

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
21 November 2023**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 21 NOVEMBER 2023 AT 6PM**

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

PRESENT: Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes and Cr Debra McGillan.

IN ATTENDANCE: Vaughan Macdonald (General Manager), Ryan Gaiter (Director Organisational Services), Ben Zeller (Director Projects & Business Development), Jenna Hazelwood (Chief of Staff), Andy Edwards (Manager Development & Certification), Hayley Martin (Principal Accountant), Julie Clark (Personal Assistant to the General Manager and Mayor), Simon Breeze (IT Support Coordinator).

Council noted the apology received from Director of Community Service Delivery, Angela Jones.

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 211123/1

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That the apologies received from Cr Patrick Deegan and Cr Sandra Humphrys be accepted and leave of absence granted.

CARRIED

Presentation – Richmond Valley Council’s Financial Report 2023

At this point in the meeting, the Mayor invited Council’s Auditor, Mr Adam Bradfield, of Thomas Noble and Russell to address the meeting.

Mr Bradfield provided a presentation on the Report on the Conduct of the Audit for the year ended 30 June 2023, noting an unmodified audit opinion on Council’s Financial Statements, an improved operating result along with improvements in key benchmark ratios for the 2022-23 financial year.

5 MAYORAL MINUTES**Service to Council**

The Mayor thanked and acknowledged staff member Roslyn Townsend for her 50 years of dedicated service to Council and the community.

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD 17 OCTOBER 2023****RESOLUTION 211123/2**

Moved: Cr Robert Hayes

Seconded: Cr Debra McGillan

That Council confirms the Minutes of the Ordinary Meeting held on 17 October 2023.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil

8 DECLARATION OF INTERESTS

Cr Robert Hayes declared a pecuniary interest in relation to item 15.1 Modification of Approved Overheight Raising of Dwelling, due to being the applicant for the development application, and indicated that he would leave the meeting while this matter was being debated.

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCE REPORT 10 OCTOBER - 14 NOVEMBER 2023****RESOLUTION 211123/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 10 October 2023 – 14 November 2023.

CARRIED

12 DELEGATES' REPORTS**12.1 DELEGATES' REPORT NOVEMBER 2023 - ROUS COUNTY COUNCIL****RESOLUTION 211123/4**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

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

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 211123/5**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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

CARRIED

14 GENERAL MANAGER

14.1 ANNUAL REPORT 2022/2023

EXECUTIVE SUMMARY

The Annual Report is one of the key points of accountability between Council and its community. It reports on Council's financial performance and its progress in implementing the Delivery Program and achieving Community Strategic Plan outcomes.

RESOLUTION 211123/6

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council:

1. Receives and notes the Richmond Valley Council 2022/2023 Annual Report.
2. In accordance with section 428 of the *Local Government Act 1993*, posts the Annual Report on Council's website and provides a link to the Minister for Local Government and the Office of Local Government.

CARRIED

14.2 RICHMOND VALLEY COUNCIL DISABILITY INCLUSION ACTION PLAN

EXECUTIVE SUMMARY

Council has been working with key stakeholders over the past few months to remake its Disability Inclusion Action Plan, in accordance with legislative requirements. The draft Plan is now presented for Council's consideration.

The Draft Plan includes 25 proposed actions, across four key areas, to help improve awareness, open more employment opportunities at Council and support local people living with disability to participate more fully in community life.

It is proposed to exhibit the draft document for a period of 21 days before presenting the final Plan to Council's December meeting.

RESOLUTION 211123/7

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

That Council endorses the Draft Richmond Valley Council Disability Inclusion Action Plan 2023-25 for public exhibition for a period of 21 days.

CARRIED

14.3 TRANSPORT FOR NSW EXECUTIVE SAFETY LEADERSHIP SUMMIT

EXECUTIVE SUMMARY

Representatives of local councils throughout Regional NSW gathered in Sydney last month for the Transport for NSW Executive Safety Leadership Summit. The Summit was part of an Enforceable Undertaking under the Work Health and Safety Act, which was agreed between Safework NSW and Transport for NSW, in response to a workplace fatality experienced by a regional road maintenance crew. The Summit aimed to build a shared commitment to improving safety culture throughout the local government sector, in partnership with Transport for NSW.

The key speakers at the Summit included the Minister for Regional Transport & Roads the Hon. Jenny Aitchison along with the Secretary Josh Murray and Deputy Secretary Matt Fuller from Transport for NSW. Those attending the Summit were asked to support a Statement of Common Commitment and it will be recommended that Council endorses this Statement and continues to build a positive safety culture for all members of its workforce. A number of actions are proposed in response to the key messages of the Summit and these are outlined in the report.

RESOLUTION 211123/8

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council

1. Receives and notes the Transport for NSW Executive Safety Leadership Summit Report;
2. Reaffirms its ongoing commitment to supporting the General Manager to improve safety culture and performance in Council's operations;
3. Endorses the Statement of Common Commitment to take reasonable steps to provide a healthy and safe workplace for all workers, contractors, suppliers and visitors involved in Council's work sites and facilities;
4. Notes the four key directions to support the Statement of Common Commitment and the actions outlined in this report to continue to develop a positive safety culture.

CARRIED

At 6:45 pm, Cr Robert Hayes left the meeting.

15 COMMUNITY SERVICE DELIVERY**15.1 MODIFICATION OF APPROVED OVERHEIGHT RAISING OF DWELLING****EXECUTIVE SUMMARY**

Council has received a development application for alternations and additions to a flood-affected home at Woodburn. This includes raising the dwelling by 2.6m to help avoid future inundation. The proposal would result in the building being more than 10% above the permissible height limit and, therefore, it must be referred to Council for determination. As the home is located on a large rural lot and there will be no impacts on neighbouring properties, the variation is recommended for approval.

RESOLUTION 21123/9

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That pursuant to Clause 4.6 of *Richmond Valley Local Environmental Plan 2012* a variation in respect of Clause 4.3 Height of Buildings be granted for DA2023/0076.01, as outlined in this report.

CARRIED

At 6:48 pm, Cr Robert Hayes returned to the meeting.

16 PROJECTS & BUSINESS DEVELOPMENT

16.1 CASINO STORMWATER DRAINAGE STUDY

EXECUTIVE SUMMARY

Richmond Valley Council engaged Ardill Payne & Partners to develop a stormwater hydraulic model to study the impacts of stormwater flooding issues in Casino and the surrounding area.

Casino's main trunk and supporting stormwater infrastructure was constructed in the 1950's and 1960's, to relieve local flooding from stormwater drains during heavy rain. Since then, increased rain frequency, quantity, urban surface density and development has placed increasing pressure on the system, and some areas of Casino are experiencing localised flooding from minor events.

The Casino Stormwater Flooding Assessment Report 2023 details the model setup and outputs including stormwater flow, restrictions, and ponding locations. The Stormwater Flooding Assessment includes the attached report and spatial mapping which will be made available for display to the community via Council Public IntraMaps. The mapping represents flow depths from the critical storm events (90-120 minutes) over a 20-100% Annual Exceedance Probability (AEP).

The Casino Stormwater Flooding Mitigation Options Evaluation Report 2023 provided six mitigation options and consideration of improvements in the overland flow paths. Five (Options 1,3,4,5,6) relate to improving the performance of the main trunk main while the other option (Option 2) relates to stormwater performance west of the railway line.

It should be noted that similar studies for stormwater modelling are to be undertaken within other communities in the Mid-Richmond, with this work being included in the 2023-25 Delivery Program.

RESOLUTION 211123/10

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council:

1. Notes the *Casino Stormwater Flooding Assessment Report 2023* and *Casino Stormwater Flooding Mitigation Options Evaluation Report 2023* by Ardill Payne & Partners;
2. Undertakes further detailed planning and investigations into the recommendations of the *Casino Stormwater Flooding Mitigation Options Evaluation Report 2023*; and
3. Actively explores and applies for funding opportunities to implement the recommended options.

CARRIED

17 ORGANISATIONAL SERVICES

17.1 FINANCIAL STATEMENTS 2022/2023

EXECUTIVE SUMMARY

Council adopted the audited financial statements for 2022/2023 at its Ordinary Meeting, on 17 October 2023, and resolved to present the audited financial statements and auditor's reports to the public at its November Ordinary Meeting. This is the final step in complying with the legislative requirements regarding annual financial reporting.

Council's external auditor, the Audit Office of New South Wales has advised that its representative firm, Thomas, Noble and Russell (TNR) will provide a presentation on the auditor's reports in relation to the 2022/2023 financial statements at this meeting. The Auditor has expressed an 'unmodified opinion' on the financial statements. This means that it was of the opinion that the financial reports present fairly the financial position of Council as at 30 June 2023 and its financial performance and cash flows were presented in accordance with Australian Accounting Standards and other legislative requirements.

As reported to the October Ordinary Meeting, 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.

RESOLUTION 211123/11

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council presents the financial statements of Richmond Valley Council for the financial year ended 30 June 2023 to the public in accordance with Sections 418 and 419 of the *Local Government Act 1993*.

CARRIED

17.2 FINANCIAL ANALYSIS REPORT - OCTOBER 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 October 2023 is shown below:

| Bank Accounts | Term Deposits | Floating Rate Notes | Fixed Rate Bonds | TCorp IM Funds | Total |
|---------------|---------------|---------------------|------------------|----------------|--------------|
| \$17,658,528 | \$32,000,000 | \$7,500,390 | \$4,500,000 | \$15,166,329 | \$76,825,247 |

The weighted average rate of return on Council's cash and investments at 31 October 2023 was 1.66% which was above the Bloomberg AusBond Bank Bill Index for October of 0.33%, which is Council's benchmark.

RESOLUTION 211123/12

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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

CARRIED

17.3 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 30 SEPTEMBER 2023

EXECUTIVE SUMMARY

This report outlines the proposed adjustments for the 2023/2024 budget for the quarter ended 30 September 2023. These adjustments exclude previously adopted revotes and carry forwards.

Council's projected operating result from continuing operations for 2023/2024 is proposed to increase by \$17,701,956 to a surplus of \$30,755,573 after all prior adjustments. The net operating result before capital grants and contributions has improved slightly from a deficit of \$2,186,415 to a deficit of \$1,929,065.

Income from continuing operations has increased by \$18,026,011, with total income now projected to be \$106,301,768. This is largely due to an increase in natural disaster grant funding being approved in 2023/2024 for recovery and reconstruction efforts due to the flood events of February 2022. Expenses from continuing operations have increased by \$324,056 to a projected cost of \$75,546,194.

Council's capital works program has been reviewed, resulting in a projected program for 2023/2024 of \$71,731,194, increasing the 2023/2024 programmed works by \$20,801,964. This program of works is largely focused on disaster recovery works and the restoration of essential public infrastructure following the February 2022 flood event along with betterment projects announced under the Northern Rivers Recovery and Resilience funding to ensure Council's assets are more resilient for future disasters. The delivery of this program of works will be heavily reliant on the availability of contractors and materials. Council will continue to ensure its capital works program is closely monitored, with any adjustments required to be included in future quarterly budget reviews or monthly budget adjustment reports to Council.

Council's unrestricted cash surplus has remained unchanged at \$212,574 as of 30 September 2023.

A detailed Quarterly Budget Review Statement for the first quarter of 2023/2024 has been circulated separately to each Councillor. These changes are disclosed by priority areas on pages 4-8 of the Quarterly Budget Review Statement and detailed explanations are provided on pages 9-16.

RESOLUTION 211123/13

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council:

1. Receives the Quarterly Budget Review Statement as at 30 September 2023; and
2. Approves the recommended budget variations.

CARRIED

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION**RESOLUTION 211123/14**

Moved: Cr Robert Hayes
Seconded: Cr Debra McGillan

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

CARRIED

19.1 INFRASTRUCTURE RECONSTRUCTION UPDATE**RESOLUTION 211123/15**

Moved: Cr Robert Hayes
Seconded: Cr Debra McGillan

That Council receives and notes the information provided in the Infrastructure Reconstruction update.

CARRIED

19.2 OUTCOME OF THE COMMUNITY FINANCIAL ASSISTANCE PROGRAM 2023/2024 ROUND ONE FUNDING**RESOLUTION 211123/16**

Moved: Cr Robert Hayes
Seconded: Cr Debra McGillan

That Council receives and notes the allocations under the Community Financial Assistance Program 2023/2024 Round One.

CARRIED

19.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 OCTOBER 2023 - 31 OCTOBER 2023**RESOLUTION 211123/17**

Moved: Cr Robert Hayes
Seconded: Cr Debra McGillan

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

CARRIED

19.4 GRANT APPLICATION INFORMATION REPORT - OCTOBER 2023**RESOLUTION 211123/18**

Moved: Cr Robert Hayes
Seconded: Cr Debra McGillan

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

CARRIED

19.5 LETTER TO MINISTER FOR PLANNING & PUBLIC SPACES - WOODBURN VILLAGE: IMPACTS OF RESILIENT HOMES BUY-BACK SCHEME**RESOLUTION 211123/19**

Moved: Cr Robert Hayes
Seconded: Cr Debra McGillan

That Council notes the correspondence provided to the Minister for Planning and Public Spaces regarding Woodburn Village and the impacts of the Resilient Homes buy-back scheme.

CARRIED

19.6 CODE OF CONDUCT COMPLAINT STATISTICS**RESOLUTION 211123/20**

Moved: Cr Robert Hayes
Seconded: Cr Debra McGillan

That Council receives and notes the Code of Conduct Complaint Statistics for the period 1 September 2022 to 31 August 2023.

CARRIED

19.7 AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES**RESOLUTION 211123/21**

Moved: Cr Robert Hayes
Seconded: Cr Debra McGillan

That Council receives and notes the Minutes of the Audit, Risk and Improvement Committee held on 12 October 2023.

CARRIED

20 QUESTIONS ON NOTICE

Nil

21 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil

22 MATTERS REFERRED TO CLOSED COUNCIL

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

22.1 Industrial Land Development Update

This matter relates to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

22.2 Open Panel Source Tender - Supply & Delivery of Concrete Pipes - REGPRO222324

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.

22.3 Open Panel Source Tender - Supply and Delivery of passenger, truck and earth moving tyres - REGPRO342324

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.

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 211123/22

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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 7.01pm

The Open Council meeting resumed at 7.05pm

The resolutions of the Closed Council meeting were read by the Director Projects & Business Development (Item 22.1) and the Director Organisational Services (Items 22.2 and 22.3).

23 RESOLUTIONS OF CLOSED COUNCIL**22.1 Industrial Land Development Update**

That

1. Noting the considerations set out in the report and subject to the satisfactory negotiation and agreement of the funding and planning matters raised, Council re-affirms its resolution approving the purchase of land suitable for development into an industrial subdivision in Precinct Three of the Regional Jobs Precinct;
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, including the direct negotiation for sale of a developed lot, in line with the content of this report and the available budget and affixing the seal of Council where necessary;
3. Council authorises the General Manager to explore existing and future funding pathways to activate and develop an industrial subdivision as set out in this report, located in Precinct Three of the Regional Jobs Precinct

22.2 Open Panel Source Tender – Supply & Delivery of Concrete Pipes – REGPRO222324

That Council:

1. Awards the contract for the Supply and Delivery of Concrete Pipes to Holcim (Australia) T/A Humes, on an ongoing basis until 30 September 2025, noting that provision has been allowed for a 12-month extension to the contract to 30 September 2026, subject to satisfactory supplier performance; and

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.

22.3 Open Panel Source Tender – Supply and Delivery of Passenger Truck and Earth Moving Tyres - REGPRO342324

That Council:

1. Awards the contract for the Supply and Delivery of Passenger, Truck and Earthmoving Tyres to Lismore Tyre and Mechanical/Tyrepower, for a period of 36 months from 1 January 2024 to 31 December 2026, noting that provision has been allowed for a 12-month extension to 31 December 2027, subject to satisfactory supplier performance.
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

The Meeting closed at 7.10pm.

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

.....
CHAIRPERSON