

Minutes

ORDINARY COUNCIL MEETING

**ALBY SCHULTZ MEETING CENTRE,
COOTAMUNDRA**

6:00PM, TUESDAY 26th February, 2019

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA
ON TUESDAY, 26 FEBRUARY 2019 AT 6:00PM**

PRESENT: Cr Abb McAlister (Mayor), Cr Dennis Palmer (Deputy Mayor), Cr Leigh Bowden, Cr Gil Kelly, Cr Penny Nicholson, Cr Doug Phillips, Cr Charlie Sheahan

IN ATTENDANCE: Phil McMurray (Acting General Manager), Susan Gheller (Manager Business), Grace Foulds (Acting Manager Development, Building and Compliance), Andrew Brock (Manager Facilities), Tim Swan (Manager Finance), Janelle Chapman (Regulatory Officer)

1 OPEN FORUM

List of Speakers

1. Trevor O'Toole – Spoke on the proposed solar farm development and stated that while he does not oppose the development he has concerns in relation to privacy and the proposed viewing platform, biosecurity and possible effects on livestock which are in the vicinity of the development.
2. Steve Dwyer – Spoke on the proposed solar farm development in relation to the development being detrimental to the view from his property.
3. Denise Dwyer – Spoke on the proposed solar farm development in relation to its proximity to the town and the possible impact of the aesthetics of the area.
4. Carol Buttriss – Spoke in relation to the proposed solar farm development stating it will obstruct the current view from her property, that it will be an eyesore and believes it will potentially impact property sales in the immediate area.
5. John Terry – Spoke in relation to the proposed solar farm development stating that it will spoil the view for residents adjacent to the area and the detract from the view when coming into town on the Gundagai Road.
6. Anthony Vippond – The developer of the proposed solar farm and addressed some concerns raised by the previous speakers in relation to the proposed development.
7. Rod Chalmers – Spoke on a number of issues. Firstly, he offered support to the proposed solar farm development. He raised concerns in relation to the untidy state of the Cootamundra Waste Station, voiced his disappointment that no member of Council staff had responded to a complaint lodged through the Council webpage in relation to the state of the Cootamundra Waste Station, and further complained that his correspondence to Council often went without response. He suggested that a regular report be submitted in relation to the length of time it takes Council to approve development applications and asked if Council has a public policy in relation to how it offers assistance to potential developers? Mr Chalmers then commended Cr Sheahan on item 9.1, Notice of Motion – Amendment to Cemeteries and Crematoria Act, 2013.
8. Lin Chaplin (Lambing Flat Enterprises Community Support) and Paula Maher (Intereach) – Spoke in relation to the need for disabled access and facilities at the Cootamundra heated swimming pool. They requested Council consider the installation of an appropriate change table being installed to assist with the care of disabled swimmers and for the installation of

a hoist to safely lift swimmers in and out of the swimming pool. They also mentioned the Access and Inclusive Advocacy Committee in relation to their inclusion on the committee.

9. Isabel Scott - spoke in relation to the Riverina Tourism Campaign and mentioned that Cootamundra has not been included on the campaign link.
10. Nigel Lotz – Spoke as the applicant in relation to item 8.2.6 Tumblong Subdivision stating he had hired a consultant to address the issues raised by Council and that he believed the subdivision to be aligned with the Council’s Village Strategy.

2 ACKNOWLEDGEMENT OF COUNTRY

The Chairperson acknowledged the Wiradjuri people who are the Traditional Custodians of the Land at which the meeting was held and paid his respects to Elders, both past and present, of the Wiradjuri Nation and extended that respect to other Aboriginal people who were present.

3. APOLOGY

Note: Apologies were received on behalf of Cr’s Graham and Stewart.

RESOLUTION 032/2019

Moved: Cr Dennis Palmer

Seconded: Cr Doug Phillips

That the apologies received from Cr’s Graham and Stewart be accepted and leave of absence granted.

CARRIED

Nil

4 DISCLOSURES OF INTEREST

Cr Palmer disclosed a pecuniary interest in item 11.2 Yass Road Electricity and Gundagai Road Works (Late item) for the reason that he owns property in the vicinity of the subject development.

5 CONFIRMATION OF MINUTES

5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 29 JANUARY 2019

RESOLUTION 033/2019

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

The Minutes of the Ordinary Meeting of Council held on Tuesday 29 January 2019 be confirmed as a true and correct record of the meeting.

CARRIED

5.2 MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON THURSDAY 14 FEBRUARY 2019

RESOLUTION 034/2019

Moved: Cr Doug Phillips
Seconded: Cr Charlie Sheahan

The Minutes of the Extraordinary Meeting of Council held on Thursday 14 February 2019 be confirmed as a true and correct record of the meeting.

CARRIED

6 MAYORAL MINUTES

6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT

Note: The following amendments to the Mayoral Minute were noted:

22nd January, 2019

The Fees and Charges meeting was cancelled.

Cr Graham did not attend the Softwoods Working Group meeting

25th January, 2019

Cr's Bowden, Kelly and Phillips also attended the Councillor Workshop held in Cootamundra.

RESOLUTION 035/2019

Moved: Cr Doug Phillips
Seconded: Cr Leigh Bowden

The information in the Mayoral Minute, as amended, be received and noted.

CARRIED

7 REPORTS FROM COMMITTEES

Nil

8 GENERAL MANAGER'S REPORT

8.1 CORPORATE SERVICES DIRECTORATE

8.1.1 COUNCIL MEETING ACTION REPORT

RESOLUTION 036/2019

Moved: Cr Dennis Palmer

Seconded: Cr Penny Nicholson

The updated Council Meeting Action Report, attached to the report, be received and noted.

CARRIED

8.1.2 INFORMATION BULLETIN

RESOLUTION 037/2019

Moved: Cr Doug Phillips

Seconded: Cr Charlie Sheahan

The information contained in the Information Bulletin attached to the report be received and noted.

CARRIED

8.1.3 COOTAMUNDRA CREATIVE ART AND CULTURAL CENTRE S.355 COMMITTEE MEMBERSHIP

RESOLUTION 038/2019

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

The office bearers and membership of the Cootamundra Creative Art and Cultural Centre S.355, Committee as detailed in the report, be endorsed.

CARRIED

8.1.4 COOTAMUNDRA TOURISM ACTION GROUP S.355 COMMITTEE MEMBERSHIP**RESOLUTION 039/2019**

Moved: Cr Doug Phillips

Seconded: Cr Leigh Bowden

- 1. The Minutes of the Cootamundra Tourism Action Group s.355 Committee Annual General Meeting held on 31 January 2019, attached to the report, be received and noted.**
- 2. The office bearers of the Cootamundra Tourism Action Group s.355 Committee, as detailed in the report, be endorsed.**

CARRIED**8.1.5 COOTAMUNDRA TOURISM ACTION GROUP S.355 COMMITTEE MEETING MINUTES****RESOLUTION 040/2019**

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

The Minutes of the Cootamundra Tourism Action Group s.355 Committee meetings held on 31 January 2019 and 7 February 2019, attached to the report, be received and noted.**CARRIED****8.1.6 GUNDAGAI TOURISM ACTION S.355 COMMITTEE MEETING MINUTES****RESOLUTION 041/2019**

Moved: Cr Penny Nicholson

Seconded: Cr Gil Kelly

The Minutes of the Gundagai Tourism Action s.355 Committee meetings held on 13 February 2019 attached to the report, be received and noted.**CARRIED**

8.1.7 TENDER FOR THE PROVISION OF LEGAL SERVICES**RESOLUTION 042/2019**

Moved: Cr Charlie Sheahan

Seconded: Cr Dennis Palmer

1. **Tenders be invited, using the open tender method, for the establishment of Council's panel of Legal Service providers.**
2. **A further report be prepared and submitted to Council on the outcomes of the tender process referred to in 1 above.**

CARRIED**8.1.8 DELIVERY PROGRAM 2018-2021 AND OPERATIONAL PLAN 2018/19 - HALF YEARLY PROGRESS REPORT****RESOLUTION 043/2019**

Moved: Cr Doug Phillips

Seconded: Cr Charlie Sheahan

The Delivery Program 2018-2021 incorporating the Operational Plan 2018/19 (Year 1) half yearly progress report (1 July – 31 December 2018) be received and noted.

CARRIED**8.1.9 MONTHLY MAJOR PROJECTS PROGRAM REPORT****RESOLUTION 044/2019**

Moved: Cr Doug Phillips

Seconded: Cr Dennis Palmer

1. **The progress report on project status be received and noted.**
2. **The recommended changes to the project budgets as listed in the report be adopted.**

CARRIED

8.1.10 LGNSW FINANCIAL ISSUES IN LOCAL GOVERNMENT CONFERENCE

RESOLUTION 045/2019

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

The report by Councillor Graham in relation to the LGNSW Financial Issues in Local Government conference be received and noted.

CARRIED

8.1.11 DONATION TO GUNDAGAI LIONS CLUB INC

RESOLUTION 046/2019

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

Council donate the sum of \$801.50 to the Gundagai Lions Club Inc. for Water & Sewer Access Charges for the period 1 July 2016 to 30 November 2018.

CARRIED

8.1.12 INVESTMENT REPORT - JANUARY 2019

RESOLUTION 047/2019

Moved: Cr Doug Phillips

Seconded: Cr Penny Nicholson

The Investment Report as at 31 January 2019, attached to the report, be received and noted.

CARRIED

8.1.13 MONTHLY FINANCE REPORT FOR - JANUARY 2019

RESOLUTION 048/2019

Moved: Cr Doug Phillips

Seconded: Cr Leigh Bowden

The Monthly Finance Report for January 2019, attached to the report, be received and noted.

CARRIED

8.1.14 DECEMBER QUARTERLY BUDGET REVIEW STATEMENT

RESOLUTION 049/2019

Moved: Cr Doug Phillips
Seconded: Cr Leigh Bowden

- 1. The December 2018 Quarterly Budget Review Statement be accepted.**
- 2. The budget variations listed in the attached report be adopted.**

CARRIED

8.2 DEVELOPMENT AND COMMUNITY SERVICES DIRECTORATE

8.2.1 ACCESS & INCLUSION ADVISORY COMMITTEE NOMINATIONS

RESOLUTION 050/2019

Moved: Cr Charlie Sheahan
Seconded: Cr Dennis Palmer

The nominations be accepted and the committee formed.

CARRIED

8.2.2 DRAFT TOURISM AND ECONOMIC DEVELOPMENT STRATEGY

RESOLUTION 051/2019

Moved: Cr Leigh Bowden
Seconded: Cr Dennis Palmer

The Draft Tourism and Economic Development Strategy, attached to this report, be placed on public exhibition for a period of 28 days.

CARRIED

8.2.3 DRAFT WALLEDBEEN STRATEGIC HERITAGE STUDY**RESOLUTION 052/2019**

Moved: Cr Charlie Sheahan

Seconded: Cr Gil Kelly

1. **The Draft Wallendbeen Strategic Heritage Study dated January, 2019, circulated under separate cover, be placed on public exhibition for a period of 14 days commencing 27th February, 2019 and concluding 13th March, 2019.**
2. **Any submissions received in response to the public exhibition period referred to in 1 above be the subject of a further report to be submitted to the March, 2019 Ordinary Meeting of Council.**
3. **In the event there are no submissions received during and in response to the public exhibition period referred to in 1 above, the Draft Wallendbeen Strategic Heritage Study be deemed to be adopted.**

CARRIED**8.2.4 DEVELOPMENT APPLICATIONS APPROVED JANUARY 2019****RESOLUTION 053/2019**

Moved: Cr Charlie Sheahan

Seconded: Cr Penny Nicholson

The information on Development Applications Approved in January 2019 be noted.**CARRIED**

8.2.5 DEVELOPMENT APPLICATION 2018/181 PROPOSED ENERGY GENERATING WORKS (SOLAR FARM), MUTTAMA ROAD, COOTAMUNDRA.

RESOLUTION 054/2019

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

Development Application 2018/181 be approved subject to the conditions contained within the Development Assessment (Section 4.15 report).

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Abb McAlister (Mayor) Cr Dennis Palmer Cr Leigh Bowden Cr Gil Kelly Cr Penny Nicholson Cr Doug Phillips Cr Charlie Sheahan	Nil
ABSENT	DECLARED INTEREST
Cr David Graham Cr Craig Stewart	Nil

CARRIED

8.2.6 DEVELOPMENT APPLICATION 2010/048 PROPOSED SIX (6) LOT SUBDIVISION, OLD HUME HIGHWAY, TUMBLONG

RESOLUTION 055/2019

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

The General Manager be granted authority to issue a Notice of Approval for Development Application 2010/048

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Abb McAlister (Mayor) Cr Dennis Palmer Cr Leigh Bowden Cr Gil Kelly Cr Penny Nicholson Cr Charlie Sheahan	Cr Doug Phillips
ABSENT	DECLARED INTEREST
Cr David Graham Cr Craig Stewart	Nil

CARRIED

8.2.7 DEVELOPMENT APPLICATION 2018/94 RESOURCE RECOVERY FACILITY, TURNERS LANE COOTAMUNDRA

RESOLUTION 056/2019

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

DA2018/94 Waste Resource Recovery Facility be approved subject to the conditions contained within the Development Assessment (Section 4.15 report).

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Abb McAlister (Mayor) Cr Dennis Palmer Cr Leigh Bowden Cr Gil Kelly Cr Penny Nicholson Cr Doug Phillips Cr Charlie Sheahan	Nil
ABSENT	DECLARED INTEREST
Cr David Graham Cr Craig Stewart	Nil

CARRIED

8.3 OPERATIONS DIRECTORATE

8.3.1 FEBRUARY OPERATIONS REPORT

RESOLUTION 057/2019

Moved: Cr Doug Phillips

Seconded: Cr Penny Nicholson

The Operations Update and Works Program for the month of February 2019 attached to the report be received and noted.

CARRIED

8.4 ASSET MANAGEMENT DIRECTORATE

8.4.1 DRAFT ROADS MANAGEMENT POLICY

RESOLUTION 058/2019

Moved: Cr Leigh Bowden

Seconded: Cr Charlie Sheahan

The draft Roads Management Policy, attached to the report, be adopted.

CARRIED

9 MOTION OF WHICH NOTICE HAS BEEN GIVEN

9.1 NOTICE OF MOTION - AMENDMENT TO CEMETERIES AND CREMATORIA ACT 2013

RESOLUTION 059/2019

Moved: Cr Charlie Sheahan

Seconded: Cr Gil Kelly

By way of policy Council adopt the following options as per the NSW Cemeteries and Crematoria Act 2013 No. 105:

That Cootamundra Gundagai Regional Council, as the recognised cemetery operator, protects all existing "Perpetual Internment Rights", and in the future offers only "Perpetual Internment Rights", across all cemeteries under Council's control.

CARRIED

10 QUESTIONS WITH NOTICE

Nil

11 CONFIDENTIAL ITEMS**11.1 CLOSED COUNCIL REPORT****RECOMMENDATION**

1. Items 11.2, 11.3, 11.4 and 11.5 be considered in closed Council at which the press and public are excluded in accordance with the applicable provisions of the Local Government Act, 1993 and related public interest reasons detailed.
2. In accordance with section 11 (2) and (3) of the Local Government Act, 1993, the reports, correspondence and other documentation relating to Items 11.2, 11.3, 11.4 and 11.5 be withheld from the press and public.

11.2 YASS ROAD ELECTRICITY AND GUNDAGAI ROAD WORKS (LATE ITEM)Provisions for Confidentiality

Section 10A (2) (g) – The Confidential Report contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Public Interest

It is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to ensure the appropriate outcome is achieved.

11.3 LIDLEY PARK PLAYGROUNDProvisions for Confidentiality

Section 10A (2) (c) – The Confidential Report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Public Interest

It is considered that discussion of this matter in open Council would, on balance, be contrary to the public interest as it would impact upon the ability of Council to obtain the optimum outcome for the community.

11.4 DOG ON THE TUCKERBOX - EXPRESSIONS OF INTERESTProvisions for Confidentiality

Section 10A (2) (c) – The Confidential Report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Public Interest

It is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

11.5 ELOUERA ASSOCIATION INC. - MATERIAL RECYCLING FACILITY CONTRACT AND CONTAINER DEPOSIT SCHEMEProvisions for Confidentiality

Section 10A (2) (c) – The Confidential Report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Public Interest

It is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the appropriate outcome..

RECOMMENDATION

Submitted for the consideration of Council.

11.2 YASS ROAD ELECTRICITY AND GUNDAGAI ROAD WORKS (LATE ITEM)

Note: At this stage of the Meeting Cr Palmer disclosed a pecuniary interest in this item for the reason that he owns property in the vicinity of the subject development and left the meeting at the commencement of discussion and consideration.

RESOLUTION 060/2019

Moved: Cr Gil Kelly

Seconded: Cr Doug Phillips

The General Manager be delegated authority to seek legal advice on Council's obligations in relation to the matters contained within the report.

CARRIED

11.3 LIDLEY PARK PLAYGROUND**RESOLUTION 061/2019**

Moved: Cr Doug Phillips

Seconded: Cr Dennis Palmer

- 1. Council purchase 48 Mount Street South Gundagai for the installation of the playground for the amount specified in the report, with funding received through the Social Housing Community Infrastructure Fund.**
- 2. A masterplan be prepared for future development of a parklet at the property referred to in 1 above.**
- 3. The General Manager be granted authority to execute the related contract and other documentation.**

CARRIED

11.4 DOG ON THE TUCKERBOX - EXPRESSIONS OF INTEREST (LATE ITEM)**RESOLUTION 062/2019**

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

- I. Paramount Concrete Construction be selected as the preferred developer of the Dog on the Tuckerbox site.**
- 2. Council, in partnership with Paramount Concrete Construction and through open dialogue and negotiation, fulfill all avenues to procure the development and enhancement of the site whilst ensuring that a financially sustainable model is in place for its long term viability.**
- 3. The negotiations referred to in 2 above be conditional on the following four aspects being achieved:**
 - I. Preservation and enhancement of the Dog on The Tuckerbox Memorial.**
 - II. Preservation of the historic ruins - The Joseph Carberry Inn (aka) Limestone Inn.**
 - III. Provide and maintain Public Amenity facilities.**
 - IV. The development must meet the objectives of the zoning under the Gundagai Local Environmental Plan (LEP) 2011.**

CARRIED

11.5 ELOUERA ASSOCIATION INC. - MATERIAL RECYCLING FACILITY CONTRACT AND CONTAINER DEPOSIT SCHEME (LATE ITEM)

RESOLUTION 063/2019

Moved: Cr Dennis Palmer
Seconded: Cr Doug Phillips

1. Council endorse the Agreement signed on 13th June, 2018 by Allen Dwyer (General Manager) under delegation, with the addition of addendum number 1 (included in the letter dated 14th February, 2019) attached to the report, which clarifies that the agreement will end at the time of Elouera entering into a new recycling contract with Council and/or Elouera ceasing to be the Material Recycling Facility (MRF) operator.
2. Council provide a statement to Eloura and the EPA to enact the agreement dated 13th June, 2018 referred to in (1) above, effective from 1st December, 2018.

CARRIED

11.6 RESUMPTION OF OPEN COUNCIL MEETING

RESOLUTION 064/2019

Moved: Cr Penny Nicholson
Seconded: Cr Leigh Bowden

The Open Council meeting resume.

CARRIED

11.7 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS

Note: The Chairperson announced the resolutions made in Closed Council.

The Meeting closed at 9:25pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 March 2019.

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CHAIRPERSON

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GENERAL MANAGER