

**THE MINUTES OF THE COUNCIL MEETING HELD IN THE COUNCIL CHAMBER 76
CAPPER STREET TUMUT AND VIA VIDEO LINK, ON THURSDAY 15 JULY 2021
COMMENCING AT 2.02PM**

PRESENT: Mayor James Hayes (Chair), Councillor Andrianna Benjamin, Councillor Cate Cross, Councillor Julia Ham, Councillor Margaret Isselmann, Councillor John Larter, Councillor Cor Smit, Cr 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, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

The Leave of Absence for the meeting that was previously granted to Cr Wright has been withdrawn.

Remote attendance requests have been made from Cr Wright and Cr Isselmann.

M142/21 RESOLVED:

That Cr Isselmann and Cr Wright attend the meeting by audio visual link on the grounds of illness, disability or caring responsibilities as per the Office of Local Government Circular 21-02/1 April 2021/A765862.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

3. DECLARATIONS OF PECUNIARY INTEREST

Cr Benjamin declared a pecuniary interest in relation to report # 7.1 Notice of Motion due to having two investment properties in the Valley View Estate and will leave the room during the meeting and will not participate in the voting.

Cr Ham declared a non-pecuniary interest in relation to report # 13.1 Expression of Interest for Hangar Lot 8 at Tumut aerodrome due to being a member of RFS and will remain in the room during the meeting and will participate in voting.

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Mayor

Chief Executive Officer

Cr Hayes declared a non-significant non-pecuniary interest in relation to report # 13.1 Expression of Interest for Hangar Lot 8 at Tumut aerodrome due to ongoing membership of RFS and will remain in the room during the meeting and will participate in voting.

Cr Larter declared a pecuniary interest in relation to report # 13.1 Expression of Interest for Hangar Lot 8 at Tumut aerodrome due to aircraft ownership and paying rent for hangarage to Tumut Aero Club and will remain in the room during the meeting and will participate in the voting.

4. PUBLIC FORUM

Nil.

5. CONFIRMATION OF MINUTES

M143/21 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 17 June 2021 be received.

Cr Julia Ham/Cr Cor Smit

Division

For

Cr Benjamin
Cr Cross
Cr Ham
Cr Hayes
Cr Isselmann
Cr Larter
Cr Smit

Abstained

Cr Wright

7/1

CARRIED

5.1 BUSINESS ARISING

Reiterated that Council will provide support as required for Rosewood Community Shed dissolution.

6. CORRESPONDENCE/PETITIONS

Nil.

7. NOTICE OF MOTION/NOTICE OF RESCISSION

Cr Andrianna Benjamin left the meeting, the time being 02:08 pm.

7.1 NOTICE OF MOTION - FOOTPATH EXTENSION - FOREST STREET TUMUT - CR ANDRIANNA BENJAMIN**M144/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Notice of Motion – Footpath Extension - Forest Street Tumut – Cr Andrianna Benjamin
2. Undertake a strategic assessment and feasibility study in accordance with our Project Management Framework for extending the footpath at the Franklin Public School in Forest Street Tumut and linking the footpath to the residential housing estates on the east side of the Snowy Mountains Highway inclusive of:
 - Needs analysis
 - Concept designs
 - Cost plan
3. Prepare a report for the consideration of Council at its October 2021 meeting on the outcomes of the above.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Andrianna Benjamin returned to the meeting, at 02:11 pm.

8. MAYORAL MINUTE

Nil.

9. URGENT BUSINESS WITHOUT NOTICE

Nil.

10. GOVERNANCE AND FINANCIAL REPORTS**10.1 DRAFT COUNCIL SEAL POLICY - FOR ADOPTION****M145/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Draft Council Seal Policy – for adoption.
2. Approve the DRAFT Council Seal Policy – SVC-EXE-PO-004-02 and rescind the following document as superseded;
 - Use and Custody of Common Seal Policy – SVC-EXE-PO-004-01

Cr John Larter/Cr Cate Cross

10.2 FINANCIAL PERFORMANCE AS AT 31 MAY 2021

M146/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Financial Performance as at 31 May 2021.

Cr Julia Ham/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

10.3 STATEMENT OF INVESTMENTS - JUNE 2021

M147/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Statement of Investments – June 2021.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

11. MANAGEMENT REPORTS**11.1 DRINKING WATER MANAGEMENT SYSTEM ANNUAL REPORT FOR 2020**

M148/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Drinking Water Management System Annual Report for 2020.
2. Endorse the Drinking Water Management System Annual Reports for submission to the local Public Health Unit (PHU), NSW Health.

Cr Cate Cross/Cr John Larter

CARRIED UNANIMOUSLY

11.2 COMMUNITY CONSULTATION FINDINGS REPORT AND SPATIAL ASSESSMENT PLANS - FORMER BATLOW CANNERY SITE.

M149/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Community Consultation Findings Report and Spatial Assessment Plans – Former Batlow Cannery Site.
2. Note the report on Community Consultation Findings Report and Spatial Assessment Plans – Former Batlow Cannery Site.

3. Release the Community Consultation Findings Report and Spatial Assessment Plans – Former Batlow Cannery Site for public exhibition for a period of 28 days.

Cr Cor Smit/Cr Julia Ham

CARRIED UNANIMOUSLY

11.3 DECLARATION OF NEW DOG OFF LEASH AREAS

M150/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on the declaration of new Dog Off Leash Areas.
2. Note the public submissions received in response to the Notice of Intention to Declare new Dog Off Leash Areas.
3. Declare Bicentennial Park Tumbarumba a Dog Off Leash Area.
4. Note that further consultation will be undertaken with the Adelong Progress Association and the Batlow Community and Cultural Association to identify suitable locations for Dog Off Leash Areas before further notification occurs.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

11.4 SVC RECOVERY AND RESILIENCE GRANTS

M151/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on SVC Recovery and Resilience Grants
2. Note the following funding has been approved by the Community Strengthening Grant Assessment Panel, being –
 - a. Adelong Tennis Club - \$3,540
 - b. Weleregang Country Golf Club - \$2,495
 - c. Tumbarumba Men's Shed - \$5,000
 - d. Tooma Recreation Reserve - \$5,000
 - e. Tumbarumba Historical Society - \$4,4470
 - f. Tooma Cricket Club - \$5,000
 - g. Tumbarumba Golf Club - \$5,000
 - h. Do It For Batlow Inc - \$5,000
 - i. Tumbarumba Rotary Club - \$5,000

- j. Talbingo Men's Shed - \$635
 - k. AJ Events - \$3093
 - l. Weleregang Country Golf Club - \$3,140
 - m. Batlow Senior Citizens Village Association - \$2,327
 - n. Upper Murray Community Radio - \$3000
 - o. Tumbarumba and District Garden Club - \$4,800
 - p. Montreal Community Theatre - \$5,000
3. Acknowledge the ongoing work of community groups and organisations during the recovery process

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

12. MINUTES OF COMMITTEE MEETINGS

12.1 MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP MEETING - 27 MAY 2021 & 24 JUNE 2021

**M152/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Minutes - Disability Inclusion Access Reference Group (DIARG) Meeting – 27 May 2021 & 24 June 2021.
2. Note the Notes of the DIARG inquorate meeting held on 27 May 2021.
3. Note the Minutes of the DIARG meeting held on 24 June 2021.
4. Note the recommendations for the minutes of the meeting held 24 June 2021.
5. Adopt the changes to the DIARG Terms of Reference with the change to point number 5 first dot point 'provide feedback to Council's plans, actions and projects in order to allow appropriate access to services, facilities and activities for people with disabilities and their carers'

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

12.2 MINUTES - TUMUT AERODROME COMMITTEE - 22 JUNE 2021**M153/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Minutes - Tumut Aerodrome Committee – 22 June 2021.
2. Note the Minutes of the Tumut Aerodrome Committee meeting held on 22 June 2021 attached to this report.
3. Adopt the Aerodrome Committee Terms of Reference SVC-TofR-007-02 as endorsed by the Aerodrome Committee.
4. Develop a proposal for additional hangar space and seek Expressions of Interest from the community

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

13. CONFIDENTIAL**M154/21 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 EXPRESSION OF INTEREST FOR HANGAR LOT 8 AT TUMUT AERODROME
Item 13.1 is confidential under the Local Government Act 1993 Section 10A 2 (d)i 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 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 (b) and (e) as it relates to 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.
- 13.3 RFT 2021/05 - DESIGN AND CONSTRUCTION OF BOMBOWLEE CREEK ROAD BRIDGE
Item 13.3 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.

13.4 RFT 2021/07 - DESIGN, CONSTRUCTION AND INSTALLATION OF MULTIPLE PREFABRICATED BUILDINGS AT BATLOW CARAVAN PARK

Item 13.4 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.

Cr Cor Smit/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

At this stage, the time being 2.35pm Council went into Confidential.

13.1 EXPRESSION OF INTEREST FOR HANGAR LOT 8 AT TUMUT AERODROME

**M155/21 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the Expressions of Interest for Hangar Lot 8 at Tumut Aerodrome.
2. Award the licence deed of Hangar Lot 8 at Tumut Aerodrome to the Rural Fire Service subject to the RFS agreeing to pay the site fees according to Councils adopted fees and charges, noting:
 - a. that Council agrees to donate an amount equivalent to the site fees to the RFS for the 2021/22 year and that Council consider in future budget deliberations further donations.
3. Delegate to the Mayor and the Chief Executive Officer to affix the Council seal and execute any documents relevant for the licence deed for Hangar Lot 8 at Tumut Aerodrome.
4. Approve in principle, the development of additional hangar space at Tumut Aerodrome to accommodate future growth.

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Mayor

Chief Executive Officer

5. Receive a further report for the consideration of Council as part of the 2021/22 first quarter budget review process for the provision of additional hangar space at Tumut Aerodrome.

Cr Cor Smit/Cr Cate Cross

CARRIED UNANIMOUSLY

13.2 SALE OF LAND FOR UNPAID RATES AND CHARGES

**M156/21 RESOLVED:
THAT COUNCIL:**

1. That Council, 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. That Council 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. That Council 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 Julia Ham/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

13.3 RFT 2021/05 - DESIGN AND CONSTRUCTION OF BOMBOWLEE CREEK ROAD BRIDGE**M157/21 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the Request for Tender - RFT 2021/05 for the design and construction of Bombowlee Creek Road Bridge
2. Note this project is funded through Restart NSW (Growing Local Economies Program) and forms part of a larger project funded for the amount of \$9,649,920 for the upgrading of timber haulage roads including Bombowlee Creek Road, Taradale Road Complex and Broadleaf Park Road
3. Resolve in accordance with Section 55 of the NSW Local Government Act 1993 to accept the tender of Bridge & Marine Engineering Pty Ltd for the design and construction of Bombowlee Creek Road Bridge, being for the lump sum amount of \$1,880,450.00 including GST
4. Authorise the Chief Executive Officer to enter into a contract with Bridge & Marine Engineering Pty Ltd for the design and construction of Bombowlee Creek Road Bridge
5. Write to the unsuccessful tenderers advising of the outcomes of the tender process.

Cr John Larter/Cr Cate Cross

CARRIED UNANIMOUSLY**13.4 RFT 2021/07 - DESIGN, CONSTRUCTION AND INSTALLATION OF MULTIPLE PREFABRICATED BUILDINGS AT BATLOW CARAVAN PARK****M158/21 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the Request for Tender - RFT 2021/07 for the Design, Construction, and Installation of multiple prefabricated buildings at Batlow Caravan Park Project
2. Resolve in accordance with Clause 178(1)(b) of the NSW Local Government (General) Regulation 2005 to not accept any of the tenders for the Design, Construction, and Installation of multiple prefabricated buildings at Batlow Caravan Park Project
3. Resolve in accordance with Clause 178(3)(e) of the NSW Local Government (General) Regulation 2005 to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender

4. Resolve in accordance with 178(4)(b) of the NSW Local Government (General) Regulation 2005 not to invite fresh tenders, noting that it is considered that inviting fresh tenders would not enable the Council to achieve its objectives for the Project
5. Advise the tenderers in writing that their tenders were not accepted
6. Authorise the Chief Executive Officer to enter into a contract with a contractor for the Design, Construction, and Installation of multiple prefabricated buildings at the Batlow Caravan Park Project subject to the successful outcome of negotiations, noting that this may require the rationalisation of the scope of works for the project

Cr Margaret Isselmann/Cr Cor Smit

CARRIED UNANIMOUSLY

M159/21 RESOLVED:

That at this stage, the time being 2.45pm Council returned to Open Council.

Cr John Larter/Cr Cate Cross

CARRIED UNANIMOUSLY

There being no further business to discuss, the meeting closed at 2.51pm.