

Minutes

ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6:00PM, TUESDAY 24TH SEPTEMBER, 2019

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI
ON TUESDAY, 24 SEPTEMBER 2019 AT 6:00PM**

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

IN ATTENDANCE: Phil McMurray (Acting General Manager), Ganesh Ganeshamoorthy (Manager Assets), Mark Ellis (Manager Civil Works), Miriam Crane (Manager of Community and Culture), Sharon Langman (Manager Development, Building and Compliance), Andrew Brock (Manager Facilities), Tim Swan (Manager Finance), Glen McAtear (Manager Regulatory Services), Wayne Bennett (Manager Waste, Parks & Recreation Services)

1 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.

ADJOURN MEETING FOR OPEN FORUM

RESOLUTION 304/2019

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

Council adjourn for Open Forum.

CARRIED

2 OPEN FORUM

List of Speakers

1. Keith Turner – Expressed his thanks to Council for the financial assistance it provided for the new signage at the dog on the Tuckerbox.
2. Hilary Connors – Addressed Council on item 8.3.1 Projects to be Submitted Through the Stronger Country Communities Fund Round 3 (Late Report), in particular the Muttama Hall Rejuvenation Works.

RESUME OPEN MEETING**RESOLUTION 305/2019**

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

Council resume the Open Meeting.

CARRIED

3 APOLOGIES

Nil

4 DISCLOSURES OF INTEREST

Cr Penny Nicholson disclosed a significant non-pecuniary interest in item 8.1.15 Gundagai Regional Enhancement Group Donation Request as she is the Treasurer of Gundagai Regional Enhancement Group.

Cr David Graham disclosed a pecuniary interest in item 8.4.5 Development Applications Approved August, 2019 for DA2019/85, Information Education Centre, Sheridan Lane for the reason that he recently sold land associated with the development application.

Phillip McMurray, Acting General Manager disclosed a pecuniary interest in item 5.2 Minutes of the Extraordinary Meeting of Council held on Friday 13 September, 2019

Cr Palmer disclosed a significant non-pecuniary interest in item 11.3 Lease of Road Reserve Between Lot 5 DP1092838 and Lots 60,61 and 62 DP753604 Cootamundra for the reason that a family member owns a neighbouring property.

5 CONFIRMATION OF MINUTES**5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 27 AUGUST 2019****RESOLUTION 306/2019**

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

The Minutes of the Ordinary Meeting of Council held on Tuesday 27 August 2019 be confirmed as a true and correct record of the meeting.

CARRIED

5.2 MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON FRIDAY 13 SEPTEMBER 2019

RESOLUTION 307/2019

Moved: Cr David Graham
Seconded: Cr Charlie Sheahan

The Minutes of the Extraordinary Meeting of Council held on Friday 13 September 2019 be confirmed as a true and correct record of the meeting.

CARRIED

6 MAYORAL MINUTES

6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT

RESOLUTION 308/2019

Moved: Cr Leigh Bowden
Seconded: Cr Dennis Palmer

The information in the Mayoral Minute be received and noted.

CARRIED

7 REPORTS FROM COMMITTEES

7.1 MINUTES OF THE ACCESS AND INCLUSION COMMITTEE MEETING HELD ON THURSDAY 29 AUGUST 2019

RESOLUTION 309/2019

Moved: Cr Charlie Sheahan
Seconded: Cr Gil Kelly

- 1. The Minutes of the Access and Inclusion Committee Meeting held on Thursday 29 August 2019, attached to the report, be received and noted.**
- 2. The procurement of a 200 kilogram waterproof wheelchair and portable lift for Gundagai and the installation of an adult change facility be investigated.**

CARRIED

8 GENERAL MANAGER'S REPORT**8.1 BUSINESS****8.1.1 ELECTION OF MAYOR FOR THE 2019/20 TERM****RESOLUTION 310/2019**

Moved: Cr Dennis Palmer

Seconded: Cr Penny Nicholson

The voting for the election of the Mayor for the 2019/20 term be conducted by Ordinary Ballot.

CARRIED

The General Manager, as Returning Officer called for nomination for the Office of Mayor.

Nominations were received for Councillor McAlister and Councillor Sheahan.

In accordance with the previous resolution the election was conducted by Ordinary Ballot.

Following the Ordinary Ballot Councillor McAlister was declared elected as Mayor for the 2019/20 term

8.1.2 ELECTION OF THE DEPUTY MAYOR 2019/20**RESOLUTION 311/2019**

Moved: Cr Dennis Palmer

Seconded: Cr Craig Stewart

The voting for the election of the Deputy Mayor for the 2019/20 term be conducted by ordinary ballot.

CARRIED

The General Manager, as Returning Officer called for nomination for the Office of Deputy Mayor.

Nominations were received for Councillor Bowden and Councillor Palmer.

In accordance with the previous resolution the election was conducted by Ordinary Ballot.

Following the Ordinary Ballot Councillor Palmer was declared elected as Deputy Mayor for the 2019/20 term

8.1.3 STOCKINBINGAL ELLWOOD'S HALL S.355 COMMITTEE MEETING MINUTES**RESOLUTION 312/2019**

Moved: Cr David Graham

Seconded: Cr Dennis Palmer

The Minutes of the Stockinbingal Ellwood's Hall s.355 Committee Extraordinary Meeting held on 22 August 2019, attached to the report, be received and noted.

CARRIED**8.1.4 THE COOTAMUNDRA HERITAGE CENTRE MANAGEMENT S.355 COMMITTEE MEETING MINUTES****RESOLUTION 313/2019**

Moved: Cr Penny Nicholson

Seconded: Cr Craig Stewart

The Minutes of the Cootamundra Heritage Centre Management s.355 Committee meeting held on 2 September 2019, attached to the report be received and noted.

CARRIED**8.1.5 COOTAMUNDRA TOURISM ACTION GROUP S.355 COMMITTEE MEETING MINUTES****RESOLUTION 314/2019**

Moved: Cr Charlie Sheahan

Seconded: Cr Dennis Palmer

- 1. The Minutes of the Cootamundra Tourism Action Group s.355 Committee meetings held on 5 September 2019, attached to the report, be received and noted.**
- 2. The cost to purchase electronic billboards, for event and tourism related promotion be investigated and a report be prepared and submitted to Council.**

CARRIED**8.1.6 DRAFT AGENCY INFORMATION GUIDE 2019 (AIG)****RESOLUTION 315/2019**

Moved: Cr Doug Phillips

Seconded: Cr David Graham

The draft Agency Information Guide (AIG), attached to the report, be adopted.

CARRIED

8.1.7 DRAFT PRIVACY MANAGEMENT PLAN

RESOLUTION 316/2019

Moved: Cr Charlie Sheahan

Seconded: Cr Gil Kelly

The draft Privacy Management Plan presented to Council, be adopted.

CARRIED

8.1.8 DRAFT STATEMENT OF BUSINESS ETHICS

RESOLUTION 317/2019

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

The draft Statement of Business Ethics, attached to the report, be adopted.

CARRIED

8.1.9 DRAFT EQUAL EMPLOYMENT OPPORTUNITY (EEO) MANAGEMENT PLAN

RESOLUTION 318/2019

Moved: Cr Craig Stewart

Seconded: Cr Penny Nicholson

The draft Equal Employment Opportunity (EEO) Management Plan, attached to the report, be adopted.

CARRIED

8.1.10 DRAFT MANAGING UNREASONABLE COMPLAINANT CONDUCT POLICY AND PROCEDURE

RESOLUTION 319/2019

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

The draft Managing Unreasonable Complainant Conduct Policy, Procedure, Risk Assessment Worksheet and Unreasonable Complainant Conduct Form, attached to the report, be adopted.

CARRIED

8.1.11 COOTAMUNDRA- GUNDAGAI REGIONAL COUNCIL GIFTS FOR VISITING DIGNITARIES

RESOLUTION 320/2019

Moved: Cr David Graham

Seconded: Cr Dennis Palmer

- 1. The practice for the provision of gift bags at the request of Councillors and for not-for-profit events be adopted.**
- 2. The nominal value of the gift bag be no greater than \$100.**

CARRIED

8.1.12 SHIFT - REPORT BY CR LEIGH BOWDEN AND MIRIAM CRANE, MANAGER SOCIAL AND COMMUNITY

RESOLUTION 321/2019

Moved: Cr Leigh Bowden

Seconded: Cr Doug Phillips

The SHIFT report by Cr Leigh Bowden and Miriam Crane, Manager Social and Community be received and noted.

CARRIED

8.1.13 AUSTRALIA DAY 2020

RESOLUTION 322/2019

Moved: Cr David Graham

Seconded: Cr Doug Phillips

The information on Australia Day Awards, 2020 be received and noted.

CARRIED

8.1.14 GUNDAGAI HISTORIC BRIDGES INC. - REQUEST FOR DONATION

RESOLUTION 323/2019

Moved: Cr David Graham

Seconded: Cr Doug Phillips

Council donate the sum of \$1464.84 for the levied amount of rates, and water access charges for the 2019/20 financial year, to the Gundagai Historic Bridges Incorporated.

CARRIED

8.1.15 GUNDAGAI REGIONAL ENHANCEMENT GROUP DONATION REQUEST

Note: Having disclosed a significant non-pecuniary interest Cr Nicholson left the meeting during discussion and voting.

RESOLUTION 324/2019

Moved: Cr Craig Stewart

Seconded: Cr Gil Kelly

Council donate \$7000 to Gundagai Regional Enhancement Group.

CARRIED

Note: Cr Nicholson returned to the meeting.

8.1.16 INFORMATION BULLETIN

RESOLUTION 325/2019

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

The Information Bulletin and correspondence, attached to the report be received and noted.

CARRIED

8.2 FINANCE

8.2.1 DONATION TO TOWN AND COUNTRY CLUB

RESOLUTION 326/2019

Moved: Cr David Graham

Seconded: Cr Leigh Bowden

Council donate the sum of \$2,831.24 to Town & Country Club (Cootamundra) Incorporated.

CARRIED

8.2.2 MONTHLY FINANCE REPORT FOR AUGUST 2019

RESOLUTION 327/2019

Moved: Cr Doug Phillips

Seconded: Cr David Graham

The Monthly Finance Report for August, 2019 be received and noted.

CARRIED

8.2.3 INVESTMENT REPORT - AUGUST 2019

RESOLUTION 328/2019

Moved: Cr Craig Stewart

Seconded: Cr Dennis Palmer

The Investment Report as at 31st August, 2019 be received and noted.

CARRIED

8.2.4 MONTHLY MAJOR PROJECTS PROGRAM REPORT

RESOLUTION 329/2019

Moved: Cr Doug Phillips

Seconded: Cr Penny Nicholson

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

CARRIED

8.3 COMMUNITY AND CULTURE

Nil

8.4 DEVELOPMENT, BUILDING AND COMPLIANCE

8.4.1 MODIFICATION APPLICATION DA 2010/1048 - SUBDIVISION, ADELONG CREEK ROAD TUMBLONG

RESOLUTION 330/2019

Moved: Cr Charlie Sheahan

Seconded: Cr Doug Phillips

1. Council approve the modification of development consent 2010/1048 subject to the following conditions:

GENERAL CONDITIONS

(1) GEN Condition - Compliance with Council

The Development being completed in accordance with plans stamped by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.

Reason: To confirm the details of the application as submitted by the applicant and as approved by Council.

(2) GEN Condition- Public Land Costs

Costs attributed to all work involved on public land shall be borne by the proponent.

Reason: Need for applicants to be reasonable for costs arising as a result of development work.

(3) GEN Condition- Subdivision Telecommunication Services

The provision of separate telecommunications services to proposed Lots indicated on the sketch plan submitted with the development application, at the full cost of the applicant.

Reason: To ensure that utility services are satisfactory for the proposed development.

(4) GEN Condition – Subdivision Services Consent

The applicant shall obtain consent from the appropriate supply authority relating to water, electricity, gas and telephone where relevant. Work required is to be completed by the applicant in accordance with the consent authority conditions.

Reason: To ensure utility services are protected and satisfactory for the proposed development.

(5) GEN Condition – Subdivision Electrical Supply

The provision of a separate electrical supply line to proposed Lots at the full cost of the applicant.

Reason: To ensure that existing services can be separately metered in the event of separate titles being issued.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**(1) PSC Condition- Formal Plan of Subdivision**

A formal Plan of Subdivision is to be prepared in accordance with the plans submitted with the Development Application DA2010/048 dated 25 June 2018 (Ref. 07027) and dated 13 June 2018 (Ref. 07027.2) noting the following:

1. A covenant is to be created over the proposed allotments with common boundary to the road reserve of the Hume Highway to deny access.

Reason: To confirm the details of the application as submitted by the applicant and as approved by Council.

(2) PSC Condition- Subdivision Plan Release - Other Authorities

The requirements of other public utility authorities shall be satisfied prior to Council releasing the Subdivision Plan.

Reason: To ensure that the requirements of public authorities are met prior to work commencing.

(3) PSC Condition- Registration of Subdivision Plans

In accordance with S.109C of the Environmental Planning & Assessment Act; the applicant is required to obtain a subdivision certificate from the consent authority that will authorise the registration of the plan of subdivision under Division 3 of Part 23 of the Conveyancing Act, 1919. The subdivision certificate is in the format supplied to the consent authority upon the plan acceptable to the Registrar General.

Reason: The legal obligations of Council to administer the Environmental Planning & Assessment Act, 1979.

(4) PSC Condition- Driveway and Layback

The applicant is required to receive written consent from the Engineers of Council for final approval of the proposed driveway and layback construction standard for the access to Old Hume Highway from proposed allotment 93.

Reason: To ensure appropriate vehicle access is provided to the development which does not adversely impact on pedestrian traffic or Council's public road infrastructure.

(5) PSC Condition – All Weather Vehicle Access

All weather gravel road vehicle access is to be constructed as a part of this development to a standard which complies with Rural Fire Service Standards (Planning for Bushfire Protection) and Council's Engineering Standards. Cross Sections and Site Plans are to be approved by Council's Engineers prior to works commencing, with all vehicle access and carriageways to be completed to the satisfaction of Council prior to the issue of the Subdivision Certificate.

Reason: To ensure that adequate vehicle access and internal movement is achieved and maintained throughout the development

(6) PSC Non Standard Condition- Boundary Tree Corridors

Vegetation endemic to the site is to be planted along proposed allotment boundaries as shown in the approved subdivision plans and protected from impact from livestock.

Reason: To minimise visual impact and promote/enhance the rural character of the area.

DURING CONSTRUCTION**(1) DUR Condition- Undertake Works on Road Reserve**

An application to undertake works on the road reserve is required to be lodged and crossing installed to Council Engineers specifications as part of the development, (application attached). Twenty four (24) hours' notice is to be given to Council Works & Services group before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and a need for reconstruction.

Reason: To ensure appropriate vehicle access is provided to the development which does not adversely impact on pedestrian traffic or Council's public road infrastructure.

ONGOING USE**(1) USE Condition- Access to the Hume Highway**

Access directly to the Hume Highway is denied. No gates or entrances may be placed allowing access to the road reserve of the Hume Highway.

Reason: Road safety and the effect operation of the road network.

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

CARRIED

8.4.2 EXHIBITION OF DRAFT RURAL LANDS STRATEGY

RESOLUTION 331/2019

Moved: Cr Doug Phillips
 Seconded: Cr Craig Stewart

The Draft Rural Lands Strategy be placed on public exhibition for a period of no less than twenty eight (28) days

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

CARRIED

8.4.3 CONTROL OF PUBLIC RESERVE 88379 - LOT 7022 DP94977 - CORNER GUNDAGAI AND JUGIONG ROADS COOTAMUNDRA

RESOLUTION 332/2019

Moved: Cr Doug Phillips
 Seconded: Cr David Graham

Further investigation be undertaken with a report containing more comprehensive information, on options regarding the use of the land, be prepared and submitted for the consideration of Council.

CARRIED

8.4.4 REMOVAL OF RESTRICTION ON LAND TO PERMIT A DWELLING - LOT183 DP1078686 - BOURKE STREET GUNDAGAI

RESOLUTION 333/2019

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

1. Council release the restriction as to user to allow an application to be lodged for the erection of a suitably designed dwelling to be erected on Lot 183 DP1078686 Bourke Street Gundagai
2. That the costs associated with the release of the restriction as to user be borne by those seeking the release

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

CARRIED

8.4.5 DEVELOPMENT APPLICATIONS APPROVED AUGUST, 2019

Note: Having disclosed a pecuniary interest in this item Cr Graham left the meeting during discussion and voting.

RESOLUTION 334/2019

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

The information on Development Applications approved in August, 2019 be noted

CARRIED

Note: Cr Graham returned to the meeting.

8.4.6 EXHIBITION OF DRAFT COOTAMUNDRA 2050 STRATEGY

RESOLUTION 335/2019

Moved: Cr Doug Phillips
 Seconded: Cr Leigh Bowden

The Draft Cootamundra 2050 Strategy be placed on public exhibition for a period of no less than twenty eight (28) days.

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

CARRIED

8.5 REGULATORY SERVICES

Nil

8.6 ASSETS

Nil

8.7 CIVIL WORKS**8.7.1 BITUMINOUS SURFACING TENDER 2019****RESOLUTION 336/2019**

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

- 1. That Council accept the 2019/2021 Bituminous Sealing Contract to Bitupave Ltd (Boral Asphalt)**
- 2. Council consider the option of a twelve (12) month extension in a further report to be submitted for consideration prior to the 2021/2022 financial year.**

CARRIED**8.7.2 CIVIL WORKS REPORT - SEPTEMBER 2019****RESOLUTION 337/2019**

Moved: Cr Penny Nicholson

Seconded: Cr Gil Kelly

The Civil Works Report for the month of September, 2019 be received.**CARRIED****8.7.3 PLANT REPLACEMENT - MOTOR GRADER****RESOLUTION 338/2019**

Moved: Cr Gil Kelly

Seconded: Cr Penny Nicholson

- 1. Council approve the procurement of the John Deere Grader.**
- 2. Council authorise the Internal Finance Committee to investigate funding options for the John Deere Grader including the disposal of the Caterpillar grader.**

CARRIED

8.7.4 PLANT REPLACEMENT PROGRAM UPDATE - SEPTEMBER 2019**RESOLUTION 339/2019**

Moved: Cr Craig Stewart

Seconded: Cr Doug Phillips

That Council approved the amended plant replacement program as tabled.**CARRIED****8.8 TECHNICAL SERVICES**

Nil

8.9 FACILITIES**8.9.1 ELECTRICITY PROCUREMENT**

Note: It was noted that the information in the table on page 183 of the agenda was incorrect and should read as follows:

Bland Shire Council	\$328,163
Coolamon Shire Council	\$171,816
Cootamundra-Gundagai Regional Council	\$397,756
Greater Hume Council	\$335,137
Junee Shire Council	\$233,637
Temora Shire Council	\$345,797

RESOLUTION 340/2019

Moved: Cr Charlie Sheahan

Seconded: Cr Doug Phillips

- 1. Council acknowledge that there are extenuating circumstances surrounding the procurement of electricity due to the 2-day validity of offers from electricity retailers where anything longer than this is likely to include a price risk component and as such Council should be excused from the tendering requirements under S55(3)(i) of the Local Government Act, 1993 for the procurement of electricity for small tariff sites, large contract sites and street lighting which are due to commence on 1st January, 2020.**
- 2. Council delegate authority to the General Manager to execute the contracts for the supply of electricity for small tariff sites, large contract sites and street lighting.**
- 3. Council contribute 20% of Council's electricity load to a renewable energy Power Purchase Agreement where the pricing is financially advantageous.**
- 4. Council advise Riverina Eastern Region Organisation of Councils (REROC) of its decision**

CARRIED

8.10 WASTE, PARKS AND RECREATION

Nil

9 MOTION OF WHICH NOTICE HAS BEEN GIVEN**9.1 NOTICE OF MOTION - THE LIGHTING SCHEDULED FOR REPLACEMENT AT FISHER PARK BE DONATED TO THE COOTAMUNDRA RODEO ASSOCIATION****RESOLUTION 341/2019**

Moved: Cr Gil Kelly

Seconded: Cr Penny Nicholson

The lighting scheduled for replacement at Fisher Park be donated to the Cootamundra Rodeo Association.

CARRIED**9.2 NOTICE OF MOTION - COOTAMUNDRA-GUNDAGAI LOCAL AREA TRAFFIC COMMITTEE DEVELOP DRAFT GUIDELINES FOR ROADSIDE TRAILER ADVERTISING****RESOLUTION 342/2019**

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

Council request Cootamundra-Gundagai Regional Council Local Traffic Committee develop a draft policy guidelines paper to regulate the use of advertising trailers across the local government area. Once the draft policy guidelines to regulate the use of advertising trailers has been completed a report will be prepared and submitted for the consideration of Council. The policy guidelines should commit to:

- a) Present a degree of fairness, reflecting Council's ongoing support for the promotion of local businesses,**
- b) Regulate appropriate sites to protect public access and safety,**
- c) The proposal of a fee to cover the cost of administration of the regulation of the policy guidelines, and**
- d) Ensure the proposed fee reflect fair commercial advertising costs**

CARRIED

9.3 NOTICE OF MOTION - COUNCIL DISREGARD THE TRIAL PERIOD OF THE COOTAMUNDRA MAIN STREET TREE ENHANCEMENT LIGHTING PROGRAM AND APPROVE ITS IMPLEMENTATION IN FULL

It was moved by Councillors Kelly and Palmer;

That Council disregard the trial period of the Cootamundra Main Street Tree Enhancement Lighting Program and approve its implementation in full.

On being put to the vote the motion was lost

RESOLUTION 343/2019

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

Council continue the 3 month trial and following the conclusion of the trial a report be prepared and submitted to Council on the costs and potential funding options for continuation of the program.

CARRIED

10 QUESTIONS WITH NOTICE

10.1 QUESTIONS WITH NOTICE

RESOLUTION 344/2019

Moved: Cr Charlie Sheahan

Seconded: Cr Penny Nicholson

The Questions with Notice from Councillors and related responses from Council officers be noted.

CARRIED

11 CONFIDENTIAL ITEMS**11.1 CLOSED COUNCIL REPORT****RESOLUTION 345/2019**

Moved: Cr Gil Kelly

Seconded: Cr David Graham

1. **Items 11.2, 11.3 and 11.4 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 and 11.4 be withheld from the press and public.**

11.2 COOTAMUNDRA AERODROME LANDS FARMING AND GRAZING LICENCE FOR PART LOT 3 DEPOSIT PLAN 1243629Provisions for Confidentiality

Section 10A (2) (d(i)) – The Confidential Report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Public Interest

It is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as, by providing commercial in confidence information, the applicant has facilitated the full consideration of the matter by Council. The release of that information by Council may discourage the provider of such information, or others, from doing so in the future, and therefore prejudice Council's ability to appropriately resolve the matter without negatively impacting the community.

11.3 LEASE OF ROAD RESERVE BETWEEN LOT 5 DP1092838 AND LOTS 60,61 AND 62 DP753604 COOTAMUNDRA.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 discussion of this matter in Open Council would, on balance, be contrary to the public interest as it may prejudice Council's ability to secure the optimum outcome for the community.

11.4 REVIEW OF LEGAL PROCEEDINGS OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCILProvisions 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 discussion of this matter in Open Council would, on balance, be contrary to the public interest as it may prejudice Council's ability to secure the optimum outcome for the community.

CARRIED**11.2 COOTAMUNDRA AERODROME LANDS FARMING AND GRAZING LICENCE FOR PART LOT 3 DEPOSIT PLAN 1243629****RESOLUTION 346/2019**

Moved: Cr Leigh Bowden

Seconded: Cr David Graham

Council consent to the transfer of the Cootamundra Aerodrome Lands Farming and Grazing licence, for Part Lot 3 Deposit Plan 1243629, from Mr Garry Waters to Wallandoon Pty Ltd.

CARRIED**11.3 LEASE OF ROAD RESERVE BETWEEN LOT 5 DP1092838 AND LOTS 60,61 AND 62 DP753604 COOTAMUNDRA.**

Note: Having declared a significant non-pecuniary interest in this item Cr Palmer left the room for discussion and voting.

RESOLUTION 347/2019

Moved: Cr Doug Phillips

Seconded: Cr David Graham

- 1. The proposal to lease the subject road reserve as identified on the plan attached to the report be placed on public exhibition for a period of thirty (30) days to comply with Section 153-Section 157 of the Roads Act, 1993.**
- 2. Notification of the proposed lease be sent to neighbouring landholders to comply with Section 153-Section 157 of the Roads Act, 1993.**
- 3. Following the statutory exhibition period, a further report be presented to Council outlining submissions received (if any) for Council's consideration.**

CARRIED

11.4 REVIEW OF LEGAL PROCEEDINGS OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

RESOLUTION 348/2019

Moved: Cr Gil Kelly

Seconded: Cr Doug Phillips

- 1. Council adopt recommendations 37, 38 and 39 and undertake the related actions as detailed in the confidential correspondence from Lindsay Taylor Lawyers dated 4th September, 2019, attached to the report.
- 2. Council receive and note the information provided in the Memorandum of Advice from Jason Lazarus (Barrister) dated 29th August, 2019, attached to the report.

CARRIED

Note: Cr Palmer returned to the meeting

11.5 RESUMPTION OF OPEN COUNCIL MEETING

RESOLUTION 349/2019

Moved: Cr Craig Stewart

Seconded: Cr Doug Phillips

The Open Council meeting resume.

CARRIED

11.6 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS

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

The Meeting closed at 8:23pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 29 October 2019.

.....
CHAIRPERSON

.....
GENERAL MANAGER