

Minutes

ORDINARY COUNCIL MEETING

ALBY SCHULTZ CENTRE, COOTAMUNDRA

6:00 PM, TUESDAY 8TH DECEMBER, 2020

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE ALBY SCHULTZ CENTRE, COOTAMUNDRA
ON TUESDAY, 8 DECEMBER 2020 AT 6:00 PM**

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 (attended via Teams)

IN ATTENDANCE: Phil McMurray (General Manager), Kay Whitehead (Interim Deputy General Manager), Ganesh Ganeshamoorthy (Manager Assets), Mark Ellis (Manager Civil Works), Andrew Brock (Manager Facilities), Tim Swan (Manager Finance), Glen McAtear (Manager Regulatory Services) and 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 IS NOT HELD DUE TO COVID-19 RESTRICTIONS

List of submissions received.

1. Nina Piotrowicz – Submission received in relation to
2. Mr and Mrs Doughty – Submission received in support of the proposed Cootamundra Tumblong Rail Trail.

3 APOLOGIES

Nil

4 DISCLOSURES OF INTEREST

Cr Phillips Disclosed a Non Pecuniary Interest in item 8.10.2 'Your High Street' Grant Program as he is a partner of a business situated on Parker Street Cootamundra.

5 CONFIRMATION OF MINUTES

5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 24 NOVEMBER 2020

RESOLUTION 382/2020

Moved: Cr Gil Kelly

Seconded: Cr Penny Nicholson

The Minutes of the Ordinary Meeting of Council held on Tuesday 24 November 2020 be confirmed as a true and correct record of the meeting.

CARRIED

6 MAYORAL MINUTES

6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT FOR DECEMBER, 2020

RESOLUTION 383/2020

Moved: Cr Leigh Bowden

Seconded: Cr David Graham

The information 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 CGRC RATES AND CHARGES HARSHSHIP AND CGRC DEBT RECOVERY POLICY REVIEW

RESOLUTION 384/2020

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

1. **Council place the CGRC Rates and Charges Hardship Policy and the CGRC Debt Recovery Policy on public exhibition for a period of 28 days as part of the Special Rate Variation community consultation.**
2. **Council endorse the adoption of the reviewed policies without further report to Council if no submissions are received during the exhibition period.**

CARRIED

8.1.2 CODE OF CONDUCT COMPLAINT STATISTICS

RESOLUTION 385/2020

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

The report on Code of Conduct complaint statistics for the period 1st September, 2019 to 31st August 2020, be received and noted.

CARRIED

8.1.3 SECTION 355 COMMITTEES OF COUNCIL**RESOLUTION 386/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

1. Council to discuss the s.355 Committee report and endorse a best practice process moving forward.
2. The Cootamundra-Gundagai Regional Council Section 355 Committees Management Manual be amended to reflect the change of Council membership on s355 committees and a further report be prepared and submitted for the consideration of Council at the Ordinary Meeting to be held 27th January, 2021.

CARRIED

8.1.4 THE COOTAMUNDRA HERITAGE CENTRE MANAGEMENT S.355 COMMITTEE MEETING MINUTES AND MEMBERSHIP**RESOLUTION 387/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

1. The Minutes of the Cootamundra Heritage Centre Management s.355 Committee ordinary meeting held on 2nd November, 2020, attached to the report, be received and noted.
2. The Minutes of the Cootamundra Heritage Centre Management s.355 Committee Annual General Meeting held on 2nd November, 2020, attached to the report, be received and noted.
3. The office bearers of the Cootamundra Heritage Centre Management s.355 Committee as detailed in the report, be endorsed for 2021.

CARRIED

8.1.5 STOCKINBINGAL ELLWOOD'S HALL S.355 COMMITTEE MEETING MINUTES**RESOLUTION 388/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Craig Stewart

1. The Minutes of the Ellwood's Hall s.355 Committee Ordinary Meeting held on 26th November, 2020 attached to the report, be received and noted.
2. The letter from Ellwood's Hall s.355 Committee, titled 'Maintenance of the Kitchen', attached to the report, be received and noted.

CARRIED

8.1.6 MUTTAMA HALL MANAGEMENT S.355 COMMITTEE MEETING MINUTES

RESOLUTION 389/2020

Moved: Cr Charlie Sheahan

Seconded: Cr Doug Phillips

The Minutes of the Muttama Hall Management s.355 Committee meeting held on 17th September 2020, attached to the report, be received and noted.

CARRIED

8.1.7 THE ART CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES

RESOLUTION 390/2020

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

The Minutes of The Art Centre Cootamundra s355 Committee meeting held on 19 November 2020, attached to the report, be received and noted.

CARRIED

8.1.8 CHANGE OF DATE FOR JANUARY 2021 ORDINARY MEETING

RESOLUTION 391/2020

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

Due to the Australia Day Holiday the Ordinary Meeting of Council scheduled for Tuesday the 26th January 2021, be moved to Wednesday the 27th January, 2021.

CARRIED

8.1.9 UPDATED COUNCIL MEETING ACTION REPORT

RESOLUTION 392/2020

Moved: Cr Charlie Sheahan

Seconded: Cr Doug Phillips

The Updated Council Meeting Action Report be noted.

CARRIED

8.1.10 INFORMATION BULLETIN

RESOLUTION 393/2020

Moved: Cr Penny Nicholson

Seconded: Cr Charlie Sheahan

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

CARRIED

8.2 FINANCE

8.2.1 UPDATED MONTHLY MAJOR PROJECTS PROGRAM AND PROJECTS SCHEDULE

RESOLUTION 394/2020

Moved: Cr Gil Kelly

Seconded: Cr Craig Stewart

The updated Monthly Major Projects Program Report, and updated Monthly Major Projects Schedule, attached to the report, be received and noted.

CARRIED

8.2.2 INVESTMENT REPORT - NOVEMBER 2020

RESOLUTION 395/2020

Moved: Cr Dennis Palmer

Seconded: Cr Doug Phillips

The Investment Report for November 2020 be received and noted.

CARRIED

8.3 COMMUNITY AND CULTURE

8.3.1 OLD GUNDAGAI GAOL NSW HERITAGE LISTING AND MASTERPLAN AMMENDMENT

RESOLUTION 396/2020

Moved: Cr Doug Phillips

Seconded: Cr Penny Nicholson

1. **Council amend the Old Gaol Masterplan adopted RESOLUTION 287/2019 to incorporate the attached plans MP4 & MP8.**
2. **Council seek funding through the Caring for State Heritage Grants for repairs to the residence and layout changes as outlined in MP4 & MP8 to allow reactivation of the residence for accommodation.**
3. **A matched contribution of up to \$30,000 be funded from funds held by Council in Trust on behalf of the Friends of Old Gundagai Gaol for use towards Capital Works and/or promotion of the Gaol.**
4. **Council receive and note correspondence in the NSW Government Gazette 297 regarding listing of the Old Gundagai Gaol under Section 57(2) of the NSW Heritage Act 1977.**

CARRIED

8.4 DEVELOPMENT, BUILDING AND COMPLIANCE

8.4.1 DEVELOPMENT APPLICATIONS APPROVED NOVEMBER 2020

RESOLUTION 397/2020

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

The information Report on Development Applications Approved in November 2020 be received and noted.

CARRIED

8.5 REGULATORY SERVICES

Nil

8.6 ASSETS

Nil

8.7 CIVIL WORKS

8.7.1 CIVIL WORKS AND TECHNICAL SERVICES REPORT - DECEMBER 2020

RESOLUTION 398/2020

Moved: Cr David Graham
Seconded: Cr Craig Stewart

The Civil Works and Technical Services Report for the month of December 2020, be received and noted.

CARRIED

8.7.2 PROPOSED PROJECTS FOR LOCAL ROADS COMMUNITY INFRASTRUCTURE PROGRAM

Note: On page 143 the replacement of footpath along Muttama Creek between Mackay Street and Thompson Street Cootamundra for the amount, of \$120,000 was amended to \$118,700.

RESOLUTION 399/2020

Moved: Cr Leigh Bowden
Seconded: Cr Gil Kelly

The Proposed Cootamundra area Projects, as listed in the table Included in the report, be approved for inclusion in the Local Roads and Community Infrastructure (LRCI) program – Extension.

CARRIED

8.7.3 2021-21 ROADS TO RECOVERY PROGRAM AND FIXING LOCAL ROADS FUNDING PROGRAM

Note: the following corrections were made at the Meeting:

- Mackay Street costing of \$255,000 was incorrect and amended to \$275,000.
- Salt Clay Road on pages 145 and 147 should have read Salt Clay Lane.

RESOLUTION 400/2020

Moved: Cr Doug Phillips

Seconded: Cr Dennis Palmer

2020-21 Roads To Recovery Program:

Council endorse the allocation of the 2020/21 Roads To Recovery funding to the nominated projects below:

Mackay Street \$275,000

Old Gundagai Road \$155,000

Muttama Road REPAIR project \$160,000

Fixing Local Roads Funding Program:

1. **Council endorse the following projects: Warralong Road, Brawlin Road, Salt Clay Lane and French Street, Cootamundra and West/Punch Streets intersection, West/Hanley Streets intersection Gundagai, as detailed in the December 2020 Council Meeting Report, for nomination in the next round of the Fixing Local Roads Funding Program;**
2. **Council commit a 25% contribution to the nominated projects.**

CARRIED

8.8 TECHNICAL SERVICES

Nil

8.9 FACILITIES

8.10 WASTE, PARKS AND RECREATION**8.10.1 PURCHASE OF SKID STEER LOADER FOR THE COOTAMUNDRA LANDFILL FACILITY****RESOLUTION 401/2020**

Moved: Cr Craig Stewart

Seconded: Cr Charlie Sheahan

1. Report on the proposed purchase of a Skid Loader for the Cootamundra Landfill Management Facility be Received and noted.
2. Council approve the process to purchase a solid wheeled Skid Loader on the basis:
 - I. That the purchase price of up to \$150,000 (exc. GST) be funded from the Waste Reserves, noting that installation of new office and amenities will be approximately \$100,000 under budget, and there is approximately \$1 million in the Waste Reserves.
 - II. Once the 'Request for Quotation' process has been undertaken, a full report on quotations received, be prepared and submitted for the consideration of Council.

CARRIED

8.10.2 'YOUR HIGH STREET' GRANT PROGRAM

Note: Cr Phillips disclosed a Non Pecuniary Interest in item 8.10.2 'Your High Street' Grant Program and remained in the meeting.

Note: Through a show of hands Council voted the Gundagai Sheridan Street redevelopment as the project to be submitted for funding through the Department of Planning, Industry and Environment "Your High Street" Grant Program. The results of the vote follow:

Cootamundra Parker Street Redevelopment – 4

Gundagai Sheridan Street Redevelopment – 5

Wallendbeen King Street Redevelopment – 0

RESOLUTION 402/2020

Moved: Cr Penny Nicholson

Seconded: Cr Doug Phillips

1. The 'Your High Street' Grant Program be accepted and noted.
2. Council reviewed the three proposed projects in the report and endorsed the Gundagai Sheridan Street Redevelopment to be submitted for consideration through the Your High Street Program .

CARRIED

9 MOTION OF WHICH NOTICE HAS BEEN GIVEN

9.1 NOTICE OF MOTION - THE DIVIDING FENCES ACT

RESOLUTION 403/2020

Moved: Cr Charlie Sheahan

Seconded: Cr Gil Kelly

That CGRC formally write to the Shooters Fishers and Farmers Party who are the proponents of the amendment Bill to the Dividing Fences Act, strongly requesting that any such amendment excludes Local Roads fencing.

CARRIED

9.2 NOTICE OF MOTION - TOWARDS NET ZERO

RESOLUTION 404/2020

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

Council develop a Climate Action Plan to assess energy use and efficiency, to better plan risk management with climate change, and to save costs and reduce emissions.

CARRIED

9.3 NOTICE OF MOTION - DEVELOPMENT OF THE PROPOSED RAIL TRAIL BETWEEN COOTAMUNDRA AND TUMBLONG - LATE REPORT

RESOLUTION 405/2020

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

That all activity related to the development of the proposed Rail Trail between Cootamundra and Tumblong be immediately ceased and the project be abandoned.

CARRIED

8.9.1 PROPOSED PROJECTS FOR LOCAL ROADS COMMUNITY INFRASTRUCTURE PROGRAM – LATE REPORT**RESOLUTION 406/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Doug Phillips

The Proposed Gundagai Area projects as listed in the table contained in the report, be approved for application in the Local Roads and Community Infrastructure (LRCI) program - Extension

CARRIED

10 QUESTIONS WITH NOTICE

Nil

11 CONFIDENTIAL ITEMS**11.1 CONFIDENTIAL ITEMS****RESOLUTION 407/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

- 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 REPLACEMENT OF TWO (2) ROLLERS, COOTAMUNDRA**Provisions 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 it would prejudice Council's ability to secure the optimum outcome for the community.

11.3 SOUTH WEST FUELS ELECTRICITY PROVISION FINANCIAL CONSIDERATIONS**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 REPLACEMENT OF GARBAGE COMPACTOR, GUNDAGAI**Provisions 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 it would prejudice Council's ability to secure the optimum outcome for the community.

CARRIED**11.2 REPLACEMENT OF TWO (2) ROLLERS, COOTAMUNDRA****RESOLUTION 408/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Doug Phillips

- 1. The Report for the replacement of two Rollers, Plant Nos 2306 and 2307 be received and noted.**
- 2. The quotation amount of \$271,370 (Inc. GST after trade in) received from Construction Equipment Australia for the purchase of two Dynapac Rollers be accepted.**
- 3. The trade in offer received from Construction Equipment Australia for the Bomag 2010 BW 216 D-4 Smooth Drum Roller, Plant No 2306 be accepted.**
- 4. The trade in offer received from Construction Equipment Australia for the Ammann 2012 ASC 150 D Smooth Drum Roller Plant No 2307 be accepted.**

CARRIED

11.3 SOUTH WEST FUELS ELECTRICITY PROVISION FINANCIAL CONSIDERATIONS

RESOLUTION 409/2020

Moved: Cr Gil Kelly

Seconded: Cr David Graham

That:

1. Council advise SWF Coota Pty Limited that it has no power to waive payment of development contributions pursuant to DA2018/18 and those contributions must be paid in accordance with the conditions of consent for DA2018/18 and the *Environmental Planning & Assessment Act 1979*;
2. Council advise SWF Coota Pty Limited that it will consider the claims made in its lawyer's letter of 20 October 2020 in respect of alleged representations made by Council officers;
3. Council request SWF Coota Pty Limited to provide documentary evidence to support the claims set out in their lawyers letter of 20 October 2020 to enable it to give proper consideration to those claims.

CARRIED

11.4 REPLACEMENT OF GARBAGE COMPACTOR, GUNDAGAI

RESOLUTION 410/2020

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

1. The Report for the replacement of the Gundagai Garbage Truck, Plant No 3101 be received and noted.
2. The quotation amount of \$383,635.09 (Inc. GST) received from Wagga Trucks (Volvo) for the purchase of a replacement Garbage Truck be accepted.
3. The trade in offer received from Wagga Trucks for \$28,000, Plant No 3101 be accepted.

CARRIED

11.5 RESUMPTION OF OPEN COUNCIL MEETING

RESOLUTION 411/2020

Moved: Cr Dennis Palmer

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 8:14 PM.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27th January, 2021.

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CHAIRPERSON

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GENERAL MANAGER