



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

**Thursday 23 March 2023**

4.00pm

Council Chambers

209 Comur Street, Yass

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### **Citizenship Ceremony**

Mr Eliezer Granado da Silva

Mr Amol Kundolam

Doctor Kristina Jahn

### **Open Forum**

Stephen Philip

#### **6.6 Road Repair Priorities**

Allan Edwards

#### **6.14 Petition – Urgent Repairs for Marked Tree Road, Gundaroo**

### **Police Presentation**

Inspector Dave Cowell OIC Yass Police Station

**Council Meeting - The Mayor declared the meeting open at 5.09 pm.**

### **Present**

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

Also present were the Chief Executive Officer – Chris Berry, Director of Planning & Environment – Julie Rogers and Corporate Planning & Executive Support Officer – Shirree Garland.

### **Acknowledgement of Country**

#### **1. Prayer**

#### **2. Apologies**

Nil

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

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

***RESOLVED that the minutes of the Ordinary Council Meeting held on 23 February 2023 covered by resolution numbers 1-29 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed, with amendment to the voting division for Item 6.6.***

**(Abbey/Pothan) 30**

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 - SENATE ENQUIRY INTO BANK CLOSURES IN REGIONAL AUSTRALIA**

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#### **SUMMARY**

Recommending a submission to the Senate Inquiry into bank closures considering the recent and reduced hours of local branches.

***RESOLVED that a submission be made to the Senate Inquiry into bank closures.***

***(McGrath/Turner) 31***

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 Late Reports – Item 6.17 and 10.2 Tender Evaluation Report on Gravel Supply and Deliver for LRCI Program be accepted into business of the meeting.***

***(Burgess/Turner) 32***

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**

### **6.1 AMENDED HOUSEKEEPING PLANNING PROPOSAL**

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#### **SUMMARY**

A Planning Proposal to amend the *Yass Local Environmental Plan 2013* was presented to the November 2022 Council meeting where Council determined to proceed with the proposal. A gateway determination was requested but the Department of Planning and Environment requested Council amendments to the planning proposal. Since the proposal was presented to Council additional mapping anomalies have been identified and these have been included in the amended Planning Proposal.

**RESOLVED that :**

- 1. Item 9 of the amended Planning Proposal (PP-2022-03) relating to 37 Rossi Street be amended to state that the land is to be rezoned to R1 General Residential and RE2 Private Recreation.**
- 2. The amended Planning Proposal (PP-2022-03) for administrative/housekeeping amendments be endorsed and forwarded to the Minister for Planning for a gateway determination.**

**(Pothan/Turner) 33**

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 DEVELOPMENT CONSENT NO DA200151 - VOLUNTARY PLANNING AGREEMENT, QUARRY REHABILITATION, 1170 MURRUMBATEMAN ROAD, MURRUMBATEMAN**

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**SUMMARY**

To present a Voluntary Planning Agreement (VPA) in relation to Development Consent DA200151 for quarry rehabilitation at 1170 Murrumbateman Road, Murrumbateman. The VPA is for the payment of monetary contributions to Council under *Yass Valley Heavy Haulage Development Contributions Plan 2021*. It is recommended that the VPA be amended to ensure the developer is responsible for Council's associated legal costs.

**RESOLVED that a Voluntary Planning Agreement for the payment of contributions in accordance with Development Consent DA200151 for 1170 Murrumbateman Road, Murrumbateman:**

- 1. Be amended so that the developer is responsible for Council's associated legal costs.**
- 2. Be entered into with Winjarra Pty Ltd and executed by the Chief Executive Officer on behalf of Council.**

**(Jones/Burgess) 34**

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

AGAINST: Councillor A Cameron

**6.3 DEVELOPMENT APPLICATION NO DA210293 - RESIDENTIAL SUBDIVISION, 2155 SUTTON ROAD, SUTTON**

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**SUMMARY**

To present the assessment of Development Application No DA210293 for a staged 18 lot subdivision of Lot 1 DP32236, 2155 Sutton Road, Sutton. The application attracted six submissions and relevant concerns can be addressed by conditions. Approval is recommended.

**RESOLVED that conditional Development Consent be issued for Development Application No DA210293 for a staged 18 lot subdivision of 2155 Sutton Road, Sutton.**

**(Jones/Burgess) 35**

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

AGAINST: Councillor A Cameron

Foreshadowed Motion

*That the DA be deferred to the April 2023 Council meeting in order to answer issues in relation to drainage and flooding.*

*(Cameron)*

**6.4 DEVELOPMENT APPLICATION NO DA220304 - DUAL OCCUPANCY, 24 BROUGHTON CIRCUIT, MURRUMBATEMAN**

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**SUMMARY**

To present the assessment of Development Application No DA220304 for a dual occupancy at 24 Broughton Circuit, Murrumbateman. The application attracted five submissions. Approval is recommended.

***RESOLVED that conditional Development Consent be issued for Development Application No DA220304 for a dual occupancy at 24 Broughton Circuit Murrumbateman.***

*(Jones/Butler)* 36

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

AGAINST: Councillors A Cameron and K Turner

**6.5 DRAFT TERMS OF REFERENCE - MURRUMBATEMAN PLAYGROUND PROJECT COMMITTEE**

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**SUMMARY**

To provide the draft Terms of Reference for the Murrumbateman Playground Project Committee.

***RESOLVED that :***

- 1. A Murrumbateman Playground Project Committee be formed.***
- 2. The Terms of Reference be adopted.***
- 3. Nominations be sought for the community positions.***
- 4. Councillors Reid, Butler and Jones be the representatives on the Committee.***

*(Turner/Pothan)* 37

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 ROAD REPAIR PRIORITIES**

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### **SUMMARY**

To present a draft program of road repair priorities for the Yass Valley. Endorsement is recommended.

#### **RESOLVED that:**

***That the Road Repairs Priorities as attached be endorsed with the following inclusions:***

- ***A further review of Glenroy Road segment CH3550 be undertaken for priority work under this program or for our regular maintenance program***
- ***Marked Tree Road reconstruction be considered as a priority roads project as part of the 2023-24 operational budget.***

***(Jones/Burgess) 38***

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 HEAVY VEHICLE PERMIT UPDATE**

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### **SUMMARY**

To provide Council with details of how heavy vehicle permits are issued and obtain a direction on heavy vehicles permit approval.

***RESOLVED that the standard NHVR permit request responses, detailed in the report, be endorsed.***

***(Burgess/Turner) 39***

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 FEMALE FRIENDLY COMMUNITY SPORT FACILITIES & LIGHTING UPGRADE PROGRAM**

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### **SUMMARY**

Council has been successful in receiving \$335,936 under the Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program 2022/23 to remove the existing sports field lighting and replace with a new LED lighting system at Victoria Park. The total project amount is \$451,248 with Council required to contribute \$115,312 to the project.

#### **RESOLVED that :**

1. ***The grant funding amount of \$335,936 under the Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program 2022/23 be accepted.***



2. ***\$115,312 be allocated to the Victoria Park Field Lighting Upgrade in the 2023/24 Operational Plan and budget.***

*(Pothan/Jones) 40*

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 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE GRANT - PHASE 4 FUNDING**

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### **SUMMARY**

To report to Council the receipt advice that Council will receive \$857,227 of funding under the Local Roads and Community Infrastructure program Phase 4.

#### *Motion*

1. *The grant under the Local Roads and Community Infrastructure Program Phase 4 for \$857,227 be accepted.*
2. *These funds be allocated to the following projects, subject to confirmation of funding guidelines:*
  - *Yass Memorial Hall - Stage 2 of upgrade and drainage works - \$450,000*
  - *Yass Memorial Hall – floor subsidence works- \$60,000*
  - *Category 1 Murrumbateman Playground Project - \$116,000*
  - *Gravel Re-Sheeting - \$231,227*
3. *The Operational Plan be amended to include the above changes.*

*(Jones/Reid)*

#### Amendment

*That:*

1. *The grant under the Local Roads and Community Infrastructure Program Phase 4 for \$857,227 be accepted.*
2. *These funds be allocated to the following projects, subject to confirmation of funding guidelines:*
  - *Yass Main Street Masterplan implementation - \$450,000*
  - *Yass Memorial Hall – floor subsidence works- \$60,000*
  - *Category 1 Murrumbateman Playground Project - \$116,000*
  - *Gravel Re-Sheeting - \$231,227*
3. *The Operational Plan be amended to include the above changes*

*(Cameron/Butler)*

FOR: Councillor A Cameron

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

AMENDMENT LOST

**RESOLVED that :**

1. **The grant under the Local Roads and Community Infrastructure Program Phase 4 for \$857,227 be accepted.**
2. **These funds be allocated to the following projects, subject to confirmation of funding guidelines:**
  - **Yass Memorial Hall - Stage 2 of upgrade and drainage works - \$450,000**
  - **Yass Memorial Hall – floor subsidence works- \$60,000**
  - **Category 1 Murrumbateman Playground Project - \$116,000**
  - **Gravel Re-Sheeting - \$231,227**
3. **The Operational Plan be amended to include the above changes.**

**(Jones/Reid) 41**

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

AGAINST: Nil

Councillor Jones left the meeting at 6.20pm.

## **6.10 COUNCIL OWNED LAND, GREVILLEA CLOSE, MURRUMBATEMAN**

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### **SUMMARY**

A review of the need for Council owned land in Grevillea Close, Murrumbateman has been undertaken. It is recommended that the land not be sold but retained for a future pedestrian connection into the adjoining land to the north.

**RESOLVED that the Council owned land in Grevillea Close, Murrumbateman not be sold but be retained for a future pedestrian connection into the adjoining land to the north.**

**(Cameron/Abbey) 42**

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

AGAINST: Nil

## **6.11 INVESTMENT AND BORROWINGS REPORT - FEBRUARY 2023**

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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 28 February 2023. 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 February 2023 be noted.**

**(Pothan/Burgess) 43**

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

AGAINST: Nil

## 6.12 SECOND 2022/23 QUARTERLY BUDGET REVIEW STATEMENTS

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### SUMMARY

This report represents the Second 2022/23 Quarterly Budget Review Statements (QBRs) for the period 1 October 2022 to 31 December 2022. This review shows Council's projected year end **Net Operating Result from Continuing Operations** remaining positive and is predicted to be \$7.18M in the December review. Actuals as at 31 December 2022 are showing a positive \$11.22M result with Net Operating result before Capital Items also positive at \$5.34M.

#### **RESOLVED that :**

- 1. The Second Quarterly Budget Review Statements and approve adjustments, be adopted, as detailed in the report.**
- 2. Note that in accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position as at 31 December 2022 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.**

**(Abbey/Poehan) 44**

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

AGAINST: Councillor A Cameron

## 6.13 CLASS ACTION BY RICHMOND VALLEY COUNCIL APPEAL UPDATE

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### SUMMARY

This report provides Council with an update on the decision to appeal, or not, the determination of the class action by Richmond Valley Council against Jardine Lloyd Thompson (JLT).

**RESOLVED that the report on the class action by Richmond Valley Council against JLT be noted.**

**(Turner/Abbey) 45**

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

AGAINST: Nil

## 6.14 YASS & DISTRICT HISTORICAL SOCIETY ARCHIVE RELOCATION BRIEFING

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### SUMMARY

This report is to provide Councillors with an understanding of the risks associated with the Yass Soldiers Memorial Hall and how staff determined that the upstairs level was unfit and unsafe for the Yass & District Historical Society archives to remain.

**RESOLVED that the report on the Yass & District Historical Society Archive Relocation be noted.**

**(Turner/Poehan) 46**

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

AGAINST: Nil

#### **6.15 PETITION - URGENT REPAIRS FOR MARKED TREE ROAD, GUNDAROO**

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##### **SUMMARY**

Tabling a petition lodged in relation to the condition of Marked Tree Road and the need for urgent to repair the most dangerous sections of the road.

***RESOLVED that the tabled petition on the condition of Marked Tree Road, Gundaroo be noted.***

***(Burgess/Abbey) 47***

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

AGAINST: Nil

#### **6.16 TENDER EVALUATION REPORT - PRIMARY SCHOOL SPS REFURBISHMENT**

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##### **SUMMARY**

This report provides advice on the submission of tenders for Primary School SPS (Sewage Pump Station) Refurbishment to upgrade civil assets.

***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/Cameron) 48***

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

AGAINST: Nil

#### **6.17 TENDER EVALUATION REPORT ON GRAVEL SUPPLY AND DELIVER FOR LRCI PROGRAM**

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##### **SUMMARY**

This report provides advice on the submission of tenders for Local Roads & Community Infrastructure (LRCI) Phase 3 Gravel Supply and Deliver (YVC.1A.05.2023).

***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/Cameron) 49***

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

AGAINST: Nil

## **7. Notice of Motion**

Nil

## **8. Questions with Notice**

### **8.1 QUESTIONS ON NOTICE - STAFFING LEVELS AND REDUNDANCIES**

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Councillor Adrian Cameron submitted the following Question on Notice:

*As Yass Valley Council is a major employer in Yass Valley, there has been some disquiet in our community about staff turnover at YVC and its impact on the YVC delivery programme.*

*With regard to staffing at Yass Valley Council, would you please advise:*

- *Is there a redundancy programme at YVC?*
- *Are there any changes to YVC organisational structure being made through this redundancy programme?*
- *What is the number of staff vacancies at the end of February 2023 relative to budgeted staffing levels?*
- *What positions have been vacant for three months or more including those filled by temporary staff and / or contractors?*
- *How many redundancies has there been and/ or offered to YVC Staff in the 2022/2023 financial year and have these redundancies followed process as per the Local Government Award?*
- *What is the total cost YVC of all redundancies offered in the 2022/2023 financial year?*
- *How has the staff turnover affected our delivery programme?*

**Note: Response provided in the Business Papers.**

### **8.2 QUESTION ON NOTICE - ASSET CONDITIONS, THEIR RATINGS AND FINANCIAL IMPLICATIONS**

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Councillor Adrian Cameron submitted the following Question with Notice:

*In the unaudited Yass Valley Council 2021/2022 special schedule report on infrastructure assets, almost 74% rated 'Satisfactory', and approximately 25% rated as either 'Excellent ' or 'Good'. **None** are rated 'Poor' or 'Very Poor'.*

*By contrast, YVC January 2022 Building Asset Management Plan States that approximately 43% of the portfolio is "POOR" or 'VERY POOR', with almost 10% rated as end of life', compared with none in the special schedule report.*

*Why do the conditions ratings for buildings in the Financial Statement appear to completely contradict YVC adopted Asset Management Plans, and has the Auditor-General been advised of this discrepancy?*

**Note: Response provided in the Business Papers.**

### **8.3 QUESTION WITH NOTICE - IMPLEMENTATION OF THE YASS MAIN STREET MASTERPLAN AND THE OPEN SPACE STRATEGY**

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Councillor Adrian Cameron submitted the following Question with Notice:

*A number of questions are being asked in our community about the future of the Yass Main Street Masterplan and the Open Space Strategy.*

- *What Is the plan for implementation of the Yass Main Street Master Plan and the Open Space Strategy?*
- *What are the timelines for implementation of the Yass Main Street Masterplan and the Open Space Strategy?*
- *What are the next steps for each of these two projects to ensure implementation of both?*

**Note: Response provided in the Business Papers.**

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

### **9.1 MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE AND RESCUE COMMITTEE MEETINGS HELD ON 16 FEBRUARY 2023**

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**RESOLVED that the minutes of the Local Emergency Management Committee and Rescue Committee meetings held on 16 February 2023 be noted.**

**Turner/Poehan) 50**

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

AGAINST: Nil

### **9.2 MINUTES OF THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE HELD ON 28 FEBRUARY 2023**

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**RESOLVED that the minutes of the Economic Development Advisory Committee meeting held on 28 February 2023 be noted.**

**(Poehan/Burgess) 51**

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

AGAINST: Nil

**9.3 MINUTES OF THE CANBERRA REGION JOINT ORGANISATION BOARD MEETING  
HELD ON 24 FEBRUARY 2023**

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**RESOLVED that the minutes of the Canberra Region Joint Organisation Board meeting held on 24 February 2023.**

**(McGrath/Cameron) 52**

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, 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 - Primary School SPS Refurbishment**  
**Item 10.1 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, 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.**

**10.2 Tender Evaluation Report on Gravel Supply and Deliver for LRCI Program**  
**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.**

**(Turner/Burgess) 53**

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

AGAINST: Nil

Closed Council commenced at 6.48 pm.

Open Council resumed at 6.53 pm.

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

**(Turner/Burgess) 54**

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

AGAINST: Nil

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

**(Burgess/Cameron) 55**

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

AGAINST: Nil

## **10.1 TENDER EVALUATION REPORT - PRIMARY SCHOOL SPS REFURBISHMENT**

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### **SUMMARY**

This report provides advice on the submission of tenders for the Primary School SPS Refurbishment (YVC-IA-21-2022).

**RESOLVED that the tender submitted by QMax Pumping Systems Pty Ltd to Primary School SPS Refurbishment (YVC-IA-21-2022 be accepted for a total cost of \$192,282.00(ex GST) or \$211,510.20 (GST inclusive).**

**(Turner/Abbey) 56**

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

AGAINST: Nil

## **10.2 TENDER EVALUATION REPORT ON GRAVEL SUPPLY AND DELIVER FOR LRCI PROGRAM**

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### **SUMMARY**

This report provides advice on the submission of tenders for Local Roads & Community Infrastructure (LRCI) Phase 3 Gravel Supply and Deliver (YVC.1A.05.2023).

**RESOLVED that the tender submitted by Bald Hill Quarry for the Gravel Supply and Deliver for LRCI Program be accepted for a total cost of \$808,074.**

**(Burgess/Cameron) 57**

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

AGAINST: Nil

The meeting closed at 6.54 pm.