



Minutes of the Ordinary Meeting of Council

Wednesday 23 September 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

Simon Cassidy

Item 7.1 Planning Proposal – 7 Icton Place

Paul Powderly

Item 7.4 Development Application No DA200049 – Subdivision, Isabel Drive

Jade Roche

Item 7.4 Graffiti Art Proposal

Council Meeting – The Mayor declared the meeting open at 4.27pm.

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, Director of Planning & Environment – Julie Rogers, Interim Director of Infrastructure & Assets – Steven Beasley, and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

1. Prayer

2. Apologies

Nil

3. Declaration of Interest/Disclosures

Councillor McManus declared a non-pecuniary, less than significant conflict of interest in Item 7.3 Development Application No DA20006 – Dwelling House, 15 Hanley Place, Yass and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor McManus declared an interest as he is a resident of the street subject to the same building constraints.

Councillor Jones declared a non-pecuniary, less than significant conflict of interest in Item 14.1 Development Consent No DA135014D – Residential Subdivision, 14 Wellington Road and 2 Grand Junction Road, Yass and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Jones declared an interest as the developer's real estate agent has placed two advertisements in the local paper which she holds the position of Editor and Co-Director. It was a normal transaction and the developer is not a usual advertiser. She considered herself able to well and truly declare no conflict of influence on her decision.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 26 August 2020 resolution numbers 116-142 inclusive be taken as read and confirmed.

(Turner/Burgess) 143

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

AGAINST: Nil

5. Election of Mayor and Deputy Mayor

Mayor Rowena Abbey vacated the Chair.

Election of Mayor

In accordance with the *Local Government (General) Regulation 2005 (Schedule 7)* the General Manager as Returning Officer called for nominations for the position of Mayor. He advised that there were two nominations for the position of Mayor, being Councillors Abbey and Turner.

5.1 ELECTION OF MAYOR AND DEPUTY MAYOR

SUMMARY

To provide the framework for the election of the Mayor and Deputy Mayor.

RESOLVED that :

- 1. The General Manager be the Returning Officer for the Mayor and Deputy Mayor elections.***
- 2. Following the close of nominations for the position of Mayor the method of electing the Mayor be determined by Ordinary Ballot in accordance with Schedule 7 Local Government (General) Regulation 2005 if there is more than one nomination.***
- 3. Following the close of nominations for the position of Deputy Mayor the method of electing the Deputy Mayor be determined by Ordinary Ballot in accordance with Schedule 7 Local Government (General) Regulation 2005 if there is more than one nomination.***

(Furry/McManus) 144

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

AGAINST: Nil

Councillor Kim Turner and Councillor Rowena Abbey addressed the Council.

Ballot papers were distributed to all Councillors and an election was held under the Ordinary Ballot system with the following result:

Councillor Abbey – 6
Councillor Turner - 3

The General Manager, as Returning Officer declared Councillor Abbey elected as Mayor for September 2020 to September 2021.

Election of Deputy Mayor

In accordance with the *Local Government (General) Regulation 2005 (Schedule 7)* the General Manager as Returning Officer called for nominations for the position of Deputy Mayor. He advised that there were two nominations for the position of Deputy Mayor, being Councillors Jones and Furry

Councillor Jasmin Jones and Councillor Nathan Furry addressed the Council.

Ballot papers were distributed to all Councillors and an election was held under the Ordinary Ballot system with the following result:

Councillor Furry - 6

Councillor Jones -3

The General Manager, as Returning Officer declared Councillor Furry elected as Deputy Mayor for September 2020 to September 2021.

The ballot papers for both elections were destroyed.

The General Manager handed the meeting over to the Mayor.

5.2 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

SUMMARY

To comply with s440AAB *Local Government Act 1993* a register and tabling of returns must be maintained.

RESOLVED that Register of Disclosures by Councillors and Designated Persons Return 2019-2020, as tabled, be noted.

(Furry/Harker) 145

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

AGAINST: Nil

6. Mayoral Minute

Nil

7. Director of Planning & Environment Reports

7.1 PLANNING PROPOSAL - 7 ICETON PLACE, YASS

SUMMARY

To present a report on a draft Planning Proposal seeking an amendment to the minimum lot size under the *Yass Valley LEP 2013* for 7 Icton Place, Yass.

RESOLVED that :

- 1. Draft Planning Proposal - 7 Iceton Place, Yass (PP.2020.03) 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.2020.03) 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) 146

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 DEVELOPMENT CONTROL RESOURCES

SUMMARY

To request consideration of additional funding for staff resources for this financial year for Development Control within the Planning and Environment Directorate.

RESOLVED that :

- 1. An allocation of \$104,000 be made in the 2020/21 budget for the provision of staff resources within the Planning and Environment Directorate for Development Control.**
- 2. The allocation of \$104,000 be included in the September 2020 quarterly budget review.**

(Jones/Turner) 147

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 DEVELOPMENT APPLICATION NO DA200069 - DWELLING HOUSE, 15 HANLEY PLACE, YASS

SUMMARY

To consider Development Application DA200069 for a split level two-storey dwelling house at 15 Hanley Place, Yass.

The proposal involves variation to the maximum building height development standard from 8m to 9.4m and a variation to an 88B restriction in relation to direction of the major ridge line of the building is to be at 90 degrees to the general fall of the land.

RESOLVED that a Conditional Development Consent be issued for Development Application DA200069 for a split level two-storey dwelling house at 15 Hanley Place, Yass.

(Turner/Reid) 148

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 DEVELOPMENT APPLICATION NO DA200049 - SUBDIVISION, ISABEL DRIVE, MURRUMBATEMAN

SUMMARY

To present a report on Development Application No 200049 for a 101 lot subdivision of Lot 1 DP1257138, Isabel Drive, Murrumbateman. It is presented to Council as it attracted 65 submissions and involves a variation to the minimum lot size for one lot. Approval is recommended, subject to the submission of a revised Land Capability Assessment for effluent disposal and a Voluntary Planning Agreement for the open space.

RESOLVED that:

- 1. Development Consent be issued for a 101 lot subdivision of Lot 1 DP 1257138, Isabel Drive, Murrumbateman following receipt of a satisfactory revised Land Capability Assessment for effluent disposal.***
- 2. The dedication of the open space lot be supported, subject to conditions of Development Consent including a Voluntary Planning Agreement covering the dedication, associated works, and initial maintenance period***
- 3. A further report be presented to Council on the draft terms of the Voluntary Planning Agreement.***

(McManus/Furry) 149

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 GRAFFITI ART PROPOSAL

SUMMARY

A proposal has been received from a community member that the bridge support under the Laidlaw Street end of the Hume Bridge be used as a 'free wall' for graffiti art. Support for the proposal is recommended.

RESOLVED that :

- 1. The proposal from Jade Roche to convert the face of the bridge support under Laidlaw Street end of the Hume Bridge to a "free wall" for graffiti art be deferred pending further consultation with the Ngunnawal Aboriginal community and NSW Police.***
- 2. A report be presented to the October 2020 Council meeting with suggested additional sites for wall art and murals.***

(Harker/Frost) 150

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

AGAINST: Councillor M McManus

FORESHADOWED MOTION

That the proposal from Jade Roche to convert the face of the bridge support under the Laidlaw Street end of the Hume Bridge to a 'free wall' for graffiti art be approved and additional art space be investigated ie the skate park.

(McManus)

7.6 DEVELOPMENT CONSENT NO DA135014D - RESIDENTIAL SUBDIVISION, 14 WELLINGTON ROAD AND 2 GRAND JUNCTION ROAD, YASS

SUMMARY

To present a report on the land exchange associated with Development Consent DA13501D for a residential subdivision of 14 Wellington Road and 2 Grand Junction Road, Yass.

RESOLVED that this item be classified as confidential in accordance with Section 10A(2)(c) 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, confer a commercial advantage on a person whom the Council is conducting (or proposes to conduct) business.

(Turner/Reid) 151

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

AGAINST: Nil

At 05:29 pm Councillor Burgess left the Meeting.

8. Director of Infrastructure & Assets Reports

8.1 NSW ROAD CLASSIFICATION AND REGIONAL ROADS RECOMMENDATIONS

SUMMARY

To present the outcomes of the investigations into reclassifying and the transfer of several Council local roads under the NSW Road Classification Review. These additional roads were identified by Council at its meeting in August 2020.

RESOLVED that :

- 1. A Further submission be made to the Road Classification Review Panel to have Shingle Hill Way and Mulligans Flat Road reclassified as regional roads for the following reasons:***
 - Shingle Hill Way provides an important tourism and freight link between the South Coast, Braidwood, Bungendore, Murrumbateman, the Hume Highway and the Riverina.***

- *Mulligans Flat Road provides an important link to employment, education and higher order services for rural residents in Sutton, Gundaroo and Gunning and the rapidly developing suburbs of the ACT (eg Gungahlin).*

2. *No further submission be made to the Road Classification Review Panel to have the following local roads reclassified as regional roads:*

- *Nanima Road*
- *Mountain Creek Road*
- *Fairlight Road*

(Frost/Turner) 152

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

AGAINST: Nil

8.2 SHINGLE HILL WAY BRIDGE REPLACEMENT AND ROAD REALIGNMENT - LAND ACQUISITION AND ROAD CLOSURE

SUMMARY

Council has accepted a grant under the NSW Fixing Country Roads Grant Program, for the realignment and replacement of the existing low level crossing on Shingle Hill Way. The project requires the acquisition of private land to allow the realignment of the road, and closure of an existing public road. Council approval is sought to proceed with the acquisition and road closure process.

RESOLVED that :

1. *Approximately 19,645m² of Lot 1 DP136398 be acquired to allow the realignment of Shingle Hill Way.*
2. *The road closure process and public notification be commenced on the public road identified in the report in accordance with the Roads Act 1993.*
3. *The proposed closed road area is to be considered surplus to Council's requirements and serving no physical purpose to being retained as road reserve.*
4. *Subject to there being no significant objections received in respect of this proposal, the closure of part of Shingle Hill Way be approved.*
5. *The closed portion of Shingle Hill Way be classified as Operational Land and be transferred to the adjacent property owner in exchange for opening of a new public road and the payment per the land valuation detailed in the confidential reports section of the agenda.*
6. *The Mayor and General Manager be authorised to sign under Council seal, any legal documents associated with the land acquisition and transfer of the closed road.*

(Harker/Furry) 153

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

AGAINST: Nil

8.3 YASS PUBLIC SCHOOL - TRAFFIC CONCERNS

SUMMARY

To recommended an investigation and concept development process for the traffic and parking arrangements at Yass Public School be undertaken.

RESOLVED that :

- 1. A consultant be engaged to undertake an investigation and concept development process for the traffic and parking arrangements at Yass Public School.**
- 2. The estimated consultancy cost of \$30,000 be funded from reserve funds.**

(Jones/Harker) 154

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

AGAINST: Nil

8.4 ROAD RESERVE WEED SPRAYING TRIAL

SUMMARY

To advise of the 'Priority Weeds' spraying trial that was completed on the Council's linear road reserve network from April to July 2020.

RESOLVED that :

- 1. Following the success of the road reserve weed spraying trial that consideration be given within the 2021/22 Operational Plan for annual funding for a 'Priority Weeds' spraying program estimated at \$150,00**
- 2. Council collaborate on weed management through the advocacy of the Canberra Joint Region Organisation, to seek support for additional funding.**
- 3. A submission be made to Local Government NSW for a motion to the 2020 Conference.**

(Harker/Frost) 155

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

AGAINST: Nil

8.5 YASS & BINALONG SWIMMING POOL COVID-19 RESPONSE

SUMMARY

To present recommendations for to the operation of Yass and Binalong swimming pools, with respect to COVID -19 public health restrictions.

All reference to NSW Public Health Orders contained in this report are subject to change without notice due to the continual changes relating to COVID-19.

RESOLVED that:

- 1. An additional amount of \$69,620 be funded within the Infrastructure and Assets operational budget for both Yass and Binalong pools to deliver the procedures developed in Council's COVID-19 Safety Plan for swimming pools, as stated in NSW Public Health Order (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020.**
- 2. The change rooms and shower facilities be generally be closed at Yass and Binalong Pools except for school groups on a case by case basis and disabled patrons as referenced in COVID-19 Safety Plan.**
- 3. Total numbers permitted entry in the swimming pool complex be limited 226 at Yass and 70 for Binalong as per the Department of Health advice.**
- 4. The modifications made to Council's swim programs be endorsed. Based on the current NSW Public Health Order Council will need to limit all sessions to 20 participants plus instructors in the dedicated lane rope sections of the pool.**
- 5. Canteen service be restricted to pre-packaged foods and drinks.**

(Jones/Furry) 156

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

AGAINST: Nil

8.6 DRAFT 2020 STRATEGIC PLAN MURRUMBATEMAN RECREATION GROUNDS

SUMMARY

To advise of the process to update the 2017 Strategic Plan Murrumbateman Recreation Grounds. To ensure community participation in the development of the site and fast track current capital work improvements.

RESOLVED that :

- 1. The draft 2020 Strategic Plan Murrumbateman Recreation Grounds be placed on public exhibition for comment and that user groups at the site be directly engaged.**
- 2. The draft 2020 Strategic Plan Murrumbateman Recreation Grounds be adopted if no significant submissions are received.**

(Harker/Reid) 157

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

AGAINST: Nil

9. Director of Corporate & Community Reports

9.1 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 July 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 August 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) 158

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

AGAINST: Nil

10. General Manager's Report

10.1 APPLICATION FOR FINANCIAL HARDSHIP

SUMMARY

To consider an application seeking a rebate for water usage under the *Financial Hardship Policy*.

RESOLVED that the item be classified confidential in accordance with Section 10A(2)(b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the personal hardship of a resident or ratepayer.

(Jones/Furry) 159

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

AGAINST: Nil

11. Notice of Motion

Nil

12. Questions with Notice

Nil

13. Minutes and Recommendations of Council Committees

Nil

14. 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:

14.1 *Development Consent No DA135014D - Residential Subdivision, 14 Wellington Road and 2 Grand Junction Road, Yass*

Item 13.1 is confidential in accordance with section 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.

14.2 *Application for Financial Hardship*

Item 13.2 is confidential in accordance with section s10(A)(2)(b) of the Local Government Act because it contains the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Harker/Furry) 160

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

AGAINST: Nil

Closed Council commenced at 5.47pm.

14.1 DEVELOPMENT CONSENT NO DA135014D - RESIDENTIAL SUBDIVISION, 14 WELLINGTON ROAD AND 2 GRAND JUNCTION ROAD, YASS

SUMMARY

To present a report on the land exchange associated with Development Consent DA13501D for a residential subdivision of 14 Wellington Road and 2 Grand Junction Road, Yass.

RESOLVED that the developer of 14 Wellington Road and 2 Grand Junction Road, Yass be advised of the review of the purchase price for the land exchange associated with the subdivision.

(Furry/Turner) 161

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

AGAINST: Nil

14.2 APPLICATION FOR FINANCIAL HARDSHIP

SUMMARY

To consider an application seeking a rebate for water usage under the *Financial Hardship Policy*.

RESOLVED that :

- 1. A rebate equivalent to 75kl's be applied to the applicant's water account per reading period.**
- 2. This rebate continue to be applied whilst the applicant remains at her current residence with the production of a letter from the relevant health services confirming her ongoing home dialysis needs on an annual basis.**
- 3. The Financial Hardship Policy be reviewed.**

(Furry/Frost) 162

FOR: Councillors R Abbey, 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.

(Jones/Furry) 163

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

AGAINST: Nil

Open Council resumed at 5.59

RESOLVED that the recommendations in Closed Council be adopted.

(Turner/Reid) 164

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

AGAINST: Nil

The meeting closed at 5.59 pm.

Rowena Abbey
Mayor