

**THE MINUTES OF THE COUNCIL MEETING HELD IN THE SNOWY VALLEYS
COUNCIL CHAMBERS, BRIDGE STREET, TUMBARUMBA, ON THURSDAY 25
OCTOBER 2018 COMMENCING AT 2:00pm**

PRESENT: Mayor James Hayes (Chair), Councillor Andrianna Benjamin, Councillor Cate Cross, Councillor Julia Ham, Councillor John Larter, Councillor Cor Smit.

IN ATTENDANCE: General Manager Matthew Hyde, Director Assets and Infrastructure Matt Christensen, Director Internal Services Robyn Harvey, Acting Director Strategy, Community and Development Phil Stone, Division Manager Finance and IT Sarah Pentland, Acting Executive Assistant Tracy Martin and Directorate Administrative Executive Support Michelle Duck.

1. ACKNOWLEDGEMENT OF COUNTRY

An acknowledgement of the traditional custodians of the land was delivered by the Mayor James Hayes.

2. APOLOGIES

Leaves of Absence have been received and accepted from Cr Pritchard and Cr Isselmann.

Leave of Absence for the meeting was previously granted to Cr Wright.

M283/18 RESOLVED:

That the apology from Cr Pritchard, Cr Isselmann and Cr Wright be received and noted and leave of absence be granted

Cr Cate Cross/Cr Julia Ham

3. DECLARATIONS OF INTEREST

Nil

4. PUBLIC FORUM

Nil.

The Mayor welcomed the Acting Director Strategy, Community and Development Phil Stone to the meeting.

5. CONFIRMATION OF MINUTES**M284/18 RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 27 September 2018 be received.

Cr John Larter/Cr Julia Ham

5.1 BUSINESS ARISING

Nil.

6. CORRESPONDENCE/PETITIONS

Nil.

7. NOTICE OF MOTION/NOTICE OF RESCISSION

Nil.

8. MAYORAL MINUTE**8.1 MAYOR REQUEST TO ATTEND LGNSW MAYORS' WEEKEND SEMINAR****M285/18 RESOLVED:**

That the General Manager and Deputy Mayor approve the attendance of Mayor James Hayes at the Local Government NSW Mayors' weekend seminar 24-25 November 2018 in Sydney. Approval made in accordance with the Payment of Expenses and the Provision of Facilities to Mayors and Councillors Policy.

Cr Julia Ham/Cr Andrianna Benjamin

9. GOVERNANCE AND FINANCIAL REPORTS**9.1 DONATIONS AND EVENT SPONSORSHIP POLICIES****M286/18 RESOLVED:**

THAT COUNCIL:

1. Receive the report on Donations and Event Sponsorship from Division Manager People Culture and Governance

2. Adopt the Donations Policy
3. Adopt the Event Sponsorship Policy
4. Undertake a commitment to communicate the adopted Donations Policy and Event Sponsorship Policy with directly affected organisations and committees

Cr John Larter/Cr Cate Cross

9.2 DRAFT PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS POLICY

M287/18 RESOLVED:

THAT COUNCIL:

1. Receive the report on Draft Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy from the Director Internal Services.
2. Provide the community the opportunity to review and comment on the Draft Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy by placing the document on public exhibition for a period of 28 days.
3. Give due consideration to any community submissions received during the exhibition period before adopting the policy.
4. Once adopted, the policy and operational procedures are communicated throughout the Council organisation ensuring staff are aware of the revised documents.

Cr Cor Smit/Cr Julia Ham

9.3 ADOPTION OF SNOWY VALLEYS COUNCIL ECONOMIC DEVELOPMENT STRATEGY

M288/18 RESOLVED:

THAT COUNCIL:

1. Receives the report on the adoption of the Snowy Valleys Council Economic Development strategy.
2. Adopts Preparing for Prosperity: Snowy Valleys Council Region Economic Development Strategy 2018 – 2022.

Cr Julia Ham/Cr Andrianna Benjamin

9.4 STATEMENT OF INVESTMENTS AS AT 30 SEPTEMBER 2018**M289/18 RESOLVED:**

THAT COUNCIL:

1. Receive that Statement of Investments as at 30 September 2018

Cr John Larter/Cr Andrianna Benjamin

9.5 DELEGATION OF AUTHORITY TO SIGN "STATEMENT BY COUNCIL ON ITS OPINION OF THE ACCOUNTS" FOR THE 2017/18 ANNUAL FINANCIAL STATEMENTS**M290/18 RESOLVED:**

That in accordance with Section 413 of the Local Government Act, and subject to endorsement from the Audit, Risk & Improvement Committee, Council resolve:

- 1 That its 2017/18 Annual Financial Statements are in accordance with:
 - a. The Local Government Act 1993 (as amended and the Regulations made there under);
 - b. The Australian Accounting Standards and Professional Procurements;
 - c. The Local Government Code of Accounting Practice and Financial Reporting;
 - d. That they present fairly the Council's 2017/18 operating result and financial position;
 - e. That the accord with Council's accounting and other records; and
 - f. That Council is not aware of any matter that would render this report false or misleading in any way.
- 2 To delegate authority to the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer to sign the 'Statement by Council on its Opinion of the Accounts' (clause 215 of the Local Government General Regulation).
- 3 That the General Manager be 'authorised to issue' the 2017/18 accounts immediately upon receipt of the auditor's report.
- 4 To invite Council's Auditor to attend the November Ordinary Council Meeting to present the 2017/18 Financial Reports.
- 5 To note the changes to reserve balances for 2017/18.

Cr Julia Ham/Cr Andrianna Benjamin

10. MANAGEMENT REPORTS

2:16pm Division Manager Finance and IT Sarah Pentland left the meeting.

10.1 KHANCOBAN SHOPFRONT - REQUEST FOR PURCHASE

M291/18 RESOLVED:

THAT COUNCIL:

1. That the report on Khancoban Shopfront – Request for Purchase be received.
2. Approve the sale of Lot 5 in DP215605 through an Expression of Interest process
3. Delegate authority to the General Manager to assess and determine successful expression of interest bids for the sale of the assets, land and parcels Lot 5 in DP215605
4. Authorise the General Manager and Mayor to negotiate the sale price of the land parcels within 20% of the market appraisal, with parties meeting own costs
5. Delegate authority to the General Manager and Mayor to execute all sale documents and affix the Council seal to documentation required to complete the sale of the parcels

Cr John Larter/Cr Andrianna Benjamin

10.2 MANNUS LAKE BLUE-GREEN ALGAL BLOOM MANAGEMENT OPTIONS

M292/18 RESOLVED:

THAT COUNCIL:

1. Develop a Mannus Lake Blue Green Algae Response Protocol Policy.
2. Consider the allocation of \$49,000 at the 1st Quarter Budget Review to engage a suitably qualified consultant to undertake a 12 month study of Mannus Lake to:
 - i. Better understand the cause of algal blooms in the lake and;
 - ii. Provide recommendations of management to prevent future algal blooms.
3. Consider the allocation of \$5,000 each financial year for the purpose of water quality testing within future budget considerations.

Cr Julia Ham/Cr Andrianna Benjamin

10.3 SALE OF SURPLUS LAND PARCELS - GILBERT STREET, TUMBARUMBA**M293/18 RESOLVED:**

THAT COUNCIL:

1. That the report on Gilbert Street land sale be received.
2. Approve the sale of Lot 9 Section 16 in DP759003 and Lot 82 in DP630704 through an Expression of Interest process
3. Delegate authority to the General Manager to assess and determine successful expression of interest bids for the sale of the land parcels Lot 9 Section 16 in DP759003 and Lot 82 in DP630704
4. Authorise the General Manager and Mayor to negotiate the sale price of the land parcels within 40% of the market appraisal, with parties meeting own costs
5. Delegate authority to the General Manager and Mayor to execute all sale documents and affix the Council seal to documentation required to complete the sale of the parcels
6. That Council impose a building restriction to the land title over Lots 9 Section 16 in DP759003 and Lot 82 in DP630704 prior to sale of the parcels

Cr John Larter/Cr Cor Smit

10.4 PROPERTY BOUNDARY ADJUSTMENT - 40-44 CROMWELL STREET, ADELONG**M294/18 RESOLVED:**

THAT COUNCIL:

1. That the report on Property Boundary Adjustment – 40-44 Cromwell Street, Adelong be received.
2. That Council agree to facilitate the partial road closure and boundary adjustment as highlighted in the Gray Surveyors Plan dated 26 September 2017, on the basis of land transfer being of equal portion size.
3. That Council agree to meet costs associated with boundary adjustment, road closure and road gazettal.
4. Determine that parties are to meet their own legal costs
5. Share fund 50 % of the construction of new boundary fencing and delegate authority for the General Manager to negotiate scope of the boundary fence construction.
6. Sell or transfer land of equal value to the Owner of the affected Lot.

7. Delegate authority to the Mayor and General Manager to execute all documentation and, affix the Council Seal to all documentation, to facilitate the boundary adjustment, road closure and road gazettal.
8. Develops an amendment to the Roads Management Policy to formalise a policy position on road land matters.

Cr John Larter/Cr Andrianna Benjamin

10.5 SNOW VIEW ESTATE STAGE 3

M295/18 RESOLVED:

THAT COUNCIL:

1. Receives the report on Snow View Estate Stage 3
2. Consider allocating funds for the construction of Stage 3 Snow View Estate in the 2019/20 budget.
3. Commit to the subdividing of lots 31 and 32 (Snow View stage 2) into 3 allotments and endorse a funding allocation of \$5,000 for subdivision and infrastructure costs to be reimbursed from the sale of these allotments.

Cr Andrianna Benjamin/Cr John Larter

11. MINUTES OF COMMITTEE MEETINGS

11.1 MINUTES - FRIENDS OF TUMUT WETLANDS COMMITTEE HELD 18 SEPTEMBER 2018

M296/18 RESOLVED:

THAT COUNCIL:

1. Accept the report on the Minutes – Friends of Tumut Wetlands from Director Assets and Infrastructure.
2. Accept the record of discussion of the Friends of Tumut Wetlands Committee meeting held on Tuesday 18 September 2018.

Cr John Larter/Cr Andrianna Benjamin

11.2 MINUTES - TUMUT YOUTH COUNCIL COMMITTEE MEETING HELD 10 OCTOBER 2018

M297/18 RESOLVED:

THAT COUNCIL:

1. Accept the report on the Minutes – Tumut Youth Council Committee from

Director Strategy, Community and Development.

2. Adopt the Minutes of the Tumut Youth Council Committee meeting held on Wednesday 10 October 2018.

Cr John Larter/Cr Julia Ham

11.3 MINUTES - BATLOW DEVELOPMENT LEAGUE MEETING HELD 3 OCTOBER 2018

M298/18 RESOLVED:

THAT COUNCIL:

1. Accept the report on the Batlow Development League from Director of Internal Services.
2. Adopt the Minutes of the Batlow Development League meeting held on 3 October 2018.

Cr Cor Smit/Cr Julia Ham

11.4 MINUTES - FESTIVAL OF THE FALLING LEAF COMMITTEE - SEPTEMBER 2018

M299/18 RESOLVED:

THAT COUNCIL:

1. Accept the report on the Festival of the Falling Leaf Committee from Director Strategy, Community and Place.
2. Adopt the Minutes of the Festival of the Falling Leaf meeting held on 4 September 2018.

Cr John Larter/Cr Cate Cross

12. CONFIDENTIAL

M300/18 RESOLVED:

That Council move into Confidential to consider the matters listed in the confidential section of the agenda in accordance with Section 10(2) of the Local Government Act 1993 for the reasons specified.

- 12.1 RFT 2018/06 RIVERINA HIGHLANDS BUILDING REFURBISHMENT
Item 12.1 is confidential under the Local Government Act 1993 Section 10A 2 (d)i as it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

12.2 TUMUT CARPARKING PROPOSAL

Item 12.2 is confidential under the Local Government Act 1993 Section 10A 2 (c) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

12.3 RFT 2018/14 TUMBARUMBA CARAVAN PARK CAMP KITCHEN

Item 12.3 is confidential under the Local Government Act 1993 Section 10A 2 (c) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Cr Julia Ham/Cr Gae Cross

At this stage, the time being 2:30pm Council went into Confidential.

12.1 RFT 2018/06 RIVERINA HIGHLANDS BUILDING REFURBISHMENT**M301/18 RESOLVED:**

That Council:

1. Resolve in accordance with Section 55 of the NSW Local Government Act 1993 to accept the tender of Adaptive Interiors for the provision of services for the Riverina Highlands Building Refurbishment Project for the lump sum amount of \$518,063.18 Inc. GST.
2. Advise the unsuccessful tenderers in writing.
3. Authorise the General Manager to enter into a contract with Adaptive Interiors for the provision of services for the Riverina Highlands Building Refurbishment Project

Cr John Larter/Cr Andrianna Benjamin

12.2 TUMUT CARPARKING PROPOSAL**M302/18 RESOLVED:**

THAT COUNCIL:

1. Receive the report on the Tumut Carparking proposal to acquire land.
2. Authorise the General Manager or delegate to continue private negotiations with the owners of Part Lot 22 DP1097085; and Part Lot 2

DP222218 Wynyard Street Tumut, to purchase that land by private agreement up to the budget allocation.

3. In the event that no binding agreement has been entered into by November 12, 2018 for the purchase by Council of Part Lot 22 DP1097085; and Part Lot 2 DP222218 Wynyard Street Tumut, (collectively the Acquisition Land), Council resolves to:
 - a) Compulsorily acquire any part of the Acquisition Land which is not the subject of a binding agreement for purchase; and
 - b) Make an application (whether before or after November 12, 2018) to the Minister for Local Government the Compulsory Acquisition (Just Terms) Compensation Act 1991 to compulsorily acquire any parts of the Acquisition Land which is not the subject of a binding agreement for purchase.
4. Council authorise the General Manager (or delegate) to write to the Minister for Local Government and the Chief Executive of the Office of Local Government to advise of Council's intention to compulsorily acquire all or part of the Acquisition Land in the event that no binding agreement to purchase any property forming part of the Acquisition Land is entered into on or before November 12, 2018.
5. Council authorise the General Manager (or delegate) to undertake such work as is necessary to obtain the required approvals or agreements from relevant State or Crown Authorities to compulsorily acquire all or parts of the Acquisition Land.
6. Council delegate any administrative or incidental functions to the General Manager (or delegate) in order to implement the above resolutions
7. Council acknowledge for the avoidance of doubt, that nothing in this resolution prevents Council continuing negotiations with the proprietors of all or parts of the Acquisition Land after;
 - a) November 12, 2018; or
 - b) An application has been made to the Minister for Local Government and the Governor pursuant to Part 12 for the compulsory acquisition of all or parts of the Acquisition Land.
8. Endorse the placement of Council seal on contract of sale documents

Cr John Larter/Cr Andrianna Benjamin

12.3 RFT 2018/14 TUMBARUMBA CARAVAN PARK CAMP KITCHEN**M303/18 RESOLVED:**

THAT COUNCIL:

1. Receive the report on assessment of tender RFT2018/14 for Tumbarumba Caravan Park Camp Kitchen
2. Resolve in accordance with Clause 178(3) of the NSW Local Government (General) Regulation 2005 not to accept any tender for the Tumbarumba Caravan Park Camp Kitchen Project
3. Resolve in accordance with Clause 178(3)(f) of the NSW Local Government (General) Regulation 2005 to carry out the requirements of the proposed contract itself
4. Resolve in accordance with 178(4)(b) of the Local NSW Local Government (General) Regulation 2005 not to invite fresh tenders, noting that it is considered inviting fresh tenders would not enable the Council to achieve its objectives for the Project
5. Advise the tenderers in writing that their tenders were not accepted
6. Authorise the General Manager to enter into a contract with a contractor for the subject to the successful outcome of negotiations.

Cr Julia Ham/Cr Andrianna Benjamin

M304/18 RESOLVED:

That at this stage, the time being 2:44pm Council returned to Open Council.

Cr Cate Cross/Cr Julia Ham

There being no further business to discuss, the meeting closed at 2:49pm.