



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Ordinary Council Meeting

20 June 2024

**ORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630
ON THURSDAY 20 JUNE 2024**

MINUTES

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

**ON THURSDAY, 20 JUNE 2024
COMMENCING AT 1:00 PM**

PRESENT: Mayor Christopher Hanna
Deputy Mayor Tanya Higgins
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: Nil

Staff: David Hogan, 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 – *via Audio-Visual Link*
Grace Mackay, 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

Nil

Procedural Motion

ADJOURNMENT

COUNCIL RESOLUTION

145/24

That the 20 June 2024 Ordinary Council meeting be adjourned at 1:01 PM for public forum.

Moved Mayor Hanna

Seconded Councillor Frolich

CARRIED

Record of Voting

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

Councillors Against: Nil.

Note: The Mayor resumed the meetings at 1:09 PM.

5. DISCLOSURE OF INTEREST

5.1 COUNCILLOR BEER

Councillor Beer declared an interest in Item 9.1.1 as he has a conflict of interest in this item due to “A member of the Community Housing Provider (CHP) being Southern Cross Community Housing Ltd. who is the provider for the SMRC”. Councillor Beer left the meeting at 1:11 PM and returned at 1:21 PM Councillor Beer 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

146/24

- 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 – Ordinary Council Meeting minutes held on 16 May 2024
 - 7.2 – Closed Session of the Ordinary Council Meeting minutes held on 16 May 2024
 - 9.1.3 – Bombala Laundromat EOI outcome
 - 9.2.1 – Monthly Funds Management Report – May 2024
 - 9.2.2 – Timing of the Sale of the Leesville Industrial Estate
 - 9.3.1 – Road Name Proposal for stage 10 of Highview Subdivision – Jindabyne
 - 9.3.3 – Appointment of Community Members to the Boco Rock Community Enhancement Fund Committee
 - 9.3.4 – Child Safe Organisations project – Framework and Policy
 - 9.3.5 – Delivery Program Progress Report
 - 9.3.6 – Update on Financial Sustainability Review Actions
 - 9.5.1 – Resolution Action Sheet Updates
 - 10.1 – Minutes from Management and Advisory Committees
 - 10.2 – Minutes from Local Traffic Committee Meeting – 23 April 2024
 - 10.3 – Minutes from the Local Traffic Committee Meeting – 30 May 2024
 - 13.1 – Monaro Rail Trail – Cr Davis
 - 13.2 – Rates Debt Recovery – Cr Williamson
 - 14.1 – Legal Actions and Claims Against SMRC
 - 14.2 – Acquisition of the Easement for Jindabyne Shared Trail Project
 - 14.3 – Finalisation of Tropic Asphalts Legal Proceedings
- B. That the Officer’s Recommendations in the reports listed above are hereby adopted.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 16 MAY 2024

COUNCIL RESOLUTION	147/24	
THAT the minutes of the Ordinary Council Meeting held on 16 May 2024 are confirmed as a true and accurate record of proceedings.		
Moved Councillor Beer	Seconded Councillor Summers	CARRIED
Record of Voting		
<i>Councillors For:</i>	<i>Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.</i>	
<i>Councillors Against:</i>	<i>Nil.</i>	

Motions Without Debate

The above officer’s recommendation became a resolution of Council as a result of resolution 145/24 above as there was no challenge by Councillors.

7.2 CLOSED SESSION OF THE ORDINARY COUNCIL MEETING 16 MAY 2024

COUNCIL RESOLUTION	148/24	
THAT the minutes of the Closed Session of the Ordinary Council Meeting held on 16 May 2024 are confirmed as a true and accurate record of proceedings.		
Moved Councillor Beer	Seconded Councillor Summers	CARRIED
Record of Voting		
<i>Councillors For:</i>	<i>Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.</i>	
<i>Councillors Against:</i>	<i>Nil.</i>	

Motions Without Debate

The above officer’s recommendation became a resolution of Council as a result of resolution 145/24 above as there was no challenge by Councillors.

8. PLANNING AND DEVELOPMENT APPLICATION MATTERS

Nil

9. OTHER REPORTS TO COUNCIL

9.1 OPERATIONS

At 01:11 pm Councillor Beer left the meeting.

9.1.1 DELEGATE DISADVANTAGED HOUSING - LOTS 3-4 SEC 8 DP 758346

Record No: I24/29

COUNCIL RESOLUTION

149/24

That Council defer this recommendation until the next Council meeting, 18 July 2024, and staff meet with the Delegate community to discuss the process for this proposal.

Moved Councillor Stewart

Seconded Councillor Hopkins

CARRIED

Record of Voting

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

Councillors Against: Deputy Mayor Higgins and Councillor Summers.

At 01:21 pm Councillor Beer returned to the meeting.

9.1.2 EOI - BOMBALA SALEYARDS

Record No: I24/326

COUNCIL RESOLUTION

150/24

That Council:

- A. Finalise the EOI by terminating the process as outlined in the EOI invitation, and Council continue to operate the Bombala Saleyard facility as a transit yard facility, with the adopted fees and charges being applied to all users to ensure that income is generated to enable on-going maintenance of the facility; AND
- B. Staff consult with relevant agents, transport operators, and truckwash users regarding the continuing use of the facility and the need for payment of SMRC's adopted fees to generate revenue for operational and maintenance purposes; AND
- C. Chair of the Saleyard Committee to invite relevant Bombala-based agents and transport operators to the next Saleyard Committee Meeting to be in Bombala on 9 July 2024.

Moved Councillor Stewart

Seconded Councillor Davis

CARRIED

Record of Voting

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

Councillors Against: Nil.

9.1.3 BOMBALA LAUNDROMAT EOI OUTCOME

Record No: I24/336

COUNCIL RESOLUTION

151/24

That Council:

- A. Proceed with a new Expression of Interest for the operation or lease of the Bombala Laundromat under a short term licence of up to 12 months under section 2.20 of the Crown Land Management Act; and
- B. Receive a further report upon conclusion of the Expression of Interest process with recommendations and licence terms and condition for determination.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

9.2 FINANCE

9.2.1 MONTHLY FUNDS MANAGEMENT REPORT - MAY 2024

Record No: I24/319

COUNCIL RESOLUTION

152/24

That Council:

- A. Receive the report indicating Council's cash and investments position as at 31 May 2024; and
- B. Receive the certificate of the Responsible Accounting Officer.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

9.2.2 TIMING OF THE SALE OF THE LEESVILLE INDUSTRIAL ESTATE

Record No: I24/365

COUNCIL RESOLUTION

153/24

That Council approve the temporary utilisation of Waste Management internal reserves to meet the budgeted financial commitments of June 30 2024, due to a delay in the Leesville subdivision project from 2023/24 financial year until the 2024/25 financial year.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

9.3 STRATEGY

9.3.1 ROAD NAME PROPOSAL FOR STAGE 10 OF HIGHVIEW SUBDIVISION - JINDABYNE

Record No: I24/253

COUNCIL RESOLUTION

154/24

That for the road proposed to be created as Stage 10 of Jindabyne's Highview Estate, Council

- A. Endorse the name Anderson Street for public advertisement in the Monaro Post for a period of 28 days; and
- B. Endorse an online road naming proposal be setup with the Geographical Names Board and be advanced to pre-approval stage.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

9.3.2 SNOWY MONARO ACTIVE TRANSPORT PLAN

Record No: I24/260

COUNCIL RESOLUTION

That Council defer this recommendation until the next Council meeting, 18 July 2024, to allow Council and Councillors to meet with the business community in Bredbo and with the Bredbo Community Association to discuss their concerns with a cycle way and foot path in Cooma Street in Bredbo.

Moved Councillor Williamson

Seconded Councillor Stewart

Lost

Record of Voting

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

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

Procedural Motion

INTO COMMITTEE

COUNCIL RESOLUTION

155/24

That Council move into committee.

Moved Councillor Williamson

Seconded Councillor Johnson

CARRIED

Record of Voting

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

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

Procedural Motion

OUT OF COMMITTEE

COUNCIL RESOLUTION

156/24

That Council move out of committee.

Moved Councillor Summers

Seconded Councillor Johnson

CARRIED

Record of Voting

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

Councillors Against: Nil.

Procedural Motion

AMENDMENT

COUNCIL RESOLUTION

That Council;

- A. Receive and note the feedback received during the exhibition period,
- B. Adopt the Active Transport Plan with the recommended changes, excluding the component pertaining to Bredbo and Council to hold a meeting with the Bredbo Community Association and Bredbo businesses, with the results to come back to Council for consideration for its inclusion back into the plan.

Moved Councillor Hopkins

Seconded Councillor Williamson

Lost

Record of Voting

Councillors For: Nil.

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

MOTION

COUNCIL RESOLUTION

157/24

That Council;

- A. Receive and note the feedback received during the exhibition period,
- B. Adopt the Active Transport Plan with the recommended changes, excluding the component pertaining to Bredbo and Council to hold a meeting with the Bredbo Community Association and Bredbo businesses, with the results to come back to Council for consideration for its inclusion back into the plan.
- C. Include provision for a special rate variation to fund the increased service levels desired by the community in the delivery plan and long term financial plan.

Moved Councillor Davis

Seconded Deputy Mayor Higgins

CARRIED

Record of Voting

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

Councillors Against: Councillor Hopkins and Councillor Williamson.

9.3.3 APPOINTMENT OF COMMUNITY MEMBERS TO THE BOCO ROCK COMMUNITY ENHANCEMENT FUND COMMITTEE

Record No: I24/291

COUNCIL RESOLUTION

158/24

That Council note the appointment of the community representatives to the Boco Rock Community Enhancement Fund Committee.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

9.3.4 CHILD SAFE ORGANISATIONS PROJECT - FRAMEWORK AND POLICY

Record No: I24/303

COUNCIL RESOLUTION

159/24

That Council adopt the Child Safe Policy and Child Safe Framework.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

9.3.5 DELIVERY PROGRAM PROGRESS REPORT

Record No: I24/307

COUNCIL RESOLUTION

160/24

That Council:

- A. Note the delivery program progress report.
- B. Adjust the total project budget for the Myack Creek sewer project WO3571 from \$300,000 to \$435,000, utilising the existing adopted budget from WO3567 – Sewer main network improvements to cover the shortfall of \$135,000.
- C. Defer the following projects identified within the 2023-2024 operational plan to the 2024-2025 operational plan.
 - i. Delegate School of Arts
 - ii. Cooma water treatment plant raw water pump intake design
 - iii. Cooma water treatment plant inlet and outlet flow meters
- D. Remove the following projects from the Delivery Program 2022-2026 and 2023-2024 Operational Plan
 - i. Fire service and general upgrades for aged care facilities.
 - ii. Yallambee Lodge new section of facility
 - iii. Undertake an aquatic strategy

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

9.3.6 UPDATE ON FINANCIAL SUSTAINABILITY REVIEW ACTIONS

Record No: I24/339

COUNCIL RESOLUTION	161/24	
That the progress against the recommendations be noted.		
Moved Councillor Beer	Seconded Councillor Summers	CARRIED
Record of Voting		
<i>Councillors For:</i>	<i>Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.</i>	
<i>Councillors Against:</i>	<i>Nil.</i>	

Motions Without Debate

The above officer’s recommendation became a resolution of Council as a result of resolution 145/24 above as there was no challenge by Councillors.

9.4 COMMUNICATIONS

Nil

9.5 EXECUTIVE OFFICE

9.5.1 RESOLUTION ACTION SHEET UPDATES

Record No: I24/313

OFFICER'S RECOMMENDATION

That Council note the resolution action updates.

This is an information only report.

COUNCIL RESOLUTION

162/24

That Council note the resolution action updates.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 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. Snowy Monaro Region Biosecurity (Weeds) Advisory Committee minutes of meeting held 20 March 2024;
- ii. Michelago Memorial Hall and Tennis Courts Committee minutes of meeting held 20 March 2024.

10.1 MINUTES FROM MANAGEMENT AND ADVISORY COMMITTEES

Record No: I24/283

COUNCIL RESOLUTION

163/24

That Council receive the minutes of the:

- i. Snowy Monaro Region Biosecurity (Weeds) Advisory Committee minutes of meeting held 20 March 2024;
- ii. Michelago Memorial Hall and Tennis Courts Committee minutes of meeting held 20 March 2024.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

COMMITTEE RECOMMENDATION

That Council note the minutes of the Local Traffic Committee meeting held on 23 April 2024.

10.2 MINUTES FROM THE LOCAL TRAFFIC COMMITTEE MEETING - 23 APRIL 2024

Record No: I24/329

COUNCIL RESOLUTION

164/24

COMMITTEE RECOMMENDATION

That Council note the minutes of the Local Traffic Committee meeting held on 23 April 2024.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

COMMITTEE RECOMMENDATION

That the recommendations of the meeting of the Local Traffic Committee held on 30 May 2024 be noted.

10.3 MINUTES FROM THE LOCAL TRAFFIC COMMITTEE MEETING - 30 MAY 2024

Record No: I24/340

COUNCIL RESOLUTION

165/24

COMMITTEE RECOMMENDATION

That the recommendations of the meeting of the Local Traffic Committee held on 30 May 2024 be noted.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

11. NOTICE OF MOTION

11.1 ALL ABILITY ACCESS – COOMA POST OFFICE

Record No: I24/343

Councillor Narelle Davis has given notice that at the Ordinary Meeting of Council on 20 June 2024, she will move the following motion.

COUNCIL RESOLUTION

166/24

That Snowy Monaro Regional Council write to the Minister for Communications Michelle Rowland MP, the Member for Eden Monaro Kristy McBain and Member for Monaro Steve Whan MP requesting that the Australia Post comply with the Disability Discrimination Act 1992 and install appropriate all ability access at the Cooma Post Office building.

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

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

Councillors Against: Councillor Frolich and Councillor Williamson.

Procedural Motion

INTO COMMITTEE

COUNCIL RESOLUTION

167/24

That Council move into committee.

Moved Councillor Williamson

Seconded Councillor Stewart

CARRIED

Record of Voting

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

Councillors Against: Councillor Davis and Councillor Summers.

Procedural Motion

OUT OF COMMITTEE

COUNCIL RESOLUTION

168/24

That Council move out of committee.

Moved Councillor Stewart

Seconded Councillor Davis

CARRIED

Record of Voting

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

Councillors Against: Nil.

Procedural Motion

PUT MOTION

COUNCIL RESOLUTION

That the motion/amendment be put without further debate.

Moved Councillor Stewart

Seconded Councillor Hopkins

Lost

Record of Voting

Councillors For: Councillor Beer, Councillor Hopkins, Councillor Stewart and Councillor Mitchell.

Councillors Against: Councillor Davis, Councillor Frolich, Mayor Hanna, Deputy Mayor Higgins, Councillor Johnson, Councillor Summers and Councillor Williamson.

11.2 INSTALLATION OF CCTV

Record No: I24/344

Councillor Tanya Higgins has given notice that at the Ordinary Meeting of Council on 20 June 2024, she will move the following motion.

COUNCIL RESOLUTION

169/24

That Council take action to make our community safer through actively seeking external grant funding opportunities which would allow us to analyse and explore the best mechanisms for SMRC to develop a community safety plan, which could include infrastructure such as CCTV and lighting, design principles, and social and economic activities.

Moved Deputy Mayor Higgins

Seconded Councillor Summers

CARRIED

Record of Voting

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

Councillors Against: Councillor Beer and Councillor Williamson.

At 03:22 pm Councillor Stewart left the meeting

11.3 RENEWABLE ENERGY TRANSITION

Record No: I24/345

Councillor Lynda Summers has given notice that at the Ordinary Meeting of Council on 20 June 2024, she will move the following motion.

COUNCIL RESOLUTION

170/24

That Council:

- A. Review, update and return to Council, the current SMRC Sustainable Business Development Policy to:
 - Demonstrate Councils resolve to support the community to manage climate change
 - Lead by example
 - Be prepared for forthcoming grant opportunities
- B. In updating the policy, consider an encompassing solar panels in the planning and development process of its internal maintenance and capital projects on built or other suitable assets
- C. Leverage the Toward Zero officer of the CRJO in the first instance to access advice, resources and grant pathways to progress this, and pursue other grant opportunities as they arise.

Moved Councillor Summers

Seconded Deputy Mayor Higgins

CARRIED

Record of Voting

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

Councillors Against: Councillor Frolich and Councillor Williamson.

12. MAYORAL MINUTES

Nil

13. QUESTIONS WITH NOTICE

OFFICER'S RECOMMENDATION

That the response to the question/s

- A. Against the SMRC policy for new projects and infrastructure developments and the NSW Government Rail Trails Framework - June 2022, what further information is required to complete the business case?
- B. What is the cost estimate of this business case, taking into account that most of the required reports have already been independently completed?
- C. Has the Monaro Rail Trail Project working group been updated on the detail expected within the business case to allow them to assist?
- D. Has the NSW Department of Regional Development and Transport for NSW been engaged in seeking guidance to complete this business case?
- E. Has the CEO responded to the MRT Inc letter dated 16-05-2024?

be noted.

13.1 MONARO RAIL TRAIL

Record No: I24/346

ATTACHMENTS

- 1. Questions On Notice - Rail Trail - Cr Davis
-

COUNCIL RESOLUTION

171/24

That the response to the question/s

- A. Against the SMRC policy for new projects and infrastructure developments and the NSW Government Rail Trails Framework - June 2022, what further information is required to complete the business case?
- B. What is the cost estimate of this business case, taking into account that most of the required reports have already been independently completed?
- C. Has the Monaro Rail Trail Project working group been updated on the detail expected within the business case to allow them to assist?
- D. Has the NSW Department of Regional Development and Transport for NSW been engaged in seeking guidance to complete this business case?
- E. Has the CEO responded to the MRT Inc letter dated 16-05-2024?

be noted.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

OFFICER'S RECOMMENDATION

That the response to the question/s

- A. Does SR Law act on behalf of Council as our external debt recovery agent on unpaid rates matters?
- B. Assuming SR Law is Council's external debt recovery agent:
 - a. When was SR Law appointed?
 - b. What process was undertaken that led to the appointment of SR Law?
 - c. What is the scope of services Council receives from SR Law?
 - d. What is the nature of the contractual or commercial agreement between SR Law and Council? For example, is SR Law paid on a Time and Materials basis, a Fixed Fee per action basis, etc?
 - e. Is SR Law paid for actions that do not recover debts owed?
 - f. Do debtors make payments to Council or SR Law? If payments are made to SR Law, are these amounts transferred in full to Council or does SR Law withhold any of the amounts?
 - g. Has an audit of the services provided by SR Law been undertaken to ensure that they have complied with our policy and their contract
- C. Does SR Law include legal fees in the amounts it seeks to recover in Letters of Demand or Statements of Claim it issues? (Yes or No). If the answer is "Yes", what is the legislative basis for SR Law to levy these charges? Please cite the Act and quote the wording of the relevant section and clause.
- D. Has Council advised any overdue rates debtor that they must pay legal fees that have not been awarded by a Court? If the answer is "Yes", what is the legislative basis for Council to levy these charges? Please cite the Act and quote the wording of the relevant section and clause.
- E. Why does the policy on Council's website have a Review Date of "March 2021"?
- F. The policy on Council's website was adopted at the Council meeting on "7 March 2019". Why then does it refer to the "Local Courts Act 1970" when the Local Courts Act was refreshed in 2007 and commenced in 2009 (i.e. before the policy was adopted)?

be noted.

13.2 RATES DEBT RECOVERY

Record No: I24/356

ATTACHMENTS

1. Questions on Notice - Debt Recovery

COUNCIL RESOLUTION

172/24

That the response to the question/s

- A. Does SR Law act on behalf of Council as our external debt recovery agent on unpaid rates matters?
- B. Assuming SR Law is Council's external debt recovery agent:
 - a. When was SR Law appointed?
 - b. What process was undertaken that led to the appointment of SR Law?
 - c. What is the scope of services Council receives from SR Law?
 - d. What is the nature of the contractual or commercial agreement between SR Law and Council? For example, is SR Law paid on a Time and Materials basis, a Fixed Fee per action basis, etc?
 - e. Is SR Law paid for actions that do not recover debts owed?
 - f. Do debtors make payments to Council or SR Law? If payments are made to SR Law, are these amounts transferred in full to Council or does SR Law withhold any of the amounts?
 - g. Has an audit of the services provided by SR Law been undertaken to ensure that they have complied with our policy and their contract
- C. Does SR Law include legal fees in the amounts it seeks to recover in Letters of Demand or Statements of Claim it issues? (Yes or No). If the answer is "Yes", what is the legislative basis for SR Law to levy these charges? Please cite the Act and quote the wording of the relevant section and clause.
- D. Has Council advised any overdue rates debtor that they must pay legal fees that have not been awarded by a Court? If the answer is "Yes", what is the legislative basis for Council to levy these charges? Please cite the Act and quote the wording of the relevant section and clause.
- E. Why does the policy on Council's website have a Review Date of "March 2021"?
- F. The policy on Council's website was adopted at the Council meeting on "7 March 2019". Why then does it refer to the "Local Courts Act 1970" when the Local Courts Act was refreshed in 2007 and commenced in 2009 (i.e. before the policy was adopted)?

be noted.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

14. CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

173/24

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 remain in the confidential business paper 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 Acquisition of easement for Jindabyne Shared Trail project

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.

14.3 Finalisation of Tropic Asphalts legal proceedings

Item 14.3 is confidential in accordance with s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved Mayor Hanna

Seconded Councillor Hopkins

CARRIED

Record of Voting

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

Councillors Against: Nil.

15. REPORT FROM CONFIDENTIAL SESSION

14.1 LEGAL ACTIONS AND POTENTIAL CLAIMS AGAINST SMRC

COUNCIL RESOLUTION

174/24

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

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

14.2 ACQUISITION OF EASEMENT FOR JINDABYNE SHARED TRAIL PROJECT

COUNCIL RESOLUTION

175/24

That Council;

- A. Agree to acquire a 5 m² easement for a right of carriageway for shared trail over part of the south east corner of Lot 6 deposited plan 880342 measuring approximately 5 m² (Near Gaden Road) as part of the agreed scope for the Jindabyne Shared Trail project under the terms of the *Land Acquisition (Just Terms Compensation) Act 1991* and by authority contained in the Local Government Act 1993 for the purposes of the Jindabyne Shared Trail project.
- B. That minerals are to be excluded from this acquisition.
- C. That the acquisition is not for the purpose of resale.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

14.3 FINALISATION OF TROPIC ASPHALTS LEGAL PROCEEDINGS

COUNCIL RESOLUTION

176/24

That Council note the finalisation of Tropic Asphalts legal proceedings.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor 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 145/24 above as there was no challenge by Councillors.

There being no further business the Mayor declared the meeting closed at 3:29 PM.

CHAIRPERSON

The above minutes of the Ordinary Council Meeting of Snowy Monaro Regional Council held on 20 June 2024 were confirmed by Council at a duly convened meeting on 18 July 2024 at which meeting the signature hereon was subscribed.

Unconfirmed