



ORDINARY MEETING

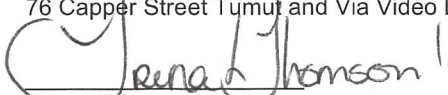
MINUTES

Thursday, 20 October 2022

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

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, 20 October 2022

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Deana Thomson
Deputy Mayor


General Manager

PRESENT: Deputy Mayor, Cr Trina Thomson (Chair), Councillor Johanna (Hansie) Armour, Cr Julia Ham, Cr Sam Hughes, Cr James Hayes, Cr Mick Ivill, Cr John Larter, Cr Brent Livermore.

IN ATTENDANCE: Interim General Manager Hamish McNulty, Interim Chief Financial Officer Daryl Hagger, Acting Executive Director Infrastructure Brad Beed, Interim Executive Director Community & Corporate Julie Vaughan and Executive Assistant Jeannie Moran-Fahey.

1. ACKNOWLEDGEMENT OF COUNTRY

An acknowledgement of the traditional custodians of the land was delivered by Cr Trina Thomson.

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

M282/22 RESOLVED that the request from Cr Ian Chaffey and Cr James Hayes for remote attendance be received and granted.

Cr Mick Ivill/ Cr Julia Ham

CARRIED UNANIMOUSLY

3. DECLARATIONS OF PECUNIARY INTEREST

Cr Julia Ham declared a non-pecuniary interest in relation to report # 11.6 Tumbarumba Pre-School Preferred Location due to being on the Committee and will leave the room during discussion.

Cr James Hayes declared a pecuniary interest in relation to report # 11.1 Snowy Valleys Council Local Heritage Grants due to being a member of the Board of Adelong Community Enterprises Inc. and will leave the room during discussion.

4. PUBLIC FORUM

Nil.

5. CONFIRMATION OF MINUTES

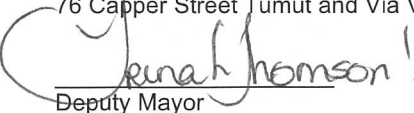
5.1. MINUTES - ORDINARY COUNCIL - 15 SEPTEMBER 2022

M283/22 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 15 September 2022 be received and confirmed as an accurate record.

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Deputy Mayor


General Manager

Cr Brent Livermore/ Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

6. CORRESPONDENCE/PETITIONS

6.1. PETITION RECEIVED - UPGRADES TO BANKSIA PARK - TUMUT

M284/22 RESOLVED:

THAT COUNCIL:

1. Receive the petition for 'UPGRADE TO BANKSIA PARK - TUMUT';
2. Forward the petition to the NSW Land & Housing Corporation for consideration with an accompanying letter encouraging a review of the general usage of the park and the equipment; and
3. Inform the community and chief petitioner of the ownership of the land.

Cr Johanna (Hansie) Armour/Cr Julia Ham

CARRIED UNANIMOUSLY

8. MAYORAL MINUTE

8.1 MAYORAL MINUTE - APPOINTMENT OF GENERAL MANAGER

M285/22 RESOLVED:

1. Ken Gouldthorp be appointed as General Manager of Snowy Valleys Council for a term of 12 months;
2. The Mayor be authorised to negotiate the terms of the contract with Mr Gouldthorp.

CARRIED UNANIMOUSLY

7. NOTICE OF MOTION/NOTICE OF RESCISSION

7.1. NOTICE OF RESCISSION - M241/22 REVIEW OF COSTS GOLDFIELDS PARK TUMBARUMBA AND PIONEER PARK TUMUT

M286/22 RESOLVED:

THAT COUNCIL:

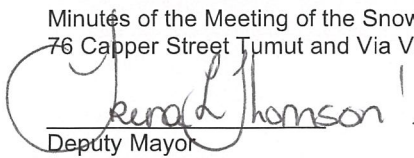
1. Rescind Point 4 only of Resolution M241/22, 18 August 2022 so that the resolution now becomes:

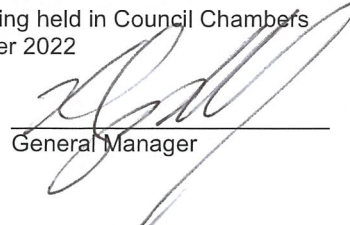
THAT COUNCIL:

1. Build Rotary Pioneer Park Tumut, and Goldfields Park Tumbarumba generally in accordance with the original masterplan;
2. Install the amenities as 'off the shelf' prefabricated facilities;

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Deputy Mayor


General Manager

3. Locate the amenities in Goldfields Park at a location to be agreed with the local community;
4. Advise the community of the revised project designs;
5. Provide the Interim General Manager delegated authority to procure appropriate facilities.

Cr Mick Ivill/ Cr Julia Ham

FOR: Cr Johanna (Hansie) Armour, Cr Julia Ham, Cr Sam Hughes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson

AGAINST: Cr John Larter

CARRIED

9. URGENT BUSINESS WITHOUT NOTICE

Cr John Larter suggested Council seek a vote of confidence in Upper House Member for Parliament Mick Veitch MLC given Mr Veitch's experience in regional matters.

Cr John Larter

Lapsed

10. GOVERNANCE AND FINANCIAL REPORTS

10.1. TRAINING OPPORTUNITY FOR COUNCILLORS - LGNSW COURSES

M287/22 RESOLVED:

THAT COUNCIL:

1. Consider and endorse the attendance of Cr Hansie Armour at the online "Understanding LG Finances for Councillors" course on 25 November 2022; and
2. Approve the attendance of additional councillors who also wish to undertake this training, provided it is within the councillors budget allocation to do so;
3. Accept delivery of the course for councillors and any interested staff online.

Cr Julia Ham/ Cr Brent Livermore

FOR: Cr Johanna (Hansie) Armour, Cr Julia Ham, Cr Sam Hughes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson

AGAINST: Cr John Larter

CARRIED

10.2. PECUNIARY INTEREST RETURNS FOR DESIGNATED STAFF AND ARIC MEMBERS

M288/22 RESOLVED:

THAT COUNCIL:

1. Note the following Declarations of Pecuniary Interest Returns from Councillors and Designated Persons as at 30 June 2022 as listed in accordance with the Code of Conduct:

- o Designated Persons:
Interim General Manager; Interim Executive Director Community & Corporate; Interim Chief Financial Officer; Audit Risk & Improvement Committee Chairperson and Committee Members.

2. Approve for the redacted Pecuniary Interest Returns Designated Staff to be placed on council website in accordance with the current Information and Privacy Commission Guideline 1.

Cr Brent Livermore/Cr Julia Ham

CARRIED UNANIMOUSLY

10.3. COMMITTEE MEMBERSHIP RECRUITMENT - APPLICATION APPROVAL - TUMUT AERODROME COMMITTEE

M289/22 RESOLVED:

THAT COUNCIL:

1. Approve the re-nomination from Peter Wilson to the Tumut Aerodrome Committee.

Cr Johanna (Hansie) Armour/Cr Julia Ham

CARRIED UNANIMOUSLY

10.4. CHRISTMAS CLOSURE 2022

M290/22 RESOLVED:

THAT COUNCIL:

1. Endorse the implementation of the operational arrangements outlined in this report for the 2022/23 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 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 (8 December 2022) and
 - (b) Concluding at the time of commencement of the first Council meeting held immediately after the end of the recess period (16 February 2023) 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 Julia Ham/Cr Sam Hughes

CARRIED UNANIMOUSLY

10.5. STATEMENT OF INVESTMENTS - SEPTEMBER 2022**M291/22 RESOLVED:**

THAT COUNCIL:

1. Note the report on Statement of Investments - September 2022.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY**10.6. DELEGATION OF AUTHORITY TO SIGN "STATEMENT BY COUNCIL ON ITS OPINION OF THE ACCOUNTS' FOR THE 2021/22 ANNUAL FINANCIAL STATEMENTS****MOTION:**

THAT COUNCIL:

In accordance with Section 413 of the *Local Government Act 1993*, and subject to endorsement from the Audit, Risk & Improvement Committee, resolve:

1. That its 2021/22 Annual Financial Statements:
 - a) Are in accordance with the *Local Government Act 1993* (as amended and the Regulations made there under);
 - b) Are in accordance with the Australian Accounting Standards and Professional Pronouncements;
 - c) Are in accordance with the Local Government Code of Accounting Practice and Financial Reporting 2021/22;
 - d) Present fairly the Council's 2021/22 operating result and financial position;
 - e) Are in accordance with Council's accounting and other records; and
 - f) Council is not aware of any matter that would render this report false or misleading in any way.
2. To delegate authority to the Mayor, Deputy Mayor, Chief Executive Officer (General Manager) and the Responsible Accounting Officer to sign the Statement by Council on its Opinion of the Accounts (clause 215 of the Local Government (General) Regulation 2021).
3. That the Chief Executive Officer (General Manager) be authorised to issue the 2021/22 accounts immediately upon receipt of the auditor's report; and
4. To invite Council's Auditor to attend the November Ordinary Council Meeting to present the 2021/22 Financial Reports.

Cr Julia Ham/ Cr Brent Livermore

M292/22 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Sam Hughes

CARRIED UNANIMOUSLY**M293/22 RESOLVED** to move out of Committee of the Whole.

Cr Johanna (Hansie) Armour /Cr Sam Hughes

CARRIED UNANIMOUSLY**M294/22 RESOLVED:****THAT COUNCIL:**

In accordance with Section 413 of the *Local Government Act 1993*, and subject to endorsement from the Audit, Risk & Improvement Committee, resolve:

1. That its 2021/22 Annual Financial Statements:
 - a) Are in accordance with the *Local Government Act 1993* (as amended and the Regulations made there under);
 - b) Are in accordance with the Australian Accounting Standards and Professional Pronouncements;
 - c) Are in accordance with the Local Government Code of Accounting Practice and Financial Reporting 2021/22;
 - d) Present fairly the Council's 2021/22 operating result and financial position;
 - e) Are in accordance with Council's accounting and other records; and
 - f) Council is not aware of any matter that would render this report false or misleading in any way.
2. To delegate authority to the Mayor, Deputy Mayor, Chief Executive Officer (General Manager) and the Responsible Accounting Officer to sign the Statement by Council on its Opinion of the Accounts (clause 215 of the Local Government (General) Regulation 2021).
3. That the Chief Executive Officer (General Manager) be authorised to issue the 2021/22 accounts immediately upon receipt of the auditor's report; and
4. To invite Council's Auditor to attend the November Ordinary Council Meeting to present the 2021/22 Financial Reports.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY**10.7. REVIEW OF INVESTMENT POLICY FOR PUBLIC EXHIBITION****M295/22 RESOLVED:****THAT COUNCIL:**

1. Approve the updated Investment Policy SVC-FIN-PO-067-09 for public exhibition for a period of no less than 28 days.
2. Note that if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to the Investment Policy; and
3. Adopt the Investment Policy if no submissions are received on the day after the completion of the public exhibition period.

Cr Brent Livermore/Cr Mick Ivill

CARRIED UNANIMOUSLY

10.8. REVIEW OF FINANCIAL RESERVE MANAGEMENT POLICY FOR PUBLIC EXHIBITION

M296/22 RESOLVED:

THAT COUNCIL:

1. Approve the updated Financial Reserve Management Policy SVC-FIN-PO-056-02 for public exhibition for a period of no less than 28 days with the amendments:
Clause 4.1.1 Externally Restricted Reserves, subclause (c) after the word 'resolution' include: 'prior to the transfer of funds. Transfer of funds are to be subject to a detailed justification'.
Clause 4.1.2 Internally Restricted Reserves, subclause (c) after the word 'resolution' include: 'prior to the transfer of funds. Transfer of funds are to be subject to a detailed justification'.
Clause 4.4 Transfers To And From Restricted Cash - on the first line after the word 'Council' insert 'prior to the transfer of funds. Transfer of funds are to be subject to a detailed justification'.
2. Note that if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to the Financial Reserve Management Policy; and
3. Adopt the Financial Reserve Management Policy if no submissions are received on the day after the completion of the public exhibition period.

Cr Julia Ham/Cr Brent Livermore

FOR: Cr Johanna (Hansie) Armour, Cr Sam Hughes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson

AGAINST: Cr John Larter, Cr Julia Ham

CARRIED

10.9. REVIEW OF BORROWING POLICY FOR PUBLIC EXHIBITION

M297/22 RESOLVED:

THAT COUNCIL:

1. Approve the updated Borrowing Policy SVC-FIN-PO-106-02 for public exhibition for a period of no less than 28 days.
2. Note that if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to the Borrowing Policy; and
3. Adopt the Borrowing Policy if no submissions are received on the day after the completion of the public exhibition period.

Cr Mick Ivill/Cr Brent Livermore

CARRIED UNANIMOUSLY

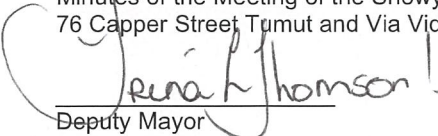
11. MANAGEMENT REPORTS

11.1. SNOWY VALLEYS COUNCIL LOCAL HERITAGE GRANTS

M298/22 RESOLVED:

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Deputy Mayor


General Manager

THAT COUNCIL:

1. Endorse the projects recommended for funding through the Local Heritage Grants being:
 - a. 80 Tumut Street, Adelong - \$3,750.00
 - b. 29 Capper Street, Tumut - \$5,000.00
 - c. 12-14 The Parade, Tumbarumba - \$4,250.00

Cr Julia Ham/ Cr Brent Livermore

FOR: Cr Johanna (Hansie) Armour, Cr Julia Ham, Cr Sam Hughes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson

AGAINST: Cr Sam Hughes

CARRIED

11.2. TRANSGRID ACCOMMODATION OPTIONS WORKING GROUP TERMS OF REFERENCE

M299/22 RESOLVED:

THAT COUNCIL:

1. Endorse the Terms of Reference for the Transgrid Accommodation Options Working Group; and
2. Nominate Mayor, Cr Ian Chaffey and Cr Johanna (Hansie) Armour to join the Transgrid Accommodation Options Working Group.

Cr Julia Ham/Cr Mick Ivill

CARRIED UNANIMOUSLY

11.3. REQUEST FOR PURCHASE - PART OF COUNCIL ROAD RESERVE - LITTLE RIVER ROAD - SHELLEYS CREEK BRIDGE RESERVE TUMUT

M300/22 RESOLVED:

THAT COUNCIL:

1. Approve the partial road closure, subdivision and sale of the formed lot subject to the terms of sale being met including:
 - a. Compliance with the legislation framework for the closing of public roads contained within the *Roads Act 1993*, and sale of land contained within the *Real Property Act 1900*.
 - b. Sale price to be determined by an independent land valuation and all survey, administration and application fees applicable to be covered by the purchaser upon settlement.
 - c. Parties to meet own legal costs; and
2. Delegate to the Mayor and Interim General Manager to affix the Council seal and execute document relevant to the closure of the road reserve and sale of the land.

Cr John Larter/Cr Brent Livermore

CARRIED UNANIMOUSLY

11.4. DRAFT SNOWY VALLEYS COUNCIL LIBRARY STRATEGIC PLAN 2022 - 2026**M301/22 RESOLVED:**

THAT COUNCIL:

1. Note the report on Draft Snowy Valleys Council Library Strategic Plan 2022–2026;
2. Approve the placing of the Draft Snowy Valleys Council Library Strategic Plan 2022–2026 on public exhibition for a minimum of 28 days;
3. Note that if submissions are received during the exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the Draft Snowy Valleys Council Library Strategic Plan 2022-2026;
4. Adopt the Draft Snowy Valleys Council Library Strategic Plan 2022-2026, if no submissions are received on the day after the completion of the public exhibition period; and
5. Subject to budget allocation resource yearly actions in the Draft Snowy Valleys Council Library Strategic Plan 2022–2026.

Cr Julia Ham/Cr Mick Ivill

CARRIED UNANIMOUSLY**11.5. FLOODPLAIN RISK MANAGEMENT COMMITTEE ESTABLISHMENT****M302/22 RESOLVED:**

THAT COUNCIL:

1. Appoint Cr Trina Thomson and Cr Brent Livermore to the proposed Floodplain Risk Management Committee.

Cr Julia Ham/Cr Sam Hughes

CARRIED UNANIMOUSLY

Cr James Hayes joined the meeting at 2.48pm.

Cr Julia Ham left the meeting at 2.51pm.

11.6. TUMBARUMBA PRE-SCHOOL PREFERRED LOCATION**M303/22 RESOLVED:**

THAT COUNCIL:

1. Nominate the preferred option to lease space on King George Fifth Park at the intersection of King Street and York Street, Tumbarumba;
2. Delegate authority to the General Manager or their delegate to negotiate terms of the lease on the preferred site; and
3. Delegate the Interim General Manager and/or the Mayor to sign and affix Council's seal on all lease documents.

Cr John Larter/Cr Mick Ivill

CARRIED UNANIMOUSLY

Cr Julia Ham returned to the meeting at 2.54 pm.

12. MINUTES OF COMMITTEE MEETINGS

12.1. MINUTES - EXTRA-AUDIT RISK AND IMPROVEMENT COMMITTEE - 21 SEPTEMBER 2022

MOTION:

THAT COUNCIL:

1. Note the Minutes of the Audit Risk and Improvement Committee held on 21 September 2022.
2. Note the following recommendations from the minutes:
 - a. That the Audit Risk and Improvement Committee support the Council's approach in not recognising the RFS Assets and are aware that this may result in a qualified audit.
 - b. Unrestricted cash was discussed in detail and additional information to be provided to Council regarding the discrepancy with the Financial Reserve Management Policy.
 - c. Additional information be provided to Council regarding the cash flow amount shown as 'other' under receipts in Statement of Cash Flows.

Cr Brent Livermore/Cr Julia Ham

M304/22 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Sam Hughes

CARRIED UNANIMOUSLY

M305/22 RESOLVED to move out of Committee of the Whole.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

M306/22 RESOLVED:

THAT COUNCIL:

1. Note the Minutes of the Audit Risk and Improvement Committee held on 21 September 2022.
2. Note the following recommendations from the minutes:
 - a. That the Audit Risk and Improvement Committee support the Council's approach in not recognising the RFS Assets and are aware that this may result in a qualified audit.
 - b. Unrestricted cash was discussed in detail and additional information to be provided to Council regarding the discrepancy with the Financial Reserve Management Policy.

- c. Additional information be provided to Council regarding the cash flow amount shown as 'other' under receipts in Statement of Cash Flows.

Cr Brent Livermore/Cr Julia Ham

CARRIED UNANIMOUSLY

12.2. MINUTES - TUMUT AERODROME COMMITTEE - 13 SEPTEMBER 2022

M307/22 RESOLVED:

THAT COUNCIL:

1. Note the Minutes of the Tumut Aerodrome Committee held on 13 September 2022;
2. Accept the new proposed Tumut Aerodrome Committee meeting time of 2:30pm for the 2023 meeting calendar;
3. Include the southern parallel taxiway as a prioritised element of the Stage 2 aerodrome works, budget dependent; and
4. Provide a report to the aerodrome committee regarding the consultant's advice.

Cr Mick Ivill/Cr John Larter

CARRIED UNANIMOUSLY

13. CONFIDENTIAL

M308/22 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:

13.1 CONFIDENTIAL - LAND CLEARING MOODY'S HILL MARAGLE

Item 13.1 is confidential under the *Local Government Act 1993* Section 10A (2) (e) as it relates to 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.

13.2 CONFIDENTIAL - RFT 2022/04 - BITUMINOUS SURFACING - NEW WORK

Item 13.2 is confidential under the *Local Government Act 1993* Section 10A (2) (c) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposed to conduct) business and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Cr Johanna (Hansie) Armour/ Cr Sam Hughes

CARRIED UNANIMOUSLY

At this stage, the time being 3.06pm Council went into Confidential closed session.

Cr James Hayes confirmed that he is alone/unaccompanied during this confidential session.

13.1. CONFIDENTIAL - LAND CLEARING MOODY'S HILL MARAGLE**M309/22 RESOLVED:**

THAT COUNCIL:

1. Formally write to the owners of the properties (i) Lot 3 DP 1107472 & Lot 11 DP 1134807 and (ii) Lot 1 DP 1063491 and seek to have the land that has been cleared, remediated through mulching of the felled timber and applying the material to the land as mulch and further replanting the sites with native vegetation. In any formal correspondence Council shall advise that:
 - (a) It alleges that following Council investigations illegal land clearing has been undertaken in contravention of the *Biodiversity Conservation Act 2016*.
 - (b) It directs the owners of (i) Lot 3 DP 1107472 & Lot 11 DP 1134807 and (ii) Lot 1 DP 1063491 to prepare a remediation plan for Council approval in accordance with any specification provided by Local Lands Services and Holbrook Local Land Care Group within three (3) months of the date of the direction.
 - (c) All remediation works are to be undertaken at the cost of the landowners and are to be completed in accordance with the approved remediation plan within twelve (12) months of the date of the direction.
 - (d) Should the remediation not be carried out within the specified period and to the required specification, that Council consider a further report to Council to consider commencing Class 5 Proceedings in the NSW Land and Environment Court against the owners.

Cr Julia Ham/Cr Mick Ivill

CARRIED UNANIMOUSLY**13.2. CONFIDENTIAL - RFT 2022/04 - BITUMINOUS SURFACING - NEW WORK****M310/22 RESOLVED:**

THAT COUNCIL:

1. Accept all five (5) tenders, or a minimum of three (3), onto a panel of suitable bitumen services contractors: (LFT Bitumen, Countrywide, Roadworx, Stabilized Pavements Australia & Southern Asphalt Services); and
2. Approve the selection of any contractor from the panel to perform bitumen sealing services provided quotations are sought in accordance with Council Procurement Policy on each occasion.

Cr Mick Ivill/Cr Sam Hughes

CARRIED UNANIMOUSLY**M311/22 RESOLVED** to move out of Confidential.

Cr Sam Hughes / Cr Brent Livermore

CARRIED UNANIMOUSLY

14. MEETING CLOSURE

The Deputy Mayor acknowledged on behalf of the Mayor and fellow councillors the efforts of the Interim General Manager, Hamish McNulty.

There being no further business to discuss, the meeting closed at 3.14pm.