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**MINUTES OF THE ORDINARY MEETING OF ROUS COUNTY COUNCIL HELD  
WEDNESDAY, 16 FEBRUARY 2022 AT WILSON ROOM - L4, COUNCIL  
ADMINISTRATION CENTRE**

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The Chair opened the meeting at 10.11 am.

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:

Voting Committee:

- Cr Rod Bruem, Ballina Shire Council
- Cr Sharon Cadwallader, Ballina Shire Council (Deputy Chair)
- Cr Andrew Gordon, Lismore City Council
- Cr Sandra Humphrys, Richmond Valley Council
- Cr Michael Lyon, Byron Shire Council
- Cr Robert Mustow, Richmond Valley Council (Chair)
- Cr Sarah Ndiaye, Byron Shire Council
- Cr Big Rob, Lismore City Council

Officers:

- Phillip Rudd, General Manager
- Guy Bezrouchko, Group Manager Corporate and Commercial
- Andrew Logan, Group Manager Planning and Delivery
- Helen McNeil, Group Manager People and Performance
- Adam Nesbitt, Group Manager Operations
- Emma Hunter, Future Water Program Manager
- Michael McKenzie, Future Water Project Manager

Other attendees:

- Luka Taylor, IT Support
- Noeline Smith, Minute Taker

Apologies

- Nil.

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## 1 GENERAL MANAGER REPORT

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### 1.1 Election Of Chairperson and Deputy Chairperson

**RESOLVED [1/22]** (Cadwallader/Rob) that Council:

1. Conduct an election for a chairperson and deputy chairperson consistent with the election process for chairpersons of county council in the Local Government Act 1993 and the *Local Government (General) Regulation 2021* and that:
  - i). If there is more than one nomination, council resolve the method of election (to be either by preferential ballot, ordinary ballot or open voting); and
  - ii). The result of the election (including the names of those elected) be declared at the meeting and that those elected hold office for two years.

- Election of chairperson

The General Manager, as Returning Officer, advised the meeting that one nomination for Chair was received, Cr Robert Mustow

The General Manager declared Cr Mustow elected Chair for the ensuing two years.

- Election of deputy chairperson

The General Manager, as Returning Officer, advised the meeting that one nomination for Deputy Chair was received, Cr Cadwallader.

The General Manager declared Cr Cadwallader elected Deputy Chair for the ensuing two years.

Cr Mustow took the Chair.

<b>Election of chairperson and deputy chairperson (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
<b>Carried</b>		

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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 the meeting took place.*

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### 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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#### 3.1 Rous County Council Minutes 20 October 2021

**RESOLVED [2/22]** (Cadwallader/Humphrys) that the minutes of the Ordinary Meeting held 20 October 2021 be confirmed as presented.

<b>Rous County Council Minutes 20 October 2021 (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
<b>Carried</b>		

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### 4 DISCLOSURE OF INTEREST

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Cr Rob declared a non-significant, non-pecuniary interest relating to the cultural heritage report referred to in the *Notice of Motion - Dunoon Dam*.

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### 5 GENERAL MANAGER REPORTS

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#### 5.1 Audit, Risk and Improvement Committee - Appointment of Councillor Members

**RESOLVED [3/22]** (Gordon/Humphrys) that nominations for a primary and alternate member on the Audit, Risk and Improvement Committee be sought from Councillors (excluding the Chair).

One nomination was received from Cr Rob for primary member. Nil nominations received for alternate member.

Cr Rob was declared primary member of the Audit, Risk and Improvement Committee.

<b>Audit, Risk and Improvement Committee - appointment of Councillor Members (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
<b>Carried</b>		

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## 5.2 Reconciliation Action Plan Advisory Group - Appointment of Councillor Members

**RESOLVED [4/22]** (Ndiaye/Rob) that nominations for the appointment of Councillor Member and alternate Councillor Member as Chair of the Reconciliation Action Plan Advisory Group (RAPAG) be sought from councillors; Chair's duration being for the term of this Council.

One nomination was received from Cr Ndiaye for Chair and one nomination was received from Cr Rob for alternate Chair.

Cr Ndiaye was declared Chair and Cr Rob declared alternate Chair of the Reconciliation Action Plan Advisory Group; duration being for the term of this Council.

<b>Reconciliation Action Plan Advisory Group - appointment of Councillor Members (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
<b>Carried</b>		

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## 6 GROUP MANAGER CORPORATE AND COMMERCIAL REPORTS

### 6.1 Quarterly Budget Review Statement for Quarter Ending 31 December 2021

**RESOLVED [5/22]** (Bruem/Humphrys) that Council:

1. Note the results presented in the Quarterly Budget Review Statement as at 31 December 2021 and authorise the variations to the amounts from those previously estimated.
2. Council makes representations to State members regarding changes to funding and concerns about local and regional impact on weeds management.

<b>Quarterly Budget Review Statement for quarter ending 31 December 2021 (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
<b>Carried</b>		

### 6.2 Retail Water Customer Account Assistance

**RESOLVED [6/22]** (Cadwallader/Ndiaye) 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.

<b>Retail water customer account assistance (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
<b>Carried</b>		

### 6.3 Southern Cross University: Rising Star Scholarship Program

**RESOLVED [7/22]** (Rob/Ndiaye) that Council approve the renewal of sponsorship for the Southern Cross University Rising Stars Scholarship program for a total of three (3) one-year scholarships of \$5,000 per annum with the first scholarship to be granted in 2022 and subsequent scholarships offered in 2023 and 2024.

<b>Southern Cross University: Rising Star scholarship program (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
<b>Carried</b>		

## 7 INFORMATION REPORTS

**RESOLVED [8/22]** (Humphrys/Cadwallader) that the following reports be received and noted:

1. Fluoride plant dosing performance: October to December 2021 (*refer to resolution below*)
2. Audit Risk and Improvement Committee: meeting update
3. Environmental Management System action list progress update 2021
4. Debt write-off information summary
5. Investments - January 2022
6. Water production and usage January 2022
7. Reports/actions pending

MOVED a motion (Cadwallader/Bruem) that fluoride dosing performance information reports no longer be included as part of the Council agenda; however dosing exceedances be reported to Council.

On being put to the meeting the MOTION was CARRIED.

**RESOLVED [9/22]** (Cadwallader/Bruem) that fluoride dosing performance information reports no longer be included as part of the Council agenda; however dosing exceedances be reported to Council.

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## SUSPENSION OF STANDING ORDERS

**RESOLVED [10/22]** (Rob/Lyon) that Council suspend standing orders to deal with *Notice of Motion - Dunoon Dam (Item 12)*.

<b>Information reports (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
<b>Carried</b>		

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## **8 NOTICE OF MOTION - DUNOON DAM**

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MOTION moved (Rob/Cadwallader) that Council:

1. Adopt Revision 7 of the Integrated Water Cycle Management (IWCM) Strategy (Attachment 1) and update Revision 7 of the IWCM to reflect the inclusion of Dunoon dam investigations as part of the Future Water Project 2060.
2. Approve the completion of detailed cultural heritage and biodiversity assessments associated with the proposed Dunoon dam in consultation with relevant Traditional Custodians.
3. Defer implementing the resolution associated with the proposed Dunoon dam, resolved by Council at its meeting of 16 December 2020 (resolution [61/20] Item 2), until after Stage 3 options have been determined (Attachment 2).
4. Utilise existing budget allocations for Dunoon dam land management to progress the actions in Item 2.

FORESHADOWED MOTION moved (Ndiaye/Lyon) that Council:

1. Hold a strategic planning workshop with staff exploring the implications of reintroducing the Dunoon Dam for consideration in The Future Water Strategy.
2. Receive a report on the environmental, social and economic impacts of reintroducing the Dunoon Dam as an option in The Future Water Strategy 2060.
3. Receive the report to the next available meeting.

**RESOLVED [11/22]** (Rob/Cadwallader) that Council:

1. Adopt Revision 7 of the Integrated Water Cycle Management (IWCM) Strategy (Attachment 1) and update Revision 7 of the IWCM to reflect the inclusion of Dunoon dam investigations as part of the Future Water Project 2060.
2. Approve the completion of detailed cultural heritage and biodiversity assessments associated with the proposed Dunoon dam in consultation with relevant Traditional Custodians.

3. Defer implementing the resolution associated with the proposed Dunoon dam, resolved by Council at its meeting of 16 December 2020 (resolution [61/20] Item 2), until after Stage 3 options have been determined (Attachment 2).
4. Utilise existing budget allocations for Dunoon dam land management to progress the actions in Item 2.

Voting against: Crs Lyon and Ndiaye

<b>Notice of Motion - Dunoon Dam (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow and Cr Big Rob	6
Against	Cr Michael Lyon and Cr Sarah Ndiaye	2
Conflict of Interests	None	0
Abstain	None	0
<b>Carried</b>		

## **9 CONFIDENTIAL MATTERS**

### MOVED TO CLOSED COUNCIL

**RESOLVED [12/22]** (Cadwallader/Humphrys) that Council move into Closed Council with the press and public excluded from the meeting based on the grounds detailed below:

<b>Report 1</b>	<b>Retail water customer account assistance</b>
<b>Grounds for closure</b>	Section 10A(2)(b) the personal hardship of any resident or ratepayer.
<b>Report 2</b>	<b>Duck Creek weir</b>
<b>Grounds for closure</b>	Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed: i) prejudice the commercial position of the person who supplied it.

The meeting moved to Closed Council at 11.55am

### RESUME TO OPEN COUNCIL

**RESOLVED [13/22]** (Gordon/Cadwallader) that Council move to Open Council.

The meeting moved to Open Council at 12.14pm.

The Chair advised the meeting is now in Open Council and the resolutions from Closed Council are now publicly available. The General Manager read to the meeting the following resolutions of Council:

#### **9.1 Retail Water Customer Account Assistance**

**RESOLVED [14/22]** (Bruem/Rob) that Council in accordance with section 582 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, subject to receipt of a valid Water Use Audit Report.

<b>Retail water customer account assistance (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
<b>Carried</b>		

## 9.2 Duck Creek Weir

**RESOLVED [15/22]** (Gordon/Cadwallader) that Council:

1. Note the information provided in the Council report including the attached Acumentis® valuation report dated 2 November 2021.
2. Authorise the Group Manager Planning and Delivery to:
  - (a) enter into direct negotiations for the sale of Uralba Road, Lynwood NSW and Bruxner Highway, Alstonville NSW (being the whole of the land contained within folios 1/927733 and 1/123653) (the 'property'); and
  - (b) accept an offer for the purchase of the property provided the minimum conditions of sale set out in the Council report can be satisfied.
3. Authorise the General Manager and Chair to sign the contract for sale and purchase, and any other necessary documentation under seal to affect the sale and transfer of the property.

<b>Duck Creek Weir (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
<b>Carried</b>		

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## 10 MATTERS OF URGENCY

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Nil.

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## 11 NOTICE OF MOTION / QUESTIONS ON NOTICE

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Notice of Motion – Dunoon Dam was dealt with earlier in the meeting (refer to Item 10).

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## 12 CLOSE OF BUSINESS

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There being no further business the meeting closed at 12.25 pm.