



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Ordinary Council Meeting

21 October 2021

**ORDINARY COUNCIL MEETING
HELD IN RYDGES HOTEL, 10 KOSCIUSZKO ROAD, JINDABYNE NSW 2627
ON THURSDAY 21 OCTOBER 2021**

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**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN RYDGES HOTEL, 10 KOSCIUSKO ROAD, JINDABYNE NSW 2627**

**ON THURSDAY, 21 OCTOBER 2021
COMMENCING AT 5:00PM**

PRESENT: Mayor Peter Beer
Deputy Mayor Lynley Miners
Councillor John Rooney – via audio-visual link
Councillor John Castellari – via audio-visual link
Councillor James Ewart – via audio-visual link
Councillor Rogan Corbett
Councillor Sue Haslingden – via audio-visual link
Councillor John Last
Councillor Anne Maslin – via audio-visual link
Councillor Brian Old – via audio-visual link
Councillor Bob Stewart – via audio-visual link

APOLOGIES: Nil

Staff: Peter Bascomb, Chief Executive Officer
David Rawlings, Chief Strategy Officer – via audio-visual link
Jeff Morgan, Chief Operating Officer
Gina Woodward, Chief Communications Officer – via audio-visual link
Beth Barratt-Browne, Chief Workforce Officer – via audio-visual link
John Bingham, Chief Financial Officer
Grace Harvey, Secretary Council and Committees
Liana Biki, Acting Secretary Council and Committees

1. OPENING MEETING

The Mayor opened the meeting at 5:01 PM

1.1 COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL LINK

Record No: I21/240

Responsible Officer:	Chief Strategy Officer
Author:	Acting Secretary Council and Committees
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	Nil

EXECUTIVE SUMMARY

Council adopted procedures for attendance by Councillor's at meetings by audio-visual link at its meeting on 15 April 2021 (Resolution No: 67/21).

Council, consistent with its adopted procedures must consider the following request/s:

Councillor Name	Meeting Date	Reason	Request received within timeframe and reason(s) provided (Y/N)
Clr Castellari	21 October	I wish to attend the 21 October Council meeting remotely because with over 30 active Covid cases between Jindabyne, Cooma and Berridale, and my being in an at risk age group (70 plus) I believe it would be foolish to attend in person. My second AZ jab is not due until just after the meeting so I would not be fully vaccinated at the time, adding to the health risk.	Y – 5/10/2021
Clr Rooney	21 October	To help Council comply with Covid restrictions and to avoid a two hour drive home on kangaroo infested roads at night, I will attend by Zoom.	Y – 12/10/2021
Clr Haslingden	21 October	Driving 95km back to Bombala, alone, late at night on the Snowy	Y – 12/10/2021

MINUTES OF THE ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 21 OCTOBER 2021

		River Way is extremely hazardous due to wildlife on the road. Also, I am preferring not to stay overnight in Jindabyne due to the ongoing Covid cases being diagnosed. I have carer responsibilities, so need to eliminate any risk or stress of being exposed to Covid or collisions with wild life.	
Clr Ewart	21 October	I'll be attending by zoom reason to follow, because of my role as a front line emergency service worker with fire and rescue NSW, I am at a higher risk of exposure. Attending the meeting in Jindabyne, with more active cases, would increase this risk. The impact of this is potentially exposing the fire station crew and putting the station off line. Leaving the town of Cooma unprotected.	Y – 13/10/2021
Clr Maslin	21 October 2021	I would like to attend the meeting by audio visual link, given current Covid restrictions. As the NSW Victoria border has been closed, I have made appointments each side of the 21 st October, which preclude me from travelling to Jindabyne.	Y – 14/10/2021
Clr Old	21 October 2021	Due to unexpected circumstances, will not be able to attend in person.	N – 21/10/2021
Clr Stewart	21 October 2021	Due to being unwell, cannot attend the meeting in person.	N – 21/10/2021

When considering the reasons the Council must be satisfied the requesting Councillor/s will be prevented from attending the meeting in person because of illness, disability or a caring responsibility.

Where a Councillor's request is for reason/s other than the above, the Council must determine if they accept these reasons.

COUNCIL RESOLUTION

238/21

That Council

- A. Approve the remote attendance of Clr Castellari at the meeting on 21 October, via audio-visual link and accept his reason of I wish to attend the 21 October Council meeting remotely because with over 30 active Covid cases between Jindabyne, Cooma and Berridale, and my being in an at risk age

group (70 plus) I believe it would be foolish to attend in person. My second AZ jab is not due until just after the meeting so I would not be fully vaccinated at the time, adding to the health risk.

- B. Approve the remote attendance of Clr Rooney at the meeting on 21 October, via audio-visual link and accept his reason of to help Council comply with Covid restrictions and to avoid a two hour drive home on kangaroo infested roads at night, I will attend by Zoom.
- C. Approve the remote attendance of Clr Haslingden at the meeting on 21 October, via audio-visual link and accept her reason of Driving 95km back to Bombala, alone, late at night on the Snowy River Way is extremely hazardous due to wildlife on the road. Also, I am preferring not to stay overnight in Jindabyne due to the ongoing Covid cases being diagnosed. I have carer responsibilities, so need to eliminate any risk or stress of being exposed to covid or collisions with wild life.
- D. Approve the remote attendance of Clr Ewart at the meeting on 21 October 2021, via audio-visual link and accept his reason of I'll be attending by zoom reason to follow, because of my role as a front line emergency service worker with fire and rescue NSW, I am at a higher risk of exposure. Attending the meeting in Jindabyne, with more active cases, would increase this risk. The impact of this is potentially exposing the fire station crew and putting the station off line. Leaving the town of Cooma unprotected.
- E. Approve the remote attendance of Clr Maslin at the meeting on 21 October 2021, via audio-visual link and accept her reason of I would like to attend the meeting by audio visual link, given current Covid restrictions. As the NSW Victoria border has been closed, I have made appointments each side of the 21st October, which preclude me from travelling to Jindabyne.
- F. Approve the remote attendance of Clr Old at the meeting on 21 October 2021, via audio-visual link and accept his reason of due to unexpected circumstances, will not be able to attend in person.
- G. Approve the remote attendance of Clr Stewart at the meeting on 21 October 2021, via audio-visual link and accept his reason of due to being unwell, cannot attend the meeting in person.

Moved Deputy Mayor Miners

Seconded Councillor Corbett

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

Nil.

4. CITIZENSHIP CEREMONIES

Procedural Motion

ADJOURNMENT

COUNCIL RESOLUTION

239/21

That the Ordinary Council Meeting be adjourned for Public Forum at 5:02 pm.

Moved Mayor Beer

CARRIED

At 5:03 pm Councillor Old joined the meeting.

At 5:17 pm Councillor Stewart joined the meeting.

At 5:34 pm Councillor Old left the meeting.

At 5:39 pm Councillor Old returned to the meeting.

At 5:52 pm Councillor Old left the meeting.

At 6:02 pm Councillor Old returned to the meeting.

The Council Meeting resumed at 6:16 pm.

5. DISCLOSURE OF INTEREST

5.1 MAYOR PETER BEER

Mayor Beer declared an interest in Item 10.5 as he has a conflict of interest in this item due to “friend of the family”. Mayor Beer left the meeting at 9:12 pm and returned at 9:27 pm. Mayor Beer did not take part in discussion or voting on this item.

5.2 COUNCILLOR JAMES EWART

Councillor Ewart declared an interest in Item 9.3.1 as he has a conflict of interest in this item due to “having a friendship with the public forum applicant”. Councillor Ewart left the meeting at 6:39 pm and returned at 7:35 pm. Councillor Ewart did not take part in discussion or voting on this item.

5.3 COUNCILLOR ROGAN CORBETT

Councillor Corbett declared an interest in Item 9.3.1 as he has a conflict of interest in this item due to “family friend”. Councillor Corbett left the meeting at 6:39 pm and returned at 7:35 pm. Councillor Corbett did not take part in discussion or voting on this item.

6. MATTERS DEALT WITH BY EXCEPTION

Items by Exception

The Mayor requested that Councillors nominate any items listed in Corporate Business and Confidential Business that they wished to discuss.

COUNCIL RESOLUTION

240/21

- A. That all items listed in Corporate Business both Open and Confidential be dealt with separately other than the following items which are moved by exception:
- 7.1 – Ordinary Council Meeting 16 September 2021
 - 7.2 – Closed Session Ordinary Council Meeting 16 September 2021
 - 9.1.2 – Monthly Funds Management Report – September 2021
 - 9.1.4 – Minutes from the Bombala Exhibition Ground Management and North Ridge Reserve s355 Committees
 - 9.3.2 – Draft Development Control Plan and Development Contributions Plan – Michelago
 - 9.3.3 – Cooma Back Creek – Flood Risk Management Options Assessment Report
 - 9.3.5 – Flood Planning
 - 9.3.6 – Strategies to Mitigate the Health Impacts of Domestic Wood Heaters
 - 9.4.1 – Answers to Questions with Notice
 - 9.4.2 – Resolution Action Sheet Update
- B. That the Officer’s Recommendations in the reports listed above are hereby adopted.

Moved Councillor Corbett

Seconded Deputy Mayor Miners

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 16 SEPTEMBER 2021

COUNCIL RESOLUTION

241/21

THAT the minutes of the Ordinary Council Meeting held on 16 September 2021 are confirmed as a true and accurate record of proceedings.

Moved Councillor Corbett

Seconded Deputy Mayor Miners

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.
Councillors Against: Nil.

7.2 CLOSED SESSION OF THE ORDINARY COUNCIL MEETING 16 SEPTEMBER 2021

COUNCIL RESOLUTION

242/21

THAT the minutes of the Closed Session of the Ordinary Council Meeting held on 16 September 2021 are confirmed as a true and accurate record of proceedings.

Moved Councillor Corbett

Seconded Deputy Mayor Miners

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.
Councillors Against: Nil.

8. PLANNING AND DEVELOPMENT APPLICATION MATTERS

8.1 DEVELOPMENT APPLICATION 10.2021.157.1 - STAGED ECO-TOURIST FACILITY - STAGE 1 CABIN + RESIDENCE/ATTACHED SHED - STAGE 2 MANAGER'S RESIDENCE

Record No: I21/71

Responsible Officer: Chief Operating Officer
Author: Town Planner
Key Theme: 3. Environment Outcomes
CSP Community Strategy: 8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives: 8.1.3 Development assessment processes are streamlined to support regional development and growth
Attachments:
1. Plans (*Under Separate Cover*)
2. Statement of Environmental Effects (*Under Separate Cover*)
3. BASIX Stage 1 (*Under Separate Cover*)
4. BASIX Stage 2 (*Under Separate Cover*)
5. NatHERs - Managers Residence (*Under Separate Cover*)
6. NatHERs - Shed Accommodation (*Under Separate Cover*)
7. Site and Soil Assessment (*Under Separate Cover*)

8. Submission 1 (*Under Separate Cover*)
9. Submission 2 (*Under Separate Cover*)
10. Submission 3 (*Under Separate Cover*)
11. Submission 4 (*Under Separate Cover*)
12. Submission 5 (*Under Separate Cover*)
13. Submission 6 (*Under Separate Cover*)
14. Submission 7 (*Under Separate Cover*)
15. Applicant Response to Submissions and Council request for further information (*Under Separate Cover*)
16. AHIMS Report (*Under Separate Cover*)
17. DA Application Form (*Under Separate Cover*)
18. Deposited Plan and 88B Instrument (*Under Separate Cover*)

Further Operational Plan Actions:

Applicant Number:	10.2021.157.1
Applicant:	D T Morgan
Owner:	D T Morgan
DA Registered:	19/05/2021
Property Description:	Lot 6 DP 810652 Ph Jinderboin 267 Geikle Creek Road AVONSIDE NSW 2627
Parcel Number:	252946
Area:	2.3080 Hectares
Zone:	RU1 - Primary Production
Current Use:	Vacant Land
Proposed Use:	Eco-Tourist Facility
Permitted in Zone:	Yes
Recommendation:	Refusal

1.0 EXECUTIVE SUMMARY

The purpose of this report is to seek refusal for an Eco-tourist Facility, comprising three (3) cabins and a four bedroom manager's residence on Geikle Creek Road, Jindabyne. The subject site is a small residual rural lot which does not have a dwelling entitlement. The proposed development is considered to be inconsistent with the objectives for Eco Tourist Development (Clause 5.13) and the definition of *Eco Tourist Facility* in the Snowy River Local Environmental Plan 2013. The assessing officer is not satisfied that the development complies with the provisions of either the Snowy River Local Environment Plan 2013 (SRLEP) or the Snowy River Development Control Plan 2013 (SRDCP).

In accordance with Council policy "Referral of Development Applications to Council" the application is referred to Council for determination as it has received more than five (5) submissions.

It is recommended that the development application, DA 10.2021.157.1 for an Eco-tourist Facility (3 cabins and a manager's residence) on Lot 6 DP 810652 Ph Wallace be determined pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, as refused subject to the reasons outlined

in the recommendation.

RECOMMENDATION

The item was withdrawn at the request of the applicant.

8.2 DEVELOPMENT APPLICATION 10.2021.262.1 - NEW COMMERCIAL PREMISES FOR SUPERMARKET

Record No: I21/192

Responsible Officer: Chief Operating Officer

Author: Town Planner

Key Theme: 3. Environment Outcomes

CSP Community Strategy: 8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage

Delivery Program Objectives: 8.1.3 Development assessment processes are streamlined to support regional development and growth

Attachments:

1. Plans (*Under Separate Cover*)
2. Statement of Environmental Effects (*Under Separate Cover*)
3. Clause 4.6 Variation (*Under Separate Cover*)
4. DCP Variation - Corner Lots (*Under Separate Cover*)
5. Proposed Signage (*Under Separate Cover*)
6. Swept Paths (*Under Separate Cover*)
7. Noise Impact Statement (*Under Separate Cover*)
8. Flood Report (*Under Separate Cover*)
9. Heritage Advisor Response (*Under Separate Cover*)
10. TfNSW Response (*Under Separate Cover*)
11. AHIMS Search Report (*Under Separate Cover*)
12. Essential Energy Response (*Under Separate Cover*)
13. Submission 1 (*Under Separate Cover*)
14. Signed Development Application Form (*Under Separate Cover*)
15. Owners Signatures (*Under Separate Cover*)
16. Pre-DA Lodgement Form (*Under Separate Cover*)
17. Draft Condition of Consent (*Under Separate Cover*)
18. Deposited Plan 1223918 (*Under Separate Cover*)

Further Operational Plan Actions:

Applicant Number:	10.2021.262.1
Applicant:	Kayenay Pty Ltd
Owner:	Infinity & Beyond Super Pty Ltd
DA Registered:	09/08/2021

Property Description:	Lot: 1 DP: 1223918 Ph Myack, 76 Jindabyne Road
Parcel Number:	271637
Area:	1148m ²
Zone:	RU5 - Village
Current Use:	Vacant land
Proposed Use:	Neighbourhood Supermarket
Permitted in Zone:	Yes
Recommendation:	Approval

1.0 EXECUTIVE SUMMARY

The purpose of this report is to seek consent for the construction of a new Neighbourhood Supermarket at 76 Jindabyne Road, Lot 1 DP 1223918. The site is a vacant allotment at the end of the existing Highdale Shops in Berridale.

The application proposes to utilise the whole of the site to ensure that the supermarket can provide a service that can sufficiently cater for the existing and future Berridale community. The applicant has applied for a variation under the provisions of clause 4.6 of the Snowy River LEP 2013 due to a significant variation to the Floor Space Ratio. The development has been designed to be sympathetic to the Berridale Heritage streetscape and will provide a service which is not currently available to residents and visitors and one which will support the growth of Berridale.

The application was notified and publically advertised for a period of 14 days and with one (1) submission being received.

Upon assessment, the assessing officer is satisfied that the development complies with the provisions of the Snowy River Local Environmental Plan 2013 and Snowy River Development Control Plan 2013 and it is recommended that conditional consent be granted.

If Council decides to make a determination other than as included in the recommendation, it must follow the requirements of Council Procedure – *Council Decision Contrary to Staff Recommendation*.

COUNCIL RESOLUTION

243/21

That Council, pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)*, grants consent to DA 10.2021.262.1 for a Neighbourhood Supermarket at 76 Jindabyne Road being Lot 1 DP1223918, with draft conditions of consent attached to this report.

Moved Councillor Ewart

Seconded Councillor Rooney

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

9. OTHER REPORTS TO COUNCIL

9.1 KEY THEME 1. COMMUNITY

9.1.1 SNOWY MONARO REGIONAL COUNCIL HERITAGE STRATEGY 2021-2023 - POST EXHIBITION REPORT

Record No: I21/152

Responsible Officer:	Chief Operating Officer
Author:	Manager Built & Natural Environment
Key Theme:	1. Community Outcomes
CSP Community Strategy:	2.1 Our culturally diverse heritage is preserved and celebrated for the richness it brings to our regional identity
Delivery Program Objectives:	2.1.2 Council celebrates and enriches the heritage fabric throughout the region Ordinary Council at its meeting on 17 September 2020 resolved that the matter be deferred to the meeting to be held on 15 October 2020.
Attachments:	1. Draft Snowy Monaro Regional Council Heritage Strategy 2021-2023 2. Court Case NSW LEC 3 Williams vs Shellharbour City Council 2020 3. Draft Heritage Strategy - Submission One
Cost Centre:	292
Operational Plan Action:	2.1.2 - Finalise an integrated Heritage Strategy.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with feedback received from community consultation of the draft Snowy Monaro Regional Council Heritage Strategy 2021-2023 (the Strategy) held between the 6 April - 6 May 2020 and 9 May – 28 June 2020 and present the final strategy for adoption by Council. This report provides a summary of submissions, website participation and all feedback received.

The Strategy is a key component of the Snowy Monaro 2040 Community Strategic Plan (CSP) and of the previous 2018-2021 Delivery Plan incorporating the 2019 Operational Plan which requires the preparation and adoption of an Integrated Heritage Strategy.

The report being presented has been delayed in being brought before Council for adoption as Council was awaiting confirmation to be provided by Heritage NSW for on-going grant funding for key aspects of the strategy and due to staff resources being allocated to undertake other priorities of the organisation. Due to this delay a change was required to the heading of the Strategy from 2020-2023 to 2021-2023. Overall this delay and amended title does not present an impediment to adopting the Strategy as exhibited.

The following officer's recommendation is submitted for Council's consideration.

COUNCIL RESOLUTION	244/21
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That Council

- A. Note all key issues raised throughout the public exhibition period;
- B. Note amendments made to the draft Snowy Monaro Regional Council Heritage Strategy 2021-2023; and
- C. Adopt the Snowy Monaro Regional Council Heritage Strategy 2021-2023 (Attachment 1) as amended.

Moved Deputy Mayor Miners

Seconded Councillor Last

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

9.1.2 MONTHLY FUNDS MANAGEMENT REPORT - SEPTEMBER 2021

Record No: I21/190

Responsible Officer: Chief Financial Officer
Author: Finance Officer
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy: DP7.6 Increase and improve Council's financial sustainability.
Operational Plan Action: OP7.18 Effective management of Council funds to ensure financial sustainability.

Attachments:
Cost Centre Financial Services
Project Funds Management
Further Operational Plan Actions: OP7.2 Completion of reporting requirements in accordance with legislation.

EXECUTIVE SUMMARY

The following report details the funds management position for the reporting period ending 30 September 2021.

Cash and Investments are \$85,593,099.

Certification

I, John Bingham, Responsible Accounting Officer of Snowy Monaro Regional Council hereby certify, as required by Clause 212 of the Local Government (General) Regulation 2005, that investments as detailed in this report have been invested in accordance with Section 625 of the *Local Government Act 1993*, the Regulations and Council's Investment Policy.

COUNCIL RESOLUTION

245/21

That Council

- A. Receive the report indicating Council's cash and investments position as at 30 September 2021; and
- B. Receive the certificate of the Responsible Accounting Officer.

Moved Councillor Corbett

Seconded Deputy Mayor Miners

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

9.1.3 DIVESTMENT OF RESIDENTIAL AGED CARE - ACCEPTANCE OF SAPPHIRE COAST COMMUNITY AGED CARE LTD PROPOSAL FOR EXTENDED DUE DILIGENCE PERIOD

Record No: I21/238

Responsible Officer:	Chief Operating Officer
Author:	Manager Community Services
Key Theme:	1. Community Outcomes
CSP Community Strategy:	1.2 High quality community support and residential aged care services are available and accessible to residents across the region
Delivery Program Objectives:	1.2.1 Competitive cost effective aged care and community support services are available within the region
Attachments:	1. Proposal for Extended Due Diligence Period - Sapphire Coast Community Aged Care Pty Ltd 2. Request for Proposal Evaluation Report 3. Expression of Interest Sapphire Coast Community Aged Care Ltd (Under Separate Cover) - Confidential

EXECUTIVE SUMMARY

Council resolved at its ordinary meeting held on 15 July 2021 to invite Sapphire Coast Community Aged Care Ltd (SCCAC) to submit a detailed proposal for the divestment of Council's residential aged care facilities.

SCCAC subsequently submitted a proposal for an extended due diligence period of up to 12 months (attached). The extended due diligence period will allow the following:

- SCCAC to undertake a detailed due diligence of the residential aged care services prior to submitting a proposal;
- SCCAC to have an embedded presence in the facilities, working closely with SMRC staff, and;
- Ongoing support of SMRC through the sharing of SCCAC's expertise in the area of residential aged care.

An evaluation panel consisting of representatives from SMRC, Ernst & Young, Maddocks and the nominated representative from the Community Services Advisory Committee (Kevin Dunne) has endorsed the proposal for an extended due diligence period. Any costs involved in the extended due diligence period with SCCAC having an embedded presence can be covered by the external Business Improvement Fund funding.

The following officer's recommendation is submitted for Council's consideration.

At 6:31pm Councillor Old left the meeting.

At 6:34pm Councillor Old returned to the meeting.

COUNCIL RESOLUTION

246/21

That Council

- A. Acknowledges the recommendation of the evaluation panel.
- B. Accepts the 12 month extended due diligence period proposed by Sapphire Coast Community Aged Care Ltd.
- C. Receives a detailed proposal from Sapphire Coast Community Aged Care Ltd at the completion of the due diligence period.

Moved Councillor Castellari

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

**9.1.4 MINUTES FROM THE BOMBALA EXHIBITION GROUND MANAGEMENT AND NORTH RIDGE
RESERVE S355 COMMITTEES**

Record No: I21/249

Responsible Officer:	Chief Strategy Officer
Author:	Governance Officer
Key Theme:	1. Community Outcomes
CSP Community Strategy:	1.3 Recreation, sporting and leisure facilities encourage all ages to live in an active and healthy lifestyle
Delivery Program Objectives:	1.3.3 Council's recreational facilities, parks and public open spaces are safe, well managed and accessible
Attachments:	1. 2021 04 14 - Bombala Exhibition Ground S355 Committee - Minute of Meeting Held 14 April 2021 2. 2021 05 12 - Bombala Exhibition Ground S355 Committee - Minutes

- of Meeting held 12 May 2021
3. 2021 07 14 - Bombala Exhibition Ground S355 Committee - Minutes of Meeting held 14 July 2021
 4. 2021 09 09 - Bombala Exhibition Ground S355 Committee - Minutes of AGM held 9 September 2021
 5. 2021 04 28 - North Ridge Reserve S355 Committee - Minutes of Meeting held 28 April 2021
 6. 2021 05 26 - North Ridge Reserve S355 Committee - Minutes of Meeting held 26 May 2021
 7. 2021 07 28 - North Ridge Reserve S355 Committee - Minutes of Meeting held 28 July 2021

EXECUTIVE SUMMARY

Council has received minutes of the meetings from the following management committees:

- Bombala Exhibition Ground, meeting held on 14 April 2021
- Bombala Exhibition Ground, meeting held on 12 May 2021
- Bombala Exhibition Ground, meeting held on 14 July 2021
- Bombala Exhibition Ground, meeting held on 9 September 2021
- North Ridge Reserve, meeting held 28 April 2021
- North Ridge Reserve, meeting held 26 May 2021
- North Ridge Reserve, meeting held 28 July 2021

These minutes are attached for Council's information.

The following officer's recommendation is submitted for Council's consideration.

COUNCIL RESOLUTION

247/21

That Council receive the minutes of Bombala Exhibition Ground and North Ridge Reserve committees meetings.

Moved Councillor Corbett

Seconded Deputy Mayor Miners

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

9.2 KEY THEME 2. ECONOMY

Nil

9.3 KEY THEME 3. ENVIRONMENT

At 6:39 pm Councillor Corbett left the meeting.

At 6:39 pm Councillor Ewart left the meeting.

9.3.1 FINALISATION OF MICHELAGO MASTER PLAN

Record No: I21/108

Responsible Officer:	Chief Strategy Officer
Author:	Team Leader Strategic Planning
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.1 New development and land use is facilitated in appropriate locations with areas of environmental value protected
Attachments:	<ol style="list-style-type: none">1. Michelago Master Plan2. Appendix A - Consultation Outcomes Report3. Combined Submissions
Cost Centre	WO 441
Project	Michelago Master Plan
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The Michelago Master Plan (the Plan) seeks to provide a community lead vision for the future development and growth of the Village of Michelago. The Plan provides a clear framework for future growth and development to occur in a way that is consistent with the existing village character. The Plan also provides a framework for additional commercial activity and tourism investment to provide greater employment opportunities in and around the village.

Following consultation on the draft Michelago Master Plan, further feedback from the community has informed this final Plan. This report seeks to brief Council on feedback received throughout the exhibition and recommend that Council adopt the final Plan.

13 submissions were received. They have resulted in the following amendments being incorporated into the Plan:

- Expansion of the scenic protection area north to protect the landscape views from the Village east towards the Tinderry range.
- Future school expansion area has been relocated in response to submissions received.
- Introduction of criteria to be addressed to support a reduction in minimum lot size in the R5 Large Lot Residential Area.
- Further detail regarding the role the MRT may have in the future development and tourism at Michelago.
- Other minor changes and alterations.

The following officer's recommendation is submitted for Council's consideration.

COUNCIL RESOLUTION

248/21

That Council

- A. Adopt Final Michelago Master Plan (Attachment A);
- B. Submit Final Michelago Master Plan to the Department of Planning, Industry and Environment (DPIE) for endorsement.
- C. Place the final Michelago Master Plan on Council's Website.
- D. Notify all submitters of Council's decision.

Moved Councillor Rooney

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Stewart, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last and Councillor Rooney.

Councillors Against: Deputy Mayor Miners.

9.3.2 DRAFT DEVELOPMENT CONTROL PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN - MICHELAGO

Record No: I21/129

Responsible Officer: Chief Strategy Officer

Author: Team Leader Strategic Planning

Key Theme: 3. Environment Outcomes

CSP Community Strategy: 8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage

Delivery Program Objectives: 8.1.2 Land use is optimised to meet the social, environment and economic needs of the region

Attachments: 1. Draft Cooma-Monaro DCP Amendment 3 - Michelago Controls
2. Draft Michelago Infrastructure Contributions Plan

Cost Centre WO 47

Project Michelago Master Plan Implementation

Further Operational Plan Actions:

EXECUTIVE SUMMARY

The draft Michelago Site Specific Development Control Plan and Development Contributions Plan are mechanisms to implement Councils Michelago Master Plan. The draft plans seek to ensure future development is consistent with the desired character outlined in the Michelago Master Plan. The plans also seek to ensure development pays its fair share towards the future provision of local infrastructure.

The purpose of this report is to brief Council on the draft plans and recommends that the draft plans are

placed on public exhibition in accordance with the Environmental Planning and Assessment Act 1979 and Council's Community Participation Plan.

The following officer's recommendation is submitted for Council's consideration.

COUNCIL RESOLUTION

249/21

That Council

- A. Note the attached drafted provisions for the Cooma-Monaro DCP detailing site specific development requirements for new buildings in Michelago assessed through the development application process.
- B. Note the attached draft hybrid Development Contributions Plan for Michelago prepared in accordance with sections 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979*.
- C. Consent to the public exhibition of the drafted DCP provisions as described in and attached to this report for a period of 28 days in accordance with Schedule 1 Part 1 of the *Environmental Planning and Assessment Act 1979*, Clause 18 of the *Environmental Planning and Assessment Regulation 2000* and Council's Community Participation Plan.
- D. Consent to the public exhibition of the draft Development Contributions Plan as described in and attached to this report for a period of 28 days in accordance with Schedule 1 Part 1 of the *Environmental Planning and Assessment Act 1979* Clause 28 of the *Environmental Planning and Assessment Regulation 2000* and Council's Community Participation Plan.

Moved Councillor Corbett

Seconded Deputy Mayor Miners

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

9.3.3 COOMA BACK CREEK - FLOOD RISK MANAGEMENT OPTIONS ASSESSMENT REPORT

Record No: I21/34

Responsible Officer:	Chief Strategy Officer
Author:	Environmental Technical Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	7.1 Protect, value and enhance the existing natural environment
Delivery Program Objectives:	7.1.2 The significance and protection of the region's natural assets along with the efficient and equitable planning of public services, infrastructure and amenities is provided for in Council's Local Environmental and associated plans
Attachments:	1. Cooma Back Creek - Flood Risk Management Assessment Report 2. Guidelines for voluntary purchase schemes

9.3.4 ADOPTION OF THE SNOWY MONARO REGIONAL COUNCIL WASTE MANAGEMENT STRATEGY

Record No: I21/51

Responsible Officer:	Chief Strategy Officer
Author:	Project Specialist
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	7.2 Water, waste, sewer and stormwater management practices are contemporary and efficient
Delivery Program Objectives:	7.2.3 Innovative solutions and infrastructure supporting waste and recycling operations to reduce landfill have been investigated
Attachments:	<ol style="list-style-type: none">1. Snowy Monaro Regional Council Summary Waste Management Strategy (<i>Under Separate Cover</i>)2. Snowy Monaro Regional Council Waste Management Strategy (<i>Under Separate Cover</i>)3. Waste Management Strategy Draft Document Exhibition Submissions (<i>Under Separate Cover</i>)4. Waste Management Strategy Draft Document Exhibition Submission Responses (<i>Under Separate Cover</i>)5. Waste Management Strategy Risk Assessment (<i>Under Separate Cover</i>)
Cost Centre	WO2474
Project	PP322
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The draft Snowy Monaro Regional Council Waste Management Strategy (Waste Strategy) was placed on public exhibition between 25 March 2021 and 6 May 2021. While there was support for a large portion of the strategy, there were concerns raised over the impacts of service changes in some of the rural areas.

Following feedback the actions to transfer rural residents from transfer stations to bank of bins services and taking bulky waste to the three main transfer stations (Bombala/Cooma/Jindabyne) to include biannual waste collection from the six rural transfer stations in addition to the bank of bins and access to the main sites. Additional work has been done on the financial information supporting the strategy.

The SMRC Waste Strategy is consistent with the NSW Waste and Sustainability Materials Strategy 2041. This strategy was released after community consultation had occurred on the SMRC Waste Strategy. Council's draft strategy did not anticipate the potential for waste facilities to be required to operate as net zero emitters. Council will need to consider further emission reduction and abatement measure in the future once the requirements in this area have been clarified by the NSW Government.

The strategy has reviewed the method of providing services and determined what is considered the optimal mix of services to balance the cost to the community against the desires of a service the meets the community's needs. This includes the proposed introduction of the following services:

- Development of new/improved transfer station facilities at Bombala, Cooma and Jindabyne to improve the ability of people to recycle as well as dispose of waste.
- Expansion of the FOGO waste services to increase the diversion of organic waste from landfill.
- Expanded provision of bank of bins services.
- Trialling kerbside bulky good pickup for aged residents.

It also includes:

- Changing rural users from a transfer station drop off model to a bank of bins and less frequent bulk waste disposal model.
- Changing to a model where all waste is processed in a single landfill operation.

The Waste Strategy provides cost saving measures and provides Council with a robust framework to improve waste management practices and facilities for Council.

At 7:36 pm Councillor Stewart returned to the meeting.

At 7:36 pm Councillor Rooney returned to the meeting.

The following officer's recommendation is submitted for Council's consideration.

MOTION

That the Waste Strategy be deferred for consideration by the new Council with greater consideration given to the outlying areas.

Moved Deputy Mayor Miners

Seconded Councillor Last

LOST

Record of Voting

Councillors For: Mayor Beer, Councillor Stewart, Deputy Mayor Miners, Councillor Haslingden and Councillor Last.

Councillors Against: Councillor Corbett, Councillor Castellari, Councillor Maslin, Councillor Old, Councillor Ewart and Councillor Rooney.

COUNCIL RESOLUTION

251/21

That Council

- A. Adopt the attached Snowy Monaro Regional Council Waste Strategy 2021
- B. Adopt the following targets from the NSW Waste and Sustainable Materials Strategy 2041 Stage 1: 2021-2027 as aspirational targets for Council:
 - (a) reduce total waste generated by 10% per person by 2030
 - (b) 80% average recovery rate from all waste streams by 2030
 - (c) increase the use of recycled content by Council
 - (d) halve the amount of organic waste sent to landfill by 2030
 - (e) net zero emissions from organic waste by 2030

Moved Councillor Rooney	Seconded Councillor Castellari	CARRIED
Record of Voting		
<i>Councillors For:</i>	<i>Mayor Beer, Councillor Corbett, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Old, Councillor Ewart and Councillor Rooney.</i>	
<i>Councillors Against:</i>	<i>Councillor Stewart, Councillor Haslingden and Councillor Last.</i>	

9.3.5 FLOOD PLANNING

Record No: I21/134

Responsible Officer:	Chief Strategy Officer
Author:	Team Leader Strategic Planning
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.3 Development assessment processes are streamlined to support regional development and growth
Attachments:	<ol style="list-style-type: none">1. Proposed Local Environmental Plan Flood Planning Clauses2. Draft Flood Planning Development Controls3. Draft Flood Mapping - Snowy River DCP Appendix A4. Draft Flood Mapping Cooma-Monaro DCP Appendix 105. Draft Flood Mapping Bombala DCP Appendix A
Cost Centre	WO 47
Project	Flood Risk Management Plans - Implementation
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Council's adopted flood risk management plans, and studies recommended flood planning amendments to Council's LEP and DCP.

As part of the revised flood-prone land package, the NSW Government are seeking for Councils to opt into a new clause 5.22 for the Local Environmental Plan. Clause 5.22 aims to provide an additional level of control between the 1 in 100 year, and probable maximum flood events for sensitive land uses such as hospitals, schools, child care, aged care and tourist and visitor accommodation. These recommended changes align with the current flood planning review the NSW Government are currently undertaking.

The NSW Government has advised that they will make this change for all Councils that resolve to proceed with this clause before the 'caretaker' period. The NSW Government will make these changes via a self-repealing SEPP to automatically update Council's LEPs with Clause 5.22. If Councils support this recommendation, it will save time and costs to Council in preparing a planning proposal to achieve this adopted recommendation.

The Cooma-Monaro Development Control Plan (DCP) chapter relating to flood planning has been

reviewed and updated in line with recommendations of the Flood Plain Risk Management (FPRM) Studies and Plans. The revised DCP chapter (Attachment B) is recommended for public exhibition and will amend the Bombala, Cooma-Monaro and Snowy River DCPs.

The following officer's recommendation is submitted for Council's consideration.

COUNCIL RESOLUTION

252/21

That Council

- A. Support the inclusion of the new clause 5.22 'special flood considerations' in the Bombala Local Environmental Plan 2012, Cooma-Monaro Local Environmental Plan 2013 and Snowy River Local Environmental Plan 2013.
- B. Consent to the public exhibition of all the drafted development control plan flood planning provisions as described in and attached to this report for a period of 28 days in accordance with Schedule 1 Part 1 of the *Environmental Planning and Assessment Act 1979*, Clause 18 of the *Environmental Planning and Assessment Regulation 2000* and the Snowy Monaro Community Participation Plan.

Moved Councillor Corbett

Seconded Deputy Mayor Miners

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

9.3.6 STRATEGIES TO MITIGATE THE HEALTH IMPACTS OF DOMESTIC WOOD HEATERS

Record No: I21/230

Responsible Officer: Chief Operating Officer
Author: Coordinator Public Health & Environment
Key Theme: 3. Environment Outcomes
CSP Community Strategy: 7.1 Protect, value and enhance the existing natural environment
Delivery Program Objectives: 7.1.1 The Region's natural environment remains protected through delivery of a range of Council programs and regulatory compliance
Attachments: Nil

EXECUTIVE SUMMARY

Council at its Ordinary Meeting held on 16 September 2021 resolved to adopt a Notice of Motion for the following action to be undertaken by staff:

"That staff prepare a report to council outlining strategies to mitigate the health impacts of wood smoke from domestic wood heaters".

Council's key strategies to mitigate health impacts of wood smoke from domestic wood heaters are:

- Implementation of regulations (NSW legislation) – compliance measures for new and existing wood heaters
- Education programs
- NSW government strategies when they are released

The following officer's recommendation is submitted for Council's consideration.

COUNCIL RESOLUTION

253/21

That Council receive and note the report on strategies to mitigate the health impacts of domestic wood heaters.

Moved Councillor Corbett

Seconded Deputy Mayor Miners

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

9.4 KEY THEME 4. LEADERSHIP

9.4.1 ANSWERS TO QUESTIONS WITH NOTICE

Record No: I21/263

Responsible Officer: Chief Strategy Officer

Author: Executive Support Officer

Key Theme: 4. Leadership Outcomes

CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making

Delivery Program Objectives: 10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community

Attachments: 1. In Progress Questions up to end of September 2021

EXECUTIVE SUMMARY

As per clause 3.13 of Code of Meeting Practice a councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the Chief Executive Officer about the performance or operations of the Council.

In order to provide Councillors with updates on questions asked by Councillors, a report has been generated with a summary of questions that are current and have recently been completed, for the

period ending September 2021.

The following officer's recommendation is submitted for Council's consideration.

COUNCIL RESOLUTION

254/21

That Council receive the answers to questions with notice for the period ending September 2021.

Moved Councillor Corbett

Seconded Deputy Mayor Miners

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

9.4.2 RESOLUTION ACTION SHEET UPDATE

Record No: I21/264

Responsible Officer: Chief Strategy Officer
Author: Executive Support Officer
Key Theme: 4. Leadership Outcomes
CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives: 10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments: 1. In Progress Actions up to end of September 2021
Cost Centre 3120
Project NIL
Further Operational Plan Actions: NIL

EXECUTIVE SUMMARY

In order to provide Councillors with updates on resolutions of Council, a report has been generated with a summary of actions that are current and have recently been completed, for the period ending September 2021.

The In Progress Resolution Action Sheet for period ending September 2021 is attached to this report.

COUNCIL RESOLUTION

255/21

That Council receive the resolution update for the period ending September 2021.

Moved Councillor Corbett

Seconded Deputy Mayor Miners

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

10. NOTICE OF MOTION

10.1 REVIEW OF INSURANCE COVERAGE

Record No: I21/276

Responsible Officer: Chief Executive Officer

Author: Councillor Anne Maslin

Attachments: Nil

At 8:21 pm Councillor Old left the meeting.

At 8:27 pm Councillor Old returned to the meeting.

Councillor Anne Maslin has given notice that at the Ordinary Meeting of Council on 21 October 2021, she will move the following motion.

LOST MOTION

That Council appoint an expert Insurance consultant agency to deliver an urgent audit of SMRC insurance coverage, particularly of critical SMRC infrastructure, in order to provide assurance that there are no gaps in insurance coverage for SMRC. The audit should be completed no later than end of February 2022.

Moved Councillor Maslin

Seconded Councillor Last

LOST

Record of Voting

Councillors For: Deputy Mayor Miners, Councillor Maslin, Councillor Haslingden, Councillor Old and Councillor Last.

Councillors Against: Mayor Beer, Councillor Corbett, Councillor Stewart, Councillor Castellari, Councillor Ewart and Councillor Rooney.

10.2 SMRC FINANCIAL CONCERNS

Record No: I21/243

Responsible Officer: Chief Executive Officer
Author: Councillor Anne Maslin
Attachments: Nil

Councillor Anne Maslin has given notice that at the Ordinary Meeting of Council on 21 October 2021, she will move the following motion.

LOST MOTION

That SMRC immediately engage professionally qualified accounting and audit expertise to design a Financial Recovery Plan, to address the growing deficit, and lack of working capital.

Moved Councillor Maslin

Seconded Councillor Last

LOST

Record of Voting

Councillors For: Councillor Maslin, Councillor Haslingden, Councillor Old and Councillor Last.

Councillors Against: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Ewart and Councillor Rooney.

10.3 RETAIN ARIC COMMITTEE

Record No: I21/251

Responsible Officer: Chief Executive Officer
Author: Councillor Anne Maslin
Attachments: Nil

Councillor Anne Maslin has given notice that at the Ordinary Meeting of Council on 21 October 2021, she will move the following motion.

At 8:58 pm Deputy Mayor Miners left the meeting.

At 9:02 pm Deputy Mayors Miners returned to the meeting.

LOST MOTION

That SMRC retain its Audit Risk and Improvement Committee, rather than have a shared body with other councils.

Moved Deputy Mayor Miners

Seconded Councillor Last

LOST

Record of Voting

*Councillors For: Councillor Maslin, Councillor Haslingden, Councillor Old and Councillor Last.
Councillors Against: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners,
Councillor Castellari, Councillor Ewart and Councillor Rooney.*

10.4 REPLACEMENT OF ARIC MEMBER

Record No: I21/242

Responsible Officer: Chief Executive Officer

Author: Councillor Anne Maslin

Attachments: Nil

Councillor Anne Maslin has given notice that at the Ordinary Meeting of Council on 21 October 2021, she will move the following motion.

MOTION

The motion was withdrawn by Councillor Maslin.

10.5 JINDABYNE ROADSIDE CLEAN-UP VOLUNTEERS

Record No: I21/235

Responsible Officer: Chief Executive Officer

Author: Councillor Anne Maslin

Attachments: Nil

Councillor Anne Maslin has given notice that at the Ordinary Meeting of Council on 21 October 2021, she will move the following motion.

At 9:12 pm Mayor Beer left the meeting.

At 9:22 pm Councillor Old left the meeting.

At 9:22 pm Councillor Old returned to the meeting.

COUNCIL RESOLUTION

256/21

That Council, in recognition of the community benefit provided by the activities of the Clean-up Jindy Volunteer Group:

- A. Provide free waste deposit at the Jindabyne landfill to the Clean-up Jindy Volunteer Group for waste collected in the public areas of Jindabyne;
- B. Reimburse the Waste Fund for the income forgone from Council's donations budget;
- C. Request an estimate of the volumes of waste deposited by the Group over the coming twelve months
- D. Nominate the group for a community service award.

Moved Councillor Maslin

Seconded Councillor Last

CARRIED

Record of Voting

Councillors For: Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

At 9:27 pm Mayor Beer returned to the meeting.

10.6 BOMBALA SEWERAGE PROJECT REPORT

Record No: I21/250

Responsible Officer: Chief Executive Officer

Author: Councillor Anne Maslin

Attachments: Nil

Councillor Anne Maslin has given notice that at the Ordinary Meeting of Council on 21 October 2021, she will move the following motion.

COUNCIL RESOLUTION

257/21

That councillors receive an urgent current report on the Bombala Sewerage Upgrade Project.

Update to include:

- A) Costs including original budget, grant monies, additional costs incurred during the project construction phase, costs of the yet to be completed parts of the sewerage works, and overall final cost.
- B) Cost of consultants on the project, including project management costs.
- C) Progress on relocating the Mahratta St pump station. Date that NSW Transport was contacted seeking permission, and the date that work is expected to commence and be completed.
- D) Progress on use of SMRC council project management framework.

E) When complete, a copy of the Certificate of Practical Completion/Final Acquittal Report.

Moved Councillor Maslin

Seconded Councillor Last

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

10.7 MONARO RAIL TRAIL PROJECT

Record No: I21/253

Responsible Officer: Chief Executive Officer

Author: Councillor Anne Maslin

Attachments: Nil

Councillor Anne Maslin has given notice that at the Ordinary Meeting of Council on 21 October 2021, she will move the following motion.

COUNCIL RESOLUTION

258/21

That SMRC council work together with Monaro Rail Trail Inc to seek funding of \$330,000 from NSW and/or Federal Governments for developing a “shovel- ready”, future detailed project plan for the remaining sections of the Monaro Rail Trail.

Moved Councillor Maslin

Seconded Councillor Last

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

10.8 SMITH'S ROAD REZONING

Record No: I21/248

Responsible Officer: Chief Executive Officer

Author: Councillor John Rooney

Attachments: Nil

Councillor John Rooney has given notice that at the Ordinary Meeting of Council on 21 October 2021, he will move the following motion.

At 9:51 pm Councillor Old left the meeting.

At 9:54 pm Councillor Old returned to the meeting.

COUNCIL RESOLUTION

259/21

That Council

- A. Supports in principle, rezoning the northern end of Smiths Road from Environmental Management Zone (E3) to Environmental Living (E4) to reflect the current pattern of development and existing land use.
- B. Revises the Rural Land Use Strategy consistent with the original staff proposal to rezone the northern end of Smiths Road from E3 to E4, as contained in the first draft, while noting the costs associated with the rezoning process.
- C. Collaborates with the Smiths Road community to develop a financially responsible process, that will enable Council to commence, during the 2022/23 FY, the necessary studies and strategic planning required, to eventually incorporate the proposed rezoning into the new Snowy Monaro Land and Environment Plan.

Moved Councillor Rooney

Seconded Councillor Castellari

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

10.9 JINDABYNE PUMP TRACK

Record No: I21/254

Responsible Officer: Chief Executive Officer

Author: Councillor John Castellari

Attachments: Nil

Councillor John Castellari has given notice that at the Ordinary Meeting of Council on 21 October 2021, he will move the following motion.

COUNCIL RESOLUTION

260/21

That Council initiate contact with the Jindabyne Trail Stewardship and the Snowy Mountains Bike Club to agree a pump track strategy for our major LGA townships; the strategy to include identifying appropriate Council owned sites in townships in which there is a sufficient demand, and applying for appropriate grant funding, initially for a pump track in Jindabyne and possibly for other townships.

Moved Councillor Castellari

Seconded Councillor Ewart

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

10.10 EMISSIONS REDUCTION PLEA

Record No: I21/261

Responsible Officer: Chief Executive Officer

Author: Councillor John Castellari

Attachments: Nil

Councillor John Castellari has given notice that at the Ordinary Meeting of Council on 21 October 2021, he will move the following motion.

COUNCIL RESOLUTION

261/21

That Council

- A. Write to the Prime Minister and the Minister for Energy and Emissions Reduction, urging the federal government to commit to a target of net 0 in CO₂ emissions by 2050.
- B. Acknowledges and thanks the member for Eden Monaro for signing the community protection pledge, a set of 10 commitments, based on the final report of the national bushfire and climate summit 2020, aimed at keeping residents safe from worsening extreme weather (including adequate funding to support the critical role of local governments in disaster preparedness and recovery).

Moved Councillor Castellari

Seconded Councillor Ewart

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Haslingden, Councillor Old, Councillor Ewart and Councillor Rooney.

Councillors Against: Councillor Maslin and Councillor Last.

At 10:24 pm the meeting was adjourned for a short break.

At 10:35 pm the meeting resumed.

11. MAYORAL MINUTES

11.1 DROPS + HOODS IN-KIND SUPPORT REQUEST

Summary:

Council has received a submission from Lateral Events seeking event support for the Drops + Hoods multi-day event on 3-5 December 2021. As per the attached letter from Lateral Events, Council waiver of an estimated \$3,125 in SMRC facility hire and event waste fees is being sought.

Background:

Following the 4 year success of L'Etape in the Snowy Mountains, Lateral Events have returned with the new "Drops + Hoods", a multi-day series of road, gravel and mountain bike routes incorporating Thredbo, Perisher, Charlotte Pass, Lake Crackenback, Jindabyne, Berridale, Dalgety and 'everywhere in between'. Lateral estimates the event will attract 1,335 unique riders and their supporters, generating a total visitation of 2,269 and an estimated \$1.112m in direct expenditure.

The support request for \$3,125 is to cover:

- Facility hire: x2 days JJ Connor carpark for event parking overflow and x3 days Berridale oval and carpark for scheduled race start/finish and hydration stations for rest stops.
Estimated at \$1336.00
- Waste hire: Delivery and collection of x5 Waste and Recycle bins to Berridale Oval and Jindabyne Sports & Recreation Centre, daily servicing over three days.
Estimated at \$1789

COUNCIL RESOLUTION

262/21

That Council approve the requested facility and fees waivers, to be funded through the new \$55,000 arts, cultural, tourism and events fund (located in Council's Tourism Operations budget) as per Council resolution 210/21.

Moved Mayor Beer

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Castellari, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Councillor Stewart, Deputy Mayor Miners, Councillor Maslin and Councillor Haslingden.

12. QUESTIONS WITH NOTICE

12.1 LIGHTS AT THE STATION TURNOFF

Councillor Brian Old

Question: What will happen with the lights at The Station turn off? How much will it end up costing again to fix?

12.2 SEEDING AFRICAN LOVEGRASS - DELEGATE ROAD

Councillor Sue Haslingden

Question: What is being done about the seeding African Lovegrass along the Delegate Road?

13. CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

263/21

1. THAT pursuant to Section 10A subsections 2 & 3 and Section 10B of the Local Government Act, 1993 (as amended) the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

13.1 Cmunt Legal Matters

Item 13.1 is confidential in accordance with s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.2 Legal Actions and Potential Claims Against SMRC as at 30 September 2021

Item 13.2 is confidential in accordance with s10(A)(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

2. The press and public be excluded from the proceedings of the Council in Closed Session on the basis that these items are considered to be of a confidential nature.
3. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as confidential and be withheld from access by the press and public, until such time as the Council resolves that the reason for confidentiality has passed or become irrelevant.
4. That the resolutions made by the Council in Closed Session be recorded in the Minutes of the Council Meeting.
5. That upon this recommendation being moved and seconded, the Chairperson invite representations from the public as to whether this part of the meeting should be closed to consider the nominated item.

Moved Councillor Old

Seconded Councillor Ewart

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

Note 1: Invitation to Public

Upon the above motion being moved and seconded, the Mayor invited representations from the public as to whether this part of the meeting should be closed to consider the nominated items. There were no requests by members of the public to make any representations.

Note 2: Confidential Session of Committee

At 10:46 pm the meeting was closed to the press and public.

Note 3: Resumption of Open Committee Meeting

At 11:38 pm the Closed Session ended and the Council meeting continued in Open Session.

14. REPORT FROM CONFIDENTIAL SESSION

13.1 CMUNT LEGAL MATTERS

COUNCIL RESOLUTION

264/21

That Council:

- A. Notes the legal advice provided by the Trustee and BAL.
- B. Obtains a quotation for services be sourced from the Trustee for legal costs associated with the recovery of all funds owed to Council by the Cmunts.
- C. Receives a report with recommended directions on this matter at the November 2021 Ordinary meeting of Council.

Moved Councillor Rooney

Seconded Councillor Ewart

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

13.2 LEGAL ACTIONS AND POTENTIAL CLAIMS AGAINST SMRC AS AT 30 SEPTEMBER 2021

COUNCIL RESOLUTION

265/21

That Council receive the information in the Legal Actions and Potential Claims Against SMRC as at 30 September 2021 report.

Moved Councillor Rooney

Seconded Deputy Mayor Miners

CARRIED

Record of Voting

Councillors For: Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old,

Councillor Last, Councillor Ewart and Councillor Rooney.
Councillors Against: *Nil.*

13.3 PROCESS OF MANAGEMENT OF CEO CONTRACT

COUNCIL RESOLUTION

266/21

That Council

- C. Rescinds Council resolution 26/21 on 18 February 2021 relating to Chief Executive Officer performance reviews; and
- D. Rescinds Council resolution 223/21 on 16 September 2021 relating to Chief Executive Officer performance reviews; and
- E. Council rescinds Council resolution 195/21 on 28 August 2021 relating to Chief Executive Officer performance reviews; and
- F. Agree that subject to the Chief Executive Officer and Mayor agreeing on the process to be followed, a review of the Chief Executive Officer's performance will take place on 3 November 2021 or on such other date in November 2021 that is mutually agreeable between the Chief Executive Officer and a majority of Councillors. For the avoidance of doubt, such review may be facilitated by Blackadder Associates, McArthurs or Local Government Management Solutions if the Chief Executive Officer and Mayor so agree; and
- G. Authorise the Mayor, on behalf of the elected Council, to consult with Council's Chief Executive Office as soon as practicable regarding the process of future reviews of the Chief Executive Officer's performance, including whether such reviews are to be facilitated by Blackadder Associates, McArthur or Local Government Management Solutions, and the Mayor is to report back to Councillors at the next meeting of the Council following such consultation.

Moved Mayor Beer

CARRIED

Record of Voting

Councillors For: *Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Ewart and Councillor Rooney.*

Councillors Against: *Nil.*

There being no further business the Mayor declared the meeting closed at 11.40 pm



CHAIRPERSON

The above minutes of the Ordinary Council Meeting of Snowy Monaro Regional Council held on 21 October 2021 were confirmed by Council at a duly convened meeting on 18 November 2021 at which meeting the signature hereon was subscribed.