



Minutes of the Ordinary Meeting of Council

Thursday 24 August 2023

4.00pm

Council Chambers

209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

- **6.8 Expressions of Interest – Leasing Vacant Rural Fire Service Sheds, Bowning**
Stuart Atkins
- **7.1 Notice of Motion – Removal of Library Reading Material**
Tim Murphy
Dianne Auld (video presentation)
- **9.4 Minutes of the Local Traffic Facilities Committee held on 2 August 2023**
Mark Burgess (Sutton & District Community Association)
Bernadette Walker

Police Presentation – Yass Local Area – Inspector Dave Cowell OIC Yass Police Station

Council Meeting - The Mayor declared the meeting open at 4.46 pm.

Present

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

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

Acknowledgement of Country

Prayer

1. Apologies

Nil

2. Declaration of Interest/Disclosures

Councillor Burgess declared a significant, pecuniary conflict of interest in Items 6.7 and 10.1 – Bango Wind Farm Community Enhancement Fund Advisory Committee Nominations and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Burgess declared an interest as he is an adjoining landowner who has received financial gain.

Councillor Cameron declared a non-significant, non-pecuniary conflict of interest in Items 6.7 and 10.1 – Bango Wind Farm Community Enhancement Fund Advisory Committee Nominations and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Cameron declared an interest as the nominee was part of the election ticket for the Greens Party.

3. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 27 July 2023 covered by resolution numbers 143-158 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Burgess/Reid) 159

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

AGAINST: Nil

4. Mayoral Minute

5. Reports to Council

6.1 REVISED RENEWABLE ENERGY POLICY

SUMMARY

To present a revised *Renewable Energy Policy* with amendments to include reference to the Department of Planning & Environment (DPE) guidelines for solar energy projects and several other minor amendments. Adoption is recommended.

RECOMMENDATION

That the revised Renewable Energy Policy be adopted.

(Jones/Pothan)

Amendment

RESOLVED that the revised Renewable Energy Policy be placed on public exhibition for 28 days and adopted, if no significant objections received.

(Cameron/Butler) 160

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

AGAINST: Nil

Amendment becomes Motion

RESOLVED that the revised Renewable Energy Policy be placed on public exhibition for 28 days and adopted, if no significant objections received.

(Cameron/Butler) 161

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 REVISED SUSTAINABILITY POLICY

SUMMARY

In May 2023 Council endorsed a revised Sustainability Policy for public exhibition. One submission has been received. The revised policy is recommended for adoption.

RESOLVED that the revised Sustainability Policy be adopted as exhibited.

(Cameron/Butler) 162

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

AGAINST: Nil

6.3 VARIATION TO DEVELOPMENT STANDARDS QUARTERLY REPORT

SUMMARY

Reporting on development standard variations approved in the fourth quarter (April - June) of 2023

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

(Jones/Pothen) 163

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 MODIFICATION DEVELOPMENT CONSENTS DA200030 (SHED), DA210228 (SUBDIVISION), DA210232 (DWELLING HOUSE/DUAL OCCUPANCY) - 838 MURRUMBATEMAN ROAD, NANIMA

SUMMARY

To present the assessment of a request to modify the following Development Consents at 838 Murrumbateman Road, Nanima:

- DA200091B for construction of a machinery/storage shed with part private indoor recreation space with amenities
- DA220228 for a two-lot subdivision
- DA220232 for a dwelling house/dual occupancy

The proposed modifications to DA220228 and DA220232 primarily relate to access arrangements, including both internal access arrangements and the required standard of upgrade to the intersection of a Crown road and Murrumbateman Road included as conditions on the existing Development Consents. The modification application for DA220232 also proposes changes to the dwelling house/dual occupancy, whilst the modification for DA200091B includes moving the location of the approved development.

The modification applications were exhibited concurrently and received six separate submissions. The proposed internal access road/right of way was revised during the assessment to reduce the volume of fill material required to approximately 1,015m³. The relevant concerns can be addressed by conditions, and it is recommended that modified Development Consents be issued.

RESOLVED that:

Application DA200091C

1. *Development Consent DA200091B be modified for the for construction of a machinery/storage shed with part private indoor recreation space with amenities at 838 Murrumbateman Road, Nanima, subject to additional conditions that require that a Construction Certificate cannot be issued until such time as an Occupancy Certificate has been issued in relation to the dwelling house/dual occupancy under Development Consent DA220232 (as modified).*

Modification Application DA220228B

2. *Development Consent DA220228 be modified for the two-lot subdivision of 838 Murrumbateman Road, including to:*

- *Change the required intersection upgrade treatment from a BAR/BAL to a modified Austroads 'Rural Type Property Access'*
- *Change the access arrangement to use of an unsealed/gravel internal access road/right of way*
- *Construct the internal access road/right of way including importation of 1,050m³ of material*

Modification Application DA220228B

3. *Development Consent DA220232 be modified for dwelling house (dual occupancy) of 838 Murrumbateman Road, including to:*

- *Change the required intersection upgrade treatment from a BAR/BAL to a modified Austroads 'Rural Type Property Access'*
- *Change the access arrangement to use of an unsealed/gravel internal access road/right of way*
- *Construct the internal access road/right of way including importation of 1,050m³ of material*
- *Amend the architectural design of the dwelling house*
- *Include an in ground swimming pool*
- *Change the onsite sewage management arrangements and system*

(Jones/Abbey) 164

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

AGAINST: Councillor A Cameron

6.5 NSW LOCAL GOVERNMENT CONFERENCE 2023

SUMMARY

Local Government NSW (LGNSW) hold a Conference annually. This year the conference will be held from 12 to 14 November 2023, Rosehill Gardens Racecourse, Sydney. The purpose of the conference is to shape the advocacy agenda for 2024 and to vote on motions presented to the conference.

Council needs to elect two voting delegates for LGNSW Conference.

RESOLVED that Crs Cameron and Pothan attend and be voting delegates at the Local Government NSW Conference.

(Reid/Butler) 165

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 REQUEST FOR FEE WAIVER - GUNDAROO CRICKET CLUB

SUMMARY

A request has been received from the Gundaroo Cricket Club to waive waste fees associated with the replacement of the cricket pitch at Gundaroo Oval. The Club has received a 50:50 grant from NSW Cricket.

RESOLVED that the waste fees associated with the replacement of the cricket pitch at Gundaroo Oval be waived.

(Burgess/Reid) 166

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

AGAINST: Nil

At 05:21 pm Councillor Burgess left the Chambers.

6.7 BANGO WIND FARM COMMUNITY ENHANCEMENT FUND ADVISORY COMMITTEE NOMINATIONS

SUMMARY

Advising on nominations received for the Bango Wind Farm Community Enhancement Fund Advisory Committee.

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

(Turner/Jones) 167

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

AGAINST: Nil

At 05:24 pm Councillor Burgess returned to the Chambers.

6.8 EXPRESSIONS OF INTEREST - LEASING VACANT RURAL FIRE SERVICE SHEDS, BOWNING

SUMMARY

Reporting on the outcome of Expressions of Interest received for use of the vacant Rural Fire Service (RFS) sheds located at 18 Leake Street, Bowning.

RESOLVED that item is 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 it.

(Jones/Pothan) 168

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

AGAINST: Councillor A Cameron

6. Notice of Motion

7.1 NOTICE OF MOTION - REMOVAL OF LIBRARY READING MATERIAL

Councillor Jasmin Jones has given notice that at the Ordinary Council Meeting on 24 August 2023, she will move the following motion:

Motion

That:

- 1. The book 'Welcome to Sex' be removed from the Yass Library's print and digital E-book catalogue due to its explicit content and inappropriate advice to children based on the book's claim it is for children and teens.*
- 2. Council consider at its next available workshop a suitable option to consider future concerns raised by the community such as creating a Focus Group to make recommendations to Council. Options to come back to a future Council meeting for resolution.*

MOTION: That the book 'Welcome to Sex' be removed from the Yass Library's print and digital E-book catalogue due to its explicit content and inappropriate advice to children based on the book's claim it is for children and teens.

(Jones/Butler) 169

FOR: Councillors J Jones and K Turner

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

MOTION LOST

MOTION

That Council consider at its next available workshop a suitable option to consider future concerns raised by the community such as creating a Focus Group to make recommendations to Council. Options to come back to a future Council meeting for resolution.

MOTION LAPSED

7. Questions with Notice

8.1 QUESTION WITH NOTICE - ENVIRONMENTAL UPGRADE FINANCING

Question

Councillor Adrian Cameron submitted the following Question with Notice:

What action does Council propose to give effect to its September 2021 Council Resolution on Environmental Upgrade Financing? How will it promote and encourage participation in this by local businesses in the Yass Valley?

Note: Response provided in the [Business Papers](#).

8. Minutes and Recommendations of Council Committees

9.1 NOTES OF THE YOUTH COUNCIL HELD ON 10 JULY 2023

RESOLVED that:

- 1. The notes of the Youth Council meeting held on 10 July 2023 be noted.***
- 2. The participation of the Youth Council at the Riverbank Park opening be acknowledged.***

(Pothan/Turner) 170

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 SUSTAINABILITY ADVISORY COMMITTEE HELD ON 1 AUGUST 2023

RESOLVED that the minutes of the Sustainability Advisory Committee meeting held on 1 August 2023 be noted.

(Cameron/Abbey) 171

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

AGAINST: Nil

9.3 MINUTES OF THE COUNTRY MAYORS ASSOCIATION HELD ON 4 AUGUST 2023

RESOLVED that the minutes of the Country Mayors Association meeting held on 4 August 2023 be noted.

(Turner/Reid) 172

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

AGAINST: Nil

9.4 MINUTES OF THE LOCAL TRAFFIC FACILITIES COMMITTEE HELD ON 2 AUGUST 2023

RESOLVED that the minutes of the Local Traffic Facilities Committee meeting held on 2 August 2023 be noted and the following recommendations be adopted:

1. Safety Concerns New Playground Riverbank Park Yass

That the Committee gives in principle support to:

- a) Council to make a formal application to TfNSW for the playground carpark area to be reviewed as a shared zone area***
- b) Council to collect data on traffic and pedestrian numbers in this area and refer this to TfNSW to review the road area for a high pedestrian zone, around and underbridge access road***
- c) Signage in the area for the bus zone and no stopping to be inspected and modified to ensure compliant for enforcement***

2. Safety Concerns, Laidlaw Street, Yass

That the Committee gives in principle support to install a 'NO STOPPING ZONE' as indicated in the report

3. Murrumbateman Field Days 2023

That the 2023 Murrumbateman Field Days event and its associated management plans, procedures, plans etc be approved subject to the following conditions:

- The event organiser shall supply Council with a copy of their public risk insurance for at least \$20M which notes Yass Valley Council, NSW Police Force and Transport for NSW (TfNSW) as interested parties***
- The event organiser shall implement the Temporary Traffic Management Plan (TTMP) prepared by Territory Traffic Engineering dated 4 July 2023***
- Event marshals, event participants etc will at all times obey the provisions of NSW Transport Legislation***
- Event organisers, event marshals, parking marshals, event participants etc. shall ensure vehicles entering the site are parked asap to minimise any vehicle back logs and queuing on Murrumbateman Road***
- All entrances/exits to the site are to be clearly and prominently marked***
- Event marshals and/or parking marshals shall ensure vehicles entering the site have priority over vehicles exiting the site to minimise queuing***

- *The event organiser is to arrange for a TfNSW Road Occupancy Licence and Speed Zone Authorisation for the Barton Highway*
- *The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TTMP. All personnel involved must be appropriate accredited*
- *The event organiser is responsible for public notification of the road closure*
- *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*
- *The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted by the TTMP*
- *The event organiser must comply with any COVID-19 restrictions current at the time of the event including compliance with Restrictions on Gathering and Movement Public Health Orders, which may require developing and complying with a COVID-19 Safety Plan*
- *Event organisers shall comply with the above conditions and the undertakings in its submission. Failure to comply will immediately void this approval*

(Cameron/Reid) 173

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

AGAINST: Nil

9.5 MINUTES OF THE RESCUE AND LOCAL EMERGENCY MANAGEMENT COMMITTEES HELD ON 10 AUGUST 2023

RESOLVED that the minutes of the Rescue and Local Emergency Management Committees meetings held on 10 August 2023 be noted.

(Reid/Pothan) 174

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

AGAINST: Nil

9. 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 Bango Wind Farm Community Enhancement Fund Advisory 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.
- 10.2 Expression of Interest - Leasing Vacant Rural Fire Service Sheds, Bowning**
Item 10.2 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/Reid) 175

Closed Council commenced at 6.18 pm.

RESOLVED that the meeting move into Open Council.

(Abbey/Jones) 176

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

AGAINST: Nil

Open Council resumed at 6.40 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Turner/Cameron) 177

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

AGAINST: Nil

10.2 EXPRESSION OF INTEREST - LEASING VACANT RURAL FIRE SERVICE SHEDS, BOWNING

SUMMARY

Reporting on the outcome of Expressions of Interest received for use of the vacant Rural Fire Service (RFS) sheds located at 18 Leake Street, Bowning.

RESOLVED that Council rejects all EOI submissions and gives authorisation for staff to return to the Expression of Interest parties and negotiate further. If unsuccessful, the property is to be placed for sale on the open market with at least 50% of the sale profits (after associated costs) be used within the Bowning area for the community's benefit.

(Jones/Turner) 178

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

AGAINST: Nil

At 06:34 pm Councillor Burgess left the Chambers.

10.1 BANGO WIND FARM COMMUNITY ENHANCEMENT FUND ADVISORY COMMITTEE NOMINATIONS

SUMMARY

Advising on nominations received for the Bango Wind Farm Community Enhancement Fund Advisory Committee.

RESOLVED that the following nomination be accepted for the Bango Wind Farm Community Enhancement Fund Advisory Committee:

- ***Tanya Cullen***

(Butler/Pothan) 179

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

AGAINST: Nil

The meeting closed at 6.41 pm.