



Minutes of the Ordinary Meeting of Council

Wednesday 22 April 2020

4.00pm

Council Chambers

209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

- Craig McGaffin
item 6.3 – Planning Proposal – Highway Service Centre, Murrumbateman

Council Meeting - The Mayor declared the meeting open at 4.14 pm.

Present

Councillors Rowena Abbey, Mayor, in the chair, Cecil Burgess, Geoff Frost, Nathan Furry (via ZOOM), Allison Harker, Jasmin Jones, Michael McManus (via teleconference, 4.30pm), Mike Reid (via ZOOM) and Kim Turner.

Also present were the General Manager – Chris Berry, Acting Director of Planning – Liz Makin, Director of Engineering – Stan Robb, Director of Corporate & Community – Mark Eady (via ZOOM) and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

1. Prayer

2. Apologies

Nil

3. Declaration of Interest/Disclosures

Councillor Harker declared a significant, pecuniary conflict of interest in Item No 6.3 Planning Proposal – Highway Service Centre, Murrumbateman and stated that she believed her interest would preclude her from voting.

Reason: Councillor Harker declared an interest as she is related to the owners.

Councillor Harker declared a non-significant, non-pecuniary conflict of interest in Item No 7.5 Yass River Road – Future Works Topographical Survey and stated that she believed her interest would not preclude her from voting.

Reason: Councillor Harker declared an interest as she resides on Yass River Road.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 25 March 2020, resolution numbers 26-51 inclusive, be taken as read and confirmed.

(Frost/Harker) 52

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M Reid and K Turner

AGAINST: Nil

ABSENT: Councillor M McManus

5. Mayoral Minute

6. Director Planning & Environment Reports

6.1 PLANNING PROPOSAL - MINIMUM LOT SIZE FOR LOW RISE MEDIUM DENSITY HOUSING

SUMMARY

To present the outcomes of the public exhibition of the Planning Proposal seeking an amendment to the *Yass Valley LEP 2013* by including minimum lot size provisions for dual occupancies and multi-dwelling houses in certain land use zones.

RESOLVED that :

- 1. The Planning Proposal (PP.2018.05) to include minimum lot sizes provisions for low rise medium density housing be adopted.***
- 2. The Department is requested to make the amendment to the Yass Valley LEP 2013.***

(Jones/Turner) 53

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M Reid and K Turner

AGAINST: Nil

ABSENT: Councillor M McManus

6.2 PLANNING PROPOSAL - OPENING BUSINESS AND INDUSTRIAL ZONES

SUMMARY

To present the outcomes of the public exhibition of the Planning Proposal seeking an amendment to the *Yass Valley Local Environmental Plan (LEP) 2013* by amending the land use table structure for the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial zones, from 'closed' to 'open' zones.

RESOLVED that :

- 1. The Planning Proposal - Business and Industrial Zones: Closed to Open (PP.2019.03) be adopted and the amendment to the Yass Valley LEP 2013 be made by Council as a local plan-making authority under s3.36 Environmental Planning & Assessment Act 1979.***
- 2. The amendment to the Yass Valley LEP 2013 be forwarded to the Parliamentary Counsel's Office to request formal legal opinion that the amendment can be made.***

(Frost/Burgess) 54

FOR: Councillors R Abbey, C Burgess, G Frost, A Harker, J Jones, M Reid and K Turner

AGAINST: Nil

ABSENT: Councillor M McManus

At 04:22 pm Councillor Harker left the Chambers prior to the consideration of Item 6.3.

6.3 PLANNING PROPOSAL - HIGHWAY SERVICE CENTRE, MURRUMBATEMAN

SUMMARY

To present a report on a draft Planning Proposal seeking an amendment to the *Yass Valley Local Environmental Plan (LEP) 2013* for a Highway Service Centre at Barton Highway, Murrumbateman.

RESOLVED that :

- 1. Planning Proposal PP.2020.01 for a Highway Service Centre, Barton Highway, Murrumbateman be endorsed subject to the preparation of a Traffic Impact Assessment report and forwarded to the Minister for Planning to request a Gateway determination pursuant to s3.34 Environmental Planning & Assessment Act 1979.***
- 2. Planning Proposal PP.2020.01 be adopted if no significant objections are received after the public exhibition of the planning proposal pursuant to the conditions of Gateway determination in accordance with s3.34(2)(c) Environmental Planning & Assessment Act 1979.***

(Frost/Burgess) 55

FOR: Councillors R Abbey, C Burgess, G Frost and M Reid

AGAINST: Councillors N Furry, J Jones and K Turner

ABSENT: Councillor McManus

At 4:30 pm Councillor Harker returned to the Chambers.

Councillor McManus joined the meeting via teleconference at 4.30pm.

6.4 DEVELOPMENT APPLICATION NO DA190179 - HORSE ARENA COVER, MCINTOSH CIRCUIT, MURRUMBATEMAN

SUMMARY

To present a request for a review of determination in relation to Development Application No DA190179 for a horse arena cover at McIntosh Circuit, Murrumbateman. The request seeks a review of Council's decision to refuse the Development Application and has included a revision to the proposal with a smaller horse arena cover. .

RESOLVED that in consideration of the request for review of determination a Conditional Development Consent be issued for the revised proposal of a 1,440m² horse arena cover at Lot 3 DP 1257138, McIntosh Circuit, Murrumbateman.

(Jones/Harker) 56

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

7. Director of Infrastructure & Assets Reports

7.1 MEEHAN STREET, YASS - FOOTPATH REPLACEMENT

SUMMARY

Two sections of footpath in Meehan Street, Yass has been identified as requiring urgent rehabilitation works. The sections of footpath, between the intersection of Comur Street and Rossi has been badly effected by roots from the adjacent trees, lifting sections of the concrete footpath and creating trip step hazards for pedestrians, mobility impaired persons and others.

RESOLVED that funding of \$45,000 for the replacement of the two sections of footpath identified in this report on the 'eastern' side of Meehan Street, Yass and the associated removal of existing unsuitable street trees and their replacement, be referred to the Quarterly Budget review process.

(Frost/Furry) 57

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M Reid and K Turner

AGAINST: Councillor M McManus

7.2 FIXING COUNTRY ROADS - SHINGLE HILL WAY REALIGNMENT AND REPLACEMENT OF LOW LEVEL CROSSING

SUMMARY

Advice has been received of a successful grant for \$3,600,053 under the NSW Fixing Country Roads Grant Program 2019 Tranche 1 for the realignment and replacement of a low level crossing on Shingle Hill Way. This project will provide an upgrade to a sub-standard section of the significant east-west link across the region.

RESOLVED that :

- 1. The grant for \$3,600,053 under the NSW Fixing Country Road Grant Program 2019 Tranche 1 be accepted for the realignment and replacement of a low level crossing on Shingle Hill Way, Sutton.***
- 2. A \$400,000 Council contribution be allocated from the Development Contributions Reserve as required by the grant approval.***
- 3. The project be included in the draft 2020/21 Operational Plan.***
- 4. At the completion of the project the current 10 tonne load limit on Shingle Hill Way is removed and the route be made available for HML vehicles.***

(Burgess/Turner) 58

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

7.3 WALKER PARK- FACILITIES UPGRADE PROJECT

SUMMARY

Council secured funding under the Community Sport Infrastructure Grant to undertake improvements at Walker Park. Part of the improvements is constructing a covered grandstand. The allocated portion of the grant does not meet the required funding to construct a grandstand that will comply with *Building Code of Australia* (BCA) requirements and advice from Yass Rugby League (YRL) in respect to covered seating capacity requirements for them to host games at this venue. Significant additional funding are required to construct this facility to meet these requirements.

RESOLVED that :

- 1. \$400,000 be allocated from the Development Contributions Reserve to construct the revised Grandstand, a new mobility impaired amenities building and associated access to this building.**
- 2. The users of the proposed facilities be consulted on the revised design prior to any planning and building approvals being issued.**
- 3. The final design be reported back to Council for approval.**

(Furry/Harker) 59

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

7.4 TENDER EVALUATION - GUNDAROO AMENITIES BUILDING

SUMMARY

This report provides advice on the submission of tenders for the construction of a proposed new amenities building at Gundaroo Recreation Ground under the Stronger Country Communities Fund Round One funding allocation.

RESOLVED that this item of the Director Infrastructure & Assets Report be classified as confidential in accordance with section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, prejudice the commercial position of the person who supplied the information.

(Burgess/Harker) 60

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

7.5 YASS RIVER ROAD - FUTURE WORKS TOPOGRAPHICAL SURVEY

SUMMARY

This project is undertake a topographical survey of the full length of Yass River Road between Yass Valley Way and Gundaroo Road to assist in the identification of potential future projects and upgrades associated with the road structure in preparation for possible future State and Federal 'shovel ready' funding opportunities .

That

- 1. A report be brought back to Council with a priority list of roads, including Yass River Road, for consideration of topographical surveys.*
- 2. \$250,000 from the Development Contribution Reserve be included in the 2020/21 Budget for topographical surveys.*

(Jones/Reid) 61

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M Reid and K Turner

AGAINST: Councillor M McManus

8. Director of Corporate & Community Reports

8.1 RATES ARREARS

SUMMARY

To provide an update on rate arrears to the end of the third quarter of the 2019/20 financial year.

Rate arrears totalled \$1,289,675.96 as at 30 June 2019 and this has now been reduced to \$329,868.14 as of 31 March 2020. This represents an improvement of \$959,807.82 or 74.42%.

RESOLVED that the report on rate arrears be noted.

(Frost/Turner) 62

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

8.2 INVESTMENT AND BORROWINGS REPORT

SUMMARY

In accordance with the Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 31 March 2020. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

RESOLVED that Investment Report as at 31 March 2020 be received and it be noted that the summary has been prepared in accordance with the Act, the Regulations and Council's Investment Policy.

(Harker/Frost) 63

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

8.3 2020/21 DRAFT OPERATIONAL PLAN

SUMMARY

Council has used the Regional Community Strategic Plan (CSP) and the 2017/18 – 2020/21 Delivery Program to prepare its 2020/2021 Operational Plan. This plan encompasses the 4th year of the 4 year Delivery Program which clarifies the point where Council takes ownership of the Community Strategic Plan strategies that are within its area of responsibility.

Council's Draft Operational Plan 2020/21 supports the Delivery Program and details the individual projects and activities that will be undertaken for 2020/21 to achieve the commitments made in the Delivery Program.

RESOLVED that :

- 1. The Draft Operational Plan 2020/2021 be placed on public exhibition.***
- 2. The staged installation of solar generated electricity for Council facilities be added to the Infrastructure Planning Priorities.***
- 3. A report on modelling of a \$400,000 loan against the OLG benchmarks for financial sustainability be prepared for Council consideration on the staged installation of solar electricity generating facilities at Council facilities.***
- 4. \$50,000 be added to the 2020/2021 Operational Plan for new footpaths and a program of priority works be brought back to Council for consideration.***

(Jones/Reid) 64

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

8.4 DRAFT FINANCIAL HARDSHIP POLICY

SUMMARY

This draft Council Policy is an update of a current Policy to ensure timely responses to a range of requests for assistance due to financial hardship including widespread disruptive community events. The current Policy and its related application form had been developed primarily for rates relief for pensioners and other in receipt of government benefits.

RESOLVED that the draft Financial Hardship Policy be placed on public exhibition and adopted if no significant submissions that impact on the operation of the Policy are received.

Frost/Turner) 65

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

9. General Manager Reports

Nil

10. Notice of Motion

Nil

11. Questions with Notice

Nil

12. Minutes and Recommendations of Council Committees

12.1 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 31 MARCH 2020

RESOLVED that:

- 1. The Minutes of the Meeting of the Audit Risk and Improvement Committee held on 31 March 2020 be noted.***
- 2. Council write to the Minister for Local Government outlining concerns on the lack of Councillor representation on the future Audit Risk and Improvement Committees.***

(Harker/Furry) 66

FOR: Councillors R Abbey, C Burgess, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: G Frost

13. Confidential Matters

RESOLVED that pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda be classified as CONFIDENTIAL and considered in the Closed Meeting of Council in accordance with Section 10A(2) of the Local Government Act for the reasons as specified:

13.1 Tender Evaluation - Gundaroo Amenities Building

Item 13.1 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Burgess/Turner) 67

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

Closed Council commenced at 5.38 pm.

13.1 TENDER EVALUATION - GUNDAROO AMENITIES BUILDING

SUMMARY

This report provides advice on the submission of tenders for the construction of a proposed new amenities building at Gundaroo Recreation Ground under the Stronger Country Communities Fund Round One funding allocation.

RESOLVED that the lump sum tender of \$575,818.18 (ex GST) from Gundagai Construction Services be accepted for the construction of the new amenities building at Gundaroo subject to:

- 1. Additional funding of \$236,500 being allocated under Council's 2020/21 budget for the construction of the new amenities building at Gundaroo, and***
- 2. Gundagai Construction Services confirmation, in writing, that delaying the start of the contract to 1 July 2020 will not incur additional costs to Council.***

(Burgess/Frost) 68

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

RESOLVED that the meeting move into Open Council.

(Harker/Jones) 69

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

Open Council resumed at 5.41 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Furry/Turner) 70

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid
and K Turner

AGAINST: Nil

The meeting closed at 5.42 pm.

Rowena Abbey
Mayor