator and Disclosure Officers have been expanded upon to meet the new requirements and

it is acknowledged that the number of parties to whom a report can be made has increased substantially and that training will be required to fulfil Council's obligations.

CONSULTATION

The reviewed Internal Reporting (Public Interest Disclosures) Policy follows the advice from the NSW Ombudsman and reconfirms the existing Disclosure Officers that Council currently has appointed under the PID Act 1993, together with the additional Disclosure Officers per worksite as now required.

CONCLUSION

It is recommended that Council adopt the revised Internal Reporting (Public Interest Disclosures) Policy, in order to comply with the PID Act 2022 and provide a framework for internal reporting within Richmond Valley Council.

ATTACHMENT(S)

1. **Internal Reporting (Public Interest Disclosures) Policy (under separate cover)**

17.2 DISCLOSURE OF INTERESTS - UPDATE TO PROCEDURE AND ANNUAL DESIGNATED PERSON RETURNS

Director: Ryan Gaiter

Responsible Officer: Kate Alder-Conn

EXECUTIVE SUMMARY

In accordance with Council's Code of Conduct and Disclosure of Interest Procedure, Councillors and Designated Persons are required to lodge their completed disclosure of interest returns by 30 September annually. All of the required disclosures have now been received from Councillors and Designated Persons.

A review of Council's Disclosure of Interest Procedure has been carried out, with minor amendments proposed to the list of designated persons, to accommodate changes in job titles.

RECOMMENDATION

That Council:

1. Notes that all required disclosure of interest returns have been received for the period ending 30 June 2023; and
2. Adopts the revised Disclosure of Interest Procedure.

DELIVERY PROGRAM LINKS

Objective 10: Lead and advocate for our community

10C Lead with integrity

10C1 Provide representative and accountable community governance

BUDGET IMPLICATIONS

Nil

REPORT

In accordance with the Code of Conduct and Council's Disclosure of Interest Procedure, Councillors and Designated Persons are required to lodge their completed disclosure of interest returns by 30 September annually.

A Councillor or Designated Person must make and lodge with the General Manager a return in the form set out in Schedule 2 of the Code of Conduct, disclosing the Councillor's or Designated Person's interests as specified in Schedule 1 of the Code within three months of:

- Becoming a Councillor or Designated Person;
- 30 June each year; or
- The Councillor or Designated Person becoming aware of an interest they are required to disclose under Schedule 1 of the Code that has not been previously disclosed in a return.

A review of the list of Designated Person positions held has been carried out in order to ensure accuracy of position titles. All of the required disclosures have been received from Councillors and Designated Persons. The disclosures are tabled for the information of Council and will be made available on request to any member of the public at Council's Casino Administration Office.

Following the review, the following positions have been added to the list of designated positions:

- Manager Asset Systems and Planning;
- Manager Water Sewer and Projects
- Manager Asset Delivery and Projects
- Coordinator Roads and Drainage; and
- Coordinator Infrastructure Recovery.

Returns will be published on Council's website in accordance with Office of Local Government requirements. In situations where Council believes there is an overriding public interest against the disclosure of some of the information contained in the returns, redactions will be applied prior to publishing. The decision to redact personal information is made on a case-by-case basis following application of the public interest test.

CONSULTATION

Nil

CONCLUSION

It is recommended that Council adopts the revised Disclosure of Interest Procedure and notes the receipt of returns within statutory time frames.

ATTACHMENT(S)

1. **Revised Disclosure of Interest Procedure (under separate cover)**

17.3 FINANCIAL ANALYSIS REPORT - AUGUST 2023**Director:** Ryan Gaiter**Responsible Officer:** Rylee Vidler**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 August 2023 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$18,677,345	\$45,000,000	\$5,750,390	\$2,000,000	\$15,537,267	\$86,965,002

The weighted average rate of return on Council's cash and investments as at 31 August 2023 was 4.31% which was above the Bloomberg AusBond Bank Bill Index for August of 0.38%, which is Council's benchmark.

RECOMMENDATION

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

DELIVERY PROGRAM LINKS

Objective 11: Manage resources responsibly

11A Manage finances responsibly and provide value for money

11A1 Undertake long-term financial planning and ensure compliance with financial regulation

BUDGET IMPLICATIONS

As at 31 August 2023, Council has earned \$389,438 in interest and \$199,943 in fair value gains from funds held in TCorp, for a total investment income of \$589,381. This equates to 46.55% of the annual budget for interest and investment income of \$1,266,010.

Future fair value gains or losses will continue to be monitored and reported to Council.

REPORT**Reserve Bank of Australia (RBA) Cash Rate Update**

The RBA held the cash rate at 4.10% per annum at its August meeting.

Rate of Return

The weighted average rate of return on cash and investments in August was 4.31%, a decrease in 197 basis points from the previous month. The rate of return is 393 basis points above the Bloomberg AusBond Bank Bill Index of 0.38% which is Council's benchmark.

Council's NSW Treasury Corporation IM Funds returned net gains of \$30,765 during the month of August. The Medium-Term Growth Fund (MTGF) returned a gain of \$39,463 and the Long-Term Growth Fund (LTGF) returned a loss of \$8,697.

During August, the economic data recorded for Australia was weaker than expected, showing signs that the tightening cycle may be coming to an end, however the RBA maintains that it is still too early to declare victory against inflation.

The MTGF has a recommended investment timeframe of 7 or more years (original investment was October 2018) and the LTGF has a recommended investment timeframe of 10 or more years (original investment was June 2021) during which time it is expected that there will be ups and downs in fair value gains. However, it should be noted that, despite the variation in returns, there has been no impact on the principal sum originally invested by Council.

Term deposits and floating rate notes continue to offer increasing rates of return, which is positive, however, some banking institutions are still limiting the number of deposits they will accept, and others are not accepting any deposits at present.

Council's Cash and Investments Portfolio

Council held cash and investments of \$86,965,002 at 31 August 2023. This was made up of Council's Business Online Saver Account (\$16,775,000), Term Deposits (\$45,000,000), Floating Rate Notes (\$5,750,390), Bonds (\$2,000,000), NSW Treasury Corporation Investments (\$15,537,267) and other bank accounts (\$1,902,345).

Council's investment portfolio had maturity dates ranging from same day up to 1,742 days. Term deposits, floating rate notes and bonds of \$52,750,390 represented 60.66% of the total portfolio as at 31 August 2023.

Council made the following new investment during August 2023:

Banking Institution	Investment Type	Environmentally Sustainable Investment	Amount Invested	Investment Term	Interest Rate
Bendigo Bank	Term Deposit	Y	\$2,000,000	5 months	5.05%
Auswide Bank	Term Deposit	Y	\$1,000,000	3 months	4.75%
Bendigo Bank	Term Deposit	Y	\$2,000,000	5 months	4.95%
Bendigo Bank	Term Deposit	Y	\$2,000,000	5 months	4.95%
Total			\$7,000,000		

Council had the following investment maturities during the month of August 2023:

Banking Institution	Investment Type	Environmentally Sustainable Investment	Amount Invested	Interest Earned
Australian Unity Bank	Term Deposit	Y	\$2,000,000	\$45,126
Bank of QLD	Term Deposit	N	\$2,000,000	\$45,375
Bank of QLD	Term Deposit	N	\$2,000,000	\$45,375
Auswide Bank	Term Deposit	Y	\$1,000,000	\$23,685
Southern Cross Credit Union	Term Deposit	Y	\$1,000,000	\$12,098
Southern Cross Credit Union	Term Deposit	Y	\$1,000,000	\$12,098
Total			\$9,000,000	\$183,757

Council had \$15,537,267 longer term investments being the MTGF and LTGF held with NSW Treasury Corporation as at 31 August 2023. The investment values and fair value returns are shown below:

Investment Holding	Fair Value 31 August 23	Fair Value Gain/(Loss) at 31 August 23	Fair Value Gain/(Loss) YTD	Fair Value Gain/(Loss) Life of Investment
Medium Term Growth Fund	\$12,401,176	\$39,463	\$154,159	\$1,396,146
Long Term Growth Fund	\$3,136,091	(\$8,697)	\$45,785	\$136,091
Total	\$15,537,267	\$30,765	\$199,943	\$1,532,237

Environmentally Sustainable Investments (ESI's)

Council's cash and investments portfolio of \$86,965,002, as at 31 August 2023 includes \$54,287,267 or 62.4% with no direct investment in the fossil fuel industry. These percentages include Council's investments with NSW Treasury Corporation and Northern Territory Treasury Corporation.

NSW Treasury Corporation has a stewardship approach to ESIs which focuses on managing environmental, social and governance (ESG) risks and opportunities, particularly climate change which is expected to impact portfolios over the long term. The stewardship policy states NSW Treasury Corporation believes incorporating these principles into investment decisions results in better risk-adjusted financial outcomes. Even though NSW Treasury Corporation takes this stewardship approach, its monthly reporting only highlights the different asset classes, not individual investments, and the level of investment in the fossil fuel industry.

Northern Territory Treasury Corporation utilises funds to assist with its infrastructure requirements such as housing, transport, health, and education services. While no statement has been provided on its investment strategy, it has been assumed that providing funding towards its own infrastructure will not involve direct investment in the fossil fuel industry.

CONCLUSION

During the month of August 2023, Council's investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

As at 31 August 2023 Council's cash and investments totalled \$86,965,002 with \$18,677,345 of this being funds held in bank accounts. The weighted average rate of return was 4.31% and total investment revenue equals 46.55% of budgeted revenue for the year to 31 August 2023.

ATTACHMENT(S)

1. RVC Investment Pack - August 2023 (under separate cover)

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION

RECOMMENDATION

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

19.1 CORRESPONDENCE - EMERGENCY SERVICES LEVY

RECOMMENDATION

That Council receives and notes the correspondence from the Member for Clarence, Mr Richie Williamson MP regarding concerns with the discontinuation of subsidy on the Emergency Services Levy.

SUMMARY OF CORRESPONDENCE

At Council's May 2023 Ordinary Meeting the following resolution was passed:

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.*

A copy of the response from the Member for Clarence, Mr Richie Williamson MP is included in this report.

ATTACHMENT(S)

1. **Response from Richie Williamson MP**



14 August 2023

Cr Robert Mustow
Mayor
Richmond Valley Council
Locked Bag 10
CASINO NSW 2460

Dear Cr Mustow

Robert

Thank you for your letter on behalf of Richmond Valley Council seeking my support in developing a more equitable and sustainable solution to the continued impost of the Emergency Services Levy increases on local councils in regional NSW.

I appreciate you taking the time to highlight the impact the latest increase means to the Richmond Valley community as it continues to recover from the catastrophic floods last year.

I certainly understand Council's concern about this impost, and agree a fairer, more transparent and financially sustainable system needs to be developed to share the cost of funding critically important emergency services in the longer term.

The NSW Liberal and Nationals recognise the importance of supporting local government to manage the increase in expenditure required under the Emergency Services Levy without cutting essential services.

As you are aware, the former Liberal and Nationals Government supported councils to help cover their contribution towards the State's fire and emergency services costs by providing a subsidy to ease the impact of continued increases on local councils and their communities.

I along with my Nationals Parliamentary colleagues are disappointed the newly elected NSW Labor Government has chosen to discontinue this subsidy in the 2023-24 financial year, particularly at a time so late in the local government budgeting cycle.

My Nationals colleague, the Shadow Minister for the North Coast and Emergency Services, Gurmeh Singh recently wrote to the NSW Minister for Local Government urging the NSW Government to continue to provide the subsidy this financial year. A copy of the Minister's response is attached. I am disappointed they have ruled this out.

There needs to be a true partnership between local government and the NSW Government to ensure the future sustainability of our emergency services. It is the newly elected government's job to implement a fairer, more transparent and financially sustainable funding model in consultation with local government to keep up with the growing demands placed on our emergency services.

11 Prince Street, Grafton NSW 2460

02 6643 1244

clarence@parliament.nsw.gov.au

THE NATIONALS
for Regional NSW

2

It is pleasing to note in the Minister's response that the NSW Government is committed to implementing a review of financial modelling for councils to address concerns about resources and the increased cost burdens on local government and the communities they represent.

I can assure you the NSW Liberal and Nationals Opposition will continue to advocate for this.

Yours sincerely



RICHIE WILLIAMSON, MP
Member for Clarence

Encl

RW.dn

The Hon. Ron Hoenig MP

Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government



Your Ref: CO19452
Our Ref: A863657

Mr Gurmesh Singh MP
Member for Coffs Harbour
1/9 Park Avenue
COFFS HARBOUR NSW 2450

via email: coffsharbour@parliament.nsw.gov.au

Dear Mr Singh,

Thank you for your letter of 22 May 2023 on behalf of Cr Paul Amos, Mayor of the City of Coffs Harbour, about his objection to the NSW Government discontinuing its subsidy toward the 2023/24 Emergency Services Levy contributions.

I acknowledge the Mayor's concerns about its financial sustainability and I appreciate you sharing your views on this matter.

While I note Cr Amos' position, tough budgetary decisions are being taken across the NSW government sector to ensure the financial sustainability of NSW and to provide priority services and infrastructure to communities and councils.

Council emergency services contributions have not risen since 2019-20 because of the annual ad-hoc subsidy by the former Government. However, at the same time the costs of emergency services has risen significantly. This situation is unsustainable in the current fiscal climate. Due to pressures on the NSW Budget and the lack of funding made available in the forward estimates, the NSW Government is not able to apply a subsidy to council contributions this financial year.

NSW emergency services agencies including Fire and Rescue NSW, NSW Rural Fire Service and the NSW State Emergency Service have long been funded through a three-way cost-sharing arrangement. Local government contributions to the cost of emergency services date back to the 1800s. These costs are a shared responsibility, and we all need to do our part to ensure communities get the services they deserve.

Please be assured that the newly elected NSW Government and the Office of Local Government are committed to supporting the financial capabilities of all local councils across NSW. We have a commitment to implement a review of financial modelling for councils to address concerns about resources and the increasing cost burdens on councils and their residents. The NSW Government is committed to working with the sector to address the financial sustainability of councils into the future.

52 Martin Place Sydney NSW 2000
GPO Box 5341 Sydney NSW 2001

02 7225 6150
nsw.gov.au/ministerhoenig

I will continue to advocate on behalf of all NSW local councils for continued financial support to assist with their operational functions.

Yours sincerely,



The Hon. Ron Hoenig MP
Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government

cc: The Hon. Jihad Dib MP, Minister for Emergency Services

19.2 CORRESPONDENCE - CASINO COURTHOUSE REPAIRS**RECOMMENDATION**

That Council receives and notes the correspondence from the Member for Clarence, Richie Williamson MP, providing a timeline of works for repair of the Casino Courthouse.

SUMMARY OF CORRESPONDENCE

Following Council's consideration of Mayoral Minute – Casino Court House – Flood Damage Ongoing Closure, at the 16 May 2023 Ordinary Meeting, it was resolved:

That Council writes to the Minister for Communities and Justice and the 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.

The Member for Clarence has followed up on these concerns and his response follows.

ATTACHMENT(S)

- 1. Casino Courthouse**
- 2. Letter to Member for Clarence**



24 May 2023

10 Graham Place Casino NSW 2470
Postal: Locked Bag 10 Casino NSW 2470
t: 02 6660 0300 f: 02 6660 1300

council@richmondvalley.nsw.gov.au
www.richmondvalley.nsw.gov.au

ABN 54 145 907 009

The Hon. Michael Daley MP
Attorney General
GPO Box 5341
SYDNEY NSW 2001

Dear Mr Daley

Casino Court House Flood Damage and Ongoing Closure

I write to you on behalf of Richmond Valley Council to seek your urgent assistance to expedite the repair works required to ensure the reopening of the Casino Court House as soon as possible.

The Court House was closed following flood damage in February 2022. However, some 15 months later, this important facility remains unavailable to our community. The closure has meant that all court matters are now being heard at the Lismore Court House and the travel required (additional 30 minutes of car travel) is having the following impacts on our local community:

- Operational/resourcing impacts on Police who must travel to/from Lismore for appearances/hearings
- Resourcing impacts on staff who work for local solicitors having to travel for appearances/hearings.
- Economic impacts on Casino due to loss of regular Court days which bring professional people and community members to town for a day.
- Increased difficulties with court attendance for disadvantaged members of our community who don't have their own transport, as public transport options are very limited
- Impacts on community and family members who may be supporting a person who needs to attend Court (with an Aboriginal and Torres Strait Islander population of 10.5%).
- Concerns that if the Court remains out of action for a long period a decision may be made to permanently close the facility.

The Casino Court House is a vital facility for the Casino community and Council has written to the The Hon Richie Williamson, Member for Clarence, seeking his support to expedite the current repairs. We ask that you also make representations on our behalf, to ensure that our community does not continue to suffer from the impacts of the courthouse closure.

For further information or to arrange a meeting, please contact General Manager, Vaughan Macdonald at vmacdonald@rvc.nsw.gov.au or on 0415 155 257.

Yours sincerely

A handwritten signature in black ink, appearing to read "R Mustow".

Cr Robert Mustow
Mayor

Love where we live and work





29 August 2023

Cr Robert Mustow
Mayor
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

Dear Cr Mustow *Robert,*

Thank you for your letter dated 24 May 2023 regarding the reopening of the Casino Court House following flood damage it sustained in February 2022.

Following representations made on Council's behalf, I received the attached letter from the Attorney General, Michael Daley dated 20 July 2023.

Since that letter, I sought to meet with the Attorney General to obtain an update on a timeline for remediation works required at the Court House.

The Attorney General has provided me with the following timeline:

- November 2023 - scope of works and tenders called
- March 2024 - Court House back to pre-flood condition

However, I remain concerned these works will most likely not see the Casino Court House fully operational by March 2024 as further capital will be required by the State for it to meet current standards so it can continue operating as a Court House.

As you correctly point out in your letter, the Court House is a vital asset for the community, and I will continue to advocate for its reopening as soon as possible.

Yours sincerely

RICHIE WILLIAMSON, MP
Member for Clarence

RW.dn

11 Prince Street, Grafton NSW 2460

02 6643 1244

clarence@parliament.nsw.gov.au

THE NATIONALS
for Regional NSW

OFFICIAL

The Hon Michael Daley MP
Attorney General

20 JUL 2023



Ref: EAP23/4967

Mr Richie Williamson MP
Member for Clarence
11 Prince Street
GRAFTON NSW 2460

By email: clarence@parliament.nsw.gov.au

Dear Mr Williamson,

Richmond Valley Council - Casino Courthouse closure

Thank you for your letters of 9 and 26 May 2023 on behalf of the Richmond Valley Council regarding the re-opening of the Casino Courthouse.

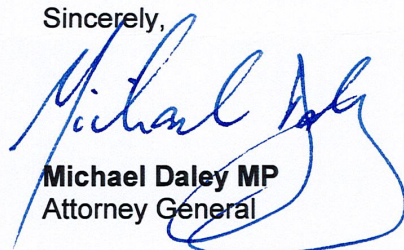
I acknowledge the concerns about the impact of the closure on the community and on court stakeholders.

The Casino Courthouse experienced extensive damage as a result of the 2022 Northern NSW floods. I am advised that the Department of Communities and Justice is working with its insurers and engineers to scope and undertake the necessary repairs to Casino Courthouse to facilitate its re-opening.

In the meantime, registry services will continue to be delivered to the Casino community in a range of alternative ways via the Lismore Courthouse and the NSW Online Registry.

Should Richmond Valley Council require more information, please direct them to contact Damian Bultitude, the Regional Director for Hunter North Region directly on 0400 987 380 or damian.bultitude@justice.nsw.gov.au.

Sincerely,



Michael Daley MP
Attorney General

OFFICIAL

52 Martin Place Sydney NSW 2000
GPO Box 5341 Sydney NSW 2001

02 7225 6070
nsw.gov.au/attorneygeneral

1

19.3 GRANT APPLICATION INFORMATION REPORT - AUGUST 2023**Director:** Ryan Gaiter**Responsible Officer:** Hayley Martin**RECOMMENDATION**

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

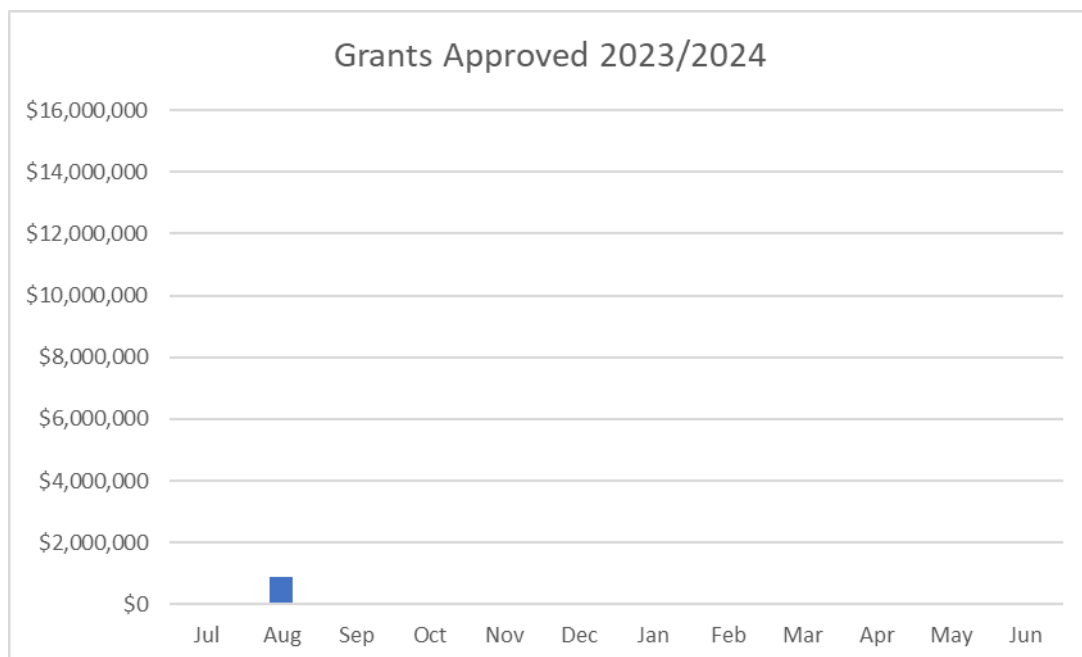
REPORT

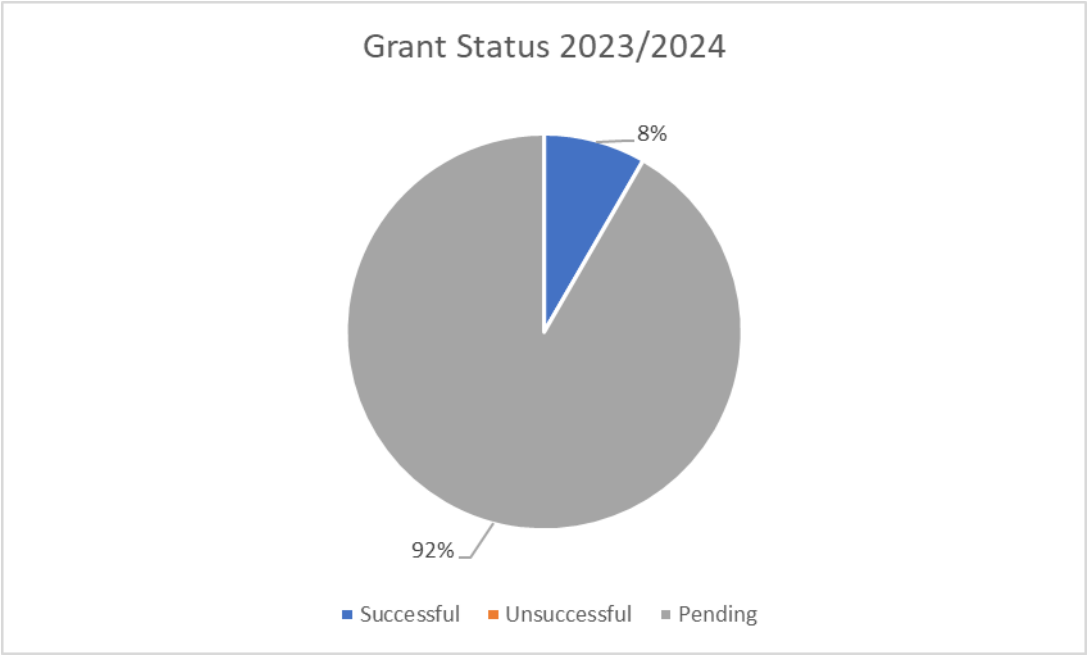
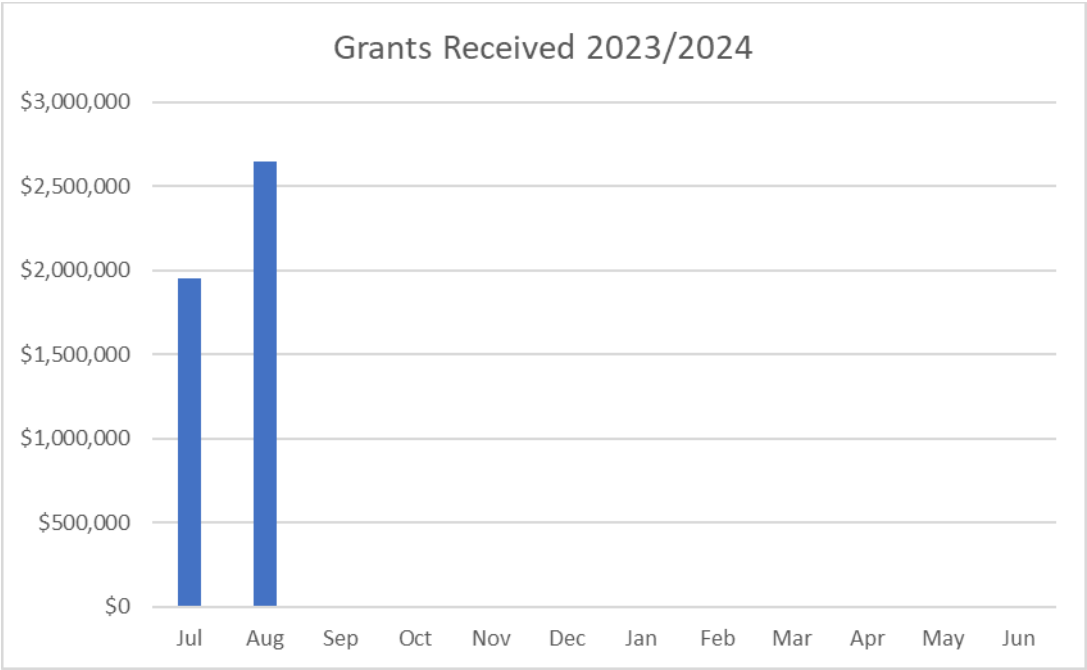
This report provides information on grant applications that have been approved, grants that have been received, grant applications that were unsuccessful and grant applications that were submitted for the month of August 2023.

During the reporting period, there was 1 grant approved and no grants submitted. Council was not notified of any unsuccessful grant applications. Council has submitted several expressions of interest towards potential funding programs, and it is anticipated more funding opportunities will become available after the announcement of the NSW Government Budget in September.

Council received funding for 8 grants totalling \$2,645,809, and there are 11 pending applications from the previous financial year outstanding.

A summary of grants approved and received, as well as the status of applications for the current financial year to 31 August 2023 is shown below:





The above graph shows the majority of Councils current applications are pending approval.

Grants that have been approved

[illegible]

Grants that have been received

Project Name	Funding Body	Funding Name	Project Value	Grant Funding	Council Funding	Application Submitted	Date Received	Total Received
Drought Recovery Project	Department of Industry, Innovation and Science (Federal)	Drought Communities Programme (DCP)	\$ 1,000,000	\$ 1,000,000	\$ -	N/A	\$ 99,908 25 August 2023	\$ 999,908
Comment: Final payment upon acquittal of the grant.								
Rappville Sewer Augmentation	Public Works Advisory (Federal and State)	Bushfire Local Economic Recovery Fund	\$ 3,000,000	\$ 3,000,000	\$ -	N/A	\$ 18,348 23 August 2023	\$ 50,574
Comment: Progressive claim received for works performed on the Rappville Sewer network.								
Community Recovery Officer	Resilience NSW (State)	NSW 2022 Storm and Flood Recovery Package: Community Recovery Officers	\$ 420,000	\$ 420,000	\$ -	N/A	\$ 112,964 1 August 2023	\$ 112,964
Comment: Progressive claim received for costs incurred to date.								
South Casino Sewage Transfer System	NSW Department of Planning, Industry and Environment (State)	Regional Housing Fund	\$ 1,400,000	\$ 1,400,000	\$ -	23 June 2022	\$ 800,000 10 August 2023	\$ 1,400,000
Comment: Final project payment including funding variation of \$200,000.								
Halsteads Drive - Geotech and Design Restoration	Crown Land NSW (State)	Flood Recovery Fund - AGRN1012	\$ 112,000	\$ 112,000	\$ -	1 October 2022	\$ 112,000 3 August 2023	\$ 112,000
Comment: 100% of funding received upfront.								

Project Name	Funding Body	Funding Name	Project Value	Grant Funding	Council Funding	Application Submitted	Date Received	Total Received
Halsteads Drive - Flood Damage Rehabilitation	Crown Land NSW (State)	Flood Recovery Fund - AGRN1012	\$ 402,550	\$ 402,550	\$ -	1 October 2022	\$ 402,550 3 August 2023	\$ 402,550
Comment: 100% of funding received upfront.								
Halsteads Drive - Access Restoration	Crown Land NSW (State)	Flood Recovery Fund - AGRN1012	\$ 1,012,500	\$ 1,012,500	\$ -	1 October 2022	\$ 1,012,500 3 August 2023	\$ 1,012,500
Comment: 100% of funding received upfront.								
Financial Assistance Grant 2023/2024	NSW Local Government Grants Commission (Federal)	Financial Assistance Grant	\$ 6,746,876	\$ 6,746,876	\$ -	N/A - Annual Allocation	\$ 87,539 16 August 2023	\$ 6,484,260
Comment: Quarter 1 instalment of the 2023/2024 FAG Grant.								

ATTACHMENT(S)

Nil

19.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 AUGUST 2023 - 31 AUGUST 2023

Director: Angela Jones

Responsible Officer: Andy Edwards

RECOMMENDATION

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

REPORT

This report provides a summary of development activity on a monthly basis. All Development Applications determined in the month are outlined in this report, including Section 4.55 approvals, applications which were refused and withdrawn, and applications with no development value, such as subdivisions.

Council receives a fortnightly summary of the status of applications (including all received) and notifications of all determinations of Development Applications are included in the Community Newsletter on a monthly basis.

The total number of Development Applications and Complying Development Applications determined within the Local Government area for the period 1 August 2023 to 31 August 2023 was 17 (which includes 1 privately certified application), with a total value of \$2,988,394.00.

During August, Council determined two flood affected applications being DA2023/0189 – 117 Baraang Drive, Broadwater and DA2024/0002 – 9 George Street, Broadwater.

The graph below shows the number of development applications processed by Council over five financial years.

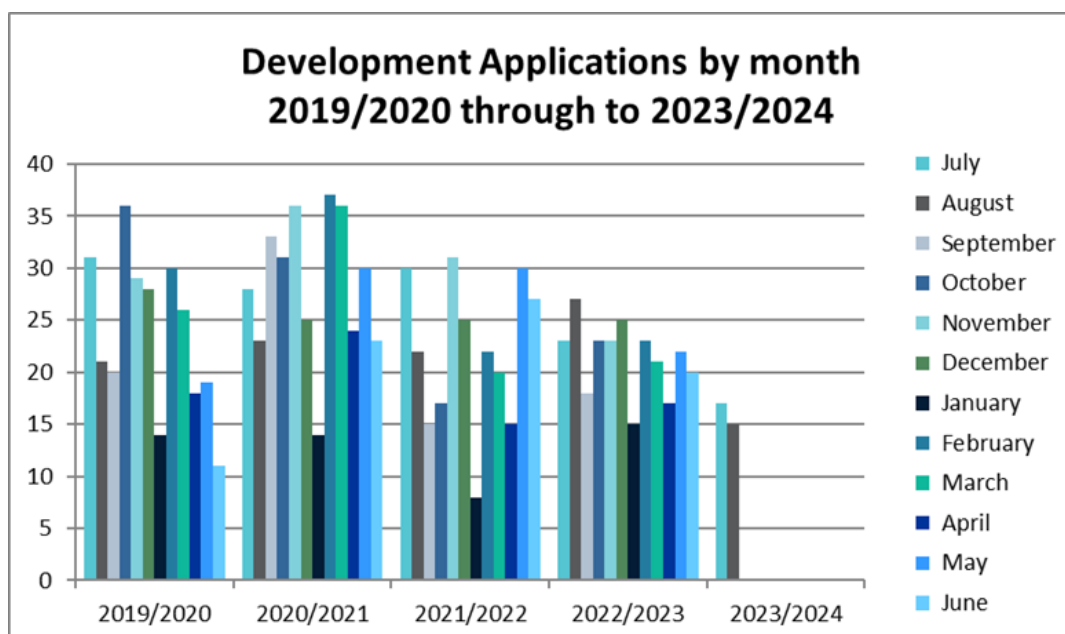


Figure 1: Monthly number of development applications processed by Council over five financial years.

Figure 2 graph provides the annual value of Development Consents issued by Council over five financial years and Figure 3 provides a detailed review of the value for the reporting month of August 2023.

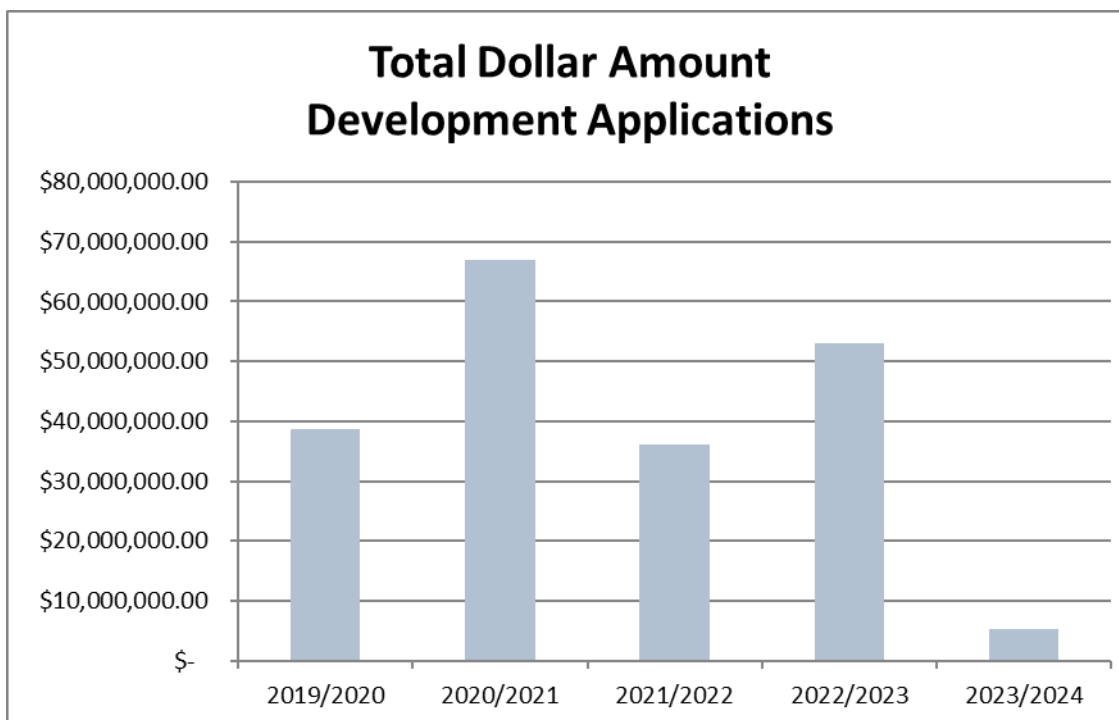


Figure 2: Annual value of development.

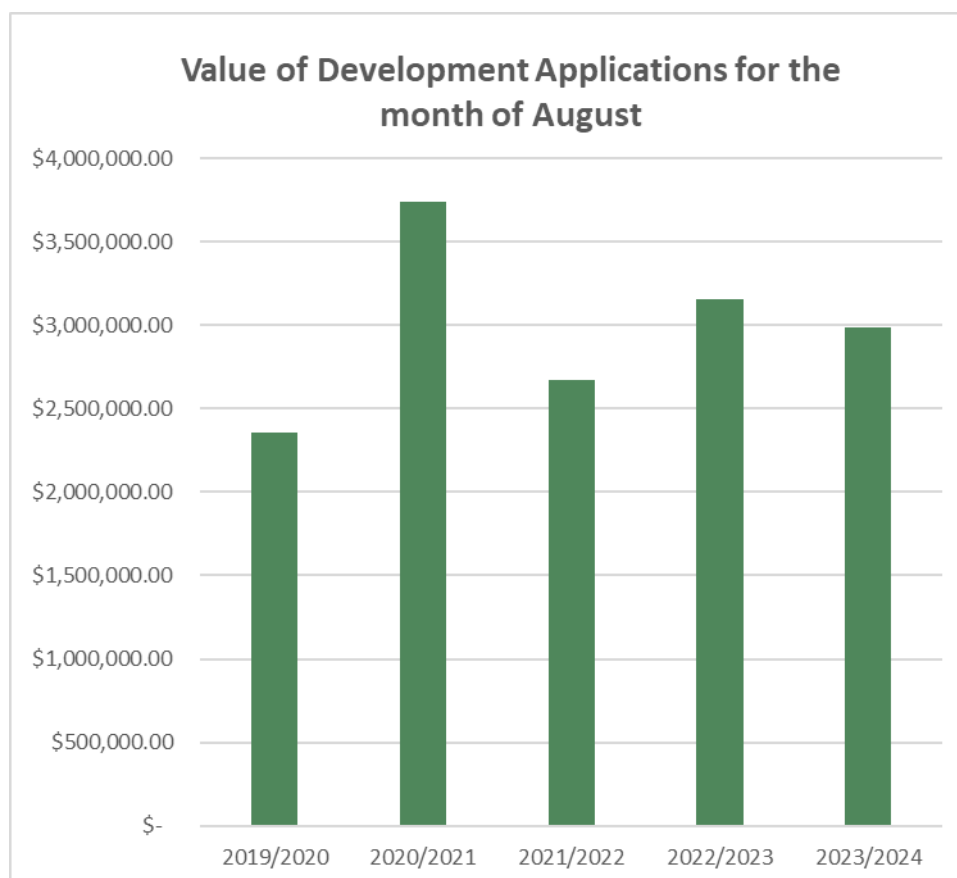


Figure 3: Value of development for the month of August 2023

Number of Development Applications

The number of applications received by Council does not necessarily reflect the value of developments, as single large developments can be equivalent in value to a large number of more standard type developments such as sheds, dwellings and small commercial developments.

Figures 4 and 5 detail the number of applications determined by Council over the past five years.

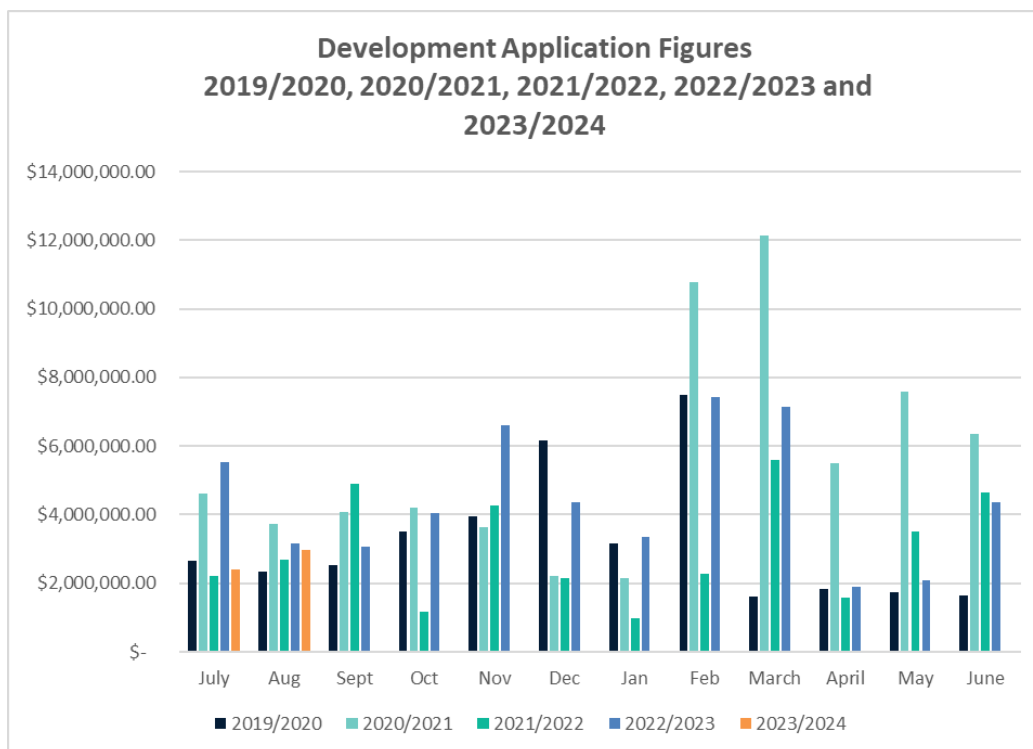


Figure 5: Value of development applications per month over five financial years.

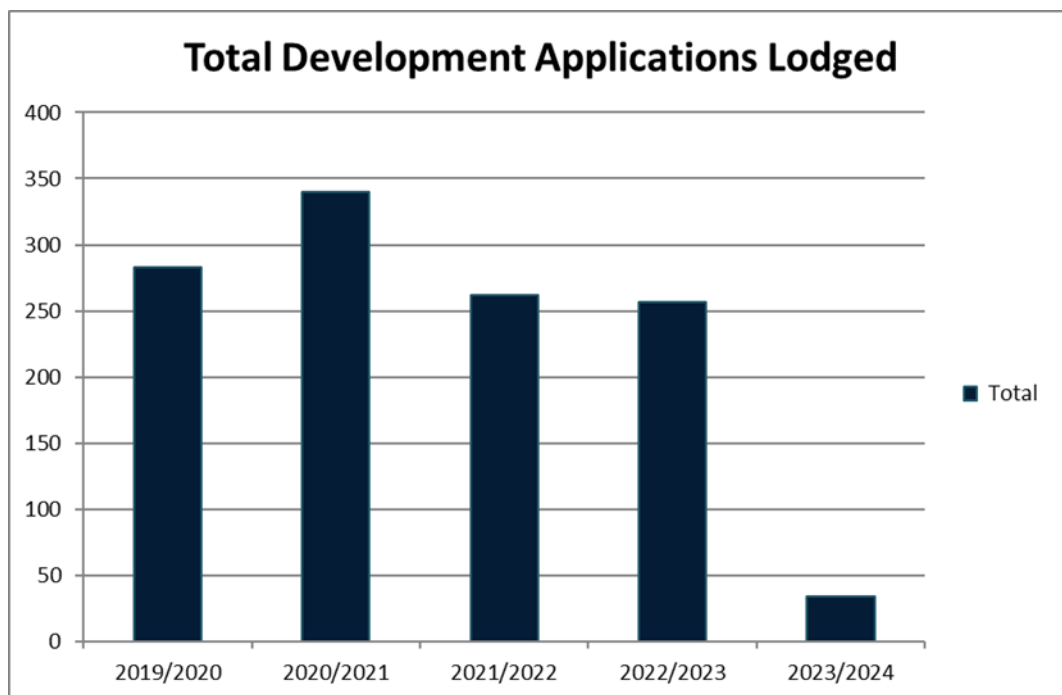


Figure 6: Number of Development Applications per annum over five financial years.

Activity for the month of August 2023

General Approvals (excluding Subdivisions, Section 4.55)	7
Section 4.55 amendments to original consent	6
Subdivision	1
Refused	0
Rejected	0
Withdrawn	0
Complying Development (Council Approved)	2
Complying Development (Private Certifier Approved)	1
TOTAL NUMBER OF APPLICATIONS DETERMINED (Excluding withdrawn applications)	17
Average assessment days for applications determined in August 2023	36
No. of Integrated development applications determined in August 2023	0
No. of Designated development applications determined in August 2023	0
No. of building/ compliance inspections undertaken in August 2023	155

ATTACHMENT(S)

Nil

Summary of Development Applications determined under the Environmental Planning and Assessment Act for the period 1 August 2023 to 31 August 2023							
Application ID	Applicant	Owners	Location	Development	Date Lodged	Determination Date	Estimated Cost
DA2023/0095	Newton Denny Chapelle	G R Riethmuller	59 Simpson Parade, Casino	Demolition of the existing dwelling and ancillary structures, removal of trees, construction of twenty-nine (29) self-storage units and associated works	29/11/2022	24/08/2023	\$444,790.00
DA2023/0159	Newton Denny Chapelle	J F Fraser, S J Fraser, S A Fraser, D J Fraser	60 East Street, Casino	Proposed alterations and additions to existing rural supply store, being - Front store addition, meeting room, lunch room and new awning, demolition of an existing dwelling and erection of a new storage building, civil works including car parking & hardstand area.	4/04/2023	10/08/2023	\$794,002.00
DA2021/0091.01	N A Grimm	N A Grimm & D N Clark	80 Reynolds Road, Codrington	S4.55(1A) Modification - Extend deck along the southern side of the dwelling and modify the layout of the bathroom and laundry	31/05/2023	3/08/2023	\$60,000.00
DA2023/0010.01	Hayes Building Consultancy	M A Somerville	31 Heath Street, Evans Head	S4.55(1A) Modification - as-built open timber deck enclosed with a series of openable bi fold aluminium louvres	5/06/2023	11/08/2023	\$0.00
DA2023/0194	Richmond Valley Council	Richmond Valley Council	Victory Camp Road, Casino	Subdivision of industrial zoned land to create two lots	28/06/2023	10/08/2023	\$500,000.00
DA2024/0003	Newton Denny Chapelle	P F Connolly & A I Connolly	24 Country Lane, Casino	Extension of existing shed	10/07/2023	15/08/2023	\$14,110.00
DA2024/0005	W Inwood	R E Heatley & R J Want	39 Farley Street, Casino	Construction of a 6.0m x 6.0m shed on a concrete slab	17/07/2023	15/08/2023	\$19,717.00
DA2023/0107.01	Ardill Payne & Partners	K M McGeary & C K McGeary	92-94 Richmond Street, Woodburn	S4.55(1) Modification - Remove condition number 12	18/07/2023	3/08/2023	\$0.00
DA2023/0174.01	Perry Homes (Aust) Pty Ltd	C T W Hicks & J J Layton	1844 Casino Coraki Road, Coraki	S4.55(1) - Modification to reword Condition No.16	19/07/2023	4/08/2023	\$0.00
DA2024/0014	Hayes Building Consultancy	R K Lohse	55 Richmond Street, Woodburn	Timber deck extension with an insulated roof	20/07/2023	15/08/2023	\$19,800.00
DA2022/0234.01	Barnson Pty Ltd	Bogal Local Aboriginal Land Council	10 Box Ridge Road, Coraki	S4.55(1A) - Modification to include additional street parking	7/08/2023	15/08/2023	\$280,000.00
DA2023/0010.02	Hayes Building Consultancy	M A Somerville	31 Heath Street, Evans Head	S4.55(1) - Modification to correct minor error, misdescription or miscalculation made in the consent and remove condition 8	25/08/2023	31/08/2023	\$0.00

Summary of Flood Affected Development Applications determined under the Environmental Planning and Assessment Act for the period 1 August 2023 to 31 August 2023							
Application ID	Applicant	Owners	Location	Development	Date Lodged	Determination Date	Estimated Cost
DA2023/0189	Newton Denny Chapelle	NSW Sugar Milling Cooperative Ltd & Manildra Stock Feeds (Manufacturing) Pty Ltd	117 Baraang Drive, Broadwater	Replacement of former administration building	6/06/2023	3/08/2023	\$301,903.00
DA2024/0002	M P Veronesi	D J Edgerton & S M Edgerton	9 George Street, Broadwater	Raise existing dwelling by 2.4 metres and add ensuite	3/07/2023	8/08/2023	\$100,000.00
Summary of Bushfire Affected Development Applications determined under the Environmental Planning and Assessment Act for the period 1 August 2023 to 31 August 2023							
Application ID	Applicant	Owners	Location	Development	Date Lodged	Determination Date	Estimated Cost
Nil							
Summary of Privately Certified Applications determined under the Environmental Planning and Assessment Act for the period 1 August 2023 to 31 August 2023							
Application ID	Applicant	Owners	Location	Development	Date Submitted to Council for Registration	Determination Date	Estimated Cost
CDC2024/0009	Techton Building Services	S M & C G Clark	32 Carrabeen Street, Evans Head	Alterations and additions to existing dwelling	11/08/2023	9/08/2023	\$324,957.00
Summary of Council Certified Applications determined under the Environmental Planning and Assessment Act for the period 1 August 2023 to 31 August 2023							
Application ID	Applicant	Owners	Location	Development	Date Lodged	Determination Date	Estimated Cost
CDC2024/0003	Artisan Pools Pty Ltd	D P McDermott & B A McDermott	75 Smiths Lane, North Casino	Installation of an in ground fibreglass swimming pool, its associated equipment & fencing	12/07/2023	4/08/2023	\$52,915.00
CDC2024/0008	C B Lowe	C B Lowe & E J Lowe	90 Manifold Road, North Casino	Installation of an inground fiberglass swimming pool, its associated equipment and fencing	4/08/2023	23/08/2023	\$76,200.00

19.5 MINUTES AUDIT, RISK & IMPROVEMENT COMMITTEE - 31 AUGUST 2023**Director: Ryan Gaiter****Responsible Officer: Hayley Martin****RECOMMENDATION**

That Council receives and notes the Minutes of the Audit, Risk and Improvement Committee held on 31 August 2023.

ATTACHMENT(S)

1. **Minutes - Audit, Risk & Improvement Committee, 31 August 2023 (under separate cover)**

20 QUESTIONS ON NOTICE

Nil

21 QUESTIONS FOR NEXT MEETING (IN WRITING)

22 MATTERS REFERRED TO CLOSED COUNCIL

RECOMMENDATION

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 Water and Sewer Project Delivery Services Panel

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 VP374503 - Old Casino Station Landscape & Construction Works

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 Tender VP368772 - Design and Construct Casino to Bentley Rail Trail Bridges

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.

22.4 Tender VP366581 - Rehabilitation of Sewer Mains

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).

22.5 Tender VP291058 - Design and Construct Naughtons Gap Road Landslip Reconstruction

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).

23 RESOLUTIONS OF CLOSED COUNCIL