



## **Minutes of the Ordinary Meeting of Council**

**Wednesday 27 May 2020**

4.00pm

Council Chambers

209 Comur Street, Yass

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## Open Forum

### Presentations to Council – Items on the Meeting Agenda

#### SPEAKERS VIA ZOOM

6.4 – Development Application DA190211 – Importation of Material for Internal Access Roads, 33 Hillview Drive, Murrumbateman

**Noel McCann**

**Natalie Weglarz**

**Council Meeting - The Mayor declared the meeting open at 4.16 pm.**

#### Present

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

Also present were the General Manager – Chris Berry, Acting Director of Planning & Environment – Liz Makin, Interim Director of Infrastructure & Assets – Steven Beasleyb, Director of Corporate & Community – Mark Eady (via ZOOM) and Corporate Planning & Executive Support Officer – Shirree Garland.

#### Acknowledgement of Country

##### 1. Prayer

***RESOLVED that Item 9.2 Local Government NSW Membership, be dealt with in Closed Session in accordance with section s10(A)(2)(a) of the Local Government Act as the discussion will refer to personnel matters concerning particular individuals (other than councillors) of a confidential nature that would, if disclosed prejudice the matter in an open meeting would be, on balance, contrary to the public interest.***

**(McManus/Furry) 71**

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

AGAINST: Nil

##### 2. Apologies

Nil

##### 3. Declaration of Interest/Disclosures

**Councillor Abbey** declared a non-significant, non-pecuniary conflict of interest in Item No 6.3 – Development Consent No DA190157 – Residential Subdivision, 141B Rossi Street, Yass and stated that she believed her interest would preclude her from voting.

**Reason:** Councillor Abbey declared an interest as she is the owner of a neighbour property.

**Councillor Turner** declared a non-significant, non-pecuniary conflict of interest in Item 6.6 – 2019/20 Community Grants Round 2, and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Turner declared an interest as he is a presenter on Yass FM100.3, who were an applicant for this round of funding.

**Councillor Reid** declared a significant, non-pecuniary conflict of interest in Item 6.6 – 2019/20 Community Grants Round 2, and stated that he believed his interest would preclude him from voting.

**Reason:** Councillor Reid declared an interest as he is a member of three of the Committees who have been recommended to receive funding.

**Councillor Jones** declared a significant, pecuniary conflict of interest in Item 9.1 – Independent Ombudsman and stated that she believed her interest would preclude her from voting.

**Reason:** Councillor Jones declared an interest as she has a business contact with persons named in the report.

Councillor Frost made a statement that in relation to Item 6.6 – 2019/20 Community Grants Round 2, that he was a presenter on Yass FM.

#### **4. Confirmation of Minutes**

***RESOLVED that the minutes of the Ordinary Council Meeting held on 22 April 2020, resolution numbers 52-70 inclusive, be taken as read and confirmed.***

***(Jones/Turner) 72***

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

AGAINST: Nil

#### **5. Mayoral Minute**

Nil

#### **6. Director of Planning & Environment Reports**

##### **6.1 LOCAL STRATEGIC PLANNING STATEMENT**

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#### **SUMMARY**

Presenting the outcomes of community and agency consultation of the Local Strategic Planning Statement (LSPS) for the Yass Valley and to recommend adoption.

***RESOLVED that the revised Local Strategic Planning Statement be adopted and made as required under s3.9 Environmental Planning & Assessment Act 1979.***

***(Jones/Frost) 73***

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

AGAINST: Councillor N Furry

## 6.2 PLANNING PROPOSAL - 80 MURRUMBATEMAN ROAD, MURRUMBATEMAN

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### SUMMARY

Presenting a report on a draft Planning Proposal seeking an amendment to *Yass Valley LEP 2013* for 80 Murrumbateman Road, Murrumbateman. The draft Planning Proposal is lodged in conjunction with a Development Application for subdivision of the subject land however this will only be determined if the Planning Proposal is successful.

#### **RESOLVED that :**

- 1. Planning Proposal for 80 Murrumbateman Road (PP.2020.02) be endorsed and forwarded to the Minister for Planning and Public Spaces to request a Gateway determination pursuant to s3.34 Environmental Planning & Assessment Act 1979.**
- 2. Planning Proposal (PP.2020.02) 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.**

*(Jones/McManus) 74*

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

AGAINST: Nil

At 04:26 pm Councillor Abbey left the Chambers.

Councillor Nathan Furry, Deputy Mayor took the Chair

## 6.3 DEVELOPMENT CONSENT NO DA190157 - RESIDENTIAL SUBDIVISION, 141B ROSSI STREET, YASS

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### SUMMARY

Presenting a request for a review of the determination of Development Consent No DA190157 for a residential subdivision of 141B Rossi Street, Yass. Specifically the request seeks review of conditions imposed relating to the upgrade of a right of way and fencing.

#### **RESOLVED that :**

- 1. The bitumen seal requirement of the Right of Way is necessary to address an impact of the development and is a valid condition. The request for removal is not supported.**
- 2. The width of the Right of Way be reduced from 7m to 4.5m and the requirement for a cul-de-sac is removed.**
- 3. The boundary fencing standard for the subdivision to be rural fencing with netting and plain wire top.**

*(Frost/Reid) 75*

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

AGAINST: Nil

At 04:35 pm Councillor Abbey returned to the Chambers.

#### **6.4 DEVELOPMENT APPLICATION DA190211 - IMPORTATION OF MATERIAL FOR INTERNAL ACCESS ROADS, 33 HILLVIEW DRIVE, MURRUMBATEMAN**

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##### **SUMMARY**

Presenting the assessment of Development Application No. DA190211 for the importation of 55,000m<sup>3</sup> of material at "Hillview", 33 Hillview Drive, Murrumbateman. The proposal is referred to Council as it attracted 11 submissions. Conditional Approval is recommended.

##### **RESOLVED that :**

- 1. Conditional Development Consent be issued for the importation of material and construction of internal access roads at "Hillview", 33 Hillview Drive, Murrumbateman following:**
  - **The Applicant suitably demonstrating that the proposed development does not trigger entry into the Biodiversity Offset Scheme under the Biodiversity Conservation Act 2016.**
  - **The Applicant suitably demonstrating how they have undertaken due diligence for the protection of Aboriginal objects.**
- 2. The Development Consent restricts the standard of internal access road construction to generally 4.5m x 300mm and an overall maximum volume of material that can be imported to 40,000m<sup>3</sup> and the need for an Engineering Construction design for internal roads is not required.**

**(Harker/McManus) 76**

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

AGAINST: Nil

#### **6.5 DEVELOPMENT APPLICATION NO. DA200046 - CARPORT, 30 LUTE STREET, GUNDAROO**

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##### **SUMMARY**

Presenting the assessment of Development Application DA200046 for the erection of a carport at 30 Lute Street, Gundaroo. The proposal is referred to Council as the location of the carport is forward of the building line set by the dwelling house, however there is justification for a variation to Council's setback policy. Approval is recommended.

**RESOLVED that Condition Development Consent be issued for Development Application DA200046 for a carport at 30 Lute Street, Gundaroo.**

**(Burgess/Furry) 77**

## Minutes of the Ordinary Meeting of Council held on 27 May 2020

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

AGAINST: Nil

At 04:53 pm Councillor Reid left the Chambers.

### 6.6 2019/20 COMMUNITY GRANTS ROUND 2

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#### SUMMARY

A report recommending grants to be made through Round 2 of Council's 2019/20 Community Grants Program.

**RESOLVED** that the following grants be made under council's 2019/20 Community Grants Program:

<b>Organisation</b>	<b>Grant amount</b>	<b>Purpose</b>
<b>Murrumbateman Progress Association Inc</b>	<b>\$4,000</b>	<b>Purchase of portable aluminium grandstands for use at sporting and entertainment events</b>
<b>Murrumbateman Village Markets Committee – MPA Inc</b>	<b>\$1,650</b>	<b>Upgrade of the interior and exterior lighting of the Recreation Ground Food Shed to facilitate evening use</b>
<b>Murrumbateman Menshed Committee – MPA Inc</b>	<b>\$4,000</b>	<b>Installation of reverse cycle air conditioning</b>
<b>Gundaroo Soldiers Memorial Hall Management Committee Inc</b>	<b>\$3,000</b>	<b>Replacement of general and emergency lighting and installation of wall-mounted fans</b>
<b>Gundaroo Website Subcommittee – GCA Inc</b>	<b>\$2,000</b>	<b>Development of a website covering all community organisations, activities and businesses in the Gundaroo district</b>
<b>Gundaroo Memorials Subcommittee – GCA Inc</b>	<b>\$2,200</b>	<b>Planting of a memorial avenue of 40 trees and associated site preparation</b>
<b>1<sup>st</sup> Yass Scout Group – SAA</b>	<b>\$4,000</b>	<b>Painting of the exterior of the Scout Hall building</b>
<b>1<sup>st</sup> Yass Scout Group – SAA</b>	<b>\$4,000</b>	<b>Removal and replacement of internal asbestos panels and an awning sheet</b>
<b>Yass Community Radio Association Inc</b>	<b>\$1,500</b>	<b>Upgrade of equipment to secure transmission capability of the radio station</b>
<b>Netball Association Inc</b>	<b>\$2,300</b>	<b>Storage cage for netball equipment to be located in a shared amenities building</b>

*(McManus/Burgess) 78*

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

AGAINST: Nil

At 04:56 pm Councillor Reid returned to the Chambers.

## **7. Director of Infrastructure & Assets Reports**

### **7.1 WALKER PARK - FACILITIES UPGRADE PROJECT**

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#### **SUMMARY**

Funding under the Community Sport Infrastructure Grant was secured to undertake improvements at Walker Park. Part of the improvements is constructing a covered grandstand including a commentator's box to be constructed on level one at Walker Park.

This report provides the final design endorsed by the main sporting codes within Yass Valley of rugby union, soccer, touch football and rugby league.

***RESOLVED that the final design of the covered grandstand including two virtual commentators' boxes to be constructed on level one at Walker Park be approved.***

***(Furry/McManus) 79***

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

AGAINST: Nil

### **7.2 YASS WATER TREATMENT PLANT UPGRADE PROJECT: PREPARATION OF DETAILED DESIGN AND BUSINESS CASE - PREFERRED UPGRADE OPTION**

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#### **SUMMARY**

This report provides a progress update on the Options Assessment carried out for the Yass Water Treatment Plant Upgrade Project: Preparation of Detailed Design and Business Case and seeks direction on the preferred upgrade option.

***RESOLVED that :***

- 1. The progress made with the Options Assessment Report in the Yass Water Treatment Plant Upgrade Project: Detailed Design and Business Case Preparation be noted.***
- 2. The design and construction of a new water treatment plant option with the estimated project cost of \$31.9 million including contingency to address the drinking water quality challenges and community expectations be endorsed as Council's preferred option as it addresses the colour, odour and hardness water quality issues and minimises the risk to the town water supply during construction of the upgrade.***
- 3. Funding from State and Federal governments be sought.***
- 4. DPIE Water and NSW Health Water Unit be advised of Council's preferred option and the reasons behind this decision.***
- 5. Council notes that a new water treatment plant would allow for the incorporation of alternate technologies and capacity and seeks early advice from the consultants of the potential for incorporating these technologies into the detailed design options.***

***(Frost/Furry) 80***



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

AGAINST: Nil

## **8. Director of Corporate & Community Reports**

### **8.1 INVESTMENT AND BORROWINGS REPORT**

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#### **SUMMARY**

In accordance with the Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 30 April 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 30 April 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.***

***(Turner/Furry) 81***

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 THIRD QUARTER BUDGET REVIEW STATEMENT 2019/20**

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#### **SUMMARY**

This report represents the 3rd Quarterly Budget Review Statement (QBRS) for the period 1 January 2020 to 31 March 2020 in the financial year ending 30 June 2020.

***RESOLVED that :***

- 1. The 3rd Quarterly Budget Review Statement adjustments as detailed in the attachments be adopted and the relevant income and expenditure budget adjustments be approved.***
- 2. In accordance with Clause 203(2)(a) Local Government (General) Regulation, Council's financial position as at 31 March 2020 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.***

***(Frost/Reid) 82***

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**

At 05:10 pm Councillor Jones left the Chambers.

### **9.1 INDEPENDENT OMBUDSMAN**

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#### **SUMMARY**

To provide an update on the Independent Ombudsman service to review several unresolved complaints.

***RESOLVED that the report on the Independent Ombudsman service be noted.***

***(Furry/Reid) 83***

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

AGAINST: Nil

At 05:15 pm Councillor Jones returned to the Chambers.

## **10. Notice of Motion**

Nil

## **11. Questions with Notice**

Nil

## **12. Minutes and Recommendations of Council Committees**

### **12.1 MINUTES OF THE RESCUE COMMITTEE MEETING**

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***RESOLVED that the minutes of the Rescue Committee meeting held on 5 May 2020 be noted.***

***(McManus/Turner) 84***

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

AGAINST: Nil

## **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:***

### **9.2 Local Government NSW Membership**

***Item 9.2 is confidential in accordance with section s10(A)(2)(a) of the Local Government Act because it refers to personnel matters concerning particular individuals (other than councillors) of a confidential nature that would, if disclosed prejudice the matter in an open meeting would be, on balance, contrary to the public interest.***

***McManus/Furry 85***

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 5.15pm

## 9.2 LOCAL GOVERNMENT NSW MEMBERSHIP

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### SUMMARY

Consideration is required to determine the value of continuing membership in Local Government NSW.

#### **RESOLVED that:**

**1. Council continues its membership of Local Government NSW, noting concerns with:**

- a. General representation of rural Councils and issues within LGNSW**
- b. The quality of services, training and support from LGNSW**
- c. The scope of services, training and support from LGNSW**
- d. Discussion be held with the President of LGNSW**

**2. Council makes representation to appropriate regional bodies regarding the above.**

**(Furry/Harker) 86**

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/Turner) 87**

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 5.53 pm

#### **RESOLVED that the recommendations in Closed Council be adopted.**

**(Frost/Furry) 88**

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 5.54pm.

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Rowena Abbey

**Mayor**