

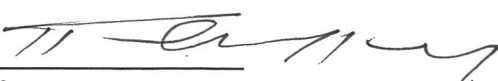


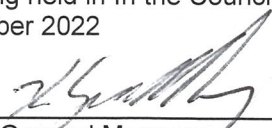
## **ORDINARY MEETING**

# **MINUTES**

**Thursday, 17 November 2022**

**THE MEETING WAS HELD FROM 2:02 PM  
IN THE COUNCIL CHAMBERS 76 CAPPER STREET TUMUT  
AND VIA VIDEO LINK**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

**PRESENT:** Mayor, Cr Ian Chaffey (Chair); Cr Johanna (Hansie) Armour, Cr Julia Ham, Cr Sam Hughes, Cr James Hayes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson.

**IN ATTENDANCE:** General Manager Ken Gouldthorp, Interim Chief Financial Officer Daryl Hagger, Acting Executive Director Infrastructure Brad Beed, Interim Executive Director Community & Corporate Julie Vaughan, Executive Assistant Jeannie Moran-Fahey and Crowe Horwath External Auditor, Dannielle MacKenzie.

## **1. ACKNOWLEDGEMENT OF COUNTRY**

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An acknowledgement of the traditional custodians of the land was delivered by Mayor, Cr Ian Chaffey.

## **2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE**

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Nil.

## **3. DECLARATIONS OF PECUNIARY INTEREST**

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Nil.

## **4. PUBLIC FORUM**

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Nil.

## **5. CONFIRMATION OF MINUTES**

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### **5.1. MINUTES - ORDINARY COUNCIL - 20 OCTOBER 2022**

#### **M312/22 RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 20 October 2022 be received and confirmed as an accurate record.

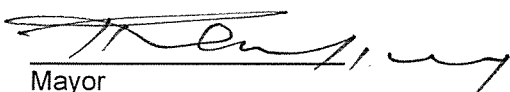
Cr Julia Ham/Cr Mick Ivill

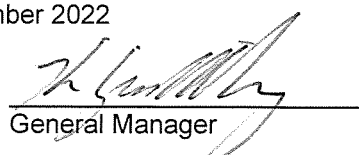
**CARRIED UNANIMOUSLY**

**M313/22 RESOLVED** that Cr James Hayes be included in the Transgrid Working Group as per his 20 October 2022 email request.

Cr Sam Hughes/Cr Johanna (Hansie) Armour

**CARRIED UNANIMOUSLY**

  
Mayor

  
General Manager

## **6. CORRESPONDENCE/PETITIONS**

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Nil.

## **7. NOTICE OF MOTION/NOTICE OF RESCISSION**

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Nil.

## **8. MAYORAL MINUTE**

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Nil.

## **9. URGENT BUSINESS WITHOUT NOTICE**

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**M314/22 RESOLVED** to raise a matter of urgent business relating to the recent flooding event at Adelong.

Cr James Hayes/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

**M315/22 RESOLVED:**

THAT COUNCIL:

1. Write to the Government requesting funding to enable Council to conduct a review of the current flood study for Adelong.

Cr James Hayes/Cr Sam Hughes

**CARRIED UNANIMOUSLY**

**M316/22 RESOLVED** to bring forward item # 10.6 'Presentation of the 2021/22 Annual Financial Statements'.

Cr James Hayes/Cr Trina Thomson

**CARRIED UNANIMOUSLY**

External Auditor, Dannielle MacKenzie, from Crowe Horwath participated remotely to address Council on Item # '10.6 Presentation of the 2021-2022 Annual Financial Statements'.

## **10.6. PRESENTATION OF THE 2021/22 ANNUAL FINANCIAL STATEMENTS**

**M317/22 RESOLVED:**

THAT COUNCIL:

1. Note the report on the Presentation of the 2021/22 Annual Financial Statements; and

2. Formally present the 2021/22 Audited Financial Statements and Audit Reports to the public in accordance with Sections 418 and 419 of the *Local Government Act 1993*.

Cr Julia Ham/Cr Brent Livermore

**CARRIED UNANIMOUSLY**

**M318/22 RESOLVED** to move forward Item # '11.1 'DA2022/0099 - Lot 32, DP 1120073, Little River Road, Little River 2720'.

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**

### **11.1. DA2022/0099 - LOT 32, DP 1120073, LITTLE RIVER ROAD, LITTLE RIVER 2720**

#### **M319/22 RESOLVED:**

THAT COUNCIL defer Development Application 2022/0099 for proposed alterations and additions to an existing secondary dwelling located at Lot 32 in Deposited Plan 1120073 3/722 Little River Road, Little River pending:

1. Clarification on the number of dwellings (both existing and approved) on the prescribed allotment and whether the proposed development can be characterised as a 'secondary dwelling' in the case where three (3) dwellings are identified on the site plan prepared by Tumut Building Design 'Proposed Addition to Existing Cottage' dated 11 May 2022 'Ref SH02-02 issue 2.
2. Confirmation on whether approval has been granted for the 'existing cottage' located on the site plan prepared by Tumut Building Design 'Proposed Addition to Existing Cottage' dated 11 May 2022 'Ref SH02-02 issue 2, to enable Council to appropriately consider the likely cumulative impacts of the proposed development in accordance with the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979.
3. Confirmation on legal access arrangements to service the development as proposed - being the existing access road as outlined in the public submissions to the immediate south / south-east of the boundary of Lot 26 in Deposited Plan 1018407 including whether the road has been approved in accordance with the provisions of the '*Environmental Planning and Assessment Act 1979*' and the '*Roads Act 1993*' (where applicable).

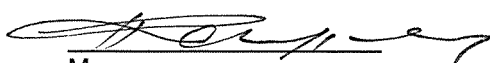
Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**

**M320/22 RESOLVED** to move back to order of business, Item 10.1 '2021-2022 Annual Report'.

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**

  
Mayor

  
General Manager

## 10. GOVERNANCE AND FINANCIAL REPORTS

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### 10.1. 2021-2022 ANNUAL REPORT

#### M321/22 RESOLVED:

##### THAT COUNCIL:

1. Endorse a copy of the 2021-2022 Annual Report including the Audited Financial Statement to be placed on Council's website and submitted to the Office of Local Government by 30 November 2022;
2. Participate in the preparation of the annual report in future years, prior to presentation in the business paper.

Cr James Hayes/Cr Trina Thomson

**CARRIED UNANIMOUSLY**

### 10.2. CODE OF CONDUCT REVIEW

#### M322/22 RESOLVED:

##### THAT COUNCIL:

1. Note the review of the Code of Conduct in accordance with s. 440(7) of the *Local Government Act 1993*; and
2. Make no amendments to the Code of Conduct adopted at Council's 15 October 2020 meeting (Minute Number M244/20).

Cr James Hayes/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

### 10.3. TRAINING OPPORTUNITY FOR COUNCILLORS - LGNSW PLANNING 101 COURSE

#### M323/22 RESOLVED:

##### THAT COUNCIL:

1. Consider and endorse the attendance of Cr Sam Hughes at the online "Planning 101 for Councillors" course on 23 November 2022; and
2. Approve the attendance of additional councillors who also wish to undertake this training, provided it is within the councillor's budget allocation to do so, noting that the overall budget balance amount including any travel expenses is \$4,000 per councillor.

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**

#### **10.4. STATEMENT OF INVESTMENTS - OCTOBER 2022**

**M324/22 RESOLVED:**

THAT COUNCIL:

1. Note the report on Statement of Investments - October 2022.

Cr Brent Livermore/Cr Sam Hughes

**CARRIED UNANIMOUSLY**

#### **10.5. QUARTERLY BUDGET REVIEW - AS AT 30 SEPTEMBER 2022**

**MOTION:**

THAT COUNCIL:

1. Adopts the quarterly budget review as at 30 September 2022; and
2. Adopts revenue, expenditure and capital budget adjustments as noted in the September 2022 quarterly budget review.

Cr Trina Thomson/Cr James Hayes

**M325/22 RESOLVED** to move into Committee of the Whole.

Cr Julia Ham/Cr Brent Livermore

**CARRIED UNANIMOUSLY**

**QUESTION TAKEN ON NOTICE** by Acting Executive Director Infrastructure regarding the location of the storm water collection tank for Glen Estate.

**M326/22 RESOLVED** to move out of Committee of the Whole.

Cr Trina Thomson /Cr Julia Ham

**CARRIED UNANIMOUSLY**

**M327/22 RESOLVED:**

THAT COUNCIL:

1. Adopts the quarterly budget review as at 30 September 2022; and
2. Adopts revenue, expenditure and capital budget adjustments as noted in the September 2022 quarterly budget review.

Cr Trina Thomson/Cr James Hayes

**CARRIED UNANIMOUSLY**

## 10.7. REVIEW OF ARRANGEMENTS TO SETTLE ACCOUNT POLICY FOR PUBLIC EXHIBITION

### M328/22 RESOLVED:

#### THAT COUNCIL:

1. Approve the updated Arrangements to Settle Account Policy SVC-Fin-PO-084-02 for public exhibition for a period of no less than 28 days;
2. Note if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to the Arrangements to Settle Account Policy; and
3. Adopt the Arrangements to Settle Accounts Policy if no submissions are received on the day after the completion of the public exhibition period.

Cr Julia Ham/Cr Brent Livermore

**CARRIED UNANIMOUSLY**

## 11. MANAGEMENT REPORTS

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### 11.2. DRAFT SNOWY VALLEYS TRACKS AND TRAILS MASTERPLAN - FOR PUBLIC EXHIBITION

#### M329/22 RESOLVED:

##### THAT COUNCIL:

1. Note the report on the Draft Snowy Valleys Tracks and Trails Masterplan;
2. Approve the placing of the Draft Snowy Valleys Tracks and Trails Masterplan on public exhibition for a minimum of 28 days with update to wording 'Batlow to Wybalena' instead of 'Batlow to Tumut' as one of the preferred trails;
3. Note that if submissions are received during the exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the Draft Snowy Valleys Tracks and Trails Masterplan; and
4. Adopt the Draft Snowy Valleys Tracks and Trails Masterplan if no submissions are received on the day after the completion of the public exhibition period.

Cr Julia Ham/Cr Trina Thomson

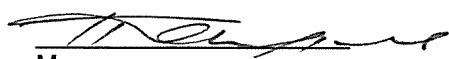
**CARRIED UNANIMOUSLY**


### 11.3. APPLICATIONS FOR EVENT SPONSORSHIP

#### M330/22 RESOLVED:

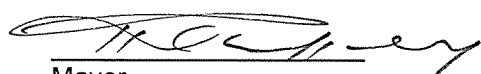
##### THAT COUNCIL:

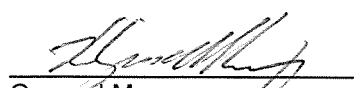
1. Note the report on the Applications for Event Sponsorship.
2. Approve the Applications for Event Sponsorship as follows:

  
Mayor

  
General Manager

Event name	Event Date	Sponsorship Request	Sponsorship Request Total \$ Amount
Tumut Rotary Community Christmas Carols	Sun 11th Dec 2022	<ul style="list-style-type: none"> <li>Ground hire fees of Richmond Park</li> <li>Provision and collection of garbage bins</li> <li>Street Banner Cost</li> </ul>	\$566.00
Tumbarumba Rotary Christmas Carnival	Fri 16th Dec 2022	<ul style="list-style-type: none"> <li>Ground hire fees – Sportsground including use of flood lights and amenities</li> <li>Provision and collection of Garbage bins</li> <li>Hiring of SVC PA System</li> </ul>	\$865.00
Tumbarumba Rodeo	Set up arena 10th & 11th Dec 2022 Rodeo Clinic 17th & 18th Dec 2022 Rodeo 1st Jan 2023 Rodeo pack down/clean 2nd Jan 2023	<ul style="list-style-type: none"> <li>Provision and collection of garbage bins</li> <li>Ground hire fees of Tumbarumba Showground for Rodeo Clinic</li> <li>Ground hire fees of Tumbarumba Showground for the Rodeo event and associated events</li> <li>\$5000 monetary</li> </ul>	\$9,178.00
Tumut Cycle Classic - AusRelief	Sun 8th Jan 2023	<ul style="list-style-type: none"> <li>Provision and collection of garbage bins</li> <li>Traffic management plan implementation (<i>approx. cost based off 2022 event</i>)</li> </ul>	\$5,998.98
SummerDAZE - Khancoban Events	Sun 22nd Jan 2023	<ul style="list-style-type: none"> <li>Provision and collection of garbage bins</li> <li>Ground hire fees of Khancoban Hall (subject to facility upgrade being complete)</li> </ul>	\$940.00
Off Grid Throwdown - Luke McMahon (endurance/fitness challenge)	Sat 28th & Sun 29th Jan 2023	<ul style="list-style-type: none"> <li>Provision and collection of garbage bins</li> <li>\$5000 monetary</li> </ul>	\$5,595.00

  
Mayor

  
General Manager

Adelong Show	Sat 11th & Sun 12th Mar 2023	<ul style="list-style-type: none"> <li>• Ground hire fees of Adelong Showground (<i>not listed as an 'Not for Profit', additional costs apply</i>)</li> <li>• Provision and collection of garbage bins</li> </ul>	\$3,571.00
Tumbarumba Show	Sat 18th & Sun 19th Mar 2023	<ul style="list-style-type: none"> <li>• Ground hire fees of Tumbarumba Showground (<i>not listed as an 'Not for Profit', additional costs apply</i>)</li> <li>• Provision and collection of garbage bins</li> </ul>	\$4,340.00
Snowy Valleys Cycle Challenge – Rotary Club of Tumut	Sun 19th Mar 2023	<ul style="list-style-type: none"> <li>• Provision and collection of garbage bins</li> <li>• Ground hire fees of Tumbarumba Showground and Adelong Showground</li> <li>• Traffic Management Plan implementation (<i>approx. cost based off 2022 event</i>)</li> </ul>	\$5,510.00 (approx.)
Batlow Show	Sat 25th & Sun 26th Mar 2023	<ul style="list-style-type: none"> <li>• Ground Hire fees for Batlow Showground (listed as a community group – reduced costs applied)</li> </ul>	\$408.00
			<b>Total amount requested: \$30,973</b>

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**


#### **11.4. BALD HILL QUARRY LICENCE AGREEMENT**

##### **M331/22 RESOLVED:**

##### **THAT COUNCIL:**

1. Agrees to enter into a long-term lease agreement over the quarry and carriageway with Bald Hill Quarry Pty Ltd for the purpose of conducting quarry operations on and over the Crown Land;
2. Agrees to the continuing use of Bald Hill Quarry Pty Ltd as a quarry and renew the licence deed as Trustee for a period of 20 years;
3. Parties to meet own legal costs associated with the lease agreement;

  
Mayor

  
General Manager

4. Authorises the General Manager and Mayor to execute a lease agreement with Bald Hill Quarry Pty Ltd; and
5. Authorises the application of the Council Seal on the Licence Agreement.

Cr James Hayes/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

## **10.8 CONSIDERATION OF EXPRESSIONS OF INTEREST - DEMERGER BUSINESS CASE**

### **MOTION:**

#### **THAT COUNCIL:**

1. Appoint Newcastle University to undertake a business case capable of being submitted to the Minister for Local Government for de-merging;
2. The business case including an independent financial review be reported back to Council for consideration;
3. Note that the report prepared by Newcastle University will be independently peer-reviewed as part of the preparation process;
4. Allocate \$100,000 to the project noting that this will increase the forecast 2022/23 deficit by the same amount.

Cr James Hayes/Cr Julia Ham

**M332/22 RESOLVED** to move into Committee of the Whole

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**

**M333/22 RESOLVED** to move out of Committee of the Whole

Cr Brent Livermore/Cr Trina Thomson

**CARRIED UNANIMOUSLY**

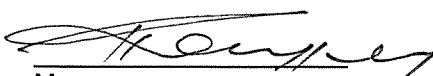
### **M334/22 RESOLVED:**

#### **THAT COUNCIL:**

1. Appoint Newcastle University to undertake a business case capable of being submitted to the Minister for Local Government for de-merging;
2. The business case including an independent financial review be reported back to Council for consideration;
3. Note that the report prepared by Newcastle University will be independently peer-reviewed as part of the preparation process;
4. Allocate \$100,000 to the project noting that this will increase the forecast 2022/23 deficit by the same amount.

Cr James Hayes/Cr Julia Ham

**FOR:** Cr Johanna (Hansie) Armour; Cr Ian Chaffey; Cr Julia Ham; Cr James Hayes; Cr Mick Ivill; Cr Brent Livermore; Cr Trina Thomson

  
Mayor

  
General Manager

**AGAINST:** Cr Sam Hughes

**CARRIED**

## 12. MINUTES OF COMMITTEE MEETINGS

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Nil.

## 13. CONFIDENTIAL

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### **M335/22 RESOLVED:**

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

### **13.1 CONFIDENTIAL - LAND CLEARING MOODY'S HILL MARAGLE - ADMINISTRATIVE CORRECTION REQUIRED**

*Item 13.1 is confidential under the local Government Act 1993 Section 10A (2) (e) as it relates to 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.*

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**

At this stage, the time being 3.43pm Council went into confidential closed session.


### **13.1. CONFIDENTIAL - LAND CLEARING MOODY'S HILL MARAGLE - ADMINISTRATIVE CORRECTION REQUIRED**

### **M336/22 RESOLVED:**

**THAT COUNCIL:**

1. Formally write to the owner(s) of the property at Lot 9 DP 1107472 and seek to have the land that has been cleared, remediated through mulching of the felled timber and applying the material to the land as mulch and further replanting the sites with native vegetation. In any formal correspondence Council shall advise that:
  - (a) It alleges that following Council investigations illegal land clearing has been undertaken in contravention of the *Biodiversity Conservation Act 2016*.
  - (b) It directs the owners of Lot 9 DP 1107472 to prepare a remediation plan for Council approval in accordance with any specification provided by Local Lands Services and Holbrook Local Land Care Group within three (3) months of the date of the direction.
  - (c) All remediation works are to be undertaken at the cost of the landowners and are to be completed in accordance with the approved remediation plan within twelve (12) months of the date of the direction.

  
Mayor

  
General Manager

- (d) Should the remediation not be carried out within the specified period and to the required specification, that Council consider a further report to Council to consider commencing Class 5 Proceedings in the NSW Land and Environment Court against the owners.

Cr James Hayes/Cr Johanna (Hansie) Armour

**CARRIED UNANIMOUSLY**

**M337/22 RESOLVED** to move out of Confidential.

Cr Mick Ivill/Cr Sam Hughes

**CARRIED UNANIMOUSLY**

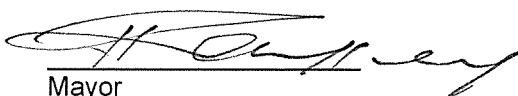
At this stage, the time being 3.45pm Council returned to open session.

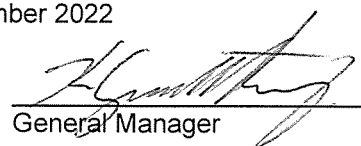
The General Manager read aloud the resolution of the confidential item.

## **14. MEETING CLOSURE**

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There being no further business to discuss, the meeting closed at 3.48pm.

  
Mayor

  
General Manager