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PRESENT Clr I Gosper (in the Chair), Clrs G Dean, M Nash, L MacSmith, M Hayes, S Wilcox, K Walker and I Davison.

Also present were the General Manager, Director of Finance & Corporate Services, Acting Director of Engineering & Technical Services, Director of Environmental Services and Administration Officer.

ITEMS FOR DETERMINATION

ITEM - 1 APPLICATIONS FOR LEAVE OF ABSENCE

Proceedings in Brief

Apologies were tendered on behalf of Clrs Durkin, Treavors, and Culverson for their absence from the meeting.

MOTION (Wilcox/Davison)

THAT the apologies tendered by Clrs Durkin, Treavors, and Culverson be accepted and the necessary leave of absence be granted.

16/05/01 Carried

ITEM - 2 DECLARATIONS OF INTEREST

Proceedings in Brief

It was noted there were nil declarations of interest.

MOTION (Nash/Wilcox)

THAT there were nil declarations of interest.

16/05/02 Carried

ITEM - 3 DECLARATIONS FOR POLITICAL DONATIONS

Proceedings in Brief

It was noted that there were nil declarations of political donations.

MOTION (Davison/Wilcox)

THAT it be noted there were nil declarations of political donations.

16/05/03 Carried

ITEM - 4 FUNDING FOR AMALGAMATION COURT CASE

Proceedings in Brief

The General Manager commented that the original costs put to council for the amount of \$20,000 had changed and that the frustrations of the Council had been voiced.

The General Manager noted that the costs could not be guaranteed, however the Solicitor felt comfortable in providing the estimate of an additional \$30,000.

It was noted that Gundagai Council has now entered the court case and that the 4 Councils consisting of Walcha, Cabonne, Oberon and Gundagai would divide the costs incurred from the court case.

The Mayor commented that Cabonne Council's barrister King feels that there is a 50/50 chance of winning the case, and that the Council is aware of what the community democratically want to do noting that local groups had advised they were willing to help fund part of the costs if need be.

The Mayor noted that Morrison Low would also now be presenting evidence on behalf of Cabonne Council at the court hearing.

It was noted that Clr Hayes stated that he was against the court case as he believed it would not achieve anything..

MOTION (Wilcox/Nash)

THAT Council:

1. Vote an additional \$30,000 for legal expenses; and
2. Resolve that the expenditure is required and warranted to enable the legitimate exercise of the right of appeal.

16/05/04 Carried

Clr Hayes requested that his vote be recorded against the motion.

ITEM - 5 LAND & ENVIRONMENT COURT - CONSIDERATION OF POSSIBLE APPEAL

Proceedings in Brief

The Director of Finance and Corporate Services addressed the Council at the Mayor's request and stated that the option of a notice of intention to appeal, supplemented by an injunction would prevent the government from going ahead with the proclamation and would put the Council into a holding pattern, of a timeframe to be determined by the judge, until a decision to appeal could be made.

He noted that if the Council decided not to proceed with a notice of intention to appeal and injunction, then Cabonne Council could cease to exist the day after the court ruling if it was not in favour of the Councils.

He noted that the legal expenses for this process were estimated at between \$10,000 and \$20,000, although this could not be guaranteed.

The Mayor noted that it was better to resolve for the amount of up to \$20,000 instead of having to make another resolution down the track.

MOTION (Nash/Wilcox)

THAT Council:

1. Determine to lodge a notice of intention to appeal any judgement which is adverse to council in the case of Walcha Council & ORS v Minister case no 16/40360 being heard in the Land and Environment Court of New South Wales and seek an injunction preventing the Minister recommending that a proclamation be made pending consideration by Council of the merits of an appeal.
2. Determine to proceed and authorise the Mayor and/or General Manager to take all actions necessary to give effect to 1) above.
3. Determine to proceed and vote a maximum \$20,000 for legal expenses to fund the action referred to in 1) above.
4. Resolve that the expenditure is required and warranted to enable the legitimate exercise of the right of appeal.

16/05/05 Carried

Clr Hayes requested that his vote be recorded against the motion.

There being no further business, the meeting closed at 4:40pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 28 June, 2016 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.