



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

**Thursday 24 November 2022**

4.00pm

Council Chambers

209 Comur Street, Yass

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## Open Forum

### Citizenship Ceremony

Esther Glover  
Matthew Jenkinson  
Laura McGee  
Rebecca Paxton

## Presentations to Council – Items on the Meeting Agenda

- **Item 6.3 – DA – Single Storey Dwelling, Shed, Swimming Pool and Importation of Fill – 3 Shearsby Crescent, Yass**  
Jamie Bush/Rachel Doberer
- **Item 9.4 – Minute of the Public Art Focus Group**  
Catherine McCutcheon
- **Item 6.11 -Voluntary Planning Agreement - Development Application 210063 - Residential Subdivision, 3 Burrai Place, Yass**  
Jamie Bush

**Council Meeting - The Mayor declared the meeting open at 4.24 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 Chief Executive Officer – 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 6.11 Voluntary Planning Agreement – Development Application 210063 – Residential Subdivision, 3 Burrai Place, Yass and stated that she believed her interest would preclude her from voting.

**Reason:** Councillor Pothan declared an interest as her husband Chris Pothan is part of the Directors for the business applying for the DA.

**Councillor Reid** declared a non-significant, non-pecuniary conflict of interest in Item 6.7 Murrumbateman Grant Funding Request and stated that he believed his interest would preclude him from voting.

**Reason:** Councillor Reid declared an interest as he is on the Market Committee which requested action be taken to fix the drainage problem.

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

***RESOLVED that the minutes of the Ordinary Council Meeting held on 27 October 2022 covered by resolution numbers 224-258 inclusive be taken as read and confirmed.***

***(Pothan/Burgess) 262***

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 the minutes of the Extraordinary Council Meeting held on 10 November 2022 covered by resolution numbers 259-261 inclusive be taken as read and confirmed.***

***(Jones/Abbey) 263***

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 - DECLARATION OF STATEWIDE ROAD EMERGENCY**

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#### **SUMMARY**

Presenting a report from the recent Country Mayors Association meeting on 18 November 2022 seeking support for the declaration of a Statewide Road Emergency as a result of widespread flooding and above average rainfall across NSW. The Mayoral Minute has been prepared by the Chair of the Country Mayors Association for Council's consideration.

***RESOLVED that Council joins with Local Government NSW and Country Mayors Association of NSW in declaring a Statewide Road Emergency.***

***(McGrath) 264***

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**

***RESOLVED that Item 6.11 – Voluntary Planning Agreement -Development Application 210063 – Residential Subdivision, 3 Burrai Place, Yass, be brought forward.***

***(Reid/Burgess) 265***

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

AGAINST: Nil

At 04:30 pm Councillor Pothan left the Chambers.

#### **6.11 VOLUNTARY PLANNING AGREEMENT - DEVELOPMENT APPLICATION 210063 - RESIDENTIAL SUBDIVISION, 3 BURRAI PLACE, YASS**

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##### **SUMMARY**

Presenting a draft Voluntary Planning Agreement (VPA) with Council for the dedication and embellishment of open space in a subdivision at 3 Burrai Place, Yass.

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

- 1. The reconfiguration of the proposed park be discussed with the developer to delete some of the play equipment to accommodate a shade sail prior to giving public notice of the Voluntary Planning Agreement.***
- 2. Public notice be given of the draft Voluntary Planning Agreement for the embellishment and dedication to Council of the proposed open space in Development Consent 210063 for a residential subdivision at 3 Burrai Place, Yass for a period of 28 days and adopted if no significant submissions are received.***

**(Jones/Reid) 266**

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

AGAINST: Nil

At 04:32 pm Councillor Pothan returned to the Chambers.

#### **6.1 DRAFT 2022 HOUSEKEEPING PLANNING PROPOSAL**

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##### **SUMMARY**

To present a report for a draft Planning Proposal to make administrative housekeeping amendments to the *Yass Valley LEP 2013*. It is recommended that the proposal be submitted for a Gateway Determination.

***RESOLVED that the Planning Proposal (PP-2022-03) for administrative/housekeeping amendments be endorsed and forwarded to the Minister for Planning to request a Gateway Determination pursuant to s3.34 Environmental Planning & Assessment Act 1979.***

**(Jones/Pothan) 267**

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

AGAINST: Nil

## 6.2 PROPOSED WOODLAWN ADVANCED RECOVERY CENTRE, TARAGO

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### SUMMARY

To present a report on the proposed Woodlawn Advanced Recovery Centre (ARC). The proposal is a State Significant Development and the Planning Assessment Commission is the Consent Authority. While the proposal is located within the Goulburn Mulwaree Local Government Area the key issue for Yass Valley residents relate to the emissions and whether there is any impacts on residents especially those in the Lake George, Gundaroo and Sutton areas.

### RECOMMENDATION

*That taking into consideration the findings presented in the Environmental Impact Statement for the Woodlawn Advanced Recovery Centre at Tarago it is difficult to see how Council's position from October 2021 to oppose waste incineration facilities on environmental and public health grounds can be supported and on this basis no submission be made to the Department of Planning & Environment.*

### MOTION

**RESOLVED that a submission be made objecting to the Woodlawn Advanced Recovery Centre Tarago, Waste to Energy (incinerator) affirming the following:**

- ***Council maintains its strong objection to the proposal in support of the surrounding region's communities.***
- ***Council restates its call for an urgent review of the State Government's Energy from Waste Infrastructure Plan before specific proposals are determined.***

**(Jones/Butler) 268**

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

AGAINST: Nil

## 6.3 DEVELOPMENT APPLICATION NO DA220185 - SINGLE STOREY DWELLING, SHED, SWIMMING POOL AND IMPORTATION OF FILL, 3 SHEARSBY CRESCENT, YASS

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### SUMMARY

To present the assessment of Development Application No DA220185 comprising of construction of a single-storey dwelling, shed, swimming pool and the importation of 5,560m<sup>3</sup> of fill material at 3 Shearsby Crescent, Yass. The application attracted one submission.

### RECOMMENDATION

*That:*

- 1 ***Conditional Development Consent be issued for Development Application No DA220185 for the dwelling, swimming pool and importation of fill at 3 Shearsby Crescent, Yass***

- 2     *The shed proposed in Development Application No DA220185 be refused on the following grounds:*
- *The shed is located forward of the building line set by the proposed dwelling house, contrary to the requirements of Building Line – Rural and Rural Residential Land Policy*
  - *There is insufficient planning basis to support the proposed variation*
  - *The location of the shed will have an unacceptable visual impact on 12 Shearsby Crescent*

**MOTION**

***RESOLVED that Conditional Development Consent be issue for Development Application No DA220185 for the dwelling, shed, swimming pool and importation of fill at 3 Shearsby Crescent, Yass and conditions be included in the Development Consent for the shed including the requirement for a landscape plan.***

***(Jones/Turner)     269***

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

AGAINST:    Nil

**6.4 ACQUISITION OF LAND FOR ROAD PURPOSES - VARIOUS LOCATIONS**

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**SUMMARY**

To obtain Council's approval to acquire land for road purposes.

***RESOLVED that :***

1.     ***The acquisition of land for road purposes for the following projects, as detailed in this report, be approved:***
  - ***Mulligans Flat Road Safety Improvements – 100m<sup>2</sup> of land***
  - ***Back Creek Road Rehabilitation Stage 1 -700m<sup>2</sup> of land***
  - ***Low Level crossing replacement - Murrumbateman Creek - 3,440m<sup>2</sup>***
  - ***Low level crossing replacement – Yass River – 9,580m<sup>2</sup>***
2.     ***All land acquired be classified as public road.***
3.     ***The General Manager and Mayor be delegated under s377 Local Government Act 1993, to execute the approved purchases.***

***(Turner/Burgess)   270***

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

AGAINST:    Nil

Julie Rogers, Director Planning & Environment left the Meeting at 4.53pm

## 6.5 INVESTMENT AND BORROWINGS REPORT - OCTOBER 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 30 October 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 for October 2022 be noted.***

**(Turner/Reid) 271**

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

AGAINST: Nil

## 6.6 WORK, HEALTH & SAFETY IMPROVEMENT PLAN UPDATE

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### SUMMARY

This report provides Councillors with an update on the progress of the WHS Improvement Plan.

***RESOLVED that the Work, Health & Safety Improvement Plan update be noted.***

**(Reid/Pothan) 272**

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

AGAINST: Nil

At 04:54 pm Councillor Reid left the Chambers.

## 6.7 MURRUMBATEMAN GRANT FUNDING REQUEST

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### SUMMARY

Council has received a request from users of the Murrumbateman Recreation Ground for Section 356 Financial Assistance to undertake plumbing maintenance at the shed to assist with flooding.

***RESOLVED that \$5,000 Section 356 funding for Murrumbateman be allocated to undertake maintenance of the shed to prevent flooding during wet weather.***

**(Turner/Abbey) 273**

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

AGAINST: Nil

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

## 6.8 PERMANENT FLYING OF THE ABORIGINAL FLAG AT YASS MEMORIAL HALL

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### SUMMARY

Council staff have undertaken consultation regarding the permanent flying of the Aboriginal Flag at the Yass Soldiers Memorial Hall.

### RECOMMENDATION

*That the permanent flying of the Aboriginal Flag be resolved by:*

- 1. Taking down the Aboriginal Flag and placing up the New South Wales flag, to then enable a formal ceremony to lower the NSW flag and raise the Aboriginal flag by the Yass RSL Sub-branch and the Yass Aboriginal Community*
- 2. Installing two flag poles on the verandah of the Yass Soldiers Memorial Hall or adjacent to the cenotaph in Comur Street, as part of the proposed renovations as a permanent home of the Australian National and Aboriginal flags*

### MOTION

***RESOLVED that the permanent flying of the Aboriginal Flag be resolved by:***

- 1. Taking down the Aboriginal Flag and placing up the New South Wales flag, to then enable a formal ceremony to lower the NSW flag and raise the Aboriginal flag by the Yass RSL Sub-branch and the Yass Aboriginal Community.***
- 2. Installing additional flag poles at the Yass Soldiers Memorial Hall and the cenotaph in Comur Street to allow the Australian National Flag and the Aboriginal Flag to be permanently flown in accordance with the protocols in the Department of Prime Minister & Cabinet publication Australian Flags 2022 as part of the proposed renovations.***

***(Abbey/Reid) 274***

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 TENDER EVALUATION REPORT - WEE JASPER RD REHABILITATION STAGE 2 YVC.IA.19.2022

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### SUMMARY

This report provides advice and recommendations on the submission of tenders for the Wee Jasper Road Rehabilitation, Stage 2 under Contract YVC.IA.19.2022.

***RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied.***

***(Turner/Jones) 275***

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 TENDER EVALUATION REPORT - YASS SEWER RELINING PROJECT 2022/23

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### SUMMARY

This report provides advice on the submission of tenders for the Yass Sewer Relining Project.

***RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied.***

(Turner/Jones) 276

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 FIRST QUARTER BUDGET REVIEW 2022/23

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### SUMMARY

This report represents the first 2022/23 Quarterly Budget Review Statements (QBRs) for the period 1 July to 30 September 2022. Council's projected year end net operating result before capital is expected to increase from a budgeted deficit of \$912K to a budgeted deficit of \$2.5M for 2022/23 financial year.

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

- 1. The Quarterly Budget Review Statement and approve adjustments, as detailed in the report be adopted***
- 2. Note that in accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position as at 30 September 2022 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.***
- 3. An adjusted Quarterly Budget Review to be circulated to Councillors.***

(Turner/Pothan) 277

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**

### **8.1 QUESTION WITH NOTICE - OPEN SPACE STRATEGY CONSULTATION**

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Councillor Adrian Cameron submitted the following Question with Notice:

*As the on-line consultation on the Open Space Strategy closed on 31 May 2022, six months ago, can Councillors have an update on what further consultation has taken place with the Yass Valley community as per our Community Strategic Plan CL 3 [the Community is informed and engaged in decision-making], what strategies are planned for future consultation and what is the planning for the implementation of this strategy once completed and the timelines?*

Response provided for information only.

### **8.2 QUESTION WITH NOTICE - RUBBISH BIN, HATTONS CORNER**

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Councillor Adrian Cameron submitted the following Question with Notice:

*Hatton's Corner is a stunning natural asset for the people of Yass Valley and for tourism, so when will there be a bin installed to help maintain its natural beauty and attraction for all?*

Response provided for information only.

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

### **9.1 MINUTES OF THE SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY MEETING HELD ON 11-12 AUGUST 2022**

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***RESOLVED that the minutes of the South East Australian Transport Strategy meeting held on 11-12 August 2022 be noted.***

***(Reid/Turner) 278***

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 TRAFFIC MANAGEMENT COMMITTEE HELD ON 2 NOVEMBER 2022**

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***RESOLVED that the minutes of the Traffic Management Committee meeting held on 2 November 2022 be noted and adopt the following recommendations:***

#### **Item 7.1 Zenith Gathering 2022**

***That the event not be supported due***

- *Murrumbateman Road's extended full road closure at Broken Dam Creek*
- *The volume of participant vehicles and the current poor condition of the unsealed roads servicing the event site*
- *Potential limited access for emergency vehicles*

**Item 7.2 Safety Concerns Merriman Drive Worth, Mont, Weemilah Streets Yass**

**That:**

- *The NSW Police be requested to increase police patrol in this area*
- *TfNSW provide Council with their guidelines for traffic calming devices*
- *Council's RSO to follow up Walker Park user groups in relation to speeding when accessing or leaving Walker Park*

**Item 7.3 Safety Concerns Fifield Lane Yass**

**That:**

- *Council install a convex mirror in Fifield Lane*
- *Council to investigate options to define the entrance and exit from Meehan Street to Fifield Lane and report to the February 2023 Committee meeting*

**Item 7.5 Various Safety Concerns**

***Crossing at corner Dutton and Meehan Street:***

***That no further action to be undertaken unless Council prepares a proposal for the site. It is noted that Council has no funds allocated for this.***

**Item 7.6 School Signs Adjacent to Murrumbateman Public School**

***That the plans submitted by Hansen Yuncken be supported.***

**(Abbey/Cameron) 279**

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

**AGAINST:** Nil

**9.3 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 7 NOVEMBER 2022**

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***RESOLVED that the minutes of the Sustainability Advisory Committee meeting held on 7 November 2022 be noted and the following recommendation be adopted:***

**Item 4.3 Process for Providing Input into Upcoming Policies**

**That:**

1. *The Sustainability Advisory Committee be given the early opportunity to be consulted on any current and future policy and strategy reviews that are relevant to the sustainability priorities of the Committee*
2. *A program of current and future policy and strategy reviews be provided to the Committee and discussed at a future meeting*
3. *Future Committee agendas schedule for discussion the identified policy and strategy development work*

**(Butler/Jones) 280**

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

AGAINST: Nil

#### 9.4 MINUTES OF THE PUBLIC ART FOCUS GROUP HELD ON 14 NOVEMBER 2022

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***RESOLVED that the minutes of the Public Arts Focus Group meeting held on 14 November 2022 be noted and the following recommendation be adopted:***

***Item 4.3 Murrumbateman Lions Club Water Tank Artwork Project***

***That the Murrumbateman Lions Club Water Tank Artwork Project be endorsed subject to the inclusion of a sign acknowledging the artwork and the artist***

***(Pothan/Cameron) 281***

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**

***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** ***Tender Evaluation Report - Wee Jasper Road Rehabilitation, Stage 2 - YVC.IA.19.2022***  
***Item 10.1 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.***

**10.2** ***Tender Evaluation Report - Yass Sewer Relining Project 2022-23***  
***Item 10.2 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, 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 section s10(A)(2)(dii) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.***

***(Turner/Pothan) 282***

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

AGAINST: Nil

Closed Council commenced at 5.22 pm.

Open Council resumed at 5.27pm

**RESOLVED that the meeting move into Open Council.**

**(Jones/Turner) 283**

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 the recommendations in Closed Council be adopted.**

**(Burgess/Butler) 2843**

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

AGAINST: Nil

## **10.1 TENDER EVALUATION REPORT - WEE JASPER ROAD REHABILITATION, STAGE 2 - YVC.IA.19.2022**

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### **SUMMARY**

This report provides advice and recommendations on the submission of tenders for the Wee Jasper Road Rehabilitation, Stage 2 under Contract YVC.IA.19.2022.

**RESOLVED that :**

- 1. The tender submitted by Lentro Earthworks Pty Ltd, under the Contract YVC.IA.19.2022 for the Wee Jasper Road Rehabilitation, Stage 2 be accepted for a total cost of \$624,841.32 excl GST;**
- 2. The remaining funding from the \$720,000 2022/23 budget allocation be utilised as a contingency allowance for latent conditions and/or for undertaking additional schedule of rates works.**

**(Jones/Burgess) 285**

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

AGAINST: Nil

## **10.2 TENDER EVALUATION REPORT - YASS SEWER RELINING PROJECT 2022-23**

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### **SUMMARY**

This report provides advice on the submission of tenders for the Yass Sewer Relining Project (YVC-IA-13-2022).

**RESOLVED that :**

- 1. The tender submitted by Interflow Pty Ltd to Yass Sewer Relining Project (YVC-IA-13-2022 be accepted for a total cost of \$514,813.98 (ex GST) including a provisional sum of \$147,586.84 (ex GST).**

2. *An additional fund of \$125,000 (ex GST) be allocated to this project from the Sewer Fund to cover additional works and contingency works which may be required.*

*(Abbey/Pothan)* 286

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

AGAINST: Nil

The meeting closed at 5.28 pm.