



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

**Thursday 28 April 2022**

4.00pm

Council Chambers

209 Comur Street, Yass

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## **Citizenship**

Mr Ralph Kunneke , Ralph  
Mr Daniel Puddick  
Ms Caroline Schuster

## **Open Forum**

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

- **Item 6.2 Planning Proposal – Cusack Place, Yass**  
Craig McGaffin
- **Item 6.5 DA210220 5 Micalong Close Wee Jasper**  
Elizabeth Robinson
- **Item 6.17 Development Application200273 – 2090 Sutton Road, Sutton**  
Elizabeth Slapp

**Council Meeting - The Mayor declared the meeting open at 4.31 pm.**

## **Present**

Councillors Allan McGrath, Mayor, in the chair, Jim Abbey, Cecil Burgess, Kristin Butler, Adrian Cameron, Jasmin Jones, Cayla Pothan, Mike Reid and Kim Turner.

Also present were the General Manager – Chris Berry, Director of Planning & Environment – Julie Rogers, Director of Infrastructure & Assets – James Dugdell, Director of Corporate & Community – Lynette Safranek and Corporate Planning & Executive Support Officer – Shirree Garland.

## **Acknowledgement of Country**

### **1. Prayer**

### **2. Apologies**

Nil

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

**Councillor Pothan** declared a pecuniary conflict of interest in Item 6.1 – NSW Employment Zones Reform and stated that believed her interest would preclude her from voting.

**Reason:** Councillor Pothan declared an interest as she owns a business in the re-zoning area, and even thought this is just an administrative change she believe it would be appropriate not to participate in the discussion and decision making.

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

***RESOLVED that the minutes of the Ordinary Council Meeting held on 24 March 2022 covered resolution numbers 58-99 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.***

**(Reid/Burgess) 100**

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

**Motion**

***RESOLVED that the following late report be accepted into the meeting for consideration:***

- ***Item 6.17 – Development Application No DA200273 – 66 Lot Community Title Subdivision – 2090 Sutton Road, Sutton.***

***(Turner/Abbey) 101***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

**Motion**

***RESOLVED that the following late report be accepted into the meeting for consideration:***

- ***Item 6.18 – Walker Park Grandstand – Public Exhibition Outcomes.***

***(Turner/Pothan) 102***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

**Motion**

***RESOLVED that Item 6.17 – Development Application No DA200273 – 66 Lot Community Title Subdivision, 2090 Sutton Road, Sutton and Item 6.18 Walker Park Grandstand – Public Exhibition Outcomes be dealt with as the first and second items under Reports to Council.***

***(Turner/Burgess) 103***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

**5. Mayoral Minute**

**5.1 MAYORAL MINUTE - YASS HOSPITAL**

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**SUMMARY**

Providing Councillors with an update following discussions with the Minister for Local Government and Member for Goulburn, the Hon Wendy Tuckerman MP, regarding the level of services at Yass Hospital.

**RESOLVED that :**

- 1. The report from the Minister for Local Government and Member for Goulburn, the Hon Wendy Tuckerman MP on the level of services at the Yass Hospital be noted.**
- 2. The Yass Hospital be requested to provide a six monthly update to Council on the operations and future planning of health services in Yass Valley.**
- 3. The Yass Hospital consider including a Council representative on the Community Consultative Committee. Councillor Jones is nominated as Council's representative.**

**(Cameron/Pothan) 104**

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

**6. Reports to Council**

**6.17 DEVELOPMENT APPLICATION NO DA200273 - 66 LOT COMMUNITY TITLE  
SUBDIVISION - 2090 SUTTON ROAD, SUTTON**

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**SUMMARY**

To present the assessment of Development Application No DA200273 for a 66 lot community title subdivision of Lot 1 DP 1272209, 2090 Sutton Road, Sutton. The application is presented to Council as it attracted four submissions. Relevant concerns can be addressed by conditions. Approval is recommended.

**RESOLVED that conditional Development Consent be issued for Development Application No DA200273 for a 66 community title subdivision of 2090 Sutton Road, Sutton.**

**(Jones/Pothan) 105**

FOR: Councillors C Burgess, K Butler, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Councillors J Abbey and A Cameron

Foreshadowed Motion

*That the consideration of the Late Report on Development Application No DA200273 for a 66 Lot Community Title Subdivision at 2090 Sutton Road, Sutton be deferred until the May 2022 Council meeting.*

*(Abbey)*

**6.18 WALKER PARK GRANDSTAND - PUBLIC EXHIBITION OUTCOMES**

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**SUMMARY**

To present a report on the outcomes of the public exhibition of the proposal to name the new Walker Park grandstand.

***RESOLVED that both William ‘Kenny’ Bell and Colin ‘Yic’ York be displayed on the Walker Park grandstand and be named the Bell/York Grandstand.***

***(Jones/Reid) 106***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

At 05:04 pm Councillor Pothan left the Chambers.

**6.1 NSW EMPLOYMENT ZONES REFORM**

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**SUMMARY**

Provide an overview of changes to the *Yass Valley Local Environmental Plan 2013* (LEP) as a result of NSW Employment Zones Reform.

***RESOLVED that the draft Yass Valley employment zones and land use tables prepared by the Department of Planning and Environment be noted.***

***(Reid/Turner) 107***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, , A McGrath, M Reid and K Turner

AGAINST: Councillor J Jones

At 05:07 pm Councillor Pothan returned to the Chambers.

## 6.2 PLANNING PROPOSAL - CUSACK PLACE, YASS

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### SUMMARY

To present a report on a draft Planning Proposal seeking an amendment to the land use zoning and minimum lot size under the *Yass Valley Local Environmental Plan 2013* for land in Cusack Place, Yass.

#### **RESOLVED that :**

1. ***The draft Planning Proposal for Cusack Place, Yass (PP.2022.01) be endorsed.***
2. ***The draft Planning Proposal be forwarded to the Minister for Planning to request a Gateway determination pursuant to s3.34 Environmental Planning & Assessment Act 1979.***

**(Pothan/Reid) 108**

FOR: Councillors J Abbey, C Burgess, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Councillors K Butler and A Cameron

## 6.3 DEVELOPMENT CONSENT NO DA200277 - DRAFT VOLUNTARY PLANNING AGREEMENT, SUBDIVISION, 927 MARKED TREE ROAD, GUNDAROO

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### SUMMARY

To present a draft Voluntary Planning Agreement (VPA) with Council for the payment of a development contribution in lieu of physical road upgrade associated with Development Consent DA200277, a two lot subdivision at 927 Marked Tree Road, Gundaroo. The VPA is the result of an agreement reached during Land and Environment Court conciliation conference earlier in the year.

***RESOLVED that the draft Voluntary agreement for the payment of a one-off monetary contribution of \$15,500 in relation to road works associated with Development Consent DA200277, the two lot subdivision of 927 Marked Tree Road, Gundaroo, be adopted if no significant submissions are received during the public exhibition period.***

**(Burgess/Reid) 109**

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

## 6.4 DEVELOPMENT CONSENT NO. DA175279C - REVIEW OF DETERMINATION, MONTESSORI PRE-SCHOOL, 37 CHURCH STREET, YASS.

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### SUMMARY

To present a request for a review of determination of Development Consent DA175279B for the Montessori Pre-School, 37 Church Street, Yass. The request seeks to delete condition 101 relating to the provision of a footpath adjacent to Church Street connecting to the existing footpaths on Meehan and Lead Streets and instead retrospectively contribute to a proposed bridge over Chinamans Creek as part of the broader improvement of access as the preschool moves towards



larger numbers in the medium term. The review request received one submission. It is recommended that the review of determination be refused.

**RESOLVED that the request for a review of determination of Development Consent DA175279B for the Montessori Pre-School, 37 Church Street, Yass be refused on the following grounds:**

- **The provision of the footpath increases student safety and supports the reduced need for additional parking on site.**
- **The provision of the footpath links to the increased pedestrian traffic likely to occur as a result of the proposed development.**

**(Jones/Cameron) 110**

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

#### **6.5 DEVELOPMENT APPLICATION NO DA210220 - DWELLING ADDITION (DECK), 5 MICALONG CLOSE, WEE JASPER**

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##### **SUMMARY**

To present the assessment of Development Application No DA210220 for dwelling additions (new deck) at 5 Micalong Close, Wee Jasper. The application attracted one objection and relevant concerns cannot be addressed by conditions. Refusal is recommended.

**RESOLVED that consideration of Development Application No 210220 for dwelling additions (new deck) at 5 Micalong Close, Wee Jasper be deferred.**

**(Jones/Reid) 111**

FOR: Councillors J Abbey, C Burgess, A Cameron, J Jones, A McGrath, C Pothan and K Turner

AGAINST: Councillors K Butler and M Reid

##### Foreshadowed Motion

*That conditional Development Consent be issued for Development Application No 210220 for dwelling additions (new deck) at 5 Micalong Close, Wee Jasper.*

*(Butler)*

#### **6.6 DEVELOPMENT APPLICATION NO DA210260 - STORAGE SHED, 78 RED HILL ROAD, BOWNING**

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##### **SUMMARY**

To present the assessment of Development Application No 210260 for a storage shed at 78 Red Hill Road, Bowning. The application attracted no objections and relevant concerns can be addressed by conditions. Approval is recommended.

***RESOLVED that conditional Development Consent be issued for Development Application No 210260 for a storage shed at 78 Red Hill Road, Bowning.***

***(Turner/Burgess) 112***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

## **6.7 CRAGO MILL PRECINCT BUSINESS CASE AND APPROVAL TO PROGRESS TO DETAILED DESIGN**

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### **SUMMARY**

The Crago Mill Precinct Project has reached a point where a decision is required to commit additional funding to continue with detailed design.

***RESOLVED that :***

- 1. The Business Case for the Crago Mill Precinct be endorsed.***
- 2. \$1,205,000 be allocated from the Infrastructure Reserve to completing detailed design.***

***(Jones/Reid) 113***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

## **6.8 YASS WATER TREATMENT PLANT UPGRADE PROJECT UPDATE**

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### **SUMMARY**

The Yass Water Treatment Plant Upgrade Project is an important and challenging project for the Yass Valley Council. Council requested bimonthly update reports be provided on the project.

***RESOLVED that the update report and work completed on the Water Treatment Plant Upgrade Project be noted.***

***(Reid/Pothan) 114***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

## 6.9 INVESTMENT AND BORROWINGS REPORT - FEBRUARY 2022

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### SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 March 2022. 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 the Investment Report be noted.**

**(Turner/Reid) 115**

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

## 6.10 RATE ARREARS

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### SUMMARY

The report is to provide an update on rate arrears at the end of the third quarter of the 2021/22 financial year. Rate arrears totalled \$1,241,261.36 as at 30 June 2021 and this has now been reduced to \$569,975.92 as of 31 March 2022. This represents an improvement of \$671,285.44 or 54.08 %.

**RESOLVED that the report on Rates Arrears be noted.**

**(Reid/Abbey) 116**

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

## 6.11 PUBLIC EXHIBITION - DRAFT INTEGRATED PLANNING & REPORTING DOCUMENTS

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### SUMMARY

This report provides an overview of the draft 2022-23 Operational Plan, draft 2022-32 Long Term Financial Plan, draft 2022-26 Delivery Program, draft 2022-23 Revenue Statement, draft 2022-26 Workforce Management Plan, and 2022 Asset Management Plans to be placed on public exhibition to enable residents to provide feedback via submission to Council no later than 4.00pm on Friday 3 June 2022. The documents will then be finalised and presented to the June 2022 Council Meeting for adoption.

**RESOLVED that :**

- 1. The draft 2022-23 Operational Plan, draft 2022-32 Long Term Financial Plan, draft 2022-26 Delivery Program, draft 2022-23 Revenue Statement, draft 2022-26 Workforce**

***Management Plan, and 2022 Asset Management Plans until 1 June 2022 be placed on public exhibition for public comment.***

2. ***Following the public exhibition consideration be given to amending the 2022-23 Operational Plan to provide for utilising unallocated funds from the Local Roads & Community Infrastructure Program grant (from the Unexpended Grants Reserve) for:***
- ***The preparation of plans and documentation for the Yass Soldiers Memorial Pool Renovation and Heated Pool***
  - ***Priority works at the Yass Soldiers Memorial Hall***
3. ***The application for a permanent Additional Special Rate Variation under s508(2) Local Government Act 1993 of 1.0% to the Independent Pricing & Regulatory Tribunal be approved.***

***(Jones/Turner) 117***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

## **6.12 FINANCIAL ASSISTANCE, GRANTS & DONATIONS POLICY**

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### **SUMMARY**

This Policy is returned to Council for adoption following public exhibition.

***RESOLVED that the Financial Assistance, Grants & Donations Policy be adopted.***

***(Turner/Reid) 118***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

## **6.13 POLICY REVIEW - SIGNS AS REMOTE SUPERVISION & PUBLIC LIABILITY POLICY**

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### **SUMMARY**

Good governance underpins the effective delivery of Council services to our community. Council policies are a key component of our governance framework and support the outcomes sought in the *Our Civic Leadership* strategic pillar within the *Tablelands Regional Community Strategic Plan 2016-2036*.

Council policies are reviewed to ensure they remain fit for purpose. To that end, the *Signs as Remote Supervision Policy* and the *Public Liability-Professional Indemnity Risk Management Policy* have been reviewed and determined to be unnecessary.

***RESOLVED that the Signs as Remote Supervision Policy and the Public Liability – Professional Indemnity Risk Management Policy be rescinded.***

***(Reid/Abbey) 119***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

#### **6.14 DISCLOSURES BY DESIGNATED PERSONS**

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##### **SUMMARY**

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

***RESOLVED that Register of disclosures by Designated Persons Return 2020-2021, as tabled, be noted.***

***(Turner/Pothan) 120***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

#### **6.15 ADVOCACY PAPER FOR FUNDING PRIORITIES**

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##### **SUMMARY**

To present an advocacy paper for funding priorities in Yass Valley for the purpose of advocacy to candidates in the upcoming Federal and State elections.

##### **MOTION**

***RESOLVED that Council move into Committee of the Whole.***

***(Jones/Cameron) 121***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

##### **MOTION**

***RESOLVED that Council move out of Committee of the Whole***

***(Turner/Pothan) 122***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

**RESOLVED that :**

1. **The advocacy paper for funding priorities in Yass Valley be endorsed for the purpose of advocacy to candidates in the upcoming elections with the following amendment:**
  - **3.3.5 McIntosh Circuit Upgrade include reference to South Street**
2. **The following project being considered as the highest priority:**
  1. **Barton Highway Duplication Stages 2 & 3 including Murrumbateman Bypass (\$750M)**
  2. **New Yass Hospital with full time medical staffing, maternity planning and infrastructure (10 year process) (\$300M)**
  3. **Yass Water Treatment Plant Upgrade (% of \$30M cost) + Yass Water Distribution Network Pipe Replacement Program**
  4. **Retention commitment to keeping Yass Centrelink and Medicare**
  5. **Support for Local Government Climate Response (\$300M)**
  6. **Murrumbateman Adventure Playground (\$750,000)**
  7. **Yass Soldier's Memorial Hall renovation (\$1.2M urgent works, \$5M upgrade)**
  8. **Crago Mill Precinct Development (\$30M)**
  9. **Yass Soldiers Memorial Pool Renovation and Heated Pool (\$20M)**
  10. **Yass Main Street Upgrade**
  11. **Shingle Hill Way/Federal Highway Junction**
  12. **Gundaroo Sutton Road Upgrade and Maintenance**

*(Jones/Cameron) 123*

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

## **6.16 BUSH FIRE MANAGEMENT COMMITTEE**

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### **SUMMARY**

To nominate a representative for the Bush Fire Management Committee.

**RESOLVED that Councillor Burgess be the nominated Council representative for the Bush Fire Management Committee.**

*(Turner/Abbey) 124*

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

### **7. Notice of Motion**

Nil

### **8. Questions with Notice**

Nil

**9. Minutes and Recommendations of Council Committees**

**9.1 MINUTES OF THE HUMELINK COMMUNITY CONSULTATIVE GROUP HELD ON 17 FEBRUARY 2022**

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***RESOLVED that the minutes of the HumeLink Community Consultative Group meetings held on 17 February 2022 be noted***

***(Reid/Pothan) 125***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

**9.2 MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE HELD ON 13 APRIL 2022**

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***RESOLVED that the minutes of the Audit, Risk & Improvement Committee meeting held on 13 April 2022 be noted and adopt the following recommendation:***

***Item 3.1 Southern Phone Reserve***

***That:***

- 1. The report on the Southern Phone Reserve be noted and the improvement measures be endorsed.***
- 2. The delegations of authority for management members be clarified for the movement of money in and out of reserves.***

***(Abbey/Cameron) 126***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

**Motion**

***RESOLVED that a report be provided on the reserve portfolio status as part of the Quarterly Budget reviews.***

***((Jones/Pothan) 127***

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan, M Reid and K Turner

AGAINST: Nil

**10. Confidential Matters**

Nil

The meeting closed at 6.38 pm.