

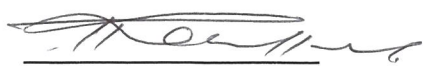


ORDINARY MEETING

MINUTES

Thursday, 17 August 2023

THE MEETING WILL BE HELD AT 2:00 PM
IN THE COUNCIL CHAMBERS 76 CAPPER STREET TUMUT AND
VIA VIDEO LINK



Mayor



General Manager



Thursday, 17 August 2023

In the Council Chambers 76 Capper Street Tumut and Via Video Link

2:00 PM

MINUTES

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Mayor

A handwritten signature in black ink, appearing to read "General Manager", is written over a horizontal line.

General Manager

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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 John Larter, Cr Brent Livermore, Cr Trina Thomson

IN ATTENDANCE: Acting General Manager Duncan Mitchell, Acting Director Infrastructure & Works Quentin Adams, Director Community & Corporate Jessica Quilty, Manager Finance Parthiv Parekh, Manager Growth & Activation Nick Wilton

1. ACKNOWLEDGEMENT OF COUNTRY

An acknowledgement of the traditional custodians of the land was delivered by Cr Julia Ham.

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Nil.

3. DECLARATIONS OF PECUNIARY INTEREST

Cr Brent Livermore declared a non-significant non-pecuniary interest in relation to report Item 10.3 Snowy Valleys Council Event Sponsorship Program due to membership of the Tumbarumba Campdraft Club and will leave the room during discussion.

Cr Julia Ham declared a pecuniary interest in relation to the Mayoral Minute - Planning Proposal - Centrebased Child Care Facility due to having a pecuniary interest in the Tumbarumba Pre-school and will leave the room during discussion.

Cr John Larter declared a non-significant non-pecuniary interest in relation to report 10.4 Tumut Aerodrome Stage 2 - Flood Impacts & Options due to aircraft ownership and will remain in the room during discussion.

4. CONFIRMATION OF MINUTES

4.1. MINUTES - ORDINARY COUNCIL - 20 JULY 2023

M142/23 RESOLVED:

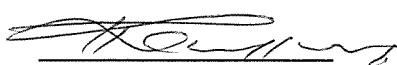
That the Minutes of the Ordinary Council Meeting held on 20 July 2023 be received and confirmed as an accurate record, noting that the Urgent Notice of Motion submitted by Cr James Hayes which was subsequently refused and omitted. The minutes are to be amended accordingly.


Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

5. CORRESPONDENCE/PETITIONS

Nil.


Mayor


General Manager

6. NOTICE OF MOTION/NOTICE OF RESCISSION

Nil.

Cr Julia Ham left the room at 2.08pm.

7. MAYORAL MINUTE

MAYORAL MINUTE - PLANNING PROPOSAL - CENTRE BASED CHILD CARE FACILITY

M143/23 RESOLVED:

THAT COUNCIL:

1. Support the Planning Proposal to enable an additional permitted use for a 'Centre Based Child Care Facility' under Schedule 1 of the Tumbarumba Local Environment Plan at Lot 17 and Lot 18 of Section 9, Deposited Plan 759003;
2. The Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination under s.3.34 of the Environmental Planning & Assessment Act 1979.

Cr James Hayes/Cr Brent Livermore

For: Cr Armour, Cr Chaffey, Cr Hayes, Cr Hughes, Cr Ivill, Cr Larter, Cr Livermore, Cr Thomson

Against: Nil

CARRIED UNANIMOUSLY

Cr Julia Ham returned to the meeting at 2.10pm.

MAYORAL MINUTE - COUNTRY UNIVERSITIES CENTRE

M144/23 RESOLVED:

THAT COUNCIL:

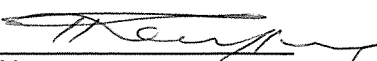
1. Form a Country Universities Centre Working Party consisting of one councillor being Mayor Chaffey, with Cr Julia Ham nominated as alternate and one staff member being Director Community & Corporate to progress the establishment of a Country Universities Centre in Tumut;
2. The Country Universities Centre Working Party actively seek funding;
3. Receive a report to the November 2023 Ordinary Meeting of Council on the progress of the Country Universities Centre Working Party.

Cr Ian Chaffey

CARRIED UNANIMOUSLY

8. URGENT BUSINESS WITHOUT NOTICE

Nil.


Mayor


General Manager

9. GOVERNANCE AND FINANCIAL REPORTS

9.1. 2023 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 12-14 NOVEMBER

MOTION:

THAT COUNCIL:

1. Authorise all available Councillors wishing to attend the LGNSW Annual Conference
2. Nominate the Mayor and Deputy Mayor as voting delegates for motions before the LGNSW Annual Conference on 12-14 November 2023;
3. Approve the two (2) motions outlined in this report;
4. Grant delegated authority to the Mayor to request the General Manager to submit any further proposed motions, after consulting with Councillors, prior to the deadline for submitting motions.

Cr John Larter/Cr Julia Ham

M145/23 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

M146/23 RESOLVED to move out of Committee of the Whole.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

M147/23 RESOLVED:

THAT COUNCIL:

1. Authorise all available Councillors wishing to attend the LGNSW Annual Conference.
2. Nominate the Mayor and Deputy Mayor as voting delegates for motions before the LGNSW Annual Conference on 12-14 November 2023;
3. Approve the two (2) motions outlined in this report subject to amending motion 1 - in order to speak more directly to the prevention of the closure of banks and support of rural and regional communities;
4. Submit a third motion in relation to the undergrounding of transmission lines;
5. Submit a fourth motion in relation to the State Government's handling of COVID-19 in particular the impact on Ambulance Services;
6. Grant delegated authority to the Mayor to request the General Manager to submit any further proposed motions, after consulting with Councillors, prior to the deadline for submitting motions.

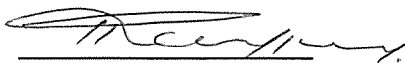
Cr Mick Ivill/Cr Julia Ham

CARRIED UNANIMOUSLY

M148/23 RESOLVED to bring forward Item 10.6

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY


Mayor


General Manager

10.6. DA 2023/0025 - PROPOSED TOURIST AND VISITOR ACCOMMODATION. 404 GOOBARRAGANDRA ROAD, GOOBARRAGANDRA**M149/23 RESOLVED**

To defer Item 10.6 DA 2023/0025 - Proposed Tourist and Visitor Accommodation. 404 Goobarragandra Road, Goobarragandra to the next council meeting in order for councillors along with staff to undertake a site visit on 7 September 2023.

Cr Trina Thomson/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

9.2. FOURTH QUARTER PERFORMANCE UPDATE (DELIVERY PROGRAM/OPERATIONAL PLAN 2022-23)**M150/23 RESOLVED:**

THAT COUNCIL:

1. Note the Fourth Quarter Performance Update (Delivery Program / Operational Plan 2022-23).

Cr Brent Livermore/Cr John Larter

CARRIED UNANIMOUSLY

9.3. STATEMENT OF INVESTMENTS - 31 JULY 2023**M151/23 RESOLVED:**

THAT COUNCIL:

1. Note the report on Statement of Investments - 31 July 2023.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

Cr Ham left the room at 2.52pm.

10. MANAGEMENT REPORTS**10.1. LIFELONG LEARNERS - REALLOCATION OF RESERVE FUNDS****MOTION:**

THAT COUNCIL:

1. Reallocate the Third Age Committee Reserve of \$3,148.24 to the Place Activation budget to coordinate programs and activities for seniors.
2. Reallocate the Life Long Learners Reserve of \$1,624.68 to the Place Activation budget to coordinate programs and activities for seniors.



Mayor



General Manager

3. Reallocate the Life Long Learners bank funds of approximately \$700, as of July 2023, from the National Australia Bank account to the Place Activation budget to coordinate programs, activities and events for seniors.
4. Write to both current signatories of the Life Long Learners bank account advising them of the outcome of this report.
5. Delegate the Manager Finance as the signatory on the Life Long Learners bank account held with the National Australia Bank, for the purposes of transferring the money to Council and then closing the bank account.

Cr John Larter/Cr Trina Thomson

Cr Julia Ham returned to the room at 2.54pm.

AMENDMENT:

THAT COUNCIL:

1. Reallocate the Third Age Committee Reserve of \$3,148.24 to the Place Activation budget to coordinate programs and activities for seniors.
2. Reallocate the Life Long Learners Reserve of \$1,624.68 to the Place Activation budget to coordinate programs and activities for seniors.
3. Reallocate the Life Long Learners bank funds of approximately \$700, as of July 2023, from the National Australia Bank account to the Place Activation budget to coordinate programs, activities and events for seniors.
4. Write to both current signatories of the Life Long Learners bank account advising them of the outcome of this report.
5. Delegate the Manager Finance as the signatory on the Life Long Learners bank account held with the National Australia Bank, for the purposes of transferring the money to Council and then closing the bank account.
6. That Council liaise with previous committee members on the money being allocated towards the Country Universities Centre initiative should that meet their approval.

Cr James Hayes/Cr John Larter

The amendment was put and carried.

For: Cr Armour, Cr Chaffey, Cr Ham, Cr Hayes, Cr Hughes, Cr Ivill, Cr Larter, Cr Livermore

Against: Cr Thomson

8/1

CARRIED

M152/23 RESOLVED:

THAT COUNCIL:

1. Reallocate the Third Age Committee Reserve of \$3,148.24 to the Place Activation budget to coordinate programs and activities for seniors.


Mayor


General Manager

2. Reallocate the Life Long Learners Reserve of \$1,624.68 to the Place Activation budget to coordinate programs and activities for seniors.
3. Reallocate the Life Long Learners bank funds of approximately \$700, as of July 2023, from the National Australia Bank account to the Place Activation budget to coordinate programs, activities and events for seniors.
4. Write to both current signatories of the Life Long Learners bank account advising them of the outcome of this report.
5. Delegate the Manager Finance as the signatory on the Life Long Learners bank account held with the National Australia Bank, for the purposes of transferring the money to Council and then closing the bank account.
6. That council liaise with previous committee members on the money being allocated towards the Country Universities Centre initiative should that meet their approval.

Cr James Hayes/Cr John Larter

The amendment became the motion and was put and carried.

CARRIED

10.2. DISSOLUTION OF PIONEER WOMENS HUT SUB-COMMITTEE

M153/23 RESOLVED:

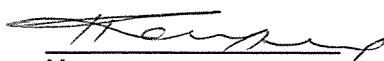
THAT COUNCIL:

1. Dissolve the Pioneer Womens Hut sub-committee as of 17 August 2023;
2. Acknowledge the Pioneer Womens Hut Incorporated as the new body responsible for the museum functions located within the Glenroy Heritage Reserve;
3. Approve the donation of all monies held by the Pioneer Womens Hut sub-committee to the Pioneer Womens Hut Incorporated;
4. Approve the transfer of all non-fixed assets held by the Pioneer Womens Hut sub-committee to the Pioneer Womens Hut Incorporated;
5. Transfer copyright from Snowy Valleys Council to Pioneer Womens Hut Incorporated for all publications produced through the Pioneer Womens Hut sub-committee;
6. Write to the Pioneer Womens Hut sub-committee advising of the dissolution of the sub-committee as of 17 August 2023;
7. Acknowledge the efforts of current and previous sub-committee members and volunteers and thank them for their contribution to the community and Snowy Valleys Council;
8. Authorise the General Manager to enter into an agreement with Pioneer Womens Hut Incorporated to determine the ongoing use of Glenroy Heritage Reserve and its facilities.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

Cr Livermore left the room at 2.58pm.


Mayor


General Manager

10.3. SNOWY VALLEYS COUNCIL EVENT SPONSORSHIP PROGRAM 2023-2024**M154/23 RESOLUTION:**

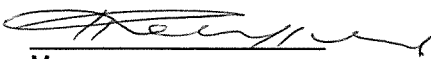
THAT COUNCIL:

1. Endorse the projects recommended for funding, these being:
 - a. Adelong Carols by Candlelight - \$1,000.00
 - b. Adelong Show - \$1,000.00
 - c. ANZAC Day Ceremony and Aged Care Centre Concert - \$825.00
 - d. Batlow Show - \$1,000.00
 - e. Blues, Brews and BBQ - \$3,500.00
 - f. Ciderfest - \$5,156.00
 - g. Courabyra Hall Christmas Markets - \$1,290.00
 - h. Courabyra Hall Mother's Day Markets - \$1,900.00
 - i. Falling Leaf Festival - \$4,804.00
 - j. Khancoban Fireworks - \$3,000.00
 - k. Rosewood Bonfire Night - \$3,000.00
 - l. Rotary Carols by Candlelight - Tumut - \$1,000.00
 - m. Talbingo Tattoo - \$2,737.50
 - n. The Off Grid Throwdown - \$3,200.00
 - o. Tumbafest - \$5,745.60
 - p. Tumbarumba Campdraft - \$659.92
 - q. Tumbarumba Christmas Carnival - \$1,000.00
 - r. Tumbarumba Rodeo - \$3,500.00
 - s. Tumbarumba Show - \$1,000.00
 - t. Tumbarumba Spring Flower Festival - \$1,268.00
 - u. Tumut Cycle Classic - \$2,000.00
 - v. Tumut MTB - \$155.00
 - w. Tumut Reined Cow Horse Show - \$1,000.00
 - x. Tumut River Tap Days - \$2,066.00
 - y. Tumut Show - \$1,000.00
 - z. Tumut Xmas Family Fun Night - \$1,000.00
 - aa. Zone 20 Pony Club - \$1,200.00

Cr Mick Ivill/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Brent Livermore returned to the meeting at 3.00pm.


Mayor
General Manager

10.4. TUMUT AERODROME STAGE 2 - FLOOD IMPACTS & OPTIONS

MOTION:

THAT COUNCIL:

1. Proceed with the original planned extension of the runway by 240m north of the existing runway.

Cr John Larter/Cr Mick Ivill

Lapsed

M155/23 RESOLVED to move into Committee of the Whole.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

M156/23 RESOLVED to move out of Committee of the Whole.

Cr Brent Livermore /Cr Mick Ivill

CARRIED UNANIMOUSLY

AMENDMENT:

THAT COUNCIL:

Defer this item until a presentation on the capability of fixed wing fire-fighting from Rural Fire Service aviation unit is provided to Council.

Cr John Larter/Cr Mick Ivill

The amendment was put and carried.

CARRIED UNANIMOUSLY

M157/23 RESOLVED:

THAT COUNCIL:

Defer this item until a presentation on the capability of fixed wing fire-fighting from Rural Fire Service aviation unit is provided to Council.

Cr John Larter/Cr Mick Ivill

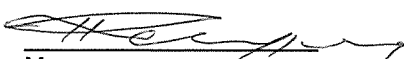
The amendment became the Motion and was put and carried.

CARRIED UNANIMOUSLY

10.5. SUBDIVISION OF LAND - LOT 3 DP 1041444 - SNOWY MOUNTAINS HIGHWAY GILMORE TUMUT

M158/23 RESOLVED:

THAT COUNCIL:


Mayor


General Manager

1. Consent to make an application for the subdivision of the 28.5Ha Lot 3 DP 1041444 zoned E4 and RU1, located on Snowy Mountains Highway in Gilmore.
2. Seek approval to subdivide the 28.5Ha lot into:
 - (a) 15.5Ha E4 General Industrial lot then seek approval to subdivide into lots zoned E4 General Industrial
 - (b) Subdivide the remaining land into 1 x RU1 lot of approximately 12.99 ha which is to remain in the ownership of Council
3. Authorise the sale (once approved) of the industrial lots zoned E4 of Lot 3 DP 1041444 located on Snowy Mountains Highway in Gilmore through a public Expressions of Interest (EOI) process.
4. That a report be brought back to Council on the outcome of the EOI process recommending whether to proceed with the sale of the lots zoned E4 either by accepting directly any of the offers put forward through the EOI process or to proceed to a public auction of the properties or not.
5. Retain the RU1 lot of 12.99Ha in the ownership of Council for future use and leasing purposes.
6. Delegate authority to the General Manager to negotiate and finalise the terms of subdivision and sale of the E4 lots zoned General Industrial including the sale price, provided it is within 10% of the land valuation that Council has received.
7. Authorise the affixing of the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

10.7. DEVELOPMENT APPLICATION 2023-0073 - CONTINUOUS USE OF COMPLETED EARTHWORKS. LOT 10 DP 703914, 131-133 HERBERT STREET TUMUT NSW 2720

RECOMMENDATION:

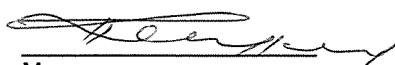
THAT COUNCIL:


1. Determine the Development Application 2023/0073 which seeks consent for continued use (retrospective approval) of earthworks at Lot 10 DP 703914 known as 131-133 Herbert Street Tumut by way of refusal for the following reasons:

(i) Pursuant to *Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979*, the completed earthfilling work is inconsistent with the objectives of the R2 Low density residential zone of the Tumut Local Environment Plan 2012 in the scope of completed earthfilling area that contravenes the development approval (DA 2020/0259) issued for domestic shed and has been and is likely to support commercial plant utilising the site. The landfilling is excessive and unnecessary to support a residential pursuit on the land.

(ii) Pursuant to *Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979*, the completed earthfilling work is unsatisfactory in respect to the matters for consideration under Clause 6.1 (Earthworks), 6.4 (Ground water vulnerability) & 6.8 (Landslide risk) of Tumut Local Environment Plan 2012. The development application was not lodged with adequate information for addressing the requirements of subject clauses of LEP and therefore Council is unable to be satisfied that the development as proposed can satisfy the subject clauses.

(iii) Pursuant to *Section 4.15(a)(iii) of the Environmental Planning and Assessment Act 1979*, the completed earthfilling work is unsatisfactory in respect to 'Requirements Applying to All


Mayor


General Manager

Development' in particular 3.2.6 & 3.2.9 of Snowy Valleys Development Control Plan 2019 in its current form.

(iv) Pursuant to *Section 4.15(1)(b) Environmental Planning and Assessment Act, 1979* the completed earthfilling work is unsatisfactory in respect to the matters identified for likely impacts on the natural and built environment due to the nature of development form.

(v) Pursuant to *Section 4.15(1)(c) Environmental Planning and Assessment Act 1979*, the completed earthfilling work is unsatisfactory as the apron is not consistent with the intended use of the approved domestic shed and sealed driveway due to the predominant land filling area established on the property in which the area will be deemed to be unnecessary for domestic use.

(vi) Pursuant to *Section 4.15(1)(c) Environmental Planning and Assessment Act 1979*, the completed earthfilling work does not provide any certainty with respect to stormwater management on the land and its potential impacts on surrounding properties.

(vii) Pursuant to *Section 4.15(1)(c) Environmental Planning and Assessment Act 1979*, the application fails to provide any geotechnical information to enable Council to be satisfied of the geotechnical hazards of the site.

(viii) Pursuant to *Section 4.15(1)(e) Environmental Planning and Assessment Act 1979*, the completed earthfilling work has or is likely to have a visual impact on adjoining and adjacent properties due to the bulk and scale of the earth filling.

(ix) Pursuant to *Section 4.15(a)(iii) of the Environmental Planning and Assessment Act 1979*, the development as proposed provides no information with respect to stormwater management as a result of runoff from the earth filling and accordingly Council is unable to assess the impacts of stormwater runoff on surrounding properties.

MOTION:

THAT COUNCIL:

Defer Item 10.7 to the next Council Meeting in order to obtain more information from the applicant.

Cr James Hayes/Cr John Larter

M159/23 RESOLVED to move into Committee of the Whole.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

M160/23 RESOLVED to move out of Committee of the Whole.

Cr Mick Ivill /Cr James Hayes

CARRIED UNANIMOUSLY

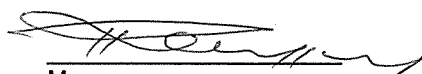
M161/23 RESOLVED:

THAT COUNCIL:

Defer Item 10.7 to the next Council Meeting to consider draft conditions in accordance with the discussion held during the Council meeting.

Cr James Hayes/Cr John Larter

CARRIED UNANIMOUSLY


Mayor


General Manager

11. MINUTES OF COMMITTEE MEETINGS

Nil.

12. CONFIDENTIAL

M162/23 RESOLVED:

That Council move into Confidential to consider 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.

12.1 CONFIDENTIAL - GOOBARRAGANDRA LEGAL MATTERS

Item 12.1 is confidential under the Local Government Act 1993 Section 10A (2) (e) (g) as it relates to information which, if disclosed could prejudice the maintenance of law and contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds 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.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

The meeting was closed to the public at 3.58pm.

M163/23 RESOLVED to return to open council.

Cr Ian Chaffey/Cr Trina Thomson.

The meeting was re-opened to the public at 4.29pm.

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

12.1. CONFIDENTIAL - GOOBARRAGANDRA LEGAL MATTERS

M164/23 RESOLVED:

THAT COUNCIL:

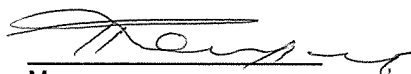
1. Note the report on Goobarragandra legal matters.
2. Authorise the General Manager, the Mayor and the party to enter into mediation on the basis that costs for the mediation are shared equally and that the mediator to be appointed is agreed to be both parties.

Cr Trina Thomson/Cr James Hayes

CARRIED UNANIMOUSLY

13. MEETING CLOSURE

There being no further business to discuss, the meeting closed at 4.31pm.


Mayor


General Manager