

Rous County Council

MNIUTES OF ORDINARY COUNCIL MEETING

16 December 2020

1. OPENING OF THE MEETING

Meeting commenced at 1.09pm

Preamble

In accordance with clause 5.21 of the Local Government Act 1993, attendees at the Council meeting were advised by the Chair that the meeting was being live streamed. The following points were noted by the Chair:

- *All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent.*
- *Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.*
- *This meeting must not be recorded by others without the prior written consent of the Council in accordance with Council's Code of Meeting Practice.*

In attendance:

Councillors (at Molesworth Street, Administration Office, Lismore, NSW):

Keith Williams (Chair), Sharon Cadwallader (Deputy Chair), Basil Cameron, Darlene Cook, Vanessa Ekins, Sandra Humphrys, Robert Mustow and Simon Richardson.

Staff (at Molesworth Street, Administration Office, Lismore, NSW):

Phillip Rudd (General Manager), Guy Bezrouchko (Group Manager Corporate and Commercial), Helen McNeil (Group Manager People and Performance), Andrew Logan (Group Manager Planning and Delivery), Adam Nesbitt (Group Manager Operations) and Noeline Smith (minute taker).

The Chairperson acknowledged and thanked those that provided deputations during the Public Forum held prior to the Council meeting:

- Cindy Roberts (speaking against - Agenda item 7i)
- Bianca Urbina (speaking against - Agenda item 7i)
- Duncan Dey (speaking against - Agenda item 7i)

2. ACKNOWLEDGEMENT OF COUNTRY

Council showed its respect and acknowledged the Traditional Custodians of the Land of all Elders past, present and emerging, on which this meeting took place.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil.

4. CONFIRMATION OF MINUTES

i). Ordinary Council meeting 21 October 2020

RESOLVED [56/20] (Cadwallader/Cameron) that the minutes of the ordinary meeting held 21 October 2020 be confirmed as presented.

5. DISCLOSURE OF INTEREST

Nil.

6. NOTICES OF MOTION

i). Updating materials for the Northern Rivers Watershed Initiative

RESOLVED [57/20] (Williams/Cadwallader) that Council contribute \$5,000 sourced from within the existing ARC Linkage budget allocation towards a joint project with Whian Whian Landcare and Southern Cross University (SCU) to update natural flood mitigation materials and references used to support the Northern Rivers Watershed Initiative (NRWI).

ii). Barriers to rainwater tank installations

RESOLVED [58/20] (Cadwallader/Richardson) that staff investigate and report back to Council the opportunities to maximise water savings associated with the residential rainwater tank rebate program. In particular, rebates for second water tanks with connections to toilets and washing machines, and also, connection to washing machines and toilets of existing tanks.

7. GENERAL MANAGER REPORT

i). Rous Regional Water Supply – Integrated Water Cycle Management Strategy Adoption (Future Water Project 2060)

MOVED (Ekins/Cameron) that Council:

1. Receive and note the public exhibition review document Rous County Council Future Water Project 2060 Public Exhibition Outcomes. Note that 90% of submissions opposed the Dunoon Dam and the receipt of the Traditional Owners statement of opposition. Note that submissions to the public exhibition process are available on the Rous County Council website.
2. Authorise the General Manager to cease all work on the Dunoon Dam and provide a report on the orderly exit from Dunoon Dam as an option in the Future Water Project, including revocation of zoning entitlements and disposal of land held for the purpose of the proposed Dunoon Dam.
3. Direct the General Manager to revise the draft Integrated Water Cycle Management (IWCM) to reflect the following preferred strategy:
 - a. Scenario 1 IWCM report - groundwater
4. Schedule a special meeting of Council on Wednesday, 17 March 2021 to consider the revised draft IWCM Strategy for public exhibition for a period of eight (8) weeks.
5. Authorise the transfer of \$200,000 from bulk water reserves for the 2020/21 financial year to progress the above.

6. Undertake the following actions as described in Section 4 of this report:

i) Immediate actions

- a) Water Loss Management Plan
- b) Smart Metering
- c) Marom Creek WTP and Alstonville groundwater site
- d) Marom Creek WTP upgrade
- e) Alstonville groundwater site
- f) Woodburn groundwater coastal sand scheme

ii) Ongoing action

- a) Enhanced demand management and water efficiency program

iii) Innovative action

- a) Progress Perradenya Estate pilot purified recycled water scheme and work with relevant stakeholders to design a long-term public education campaign to increase awareness and acceptance of indirect potable reuse (IPR) and direct potable reuse (DPR).
 - b) Investigate concurrently IPR and DPR schemes utilising effluent from Ballina, Lennox, south and east Lismore wastewater treatment plants (preferred options for water reuse identified in the CWT report).
7. Note that environmental, ecological, cultural heritage and economic impacts were identified during the development of the IWCM and were also raised as concerns during the public exhibition period and will remain key considerations going forward.
8. Note the progress of discussions with Ballina Shire Council regarding the potential transfer or lease of Marom Creek Water Treatment Plant (WTP) and that a further report will be provided.
9. Authorise the General Manager to write to the constituent councils inviting participation in the Rous Smart Metering project commencing 1 July 2021.
10. Seek a meeting with relevant State Government Ministers and Local MPs to expedite any regulatory and legislative or funding approvals required to implement IPR and DPR schemes.

MOVE INTO COMMITTEE OF THE WHOLE

RESOLVED [59/20] (Ekins/Cook) that Council move into Committee of the Whole (1.40pm).

MOVE OUT OF COMMITTEE OF THE WHOLE

RESOLVED [60/20] (Cameron/Cadwallader) that Council move out of Committee of the Whole (2.20pm).

The **MOTION** on being put to the meeting was **CARRIED**.

RESOLVED [61/20] (Ekins/Cameron) that Council:

1. Receive and note the public exhibition review document Rous County Council Future Water Project 2060 Public Exhibition Outcomes. Note that 90% of submissions opposed the Dunoon Dam and the receipt of the Traditional Owners statement of opposition. Note that submissions to the public exhibition process are available on the Rous County Council website.
2. Authorise the General Manager to cease all work on the Dunoon Dam and provide a report on the orderly exit from Dunoon Dam as an option in the future water project, including revocation of zoning entitlements and disposal of land held for the purpose of the proposed Dunoon Dam.
3. Direct the General Manager to revise the draft Integrated Water Cycle Management (IWCM) to reflect the following preferred strategy:
 - a. Scenario 1 IWCM report - groundwater
4. Schedule a special meeting of Council on Wednesday, 17 March 2021 to consider the revised draft IWCM Strategy for public exhibition for a period of eight (8) weeks.
5. Authorise the transfer \$200,000 from bulk water reserves for the 2020/21 financial year to progress the above.
6. Undertake the following actions as described in Section 4 of this report:
 - i) Immediate actions
 - a) Water Loss Management Plan
 - b) Smart Metering
 - c) Marom Creek WTP and Alstonville groundwater site
 - d) Marom Creek WTP upgrade
 - e) Alstonville groundwater site
 - f) Woodburn groundwater coastal sand scheme
 - ii) Ongoing action
 - a) Enhanced demand management and water efficiency program
 - iii) Innovative action
 - a) Progress Perradenya Estate pilot purified recycled water scheme and work with relevant stakeholders to design a long-term public education campaign to increase awareness and acceptance of indirect potable reuse (IPR) and direct potable reuse (DPR).
 - b) Investigate concurrently IPR and DPR schemes utilising effluent from Ballina, Lennox, south and east Lismore wastewater treatment plants (preferred options for water reuse identified in the CWT report)
7. Note that environmental, ecological, cultural heritage and economic impacts were identified during the development of the IWCM and were also raised as concerns during the public exhibition period and will remain key considerations going forward.
8. Note the progress of discussions with Ballina Shire Council regarding the potential transfer or lease of Marom Creek WTP and that a further report will be provided.

9. Authorise the General Manager to write to the constituent councils inviting participation in the Rous Smart Metering project commencing 1 July 2021.
10. Seek a meeting with relevant State Government Ministers and Local MPs to expedite any regulatory and legislative or funding approvals required to implement IPR and DPR schemes.

Voting against: Crs Cadwallader, Humphrys and Mustow.

Meeting adjourned at 3.19pm. Meeting resumed at 3.25pm.

8. GROUP MANAGER CORPORATE AND COMMERCIAL REPORTS

i). Retail water customer account assistance

RESOLVED [62/20] (Cadwallader/Humphrys) that Council, in accordance with section 356 (1) of the *Local Government Act 1993* and its 'Retail Water Customer Account Assistance' policy, approve financial assistance as listed in Table 1 of the report.

ii). Interest on overdue water charges

RESOLVED [63/20] (Cook/Cadwallader)

1. Approve the interest rate of 0.0% on overdue water charges for the period 1 January 2021 to 25 March 2021 to align with COVID-19 pandemic - recovery of unpaid rates covered under section 747AB of the *Local Government Act 1993*; and
2. Approve further extension of the 0.0% interest on overdue water charges should the NSW Office of Local Government further extend the prescribed period for COVID-19 pandemic - recovery of unpaid rates.

9. GROUP MANAGER PLANNING AND DELIVERY REPORT

i). Deferral and refund of developer contributions – Friends of the Lismore Botanic Gardens

RESOLVED [64/20] (Cadwallader/Ekins) that Council, under clause 2.5 of Council's Development Servicing Plan 2016, approve the deferral and refund of the Rous County Council developer contributions levied to Friends of the Lismore Botanic Gardens Inc. in relation to DA 5.2019.348.1.

10. GROUP MANAGER OPERATIONS REPORT

i). St. Helena trunk main upgrade Stage 2 – Supply and Delivery of Pipes and Materials Contract

RESOLVED [65/20] (Cadwallader/Humphrys) that Council:

1. Accept the tender submitted by Steel Mains Pty Ltd, in the Recommended Tender Amount of \$758,810 (excluding GST).
2. Approve an additional amount of \$113,822 (excluding GST) – being 15% of the contract amount, as an allowance for Schedule of Rate items and/or variation due to unforeseen circumstances.

11. GROUP MANAGER PEOPLE AND PERFORMANCE REPORT

i). Audit, Risk and Improvement Committee – meeting update October and November 2020

RESOLVED [66/20] (Cameron/Cook) that Council:

1. Receive and note the attached minutes of the Audit, Risk and Improvement Committee meeting of 19 October 2020 and 23 November 2020.
2. Approve the revised Audit, Risk and Improvement Committee Charter at Attachment 3.

12. INFORMATION REPORTS

RESOLVED [67/20] (Cadwallader/Mustow) that Council receive and note the following information reports:

1. Investments – November 2020
2. Water production and usage – October and November 2020
3. Reports/actions pending
4. Annual 'Model Code of Conduct Complaints Statistics' report
5. Debt write-off information summary

13. CONFIDENTIAL REPORTS

MOVE INTO CLOSED COUNCIL

RESOLVED [68/20] (Cook/Cadwallader) that Council move into Closed Council to consider the following matter and the meeting be closed to members of the public and press based on the grounds detailed below:

Report	St. Helena trunk main augmentation – Stage 2 construction contract
Grounds for closure	Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.
Public interest	Public discussion would not be in the public interest due to disclosure of commercial information.

RESUME TO OPEN COUNCIL

RESOLVED [69/20] (Mustow/Cameron) that Council move to Open Council.

The General Manager read the following resolution of Council:

i). St. Helena trunk main augmentation – Stage 2 construction contract

RESOLVED [70/20] (Cadwallader/Cook) that Council:

1. Accept the tender submitted by Ledonne Constructions Pty Ltd, in the Recommended Tender Amount of \$11,721,268.64 (excluding GST) with the inclusion of the Optional Additional Work for the Coopers Creek Crossing.

2. Accept the cost saving of \$24,000.00 (excluding GST) offered by Ledonne Constructions Pty Ltd if the Letter of Award is issued prior to the completion of Stage 1 by Ledonne Constructions.
3. Approve an additional amount of \$1,758,190.00 (excluding GST) – being 15% of the contract amount, as contingency for additional Schedule of Rate items and/or variations due to latent conditions/unforeseen circumstances.

14. MATTERS OR URGENCY

Nil.

15. QUESTIONS ON NOTICE

Nil.

16. CLOSE OF BUSINESS

There being no further business the meeting closed at 3.55pm.