



DRAFT Minutes of the Ordinary Meeting of Council

Thursday 24 April 2025

4:00 PM

**Yass High School
Grampian Street, Yass**

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Open Forum

Presentations to Council – Items on the Meeting Agenda

- **Geoff Frost** - 6.1 - Victoria Park Crown Reserve – Additional Purpose and Re-location of YassFM

Council Meeting - The Mayor declared the meeting open at 4.12pm and advised that the meeting would be webcast live.

Present

Councillors Jasmin Jones, Mayor, in the chair, Cecil Burgess, Adrian Cameron, David Carter, Alvaro Charry, Fleur Flanery, Allan McGrath and David Rothwell.

Also present were the Chief Executive Officer – Gayleen Burley, Director of Planning & Environment – Julie Costa, Director of Infrastructure & Assets – Nathan Cooke, Director of Corporate & Community – Peta Gardiner, Chief Executive Officer - Jason McGuire, Governance and Risk Officer - Tanya Whitmarsh and Executive Support Officer – Katie Yeo.

Acknowledgement of Country

Prayer

1. Councillor Request for Attendance via Audio-Visual

Nil

1. Apologies

Apology

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

(McGrath/Burgess)163

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

AGAINST: Nil

2. Declaration of Interest/Disclosures

Councillor Jones, Declared a Non- Pecuniary – Less than Significant Interest and will leave the meeting in Item 8.1 Murrumbateman Playground and Item 9.1 Minutes of the Murrumbateman Recreation Ground Focus Group held on 24 March 2025.

Reason: Family Member on Parish board, re: land on Hercules Street.

3. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 27 March 2025 covered by resolution numbers 139-162 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Charry/Flanery)164

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

AGAINST: Nil

4. Mayoral Minute

5. Reports to Council

6.1 VICTORIA PARK CROWN RESERVE - ADDITIONAL PURPOSE AND RE-LOCATION OF YASSFM

SUMMARY

YassFM are currently occupying the 'pool house' at Victoria Park, Yass which is a Crown reserve. This building is not fit for purpose and is identified for demolition under the Victoria Park Masterplan should Council construct a new pool facility. The proposed location for YassFM will require the relocation of the existing cricket nets to another location at Victoria Park. In order to facilitate the relocation of YassFM, Council will need to request the Minister for Lands and Property to authorise an additional purpose of 'community facilities' for Victoria Park given that it is a Crown reserve.

RESOLVED that :

- 1. The Council reaffirms its ongoing support for YassFM as a volunteer-led, community resource and acknowledges the broadcaster's longstanding commitment to Yass and the region.***
- 2. The Minister for Lands and Property to be requested to authorise an additional purpose of 'Community Use' for Victoria Park being Crown Reserve 530056 to facilitate other suitable community use.***
- 3. If the additional purpose of 'Community Use' is approved for Victoria Park by the Minister for Lands and Property in point 2, above, a further report on proposed amendments to the Victoria Park Plan of Management and Master Plan be presented to Council.***
- 4. The report to Council, referenced in point 3 above, give consideration to the relocation of YassFM from the pool house to an alternative suitable location.***

(Flanery/Cameron)165

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

AGAINST: Nil

6.2 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY 2025

SUMMARY

The Australian Local Government Association (ALGA) is the peak national body representing local councils across Australia. The 2025 National General Assembly (NGA) of ALGA will be held in Canberra between 24 and 27 June 2025. The events commence with the Regional Cooperation and Development Forum on 24 June 2025. It is proposed that the Mayor, one Councillor and the Chief Executive Officer attend the NGA including the Regional Cooperation and Development Forum.

RESOLVED that :

- 1. The Mayor, Councillor Butler and the Chief Executive Officer (or their delegate) attend the Australian Local Government Association National General Assembly 2025 incorporating the Regional Cooperation and Development Forum.***
- 2. The Mayor is authorised to attend as Council's voting delegate.***
- 3. That the June 2025 council meeting be brought forward to the 23 June 2025 at 4.00pm due to the conflict between the scheduled council meeting on the 26 June 2025 and the conference.***
- 4. That Council fund the attendance of one (1) additional councillor to the Regional Forum held in conjunction with the conference.***
- 5. That council nominates Cr Charry as the additional councillor to attend the Regional Forum.***

(McGrath/Rothwell)166

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

AGAINST: Nil

6.3 MODIFICATION OF DEVELOPMENT CONSENT DA230374 - CONSTRUCTION OF FOOPATH - 75 ISABEL DRIVE, MURRUMBATEMAN

SUMMARY

To present a report for reconsideration of the request to modify development consent DA230374 for the 34 lot subdivision of 75 Isabel Drive, Murrumbateman. The modification request sought to remove the requirement to construct a section of path connecting to Isabel Drive. Council resolved to refuse the modification application and to impose additional requirements. Additional requirements cannot be imposed beyond the original consent and therefore this part of the resolution is not valid.

RESOLVED that Council remove part (3) of its resolution for Item 6.2 of the 27 March 2025 Council meeting that the developer investigate safety options at the interface of Isabel Drive to the satisfaction of council and details to be provided prior to the release of the subdivision works certificate. Works to be funded and installed by the developer, prior to the release of the subdivision certificate.

(Jones/McGrath)167

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

AGAINST: Nil

6.4 APPLICATIONS UPDATE - FEBRUARY AND MARCH 2025

SUMMARY

To present details of applications that have been lodged, determined and are under assessment for February and March 2025 and to detail how council is performing against the expectations set by the NSW Department of Planning, Housing and Infrastructure.

RESOLVED that the report on applications for February and March 2025 be noted.

(Rothwell/Charry)168

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

AGAINST: Nil

6.5 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 31 March 2025. 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 and Borrowings Reports, covering the period 1 to 31 March be noted.

(McGrath/Rothwell)169

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

AGAINST: Nil

6.6 MONTHLY FINANCE REPORT

SUMMARY

Council was advised at the November 2024 Council Meeting that a monthly report would be developed to update Council and the Office of Local Government (OLG) on the Council's financial performance.

This report provides information about Council's financial position at the end of March 2025. The report also includes a variance analysis against the full-year budget and budget year to date (YTD).

Note that the Investment and Borrowing Report is a separate report.

RESOLVED that the Monthly Finance Report for March 2025 be noted.

(Charry/Carter)170

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

AGAINST: Nil

6.7 COMMUNITY STRATEGIC PLAN UPDATE

SUMMARY

Following Council's resolution in February 2025, the Yass Valley Community Strategic Plan (CSP) 2042 was placed on public exhibition. Public feedback has been received and considered. There were minor changes made to the CSP as a result of the public feedback.

RESOLVED that Council:

- 1. *Adopt the attached version of the Yass Valley Community Strategic Plan 2042.***
- 2. *Endorse Council to review the approach adopted for the community engagement for the revision of the Yass Valley Community Strategic Plan 2042.***

***(Carter/Rothwell)*171**

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

AGAINST: Nil

6. Notice of Motion

Nil

At 4.48pm Mayor Cr Jones left the room and Cr McGrath was elected to chair the meeting.

7. Questions with Notice

8.1 MURRUMBATEMAN PLAYGROUND

Question

Councillor Charry submitted the following Questions with Notice:

1. What internal planning or legal advice has been sought regarding the implications of delivering public infrastructure on privately owned land?
2. What quality control measures were implemented by staff to ensure the integrity of responses to the online survey (e.g. IP tracking, one-response limits, residential verification)?
3. Has there been any assessment of how the survey data will be interpreted or weighted in Council decision-making?
4. Why were survey respondents not provided with a comparative summary of the two proposed sites, including relevant site constraints, risks, and cost considerations?
5. What are the projected delivery and operational risks associated with the Hercules Street site compared to the Recreation Grounds location?
6. Has Council received legal advice on the governance and liability risks associated with delivering public assets on privately owned land?

Response

1. **What internal planning or legal advice has been sought regarding the implications of delivering public infrastructure on privately owned land?**

Council staff have undertaken preliminary discussions with the landowners receiving in principle support for renegotiating the current lease of privately owned land negating the need for legal advice. Council already has infrastructure on this land and a lease agreement with the owner.

2. **What quality control measures were implemented by staff to ensure the integrity of responses to the online survey (e.g. IP tracking, one-response limits, residential verification)?**

Council staff chose survey monkey platform and set the parameters for one-off responses based off IP tracking.

3. **Has there been any assessment of how the survey data will be interpreted or weighted in Council decision-making?**

Council have developed a two option survey which will indicate respondent's preferred playground location.

4. **Why were survey respondents not provided with a comparative summary of the two proposed sites, including relevant site constraints, risks, and cost considerations?**

The survey responds to Council's decision in relation to item 6.2 on 28 November 2024 [Min No 42].

The survey includes a preliminary comparative summary of the two proposed sites. This information aligns with the delivery of a category one all-abilities playground.

Survey includes site specific considerations to incorporate the adopted detailed design.

See Attachment A.

5. **What are the projected delivery and operational risks associated with the Hercules Street site compared to the Recreation Grounds location?**

<i>Hercules Street Site</i>	<i>Murrumbateman Recreation Grounds</i>
<i>Finalisation of any lease arrangements with the owner</i>	<i>Management of user groups during construction</i>
<i>Completion of review of environmental factors (noting mature trees on site)</i>	<i>Completion of review of environmental factors</i>
<i>Formed carpark on Hercules Street would not be available during construction as it would be used for construction set up, parking etc</i>	<i>Extension of water source to playground site for bubblers (required for a category 1 playground)</i>
<i>Neighbourhood disruption during construction</i>	<i>Revisit final design for this site (current design is for the Murrumbateman Old School House site)</i>
<i>Revisit final design for this site (current design is for the Murrumbateman Old School House site)</i>	<i>Unforeseen site constraints</i>
<i>Unforeseen site constraints</i>	<i>Delivery within budget</i>
<i>Delivery within budget</i>	<i>Grant provider rejects amendment to site location</i>

<i>Grant provider rejects amendment to site location</i>	<i>Project would need to be completed prior to 2026 Murrumbateman Field Day</i>
<i>Weather</i>	<i>Weather</i>
	<i>Outcome from stormwater investigations and impact on site design</i>
	<i>Impact on equestrian users from playground users – interim measures may be required</i>
	<i>Disposal of sand from site</i>

Council not making a decision on the location of playground in a timely manner may impact councils ability to meet grant conditions.

6. Has Council received legal advice on the governance and liability risks associated with delivering public assets on privately owned land?

No legal advice has been obtained as Council understands its obligations constructing public assets on private land.

RESOLVED that

- 1. Council directs the Chief Executive Officer to provide a comprehensive and comparative cost analysis of the Hercules Street site and the Murrumbateman Recreation Grounds site. This analysis must include, but is not limited to:**
 - a. The projected cost of securing a lease agreement for a minimum term of 15 years for the Hercules Street site;**
 - b. The estimated cost of disestablishing and removing the playground infrastructure at the conclusion of the lease;**
 - c. Any other material financial, operational, or legal costs that may impact the long-term viability, sustainability, or value of either site.**
- 2. Council notes that while community feedback from the online survey is valuable, it will not be the sole determinant in the decision-making process.**
- 3. The report is to be presented for the May 2025 Ordinary Meeting to enable a final resolution on the project's delivery site.**

(Charry/Carter)172

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

AGAINST: Nil

At 5.03pm Mayor Cr Jones returned to the room and resumed the Chair.

8.2 BUILDING CERTIFICATION

Question

Councillor Cameron submitted the following Question with Notice:

What is the likely direct and indirect impact, especially financial of YVC using private certifiers, rather than dealing with these matters in-house; and will this move to private certifications possibly lead to serious variability in the quality of our built environment in Yass Valley; and why

was this change in the structure of the council not discussed with councillors before this decision was made, in keeping with the Local Government Act?

Response

1 What is the likely direct and indirect impact, especially financial of Council using private certifiers rather than dealing with these matters in-house?

Council will not be engaging private certifiers to complete the certification work on behalf of applicants. Instead applicants are being advised of the pausing of Council's building certification services and moving to private certifiers to undertake their work. Where Council is able to assist in this process, we have been doing so. There are a number of legacy issues that Council is currently trying to resolve.

Council will be undertaking a service review in the near future to determine whether to continue to provide the service and if so, in what format.

In terms of financial impacts, pausing the service will reduce Council's income from fees and expenditure on certification (mostly salaries and vehicles).

2 Will this move to private certifications possibly lead to serious variability in the quality of our built environment in the Yass Valley?

All building work is subject to compliance with the National Construction Code 2022 irrespective of the employment status of the certifiers. There is already a number of private certifiers operating in the Yass Valley. Certifiers are independently accredited (including those employed with Council) and are governed by the requirements of the Building and Development Certifiers Act 2018.

3 Why was this change in the structure of the Council not discussed with councillors before this decision was made, in keeping with the Local Government Act?

The pausing of the building certification service has not resulted in any changes to the organisational structure. Those positions remain in the organisational structure. However, a service review will be conducted to determine whether Council should provide this service and if so, in what format.

RESOLVED that the question be noted.

(Cameron/Charry)173

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

AGAINST: Nil

8.3 CRAGO MILL - SUSTAINABILITY IN DESIGN ISSUES

Question

At its meeting of February 22, 2024, YVC unanimously passed the following motion re Crago Mill - Sustainability in Design Issues [Motion 36];

That the Council communicate to the Yass Valley community:

1. Whether the redesigned Crago Mill Precinct is fully responding to the recommendations made in the Climate Change and Natural Disaster Risk Assessment; and

2. How the adopted changes to the design - including amendments to lighting, ceilings, landscaping, roof and subfloor specifications - may or may not impact on the environmental standards of the buildings, and the project's overall environmental sustainability.

Response

The communication of this resolution will be communicated to the Yass Valley Community via the next Crago Mill Precinct Monthly update.

RESOLVED that the question be noted.

(Cameron/Flanery)174

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

AGAINST: Nil

Mayor Cr Jones declared a Non-Pecuniary Less than Significant Interest in Item 9.1 and left the room at 5.08pm and Cr McGrath was elected to the Chair.

8. Minutes and Recommendations of Council Committees

9.1 MINUTES OF THE MURRUMBATEMAN RECREATION GROUND FOCUS GROUP HELD ON 24 MARCH 2025

REPORT

The minutes of the Murrumbateman Recreation Ground Focus Group meeting held on 24 March 2025 are included in **Attachment A**.

From these minutes there are items that may require expenditure not provided for in the current Operational Plan. Any adjustment to the Operational Plan or Budget relating to actions identified in the Murrumbateman Recreational Ground minutes will be considered as part of usual budget process.

Accordingly, the minutes are presented for information.

RESOLVED that the minutes of the Murrumbateman Recreation Ground Focus Group meeting held on 24 March 2025 be noted.

(Charry/Flanery)175

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

AGAINST: Nil

Mayor Cr Jones returned to the room at 5.10pm and resumed the Chair.

9. Confidential Matters

Nil

The meeting closed at 5.10pm.
