



Ordinary Meeting of Council

Thursday 24 March 2022

4.00pm

Council Chambers

209 Comur Street, Yass

PRAYER:

All Stand:

Mayor: *Let us be still and remember the presence of God. As we commence our meeting let us together pray for guidance and help.*

All say together:

Almighty God, we ask your blessing upon this Council.

Direct and prosper our deliberations to the true welfare of Australia and the people of Yass Valley Amen.

FUTURE MEETINGS

April 2022

Thursday 28th

4.00pm

Ordinary Meeting of Council

Ordinary Meeting of Council

A G E N D A

Open Forum

Page No.

Webcasting

This meeting is being webcast, a reminder to those in attendance that you should refrain from making any defamatory statements.

Acknowledgement of Country

I acknowledge that we are meeting on the ancestral land of the Ngunnawal people. I recognise the Ngunnawal as the traditional custodians and pay respect to the Elders of the community and their descendants.

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Close of Meeting Time

Chris Berry
GENERAL MANAGER



Minutes of the Ordinary Meeting of Council

Thursday 24 February 2022

4.00pm

Council Chambers

209 Comur Street, Yass

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Presentations to Council

Inspector Dave Cowell –OIC Yass Local Police Station

Council Meeting - The Mayor declared the meeting open at 4.39 pm.

Present

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

Also present were the General Manager – Chris Berry, Acting Director Planning & Environment – Liz Makin, Director Infrastructure & Assets – James Dugdell, Director Corporate & Community – Lynette Safranek and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

1. Prayer

A minutes silence was observed to show respect and support to the Director of Planning & Environment, and her family, on their recent loss.

2. Apologies

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

(Jones/Reid) 22

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

AGAINST: Nil

3. Declaration of Interest/Disclosures

Councillor Burgess declared a pecuniary conflict of interest in Item 9.2 Minutes of the Bango Wind Farm Community Consultative Committee and stated that he believed his interest would preclude him from voting.

Reason: Councillor Burgess declared an interest as he could be a possible beneficiary of money from the Bango Wind Farm.

Councillor Jones declared a pecuniary conflict of interest in Item 6.19 – Council Committees (Rye Park, Bango and HumeLink Community Consultative Committees) and stated that she did believe her interest would preclude her from voting.

Reason: Councillor Jones declared an interest as the Rye Park and Bango Wind Farm proponents and HumeLink are advertisers in the paper this week that she co-owns.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 12 January 2022 covered by resolution numbers 1-7 inclusive, and Extraordinary Council Meeting held on 27 January 2022 resolution numbers 8-21 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Cameron/Reid) 23

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

AGAINST: Nil

5. Mayoral Minute

6. Reports to Council

6.1 TENDER EVALUATION - WEE JASPER ROAD AND HILLVIEW DRIVE ROAD REHABILITATIONS - YVC/IA/51.2021

SUMMARY

Providing advice and recommendations on the submission of tenders for the Wee Jasper Road/Hill View Drive Road Rehabilitations under contract YVC.IA.51.2021.

RESOLVED that item be 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

(Jones/Turner) 24

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

AGAINST: Nil

6.2 TENDER EVALUATION - YASS PUBLIC SCHOOL SAFETY UPGRADES - YVC/IA/52.2021

SUMMARY

Providing advice and recommendations on the submission of tenders for the Yass Public School Safety Upgrades under contract YVC.IA.52.2021.

RESOLVED that item be 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

(Jones/Turner) 25

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

AGAINST: Nil

6.3 YASS VALLEY OPEN SPACE COMMITTEE AND YASS MAIN STREET COMMITTEE NOMINATIONS

SUMMARY

To recommend nominations for the positions on the Yass Valley Open Space Project Committee and the Yass Main Street Project Committee.

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 personnel matters concerning particular individuals (other than councillors)

(Jones/Turner) 26

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

AGAINST: Nil

6.4 YASS BUSINESS FIBRE ZONE

SUMMARY

NBN announced the Business Fibre Initiative and created more than 200 Business Fibre Zones across the country. The Business Fibre Zones were selected based on a variety of factors, including the density of businesses and current NBN infrastructure available within the zone. Yass has been selected as one of the Business Fibre Zones.

RESOLVED that item be 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.

(Jones/Turner) 27

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

AGAINST: Nil

6.5 DEVELOPMENT CONSENT DA190157B - SUBDIVISION, 141B ROSSI STREET, YASS

SUMMARY

Presenting the assessment of a request to modify Development Consent DA190157B for a three lot rural residential subdivision at 141B Rossi Street, Yass. The application proposes to stage the subdivision and seeks a variation to Council policy, requesting that a grid electricity connection not be required to be supplied to proposed Lot 2.

RESOLVED that :

- 1. Development Consent DA190157B be modified to stage the three lot subdivision at 141B Rossi Street, Yass***
- 2. The request to vary Council's Electricity Supply and Telecommunication Service for Subdivision Policy to not require a grid electricity connection to proposed Lot 2 is refused on the following grounds:***

- *The policy requires the supply of grid electricity to new lots in subdivisions which are zoned R5 Large Lot Residential*
- *The circumstances of the proposal are not unique and supporting the variation would currently set an undesirable precedent for subdivisions in the R5 Large Lot Residential*

(Jones/Reid) 28

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

AGAINST: Nil

6.6 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT

SUMMARY

Reporting on development standard variations approved in the fourth quarter (October – December) of 2021.

RESOLVED that the report on approved development variations for the fourth quarter of 2021 be noted

(Jones/Abbey) 29

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

AGAINST: Nil

6.7 YASS VALLEY DEVELOPMENT CONTRIBUTIONS PLAN 2018 - REVIEW OF OPERATION

SUMMARY

Reporting the outcome of the public exhibition of the *Yass Valley Development Contributions Plan 2018* as updated with administrative changes.

RESOLVED that Council adopted the Yass Valley Development Contributions Plan 2018 - updated October 2021

(Turner/Reid) 30

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

AGAINST: Nil

6.8 SAFETY AROUND SCHOOLS UPDATE - GUNDAROO PUBLIC SCHOOL AND ROSSI STREET YASS

SUMMARY

Presenting a report on the outcome from reviewing the scope and new procurement process for safety around school works for Gundaroo Public School and Rossi Street Yass.

RESOLVED that :

- 1. An additional up to \$130,000 be allocated to the 2021/22 Operational Plan from the Infrastructure Reserve, which will cover the funding shortfall for the construction and project management expenses**
- 2. Council continue to work with TfNSW to fund the project shortfall or part thereof from the Road Safety grant programs**
- 3. The 2021/22 Operational Plan be adjusted to reflect any additional grant funding received**

(Jones/Reid) 31

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

AGAINST: Nil

6.9 CHANGE OF LOCATION FOR WATER TREATMENT PLANT SOLAR POWER INSTALLATION

SUMMARY

In the 2021/2022 Operational Plan, Council approved the installation of Solar Power on the Yass Water Treatment Plant. This report seeks Council's approval to change the location of the Solar Power from the Yass Water Treatment Plant to the Morton Street Pump Station.

RESOLVED that :

- 1. The installation of the Solar Power system initially planned for the Yass Water Treatment Plant be relocated to the Morton Street Pump Station**
- 2. Options for the installation of Solar Power be included in the Yass Water Treatment Plant Upgrade Stage 2 and 3**

(Turner/Jones) 32

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

AGAINST: Nil

6.10 YASS WATER TREATMENT PLANT UPGRADE PROJECT UPDATE

SUMMARY

The Yass Water Treatment Plant Upgrade Project is an important and challenging project for the Yass Valley Council. Council requested bimonthly update reports be provided on the project.

RESOLVED that the updated report and work completed on the Water Treatment Plant Upgrade Project be noted

(Reid/Pothan) 33

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

AGAINST: Nil

6.11 INVESTMENT AND BORROWINGS REPORT - NOVEMBER 2021, DECEMBER 2021 AND JANUARY 2022

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 30 November 2021, 31 December 2021 and 31 January 2022. 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 November 2021, December 2021 and January 2022 Investment Reports be noted

(Turner/Burgess) 34

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

AGAINST: Nil

6.12 RATES ARREARS

SUMMARY

To provide an update on rate arrears for the second quarter of 2021/22 financial year. Rate arrears totalled \$1,241,261 at 30 June 2021 and has now been reduced to \$837,346 at 31 December 2021. This represents an improvement of \$403,915 or 32.54 %.

RESOLVED that the report on Rates Arrears be noted

(Reid/Pothan) 35

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

AGAINST: Nil

6.13 2ND QUARTER BUDGET REVIEW 2021/22

SUMMARY

Providing the 2021-22 Second Quarterly Budget Review Statements (QBRs) for the period 1 July to 31 December 2021. Council's projected year end net operating result before capital is expected to improve from a budgeted surplus of \$32k to a budgeted surplus of \$447k for 2021/22 financial year. These adjustments will result in Operating Performance ratio move from original projection at -1.36% to -0.03%.

RESOLVED that :

- 1. The Quarterly Budget Review Statements adjustments be adopted and the relevant income and expenditure budget adjustments be approved***
- 2. In accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position as at 31 December 2021 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure***

(Jones/Reid) 36

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

AGAINST: Nil

6.14 SIX MONTHLY PROGRESS REPORTING ON THE 2017/18 - 2020/21 DELIVERY PROGRAM

SUMMARY

In line with the Integrated Planning and Reporting Framework, Council is required to report on progress against the actions and activities identified in its Delivery Program. This report contains the status of actions and activities undertaken for the period 1 July 2021 to 31 December 2021.

RESOLVED that the six monthly Progress Report for the 2017/18 – 2020/21 Delivery Program for period 1 July 2021 to 31 December 2021 be noted

(Pothan/Reid) 37

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

AGAINST: Nil

6.15 DRAFT COMMUNITY STRATEGIC PLAN - PUBLIC EXHIBITION

SUMMARY

The *Draft Yass Valley Council Community Strategic Plan* (CSP) has been prepared. This report is to present the draft and recommend that the document on public exhibition for 28 days.

RESOLVED that, in accordance with paragraph 1.6 of the integrated planning and reporting guidelines for local government in NSW, the draft community strategic plan be placed on public exhibition, commencing 28 February 2022 and concluding 28 March 2022 with the following amendments:

- ***Strategic Objective EN.1 Our natural and built environment is maintained, protected and enhanced in line with community expectations***
- ***Strategies EN.1 Advocate for and deliver on the protection of our built form environment and heritage***
- ***Strategic Objective EN.3 We have a robust planning framework that considers our rural character including heritage values and natural landscapes***

(Jones/Reid) 38

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

AGAINST: Nil

6.16 LEASING/LICENCING OF COUNCIL LAND & BUILDINGS POLICY

SUMMARY

The *Leasing of Council Property Policy* has been updated, renamed, and reviewed to better reflect the leasing and licencing options available throughout the Yass Valley area.

RESOLVED that the Leasing/Licencing of Council Land & Buildings Policy be placed on public exhibition for a period of 28 days and adopted if no significant submissions are received

(Turner/Reid) 39

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

AGAINST: Nil

6.17 DRAFT FINANCIAL ASSISTANCE, GRANTS & DONATIONS POLICY

SUMMARY

Council is committed to providing consistent, open and equitable financial assistance to the community with the Yass Valley Local Government Area. Council is looking to manage funding opportunities to support community organisations and individuals to conduct activities, build capacity, host events, and build strong partnerships.

RESOLVED that the draft Financial Assistance, Grants & Donations Policy be placed on public exhibition for a period of 28 days and adopted if no significant submissions are received

(Reid/Pothan) 40

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

AGAINST: Nil

6.18 DRAFT ASSET MANAGEMENT POLICY

SUMMARY

The purpose of Asset Management is to ensure that Council has an appropriate range of equipment, facilities and infrastructure for current and future needs provided in a sustainable manner through consistent and strategic management of assets ensuring appropriate and affordable levels of service to residents, visitors and the environment.

RESOLVED that the draft Asset Management Policy be placed on public exhibition for a period of 28 days and adopted if no significant submissions are received

(Turner/Reid) 41

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

AGAINST: Nil

At 5.48pm Councillor Jones left the Chambers

6.19 COUNCIL COMMITTEES

SUMMARY

To assist with various Council functions and projects there are a variety of Committees that Council could use. A Committee Framework was adopted in July 2021. Council representatives to Committees of Council, Advisory Committees, Focus Groups, Project Working Parties/Steering Committees and external Committees need to be determined.

RESOLVED that the following appointments to Committees be adopted:

Committee	Council Representative	Frequency of Meeting
External Committees		
Rye Park Community Consultative Committee	Cr Jim Abbey Tilt Renewal Representative – Martine Holberton	
HumeLink Community Consultative Group	Cr Adrian Cameron	To be reviewed in 2022
Bango Wind Farm Community Consultative Committee	Cr Jim Abbey	

(Pothan/Burgess) 42

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

AGAINST: Nil

At 5:54pm Councillor Jones returned to the Chamber.

Motion

RESOLVED that the meeting move into Committee of the Whole.

(Jones/Burgess) 43

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

AGAINST: Nil

RESOLVED that :

- 1. The revised Committee Framework and Guidelines (February 2022) be endorsed with the Memorial Hall Focus Group being amended to be an Advisory Committee.**
- 2. The negotiations continue with community organisations interested in operating Council facilities in accordance with an appropriate Memorandum of Understanding, lease or licence.**

3. The following appointments to the Committees be adopted:

Committee	Council Representative	Frequency of Meeting
Committees of Council		
General Manager Performance Review Committee	All Councillors	Annually
Audit, Risk & Improvement Committee	Mayor and Cr Jim Abbey	3 meetings per annum
Advisory Committees		
Economic Development Advisory Committee	Crs Mike Reid and Jasmin Jones	4 meetings per annum
Aboriginal Consultative Committee	Crs Kim Turner and Mike Reid	4 meetings per annum
Youth Council	Cr Cayla Pothan	4 meetings per annum
Memorial Hall Advisory Committee	Crs Jim Abbey, Kim Turner & Cayla Pothan	4 meetings per annum
Coppabella Wind Farm Community Enhancement Fund Advisory Committee	Mayor General Manager or delegate	2 meetings per annum
Rye Park Community Enhancement Fund Advisory Committee	Mayor General Manager or delegate	2 meetings per annum
Bango Wind Farm Community Enhancement Fund Advisory Committee	Cr Abbey General Manager or delegate	2 meetings per annum
Springdale Solar Farm Community Enhancement Fund Advisory Committee	Mayor or Councillor delegate General Manager or delegate	2 meetings per annum
Focus Groups		
Public Art Focus Group	Crs Cayla Pothan and Jasmin Jones	As required
Murrumbateman Recreation Grounds Focus Group	Crs Mike Reid and Kristin Butler	Annually
Sports Council	Cr Kim Turner	2 meetings per annum
Project Working Parties / Steering Committees		
Open Space Strategy Project Committee	Crs Kristin Butler and Kim Turner	As per project brief
Yass Main Street Project Committee	Crs Jim Abbey, Kim Turner and Cayla Pothan	As per project brief
External Committees		
Canberra Region Joint Organisation	Mayor	4 meetings per annum

Regional Planning Panel	Cr Jim Abbey - an alternate to be sourced if there is a conflict of interest	As required
Local Emergency Management Committee	Director Infrastructure & Assets and LEMO	4 meetings per annum
Local Rescue Committee	Director Infrastructure & Assets	4 meetings per annum
Regional Emergency Management Committee	Director Infrastructure & Assets	As required
Local Traffic Committee	Cr Adrian Cameron	4 meetings per annum
Ginninderry Conservation Trust	Cr Jasmin Jones	
ACT & Region Catchment Management Coordination Group	General Manager Alternate - Director Planning & Environment	4 meetings per annum
South East Australia Transport Strategy Inc	Director Infrastructure & Assets	4 meetings per annum
Southern Tablelands Regional Arts	Cr Cayla Pothan Director Corporate & Community	2 meetings per annum
South East Weights of Loads Group	Manager Engineering Services	
South West Regional Waste Management	Manager Facilities & Waste Assets	
Coppabella Wind Farm Community Consultative Committee	Cr Kim Turner	

4. **Council staff prepare a report for the March 2022 Council meeting exploring options for the formation and terms of reference of a Sustainability Advisory Committee, together with options for reviewing the existing Council Environmental Sustainability Policy.**

(Cameron/Jones) 44

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

AGAINST: Nil

Motion

RESOLVED that the meeting move out of Committee of the Whole.

(Turner/Pothan) 45

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

AGAINST: Nil

7. Notice of Motion

7.1 GRANT INFORMATION 2016-2021

To assist Councillors in developing the 2022/3 budget and ensuring its alignment with adopted strategic priorities, Councillor Adrian Cameron has given notice that at the Ordinary Council Meeting on 24 February 2022 he will move the following motion.

MOTION

A report to Council be prepared that provides the following information for the last five years (2016-2021):

- 1. Details, and an analysis, of non-road related grant revenues Council has received, including dollar values and their percentage of total Council revenue*
- 2. Details of road-related grants received, where Council has actively sought the funding (and not part of ongoing agreements with Roads and Maritime Services, for example).*
- 3. A comparative analysis of non-roads related grants income data from equivalent and adjoining Councils, including (but not limited to Goulburn Mulwaree, Queanbeyan-Palerang, Snowy Monaro, Upper Lachlan and Hilltops Councils)*
- 4. Details of major, available non-road related grant sources, from Commonwealth and State Government, including recurrent and one-off opportunities*
- 5. Details of the grants Yass Valley Council applied for in each of the years which were successful.*
- 6. Details of the grants Yass Valley Council applied for in each of the years which were not successful and the reasons why the application was not successful*

(Cameron/Pothan)

FOR: Councillor A Cameron

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

MOTION LOST

Foreshadowed Motion

RESOLVED that a report be prepared prior to Budget on the implications of a full time Grants Officer position.

(Jones/Reid) 47

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

AGAINST: Nil

8. Questions with Notice

Nil

9. Minutes and Recommendations of Council Committees

9.1 MINUTES OF THE HUMELINK COMMUNITY CONSULTATIVE GROUP HELD ON 27 OCTOBER 2021 AND 17 NOVEMBER 2021

RESOLVED that the minutes of the HumeLink Community Consultative Group meetings held on 27 October 2021 and 17 November 2021 be noted.

(Turner/Pothan) 48

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

AGAINST: Nil

9.2 MINUTES OF THE BANGO WIND FARM CONSULTATIVE COMMITTEE HELD ON 15 NOVEMBER 2021

RESOLVED that the minutes of the Bango Wind Farm Consultative Committee meeting held on 15 November 2021 be noted.

(Turner/Abbey) 49

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

AGAINST: Nil

9.3 MINUTES OF THE LOCAL RESCUE COMMITTEE AND LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 30 NOVEMBER 2021

RESOLVED that the minutes of the Local Rescue Committee and Local Emergency Management Committee meetings held on 30 November 2021 be noted.

(Turner/Pothan) 50

FOR: Councillors J Abbey, C Burgess, A Cameron, J Jones, A McGrath, C Pothan, 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 Tender Evaluation - Wee Jasper Road and Hillview Drive Road Rehabilitations - YVC/IA/51.2021

Item 10.1 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.

- 10.2** ***Tender Evaluation - Yass Public School Safety Upgrades - YVC/IA/52.2021***
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.
- 10.3** ***Yass Open Space Committee and Yass Main Street Project Committee - Nominations***
Item 10.3 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.
- 10.4** ***Yass Business Fibre Zone***
Item 10.4 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.

(Jones/Cameron) 51

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

AGAINST: Nil

Closed Council commenced at 6.25 pm.

10.1 TENDER EVALUATION - WEE JASPER ROAD AND HILLVIEW DRIVE REHABILITATIONS - YVC/IA/51.2021

SUMMARY

Providing advice and recommendations on the submission of tenders for the Wee Jasper Road/Hill View Drive Road Rehabilitations under contract YVC.IA.51.2021.

RESOLVED that :

- 1. *The tender submitted by Lentro Earthworks Pty Ltd under the Wee Jasper Road and Hillview Drive Rehabilitations Tender; Wee Jasper Road portion be accepted for a total cost of \$599,785.30.***
- 2. *An additional \$170,000 be allocated to the 2021/22 Wee Jasper Road budget from the Contributions Reserve, which will cover the shortfall from the construction costs plus project management and contingency.***
- 3. *The tender submitted by Lentro Earthworks Pty Ltd under the Wee Jasper Road and Hillview Drive Rehabilitations Tender; Hillview Drive portion be accepted for a total cost of \$419,638.22.***

(Reid/Turner) 52

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

AGAINST: Nil

10.2 TENDER EVALUATION - YASS PUBLIC SCHOOL SAFETY UPGRADES - YVC/IA/52.2021

SUMMARY

Providing advice and recommendations on the submission of tenders for the Yass Public School Safety Upgrades under contract YVC.IA.52.2021.

RESOLVED that :

- 1. The tender submitted by Denrith Pty Ltd To under the Yass Public School Safety Upgrades Tender be accepted for a total cost of \$828,671.58 excl GST.***
- 2. An additional up to \$344,000 be allocated to the 2021/22 Operational Plan from the Infrastructure Reserve, which will cover the funding shortfall for the construction and project management expenses.***
- 3. Council continue to work with TfNSW to fund the project shortfall or part thereof from the Road Safety grant programs.***
- 4. The 2021/22 Operational Plan be adjust to reflect any additional grant funding received.***

(Jones/Pothan) 53

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

AGAINST: Nil

10.3 YASS OPEN SPACE COMMITTEE AND YASS MAIN STREET PROJECT COMMITTEE - NOMINATIONS

SUMMARY

To consider nominations for the Yass Valley Open Space and Yass Main Street Project Committees.

RESOLVED that :

- 1. The following community nominations to the Yass Valley Open Space Project Committee be accepted:***

- Annaliese Caston***
- Stephanie Helm***
- David O'Brien***
- Karen Visser***
- Ross Webster***

Reserve Committee member: Peter Davidson

- 2. The following community nominations to the Yass Mainstreet Masterplan Project Committee be accepted:***

- Andrew Curlewis***
- Tanya Cullen***
- Marie-Nicole Roberts***
- Shobha Varkey***

- **Mandy Carter**
- **Harvey Walsh**
- **Patricia Barber**

Reserve Committee member: Chris Wain

3. ***The remaining nominees be thanked for their interest and offers of assistance and encourage them to participate in the projects during the community consultation stages.***

(Jones/Cameron) 54

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

AGAINST: Nil

10.4 YASS BUSINESS FIBRE ZONE

SUMMARY

NBN announced the Business Fibre Initiative and created more than 200 Business Fibre Zones across the country. The Business Fibre Zones were selected based on a variety of factors, including the density of businesses and current NBN infrastructure available within the zone. Yass has been selected as one of the Business Fibre Zones.

RESOLVED that the 2021/22 budget be amended to allocate \$75,000 from reserve funding for the Yass NBN Business Fibre Zone.

(Turner/Reid) 55

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

AGAINST: Nil

RESOLVED that the meeting move into Open Council.

(Jones/Pothan) 56

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

AGAINST: Nil

Open Council resumed at 6.38 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Turner/Burgess) 57

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

AGAINST: Nil

The meeting closed at 6.39 pm.

6.1 PLANNING PROPOSAL - 7 ICETON PLACE, YASS

SUMMARY

To present the outcomes of the consultation for the Planning Proposal seeking to amend the *Yass Valley LEP 2013* by amending the land use zoning and minimum lot size of part of 7 Icton Place, Yass. It is recommended that the Planning Proposal be adopted and the *Yass Valley LEP 2013* be amended.

RECOMMENDATION

That:

1. *The Planning Proposal – 7 Icton Place, Yass (PP.2020.03) be adopted*
2. *The Department of Planning & Environment be requested to prepare the legal draft for the map amendment to the Yass Valley LEP 2013*
3. *The amendment to the Yass Valley LEP 2013 be made as a local plan-making authority*

FINANCIAL IMPLICATIONS

Resources for the assessment of Planning Proposals are provided for in the 2021/22 Operational Plan - Fees and Charges.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Settlement Strategy 2017*

REPORT

1. Background

On 27 July 2020, Council received a Planning Proposal to amend the minimum lot size of land known as 7 Icton Place, Yass. Accordingly, Council endorsed the Planning Proposal at its meeting of 23 September 2020 to proceed to the Gateway determination.

The land is known as Lot 2 DP 1243702 and Lot 13 & 14 DP 786575 being 7 Icton Place, Yass (the site). The site is located approximately 3km from the Yass town centre and abuts to the Yass Valley Way to its north and Cusack Place and Gums Lane to its west. O'Brien's Creek flows through the site and runs into the Yass River towards the north (refer **Figure 1**).

The site is comprised of three parcels of land and has a total area of 173.3ha. The site is currently zoned R5 Large Lot Residential with a minimum lot size of 10ha under the *Yass Valley LEP 2013*.

The surrounding development is characterised as rural residential comprising detached houses.

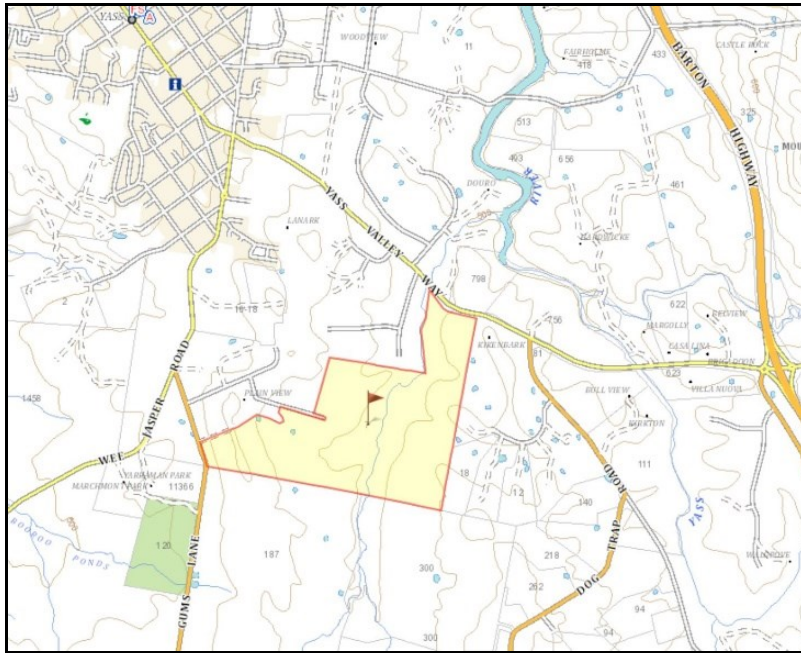


Figure 1: Site Location

2. Planning Proposal

Council endorsed the Planning Proposal to amend the minimum lot size of 7 Iceton Place, Yass from 10ha to 1ha and 2ha. Subsequently, Council requested the Department of Planning & Environment (DPE) to issue a Gateway determination.

In accordance with the conditions of the Gateway determination, Council consulted with the nominated State agencies, authorities and community seeking their feedback.

The Proponent revised the Planning Proposal to address the issues and concerns raised by the State agencies, authorities and community during consultation.

The revised Planning Proposal (refer **Attachment A**) now intends to amend the *Yass Valley LEP 2013* by:

- Amending the minimum lot size of part of 7 Iceton Place, Yass from 10ha to 1ha and 2ha
- Amending the land use zoning of part of 7 Iceton Place, Yass from R5 Large Lot Residential zone to C2 Environmental Conservation zone

3. Gateway Determination

Council requested the Department to issue a Gateway determination and accordingly, the Gateway determination was issued on 18 November 2020.

The revisions made to the Planning Proposal were minor and resulted from the consultation, however the intent of the Planning Proposal was changed and the Department issued an altered Gateway determination (refer **Attachment B**) on 8 February 2022.

4. Public Exhibition

The Planning Proposal was publicly exhibited from 19 November to 20 December 2020 via Council's website, Facebook and newsletters. Adjoining and adjacent landholders were also notified via mail.

Eight submissions were received from the community (refer **Attachment C**).

5. Public Submissions

The main issues raised in the submissions and the planning response are discussed as follows.

5.1 Connectivity with neighbouring estates

It was submitted that the proposed development should have a connecting link with the neighbouring estates for mountain bikes, pedestrian and horse riding.

Response:

The proposal only relates to the amendment of the zoning and minimum lot size of the site. The decision about the detailed design including connectivity of the site with the neighbouring estates will be dealt with at the development assessment stage

5.2 Direct vehicular access to Yass Valley Way

Some submissions were concerned that the creation of direct access to Yass Valley Way will result in major increases to traffic flow. One submission also raised increased traffic volume will increase the likelihood of a vehicle accident, while another suggests a cul-de-sac instead of direct access to Yass Valley Way.

Response:

Traffic modelling has been undertaken for the proposed intersection with Yass Valley Way. The results suggests that Yass Valley Way has sufficient capacity to operate without significant delays to vehicles travelling on Yass Valley Way or those entering and exiting the development.

5.3 Traffic speed on Yass Valley Way

A couple of submissions argue that the traffic speed on Yass Valley Way should be reduced to 50 - 80km/h. There is concern that based on the number of buses travelling between Dog Trap Road and Yass town centre, it is an accident waiting to happen. Frustrated that no action has been taken despite being raised as an issue before.

Response:

This matter does not relate to the proposal directly and should be brought to Council's Traffic Committee for consideration.

5.4 Tree planting

It is suggested that the proposed development should be surrounded by tree planting. Another submitter suggests that trees should be offset from the boundary fences for the protection of fences.

Response:

This issue would be more appropriately considered during development assessment for any future subdivision.

5.5 Open Space and Facilities

Some submissions consider that the proposed development should incorporate a park, playground and small businesses for the community.

Response:

The concept layout plan indicates that there is a communal open space area proposed along O'Brien Creek, however this will be dealt with at the development assessment stage in terms of management, ownership and access. The current Parks and Playground Strategy and the new Yass Valley Open Space Strategy underway will guide future provision of open space and infrastructure.

Some commercial type uses are permitted within the current zoning, however there is no intention to provide a dedicated business zone in this location.

5.6 Water source for fire fighting

A submission raised concerns that the site should have a sustainable source of water for firefighting (e.g. dams/ponds), preferably within the community area.

Response:

This matter will be dealt with at the development assessment for the subdivision through referral to Rural Fire Services (RFS). Any requirements will form conditions of development consent.

5.7 Access to and management of O'Brien Creek

Some submissions are concerned about how to manage access to O'Brien Creek especially the riparian area for humans and stock.

Response:

The Planning Proposal has proposed that the O'Brien Creek riparian area (proposed Lot 72) be managed as community land. The final management arrangement and ownership of this land will be considered through the development assessment process.

5.8 Standards for property fences

Concerns were raised around the quality and standards of boundary fences and entrance gates, as well as the potential for dog attacks on livestock.

Response:

This matter will be dealt with at the subdivision stage of development and fences and gates will be required in accordance with the Council's Policy for Non Urban Fencing.

5.9 Construction of Iceton Place

A submission notes that Iceton Place is currently unsealed, and with an increase in traffic following the development of the site will become a source of dust. Therefore, it is requested to seal the road as a priority.

Response:

Any proposal to seal Iceton Place would need to be considered and captured within Council's Delivery Plan.

5.10 Community Strategic Plan

A submission argues that the proposed development contradicts Council's CSP, in particular, the following three goals:

- A diverse environment interconnected by biodiversity corridors
- Healthy and connected communities
- Environmentally sustainable housing choices

Response:

The proposed development includes a 24 ha plus lot along O'Brien Creek to manage the area of significant biodiversity value that includes legless lizard and Golden Sun Moth. As such, a Voluntary Planning Agreement (VPA) will be required as a condition of future subdivision consent to ensure the protection of significant biodiversity values. This will ensure that the proposed development offers a diverse living environment that connects through significant biodiversity corridors.

Furthermore the development application will consider how the land can be connected with neighbouring land for pedestrian, bike and horse access to achieve a healthy and connected community.

Lots of 1ha and 2ha in size will offer an opportunity to future residents to landscape and provide a range of environmentally sustainable housing choices.

5.11 Groundwater contamination

A submission is concerned that the proposal which includes on site sewerage management systems would present a high risk of groundwater contamination.

Response:

The land capability assessment suggests that the soil quality can accommodate on-site sewerage management systems that would not impact the groundwater quality.

5.12 Proposed lot size

Concerns were raised that the proposed lot sizes are too small, and inconsistent with the zone objective. The submissions further state that the proposed lot size is incompatible with neighbouring properties and would impact the rural setting, and conservation of biodiversity values.

Response:

The proposed development would facilitate a rural residential setting which is compatible to the surrounding land especially with the existing rural residential setting in the west and east of the site. As such, land to the west and east are also zoned R5 Large Lot Residential and have minimum lot size of 2ha and 5ha respectively. Land to the east of the proposed development would not be unduly impacted as it has a similar development pattern. In addition, a 24 ha lot will be set aside to conserve biodiversity values including Legless Lizard and Golden Sun Moth habitat.

Furthermore, the proposed development is consistent with the zone objectives of the R5 Large Lot Residential zone as following will be achieved:

- The proposed development will provide residential housing in a rural setting while preserving and minimising impacts on, environmentally sensitive locations and scenic quality. The Biodiversity Development Assessment Report indicate that 24 ha corridor is to be managed through a VPA.
- The proposed development would not hinder any further development of neighbouring land should there be a need and potential for further growth in future.
- The proposed development would not unreasonably increase the demand for public services or public facilities. The land is contiguous with existing development and is close proximity to services within Yass Town.
- There will be no land use conflict between the zoning of the site and neighbouring properties especially the land to east and west of the site are also zoned R5 Large Lot Residential.
- Water supply can be provided through a combination of groundwater and rainwater collection, with adequate areas and soil profile for sewage disposal.

6. Agencies Submissions

The Gateway determination required consultation with the nominated State agencies. The responses (refer **Attachment D**) received from the agencies and organisations and the response to their concerns are discussed as follow.

6.1 Biodiversity & Conservation Division

In the initial response of 11 December 2020, the Biodiversity & Conservation Division (BCD) objected to the Planning Proposal advising that the direct and indirect impacts to the threatened species habitat had not been mitigated and avoided.

BCD advised that the Golden Sun Moth is a serious and irreversible impact species, and the Planning Proposal did not demonstrate adequate avoidance and ongoing protection of this species and habitat. Striped Legless Lizards were also recorded on site, and it was estimated that more than 40% of their habitat would have been impacted. The proponent was advised to revise the Planning Proposal to demonstrate that the habitat for this species has been further avoided.

It was also advised that the Planning Proposal did not adequately assess nor consider the implication of increased development and encroachment on flood prone land. It was advised

that the proposal should allow for appropriate flood and riparian buffers, assess climate change and address risk to life in extreme flood event including the Probable Maximum Flood (PMF).

In the most recent submission of 21 February 2022 to the revised Planning Proposal, BCD advised that increased avoidance of the Golden Sun Moth and Striped Legless Lizard habitat in the amended lot layout as well as added protection measures addresses their earlier concerns. The additional proposed C2 Environmental Conservation zone to enhance environmental protection of significant biodiversity land was supported.

BCD support the proposed VPA for biodiversity conservation conditioned in the future development consent of the land subdivision.

BCD – Flood Unit advised that Council should consult with SES, RFS, police and ambulance to discuss the emergency services plans in case of a flood event considering the increased dwelling density on the site. May have a potential isolation and accessibility issue for emergency services during extreme events. It is also noted that 12 lots have parts of building envelopes situated within high hazard area of the Yass River PMF flood extent. Council should satisfy that the risk to life can appropriately be managed for the full range of flood including safe occupation and evacuation.

Response:

The suggestions and further observation made by BCD and its flood unit are noted. In relation to the protection of Golden Sun Moth and Striped Legless Lizard habitat, 24.9 ha land will be set aside to be zoned C2 Environmental Management and will be managed under community title and a VPA between Council and the proponent will also be put in place at the development application stage.

Regarding flood, further assessment of flood impact and mitigation measure to reduce the flood impact will be put in place at the development assessment stage. The relevant emergency services including SES and RFS will also be consulted to have a safe occupation and evacuation plan in place to avoid any risk to life. It should be noted that the concerns raised relate to a PMF event, and currently only sensitive uses are considered up to a PMF event in the Yass Flood Risk Management Plan.

6.2 Transport for NSW

TfNSW does not raise any objection to the Planning Proposal. The site will mainly be accessed from Yass Valley Way (unclassified regional road), however it is noted that a portion of traffic will rely on access to Wee Jasper Road (classified regional road) via Gums Lane and therefore, advises that the intersection should comply with the Austroads Guide to road design.

Response:

Noted, and will be addressed at the development application stage with further consultation with TfNSW.

6.3 Natural Resources and Access Regulator

The Natural Resources and Access Regulator (NRAR) has recommended the following:

- Reticulated water and sewer be provided to ensure adequate supply of water to the site and to mitigate impact to surface water and groundwater sources
- The demand for portable and non-portable water for the proposed development and confirmation of viable water supply be provided
- Sufficient buffer should be in place where required between water bores, dwelling and effluent management systems to mitigate any groundwater contamination
- Adequate buffers should be put in place along O'Brien Creek for continued riparian functioning
- The existing dams will need to be sized consistent with the maximum harvestable right dam capacity

- The proposed road crossing over the O'Brien Creek would require a Controlled Activity Approval under the *Water Management Act 2000*

Response:

The suggestion and recommendation made by NRAR are noted and will be incorporated at the development assessment stage.

6.4 Heritage NSW

Heritage NSW notes that the site is situated south of State Register Heritage Item (I283) 'Cooma Cottage' which include landscape setting, views and visual links as heritage significant. Heritage NSW recommend undertaking a visual impact analysis to assess and identify the impact of proposed smaller lots and subsequent development on views to and from 'Cooma Cottage'.

Response:

The topography of the subject site and Cooma Cottage, as well as the landscape setting would result in a very low visual impact to and from Cooma Cottage.

6.5 Water NSW

WaterNSW assets are not affected by the proposal nor lie in proximity to the site and therefore has no comment to make on the proposal.

Response:

Noted.

6.6 DPI Agriculture

DPI Agriculture has no concerns in reducing the minimum lot size and therefore has no objection. However, considers that the proposal has a potential to increase the land use conflict with the adjoining land to its south and therefore DPI Agriculture suggest Council seek following from the proponent:

- Land use conflict risk assessment to address the potential conflict
- Reduce the number of lots to south and increase their sizes to achieve a suitable buffer area between the site and land to its south

Response:

Noted. The area is already characterised by rural residential development, and Council will seek to minimise the risk of land use conflict especially through appropriate fencing of the development.

6.7 DPI Fisheries

DPI Fisheries notes that O'Brien Creek is mapped as key fish habitat and it is important to include following measures to protect and improve the key fish habitat value of this waterway:

- Protection of riparian buffer requirement
- Waterway crossing over O'Brien Creek to be constructed in accordance with the prescribe guidelines
- Use of erosion and sediment control measures
- Consideration of water sensitive urban design principles
- Best practice wastewater treatment

Response:

Noted. These can be incorporated at the development assessment stage.

6.8 TransGrid

TransGrid confirmed that the proposed Lot 63 has a TransGrid transmission line easement and request a minimum lot size of 9 ha.

Response:

Noted. The minimum lot size of the proposed Lot 63 is 10ha and meets TransGrid's requirement.

6.9 Telstra

Telstra advised they do not have any assets within the site and have no comments.

Response:

Noted.

6.10 Essential Energy

Essential Energy had no comments to make regarding the potential safety risk arising from the proposed development.

Response:

Noted.

6.11 Optus

Optus advises their cables are legally installed and as such have no objection to the proposal.

Response:

Noted.

7. Conclusion

In regard to the Planning Proposal at this stage, Council can:

- **Reject** the proposal
- **Modify** the proposal
- **Adopt** the proposal as exhibited

The Planning Proposal meets the Gateway conditions, is consistent with the Ministerial 9.1 Directions and complies with the relevant State Government and Council strategies and policies. The technical assessment of the Planning Proposal and advice received from the State agencies has not raised any significant or critical issues warranting rejection or any further modification. Most of the concerns raised in the submissions has been addressed in the revised Planning Proposal and the remaining are the matters that can be dealt with at the Development Application stage should the Planning Proposal be approved.

STRATEGIC DIRECTION

Key Pillar	1.	Our Environment
CSP Strategy	EN4 -	Maintain a balance between growth, development and environmental protection through sensible planning
Delivery Program Action	EN4.1 -	Ensure Council's statutory planning instruments are up to date and reflective of the community needs
Operational Plan Activity	EN4.1.1 –	Complete the comprehensive development control plan

ATTACHMENTS:

- A. Amended Planning Proposal (*Under Separate Cover*) ➡
- B. Gateway and Altered Gateway (*Under Separate Cover*) ➡
- C. Public Submissions (*Under Separate Cover*) ➡
- D. Agencies Submissions (*Under Separate Cover*) ➡
- E. Flood Assessment (*Under Separate Cover*) ➡

6.2 NSW AGRITOURISM LEP LAND USES

SUMMARY

New agritourism definitions are proposed within the standard instrument LEP in NSW. Councils are required to advise the Department of Planning & Environment whether they will be adopted, and into which zones.

RECOMMENDATION

That the land use definitions Agritourism, Farm experience premises and Farm gate premises be Permissible with Consent within RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones in the Yass Valley LEP

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021*

REPORT

1. Background

The Department of Planning & Environment (DPE) sought feedback during 2021 on proposed reforms to Agritourism and Small-Scale Agriculture Development within Local Environmental Plans (LEPs). The broad aim of the reforms is to simplify the processes to set-up and establish agritourism businesses to provide farmers with additional income sources and tourism opportunities.

A summary of the feedback received across NSW was finalised in December 2021, with a draft order prepared to introduce new land use terms into the LEP.

2. Proposed Changes

Agritourism, and subsets of subsets of this use, farm gate premises and farm experience premises will sit under the parent term of 'agriculture' within the Yass Valley LEP. As they will not automatically be permissible, Councils are required to nominate the uses within the relevant zones and advise DPE. The proposed definitions are outlined below.

Agritourism means the following-

- (a) Farm gate premises
- (b) Farm experience premises

Farm experience premises means a building or place-

- (a) On a farm that is-
 - (i) a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) that is ancillary to the farm, and
- (c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
 - (i) horse riding,
 - (ii) farm tours,

- (iii) functions or conferences,
- (iv) farm field days

***Farm gate premises* —**

- (a) means a building or place -
 - (i) on a farm that is—
 - (A) a primary production business, or
 - (B) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
 - (ii) that is ancillary to the farm, and
 - (iii) that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) a restaurant or café
 - (C) a facility for holding tastings or workshops, or providing information or education, related to the products, and
- (b) includes cellar door premises

3. Conclusion

It is recommended that these new land uses definitions be permitted with consent within the following rural zones in the Yass Valley:

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production

There are two supporting optional clauses available for *Farm stay accommodation* and *Farm gate premises* within the LEP, however it is not proposed to adopt them at this time. If demand increases for these uses within the Yass Valley, Council can choose to add them into the LEP at a later date.

STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN4 - Maintain a balance between growth, development and environmental protection through sensible planning
Delivery Program Action	EN4.1 - Ensure Council's statutory planning instruments are up to date and reflective of the community needs
Operational Plan Activity	EN4.1.5 - Complete the Housing Strategy

ATTACHMENTS: Nil

6.3 DEVELOPMENT CONSENT NO DA210063 - REVIEW OF DETERMINATION, SUBDIVISION, 3 BURRAI PLACE, YASS

SUMMARY

To present a request for a review of determination of Development Consent DA210063 for the subdivision at 3 Burrai Place, Yass. Specifically, the request seeks to review conditions relating to the description of the approved development, the maintenance responsibility period for the development on the open space, and the conditions relating to heavy vehicle movements. The review request received two objections. Amendments to the conditions of Development Consent are recommended.

RECOMMENDATION

That:

1. *The description of the approved development on the Development Consent be amended to be a 58 lot subdivision (including an open space lot and a future development lot) in order to correct the administrative error*
2. *The maintenance responsibility period for the developer be reduced from five years to 12 months from the date of the issue of a Subdivision Certificate*
3. *The condition relating to limits of heavy vehicle movements be deleted. The conditions relating to the traffic management component of the Construction Environmental Management Plan (CEMP) be amended to clearly set out the matters that need to be addressed. The conditions relating to hours of construction also be amended to clarify that it includes heavy vehicle movements and to clarify the construction and heavy vehicle movement hours once the current NSW COVID Development Order ceases*

FINANCIAL IMPLICATIONS

Resources for development assessment are provided for in the current Operational Plan.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Biodiversity Conservation Act 2016*
- *Roads Act 1993*
- *Local Government Act 1993*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Settlement Strategy*
- *Yass Valley Community Engagement Strategy*
- *Yass Valley Development Contributions Plan 2018*
- *Road Standards Policy*
- *Building Line Policy*
- *Application Assessment & Decision Making Policy*
- *Parks & Playgrounds Strategy*
- *Environmental Planning & Assessment (COVID-19 Development – Construction Work Days Order) 2022*

REPORT

1. Application Details

Date Review Received	- 9 December 2021
Land	- Lot 1 DP 1185454, 3 Burrai Place, Yass
Area	- 6.37ha
Zoning	- R1 General Residential

2. Site Description and Locality

The development site is approximately 6.37ha and is located in Burrai Place, Yass. It is an irregular shaped vacant lot, with frontage to Grand Junction Road, Burrai Place and Wellington Road. The land surrounding the site is zoned R2 Low Density Residential and RE1 Public Recreation to the north west, E3 Environmental Management to the north and north east and R1 General Residential to the east, south and west. Existing development within the locality is characterised by single storey, detached dwellings and ancillary outbuildings. Historically the site has been cleared and used for grazing and any vegetation on the site is comprised almost entirely of exotic grassland. The site slopes towards Grand Junction Road and contains a dam which is required to be filled to enable road construction.

A Locality Plan is included in **Attachment A**.

3. Background and Proposal

In September 2021 Council resolved to grant Development Consent DA210036 for a 58 lot subdivision (including an open space lot and a future development lot).

The approved plan of subdivision is included as **Attachment B**.

The Applicant has now lodged a request for review of determination of Development Consent (refer **Attachment C**). The request seeks review of the determination including the number of lots described on the Development Consent, the developer maintenance period associated with the open space, and a condition restricting the number of heavy vehicle movements.

4. Public Exhibition

Public exhibition of the original Development Application included notice to 101 adjoining and nearby landowners and notice on Council's website. A total of 15 submissions including one petition signed by 89 signatories were received during public exhibition period.

A Planning Forum was also held during the original assessment to provide opportunity for submission authors and the Applicant to address Council prior to the determination of the Development Application.

The review request was notified to the same 101 adjoining and nearby landowners, as well as anyone who had made a submission during the original assessment. There were two submissions received in relation to the review request (refer **Attachment D**).

5. Referrals

The original Development Application was referred to the Local Aboriginal Land Council (LALC) who provided no objection subject to certain inclusions in any approval. There are no matters raised in the review request that required it to be referred back to the LALC.

There were no other referrals required relating to then review request.

6. Assessment

A review of the original assessment and determination has been undertaken in accordance with the requirements of the planning legislation and against the requirements of s4.15 *Environmental Planning and Assessment Act 1979*. The review has been undertaken by another officer to the original assessment as required for reviews of determination.

The following is an assessment and response to the matters that are subject of the review request including with consideration of issues raised in the submissions.

6.1 Amend Description of Approved Development

The Development Consent incorrectly refers to approval to a "fifty seven (57) lot subdivision (including an open space lot and a future development lot)", whereas the approved plan of subdivision is for 58 lots including the open space lot and the future development lot. This is an administrative error only and can be corrected in an amended Development Consent.

6.2 VPA - Duration of Developer Maintenance Responsibility for Open Space

An open space lot with a park that is to be dedicated to Council is part of the subdivision. This is subject to a Voluntary Planning Agreement (VPA) being entered into between the Applicant and Council. Conditions on the Development Consent require the developer to take responsibility for the open space for a period of five years, including maintenance and costs.

The five year period is believed to have been adopted following a similar decision and requirement relating to the open space delivery as part of the “The Fields” Subdivision at Isabel Drive in Murrumbateman (DA200049).

The intention of this five year period in relation to “The Fields” had been to ensure the developer created quality open space and that it is received by Council in an established condition which does not require significant initial maintenance responsibilities, as well as allowing Council’s asset management implications to be addressed.

A review has indicated that the proposed open space associated with the Burrai Place subdivision represents a different situation. The open space here is only a single local park and is not subject to any complex stormwater arrangements. In comparison, the open space in “The Fields” subdivision included an expansive interconnected area with complex stormwater and environmental factors.

A five year maintenance responsibility period would however provide greater incentive for the Developer to ensure the open space is not damaged during subdivision works or future development construction, and removes that potential maintenance risk being borne by Council.

Reducing the Developer’s maintenance responsibility period to 12 months is considered appropriate though in the Burrai Place situation and is more consistent with the usual maintenance and liability period where new assets are being dedicated to Council.

6.3 Heavy Vehicle Movements

Conditions of Development Consent restrict the maximum number of heavy vehicle movements associated with the delivery of material to the site to a maximum of six per day (with a movement being a return trip). The Applicant has requested that this condition be amended to an average 15 heavy vehicle movements per day, taken as the average over the construction phase. The Applicant has requested this amendment on the basis that the amount of material varies during the different construction stages of subdivision works.

The condition was originally developed as a means to limit heavy vehicle movements in rural settings where there had been instances of developers bringing in significant volumes of fill material from Canberra for the construction of building pads and internal access roads. Whilst the condition has been applied to some smaller commercial development and also rural subdivisions for similar reasons, it is understood that the intention had never been to use it as a standard condition for large or complex development where there is substantial civil and construction works required.

A review of the original assessment indicates that there were no specific issues raised in relation to the number of heavy vehicle movement per day, rather the issues were for construction impacts generally including the traffic generation component, noise, dust, hours of operation, etc. The assessment report is unclear on the specific reasons for imposing the condition restricting the number of heavy vehicle movements, but it is assumed the underlying intention was to reduce impacts.

The submissions received in relation to the review both object to this condition being reduced on the basis of impacts on existing residents during the construction phase. The submissions also highlight that the amended condition as proposed by the Applicant is not readily enforceable. Furthermore, the submissions suggest that a full traffic study and impact

assessment should be undertaken with community consultation prior to the commencement of any works.

For subdivision development the conditions of Development Consent need to reasonably balance any adverse amenity impacts (including by way of heavy vehicle traffic generation) and opportunity for the developer to reasonably and practically undertake the required subdivision works. A condition limiting the number of heavy vehicle movements to only six per day for this type of development is unusually restrictive and is likely to significantly inhibit the ability of the subdivision work to be practically completed in a timely manner.

The issue of heavy vehicle movements associated with new development on the edge of urban areas is not unique to this location. Recent media reports in Canberra have detailed that residents in relatively new suburbs in Gungahlin area have been experiencing impacts as a result of heavy vehicle movements on Horse Park Drive as a result of construction works in newer suburbs nearby. These construction impacts are experienced in growing areas and shift over time.

A review of other recent subdivision approvals, including at Isabel Drive in Murrumbateman, 17 South Street in Murrumbateman, "Yarrah" in Yass and at 114 Grand Junction Road in Yass, found that none have conditions of Development Consent which limit the number of heavy vehicle movements.

It is agreed with the submissions that the condition put forward by the Applicant is not a suitable condition – i.e. it does not actually address any impact and could never be sufficiently monitored to be enforced. The Applicant has also been unable to explain how they would monitor their movements over that period. It is recommended that Council not adopt the amended condition proposed by the Applicant.

A more appropriate and consistent approach with other subdivision approvals is to delete the condition which sets a number of heavy vehicle movements per day and instead require:

- A Construction Environmental Management Plan (CEMP) which includes a Traffic Management Plan as already required by the conditions of Development Consent. The condition relating to the CEMP should be further amended to clarify the need to address specific issues relating to heavy vehicle movements, i.e.:
 - The measures to be put in place for the management of heavy vehicles associated with this development in order to minimise for the potential for disruption to local traffic including school bus movements.
 - Measures to address restrictions on heavy vehicle movements during periods of low visibility e.g., heavy rain periods or fog etc.
 - Accessing the subject site not to cause nuisance or hazard to traffic on the public road network.
 - Measures to ensure that all loaded vehicles entering or leaving the site are covered.
 - Expected driver behaviour and speed limits.
 - Points of potential conflict, including driveways on the transport route.
 - Details of procedures for receiving and addressing complaints from the community.
 - Minimising the use of airbrakes.
 - Measures to ensure that the provisions of the Traffic Management Plan are implemented and complied with.
 - Movements must occur only within the approved construction hours of the Development Consent.
- The requirement for a Traffic Control Plan (TCP) prepared by a suitably ticketed person for where works are occurring within the road reserve.

The condition relating to hours of construction should also be amended in the following manner:

- The hours of construction are currently conditioned as per the *Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order 2022* which is due to expire on 31 March. The condition should be amended to reflect Council's standard construction hours condition (unless it is overridden by another COVID Development Order) which is:
 - 7.00am to 6.00pm Monday-Friday
 - 8.00am to 1.00pm Saturday
 - No work on Sundays or Public Holidays
- Clarifying that the construction hours includes the movement of heavy vehicles associated with the development.

If Council were of the view that heavy vehicle movements would still have an unacceptable impact on neighbour properties and should be further limited, it would be suggested that a maximum of 15 per day is adopted (i.e. a maximum and not taken as an average).

7. Conclusion

From consideration of the review request and previous submissions received, it is concluded that:

- The description of the approved development be amended to correct the administrative error relating to the number of lots
- The maintenance responsibility period for the developer be reduced from five years to 12 months from the date of the issue of a Subdivision Certificate
- The condition setting a limit on the number of heavy vehicle movements be removed. Instead the conditions relating to the traffic management component of the Construction Environmental Management Plan (CEMP) be amended to clearly set out the matters that need to be addressed. The conditions relating to hours of construction also be amended to clarify that it include heavy vehicle movements and to clarify the hours once the current NSW COVID Development Order ceases

Amended draft conditions are included as **Attachment E**.

STRATEGIC DIRECTION

Theme	1. – Our Environment
Long Term Goal	EN4 – Maintain a balance between growth, development and environmental protection through sensible planning
Strategy	EN4.2 – Ensure development application assessment is thorough and efficient
Strategic Action	EN4.2.1 – Implement the development process and implement changes aligning with the NSW Government's best practice guidelines.

ATTACHMENTS:	A. Locality Plan (<i>Under Separate Cover</i>)
	B. Approved Plan of Subdivision (<i>Under Separate Cover</i>)
	C. Applicant Review Request (<i>Under Separate Cover</i>)
	D. Submissions (<i>Under Separate Cover</i>)
	E. Draft Reviewed Conditions (<i>Under Separate Cover</i>)

6.4 DEVELOPMENT CONSENT NO DA200049E - RESIDENTIAL SUBDIVISION, ISABEL DRIVE, MURRUMBATEMAN

SUMMARY

To present the assessment of a request to modify Development Consent DA200049 for a 101 lot residential subdivision at Isabel Drive, Murrumbateman in order to change the location of the roundabout on McIntosh Circuit which is required to be constructed. Approval is recommended.

RECOMMENDATION

That Development Consent No. DA200049E for a 101 lot subdivision at Isabel Drive, Murrumbateman be modified and the required roundabout location is moved to the intersection of Isabel Drive and McIntosh Circuit

FINANCIAL IMPLICATIONS

Resources for development assessment are provided for in the current Operational Plan.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Yass Valley Local Environmental Plan 2013*
- *Local Government Act 1993*
- *Roads Act 1993*
- Road Standards Policy
- Application Assessment and Decision Making Policy
- Development Consent DA200049E

REPORT

1. Application Details

Date Received	-	8 March 2022
Land	-	Lot 1 DP 1257138, Isabel Drive, Murrumbateman
Area	-	99.55ha
Zoning	-	R2 Low Density Residential and R5 Large Lot Residential

2. Site Description and Locality

The development site is approximately 100ha in size and located west-southwest of the Murrumbateman Village. It is an irregular shape with frontage to Isabel Drive, McIntosh Circuit, Colonial Place and Merryville Drive. The site is bordered by Shaw Winery, Merryville Estate and Carrington Park Estate and was formerly part of the Shaw Vineyard Estate.

The site is generally undulating with the highest areas being towards the centre. McClungs Creek bisects the site and there are several other drainage lines and dams. Part of the site is identified as having significant native vegetation.

The site is within two land use zones and minimum lot size standards under the Yass Valley LEP 2013. The eastern portion is zoned R2 Low Density Residential with minimum lot size of 6,500m² and the western portion is zoned R5 Large Lot Residential with a minimum lot size of 1ha.

Subdivision works are currently occurring and are moving towards completion.

A Locality Plan is included in **Attachment A**.

3. Proposal and Background

In September 2020 Council determined to grant Development Consent for the 101 lot subdivision (refer **Attachment B**). The subdivision included the creation of open space along the creek, with a further report considered by Council in December 2020 where it was resolved to accept the open space through a voluntary planning agreement (VPA).

Conditions of the Development Consent require the construction of a roundabout at the intersection of a new subdivision road and McIntosh Circuit. In December 2021 Council considered a modification application where it was resolved to accept a bond for the construction of the roundabout. The intention of this was to allow time for the roundabout location to be holistically considered in conjunction with adjoining subdivision Development Application DA210271, whilst also allowing the Subdivision Certificate to be released and new lots created.

The modification application is now proposing to move the roundabout location to the intersection of McIntosh and Isabel Drive and amend the associated conditions. The modification application also intends to ensure that the conditions of Development Consents work consistently between DA200049 and DA210271.

Details of the proposal are included in **Attachment C** and **Attachment D**.

4. Public Exhibition

Public exhibition was not required due to the previous public exhibition that has already occurred, including the last modification application in 2021 which had flagged the intention to reconsider the roundabout location. The roundabout location had been raised in previous submissions.

5. Assessment

The proposed development has been assessed against the requirements of s4.55 *Environmental Planning & Assessment Act 1979*. It is considered that the proposed development can be supported not supported for the reasons outlined in the Assessment Report (refer **Attachment E**).

The roundabout location has been considered holistically alongside Development Application DA210271 and it has been determined that the intersection of Isabel Drive and McIntosh Circuit would be the most appropriate and beneficial location. This intersection will have the greater traffic volume as it also is subject to traffic of Isabel Drive coming from Merryville Estate, Shaws cellar door, and the Murrumbateman Transfer Station etc.

Within previous submissions it had been suggested that a roundabout should be constructed at both intersections. This is considered unnecessary as it would result in two roundabouts being located in close proximity. Traffic within the subdivision will follow its own preferred route based on the intersection arrangements and conditions, and shifting the roundabout location would mean that the most trafficable route out of the subdivision becomes to the south onto Isabel Drive and then McIntosh Circuit – i.e. with a right turn being made at the new roundabout if heading towards Canberra.

The arrangements with accepting a bond for the roundabout construction is proposed to remain per the December 2021 resolution. This will allow the Subdivision Certificate to be issued and the roundabout will need to be constructed within 12 months of that date. It is understood that the Applicant is proposing to commence the roundabout construction works as soon as practical following any necessary approvals from Council.

6. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions, it is recommended that the required roundabout location be moved to the intersection of Isabel Drive and McIntosh Circuit and that a modified Development Consent be issued. Draft modified conditions are included in **Attachment F**.

STRATEGIC DIRECTION

Theme	1. –	Our Environment
Long Term Goal	EN4 –	Maintain a balance between growth, development and environmental protection through sensible planning
Strategy	EN4.2 –	Ensure development application assessment is thorough and efficient
Strategic Action	EN4.2.1 –	Implement the development process and implement changes aligning with the NSW Government’s best practice guidelines.

- ATTACHMENTS:**
- A. Locality Plan (*Under Separate Cover*) [⇒](#)
 - B. Approved Plan of Subdivision (*Under Separate Cover*) [⇒](#)
 - C. Roundabout Location Change Plan (*Under Separate Cover*) [⇒](#)
 - D. Roundabout Concept Plan (*Under Separate Cover*) [⇒](#)
 - E. s4.55 Assessment (*Under Separate Cover*) [⇒](#)
 - F. Draft Modified Conditions (*Under Separate Cover*) [⇒](#)

6.5 DEVELOPMENT APPLICATION NO DA210271 - SUBDIVISION, 34 ISABEL DRIVE, MURRUMBATEMAN

SUMMARY

To present the assessment of Development Application No. DA210271 for a 27 lot subdivision at 34 Isabel Drive, Murrumbateman. The application attracted two objections and is reported to Council due to the location of a roundabout on McIntosh Circuit which needs to be considered together with adjoining subdivision DA200049. Approval is recommended under deferred commencement.

RECOMMENDATION

That:

1. *A Deferred Commencement Development Consent be issued for Development Application No DA210271 for a 27 lot subdivision at 34 Isabel Drive, Murrumbateman.*
2. *The Development Consent be under a deferred commencement until such time as the Applicant has demonstrated that the Biodiversity Offset Scheme has not been triggered.*
3. *Conditions include a requirement for a roundabout to be constructed at the intersection of Isabel Drive and McIntosh Circuit.*

FINANCIAL IMPLICATIONS

Resources for development assessment are provided for in the current Operational Plan.

POLICY & LEGISLATION

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Biodiversity Conservation Act 2016*
- *Local Government Act 1993*
- *Roads Act 1993*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Settlement Strategy*
- *Murrumbateman Structure Plan*
- *South East and Tablelands Regional Plan 2036*
- *Yass Valley Community Engagement Strategy*
- *Yass Valley Development Contributions Plan 2018*
- *Road Standards Policy*
- *Building Line Policy*
- *Application Assessment and Decision Making Policy*
- *Water Supply for Rural Areas and Villages Policy*
- *Parks & Playgrounds Strategy*

REPORT

1. Application Details

Date Received	-	2 November 2021
Land	-	34 Isabel Drive, Murrumbateman
Area	-	25.16ha
Zoning	-	R2 Low Density Residential

2. Site Description and Locality

The site is located in an area characterised by low density and large lot residential development.

The site is approximately 26ha in size, consists of six separate lots, and is bounded by McIntosh Circuit and Isabel Drive. The site is currently dominated by the Shaw Winery and Cellar Door and has an existing dwelling house. The land is slightly undulating with the high point around the existing buildings. There are scattered trees across the site as well as wind breaks planted to the boundaries.

The land is zoned R2 Low Density Residential and has a minimum lot size of 6,500m² under the *Yass Valley Local Environmental Plan (YV LEP) 2013*.

The site immediately adjoins land which is subject to current works for a recently approved 101 lot subdivision.

A Locality Plan is included in **Attachment A**.

3. Proposal

The submitted application involves:

- A 27 lot Torrens title subdivision, including 26 development lots and a residue lot which accommodates the existing cellar door etc.
- Construction of a new road
- Construction of a roundabout at the intersection of Isabel Drive and McIntosh Circuit
- Site preparation and earthworks
- Dedication of land to Council as road reserve where the existing shared path of McIntosh Circuit has been found to be located within the subject land.

Details of the proposal are included in **Attachment B**.

4. Public Exhibition

Public exhibition included notice to 15 adjoining and nearby landowners, notice to the Murrumbateman Progress Association, and an email notification to approximately 65 people who had previously made a submission on the adjoining subdivision DA200049 over the last two years.

Three submissions have been received (refer **Attachment C**). The Applicant's response to submissions is included in **Attachment D**.

5. Referrals

The proposal was referred to the NSW Rural Fire Service (RFS) as the land is identified as bushfire prone. The RFS have provided their concurrence and conditions can be included in any approval that may be issued.

6. Assessment

The proposed development has been assessed against the requirements of s4.15 of the *Environmental Planning and Assessment Act 1979*. It is considered that the proposed development can be supported subject to a deferred commencement for the reasons outlined in the Assessment Report (refer **Attachment E**).

The following planning issues have been identified including the response to the issues raised in submissions.

6.1 Biodiversity Conservation Act 2016 and Biodiversity Offset Scheme

The provisions of the *Biodiversity Conservation Act 2016* and the Biodiversity Offset Scheme (BOS) apply to the proposed development. The Applicant has not provided sufficient information to demonstrate that the proposed development has not triggered the BOS. The supporting documentation makes assumption that the vegetation is similar to that assessed in adjoining subdivision (DA200049) based on the historic land use practices – i.e. dominated by exotic pasture. Whilst this is likely to be the case, the Applicant needs to clearly demonstrate that the proposal does not involve the clearing of 0.25ha or more of native vegetation (including native

grasses) and does not have an impact on threatened species or communities which exceeds a 'test of significance'.

It is suggested that the Development Consent be issued under a deferred commencement which requires the Applicant to demonstrate with suitable evidence that the BOS has not been triggered as claimed in their supporting documentation. In the event that the BOS is triggered, the Applicant would need to modify the Development Consent and submit a Biodiversity Development Assessment Report (BDAR) and offset credits where necessary may be payable.

It is noted that building envelopes have been located to avoid all existing paddock trees.

6.2 Access and Road Network

6.2.1 Adequacy of Existing Road Network

Concerns are raised in the submissions about the adequacy of the existing road network, specifically McIntosh Circuit. This was also an issue that was raised consistently within submissions received for adjoining subdivision DA200049.

The traffic distribution from the site is likely to be primarily via McIntosh Circuit to the Barton Highway, except for when travelling to the Murrumbateman village which would be via McIntosh Circuit and South Street.

The previous traffic assessment concluded that there remains capacity within McIntosh Circuit for the traffic generation by additional lots.

The condition of McIntosh Circuit has also been noted and it is acknowledged that the potholes have been an ongoing problem. Council is aware of this issue and in the preliminary stages looking at rehabilitation works and seeking grant funding, regardless of whether this application is approved or not. Ensuring the ongoing condition and adequacy of McIntosh Circuit otherwise remains an issue and responsibility for Council as the roads authority, and to undertake any upgrades when required.

6.2.2 Location of the Roundabout

Conditions of the Development Consent DA200049 for the adjoining subdivision require the construction of a roundabout on McIntosh Circuit at the intersection of a new subdivision road and McIntosh Circuit. The Applicant is now proposing to construct a roundabout at the intersection of Isabel Drive and McIntosh Circuit instead.

The roundabout location has been considered holistically alongside a modification application to DA200049 and it has been determined that the intersection of Isabel Drive and McIntosh Circuit would be the most appropriate and beneficial location. This intersection will have the greater traffic volume as it also is subject to the traffic of Isabel Drive coming from Merryville Estate, Shaws cellar door, and the Murrumbateman Transfer Station etc.

The modification application DA200049 is also presented to Council in this agenda and it is intended that conditions of Development Consent be modified to ensure that they match appropriately, should approval to this subdivision be granted.

6.2.3 Barton Highway Intersection

Within the submissions there is concern raised relating to the adequacy of the Barton Highway and McIntosh Circuit intersection. This was looked at during the assessment of adjoining subdivision DA200049 where submissions had raised similar concern, including a suggestion that traffic lights should be installed. That Application had been referred to Transport for NSW (TfNSW) at the time and it was identified that the intersection still had sufficient capacity and that upgrade to traffic lights was not necessary, noting that it had been upgraded to the current treatment within the last seven years and duplication of the Barton Highway is planned.

6.2.4 Speed Limit

The speed limit on McIntosh Circuit has been identified as a concern within submissions, particularly in relation to accesses for properties on McIntosh Circuit and safety around the school bus.

The speed limit on McIntosh Circuit was raised during the assessment of adjoining DA200049 in 2020. At that time TfNSW (as the appropriate authority for designation of speed limits) had recently conducted a review on the speed limit and had decided not to reduce it. TfNSW have also indicated that a reduction of the speed limit is unlikely to be supported until construction and occupation of dwellings begins. In this regard, a review of the speed limit will be requested again in due course.

6.2.5 Speed Bumps on South Street

One of the submissions expresses their view that the speed bumps located on South Street are poorly designed and deter motorists from using this as an alternative access to the Barton Highway. This is an issue relating to existing traffic arrangements and does not relate directly with an impact associated with the proposed development.

6.2.6 Damage from Construction Vehicles

One of the submissions received requests that the developer be responsible for fixing McIntosh Circuit as a result of damage caused by their construction vehicles. A section 7.12 development contribution is payable in relation to the proposed development – i.e. a contribution paid in relation to the demand on infrastructure and services that are generated by a development. Conditions require the Applicant make good any other public infrastructure that has been directly attributed to damage caused by the subdivision construction work.

6.3 Green and Open Spaces

A submission suggests that subdivisions don't seem to be required to provide green space, with extensive use of hard surfaces on small blocks providing little respite or resources for birds and animals.

The proposal does not include the provision of any open space. The provision of open space was consistently raised in submissions during the assessment of adjoining subdivision DA200049, with Council and the Developer (same developer as this application) reaching a voluntary planning agreement for an extensive open space to be dedicated for public use around the area of McClung's Creek. This area had been acknowledged as important for open space and for its environmental values. This open space is intended to be primarily passive use but does include a small playground.

A need for open space within the subdivision at 34 Isabel Drive has not been identified as required within any open space strategy or master plans. There is an ongoing maintenance responsibility with open space and it is important that this is accepted in a strategic manner – i.e. balancing quantity vs. quality.

There are no significant environmental values identified within this site as there were with the adjoining subdivision where the extensive open space was provided. Any large trees can be retained within development lots.

The nature of large lot residential lots also means that residents enjoy private open space within their own land in contrast to more dense urban areas where public open space becomes increasingly important.

6.4 Paths and Cycleways

Submissions received for subdivisions in Murrumbateman have continuously highlighted the importance of pedestrian, horse and bike connections for recreational and alternative transport measures.

There is an existing shared path on the southern side of Isabel Drive (which terminates at Merryville Drive) and the shared path winery trail on McIntosh Circuit. Following discussions with the Applicant they have indicated that the following works will be undertaken:

- Constructing a connection for the existing shared path on Isabel Drive to the horse trail that is currently under construction with adjoining subdivision DA200049. This will provide the missing link from where the path of Isabel Drive currently terminates at Merryville Drive.
- A connection from the new subdivision road back into the Isabel Drive and McIntosh Circuit shared paths network.

The Applicant had also indicated a willingness to construct a 1.5m wide footpath on the new subdivision road (cul-de-sac) if that was desired.

It is noted that Council does not currently have a policy position or development control in relation to shared paths in large lot subdivisions. The proposed connections are suitable and provide good access into the existing network and open space.

A 1.5m wide footpath on the new subdivision road is not considered to be necessary, as it is a cul-de-sac with low traffic volume. In an urban setting this may be appropriate but in larger lot settings such as this it is considered unnecessary. Similar subdivision nearby (such as Carrington Park Estate) do not have footpaths on the low traffic cul-de-sacs.

6.5 Murrumbateman Services, Facilities and Infrastructure

Two of the submissions received suggest that there is no infrastructure being built in the Murrumbateman Village to sustain more households associated with this development and other subdivisions. This was also a consistent issue raised in the assessment of adjoining subdivision DA200049 where some had suggested that that no further development should be allowed until further services, facilities and infrastructure are all in place.

The submissions do not specifically detail what services, facilities and infrastructure should be built. From previous submissions this may range from public toilets, supermarkets, hospitals, to improved internet connection. Many of these services are outside of the direct control or jurisdiction of Council. There are a number of additional services and facilities for Murrumbateman that are in the planning though and in part, may be partially funded by Development Contributions.

Growth of Murrumbateman from development does also present and opportunity for the provision of further services and facilities in the fullness of time (i.e. those which are underpinned by market demand factors).

The provision of these services is outside of the control of the Applicant. The subject land is zoned for low density residential use and the proposal is consistent with the type and intensity of development which is permitted.

6.6 Bushfire – Egress

A submission notes that they are unconvinced that McIntosh Circuit could cope with a full evacuation if a fire like the 2003 Canberra fires were to occur. The NSW Rural Fire Service (RFS) have considered the proposal and provided their concurrence.

7. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions, it is recommended that a Deferred Commencement Development Consent be issued. It is recommended that the Development Consent be under a deferred commencement until such time as the Applicant has demonstrated that the Biodiversity Offset Scheme has not been triggered.

Draft conditions are included in **Attachment F**.

STRATEGIC DIRECTION

Theme	1. –	Our Environment
Long Term Goal	EN4 –	Maintain a balance between growth, development and environmental protection through sensible planning
Strategy	EN4.2 –	Ensure development application assessment is thorough and efficient
Strategic Action	EN4.2.1 –	Implement the development process and implement changes aligning with the NSW Government’s best practice guidelines.

- ATTACHMENTS:**
- A. Locality Plan (*Under Separate Cover*) [⇒](#)
 - B. Proposed Plan of Subdivision (*Under Separate Cover*) [⇒](#)
 - C. Submissions (*Under Separate Cover*) [⇒](#)
 - D. Applicant Response to Submissions (*Under Separate Cover*) [⇒](#)
 - E. s4.15 Assessment (*Under Separate Cover*) [⇒](#)
 - F. Draft Conditions (*Under Separate Cover*) [⇒](#)

6.6 DEVELOPMENT APPLICATIONS NO. DA210228 & DA210232 - DWELLING HOUSE (DUAL OCCUPANCY) AND SUBDIVISION, 838 MURRUMBATAMAN ROAD, NANIMA

SUMMARY

To present the assessment of Development Applications No. DA210228 for a two-lot subdivision and DA210232 for a dual occupancy/dwelling house at 838 Murrumbateman Road, Murrumbateman. The application attracted eight submissions for the subdivision and seven submissions for the dual occupancy/dwelling house. Approval of both applications is recommended.

RECOMMENDATION

That:

1. *Conditional Development Consent be issued for Development Application No. DA210228 for two lot subdivision at 838 Murrumbateman Road, Murrumbateman*
2. *Conditional Development Consent be issued for Development Application No. DA210232 a dual occupancy/dwelling house at 838 Murrumbateman Road, Murrumbateman*

FINANCIAL IMPLICATIONS

Resources for development assessment are provided for in the current Operational Plan.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *State Environmental Planning Policy (Infrastructure) 2004*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Yass Valley Local Environmental Plan 2013*
- *Building Line – Rural and Rural Residential Land Policy*
- *Road Standards Policy*
- *Application Assessment and Decision-Making Policy*
- *Water Supply for Rural Areas and Villages Policy*
- *Yass Valley Development Contributions Plan 2018*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Biodiversity Conservation Act 2016*

REPORT

1. Application Details

Date Received	-	8 September 2021
Land	-	838 Murrumbateman Road, Murrumbateman
Area	-	80ha
Zoning	-	RU1 Primary Production

2. Site Description and Locality

The site is located in an area characterised by rural and rural lifestyle development, including properties with dwelling houses. The immediate property to the west has an established vineyard.

The site is 80ha in size and is generally undulating. There is an existing dwelling house located on the land which has been constructed over the last few years.

A Locality Plan is included in **Attachment A**.

3. Proposal

Development Application DA210228 involves a two-lot subdivision, proposing to create two lots of 40.8ha and 39.6ha, utilising the provisions for average lot sizes within the LEP. Access for both lots is proposed via a Crown Road off Murrumbateman Road.

Development Application DA210232 involves the erection of a dwelling house, installation of an onsite sewage management facility, and the construction of an internal access road. The dwelling would create a dual occupancy unless the subdivision occurs, with the subdivision to split the two dwellings onto separate lots.

Details of the proposals are included in **Attachments B and C**.

Originally there had been four separate Development Applications for this site lodged between August and September 2021. Two of the applications have since been withdrawn:

- DA200030B – A modification application to a large shed which had previously been approved. The modification proposed to move the location and importation of fill material for earthworks.
- DA210209 – The construction of a dam including the importation of fill material for earthworks.

4. Public Exhibition

Public exhibition included notice to 11 nearby and adjoining and nearby landowners and those who had previously made submissions in relation to the withdrawn applications. During the public exhibition period there were eight submissions received in relation to the subdivision and seven in relation to the dual occupancy/dwelling house (refer **Attachment D** and **E**). The subdivision application was re-notified to those who made submissions due to the Applicant changing the proposed access arrangements during the course of the assessment.

A planning forum was held on 2 March 2022 as an opportunity for persons who had made submissions and the Applicant to make representations to Councillors. Two neighbouring property owners made representations along with the Applicant.

The Applicant's response to submissions is included in **Attachment F**.

5. Referrals

The subdivision application was referred to Water NSW and NSW Crown Lands. There were no referrals required for the dual occupancy/dwelling house application.

The Water NSW referral had been in relation to the proposed dam and how this may affect the maximum harvestable rights requirements under the *Water Management Act 2000* following a subdivision. As the dam application has since been withdrawn there are no further issues relating to the Water NSW referral.

The Crown Lands referral was in relation to the proposed access arrangements utilising the Crown Road. Submissions received from neighbouring landowners had suggested that part of this Crown Road may be subject to both an enclosure permit and a road closure application. Crown Lands advised (refer **Attachment G**):

- The owners of 840 Murrumbateman Road hold an enclosure permit for the section of the Crown Road adjacent to their property for grazing stock, but this does not give them ownership or the road or allow them to restrict public access.
- The construction, upgrade or maintenance of the Crown road is not permitted without authorisation of Crown Lands.
- That should Council determine that the Crown road requires upgrade, their administrative policy is that this road will be transferred to Council.

The first two points above are noted and relevant conditions can be included in any Development Consent that may be issued. However, Council has previously reminded Crown Lands on several

occasions (including in 2014 and 2017) that they (i.e. the Minister) are a Roads Authority under the *Roads Act 1993* and Council does not accept their administrative policy position of transferring Crown Roads to Council without appropriate financial resources for ongoing maintenance. Council's own policy position is that the transfer of Crown roads will only be considered where traffic volumes exceed 50 vehicles per day.

6. Assessment

The proposed development has been assessed against the requirements of s4.15 *Environmental Planning & Assessment Act 1979*. It is considered that the proposed development can be supported for the reasons outlined in the Assessment Report (refer **Attachment H**).

The following planning issues have been identified including the response to the issues raised in submissions.

6.1 Access Arrangements

The key issue with the proposed development relates to access arrangements, including the Crown road and internal access road, along with the intersection of the Crown road with Murrumbateman Road.

Access for both lots is proposed via a Crown Road. The access for proposed Lot 1 is via the existing access point servicing the existing dwelling house, approximately 75m down the Crown road from the intersection with Murrumbateman Road. The access for Proposed Lot 2 is via the same Crown road, past the neighbouring dwelling located at 840 Murrumbateman Road. This Crown road currently provides access to one other property being 842 Murrumbateman Road.

It should be noted that an earlier Development Consent for a previous owner was approved for the construction of a shed in the same location as the proposed dwelling, with access under that approval also being via the Crown road.

6.1.1 Crown Road

The plan of subdivision initially submitted with the Development Application had proposed a shared access for Proposed Lots 1 and 2 from the existing access point servicing the existing dwelling. This would have required the construction of a right of way (RoW) which ran generally parallel to the Crown road, until re-joining it near the proposed common boundary of the two proposed lots.

The submissions received raised concern about the importation of fill material associated with the construction of internal access roads and the RoW. The Applicant has indicated that their intention with the change in proposed access arrangements has been in an attempt to minimise the need for importation of material.

The Crown Road passes in close proximity to the dwelling at 840 Murrumbateman Road. The owners of 840 Murrumbateman Road have the benefit of an enclosure permit which allows it to be enclosed into their property (without being fenced out) and subsequently there are two gates on the road. Crown Lands have however noted that this does not constitute ownership nor does it allow access to be restricted – i.e. it remains a public road.

The impact of the additional traffic generation using the Crown Road as a result of the development does however need to be considered. The submission received from the owners of 840 Murrumbateman Road suggests that the additional traffic generation will increase noise and also inhibits their ability to use a horse arena which is located adjacent to the Crown road. It is acknowledged that the additional traffic generation does have an adverse impact to 840 Murrumbateman Road and would essentially double traffic utilising it (i.e. one property to two properties). This issue is acknowledged, however at the same time is difficult to manage or avoid given the fact their dwelling was constructed immediately adjoining the Crown Road. The horse arena is already screened with vegetation.

Council's *Road Standards Policy* stipulates that Crown Roads are to be upgraded to a minimum standard of 3.5m wide with a gravel seal. However, due to the close proximity to 840 Murrumbateman Road it would be recommended that it be upgraded to bitumen seal to minimise dust impacts by the additional traffic generation and with an increased 4.5m width. There is precedent of this approach for a similar subdivision using a Crown Road in Wallaroo which ran in proximity to neighbour dwellings. The upgrade of the Crown Road would need to work around any significant remnant trees and localised narrowing can be considered where necessary to prevent tree removal. Engineering design drawings and confirmation by survey to ensure the road is within the road reserve can be required prior to the issue of any Subdivision Works Certificate. The upgrade of the Crown Road does not require any substantial importation of fill material.

The submission received from 840 Murrumbateman Road requests that the Crown Road be fenced out to a stock proof standard should approval for the subdivision be granted with access via the Crown Road. The Applicant's responsibility would only be for fencing on their boundary of the Crown Road and not to the side of 840 Murrumbateman Road, which would remain that owner's responsibility. Furthermore, the enclosure permit held by the owners of 840 Murrumbateman Road would mean that a fencing condition imposed on the Applicant for both sides of the Crown Road in this location would be invalid – i.e. as it is not a condition which the Applicant could legally satisfy. Fencing of the Crown Road is however something that could be negotiated directly between the Applicant and the owner of 840 Murrumbateman Road, noting that the Applicant would already need to undertake fencing work as part of the subdivision. If the Crown Road was fenced out then the owners of 840 Murrumbateman Road would need to surrender their Enclosure Permit issued by Crown Lands.

If Council are of the view that the proposed access arrangement utilising the existing Crown Road has a significant adverse and unacceptable impact on the owners of 840 Murrumbateman Road, despite it already being a legal access arrangement, then the following options would need to be re-explored as the alternatives:

- The construction of a right of way through proposed Lot 1 to proposed Lot 2. There may be opportunity for this RoW to also benefit 842 Murrumbateman Road so that access via the Crown Road immediately adjacent to 840 Murrumbateman Road becomes redundant.
- The opportunity to realign the Crown Road through the creation of a new public road link traversing through the subject land. This will be problematic with the minimum lot size requirements for the subdivision (i.e. as the area of the new road is deducted from the proposed lot sizes) and would likely require considering the use of a variation to the minimum lot size development standard in the LEP.

The amount of fill material required for construction in those alternatives would need to be carefully considered.

The access arrangement currently proposed via the Crown Road does meet all Council's policy requirements for subdivision and legal and physical access.

6.1.2 Intersection with Murrumbateman Road

Concern has been raised in submissions in relation to safety of the Crown Road intersection with Murrumbateman Road. Council's Engineering staff have determined that an upgrade of the intersection to a Basic Right-turn (BAR)/Basic Left-turn (BAL) intersection treatment would be necessary if Development Consent is granted. The BAR/BAL intersection treatment has a widened shoulder and allows through vehicles, having slowed, to pass turning vehicles.

It has been identified that some vegetation removal within the road reserve will be required to accommodate the BAR/BAL intersection treatment. The Applicant would need to prepare an engineering design for this upgrade as part of the engineering construction

approval. This would need to be accompanied by a 'test of significance' to demonstrate that any tree removal does not have a significant impact on threatened species or community. It is important to note that this vegetation removal is on Murrumbateman Road only and does not include the large tree on the Crown Road referred to in the submissions.

6.1.3 Internal Access Road – Importation of Fill

Concern has been raised in the submissions in relation to the importation of fill material for the construction of internal access road from the Crown Road to the dual occupancy/dwelling house site. The Applicant's response to submissions unequivocally states that there will be no material imported to the site and the internal access road will be constructed utilising material on site.

Conditions of Development Consent can prohibit the importation of any fill material that is not otherwise 'exempt development'. It is noted the exempt development provisions would limit importation of fill associated with internal access road construction to 100m³ only.

6.2 Objectives of the Zone

Concern has been raised within the submissions that the proposals are not consistent with the objectives of the RU1 Primary Production zone. Clause 2.3 of the LEP requires zone objectives to be considered in the determination of a Development Application, however the proposal does not need to be consistent with all zone objectives.

The proposed development is for a two-lot subdivision and a dual occupancy/dwelling house. Both the subdivision and dual occupancy/dwelling house are permitted with Development Consent under development standards and the land use table in the LEP. The subdivision and dual occupancy are also not inconsistent with other similar approvals that have been granted.

6.3 Dual Occupancy Characterisation and Use of Existing Dwelling

Within the submissions and at the Planning Forum concern was raised that the proposal and existing use of the land may not be residential. In turn, concern was then raised whether the proposal could be characterised as a dual occupancy and if it actually represents a commercial use as a tourist and visitor enterprise.

The existing dwelling house is approved for a residential use. It is however understood that the dwelling is offered as short-term rental accommodation through sites such as AirBnB. It is important to note that the State Government has implemented a new State-wide regulatory framework for short-term rental accommodation which permits the use of dwelling houses for this type of accommodation. There are certain registration and minimum fire safety requirements that the owner should be meeting, however otherwise the use of the dwelling as short-term rental accommodation on AirBnB would be lawful under this State framework. The same provisions would apply in relation to the second dwelling house.

The relevant land used definitions contained in the *Yass Valley LEP 2013* for a dual occupancy and dwelling are as follows:

dual occupancy (detached) means 2 detached dwellings on one lot of land but does not include a secondary dwelling.

Dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

The proposal has been put forward as a dual occupancy and the building also meets the definition of a dwelling. Use of the existing dwelling for short-term rental accommodation does not preclude the Applicant seeking approval for a second dwelling to create a dual occupancy.

The proposed dwelling can certainly be described as large but architecturally it is nothing unusual and the floor plan presents as a single dwelling house. There are no development

controls which dictate a maximum size for dwellings in rural zones and there are similarly large examples elsewhere in the Yass Valley.

The proposal is currently permitted with Development Consent as a dual occupancy. If the subdivision was approved, each lot would separately enjoy the opportunity for a dual occupancy under the LEP.

6.4 Location of Dwelling – Elevated Land

Concern has been raised that the location of the dwelling is in a prominent position on elevated land and does not fit within the surrounding area.

Council has no development controls which prohibit development on elevated land having repealed a previous policy. Furthermore, Council has supported other examples of dwellings on elevated land.

The proposed dwelling is not considered to have any significant or detrimental impact on the landscape as a result of the elevated location.

The Applicant has indicated that the dwelling construction will be cut and fill neutral and does not require the importation of additional fill material.

6.5 Concept Plan for Future Development and Use of Site

Submissions received suggest that the Applicant may have longer term development intentions for the site with other commercial uses and therefore Council should require a full development plan to be properly prepared and considered.

The Development Applications need to be assessed as proposed and any future plans the Applicant may be considering are speculative only at this point and are not a consideration in the determination of the two applications presented. Any future plans would be subject to separate Development Applications where necessary.

6.6 Stock-proof Fencing

The need for stock-proof fencing to boundaries has been raised in the submissions received. This has been touched on above in relation to the Crown Road above. Standard conditions of any rural subdivision approval require stock-proof fencing to be provided to boundaries prior to the issue of a Subdivision Certificate (i.e. to create the new titles). A compliance inspection is required to ensure the suitable fencing has been completed.

6.7 Weeds

Submissions received raise concern that the subject land may be currently infested with weeds. Consent conditions for any rural subdivision require a weeds clearance prior to the issue of a Subdivision Certificate. This has also been raised with Council's Biosecurity Weeds Officers for follow up separate to the Developments Applications.

6.8 Onsite Sewage Management System

The submissions have identified that the submitted onsite effluent disposal report has been based on a four-bedroom dwelling whilst the proposed dwelling is six bedrooms. It is considered that there will be opportunity for onsite effluent disposal for a six-bedroom dwelling, however a revised effluent disposal report will need to be submitted for approval prior to the issue of a Construction Certificate for the dual occupancy/dwelling house.

6.9 Off-Grid Electricity

Concerns are raised in a submission about the proposed dwelling house not being connected to grid electricity given its size. Council has generally been supportive of rural dwellings being off-grid and standard conditions of approval require a system generation/consumption assessment and details of the system to be submitted for approval prior to the issue of a Construction Certificate. If the system is outside of that which is 'exempt development' under *State Environmental Planning Policy (Infrastructure) 2007* then further or modified Development Consent may be required.

6.10 Sale of the Property

At the Planning Forum in March 2008 it was noted that the subject property is currently for sale and will be going to auction on 17 March 2022. The representations requested that Council not determine the applications until such time as the auction had occurred so that any future landowner could further consider their intentions for the property.

There are no reasons under planning legislation to hold off on a determination – i.e. the sale of the property is not a valid planning consideration. Any Development Consents issued are held with the land rather than the owner, but a future owner would have opportunity to seek modification to any existing approvals or surrender approvals and seek different development opportunities if desired.

6.11 Historical Site and Compliance Issues

Submissions received note issues relating to the manner in which development has been previously undertaken on this site, including the construction of an internal access to the existing dwelling that failed and resulted in a pollution event, as well as issues with the importation of fill material. These issues have been subject to investigations and compliance and enforcement action where necessary and are not relevant considerations in determining the new Development applications.

7. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions, it is recommended that a Development Consent be issued. Draft conditions are included in **Attachment I**.

STRATEGIC DIRECTION

Theme	1. –	Our Environment
Long Term Goal	EN4 –	Maintain a balance between growth, development and environmental protection through sensible planning
Strategy	EN4.2 –	Ensure development application assessment is thorough and efficient
Strategic Action	EN4.2.1 –	Implement the development process and implement changes aligning with the NSW Government's best practice guidelines.

ATTACHMENTS:

- A. Locality Plan *(Under Separate Cover)* ➡
- B. Plans of Subdivision *(Under Separate Cover)* ➡
- C. Plans of Dwelling *(Under Separate Cover)* ➡
- D. Submissions for DA210228 - Subdivision *(Under Separate Cover)* ➡
- E. Submissions for DA210232 - Dual Occupancy/Dwelling House *(Under Separate Cover)* ➡
- F. Applicant Response to Submission *(Under Separate Cover)* ➡
- G. Crown Lands Response *(Under Separate Cover)* ➡
- H. Assessment Report *(Under Separate Cover)* ➡
- I. Draft Conditions *(Under Separate Cover)* ➡

6.7 DEVELOPMENT APPLICATION NO DA200211 - RURAL SUBDIVISION, 1023 TALLAGANDRA LANE, GUNDAROO

SUMMARY

To present the assessment of Development Application No DA200211 for two lot rural subdivision at 1023 Tallagandra Road, Gundaroo.

The application attracted one objection. Refusal is recommended as the proposal does not meet the minimum lot size requirements and could not be approved.

RECOMMENDATION

That Development Application No for DA200211 at 1023 Tallagandra Lane, Gundaroo be refused on the following grounds:

- *The proposal does not comply with the average minimum lot size requirements contained in clause 4.1B Yass Valley Local Environmental Plan 2013*
- *The variation to the average minimum lot size development standard cannot be varied using clause 4.6 of the Yass Valley Local Environmental Plan 2013*

FINANCIAL IMPLICATIONS

Resources for development assessment are provided for in the current Operational Plan.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Biodiversity Conservation Act 2016*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Community Engagement Strategy*
- *Yass Valley Development Contributions Plan 2018*
- *Road Standards Policy*
- *Building Line Policy*
- *Application Assessment and Decision Making Policy*
- *Water Supply for Rural Areas and Villages Policy*
- *Elimatta Pty Ltd v Read [2021] NSWLEC 75*

REPORT

1. Application Details

Date Received	-	16 October 2020
Land	-	Lot 1 & 2 DP 1262963 and Lot 2 DP 1261924, 1023 Tallagandra Lane, Gundaroo
Area	-	72ha
Zoning	-	RU1 Primary Production

2. Site Description and Locality

The site is located on Tallagandra Lane in an area characterised by rural properties.

The site consistent of three existing lots and there are no dwellings located on the land.

A locality Plan is included in **Attachment A**.

3. Proposal

The submitted application involves a consolidation and re-subdivision of three existing lots, proposing to create two lots each attracting a dwelling entitlement. Access to accessing directly onto Tallagandra lane. The proposed lot sizes are 36ha each, below the minimum lot size requirements of the LEP.

Details of the proposal are included in **Attachment B**.

4. Public Exhibition

Public exhibition included notice to nine adjoining and nearby landowners and one submission has been received (refer **Attachment C**).

5. Assessment

The proposed development has been assessed against the requirements of s4.15 *Environmental Planning & Assessment Act 1979*. It is considered that the proposed development cannot be supported for the reasons outlined in the Assessment Report (refer **Attachment D**).

The following planning issues have been identified including the response to the issues raised in submissions.

6.1 Minimum Lot Size

The minimum lot size in this area specified by the *Yass Valley Local Environmental Plan 2013* is 40ha, however both lots are proposed to be 36ha in size. The LEP contains provisions for subdivision using an average minimum lot size. This is subject to the subdivision having an average lot size of 40ha, and each lot being no greater than 70ha and no less than 20ha in size.

The Applicant has proposed a variation to the average lot size development standard contained in clause 4.1B of the LEP, using clause 4.6 which provides opportunity for variations in certain circumstances (refer **Attachment E**).

In 2020/21 an objector brought proceedings to the Land & Environment Court to challenge the validity of a Development Consent issued by Council for a subdivision which had been approved with a variation to the average minimum lot size requirement using a clause 4.6 variation. The Land & Environment Court found the Development Consent to be invalid on the basis that the average lot size development standard could not be varied using clause 4.6.

The proposal does not comply with the average development standard in the LEP and the Land & Environment Court decision has provided a clear direction on these circumstances.

The Applicant has indicated there may be historical factors relating to the widening of Tallagandra Lane and that they would like to have considered in the assessment. However, no details of these historical factors have been provided at this time nor has the Applicant indicated how they would enable Development Consent to be granted. Noting the above, it is not envisaged that any historical factors would change the circumstances and Development Consent simply could not be granted under clause 4.1B using a clause 4.6 variation.

In this regard, the Development Application cannot be approved and should be refused.

6.2 Other Site Activities

The submission received raised concerns in relation to other activities that have occurred at the property including vegetation removal, construction of internal access road, and importation of material. These matters have been subject to separate compliance and enforcement action separate to the Development Application, including in conjunction with the relevant State agencies.

7. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions it is recommended that the application be refused as Development Consent cannot be granted.

STRATEGIC DIRECTION

Theme	1. –	Our Environment
Long Term Goal	EN4 –	Maintain a balance between growth, development and environmental protection through sensible planning
Strategy	EN4.2 –	Ensure development application assessment is thorough and efficient
Strategic Action	EN4.2.1 –	Implement the development process and implement changes aligning with the NSW Government’s best practice guidelines.

- ATTACHMENTS:**
- A. Locality Plan (*Under Separate Cover*) [⇒](#)
 - B. Proposed Plan of Subdivision (*Under Separate Cover*) [⇒](#)
 - C. Submission (*Under Separate Cover*) [⇒](#)
 - D. s4.15 Assessment (*Under Separate Cover*) [⇒](#)
 - E. Applicant Clause 4.6 Variation Request (*Under Separate Cover*) [⇒](#)

6.8 MURRUMBATEMAN LIONS CLUB WATER TANK ARTWORK PROJECT

SUMMARY

The Murrumbateman Lions Club have requested Council agreement to the painting of an artwork on the Murrumbateman Reservoir.

RECOMMENDATION

That an agreement in principle for the Murrumbateman Lyons Club Water Tank Artwork Project be provided and that final approval be considered after consultation with the Public Arts Committee once grants have been agreed and the design has been finalised

FINANCIAL IMPLICATIONS

All funding for the proposal will be the responsibility of the Lions Club. This agreement in principle will allow for the Lions Club to seek grants for the project.

POLICY & LEGISLATION

Nil.

REPORT

1. Proposal

The Murrumbateman Lyons Club have requested Council support for the painting of an artwork on the Murrumbateman Reservoir, they have conducted initial consultation and sort appropriate artists for the conduct of the work. Their Proposal is outlined in **Attachment A** and a portfolio of the chosen Artist, Jimmi Buscombe, is in **Attachments B** and **C**.

2. Way Ahead

The Murrumbateman Reservoir is still under the defects liability until May 2022. After this there are no Infrastructure Management requirements preventing the proposal from being progressed. Once in principle support to the proposal has been provided, the project will need progress to further community consultation via the Public Arts Committee. The Lions Club will be responsible for seeking grants to fund the project. Once the design has been agreed and funding is available final Council approval will be required for the artwork by the Public Arts Committee and Council.

STRATEGIC DIRECTION

Key Pillar	3.	Our Community
CSP Strategy	CO2 -	Encourage and facilitate active and creative participation in community life
Delivery Program Action	CO2.3 -	Develop and implement a Public Art Strategy that includes specific actions for the development of creative pursuits
Operational Plan Activity	CO2.3.1 -	

- ATTACHMENTS:**
- A. Murrumbateman Lyons Club Water Tank Artwork Project Proposal (*Under Separate Cover*) ➡
 - B. CV - Jimmi Buscombe (*Under Separate Cover*) ➡
 - C. Portfolio - Jimmi Buscombe (*Under Separate Cover*) ➡

6.9 REVIEW OF COUNCIL SPORTING FACILITIES SERVICE LEVELS AND USAGE CHARGES

SUMMARY

In October 2021 Council determined an audit of the service levels and user fees for all Council managed sporting facilities. The audit has been completed and is presented for consideration.

RECOMMENDATION

That:

- Further consultation be undertaken with annualised sports ground users to understand their current site usage and service level requirements in determining annual fees and charges and that a further report be presented to Council to accurately apply fees and charges prior to setting the 2023/24 budget*
- The prescriptive sports field lights user fee charge of \$10 per field per hour be applied to both annualised and casual hirers of sporting facilities for the 2022/23 operational plan onwards*

FINANCIAL IMPLICATIONS

A decision on user fees will be incorporated into the 2022/23 fees and charges.

POLICY & LEGISLATION

- Local Government Act 1993*

REPORT

1. Audit of Current Service Levels and usage charges

For the purpose of this report the focus will be regarding annualised user charges and service levels for the following sporting facilities. These include:

- Walker Park Yass
- O'Connor Park Yass
- Victoria Park Yass
- Murrumbateman Recreation grounds
- Binalong Recreation Grounds
- Bookham Recreation Grounds
- Bowling Oval
- Sutton Oval

Annualised users and current annual usage charge for the 21/22 are as follows:

User Group	Facility	Annual usage charge
Yass United Rugby League	Walker Park Yass	\$1,845
Yass Australian Rules	O'Connor Park Yass	\$2,300
Murrumbateman Australian Rules	Murrumbateman Recreation Grounds	\$820
Yass Rams Rugby Union	Victoria Park Yass	\$2,670
Senior Cricket	Multiple grounds	\$2,500
Touch Football	Walker Park Yass	\$3,850
Senior Netball	O'Connor Park Yass	\$1,255
Yass Junior Rugby League	Walker Park Yass	\$2,170
Binalong RLFC	Binalong Recreation Grounds	\$565
Yass Little Athletics	Inactive	\$340
Murrumbateman Little Athletics	Murrumbateman Recreation Grounds	\$330
Yass Soccer	Walker Park	\$3,730

Casual user fee	Individual hire of any Council managed sports ground	\$150 per day
Training/games lights per field per hour	All grounds	\$10

Note: Some sites such as the Murrumbateman Equestrian Arenas have separate fees not considered here.

Council managed sporting facilities are traditionally operated on a 30 percent usage for sporting activities and 70 percent availability for public usage as active/passive recreational open space; however, most Council operation and maintenance costs are as a result of making the fields available to sporting clubs.

The annual cost of operation for each field for the last 12 months is outlined in the table below.

Site	Service level	Annual cost to operate facility
Walker Park, Yass (4 fields)	<ul style="list-style-type: none"> Weekly mowing Irrigation of fields Training lighting Weekly change room and amenity cleaning Daily bin collection 	\$116,709.49
O'Connor Park, Yass (1 field + 7 netball Courts)	<ul style="list-style-type: none"> Weekly mowing Irrigation of fields Training lighting Weekly change room and amenity cleaning Daily bin collection 	\$32,992.98
Murrumbateman Recreation Grounds (1 field + 4 sand horse arenas)	<ul style="list-style-type: none"> Fortnightly oval mowing Training lighting Daily bin collection 	\$48,147.74
Victoria Park, Yass (2 fields)	<ul style="list-style-type: none"> Weekly mowing Irrigation of fields Training lighting Weekly change room and amenity cleaning Daily bin collection 	\$69,384.16
Binalong Recreation Grounds (1 field and 1 multipurpose court)	<ul style="list-style-type: none"> Quarterly mowing Training lighting Weekly amenity cleaning Twice-weekly bin collection 	\$14,345
Bowling Recreation Grounds (1 field)	<ul style="list-style-type: none"> Monthly mowing Training lights Twice-weekly bin collection 	\$13,500

	<ul style="list-style-type: none"> Weekly amenity cleaning 	
Bookham Recreation Grounds (1 field)	<ul style="list-style-type: none"> No field maintenance by Council Monthly bin collection 	\$10,580
Sutton (1 field)	<ul style="list-style-type: none"> Quarterly mowing Weekly amenity cleaning 	\$9767

2. Review of fees

Staff have analysed all sporting facilities that are utilised by annualised users and investigated how other organisations charge for sporting facilities.

Nominal fee charge

This method is based on participant numbers and the number of fields utilised. Nominal charging is a model for usage in that sporting groups utilising Council or government operated facility become annualised users paying between 10% to 30% of full site annual operational costs. The ACT Government use a model which identifies that 15% recovery of full costs should be paid by user groups. Some Councils surrounding the ACT use a levy system which identifies \$4.00 per junior participants and \$30.00 per adult in addition to a nominal base annualised charge.

Council charges a nominal fee for users which captures less than 10% of full cost recovery with no individual levy applied. It has been previously based on participant numbers as well as number of fields used. Council recovers between \$20-\$30k annually from annualised and casual sportsground usage charges. If Council decided to use a 15% cost recovery model annualised user fees would increase by 50% generating \$10-15k additional income.

Leased facilities

Councils that lease a facility allow the lessee exclusive usage of the facility at a nominal charge as well as the lessee being responsible for 100% of all operational costs. Some surrounding Councils lease their facilities for lessee exclusive site use which is usually not available for other individuals/groups usages.

Council does not lease any of its facilities to sporting groups. All Council grounds are available to be hired by any individual or groups for special events outside of their respective annualised sport usage (including 30% by annualised users) at a daily charge of \$150 per use. These facilities are also available for public recreation purposes outside designated sport (70% of the time).

Operational and maintenance costs

In addition to base maintenance such as mowing, amenity cleaning, waste collection, field irrigation Council provides sports field lights which are only used for sporting user groups. The lights are for the benefit of training and competition for the respective sporting groups or at the request of any individual group at the cost of \$10 per hour per field. Currently Council does not charge for the use of the lights by annualised user groups and applies a \$10 per hour per field fee for casual users. The cost of electricity is a high base cost. As this cost is wholly attributed to sporting groups usage Council could charge this cost for both annualised and casual users. This would allow Council to recoup approximately \$10k in electricity costs annually.

3. Recommendation

As the cost recovery for sporting grounds is at the minimum level (10%) compared to surrounding Councils and government organisations it would be advisable to revisit user numbers and ground usage per individual user group to determine a refined annual user cost. It might be that Council consider a base cost for each ground with an individual levy per participant. This will need to be undertaken prior to setting the annual fee and charges for the 2023/24 operational plan with current user groups. In addition, Council may determine to charge each current sporting group a sports field lights usage charge of \$10 per hour per field for the upcoming 2022/23 operational budget for both annualised and casual users.

STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN4 -	Maintain and update existing community facilities, and support the development of new community infrastructure as needed
Delivery Program Action	IN4.1 -	Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner
Operational Plan Activity	IN4.1.1 -	Maintenance of sporting fields and playgrounds in accordance with user group needs

ATTACHMENTS: Nil

6.10 REQUEST TO NAME WALKER PARK GRANDSTAND

SUMMARY

To present a request from Yass United Rugby League Football Club Inc to officially name the new grandstand at Walker Park, Yass with two members from the Yass community.

RECOMMENDATION

That:

1. *The following options for the naming of the new grandstand at Walker Park placing on public exhibition:*
 - *The naming of the new Walker Park Grandstand the “William ‘Kenny’ Bell Grandstand”, or*
 - *The display of both William ‘Kenny’ Bell and Colin ‘Yic’ York on the Walker Park Grandstand*
2. *The outcomes of the public exhibition be reported to the April 2022 Council meeting*
3. *It be acknowledged that the naming of the new grandstand after William ‘Kenny’ Bell Council is a departure from Naming of Public Assets Policy due to the significant and longstanding contribution of Mr Bell to the Yass Sporting community, particularly for sports conducted at Walker Park*

FINANCIAL IMPLICATIONS

Costs associated with plaques to be managed by Yass United Rugby League Football Club Inc.

POLICY & LEGISLATION

- Naming of Public Assets Policy

REPORT

1. Background

An application to officially name the newly constructed grandstand at Walker Park, Yass. Yass Magpies have requested to honour two significant sporting members from Yass Valley LGA by displaying each name either side of the grandstand. Details of the two people are outlined below along with their sporting achievements in the Yass Valley:

- **Colin ‘Yic’ York** – Born in Yass - 1904-1973 (Age 69), started playing rugby league for Yass at the age of 17 which lead to his career in representative football. Colin was the first international sportsman to come from Yass. A summary of his rugby league sporting achievements include:
 - Yass 1921-26, 1928-31, 1933-36
 - Queanbeyan 1927
 - Morpeth (Newcastle) 1932
 - Nowra 1938
 - Australia – 2 Test games
 - Rest of Australia – 1 game
 - NSW v England – 3 games
 - NSW v Queensland – 6 Games
 - Combined Country v City – 4 games
 - Southern Districts – 6 games
 - Group 8 – 3 games
 - Newcastle v England – 1 game

- **William Kenneth ‘Kenny’ Bell** – Born in Yass - 10 October 1946 – Present (Age 76), life member of several sporting organisations and indigenous elder. A summary of contributions to the community include:
 - 1968 – 2013 Yass Municipal Council employee
 - From mid-1960’s Yass Rugby League Coach (Juniors and Seniors)
 - 1975 – 1987 Yass Boys Club President (currently Yass Minor Rugby League)
 - 1979 – 1992 Canberra & District Rugby League Referee
 - 1985 Yass Boys Club Life Membership Award
 - 1984 – 1998 Yass Touch Referee
 - 1995 Yass Touch Referees Association Life Membership Award
 - 2001 Australian Sports Medal for Services to Rugby League Award
 - 2006 Commonwealth Games Queens Baton Relay Bearer
 - 2009 Yass Senior Rugby League Club Life Membership Award
 - 2009 Yass Sporting Hall of Fame Induction as a local legend

2. Location

Below is a map showing the location of the grandstand at Walker Park.



3. Proposed Position of Names

Below is an example of the signs of the proposed names on the grandstand.



4. Naming of Public Assets Policy

Council's *Naming of Public Assets Policy* indicates that:

Names that commemorate or may be construed to commemorate living persons will not be considered for community facilities.

Colin York meets the criteria, but William Kenneth Bell does not as he is a living person.

Under the policy the proposal is required to be placed on public exhibition for wider community comment.

5. Alternate Option

As identified in Council's policy the naming of a public asset after an individual who has made a significant contribution to the Council or the Yass Valley Local Government Area in the form of:

- Outstanding and extensive service to the community
- Sporting achievements
- Contribution to Council and the Local Government Area

Naming the grandstand after William 'Kenny' Bell clearly meets all this criteria. Council could decide to vary the policy criteria not to consider a living person taking into consideration the compliance with all other criteria.

There is also the option to name the commentary box after Colin 'Yic' York for his sporting achievements.

STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN4 -	Maintain and update existing community facilities, and support the development of new community infrastructure as needed
Delivery Program Action	IN4.1 -	Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner
Operational Plan Activity	IN4.1.1 -	Maintenance of sporting fields and playgrounds in accordance with user group needs

ATTACHMENTS: A. Yass Magpies Submission (*Under Separate Cover*) [⇒](#)

6.11 INVESTMENT AND BORROWINGS REPORT - FEBRUARY 2022

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 28 February 2022. 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.

RECOMMENDATION

That the February 2022 Investment Reports be noted

FINANCIAL IMPLICATIONS

The investment portfolio assists with Council's cash flow and funding of projects identified in the Operational Plan.

POLICY & LEGISLATION

- s625 *Local Government Act 1993*
- Clause 212 *Local Government (General) Regulation 2005*
- Investment Policy

REPORT

1. Comments on Economic Climate – February 2022

The RBA continues to hold the cash rate at 0.10%.

While financial markets were roiled by inflation fears and geopolitical risks in February, economic data continued to point to resilience in most economies. In Europe, activity was sound in the face of COVID infection waves. Economic releases for China continued to signal activity is turning down. Still, credit data was more positive, suggesting recent easing from China's central bank is starting to have an impact.

Global inflation reports showed price pressures continued to surge. US consumer inflation grew 0.6% in January, hitting a yearly rate of 7.5%. The Eurozone inflation hit 5.1%, a new record high. Surging energy prices were the key driver.

Activity in Australia remained solid. Employment rose 12,900 in January, pushing above pre-COVID levels, with unemployment rate steady at 4.2%.

The RBA continued to emphasize patience in its communications, reaffirming it is in no rush to raise rates, and will look for evidence of sustained wage price growth before commencing hikes. The cash rate is expected to hit 1.46% in 12 months' time. With estimates almost as high as 2% in the month.

Source: TCorp Monthly Economic commentary – February 2022

2. Summary of Movements in Council Investments for the Month of February 2022

Opening Balance 1 November 2021		\$25,700,000
Less Investments redeemed:		\$2,000,000
CBA	\$2,000,000	
Plus Investments placed:		\$3,000,000
CBA	\$1,000,000	
CBA	\$2,000,000	
Closing Balance 30 November 2021		\$26,700,000

Valuations of Council investments are detailed in **Attachment A**.

3. Council Loans

Council has four loans with balance owing as of 30 June 2021 of \$15.46m. The table below provides loan details. Indicative repayments for 2021/22 are shown for both principal and interest, for all current loans. Balances will not change monthly as the most frequent repayment cycle is quarterly.

	Balance as at 30 June 2021	Projected Balance as at 30 June 2022	Interest rate	Comment	Principal 2021/22	Interest 2021/22
General Loan	\$ -	\$ -	-	-	\$ -	\$ -
Sewer - CBA Loan for Sewer Infrastructure	\$ 3,778,024	\$ 3,593,096	4.82% Fixed	Payable over 20 years, fully repaid in 2035/36	\$ 184,928	\$ 178,809
Water - NAB Dam wall	\$ 8,611,093	\$ 8,275,818	6.96% Fixed	Total loan over 30 years. Fixed rate period of 10 years to Aug 2022, to be renegotiated at that time	\$ 335,274	\$ 607,414
Water - Yass to Murrumbateman water supply (Tcorp)	\$ 1,988,019	\$ 1,761,055	2.55% Fixed	Payable over 10 years, fully repaid in 2029	\$ 226,964	\$ 48,536
Water main and pump station upgrades (Tcorp)	\$ 1,086,237	\$ 962,226	2.55% fixed	Payable over 10 years, fully repaid in 2029	\$ 124,011	\$ 26,519
TOTAL LOANS	\$ 15,463,373	\$ 14,592,195			\$ 871,177	\$ 861,278

STRATEGIC DIRECTION

- Key Pillar 5. Our Civic Leadership
- CSP Strategy CL1 - Effect resourceful and respectful leadership and attentive representation of the community
- Delivery Program Action CL1.6 - Maximise Council's ability to generate income
- Operational Plan Activity CL1.6.2 - Review returns on commercial activities and investment instruments

ATTACHMENTS: A. February 2022 Investment Report (*Under Separate Cover*) ➡

6.12 POLICY REVIEW - COUNCILLOR EXPENSES AND FACILITIES POLICY

SUMMARY

Good governance underpins the effective delivery of Council services to our community. Council policies are a key component of our governance framework and support the outcomes sought in the *Our Civic Leadership* strategic pillar within the *Tablelands Regional Community Strategic Plan 2016-2036*. Council policies are reviewed to ensure they remain fit for purpose. To that end, the *Councillor Expenses and Facilities Policy* has been reviewed to include provision for superannuation payments after 1 July 2022 to Councillors who nominate to participate. The revised policy is presented for endorsement.

RECOMMENDATION

That:

1. *Contributions be made to a superannuation account nominated by a Councillor, pursuant to s254B(4)(a), starting from the financial year commencing 1 July 2022, in accordance with the provisions of s254B Local Government Act 1993*
2. *The amended Councillors Expenses & Facilities Policy to reflect the change in arrangements, be place on public exhibition for 28 days in accordance with s253(1) Local Government Act 1993, and be adopted if no significant submissions are received*

FINANCIAL IMPLICATIONS

The elected members budget has been increased to include relevant superannuation payments to Councillors.

POLICY & LEGISLATION

- *Local Government Act 1993*
- Councillors Expenses & Facilities Policy

REPORT

Within the first 12 months of each term of Council, Council is required to adopt a policy for the payment of expenses and the provision of facilities to Councillors in relation to discharging the functions of civic office.

The *Councillors Expenses & Facilities Policy* ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable and that there is accountability and transparency in the reimbursement of expenses incurred by Councillors.

In late 2021 the *Local Government Act 1993* was amended to enable Councils to resolve at an open meeting of Council to make a payment as a contribution to a superannuation account nominated by a Councillor. The contribution amount is limited to the amount Council would have been required to pay under Commonwealth superannuation legislation if the Councillor were an employee of Council. In the 2022/23 Financial Year the amount payable will be 10.5% of the annual fee payable to the Councillor.

To receive the contribution, each Councillor will be required to nominate a superannuation account for the payment to be made into. Individual Councillors may wish to consider obtaining advice about their financial situation in relation to receiving the contribution.

Council is not permitted to make contribution payments if a Councillor does not nominate a superannuation fund, agrees in writing to forego or reduce payment, or sections 248A or 254A apply (that is if the Councillor's fees are withheld due to suspension or absence).

The Policy has been reviewed and amended to reflect the payment of superannuation contributions to Councillors (refer **Attachment A**).

Prior to adopting the Policy, s253 *Local Government Act 1993* requires the Policy be placed on public exhibition for 28 days and Council must consider submissions before the Policy is adopted.

STRATEGIC DIRECTION

Key Pillar	5.	Our Civic Leadership
CSP Strategy	CL1 -	Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.4 -	Be compliant, more efficient and effective
Operational Plan Activity	CL1.4.6 -	Conduct the Local Government elections in accordance with the relevant legislation

ATTACHMENTS: A. Councillor Expenses & Facilities Policy (*Under Separate Cover*) [⇒](#)

6.13 POLICY REVIEW - CODE OF CONDUCT

SUMMARY

Good governance underpins the effective delivery of Council services to our community. Council policies are a key component of our governance framework and support the outcomes sought in the *Our Civic Leadership* strategic pillar within the *Tablelands Regional Community Strategic Plan 2016-2036*.

Council policies are reviewed to ensure they remain fit for purpose. To that end, the *Model Code of Conduct for Local Councils* has been reviewed and is presented without change to Council for adoption as required by s440(7) *Local Government Act 1993*.

RECOMMENDATION

That pursuant to s440(7) Local Government Act 1993 the Model Code of Conduct for Local Councils in NSW be adopted

FINANCIAL IMPLICATIONS

There are no financial implications in adopting the *Model Code of Conduct for Local Councils in NSW*.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Model Code of Conduct for Local Councils in NSW*

REPORT

Section 440(7) *Local Government Act 1993* (LG Act 1993) requires Council to review, make any adjustments it considers appropriate and adopt a Code of Conduct within 12 months of an ordinary election.

Section 440(3) LG Act 1993 requires the adopted Code of Conduct must incorporate the provisions of the *Model Code of Conduct for Local Councils in NSW*.

The LG Act 1993 does not require the *Model Code of Conduct for Local Councils in NSW* to be placed on public exhibition prior to being adopted.

The *Model Code of Conduct for Local Councils in NSW*, adopted by Council in August 2020, has been reviewed and it remains fit for purpose without adjustment (refer [Attachment A](#))

The Minister for Local Government has announced a review of the regulatory framework for dealing with Councillor misconduct, which may result in a revised Code of Conduct being presented to Council for consideration at the completion of the review.

STRATEGIC DIRECTION

Key Pillar	5.	Our Civic Leadership
CSP Strategy	CL1 -	Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.4 -	Be compliant, more efficient and effective
Operational Plan Activity	CL1.4.6 -	Conduct the Local Government elections in accordance with the relevant legislation

ATTACHMENTS: A. *Model Code of Conduct for Local Councils in NSW (Under Separate Cover)* [⇒](#)

6.14 POLICY REVIEW - CODE OF MEETING PRACTICE

SUMMARY

Good governance underpins the effective delivery of Council services to our community. Council policies are a key component of our governance framework and support the outcomes sought in the *Our Civic Leadership* strategic pillar within the *Tablelands Regional Community Strategic Plan 2016-2036*.

Council policies are reviewed to ensure they remain fit for purpose. Under s360 *Local Government Act 1993* Council is required to adopt a *Code of Meeting Practice* within 12 months of an ordinary election. To that end, the *Code of meeting Practice* has been reviewed and is presented for endorsement to place on public exhibition.

RECOMMENDATION

That pursuant to s361 Local Government Act 1993 Council place the Code of Meeting Practice on public exhibition for 28 days and submissions be received for 42 days, and the Code be adopted pursuant to s362 Local Government Act 1993 if no significant submissions are received

FINANCIAL IMPLICATIONS

It is assessed that there is no financial implication in adopting the Code of Meeting Practice.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

REPORT

Section 360 *Local Government Act 1993* (LG Act 1993) requires Council to adopt a *Code of Meeting Practice* that incorporates the mandatory provisions of the Model Code of Meeting Practice prescribed by the *Local Government (General) Regulations 2021* within 12 months of an ordinary election.

Section 361 *LG Act 1993* requires Council to place the *Code of Meeting Practice* on public exhibition for not less than 28 days and allow for submissions to be received for at least 42 days.

Section 362 *LG Act 1993* allows Council to adopt the *Code of Meeting Practice* after considering public submissions.

Council's existing *Code of Meeting Practice*, adopted in December 2021, has been reviewed and it contains the mandatory provisions for Local Councils contained in the *Model Code of Meeting Practice* prescribed under the *Local Government (General) Regulations 2021*. The Code has been adjusted to reflect the change of meeting dates determined by Council in January 2022 (refer **Attachment A**).

STRATEGIC DIRECTION

Key Pillar	5.	Our Civic Leadership
CSP Strategy	CL1 -	Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.4 -	Be compliant, more efficient and effective
Operational Plan Activity	CL1.4.6 -	Conduct the Local Government elections in accordance with the relevant legislation

ATTACHMENTS: A. Code of Meeting Practice 2022 (*Under Separate Cover*) [⇒](#)

6.15 POLICY REVIEW - PUBLIC ART POLICY

SUMMARY

Good governance underpins the effective delivery of Council services to our community. Council policies are a key component of our governance framework and support the outcomes sought in the *Our Civic Leadership* strategic pillar within the *Tablelands Regional Community Strategic Plan 2016-2036*.

Council policies are reviewed to ensure they remain fit for purpose. To that end, the *Public Art Policy* has been reviewed to include administrative changes only. The policy is presented for adoption.

RECOMMENDATION

That the revised Public Art Policy be adopted

FINANCIAL IMPLICATIONS

Changes to the *Public Art Policy* are unlikely to have material impact on Council's budget during this financial year.

POLICY & LEGISLATION

- *Government Information (Public Access) Act 2009*
- *Local Government Act 1993*
- Code of Conduct
- Public Art Policy

REPORT

The current *Public Art Policy* was reviewed to comply with Council's revised policy template. The main changes are administrative in nature (e.g. formatting) and the inclusion of a record of public art.

Public exhibition is not necessary as the policy intent has not changed. The revised policy is included in **Attachment A**.

STRATEGIC DIRECTION

Key Pillar	5.	Our Civic Leadership
CSP Strategy	CL2 -	Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other government agencies
Delivery Program Action	CL2.1 -	Make doing business with Council easier
Operational Plan Activity	CL2.1.1 -	Undertake a review of Council's Customer Service Charter

ATTACHMENTS: A. Public Art Policy

6.16 POLICY REVIEW - OUTDOOR EATING & SIGNAGE POLICY

SUMMARY

Good governance underpins the effective delivery of Council services to our community. Council policies are a key component of our governance framework and support the outcomes sought in the *Our Civic Leadership* strategic pillar within the *Tablelands Regional Community Strategic Plan 2016-2036*.

Council policies are reviewed to ensure they remain fit for purpose. To that end, the *Outdoor Eating & Signage Policy* has been reviewed and determined to be unnecessary.

RECOMMENDATION

That the Outdoor Eating & Signage policy be rescinded

FINANCIAL IMPLICATIONS

The maintenance of Council policies is a recurrent labour expense in Council's annual budget. Changes to the *Outdoor Eating & Signage Policy* are unlikely to have material impact on Council's budget.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Work Health & Safety Act 2011*
- *Work Health & Safety Regulation 2011*
- *Outdoor Eating & Signage Policy*

REPORT

The current *Outdoor Eating & Signage Policy* (refer **Attachment A**) has been reviewed and determined to be unnecessary. The content of the policy has been replaced by Development Consent No. 5.2016.258.1 Footpath Activity. Rescission of the policy is recommended.

STRATEGIC DIRECTION

Key Pillar	5.	Our Civic Leadership
CSP Strategy	CL2 -	Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other government agencies
Delivery Program Action	CL2.1 -	Make doing business with Council easier
Operational Plan Activity	CL2.1.1 -	Undertake a review of Council's Customer Service Charter

ATTACHMENTS:

- A. Outdoor Eating & Signage Policy (*Under Separate Cover*) [⇒](#)
- B. Development Consent No. 5.2016.258.1 Footpath Activity. (*Under Separate Cover*) [⇒](#)

6.17 POLICY REVIEW - ASBESTOS GUIDELINES

SUMMARY

Good governance underpins the effective delivery of Council services to our community. Council policies are a key component of our governance framework and support the outcomes sought in the *Our Civic Leadership* strategic pillar within the *Tablelands Regional Community Strategic Plan 2016-2036*.

Council policies are reviewed to ensure they remain fit for purpose. To that end, the *Asbestos Guidelines* has been reviewed and is presented for endorsement in accordance with *s23A Local Government Act 1993*.

RECOMMENDATION

That the Yass Valley Asbestos Guidelines be adopted

FINANCIAL IMPLICATIONS

There are no current financial implications in adopting the Model Asbestos Guideline.

POLICY & LEGISLATION

- *Local Government Act 1993*
- Section 23A Guidelines and Codes

REPORT

The *Model Asbestos Policy for NSW Councils 2015* was developed by the Head of the Asbestos Coordination Authority to promote a consistent Local Government approach to Asbestos management across NSW.

The Policy is a Guideline under *s23A Local Government Act 1993* and is required to be considered when developing, adopting, and implementing an Asbestos Policy/Guideline for their Local Government Area.

The Office of Local Government also publishes practice notes and other best practice guidance on a range of topics to support Councils to govern well and to carry out their functions in line with best practice approaches.

Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- Residents and the public within the Local Government Area
- Workers (employees and other persons) in council workplaces

Council's legislative functions for minimising the risks from asbestos apply in various scenarios:

- As a responsible employer
- Contaminated land management
- Council land, building and asset management
- Emergency response
- Land use planning (including development approvals and demolition)
- Management of naturally occurring asbestos
- Regulation of activities (non-work sites)
- Waste management and regulation

The *Model Asbestos Policy* aims to outline the role of the Council in managing asbestos in accordance with:

- Council's relevant regulatory powers

- Council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents
- General advice for residents on renovating homes that may contain asbestos

A *Yass Valley Council Asbestos Guidelines* has been prepared (refer **Attachment A**) based on the *Model Asbestos Policy* to all the Yass Valley Local Government Area. The Guidelines are suitable for adoption.

STRATEGIC DIRECTION

Key Pillar	5.	Our Civic Leadership
CSP Strategy	CL1 -	Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.1 -	Ensure activities carried out in Yass Valley are in a safe manner and meet legislative requirements
Operational Plan Activity	CL1.1.6 - Implement the WHS Framework	

ATTACHMENTS: A. Yass Valley Council Asbestos Guidelines (*Under Separate Cover*) [⇒](#)

6.18 ENVIRONMENTAL SUSTAINABILITY POLICY AND ADVISORY COMMITTEE

SUMMARY

To explore options for the formation and terms of reference of a Sustainability Advisory Committee, together with options for reviewing Council's existing *Environmental Sustainability Policy*.

RECOMMENDATION

That:

1. *An Environmental Sustainability Advisory Committee be established, and the Terms of Reference for the Committee be adopted.*
2. *Nominations be sought for the Councillor and community positions on the Committee.*

FINANCIAL IMPLICATIONS

If Council resolves to form a committee, there will be staff resources associated with administering and supporting the Committee.

POLICY & LEGISLATION

- *Local Government Act 1993*
- The Tablelands Regional Community Strategic Plan
- NSW Renewable Energy Action Plan
- Enabling Adaptation in the South East
- Environmental Sustainability Policy

REPORT

1. Introduction

Council currently has an *Environmental Sustainability Policy*, which has not undergone a comprehensive review since 2014. The policy is high level and sets out Council's general commitment, however it does not outline a robust decision making framework for environmental sustainability.

Council previously had a Sustainable Communities Advisory Committee, however this was subsequently dissolved.

2. Report

At its meeting in February 2022 Council determined to explore options for the formation of a Sustainability Advisory Committee. A review of similar committees at other Councils in the region revealed a range of formats from a focus on awareness of general sustainability issues (Albury), management of natural assets or public areas (Eurobodalla, Queanbeyan-Palerang), specific issues (Shoalhaven - energy, Snowy Monaro - koalas) through to strategy working parties (Goulburn Mulwaree). Other Councils do not have a sustainability committee, such as Hilltops and Snowy Valleys.

Draft Terms of Reference have been prepared (refer **Attachment A**) to provide for the establishment of a Committee with a focus on environmental sustainability, rather than financial or social sustainability. The Terms of Reference were drafted with consideration of how mature Council is with regard to Environmental Sustainability, and to provide a strong connection with the Community Strategic Plan.

Given the age of the current policy, staff could revise and bring back to Council for adoption. The advantage of this is that the policy would be in place for the Committee members to begin meeting. This would also avoid delays that can occur due to infrequent meetings or difficulty reaching consensus. It is important however, that the Committee has ownership of and are champions of the policy. Having a Community Strategic Plan in place which already articulates the communities' priorities provides the foundation for developing a decision making framework in the policy. It is therefore recommended that the Committee have responsibility for the review of the current policy, and either form working groups or meet more frequently until the draft policy is finalised.

STRATEGIC DIRECTION

Key Pillar	1.	Our Environment
CSP Strategy	EN2 -	Adopt environmental sustainability practices
Delivery Program Action	EN2.3 -	Conduct engagement programs that encourage positive behaviour change in the community
Operational Plan Activity	EN2.3.2 -	Publish #SustainabilitySunday on Council's social media platform

ATTACHMENTS: A. Draft Terms of Reference (*Under Separate Cover*)

6.19 TENDER EVALUATION REPORT - MULLIGANS FLAT ROAD & NANIMA ROAD SAFETY UPGRADES YVC.IA.53.2021

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Mulligans Flat Road and Nanima Road Safety Upgrades under contract YVC.IA.53.2021.

RECOMMENDATION

This item be 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

FINANCIAL IMPLICATIONS

The 2021/22 Operational Plan includes:

- \$745,000 for Mulligans Flat Road which is fully funded by the Australian Government Blackspot Program;
- \$455,000 for Nanima Road, which is fully funded from the NSW Safer Roads program.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Background

Council manages an extensive road network of over 1,200km throughout the Local Government Area (LGA). Mulligans Flat Road and Nanima Road are collector roads that provide links to the ACT. These roads are experiencing increasing traffic volumes and form an integral part of Council's overall road network.

Council has been successful in obtaining funding through the NSW Government's Blackspot and Safer Roads program to address safety issues on both of these roads.

Works will include tree removal to improve clear zones, shoulder widening, culvert extensions, installation of safety barriers and provision of traffic facilities including audio tactile line marking, and installation of Vehicle Activated Signs (VAS).

2. Tender

Tenders were called on 8 February 2022 and closed on 2 March 2022. The tender was split into two separable portions and the following organisations submitted offers:

Separable Portion	Organisation	Address
Nanima Road Safety Upgrades	Hewatt Civil Pty Ltd	881 Nanima Road, Springrange NSW 2618
	Lentro Earthworks Pty Ltd	342 Wallaroo Road, NSW 2618
Mulligans Flat Road Safety Upgrades	Lentro Earthworks Pty Ltd	342 Wallaroo Road, NSW 2618

A report on the tender evaluation is included in the Closed Session of this meeting for consideration.

STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN3 -	Maintain and improve road infrastructure and connectivity
Delivery Program Action	IN3.1 -	Deliver transport asset infrastructure, maintenance, renewal and enhancement programs for urban, rural and regional roads to maintain or improve overall condition
Operational Plan Activity	IN3.1.1 -	Deliver annual program for urban, rural and regional road renewal and construction, including bridges and stormwater

ATTACHMENTS: Nil

6.20 TENDER EVALUATION REPORT - ARBORIST & TREE REMOVAL SERVICES (PANEL CONTRACT) YVC.IA.54.2021

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Arborist & Tree Removal Services (Panel Contract) under contract YVC.IA.54.2021.

RECOMMENDATION

This item be 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

FINANCIAL IMPLICATIONS

All works undertaken under this contract will be funded by existing operational budgets or specific project budgets.

POLICY & LEGISLATION

- Local Government Act 1993

REPORT

1. Background

This tender is for Contract – Arborist and Tree Removal Services (Panel Contract) YVC.IA.54.2021.

Council manages an extensive network of roads and open space areas throughout the Local Government Area (LGA).

A panel of contractors is required that can be called upon to undertake specialist arborist and tree maintenance works within the Local Government Area.

Works will include tree assessment, tree lopping, tree clearing and grubbing, and other specialist works required from time to time by Council.

2. Tender

Tenders were called on 15 February 2022 and closed on 10 March 2022. Five tenders were received from the following organisations:

Organisation	Address
Arbor Management Australia	5 Decker Place, Fadden ACT 2904
CJ & MM Beck Tree Removal Specialists	83 Shaw Street, Yass NSW 2582
Muru Mittigar Limited	111 Henry Street, Penrith NSW 2750
O'Briens Tree Services	145 Rossi Street, Yass NSW 2582
Hilltops Vegetation Services	3350 Moppity Road, Young NSW 2594

A report on the tender evaluation is included in the Closed Session of this meeting for consideration.

STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN3 -	Maintain and improve road infrastructure and connectivity
Delivery Program Action	IN3.1 -	Deliver transport asset infrastructure, maintenance, renewal and enhancement programs for urban, rural and regional roads to maintain or improve overall condition
Operational Plan Activity	IN3.1.2 -	Deliver annual maintenance program for urban, rural and regional roads based on priority and in accordance with allocated budgets

ATTACHMENTS: Nil

6.21 TENDER EVALUATION - MURRUMBATEMAN LANDFILL CAPPING AND REMEDIATION

SUMMARY

The report provides advice and recommendations on the submission of tenders for the Murrumbateman landfill Capping and Remediation works under contract YVC.IA.01.2022.

RECOMMENDATION

This item be 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.

FINANCIAL IMPLICATIONS

Approved Funds are available in the 2021/22 of \$450,000 in capital works budget to undertake final capping works. The remainder of this Capital works budget will be used to attend to further site clean-up and further onsite concrete crushing.

POLICY & LEGISLATION

- Local Government Act 1993
- Protection of the Operations Environment Act 1997

REPORT

1. Background

Council operated a landfill site at 245 Isabel Drive, Murrumbateman which has reached capacity and need to be closed in accordance with the requirements of the Environment Protection Authority's (EPA) Environmental Guidelines. The landfill has not been in operation since 2015 following the opening of the new Waste Transfer Station.

All Council waste is currently transported to a regional landfill at Jugiong under a Memorandum of Understanding (MoU) with the Southwest Regional Waste Group of which Council is a member.

Council hold EPA Licence Number 5895 for Murrumbateman landfill, as per EPA requirements a Closure Plan was developed for the capping and remediation works associated with the closure of the landfill.

2. Tender

Tenders were called on 3 February 2022 and closed on 25 February 2022. Six tenders were received from the following organisations:

Organisation	Address
Complete Civil Pty Ltd	PO Box 161, Yass NSW 2582
Denrith Pty Ltd	282 Carrick Rd, Goulburn NSW 2582
Hewatt Civil Pty Ltd	PO Box 94, Hall. ACT 2618
Lentro Earthworks	342 Wallaroo Rd, Wallaroo NSW 2618
UniCivil	12 – 16 Princes highway, Fairy Meadow NSW 2518
Yass Earthmovers Pty Ltd	PO Box 556 Yass NSW 2582

A report on the tender evaluation is included in the Closed Session of this meeting for consideration.

STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN6 -	Implement safe, accessible, and efficient management and recycling options for general waste, green waste, and sewage
Delivery Program Action	IN6.2 -	Provide an efficient and sustainable waste service
Operational Plan Activity	IN6.2.2 -	Commence rehabilitation of Murrumbateman Landfill in accordance with Landfill Closure Plan and relevant EPA

ATTACHMENTS: Nil

6.22 PROCUREMENT EVALUATION REPORT - SUPPLY AND DELIVERY OF TRUCK MOUNTED ROAD SUCTION AND BROOM SWEEPER

SUMMARY

This report seeks approval for the recent Request for Quotation for Contract YVC - IA - 48 – 2021, Supply and Delivery of a Truck Mounted Road Suction and Broom Sweeper.

RECOMMENDATION

This item be 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.

FINANCIAL IMPLICATIONS

Purchase of this vehicle is included in the 2021/22 Plant Replacement Schedule. Additional funding will be required from the Plant Reserve to accommodate this purchase which will be recovered across the life of the vehicle in accordance with the 10 year Plant Replacement Schedule.

POLICY & LEGISLATION

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Procurement Policy

REPORT

1. Background

The existing Truck Mounted Road Suction and Broom Sweeper, has been identified as per the 10 year Fleet Replacement Plan to be replaced during the 2021/22 Financial Year.

This specific item was purchased second hand from auction in 2015 (now 12 years old) and has served its purpose well during its time but has now reached the end of its useful economical life. The Truck mounted Road Suction and Broom Sweeper is an important strategic item of Council's fleet, downtime and maintenance costs need to be minimised and its utilisation is critical in maintaining Council's sealed road network in particular optimising the cleanliness and appearance of the main street and it's adjoining intersections.

2. Quotations

The Request for Quotations (RFQ) was advertised to pre-approved Suppliers on the Vendorpanel platform using the established Local Government Procurement Contract(s) for Specialised Trucks and Bodies (NPN1.15-2) and Trucks for Local Government (Aust) (NPN04-13) on 22 November 2021, with a due date for quotations by 5pm 6 December 2021. The following organisations submitted quotations:

Organisation	Address
Bucher Municipal PTY LTD	19 Astoria St, Marsden Park NSW 2765
Hino Motor Sales Australia PTY LTD	12 Wycombe St, Queanbeyan East NSW 2620
Mike Trace Engineering Sales and Service PTY LTD	35 Bellwood Street, Darra QLD 4076
Rosmech Sales and Service PTY LTD	30 Stanbel Road, Salisbury Plain SA 5109

A report on the quote evaluation is included in the Closed Session of this meeting for consideration.

STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN3 -	Maintain and improve road infrastructure and connectivity
Delivery Program Action	IN3.1 -	Deliver transport asset infrastructure, maintenance, renewal and enhancement programs for urban, rural and regional roads to maintain or improve overall condition
Operational Plan Activity	IN3.1.2 -	Deliver annual maintenance program for urban, rural and regional roads based on priority and in accordance with allocated budgets

ATTACHMENTS: Nil

6.23 LEASE OF GOODRADIGBEE CENTRE - VALMAR SUPPORT SERVICES LTD

SUMMARY

To consider a written request from Valmar Support Services Ltd to continue leasing of the Goodradigbee Centre building.

RECOMMENDATION

This item is classified CONFIDENTIAL in accordance with Section 10A(2)(dii) 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.

FINANCIAL IMPLICATIONS

Lease payments for this building have been forecast and included in the 2022/23 draft budget.

POLICY & LEGISLATION

- Local Government Act 1993
- Leasing/Licencing of Council land & Buildings
- Practice Note No. 1 Public Land Management

REPORT

In June 2020 Council approved a two year lease of the Goodradigbee Centre building to Valmar Support Services Ltd, following the transfer of Council's CHSP services in the Yass Valley. Valmar initially lease was for a two year term to consider their requirements and future options. The current lease expires on 14 June 2022.

Council received correspondence from Valmar seeking consideration of a further lease term.

A report on the request is included in the Closed Session of this meeting for consideration.

STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN4 -	Maintain and update existing community facilities, and support the development of new community infrastructure as needed
Delivery Program Action	IN4.1 -	Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner
Operational Plan Activity	IN4.1.3 -	Commence a Yass Valley Open Space Strategy

ATTACHMENTS: Nil

9.1 MINUTES OF THE LOCAL RESCUE COMMITTEE AND LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 22 FEBRUARY 2022

REPORT

The minutes of the Local Rescue Committee and Local Emergency Management Committee meetings held on 22 February 2022 are included in **Attachments A** and **B**.

From these 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.

RECOMMENDATION

That the minutes of the Local Rescue Committee and Local Emergency Management Committee meetings held on 22 February 2022 be noted

- ATTACHMENTS:**
- A. Local Emergency Management Committee Minutes 22 February 2022 (*Under Separate Cover*) [⇒](#)
 - B. Rescue Committee Minutes 22 February 2022 (*Under Separate Cover*) [⇒](#)

9.2 MINUTES OF THE COPPABELLA WIND FARM CONSULTATIVE COMMITTEE HELD ON 2 DECEMBER 2021

REPORT

The minutes of the Coppabella Wind Farm Consultative Committee meeting held on 2 December 2021 are included in **Attachment A**.

From these 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.

RECOMMENDATION

That the minutes of the Coppabella Wind Farm Consultative Committee meeting held on 2 December 2021 be noted

ATTACHMENTS: A. Coppabella Wind Farm Community Consultative Committee Minutes 12 December 2021 (*Under Separate Cover*) [⇒](#)

9.3 MINUTES OF THE COUNTRY MAYORS ASSOCIATION HELD ON 11 MARCH 2022

REPORT

The minutes of the Country Mayors Association AGM and General Meetings held on 11 March 2022 are included in **Attachments A** and **B**.

From these 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.

RECOMMENDATION

That the minutes of the Country Mayors Association AGM and General Meetings held on 11 March 2022 be noted

- ATTACHMENTS:**
- A. Country Mayors Association AGM Minutes 11 March 2022 (*Under Separate Cover*) [⇒](#)
 - B. Country Mayors Association Minutes 11 March 2022 (*Under Separate Cover*) [⇒](#)

9.4 MINUTES OF THE TRAFFIC MANAGEMENT COMMITTEE HELD ON 16 MARCH 2022

SUMMARY

The minutes of the Traffic Management Committee meeting held on 16 March 2022 are included in **Attachment A**.

From these 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.

RECOMMENDATION

That the minutes of the Traffic Management Committee meeting held on 16 March 2022 be noted and adopt the following recommendations:

1. *Road Closures Anzac Day 2022 – Yass*

- *That the Yass 2022 Anzac Day Road closures and associated traffic management be support;*
- *That Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue*

2. *Road Closures Anzac Day 2022 – Binalong*

- *That the Binalong 2022 Anzac Day Road closures and associated traffic management be support;*
- *That Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue*

3. *Road Closures Anzac Day 2022 – Sutton*

- *That the Sutton 2022 Anzac Day Road closures and associated traffic management be support;*
- *That Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue*

4. *Road Closures Anzac Day 2022 – Gundaroo*

- *That the Gundaroo 2022 Anzac Day Road closures and associated traffic management be support;*
- *That Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue*

5. *2022 Sutton Public school – Cross Country*

That the 2022 Sutton Public School Cross Country event be supported

ATTACHMENTS: A. Traffic Management Committee Minutes - 16 March 2022 (*Under Separate Cover*)