



Ordinary Meeting of Council

Thursday 23 February 2023

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

March 2023

Thursday 23rd

4.00pm

Ordinary Meeting of Council

Ordinary Meeting of Council

A G E N D A

Open Forum

Page No.

Webcasting

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

Acknowledgement of Country

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

1. Prayer

2. Apologies

3. Declaration of Pecuniary Interests/Special Disclosures

4. Confirmation of Minutes

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5. Mayoral Minute

6. Reports to Council

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	Nil	

Close of Meeting Time

Chris Berry
CHIEF EXECUTIVE OFFICER



Minutes of the Ordinary Meeting of Council

Wednesday 14 December 2022

4.00pm

Council Chambers

209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

- Item 6.9 Yass Mainstreet Masterplan
Harvey Walsh

Council Meeting - The Mayor declared the meeting open at 4.12 pm.

Present

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

Also present were the Chief Executive Officer – Chris Berry, Director of Infrastructure & Assets – James Dugdell, Director of Corporate & Community – Lynette Safranek and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

1. Prayer

2. Apologies

Nil

3. Declaration of Interest/Disclosures

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 24 November 2022 covered by resolution numbers 262-286 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Abbey/Reid) 287

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

AGAINST: Nil

5. Mayoral Minute

Motion

RESOLVED that the following Late Reports be accepted into Council business as urgent business as the matters require a decision by Council before the next scheduled Council meeting:

- ***Item 6.9 Yass Mainstreet Masterplan***
- ***Items 6.10 and 10.2 Tesla Supercharger Agreement***

(Turner/Pothan) 288

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

AGAINST: Nil

6. Reports to Council

6.1 PLANNING PROPOSAL - DISCOVERY DRIVE, YASS

SUMMARY

To present the outcomes from the public exhibition and public hearing of the Planning Proposal to reclassify Council land in Discovery Drive, Yass from 'community' land to 'operational' land. Endorsement of the Planning Proposal is recommended.

RESOLVED that :

- 1. The Planning Proposal – Discovery Drive, Yass (PP.2020.03) be adopted.***
- 2. The amendment to the Yass Valley LEP 2013 be made as a local plan-making authority.***

(Jones/Reid) 289

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

AGAINST: Councillor A Cameron

6.2 MURRUMBATEMAN CROWN LAND PRECINCT

SUMMARY

To provide an outline of the current issues and potential solutions to various parcels of Crown Land surrounding the Old School House Reserve at Murrumbateman.

RESOLVED that :

- 1. The advice from the Board of the Murrumbateman Early Childhood Centre Association Inc (MECCA) be accepted, and the existing 2013 lease be terminated.***
- 2. The Minister for Water, Property & Housing be advised that Yass Valley Council relinquishes all interest and management of Reserve 1034888 (i.e. MECCA site).***
- 3. Permissive Occupancy 1983/4 (PO 160678) be varied to exclude Reserve 1034888 (i.e. MECCA site)***
- 4. The Minister for Water, Property & Housing be requested to extend the Reserve status for 'Bush Fire Brigade Purposes' over the whole of Lot 284 DP 823517 to include all the Murrumbateman Fire Station site.***

5. *The Minister for Water, Property & Housing be requested to appoint Council as Crown Land Manager for Lot 7301 DP1144115, and an additional Reserve Purpose of Community Use be added (i.e. Landcare site).*
6. *Permissive Occupancy 1983/4 (PO 160678) be varied to exclude the area within Lot 55 DP754900 to enable the Department of Education to enter into a lease with Crown Lands for the extension of the school playground area.*
7. *The Minister for Water, Property & Housing be requested to appoint Council as Crown Land Manager to become the Crown Land Manager for the balance of Lot 55 DP754900 (i.e. area around the former school site).*
8. *A request be submitted for an additional Reserve Purpose of Community Use be added to Reserve 97127 and the balance of Lot 55 DP754900 (for use as a car park, playground, etc to the south and east of the former school site).*

(Pothan/Reid) 290

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

AGAINST: Nil

6.3 DEVELOPMENT APPLICATION DA220196 - STORAGE SHED WITH INTERNAL AMENITIES, 343 GREENWOOD ROAD, YASS RIVER

SUMMARY

To present the assessment of Development Application DA220196 for storage shed with internal amenities at 343 Greenwood Road, Yass River. The application attracted one objection and relevant concerns can be address by conditions. Approval is recommended.

RESOLVED that conditional Development Consent be issued for Development Application DA220196 for storage shed with internal amenities at 343 Greenwood Road, Yass River.

(Reid/Abbey) 291

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

AGAINST: Nil

6.4 MULTI SPORT COMMUNITY FACILITY FUND 2022/23 GRANT

SUMMARY

Council has been successful in receiving \$1.4M under round two of the Multi-Sport Community Facility Fund 2022/23 program to construct a new amenities building and associated infrastructure at the Murrumbateman Recreation Ground. The total project amount is \$2.1M with Council required to contribute \$700,000 to the project.

RESOLVED that :

1. ***The grant funding amount of \$1.4m under the Multi-Sport Community Facility Fund 2022/23 be accepted***

2. ***\$384,875 be reallocated to the Murrumbateman Recreation Ground amenities building construction in the 2022/23 Operational Plan and Budget.***
3. ***An additional \$315,125 be allocated to the Murrumbateman Recreation Ground amenities building construction in the 2023/24 Operational Plan and Budget.***

(Turner/Reid) 292

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

AGAINST: Nil

6.5 INVESTMENT AND BORROWINGS REPORT - NOVEMBER 2022

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 30 November 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 for November 2022 be noted.

(Abbey/Pothan) 293

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

AGAINST: Nil

6.6 2021/22 ANNUAL REPORT

SUMMARY

This report is to present the Council 2021/22 Annual Report.

Motion

RESOLVED that Council move into Committee of the Whole.

(Turner/Jones) 294

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

AGAINST: Nil

Motion

RESOLVED that Council move out of Committee of the Whole.

(Pothan/Jones) 295

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

AGAINST: Nil

Foreshadowed Motion

That the Annual Report be amended and re-presented with Financial Reports included to meet community transparency and to meet requirements from IPART.

(Cameron/

Foreshadowed Motion withdrawn.

RESOLVED that the 2021/22 Annual Report be adopted subject to the Financial Statements being attached.

(Pothan/Jones) 296

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

AGAINST: Nil

6.7 2024 LOCAL GOVERNMENT ELECTION

SUMMARY

Under the *Local Government Act 1993* Council is required to determine whether or not to use the NSW Electoral Commissioner to undertake the 2024 Council Election. It is recommended the Electoral Commissioner be engaged to administer the election.

RESOLVED that :

- 1. Pursuant to s296(2) and s296(3) Local Government Act 1993 an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.***
- 2. Pursuant to s296(2) and s296(3) Local Government Act 1993, as applied and modified by s18 of the Act, if a poll is required a Council Poll arrangement be entered into by contract for the Electoral Commissioner to administer that poll.***
- 3. Pursuant to s296(2) and s296(3) Local Government Act 1993, as applied and modified by s18 of the Act, if a constitutional referendum is required a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer that constitutional referendum.***

(Turner/Reid) 297

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

AGAINST: Nil

6.8 TENDER YVC.IA.20.2022 - ROOF MODIFICATIONS AND REPLACEMENT OF ROOF SHEETING, YASS SOLDIERS MEMORIAL HALL

SUMMARY

This report provides advice and recommendation on the submission of tenders for the Yass Soldier Memorial Hall Roof modifications and replacement of roof sheeting.

RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

(Jones/Turner) 298

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

AGAINST: Nil

6.9 YASS MAINSTREET MASTERPLAN

SUMMARY

To present the outcomes of the consultation on the draft Yass Mainstreet Masterplan. It is recommended that the Masterplan be adopted subject to amendments.

RESOLVED that :

- 1. The Yass Mainstreet Masterplan be adopted subject to the amendments outlined in Attachment E to this report.***
- 2. The final design report be prepared incorporating the adopted Masterplan and information to support grant applications for relevant actions.***
- 3. The members of the Yass Mainstreet Masterplan Committee be thanked and recognised for their input and enthusiasm for this project.***

(Jones/Abbey) 299

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

AGAINST: Nil

6.10 TESLA SUPERCHARGER AGREEMENT

SUMMARY

Tesla have requested a change to the profit-sharing agreement, this report is provided for Council consideration.

RESOLVED that this item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it

(Jones/Reid) 300

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

AGAINST: Nil

7. Notice of Motion

Nil

8. Questions with Notice

Nil

9. Minutes and Recommendations of Council Committees

9.1 MINUTES OF THE YASS SOLDIERS MEMORIAL HALL ADVISORY COMMITTEE HELD ON 13 OCTOBER 2022

RESOLVED that the minutes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 13 October 2022 be noted.

(Pothan/Reid) 301

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

AGAINST: Nil

9.2 MINUTES OF THE COUNTRY MAYORS ASSOCIATION HELD ON 18 NOVEMBER 2022

RESOLVED that the minutes of the Country Mayors Association AGM and General Meetings held on 18 November 2022 be noted.

(Abbey/Reid) 302

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

AGAINST: Nil

10. Confidential Matters

RESOLVED that pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda be classified as CONFIDENTIAL and considered in the Closed Meeting of Council in accordance with Section 10A(2) of the Local Government Act for the reasons as specified:

10.1 Tender YVC.IA.20.2022 Roof Modifications and Replacement of Roof Sheeting Yass Soldiers Memorial Hall.

Item 10.1 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

10.2 Tesla Supercharger Agreement

Item 10.2 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Jones/Abbey) 303

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

AGAINST: Nil

Closed Council commenced at 4.55 pm.

Open Council resumed at 5.06pm.

RESOLVED that the meeting move into Open Council.

(Turner/Reid) 304

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

AGAINST: Nil

Motion

RESOLVED that the recommendations in Closed Council be adopted.

(Jones/Reid) 305

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

AGAINST: Nil

10.1 TENDER YVC.IA.20.2022 ROOF MODIFICATIONS AND REPLACEMENT OF ROOF SHEETING YASS SOLDIERS MEMORIAL HALL.

SUMMARY

This report provides advice and recommendation on the submission of tenders for the Yass Soldier Memorial Hall Roof modifications and replacement of roof sheeting.

RESOLVED that :

- 1. The tender submitted by National Roof Care Pty Ltd to undertake the Yass Soldiers Memorial Hall Roof Modifications and Re-sheeting be rejected for a total cost of \$1,113,668.60 due to insufficient funding***
- 2. The CEO and his nominated officer be authorised to negotiate with the Tenderer on progressing the completion of the following sections and to execute a contract to complete:***

<i>Item 1</i>	<i>Roof sections 1 – 4</i>	<i>\$169,521.30</i>
<i>Item 2</i>	<i>Roof sections 5 – 8</i>	<i>\$464,321.20</i>
<i>Total</i>		<i>\$733,842.50 excluding GST</i>

- 3. The \$19,388.50 additional required be funded from the 2022/23 Memorial Hall maintenance expenditure budget***

(Turner/Jones) 306

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

AGAINST: Nil

10.2 TESLA SUPERCHARGER AGREEMENT

SUMMARY

Tesla have requested a change to the profit-sharing arrangement, this late report is provided for council consideration.

RESOLVED that the proposed change in finance arrangements with Tesla for an amended offer based on a per month per bay fee for 12 bays from the establishment of the facilities in the Park and Ride on Lead Street, Yass be accepted subject to annual CPI increases.

(Turner/Pothan) 307

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

AGAINST: Nil

Councillor Turner, on behalf of Council, thanked James Dugdell, Director of Infrastructure & Assets, for the work he has undertaken during his time with Council, in some challenging times.

The meeting closed at 5.08 pm.

6.1 COUNCIL-RELATED DEVELOPMENT APPLICATIONS

SUMMARY

Amendments to the *Environmental Planning & Assessment Regulation 2021* commencing on 3 April 2023 will require all Councils to have a conflict of interest policy in place for handling Council-related Development Applications. It is proposed to amend Council's *Community Engagement Strategy* and *Development Assessment & Decision Making Policy* to reflect the changes in the Regulation.

RECOMMENDATION

That the Community Engagement Strategy and Development Assessment & Decision Making Policy be amended as detailed in this report to incorporate the new Council-related Development Application requirements.

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- Development Assessment & Decision Making Policy
- Community Engagement Strategy

REPORT

The Department of Planning & Environment has advised Council that changes have been made to the *Environmental Planning & Assessment Regulation 2021* to strengthen transparency and accountability in the planning system around Development Applications.

Amendments to the Regulation come into effect on 3 April 2023 and will require all Councils to:

- Have a conflict of interest policy that advises how they will manage any potential conflict of interest that may arise from Council related Development Applications where Council is the Consent Authority and the Development Application is made by or on behalf of Council or for development on land of which Council is an owner, a lessee or a licensee or otherwise vested in or under the control of Council.
- Prepare a management statement which must be exhibited with a Development Application, which details the potential conflict and the way they propose to manage it
- Exhibit Council-related Development Applications for a minimum of 28 days and record in their Development Application Register the steps taken to manage any conflicts.

From 3 April 2023 Council will not be able to determine a Council related Development Application unless it has adopted a conflict of interest policy and considers the policy in determining the application.

To assist Councils, the Department has prepared the [Council-related Development Application Conflict of Interest Guidelines](#). The required elements of these guidelines have been incorporated into Council's *Community Engagement Strategy* (refer **Attachment A**) and *Development Assessment & Decision Making Policy* (refer **Attachment B**) and are highlighted in yellow.

It is not proposed to exhibit the proposed changes to these documents given that the changes are responding to legislative amendments.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL3: Our community is informed and engaged in decision making
Strategies	CL3.4 - We value the voice of our community, and their input informs our decisions
Delivery Program Action	Increased promotion of community input when items are put out for public comment and submissions

- ATTACHMENTS:**
- A. Revised Community Engagement Strategy [⇒](#)
 - B. Revised Development Assessment & Decision Making Policy [⇒](#)

6.2 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT

SUMMARY

Reporting on development standard variations approved in the fourth quarter (October– December) of 2022.

RECOMMENDATION

That the report on approved development variations for the fourth quarter of 2022 be noted.

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 2021*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Local Environmental Plan (Parkwood) 2020*
- *Planning Circular PS-20-002 Variations to Development Standards (5 May 2020)*

REPORT

Development Applications involving variations to development standards may be made under clause 4.6 *Yass Valley Local Environmental Plan 2013* and *Yass Valley Local Environmental Plan (Parkwood) 2020*. Variations to development standards must be accompanied by a written submission and the Secretary's concurrence cannot be assumed by a Council delegate if the development contravenes a numerical standard by greater than 10% or the variation is to a non-numerical standard.

Clause 4.6 of the Local Environmental Plans have requirements for the assessment of variations to the development standards and *Planning Circular PS 20-002 Variations to Development Standard* details the assumed concurrence, governance, and reporting requirements for Council. Any variations approved are reported quarterly to the Department of Planning & Environment (DPE), detailed in a publicly available online register on Council's website and must be presented to Council on a quarterly basis. Monitoring of these variations enables the DPE and Council to determine whether development standards are appropriate, or whether changes are required.

No variations to development standards were approved by Council or its delegate during the 4th Quarter (October– December) 2022.

2022 Audit

The DPE undertakes audits on the use of the Secretary's assumed concurrence and has released its 2022 Audit Report . A total of 18 Councils were audited on their compliance for the 2020/21 reporting period. Yass Valley Council was not among the Councils selected for audit.

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Strategies	EN3.1 - Develop sustainably, integrates environmental, social and economic factors which are in the best interests of the community and the region
Delivery Program Action	Complete the comprehensive development control plan

ATTACHMENTS: Nil

6.3 DEVELOPMENT CONSENT DA175305 - REQUEST FOR DEFERRED PAYMENT OF CONTRIBUTIONS - VILLAGE SUBDIVISION - 17 SOUTH STREET, MURRUMBATEMAN

SUMMARY

To present the request to defer payment of development contributions via a Voluntary Planning Agreement (VPA) in relation to Development Consent DA175305 for the village subdivision of 17 South Street, Murrumbateman. This request is consistent with previous and similar arrangements. It is recommended that the draft VPA be amended to ensure the Developer is responsible for Council's associated legal costs, and is subject to a legal review. If no significant legal issues are identified, the draft VPA be placed on public exhibition and then adopted if there are no significant submissions received.

RECOMMENDATION

That the draft Voluntary Planning Agreement for the deferred payment of development contributions for Development Consent DA175305, 17 South Street, Murrumbateman:

1. *Be amended so that the Developer is responsible for Council's associated legal costs.*
2. *Is referred to Council's solicitors for legal review*
3. *If no significant issues are identified by the legal review, it be placed on public exhibition in accordance with the Environmental Planning & Assessment Act 1979 and adopted if no significant submissions are received.*

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*
- *Development Servicing Plan for Yass Valley Council Sewerage 2013*
- *Development Servicing Plan for Yass Valley Council Water 2013*
- *Development Consent DA175305*

REPORT

In July 2019 Development Consent DA175305 was granted for the 24 lot village subdivision of 17 South Street, Murrumbateman (refer **Attachment A** and **B**). Conditions of the Development Consent and associated Subdivision Works Certificate require the payment of development contributions prior to the issue of a Subdivision Certificate:

- s7.12 Development Contribution – 1% of the value of the development
- Water Headworks - \$556,761 (based on 2022/23 fees and charges)
- Sewer Headworks – \$409,124 (based on 2022/23 fees and charges)
- Footpath Construction Contribution - \$48,750

The value of the development for which a s7.12 contribution is payable must be confirmed with final cost of works details which is to be submitted with the Subdivision Certificate application.

The Developer through their representatives has requested to defer the payment of the development contributions (refer **Attachment C**) and a draft Voluntary Planning Agreement (VPA) has been provided (refer **Attachment D**).

The Contribution Plans primarily provide for deferral of contributions via the lodgement of a bank guarantee, however the *Yass Valley Development Contribution Plan 2018* now also provides the option of considering a Voluntary Planning Agreement. The use of a VPA has been accepted in the past recognising the problems faced in obtaining bank guarantees for development financing. Council has previously deferred payments of contributions for several developments including Riverview Estate, Willow Creek, the SELX saleyards, Cobham Street, and Blackett Place, as well as supporting other requests but where the developer never proceeded.

The *Yass Valley Development Contribution Plan 2018* outlines circumstances where deferred contributions could be supported. The proposed request is considered consistent with the provisions for deferred contributions in the plan, particularly noting:

- The Developer has outlined their reasons for requesting the deferred payment and these are considered to be valid
- The deferred payment will not adversely affect the operation of the plans

Given the value of the contributions being subject to a deferred contribution arrangement, it would be appropriate that Council seeks appropriately qualified legal review of the draft VPA. Particular attention will be required as to the timing of the payment of contribution as proposed in the draft VPA.

The draft VPA submitted currently proposes that each party must pay their own legal costs. However, in previous similar examples, the VPA has required that the developer pay Council's associated costs. It is recommended that Council only accepts proceeding with the draft VPA if the Developer is agreeable to paying the associated legal costs, ensuring that Council and the community do not bear the costs associated with what is their deferred payment request.

The draft agreement includes provisions of the indexing of the contributions in accordance with CPI as provided for by each plan and that any outstanding payments are subject to interest equal to that for outstanding rates (currently 6% per annum).

Subject to the Developer agreeing to pay Council's associated legal costs and no significant issues being identified in a legal review, it is recommended that the request be supported and the draft VPA being placed on exhibition. If there are no significant submissions received during the public exhibition period, it is recommended that the draft VPA be adopted.

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Strategies	EN3.1 - Develop sustainably, integrates environmental, social and economic factors which are in the best interests of the community and the region
Delivery Program Action	Complete the comprehensive development control plan

- ATTACHMENTS:**
- A. Locality Plan ➡
 - B. Approved Plan of Subdivision ➡
 - C. Request Letter for Deferred Contributions ➡
 - D. Draft Voluntary Planning Agreement ➡

6.4 MODIFICATION DEVELOPMENT CONSENT NO DA200158 - THREE LOT VILLAGE SUBDIVISION, 20-24 SILVER STREET, BOWNING

SUMMARY

To present the assessment of a request to modify Development Consent DA200158 for a three lot subdivision (consolidation and re-subdivision) at 20-24 Silver Street, Bowning. The modification requests a variation to Council policy being the lots not be required to be supplied with a grid electricity connection. Refusal is recommended.

RECOMMENDATION

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

- *Clause 6.8 Yass Valley Local Environmental Plan 2013 requires Council to be satisfied of adequate arrangements for essential services, including the supply of electricity.*
- *The policy requires the supply of grid electricity to lots in subdivisions that are zoned RU5 Village as an adequate essential service arrangement.*
- *Supporting the variation would currently set an undesirable precedent for subdivisions in the RU5 Village and residential zones across the Yass Valley.*
- *The circumstances of the case are not unique to the extent that would warrant supporting the proposed variation.*

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*
- *Electricity Supply and Telecommunication Service for Subdivision Policy*
- *Application Assessment and Decision Making Policy*
- *Community Engagement Strategy*

REPORT

1. Application Details

Date Received	-	11 January 2023
Land	-	20-24 Silver Street, Bowning
Area	-	6,060m ²
Zoning	-	RU5 Village

2. Site Description and Locality

The site is located on the corner of Silver Street and Harrow Street in an area characterised by village development, including dwelling houses and associated outbuildings.

The site currently consists of three lots which are generally orientated north-south and are relatively long and narrow. There is an existing dwelling at the rear of 22 Silver Street, however the associated infrastructure is located across the existing lot boundaries.

A Locality Plan is included in Attachment A.

3. Proposal

The approved development involves a three-lot subdivision, being a consolidation and re-subdivision of three lots into three lots. The proposal changes the boundaries from generally a north-south orientation to an east-west orientation, resulting in lots which are squarer rather than long and narrow and all with frontage to Harrow Street. A copy of the approved plan of subdivision is included as Attachment B.

The modification requests a variation to Council policy being the lots not be required to be supplied with a grid electricity connection. Details of the proposal are included in Attachment C.

4. Public Exhibition

Public exhibition was not required due to the proposed modification only requesting a variation in relation to the supply of grid electricity to the lots, which will not have any adverse impacts on neighbouring properties.

5. Assessment

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

The key issue relates to the request to vary the *Electricity Supply and Telecommunication Service for Subdivision Policy*, with the request seeking not to supply the lots with grid electricity connection, instead proposing they be serviced by an off-grid arrangement or that a future landowner provides the grid connection.

The Applicant's supporting documentation requests the variation, in summary, on the following basis:

- The policy is not an environmental planning instrument (such as the LEP) and is therefore not specifically required to be considered by Council when determining a Development Application – i.e., it has less weight or importance.
- It is reasonable to apply a level of flexibility to the Policy, similar to how the *Environmental Planning & Assessment Act 1979* requires flexibility of consideration of a Development Control Plan.
- Council is not constrained to place determinative weight on the controls just because of their prior consistent application of the policy and should apply flexibility in circumstances of the case.
- The circumstances of the case are unique and deserve to be considered with flexibility.
- The cost of supplying electricity has been found to be prohibitively expensive in the order of \$205,000 plus GST.
- The proposal is for a consolidation and re-subdivision of land and does not create any additional lots – i.e. three existing lots being reconfigured into three lots.
- The planning outcome proposed is vastly more sensible than the current lot arrangement.
- Owners of the future lots would have the option to building a dwelling which is off grid (positive from an environmental perspective), or undertake the grid connection if they were in a financial position to do so.

Under clause 6.8 *Yass Valley Local Environmental Plan 2013*, Development Consent must not be granted unless Council is satisfied that essential services for the proposed development are available, or that adequate arrangements have been made to make them available when required, including for the supply of electricity. The policy then provides the direction on the arrangements that are considered to be suitable for proposed subdivisions, which is currently based broadly on the zoning of the land.

The policy stipulates that in the RU5 Village zone the accepted arrangement for lots as a result of a subdivision is for a grid electricity connection, and for a Notice of Arrangement from Essential Energy to be submitted prior to the issue of a Subdivision Certificate. The policy does however recognise that alternative electricity arrangements are becoming increasingly desired and allows for these in subdivisions in certain rural or environmental zones (e.g. RU1 Primary Production and C4 Environmental Living).

The policy was last updated in 2018/19 and it was specifically intended to ensure that subdivisions in residential, village and business zones be supplied with grid electricity connection, rather than allowing for alternative arrangements. This was considered to ensure that electricity (as both an essential service and essential infrastructure) is provided by developers at time of subdivision, consistent with a general community expectation, preventing associated costs being transferred from developers to future purchasers, and to minimise the risk of creating substantial gaps in the infrastructure network. Council has previously considered requests to vary the policy to allow for off-grid arrangements in other zones and at this time has not supported any variation.

The circumstances of this particular case do have a degree of uniqueness in that there are already three existing lots and the proposal involves reconfiguring them, rather than creating additional lots. Whilst the reconfiguration does result in an improved planning outcome, it also the vehicle for releasing the development potential of the lots given the location of the existing house and associated infrastructure in relation to the current boundaries. Council's approach to considering servicing arrangements for proposals involving a re-subdivision such as this has generally been the same as any other subdivision, i.e. to ensure that all necessary arrangements are made for the new layout and lots being created. Unfortunately, the cost of providing the electricity connection may have been higher than the developer anticipated, but this factor should not be given any significant planning weight in the context of considering whether the provision of essential services should be made.

It is acknowledged that alternative off-grid arrangements are becoming increasingly desirable with technology improving to facilitate this, reflected by the current policy to allow such arrangements in certain zones. Supplying the grid connection at time of subdivision does not prohibit a future purchaser from deciding to run their dwelling house entirely off grid. However, there is also some concern about off-grid dwellings in village areas not connected to reticulated sewer. The onsite sewage management reports approved with the subdivision application recommends the installation of aerated wastewater treatment systems (AWTS) on the new lots, with these units generally needing a consistent electricity supply. Whilst off-grid electricity systems are improving and there are some measures (such as alarms) that can be installed to assist in managing this issue, the concerns are increased in the village setting compared to rural settings due to the small lot sizes and proximity to adjoining lots (i.e. in the event of a system failure and the associated environmental risks).

Whilst the circumstances of the development have been considered, a grid electricity connection is currently an essential service for lots in a village setting for the purposes of clause 6.8 *Yass Valley Local Environmental Plan* and is supported by the policy outlining the arrangements that Council considers to be adequate. Furthermore, there remains concern that deviating from the policy requirements will set an undesirable precedent for orderly development in the Yass Valley, including for new subdivisions in village and residential settings as well as with infill subdivision and reconfigurations such as this.

6. Conclusion

From the assessment of the proposal, it is recommended that the request to vary the *Electricity Supply and Telecommunication Service Policy for Subdivision* seeking not to supply a grid electricity connection to be refused as:

- Clause 6.8 *Yass Valley Local Environmental Plan 2013* requires Council to be satisfied of adequate arrangements for essential services, including the supply of electricity.
- The policy requires the supply of grid electricity to lots in subdivisions that are zoned RU5 Village as an adequate essential service arrangement.

- Supporting the variation would currently set an undesirable precedent for subdivision in the RU5 Village zone across the Yass Valley.
- The circumstances of the case are not unique to extent that would warrant supporting the proposed variation.

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Strategies	EN3.1 - Develop sustainably, integrates environmental, social and economic factors which are in the best interests of the community and the region
Delivery Program Action	Complete the comprehensive development control plan

- ATTACHMENTS:**
- A. Locality Plan [⇒](#)
 - B. Approved Plan of Subdivision [⇒](#)
 - C. Modification Supporting Documentation [⇒](#)
 - D. Modification Assessment [⇒](#)

6.5 DEVELOPMENT APPLICATION NO DA220241 - CHANGE OF USE TO FORMALISE AN EXISTING BARN AS A DWELLING HOUSE, 5 AMBLESIDE AVENUE, MURRUMBATEMAN

SUMMARY

To present the assessment of Development Application DA220241 for change of use to formalise an existing barn as a dwelling house at 5 Ambleside Avenue, Murrumbateman. The application attracted eight submissions. Refusal is recommended.

RECOMMENDATION

That Development Application DA220241 for a change of use of an existing barn being to a dwelling house at 5 Ambleside Avenue, Murrumbateman be refused as insufficient information has been provided for a complete assessment pursuant to s4.15 Environmental Planning & Assessment Act 1979.

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 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Exempt and Complying Codes) 2008*
- *Yass Valley Local Environmental Plan 2013*
- *Building Line – Rural and Rural Residential Land Policy*
- *Application Assessment and Decision Making*
- *Yass Valley Development Contributions Plans 2018*
- *Biodiversity Conservation Act 2016*
- *Protection of the Environment Operations Act 1997*
- *Local Government Act 1993*
- *Planning for Bushfire Protection 2019*

REPORT

1. Application Details

Date Received	- 4 October 2022
Land	- 5 Ambleside Avenue, Murrumbateman.
Area	- 2.31ha
Zoning	- R5 - Large Lot Residential

2. Site Description and Locality

The site is located in the Ambleside Estate, east of the village of Murrumbateman. The site is surrounded by rural residential lots, with community land to its western boundary. The site is made up of one lot and is an irregular shaped parcel of land with an area of approximately 2.31ha fronting Ambleside Avenue. Residential use of the land is permissible with consent under the *Yass Valley LEP 2013*.

Existing structures on site include:

1. The existing barn approved as a class 10a barn shed (Development Consent 241/2003). The barn is currently being used as a dwelling and is the subject of this Development Application.
2. A workshop located on the land and subject of a separate report to Council.
3. Other minor structures.

A Locality Plan is included in Attachment A.

3. Proposal

The application involves a change of use from the existing approved use of a class 10a barn shed to a class 1a dwelling. No works are being proposed as part of the application.

Details of the proposal are included in Attachment B.

4. Public Exhibition

Public exhibition included notice to adjoining and nearby landowners and Ambleside Estate Community Association. Eight submissions have been received (refer Attachment C), all objecting or raising concerns in relation to the proposal. The key issues raised in the submissions are:

- The subject structure has not been constructed in accordance with Building Code of Australia (as amended) (BCA) and relevant Australian standards.
- The existing structure is not consistent with the surrounding residential dwellings.
- The cost of works provided by the applicant for the existing structure seem to be undervalued.
- The existing structure is being rented out as a dwelling (not to a family member) and not being fit for habitation (meeting the minimum standards) as outlined under the *Residential Tenancies Act 2010* and *Residential Tenancies Regulations 2019*.
- The owner/applicant did not consult with the Ambleside Estate Committee about the proposed development.
- The applicant has shown disregard of Ambleside Estate by-laws.
- There has been lighting of fires during fire bans and without notifying NSW Rural Fire Services.
- The keeping of stock and the slaughtering of that stock on the subject lot.
- Breaching COVID 19 restrictions during COVID lock-down.

Redacted copies of submissions have been provided to the applicant and the applicant has not provided a response.

5. Assessment

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

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

5.1 BCA and Australian Standards Compliance

Concern has been raised in the submissions and from the assessment of the Development Application that the subject structure has not been constructed in accordance with the BCA and relevant Australian standards. "As constructed drawings" for the subject structure have been provided) as part of the application.

The following items of concern are noted:

- Smoke alarms are not installed in accordance with the BCA
- Existing room heights do not comply with BCA
- Natural light and ventilation do not comply with the BCA
- Existing staircase, handrails and barriers do not comply with the BCA
- Protection to the openable windows in the first-floor bedrooms do not comply with the BCA
- BASIX commitments do not comply with the BCA

- No evidence has been provided demonstrating compliance for the existing solid fuel heater
- No evidence has been provided demonstrating compliance for the onsite sewer management system

The assessment has concluded that the existing structure, as built, is not in accordance with BCA and relevant Australian standards. The Applicant has been requested to provide additional information in relation to these issues and this information has not been forthcoming. Without additional information from the Applicant it cannot be determined how complying with the BCA would impact on the current building form eg complying with the floor to ceiling heights may require increase the roof height, complying with natural light and ventilation requirements may change the external appearance of the building and as such could substantially change the bulk, height and shape of the existing structure. Without information such as this, Council cannot complete an assessment of the proposed development.

In this regard, the application should be refused.

5.2 Context and setting of the structure

The barn shed was approved by Development Consent No. 241/2003 and the context and settings of the structure were assessed at that time. The barn shed was found to be compatible with the regional and local context and is not considered to have any significant impacts on context and setting. Council has approved barn/shed dwellings in the Yass Valley in the past. However Council cannot make an assessment of the context and setting of the structure given that it is likely that the building form would need to be significantly altered in order to comply with the BCA.

5.3 Cost of Work

Concerns have been raised that the cost of works provided in the application has been undervalued. No construction works are being proposed as part of this application and the assessment is for the use of an existing structure. However, it is estimated that in order to bring the building into full compliance as detailed in this report, costs could be substantial.

5.4 Structure being Occupied without Approval

Concern has been raised in the submissions received that the subject structure is being occupied without approval.

The subject structure has never received a Final or Interim Occupation Certificate for the approved use as a barn shed. The use of the structure without an Occupation Certificate is in breach of the *Environmental Planning & Assessment Act 1979* and *Regulation 2021*.

The use of a structure as a dwelling can be achieved by obtaining development consent and the occupation of the structure can be achieved if compliance with all relevant regulations and codes can be demonstrated. However the Development Application does not demonstrate how it can comply with the BCA nor how that compliance would impact on the existing built form and as such the application is recommended for refusal.

5.5 Non-Compliance with Existing Estate By-laws

Concerns have been raised about the development not complying with existing estate by-laws.

This is not relevant to the assessment of the application. The enforcement of by laws are a matter for the Community Association.

5.6 Consultation with Ambleside Estate Committee

Concerns have been raised that the applicant/owner has not consulted with the Ambleside Estate Committee about the proposed development. This is not relevant to the assessment of the application.

5.7 Other

The following matters have also been raised in the submissions:

- Lighting of fires during fire bans without notifying NSW Rural Fire Service
- Keeping of stock and their slaughter
- The existing structure is being rented out as a dwelling (not to a family member) and not being fit for habitation (meeting the minimum standards) as outlined under the *Residential Tenancies Act 2010* and *Residential Tenancies Regulations 2019*.
- Breaching of COVID-19 restrictions during lockdown do not apply to the assessment of the Development Application.

These matters are not relevant to the assessment of the application.

6. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions, it is recommended that the application be refused. If Council resolve to refuse the Development Application the matter will be referred for compliance action.

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Strategies	EN3.4 - Future development, particularly at the residential/agricultural and the residential/industrial interfaces, should be planned for the managed to minimise potential conflict between adjacent land uses
Delivery Program Action	Include information in the Development Control Plan

ATTACHMENTS:	A. Locality Plan ⇒
	B. Details of the Proposal ⇒
	C. Submissions ⇒
	D. s4.15 Assessment ⇒

6.6 DEVELOPMENT APPLICATION NO DA220242 - FORMALISING EXISTING WORKSHOP AND USE, 5 AMBLESIDE AVENUE, MURRUMBATEMAN

SUMMARY

To present the assessment of Development Application DA220242 for formalising existing workshop at 5 Ambleside Avenue, Murrumbateman. Refusal is recommended.

RECOMMENDATION

That Development Application DA220242, formalising the existing workshop and its use as a creative art studio for hobbies at 5 Ambleside Avenue, Murrumbateman be refused for the following reasons:

1. *Insufficient information has been provided to allow an assessment pursuant to s4.15 Environmental Planning & Assessment Act 1979*
2. *Insufficient information has been provided to Council to characterise the development for the purposes of the Yass Valley Local Environmental Plan 2013*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Exempt and Complying Codes) 2008*
- *Yass Valley Local Environmental Plan 2013*
- *Building Line – Rural and Rural Residential Land Policy*
- *Application Assessment and Decision Making*
- *Yass Valley Development Contributions Plans 2018*
- *Biodiversity Conservation Act 2016*
- *Protection of the Environment Operations Act 1997*
- *Local Government Act 1993*
- *Planning for Bushfire Protection 2019*

REPORT

1. Application Details

Date Received	-	4 October 2022
Land	-	5 Ambleside Avenue, Murrumbateman.
Area	-	2.31ha
Zoning	-	R5 - Large Lot Residential

2. Site Description and Locality

The site is located in the Ambleside Estate, east of the village of Murrumbateman. The site is surrounded by large rural residential lots, with community land to its western boundary. The site is made up of one lot zoned R5 Large Lot Residential in the *Yass Valley LEP 2013*. The subject site is an irregular shaped parcel of land with an area of approximately 2.31ha fronting Ambleside Avenue. Residential use of the land is permissible under the *Yass Valley LEP 2013*.

Existing structures on site include:

1. The subject existing workshop which does not have Development Consent

2. An existing barn used as a dwelling house and is the subject to a separate report to Council
3. Other minor structures.

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

3. Proposal

The submitted application seeks to formalise an existing workshop building and its use for creative art studio for hobbies. No works are being proposed as part of the application.

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

4. Public Exhibition

Public exhibition included notice to adjoining and nearby landowners and Ambleside Estate Community Association. Six submissions have been received (refer **Attachment C**), all objecting or raising concerns in relation to the proposal. The key issues raised in the submissions are:

- The subject structure has not been constructed in accordance with Building Code of Australia (as amended) (BCA) and relevant Australian standards.
- The drawings provided as part of the development application do not resemble the actual shed
- The subject structure has been unlawfully constructed.
- That a business is being operated out of the shed.
- The Applicant did not consult with the Ambleside Estate Committee about the proposed development.
- The Applicant has shown disregard of estate by-laws.
- The cost of works provided by the applicant for the existing structure seem undervalued.
- There has been lighting fires during fire bans and without notifying NSW Rural Fire Services.
- The keeping of stock and the slaughtering of that stock on the subject lot.
- The area around the shed is poorly maintained

Redacted copies of submissions have been provided to the applicant. The applicant has not provided a response.

5. Assessment

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

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

5.1 BCA and Australian Standards Compliance

Concerns have been raised that the subject structure has not been constructed in accordance with the BCA and relevant Australian standards and that the plans submitted do not resemble the existing constructed building.

- **BCA and Australian Standards Compliance** - The subject structure has provision to comply with Volume 2 of the BCA.
- **Structure** - A certificate of structural adequacy prepared by a qualified and experienced structural engineer has been provided with the application. The certificate confirms that the building has been constructed to accepted and recognised engineering principles and in accordance with the BCA.
- **Drawings** - A review of the provided drawings has noted key design elements have not been detailed including elevations/sections drawn to scale

- **Grey water management** - Insufficient information has been provided by the Applicant as to how the used water discharging for the structure is to be managed without having a negative effect to the surrounding area.

5.2 Structure constructed without approval

Concerns have been raised that the shed was constructed without the appropriate approvals.

It is agreed that the structure was constructed without the appropriate approvals but the purpose of the application submitted, is to legalise the structure and its use.

5.3 Business operating out of the shed without Council approval

Concern has been raised in the submissions that the Applicant may intend to use the site for a business operation.

The application states that the proposed use of the workshop is a creative art studio for hobbies. A site inspection of the workshop showed that the existing workshop has been fitted out with commercial grade machinery akin to a carpentry/joinery manufacturing business. Following the site inspection, the Applicant was requested to provide further information seeking clarification as to the use of the workshop. No response has been received to date.

5.4 Ambleside By-Laws and Consultation

Concern has been raised that the workshop does not comply with the estate by-laws and that the Applicant/Owner did not consult with the Ambleside Community Association about the proposed development.

This is not a matter to be considered in the assessment of the Development Application. The enforcement of by laws are a matter for the Community Association.

5.5 Cost of Work

Concern has been raised that the cost of works detailed in the application are undervalued.

No construction works are being proposed as part of this application and the assessment is for the use of an existing structure.

5.6 Maintenance of Area

Concern has been raised that the area around the shed is in a poorly maintained condition.

This is not a matter to be considered in the assessment of the application.

5.7 Other

The matters relating to the lighting of fires during fire bans without notifying the NSW Rural Fire Service and the keeping of stock and their slaughter have been referred to the relevant authorities. These matters are not relevant to the assessment of the application.

6. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions, it is recommended that the development application be refused. Should Council refuse the development application, this matter will become a compliance issue.

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Strategies	EN3.4 - Future development, particularly at the residential/agricultural and the residential/industrial interfaces, should be planned for the managed to minimise potential conflict between adjacent land uses
Delivery Program Action	Include information in the Development Control Plan

- ATTACHMENTS:**
- A. Locality Plan [⇒](#)
 - B. Details of the Proposal [⇒](#)
 - C. Submissions [⇒](#)
 - D. s4.15 Assessment Report [⇒](#)

6.7 FIXING LOCAL ROADS ROUND 4 AND REGIONAL AND LOCAL ROADS REPAIR PROGRAM GRANT SCHEMES

SUMMARY

To present a report confirming additional grant funding for Transport Infrastructure Assets.

RECOMMENDATION

That:

1. *The Fixing Local Roads Grant Round 4 for Stage 2 of the rehabilitation of Back Creek Road, Gundaroo to the value of \$2,979,110 be accepted.*
2. *An allocation of \$540,112.64 from the Development Contribution Reserve as its co-contribution to Stage 2 of the rehabilitation of Back Creek Road, Gundaroo.*
3. *The Regional and Local Road Repair Program grant for various corrective maintenance activities to the value of \$2,295,489 be accepted.*
4. *Council's 2022/23 Operational Plan to be amended to reflect financial implication and the draft 2023/24 Operational Plan include the financial implications.*

FINANCIAL IMPLICATIONS

		Project and Estimated Budget Requirements			
		Stage 2 Back Creek Road Rehabilitation			Corrective Maintenance
		2022/23	2023/24	2024/25	2022/23
Expenditure		\$250,000	\$3,269,222	\$ -	\$2,295,489
Income	Fixing Local Roads R4	\$595,822	\$2,085,377	\$297,911	\$ -
	Development Contributions Reserve (\$7.11)	\$ -	\$540,112	\$ -	\$ -
	Regional & Local Road Repair Program	\$ -	\$ -	\$ -	

The current forecast balance of the Development Contributions Reserve as at 30 June 2022 is \$1.8M.

POLICY & LEGISLATION

Nil

REPORT

Council recently submitted two grant applications under separate State Government grant programs and have been advised both have been successful.

The details of the works to be delivered are provided in the following table. It is recommended that Council accept these grants.

Grant Program	Project Description	Total Project Cost	Grant funding	Council's Contribution	Comment
Fixing Local Roads Road R4	Stage 2 Back Creek Road Rehabilitation	\$3,549,222.64	\$2,979,110	\$570,112.64	Development Contribution Reserve
Regional and Local Road Repair Program	Various corrective maintenance activities across the LGA including heavy patches, drainage and culvert works	\$2,295,489	\$2,295,489	\$0	

STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN1: We have transport links that connect towns within the region and increase access to significant centres
Strategies	IN1.3 - Renew, upgrade and create new road assets to meet community needs
Delivery Program Action	Sealed road upgrade program (grant funding only)

ATTACHMENTS: Nil

6.8 DRAFT SOUTH EAST AND TABLELANDS REGIONAL TRANSPORT PLAN

SUMMARY

Transport for NSW (TfNSW) has prepared a draft Transport Plan for the South East & Tablelands Region and requested Council to provide feedback.

RECOMMENDATION

That:

1. *The draft South East & Tablelands Regional Transport Plan not be supported in its current form.*
2. *TfNSW be provided with the concerns identified in this report.*
3. *State and Federal government representatives be lobbied to not allow the draft South East & Tablelands Regional Transport Plan to be adopted until the concerns identified have been addressed.*
4. *Council work with the CRJO to establish common concerns with the draft South East & Tablelands Regional Transport Plan to assist with lobby for changes.*

FINANCIAL IMPLICATIONS

NSW Strategic Planning documents are frequently used as the basis for supporting future funding and grant initiatives.

POLICY & LEGISLATION

Nil.

REPORT

The NSW Government has published a draft *South East & Tablelands Regional Transport Plan (draft plan)* with a horizon of 2041 (refer **Attachment A**).

The draft plan covers the local government areas of Bega Valley Eurobodalla, Goulburn Mulwaree, Hilltops, Queanbeyan-Palerang, Snowy Monaro, Upper Lachlan, Wingecarribee and Yass Valley

The stated objectives of the draft plan are to:

- (i) Improve connectivity
- (ii) Increase modal options
- (iii) Provide equitable, accessible and secure transport for all
- (iv) Provide a safe network
- (v) Transition to net zero emissions
- (vi) Provide appropriate regional infrastructure
- (vii) Increase the resilience and adaptability of networks to shocks and stresses
- (viii) Provide efficient freight and supply chains across the region
- (ix) Support the visitor economy.

Submissions on the draft Plan must be made by Friday 24 February 2023.

The draft plan has been prepared to support the NSW future Transport Strategy and generally outlines how Transport for NSW will respond to transport needs of the region, and how it will plan for future challenges. The draft plan is formed around a range of stated initiatives, which will form the basis for future funding opportunities

The draft plan has been reviewed by a range of areas within Council including the Sustainability Advisory Committee. The following feedbacks is provided:

- **Yass has not been Identified as a Strategic Centre**

The draft plan identifies seven strategic centres – Batemans Bay, Bega, Cooma, Goulburn, the Southern Highlands cluster, Queanbeyan and Young

Strategic Centres are identified in the draft plan and will receive significant transport support and funding eg expanding modal options, improved connectivity with surrounding town centres, possible expansion of existing trial initiatives

Yass is not treated as a 'strategic centre' and, given the hierarchical and formulaic approach to regional planning evident throughout the document and how it flows into NSW and Federal Government funding arrangements, this has serious implications for Council.

A submission seeking to change the definition of Yass from a 'town centre' should be made or a minimum at this late stage in the development of the document is unlikely to be successful. However, the submission should make the case that for all intents and purposes Yass township should be treated as a 'strategic centre'. Accordingly, Tier 2 and 3 connectivity initiatives in the Plan should explicitly identify Yass Valley as 'within scope' to ensure it does not miss out on future funding or service improvements.

The draft plan concedes that Yass may well become a 'strategic centre' in the future however it is assumed this will not be in the 20 year horizon of the plan.

- **Population Projections**

The draft plan rightly places a strong emphasis on the impact of population growth in meeting future transport needs. However, the projections for the growth of Yass Valley used in the document based upon ABS data and Department of Planning modelling are for a population in 2041 of only 20,684 when Council's very own projections in the *Yass Valley Settlement Strategy* are for a population by 2036 of near 28,000 with much of this significant growth in Murrumbateman.

The *draft Regional Transport Plan* suggests that the LGA's with the most significant growth are Queanbeyan-Palerang, Goulburn Mulwaree, and Wingecaribee and there is a related emphasis on planning for transport needs in these LGA's, looking particularly at the corridor from Wingecaribee into Greater Sydney and Goulburn and Queanbeyan into Canberra.

Population growth in Yass Valley, and particularly growth in Murrumbateman and the associated stresses along the corridor to Canberra, does not figure at all in the document other than in recognising the current works to expand the Barton Highway. That is, there is no real appreciation of likely higher demands in the future.

This inconsistency and its implications for Yass Valley should be pointed out in any submission on the draft plan and not only the figures adjusted accordingly, but its implications for future transport design in the Valley incorporated into the final iteration of the Plan.

It is worth noting that the draft plan 'walks away' from speaking of Murrumbateman as a growth centre, rather flagging that growth is contingent upon resolving infrastructure issues like water supply, which has already been resolved.

- **Other matters:**

The draft Plan has other significant matters that need consideration prior to the plan being finalised:

- The draft plan proposes the establishment of a NSW – ACT Cross Border Transport Working Group. Council should look to be an active member of this working group.
- The draft plan raises the need for appropriate infrastructure to support net-zero emissions transport and Council should commit itself as much as practical to supporting the provision of such infrastructure across the LGA.

- The draft plan flags that it will work with LGA's to support 'active transport' initiatives including the concept of the 15-minute neighbourhood but, again, the emphasis when it comes to identifying possible future initiatives is on links between Queanbeyan and the ACT.
- The draft plan recognises the likely impact of ageing populations on transport demand but there is little sense in the document that this will have a disproportionate impact upon those LGA's with more aged populations or the impact on those LGA's which are closest to the major health hub that is Canberra.
- In discussing road freight, the draft plan acknowledges the issues regarding 'first and last mile' impacts but says nothing about how those impacts are not properly recognised in local road funding models and the impacts of freight on secondary routes such as Burley Griffin Way or Lachlan Valley Way and the regional road network.
- While the general impacts of COVID are acknowledged in the draft plan, (eg. the growth in people working from home), there is no discussion of the particular impacts of COVID in the region. In particular, the flight from major population centres such as Canberra whilst maintaining proximity to those centres is having and will continue to impact upon housing, lifestyle and transport demands in Yass Valley. In addition no consideration has been given to the impact of COVID and the associated reduction in vehicle movements on the accident statistic
- The draft plan does not acknowledge Yass Valley as a wine district and importance of transport for our visitor economy.
- The draft plan mention supporting local centres to deliver a mainstreet masterplan. However It does not acknowledge the Yass masterplan nor the potential impact that mainstreet may have on transport infrastructure.
- The draft plan does not acknowledge the importance of the local road network when emergencies (eg road accidents) force the closure of the major roads. For example Yass Valley Way is an essential detour route when incidents occur on the Hume, Barton and Federal Highways. Yass is the only town in the region where such a detour route requires significant volumes of traffic to access the main street of the LGA
- The draft plan does not recognise Yass Valley traffic accident s are very different to other areas and no allowance has been made to address this. For example the NSW Centre for Road Safety figures for the period 2017 – 2021, put total crashes in the Yass LGA at 397. A total of 257 of these crashes are vehicles neither originating in Yass 2582, nor travelling to Yass 2582, in other words they are transiting through Yass Valley LGA. The NSW crash averages for the same period is 20% of crashes are non-residents and 80 % of crashes are residents. For Yass Valley the crash figure shows 66.8% are non-residents and 33.2% are residents. Transport for NSW own crash statistics shows that Yass has some surprising and unique features. Two factors, contribute to crashes in the Yass LGA, they are speed and fatigue. With the daily pressure of 4 hours commuter round trips it is not surprising, that fatigue related crashes in the Yass Valley LGA are at least X2 higher than the NSW average. The 13% figure is one of the highest in NSW
- The draft plan's approach to public transport is metro-centric and does not reflect the complexities of providing such services in a rural environment.
- The draft plan does not recognise the extent of commuter traffic in many LGA's. For example 50% of Yass Valley's paid working residents do so in the ACT, many travelling the 56 km from Yass to Canberra morning and night. This does not include the residents that do this trip to access the major health and services provided by the ACT
- The draft plan does not reflect the complexities of the region being with a large generally rural area. A region geographically large, much of which sparsely populated with large distances between population centres
- The draft plan is largely silent on the size and the importance of the transport network managed by Local Government particularly the regional road network

- The draft plan creates a range of initiatives, most of which are from existing commitments, that do not form the basis for a coherent plan. Many of the initiatives do not appear to have a direct connection to achieving the draft plan’s stated objectives
- The draft plan identifies 11 initiatives where Local Government has the lead responsibility, consideration to whether it is a Council priority and how Councils are expected to manage these additional responsibilities/expectations
- The draft plan is totally silent on how many of the initiatives will be funded
- The draft plan picks specific initiatives to include excludes equivalents.
- For example the plan has initiatives for two rail trail initiatives (Goulburn and Monaro) however not the Yass rail trail and two urban area bypasses (Moss Vale and Moruya) however not the Murrumbateman or Sutton bypasses
- The draft plan is silent on initiatives to improve transportation improvements for people with disabilities
- Many of the initiative outcomes identified in the draft plan will not be delivered for decades away and any associated on the ground works even much further in the future eg finalising the duplication of the Barton Highway
- Significant Transport developments associated with Yass Valley receive no or little mention in the draft plan including:
 - Completion of the duplication of the Barton Highway
 - Bypassing Murrumbateman village
 - Bypassing Sutton village
 - A second high level road access across the Yass River in Yass Township

• **Administrative Issues and Improvements**

A range of administrative issues and suggestions for improving the draft plan have been identified as part of reviewing the draft plan. These have not been included in this report and will be sent directly the TfNSW for consideration. Examples include typos, the plan has 49 initiative not 50 etc.

In short the draft plan significantly ‘under-plans’ for the future transport needs of the region and Yass Valley, which needs to be strongly emphasised in Council’s submission to the draft plan prior to it being adopted.

STRATEGIC DIRECTION

CSP Theme	Our Community
CSP Strategy Objective	CO3: Our Community is connected, safe and proud
Strategies	CO3.1 - Community connectivity and informal support networks support participation in a broad range of activities
Delivery Program Action	Council works with neighbouring councils on connectivity support

ATTACHMENTS: A. Draft South East & Tablelands Regional Transport Plan [⇒](#)

6.9 WATER SOURCE STRATEGY & MURRUMBIDGEE REGIONAL WATER STRATEGY (DRAFT)

SUMMARY

Analysis undertaken through a secure yield analysis as part of the draft Integrated Water Cycle Management (IWCM) Plan Issues Paper indicates that the Yass water supply may not have adequate security of supply. This suggests that there is a risk that the supply could fail during an extended dry period as the town water demands grow.

DPE Water released their discussion papers on the draft Murrumbidgee Regional Water Strategy (RWS) in December 2022. Yass did not experience any shortfall in that analysis however the RWS indicates that further consideration is required as part of Council's strategic planning process.

Council staff will work with DPE Water to examine Yass as a potential case study as part of an investigation into approaches that could be used for town water security assessments using the latest climate data developed as part of the NSW Regional Water strategies.

RECOMMENDATION

That:

1. *Submissions be made on the Draft Regional Water Strategy Murrumbidgee Discussion Paper: Draft Regional Challenges December 2022 and the Draft NSW Murray and Murrumbidgee Regional Water Strategies Climate and Hydrological Modelling December 2022 highlighting the modelling for Yass not experiencing any water supply shortfalls is inconsistent with Council's adopted Water Source Strategy.*
2. *Council staff continue to work with DPE Water on a review or the water security assessment for Yass as one of the case studies to inform the regional modelling assessments.*

FINANCIAL IMPLICATIONS

Budget was allocated for preparing Water Source Strategy and Integrated Water Cycle Management Plan.

POLICY & LEGISLATION

Nil.

REPORT

1. Background

In 2006, Council identified the need to augment Yass Dam water supply following the millennium drought. After detailed analysis and weighing of options in *Emergency Drought Relief Strategy 2005*, determined that the preferred long-term water supply strategy was a pipeline from Canberra. Council commissioned a feasibility study on the pipeline from Canberra by ACTEWAGL in 2006. Raising of the Yass Dam was identified as an interim measure and was completed in July 2013.

In October 2019, work commenced on the preparation of an *Integrated Water Cycle Management (IWCM) Plan*. A Draft Issues Paper in June 2020 identified a shortfall in water supply based on yield analysis of Yass Dam and forecasted population growth.

In August 2021, Council commissioned preparation of a Water Source Strategy that revisited the water supply options and reconfirmed that the preferred additional water source is a supply from ACT which was adopted by Council.

Attachment A combines previous reports on IWCM and Water Source Strategy development for ease of reference.

2. Regional Water Strategy for Murrumbidgee River by DPE

The Department of Environment & Planning (DPE) is in the process of preparing a *Regional Water Strategy for Murrumbidgee River* that includes Yass River catchment. On 19 December 2022, it released two papers for public exhibition i.e.

- Discussion Paper: Draft Regional Challenges
- Climate and Hydrological Modelling Report

These reports can be found at <https://water.dpie.nsw.gov.au/plans-and-programs/regional-water-strategies/public-exhibition/murrumbidgee>

The *Climate and Modelling Report* did not identify shortfalls for Yass for any of the modelled scenarios with and without population increase. Following is the excerpt from the Report (page 45) considering that there were significant restrictions in the past.

*Yass did not experience shortfalls in this analysis. However, Yass **has experienced some significant supply restrictions in the past, requiring further consideration through the local water utility strategic planning process.** A secure yield analysis has been undertaken as part of the Yass Valley Council Integrated Water Cycle Management Strategy and Yass Valley Water Source Strategy. The analysis indicates that the dry-year demand could soon exceed the secure yield of the water supply and be further reduced under a dry future climate scenario.*

The next steps will be to work with councils and local water utilities to put these results into local contexts via the local water utility strategic planning process. Consideration of our new climate modelling data and future water availability risk will be important to understand shortfall risks and assess performance of regional water strategy options.

The conclusion that the modelling for Yass does not experience any water supply shortfalls is not consistent with the findings of Council's *Water Source Strategy*.

3. Draft RWS Implications

The RWS is underpinned by new climate data and modelling and included modelling of some town water supply systems (including Yass), however, the level of detail of this modelling was designed to obtain a broader regional understanding of water management risks. Yass did not experience any shortfall in that analysis. However, the RWS indicates that further consideration is required as part of Council's strategic planning process.

In late December 2022, the Department of Planning and Environment (DPE) Water approached Council seeking to use Yass as a potential case study as part of an investigation into approaches that could be used for town water security assessments using the latest climate data developed as part of the NSW Regional Water strategies. DPE Water is seeking to undertake case studies, on a couple of town water supply systems, which will use these datasets to support utilities in achieving the strategic planning outcome of understanding water security.

4. Next Steps

It is recommended that Council staff:

- Continue to work with DPE Water to provide Yass systems water data and be involved in the case study to gain further insights on Yass water security risks.
- Provide submissions on the "Discussion Paper" and on the "Climate and Hydrological Modelling Report".

STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN4: Water, waste and sewerage services meet the needs of our community
Strategies	IN4.1 - Ensure high quality water supply options for the towns in region
Delivery Program Action	Upgrade of Yass Water Treatment Plant

ATTACHMENTS: A. Previous Reports on Water Source Strategy and IWCM [↔](#)

6.10 YASS WATER TREATMENT PLANT UPGRADE PROJECT UPDATE

SUMMARY

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

RECOMMENDATION

That the update report and work completed on the Water Treatment Plant Upgrade Project be noted.

FINANCIAL IMPLICATIONS

Deed for Stage 1 Construction Grant for \$2.543M was executed by Treasury on 14 March 2018.

Budgets are allocated for Stage 1 Construction and for the Stage 2 & 3 Design and Business Case development in the Operational Plan.

Budget was allocated for purchase of additional land for WTP extension.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT 1. Background

The upgrade of the Yass Water Treatment Plant is being progressed in three stages:

1. Early Works package includes installation of bubble plume aeration at Yass Dam, upgrade of Raw Water Pump Station (RWPS), and urgent works at Yass Water Treatment Plant
2. Major treatment plant upgrades
3. Rehabilitation of selected treatment process units in the existing WTP

2 Stage 1 – Early Works

- Funding Deed was executed by the NSW Treasury for \$2,542,966 on 14 March 2022
- Project Components.
 - Yass Dam (construction of pipeline and underwater installation of diffuser pipes in the floor of the dam)
 - RWPS (new electrical switch board, control system, refurbishing of pumps and a compressor for bubble plume aeration)
 - Yass WTP (installation of dosing equipment for alum, potassium permanganate, water quality monitoring equipment, control system)
- Works commenced February 2022 and “Practical Completion” was achieved by the end of December 2022.
- Project Completion will be by the end February 2023.
- Monitoring of Yass Dam water quality with bubble plume aeration and performance of WTP will continue to inform overall upgrade.

The Stage 1 upgrade works made it possible to run the WTP at a slower rate during the flood event in August 2022 and in October 2022. This capability together with the enhanced alum dosing and control system enabled the operation staff to produce drinking water within the Australian Drinking Water Guidelines however this required the plant to be shut off for periods

when it was incapable of treating incoming raw water. Treated water storage was also depleted to critical levels during the periods where water could not be treated.

Even after Stage 1 Upgrade works, risk of failure to comply with drinking water guidelines and a potential “Boil Water Alert” during these extreme flooding events remains. This is due to unprecedented levels of deterioration of raw water quality evidenced during the August and October 2022 flood events. As new records are set due to the wetter wet periods, dryer dry periods and increased storm events brought on by the changing climate the existing treatment plan will be less able to meet treatment requirements.

Commissioning of bubble plume aeration system disturbed the accumulated sediments and caused issues with discolouration. The system has stabilized by mid-February and water quality is expected to improve and stabilise.

2.2 Next Steps in WTP Upgrade

Background:

Consultations with DPE Water and HAF to seek guidance to progress with the Stage 2 & 3 design and business case.

- DPE Water maintains its view that improvements of Stage 1 Upgrade on water quality need to be monitored over a period of at least one year and reflected in Stage 2&3. Therefore, no design works should commence until after 2024.
- Council staff raised concerns to the security of water supply due to risks remaining after the implementation of Stage 1 Upgrade. These risks are:
 - a) Ageing electrical and control infrastructure
 - b) Chemical storage and handling issues
 - c) Workplace health and safety issues
 - d) Inadequate treated water storage capacity during emergencies
 - e) Control of water reticulation at the WTP site.
 - f) Pathogen risks due to unprotected catchment that came into force in the September 2022 update of the Australian Drinking Water Guideline.

DPE Water and HAF agreed the above issues require urgent attention in a meeting on 18 August 2022 and to devise ‘Stage 1A’. Follow-up consultations were in progress with HAF and DPE Water to revise the Deed for Detailed Design and Business Case and to progress post-Stage 1 Upgrade.

Update January 2023:

At a meeting on 19 January 2023 attended by the representatives of Treasury, HAF, DPE Water, Council staff and consultants the following were agreed.

- a) Prepare a business case for the overall upgrade of WTP based on a high-level concept design
- b) Identify road map for overall upgrade of WTP
- c) Immediate risks to be the next stage within the overall framework of WTP Upgrade

Consultation to finalise the revised Scope of Works and to revise the Deed with Treasury and to progress works are in progress.

Works are expected to commence in mid-March 2023.

2.3 Consultation with DPE (Water)

Council continues to consult with HAF and DPE Water on WTP Upgrade works.

2. Next Steps

- Complete remaining activities related Stage 1 including Project Closure.
- Review Deed and complete Business Case for overall upgrade of WTP
- Complete procurement of additional land for expanding the WTP site

STRATEGIC DIRECTION

Key Pillar Our Infrastructure

CSP Strategy IN4: Water, waste and sewerage services meet the needs of our community

Delivery Program Action IN4.1 - Ensure high quality water supply options for the towns in region

Operational Plan Activity Upgrade of Yass Water Treatment Plant

ATTACHMENTS: Nil

6.11 MATERIAL RECYCLING FACILITY CANBERRA

SUMMARY

This report is to advise of a fire at the Materials Recycling Facility (MRF) located at Hume ACT, the current temporary arrangements for Council to dispose of kerbside recycling, and the additional cost.

RECOMMENDATION

That:

1. *The recycling arrangement with Regroup continue, pending an alternative price competitive solution.*
2. *Increased fees and charges will be considered in the preparation of the 2023/2024 budget.*

FINANCIAL IMPLICATIONS

The new fees will have an increased financial impact on Council's 2022/23 operational budget of approximately \$107,000. Increased costs will be considered in the 2023/24 budget.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Report

Council has a contractual arrangement with Regroup to take kerbside recyclables to Canberra for processing. Five other NSW Councils around the ACT have similar arrangements.

As Council may be aware on Boxing Day 2022 a fire at the Hume MRF destroyed 80% of the complex which has rendered the MRF inoperable.

The ACT Government and Regroup have initiated alternate arrangement for processing of recyclables. NSW Councils are continuing to collect household recyclables and continue to transport them to the Hume MRF.

The reestablishment of the ACT MRF is likely to take two years.

As part of ongoing discussions, Regroup have proposed options to ensure the continuity of the recycling service for Yass Valley Council and surrounding Councils.

Regroup have agreed to continue with the current arrangement of delivery to Hume with product being transported offsite for processing the arrangement offered will be on a month-by-month basis at this stage. Materials delivered to Hume will either be transported to Regroups site and Enfield in Sydney or to a third-party processing plant in Melbourne that has capacity to handle the extra capacity.

2. Proposed Offer

Regroup is offering a continuation of service to Council for recovery of recyclable materials from 1 February 2023. In light of the changes to their operations, Regroup has significantly increased its price applicable from the 1 February 2023. This will impact on the rateable kerbside collection service in Yass Valley in the next two financial years which will need to be considered as part to the 2023/24 and 2024/25 budgets.

3. Alternate Options

A meeting was convened by the CRJO between member Councils to discuss what options may be available to affected Councils. At this stage discussions are ongoing with regional smaller MRFs to determine if they can be staffed to process additional recyclables and if they further capacity.

Additionally, the CRJO will forward letters lobbying Federal and State Government, and EPA requesting that assistance be forthcoming in the interim to assist in offsetting the increased cost to kerbside collections.

STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN4: Water, waste and sewerage services meet the needs of our community
Strategies	IN4.3 - Our recycling and waste management practices are accessible and efficient
Delivery Program Action	Operate domestic waste and recyclables collection service

ATTACHMENTS: Nil

6.12 DRAFT 2021/22 FINANCIAL STATEMENTS

SUMMARY

In accordance with s413 *Local Government Act 1993*, approval is sought to refer the Draft 2021/22 Annual Financial Statements to Council's external auditor. Council's draft unaudited financial performance resulted in a net operating surplus of \$19,605k. In addition, the total cash, cash equivalents, and investment assets increased by \$1,920k to \$35,675k. In view of the financial performance and financial position highlighted in the above analysis, Council's current financial position and cash flow is considered sound and stable as at the reporting date.

RECOMMENDATION

That:

1. *The Draft 2021/22 Financial Statements be referred to the NSW Audit Office.*
2. *The Statement of Councillors and Management be signed in accordance with s413 (1), (2) and (3) Local Government Act 1993.*
3. *On receipt of the Audited Reports, forward a copy to the Office of Local Government.*

FINANCIAL IMPLICATIONS

Council's financial result may impact future decision making.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

Deloitte has been auditing Council's records since November 2022 and it is now expected to be completed by March 2023. Council has been requested by Deloitte and the Audit Office to apply to the Office of Local Government for three time extensions for submission of the audited 2021/22 Financial Statements. The audited financial statements are now due to the Office of Local Government no later than 31 March 2023.

Council's draft financial statements for the year ended 30 June 2022 were submitted to Deloitte for audit in November 2022. Council requested a delay of 1 week in November 2022 but due to staffing changes and late testing requests by Deloitte, and issues with the transition to the Cloud version of Magiq, the 2021/22 external audit is only now being finalised. The Audit Office has advised that they expect to provide the audited financial statements in time for the March 2023 Council Meeting. Refer to **Attachment A** for a copy of the draft 2021/22 Financial Statements.

This report deals with the following items that highlight Council's financial performance and financial position for the financial year of 2021/22:

- Operating results for the year ended 30 June 2022,
- Financial position at 30 June 2022,
- Cash and investments position, and
- Financial performance indicators.

1. INCOME STATEMENT - OPERATING RESULTS

The income statement represents all items of income and expense recognised in the financial year resulting from its operating activities together with the equity accounted investments. A summary of Council's operating result for the financial year ended 30 June 2022 is as follows:

Continuing Operations (\$'000)	2021/22	2020/21	Change +/-
Total Income	54,472	49,591	4,881
Total Expenses	34,891	33,969	922
Net Operating Result for the Year	19,581	15,622	3,959
Net Operating Result before Capital Income	1,131	(2,200)	3,331

Council's net operating result for the year has generated a surplus of \$19,581k, which is an increase of \$3,959k as compared with 2021, primarily attributable to several material items, including:

- Total rates and annual charges increased by \$607k or 3.36% compared with last year, resulting from a \$396k or 3.55% increase in ordinary rate income and a \$211k or 3.05% increase in annual charges,
- Grants and contributions provided for operating purposes increased by \$1,701k or 27.31%, and grants and contributions provided for capital purposes increased by \$628k or 3.52% compared with 2021,
- Other income increased by \$2,369k resulting from councils' investment property being revalued,
- Salaries and wages increased by \$627k or 6.98% from last year, and
- Total net loss from assets disposal increased by \$680k or 38.37% compared with last year.

A detailed analysis of Council's financial performance for the year ended 30 June 2022 compared with last year is provided below.

1.1 Total Income from Continuing Operations

Total income from continuing operations increased by \$4,881k or 9.84% as compared with 2021.

The major changes by revenue type are summarised below:

Income from Continuing Operations (\$'000)	2021/22	2020/21	Change +/-
Rates and annual charges	18,663	18,056	607
User charges and fees	5,883	6,084	(201)
Other revenues	607	792	(185)
Grants and contributions – Operating purposes	7,929	6,228	1,701
Grants and contributions – Capital purposes	18,450	17,822	628
Interest and investment income	201	239	(38)
Other income	2,739	370	2,369
Total	54,472	49,591	4,881

Rates and Annual Charges

Total rates and annual charges increased by \$607k or 3.36% compared with last year, resulting from a \$396k increase in ordinary rate income and a \$211k increase in annual charges, attributable to the following:

- The IPART determination of a 2.0% rate peg increase for the 2021/22 year increased rates by \$228k. All other adjustments were from sub-divisions, or changes in the number of assessments that occurring during the year. Resulting in rates increasing by an additional \$125k. There was also a carry forward amount of \$20k for 2021, as reported in Special Schedule – Permissible Income for General Rates.
- The annual charges for waste management (domestic and non-domestic), water supply services, sewerage services and stormwater management collectively increased by \$211k

or 3.05% compared with 2021, primarily attributable to the growth of service delivery in accordance with 2021/22 Operational Plan.

User Charges and Fees

User charges and fees decreased by \$201k or 3.30% compared with 2021, mainly attributable to the reduction of the specific user charges (water, sewerage, and trade waste services) by \$177k and the statutory and regulatory functions user fees (town planning and building regulatory, Section 10.7 Certificates and Section 603 Certificates) by \$98k. This was offset by an increase in emergency services of \$114k.

Other Revenue

Other revenue decreased by \$185k or 23.35%, mainly attributable to \$199k error in GST credits on transactions from GST suspense account. This was adjustment for in 2021.

Grants and Contributions provided for Operating Purposes

Grants and contributions provided for operating purposes increased by \$1,701k or 27.31% compared with 2021, mainly attributable to the following:

- A \$1,260k increase in Financial Assistance Grant (FAG) resulting from the FAG advance payment being increase to 75% received in June 2022, compared with the previous FAG advance payment at 50% in 2021. In addition, the FAG amount was increased by \$96k for 2021/22,
- \$712k increase in grant revenue recognition for water supplies in relation to project 5027034 WTP upgrade stage 1 construction,
- A \$90k of COVID-19 Community Grant received in January 2022, and
- \$454k reduced to regional roads block grant.

Grants and Contributions provided for Capital Purposes

Grants and contributions provided for capital purposes increased by \$628k or 3.52% compared with 2021, mainly attributable to the following:

- \$2,300k decrease in grant revenue recognition for water supplies in relation to project 5027034 WTP upgrade stage 1 construction,
- \$1,224k increase in grants revenue recognition of transport for contributions regional roads and block grant,
- \$4,304k increase in grants revenue recognition for other roads and bridges renewal,
- \$282k decrease in grants revenue recognition for parks and recreation,
- \$995k decrease in the subdivision dedications of non-cash contributions, and
- \$1,323k decrease in the developer contributions (\$748k cash and \$575k non-cash).

Interest and investment income

Interest and investment income decreased by \$38k or 15.89% compared with 2021, mainly attributable to the decrease in the investment portfolio, which was \$118k in 2022, down from \$205k in 2021, this resulted a \$87k reduction of investment return over the period and reflected Council's conservative and short-term investment strategy.

Other Income

Other income increased by \$2,369k compared with 2021, mainly attributable to the investment properties revaluation with a fair value increment of \$2,338k as at the reporting date.

1.2 Total Expenses from Continuing Operations

Total expenses from continuing operations increased by \$4,881k or 9.84% as compared with 2021. The major changes by revenue type are summarised below:

Expenses from Continuing Operations (\$'000)	2021/22	2020/21	Change +/-
Employee benefits and oncosts	12,448	11,871	577
Materials and services	10,121	10,113	8
Borrowing costs	845	896	(51)
Depreciation and amortisation	8,017	8,113	(96)
Other expenses	1,008	1,204	(196)
Net loss from assets disposal	2,452	1,772	680
Total	34,891	33,969	922

Employee benefits and oncosts

Total employee benefits and oncosts for the year increased by \$577k or 4.86% as compared with 2021.

Employee benefits and oncosts (\$'000)	2021/22	2020/21	Change +/-
Salaries and wages	9,604	8,977	627
Employee leave entitlements	1,434	1,537	(103)
Superannuation	1,106	1,027	79
Workers' compensation	256	288	(32)
Fringe benefits tax	48	33	15
Payroll tax	0	8	(8)
Total	12,448	11,870	578

The major contributions to the increase in employee costs were:

- Salaries and wages increased by \$627k or 6.98% from last year, attributable to a 2.00% salary increment from 1 July 2021 based on the Local Government (State) Award 2020, combined with the impact of filling vacant positions during the year.
- Employee leave entitlements dropped by \$103k or 6.70% compared with last year, mainly attributable to a higher-than-expected level of staff turnover in the year.

Materials and services

The expense item of materials and services represents all expense types not covered under employee, borrowing, depreciation and other costs. It includes expenses for materials and the cost of external resources and contractors relating to Council normal operational maintenance, function and activity works and administration costs.

The materials and services expense would therefore rise and fall directly in relation to Councils budgeted work programs and movements in the cost of sourced materials and contracts in accordance with the adopted Operational Plan each year.

Materials and Services (\$'000)	2021/22	2020/21	Change +/-
Raw materials and consumables	1,210	998	212
Consultancy costs	200	248	(48)
Contractor costs	3,824	4,508	(684)
Vehicle expense	1,027	831	196
Other (details refer Note B3-2)	3,860	3,528	332
Total	10,121	10,113	8

Total materials and services increased by \$8k compared with last year:

- Raw materials and consumables increased by \$212k, mainly attributable to additional \$231k local roads raw materials and consumable for the year,

- Contractor costs decreased by 684k, mainly attributable to the local roads and state roads contractor costs dropped by \$1,468k, but increases in contractors working in staff vacant positions, such as development services, were up by \$428k.

Borrowing costs

Total borrowing costs decreased by \$51k or 5.69% compared with last year, resulting from the reduction in interest component of annuity loan repayment over the period.

Depreciation and amortisation

Total depreciation and amortisation decreased by \$96k or 1.18% compared with last year. Please note that: Council has undertaken a revaluation of its water supply and sewerage supply network, together with the indexation of the infrastructure assets at the reporting date, all of which will impact on the depreciation expense next year.

Other expenses

Total other expenses decreased by \$196k or 16.27% compared with last year, mainly attributable to:

- A \$23k provided for the user charges and fees impairment of receivables, and
- A \$212k decrease in the levies of emergency services for FRNSW, SES and RFS.

Net loss from asset disposals

Total net loss from assets disposal increased by \$680k or 38.37% compared with last year, mainly attributable to the disposal of the net residual value of infrastructure asset because of asset renewals.

2. FINANCIAL POSITION

Statement of financial position represents the current and non-current assets and liabilities, equity, and reserves as at the reporting date. A summary of Council's financial position follows:

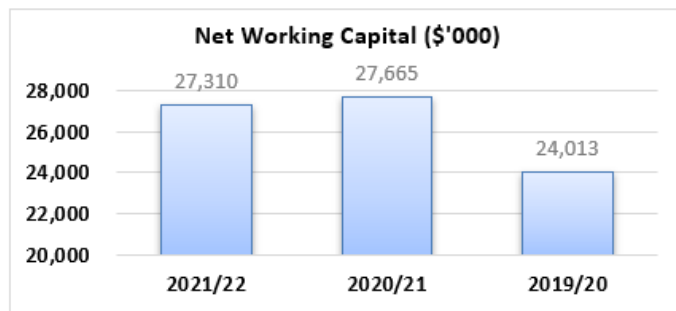
Financial Position (\$'000)	2021/22	2020/21	Change +/-
Current Assets	45,512	40,573	4,939
Current Liabilities	(18,202)	(12,912)	5,290
Net Working Capital	27,310	27,661	(351)
Non-current Assets	485,168	434,477	50,691
Non-current Liabilities	(14,993)	(15,794)	(801)
Total	497,485	446,344	51,141

Council's net asset position as at 30 June 2022 increased by \$51,141K when compared with last year, primarily attributable to:

- A \$351k decrease in net working capital
- A \$50,691k increase in non-current assets
- A \$801k decrease in non-current liabilities

2.1 Working Capital

Working capital measures, the working funds available for Council to use in Council's day-to-day continuing operations, calculated as total current assets minus total current liabilities.



As at the reporting date, Council's net working capital position was maintained at a similar level too that of last year, only slightly decreasing by \$351k which is less than 1.27% at the reporting date, mainly attributable to the following:

- \$221k increase in cash and cash equivalent,
- \$1,700k increase in investments of Short-term deposits maturity within 12 months,
- \$3,033k increase in contract assets for the grant funded projects. This amount is recoverable from the grant providers under the new AASB adopted in 2021,
- \$3,563k increase in accounts payable, due to the last creditor payments run being processed in July 2022,
- \$1,849k increase in contract liabilities for the grant funded projects; where the grant monies have been received, but the contract works are not enforceable, under the new AASB adopted in 2021, these monies must be classified as contract liabilities. These monies will be recognised as revenue in the next 12 months as the related projects are progressed.

2.2 Non-current Assets

Total non-current assets increased by \$50,691k from 2021 primarily attributable to the following:

- A \$48,564k increase in infrastructure, property, plant and equipment (IPPE) which resulted from the revaluation gain.
- \$31,560k from the IPPE rate peg percentage indexation and water/sewer supply network revaluation.
- plus a net increment of \$17,004k in IPPE (after offset for the disposals and depreciation) during the year, and
- A \$2,338k increase in investment property revaluation.

2.3 Non-current Liabilities

Total non-current liabilities decreased by \$801k from 2021 primarily attributable to the following:

- A \$178k decrease in lease liabilities from transferring plant and equipment lease to current liabilities,
- A \$682k decrease in borrowing from transferring next year loan repayments to current liabilities.

3. CASH AND INVESTMENTS POSITION

An important financial measure is Council's cash and investment position at the end of the reporting date. Cash received by Council for expenditure on specific items such as tied grants, water and sewer fund, stormwater levy, domestic waste management, and developer contributions, if not expended in the year, must be held as an externally restricted asset reserve. These funds are held by council along with other funds, identified by council, and set aside for future expenditure. These second group are known as an internally restricted asset reserve. These reserve assets are held in the form of either cash and cash equivalent or investment assets.

The table below indicates the result of cash and investments position as at 30 June 2022.

Cash and Investments Position (\$'000)	2021/22	2020/21	Change +/(-)
Cash and Investment Assets <u>at</u> July 1	33,754	30,020	3,734
Net cash inflow/(outflow) for the year	1,921	3,734	(1,813)
Total cash and investments <u>at</u> June 30	35,675	33,754	1,921
Less: Externally restricted assets	(26,798)	(26,113)	685
Less: Internally restricted assets	(8,850)	(7,585)	1,265
Net unrestricted cash and investments <u>at</u> June 30	27	57	(30)

The total cash and investment assets increased by \$1,921k to \$35,675k as at 30 June 2022 when compared with the 2021 total cash and investments position of \$33,754k an increase of 5.69%.

After allowing for restricted assets, both externally imposed by legislation and those set aside for specific internal purposes, Council has a net cash and investment surplus of \$27k as at the reporting date, which conforms to the Operational Plan for 2021/22 based on the adopted Long Term Financial Plan.

3.1 Externally Restricted Reserve Funds

As at 30 June 2022, the total externally restricted reserve funds of \$26,798k (2021: \$26,112k) are set aside in Council cash and investment assets, and are comprised of the following:

Externally Restricted Reserve Funds (\$'000)	2021/22	2020/21	Change +/(-)
Specific purpose unexpended grants	4,873	5,197	(324)
Developer Contributions	10,722	10,190	532
Water Fund	3,738	3,726	12
Sewerage Fund	4,222	4,057	165
Stormwater Management	250	231	19
Domestic Waste Management	2,993	2,711	282
Total	26,798	26,112	686

Specific purpose unexpended grants

The externally restricted reserve fund for specific purpose unexpended grants of \$4,873k (2021: \$5,197k), as at the reporting date, relates to grants and contributions received in advance. This funding is to construct infrastructure assets under enforceable grant contracts. The resulting assets will be under Council's control on completion. Details refer contract liabilities (Note C3-2).

Development Contributions

The externally restricted reserve fund for developer contributions has a balance of \$10,722k (2021: \$10,190k) at the reporting date. These monies have been received by council under the Developer Contribution Plan and have been set aside for the provision or improvement of

amenities or services by Council in accordance with s7.11 EP&A Act 1979. Refer Statement of Development Contributions (Note G3-1).

Water Fund

The externally restricted Water Reserve fund of \$3,737k (2021: \$3,726k), at the reporting date, is to be used only to preserve for Council's water network infrastructure operations. Refer Statement of Financial Position by Fund (Note D1-2).

Sewerage Fund

The externally restricted Sewerage Reserve Fund of \$4,222k (2021: \$4,057k), at the reporting date, is to preserve for Council sewerage network infrastructure operations. Refer Statement of Financial Position by Fund (Note D1-2).

Stormwater Management

The externally restricted Stormwater Management Reserve Fund of \$250k (2021: \$2,711k), at the reporting date, is the accumulation of monies levied under s496A LG Act 1993 to preserve for the provision and maintenance of the drainage infrastructure operations.

Domestic Waste Management

The externally restricted Domestic Waste Management Reserve Fund of \$2,993k (2021: \$231k), at the reporting date, is derived from the annual charges to all rateable properties to provide and preserve for; the provision of transfer stations and the management of environmental waste matters, provision for additional infrastructure and improvements to accommodate waste disposal at all transfer stations, and provision for the purchase, maintenance and upgrade waste and recycling bins and infrastructure throughout the Council area.

3.2 Internally Restricted Reserve Funds

Other than the cash, cash equivalents and investments not subject to externally restrictions, Council has allocated the remaining cash and investment assets as Internally Restricted Reserve funds in accordance with Council's resolutions and Council's Management plan purposes.

These internally restrictions are at the discretion of Council and, as such, they are not necessarily to be subtracted from the "Total cash, cash equivalents and investments" as referenced to in the OLG Code of Accounting Practice and Financial Reporting 2021/22.

As at 30 June 2022, the total internally restricted reserve funds of \$8,850k (2021: \$7,585k) are set aside in Council cash and investment assets. They comprise of the following:

Internally Restricted Reserve Funds (\$'000)	2021/22	2020/21	Change +/-
Plant and vehicle replacement	1,906	2,043	(137)
Employees leave entitlements	919	820	99
Carry over works	691	1,777	(1,086)
Binalong pool	22	21	1
Comur Street rehabilitation	20	20	-
Land and assets	1,453	1,453	-
Council election	135	135	-
Murrumbateman Library School ground	123	123	-
Quarry rehabilitation	106	106	-
Roads	44	369	(325)
Victoria Park	578	621	(43)
Electricity savings reserve	97	97	-
Financial assistance grant (advance for 2023/24)	2,756	0	2,756
Total	8,850	7,585	1,265

Financial Assistance Grant

The Financial Assistance Grant (FAG) is a government grant provided annually for general operations in the budget year, for which the funding is intended. Council has received \$2,756k FAG advance for 2023/24 financial year. Council has decided to internally restrict these funds as at the reporting date. These funds would be unrestricted on the first day of the new financial year, vastly changing the available monies for expenditure. The increase would affect the total unrestricted funds dramatically and increase it from \$27k to over \$2,783k. This indicates that council is both conservative in its approach and has a positive balance after the provision for preserve funds, both externally and internally.

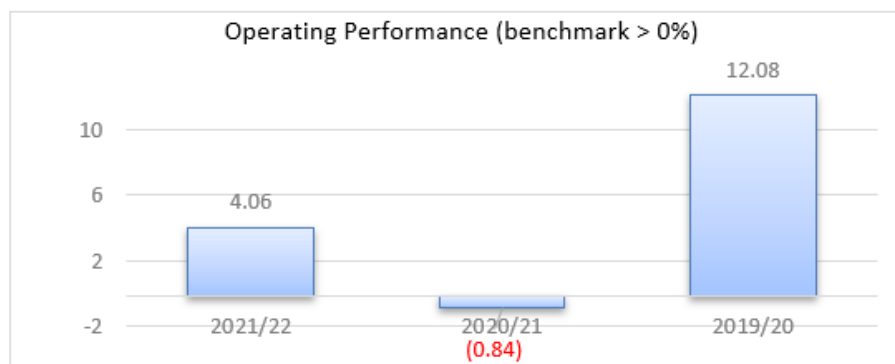
4. FINANCIAL PERFORMANCE INDICATORS

Council financial performance indicators continue to be favourable when compared to generally accepted industry benchmarks.

Performance Measurements	2021/22	2020/21	2019/20	Benchmark
Operating performance ratio	4.07%	(1.35%)	12.08%	>0.00%
Own source operating revenue ratio	49.40%	51.50%	60.23%	>60%
Unrestricted current ratio	2.44x	3.25x	1.39x	>1.50x
Debt service cover ratio	5.30x	3.58x	3.20x	>2.00x
Rate and annual charges outstanding ratio	5.59%	6.25%	5.78%	<10%
Cash expense cover ratio (month)	16.41	14.71	9.37	>3.00
Building and infrastructure renewals ratio	343%	239%	112%	>100%

4.1 Operating performance ratio

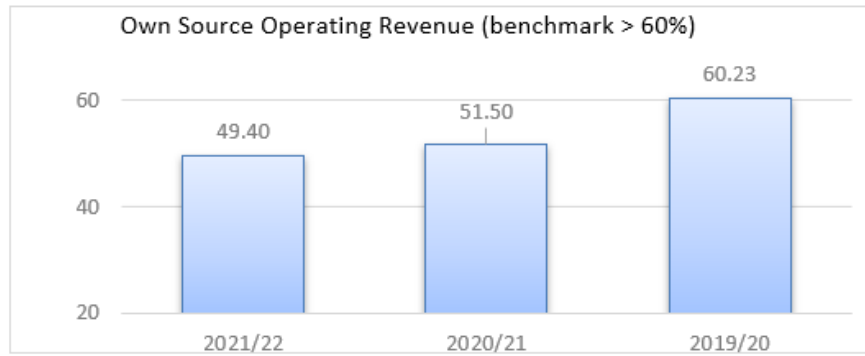
The operating performance ratio measures the extent to which Council has succeeded in containing operating expenditure within operating revenue, excluding capital grants and contributions, fair value adjustments and revaluation decrements.



For the financial year ended 30 June 2022, Council recorded the net operating result (excluding capital grants and contributions, net loss on asset disposals and investment property revaluation increment) of \$1,366k (2021: -\$428k) and the total operating revenue before the capital grants and contributions of \$33,686k (2021: \$31,769k), giving the operating performance ratio to 4.06% (2021: -1.35%), well above the OLG benchmark.

4.2 Own source operating revenue ratio

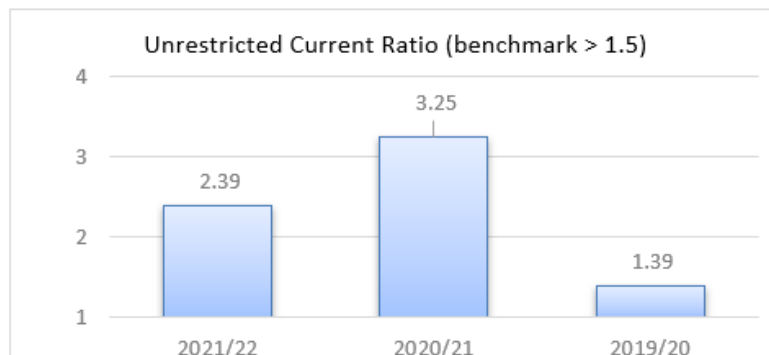
The own source operating revenue ratio measures Council's financial flexibility on the degree of reliance on its own source revenue to the external funding sources, both operating and capital grants and contributions.



The own source operating revenue ratio for the year is 49.40% (2021: 51.50%), maintained at a similar level as last year, but lower than the OLG benchmark, mainly attributable to the FAG advance increased to 75% from previous 50% to \$2,756k (2021: \$1,595k), coupled with more capital grants and contributions for the year.

4.3 Unrestricted current ratio

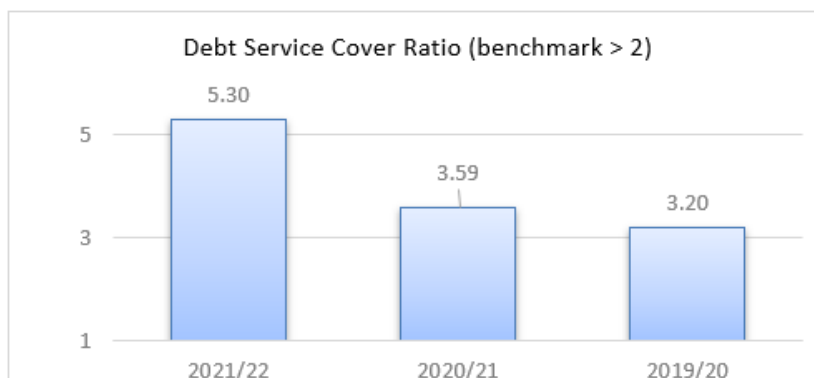
The unrestricted current ratio is a measure of the adequacy of working capital to satisfy obligations in the short term for the unrestricted activities of Council, excluding external restrictions.



As at the reporting date, Council unrestricted current ratio has achieved the OLG benchmark with a ratio of unrestricted current assets 2.39 times over unrestricted current liabilities.

4.4 Debt Service cover ratio

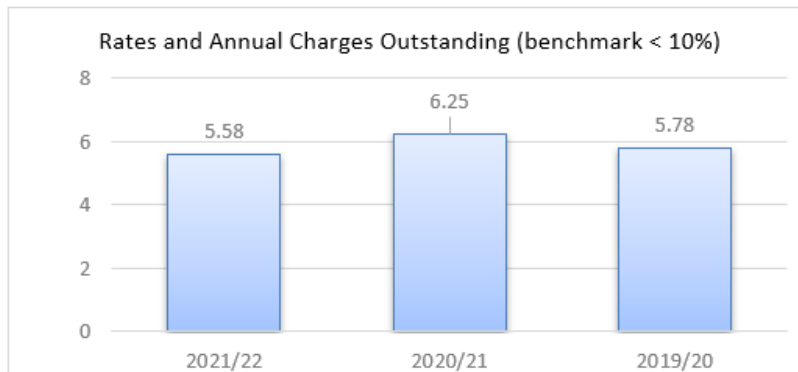
The debt service cover ratio is a measure of the degree to which revenues from operating activities excluding capital items and specific purpose grants and contributions are committed to the repayment of debt.



As at the reporting date, Council debt service cover ratio has achieved the OLG benchmark with a ratio of operating result before capital revenue excluding interest and depreciation (EBTDA) of 5.30 times over the net debt service costs.

4.5 Rate and annual charges outstanding ratio

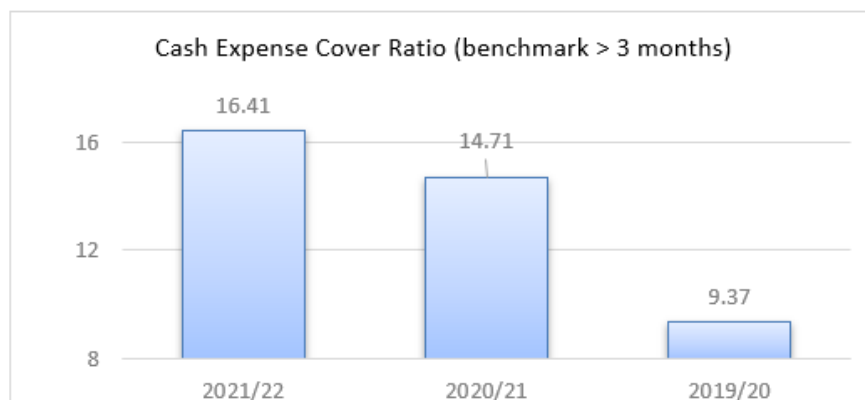
The ratio is to assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.



As at the reporting date, Council rate and annual charges outstanding ratio has achieved the OLG benchmark with a ratio of rates and annual charges outstanding 5.59 times over rates and annual charges collectible.

4.6 Cash expense cover ratio (month)

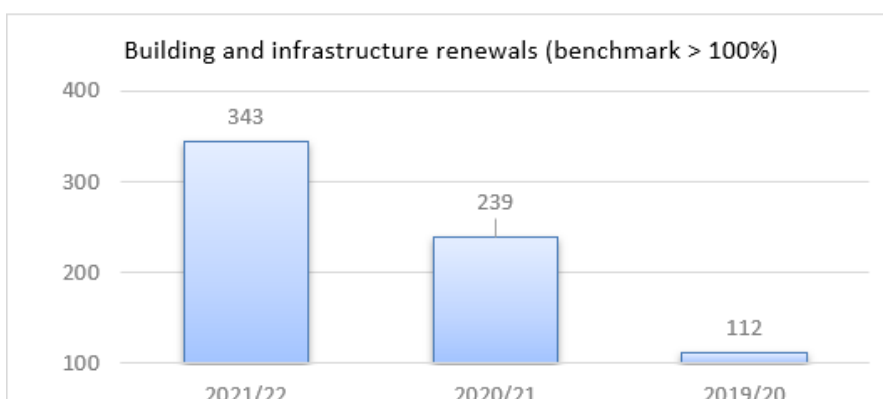
The cash expense cover ratio indicates the number of months Council can continue paying for its immediate expenses without additional cash inflow.



As at the reporting date, Council cash expense cover ratio has achieved and exceeded the OLG benchmark with a ratio of 16.41. Indicating that the cash equivalents and short-term deposits can cover 16.41 months of payments flowing from financial activities for the year.

4.7 Building and infrastructure renewals ratio

The building and infrastructure renewals ratio is an indication of the ratio of asset renewal to the annual depreciation of buildings and infrastructure. It reflects the percentage at which these assets are being renewed relative to the rate at which they are depreciating or amortising over the period.



The building and infrastructure renewals ratio significantly increased to 343% for the financial year as compared with last year 239%, resulted from the completion of major contractual capital projects of roads, water and sewerage networks for the financial period.

Conclusion

Council's overall operating performance and cashflow position for the year ended 30 June 2022 are in line with the 2021/22 Operation Plan and Budget.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL2: Council is a financially sustainable organisation that can meet community needs
Strategies	CL2.1 - Manage resources in a responsible manner that supports the ongoing viability of Council
Delivery Program Action	Abide by Accounting Standards and OLG accounts regulations

ATTACHMENTS: A. Draft 2021/22 Financial Statements [⇒](#)

6.13 INVESTMENTS AND BORROWINGS REPORT - DECEMBER 2022 AND JANUARY 2023

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 January 2023. 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 for December 2022 and January 2023 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

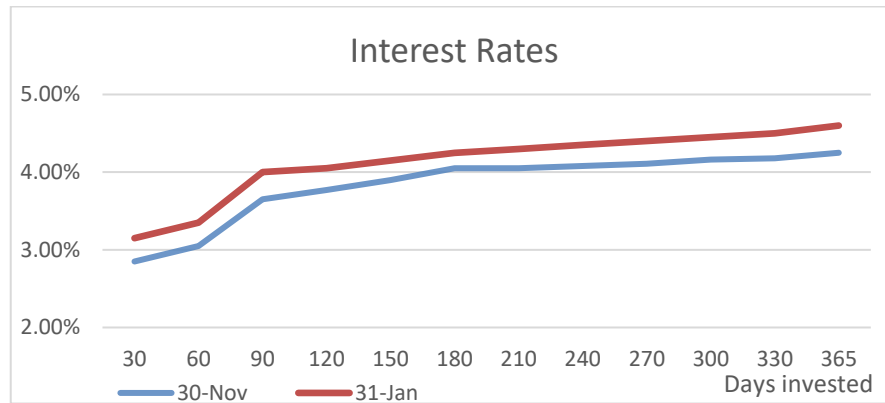
1. Comments on Economic Climate:

The following comments are sourced from the 1 February 2023 edition of "Economic commentary" published by Tcorp (NSW Government).

Recent data suggests that the Australian economy is slowing. Building approvals continued to trend lower in November, surveyed business conditions deteriorated, and retail sales fell much more sharply-than-expected in December.

December quarter CPI data was stronger than markets expected, with annual headline and trimmed mean inflation rising by 7.6% and 6.5%, respectively. Part of the upside surprise came from larger-than-expected price rises for domestic and international travel. Even though the CPI data was broadly consistent with the RBA's inflation forecasts, investors nevertheless priced in a greater chance of a 25bps rate rise by the RBA in February and revised up their expectations for the peak level of the cash rate. Despite a surprise fall in employment, the labour market remained very tight in December. The unemployment rate was unchanged at (an upwardly revised) 3.5% in the month.

Interest rates are rising which means that in addition to planning investments around a combination of cash flow expectations, creating buffers in case reality varies from expectations, and seeking the best current rates, we are also contemplating whether it would be prudent to keep terms short to be better able to take advantage of future interest rate rises. Looking back over the last couple of months we can calculate in hindsight whether locking in early or waiting to see what happens would have provided better returns. Interestingly the different strategies would have produced almost identical outcomes.



We currently have the bulk of our funds invested in staggered 90 day rollovers with individual investments maturing most weeks.

2. Summary of movements in Council Investments

Six investments matured and 5 new investments were created during December 2022, and 5 matured and 6 new investments were created during January 2023.

Opening Balance 30 November 2022	\$27,000,000
Less: 6 x Maturities	\$7,000,000
Add: 5 x New Deposit	\$5,500,000
Balance at 31 December 2022	\$25,500,000
Less: 5 x Maturities	\$8,100,000
Add: 6 x New Deposit	\$8,000,000
Closing balance at 31 January 2023	\$25,400,000

Council is currently conforming with its investment ratios. Information on Council's investments is detailed in the attachments.

3. Council Loans

Council has four loans with a balance of \$14.59M owing on 30 June 2022. This will reduce by \$810,325 during the year, reducing to \$13.78M on 30 June 2023. The table below provides loan details. Indicative repayments for 2022/23 are shown for both principal and interest.

	Balance 30 June 2022	Balance 30 June 2023	Interest Rate	Comment	Principal 2022/23	Interest 2022/23
General Loan	\$0	\$0			\$0	\$0
Sewer: CBA Sewer Infrastructure	\$3,593,096	\$3,399,115	4.82% Fixed	20 years, repaid in 2035/36	\$193,981	\$169,757
Water: Westpac Yass Valley Dam Wall	\$8,276,585	\$8,121,843	5.36% Fixed	20 years, Amortisation, 10 years term to Aug 2032	\$154,741	\$355,937
Water: Yass to M'bateman	\$1,761,055	\$1,528,248	2.55% Fixed	10 years, fully repaid in 2029	\$232,807	\$42,692
Water main and pump station upgrades	\$962,226	\$835,022	2.55%	10 years, fully repaid in 2029	\$127,204	\$23,327
Total loans	\$14,592,962	\$13,782,636			\$810,325	\$732,220

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL2: Council is a financially sustainable organisation that can meet community needs
Strategies	CL2.1 - Manage resources in a responsible manner that supports the ongoing viability of Council
Delivery Program Action	Actively manage investments

ATTACHMENTS: A. December 2022 Investments Report [⇒](#)
B. January 2023 Investments report [⇒](#)

6.14 DELIVERY PROGRAM SIX MONTH PROGRESS REPORT

SUMMARY

In line with the Integrated Planning and Reporting (IP&R) Framework, Council is required to report on progress against the actions and activities identified in its Delivery Program. This report contains the status of actions and activities undertaken for the period 1 July 2022 to 31 December 2022.

RECOMMENDATION

That the six monthly Progress Report for the 2022 – 2026 Delivery Program for period 1 July 2022 to 31 December 2022 be noted.

FINANCIAL IMPLICATIONS

This is a progress report against Council's adopted Key Performance Indicators for the Delivery Program and Operational Plan.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Local Government Regulations 2005*
- Integrated Planning and Reporting Framework

REPORT

The report provided at **Attachment A** tracks progress against the actions and activities adopted by Council in its 2022 - 2026 Delivery Program and across the period 1 July 2022 to 31 December 2022.

The report highlights significant achievements against the Community Strategic Plan for all the actions and activities that have been completed and summarises actions that have not been completed.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovate organisation
Strategies	CL1.4 - Governance provides a sound basis for decision making
Delivery Program Action	Decisions made in accordance with LG Act and Regulations

ATTACHMENTS: A. Performance Reporting July to December 2022 [↗](#)

6.15 CLASS ACTION BY RICHMOND VALLEY COUNCIL AGAINST JLT

SUMMARY

To provide an update on the class action by Richmond Valley Council against JLT

RECOMMENDATION

That the report on the class action by Richmond Valley Council be noted.

FINANCIAL IMPLICATIONS

Nil at this point in time

POLICY & LEGISLATION

Nil

REPORT

The judgement in the class action by Richmond Valley Council against JLT was handed down in the NSW Supreme Court on 19 December 2022. The judgement found in favour of JLT and comes after proceedings were brought on behalf of a number of Councils across NSW in 2018.

An appeal has been lodged and Council will be kept informed as information comes to hand.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovative organisation
Strategies	CL1.6 - Council actively participates in regional bodies such as CRJO to identify innovations and opportunities for our region
Delivery Program Action	Ongoing participation in CRJO and regional interest groups to identify and action (where possible) opportunities for our region

ATTACHMENTS: Nil

6.16 YASS MUSIC CLUB REQUEST FOR FINANCIAL SUPPORT

SUMMARY

The Yass Music Club (est. 1953) is celebrating 70 years of providing fine music to the Yass Valley region. The group is looking for Council support for its 2023 season.

RECOMMENDATION

That the Yass Music Club be provided with financial assistance to the value of \$7,000 through reallocation of unused 2022/23 Section 356 Financial Assistance funds.

FINANCIAL IMPLICATIONS

Council has unspent 2022/23 Section 356 Financial Assistance funds that could be reallocated.

POLICY & LEGISLATION

- Financial Assistance, Grants and Donations Policy

REPORT

The Yass Music Club (YMC) has been providing fine music for 70 years as part of its Charter. Local artists perform alongside international performers. It is part of the Federated Music Clubs of Australia-NSW Council Incorporated and has managed their financials until Covid-19. During Covid-19 YMC continued to pay 50% of musicians' fees of four concerts cancelled in 2021. In 2022 YMC, due to the continued pandemic, were not in a financial position to continue to pay artists any of their fees for three cancelled concerts and are looking for assistance to return to 100% performance fees.

All program for the 2023 Concerts (**Attachment A**) will be undertaken at the Yass Soldiers Memorial Hall. It is the longest, continuously running music club in Australia.

If Council is able to provide financial assistance, it will be acknowledged in all promotional material.

The YMC normally engages the Yass Hospital Auxiliary to cater for all concerts, which spreads the benefits to other community groups.

The YMC's charter is to "Bring Fine Music to Yass Valley" to assist local performers, which allows any member of our community to purchase a ticket to attend any of our concerts, which in turn assists local performers.

The YMC has a range of benefits it brings to the community, including music scholarships to at least six (6) students every year, over recent decades.

It is recommended that Council provide financial assistance to the YMC's 2023 program.

STRATEGIC DIRECTION

CSP Theme	Our Community
CSP Strategy Objective	CO2: We have a vibrant, inclusive, and creative community life
Strategies	CO2.2 - Creative expression through arts and culture is encouraged
Delivery Program Action	Assistance provided to community groups for arts and culture activities or events

ATTACHMENTS: A. 2023 Yass Music Club Program [↗](#)

6.17 FEDERAL GOVERNMENT FUNDING FOR TROVE

SUMMARY

Trove, the National Library of Australia's expansive public digital archive is used by local historians, family historians and researchers. Trove provides access to the National Library of Australia (NLA) collections and the collections of other cultural institutions, ensuring they are available to all Australians free of charge, regardless of where they live and who they are, receiving over 20 million visits per year. It is now feared that the Federal Government will remove funding for Trove.

RECOMMENDATION

That:

1. *Representation be made to the local Federal Member, Hon. Kristy McBain, in relation to the need for a sustainable Federal funding model for the continuation of free access to the Trove National Database and upgrade of the digital archive systems of Trove.*
2. *Representations be made to the Hon. Tony Burke, Federal Minister for the Arts and the Hon. Paul Fletcher, Shadow Minister for Science, and the Arts, calling for sustainable funding to ensure the continuation of free access to the Trove National Database and upgrade of the digital archive systems of Trove.*
3. *The actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove National Database and upgrade of the digital archive systems of Trove be endorsed*

FINANCIAL IMPLICATIONS

This could have the potential of the need for additional staff in the Library, as well as increased funds to provide services current funded.

POLICY & LEGISLATION

Nil

REPORT

1. Background

In 2022, Trove Collaborative Services (TCS) introduced a new pricing model which raised serious concerns regarding the affordability and ongoing viability of participation in resource sharing for New South Wales public libraries.

Hundreds of organisations, including libraries across NSW, contribute to Trove, to ensure it remains the single national database within Australia. The change in subscription model has seen approximately 13% of libraries across NSW withdraw their contributions due to the significant fee increases, resulting in implications for the integrity of Trove. Further funding cuts, due in July 2023, will magnify this situation.

In addition, TCS has indicated that they will no longer support the National Document Delivery system (LADD) for resourcing sharing, raising concerns for library staff about the longer-term impact on inter-library loans (ILLs). ILLs are a vital and core service of public libraries, allowing open, democratic access to quality information for all community members, resulting in an inclusive, informed and connected communities.

Without additional funding the NLA will be unable to maintain Trove and therefore the people of NSW (and Australia) will no longer have access to Trove and the ability to search the 6 billion records on the

National treasure trove of artefacts, curiosities, and stories from Australia’s cultural, community and research institutions.

In July 2022 NSW Public Libraries Association (NSWPLA) wrote to the Minister for the Arts, Hon. Tony Burke expressing concern regarding the National database being under threat due to the lack of funding with the last tranche of funding expiring in July 2023. The NSWPLA also expressed their concern for the affect this would have on the community and stated what a travesty it would be if the single National treasure trove of artefacts, curiosities, and stories from Australia’s cultural, community and research institutions; a database of more than 6 billion digital items, is no longer be fully maintained or kept up to date or, worst case scenario unavailable. NSWPLA has not been successful in gaining a meeting with Minister Burke or his representative.

Trove is essential in providing equity of access to information across not only New South Wales, but the whole of Australia and further. It is a world-leading resource, free and available for anyone anywhere to use. Trove’s impact on research at all levels is immeasurable and its value to all Australians cannot be underestimated.

2. Implications for Yass Valley Council

For Council, by de-funding Trove our library will:

- Resort to original cataloguing for every item purchased and donated by our members. This will mean we will require a permanent full-time cataloguer as each item will take up to three weeks to process rather than one.
- For the inter-library loans system this will require another position to spend time searching individual library catalogues for items requested by our members and the processing of requests from other libraries.
- Remove searchable access to historical newspaper records. Currently Trove provides access to:
 - Yass Evening Tribune 1899-1928
 - Yass Courier 1854-1929
 - The 2 titles merged in 1929 and became the Yass Tribune-Courier 1929-present. Trove holds copies 1929-1955 with the newspaper more recently known as the Yass Tribune
- By removing this free access, we would require either another position to digitise copies of the newspaper as microfilms are unsearchable, or send the physical newspaper to a company to digitise them for us. The National Library does do digitisation work and as we are a financial member, they would charge us \$2 per page ex GSPT (at this point in time). This will become a duplicate project for what already exists on Trove, that we provided copies of newspapers to begin with.

3. Conclusion

Accordingly, it is recommended that Council supports the NSW Public Libraries Association by formally endorsing the actions of the Association in lobbying for additional sustainable funds for the continuation of free access to the Trove National database and upgrade of the digital archive systems of Trove.

STRATEGIC DIRECTION

CSP Theme	Our Community
CSP Strategy Objective	CO1 - Our health and wellbeing are supported by equitable access services
Strategies	CO1.1 - Our community is able to access information, health and services that support physical health and mental wellbeing
Delivery Program Action	Maintain and improve access to Library Information Technology

ATTACHMENTS: Nil

6.18 SOUTHERN TABLELANDS STEERING COMMITTEE ANNUAL REPORT

SUMMARY

The Southern Tablelands Steering Committee (STSC) is required to plan, lead, and execute actions arising from the Tablelands Destination Development Plan 2020 to 2025 (TDDP), under the direction of the Southern Tablelands Coordination Agreement (STCA). The 2021/2022 Annual Report provides an update of the projects undertaken throughout the year by the STSC members.

RECOMMENDATION

That the Annual Report of the Southern Tablelands Steering Committee be noted.

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

Nil.

REPORT

The 2021/22 STSC Annual Report reviews the financial statements, key projects undertaken and progress update against the Tablelands Destination Development Plan 2020-2025. This report depicts the achievements and outcomes from the 2021-2022 project plan, aligning with the development plan and benefiting the local Yass Valley Region the strategic partnership and collaboration of the Southern Tablelands. Through this partnership Yass Valley has been able to benefit from access to reporting (Visitor Metrics), education and skills training as well as industry development that would not have been accessible prior.

Below is the summary of key projects undertaken by the STSC for 2021/22:

- Project 1 – Regional Familiarisations
- Project 2 – Visitor Economy Metrics
- Project 3 – Industry Development Project
- Project 4 – Content Creation – Copy
- Project 5 – Events
- Project 6 – Professional Development
- Project 7 – Social Media Reporting
- Project 8 – The Southern Tablelands Trail Project (part 1)

STRATEGIC DIRECTION

CSP Theme	Our Economy
CSP Strategy Objective	EC2: The local and regional tourism offering is expanded, increasing visitation to the region
Strategies	EC2.4 - Foster strategic partnerships with tourism authorities to harness marketing and attraction opportunities
Delivery Program Action	Work with Destination New South Wales and Southern Tablelands Councils to implement the Southern Tablelands Brand Strategy

ATTACHMENTS: A. Southern Tablelands Steering Committee Annual Report 2021-2022 [⇒](#)

6.19 SUMMER HOLIDAY PROGRAM OVERVIEW

SUMMARY

Thanks to NSW State Government Summer Holiday grant program Council was able to offer an extensive range of varied events and activities during January 2023 across the Yass Valley for youth.

RECOMMENDATION

That the 2023 Summer Holiday Program Overview report be noted.

FINANCIAL IMPLICATIONS

Council contributed \$2,000 from its 2022/23 Operational Budget towards \$10,000 of grant funding.

POLICY & LEGISLATION

Nil

REPORT

The January 2023 Holiday program was able to provide a range of varied activities across many different locations within the Yass Valley (refer [Attachment A](#)).

We had approximately 300 children register for the activities. Some activities were sold out within the first week of advertising and we two hiccups due to poor numbers, the Powerhouse Museum bus trip was moved to a different date due to poor attendance on the day (the amended date saw 27 youth attend) and we had to cancel the Cary's Cave Tour due to poor registration numbers. [Attachment B](#) has a collage of photos from the program.

We received some very good feedback from the parents. It was difficult to attract youth above 15 years but we will continue to take feedback and offer programs to attract the older youth.

Staff are already planning the April 2023 holiday program. It will not be as large as the summer program as there has been no offer of grant funding due to the upcoming State Election. However, Council has a small fund within the 2022/23 Operational Plan to continue to offer activities.

Community Services staff have a Seniors Month of activities during February/March 2023 with over half the activities already booked out. We will also holding a wellbeing event to celebrate International Women's Day at Riverbank Park on 8 March 2023.

STRATEGIC DIRECTION

CSP Theme	Our Community
CSP Strategy Objective	CO2: We have a vibrant, inclusive, and creative community life
Strategies	CO2.1 - Events celebrate the identity of our towns and villages, heritage and culture
Delivery Program Action	Assist community with events or activities that celebrate identity, heritage and culture

- ATTACHMENTS:**
- A. 2023 Summer Break Program [⇒](#)
 - B. January 2023 School Holiday Program [⇒](#)

6.20 PROPOSED SCULPTURE, FAGAN DRIVE, BOOKHAM

SUMMARY

To present the recommendations of the Public Art Focus Group out of session discussions for a proposed sculpture in Fagan Drive, Bookham.

RECOMMENDATION

That the proposed sculpture to commemorate Dr Kevin Fagan submitted by the Bookham Community Association be endorsed subject to:

1. *A plaque (separate to the sculpture) including a photograph or sketch of Dr Fagan with some additional information regarding his service to the local community*
2. *Names of others who served not being included in the sculpture as the focus of the sculpture is to recognise Dr Fagan.*
3. *Obtaining a Roads Approval (including appropriate insurances and details of foundations for the structure).*

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- Public Art Policy
- Roads Act 1993

REPORT

A proposed sculpture to commemorate Dr Kevin Fagan has been submitted by the Bookham Community Association (refer **Attachment A**). The proposal is to be located in part of the unformed road reserve adjacent to Barney's Cafe.

An assessment against Council's *Public Art Policy* has been undertaken (refer **Attachment B**) and circulated to the Public Art Focus Group members for an out of session discussion. The general consensus for the members was to support the proposal subject to:

- A plaque (separate to the sculpture) including a photograph or sketch of Dr Fagan with some additional information regarding his service to the local community
- Names of others who served not being included in the sculpture as the focus of the sculpture is to recognise Dr Fagan. A separate memorial or honour board at the Bookham Soldiers Memorial Hall for all those that served would be more appropriate

It is recommended that the proposal be supported subject to:

- The suggestions by the Focus Group being incorporated into the proposal
- Obtaining a Roads Approval (including appropriate insurances and details of foundations for the structure)

STRATEGIC DIRECTION

CSP Theme	Our Community
CSP Strategy Objective	CO2: We have a vibrant, inclusive, and creative community life
Strategies	CO2.2 - Creative expression through arts and culture is encouraged
Delivery Program Action	Assistance provided to community groups for arts and culture activities or events

ATTACHMENTS: A. Dr Kevin Fagan Public Art Proposal, Bookham [⇨](#)
B. Assessment [⇨](#)

7.1 NOTICE OF MOTION - YASS & DISTRICT HISTORICAL SOCIETY

Councillor Jasmin Jones has given notice that at the Ordinary Council Meeting on 23 February 2023, she will move the following motion.

MOTION

That:

- 1. Council strongly advocates to the State Government to secure the use of the former NSW Ambulance building in Meehan Street as a short to medium term home for the highly valued volunteer run Yass & District Historical Society and its valuable collection and archives.*
- 2. The Yass & District Historical Society's collection to remain in situ during proposed 2023 building works should the Society wish for the collection to remain during this period of construction.*
- 3. The Council roofing contractors be instructed to provide sufficient tarps during the exposure of the roof during the proposed works to provide some level of protection from inclement weather.*
- 4. All accesses to the upstairs archives following the completion of the roof works be permitted for nominated Records Retrieval Officers of Yass & District Historical Society to access the collection based on a risk assessment a risk assessment and safe work method statement by the Society, in consultation with Council's Coordinator Risk Management, and a list of trained officers from the Society be provided to Council administration.*
- 5. In principle support be given to the Yass & District Historical Society, as the longest tenancy at the hall use to use the current Library rooms at the back of Memorial Hall following the relocation of the library to the Crago Mill Precinct.*
- 6. A written report on the risks associated with the current location of the Yass & District Historical Society collection be presented to Council (including load bearing risks to the structural integrity of the building, access issues).*

Councillor: Jasmin Jones, Councillor
9 February 2023

Chief Executive Officer Comments

Council staff have recently met several times with the Yass & District Historical Society to discuss the impacts of the proposed roof works to the Memorial Hall on the use of the Society's space within the Hall. The outcome from these discussions are as follows:

Short term options discussed:

- Tarps to cover the collection during Memorial Hall repairs, with no access to collection
- Ambulance Building usage
- Storage at Council building – only part of collection and no access would be available
- Storage at Community Centre
- Storage at YDHS Museum

The Society representative undertook to discuss with their committee on the options and to advise staff of their preferred option.

Council staff undertook to:

- Discuss with the building contractor to determine exact timeframe planned for works and any protection being provided to the building by the contractor and advise the Society of these works
- An on-site meeting to be organised with Society representatives, Council's Director Corporate & Community Services and Maintenance staff to discuss the requirements for the tarps to protect the collection
- Send letters of support to State Ministers and agencies for the Society to use the old Ambulance Station

- Prepare a report to the February 2023 Council meeting Council report recommending the Society have first preference for use of the current Library when the Civic Centre and New Library are finalised, as discussed with Councillors

In relation to the Notice of Motion the following comments are provided:

1. Letters to State Minsters and agencies advocating for the use of the old Ambulance Station in Meehan Street were sent on 9 February 2023. Local Member has advised that use of the old Ambulance station has been approved for a temporary use but the process of making it available may take some time.
2. The option of leaving the collection in situ and providing some protection has been offered to the Society. The Society has indicated that the tarps are not necessary but are boxing up parts of the collection not in cabinets.
3. Roofing contractor has advised they will be using tarps during the construction works to provide some weather protection.
4. Access to the collection following the completion of the roof works as suggested will be reviewed by staff to determine if this is an acceptable arrangement. Restricted access during and following construction has been negotiated subject to an alternate facilitate being secured.
5. A separate report on the Minutes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 9 February 2023 considers the option of the Society using the Library area once a new library in the Crago Precinct has been developed.
6. The report on the Memorial Hall Committee minutes includes information in relation to the building risks associated with the Society's archival collection

It is considered that items 1 to 4 and item 6 of the motion are not necessary as actions have already been taken or are being undertaken. Item 5 can be considered as part of the Yass Soldiers Memorial Hall Advisory Committee minutes included in these business papers. Taking into account the actions taken it is not necessary to make any determination on the Notice of Motion.

ATTACHMENTS: Nil

8.1 YASS SOLDIERS MEMORIAL HALL - LEASING OF OFFICE SPACE

Councillor Cameron submitted the following Question with Notice:

Following the decision to commercially let space at Yass Soldiers' Memorial Hall it was resolved by YVC at its meeting on October 27, 2022, Item 10.4 that.....'discussions be commenced with community organisations regarding options for future accommodation.' Can our CEO advise how many discussions have been held with community organisations about accommodation, the number of organisations with which YVC has met, when, and the outcomes of these meetings/discussions and dates for future meetings/discussions?

Response

Casual use of Council facilities are managed via an on-line booking system which indicates whether or not a facility is available or not. There are many community organisations that use these buildings on an as needs basis or for a regular booking.

Regular requests for more permanent use of Council facilities are received but this information is not easily retrievable from the records system without considerable staff resources to undertake a search.

In relation to meetings and discussions with the Yass & District Historical Society on their occupancy of the Memorial Hall, the Society has acknowledged that they have been discussion options for the archives collection for several years with Council staff. Several Council facilities were considered but found to be either unsuitable or unacceptable. It is not known if the Society pursued any other options.

In recent years Council had received several requests to use the vacant ground floor space and a formal Expression of Interest was organised. In August 2022 Expressions of Interests were sought for the use of the vacant ground floor spaces. Both the Historical Society and the Yass RSL Sub Branch were notified of the process. On 5 September 2022 an on-site meeting was held with prospective individuals to allow inspection of the ground floor rooms. In October 2022 Council were made aware of the options to either accept submissions with an Arts/Fashion Retail Focus or a Community Focus. Council determined to accept the submissions from the arts/fashion businesses.

Council staff are in regular meetings and discussions with the Historical Society. A meeting was held on 9 February 2023, an update on 13 February 2023 with news that the Ambulance Station may be available and most recently an on-site meeting on 15 February 2023 with a commitment for further meetings.

ATTACHMENTS: Nil

8.2 YASS & DISTRICT HISTORIAL SOCIETY POSSIBLE ASSISTANCE

Councillor Cameron submitted the following Question with Notice:

Why were no discussions held with Yass & District Historical Society about possible future accommodation options until after YVC issued an eviction notice giving the Society just 19 days to move 200 years of our historical records from upstairs in the Yass Soldiers' Memorial Hall with no offers of financial or other assistance to do this?

Response

Extensive discussions between Council staff and the Yass & District Historical Society have occurred. The Society were aware of the intended roof works and the delays in securing a builder and were supportive of the need for the works to be undertaken.

Discussions over several years have been undertaken with the Yass & District Historical Society on possible future accommodation options. Several Council facilities were considered but found to be either unsuitable or unacceptable. It is not known if the Society pursued any other options.

An Expression of Interest was received in 2022 from the Society to occupy space on the ground floor of Memorial Hall. Several other expressions were received from community organisations and businesses. In October 2022 Council were made aware of the options to either have an Arts/Fashion Retail Focus or a Community Focus. Council determined to accept the submissions from the arts/fashion businesses.

Once a builder was secured the Society was placed on notice of the need to vacate the building. It is acknowledged that this notice should have been for a longer period to allow the Society to make appropriate arrangements.

Council staff met with members of the Society on 9 February 2023 to discuss options for the archives i.e.

- Short term options discussed:
 - Tarps to cover the collection during Memorial Hall repairs, with no access to collection
 - Ambulance Building usage
 - Storage at Council building – only part of collection and no access would be available
 - Storage at Community Centre
 - Storage at YHS Museum
- Actions:
 - Staff discussion with contractor to determine exact timeframe planned for works and protection being provided to the building by the contractor and letter to email outcomes
 - Meeting with YHS reps and Director C&C, Maintenance and Asset staff to discussion tarp requirements – Director C&C will coordinate meeting
 - Council will send letters of support for the YHS to use the old Ambulance Station, to Property NSW and Ministers (with copies to YHS)
 - Director C&C will email the YHS with options discussed at meeting
 - CEO will organise a Council report and resolution for the YHS to have first preference for use of the current Library when the Civic Centre and New Library are finalised, as discussed with Councillors

A further update was provided to the Society on the 13 February 2023 with news from Minister Tuckerman that the Ambulance Station may be available.

A further meeting between Council staff and the Society was held on 15 February 2023. This was principally to discuss protection for the collection while building works were taking place however it was also to raise issues with access to the collection after construction had been completed. The following is a summary of the discussions

- The Society was advised the first floor is not suitable following a risk assessment, and why

- YDHS have started packing 'noncritical' items ready for moving
- It was agreed that there be no public access from 15 February 2023
- It was agreed that the entry from the ally will be closed from today (access will only be from inside to outside in case of emergency)
- Only access in and out of the Memorial Hall will be the main staircase
- After discussion, we agreed for a maximum of five YDHS members and one Council staff member to be present between 9am and 5pm every day for the next week. This is to assist with packing ready to move
- Staff have given a commitment to go down on 17 February 2023 afternoon to see how the packing is progressing
- A further meeting will be held on Wednesday 22 February 2023 to update each other on progress of new location, removalists, or covering the material ready for the roof work
- Council and YDHS will continue to speak with Minister Wendy Tuckerman, Property NSW, and Attorney General to secure either the Ambulance or Court House
- An email to be sent to YDHS to confirm the above arrangements confirmed at the meeting.

These arrangements have been communicated to the Society.

In addition Minister Tuckerman's staff are working on securing access to the ambulance station and are hopeful of having a decision within a week.

ATTACHMENTS: Nil

9.1 MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE AND RESCUE COMMITTEE HELD ON 1 DECEMBER 2022

REPORT

The minutes of the Local Emergency Management Committee and Rescue Committee meeting held on 1 December 2022 are included in **Attachment A** and **Attachment B**.

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

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

Accordingly the minutes are presented for information.

RECOMMENDATION

That the minutes of the Local Emergency Management Committee and Rescue Committee meeting held on 1 December 2022 be noted

ATTACHMENTS: A. Local Emergency Management Committee Minutes 1 December 2022 [⇒](#)

9.2 MINUTES OF THE CRJO BOARD MEETING HELD ON 9 DECEMBER 2022

REPORT

The minutes of the CRJO Board Meeting held on 9 December 2022 are included in **Attachment A**.

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 Board endorsed a *Regional Waste & Sustainable Materials Strategy 2022-2027* along with an *Action Plan* and determined to refer the Strategy to each member Council for endorsement. While staff have had some input into the preparation of the Strategy this is the first time Council has seen the report. Copies of the strategy and action plan are included in **Attachments B** and **C**.

In November 2022 Council endorsed a recommendation by the Sustainability Advisory Committee input into new and reviewed policies and strategies. Based on this decision is it considered appropriate that the Committee be tasked with providing Council with comments on the Strategy before formally considering the document. Accordingly, it is recommended that the strategy be referred to the Sustainability Advisory Committee. Once the Committee has provided comments a report will be presented to Council for consideration.

The Board determined the membership fees for 2023/24 Financial Year. The fees are to increase by the amount of the IPART imposed rate cap (3.7% in 2023/24) with the addition of the 2023/24 membership fees including the lost income from the East Gippsland membership. It is recommended that the increased membership fees for 2023/24 be included in the 2023/24 Operational Plan.

RECOMMENDATION

That the minutes of the CRJO Board meeting held on 9 December 2022 and adopt the following alternate recommendations:

Item 11.2 Waste and Sustainability Materials Strategy 2022-2027

That the Waste and Sustainability Materials Strategy 2022-2027 be referred to the Sustainability Advisory Committee for comments to Council for consideration.

Item 11.3 Canberra Region Joint Organisation Membership Fees

That the 2023/24 CRJO increased membership fees be included in the 2023/24 Operational Plan.

ATTACHMENTS:

- A. CRJO Board Minutes 9 December 2022 ➡
- B. Regional Waste & Sustainable Materials Strategy 2022/27 ➡
- C. Regional Waste & Sustainable Materials Strategy 2022/27 Action Plan ➡

9.3 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE MEETING HELD ON 31 JANUARY 2023

REPORT

The minutes of the Sustainability Advisory Committee meeting held on 31 January 2023 are included in **Attachment A**.

From these minutes there are two items which covers matters 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 has acknowledged that Council will be making a submission on the draft *South East & Tablelands Regional Transport Plan*. The broad issues raised by the Committee have been included in the report to Council on the Regional Transport Plan.

The Committee has recommended that representatives from the Committee brief Councillors individually on the draft Sustainability Policy and Sustainability Assessment Framework. It is not appropriate for Committee members to effectively lobby Councillors individually. The Committee addresses Council via its reports and recommendations. It is acknowledged that there are some complexities in the draft policy and framework which would be more appropriately discussed in a Councillor Workshop. On this basis a Councillors Workshop was scheduled for 14 February 2023 for Committee representatives to address Councillors.

At the Councillor Workshop there were some concerns with the draft policy and the assessment framework eg

- Both the policy and the framework need some further work to better reflect the corporate format for policy documents.
- The financial sustainability section in Part 2 of the Framework is not necessary. Council staff are responsible for preparing the statements and oversight is provided by Office of Local Government, NSW Audit Office and Council's participation in the CRJO Audit Risk & Improvement Committee. An additional oversight is not necessary.
- The framework has highlighted some priorities to focus the Committee and is a useful tool for the Committee however it is not necessary to for it to be included in a policy. The priorities identified for the Committee to focus its advice on include:
 - The design of a Food & Garden Organics service
 - A review of the current trends and approached for Council to move to Electric Vehicles
 - Engagement with other Advisory Committees on common interests
 - A community led (Council supported) Climate Change Action Plan

These priorities could be part of the Committee's work program.

RECOMMENDATION

That the minutes of the Sustainability Advisory Committee meeting held on 31 January 2023 be noted the following revised recommendations be adopted:

Item 4.1 Revised Draft Sustainability Policy

That:

1. *A Councillor Workshop be held on 14 February 2023 to enable representatives from the Sustainability Advisory Committee to make a presentation on the draft Sustainability Strategy.*

2. *The draft Sustainability Policy and Sustainability Assessment Framework be further refined to incorporate the suggestions in this report.*

Item 4.3 Draft South East & Tablelands Regional Transport Plan

That the Council submission on the draft South East & Tablelands Regional Transport Plan include the broad issues raised by the Committee.

ATTACHMENTS: A. Sustainability Advisory Committee Minutes 31 January 2023 [⇒](#)

9.4 MINUTES OF THE TRAFFIC FACILITIES COMMITTEE MEETING HELD ON 1 FEBRUARY 2023

REPORT

The minutes of the Traffic Facilities Committee meeting held on 1 February 2023 are included in **Attachment A**.

From these minutes there are eight 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 recommendations from the Traffic Facilities Committee are presented for consideration.

RECOMMENDATION

That the minutes of the Traffic Management Committee meeting held on 1 February 2023 be noted and the following recommendations be adopted:

Item 1.1 – Feedback in Relation to the 2022 Yass Christmas Parade

That:

1. *Council amend its standards event approvals to include a condition that requires the event organiser to consult with school bus operators when the event is likely to impact the transport network in school bus hours.*
2. *Any change to the Date or time of an event will need to go back to Traffic Committee for consultation*

Item 1.2 - 2023 Yass Remembrance Day Road Closures

That:

1. *Yass 2023 Remembrance Day ceremony road closure and associated traffic management be supported*
2. *Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue*

Item 1.3- Road Closures ANZAC Day 2023 - Yass

That:

1. *Yass 2023 Anzac Day Road closures and associated traffic management be supported*
2. *Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue*

Item 1.4 – Road Closures ANZAC Day 2023 - Binalong

That:

1. *The Binalong 2023 Anzac Day Road closures and associated traffic management be supported;*
2. *Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue*

Item 1.5 – Road Closures ANZAC Day 2023 - Sutton

That:

1. *The Sutton 2023 Anzac Day Road closures and associated traffic management be supported;*

2. Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue.

Item 1.6 – Road Closures ANZAC Day 2023 - Gundaroo

That:

1. The Gundaroo 2023 Anzac Day Road closures and associated traffic management be supported
2. Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue

Item 1.7 – Bondi 2 Barossa Charity Ride Event 2023

That the proposed 2023 Bondi 2 Barossa Charity Bike Ride event 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
2. The event organiser is to arrange for an appropriately certified Traffic Management Plan (TMP) and associate Traffic Guidance Scheme (TGS) to be prepared, as required
3. That 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. Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation
6. The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted
7. 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
8. The event organiser must comply with any COVID-19 restrictions current at the time of the event including compliance with Restrictions on Gathering and Movement Public Health Orders, which may require developing and complying with a COVID-19 safety Plan
9. The event organiser obtain separate approval from the NSW Police HO and TfNSW for the event;
10. Event organisers shall comply with the above conditions and the undertakings. Failure to comply will immediately void this approval.

Item 1.8 - 2023 Hayman Classic Cycling Event

That the proposed 2023 Hayman Classic cycling event 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.
2. The event organiser is to arrange for an appropriately certified Traffic Management Plan (TMP) and associate Traffic Guidance Scheme (TGS) to be prepared, as required.
3. That 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. Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation.
6. The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted.

7. *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.*
8. *The event organiser must comply with any COVID-19 restrictions current at the time of the event including compliance with Restrictions on Gathering and Movement Public Health Orders, which may require developing and complying with a COVID-19 safety Plan.*
9. *Event organisers shall comply with the above conditions and the undertakings. Failure to comply will immediately void this approval.*

ATTACHMENTS: A. Minutes of the Traffic Management Committee held 1 February 2023 [⇒](#)

9.5 MINUTES OF THE YASS SOLDIERS MEMORIAL HALL ADVISORY COMMITTEE MEETING HELD ON 9 FEBRUARY 2023

REPORT

The minutes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 9 February 2023 are included in **Attachment A**.

From these minutes there is one item 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 have recommended that the historic archives remain in their current location until such time that a suitable space has been secured (e.g. former Ambulance Station). In addition the Committee has recommended that the current library in Memorial Hall be considered as a long term solution for the Yass & District Historical Society once the library has been relocated to the Crago Mill Precinct.

The Society has been advised that the archive collection could remain in place during the roof repairs and protected by a tarp however access to the collection will not be permitted during construction. There still remains the question of whether the collection can be accessed following completion of the works taking into account the access does not meeting appropriate standards for people with mobility issues and the concerns the weight of the collection and its potential to compromise the structural integrity of the building.

Representation have been made on behalf of the Society for the State Government to allow temporary community use of the former Ambulance Station and the Courthouse. The Local Member of Goulburn has indicated that the former Ambulance Station could be used temporarily however this may take some time to organise. This needs to be followed up by the Society.

It should be noted that the both the mover and the seconder of this recommendation declared an interest in this item as members of the Yass & District Historical Society yet they voted and participated in the discussion. This is clearly a failure by these members to manage their declared conflict of interest – both members should have left the meeting and not participated in the discussion or decision making. Both members will need to be counselled on their conflict of interest responsibilities.

RECOMMENDATION

That the minutes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 9 February 2023 be noted and the following recommendation be adopted:

Item 4.3 Replacement of Roof Sheeting and Roof Modifications - Yass Soldiers Memorial Hall

That:

1. *The Advisory Committee support a recommendation to Council that the Archives may only remain where they currently are until a suitable space such as the Ambulance Station is acquired.*
2. *The long term permanent solution to occupy the old Library when the new Library is complete be supported by this Committee.*

ATTACHMENTS: A. Minutes Yass Soldiers Memorial Hall Committee - 9 February 2023 [⇒](#)

9.6 MINUTES OF THE PUBLIC ART FOCUS GROUP HELD ON 13 FEBRUARY 2023

REPORT

The minutes of the Public Art Focus Group held on 13 February 2023 are included in **Attachment A**.

From these minutes there is one item 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 item relates to funding of public artworks.

RECOMMENDATION

That the minutes of the Public Art Focus Group meeting held on 13 February 2023 be noted and the following recommendation adopted:

Item 4.2 Public Art Funding

That:

1. *The approach to public art funding be based on:*
 - *Seeking grants and Council budget allocations.*
 - *Encouraging communities to raise their own funds for public artworks.*
 - *Council consider including public art in any Voluntary Planning Agreements*
2. *Consideration be given to including a budget allocation of \$20,000 to \$25,000 for public art works in the 2023/24 budget.*

ATTACHMENTS: A. Public Art Focus Group Minutes - 13 February 2023