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MINUTES OF THE ORDINARY MEETING OF ROUS COUNTY COUNCIL HELD WEDNESDAY, 17 AUGUST 2022 AT ADMIN OFFICE, 218-232 MOLESWORTH STREET, LISMORE

The Chair opened the meeting at 10.11 am.

In attendance:

Councillors:

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

Staff:

- Phillip Rudd, General Manager
- Guy Bezrouchko, Group Manager Corporate and Commercial
- Andrew Logan, Group Manager Planning and Delivery
- Helen McNeil, Group Manager People and Performance
- Adam Nesbitt, Group Manager Operations
- Noeline Smith, Executive Assistant

Other attendees:

- Brian Wilkinson, Chair, Audit Risk and Improvement Committee.

Apologies

- Nil
- *Noted Cr Big Rob absent 25 to 28 August 2022 (conference attendance).*

1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED [37/22] (Cadwallader/Gordon) that the Minutes of the meeting held 15 June 2022 be confirmed as presented.

Confirmation of Minutes of previous meeting 15 June 2022 (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 DISCLOSURE OF INTEREST

Nil.

4 PRESENTATION

Brian Wilkinson, Chair of Audit Risk and Improvement Committee, presented to Council on the Committee Performance Review 2021-2022 (refer to Item 13.6 of the agenda).

Cr Rob expressed his appreciation for the work done by all members of the ARIC.

Cr Mustow extended his thanks to Mr Wilkinson for his informative presentation.

5 GENERAL MANAGER REPORTS

ALTERING ORDER OF BUSINESS

RESOLVED [38/22] (Rob/Humphrys) that the order of business be altered to debate the *Report: Notice of Motion: Local Government NSW Annual Conference*.

5.1 Notice of Motion: Local Government NSW Annual Conference

RESOLVED [39/22] (Rob/Gordon) that Council support the proposed motions outlined in the report and their submission to Local Government NSW for consideration at its annual conference being held on 23-25 October 2022.

ALTERING ORDER OF BUSINESS

RESOLVED [40/22] (Ndiaye/Bruem) that the order of business be altered to debate the *Notice of Motion: Future Water Project 2060 progress to secure additional water sources*.

5.2 Future Water Project 2060 progress to secure additional water sources

MOVED (Cadwallader/Rob) that Council receive an update from staff on the progress towards securing additional sources of water as outlined in the Future Water Project 2060 Strategy, given the delays to works through the last 18 months of uncertainty and weather, and the approaching 2024 target where our forecasted demand is predicted to exceed supply.

The MOTION on being put to the meeting was CARRIED.

RESOLVED [41/22] (Cadwallader/Rob) that Council receive an update from staff on the progress towards securing additional sources of water as outlined in the Future Water Project 2060 Strategy, given the delays to works through the last 18 months of uncertainty and weather, and the approaching 2024 target where our forecasted demand is predicted to exceed supply.

6 GROUP MANAGER CORPORATE AND COMMERCIAL REPORTS

6.1 Preliminary 2021/22 End of Year Financial Summary and Budget Carry Forward

RESOLVED [42/22] (Gordon/Lyon) that Council:

1. Receive and note the Preliminary 2021/22 End of Year Financial Summary Report, acknowledging that it is a preliminary summary prior to end of year adjustments and audit.
2. Approve the transfers to and from reserve as detailed in Tables 2 - 8 of the report.
3. Approve the funds to be carried forward as detailed in Tables 9 - 16 of the report.

Preliminary 2021/22 End of Year Financial Summary and Budget carry forward (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

6.2 Retail Water Bad Debt Write-Off

RESOLVED [43/22] (Ndiaye/Rob) that Council, in accordance with its Debt Management and Financial Hardship policy:

1. Approve the write-off of one (1) Water Filling customer due to bankruptcy.
2. Approve the write-off of three (3) Retail Water Billing customers due to cycle unit issues not accurately recording water usage.

Retail water bad debt write-off (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

6.3 Retail Water Customer Account Assistance

RESOLVED [44/22] (Ndiaye/Rob) that Council in accordance with section 356 (1) of the *Local Government Act 1993* and its 'Retail Water Customer Account Assistance' policy, approve financial assistance as listed in Table 1 of the report.

Retail water customer account assistance (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

7 GROUP MANAGER PLANNING AND DELIVERY REPORTS

7.1 Rous Regional Demand Management Plan 2023-2026

RESOLVED [45/22] (Ndiaye/Lyon) that Council:

1. Endorses the draft Rous Regional Demand Management Plan (2023-2026) attached to the report, for public exhibition for the period 22 August to 12 September 2022.
2. If public submissions are made during the public exhibition period, a report be furnished to Council's October 2022 meeting, including staff comment on how the submissions have been considered, for Council to determine a position on endorsement of the Plan.
3. If no public submissions are made during the public exhibition period, the version of the draft Rous Regional Demand Management Plan (2023-2026) placed on public exhibition, is deemed to be adopted by Council.
4. Note that constituent councils will be advised in writing once the draft Regional Demand Management Plan is on public exhibition.

Rous Regional Demand Management Plan 2023-2026 (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

7.2 Supply of Backflow Prevention Devices

RESOLVED [46/22] (Bruem/Gordon) that Council:

1. Accept the tender submitted by Australian Valve Group Pty Ltd for a contract lump sum price of \$261,293.41 incl. GST for the supply of backflow prevention devices.
2. Approve an additional \$25,000 (incl. GST) as a contingency amount.

Cr Lyon left the meeting at 11.24am and returned at 11.27am.

Cr Lyon was absent during voting on the above resolution.

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

8 GROUP MANAGER PEOPLE AND PERFORMANCE REPORTS

8.1 Code of Meeting Practice

RESOLVED [47/22] (Rob/Gordon) that Council:

1. Revoke the Code of Meeting Practice dated 19 June 2019 and any other document revived as a result of the revocation; and
2. Adopt the revised Code of Meeting Practice (Attachment 1).

Code of Meeting Practice (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

8.2 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.

Delegation - General Manager (Resolution)		
<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
Carried		

8.3 Rous Cultural, Environmental and Information Centre

RESOLVED [49/22] (Cadwallader/Bruem) that Council:

1. Receive and note the report.
2. Endorse the termination of the lease of 207 Molesworth Street, Lismore.
3. Endorse the reallocation of funds to the catchment and cultural awareness budget for progressing reconciliation activities.
4. Receive a progress report at the February 2023 Council meeting.

Voting against: Cr Gordon

Rous Cultural, Environmental and Information Centre (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	7
Against	Cr Andrew Gordon	1
Conflict of Interests	None	0
Abstain	None	0
Carried		

9 POLICIES

9.1 Debt Management and Financial Hardship Policy and Retail Water Account Assistance policy (Reviewed)

RESOLVED [50/22] (Rob/Humphrys) that Council:

1. Receive and note the report.
2. Publicly exhibit the revised Retail Water Customer Account Assistance policy and Debt Management and Financial Hardship policy (Attachment 1 and 2) for a period of 28 days, and:
 - i). Should no public submissions be received:
 - (a) The following policies be revoked, and any policies revived as a result of the revocation:
 - Debt Management and Financial Hardship policy dated 15 April 2020; and
 - Retail Water Customer Account Assistance policy dated 19 September 2018.
 - (b) The revised policies attached to the report be adopted.
 - (c) The revised Retail Water Customer Account Assistance policy be applied to those properties identified as staff having excess water usage in flood affected areas for Quarter 4 (February to May 2022).
 - ii). Should any public submission be received, those submissions be considered by Council at its next meeting in conjunction with consideration of revoking the above policies and adopting the revised policies.

3. Fix the amount above which debts may be written off only by resolution of Council at \$5,000 (incl. GST).
4. Approve the removal the paragraph referring to write-offs: Rates, Charges and Debts to Council from the Revenue policy (Fees and Charges 2022-23) as it is captured in the General Manager's delegation.

Cr Ndiaye left the meeting at 11.50am and returned at 11.52am.

Cr Ndiaye was absent during voting on the above resolution.

Debt Management and Financial Hardship policy and Retail Water Account Assistance policy (reviewed) (Resolution)		
<i>Cr Ndiaye 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 Big Rob	7
Against	None	0
Conflict of Interests	None	0
Absent for voting	Cr Sarah Ndiaye	1
Carried		

9.2 Public Interest Disclosure policy

RESOLVED [51/22] (Cadwallader/Rob) that Council:

1. Revoke the 'Public Interest Disclosures' policy dated 17 June 2020 and any policies revised as a result of the revocation; and
2. Adopt the revised 'Public Interest Disclosures' policy attached to the report.

Public Interest Disclosure policy (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

9.3 Asset Management and Capitalisation policy

RESOLVED [53/22] (Rob/Humphrys) that Council:

1. Revoke the following policies and any policies revived as a result of the revocation:
 - a. Asset Management policy adopted on 21 June 2017; and
 - b. Asset Capitalisation policy adopted on 21 June 2017.
2. Adopt the following revised policies attached to this report:
 - a. Asset Management policy; and
 - b. Asset Capitalisation policy.

Asset Management and Capitalisation policy (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

9.4 Payment of Expenses and Provision of Facilities policy

RESOLVED [54/22] (Ndiaye/Cadwallader) that Council publicly exhibit the revised 'Councillor fees, expenses and facilities' policy (Attachment 3) for a period of 28 days, and:

1. Should no public submission be received, the following policies be revoked and the revised 'Councillor fees, expenses and facilities' policy is adopted:
 - (a) 'Chairperson and member fees' policy dated 21 December 2016; and
 - (b) 'Payment of expenses and provision of facilities for chairperson and councillors' policy dated 19 April 2017,
 and any policies revived as a result of the revocation.
2. Should any public submission be received, those submissions be considered by Council at its next meeting in conjunction with consideration of revoking the above policies and adopting a revised 'Councillor fees, expenses and facilities' policy.
3. Carers' allowance be increased from \$1,000 to \$2,000 ex GST per councillor – any increases to that amount be at the discretion of the General Manager.

Payment of expenses and provision of facilities policy (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

9.5 Privacy policy (Revised)

RESOLVED [55/22] (Rob/Cadwallader) that Council:

1. Revoke the Privacy Management policy adopted on 14 June 2015 and any policies revived as a result of the revocation.
2. Adopt the proposed Privacy policy attached to the report.
3. Note that, subject to the adoption of the proposed policy that a Privacy Management Plan be developed, approved by the General Manager and made available as open access information.

Cr Bruem left the meeting at 12.10pm and returned at 12.12pm.

Cr Bruem was absent during voting on the above resolution.

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

9.6 Related Party Disclosures policy

RESOLVED [56/22] (Cadwallader/Lyon) that Council:

1. Revoke the Related Party Disclosure policy dated 17 May 2017, and
2. Approve the revised Related Party Disclosure policy (Attachment 2).

Related Party Disclosures policy (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

10 INFORMATION REPORTS

RESOLVED [57/22] (Cadwallader/Rob) that the following information reports be received and noted:

1. Investments - July 2022
2. Debt write-off information summary
3. Water consumption - July 2022
4. Delivery program progress update: January to June 2022
5. Audit Risk and Improvement Committee: meeting update including the Committee Performance report for the period 2021 - 2022.
6. Reports/actions pending

Information reports (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

11 CONFIDENTIAL MATTERS

MOVED TO CLOSED COUNCIL

RESOLVED [58/22] (Cadwallader/Ndiaye) that Council move into Closed Council with the press and public excluded from the meeting based on the grounds detailed below:

Report	Richmond Water Laboratories (RWL) strategic options
Grounds for closure	Section 10A(2)(a) personnel matters concerning particular individuals (other than councillors). Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed: (ii). confer a commercial advantage on a competitor of the Council.

The meeting moved to Closed Council at 12.17pm.

RESUME TO OPEN COUNCIL

RESOLVED [59/22] (Ndiaye/Rob) that the meeting resume to Open Council.

The meeting moved to Open Council at 1.00pm.

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

11.1 Richmond Water Laboratories (RWL) Strategic Options

RESOLVED [60/22] (Cadwallader/Bruem) that Council receive and note the information provided and adopt Option 3 as recommended in the report.

12 MATTERS OF URGENCY

Nil.

13 NOTICES OF MOTION / QUESTIONS ON NOTICE

13.1 Notice of Motion: Local Government NSW Annual Conference

Matter dealt with earlier in the meeting – refer Item 5.

13.2 Notice of Motion: Future Water Project 2060 Progress to Secure Additional Water Sources

Matter dealt with earlier in the meeting – refer Item 5.

14 CLOSE OF BUSINESS

Meeting closed at 1.02pm.