

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
16 July 2024**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 16 JULY 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, Cr Debra McGillan

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

President Greg Scurr of Coraki Golf Club and Vice President Mr James Voght addressed Council in relation to Item 15.1 Mid-Richmond Place Plans – Post Exhibition; and provided an update of the Club's progress in implementing its strategic plan and outlined future plans for development of the site.

The Mayor thanked Mr Scurr and Mr Voght for their attendance and address to the meeting.

A full recording of the public address segment is available at:

<https://richmondvalley.nsw.gov.au/council/council-meetings/council-meeting-videos/>

4 APOLOGIES

Nil

5 MAYORAL MINUTES

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD 25 JUNE 2024

RESOLUTION 160724/1

Moved: Cr Robert Hayes
Seconded: Cr Patrick Deegan

That Council confirms the Minutes of the Ordinary Meeting held on 25 June 2024.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Cr Robert Mustow referred to Item 17.5 – Draft Operational Plan 2024/2025 (including Financial Estimates 2024/2028), Revenue Policy 2024/2025 and Long-Term Financial Plan 2024/2034 and his request for comparative rating structure information.

The General Manager advised that there were a number of challenges in compiling and presenting this information. While councils in the Northern Rivers generally adopted similar structures for residential rates, there was considerable difference in the way each council interpreted and applied the business rate category. This made it challenging to accurately compare business rates across the region. However further work would continue on developing a meaningful comparison and this will be reported back to Council for consideration.

8 DECLARATION OF INTERESTS

Cr Robert Mustow declared a non-pecuniary interest in relation to Item 15.4 Overheight Industrial Building at 7 and 9 Dyraaba Street, Casino, due to a relative working for the applicant.

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT

11.1 MAYORAL ATTENDANCE REPORT 16 JUNE 2024 - 8 JULY 2024

RESOLUTION 160724/2

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 16 June – 8 July 2024.

CARRIED

12 DELEGATES' REPORTS

12.1 DELEGATES' REPORT JULY 2024 - ROUS COUNTY COUNCIL

RESOLUTION 160724/3

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

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

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE

RESOLUTION 160724/4

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That items 15.2, 17.1, 17.2, identified be determined without debate.

CARRIED

14 GENERAL MANAGER

14.1 RICHMOND VALLEY WATER FOR LIFE STRATEGY 2050

EXECUTIVE SUMMARY

Over the past four years, Council has been exploring key directions for future water supply and sewerage management to ensure it can meet the needs of the Richmond Valley's growing community. The Richmond Valley Water for Life 2050 strategy brings these directions together to deliver more than \$200m in essential water and sewerage infrastructure over the next 25 years. This will include regionally significant projects, such as the \$65m replacement of the Casino Sewage Treatment Plant, which will support activation of the Regional Jobs Precinct and open the way for up to 1600 new homes in Casino. The strategy also secures the long-term needs of the Mid-Richmond communities, with completion of Stage 2 of the Evans Head STP and development of Rous County Council's groundwater project. The draft strategy was placed on public exhibition for 28 days and four written submissions were received. As a result of the feedback, a number of amendments are proposed to provide further clarification. The revised strategy is now presented for Council's consideration.

RESOLUTION 160724/5

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

1. Notes the outcomes of the public exhibition of the draft Richmond Valley Water for Life Strategy 2050 and the subsequent amendments to the draft plan in response to public feedback.
2. Adopts the revised Richmond Valley Water for Life Strategy 2050, as presented.

CARRIED

14.2 INFRASTRUCTURE RECONSTRUCTION UPDATE

EXECUTIVE SUMMARY

The natural disaster flood events of March 2022 caused damage to approximately 75% of the Richmond Valley's 1065km road network. Following the event, under the Federal and NSW Government's Disaster Recovery Funding Arrangements, emergency and immediate reconstruction works were undertaken to restore road access for the community at a cost of \$15.36 million.

Council has now submitted all Essential Public Asset Restoration claims to Transport for NSW which were due by 30 June 2024 and continues to liaise with them to secure approvals which are required prior to the commencement of work.

It is anticipated that Council's initial estimate of \$100 million worth of damage to the Richmond Valley road network will be very close to the final result by the time all road network related works are completed, which is expected to take until 30 June 2026.

RESOLUTION 160724/6

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council:

1. Notes the status of the work that has been completed to date and that the estimated cost to restore the road network to its pre-2022 Flood events condition will be close to the initially estimated \$100 million;
2. Notes that works are progressing well with a series of significant tenders being approved in recent months with more to be resolved at this Council meeting and an Extraordinary meeting planned for 6 August 2024;
3. Writes to the NSW Reconstruction Authority and Transport for NSW to thank them for their ongoing support and funding approvals which will enable the Richmond Valley community to recover from the impacts of the 2022 natural disaster events.

CARRIED

15 COMMUNITY SERVICE DELIVERY

15.1 MID-RICHMOND PLACE PLANS - POST EXHIBITION

EXECUTIVE SUMMARY

Council has been working with the Mid Richmond communities of Coraki, Woodburn, Evans Head, Broadwater and Rileys Hill over the past eight months to prepare combined Place and Adaptation Plans for each village. The project, supported by the NSW Reconstruction Authority, explored opportunities to build a more resilient future for these communities in the wake of the 2022 floods. Council endorsed exhibition of the draft Mid Richmond Place Plans at its May ordinary meeting and the draft plans were placed on public display from 24 May 2024 to 23 June 2024, supported by a number of Community Information Sessions at Coraki, Woodburn, Broadwater, and Evans Head.

Twenty written submissions were received in response to the exhibition and a number of amendments are proposed to the draft plans in response to the feedback. An engagement report has been prepared by Council's consultancy team, which includes an overview of all community engagement undertaken throughout the project, as well as comments and recommended changes to the plans in response to the written submissions.

The revised Mid Richmond Place Plans are now presented to Council for consideration.

RESOLUTION 160724/7

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That Council:

1. Notes the outcome of the community consultation process for the draft Mid Richmond Place Plans and the detailed feedback received in response to the public exhibition;
2. Acknowledges the support of the NSW Reconstruction Authority in the Place Plan development process, which includes Disaster Adaption Planning options for the future of these communities;
3. Adopts the Coraki Place Plan; and
4. Adopts the Mid Richmond Place Plan (including the communities of Woodburn, Broadwater, Rileys Hill and Evans Head).

CARRIED

15.2 WATER AND SEWER PROJECTS UPDATE

EXECUTIVE SUMMARY

Council's 2023-2025 Delivery Program included a commitment to commence the planning and design works for a new sewage treatment plant (STP) at Casino and to seek further funding for the construction phase. The Casino STP has reached the end of its design life and suffered further damage in the 2022 floods. It currently struggles to treat effluent effectively for its design loading of 12,000 equivalent persons (EP). With Casino's population expected to reach 16,700 by 2041, replacing and expanding the sewage treatment plant is a high priority. The new facility, estimated to cost up to \$65 million, will allow full activation of the Regional Jobs Precinct and open the way for up to 2000 additional family homes in Casino and improve environmental performance.

To support further planning, design and development work on the project, Council is pursuing a \$5 million funding opportunity under the Australian Government's Regional Precincts and Partnerships Program (RPPP). Initial advice was that projects would be announced by July 2024 however recent advice is that the next round of successful projects will not be announced until December 2024.

To continue the planning, design and development of this critical infrastructure project, it is recommended that Council continues to use approved budget allocations from its Sewer Fund Reserve, while also continuing to pursue all available funding opportunities. Our aim is to have the project 'shovel ready' by the end of 2025, which will also place the project at an advantage when seeking funding support.

RESOLUTION 160724/8

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That Council:

1. Notes the progress on planning and design work for the new Casino Sewage Treatment Plant and the Evans Head Sewage Treatment Plant Stage 2.
2. Approves the continuation of the planning, design and development works associated with the replacement of the Casino STP being funded from existing budget allocations for 2024/25 using Council's Sewer Fund reserves.

CARRIED

15.3 OVERHEIGHT SHOP TOP HOUSING AT 17 MCDONALD PLACE, EVANS HEAD**EXECUTIVE SUMMARY**

Council has received a development application seeking consent for a proposed shop top housing development at 17 McDonald Place, Evans Head. The development involves construction of a three storey building comprising ground floor commercial space, awning and carparking with ten residential units located on the upper two levels and a roof top terrace. The development is inclusive of demolition of all existing buildings and includes kerbside dining on the McDonald Street frontage and Strata Subdivision.

The proposal seeks a variation to the 9.5 metre height of building development standard identified for the land under clause 4.3 of the Richmond Valley Local Environmental Plan 2012 (LEP).

The development has a proposed maximum building height of 12.0 metres, exceeding the development standard by 2.5 metres, or 29.16%. As the variation to the building height standard is greater than 10%, it must be referred to Council for determination.

The proposed development site is visually prominent in Evans Head and unique, in that it does not immediately adjoin any existing buildings and interfaces with both commercial and residential land uses. Overall, the building complies with the 9.5m building height with the non-conforming elements being limited to the rooftop lift/stair enclosure, services enclosure, glass balustrade and rooftop landscape features.

Council has obtained expert architectural advice in relation to the proposal which supports the building height variation.

RESOLUTION 160724/9

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council approves a variation to the maximum building height, pursuant to Clause 4.6 of *Richmond Valley Local Environmental Plan 2012*, to permit part of the development to be up to 12 metres in height.

CARRIED

15.4 OVERHEIGHT INDUSTRIAL BUILDING AT 7 AND 9 DYRAABA STREET, CASINO**EXECUTIVE SUMMARY**

Council has received a development application seeking consent for alterations to an existing general industrial development (staff amenities block, store and plant room), the construction of a warehouse (cold storage) and distribution centre, a car park and signage, at 7 and 9 Dyraaba Street Casino, and 90-94 Colches Street, Casino.

The proposal seeks a variation to the 8.5 metre height of building development standard identified for the land under clause 4.3 of the Richmond Valley Local Environmental Plan 2012 (LEP).

The development has a proposed maximum building height of 10.854 metres, therefore exceeding the development standard by 2.254 metres, resulting in a 27.7% variation. As the variation to the building development standard is greater than 10%, it must be referred to Council for determination.

The proposed new building (warehouse and distribution centre) on 9 Dyraaba Street Casino is part of the overall development, which is located within an established industrial area, has similar bulk and scale to other modern industrial developments and is therefore considered to be consistent with the established character of land in this zone and locality.

RESOLUTION 160724/10

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

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 DA2024/0176, as outlined in this report.

CARRIED

16 PROJECTS & BUSINESS DEVELOPMENT

Nil

17 ORGANISATIONAL SERVICES

17.1 MONTHLY BUDGET ADJUSTMENTS REPORT - JULY 2024

EXECUTIVE SUMMARY

This report details proposed budgeted “Carry Forwards” and “Revotes” for the 2024 Financial Year.

Carry forwards represent the unspent portion of budgeted projects that were either started or contracted to be started in the 2023/2024 year. Revotes represent the unspent portion of budgeted projects that were not underway in the 2023/2024 year.

Both carry forwards and revotes are an annual occurrence which can be due to several factors including savings in completion of projects where those funds can then be utilised on new or additional projects, weather events, contractor availability, material availability, timing of grant funding and the associated expenditure of those funds.

The proposed carry forwards total \$12,500,799 comprising \$102,709 in operating expenditure and \$12,398,099 in capital expenditure. This represents only 0.14% of revised budgeted operating expenditure and 17.13% of revised budgeted capital expenditure for 2023/2024.

The proposed revotes total \$2,358,393 comprising \$458,144 in operating expenditure and \$1,900,249 in capital expenditure. This represents only 0.60% of revised budgeted operating expenditure and 2.63% of revised budgeted capital expenditure for 2023/2024.

Council’s annual Financial Statements are currently being prepared for audit and as such, the final carry forward and revoke budgets are still subject to change. Any changes will be included in the Quarterly Budget Review Statement as at 30 September 2024, once unexpended grants and reserve balances have been finalised.

At this stage the proposed changes will have no impact on the projected budget surplus of \$212,574 for 2024/2025 as the carry over works are fully funded from unexpended grants and contributions or previously budgeted from other reserves.

RESOLUTION 160724/11

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

That Council:

1. Notes the carry forwards for the financial year ended 30 June 2024 of \$12,500,799 as detailed in the report.
2. Approves the revotes for the financial year ended 30 June 2024 of \$2,358,393 as detailed in the report.
3. Notes the revised budget for 2024/2025, including carry forwards and revotes.

CARRIED

17.2 FINANCIAL ANALYSIS REPORT - JUNE 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 30 June 2024 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$23,964,310	\$31,000,000	\$6,750,390	\$4,500,000	\$16,446,268	\$82,660,968

The weighted average rate of return on Council's cash and investments at 30 June 2024 was 4.94% which was above the Bloomberg AusBond Bank Bill Index for June of 0.36%, which is Council's benchmark.

RESOLUTION 160724/12

Moved: Cr Stephen Morrissey

Seconded: Cr Patrick Deegan

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

CARRIED

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION**RESOLUTION 160724/13**

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

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

CARRIED

19.1 WRITE OFF OF MONIES UNDER DELEGATION**RESOLUTION 160724/14**

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That Council receives and notes the write-off of monies totalling \$12,740.71 under the General Manager's delegation.

CARRIED

19.2 CASINO SHOWGROUND AND RACECOURSE PROJECT UPDATE**RESOLUTION 160724/15**

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That Council notes the status of finalising the Casino Showground and Racecourse Project.

CARRIED

19.3 CUSTOMER EXPERIENCE REPORT 1 APRIL - 30 JUNE 2024**RESOLUTION 160724/16**

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That Council receives and notes the Customer Experience Report for the period 1 April – 30 June 2024.

CARRIED

19.4 NORTHERN RIVERS RAIL TRAIL PROJECT UPDATE**RESOLUTION 160724/17**

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That Council notes the update on the Northern Rivers Rail Trail Project.

CARRIED

19.5 GRANT APPLICATION INFORMATION REPORT - JUNE 2024**RESOLUTION 160724/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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

CARRIED

19.6 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 JUNE 2024 - 30 JUNE 2024**RESOLUTION 160724/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receives and notes the Development Application report for the period 1 June 2024 to 30 June 2024.

CARRIED

19.7 MINUTES OF THE LOCAL TRAFFIC COMMITTEE 25 JUNE 2024**RESOLUTION 160724/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receives and notes the minutes of the Local Traffic Committee Meeting held on 25 June 2024.

CARRIED

19.8 CORRESPONDENCE: MINISTERIAL STATEMENT OF EXPECTATIONS ORDER - NATIONAL HOUSING ACCORD**RESOLUTION 160724/21**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receives and notes the correspondence from Minister for Planning and Public Spaces, Hon Paul Scully MP, providing the Ministerial Statement of Expectations Order.

CARRIED

19.9 CORRESPONDENCE: MINISTER FOR REGIONAL TRANSPORT AND ROADS, HON JENNY AITKINSON MP**RESOLUTION 160724/22**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receives and notes the correspondence provided to the Minister for Regional Transport and Roads, Hon Jenny Aitkinson MP following Cr Stephen Morrissey's Notice of Motion.

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 VP408588 - Bentley Landslip and Road Remediation

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 VP402530 - Construction of Tatham Twin Bridges Replacement

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 VP416434 - Netball Clubhouse Facility - Colley Park Casino (Detailed Report)

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 VP413558 - Halsteads Drive Stage 3 Access Restoration

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) - (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 160724/23

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 7.18pm.

The Open Council meeting resumed at 7.35pm.

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

23 RESOLUTIONS OF CLOSED COUNCIL

22.1 Tender VP408588 - Bentley Landslip and Road Remediation

That

1. Council accepts the tender from Green Civil Services Pty Ltd for the Bentley Road Landslip remediation, which represents the best value at \$3,163,948.73 (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 VP402530 - Construction of Tatham Twin Bridges Replacement

That

1. Council accepts the tender from Quickway Constructions Pty Ltd which represents the best value for Council at \$13,076,237.07 (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 VP416434 - Netball Clubhouse Facility - Colley Park Casino (Detailed Report)

That

1. Council accepts the tender from Marathon Modular which represents the best value for Council at \$1,236,211.41 (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 VP413558 - Halsteads Drive Stage 3 Access Restoration

That Council:

1. Declines all submissions received for Tender VP413558 Construct Halstead Drive Access Restoration (Stage three) due to the Crown Lands Flood Recovery Program Grant being insufficient to deliver the project in its entirety and Council needing to seek additional funding through the Grant program.
2. Applies Clause 178 (3e) of the Local Government (General) Regulation 2021 to authorise the General Manager to enter into direct negotiations with suitably qualified contractors with a view to obtaining works that provide Council with the best outcome, both from a financial and delivery perspective, and to finalise the terms of the Contract or Agreement and affixing the seal of Council where necessary.
3. Notes that the outcomes of the negotiations will be reported to Council for information at a future meeting.

The Meeting closed at 7.40pm.

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

.....
CHAIRPERSON