



**Ordinary meeting business paper**

**Wednesday, 4 December 2024**

commencing 10.00 am

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

## **OPENING OF THE MEETING**

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In accordance with clause 236 of the *Local Government (General) Regulation 2021*, attendees at today's Council meeting are advised that this meeting is being recorded (except for the confidential session) and will be made publicly available.

- 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.

Please ensure that mobile phones and other electronic devices are turned off or are in silent mode for the duration of the meeting.

## **STATEMENT OF ETHICAL OBLIGATIONS**

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In accordance with clause 3.23 of Council's Code of Meeting Practice, councillors are reminded of their Oath or Affirmation of Office made at or before their first meeting of the council made under section 233A of the Act, to undertake their civic duties in the best interests of the people they represent and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act, to the best of their ability and judgement.

## **CONFLICTS OF INTEREST**

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Councillors are reminded of their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest in matters being considered at council meetings. All declarations of conflicts of interest will be recorded in the minutes of the meeting at which the declaration was made.

## **APPLICATIONS TO ATTEND BY AUDIO VISUAL LINK**

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In accordance with clause 5.18 and 5.19 of Council's Code of Meeting Practice, Councillors may attend and participate in meetings by audio-visual link with the approval of the Council.

Requests by Councillors for approval to attend a meeting by audio-visual link must be made in writing to the General Manager prior to the meeting in question and provide reasons why the Councillor will be presented from attending the meeting in person.

Councillors attending a meeting by audio-visual link are reminded that they must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the *Local Government Act 1993*.

Note: Consistent with clause 5.44 of Council's Code of Meeting Practice, attendance by Council staff at meetings of the Council by audio-visual link shall be with the approval of the General Manager.

**Copy of: CODE OF MEETING PRACTICE / CODE OF CONDUCT**

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# 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 Leave of Absence**
  4. **Confirmation of Minutes of previous meeting**
    - 4.1 Ordinary meeting held 30 October 2024 ..... 1 - 15
    - 4.2 Extraordinary meeting held 27 November 2024 ..... 16 - 17
  5. **Disclosure of Interest**
  6. **Chair's Minute**
  7. **Matters of urgency / Questions with notice**
  8. **Notices of Motion**
  9. **Length of Service Recognition Awards for 2024**
  10. **General Manager reports**
    - 10.1 Rous' meeting schedule for 2025 ..... 18
  11. **Group Manager Organisational Services**
    - 11.1 Delegation - General Manager ..... 19 - 29
  12. **Group Manager Planning and Delivery reports**
    - 12.1 Update on the Lismore Levee Scheme ..... 30 - 31
  13. **Group Manager Operations reports**
  14. **Policies**
    - 14.1 Customer Feedback Complaints and Unreasonable Conduct ..... 32 - 35
  15. **Information reports (cover report) ..... 36**
    - 15.1 Annual Report/State of Region Report ..... 37
    - 15.2 Investments - October 2024 ..... 38 - 43
    - 15.3 Investments November 2024 (late report) ..... 44 - 49
-

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|------------|---|---------|
| 15.4       | Annual 'Model Code of Complaint Statistics' ..... | 50 - 53 |
| 15.5       | Reports - Actions pending .....                   | 54      |
| <b>16.</b> | <b>Confidential matters</b>                       |         |
| <b>17.</b> | <b>Close of business</b>                          |         |

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**MINUTES OF THE ORDINARY MEETING OF ROUS COUNTY COUNCIL HELD  
WEDNESDAY, 30 OCTOBER 2024 AT ADMINISTRATION OFFICE, 218-232  
MOLESWORTH STREET, LISMORE**

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**1 OPENING OF MEETING**

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The General Manager opened the meeting at 11.01 am.

In attendance:

Councillors

- Cr Robert Mustow, Richmond Valley Council
- Cr Sharon Cadwallader, Ballina Shire Council
- Cr Andrew Gordon, Lismore City Council
- Cr Elia Hauge, Byron Shire Council
- Cr Sandra Humphrys, Richmond Valley Council
- Cr Steve Krieg, Lismore City Council
- Cr Sarah Ndiaye, Byron Shire Council
- Cr Eva Ramsey, Ballina Shire Council

Council Officers

- Phillip Rudd, General Manager
- Helen McNeil, Group Manager Organisational Services
- Adam Nesbitt, Group Manager Operations
- Geoff Ward, Group Manager Transformation and Strategy
- Jonathan Patino, Finance Manager
- Lauren Edwards, Governance and Risk Manager

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**2 ACKNOWLEDGEMENT OF COUNTRY**

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

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**3 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON**

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**RESOLVED [52/24]** (Gordon/Humphrys) That Council conduct an election for a chairperson and deputy chairperson consistent with the election process for chairpersons of county councils set out in the *Local Government Act 1993* and the *Local Government (General) Regulation 2021* and that:

1. If there is more than one nomination, Council resolve the method of election (to be either by preferential ballot, ordinary ballot or open voting); and
2. The result of the election (including the names of those elected) be declared at the meeting and that those elected hold office for two years.

Only one nomination was received for each of the roles of chairperson and deputy chairperson therefore Cr Robert Mustow was elected Chairperson and Cr Sharon Cadwallader was elected Deputy Chairperson and will hold office for two years.

| <b>Election of chairperson and deputy chairperson (Resolution)</b> |   |   |
|--|---|---|
| For  | Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Elia Hauge, Cr Sandra Humphrys, Cr Steve Krieg, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Eva Ramsey | 8 |
| Against  | None  | 0 |
| Abstain  | None  | 0 |
| Conflict of Interests  | None  | 0 |
| Absent   | None  | 0 |
| <b>Carried</b>   |   |   |

*The General Manager vacated the chair and handed over to Cr Robert Mustow, Chairperson.*

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**4 APOLOGIES AND LEAVE OF ABSENCE**

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**Noted:** That Cr Eva Ramsey will be on leave for the month of November 2024.

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**5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

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**RESOLVED [53/24]** (Ndiaye/Cadwallader) That the Minutes of the meeting held 21 August 2024 be approved as presented.

**Noted:** the below presentations from 17 July 2024 Council Workshop to be repeated.

- a) Purified Recycled Water
- b) Desalination

| <b>Confirmation of Minutes of previous meeting (Resolution)</b> |   |   |
|---|---|---|
| For   | Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Elia Hauge, Cr Sandra Humphrys, Cr Steve Krieg, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Eva Ramsey | 8 |
| Against   | None  | 0 |
| Abstain   | None  | 0 |
| Conflict of Interests   | None  | 0 |
| Absent  | None  | 0 |
| <b>Carried</b>  |   |   |

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**6 DISCLOSURE OF INTEREST**

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Nil.

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**7 CHAIR'S MINUTE**

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Nil.

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**8 MATTERS OF URGENCY**

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Nil.

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**9 NOTICES OF MOTION / QUESTIONS WITH NOTICE**

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Nil.

**10 GENERAL MANAGER REPORTS**

10.1 Oath or affirmation of Office by Councillors

**RESOLVED [54/24]** (Cadwallader/Ndiaye) That in accordance with section 233A of the *Local Government Act 1993*, it is noted that:

1. The General Manager has confirmed all councillors have undertaken the Oath of Office or Affirmation of Office prior to the first Ordinary meeting of the new Council held on 30 October 2024.
2. A signed statement acknowledging the taking of either an oath or affirmation by each Councillor will be included in the meeting minutes.

The following Councillors:

- (a) Took an oath of Office: Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Steve Krieg, Cr Sandra Humphrys and Cr Eva Ramsey, and
- (b) Made an affirmation of Office: Cr Elia Hauge, Cr Sarah Ndiaye and Cr Robert Mustow.

| <b>Oath or affirmation of Office by Councillors (Resolution)</b> |   |   |
|--|---|---|
| For  | Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Elia Hauge, Cr Sandra Humphrys, Cr Steve Krieg, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Eva Ramsey | 8 |
| Against  | None  | 0 |
| Abstain  | None  | 0 |
| Conflict of Interests  | None  | 0 |
| Absent   | None  | 0 |
| <b>Carried</b>   |   |   |

10.2 Reconciliation Action Plan Advisory Group - appointment of Councillor members

**RESOLVED [55/24]** (Ndiaye/Cadwallader) That:

1. Nominations for the appointment of Councillor Member and alternate Councillor Member as Chair of the Reconciliation Action Plan Advisory Group (RAPAG) be sought from councillors, and
2. The Chair hold the position for the duration of the current term of Council.

**CARRIED** that Cr Sarah Ndiaye be appointed the Councillor Member and Cr Elia Hauge the alternate Councillor Member as Chair of the Reconciliation Action Plan Advisory Group (RAPAG) and will hold this position for the duration of the current term of Council.

| <b>Reconciliation Action Plan Advisory Group - appointment of Councillor members (Resolution)</b> |   |   |
|---|---|---|
| For   | Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Elia Hauge, Cr Sandra Humphrys, Cr Steve Krieg, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Eva Ramsey | 8 |
| Against   | None  | 0 |
| Abstain   | None  | 0 |
| Conflict of Interests   | None  | 0 |
| Absent  | None  | 0 |
| <b>Carried</b>  |   |   |

10.3 Audit, Risk and Improvement Committee - appointment of Councillor members

**RESOLVED [56/24]** (Cadwallader/Humphrys)

1. That nominations for a primary and alternate member on the Audit, Risk and Improvement Committee be sought from Councillors (excluding the Chair).
2. Note that the Audit, Risk and Improvement Committee Charter will be updated to reflect membership and contact detail changes as required.

**CARRIED** That Cr Elia Hauge be appointed the primary and Cr Sarah Ndiaye the alternate non-voting councillor member on the Audit, Risk and Improvement Committee for a 4-year term.

| <b>Audit, Risk and Improvement Committee - appointment of Councillor members (Resolution)</b> |   |   |
|---|---|---|
| For   | Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Elia Hauge, Cr Sandra Humphrys, Cr Steve Krieg, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Eva Ramsey | 8 |
| Against   | None  | 0 |
| Abstain   | None  | 0 |
| Conflict of Interests   | None  | 0 |
| Absent  | None  | 0 |
| <b>Carried</b>  |   |   |

10.4 Local Government NSW Annual Conference 2024

**RESOLVED [57/24]** (Gordon/Cadwallader) That Council:

1. Approve the attendance of the Deputy Chairperson and the General Manager at the 2024 LGNSW Annual Conference to be held in the Tamworth Regional Entertainment and Conference Centre from Sunday 17 November to Tuesday 19 November 2024.
2. Elect the Deputy Chairperson as Council's voting delegate at the Conference.
3. Nominations be called for other Board Members to attend.

| <b>Local Government NSW Annual Conference 2024 (Resolution)</b> |   |   |
|---|---|---|
| For   | Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Elia Hauge, Cr Sandra Humphrys, Cr Steve Krieg, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Eva Ramsey | 8 |
| Against   | None  | 0 |
| Abstain   | None  | 0 |
| Conflict of Interests   | None  | 0 |
| Absent  | None  | 0 |
| <b>Carried</b>  |   |   |

**11 GROUP MANAGER ORGANISATIONAL SERVICES**

11.1 Audited Financial Reports for the year ended 30 June 2024

**RESOLVED [58/24]** (Ndiaye/Hauge) That Council:

1. Receive the 2023/24 Audited Financial Reports, and the Engagement Closing Report for



the year ended 30 June 2024 prepared by the NSW Audit Office,

2. Fix the date for presenting the 2023/24 Audited Financial Reports to the public at an extraordinary meeting of Council on 27 November 2024 to be held at 10:00am,
3. Provide at least seven (7) days' prior public notice, containing the matters outlined in section 418(3) *Local Government Act 1993*, of the meeting at item (2) above and invite both inspection and submissions from the public,
4. Authorise the Chairperson and Deputy Chairperson to sign the "Statement by Councillors and Management" prepared in accordance with section 215 *Local Government (General) Regulation 2021* for both the General-Purpose Financial Reports and the Special-Purpose Financial Reports on behalf of Council, and
5. Forward a copy of the 2023/24 Audited Financial Reports to the Office of Local Government

| <b>Local Government NSW Annual Conference 2024 (Resolution)</b> |   |   |
|---|---|---|
| For   | Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Elia Hauge, Cr Sandra Humphrys, Cr Steve Krieg, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Eva Ramsey | 8 |
| Against   | None  | 0 |
| Abstain   | None  | 0 |
| Conflict of Interests   | None  | 0 |
| Absent  | None  | 0 |
| <b>Carried</b>  |   |   |

11.2 Quarterly Budget Review Statement Quarter ending 30 September 2024

**RESOLVED [59/24]** (Hauge/Ramsey) That Council note the results presented in the Quarterly Budget Review Statement as at 30 September 2024 and authorise the variations to the amounts from those previously estimated.

| <b>Quarterly Budget Review Statement Quarter ending 30 September 2024 (Resolution)</b> |   |   |
|--|---|---|
| For  | Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Elia Hauge, Cr Sandra Humphrys, Cr Steve Krieg, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Eva Ramsey | 8 |
| Against  | None  | 0 |
| Abstain  | None  | 0 |
| Conflict of Interests  | None  | 0 |
| Absent   | None  | 0 |
| <b>Carried</b>   |   |   |

**12 GROUP MANAGER PLANNING AND DELIVERY REPORTS**

Nil.

**13 GROUP MANAGER OPERATIONS REPORTS**

Nil.

**14 POLICIES**

14.1 Related Party Disclosure Policy revised

**RESOLVED [60/24]** (Cadwallader/Humphrys) That Council:

1. Revoke the Related Party Disclosure Policy dated 17 August 2022 and any policies revived as a result of that revocation; and
2. Adopt the revised Related Party Disclosure Policy attached to this report.

| <b>Related Party Disclosure Policy revised (Resolution)</b> |   |   |
|---|---|---|
| For   | Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Elia Hauge, Cr Sandra Humphrys, Cr Steve Krieg, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Eva Ramsey | 8 |
| Against   | None  | 0 |
| Abstain   | None  | 0 |
| Conflict of Interests                                       | None  | 0 |
| Absent  | None  | 0 |
| <b>Carried</b>  |   |   |

14.2 Investments Policy revised

**RESOLVED [61/24]** (Cadwallader/Gordon) That Council:

1. Revoke the Investments Policy dated 13 December 2023 and any policies revived as a result of that revocation; and
2. Adopt the revised Investments Policy attached to this report.

| <b>Investments Policy revised (Resolution)</b> |   |   |
|--|---|---|
| For  | Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Elia Hauge, Cr Sandra Humphrys, Cr Steve Krieg, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Eva Ramsey | 8 |
| Against  | None  | 0 |
| Abstain  | None  | 0 |
| Conflict of Interests                          | None  | 0 |
| Absent   | None  | 0 |
| <b>Carried</b>                                 |   |   |

**15 INFORMATION REPORTS (COVER REPORT)**

**RESOLVED [62/24]** (Ndiaye/Ramsey) That the following information reports be received and noted:

1. Investments – September 2024
2. Tenders awarded by the General Manager under delegation
3. Reports/Actions pending

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| <b>Information reports (cover report) (Resolution)</b> |   |   |
|--|---|---|
| For  | Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Elia Hauge, Cr Sandra Humphrys, Cr Steve Krieg, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Eva Ramsey | 8 |
| Against  | None  | 0 |
| Abstain  | None  | 0 |
| Conflict of Interests                                  | None  | 0 |
| Absent   | None  | 0 |
| <b>Carried</b>   |   |   |

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**16 CONFIDENTIAL MATTERS**

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Nil.

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**17 CLOSE OF BUSINESS**

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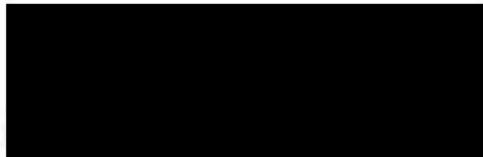
There being no further business the meeting closed at 12.06 pm.



## Oath of office

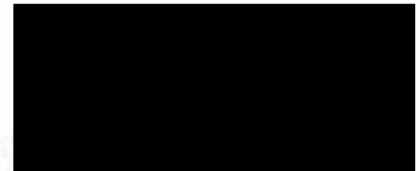
*I, Sharon Cadwallader swear that I will undertake the duties of the office of councillor in the best interests of the people within Rous County Council's operational footprint and the Rous County Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.*

Signat



Cr Sharon Cadwallader

Signature...



Phillip Rudd,  
General Manager

Date.....

*30th October 2024*

Date.....

*30/10/24*



## Oath of office

*I, Andrew Gordon swear that I will undertake the duties of the office of councillor in the best interests of the people within Rous County Council's operational footprint and the Rous County Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.*

Signature.....  
Cr Andrew Gordon

Signature.....  
Phillip Rudd,  
General Manager

Date..... 30.10.24

Date..... 30/10/24



## Oath of office

*I, Sandra Humphrys swear that I will undertake the duties of the office of councillor in the best interests of the people within Rous County Council's operational footprint and the Rous County Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.*

Signature.. [Redacted] Signature..... [Redacted]  
Cr Sandra Humphrys Phillip Rudd,  
General Manager

Date...30 October 2024

Date.....30/10/24

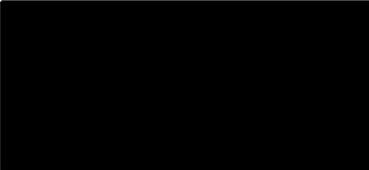




## Oath of office

*I, Steve Krieg swear that I will undertake the duties of the office of councillor in the best interests of the people within Rous County Council's operational footprint and the Rous County Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.*

Signature...   
Cr Steve Krieg

Signature...   
Phillip Rudd,  
General Manager

Date... 30/10/24

Date... 30/10/24





## Oath of office

*I, Eva Ramsey swear that I will undertake the duties of the office of councillor in the best interests of the people within Rous County Council's operational footprint and the Rous County Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.*

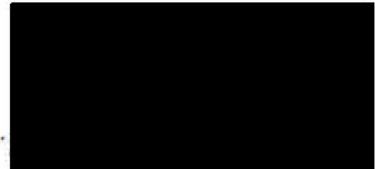
Signature



Cr Eva Ramsey

A small, handwritten mark resembling a stylized 'O' or a flourish, located to the right of the name "Cr Eva Ramsey".

Signature..



Phillip Rudd,  
General Manager

Date...

30/10/24

Date...

30/10/24





## Affirmation of office

*I, Elia Hauge solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people within Rous County Council's operational footprint and the Rous County Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.*

Signature.....  
Cr Elia Hauge

Signature.....  
Phillip Rudd,  
General Manager

Date..... 30/10/24

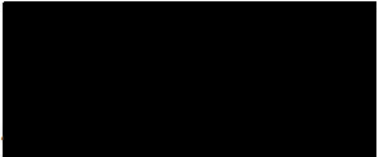
Date..... 30/10/24



## Affirmation of office

*I, Robert Mustow solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people within Rous County Council's operational footprint and the Rous County Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.*

Signature..   
Cr. Robert Mustow

Signature..   
Phillip Rudd,  
General Manager

Date... 30/10/24

Date... 30/10/24

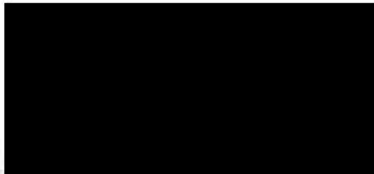




## Affirmation of office

*I, Sarah Ndiaye solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people within Rous County Council's operational footprint and the Rous County Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.*

Signature...   
Cr. Sarah Ndiaye

Signature...   
Phillip Rudd,  
General Manager

Date... 30/10/24

Date... 30/10/24

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**MINUTES OF THE EXTRAORDINARY MEETING OF ROUS COUNTY COUNCIL HELD  
WEDNESDAY, 27 NOVEMBER 2024 AT ADMINISTRATION OFFICE, 218-232  
MOLESWORTH STREET, LISMORE**

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The Chair opened the meeting at 10:05am.

In attendance:

Councillors

- Cr Robert Mustow, Richmond Valley Council (Chair)
- Cr Sharon Cadwallader, Ballina Shire Council (Deputy Chair)
- Cr Sarah Ndiaye, Byron Shire Council
- Cr Steve Krieg, Lismore City Council
- Cr Sandra Humphrys, Richmond Valley Council
- Cr Elia Hauge, Byron Shire Council
- Cr Eva Ramsey, Ballina Shire Council

Council Officers

- Phillip Rudd, General Manager
- Helen McNeil, Group Manager Organisational Services
- Adam Nesbitt, Group Manager Operations
- Geoff Ward, Group Manager Transformation and Strategy
- Jonathan Patino, Finance Manager

Other attendees

- Richard Watkinson, HLB Mann Judd

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**1 ACKNOWLEDGEMENT OF COUNTRY**

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

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**2 APOLOGIES AND LEAVE OF ABSENCE**

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**CARRIED:** Council accepted apologies for Cr Andrew Gordon, Lismore City Council.

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**3 DISCLOSURE OF INTEREST**

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Nil.

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**4 REPORT**

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4.1 Annual Financial Reports and Auditor's report for the year ending 30 June 2024

**RESOLVED [63/24]** (Hauge/Ramsey) That Council acknowledge that the audited 2023/2024 Financial Reports were presented to the public and no submissions were received.

*Cr Cadwallader joined the meeting at 10:13am*

*Richard Watkinson, HBL Mann Judd left the meeting 10:19am*

| <b>Annual Financial Reports and Auditor's report for the year ending 30 June 2024 (Resolution)</b> |   |   |
|--|---|---|
| For  | Cr Sharon Cadwallader, Cr Elia Hauge, Cr Sandra Humphrys, Cr Steve Krieg, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Eva Ramsey | 7 |
| Against  | None  | 0 |
| Abstain  | None  | 0 |
| Conflict of Interests  | None  | 0 |
| Absent   | None  | 0 |
| <b>Carried</b>   |   |   |

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**5 CLOSE OF BUSINESS**

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There being no further business the meeting closed at 10:24am.

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## 2025 Council meeting schedule

*Responsible Officer: General Manager (Phillip Rudd)*

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### Recommendation

That Council confirms the meeting schedule for 2025 as outlined below, with meetings to be held on the third Wednesday of each scheduled month (excluding January), commencing at 10:00am. The dates are as follows:

- 19 February
- 16 April
- 18 June
- 20 August
- 15 October
- 10 December

### Background

Council determines its 2025 meeting schedule at its December 2024 Council meeting.

As Rous will have vacated its office at Molesworth Street, Lismore, physical location for the Council meetings in 2025 will be at the constituent councils as scheduled for below. Once confirmed, the locations will be updated on our website.

- 19 February
- 16 April
- 18 June
- 20 August
- 15 October
- 10 December (*meeting has been scheduled the second rather than the third Wednesday*)

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## Delegation – General Manager

*Responsible Officer: Group Manager Organisational Services (Helen McNeil)*

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### Recommendation

That Council revoke the delegation dated 17 August 2022 for the position of General Manager and any delegations revived as a result of that revocation, and approve the delegation as presented in Attachment 2.

### Background

To allow the General Manager to undertake the duties of the role prescribed by the *Local Government Act 1993* (LG Act) and their contract of employment, Council may delegate to the position of General Manager any of the functions granted to it under the LG Act or any other Act, except for those functions listed in [section 377](#) (extract provided at [Attachment 3](#)).

Any delegations made by Council under section 377 must be reviewed within the first 12 months of each term of office.<sup>1</sup> The delegation to the General Manager made by the previous term of Council on 17 August 2022 ([Attachment 1](#)) is now due for review following the local government elections in September 2024.

### Proposed Delegation

Following review, the functions currently delegated to the General Manager have been assessed by staff as achieving their anticipated purpose – greater operational efficiency and business continuity – and the existing checks and balances – process, financial, probity, and policy controls – operated effectively during the previous term.

These functions and controls are detailed in the previous report to Council dated 17 August 2022 ([Attachment 4](#)) and remain current and relevant.

Accordingly, no amendments to the functions currently delegated to the General Manager are proposed. The instrument of delegation is therefore presented without substantive amendment to Council for re-adoption.

### Governance

- **Finance**

There is no financial impact as a result of making the proposed delegation. Council retains its oversight and decision-making in relation to the acceptance of higher value tenders.

- **Legal**

The instrument of delegation has been drafted in accordance with the LG Act and the *Biosecurity Act 2015*. Under section 377 of the *LG Act* and section 375 of the *Biosecurity Act 2015*, the General Manager has the power to delegate and subdelegate, as appropriate. Therefore, Council need only delegate to the General Manager position.

### Consultation

No substantive changes have been made to the delegation to the General Manager. Therefore, no additional consultation following the previous iteration has been undertaken.

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<sup>1</sup> [Section 380](#) *Local Government Act 1993* (NSW)

## Conclusion

A review of the Council issued delegation to the General Manager has been completed with no changes to the previous wording.

## Attachments

1. [Delegation to General Manager](#) dated 17-08-2022 (for **revocation**)
2. Revised delegation to General Manager (for **approval**)
3. [Section 377 Local Government Act 1993](#) (*extract*)
4. Council report dated 17 August 2022 – Delegation to General Manager



## Rous County Council

### Delegation

Rous County Council ('Council') at its meeting of 17 August 2022, hereby:

1. Pursuant to section 377 of the *Local Government Act 1993* and section 375 of the *Biosecurity Act 2015*, revoke the delegation conferred on the position of General Manager by resolution of Council at its meeting of 11 December 2019 (resolution 93/19) and any delegations revived as a result of this revocation.
2. Pursuant to section 377 of the *Local Government Act 1993*, delegate to the position of General Manager the functions conferred or imposed on Council by or under the *Local Government Act 1993*, that are capable of being delegated to that position, subject to the following conditions:
  - (i) Acceptance of tenders and award of contracts valued:
    - A. Up to \$1,000,000 (including GST) can be determined by the General Manager subject to compliance with any applicable tendering requirements under the *Local Government Act 1993* or associated regulations.
    - B. \$1,000,001 (including GST) or more are to be determined by resolution of Council.
  - (ii) Any tenders accepted, contracts awarded, or expenditure incurred or approved by the General Manager must have an approved budget allocation or have been otherwise authorised by Council resolution.
  - (iii) Authorise the write off of rates, charges and debts to Council equal to or below \$5,000 (incl. GST) that satisfy the requirements of the *Local Government Act 1993*, associated regulations, and Council's 'Debt Management and Financial Hardship' policy.
3. Pursuant to section 375 of the *Biosecurity Act 2015*, delegate to the position of General Manager the functions conferred or imposed on Council as a local control authority by or under the *Biosecurity Act 2015*.
4. Delegate to the position of General Manager the functions conferred or imposed on Council by or under any other Act or law, that are capable of being delegated to that position.

### Definitions

**function** includes a reference to a power, authority and duty.

**Note:**

Section 377 of the *Local Government Act 1993* makes provision for a range of Council functions that are not delegable.

This delegation includes the power to sub-delegate functions under section 375 of the *Biosecurity Act 2015*.

A summary of tenders accepted and contracts awarded by the General Manager under clause 2(i)(A) of this delegation must be provided to Council for its information at the next available Council meeting.

CHAIRPERSON

**8.2 Delegation - General Manager**

**RESOLVED [48/22]** (Cadwallader/Lyon) that Council approve the instrument of delegation for the position of General Manager as presented in Attachment 2.

*Cr Rob left the meeting at 11.36am and returned at 11.38am.*

*Cr Rob was absent during voting on the above resolution.*

| <b>Delegation - General Manager (Resolution)</b>                |  |   |
|---|--|---|
| <i>Cr Rob was absent during voting on the above resolution.</i> |  |   |
| For   | Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow and Cr Sarah Ndiaye | 7 |
| Against   | None   | 0 |
| Conflict of Interests   | None   | 0 |
| Absent for voting   | Cr Big Rob   | 1 |
| <b>Carried</b>  |  |   |

## Rous County Council

### Delegation

Rous County Council ('Council') at its meeting of 4 December 2024, hereby:

1. Pursuant to section 377 of the *Local Government Act 1993* and section 375 of the *Biosecurity Act 2015*, revoke the delegation conferred on the position of General Manager by resolution of Council at its meeting of 17 August 2022 (resolution 48/22) and any delegations revived as a result of this revocation.
2. Pursuant to section 377 of the *Local Government Act 1993*, delegate to the position of General Manager the functions conferred or imposed on Council by or under the *Local Government Act 1993*, that are capable of being delegated to that position, subject to the following conditions:
  - (i) Acceptance of tenders and award of contracts valued:
    - A. Up to \$1,000,000 (including GST) can be determined by the General Manager subject to compliance with any applicable tendering requirements under the *Local Government Act 1993* or associated regulations.
    - B. \$1,000,001 (including GST) or more are to be determined by resolution of Council.
  - (ii) Any tenders accepted, contracts awarded, or expenditure incurred or approved by the General Manager must have an approved budget allocation or have been otherwise authorised by Council resolution.
  - (iii) Authorise the write off of rates, charges and debts to Council equal to or below \$5,000 (including GST) that satisfy the requirements of the *Local Government Act 1993*, associated regulations, and any relevant Council policy.
3. Pursuant to section 375 of the *Biosecurity Act 2015*, delegate to the position of General Manager the functions conferred or imposed on Council as a local control authority by or under the *Biosecurity Act 2015*.
4. Delegate to the position of General Manager the functions conferred or imposed on Council by or under any other Act or law, that are capable of being delegated to that position.

#### Definitions

**function** includes a reference to a power, authority and duty.

**Note:**

Section 377 of the *Local Government Act 1993* makes provision for a range of Council functions that are not delegable.

This delegation includes the power to sub-delegate functions under section 375 of the *Biosecurity Act 2015*.

A summary of tenders accepted and contracts awarded by the General Manager under clause 2(i)(A) of this delegation must be provided to Council for its information at the next available Council meeting.

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## Local Government Act 1993 No 30

Current version for 30 September 2024 to date (accessed 7 November 2024 at 12:51)

[Chapter 12](#) > [Part 3](#) > Section 377

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### **377 General power of the council to delegate**

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—
- (a) the appointment of a general manager,
  - (b) the making of a rate,
  - (c) a determination under section 549 as to the levying of a rate,
  - (d) the making of a charge,
  - (e) the fixing of a fee,
  - (f) the borrowing of money,
  - (g) the voting of money for expenditure on its works, services or operations,
  - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
  - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
  - (j) the adoption of an operational plan under section 405,
  - (k) the adoption of a financial statement included in an annual financial report,
  - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
  - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
  - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
  - (o) the review of a determination made by the council, and not by a delegate of the

council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,

- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
- (t) this power of delegation,
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

(1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—

- (a) the financial assistance is part of a specified program, and
- (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
- (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
- (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.

- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.
- (3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

## Delegation - General Manager

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

### Recommendation

That Council approve the instrument of delegation for the position of General Manager as presented in [Attachment 2](#).

### Background

To allow the General Manager to undertake the duties of the role prescribed by the *Local Government Act 1993* (LG Act) and their contract of employment, Council may delegate to the position of General Manager any of the functions granted to it under the LG Act or any other Act, except for those functions listed in [section 377](#) (extract provided at [Attachment 3](#)).

Any delegations made by Council under section 377 must be reviewed within the first 12 months of each term of office.<sup>1</sup> The delegation to the General Manager made by the previous term of Council on 11 December 2019 ([Attachment 1](#)) is now due for review following the local government elections in December 2021.

#### 1. Revised delegation

Governance staff have reviewed the delegation made by the previous Council to the General Manager and recommend two substantive amendments relating to the acceptance of tenders and the threshold for debt write-off – See [Attachment 2](#).

#### Tenders

Under the current delegation, the General Manager may accept tenders valued up to \$250,000 (including GST) and tenders in excess of this value are currently accepted by resolution of Council.

The revised delegation proposes to increase this tender acceptance threshold to \$1,000,000 (including GST) subject to the legislative tendering requirements being fulfilled and an approved budget being present.

The purpose of this amendment is to provide:

- greater **operational efficiency** in the awarding of tenders/letting of contracts. This is important in competitive procurement activities where attracting suitable suppliers is challenging and time can often be 'of the essence' (for example, Future Water Project 2060 and the 2022 flood recovery), and;
- **business continuity**, particularly during periods when Council is unable to meet (for example, due to natural disasters, pandemics, and the period between the commencement of caretaker period to the first meeting of the new term of Council).

A notation has also been included in the revised delegation, stipulating the requirement to provide Council with a summary of all tenders accepted by the General Manager under their delegation to the next available Council meeting.

<sup>1</sup> [Section 380](#) *Local Government Act 1993* (NSW)

### Debt write-off

Under Council's existing 'Debt Management and Financial Hardship' and 'Revenue' policies the General Manager is authorised to write-off debts up to the value of \$1,000, including the power to sub-delegate this authority to certain Council staff.

It is recommended that this authority be captured within the Council issued delegation to the General Manager.

It is further proposed under cover of a separate report to this Council meeting, that the threshold for the write-off of debts by the General Manager be increased to \$5,000.00. The revised delegation has been drafted on the assumption that this recommendation is adopted by Council and can be amended should that recommendation not be accepted.

## **2. Existing checks and balances**

- Process controls

Under section 55 of the LG Act, Council is required to invite and conduct tenders in accordance with the provisions of the *Local Government (General) Regulation 2021* before entering into certain contracts – for example, a contract for goods or services estimated at \$250,000 or more.

- Financial controls

Prior to the commencement of each financial year, Council is presented with an Operational Plan and budget for approval in accordance with the Integrated Planning and Reporting requirements and financial management principles contained in the LG Act.

- Probity controls

Council is required under the *Government Information (Public Access) Act 2009* (GIPA Act) to keep and make publicly available on its website a register(s) of contracts valued at \$150,000 (including GST) or more in order to promote an open, fair and accountable Council.

The details that must be included in Council's contract register(s) under the GIPA Act are summarised in Attachment 4.

- Policy controls

The eligibility and evidentiary requirements for the write-off of debts, fees and/or charges by Council, the General Manager, and/or Council staff is established by Council through the adoption of a 'Debt Management and Financial Hardship' policy. (Attachment 5).

## **Finance**

Council's Long-Term Financial Plan includes substantial works particularly regarding the FWP 2060. This change will improve the required processes to implement the forecast projects.

## **Legal**

### Amendment to section 377 exceptions

In 2013, the Local Government Acts Taskforce provided a report to the Minister for Local Government setting out recommendations for local government reform in NSW.<sup>2</sup>

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<sup>2</sup> Local Government Acts Taskforce 'Report to the Minister for Local Government the Hon Don Page MP – A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988' dated 16 October 2016.

Acceptance of tenders was identified by the Taskforce as an operational function that should be capable of delegation to the General Manager (at the time, it was listed in section 377 LG Act as a function that could not be delegated to the General Manager<sup>3</sup>).

The purpose of this recommendation was to ensure that councils focussed on strategic decisions consistent with the Integrated Planning and Reporting Framework and empowered the General Manager to make the operational decisions necessary for the day-to-day management of council.

In 2016, the *Local Government Amendment (Governance and Planning) Bill 2016* was adopted by the NSW parliament and section 377 of the LG Act amended to allow the authority to accept tenders, other than tenders to provide services currently provided by council staff, to be delegated to the General Manager.

#### Contracts less than \$250,000

The process for undertaking procurement activities or awarding contracts valued at less than \$250,000, and/or are exempt from the section 55 LG Act tendering requirements, are regulated by Council's 'Procurement' Policy (Attachment 6) and associated procedures.

The revised delegation attached to this report will not impact this requirement.

#### Reporting debt write-off

In accordance with section 131 of the *Local Government (General) Regulation 2021* ('LG Regulation'), the General Manager must advise the Council of any bad debt written off (for example, because it would not be cost effective to attempt recovery) by written order of the General Manager.

Details of all rates or charges written off during the year are also required to be included in Council's Annual Report, as per section 132 of the LG Regulation.

### **Consultation**

The recommendation to increase the threshold for the acceptance of tenders was conveyed to Councillors in the context of the procurement strategy for the Future Water Project 2060, which was presented at the July 2022 Councillor workshop.

Section 55 of the LG Act regulates the process to be followed to engage the market (i.e. by ensuring a consistent, fair and equitable opportunity is extended to all prospective suppliers). It is important to note that should Council resolve to make the proposed delegation as recommended, this authority will apply to the award of all tenders and not just those made in the course of the Future Water Project 2060.

### **Conclusion**

A review of the Council issued delegation to the General Manager has been completed with amendments proposed to the threshold for accepting tenders and debt write-off, as outlined above.

### **Attachments**

1. Delegation to General Manager dated 11-12-2019
2. Revised delegation to General Manager
3. Section 377 *Local Government Act 1993* (extract)

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<sup>3</sup> Section 377(1)(i) *Local Government Act 1993* – A council may delegate to the general manager any of the functions of the council other than the following: "[the acceptance of tenders which are required under this Act to be invited by the council](#)".



- 
4. Summary of details to be included in contract registers under the *Government Information (Public Access) Act 2009*
  5. '[Debt Management and Financial Hardship](#)' policy (via website)
  6. '[Procurement](#)' policy (via website)

COPY

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## Update on the Lismore Levee Scheme

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

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### Recommendation

That Council in addition to previous resolutions on the matter:

1. Receive and note this update.
2. Receive a further update before the end of July 2025.

### Background

Recently, Council has received reports on the Lismore Levee scheme at its meetings of:

- December 2022
- April 2023
- August 2023
- December 2023

A workshop presentation was also provided in November 2024 to Council.

These reports have presented updates on actions proposed or taken to progress discussions with the General Manager and other staff of Lismore City Council (LCC) regarding solutions to effectively manage risk and progress a position with LCC on the future ownership of the Lismore Levee Scheme.

Progress has remained inconsistent since the last update to Council in December 2023.

A clear date for an agreed position on the Lismore Levee Scheme for both organisations has not been agreed.

The need for a formal position to be adopted remains a high priority as work progresses by LCC on the \$30M *Northern Rivers Recovery and Resilience Program (NRRRP)* for the Lismore Levee Scheme.

In addition to this work, Rous is also engaged in a strategic review of its role in flood mitigation across the three Council areas of Lismore, Richmond Valley and Ballina. Councillors received an update on this work through a workshop presentation in November 2024. A report to Council will be provided in the first quarter of 2025 upon submission of reports to the grant funding body.

### Comment

Since the last update to Council in December 2023, progress has been limited. Through a series of correspondence between General Managers, advice has been provided that Rous has consented to LCC working on the Lismore Levee assets for the NRRRP work, but there has been no acknowledgment from LCC on the future ownership of the assets.

Following a meeting of the General Managers in July 2023, where agreement was reached on the need to jointly develop an Asset Management Plan, LCC engaged Morrison Low consultants in September 2023 to undertake a review of existing asset information for the levee scheme and provide an Asset Management Plan (AMP) for its ongoing management. The cost of this work is being equally funded by LCC and Rous.

Progress on the preparation of the AMP has been very slow, with a draft document not available at this time. However, discussions with LCC staff in November 2024 indicate that the AMP is imminent. Once that document is provided, and together with the knowledge of the renewals and upgrades to the levee assets through the NRRRP work by LCC and Disaster Recovery Funding

Arrangements (DRFA) funded work managed by Rous, there will be a foundation from which discussions between Rous and LCC staff can occur.

Renewal and upgrade work on the levee scheme by LCC, funded under the NRRRP continues in the planning and design phase while the levee ownership discussion continues. Rous staff remain involved in monthly Project Control Group meetings for the work and are involved in design discussions and reviews.

Following the February / March 2022 floods, in September 2022 Public Works were funded for the *Flood Levee Repair and Maintenance Program* to review the condition of urban flood levees across the state. Utilising geotechnical and structural engineers, the program inspected the Lismore Levee Scheme. The report on the Lismore Levee was provided to Rous in February 2024 and since then, Rous and Public Works have collaborated to prioritise \$2M worth of works to the South Lismore and CBD Levee sites.

In addition, Rous was successful in obtaining an additional \$1.5M of DRFA funding for repairs and renewals to parts of the South Lismore Levee scheme.

Both of these grant funded projects are being coordinated with LCC staff to ensure that works are carried out in an efficient and sensible manner.

### **Governance**

- **Finance**

Refer to body of the report.

- **Legal**

Flood mitigation operations vary across the Rous footprint, with urban flood mitigation performed only for the Lismore Levee Scheme, and rural flood mitigation performed across Ballina Shire, Lismore City and Richmond Valley local government areas

The Lismore Levee Scheme is not operated or controlled by Rous and there is no formal delegation of Rous's powers and duties to Lismore City Council.

The importance of resolving the ownership and management arrangements for the Lismore Levee Scheme remains very high as the grant funding obtained by LCC begins to be expended on the assets.

### **Conclusion**

There is slow progress in discussions between Rous and LCC staff to resolve the ownership arrangement for the Lismore Levee Scheme. Rous looks forward to the finalisation of an Asset Management Plan for the Lismore Levee Scheme in the first quarter of 2025, and this being a positive step towards discussions on the future of this important asset for Lismore.

Planning, design and coordination works continue for upgrades and renewals to the levee scheme under the NRRRP funded works led by LCC, works under DRFA and those under Public Works *Flood Levee Repair and Maintenance Program*.

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## Policy: Customer Feedback Complaints and Unreasonable Conduct

*Responsible Officer: Group Manager Organisational Services (Helen McNeil)*

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### Recommendation

That Council:

1. Revoke the policy titled 'Customer feedback, complaints and unreasonable conduct' dated 14 December 2022 attached to this report, and any policy revived as a result of that revocation; and
2. Adopt the revised policy of the same name attached to this report.

### Background

Council's policies are continually reviewed for suitability and currency to promote and deliver against Council's commitment to continuous improvement and legislative compliance.

The [Customer Feedback, Complaints and Unreasonable Conduct policy dated 14 December 2022](#) was reviewed as part of this ordinary policy review cycle.

### Review outcome

The current policy was informed by various materials published by the NSW Ombudsman including a manual on [managing unreasonable conduct by a complainant \(2021\)](#). It establishes a set of six (6) commitments governing Rous's approach to handling and managing customer feedback, complaints and unreasonable conduct:

1. Respectful treatment
2. Information and accessibility
3. Good communication
4. Taking ownership
5. Timeliness
6. Transparency.

Through the review processes, no changes to the above guidance material were identified and the six (6) commitments outlined above were determined to remain relevant and current.

A minor amendment to the review frequency of the current policy was identified that would achieve administrative efficiencies by aligning the review frequency of the policy with the majority of Council policies, being a four (4) yearly cycle rather than a two (2) yearly cycle.

### Governance

- **Finance**

Not applicable.

- **Legal**

It is not a compliance requirement to have a complaint handling policy. However, having such a policy in place is consistent with contemporary business practice and is beneficial in promoting accountability, transparency and confidence in the public sector.

Some types of complaints, such as public interest disclosures, are required to be managed in accordance with specific legislative requirements. Making of the proposed policy will not change that.

There is no prescribed statutory review frequency for a policy of this type, and it is open to Council to determine an appropriate review schedule.

### **Consultation**

The revised policy has been updated in consultation with the Governance and Risk Manager.

### **Conclusion**

The Customer Feedback, Complaints and Unreasonable Conduct policy has been reviewed and remains current subject to a minor amendment to its review frequency. It is therefore recommended to Council for re-adoption with a review frequency of four (4) years.

### Attachment

1. Revised Customer feedback, complaints and unreasonable conduct policy (for **approval**).

# Policy



## Customer feedback, complaints and unreasonable conduct

Approved by Council: XX/XX/20XX

To outline our position on the handling and management of customer feedback, complaints and unreasonable conduct.

Safety

Teamwork

Accountability

Respect

### Background

Our approach to the handling and management of feedback, complaints and unreasonable conduct is based on a range of core commitments that we make to you. These commitments govern our approach to effective complaint handling and are modelled on guidance material from the NSW Ombudsman. When you deal with us you should expect that these commitments will apply, and your experience is consistent across all areas of our business.

### *Our commitment to You*

1. **Respectful treatment:** we are responsive and treat you with courtesy and respect.
2. **Information and accessibility:** we make it easy for you to give us feedback.
3. **Good communication:** we keep you informed about the status of your feedback or complaint.
4. **Taking ownership:** we are trained and skilled to manage complaints.
5. **Timeliness:** we will do our best to deal with complaints as soon as possible and will let you know a timeframe for finalise a complaint.
6. **Transparency:** we will record and analyse information on our complaint handling processes to help improve our services.

Occasionally, people's frustration may result in escalated behaviour such as aggressive and abusive conduct toward our people and business. We regard this as unreasonable conduct.

Where unreasonable conduct, because of its nature or frequency, raises health, safety, resource or equity issues for the people involved in the complaint process, we will manage the conduct according to Objectives (i-iii):

- i. **Objective:** Protect the health and safety of staff who interact with people whose conduct is unreasonable.

We will prioritise the safety of our people – always.

- ii. **Objective:** Ensure equity and fairness for all complainants – regardless of their conduct, ethnic identity, national origin, religion, linguistic background, sex, gender expression, sexual orientation, physical ability or other cultural or personal factors.

We will make sure that all current and potential complaints are dealt with equitably and fairly – regardless of ethnic identity, national origin, religion, linguistic background, sex,

gender expression, sexual orientation, physical ability or other cultural or personal factors – and resources are distributed based on the merits of a complaint, rather than a complainant's demands or conduct.

- iii. **Objective:** Effectively manage resource allocation and improve efficiency in handling complaints.

We will improve overall effectiveness and efficiency by allocating sufficient time and resources to dealing with unreasonable conduct which, if left unmanaged, can divert and place strain on limited resources.

This policy is in addition to and does not seek to derogate from the operation of, any relevant law or Council policy. This includes:

1. a protected disclosure under the *Public Interest Disclosures Act 1994*;
2. an application for an internal review of alleged breaches of privacy under the *Privacy and Personal Information Protection Act 1998*;
3. an application for internal review of refusals of access to or amendment of documents under the *Government Information and Public Access Act 2009*;
4. a complaint under the Code of Conduct.

### Contact officer

Governance and Risk Manager.

### Related documents

#### Policies

Code of Conduct and Procedures

#### Procedures

Customer feedback, complaints handling and unreasonable conduct

#### Legislation

*Civil Liability Act 2002*

*Government Information and Public Access Act 2009*

*Local Government Act 1993*

*Privacy and Personal Information Protection Act 1998*

*Public Interest Disclosures Act 2022*

#### Other

NSW Ombudsman – guidance for agencies – effective complaint handling.

| <i>Office use only</i> | File no.: 172   | Next review date: [4 years] |                |
|------------------------|---|-----------------------------|----------------|
| Version                | Purpose and description   | Date adopted by Council     | Resolution no. |
| 1.0                    |   | 11/02/2009                  |                |
| 2.0                    | To efficiently and fairly manage feedback and complaints from customers and members of the public about the level and quality of Council service. | 19/12/2018                  | 124/18         |
| 3.0                    | Update policy to reflect information available from the NSW Ombudsman and changes to reflect position title changes.                              | 14/12/2022                  | 85/22          |
| 4.0                    | Policy reviewed – minor amendment to review date  | TBC                         | TBC            |

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## Information reports

*Responsible Officer: General Manager and Group Managers*

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### **Recommendation**

That the following information reports be received and noted:

1. Annual Report/State of Region Report
2. Investments – October 2024
3. Investments – November 2024 (late report)
4. Annual ‘Model Code of Complaint Statistics’
5. 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- 5



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## Integrated Planning and Reporting Framework: Annual Report and State of the Region Report

*Responsible Officer: General Manager (Phillip Rudd)*

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### Recommendation

That Council receive and note the Annual Report 2023-2024 and the State of the Region Report 2022-2025 under the Integrated Planning and Reporting framework.

### Background

The *Local Government Act 1993* requires that Council receive an annual report outlining achievements in implementing its Delivery Program through that years Operational Plan. The Annual Report in the year in which an ordinary election of councillors is to be held must also contain a report detailing achievement in implementing the Business Activity Strategic Plan over the term, referred to as the State of the Region report. This report satisfies that requirement.

### Governance

Council adopted its current Integrated Planning and Reporting Framework on 15 June 2022. The Framework is applicable for the period 1 July 2022 – 30 June 2025. The term was reduced to 3 years instead of 4 years across the sector due to the impact of the deferral of the scheduled September 2020 local government election. This occurred in response to the COVID19 pandemic. The cycle at the time was extended from 4 years to 5 years which then required the following cycle to be shorter to resynch with the timing of the 2024 local government election.

The *Local Government Act 1993*, section 428, requires that councils must prepare an Annual Report within 5 months of the end of the financial year. A copy must be available on the council's website and also be provided to the Minister.

Staff have completed a self-assessment against the Office of Local Government's available 'checklists' and formed the view that the documents satisfy all applicable regulatory requirements.

### Consultation

This report has been compiled in consultation with management staff.

### Conclusion

The annual report has been published on our website <https://rous.nsw.gov.au/annual-reports>.

## Investments - October 2024

*Responsible Officer: Group Manager Organisational Services (Helen McNeil)*

### Recommendation

That Council receive and note the Investments for October 2024.

### 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 October 2024.

### Finance Report

| BANK ACCOUNT SUMMARY  | TOTAL            |
|---|------------------|
| <b>Cheque Account Balance</b>                                       | \$835,304        |
| <b>Weel Account Balance</b> – Cuscal Ltd (Pre-paid Corporate Cards) | \$38,470         |
| <b>TOTAL</b>  | <b>\$873,774</b> |

| INVESTMENT SUMMARY   | TOTAL  |
|--|--|
| <b>Business Online Saver Account Balance</b>   | \$7,134,223                                      |
| <b>Term Deposits with Institutions not supporting the Fossil Fuel Industry</b><br><br><i>The assessment of Ethical Financial Institutions is undertaken using <a href="http://www.marketforces.org.au">www.marketforces.org.au</a> which is an affiliate project of the Friends of the Earth Australia (Refer: Graph C4 - Attachment C).</i> | \$1,500,000<br><br>4.82<br>% of current holdings |
| <b>Other Term Deposits</b>   | \$22,500,000                                     |
| <b>Total Funds Invested</b><br><br><i>Excluding Cheque Account and Weel Balance</i>  | <b>\$31,134,223</b>                              |

| OTHER INVESTMENT INFORMATION  | TOTAL     |
|---|-----------|
| <p><b>Interest Earned</b></p> <p><i>Interest earned compared to the original budget is \$395,487 above the pro-rata budget. (Refer: Attachment A).</i></p>  | \$132,544 |
| <p><b>Weighted Average Return</b></p> <p><i>This represents a decrease of 9 basis points compared from the September 2024 result (4.47%) and is 4 basis point below Council's benchmark (the average 90-day BBSW rate of 4.42%) (Refer: Graph C2 - Attachment C).</i></p> | 4.38%     |
| <p><b>RBA Cash Rate</b></p>   | 4.35%     |
| <p><b>The 90-day average bank bill swap rate (BBSW)</b></p>   | 4.42%     |

At the RBA's 24<sup>th</sup> September 2024 meeting the board decided to leave the cash rate unchanged at 4.35%.

### Governance

- **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.

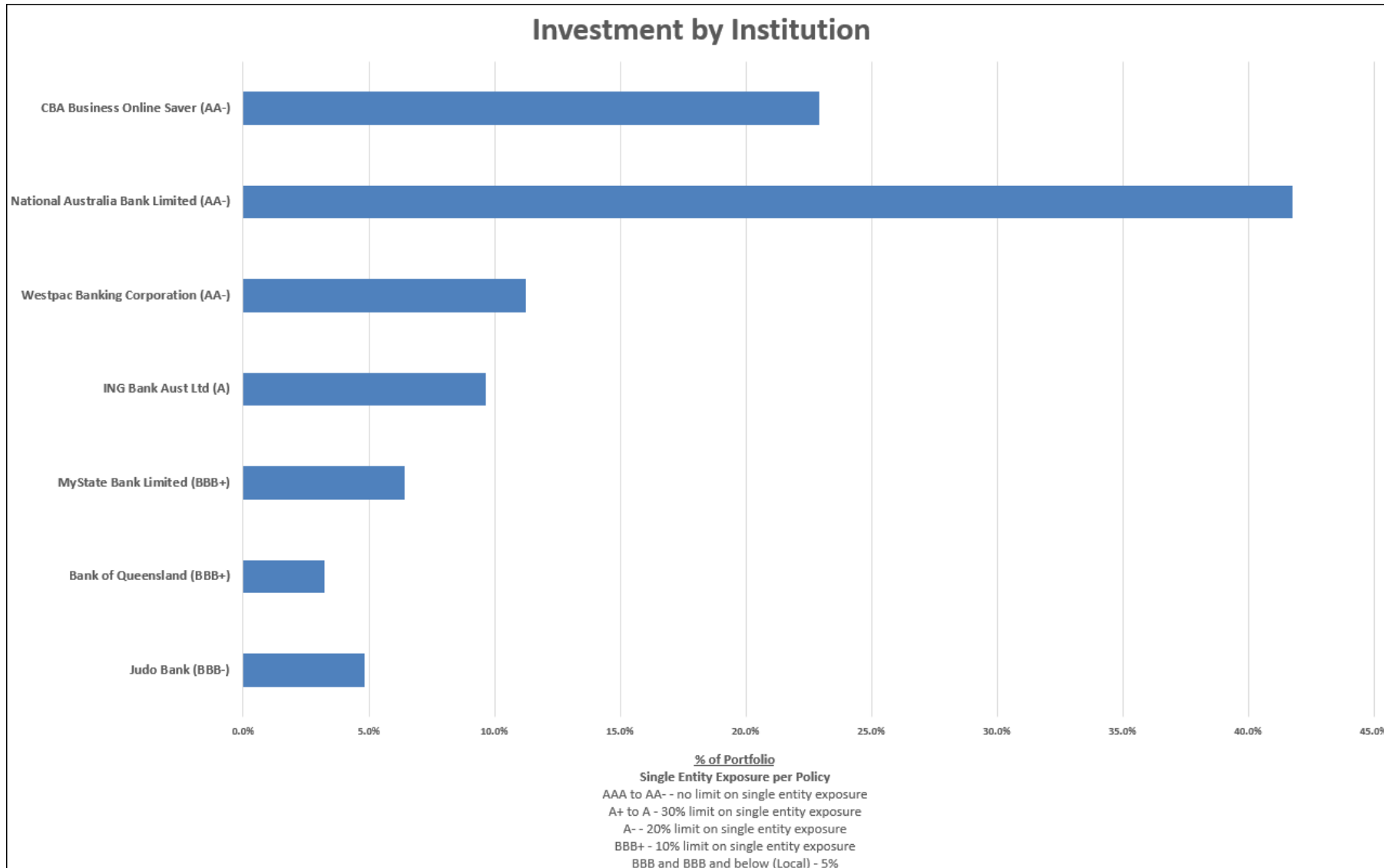
### Conclusion

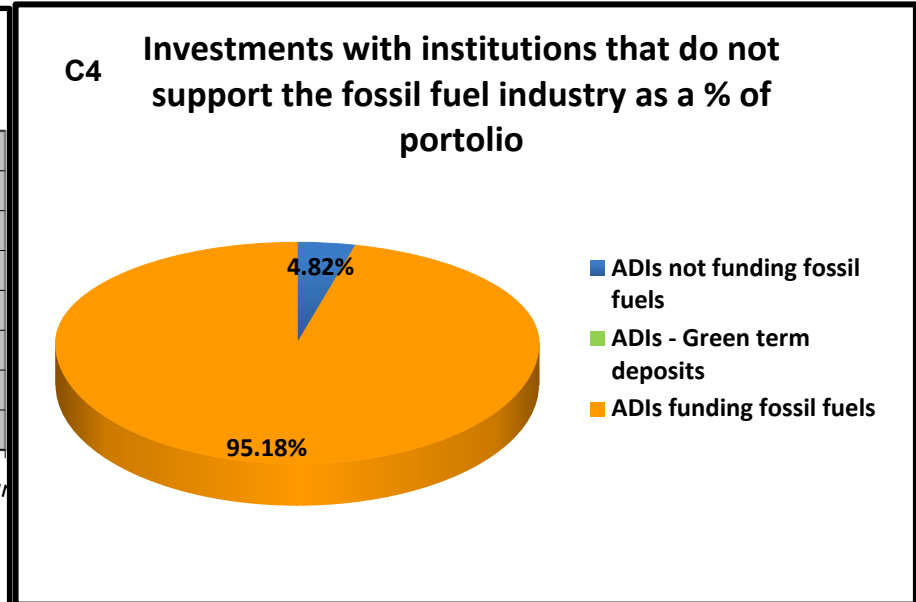
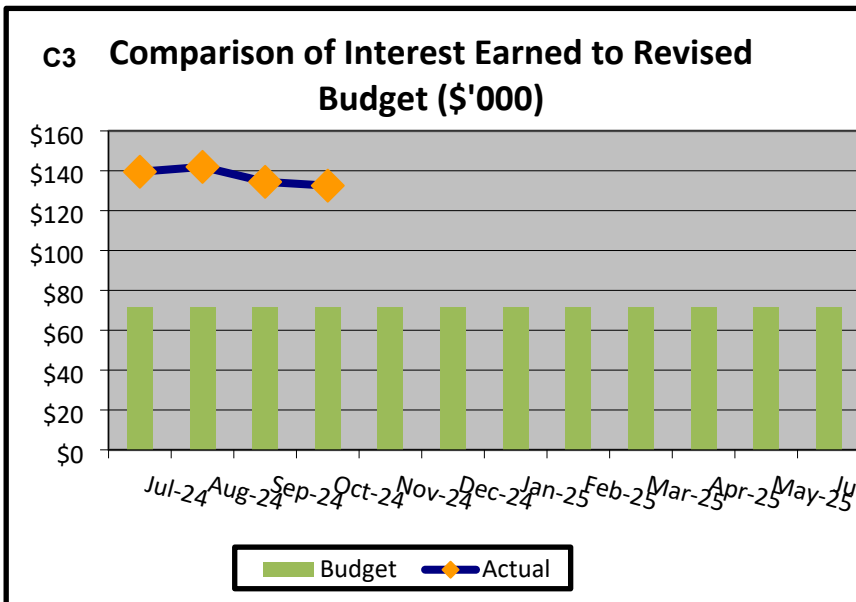
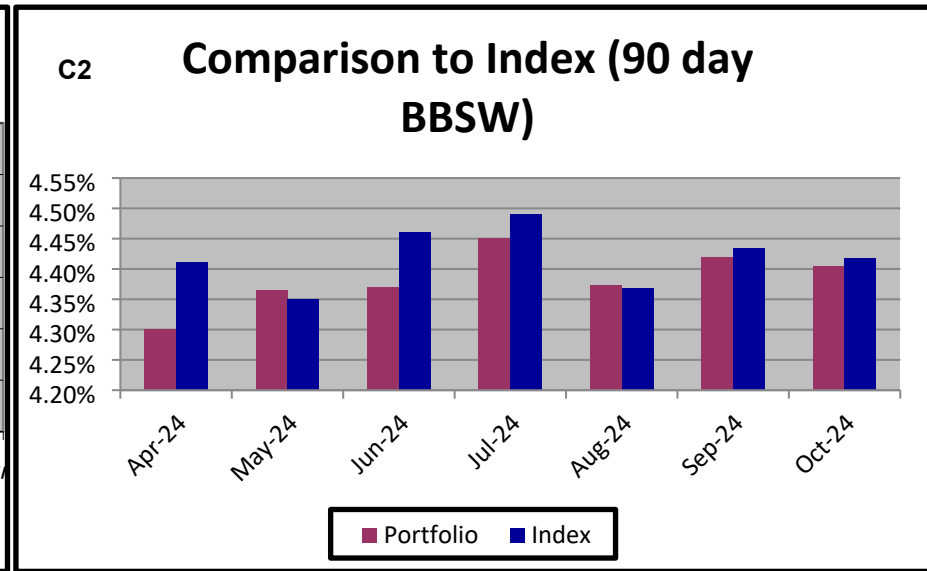
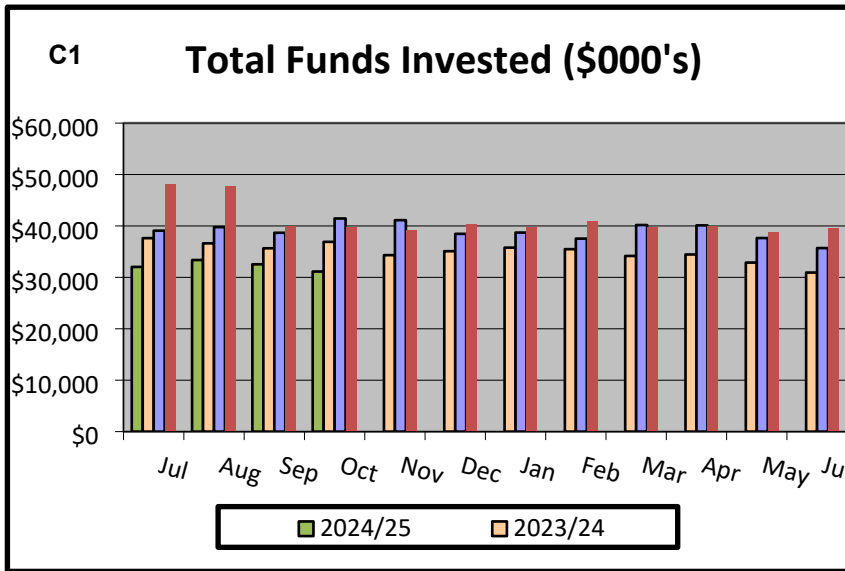
A report on investments is required to be submitted to Council. As at 31 October 2024, investments total \$31,134,223 and the average rate of return is estimated at 4.38%.

#### Attachments

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

| Investment Analysis  |                              |              |                     |                |               |                |                      |                                   |                    |                       |
|--|------------------------------|--------------|---------------------|----------------|---------------|----------------|----------------------|-----------------------------------|--------------------|-----------------------|
| Funds Invested With  | S & P Local Long Term Rating | Product Name | Not Fossil Fuel ADI | Lodgement Date | Maturity Date | % of Portfolio | 31 Oct Balance       | Rate of Return                    | Monthly Interest   | Year-to-Date Interest |
| CBA Business Online Saver  | AA-                          | CBA-BOS      | No                  | At call        |               | 22.91          | 7,134,223.25         | 1.95                              | 28,357.50          | 100,360.77            |
| Westpac Banking Corporation  | AA-                          | TD           | Yes                 | 28/11/2023     | 3/12/2024     | 4.82           | 1,500,000.00         | 5.44                              | 6,930.41           | 27,498.08             |
| Bank of Queensland   | BBB+                         | TD           | No                  | 18/6/2024      | 21/1/2025     | 3.21           | 1,000,000.00         | 5.20                              | 4,416.44           | 17,523.29             |
| MyState Bank Limited   | BBB+                         | TD           | No                  | 19/6/2024      | 17/12/2024    | 6.42           | 2,000,000.00         | 5.17                              | 8,781.92           | 34,844.38             |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 25/6/2024      | 7/1/2025      | 3.21           | 1,000,000.00         | 5.12                              | 4,348.49           | 17,253.70             |
| ING Bank Aust Ltd  | A                            | TD           | No                  | 25/6/2024      | 1/7/2025      | 3.21           | 1,000,000.00         | 5.25                              | 4,458.90           | 17,691.78             |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 2/7/2024       | 14/1/2025     | 4.82           | 1,500,000.00         | 5.32                              | 6,777.53           | 26,672.88             |
| ING Bank Aust Ltd  | A                            | TD           | No                  | 2/7/2024       | 8/7/2025      | 6.42           | 2,000,000.00         | 5.43                              | 9,223.56           | 36,299.18             |
| Westpac Banking Corporation  | AA-                          | TD           | No                  | 18/7/2024      | 19/11/2024    | 6.42           | 2,000,000.00         | 4.99                              | 8,476.16           | 28,983.01             |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 6/8/2024       | 5/11/2024     | 6.42           | 2,000,000.00         | 4.92                              | 8,357.26           | 23,454.25             |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 22/8/2024      | 26/11/2024    | 6.42           | 2,000,000.00         | 4.92                              | 8,357.26           | 19,140.82             |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 17/9/2024      | 1/4/2025      | 4.82           | 1,500,000.00         | 4.97                              | 6,331.64           | 9,191.10              |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 17/9/2024      | 23/9/2025     | 3.21           | 1,000,000.00         | 4.87                              | 4,136.16           | 6,004.11              |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 24/9/2024      | 15/4/2025     | 4.82           | 1,500,000.00         | 4.97                              | 6,331.64           | 7,761.37              |
| Judo Bank  | BBB-                         | TD           | No                  | 15/10/2024     | 22/4/2025     | 4.82           | 1,500,000.00         | 5.05                              | 3,528.08           | 3,528.08              |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 22/10/2024     | 29/4/2025     | 3.21           | 1,000,000.00         | 5.02                              | 1,375.34           | 1,375.34              |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 29/10/2024     | 6/3/2025      | 4.82           | 1,500,000.00         | 4.97                              | 612.74             | 612.74                |
| MATURED TDs  |                              |              |                     |                |               |                |                      |                                   | 11,742.74          | 171,110.68            |
|  |                              |              |                     |                |               | <b>100.00</b>  | <b>31,134,223.25</b> | <b>4.38</b>                       | <b>132,543.80</b>  | <b>549,305.56</b>     |
| <b>Total Investment Holdings</b>   |                              |              |                     |                |               | <b>100.00</b>  | <b>31,134,223.25</b> |                                   | <b>132,543.80</b>  | <b>549,305.56</b>     |
|  |                              |              |                     |                |               |                |                      |                                   | Total YTD Interest | <b>549,305.56</b>     |
| Deposits with Australian Deposit-taking institutions (ADI) are Government.       |                              |              |                     |                |               |                |                      | Budget Interest @ 31 October 2024 | <b>286,167.00</b>  |                       |
| Guaranteed for balances totalling up to \$250,000 per customer, per institution. |                              |              |                     |                |               |                |                      | Budget variance                   | <b>263,138.56</b>  |                       |





Summary of indebtedness

| Information  | Loan #2      | Loan #3       | Loan #4       | Loan #5       | Loan #6       | Loan #7       | Loan #8       | Total         |
|--|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Institution  | CBA          | CBA           | Dexia         | NAB           | NAB           | Tcorp         | Westpac       |               |
| Total Loan Funding   | \$ 3,000,000 | \$ 10,000,000 | \$ 10,000,000 | \$ 10,000,000 | \$ 10,000,000 | \$ 13,500,000 | \$ 30,000,000 | \$ 56,550,000 |
| Loan Facility Drawdown   | N/A          | N/A           | N/A           | N/A           | N/A           | N/A           | \$ 50,000     | \$ 50,000     |
| Date Obtained  | 31-May-05    | 31-May-06     | 21-Feb-07     | 31-May-07     | 25-Sep-07     | 7-Jun-21      | 18-Oct-24     |               |
| Term (Years)   | 20           | 20            | 20            | 20            | 20            | 20            | 20*           |               |
| Interest Rate  | 6.25%        | 6.37%         | 6.40%         | 6.74%         | 6.85%         | 2.68%         | 5.39%         |               |
| Line Fee Interest Rate   | N/A          | N/A           | N/A           | N/A           | N/A           | N/A           | 0.40%         |               |
| Date Due   | 31-May-25    | 31-May-26     | 21-Feb-27     | 31-May-27     | 25-Sep-27     | 7-Jun-41      | TBD*          |               |
| Annual Commitment  | \$ 264,921   | \$ 891,595    | \$ 893,507    | \$ 917,390    | \$ 925,933    | \$ 876,390    | TBD*          | \$ 4,769,735  |
| Principal Repaid LTD   | \$ 2,746,968 | \$ 8,349,888  | \$ 7,965,426  | \$ 7,528,748  | \$ 7,517,163  | \$ 1,596,420  | \$ -          | \$ 35,704,613 |
| Interest Incurred LTD  | \$ 2,286,525 | \$ 7,698,825  | \$ 7,673,589  | \$ 8,066,876  | \$ 8,223,692  | \$ 1,032,750  | \$ -          | \$ 34,982,256 |
| Principal Outstanding  | \$ 253,032   | \$ 1,650,112  | \$ 2,034,574  | \$ 2,471,252  | \$ 2,482,838  | \$ 11,903,580 | \$ 50,000     | \$ 20,845,388 |
| Interest Outstanding   | \$ 11,889    | \$ 133,078    | \$ 199,571    | \$ 301,614    | \$ 306,850    | \$ 2,995,054  | TBD*          | \$ 3,948,057  |
| <p><i>* Loan 8 is due to be repaid over a 20 year period once fully drawdown. The interest rate above applies to the principal amount drawdown, while the line fee applies to the approved loan funding of \$30M. Interest is repaid on a quarterly basis. Due to the structure of this loan facility, the annual committment and total interest outstanding are not known at this time.</i></p> |              |               |               |               |               |               |               |               |

### Investments - November 2024

Responsible Officer: Group Manager Organisational Services (Helen McNeil)

#### Recommendation

That Council receive and note the Investments for November 2024.

#### 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 30 November 2024.

#### Finance Report

| BANK ACCOUNT SUMMARY  | TOTAL              |
|---|--------------------|
| <b>Cheque Account Balance</b>                                       | \$959,206          |
| <b>Weel Account Balance – Cuscal Ltd (Pre-paid Corporate Cards)</b> | \$54,924           |
| <b>TOTAL</b>  | <b>\$1,014,130</b> |

| INVESTMENT SUMMARY   | TOTAL   |
|--|---|
| <b>Business Online Saver Account Balance</b>   | \$7,012,581                                     |
| <b>Term Deposits with Institutions not supporting the Fossil Fuel Industry</b><br><br><i>The assessment of Ethical Financial Institutions is undertaken using <a href="http://www.marketforces.org.au">www.marketforces.org.au</a> which is an affiliate project of the Friends of the Earth Australia (Refer: Graph C4 - Attachment C).</i> | \$1,500,000<br><br>5.17%<br>of current holdings |
| <b>Other Term Deposits</b>   | \$20,500,000                                    |
| <b>Total Funds Invested</b><br><br><i>Excluding Cheque Account and Weel Balance</i>  | <b>\$29,012,581</b>                             |



| OTHER INVESTMENT INFORMATION  | TOTAL        |
|---|--------------|
| <p><b>Interest Earned</b></p> <p><i>Interest earned compared to the original budget is \$316,547 above the pro-rata budget. (Refer: Attachment A).</i></p>  | \$124,949.49 |
| <p><b>Weighted Average Return</b></p> <p><i>This represents a decrease of 3 basis points compared from the October 2024 result (4.38%) and is 7 basis point below Council's benchmark (the average 90-day BBSW rate of 4.42%) (Refer: Graph C2 - Attachment C).</i></p> | 4.35%        |
| <p><b>RBA Cash Rate</b></p>   | 4.35%        |
| <p><b>The 90-day average bank bill swap rate (BBSW)</b></p>   | 4.42%        |

At the Reserve Bank of Australia's 5 November 2024 meeting the cash rate was unchanged at 4.35%.

#### 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.

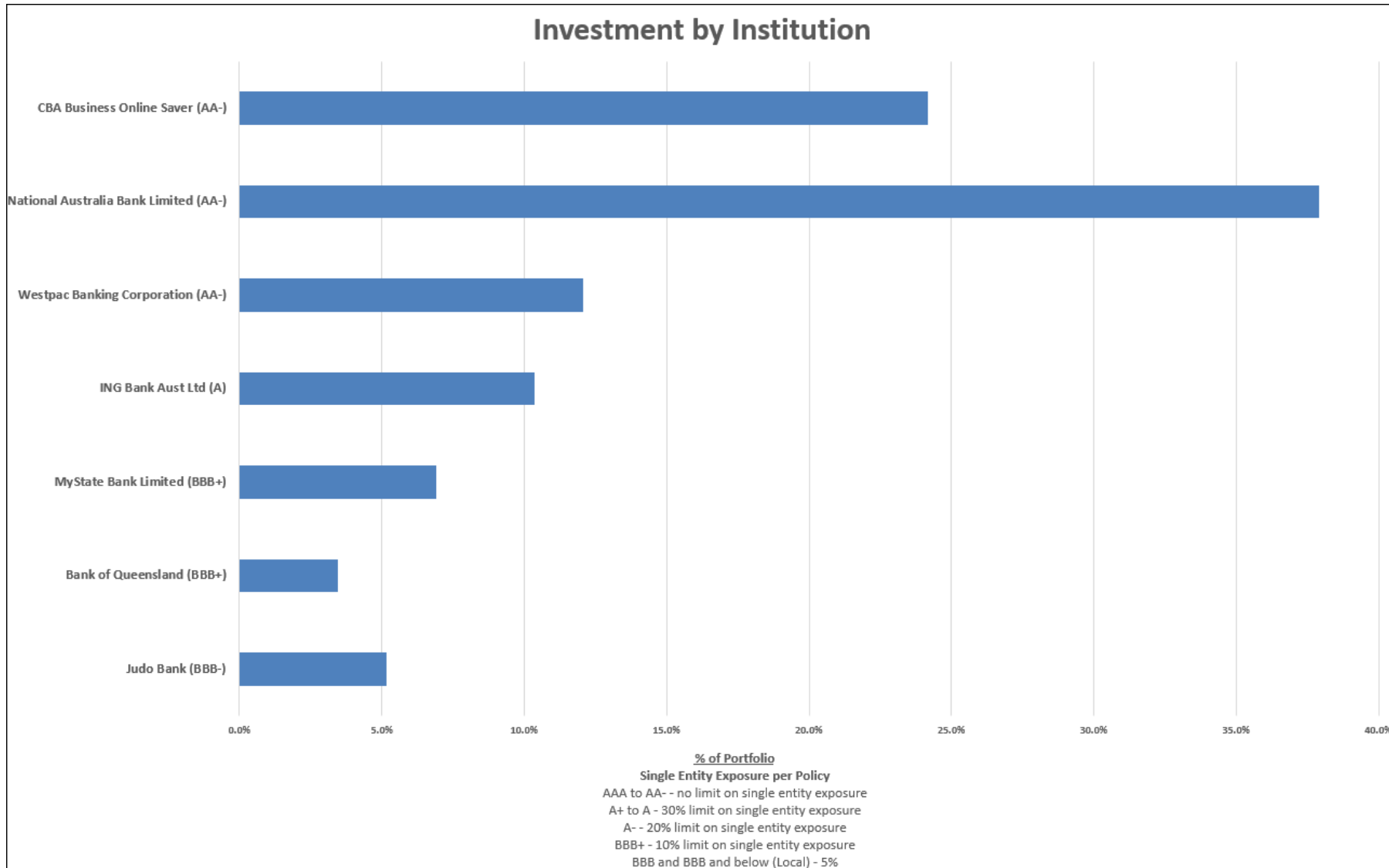
#### Conclusion

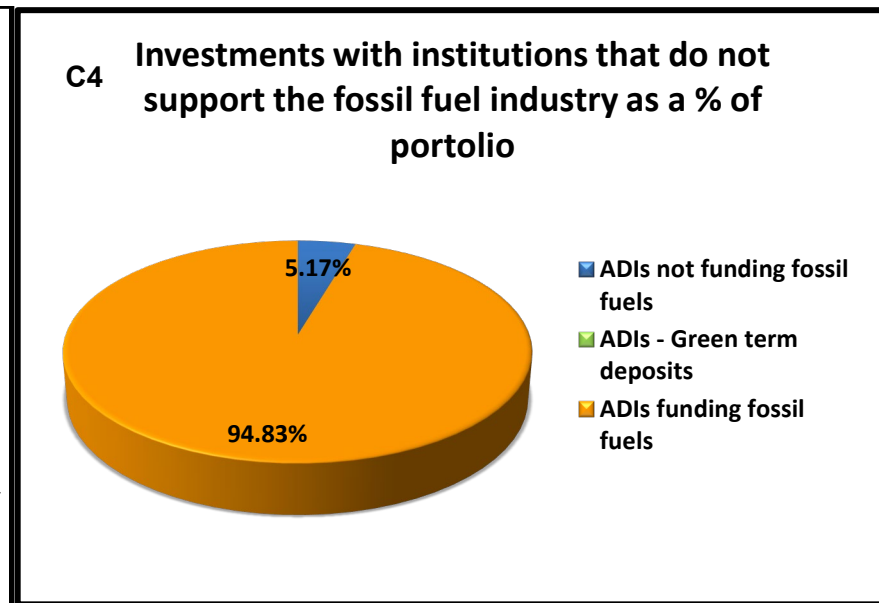
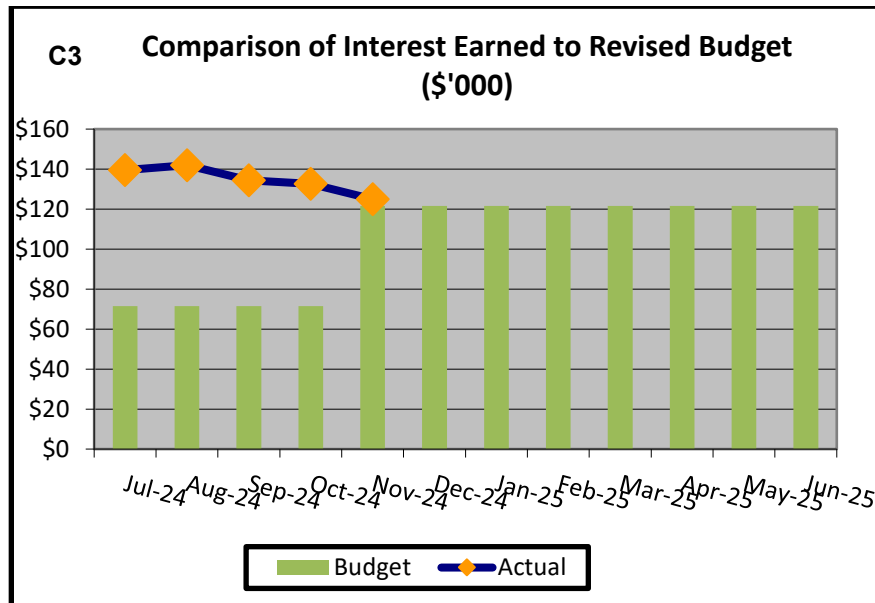
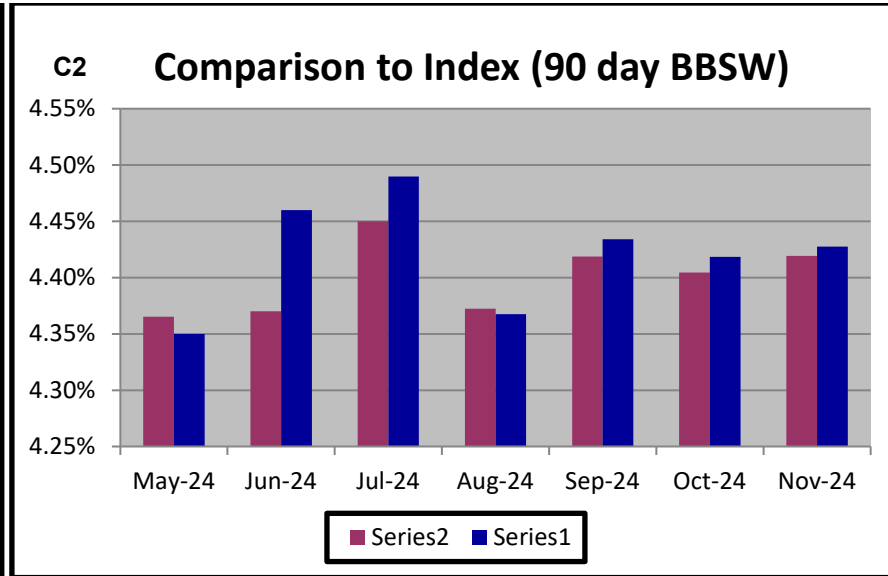
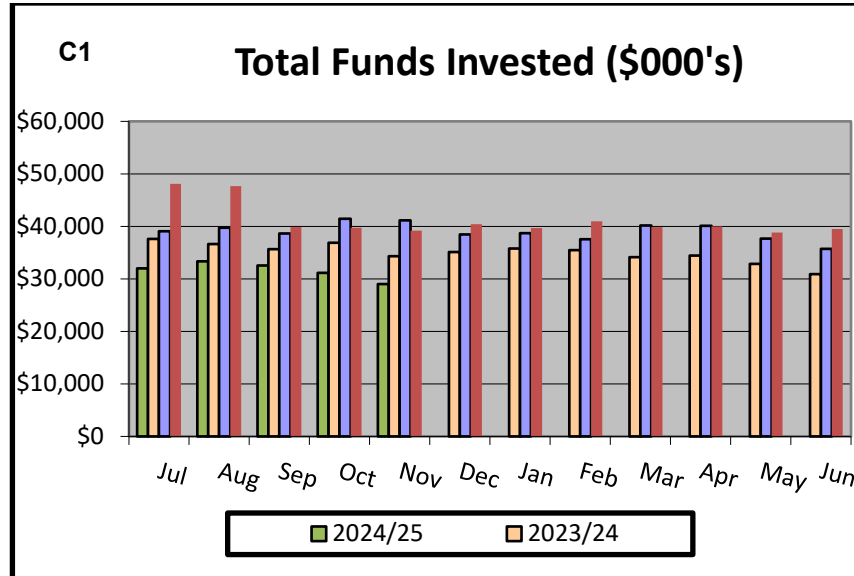
A report on investments is required to be submitted to Council. As at 30 November 2024, investments total \$29,012,581 and the average rate of return is estimated at 4.35%.

#### Attachments

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

| Investment Analysis  |                              |              |                     |                |               |                |                |                      |                  |                                    |                   |
|--|------------------------------|--------------|---------------------|----------------|---------------|----------------|----------------|----------------------|------------------|------------------------------------|-------------------|
| Funds Invested With  | S & P Local Long Term Rating | Product Name | Not Fossil Fuel ADI | Lodgement Date | Maturity Date | % of Portfolio | 30 Nov Balance | Rate of Retu         | Monthly Interest | Year-to-Date Interest              |                   |
| CBA Business Online Saver  | AA-                          | CBA-BOS      | No                  | At call        |               | 24.17          | 7,012,580.75   | 1.95                 | 25,861.82        | 126,222.59                         |                   |
| Westpac Banking Corporation  | AA-                          | TD           | Yes                 | 28/11/2023     | 3/12/2024     | 5.17           | 1,500,000.00   | 5.44                 | 6,706.85         | 34,204.93                          |                   |
| Bank of Queensland   | BBB+                         | TD           | No                  | 18/6/2024      | 21/1/2025     | 3.45           | 1,000,000.00   | 5.20                 | 4,273.97         | 21,797.26                          |                   |
| MyState Bank Limited   | BBB+                         | TD           | No                  | 19/6/2024      | 17/12/2024    | 6.89           | 2,000,000.00   | 5.17                 | 8,498.63         | 43,343.01                          |                   |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 25/6/2024      | 7/1/2025      | 3.45           | 1,000,000.00   | 5.12                 | 4,208.22         | 21,461.92                          |                   |
| ING Bank Aust Ltd  | A                            | TD           | No                  | 25/6/2024      | 1/7/2025      | 3.45           | 1,000,000.00   | 5.25                 | 4,315.07         | 22,006.85                          |                   |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 2/7/2024       | 14/1/2025     | 5.17           | 1,500,000.00   | 5.32                 | 6,558.90         | 33,231.78                          |                   |
| ING Bank Aust Ltd  | A                            | TD           | No                  | 2/7/2024       | 8/7/2025      | 6.89           | 2,000,000.00   | 5.43                 | 8,926.03         | 45,225.21                          |                   |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 17/9/2024      | 1/4/2025      | 5.17           | 1,500,000.00   | 4.97                 | 6,127.40         | 15,318.49                          |                   |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 17/9/2024      | 23/9/2025     | 3.45           | 1,000,000.00   | 4.87                 | 4,002.74         | 10,006.85                          |                   |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 24/9/2024      | 15/4/2025     | 5.17           | 1,500,000.00   | 4.97                 | 6,127.40         | 13,888.77                          |                   |
| Judo Bank  | BBB-                         | TD           | No                  | 15/10/2024     | 22/4/2025     | 5.17           | 1,500,000.00   | 5.05                 | 6,226.03         | 9,754.11                           |                   |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 22/10/2024     | 29/4/2025     | 3.45           | 1,000,000.00   | 5.02                 | 4,126.03         | 5,501.37                           |                   |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 29/10/2024     | 6/3/2025      | 5.17           | 1,500,000.00   | 4.97                 | 6,127.40         | 6,740.14                           |                   |
| National Australia Bank Limited  | AA-                          | TD           | No                  | 5/11/2024      | 13/5/2025     | 6.89           | 2,000,000.00   | 5.02                 | 7,151.78         | 7,151.78                           |                   |
| Westpac Banking Corporation  | AA-                          | TD           | No                  | 20/11/2024     | 18/2/2025     | 6.89           | 2,000,000.00   | 4.93                 | 2,971.51         | 2,971.51                           |                   |
| MATURED TDs  |                              |              |                     |                |               |                |                |                      | 12,739.73        | 255,428.49                         |                   |
|  |                              |              |                     |                |               |                | <b>100.00</b>  | <b>29,012,580.75</b> | <b>4.35</b>      | <b>124,949.49</b>                  | <b>674,255.06</b> |
| <b>Total Investment Holdings</b>   |                              |              |                     |                |               |                | <b>100.00</b>  | <b>29,012,580.75</b> |                  | <b>124,949.49</b>                  | <b>674,255.06</b> |
|  |                              |              |                     |                |               |                |                |                      |                  | Total YTD Interest                 | <b>674,255.06</b> |
| Deposits with Australian Deposit-taking institutions (ADI) are Government.       |                              |              |                     |                |               |                |                |                      |                  | Budget Interest @ 30 November 2024 | <b>407,708.34</b> |
| Guaranteed for balances totalling up to \$250,000 per customer, per institution. |                              |              |                     |                |               |                |                |                      |                  | Budget variance                    | <b>266,546.72</b> |





**Summary of indebtedness**

| Information            | Loan #2      | Loan #3       | Loan #4       | Loan #5       | Loan #6       | Loan #7       | Loan #8        | Total         |
|------------------------|--------------|---------------|---------------|---------------|---------------|---------------|----------------|---------------|
| Institution            | <b>CBA</b>   | <b>CBA</b>    | <b>Dexia</b>  | <b>NAB</b>    | <b>NAB</b>    | <b>Tcorp</b>  | <b>Westpac</b> |               |
| Total Loan Funding     | \$ 3,000,000 | \$ 10,000,000 | \$ 10,000,000 | \$ 10,000,000 | \$ 10,000,000 | \$ 13,500,000 | \$ 30,000,000  | \$ 56,550,000 |
| Loan Facility Drawdown | N/A          | N/A           | N/A           | N/A           | N/A           | N/A           | \$ 50,000      | \$ 50,000     |
| Date Obtained          | 31-May-05    | 31-May-06     | 21-Feb-07     | 31-May-07     | 25-Sep-07     | 7-Jun-21      | 18-Oct-24      |               |
| Term (Years)           | 20           | 20            | 20            | 20            | 20            | 20            | 20*            |               |
| Interest Rate          | 6.25%        | 6.37%         | 6.40%         | 6.74%         | 6.85%         | 2.68%         | 5.39%          |               |
| Line Fee Interest Rate | N/A          | N/A           | N/A           | N/A           | N/A           | N/A           | 0.40%          |               |
| Date Due               | 31-May-25    | 31-May-26     | 21-Feb-27     | 31-May-27     | 25-Sep-27     | 7-Jun-41      | TBD*           |               |
| Annual Commitment      | \$ 264,921   | \$ 891,595    | \$ 893,507    | \$ 917,390    | \$ 925,933    | \$ 876,390    | TBD*           | \$ 4,769,735  |
| Principal Repaid LTD   | \$ 2,871,543 | \$ 8,743,274  | \$ 7,965,426  | \$ 7,528,748  | \$ 7,517,163  | \$ 1,596,420  | \$ -           | \$ 36,222,573 |
| Interest Incurred LTD  | \$ 2,294,410 | \$ 7,751,237  | \$ 7,673,589  | \$ 8,066,876  | \$ 8,223,692  | \$ 1,032,750  | \$ -           | \$ 35,042,554 |
| Principal Outstanding  | \$ 128,457   | \$ 1,256,727  | \$ 2,034,574  | \$ 2,471,252  | \$ 2,482,838  | \$ 11,903,580 | \$ 50,000      | \$ 20,327,428 |
| Interest Outstanding   | \$ 4,003     | \$ 80,666     | \$ 199,571    | \$ 301,614    | \$ 306,850    | \$ 2,995,054  | TBD*           | \$ 3,887,759  |

\* Loan 8 is due to be repaid over a 20 year period once fully drawdown. The interest rate above applies to the principal amount drawdown, while the line fee applies to the approved loan funding of \$30M. Interest is repaid on a quarterly basis. Due to the the structure of this loan facility, the annual committment and total interest outstanding are not known at this time.

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## Annual 'Model Code of Complaint Statistics'

*Responsible Officer: Group Manager Organisational Services (Helen McNeil)*

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### Recommendation

That Council note the information contained in the attached 'Model Code of Conduct Complaints Statistics' report and the requirement to provide the report to the Office of Local Government.

### Background

In accordance with Part 11 of the Code of Conduct Procedures, Council's Complaints Coordinator must arrange for annual Code of Conduct complaints statistics to be reported to Council and to the Office of Local Government within three months of the end of September each year (being 31 December 2024) (**Attachment 1**).

### Consultation

This report has been prepared in consultation with staff responsible for the handling of Code of Conduct complaints.

### Conclusion

In accordance with Council's reporting requirements, the 'Model Code of Conduct Complaints Statistics' report has been prepared and is submitted to Council for its information.

### Attachment

1. Annual Code of Conduct Complaints Statistics for reporting period 1 September 2023 – 31 August 2024.

Model Code of Conduct Complaints Statistics 2023-24  
Rous County Council

Number of Complaints

1 The total number of complaints **received** in the reporting period about councillors and the General Manager (GM) under the code of conduct from the following sources:

|     |                     |   |
|-----|---------------------|---|
| i   | Community           | 0 |
| ii  | Other Councillors   | 0 |
| iii | General Manager     | 0 |
| iv  | Other Council Staff | 0 |

2 The total number of complaints **finalised** about councillors and the GM under the code of conduct in the following periods:

|     |                |   |
|-----|----------------|---|
| i   | 3 Months       | 0 |
| ii  | 6 Months       | 0 |
| iii | 9 Months       | 0 |
| iv  | 12 Months      | 0 |
| v   | Over 12 months | 0 |

Overview of Complaints and Cost

|     |  |   |
|-----|--|---|
| 3 a | The number of complaints <b>finalised at the outset</b> by alternative means by the GM or Mayor  | 0 |
| b   | The number of complaints <b>referred to the Office of Local Government (OLG)</b> under a special complaints management arrangement           | 0 |
| c   | The number of code of conduct complaints <b>referred to a conduct reviewer</b>   | 0 |
| d   | The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer                                      | 0 |
| e   | The number of code of conduct complaints <b>referred back to GM or Mayor</b> for resolution after preliminary assessment by conduct reviewer | 0 |
| f   | The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>   | 0 |
| g   | Cost of dealing with code of conduct complaints via preliminary assesment  | 0 |
| h   | Progressed to <b>full investigation by a conduct reviewer</b>  | 0 |
| i   | The number of finalised complaints investigated where there was found to be <b>no breach</b>   | 0 |
| j   | The number of finalised complaints investigated where there was found to be <b>a breach</b>  | 0 |
| k   | The number of complaints referred by the GM or Mayor <b>to another agency</b> or body such as the ICAC, the NSW Ombudsman, OLG or the Police |   |
| i   | ICAC   | 0 |
| ii  | NSW Ombudsman  | 0 |
| iii | OLG  | 0 |
| iv  | Police   | 0 |

|   |  |                                |
|---|--|--------------------------------|
| v | Other Agency (please specify)  | <input type="text" value="0"/> |
|   | <input type="text"/>   |                                |
| l | The number of complaints being investigated that are <b>not yet finalised</b>  | <input type="text" value="0"/> |
| m | The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs | <input type="text" value="0"/> |

### Preliminary Assessment Statistics

|   |   |                                |
|---|---|--------------------------------|
| 4 | The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:                 |                                |
| a | To take no action (clause 6.13(a) of the 2020 Procedures)   | <input type="text" value="0"/> |
| b | To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures)  | <input type="text" value="0"/> |
| c | To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2020 Procedures) | <input type="text" value="0"/> |
| d | To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2020 Procedures)      | <input type="text" value="0"/> |
| e | To investigate the matter (clause 6.13(e) of the 2020 Procedures)   | <input type="text" value="0"/> |
| f | Other action (please specify)   | <input type="text" value="0"/> |
|   | <input type="text"/>  |                                |

### Investigation Statistics

|   |  |                                |
|---|--|--------------------------------|
| 5 | The number of investigated complaints resulting in a determination that there was <b>no breach</b> , in which the following recommendations were made:   |                                |
| a | That the council revise its policies or procedures   | <input type="text" value="0"/> |
| b | That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures)  | <input type="text" value="0"/> |
| 6 | The number of investigated complaints resulting in a determination that there <b>was a breach</b> in which the following recommendations were made:  |                                |
| a | That the council revise any of its policies or procedures (clause 7.39 of the 2020 Procedures)   | <input type="text" value="0"/> |
| b | In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.37(a) of the 2020 Procedures)   | <input type="text" value="0"/> |
| c | In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.37(b) of the 2020 Procedures)   | <input type="text" value="0"/> |
| d | In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the 2020 Procedures) | <input type="text" value="0"/> |
| 7 | Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2020 Procedures)  | <input type="text" value="0"/> |

### Categories of misconduct

|   |   |
|---|---|
| 8 | The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct: |
|---|---|



|                                  |  |           |
|----------------------------------|--|-----------|
| a                                | General conduct (Part 3)   | 0         |
| b                                | Non-pecuniary conflict of interest (Part 5)  | 0         |
| c                                | Personal benefit (Part 6)  | 0         |
| d                                | Relationship between council officials (Part 7)  | 0         |
| e                                | Access to information and resources (Part 8)   | 0         |
| <b>Outcome of determinations</b> |  |           |
| 9                                | The number of investigated complaints resulting in a determination that there was a breach in which the council: |           |
| a                                | Adopted the independent conduct reviewers recommendation   | 0         |
| b                                | Failed to adopt the independent conduct reviewers recommendation   | 0         |
| 10                               | The number of investigated complaints resulting in a determination where:  |           |
| a                                | The external conduct reviewers decision was overturned by OLG  | 0         |
| b                                | Council's response to the external conduct reviewers recommendation was overturned by OLG                        | 0         |
| 11                               | Date Code of Conduct data was presented to council   | 04-Dec-24 |

## 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 13-12-2023 |   |
|----------------------------|---|
| <b>Report</b>              | <b>Proposed Dunoon Dam - acquisition of properties</b>  |
|                            | <i>Responsible Officer: Group Manager Planning and Delivery (Andrew Logan)</i>  |
| <b>Resolution</b>          | (Breum/Cadwallader) that Council: <ol style="list-style-type: none"> <li>To reconfirm its prior position in relation to acquisition of land in the Proposed Dunoon Dam area as shown in the Attachment 1 and land of strategic interest to the Future Water Strategy 2060.</li> <li>The terms of such acquisition are to be in accordance with Council's current 'Land Management' policy, Item 4 (Attachment 2), namely:               <ol style="list-style-type: none"> <li>Acquisition to be upon offer of sale by existing landowner.</li> <li>Meets the proposed operational need or strategic objective of the future water strategy 2060.</li> <li>Such acquisition costs to be calculated with due consideration to market and strategic value.</li> </ol> </li> </ol> |
| <b>ACTION</b>              | <b>June 2024 - An update to Council regarding strategic land purchases for the Future Water Strategy 2060 will be provided at the July 2025 Council workshop meeting.</b>   |
| <b>Report</b>              | <b>Update on interim arrangements for Lismore Levee Scheme</b>  |
|                            | <i>Responsible Officer: Group Manager Planning and Delivery (Andrew Logan)</i>  |
| <b>Resolution</b>          | (Rob/Cadwallader) that Council in addition to previous resolutions on the matter: <ol style="list-style-type: none"> <li>Receive and note this update.</li> <li>Authorise the General Manager to approve access to the Lismore Levee Scheme assets by Lismore City Council (LCC) for the purposes of progressing new asset construction and renewal and upgrade work under the Northern Rivers Recovery and Resilience Program(NRRRP), subject to LCC's written confirmation that they will assume ownership of the new, upgraded and renewed assets.</li> </ol>  |
| <b>ACTION</b>              | <b>November 2024: an update is being presented at December 2024 meeting with a further update before end of July 2025.</b>  |