

**MINUTES OF THE ORDINARY MEETING OF ROUS COUNTY COUNCIL HELD
WEDNESDAY, 14 DECEMBER 2022 AT COUNCIL'S ADMINISTRATION OFFICE,
218-232 MOLESWORTH STREET, LISMORE**

The Chair opened the meeting at 10.03 am.

In attendance:

Councillors:

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

Council Staff:

- Phillip Rudd, General Manager
- Helen McNeil, Group Manager People and Performance
- Andrew Logan, Group Manager Planning and Delivery
- Geoff Ward, A/Group Manager Corporate and Commercial
- Jonathan Patino, Finance Manager
- Project Manager – Relocation and Properties, Guy Bezrouchko
- Future Water Project Manager, Emma Hunter (from 10.11am)
- Future Water Planning Manager, Michael McKenzie (from 10.11am)
- Jeremy Wilson, Recycled Water Project Manager (from 10.11am)
- John Nasser, Health Safety and Environment Coordinator
- Joe Yeadon, ICT Manager (10.02am to 10.20am)
- Luka Taylor, IT Support
- Noeline Smith, Minute Taker

Apologies

RESOLVED (Cadwallader/Humphries) that an apology for non-attendance be received and noted from Cr Sarah Ndiaye.

1 ACKNOWLEDGEMENT OF COUNTRY

Rous County Council acknowledges the Traditional Custodians of the land upon which we work and live. We pay our respects to the Elders of the past, present and emerging and acknowledge their continuing connection to Country who will guide us on our shared journey to the future.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED [75/22] (Cadwallader/Bruem) that the Minutes of the meeting held 19 October 2022 be agreed to as presented.

Confirmation of Minutes of previous meeting 19 October 2022 (Resolution)

For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr	7
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	Big Rob	
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

3 DISCLOSURE OF INTEREST

Nil.

4 LATE ITEM: CHAIR'S MINUTE - ROUS COUNTY COUNCIL RECOGNISED AT THE MINISTERS' AWARDS FOR WOMEN IN LOCAL GOVERNMENT

RESOLVED [76/22] (Mustow/Rob) that Council receive and note the Chair's Minute.

LATE ITEM: Chair's Minute - Rous County Council recognised at Minister's Awards for Women in Local Government (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Big Rob	7
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

5 MATTERS OF URGENCY

Nil.

6 NOTICES OF MOTION / QUESTIONS WITH NOTICE

Nil.

7 GENERAL MANAGER REPORTS

Nil.

8 GROUP MANAGER CORPORATE AND COMMERCIAL REPORTS

8.1 Retail Water Customer Account Assistance

RESOLVED [77/22] (Humphrys/Cadwallader) 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.

Retail Water Customer Account Assistance (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Big Rob	7

Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

8.2 Retail Water Bad Debt Write-Off

RESOLVED [78/22] (Cadwallader/Humphrys) that Council approve a request for the write-off of \$18,240.79 in water charges from the SES Capital Pty Ltd water account in relation to the property at 61 Caniaba Road, Loftville due to the reasons outlined in the report.

Retail Water Bad Debt Write-off (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Big Rob	7
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

8.3 Digital Strategy and Digital Transformation

RESOLVED [79/22] (Rob/Cadwallader) that Council:

1. Endorse the Digital Strategy attached to the report, and
2. Note the commencement of the Digital Transformation program of work.

Digital Strategy and Digital Transformation (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Big Rob	7
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

8.4 Annual Financial Reports and Auditor's Report for Year Ending 30 June 2022

RESOLVED [80/22] (Rob/Cadwallader) that Council acknowledge that the audited 2021/22 Financial Reports were presented to the public and no submissions were received.

Annual Financial Reports and Auditor's report for Year Ending 30 June 2022 (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Big Rob	7
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

9 GROUP MANAGER PLANNING AND DELIVERY REPORTS

9.1 Development Servicing Plan 2022

RESOLVED [81/22] (Gordon/Bruem) that Council:

1. Endorses the draft Bulk Water Supply Development Servicing Plan attached to the report for public exhibition for the period 19 December 2022 to 2 February 2023.
2. Write to the constituent councils advising of the proposed changes to the Bulk Water Supply developer charge and requesting the Constituent Councils consider providing this notification of change to existing unpaid development applicants.
3. Endorses the draft Retail Water Supply Development Servicing Plan attached to the report for public exhibition for the period 19 December 2022 to 2 February 2023.

Development Servicing Plan 2022 (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Big Rob	7
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

9.2 Purified Recycled Water Pilot Plant

RESOLVED [82/22] (Rob/Bruem) that Council:

- (a) Take no further action to progress a pilot purified recycled water scheme at the Perradenya Estate as part of the Future Water Project 2060.
- (b) Continue to investigate the possibility of implementing a Purified Recycled Water pilot at the most advantageous location to meet strategic objectives of the Future Water Project 2060.
- (c) Delay any significant investigations into a Purified Recycled Water pilot until such time as the *Purified Recycled Water for Drinking Investigations – Option Assessment of Indirect and Direct Potable Reuse Schemes* has been completed.
- (d) Consider the comparative viability of Purified Recycled Water as a potential Stage 3 option when assessing whether to proceed with additional pilot investigations.

Purified Recycled Water Pilot Plant (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Big Rob	7
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

9.3 Future Water Project Stage 1 - Alstonville Groundwater Scheme Land Matters

RESOLVED [83/22] (Gordon/Bruem)

1. That based on the contents of the report, Council authorises the General Manager to:
 - a) Finalise negotiations for the purchase of The Russellton Property identified in the report at the agreed price, and
 - b) Execute all relevant documents required for the purchase, including any heads of agreement, planning documents and the Contract for Sale.
2. That upon settlement of the purchase, the land be classified as Operational Land for the purposes of Part 2 Division 1 of the *Local Government Act 1993*.

Future Water Project Stage 1 - Alstonville Groundwater Scheme Land Matters (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Big Rob	7
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

10 GROUP MANAGER PEOPLE AND PERFORMANCE REPORTS

10.1 Strategic Options and Management of Risk: Flood Mitigation

RESOLVED [84/22] (Rob/Gordon) that Council:

1. Endorse the following actions to be taken concurrently:
 - (a) Progress action 1.2.2 of the Delivery Program, being a strategic review of flood mitigation function, incorporating data arising from 2022 flood events, and report back with recommendations in relation to Rous's future role in the region; and
 - (b) Authorise the General Manager to negotiate an interim solution to effectively manage risk associated with Rous's function and operation in urban flood mitigation with respect to the Lismore Levee Scheme (to have effect pending finalisation of (1a)).
2. Reaffirm action 1.2.2 of the Delivery Program and endorse writing to Ballina Shire Council, Lismore City Council and Richmond Valley Council to advise of the strategic review of Flood Mitigation and that it is expected to be completed by June 2024.

Strategic options and management of risk: flood mitigation (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Big Rob	7
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

11 POLICIES

11.1 Policy: Customer Feedback, Complaints and Unreasonable Conduct

RESOLVED [85/22] (Cadwallader/Humphrys) that Council:

1. Revoke the policy titled 'Feedback and Complaints Handling' dated 19 December 2018 attached to the report, and any policy revived as a result of that revocation; and
2. Adopt the draft policy titled 'Customer feedback, complaints and unreasonable conduct' attached to the report.

Policy: Customer feedback, complaints and unreasonable conduct (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Big Rob	7
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

12 INFORMATION REPORTS

RESOLVED [86/22] (Bruem/Cadwallader) that the following information reports be received and noted:

1. Investments - November 2022
2. Water consumption - October 2022
3. Reports/actions pending
4. Annual 'Model Code of Complaint Statistics'
5. Audit Risk and Improvement Committee 28 November 2022 - meeting update
6. Licence Agreement: Ngulingah Local Aboriginal Land Council - Level 2, 218-232 Molesworth Street, Lismore
7. Disclosure of Interest Returns
8. Draft North Coast Regional Water Strategy - shortlisted actions - consultation paper - Council submission.

Information reports (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Big Rob	7
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

13 CONFIDENTIAL COVER REPORT

Refer below.

14 CONFIDENTIAL MATTERS

MOVED TO CLOSED COUNCIL

RESOLVED [87/22] [Gordon/Humphries] that Council move into Closed Council with the press and public excluded from the meeting based on the grounds detailed below:

Report	Future Water Project 2060 Stage 1 – Woodburn Groundwater Scheme land matters
Grounds for closure	Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed: (ii) confer a commercial advantage on a competitor of the Council.

The meeting moved to Closed Council at 10.41am.

RESUME TO OPEN COUNCIL

RESOLVED [88/22] (Cadwallader/Lyon) that the meeting resume to Open Council.

The meeting moved to Open Council at 10.56am.

14.1 Future Water Project Stage 1 - Woodburn Groundwater Scheme Land Matters

The General Manager read to the meeting the following resolution of Council:

RESOLVED [89/22] (Gordon/Rob) that Council:

1. As part of implementation of the Future Water Project 2060 in relation to the Woodburn Groundwater Scheme, authorise:
 - (a) the General Manager to progress negotiations for access to and purchase of land identified in the report and establishment of easements.
 - (b) the General Manager to sign any documents including options, agreements, contracts or other documents required to secure access to the land identified.
 - (c) the Chair and General Manager to sign necessary documentation under seal to affect the purchase of land required for the Woodburn Groundwater Scheme.
2. In the event agreement cannot be reached with the landowners, then the General Manager is authorised to:
 - (a) apply to the Minister for approval to commence the Compulsory Acquisition process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*
 - (b) issue a Proposed Acquisition Notice to each affected landowner, following the Minister's approval being granted, for the portions of land identified in this report, along with any easements for access as required.
3. That upon acquisition of land by agreement or acquisition, the land to be classified as Operational Land for the purposes of s25 of the *Local Government Act 1993*.

**Future Water Project Stage 1 - Woodburn Groundwater Scheme Land Matters
(Resolution)**

For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Big Rob	7
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

15 CLOSE OF BUSINESS

There being no further business the meeting closed at 10.58 am.