

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
25 June 2024**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 25 JUNE 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 Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Patrick Deegan.

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 250624/1

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That the apology received from Cr Debra McGillan be accepted and leave of absence granted.

CARRIED

5 MAYORAL MINUTES

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD 21 MAY 2024****RESOLUTION 250624/2**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That Council confirms the Minutes of the Ordinary Meeting held on 21 May 2024.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil

8 DECLARATION OF INTERESTS

Cr Robert Mustow declared a pecuniary interest in relation to Item 15.1 Richmond Valley Regional Jobs Precinct – Finalisation of Master Plan, due to being the owner of land located within the Richmond Valley Job Precinct.

Cr Robert Mustow declared a non-pecuniary interest in relation to Item 15.3 Overheight Industrial Building at 35 Cassino Drive, Casino, due to a relative working for the applicant.

Cr Sandra Humphrys declared a non-pecuniary interest in relation to Item 15.1 Richmond Valley Regional Jobs Precinct – Finalisation of Master Plan, due to being a member of COWFM which is located within the Richmond Valley Job Precinct.

9 PETITIONS

Nil

10 NOTICE OF MOTION**10.1 NOTICE OF MOTION - CR STEPHEN MORRISSEY - CENTRE STREET, CASINO ROUNDABOUT****RESOLUTION 250624/3**

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That Council writes to the Minister for Regional Transport and Roads the Hon. Jenny Aitchison MP, State Member Richie Williamson MP and Federal Member Kevin Hogan MP to reiterate the community's ongoing serious concerns with traffic and pedestrian safety along Centre Street (Bruxner Highway) at the Richmond and Canterbury Street intersections, and request that roundabouts and/or traffic lights be provided at these two intersections, and a safer pedestrian crossing facility at the Centre/Barker Street intersection, as a matter of urgency.

CARRIED

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCE REPORT 13 MAY - 15 JUNE 2024****RESOLUTION 250624/4**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 13 May – 15 June 2024.

CARRIED

12 DELEGATES' REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 250624/5**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That items 17.1, 17.2, 17.4, 17.6 identified be determined without debate.

CARRIED

14 GENERAL MANAGER

Nil

At 6:13 pm, Cr Robert Mustow left the meeting, vacating the Chair, having declared an interest in Item 15.1.

Deputy Mayor Cr Stephen Morrissey chaired the meeting for this item.

15 COMMUNITY SERVICE DELIVERY**15.1 RICHMOND VALLEY REGIONAL JOBS PRECINCT - FINALISATION OF MASTER PLAN****EXECUTIVE SUMMARY**

Council has been working in partnership with Department of Regional NSW and Department of Planning, Housing, and Infrastructure to deliver a Master Plan for the Richmond Valley Regional Job Precinct and associated amendments to the Richmond Valley Local Environmental Plan 2012 (RVLEP).

The aim is to create a regional employment hub that will facilitate the growth of industry, agribusiness and manufacturing in Casino and the North Coast region.

Regional Job Precincts are focused on providing local councils with planning support to drive investment, diversify economies and create new jobs in regional NSW.

The NSW Government has led the master planning for the RJPs, with the Department of Regional NSW and Department of Planning, Housing, and Infrastructure conducting the public exhibition of the draft Master Plan, technical studies, and Discussion Paper from 12 February to 24 March 2024.

Sixty-three (63) written submissions were received during the exhibition and have been reviewed by DRNSW and DPHI, in consultation with Council staff. The purpose of this report is to provide a summary of the public exhibition and a review of submissions for consideration by Council, prior to finalisation of the Master Plan and proposed amendments to Richmond Valley LEP 2012 by the NSW Government.

RESOLUTION 250624/6

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council:

1. Notes the outcomes of community consultation of the Richmond Valley Regional Job Precinct draft Master Plan, technical studies, and discussion paper and the proposed amendments to the documents in the Response to Submissions report.
2. Provides a letter of support to the NSW Minister for Planning and Public Spaces endorsing the finalisation of the Draft Richmond Valley Regional Job Precinct Master Plan and Associated amendments to the Richmond Valley Local Environmental Plan 2012.

CARRIED

At 6:32 pm, Cr Robert Mustow returned to the meeting and resumed the position of Chair.

15.2 DRAFT SECTION 7.12 CONTRIBUTIONS PLAN (AS AMENDED)**EXECUTIVE SUMMARY**

Council has undertaken a review of its current Section 94A Contributions Plan to ensure consistency with statutory requirements and updates to legislation. This includes updating the title of the plan and replacing the schedule of works to enable delivery and maintenance of local infrastructure and facilities for the next 10 years.

The Draft Richmond Valley Council Section 7.12 Contributions Plan (As Amended) (the Draft Plan) was presented to Council's April Ordinary Meeting where it was endorsed for public exhibition. The Draft Plan was subsequently exhibited in accordance with the Richmond Valley Council Community Participation Plan 2020 for a minimum of 28 days, with no written submissions being received. As a result, the Plan has now been finalised and is presented to Council for consideration.

RESOLUTION 250624/7

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That Council adopts the Richmond Valley Council Section 7.12 Contributions Plan (As Amended).

CARRIED

15.3 OVERHEIGHT INDUSTRIAL BUILDING AT 35 CASSINO DRIVE, CASINO**EXECUTIVE SUMMARY**

Council has received a development application seeking consent for a proposed Transport Depot, Warehouse (cold storage) and Distribution Centre, and Signage at 35 Cassino Drive, Casino.

The proposal provides a variation to the height of building development standard of 8.5 metres applying to the site in accordance with the Richmond Valley Local Environmental Plan 2012 (LEP).

The development has a proposed maximum building height of 12.3 metres, exceeding the development standard by 3.8 metres, or 44.7%. As the proposed exceedance of the height standard is greater than 10%, it must be referred to Council for determination.

The subject site of the proposed development is located within an established industrial area, is of similar bulk and scale compatible with industrial development and is therefore considered to be consistent with the established character of land zoning and locality.

In addition, the site is identified within the Regional Job Precinct (RJP) and is included within the Richmond Valley RJP Draft Master Plan (Draft Plan) which proposes to remove the building height limit in this precinct.

RESOLUTION 250624/8

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council, pursuant to Clause 4.6 of the Richmond Valley Local Environmental Plan 2012, approves a variation in respect of Clause 4.3 Height of buildings for DA2024/0158, as outlined in this report.

CARRIED

16 PROJECTS & BUSINESS DEVELOPMENT

Nil

17 ORGANISATIONAL SERVICES**17.1 REVIEW OF DISCLOSURE OF INTEREST PROCEDURE****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 for the period ending 30 June 2024, by 30 September 2024. Disclosure forms will be issued to designated persons on 1 July 2024, with a further report to be presented to Council once all returns have been received.

In order to facilitate this process, a review of Council's Disclosure of Interest Procedure has been carried out, with minor amendments proposed to the list of designated persons to reflect the current organisational structure.

RESOLUTION 250624/9

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council adopts the revised Disclosure of Interest Procedure, noting the amendments to Annexure A – List of Designated Persons, including addition of the new designated person position of Manager Invest and Live RV.

CARRIED

17.2 COUNCILLOR REMUNERATION 2024/2025**EXECUTIVE SUMMARY**

Each financial year, the Local Government Remuneration Tribunal determines the minimum and maximum remuneration payable to Mayors and Councillors for carrying out their duties. The determination by the Local Government Remuneration Tribunal is pursuant to Sections 239 and 241 of the *Local Government Act 1993*.

Council has received notification that the Local Government Remuneration Tribunal has determined that the Mayoral and Councillor Fees are to increase 3.75% for the 2024/2025 financial year.

RESOLUTION 250624/10

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council:

1. Sets the Mayoral Allowance for the 2024/2025 financial year effective from 1 July 2024 at

\$49,200 per annum or \$4,100 per month.

2. Sets the Councillor Fee for the 2024/2025 financial year effective from 1 July 2024 at \$22,540 per annum or \$1,878.33 per month.

CARRIED

17.3 ELECTION PERIOD PROCUREMENT ARRANGEMENTS

EXECUTIVE SUMMARY

Council is progressing well with its flood recovery and improvement works and currently has a number of major infrastructure projects that are ready to progress to tender. These projects include works such as repairs to the Broadwater Bridge, restoration works at the Bentley Road rock fall, replacement of the twin Tatham Bridges and completion of two sports clubhouses funded through government grants. The works are all time-critical, to meet the requirements of government funding deeds, or minimise disruption to local industry and sporting clubs. However, the up-coming local government elections, and associated Caretaker requirements, may impact on Council's capacity to deliver these projects in a timely manner.

Council has a number of options to manage its procurement schedule during the election period to ensure these essential works can progress. These options are outlined in more detail within this report.

RESOLUTION 250624/11

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council:

1. Notes the progress on flood recovery and improvement works and the number of major projects currently scheduled to progress to tender.
2. Applies Option 3, as outlined in this report, to manage its procurement schedule during the Local Government Election Period.
3. Delegates authority to the General Manager, under s377 of the *Local Government Act 1993*, to accept tenders and award relevant contracts subject to: The requirements of the Caretaker Period; the limitations of s377 regarding the application of the delegation, and the following conditions:
 - i) Tenders must be for projects previously approved by Council;
 - ii) The successful tender must be within the approved budget and agreed scope for the project;
 - iii) Contracts awarded to successful tenders must align with the requirements of the relevant funding deed, if applicable.

CARRIED

17.4 REVIEW OF PURCHASING POLICY**EXECUTIVE SUMMARY**

Council has undertaken a review of its current Purchasing Policy to reflect changes to the *Local Government Act 1993* regarding tendering delegations, reinforce Council's commitment to supporting local providers and socially beneficial employers, such as Aboriginal owned enterprises and Australian Disability Enterprises, and encourage improved environmental outcomes.

RESOLUTION 250624/12

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council adopts the revised Purchasing Policy.

CARRIED

17.5 DRAFT OPERATIONAL PLAN 2024/2025 (INCLUDING DRAFT FINANCIAL ESTIMATES 2024/2028), DRAFT REVENUE POLICY 2024/2025 AND DRAFT LONG TERM FINANCIAL PLAN 2024/2034**EXECUTIVE SUMMARY**

At its Ordinary Meeting on 21 May 2024, Council resolved to place the Draft Operational Plan (including Financial Estimates), Draft Revenue Policy and Draft Long-Term Financial Plan on public exhibition.

This report provides information regarding public submissions received by Council during the exhibition period and details minor amendments that have been made to the Draft Financial Estimates.

RESOLUTION 250624/13

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

That:

1. Council adopts the Draft Operational Plan 2024/2025 (including Financial Estimates 2024/2028), Revenue Policy 2024/2025 and Long-Term Financial Plan 2024/2034, the subject of this report;
2. In respect to the general land rates contained in the 2024/2025 Draft Revenue Policy, Council in accordance with Sections 535 and 537 of the *Local Government Act 1993* makes the following General Rates for the 2024/2025 financial year:

Rating Category	Base Amount	% yield from base amount	Rate in Dollar (ad valorem)
Residential	\$310.00	23.88%	\$0.00351
Rural Residential (sub-category)	\$310.00	27.10%	\$0.00245
Business	\$360.00	9.28%	\$0.01147
Farmland	\$360.00	17.37%	\$0.00271

3. In relation to interest on overdue rates and charges, Council makes and imposes the maximum charge for interest, as determined by the Minister for Local Government and in accordance with Section 566 (3) of the *Local Government Act 1993*, as follows:
- (i) for the 2024/2025 financial year, 10.5% per annum;
4. In respect of annual charges and user charges for Waste Management, Water, Sewerage and Stormwater Management Service Charges, in accordance with Section 535 of the *Local Government Act 1993*, Council makes these charges as detailed in the 2024/2025 Draft Revenue Policy to apply to the 2024/2025 financial year.

CARRIED

17.6 FINANCIAL ANALYSIS REPORT - MAY 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 31 May 2024 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$21,092,079	\$31,000,000	\$6,750,390	\$4,500,000	\$16,370,112	\$79,712,581

The weighted average rate of return on Council's cash and investments at 31 May 2024 was 5.69% which was above the Bloomberg AusBond Bank Bill Index for May of 0.37%, which is Council's benchmark.

RESOLUTION 250624/14

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 May 2024.

CARRIED

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION**RESOLUTION 250624/15**

Moved: Cr Sam Cornish
Seconded: Cr Patrick Deegan

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

CARRIED

19.1 GRANT APPLICATION INFORMATION REPORT - MAY 2024**RESOLUTION 250624/16**

Moved: Cr Sam Cornish
Seconded: Cr Patrick Deegan

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

CARRIED

19.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES**RESOLUTION 250624/17**

Moved: Cr Sam Cornish
Seconded: Cr Patrick Deegan

That Council receives and notes the Minutes of the Audit, Risk and Improvement Committee held on 29 May 2024.

CARRIED

19.3 COMPLETION OF NAMMOONA RESOURCE & RECOVERY CELL 6 PROJECT**RESOLUTION 250624/18**

Moved: Cr Sam Cornish
Seconded: Cr Patrick Deegan

That Council notes the completion of the Nammoona Resource and Recovery Cell 6 Project.

CARRIED

19.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 MAY 2024 - 31 MAY 2024**RESOLUTION 250624/19**

Moved: Cr Sam Cornish
Seconded: Cr Patrick Deegan

That Council receives and notes the Development Application report for the period 1 May 2024 to 31 May 2024.

CARRIED

19.5 TOWN ENTRY AND BOUNDARY SIGNS PROJECT UPDATE**RESOLUTION 250624/20**

Moved: Cr Sam Cornish

Seconded: Cr Patrick Deegan

That Council receives and notes the Town Entry and Boundary Signs project update.

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 VP407583 - Design & Construct Upper Cherry Tree Road Landslip

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 VP408338 - Design and Construct Upper Mongogarrie Road Landslip

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 VP408552 - Design and Construct MR145 Landslip

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 VP406817 - Supply and Delivery of Bitumen Surfacing, Stabilisation and Asphalt Services 2024-2025

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 above listed matters are 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 250624/21

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That:

1. Council enters Closed Council to consider the business identified in Item 22, 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 to the public at 7.03 pm.

The Open Council meeting resumed at 7.12 pm.

The resolutions of the Closed Council meeting were read by the Director Projects & Business Development (Items 22.1, 22.2, 22.3) and the Director Organisational Services (Item 22.4).

23 RESOLUTIONS OF CLOSED COUNCIL**22.1 Tender VP407583 - Design & Construct Upper Cherry Tree Road Landslip**

That:

1. Council accepts the tender from The Trustee for Santin Trust for the Upper Cherry Tree Landslip remediation works, which represents the best value at \$1,028,098 (exclusive of GST) following the execution of the total upper limit approval funding deed from TfNSW; 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 VP408338 - Design and Construct Upper Mongogarie Road Landslip

That:

1. Council accepts the tender from The Trustee for Santin Trust for the Upper Mongogarie Landslip remediation works, which represents the best value at \$485,106 (exclusive of GST); following the execution of the total upper limit approval funding deed from TfNSW; 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 VP408552 - Design and Construct MR145 Landslip

That:

1. Council accepts the tender from SEE CIVIL Pty Ltd for the MR145 Landslips Remediation, which represents the best value at \$898,929.82 (exclusive of GST) following the execution of the total upper limit approval funding deed from TfNSW; and
2. Council contributes \$28,209.64 (excl of GST) towards the Betterment component of this project to improve the base rock armouring of the impacted sites; and
3. 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 VP406817 - Supply and Delivery of Bitumen Surfacing, Stabilisation and Asphalt Services 2024-2025

That Council:

1. Appoints the 9 successful tenderers for VP406817 – Supply and Delivery of Bitumen Surfacing, Stabilizations & Asphalt Services 2024-2025 to its panel of suppliers, accepting the rates tendered to provide various materials for works up to the value of \$149,999 (including GST) for the period 1 April 2024 to 31 March 2025; 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 7.16pm.

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

.....
CHAIRPERSON