

**THE MINUTES OF THE COUNCIL MEETING HELD IN THE COUNCIL CHAMBER 76
CAPPER STREET TUMUT ON THURSDAY 20 MAY 2021 COMMENCING AT 2.01PM**

PRESENT:

Mayor James Hayes (Chair), Councillor Andrianna Benjamin, Councillor Cate Cross, Councillor Julia Ham, 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

A Leave of Absence has been received from Cr Margaret Isselmann.

M82/21 RESOLVED:

That the Leave of Absence received from Cr Margaret Isselmann be received and granted.

Cr Bruce Wright /Cr Cate Cross

3. DECLARATIONS OF INTEREST

Nil.

4. PUBLIC FORUM

Nil.

5. CONFIRMATION OF MINUTES

M83/21 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 15 April 2021 be received.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

Minutes of the Meeting of the Snowy Valleys Council held in the Council Chamber 76 Capper Street Tumut on Thursday 20 May 2021


Mayor


Chief Executive Officer

5.1 BUSINESS ARISING

Update on sculptures donated to Council was provided with the installation of the first sculptures in Tumbarumba to occur in July.

6. GOVERNANCE AND FINANCIAL REPORTS

10.1 COUNCILLORS TRAINING OPPORTUNITY - 'UNDERSTANDING LG FINANCES FOR COUNCILLORS'

M84/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Councillors Training Opportunity – 'Understanding LG Finances for Councillors'.
2. Ratify the approval for the online attendance of Cr Margaret Isselmann at the 'Understanding LG Finances for Councillors' on Wednesday 5 May 2021.
3. Approve the future online attendance by councillors at the 'Understanding LG Finances for Councillors' where it is within councillors budget allocation and offered within this current budget period.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

10.2 FEES FOR COUNCILLORS AND MAYOR 2021/22 FINANCIAL YEAR

M85/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Fees for Councillors and Mayor 2021/22 Financial Year;
2. Note the Local Government Remuneration Tribunal's determination that there will be a 2% increase in mayoral and councillor fees for the 2021/22 financial year;
3. Set the annual Councillor Fee for the period 1 July 2021 to 30 June 2022 at \$12,400 in accordance with the provisions of section 248 of the Local Government Act 1993 and
4. Set the annual Mayoral Fee for the period 1 July 2021 to 30 June 2022 at \$27,060 in accordance with the provisions of section 249 of the Local Government Act 1993.

Cr Julia Ham/Cr Bruce Wright

Division**For**

Cr Benjamin
Cr Cross
Cr Ham
Cr Hayes
Cr Smit

Against

Cr Larter
Cr Pritchard
Cr Wright

5/3

CARRIED

10.3 NEW COUNCIL IMPLEMENTATION FUND (NCIF) AND STRONGER COMMUNITIES FUND (SCF) QUARTERLY COUNCIL REPORT - APRIL 2021

**M86/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the New Council Implementation Fund (NCIF) and Stronger Communities Fund (SCF) for period ending 30th April 2021.

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

10.4 OPERATIONAL PLAN - THIRD QUARTER UPDATE - 31 MARCH 2021

**M87/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Operational Plan Third Quarter Update.
2. Endorse the Operational Plan Third Quarter Update.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

10.5 DISSOLUTION OF TUMUT DISTRICT COMMUNITY TRANSPORT ADVISORY COMMITTEE

**M88/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Dissolution of Tumut District Community Transport Advisory Committee.
2. Note that the Tumut District Community Transport Advisory Committee at its meeting held on 13 April 2021, resolved to support a motion to dissolve as a S355 committee of Council.
3. Write to the members of the Tumut District Community Transport Advisory

Committee thanking them for their contribution to community transport in Snowy Valleys over a long period of time.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

10.6 PECUNIARY INTEREST RETURN FOR DESIGNATED ARIC MEMBER

M89/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Pecuniary Interest Return for Designated Audit Risk & Improvement Committee Member.
2. Note the Declaration of Pecuniary Interest Return from Carolyn Rosetta-Walsh as at 25 March 2020 in accordance with the Code of Conduct.
3. Approve for the redacted Pecuniary Interest Return for Carolyn Rosetta-Walsh to be placed on council website in accordance with the current Information and Privacy Commission Guideline 1.

Cr John Larter/Cr Cate Cross

CARRIED UNANIMOUSLY

10.7 ADOPTION OF GIFTS AND BENEFITS PROCEDURE

M90/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Adoption of Gifts and Benefits Procedure.
2. Adopt the Gifts and Benefits Procedure SVC-GOV-PR-051-01 and rescind the following document as superseded
 - a. Gifts and Benefits Policy SVC-EXE-PO-009-02

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

10.8 STATEMENT OF INVESTMENTS - APRIL 2021

M91/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Statement of Investments – April 2021.
2. Write to the Minister for Police and Emergency Services inviting him to a meeting with Councillors regarding outstanding funds due for payment in regard to disaster recovery works and request a deputation with Councillors on 10 June 2021 or an alternative suitable date.

Cr Julia Ham/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

10.9 QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2021

M92/21 RESOLVED:
THAT COUNCIL:

1. Receive and adopt the 3rd Quarter Budget Review as at 31 March 2021.
2. Adopt the Revenue, Expenditure and Capital Budget adjustments as noted in the 3rd Quarterly Budget Review.

Cr Julia Ham/Cr Andrianna Benjamin

Division**For**

Cr Benjamin
Cr Cross
Cr Hayes
Cr Larter
Cr Pritchard
Cr Smit
Cr Wright

Against

Cr Ham

7/1

CARRIED

M93/21 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

M94/21 RESOLVED to move out of Committee of the Whole.

Cr Andrianna Benjamin/Cr Cate Cross

CARRIED UNANIMOUSLY

7. MANAGEMENT REPORTS

11.1 WASTE WEEKEND REVIEW - UPDATE

M95/21 RESOLVED:
THAT COUNCIL:

1. Receive this report providing an update on the waste disposal voucher system from the Executive Director Infrastructure;
2. Approve the cessation of waste weekends from 1 July 2021 in line with the implementation of a digital vouchers system;
3. Approve that vouchers issued for domestic general waste be for the disposal of 1m³ (300kg) of waste per voucher, excluding other special waste categories as detailed in the fees and charges;
4. Approve proceeding with making a digital voucher system available to all residential properties that have the waste access charge applied in the Snowy Valleys Council LGA;
5. Approve for one voucher to be made available to each eligible residential property within the LGA per quarter for domestic general waste in the 2021/22 financial year, noting that vouchers are not carried over across quarters.
6. Delegate the Chief Executive Officer to undertake reviews and implement operational changes to the type and quantity of vouchers available to residents within the available budget;
7. Write to Valmar Support Services thanking them for their assistance and support during the trial and implementation of digital waste vouchers.

Cr Cor Smit /Cr Cate Cross

CARRIED UNANIMOUSLY

11.2 REVISED PROVISION OF COMMUNITY SERVICES POLICY - FOR PUBLIC EXHIBITION

M96/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on the revised Provision of Community Services Policy SVC- ComServ-PO-069-01;
2. Note the listed operational policies under Provision of Community

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Mayor



Chief Executive Officer

Services Policy SVC-ComServ-PO-069-01 that will be superseded if adopted as annexures of the Provision of Community Services Policy SVC- ComServ-PO-069-01 in this report;

3. Note that operational policies will be updated by the responsible officers to comply with changes to legislation as they occur;
4. Place the revised Provision of Community Services Policy SVC-ComServ-PO-069-01 on public exhibition for a period of 28 days.
5. Adopt the policy if no submissions are received on the day after the completion of the public exhibition.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

11.3 DRAFT PROVISION OF CHILDREN'S SERVICES POLICY - FOR PUBLIC EXHIBITION

**M97/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Receive the report on the Draft Provision of Children's Services Policy SVC-ChildServ-PO-119-01;
2. Note the listed operational policies, procedures, and forms under the Provision of Children's Services Policy SVC-ChildServ-PO-119-01 that will be superseded if adopted as annexures of the Provision of Children's Services Policy SVC-ChildServ-PO-119-01;
3. Note that the operational policies, procedures, and forms will be updated by the responsible officers to comply with changes to legislation, regulations, and guidelines as they occur;
4. Release the revised Provision of Children's Services Policy SVC-ChildServ-PO-119-01 for public exhibition for a period of 28 days;
5. Adopt the policy if no submissions are received on the day after the completion of the public exhibition.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

11.4 ABORIGINAL CULTURAL HERITAGE ASSESSMENT FOR LAND AT GILMORE PROPOSED TO BE RE-ZONED AS INDUSTRIAL**M98/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Aboriginal Cultural Heritage Assessment for land at Gilmore proposed to be re-zoned as industrial.
2. Adopt the Aboriginal Cultural Heritage Assessment Report for land at Gilmore proposed to be re-zoned as industrial.
3. Delegate to the Executive Director Community and Corporate to carry out the following actions to process and make the amendments to Tumut LEP 2012:
 - a. Forward this report, and all required documents and plans to Parliamentary Counsel for an option and drafting of the amendments.
 - b. Make the LEP; and
 - c. Forward the signed LEP and supporting documents to the Department of Planning, Industry and Environment to notify the amendment.

Cr John Larter/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

11.5 NSW PUBLIC SPACES LEGACY PROGRAM 2**M99/21 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the NSW Public Spaces Legacy Program and the outcomes of Councils application for funding under the program.
2. Note that the funding application for upgrades to the Tumbarumba Playground and Skate Park along with the Rotary Pioneer Park in Tumut totalling \$1,980,000 have been approved for funding under the NSW Public Spaces Legacy Program
3. Note the funding is for the provision for nature-based play spaces, additional green infrastructure, better amenities, improved pathways, picnic areas and seating comprising of the following elements:
 - a. Tumbarumba Playground and Skate Park, Hammond Ave (\$650,000)
 - i. public amenities
 - ii. landscaping

- iii. benches seating and lighting
- b. Tumut Rotary Pioneer Park, Elm Drive (\$1,350,000)
 - i. public amenities
 - ii. landscaping including pathways, benches, nature play
 - iii. solar pathway lighting (approx. 2km)
- 4. Note the estimated whole of life cost and impacts on Councils budget associated with accepting the funding offered NSW Public Spaces Legacy Program and completion of the upgrades
- 5. Delegate the Chief Executive Officer to accept the funding of \$1,980,000 offered under the NSW Public Spaces Legacy Program and facilitate the delivery of the upgrades as referred to in item 3 above noting that the increase in service level is expected to result in additional annual expenditure in the order of 0.73% of rates per annum
- 6. Note that it is likely the rate cap will prevent Council from recovering the full costs associated with the upgraded parks, due to other standard increases in expenditure exceeding the false ceiling placed on rate income growth by IPART and that the increase in expenditure will likely need to be recovered through a combination of internal savings and potentially a special rate variation

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

M100/21 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

M101/21 RESOLVED to move out of Committee of the Whole.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

8. MINUTES OF COMMITTEE MEETINGS**12.1 MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP MEETINGS - 22 APRIL 2021 - INQUORATE MEETINGS - 25 MARCH & 25 FEBRUARY 2021****M102/21 RESOLVED:
THAT COUNCIL:**

1. Receive the Report on the Minutes - Disability Inclusion Access Reference Group meetings – 22 April 2021 - inquorate meetings - 25 March and 25 February 2021;
2. Note the Minutes of the Disability Inclusion Access Reference Group meeting held on 22 April 2021;
3. Note the meeting notes, taken from the Disability Inclusion Access Reference Group inquorate meetings held 25 March 2021 and 25 February 2021;
4. Note the recommendations from the minutes 22 April 2021 meeting.

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

12.2 MINUTES - BATLOW DEVELOPMENT LEAGUE - 3 MARCH AND 7 APRIL 2021**M103/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Minutes of the Batlow Development League.
2. Note the Minutes of the Batlow Development League meetings held on 3 March 2021 and 7 April 2021.

Cr Cor Smit/Cr Julia Ham

CARRIED UNANIMOUSLY

12.3 MINUTES - TUMUT DISTRICT COMMUNITY TRANSPORT ADVISORY COMMITTEE - 13 APRIL 2021**M104/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Minutes Tumut District Community Transport Committee, 13 April 2021;

Minutes of the Meeting of the Snowy Valleys Council held in the Council Chamber 76 Capper Street Tumut on Thursday 20 May 2021


Mayor
Chief Executive Officer

2. Note the Minutes of the Tumut District Community Transport Advisory Committee meeting held on 13 April 2021.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

9. CONFIDENTIAL

M105/21 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 RFT 2021/04 CONSTRUCTION OF FORSTERS ROAD LANDSLIDE STABILISATION AT BATLOW TENDER

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 SALE OF LAND FOR UNPAID RATES AND CHARGES

Item 13.2 is confidential under the Local Government Act 1993 Section 10A 2 (a), (b) and (e) as it relates to personnel matters concerning particular individuals (other than councillors), discussion in relation to the personal hardship of a resident or ratepayer and 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 Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

At this stage, the time being 3.16pm Council went into Confidential.

13.1 RFT 2021/04 CONSTRUCTION OF FORSTERS ROAD LANDSLIDE STABILISATION AT BATLOW TENDER**M106/21 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the Request for Tender - RFT 2021/04 for the Construction of Forsters Road Landslide Stabilisation at Batlow
2. Acknowledge the approval by email in accordance with Section 55 of the NSW Local Government Act 1993 to accept the tender of Piling and Concreting Australia Pty Ltd for the Construction of Forsters Road Landslide Stabilisation Project in Batlow for the lump sum amount of \$1,070,292 excluding GST
3. Acknowledge the approval by email authorising the Chief Executive Officer to enter into a contract with Piling and Concreting Australia Pty Ltd for the Construction of Forsters Road Landslide Stabilisation Project in Batlow
4. Write to the unsuccessful tenderers advising of the outcomes of the tender process.

Cr Cor Smit/Cr John Larter

CARRIED UNANIMOUSLY

13.2 SALE OF LAND FOR UNPAID RATES AND CHARGES**M107/21 RESOLVED:
THAT COUNCIL:**

1. Pursuant to Section 713 and other relevant sections of the Local Government Act 1993, implements sale proceedings to sell the properties listed in this report at a public auction at a time and place to be determined.
2. That Custom Collection Services (CCS) and MCW Lawyers be appointed to administer the sale on Council's behalf.
3. Authorises Council staff and CCS to proceed with the necessary arrangements pertaining to the sale of the properties listed in this report, as set out in the Local Government Act 1993 and Local Government (General) Regulation 2005.
4. Delegates authority to the Chief Executive Officer to take the following actions pertaining to the properties specified in the report:
 - a. To withdraw from sale any property that, prior to the commencement of the auction, has had all rates and charges payable (including overdue rates, charges, interest and expenses of Council incurred in connection with debt collection and the sale) paid in full.

- b. To withdraw any property from sale for technical or legal reasons.
- c. To set reserve prices for sale of the properties at auction.
- d. To negotiate by private treaty and accept offers for sale of any property that fails to sell at auction.
- e. To execute sale and purchase contracts, and property transfer documents, under Council's Common Seal.

Cr John Larter/Cr Cor Smit

CARRIED UNANIMOUSLY

M108/21 RESOLVED that Council move out of Confidential.

Cr John Larter/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

The meeting moved out of confidential at 3.19pm.

There being no further business to discuss, the meeting closed at 3.24pm.