



SNOWY VALLEYS COUNCIL ORDINARY MEETING

MINUTES

Thursday, 08 December 2022

MEETING HELD AT 2:01 PM
IN THE COUNCIL CHAMBERS 76 CAPPER STREET TUMUT
AND VIA VIDEO LINK

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

IN ATTENDANCE: General Manager Ken Gouldthorp, Interim Chief Financial Officer Daryl Hagger, Manager Finance Parthiv Parekh, Acting Executive Director Infrastructure Brad Beed, Interim Executive Director Community & Corporate Julie Vaughan; Audit, Risk & Improvement Committee Chair Steven Walker and Executive Assistant Jeannie Moran-Fahey.

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Nil.

3. DECLARATIONS OF PECUNIARY INTEREST

Cr James Hayes declared a non-pecuniary interest in relation to Item # 11.1 'Road Naming Adelong - Proposed Name of Lady Mary Lane' due to being a resident on the lane and will leave the room during discussion.

4. PUBLIC FORUM

Nil.

M338/22 RESOLVED to bring forward Item #10.1 Audit Risk and Improvement Committee Annual Report 2021-2022.

Cr Julia Ham/Cr James Hayes

CARRIED UNANIMOUSLY

Steven Walker Chairperson of the Audit Risk & Improvement Committee addressed Council on Item 10.1 Audit Risk and Improvement Committee Annual Report 2021-2022.

Cr John Larter left the meeting at 2.28pm and returned at 2.29pm.

M339/22 RESOLVED:

THAT COUNCIL:

1. Note the Audit Risk and Improvement Committee Annual Report for the period 2021-22.

Cr Trina Thomson/Cr Mick Ivill

CARRIED UNANIMOUSLY

M340/22 RESOLVED to resume the order of business.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

5. CONFIRMATION OF MINUTES

5.1. MINUTES - ORDINARY COUNCIL - 17 NOVEMBER 2022

M341/22 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 17 November 2022 be received and confirmed as an accurate record with a correction to the question taken on notice by the Acting Executive Director Infrastructure during Item 10.5 being in respect to the Glen Estate rather than Snow View Estate.

Cr Sam Hughes/Cr Julia Ham

CARRIED UNANIMOUSLY

6. CORRESPONDENCE/PETITIONS

Nil.

7. NOTICE OF MOTION/NOTICE OF RESCISSION

7.1. NOTICE OF MOTION: POWERLINES IN KOSCIUSZKO NATIONAL PARK

MOTION:

THAT COUNCIL:

1. Facilitate an in person or virtual community meeting as soon as possible regarding the Kosciuszko National Park Amendment to the Plan of Management Snowy 2.0;
2. Invite representation from National Parks, Snowy Hydro 2.0, Transgrid, UGL, State Parliament and any other key stakeholders to explain the changes, the necessity for the changes, and the impact the changes will have in the Snowy Valleys Council area.

Cr Julia Ham/Cr Brent Livermore

M342/22 RESOLVED to move into Committee of the Whole

Cr Johanna (Hansie) Armour/Cr Sam Hughes

CARRIED UNANIMOUSLY

M343/22 RESOLVED to move out of Committee of the Whole

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

M344/22 RESOLVED:

THAT COUNCIL:

1. Facilitate an in person or virtual community meeting as soon as possible regarding the Kosciuszko National Park Amendment to the Plan of Management Snowy 2.0;
2. Invite representation from National Parks, Snowy Hydro 2.0, Transgrid, UGL, State Parliament and any other key stakeholders to explain the changes, the necessity for the changes, and the impact the changes will have in the Snowy Valleys Council area.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

8. MAYORAL MINUTE

Nil.

9. URGENT BUSINESS WITHOUT NOTICE

M345/22 RESOLVED to move a matter of Urgent Business.

Cr James Hayes/Cr Trina Thomson

CARRIED UNANIMOUSLY

M346/22 RESOLVED:

THAT COUNCIL

1. Delegate authority to the General Manager to determine Modification Application 2022/0024 for a boundary adjustment and lot consolidation at Lots 955, 958, 958, 1056, 1057 and 1097 in DP 757211, Lot 5 in DP115071 Wondalga Road Cooleys Creek submitted to Council on or about 11 November 2022.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

10. GOVERNANCE AND FINANCIAL REPORTS

10.1. AUDIT RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT 2021-2022

Matter brought forward – refer item 4.

10.2. CODE OF CONDUCT COMPLAINT STATISTICS FOR THE REPORTING PERIOD 01 SEPTEMBER 2021 - 31 AUGUST 2022

M347/22 RESOLVED:

THAT COUNCIL:

1. Note the Model Code of Conduct Complaint Statistics for the reporting period 01 September 2021 - 31 August 2022.

Cr Trina Thomson/Cr Mick Ivill

CARRIED UNANIMOUSLY

10.3. 2023 MEETING CALENDAR

M348/22 RESOLVED:

THAT COUNCIL:

1. Receive and note the 2023 Meeting Calendar complete with Committee dates.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

10.4. STATEMENT OF INVESTMENTS - NOVEMBER 2022

M349/22 RESOLVED:

THAT COUNCIL:

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

Cr Mick Ivill/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr James Hayes left the meeting at 3.08pm.

11. MANAGEMENT REPORTS

11.1. ROAD NAMING ADELONG - PROPOSED NAME OF LADY MARY LANE

M350/22 RESOLVED:

THAT COUNCIL:

1. Endorse the road name of Lady Mary Lane in Adelong, pending a minimum 28 days of public exhibition including publishing the proposal in the local newspapers allowing for public comment; and
2. Approve the proposal for the road name Lady Mary Lane if no public submissions are received and:

- serve notices of the road name proposal to Australia Post, Registrar General, Surveyor General
 - formally have the name gazetted in the Government Gazette and place a notice in the local newspaper giving a description to the road and its location; and
3. Receive a further report on the proposed road name of Lady Mary Lane if public submissions are received during the exhibition period.

Cr Trina Thomson/Cr Mick Ivill

CARRIED UNANIMOUSLY

Cr James Hayes returned to the meeting at 3.09pm.

11.2. TUMUT AERODROME - PROPOSED FIRE CONTROL CENTRE

MOTION:

THAT COUNCIL:

1. Delegate to the General Manager to negotiate with the NSW Rural Fire Service (RFS) and Forestry Corporation of NSW (Forestry) the terms for provision of land at Tumut Aerodrome for the proposed Fire Control Centre (FCC).
2. Receive a further report to be provided to Council on the outcome of negotiations.

Cr John Larter/Cr James Hayes

M351/22 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

M352/22 RESOLVED to move out of Committee of the Whole.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

AMENDMENT:

THAT COUNCIL:

1. Delegate to the General Manager to negotiate with the NSW Rural Fire Service (RFS) and Forestry Corporation of NSW (Forestry) the terms for provision of land at Tumut Aerodrome for the proposed Fire Control Centre (FCC), based on the below guiding principles:
 - a. Clarity about accessibility of the FCC and that it can be accessed in all conditions.
 - b. That RFS and Forestry bear the full cost of the development, including services, drainage, etc.
 - c. It is preferred that all services for the facility are owned and maintained by RFS and Forestry.
 - d. That Council be reimbursed for the income potential of the land and consideration be made for reimbursement for missed opportunities.

e. Separation of dealings with RFS and Forestry, so that Forestry do not benefit from community funds which are made available under Council's statutory obligations to RFS.

2. Receive a further report to be provided to Council on the outcome of negotiations.

Cr Trina Thomson/Cr Julia Ham

The Amendment was put and carried.

FOR: Cr Ian Chaffey, Cr Johanna (Hansie) Armour, Cr Sam Hughes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson, Cr Julia Ham

AGAINST: Cr John Larter, Cr James Hayes

CARRIED

The Amendment became the motion and was put and carried.

M353/22 RESOLVED:

THAT COUNCIL:

1. Delegate to the General Manager to negotiate with the NSW Rural Fire Service (RFS) and Forestry Corporation of NSW (Forestry) the terms for provision of land at Tumut Aerodrome for the proposed Fire Control Centre (FCC), based on the below guiding principles:

a. Clarity about accessibility of the FCC and that it can be accessed in all conditions.

b. That RFS and Forestry bear the full cost of the development, including services, drainage, etc.

c. It is preferred that all services for the facility are owned and maintained by RFS and Forestry.

d. That Council be reimbursed for the income potential of the land and consideration be made for reimbursement for missed opportunities.

e. Separation of dealings with RFS and Forestry, so that Forestry do not benefit from community funds which are made available under Council's statutory obligations to RFS.

2. Receive a further report to be provided to Council on the outcome of negotiations.

Cr Trina Thomson/Cr Julia Ham

FOR: Cr Ian Chaffey, Cr Johanna (Hansie) Armour, Cr Sam Hughes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson, Cr Julia Ham

AGAINST: Cr John Larter, Cr James Hayes

CARRIED

12. MINUTES OF COMMITTEE MEETINGS

12.1. MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 23 NOVEMBER 2022

M354/22 RESOLVED:

THAT COUNCIL:

1. Receive the Minutes of the Audit Risk and Improvement Committee held on 23 November 2022.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY**12.2. MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP - 27 OCTOBER 2022****M355/22 RESOLVED:****THAT COUNCIL:**

1. Receive and Note the Minutes of the Disability Inclusion Action Reference Group held on 27 October 2022.
2. Adopt the following recommendation/s from the minutes:
 - 2a. Accept Sonia Rattey (connectmecounselling), Fiona Scott (Valmar), Kerein Mullins (Intereach), Melissa Bradshaw (Snowy Valleys School), Christine Webb (Tumut Community Association), Martin Brown (Community member), Catherine Anderson (Kurrajong) as voting members for the Disability Inclusion Access Reference Group Advisory Committee and notify applicants of the outcome; and
 - 2b. Adopt the reviewed Disability Inclusion Access Reference Group Terms of Reference.

Cr Trina Thomson/Cr Mick Ivill

CARRIED UNANIMOUSLY**12.3. MINUTES - FIRST NATIONS LIAISON COMMITTEE - 16 NOVEMBER 2022****M356/22 RESOLVED:****THAT COUNCIL:**

1. Receive and Note the Minutes of the First National Liaison Committee held on 16 November 2022.
2. Adopt the following recommendation/s from the minutes:
 - 2a. Explore options to establish a volunteer team/program of Aboriginal people to help maintain the lawns and Cemetery in Brungle; and
 - 2b. Appoint a Council Staff member to coordinate the work carried out by the volunteer team/program in Brungle.

Cr Sam Hughes/Cr Julia Ham

CARRIED UNANIMOUSLY**12.4. MINUTES - TOOMA RECREATION RESERVE - AGM 18 OCTOBER, 2022****M357/22 RESOLVED:****THAT COUNCIL:**

1. Adopt the Minutes of the Tooma Recreation Reserve Committee Annual General Meeting held on 18th October, 2022 and they be received and noted;
2. Adopt the Draft Terms of Reference for the Tooma Recreation Reserve Committee;

3. Approve the Tooma Recreation Reserve Committee to open an interest-bearing account for the funding received under the Bushfire Local Economic Recovery Fund; and
4. Approve the request for transfer of \$883.04 to the Tooma Recreation Reserve Committee account.

Cr Brent Livermore/Cr Julia Ham

CARRIED UNANIMOUSLY

13. CONFIDENTIAL

M358/22 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 - RFT - 2022/05 - MR677 ALPINE WAY SLOPE REMEDIATION

Item 13.1 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.

13.2 CONFIDENTIAL - REAPPOINTMENT - INDEPENDENT MEMBER - AUDIT RISK AND IMPROVEMENT COMMITTEE

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.

Cr Trina Thomson/Cr Sam Hughes

CARRIED UNANIMOUSLY

The meeting was closed to the public at 3.47pm.

M359/22 RESOLVED to return to open council.

Cr James Hayes/Cr Sam Hughes

CARRIED UNANIMOUSLY

The meeting was re-opened to the public at 3.49pm.

The General Manager advised that during the closed session, Council made the following resolutions:

13.1. CONFIDENTIAL - RFT 2022/05 - MR677 ALPINE WAY SLOPE REMEDIATION**M359/22 RESOLVED:**

THAT COUNCIL:

1. Resolve in accordance with Section 55 of the NSW *Local Government Act 1993* to accept the Tender (RFT 2022/05) for the remediation of the identified slopes as corrected in the report, located along the Alpine Way (MR677), south of Khancoban, of Mulligan Geotechnical Pty Ltd being for the Schedule of Rates Contract, estimated amount of \$1,278,982.98 including GST, subject to final agreed quantities;
2. Authorise the General Manager to enter into a contract with Mulligan Geotechnical Pty Ltd for the remediation of the identified slopes on behalf of Transport for NSW; and
3. Write to the unsuccessful tenderers advising of the outcomes of the tender process.

Cr Trina Thomson/Cr Brent Livermore

CARRIED UNANIMOUSLY**13.2. CONFIDENTIAL - REAPPOINTMENT - INDEPENDENT MEMBER - AUDIT RISK AND IMPROVEMENT COMMITTEE****M360/22 RESOLVED:**

THAT COUNCIL:

1. Reappoint Melissa Tooke to the Audit, Risk and Improvement Committee from January 2023 until January 2026.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY**14. MEETING CLOSURE**

There being no further business to discuss, the meeting closed at 3.53pm.