



Ordinary meeting business paper

Wednesday, 21 June 2023

commencing 10.00 am

Rous Administration Centre (L4), 218-232 Molesworth Street, Lismore

In accordance with clause 5.21 of the *Local Government Act 1993*, attendees at today's Council meeting are advised that this meeting is being 'live' streamed (except for the confidential session).

- 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.

AGENDA

1. Opening of the meeting

2. Acknowledgement of Country

Council would like to show its respect and acknowledge the Traditional Custodians of the Land, of Elders past and present on which this meeting takes place.

3. Apologies and Applications for Leave of Absence or Attendance by Audio-Visual Link by Councillors

Noted Cr Sarah Ndiaye has given her leave of absence and will be an apology for the meeting.

4. Confirmation of Minutes of previous meeting

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5. Disclosure of Interest

6. Matters of urgency

7. Notices of Motion / Questions with Notice

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8. General Manager reports

Nil.

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**MINUTES OF THE ORDINARY MEETING OF ROUS COUNTY COUNCIL HELD
WEDNESDAY, 19 APRIL 2023 AT ADMINISTRATION OFFICE, 218-232 MOLESWORTH
STREET, LISMORE NSW 2480**

The Chair opened the meeting at 10.04 am.

In attendance:

Councillors:

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

Council staff:

- Phillip Rudd, General Manager
- Andrew Logan, Group Manager Planning and Delivery
- Helen McNeil, Group Manager People and Performance
- Adam Nesbitt, Group Manager Operations
- Geoff Ward, Group Manager Corporate and Commercial
- Jonathan Patino, Finance Manager (via 'Teams')
- Guy Bezrouchko, Project Manager - Relocation and Properties
- Robyn Waldron, Business Support Officer
- Noeline Smith, Minute Taker
- Luka Taylor, ICT Support Officer

Apologies

- Nil.

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 past, present and emerging and acknowledge their continuing connection to County who will guide us on our shared journey to the future.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED [11/23] (Ndiaye/Rob) that the Ordinary meeting minutes 15 February 2023 be confirmed as presented.

Confirmation of Minutes of meeting 15 February 2023 (Resolution)

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

3 DISCLOSURE OF INTEREST

Nil.

4 NOTICES OF MOTION / QUESTIONS WITH NOTICE

Nil.

5 GROUP MANAGER CORPORATE AND COMMERCIAL REPORTS

5.1 Quarterly Budget Review Statement for the quarter ending 31 March 2023

RESOLVED [12/23] (Humphrys/Lyon) that Council note the results presented in the Quarterly Budget Review Statement as at 31 March 2023 and authorise the variations to the amounts from those previously estimated.

Quarterly Budget Review Statement for the quarter ending 31 March 2023 (Resolution)		
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
Carried		

5.2 Public Exhibition: Draft Operational Plan (Incorporating the 2023/24 Budget and 'Revenue' Policy)

RESOLVED [13/23] (Rob/Cadwallader) that:

1. Council endorses the draft Operational Plan (incorporating the 2023/24 Budget and 'Revenue' policy) attached to the report, for public exhibition.
2. Council note that adjustments approved at this meeting as part of the March 2023 Quarterly Budget Review Statement report will be included in the exhibited Operational Plan as appropriate.
3. If public submissions are made during the public exhibition period, a report be furnished to Council's June 2023 meeting, including staff comment on how the submissions have been considered, for Council to determine a position on endorsement of the Operational Plan (incorporating the 2023/24 Budget and 'Revenue' policy).
4. If no public submissions are made during the public exhibition period, the version of the draft Operational Plan (incorporating the 2023/24 Budget and 'Revenue' policy) placed on public exhibition, is deemed to be adopted by Council.

Public exhibition: Draft Operational plan (incorporating the 2023/24 Budget and 'Revenue' policy) (Resolution)		
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
Carried		

6 GROUP MANAGER PLANNING AND DELIVERY REPORTS

6.1 Update on interim arrangements for the Lismore Levee Scheme

RESOLVED [14/23] (Cadwallader/Bruem) that Council:

1. Note the progress on interim arrangements for the Lismore Levee Scheme.
2. Receive a further update on progress towards resolving the arrangements for the Lismore Levee Scheme before November 2023.

Update on Interim Arrangements for the Lismore Levee Scheme (Resolution)		
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
Carried		

7 INFORMATION REPORTS

RESOLVED [15/23] (Ndiaye/Gordon) that the following information reports be received and noted:

1. Investments – March 2023
2. Water production and consumption – March 2023
3. Final update: close out of Rous Cultural, Environmental and Information Centre
4. Audit Risk and Improvement Committee: meeting update
5. Supply and installation of Smart Meters and Installation of Backflow Prevention Devices Contract # RCC1022-0011.
6. Reports/actions pending

Information reports (Resolution)		
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
Carried		

8 CONFIDENTIAL MATTERS - MOVED TO CLOSED COUNCIL

MOVED TO CLOSED COUNCIL

RESOLVED [16/23] (Gordon/Cadwallader) that Council move into Closed Council with the press and public excluded from the meeting based on the grounds detailed below:

Report	Supply and Installation of Smart Meters and Installation of Backflow Prevention Devices Contract # RCC1022-0011
Grounds for closure	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.
Report	Gallans Road – consolidation of workspaces
Grounds for closure	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 10.45am.

RESUME TO OPEN COUNCIL

RESOLVED [17/23] (Humphrys/Cadwallader) that the meeting resume to Open Council.

The meeting moved to Open Council at 11.12am.

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

8.1 Supply and Installation of Smart Meters and Installation of Backflow Prevention Devices - Contract # Rcc1022-0011

RESOLVED [18/23] (Gordon/Cadwallader) that Council:

1. Note the selective tendering process that has been undertaken for this contract through an Expression of Interest (EOI) and then selective tender submissions.
2. Authorise the General Manager to enter negotiations and execute a supply contract with the preferred Tenderer, Nucleus 3 Pty Ltd, for the Supply and Installation of Smart Meters and the Installation of Backflow Prevention Devices, including software maintenance for a period of 5 years, to a maximum contract value of \$2,866,239 (ex GST).
3. Approve an additional amount of \$993,139 from the Bulk fund for the overall Smart Metering and Backflow Project budget to take the total Project budget to \$3,559,939.

Supply and Installation of Smart Meters and Installation of Backflow Prevention Devices - Contract # RCC1022-0011 (Resolution)		
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
Carried		

8.2 Gallans Road - Consolidation of Workspaces

RESOLVED [19/23] (Bruem/Cadwallader) that Council:

1. Receive and note the report.
2. For the purposes of ss55 (3)(i) and 55(3)(n)(i) of the *Local Government Act 1993* and Reg 170A of the *Local Government (General) Regulation 2021*, endorses the procurement approach as described in the report, including the reimbursement of sub consultants' fees as part of the Development Application process.

Gallans Road - Consolidation of workspaces (Resolution)		
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
Carried		

9 CLOSE OF BUSINESS

There being no further business the meeting closed at 11.14 am.

Notice of Motion

Council meeting 21 June 2023

Acquisition of low-lying, high-risk rural floodplain areas

I hereby move the following motion:

That Council investigate a policy position on the acquisition of low-lying, high-risk rural floodplain areas noting:

- Artificial drainage of the lowest lying land has the worst environmental impact.
- Council has responsibility for drains, canals and floodgates that drain these areas.
- These areas were badly impacted in the recent floods, and residents in these areas are at high risk.
- Current voluntary programs that facilitate acquisition, land use change and the removal of artificial drainage.
- Council's role in broad strategic planning on the floodplain.
- The need to utilise external funding (grant or otherwise) is required.

Councillor Big Rob

Date: 28 April 2023

Signature 

Staff comment

With reference to the points above, staff will undertake research into the matter and provide options regarding a policy position through a workshop later in 2023 for Council feedback.

Retail water customer account assistance

Responsible Officer: Group Manager Corporate and Commercial (Geoff Ward)

Recommendation

That Council:

1. Note the applications for assistance presented in the Retail water customer account assistance report.
2. Authorise an increase of \$25,000 to the existing budget from available budget savings within the finance department.

Background

Under resolution 4/23 Council resolved that future applications of financial assistance will be determined by the General Manager under delegation dated 17 August 2022 and an information report will be provided to Council on a six-monthly basis.

7.2 Retail Water Customer Account Assistance

RESOLVED [4/23] (Cadwallader/Rob) that Council:

- a) 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 this report.
- b) Receive and note the 'Retail Water Customer Account Assistance Report' will cease to be presented to Council.
- c) Receive and note that a bi-annual financial assistance information report will instead be presented to Council.

Four applications for financial assistance in accordance with section 356 (1) under Council's 'Retail Water Customer Account Assistance' policy have been received since the resolution was made. Details of the application are set out below.

Table 1

Section 356 (non pensioner)					
Account	Date application received	Nature of leak	Original water charges due	S356 financial assistance to be approved	Adjusted water charges due after approval
10421-11000-7	24-Apr-23	Joint between pipes split, causing an underground leak. Joint was replaced.	\$12,671.44	\$8,396.46	\$4,274.98
10309-10000-5	4-May-23	Multiple leaks due to ageing pipe. Difficulty locating due to being underground. Consequently, the whole pipe was replaced to ensure all leaks were repaired.	\$7,198.48	\$4,294.08	\$2,904.40
10068-11000-5	5-May-23	Leak found on underground tee joint and pipe on the inlet of the meter.	\$4,159.20	\$2,010.72	\$2,148.48
12091-10000-3	5-May-23	An underground fitting split. Fitting has been replaced.	\$7,748.96	\$4,703.04	\$3,045.92
Total			\$31,778.08	\$19,404.30	\$12,373.78

Finance

The original 2022/23 financial year budget allocation for applications made in accordance with the 'Retail Water Customer Account Assistance' policy was \$25,000. Demand for assistance has been unusually high this year with an increase in leaks reported in the aftermath of the 2022 flood events.

Additional budget funds of \$25,000 are available from within the Finance department and are proposed to be reallocated to fund this additional assistance. The revised budget is to be increased to \$50,000.

Budget Table S356/S582		
2022/23 financial year revised budget *	\$50,000.00	<u>No. of applications</u>
S356 assistance approved financial year to date	\$24,074.38	7
S582 assistance approved financial year to date	\$0.00	
S582 assistance approved since last approval	\$0.00	
Proposed S356 assistance approval	\$19,404.30	4
Proposed S582 assistance approval	\$0.00	
Budget remaining 2022/23 financial year	\$6,521.32	

Legal

Section 356 of the Local Government Act 1993 (NSW) allows Council to 'contribute money or otherwise grant financial assistance'. Section 377(1A) allows Council to delegate to the General Manager authority to grant financial assistance provided it is (a) part of a specified program (b) included in the Operational Plan (c) the program budget does not exceed 5% of Council's income for that year, and (d) the program applies to all persons uniformly.

However, this information has been presented to Council to approve the required budget adjustment.

Conclusion

The total value of section 356 financial assistance equates to \$19,404.30 by application of Council's 'Retail Water Customer Account Assistance' policy. It is proposed that Council authorise the variations to the previous budget estimates. Finance staff will then seek approval from the General Manager to grant the recommended financial assistance.

Appointment of Chair and Independent External Member – Audit, Risk and Improvement Committee

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council appoint to the Audit, Risk and Improvement Committee:

1. Laurie Lefcourt as Chair for a four (4) year term commencing at the conclusion of the hand over period; and
2. Raymond Wong as Independent Member for a four (4) year term.

Background

Council's Audit, Risk and Improvement Committee ('ARIC') is currently comprised of three voting members as follows:

- Independent Chair – Brian Wilkinson – Four (4) year term expiring September 2023
- Independent Member – Andrew MacLeod – Four (4) year term expiring April 2025
- Councillor Member – Cr Big Rob – Two (2) year term expiring February 2024

From 1 July 2024, the composition of the ARIC will need to comply with the '[Risk Management and internal audit guidelines for local government in NSW](#)' (the 'Guidelines') issued by the Office of Local Government.

Under the Guidelines, an ARIC must be composed, at a minimum, of one (1) independent chair and two (2) independent members with an option to include a non-voting councillor member.

To be in a position to comply with the Guidelines and fill the position of Chair - due to become vacant in September 2023 following confirmation the incumbent Chair will not be seeking reappointment - a recruitment process was undertaken to identify suitable candidates to fill the position of Chair and an additional Independent Member position on the ARIC.

Recruitment process

The selection criteria for the two (2) positions were developed in accordance with the independence and essential selection criteria applicable to the position of Chair as set out in the Guidelines, which focussed on attracting candidates with:

- Leadership qualities and the ability to promote effective working relationships in complex organisations
- An ability to communicate complex and sensitive assessments in a tactful manner to the head of the council's internal audit function, senior management and the chairperson and councillors
- A sound understanding of:
 - the principles of good organisational governance and capacity to understand local government accountability, including financial reporting
 - the business of the council or the environment in which it operates
 - internal audit operations, including selection and review of the head of the council's internal audit function, and
 - risk management principles

- Extensive senior level experience in governance and management of complex organisations, an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest)

The expression of interest inviting applications for appointment to the positions available on the ARIC was advertised on Council's website and Seek from 13 March 2023 to 27 March 2023.

Ten (10) applications were received by Council. Four (4) of those applicants were shortlisted and invited to an interview conducted by a three-person panel consisting of:

- Brian Wilkinson, ARIC Chair
- Helen McNeil, Group Manager, People and Performance
- Lauren Edwards, Governance and Risk Manager.

Preferred candidates

As an outcome of the recruitment process Laurie Lefcourt was identified as the preferred candidate, by a clear margin, for the position of Chair and Raymond Wong identified as preferred candidate for the position of Independent Member.

Both candidates have returned clear criminal history, bankruptcy and Right to Work checks and favourable endorsements from their nominated referees (two (2) each).

Details of their professional skills, experience, and qualifications relevant to the respective roles can be found in their applications and summarised as follows:

- Laurie Lefcourt – Extensive board level experience at ASX listed companies across a range of industries, finance qualifications and demonstrated governance and risk management experience.
- Raymond Wong – Strong technical skills in governance, risk management and audit and membership with associated professional bodies.

The applications of the four (4) candidates (including the two preferred candidates above) invited for interview contain personal information that must be treated confidentially and can be made available to Councillors on that basis upon request.

Comment

A handover period between the outgoing and incoming ARIC Chairs will occur for the remainder of the term of the incumbent Chair.

The incumbent Chair's final ARIC meeting will be held on 24 July 2023 with the annual ARIC performance report being provided for the final time by the incumbent Chair to the Council at its meeting on 16 August 2023.

Governance

• Finance

Council currently pays the following sitting fees per meeting (5 x meetings per year), with annual CPI increases:

- Chair \$516 per meeting
- Independent Member \$313 per meeting

Reimbursement of travel expenses in accordance with the applicable ATO thresholds and superannuation contributions (excluding the Councillor Member who is not eligible as no sitting fee is paid) are also paid in addition to the sitting fees.

These fees are paid from the reoccurring annual internal audit budget (\$32,800 in 2022/23).

- **Legal**

Council is required to maintain an ARIC in accordance with section [428A](#) of the *Local Government Act 1993*.

In accordance with the current ARIC Charter and the new Guidelines, the appointment of voting members must occur by way of Council resolution and for an initial term of four (4) years.

The current ARIC Charter will be updated to reflect the requirements of the Guidelines in the latter half of this year and will be presented to Council for adoption at its ordinary meeting in December 2023.

This approach will allow the term of the current councillor member to conclude naturally while noting that the amendments to the *Local Government (General) Regulation 2021*, that will enliven the requirements of the Guidelines, have not yet been enacted as at the time of writing this report.

Consultation

The recruitment process was conducted in consultation with Council's Human Resources staff and utilised the Human Resources Information System (ELMO) for the evaluation of candidates.

The incumbent Chair of Council's ARIC was consulted in the development of the selection criteria for the positions and was a member of the three-person interview panel.

Conclusion

Following a robust recruitment process, Laurie Lefcourt and Raymond Wong are submitted to Council as the preferred candidates for appointment to Council's ARIC as Chair and Independent Member, respectively.

Attachments:

**Candidate applications are available to councillors on a confidential basis upon request.*

Draft Statement of Commitment

Responsible Officer: Group Manager Planning and Delivery (Andrew Logan)

Recommendation

That Council:

1. Receive and note the intentions of Rous to establish a Statement of Commitment.
2. Endorse the draft Statement of Commitment as presented.

Background

Over the past 18 years, Rous has developed a strong track record of working together in partnership with local First Nations people and Elders. This includes the Water Walks project at Emigrant Creek Dam and Rocky Creek Dam (from 2002 2007), and Reconnecting to Country in the Wilsons River Catchment project (from 2008 2012).

Since 2001, Rous has also co-presented Big Scrub Rainforest Day in partnership with Big Scrub Landcare including involvement from Widjabul/Wia-bal Elders. In 2010 Rous raised the Aboriginal Flag in the Council Chambers and incorporated an Acknowledgement of Country in all Council meetings.

In 2013, Council resolved to develop the Reconciliation Action Plan (RAP). RAPs provide a framework for organisations to realise their vision for reconciliation. Rous adopted its first Reconciliation Action Plan - a *Reflect* RAP - in accordance with the Reconciliation Australia framework in 2016, and an *Innovate* RAP in 2021. Key actions endorsed include:

- building and nurturing a working relationship with Traditional Custodians
- preparing and delivering cultural awareness training for all staff
- establishing a RAP Advisory Group
- participating in NAIDOC Week celebrations
- working toward the active employment of First Nations peoples.

The RAP Advisory Group consists of a Rous Councillor, Traditional Custodians, Local Aboriginal Land Council representatives, as well as other relevant Aboriginal and Torres Strait Islander stakeholders. The RAP Advisory Group (RAPAG) provides advice to Council to support the implementation of the RAP.

Why a Statement of Commitment?

Development of the RAP at Rous was initially led by our elected Council as a means to continue to the project-based work that was initiated in the projects described above. While development of the RAP involved the establishment of objectives that led to the development of action plans, unlike other management systems and action planning processes, there was no overarching policy established at that time that outlined why the RAP is important for Rous.

The RAP is important as it says *what* we are going to do to build positive, respectful relationships between First Nations Australians and our broader community. The Statement of Commitment is an important step in stating *why* these relationships are so important for Rous.

Whilst there has been steady progress on RAP actions over an extended period, progression of the Future Water Project (FWP) (and in particular, the Dunoos Dam proposal) by Rous from 2020 onwards has raised significant community concern regarding Aboriginal cultural heritage matters and the need for appropriate consultation and engagement processes.

It is not the role of the RAP Advisory Group to speak on behalf of the Aboriginal community regarding the FWP. To this end, Rous is seeking to establish a consultation process that will take considerable time and effort to ensure that all First Nations community members, organisations and stakeholders are engaged and consulted meaningfully.

Rous is genuine in its intent to complete this critical consultation and engagement and does not wish for these valued relationships it has with local First Nations and community members, as described above, to be eroded by division.

Current situation

To provide assurances to the local Aboriginal people, organisations and stakeholders, as well as the broader community, that these matters will be addressed authentically and respectfully, it is considered appropriate at this time for Rous to endorse a draft Statement of Commitment to the local First Nations community. Adoption of this draft Statement is considered important to enable meaningful consultation regarding the Statement itself, and for the following reasons:

- to provide a clear whole-of-organisation commitment to working together with local First Nations people, organisations and stakeholders on shared objectives
- to demonstrate that this commitment extends beyond the scope of the FWP
- to support the ongoing commitment of the organisation to the RAP and associated actions
- to demonstrate the sincerity of Rous to engage in joint discussions and reassure the whole community that these important issues will be managed with cultural sensitivity and respect, and
- to provide increased opportunities to walk and work together with local First Nations people.

Details are as follows:

1. Draft Statement of Commitment

The draft Statement of Commitment is included as Attachment A.

Finance

There are no financial implications that would directly arise from Council's endorsement of the Statement of Commitment. The RAP has an existing operational budget allocated to support the actions within the RAP and this would be unchanged.

Environment

There are no environmental issues associated with endorsement of the Statement of Commitment. It is anticipated that additional work on country in partnership with First Nations communities would lead to environmental improvements over time.

Legal

Should Rous subsequently adopt the draft Statement of Commitment, Rous would proceed to integrate this commitment into its Integrated Planning and Reporting processes. Forming a key policy document that underpins the policies for the conservation of heritage items in NSW, The Burra Charter is included as a key guiding document for managing Aboriginal cultural heritage.

Consultation

The draft Statement of Commitment was prepared and considered by staff across the organisation including the Leadership Team. In June 2021, the RAPAG reviewed the draft Statement of Commitment. Delays were experienced in bringing the revised document back to the RAPAG – these centred around the change of Councillors for Rous after the December 2021 elections and the flood impacts of 2022. Suggested changes have now been incorporated into the revised draft. This revised version was re-presented to the RAPAG in April 2023 and at a Council workshop in May 2023.

Conclusion

Rous has for many years worked in partnership with local First Nations people, organisations and stakeholders on community educational projects for the protection of water and land, and for reconciliation. These relationships and ongoing partnerships are at risk of being undermined by community concerns regarding the management of Aboriginal cultural heritage matters associated with the FWP. Adoption of the draft Statement of Commitment is required in order to ensure that Rous can:

- i. continue to work in partnership on important social justice components of the RAP; and
- ii. appropriately respond to legislative/regulatory requirements of the FWP.

Attachment

1. Draft Statement of Commitment

Draft Statement of Commitment

“Rous County Council is committed to collaborate with the peoples of the Bundjalung Nation to manage the land and environments on which we conduct our work.

Since 2002, Rous has worked purposefully with Traditional Custodians in our drinking water catchments. This journey has laid a solid foundation on which we will continue to build a strong and long-lasting relationship with the region’s Bundjalung peoples.

We acknowledge that the peoples of the Bundjalung Nation were the first people of this land and are one of the oldest continuing living cultures in the world.

We recognise and respect the sacred links and responsibilities that exist between Aboriginal people and the land and water upon which we all live. We recognise the injustices of the past and the harmful consequences which resulted in fractured connections within and between families, communities and to Country.

Wherever we can, we will work with the peoples of the Bundjalung Nation to redress the effects of our shared history. We will sit with, listen to, and learn from, local First Nations peoples. We will better understand, acknowledge, and raise awareness of the historic events and ideas that caused pain and hardships, but which continue to influence daily life and result in hurt and harm in our community today.

We will work with the peoples of the Bundjalung Nation to care for the land on which we conduct our work – this includes adhering to the principles of the Burra Charter to manage cultural heritage sites, and to help restore the deeply important cultural obligations and responsibility to Country of our First Nations communities.”

Revised Terms of Reference – Reconciliation Action Plan Advisory Group

Responsible Officer: Group Manager Planning and Delivery (Andrew Logan)

Recommendation

That Council endorse the draft 2022/24 Terms of Reference for the Reconciliation Action Plan Advisory Group.

Background

The Terms of Reference for the Reconciliation Action Plan Advisory Group (RAPAG) has been reviewed as part of the normal review cycle and discussed at the July 2022, November 2022 and April 2023 RAPAG meetings.

Changes identified at the April 2023 RAPAG meeting have been made, and the draft Terms of Reference attached was endorsed by the RAPAG. The key changes were to revise the membership to ensure appropriate coverage and representation of Local Aboriginal Land Councils, Native Title Prescribed Body Corporates, and community members across the Rous operational footprint.

Finance

There will be a small increase in the cost of RAPAG meetings, due to the increased membership eligible for sitting fees in recognition of involvement with the RAPAG. The RAP has an existing operational budget allocated to support the RAP and functions of the RAPAG and this is sufficient to cover this change.

Environment

There are no environmental issues associated with endorsement of the revised Terms of Reference.

Legal

There are no legal issues associated with endorsement of the revised Terms of Reference.

Consultation

The draft Terms of Reference were considered at the July 2022, November 2022 and April 2023 RAPAG meetings. Changes identified at the April 2023 RAPAG meeting have now been made, and the draft Terms of Reference attached was endorsed by the RAPAG.

Conclusion

The role of the RAPAG is to support the strategic direction of Rous with respect to local Aboriginal history and culture and enhancing engagement with the First Nations community across the operational footprint of Rous. The draft Terms of Reference has been updated to best allow RAPAG to fulfill this role over the next 2 year period.

Attachment

1. Draft Terms of Reference RAPAG



Terms of Reference

Reconciliation Action Plan Advisory Group (RAPAG)

Adopted by Council at its meeting on xx-xx-xxxx

*An advisory group to support Rous in realising its
vision for reconciliation as contained within its
Innovate Reconciliation Action Plan*

Document Purpose

The purpose of this document is to set out the objectives, authority, composition and tenure, administrative matters, and reporting of the RAPAG.

Strategic links

Ref	Strategic objectives	Strategies to get there	What is being measured	Target
2.3	Our working relationships with political, regulatory and industry stakeholders are effective and achieve results			
2.3.4	We respect our local Aboriginal history and culture, and work positively to engage our First Nations community.	Implement current Reconciliation Action Plan and engage First Nations people to inform the new Reconciliation Action Plan including exploring and identifying new and innovative opportunities for reconciliation.	% of Reconciliation Action Plan actions completed.	90% by 2024.

Document owner

Catchment and Cultural Awareness Manager.

Document review frequency

Every two (2) years.

Document control and approval of revisions

All amendments to this document, other than minor administrative amendments, must be approved by Council and a summary recorded in the table below.

Minor administrative amendments (i.e. typographical errors, and updating hyperlinks) may be made at any time with approval from the Document Owner.

Publication

This document is considered appropriate for proactive public release under section 7 of the *Government Information (Public Access) Act 2009* and may be published to Council’s website.

Related material

Version	Purpose and description of amendment	Person responsible	Reviewed	Date Council approved
0.1	RAPAG	PM-RP	04-11-2022	
0.2	RAPAG	PM-RP	28-04-2023	
0.2	Council	PM-RP	xx-xx-xxxx	

ACKNOWLEDGEMENT

We acknowledge the importance of tradition, history and culture to Aboriginal people including the existence of unknown stories held by First Nations Peoples. As an organisation that works with water and land, we acknowledge and value Aboriginal and Torres Strait Islander sustainability practices in land and culture and acknowledge our responsibility to work together with the Traditional Custodians of land and waterway areas managed by Rous County Council.

We acknowledge this relationship and deeply value Aboriginal and Torres Strait Islander traditional laws, knowledge and lessons about places and sustainability. Through our reconciliation activities, we aim to restore ecological, cultural, and social values that are unique to our region.

1. Objectives

- a) To support the strategic direction of Rous with respect to local Aboriginal history and culture and enhancing engagement with the First Nations community across the operational footprint of Rous.
- b) The RAPAG will support this strategic objective by providing advice and recommendations to Rous on the three (3) key focus areas of its Reconciliation Action Plan ('RAP'):

1. Respectful Community Involvement underpinned by shared understandings through cultural awareness and learning about our local Aboriginal and Torres Strait Islander peoples, lands, history and cultures.

2. Real Work on Land through understanding not only environmental aspects, but also cultural and historical aspects in the areas that Rous operates.

3. Strengthening the Tone of our relationship and building on our past successes through employment, training and commercial opportunities.

- c) This may include:
 - Assisting Rous identify Aboriginal stakeholders with knowledge of the cultural and historical aspects of land within its capital works program and other land or water-based activities and advising on appropriate consultation protocols.
 - Identifying opportunities to enhance Aboriginal and Torres Strait Islander ('ATSI') training and employment opportunities.
 - Recommending ways to improve procurement practices to promote greater engagement of ATSI suppliers.

2. Authority

The RAPAG:

- a) May make recommendations and provide advice to Rous on matters within the remit of the group.
- b) Will have no delegated financial responsibility or any other management or decision-making functions.
- c) Is not intended as an authority for advising on cultural heritage assessments.

3. Membership and term

- a) The RAPAG will consist of up to fifteen (15) members as follows:
 - One (1) Rous councillor; and
 - Fourteen (14) community members
- b) The community members will consist of up to:

Two (2) Traditional Custodians of Widjabal/Wiyabal catchment areas

 - i) Six (6) representatives in total – 1 from each of the following Local Aboriginal Land Councils (LALCs) in the RCC operational footprint: Ngulingah, Jali, Tweed-Byron, Bogal, Casino-Boolangle, and Gugin Gudduba;
 - ii) Three (3) representatives in total: One (1) from Prescribed Body Corporates (PBCs) of each of the following Native Title Holder groups in the RCC operational footprint: Widjabul Wia-Bal (or interim body); Bandjalung Aboriginal Corporation, Bundjalung of Byron Bay Aboriginal Corporation (Arakwal). *Note* An alternate (male/female) representative can be nominated. If there are issues identified on the agenda that can only be spoken to by the alternate representative, then the alternate (male/female) representative shall be invited and welcome to attend.
 - iii) Three (3) additional community representatives.
- a) The term of each member will be two (2) years with the possibility of extension upon application to the Chair. The term of the councillor member may only be extended by the governing body of Rous.
- b) The Rous councillor will Chair the RAPAG meetings.
- c) Where a member is unable to attend a meeting, the member may send an alternate member (proxy) in their place. When doing so, the member must advise the RAPAG chair or secretariat of the alternate member's attendance prior to the meeting.

4. Code of Conduct

- a) Members must:
 - i) Adhere to Council's Code of Conduct (available on website)
 - ii) Declare any conflicts of interest at the start of each meeting or before discussion of the relevant agenda item.
 - iii) Make positive and constructive contributions during meetings.
 - iv) Treat others with respect at all times.
 - v) Provide advice that is in the best interests of Aboriginal and Torres Strait Islander communities within the operational footprint of Rous.

5. Meeting procedures

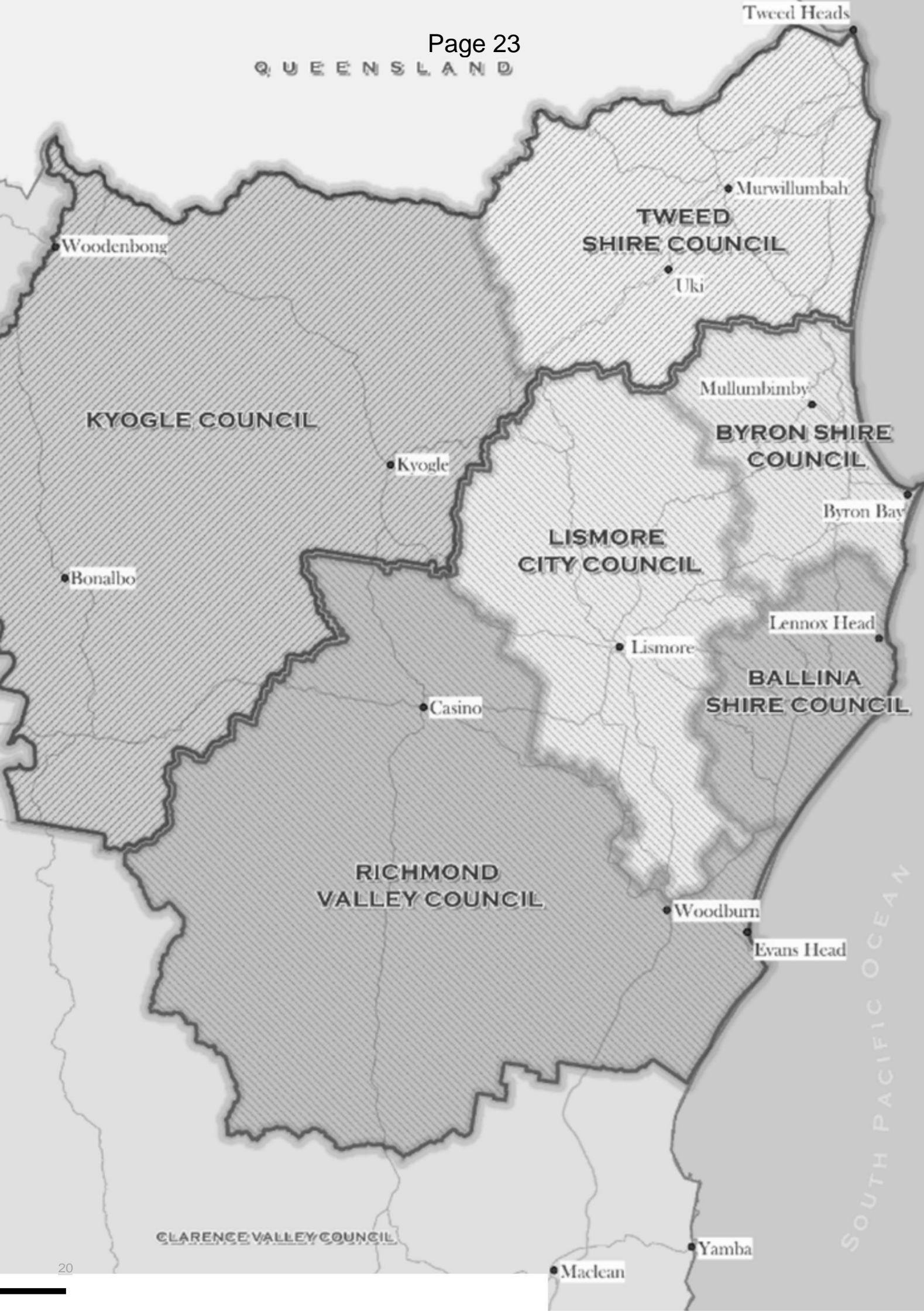
- a) The RAPAG will meet quarterly (four (4) times) each year with the possibility of additional meetings when necessary, as determined by the Chair.
- b) Meetings will be held at Council premises, unless otherwise determined and notified by the Chair. Attendance at meetings may be in-person or by audio-visual link.
- c) A quorum of seven (7) committee members including the Chair, must be present for a meeting to be held or proceed. Meeting duration will be approximately 3 hours.
- d) Rous's Catchment and Cultural Awareness team will provide secretariat services to the RAPAG including preparing and issuing the agenda to members 72 hours prior to the scheduled meeting.
- e) Members must provide a notice of apology when unable to attend meetings. The apology must be provided prior to the start of the meeting through the secretariat of the RAPAG.
- f) Where specialist advice is required on a specific RAP action and the expertise is not available within the RAPAG, suitable stakeholder representatives may be invited to attend meetings on an as-needs basis.
- g) Council staff with responsibility for actions in the RAP will present progress reports at meetings as required.
- h) Other councillors, Rous staff, or community members may attend meetings as observers.

6. Sitting fees

- a) The following arrangements will apply upon attendance at meetings:
 - i) RAPAG members, excluding the councillor member, will be paid \$200 sitting fee to attend each meeting; transport be provided if necessary. Travel expenses to attend meetings will be reimbursed at the appropriate kilometer rate in accordance with the Local Government (State) Award.
 - ii) In line with local government policy, the councillor member will not be entitled to a sitting fee with respect to RAPAG meetings.
- b) All sitting fees and travel payments will only be made by Electronic Funds Transfer (EFT) to the individual member or the nominated proxy if the member is unavailable.

7. Reporting and accountability

- a) The advice of the RAPAG will be reported back to Council to inform planning and decision making.
- b) Notices, agendas and minutes of the meetings will be posted on Council's website.



Procurement policy

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council:

1. Revoke the Procurement policy dated 17 December 2014 ([Attachment 2](#)) and any other policies revived as a result of the revocation; and
2. Adopt the revised Procurement policy attached to this report ([Attachment 1](#)).

Background

Under the *Local Government Act 1993* councils, including county councils, have an obligation to consider and apply principles of sustainability in their decision making and financial management practices.¹

'Sustainability' is generally considered to mean a situation, comprising environmental, social and economic aspects, in which the needs of the present are met without compromising the needs of future generations.²

The international standard on sustainable procurement (ISO 20400:2017) recommends that sustainable procurement principles be embedded at the policy and strategic level of an organisation to ensure sustainable purchasing is not merely conducted as an ad-hoc activity and that the organisation's intentions and values are clearly communicated to its stakeholders.

Council currently has in place a Procurement policy adopted in 2014, prior to the amalgamation of Rous Water, Richmond River County Council and Far North Coast County Council.

This pre-amalgamation policy has now been revised to align with the first pillar of Council's current Business Activity Strategic Plan – Sustainable Delivery – and the principles of sustainable procurement as outlined in ISO 20400:2017.

Key policy changes

The revised Procurement policy is provided as [Attachment 1](#) to this report.

It strives to balance communicating Council's strategic priorities simply and concisely while providing sufficient operational detail to ensure those priorities are implemented by staff.

While the 2014 policy refers to aspects of sustainability, the weight of this message is diluted by the amount of theoretical and administrative detail also contained within the policy, some of which is captured elsewhere in other Council documents (for example, tender and contract templates, and other policies and procedures).

For these reasons, content currently within the 2014 policy deemed administrative or operational in nature has now been captured within related internal procedural or other documents.

¹ Refer to sections [8A\(2\)](#) and [8B](#) of the *Local Government Act 1993* (NSW)

² Refer to definition of 'sustainability' at clause 3.33 of ISO 20400:2017 'Sustainable Procurement – Guidance'

The revised policy maintains a preference for local suppliers/supplies (consistent with the 2014 policy) whilst also highlighting a preference for Indigenous suppliers (in order to align with Council’s Reconciliation Action Plan objectives).

Local suppliers under the revised policy, as under the 2014 policy, are considered to be suppliers within the Ballina, Byron, Lismore, or Richmond Valley local government areas in the first instance, and within the Clarence, Kyogle, and Tweed local government areas in the alternative.

The details of applying the local supplier or Indigenous supplier weighting during the evaluation of submissions will now be captured within Council’s procurement procedure and tender evaluation matrix, rather than within the policy document. As indicated in the 2014 policy, it involves applying a percentage (%) discount to the proportion of the assessable tender price that can be attributed to a local supplier/supply or Indigenous supplier. A worked example is provided below for illustrative purposes:

In response to a request for tender, a business submits a tender to Council offering to provide goods for a total amount of \$148,000. The business can demonstrate that the goods to be provided which are locally sourced account for 90% of the total tender price (ie. the ‘local preference score’). The local supply/supplier weighting (discount) is applied as follows:

$$\begin{aligned}
 &= \text{weighting (\%)} \times \text{local preference score (\%)} \times \text{total assessable tender price (\$)} \\
 &= 0.05 \times 0.90 \times \$148,000 \\
 &= \$6,660
 \end{aligned}$$

The tender value is therefore assessed as being: \$148,000 - \$6,660 = \$141,340

Governance

- **Integrated Planning and Reporting**

Ref	Delivery objectives	2022-23 actions	What is being measured
1.1	A healthy environment		
1.1.1	Environmentally responsible procurement.	Develop a procurement strategy and review existing policy to focus on waste minimisation and environmental impact.	Revised strategy and policy adopted.

- **Finance**

Placing a higher emphasis on quality and sustainability is expected to lead to better outcomes for Council and its stakeholders, however this may result in an increase in the financial costs of Council projects.

- **Legal**

The revised Procurement policy is not a ‘local policy’ under the *Local Government Act 1993* and is not required to be placed on public exhibition prior to being adopted.

As the revised policy gives effect to the strategic direction already adopted by Council, to pursue sustainable delivery of services and environmentally responsible procurement, it is not proposed to be placed on public exhibit prior to being adopted by Council.

Consultation

The revised policy was prepared by the Governance, Risk and Procurement team.

General feedback on the revised Procurement policy was sought from Council’s leadership team.

Targeted feedback was sought from Planning and Delivery and Operations staff most commonly responsible for high value procurement activities. This was to ensure the proposed policy principles were practical and could be applied at an operational level.

This feedback has been incorporated into the revised Procurement policy and associated procedures, where appropriate.

Conclusion

A review of the current Procurement policy has been undertaken and a new policy has been developed to align with Council's strategic direction as well as international standards on sustainable procurement.

Attachment

1. Revised Procurement policy (**for adoption**)
2. [Procurement policy dated 17 December 2014](#) (**for revocation**) (website link)



Policy

Procurement

Approved by Council: xx/xx/xxxx

To establish a framework governing Council's procurement practices.

Safety

Teamwork

Accountability

Respect

Table of Contents

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Application

This Policy applies to all purchasing and procurement activities undertaken by Council:

- including the procurement of labour resources from labour hire suppliers,
- but excluding employment contracts (including term appointments).

Policy statement

1. Procurement Principles

Council will promote and influence sustainable marketplace practices and procure value for money goods and services by:

- Conducting all procurement activities in accordance with legislative requirements, using a risk-based approach, and consideration of the principles of sustainability.
- Maintaining integrity in the procurement process by adhering to principles of transparency and accountability, good management practices, and prevention of misconduct.

2. Value for Money will be assessed using financial and non-financial factors

Cost: Total cost of ownership (financial factor)	*Quality: Fit for purpose (non-financial factor)	*Sustainability: Environmental, social and economic (non-financial factor)
Examples		
<u>Acquisition Costs:</u> <ul style="list-style-type: none"> ○ Purchase price ○ Installation ○ Travel expenses ○ Delivery ○ Insurance ○ Training and support <u>Maintenance/Operating Costs:</u> <ul style="list-style-type: none"> ○ Labour (specialist?) ○ Materials / Replacement parts ○ Frequency of maintenance ○ Energy consumption ○ Consumables <u>End-of-life Costs:</u> <ul style="list-style-type: none"> ○ Resale ○ Disposal and make-good costs 	<u>Fit-for-purpose:</u> <ul style="list-style-type: none"> ○ Qualifications/accreditations/certifications ○ Experience ○ Responsiveness ○ Timeliness ○ Reliability/past performance ○ Product/service suitability ○ Product/service specification ○ Insurance ○ Compliance 	<u>Environmental:</u> <ul style="list-style-type: none"> ○ Environmental Label ○ Environmental Management System ○ Reduced use of hazardous substances ○ Use of recycled or re-useable material ○ Waste reduction ○ Greenhouse Gas Emissions ○ Renewable energy ○ Energy / fuel / water efficiency ○ End-of-life recycling ○ Biodiversity / natural habitat protection <u>Social:</u> <ul style="list-style-type: none"> ○ Cultural Heritage protection ○ Health and Safety ○ Social credentials / modern slavery ○ Equal opportunity employer / Social or Disability Enterprise <u>Economic:</u> <ul style="list-style-type: none"> ○ Local supply/supplier ○ Indigenous supplier ○ Local job creation

2.1. *Quality and Sustainability criteria will be informed by relevant national and/or international standards, certifications, labels, accreditations or qualifications. For example, all plant and equipment purchased must comply with the applicable Australian Standards at the time of purchase.

3. Evaluation of proposals

3.1. Subject to clause 0, financial and non-financial factors will be assessed as follows:

Table 1: Evaluation criteria for purchases estimated \geq \$50,000 (GST Incl).

Mandatory Criteria	Weight
Conformance with 'Mandatory' criteria assessed (absolute conformance is required). Council reserves the right to disqualify non-conforming proposals.	Yes/No or Pass/Fail
Financial factor (Cost)	50%
Non-Financial factor (Quality & Sustainability)	50%

- 3.2. In evaluating the financial factors under clause 3.1, a weighting will be applied to recognise that proportion of the goods or services a supplier can demonstrate meets the definition of a Local Supply/Supplier and/or Indigenous Supplier under this policy. For all other purchases (i.e. <\$50,000) where the financial and non-financial factors are equal, Council's preference will be to procure from a Local Supplier or Indigenous Supplier.
- 3.3. A Group Manager is authorised to approve an exception to clause 3.1 and vary the weightings for the financial and non-financial factors of a particular procurement activity provided its value is not expected to exceed \$249,999 (inclusive of GST). The General Manager may approve an exception to clause 3.1 for procurement activities ≥\$250,000 (inclusive of GST).
- 3.4. Suppliers must provide sufficient information and/or evidence with their proposal to allow Council staff to determine whether the stated purchasing criteria has been met and the proposal is free from black cladding and greenwash.
- 3.5. Unless otherwise agreed between the organisation and Council, where funds are provided by an external organisation this policy and its associated procedures will continue to apply.
- 3.6. Where procurement activities are conducted jointly with another NSW council (including county council or joint organisation), the evaluation criteria of the host council will apply.

Definitions

Black cladding means the practice of a non-Indigenous business entity or individual taking unfair advantage of an Indigenous business entity or individual for the purpose of gaining access to otherwise inaccessible Indigenous procurement policies or contracts. Unfair advantage involves practices and arrangements that result in the disadvantage or detriment to an Indigenous business, or that do not represent a genuine demonstrated level of equitable partnership and benefit.¹

Constituent LGA means either Ballina, Byron, Lismore or Richmond Valley LGA.

Council means Rous County Council.

Greenwash means the practice of making false, misleading and/or deceptive claims about the environmental practices of a company or the environmental attributes or benefits of its products or services. Greenwash is often unintentional and can include claims that are vague, irrelevant or inaccurate or that only tell part of the story about the environmental impacts of a product.

Indigenous Supplier means a business that is at least 50% owned by an Aboriginal or Torres Strait Islands person(s).

LGA means Local Government Area.

Local Supply/Supplier means:

- A. Subject to clause (B) below, a supplier that:
- i. Is owned and operated by persons whose primary place of residence is within a Constituent LGA or Neighbouring LGA (in the alternative); or

¹ Definition sourced from Supply Nation <https://supplynation.org.au/about-us/black-cladding/> accessed on 10-05-2023

- ii. Has its place of business within a Constituent LGA or Neighbouring LGA (in the alternative); or
- iii. Employs or subcontracts persons who are residents or rate payers of a Constituent LGA or Neighbouring LGA (in the alternative); or
- iv. Sources its goods and/or services from within Constituent LGA or Neighbouring LGA (in the alternative).

B. Neighbouring LGA suppliers will only be considered a Local Supplier in the event of no proposals from Constituent LGA suppliers.

C. A supplier must demonstrate they have had the connection to the Constituent LGA or Neighbouring LGA outlined in (A)(i)-(iii) above for a minimum of 6 months.

Neighbouring LGA means Clarence, Kyogle, or Tweed LGAs.

Sustainability has the meaning given to the term in ISO 20400:2017 (Sustainable Procurement - Guidance) being “[a] state of the global system, including environmental, social and economic aspects, in which the needs of the present are met without compromising the ability of future generations to meet their own needs.”

Total Cost of Ownership means the total cost of a product or service over its lifetime, including acquisition, maintenance, operation and disposal costs.

Contact officer

Governance and Risk Manager

Related documents

Policies

[Code of Conduct](#)

[Customer feedback, complaints, and unreasonable conduct](#)

[Public Interest Disclosures](#)

Procedures

[Code of Conduct - Conflict of Interests procedure](#)

[Code of Conduct - Gifts benefits and bribes procedure \(including declaration form\)](#)

[Disposal and sale of assets and scrap material procedure](#)

[Insurance - determining levels of cover](#)

[Procurement and Contractor Compliance Review](#)

[Procurement](#)

[Tenders](#)

[RFx and Contracts - numbering, registers, and reporting](#)

Legislation

Competition and Consumer Act 2010 (Cth)

Government Information (Public Access) Act 2009 (NSW)

Local Government Act 1993 (NSW)

Local Government (General) Regulation 2021 (NSW)

Public Interest Disclosures Act 2022 (NSW)

Work Health and Safety Act 2011 (NSW)

Other

ISO20400:2017 Sustainable Procurement - Guidance
 Tendering Guidelines for NSW Local Government (October 2009).
 Tender Evaluation Plan

Office use only	CM no. XXXX	Next review date: [4 years]	
Version	Purpose and description	Date adopted by Council	Resolution no.
3.0	2014 Rous Water policy updated to place a greater emphasis on principles of sustainability.		

DRAFT

Information reports

Responsible Officer: General Manager and Group Managers

Recommendation

That the following information reports be received and noted:

1. Investments – May 2023
2. Water production and consumption – May 2023
3. Audit Risk and Improvement Committee – meeting update
4. Reports/Actions pending

Background

Copies of the abovementioned reports are attached for information.

Consultation

The reports have been prepared in consultation with the General Manager, relevant Group Managers and staff.

Attachments

1. Information reports 1-4

Investments - May 2023

Responsible Officer: Group Manager Corporate and Commercial (Geoff Ward)

Recommendation

That Council receive and note the Investments for May 2023.

Background

Clause 212 of the *Local Government (General) Regulation 2021* ('Regulation') and Council's 'Investments' policy require that a report detailing Council's investments be provided. This report has been prepared as at 31 May 2023.

Finance Report

The RBA cash rate is 3.85%

At the RBA's 2nd May 2023 meeting it was decided to increase the cash rate by 25 basis points to 3.85%. Members noted that inflation was still very high but had peaked, consumption growth was forecast to remain subdued for some time, and the unemployment rate was low and expected to rise gradually. Members judged that the forecasts were still consistent with the economy remaining on the narrow path on which inflation comes down steadily and the unemployment rate increases but remains below pre-pandemic levels.

Members reaffirmed the Board's determination to do what is required to bring inflation back to target, while emphasising that it is still seeking to traverse the narrow path. Members also agreed that further increases in interest rates may still be required, but that this would depend on how the economy and inflation evolve.

The 90-day average bank bill swap rate (BBSW) is 3.98%.

Total funds invested is \$37,647,829

This includes term investments and cheque account balance.

Weighted Average Return is 4.19%

This represents an increase of 48 basis point compared to the April 2023 result (3.71%) and is 21 basis points above Council's benchmark (the average 90-day BBSW rate of 3.98%) (Refer: Graph D2 - Attachment D).

Interest earned is \$146,231

Interest earned compared to the original budget is \$67,342 above the pro-rata budget. (Refer: Attachment A).

Cheque account balance is \$148,455

Weel account balance is \$25,016

This is a bank account with Cuscal Limited and is used to hold funds for a prepaid credit card app that is now in use by all corporate card holders at Rous.

Ethical holdings is \$4,999,632 (13.28% of current holdings)

The assessment of Ethical Financial Institutions is undertaken using www.marketforces.org.au which is an affiliate project of the Friends of the Earth Australia (Refer: Graph D4 - Attachment D).

Legal

In accordance with section 212(1)(b) of the Regulation, the Responsible Accounting Officer (currently the Finance Manager) certifies the investments identified in this report have been made in accordance with section 625 of the *Local Government Act 1993*, section 212 of the Regulation, and the provisions of Council's 'Investments' policy.

Conclusion

A report on investments is required to be submitted to Council. As at 31 May 2023, investments total \$37,647,829 and the average rate of return is estimated at 4.19%.

Attachments

- A. Investment analysis
- B. Investment by type
- C. Investment by Institution
- D. Total funds invested - comparisons
- E. Summary of indebtedness

Investment analysis report

Attachment A

Funds Invested With	S & P Local Long Term Rating	Product Name	Ethical ADIs	Lodgement Date	Maturity Date	% of Portfolio	31 May 23 Balance	Rate of Return	Monthly Interest	Year-to-Date Interest
CBA Business Online Saver	AA-	CBA-BOS	No	At call		13.67	5,147,829.03	1.95	26,741.48	115,818.99
Bank Of Queensland	BBB+	TD	Yes	31/5/2022	6/6/2023	2.66	1,000,000.00	3.20	2,717.81	29,369.86
Commonwealth Bank of Australia	AA-	TD	No	14/6/2022	13/6/2023	2.66	1,000,000.00	3.89	3,303.84	35,702.74
Commonwealth Bank of Australia	AA-	TD	No	28/6/2022	28/6/2023	2.66	1,000,000.00	3.95	3,354.79	36,253.42
ING Bank Aust Ltd	A	TD	No	29/6/2022	4/7/2023	3.98	1,500,000.00	4.00	5,095.89	55,068.49
ING Bank Aust Ltd	A	TD	No	30/6/2022	30/6/2023	3.98	1,500,000.00	4.05	5,159.59	55,756.85
Bank of Queensland	BBB+	TD	Yes	2/8/2022	1/8/2023	1.33	500,000.00	3.85	1,634.93	15,980.14
Westpac Banking Corporation	AA-	TD	No	23/8/2022	23/8/2023	5.31	2,000,000.00	4.13	7,015.34	63,816.99
AMP Bank	BBB	TD	No	13/9/2022	13/9/2023	1.33	500,000.00	4.30	1,826.03	15,373.97
AMP Bank	BBB	TD	No	20/9/2022	19/9/2023	2.66	1,000,000.00	4.50	3,821.92	31,315.07
MyState Bank Limited	BBB+	TD	Yes	27/9/2022	26/9/2023	1.33	500,000.00	4.62	1,961.92	15,632.05
Westpac Banking Corporation	AA-	TD	No	11/10/2022	10/10/2023	2.66	1,000,000.00	4.30	3,652.05	27,449.32
Commonwealth Bank of Australia	AA-	TD	No	18/10/2022	17/10/2023	2.66	1,000,000.00	4.42	3,753.97	27,367.67
Westpac Banking Corporation	AA-	TD	No	25/10/2022	24/10/2023	1.33	500,000.00	4.57	1,940.68	13,710.00
National Australia Bank Limited	AA-	TD	No	10/11/2022	14/11/2023	1.33	500,000.00	4.42	1,876.99	12,291.23
Commonwealth Bank of Australia	AA-	TD	No	22/11/2022	21/11/2023	2.66	1,000,000.00	4.52	3,838.90	23,652.60
Westpac Banking Corporation	AA-	TD	No	29/11/2022	28/11/2023	3.98	1,500,000.00	4.39	5,592.74	33,195.62
Westpac Banking Corporation	AA-	TD	No	6/12/2022	5/12/2023	2.66	1,000,000.00	4.29	3,643.56	20,803.56
National Australia Bank Limited	AA-	TD	No	6/12/2022	6/6/2023	1.33	500,000.00	4.08	1,732.60	9,892.60
Summerland Credit Union	UNRATED	TD	No	13/12/2022	13/6/2023	2.66	1,000,000.00	4.47	3,796.44	20,819.18
Commonwealth Bank of Australia	AA-	TD	Yes	18/1/2023	25/7/2023	2.66	1,000,000.00	4.32	3,669.04	15,859.73
ING Bank Aust Ltd	A	TD	No	8/3/2023	12/3/2024	2.66	1,000,000.00	4.98	4,229.59	11,597.26
Westpac Banking Corporation	AA-	TD	No	8/3/2023	12/9/2023	2.66	1,000,000.00	4.56	3,872.88	10,619.18

Macquarie Bank Limited	A+	TD	No	22/3/2023	19/3/2024	2.66	1,000,000.00	4.69	3,983.29	9,123.01
ING Bank Aust Ltd	A	TD	No	28/3/2023	26/3/2024	2.66	1,000,000.00	4.60	3,906.85	8,191.78
ING Bank Aust Ltd	A	TD	No	4/4/2023	2/4/2024	5.31	2,000,000.00	4.68	7,949.59	14,873.42
Bank of Queensland	BBB+	TD	Yes	19/4/2023	24/10/2023	2.66	1,000,000.00	4.70	3,991.78	5,536.99
National Australia Bank Limited	AA-	TD	No	2/5/2023	6/2/2024	5.31	2,000,000.00	4.53	7,446.58	7,446.58
MyState Bank Limited	BBB+	TD	Yes	2/5/2023	31/10/2023	2.66	1,000,000.00	4.82	3,961.64	3,961.64
National Australia Bank Limited	AA-	TD	No	10/5/2023	23/1/2024	5.31	2,000,000.00	4.70	5,665.75	5,665.75
National Australia Bank Limited	AA-	TD	No	23/5/2023	27/2/2024	2.66	1,000,000.00	4.83	1,190.96	1,190.96
MATURED TDs									3,901.10	251,441.10
						100.00	37,647,829.03	4.19	146,230.52	1,004,777.76

Total Investment Holdings

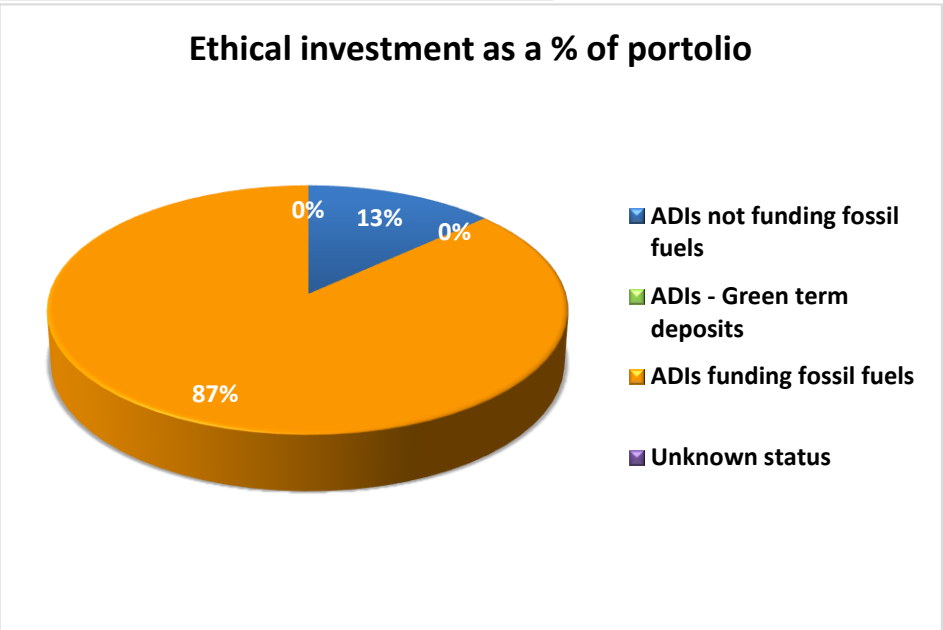
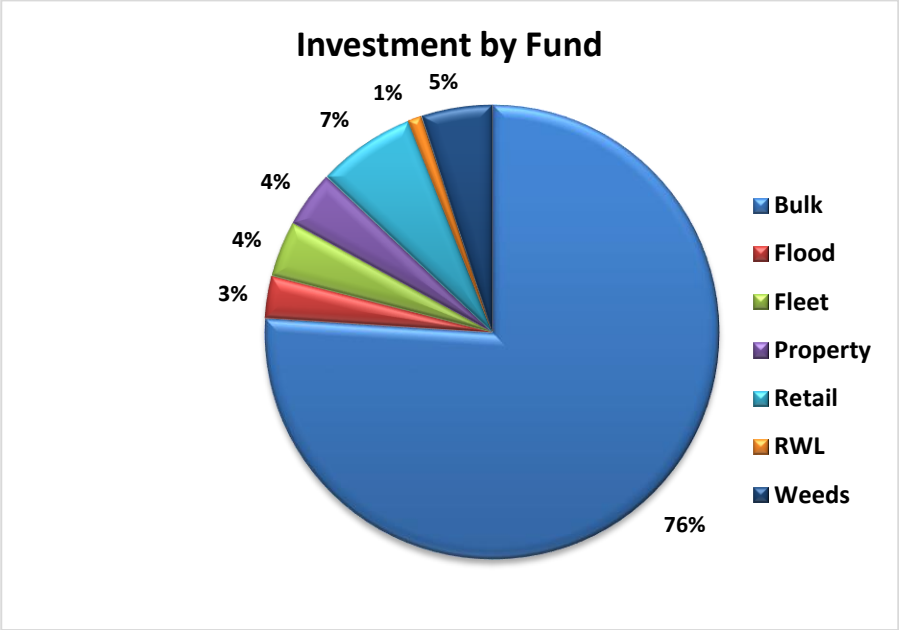
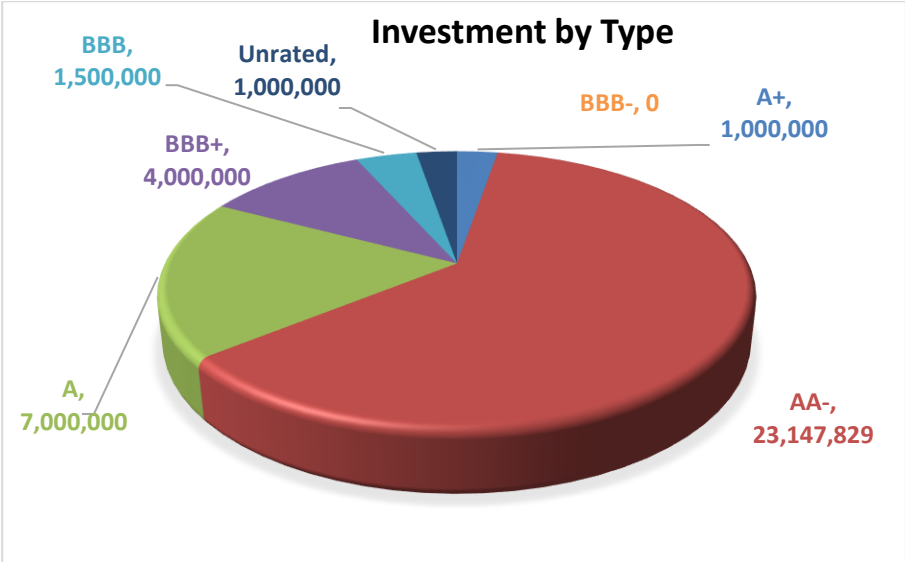
100.00	37,647,829.03	4.19	146,230.52	1,004,777.76
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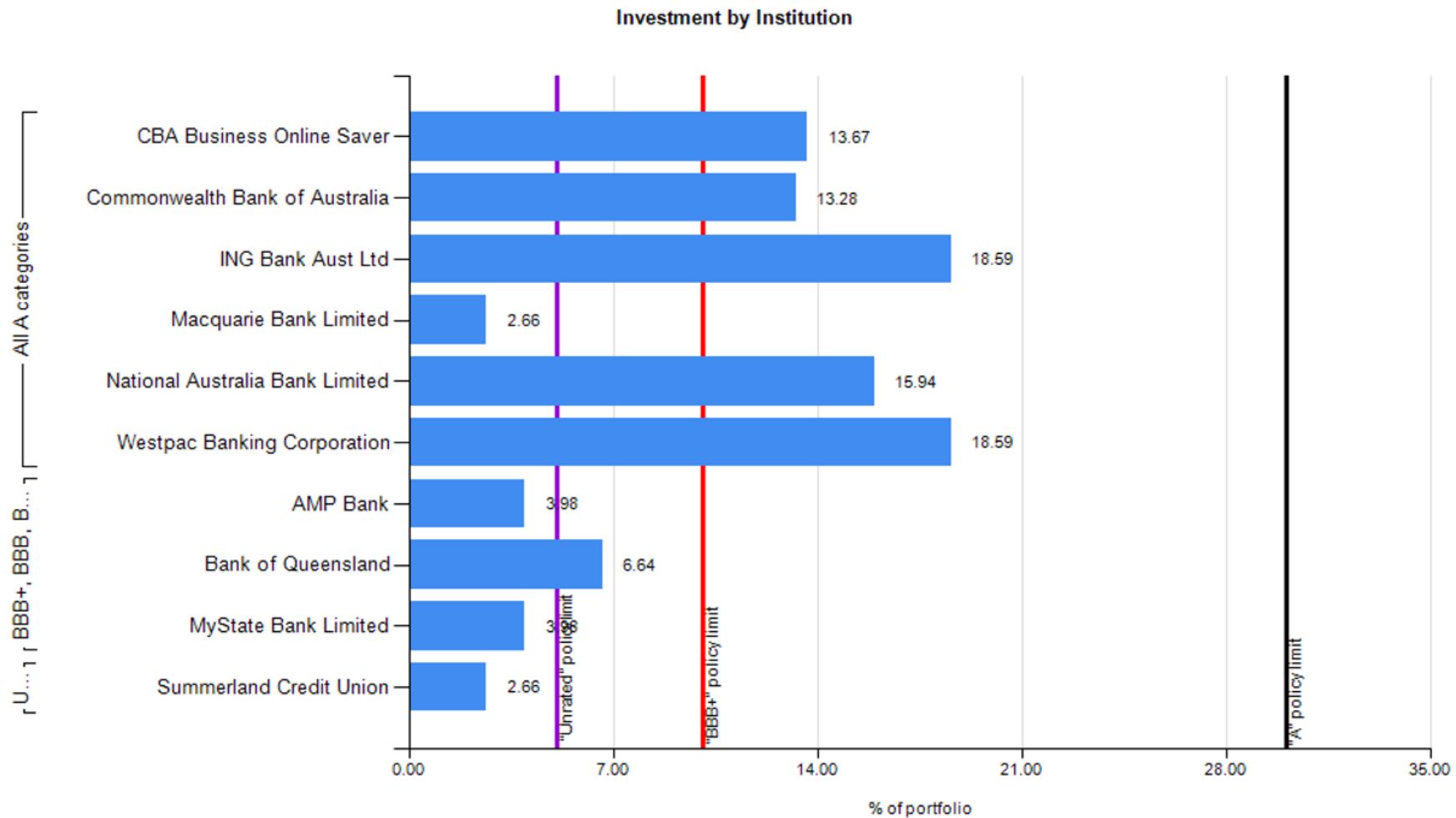
Total YTD Interest	1,004,777.76
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Budget Interest @ 31 May 2023	937,436.00
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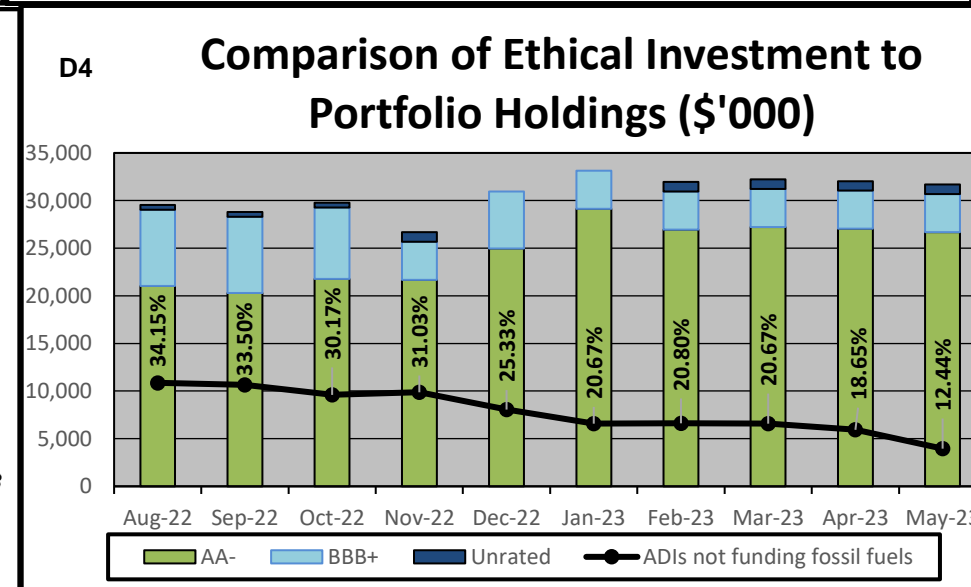
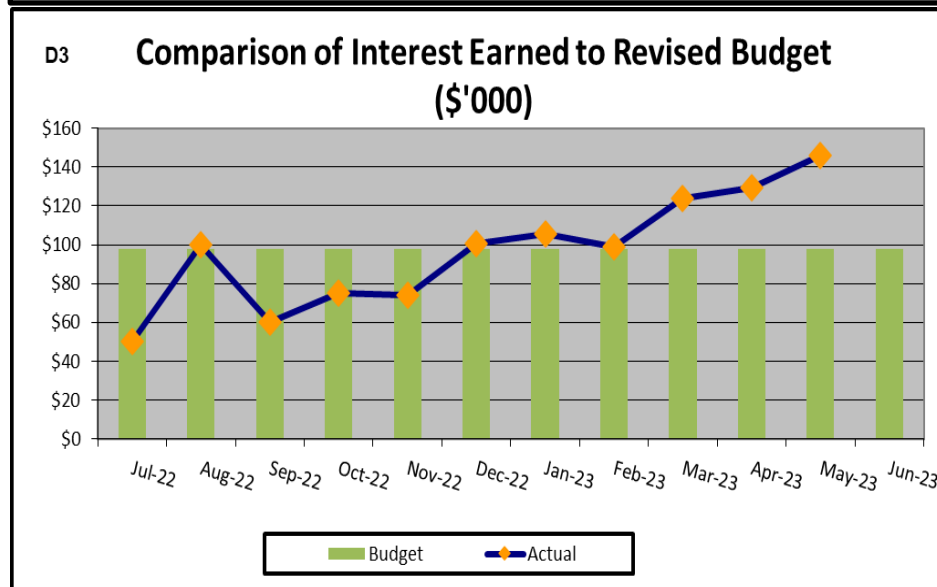
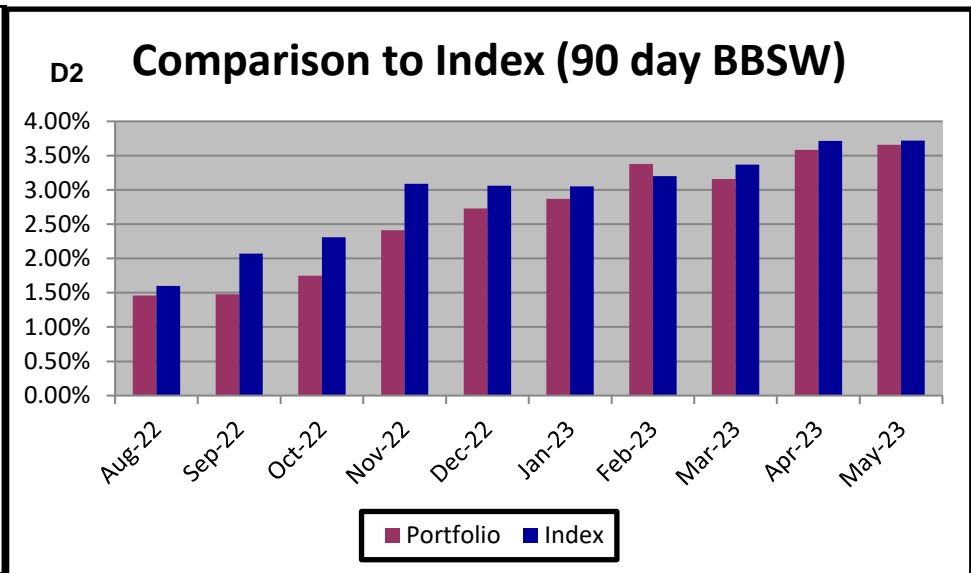
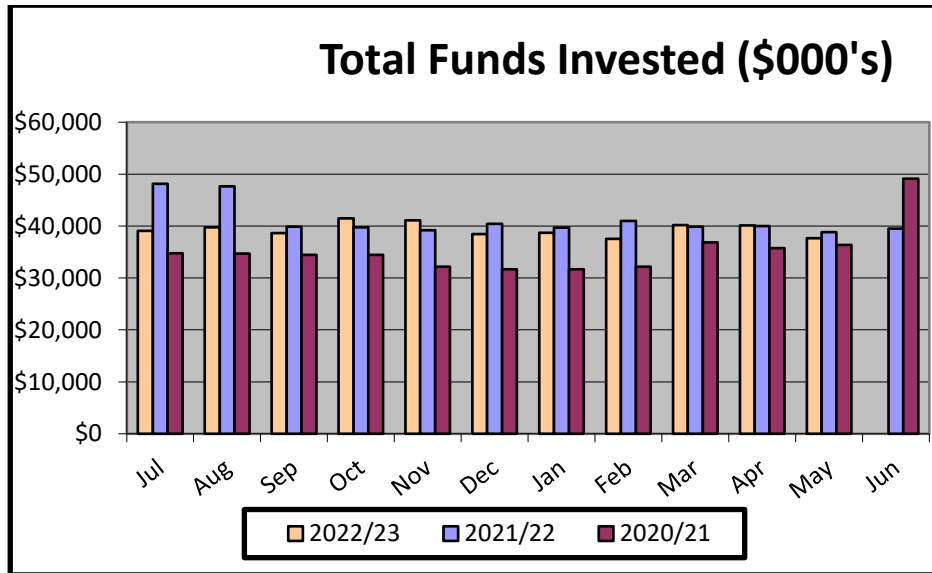
Budget variance	67,341.76
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Deposits with Australian Deposit-taking institutions (ADI) are Government.
Guaranteed for balances totalling up to \$250,000 per customer, per institution.





Note: Institutions shown with "****" and in red are in breach of council policy.



Attachment E**Summary of indebtedness**

Information	Loan #1	Loan #2	Loan #3	Loan #4	Loan #5	Loan #6	Loan #7	Total
Institution	CBA	CBA	CBA	Dexia	NAB	NAB	TCorp	
Principal Borrowed	\$2,000,000	\$3,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$13,500,000	\$58,500,000
Date Obtained	9-Jun-04	31-May-05	31-May-06	21-Feb-07	31-May-07	25-Sep-07	7-Jun-21	
Term (Years)	20	20	20	20	20	20	20	
Interest Rate	6.82%	6.25%	6.37%	6.40%	6.74%	6.85%	2.68%	
Date Due	10-Jun-24	31-May-25	31-May-26	21-Feb-27	31-May-27	25-Sep-27	7-Jun-41	
Annual Commitment	\$184,785	\$264,921	\$891,595	\$893,507	\$917,390	\$925,933	\$876,390	\$4,954,520
Principal Repaid LTD	\$1,740,750	\$2,509,141	\$7,599,814	\$6,889,553	\$6,814,624	\$6,457,066	\$782,275	\$32,793,223
Interest Incurred LTD	\$1,677,774	\$2,259,431	\$7,557,303	\$7,408,975	\$7,863,610	\$7,894,890	\$532,311	\$35,194,294
Principal Outstanding	\$259,250	\$490,859	\$2,400,186	\$3,110,447	\$3,185,376	\$3,542,935	\$12,717,725	\$25,706,778
Interest Outstanding	\$17,927	\$38,983	\$274,600	\$464,185	\$504,880	\$635,653	\$3,495,494	\$5,431,720

Water production and consumption - May 2023

Responsible Officer: Group Manager Operations (Adam Nesbitt)

Recommendation

That the report be received and noted.

Background

The table below is the May 2023 bulk water sales to the constituent councils in kilolitres compared to the corresponding March sales for 2022 and 2021.

Council	May 2021 (kL)	May 2022 (kL)	May 2023 (kL)	% of Total Sales
Ballina Shire Council	297,070	284,140	305,501	37.8%
Byron Shire Council	187,394	171,100	216,971	26.84%
Lismore City Council	241,395	232,026	236,930	29.31%
Richmond Valley Council	44,392	39,627	48,881	6.05%
TOTAL MONTHLY CONSUMPTION BY CONSTITUENT COUNCILS	770,251	726,893	808,283	

Water usage - all constituent councils

Figure 1 shows the combined monthly bulk water consumption and rainfall at Rocky Creek Dam for the previous two years.

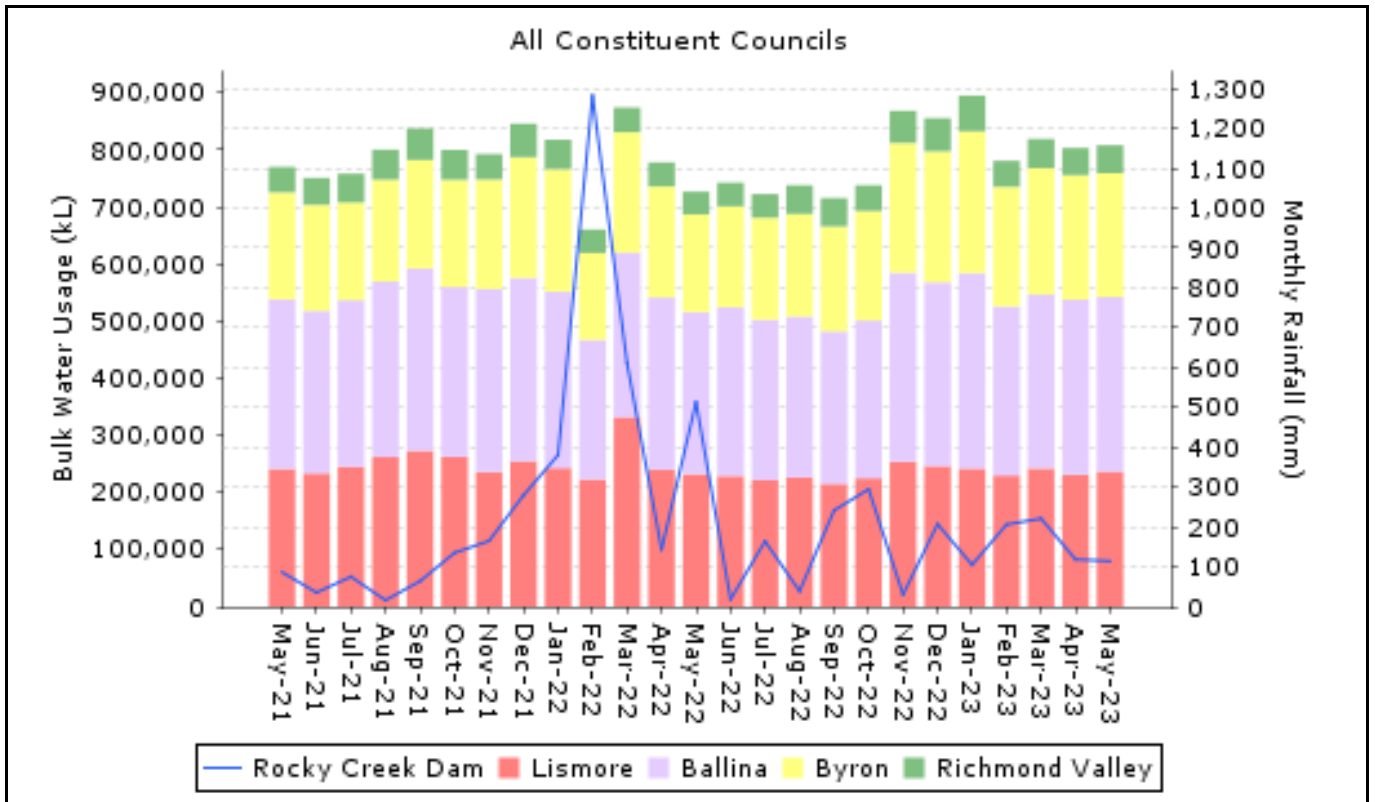


Figure 1: Total monthly consumption by constituent council and rainfall.

Figure 2 shows the total bulk water sales for the financial year to date compared with the previous two years.

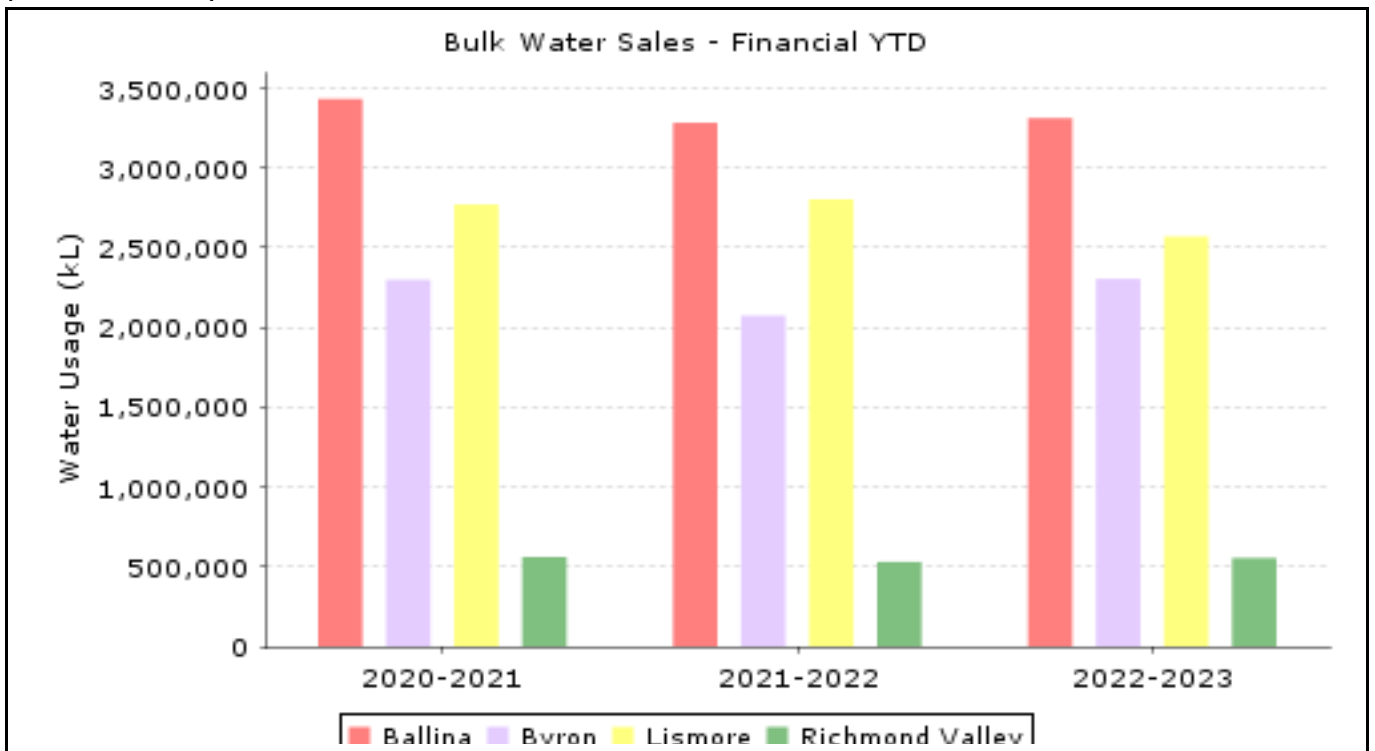


Figure 2: Bulk water sales by constituent council - 1 July to 31 May

Figure 3 and 4 shows the total usage of individual commercial water fill stations for the financial year to date compared with the previous two years.

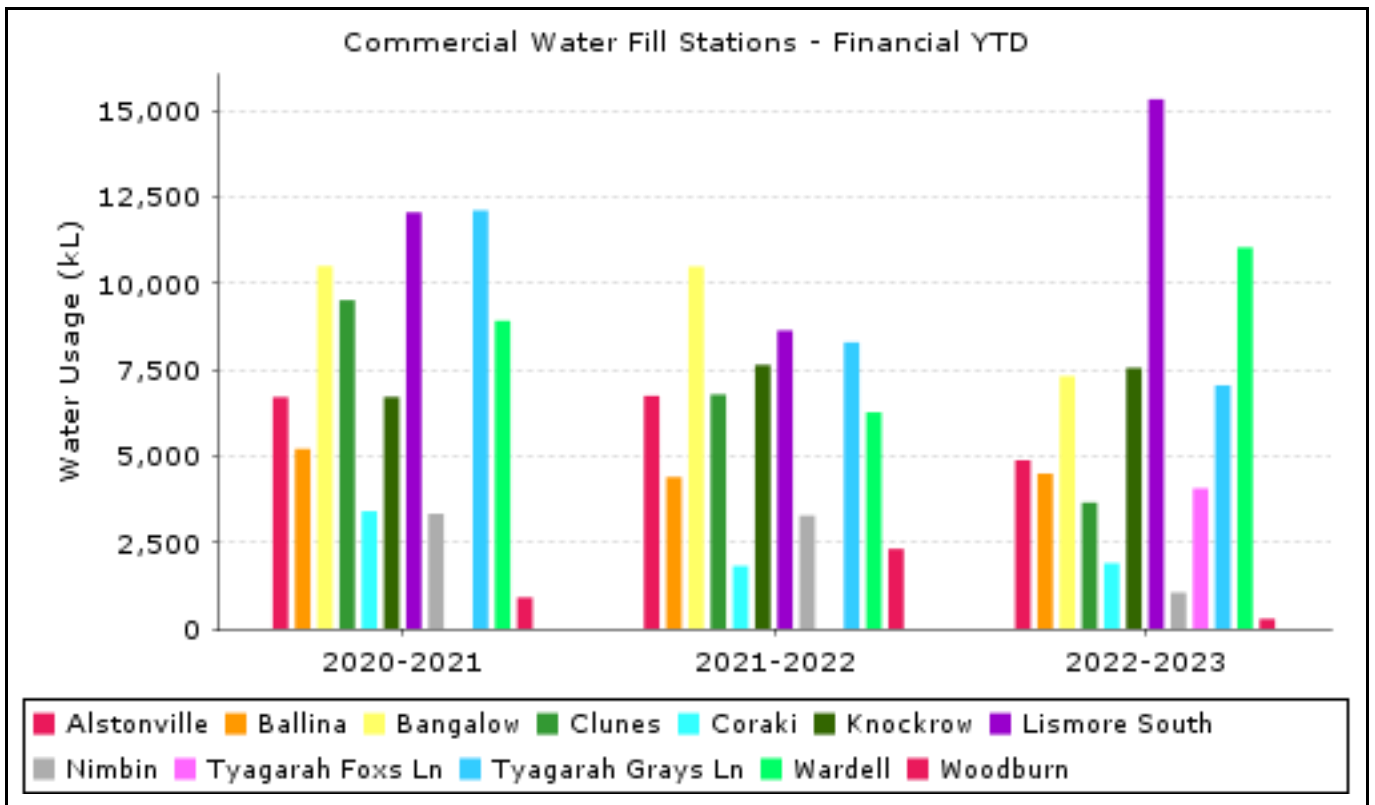


Figure 3: Comparison of commercial water fill stations total consumption - 1 July to 31 May

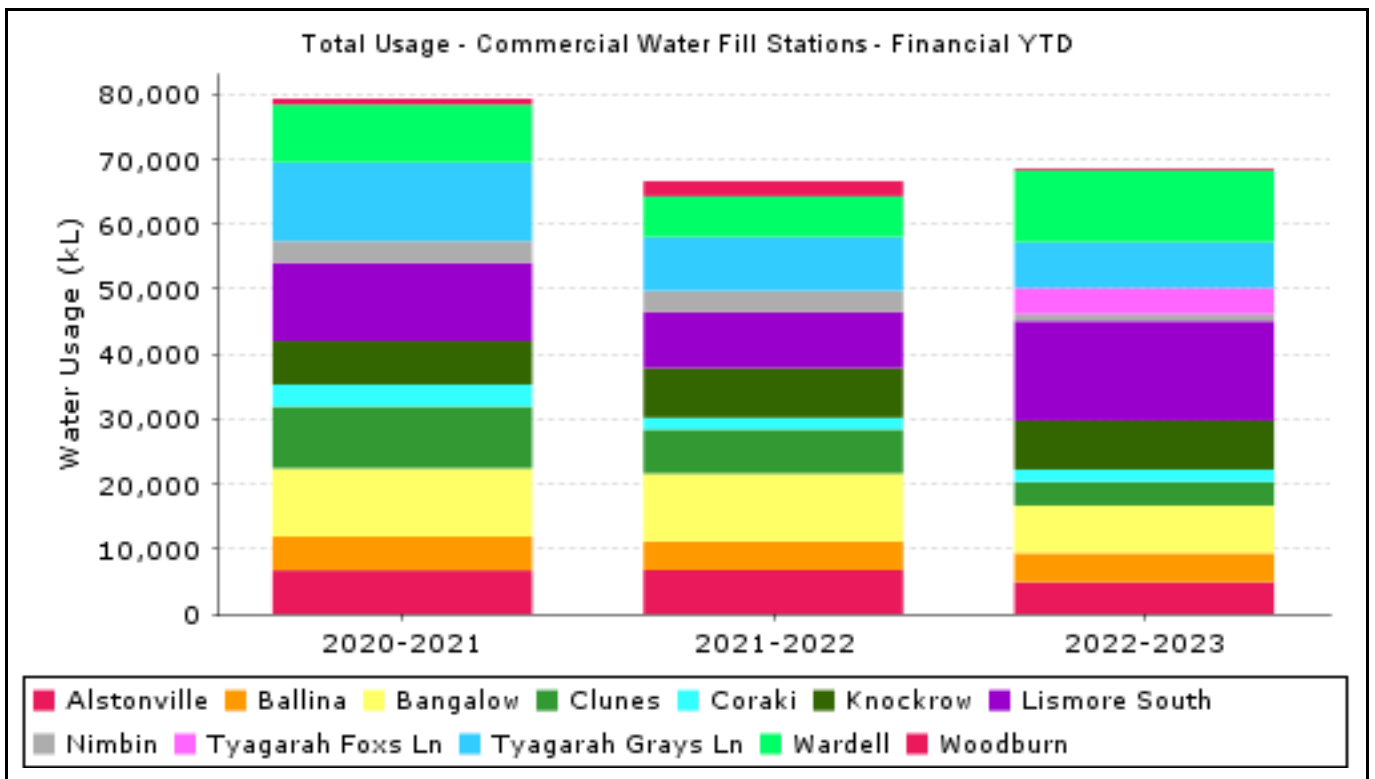


Figure 4: Total usage of commercial water fill stations - 1 July to 31 May

Figure 5 shows the combined water fill station monthly consumption for the previous two years. Rainfall data is from the rain gauge at Rocky Creek Dam.

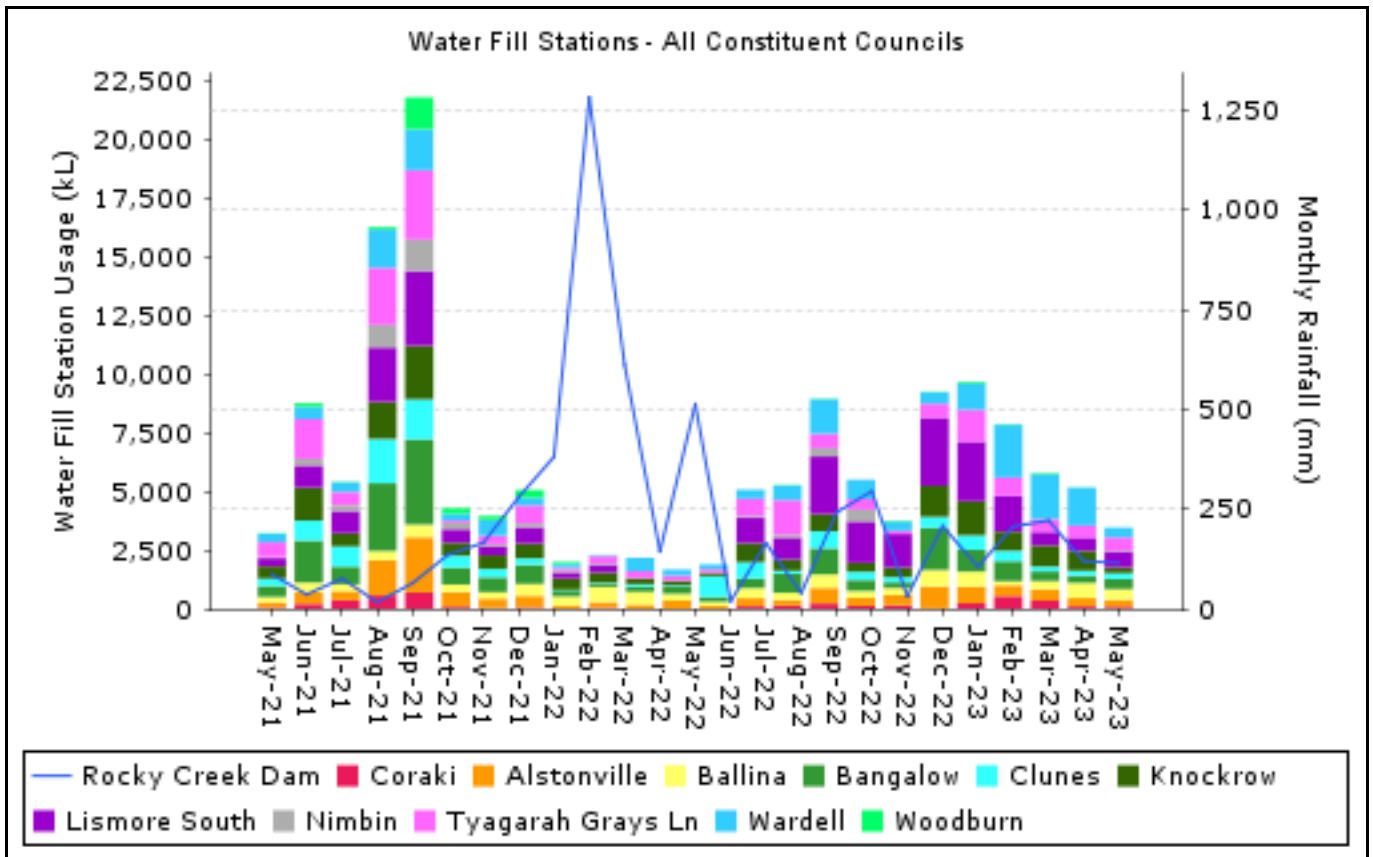


Figure 5: Total monthly consumption for commercial water fill stations and rainfall.

Source Contribution

Rocky Creek Dam capacity as of 31 May 2023 was 99.7%

Emigrant Creek Dam capacity as of 31 May 2023 was 103.4%

Source	May 2023 (kL)		Cumulative total 2022-2023 (kL)	
Rocky Creek Dam	894,131	99.99%	9,732,645	99.41%
Wilson River	1	0.00%	16	0.00%
Emigrant Creek Dam	92	0.01%	57,629	0.59%
Alstonville Plateau Bores	0	0.00%	0	0.00%
Coastal Sands	0	0.00%	0	0.00%
	894,224		9,790,290	

Rocky Creek Dam

Figure 6 show Rocky Creek dam current water level and compares to previous years when levels reached lowest recorded dam level. Rainfall data is for the current financial year only.

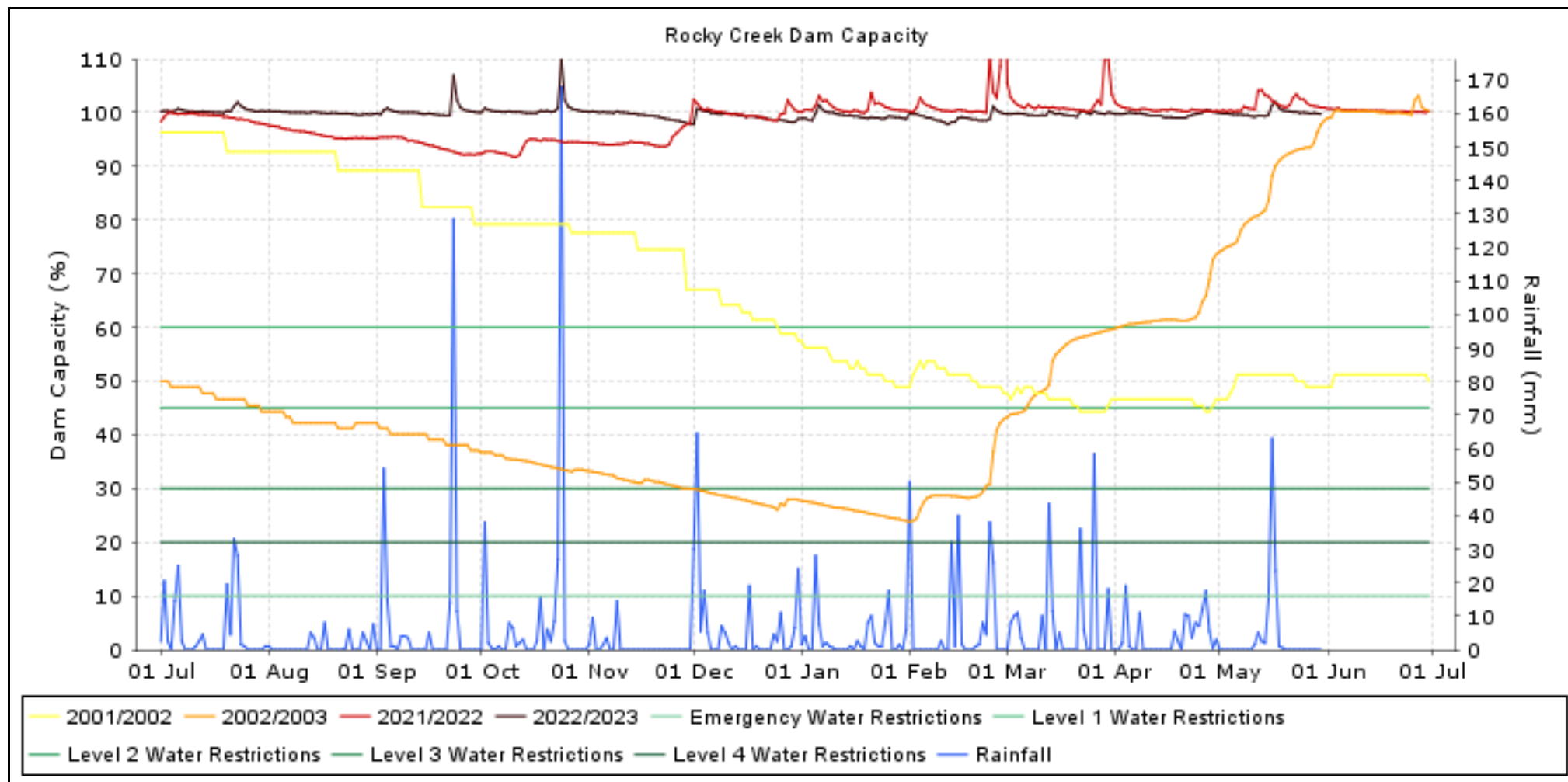


Figure 6: Rocky Creek Dam capacity and rainfall

Emigrant Creek Dam

Figure 7 show Emigrant Creek dam current water level and compares to previous two years. Rainfall data is for the current financial year only.

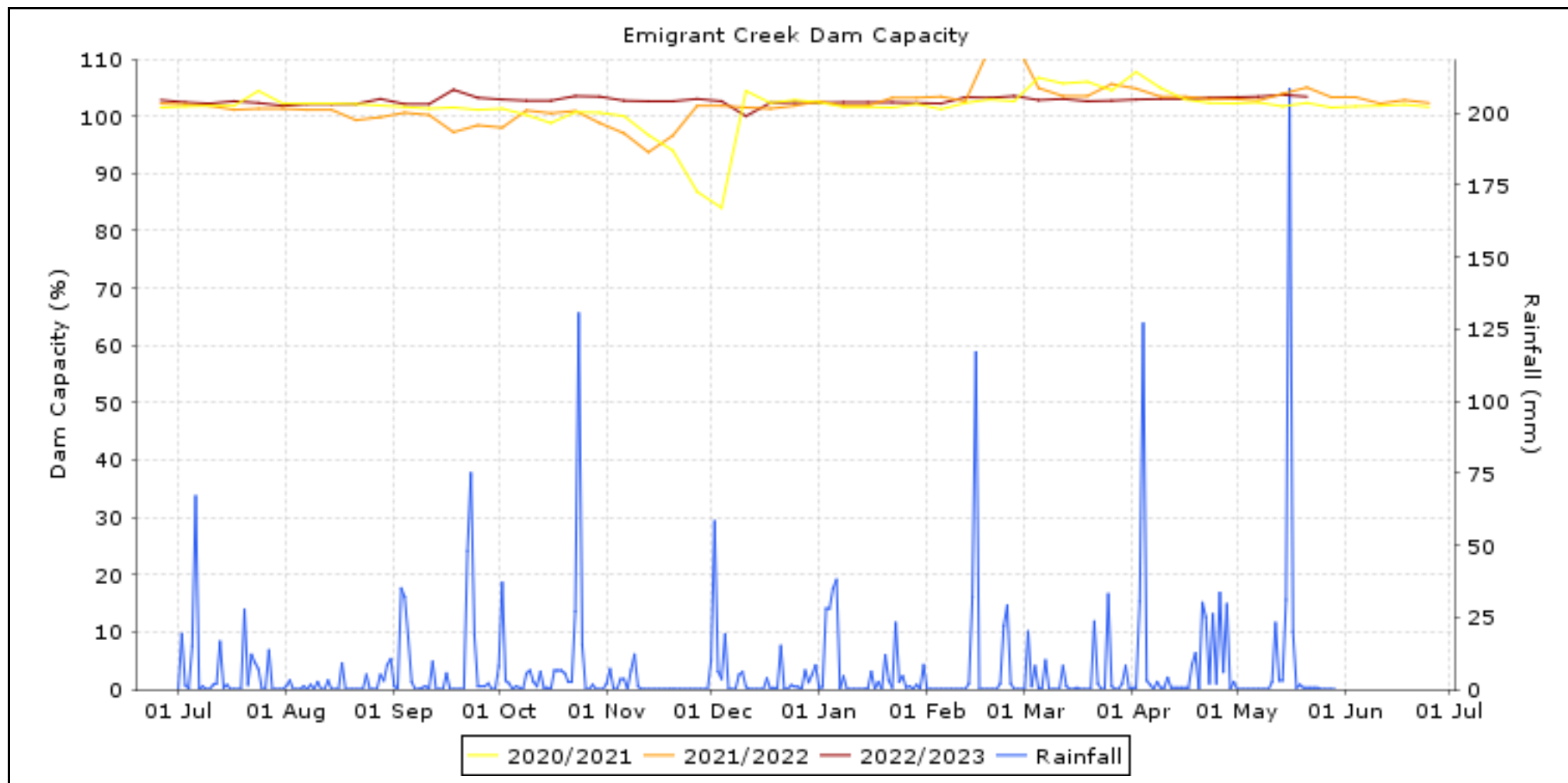


Figure 7: Emigrant Creek Dam capacity and rainfall

Monthly consumption by constituents - Ballina Shire Council

Figure 8 shows the monthly consumption for Ballina Shire Council area for the previous two years. Rainfall data is from the Bureau of Meteorology rainfall station Ballina Airport.

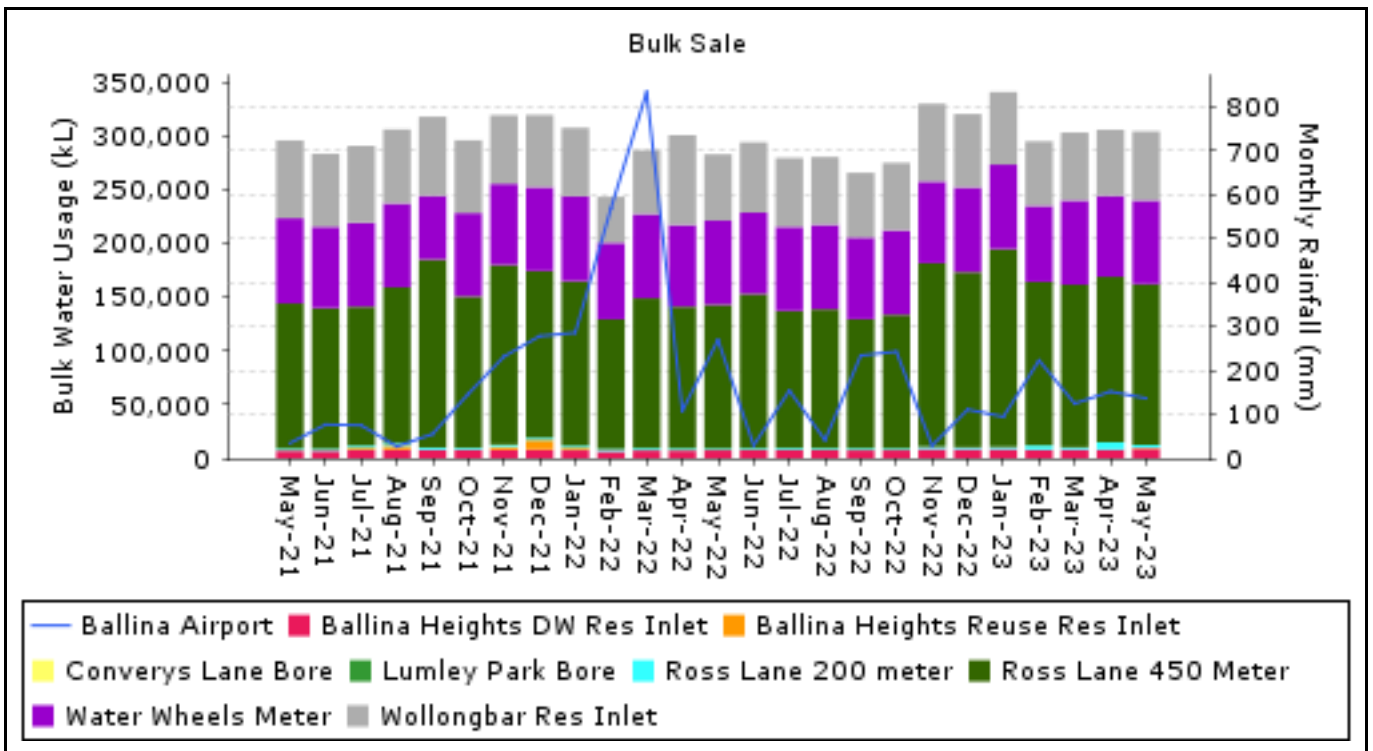


Figure 8: Monthly consumption and rainfall - Ballina Shire Council.

Figure 9 shows the monthly consumption for water fill stations for Ballina Shire Council and the rainfall for the previous two years.

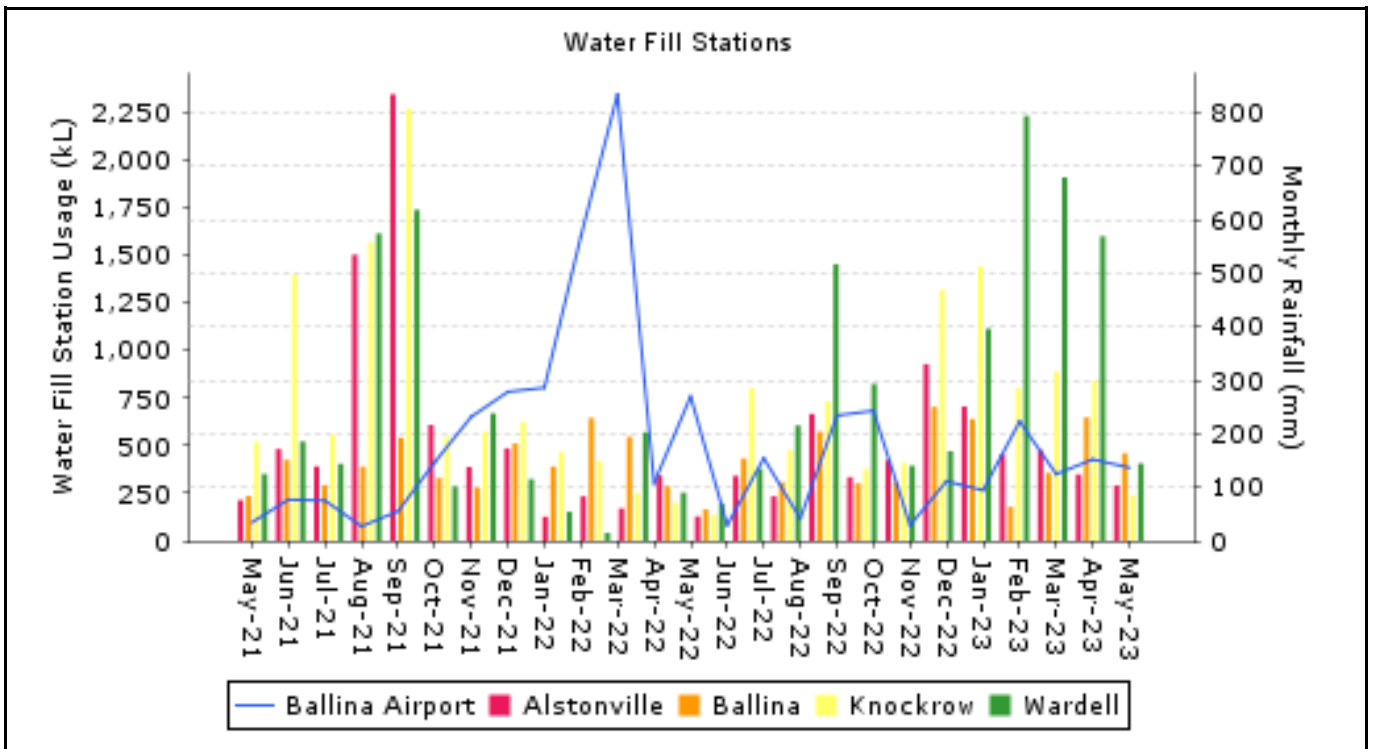


Figure 9: Monthly consumption commercial water fill station and rainfall.

Figure 10 shows the total usage of individual commercial water fill stations for the financial year to date compared with the previous two years.

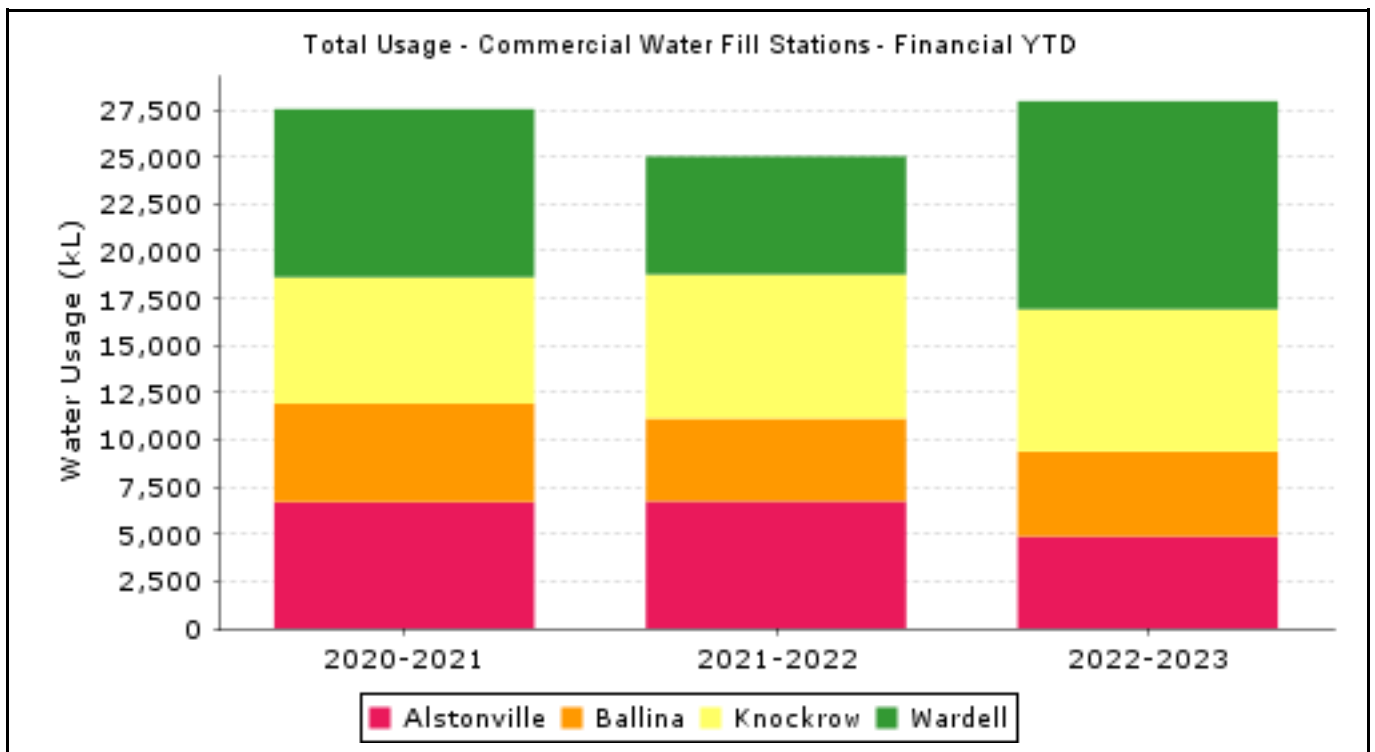


Figure 10: Total usage of commercial water fill stations. 1 July to 31 May

Monthly consumption by constituents - Byron Shire Council

Figure 11 shows the monthly consumption for Byron Shire Council area for the previous two years. Rainfall data is from the Bureau of Meteorology rainfall station Cape Byron.

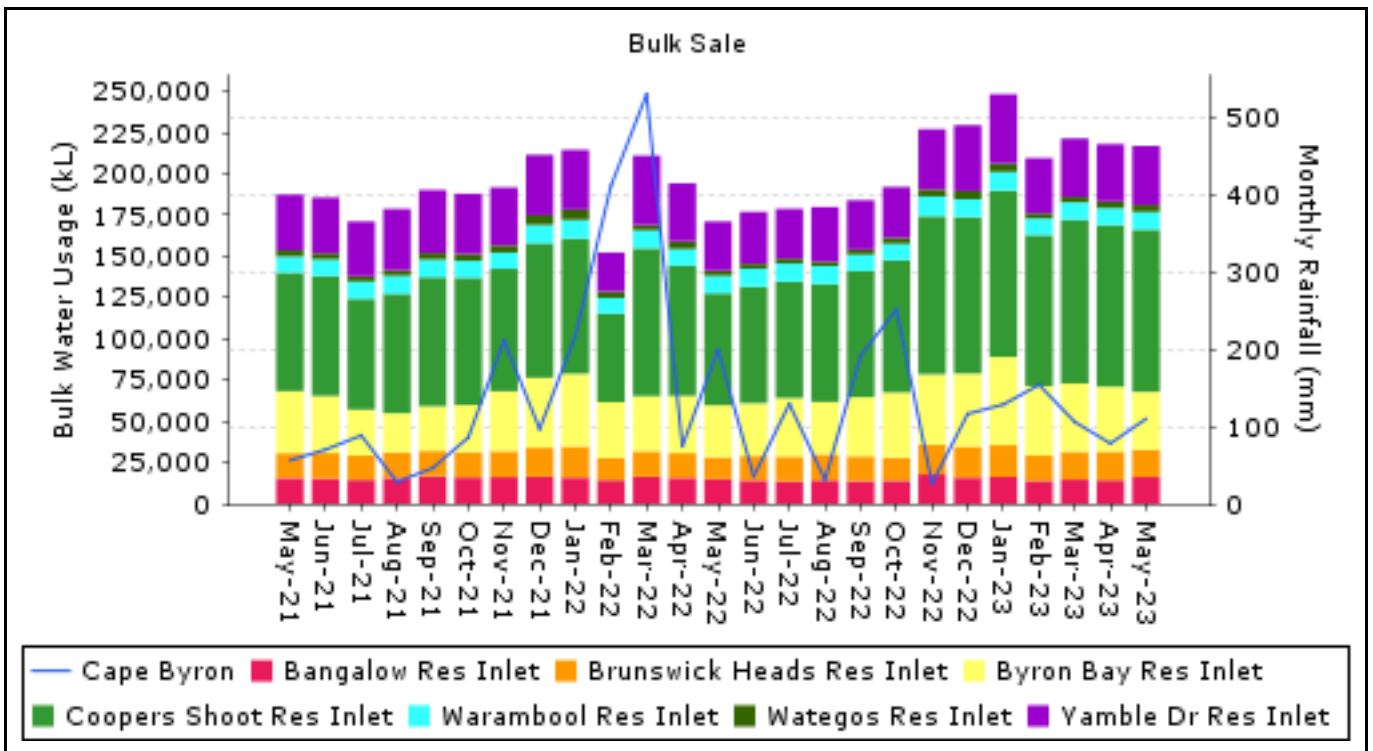


Figure 11: Monthly consumption and rainfall - Byron Shire Council.

Figure 12 shows the monthly consumption for water fill stations for Byron Shire Council and the rainfall for the previous two years.

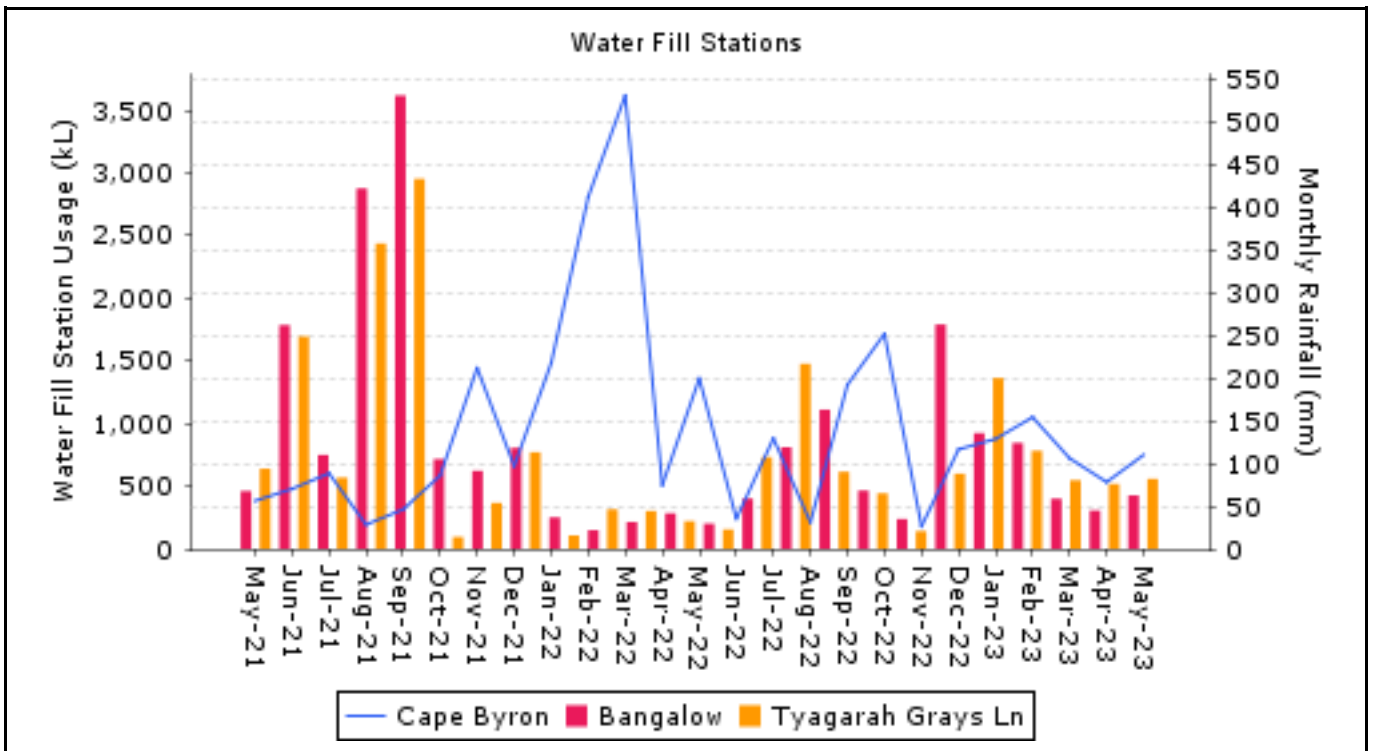


Figure 12: Monthly consumption commercial water fill station and rainfall.

Figure 13 shows the total usage of individual commercial water fill stations for the financial year to date compared with the previous two years.

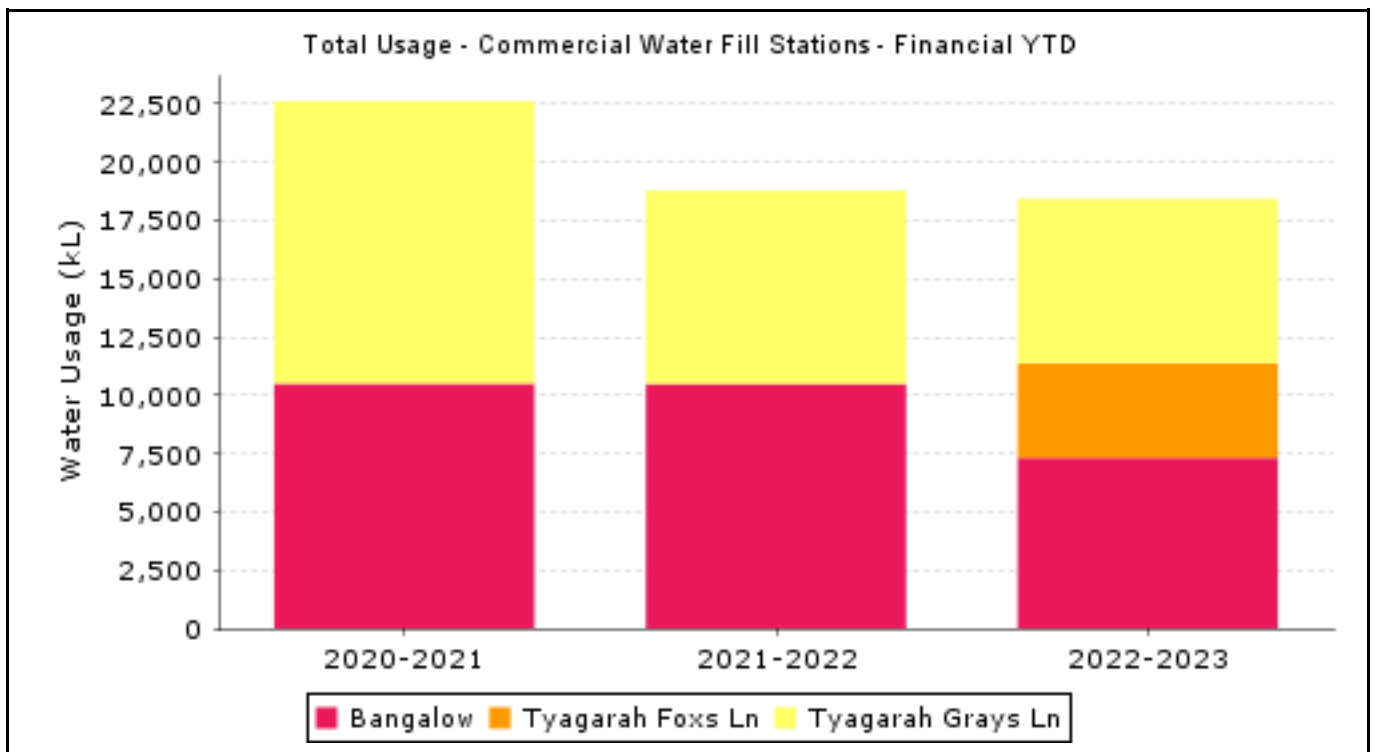


Figure 13: Total usage of commercial water fill stations. 1 July to 31 May

Monthly consumption by constituents - Lismore City Council

Figure 14 shows the monthly consumption for Lismore City Council area for the previous two years. Rainfall data is from the Bureau of Meteorology rainfall station Lismore Airport.

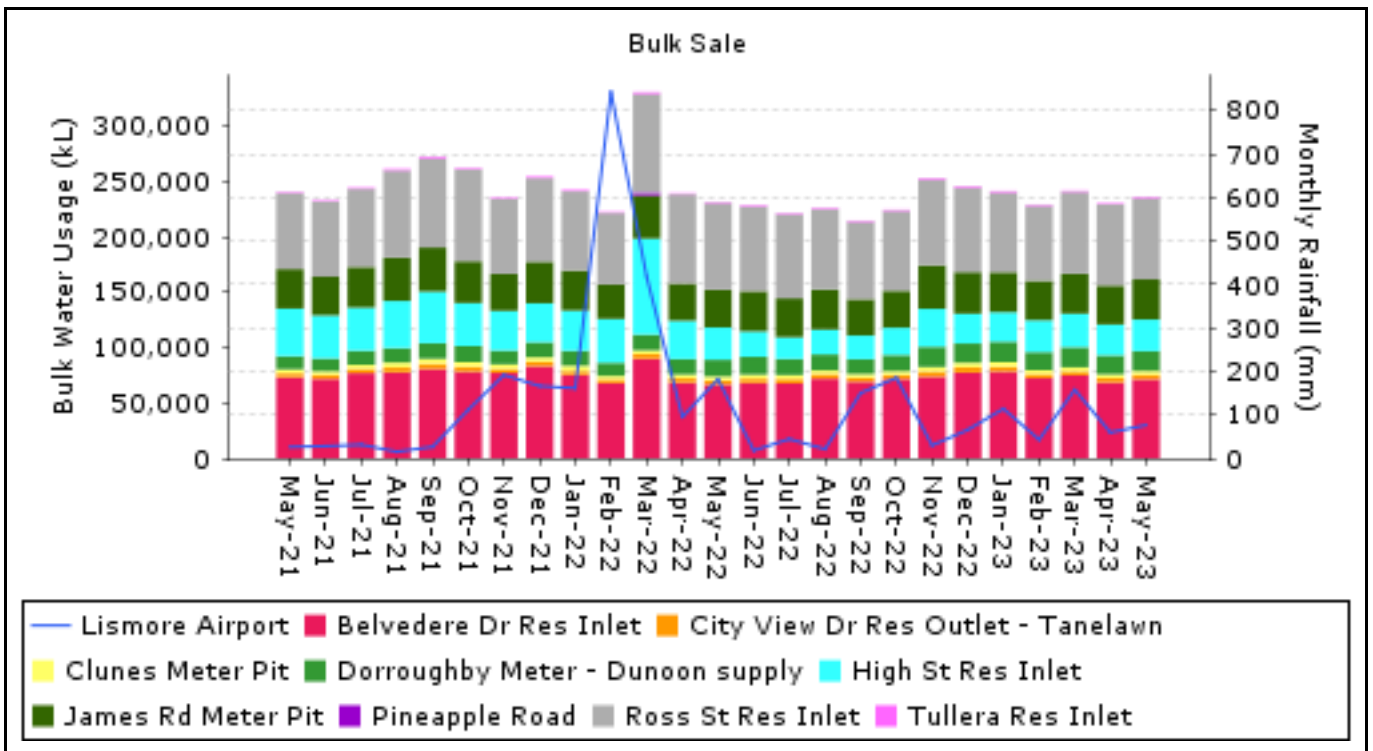


Figure 14: Monthly consumption and rainfall - Lismore City Council.

Figure 15 shows the monthly consumption for water fill stations for Lismore City Council and the rainfall for the previous two years.

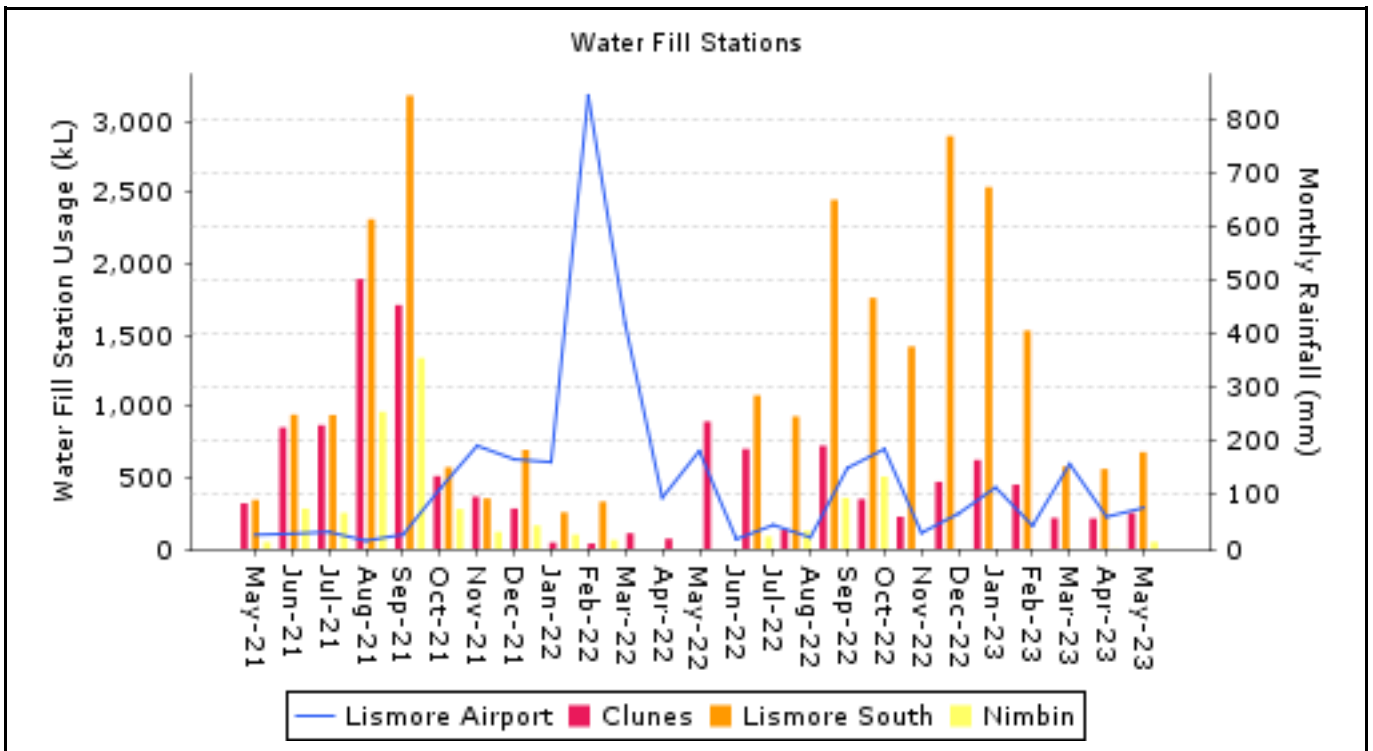


Figure 15: Monthly consumption commercial water fill station and rainfall.

Figure 16 shows the total usage of individual commercial water fill stations for the financial year to date compared with the previous two years.

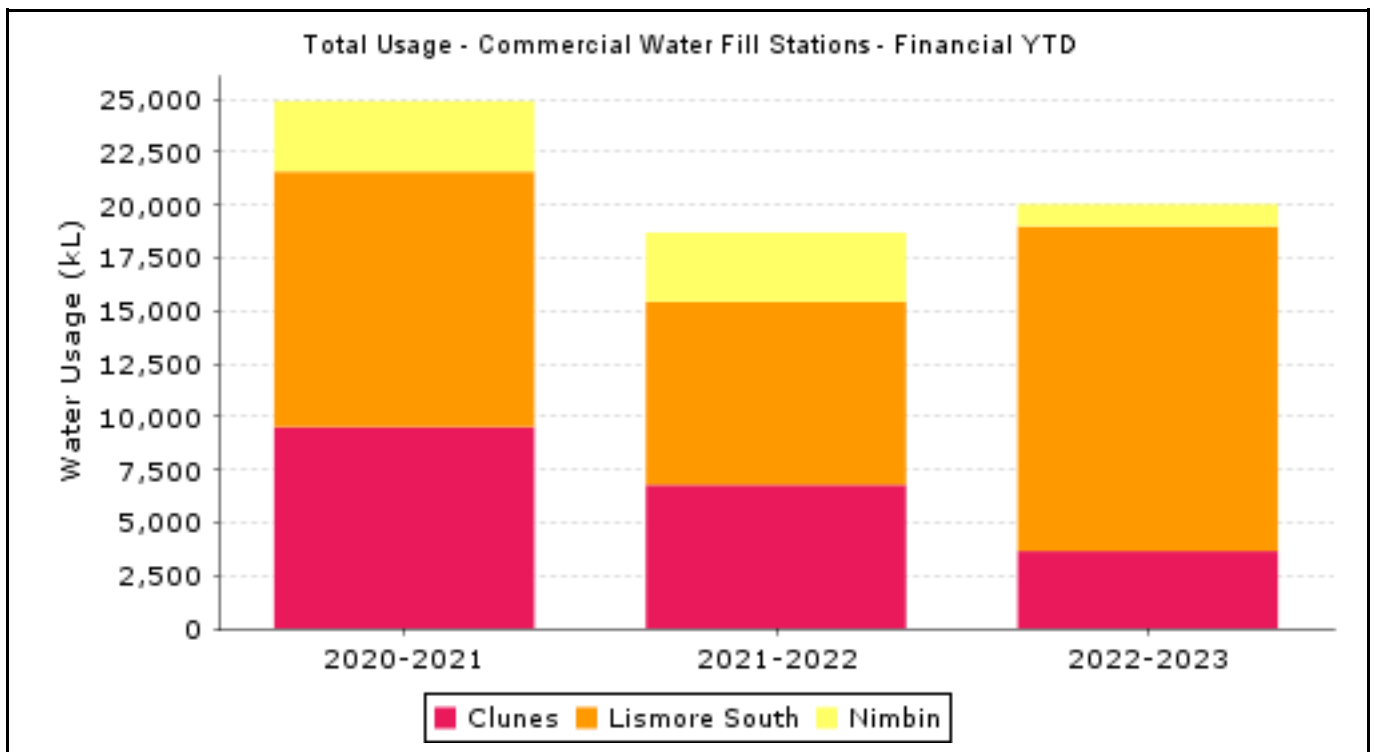


Figure 16: Total usage of commercial water fill stations. 1 July to 31 May

Monthly consumption by constituents - Richmond Valley Council

Figure 17 shows the monthly consumption for Richmond Valley Council area for the previous two years. Rainfall data is from the Bureau of Meteorology rainfall station Evans Head.

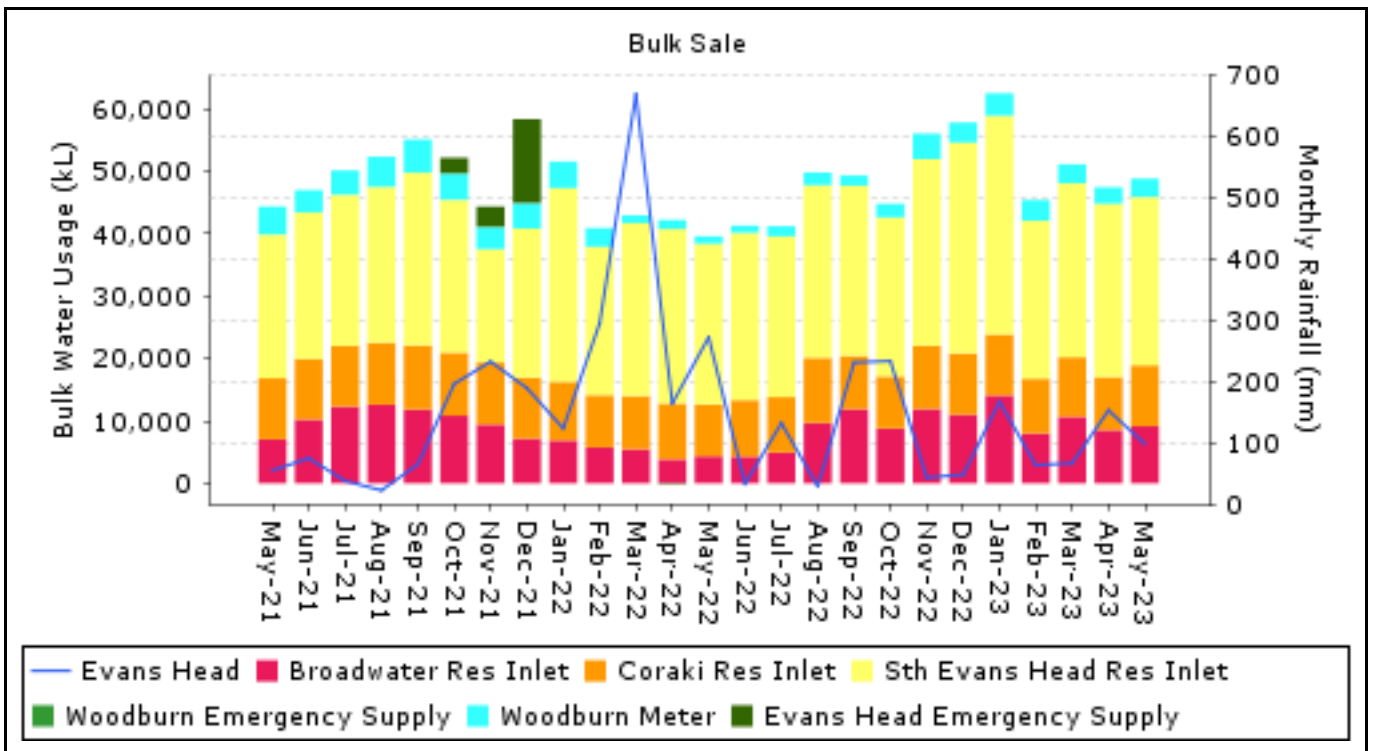


Figure 17: Monthly consumption and rainfall - Richmond Valley Council.

Figure 18 shows the monthly consumption for water fill stations for Richmond Valley Council and the rainfall for the previous two years.

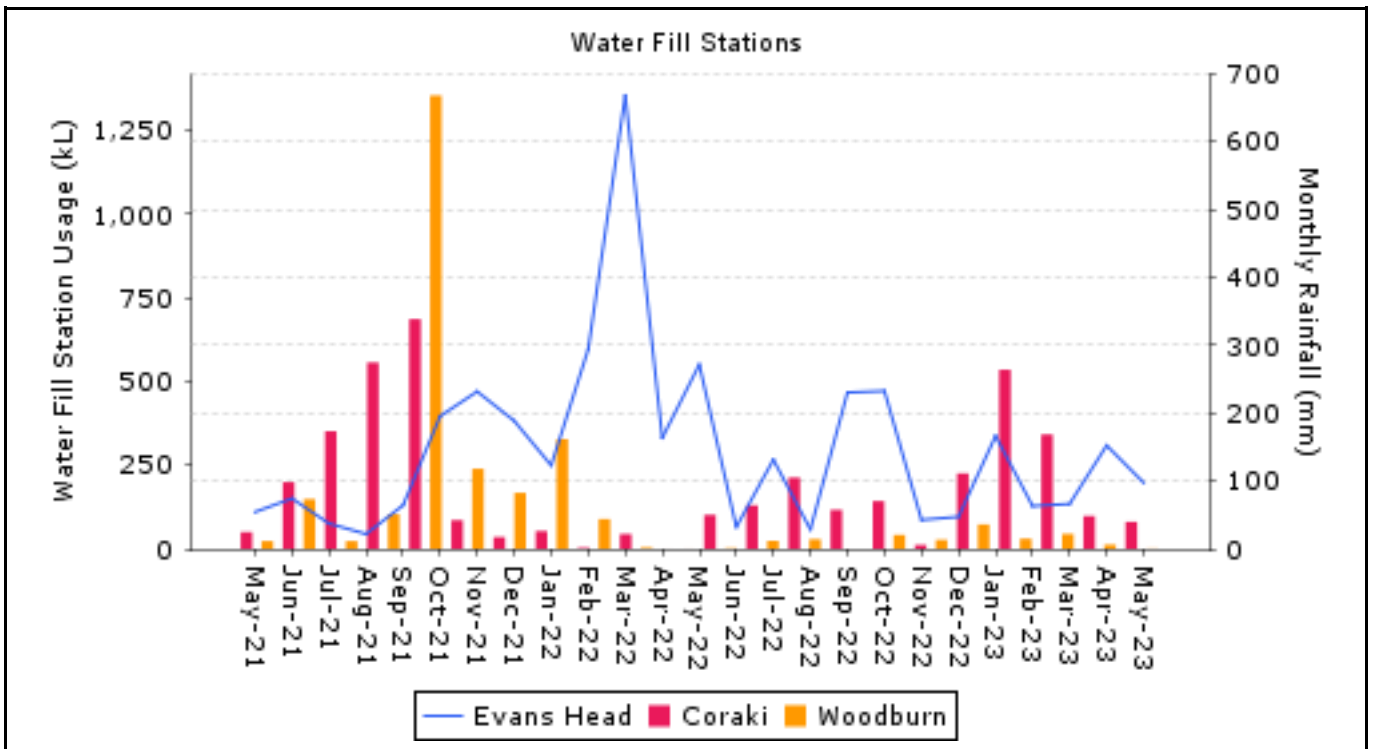


Figure 18: Monthly consumption commercial water fill station and rainfall.

Figure 19 shows the total usage of individual commercial water fill stations for the financial year to date compared with the previous two years.

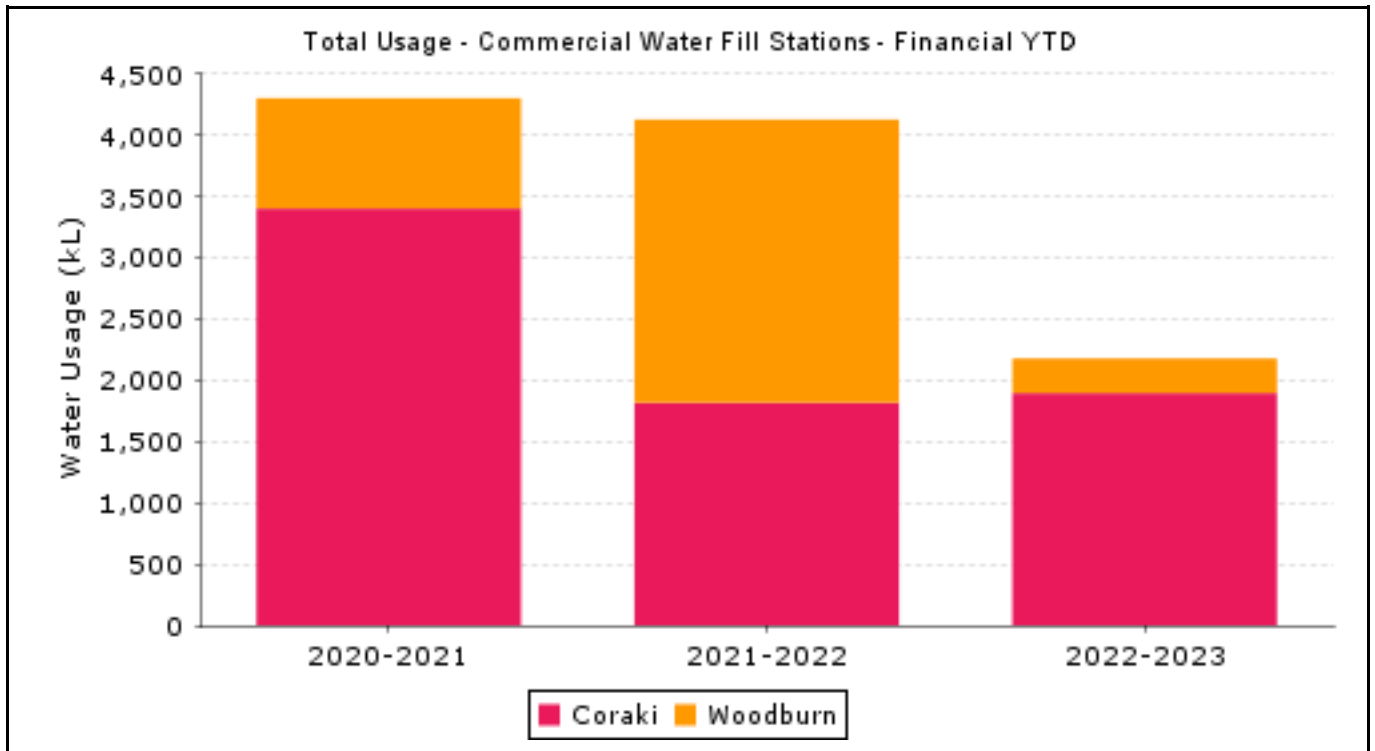


Figure 19: Total usage of commercial water fill stations. 1 July to 31 May

Audit Risk and Improvement Committee - meeting update

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council receive and note the attached minutes from the Audit, Risk and Improvement Committee meeting of 22 May 2023.

Background

The Audit, Risk and Improvement Committee ('Committee') met on 22 May 2023. A copy of the minutes of the meeting are provided at [Attachment 1](#).

1. Audit

The Committee received an update on staff's progress towards implementing improvement recommendations made by Council's external auditors and internal auditors across the areas of work, health and safety, asset management, procurement, and ICT general controls since the last update to the Committee in February 2023.

2. Governance

a. Policies:

The Committee received a snapshot of the currency of Council's 28 adopted policies including the proportion due for review based on a 4-yearly review cycle.

b. Delegations:

Notice of the completion of a review of staff delegations (i.e., delegations made by the General Manager to Council staff under section 378 of the *Local Government Act 1993*) was provided to the Committee, including a website link to access a copy of the new instrument of staff delegations ([HERE](#)).

c. Section 355 Committees:

The Committee were advised of the recommencement of training, safety reviews, and annual commitment activities for community volunteers involved in Council's landowner volunteer floodgate operator program following the significant impact the 2022 flooding had on the program participants.

3. Financial Management

The Committee received and noted the information presented in the Financial Management Report – May 2023, regarding:

- The progress of the land and buildings revaluation activity for the purposes of compliance with the Australian Accounting Standards and the year-end audit by the NSW Audit Office.
- The Quarterly Budget Review report and the monthly Investment report furnished to Council's April 2023 meeting applicable for the period ending 31 March 2023.
- Compliance with the Office of Local Government's '[Guideline on the use and management of credit cards](#)'.

4. Information Communications Technology (ICT)

A summary of ICT activities undertaken by Council staff was provided, including:

- ICT help requests by category and business unit
- Data migration and information management within Council's Electronic Document and Record Management System (EDRMS)
- Implementation of internal audit recommendations, such as: multifactor authentication for councillors and external penetration tests by via Cyber NSW
- Implementation of new telephony and drawing management systems.

5. Health Safety and Environment

The Committee considered reporting performance and insights relating to health and safety matters for the period February 2023 – May 2023.

An update on activities targeted at assessing and reducing the risks associated with remote/isolated work and working alone was also provided to the Committee.

6. Strategy Implementation

A copy of the Operational Plan and annual budget for 2023/24 reported to Council's 19 April 2023 meeting was provided to the Committee.

7. Other Matters

The Committee was provided with a summary of the following reports released by external agencies relevant to Council:

- Audit Office of NSW – Performance Audit – [NSW government agencies' use of consultants](#) – 2 March 2023
- NSW Independent Commission Against Corruption ('ICAC') – [Investigation into the awarding of Roads and Traffic Authority and Maritime Services contracts \(Operation Paragon\)](#) – March 2023

The Committee was also provided with a status update on the progress of recruiting an additional Independent Member and a new Chairperson to the Committee.

Note – a separate report is provided to Council at its June 2023 meeting on the recruitment and appointment of the new Committee members.

Consultation

This report was prepared in consultation with the Committee Chairperson.

Conclusion

This report provides a summary of the key messages from the 22 May 2023 Committee meeting and other associated matters.

Attachment

1. Audit, Risk and Improvement Committee meeting minutes 22 May 2023

**MINUTES OF ROUS COUNTY COUNCIL AUDIT RISK AND IMPROVEMENT
COMMITTEE HELD MONDAY, 22 MAY 2023 AT ADMIN OFFICE, 218-232
MOLESWORTH STREET, LISMORE**

The Chair opened the meeting at 9.57 am.

In attendance:

Committee Members:

- Brian Wilkinson, Independent Member (Chair)
- Andrew MacLeod, Independent member
- Cr Big Rob, Rous Councillor (*via Teams*)

Rous County Council Staff:

- Phillip Rudd, General Manager
- Helen McNeil, Group Manager People and Performance
- Geoff Ward, Group Manager Corporate and Commercial
- Andrew Logan, Group Manager Planning and Delivery
- Lauren Edwards, Governance and Risk Manager
- Joseph Yeadon, IT Manager (*via Teams*)
- Noeline Smith, Minute Taker

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 MINUTES OF PREVIOUS MEETING

Minutes of the meeting held 27 February 2023 were noted as presented.

3 DISCLOSURE OF INTEREST

Nil.

4 SCHEDULE OF REPORTING

Noted as presented.

5 REPORTS

5.1 Audit report

RECOMMENDATION (MacLeod/Wilkinson) that the Audit, Risk and Improvement Committee receive and note the information presented in the report on progress against actions arising from:

1. Internal audits.
2. External audits.
3. In-house audits.

Audit report (Resolution)		
For	Brian Wilkinson, Andrew MacLeod and Cr Big Rob	3
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

5.2 Governance

RECOMMENDATION (MacLeod/Rob) that the Audit, Risk and Improvement Committee receive and note the information presented in the report on:

1. Policy and delegations review status.
2. The governance of Council's section 355 Committee.

Governance (Resolution)		
For	Brian Wilkinson, Andrew MacLeod and Cr Big Rob	3
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

5.3 Financial Management - May 2023

RECOMMENDATION (MacLeod/Wilkinson) that the Audit, Risk and Improvement Committee receive and note the information presented in the Financial Management report – May 2023 regarding:

1. Revaluation of Land and Buildings for 30 June 2023.
2. The Quarterly Budget Review report furnished to Council's April 2023 meeting applicable for the quarter ending 31 March 2023.
3. The Investment report furnished to Council's April 2023 meeting applicable for the month of 31 March 2023.
4. Office of Local Government Guidelines on the Use and Management of Credit Cards.

Financial Management - May 2023 (Resolution)		
For	Brian Wilkinson, Andrew MacLeod and Cr Big Rob	3
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

5.4 Information Communications Technology (ICT)

RECOMMENDATION (Rob/MacLeod) that the Audit, Risk and Improvement Committee receive and note the attached ICT update report for May 2023.

Verbal update provided to the meeting by IT Manager in relation to Cyber Security.

Information Communication Technology (ICT) (Resolution)		
For	Brian Wilkinson, Andrew MacLeod and Cr Big Rob	3
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

5.5 Health Safety and Environment

RECOMMENDATION (Wilkinson/MacLeod) that the Audit, Risk and Improvement Committee receive and note the information presented in the report regarding Health Safety and Environment systems, compliance and reviews.

Health Safety and Environment (Resolution)		
For	Brian Wilkinson, Andrew MacLeod and Cr Big Rob	3
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

5.6 Strategy Implementation

RECOMMENDATION (Rob/Wilkinson) that the Audit, Risk and Improvement Committee receive and note the report.

Strategy Implementation (Resolution)		
For	Brian Wilkinson, Andrew MacLeod and Cr Big Rob	3
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

5.7 Other matters

RECOMMENDATION (MacLeod/Rob) that the Audit Risk and Improvement Committee receive and note the information contained in the report.

Other Matters (Resolution)		
For	Brian Wilkinson, Andrew MacLeod and Cr Big Rob	3
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

6 OTHER BUSINESS ARISING

Nil.

7 CONFIRMATION OF MINUTES

Audit Risk and Improvement Committee meeting minutes 22 May 2023

RECOMMENDATION (MacLeod/Rob) that the minutes of the Audit Risk and Improvement Committee of 22 May 2023 be accepted as presented.

Confirmation of Minutes 22 May 2023 (Resolution)		
For	Brian Wilkinson, Andrew MacLeod and Cr Big Rob	3
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

8 NEXT MEETING

Monday, 24 July 2023

9 CLOSE OF BUSINESS

Meeting closed at 10.36am.

Reports/Actions pending

Responsible Officer: General Manager (Phillip Rudd)

Recommendation

That the report be received and noted.

Background

Following is a list of pending resolutions with individual comments provided on current position and expected completion date.

COUNCIL MEETING	COUNCIL RESOLUTION
11/12/19	Report: Perradenya cycleway
	RESOLVED a future report be provided to Council.
	<p>IN PROGRESS: Workshop presented at September 2020 workshop. Report to Council scheduled for April 2021.</p> <p>DEFERRED: Deferred to new term of Council subject to adoption of the FWP2060 and incorporation into the Long-Term Financial Plan. Target December 2021 — June 2022.</p> <p>UPDATE: February 2022 — June 2022.</p> <p>UPDATE: Council site visit and workshop scheduled September 2022.</p> <p>UPDATE: Staff are working with town planning consultants and preparing a report for Council in April 2023.</p>
STATUS	Awaiting third party advice – report anticipated for October 2023 Council meeting.

COUNCIL MEETING	COUNCIL RESOLUTION
11/12/19	Richmond River Cane Growers' Association submission: Review of Tuckombil Canal fixed weir (Letters 118585 / 53238)
	<p>IN-PROGRESS: Staff engaged with RVC staff around their grant application for a Study to update their Richmond River Flood Model (2010). Their grant was successful, and they have commenced procurement of a modelling consultant. Rous has contributed \$10,000 towards the project. One secondary goal for their Study is to consolidate these models along the mid to lower Richmond, including the Evans River Model, the W2B Pacific Highway Upgrades and collect high resolution flood modelling information around the Tuckombil Canal/ upstream.</p> <p>The updated model information will contribute to a future Rous led options study for the Tuckombil Canal. The Cane Growers' Association was advised in April 2020 of the intentions with regards to Richmond Valley Council, and will be updated during December 2020 with the latest information.</p> <p>UPDATE: The work by Richmond Valley Council to update their flood model is progressing well, with modelling expected to be completed within the first quarter of the 21/22 FY. RCC's requirements for the flood modelling around the Tuckombil Canal are expected to be met and reported back during the same period.</p> <p>UPDATE: Council staff received an update on the project from the consultants in early September 2021. The model development is nearing its conclusion and work will commence on modelling scenarios soon.</p>

	<p><u>UPDATE: Richmond Valley Council (RVC) staff have advised that the consultants have finalised the flood model and are now in the reporting phase. A draft Study report will go to RVC in the first quarter of 2022.</u></p> <p><u>When the flood model is finalised, Rous will be able to consider the results and how a review of the Tuckombil Canal fixed weir would be financed.</u></p> <p><u>UPDATE: The February 2022 floods since the last update have meant that the flood model finalisation and reporting to Richmond Valley Council (RVC) have been delayed. A new date for its finalisation is not yet available from RVC. Once the flood model is finalised, Rous will be able to consider the results and how a review of the Tuckombil Canal fixed weir would be financed.</u></p>
<p>STATUS</p>	<p>The RVC flood model continues to be finalised following the floods. In the meantime, Rous staff continue to discuss the scope of work and funding options, whilst keeping stakeholders informed.</p>

Confidential matters

Responsible Officer: General Manager (Phillip Rudd)

Recommendation

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

Chair's Minute - Annual Performance Review: General Manager

Grounds for closure

Section 10A(2)(a) personnel matters concerning particular individuals (other than councillors).

Section 10A, Local Government Act, 1993:

A Council may close to the public only so much of its meeting as comprises the receipt or discussion of any of the following:

Section 10A(2):

- (a). personnel matters concerning particular individuals (other than councillors),
- (b). the personal hardship of any resident or ratepayer,
- (c). information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- (d). commercial information of a confidential nature that would, if disclosed:
 - (i). prejudice the commercial position of the person who supplied it, or
 - (ii). confer a commercial advantage on a competitor of the Council, or
 - (iii). reveal a trade secret,
- (e). information that would, if disclosed, prejudice the maintenance of law,
- (f). matters affecting the security of the council, councillors, council staff or council property,
- (g). advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h). information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Section 10A(4):

Council may allow members of the public to make representations to or at a meeting before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

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