

Minutes

ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6:00PM, TUESDAY 26th May, 2020

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI
ON TUESDAY, 26 MAY 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 Doug Phillips, Cr Charlie Sheahan, Cr Craig Stewart

IN ATTENDANCE: Phil McMurray (General Manager), Ganesh Ganeshamoorthy (Manager Assets), Mark Ellis (Manager Civil Works), Sharon Langman (Manager Development, Building and Compliance), Andrew Brock (Manager Facilities), Tim Swan (Manager Finance), Glen McAtear (Manager Regulatory Services), Matt Stubbs (Manager Technical 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.

2 OPEN FORUM

Note: Due to COVID-19 the Meeting was closed to the public and there was no Open Forum. The meeting was live streamed and is available to watch online at www.cgrc.nsw.gov.au. Written submissions were read aloud during the meeting at item 8.1.11 Open Forum Submissions.

3 APOLOGIES

Nil

4 DISCLOSURES OF INTEREST

Cr Palmer (Deputy Mayor) disclosed a significant non-pecuniary interest in items 8.1.1 and 11.2 Lease of Road Reserve Between Lot 5 DP 1092838 and Lots 60 , 61 and 62 DP 753604 Cootamundra near Netherleigh Lane as a relative owns an adjoining property.

Cr Graham disclosed a less than significant non-pecuniary interest in items 8.1.1 and 11.2 Lease of Road Reserve Between Lot 5 DP 1092838 and Lots 60 , 61 and 62 DP 753604 Cootamundra near Netherleigh Lane as he had inspected the property.

Cr McAlister (Mayor) disclosed a significant non-pecuniary interest in item 8.5.1 Gundagai Saleyard's Operations Review – Late Report.

Cr Palmer (Deputy Mayor) disclosed a less than significant non-pecuniary interest in item 8.10.2 Tender – Cootamundra Materials Recovery Facility.

Cr Graham disclosed a less than significant non-pecuniary interest in item as he sent a letter providing advice to the Cootamundra Rugby Union Club as to how to progress the loan agreement between Cootamundra-Gundagai Regional Council for the Cootamundra Rugby Union Club's Club House Project.

5 CONFIRMATION OF MINUTES

RESOLUTION 128/2020

Moved: Cr David Graham

Seconded: Cr Craig Stewart

CARRIED

6 MAYORAL MINUTES

6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT

Note: The following amendments were made at the Meeting:

28th April, 2020

Cr McAlister (Mayor) attended the Councillor Workshop

12th May, 2020

Cr McAlister (Mayor) attended the Councillor Workshop

21st May, 2020

Cr McAlister (Mayor) attended the Councillor Workshop

RESOLUTION 129/2020

Moved: Cr David Graham

Seconded: Cr Dennis Palmer

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

CARRIED

7 REPORTS FROM COMMITTEES**7.1 MINUTES OF THE COOTAMUNDRA-GUNDAGAI LOCAL TRAFFIC COMMITTEE MEETING HELD ON THURSDAY 14 MAY 2020****RESOLUTION 130/2020**

Moved: Cr Gil Kelly

Seconded: Cr Charlie Sheahan

- 1. The Minutes of the Cootamundra-Gundagai Local Traffic Committee Meeting held on Thursday 14 May 2020, attached to the report, are submitted for adoption.**
- 2. Council adopted the recommendations contained within the Minutes.**

CARRIED

8 GENERAL MANAGER'S REPORT**8.1 BUSINESS****8.1.1 LEASE OF ROAD RESERVE BETWEEN LOT 5 DP 1092838 AND LOTS 60, 61 AND 62 DP 753604 NEAR NETHERLEIGH LANE COOTAMUNDRA**

Note: Cr Palmer (Deputy Mayor), having disclosed a significant non-pecuniary interest, and Cr Graham, having disclosed a less than significant non-pecuniary interest in this item left the Meeting.

RESOLUTION 131/2020

Moved: Cr Penny Nicholson

Seconded: Cr Charlie Sheahan

Council not enter into a lease for the road reserve between Lot 5 DP 1092838 and Lots 60, 61 and 62 DP 753604 near Netherleigh Lane and take no further action in this matter.

CARRIED

8.1.2 REVIEW OF THE RIVERINA EASTERN REGION ORGANISATION OF COUNCILS AND RIVERINA JOINT ORGANISATION OPERATIONS

RESOLUTION 132/2020

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

- 1. Council provides in-principle support for the way forward determined in relation to the creation of a new Regional Organisation under the structure of a company limited by guarantee.**
- 2. A final decision on Council's participation in the new Regional Organisation be determined once the funding arrangements for the COVID-19 Local Government Stimulus package have been resolved.**

CARRIED

8.1.3 DELIVERY PROGRAM/OPERATIONAL PLAN QUARTERLY PROGRESS REPORT

RESOLUTION 133/2020

Moved: Cr Doug Phillips

Seconded: Cr Dennis Palmer

The Delivery Program 2018-2021 Incorporating the Operational Plan 2019/20 Quarterly Progress Report, (Q3, 1 January - 31 March, 2020) be received and noted.

CARRIED

8.1.4 DRAFT 2020/21 OPERATIONAL PLAN AND ASSOCIATED DOCUMENTS

RESOLUTION 134/2020

Moved: Cr Leigh Bowden

Seconded: Cr Charlie Sheahan

- 1. The Draft 2020/21 Operational Plan, inclusive of the Draft Revenue Policy, Draft Fees and Charges, Draft Budget and Draft Long Term Financial Plan, circulated separately to Council, be placed on public exhibition for a period of 28 days.**
- 2. A Councillor Workshop be held Thursday, 28th May, 2020 to further discuss the Fees and Charges component of the Draft Long Term Financial Plan.**

CARRIED

8.1.5 REPORT ON THE LOCAL GOVERNMENT COUNCIL COVID-19 STIMULOUS PACKAGE AND EMERGENCY SERVICES LEVY**RESOLUTION 135/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Craig Stewart

- 1. The information on the Economic Stimulus for Councils, under separate cover, be received.**
- 2. The report on the Local Government Council COVID-19 Stimulus Package and Emergency Services Levy be received and noted.**

CARRIED

8.1.6 REVIEW OF RATES AND CHARGES FINANCIAL HARDSHIP POLICY**RESOLUTION 136/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Charlie Sheahan

- 1. The Review of Rates and Charges Financial Hardship Policy be received.**
- 2. The content of the report be included in the updated Rates and Charges Hardship Policy.**
- 3. The Updated Rates and Charges Financial Hardship Policy be prepared and submitted to the ordinary Meeting to be held 30th June, 2020 for endorsement by Council.**

CARRIED

8.1.7 COOTAMUNDRA RUGBY CLUB CLUBHOUSE PROJECT**RESOLUTION 137/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

- 1. The correspondence related to the Cootamundra Rugby Club Clubhouse Project, attached to the report, be received and noted.**
- 2. The requested financial support detailed in the Cootamundra Rugby Club Workshop Address to Council, attached to the report, be deferred to the Ordinary Meeting to be held 30th June, 2020 for further consideration.**
- 3. A Memorandum of Understanding detailing the terms and conditions of the repayment of the subject loan be developed and submitted for the information of Council.**

CARRIED

8.1.8 THE COOTAMUNDRA ARTS CENTRE OPERATIONS UPDATE**RESOLUTION 138/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

- 1. The Cootamundra Creative Arts and Cultural Centre Inc. Reports and other correspondence, attached to the report, be received and noted.**
- 2. The future operational requirements and management of the centre be subject to a further briefing of Councillors.**

CARRIED

8.1.9 UPDATED COUNCIL MEETING ACTION REPORT**RESOLUTION 139/2020**

Moved: Cr Doug Phillips

Seconded: Cr Gil Kelly

The Updated Council Meeting Action Report be noted.

CARRIED

8.1.10 INFORMATION BULLETIN**RESOLUTION 140/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Gil Kelly

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

CARRIED

8.1.11 OPEN FORUM SUBMISSIONS**RESOLUTION 141/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Penny Nicholson

- 1. The written submission from John Sexton of Cootamundra, attached to the report, for the Open Forum be received and noted.**
- 2. The submission referred in 1. above be read out loud in the absence of the author.**

CARRIED

8.1.12 JULY, 2020 CUPPA FOR THE DRIVER 2020 CAMPAIGN**RESOLUTION 142/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

- 1. Council endorse Cootamundra-Gundagai Regional Council's inclusion in the Free Cuppa for the Driver 2020 Campaign.**
- 2. The Free Cuppa for the Driver 2020 Campaign be advertised through Council's usual media channels.**

CARRIED

8.2 FINANCE**8.2.1 MARCH 2020 QUARTERLY BUDGET REVIEW STATEMENT****RESOLUTION 143/2020**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

- 1. The March 2020 Quarterly Budget Review Report, under separate cover, be received.**
- 2. The budget variations listed in the report be adopted.**

CARRIED

8.2.2 INVESTMENT REPORT - MARCH 2020**RESOLUTION 144/2020**

Moved: Cr Doug Phillips

Seconded: Cr Craig Stewart

The Investment Report as at 30 April, 2020 be received and noted.

CARRIED

8.2.3 UPDATED MONTHLY MAJOR PROJECTS PROGRAM**RESOLUTION 145/2020**

Moved: Cr David Graham

Seconded: Cr Leigh Bowden

The Updated Monthly Major Projects Program report be received and noted.

CARRIED

8.2.4 MONTHLY FINANCE REPORT FOR APRIL, 2020 - LATE REPORT**RESOLUTION 146/2020**

Moved: Cr David Graham

Seconded: Cr Doug Phillips

The Monthly Finance Report for April, 2020, attached to the report, be received and noted.

CARRIED

8.3 COMMUNITY AND CULTURE**8.3.1 OLD GUNDAGAI GAOL MASTERPLAN REPORT****RESOLUTION 147/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Craig Stewart

The Old Gundagai Gaol Masterplan Report as prepared by Noel Thomson Architecture, dated April 2020, attached under separate cover, be adopted.

CARRIED

8.4 DEVELOPMENT, BUILDING AND COMPLIANCE**8.4.1 EXHIBITION OF LOCAL STRATEGIC PLANNING STATEMENT****RESOLUTION 148/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

- 1. Council place the draft Local Strategic Planning Statement, attached under separate cover, on exhibition for a period of 28 days.**
- 2. Consultation be undertaken with the relevant State Government Agencies and stakeholders seeking their comments.**

CARRIED

8.4.2 DEVELOPMENT APPLICATIONS APPROVED APRIL 2020**RESOLUTION 149/2020**

Moved: Cr Doug Phillips

Seconded: Cr Dennis Palmer

The information on Development applications approved in April, 2020 be noted.

CARRIED

8.5 REGULATORY SERVICES**8.5.1 GUNDAGAI SALEYARD'S OPERATIONS REVIEW – LATE REPORT**

Note: Having disclosed a significant non-pecuniary interest in item 8.5.1 Gundagai Saleyard's Operations Review – Late Report Cr McAlister (Mayor) left the Meeting.

RESOLUTION 150/2020

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

- 1. The fees to sell cattle and sheep at both the Cootamundra and Gundagai Saleyards be amended to reflect the same fees and charges.**
- 2. The fee to sell cattle at both Cootamundra and Gundagai Saleyards be set at \$8.00 per head.**
- 3. A commission of the agent's gross sale of 0.295% be included in the Gundagai Saleyards fees and charges.**
- 4. To provide a consistent operational model across Cootamundra-Gundagai Regional Council, and to assist with continuity of management at both saleyards, management of the Gundagai Saleyards be formalised.**
- 5. The Saleyard truck wash fee be adjusted to \$0.85 per minute.**
- 6. A holding/transit fee of \$5.00 per head for cattle and \$1.50 per head for sheep management be introduced.**

CARRIED

8.6 ASSETS

8.6.1 GUNDAGAI SEWAGE TREATMENT PLANT TENDER REPORT

RESOLUTION 151/2020

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

1. The Attachments one to six in relation to the Gundagai Sewage Treatment Plant Tender, attached under confidential cover, be received and noted.
2. The Tender received by Precision Civil Infrastructure Pty. Ltd. for the amount of \$13,250,421.84 (including GST) for Contract No.10024401 for the Gundagai Sewerage Augmentation be accepted.
3. The specified contract period of forty six (46) weeks for Milestones 2 and Milestone 4, referred to in the attachment, be extended by two weeks to forty eight (48) weeks to allow demolition of redundant pump statins following commissioning of the proposed sewerage augmentation works.

CARRIED

8.7 CIVIL WORKS

8.7.1 CIVIL WORKS AND TECHNICAL SERVICES REPORT - MAY 2020

RESOLUTION 152/2020

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

That the Civil Works and Technical Services Report for the month of May, 2020 be received.

CARRIED

8.7.2 EXTENDED TRIAL OF COMMUNITY BUS.

RESOLUTION 153/2020

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

Council extend the trial of the community bus to the end of November, 2020.

CARRIED

8.8 TECHNICAL SERVICES

Nil

8.9 FACILITIES**8.9.1 GUNDAGAI PRESCHOOL KINDERGARTEN PROJECT UPDATE****RESOLUTION 154/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Charlie Sheahan

- 1. The Update on the Gundagai Preschool Kindergarten be received.**
- 2. NBRS Architecture be endorsed as the preferred company to undertake the complete construction package for the Gundagai Preschool-Kindergarten Capital Works Project funded by Stronger Communities Fund Program Round 2.**

CARRIED

8.10 WASTE, PARKS AND RECREATION**8.10.1 COOTAMUNDRA AQUATIC AND SPORTS STADIUM FACILITY REVIEW****RESOLUTION 155/2020**

Moved: Cr Gil Kelly

Seconded: Cr Craig Stewart

- 1. The @leisure Planners Cootamundra Aquatic and Sport Stadium Facility Review Draft Report 2020, under confidential, be received and noted.**
- 2. Council approve Cootamundra Aquatic and Sports Stadium Facility Review @leisure Planners to prepare and manage the implementation of an Expression of Interest (Eoi) to investigate the most cost effective and efficient method of managing the Cootamundra Aquatic Centre and Sports Stadium facilities now and into the future.**
- 3. A final report relating to the Expression of Interest (Eoi), mentioned in 2 above, be prepared and submitted to for the consideration of Council no later than October, 2020.**

CARRIED

8.10.2 TENDER - COOTAMUNDRA MATERIALS RECOVERY FACILITY BE MOVED TO CLOSED COUNCIL FOR DISCUSSION**RESOLUTION 156/2020**

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

CARRIED

8.10.3 COUNCIL CO-CONTRIBUTION FOR THE ALBERT PARK PLAY SPACE PROJECT – LATE REPORT**RESOLUTION 157/2020**

Moved: Cr Gil Kelly

Seconded: Cr Craig Stewart

- 1. Council authorise the General Manager to accept the grant funding of \$200,000 and approve the amount of \$200,000 required for the \$1 for \$1 co-contribution for the Albert Park Playspace in accordance with the successful application submitted through the Department of Planning, Industry and Environment's Everyone Can Play Grant Round 2.**
- 2. The co-contribution amount of \$200,000 referred to in 1 above be resourced from the sale of Council's Southern Phone share.**

CARRIED

9 MOTION OF WHICH NOTICE HAS BEEN GIVEN

- 9.1 NOTICE OF MOTION - MEET THE REQUEST TO FUND A LOAN TO THE COOTAMUNDRA RUGBY UNION CLUB TO COMPLETE THE CLUBHOUSE PROJECT AND SET TERMS THAT ARE REALISTIC FOR THE COOTAMUNDRA RUGBY UNION CLUB TO BE ABLE TO REPAY THE DEBT AND THAT THE CLUB WILL BE ABLE TO CONTINUE TO OPERATE SUCCESSFULLY INTO THE FUTURE.**

MOTION

That Council resolve to approve the request by the Cootamundra Rugby Union Club and provide a loan which will see the clubhouse project through to completion. Further, that Council set terms and conditions that are realistic for the Cootamundra Rugby Union Club to repay the loan and ensure the Club will be able to continue to operate successfully into the future.

Note: Due to the lack of seconded the motion lapsed.

10 QUESTIONS WITH NOTICE**10.1 COUNCILLORS QUESTIONS WITH NOTICE FOR MAY, 2020****RESOLUTION 158/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Gil Kelly

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

CARRIED

11 CONFIDENTIAL ITEMS

11.1 CLOSED COUNCIL REPORT

RESOLUTION 159/2020

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

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

11.2 LEASE OF THE ROAD RESERVE BETWEEN LOT 5 DP 1092838 AND LOTS 60, 61 AND 62 DP 753604 NEAR NETHERLEIGH LANE COOTAMUNDRA

Provisions for Confidentiality

Section 10A (2) (e) – The Confidential Report contains information that would, if disclosed, prejudice the maintenance of law; and

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..

11.3 PROPOSAL TO PURCHASE PART OF LOT 3 IN DP 1243629 BEING AN AREA OF LAND AT THE COOTAMUNDRA AERODROME OWNED BY COUNCIL

Provisions 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 may prejudice Council's ability to secure the optimum outcome for the community..

CARRIED

11.2 LEASE OF THE ROAD RESERVE BETWEEN LOT 5 DP 1092838 AND LOTS 60, 61 AND 62 DP 753604 NEAR NETHERLEIGH LANE COOTAMUNDRA

Note: Cr Palmer (Deputy Mayor), having disclosed a significant non-pecuniary interest, and Cr Graham, having disclosed a less than significant non-pecuniary interest left the Meeting.

RESOLUTION 160/2020

Moved: Cr Penny Nicholson

Seconded: Cr Craig Stewart

- 1. The correspondence received from Lindsay Taylor Lawyers, Sydney Business Lawyers and Mrs J Forsyth, attached to the report, be received and noted.**
- 2. Council approve the amount of \$25,000 be paid to Mr Bell to discontinue the proceedings in the Supreme Court.**

CARRIED

11.3 PROPOSAL TO PURCHASE PART OF LOT 3 IN DP 1243629 BEING AN AREA OF LAND AT THE COOTAMUNDRA AERODROME OWNED BY COUNCIL**RESOLUTION 161/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Doug Phillips

- 1. The correspondence relating to the proposed purchase of part of lot 3 in DP 1243629, attached to the report, be received.**
- 2. Council consider the proposal to sell approximately 100 square metres of the area of land mentioned in 1 above, to Mr Scott Adams of Col Adams Aerial Service pending the receipt of a formal valuation of the area.**
- 3. When a formal valuation of the proposed 100 square metres of the area of land is received a further report be prepared and submitted for the consideration of Council.**

CARRIED

8.10.2 TENDER - COOTAMUNDRA MATERIALS RECOVERY FACILITY**RESOLUTION 162/2020**

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

1. Under Clause 178(1)(b) of the Local Government Regulation 2005, Council decline to accept the complying Tender received from Elouera Association.
2. Under Clause 178(3)(e) of the Local Government Regulation 2005, Council authorise the General Manager to enter into negotiations with Elouera Association with a view to entering into a contract in relation to the subject matter of the tender.
3. Under Clause 178(4)(b) of the Local Government Regulation 2005, Council resolve to negotiate with Elouera Association, as referred to above in 2. above, as the Tender does not appear to be most advantageous to Council.
4. The existing operation and management of the Cootamundra Materials Recovery Facility and Wallendbeen and Stockinbingal landfill sites are to remain under current arrangements until such time as a new contract is agreed upon.

CARRIED

11.4**RESUMPTION OF OPEN COUNCIL MEETING****RESOLUTION 163/2020**

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

The Open Council meeting resume.

CARRIED

11.5 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS

Note: The Chairperson was unable to announce the resolutions made in Closed Council due to losing the link of the live streaming.

The Meeting closed at 9:58PM.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 30 June 2020.



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CHAIRPERSON

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GENERAL MANAGER