

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
17 December 2024**

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**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 17 DECEMBER 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 Lyndall Murray, Cr John Walker.

**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), Sebastian Scholl (IT Support Officer).

## **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**

Nil

## **5 MAYORAL MINUTES**

Nil

## **6 CONFIRMATION OF MINUTES**

### **6.1 MINUTES ORDINARY MEETING HELD 19 NOVEMBER 2024**

#### **RESOLUTION 171224/1**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council confirms the Minutes of the Ordinary Meeting held on 19 November 2024.

**CARRIED**

## **7 MATTERS ARISING OUT OF THE MINUTES**

Cr Stephen Morrissey referred to Item 12.1 Delegates' Report November 2024 – Rous County Council and congratulated Cr Robert Mustow on being re-appointed Chair of Rous County Council.

## **8 DECLARATION OF INTERESTS**

Cr Robert Mustow declared a non-pecuniary insignificant conflict, in Item 19.6 Outcome of Community Financial Assistance Program 2024/2025 Round One Funding, due to being a volunteer of the group Cycling without Age – Casino Chapter.

Cr Sandra Humphrys declared a non-pecuniary insignificant conflict, in Item 19.6 Outcome of Community Financial Assistance Program 2024/2025 Round One Funding, due to being a volunteer of the group Cycling without Age – Casino Chapter

Cr Robert Hayes declared a non-pecuniary insignificant conflict in relation to Item 19.1 Beech Street Traffic Calming Report Update, due to being an applicant for a development application located on that street.

Cr Lyndall Murray declared a non-pecuniary insignificant conflict, in Item 19.6 Outcome of Community Financial Assistance Program 2024/2025 Round One Funding, Richmond Neighbourhood Centre, due to being a volunteer of the Mid-Richmond Neighbourhood Centre and digital marketing consultant.

## **9 PETITIONS**

Nil

## **10 NOTICE OF MOTION**

Nil

**11 MAYOR'S REPORT****11.1 MAYORAL ATTENDANCE REPORT 12 NOVEMBER - 10 DECEMBER 2024****RESOLUTION 171224/2**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 12 November – 10 December 2024.

**CARRIED**

**12 DELEGATES' REPORTS**

Nil

**13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 171224/3**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That items 15.1, 16.1, 17.1,17.3 identified be determined without debate.

**CARRIED**

**14 GENERAL MANAGER****14.1 COMMUNITY STRATEGIC PLAN ENGAGEMENT STRATEGY****EXECUTIVE SUMMARY**

The *Local Government Act 1993* requires each newly-elected Council to review its Community Strategic Plan and develop a new Delivery Program for its term of office. This involves extensive consultation with the community and a draft Engagement Strategy has been prepared to help guide this process. The strategy aims to ensure that as many people as possible have the opportunity to contribute to the development and refinement of these plans through a range of engagement activities.

**RESOLUTION 171224/4**

Moved: Cr John Walker

Seconded: Cr Sandra Humphrys

That Council endorses the Draft Community Strategic Plan Engagement Strategy and publishes a copy of the document on its website.

**CARRIED**

## **15 COMMUNITY SERVICE DELIVERY**

### **15.1 BULK WATER CHARGES**

#### **EXECUTIVE SUMMARY**

For the 2024/2025 financial year Council amended its Revenue Policy to create equity between existing external (to the network) bulk water customers. These changes resulted in a small number of customers being inappropriately charged both the bulk water charge as well as the water access charge. It is proposed to amend the Revenue Policy to create a new charge enabling Council to allocate an appropriate charge to these existing water customers.

Subject to endorsement by Council, the proposed changes to the Revenue Policy will be exhibited for a minimum of 30 days (excluding public holidays and a period of 2 weeks over the Christmas period) to allow written submissions to be received. At the conclusion of the exhibition period a further report will be prepared for Council's consideration.

#### **RESOLUTION 171224/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council:

1. Endorses the proposed amendment to the Richmond Valley Council Revenue Policy 2024/2025 to introduce a Private Property Connection – Bulk Water Sale Charge.
2. Places the proposed amendment on Public Exhibition for a period of at least 30 days (excluding public holidays and a period of 2 weeks over the Christmas period).
3. Notes that a further report will be presented for Council's consideration at the conclusion of the exhibition period.

**CARRIED**

## 15.2 SECTION 7.11 HEAVY HAULAGE CONTRIBUTIONS PLAN - REVIEW AND AMENDMENTS

### EXECUTIVE SUMMARY

A review has been undertaken of Council's Section 7.11 (formerly s.94) Heavy Haulage Contributions Plan. The review focused on bringing the Plan into alignment with current legislation (that is the replacement of section 94 with section 7.11 under the *Environmental Planning and Assessment Act 1979*) and its effectiveness achieving its intended objective of collecting contributions from heavy haulage development that cause accelerated wear and tear on local roads. The review found road construction costs, relied upon by the Plan to calculate a per tonne contribution, have on average increased from \$450,000/km to over \$1,000,000/km. This increase is more than 3 times the equivalent CPI increases over the same period. The review also identified heavy haulage vehicles, particularly those used in the extractive industry sector, are generally heavier over each axle resulting in accelerated wear and tear on roads.

As a result, draft amendments to the Contributions Plan propose increasing contributions for new heavy haulage developments from \$0.096/tonne/km to \$0.18/tonne/km. The increased charge would only apply to new industries when they secure development consent. Existing industries continue on the rates at the time of their consent, with subsequent CPI increases.

This report seeks support from Council to publicly exhibit the Draft Amendments for a minimum period of 30 days (excluding public holidays and a period of 3 weeks over the Christmas period).

### RESOLUTION 171224/6

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

That Council:

1. Receives and notes the Section 7.11 Heavy Haulage Contributions Plan – Review and Amendments report; and
2. Endorses the Draft Richmond Valley Council Section 7.11 Heavy Haulage Contributions Plan (as amended) for public exhibition for a minimum period of 30 days.
3. Notes that a further report will be presented for Council's consideration at the conclusion of the exhibition period.

**CARRIED**



### 15.3 NSW OPERATOR OF THE YEAR

#### EXECUTIVE SUMMARY

The Water Industry Operations Association of Australia (WIOA) is the industry group for operational staff in the water sector in Australia. Each year the WIOA NSW Division calls for nominations from industry for the Operator of the Year Award, which is announced at their annual conference. This year Council's Operations Supervisor – Water and Sewer Services; Mr David Cash was nominated by his peers at Council and attended the conference in Tamworth. At the conference awards dinner he was announced as the WIOA NSW Operator of the Year. Part of his prize is a trip to attend the WIOG (Water Industry Operations Group) study tour, conference and exhibition in New Zealand in May 2025. It is recommended that Council acknowledge the award that Mr Cash won and approve his international travel and associated costs to New Zealand

#### RESOLUTION 171224/7

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council:

1. Acknowledges the WIOA NSW Operator of the Year Award that Mr Cash won; and
2. Approves the international travel for Mr Cash to attend the WIOG study tour, conference and exhibition in New Zealand in 2025 and the incidental expenses to be funded from existing budgets.

**CARRIED**

### 16 PROJECTS & BUSINESS DEVELOPMENT

#### 16.1 OLD CASINO NEIGHBOURHOOD CENTRE, 31 WALKER STREET CASINO, CROWN LAND MANAGER (RESERVE 96623)

#### EXECUTIVE SUMMARY

Council is the appointed Crown Land Manager for Reserve 99623, Lot 5 in Deposited Plan 44727, 31 Walker Street Casino, known as the Old Casino Neighbourhood Centre building. The Casino-Boolangle NSW Aboriginal Land Council has expressed a desire to relocate from renting their existing Barker Street premises to this building.

The NSW Aboriginal Land Council has lodged three separate Aboriginal Land Claims on this land, being Lot 5 in Deposited Plan 44727 in 2015, 2021 and 2024 which remain undetermined. This land and building have not been occupied by the community since 2017.

#### RESOLUTION 171224/8

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council:

1. Supports any application made by Casino-Boolangle NSW Aboriginal Land Council to the NSW Crown Lands Minister for the appointment of Casino-Boolangle NSW Aboriginal Land Council as Crown Land Manager for Reserve 96623, being 31 Walker Street Casino; and
2. Supports any application made by the NSW Aboriginal Land Council or Casino-Boolangle NSW Aboriginal Land Council to seek priority assessment and determination on the lodged

Aboriginal Land Claims over Reserve 96623, being 31 Walker Street Casino.

**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 2024.

Council collected a total of \$1,044,233 in developer contributions during the 2023/2024 financial year and expended \$835,805. Unexpended developer contributions held in cash reserves totalled \$12,489,554 as at 30 June 2024.

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

#### **RESOLUTION 171224/9**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council receives and notes the update on Section 7.11, Section 7.12 and Section 64 developer contributions for the 2023/2024 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. After a major review in 2020 and some refinements to the policy in the years following, this year's review resulted in some further minor changes to align with Council's current organisational structure and provide some clarity to rating categories. There have been no legislative or gazetted changes requiring the policy to be amended, with the policy supporting positive investment portfolio results.

#### **RESOLUTION 171224/10**

Moved: Cr John Walker

Seconded: Cr Lyndall Murray

That Council:

1. Adopts the 2025 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 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 November 2024 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$15,230,417	\$34,000,000	\$6,750,390	\$4,500,000	\$17,154,897	\$77,635,704

The weighted average rate of return on Council's cash and investments at 30 November 2024 was 8.44% which was above the Bloomberg AusBond Bank Bill Index for November of 0.36%, which is Council's benchmark.

**RESOLUTION 171224/11**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

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

**CARRIED**

## **17.4 AUDIT, RISK AND IMPROVEMENT COMMITTEE WORKPLAN AND NON-VOTING MEMBER NOMINATION**

### **EXECUTIVE SUMMARY**

Richmond Valley Council (Council) has established an Audit, Risk and Improvement Committee (ARIC) in compliance with section 428A of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* and the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

The objective of the ARIC is to provide independent assurance to the Council by monitoring, reviewing and providing advice about the Council governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

Council has the option of appointing a non-voting councillor member to the ARIC alongside the three independent members currently appointed.

The ARIC is required to develop a strategic workplan every four years to ensure all core responsibilities of the committee are reviewed and considered by the internal audit function.

### **RESOLUTION 171224/12**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council:

1. Considers the appointment of a non-voting councillor member to the audit, risk and improvement committee; and
2. Endorses the audit, risk and improvement workplan.

**CARRIED**

The Mayor then called for nominations for appointment as the non-voting councillor member of the ARIC. Cr John Walker was nominated by Cr Lyndall Murray, but declined the nomination. No further nominations were received and, consequently a councillor member was not appointed.

## **18 GENERAL BUSINESS**

Nil

## **19 MATTERS FOR INFORMATION**

### **RESOLUTION 171224/13**

Moved: Cr Sam Cornish

Seconded: Cr Stephen Morrissey

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

**CARRIED**

**19.1 BEECH STREET TRAFFIC CALMING REPORT UPDATE****RESOLUTION 171224/14**

Moved: Cr Sam Cornish  
Seconded: Cr Stephen Morrissey

That Council receives and notes the Beech Street Traffic Calming Report and that community consultation be undertaken on the options available to address the ongoing community concerns.

**CARRIED**

**19.2 DISCLOSURE OF INTEREST RETURNS - COUNCILLORS****RESOLUTION 171224/15**

Moved: Cr Sam Cornish  
Seconded: Cr Stephen Morrissey

That Council receives and notes the disclosure of interest returns completed by Councillors, tabled for the information of Council.

**CARRIED**

**19.3 GRANT APPLICATION INFORMATION REPORT - NOVEMBER 2024****RESOLUTION 171224/16**

Moved: Cr Sam Cornish  
Seconded: Cr Stephen Morrissey

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

**CARRIED**

**19.4 CORRESPONDENCE - RICHMOND VALLEY COUNCIL AND NRJO SUBMISSIONS TO COUNCILLOR CONDUCT FRAMEWORK REVIEW****RESOLUTION 171224/17**

Moved: Cr Sam Cornish  
Seconded: Cr Stephen Morrissey

That Council receives and notes Richmond Valley Council's and Northern Rivers Joint Organisation's submissions to the Office of Local Government following on from the 'Councillor conduct and meeting practice – a new framework' discussion paper.

**CARRIED**

**19.5 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 NOVEMBER 2024 - 30 NOVEMBER 2024**

**RESOLUTION 171224/18**

Moved: Cr Sam Cornish

Seconded: Cr Stephen Morrissey

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

**CARRIED**

**19.6 OUTCOME OF COMMUNITY FINANCIAL ASSISTANCE PROGRAM 2024/2025 ROUND ONE FUNDING**

**RESOLUTION 171224/19**

Moved: Cr Sam Cornish

Seconded: Cr Stephen Morrissey

That Council receives and notes the allocations under the Community Financial Assistance Program 2024/2025 Round One and the annual donation to the Westpac Rescue Helicopter Northern Rivers Service.

**CARRIED**

**19.7 LOCAL TRAFFIC COMMITTEE MEETING MINUTES 3 DECEMBER 2024**

**RESOLUTION 171224/20**

Moved: Cr Sam Cornish

Seconded: Cr Stephen Morrissey

That Council receives and notes the Minutes of the Local Traffic Committee Meeting held on 3 December 2024

**CARRIED**

**19.8 AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES - 4 DECEMBER 2024**

**RESOLUTION 171224/21**

Moved: Cr Sam Cornish

Seconded: Cr Stephen Morrissey

That Council receives and notes the Minutes of the Audit, Risk and Improvement Committee meeting held on 4 December 2024.

**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 VP437584 – Construction of Bruxner Highway and Patricia Street Roundabout**

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 Fire and Rescue NSW - Fire Safety Report**

This matter relates to a (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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.

## **RESOLUTION 171224/22**

Moved: Cr Stephen Morrissey

Seconded: Cr Lyndall Murray

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.

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**

Council closed its meeting at 6.47pm

The open Council meeting resumed at 7.02pm



## 23 RESOLUTIONS OF CLOSED COUNCIL

The resolutions of the Closed Council meeting were read by the Director Projects & Business Development (Item 22.1) and the Director of Community Service Delivery (Item 22.2).

### 22.1 Tender VP437584 – Construction of Bruxner Highway and Patricia Street Roundabout

That Council:

1. Notes the current tender for construction of a concrete roundabout on the Bruxner Highway and Patricia Street, Casino with the terms of the associated Government Funding Deed requiring funding expenditure by 30 June 2025
2. Delegates authority to the General Manager, under s.377 of the *Local Government Act 1993* to assess the tender issued 22 November 2024 and closing on 6 January 2025 and award the relevant contract to the successful tenderer, subject to the limitations of s.377 , and the following conditions:
  - i. The successful tender must be within the approved budget and agreed scope for the project.
  - ii. The terms and conditions of the contract awarded to the successful tenderer must align with the requirements of the relevant funding deed
  - iii Consultation with the Mayor prior to awarding the contract.
3. Should no complying tenders be received, applies Clause 178 (3e) of the Local Government (General) Regulation 2021 to authorise the General Manager to enter 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 after consultation with the Mayor and affixing the seal of Council where necessary.
4. Notes that the outcome of the tender and/or negotiations will be reported to Council for information at a future meeting.

### 22.2 Fire and Rescue NSW - Fire Safety Report

That Council endorses the recommendation of Council's Certifier that a Fire Safety Order is issued which requires a report from a suitably qualified Fire Engineer to be provided to Council within three months.

The Meeting closed at 7.05pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 February 2025.

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**CHAIRPERSON**