



ORDINARY MEETING

MINUTES

Thursday, 21 March 2024

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



Thursday, 21 March 2024

Council Chambers 76 Capper Street Tumut and Via Video Link

2:00 PM

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- 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 Trina Thomson
- IN ATTENDANCE:** Interim General Manager Steven Pinnuck, Director Community & Corporate Jessica Quilty, Director Infrastructure & Works Duncan Mitchell, Executive Manager Growth & Development Nick Wilton

1. PUBLIC FORUM

Nil.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

A Leave of Absence for today's meeting has been received from Cr Brent Livermore.

M36/24 RESOLVED that the Leave of Absence from Cr Brent Livermore for today's meeting be received and granted.

Cr Julia Ham/Cr Sam Hughes

CARRIED UNANIMOUSLY

4. DECLARATIONS OF PECUNIARY INTEREST

Cr Trina Thomson declared a non-significant non-pecuniary interest in relation to report 13.1 Confidential – RFQ2024/03 – Financial Sustainability Review due to being related to one of the tenderers and will remain in the room during discussion.

5. CONFIRMATION OF MINUTES

5.1. MINUTES - ORDINARY COUNCIL -15 FEBRUARY 2024

M37/24 RESOLVED that the Minutes of the Ordinary Council Meeting held on 15 February 2024 be received and confirmed as an accurate record, noting that regarding Item 6.2 Petition – 'Green Life' Sculpture Batlow' M11/24, M12/24 and M13/24 were all resolutions made to the Amendment as moved by Cr Larter and seconded by Cr Ivill.

Cr Trina Thomson/Cr Mick Ivill

CARRIED UNANIMOUSLY

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in Council Chambers 76 Capper Street Tumut and Via Video Link on Thursday, 21 March 2024

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6. CORRESPONDENCE/PETITIONS

Nil.

7. MAYORAL MINUTE

Nil.

8. NOTICE OF MOTION/NOTICE OF RESCISSION

Nil.

9. URGENT BUSINESS WITHOUT NOTICE

Nil.

10. GOVERNANCE AND FINANCIAL REPORTS

10.1. DE-AMALGAMATION UPDATE

M38/24 RESOLVED:

THAT COUNCIL:

1. Note the Report and authorise the Mayor and Interim General Manager to represent Snowy Valleys Council at Local Government Boundaries Commission Public Hearings to be held on either 29 or 30 May 2024.

Cr Julia Ham/Cr Mick Ivill

CARRIED UNANIMOUSLY

10.2. PROPOSED FIRE CONTROL CENTRE - HEADS OF AGREEMENT (HOA)

MOTION:

THAT COUNCIL:

1. Approve the Heads of Agreement between Snowy Valleys Council, Forestry Corporation and the NSW Rural Fire Service for the construction of a Fire Control Centre and Forestry Office at the Tumut Aerodrome as included as Attachment 1;
2. Authorise the Interim General Manager to execute the document on behalf of Council.

Cr James Hayes/Cr Sam Hughes

AMENDMENT:

THAT COUNCIL:

1. Approve the Heads of Agreement between Snowy Valleys Council, Forestry Corporation and the NSW Rural Fire Service for the construction of a Fire Control Centre and Forestry Office at the Tumut Aerodrome as included as Attachment 1;
2. Ensure that the operation of the Fire Control Centre and Forestry Office does not unnecessarily impede or negatively impact on the recreational or other users of the aerodrome; and
3. Authorise the Interim General Manager to execute the document on behalf of Council.

Cr Trina Thomson

*Lapsed due to no seconder***M39/24 RESOLVED** to move into Committee of the Whole

Cr Trina Thomson/Cr Mick Ivill

CARRIED UNANIMOUSLY**M40/24 RESOLVED** to move out of Committee of the Whole

Cr James Hayes/Cr Sam Hughes

CARRIED UNANIMOUSLY**M41/24 RESOLVED:**

THAT COUNCIL:

1. Approve the Heads of Agreement between Snowy Valleys Council, Forestry Corporation and the NSW Rural Fire Service for the construction of a Fire Control Centre and Forestry Office at the Tumut Aerodrome as included as Attachment 1;
2. Authorise the Interim General Manager to execute the document on behalf of Council.

Cr James Hayes/Cr Sam Hughes

CARRIED UNANIMOUSLY**10.3. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2024 NATIONAL GENERAL ASSEMBLY 2-4 JULY****M42/24 RESOLVED:**

THAT COUNCIL:

1. Note the report on Australian Local Government Association 2024 National General Assembly on 2-4 July at the National Convention Centre, Canberra;
2. Move the July 2024 Councillor Workshop from the 4th to the 11th;

3. Approve the in-person or remote attendance of the Mayor and Deputy Mayor to the 2024 National General Assembly, provided there is sufficient funds within budget allocations at the time of registering attendance;
4. Approve the in-person or remote attendance of additional Councillors to the 2024 National General Assembly, provided there is sufficient funds within budget allocations at the time of registering attendance;
5. Confirm the Mayor as the voting delegate for Snowy Valleys Council, and in the event of the Mayor's absence, the Deputy Mayor as the alternate voting delegate;
6. Submit any motions to Council by Tuesday 30 April 2024; and
7. Endorse the attendance of the Mayor at the Australian Council of Local Government on 5 July 2024

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

10.4. STATEMENT OF INVESTMENTS - FEBRUARY 2024

M43/24 RESOLVED:

THAT COUNCIL:

1. Note the report on Statement of Investments - February 2024.

Cr Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY

11. MANAGEMENT REPORTS

11.1. TALBINGO LIBRARY ALTERNATIVE SERVICE ARRANGEMENTS REVIEW

M44/24 RESOLVED:

THAT COUNCIL:

1. Note the report on Talbingo Library alternative service arrangement review;
2. Endorse the continuation of the Talbingo Library alternative service arrangement; and
3. Explore other programs and activities in Talbingo that promote social connection i.e. Council and other services.

Cr James Hayes/Cr John Larter

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

Against: Cr Thomson

CARRIED

11.2. OPTIONS TO RECRUIT - ROOM LEADER - KHANCOBAN PRESCHOOL

MOTION:

THAT COUNCIL:

1. Authorise the Director Community & Corporate to develop the employment conditions set out in Option 3 of Table 3 to attract a Room Leader to the position at Khancoban Preschool.

Cr James Hayes/Cr Mick Ivill

M45/24 RESOLVED to move into Committee of the Whole

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

M46/24 RESOLVED to move out of Committee of the Whole

Cr Mick Ivill/Cr Sam Hughes

CARRIED UNANIMOUSLY

M47/24 RESOLVED:**THAT COUNCIL:**

1. Authorise the Director Community & Corporate to develop the employment conditions set out as Option 2 or 3 (Table 3) of the report to attract a Room Leader to the position at Khancoban Preschool.
2. Liaise with the Khancoban community to identify potential solutions to staffing challenges and governance models.

Cr James Hayes/Cr Mick Ivill

CARRIED UNANIMOUSLY

11.3. TUMUT VISITOR INFORMATION CENTRE MOU**MOTION:****THAT COUNCIL:**

1. Enter into a 12-month Memorandum of Understanding agreement with National Parks and Wildlife Service for the operation of the Tumut Visitor Information Centre, with a financial contribution of \$100,000.

Cr Trina Thomson/Cr Sam Hughes

AMENDMENT:**THAT COUNCIL:**

1. Enter into a 12-month Memorandum of Understanding agreement with National Parks and Wildlife Service for the operation of the Tumut Visitor Information Centre, with a financial contribution of \$100,000.
2. Invite Expressions of Interest for the provision of Visitor Information Centres throughout the shire.

Cr Johanna (Hansie) Armour/Cr Julia Ham

The amendment was put and carried.

For: Cr Armour, Cr Hughes, Cr Hayes, Cr Ivill, Cr Ham, Cr Chaffey, Cr Thomson

Against: Cr Larter

CARRIED

M48/24 RESOLVED:

THAT COUNCIL:

1. Enter into a 12-month Memorandum of Understanding agreement with National Parks and Wildlife Service for the operation of the Tumut Visitor Information Centre, with a financial contribution of \$100,000.
2. Invite Expressions of Interest for the provision of Visitor Information Centres throughout the shire.

Cr Johanna (Hansie) Armour/Cr Julia Ham

The amendment became the motion and was put and carried.

For: Cr Armour, Cr Hughes, Cr Hayes, Cr Ivill, Cr Ham, Cr Chaffey, Cr Thomson

Against: Cr Larter

CARRIED

11.4. INVESTIGATION FOR OPTIONS AND COSTINGS - INSTALLATION OF CCTV

MOTION:

THAT COUNCIL:

1. Notes the NSW Government Guidelines and Policy Statement on CCTV which states "CCTV can be effective in reducing crime if it is part of a broader crime prevention and community safety strategy and that "CCTV is not recommended as an isolated response to addressing crime in public places";
2. Note the cost of installing and maintaining a CCTV network across Council's infrastructure assets that have been identified as "high and very high-risk" assets in terms of vandalism;
3. As a first step, undertakes other vandal proof measures to mitigate damage to Council facilities such as increased lighting and installing security barriers across a number of public amenities buildings and playgrounds as identified in this report;
4. If after 18 months of monitoring, these measures are found to be unsuccessful, then consider installing CCTV at the identified "high and very high-risk" assets as part of an integrated approach to decreasing vandalism across the Local Government Area; and
5. Note the annual cost of repairing vandalism across all its infrastructure for 2022/2023 and 2023/2024 to date.

Cr Sam Hughes/Cr Johanna (Hansie) Armour

AMENDMENT:

THAT COUNCIL:

1. Accept the report on Installation of CCTV;
2. Invite Police and community to work with Council to address the vandalism and anti-social behaviour in the shire;
3. Notes the NSW Government Guidelines and Policy Statement on CCTV which states "CCTV can be effective in reducing crime if it is part of a broader crime prevention and community safety strategy and that "CCTV is not recommended as an isolated response to addressing crime in public places";

Cr Trina Thomson/Cr James Hayes

*The amendment was put and carried.***CARRIED UNANIMOUSLY****M49/24 RESOLVED:**

THAT COUNCIL:

1. Accept the report on Installation of CCTV;
2. Invite Police and community to work with Council to address the vandalism and anti-social behaviour in the shire;
3. Notes the NSW Government Guidelines and Policy Statement on CCTV which states "CCTV can be effective in reducing crime if it is part of a broader crime prevention and community safety strategy and that "CCTV is not recommended as an isolated response to addressing crime in public places";

Cr Trina Thomson/Cr James Hayes

*The amendment became the motion and was put and carried.***CARRIED UNANIMOUSLY****11.5. STOCKGRID APPLICATION - MEADOW CREEK ROAD MINJARY****M50/24 RESOLVED:**

THAT COUNCIL:

1. Approve the application on the basis that the applicant is wholly responsible for the ownership and maintenance of the stock grid on Council's public road and also accepts all responsibility for any Public Liability claims that may arise in the future as a result of the stock grid being installed in this location on Council's public road;
2. A public positive covenant is created by Council for the applicant and owner of the stockgrid in terms of the ownership and maintenance responsibilities associated with the installation of the stockgrid in the public roadway as a Section 88(e) instrument of the *Conveyancing Act 1919*. The Section 88(e) instrument will ensure that the stockgrid and all responsibility for it vests with the applicant (property owner) and not Council;
3. Note that the applicant and all property owners along Meadow Creek Road, Minjary must observe at all times the requirements of Section 116 of the *Local Land Services Act 2013* which states it is an

offence of causing or permitting stock to be on a public road, travelling stock reserve or public land without authority; and

4. Notes the installation of a stockgrid on Meadow Creek Road Minjary (Public Road) is contrary to Council's current Public Gates and Grids Policy - section 4.2.1, Section 128 of the *Roads Act 1993* and also notes that under section 116 of the *Local Land Services Act 2013*, it is an offence to cause or permit stock to be on a public road, travelling stock reserve or public land without authority. All property owners must maintain their properties and boundary fences in a condition that prevents livestock from entering the Road Corridor and becoming a traffic and public safety hazard at all times.

Cr Johanna (Hansie) Armour/Cr James Hayes

For: Cr Johanna (Hansie) Armour, Cr Ham, Cr Hughes, Cr Hayes, Cr Ivill, Cr Larter, Cr Thomson

Against: Cr Chaffey

CARRIED

12. MINUTES OF COMMITTEE MEETINGS

12.1. MINUTES - FIRST NATIONS LIAISON COMMITTEE - 28 FEBRUARY 2024

M51/24 RESOLVED:

THAT COUNCIL:

1. Note the minutes of the First Nations Liaison Committee meeting held on 28 February 2024;
2. Adopt the following recommendation/s from the minutes:
 - a. Accept member resignations from Uncle John Casey and Lorna Casey; and
 - b. Appoint Mark Small as a voting member of the First Nations Liaison Committee and notify applicant of the outcome.

Cr Sam Hughes/Cr Mick Ivill

CARRIED UNANIMOUSLY

12.2. MINUTES - YOUTH COUNCIL COMMITTEE - 8 FEBRUARY 2024

M52/24 RESOLVED:

THAT COUNCIL:

1. Note the minutes of the Youth Council Committee held on 8 February 2024;
2. Adopt the following recommendation/s from the minutes:
 - a. Appoint Aiyana Ironside as Chairperson of the Youth Council Committee and notify Aiyana Ironside of the outcome.

Cr Sam Hughes/Cr Trina Thomson

CARRIED UNANIMOUSLY

13. CONFIDENTIAL

M53/24 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 - RFQ2024/03 - FINANCIAL SUSTAINABILITY REVIEW

Item 13.1 is confidential under the *Local Government Act 1993* Section 10A (2) (d)ii as it relates to commercial information of a confidential nature 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 - RFT2023/09 - WALTEELA BRIDGE MANNUS CREEK - DESIGN AND CONSTRUCTION

Item 13.2 is confidential under the *Local Government Act 1993* Section 10A (2) (d)ii as it relates to commercial information of a confidential nature 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 Julia Ham /Cr Mick Ivill

CARRIED UNANIMOUSLY

At this stage, the time being 3.18pm went into Confidential Session.

M54/24 RESOLVED to move back into Open Session.

Cr Mick Ivill/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

At this stage, the time being 3.33pm the meeting was re-opened to the public.

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

13.1. CONFIDENTIAL - RFQ2024/03 - FINANCIAL SUSTAINABILITY REVIEW

M55/24 RESOLVED

THAT COUNCIL:

1. Authorise the Interim General Manager to accept, subject to funding, the RFQ2024/03 quotation of \$45,000 (ex GST) submitted by Always Thinking Advisory to undertake a Financial Sustainability Review of Snowy Valleys Council, including two proposed new councils.

Cr Johanna (Hansie) Armour/Cr Julia Ham

For: Cr Armour, Cr Hughes, Cr Hayes, Cr Ivill, Cr Ham, Cr Chaffey, Cr Thomson

Against: Cr Larter

CARRIED

13.2. CONFIDENTIAL - RFT2023/09 - WALTEELA BRIDGE MANNUS CREEK - DESIGN AND CONSTRUCTION

M56/24 RESOLVED:

THAT COUNCIL:

1. Resolve in accordance with Section 55 of the *NSW Local Government Act 1993* to accept the tender RFT 2023/09 from Bridge and Marine Engineering Pty Ltd for the Design and Construction including removal and disposal of the old bridge at Walteela Road Bridge, Mannus Creek being for the tendered lump sum amount of \$888,000.00 excluding GST;
2. Authorise the Interim General Manager to enter into a contract with Bridge and Marine Engineering Pty Ltd for the Design and Construction of Walteela Rd Bridge Mannus Creek;
3. Note that once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by *Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector*;
4. Note that the Confidential Report relating to matters specified in Sections 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise; and
5. Write to the unsuccessful tenderers advising of the outcomes of the tender process.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

14. MEETING CLOSURE

There being no further business to discuss, the meeting closed at 3.38pm.