



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Ordinary Council Meeting

21 December 2023

ORDINARY COUNCIL MEETING
HELD IN JINDABYNE MEMORIAL HALL, THREDBO TERRACE, JINDABYNE NSW 2627
ON THURSDAY 21 DECEMBER 2023

MINUTES

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

**ON THURSDAY, 21 DECEMBER 2023
COMMENCING AT 1:00PM**

PRESENT:

Mayor Christopher Hanna
Councillor Peter Beer
Councillor Louise Frolich
Councillor Narelle Davis
Councillor Tricia Hopkins
Councillor Karlee Johnson
Councillor Craig Mitchell
Councillor Bob Stewart
Councillor Lynda Summers
Councillor Luke Williamson

APOLOGIES:

Deputy Mayor Tanya Higgins

Staff:

David Hogan, Chief Executive Officer
David Rawlings, Chief Strategy Officer
John Gargett, Acting Chief Operating Officer
Patrick Dunn, Manager of Finance
Stephanie Sellar-Peam, Acting Chief Workforce Officer – *via audio-visual link*
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

Nil

4. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

COUNCIL RESOLUTION

314/23

That the apology from Deputy Mayor Higgins be accepted and leave of absence be granted.

Moved Councillor Mitchell

Seconded Councillor Frolich

CARRIED

Record of Voting

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

Councillors Against: Nil.

Procedural Motion

ADJOURNMENT

COUNCIL RESOLUTION

315/23

That the 21 December 2023 Ordinary Council meeting be adjourned at 1:02 PM for Public Forum.

Moved Mayor Hanna

Seconded Councillor Frolich

CARRIED

Record of Voting

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

Councillors Against: Nil.

Note: The Mayor reopened the meeting at 1:56 PM.

5. DISCLOSURE OF INTEREST

5.1 COUNCILLOR HOPKINS

Councillor Hopkins declared an interest in Item 9.4.1 – Event Support Grant Applications, as she has a conflict of interest in this item due to being a member of the “Cooma Car Club”. This matter was dealt with by exception.

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

316/23

That:

A. 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 – Minutes from the Ordinary Council Meeting held on the 16 November 2023
- 7.2 – Minutes from the Extraordinary Council Meeting held on the 30 November 2023
- 9.1.1 – Little Paupong Road – Completion of the matter
- 9.2.1 – Monthly funds management report – November 2023
- 9.3.1 – Proposal to name Michelago cricket oval to ‘The Clive Kelly Oval’
- 9.3.2 – Delivery Program Progress Report – November 2023
- 9.3.4 – Review – Community Strategic Plan
- 9.3.5 – Code of Conduct Complaints Annual Report
- 9.3.7 – Additional Funding Towards Projects
- 9.4.1 – Event Support Grant Applications
- 9.5.1 – Resolution Action Sheet Updates
- 10.1 – Minutes from Management and Advisory Committees
- 10.2 – Minutes of the Local Traffic Committee Meeting 21 November 2023
- 13.1 – s355 Advisory Committee – Open spaces and recreational facilities
- 14.1 – Legal Actions and Potential Claims Against SMRC
- 14.3 – Myack Creek Sewer Support Structure-Berridale

B. That the Officer’s recommendations in the reports listed above are hereby adopted.

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 16 NOVEMBER 2023

COUNCIL RESOLUTION

317/23

That the minutes of the Ordinary Council Meeting held on 16 November 2023 are confirmed as a true and accurate record of proceedings.

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

7.2 EXTRAORDINARY COUNCIL MEETING 30 NOVEMBER 2023

COUNCIL RESOLUTION

318/23

That the minutes of the Extraordinary Council Meeting held on 30 November 2023 are confirmed as a true and accurate record of proceedings.

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

8. PLANNING AND DEVELOPMENT APPLICATION MATTERS

8.1 DEVELOPMENT APPLICATION 10.2023.200.1 - ECOTOURISM FACILITIES (5 CABINS & 5 CARPORTS), DWELLING HOUSE, GARAGE & MACHINERY SHED

Record No: I23/564

Applicant Number:	10.2023.200.1
Applicant:	Instep Management Group Pty Limited
Owner:	D P Graham
DA Registered:	04/07/2023
Property Description:	79 High Plains Lane JINDABYNE NSW 2627 Lot: 2 DP: 1184090
Zone:	RU1 - Primary Production
Current Use:	Vacant
Proposed Use:	Eco-Tourist Facilities
Permitted in Zone:	Permitted
Recommendation:	Approval

COUNCIL RESOLUTION

319/23

That this application be deferred until the March 2024 Ordinary Council meeting to allow community to make further submissions.

Moved Councillor Davis

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Mayor Hanna, Councillor Hopkins, Councillor Johnson, Councillor Stewart and Councillor Mitchell.

Councillors Against: Councillor Frolich, Councillor Summers and Councillor Williamson.

8.2 DEVELOPMENT APPLICATION 10.2023.225.1 - SEVEN SERVICED APARTMENTS & STRATA SUBDIVISION

Record No: I23/701

Applicant Number:	10.2023.225.1
Applicant:	Rhosa Development Pty Ltd
Owner:	S R Kneller & M W MacKenzie & R P Kneller
DA Registered:	01/08/2023
Property Description:	Lot 7 DP1085153
Area:	2381m2
Zone:	RU5 Village
Current Use:	Undeveloped land
Proposed Use:	Seven Serviced Apartments and Strata Subdivision
Permitted in Zone:	Yes
Recommendation:	Approval

COUNCIL RESOLUTION

320/23

That pursuant to section 4.16(1) of the *Environmental Planning and Assessment Act 1979 (as amended)* Council grants consent for DA 10.2023.225.1 being Seven Serviced Apartments and Strata Subdivision, subject to the conditions attached to this report.

Moved Councillor Frolich

Seconded Councillor Stewart

CARRIED

Record of Voting

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

Councillors Against: Councillor Williamson.

8.3 DEVELOPMENT APPLICATION 10.2023.269.1 - FOUR SERVICED APARTMENTS

Record No: I23/785

Applicant Number:	10.2023.269.1
Applicant:	Zone Planning NSW Pty Ltd
Owner:	CSC No 10 Pty Ltd
DA Registered:	19/09/2023
Property Description:	Lot: 39 DP: 1286562 68 Twynam Street JINDABYNE NSW 2627
Area:	895.7m ²
Zone:	R2 - Low Density Residential
Current Use:	Vacant Land
Proposed Use:	Serviced Apartments
Permitted in Zone:	Yes
Recommendation:	Approval

COUNCIL RESOLUTION

321/23

That pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)*, Council grants consent to DA 10.2023.269.1 for Four (4) Serviced Apartments, subject to the conditions attached to this report.

Moved Councillor Frolich

Seconded Councillor Johnson

CARRIED

Record of Voting

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

Councillors Against: *Nil.*

9. OTHER REPORTS TO COUNCIL

9.1 OPERATIONS

9.1.1 LITTLE PAUPONG ROAD - COMPLETION OF MATTER

Record No: I23/263

COUNCIL RESOLUTION

322/23

That Council:

- A. Approve staff to proceed with the closure of the surplus portion of former Crown Road corridor, now Council road corridor, located between Lot 70 and Lot 69 (shown as Lot 5 on *Figure 1 diagram*, shaded yellow, in the report body), for the purpose of land exchange.
- B. Transfer this surplus land parcel to the owner of Lot 70 DP 756708 as full compensation for the land acquired by Council, from the owners of Lot 70, for road purposes.
- C. Compensate the owners of Lot 69 DP 756708 the cash amount determined by a suitably qualified valuer, for the portion of land acquired through Lot 69, by Council for road purposes, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).
- D. Authorise the CEO to approve the terms for acquisition and deliver compensation to the land owners for the land acquired, in accordance with provisions of the *Roads Act 1993* (NSW) and the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

9.1.2 RESIDENTIAL AGED CARE AND COMMUNITY SUPPORT PROGRAMS ADVISORY COMMITTEE CHARTER

Record No: I23/726

COUNCIL RESOLUTION

323/23

That Council correct the error in the Residential Aged Care and Community Support Programs Advisory Committee Charter by adding to section 4, one Councillor representative.

Moved Councillor Hopkins

Seconded Councillor Williamson

CARRIED

Record of Voting

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

Councillors Against: Nil.

9.1.3 YOUTH ADVISORY COMMITTEE - COMMITTEE CHARTER UPDATE

Record No: I23/373

COUNCIL RESOLUTION

324/23

That Council adopt the Youth Advisory Committee Charter.

Moved Councillor Frolich

Seconded Councillor Hopkins

CARRIED

Record of Voting

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

Councillors Against: Nil.

9.2 FINANCE

9.2.1 MONTHLY FUNDS MANAGEMENT REPORT - NOVEMBER 2023

Record No: I23/773

COUNCIL RESOLUTION

325/23

That Council:

- A. Receive the report indicating Council's cash and investments position as at 30 November 2023; and
- B. Receive the certificate of the Responsible Accounting Officer.

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

9.3 STRATEGY

9.3.1 PROPOSAL TO NAME MICHELAGO CRICKET OVAL TO 'THE CLIVE KELLY OVAL'

Record No: I23/734

COUNCIL RESOLUTION

326/23

That Council endorse

- A. Advertising of the place name proposal for Michelago oval to 'The Clive Kelly Oval' in the Monaro Post for 28 days and for consultation with the Michelago community to gain feedback.
- B. Progressing the Geographical Names Board place naming proposal for 'The Clive Kelly Oval' to pre-approval.

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

9.3.2 DELIVERY PROGRAM PROGRESS REPORT - NOVEMBER 2023

Record No: I23/754

COUNCIL RESOLUTION

327/23

That Council note the delivery program progress report.

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

9.3.3 COMMUNITY SATISFACTION SURVEY

Record No: I23/758

COUNCIL RESOLUTION

328/23

That the community satisfaction survey be noted.

Moved Councillor Hopkins

Seconded Councillor Johnson

CARRIED

Record of Voting

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

Councillors Against: Nil.

9.3.4 REVIEW - COMMUNITY STRATEGIC PLAN

Record No: I23/759

COUNCIL RESOLUTION

329/23

That Council note the:

- A. Review of the community strategic plan
- B. Engagement activities to seek feedback from the community

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

9.3.5 CODE OF CONDUCT COMPLAINTS ANNUAL REPORT

Record No: I23/768

COUNCIL RESOLUTION

330/23

That Council receive and note the code of conduct complaints report for the period 1 September 2022 to 31 August 2023.

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

Note: Item **9.3.6 Post-Exhibition Report – Fees and Charges – Planning Proposals** was withdrawn by the CEO from the meeting to allow for additional submissions, that were submitted after the due date, to be included in the report. This item will be addressed at the February 2024 Ordinary Council Meeting.

9.3.7 ADDITIONAL FUNDING TOWARDS PROJECTS

Record No: I23/796

COUNCIL RESOLUTION

331/23

That the budgets be adjusted to incorporate the additional BLERF funding of:

- A. Bombala sports ground upgrades - \$360,700
- B. Delegate School of Arts upgrades - \$125,400
- C. Jindabyne skatepark extension - \$264,600

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

9.4 COMMUNICATIONS

9.4.1 EVENT SUPPORT GRANT

Record No: I23/799

COUNCIL RESOLUTION

332/23

That Council approve the following event support applications, in line with the funding support for Events Policy:

- A. Cooma Car Club \$2,000 for the Monaro Billy Kart Derby
- B. Snowy Classic \$5,000 for the Snowy Classic 2024
- C. Fox Superflow Gravity MTB event \$5,000

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

9.5 EXECUTIVE OFFICE

9.5.1 RESOLUTION ACTION SHEET UPDATES

Record No: I23/798

OFFICER'S RECOMMENDATION

That Council note the resolution action updates.

This is an information only report.

COUNCIL RESOLUTION

333/23

That Council note the resolution action updates.

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

9.6 WORKFORCE

Nil

10. REPORTS OF COMMITTEES

10.1 MINUTES FROM MANAGEMENT AND ADVISORY COMMITTEES

Record No: 123/746

COUNCIL RESOLUTION

334/23

That Council receive the minutes of the:

- i. Cooma North Ridge Advisory Committee meeting held 24 August 2023, and note the resignation of Bella Grant from the Committee;
- ii. Bombala Exhibition Ground Management Committee meeting held 11 October 2023
- iii. Michelago Hall and Tennis Courts Management Committee meeting held 18 October 2023

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

10.2 MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING 21 NOVEMBER 2023

Record No: 123/767

COUNCIL RESOLUTION

335/23

COMMITTEE RECOMMENDATION

That the recommendations of the meeting of the Local Traffic Committee held on 21 November 2023 be noted and adopted.

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

Procedural Motion

INTO COMMITTEE

COUNCIL RESOLUTION

That Council move into committee.

Moved Councillor Frolich

Seconded Councillor Williamson

LOST

Record of Voting

Councillors For: Councillor Frolich, Councillor Johnson, Councillor Williamson and Councillor Mitchell.

Councillors Against: Councillor Beer, Councillor Davis, Mayor Hanna, Councillor Hopkins, Councillor Stewart and Councillor Summers.

11. NOTICE OF MOTION

11.1 DE AMALGAMATION PLEBISCITES

Record No: I23/782

Councillor Bob Stewart has given notice that at the Ordinary Meeting of Council on 21 December 2023, he will move the following motion.

COUNCIL RESOLUTION

That Council write to the Minister of Local Government supporting the proposed legislative changes to the Local Government Act to introduce binding plebiscites on demerging conditional on legislative changes and addressing a requirement that binding plebiscites and demergers be funded by the NSW Government.

Moved Councillor Stewart

Seconded Councillor Williamson

LOST

Record of Voting

Councillors For: Councillor Frolich, Councillor Johnson, Councillor Stewart and Councillor Williamson.

Councillors Against: Councillor Beer, Councillor Davis, Mayor Hanna, Councillor Hopkins, Councillor Summers and Councillor Mitchell.

11.2 GRANDSTAND DEVELOPMENT IN BOMBALA

Record No: I23/789

Councillor Williamson has given notice that at the Ordinary Meeting of Council on 21 December 2023, he will move the following motion.

COUNCIL RESOLUTION

That:

- A. All work associated with the new Grandstand development in Bombala cease, until such time as the full operating costs of the stand are met either by a source external to Council, or that Council has otherwise achieved a budget surplus sufficiently large to fund the operational cost.
- B. Should item (A) above necessitate that Council repay an amount of the existing grant, that this be repaid by utilising the surplus unrestricted cash reserve which was forecast in the Q1 QBRs to be in surplus at the year's end.

Moved Councillor Williamson

Seconded Councillor Frolich

LOST

Record of Voting

Councillors For: Councillor Williamson.

Councillors Against: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers and Councillor Mitchell.

11.3 MEETING WITH MEMBER FOR MONARO AND MEMBER FOR EDEN MONARO

Record No: I23/790

Councillor Davis has given notice that at the Ordinary Meeting of Council on 21 December 2023, she will move the following motion.

COUNCIL RESOLUTION

336/23

That Council:

Invite The Member for Monaro Steve Whan and The Member for Eden Monaro Kristy McBain to meet with council at the earliest date available in 2024 and meet again before June 30, 2024 or as practicable.

Moved Councillor Davis

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Mayor Hanna, Councillor Stewart, Councillor Summers and Councillor Mitchell.

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

12. MAYORAL MINUTES

Nil

13. QUESTIONS WITH NOTICE

OFFICER'S RECOMMENDATION

That the response to the question/s be noted.

13.1 S355 ADVISORY COMMITTEE - OPEN SPACES AND RECREATIONAL FACILITIES

Record No: I23/791

ATTACHMENTS

1. Question with Notice - s.355 Committee - Open spaces and recreational facilities

COUNCIL RESOLUTION

337/23

That the response to the question/s be noted.

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

At 3:12 pm Councillor Davis left the meeting.

At 3:12 pm Councillor Stewart left the meeting.

At 3:12 pm Councillor Summers left the meeting.

At 3:12 pm Councillor Mitchell left the meeting.

Procedural Motion

ADJOURNMENT

COUNCIL RESOLUTION

338/23

That the 21 December 2023 Ordinary Council meeting be adjourned at 3:13 pm for a short break.

Moved Mayor Hanna

Seconded Councillor Frolich

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Frolich, Mayor Hanna, Councillor Hopkins, Councillor Johnson and Councillor Williamson.

Councillors Against: Nil.

Note: Mayor Hanna resumed the resumed the meeting at 3:18 pm.

14. CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

339/23

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.

14.2 Yallambee Lodge Transition

Item 14.2 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 (dii) of the Local Government Act because it contains and information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

14.3 Myack Creek Sewer Support Structure-Berridale

Item 14.3 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 Davis

Seconded Councillor Hopkins

CARRIED

Record of Voting

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

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 3:18 pm the meeting was closed to the press and public.

Note 3: Resumption of Open Committee Meeting

At 3:32 pm the Closed Session ended and the Council meeting continued in Open Session.

15. REPORT FROM CONFIDENTIAL SESSION

14.1 LEGAL ACTIONS AND POTENTIAL CLAIMS AGAINST SMRC

COUNCIL RESOLUTION

340/23

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

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

14.2 YALLAMBEE LODGE TRANSITION

COUNCIL RESOLUTION

341/23

That Council:

- A. Authorise the CEO to continue negotiations to transfer Yallambee Lodge to Respect with a target date of 1 April 2024
- B. Request a report, including final deed prior to execution, be presented to the February Ordinary Council meeting for final approval

Moved Councillor Davis

Seconded Councillor Hopkins

CARRIED

Record of Voting

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

Councillors Against: Councillor Stewart.

14.3 MYACK CREEK SEWER SUPPORT STRUCTURE-BERRIDALE

COUNCIL RESOLUTION

342/23

That Council:

- A. Reject all tender responses for the construction of new box culvert sewer support structure at Myack Creek in Berridale, as all responses are above allocated budget.
- B. Approve staff to enter into negotiations with Leed Engineering and Construction with an aim to reach an agreement on a revised negotiated price within budget.
- C. Approve the Chief Executive Officer to award contract if within budget after successful negotiations on agreed contract conditions and price.

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, 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 308/23 above as there was no challenge by Councillors.

RESUMPTION OF OPEN SESSION

COUNCIL RESOLUTION

343/23

That the open session be resumed.

Moved Councillor Mitchell

Seconded Councillor Beer

CARRIED

Record of Voting

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

Councillors Against: Nil.

There being no further business the Mayor declared the meeting closed at 3:33 pm.

CHAIRPERSON



The above minutes of the Ordinary Council Meeting of Snowy Monaro Regional Council held on 21 December 2023 were confirmed by Council at a duly convened meeting on 15 February 2024 at which meeting the signature hereon was subscribed.