

Minutes

ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6:00PM, TUESDAY 28th January, 2020

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI
ON TUESDAY, 28 JANUARY 2020 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 Charlie Sheahan, Cr Craig Stewart

IN ATTENDANCE: Phil McMurray (Acting General Manager), Ganesh Ganeshamoorthy (Manager Assets), Susan Gheller (Manager of Business), 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),

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 001/2020

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

Council adjourn for Open Forum.

CARRIED

2 OPEN FORUM

List of Speakers

1. Mrs Nancy Lawton – Requested Council seek clarification from Snowy Valleys Council in relation to the conditions of consent of the development application for the disposal of waste by Visy.

RESUME OPEN MEETING

RESOLUTION 002/2020

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

Council resume the Open Meeting.

CARRIED

3 APOLOGIES

RESOLUTION 003/2020

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

Note: An apology was received by Cr Doug Phillips.

RECOMMENDATION

The apology from Cr Doug Phillips was received and leave of absence granted.

CARRIED

4 DISCLOSURES OF INTEREST

Cr Dennis Palmer (Deputy Mayor) disclosed a significant non-pecuniary interest in item 11.2 Proposed Purchase of Lot 1 Turners Lane, Cootamundra as the owners of the property are clients of his business.

5 CONFIRMATION OF MINUTES

5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 10 DECEMBER 2019

RESOLUTION 004/2020

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

The Minutes of the Ordinary Meeting of Council held on Tuesday 10 December 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 amendment to the Mayoral Minute was made at the meeting:

13th January, 2020

Cr Palmer (Deputy Mayor), Cr's Bowden, Sheahan, and Nicholson attended a Climate Change presentation by Mr. Jim Main.

RESOLUTION 005/2020

Moved: Cr Charlie Sheahan

Seconded: Cr Penny Nicholson

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

CARRIED

7 REPORTS FROM COMMITTEES

Nil

8 GENERAL MANAGER'S REPORT

8.1 BUSINESS

8.1.1 PROPOSAL TO CREATE A NEW LOCAL GOVERNMENT AREA AFFECTING THE AREA OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

RESOLUTION 006/2020

Moved: Cr Leigh Bowden

Seconded: Cr Craig Stewart

- 1. A submission be lodged to the Minister of Local Government, the Hon. Shelley Hancock by Friday, 31st January, 2020 in support of the proposal proceeding to the Boundaries Commission as detailed in the report.**
- 2. The submission to the Minister of Local Government, the Hon. Shelley Hancock include supporting correspondence from Joseph Drew, Associate Professor of Public Policy and Local Government at University of Technology Sydney.**

CARRIED

8.1.2 RIVERINA EASTERN REGION ORGANISATION OF COUNCILS ELECTRICITY TENDER

RESOLUTION 007/2020

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

The report on the Riverina Eastern Region Organisation of Councils Electricity Tender, and attachments under confident be received and noted.

CARRIED

8.1.3 CITY OF SYDNEY PARTNERSHIP

RESOLUTION 008/2020

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

Council accept the invitation from the City of Sydney Council to discuss this valuable partnership opportunity as one of the initiatives to address this critical issue for Cootamundra-Gundagai Regional Council.

CARRIED

8.1.4 STATEWIDE MUTUAL REPORT - CLIMATE CHANGE

RESOLUTION 009/2020

Moved: Cr Dennis Palmer

Seconded: Cr Penny Nicholson

The information on Statewide Mutual Report on Climate Change, circulated under separate cover, be received and noted.

CARRIED

8.1.5 ANNUAL REPORT**RESOLUTION 010/2020**

Moved: Cr David Graham

Seconded: Cr Craig Stewart

- 1. The draft Annual Report for the year ended 30 June, 2019, be reviewed by Councillor's with any feedback provided to staff.**
- 2. The Annual Report for the year ended 30 June, 2019, including any amendments resulting from 1 above, be endorsed, prior to publication on Council's website and submission to the Office of Local Government in conjunction with the release of the financial statements.**

CARRIED**8.1.6 UPDATED PROCUREMENT POLICY****RESOLUTION 011/2020**

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

- 1. The amended Procurement Policy be endorsed.**
- 2. Council note that an updated Procurement Guidelines document will be provided for information purposes at a future meeting.**
- 3. Council note that a Local Purchasing Policy will be investigated with findings presented to a future meeting.**
- 4. Council note that the Procurement Officer will provide updates to Council on the development of an online platform to seek quotations from local suppliers.**

CARRIED

8.1.7 TENDER - TOWN ENTRY SIGNS, COOTAMUNDRA AND GUNDAGAI**RESOLUTION 012/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

1. Pursuant to Clause 178 of the Local Government (General) Regulation, 2005 it be noted that no conforming tenders for Town Entry Signs at Cootamundra and Gundagai were received, and accordingly, no tenders be accepted.
2. It be noted that the tendering threshold recently increased to \$250,000 and the estimate for the proposed work is less than that amount.
3. In view of (1) and (2) above, and in accordance with Clause 178(3)(a) of the Local Government (General) Regulation, 2005, Council postpone the proposal for the contract and invite competitive quotations for the work in accordance with the Procurement Policy, with a view to entering into the contract referred to in (1) above in the future.
4. That the Tenderer, Gundagai Construction Services be advised of the above.

CARRIED**8.1.8 THE RESPONSE TO THE NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK FOR LOCAL COUNCILS IN NEW SOUTH WALES****RESOLUTION 013/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

1. The Response to the New Risk Management and Internal Audit Framework for Local Councils in New South Wales, and attached reports, be received and noted.
2. Council make representations to Member for Cootamundra, Steph Cooke MP and the Office of Local Government in relation to the associated costs and commitment required by Council for the Audit, Risk and Improvement Committee.

CARRIED

8.1.9 COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL'S RESPONSE TO THE CURRENT CATASTROPHIC BUSHFIRE EVENT

RESOLUTION 014/2020

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

The report on Cootamundra-Gundagai Regional Council's response to the current Catastrophic Bushfire Event be received and noted.

CARRIED

8.1.10 CODE OF CONDUCT COMPLAINT STATISTICS

RESOLUTION 015/2020

Moved: Cr Craig Stewart

Seconded: Cr Charlie Sheahan

The report on Code of Conduct complaint statistics for the period 1st September, 2018 to 31st August 2019, be received and noted.

CARRIED

8.1.11 DRAFT COMPANION ANIMALS MANAGEMENT PLAN

RESOLUTION 016/2020

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

The Report For The Draft Companion Animals Management Plan Be Deferred To The Ordinary Meeting To Be Held 25th February, 2020 to allow Council to review the document.

CARRIED

8.1.12 DRAFT PESTICIDE NOTIFICATION PLAN

RESOLUTION 017/2020

Moved: Cr David Graham

Seconded: Cr Dennis Palmer

The Report For the draft Pesticide Use Notification Plan be deferred to the Ordinary Meeting to be held 25th February, 2020 to allow Council to review the document.

CARRIED

8.1.13 S.355 COMMITTEE UPDATE

Note: The following amendments were made at the Meeting:

Tourism Action Committee (Gundagai) – Other Members: the Late Peter Batey is to be removed and Mike Kingwill is to be added.

Cootamundra Tourism Action Group – Chairperson: Annie Jacobs is the presiding Chairperson.

RESOLUTION 018/2020

Moved: Cr Charlie Sheahan

Seconded: Cr Craig Stewart

- 1. Councillor representation was confirmed for s.355 Committees, as detailed in the report.**
- 2. Council staff representation was confirmed for s.355 Committees, as detailed in the report.**
- 3. The Cootamundra Concert Band s.355 Committee be dissolved, for reasons detailed in the report, and correspondence be sent advising of Council's resolution.**

CARRIED

8.1.14 MINUTES OF THE ARTS CENTRE COOTAMUNDRA SECTION 355 COMMITTEE OF COUNCIL EXTRAORDINARY MEETING HELD ON 20TH NOVEMBER, 2019

Note: I was noted that Councillor Bowden resigned from the Arts Centre Cootamundra Board and not the Arts Centre Cootamundra s.355 Committee as reported in the Minutes of the Extraordinary Meeting held 20th November, 2019.

RESOLUTION 019/2020

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

The Minutes of the Extraordinary Meeting of The Arts Centre Cootamundra s.355 Committee, held 20th November, 2019, be received and noted.

CARRIED

8.1.15 COOTAMUNDRA TOURISM ACTION GROUP SECTION 355 COMMITTEE MINUTES OF MEETING HELD 15 JANUARY 2020**RESOLUTION 020/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

- 1. The Minutes of the Cootamundra Tourism Action Group s.355 Committee meetings held on 15th January 2020, attached to the report, be received and noted.**
- 2. That appropriate grant funding be acquired to develop a specific agri-tourism and regional tourism tours strategy for the Gundagai and Cootamundra region which develops rural, agriculture, food tourism and experiential tourism opportunities through the collaboration between Council, Local businesses and producers.**
- 3. That Council investigate an appropriate funding arrangement to ensure the position of Economic Development and Tourism Officer in Cootamundra, continues beyond the current one year term which ends in November, 2020.**

CARRIED

8.1.16 GUNDAGAI TOURISM ACTION SECTION 355 COMMITTEE**RESOLUTION 021/2020**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

- 1. The Minutes of the Gundagai Tourism Action s.355 Committee meetings held on 11 December 2019 attached to the report, be received and noted.**
- 2. Council approach Transport for New South Wales to consider locating a variable message sign on the northern side of Gundagai, with the intention of encouraging south bound motorists to Stop, Revive and Survive in Gundagai.**

CARRIED

8.1.17 COOTAMUNDRA VETERAN GOLFERS REQUEST FOR SPONSORSHIP**RESOLUTION 022/2020**

Moved: Cr Craig Stewart

Seconded: Cr Dennis Palmer

The amount of \$400 be donated to the Cootamundra Veterans Golfers for their April, 2020 tournament.

CARRIED

8.1.18 COOTAMUNDRA CANASSIST REQUEST FOR SPONSORSHIP**RESOLUTION 023/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Gil Kelly

- 1. Council apply the 50 per cent discount of the Town Hall hire cost of \$1164 as per the fees and charges policy regarding town hall hire by local community groups.**
- 2. Council donate the amount of \$1164 being for the remaining amount for the hire of the Town Hall hire for the CanAssist Bling It On Ball being held on Saturday, 21st March, 2020.**

CARRIED**8.1.19 THE ARTS CENTRE COOTAMUNDRA REQUEST FOR DONATION****RESOLUTION 024/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Dennis Palmer

Council donate the amount of \$165 to the Arts Centre Cootamundra.**CARRIED****8.2 FINANCE****8.2.1 DECEMBER 2019 QUARTERLY BUDGET REVIEW STATEMENT****RESOLUTION 025/2020**

Moved: Cr David Graham

Seconded: Cr Dennis Palmer

- 1. The December, 2019 Quarterly Budget Review Statement be accepted.**
- 2. The budget variations listed in the attached report be adopted.**
- 3. A report on the funding of Cootamundra Water Mains Replacement Program be prepared and submitted to the Ordinary Meeting to be held 25th February, 2020.**

CARRIED

8.2.2 INVESTMENT REPORT - DECEMBER 2019**RESOLUTION 026/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Craig Stewart

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

CARRIED

8.2.3 MONTHLY FINANCE REPORT FOR DECEMBER, 2019**RESOLUTION 027/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Craig Stewart

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

CARRIED

8.2.4 PROJECTED PLANT RESERVE BALANCES FOR 2019/20 FINANCIAL YEAR

Note: the Ordinary Meeting of Council referred to in the report was held on 10th December, 2019 and not 12th December, 2019.

RESOLUTION 028/2020

Moved: Cr David Graham

Seconded: Cr Charlie Sheahan

- 1. The four (4) purchases of plant reports submitted for consideration at the Ordinary Meeting held 10th December, 2019 proceed as recommended.**
- 2. Future Plant Replacement be deferred and a Plant Reserve report be prepared and submitted for the consideration of Council prior to further purchases.**

CARRIED

8.2.5 MONTHLY MAJOR PROJECTS STATUS REPORT - OCTOBER, 2019**RESOLUTION 029/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

- 1. The Monthly Major Projects Status Update report be received and noted.**
- 2. 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 DEVELOPMENT APPLICATION 2019/156 - 25 HOVELL ST, COOTAMUNDRA - FENCE

RESOLUTION 030/2020

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

Development Application 2019/156 for a 1800mm high front and side boundary picket fence at 25 Hovell Street, Cootamundra be approved subject to the following conditions:

GENERAL CONDITIONS

(1) GEN Condition - Compliance with Council

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

Document Reference	Description	Author	Date
NA	Site Plan- Aerial View	Applicant	27.11.2019
NA	Front Elevation Plan	Applicant	27.11.2019
NA	Side Elevation Plan	Applicant	27.11.2019

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

(2) GEN Condition - Utilities

Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.

Reason: To ensure that any public utilities are maintained and protected from damage.

(3) Gen Condition – Not certify compliance with BCA or NCC

The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia or National Construction Code Series.

Reason: This consent does not certify compliance with the BCA or NCC.

PRIOR TO COMMENCEMENT OF WORKS

(1) PCW Condition – Prior to Building Work Commencing.

The erection of a building in accordance with the development consent must not commence until:

1. a construction Certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
2. the person having the benefit of the development consent has:
 - a. appointed a principal certifying authority for the building work, and
 - b. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
3. the principal certifying authority has, no later than 2 days before building works commences:
 - a. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - b. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect to the building work, and
4. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has,
 - a. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - b. notified the principal certifying authority of any such appointment, and
 - c. unless that person is the principal contractor, notified the principal contractor of any critical stage inspection or other inspections that are to be carried out in respect of the building work.

Reason: *To ensure compliance with the requirements of the Environmental Planning and Assessment Regulations.*

(2) PCW Condition – Signage.

Site signage shall apply and must be erected on the site in a prominent, visible position for the duration of the construction. The signage must include: -

1. Statement that unauthorised entry to the site is not permitted
2. Show the name of the builder or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours
3. The name, address and telephone contact of the Principal Certifying Authority for the work

Any structures erected to meet the requirements of this condition must be removed when it is no longer required for the purpose for which it was erected.

Reason: *To meet the minimum requirements of the Environmental Planning & Assessment Regulation.*

(3) PCW Condition – Notice of Commencement.

Prior to work commencing a 'Notice of Commencement of Building Work and Appointment of Principal Certifying Authority' shall be submitted to Council at least 2 days prior to work commencing.

Reason: To meet the minimum requirements of the Environmental Planning & Assessment Regulation.

(4) PCW Condition – Underground Services.

The applicant shall locate and identify all existing underground services prior to commencement of works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

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

DURING CONSTRUCTION**(1) DUR Condition – Works to be undertaken in Accordance with the Approval.**

All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate drawings and specifications.

Reason: ensure all works are carried out in accordance with the development consent.

(2) DUR Condition – Hours of Construction Site Works.

Construction site works including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:-

Monday to Saturday from 7.00am to 7.00pm
Sundays and public holidays from 9.00am to 12.00pm

The applicant is responsible to instruct and control subcontractors regarding hours of work.

Reason: So that the development does not reduce the amenity of the area.

(3) DUR Condition – Footpath Storage.

Building materials not to be stored on Council footway or nature strip at any time.

Reason: To ensure an adequate level of public safety is maintained.

(4) DUR Condition – Waste Removal.

All debris and any waste fill are to be removed from the site and disposed of at Cootamundra Garbage Depot, in the building refuse section of the garbage depot. Please

note that a separate fee applies for disposal of waste at Council's waste depot. You should contact Council's Works Operations Manager for an estimate of costs in this regard.

Reason: To ensure that the amenity and unsightly condition is minimised.

(5) DUR Condition - BCA Compliance.

All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

Reason: To ensure the building complies with the BCA.

(6) DUR Condition – Inspections.

The Principal Certifying Authority is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice issued under Section 91A of the Environmental Planning and Assessment Act 1979.

All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

Reason: To ensure that adequate time is given of required inspections.

(7) DUR Condition – Restricted Public Access.

It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover Regulations.

Reason: To ensure public safety is maintained.

(8) DUR Non Standard Condition – Encroachment of Fence

The Applicant is to ensure that no part of the proposed fence encroaches over the front or side boundary of the property onto the Road Reserve.

Reason: To ensure that the proposed fence is wholly contained on the allotment.

POST CONSTRUCTION

(1) POC Condition – Completion of Building Works.

At the completion of the building works, an Occupation Certificate must be applied for and issued by the appointed Principal Certifying Authority.

Reason: So that the development is substantially completed to a safe standard.

ONGOING USE

(1) USE Condition – Clean and Tidy.

The premises are to be maintained in a clean and tidy condition at all times.

Reason: So that the development does not reduce the amenity of the area.

CARRIED

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 Charlie Sheahan Cr Craig Stewart	Nil
ABSENT	DECLARED INTEREST
Cr Doug Phillips	Nil

8.4.2 DEVELOPMENT APPLICATIONS APPROVED DECEMBER, 2019

RESOLUTION 031/2020

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

The information on Development Applications approved in December, 2019 be noted.

CARRIED

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 Charlie Sheahan Cr Craig Stewart	Nil
ABSENT	DECLARED INTEREST
Cr Doug Phillips	Nil

8.5 REGULATORY SERVICES

Nil

8.6 ASSETS**8.6.1 GUNDAGAI SEWER TREATMENT PLANT REPLACEMENT PROJECT - CONSTRUCTION OF EARTHWORKS AND RETAINING WALL****RESOLUTION 032/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Craig Stewart

That Council:

1. The progress on the upgrading of the treatment plant be noted.
2. Avail themselves of the opportunity to attend the open day.
3. Resolve that the requirements for tendering do not apply for contracts related to the Earthworks and Retaining wall components for the Gundagai Sewer Treatment Plant Replacement Project, because of extenuating circumstances related to overall project timing and funding as documented in the report.
4. Accept the tenders of the companies in the report, provided under confidential cover as the most cost effective and beneficial course of action in this unique circumstance.

CARRIED**8.7 CIVIL WORKS****8.7.1 CIVIL WORKS AND TECHNICAL SERVICES REPORT - JANUARY 2020****RESOLUTION 033/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

The Civil Works and Technical Services Report for the month of January, 2020 be received.**CARRIED****8.8 TECHNICAL SERVICES**

Nil

8.9 FACILITIES

Nil

8.10 WASTE, PARKS AND RECREATION

Nil

9 MOTION OF WHICH NOTICE HAS BEEN GIVEN

- 9.1 NOTICE OF MOTION - TO REVIEW 2019/20 BUDGET WITH RELATION TO STAFF AND COUNCILLOR DEVELOPMENT WITH THE VIEW TO ALLOCATE FUNDS IN THE 2020/21 BUDGET.**

RESOLUTION 034/2020

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

The Motion to review the 2019/20 budget with relation to staff and councillor development with the view to allocate funds in the 2020/21 Budget was deferred until the Ordinary Meeting to be held 25th February, 2020 to source benchmark funding information to then be provided for the information of Council at the request of Cr Graham and with the approval of Cr Nicholson.

CARRIED

- 9.2 NOTICE OF MOTION – THAT COUNCIL PROPERTY, 39 HAROLD CONKEY AVENUE COOTAMUNDRA, BE AVAILABLE TO RENT TO DOCTORS COMING TO COOTAMUNDRA THAT ARE HAVING DIFFICULTY IN ACQUIRING SUITABLE ACCOMMODATION.**

MOTION

That Council property, 39 Harold Conkey Avenue, Cootamundra be available to rent to doctors coming to Cootamundra that are having difficulty in acquiring suitable accommodation.

The Motion was withdrawn.

- 9.3 NOTICE OF MOTION - THAT COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL (CGRC) PROVIDES BUSHFIRE RECOVERY SUPPORT FOR ALL RESIDENTS WITHIN THE COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL LOCAL GOVERNMENT AREA WHO ARE IMPACTED BY BUSHFIRE, IN ACCORDANCE WITH COUNCIL'S RATES AND CHARGES FINANCIAL HARDSHIP POLICY, THE OFFICE OF LOCAL GOVERNMENT'S LOCAL GOVERNMENT BUSHFIRE RECOVERY SUPPORT GROUP AND AT THE DISCRETION OF THE GENERAL MANAGER.**

RESOLUTION 035/2020

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

That Cootamundra-Gundagai Regional Council (CGRC) provides bushfire recovery support for all residents within the Cootamundra-Gundagai Regional Council Local Government Area who are impacted by bushfire, in accordance with Council's Rates and Charges Financial Hardship Policy, the Office of Local Government's Local Government Bushfire Recovery Support Group and at the discretion of the General Manager.

CARRIED

- 9.4 NOTICE OF MOTION - COUNCIL INVESTIGATE THE FEASIBILITY OF REDIRECTING WATER FROM THE MURRUMBIDGEE RIVER TO DEVELOP A PERMANENT WATER FLOW INTO MORLEY'S CREEK SO AS TO HAVE CONSISTENT AND FRESH WATER IN THE CREEK. FURTHER, THAT COUNCIL ENGAGES WITH THE APPROPRIATE STATE ORGANISATIONS AND UNDERTAKE DISCUSSIONS TO ACHIEVE THE CONCEPT.**

RESOLUTION 036/2020

Moved: Cr Penny Nicholson

Seconded: Cr Dennis Palmer

Council investigate the feasibility of redirecting water from the Murrumbidgee River to develop a permanent water flow into Morley's Creek so as to have consistent and fresh water in the creek. Further, that Council engages with the appropriate state organisations and undertakes discussions to achieve the concept.

CARRIED

9.5 NOTICE OF MOTION - THAT ANY NOTICES OF MOTION PRESENTED BY COUNCILLORS, REGARDLESS OF SUBJECT, NOT BE DEBATED BY EMAILS SENT BY COUNCILLORS OR DECIDED AT WORKSHOPS PRIOR TO THE COUNCIL MEETING. DECISIONS ARE TO BE MADE AT COUNCIL MEETINGS

MOTION

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

That any notices of motion submitted by Councillors, regardless of subject, not be debated by emails sent by councillors or decided at workshops prior to the Council meeting. Decisions are to be made at Council meetings.

Report from the General Manager:

Clause 3.11 of Council's Code of Meeting Practice states that:

If the General Manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.

In relation to the Notice of Motion it is therefore appropriate that I provide information to Councillors as I believe that the Notice of Motion has policy implications.

Council's adopted Code of Meeting Practice, which includes mandatory provisions from the Office of Local Government's Model Code, states that:

Prior to each ordinary meeting of the Council, the General Manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the Council and meetings of committees of the Council. (Clause 3.31)

It also states that:

Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or committee meeting at which the item of business is to be considered. (Clause 3.34)

Therefore, a component of the Notice of Motion is already addressed by an existing Council Policy and adoption of the Notice of Motion would be superfluous and potentially conflicting with that Policy.

In relation to limitations on Notices of Motion being "debated by email", Council's Code of Conduct, which also includes mandatory provisions of the Office of Local Government's Model Code, includes the following relevant provisions:

- *You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting. (Clause 3.15)*
- *For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee. (Clause 3.16)*
- *Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter. (Clause 3.17)*

One again, I consider that adoption of the Notice of Motion would be superfluous and, in this case, directly conflicting with provisions of Council's adopted Code of Conduct.

10 QUESTIONS WITH NOTICE

Note: It was noted that the following Question with Notice submitted by Cr Bowden was not included in the business paper and tabled as a Memo on the 28th January, 2020:

At the Ordinary Council Meeting on 10 December the following resolution was carried.

RESOLUTION 481/2019

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

That Cootamundra-Gundagai Regional Council formally acknowledges the invaluable work done by all our s355 committees and forwards a letter to each committee thanking them for their contribution to the work of Council.

None of the S355 Committees with which I have contact (CTAG, Ellwood's Hall, Muttama Hall, TACC) has received a thank you letter/email from Council.

Were any letters/emails sent to the S355 Committees? If not, could they please be sent now.

Officer's Response: The attachments provided include a copy of the letter sent to the s355 committees and an email from the relief governance officer providing a list of the s355 committees the was sent and the dates.

11 CONFIDENTIAL ITEMS**11.1 CONFIDENTIAL ITEMS****RESOLUTION 037/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

- 1. Item 11.2 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 Item 11.2 be withheld from the press and public.**

11.2 PROPOSED PURCHASE OF LOT 1 TURNERS LANE COOTAMUNDRAProvisions 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.

CARRIED

11.2 PROPOSED PURCHASE OF LOT 1 TURNERS LANE COOTAMUNDRA

Note: Having disclosed a significant non-pecuniary interest in this item Cr Palmer (Deputy Mayor) left the meeting.

RESOLUTION 038/2020

Moved: Cr Leigh Bowden

Seconded: Cr Charlie Sheahan

- 1. Council approve the purchase of Lot 4 DP 1223224, Tuners Lane Cootamundra from Mr Scott Boxsell for the amount of \$165,000 as detailed in the report and attachment.
- 2. The General Manager be authorised to sign any relevant documentation in relation to the proposed purchase referred to in 1 above.
- 3. Authority be granted to affix the common seal of Council to any related documents.
- 4. Upon purchase the Land referred to in 1 above be classified as operational land.

CARRIED

11.3 RESUMPTION OF OPEN COUNCIL MEETING

RESOLUTION 039/2020

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

The Open Council meeting resume.

CARRIED

11.4 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS

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

The Meeting closed at 7:56 PM.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 February 2020.

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CHAIRPERSON

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GENERAL MANAGER