

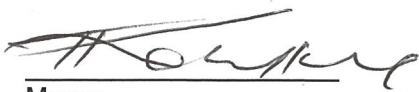


ORDINARY MEETING

MINUTES

Tuesday, 17 October 2023

THE MEETING WAS HELD AT 2:03 PM
COUNCIL CHAMBERS 76 CAPPER STREET TUMUT
AND VIA VIDEO LINK



Mayor



Interim General Manager



Tuesday, 17 October 2023
Council Chambers 76 Capper Street Tumut and Via Video Link
2:03 PM

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[Signature]
Mayor

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Interim General Manager

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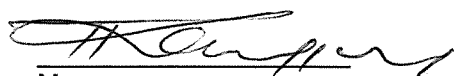
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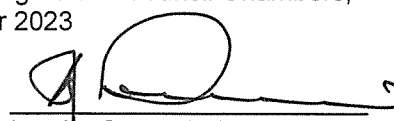
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Mayor


Interim General Manager

PRESENT: Mayor, Cr Ian Chaffey (Chair), Cr Johanna (Hansie) Armour, Cr Julia Ham, Cr Sam Hughes, Cr James Hayes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson

IN ATTENDANCE: Interim General Manager, Steven Pinnuck, Director Community & Corporate Jessica Quilty, Manager Finance Parthiv Parekh, Manager Growth & Activation Nick Wilton, Manager Technical Services Glen McGrath, Manager Utilities, Open Space & Facilities Brad Beed

1. ACKNOWLEDGEMENT OF COUNTRY

An acknowledgement of the traditional custodians of the land was delivered by the Mayor, Cr Chaffey.

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Nil.

3. DECLARATIONS OF PECUNIARY INTEREST

Nil.

4. CONFIRMATION OF MINUTES

4.1. MINUTES - ORDINARY COUNCIL - 21 SEPTEMBER 2023

M201/23 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 21 September 2023 be received and confirmed as an accurate record.


Cr Brent Livermore/Cr Mick Ivill

CARRIED UNANIMOUSLY

5. CORRESPONDENCE/PETITIONS

Nil.


Mayor


Interim General Manager

6. NOTICE OF MOTION/NOTICE OF RESCISSION

6.1. NOTICE OF MOTION: NSW ACKNOWLEDGEMENT OF LONG-TERM FINANCIAL SUSTAINABILITY CHALLENGES

MOTION:

THAT COUNCIL:

Call upon the NSW Government to acknowledge the long-term financial sustainability challenges of local government, and to specifically address:

1. The detrimental impacts on council financial sustainability as a result of cost-shifting to local government by both the Federal and NSW Governments, such as:
 1. The emergency services levy for Snowy Valleys Council being \$786, 707 in the 2023/24 financial year;
 2. The requirement to provide concessions (e.g. pensioner concessions) without adequate compensation payments;
 3. The failure to provide appropriate indexation for fees and charges prescribed under State legislation;
 4. The vesting of Rural Fire Service assets in council, leaving councils to bear the cost burden of depreciation;
 5. The transfer of management of Crown Lands to local councils without appropriate compensation to alleviate the financial and resource burden on councils
2. The antiquated rating system and its restrictions on a council's ability to raise appropriate levels of revenue to fund the provision of an increasing range of services to their communities;
3. The impediment of maintaining Rural Centre employment numbers for merged councils in achieving long term efficiencies and savings;
4. The lack of ongoing operational funding for new and upgraded assets once they are commissioned under a capital funding stream;
5. The inequity of taxation distribution among the three tiers of Australian government, including the reduction of the Financial Assistance Grants Scheme grant as a percentage of total taxation revenue.
6. Further, that correspondence be forwarded to the Premier of NSW and the Minister for Local Government on the financial sustainability challenges of local government.

Cr James Hayes/Cr Mick Ivill

M202/23 RESOLVED to move into Committee of the Whole.

Cr Trina Thomson/Cr Julia Ham


CARRIED UNANIMOUSLY

M203/23 RESOLVED to move out of Committee of the Whole.

Cr Mick Ivill/Cr James Hayes

CARRIED UNANIMOUSLY



Mayor

Interim General Manager

M204/23 RESOLVED:

THAT COUNCIL forward the following motion to LGNSW for consideration at the annual conference:

1. Call upon the NSW Government to acknowledge the long-term financial sustainability challenges of local government, and to specifically address:

The detrimental impacts on council financial sustainability as a result of cost-shifting to local government by both the Federal and NSW Governments, such as:

- (i) The emergency services levy for Snowy Valleys Council being \$786,707 in the 2023/24 financial year;
 - (ii) The requirement to provide concessions (e.g. pensioner concessions) without adequate compensation payments;
 - (iii) The failure to provide appropriate indexation for fees and charges prescribed under State legislation;
 - (iv) The vesting of Rural Fire Service assets in council, leaving councils to bear the cost burden of depreciation;
 - (v) The transfer of management of Crown Lands to local councils without appropriate compensation to alleviate the financial and resource burden on councils
2. The antiquated rating system and its restrictions on a council's ability to raise appropriate levels of revenue to fund the provision of an increasing range of services to their communities;
 3. The impact of maintaining Rural Centre employment numbers for merged councils in achieving long term efficiencies and savings;
 4. The lack of ongoing operational funding for new and upgraded assets once they are commissioned under a capital funding stream;
 5. The inequity of taxation distribution among the three tiers of Australian government, including the reduction of the Financial Assistance Grants Scheme grant as a percentage of total taxation revenue.
 6. Further, that correspondence be forwarded to the Premier of NSW and the Minister for Local Government on the financial sustainability challenges of local government.

Cr James Hayes/Cr Mick Ivill

CARRIED UNANIMOUSLY

7. MAYORAL MINUTE

Nil.

8. URGENT BUSINESS WITHOUT NOTICE

Nil.



Mayor



Interim General Manager

9. GOVERNANCE AND FINANCIAL REPORTS

9.1. ATTENDANCE AT THE REGIONS RISING NATIONAL SUMMIT 13-14 SEPTEMBER 2023 BY CR JULIA HAM

M205/23 RESOLVED:

THAT COUNCIL:

1. Receive the report on the 2023 Regions Rising National Summit outcomes from Councillor Julia Ham.

Cr Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY

9.2. PROPOSED CHANGES TO THE CODE OF MEETING PRACTICE

M206/23 RESOLVED:

THAT COUNCIL:

1. Adopt the proposed updates to the *Code of Meeting Practice SVC-EXE-M-023-05*.
2. Include an alteration to 4.12 - that the General Manager or their delegate is to determine the order of speakers at the public forum but will normally be in the order in which speakers register.

Cr James Hayes/Cr Sam Hughes

CARRIED UNANIMOUSLY

9.3. 2024 SCHEDULE OF ORDINARY COUNCIL MEETING DATES AND TIMES

M207/23 RESOLVED:

THAT COUNCIL:

1. Approve the following Ordinary Council meeting dates for 2024 commencing at 2pm, Tumut Council Chambers: Thursday 15 February 2024, Thursday 21 March 2024, Thursday 18 April 2024, Thursday 16 May 2024, Thursday 20 June 2024, Thursday 18 July 2024, Thursday 15 August 2024, Thursday 19 September 2024, Thursday 17 October 2024, Thursday 21 November 2024, Thursday 12 December 2024; and
2. Approve the cancellation of the meeting in January 2024 unless there are extenuating circumstances and the Mayor deems it necessary to call an extraordinary meeting.

Cr James Hayes/Cr Mick Ivill

CARRIED UNANIMOUSLY
Mayor
Interim General Manager

9.4. CHRISTMAS CLOSURE 2023

M208/23 RESOLVED:

THAT COUNCIL:

1. Endorse the implementation of the operational arrangements outlined in the report for the 2023/24 Christmas/New Year period and that these details be published to the community; and
2. In accordance with Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and Interim General Manager or in their absence, to the persons acting in these roles, during the period of Council recess to jointly exercise the powers, authorities, duties and functions of Council which cannot reasonably be deferred to the first ordinary Council meeting following the Council recess. This period:
 - (a) Commencing at midnight on the day of the Council meeting held immediately before the recess period as approved by Council (14 December 2023) and
 - (b) Concluding at the time of commencement of the first Council meeting held immediately after the end of the recess period (15 February 2024) and noting that any such decisions are to be unanimous and circulated to Councillors for their information and will be reported to the first Ordinary Council meeting following the recess period.

Cr James Hayes/Cr Mick Ivill

CARRIED UNANIMOUSLY

9.5. DRAFT PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS POLICY - FOR PUBLIC EXHIBITION

M209/23 RESOLVED:

THAT COUNCIL:

1. Endorse the Draft Payment of Expenses and Provisions of Facilities for Mayor and Councillors Policy SVC-EXE-PO-002-05 for public exhibition for a period of no less than 28 days;
2. Note if submissions are received during the exhibition, a further report will be provided to Council; and
3. Adopt the Payment of Expenses and Provisions of Facilities for Mayor and Councillors Policy SVC-EXE-PO-002-05 if no submissions are received on the day after the completion of the public exhibition period.

Cr Julia Ham/Cr Johanna (Hansie) Armour

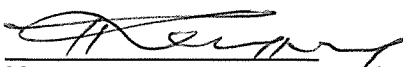
CARRIED UNANIMOUSLY

9.6. DRAFT MEDIA AND SOCIAL MEDIA POLICY FOR PUBLIC EXHIBITION

M210/23 RESOLVED:

THAT COUNCIL:

1. Endorse the Draft Media and Social Media Policy SVC-COR-PO-024-03 for public exhibition for a period of no less than 28 days;
2. Note if submissions are received during the exhibition, a further report will be provided to Council; and


Mayor
Interim General Manager

3. Adopt the Media and Social Media Policy SVC-COR-PO-024-03 if no submissions are received on the day after the completion of the public exhibition period.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

9.7. PECUNIARY INTEREST RETURNS FOR COUNCILLORS DESIGNATED STAFF AND ARIC MEMBERS

M211/23 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 2023 as listed in accordance with the Code of Conduct:

Councillors: Cr Johanna (Hansie) Armour, Cr Ian Chaffey, Cr Julia Ham, Cr James Hayes, Cr Samuel Hughes, Cr Michael Ivill, Cr John Larter, Cr Brent Livermore, Cr Trina Thomson;

Designated Staff:

General Manager-Ken Gouldthorp; Interim General Manager- Steven Pinnuck; Director Infrastructure & Works-Duncan Mitchell; Director Community & Corporate-Jessica Quilty; Manager Growth & Activation-Nicholas Wilton; Audit Risk & Improvement Committee Chairperson-Steven Walker and Committee Members-Carolyn Rosetta-Walsh & Melissa Tooke;

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

Cr Mick Ivill/Cr Brent Livermore

CARRIED UNANIMOUSLY

9.8. PRESENTATION OF ANNUAL FINANCIAL STATEMENTS - YEAR ENDED 30 JUNE 2023

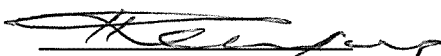
M212/23 RESOLVED:

THAT COUNCIL:

1. Adopt the Annual Financial Statements for the year ended 30 June 2023;
2. In accordance with Section 413(2)(c) of the *Local Government Act 1993*, authorise the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer to sign the "Statement by Councillors and Management" for the General and Special Purpose Financial Statements and lodge them with the Office of Local Government by 31 October 2023;
3. Note that the Annual Financial Statements will be placed on Council's website for public comment;
4. Invite the Audit Office of NSW and Crowe Australia to attend the Council meeting of 16 November 2023 to present the Auditor's Report; and
5. Note a Reserve Fund transfer of \$70,000 towards the Batlow Itinerant Workers Accommodation project from the Caravan Park Internal Reserve.

Cr Julia Ham/Cr James Hayes

CARRIED UNANIMOUSLY


Mayor


Interim General Manager

9.9. STATEMENT OF INVESTMENTS - 30 SEPTEMBER 2023**MOTION:**

THAT COUNCIL:

1. Note the report on Statement of Investments - 30 September 2023

Cr Julia Ham/Cr Brent Livermore

M213/23 RESOLVED to move into Committee of the Whole

Cr Johanna (Hansie) Armour/Cr Julia Ham

CARRIED UNANIMOUSLY**M214/23 RESOLVED** to move out of Committee of the Whole

Cr Julia Ham/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY**M215/23 RESOLVED:**

THAT COUNCIL:

1. Note the report on Statement of Investments - 30 September 2023

Cr Julia Ham/Cr Brent Livermore

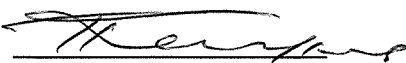
CARRIED UNANIMOUSLY**10. MANAGEMENT REPORTS**

10.1. DONATION OF HERITAGE GOLD MINING EQUIPMENT**M216/23 RESOLVED:**

THAT COUNCIL:

1. Accept the donation of old gold mining equipment (Windlass Wheels) from Rodney & Margo Fifield to be displayed in the Mining Equipment Park above the entrance to the Adelong Falls Reserve;
2. Approve the amount of \$15,000 to fund the project from the building renewals capital works program; and
3. Authorise the Interim General Manager to enter into an agreement with the Fifield's to accept the donation on behalf of Council.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY
Mayor
Interim General Manager

11. MINUTES OF COMMITTEE MEETINGS

11.1. MINUTES - EXTRA-AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 SEPTEMBER 2023

M217/23 RESOLVED:

THAT COUNCIL:

1. Note the Minutes of the Extra-Audit Risk and Improvement Committee held on 27 September 2023;
2. Note the following matters from the draft Financial Statements:
 - a. The 'cash position' and operational performance, highlighting the structural deficit of approximately \$5 million;
 - b. The effect of corporate churn on the operational performance and financial sustainability of Snowy Valleys Council;
 - c. That the 'own source operating revenue ratio' was lifted by the revaluation of water and sewer assets;
 - d. The potential risks of State and Federal government decisions including rates of Emergency Services Levy, Pensioner Rebates and the reporting on RFS Assets;
 - e. The credit risk associated with the proportional increase in the 'gross carrying amount' of outstanding rate debtors;
 - f. Any impact on performance related to 'employee benefits and on-costs', impact of reduced staffing levels and consideration of contractor cost inflation; and
 - g. The risk of financial sustainability for the rehabilitation of waste facilities and quarries may be impacted by the rehabilitation strategies currently being developed.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

11.2. MINUTES - TUMBARUMBA FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING - 25 SEPTEMBER 2023

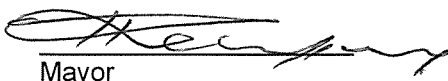
M218/23 RESOLVED:

THAT COUNCIL:

1. Note the Minutes of the Tumbarumba Floodplain Risk Management Meeting held on 25 September 2023; and
2. Adopt the following recommendation from the minutes:
 - 2a. Endorse the amendment of the Terms of Reference to adopt the change in Point 6(b), Item 3 to state 'NSW State Emergency Service'.

Cr Brent Livermore/Cr Mick Ivill

CARRIED UNANIMOUSLY



Mayor



Interim General Manager

12. CONFIDENTIAL

M219/23 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:

12.1 CONFIDENTIAL - RFT 2022-07 - CONSTRUCTION OF AMENITIES BLOCK BULL PADDOCK TUMUT

Item 12.1 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 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 Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY

The meeting was closed to the public at 3.13pm.

12.1. CONFIDENTIAL - RFT 2022-07 - CONSTRUCTION OF AMENITIES BLOCK BULL PADDOCK TUMUT

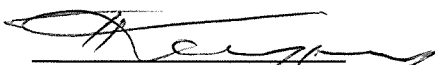
M220/23 RESOLVED:


THAT COUNCIL:

1. In accordance with Section 178 (3)(e) Local Government (General) Regulation 2021:
 - (a) Reject all offers for Request for Tender (RFT) 2022 - 07 including the tender awarded to Gundagai Construction Services for the Construction of female change rooms and amenities at the Bull Paddock, Tumut as that company can no longer deliver the project for their original lump sum Tender Price;
 - (b) Not invite fresh tenders, because it is considered that re-tendering, rather than negotiating, will not attract additional suitable submissions and will delay the project;
2. Authorise the Interim General Manager or delegate to enter into direct negotiation with all the original tenderers and other suitable contractors for the construction of female change rooms and amenities at the Bull Paddock, Tumut based on an amended project scope;
3. Authorise the Interim General Manager at the end of successful negotiations to enter into a contract with suitably qualified contractors for the construction of female change rooms and amenities at the Bull Paddock, Tumut;
4. Upon execution of the Contract, advertise information relating to the successful award of the project in accordance with the *Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts with Private Sector*;
5. Treat matters in the Confidential Report specified in Sections 10A(2)(d)(i) as confidential and remain confidential until Council determines otherwise; and
6. Note that the proposed project scope changes to reduce costs and bring the project within the grant funded budget will be brought to a Council Workshop prior to Council undertaking any "reject and negotiate" process with any companies deemed suitable to deliver the project.

Cr Trina Thomson/Cr Mick Ivill

CARRIED UNANIMOUSLY


Mayor


Interim General Manager

13. MEETING CLOSURE

M221/23 RESOLVED to move back into open council.

Cr Julia Ham/Cr Sam Hughes

CARRIED UNANIMOUSLY

The Interim General Manager provided a verbal report on the resolutions from the closed Confidential session.

There being no further business the meeting closed at 3.40pm.


Mayor


Interim General Manager