



COUNCIL ORDINARY MEETING

MINUTES

Thursday, 15 February 2024

THE MEETING WAS HELD AT 2:00 PM
COUNCIL CHAMBERS 76 CAPPER STREET TUMUT AND VIA
VIDEO LINK


Mayor


Interim General Manager



Thursday, 15 February 2024
Council Chambers 76 Capper Street Tumut and Via Video Link
2:00 PM

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 Mayor


 Interim General Manager

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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 John Larter, Cr Brent Livermore, Cr Trina Thomson
- IN ATTENDANCE:** Interim General Manager Steven Pinnuck, Director Community & Corporate Jessica Quilty, Director Infrastructure & Works Duncan Mitchell, Manager Finance Parthiv Parekh, Executive Manager Growth & Development Nick Wilton

1. PUBLIC FORUM

One speaker addressed Council as follows:

- John Proud spoke against Item 6.2 Petition – ‘Green Life’ Sculpture Batlow.
- John Armstrong and Terry Rafferty attended in support of Mr Proud’s address.

2. ACKNOWLEDGEMENT OF COUNTRY

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

The Mayor acknowledged the passing of the Late Raymond (Dossie) Carr and the contributions he made to the community.

3. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Cr Livermore requested a Leave of Absence for the March meeting.

Cr Ham requested a Leave of Absence for the April meeting.

4. DECLARATIONS OF PECUNIARY INTEREST

Cr James Hayes declared a pecuniary interest in relation to report #11.1 DA2023/0120 – Proposed Boundary Adjustment at 702 – 712 Bombowlee Creek Road, Bombowlee due to a conflict of interest and will leave the room during discussion.

5. CONFIRMATION OF MINUTES

5.1. MINUTES - ORDINARY COUNCIL - 14 DECEMBER 2023

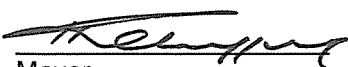
M05/24 RESOLVED that the Minutes of the Ordinary Council Meeting held on 14 December 2023 be received and confirmed as an accurate record.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in Council Chambers 76 Capper Street Tumut and Via Video Link on Thursday, 15 February 2024

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Mayor


Interim General Manager

5.2. MINUTES - EXTRAORDINARY COUNCIL - 1 FEBRUARY 2024

M06/24 RESOLVED that the minutes of the Extraordinary Council Meeting held on 1 February 2024 be received and confirmed as an accurate record.

Cr John Larter/Cr Brent Livermore

CARRIED UNANIMOUSLY

6. CORRESPONDENCE/PETITIONS

6.1. PETITION - ADELONG CARAVAN PARK MANAGEMENT

The Petition was tabled.

M07/24 RESOLVED:

THAT COUNCIL:

1. Advise Krystin Smith, Club Manager of the Adelong Services, Citizens and Bowling Club Pty Ltd following the closure of the Expression of Interest on Monday, 12 February 2024 that a report will be submitted to either the 21 March 2024 or 18 April 2024 meeting of Council for consideration; and
2. Advise Krystin Smith, Club Manager of the Adelong Services, Citizens and Bowling Club Pty Ltd that the acceptance of any Expression of Interest will be determined by the Elected Council via a Council resolution.

Cr Trina Thomson/Cr Sam Hughes

CARRIED UNANIMOUSLY

6.2. PETITION - 'GREEN LIFE' SCULPTURE BATLOW

The Petition was tabled.

MOTION:

THAT COUNCIL:

1. Receive the 50 signatory petition from community members of Batlow;
2. Endorse the location of the sculpture at western end of Selwyn Street, Batlow; and
3. Notify the Chief Petitioner of the resolution of Council

Cr Julia Ham/Cr James Hayes

AMENDMENT

THAT COUNCIL:

1. Receive the 50-signatory petition from community members of Batlow;
2. Liaise with Snowy Valleys Sculpture Trail Committee regarding the potential relocation within Batlow
3. Notify the Chief Petitioner of the resolution of Council

Cr John Larter/Cr Mick Ivill

M08/24 RESOLVED to move into Committee of the Whole

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY**M09/24 RESOLVED** to move out of Committee of the Whole

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY**M10/24 RESOLVED** to vote on each item of the amendment separately.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY**M11/24 RESOLVED:**

THAT COUNCIL:

1. Receive the 50-signatory petition from community members of Batlow.

Cr John Larter/Cr Mick Ivill

CARRIED UNANIMOUSLY**M12/24 RESOLVED:**


THAT COUNCIL:

1. Liaise with Snowy Valleys Sculpture Trail Committee regarding the potential relocation of the 'Green Life' sculpture within Batlow.

Cr John Larter/Cr Mick Ivill

For: Cr Armour, Cr Chaffey, Cr Ivill, Cr Larter, Cr Livermore, Cr Thomson

Against: Cr Hughes, Cr Ham, Cr Hayes

CARRIED**6/3**
Mayor
Interim General Manager

M13/24 RESOLVED:

THAT COUNCIL:

1. Notify the Chief Petitioner of the resolution of Council.

Cr John Larter/Cr Mick Ivill

CARRIED UNANIMOUSLY

7. MAYORAL MINUTE

7.1. MAYORAL MINUTE - IMPACTS OF THE HUMELINK TRANSMISSION LINE PROJECT

M14/24 RESOLVED:

THAT COUNCIL:

1. Invite Australian Energy Regulator Chairperson Ms Clare Savage and CEO Anthea Harris to address Council.
2. Invite Australian Energy Regulator Chairperson Ms Clare Savage and CEO Anthea Harris to hold a Board Meeting within the Snowy Valleys Local Government Area.

Cr Ian Chaffey/Cr Julia Ham

CARRIED UNANIMOUSLY

8. NOTICE OF MOTION/NOTICE OF RESCISSION

**8.1. NOTICE OF MOTION - REVIEW OF WATER & WASTEWATER CHARGING POLICY -
CLR JAMES HAYES**

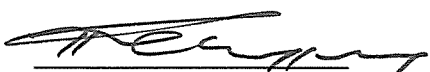
M15/24 RESOLVED:

THAT COUNCIL:

1. Review the Water and Wastewater Charging Policy in relation to Item 4.10 Undetected Leak or Exceptional Water Loss.

Cr James Hayes/Cr John Larter

CARRIED UNANIMOUSLY


Mayor


Interim General Manager

8.2. NOTICE OF MOTION - SVC DE-MERGER STATUS REPORT - CLRS HAYES AND LARTER

M16/24 RESOLVED:

THAT COUNCIL:

Prepare a status report to inform councillors and the community of the progress of de-merging the Snowy Valleys Council.

Cr James Hayes/Cr John Larter

CARRIED UNANIMOUSLY

9. URGENT BUSINESS WITHOUT NOTICE

Nil.

10. GOVERNANCE AND FINANCIAL REPORTS

10.1. DRAFT SNOWY VALLEYS COUNCIL DE-AMALGAMATION ROAD MAP

MOTION:

THAT COUNCIL:

1. Note the progress made in the development of the draft Snowy Valleys Council De-amalgamation Road Map; and
2. Approve the Consultant's Brief – De-amalgamation Financial Sustainability Review subject to a suitable funding source being identified;
3. Continue to monitor the progress of the Local Government Amendment (De-amalgamation Plebiscites) Bill 2023 and the Local Government Amendment (De-amalgamations) Bill 2024 and provide update reports to Council when further information is available.

Cr Trina Thomson/Cr Brent Livermore

M17/24 RESOLVED to move into the Committee of the Whole

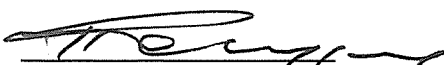
Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

M18/24 RESOLVED to move out of the Committee of the Whole

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY


Mayor


Interim General Manager

M19/24 RESOLVED:

THAT COUNCIL:

1. Note the progress made in the development of the draft Snowy Valleys Council De-amalgamation Road Map; and
2. Approve the Consultant's Brief – De-amalgamation Financial Sustainability Review subject to a suitable funding source being identified.
3. Continue to monitor the progress of the Local Government Amendment (De-amalgamation Plebiscites) Bill 2023 and the Local Government Amendment (De-amalgamations) Bill 2024 and provide update reports to Council when further information is available.

Cr Trina Thomson/Cr Brent Livermore

CARRIED UNANIMOUSLY**10.2. APPLICATION FOR INTERNAL LOAN FROM SNOWY VALLEYS COUNCIL SEWERAGE FUND****M20/24 RESOLVED:**

THAT COUNCIL:

1. Apply to the NSW Office of Local Government (OLG) for an internal loan from the Snowy Valleys Council's Sewerage Fund of \$5,000,000.00, interest only for a period of 10 years;
2. The interest rate be set at the Reserve Bank of Australia Cash Rate Target at the date of drawdown and reviewed annually; and
3. The loan include provision for the annual repayments of principle over the term of the loan.


Cr Mick Ivill/Cr John Larter

CARRIED UNANIMOUSLY**10.3. SIX MONTHLY DELIVERY PROGRAM AND OPERATIONAL PLAN PROGRESS REPORT (JULY TO DECEMBER 2023)****M21/24 RESOLVED:**

THAT COUNCIL:

1. Endorse the 2023-2024 Six (6) Monthly combined Delivery Program and Operational Plan Progress Report (July to December 2023);
2. Receive quarterly reports on the Reconciliation Action Plan.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY
Mayor
Interim General Manager

10.4. QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2023**M22/24 RESOLVED:**

THAT COUNCIL:

1. Receive and adopt the Quarterly Budget Review as at 31 December 2023; and
2. Adopt the Revenue, Expenditure and Capital Budget adjustments as noted in the December Quarterly Budget Review.

Cr Sam Hughes/Cr John Larter

CARRIED UNANIMOUSLY**M23/24 RESOLVED** to move Item 11.1 forward.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY*Cr Hayes left the meeting at 3.15pm.***11.1. DA2023/0120 - PROPOSED BOUNDARY ADJUSTMENT AT 702-712 BOMBOWLEE CREEK ROAD, BOMBOWLEE****M24/24 RESOLVED:**

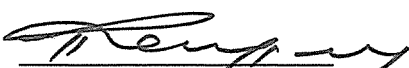
THAT COUNCIL:

Determine the Development Application 2023/0120 which seeks development consent for a boundary adjustment of Lots at Bombowlee Creek Road, Bombowlee by way of approval subject to standard conditions of consent in attachment 3 and amendment to condition 4, in particular the first paragraph of the condition, to require the developer to upgrade the access to proposed Lot 20 in accordance with Council's Rural Driveway Access construction procedure and specification information pack.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY**M25/24 RESOLVED** to move back to the order of business.

Cr Trina Thomson/Cr John Larter

CARRIED UNANIMOUSLY*Cr Hayes returned to the meeting at 3.20pm.*
Mayor
Interim General Manager

10.5. REVIEW - DRAFT LEGISLATIVE COMPLIANCE POLICY & DRAFT ACCESS TO INFORMATION POLICY - PUBLIC EXHIBITION

M26/24 RESOLVED:

THAT COUNCIL:

1. Endorse the Draft *Legislative Compliance Policy* SVC-COR-PO-090-02 for public exhibition for a period of no less than 28 days;
2. Endorse the Draft *Access to Information Policy* SVC-COR-PO-063-02 for public exhibition for a period of no less than 28 days;
3. Note if submissions are received during the exhibition, a further report will be provided to Council;
4. Adopt the *Legislative Compliance Policy* SVC-COR-PO-090-02 if no submissions are received on the day after the completion of the public exhibition period; and
5. Adopt the *Access to Information Policy* SVC-COR-PO-063-02 if no submissions are received on the day after the completion of the public exhibition period.

Cr John Larter/Cr Mick Ivill

CARRIED UNANIMOUSLY

10.6. REVIEW - DRAFT INFORMATION GUIDE 2023/2024 - FOR PUBLIC EXHIBITION

M27/24 RESOLVED:

THAT COUNCIL:

1. Endorse the DRAFT *Snowy Valleys Council Information Guide 2023/2024* - SVC-EXE-Gdl-001-05 for public exhibition for a period of no less than 28 days;
2. Note that the Information Commissioner NSW must be notified prior to adopting or amending an Agency's Information Guide and therefore a copy of the Draft Information Guide will be submitted to the Information Commissioner NSW prior to finalisation;
3. Note if submissions are received during the exhibition, a further report will be provided to Council; and
4. Adopt the *Snowy Valleys Council Information Guide 2023/2024* - SVC-EXE-Gdl-001-05 if no submissions are received on the day after the completion of the public exhibition period.

Cr John Larter/Cr Julia Ham

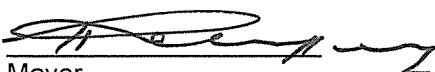
CARRIED UNANIMOUSLY

10.7. COUNCILLOR EXPENSES FOR THE SIX MONTHS PERIOD ENDING 31 DECEMBER 2023

M28/24 RESOLVED:

THAT COUNCIL:

1. Note the report on Councillor Expenses for the six (6) months period ending 30 June 2023.


Mayor


Interim General Manager

Cr John Larter/Cr Brent Livermore

CARRIED UNANIMOUSLY

10.8. STATEMENT OF INVESTMENT - 31 DECEMBER 2023

M29/24 RESOLVED:

THAT COUNCIL:

1. Note the report on Statement of Investment - 31 December 2023.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

10.9. STATEMENT OF INVESTMENT - 31 JANUARY 2024

M30/24 RESOLVED:

THAT COUNCIL:

1. Note the report on Statement of Investment - 31 January 2024.

Cr John Larter/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

11. MANAGEMENT REPORTS

Item 11.1 brought forward.

11.2. ESTABLISHMENT OF A FLOODPLAIN BRUNGLE RISK MANAGEMENT COMMITTEE

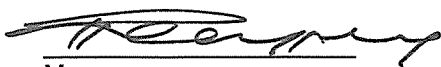
M31/24 RESOLVED:

THAT COUNCIL:

1. Formally establish a Brungle Floodplain Risk Management Committee - being an advisory committee of Council;
2. Accept the funding offer from the Department of Planning and Environment in the amount of \$112,000, dated 3rd November 2023;
3. Allocate funding in the amount of \$28,000, in the 2024/2025 financial year budget to comply with its obligations to provide a 4:1 funding ratio contribution to the Brungle Flood Study; and
4. Appoint Cr Armour and Cr Hayes to the Brungle Floodplain Risk Management Committee.

Cr Trina Thomson/Cr Sam Hughes

CARRIED UNANIMOUSLY


Mayor


Interim General Manager

11.3. CLASSIFY LAND PURCHASED - LOT 1 DP 90610 - BATLOW ROAD LAUREL HILL**M32/24 RESOLVED:**

THAT COUNCIL:

1. Classify land acquired at Batlow Road, Laurel Hill being Lot 1 DP 90610 as 'Operational Land';
2. Notify adjoining landowners of the change in status and ownership of the land; and
3. Notify Transport for New South Wales (TfNSW) and all other relevant stakeholders of the change in status and ownership of the land.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY**11.4. REQUEST FOR SALE OF COUNCIL CLOSED ROAD - WITHIN LOT 1 DP 717727 - LAUREL HILL****M33/24 RESOLVED:**

THAT COUNCIL:

1. Approve the removal of the positive covenant for potential sale of the unformed Lot (Paper Road) within Lot 1 DP 717727 at Batlow Road - Laurel Hill, subject to the terms of sale being met including:
 - a. Compliance with the legislative framework for the sale of land and roads contained within the 'Real Property Act 1900', the 'Roads Act 1993', and the current NSW Registrar Generals - Land Registry Services Guidelines for the closure and sale of public roads;
 - b. Sale price of the land is to be determined by an independent valuation of the land based on the surrounding land use zoning and not the current zoning of the land as well as the future permissible use of the land under Councils' current Local Environmental Plan;
 - c. The area of land (m²) to be sold is to be confirmed in a land survey prepared by a registered land surveyor;
 - d. The brief for the land valuation is to be prepared by Council and the Land Valuer is to be engaged directly by Council;
 - e. All costs including land valuation costs, land survey costs, preparation of contract for sale costs, land re-zoning costs, consultation costs, notification costs, planning, legal and all other costs associated with the sale and transfer of the land are to be borne by the applicant;
 - f. A bond of \$5,000 be sought from the applicant upfront before Council staff undertake any work on the road closure, subdivision and sale of the land and that an administration fee of \$2000 also be charged for Council staff time and associated administration costs. The costs identified above (e) will be paid for out of the bond with any unused funds returned to the applicant.
2. Seek concurrence and approval from Transport for New South Wales (TfNSW) in writing on the sale of this road before any valuation or sales process is undertaken by any party;
3. Notify all adjoining property owners of any decision of Council to sell the land before any valuation or sales process is undertaken by any party including Council;



Mayor



Interim General Manager

4. Authorise the Interim General Manager to obtain an independent valuation of the land and negotiate the sale of the land;
5. Delegate the Mayor and Interim General Manager to affix the Council Seal and execute documents relevant to the sale of the land;
6. Classify land as Operational Land for the purpose of sale and the land to remain vested in Council; and
7. Request a subsequent report to Council on the outcome of the sale of the land.

Cr John Larter/Cr Sam Hughes


CARRIED UNANIMOUSLY


11.5. REQUEST FOR ROAD CLOSURE AND SALE - PART ALPINE WAY, KHANCOBAN

M34/24 RESOLVED:

THAT COUNCIL:

1. Approve the partial road closure, subdivision and sale of the formed lot bordering Lot 2 DP 850930 subject to the terms of sale being met including:
 - a. compliance with the legislative framework for the closing of public roads contained within the *Roads Act 1993*, and sale of land contained in the *Real Property Act 1900* and the current NSW Registrar General's Land Registry Services Guidelines for the Closure and Sale of Public Roads;
 - b. sale price to be determined by an independent land valuation based on the surrounding land use zoning and not the current zoning of the land as well as the future permissible use of the land under Councils' current Tumbarumba Local Environment Plan 2010 (LEP);
 - c. the area of land (m2) to be sold is to be confirmed in a land survey prepared by a registered land surveyor;
 - d. the brief for the land valuation is to be prepared by Council and the Land Valuer is to be engaged directly by Council;
 - e. 50% of all costs including land valuation costs, land survey costs, preparation of contract for sale costs, land re-zoning costs, consultation costs, notification costs, planning, legal and all other costs associated with the sale and transfer of the land are to be borne by the applicant;
 - f. A bond of \$5,000.00 be sought from the applicant upfront before Council staff undertake any work on the road closure, subdivision and sale of the land. The costs identified above (item e) will be paid for out of the bond with any unused funds returned to the applicant.
2. Honour the 50% contribution towards the property realignment that was made by Tumbarumba Shire Council;
3. Seek concurrence and approval from Transport for New South Wales (TfNSW) in writing on the sale of this road before any valuation or sales process is undertaken by any party;
4. Notify all adjoining property owners and other relevant stakeholders of any decision of Council to sell the land before any valuation or sales process is undertaken by any party including Council;
5. Classify the land as Operational Land for the purpose of sale and the land to remain vested in Council;


Mayor


Interim General Manager

6. Authorise the Interim General Manager to obtain an independent valuation of the road corridor and negotiate the sale of the land;
7. Delegate to the Mayor and Interim General Manager to affix the Council seal and execute documents relevant to the closure of the road reserve and sale of the land; and
8. Request a subsequent report to Council on the outcome of the sale of the land.

Cr Julia Ham/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

11.6. REQUEST FOR ROAD CLOSURE AND SALE - WITHIN LOT 4 DP865358 - WALLS CREEK ROAD GOOBARRAGANDRA

M35/24 RESOLVED:

THAT COUNCIL:

1. Approve the commencement of the partial road closure, removal of the positive covenant and potential sale of the unformed road within Lot 4 DP 865358 at Walls Creek Road, Goobarragandra, subject to the terms of sale being met including:
 - a) compliance with the legislative framework for the sale of public land and roads contained within the *Real Property Act 1900*, the *Roads Act 1993*, and the current NSW Registrar Generals' Land Registry Services Guidelines for the closure and Sale of Public Roads;
 - b) sale price of the land is to be determined by an independent valuation of the land based on the surrounding land use zoning and not the current zoning of the land as well as the future permissible use of the land under Councils current Tumut Local Environmental Plan;
 - c) the area of land (m2) to be sold is to be confirmed in a land survey prepared by a registered land surveyor;
 - d) the brief for the land valuation is to be prepared by Council and the Land Valuer is to be engaged directly by Council;
 - e) all costs including land valuation costs, land survey costs, preparation of contract for sale costs, land re-zoning costs, consultation costs, notification costs, planning, legal and all other costs associated with the sale and transfer of the land are to be borne by the applicant;
 - f) A bond of \$5,000.00 be sought from the applicant upfront before council staff undertake any work on the road closure, subdivision and sale of the land and that an administration fee of \$2,000.00 also be charged for Council staff time and associated administration costs. The costs identified above (e) will be paid for out of the bond with any unused funds returned to the applicant.
2. Seek concurrence and approval from Transport for New South Wales in writing on the sale of this road before any valuation or sales process is undertaken by any party;
3. Notify all adjoining property owners and other relevant stakeholders of any decision of Council to sell the land before any valuation or sales process is undertaken by any party including Council;
4. Authorise the General Manager to obtain an independent valuation of the land and negotiate the sale of the land;


Mayor


Interim General Manager

5. Delegate the Mayor and Interim General Manager to affix the Council Seal and execute documents relevant to the sale of the land;
6. Classify the land as operational land for the purpose of sale and the land to remain vested in Council; and
7. Request a subsequent report to Council on the outcome of the sale of the land.

Cr James Hayes/Cr Sam Hughes

CARRIED UNANIMOUSLY

12. MINUTES OF COMMITTEE MEETINGS


Nil.

13. CONFIDENTIAL

Nil.

14. MEETING CLOSURE

There being no further business to discuss, the meeting closed at 3.27pm.



Mayor



Interim General Manager