

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
17 October 2023**

**ORDER OF BUSINESS**

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b> .....	<b>4</b>
<b>2</b>	<b>PRAYER</b> .....	<b>4</b>
<b>3</b>	<b>PUBLIC ACCESS</b> .....	<b>4</b>
<b>4</b>	<b>APOLOGIES</b> .....	<b>4</b>
<b>5</b>	<b>MAYORAL MINUTES</b> .....	<b>5</b>
	5.1 Mayoral Minute - Community funding announcements .....	5
<b>6</b>	<b>CONFIRMATION OF MINUTES</b> .....	<b>5</b>
	6.1 Minutes Ordinary Meeting held 19 September 2023.....	5
<b>7</b>	<b>MATTERS ARISING OUT OF THE MINUTES</b> .....	<b>5</b>
<b>8</b>	<b>DECLARATION OF INTERESTS</b> .....	<b>6</b>
<b>9</b>	<b>PETITIONS</b> .....	<b>6</b>
	Nil	
<b>10</b>	<b>NOTICE OF MOTION</b> .....	<b>6</b>
	10.1 Notice of Motion - Woodburn village: Impacts of buy-back scheme .....	6
<b>11</b>	<b>MAYOR'S REPORT</b> .....	<b>6</b>
	11.1 Mayoral Attendance Report 12 September - 9 October 2023 .....	6
<b>12</b>	<b>DELEGATES' REPORTS</b> .....	<b>6</b>
	Nil	
<b>13</b>	<b>MATTERS DETERMINED WITHOUT DEBATE</b> .....	<b>7</b>
	13.1 Matters to be Determined Without Debate.....	7
<b>14</b>	<b>GENERAL MANAGER</b> .....	<b>7</b>
	Nil	
<b>15</b>	<b>COMMUNITY SERVICE DELIVERY</b> .....	<b>7</b>
	15.1 Regional Jobs Precinct.....	8
<b>16</b>	<b>PROJECTS &amp; BUSINESS DEVELOPMENT</b> .....	<b>9</b>
	16.1 Foy Street Proposed Road Closure.....	9
	16.2 Asset Capitalisation Policy and Road Management Policy .....	10
	16.3 Tatham Bridges Land Acquisition and Road Closures.....	11
<b>17</b>	<b>ORGANISATIONAL SERVICES</b> .....	<b>12</b>
	17.1 Financial Analysis Report - September 2023.....	12
	17.2 Draft Financial Statements 2022/2023 .....	13
<b>18</b>	<b>GENERAL BUSINESS</b> .....	<b>14</b>
	Nil	
<b>19</b>	<b>MATTERS FOR INFORMATION</b> .....	<b>14</b>
	19.1 Customer Experience Report 1 July - 30 September 2023.....	14
	19.2 Coraki to Woodburn Road (MR145) Project Completion Update .....	14
	19.3 Rock Fishing Safety Update .....	15

---

19.4	Casino Memorial Olympic Pool Project Completion.....	15
19.5	Development Applications Determined Under the Environmental Planning and Assessment Act for the Period 1 September 2023 - 30 September 2023 .....	15
19.6	Grant Application Information Report - September 2023 .....	15
<b>20</b>	<b>QUESTIONS ON NOTICE .....</b>	<b>15</b>
	Nil	
<b>21</b>	<b>QUESTIONS FOR NEXT MEETING (IN WRITING).....</b>	<b>16</b>
<b>22</b>	<b>MATTERS REFERRED TO CLOSED COUNCIL .....</b>	<b>16</b>
22.1	Tender RFT-10059501 - Rappville Sewerage Reticulation System Construction.....	16
22.2	Tender VP375416 - Queen Elizabeth Park Fencing Upgrades.....	16
<b>23</b>	<b>RESOLUTIONS OF CLOSED COUNCIL .....</b>	<b>17</b>

**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 17 OCTOBER 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 Sam Cornish (via videolink), Cr Robert Hayes, Cr Sandra Humphrys, Cr Debra McGillan

**IN ATTENDANCE:** Vaughan Macdonald (General Manager), Angela Jones (Director Community Service Delivery), Ryan Gaiter (Director Organisational Services), Ben Zeller (Director Projects & Business Development), Jenna Hazelwood (Chief of Staff), Charlene Reeves (Executive Assistant Projects & Business Development), Simon Breeze (IT Support Coordinator)

## **1 ACKNOWLEDGEMENT OF COUNTRY**

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

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

## **2 PRAYER**

The meeting opened with a prayer by the General Manager.

## **3 PUBLIC ACCESS**

Nil.

## **4 APOLOGIES**

### **RESOLUTION 171023/1**

Moved: Cr Robert Hayes  
Seconded: Cr Sandra Humphrys

That the apologies received from Cr Stephen Morrissey (Deputy Mayor) and Cr Patrick Deegan be accepted and leave of absence granted.

**CARRIED**

## **5 MAYORAL MINUTES**

### **5.1 MAYORAL MINUTE - COMMUNITY FUNDING ANNOUNCEMENTS**

#### **RESOLUTION 171023/2**

Moved: Cr Robert Mustow

Seconded: Cr Debra McGillan

That Council

1. Notes the receipt of more than \$13.8 million for community flood resilience projects, under the Community Assets Program and Infrastructure Betterment Fund.
2. Writes to Australian and NSW Government representatives to express Council's appreciation for the funding and the Governments' continued support for community flood recovery programs in the Richmond Valley.

**CARRIED**

## **6 CONFIRMATION OF MINUTES**

### **6.1 MINUTES ORDINARY MEETING HELD 19 SEPTEMBER 2023**

#### **RESOLUTION 171023/3**

Moved: Cr Sandra Humphrys

Seconded: Cr Debra McGillan

That Council confirms the Minutes of the Ordinary Meeting held on 19 September 2023.

**CARRIED**

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

Cr Hayes referred to Item 7 (August Ordinary Meeting Item 10.1 Notice of Motion - Rate Rebate Extension) and enquired if there had been any response from the Premier's Office regarding the proposed Rate Relief Application letter that was sent.

The General Manager advised that this has been followed up with the local MPs office, but Council was still awaiting a formal response from the Premier's Office.

Cr Hayes referred to Item 14.1 Northern Rivers Livestock Exchange Future Options - part 4 and enquired if a contractor had been appointed yet.

The General Manager advised a contractor had been appointed in line with the resolution from the September Ordinary Meeting.

Cr Hayes referred to Item 14.1 Northern Rivers Livestock Exchange Future Options - part 5 and enquired as to whether there had been any progress regarding the Expression of Interest to recommence sales until the Lease is in place.

The General Manager advised that following the September Council meeting resolution, an offer was made to the local Agents, as a short term solution to resume sales at the NRLX, with them controlling the movement of the cattle throughout the facility. They responded with interest and a draft Licence Agreement was prepared to reflect the proposed arrangements and provided to the agents on 4 October 2023. Council is waiting on a response to that offer.

## **8 DECLARATION OF INTERESTS**

Cr Robert Mustow declared a pecuniary interest in relation to Item 15.1 Regional Jobs Precinct; due to owning land in the RJP area and advised that he would be leaving the meeting for that item.

Cr Sandra Humphrys declared a non-pecuniary insignificant conflict in relation to Item 15.1 Regional Jobs Precinct; due to being a Committee Member of an organisation leasing a building in one of the areas of the RJP.

## **9 PETITIONS**

Nil.

## **10 NOTICE OF MOTION**

### **10.1 NOTICE OF MOTION - WOODBURN VILLAGE: IMPACTS OF BUY-BACK SCHEME**

#### **RESOLUTION 171023/4**

Moved: Cr Robert Hayes  
Seconded: Cr Debra McGillan

That Council writes to the Minister for Planning and Public Spaces and the CEO of the NSW Reconstruction Authority expressing its concern for the potential impacts of large-scale housing buy backs on the future of Woodburn and seeking alternative solutions that support flood-affected residents of the village to remain connected with their community.

**CARRIED**

## **11 MAYOR'S REPORT**

### **11.1 MAYORAL ATTENDANCE REPORT 12 SEPTEMBER - 9 OCTOBER 2023**

#### **RESOLUTION 171023/5**

Moved: Cr Robert Mustow  
Seconded: Cr Sandra Humphrys

That Council receives and notes the Mayoral Attendance Report for the period 12 September 2023 – 9 October 2023.

**CARRIED**

## **12 DELEGATES' REPORTS**

Nil.

**13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 171023/6**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

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

**CARRIED**

**14 GENERAL MANAGER**

Nil.

**15 COMMUNITY SERVICE DELIVERY**

Cr Robert Mustow advised that, due to a declared conflict of interest in item 15.1 he would be vacating the Chair and leaving the room for that item. In the absence of the Deputy Mayor, and in accordance with Clause 5 of the *Code of Meeting Practice 2022* the Mayor then called for nominations to chair the meeting for that item.

**RESOLUTION 171023/7**

Moved: Cr Robert Hayes

Seconded: Cr Debra McGillan

That Cr Sandra Humphrys be elected to chair the meeting for item 15.1.

**CARRIED**

At 6:34 pm, Cr Robert Mustow left the meeting.

## 15.1 REGIONAL JOBS PRECINCT

### EXECUTIVE SUMMARY

The Department of Regional NSW has been working with Richmond Valley Council, State agencies and local landowners over the past two years to develop plans for the Richmond Valley Regional Jobs Precinct. The precinct will create more than 600 direct jobs for the community, with additional employment opportunities through growth in service industries. The Draft Master Plan is now nearing completion and is ready for public exhibition.

The purpose of this report is to seek a letter of support from Council to the NSW Minister for Planning and Public Spaces, the Hon. Paul Scully MP, endorsing the public exhibition of the Richmond Valley Regional Jobs Precinct Master Plan and associated documentation. This will provide an opportunity for community feedback on the proposals.

The work undertaken by the Department of Regional NSW (DRNSW) and its appointed consultants, to be placed on public exhibition will include the following:

- Draft Master Plan;
- Draft Structure Plan/Urban Design Analysis;
- Draft Supporting Technical Studies; and
- A draft Discussion Paper (Explanation of Intended Effect), to outline the proposed delivery of planning changes in the draft Master Plan.

The public exhibition will be conducted by DRNSW.

Provision of the letter of support will not limit Council's discretion and ability to provide further comment and feedback during the public exhibition process. Submissions in their entirety, as well as summaries, will be shared with Council following exhibition.

It is proposed that Council supports the Department in the exhibition of the draft Master Plan and supporting documents, noting the strategic importance of the Regional Job Precinct to the community of Casino and the Richmond Valley local government area.

### RESOLUTION 171023/8

Moved: Cr Robert Hayes

Seconded: Cr Debra McGillan

That Council:

1. Notes the extensive work carried out by the Department of Regional NSW to develop the Richmond Valley Regional Jobs Precinct Proposal, in consultation with Council, State Agencies and key stakeholders.
2. Endorses public exhibition of the Draft Master Plan and supporting documentation by the Department of Regional NSW, to encourage community feedback on the proposals.
3. Provides a letter of support for the public exhibition process to the NSW Minister for Planning and Public Spaces.

**CARRIED**

At 6:45 pm, Cr Robert Mustow returned to the meeting.



## 16 PROJECTS & BUSINESS DEVELOPMENT

### 16.1 FOY STREET PROPOSED ROAD CLOSURE

#### EXECUTIVE SUMMARY

Council is undertaking road upgrades within Foy Street, Country Lane, and Kent Street in Casino to improve road access and drainage to support a safer road network. Council aims to acquire part of the property at 6 Foy Street to construct a cul-de-sac with a radius suitable for a larger turning circle that would encroach into the property. The owners of 6 Foy Street (the Applicant) have requested that the unformed portion of Foy Street be closed in compensation, providing opportunity for additional car parking facilities. The severed land, being the southern part of Foy Street not required for the Applicant, would become Council operational land.

A report was presented to Council on 20 June 2023 regarding the proposed part road closure of Foy Street, Casino. Council resolved to undertake formal notification to close the public road in accordance with Section 38B of the *Roads Act 1993*.

Council completed consultation with notifiable authorities receiving four submissions including one objection from Crown Lands. Following further consultation, the objection was withdrawn on the provision of securing a right of carriageway connecting the public road to adjoining land and the river.

The Applicant has requested use of the closed road for additional car parking facilities which will support any future development of this site. It is proposed that Council consents for the Applicant to utilise the part Foy Street land as a car park on lodgement of a Development Application while the road closure process is being undertaken. During this process the public road will remain as a Council public road asset with the responsibilities of the car park being maintained by the Applicant.

#### RESOLUTION 171023/9

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That:

1. Council proceeds to acquire part of 6 Foy Street by negotiation as a public road to enable the construction of a cul-de-sac.
2. In accordance with Section 38D of the *Roads Act 1993*, Council supports the closure of part Foy Street Casino (as shown on Map 1 in this report).
3. Upon closure:
  - (a) Council offers part of the land for sale to the applicant, in accordance with the current market land valuation less the market valuation for the road widening on 6 Foy Street.
  - (b) The residual closed road land is vested in Richmond Valley Council as operational land.
  - (c) An 88B instrument accompanies the new plan registration to maintain public access to the crown reserve and river and for the protection of stormwater infrastructure.
4. The General Manager has delegated authority to negotiate the final boundaries of the proposed closure, the condition of sale, including the signing of documents and affixing the Council Seal as necessary.
5. The applicant is responsible to meet the costs associated with the road closure and sale.

**CARRIED**

**16.2 ASSET CAPITALISATION POLICY AND ROAD MANAGEMENT POLICY****EXECUTIVE SUMMARY**

Council is seeking to improve its asset management framework methodology to reduce risk, obtain greatest value from available funds and balance the needs of the community. Asset Management methodology considers the planning, creation, operation, maintenance, review and disposal of assets. The framework methodology is supported by plans and procedures which govern its direction and operation.

The Asset Capitalisation Policy provides guidelines regarding which assets are to be capitalised or expensed in Council's finance and annual reporting requirements for renewal, upgrade or creation of new assets. The policy supports Council's commitment to sustainable financial planning by providing clear guidelines on the distinctions between maintenance, renewal, upgrade and new capital expenditure for accounting purposes and will help to ensure compliance with legislation and Australian Accounting Standards.

The Road Management Policy was adopted in June 2015 and is due for review. The policy has been updated to reflect changes supporting the Roads & Transport Asset Management Plan 2022-2023 which was adopted by Council in February 2023.

**RESOLUTION 171023/10**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That Council adopts the Asset Capitalisation Policy and Road Management Policy.

**CARRIED**

## 16.3 TATHAM BRIDGES LAND ACQUISITION AND ROAD CLOSURES

### EXECUTIVE SUMMARY

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 was placed on the bridges due to their poor structural condition.

Council has secured funding of \$18.7m through the Northern Rivers Recovery and Resilience Program to replace the bridges, and a suitable design has been developed.

Part of this work includes a series of land acquisitions for the existing road footprint and the new alignment. Council considered the first acquisitions at its September Ordinary Meeting and this report outlines further proposed acquisitions.

The existing road reserve traverses over land identified as Lot 16 DP1189548 (721.2m<sup>2</sup>) currently vacant Crown Land being part of closed road effective 8 December 1933. Council's only option is to acquire this land by compulsory process under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Part of the existing road reserve can be closed and provided in compensation or sale to adjoining residents for the realignment footprint. This includes land identified as Lot 27, 29, 31 and part Lot 28 in Deposited Plan 1189548.

### RESOLUTION 171023/11

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That Council:

1. Acquires the land identified as Lot 16 DP1189548 by the compulsory process under the *Land Acquisition (Just Terms Compensation) Act 1991* by authority contained in the *Roads Act 1993* for the purposes of public road and
  - (a) 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 1991* with respect to the subject land.
  - (b) Authorises the General Manager to sign any related documents, including affixing the Common Seal of Richmond Valley Council, as required.
  - (c) Dedicates the subject land as public road.
2. Undertakes formal notification to close the council public road as identified as Lot 27, 29, 31 and part Lot 28 in Deposited Plan 1189548 in accordance with Section 38B of the *Roads Act 1993* with a further report to be submitted to Council following public consultation.

**CARRIED**

**17 ORGANISATIONAL SERVICES****17.1 FINANCIAL ANALYSIS REPORT - SEPTEMBER 2023****EXECUTIVE SUMMARY**

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

The value of Council's cash and investments at 30 September 2023 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$23,025,272	\$32,000,000	\$7,500,390	\$2,000,000	\$15,308,034	\$79,833,696

The weighted average rate of return on Council's cash and investments as at 30 September 2023 was 0.40% which was above the Bloomberg AusBond Bank Bill Index for September of 0.33%, which is Council's benchmark.

**RESOLUTION 171023/12**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

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

**CARRIED**

## 17.2 DRAFT FINANCIAL STATEMENTS 2022/2023

### EXECUTIVE SUMMARY

Council's draft financial statements for the year ended 30 June 2023 have been prepared and subjected to external audit by the Audit Office of New South Wales. A copy of the draft financial statements and draft auditor's report have been provided separately to Councillors for information.

Council's external auditor, the Audit Office of New South Wales has advised that its representative firm, Thomas, Noble and Russell will be attending the Ordinary Meeting of Council 21 November 2023 and will provide a presentation on the 2022/2023 financial statements and the final audit report.

Council achieved a surplus from continuing operations of \$44.257 million for the 2022/2023 financial year, compared to a surplus of \$19.987 million in the previous year. Council recorded a surplus before capital grants and contributions of \$2.954 million for 2022/2023, compared to a loss of \$5.595 million for the 2021/2022 financial year. The improvement in this result is positive and was one of the objectives of Council's special rate variation in moving towards a break-even result before capital grants and contributions over the medium term. It is important to note that this result is prone to fluctuations due to the level of grant funding received by Council and other economic factors.

Total revenue increased to \$125.401 million, from \$101.857 million in 2021/2022 with \$41.303 million in capital grants and contributions, an increase of \$15.721 million from the previous year. The main factor contributing to this was an increase in grants and contributions of \$14.505 million as a result of the flood disaster, as well as significant infrastructure grants for Casino Showground, Casino Swimming Pool and MR145 Woodburn-Coraki Road Major Upgrade.

Total operating expenditure was \$81.144 million, a slight decrease from \$81.870 million in the previous year.

Council's total cash, cash equivalents and investments increased by \$11.933 million to \$90.585 million as at 30 June 2023.

Council has achieved improvements in seven out of nine of its key performance measures, with all but two of the ratios meeting or exceeding the industry benchmark. A notable improvement was in Council's building and infrastructure renewal ratio from 125.26% to 182.51%. Other improvements included Council's operating performance ratio, improving from -2.80% to 4.94% (benchmark >0.00%), and rates and annual charges outstanding ratio, improving from 10.73% to 9.19% (benchmark < 10%). Results of the other key performance measures are detailed in the report.

### RESOLUTION 171023/13

Moved: Cr Robert Mustow

Seconded: Cr Debra McGillan

That Council:

1. Adopts the general purpose financial statements, special purpose financial statements and special schedules for the year ended 30 June 2023.
2. Certifies the following in respect of the general purpose financial statements and special purpose financial statements for the year ended 30 June 2023:
  - (a) Council's general purpose financial statements and special purpose financial statements have been prepared in accordance with:
    - (i) The *Local Government Act 1993 (NSW)* and the regulations made thereunder, and
    - (ii) The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board, and

- (iii) The Local Government Code of Accounting Practice and Financial Reporting.
- (b) The general purpose financial statements and special purpose financial statements present fairly Council's financial position and operating result for the year ended 30 June 2023 and:
  - (i) The reports are in accordance with Council's accounting and other records;
  - (ii) The signatories to this statement being the Mayor, a Councillor, General Manager and Responsible Accounting Officer are not aware of anything that would make the financial statements false or misleading in any way;
- 3. Fixes Tuesday 21 November 2023 as the date for the meeting to present the financial statements for the year ended 30 June 2023 to the public, invites submissions in writing and provides appropriate public notice of this meeting.
- 4. Adopts the restricted assets (reserves) schedule as detailed in this report

**CARRIED**

## **18 GENERAL BUSINESS**

Nil.

## **19 MATTERS FOR INFORMATION**

### **RESOLUTION 171023/14**

Moved: Cr Robert Hayes  
Seconded: Cr Sandra Humphrys

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

**CARRIED**

### **19.1 CUSTOMER EXPERIENCE REPORT 1 JULY - 30 SEPTEMBER 2023**

#### **RESOLUTION 171023/15**

Moved: Cr Robert Hayes  
Seconded: Cr Sandra Humphrys

That Council receives and notes the Customer Experience Report for the period 1 July – 30 September 2023.

**CARRIED**

### **19.2 CORAKI TO WOODBURN ROAD (MR145) PROJECT COMPLETION UPDATE**

#### **RESOLUTION 171023/16**

Moved: Cr Robert Hayes  
Seconded: Cr Sandra Humphrys

That Council receives and notes the Coraki to Woodburn (MR145) Project Completion Update report.

**CARRIED**

**19.3 ROCK FISHING SAFETY UPDATE****RESOLUTION 171023/17**

Moved: Cr Robert Hayes  
Seconded: Cr Sandra Humphrys

That Council receives and notes the information contained within the Rock Fishing Safety Update report, noting that reporting to Council will continue, on an annual basis.

**CARRIED**

**19.4 CASINO MEMORIAL OLYMPIC POOL PROJECT COMPLETION****RESOLUTION 171023/18**

Moved: Cr Robert Hayes  
Seconded: Cr Sandra Humphrys

That Council receives and notes the Casino Memorial Olympic Pool Stage One Project Completion report.

**CARRIED**

**19.5 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 SEPTEMBER 2023 - 30 SEPTEMBER 2023****RESOLUTION 171023/19**

Moved: Cr Robert Hayes  
Seconded: Cr Sandra Humphrys

That Council receives and notes the Development Application report for the period 1 September 2023 to 30 September 2023.

**CARRIED**

**19.6 GRANT APPLICATION INFORMATION REPORT - SEPTEMBER 2023****RESOLUTION 171023/20**

Moved: Cr Robert Hayes  
Seconded: Cr Sandra Humphrys

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

**CARRIED**

**20 QUESTIONS ON NOTICE**

Nil.

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

Nil.

**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 Tender RFT-10059501 - Rappville Sewerage Reticulation System Construction**

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.

**22.2 Tender VP375416 - Queen Elizabeth Park Fencing Upgrades**

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.

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 171023/21**

Moved: Cr Robert Hayes  
Seconded: Cr Debra McGillan

1. That Council enters Closed Council to consider the business identified in Item 22.
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 7.04 pm



The Open Council meeting resumed at 7.20 pm

### **RESOLUTION 171023/22**

Moved: Cr Debra McGillan

Seconded: Cr Sandra Humphrys

That Council moves out of Closed Council into Open Council.

**CARRIED**

## **23 RESOLUTIONS OF CLOSED COUNCIL**

The resolutions of the Closed Council meeting were read by the Director Projects & Business Development (Item 22.1 and 22.2).

### **22.1 Tender RFT-10059501 - Rappville Sewerage Reticulation System Construction**

That Council:

1. Declines all tenders for Tender RFT-10059501 – Rappville Sewerage Reticulation System Construction, due to all tenders being more than Council's available budget.
2. 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.
3. Notes that the outcome of the negotiations will be reported to Council for information at a future meeting.

### **22.2 Tender VP375416 - Queen Elizabeth Park Fencing Upgrades**

That:

1. Council accepts the tender from JMFC Fencing, for Queen Elizabeth Park fencing upgrades, as it represents the best value for Council at \$382,130.00 (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.

**The Meeting closed at 7:22pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 November 2023.**

.....  
**CHAIRPERSON**