

Business Paper

EXTRAORDINARY COUNCIL MEETING

**ALBY SCHULTZ MEETING CENTRE,
COOTAMUNDRA**

6:00PM, Tuesday 15th October, 2024

Administration Centres: 1300 459 689

The Councillors
Cootamundra-Gundagai Regional Council
PO Box 420
Cootamundra NSW 2590

NOTICE OF MEETING

An Extraordinary Meeting of Council will be held in the Alby Schultz meeting Centre, Cootamundra on:

Tuesday, 15th October, 2024 at 6:00PM

The agenda for the meeting is enclosed.

Steve McGrath
Interim General Manager

Live Streaming of Meetings Statement

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and, or, voice being live streamed and publicly available. Please refrain from making any defamatory statements.

Statement of Ethical Obligations

The Mayor and Councillors are bound by the Oath/Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of Cootamundra-Gundagai Regional Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

It is also a requirement that the Mayor and Councillors disclose conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with Council's Code of Conduct and Code of Meeting Practice.

AGENDA

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1 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges the Wiradjuri people, the Traditional Custodians of the Land at which the meeting is held and pays its respects to Elders, both past and present, of the Wiradjuri Nation and extends that respect to other Aboriginal people who are present.

ADJOURN MEETING FOR OPEN FORUM**~~2 OPEN FORUM – NO OPEN FORUM TO BE CONDUCTED.~~****RESUME OPEN MEETING****3 APOLOGIES****4 DISCLOSURES OF INTEREST**

5 GENERAL MANAGER'S REPORT

5.1 GENERAL MANAGER OFFICE

5.1.1 OATH OR AFFIRMATION OF COUNCILLORS

DOCUMENT NUMBER	421613
REPORTING OFFICER	Teresa Breslin, Executive Assistant to Mayor and General Manager
AUTHORISING OFFICER	Steve McGrath, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.3 Actively engaged and supportive community
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	Compliance with s233A of the Local Government Act, 1993.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	Nil

RECOMMENDATION

1. All newly elected Cootamundra-Gundagai Regional Council Councillors take Oath or make an Affirmation as per s.233A of the Local Government Act, 1993.
2. Oaths or affirmations of office be taken individually by each councillor and be recorded in the Minutes of this Extraordinary Meeting.

Introduction

Under the *Local Government Act 1993* (the Act) councillors (including mayors) are required to take an oath or make an affirmation of office.

Discussion

The wordings of the oath and affirmation are as follows:

Oath

I [*name of councillor*] swear that I will undertake the duties of the office of councillor in the best interests of the people of Cootamundra and Gundagai and the Cootamundra-Gundagai Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

Affirmation

I [*name of councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Cootamundra and Gundagai and the Cootamundra-Gundagai Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

Further Information

- Cootamundra-Gundagai Regional Council will need to make arrangements for the oath or affirmation to be taken by each councillor at the first meeting of a newly-elected council.
- Councillors should be made aware of this requirement prior to the first meeting of a newly-elected council.
- An oath or affirmation should be taken by each councillor as the first item of business for the meeting.
- The General Manager must ensure that a record is kept of the taking of the oath or affirmation. This can be done by way of a signed statement containing the oath or affirmation or by recording the taking of the oath or affirmation by each councillor in the minutes of the council meeting.
- If the Councillor is unable to attend the first council meeting, he or she may take the oath or affirmation of office at another location in the presence of the general manager.
- The oath or affirmation of office may also be taken before an Australian legal practitioner or a Justice of the Peace.
- The taking of the oath or affirmation outside a council meeting must be publicly recorded by the Council.
- Where an oath or affirmation is taken outside a council meeting, a Council staff member should also be present to ensure that an accurate record can be kept by the Council.

5.1.2 ELECTION OF THE MAYOR	
DOCUMENT NUMBER	421187
REPORTING OFFICER	Teresa Breslin, Executive Assistant to Mayor and General Manager
AUTHORISING OFFICER	Steve McGrath, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.2 Proactive, practical Council leaders who are aligned with community needs and values
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	In accordance with s.290 of the Local Government Act 1993 and Schedule 7 of the Local Government (General) Regulation 2021.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. Schedule 7 of Local Government (General) Regulation 2021 ↓

RECOMMENDATION

- 1. If more than one nomination for the position of Mayor is received, Council determine the method of electing the Mayor;**
- 2. The election of the Mayor for the period 15 October 2024 to the Ordinary Council Meeting in September 2026 proceed.**

Introduction

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the General Manager.

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors.

Discussion

The election is to be conducted in accordance with the Local Government (General) Regulation 2021 (Clause 394 and Schedule 7). Clause 394 and Part 1 of Schedule 7 are reproduced below:

Clause 394

If a Mayor or Deputy Mayor is to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7.

Schedule 7 Part 1

Returning Officer

- 1. The General Manager (or a person appointed by the General Manager) is the returning officer.*

Nomination

2.
 - 1) A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.
 - 2) The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
 - 3) The nomination is to be delivered or sent to the returning officer.
 - 4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

Election

3.
 - 1) If only one Councillor is nominated, that Councillor is elected.
 - 2) If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
 - 3) The election is to be held at the Council meeting at which the Council resolves on the method of voting.
 - 4) In this clause:
 - ballot has its normal meaning of secret ballot;
 - open voting means voting by a show of hands or similar means.

In summary, the following requirements are to be followed to facilitate the election of Mayor:

1. In accordance with Clause 1 of Schedule 7 of the Local Government (General) Regulation 2021, the General Manager is the Returning Officer.
2. Nomination papers for the election of Mayor to be circulated to all Councillors.
3. Nominations will be accepted by the Returning Officer, until 4pm Tuesday 15 October 2024.
4. The Councillor elected to the position of Mayor on 15 October 2024 will hold office until the Ordinary Council Meeting in September 2026.

Method:

If more than one candidate is nominated for the position of Mayor, the Council must determine by resolution, the method of voting, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an “X” against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

Financial

No financial implications arise as a result of this report.

OLG 23a Guideline consideration

Does not conflict with guidelines.



NSW legislation

Local Government (General) Regulation 2021

Current version for 2 September 2024 to date (accessed 1 October 2024 at 17:27)

Schedule 7

Schedule 7 Election of mayor by councillors

(Section 394)

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this section—
ballot has its normal meaning of secret ballot.
open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subsection (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Section 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subsection (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot**8 Application of Part**

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

5.1.3 ELECTION OF THE DEPUTY MAYOR

DOCUMENT NUMBER	423252
REPORTING OFFICER	Teresa Breslin, Executive Assistant to Mayor and General Manager
AUTHORISING OFFICER	Steve McGrath, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Good governance: an actively engaged community and strong leadership team 4.3 Cootamundra-Gundagai Regional Council is a premier local government Council
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	The election of a Deputy Mayor may be conducted pursuant to Section 231 of the Local Government Act, 1993. Such election is conducted in accordance with Schedule 7 of the Local Government (General) Regulation, 2021.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. Schedule 7 of Local Government (General) Regulation 2021 ↓

RECOMMENDATION

- Council resolve to elect a Deputy Mayor for the period 15 October 2024 to Ordinary Council Meeting in September 2026.**
and in the event that Council resolves recommendation 1 in the affirmative;
- If more than one nomination for the position of Deputy Mayor is received, Council determine the method of electing the Deputy Mayor.**

Introduction

- Section 231 of the Local Government Act, 1993, provides that Councillors may elect a person from among their number to be the Deputy Mayor. The Councillor may be elected as Deputy Mayor for the Mayoral term or a shorter term.
- The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

Discussion

The election is to be conducted in accordance with the Local Government (General) Regulation 2021 (Clause 394 and Schedule 7). Clause 394 and Part 1 of Schedule 7 are reproduced below:

Clause 394

If a Mayor or Deputy Mayor is to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7 of the Local Government (General) Regulations 2021.

Schedule 7 Part 1*Returning Officer*

1. *The General Manager (or a person appointed by the General Manager) is the returning officer.*

Nomination

2. *1) A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.*
- 2) The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- 3) The nomination is to be delivered or sent to the returning officer.*
- 4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

Election

3. *1) If only one Councillor is nominated, that Councillor is elected.*
- 2) If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- 3) The election is to be held at the Council meeting at which the Council resolves on the method of voting.*
- 4) In this clause:*
 - *ballot has its normal meaning of secret ballot;*
 - *open voting means voting by a show of hands or similar means.*

In summary, the following requirements are to be followed to facilitate the election of Mayor:

1. In accordance with Clause 1 of Schedule 7 of the Local Government (General) Regulation 2021, the General Manager is the Returning Officer.
2. Nomination papers for the election of Deputy Mayor are to be circulated to all Councillors.
3. Nominations will be accepted by the Returning Officer, until 4pm Tuesday 15 October 2024.
4. The Councillor elected to the position of Deputy Mayor on 15 October 2024 will hold office until ordinary council meeting in September 2026.

Method:

If more than one candidate is nominated for the position of Deputy Mayor, the Council must determine by resolution, the method of voting, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an “X” against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

Financial

No financial implications arise as a result of this report.

OLG 23a Guideline consideration

Does not conflict with guidelines.

5.1.4 FILLING OF VACANCIES

DOCUMENT NUMBER	421147
REPORTING OFFICER	Teresa Breslin, Executive Assistant to Mayor and General Manager
AUTHORISING OFFICER	Steve McGrath, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Good governance: an actively engaged community and strong leadership team 4.1 Decision-making is based on collaborative, transparent and accountable leadership
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	Pursuant to s.291A of the Local Government Act 1993.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	Nil

RECOMMENDATION

Pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act) Cootamundra-Gundagai Regional Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

Introduction

Following the 2024 local government elections, councils will have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of councillors in the first 18 months after the election.

This will allow councils to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

Discussion

To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, councils must resolve, at their first meeting after the election, to use a countback to fill casual vacancies.

If councils do not resolve this at the first meeting after the election, they will be required to fill casual vacancies through a by-election.

Where councils resolve to fill casual vacancies using a countback in the first 18 months of their terms, the general manager is required under the Local Government (General) Regulation 2021 (the Regulation) to notify the NSW Electoral Commissioner of the council's resolution within 7 days of the resolution. Further information can be found at <https://elections.nsw.gov.au/elections/how-counting-works/countback-elections>

5.1.5 COMMITTEES REQUIRING COUNCIL REPRESENTATIVES

DOCUMENT NUMBER	417902
REPORTING OFFICER	Teresa Breslin, Executive Assistant to Mayor and General Manager
AUTHORISING OFFICER	Steve McGrath, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Good governance: an actively engaged community and strong leadership team 4.3 Cootamundra-Gundagai Regional Council is a premier local government Council
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	<ol style="list-style-type: none"> Getting on 'Board' with GWCC ↓ RRL Advisory Committee Delegate Information Kit ↓ Illabo to Stockinbingal Inland Rail Determination ↓

RECOMMENDATION

Council nominate a Councillor, or where required Councillors, as delegate/s on each of the committees detailed in the table listed in the report.

Introduction

There are occasions where Councillors are invited to be delegates of Council on Advisory Committees. The following Committees, Section 355 Committees, Advisory Committees and external Boards require a council representative or delegate:

Committee Name	Delegates/ Representatives required
Adina Court Board	One (1) councillor
Audit, Risk and Improvement Committee (ARIC)	One (1) councillor delegate (<i>non-voting observer</i>)
Cootamundra Aerodrome Users Advisory Group	One (1) councillor delegate
Local Traffic Advisory Committee	One (1) councillor delegate
Access and Inclusion Advisory Committee	One (1) councillor delegate
Cootamundra Youth Council	One (1) councillor delegate
Gundagai Youth Council	One (1) councillor delegate
Cootamundra Tourism Action Group Advisory Committee	One (1) councillor delegate
Gundagai Tourism Action Group Advisory Committee	One (1) councillor delegate

The Cootamundra Showground Users Group s.355 Committee	One (1) councillor delegate (non-voting council rep)
The Art Centre Cootamundra s.355 Committee	One (1) councillor delegate (non-voting council rep)
Cootamundra Heritage Centre s.355 Committee	One (1) councillor delegate (non-voting council rep)
Stockinbingal Ellwood's Hall s.355 Committee	One (1) councillor delegate (non-voting council rep)
Wallendbeen Memorial Hall s.355 Committee	One (1) councillor delegate (non-voting council rep)
Muttama Hall Management s.355 Committee	One (1) councillor delegate (non-voting council rep)
Muttama Creek Regeneration Group s.355 Committee	One (1) councillor delegate (non-voting council rep)
Bradman Birthplace s.355 Committee	One (1) councillor delegate (non-voting council rep)
Goldenfields Water County Council <i>(Information attached)</i>	One (1) councillor delegate
The Riverina Regional Library <i>(Information attached)</i>	Three (3) delegates (consisting of one (1) member of staff, one (1) councillor and one (1) alternate councillor delegate)
Eastern Riverina Arts Advisory Committee	One (1) councillor delegate
South-West Slopes Zone Service Liaison Committee (RFS)	One (1) councillor delegate
Softwoods Working Group	One (1) councillor delegate
General Managers Performance Review Panel	The Mayor, Deputy Mayor, one (1) councillor nominated by council and one (1) councillor nominated by the General Manager
Illabo to Stockinbingal Inland Rail - Community Consultative Committee <i>(Information attached)</i>	Two (2) staff and one (1) councillor

Other Representation

The Mayor and General Manager are the council representatives on the Riverina Eastern Regional Organisation of Council (REROC) members committee.

The Mayor is the council representative on the Riverina Joint Organisation (Riv Jo) Board.

The Mayor and General Manager are the prescribed members of the Country Mayors Association.

5.1.6 MEETING DATES 2024-2025

DOCUMENT NUMBER	420784
REPORTING OFFICER	Teresa Breslin, Executive Assistant to Mayor and General Manager
AUTHORISING OFFICER	Steve McGrath, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.4 Recognised as a premier local government Council that represents and advocates for community needs
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. 2025 Council Meeting Schedule ↓

RECOMMENDATION**That:**

- 1. The Ordinary Council Meetings take place at 6:00pm on the fourth Tuesday of the Month from January to November.**
- 2. The Council Workshops take place at 4:00pm on the second and fourth Tuesday of the Month from February to November.**
- 3. The December Ordinary Council Meeting and Workshop take place on the second Tuesday of the Month.**
- 4. The January Council Workshop take place on the fourth Tuesday of the Month.**
- 5. The current arrangement of alternating meetings between Cootamundra and Gundagai remain in place for CGRC.**
- 6. Alternatives to the current meeting arrangements be considered if requested.**

Introduction

A report is submitted annually for Councillors to consider the dates and times of Ordinary Council Meetings and Workshops for the following year.

Discussion

The proposed 2025 schedule is attached for consideration. The dates remaining for 2024 are listed below:

- Workshop and Council Meeting – Tuesday 22nd October 2024 – Cootamundra
- Workshop – Tuesday 12th November 2024 – Gundagai
- Workshop and Council Meeting – Tuesday 26th November 2024 – Gundagai
- Workshop and Council Meeting – Tuesday 10th December 2024 – Cootamundra

It is timely to review and consider alternative days and times should any Councillor be of the opinion that the current format is unsustainable. General discussion by Council is encouraged to raise any concerns in relation to the day of the month and the time the ordinary meetings are held.

