



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Extraordinary Council Meeting

26 August 2021

**EXTRAORDINARY COUNCIL MEETING
HELD IN AUDIO-VISUAL LINK**

ON THURSDAY 26 AUGUST 2021

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| MINUTES |
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**MINUTES OF THE EXTRAORDINARY COUNCIL MEETING
HELD IN AUDIO-VISUAL LINK**

**ON THURSDAY, 26 AUGUST 2021
COMMENCING AT 5:00 PM**

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

APOLOGIES: Nil

Staff: Peter Bascomb, Chief Executive Officer
David Rawlings, Chief Strategy Officer
Jeff Morgan, Chief Operating Officer
Liana Biki, Acting Secretary Council and Committees
Erin Donnelly, Governance Officer

1. OPENING MEETING

The Mayor opened the meeting at 5:02 PM

1.1 COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL LINK

Record No: I21/90

| | |
|------------------------------|--|
| 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 councillors at meetings by audio-visual link at its meeting on 15 April 2021 (Resolution No: 67/21).

The following requests have been made to attend remotely:

| Councillor Name | Meeting Date | Reason | Request received within timeframe and reason(s) provided (Y/N) |
|-----------------|--------------|--|--|
| Clr Castellari | 19 August | Danger of animal collisions and as night vision is not great. | Y – 26/07/2021 |
| Clr Rooney | 19 August | To avoid the hazards of a late night drive home on the Monaro Highway and a kangaroo infested gravel road. | Y – 04/08/2021 |
| Clr Maslin | 19 August | Because of the Covid situation shutting down Victoria. | N – 06/08/2021 |
| Clr Old | 19 August | Nil | N – 10/08/2021 |

COUNCIL RESOLUTION

176/21

That Council notes that under the current public orders councillors are required to attend the meeting from their residences where reasonably practical and that as such the procedure for attendance by audio-visual means must be set aside for this meeting.

Moved Deputy Mayor Miners

Seconded Councillor Corbett

CARRIED

Record of Voting

| | |
|-----------------------------|---|
| <i>Councillors For:</i> | <i>Mayor Beer, Councillor Corbett, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old, Councillor Last, Councillor Ewart and Councillor Rooney.</i> |
| <i>Councillors Against:</i> | <i>Nil.</i> |

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

Nil

4. CITIZENSHIP CEREMONIES

Nil

Procedural Motion

ADJOURNMENT

| | |
|---|----------------|
| COUNCIL RESOLUTION | 177/21 |
| That the Ordinary Council Meeting be adjourned for Public Forum at 5:03 pm. | |
| Moved Mayor Beer | CARRIED |

Councillor Stewart joined meeting at 5:09 pm.

At 05:31 pm Councillor Old left the meeting.

The Council meeting resumed at 5:36 pm.

5. DISCLOSURE OF INTEREST

5.1 Mayor Peter Beer

Mayor Peter Beer declared an interest in Item 8.3 as he has a conflict of interest in this item due to living next to it. Mayor Peter Beer left the meeting at 6:51 pm and returned at 6:59 pm Mayor Peter Beer did not take part in discussion or voting on this item.

5.2 Councillor John Castellari

Councillor John Castellari declared an interest in Item 8.1 as he has a conflict of interest in this item due to familiarity to the people proposing it. Motion was withdrawn.

6. MATTERS DEALT WITH BY EXCEPTIONS

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 | 178/21 | |
| 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: 9.1.1 – Monthly funds management report – July 2021 9.2.1 – Monaro Rail Trail Update 9.3.1 – Cooma Compost Facility and Crown Land 13.1 – Legal actions and potential claims against SMRC as at 31 July 2021 | | |
| B. That the Officer’s Recommendations in the reports listed above are hereby adopted. | | |
| Moved Councillor Stewart | Seconded Deputy Mayor Miners | CARRIED |
| Record of Voting | | |
| <i>Councillors For:</i> | <i>Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Last, Councillor Ewart and Councillor Rooney.</i> | |
| <i>Councillors Against:</i> | <i>Nil.</i> | |

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 15 JULY 2021

| | | |
|---|---|----------------|
| COUNCIL RESOLUTION | 179/21 | |
| That the minutes of the Ordinary Council Meeting held on 15 July 2021 are confirmed as a true and accurate record of proceedings. | | |
| Moved Councillor Corbett | Seconded Councillor Rooney | CARRIED |
| Record of Voting | | |
| <i>Councillors For:</i> | <i>Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Last, Councillor Ewart and Councillor Rooney.</i> | |
| <i>Councillors Against:</i> | <i>Nil.</i> | |

7.2 CLOSED SESSION OF THE ORDINARY COUNCIL MEETING HELD ON THE 15 JULY 2021

| | | |
|---|-----------------------------------|----------------|
| COUNCIL RESOLUTION | 180/21 | |
| That the minutes of the Ordinary Council Meeting held on 15 July 2021 are confirmed as a true and accurate record of proceedings. | | |
| Moved Councillor Corbett | 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 Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

8. PLANNING AND DEVELOPMENT APPLICATION MATTERS

8.1 DEVELOPMENT APPLICATION 10.2021.16.1 - ECO-TOURIST FACILITY (4 X CABINS + 1 MANAGERS RESIDENCE)

Record No: I21/104

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. Draft Conditions of Consent *(Under Separate Cover)*
2. Plans *(Under Separate Cover)*
3. Statement of Environmental Effects *(Under Separate Cover)*
4. Bushfire Report *(Under Separate Cover)*
5. BASIX Certificate *(Under Separate Cover)*
6. Summary NatHERs Certificate *(Under Separate Cover)*
7. Energy Efficiency Report (1) *(Under Separate Cover)*
8. Energy Efficiency Report (2) *(Under Separate Cover)*
9. Submission 1 *(Under Separate Cover)*
10. Submission 2 *(Under Separate Cover)*
11. Submission 3 *(Under Separate Cover)*
12. Submission 4 *(Under Separate Cover)*
13. Submission 5 *(Under Separate Cover)*
14. Submission 6 *(Under Separate Cover)*
15. Applicant Response to Submissions *(Under Separate Cover)*
16. RFS - Bush Fire Safety Authority *(Under Separate Cover)*
17. Deposited Plan 841251 *(Under Separate Cover)*
18. Development Application Form *(Under Separate Cover)*
19. Procedure - Council Decision Contrary to Staff Recommendation *(Under Separate Cover)*

Further Operational Plan Actions:

| | |
|-------------------|---------------------------|
| Applicant Number: | 10.2021.16.1 |
| Applicant: | Niven Investments Pty Ltd |
| Owner: | Niven Investments Pty Ltd |

| | |
|-----------------------|--|
| DA Registered: | 29/01/2021 |
| Property Description: | Westons Road CRACKENBACK NSW 2627 Lot: 402 DP: 841251 |
| Property Number: | 261630 |
| Area: | 81.2 Hectares |
| Zone: | E3 - Environmental Management |
| Current Use: | Vacant land |
| Proposed Use: | Eco-Tourist Facility |
| Permitted in Zone: | Yes |
| Recommendation: | Approval |

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for an Eco-tourist Facility, comprising of four (4) cabins and a two bedroom manager's residence on Westons Road, Jindabyne. The siting of the development components has been sensitively selected and responds to the topography of the land. The design of the cabins and manager's residence has applied modern alpine architecture including single storey skillion roof form, with views towards Lake Jindabyne. The cabins have been selected with sustainability in mind and to be consistent with the objectives for Eco Tourist Development (Clause 5.13) of the Snowy River Local Environmental Plan 2013.

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.

Upon assessment, the assessing officer is satisfied that the development complies with the provisions of the Snowy River Local Environment Plan 2013 (SRLEP) and the Snowy River Development Control Plan 2013 (SRDCP).

It is recommended that the development application, DA 10.2021.16.1 for an Eco-tourist Facility (4 cabins and a manager's residence) on Lot 402 DP 841251 Ph Wallace be determined pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, by granting consent subject to conditions.

RECOMMENDATION

Item withdrawn and will be presented to the September meeting.

At 05:41 pm Councillor Old returned to the meeting.

8.2 DEVELOPMENT APPLICATION 10.2020.135.1 ECO-TOURIST FACILITY

Record No: I21/106

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. Legal Advice (*Under Separate Cover*)
 2. Plan for DP 861805 (*Under Separate Cover*)
 3. 88B for DP 861805 (*Under Separate Cover*)
 4. Renwick Service Deed (*Under Separate Cover*)
 5. Plans (*Under Separate Cover*)
 6. Draft Conditions (*Under Separate Cover*)
 7. Statement of Environmental Effects (*Under Separate Cover*)
 8. BASIX Certificate (*Under Separate Cover*)
 9. NatHERs 1 (*Under Separate Cover*)
 10. NatHERs 2 (*Under Separate Cover*)
 11. NatHERs 3 (*Under Separate Cover*)
 12. AHIMS Basic Search Results (*Under Separate Cover*)
 13. Site and Soil Assessment (*Under Separate Cover*)
 14. Applicant Response to Submissions (*Under Separate Cover*)
 15. Submission 1 (*Under Separate Cover*)
 16. Submission 2 (*Under Separate Cover*)
 17. Submission 3 (*Under Separate Cover*)
 18. Submission 4 (*Under Separate Cover*)
 19. Submission 5 (*Under Separate Cover*)
 20. Submission 6 (*Under Separate Cover*)
 21. Submission 7 (*Under Separate Cover*)
 22. Application Form (*Under Separate Cover*)

Further Operational Plan Actions:

| | |
|-----------------------|-----------------------------|
| Applicant Number: | 10.2020.135.1 |
| Applicant: | B M Grenfell |
| Owner: | J L Grenfell & B M Grenfell |
| DA Registered: | 28/10/2020 |
| Property Description: | Lot 9 DP 861805 Ph Abington |
| Zone: | Primary Production – RU1 |
| Current Use: | Dwelling |
| Proposed Use: | Eco-Tourist Facility |
| Permitted in Zone: | Yes |
| Recommendation: | Approval |

EXECUTIVE SUMMARY

The Ordinary meeting of Council held on 17 June 2021 considered an officer recommendation to approve an Eco-tourist Facility, comprising of three (3) cabins at Charlottes Lane, Jindabyne. The

recommendation was not supported. Council did request further clarification in regards to the 88B instrument and the Renwick Service Deed to allow Council to determine the application.

Council has sort legal advice as requested as to the status of the Renwick Deed and whether the Renwick Deed can restrict development on the site. The legal advice received indicates that the Renwick Deed would have no impact on the owners of lot 9 as to prevent the proposed land use. A copy of the legal advice is attached.

The body of this report remains unchanged from the report presented to Council on 17 June 2021 with an additional appendix added providing clarification on legal status of the s88b instrument and Renwick Deed.

In line with the requirements of section 4.16 of the Environmental Planning and Assessment Act 1979 the application is required to be determined as either consent or refusal and therefore is required to return to Council for determination. Should the application be determined as a refusal that reasons for refusal are provided by Council as per the requirements of Council Procedure – *Council Decision Contrary to Staff Recommendation* (attached to this report).

At 06:01 pm Councillor Old left the meeting.

At 06:02 pm Councillor Old returned to the meeting.

Motion **181/21**

That Council move in to Committee.

Moved Councillor Stewart **Seconded Councillor Maslin** **CARRIED**

Record of Voting

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

Councillors Against: Councillor Corbett, Councillor Last, Councillor Ewart and Councillor Rooney.

At 06:10 pm Councillor Old left the meeting.

At 06:14 pm Councillor Old returned to the meeting.

Motion **182/21**

That Council come out of Committee.

Moved Councillor Ewart **Seconded Councillor Corbett** **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.

Motion

That the motion be put.

Moved Councillor Ewart

LOST

Record of Voting

Councillors For: Councillor Corbett and Councillor Ewart.

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

Lost motion

That the application, DA 10.2020.135.1 for an Eco-tourist Facility (3 cabins) on Lot 9 DP 861805 Ph Abington be determined pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, by granting consent subject to conditions attached to this report.

Moved Councillor Rooney

Seconded Councillor Ewart

LOST

Record of Voting

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

Councillors Against: Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Old and Councillor Last

COUNCIL RESOLUTION

183/21

That the application, DA 10.2020.135.1 for an Eco-tourist Facility (3 cabins) on Lot 9 DP 861805 Ph Abington be determined pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, by refusing consent for the following reasons:

- social impacts
- legal access
- bushfire prone zone

Moved Councillor Old

Seconded Councillor Castellari

CARRIED

Record of Voting

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

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

The Mayor vacated the Chair, and left the meeting, at 6.51pm, having declared an interest in item 8.3 Development Application 10.2020.3004045.1 – Jindabyne Shared Trail Extension.

The Deputy Mayor assumed the Chair for the duration of this item.

8.3 DEVELOPMENT APPLICATION 10.2020.3004045.1 - JINDABYNE SHARED TRAIL EXTENSION

Record No: I21/105

| | |
|------------------------------|--|
| Responsible Officer: | Chief Operating Officer |
| Author: | Coordinator Development |
| 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: | <ol style="list-style-type: none"> 1. Draft Conditions of Consent 10.2020.3004045.1 2. Project Scope 3. Statement of Environmental Effects 4. Addendum to Aboriginal Cultural Heritage Assessment Report (ACHAR) 5. Original Aboriginal Cultural Heritage Assessment Report 6. Response from Heritage NSW 7. Flora Assessment 8. Options Report 9. Redacted Submissions 10. Lot 9 Deposited Plan 11. Lot 2 Deposited Plan 12. Development Application Form |

| | |
|-----------------------|---|
| Applicant: | Snowy Monaro Regional Council |
| Owner: | Snowy Monaro Regional Council and Snowy Hydro Ltd |
| DA Registered: | 13/09/2019 |
| Property Description: | Lot 9 DP1216028, 55 Rainbow Drive Tyrolean Village & Lot 2 DP816051 |
| Area: | 36 hectares |
| Zone: | RE2 – Private Recreation & Zone SP1 - Special Activities |
| Current Use: | Vacant Land |
| Proposed Use: | Community Facility/Environmental facilities – Shared Trail |
| Permitted in Zone: | Yes |
| Recommendation: | Approved with Conditions |
| Applicant: | Snowy Monaro Regional Council |

EXECUTIVE SUMMARY

| | |
|-------------------|-------------------|
| Applicant Number: | 10.2020.3004045.1 |
|-------------------|-------------------|

MINUTES OF THE EXTRAORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 26 AUGUST 2021

| | |
|-----------------------|---|
| Applicant: | Snowy Monaro Regional Council |
| Owner: | Snowy Monaro Regional Council and Snowy Hydro Ltd |
| DA Registered: | 13/09/2019 |
| Property Description: | Lot 9 DP1216028, 55 Rainbow Drive Tyrolean Village & Lot 2 DP816051 |
| Area: | 36 hectares |
| Zone: | RE2 – Private Recreation & Zone SP1 - Special Activities |
| Current Use: | Vacant Land |
| Proposed Use: | Community Facility/Environmental facilities – Shared Trail |
| Permitted in Zone: | Yes |
| Recommendation: | Approved with Conditions |

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the construction of a Community Facility/ Environmental facilities – Shared Trail to be constructed in three sections (stages) at 55 Rainbow Drive and a portion of Lake Jindabyne foreshore at East Jindabyne.

The application is referred to Council for determination in line with Councils’ Policy “Referral of Development Applications to Council” as the application is located on Council owned land and was submitted by Council officers for assessment.

The application was notified and publicly advertised for a period of 30 days, two submissions were received, and they are discussed in the body of the report.

The application was referred to state agencies for comment. The referral response from Heritage NSW due to potential impacts on Aboriginal Cultural Heritage caused considerable delays in the processing of the development application. Final resolution of the issues surrounding the referral was received 26/7/2021 with Heritage NSW providing recommended conditions of consent which have been included in the draft conditions attached to this report.

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 the application be approved subject to conditions.

If Council decide 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 (attached to this report).

COUNCIL RESOLUTION

184/21

That pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* Council grants consent to DA 10.2020.3004045.1 for the **Community Facility/ Environmental facilities – Shared Trail** at 55 Rainbow Drive, East Jindabyne being lot 9 DP1216028 and lot 2 DP816051, with conditions of consent attached to this report.

Moved Councillor Castellari

Seconded Councillor Rooney

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 06:59 pm Mayor Beer returned to the meeting and resumed the Chair.

At 6:59 pm the meeting adjourned for a dinner break.

At 7:31 pm the meeting was resumed.

Councillor Rooney joined the meeting at 7.33pm.

9. OTHER REPORTS TO COUNCIL

9.1 KEY THEME 1. COMMUNITY

9.1.1 MONTHLY FUNDS MANAGEMENT REPORT - JULY 2021

Record No: I21/91

Responsible Officer: Chief Strategy 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: Nil

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 31 July 2021.

Cash and Investments are \$78,264,977.

Certification

I, David Rawlings, 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

185/21

That Council:

- A. Receive the report indicating Council's cash and investments position as at 31 July 2021; and
- B. Receive the Certificate of the Responsible Accounting Officer.

Moved Councillor Stewart

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 Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

Note 1: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 178/21 above as there was no challenge by Councillors.

9.2 KEY THEME 2. ECONOMY

9.2.1 MONARO RAIL TRAIL UPDATE

Record No: I21/92

Responsible Officer: Chief Communications Officer

Author: Coordinator Economic Development

Key Theme: 2. Economy Outcomes

CSP Community Strategy: 6.1 The Snowy Monaro region is a destination that offers a variety of quintessential year – round experiences, attractions and events

Delivery Program Objectives: 6.1.1 Promote tourism and enhance the Snowy Monaro Region as a year round destination of choice through a collaborative approach between all stakeholders and interest groups

Attachments: Nil
Cost Centre
Project
Further Operational Plan Actions:

EXECUTIVE SUMMARY

The Monaro Rail Trail project continues to progress and has been added to the Canberra Region Joint Organisation of Councils broader regional agenda. Transport for NSW continues to be supportive of further rail trail development across the state. Regular meetings continue between Snowy Monaro Regional Council and MRT Inc. Representatives from Queanbeyan-Palerang Regional Council also participate in these meetings, which are focussed around using recently allocated funding from both Councils towards the project.

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

| | |
|--|---|
| COUNCIL RESOLUTION | 186/21 |
| That Council receive and note this report. | |
| Moved Councillor Stewart | Seconded Deputy Mayor Miners |
| | CARRIED |
| Record of Voting | |
| <i>Councillors For:</i> | <i>Mayor Beer, Councillor Corbett, Councillor Stewart, Deputy Mayor Miners, Councillor Castellari, Councillor Maslin, Councillor Haslingden, Councillor Last, Councillor Ewart and Councillor Rooney.</i> |
| <i>Councillors Against:</i> | <i>Nil.</i> |

Note 2: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 178/21 above as there was no challenge by Councillors.

9.3 KEY THEME 3. ENVIRONMENT

9.3.1 COOMA COMPOST FACILITY AND CROWN ROAD

Record No: I21/93

Responsible Officer: Chief Strategy Officer
Authors: Project Specialist
Land and Property 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. DP 1075191 2. Lot 1 DP 1075191 - Map of Proposed Land Acquisition From Crown Lands 3. General Locality Map - Cooma Landfill |
| Cost Centre | WO303 |
| Project | PP329 |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

Whilst conducting research for the Snowy Monaro Regional Council's Waste Management Strategy it has been identified that an unoccupied Crown parcel of land lies between Council owned land and Crown Land managed by Council, known as the Cooma Landfill (please see attached map). This land is identified as Lot 1 DP 1075191 and is adjacent to the east of the Cooma Landfill.

To ensure Lot 1 DP 1075191 does not inhibit the future development of a compost facility adjacent to the current landfill Council needs to acquire Lot 1 DP 1075191 from Crown.

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

COUNCIL RESOLUTION

187/21

That Council

- A. Acquire Lot 1 DP 1075191 by compulsory acquisition process from Crown Lands under the Land Acquisition (Just Terms Compensation) Act 1991 by authority contained in the Local Government Act 1993 for the purpose of waste facility
- B. That the land be dedicated as operational land in accordance with the Local Government Act 1993
- C. That this acquisition is not for the purpose of resale or compensation
- D. That the necessary application be made to the Minister for Local Government and the Governor
- E. Authorise the Chief Executive Officer to execute all required documentation

Moved Councillor Stewart

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 Last, Councillor Ewart and Councillor Rooney.

Councillors Against: Nil.

Note 3: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 178/21 above as there was no challenge by Councillors.

9.3.2 SUBMISSION TO THE REGIONAL HOUSING TASKFORCE

Record No: I21/94

| | |
|-----------------------------------|--|
| Responsible Officer: | Chief Strategy Officer |
| Author: | Team Leader Strategic Planning |
| Key Theme: | 3. Environment Outcomes |
| CSP Community Strategy: | 8.3 Advocate for a range of suitable housing and accommodation that is available for the changing needs of our community |
| Delivery Program Objectives: | 8.3.1 Planning policies facilitate options for a range of housing types |
| Attachments: | |
| Cost Centre | WO - 47 |
| Project | Regional Housing Taskforce |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

In June this year, the NSW Government created the Regional Housing Taskforce to identify challenges in the planning system that are preventing the delivery of housing supply and formulate recommendations to improve housing outcomes in regional NSW.

The Regional Housing Taskforce is calling for submission by 27 August 2021. The purpose of this report is to advise Council to provide a submission to the taskforce and brief Council on the draft submission (Attachment B).

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

At 07:42 pm Councillor Old left the meeting.

At 7:43 pm Councillor Old returned to the meeting.

At 07:45 pm Councillor Rooney left the meeting.

At 07:46 pm Councillor Rooney returned to the meeting.

At 07:47 pm Councillor Old left the meeting.

At 07:48 pm Councillor Old returned to the meeting.

COUNCIL RESOLUTION

188/21

That Council

- A. Receive and note draft submission to the Regional Housing Taskforce (Attachment B)
- B. Authorise Mayor to sign the final submission.

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

9.4 KEY THEME 4. LEADERSHIP

9.4.1 DELIVERY PROGRAM REPORT S404 FOR THE PERIOD JANUARY 2021 - JUNE 2021

Record No: I21/96

| | |
|-----------------------------------|---|
| Responsible Officer: | Chief Strategy Officer |
| Author: | Coordinator Strategy Development |
| Key Theme: | 4. Leadership Outcomes |
| CSP Community Strategy: | 10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects |
| Delivery Program Objectives: | 10.1.2 Integrated Planning and Reporting guides long term planning and organisational sustainability |
| Attachments: | 1. Progress Report January 2021 - June 2021 |
| Cost Centre | WO1764 |
| Project | |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

In accordance with Section 404(5) of the *Local Government Act 1993* (the Act), the Chief Executive Officer must ensure that regular progress reports are provided to Council with respect to the principle activities detailed in the Delivery Program. Progress reports must be provided every six months.

This report covers the period January 2021 to June 2021 (attached). The full report is included in the Annual Report each year.

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

At 07:52 pm Councillor Rooney left the meeting.

At 07:53 pm Councillor Rooney returned to the meeting.

At 07:57 pm Councillor Rooney left the meeting.

At 07:59 pm Councillor Rooney returned to the meeting

COUNCIL RESOLUTION

189/21

That Council receive the progress report on the 2020-2021 Operational Plan for the period January 2021 to June 2021.

Moved Deputy Mayor Miners

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.

9.4.2 AMENDMENT OF PROCEDURE FOR ATTENDANCE AT COUNCIL MEETING BY AUDIO-VISUAL LINKS

Record No: I21/95

Responsible Officer: Chief Strategy Officer

Author: Chief Strategy 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. Procedure - Attendance of councillors at meetings by audio-visual link

Cost Centre

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

The impacts of rapid changes in legislation via public orders that restrict movement makes it impossible for councillors to provide notice in line with the current procedure. It is not considered that the intent of the procedure is to limit the attendance of councillors impacted by measures put in place to manage the COVID pandemic.

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

At 08:07 pm Councillor Rooney left the meeting.

At 08:09 pm Councillor Rooney returned to the meeting.

COUNCIL RESOLUTION

190/21

That Council

- A. Include into the procedure for attendance by councillors at meetings by audio-visual link the following provision following clause 1.2:

1.3 Notice not required where legislative changes occur after the notice period has passed

Where changes in legislation occur that prevent a councillor from physically attending a meeting and those changes occur after the notice period has passed, the notice period in clause 1.2 shall not be required.

- B. Change the required ten days' notice to notice being required by Monday, the week of the meeting.

Moved Councillor Stewart

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.

9.4.3 ANSWERS TO QUESTIONS WITH NOTICE

Record No: I21/97

| | |
|------------------------------|--|
| 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: | 1. In Progress Questions Up To End of July 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 July 2021.

COUNCIL RESOLUTION

191/21

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

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.

9.4.4 RESOLUTION ACTION SHEET UPDATE

Record No: I21/98

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: 1. In Progress Actions Up to End Of July 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 July 2021.

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

COUNCIL RESOLUTION

192/21

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

Moved Deputy Mayor Miners

Seconded Councillor Corbett

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 CANBERRA TO EDEN RAILWAY

Record No: I21/103

Responsible Officer: Chief Executive Officer

Author: Councillor John Last

Attachments: Nil

Councillor John Last has given notice that at the Extraordinary Meeting of Council on 26 August 2021, he will move the following motion.

COUNCIL RESOLUTION

193/21

That Council recommends to the NSW Government via the Premier on the basis of the referenced Review and Articles that:

- A. The economic and financial findings of the referenced feasibility study should be set aside; and
- B. An independent and expeditious economic and financial assessment of the referenced four-part concept plan should be prepared on transparent terms of reference

Moved Councillor Last

Seconded Councillor Stewart

CARRIED

Record of Voting

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

Councillors Against: Councillor Corbett, Councillor Maslin, Councillor Haslingden, Councillor Old and Councillor Ewart.

10.2 EXTENSION OF SAP EXHIBITION PERIOD

Record No: I21/101

Responsible Officer: Chief Executive Officer
Author: Councillor John Castellari
Attachments: Nil

Councillor John Castellari has given notice that at the Extraordinary Meeting of Council on 26 August 2021, he will move the following motion.

At 08:53 pm Councillor Old left the meeting.

At 08:54 pm Councillor Old returned to the meeting.

COUNCIL RESOLUTION

194/21

That Council, as a matter of urgency, writes to the Minister for Planning, Industry and Environment, asking that the Proposed KNP Plan of Management draft Amendments be placed on hold until the Jindabyne content moves beyond draft stage, and that the public exhibition period for comments relating to KNP be extended to well past the October long weekend.

Moved Councillor Castellari

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.

10.3 PERFORMANCE REVIEW OF CEO

Record No: I21/102

Responsible Officer: Chief Executive Officer
Author: Councillor Sue Haslingden
Attachments: Nil

Councillor Suzanne Haslingden has given notice that at the Extraordinary Meeting of Council on 26 August 2021, she will move the following motion.

At 09:03 pm Councillor Old left the meeting.

At 09:05 pm Councillor Old returned to the meeting.

COUNCIL RESOLUTION

195/21

That Councillor's conduct the performance review of the Chief Executive Officer on the first Wednesday of November 2021.

Moved Councillor Haslingden

Seconded Councillor Maslin

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.

11. MAYORAL MINUTES

Nil

12. QUESTIONS WITH NOTICE

12.1 COVID-19 VACCINATIONS

Councillor Rogan Corbett

Question: When will it become compulsory for all Council staff to be fully vaccinated against COVID - 19?

12.2 NIMMITABEL SHOWGROUND GRANT

Councillor Lynley Miners

Question: Why did Council hand back \$90,000 of grant money they obtained for improvements towards the kitchen/buildings at the Nimmitabel Showground?

12.3 COVID-19 TRACES IN COOMA SEWERAGE

Councillor Sue Haslingden

Question: COVID - 19 has been found in Cooma sewage. When was the sample collected? Who certifies the sample? Is there an official verification?

12.4 ENTRY TO LEESVILLE INDUSTRIAL ESTATE

Councillor Brian Old

Question: Leesville Industrial estate requires urgent attention needs repair can someone in Council please address this and form a plan of action?

12.5 REVIEW ON DELIVERY OF ROAD MAINTENANCE IN OUR LGA

Councillor Bob Stewart

Can Council conduct a review on how we are going to deliver road maintenance through the entire LGA?

12.6 BUSINESS CASE FOR COOMA COMPOST FACILITY

Councillor Sue Haslingden

Question: Has there been a business case for Cooma compost facility and if so can this be circulated to councillors?

13. CONFIDENTIAL MATTERS

RECOMMENDATION

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:

Legal actions and potential claims against SMRC as at 31 July 2021

Item 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.

Note 4: Confidential Session of Committee

Legal actions and potential claims against SMRC as at 31 July 2021 dealt with by exception.

14. REPORT FROM CONFIDENTIAL SESSION

13.1 LEGAL ACTIONS AND POTENTIAL CLAIMS AGAINST SMRC AS AT 31 JULY 2021

COUNCIL RESOLUTION

196/21

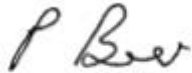
That Council receive the information in the Legal Actions and Potential Claims Against SMRC as at 31 July 2021 report.

Note 5: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 178/21 above as there was no challenge by Councillors.

There being no further business the Mayor declared the meeting closed at 9:17 pm

CHAIRPERSON



The above minutes of the Extraordinary Council Meeting of Snowy Monaro Regional Council held on 26 August 2021 were confirmed by Council at a duly convened meeting on 16 September 2021 at which meeting the signature hereon was subscribed.