

**THE MINUTES OF THE COUNCIL MEETING HELD VIA VIDEO LINK, ON THURSDAY
21 OCTOBER 2021 COMMENCING AT 2.00PM**

PRESENT:

Mayor James Hayes (Chair), Councillor Andrianna Benjamin, Councillor Cate Cross, Councillor Julia Ham, Councillor Bruce Wright, Councillor John Larter, Councillor Geoff Pritchard.

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; Nadine McNamara, Coordinator Communications and Engagement; Nicholas Wilton, Manager Growth and Activation; Brad Bohun, Crowe Horwath 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

M218/21 RESOLVED:

That the Leave of Absence from Cr Cor Smit and Cr Margaret Isselmann be received, noted and granted.

Cr Andrianna Benjamin/Cr John Larter

CARRIED UNANIMOUSLY

3. DECLARATIONS OF PECUNIARY INTEREST

Cr Andrianna Benjamin declared a pecuniary interest in relation to report # 11.4 'Footpath Extension – Forest Street Tumut' due to owning two properties in the Valley View Estate and will leave the room during discussion.

Cr Andrianna Benjamin declared a non-significant non-pecuniary interest in relation to report # 11.6 'REV2021/001 – Section 8.2 Review of Determination for Lot 11 Bombowlee Avenue, Bombowlee' due to previously engaging in employment with the owner of the property.

Cr John Larter declared a non-significant non-pecuniary interest in relation to report # 11.3 Tumut Aerodrome – Additional Hangar Space' due to owning an aircraft hangar at Tumut Aerodrome and will remain in the room during discussion and participate in voting.

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Chief Executive Officer

4. PUBLIC FORUM

David Hunter of Habitat Planning addressed Councillors prior to the meeting commencement on behalf of Alex and Todd Arentz on Item 11.6 'REV2021/0001 – Section 8.2 Review of Determination for Lot 11 Bombowlee Avenue, Bombowlee' and Item 11.7 'REV2021/0002 – Section 8.2 Review of Determination for Lot 12 Bombowlee Avenue, Bombowlee'.

Crowe Horwath External Auditor Brad Bohun attended the meeting and provided an overview of Council's financial statements in relation to report #10.2 'Presentation of the 2021/22 Annual Financial Statements' and left the meeting at 2.21pm.

5. CONFIRMATION OF MINUTES**5.1 ORDINARY MEETING - 16 SEPTEMBER 2021****M219/21 RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 16 September 2021 be received.

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

5.2 EXTRAORDINARY MEETING - 7 OCTOBER 2021**M220/21 RESOLVED:**

That the Minutes of the Extraordinary Council Meeting held on 7 October 2021 be received with the amendment that Cr John Larter was present at the meeting and not an apology as recorded.

Cr Andrianna Benjamin/Cr Bruce Wright

CARRIED UNANIMOUSLY

5.2 BUSINESS ARISING

Nil.

6. CORRESPONDENCE/PETITIONS

Nil.

7. NOTICE OF MOTION/NOTICE OF RESCISSION

Nil.

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Chief Executive Officer

8. MAYORAL MINUTE**8.1 SNOWY VALLEYS COUNCIL POSITION ON TRANSGRID HUMELINK TRANSMISSION LINE****M221/21 RESOLVED:**

THAT COUNCIL:

1. State its current and ongoing position on the Humelink Transmission line as requiring:
 - a. that Transgrid continue to engage appropriately with the Snowy Valleys community;
 - b. a preference that Humelink towers are built on public land;
 - c. a preference that Humelink facilitate a compensation model to impacted landholders in the form of an annual payment rather than land acquisition;
 - d. that consideration be given to the negative visual impact in the natural surrounding environment of the Snowy Valleys and the subsequent consequences on tourism promotion and development and limit this impact where feasible;
 - e. that assurance be provided that the route will not cause a "birdcage effect" surrounding the Snowy Valleys communities with power lines;
 - f. confirmation that Transgrid will commence a legacy program to invest in the future of the impacted communities in the Snowy Valleys areas;
 - g. confirmation that Transgrid will look to provide mobile connectivity along the defined corridor where there is no current secure mobile connectivity;
 - h. confirmation that Council will work with Transgrid and CASA in relation to the potential impact on the Tumut Aerodrome including future works.
2. Note that Councillor Ham currently represents Council and the community on the Humelink Community Consultative Group;
3. Write to Transgrid and advise them of Council's Position Statement as per Recommendation Point 1 and provide copies of the correspondence to local, state and federal members of Parliament and the Federal Minister for Industry, Energy and Emissions.

Cr James Hayes

CARRIED UNANIMOUSLY

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Chief Executive Officer

9. URGENT BUSINESS WITHOUT NOTICE

Nil.

10. GOVERNANCE AND FINANCIAL REPORTS**10.1 PRESENTATION OF THE 2020/21 ANNUAL FINANCIAL STATEMENTS****M222/21 RESOLVED:**

THAT COUNCIL:

1. Receive the report on Presentation of the 2020/21 Annual Financial Statements;
2. Note the matters drawn to Council's attention by the Audit Risk and Improvement Committee 29 September 2021 including recommendations;
3. Formally present the 2020/21 Audited Annual Financial Statements and Audit reports to the public in accordance with Sections 418 and 419 of the Local Government Act.

Cr Geoff Pritchard/Cr John Larter

CARRIED UNANIMOUSLY

10.2 SCHEDULING OF COUNCIL MEETINGS FOR JANUARY 2022**M223/21 RESOLVED:**

THAT COUNCIL:

1. Receive the report on the scheduling of council meetings for January 2022;
2. Schedule an extraordinary meeting for 11 January 2022 to deal specifically with the matters of the mayor and deputy mayor election and the filling of vacancies in the office of a councillor within the first 18 months following the election;
3. Schedule an ordinary council meeting for 20 January 2022;
4. Ensure 'Urgent Business Without Notice' is included in the 20 January 2022 Agenda.

Cr Cate Cross/Cr John Larter

CARRIED UNANIMOUSLY

10.3 PECUNIARY INTEREST RETURNS FOR COUNCILLORS AND DESIGNATED STAFF**M224/21 RESOLVED:**

THAT COUNCIL:

1. Receive the report on Pecuniary Interest Returns for Councillors and Designated Staff.

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Chief Executive Officer

2. Note the following Declarations of Pecuniary Interest Returns from Councillors and Designated Officers as at 30 June 2021 as listed in accordance with the Code of Conduct:

Councillors: Cllr Andrianna Benjamin, Cllr Cate Cross, Cllr Julia Ham, Cllr James Hayes, Cllr Margaret Isselmann, Cllr John Larter, Cllr Geoff Pritchard, Cllr Cornelis Smit, Cllr 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 Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

10.4 STATEMENT OF INVESTMENTS - SEPTEMBER 2021

M225/21 RESOLVED:
THAT COUNCIL:

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

Cr Bruce Wright/Cr Julia Ham

CARRIED UNANIMOUSLY

10.5 FINANCIAL PERFORMANCE AS AT 31 AUGUST 2021

M226/21 RESOLVED:
THAT COUNCIL:

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

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

M227/21 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

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M228/21 RESOLVED to move out of Committee of the Whole.

Cr Bruce Wright/Cr Julia Ham

10.6 NOTIFICATION OF IPART OF INTENT TO APPLY FOR A SPECIAL RATE VARIATION

M229/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Notification of IPART of Intent to Apply for a Special Rate Variation;
2. Confirm and request the Chief Executive Officer notify the Independent Pricing and Regulatory Tribunal of its intent to apply under section 508A of the Local Government Act 1993 for a Special Rate Variation of 17.5% (including the rate peg) in 2022/23 and 17.5% per cent (including the rate peg) in 2023/24 to be a permanent increase retained within the rate base, for the purpose of maintaining existing services, enhancing financial sustainability and funding infrastructure maintenance and renewal;
3. Receive the updated Long-Term Financial Plan for Public Exhibition;
4. Endorse the updated Long-Term Financial Plan and place on public exhibition for a period of 28 days;
5. Request the Chief Financial Officer to undertake further community consultation as required in the NSW Office of Local Government Guidelines for the Preparation of an Application for a Special Variation to General Income 2020;
6. Note that the next phase of the community information and engagement period runs from 25 October to 28 November 2021;
7. In January 2022 receive a report on the community consultation outcomes, along with the completed Special Variation Application for consideration and determination of an application for a Special Rate Variation.

Cr Julia Ham/Cr Cate Cross

Division

For
Cr Benjamin
Cr Cross
Cr Ham
Cr Hayes
Cr Larter
Cr Wright

Against
Cr Pritchard

6/1

CARRIED

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Chief Executive Officer

11. MANAGEMENT REPORTS**11.1 LEASE - RAIL PRECINCT IN TUMUT**

M230/21 RESOLVED:
THAT COUNCIL:

1. Receive this report on the lease for the Rail Precinct in Tumut;
2. Approve not renewing the current lease with John Holland for the Rail Precinct in Tumut, noting that under the current lease conditions the lessee is responsible for all maintenance and repairs minor or major to the whole rail precinct including the buildings;
3. Delegate the Chief Executive Officer to renegotiate the conditions of the lease for the Rail Precinct in Tumut removing the conditions making the lessee fully responsible for all maintenance and repairs minor or major of the buildings included in the precinct, noting that the lessee would typically only be responsible for minor repairs and maintenance such as mowing, cleaning and general upkeep;
4. Receive a further report on the outcomes of the negotiations as described in item 3 in the above for the consideration of Council.

Cr Cate Cross/Cr John Larter

CARRIED UNANIMOUSLY

11.2 CLASSIFY LAND PURCHASED - 14 TYRELL STREET, KHANCOBAN (LOT 3)

M231/21 RESOLVED:
THAT COUNCIL:

1. Receive this report on the classification of land purchased at 14 Tyrell Street, Khancoban – Khancoban Country Club;
2. Approve the subject land for Operational Classification;
3. Delegate to the Mayor and CEO to proceed under the procurement process of Council for the sale of the land.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

11.3 TUMUT AERODROME - ADDITIONAL HANGAR SPACE

M232/21 RESOLVED:
THAT COUNCIL:

1. Receive this report on the Tumut Aerodrome - Additional Hangar Space;
2. Approve the preparation of land for the dual use of staging the stage 2 improvement works and the creation of additional allotments for six hangars at the Tumut Aerodrome;

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3. Note the creation of these additional hanger allotments is not consistent with the existing masterplan for the Tumut Aerodrome;
4. Note the need to review and update the masterplan for the Tumut Aerodrome to reflect the creation of the additional space for the hangars as referred to item 2 above;
5. Receive a further report to consider an update of the Tumut Aerodrome Masterplan that takes into account the additional hanger space and improvement works;
6. Receive a further report if additional funding is required for the creation of additional allotments for six hangars at the Tumut Aerodrome.

Cr Bruce Wright/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Andrianna Benjamin left the meeting, the time being 03:06 pm.

11.4 FOOTPATH EXTENSION - FOREST STREET TUMUT

**M233/21 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the proposed Footpath Extension - Forest Street, Tumut;
2. Note the outcomes of the strategic assessment and feasibility study for extending the concrete 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;
3. Endorse extending the footpath in Forest Street at the Franklin Public School subject to the availability of funding;
4. Endorse seeking external funding opportunities for the amount of \$39,600 for extending the footpath in Forest Street in partnership with the Franklin Public School;
5. Consider allocating a budget of \$39,600 for extending the footpath in Forest Street at the Franklin Public School as part of the 2022/23 budget process if externally sourced funding cannot be obtained in the interim;
6. Endorse undertaking a further strategic assessment on the need for extending the footpath along the Snowy Mountains Highway to link the residential housing estates on the east side of the Snowy Mountains Highway with the Franklin Public School after the completion of the footpath extension in Forest Street.

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Andrianna Benjamin returned to the meeting, at 03:12 pm.

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Chief Executive Officer

11.5 TRANSFER OF SVC COMMUNITY SERVICES PROGRAMS**M234/21 RESOLVED:
THAT COUNCIL:**

1. Receives and notes the report on Transfer of SVC Community Services Programs;
2. Confirms its commitment to ensuring residents of the Snowy Valleys have access to a range of quality aged services and providers;
3. Provide "in principle" endorsement to proceed with the development of a transition plan and undertake all due diligence required for the transfer of SVC Commonwealth Home Support Program funding contracts, programs and associated assets to an accredited provider of such programs and services following an expression of interest process;
4. Request the Chief Executive Officer (or his delegate) to submit a report to a future Meeting of Council for a determination in respect of the transfer of SVC Commonwealth Home Support Program funding contracts, programs and associated assets to an accredited provider of such programs and services;
5. Commits to advocating to other levels of government to address any emerging issues in the provision of appropriate aged care programs and services for the residents of Snowy Valleys.

Cr Julia Ham/Cr Bruce Wright

Division**For**

Cr Benjamin
Cr Cross
Cr Ham

Against

Cr Wright
Cr Larter
Cr Pritchard
Cr Hayes

3/4

LOST**11.6 REV2021/0001 - SECTION 8.2 REVIEW OF DETERMINATION FOR LOT 11 BOMBOWLEE AVENUE BOMBOWLEE****RECOMMENDATION:
THAT COUNCIL:**

1. Receive the report on REV2021/0001 – Lot 11 DP1123419 Bombowlee Avenue;
2. Determine application REV2021/0001 – Lot 11 DP1123419 Bombowlee Avenue for a dwelling and an attached shed by way of refusal for the following reasons:
 - a) The proposal does not satisfy the considerations for approval as outlined in Clause 5.21 – Flood Planning of the Tumut LEP 2012. It is

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considered that there an unacceptable level of risk to occupants of the dwelling due to insufficient safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) i) any Environmental Planning Instrument;

- b) The proposal is inconsistent with the controls outlined in the Snowy Valleys DCP 2019, specifically Clause 3.2.10 Flooding. The provided information is not considered to adequately address flooding issues, especially safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) iii) any Development Control Plan;
- c) The site is not considered to be suitable for the development given the flood risk posed to occupants of the dwelling. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including c) the suitability of the site for the development;
- d) The development is not considered to be in the public interest, given the additional risks associated with the potential rescue or evacuation of residents from the dwelling by emergency services personnel during flood events. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including e) the public interest.

Cr John Larter/Cr Cate Cross

11.6 REV2021/0001 - SECTION 8.2 REVIEW OF DETERMINATION FOR LOT 11 BOMBOWLEE AVENUE BOMBOWLEE

M235/21 RESOLVED that Council defer consideration of Item # 11.6 REV2021/0001 - Section 8.2 Review of Determination for Lot 11 Bombowlee Avenue Bombowlee until the applicant has submitted an access and egress plan.

Cr John Larter/Cr Bruce Wright

Division

For

Cr Benjamin
Cr Cross
Cr Ham
Cr Hayes
Cr Larter
Cr Wright

Against

Cr Pritchard

6/1

CARRIED

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11.6 REV2021/0001 - SECTION 8.2 REVIEW OF DETERMINATION FOR LOT 11 BOMBOWLEE AVENUE BOMBOWLEE

M236/21 RESOLVED that Council withdraw Motion 11.6 'REV2021/0001 - Section 8.2 Review of Determination for Lot 11 Bombowlee Avenue Bombowlee':

1. Receive the report on REV2021/0001 – Lot 11 DP1123419 Bombowlee Avenue;
2. Determine application REV2021/0001 – Lot 11 DP1123419 Bombowlee Avenue for a dwelling and an attached shed by way of refusal for the following reasons:
 - a) The proposal does not satisfy the considerations for approval as outlined in Clause 5.21 – Flood Planning of the Tumut LEP 2012. It is considered that there is an unacceptable level of risk to occupants of the dwelling due to insufficient safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) i) any Environmental Planning Instrument;
 - b) The proposal is inconsistent with the controls outlined in the Snowy Valleys DCP 2019, specifically Clause 3.2.10 Flooding. The provided information is not considered to adequately address flooding issues, especially safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) iii) any Development Control Plan;
 - c) The site is not considered to be suitable for the development given the flood risk posed to occupants of the dwelling. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including c) the suitability of the site for the development;
 - d) The development is not considered to be in the public interest, given the additional risks associated with the potential rescue or evacuation of residents from the dwelling by emergency services personnel during flood events. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including e) the public interest.

Cr John Larter/Cr Cate Cross

CARRIED UNANIMOUSLY

11.7 REV2021/0002 - SECTION 8.2 REVIEW OF DETERMINATION FOR LOT 12 BOMBOWLEE AVENUE BOMBOWLEE

RECOMMENDATION:

THAT COUNCIL:

1. Receive the report on REV2021/0002 – Lot 12 DP1123419 Bombowlee Avenue;
2. Determine application REV2021/0002 – Lot 12 DP1123419 Bombowlee Avenue for a dwelling and ancillary shed by way of refusal for the following

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reasons:

- a) The proposal does not satisfy the considerations for approval as outlined in Clause 5.21 – Flood Planning of the Tumut LEP 2012. It is considered that there is an unacceptable level of risk to occupants of the dwelling due to insufficient safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) i) any Environmental Planning Instrument.
- b) The proposal is inconsistent with the controls outlined in the Snowy Valleys DCP 2019, specifically Clause 3.2.10 Flooding. The provided information is not considered to adequately address flooding issues, especially safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) iii) any Development Control Plan.
- c) The site is not considered to be suitable for the development given the flood risk posed to occupants of the dwelling. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including c) the suitability of the site for the development.
- d) The development is not considered to be in the public interest, given the additional risks associated with the potential rescue or evacuation of residents from the dwelling by emergency services personnel during flood events. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including e) the public interest.

11.7 REV2021/0002 - SECTION 8.2 REVIEW OF DETERMINATION FOR LOT 12 BOMBOWLEE AVENUE BOMBOWLEE

M237/21 RESOLVED that Council defer consideration of Item # 11.7 'REV2021/0002 - Section 8.2 review of determination for Lot 12 Bombowlee Avenue Bombowlee' until the applicant has submitted an access and egress plan.

Cr Julia Ham/Cr Bruce Wright

CARRIED UNANIMOUSLY

12. MINUTES OF COMMITTEE MEETINGS

12.1 MINUTES - ABORIGINAL LIAISON COMMITTEE MEETING - 18 AUGUST 2021

M238/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Minutes – Aboriginal Liaison Committee Meeting – 18 August 2021.

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2. Note the Minutes of the Aboriginal Liaison Committee Meeting held on 18 August 2021.
3. Defer consideration of a request for a Ngarigo representative on the Committee until such time as a vacancy arises.

Cr Geoff Pritchard/Cr John Larter

CARRIED UNANIMOUSLY

12.2 MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 29 SEPTEMBER 2021 - EXTRAORDINARY

**M239/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Minutes – Audit Risk and Improvement Committee – 29 September 2021 - Extraordinary
2. Note the Minutes of the Extraordinary Audit Risk and Improvement Committee meeting held on 29 September 2021
3. Adopt the following recommendation/s from the minutes:
 3. Draw Council's attention to the following matters:
 - a) The accounting treatment for the Rural Fire Service Assets where Council officers support the position in the draft financial statements to not recognise Rural Fire Service assets including land, buildings, plant, and vehicles based on Australian Accounting Standard requirements and until the matter is progressed with the NSW Audit Office and further advocacy undertaken by impacted councils for the legislation to be changed.
 - b) Unrestricted cash was discussed in detail and was agreed to be shown as presented in the draft financial statements as a negative unrestricted cash balance with the following notation in the financial statements:
 - (1) At 30 June Council recognised outstanding Disaster Recovery Funding Arrangements (DRFA) claims in excess of \$5.5M as receivables (Note C1-4) for work delivered during the financial year 2020/21. These claims were still being evaluated and payment was yet to be received from the State Government, resulting in Council holding a negative unrestricted cash balance at year end.

Cr Cate Cross/Cr John Larter

CARRIED UNANIMOUSLY

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11.2 CLASSIFY LAND PURCHASED - 14 TYRELL STREET, KHANCOBAN (LOT 3)**M240/21 RESOLVED:**

A motion was moved and seconded in relation to Point 3 of Item # 11.2 'Classify Land Purchased - 14 Tyrell Street, Khancoban (Lot 3)' that Council authorise the Mayor and the CEO to apply the Council seal to the sale of land 14 Tyrell Street, Khancoban, Lot 3 DP1239992.

Cr Bruce Wright/Cr Julia Ham

CARRIED UNANIMOUSLY

There being no further business to discuss, the meeting closed at 3.43pm.

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