



Minutes of the Ordinary Meeting of Council

Thursday 26 May 2022

4.00pm

Council Chambers
209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

- Jamie Bush – DPS
Item 6.1 – Development Application No DA200151 – Quarry Rehabilitation, 1170 Murrumbateman Road, Nanima

Council Meeting - The Mayor declared the meeting open at 4.05 pm.

Present

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

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

Acknowledgement of Country

1. Prayer

2. Apologies

RESOLVED that apologies be received from Councillor Turner and leave of absence be granted.

(Jones/Reid) 128

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

AGAINST: Nil

3. Declaration of Interest/Disclosures

Nil

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 28 April 2022 covered by resolution numbers 100-127 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Pothan/Abbey) 129

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

AGAINST: Nil

5. Mayoral Minute

5.1 MAYORAL MINUTE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2022 FEDERAL ELECTION CAMPAIGN

SUMMARY

To inform Council of a Mayoral decision to support the National advocacy campaign developed by Australian Local Government Association for all Local Government across Australia for the upcoming Federal Election.

RESOLVED That the Mayoral decision, in accordance with s226(d) Local Government Act 1993, to support the following Australian Local Government Association's advocacy campaign be endorsed:

- 1. Council supports the National funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs; and***
- 2. Council agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed National funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:***
 - 1. Express support for ALGA's funding priorities;***
 - 2. Identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and***
 - 3. Seek funding commitments from the members, candidates and their parties for these identified local projects and programs.***

(McGrath) 130

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

AGAINST: Nil

6. Reports to Council

6.1 DEVELOPMENT APPLICATION NO DA200151 - QUARRY REHABILITATION, 1170 MURRUMBATEMAN ROAD, NANIMA

SUMMARY

To present the assessment of Development Application No DA200151 for quarry rehabilitation including importation of 38,150m³ of material at 1170 Murrumbateman Road. It is presented to Council as it attracted 15 submissions. The relevant concerns can be addressed via conditions. Approval is recommended.

RESOLVED that :

- 1. The conditional Development Consent be issued for Development Application DA200251 for quarry rehabilitation including importation of 38,150m³ of material at 1170 Murrumbateman Road, Murrumbateman.**
- 2. The amended draft Voluntary Planning Agreement for the payment of a heavy haulage contribution of \$47,536.81 in Development Consent DA200151 for quarry rehabilitation including importation of 38,150m³ of material be placed on exhibition in accordance with the Environmental Planning and Assessment Act 1979 and adopted if no significant submissions are received.**
- 3. Council accepts transfer of triangular piece of crown road as shown in Figure 1 of the report as road authority providing legal and physical access to 1170 Murrumbateman Road and other adjoining properties.**

(Jones/Burgess) 131

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

AGAINST: Councillors J Abbey and A Cameron

6.2 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT

SUMMARY

Reporting on development standard variations approved in the first quarter (January – March) of 2022.

RESOLVED that the report on approved development variations for the first quarter of 2022 be noted.

(Jones/Pothan) 132

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

AGAINST: Nil

6.3 NAMING OF RAIL OVERBRIDGE ON LACHLAN VALLEY WAY

SUMMARY

To present a request to consider naming the rail overbridge on Lachlan Valley Way the 'Walmsley Bridge'.

RECOMMENDATION

That:

- 1. In principle support be given to the naming of the rail overbridge located on Lachlan Valley Way as 'Walmsley Bridge'.*
- 2. A community notification process be undertaken to establish support for this name and if no significant objections are received, the process of obtaining approval for the naming of the rail over bridge continue.*

RESOLVED that the matter be deferred for consideration at a future meeting subject to the provision of additional information.

(Abbey/Burgess) 133

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

AGAINST: Nil

6.4 INVESTMENT AND BORROWINGS REPORT - APRIL 2022

SUMMARY

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

(Reid/Pothan) 134

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

AGAINST: Nil

6.5 THIRD QUARTER BUDGET REVIEW STATEMENT 2021/22

SUMMARY

This report provides the 2021/22 Third Quarterly Budget Review Statements (QBRs) for the period 1 January 2021 to 31 March 2022. Council's projected year end net operating result before capital is expected to improve from a budgeted surplus of \$32k to a budgeted surplus of \$181k for 2021/22 financial year. These adjustments will result in Operating Performance ratio move from original projection at -1.36% to -0.41%.

RESOLVED that :

- 1. The Quarterly Budget Review Statements adjustments be adopted, and the relevant income and expenditure budget adjustments be approved.**
- 2. In accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position as at 31 March 2022 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.**

(Reid/Pothan) 135

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

AGAINST: Nil

6.6 COUNCIL COMMITTEE NOMINATIONS

SUMMARY

Nominations have been received from community representatives to become members of Yass Valley Council Advisory Committees.

RESOLVED that item is classified CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for personnel matters concerning particular individuals (other than councillors).

(Reid/Burgess) 136

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

AGAINST: Nil

6.7 INQUIRY - HEALTH OUTCOMES AND ACCESS TO HEALTH AND HOSPITAL SERVICES IN RURAL, REGIONAL AND REMOTE NSW

SUMMARY

The report of the Parliamentary Portfolio Committee No. 2 into health outcomes and access to health and hospital services in rural, regional and remote NSW has been released. The report makes 22 findings and 41 recommendations. The State Government has six months to consider its response.

RESOLVED that :

- 1. The report of the Parliamentary Portfolio Committee No 2 into health outcomes and access to health and hospital services in rural, regional and remote NSW be noted.***
- 2. The Member of Goulburn be requested to support the Inquiry's findings and recommendations.***

(Pothan/Jones) 137

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

AGAINST: Nil

7.2 NOTICE OF MOTION - REGIONAL HEALTH SERVICES

Councillor Cayla Pothan gave notice that she would move the following motion:

RESOLVED that :

- 1. Council write to the Local Government NSW and the Canberra Region Joint Organisation seeking support from the Federal and State Governments by writing to the Prime Minister, Federal Health Minister, NSW Premier, NSW Health Minister, NSW Minister for Rural Health, State Members and NSW Federal Members to support the findings and recommendations of the Parliamentary Portfolio Committee No 2 into health outcomes and access to health and hospital services in rural, regional and remote NSW.**
- 2. Council also write to the State Member for Goulburn and Federal Member for Eden Monaro seeking support the findings and recommendations of the Parliamentary Portfolio Committee No 2 into health outcomes and access to health and hospital services in rural, regional and remote NSW.**

(Pothan/Jones) 138

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

AGAINST: Nil

6.8 GENERAL MANAGER DELEGATIONS

SUMMARY

Within 12 months of each Council term, Council is required to review its delegations to the General Manager. The current delegations remain relevant and are suitable for endorsement.

RESOLVED that the Delegations to the General Manager be adopted and acknowledged upon acceptance.

(Jones/Pothan) 139

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

AGAINST: Nil

6.9 ORGANISATIONAL STRUCTURE

SUMMARY

Under s333 *Local Government Act 1993* Council is to review the appropriateness of the Organisational Structure within 12 months of an election.

RESOLVED that :

- 1. A three divisional structure headed by three Directors continue.**
- 2. All Directors continue to be classified as 'Senior Staff' positions and employed on performance based contracts on the minimum remuneration package as specified under s332 Local Government Act 1993.**

(Reid/Burgess) 140

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

AGAINST: Councillor A Cameron

Foreshadowed Motion

The item be deferred for consideration until later in the year.

(Cameron)

FORESHADOWED MOTION LAPSED

7. Notice of Motion

7.1 NOTICE OF MOTION - MOUNT STREET KERB AND GUTTERING CONTRIBUTIONS

Councillor Jasmin Jones gave notice that she would move the following motion:

RECOMMENDATION

That :

- 1. The kerb and guttering contribution from residents in Mount Street, Yass in 2016, be determined to be a category of cases eligible for a refund of Kerb and Guttering fees in recognition of the road rehabilitation and kerb and guttering related to the road dilapidation associated with the dam wall construction.*
- 2. The proposed refund of Kerb and Guttering charges in Mount Street be placed on public exhibition for 28 days in accordance with s610F LG Act 1993 and that following exhibition any submissions be considered prior to making any determination for a refund of any kerb and guttering fees.*

(Jones/Reid)

FOR: Councillors J Jones and A McGrath

AGAINST: Councillors J Abbey, C Burgess, K Butler, A Cameron, C Pothan and M Reid

MOTION LOST

8. Questions with Notice

Nil

9. Minutes and Recommendations of Council Committees

9.1 MINUTES OF THE TRAFFIC MANAGEMENT COMMITTEE HELD ON 4 MAY 2022

REPORT

From these minutes there are two items which covers a matter that:

- Requires expenditure not provided for in the current Operational Plan
- Involves a variation to a Council policy
- Is contrary to a previous decision or position of Council

- Relates to a matter which requires Council to form a view or adopt a position
- Deals with a matter of specific interest

The Committee recommends in principle support be provided to install a stop sign at the intersection of Red Hill Road and Bowning Road, Bowning.

The second recommendation relates to an approval for the Sutton Market.

RESOLVED that the minutes of the Traffic Management Committee meeting held on 4 May 2022 be noted and adopt the following recommendations:

Item 9.2 - Sutton Markets

That the Sutton Country Markets be approved subject to the following conditions:

- 1. The organiser is to supply Council with a copy of the current Public Liability Insurance for the event with a minimum \$20,000,000 indemnity. Transport for NSW, NSW Police and Yass Valley Council are to be identified on the insurance document as "interested parties" or equivalent**
- 2. The event organiser is to arrange for an appropriately certified Traffic Management Plan (TMP) and associate Traffic Guidance Scheme (TGS) to be prepared**
Note: Information shall be provided on any signs, detours and traffic changes, specifically how the traffic management will actually work
Note: Management of vehicles exiting Majura Lane and turning onto Bywong Street shall be addressed
- 3. The event organiser implement the TMP and associated TGS**
- 4. The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TMP and associated TGS. All personnel involved must be appropriate accredited**
- 5. The event organiser is to provide safe pedestrian access plan**
Note: This shall demonstrate the safe pedestrian access for people who have parked near Sutton Primary School, crossing Bywong Street
- 6. The event organiser is responsible for directly notifying all residents that may be affected by the approved events as soon as possible**
- 7. Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation**
- 8. The event organiser is to ensure any local traffic, emergency services vehicles, etc, can safely and efficiently access/egress any property impacted**
- 9. The event organiser is responsible for ensuring that car parking and traffic movements are to be monitored and supervised for the safety of pedestrians and other vehicles**
- 10. Event organisers, event marshals, volunteers, event participants, etc, are to take all possible actions to minimise the effect of the event on the non-event community, throughout the event**
- 11. Event organisers shall comply with the above conditions and the undertakings. Failure to comply will immediately void this approval**

(McGrath/Cameron) 141

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

AGAINST: Nil

9.2 MINUTES OF THE LOCAL RESCUE COMMITTEE AND LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 12 MAY 2022

RESOLVED that the minutes of the Local Rescue Committee and Local Emergency Management Committee meetings held on 12 May 2022 be noted.

(Abbey/Reid) 142

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

AGAINST: Nil

10. 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:

10.1 Council Committee Nominations

Item 10.1 is confidential in accordance with section s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Burgess/Pothan) 143

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

AGAINST: Nil

Closed Council commenced at 5.16 pm.

10.1 COUNCIL COMMITTEE NOMINATIONS

SUMMARY

Nominations have been received from community representatives to become members of Yass Valley Council Advisory Committees.

RESOLVED

That:

- 1. The Terms of Reference for the Youth Council Committee Membership be amended to 12 youth representatives.***
- 2. The following Committee member nominations be accepted:***

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| <i>Advisory Committee</i> |
| <i>Economic Development Advisory Committee</i> |
| <i>Community Nominations</i> |
| <i>Andrew Hennell</i> |
| <i>Robert Tanton</i> |
| <i>Martyn Pearce</i> |
| <i>Yasmin Coe</i> |
| <i>Karen Denny</i> |
| <i>John Runko</i> |
| <i>Other Nominations</i> |
| <i>Alison Mead (Alternate Sean Haylan) – Destination Southern NSW (RDASI)</i> |
| <i>Carissa Wells - Regional Development Australia Southern Inland</i> |
| <i>Yass Valley Business Chamber – representative to be provided</i> |
| <i>Youth Council</i> |
| <i>As per nominations received</i> |
| <i>Aboriginal Consultative Committee</i> |
| <i>Nominations</i> |
| <i>Cinderella Cronan</i> |
| <i>Rebecca King</i> |
| <i>Karen Denny</i> |
| <i>Tegan Denny – Acting CEO Onerwal LALC</i> |
| <i>Yass Soldiers Memorial Hall Advisory Committee</i> |
| <i>Returned Soldiers League – Yass Sub Branch</i> |
| <i>Steve Neuhaus (Neil Turner alternate)</i> |
| <i>Representatives of user groups and prospective users</i> |
| <i>Nominations</i> |
| <i>Andrew Hennell</i> |
| <i>Judith Davidson – Yass & District Historical Society (Cheryl Mongan alternate)</i> |
| <i>Janno Scanes – Irish & Celtic Music Festival</i> |
| <i>Stephe Jitts – Yass Music Club</i> |
| <i>Alfred McCarthy – Rotary, Music Club, Historical Society</i> |
| <i>Coppabella Wind Farm Community Enhancement Fund Advisory Committee</i> |
| <i>Libby Elliot – Binalong Progress Association</i> |

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|--|
| <i>John McGrath</i> |
| <i>Sheri Norton</i> |
| <i>Representative appointed by the Company</i> |
| <i>To be determined</i> |
| <i>Rye Park Wind Farm Community Enhancement Fund Advisory Committee</i> |
| <i>Further advertising required</i> |
| <i>Representative appointed by the Company</i> |
| <i>Martine Holberton, Tilt Community and Stakeholder Advisor</i> |
| <i>Bango Wind Farm Community Enhancement Fund Advisory Committee</i> |
| <i>Further advertising required</i> |
| <i>Representative appointed by the Company</i> |
| <i>Brad Jachmann -Site Manager Bango Wind Farm</i> |
| <i>Springdale Solar Farm Community Enhancement Fund Advisory Committee</i> |
| <i>Nomination</i> |
| <i>Mark Burgess – President SDCA</i> |
| <i>George (Andy) Hardwicke (Sutton Solar Action Group)</i> |
| <i>Representative of company</i> |
| <i>To be determined</i> |
| <i>Sustainability Advisory Committee</i> |
| <i>John Connelly</i> |
| <i>Peter Davidson</i> |
| <i>Ania Wardle</i> |
| <i>Alison Elvin</i> |
| <i>Nicole Elliott</i> |
| <i>Luke McAlary</i> |
| <i>Caitlin Nelson</i> |
| <i>Saan Ecker</i> |
| <i>Alex Tewes</i> |

4. *That Councillor Cameron be the Councillor representative on the Sustainability Advisory Committee.*

(Pothan/Jones) 144

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

AGAINST: Nil

RESOLVED that the meeting move into Open Council.

(Jones/Pothan) 145

Open Council resumed at 5.21 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Jones/Pothan) 146

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

AGAINST: Nil

The meeting closed at 5.22 pm.