

**MINUTES OF THE ORDINARY MEETING OF ROUS COUNTY COUNCIL HELD
WEDNESDAY, 16 AUGUST 2023 AT COUNCIL'S ADMINISTRATION OFFICE, 218-232
MOLESWORTH STREET, LISMORE**

The Chair opened the meeting at 10.06 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 Sarah Ndiaye, Byron Shire Council
- Cr Andrew Gordon, Lismore City Council
- Cr Big Rob, Lismore City Council
- Cr Sandra Humphrys, Richmond Valley Council (arrived 10.27am)

Council Officers:

- Phillip Rudd, General Manager
- Andrew Logan, Group Manager Planning and Delivery
- Helen McNeil, Group Manager People and Performance
- Geoff Ward, Group Manager Corporate and Commercial
- Tom Lloyd, Dams and Treatment Engineering Manager
- Jonathan Patino, Finance Manager
- Noeline Smith, Minute Taker
- Robyn Waldron, Executive Assistant
- Luka Taylor, ICT Support Officer
- Guy Bezrouchko, Project Manager-Relocation and Properties (for Item 12.)

Other attendees:

- Mr Brian Wilkinson (Chair – Rous Audit, Risk and Improvement Committee)

Apologies

- Cr Michael Lyon, Byron Shire Council
- Adam Nesbitt, Group Manager Operations

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED [34/23] (Humphrys/Gordon) that the Minutes of the meeting held 21 June 2023 be approved as presented.

Confirmation of Minutes of previous meeting (Resolution)		
For	Cr Rod Bruem, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	6
Against	None	0

Abstain	None	0
Conflict of Interests	None	0
Absent	Cr Cadwallader	0
Carried		

3 DISCLOSURE OF INTEREST

Cr Rob and Cr Gordon declared a significant, non-pecuniary interest in *Confidential Item 13.1 Perradenya Estate – update report* and will not be present during discussions on the matter. It was also noted Cr Rob and Cr Gordon did not receive a copy of this confidential report.

Cr Rob and Cr Gordon declared a significant and non-pecuniary interest in *Item 11.1 Proposed changes to ownership – Lismore Levee Scheme* and will not be present during discussions on the matter.

4 MATTERS OF URGENCY

Nil.

5 NOTICES OF MOTION / QUESTIONS WITH NOTICE

Nil.

6 PRESENTATION: BRIAN WILKINSON (ARIC CHAIR): AUDIT RISK AND IMPROVEMENT COMMITTEE - PERFORMANCE REPORT 2022/23

Brian Wilkinson, Chair of the ARIC Committee, presented to Council the ARIC Committee Performance Report 2022/23. The Chair thanked Mr Wilkinson for his presentation.

It was also noted that Mr Wilkinson has resigned from his position as Chair of ARIC after ten years' service. On behalf of Council, the Chair thanked Mr Wilkinson for his time and effort during his role and wished him all the very best for the future.

7 GENERAL MANAGER REPORTS

Nil.

8 GROUP MANAGER CORPORATE AND COMMERCIAL REPORTS

8.1 Preliminary 2022/23 End of Financial Year Summary and Budget Carry Forwards

RESOLVED [35/23] (Bruem/Gordon) that Council:

1. Receive and note the Preliminary 2022/23 End of Year Financial Summary Report, acknowledging that it is a preliminary summary prior to end of year adjustments and audit.
2. Approve the funds to be carried forward as detailed in Tables 11 - 12 of the report.

Preliminary 2022/23 End of Financial Year Summary and Budget Carry Forwards (Resolution)		
For	Cr Rod Bruem, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	6
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	Cr Cadwallader	0
Carried		

8.2 Retail Water Bad Debt Write-off

MOVED (Ndiaye/Humphrys):

1. That Council defers the decision until the February 2024 Council meeting with no interest to be applied to the account during that period.
2. Staff to continue to work with the customer for the debt recovery of \$2,500.

On being put to the meeting the Motion was Carried.

RESOLVED [36/23] (Ndiaye/Humphrys):

1. That Council defers the decision until the February 2024 Council meeting with no interest to be applied to the account during that period.
2. Staff to continue to work with the customer for the debt recovery of \$2,500.

Retail Water Bad Debt Write-off (Resolution)		
For	Cr Rod Bruem, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	6
Against	None	0
Abstain	None	
Conflict of Interests	None	0
Absent	Cr Sharon Cadwallader	0
Carried		

9 GROUP MANAGER PLANNING AND DELIVERY REPORTS

9.1 Proposed change to ownership - Lismore Levee Scheme

Cr Gordon and Cr Rob left the meeting at 10.27am.

Cr Cadwallader arrived 10.27am.

RESOLVED [37/23] (Cadwallader/Bruem) that Council:

1. Acknowledges that the devastating and widespread impact of the 2022 Floods has highlighted the importance of local government partnering and working cooperatively for the benefit of the community.
2. Note that Lismore City Council has been successful in independently securing grant funding under the Northern Rivers Recovery and Resilience Program for upgrade and improvement works to the Lismore Levee Scheme and that Lismore is seeking to engage with Rous regarding consent to undertake those works.

3. Recognising that the historic role of Rous in urban flood mitigation has changed and having regard to the Lismore Levee Scheme asset renewal, replacement and upgrade works independently completed and planned by Lismore City Council, resolve to transfer the Lismore Levee Scheme to Lismore City Council and enable centralised control, ownership, operation and maintenance by that Council as the local government entity serving the community directly benefited by the Scheme.
4. Invite the Lismore City Council Mayor and General Manager to meet with the Rous Chair and General Manager to negotiate and agree next steps.
5. Confirms its commitment to work with Lismore City Council to ensure no delay to any planned upgrade and improvement works for the Lismore Levee Scheme.
6. Write to relevant funding bodies to request financial assistance to affect the transfer of the Lismore Levee Scheme to ensure no cost is borne by either Lismore City Council or Rous.
7. Revoke point 1(b) of resolution [84/22] arising from Council's meeting of 14 December 2022.
8. Authorise the General Manager to affect all necessary actions associated with and ancillary to the implementation of this resolution of Council.
9. Receive a further update before December 2023.

Cr Rob and Cr Gordon returned to the meeting at 10.36am.

Proposed change to ownership - Lismore Levee Scheme (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Sandra Humphrys, Cr Robert Mustow and Cr Sarah Ndiaye	5
Against	None	0
Abstain	None	0
Conflict of Interests	Cr Andrew Gordon and Cr Big Rob	2
Absent	None	0
Carried		

9.2 Lumley Park Bore Retrieval

RESOLVED [37/23] (Bruem/Gordon) that Council:

1. Receive and note the report.
2. Provide an exemption as per Section 55(3)(i) of the *Local Government Act 1993 (NSW)* to carry out services valued at over \$250,000 without going to tender because of the bespoke nature of the work and the extremely limited supplier options.
3. Endorse the continuing engagement of ACS Equip Pty Ltd to a maximum amount of \$415,000 (incl GST), as they have a unique set of skills and equipment required to execute the completion of this task with the Lumley Park Bore.

Lumley Park Bore Retrieval (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	7
Against	None	0
Abstain	None	0
Conflict of	None	0

Interests		
Absent	None	0
Carried		

10 INFORMATION REPORTS (COVER REPORT)

RESOLVED [39/23] (Rob/Cadwallader) that the following information reports be received and noted:

1. Investments – July 2023
2. Water production and consumption – July 2023
3. Retail Water Customer Account Assistance
4. Debt write-off information summary
5. Overview - Local Government NSW Water Conference 26-28 June 2023
6. Audit Risk and Improvement Committee – meeting update
7. Operational Plan 2022-2023 Scorecard - (Y1-Q4) 01 April 2023 to 30 June 2023
8. Tenders awarded by the General Manager under Delegation
9. Annual Report: Rous Regional Demand Management Plan 2023-2024
10. Reports/actions pending

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

11 CONFIDENTIAL MATTERS

Cr Rob and Cr Gordon left the meeting at 10.47am.

MOVED TO CLOSED COUNCIL

RESOLVED [40/23] (Humphrys/Cadwallader) that Council move into Closed Council with the press and public excluded from the meeting based on the grounds detailed below:

Report	Perradenya Estate – update report
Grounds for closure	Section 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The meeting moved to Closed Council at 10.48am.

Cr Rob and Gordon returned to the meeting at 11.04am.

RESUME TO OPEN COUNCIL

RESOLVED [41/23] (Cadwallader/Ndiaye) that the meeting resume to Open Council.

The meeting moved to Open Council at 11.05am.

Resumption to Open Council (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	7
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

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

12 PERRADENYA ESTATE - UPDATE REPORT

RESOLVED [42/23] (Bruem/Cadwallader) that Council:

1. Receive and note the report.
2. Take all necessary steps outlined in the report to finalise the Perradenya Land Development. If any prior resolution is inconsistent with this resolution, that outstanding resolution is deemed to be revoked.
3. Authorise the General Manager to take all steps outlined in the report to finalise the Perradenya Land Development.

Perradenya Estate - update report (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Sandra Humphrys, Cr Robert Mustow and Cr Sarah Ndiaye	5
Against	None	0
Abstain	None	0
Conflict of Interests	Cr Andrew Gordon and Cr Big Rob	2
Absent	None	0
Carried		

13 CLOSE OF BUSINESS

There being no further business the meeting closed at 11.08 am.