



## **Ordinary Meeting of Council**

**Thursday 23 June 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**

**July 2022**

**Wednesday 27th**

**4.00pm**

**Ordinary Meeting of Council**

# Ordinary Meeting of Council

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### **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.

<b>1. Prayer</b>	
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Nil	

<b>9.</b>	<b>Minutes and Recommendations of Council Committees</b>	
<b>10.</b>	<b>Confidential Matters .....</b>	<b>50</b>
	The following matters are classified as CONFIDENTIAL and will be considered in the Closed Meeting of Council in accordance with Section 10A(2) as they deal with commercial, personnel and legal matters:	
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10.2	2022/23 Community Financial Assistance Applications .....	50

**Close of Meeting Time**

**Chris Berry**  
**GENERAL MANAGER**



## **Minutes of the Ordinary Meeting of Council**

**Thursday 26 May 2022**  
**4.00pm**  
**Council Chambers**  
**209 Comur Street, Yass**

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## **Minutes of the Ordinary Meeting of Council held on 26 May 2022**

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### **Open Forum**

#### **Presentations to Council – Items on the Meeting Agenda**

- Jamie Bush – DPS  
Item 6.1 – Development Application No DA200151 – Quarry Rehabilitation, 1170 Murrumbateman Road, Nanima

**Council Meeting - The Mayor declared the meeting open at 4.05 pm.**

#### **Present**

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

Also present were the Acting General Manager – Lynette Safranek, Director of Planning & Environment – Julie Rogers, Director of Infrastructure & Assets – James Dugdell, and Corporate Planning & Executive Support Officer – Shirree Garland.

#### **Acknowledgement of Country**

#### **1. Prayer**

#### **2. Apologies**

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

**(Jones/Reid) 128**

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

AGAINST: Nil

#### **3. Declaration of Interest/Disclosures**

Nil

#### **4. Confirmation of Minutes**

***RESOLVED that the minutes of the Ordinary Council Meeting held on 28 April 2022 covered by resolution numbers 100-127 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.***

**(Pothan/Abbey) 129**

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

AGAINST: Nil

## **5. Mayoral Minute**

### **5.1 MAYORAL MINUTE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2022 FEDERAL ELECTION CAMPAIGN**

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#### **SUMMARY**

To inform Council of a Mayoral decision to support the National advocacy campaign developed by Australian Local Government Association for all Local Government across Australia for the upcoming Federal Election.

***RESOLVED That the Mayoral decision, in accordance with s226(d) Local Government Act 1993, to support the following Australian Local Government Association's advocacy campaign be endorsed:***

- 1. Council supports the National funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs; and***
- 2. Council agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed National funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:***
  - 1. Express support for ALGA's funding priorities;***
  - 2. Identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and***
  - 3. Seek funding commitments from the members, candidates and their parties for these identified local projects and programs.***

**(McGrath) 130**

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

AGAINST: Nil

## **6. Reports to Council**

### **6.1 DEVELOPMENT APPLICATION NO DA200151 - QUARRY REHABILITATION, 1170 MURRUMBATEMAN ROAD, NANIMA**

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#### **SUMMARY**

To present the assessment of Development Application No DA200151 for quarry rehabilitation including importation of 38,150m<sup>3</sup> of material at 1170 Murrumbateman Road. It is presented to Council as it attracted 15 submissions. The relevant concerns can be addressed via conditions. Approval is recommended.

***RESOLVED that :***

1. *The conditional Development Consent be issued for Development Application DA200251 for quarry rehabilitation including importation of 38,150m<sup>3</sup> of material at 1170 Murrumbateman Road, Murrumbateman.*
2. *The amended draft Voluntary Planning Agreement for the payment of a heavy haulage contribution of \$47,536.81 in Development Consent DA200151 for quarry rehabilitation including importation of 38,150m<sup>3</sup> of material be placed on exhibition in accordance with the Environmental Planning and Assessment Act 1979 and adopted if no significant submissions are received.*
3. *Council accepts transfer of triangular piece of crown road as shown in Figure 1 of the report as road authority providing legal and physical access to 1170 Murrumbateman Road and other adjoining properties.*

**(Jones/Burgess) 131**

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

AGAINST: Councillors J Abbey and A Cameron

## **6.2 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT**

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### **SUMMARY**

Reporting on development standard variations approved in the first quarter (January – March) of 2022.

***RESOLVED that the report on approved development variations for the first quarter of 2022 be noted.***

**(Jones/Pothan) 132**

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

AGAINST: Nil

## **6.3 NAMING OF RAIL OVERBRIDGE ON LACHLAN VALLEY WAY**

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### **SUMMARY**

To present a request to consider naming the rail overbridge on Lachlan Valley Way the ‘Walmsley Bridge’.

### **RECOMMENDATION**

*That:*

1. *In principle support be given to the naming of the rail overbridge located on Lachlan Valley Way as ‘Walmsley Bridge’.*
2. *A community notification process be undertaken to establish support for this name and if no significant objections are received, the process of obtaining approval for the naming of the rail over bridge continue.*

***RESOLVED that the matter be deferred for consideration at a future meeting subject to the provision of additional information.***

**(Abbey/Burgess) 133**

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

AGAINST: Nil

#### **6.4 INVESTMENT AND BORROWINGS REPORT - APRIL 2022**

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##### **SUMMARY**

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

**(Reid/Pothan) 134**

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

AGAINST: Nil

#### **6.5 THIRD QUARTER BUDGET REVIEW STATEMENT 2021/22**

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##### **SUMMARY**

This report provides the 2021/22 Third Quarterly Budget Review Statements (QBRS) for the period 1 January 2021 to 31 March 2022. 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 \$181k for 2021/22 financial year. These adjustments will result in Operating Performance ratio move from original projection at -1.36% to -0.41%.

***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 March 2022 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.***

**(Reid/Pothan) 135**

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

AGAINST: Nil

#### **6.6 COUNCIL COMMITTEE NOMINATIONS**

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**SUMMARY**

Nominations have been received from community representatives to become members of Yass Valley Council Advisory Committees.

***RESOLVED that 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).***

**(Reid/Burgess) 136**

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

**6.7 INQUIRY - HEALTH OUTCOMES AND ACCESS TO HEALTH AND HOSPITAL SERVICES IN RURAL, REGIONAL AND REMOTE NSW**

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**SUMMARY**

The report of the Parliamentary Portfolio Committee No. 2 into health outcomes and access to health and hospital services in rural, regional and remote NSW has been released. The report makes 22 findings and 41 recommendations. The State Government has six months to consider its response.

***RESOLVED that :***

- 1. The report of the Parliamentary Portfolio Committee No 2 into health outcomes and access to health and hospital services in rural, regional and remote NSW be noted.***
- 2. The Member of Goulburn be requested to support the Inquiry's findings and recommendations.***

**(Pothan/Jones) 137**

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

**7.2 NOTICE OF MOTION - REGIONAL HEALTH SERVICES**

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Councillor Cayla Pothan gave notice that she would move the following motion:

***RESOLVED that :***

- 1. Council write to the Local Government NSW and the Canberra Region Joint Organisation seeking support from the Federal and State Governments by writing to the Prime Minister, Federal Health Minister, NSW Premier, NSW Health Minister, NSW Minister for Rural Health, State Members and NSW Federal Members to support the findings and recommendations of the Parliamentary Portfolio Committee No 2 into health outcomes and access to health and hospital services in rural, regional and remote NSW.***
- 2. Council also write to the State Member for Goulburn and Federal Member for Eden Monaro seeking support the findings and recommendations of the Parliamentary Portfolio Committee No 2 into health outcomes and access to health and hospital services in rural, regional and remote NSW.***

**(Pothan/Jones) 138**

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

## **6.8 GENERAL MANAGER DELEGATIONS**

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### **SUMMARY**

Within 12 months of each Council term, Council is required to review its delegations to the General Manager. The current delegations remain relevant and are suitable for endorsement.

***RESOLVED that the Delegations to the General Manager be adopted and acknowledged upon acceptance.***

**(Jones/Pothan) 139**

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

## **6.9 ORGANISATIONAL STRUCTURE**

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### **SUMMARY**

Under s333 *Local Government Act 1993* Council is to review the appropriateness of the Organisational Structure within 12 months of an election.

***RESOLVED that :***

- 1. A three divisional structure headed by three Directors continue.***
- 2. All Directors continue to be classified as 'Senior Staff' positions and employed on performance based contracts on the minimum remuneration package as specified under s332 Local Government Act 1993.***

**(Reid/Burgess) 140**

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

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AGAINST: Councillor A Cameron

### **Foreshadowed Motion**

*The item be deferred for consideration until later in the year.*

(Cameron)

FORESHADOWED MOTION LAPSED

### **7. Notice of Motion**

#### **7.1 NOTICE OF MOTION - MOUNT STREET KERB AND GUTTERING CONTRIBUTIONS**

---

Councillor Jasmin Jones gave notice that she would move the following motion:

#### **RECOMMENDATION**

*That :*

1. *The kerb and guttering contribution from residents in Mount Street, Yass in 2016, be determined to be a category of cases eligible for a refund of Kerb and Guttering fees in recognition of the road rehabilitation and kerb and guttering related to the road dilapidation associated with the dam wall construction.*
2. *The proposed refund of Kerb and Guttering charges in Mount Street be placed on public exhibition for 28 days in accordance with s610F LG Act 1993 and that following exhibition any submissions be considered prior to making any determination for a refund of any kerb and guttering fees.*

(Jones/Reid)

FOR: Councillors J Jones and A McGrath

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

MOTION LOST

### **8. Questions with Notice**

Nil

### **9. Minutes and Recommendations of Council Committees**

#### **9.1 MINUTES OF THE TRAFFIC MANAGEMENT COMMITTEE HELD ON 4 MAY 2022**

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#### **REPORT**

From these minutes there are two 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

The Committee recommends in principle support be provided to install a stop sign at the intersection of Red Hill Road and Bowning Road, Bowning.

The second recommendation relates to an approval for the Sutton Market.

***RESOLVED that the minutes of the Traffic Management Committee meeting held on 4 May 2022 be noted and adopt the following recommendations:***

***Item 9.2 - Sutton Markets***

***That the Sutton Country Markets be approved subject to the following conditions:***

- 1. The organiser is to supply Council with a copy of the current Public Liability Insurance for the event with a minimum \$20,000,000 indemnity. Transport for NSW, NSW Police and Yass Valley Council are to be identified on the insurance document as "interested parties" or equivalent***
- 2. The event organiser is to arrange for an appropriately certified Traffic Management Plan (TMP) and associate Traffic Guidance Scheme (TGS) to be prepared***

***Note: Information shall be provided on any signs, detours and traffic changes, specifically how the traffic management will actually work***

***Note: Management of vehicles exiting Majura Lane and turning onto Bywong Street shall be addressed***

- 3. The event organiser implement the TMP and associated TGS***
- 4. The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TMP and associated TGS. All personnel involved must be appropriate accredited***
- 5. The event organiser is to provide safe pedestrian access plan***  
***Note: This shall demonstrate the safe pedestrian access for people who have parked near Sutton Primary School, crossing Bywong Street***
- 6. The event organiser is responsible for directly notifying all residents that may be affected by the approved events as soon as possible***
- 7. Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation***
- 8. The event organiser is to ensure any local traffic, emergency services vehicles, etc, can safely and efficiently access/egress any property impacted***
- 9. The event organiser is responsible for ensuring that car parking and traffic movements are to be monitored and supervised for the safety of pedestrians and other vehicles***
- 10. Event organisers, event marshals, volunteers, event participants, etc, are to take all possible actions to minimise the effect of the event on the non-event community, throughout the event***
- 11. Event organisers shall comply with the above conditions and the undertakings. Failure to comply will immediately void this approval***

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

AGAINST: Nil

### **9.2 MINUTES OF THE LOCAL RESCUE COMMITTEE AND LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 12 MAY 2022**

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*RESOLVED that the minutes of the Local Rescue Committee and Local Emergency Management Committee meetings held on 12 May 2022 be noted.*

*(Abbey/Reid) 142*

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

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 Council Committee Nominations**

*Item 10.1 is confidential in accordance with section s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

*(Burgess/Pothan) 143*

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

AGAINST: Nil

Closed Council commenced at 5.16 pm.

### **10.1 COUNCIL COMMITTEE NOMINATIONS**

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#### **SUMMARY**

Nominations have been received from community representatives to become members of Yass Valley Council Advisory Committees.

*RESOLVED*

*That:*

1. *The Terms of Reference for the Youth Council Committee Membership be amended to 12 youth representatives.*
2. *The following Committee member nominations be accepted:*

## Minutes of the Ordinary Meeting of Council held on 26 May 2022

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<b>Advisory Committee</b>
<b>Economic Development Advisory Committee</b>
<b>Community Nominations</b>
<i>Andrew Hennell</i>
<i>Robert Tanton</i>
<i>Martyn Pearce</i>
<i>Yasmin Coe</i>
<i>Karen Denny</i>
<i>John Runko</i>
<b>Other Nominations</b>
<i>Alison Mead (Alternate Sean Haylan) – Destination Southern NSW (RDASI)</i>
<i>Carissa Wells - Regional Development Australia Southern Inland</i>
<i>Yass Valley Business Chamber – representative to be provided</i>
<b>Youth Council</b>
<b>As per nominations received</b>
<b>Aboriginal Consultative Committee</b>
<b>Nominations</b>
<i>Cinderella Cronan</i>
<i>Rebecca King</i>
<i>Karen Denny</i>
<i>Tegan Denny – Acting CEO Onerwal LALC</i>
<b>Yass Soldiers Memorial Hall Advisory Committee</b>
<b>Returned Soldiers League – Yass Sub Branch</b>
<i>Steve Neuhaus (Neil Turner alternate)</i>
<b>Representatives of user groups and prospective users</b>
<b>Nominations</b>
<i>Andrew Hennell</i>
<i>Judith Davidson – Yass &amp; District Historical Society (Cheryl Mongan alternate)</i>
<i>Janno Scanes – Irish &amp; Celtic Music Festival</i>
<i>Stephe Jitts – Yass Music Club</i>
<i>Alfred McCarthy – Rotary, Music Club, Historical Society</i>
<b>Coppabella Wind Farm Community Enhancement Fund Advisory Committee</b>
<i>Libby Elliot – Binalong Progress Association</i>
<i>John McGrath</i>

<b>Sheri Norton</b>
<b>Representative appointed by the Company</b>
<b>To be determined</b>
<b>Rye Park Wind Farm Community Enhancement Fund Advisory Committee</b>
<b>Further advertising required</b>
<b>Representative appointed by the Company</b>
<b>Martine Holberton, Tilt Community and Stakeholder Advisor</b>
<b>Bango Wind Farm Community Enhancement Fund Advisory Committee</b>
<b>Further advertising required</b>
<b>Representative appointed by the Company</b>
<b>Brad Jachmann -Site Manager Bango Wind Farm</b>
<b>Springdale Solar Farm Community Enhancement Fund Advisory Committee</b>
<b>Nomination</b>
<b>Mark Burgess – President SDCA</b>
<b>George (Andy) Hardwicke (Sutton Solar Action Group)</b>
<b>Representative of company</b>
<b>To be determined</b>
<b>Sustainability Advisory Committee</b>
<b>John Connelly</b>
<b>Peter Davidson</b>
<b>Ania Wardle</b>
<b>Alison Elvin</b>
<b>Nicole Elliott</b>
<b>Luke McAlary</b>
<b>Caitlin Nelson</b>
<b>Saan Ecker</b>
<b>Alex Tewes</b>

4. **That Councillor Cameron be the Councillor representative on the Sustainability Advisory Committee.**

(Pothan/Jones) 144

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

AGAINST: Nil

***RESOLVED that the meeting move into Open Council.***

(Jones/Pothan) 145

**Minutes of the Ordinary Meeting of Council held on 26 May 2022**

---

Open Council resumed at 5.21 pm.

***RESOLVED that the recommendations in Closed Council be adopted.***

**(Jones/Pothan) 146**

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

AGAINST: Nil

The meeting closed at 5.22 pm.

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## 6.1 DEVELOPMENT APPLICATION DA210220 - HOLIDAY CABIN ADDITIONS (DECK) - 5 MICALONG CLOSE, WEE JASPER

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### SUMMARY

To present the assessment of Development Application No DA210220 for holiday cabin additions (new deck) at 5 Micalong Close, Wee Jasper. In April 2022 Council resolved to defer determination of the application to allow the Applicant the opportunity to revise the proposal. A revised proposal has been submitted and has attracted two objections. Approval is recommended.

### RECOMMENDATION

*That conditional Development Consent be issued for Development Application No DA210220 for holiday cabin additions (new deck) at 5 Micalong Close, Wee Jasper.*

### 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 (Resilience and Hazards) 2021
- Yass Valley Local Environmental Plan 2013
- Yass Valley Community Engagement Strategy
- Application Assessment and Decision Making Policy
- Building Line – Rural Residential Policy
- Holiday Cabins – Micalong Creek Subdivision Policy

### REPORT

#### 1. Application Details

Date Received	-	13 August 2021
Land	-	5 Micalong Close, Wee Jasper
Area	-	390m <sup>2</sup>
Zoning	-	RU1 Primary Production

#### 2. Site Description and Locality

The site is located in an area characterised primarily by rural residential properties. The density of Micalong Close however is greater than the surrounding rural locality, noting the immediate area around the site is intended for the purpose of ‘holiday cabins’. The land is regular in shape and encompasses one existing dwelling with a street frontage to Micalong Close.

The site is surrounded by residential properties or ‘holiday cabins’ with Crown land to the south and south east of the site. The site is made up of three lots zoned RU1 Primary Production with an area of approximately 390m<sup>2</sup> however the works are only proposed on Lot 64 DP 239674.

A Locality Plan is included in [Attachment A](#).

#### 3. Background and Proposal

The submitted application proposes an addition to the existing dwelling compromising of an extension to the existing front deck orientated towards Micalong Close.

A report to Council in April 2022 recommended the proposal be refused on the following grounds:

- The setback, size, bulk and scale of the proposed deck is not consistent or compatible with the locality
- The proposed development would have an adverse and unacceptable impact on the streetscape and character of the locality

Council deferred determination of the application to allow the Applicant opportunity to revise the proposal. The revised proposal has reduced the size of the proposed deck from a 3.4m extension to a 1.8m extension.

Details of the original proposal are included in [\*\*Attachment B\*\*](#) and the revised proposal as [\*\*Attachment C\*\*](#).

#### **4. Public Exhibition**

Public exhibition of the original application included notice to five adjoining and nearby landowners. Two submissions was received both objecting to the proposal on a number of grounds, including that the size of the deck having an overbearing presence on the streetscape and neighbouring amenity.

The revised proposal was notified to those who had previously made a submission with opportunity for further comments. One submission was received raising the following concerns:

- Size of the deck and impact on streetscape and character
- Privacy
- Potential for overshadowing
- Incorrect alignment of boundaries/occupation of Crown Land

All submissions are included as [\*\*Attachment D\*\*](#).

#### **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 E\*\*](#)).

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

##### **6.1 Setback, Size, Bulk and Scale**

There is an existing 1.6m deck located to the front of the dwelling that extends across the entirety of the facade. The proposed development would result in a further 1.8m extension to this deck (reduced from 3.4m with the original proposal). The proposed deck will be setback 4.5m from the front property boundary, increased from 2.96m with the original proposal.

The deck is proposed to extend outwards from the existing deck across the entirety of the dwelling frontage, resulting in it having a significant height of up to 5.5m above natural ground level at the point closest to the front boundary. The height has not changed between the revised and original proposal as the projection and ground levels remain the same.

Council's *Building Line – Rural and Rural Residential Land Policy* would usually apply to land zoned RU1 Primary Production and requires a 10m front setback and 5m side setback for a lot of this size. The Applicant has requested a variation to this policy in their supporting documentation. However, the circumstances of Micalong Close are unique in that whilst the land is zoned RU1 Primary Production and the Policy would usually apply, the lot sizes are significantly smaller and the setting different. In this regard, it is not considered suitable to strictly apply the Policy in this instance and the setback should be instead assessed on a merit basis.

The deck addition is proposed to be located forward of the existing dwelling, resulting in a front setback of 4.5m. The setbacks of existing buildings along Micalong Close varies and there is not a consistent setback pattern. There are buildings set very close to front boundaries on the northern side of Micalong Close, however on the southern side where the development site is located, the dwellings are generally setback further.

The setback of the adjoining 7 Micalong Close is approximately 6.5m from the front boundary and this is consistent with the current setback of the subject building. The proposed deck addition reduces the front setback, but less than with the original proposal.

The April 2022 report detailed that the original proposal was inconsistent and incompatible with the existing locality and character and streetscape. It was considered the deck was excessive and visually dominant when viewed from Micalong Close and would adversely impact the character and streetscape. It was therefore considered that with the original proposal, the bulk and scale of the deck were not considered appropriate for the context or setting of the locality.

The report also noted that it had been suggested to the Applicant that the proposal be amended by reducing the size by half. The revised proposal has not quite reduced the deck by half, but has reduced it from 3.4m extension to 1.8m extension bringing it back to a more reasonable proposal. This has increased the setback to the front property boundary as well as reducing the overall bulk, scale, and dominance of the deck when viewed from Micalong Close.

Although the front setback is less than the adjoining 7 Micalong Close, the inconsistent setback pattern of Micalong Close gives merit to the proposed setback being considered suitable, particularly when noting the cabins on the northern side of the street having minimal front setbacks.

The proposal complies with Council's *Holiday Cabins – Micalong Creek Policy* which limits the size of the holiday cabin (including decks) to no more than two-thirds of the site area.

The submission received suggest that the amended proposal is still out of character with the existing streetscape and nature of Micalong Close. The streetscape primarily consists of small cabins, however there is no uniformity and are of varying styles, condition and setbacks. The revised proposal is now considered to be acceptable, and compatible with the streetscape. Council's Policy refer to Micalong Close as being for holiday cabins and the proposal is not inconsistent with the nature of holiday cabins.

## **6.2 Privacy Impacts**

The submissions raise concerns that the proposed deck extension may have an adverse impact on the privacy of the adjoining cabins.

The potential for this impact has been reduced with the smaller deck. The opportunity for privacy screening to the side of the deck has been discussed with the Applicant and they would be willing to consider this. Further assessment though has indicated that it is not necessary and installing privacy screens to the sides of the deck would largely enclose it and increase the bulk and scale compared to an open deck, which is also a concern raised in submissions. It has therefore been determined that privacy screens are not warranted. However, if Council were of the view that they should be installed, it is suggested that these be of semi-open slat or lattice style and to a maximum height of two-thirds of the distance from the deck floor to the roof (i.e. 1.6m) which would cover the sitting position of occupants on the deck.

## **6.3 Overshadowing**

Concern was raised in the submission that the proposed deck extension may result in morning overshadowing of the cabin at 1 Micalong Close. The submitted shadow diagrams show that there is no overshadowing impact on 1 Micalong Close. The deck extension results in minor changes to the shadow cast from the existing building. Furthermore, there is existing vegetation between the western boundary of 5 Micalong Close and the cabin on 1 Micalong Close.

## **6.4 Onsite Sewage Management System – Trench**

It has been identified that a trench for the onsite sewage management system (septic) is located immediately in front of the existing deck. A buffer of 3m is usually required from buildings or property boundaries for these trenches. The current location of the trench in relation to the existing building does not meet the 3m buffer distance.

The original proposal resulted in the trench being located underneath the deck and concern was identified that this may adversely affect the functioning of the trench. The revised proposal results in the deck being slightly cantilevered over the trench, with the deck footings adjacent to the trench on the side of the existing building. The Applicant has requested a variation to the buffer distance. This has been considered and determined that the variation can be supported for the following reasons:

- The buffer distance to the part of the building that is on ground level is greater than 3m
- The vertical distance from the deck to the trench is approximately 3m
- The orientation of the trench still allows for adequate aeration and sunlight
- The location of the trench will be reasonably protected from damage in the location
- The occupation of the cabin is infrequent – i.e. there is not a large or constant load through the system
- The site is constrained due to small available land area
- The proposed variation does not present a public health or environmental risk

However, it must be demonstrated that the location of the footings will not adversely affect the structural integrity of the trench or that the trench will adversely affect the structural integrity of the footings. At the time of preparing this report a structural detail prepared by a structural engineer has been submitted and is being reviewed. If further details are needed, these can be addressed through conditions.

#### **6.5 Alignment of Boundaries/Occupation of Crown Land**

Concern has been raised in submissions that the boundaries of the subject land may not be correctly shown on the plans and therefore must be verified by a surveyor. The earlier site plan suggests that the cabin and deck are within the legal property boundaries, although boundary fencing is slightly out of alignment. Standard conditions of any Development Consent that may issue can require the deck to be set out by a registered surveyor prior to commencement of works to verify that the location is correct and within property boundaries.

The submissions also raised concern that land to the immediate south is being unlawfully occupied by the owner of 5 Micalong Close and therefore they should not receive the benefit of any Development Consent at this time. A review has indicated that the land to the west is Crown Land and it has been referred to NSW Crown Lands for their information. However, this is outside the scope of consideration for the Development Application.

#### **6.6 Supporting Documentation – Incorrect and Inconsistent Information**

The original submissions received suggested that the documentation supporting the Development Application had numerous incorrect statements and inconsistencies. This has since been reviewed and the revised plans have addressed those inconsistencies.

The submission received on the amended proposal requested clarification on the dimensions. The deck extension with the amended proposal is 1.8m. It is noted that the dimensions in red on the amended plans represent distances from to the septic trench.

### **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 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. Original Plans (*Under Separate Cover*) [↗](#)
- C. Amended Plans and Shadow Diagrams (*Under Separate Cover*) [↗](#)
- D. Submissions (*Under Separate Cover*) [↗](#)
- E. s4.15 Assessment (*Under Separate Cover*) [↗](#)
- F. Draft Conditions (*Under Separate Cover*) [↗](#)

## 6.2 DEVELOPMENT APPLICATION NO. DA210296 - FUNCTION CENTRE AND TEMPORARY MARQUEE - 196 BROOKLANDS ROAD, WALLAROO

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### SUMMARY

To present the assessment of Development Application No. DA210196 for a function centre including a temporary marquee at 196 Brooklands Road, Wallaroo. The application attracted four submissions and relevant concerns have been addressed/can be addressed by conditions. Approval is recommended.

### RECOMMENDATION

*That conditional Development Consent be issued for Development Application No. DA210196 for a function centre at 196 Brooklands Road, Wallaroo, subject to conditions which limit the number of events and duration of the Development Consent.*

### 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
- Application Assessment and Decision Making Policy
- Off-street Carparking Policy
- *Local Government Act 1993*
- *Roads Act 1993*
- *Protection of the Environment Operations Act 1997*
- ABCB Temporary Structure Standard

### REPORT

#### 1. Application Details

Date Received	- 26 November 2021
Land	- 196 Brooklands Road, Wallaroo
Area	- 92.95ha
Zoning	- RU1 Primary Production

#### 2. Site Description and Locality

The site is located in an area characterised by rural and rural lifestyle development and land uses. There are also a number of wineries and related uses in the Wallaroo area.

The site is approximately 93ha in size and contains an existing winery and vineyards, however there is no retail cellar door. There is also an existing dwelling house occupied by the operator. The site is accessed from Brooklands Road, with internal driveway and access upgraded at the time of a subdivision around 2019.

A Locality Plan is included in [Attachment A](#).

#### 3. Proposal

The submitted application involves the use of a temporary marquee for the purposes of a ‘function centre’, including up to six music events and six weddings per calendar year. The events will be catered by food vendors (i.e. food vans) and portable toilets will be brought in as necessary.

Details of the proposal are included in [\*\*Attachment B\*\*](#).

It should be noted that the timing of the Development Application lodgement in November 2021 was to ensure that a Development Consent was in place for an event proposed in March 2022. However, due to the need to work through matters of concerns, it was determined that the Applicant lodge a separate standalone application for the event in March and Development Consent No. DA220031 was issued for that event.

#### **4. Public Exhibition**

Public exhibition included notice to 10 adjoining and nearby landowners and four submissions have been received, including one from NSW Police (refer [\*\*Attachment C\*\*](#)). Additional information submitted was renotified to those who had made a submission with opportunity for further comment. Two supplementary submissions received.

One submission indicated that they had not received notification as a neighbouring property. A review has indicated that due to subdivision of the land, they were no longer an adjoining property and therefore had not been picked up in the direct neighbour notification extent.

Another submission raised concern about the timing of the public exhibition period being over December and January. Council’s Community Engagement Strategy sets the framework for public exhibition of Development Applications and specifies additional days during this period, which were added to the public exhibition dates.

The Applicant’s response to submissions is included in [\*\*Attachment D\*\*](#).

#### **5. Referrals**

##### **5.1 NSW Rural Fire Service (RFS)**

The proposal was referred to the RFS for advice on bushfire assessment. The RFS indicated that the applicant needed to provide details of how the proposal complied with *Planning for Bushfire Protection 2019*. This information has been provided and is satisfactory.

##### **5.2 NSW Police**

A submission was received from NSW suggesting the following conditions be imposed on any Development Consent:

- The maximum patronage for any event is limited to 100 persons, as detailed in the application
- The applicant is to advise the Officer in Charge of Yass Police Station of any event scheduled to occur, a minimum of 28 days prior to the event occurring
- Off street parking be provided on the premises for all private vehicles whenever an event occurs

They also raised concern in relation to noise impacts associated with the music events, suggesting that a temporary approval be issued for the event proposed in March 2022 and then further consultation undertaken with surrounding residents. Development Consent DA220031 was issued for this event and there has been no follow up correspondence received indicating unacceptable impacts. Furthermore, the Applicant has since had a noise impact assessment prepared which indicates that noise levels are to be within acceptable criteria. Refer to discussion below.

#### **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 E\*\*](#)).

The following planning issues have been identified including the response to the issues raised in submissions (including the submission from the NSW Police).

## 6.1 Temporary vs. Permanent

A question arose in assessment of the Development Application and in the submissions on whether the proposal is temporary or permanent. It is believed that there has been some confusion around the distinction between a temporary land use and a temporary structure for the purposes of different planning and building controls, resulting in inconsistencies with the submitted application.

### 6.1.1 Land Use

The *Yass Valley Local Environmental Plan 2013* determines the permissibility of a land use in a particular zone, as well as providing other opportunity for certain temporary land uses.

The supporting documentation indicated that they were applying for a temporary land use relying on clause 2.8 of the LEP. This clause allows for temporary uses of land to be granted Development Consent, subject to a number of limitations including the use being for a maximum of 52 days per year and it not having an adverse impact on amenity of the neighbourhood. The temporary use provisions in clause 2.8 are generally relied upon in circumstances of single events or where the land use would otherwise be prohibited in the zone. The case law around temporary uses under this clause has established a high threshold for what is considered an adverse impact, and assessment has indicated that it would not be appropriate for Development Consent to be granted through this pathway.

It is much more appropriate for the proposal to be considered a ‘function centre’ and instead rely on the zoning where the use is permissible with development consent. The Applicant has indicated that they are satisfied with this approach and conditions of any Development Consent can still impose limitations on the number of events and duration of the approval.

Concern has been raised in a submission that the proposal is not for a ‘function centre’, rather that it is for outdoor music venue. The definition of a function centre in the LEP extends to events, and the proposal is consistent with this definition.

### 6.1.2 Marquee

The erection of the marquee is a temporary structure for the purposes of the National Construction Code (NCC), the *Environmental Planning & Assessment Act 1979* and associated Regulation. These provisions for temporary structures (such as marquees) set out the requirements for structural safety, fire safety, and other building code matters. The provisions differ from ordinary building code requirements for permanent structures, recognising that they are only being erected for a period of time, but ensuring a suitable level of safety.

Concern was identified in the submissions and during the assessment that the proposed marquee appeared to be erected on a more permanent basis, i.e. not intended to be pulled down between events and with no limitations around how long it would be erected for. This is potentially inconsistent with the provisions for temporary structures, and if the proposal was supported there must be limitations around the frequency of use, how long it remains erected for, and the appropriate safety measures. Conditions of any Development Consent should include the following for the temporary structure:

- Limit on number events
- For the marquee to be permitted to be erected for a maximum of three years
- The temporary structure must comply with the Australian Building Codes Board’s (ABCB) *Temporary Structure Standard*, including for structural adequacy and fire safety measures

## **6.2 Number of Events and Patrons**

The submissions receive highlighted concerns relating to the number of events being proposed as well as the number of patrons. The supporting documentation references 30 events per year. It is understood that this number relates to the suitable maximum number of events under the structural design for the marquee itself, not how many events are actually proposed to be held.

The number of events has been confirmed to be up to six music events and six weddings per calendar year. This can be included as a condition of any Development Consent and conditions can also limit the maximum number of patrons to 100.

## **6.3 Noise and Amenity**

An issue raised throughout the submissions, including by NSW Police, was in relation to noise and amenity impacts on neighbouring properties. A noise impact assessment has been prepared by an acoustic consultant on behalf of the Applicant which finds that the noise levels will be within relevant acceptable criteria.

Within the submissions it is suggested that the events should cease at 10pm, rather than 11.30pm. This is not considered to be necessary as noise levels are within relevant criteria, and the number of events per year are limited. Conditions of any Development Consent can require the amplified noise/music to cease at 11.30pm and for all patrons to have vacated the premises by midnight. This is consistent with conditions of approval on other similar function centres in rural areas, including for the winery at 149 Brooklands Road.

In this regard, the proposed development does not have a significant or unacceptable impact by way of noise or amenity on neighbouring properties.

## **6.4 Monitoring and Compliance**

There is also a question raised in the submissions on how events will be monitored and compliance insured, including for matters such as noise and patron numbers.

The Applicant has indicated that they will monitor noise levels during each event, but this will be through listening and supervising only, rather than via sound monitoring equipment. If concerns are raised with Council in relation to compliance with noise levels, further compliance investigation can be undertaken where necessary. If there are ongoing concerns with noise, the operator may need to undertake proper sound monitoring to ensure they remain within the acceptable limits.

Development Consent conditions for functions in rural areas can require the operator to maintain records of each function or event, including the number of guests and start and finish times.

## **6.5 Bushfire**

The submissions raised concern in relation to bushfire safety, including for managing fire risk and it was identified by Council about how the proposal complied with *Planning for Bushfire Protection 2019*.

The RFS indicated that details needed to be provided of how the proposal complied with *Planning for Bushfire Protection 2019*. This information has since been provided and the following is noted:

- Asset protection zones (APZs) around the event site and access arrangements have been achieved at time of subdivision in around 2019
- Events will not be held on days where Fire Danger Rating is severe or greater
- A Bushfire Emergency Management and Evacuation Plan will be prepared and implemented

An assessment has indicated that the proposal is consistent with *Planning for Bushfire Protection 2019* and compatible with the bushfire risk.

## **6.6 Conferences and Camping**

A question has been raised in the submissions about whether the use of the site will include holding conferences and offering camping to patrons. The Development Application now proposes six music events and six weddings per calendar year only. Use for purposes of conferences or a campground is not proposed. If this is proposed in the future, further Development Consent or modification of Development Consent would be necessary. It is understood that these questions are as a result of correspondence from Destination NSW to the Applicant in relation to potential business options, which was submitted as part of the Development Application supporting documentation.

## **6.7 Traffic and Parking**

A concern was raised in submission in relation to the impact of traffic generation on the road network and for the provision of parking on site.

The supporting documentation notes that patrons will be primarily transported to the site by buses, limiting the number of private vehicles. Regardless, an assessment has determined that the road network has sufficient capacity to accommodate the traffic generated by the small number of events per year. The proposal and traffic generation is also consistent with that from other wineries and function centres located in the Wallaroo locality.

Parking is available within the confines of the site. The carpark will not be required to be formalised (i.e. constructed and line marked) due to the small number of events and limits to be imposed on duration of events.

## **6.8 Impact on Fauna**

One of the submissions questions what impact the proposed development will have on fauna resulting from increased number of people and noise. The limited number of events within the existing developed area of the site is not considered to have any significant impacts on fauna.

## **6.9 Impact on Property Value**

One of the submissions suggests that the proposal will be financially beneficial to the winery but will detract from the value of their property. The Land & Environment Court has consistently maintained that the impact on individual property values is not a relevant planning consideration.

## **6.10 Existing Marquee and Previous Events Held**

The submissions highlight that the marquee has already been erected on site and that events have previously been held, prior to Development Consent being issued. This had originally been picked up as a compliance matter and the owners advised to lodge a Development Application which they have subsequently done.

## **6.11 Wallaroo Winery Area Considerations**

The proposed development contributes and supports the development of Wallaroo as a winery area and represents an appropriate associated use. It is also generally consistent with both the zone objectives and strategic planning considerations for the area.

## **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 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.
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**ATTACHMENTS:**

- A. Locality Plan (*Under Separate Cover*) [⇒](#)
- B. Plans and Supporting Documentation (*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*) [⇒](#)

## 6.3 CROWN LAND RESERVE PURPOSE - MURRUMBATEMAN RECREATION GROUND

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### SUMMARY

The Reserve Purpose for Crown Reserve 76555- Murrumbateman Recreation Ground (part) is War Memorial. An additional purpose of Public Recreation is proposed to be added to allow effective management and avoid Native Title implications.

### RECOMMENDATION

That the Minister for Water, Property & Housing be requested to authorise that an additional reserve purpose of Public Recreation be added in addition to the current War Memorial purpose for Murrumbateman Recreation Ground (Crown Reserve 76555)

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### FINANCIAL IMPLICATIONS

Nil

### POLICY & LEGISLATION

- *Crown Lands Management Act 2016*
- *Local Government Act 1993*
- *Native Title Act 1993 (Commonwealth)*

### REPORT

The *Crown Land Management Act 2016* came into force on 1 July 2018. As the appointed land manager, Council is required to prepare a Plan of Management (POM) for these reserves as if they were community land under the *Local Government Act 1993*.

A draft POM is being prepared for that part of the Murrumbateman Recreation Ground Lot 2 DP 733604 that is a Crown Reserve (being Crown Reserve 76555) under the control and management of Council (refer Figure 1 below).

When the Reserve was dedicated in 1954, the purpose assigned was War Memorial, despite the physical War Memorial later being located on the adjacent Jones Park. The current primary use of this Reserve is for Public Recreation rather than War Memorial which has significant implications under the *Native Title Act 1993*. At present, there is risk to Council in the event of a Native Title Claim on the Reserve, as it is not using the land for its assigned purpose.

Council staff have been in discussions with Crown Lands as to how to address this issue, and it has been agreed that to finalise the draft POM the additional purpose of Public Recreation is required. Satisfying the purpose of War Memorial on this Reserve will be addressed separately.

Accordingly it is recommended that the Minister for Water, Property & Housing be requested to authorise that an additional reserve purpose of Public Recreation be added in addition to the current War Memorial purpose for Murrumbateman Recreation Ground (Crown Reserve 76555)



Figure 1 Location of Crown Reserve 76555

## 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 | IN4.1.2 - Complete Crown Lands Plans of Management   |

## ATTACHMENTS:

Nil

## 6.4 ELECTRIC VEHICLES

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### SUMMARY

This report provides advice the state of the Electric Vehicle market, NSW Government initiatives and comparison on the purchase and cost of ownership and environmental impacts between Electric Vehicles (EV) and conventional Internal Combustion Engine Vehicles (ICE). This report can inform part of a future transition to EV fleet strategy to assist council reduce its carbon footprint and any future net-zero targets that may be adopted.

### RECOMMENDATION

*That the domestic electric vehicle market, the range of vehicles offered, incentives, prices and infrastructure upgrades, continue to be closely monitored to ensure that future decisions made consider fit-for-purpose and providing value-for-money*

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### FINANCIAL IMPLICATIONS

At present, initial capital cost of EV is greater, however with available state and federal subsidies, rebates and running and maintenance costs being much lower the direct impact is less significant.

EV market share is expected to grow on a continuing upward trajectory, second hand EV sales and demand is likely to be very strong.

Some industry experts are predicting an EV to ICE vehicle price parity in Australia by 2024 which will make EV adoption calculations much more favourable to Council.

### POLICY & LEGISLATION

- *Local Government Act 1993*
- Procurement and Disposal Policy

### REPORT

#### 1. Background

Electric vehicles (EV) are at the forefront of a major transformation of the world's transport sector. Global EV sales are growing rapidly, driven by government policy in large consumer markets in Europe, Asia and North America.

Vehicle manufacturers are leading the transition, investing heavily to expand their EV offerings and improve EV driving range and performance. The technological disruption is also providing opportunities for new business models and companies to emerge.

#### What are the benefits of Electric Vehicles?

EV are generally cheaper to run and have lower repair costs compared to petrol or diesel vehicles.

EV are also better for the environment, are quieter, produce lower carbon emissions and less pollutants, helping to reduce air pollution which benefits our health.

The NSW government says fleet operators will be able to reduce their emissions by about five tonnes of CO<sub>2</sub> per vehicle on average, and save up to \$3,100 on annual running costs compared to an internal combustion engine.

Pros of EV	Cons of EV
<ul style="list-style-type: none"> <li>• Less greenhouse emissions</li> <li>• Cheaper to run</li> <li>• Lower ongoing servicing and maintenance costs</li> <li>• Quieter to drive</li> <li>• Driving dynamics</li> <li>• Additional storage space</li> </ul>	<ul style="list-style-type: none"> <li>• Higher upfront costs</li> <li>• Range limitations</li> <li>• Time to recharge battery</li> <li>• Lack of charging station and infrastructure</li> <li>• Lack of car models available</li> <li>• Resale value</li> </ul>

## 2. Electrifying the NSW Government Fleet

- 2.1** The NSW Government will set a target to electrify its passenger vehicle fleet of 12,000 cars by 2030, which will significantly reduce CO<sub>2</sub> emissions.

Sending a strong signal to manufacturers that the NSW EV market is open for business, which will increase competition and ensure we have access to a range of EVs to suit all price points.

A NSW Government EV fleet will also help establish a strong, high quality second hand EV market. The NSW Government is required to update its fleet every three to four years, which will ensure the people of NSW have access to EVs at a reduced price.

### 2.2 Rebates and Subsidies

The NSW Government is committed to helping private businesses, not-for-profits and Local Councils bridge the cost to transition their fleets to electric passenger, light commercial or sports utility vehicles. NSW Government will invest \$105 million via a competitive reverse tender auction process to assist this transition.

NSW Government has launched the Drive electric NSW EV fleets incentive, helping private businesses, not-for-profits and local councils across the state accelerate their transition to EV at a lower cost, while lowering state transport emissions.

Corporate and government fleets account for over half of new vehicle sales in Australia, are a significant source of second-hand vehicles, often drive more kilometres and have higher expenses for fuel and maintenance.

When organisations electrify their fleets, they are not only presented with a huge opportunity to reduce their emissions and save money but can have a powerful impact on the national market, spurring demand for and increasing supply of EV, both new and used.

The incentive will help bridge the cost of transitioning passenger, light commercial or sports utility vehicles to either battery EV or fuel cell EV through a reverse tender auction process, with additional funds also available for smart base charging.

Registrations for the first round of funding opened on 30 November 2021, with funding rounds offered around every 6 months until the end of 2024.

This incentive will help meet outcomes of the EV Strategy to increase EV sales to 52% by 2030-31 and see the vast majority of new car sales being EVs by 2035, while working towards net-zero emissions by 2050.

### 2.3 Funding for electric vehicle infrastructure

Over the next four years, EV charging infrastructure will be rolled out across the State.

The NSW Government has committed \$171 million to help co-fund with private operators the installation of EV charging infrastructure across the whole state – unlocking NSW for EV travel.

This investment will ensure everyone in NSW has access to charging infrastructure:

- At every 5km along Sydney's major commuter corridors

- On average every 100km along major highways in NSW
- Within 5km of residential areas with limited off-street parking
- In or near commuter car parks and other Transport for NSW owned land.

Additionally, the NSW Government will provide grants to small tourism businesses to boost investment in EV infrastructure at regional tourism destinations for the next three years.

New regulations will apply to allow EV to use transit lanes and priority parking spots to recharge, making the use of EV more convenient for drivers.

NSW Government is committed to making EV travel easy for everyone, ensuring NSW roads will be fully compatible for EV travel within the next four years.

## 2.4 A Fair and Sustainable Road User Charge

The NSW Government is establishing a fair and sustainable road user system, ensuring that all drivers pay for their fair share of road use.

A road user charge of 2.5 cents per km (indexed to CPI) will apply to eligible EV from 1 July 2027 or when EV make up 30 per cent of all new vehicle sales, whichever comes first.

Plugin hybrid EV will be charged a fixed 80 per cent proportion of the full road user charge to reflect their vehicle type.

Currently, the average petrol and diesel passenger vehicle owner pays approximately \$622 a year in fuel excise. Under NSW's new road user system, EV drivers will pay on average \$315 annually.

## 3. Comparison between EV and ICE for current Council Staff Vehicle Fleet

The longer you retain ownership of an EV the more it becomes economically viable. Thanks to cheaper running costs, eventually its total cost becomes less than an equivalent ICE vehicle – and that crossover point could occur as soon as six or seven years after purchase.

As the cost of EV come down, the economics of ownership tips further in their favour. The current market conditions do not make it more financially feasible to purchase EV than ICE cars yet, but the tipping point is not likely to be far off.

A further consideration for Council Staff Vehicles is FBT. FBT is currently charged at 20% of the vehicle purchase price and council recovers 17% of this from staff as a post tax deduction to limit individual staff FBT reporting obligations and to offset Councils' FBT liability. This will see an increase in fortnightly contributions from staff of about \$50-80 per week.

Vehicle comparison	Current Purchase Price	Annual kms	Annual fuel or electricity cost (approximate) *	Annual CO2 (approximate) tonnes **	Annual EV "fuel savings" *	Annual EV CO2 "savings" **	Financial break-even point
Subaru Outback	\$40-45k	30,000	\$4,992	31.57			
Kia EV6 or Hyundai Ioniq 5	\$68-75k	30,000	\$862	6.7	\$4,130	24.8 tonnes	6-7 years
Subaru Outback	\$40-45k	15,000	\$2,496	15.79			
Kia EV6 or Hyundai Ioniq 5	\$68-75k	15,000	\$431	3.35	\$2,065	12.44 tonnes	12-13 years

\*Based on current fuel and energy prices

\*\*Based on well to wheel petrol, diesel or regional grid electricity CO2 intensity. This assumes 50% green power at home, Charging at public and work charge-points is assumed to be 50% green power

#### **4. Charging Infrastructure**

To enable effective use of EV for Council's Fleet, charging infrastructure will need to be installed in several locations. Charging of operational vehicles based at the Depot will require upgrades to the power system and installation of appropriate charge points, both Level 2 (~22kW) and level 3 (~100kW+) chargers. Charging of staff vehicles may involve Council installing level 2 chargers at staff homes and at the main administrative building. Policies, procedures and systems to support the charging and cost recovery will need to be included in the roll out of EV across the Council fleet.

#### **5. Operational Vehicles**

Operational vehicles such as mowers, street sweepers, waste collection vehicles and small trucks are all currently experiencing growth in the EV market with some larger Councils trialling these vehicles. The current cost to Council and availability of these vehicles makes it uneconomical based on Council size and travel distances. As these vehicles reduce in upfront cost and improve performance, they will also become more attractive to Council.

#### **6. Conclusion**

Council staff will continue to monitor purchase costs of EV and potentially, when deemed feasible Council's fleet staff will consider adding EV to Council fleet especially for staff travelling large distances on an annual basis. The decision to trial an EV will be dependent on several factors such as luxury car tax, FBT costs contributed by the employee, provision of domestic charge stations and monitoring or close proximity for reliable regular charging.

### **STRATEGIC DIRECTION**

Key Pillar	1. Our Environment
CSP Strategy	EN5 - To investigate and implement approaches to reduce our carbon footprint
Delivery Program Action	EN5.4 - Investigate low carbon technologies when Council assets are developed or due for replacement
Operational Plan Activity	EN5.4.1 - Install solar technology on the Water Treatment Plant and the Sewage Treatment Plant

### **ATTACHMENTS:**

Nil

## 6.5 BRIDGE RENEWAL GRANTS 2022

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### SUMMARY

To present a report on the outcome of grant application under the Bridge Renewal Program 2022.

### RECOMMENDATION

*That:*

1. *The grants be accepted under the Bridge Renewal Program for the replacement of low level road crossings as follows:*
  - *Back Creek Road over Back Creek - \$2,850,084*
  - *Nanima Road over Jeir Creek -\$1,641,336*
  - *Greenwood Road (2 of) over Yass River and Murrumbateman Creek - \$4,992,856*
2. *The Development Contributions Reserve be used to fund Council's contribution to these projects*
3. *The draft 2022/23 Operational Plan be modified to include:*
  - *\$488,000 of additional capital expenditure*
  - *\$390,400 additional grant income*
  - *\$97,600 additional transfer from the Development Contributions Reserve*

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### FINANCIAL IMPLICATIONS

The estimated cost to deliver the four projects is \$11,855,345.

This will be funded by Bridge Renewal Program grants to the value of \$9,487,276 and Council's Development Contributions Reserve to the value of \$2,371,069.

The Development Contributions Reserve has an estimated balance as at 30 June 2023 of \$3.4M.

The annual income into the reserve is estimated at \$500,000, which will ensure the reserve will maintain sufficient funds to contribute to future projects, grant applications etc.

The grant payment schedule is based on achieving set milestones and the estimated cashflow is as follows.

	2022/23	2023/24	2024/25	Total
<b>Total Est. Expenditure</b>	\$488,000	\$4,523,260	\$6,844,085	\$11,855,345
<b>Grant Funding</b>	\$390,400	\$3,618,608	\$5,475,268	\$9,484,276
<b>Council Funding</b>	\$97,600	\$904,652	\$1,368,817	\$2,371,069
<b>Total Funding</b>	\$488,000	\$4,523,260	\$6,844,085	\$11,855,345

### POLICY & LEGISLATION

- Yass Valley Development Contributions Plan 2018

### REPORT

Three grant application were lodged in 2022 for the replacement of three low level crossings under the Federal Government's Bridge Renewal Program. All low level crossings are proposed to be replaced by concrete two lane bridges. The grant requirement is that Council must co-contribute a minimum of 20% of the total project cost.

These crossings are:

- Back Creek Road low level crossing over Back Creek
- Nanim Road low level crossing over Jeir Creek
- Greenwood Road low level crossing over:
  - Yass River
  - Murrumbateman Creek

Council has recently been advised that we have been successful with all three applications and the following amounts have been offered to Council.

Project	Grant	Council Contribution	Total Project Cost
Replacement of 1 off low level crossing with a bridge - Back Creek Road	\$2,850,084	\$712,521	\$3,562,605
Replacement of 1 off low level crossing with a bridge - Nanim Road	\$1,641,336	\$410,334	\$2,051,670
Replacement of 2 off low level crossings with Bridges -Greenwood Road	\$4,992,856	\$1,248,214	\$6,241,070
<b>Total</b>	<b>\$9,487,276</b>	<b>\$2,371,069</b>	<b>\$11,855,345</b>

The standard conditions for this grant are:

- A minimum of 20% co-contribution based on the total project cost
- For design and construction projects:
  - Completion of preconstruction design - before end May 2023
  - Commence construction – before end May 2024
  - Completion of construction – before end May 2025

Concept plans for the replacement bridges are included in [Attachment A](#).

It is recommended that Council accepts the Bridge Renewal grants and funds Council's contribution from the Development Contributions Reserve, which specifically identified these projects.

## 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:**    A. Bridge Replacement Concept Plans (*Under Separate Cover*) [↗](#)

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## 6.6 INVESTMENT AND BORROWINGS REPORT - MAY 2022

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### SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 May 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 Investment Report 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 – May 2022

Global economic reports were solid overall in May, though there were emerging signs that activity has peaked. On the whole, US economic data is consistent with the economy entering late stage of the business cycle with decent, yet slowing, growth with unemployment rate held at a low 3.6%. Similarly in Europe, data pointed to ongoing, solid activity in manufacturing and services. The labour market performed well, with the unemployment rate holding at a low of 6.8% in April. Conditions in China, however, appeared grim. Industrial production, retail spending and property investment slumped in their April reports. Strict, rolling, COVID lockdowns further fuelled the risk of a hard landing in this major economy.

Inflation remains instrumental to the economic outlook, with central banks vocal throughout May on their commitment to drive down price pressures. The year-on-year headline CPI clocked 8.3% (where Core CPI at 6.2%) in US, 9.0% in UK and 8.1% in Europe. For Australia, the Wage Price Index for the March quarter was the key inflation release, given the Reserve Bank's (RBA) focus on wage costs. It showed wages grew a modest 0.7% in Q1, and 2.4% year-on-year.

In Australia, economic conditions remained healthy, though some softer signs are emerging. Retail spending grew 1.6% in April, ahead of expectations, with the unemployment rate edging lower to 3.9%. Business sentiment improved in April but consumer confidence slid in May. Employment growth was also modest in April, at just 4,000 jobs. Auction clearance rates also continued to fall during the month, and building approvals dropped.

Significantly, the RBA made a radical step-change in May, increasing the cash rate 25bps to 0.35%. Meeting minutes indicate the RBA will focus on month-to-month data releases to determine how quickly, and how high, rates will go this tightening cycle.

*Source: TCorp Monthly Economic commentary – May 2022*

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

<b>Opening Balance 1 May 2022</b>		<b>\$25,200,000</b>
<b>Less Investments redeemed:</b>		<b>\$2,000,000</b>
CBA	\$2,000,000	
<b>Plus Investments placed:</b>		<b>\$0</b>
<b>Closing Balance 31 May 2022</b>		<b>\$23,200,000</b>

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	\$0	\$0			\$0	\$0
Sewer – CBA Sewer Infrastructure	\$3,778,024	\$3,693,096	4.82% Fixed	20 years, repaid in 2035/36	\$184,928	\$178,809
Water – NAB Dam Wall	\$8,611,093	\$8,275,818	6.96% Fixed	30 years, fixed rate 10 years to Aug 2022, to be renegotiated	\$335,274	\$607,414
Water – Yass to Murrumbateman (TCorp)	\$1,988,019	\$1,761,055	2.55% Fixed	10 years, fully repaid in 2029	\$226,964	\$48,536
Water main and pump station upgrades (TCorp)	\$1,086,237	\$962,226	2.55%	10 years, fully repaid in 2029	\$124,011	\$26,519
<b>TOTAL LOANS</b>	<b>\$15,463,373</b>	<b>\$14,592,195</b>			<b>\$871,177</b>	<b>\$861,278</b>

**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. May 2022 Investment Report (*Under Separate Cover*) [↗](#)

## 6.7 INTEGRATED PLANNING & REPORTING DOCUMENTS

### SUMMARY

Staff have prepared the Integrated Planning & Reporting (IP&R) suite of documents in accordance with the requirements of the *Local Government Act 1993* and the IP&R Guidelines & Handbook and placed on public exhibition. Following consideration of submissions a deficit of \$912,000 for the 2022/23 Financial Year is forecasted. This report outlines for Council with the final amendments and provides the amended documents for adoption.

### RECOMMENDATION

*That:*

1. *The 2022-2040 Community Strategic Plan, 2022-23 Operational Plan, 2022-32 Long Term Financial Plan, 2022-26 Delivery Program, 2022-23 Revenue Statement, 2022-26 Workforce Management Plan, and 2022 Asset Management Plans be adopted as presented to this meeting.*
2. *The annual Ordinary Rates for 2022/23 be made as detailed in the following table and in accordance with the Statement of Revenue Policy within the 2022/23 Operational Plan.*

Category	Sub-Category	Ad Valorem	Minimum Charge	Base Charge	Total Yield
Farmland		0.00188651		\$716.50	\$4,541,452
Residential	Non Urban	0.00185715		\$467.50	\$3,901,592
Residential	Yass	0.00392924	\$710.50		\$2,048,974
Residential	Binalong	0.00343278	\$710.50		\$146,460
Residential	Bowning	0.00343278	\$710.50		\$81,335
Residential	Wee Jasper	0.00343278	\$710.50		\$31,928
Residential	Bookham	0.00343278	\$710.50		\$11,352
Residential	Murrumbateman	0.00259596	\$710.50		\$189,987
Residential	Gundaroo	0.00259596	\$710.50		\$182,117
Residential	Sutton	0.00259596	\$710.50		\$75,463
Business	Sutton and Gundaroo	0.00185715		\$467.50	\$18,388
Business	Yass and Villages	0.00924915	\$710.50		\$840,787
				ESTIMATED YIELD	\$12,069,834

3. *Each annual and consumption charge for water, sewer, liquid trade waste and waste for 2022/23 be made as detailed in the following table and in accordance with the Statement of Revenue Policy.*

Description	Annual Charge	Consumption Charge (Per kilolitre)
<b>WATER CHARGES</b>		
Water Availability Charge 20mm-32mm	\$518.00	
Water Usage Charge for the first 5KL per day		\$3.70
Water Usage Charge in excess of 5KL per day		\$4.90
<b>SEWER CHARGES</b>		
Sewer Residential Charge	\$760.00	
Sewer Non-Residential Charge (based on previous years water consumption)	Minimum \$760.00	

Description	Annual Charge	Consumption Charge (Per kilolitre)
<b>TRADE WASTE CHARGE</b>		
Liquid Trade Waste charge with appropriate pre treatment		\$2.28
Liquid Trade Waste charge without appropriate pre-treatment		\$20.00
<b>WASTE MANAGEMENT CHARGES</b>		
Domestic Kerbside Collection	\$423.00	
Vacant Properties	\$30.00	
Business Waste Collection	\$423.00	
Waste Management Environmental Charge	\$133.00	
<b>STORMWATER MANAGEMENT CHARGE</b>		
Stormwater Management Charge	\$25.00	
<b>ON SITE SEWAGE MANAGEMENT CHARGE</b>		
On Site Sewer Management Charge	\$35.00	

4. *The interest rate payable on overdue rates and charges to be adopted at the maximum rate specified by the Minister for Local Government at 6.0% pa*

## FINANCIAL IMPLICATIONS

The financial implications are contained with the documents which are presented in this report.

## POLICY & LEGISLATION

- *Local Government Act 1993*
- *Local Government Regulations 2005*
- *Local Government Amendment (Governance & Planning) Act 2016*
- Integrated Planning and Reporting Framework

## REPORT

During the public exhibition period, Councillors and the Executive Management Team held community engagements at Yass, Sutton, Gundaroo, Binalong, Murrumbateman Markets and Bowning. Below are responses to points raised at the community engagement and submissions to Council

- **North Murrumbateman Project**  
The North Murrumbateman project is identified in the *Yass Valley Settlement Strategy 2036* and is important in delivering additional housing in Murrumbateman. The position created in the Operational Plan dedicated to this project will ultimately be recovered from the sale of the Council land. The position is budgeted at 20 hours per week and if the position was reallocated to Development Control it would also only be at 20 hours per week.
- **Additional Staff**  
Labour market shortages are well documented nationally and impact local government as they do any other business operation. In response to the shortages, Planning and Environment currently have five contractors engaged working in development assessment being two building certifiers and three town planners.
- **Housing Affordability**  
This is a very simplistic view of the housing affordability problems facing Yass Valley. Again this is a Nation-wide problem and has been well documented as being exacerbated by the pandemic. Council has committed to population targets and land releases through the *Yass Valley Settlement Strategy 2036*. However, Yass Valley needs a secure water supply to service development and upon completion of the *Water Source Strategy* and *Integrated Water Cycle Management Plan*, a review of the

Settlement Strategy will commence. Council has also completed the Housing Issues paper which will also feed into the Strategy review. The comments from Yass Valley Business Chamber (YVBC) also fail to recognise the shortage of skilled tradespeople and building materials to complete housing projects and the ongoing impact of the pandemic on a range of businesses to deliver services.

It should also be noted that the same submission is opposed to furthering the North Murrumbateman Project which aims to release more residential land that would assist in addressing housing shortages.

- **Building Certification Services**

Building certification services will increase substantially next financial year. Whilst Council can grow this business and “use profits to hire more staff” there needs to be a supply of building certifiers to employ. There are shortages in building certifiers affecting all of NSW Local Government. Council has been lobbying the NSW State Government to address this issue as Council does not believe that this problem will improve in the near future.

- **Compliance**

Council has not made an allocation in the 2022/23 Operational Plan to hire additional compliance staff. There are currently three compliance positions within Council, of which two were new in 2021/22 Operational Plan. Council does not take a heavy-handed approach to compliance.

- **Heritage Trail**

This project is dependent on the completion of the Heritage Interpretative Plan (Action EN1.4 of Delivery Program and scheduled for 2023/24). It is not appropriate for this project to be included in either the *Open Space Strategy* or the *Main Street Masterplan* given that these strategies have a different focus however they can lend support to the development of the Heritage Trail. The Heritage Interpretative Plan will provide a basis for obtaining grants for this the delivery of the project.

- **Availability of Industrial Land (EC1.3)**

This will be considered as part of the review of the *Yass Valley Settlement Strategy 2036*.

- **Flora and Fauna Management Plan – Riverbank Park (EN1.1)**

Willing to consider extending the scope of the plan to include river corridor land controlled by Council and will be considered with the brief development. The Delivery Program identifies an Active Transport Strategy to be completed in 2022/23 and this will consider the pathway network along the riverbank and into the gorge.

- **Comprehensive Development Control Plan (EN3.1)**

The Engineering Design Standards Manual will be completed first as it will inform the Development Control Plan. The work will be finished in the next financial year as identified in the Delivery Program.

- **Open Space Strategy**

The Main Street Advisory Committee and the Open Space Advisory Committee are seeking to achieve different outcomes. The Main Street Project is considering integration of the Yass town centre with surrounding open space.

- **Grants Officer for Council Projects**

Council already has staff who undertake grant applications very successfully. We continue to review the need for a Community Grants Officer to assist community groups with their grant applications.

- **Crago Mill**

A decision on how the Crago Mill Precinct will be funded has not been made, Council will consider the risks and potential burden that this project may place on the community along with the significant benefits that it will deliver.

- **Sewage Treatment Plant Duplication**

Current planning based on the high growth scenario for the Yass Sewer Area does not warrant bringing this planning forward, however the IWCM due for completion in 2023 will confirm the underlying assumptions and the timelines for the duplication.

- **Heated Pool**

We received 70 submissions relating to a heated swimming pool. There are already two options are being considered for the delivery of the Heated Pool:

1. Long term lease of the site to a private company to deliver a new heated pool suitable for a wide range of activities including Hydrotherapy and swimming lessons all year around. This will have no cost to Council.
2. Council to design, seek grants and build the facility then either run the centre or license it to operators to run on Council's behalf. This will require \$300k for the completion of the design, Development Application, and the Business Case to support any grant or financing applications.

- **Support Facilities**

Other options for support facilities may be available depending on the size of the space required and the funding available. Items such as a medical centre and day care would need special consideration as they are not community recreation activities, and as such are not in line with the purpose of Victoria Park. Items such as an improved kiosk and short term childcare facility for users could be considered.

- **Upgrade Caravan Park**

The upgrade of the caravan park is being considered, including a new amenity building, upgrade of cabins and the general amenity of the facility.

- **Mountain Bike Track**

Council is seeking to identify a location for a mountain bike facility within the Yass Valley as part of the *Open Space Strategy*.

- **Location of School Bus Stop in Binalong**

TfNSW is responsible for School Busses and the location of bus stops. Council will engage with TfNSW to attempt to resolve this issue.

- **Fencing at Binalong Rec Ground**

Fencing along Stephen Street at the Binalong Rec Ground is currently the subject of a grant application by the Binalong Community Association. If grants are not forthcoming Council will consider alternate funding options for the fence.

- **Asset Management Plans**

Council will continue to develop the Asset Management Plans and the works programs for their implementation. This will focus on a risk managed approach to deliver a wide range of community services. Road renewal will remain a challenge due to the extensive road network within the Yass Valley and the increasing traffic from residents that work in the ACT. Challenges with renewal of roads is not an uncommon issue for councils across Australia, particularly in regional areas. Parks and Recreation assets will also continue to present a challenge due to expected service levels from the community. Council will continue to risk manage the delivery of new facilities and renewal of current facilities to ensure that the community continues to have access to parks and recreational facilities. Yass Valley is currently experiencing significant growth, particularly in Murrumbateman where the demand for service from the incoming community members is incongruent with the services normally provided in a village. Council will continue to risk manage the development of community infrastructure, particularly recreational assets to ensure services are available when development is completed.

A copy of all the submissions is included as **Attachment A**.

**Amendments to 2022/23 Operational Plan placed on exhibition**

- **Rates**

The 2022/23 rating ad valorem remains unchanged (refer table below).

Category	Sub-Category	Ad Valorem	Minimum Charge	Base Charge	Total Yield
Farmland		0.00188651		\$716.50	\$4,541,452
Residential	Non Urban	0.00185715		\$467.50	\$3,901,592
Residential	Yass	0.00392924	\$710.50		\$2,048,974

Residential	Binalong	0.00343278	\$710.50		\$146,460
Residential	Bowning	0.00343278	\$710.50		\$81,335
Residential	Wee Jasper	0.00343278	\$710.50		\$31,928
Residential	Bookham	0.00343278	\$710.50		\$11,352
Residential	Murrumbateman	0.00259596	\$710.50		\$189,987
Residential	Gundaroo	0.00259596	\$710.50		\$182,117
Residential	Sutton	0.00259596	\$710.50		\$75,463
Business	Sutton and Gundaroo	0.00185715		\$467.50	\$18,388
Business	Yass and Villages	0.00924915	\$710.50		\$840,787
				ESTIMATED YIELD	\$12,069,834

- While council waits for confirmation of its additional 1% Special Rate Variation application, Council assumes (as are all NSW Councils) a rating income of 2.3%.
- Council's 2021/22 used the nominal rate increase of 2.5%. With the substantially lower rate of 1.3% by APART, it makes it very difficult for Council to function with at least an additional 1% increase, taking our income increase to 2.3%.
- If IPART does not approve Council's Special Rate Variation, the forecast deficit will rise by approx. \$118,000 to \$1.03m for the 2022/23FY or we will need to remove services and projects included in the current forecast.
- If the application is not successful, the 2022/23 Operational Plan will be brought back to council for consideration.

- **Corporate and Community**

- Increased budget to Recruitment general ledger to cover rental accommodation costs for a unit to initially house new staff appointments. This is partially offset by rental income received from staff who will use the unit.
- Council recently received notice that they were successful in securing approx. \$300,000 Reconnecting Regional NSW Grant. Grant income and corresponding expenses have been allocated.

- **Infrastructure and Assets**

- Adjustment to Engineering Management budget to reflect partial costs associated with the Crago Mill Precinct, while updated costs and borrowing options are sourced. This will be presented to Council once financial modelling has been completed.
- Engineering Services budget increased to include a GIS Officer and an Assets Inspector. The GIS Officer position is a proposed 2 year contract position which is partially funded from Water and Sewer Funds. Additional costs have been included in the budget for GIS development work.
- An additional position is included for Maintenance Services.
- Recreational Assets, Parks and Gardens, Local Roads, and Caravan Park capital budget has been increased to reflect the capital works program that has been reallocated from 2021/22 to 2022/23. Corresponding grant income that funds this capital works has also been reallocated.
- The Parks and Gardens budget has been adjusted to reflect the inclusion of a spray team.
- Additional cost and corresponding grant income has been allocated to the Property Management budget to reflect the very recently advised successful application for the *Saluting their Service Commemorative Grants* program for work on the Yass Memorial Hall.
- The plant and equipment capital budget has been adjusted to reflect the timing of delivery of new equipment and subsequent sale of old equipment from 2021/22 to 2022/23.
- The Water Fund budget has been adjusted to reflect the capital works program that has been reallocated from 2021/22 to 2022/23. Corresponding grant income that funds this capital works has also been reallocated.
- The Waste Fund budget has been increased to reflect the capital works that will be reallocated from 2021/22 to 2022/23, and an additional Transfer Station operator.

- **Planning and Environment**

- Strategic Planning has increased their budget to include a position for a Development Contributions Planner. This position is proposed to be shared between several Councils.
- Development Services has adjusted the budget to reflect the need for an Administration Coordinator, two trainee positions, and upgrading 2 positions to better reflect a more efficient structure for the department.
- Additional funds have been allocated to the contractor budget due to the difficulty in securing professional staff.

Following consideration of all public submissions, staff have been required to make adjustments to include additional funding for contractors to meet the DA assessment issues raised by several submitters and approximately \$4m in uncompleted grant projects has been moved from the current financial year to 2022/23FY as a results of supply issues and inability to complete projects due to weather and COVID-19. Therefore, Council is now forecasting a **deficit** of **\$912,000** for the 2022/23FY.

	<b>2021-22 Adjusted Budget (\$000)</b>	<b>2022-23 Draft Forecast (\$000)</b>	<b>2022-23 Final Forecast (\$000)</b>
Total Income from Continuing Operations	43,429	40,398	44,858
Total Expenses from Continuing Operations	31,728	33,523	34,192
Operating Result from Continuing Operations	11,701	6,875	10,666
Net Operating Result before Grants and Contributions provide for Capital Purposes	31	(550)	(912)

Copies of the amended 2022/23 Operational Plan, 2022-26 Delivery Program, and 2022-23 Revenue Statement are included as [Attachments B, C and D](#).

Staff recommend the 2022-2040 Community Strategic Plan, 2022-23 Operational Plan, 2022-32 Long Term Financial Plan, 2022-26 Delivery Program, 2022-23 Revenue Statement, 2022-26 Workforce Management Plan, and 2022 Asset Management Plans to Council for adoption, effective 1 July 2022.

## 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. Submissions (*Under Separate Cover*) [✉](#)
  - B. 2022-23 Operational Plan (*Under Separate Cover*) [✉](#)
  - C. 2022-23 Revenue Statement (*Under Separate Cover*) [✉](#)
  - D. 2022-23 Delivery Program (*Under Separate Cover*) [✉](#)

## 6.8 2022/23 COMMUNITY FINANCIAL ASSISTANCE APPLICATIONS

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### SUMMARY

The report is to consider all applications for 2022/23 Community Financial Assistance by individual and community groups.

### RECOMMENDATION

*This item is classified CONFIDENTIAL in accordance with Section 10A(2)(b and c) of the Local Government Act 1993, which permits the meeting to be closed to the public business relating to the personal hardship of a resident or ratepayer and information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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### FINANCIAL IMPLICATIONS

A total of \$85,000 is allocated in the 2022/23 Operational Plan for Community Financial Assistance.

### POLICY & LEGISLATION

- Community Financial Assistance, Donations, and Heritage Grants Policy

### REPORT

A total of 33 applications for financial assistance were received at Council.

The applications have been reviewed by staff to ensure each application is eligible for this type of financial assistance; how the funding has a community benefit; the amount requested; and a suggested allocation by Council.

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

### 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 CL1.4.10 - Review the project management framework

### ATTACHMENTS:

Nil

## 6.9 COUNCILLOR FEES 2022/23

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### SUMMARY

To detail the determination of the Local Government Remuneration Tribunal regarding Councillor fees for the 2022/23 year.

### RECOMMENDATION

*That:*

1. *The decision of the Local Government Remuneration Tribunal that there will be an increase of 2% on Councillor Fees and Mayoral Allowance for 2022/23 be adopted.*
2. *The annual payment for Councillors will be \$12,650 and \$27,600 for the Mayor, to be paid in arrears in equal monthly instalments.*
3. *In accordance with clause 4.1.2 Councillor Expenses & Facilities Policy, an amount of \$1,500 to be paid in arrears in equal monthly instalments to the Deputy Mayor from the Mayoral Allowance.*

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### FINANCIAL IMPLICATIONS

A small increase in fees was included in the 2022/23 budget. The budget allocated for 2022/23 is sufficient to cover the new fees as advised by the Local Government Remuneration Tribunal. No adjustment to the budget is required.

### POLICY & LEGISLATION

- *Local Government Act 1993*
- *Councillor Expenses and Facilities Policy*

### REPORT

In accordance with s239 and s241 *Local Government Act 1993*, the Local Government Remuneration Tribunal determines in each category of Council the maximum and minimum amount of fees to be paid to Mayors and Councillors of Councils. The Tribunal has determined an increase of 2% to mayoral and councillor fees. The Local Government Remuneration Tribunal Annual Report and Determination is provided in [Attachment A](#).

In accordance with the *Local Government Act 1993* the tribunal undertook a review of the categories and allocation of Councils into each listed category as part of its 2020 review and will next review these categories in 2023.

Yass Valley Council remains categorised as a Rural Council and in the past has resolved to adopt the maximum levels for Councillor fees and mayoral allowance. The 2021/22 fee for Councillors was \$12,400pa and the mayoral allowance was \$27,060pa (prior to any payment to the Deputy Mayor).

Council may determine the annual fees to be any amount between the minimum and maximum amounts determined by the Tribunal for a Rural Council. The minimum annual fee for a Councillor is \$9,560pa and the maximum fee is \$12,650pa. The minimum annual Mayoral allowance is \$10,180pa and the maximum allowance is \$27,600pa.

### 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 CL1.5 - Improve Council's operating performance (operating performance ratio)

Operational Plan Activity CL1.5.2 - Undertake a program of service reviews to ensure that services are delivered in the most cost effective and efficient manner

**ATTACHMENTS:** A. LG Remuneration Tribunal Annual Report and Determination (*Under Separate Cover*) [✉](#)

## 6.10 COPPABELLA WIND FARM COMMUNITY ENHANCEMENT FUND ADVISORY COMMITTEE

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### SUMMARY

In May 2022 Council appointed three community representatives to the Coppabella Wind Farm Community Enhancement Fund Advisory Committee. The terms of reference established in the Voluntary Planning Agreement for the fund the Advisory Committee membership provides for up to two community representatives.

### RECOMMENDATION

*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).*

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### FINANCIAL IMPLICATIONS

Nil

### POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Local Government Act 1993*
- Coppabella Wind Farm Voluntary Planning Agreement
- Committee Framework & Guidelines (May 2022)

### REPORT

In May 2022 Council appointed three community representatives to the Coppabella Wind Farm Community Enhancement Fund Advisory Committee. The terms of reference established for the Advisory Committee in the Voluntary Planning Agreement (VPA) only provides for up to two community representatives.

Unfortunately at the May 2022 Council meeting three community representatives were appointed to the Committee in contravention of the terms of the VPA.

The three nominees have been advised of the error and that a report would be presented to the June 2022 Council meeting to resolve the issue.

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

### STRATEGIC DIRECTION

Key Pillar	3. Our Community
CSP Strategy	CO3 - Foster and encourage positive social behaviours to maintain our safe, healthy, and connected community
Delivery Program Action CO3.2 - Connecting the community to Yass Valley Council through a range of Advisory Committees	
Operational Plan Activity CO3.2.1 - Implementation of the Committees framework as detailed in the review	

### ATTACHMENTS:

Nil

10 Confidential Matters

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**RECOMMENDATION**

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      Coppabella Wind Farm Community Enhancement Fund Advisory Committee**  
Item 10.1 is confidential in accordance with section s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 10.2      2022/23 Community Financial Assistance Applications**  
Item 10.2 is confidential in accordance with section s10(A)(2)(b) of the Local Government Act because it contains the personal hardship of a resident or ratepayer and section s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.