

Richmond  
Valley  
Council



# **SUPPLEMENTARY AGENDA**

## **Ordinary Council Meeting**

**Date: Tuesday, 20 August 2024**

**Time: 6pm**

**Location: Council Chambers  
10 Graham Place, Casino**

**Vaughan Macdonald  
General Manager**

**ORDER OF BUSINESS**

**5 MAYOR’S REPORT ..... 3**

**5.1 Mayoral Minute - Acknowledgements and Appreciation..... 3**

**7 MATTERS ARISING OUT OF THE MINUTES ..... 5**

**7.1 Erratum - Item 16.3 of Ordinary Council Meeting Agenda and Minutes 20  
February 2024 ..... 5**

## **5 MAYOR'S REPORT**

### **5.1 MAYORAL MINUTE - ACKNOWLEDGEMENTS AND APPRECIATION**

**Author: Robert Mustow**

#### **RECOMMENDATION**

That Council:

1. Notes the end of the 2021-24 Council term and acknowledges the unprecedented challenges the Richmond Valley community has faced and the funding support received from the NSW and Australian Governments to support ongoing flood recovery.
2. Extends its sincere appreciation to all Emergency Services, the Defence Force personnel, community groups, volunteers and residents who have played a role in supporting the Richmond Valley's flood recovery over the past two and a half years and continue to contribute to the wellbeing of our community.
3. Acknowledges and thanks the staff of Richmond Valley Council for their service to the community during this time.

#### **REPORT**

The 2021-2024 Council term of office has been one of the shortest terms on record for local government in NSW – but it has been one of the most challenging for our community as we seek to recover and rebuild from the 2022 flood disaster.

When the current Council commenced its term in January 2022, our community had already endured extended drought, devastating bushfires and a global pandemic in the previous years and was rising once again to rebuild. One month later, our world was turned upside down once more, as we suffered one of the worst floods in recorded history.

In the space of a few hours, we watched the things that we had invested our whole lives in building – our homes, our businesses, our memories and hopes – swept away and lost in the darkness. Thousands of properties were damaged, more than 1000 people were homeless. Every single person in this Valley was affected by the flood in some way. But we have risen once again to build back better. As a long-term member of the Richmond Valley community, I am so proud of the way that we have worked together through this time to support our neighbours and rebuild our towns and villages. And I am proud of the way that our Council responded and continues to respond in leading our community's recovery.

I would like to take this opportunity to acknowledge, once again, the many members of our community, our volunteers and our Council staff for the role they played in the response to the 2022 floods. We will never forget the courage of the Tinnie Heroes, the tireless efforts of the Mud Army and the endless hours of service from our Emergency Services workers and Australian Defence Force teams. Without you we could not have survived this disaster as we did, so thankfully, without the loss of human life in our community. I also want to acknowledge the tireless persistence of Richmond Valley residents in rising once again to build back better after the floods. Together, we have restored our essential services, repaired our community buildings and sports facilities, restarted our businesses and rebuilt and restored our homes. And we continue to move forward with the massive task of repairing \$100m in damage to our local roads and bridges. Our community is now well ahead in the recovery phase and taking its place as an emerging leader in the Northern Rivers.

I believe there is much to look forward to in our future and I feel privileged to have led Council through this time as we lay the foundations for growth and prosperity. I want to thank our local business community, community groups and residents for their contribution in shaping our future plans over the past two years. I believe we have created a clear pathway forward with the activation of the Regional Jobs Precinct industrial lands, major residential growth on flood-safe lands and record investment in infrastructure.

I want to acknowledge the support that our community has received during this time from the NSW and Australian Governments with more than \$100m in flood recovery grants and disaster funding arrangements received so far. I would also like to acknowledge the work of the NSW Reconstruction Authority during the flood recovery phase. Although there have been many challenges during this time, Council appreciates the support it has received from the Authority in stepping in, most recently to help the Broadwater School reconstruction and partnering with us in developing long-term plans for the Mid Richmond communities' future.

I would also like to personally thank the many community and sporting groups who have invited me to share their special events and achievements over the past few years. It has been an inspiration to witness first-hand the work that you do in our community, and I want to acknowledge and thank you for your efforts.

I would also like to thank our Richmond Valley Council staff, led by our General Manager Vaughan Macdonald, and I know my fellow councillors will join me in acknowledging their tireless service during the flood response and recovery period and the vital work that they do in our community every day.

Finally, I thank my fellow Councillors for their service and support over the past council term. It has been a time of great challenge and achievement for our community, and I feel privileged to have shared the journey with you. We've put the building blocks in place, and I look forward to our Richmond Valley community's continued growth and prosperity in the years ahead.

## **ATTACHMENT(S)**

**Nil**

**7 MATTERS ARISING OUT OF THE MINUTES****7.1 ERRATUM - ITEM 16.3 OF ORDINARY COUNCIL MEETING AGENDA AND MINUTES 20 FEBRUARY 2024**

**Director:** Ben Zeller

**EXECUTIVE SUMMARY**

This report is an erratum to Item 16.3 of the Ordinary Council Meeting Agenda and Minutes dated 20 February 2024.

The reason for the erratum is to correct typographical errors in the original Agenda and Minutes that described the Lot numbers that were subject of the report. The description and location of the Lots the subject of the February report was accurate, but one of the Lot numbers was incorrectly notated and does not exist, therefore a typographical error. This report makes these corrections for the record.

This report replaces Item 16.3 in its entirety.

**RECOMMENDATION**

That:

1. In accordance with Section 38D of the *Roads Act 1993*, resolves to close the Council public Road identified as Lot 27, 29, 31 and part Lot 28 in Deposited Plan 1189548 (shown on Map 1) to be classified as operational land and disposed to the adjoining landowner.
2. Acquires the private ownership land by private agreement, acquisition by consent or through the compulsory acquisition process under the *Land Acquisition (Just Terms Compensation) Act 1991* by the authority contained in the *Roads Act 1993*. This being the land identified as needed for public road in attachment 1. The land described as Part Lots 1-8 Section 2 DP1494, Part Lots 20-21 DP1125446, Part Lots 201-202 DP815264, and Part Lots 2-3 DP706888.
3. Acquires Lot 16 DP1189548, Lot 32 DP1189548, and part Lot 134 DP726553 by the compulsory acquisition process under the Land Acquisition (Just Terms Compensation) Act 1991 by the authority contained in the *Roads Act 1993* (shown on Map 2).
4. Approves the making of an application to the Minister for Local Government for the issue of a Proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the subject land.
5. Authorises the General Manger to:
  - (a) Negotiate the final boundaries of the proposed road closure and land acquisition in accordance with this report;
  - (b) Negotiate the compensation of land acquisition and road closure disposal under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* to achieve genuine agreement between all parties.
  - (c) Sign the necessary documentation to implement this resolution, including affixing the Seal of Council as required.
6. In accordance with Section 44 of the *Roads Act 1993*, that Lot 32 DP1189548 upon vesting to Council being former public road be provided in compensation to the adjoining landowner for other land acquired for the purposes of the *Roads Act 1993*.
7. Dedicates the acquired land, with exception of Lot 32 DP1189548 as public road.

**DELIVERY PROGRAM LINKS**

Objective 6: Provide infrastructure that meets community needs

6C Provide a network of safe, well-constructed local roads, bridges, footpaths and cycleways

6C1 Deliver local infrastructure maintenance and renewal programs

**BUDGET IMPLICATIONS**

Costs incurred for land acquisitions and road closure will be funded from Council's internal reserves and project budgets where applicable.

Council has engaged Acumentis Regional Pty Ltd to establish market value for negotiations with affected landowners. The value of the land acquired by compulsory process is determined by the NSW Valuer General Department at market rate in accordance with the *Land Acquisitions (Just Terms Compensation Act) 1991*.

**REPORT**Reason for report

At the Ordinary meeting of the Council on 20 February 2024 it was resolved,

3. Acquires Lot 16 DP1189548, Lot 32 DP1189548, and part Lot 132 DP726553 by the compulsory acquisition process under the *Land Acquisition (Just Terms Compensation) Act 1991* by the authority contained in the *Roads Act 1993* (shown on Map 2). [Resolution 200224/14]

The typographical error in the original Agenda and Minutes from the Ordinary Council Meeting dated 20 February 2024 where Lot 134 DP 726553 is misprinted as Lot 132 DP 726553.

Lot 132 DP 726553 does not exist, and this error was a typographical error. There is no material change to the Agenda & Minutes dated 20 February 2024.

Background

The two bridges traversing Shannon Brook and Spring Creek located on Casino Coraki Road (known as twin Tatham Bridges) require replacement. Following the 2022 floods, a load restriction was placed on the bridges due to their poor structural condition.

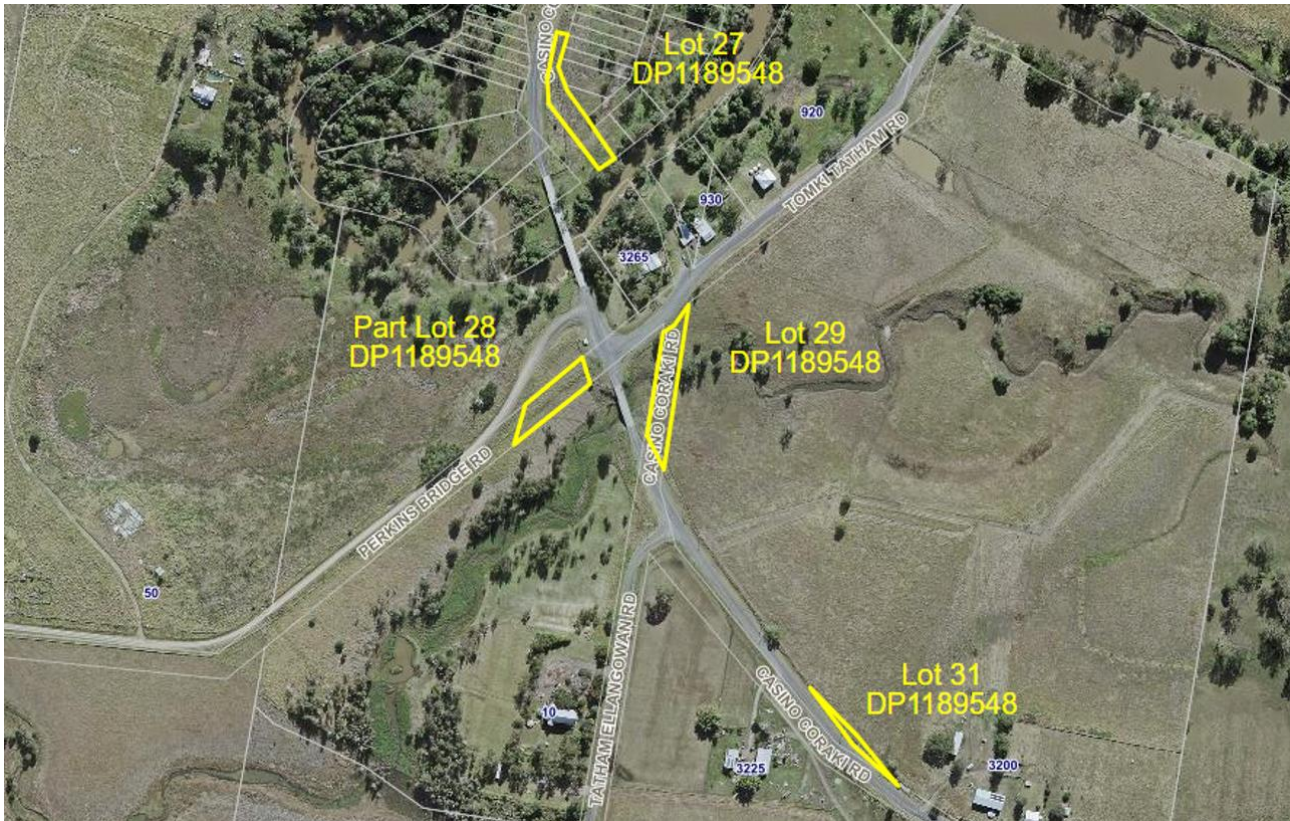
Council has approved a suitable design for the replacement of the bridges and has secured funding of \$18.7M for the works. Part of these works involve land acquisition for the existing road footprint and the new alignment.

Road Closure

A report was presented to Council for the proposed road closures where the land has been identified with no current or future need as a public road.

Council completed the statutory advertising of the road closure proposal including consultation with notifiable authorities and adjoining landowners. NSW Crown Lands provided conditional approval on Council acquiring Lot 16 and Lot 32 DP 1189548 from Crown Land. No objections to the road closure were received.

This report seeks resolution of permanent road closure of the subject public road with the land to be provided in compensation or sale to the adjoining owner.



Map 1: Showing location of Lot 27, 29, 31 and part Lot 28 in Deposited Plan 1189548 for road closure in compensation to adjoining landholder.

#### Land Acquisition – Private Ownership

Council has commenced consultation with affected landowners who will be impacted by the realignment and construction of the twin Tatham Bridges. The area of land required for the road alignment has been identified in attachment 1.

Council has engaged the services of Acumentis Regional Pty Ltd being a recognised qualified valuer to determine the market value of the land in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*. It is proposed that this value will be used to determine the monetary offer to the affected landowner for compensation payable for land proposed to be acquired.

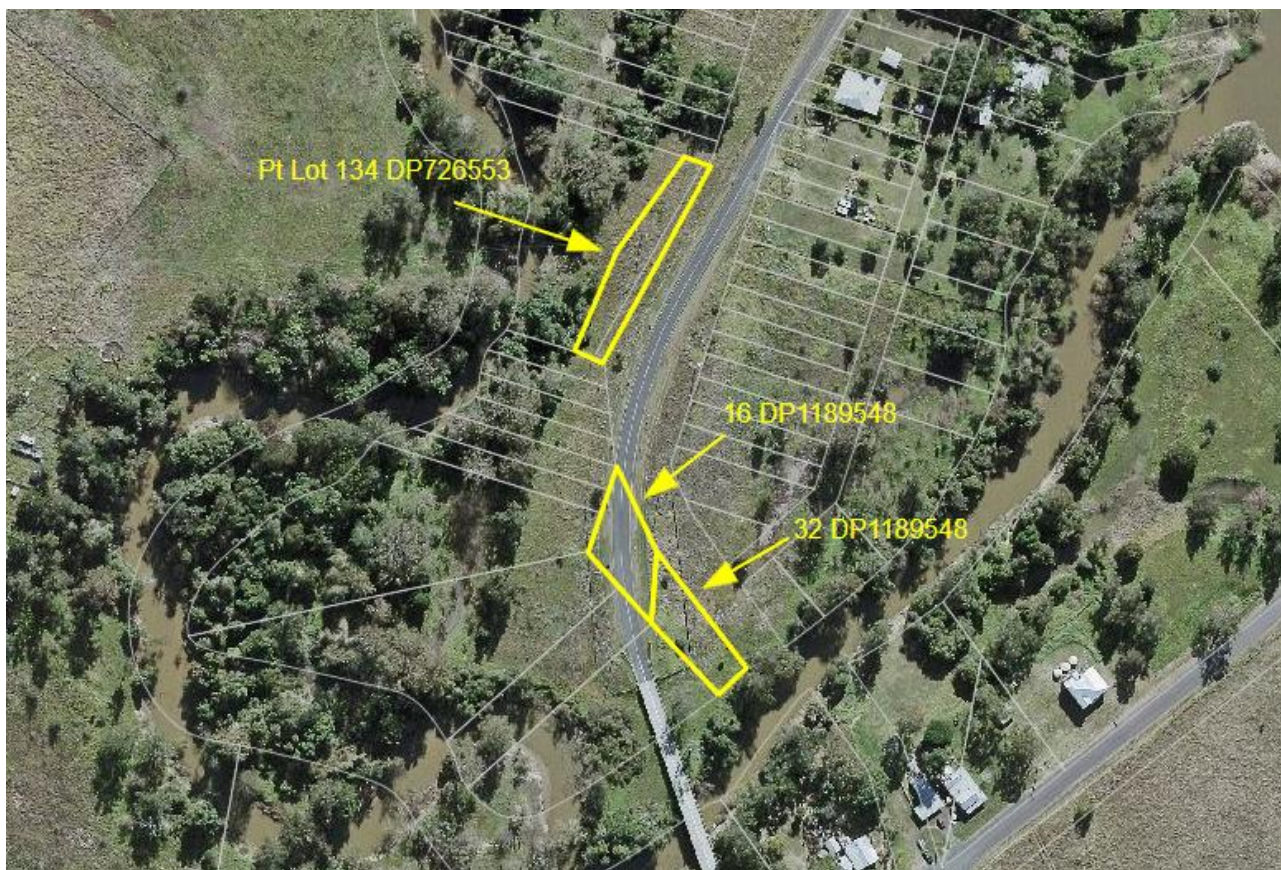
Council will continue to negotiate in attempts to reach a private agreement, alternatively will utilise acquisition by consent or compulsory acquisition process under the *Land Acquisition (Just Terms Compensation) Act 1991*.

The land under private ownership affected by the acquisition is identified described as Part Lots 1-8 Section 2 DP1494, Part Lots 20-21 DP1125446, Part Lots 201-202 DP815264, and Part Lots 2-3 DP706888.

#### Land Acquisition – Crown Land

Section 178 of the *Roads Act 1993* and Section 187 of the *Local Government Act 1993* authorised council to acquire such land or interest by agreement or by compulsory process in accordance with the *Land Acquisition (Just terms Compensation Act) 1991*.

The land identified as owned by NSW Crown Lands requiring to be compulsory acquired is described as Lot 16, 32 in Deposited Plan 1189548 and Part Lot 134 DP726553.



*Map 2: Showing location of Lot 16, 32 in Deposited Plan 1189548 and Part Lot 134 DP726553.  
Land to be compulsory acquired from NSW Crown Lands.*

#### Aboriginal Land Claim and Native Title

Lot 134 DP726553 is affected by an undetermined Aboriginal Land Claim #41760, lodged 28 June 2016.

A desktop evaluation identified that the land was subject to a Licence 405738 for grazing commencing 5 February 2008. Confirmation of the use and occupation is needed from the licence holder, however likely that this would be found to be lawfully used and not claimable under the *Aboriginal Land Rights Act 1983*. Council has requested a priority review of the claim as any acquisition cannot proceed until the claim has been determined.

The land identified as Lot 16 & 32 DP1189548 is impacted by Native Title Determination, *Bandjalang People #2 v Attorney General of New South Wales*, by consent determined 2 December 2013.

The general limitation clause 7 as per the determination recognises that Native title rights and interests do not exist in any area of land which has been dedicated as a public road or a main road in accordance with the statutory requirements for such dedication, even if the land is no longer so dedicated.

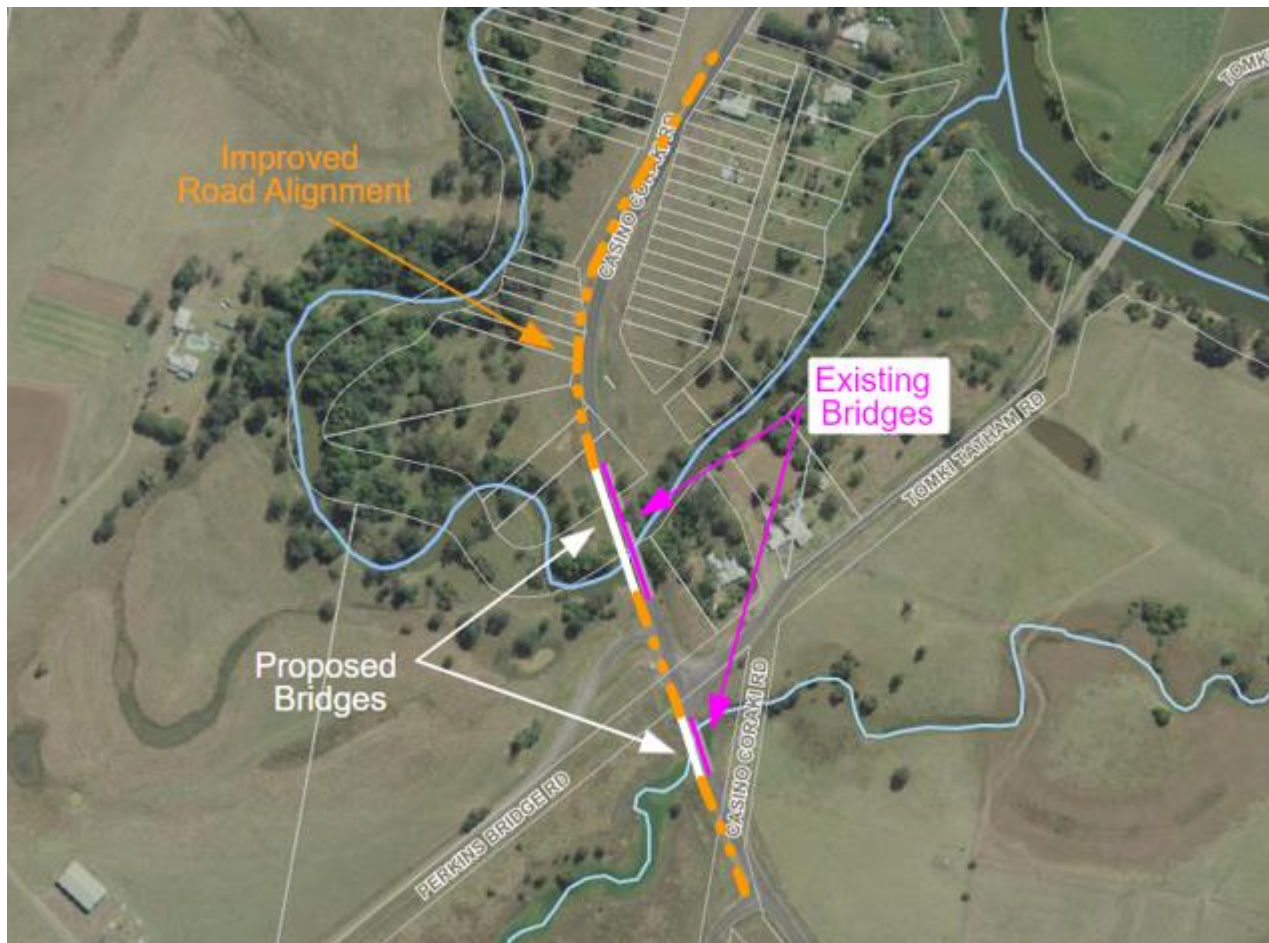
Council is seeking formal legal advice on the status of Native Title as the land was former main road, being the old alignment of Casino Coraki Road closed by government gazette 8 December 1933 would extinguish any Native title rights over the land. Council can proceed with compulsory acquisition of this land however requires a legal opinion to assist with determination of compensation which may be payable.

#### Bridges design and road alignment

The road alignment design connects to the two new bridges along Casino Coraki Road with improved geometric design for vehicle travelling at the speed at 100km/h noted with advisory signs at the location of bends on the road. The design is in accordance with the Northern Rivers Local



Government Development and Design Manual and is aimed at improving traffic safety for the regional road.



Map 3: Showing existing bridges, location for proposed bridges and road realignment.

## CONSULTATION

Statutory advertising of the road closure proposal has been completed inviting public submissions. Adjoining landholders were notified, and no objections were received.

Relevant authorities were notified. Council received responses of no objection to the closure.

The NSW Department of Planning, Industry & Environment – Crown Lands provided no objection to the closure of the Council public road, and vesting ownership to Council upon closure. This submission response is conditional on Council acquiring Lot 16 and Lot 32 DP 1189548 from Crown Land.

Council will continue to negotiate with affected private property landowners in attempts to reach private agreement on the land acquisition.

Council will be required to undertake consultation with the affected landholders in accordance with *Land Acquisition (Just Terms Compensation) Act 1991*.

## CONCLUSION

This erratum replaces the whole of the typographical errors from the Agenda & Minutes from the Ordinary Council Meeting dated 20 February 2024 in their entirety.

Council has received \$18.7M in grant funding for the construction of the twin bridge replacements. Council is required to undertake road closures and land acquisition as part of the construction of the alignment of the road and new bridges.

The land acquisition and road closures are required for the twin Tatham Bridge upgrades of Casino Coraki Road being a major regional road. It is recommended that Council undertake the land acquisitions and road closures as identified in this report.

**ATTACHMENT(S)****Nil**