



**SNOWY MONARO**  
REGIONAL COUNCIL

# **Minutes**

**Ordinary Council Meeting**

**16 September 2021**



**ORDINARY COUNCIL MEETING  
HELD IN COUNCIL CHAMBERS AND VIA AUDIO-VISUAL LINK  
ON THURSDAY 16 SEPTEMBER 2021**

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**MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON THURSDAY, 16 SEPTEMBER 2021  
COMMENCING AT 5:00PM**

**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 – via audio-visual  
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 – via audio-visual  
Jeff Morgan, Chief Operating Officer  
Gina Woodward, Chief Communications Officer – via audio-visual  
Beth Barratt-Browne, Chief Workforce Officer – via audio-visual  
Liana Biki, Acting Secretary Council and Committees  
Grace Harvey, Executive Support Officer

## 1. OPENING MEETING

The Mayor opened the meeting at 5:05 PM

### 1.1 COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL LINK

Record No: I21/183

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).

#### COUNCIL RESOLUTION

197/21

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 Councillor Last**

**Seconded Councillor Castellari**

**CARRIED**

#### Record of Voting

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

*Councillors Against: Nil.*

## 2. ACKNOWLEDGEMENT OF COUNTRY

### Procedural Motion

#### MOTION

#### COUNCIL RESOLUTION

198/21

That item 9.4.1 be brought forward in council business and be dealt with as the first item of business.

**Moved Mayor Beer**

**Seconded Councillor Last**

**CARRIED**

#### Record of Voting

MINUTES OF THE ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON THURSDAY 16 SEPTEMBER 2021

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



#### 9.4.1 ELECTION OF MAYOR AND DEPUTY MAYOR

Record No: I21/148

Responsible Officer:	Chief Executive 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. SMRC Mayor Nomination Form_1 2. SMRC Deputy Mayor Nomination Form_1
Cost Centre	3110

#### EXECUTIVE SUMMARY

The terms of the Mayor and Deputy Mayor finish in September 2021.

An election of the Mayor must occur and the election of a Deputy Mayor may occur.

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

#### COUNCIL RESOLUTION

199/21

That Council

- A. Invite nominations for the election of Mayor;
- B. Invite nominations for the election of Deputy Mayor;
- C. In the event of there being more than one candidate nominated for either the position of Mayor or Deputy Mayor, an election be held in accordance with Schedule 7 of the *Local Government (General) Regulation 2005* and the method of voting be by ordinary ballot.

**Moved Councillor Last**

**Seconded Councillor Castellari**

**CARRIED**

#### Record of Voting

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

*Councillors Against: Nil.*

#### Procedural Motion

#### ADJOURNMENT

#### COUNCIL RESOLUTION

200/21

That the Ordinary Council Meeting be adjourned for the purposes of conducting the elections for Mayor and Deputy Mayor and the citizenship ceremony.

**Moved Mayor Beer**

**Seconded Councillor Last**

**CARRIED**

**Note:** Cllr Peter Beer was elected to the position of Mayor unopposed. Cllr Linley Miners was elected to the position of Deputy Mayor unopposed.

### **3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

Nil.

### **4. CITIZENSHIP CEREMONIES**

*At 05:12 pm Councillor Old left the meeting.*

*At 05:13 pm Councillor Rooney joined the meeting.*

*At 05:18 pm Councillor Stewart joined the meeting.*

The following people were awarded their citizenship:

Lin-lin Chang, Laetitia Chirlas, Jane Eriksson, Gillian Foster, Gregory Janneau, Ida Lindqvist, Joanna Walsh, Mohammed Israfil, Darakhshan Parveen and Madawa Pasan.

The Council Meeting resumed at 5:26 pm.

#### **Procedural Motion**

#### **ADJOURNMENT**

#### **COUNCIL RESOLUTION**

**201/21**

That the Ordinary Council Meeting be adjourned for Public Forum at 5:26 pm.

**Moved Mayor Beer**

**CARRIED**

*At 05:27 pm Councillor Old returned to the meeting.*

*At 05:33 pm Councillor Old left the meeting.*

*At 05:35 pm Councillor Old returned to the meeting.*

The Council Meeting resumed at 5:54 pm.

### **5. DISCLOSURE OF INTEREST**

#### **5.1 COUNCILLOR JOHN CASTELLARI**

Councillor Castellari declared an interest in Item 8.2 as he has a conflict of interest in this item due to "familiarity to the people proposing it". Councillor Castellari left the meeting at 6:00 pm and returned at 6:07 pm. Councillor Castellari 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

202/21

- 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 – Extraordinary Council Meeting held on 26 August 2021
  - 7.2 – Closed Session of the Extraordinary Council Meeting held on 26 August 2021
  - 9.1.1 – SMRC Body-worn Camera Policy
  - 9.1.2 – Monthly funds management report – August 2021
  - 9.3.2 – Floodplain Risk Management Study and Plan
  - 9.4.2 – Council Meeting Dates, Times and Locations for November 2021 to September 2022
  - 9.4.6 – 2021 Financial Statements to be Referred to External Audit
  - 9.4.7 – Adoption of End of Year Closure Policy
  - 13.1 – Legal actions and potential claims against SMRC as at 31 August 2021
  - 13.3 – Sharp Street/Baron Street Roundabout Water Mains Replacement – Sole Source Tender Procurement
- B. That the Officer's Recommendations in the reports listed above are hereby adopted.

**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 Old, Councillor Last, Councillor Ewart and Councillor Rooney.*

*Councillors Against: Nil.*

## 7. CONFIRMATION OF MINUTES

### 7.1 EXTRAORDINARY COUNCIL MEETING 26 AUGUST 2021

#### COUNCIL RESOLUTION

203/21

That the minutes of the Extraordinary Council Meeting held on 26 August 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 Old, Councillor Last, Councillor Ewart and Councillor Rooney.*

*Councillors Against:* Nil.

## 7.2 CLOSED SESSION OF THE EXTRAORDINARY COUNCIL MEETING 26 AUGUST 2021

### COUNCIL RESOLUTION

**204/21**

That the minutes of the Closed Session of the Extraordinary Council Meeting held on 26 August 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 Old, Councillor Last, Councillor Ewart and Councillor Rooney.

*Councillors Against:* Nil.

## 8. PLANNING AND DEVELOPMENT APPLICATION MATTERS

### 8.1 DEVELOPMENT APPLICATION 10.2021.210.1 - INSTALL STEEL HORSE YARDS - 10.2021.210.1

Record No: I21/65

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:	<ol style="list-style-type: none"> <li>1. DRAFT Conditions</li> <li>2. Plans</li> <li>3. Statement of Environmental Effects</li> <li>4. AHIMS Report</li> <li>5. Development Application Form</li> </ol>

#### Further Operational Plan Actions:

Applicant Number:	10.2021.210.1
Applicant:	Adaminaby Pony Club
Owner:	Snowy Monaro Regional Council
DA Registered:	27/06/2021
Property Description:	15 Scenic Drive ADAMINABY NSW 2629 Lot 155 DP 756677 Ph Bolaira
Parcel Number:	253337

MINUTES OF THE ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON THURSDAY 16 SEPTEMBER 2021

Zone:	RU5 - Village
Current Use:	Recreation facilities (outdoor)
Proposed Use:	Recreation facilities (outdoor)
Permitted in Zone:	Yes
Recommendation:	Approved

## EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the construction of steel horse yards for the Adaminaby Pony Club at 15 Scenic Drive, Adaminaby.

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.

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 it be approved with conditions.

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* (attached to this report).

## COUNCIL RESOLUTION

205/21

That Council, pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)*, grants consent to DA 10.2020.216.1 for the **Construction of Steel Horse Yards** at 15 Scenic Drive, Adaminaby (Lot 155 DP 756677), with draft conditions of consent attached to this report.

**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.

At 06:00 pm Councillor Castellari left the meeting.

## 8.2 DEVELOPMENT APPLICATION 10.2021.16.1 - ECO-TOURIST FACILITY (4 X CABINS + MANAGERS RESIDANCE)

Record No: I21/137

Responsible Officer: Chief Operating Officer

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. Applicant Letter Regarding ROC Access *(Under Separate Cover)*
  2. Letter To SMRC Regarding Access - Alpine Law *(Under Separate Cover)*
  3. Supporting Document Bundle for Council *(Under Separate Cover)*
  4. DRAFT Conditions *(Under Separate Cover)*
  5. Plans *(Under Separate Cover)*
  6. Statement of Environmental Effects *(Under Separate Cover)*
  7. Bushfire Report *(Under Separate Cover)*
  8. BASIX Certificate *(Under Separate Cover)*
  9. NatHERs *(Under Separate Cover)*
  10. RFS Response and Bushfire Authority *(Under Separate Cover)*
  11. Submission 1 *(Under Separate Cover)*
  12. Submission 2 *(Under Separate Cover)*
  13. Submission 3 *(Under Separate Cover)*
  14. Submission 4 *(Under Separate Cover)*
  15. Submission 5 *(Under Separate Cover)*
  16. Submission 6 *(Under Separate Cover)*
  17. Applicants Response to Submissions *(Under Separate Cover)*
  18. Development Application *(Under Separate Cover)*

Application 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

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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).

At its meeting of the 26 August 2021 Council requested further clarification regarding access and maintenance of the Right of Carriageway to allow Council to determine the application.

The background section of this report has been updated to include clarification of the matters requested. The remainder of this report is unchanged from the report presented to Council on 26 August.

In addition the applicant has provided a letter of response and has sought legal advice on the matters raised. A copy of the letter and legal advice are attached to this report.

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.

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#### **COUNCIL RESOLUTION**

**206/21**

That pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)* Council grants consent to DA 10.2021.16.1 for an Eco-tourist Facility (4 cabins and a manager's residence) on Lot 402 DP 841251 Ph Wallace, with conditions of consent attached to this report.

**Moved Councillor Rooney**

**Seconded Deputy Mayor Miners**

**CARRIED**

#### **Record of Voting**

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

*Councillors Against: Councillor Maslin, Councillor Old and Councillor Last.*

*At 06:07 pm Councillor Castellari returned to the meeting.*

## **9. OTHER REPORTS TO COUNCIL**

### **9.1 KEY THEME 1. COMMUNITY**

#### **9.1.1 SMRC BODY-WORN CAMERA POLICY**

Record No: I21/109

Responsible Officer: Chief Operating Officer

Author: Coordinator Public Health & Environment

Key Theme: 1. Community Outcomes

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CSP Community Strategy:	3.2 Positive social behaviours (including law and order) are fostered and encouraged to maintain our safe, healthy and connected communities
Delivery Program Objectives:	3.2.1 Council's public health and regulatory responsibilities are planned for and delivered to facilitate a safe community and raise awareness
Attachments:	1. SMRC Body-worn Camera Policy
Cost Centre	
Project	
Further Operational Plan Actions:	

## EXECUTIVE SUMMARY

Snowy Monaro Regional Council (Council) places a high priority on the safety of its employees. To assist in creating a safer environment in the workplace, Council has introduced body cameras for the use by Authorised Officers while undertaking their duties within the Council's area of operations. Data collected with body cameras supports authorised officers in the administration and enforcement of legislation which relates to the function and powers of the Council.

The data collected with body-worn cameras will most likely contain personal information about individuals. The *Surveillance Devices Act 2007* and the *Privacy and Personal Information Protection Act 1998* govern the use of optical and listening devices and the storage and accessibility of footage that captures persons in the public realm and forms the basis of this policy.

The proposed policy will provide a framework which governs the use of body-worn cameras and the data they collect.

Council presently has four body-worn cameras. The body-worn cameras are currently being field tested to ensure they meet our operational needs. Footage from the field tests will not be used as evidence.

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

### COUNCIL RESOLUTION

207/21

That Council approves the SMRC Body-worn Camera Policy.

**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 Old, Councillor Last, Councillor Ewart and Councillor Rooney.*

*Councillors Against: Nil.*

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## 9.1.2 MONTHLY FUNDS MANAGEMENT REPORT - AUGUST 2021

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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:

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 August 2021.

Cash and Investments are \$87,517,395.

### 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

208/21

That Council:

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

**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 Old, Councillor Last, Councillor Ewart and Councillor Rooney.*

*Councillors Against: Nil.*

### 9.1.3 MINUTES OF THE ARTS AND CULTURE 355 COMMITTEE MEETING HELD 18 AUGUST 2021

Responsible Officer:	Chief Executive Officer
Author:	Community Development Planner and Projects Officer
Key Theme:	1. Community Outcomes
CSP Community Strategy:	2.2 Support and promote the arts recognising the broad and diverse contribution it makes to community identity and wellbeing
Delivery Program Objectives:	2.2.1 A range of regional level arts and cultural activities are delivered and promoted in partnership with the community
Attachments:	1. Minutes of the Arts and Culture 355 Committee meeting held 18 August 2021 2. Draft submission by the SMRC Arts and Culture 355 Committee to the Snowy Mountains Special Activation Precinct project team

## EXECUTIVE SUMMARY

The Arts and Culture Committee met on 18 August 2021. The Committee's recommendations are presented for Council's consideration and adoption.

*At 06:09 pm Councillor Old left the meeting.*

*At 06:13 pm Councillor Old returned to the meeting.*

## COUNCIL RESOLUTION

209/21

That Council

- A. Consider and expedite the development of a new developer contribution plan for the entire Snowy Monaro LGA, as a matter of urgency.
- B. Endorse the submission of the Arts and Culture Committee to be presented to the SAP project team.
- C. Creates an increased profile for arts and culture activities and initiatives in the region.

**Moved Councillor Haslingden**

**Seconded Councillor Maslin**

**CARRIED**

### Record of Voting

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

*Councillors Against: Councillor Corbett, Councillor Stewart and Councillor Rooney.*

## 9.2 KEY THEME 2. ECONOMY

### 9.2.1 COUNCIL FINANCIAL SUPPORT FOR TOURISM SNOWY MOUNTAINS

Record No: I21/123

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

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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: 1. TSM MoU

Cost Centre WO 46

Project

Further Operational Plan Actions:

## EXECUTIVE SUMMARY

Cost Centre WO 46

Project Tourism Snowy Mountains financial stakeholder contribution

Further Operational Plan Actions:

## EXECUTIVE SUMMARY

In June 2018, Council resolved to provide financial support to Tourism Snowy Mountains (TSM) at \$60,000 per year for three years. Council has honoured this commitment and provided the last of its annual contributions from this resolution in the 2020-21 financial year.

This MoU has now expired. To provide clarity for TSM for the current financial year it is important that Council confirms its position on continuing financial support of the organisation.

TSM has recently been the recipient (with support of their application by Council and their eligibility determined by being part of this LGA) of over \$700,000 of grant funding from the NSW government. In light of this and noting the performance of TSM against the MoU over the last three years, it is recommended that Council continue as a stakeholder but reduce its guaranteed commitment for the current financial year to \$10,000 in line with other major contributing stakeholders.

The allocated remaining \$50,000 would still be kept in the Tourism budget and made available for contributions to campaigns and other opportunities, that can be reviewed on a case-by-case value basis rather than a given. This is the current situation with a request for campaign co-contribution that other stakeholders are confirming their additional financial support of.

It is anticipated that any longer term support of TSM beyond the current financial year will be a decision for the new Council in due course.

*At 06:36 pm Councillor Old left the meeting.*

*At 06:39 pm Councillor Old returned to the meeting.*

## COUNCIL RESOLUTION

210/21

That Council

- A. For the 2021-22 financial year provide Tourism Snowy Mountains (TSM) with a \$5,000 up front annual support payment.

- B. Maintain a fund of \$55,000 within the tourism and economic budget to support activities including other cultural, arts and tourism projects, events, campaigns and marketing opportunities.
- C. Make this fund available through an application process determined via a Council resolution.
- D. Continue board representation on the TSM Board as a stakeholder Director.

**Moved Councillor Haslingden**

**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.*

### 9.3 KEY THEME 3. ENVIRONMENT

#### 9.3.1 ADOPTION OF RECOMMENDATIONS FROM THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 20 JULY 2021

Record No: I21/67

Responsible Officer: Chief Operating Officer

Author: Road Safety Officer

Attachments: 1. Local Traffic Committee 20 July 2021 Minutes

#### EXECUTIVE SUMMARY

The Snowy Monaro Local Traffic Committee held their meeting on the 20 July 2021. The Committee's recommendations are presented for Council's consideration.

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

**MOTION**

**211/21**

That Council move in to Committee.

**Moved Deputy Mayor Miners**

**Seconded Councillor Haslingden**

**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**

**212/21**

That Council come out of Committee.

**Moved Councillor Last**

**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.*

**COUNCIL RESOLUTION**

**213/21**

That Council:

- A. Adopt the recommendations of the meeting of the Local Traffic Committee held on 20 July 2021 excluding item 7.1
- B. Approve the use of revised traffic control plans for the Drops & Hoods cycling event, that are to the satisfaction of the NSW Police and the Local Traffic Committee

**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.*

At 7:00 pm the meeting adjourned for a dinner break.

At 7:32 pm the meeting was resumed.

**9.3.2 FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN**

Record No: I21/26

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. Website Summary Report Public Exhibition 2020  
2. Public submissions for FRMS&P 2020

Cost Centre 2247

Project Floodplain Risk Management Plan and Study.

Further Operational Plan Actions:

## EXECUTIVE SUMMARY

Former Snowy River Shire Council and Cooma- Monaro Shire Council received grants from Department Planning Industry and Environment (DPIE) to undertake flood studies of the towns and villages of Cooma, Bredbo, Michelago, and Berridale. Post-merger, the funding was consolidated and Council engaged consultant GRCHydro to undertake the flood studies and associated floodplain risk management studies and plans in accordance with the NSW Government's Floodplain Development Manual.

Place the draft SMRC floodplain risk management studies (FRMS) and plans (March 2020) on public exhibition.

### COUNCIL RESOLUTION

214/21

That Council adopt the SMRC Flood and Floodplain Risk Management Studies and Plans.

**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 Old, Councillor Last, Councillor Ewart and Councillor Rooney.*

*Councillors Against: Nil.*

### 9.3.3 ENVIRONMENTAL UPGRADE FINANCE

Record No: I21/157

Responsible Officer: Chief Executive Officer

Key Theme: 3. Environment Outcomes

CSP Community Strategy: 7.1 Protect, value and enhance the existing natural environment

Delivery Program Objectives: 7.1.3 Council delivers a range of initiatives to the Snowy Monaro community to enhance their awareness and engagement of sustaining our pristine natural environment

Attachments: 1. Building Better Finance Summary Brochure  
2. Building Better Finance FAQs

Cost Centre

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Project

Further Operational Plan Actions:

## EXECUTIVE SUMMARY

In August 2018 Council resolved to support an initiative that would enable NSW local governments to support environmental measures such as the appropriate upgrade of built infrastructure. While the NSW legislation has not been updated to reflect the LGNSW policy, the opportunity does exist to support local businesses through Environmental Upgrade Agreements (EUAs).

The purpose of this report is for Council to consider a proposal to offer Environmental Upgrade Agreements to business and building owners within the Snowy Monaro Regional Council area, under a two-year trial period through Better Building Finance. Offering Environmental Upgrade Finance through EUAs comes at no financial cost, risk or liability to Council.

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

*At 07:38 pm Councillor Old returned to the meeting.*

*At 07:41 pm Councillor Old left the meeting.*

### COUNCIL RESOLUTION

**215/21**

That the motion be deferred to the next meeting.

**Moved Councillor Haslingden**

**Seconded Councillor Last**

**CARRIED**

#### Record of Voting

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

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

## 9.4 KEY THEME 4. LEADERSHIP

### 9.4.2 COUNCIL MEETING DATES, TIMES AND LOCATIONS FOR NOVEMBER 2021 TO SEPTEMBER 2022

Record No: I21/87

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

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## EXECUTIVE SUMMARY

Council's current adopted meeting schedule terminates at October 2021, which is now prior to the date of the next election. It is proposed that the current meeting schedule, being the third Thursday of every month commencing at 5pm, to be continued. The exception will be the meeting required to be held within three weeks of the election being declared.

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

### COUNCIL RESOLUTION

216/21

That Council

- A. Set the dates for its ordinary meeting, to commence at 5:00pm, as follows;
- (a) 18 November 2021, to be held in Cooma,
  - (b) 16 December 2021, to be held in Jindabyne,
  - (c) 6 January 2022, to be held in Cooma, and
  - (d) 17 February 2022, to be held in Bombala.
- B. Alternate Council meetings held on the third Thursday of every month commencing at 5:00 pm to regional locations as listed in the recommended schedule in this report.

**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 Old, Councillor Last, Councillor Ewart and Councillor Rooney.*

*Councillors Against: Nil.*

### 9.4.3 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2021

Record No: I21/72

Responsible Officer:	Chief Executive Officer
Author:	Executive Assistant (Communications)
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.3 Advocate and work with other levels of government, community and industry to improve outcomes
Delivery Program Objectives:	10.3.1 Council connects, recognises, advocates and works in collaboration with all leaders across the community and beyond our boundaries
Attachments:	Nil
Cost Centre	Nil
Project	Nil

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Further Operational Plan Actions: Nil

## EXECUTIVE SUMMARY

Local Government New South Wales (LGNSW) have moved their in-person Annual Conference (now called 'Special Conference') to 28 February to 2 March 2022. Conference Motions etc. will be dealt with at that Conference. However, the Fair Work (Registered Organisations) Act requires LGNSW to still hold an Annual Conference this calendar year.

To meet legislative obligation, LGNSW will conduct an online Annual Conference on 29 November 2021, at which time they will present the Financial Statements and the Annual Report. The Annual Conference will run for approximately 1 hour. Councils are required to nominate voting delegates for this meeting, which will be at no cost to councils. SMRC is entitled to three voting delegates. Nominations for the in-person Special Conference in 2022 will be conducted after the local government elections in December 2021.

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

*At 07:44 pm Councillor Old returned to the meeting.*

<b>MOTION</b>		<b>217/21</b>
That Council move in to Committee.		
<b>Moved Deputy Mayor Miners</b>	<b>Seconded Councillor Last</b>	<b>CARRIED</b>
<b>Record of Voting</b>		
<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>	
<b>MOTION</b>		<b>218/21</b>
That Council come out of Committee.		
<b>Moved Deputy Mayor Miners</b>	<b>Seconded Councillor Last</b>	<b>CARRIED</b>
<b>Record of Voting</b>		
<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>	
<b>COUNCIL RESOLUTION</b>		<b>219/21</b>
That Council		

- A. Authorise the Mayor and Chief Executive Officer to attend the Local Government NSW Annual on-line Conference to be held on 29 November 2021; and  
B. Nominate and authorise Clr Castellari and Clr Maslin as the remaining voting members.

**Moved Deputy Mayor Miners**

**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.*

**9.4.4 DRAFT HOUSING AND SOCIAL SERVICES COMMITTEE CHARTER**

Record No: I21/107

Responsible Officer: Chief Strategy Officer  
Author: Community Development Planner and Projects Officer  
Key Theme: 4. Leadership Outcomes  
CSP Community Strategy: 10.3 Advocate and work with other levels of government, community and industry to improve outcomes  
Delivery Program Objectives: 10.3.1 Council connects, recognises, advocates and works in collaboration with all leaders across the community and beyond our boundaries  
Attachments: 1. Draft Housing and Social Services Committee Charter  
Cost Centre WO-1766  
Project Housing and Social Services Committee  
Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

At its meeting on 15 July 2021, Council resolved to form a Housing and Social Services Committee.

A draft Housing and Social Services Committee Charter has been prepared for Council's information, and to facilitate the convening of this first meeting.

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

**COUNCIL RESOLUTION**

**220/21**

That Council

- A. Endorse the draft Housing and Social Services Committee Charter, in order to allow a first meeting to be convened.  
B. Appoint councillor Haslingden as the representative to the committee to fill the role of chairperson.

**Moved Councillor Haslingden**

**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 and Councillor Ewart.*

*Councillors Against: Councillor Rooney.*

**Procedural Motion**

**COUNCIL RESOLUTION**

**221/21**

That the motion be put.

**Moved Councillor Ewart**

**CARRIED**

**Record of Voting**

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

*Councillors Against: Councillor Maslin, Councillor Old and Councillor Last.*

**9.4.5 CEO PERFORMANCE REVIEW**

Record No: I21/131

Responsible Officer: Chief Executive Officer

Author: Chief Workforce Officer

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. Blackadder Associates quote - **Confidential**  
2. McArthur quote - **Confidential**

Cost Centre

Project

Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

The annual review of the CEO's performance is due to be held in November.

Due to the Councillor term being extended, this gives the outgoing Councillors an opportunity to participate and conduct the annual Performance Review of the CEO.

At its March meeting Council resolved to seek a new facilitator. It was originally intended that the new Council have the opportunity to appoint the new facilitator.

This reports provides the opportunity to appoint the facilitator.

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

*At 08:23 pm Councillor Old left the meeting.*

*At 08:28 pm Councillor Old returned to the meeting.*

#### **COUNCIL RESOLUTION**

**222/21**

That Council select either the services of McArthur or Blackadder Associates as the new facilitator for the CEO review, or determine to continue with Local Government Management Solutions.

**Moved Councillor Stewart**

**Seconded Councillor Ewart**

#### **Record of Voting**

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

*Councillors Against: Deputy Mayor Miners, Councillor Maslin, Councillor Old and Councillor Last.*

**Moved Councillor Stewart**

**Seconded Councillor Ewart**

**CARRIED**

#### **MOTION**

#### **COUNCIL RESOLUTION**

**223/21**

That Council

- A. Utilise the services of Blackadder and Associates for the CEO's performance review, subject to their being available on 3 November 2021 to undertake the review, and
- B. If Blackadder and Associates is not available that McArthur be used for the review.

**Moved Councillor Corbett**

**Seconded Deputy Mayor Miners**

**CARRIED**

#### **Record of Voting**

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

*Councillors Against: Councillor Castellari, Councillor Maslin, Councillor Old and Councillor Last.*

#### **9.4.6 2021 FINANCIAL STATEMENTS TO BE REFERRED TO EXTERNAL AUDIT**

Record No: I21/151

Responsible Officer: Chief Strategy Officer

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Author:	Management Accountant
Key Direction:	4. Leadership Outcomes
Delivery Plan Strategy:	11.2 Council utilises sound fiscal management practices, pursues and attracts other sources of income
Operational Plan Action:	11.2.2 Provision of statutory reporting enables our leaders to make decisions on Council's financial sustainability
	Attachments:
Cost Centre	Financial Services
Project	Annual Financial Statements 2020

### EXECUTIVE SUMMARY

Council's 2021 Financial Statements are in the process of being finalised and, in accordance with Section 413(2) of the Local Government Act 1993, Council is required to refer them for external audit.

The 2021 Financial Statements encompass the period 1 July 2020 to 30 June 2021. Council staff are well placed to complete the draft financial statements in line with the NSW Audit Office's Annual Engagement Plan timeline with the draft financial statements not due until 27 September 2021. With work still in progress at the time of preparing this report a draft income statement and statement of financial position will be circulated separately to this report for review.

The Audit Risk and Improvement Committee (ARIC) will received the draft financial statements on the 27 September 2021.

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

### COUNCIL RESOLUTION

**224/21**

That Council

- A. Authorise the Mayor and a councillor to sign the statement by councillors and management for the Snowy Monaro Regional Council 2021 general purpose financial statements;
- B. Authorise the Mayor and a councillor to sign the statement by councillors and management for the Snowy Monaro Regional Council 2021 special purpose financial statements for the following business activities:
  - Water Supply (mandated)
  - Sewerage (mandated)
  - Water Management (self-determined)
  - Residential Aged Care (self-determined)
- C. Authorise the referral of the 2021 financial statements to the external auditor; and
- D. Authorise the Chief Executive Officer to issue the 2021 financial statements upon receiving the external auditor's report.

**Moved Councillor Corbett**

**Seconded Councillor Rooney**

**CARRIED**

**Record of Voting**

<b>Councillors For:</b>	<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>
<b>Councillors Against:</b>	<i>Nil.</i>

#### 9.4.7 ADOPTION OF END OF YEAR CLOSURE POLICY

Record No: I21/154

Responsible Officer:	Chief Workforce Officer
Author:	Team Leader Business Partnering Services
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.4 Council will manage service delivery in an efficient and sustainable way as an employer of choice
Delivery Program Objectives:	10.4.2 Council provides a workplace that ensures the health, safety and wellbeing is maintained through the management of potential risk
Attachments:	1. Annual End of Year Closure Policy
Cost Centre	
Project	
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

At the request of the Executive Leadership Team, Workforce Management has developed an Annual End of Year Closure Policy.

The aim of this Policy is to provide guidance for the closure of SMRC locations for the end of year period (Christmas through New Year's Day).

Previously, a report has been sent to Council each year for approval of the end of year closure period. This report recommends formal adoption of the policy which will remove the need for Council approval each year.

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

#### COUNCIL RESOLUTION

**225/21**

That Council approve the Annual End of Year Closure Policy.

**Moved Councillor Corbett**

**Seconded Councillor Rooney**

**CARRIED**

#### Record of Voting

<b>Councillors For:</b>	<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>
<b>Councillors Against:</b>	<i>Nil.</i>

#### 9.4.8 RESOLUTION ACTION SHEET UPDATE

Record No: I21/155

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 August 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 August 2021.

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

*At 08:46 pm Councillor Old left the meeting.*

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

#### COUNCIL RESOLUTION

**226/21**

That Council receive the resolution update for the period ending August 2021 noting that item 9.7.3 has not been correctly implemented by staff.

**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.*

#### 9.4.9 ANSWERS TO QUESTIONS WITH NOTICE

Record No: I21/156

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 August 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 August 2021.

#### COUNCIL RESOLUTION

227/21

That Council receive the answers to questions with notice for the period ending August 2021 and that an answer be provided on item 2.3.1.

**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.*

#### 10. NOTICE OF MOTION

##### Procedural Motion

##### MOTION

#### COUNCIL RESOLUTION

228/21

That the motion be put.



**Moved Councillor Ewart**

**CARRIED**

**Record of Voting**

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

*Councillors Against: Councillor Castellari and Councillor Last.*

**10.1 IMPACTS OF WOOD SMOKE ON COMMUNITY HEALTH**

Record No: I21/68

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 16 September 2021, he will move the following motion.

**COUNCIL RESOLUTION**

**229/21**

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

**Moved Councillor Castellari**

**Seconded Councillor Haslingden**

**CARRIED**

**Record of Voting**

*Councillors For: Mayor Beer, Councillor Stewart, Councillor Castellari, Councillor Haslingden, Councillor Old and Councillor Ewart.*

*Councillors Against: Councillor Corbett, Deputy Mayor Miners, Councillor Maslin, Councillor Last and Councillor Rooney.*

**10.2 COUNCILLOR BRIEFINGS PLACEMENT TIME ON AGENDA**

Record No: I21/147

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 16 September 2021, she will move the following motion.

**COUNCIL RESOLUTION**

**230/21**

That the 30 minute Councillor discussion time during Councillor briefings on the first Thursday of the month, take place at the beginning of the agenda.

**Moved Councillor Maslin**

**Seconded Deputy Mayor Miners**

**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.*

**10.1 REVIEW OF INSURANCE COVERAGE**

Record No: I21/167

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 16 September 2021, she will move the following motion.

**MOTION**

Item withdrawn.

**11. MAYORAL MINUTES**

Nil

**12. QUESTIONS WITH NOTICE**

**12.1 Covid Testing request Bombala**

**RECOMMENDATION**

Councillor Anne Maslin

Question: Can Council make a formal approach to NSW Health to act immediately on the urgent request from Bombala's medical doctor to test Bombala sewerage for Covid 19, given that positive cases have been found in the nearby towns of Merimbula and Cooma. Given the constant traffic between Bombala and these towns, it is essential to have the same vigilance on health risks for Bombala.

## **12.2 Request for Extraordinary Council Meeting**

### **RECOMMENDATION**

Councillor Sue Haslingden

Question: Can we please have an extraordinary meeting next week to go over the late items received that were not able to be discussed tonight, especially the Jindabyne Library (confidential) and Finances.

## **12.3 Clearing of Vegetation on Yaouk Road**

### **RECOMMENDATION**

Councillor Lynley Miners

Question: We had a landholder that was burnt out in the 2019/20 fires that bounds the Yaouk road on the east side of the Yaouk gap.

He offered at no cost to Council to clear the vegetation back from the road for two reasons:

1. for new fencing
2. for future access in a fire threat (clearway).

I had three senior staff inspect this prospect with myself in July-August 2020.

All the landholder asked for was legal permission, nothing has come of this offer with a decision. Why?

This offer has now been withdrawn.

## **12.4 Cat Culling - SMRC Region Exclusion**

### **RECOMMENDATION**

Councillor Brian Old

Question: Why has RSPCA not included our region in the cat culling? Can Council address this problem?

## **12.5 Cooma Show Floodlights**

### **RECOMMENDATION**

Councillor Anne Maslin

Question: When will the flood lights be installed at the Cooma Showgrounds Bar building, as agreed and funded some months ago.

## **12.6 Cattle Wash Project**

### **RECOMMENDATION**

Councillor Anne Maslin

Question: When will the cattle wash project be commenced, as per \$9,000 funding granted earlier this

year. Can council ensure the project will be completed by end of November 2021?

## 12.7 Cooma Pastoral and Agricultural Association

### RECOMMENDATION

Councillor John Last

Question: We refer the letter dated 13 September 2021 addressed to the Council and Councillors. The letter has explained that Mr Barilaro announced a further funding of \$9,340.00 to certain works at the Showground. Has Council received this money? If so, when did the Council receive it?

## 12.8 Lodging of Development Applications

### RECOMMENDATION

Councillor John Last

Question: About a week and a half ago a planner from Eurobodalla Shire was interviewed on the ABC. The planner outlined how you go about lodging development applications. In essence you have to lodge the application electronically. However, the developer suggested that a would-be applicant bring a copy of the proposed application to the Council and they would go through it and advise the applicant about it.

This seems an excellent way of handling these matters, perhaps this Council could adopt this attitude and thus alleviate many problems and many complaints?

## 13. CONFIDENTIAL MATTERS

### COUNCIL RESOLUTION

231/21

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

Item 13.1 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.

#### 13.2 Cooma Sports Hub

Item 13.2 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### 13.3 Sharp Street/Baron Street Roundabout Water Mains Replacement - Sole Source Tender Procurement

Item 13.3 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

### **13.4 Jindabyne Community Library & Innovation Hub**

Item 13.4 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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 Last**

**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.*

#### **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 9:44 pm the meeting was closed to the press and public.

#### **Note 3: Resumption of Open Committee Meeting**

At 10:14 pm the Closed Session ended and the Council meeting continued in Open Session.

## **14. REPORT FROM CONFIDENTIAL SESSION**

### **13.1 LEGAL ACTIONS AND POTENTIAL CLAIMS AGAINST SMRC AS AT 31 AUGUST 2021**

#### **COUNCIL RESOLUTION**

**232/21**

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

### 13.2 COOMA SPORTS HUB

#### COUNCIL RESOLUTION

233/21

That Council

- A. Receive and note the project update;
- B. Agree in principle to the Draft JUPA and delegate authority to the CEO to sign the final agreement;

### 13.3 SHARP STREET/BARON STREET ROUNDABOUT WATER MAINS REPLACEMENT - SOLE SOURCE TENDER PROCUREMENT

#### COUNCIL RESOLUTION

234/21

That Council approve the use of a sole source tender procurement process in accordance with *Local Government Act* Chapter 6 – Part 3 – Division 1 – Section 55 to appoint Leed Engineering and Construction Pty Ltd to undertake the replacement of the water mains for the following reasons:

- Leed Engineering and Construction Pty Ltd is within the region and has the organisational size, capability and experience to be able to plan and execute a project of this complexity and risk level to a standard that SMRC finds acceptable.
- Due to the limited time between confirmation from Transport NSW and project completion, a regular procurement process cannot be undertaken.
- Procurement undertaken over the past 12 months indicates few other locally based contractors have the size and ability to undertake this work.
- Due to the COVID lockdown, contractors from outside of the LGA are unlikely to be able to undertake this work in the short timeframe required.

### 13.4

#### JINDABYNE COMMUNITY LIBRARY & INNOVATION HUB

#### COUNCIL RESOLUTION

236/21

That Council accept the tender submitted by Francis-Jones Morehen Thorp Pty Ltd (FJMT) & Built Pty Ltd for the design, construction and fit-out of the Jindabyne Community Library and Innovation Hub.

There being no further business the Mayor declared the meeting closed at 10:17 pm



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CHAIRPERSON

The above minutes of the Ordinary Council Meeting of Snowy

MINUTES OF THE ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON THURSDAY 16 SEPTEMBER 2021

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Monaro Regional Council held on 16 September 2021 were confirmed by Council at a duly convened meeting on 21 October 2021 at which meeting the signature hereon was subscribed.