



Minutes of the Ordinary Meeting of Council

Thursday 25 May 2023

4.00pm

Council Chambers
209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

- 6.2 Development Application No DA230018 – Four Lot Subdivision Creating One Additional Lot, 4338 Gundaroo Road, Gundaroo
Rachel Doberer - DPS

Council Meeting - The Mayor declared the meeting open at 4.07 pm.

Present

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

Also present were the Chief Executive Officer – Chris Berry, Director Planning & Environment – Julie Rogers, Director Infrastructure & Assets – Nathan Cooke, Director Corporate & Community – Lynette Safranek and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

The Mayor noted the passing of two local citizens – Joyce Williams and Jim Field – a minutes silence was held in respect of both.

1. Prayer

2. Apologies

Apology

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

(Jones/Burgess) 88

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath 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 27 April 2023 covered by resolution numbers 60-84 inclusive, and Extraordinary Council Meeting held on 11 May 2023 covered by resolution numbers 85-87 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Reid/Burgess) 89

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

AGAINST: Nil

5. Mayoral Minute

5.1 MAYORAL MINUTE - DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COSTS

SUMMARY

The NSW Government recently announced that it will not subsidise the increase in the Emergency Services Levy (ESL) this year.

RESOLVED that :

- 1. Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):**
 - a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for Councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community.**
 - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 4.2% rate increase to provide essential community services and infrastructure has been significantly eroded.**
 - c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects.**
 - d. Calling on the NSW Government to take immediate action to:**
 - i. Restore the ESL subsidy in 2023/24.**
 - ii. Urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost.**
 - iii. Develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.**
- 2. Council writes to the Chair of the Independent Pricing & Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.**
- 3. Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.**

(McGrath/Reid) 90

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

AGAINST: Nil

6. Reports to Council

6.1 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT

SUMMARY

Reporting on development standard variations approved in the first quarter (January – March) of 2023.

RESOLVED that the report on approved development variations for the first quarter of 2023 be noted.

(Reid/Jones) 91

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

AGAINST: Nil

6.2 DEVELOPMENT APPLICATION NO DA230018 - FOUR LOT SUBDIVISION CREATING ONE ADDITIONAL LOT, 4338 GUNDAROO ROAD, GUNDAROO

SUMMARY

To present the assessment of Development Application No DA230018 for a four lot subdivision, creating one additional lot, at 4338 Gundaroo Road, Gundaroo. The application attracted six objections and relevant concerns can be addressed by conditions. Approval is recommended.

RESOLVED that conditional Development Consent be issued for Development Application No DA230018 for a four lot subdivision creating one additional lot at 4338 Gundaroo Road, Gundaroo.

(Burgess/Reid) 92

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

AGAINST: Nil

6.3 THIRD QUARTERLY BUDGET REVIEW 2022/23 STATEMENTS

SUMMARY

This report represents the 2022/23 Third Quarterly Budget Review Statements (QBRS) for the period 1 January to 31 March 2023. This review shows Council's projected year end ***Net Operating Result from Continuing Operations*** remains positive and is predicted to be \$9.19M. Actuals at 31 March 2023 are showing a positive \$14.62M result.

RESOLVED that :

- 1. The 2022/23 Third 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 March 2023 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.***

(Jones/Butler) 93

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

AGAINST: Councillor A Cameron

6.4 INVESTMENTS AND BORROWINGS REPORT - APRIL 2023

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 March 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 & Borrowings Report for April 2023 be noted.

(Reid/Abbey) 94

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

AGAINST: Nil

6.5 RATES ARREARS AS AT 31 MARCH 2023

SUMMARY.

The report is to provide an update on rate arrears at the end of the third quarter of the 2022/23 financial year. The total of all years outstanding at 30 June 2022 was \$1,584,014. This has been reduced to a total of \$485,193 as at 31 March 2023, an improvement of \$1,098,821 or 69.37%.

RESOLVED that the report on Rates Arrears be noted.

(Butler/Reid) 95

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

AGAINST: Nil

6.6 WORK HEALTH & SAFETY IMPROVEMENT PROGRAM UPDATE

SUMMARY

To provide an update regarding the implementation of the Work Health & Safety Improvement Program.

RESOLVED that the report on Work Health & Safety Improvement Program be noted.

(Abbey/Reid) 96

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

AGAINST: Councillor A Cameron

6.7 COUNCILLOR FEES 2023/24

SUMMARY

To detail the determination of the Local Government Remuneration Tribunal regarding Councillor fees for the 2023/24 year.

RESOLVED that :

- 1. The decision of the Local Government Remuneration Tribunal that there will be an increase of 3% on Councillor Fees and Mayoral Allowance for 2023/24 be adopted.**
- 2. The annual payment for Councillors will be \$17,680 and \$37,925 for the Mayor, to be paid in arrears in equal monthly instalments.**
- 3. In accordance with clause 4.1.2 Councillor Expenses & Facilities Policy, an amount of \$1,500 to be paid in arrears in equal monthly instalments to the Deputy Mayor from the Mayoral Allowance.**

(Jones/Cameron) 97

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

AGAINST: Nil

6.8 2024 LOCAL GOVERNMENT ELECTION

SUMMARY

The estimated cost of the NSW Electoral Commission conduction the 2024 Local Government elections for Council have been received. The estimated costs represent an increase of 30% above the 2021 elections. Unfortunately, there is no realistic alternative to using the NSW Electoral Commission.

RESOLVED that :

- 1. The estimated cost of conducting the 2024 Local Government elections for Yass by the NSW Electoral Commission be accepted.**
- 2. Representations through the Canberra Region Joint Organisation be made to the State Government to review the methodology of conducting Local Government elections.**

(Reid/Abbey) 98

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

AGAINST: Nil

6.9 REVIEW OF DELEGATIONS TO MAYOR AND CHIEF EXECUTIVE OFFICER

SUMMARY

Under s377 *Local Government Act 1993*, Council is able to delegate various powers, authorities, duties and functions to support the effective governance and efficient day-to-day operations of Council's organisation. It is appropriate for Council to regularly review its delegations for currency and legislative compliance. This report recommends that Council formally review its delegations to the Mayor and Chief Executive Officer and endorse the Instruments of Delegation appended at **Attachment A** and **Attachment B**, respectively.

RESOLVED that :

- 1. The Mayor, and in the Mayor's absence, the Deputy Mayor, be delegated the powers, authorities, duties and functions of the Council listed in the Instrument of Delegation appended at Attachment A, subject to the conditions and limitations specified.**
- 2. The Chief Executive Officer, and in the Chief Executive Officer's absence, the Senior Staff employee acting in the position of Chief Executive Officer, be delegated the powers, authorities, duties and functions of the Council listed in the instrument of Delegation appended at Attachment B, subject to the conditions and limitations specified.**
- 3. All previous delegations of powers, authorities, duties and functions to the Mayor and Chief Executive Officer be revoked.**

(Abbey/Reid) 99

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

AGAINST: Nil

6.10 DRAFT COUNCILLOR INDUCTION & PROFESSIONAL DEVELOPMENT POLICY

SUMMARY

Council is committed to supporting its Mayor and Councillors in meeting their statutory obligation to acquire and maintain the skills necessary to perform their civic duties. This report recommends that Council formally adopt the draft *Councillor Induction and Professional Development Policy* appended at **Attachment A**, which provides a framework for Council's Councillor induction and professional development activities.

RESOLVED that :

- 1. The draft Councillor Induction & Professional Development Policy be endorsed for public exhibition for a period of 28 days.**
- 2. The draft Councillor Induction & Professional Development Policy be adopted as exhibited, if no significant submissions are received.**

(Reid/Abbey) 100

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

AGAINST: Nil

6.11 JUNE 2023 MEETING DATE

SUMMARY

This report is to request that the June 2023 meeting date be moved to Thursday 29 June 2023 to enable the Mayor and Chief Executive Officer to attend Canberra Region Joint Organisation planned meetings with Ministers in Sydney on 22 June 2023.

RESOLVED that the Council Meeting scheduled for Thursday 22 June 2023 be rescheduled to Thursday 29 June 2023 at 4.00pm.

(Burgess/Reid) 101

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

AGAINST: Councillor A Cameron

6.12 MINOR ORGANISATIONAL RESTRUCTURE

SUMMARY

Considerable work has been undertaken by the Strategic Planning Team in the Planning & Environment Division on Master Planning and the Open Space Strategy. Much of this work has incorporated input from the Recreational Assets Team. Both teams are involved in planning and developing public spaces throughout Yass Valley. It is proposed to move the Recreational Assets Team into the Planning & Environment Division.

RESOLVED that the organisational structure be amended to move the Recreational Assets Team from the Infrastructure & Assets Division into the Planning & Environment Division.

(Abbey/Reid) 102

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

AGAINST: Nil

6.13 WATER REBATE FOR UNDETECTED LEAKS AND DISPUTED CHARGE

SUMMARY

This report presents applications for water rebate for undetected leaks and a disputed water charge for Council determination.

RESOLVED that this item be classified CONFIDENTIAL in accordance with Section 10A(2)(a and 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/Reid) 103

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

AGAINST: Nil

7. Notice of Motion

Nil

8. Questions with Notice

Nil

9. Minutes and Recommendations of Council Committees

9.1 MINUTES OF THE RESCUE AND LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETINGS HELD ON 11 MAY 2023

RESOLVED that the minutes of the Rescue and Local Emergency Management Committee meetings held on 11 May 2023 be noted.

(Jones/Abbey) 104

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

AGAINST: Nil

9.2 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 20 APRIL 2023

RESOLVED that the minutes of the Sustainability Advisory Committee meeting held on 20 April 2023 be noted and the following recommendations be endorsed:

Item 4.1 Draft Sustainability Policy and Sustainability Assessment Framework

That:

- 1. The revised Sustainability Policy and the Sustainability Assessment Framework, as circulated to members offline, be endorsed and both documents be presented to Council for endorsement.*
- 2. The Draft Sustainability Policy be placed on public exhibition for a period of 28 days and adopted if no significant objections are received.*

Item 4.3 Regional Waste & Sustainable Materials Strategy 2022-27 and Action Plan

That the comments of the Committee members be provided to Council on the Regional Waste & Sustainable Materials Strategy 2022-27 and Action Plan and the strategy and action plan be recommended for Council endorsement.

(Cameron/Reid) 105

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

AGAINST: Nil

9.3 MINUTES OF THE YOUTH COUNCIL HELD ON 8 MAY 2023.

RESOLVED that the minutes of the Youth Council meeting held on 8 May 2023 be noted and the following recommendations be endorsed:

Item 4.2 Fundraising Activities

That:

- **The Youth Council to hold bi-monthly BBQ around the Yass Valley Local Government Area, with the first BBQ to be held on Saturday 17 June in Yass, and**
- **The purchase of Youth Council banners, tops and/or jumpers for members from the current Elected Members 2022/23FY budget.**

Item 4.6 General Business (Riverbank Park)

That Council approve:

- **The Youth Councillors participating in the Riverbank Park opening, and**
- **Purchase costumes for the event from the Riverbank Park budget.**

(Reid/Jones) 106

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath 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 Water Rebate for Undetected Leaks and Disputed Charge

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 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.

(Burgess/Reid) 107

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

AGAINST: Nil

Closed Council commenced at 5.14 pm.

RESOLVED that the meeting move into Open Council.

(Butler/Abbey) 108

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

AGAINST: Nil

Open Council resumed at 5.23 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Jones/Reid) 109

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

AGAINST: Nil

10.1 WATER REBATE FOR UNDETECTED LEAKS AND DISPUTED CHARGE

SUMMARY

This report presents applications for water rebate for undetected leaks and a disputed water charge for Council determination.

RESOLVED that :

- ***The request for a water rebate for an undetected water leak be granted for Lot 2 DP586111.***
- ***The request for a water rebate for an undetected water leak be granted for Lot 2 DP1196036.***
- ***The amount of \$5,854.59 be written off to resolve the water bill dispute for Lot 2 DP1196036.***

(Jones/Abbey) 110

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

AGAINST: Nil

The meeting closed at 5.24 pm.