
Rous County Council

MINUTES OF THE ORDINARY COUNCIL MEETING

16 February 2022

1. OPENING OF THE MEETING

Meeting commenced at 10.33am.

Preamble

In accordance with clause 5.21 of the Local Government Act 1993, attendees at the Council meeting were advised by the Chair that the meeting was being live streamed. The following points were noted by the Chair:

- *All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent.*
- *Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.*

This meeting must not be recorded by others without the prior written consent of the Council in accordance with Council's Code of Meeting Practice.

In attendance:

Councillors

Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob.

Staff

Phillip Rudd (General Manager), Guy Bezrouchko (Group Manager Corporate and Commercial), Helen McNeil (Group Manager People and Performance), Andrew Logan (Group Manager Planning and Delivery), Adam Nesbitt (Group Manager Operations), Emma Hunter (Future Water Program Manager), Michael McKenzie (Future Water Planning Manager), Noeline Smith (minute taker) and Luka Taylor (IT Support Officer).

2. GENERAL MANAGER REPORT

i). Election of chairperson and deputy chairperson

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

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

- Election of chairperson

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

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

- Election of deputy chairperson

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

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

Cr Mustow took the Chair.

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES AND LEAVE OF ABSENCE

Nil.

5. CONFIRMATION OF MINUTES

i). Ordinary Council meeting 20 October 2021

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

6. DISCLOSURE OF INTEREST

Cr Rob declared a non-significant, non-pecuniary interest relating to the cultural heritage report referred to in *Notice of Motion - Dunoon Dam (Item 12)*.

7. GENERAL MANAGER REPORTS

i). Audit, Risk and Improvement Committee – appointment of Councillor Members

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

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

Cr Rob was declared primary member of the Audit, Risk and Improvement Committee. No alternate member was appointed.

ii). Reconciliation Action Plan Advisory Group - appointment of Councillor Members

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

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

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

8. GROUP MANAGER CORPORATE AND COMMERCIAL REPORTS

i). Quarterly Budget Review Statement for quarter ending 31 December 2021

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

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

ii). Retail Water Customer Account Assistance

RESOLVED [6/22] (Cadwallader/Ndiaye) that Council in accordance with section 356 (1) of the *Local Government Act 1993* and its '*Retail Water Customer Account Assistance*' policy, approve financial assistance as listed in Table 1 of the report

iii). Southern Cross University – Rising Stars Scholarship program

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

9. INFORMATION REPORTS

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

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

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

On being put to the meeting the MOTION was CARRIED.

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

SUSPENSION OF STANDING ORDERS

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

ITEM 12: NOTICE OF MOTION – DUNOON DAM

MOTION moved (Rob/Cadwallader) that Council:

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

FORESHADOWED MOTION moved (Ndiaye/Lyon) that Council:

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

The MOTION on being put to the meeting was CARRIED.

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

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

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

Meeting adjourned at 11.35am. Meeting resumed at 11.53am.

RESUMPTION OF STANDING ORDERS

RESOLVED [12/22] (Cadwallader/Humphrys) that Standing Orders be resumed.

10. CONFIDENTIAL REPORTS

Preamble

Chair: We are at the point in our meeting where we have confidential items to consider. In accordance with Section 10A(4) of the Local Government Act, 1993 are there any members of the public who would like to make representations, before any part of the meeting is closed to the public, as to whether the meeting should be closed to consider the items. We have three items to consider. They are:

1. *Retail water customer account assistance*
2. *Duck Creek Weir*

If there are no objections, I call for a mover and seconder to move into Confidential Session.

In accordance with our Code of Meeting Practice, the recording and live streaming of the meeting will be stopped for the Confidential Session. We will resume the Open Session of the meeting after the confidential items are considered, when we will report the recommendations to the Open meeting.

MOVE INTO CLOSED COUNCIL

RESOLVED [13/22] (Cadwallader/Humphrys) that Council move into Closed Council with the press and public excluded from the meeting based on the grounds detailed below:

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

RESUME TO OPEN COUNCIL

RESOLVED [14/22] (Gordon/Cadwallader) that Council move to Open Council.

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

i). Retail Water Customer Account Assistance

RESOLVED [15/22] (Bruem/Rob) that Council in accordance with section 582 of the *Local Government Act 1993* and its 'Retail Water Customer Account Assistance' policy, approve financial assistance as listed in Table 1 of the report, subject to receipt of a valid Water Use Audit Report.

ii). Duck Creek Weir

RESOLVED [16/22] (Gordon/Cadwallader) that Council:

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

11. MATTERS OF URGENCY

Nil.

12. NOTICE OF MOTION / QUESTIONS ON NOTICE

Notice of Motion (Dunoon Dam) dealt with earlier in the meeting.

Questions on Notice - Nil.

13. CLOSE OF BUSINESS

There being no further business the meeting closed at 12.21pm