

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
19 September 2023**

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**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 19 SEPTEMBER 2023 AT 6PM**

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

**PRESENT:** Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Robert Hayes, Cr Sandra Humphrys, Cr Patrick Deegan, Cr Debra McGillan, Cr Sam Cornish (participated via audio visual link from 6.10pm).

**IN ATTENDANCE:** Vaughan Macdonald (General Manager), Angela Jones (Director Community Service Delivery), Ben Zeller (Director Projects & Business Development), Jenna Hazelwood (Chief of Staff), Hayley Martin (Principal Accountant), Julie Clark (Personal Assistant to the General Manager and Mayor), Simon Breeze (IT Support Coordinator).

## **1 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

*"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."*

## **2 PRAYER**

The meeting opened with a prayer by the General Manager.

## **3 PUBLIC ACCESS**

Mr Roger Bailey addressed Council in relation to Item 14.1 Northern Rivers Livestock Exchange Future Options raising concerns on behalf of producers at the current closure of the facility.

Mr Allan Berry addressed Council in relation to Item 14.1 Northern Rivers Livestock Exchange Future Options, referring to motions moved at the Public Meeting - Let's Put Beef Back into the Capital held on Monday 4 September, and called for sales to recommence at the NRLX.

The Mayor thanked Mr Bailey and Mr Berry for their attendance and address to the meeting.

A full recording of the public address segment is available at:

<https://richmondvalley.nsw.gov.au/council/council-meetings/council-meeting-videos/>

## **4 APOLOGIES**

Nil

**RESOLUTION 190923/1**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council approves Cr Sam Cornish's attendance via an audio visual link at 19 September and 17 October 2023 Ordinary meetings, due to being absent from the area with work commitments.

**CARRIED**

**RESOLUTION 190923/2**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That an extension of time be granted for presentation of the Mayoral Minute – Northern Rivers Livestock Exchange.

**CARRIED**

**5 MAYORAL MINUTES****MAYORAL MINUTE - NORTHERN RIVERS LIVESTOCK EXCHANGE****RESOLUTION 190923/3**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council:

1. Receives and notes the Mayoral Minute – Northern Rivers Livestock Exchange.
2. Continues to work towards a long-term solution to ensure that the NRLX is financially sustainable and provides benefits to the whole community.

**CARRIED**

**6 CONFIRMATION OF MINUTES****6.1 MINUTES ORDINARY MEETING HELD 15 AUGUST 2023****RESOLUTION 190923/4**

Moved: Cr Sandra Humphrys

Seconded: Cr Debra McGillan

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

**CARRIED**

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

Cr Robert Hayes referred to Item 10.1 – Notice of Motion – Rate Rebate Extension presented to the 15 August Ordinary meeting (below) and enquired if the letter had been forwarded.

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

The General Manager advised that Council had not yet received a reply to the letter and that any response would be reported to a future meeting.

## **8 DECLARATION OF INTERESTS**

Nil

## **9 PETITIONS**

Nil

## **10 NOTICE OF MOTION**

Nil

## **11 MAYOR’S REPORT**

### **11.1 MAYORAL ATTENDANCE REPORT 9 AUGUST - 11 SEPTEMBER 2023**

#### **RESOLUTION 190923/5**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

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

**CARRIED**

## **12 DELEGATES' REPORTS**

### **12.1 DELEGATES' REPORT SEPTEMBER 2023 - ROUS COUNTY COUNCIL**

#### **RESOLUTION 190923/6**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

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

**CARRIED**

## **13 MATTERS DETERMINED WITHOUT DEBATE**

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

#### **RESOLUTION 190923/7**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That items 16.1, 16.2, 16.3, 17.1, 17.2, 17.3 identified be determined without debate.

**CARRIED**

### **14 GENERAL MANAGER**

#### **14.1 NORTHERN RIVERS LIVESTOCK EXCHANGE FUTURE OPTIONS**

##### **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.

**RESOLUTION 190923/8**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

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.

**CARRIED**



## 15 COMMUNITY SERVICE DELIVERY

### 15.1 RICHMOND VALLEY FLOOD STUDY - POST EXHIBITION REPORT

#### 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.

#### RESOLUTION 190923/9

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

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.

**CARRIED**

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

**RESOLUTION 190923/10**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

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.

**CARRIED**

## 16.2 NAMING OF UNNAMED ROADS AND BRIDGES

### 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.

### RESOLUTION 190923/11

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

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 Mongogarie
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, Caminitti Bridge, Atkinson Bridge, Pyers Bridge, and Yabsley Bridge

**CARRIED**

### 16.3 COMPULSORY LAND ACQUISITION FOR PUBLIC ROAD

#### 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.

#### RESOLUTION 190923/12

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

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.

**CARRIED**

## **17 ORGANISATIONAL SERVICES**

### **17.1 INTERNAL REPORTING (PUBLIC INTEREST DISCLOSURES) POLICY**

#### **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.

#### **RESOLUTION 190923/13**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

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.

**CARRIED**

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

#### **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.

#### **RESOLUTION 190923/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

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.

**CARRIED**

**17.3 FINANCIAL ANALYSIS REPORT - AUGUST 2023****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the status and performance of its cash and investment portfolio in accordance with the *Local Government Act 1993* s.625, Local Government (General) Regulation 2021 cl.212, Australian Accounting Standard (AASB 9) and Council's Investment Policy.

The value of Council's cash and investments at 31 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.

**RESOLUTION 190923/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

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

**CARRIED****18 GENERAL BUSINESS**

Nil

**19 MATTERS FOR INFORMATION****RESOLUTION 190923/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

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

**CARRIED****19.1 CORRESPONDENCE - EMERGENCY SERVICES LEVY****RESOLUTION 190923/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

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.

**CARRIED**

**19.2 CORRESPONDENCE - CASINO COURTHOUSE REPAIRS****RESOLUTION 190923/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

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

**CARRIED**

**19.3 GRANT APPLICATION INFORMATION REPORT - AUGUST 2023****RESOLUTION 190923/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

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

**CARRIED**

**19.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 AUGUST 2023 - 31 AUGUST 2023****RESOLUTION 190923/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

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

**CARRIED**

**19.5 MINUTES AUDIT, RISK & IMPROVEMENT COMMITTEE - 31 AUGUST 2023****RESOLUTION 190923/21**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

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

**CARRIED**

**20 QUESTIONS ON NOTICE**

Nil

**21 QUESTIONS FOR NEXT MEETING (IN WRITING)**

Cr Robert Hayes enquired if Council could investigate the 15 tonne load limit placed on the two Tatham bridges.

The Director Projects & Business Development advised detailed technical assessments undertaken have confirmed the current load limits in place are correct.

Council has approved a suitable design for the replacement of these bridges and has secured funding of \$18.7m for this purpose.



## **22 MATTERS REFERRED TO CLOSED COUNCIL**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

### **22.1 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) - (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.

### **22.5 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).

The General Manager reported that no written representations had been received in respect of the items listed for consideration in Closed Council.

The Chair called for representations from the gallery.

There were no verbal representations from the gallery in respect of this item.

The Chair advised that under section 10A Local Government Act 1993, the media and public are to be excluded from the meeting on the basis that the business to be discussed is classified confidential under the provisions of section 10(2) as outlined above.

## **RESOLUTION 190923/22**

Moved: Cr Stephen Morrissey

Seconded: Cr Debra McGillan

That:

1. Council enters Closed Council to consider the business identified in Item 22.1, together with any late reported tabled at the meeting.
2. Pursuant to section 10A(2) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis the business to be discussed is classified confidential under the provisions of section 10(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) *Local Government Act 1993*

**CARRIED**

Council closed its meeting at 7.23 pm

The Open Council meeting resumed at 7.34 pm

The resolutions of the Closed Council meeting were read by the Director Community Service Delivery (Item 22.1 and 22.4), Director Projects & Business Development (Item 22.2, 22.3 and 22.5).

## **23 RESOLUTIONS OF CLOSED COUNCIL**

### **22.1 Water and Sewer Project Delivery Services Panel**

That Council

1. Appoints all Respondents to the Water and Sewer Project Delivery Services Tender to the Panel of Suppliers taking into account the comments noted by the Assessment Panel in the Report.
2. Appoints Uminex Pty Ltd as the Lead Project Management Consultant to assist Council in the delivery of the Casino STP replacement project.
3. Authorises the General Manager to negotiate and finalise the terms and conditions of any contract or agreement, in line with the content of this report and the available budget and affixing the seal of Council where necessary.

**22.2 Tender VP374503 – Old Casino Station Landscape & Construction Works**

That

1. Declines all tenders for Tender VP374503 – Old Casino Station Landscape & Construction Works, due to all tenders being more than Council's available budget.
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, in line with the content of this report and the available budget and affixing the seal of Council where necessary.
3. Notes the outcomes of the negotiations to be reported to Council for information at a future meeting.

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

That

1. Council accepts the tender from Frontier Assembly Pty Ltd for the design and construction of the Casino to Bentley Rail Trail bridges, as it represents the best value for Council at \$1,579,365.00 (exclusive of GST); and
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, in line with the content of this report and the available budget and affixing the seal of Council where necessary.

**22.4 Tender VP366581 – Rehabilitation of Sewer Mains**

That

1. Council accepts the tender from Insituform for rehabilitation of sewer mains, as it represents the best value for Council at \$1,037,530.09 (exclusive of GST); and
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, in line with the content of this report and the available budget and affixing the seal of Council where necessary.

**22.5 Tender VP291058 – Design and Construct Naughtons Gap Road Landslip Reconstruction**

That

1. Council accepts the tender from Civil Mining & Construction Pty Ltd to design and construct the Naughtons Gap Road landslip reconstruction, as it represents the best value for Council at \$9,932,342.10 (exclusive of GST); and
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, in line with the content of this report and affixing the seal of Council where necessary and seek concurrence with Transport for NSW for the available budget.

The Meeting closed at 7.40 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 October 2023.

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**CHAIRPERSON**