



Minutes of the Ordinary Meeting of Council

Thursday 23 May 2024

4.00pm

Council Chambers
209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

- **6.1 Murrumbateman Playground – Site Determination**
 - 9.1 Minutes of the Murrumbateman Playground Project Committee held on 17 April 2024
 - 9.3 Minutes of the Murrumbateman Recreation Grounds Focus Group Meeting held on 23 April 2024Annaliese Caston
- **6.1 Murrumbateman Playground – Site Determination**
Stephanie McCall (Via Teams)
- **6.3 Development Application DA230454 – Animal Breeding Establishment – 15 Mylora Street, Binalong**
Meg Trotter (via Teams) – Foundation Law Group

Council Meeting - The Mayor declared the meeting open at 4.20 pm.

Present

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

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

Acknowledgement of Country

1. Prayer

2. Apologies

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

(Turner/Reid) 104

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

AGAINST: Nil

3. Declaration of Interest/Disclosures

Nil

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 24 April 2024 covered by resolution numbers 75-98 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Butler/Turner) 105

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

AGAINST: Nil

RESOLVED that the minutes of the Extraordinary Council meeting held on 09 May 2024 covered by resolution numbers 99-103 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Jones/Butler) 106

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

AGAINST: Nil

5. Mayoral Minute

6. Reports to Council

Motion

RESOLVED that Item 9.1 – Minutes of the Murrumbateman Playground Project Committee held on 17 April 2024, be brought forward for consideration.

(Jones/Butler) 107

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

AGAINST: Nil

9.1 MINUTES OF THE MURRUMBATEMAN PLAYGROUND PROJECT COMMITTEE HELD ON 17 APRIL 2024

RESOLVED that the minutes of the Murrumbateman Playground Project Committee meeting held on 17 April 2024 be noted and the following recommendation be adopted:

Item 3.1 Site Recommendation Report

That:

- 1. Following consideration of community input, cost analysis and the consultant's report with an emphasis on the SWOT analysis and first preference selection, that the Old School Site be adopted as the preferred location for the grant and reserved funded 'All Abilities' playground with appropriate parking and amenities upgrade.***
- 2. The Committee also recommends further investigation of tourism and economic development opportunities at the Old School site building such as an onsite café/community book exchange and tourism information hub.***
- 3. Council should address building improvement and overflow parking. Council considers contingency in the next budget cycle for funding for possible site contamination checks, water tank make-safe, fencing and contribution to public amenities and upgrade sewerage construction and connection. Construction should be sympathetic to the onsite heritage and be situated appropriately as per the consultant's report.***

4. *Should the project be undeliverable at the Old School site for any time, site specific issues or cost constraints, the Murrumbateman Recreation Grounds be adopted as the alternate with further consultation with the Murrumbateman Recreation Grounds Focus Group and any identified stakeholders.*
5. *Once this playground has been delivered on the same side of Murrumbateman's major population cluster (primary school, preschools, daycare centre, shops and pedestrian/cycle path links) then a future Category 1 playground be considered for the Murrumbateman Recreation Grounds in collaboration with user groups including the Field Days.*
6. *A further category 1 playground be pursued as part of Council's North Murrumbateman Masterplan.*
7. *Council continues to advocate for a safe crossing of the Federal and State managed Barton Highway to and from the Recreation Ground.*

(Jones/Reid) 108

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

AGAINST: Councillor A Cameron

6.1 MURRUMBATEMAN PLAYGROUND - SITE DETERMINATION

SUMMARY

To present the site recommendation report from Complete Urban and determine the preferred location for the construction of the Murrumbateman All-Abilities Playground.

RESOLVED that :

1. *The report from Complete Urban on the preferred location for the construction of the Murrumbateman All-Abilities Playground be noted.*
2. *The site location for construction of the Murrumbateman All-Abilities Playground be at the Murrumbateman Old School Site.*
3. *If it is not possible to deliver the playground at the Old School site then the Murrumbateman Recreation Grounds be considered the alternate subject to consultation with user groups and stakeholders.*

(Butler/Abbey) 109

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

AGAINST: Councillor A Cameron

6.2 MODIFICATION DEVELOPMENT CONSENT NO DA200158 - THREE LOT VILLAGE SUBDIVISION, 20 SILVER STREET, BOWNING

SUMMARY

To present the assessment of a request to modify Development Consent DA200158 for three lot subdivision (consolidation and re-subdivision) at 20-24 Silver Street, Bowning. The modification requests to allow the lots to be created without being supplied with a grid electricity connection, seeking a variation to Council policy. This modification application request is similar to that considered and refused by Council in February 2023. Refusal is again recommended.

RESOLVED that the request to modify Development Consent DA200158 for a three lot subdivision (consolidation and re-subdivision) at 20-24 Silver Street, Bowning, be refused on the following grounds:

- **Clause 6.8 Yass Valley Local Environmental Plan 2013 requires Council to be satisfied of adequate arrangements for essential services, including the supply of electricity. In this instance an off-grid arrangement is not considered to be suitable for the supply of electricity to an RU5 Village lot as part of a development for subdivision, and therefore a modified Development Consent cannot be granted.**
- **The policy requires the supply of grid electricity to lots in subdivisions that are zoned RU5 Village as the suitable essential service arrangement. This is supported by the requirements of the Draft Yass Valley Development Control Plan 2024 which has recently been on public exhibition.**
- **The environmental planning grounds and circumstances are not unique to an extent that would warrant supporting the variation and departure from the policy requirements.**
- **The policy has been consistently applied. The inconsistent application of the policy is not considered to be consistent with the public interest pursuant to s4.15(e) Environmental Planning & Assessment Act 1979. Supporting the variation would set an undesirable precedent for the future application of the policy for electricity arrangements in subdivisions in the RU5 Village and residential zones across the Yass Valley.**

(Jones/Butler) 110

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

AGAINST: Councillors C Burgess and A Cameron

6.3 DEVELOPMENT APPLICATION DA230454 - ANIMAL BREEDING ESTABLISHMENT - 15 MYLORA STREET, BINALONG

SUMMARY

To present the assessment of Development Application No DA230454 for an animal breeding establishment at 15 Mylora Street, Binalong. The application seeks to formalise the use of existing activity and attracted 11 submissions. Approval is recommended.

RESOLVED that conditional Development Consent be issued for Development Application No DA230454 for an animal breeding establishment at 15 Mylora Lane, Binalong.

(Reid/Jones) 111

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

AGAINST: Councillor A Cameron

6.4 2023/24 THIRD QUARTERLY BUDGET REVIEW STATEMENTS

SUMMARY

This report outlines the 2023/24 Third Quarterly Budget Review Statements (QBRS) for the period 1 January to 31 March 2024. This quarterly budget review focused on capital expenditure for the remainder of 2024 financial year.

RESOLVED that :

- 1. The 2023/24 Third Quarterly Budget Review Statements and adjustments, as detailed in the report be approved.**
- 2. It be noted that in accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position as at 31 December 2023 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.**

(Reid/Burgess) 112

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

AGAINST: Councillor A Cameron

Foreshadowed Motion

An update of the Quarterly Budget Review Statement which will include a "Statement on Cash and Investment" as per Appendix 4 of the Guidelines, be provided as soon as possible.

(Cameron)

6.5 INVESTMENT REPORT - APRIL 2024

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 30 April 2024. 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 2024 be noted.

(Turner/Jones) 113

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

AGAINST: Nil

6.6 GRANTS UPDATE: SEPTEMBER 2023 TO MARCH 2024

SUMMARY

In line with Council's Community Strategic Plan and Delivery Program, Council staff continually source grant funding to assist council, community groups, and local businesses. This report outlines grant applications covering the period September 2023 to March 2024.

RESOLVED that the report on Community Grants be noted.

(Butler/Jones) 114

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

AGAINST: Nil

6.7 AUSTRALIAN TAX OFFICE CLASS RULINGS ON SUPERANNUATION

SUMMARY

Genesis Accounting has been engaged by LGNSW to obtain three Class Rulings from the Australian Tax Office (ATO) in relation to whether superannuation is payable on payments to members of Audit, Risk & Improvement Committees, Planning Panels, and ad hoc Committees. Councils are asked to contribute to the matter.

RESOLVED that the participation of Council in three Class Rulings from the ATO in relation to whether superannuation is payable on payments to members of Audit, Risk & Improvement Committees, Planning Panels, and ad hoc Committees be noted.

(Turner/Abbey) 115

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

AGAINST: Nil

6.8 RISK MANAGEMENT FRAMEWORK

SUMMARY

Council's Risk Management Framework has been developed in accordance with the amendment of the *Local Government (General) Regulation 2021*.

RESOLVED that the Risk Management Framework be endorsed.

(Cameron/Reid) 116

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

AGAINST: Nil

6.9 2024 SENIORS WEEK OVERVIEW

SUMMARY

The Yass Valley Seniors Festival was a resounding success, offering a diverse range of activities that catered to the interest of the older community members. The festival included a variety of engaging events such as bus trips to Cockington Green and the Premiers NSW Comedy show; tennis and pickleball; a visit from Montessori pre-schoolers to Thomas Eccles Gardens; Wrap with Love knitters; poetry; and still art, to name a few.

RESOLVED that the 2024 Seniors Week Overview report be noted.

(Turner/Reid) 117

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

AGAINST: Nil

6.10 INTERNAL AUDIT CHARTER AND THE AUDIT, RISK & IMPROVEMENT COMMITTEE TERMS OF REFERENCE

SUMMARY

To present the draft Charter and Terms of Reference for the Audit, Risk & Improvement Committee (ARIC) for endorsement.

RESOLVED that the draft Charter and Terms of Reference for the Audit, Risk & Improvement Committee be endorsed.

(Abbey/Reid) 118

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

AGAINST: Nil

6.11 WATER REBATE FOR AN UNDETECTED LEAK

SUMMARY

This report presents water rebate for an undetected leak for Council determination.

RESOLVED that this item be classified CONFIDENTIAL in accordance with Section 10A(2)(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 and discussion of the matter in an open meeting would be, on balance contrary to the public interest.

(Turner/Butler) 119

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

AGAINST: Nil

7. Notice of Motion

Nil

8. Questions with Notice

Nil

9. Minutes and Recommendations of Council Committees

9.2 MINUTES OF THE CRAGO MILL PRECINCT PROJECT COMMITTEE HELD ON 18 APRIL 2024

RESOLVED that the minutes of the Crago Mill Precinct Project Committee meeting held on 18 April 2024 be noted.

(Butler/Abbey) 120

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

AGAINST: Councillors A Cameron and J Jones

9.3 MINUTES OF THE MURRUMBATEMAN RECREATION GROUNDS FOCUS GROUP MEETING HELD ON 23 APRIL 2024

RESOLVED that the minutes of the Murrumbateman Recreation Grounds Focus Group meeting held on 23 April 2024 be noted and the following recommendation be adopted:

Item 4.1 Murrumbateman All-Abilities Playground - Site Recommendation

That if the Murrumbateman Recreation Ground is the preferred location for the All-Abilities Playground further consultation with the user groups be undertaken.

(Butler/Abbey) 121

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

AGAINST: Nil

9.4 MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD ON 1 MAY 2024

RESOLVED that the minutes of the Local Traffic Committee meeting held on 1 May 2024 be noted and the following recommendations be adopted:

Item 9.1 Truck Parking in Fairley Estate Murrumbateman Village

That:

- 1. Council investigate options for alternate heavy vehicle parking in the Murrumbateman village area.*
- 2. Cr Cameron discuss the issue at a Murrumbateman Community Association meeting.*
- 3. The matter be deferred for a future LTC meeting when information is available from Recommendations 1 and 2.*

Item 9.2 Traffic Safety Concerns Intersection Mont and Worth Streets, Yass

That Council install stop signs on both legs of Worth Street at the Mont Street intersection due to sight distance restrictions.

Item 9.3 Pedestrian Safety Concerns Crossing the Barton Highway, Murrumbateman

That Council refer the safety concerns in relation to pedestrians crossing the Barton Highway in Murrumbateman village to TfNSW for consideration.

Item 9.4 Safety Concerns Intersection Browne Street, Pritchett Street and Morton Avenue, Yass

That Council implement the proposed safety works for the intersection of Browne Street, Pritchett Street and Morton Avenue Yass, subject to available funding and resources.

(Abbey/Cameron) 122

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

AGAINST: Nil

9.5 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE MEETING HELD ON 7 MAY 2024

RESOLVED that the minutes of the Sustainability Advisory Committee meeting held on 7 May 2024 be noted.

(Cameron/Reid) 123

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

AGAINST: Nil

9.6 MINUTES OF THE RESCUE COMMITTEE AND LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETINGS HELD ON 9 MAY 2024

RESOLVED that the minutes of the Rescue Committee and Local Emergency Management Committee meetings held on 9 May 2024 be noted.

(Reid/Abbey) 124

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

AGAINST: Nil

9.7 MEETING NOTES OF THE YASS SOLDIERS MEMORIAL HALL ADVISORY COMMITTEE MEETING HELD ON 9 MAY 2024

RESOLVED that the Meeting Notes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 9 May 2024 be noted.

(Turner/Abbey) 125

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, 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 Water Rebate for an Undetected Leak

Item 10.1 is confidential in accordance with 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 and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Butler/Turner) 126

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

AGAINST: Nil

Closed Council commenced at 6.07 pm.

RESOLVED that the meeting move into Open Council.

(Abbey/Cameron)127

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

AGAINST: Nil

Open Council resumed at 6.15 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Jones/Reid) 128

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

AGAINST: Nil

10.1 WATER REBATE FOR AN UNDETECTED LEAK

SUMMARY

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

RESOLVED that the excessive water bill from an undetected leak outside of the property boundary at Lot 2 DP1196036, 310 Henderson Lane, Binalong be written-off, noting that the meter was relocated and the service under the railway culvert was upgraded.

(Turner/Jones) 129

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

AGAINST: Nil

The meeting closed at 6.16 pm.