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## MINUTES OF THE EXTRAORDINARY MEETING OF ROUS COUNTY COUNCIL HELD WEDNESDAY, 21 JULY 2021 AT COUNCIL ADMINISTRATION OFFICE

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### Preamble

*In accordance with section 236 of the Local Government (General) Regulation 2005 (NSW) 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:

### Voting Committee:

- Cr Keith Williams, Ballina Shire Council (Chair)
- Cr Sharon Cadwallader, Ballina Shire Council (Deputy Chair)
- Cr Basil Cameron, Byron Shire Council
- Cr Darlene Cook, Lismore City Council
- Cr Cate Coorey, Byron Shire Council
- Cr Vanessa Ekins, Lismore City Council
- Cr Sandra Humphrys, Richmond Valley Council
- Cr Robert Mustow, Richmond Valley Council

### Staff:

- 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)
- Michael McKenzie (Future Water Project Manager)
- Noeline Smith (Minute taker)
- Luka Taylor (IT Support)

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### **1 OPENING OF MEETING**

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Meeting commenced 1.17pm.

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### **2 ACKNOWLEDGEMENT OF COUNTRY**

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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.

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### **3 APOLOGIES AND LEAVE OF ABSENCE**

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Nil.

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## 4 GENERAL MANAGER REPORTS

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### 4a Rous Regional Water Supply - draft Revised IWCM Strategy adoption (FWP2060)

**MOTION** (Cook/Coorey) moved that Council:

1. Receive and note the public exhibition review document attached to the report entitled '*Future Water Plan 2060 Public Exhibition of revised Integrated Water Cycle Management Strategy outcomes June 2021*' prepared by Vaxa Group, in relation to the revised draft Integrated Water Cycle Management (IWCM) Strategy placed on public exhibition for 8 weeks from 1 April 2021 to 28 May 2021.
2. Note that copies of submissions received during the public exhibition period are available on the Rous County Council website.
3. Thank all persons and organisations that provided a submission to, or engaged in, the public exhibition and consultation process.
4. Adopt and confirm the revised IWCM Strategy as resolved at the Extraordinary meeting on 17 March 2021.
5. (a) Receive and note the letter dated 30 June 2021 from NTSCorp regarding various matters associated with the Reconciliation Action Plan Advisory Group and the Dunoon dam project Aboriginal cultural heritage report.  
b) Receive a response from management on the matters outlined in the NTSCorp letter mentioned above at 5(a).  
c) Enter into genuine consultations with the relevant traditional custodians including Widjabul Wia-bal Native Title Claim Group prior to any decision being made by Rous in relation to the Dunoon Dam project area.
6. Defer the report outlining options for dealing with land owned by Rous identified as part of the proposed Dunoon dam that was resolved by Council at its meeting of 16 December 2020 (resolution [61/20] Item 2), until after the next scheduled revision of the IWCM.

**AMENDMENT** (Cadwallader/Humphrys) moved that Council:

1. Receive and note the public exhibition review document attached to this report entitled '*Future Water Plan 2060 Public Exhibition of revised integrated Water Cycle Management outcomes June 2021*' prepared by Vaxa Group, in relation to the revised draft Integrated Water Cycle Management (IWCM) Strategy placed on exhibition for 8 weeks from 1 April 2021 to 28 May 2021.
  2. Note that copies of submissions received during the public exhibition period are available on the Rous County Council website.
  3. Thank all persons and organisations that provided a submission to, or engaged in, the public exhibition and consultation process.
  4. Adopt the previous 2020 IWCM strategy as resolved at the ordinary meeting on 17th June 2020.
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5. (a) Receive and note the letter dated 30 June 2021 from NTSCorp regarding various matters associated with the Reconciliation Action Plan Advisory Group and the Dunoon Dam project Aboriginal cultural heritage report.  
(b) Receive a response from management on the matters outlined in the NTSCorp letter mentioned above at 5(a).
  6. Approve the completion of detailed cultural heritage, geotechnical and biodiversity assessments associated with the proposed Dunoon Dam in consultation with relevant Traditional Custodians including the Widjabul Wia-bal Native Title Claim Group.
  7. Council staff to assess the level of financial support possible from State and Federal government.
  8. Approve the reallocation of \$344,000 from the current 2021/22 financial year budgets for Stage 2 investigations to progress actions mentioned above at 6.

*Cr Mustow requested a ruling from the Chair in relation to his proposed foreshadowed motion, whether it was considered a foreshadowed motion or an amendment. Chair ruled the foreshadowed motion was not an amendment.*

The **AMENDMENT** on being put to the meeting was **LOST**.

Voting for: Crs Cadwallader, Humphrys, Mustow

Voting against: Crs Cameron, Cook, Coorey, Ekins, Williams

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

Voting for: Crs Cameron, Cook, Coorey, Ekins, Williams

Voting against: Crs Cadwallader, Humphrys, Mustow.

**RESOLVED [38/21]** (Cook/Coorey) that Council:

1. Receive and note the public exhibition review document attached to the report entitled '*Future Water Plan 2060 Public Exhibition of revised Integrated Water Cycle Management Strategy outcomes June 2021*' prepared by Vaxa Group, in relation to the revised draft Integrated Water Cycle Management (IWCM) Strategy placed on public exhibition for 8 weeks from 1 April 2021 to 28 May 2021.
  2. Note that copies of submissions received during the public exhibition period are available on the Rous County Council website.
  3. Thank all persons and organisations that provided a submission to, or engaged in, the public exhibition and consultation process.
  4. Adopt and confirm the revised IWCM Strategy as resolved at the Extraordinary meeting on 17 March 2021.
  5. (a) Receive and note the letter dated 30 June 2021 from NTSCorp regarding various matters associated with the Reconciliation Action Plan Advisory Group and the Dunoon dam project Aboriginal cultural heritage report.
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(b) Receive a response from management on the matters outlined in the NTSCorp letter mentioned above at 5(a).

(c) Enter into genuine consultations with the relevant traditional custodians including Widjabul Wia-bal Native Title Claim Group prior to any decision being made by Rous in relation to the Dunoon Dam project area.

6. Defer the report outlining options for dealing with land owned by Rous identified as part of the proposed Dunoon dam that was resolved by Council at its meeting of 16 December 2020 (resolution [61/20] Item 2), until after the next scheduled revision of the IWCM.

*Cr Mustow requested a ruling from the Chair in relation to his foreshadowed motion. The Chair advised the foreshadowed motion was a negation of the motion that was just adopted and therefore ineligible to be put to the meeting.*

#### **4b Transfer of Marom Creek Water Treatment Plant (WTP)**

**MOTION** (Cadwallader/Mustow) was moved that Council:

1. As part of its water security risk mitigation approach under the Future Water Project 2060, confirms that its:
  - (a) Preferred option is to acquire the Marom Creek Water Treatment Plant. ('The Property'), owned by Ballina Shire Council.
  - (b) second preferred option is to develop a groundwater treatment plant for Rous' bores located at Woodburn.
2. Direct the General Manager to write to the General Manager of Ballina Shire Council requesting that Ballina Shire Council not progress any of the planned upgrade works to the Marom Creek Water Treatment Plant, until Ballina Shire Council has resolved its position in relation to Rous' Preferred option (1(a)).
3. In the event that The Property acquisition does not proceed, confirms that the General Manager is authorised to progress the Second preferred option as mentioned above in 1(b).
4. Authorise:
  - (a) The General Manager to progress the Preferred and Second options concurrently and negotiate the purchase of The Property as described in the body of the report.
  - (b) The Chair and General Manager to sign necessary documentation under seal to affect the purchase and transfer of The Property to Rous County Council.
5. With reference to the 16 December 2020 resolution [61/20] "*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*", note that this report satisfies the requirement to provide a further update on the progress of discussions with Ballina Shire Council.

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

Voting for: Crs Cadwallader

Voting against: Crs Cameron, Cook, Coorey, Ekins, Humphrys, Mustow, Williams

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**AMENDMENT** (Ekins/Cameron) was moved that Council:

1. As part of its water security risk mitigation approach under the Future Water Project 2060, confirms that its:
  - (a) **Preferred option** is to acquire the Marom Creek Water Treatment Plant, including ancillary infrastructure and assets, and the Ellis Road and Lindendale groundwater access licenses ('The Property'), owned by Ballina Shire Council.
  - (b) **Second preferred option** is to develop a groundwater treatment plant for Rous' bores located at Alstonville.
  - (c) **Third preferred option** is to develop a groundwater treatment plant for Rous' bores located at Woodburn.
2. Direct the General Manager to write to the General Manager of Ballina Shire Council requesting that Ballina Shire Council not progress any of the planned upgrade works to the Marom Creek Water Treatment Plant, until Ballina Shire Council has resolved its position in relation to Rous' **Preferred option** (1(a)).
3. In the event that The Property acquisition does not proceed, confirm that the General Manager is authorised to progress the **Second preferred option**.
4. Note that the preferred aquifer to source future groundwater supplies for the **Preferred and Second preferred** options is the Clarence Moreton Basin.
5. Authorise:
  - (a) The General Manager to progress the **Preferred and Second options** concurrently and negotiate the purchase of The Property as described in the body of the report.
  - (b) The Chair and General Manager to sign necessary documentation under seal to affect the purchase and transfer of The Property to Rous County Council.
6. With reference to the 16 December 2020 resolution [61/20] "*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*", note that this report satisfies the requirement to provide a further update on the progress of discussions with Ballina Shire Council.

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

Voting against: Crs Cameron, Cook, Coorey, Ekins, Humphrys, Mustow, Williams

Voting against: Cr Cadwallader

**RESOLVED [39/21]** (Ekins/Cameron) that Council:

1. As part of its water security risk mitigation approach under the Future Water Project 2060, confirms that its:
    - (a) **Preferred option** is to acquire the Marom Creek Water Treatment Plant, including ancillary infrastructure and assets, and the Ellis Road and Lindendale groundwater access licenses ('The Property'), owned by Ballina Shire Council.
    - (b) **Second preferred option** is to develop a groundwater treatment plant for Rous' bores located at Alstonville.
    - (c) **Third preferred option** is to develop a groundwater treatment plant for Rous' bores located at Woodburn.
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2. Direct the General Manager to write to the General Manager of Ballina Shire Council requesting that Ballina Shire Council not progress any of the planned upgrade works to the Marom Creek Water Treatment Plant, until Ballina Shire Council has resolved its position in relation to Rous' **Preferred option** (1(a)).
  3. In the event that The Property acquisition does not proceed, confirm that the General Manager is authorised to progress the **Second preferred option**.
  4. Note that the preferred aquifer to source future groundwater supplies for the **Preferred and Second preferred** options is the Clarence Moreton Basin.
  5. Authorise:
    - (a) The General Manager to progress the **Preferred and Second options** concurrently and negotiate the purchase of The Property as described in the body of the report.
    - (b) The Chair and General Manager to sign necessary documentation under seal to affect the purchase and transfer of The Property to Rous County Council.
  6. With reference to the 16 December 2020 resolution [61/20] "*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*", note that this report satisfies the requirement to provide a further update on the progress of discussions with Ballina Shire Council.

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## **5 CLOSE OF BUSINESS**

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There being no further business, the meeting closed at 3.10pm

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