



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Extraordinary Council Meeting

24 January 2025

**EXTRAORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630
ON FRIDAY 24 JANUARY 2025**

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

**ON FRIDAY, 24 JANUARY 2025
COMMENCING AT 10:00 AM**

PRESENT:

Deputy Mayor Tricia Hopkins
Councillor Narelle Davis
Councillor Nick Elliott
Councillor Tanya Higgins
Councillor John Rooney – via audio visual
Councillor Reuben Rose
Councillor Bob Stewart
Councillor Lynda Summers
Councillor Andrew Thaler
Councillor Luke Williamson - via audio visual

APOLOGIES:

Mayor Christopher Hanna

Staff:

Stephen Dunshea, Chief Executive Officer
David Rawlings, Chief Strategy Officer
Tony Murray, Chief Community Services Officer
Angela Sommerville, Chief People & Organisational Performance Officer
Patricia Swain, Secretary Council and Committees

1. OPENING MEETING

Deputy Mayor Hopkins opened the meeting at 10:00 AM

2. ACKNOWLEDGEMENT OF COUNTRY

3. COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL

3.1 COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO VISUAL

COUNCIL RESOLUTION

3/25

That Council, at the meeting on 24 January 2025 approve that remote attendance via audio visual link of the following councillors and accept their reasons for being unable to attend:

- A. Councillor John Rooney, due to travelling and work commitments.
- B. Councillor Luke Williamson, due to work commitments.

Moved Councillor Thaler

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rose, Councillor Stewart, Councillor Summers and Councillor Thaler.

Councillors Against: Nil.

4. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

4.1 APOLOGY FROM MAYOR HANNA

COUNCIL RESOLUTION

4/25

That the apology from Mayor Chris Hanna be accepted and leave of absence be granted.

Moved Councillor Summers

Seconded Councillor Davis

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Councillor Higgins, Deputy Mayor Hopkins, Councillor Summers, Councillor Williamson and Councillor Thaler.

Councillors Against: Councillor Rose and Councillor Stewart.

ADJOURNMENT

COUNCIL RESOLUTION

5/25

That the extraordinary council meeting be adjourned at 10.05am for public forum.

Moved Councillor Stewart

Seconded Councillor Rose

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rose, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Thaler.

Councillors Against: Nil.

Attendance of Councillor Rooney

Clr Rooney joined the meeting at 10:19am during public forum.

Resumption of Meeting

The meeting resumed at 11:03am.

5. DISCLOSURE OF INTEREST

5.1 COUNCILLOR HANNA

Councillor Hanna declared an interest in Items; 6.2, 6.3, 6.4, 6.5, 6.6 and 6.7 as he has a conflict of interest in this item due to "I have close friends that were affected from the tank and were there on the night, 5 minutes after the incident. I have people that were affected by the tank that rent a commercial premises from me."

Councillor Hanna did not take part in the meeting and a leave absence was granted.

5.2 COUNCILLOR THALER

Councillor Thaler declared a non-pecuniary disclosure of interest in Items 6.2, 6.3, 6.4, 6.5, 6.6 and 6.7 due to "I have helped and assisted several claimants liaise with Council over their property damage, from the water tank collapse. I do not have any close personal relationships."

6. NOTICE OF MOTION

6.1 REPLACEMENT OF WATER RESERVOIR

Record No: I25/26

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 24 January 2025, he will move the following motion.

The original motion Moved: Clr Rose, Seconded: Clr Thaler was:

That the CEO:

- A. *Urgently seek State and/or Federal Commonwealth government funding to replace the water reservoir before the 2025/26 Summer period.*
- B. *Consider making recommendations to Council about expending some of the Water Reserve funds presently held by Council and applied toward the replacement reservoir project cost.*

AMENDMENT

6/25

That the motion be amended to read:

- A. Note that the Cooma Snowy Reservoir construction is in the current delivery and operational plan and appropriate funding has been allocated.
- B. Seek State and/or Federal Government Funding to assist with replacing the water reservoir.

Moved Councillor Davis

Seconded Councillor Higgins

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney and Councillor Summers.

Councillors Against: Councillor Elliott, Councillor Rose, Councillor Stewart, Councillor Williamson and Councillor Thaler.

Chair's Casting Vote

Upon the vote being put there was an equality of votes in favour of the motion and against the motion. In accordance with Council's code of meeting practice the Chair exercised her casting vote and voted in favour of the amendment which then became the Motion.

Procedural Motion

PUT MOTION

COUNCIL RESOLUTION

7/25

That the Motion be put without further debate.

Moved Councillor Williamson

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Thaler.

Councillors Against: Nil.

COUNCIL RESOLUTION

8/25

That Council:

- A. Note that the Cooma Snowy Reservoir construction is in the current delivery and operational plan and appropriate funding has been allocated.
- B. Seek State and/or Federal Government Funding to assist with replacing the water reservoir.

Moved Councillor Davis

Seconded Councillor Higgins

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Thaler.

Councillors Against: Nil.

At 11.53am Councillor Williamson left the meeting.

At 11:56am Councillor Williamson returned to the meeting.

6.2 SETTLEMENT OF CLAIMS - SNOWY RESERVOIR COLLAPSE

Record No: I25/29

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 24 January 2025, he will move the following motion.

COUNCIL RESOLUTION

9/25

That Council receive confidential monthly reports detailing the progress of all outstanding claims in relation to the water reservoir failure including any potential financial implications, and that the council take all steps within its authority to ensure the fair and timely resolution of these claims.

Moved Councillor Rose

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Elliott, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Williamson and Councillor Thaler.

Councillors Against: Councillor Davis, Councillor Higgins and Councillor Summers.

At 12.22pm Councillor Williamson left the meeting.

Procedural Motion

ADJOURNMENT

COUNCIL RESOLUTION

10/25

That the Extraordinary Council meeting be adjourned at 12.23pm for a break.

Moved Councillor Thaler

Seconded Councillor Hopkins

CARRIED

Resumption of Meeting

The meeting resumed at 12:31am

At 12.31pm Councillor Williamson returned to the meeting.

At 12.38pm Councillor Rooney returned to the meeting.

At 1.23 pm Councillor Rooney left the meeting.

At 1.25pm Councillor Rooney left the meeting.

6.3 COUNCIL UNDERTAKE ASBESTOS INSPECTIONS AND PROVIDE CLEARANCE CERTIFICATES

Record No: I25/27

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 24 January 2025, he will move the following motion.

COUNCIL RESOLUTION

11/25

That in light of the Council's previous General Manager, Peter Bascomb, raising the risk of asbestos contamination of properties due to the water reservoir's failure in a letter to residents on 23 January 2020 (see letter in the list of documents in the public domain):

- A. That the CEO organise inspection, assessment, and reporting by an appropriately qualified (expert) external body and a briefing by the inspection group to the governing body.
- B. These to be carried out within 45 days, regarding possible contamination of private and public properties in the zone affected by the flood of water from the reservoir by asbestos due to the reservoir failure.
- C. The inspection, assessment and report should address all contamination, including asbestos materials, that:
 - (i) might have originated from site formation at the reservoir's location, or
 - (ii) illegal dumping of waste materials in the public bushland areas where water flowed and carried debris, following the reservoir's collapse; or
 - (iii) asbestos that was carried by water flows that may have been present in and under structures impacted by water flows, etc.

Where necessary, the council should seek prior permission to access properties to undertake this work.

- D. For properties found by the expert group not to be contaminated, that a clearance certificate or other appropriate document be issued to the owners of the properties, certifying the absence of any asbestos contamination. Council records should be updated accordingly.

Moved Councillor Thaler

Seconded Councillor Elliott

LOST

Record of Voting

Councillors For: Councillor Elliott, Councillor Rose, Councillor Williamson and Councillor Thaler.
Councillors Against: Councillor Davis, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Stewart and Councillor Summers.

6.4 REMEDIATION OF CONTAMINATION TO PROPERTIES

Record No: I25/30

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 24 January 2025, he will move the following motion.

WITHDRAWN

That council:

- A. Where asbestos contamination is found and is assessed as being present, immediately remediate all contamination by suitably qualified personnel. Where necessary, the council should seek prior permission to access each property to undertake this work.
- B. When a property is deemed uncontaminated, or at the conclusion of decontamination, a clearance certificate or other appropriate document be issued to the owners of the property.

Motion Withdrawn

Item 6.4 as listed on the agenda was withdrawn by Councillor Thaler.

6.5 PROVISION OF INFORMATION - INSURANCE CONTRACT AND CLAIMS

Record No: I25/31

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 24 January 2025, he will move the following motion.

MOTION

12/25

That the CEO provide councillors with:

- A. A copy of council's insurance contract and any product disclosure statement held at the time of and before the reservoir collapse (4th January 2020).
- B. Details of all claims that have been received and managed by this council and/or by council's insurer including, but not limited to, the following:
 - (a) Claim lodgement date.
 - (b) Claimant type (i.e. a home or vehicle owner, an insurer (who may have paid a claim by their customer), etc).
 - (c) Date lodged when first notified to our insurer.
 - (d) Current status of the claim (fully settled, partially settled, unsettled)
 - (e) Settlement amount if paid by our insurer and settlement date.
 - (f) Settlement amount, or co-contribution if paid by council or insurer.
 - (g) A letter from the representative of the council's insurer (at the time of the collapse) confirming the information outlined in points (b) 1 through 5.
- C. Details of the claims that have been made against the council and not referred to, managed by or settled in part or in full by the council's insurer (or their agents), including, but not limited to, the following:
 - (a) Claim filing date.
 - (b) Claimant type (i.e. a home or vehicle owner, an insurer (who may have paid a claim by their customer), etc).
 - (c) Current status of the claim (fully settled, partially settled, unsettled).
 - (d) Settlement amount if paid by council and payment date.
 - (i) Councillors to be provided with full details of all claims that have been received, settled, and outstanding, including by third-party insurers, and the total cost of the settled claims and outstanding claims. Also, full details of the claims or payments that have been made outside the insurance process.

Moved Councillor Williamson

Seconded Councillor Thaler

LOST

Record of Voting

Councillors For: Councillor Rose, Councillor Williamson and Councillor Thaler.

Councillors Against: Councillor Davis, Councillor Elliott, Councillor Higgins, Deputy Mayor Hopkins, Councillor Stewart and Councillor Summers.

At 1:26 pm Councillor Rooney left the meeting.

6.6 UNDERTAKE INVESTIGATION INTO THE RESERVOIR COLLAPSE

Record No: I25/34

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 24 January 2025, he will move the following motion.

MOTION	13/25
That Council:	
A. Commission an independent expert investigation to assess the circumstances that led to the reservoir's failure, determine responsibility for the reservoir's failure, and steps taken to deal with the failure. This investigation must consider, and not be limited to, the following documents that are in the public domain, having been released under GIPA or parliamentary processes: (a) Mr Bascomb's letter to residents of 23 January 2020; (b) The final ALS Industries Report No: 67890 REP 01 R1 <i>Inspection of Snowy Monaro Water Tank</i> dated 24 January 2019. This report identified (pp 100-104) 14 of 19 structural defects that according to the risk matrix were rated at the highest risk level: "Extremely Critical." The report stated these 14 repairs were critical prior to the recommissioning of the tank. (c) The Report Prepared by Public Works Advisory (<i>Report No. 1 PWA/1PM/000876/ 3 May 2018</i> and prepared by Mikhail Kogan and Ram Singh). In that report was the advice that: "<i>The vertical wall is reinforced lightly (refer original design in appendix B) and could crack in service due to loss of prestress and thermal actions.</i>" (d) SafeWork NSW - <i>Briefing for the Investigation Decision Making Panel. Dangerous Incident at Snowy Monaro Regional Council on 4 January 2020</i> (WSMS: 1-435161 & 2-153021) Responding Inspector Janene van der Westhuysen (Unclassified). This report contains a comprehensive timeline and recommendation in this report was for a "<i>full investigation</i>". Amongst other things this report states that: "<i>The risk was foreseeable – Engineering/technical reports indicated that continued use of the water tank would lead to catastrophic failure...</i>" (e) <i>Water and Waste Water Services SMRC OPERATIONS REPORT: Snowy No. 1 Reservoir Timeline Report</i>. Prepared by Mark Rixon (Manager Water & Waste Water Operations) and David Rawlings (Acting Director Corporate & Community Services) 15th January 2020. (f) Powerpoint presentation – <i>Snowy Reservoir No. 1 - Timeline</i> by David Rawlings. B. Provide the Independent Expert Investigator(s) at 6(a) above, access to any and all of the council's internal and external records relating to the reservoir's history of construction, failure, engineering assessments, history of tenders, structural analysis, repairs and operational reports over the lifetime of the tank such as they may exist.	
Moved Councillor Rose	Seconded Councillor Thaler
Record of Voting	
Councillors For:	Councillor Elliott, Councillor Rose, Councillor Williamson and Councillor Thaler.
Councillors Against:	Councillor Davis, Councillor Higgins, Deputy Mayor Hopkins, Councillor Stewart and Councillor Summers.

At 2:12pm Councillor Williamson left the meeting.

At 2:16 pm Councillor Williamson returned to the meeting.

6.7 APPLICATION OF RURAL FIRE SERVICES ACT SECTION 28

Record No: I25/35

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 24 January 2025, he will move the following motion.

MOTION

14/25

That Council:

- A. Confirm (or otherwise) that Council applied this section (s28 *The Rural Fires Act 1997 No 65*) to claims.
- B. Prepare a report for councillors outlining any limitations the council encountered in applying this section or any other applicable legislation.
- C. Provide a copy of our insurer's investigation report.

Moved Councillor Thaler

Seconded Councillor Stewart

LOST

Record of Voting

Councillors For: Councillor Rose, Councillor Stewart, Councillor Williamson and Councillor Thaler.
Councillors Against: Councillor Davis, Councillor Elliott, Councillor Higgins, Deputy Mayor Hopkins and Councillor Summers.

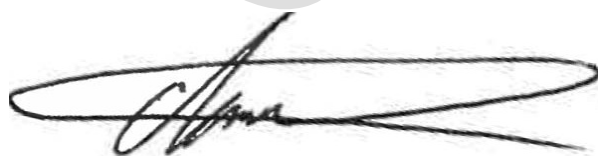
At 2:20pm Councillor Williamson left the meeting.

At 2:25 pm Councillor Williamson returned to the meeting.

7. CONFIDENTIAL MATTERS

Nil

There being no further business the Chair declared the meeting closed at 2:37pm



CHAIRPERSON

The above minutes of the Extraordinary Council Meeting of Snowy Monaro Regional Council held on 24 January 2025 were confirmed by Council at a duly convened meeting on 20 February 2025 at which meeting the signature hereon was subscribed.