

THE MINUTES OF THE COUNCIL MEETING HELD BY VIDEO LINK ON THURSDAY 16 APRIL 2020 COMMENCING AT 2.00pm

PRESENT: Mayor James Hayes (Chair), Councillor Andrianna Benjamin, Councillor Cate Cross, Councillor Julia Ham, Councillor Margaret Isselmann, Councillor Geoff Pritchard, Councillor Cor Smit, Councillor Bruce Wright.

IN ATTENDANCE: Chief Executive Officer Matthew Hyde, Executive Director Infrastructure Heinz Kausche, Executive Director Community and Corporate Paul Holton, Chief Financial Officer Susanne Andres and Executive Assistant Jeannie Moran-Fahey.

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. APOLOGIES

Apologies were received from Cr John Larter and Executive Chief of Staff, Shelley Jones.

M68/20 RESOLVED:

That the Leave of Absence received from Cr John Larter be received and accepted.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

3. DECLARATIONS OF INTEREST

Nil.

4. PUBLIC FORUM

Nil.

5. CONFIRMATION OF MINUTES

M69/20 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 19 March 2020 be received.

Cr Bruce Wright/Cr Cate Cross

CARRIED UNANIMOUSLY

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Mayor


Chief Executive Officer

5.1 BUSINESS ARISING

Nil.

6. CORRESPONDENCE/PETITIONS

Nil.

7. NOTICE OF MOTION/NOTICE OF RESCISSION

Nil.

8. MAYORAL MINUTE**8.1 MAYORAL MINUTE COVID-19 FINANCIAL SUPPORT****M70/20 RESOLVED:**

That Council:

1. calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - Immediate financial assistance to support council employees, especially in early education and care.
 - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
 - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
4. writes to the local Federal and State Member(s) the Hon Mike Kelly, the Hon Justin Clancy and Hon Joe McGirr, Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon

Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coultan, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP and the NSW Deputy Premier and Minister for Regional NSW, Industry and Trade the Hon John Barilaro MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.

5. endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. advises LGNSW President Linda Scott of the passage of this Mayoral Minute.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

9. GOVERNANCE AND FINANCIAL REPORTS

9.1 DEVELOPMENT OF A REGIONAL COMMUNITY STRATEGIC PLAN

**M71/20 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Development of a Regional Community Strategic Plan
2. Endorse the development of a Regional Community Strategic Plan in collaboration with the member Councils of the Canberra Region Joint Organisation (CRJO).

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

9.2 DRAFT INFORMATION GUIDE

**M72/20 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Draft Information Guide
2. Adopt the Information Guide March 2020 SVC-EXE-GdI-001-02 and publish on Council's website
3. Rescind Information Guide February 2019 SVC-EXE-GdI-001-01 and remove from Councils website

Cr Bruce Wright/Cr Julia Ham

CARRIED UNANIMOUSLY

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Mayor

Chief Executive Officer

9.3 PECUNIARY INTEREST RETURN FOR DESIGNATED STAFF MEMBER - UPDATE**M73/20 RESOLVED:
THAT COUNCIL:**

1. Receive the updated report on Pecuniary Interest Return for Designated Staff Member – Update
2. Note the Updated Declaration of Pecuniary Interest Return from the Chief Executive Officer as at 23 March 2020 in accordance with the Code of Conduct.
3. Approve for the redacted Pecuniary Interest Return for the Chief Executive Officer to be placed on council website in accordance with the current Information and Privacy Commission Guideline 1.

Cr Bruce Wright/Cr Julia Ham

CARRIED UNANIMOUSLY**9.4 DRAFT CARETAKER PERIOD POLICY****M74/20 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Draft Caretaker Period Policy SVC–GOV-PO-092-01 From Executive Chief of Staff
2. Approve the Draft Caretaker Period Policy for Public Exhibition for a period of no less than 28 days
3. Note if submissions are received during the public exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the policy
4. Adopt the policy if no submissions are received on the day after the completion of the public exhibition

Cr Cor Smit/Cr Cate Cross

CARRIED UNANIMOUSLY**9.5 STATEMENT OF INVESTMENTS - MARCH 2020****M75/20 RESOLVED:
THAT COUNCIL:**

1. Receive the Statement of Investments as at 31 March 2020.

Cr Julia Ham/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

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Mayor

Chief Executive Officer

9.6 FINANCIAL REPORT MARCH 2020**M76/20 RESOLVED:
THAT COUNCIL:**

1. Receive the report on financial performance as at 31 March 2020.

Cr Cor Smit/Cr Julia Ham

CARRIED UNANIMOUSLY

10. MANAGEMENT REPORTS**10.1 MONTREAL COMMUNITY THEATRE - VARIATION OF LEASE****M77/20 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Montreal Community Theatre – Variation of Lease from Executive Director Infrastructure.
2. Renew the variation of lease for a further five year period ending 30/06/2025 with Montreal Community Theatre Incorporated for the Montreal Theatre on land described as Lot 2 DP828194 in the town of Tumut.
3. Authorise the Chief Executive Officer and Mayor to affix the Council Seal and execute all documents required.

Cr Bruce Wright/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

10.2 RESTORATION OF KHANCOBAN HALL TO OPERATIONAL CONDITION

Item 10.2 Withdrawn, replaced by Item 10.5.

10.3 DRAFT LOCAL STRATEGIC PLANNING STATEMENT (LSPS) - PUBLIC EXHIBITION**M78/20 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Draft Local Strategic Planning Statement (LSPS)
2. Exhibit the Draft Local Strategic Planning Statement for 28 days in accordance with Part 1 of Schedule 1 of the Environmental Planning and Assessment Act 1979

Cr Julia Ham/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

10.4 DRAFT COMMUNITY PARTICIPATION PLAN AND DRAFT CRIME PREVENTION PLAN**M79/20 RESOLVED:**
THAT COUNCIL:

1. Receive the report on the Draft Community Participation Plan and Draft Crime Prevention Plan Feedback.
2. Note one submission received for the Draft Community Participation Plan.
3. Adopt the Community Participation Plan with changes in response to the submission.
4. Adopt the Crime Prevention Plan.
5. Write to the submitter, thanking them for the input and advising them of the outcome to their submission.

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY**10.5 RESTORATION OF KHANCOBAN HALL - UPDATED REPORT****M80/20 RESOLVED:**
THAT COUNCIL:

1. Receive the updated report on the restoration of Khancoban Hall to operational condition
2. Endorse the Memorandum of Understanding between Snowy Valleys Council and the Tumbarumba Chamber of Commerce as attached to this report
3. Note that the project will not commence prior to the receipt from the Tumbarumba Chamber of Commerce the following:
 - a. Project Management Plan
 - b. An updated Cost Plan
 - c. Risk Assessment for delivery
 - d. Delivery Program and Confirmation of Milestones
4. Request that Officers provide a further report to Council at the completion of the project

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

11. MINUTES OF COMMITTEE MEETINGS**11.1 MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP (DIARG) - 27 FEBRUARY 2020**

M81/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Disability Inclusion Access Reference Group from Executive Director Community & Corporate.
2. Note the Minutes of the Disability Inclusion Access Reference Group meeting held on 27 February 2020.

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

11.2 MINUTES - FRIENDS OF TUMUT WETLANDS COMMITTEE - 17TH MARCH 2020

M82/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Friends of the Tumut Wetlands Committee from the Executive Director Infrastructure
2. Note the Minutes of the Friends of the Tumut Wetlands Committee meeting held on 17th March 2020
3. Adopt the following recommendations from the minutes:
 - a. accept the resignation of Gary Bilton from the Friends of the Tumut Wetlands Committee
 - b. the Friends of the Tumut Wetlands Committee cease as a Committee of Council
 - c. the Friends of the Tumut Wetlands become a volunteer group
4. Thanks all of the former members of the Tumut Wetlands Committee.

Cr Cor Smit/Cr Geoff Pritchard

CARRIED UNANIMOUSLY

11.3 MINUTES - TUMUT AERODROME COMMITTEE - 10 MARCH 2020

M83/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Minutes - Tumut Aerodrome Committee – 10 March 2020 from Executive Director Infrastructure.

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Mayor


Chief Executive Officer

2. Note the Minutes of the Tumut Aerodrome Committee meeting held on 10 March 2020.

Cr Cate Cross/Cr Bruce Wright

CARRIED UNANIMOUSLY

11.4 MINUTES - TUMUT SALEYARDS COMMITTEE MEETING - 9 MARCH 2020

**M84/20 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Tumut Saleyard Committee Meeting from the Executive Director Infrastructure
2. Note the Minutes of the Tumut Saleyard Committee Meeting held on 9 March 2020
3. Adopt the following recommendations from the minutes:
 - a. cease all previous third party agreements/arrangements relating to the operation of the Tumut saleyards
 - b. delegate the Chief Executive Officer to negotiate and execute the Rules of the Tumut Associated Agents Incorporated Agreement and the Licence Deed Agreement to operate the Tumut Saleyards for a period of 5 years with a 5 year option

Cr Bruce Wright/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

11.5 MINUTES - BATLOW DEVELOPMENT LEAGUE (BDL) - 4 MARCH 2020

**M85/20 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Batlow Development League Minutes.
2. Note the Minutes of the Batlow Development League meeting held on 4 March 2020.

Cr Cor Smit/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

12. CONFIDENTIAL

M86/20 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.

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Mayor


Chief Executive Officer

- 12.1 COVID19 - FINANCIAL IMPLICATIONS, LEASE PAYMENT RELIEF
Item 12.1 is confidential under the Local Government Act 1993 Section 10A 2 (c) and (d)ii 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 information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 12.2 ICT PROJECTS – CLIENT BUSINESS ENVIRONMENT STANDARDISATION
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 FOOD ORGANICS GARDEN ORGANICS OPTIONS AND IMPLEMENTATION
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.
- 12.4 CHIEF EXECUTIVE OFFICERS BI-ANNUAL PERFORMANCE REVIEW - JULY TO DECEMBER 2019
Item 12.4 is confidential under the Local Government Act 1993 Section 10A 2 (a) as it relates to personnel matters concerning particular individuals (other than councillors) and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 12.5 RFT 2020/01 - RECOMMENDATION FOR THE DESIGN AND CONSTRUCTION OF THE TUMBARUMBA UPGRADED LEARN TO SWIM WATER PLAY POOL
Item 12.5 is confidential under the Local Government Act 1993 Section 10A 2 (d)i and (d)ii 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 information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Cr Bruce Wright/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

At this stage, the time being 2.43pm Council went into Confidential.

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Mayor

Chief Executive Officer

12.1 COVID19 - FINANCIAL IMPLICATIONS, LEASE PAYMENT RELIEF**M87/20 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Covid19 - Financial Implications From the Chief Financial Officer.
2. Waive the yearly fee for the Tumbarumba Australian Football and Netball Club for the hiring of the Tumbarumba sportsground and netball courts for 2019/20.
3. Allow the rent for the lessee of the Riverglade Caravan Park to be on a pro-rata basis until the date of reopening of the caravan park.
4. Delegate the waiving of other rents and lease fees on arrangements and leases impacted by Covid19 closures to the CEO.
5. Delegate the extension of payment plans under financial hardship support arrangements for ratepayers experiencing prolonged financial hardship due to Covid19 to the CEO.
6. Mandate payment plans be cleared via direct debit and Centrelink payment arrangements.
7. Waive all interest on outstanding debts with the exception of debts existing prior to 1 January 2020 until such time as the economic impact of the Covid19 crisis subsides as determined by the CEO.
8. Recommence interest on outstanding debts where a ratepayer does not maintain their payment arrangements and does not enter into an amended payment arrangement.
9. Hold all legal action to secure payment of outstanding debts including letters of demand on all ratepayers with the exception of legal action that has already progressed to letters of demand and court action as at end of March 2020.
10. Continue to issue reminder notices for outstanding rates and charges as per Council policy.
11. Advocate with all levels of Government to access increased funding in forthcoming budgets.

Cr Cate Cross/Cr Bruce Wright

CARRIED UNANIMOUSLY**12.2 ICT PROJECTS – CLIENT BUSINESS ENVIRONMENT STANDARDISATION****M88/20 RESOLVED:
THAT COUNCIL:**

1. That the report on ICT Projects - Client Business Environment Standardisation be received.
2. Approve the selection of Dell as the successful supplier.

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Mayor

Chief Executive Officer

Cr Cor Smit/Cr Bruce Wright

CARRIED UNANIMOUSLY

12.3 FOOD ORGANICS GARDEN ORGANICS OPTIONS AND IMPLEMENTATION

**M89/20 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the proposed implementation of a food and garden organics collection service and construction of an organics processing facility
2. Receive the project management plan as the plan to deliver the projects through to operations including;
 - a. Tender/Design Documentation Strategy
 - b. Procurement Plan including nominated suppliers
 - c. Updated Cost Plan including allowances for contingency and project management
 - d. Updated Risk Assessment for delivery recognising a tight budget and effects of COVID-19
 - e. Delivery Program/Confirmation of Milestones including a new program requiring an extension from the NSW Environmental Trust
3. Note the economic risks and material input/output modelling report
4. Note and endorse the legal advice in respect to operational agreement for the organics processing facility
5. Note and endorse an application to the NSW Environmental Trust for a time extension based on the impacts of the bushfires and COVID-19
6. Endorse proceeding to the procurement and construction stages
7. Endorse the updated budget and procurement strategy as detailed in this report noting that a number of items/services are to nominated consultants and contractors

Cr Cate Cross/Cr Bruce Wright

CARRIED UNANIMOUSLY

12.4 CHIEF EXECUTIVE OFFICERS BI-ANNUAL PERFORMANCE REVIEW - JULY TO DECEMBER 2019

**M90/20 RESOLVED:
THAT COUNCIL:**

1. Receive the report on CEO Bi-Annual Performance Review – July to

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Mayor

Chief Executive Officer

December 2019 from Mayor James Hayes.

2. Endorse the 2019/20 Chief Executive Officer's Performance Review.

Cr Bruce Wright/Cr Cor Smit

CARRIED UNANIMOUSLY

12.5 RFT 2020/01 - RECOMMENDATION FOR THE DESIGN AND CONSTRUCTION OF THE TUMBARUMBA UPGRADED LEARN TO SWIM WATER PLAY POOL

**M91/20 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the outcomes of the Request for Tender (RFT 2020/01) for the upgrade of the Tumbarumba Pool
2. Resolve in accordance with Clause 178(1)(b) of the NSW Local Government (General) Regulation 2005 to decline to accept any of the tenders for the Design and Construction of the Tumbarumba Upgraded Learn to Swim Water Play Pool project
3. Resolve in accordance with Clause 178(3)(e) of the NSW Local Government (General) Regulation 2005 to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender
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 that 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 Chief Executive Officer to enter into a contract for the Design and Construction of the Tumbarumba Upgraded Learn to Swim Water Play Pool Project subject to the successful outcome of negotiations

Cr Julia Ham/Cr Bruce Wright

CARRIED UNANIMOUSLY

M92/20 RESOLVED: to move out of Confidential Session back into Open Council Session. 3.38pm

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

There being no further business to discuss, the meeting closed at 3.34pm.

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Mayor

Chief Executive Officer