

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
19 March 2024**

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**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 19 MARCH 2024 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, Cr Robert Hayes, Cr Sandra Humphrys, Cr Patrick Deegan, Cr Debra McGillan

**IN ATTENDANCE:** Vaughan Macdonald (General Manager), Carla Dzenolet (Acting 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 190324/1**

Moved: Cr Debra McGillan

Seconded: Cr Sandra Humphrys

That the apology received from Cr Stephen Morrissey be accepted and leave of absence granted.

**CARRIED**

## 5 MAYORAL MINUTES

### 5.1 OPENING OF THE NORTHERN RIVERS RAIL TRAIL - CASINO TO BENTLEY SECTION

#### RESOLUTION 190324/2

Moved: Cr Robert Mustow

Seconded: Cr Patrick Deegan

That Council:

1. Notes the completion of the Casino-Bentley section of the Northern Rivers Rail Trail and its official opening on 23 March 2024;
2. Commends all those involved in delivering this quality facility for the benefit of the Richmond Valley community;
3. Explores options and encourages complementary activities, such as trishaw usage, to enable people of all abilities to enjoy this new community asset;
4. Pursues funding opportunities to enable the completion of all elements of the Master Plan for the Casino to Bentley section of the Rail Trail;
5. Continues to advocate to all levels of government for the ultimate funding and completion of the full 132km length of the Northern Rivers Rail Trail from Casino to Murwillumbah.

**CARRIED**

## 6 CONFIRMATION OF MINUTES

### 6.1 MINUTES ORDINARY MEETING HELD 20 FEBRUARY 2024

#### RESOLUTION 190324/3

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That Council confirms the Minutes of the Ordinary Meeting held on 20 February 2024.

**CARRIED**

## 7 MATTERS ARISING OUT OF THE MINUTES

Nil.

## 8 DECLARATION OF INTERESTS

In accordance with Clause 4.21 of the Code of Conduct, the Mayor has submitted an updated Declaration of Interest (Designated Persons) Return to the General Manager. The updated Return has been published on Council's website, as required under the *Government Information (Public Access) Act 2009*. The General Manager tabled the updated Return.

The General Manager declared a pecuniary interest in relation to item 22.1 – General Manager's Annual Performance Review 2023/2024, due to being the person the item is in relation to and indicated that he would leave the meeting while this matter was being considered and determined.

**9 PETITIONS**

Nil

**10 NOTICE OF MOTION**

Nil

**11 MAYOR'S REPORT****11.1 MAYORAL ATTENDANCE REPORT 13 FEBRUARY 2024 - 13 MARCH 2024****RESOLUTION 190324/4**

Moved: Cr Robert Mustow

Seconded: Cr Debra McGillan

That Council receives and notes the Mayoral Attendance Report for the period 13 February – 13 March 2024.

**CARRIED****12 DELEGATES' REPORTS****12.1 DELEGATES' REPORT MARCH 2024 - ROUS COUNTY COUNCIL****RESOLUTION 190324/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receives and notes the Delegates' Report – Rous County Council for March 2024.

**CARRIED****13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 190324/6**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

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

**CARRIED**

**14 GENERAL MANAGER****14.1 NSW DISASTER MITIGATION PLAN****EXECUTIVE SUMMARY**

The NSW Government has released the State's first Disaster Mitigation Plan to help reduce the impacts of future disaster events, such as floods, bushfire and storms, on communities throughout NSW. The Plan, prepared by the NSW Reconstruction Authority, links with regional and local planning and will help to guide Council's future direction for adapting to a changing climate. Council is currently facing a \$150-200m repair bill for public infrastructure damaged in the 2022 floods and the new Plan sets out ways to reduce communities' exposure to disaster risks, as well as , increasing resilience to support faster recovery from future events. Council will draw on the key directions of the Plan in preparing its future place management strategies.

**RESOLUTION 190324/7**

Moved: Cr Robert Mustow

Seconded: Cr Debra McGillan

That Council

1. Notes the release of the NSW State Disaster Mitigation Plan 2024-2026.
2. Continues to work with the NSW Reconstruction Authority to develop appropriate options for regional and local disaster mitigation planning that reflect the long-term needs and priorities of the Richmond Valley community.

**CARRIED**

**15 COMMUNITY SERVICE DELIVERY**

Nil

**16 PROJECTS & BUSINESS DEVELOPMENT**

Nil

**17 ORGANISATIONAL SERVICES****17.1 FINANCIAL ANALYSIS REPORT - FEBRUARY 2024****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 29 February 2024 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$18,429,247	\$34,000,000	\$6,750,390	\$4,500,000	\$16,319,611	\$79,999,248

The weighted average rate of return on Council's cash and investments at 29 February 2024 was 7.10% which was above the Bloomberg AusBond Bank Bill Index for February of 0.34%, which is Council's benchmark.

**RESOLUTION 190324/8**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That Council adopts the Financial Analysis Report detailing the performance of its cash and investments for the month of February 2024.

**CARRIED**

**17.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE, UPDATED TERMS OF REFERENCE****EXECUTIVE SUMMARY**

In July 2023 Council adopted the Audit, Risk and Improvement Committee (ARIC) Terms of Reference in line with the Office of Local Governments update on the *Guidelines for Risk Management and Internal Audit for Local Government in NSW*. Since then, the Local Government Regulation 2021 has been amended to give statutory force to key elements of the Office of Local Government's Guidelines for Risk Management and Internal Audit for Local Government in NSW. The amended regulation commences on 1 July 2024 and as such the ARIC was required to update its Terms of Reference to reflect these minor modifications.

**RESOLUTION 190324/9**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That Council adopts the updated Audit, Risk and Improvement Committee Terms of Reference.

**CARRIED**

**17.3 MONTHLY BUDGET ADJUSTMENTS REPORT - FEBRUARY 2024****EXECUTIVE SUMMARY**

This report details the proposed budget adjustments for the month of February 2024.

Council's projected operating result from continuing operations for 2023/2024 is proposed to increase by \$114,491 to a surplus of \$33,257,840. The net operating result before capital grants and contributions has decreased slightly from a deficit of \$1,986,917 to a deficit of \$2,103,436.

Income from continuing operations has increased by \$425,600 from the revised budget at 31 December 2023, with total income now projected to be \$109,812,337.

Expenses from continuing operations have increased by \$311,109 to a projected total of \$76,554,497 and Council's capital works program has increased \$221,328, resulting in a projected program for 2023/2024 of \$70,995,695.

Council's unrestricted cash surplus has remained unchanged at \$212,574 as at 29 February 2024.

The report provides further details of the proposed changes as well as the revised budget position as at 29 February 2024.

**RESOLUTION 190324/10**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That Council:

1. Approves the proposed budget adjustments for the month of February 2024.
2. Notes the revised budget position for 2023/2024 as at 29 February 2024.

**CARRIED**

**18 GENERAL BUSINESS**

Nil

**19 MATTERS FOR INFORMATION****RESOLUTION 190324/11**

Moved: Cr Robert Hayes

Seconded: Cr Debra McGillan

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

**CARRIED**

**19.1 AGENCY INFORMATION GUIDE (GIPA ACT)****RESOLUTION 190324/12**

Moved: Cr Robert Hayes

Seconded: Cr Debra McGillan

That Council receives and notes the updated Agency Information Guide, as required under the

*Government Information (Public Access) Act 2009 (GIPA Act).*

**CARRIED**

**19.2 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 FEBRUARY 2024 - 29 FEBRUARY 2024**

**RESOLUTION 190324/13**

Moved: Cr Robert Hayes  
Seconded: Cr Debra McGillan

That Council receives and notes the Development Application report for the period 1 February 2024 to 29 February 2024.

**CARRIED**

**19.3 GREENING PROGRAM UPDATE**

**RESOLUTION 190324/14**

Moved: Cr Robert Hayes  
Seconded: Cr Debra McGillan

That Council receives and notes the Greening Program Update report.

**CARRIED**

**19.4 GRANT APPLICATION INFORMATION REPORT - FEBRUARY 2024**

**RESOLUTION 190324/15**

Moved: Cr Robert Hayes  
Seconded: Cr Debra McGillan

That Council receives and notes the Grant Application Information Report for the month of February 2024.

**CARRIED**

**19.5 AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES**

**RESOLUTION 190324/16**

Moved: Cr Robert Hayes  
Seconded: Cr Debra McGillan

That Council receives and notes the Minutes of the Audit, Risk and Improvement Committee held on 21 February 2024 along with the Audit, Risk and Improvement Committee Annual Report to Council.

**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 General Manager's Annual Performance Review - 2023/24**

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).

**RESOLUTION 190324/17**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

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 6.55 pm.

The Resolution of the Closed Council Meeting was read by the Cr Robert Mustow.

**23 RESOLUTIONS OF CLOSED COUNCIL**

That Council approves:

1. In accordance with Clause 8.3 of the Standard Contract of Employment, General Managers of Local Government in NSW and the Guidelines for the Appointment and Oversight of General Managers, a discretionary increase as outlined in the report be awarded to the General Manager's total remuneration package in recognition of:
  - a. the results achieved for the period.
  - b. the high standards set and achieved by the General Manager, and
  - c. in the absence of any Statutory and Other Offices Tribunal (SOORT) increase this financial year.
2. The discretionary increase to take effect from the General Manager's most recent anniversary date, being 16 February 2024.
3. The Mayor, General Manager and Facilitator to develop a draft performance agreement for the coming year, for review and agreement by all Councillors.

**The Meeting closed at 6.56 pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 April 2024.**

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**CHAIRPERSON**