

## **SNOWY MONARO REGIONAL COUNCIL MEETING COOMA - THURSDAY 20 OCTOBER 2022**

All Councillors were present and with approval, Cr Summer was online. The meeting commenced at 1pm and closed at 4.14pm.

### **There were six presentations made in the Public Forum:**

- **Paula Mance** - Local Community Issues (Smiths Road)
- **Jeff Dau** - Smith's Road Bushfire Strategy
- **Mick Newman** - Aged Care Services Available
- **Craig Johnson** - Town Water Flooding - Middlingbank Cnr & Southern Cross Drive
- **Yvonne Traun-Lew** - 8.1 - DA 10.2022.253.1 – Construction of a Single Storey Dwelling
- **Andrew Thaler** - 11.1 - Rescission Motion - Motion for LGNSW Conference - Point One

**Matters dealt with by exception ahead of the Council meeting, at the briefing were:**

## **7. ADOPTION OF MINUTES FROM PREVIOUS COUNCIL MEETING**

### **7.2 Closed Session of the Ordinary Council Meeting held on 15 September 2022**

#### **9.2.3 Monthly Funds Management Report - September 2022**

That Council

- Receive the report indicating Council's cash and investments position as at 30 September 2022; and
- Receive the certificate of the Responsible Accounting Officer.

#### **9.3.1 Tabling of Disclosures by Councillors and Designated Persons**

That Council note the disclosures of pecuniary interest returns completed by councillors and designated staff for the period 1 July 2021 to 30 June 2022.

#### **9.3.3 Organisational Performance Report - September 2022**

That Council note the progress outlined in the report.

#### **9.3.4 Boco Rock Community Enhancement Fund Committee Charter**

That Council endorse and adopt the updated Boco Rock Community Enhancement Fund Committee charter.

#### **9.3.5 Proposed re-establishment of Alcohol Free Zones and Alcohol Prohibited Areas**

That Council commences 30-days of public consultation on the proposed re-establishment of Alcohol Free Zones and Alcohol Prohibited Areas.

#### **9.4.1 Review of Council's Code of Conduct**

That Council:

- Adopt the attached code of conduct.
- Revoke the current gifts and benefits policy.

### **9.5.1 Resolution Action Sheet Update**

That Council receive the resolution update for the period ending September 2022.

### **9.5.2 Answers to Questions with Notice**

That Council receive the answers to questions with notice for the period ending September 2022.

## **10. REPORTS OF COMMITTEES**

### **10.1 Minutes from Management and Advisory Committees**

That Council

- A. Receive the minutes of the Bombala Exhibition Ground Management Committee
- B. Receive the minutes of the Cemetery Advisory Committee
- C. Receive the minutes of the Cooma North Ridge Reserve Advisory Committee
- D. Receive the minutes of the Youth Council

### **10.2 Draft Minutes - Audit, Risk and Improvement Committee 12 September 2022**

That Council receive and note the Draft Minutes of the Audit, Risk and Improvement Committee meeting held on 12 September 2022.

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### **Items discussed at the meeting were:**

#### **7.1 Ordinary Council Meeting held on 15 September 2022**

**PASSED – UNANIMOUS – confirmed as true and accurate pending the amendment of Cr Summers absence during item 9.3.6**

## **8. PLANNING AND DEVELOPMENT APPLICATION MATTERS**

### **8.1 Development Application 10.2022.253.1 Construction of a Single Storey Dwelling**

That Council, pursuant to section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) refuse DA 10.2022.253.1 for the erection of a dwelling on Lot 2 DP 1269114 Bushy Park Road EAST JINDABYNE for the following reasons:

1. The application is inconsistent with the objectives of Zone RU1 and the standards of Clause 4.2D (Erection of dwelling houses and dual occupancies on land in certain rural, residential and environment protection zones the Snowy River Local Environmental Plan 2013.
2. The variation proposed is not supportable as it is not considered to be consistent with the objectives or the standard of Clause 4.6.

The application does not adequately meet the development standards relating to Minimum Lot Size in the Snowy River Development Control Plan 2013. This includes non-compliance or unsatisfactory impacts in section D1.1-2 (Minimum Lot Size)

**Amendment to above** – That Council, based on the advice of the Department of Planning and Environment, approved the DA 10.2022.234.1 for the erection of a dwelling on on Lot 2 DP 1269114 Bushy Park Road EAST JINDABYNE subject to conditions of consent to be developed by staff.

**Moved Cr Williamson, seconded Cr Frolich**

**PASSED – against Cr Hopkins, Davis and Summers**

## **9.2 FINANCE**

### **9.2.1 2022 Financial Statements to be referred to External Audit**

That Council

- A. Authorise the Mayor and Deputy Mayor Higgins to sign the Statement by Councillors and Management for the Snowy Monaro Regional Council 2022 General Purpose Financial Statements
- B. Authorise the Mayor and a Councillor to sign the Statement by Councillors and Management for the Snowy Monaro Regional Council 2022 Special Purpose Financial Statements for the following business activities:
  - Water Supply
  - Sewerage
  - Waste Management
  - Residential Aged Care
- C. Authorise the referral of the 2022 Annual Financial Statements to the external auditor
- D. Authorise the Chief Executive Officer to lodge the 2022 Financial Statements upon receiving the external auditor's report, with the Office of Local Government.

#### **Moved Cr Hanna, seconded Cr Higgins**

There was much discussion on this from various councillors.

Amendment made to nominate a Councillor (to be named) for transparency (point A).

#### **PASSED – against Cr Frolich and Cr Williamson**

### **9.2.2 Restricted Assets (Cash and Investments) Policy**

That Council

- A. Approve the Restricted Assets (Cash & Investments) Policy
- B. Approve the balances of Internally Restricted Reserves as at 30 June 2022
- C. Request a review of the policy in three months

#### **Moved Cr Hanna – with amendment to add Part C**

#### **PASSED - UNANIMOUS**

### **9.2.4 Monthly Budget Review Statement (MBRS) to 30 September 2022**

That the Budget Review Statement for the month ended 30 September 2022 be received and the variations noted therein be approved.

#### **Moved Cr Hopkins, seconded Cr Hanna**

Moved into Committee for discussion – moved Cr Williamson, seconded Cr Frolich (against Cr Summers only so moved into Committee)

#### **PASSED – against Cr Frolich and Cr Williamson**

### **9.3 STRATEGY**

#### **9.3.2 Delegations of Mayor and Chief Executive Officer**

**Moved Cr Hopkins – asked for A and B to be discussed separately.**

**Variation made as above to be two separate resolutions.**

That Council delegates, pursuant to Section 377 of the Local Government Act, 1993, to the person holding the position of Mayor the exercise of Council's powers, functions, duties and authority to approve (with the Chief Executive Officer) the attendance of Councillors at any seminar, conference, meeting or training course, where funds have been provided in the budget, provided that such delegation shall not be exercised if there is a Council meeting prior to the closing date of registration unless the Mayor and Chief Executive Officer are of the view that a delay in registration will preclude Councillors' attendance.

**Moved Cr Beer, seconded Cr Higgins**

**PASSED – against Cr Frolich, Cr Johnson, Cr Stewart Cr Williamson**

That Council delegates, pursuant to Section 377 of the Local Government Act, 1993, to the person holding the position of Chief Executive Officer, and from time to time, holding the aforementioned position in an acting capacity, the exercise of Council's powers, functions, duties and authorities arising from the Act and all other acts, regulations and Council policies, subject to the limitation specified in Section 377 (1) of the Local Government Act.

**Moved Cr Beer, seconded Cr Higgins**

**PASSED - UNANIMOUS**

### **9.4 COMMUNICATIONS**

#### **9.4.2 Draft Community Engagement Strategy**

That Council endorse the draft Community Engagement Strategy attached (as amended) for public exhibition for a period of no less than 28 days.

**Moved Cr Hopkins, seconded Cr Hanna**

**Amended – added Part B. that the document be quality reviewed and Councillor comments be included before sending out to the community.**

**PASSED – against Cr Frolich**

#### **9.4.3 Future use of the Cooma to Bombala Rail Corridor**

That Council

- A. Support the continued planning for the Monaro Rail Trail from Queanbeyan to Cooma, and Bombala to Jincumbilly, including finalising the business case and potential lease discussions with TfNSW for those sections (noting this is not a resolution to apply for funding to construct the rail trail or enter a lease, but to commence discussion);
- B. Provide a written undertaking to Cooma Monaro Railway (CMR) that Council will agree to vary any future rail trail lease between Bombala and Jincumbilly (at no cost to CMR) to enable reinstatement of the rail line (at no cost to Council) should Stage 4 funding of the CMR Operational Business Plan (Version 2.3.2 August 2022) be received,

and subject to Stages 2 and 3 of that Plan (ie Cooma to Nimmitabel) having been constructed prior to this;

- C. Not undertake to fund the cost of relocating the MRT if point B (above) eventuates;
- D. Resolve to continue to work with all parties on continuing investigations of potential shared use arrangements, costings, feasibility evaluations, etc along the rail corridor between Cooma and Bombala
- E. Inform state agencies (TfNSW, DRNSW) and federal and state members of Council's adopted position on this matter.

**Moved Cr Stewart, seconded Cr Hanna**

**Moved into committee for further discussion on above.**

**Moved out of committee to vote.**

Cr Stewart noted that he supported the original officer's recommendation.

**Amendment moved by Cr Frolich to remove section B and C.**

That Council

- A. Support the continued planning for the Monaro Rail Trail from Queanbeyan to Cooma, and Bombala to Jincumbilly, including finalising the business case for shared use of the corridor and potential lease discussions with TfNSW for those sections (noting this is not a resolution to apply for funding to construct the rail trail or enter a lease, but to commence discussion);
- B. Resolve to continue to work with all parties on continuing investigations of potential shared use arrangements, costings, feasibility evaluations, etc along the rail corridor between Cooma and Bombala;
- C. Inform state agencies (TfNSW, DRNSW) and federal and state members of Council's adopted position on this matter.

**Moved Cr Frolich 2<sup>nd</sup> Cr Hanna – AMENDMENT MOTION LOST – Cr Frolich, Hanna, Hopkins & Williamson For**

**AMENDMENT LOST. LAPSED. BACK TO ORIGINAL MOTION.**

**PASSED – against Cr Frolich Cr, Hanna, Cr Hopkins**

### **10.3 Minutes of the September 2022 Local Traffic Committee**

That Council:

- A. Note decisions of the Local Traffic Committee meeting 27 September 2022 with observation that item 6.1 is incorrect; and
- B. Write to the traffic committee requesting review of the speed limit

**Moved Cr Hanna, seconded Cr Beer – amended above.**

**PASSED - UNANIMOUS**

#### **10.4 Minutes of the 18 August 2022 Snowy Monaro Region Biosecurity (Weeds) Advisory Committee**

That Council note the minutes of the meeting of the Snowy Monaro Region Biosecurity (Weeds) Advisory Committee held on 18 August 2022.

**Moved Cr Stewart, seconded Cr Hanna**

**PASSED - UNANIMOUS**

#### **11. NOTICE OF MOTION**

##### **11.1 Rescission Motion - Motion for LGNSW Conference - Point One**

We hereby give notice of the following motion of rescission:

That point 1 of the Council resolution relating to

Resolution No. 265/22

Item No. 12.1

Title. Motions for LGNSW Conference – Point 1 (only)

Passed at the Council meeting held on 15 September 2022;

*That access to the Biosecurity information data base managed by DPI be broadened beyond statutory bio-security officers to include other appropriate stakeholders such as Landcare, local agronomists and relevant non-government and government agencies.*

be and is hereby rescinded.

**Moved Cr Stewart, seconded Cr Frolich.**

**PASSED – against Cr Summers**

**There were no Mayoral Minutes or Questions with Notice.**

#### **14. CONFIDENTIAL MATTERS**

**The meeting was then closed to go through confidential matters which were both passed unanimously by all Councillors. Resolutions adopted were:**

##### **14.1 Legal Actions and Potential Claims Against SMRC as at 30 September 2022**

That Council receive and note the information in the Legal Actions and Potential Claims Against SMRC as at 30 September 2022 report.

**Moved Cr Hanna, seconded Cr Beer**

**PASSED - UNANIMOUS**

## **14.2 Expression of Interest Invitation - Sir William Hudson Memorial Centre**

That Council

- A. Submit a joint response with Sapphire Coast Community Aged Care (SCCAC) to the invitation for Expression of Interest from Sir William Hudson Memorial Centre (SWHMC) on the following grounds:
  - (a) At no cost to Council.
  - (b) The response does not include an offer to become the provider of the SWHMC residential aged care service.
- B. Continue to work toward divestment of Council residential aged care facilities with SCCAC, subject to further reporting to Council.
- C. Repeat Council's offer to work together with SWHMC, SCCAC and the Federal Government toward a regional solution that ensures the long term viability of residential aged care services in the Snowy Monaro.

**Moved Cr Hanna, seconded Cr Johnson**

**PASSED – UNANIMOUS**