

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
19 December 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 DECEMBER 2023 AT 6PM**

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

PRESENT: Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Robert Hayes, Cr Sandra Humphrys, Cr Patrick Deegan, Cr Debra McGillan

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Community Service Delivery), Ryan Gaiter (Director Organisational Services), Ben Zeller (Director Projects & Business Development), Jenna Hazelwood (Chief of Staff), Julie Clark (Personal Assistant to the General Manager and Mayor), 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 191223/1

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That the apology received from Cr Sam Cornish be accepted and leave of absence granted.

CARRIED

5 MAYORAL MINUTES

Presentation of Civic Risk Mutual Award

The General Manager presented a Risk Management Award from Council's insurer, CivicRisk Mutual, to acknowledge Richmond Valley Council's response to the 2022 floods and the work it is undertaking to improve the flood resilience of its assets and prepare for future events.

The WTW Risk Management Award is supported by \$2000 in grant funding, which will be used towards further flood resilience projects.

In presenting the Award, CivicRisk Mutual noted that *"This Award highlights exemplary commitment shown by staff to the residents of Richmond Valley during the 2022 flood event and Council's ongoing support to better prepare the community for any future flooding events"*.

The Mayor asked the General Manager to pass on Councillors' congratulations to staff for the work which was been undertaken to receive this Award.

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD 21 NOVEMBER 2023

RESOLUTION 191223/2

Moved: Cr Robert Hayes

Seconded: Cr Debra McGillan

That Council confirms the Minutes of the Ordinary Meeting held on 21 November 2023.

CARRIED

6.2 MINUTES EXTRAORDINARY MEETING HELD 11 DECEMBER 2023

RESOLUTION 191223/3

Moved: Cr Robert Hayes

Seconded: Cr Debra McGillan

That Council confirms the Minutes of the Extraordinary Meeting held on 11 December 2023.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCE REPORT 15 NOVEMBER - 12TH DECEMBER 2023****RESOLUTION 191223/4**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 15 November – 12 December 2023.

CARRIED

12 DELEGATES' REPORTS**12.1 DELEGATES' REPORT DECEMBER 2023 - LGNSW CONFERENCE****RESOLUTION 191223/5**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council receives and notes the Delegates' Report – LGNSW Conference, November 2023.

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 191223/6**

Moved: Cr Patrick Deegan

Seconded: Cr Sandra Humphrys

That items 14.2, 16.1, 17.2, 17.3 be determined without debate.

CARRIED

14 GENERAL MANAGER

14.1 RICHMOND VALLEY COUNCIL - KEY DIRECTIONS 2024

EXECUTIVE SUMMARY

The 2021-24 Council term has been one of the shortest on record for local government in NSW, and one of the most challenging for the Richmond Valley community, with the ongoing impacts of the Covid pandemic, catastrophic regional flooding and global economic unrest.

Council has been working throughout 2023 to support the community's recovery from these events and lay the foundations for a stronger future for the Richmond Valley. This report provides an outline of the key directions for Council in 2024, with a number of positive initiatives to be rolled out early in the new year.

RESOLUTION 191223/7

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council:

1. Notes the progress on supporting continued flood recovery and growth in the Richmond Valley in 2023, including Council's success in securing record levels of government funding for community projects;
2. Supports the continued development of its signature projects, which are scheduled for completion in 2024;
3. Continues to advocate strongly for further government investment across the whole of the Richmond Valley.

CARRIED

14.2 COUNCIL MEETINGS - ORDINARY MEETING DAY AND TIME

EXECUTIVE SUMMARY

Under the *Local Government Act 1993*, a council is required to meet at least ten times each year, each time in a different month. Council resolved in January 2022 to hold its meetings on the third Tuesday of the month, with no meeting in January, except by resolution. Proposed meeting dates for the remainder of the Council term are recommended in this report.

RESOLUTION 191223/8

Moved: Cr Patrick Deegan
Seconded: Cr Sandra Humphrys

That Council confirms that its ordinary meetings for the 2024 calendar year will be held on the following dates, with the meetings commencing at 6.00 pm:

- 20 February
- 19 March
- 16 April
- 21 May
- 25 June (Budget Meeting)
- 16 July
- 20 August

CARRIED

14.3 RICHMOND VALLEY COUNCIL - DISABILITY INCLUSION ACTION PLAN 2023-25

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 was presented to Council's November Ordinary meeting and endorsed for public exhibition.

The 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.

The draft plan was exhibited for 21 days, with two community submissions being received. Both submissions provided valuable suggestions on how Council might apply the key recommendations of the Plan to its ongoing operations. This feedback will help to inform future planning for programs and projects, including the design or modification of Council facilities.

RESOLUTION 191223/9

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That Council adopts the Richmond Valley Council Disability Inclusion Action Plan 2023-25 as presented, noting the results of the public exhibition period and the community feedback received.

CARRIED

15 COMMUNITY SERVICE DELIVERY**15.1 NORTHERN REGIONAL PLANNING PANEL - COUNCIL APPOINTED DELEGATES****EXECUTIVE SUMMARY**

The NSW Department of Planning and Environment's *Sydney and Regional Planning Panel Operational Procedures* require Council to appoint two members to appear on behalf of Council at Northern Regional Planning Panel (NRPP) hearings. At least one member must have expertise in one or more of the following areas: Planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, or tourism.

Council previously resolved to nominate Councillor Hayes as one of Council's representatives, with Councillor Cornish as his alternate. These nominations are valid for up to three years which would serve for the remainder of this term of Council.

Council also established a reciprocal arrangement with Lismore City Council (LCC) for the second NRPP appointment. A Lismore City Council representative was appointed to represent RVC, however this person has now taken up other employment and LCC has nominated a replacement representative, and an alternate, for Council's consideration.

RESOLUTION 191223/10

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council:

1. Reaffirms the appointment of Councillor Hayes as one of Council's delegates on the Northern Regional Planning Panel, along with Councillor Cornish as his alternate; and
2. Appoints Mr Eber Butron as Council's second delegate to the Panel, along with Mr Brendan Logan as his alternate.

CARRIED

16 PROJECTS & BUSINESS DEVELOPMENT

16.1 COUNTRY LANE LAND ACQUISITION FOR PUBLIC ROAD WIDENING

EXECUTIVE SUMMARY

Council is planning road upgrades within Foy Street, Country Lane, and Kent Street in Casino to improve road access and drainage to support a safer road network. It is proposed to acquire 3 metres of land fronting property numbers 2-10 Country Lane to widen the road, supporting a 6m wide carriageway and the relocation of water pipeline infrastructure into the road reserve.

Preliminary onsite consultation has been undertaken with the affected properties, and the owners have indicated that they are willing to enter into an agreement with Council regarding the land acquisition and are supportive of the road improvements adjoining their property.

RESOLUTION 191223/11

Moved: Cr Patrick Deegan

Seconded: Cr Sandra Humphrys

That Council:

1. Negotiates by agreement with the affected property owners to acquire a 3-metre-wide frontage of 2-10 Country Lane (Lot 16,17,18,19, 20 Deposited Plan 1170);
2. Dedicates the required land as public road in accordance with the *Roads Act 1993*;
3. Authorises the General Manager to negotiate the terms of the acquisition, signing of contracts and other documents, and affixing the Council seal as necessary.

CARRIED

17 ORGANISATIONAL SERVICES

17.1 SECTION 7.11, 7.12 AND SECTION 64 DEVELOPMENT CONTRIBUTIONS AND EXPENDITURE UPDATE

EXECUTIVE SUMMARY

Council receives contributions, raises levies and enters into planning agreements on development works that are subject to a development consent issued by Council. This report provides an update on developer contributions income and expenditure for the year ended 30 June 2023.

Council collected a total of \$2,092,487 in developer contributions during the 2022/2023 financial year and expended \$993,683. Unexpended developer contributions held in cash reserves totalled \$12,281,126 as at 30 June 2023.

Details of the different types of contributions are provided in the report.

RESOLUTION 191223/12

Moved: Cr Robert Hayes
Seconded: Cr Debra McGillan

That Council receives and notes the update on Section 7.11, Section 7.12 and Section 64 developer contributions for the 2022/2023 financial year.

CARRIED

17.2 REVIEW OF COUNCIL'S INVESTMENTS POLICY

EXECUTIVE SUMMARY

Council reviews its Investments Policy on an annual basis to ensure it remains appropriate in changing economic, investment and legislative environments. Following a major review in 2020 and some refinements to the policy last year, it is recommended that no further changes be made to the policy, as there have been no legislative or gazetted changes requiring the policy to be amended, with the policy supporting positive investment portfolio results.

RESOLUTION 191223/13

Moved: Cr Patrick Deegan
Seconded: Cr Sandra Humphrys

That Council:

1. Adopts the 2024 Investments Policy.
2. Continues to utilise Laminar Capital as its financial advisory service provider and the Treasury Direct online investment platform for another 12 months.

CARRIED

17.3 FINANCIAL ANALYSIS REPORT - NOVEMBER 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 November 2023 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$26,693,148	\$30,000,000	\$6,750,390	\$4,500,000	\$15,564,014	\$83,507,552

The weighted average rate of return on Council's cash and investments at 30 November 2023 was 9.70% which was above the Bloomberg AusBond Bank Bill Index for November of 0.35%, which is Council's benchmark.

RESOLUTION 191223/14

Moved: Cr Patrick Deegan

Seconded: Cr Sandra Humphrys

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

CARRIED

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION**RESOLUTION 191223/15**

Moved: Cr Stephen Morrissey
Seconded: Cr Patrick Deegan

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

CARRIED

19.1 OUTCOME OF NEGOTIATIONS OF TENDER VP374503 - OLD CASINO STATION LANDSCAPE & CONSTRUCTION WORKS**RESOLUTION 191223/16**

Moved: Cr Stephen Morrissey
Seconded: Cr Patrick Deegan

That Council receives the report on the Outcome of Negotiations of Tender VP374503 – Old Casino Station Landscape & Construction Works, noting that the contract for the revised works has been awarded to Boyds Bay Landscaping for \$359,637.93 (ex GST).

CARRIED

19.2 GRANT APPLICATION INFORMATION REPORT - NOVEMBER 2023**RESOLUTION 191223/17**

Moved: Cr Stephen Morrissey
Seconded: Cr Patrick Deegan

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

CARRIED

19.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 NOVEMBER 2023 - 30 NOVEMBER 2023**RESOLUTION 191223/18**

Moved: Cr Stephen Morrissey
Seconded: Cr Patrick Deegan

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

CARRIED

19.4 AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES**RESOLUTION 191223/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That Council receives and notes the Minutes of the Audit, Risk and Improvement Committee held on 29 November 2023.

CARRIED

19.5 OUTCOME OF NEGOTIATIONS: TENDER VP367264 - SOUTH CASINO SEWAGE TRANSFER STATION (PUMPING STATION)**RESOLUTION 191223/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That Council receives the report of the outcome of negotiations for Tender VP367264 – South Casino Sewage Transfer Station (Pumping Station), noting that the contract for the works has been awarded to Newlands Civil Construction for \$1,525,198.07 (exc. GST).

CARRIED

19.6 CORRESPONDENCE - MINISTER FOR PLANNING AND PUBLIC SPACES - IMPACTS OF THE RESILIENT HOMES PROGRAM ON WOODBURN**RESOLUTION 191223/21**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That Council receives and notes the response from the Minister for Planning and Public Spaces regarding Woodburn village and the impacts of the Resilient Homes buy-back scheme.

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 Tender VP384760 - Woodburn Coraki Road - Thearles Canal Culvert Upgrade

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.

22.2 Tender VP384759 - Dairy Flat Culvert Construction - Woodburn-Coraki Road

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 Tender VP387562 - Albert Park Carpark 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.

22.4 Tender VP378549 - Plant Hire Services

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.

22.5 Tender VP379059 - Trade Services

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.

22.6 Tender VP389461 Supply and Maintenance of Multi-function Print Devices

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.

22.7 Write Off Bad Debt: Hardship - D502789

This matter relates to (b) discussion in relation to the personal hardship of a resident or ratepayer.

22.8 Write Off Bad Debt: Hardship - P138240

This matter relates to (b) discussion in relation to the personal hardship of a resident or ratepayer.

22.9 Tender for Lease - Northern Rivers Livestock Exchange - Update

This matter relates to a (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

The above listed matters are considered to be confidential under Section 10A(2) - (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

RESOLUTION 191223/22

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

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

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.

Council closed its meeting at 6.47 pm

The Open Council meeting resumed at 7.21 pm

The resolutions of the Closed Council meeting were read by the Director Projects & Business Development (Items 22.1, 22.2, 22.3), the Director Organisational Services (Items 22.4, 22.6, 22.8), Director Community Service Delivery (Items 22.5, 22.7,) and the General Manager (Item 22.9).

23 RESOLUTIONS OF CLOSED COUNCIL

22.1 Tender VP384760 - Woodburn Coraki Road - Thearles Canal Culvert Upgrade

That:

1. Council accepts the tender from Somerville Excavator Hire for the upgrade of Thearles Canal Culvert, on the Woodburn-Coraki Road, which represents the best value at \$694,386.00 (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.

22.2 Tender VP384759 - Dairy Flat Culvert Construction - Woodburn-Coraki Road

That:

1. Council accepts the tender from McNamara & Tierney Pty Ltd for construction of the Dairy Flat Culvert on the Woodburn-Coraki Road, which represents the best value at \$1,296,924.00 (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.

22.3 Tender VP387562 - Albert Park Carpark Construction

That:

1. Council accepts the tender from McNamara & Tierney Pty Ltd for the Albert Park carpark reconstruction, which represents the best value at \$470,354.34 (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 VP378549 - Plant Hire Services

That:

1. Council appoints the 55 successful tenderers for VP378549 - Plant Hire Services to its panel of suppliers, accepting the rates tendered to provide various plant hire services for the period 1 January 2024 to 31 December 2027; 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 VP379059 - Trade Services

That:

1. Council appoints the 26 successful tenderers for VP379059 – Trade Services to its panel of suppliers, to provide various services, as outlined in this report, for the period 1 January 2024 to 31 December 2027; 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.

22.6 Tender VP389461 Supply and Maintenance of Multi-function Print Devices

That:

1. Council accepts the tender from Colourworks for Supply and Maintenance of Multi-function Print devices, which represents the best value at \$336,201.18 (inclusive 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.

22.7 Write Off Bad Debt: Hardship - D502789

That Council accepts the application for financial hardship and writes off the debt of \$17,412.49, due to the circumstances detailed in the report.

22.8 Write Off Bad Debt: Hardship - P138240

That Council:

1. Writes off the interest charges and fees as provided in the report.
2. Increases the flow of the water restrictor from 1L per minute to 3L per minute.
3. Accepts the application for financial hardship withholding interest charges on the remaining outstanding amount for a period of twelve months.
4. Enters into a direct debit payment arrangement plan for the arrears and future instalments.

22.9 Tender for Lease - Northern Rivers Livestock Exchange - Update

That Council:

1. Receives and notes the detailed independent tender assessment and the updated campaign summary and final recommendations from JLL Agribusiness for the Tender for Lease – Northern Rivers Livestock Exchange;
2. Continues to apply Clause 178 (3e) of the Local Government (General) Regulation 2021 to authorise the General Manager to finalise negotiations and the terms and conditions of the lease agreement, as recommended by JLL Agribusiness, and in line with the content of this report, and sign the lease and any other relevant documents including affixing the seal of Council where necessary;
3. Notes the outcomes of the lease negotiations will be publicly announced when finalised and Council will receive a further report at its 20 February 2024 meeting.

The Meeting closed at 7.30pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 February 2024.

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CHAIRPERSON