

**THE MINUTES OF THE COUNCIL MEETING HELD VIA VIDEO LINK ON THURSDAY
15 OCTOBER 2020 COMMENCING AT 2.00pm**

PRESENT: Mayor James Hayes (Chair), Councillor Andrianna Benjamin, Councillor Cate Cross, Councillor Julia Ham, Councillor Margaret Isselmann, Councillor John Larter, 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 Mayor James Hayes.

2. APOLOGIES

Nil.

3. DECLARATIONS OF INTEREST

Nil.

4. PUBLIC FORUM

Deirdre Greenhalgh addressed the meeting in regard to Report 11.2 Ournie Hall – Reconstruction.

5. CONFIRMATION OF MINUTES

M240/20 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 17 September 2020 be received.

Cr John Larter/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

5.1 BUSINESS ARISING

Clarification on matters relating to Tumbarumba Caravan Park.

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Mayor



Chief Executive Officer

6. CORRESPONDENCE/PETITIONS

Nil.

7. NOTICE OF MOTION/NOTICE OF RESCISSION

M240/20 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Margaret Isselmann

M241/20 RESOLVED to move out of Committee of the Whole.

Cr Julia Ham/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

7.1 RURAL FIRE SERVICE BUSHFIRE PREPAREDNESS PLANS

M242/20 RESOLVED:
THAT COUNCIL:

1. Receive the Notice of Motion on Bushfire Preparedness from Councillor Julia Ham;
2. Request the Rural Fire Service provide an update to Council as a matter of priority about the actions being taken specifically in the Snowy Valleys area to assist residents to prepare for any bushfire threat this season;
3. Request the Rural Fire Service advise what recommendations the Rural Fire Service will be making to landholders including the Crown, State and Federal Government Agencies on priorities and action recommended to protect lives and minimise the threat to community building, local industries, flora and fauna;
4. Endorse the Snowy Valleys Council participation in the Get Ready Program.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

8. MAYORAL MINUTE

Nil.

9. URGENT BUSINESS WITHOUT NOTICE

Nil.

10. GOVERNANCE AND FINANCIAL REPORTS**10.1 PUBLIC HEARINGS - BOUNDARIES REVIEW COMMISSION - SNOWY VALLEYS****M243/20 RESOLVED:**
THAT COUNCIL:

1. Receive the report on Public Hearings – Boundaries Review Commission – Snowy Valleys from Chief Executive Officer;
2. Endorse Councillors to address the public inquiry should they wish to do so;
3. Ratify the position of Council’s post-Boundaries Commission referral resolution that Council:
 - Welcoming the Boundaries Commission to our community to meet with interested parties including Council; and
 - Endorse the Boundaries Commission process to provide an independent report to the Minister under the factors listed in the Local Government Act to resolve the issues as soon as possible, at no additional cost to Snowy Valleys Council and to be resolved prior to the next Council election.
4. Advise the Boundaries Commission that the Mayor and CEO will present to the Public Hearings being held in November 2020 on behalf of the Snowy Valleys Council.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY**10.2 REVIEW OF CODE OF CONDUCT AND THE PROCEDURES FOR THE CODE OF CONDUCT****M244/20 RESOLVED:**
THAT COUNCIL:

1. Receive the report on the Review of Code of Conduct and the Procedures for the Code of Conduct;
2. Adopt the Code of Conduct SVC-RP-STY-001-03;
3. Rescind the Code of Conduct SVC-RP-STY-001-02 as a superseded Policy;
4. Adopt the Procedures for the Administration of the Model Code of Conduct SVC-RP- STY-002-03;
5. Rescind the Procedures for the Administration of the Model Code of Conduct SVC-RP-STY-002-02.

Cr Bruce Wright/Cr John Larter

CARRIED UNANIMOUSLY

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Mayor

Chief Executive Officer

10.3 PECUNIARY INTEREST RETURNS FOR COUNCILLORS AND DESIGNATED STAFF**M245/20 RESOLVED:**
THAT COUNCIL:

1. Receive the report on Pecuniary Interest Returns for Councillors and Designated Staff;
2. Note the following Declarations of Pecuniary Interest Returns from Councillors and Designated Officers as at 30 June 2020 as listed in accordance with the Code of Conduct:

Councillors: Clr Andrianna Benjamin, Clr Cate Cross, Clr Julia Ham, Clr James Hayes, Clr Margaret Isselmann, Clr John Larter, Clr Geoff Pritchard, Clr Cornelis Smit, Clr Bruce Wright.

Designated Staff:
Chief Executive Officer; Executive Director Infrastructure; Executive Chief of Staff; Executive Director Community & Corporate; Chief Financial Officer; Audit Risk & Improvement Committee Chairperson and Committee Members.

3. Approve for the redacted Pecuniary Interest Returns for the Councillors and Designated Staff to be placed on council website in accordance with the current Information and Privacy Commission Guideline 1.

Cr Bruce Wright/Cr Margaret Isselmann

CARRIED UNANIMOUSLY**10.4 OPERATIONAL PLAN FIRST QUARTER UPDATE - 30 SEPTEMBER 2020****M246/20 RESOLVED:**
THAT COUNCIL:

1. Receive the report on Operational Plan First Quarter Update;
2. Endorses the Operational Plan First Quarter Update.

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY**10.5 STATEMENT OF INVESTMENTS - SEPTEMBER 2020****M247/20 RESOLVED:**
THAT COUNCIL:

1. Receive the Statement of Investments as at 30 September 2020 from the Chief Financial Officer.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

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Mayor



Chief Executive Officer

11. MANAGEMENT REPORTS**11.1 RATES HARMONISATION - ENDORSEMENT OF PROPOSED RATING STRUCTURE****M248/20 RESOLVED:**
THAT COUNCIL:

1. Receive the report on Rates Harmonisation – Endorsement of proposed Rating Structure from the Chief Financial Officer;
2. Endorse the recommended Rating Structure in Table 1 for the purpose of public engagement until mid-December;
3. Following consultation with Rural Clubs, Council be presented with an updated donations policy if required;
4. Note that a further report on Rates Harmonisation will be presented to Council in February 2021.

Cr Julia Ham/Cr Margaret Isselmann

CARRIED UNANIMOUSLY**11.2 OURNIE HALL - RECONSTRUCTION****M249/20 RESOLVED:**
THAT COUNCIL:

1. Receive this report on the reconstruction of the Ournie Community Hall from Executive Director Infrastructure;
2. Note the concept drawings as referred to in the report for the proposed reconstruction of the Ournie Community Hall;
3. Support in principle the reconstruction of the Ournie Community Hall subject to funding;
4. Support the establishment of a formal arrangement with representatives of the community to partner with Council for the reconstruction of the Ournie Community Hall;
5. Proceed with the preparation of detailed designs and cost plan for the reconstruction of the Ournie Community Hall;
6. Assess alternate ownership and management arrangements for the Ournie Community Hall.

Cr Bruce Wright/Cr Cor Smit

CARRIED UNANIMOUSLY

11.3 PLANNING PROPOSAL TUMUT LOCAL ENVIRONMENT PLAN 2012 (AMENDMENT NO.6)**M250/20 RESOLVED:**
THAT COUNCIL:

1. Receive the report on Planning Proposal for the Tumut Environment Plan 2012 (Amendment No.6) from Executive Director Community & Corporate.
2. Adopt the Planning Proposal for the Tumut Local Environmental Plan 2012 (Amendment No.6) and forward it to the Department of Planning Industry and Environment with a request for a Gateway Determination.

Cr Cate Cross/Cr Margaret Isselmann

CARRIED UNANIMOUSLY**M251/20 RESOLVED** to move into Committee of the Whole.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY**M252/20 RESOLVED** to move out of Committee of the Whole.

Cr Julia Ham/Cr Margaret Isselmann

CARRIED UNANIMOUSLY**11.4 COMMUNITY RECOVERY REPORT - QUARTER 1 2020-2021****M253/20 RESOLVED:**
THAT COUNCIL:

1. Receive the report on Community Recovery activities for Quarter 1 2020-2021.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY**12. MINUTES OF COMMITTEE MEETINGS****12.1 MINUTES - BATLOW DEVELOPMENT LEAGUE - 2 SEPTEMBER 2020****M254/20 RESOLVED:**
THAT COUNCIL:

1. Receive the report on the Batlow Development League (BDL) from Executive Director Community & Corporate.

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Mayor

Chief Executive Officer

2. Note the Minutes of the Batlow Development League, meeting held on 2 September 2020.

Cr Cor Smit/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

13. CONFIDENTIAL

M255/20 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 LOAN SELECTION - LED REPLACEMENT PROGRAM

Item 13.1 is confidential under the Local Government Act 1993 Section 10A 2 (c) and (d)i as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and 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.

13.2 RFT 2020/03 - PLANT AND EQUIPMENT HIRE

Item 13.2 is confidential under the Local Government Act 1993 Section 10A 2 (d)ii as it relates to 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.

13.3 RFT 2020/09 - LINEMAKING, GUARDRAIL AND TRAFFIC CONTROL

Item 13.3 is confidential under the Local Government Act 1993 Section 10A 2 (d)ii as it relates to 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.

13.4 BATLOW CANNERY - LEASE PROPOSAL

Item 13.4 is confidential under the Local Government Act 1993 Section 10A 2 (a) and (d)ii as it relates to personnel matters concerning particular individuals (other than councillors) 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.

Cr John Larter/Cr Bruce Wright

CARRIED UNANIMOUSLY

At this stage, the time being 3.23pm Council went into Confidential.

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Chief Executive Officer

13.1 LOAN SELECTION - LED REPLACEMENT PROGRAM

M256/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on loan proposals for the LED replacement project for \$736,000 over a seven year term;
2. Secure the loan for \$736,000 over 7 years with the Commonwealth Bank of Australia;
3. Approve the Mayor and the Chief Executive Officer to affix the Council Seal to the loan documentation with the Commonwealth Bank of Australia.

Cr John Larter/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

13.2 RFT 2020/03 - PLANT AND EQUIPMENT HIRE

M257/20 RESOLVED:
THAT COUNCIL:

1. Receive this report on the outcomes for the Request For Tender (RFT 2020/03) for the Panel of Preferred Suppliers for the Hire of Plant and Equipment as detailed in this report
2. Resolve in accordance with Section 55 of the NSW Local Government Act 1993 to accept the Panel of Preferred Suppliers for the Hire of Plant and Equipment as recommended by the evaluation panel and listed in table 3 of the report, noting that this is not a ranked list of suppliers
3. Authorise the Chief Executive Officer to enter into contracts as appropriate for the Supply of Services as summarised in item 2 above

Cr Margaret Isselmann/Cr Bruce Wright

CARRIED UNANIMOUSLY

13.3 RFT 2020/09 - LINEMARKING, GUARDRAIL AND TRAFFIC CONTROL

M258/20 RESOLVED:
THAT COUNCIL:

1. Receive this report on the outcomes for the Request For Tender (RFT 2020/09) for the Panel of Preferred Suppliers for the following:
 - a. provision of Guardrail services
 - b. provision of Line Marking services
 - c. provision of Traffic Management services
2. Resolve in accordance with Section 55 of the NSW Local Government Act 1993 to accept the panel of suppliers for the Supply of Services as

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Mayor



Chief Executive Officer

- recommended by the evaluation panel and detailed in table 5 of the report
3. Advise the unsuccessful tenderers in writing
 4. Authorise the Chief Executive Officer to enter into contracts as appropriate for the Supply of Services as referred to in item 2 above
 5. Authorise the Chief Executive Officer to amend the order of the preferred supplier panel or procure the services through other arrangements if the preferred suppliers fail to provide value for money for Council or comply with the Statement of Requirements or Conditions of Contract for the Supply of Services
 6. Authorise the Chief Executive Officer to exercise the one year extension option for the for the panel of preferred suppliers as described in item 2 above subject to the satisfactory performance of the panel

Cr Bruce Wright/Cr Cor Smit

CARRIED UNANIMOUSLY

13.4 BATLOW CANNERY - LEASE PROPOSAL

**M259/20 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the proposal to lease part of the Batlow Cannery Site from the Executive Director Infrastructure
2. Delegate to the Chief Executive Officer to negotiate a lease agreement for part of the Batlow Cannery Site as detailed in the report within the following parameters:
 - a. minimum of 200 square metres of the level area utilising part of the remaining concrete floor slab
 - b. initial lease term of 3 months with an option to extend
 - c. rental income to be within 10% of market rental appraisal
 - d. any site improvements such as fencing and access roads to be at the cost of the tenant subject to the approval of Council Officers
 - e. parties to meet own legal costs associated with developing and agreeing a lease agreement
3. Delegate to the Mayor and Chief Executive Officer to affix the Council seal and execute all documents relevant to the lease of the land as required
4. Note that the request to vary the area of the existing lease over the southern section of the Cannery Site from approximately 1 hectare to approximately 1.75 hectares as endorsed by Council at its meeting held on the 20 August 2020 will not be progressed at the request of the lessee

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Mayor



Chief Executive Officer

Cr Cor Smit/Cr Bruce Wright

CARRIED UNANIMOUSLY

M260/20 RESOLVED to move out of Confidential session the time being 3.29pm.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

The CEO reported on the findings of the Confidential Items.

There being no further business to discuss, the meeting closed at 3.34pm.

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Mayor



Chief Executive Officer