



SNOWY MONARO
REGIONAL COUNCIL

Minutes Confirmed

Ordinary Council Meeting

17 August 2023

ORDINARY COUNCIL MEETING
HELD IN JINDABYNE MEMORIAL HALL, THREDBO TERRACE, JINDABYNE NSW 2627
ON THURSDAY 17 AUGUST 2023

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**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN JINDABYNE MEMORIAL HALL, THREDBO TERRACE, JINDABYNE NSW 2627**

**ON THURSDAY, 17 AUGUST 2023
COMMENCING AT 1:00PM**

PRESENT:

Mayor Narelle Davis
Deputy Mayor Tanya Higgins – *via audio-visual link*
Councillor Peter Beer
Councillor Louise Frolich – *via audio-visual link*
Councillor Christopher Hanna
Councillor Tricia Hopkins
Councillor Karlee Johnson
Councillor Craig Mitchell
Councillor Bob Stewart
Councillor Lynda Summers
Councillor Luke Williamson

APOLOGIES:

Nil

Staff:

Peter Bascomb, Chief Executive Officer
David Rawlings, Chief Strategy Officer
John Gargett, Acting Chief Operating Officer
Simon Rennie, Acting Chief Financial Officer
Stephanie Sellar-Peam, Acting Chief Workforce Officer
Grace Wearn, Secretary Council and Committees

1. OPENING MEETING

The Mayor opened the meeting at 1:00 PM.

2. ACKNOWLEDGEMENT OF COUNTRY

3. COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL

3.1 Councillor Request for Attendance via Audio-Visual Link

Record No: I23/517

COUNCIL RESOLUTION

184/23

BACKGROUND

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

Council, consistent with its adopted procedures must consider the following requests:

Councillor Name	Meeting Date	Reason	Request received within timeframe and reason(s) provided (Y/N)
Cr Higgins	17 Aug 2023	Travelling	Y – 1 Aug 2023
Cr Frolich	17 Aug 2023	Travelling	Y – 17 Jul 2023

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

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

Moved Councillor Hanna

Seconded Councillor Hopkins

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

4. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

Nil

Procedural Motion

ADJOURNMENT

COUNCIL RESOLUTION

185/23

That the Ordinary Council meeting be adjourned at 1:04 PM for Public Forum.

Moved Councillor Johnson

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

Procedural Motion

RESUMPTION

COUNCIL RESOLUTION

186/23

That the Ordinary Council meeting be resumed at 1:32 PM.

Moved Councillor Johnson

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

5. DISCLOSURE OF INTEREST

5.1 COUNCILLOR SUMMERS

Councillor Summers declared a potential conflict of interest in Item 9.3.1 as she has a conflict of interest in this item due to "Potential conflict of interest with building a new Council office due to investment in a nearby building".

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

187/23

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:

- 9.3.2 – Jindabyne Shared Trail – Transfer a portion of Crown road reserve to Council.
- 9.5.1 – Resolution Action Sheet Updates.
- 10.1 – Minutes from Management and Advisory Committees.
- 10.2 – Minutes of the 22 June 2023 Biosecurity Advisory Committee meeting.
- 10.3 – Minutes of the Local Traffic Committee meeting held on 20 June 2023.
- 10.4 – Minutes of the Local Traffic Committee meeting held on 23 May 2023.
- 10.5 – Minutes of the Local Traffic Committee meeting held on 25 July 2023.
- 14.1 – Legal Actions and Claims Against SMRC.

B. That the Officer's Recommendations in the reports listed above are hereby adopted.

Moved Councillor Hanna

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 20 JULY 2023

COUNCIL RESOLUTION

188/23

THAT the minutes of the Ordinary Council Meeting held on 20 July 2023 are confirmed as a true and accurate record of proceedings, pending the following amendments:

Page: 5 Item: Public Forum

Replace: Removing any information from within the public forum.

Moved Councillor Stewart

Seconded Councillor Johnson

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Williamson and Councillor Mitchell.

Councillors Against: Councillor Summers.

8. PLANNING AND DEVELOPMENT APPLICATION MATTERS

8.1 DEVELOPMENT APPLICATION 10.2023.81.1 STAGED CONSTRUCTION OF SIX (6) ECO TOURIST CABINS

Record No: I23/436

Applicant Number:	10.2023.81.1
Applicant:	R Huynh
Owner:	S L Christo & J J Christo
DA Registered:	19/04/2023
Property Description:	Jacarry Rocks 8013 The Snowy River Way JINDABYNE Lot: 4 DP: 1174343
Zone:	RU1 - Primary Production
Current Use:	Dwelling House
Proposed Use:	Eco-Tourist Facilities
Permitted in Zone:	Permitted
Recommendation:	Approval

COUNCIL RESOLUTION

189/23

That Council:

A. Defer consideration of DA 10.2023.81.1 for Eco-Tourist Facilities until September Council meeting.

Moved Councillor Hanna

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

9. OTHER REPORTS TO COUNCIL

9.1 OPERATIONS

Nil

9.2 FINANCE

9.2.1 MONTHLY FUNDS MANAGEMENT REPORT - JULY 2023

Record No: I23/537

COUNCIL RESOLUTION

190/23

That Council;

- A. Receive the report indicating Council's cash and investments position as at 31 July 2023; and
- B. Receive the certificate of the Responsible Accounting Officer.

Moved Councillor Williamson

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

9.3 STRATEGY

9.3.1 COOMA OFFICE BUILDING

Record No: I23/430

COUNCIL RESOLUTION

191/23

That Council adopts the following strategy;

- A. Undertake the development of a new office in Cooma on the property owned at Vale Street based around meeting the future operational needs of the organisation and allowing for future development of the site as a civic precinct.
- B. Once the new facilities are in place divest of the 81 Commissioner Street site.

Moved Councillor Summers

Seconded Councillor Mitchell

LOST

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Deputy Mayor Higgins, Councillor Summers and Councillor Mitchell.

Councillors Against: Councillor Frolich, Councillor Hanna, Councillor Hopkins, Councillor Johnson, Councillor Stewart and Councillor Williamson.

Procedural Motion

INTO COMMITTEE

COUNCIL RESOLUTION

192/23

That Council move into committee.

Moved Councillor Mitchell

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

Procedural Motion

OUT OF COMMITTEE

COUNCIL RESOLUTION

193/23

That Council move out of committee.

Moved Councillor Hopkins

Seconded Councillor Johnson

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

At 02:11 pm Councillor Frolich left the meeting.

At 02:13 pm Councillor Frolich returned to the meeting.

Procedural Motion

FORESHADOWED MOTION

COUNCIL RESOLUTION

194/23

That Council:

A: Acknowledge that there is to be no further significant investment in 81 Commissioner Street premises.

B: Request a report to Council with respect to establishing a new facility to house the administrative functions of SMRC.

C: Write to our local State Member, Premier and relevant State Ministers to request financial support for this project.

Moved Councillor Hopkins

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Councillor Frolich.

At 02:16 pm Councillor Frolich left the meeting.

At 02:17 pm Councillor Frolich returned to the meeting.

9.3.2 JINDABYNE SHARED TRAIL - TRANSFER A PORTION OF CROWN ROAD RESERVE (UNFORMED) TO COUNCIL (EAST JINDABYNE/MILL CREEK)

Record No: I23/481

COUNCIL RESOLUTION

195/23

That Council make an application to the Department of Environment (Crown Lands) for the transfer of part of the Crown road reserve (unformed) with no known names, located in the Tyrolean Mountain Bike Park – being the portion of three roads extending from Kosciusko road west to Lake Jindabyne (reference image in report body).

Moved Councillor Hanna

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 127/23 above as there was no challenge by Councillors.

9.3.3 DELIVERY PROGRAM PROGRESS REPORT - JULY 2023

Record No: I23/519

COUNCIL RESOLUTION

196/23

That Council note the update of the progress with achieving the delivery program.

Moved Councillor Hopkins

Seconded Councillor Hanna

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

9.4 COMMUNICATIONS

Nil

9.5 EXECUTIVE OFFICE

9.5.1 RESOLUTION ACTION SHEET UPDATES

Record No: I23/516

OFFICER'S RECOMMENDATION

That Council note the resolution action updates.

This is an information only report.

COUNCIL RESOLUTION

197/23

That Council note the resolution action updates.

Moved Councillor Hanna

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 127/23 above as there was no challenge by Councillors.

9.6 WORKFORCE

Nil

10. REPORTS OF COMMITTEES

OFFICER'S RECOMMENDATION

That Council receive the minutes of the:

- i. Bombala Exhibition Ground Management Committee meeting held 10 May and 14 June 2023;
- ii. Arts and Culture Advisory Committee meeting held 9 March, 11 April, 28 April and 31 May 2023;
- iii. Delegate Early Settlers Hut Management Committee meeting held 13 May 2023;
- iv. Cooma North Ridge Reserve Advisory Committee meeting held 24 May 2023 and 28 June 2023

10.1 MINUTES FROM MANAGEMENT AND ADVISORY COMMITTEES

Record No: 123/401

COUNCIL RESOLUTION

198/23

That Council receive the minutes of the:

- i. Bombala Exhibition Ground Management Committee meeting held 10 May and 14 June 2023;
- ii. Arts and Culture Advisory Committee meeting held 9 March, 11 April, 28 April and 31 May 2023;
- iii. Delegate Early Settlers Hut Management Committee meeting held 13 May 2023;
- iv. Cooma North Ridge Reserve Advisory Committee meeting held 24 May 2023 and 28 June 2023

Moved Councillor Hanna

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: *Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.*

Councillors Against: *Nil.*

Motions Without Debate The above officer's recommendation became a resolution of Council as a result of resolution 127/23 above as there was no challenge by Councillors.

10.2 MINUTES OF THE 22 JUNE 2023 BIOSECURITY ADVISORY COMMITTEE MEETING

Record No: I23/483

COUNCIL RESOLUTION

199/23

That Council receive the minutes of the Biosecurity (Weeds) Advisory Committee meeting held 22 June 2023 and write to Mr Steve Whan to express disappointment that Local Land Services was required to source internal funding to host the African lovegrass Coordinator position and that those funds should be reimbursed by the NSW Government.

Moved Councillor Hanna

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 127/23 above as there was no challenge by Councillors.

10.3 MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 25 JULY 2023

Record No: I23/524

COUNCIL RESOLUTION

200/23

That Council adopt the Minutes of the Local Traffic Committee Meeting held on 25 July 2023 and adopt the following recommendations;

- 6.1 That Council approve the installation of No Parking signage on Jerrara Drive, East Jindabyne, between Kosciuszko Road and Acacia Place, effective during winter months.

Moved Councillor Hanna

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 127/23 above as there was no challenge by Councillors.

10.4 MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 20 JUNE 2023

Record No: I23/525

COUNCIL RESOLUTION

201/23

That Council adopt Minutes of the Local Traffic Committee Meeting held on 20 June 2023 and adopt the following recommendations;

- 6.2 That Council approve the application for a Bombala Remembrance Day Event on Saturday 11 November 2023.
- 6.4 That Council do not accept the proposal for a Modified T-Intersection at Polo Flat / Saleyard Road, Cooma and instead formalise traffic furniture.

Moved Councillor Hanna

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 127/23 above as there was no challenge by Councillors.

10.5 MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 23 MAY 2023

Record No: I23/526

COUNCIL RESOLUTION

202/23

That Council adopt Minutes of the Local Traffic Committee Meeting held on 23 May 2023 and adopt the following recommendations;

- 6.1 That Council approve the Coast to Kosci 240km Ultramarathon to travel through the Snowy Monaro Region from 2:00pm Friday 1 December, 2023 and exit the region at 2:30pm on Saturday 3 December, 2023. TfNSW has advised a ROL isn't required. TfNSW has confirmed the timing of the work on the Coolumboka Bridge won't affect this event.
- 6.2 That Council does not increase the load limit of 25t between Dalgety and Ando due to pavement quality and road safety.
- 6.3 That Council approves the request to change 45 degree parking to parallel parking in front of the shop "Country Mobility Trends" in Baron Street between BWS and mechanics workshop.

Moved Councillor Hanna	Seconded Councillor Stewart	CARRIED
Record of Voting		
Councillors For:	<i>Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.</i>	
Councillors Against:	<i>Nil.</i>	

Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 127/23 above as there was no challenge by Councillors.

11. NOTICE OF MOTION

11.1 COUNCIL ACTION ON SOCIAL MEDIA POSTS THAT THREATEN, INTIMIDATE, HARASS, HUMILIATE, SLANDER, DEFAME OR TROLL SNOWY MONARO STAFF AND COUNCILLORS.

Record No: I23/539

Mayor Davis has given notice that at the Ordinary Meeting of Council on 17 August 2023, she will move the following motion.

COUNCIL RESOLUTION

203/23

That Council:

- A. Establish a policy that is responsive to inappropriate social media postings that target Council members and staff.
- B. Base the policy on the following principles:
 - (a) Social media posts that threaten, intimidate, harass, humiliate, slander, defame or troll Snowy Monaro Staff and Councillors be reported to the E Safety Commissioner in the first instance.
 - (b) That social media account administrators who enable or permit social media posts that threaten, intimidate, harass, humiliate, slander, defame or troll Snowy Monaro staff, contractors and Councillors be requested to immediately remove such posts.
 - (c) If requests for the removal of posts are not actioned, Council is to pursue legal action.
 - (d) Social media accounts, and the hosting social media platform, that publish online abuse be reported to the E Safety Commissioner.
 - (e) Independent live streaming and recording of SMRC facilitated community meetings, consultation and events be prohibited without prior written permission from Council.
 - (f) Community members who threaten, intimidate, harass, humiliate, slander, defame or troll Snowy Monaro staff and Councillors in any forum, be prohibited from attending SMRC facilitated community meetings, consultation and events.
- C. Snowy Monaro Regional Council submit a motion to the November 2023 NSW Local Government Conference supporting stronger laws and protection for Council staff and Councillors from online abuse.

Moved Mayor Davis

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Hanna, Deputy Mayor Higgins, Councillor Johnson, Councillor Summers and Councillor Mitchell.

Councillors Against: Councillor Frolich, Councillor Hopkins, Councillor Stewart and Councillor Williamson.

12. MAYORAL MINUTES

Nil

13. QUESTIONS WITH NOTICE

Nil

14. CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

204/23

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:

14.1 Legal Actions and Potential Claims Against SMRC

Item 14.1 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.

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 Hanna

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 127/23 above as there was no challenge by Councillors.

15. REPORT FROM CONFIDENTIAL SESSION

14.1 LEGAL ACTIONS AND POTENTIAL CLAIMS AGAINST SMRC

COUNCIL RESOLUTION

205/23

That Council note the information in the Legal Actions and Potential Claims Against SMRC report.

Moved Councillor Hanna

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 127/23 above as there was no challenge by Councillors.

There being no further business the Mayor declared the meeting closed at 2:56 PM.

CHAIRPERSON



The above minutes of the Ordinary Council Meeting of Snowy Monaro Regional Council held on 17 August 2023 were confirmed by Council at a duly convened meeting on 21 September 2023 at which meeting the signature hereon was subscribed.