



SNOWY VALLEYS COUNCIL MEETING

LATE REPORTS

16 APRIL 2020

THE MEETING WILL BE HELD AT 2.00PM
IN THE TUMUT COUNCIL CHAMBERS, 76 CAPPER STREET TUMUT

Disclosure of Pecuniary Interests at meetings (extract from the Code of Conduct – Section 4)

4.28 Councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:

- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- (b) at any time during which the council or committee is voting on any question in relation to the matter.

4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

4.31 Disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

Disclosure of Political Donations and Gifts

The *Environmental Planning and Assessment Act 1979* places obligations on Councillors, staff, applicants and any person who makes a public submission, to disclose information relating to political donations and gifts during the environmental plan making or development assessment process.

The fact that political donations or gifts have been made by applicants / proponents of a planning application should not affect whether an application is approved or refused. Political donations or gifts should not be relevant in making a determination. The matter should be determined on its merits. Nor do they provide grounds for challenging the determination of any applications.

For further information, visit www.planning.nsw.gov.au/donations

Furthermore, for each planning decision made at a Council or Committee Meeting, the names of Councillors who supported the decision and those that oppose the decision must be recorded. (*Sec. 375A of the Local Government Act 1993*)

Use of mobile phones and the unauthorised recording of meetings (extract from the Code of Meeting Practice – Section 15)

15.21 Councillors, council staff and members of the public must ensure that mobile phones

are turned to silent during meetings of the council and committees of the council.

15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Livestreaming of Meetings

(extract from the Code of Meeting Practice – Section 5)

This meeting is live streamed on Council's website to allow the community to follow Council debates and decisions without the need to attend meetings in person. Members of the public attending or speaking at a meeting agree to have their image, voice and personal information (including name and address) recorded and publicly broadcast. Snowy Valleys Council does not accept liability for any defamatory remarks or inappropriate comments that are made during the course of a meeting. Any part of the meeting that is held in closed session will not be streamed.

5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

Photography

Flash photography is not permitted at a meeting of the Council or a Committee of the council without the consent of the Chief Executive Officer.

Public Forum

(extract from the Code of Meeting Practice – Section 4)

4.1 The Council may hold a public forum prior to each Ordinary Council meeting for the purpose of hearing oral submissions on items of business to be considered at the meeting.

4.2 Public forums are to be chaired by the mayor or their nominee.

Those attending must comply with the terms and conditions of the Code of Meeting Practice which can be viewed on Council's website;

<http://www.snowyvalleys.nsw.gov.au/Council/Governance/Policies>



Thursday 16 April 2020
Snowy Valleys Council Chambers
76 Capper Street, Tumut
2.00pm

LATE REPORTS

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10. MANAGEMENT REPORTS**10.5 RESTORATION OF KHANCOBAN HALL - UPDATED REPORT**

REPORT AUTHOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

The identification of bonded and friable asbestos resulted in the closure of the Khancoban Hall in April 2018. Subsequently Council requested a report identifying options for the provision of a fit for purpose community facility in Khancoban.

In a separate initiative the Tumbarumba Chamber of Commerce independently applied for funding to undertake a project to restore the Khancoban Hall to operational condition. This application was successful in attracting approximately \$440,000 for this purpose.

CEO Matthew Hyde, Cr Julia Ham and Executive Director Community and Corporate Paul Holton met with Tumbarumba Chamber of Commerce representative Ken Dale and proposed project manager Brent Livermore and reached agreement to proceed with project.

It was agreed that the Tumbarumba Chamber of Commerce would have responsibility for delivery of the project under a Memorandum of Understanding between Snowy Valleys Council and the Tumbarumba Chamber of Commerce (attached).

This report provides information and a recommendation in respect of proceeding with the project in partnership with the Tumbarumba Chamber of Commerce utilising the funding that has been made available to them.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the updated report on the restoration of Khancoban Hall to operational condition**
- 2. Endorse the Memorandum of Understanding between Snowy Valleys Council and the Tumbarumba Chamber of Commerce as attached to this report**
- 3. Note that the project will not commence prior to the receipt from the Tumbarumba Chamber of Commerce the following:**
 - a. Project Management Plan**
 - b. An updated Cost Plan**
 - c. Risk Assessment for delivery**
 - d. Delivery Program and Confirmation of Milestones**
- 4. Request that Officers provide a further report to Council at the completion of the project**

BACKGROUND:

The Khancoban Community Hall was constructed as part of the original Snowy Hydro Scheme. It was built to cater for a population of between 3,000 and 4,000 people to provide a recreational and community facility for the workers and their families. Asbestos was a common material used in buildings constructed during this era.

Council commissioned a report into the presence of asbestos in the Khancoban Hall in March 2018 to better understand the costs and implications of maintaining or replacing the structure. The report found substantial amounts of both friable and bonded asbestos present in the Khancoban Community Hall. As a result of this finding a decision was made to close the hall.

At its ordinary meeting held on 15 April 2019 Council considered a report comparing costs to construct a new hall, with the costs of refurbishment and adopted the following resolution:

M103/19 RESOLVED:*THAT COUNCIL:*

- 1. Receive the report on Khancoban Hall Options Study*
- 2. Proceed with the development of a business case for options for a community hall for the Township of Khancoban.*
- 3. Seek to fund the business case development for the Khancoban Community Hall within available budgets in the Third Quarter Budget Review.*
- 4. Engage with Snowy Hydro Limited to investigate options for a joint discovery centre and community hall facility in Khancoban.*
- 5. Investigate options for an alternative community space in the interim.*
- 6. Notes that this project is unfunded therefore, Council to investigate funding options.*

Cr Cor Smit / Cr Julia Ham

REPORT:

Due to Council discovering updated information, Council report Item 10.2 '*Restoration of Khancoban Hall to Operational Condition*' is to be superseded and replaced with this late report '*Restoration of Khancoban Hall – Updated Report*'.

In response to the Council Resolution of 15 April 2019 the following options were explored:

1. Demolish the existing hall and construct a new facility in accordance with current community needs
2. Restore the existing hall to operational capacity (including the removal of asbestos)

Option 1 – construction of a new facility

This was initially conceived as a shared facility with Snowy Hydro, incorporating a discovery centre and community hall facility. Snowy Hydro has chosen to pursue a partnership with National Parks and Wildlife Service to collocate with the Visitor Information Centre. In the circumstances a standalone facility has been considered. Indicative costs as follows:

Demolition	- \$ 390,000.00
Construction	- \$1,463,000.00
TOTAL	- \$1,853,000.00

Given that this indicative estimate is based on a concept design only, it is appropriate to apply a 50% contingency resulting in a possible total cost of \$2,779,500.00.

This option allows for the design, development and delivery of contemporary facility that responds to the current needs of the community. Providing flexible spaces to support a variety of uses and enabling contemporary approaches to minimising the cost of heating and cooling.

Modern construction techniques will extend the useful life of the asset and spread the cost of depreciation over a longer time span resulting in lower whole of life costs.

Option 2 – Refurbish the existing hall

Initial estimates indicated that to remove the asbestos and bring the existing hall into compliance with the current Building Code of Australia for a facility of this type would cost as follows:

- Removal of asbestos - \$434,040.00
- Compliance works - \$230,000.00
- TOTAL - \$664,040.00

It should be noted that the estimate for the removal of the asbestos was provided by a Queensland based contractor and no site inspection was carried out by them prior to submitting their quote.

The Tumbarumba Chamber of Commerce has applied for and received funding to undertake these works however; the amount of funding is considerably less than the indicative estimates above.

In discussions with representatives of the Tumbarumba Chamber of Commerce and their proposed Project Manager, an experienced local government building surveyor (now retired) it was put that the project could be achieved within the funding available. Internal consultation with Council's Executive Director Infrastructure indicates that it is possible to achieve that outcome.

To pursue this project through a Memorandum of Understanding with the Tumbarumba Chamber of Commerce (TCC) provides an opportunity to work constructively with the TCC in good faith to achieve a positive outcome for the community of Khancoban.

A Memorandum of Understanding has been prepared and agreed upon, that articulates clearly the responsibilities of each party. This states that the project will be delivered by the Tumbarumba Chamber of Commerce under the oversight of a Project Reference Group consisting of representatives of Council, the TCC and members of the Khancoban Community.

The MOU also requires the TCC to prepare all relevant project documentation in accordance with SVC's Project Management Framework. These to be provided prior to the commencement of the project.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 5: Our Infrastructure

Delivery Outcomes

1.1 Create welcoming towns and villages that are vibrant, accessible and foster a sense of community

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Provision of a facility that meets the community needs for recreation and meeting space now and into the future Opportunity for collaboration with a community	

	Positive	Negative
	organisation to deliver a community benefit.	
Environmental	Retention of a building that completes a suite of structures, forming a streetscape of some historical importance.	Buildings of this age and era can be costly to operate and maintain
Economic	The project can be achieved using grant funding and delivered by an external third party reducing costs to Council	Whole of life costs are greater in buildings of this age and era.
Governance	The project will be delivered under the term of an agreed MOU between Tumbarumba Chamber of Commerce and Snowy Valleys Council and in accordance with the Funding Agreement between Tumbarumba Chamber of Commerce and the NSW State Government.	

Financial and Resources Implications

The project is wholly funded through a grant received by the Tumbarumba Chamber of Commerce and is to be delivered that organisation.

Some SVC resources will be required in the provision of project advice, support and oversight

Costs and Benefits:

Financial Costs	Opportunities
Total Project Cost is circa \$440K	Khancoban community will again be able to have access to their hall.

The above table focuses on the option to remove the asbestos and rehabilitate the hall for community use.

Policy, Legal and Statutory Implications:

The project will be delivered under the terms of a Memorandum of Understanding between Tumbarumba Chamber of Commerce and Snowy Valleys Council in addition to a funding agreement between the Tumbarumba Chamber of Commerce and the NSW State Government.

The MOU requires that the project be delivered in accordance with all relevant legislation and statutory requirements.

RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:

Risk Theme	Commentary
Service Delivery	Reduction in service is currently being experienced, and is expected to continue until such time as delivery of a new facility or reopening of the existing facility is undertaken.

Risk Theme	Commentary
Human Resources	Nil significant risk identified
Work Place Health and Safety	Presence of asbestos is of serious consequence. Isolation of the asbestos has occurred through closure of the hall. Removal of the asbestos must be undertaken by accredited contractors
Financial	The project will not commence without an approved cost plan that has been approved in accordance with SVC's procurement guidelines
Environmental	Under the terms of the MOU TCC is responsible for the development of asbestos management plan in accordance with accepted industry standards
Stakeholders	Under the terms of the MOU SVC will establish and facilitate a project reference group to oversee project delivery in accordance with the agreed project management and risk plan. The group will include representatives from Tumbarumba Chamber of Commerce, the Khancoban community and Snowy Valleys Council and a representative of the funding body
Corporate Governance and Compliance	Nil significant risk identified
Reputation	Continued reduced access to community facilities may cause reduced reputation within the community
Political	Given that funding has been granted to the project there is an apparent political risk if the project does not proceed
Projects	A project delivery risk plan is required before the project can commence.

OPTIONS:

Council has three options available

1. Achieve the restoration of the Khancoban Hall to operational capacity through an MOU between SVC and the Tumbarumba Chamber of Commerce
2. Seek to undertake the project internally, which would require negotiation with the NSW Government and the Tumbarumba Chamber of Commerce
3. Decline to provide the support for the project, as the owner of the asset

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Under the terms of the MOU SVC will establish and facilitate a project reference group to oversee project delivery in accordance with the agreed project management and risk plan. The group will include representatives from Tumbarumba Chamber of Commerce, the Khancoban community and Snowy Valleys Council and a representative of the funding body.

Attachments

- 1 Memorandum of Understanding (MOU) - Tumbarumba Chamber of Commerce - Khancoban Hall (under separate cover) - Confidential

12. CONFIDENTIAL

The Local Government Act provides that Council may close to the public that part of the meeting that deals with matters of a confidential nature. Section 10(2) lists such matters.

The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.

Recommendation:

That Council move into Confidential to consider the matters listed in the confidential section of the agenda in accordance with Section 10(2) of the Local Government Act 1993 for the reasons specified.

12.5 RFT 2020/01 - RECOMMENDATION FOR THE DESIGN AND CONSTRUCTION OF THE TUMBARUMBA UPGRADED LEARN TO SWIM WATER PLAY POOL

Item 12.5 is confidential under the Local Government Act 1993 Section 10A 2 (d)i and (d)ii as it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.