



Minutes of the Ordinary Meeting of Council

Thursday 24 October 2024

4.00pm

Yass High School
Grampian Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

- Item 6.1 - Plan of Management – Murrumbateman Old School House and Playground Site
 - Stephanie Helm
 - Marcayla Stopp
- Item 6.2 - Gateway Determination - Wee Jasper Fisherman's Shacks, heritage listing in Yass Valley Local Environmental Plan 2013
 - Adrian King
 - Lisa Robinson (*Teams*)
- Item 6.6 - Development Application No DA230401 - Use of Existing Structure, 5 Ambleside Avenue, Murrumbateman
 - Muhammad Asfou (apology)
- Item 6.6 - Development Application No DA230401 - Use of Existing Structure, 5 Ambleside Avenue, Murrumbateman
 - Ian McCall
- Item 6.7 - Development Application No DA240052 - Boundary Adjustment and Alterations and Additions to Existing Dwelling, 8 and 10 Short Street, Yass
 - Rachel Doberer
 - Ben Scroope
- Item 6.8 - Development Application No DA240111 - Three Lot Subdivision, 4350 & 4338 Gundaroo Road
 - Rachel Doberer
 - Carol Hubert
- Item 6.8 - Development Application No DA240111 - Three Lot Subdivision, 4350 & 4338 Gundaroo Road
 - Phil Gaden
- Item 6.15 - Requests for Connections to Council's Water and Sewer Network - Outside the Service Area
 - Catherine Bennett
 - David Rowe

Council Meeting - The Mayor declared the meeting open at 5.00pm

Present

Councillors Jasmin Jones, Mayor, in the chair, Cecil Burgess, Kristin Butler, Adrian Cameron, David Carter, Alvaro Charry, Fleur Flannery (*Teams*), and David Rothwell.

Staff Present - Chief Executive Officer – Chris Berry, Director of Planning & Environment – Julie Costa, Director of Infrastructure & Assets – Nathan Cooke, Director of Corporate & Community – Lynette Safranek and Executive Support Officer – Katie Yeo.

Acknowledgement of Country

1. Prayer

2. Councillor Request for Attendance via Audio-Visual

The request for remote attendance by the following Councillors be approved for the Council meeting via audio-visual link and accept their reasons as listed:

- Cr Flanery: attendance at an event organised in Sydney prior to Council elections.

RESOLVED that Councillor Flanery attend the Council meeting via audio-visual link.

(Butler/Cameron) 7

3. Apologies

Allan McGrath – Leave of Absence

RESOLVED that Councillor McGrath be granted a leave of absence

(Butler/Burgess) 8

4. Declaration of Interest/Disclosures

Cr Jones, declared a non-pecuniary significant conflict of interest in *Item 6.3 2024/25 Local Heritage Grants Program* and stated that she would be leaving the Chambers.

Reason: Cr Jones declared an interest as an applicant is known to the Councillor through a working group and friendship.

Cr Jones, declared a non-pecuniary significant conflict of interest in *Item 10.1 Yass Pool Redevelopment Project Committee* and stated that she would be leaving the Chambers.

Reason: Cr Jones declared an interest as an applicant is known to the Councillor.

Cr Burgess, declared a pecuniary conflict of interest in *Item 6.13 Council Committees* and stated that he would be leaving the Chambers.

Reason: Cr Burgess declared an interest as he receives payments from the Bango Windfarm.

Cr Butler, declared a non-pecuniary significant conflict of interest in *Item 10.1 Yass Pool Redevelopment Project Committee* and stated that she would be leaving the Chambers.

Reason: Cr Butler declared an interest as an applicant is known to the Councillor.

Cr Flanery, declared a non-pecuniary significant conflict of interest in *Item 6.15 Requests for Connections to Council's Water and Sewer Network - Outside the Service Area* stated that she would be leaving the Chambers.

Reason: Cr Flanery declared an interest she is the Vice Chair of the Marchmont Racecourse Reserve Trust and; on the Aged Care Board in Yass.

5. Confirmation of Minutes

RESOLVED that the minutes of the Extraordinary Council Meeting held on 10 October 2024 covered by resolution numbers 1 – 6 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Butler/Carter) 9

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones and D Rothwell

AGAINST: Nil

6. Reports to Council

6.1 PLAN OF MANAGEMENT – MURRUMBATEMAN OLD SCHOOL HOUSE AND PLAYGROUND SITE

SUMMARY

In August 2024 Council considered a draft Plan of Management for Old Murrumbateman School House, however since that time Council has been advised that Crown Reserve 97127 has had an additional use added as well as an expansion in the size of the reserve. The purpose of this report is to present the updated draft Plan of Management for the Old Murrumbateman School House and Playground Site reflective of these changes for endorsement in order that it may be placed on public exhibition.

RESOLVED that consideration of the draft old Murrumbateman school house and playground plan of management be deferred until the November 2024 Council meeting to allow further discussions with the Onerwal Local Aboriginal Land Council and the Murrumbateman Community Association.

(Butler/Cameron) 10

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones and D Rothwell

AGAINST: Nil

6.2 GATEWAY DETERMINATION - WEE JASPER FISHERMAN'S SHACKS, HERITAGE LISTING IN YASS VALLEY LOCAL ENVIRONMENTAL PLAN 2013

SUMMARY

At Council meeting of 24 April 2024 it was resolved that the Planning Proposal (PP-2024-419) to include nine cabins at Swinging Bridge Reserve, Nottingham Road, Wee Jasper in Schedule 5 of *Yass Valley Local Environmental Plan 2013* be referred to the Department of Planning, Housing & Infrastructure for a gateway determination. A gateway determination has been received by way of refusal.

RESOLVED that it be noted that the gateway determination for the Planning Proposal (PP-2024-419) to include nine cabins at Swinging Bridge Reserve, Nottingham Road, Wee Jasper in Schedule 5 of the Yass Valley Local Environmental Plan 2013 has been refused.

(Butler/Charry) 11

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, and J Jones

AGAINST: Councillor D Rothwell

Mayor Cr Jones left the room at 5.32pm and Deputy Mayor Cr Butler took the Chair.

6.3 2024/25 LOCAL HERITAGE GRANTS PROGRAM

SUMMARY

To present a report on the completion of the 2023/24 Local Heritage Grants and the recommendations for the 2024/25 Local Heritage Grants Program.

RESOLVED that :

- 1. The expenditure and reimbursement for the 2023/24 Local Heritage Grants Program be noted.**
- 2. The following funding be provided in the 2024/25 Local Heritage Grant Program:**

Heritage Item Address	Project Description	Project cost	Applicant's contribution	Local Heritage Grant Funding
16 Pritchett Street, Yass	Exterior Painting, including verandah boards and front fence	\$26,730	\$22,730	\$3,400
13 Adele Street, Yass	Replace damaged section of red brick boundary fence and remove trees which caused the damage	\$17,023	\$13,023	\$3,400
Bowning Hall 3-8 Short Street, Bowning	Repair 5 timber windows	\$5,300	\$3,500	\$1,800
110A Rossi Street, Yass	Repairs to Roof	\$55,000	\$51,000	\$3,400
Total				\$12,000

(Cameron/Carter) 12

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, and D Rothwell

AGAINST: Nil

Mayor Cr Jones returned to the room and resumed the Chair at 5.35pm

6.4 PLANNING PROPOSAL - 34 ISABEL DRIVE, MURRUMBATEMAN (PP-2024-765)

SUMMARY

To present the outcome from the public exhibition of the Planning Proposal to include additional permitted uses in the *Yass Valley Local Environmental Plan 2013* for 34 Isabel Drive Murrumbateman. Endorsement of the Planning Proposal is recommended.

RESOLVED that :

- 1. The Planning Proposal 34 Isabel Drive Murrumbateman (PP2024-765) be adopted.**
- 2. The amendment to the Yass Valley Local Environmental Plan 2013 be made by Council as the local plan making authority.**

(Butler/Burgess) 13

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, and D Rothwell

AGAINST: Nil

6.5 APPLICATIONS UPDATE - AUGUST & SEPTEMBER 2024

SUMMARY

A list of applications that have been lodged, determined and under assessment for August and September 2024.

RESOLVED that the report on applications for August and September 2024 be noted.

(Charry/Butler) 14

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, and D Rothwell

AGAINST: Nil

6.6 DEVELOPMENT APPLICATION NO DA230401 - USE OF EXISTING STRUCTURE, 5 AMBLESIDE AVENUE, MURRUMBATEMEAN

SUMMARY

To present the assessment of Development Application No DA230401 for use of an existing structure as a workshop at 5 Ambleside Avenue, Murrumbateman. The application attracted six objections. Refusal is recommended.

RESOLVED that Development Application No DA230401 for the use of an existing structure as a workshop at 5 Ambleside Avenue, Murrumbateman be refused on the following grounds:

- 1. Council refused the Building Information Certificate (BIC) application (BP240176) due to the significant extent of non-compliance with the National Construction Code and other**

health and safety issues. Council is unable to issue consent for use without confirming that the structure will not cause a risk to its occupants.

2. *Insufficient information provided to characterise the structure for the purposes of the Yass Valley Local Environmental Plan 2013 and therefore the merits and likely impacts of the proposed development cannot be properly assessed.*

(Rothwell/Cameron) 15

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, and J Jones

AGAINST: Councillor D Rothwell

6.7 DEVELOPMENT APPLICATION NO DA240052 - BOUNDARY ADJUSTMENT AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING, 8 AND 10 SHORT STREET, YASS

SUMMARY

To present the assessment of development application DA240052 for a boundary adjustment between 8 and 10 Short Street, Yass and alterations and additions to an existing dwelling at 10 Short Street, Yass. The application has requested an exception to the 1,000m² minimum lot size development standard by 30% for one lot under clause 4.6 *Yass Valley Local Environmental Plan 2013*. The application did not attract any submissions.

RESOLVED that conditional Development Consent be issued for Development Application DA240052 for a boundary adjustment between 8 and 10 Short Street, Yass and alterations and additions to an existing dwelling at 10 Short Street, Yass

(Butler/Rothwell) 16

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, and D Rothwell

AGAINST: Nil

6.8 DEVELOPMENT APPLICATION NO DA240111 - THREE LOT SUBDIVISION, 4350 & 4338 GUNDAROO ROAD

SUMMARY

To present the assessment of Development Application No DA240111 for a three lot subdivision of 4350 and 4338 Gundaroo Road, Gundaroo. The application attracted seven objections and relevant concerns can be addressed by conditions. Approval is recommended.

RESOLVED that conditional Development Consent be issued for Development Application No DA240111 for a three lot subdivision of 4350 and 4338 Gundaroo Road, Gundaroo.

(Carter/Charry) 17

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, J Jones and D Rothwell

AGAINST: Councillor F Flanery

Councillor Flanery left the meeting at 5.57pm

6.9 UPDATE OF TfNSW SAFETY IMPROVEMENTS AT THE INTERSECTION OF STEPHENS AND FITZROY STREETS, BINALONG

SUMMARY

To provide community feedback and a general update on TfNSW's safety improvements proposed for Stephens Street, Binalong.

RESOLVED that:

- 1. The report on the update of the TfNSW safety improvements at the intersection of Stephens and Fitzroy Streets be noted.**
- 2. The additional submissions received from the community be referred to TfNSW and Jenny Aitchison MP, Minister for Regional Transport & Roads for further consideration and consultation with the community in relation to the proposed works, prior to 18 November 2024.**

(Butler/Rothwell) 18

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, J Jones and D Rothwell

AGAINST: Nil

6.10 TOWARDS ZERO SAFER ROAD PROGRAM GRANT

SUMMARY

To advise of a grant offer received under the Towards Zero Safer Roads Program to undertake safety improvements on Sutton Road.

RESOLVED that :

- 1. the Towards Zero Safer Road Program grant be accepted for \$393,000**
- 2. the 2024/25 Operational Plan and associated budget be updated to allow the Sutton Road Safety Improvements to progress.**

(Burgess/Cameron) 19

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, J Jones and D Rothwell

AGAINST: Nil

6.11 COUNCIL CORPORATE UPDATE

SUMMARY

This report is to provide the new Council with an update on the Corporate area of Council.

RESOLVED that the Council Corporate Update report be noted.

(Butler/Rothwell) 20

FOR: Councillors C Burgess, K Butler, D Carter, A Charry, J Jones, and D Rothwell

AGAINST: Councillor A Cameron

6.12 INVESTMENT AND BORROWING REPORT

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments for the period 1 to 30 September 2024. It also provides an update on the June, July, and August 2024 investment reports. 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, covering the period 1 to 30 September 2024 not be noted; and this report be brought back to Council to acknowledge what the discrepancies are that the report notes and to explain and demonstrate how the ring fencing of monies drawn down against the Crago Mill loan facility happens; and where we currently sit in relation to the drawdown of funds against the build.

(Carter/Cameron) 21

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, and D Rothwell

AGAINST: Councillor J Jones

Council moved into Committee of the Whole to discuss item 6.13 Council Committees, at 6.57pm

(Butler/Cameron) 22

Councillor Burgess left the room at 7.15pm

Council moved out of Committee of the Whole at 7.17pm

(Carter/Charry) 23

6.13 COUNCIL COMMITTEES

SUMMARY

Council has a number of external and statutory committees that requires Councillor representatives to be appointed.

RESOLVED that appointments be made for the committees as follows:

- ***CEO Performance Councillor nominated by Council: Cr Carter***
- ***Southern Tablelands Bushfire Service: Cr Burgess***
- ***Local Traffic Committee: Cr Rothwell***
- ***Southern Tablelands Regional Arts: Cr Charry***
- ***Coppabella, Rye Park, Bango Windfarm Community Enhancement Funds: Cr McGrath (TBC) with Cr Charry as alternate***

- ***Coppabella Windfarm Community Consultative Committees: Cr Charry with Cr Flanery (TBC) and Cr Butler as alternates***
- ***Rye Park Windfarm Community Consultative Committees: Cr Charry with Cr Flanery (TBC) and Cr Butler as alternates***
- ***Bango Windfarm Community Consultative Committees: Cr Charry with Cr Flanery (TBC) and Cr Butler as alternates***
- ***Humelink Consultative Committee: Cr Cameron***

(Butler/Rothwell) 24

FOR: Councillors K Butler, A Cameron, D Carter, A Charry, J Jones and D Rothwell

AGAINST: Nil

Councillor Burgess returned to the room at 7.22pm

6.14 YASS POOL REDEVELOPMENT PROJECT COMMITTEE

SUMMARY

To recommend nominations for positions on the Yass Pool Redevelopment Project Committee.

RESOLVED that Councillors Carter, Charry, and Flanery (TBC) be the nominated representatives.

Cameron/Burgess 25

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, J Jones and D Rothwell

AGAINST: Nil

RESOLVED that this item is classified CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to 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.

(Butler/Cameron) 26

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, J Jones and D Rothwell

AGAINST: Nil

6.15 REQUESTS FOR CONNECTIONS TO COUNCIL'S WATER AND SEWER NETWORK - OUTSIDE THE SERVICE AREA

SUMMARY

Requests to access Council's water supply and sewer network for properties located outside the existing service areas are presented in this report for Council's consideration.

RESOLVED that in-principle support be granted to the Seniors Villa proposal at 1 McIntosh Circuit Murrumbateman to investigate water and sewer servicing further.

Butler/Burgess 27

FOR: Councillors C Burgess, K Butler, D Carter, A Charry, J Jones and D Rothwell
AGAINST: Councillor A Cameron

RESOLVED that In principle support be granted to the Marchmont Racecourse proposal for water supply connection in Gums Land based on 20kL per event and 520kL per annum for a maximum of 200 people attending an event (approximately 3 equivalent tenements) for toilet, change room and canteen use, until additional water supply is secured by Yass Valley. The water supply connection is not to be used for irrigation of the course/grounds.

(Carter/Cameron) 28

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, J Jones and D Rothwell
AGAINST: Nil

6. Notice of Motion

Nil

7. Questions with Notice

8.1 QUESTION WITH NOTICE - MEMORIAL SEATING POLICY

Question

Councillor David Carter submitted the following Question with Notice:

During the election, it emerged that the Memorial Seating policy, or more specifically, what was on the approved list for new seating, did not include cemeteries in our region. Can you advise what steps have been taken to update either the Memorial Seating policy or the approved list for new seating, so as to include the right for memorial seating to be installed in LGA cemeteries? My thanks to former Cr, Cayla Pothan for discussing this with me during the recent election campaign.

Response

The *Memorial Seating Policy* is focused on open space areas. This policy is currently under review. Memorial seating for cemeteries are part of the cemetery plans of management.

RESOLVED that the response to the question with notice on the Memorial Seating Policy be noted

(Rothwell/Butler) 25

FOR: Councillors C Burgess, K Butler, D Carter, A Charry, J Jones and D Rothwell
AGAINST: Nil

*Councillor Cameron left the room at 7.42pm
Councillor Cameron returned to the room at 7.44pm*

8.2 QUESTIONS WITH NOTICE - COUNCIL MEETING VENUES

Question

Councillor David Carter submitted the following Questions with Notice:

1. *Given the desire by a number of electors in the Yass Valley Local Government Area to have council meetings in different villages and towns around the region, can you provide any updates on the cost and capacity of the Yass Valley Local Council to hold meetings across the LGA?*
2. *Are you aware of any low-cost models or case studies around how other LGAs hold meetings in and around their broader LGA?*
3. *Are you aware of any official guidance provided by the OLG to hosting meetings in different venues across a LGA?*
4. *Is there any reason that would prevent the Yass Valley Council, given this advice from the OLG and from other case studies in NSW, from holding council meetings in Murrumbateman (perhaps at the Hive), in Gundaroo or Sutton or in Binalong, Bowning or other such places?*

Response

All Council meetings must be live streamed and need to technology to record minutes/motions/voting into our system.

Staff investigated multiple alternate venue options for Council meetings as part of the Crago Mill Precinct development.

Council meetings at community halls in Gundaroo, Sutton, Binalong, Bowning and Murrumbateman do not have suitable technology or reliable internet to conduct a Council meeting that meets the Office of Local Government requirements. To hold a meeting at any of the community halls involves considerable support from ICT staff and mobile equipment but there is no guarantee internet support would be suitable. In addition, there are heating and cooling issues with the halls and halls are not always available for the entire period of construction of the new Council offices.

The only venue that meets the technology requirements and availability needs for Council meetings was the classroom at the Yass High School

I am not aware of any guidelines/directives from the Office of Local Government to host meetings in different venues.

Other Local Councils in our region do move their meetings between different communities. They have been able to do this as a result of amalgamations in which they inherited multiple Council offices e.g.

- Hilltops Council – include the former Harden, Young and Boorowa Council Chambers
- Upper Lachlan Council – include the former Gunning and Crookwell Council Chambers
- Cootamundra Gundagai Regional Council – include the former Cootamundra and Gundagai Council Chambers
- Queanbeyan Palerang Regional Council – current Queanbeyan Chambers and former Braidwood Council Chamber

RESOLVED that the response to the question with notice on Council meeting venues be noted

(Rothwell/Butler) 26

FOR: Councillors C Burgess, K Butler, D Carter, A Charry, J Jones and D Rothwell

AGAINST: Nil

8. Minutes and Recommendations of Council Committees

9.1 MINUTES OF THE YOUTH COUNCIL HELD ON 25 SEPTEMBER 2024

REPORT

The minutes of the Youth Council meeting held on 25 September 2024 is included in **Attachment A**.

From the minutes there are no items which covers a matter that:

- Requires expenditure not provided for in the current Operational Plan
- Involves a variation to a Council policy
- Is contrary to a previous decision or position of Council
- Relates to a matter which requires Council to form a view or adopt a position
- Deals with a matter of specific interest

Accordingly, the minutes are presented for information.

RESOLVED that the minutes of the Youth Council meeting held on 25 September 2024 be noted.

(Carter/Rothwell) 27

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, J Jones and D Rothwell

AGAINST: Nil

9. Confidential Matters

Councillors Jones and Butler stepped of the room at 7.45pm

Councillor Carter nominated for Chair unopposed at 7.45pm

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 Yass Pool Redevelopment Project Committee

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 and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Cameron/Charry) 28

FOR: Councillors C Burgess, A Cameron, D Carter, A Charry and D Rothwell

AGAINST: Nil

Closed Council commenced at 7.46pm.

RESOLVED that the meeting move into Open Council.

(Burgess/Rothwell) 29

FOR: Councillors C Burgess, A Cameron, D Carter, A Charry and D Rothwell

AGAINST: Nil

Open Council resumed at 7.56pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Rothwell/Charry) 30

FOR: Councillors C Burgess, A Cameron, D Carter, A Charry and D Rothwell

AGAINST: Nil

Councillors Jones and Butler returned to the room at 7.57pm

10.1 YASS POOL REDEVELOPMENT PROJECT COMMITTEE

SUMMARY

To consider nominations for positions on the Yass Pool Redevelopment Project Committee.

RESOLVED that :

- 1. The following Yass Swim Club nominations to the Yass Pool Redevelopment Project Committee be accepted:**
 - **Hugh Rainger**
 - **Donna Wullaert**
- 2. The following community nominations to the Yass Pool Redevelopment Project Committee be accepted:**
 - **Bec Duncan**
 - **Sarah Watson**
 - **Laurie Columb**
- 3. The remaining nominees be thanked for their interest and offers of assistance and encourage them to participate in the projects during any community consultation.**

(Rothwell/Charry)

FOR: Councillors C Burgess, A Cameron, D Carter, A Charry and D Rothwell

AGAINST: Nil

The meeting closed at 7.58pm