

THE MINUTES OF THE COUNCIL MEETING HELD IN HYBRID - TUMUT COUNCIL CHAMBERS, 76 CAPPER STREET, TUMUT AND VIA VIDEO LINK, ON THURSDAY 18 MARCH 2021 COMMENCING AT 2.00pm

PRESENT: Deputy Mayor Councillor John Larter (Chair), Councillor Andrianna Benjamin, Councillor Cate Cross, Councillor Julia Ham, 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, Executive Chief of Staff Shelley Jones, 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 Deputy Mayor, Cr John Larter.

2. APOLOGIES

A Leave of Absence for the meeting has been received from Cr James Hayes and Cr Margaret Isselmann.

M28/21 RESOLVED:

That the requests for a Leave of Absence from Cr Hayes and Cr Isselmann be received and granted.

Cr Andrianna Benjamin/Cr Cate Cross

CARRIED UNANIMOUSLY

3. DECLARATIONS OF INTEREST

Cr Cate Cross declared a non-pecuniary interest in relation to report #10.2 - Waste Conference 4th to 6th May 2021, due to seeking approval to attend remotely and will remain in the discussion and vote.

Cr Andrianna Benjamin declared a pecuniary interest in relation to report #13.2 – Proposal to Lease Roths Corner Medical Centre due to being part of the initial tender process on the Roths Corner Medical Centre and will leave the room during discussion.

CEO, Matthew Hyde declared a pecuniary interest in relation to report #13.5 – Chief Executive Officer's Annual Performance Review – to December 2020, due to being his employment contract and will leave the room during discussion and vote following answering any questions Councillors may have.

4. PUBLIC FORUM

Nil.

5. CONFIRMATION OF MINUTES**M29/21 RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 18 February 2021 be received.

Cr Cor Smit/Cr Cate Cross

CARRIED UNANIMOUSLY

5.1 BUSINESS ARISING

Nil.

6. GOVERNANCE AND FINANCIAL REPORTS**10.1 MURRAY DARLING ASSOCIATION - 77TH NATIONAL CONFERENCE & AGM - 16TH TO 19TH MAY 2021****M30/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Murray Darling Association 77th National Conference and Annual General Meeting (May 2021);
2. Approve the virtual attendance of Cr Geoff Pritchard at the Murray Darling Association National Conference from the 16th to 19th May 2021.

Cr Julia Ham/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

10.2 WASTE 2021 CONFERENCE - 4TH TO 6TH MAY 2021**M31/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Waste 2021 Conference;
2. Approve the virtual attendance of Cr Cate Cross at the Waste 2021 Conference from 4th to 6th May 2021.

Cr Julia Ham/Cr Geoff Pritchard

CARRIED UNANIMOUSLY

10.3 DRAFT INFORMATION GUIDE 2021**M32/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Draft Information Guide 2021;
2. Endorse the Information Guide 2021 SVC-EXE-Gdl-001-03 for public exhibition for a period of no less than 28 days;
3. Note that 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 Information Guide;
4. Adopt the Information Guide if no submissions are received on the day after the completion of the public exhibition and publish on the Council website;
5. After adoption, the Information Guide 2021 SVC-EXE-Gdl-001-03 to be published on the Council website, and the Information Guide 2020 SVC-EXE-Gdl-001-02 be removed from Council's website.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY**10.4 RESCINDING OF FINANCIAL MANAGEMENT POLICY****M33/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Rescinding of Policies – Finance;
2. Rescind the Financial Management Policy FIN.07 (former Tumut Shire policy).

Cr Cor Smit/Cr Cate Cross

CARRIED UNANIMOUSLY**10.5 STATEMENT OF INVESTMENTS - FEBRUARY 2021****M34/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Statement of Investments - February 2021;
2. Note the above-policy-limit investment allocation with Council's primary bankers.

Cr Julia Ham/Cr Cor Smit

CARRIED UNANIMOUSLY

10.6 FINANCIAL PERFORMANCE AS AT 31 JANUARY 2021

M35/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Financial Performance as at 31 January 2021.

Cr Julia Ham/Cr Geoff Pritchard

CARRIED UNANIMOUSLY

7. MANAGEMENT REPORTS**11.1 UPDATE ON RATES HARMONISATION PROCESS AND COMMUNITY FEEDBACK**

M36/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Update on Rates Harmonisation Process and Community Feedback;
2. Confirm the proposed rating structure effective 1 July 2021 as
 - a. Residential – 50% base rate (base rate and ad valorem under S497(b) NSW Local Government Act 1993);
 - b. Business – 10% redistribution to other categories, 10% base rate (base rate and ad valorem under S497(b) NSW Local Government Act 1993);
 - c. Farmland – 10% base rate (base rate and ad valorem under S497(b) NSW Local Government Act 1993);
 - d. Mining – set at the business base rate (10% base rate and ad valorem under S497(b) *NSW Local Government Act 1993*).

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

11.2 RFS BOMBOWLEE BRIGADE - HANGARS 6 & 9

M37/21 RESOLVED:
THAT COUNCIL:

1. Receive this report on the RFS Bombowlee Brigade Station Hangar Swap project;
2. Confirm satisfactory completion of Hangar 6 based on the issue of an Occupation Certificate (OC) and written confirmation from the interested parties;

3. Delegate to the Mayor and the Chief Executive Officer to affix the Council seal and execute any documents relevant to the surrender of the old Licence Deed for Lot 9 and the execution of a new Licence Deed for Lot 6;
4. Delegate to the Mayor and the Chief Executive Officer to affix the Council seal and execute any documents relevant to the execution of a new Licence Deed for Lot 9.

Cr Andrianna Benjamin/Cr Julia Ham

CARRIED UNANIMOUSLY

11.3 DRAFT SNOWY VALLEYS CHILDREN'S SERVICES STRATEGIC PLAN

M38/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Draft Snowy Valleys Children's Services Strategic Plan;
2. Note the Draft Snowy Valleys Children's Services Strategic Plan as attached;
3. Endorse the Draft Snowy Valleys Children's Services Strategic Plan for public exhibition for a period of 28 days.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

11.4 PLANNING PROPOSAL FOR TUMUT LEP 2012 (AMENDMENT NO. 6) - ARTISAN FOOD AND DRINK INDUSTRIES

M39/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Planning Proposal for Tumut LEP 2012 (Amendment No.6) – Artisan Food and Drink Industries;
2. Resolve to proceed and complete Amendment No.6 of the Tumut LEP 2012;
3. Advise the NSW Planning, Industry & Environment of Council's resolution.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

8. MINUTES OF COMMITTEE MEETINGS**12.1 MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE -
10 FEBRUARY 2021**

M40/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Minutes – Audit Risk and Improvement Committee – 10 February 2021;
2. Note the Minutes of the Audit Risk and Improvement Committee meeting held on 10 February 2021.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

**12.2 MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP - 26
NOVEMBER 2020**

M41/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Minutes - Disability Inclusion Access Reference Group – 26 November 2020;
2. Note the minutes of the Disability Inclusion Access Reference Group meeting held on 26 November 2020.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

12.3 MINUTES - BATLOW DEVELOPMENT LEAGUE - 3 FEBRUARY 2021

M42/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Minutes - Batlow Development League – 3 February 2021;
2. Note the Minutes of the Batlow Development League meeting held on 3 February 2021.

Cr Cor Smit/Cr Julia Ham

CARRIED UNANIMOUSLY

12.4 MINUTES - GLENROY HERITAGE RESERVE COMMITTEE – 8 FEBRUARY 2021**M43/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Glenroy Heritage Reserve Committee Minutes;
2. Note the Minutes of the Glenroy Heritage Reserve Committee Ordinary meeting held on 8th February 2021.

Cr Julia Ham/Cr Bruce Wright

CARRIED UNANIMOUSLY**12.5 MINUTES - TALBINGO PROGRESS & RATEPAYERS ASSOCIATION - 15 DECEMBER 2020 AND 16 FEBRUARY 2021****M44/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Minutes - Talbingo Progress & Ratepayers Association – 15 December 2020 and 16 February 2021;
2. Note the Minutes of the Talbingo Progress & Ratepayers Association meetings held on 15 December 2020 and 16 February 2021.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY**M45/21 RESOLVED** that Council consider reports 12.6 and 12.7 together.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY**12.6 & 12.7 MINUTES - TUMUT DISTRICT COMMUNITY TRANSPORT ADVISORY COMMITTEE - AGM - 10 NOVEMBER 2020; ORDINARY MEETINGS OF 13 OCTOBER, 8 DECEMBER 2020 AND 9 FEBRUARY 2021****M46/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Minutes - Tumut District Community Transport Advisory Committee - AGM – held 10 November 2020;
2. Note the Minutes of the Tumut District Community Transport Advisory Committee - AGM - held 10 November 2020;
3. Endorse the appointment of the Executive and Committee as elected:

Chairperson – Margaret Davies

- Vice Chairperson # 1 - Suzanne Post
 - Vice Chairperson # 2 – Lorraine Oliver
 - Fundraising Coordinator – Kay Sturt
 - General Committee - Richard Pylak, Sue Cross, Jaen Dickenson, John Dickenson, Anita Killelea.
1. Receive the report on the Minutes - Tumut District Community Transport Advisory Committee – 13 October 2020, 8 December 2020 & 9 February 2021;
 2. Note the Minutes of the Tumut District Community Transport Advisory Committee meetings held on 13 October 2020, 8 December 2020 & 9 February 2021.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

9. CONFIDENTIAL

M47/21 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.

13.1 WRITE-OFF OF DEBTS

Item 13.1 is confidential under the Local Government Act 1993 Section 10A 2 (a) and (e) as it relates to personnel matters concerning particular individuals (other than councillors) and information that would, if disclosed, prejudice the maintenance of law and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.2 PROPOSAL TO LEASE ROTH'S CORNER MEDICAL CENTRE

Item 13.2 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.

13.3 TENDER 2021/01 – MR677 ALPINE WAY SLOPE REHABILITATION WORKS (SLOPES 11984 & 11985)

Item 13.3 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.

13.4 CONFIDENTIAL STATEMENT TO COUNCILLORS

Item 13.4 is confidential under the Local Government Act 1993 Section 10A 2 (a) and (g) as it relates to personnel matters concerning particular individuals (other than councillors) and 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 and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.5 CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW - TO DECEMBER 2020

Item 13.5 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.

Cr Cor Smit/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

At this stage, the time being 3.34pm Council went into Confidential.

13.1 WRITE-OFF OF DEBTS

M48/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Write-off of Debts;
2. Note the write-off and adjustments totalling \$7,392.69 made under delegated authority for the period 5 September 2020 to 28 February 2021.

Cr Cor Smit/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Andrianna Benjamin left the room at 3.35pm.

13.2 PROPOSAL TO LEASE ROTHS CORNER MEDICAL CENTRE

M49/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Proposal to Lease Roths Corner Medical Centre;
2. Note that a Community Advisory Panel convened to consider the lease proposal has provided unanimous support for the proposal;

3. Endorse proceeding with a lease agreement;
4. Delegate to the Mayor and Chief Executive Officer the authority to negotiate a lease agreement and to affix the Council seal and execute all documents relevant to a lease for the Roths Corner Medical Centre.

Cr Cor Smit/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Andrianna Benjamin returned to the room at 3.40pm.

13.3 TENDER 2021/01 – MR677 ALPINE WAY SLOPE REHABILITATION WORKS (SLOPES 11984 & 11985)

**M50/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Request for Tender - RFT 2021/01 for the rehabilitation of two slopes (slopes 11984 and 11985) located along the Alpine Way (MR677);
2. Delegate the Chief Executive Officer to not proceed with this project if the budget allocated by TfNSW for this project is not increased to cover the full cost of the works including allowances for project management, indirect costs and contingencies;
3. Subject to item 2 in the above, resolve in accordance with Section 55 of the NSW Local Government Act 1993 to accept the tender of Mulligan Geotechnical Pty Ltd for the rehabilitation of two slopes (slopes 11984 and 11985) located along the Alpine Way (MR677), being for the lump sum amount of \$1,091,398.00 including GST;
4. Subject to item 2 in the above, authorise the Chief Executive Officer to enter into a contract with Mulligan Geotechnical Pty Ltd for the rehabilitation of two slopes (slopes 11984 and 11985);
5. Write to the unsuccessful tenderers advising of the outcomes of the tender process.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

13.4 CONFIDENTIAL STATEMENT TO COUNCILLORS

**M51/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the submission of a Confidential Statement to Councillors.

2. Note the information provided in the Confidential Statement as attached.

Cr Cor Smit/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

13.5 CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW - TO DECEMBER 2020

M52/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Chief Executive Officer's Annual Performance Review.
2. Endorse the 2020 Chief Executive Officer's Performance Review.
3. Offer an early renewal of the CEO contract under Section 5 of the existing contract to Matthew Hyde commencing on 1 July 2021 for a period of 2 years. It should be noted that the renewal effectively gives an extension of 7 months and 3 days to allow the Council elected in September 2021 a reasonable period of time to review the performance of the CEO prior to making a decision about the future leadership of the organisation. This extension period will also bring the timing of performance reviews in line with Operational Plan review periods.
4. Endorse an increase to the total remuneration package of 2.5% at the commencement of the new contract.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

The meeting returned from Confidential at 3.56pm.

The CEO read aloud the confidential resolutions 13.1 to 13.4 and the Deputy Mayor read confidential resolution 13.5.

There being no further business to discuss, the meeting closed at 4.01pm.