



Ordinary Meeting of Council

**Thursday 29 June 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

July 2023

Thursday 27th

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

Yass Valley Council recognises the Ngunnawal people, the Traditional Custodians of the land, water, and sky. We pay our respect to their Elders past, present and future emerging leaders. We extend our respect to other Aboriginal and Torres Strait Islander people who live in the Yass Valley Local Government Area.

1. Prayer

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Close of Meeting Time

Chris Berry
CHIEF EXECUTIVE OFFICER



Minutes of the Ordinary Meeting of Council

Thursday 25 May 2023

4.00pm

Council Chambers

209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

6.2 Development Application No DA230018 – Four Lot Subdivision Creating One Additional Lot, 4338 Gundaroo Road, Gundaroo

Rachel Doberer - DPS

Council Meeting - The Mayor declared the meeting open at 4.07 pm.

Present

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

Also present were the Chief Executive Officer – Chris Berry, Director Planning & Environment – Julie Rogers, Director Infrastructure & Assets – Nathan Cooke, Director Corporate & Community – Lynette Safranek and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

The Mayor noted the passing of two local citizens – Joyce Williams and Jim Field – a minutes silence was held in respect of both.

1. Prayer

2. Apologies

RESOLVED that apologies be received from Councillors Pothan and Turner and leave of absence be granted.

(Jones/Burgess) 88

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

AGAINST: Nil

3. Declaration of Interest/Disclosures

Nil

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 27 April 2023 covered by resolution numbers 60-84 inclusive, and Extraordinary Council Meeting held on 11 May 2023 covered by resolution numbers 85-87 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Reid/Burgess) 89

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

AGAINST: Nil

5. Mayoral Minute

5.1 MAYORAL MINUTE - DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COSTS

SUMMARY

The NSW Government recently announced that it will not subsidise the increase in the Emergency Services Levy (ESL) this year.

RESOLVED that :

- 1. Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):**
 - a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for Councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community.**
 - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 4.2% rate increase to provide essential community services and infrastructure has been significantly eroded.**
 - c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects.**
 - d. Calling on the NSW Government to take immediate action to:**
 - i. Restore the ESL subsidy in 2023/24.**
 - ii. Urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost.**
 - iii. Develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.**
- 2. Council writes to the Chair of the Independent Pricing & Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.**
- 3. Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.**

(McGrath/Reid) 90

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

AGAINST: Nil

6. Reports to Council

6.1 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT

SUMMARY

Reporting on development standard variations approved in the first quarter (January – March) of 2023.

RESOLVED that the report on approved development variations for the first quarter of 2023 be noted.

(Reid/Jones) 91

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

AGAINST: Nil

6.2 DEVELOPMENT APPLICATION NO DA230018 - FOUR LOT SUBDIVISION CREATING ONE ADDITIONAL LOT, 4338 GUNDAROO ROAD, GUNDAROO

SUMMARY

To present the assessment of Development Application No DA230018 for a four lot subdivision, creating one additional lot, at 4338 Gundaroo Road, Gundaroo. The application attracted six objections and relevant concerns can be addressed by conditions. Approval is recommended.

RESOLVED that conditional Development Consent be issued for Development Application No DA230018 for a four lot subdivision creating one additional lot at 4338 Gundaroo Road, Gundaroo.

(Burgess/Reid) 92

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

AGAINST: Nil

6.3 THIRD QUARTERLY BUDGET REVIEW 2022/23 STATEMENTS

SUMMARY

This report represents the 2022/23 Third Quarterly Budget Review Statements (QBRS) for the period 1 January to 31 March 2023. This review shows Council's projected year end ***Net Operating Result from Continuing Operations*** remains positive and is predicted to be \$9.19M. Actuals at 31 March 2023 are showing a positive \$14.62M result.

RESOLVED that :

- 1. The 2022/23 Third Quarterly Budget Review Statements and approve adjustments, be adopted, as detailed in the report.***
- 2. Note that in accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position as at 31 March 2023 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.***

(Jones/Butler) 93

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

AGAINST: Councillor A Cameron

6.4 INVESTMENTS AND BORROWINGS REPORT - APRIL 2023

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 March 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.

RESOLVED that the Investment & Borrowings Report for April 2023 be noted.

(Reid/Abbey) 94

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

AGAINST: Nil

6.5 RATES ARREARS AS AT 31 MARCH 2023

SUMMARY.

The report is to provide an update on rate arrears at the end of the third quarter of the 2022/23 financial year. The total of all years outstanding at 30 June 2022 was \$1,584,014. This has been reduced to a total of \$485,193 as at 31 March 2023, an improvement of \$1,098,821 or 69.37%.

RESOLVED that the report on Rates Arrears be noted.

(Butler/Reid) 95

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

AGAINST: Nil

6.6 WORK HEALTH & SAFETY IMPROVEMENT PROGRAM UPDATE

SUMMARY

To provide an update regarding the implementation of the Work Health & Safety Improvement Program.

RESOLVED that the report on Work Health & Safety Improvement Program be noted.

(Abbey/Reid) 96

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

AGAINST: Councillor A Cameron

6.7 COUNCILLOR FEES 2023/24

SUMMARY

To detail the determination of the Local Government Remuneration Tribunal regarding Councillor fees for the 2023/24 year.

RESOLVED that :

- 1. The decision of the Local Government Remuneration Tribunal that there will be an increase of 3% on Councillor Fees and Mayoral Allowance for 2023/24 be adopted.**
- 2. The annual payment for Councillors will be \$17,680 and \$37,925 for the Mayor, to be paid in arrears in equal monthly instalments.**
- 3. In accordance with clause 4.1.2 Councillor Expenses & Facilities Policy, an amount of \$1,500 to be paid in arrears in equal monthly instalments to the Deputy Mayor from the Mayoral Allowance.**

(Jones/Cameron) 97

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

AGAINST: Nil

6.8 2024 LOCAL GOVERNMENT ELECTION

SUMMARY

The estimated cost of the NSW Electoral Commission conduction the 2024 Local Government elections for Council have been received. The estimated costs represent an increase of 30% above the 2021 elections. Unfortunately, there is no realistic alternative to using the NSW Electoral Commission.

RESOLVED that :

- 1. The estimated cost of conducting the 2024 Local Government elections for Yass by the NSW Electoral Commission be accepted.**
- 2. Representations through the Canberra Region Joint Organisation be made to the State Government to review the methodology of conducting Local Government elections.**

(Reid/Abbey) 98

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

AGAINST: Nil

6.9 REVIEW OF DELEGATIONS TO MAYOR AND CHIEF EXECUTIVE OFFICER

SUMMARY

Under s377 *Local Government Act 1993*, Council is able to delegate various powers, authorities, duties and functions to support the effective governance and efficient day-to-day operations of Council's organisation. It is appropriate for Council to regularly review its delegations for currency and legislative compliance. This report recommends that Council formally review its delegations to the Mayor and Chief Executive Officer and endorse the Instruments of Delegation appended at **Attachment A** and **Attachment B**, respectively.

RESOLVED that :

- 1. The Mayor, and in the Mayor's absence, the Deputy Mayor, be delegated the powers, authorities, duties and functions of the Council listed in the Instrument of Delegation appended at Attachment A, subject to the conditions and limitations specified.**
- 2. The Chief Executive Officer, and in the Chief Executive Officer's absence, the Senior Staff employee acting in the position of Chief Executive Officer, be delegated the powers, authorities, duties and functions of the Council listed in the instrument of Delegation appended at Attachment B, subject to the conditions and limitations specified.**
- 3. All previous delegations of powers, authorities, duties and functions to the Mayor and Chief Executive Officer be revoked.**

(Abbey/Reid) 99

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

AGAINST: Nil

6.10 DRAFT COUNCILLOR INDUCTION & PROFESSIONAL DEVELOPMENT POLICY

SUMMARY

Council is committed to supporting its Mayor and Councillors in meeting their statutory obligation to acquire and maintain the skills necessary to perform their civic duties. This report recommends that Council formally adopt the draft *Councillor Induction and Professional Development Policy* appended at **Attachment A**, which provides a framework for Council's Councillor induction and professional development activities.

RESOLVED that :

- 1. The draft Councillor Induction & Professional Development Policy be endorsed for public exhibition for a period of 28 days.**
- 2. The draft Councillor Induction & Professional Development Policy be adopted as exhibited, if no significant submissions are received.**

(Reid/Abbey) 100

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

AGAINST: Nil

6.11 JUNE 2023 MEETING DATE

SUMMARY

This report is to request that the June 2023 meeting date be moved to Thursday 29 June 2023 to enable the Mayor and Chief Executive Officer to attend Canberra Region Joint Organisation planned meetings with Ministers in Sydney on 22 June 2023.

RESOLVED that the Council Meeting scheduled for Thursday 22 June 2023 be rescheduled to Thursday 29 June 2023 at 4.00pm.

(Burgess/Reid) 101

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

AGAINST: Councillor A Cameron

6.12 MINOR ORGANISATIONAL RESTRUCTURE

SUMMARY

Considerable work has been undertaken by the Strategic Planning Team in the Planning & Environment Division on Master Planning and the Open Space Strategy. Much of this work has incorporated input from the Recreational Assets Team. Both teams are involved in planning and developing public spaces throughout Yass Valley. It is proposed to move the Recreational Assets Team into the Planning & Environment Division.

RESOLVED that the organisational structure be amended to move the Recreational Assets Team from the Infrastructure & Assets Division into the Planning & Environment Division.

(Abbey/Reid) 102

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

AGAINST: Nil

6.13 WATER REBATE FOR UNDETECTED LEAKS AND DISPUTED CHARGE

SUMMARY

This report presents applications for water rebate for undetected leaks and a disputed water charge for Council determination.

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

(Jones/Reid) 103

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

AGAINST: Nil

7. Notice of Motion

Nil

8. Questions with Notice

Nil

9. Minutes and Recommendations of Council Committees

9.1 MINUTES OF THE RESCUE AND LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETINGS HELD ON 11 MAY 2023

RESOLVED that the minutes of the Rescue and Local Emergency Management Committee meetings held on 11 May 2023 be noted.

(Jones/Abbey) 104

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

AGAINST: Nil

9.2 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 20 APRIL 2023

RESOLVED that the minutes of the Sustainability Advisory Committee meeting held on 20 April 2023 be noted and the following recommendations be endorsed:

Item 4.1 Draft Sustainability Policy and Sustainability Assessment Framework

That:

- 1. The revised Sustainability Policy and the Sustainability Assessment Framework, as circulated to members offline, be endorsed and both documents be presented to Council for endorsement.***
- 2. The Draft Sustainability Policy be placed on public exhibition for a period of 28 days and adopted if no significant objections are received.***

Item 4.3 Regional Waste & Sustainable Materials Strategy 2022-27 and Action Plan

That the comments of the Committee members be provided to Council on the Regional Waste & Sustainable Materials Strategy 2022-27 and Action Plan and the strategy and action plan be recommended for Council endorsement.

(Cameron/Reid) 105

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

AGAINST: Nil

9.3 MINUTES OF THE YOUTH COUNCIL HELD ON 8 MAY 2023.

RESOLVED that the minutes of the Youth Council meeting held on 8 May 2023 be noted and the following recommendations be endorsed:

Item 4.2 Fundraising Activities

That:

- **The Youth Council to hold bi-monthly BBQ around the Yass Valley Local Government Area, with the first BBQ to be held on Saturday 17 June in Yass, and**
- **The purchase of Youth Council banners, tops and/or jumpers for members from the current Elected Members 2022/23FY budget.**

Item 4.6 General Business (Riverbank Park)

That Council approve:

- **The Youth Councillors participating in the Riverbank Park opening, and**
- **Purchase costumes for the event from the Riverbank Park budget.**

(Reid/Jones) 106

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

AGAINST: Nil

10. Confidential Matters

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

10.1 Water Rebate for Undetected Leaks and Disputed Charge

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

(Burgess/Reid) 107

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

AGAINST: Nil

Closed Council commenced at 5.14 pm.

RESOLVED that the meeting move into Open Council.

(Butler/Abbey) 108

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

AGAINST: Nil

Open Council resumed at 5.23 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Jones/Reid) 109

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

AGAINST: Nil

10.1 WATER REBATE FOR UNDETECTED LEAKS AND DISPUTED CHARGE

SUMMARY

This report presents applications for water rebate for undetected leaks and a disputed water charge for Council determination.

RESOLVED that :

- ***The request for a water rebate for an undetected water leak be granted for Lot 2 DP586111.***
- ***The request for a water rebate for an undetected water leak be granted for Lot 2 DP1196036.***
- ***The amount of \$5,854.59 be written off to resolve the water bill dispute for Lot 2 DP1196036.***

(Jones/Abbey) 110

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

AGAINST: Nil

The meeting closed at 5.24 pm.

6.1 PROPOSED WALLAROO SOLAR FARM

SUMMARY

To present a report on the proposed Wallaroo Solar Farm. The proposal is a State Significant Development and the Independent Planning Commission is the Consent Authority. Key issues for Yass Valley relate to compliance with the *Yass Valley Settlement Strategy*, road infrastructure, visual impacts, the community enhancement fund and community engagement.

RECOMMENDATION

That a submission be made to the Department of Planning & Environment on the proposed Wallaroo Solar Farm on the following grounds:

- *The location is inconsistent with the Yass Valley Settlement Strategy as the proposal does not preserve the rural and landscape character of the area and is likely to negatively impact on the visual amenity of the area.*
- *Locating the development within the 5km buffer area undermines the intended objectives to protect the open rural landscape and environmental values of the area.*
- *The visual assessment does not take into account the existing and proposed Ginninderry development within the ACT or the proposed Parkwood area in NSW.*
- *The Department of Planning & Environment be requested to hold a public hearing locally as part of the assessment process.*
- *If approved, all road work and upgrades are required to be consistent with Council's Roads Standards Policy and the road access route to the site to be maintained throughout construction phase of the development. in addition:*
 - *A copy of the Construction Management Plan is required to be submitted and approved by Council prior to issue of the Construction Certificate to ensure that recommended mitigation measures including road maintenance and upgrade works on all Council roads that will form part of the access routes for all traffic forms are included in the project scope of the civil works.*
 - *Council shall be consulted and liaised with during the construction phase to ensure proper implementation of road maintenance and upgrade works to Council's satisfaction.*
 - *A copy of the post construction geotechnical investigation and review report on the structural adequacy of the pavement of the Council road network, included the access routes, is required to be submitted to Council.*
- *If approved, a fund is to be established in accordance with Council's Community Enhancement Fund Policy based on 1% of the capital cost for the project or alternatively a \$150,000 initial contribution plus an annual contribution of \$50,500 (adjusted in line with CPI) while ever the project is in operation.*
- *If approved, the project is to be commenced within 5 years of a Consent being issued and completed within 5 years of commencement.*
- *If approved, any landscaping plan is to incorporate species which are endemic to the local area and planted prior to construction commencing.*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Yass Valley Settlement Strategy*

- Road Standards Policy
- Community Enhancement Funds Policy
- Large Scale Solar Energy Guideline 2022

REPORT

1. Background

A Development Application has been lodged with the Department of Planning & Environment (DP&E) for the Wallaroo Solar Farm. The site is approximately 400ha and is located on the NSW/ACT border. The site adjoins the Ginninderra Creek and the Gooromon Ponds. Existing overhead transmissions lines are located along the eastern boundary of the site. Access is from Southwell Road via Gooromon Ponds Road, Wallaroo Road and the Barton Highway. The land is currently used for grazing purposes. A Locality Plan is included in **Attachment A**.

The proposal is classified as a State Significant Development and as such the Minister for Planning/Independent Planning Commission is the Consent Authority for the proposal.

Council's role is similar to that as any other third party in the planning assessment process. However, Council does retain an approval role as the Roads Authority for work on any local roads.

2. Project Description

The project involves the development of a 100 MW solar farm and associated infrastructure, including battery storage facility. Plans and photographs are included in **Attachment B**.

The project would incorporate the following permanent infrastructure:

- 182,000 PV modules arranged in rows mounted on single axis trackers with driven or screwed pile foundations
- 18 Power Conversion Units (PCU's) composed of two inverters, a transformer and associated control equipment to convert DC energy generated by the solar panels to 33kV AC energy
- One onsite 132kV substation containing up to two transformers and associated switchgear to facilitate a dual connection to the National electricity grid via the two existing 132kV transmission lines onsite
- Underground installation of substation fibre optic cable link on site.
- Underground internal reticulation of power and data
- Nine battery storage facilities, each consisting of four containerised modules DC coupled to nine of the PCU/inverter stations scattered throughout the site (it should be noted that the *Landscape & Visual Impact Assessment Report* indicates there are 36 Battery Energy Storage Systems)
- Site access (sealed) off Southwell Road and internal access tracks, 4m wide for construction, operation and maintenance activities.
- Two watercourse crossings for internal access tracks
- Buildings to accommodate a site office, 33kV switchgear, protection and control facilities, maintenance facilities, staff amenities and parking
- Approximately 11.6km of perimeter security fencing with a height up to 1.8m high
- 17ha of screen trees and landscaping vegetation to reduce visual impacts for specific receivers

The proposal is supported by a comprehensive Environmental Impact Statement including expert consultant reports and an assessment of the following issues:

- Visual amenity
- Biodiversity

- Aboriginal heritage
- Noise and vibration
- Social and economic impacts
- Hazards and risks
- Compatibility
- Cumulative impacts
- Hydrology, erosion and water resources
- Traffic, transport and safety
- Land and soil assessment
- Resource and waste generation
- Historic heritage
- Air quality and climate

The EIS and associated reports can be view online at <https://www.planningportal.nsw.gov.au/major-projects/projects/wallaroo-solar-farm>

The assessment of the impacts identified in the Environmental Impact Statement (EIS) indicates that avoidance, mitigation and management measures will adequately address these matters.

The proponents indicate that the EIS meets all relevant planning provisions and guidelines and is considered justifiable and acceptable.

The proponents consider that on balance, the project is considered appropriate to the:

- Site's location, where it will supply nearby population centres and the grid with renewable energy to assist the transition away from coal generated electricity.
- Site's environmental values, where it has demonstrated key values can be retained or improved in the long-term. This includes specifically:
 - Biodiversity
 - Water quality
 - Soil heath and agricultural productivity

The proponents consider the specific values identified by the project's neighbours, local and broader community have been incorporated into the project to ensure it is one which will maximise social license to operate.

3. Key Issues

The key issues for Yass Valley are:

- Consistency with the Settlement Strategy
- Road impacts
- Visual impacts
- Community Enhancement Fund
- Community consultation

3.1 Settlement Strategy

The site is within the nominal 5km 'buffer' area around the ACT/NSW border established by the *Yass Valley Settlement Strategy* and supported by both the ACT and NSW planners. The purpose of the buffer is to preserve the rural amenity, landscape values and restrict urban development in these areas. While Council initially envisaged a statutory zoning approach to protect this area, the DPE opposed this as it wasn't provided for in the standard LEP zones. However, DPE accepted

this as a policy position that could be considered in the assessment of any Planning Proposal or Development Application.

A solar farm is more akin to an industrial activity and is inconsistent with protecting the landscape values of the locality and the rural character and amenity as envisaged in the buffer area along the border of Yass Valley and the ACT.

3.2 Road Impacts

The existing traffic on the local roads is estimated to be:

Wallaroo Road	1,500 vpd
Gooromon Ponds Road	1,000 vpd
Southwell Road	20 vpd

The proposed traffic route to the site (including heavy vehicles and over dimensional vehicles) is:

- Federal Highway
- Barton Highway
- Wallaroo Road
- Gooromon Ponds Road
- Southwell Road

The traffic assessment indicates the following increases in traffic on local roads:

Road	Current Traffic	Average construction period		Peak construction period	
Wallaroo Road	1,500 vpd	1,558 vpd	+ 3.9%	1,590 vpd	+5.6%
Gooromon Ponds Road	1,000 vpd	1,058 vpd	+ 5.8%	1,090 vpd	+8.3%
Southwell Road	20 vpd	78 vpd	+ 290%	110 vpd	+81.8%

The additional traffic on Wallaroo and Gooromon Ponds Roads are within the capacity of the existing roads, however Council is well aware of the sensitivity of local residents in the Wallaroo area to heavy vehicle on the local roads especially speed, driving in the middle of the road and the number of vehicles.

The following mitigation measures are proposed:

Roads	Traffic Analysis	Consultation and comments
Wallaroo Road and Gooromon Ponds Road Intersection	<ul style="list-style-type: none"> • The intersection is suitable and within capacity. 	Council consulted. <ul style="list-style-type: none"> • No upfront works required.
Southwell Road from Gooromon Ponds Road to Site	<ul style="list-style-type: none"> • Southwell Road is currently unsealed and unmaintained by Council. 	Council consulted. <ul style="list-style-type: none"> • Intersection upgrade and sealing of 730m of Southwell Road to a minimum width of 6.5m

	<ul style="list-style-type: none"> • Intersection does not allow for heavy vehicle movements and passing. 	<p>included in project to maintain appropriate construction and operation access and accommodate simultaneous two-way vehicle movement.</p>
<p>Wallaroo Road and Gooromon Ponds Road</p>	<ul style="list-style-type: none"> • Roads have traffic capacity. • Gooromon Ponds Road, Wallaroo Road and Southwell Road are not B Double routes • A culvert on Southwell Road, between Gooromon Ponds Road and Brooklands Road (excluded from haulage route) has a weight limit. 	<p>Consultation with Council has established:</p> <ul style="list-style-type: none"> • Permits required for B-Double use and road weight limit exceedances. • Temporary changes to weight limits for project traffic are to be supported by a geotechnical review of the structural adequacy of the pavement for endorsement by Council’s Local Traffic Committee. • Construction Traffic Management Plan requirements to include <ul style="list-style-type: none"> – Commitment to post development road condition to be same or better than pre development – Dilapidation report to include geotechnical investigation – Road repairs to be undertaken progressively as identified at no cost to Council.

All road work upgrades and maintenance are to comply with Council’s *Roads Standard Policy*. In addition the following requirements should be included in any approval that issues:

- A copy of the Construction Management Plan is required to be submitted and approved by Council prior to issue of the Construction Certificate to ensure that recommended mitigation measures including road maintenance and upgrade works on all Council roads that will form part of the access routes for all traffic forms are included in the project scope of the civil works.
- Council shall be consulted and liaised with during the construction phase to ensure proper implementation of road maintenance and upgrade works to Council’s satisfaction.

- A copy of the post construction geotechnical investigation and review report on the structural adequacy of the pavement of the Council road network, included the access routes, is required to be submitted to Council.

3.3 Visual Impacts

The proposal is supported by a *Landscape & Visual Impact Assessment*.

A total of 2,001 residential receptors have been identified within 4kms of the project. It should be noted that the Parkwood and West Belconnen (Ginninderry) area were not identified in the landscape and visual assessment report.

There are 19 public receptor sites with a direct line of sight to the project. A total of 8 were identified for detailed assessment. Two sites were identified as having a moderate visual impact with one requiring mitigation works.

There are 92 residential receptor sites in NSW and 14 in the ACT. A total of 21 were identified for further assessment of which 4 were identified as needing a detailed assessment of which 4 were identified as having a moderate visual impact and one of these required mitigation measures.

The proponent is proposing:

- Screen planting as the main mitigation measure to minimise the visual impacts.
- The choice of building material colours for the Power Conversion Units, battery facilities, buildings and storage sheds to assist with minimising the contrast and help the buildings and structures with blending into the surrounding landscape.

If the proposal is to be approved this screen planting should be undertaken prior to the commencement of construction work and reassessed with the impacted landowners after construction is completed to determine if additional planting is necessary.

3.4 Community Enhancement Fund

The *Large Scale Solar Energy Guidelines* prepared by DPE provide details on benefit sharing for the whole community. Benefit sharing is administered by a planning agreement. As a general guide the total funding for benefit sharing should be between \$200 and \$300 per Megawatt per annum (indexed to CPI) over the life of the development. The proposal indicates it will generate 260,000kWh/year which is equal to 260mWh. The annual contributions would be \$52,000/year to \$78,000/year or over 30 years is a total of \$1.56M to \$2.34M.

Under Council's *Community Enhancement Fund Policy* the annual contribution is 1% of the capital cost divided by the estimated operational life of 30 years. The contribution continues while ever the facility is operating. The project has an estimated capital cost of \$166M so a 1% contribution is \$1,660,000. Over 30 years this is \$55,333/year (indexed to CPI).

The proponents are suggesting an initial contribution of \$150,000 with an annual contribution of \$50,000/year. This would generate an income of \$1,600,000 over 30 years.

The following table provides a summary of the options:

DPE Guidelines	Council Policy	Proponents Offer
\$52k-\$78k/year	\$55,333/year	Initial contribution - \$150k Annual contribution - \$50k
30 year total: \$1.56M to \$2.34M	30 year total: \$1.66M	30 year total: \$1.6M

The proponent has indicated a preference establish a community fund, with Council to administer the funds, via a Voluntary Planning Agreement should the project be approved. This administration arrangement is consistent with Council's policy. It is recommended that the project, if approved, establish a fund in accordance with Council's *Community Enhancement Fund Policy* based on 1% of the capital cost for the project or alternatively a \$150,000 initial contribution plus an annual contribution of \$50,500 (adjusted in line with CPI) while ever the project is in operation.

3.5 Community Consultation

Community consultation for the project includes:

- Pre-lodgement consultation with the community and government agencies
- Formal public exhibition of the Environmental Impact Statement
- If the project is approved:
 - Construction phase consultation (including arrangements for complaint management, community updates)
 - Operational phase consultation (including ongoing complaints management arrangements, community newsletters)

Both the pre-lodgement and proposed post approval consultation mechanisms are considered satisfactory. Consideration should also be given to the establishment of a Community Consultative Committee (similar to wind farm projects) or the like if the project is approved.

The form and length of the community consultation for the formal public exhibition is determined by DPE. It is important that DPE takes into account the complexity of the project and the extent of the documentation which can be daunting to laypersons. This is the fundamental flaw with the DPE's approach to formal public exhibition. An extended public exhibition process should be granted.

It is also important that the planning assessment examines all the issues raised by the local community and provides adequate forums for concerns to be raised and examined. DPE should consider holding a local forum for submitters to clarify the concerns and to seek responses from the proponent prior to finalising its assessment report.

The assessment report should be available to all submitters and the proponent prior to any hearing or determination.

Any public hearing should be held locally and provide the opportunity for all submitters to address the members with their concerns before any determination is made. Ideally the hearing should be to receive representations from those submitters wishing to address the Commission following which the Commission should retire to properly consider these representations, the assessment report and make a considered and reasoned decision.

4. Conclusion

The proposal is inconsistent with the *Yass Valley Settlement Strategy* which envisaged a buffer along the NSW/ACT border to preserve the rural amenity, landscape values and restrict urban development in this area. The site is not in a location envisaged by Council in its strategic planning. In addition, the *Landscape & Visual Assessment* has not taken into account the existing and proposed Ginninderry development within the ACT or the proposed Parkwood area in NSW.

If approved the project should incorporate the following:

- All road work and upgrades are required to be consistent with Council's Roads Standards Policy and the road access route to the site to be maintained throughout construction phase of the development.

- A fund is to be established in accordance with Council’s Community Enhancement Fund Policy based on 1% of the capital cost for the project or alternatively a \$150,000 initial contribution plus an annual contribution of \$50,500 (adjusted in line with CPI) while ever the project is in operation.
- The project is to be commenced within 5 years of a Consent being issued and completed within 5 years of commencement.
- Any landscaping plan is to incorporate species which are endemic to the local area and planted prior to construction commencing and reassessed with the impacted landowners after construction is completed to determine if additional planting is necessary.

It is recommended that a submission be made in the terms of this report.

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. Locality Plan [⇒](#)
 - B. Project Plans and Photographs [⇒](#)

6.2 DEVELOPMENT APPLICATION DA230012 - BEE KEEPING APIARY CONTAINING SIX (6) BEEHIVES FOR COMMERCIAL PURPOSES

SUMMARY

To present the assessment of Development Application No DA230012 for beekeeping apiary containing six (6) beehives for commercial purposes at 26 Woodleigh Drive, Murrumbateman. The application attracted four objections and relevant concerns can be address by conditions. Approval is recommended.

RECOMMENDATION

That conditional Development Consent be issued for Development Application DA230012 for beekeeping apiary containing six beehives at 26 Woodleigh Drive, Murrumbateman.

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Yass Valley Local Environmental Plan 2013*

REPORT

1. Application Details

Date Received	-	17 January 2023
Land	-	26 Woodleigh Drive, Murrumbateman
Area	-	1.73ha
Zoning	-	R5 Large Lot Residential

2. Site Description and Locality

The site is located on Woodleigh Drive, Murrumbateman. The site contains an existing dwelling and is bounded by similar large lot residential land to the north, south and eastern boundaries. The site is made up of one lot and is zoned R5 Large Lot Residential in the *Yass Valley LEP 2013*. The subject lot is a regular shaped parcel of land with an area of approximately 1.7ha fronting Woodleigh Drive.

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

3. Proposal

The submitted application involves:

- The establishment of a beekeeping apiary containing six beehives.
- Extraction of honey products to be sold off-site.

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

4. Public Exhibition

Public exhibition included notice to twelve adjoining and nearby landowners and four submissions have been received (refer **Attachment C**).

It is to be noted that public exhibition took place when 15 beehives were proposed, along the northern (ten beehives) and southern (five beehives) boundaries of the site. The response from the Applicant to the submissions is included in **Attachment D**.

5. Referrals

The proposal was referred to the Department of Primary Industries (DPI) and the following concerns have been raised:

- The location of the beehives
- The number of beehives
- Risk of nuisance bee complaints from surrounding residents

These concerns have been addressed by changing the location of the proposed beehives to the centre of the site and limiting the number of beehives to six.

6. Assessment

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

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

6.1 Commercial operations and transportation of honey products

One submission was concerned about the number of vehicles accessing the site for the transportation of honey products from the site to the location in which they are to be sold. The submission noted that they would not be concerned if the loading and transportation of honey is regulated to a certain day of the week and time, similar to garbage collection. Conditions of any development consent can be included to regulate loading and transportation times.

A second submission was concerned with the quality assurance of honey products that are to be sold in shops. Standard conditions to meet the requirements of the NSW Food Authority, the *Food Act 2003* and the *Food Regulation 2015* can be included in the development consent for this proposal.

6.2 Number of bees hives proposed

It is to be noted that at the time of notification that 15 beehives were proposed. The proposal has since been amended by the applicant to propose six beehives.

Comment was received from DPI which stated that 15 beehives is an 'unreasonable' request and may cause issues with neighbouring properties.

After this was received the applicant amended the proposal to contain six beehives in a central location of the site as to minimise the number of bees on the site at any one time.

It is believed that the subject site, due to its size and vegetation, can maintain six beehives if properly managed. Any Development Consent can include a condition requiring compliance with the *Beekeeping Code of Practice for NSW* and *The Australian Honey Bee Industry Biosecurity Code of Practice 2016* to ensure proper management of the beehives.

6.3 Location of beehives

Two submissions received were concerned with the location of the proposed beehives on the northern and southern boundaries of the subject site. The location of the proposed beehives has been amended by the applicant to the centre of the site, approximately 30m from the northern and southern boundaries.

6.4 Management of beehives to prevent swarming

Due to the residential nature of the surrounding locality, this concern raised in a submission has been considered during assessment of the proposal.

There are several ways in which to control bee swarming. This can include re-queening with young queens from strains that are less likely to swarm, controlling number of worker bees in the nest, etc. and further information can be found in *Bee swarms and their Control 1999* prepared by NSW Agriculture.

A condition can be included in any Consent to require the preparation and enforcement of a risk management plan and an emergency plan for the management of swarming of bees.

6.5 Access to water

During periods of hot weather conditions, bees are drawn to water sources such as pools and dams. One submission noted that their pool would likely be affected by the proposal. The applicant has proposed a new location for the beehives in the centre of the site as to minimise this impact.

A condition can be included in any Consent to include compliance with the *Beekeeping Code of Practice for NSW* and *The Australian Honey Bee Industry Biosecurity Code of Practice 2016* both of which require the provision for adequate access to water.

6.6 Conflicting with current use of the land

One submission has stated that the proposal conflicts with the exiting use of the surrounding land as keeping of bees may negatively impact them. Impacts on the surrounding land have been greatly minimised by limiting the number of propped beehives to six and their relocation to a central location within the site. It is also noted that bee keeping is permitted with consent on R5 zoned land and therefore meets the objectives of the zone.

6.7 Beekeeper registration and qualifications

One submission has concerns about the registration of the applicant as a beekeeper as it is required under the *Beekeeping Code of Practice for NSW*. Registration to become a beekeeper can be conditioned before bee keeping activities are permitted to take place on the site.

7. Conclusion

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

STRATEGIC DIRECTION

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 Proposal Submitted [⇒](#)
 - C. Submissions [⇒](#)
 - D. Response to Submission [⇒](#)
 - E. s.4.15 Assessment [⇒](#)
 - F. Draft Conditions of Consent [⇒](#)

6.3 YASS WATER TREATMENT PLANT UPGRADE PROJECT UPDATE

SUMMARY

The Yass Water Treatment Plant Upgrade Project is an important and challenging project for Council. Bimonthly update reports are a requirement of the Council.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Budgets are allocated for Stage 1 Construction and for Design and Business Case development in the Operational Plan. Budget was also allocated for purchase of additional land for WTP extension.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Background

The project to prepare a Design and Business Case for the upgrade of Yass Water Treatment Plant commenced in November 2019. Housing Acceleration Fund (HAF) funded this project at a cost of \$1.2million. During the course of this project, stakeholders required that Stage 1 - Early Works be carried-out in advance in December 2020. Early Works included installation of bubble plume aeration at Yass Dam, upgrade of Raw Water Pump Station (RWPS), and urgent works at Yass Water Treatment Plant. Stage 1 Works were completed at the end of February 2023.

Roadmap to prepare a business case to inform the investment to upgrade of WTP based on a high-level concept design was agreed in March 2023 and revised Scope of Works. The details of progress of consultations between August 2022 to March 2023 are included in **Attachment A**.

Purchase of land for extension of WTP was concluded on 4 April 2023. Council owns Lot 1 DP1290121 (formerly part of 32 Cooks Hill Road).

2. Business Case for Yass WTP Augmentation

INSW/Treasury approved review of Deed reflecting the revised Scope of Works based on high-level concept design and business case.

Work to develop a Business Case (BC) to confirm the preferred option for additional investment at the Yass Water Treatment Plant (WTP) commenced in April 2023 and consists of:

- High-level concept design and options assessment
- Business Case conforming to NSW Government Business Case Guidelines (TPP18-06)

Timeline for major deliverables are as follows:

- | | | |
|----|---|------------|
| 1) | Options Selection Briefing Paper | - Aug 2023 |
| 2) | High-level Concept Design and Site Layout | - Sep 2023 |
| 3) | Draft Business Case | - Oct 2023 |
| 4) | Final Business Case | - Dec 2023 |

The Final Business Case is required to go through a HAF Assurance process prior to the funding being made available to Council.

Progress (April – June 2023)

Work on the Business Case commenced on 12 Apr 2023. The following tasks were completed:

- Performance review of WTP until May 2023
- Mechanical and Electrical Condition Assessment Report
- Location of additional clear water storage
- The Options Identification Memorandum was discussed on 9 Jun 2023 and process components of each option were agreed.

Three options to be assessed are as follows:

- **Option 1 - Base Case**
Minimal improvements (filter media and backwashing and soda ash dosing)
- **Option 2 - Risk Mitigation Upgrade**
(New chemical storage, handling and dosing assets, replacement of ageing electrical assets and power supply and standby generator, inlet outlet modification of existing reservoirs and additional clear water storage that requires demolition of old WTP, UV treatment to address *cryptosporidium* risk from the catchment, filter improvements, and amenities).
- **Option 3 - WTP Augmentation**
New treatment processes including inclined plate settling tanks, DAF/Filters, and softening

Options will be developed further with high-level concept design, site layout, and cost estimation. Benefits realisation framework for each option will be developed in parallel.

3. Consultation with DPE (Water)

Council continues to consult with HAF and DPE Water and NSW Health on WTP Upgrade works and extensive inputs were obtained in the Scope of Works for the Business Case. HAF, DPE Water and NSW Health are part of Project Steering Group that meets monthly with Council staff and consultants (BecaHunterH2O).

4. Next Steps

Progress activities to complete Business Case and following are scheduled:

- Aug 2023 – Benefits Realisation Framework
- Sep 2023 – Options Assessment Workshop

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. Progress Aug 2022 - Mar 2023 [⇒](#)

6.4 TOWN WATER RISK REDUCTION PROGRAM - REGIONAL NETWORK LEAKAGE DETECTION PROJECT

SUMMARY

Information on support from DPE Water’s Regional Network Leakage Detection Project to detect water leaks in the Yass Water Supply System in Yass, Binalong, Bowning and Murrumbateman is provided.

RECOMMENDATION

That the support received from DPE Water through the Regional Network Leak Detection Program be recognised.

FINANCIAL IMPLICATIONS

Budget is included in the Operational Plan for the maintenance of water reticulation system.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

Council has received support to detect water leaks in its water reticulation system in June 2023. Active leak detection work is through the Regional Leakage Reduction Program run by Department of Planning & Environment. <https://water.dpie.nsw.gov.au/plans-and-programs/water-efficiency/regional-leakage-reduction-program>

Phase 2 of the Regional Network Leakage Detection Project is part of the NSW Government’s \$12.5 million Regional Leakage Reduction Program which has already seen more 2,700 kilometres of water mains surveyed and more than 930 leaks found, saving Councils billions of litres of lost water this year alone.

Leak detection work in Yass water reticulation commenced in the week of 19 June 2023. Leak detection works will cover approximately 188km of water mains in Yass, Murrumbateman, Bowning and Binalong and is expected to take approximately 16 weeks to complete. Yass Valley Council will repair any leaks identified through this work.

Water Intelligence Australia is engaged by the Department to carry-out the leak detection work. Council requests cooperation of residents while accessing water mains in private properties and water meters during this work.

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	Annual water distribution network operation and maintenance

ATTACHMENTS: Nil

6.5 STRATEGIC ASSESSMENT OF THE YASS RAIL TRAIL

SUMMARY

To report to Council the outcome of the preparation of a Strategic Assessment of the Yass Rail Trail.

RECOMMENDATION

That:

1. *The Strategic Assessment prepared for the Yass Rail Trail be noted.*
 2. *Opportunities to fund the detailed design, community consultation and construction of the Yass Rail Trail be pursued.*
-

FINANCIAL IMPLICATIONS

Nil as a result of this report.

POLICY & LEGISLATION

- **Local Government Act 1993**

REPORT

1. Background

Council has been considering the development of a rail trail in the disused tramway from Yass Junction Railway Station to the Yass CBD for several years.

The Yass Rail Trail is a proposed shared pedestrian and bicycle path to be constructed along the disused Yass Tramway corridor between the Great Southern Railway (Yass Junction Railway Station) and Yass Township for approximately 4.5 km as shown in the following map.



The Rail Trail route includes a heritage listed steel bridge built in 1892 across the Yass River, and the route ends at the Yass Railway Museum (also heritage listed) near the centre of Yass.

2. Action Taken

In 2022/23 Council received funding to undertake a Strategic Assessment (ie feasibility study) of the proposed rail trail. Subsequently Council engaged Burchills Engineering Pty Ltd to prepare this strategic assessment.

The strategic assessment is to include the follow tasks:

- Heritage investigations of the route with a special focus on the bridge
- Structural assessment of the bridge and necessary restoration works
- Indigenous study of sites of significance within the rail reserve
- Assessment of the existing traffic issues on Dutton Street and how the rail trail project could help resolve some of these issues
- Any other constraints and opportunities for the development of the rail trail
- Concept design drawings including options for the trail alignment along Dutton Street. The assessment will also identify and evaluate any social, economic and environmental benefits and opportunities for community involvement as a result of the project
 - Estimate the cost of the necessary works outlined in the concept design
 - Estimate maintenance costs and identification of a suitable maintenance regime
 - Identify whether there will be a demonstrated benefit to trail users and how it can be quantified
 - Identify the number of users the trail could attract, what is a reasonable forecast and what is the estimated economic benefit (average spend) of a rail user using the trail
 - Identify what markets the rail trail could attract. Provide user scenarios for day-trippers, local use, special events and so on
 - Identify opportunities for encouraging visiting trail users to stay longer in the township and/or the trail start/end points
 - Identify potential new business opportunities and how the rail trail contributes to the visitor economy
 - Outline any other quantifiable health benefits, environmental benefits or culture and learning experiences

3. Outcomes

Council has received the final version of the Yass Rail Trail Strategic Assessment, which is provided as an attachment under separate cover.

The Assessment noted the following points:

- The Rail trail will provide the following notable benefits:
 - Dedicated active transport from Yass Junction Station to various location in Yass township;
 - Outdoor recreation opportunities for cyclists, walkers, joggers etc
 - Active transport connectivity for Yass CBD with North Yass CBD and the adjacent schools, sporting facilities etc
 - Increased recreation options for residents and associated physical and mental health improvements
 - Showcasing Yass's heritage and history
 - Opportunity for existing businesses to expand and new businesses, to develop
- The potential economic benefit for the Yass community has been estimated to be \$235,000
- The estimated cost to construct the rail trail is \$11M including a 15% contingency;

- Upgrade of the heritage bridge over the Yass River is largest single component of the estimated cost at \$4.2M, which includes the full replacement of both the bridge approaches. To maintain the heritage appearance the new approaches will constructed in be timber;
- The estimated annual maintenance cost of the rail trail is \$41,700

4. Future Grant Funding

This Strategic Assessment is the first step in providing a platform for future funding applications to construction the Yass Rail Trail by providing answers to several feasibility questions that are typically asked by funding providers including:

Key Question	Answer
Is there a viable trail route?	Yes, no major constraints on the proposed route
Are there alternative uses for the corridor that will provide more value to the community? Are these alternative uses viable?	No proposals for alternative uses of the corridor have been made as far as the consultants are aware. Previously proposal for tourist train were found to be unfeasible.
Will the trail provide a quality user experience (terrain/landscape/history)?	Yes, multitude of attractions including but not limited to Yass Junction Station, various historical locations along route, Yass River Bridge, Rail Museum.
Is there a market for the proposed trail?	Yes, with some limitations given short length in comparison to other rail trails.
Will the rail trail create any unmanageable or unmitigated impacts on adjoining landholders' farming practices and lifestyles?	No, none uncovered as part of this assessment
Is the local government and key stakeholders supportive of the concept?	Yes, government and key stakeholders support
Is there a supportive community?	Yes, majority of community support
Would the trail be value for money?	Yes, with some limitations. Per km costs for construction and maintenance are above the average for rail trails in Australia given the expense in remediating the Yass River Bridge.
Is there a commitment to maintenance ("friends of ..." group or support network)?	We are not aware of any such groups but this has not been explored in detail.
Will the trail provide a unique experience?	No, similar features to other rail trails in Australia although the age, condition, and scale of the Yass Tramway Bridge is a significant attraction.
Is there a demonstrated benefit to trail users and, especially, the host communities?	Yes, strong tourism and active transport opportunity to the Yass community

5. Where to from Here

It is recommended that Council note the Yass Rail Trail Strategic Assessment and for Council staff to active look for funding opportunities to progress the Yass Rail Trail Project including detailed design, community consultation and construction.

STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN3: Our existing community infrastructure is maintained, and we plan for and support the development of infrastructure that meets community need
Strategies	IN3.2 - Our community infrastructure is accessible, adaptable and suitable for multiple user groups and fosters inclusive, healthy, and active recreation opportunities
Delivery Program Action	Design and construction of Yass Spur Line Rail Trail

ATTACHMENTS: A. Strategic Assessment Yass Rail Trail [↔](#)

6.6 2023/24 INTERGRATED PLANNING & REPORTING DOCUMENTS

SUMMARY

Following public exhibition, community submissions, and a final review by Council's financial team, Council is forecasting a surplus of \$2.3M for the 2023/24 *Operating Result from Continuing Operations*, with a deficit of **\$12.5M** *Net Operating Result before Grants and Contributions provided for Capital Purposes*.

RECOMMENDATION

That Council adopt:

- The 2023/24 Operational Plan, 2023-33 Long Term Financial Plan, 2023/24 Revenue Statement, and the 2022-26 Delivery Program.*
- The annual Ordinary Rates for 2023/24 as detailed in the following table, in accordance with the 2023/24 Revenue Statement.*

Category	Sub-Category	Ad Valorem	Minimum Charge	Base Charge	Gross Income
Farmland		0.0011508		\$745.50	\$4,704,389
Residential	Non Urban	0.0012169		\$486.00	\$4,194,524
Residential	Yass	0.0025382	\$739.00		\$2,143,880
Residential	Binalong	0.0016952	\$739.00		\$153,224
Residential	Bowning	0.0017004	\$739.00		\$84,696
Residential	Wee Jasper	0.0016952	\$739.00		\$33,255
Residential	Bookham	0.0016952	\$739.00		\$11,824
Residential	Murrumbateman	0.0017628	\$739.00		\$198,042
Residential	Gundaroo	0.0014629	\$739.00		\$189,891
Residential	Sutton	0.0018078	\$739.00		\$78,704
Business	Sutton & Gundaroo	0.0012163		\$486.00	\$19,514
Business	Yass & Other Villages	0.0068155	\$739.00		\$908,388
Estimated Yield					\$12,720,337

- Each annual and consumption charge for water, sewer, liquid trade waste and waste as detailed in the 2023/24 Revenue Statement.*
- A 9.0% p.a. interest payable on overdue rates and charges for the period 1 July 2023 to 30 June 2024 (inclusive) in accordance with section 566(3) of the Act.*

FINANCIAL IMPLICATIONS

All financial implications are contained within the associated documents presented in this report.

POLICY & LEGISLATION

- Local Government Act 1993*

REPORT

While the 2023/24 *Operational Plan, 2023/24 Revenue Statements, 2023-33 Long Term Financial Plan, and the 2022-26 Delivery Program* were placed on public exhibition for 28 days, Council held community engagement sessions at:

- Wee Jasper Community Meeting – 15 May 2023
- Bowning Community Meeting – 17 May 2023
- Sutton Community Meeting – 22 May 2023

- Council Chambers – 1 June 2023
- Yass Valley Business Chamber Breakfast Meeting – 2 June 2023
- Binalong Progress Association Meeting – 5 June 2023

Eleven submissions (refer **Attachment A**) were received in relation to the draft 2023-24 Operational Plan, 2023-33 Long Term Financial Plan and 2022-26 Delivery Program:

- Murrumbateman Resident
- Yass Valley Business Chamber
- Stephanie McCall
- Sutton & District Community Association
- Stephanie Helm
- Tanya Cullen
- Luke McAlary
- Alan and Carline Edwards – on behalf of residents and users of Marked Tree and Beralston Roads
- Tony Hyams
- James Hall
- Zak Davies

Submission Comments

Council appreciates the community taking the time to participate in community engagement sessions and providing feedback for consideration. Staff have reviewed all submissions and provide the follow comments:

- The Murrumbateman Community Association have been advised that the community and recreational needs assessment, as part of North Murrumbateman, will look at the needs for the whole of Murrumbateman. This was also stated at the IP&R presentation to the Murrumbateman community meeting.
- A concept plan for a new Murrumbateman community hall had been developed in consultation with the community in 2018. A new hall is still identified within the 2021 Murrumbateman Recreation Grounds Strategic Plan. Council had unsuccessfully applied for grant funding following this process. The Murrumbateman School has facilities which currently the community are utilising. It has been indicated that further discussion needs to be undertaken with the school and community to understand what facilities they (school) can make available to the public for community activities. At this current time, the market cost for a new hall facility is between \$3-5M.
- Council is considering the Marked Tree and Beralstone Roads petition as a separate item. There is an allocation of \$540K in the 2023/24 Operational Plan for re-sheeting. A plan is being developed to prioritise the roads.
- Council and staff continue to work with the Yass Valley Business Chamber and local businesses to raise awareness, provide advocacy, host business functions, and continue to work with relevant agencies to improve all aspects of economic development across the entire Yass Valley.
- We have taken on board the comments in relation to the McLaughlins Creek causeway, with staff to review possible options for improvement and funding.
- Staff are improving the Residents Information Pack with 'Rural Living' advice.
- The only change to the 2022-26 Delivery Program was the forecast financials as displayed during the public exhibition. The action dates are indicative of commencement and/or completion of actions. The 6 monthly updates to Council provide the community with a progress report on the actions. Council also provides the community with a Councillor monthly briefing report which is based on the Delivery Program actions.

- Staff are confident that the financials provided to the community and Councillors demonstrate an open and transparent Long Term Financial Plan. The last two annual audited Financial Statements show that Council continues to be in a fair financial state in relation to actual results.
- In relation to the Crago Mill Project funding, we have not included a possible \$15m grant that staff are currently working on, or anticipated sale of Council-owned land, which may reduce the \$50m funding facility. Both the grant and land sales are in their infant stages and not yet considered formally by Council. We will adjust the forecast when we have a better indication of the above.
- The Long Term Financial Plan cash flow indicates that, as with most other Local Councils, we will need to consider a Special Rate Variation within the next 3-5 years due to rising wages, election costs, emergency services levy, and increase in the costs of contractors, to able Council to continue with asset improvements and/or renewals.
- We will continue to report the local government “Fit for the Future” KPIs in the Quarterly Budget Review Statements.

Amendments following Public Exhibition

Following a final staff review and consideration of community feedback, the following amendments have been included in the updated 2023/24 Operational Plan and 2023-33 Long Term Financial Plan (**Attachment B**):

- Superannuation for staff and councillors is calculated at 11% for 2023/24, 11.5% for 2024/25, 12% for 2025/26, and 12% for the remainder of the LTFP in accordance with ATO Guidelines.
- Adjustment of *interest and investment revenues* due to an over-estimation.
- Projects have been adjusted to include the following:
 - Additional \$30K to Binalong Village Master Plan
 - Successful capital and operational grant funding applications, while on public exhibition:
 - a) Female Friendly Community Sport & Lighting Upgrade Grant \$335,936
 - b) Road Safety Grant \$53,375.
- Councillor fees are calculated at 3% per annum for the term of the LTFP.
- Employee wages adjusted to 4.5% in 2023/24, 3.5% in 2024/25, and 3% for the remainder of the LTFP.
- Adjustment due to duplication of project expenses in Materials & Contracts.
- Adjustment due to overstatement of fleet *net gains from disposal of assets*.
- Adjustment to borrowing costs in accordance with estimated loan calculations received.
- The Income Statement now displays the original adopted budget for 2022/23, rather than the amended third quarter adopted budget.

Staff submit the 2023/24 Operational Plan, 2023-33 Long Term Financial Plan, 2023/24 Revenue Statement, and the 2022-26 Delivery Program for adoption. Only the *2023/24 Operational Plan and 2023-33 Long Term Financial Plans* are submitted as an attachment to this report, as all other documents remain unchanged from the draft version presented for public exhibition.

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. Public Submissions [⇨](#)
 - B. 2023/24 Operational Plan and 2023-2033 LTFPs [⇨](#)

6.7 INVESTMENTS AND BORROWINGS REPORT - MAY 2023

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 May 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 & Borrowings Report for May 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 Australian economy

At its meeting on 6 June, the Reserve Bank of Australia Board decided to increase the cash rate target by 25 basis points to 4.10 per cent. It also increased the interest rate paid on Exchange Settlement balances by 25 basis points to 4.00 per cent.

Inflation in Australia has passed its peak, but at 7 per cent is still too high and it will be some time yet before it is back in the target range. This further increase in interest rates is to provide greater confidence that inflation will return to target within a reasonable timeframe.

High inflation makes life difficult for people and damages the functioning of the economy. It erodes the value of savings, hurts family budgets, makes it harder for businesses to plan and invest, and worsens income inequality. And if high inflation were to become entrenched in people's expectations, it would be very costly to reduce later, involving even higher interest rates and a larger rise in unemployment. Recent data indicate that the upside risks to the inflation outlook have increased, and the Board has responded to this. While goods price inflation is slowing, services price inflation is still very high and is proving to be very persistent overseas. Unit labour costs are also rising briskly, with productivity growth remaining subdued.

Growth in the Australian economy has slowed and conditions in the labour market have eased, although they remain very tight. The unemployment rate increased slightly to 3.7 per cent in April and employment growth has moderated. Firms report that labour shortages have eased, although job vacancies and advertisements are still at very high levels.

Wages growth has picked up in response to the tight labour market and high inflation. Growth in public sector wages is expected to pick up further and the annual increase in award wages was higher than it was last year. At the aggregate level, wages growth is still consistent with the inflation target, provided that productivity growth picks up.

The Board is still seeking to keep the economy on an even keel as inflation returns to the 2–3 per cent target range, but the path to achieving a soft landing remains a narrow one. A significant source of uncertainty continues to be the outlook for household consumption. The combination of higher interest

rates and cost-of-living pressures is leading to a substantial slowing in household spending. Housing prices are rising again, and some households have substantial savings buffers, although others are experiencing a painful squeeze on their finances. There are also uncertainties regarding the global economy, which is expected to grow at a below-average rate over the next couple of years.

Some further tightening of monetary policy may be required to ensure that inflation returns to target in a reasonable timeframe, but that will depend upon how the economy and inflation evolve. The Board will continue to pay close attention to developments in the global economy, trends in household spending, and the outlook for inflation and the labour market. The Board remains resolute in its determination to return inflation to target and will do what is necessary to achieve that.

Source: Statement by Philip Lowe, Governor: Monetary Policy Decision

2. Summary of movements in Council Investments

There were three new investments of \$1M each created during May 2023.

3. Council Investments at 31 May 2023

Investment Type	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
Cash Working Accounts						
NAB Working Account ¹	5,088,387.40	A1+/AA-	n/a	n/a	at call	3.60%
Tcorp Strategic Cash Facility ²	5,000,936.41	AAA	n/a	n/a	3 day call	3.09%
Total Working Accounts	10,089,323.81					
Term Deposits						
CBA	1,500,000.00	A1+/AA-	28/02/23	29/11/23	274	4.85%
NAB	1,500,000.00	A1+/AA-	26/04/23	25/10/23	182	4.50%
CBA	1,400,000.00	A1+/AA-	24/02/23	04/10/23	222	4.85%
NAB	1,200,000.00	A1+/AA-	05/04/23	06/09/23	154	4.40%
MyState	1,500,000.00	A2/BBB	10/03/23	06/09/23	180	4.70%
CBA	1,000,000.00	A1+/AA-	28/02/23	30/08/23	183	4.64%
BOQ	1,000,000.00	A2/BBB	08/02/23	09/08/23	182	4.40%
Great Southern Bank	1,000,000.00	A2/BBB	31/01/23	02/08/23	183	4.45%
NAB	10,350.92	A1+/AA-	11/04/23	13/07/23	93	3.00%
AMP	1,000,000.00	A2/BBB	11/01/23	12/07/23	182	4.50%
AMP	500,000.00	A2/BBB	14/12/22	21/06/23	189	4.30%
AMP	1,500,000.00	A2/BBB	12/12/22	14/06/23	184	4.30%
AMP	1,500,000.00	A2/BBB	14/12/22	14/06/23	182	4.30%
NAB	1,500,000.00	A1+/AA-	24/05/23	22/08/23	90	4.65%
NAB	1,000,000.00	A1+/AA-	10/05/23	13/09/23	126	4.60%
NAB	1,000,000.00	A1+/AA-	10/05/23	20/09/23	133	4.60%
NAB	1,500,000.00	A1+/AA-	09/03/23	06/09/23	181	4.60%
NAB	1,000,000.00	A1+/AA-	10/05/23	20/09/23	133	4.60%
NAB	1,500,000.00	A1+/AA-	09/03/23	04/10/23	209	4.65%
CBA	1,500,000.00	A1+/AA-	11/05/23	26/07/23	76	4.32%
Total Term Deposits	23,610,350.92					
Total Cash and Term Deposits	33,699,674.73					

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: Nil

6.8 COMMUNITY STRATEGIC PLAN UPDATE

SUMMARY

Council collaborated with six other Canberra Region Joint Organisation (CRJO) Councils to deliver the updated 2042 Community Strategic Plan (CSP). This report seeks Councils support to continue a similar process for the next CSP prior to the 2024 Local Government Election.

RECOMMENDATION

That:

1. *Participates in a CRJO regionally coordinated project to deliver the updated 2042 Community Strategic Plan in collaboration with the member Councils of the CRJO.*
2. *Undertake community engagement on the CSP 2042 prior to the Local Government election in 2024.*

FINANCIAL IMPLICATIONS

The CRJO are covering expenses related to engaging the consultant to update the 2042 CSP and associated community engagement. \$30,000 has been allocated in the 2023/24 Operational Plan to support additional targeted community engagement by council staff and unforeseen CSP production cost.

POLICY & LEGISLATION

- *Local Government Act 1993*
- Integrated Planning and Reporting (IPR) Framework

REPORT

1. Background

The IPR Framework came into practice in 2009 for NSW councils, developing their own CSP following community consultation.

In 2016, Yass Valley along with Goulburn Mulwaree, and Upper Lachlan Shire Councils developed a combined Tablelands Community Strategic Plan. This approach was the catalyst for the CRJO Regional Community Strategic Plan.

Understanding that each Council have their own priorities and concerns, the CRJO saw an opportunity to aggregate individual communities' priorities into a Regional Community Strategic Plan. The CRJO established an Integrated Planning and Community Wellbeing Working Group to progress the project.

The goals of the project were to:

- Increase regional collaboration
- Understand the regional priorities to assist with State/Federal Government lobbying
- Understand synergies between local government areas
- Achieve financial and time savings
- Identification of regional strategies and goals

In 2021, the Canberra Region Joint Organisation (CRJO) and seven member Councils resolved to collaborate to review their current Community Strategic Plans (CSPs) and apply a regional lens to identify the region's challenges and opportunities.

The seven Councils who participated in the Regional Community Strategic Plan, included:

- Yass Valley Council
- Bega Valley Shire Council
- Snowy Monaro Regional Council
- Snowy Valleys Council

- Goulburn Mulwaree Council
- Queanbeyan-Palerang Regional Council
- Upper Lachlan Shire Council

The Regional Community Strategic Plan (RCSP) project was established with an outlook to 2042 and publicly named Towards 2042. As part of the CRJO collaborative project the group worked with consultants to develop and implement a broad community engagement strategy that saw more than 6,700 community members participate in a range of engagement methods.

At the end of the project, a Regional Community Strategic Plan and seven individual Community Strategic Plans were delivered.

2. Options

Council has a range of options when considering the recommendations of this report. The recommendation proposed seeks to ensure the update CSP process is efficient and cost effective.

3. Community Engagement

Community engagement for the updated CSP is proposed for between May and July 2024 prior to the election campaign period.

A consultant, at the expense of the CRJO, will be engaged to develop an engagement plan for each Council. It is recommended that this engagement takes place in mid-2024.

4. Impacts on Strategic, Operational, Asset Management Plan, and Risk

Council is the steering agency for the update CSP Yass content. All levels of government, businesses, industry groups, community groups and individuals will contribute to achieving the long-term community goals.

If supported, an updated CSP will be available prior to the 2024 Local Government election. This will provide integrated guidance for the newly elected council. Council can then develop a revised Delivery Program and Resourcing Strategy for 2025 – 2029.

4.1 Environment and Climate Change

The opportunity to apply a regional lens to environmental and economic issues presents a framework for more collaborative and innovative policies, programs, and initiatives to surface across the CRJO geographical area. By working together there is economies of scale and a louder voice for advocacy with both the State and Federal Government.

4.2 Economic

Council has a significant role to play in the local economy. It is acknowledged that adjustments in Council's spending have flow on effects to the local economy and this is considered as part of Councils Long Term Financial Planning and annual budget development process which seek to meet the strategic objectives that are outlined in the Community Strategic Plan.

4.3 Risk

The risk with a collaborative project of this nature is the capacity and willingness of all Councils to participate and provide the necessary financial and staffing resources. Early commitment from each Council (thus the timing of this report) along with a pro-active Working Group drawing on experiences from the previous project will help to reduce this risk. Clear decision-making gateways will need to be determined and agreed to by the Working Group.

4.4 Social and Cultural

The review of the update CSP will have future social and cultural implications as the CSP guides Council commitments in seeking to improve the community in which we live, work and play. Balancing long-term financial sustainability with the expectations the community outlines in the Community Strategic Plan requires constant effort and detailed consideration.

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: Nil

6.9 INDEPENDENT PRICING & REGULATORY TRIBUNAL RATE PEGGING REVIEW

SUMMARY

The Independent Pricing & Regulatory Tribunal (IPART) has released a draft report proposing changes to the way the Council rate peg is set and are inviting submissions to be made.

RECOMMENDATION

That a submission to the IPART draft report proposing changes to the way the Council rate peg is set be made in the terms outlined in this report.

FINANCIAL IMPLICATIONS

Changes to the methodology of setting the rate peg for Councils will influence the setting to the annual rate peg for increases to Council's rate revenue.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Introduction

In September 2022 the Independent Pricing & Regulatory Tribunal (IPART) published an Issues Paper in relation to a review of the rate peg methodology. A total of 96 submissions were lodged. In addition, IPART conducted 7 public workshops and 4 technical workshops along with a survey with around 3,400 responses.

IPART has now release its draft report proposing changes to the way the Council rate peg is set. IPART is seeking feedback on the report and submissions are due on the 4 July 2023. There is also the option to participate in a public hearing on 18 July2023.

The draft report can be found at <https://www.ipart.nsw.gov.au/documents/draft-report/draft-report-review-rate-peg-methodology-june-2023>

2. The Local Government Rate Peg

Councils have the power to levy rates (and other charges) within the constraints of the *Local Government Act 1993*, and the rating system it establishes. Within this system, Councils set the rating structure and calculate the rate levels for each rating category. But the total income they can raise through these rates is regulated in several ways – one of which is the Local Government Rate Peg.

The rate peg is the maximum amount in percentage terms by which a Council may increase its rates income in a year. IPART sets this percentage every year, on behalf of the Minister for Local Government, and has done so since first delegated by the then Minister in 2010.

The purpose of the rate peg is twofold:

1. It allows all Councils to automatically increase their rates each year to keep pace with the estimated change in the costs of providing their current services and service levels to households, businesses, and the broader community - that is, their base costs. This helps ensure that they can maintain the scope, quantity and quality of these services over time without undermining their financial sustainability.
2. It also limits the impact of these automatic increases on ratepayers, by ensuring that Councils cannot increase their rates by more than the estimated change in their base costs, and that they engage with their communities if they propose a step change in their rates revenue to fund improvements in the scope, quantity or quality of their services.

In recent years, concerns about our methodology for setting the rate peg have emerged. These concerns primarily relate to how we measure the annual change in Councils’ base costs, including our Local Government Cost Index (LGCI). The previous Premier and the then Minister for Local Government asked IPART to review the rate peg methodology, and recommend a methodology that:

- Allows Councils to vary their general income annually to reflect (as far as possible) changes in the costs of providing local government goods and services due to inflation and other external factors
- Continues to include a population factor

3. Review Approach

IPART undertook extensive consultation for this review and have sought to hear the views of both ratepayers and Councils across NSW.

IPART published an Issues Paper in September 2022 and invited submissions from all interested parties. A total of 96 submissions were received, most of which were from Councils and Council organisations. Seven 7 public workshops were held (i.e. 3 in-person workshops in Wagga Wagga, Sydney, and Tamworth, and 4 online workshops) in late November and early December 2022.

IPART undertook its own analysis, sought expert advice, and considered the stakeholder views heard through the consultation. Given the diversity of these views, it was decided to develop a range of options for improving the rate peg methodology and undertake further consultation to test and refine these options before making our draft decisions.

In March and April 2023, IPART held 4 technical workshops (1 with ratepayers and 3 with representatives from Local Government including Councils and academics). The number of stakeholders invited to participate in these workshops was limited to allow for a more targeted and technical discussion of the options for each element of the rate peg methodology.

In addition, IPART undertook NSW-wide surveys to better understand the views of residential and business ratepayers. As part of this process 5 focus groups were held – 3 with residential ratepayers and 2 with business ratepayers.

IPART considered all the feedback received through this second round of consultation, and made the draft decisions, recommendations and findings set out in this Draft Report.



4. Consultation Outcomes

The outcomes of the consultation highlighted that it is in the long-term interests of ratepayers for Councils to be financial sustainable and deliver affordable services that their communities want and need.

Councils indicated that their primary concern is to achieve and maintain financial sustainability, to use their rates income effectively and efficiently, and to maximise what can be achieved.

The following figure shows that the interests and objectives of Councils and ratepayers are interrelated, and an appropriate rate peg methodology should support the delivery of better outcomes for all stakeholders.



Source: ORIMA, Rate Peg Focus Groups Research Report, May 2023, p 2 and IPART.

5. Local Government Concerns

Councils raised a range of specific concerns about the rate peg methodology, which mostly relate to how accurately the methodology measures the change in their base costs. Councils indicated IPART should improve the methodology to:

- Improve the LGCI so that it better reflects their actual costs
- Address volatility in the rate peg associated with the lag between when the change in the LGCI is measured and when Councils apply the resulting rate peg to their rates income
- Better account for differences between individual Councils and/or Council types
- Better reflect Councils' actual labour costs, including by recognising their need to compete with private and public sector employers to attract and retain staff
- Improve the population factor to better reflect changes in Councils' base costs associated with population growth
- Capture the change in costs due to external factors outside of Councils' control – such as the Emergency Services Levy (ESL), climate change and natural disasters, and cyber security.

Councils also raised concerns about the broader regulatory framework, and its impact on their financial sustainability. They identified a range of issues they consider undermine their financial position and limit the effectiveness of the rate peg in maintaining their financial sustainability e.g.

- Some Councils have been historically underfunded and increasing their rates income by the rate peg each year is not enough to close the gap between their current income and the true cost of delivering their current services.
- Although Councils in this position could apply for a special variation to close this gap, some are reluctant to do so as they think the process is resource-intensive and can become a contentious issue.
- Some of the user fees and charges that Councils levy but the NSW Government sets (known as statutory charges) have not been adequately indexed over time. As a result, Councils have not been able to increase these fees and charges in line with the costs of providing the services, and so ratepayers are effectively subsidising these costs.
- The proportion of land that is exempt from rates within some LGAs is significant. In these areas, the council's rate base may be too narrow to raise enough income to cover the costs of its services, undermining its financial sustainability. In addition, existing ratepayers are effectively subsidising the cost of providing services to exempt properties.
- Some Councils would prefer to set rates based on the capital improved value of a property, rather than the unimproved value as currently required. This would more accurately capture the impact of growth within a Council's area. It would also share the costs of local government services more equitably across ratepayers.

- In LGAs with high rates of development and population growth, Councils must provide additional community facilities that are not being provided by developers or funded through development contributions.
- The rates concession of up to \$250 Councils provide pensioners is not indexed, reducing its impact on the affordability of rates for these vulnerable customers. In addition, the NSW Government's requirement that Councils fund around half the concession amount increases their costs, particularly in LGAs with a high proportion of pensioners.

6. Ratepayers Issues

Ratepayers indicated their prime concern was the affordability of their rates, and the impact a new rate peg methodology would have on their cost of living. They also questioned:

- How the rate peg compares to the change in the Consumer Price Index (CPI). Some put the view that Council incomes have grown by much greater than the CPI
- The timing of changes to the methodology. They said changes may not be appropriate in the current economic climate
- Whether there is an effective measurement of Councils' productivity. Many indicated they are not confident Councils use the money they collect through rates efficiently
- Why the IPART review is focusing on the lag in the LGCI. They noted that this lag cuts both ways and Councils do not seem to have an issue when inflation is lower than the rate peg

In the survey, most ratepayers were generally satisfied with the quality and level of services that their council provides. However, they raised some broad concerns about the performance and regulation of Councils e.g.

- More than half of all residential and business ratepayers surveyed were concerned about how fairly rates are split across types of ratepayers
- More than 60% of business ratepayers said they were not comfortable trusting their Council to keep rates reasonable
- Around a third of residential ratepayers said Councils' communication about how rates income is used was not good enough

In the focus groups to further investigate the survey findings it emerged that overall, ratepayers wanted the regulated rate setting framework to reflect the principles of transparency, accountability, efficiency, and fairness. Business ratepayers also wanted more business-like expectations of accountability and performance to be applied to Councils.

In addition, the focus groups revealed that:

- There is a widely held view that Councils don't use rates income effectively, and therefore ratepayers generally pay more than they need to
- Ratepayers have only a general sense of what Councils use rates income for, and this is strongly influenced by the services and facilities they can see and personally use
- The opportunity to discuss issues and hear other opinions in an open forum enabled residential ratepayers to better consider the value of paying rates to support Council services.

7. Proposed Improvements to the Rate Peg Methodology

Based on the IPART analysis and consideration of stakeholder views, a draft decision has been made on changes to the rate peg methodology. The proposed method is simpler than the current method and would result in rate pegs that more accurately reflect changes in the costs NSW Councils incur in providing their current services. Under this method, IPART would:

- Measure the annual change in Councils' base costs for 3 groups of Councils instead of 1 that includes all NSW Councils, to better account for the diversity of Councils' base cost patterns. These groups are metropolitan, regional, and rural Councils.

- Use a new, simpler model to measure this change instead of the LGCI. This measure, the Base Cost Change (BCC), comprises 3 components that we consider better capture Councils' costs: — employee costs (primarily wages, including superannuation guarantee) — asset costs — all other operating costs (including administration, utility costs, insurance)
- Use forward-looking indicators to estimate the change in each BCC component.
- Make an explicit, Council-specific adjustment for changes in Councils' Emergency Services Levy (ESL) contributions so Councils can fund their required contributions to support NSW Fire & Rescue, NSW State Emergency Service, and Rural Fire Service without needing to reduce other Council services. Using this method, when changes in the costs of the ESL impact the rate peg, it will be visible to Councils, ratepayers, and all stakeholders.
- Make additional adjustments to capture costs driven by external factors that affect Councils, where Councils have engaged with their community e.g. impacts of climate change, and cyber security. IPART are also considering implementing a process through which adjustments for specific external costs could be made for groups of Councils that meet certain criteria.
- Continue to add a population factor but use a refined approach to more accurately measure the change in Councils' residential populations.
- Continue to consider subtracting a productivity factor if there is evidence of productivity improvements in the Local Government sector that have not been fully incorporated in the Base Cost Change, noting that the productivity factor has been set to zero in recent years.

IPART propose to implement the improved methodology in a staged process, with some changes taking place for our decision on the 2024/25 rate peg and the rest for the 2025/26 rate peg. IPART are interested in stakeholder views on the best and fairest way to implement these changes. IPART also propose to review our rate peg methodology every 5 years with a transparent and consultative review process. The review would ensure that the methodology is up to date and fit for purpose.

8. Draft Recommendation on the Investigation of Financial Model for Councils

Throughout the IPART consultations for this review stakeholders have made it clear they have serious concerns about Council financial sustainability and affordability of rates in the current cost of living climate.

The draft decisions on the rate peg methodology may reduce some of these concerns. But many of the issues raised will not be fixed by the rate peg or the special variation process. IPART consider the financial model for Councils needs to be investigated to identify improvements.

IPART is making a draft recommendation that the NSW Government consider commissioning an independent investigation into the financial model for NSW Councils. The investigation could examine the broader issues highlighted by IPART's recent consultation, including financial sustainability, funding, costs and expenditure, financial management and the impact on rates and ratepayers.

9. Draft Decisions, Recommendations and Findings

The IPART draft decisions are:

1. To replace the LGCI with a Base Cost Change model with 3 components:
 - a. Employee costs
 - b. Asset costs
 - c. Other operating costs
2. To develop separate Base Cost Change models for 3 council groups:
 - a. Metropolitan Councils (Office of Local Government groups 1,2,3, 6 and 7)
 - b. Regional Councils (Office of Local Government groups 4 and 5)
 - c. Rural Councils (Office of Local Government groups 8 to 11).

3. For each Council group, calculate the Base Cost Change as follows:
 - a. For employee costs, we would use the annual wage increases prescribed by the *Local Government (State) Award* for the year the rate peg applies, or the Reserve Bank of Australia's forecast change in the Wage Price Index from the most recent Statement on Monetary Policy (averaging the changes over the year to June and December for the year the rate peg applies). IPART would adjust for changes in the superannuation guarantee in both cases. IPART are currently consulting on the best approach to measure changes in employee costs.
 - b. For asset costs, IPART would use the Reserve Bank of Australia's forecast change in the Consumer Price Index from the most recent Statement on Monetary Policy (averaging the changes over the year to June and December for the year the rate peg applies), adjusted to reflect the average difference between changes in the Producer Price Index (Road and bridge construction, NSW) and changes in the Consumer Price Index (All groups, Sydney) over the most recent 5-year period for which data is available.
 - c. For other operating costs, IPART would use the Reserve Bank of Australia's forecast change in the Consumer Price Index from the most recent Statement on Monetary Policy (averaging the changes over the year to June and December for the year the rate peg applies).
 - d. Weight the 3 components using the latest 3 years of data obtained from the Financial Data Returns of Councils in that group and update the weights annually.
4. To publish indicative rate pegs for Councils around September each year (unless input data is not available) and final rate pegs around May each year.
5. To include a separate adjustment factor in our rate peg methodology that reflects the annual change in each council's Emergency Services Levy (ESL) contribution. This factor will reflect:
 - a. An individual Council's contribution, for Councils:
 - That are not part of a Rural Fire District, or
 - That are part of a Rural Fire District but do not engage in ESL contribution cost sharing arrangements, or
 - Are the only Council in their Rural Fire District, or
 - That are part of a Rural Fire District and engage in ESL contribution cost sharing where there is accurate information about what the Council pays.
 - b. The weighted average change for each rural fire district, for Councils that are part of a Rural Fire District and engage in ESL contribution cost sharing arrangements where there is no accurate information about what they pay.
6. To set Emergency Services Levy (ESL) factors and a final rate peg for each Council in May after ESL contributions for the year the rate peg is to apply are known, so that Councils can recover changes in ESL contributions in the year contributions are to be paid.
7. To maintain our current approach and make additional adjustments to the rate peg on an as needs basis for external costs (e.g. Emergency Services Levy).
8. To change the 'change in population' component of the population factor to deduct prison populations from the residential population in a Council area and then calculate the growth in the non-prisoner residential population of a council area for the relevant year. IPART would not make retrospective adjustments for previous population factors.
9. To retain the productivity factor in the rate peg methodology and for it to remain as zero by default unless there is evidence to depart from that approach.
10. To review our rate peg methodology every five years, unless there is a material change to the sector or the economy, to ensure it stays fit for purpose.

The IPART draft recommendations are:

1. That a Local Government Reference Group is established to advise on the implementation of our new rate peg methodology.
2. That the NSW Government consider commissioning an independent review of the financial model for Councils in NSW including the broader issues raised in this report.

IPART are seeking comment on the following matters:

Issue	Comments
<p>1. What are Council views on using one of the following options to measure changes in employee costs in our Base Cost Change model? How can we manage the risks associated with each option when setting the rate peg?</p> <p>a. Use annual wage increases prescribed by the <i>Local Government (State) Award</i> for the year the rate peg applies, adjusted to reflect any change in the superannuation guarantee rate.</p> <p>b. Use the Reserve Bank of Australia’s forecast change in the Wage Price Index from the most recent Statement on Monetary Policy (averaging the changes over the year to June and December for the year the rate peg applies), adjusted to reflect any change in the superannuation guarantee rate.</p>	<p>Use the annual wage increases as per the <i>Local Government (State) Award</i> for the year the rate peg applies, adjusted to reflect any change in the superannuation guarantee rate.</p>
<p>2. Are there any alternative sources of data on employee costs IPART should further explore?</p>	<p>No</p>
<p>3. Does Council support releasing indicative rate pegs for Councils in September, and final rate pegs that are updated for Councils’ Emergency Services Levy contributions in May?</p>	<p>Yes</p>
<p>4. Does Council have further information on arrangements between Councils to share Emergency Services Levy (ESL) contribution bills including:</p> <p>a. What these arrangements cover (including whether they cover matters other than ESL contributions), and</p> <p>b. Whether they apply to Rural Fire Service, Fire and Rescue NSW and NSW State Emergency Service ESL contributions, or contributions for only some of those services?</p>	<p>No</p>

<p>5. Would Councils be able to provide IPART with timely information on the actual ESL contribution amounts they pay including contribution amounts paid to the:</p> <ol style="list-style-type: none"> Rural Fire Service Fire and Rescue NSW NSW State Emergency Service? <p>For example, by providing us with a copy of any cost sharing agreement that sets out the proportion that each Council pays.</p>	<p>Yes if Council had a cost sharing agreement</p>
<p>6. Would you support IPART establishing a process to develop adjustment factors for groups of Councils to increase the rate peg to cover specific external costs?</p>	<p>Yes</p>
<p>7. Would you support measuring only residential supplementary valuations for the population factor?</p>	<p>No</p>
<p>8. If you supported using residential supplementary valuations, what data sources would you suggest using?</p>	
<p>9. What implementation option would you prefer for the changes to the rate peg methodology?</p>	<p>Undecided</p>
<p>The IPART draft finding is:</p> <ol style="list-style-type: none"> Some Councils that are part of Rural Fire Districts have entered arrangements with other Councils to share the costs of the Rural Fire Service component of the Emergency Services Levy (ESL). They may therefore pay an amount that is different to the ESL contribution set out in their assessment notice. 	
<p>Matters for further consideration:</p> <ol style="list-style-type: none"> The eligibility of current rate exemptions could be better targeted to improve outcomes for ratepayers and Councils. The use of the Capital Improved Valuation method to levy Local Council rates could improve the efficiency and equity of rates. There could be merit in considering whether to introduce an additional constraint (i.e. conditions) on the rate peg to provide confidence to ratepayers that increases are reasonable. Some Councils may not have an adequate rates base and a mechanism should be developed to enable Councils found to have insufficient base rates income to achieve financial sustainability. 	<p>Agree</p> <p>CIV on farmland penalises those framers who manage the land well and rewards those who don't.</p> <p>???</p> <p>Agree</p>

<p>5. Statutory charges for services provided by Councils may not be recovering the full cost of service provision, such as for development approval fees and stormwater management service charges.</p>	<p>Agree. These charges should reflect Councils actual costs.</p>
<p>6. Councils could be better supported to serve their communities more effectively to build community trust in Councils. This could include improvements in how Councils undertake and implement their integrated planning and reporting.</p>	<p>Agree</p>
<p>7. There are opportunities to strengthen Council incentives to improve their performance, including considering whether there is merit in a model that would exempt Councils that demonstrate an agreed level of performance and consultation with ratepayers from the rate peg.</p>	<p>Agree</p>

10. Conclusion

It is recommended that a submission be lodged with IPART on the proposing changes to the way the Council rate peg is set as outlined in this report.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovate 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 regioinal interest groups to identify and action (where possible) opportunities for our region

ATTACHMENTS: Nil

6.10 LIBRARY OUSTANDING ITEMS WRITE OFF

SUMMARY

The Yass Library withdrew from the Regional Library Service officially on 1 July 2017. Following a full stocktake over 30,000 items were accounted for with 145 not accounted for. Providing Council options to 'tidy up' the items unaccounted.

RECOMMENDATION

That all items not returned prior to 1 January 2021 be written off to the value of \$8,527.28.

FINANCIAL IMPLICATIONS

There are minor financial implications for this write off.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

Following withdrawal from the Regional Library Service the catalogue of items and members were split up but no stocktake or member re-registration was held until late 2022. The library staff undertook a DVD collection stocktake on 8 September 2022 and a full stocktake of remaining stock on 21 and 22 November 2022, including the Mobile Library stock. This accounted for over 30,000 items. With only four staff on hand, this was a huge accomplishment.

Following the completed Stocktake, the staff shelf checked for items still showing as available but not flagged during the stocktake. Items located were updated within the system and items not located nor flagged during the stocktake were flagged as missing. These are being assessed and removed from Libero if not located. The majority of these items were from the Regional Library Service time where we received a record and holding but not the actual item.

The following table was pulled from Libero showing items borrowed by members but never returned nor found during the stocktake since the library withdrew from the Regional Library Service in 2017.

Code	2017		2018		2019		2020		2021		2022		#	Value
	#	Value	#	Value	#	Value	#	Value	#	Value	#	Value		
ABR							2	\$40.00	4	\$108.00			6	\$148.00
ADVD	10	\$196.00	10	\$262.00	74	\$2,104.24	34	\$1,049.15	30	\$ 859.30	3	\$80.00	161	\$4,550.69
AF			3	\$48.00	7	\$205.94	3	\$86.39	8	\$220.25	6	\$154.16	27	\$714.74
AFAB			2	\$224.40					2	\$252.37			4	\$476.77
AFLP							7	\$226.26					7	\$226.26
AKT			1	\$ 30.00	2	\$36.25							3	\$66.25
AMG			1	\$10.95	1	\$9.99			2	\$23.75	1	\$14.95	5	\$59.64
ANF	8	\$222.35	31	\$816.99	8	\$208.77	8	\$206.43	8	\$192.31	14	\$501.84	77	\$2,148.69
FDVD									1	\$32.00	4	\$80.00	5	\$112.00
JAB			1	\$14.36							1	\$50.00	2	\$64.36
JDVD			6	\$120.00	14	\$325.00	15	\$310.20			4	\$76.00	39	\$831.20
JE			18	\$250.26	18	\$281.73	21	\$289.62	5	\$95.65	10	\$168.17	72	\$1,085.43
JF			8	\$114.68	6	\$110.10	4	\$43.10	6	\$105.31	13	\$210.39	37	\$583.58
JGN											3	\$38.00	3	\$38.00
JLF	2	\$36.40	3	\$15.00	8	\$44.68	1	\$10.00	2	\$20.39	9	\$80.75	25	\$207.22
JMCD			3	\$27.19									3	\$27.19
JMG	1	\$7.95					3	\$23.93					4	\$31.88
JNF									4	\$68.12			4	\$68.12
LGKT											2	\$21.00	2	\$21.00
REF							1	\$10.00					1	\$10.00

Ordinary Council Meeting 29 June 2023

YBB							1	\$40.00					1	\$40.00	
YF			13	\$236.00	3	\$45.90	1	\$11.24					17	\$293.14	
YGN			2	\$49.82	2	\$51.00			3	\$68.19			7	\$169.01	
YNF			2	\$75.01									2	\$75.01	
	21	\$462.70	104	\$2,294.66	143	\$3,423.60	101	\$2,346.32	75	\$2,045.64	70	\$1,475.26	514	\$12,048.18	
Total Write Off									\$8,527.28		Follow up			\$3,520.90	

Collection codes:

Adult Blue Ray / Adult DVD / Adult fiction / Adult fiction audio book / Adult fiction large print / Adult kit / Adult magazine / Adult nonfiction / Family DVD / Junior audio book / Junior DVD / Junior easy / Junior fiction / Junior Graphic novel / Junior Leap frog / Junior music CD / Junior Magazine / Junior nonfiction / Language kit / Reference / Yass Binge Box / Young adult fiction / Young adult graphic novel / Young adult nonfiction.

After some discussions, it was determined that the best way to tidy this matter up is for Council to write off all items not returned by members prior to 1 January 2021, being a total of 369 items valued at \$8,527.28

The remaining items (145) valued at \$3,520.90 will have a letter issued giving the member six (6) weeks to return the item(s) before being charged for the missing items.

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: Nil

6.11 MURRUMBATEMAN PLAYGROUND PROJECT COMMITTEE

SUMMARY

To recommend nominations for positions on the Murrumbateman Playground Project Committee.

RECOMMENDATION

That this item be classified CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for which permits the meeting to be closed to the public for business relating to personnel matters concerning particular individuals (other than councillors).

FINANCIAL IMPLICATIONS

Provision has been made in the 2023/24 draft Operational Plan for the engagement of a consultant to undertake the site selection, concept and detailed designs and community consultation for the development of a Category 1 playground in Murrumbateman.

POLICY & LEGISLATION

- Local Government Act 1993
- Committee Framework and Guidelines (February 2022).

REPORT

1. Background

At its meeting on 23 March 2023 Council resolved to form the Murrumbateman Playground Project Committee and to call for nominations for the community positions.

Nominations for these positions have been received.

2. Terms of Reference

The membership for the Committee as detailed in the Terms of Reference makes provision for three Councillors and three community members comprising:

- A youth representative being a Murrumbateman resident between the ages of 15-24 years
- A Murrumbateman Community Association representative, and
- A Murrumbateman community member.

Council resolved at the March 2023 meeting that Councillors Jones, Reid and Butler would represent it on the Committee.

3. Nominations

Two nominations have been received for the community position and the Murrumbateman Community Association have nominated their representative. No nominations were received for the youth position. A report on the nominations is included in the Closed Session of this meeting for consideration.

STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN3: Our existing community infrastructure is maintained, and we plan for and support the development of infrastructure that meets community need
Strategies	IN3.2 - Our community infrastructure is accessible, adaptable and suitable for multiple user groups and fosters inclusive, healthy, and active recreation opportunities
Delivery Program Action	Construction of playground in Murrumbateman

ATTACHMENTS: Nil

6.12 TENDER EVALUATION REPORT - VICTORIA PARK, SKATE PARK EXTENTION YVC.IA.13.2023

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Victoria Park Skate Park Extension YVC.IA.13.2023 Contract.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Council received funding of \$500,000 under round five of the NSW Government Stronger Country Community Fund which has been included in the 2022/23 Operational Plan and Budget.

POLICY & LEGISLATION

- Local Government Act 1993
- Victoria Park Masterplan 2021

REPORT

1. Background

Council manages an extensive network of parks and sporting facilities throughout the Local Government Area (LGA), including an existing skate park at Victoria Park in Yass.

Council has been successful in obtaining grant funding of \$500,000 under the Stronger Communities Fund, and now plans to expand the Victoria Park Skate Park to provide additional facilities for beginners and younger participants.

2. Tender

Tenders were called on 11 April 2023 and closed on 31 May 2023. One tender was received from the following organisation:

Organisation	Address
VFG Skateparks Pty Ltd	493 Clothiers Creek Road NUNDERI NSW 2484

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

STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN3: Our existing community infrastructure is maintained, and we plan for and support the development of infrastructure that meets community need
Strategies	IN3.3 - Manage assets in a proactive way across their lifespan
Delivery Program Action	Implementation of Strategic Plans and Plans of Management for all Council managed community sporting and recreation facilities

ATTACHMENTS: Nil

6.13 CARAVAN PARK MANAGEMENT SERVICES AGREEMENT

SUMMARY

To inform Council that the current Yass Caravan Park Management Services Contract will expire on 30 November 2023. This report informs council of management options available in consideration of the Yass Caravan Park management options moving forward.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

2023/24 Draft budget for the Yass Caravan Park have been included an anticipated CPI increase, any further costs in management will be adjusted in the 3rd quarter budget review.

POLICY & LEGISLATION

- Local Government Act 1993
- Crown Land Management Act 2016
- Councils Procurement and Disposal Policy.

REPORT

In September 2019 Council resolved to award a 4-year contract with the option of two, 3-year extensions. The tender was awarded to Belgravia Pro Pty Ltd, Bayswater Victoria 3153.

The Initial 4-year period expires on 30 November 2023.

A report has been prepared and presented as a Confidential Reports for Council consideration.

STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN3: Our existing community infrastructure is maintained, and we plan for and support the development of infrastructure that meets community need
Strategies	IN3.2 - Our community infrastructure is accessible, adaptable and suitable for multiple user groups and fosters inclusive, healthy, and active recreation opportunities
Delivery Program Action	Complete the Victoria Park Plan of Management

ATTACHMENTS: Nil

6.14 MEMORANDUM OF AGREEMENT - SOUTH WEST REGIONAL WASTE MANAGEMENT GROUP

SUMMARY

The purpose of this report is to provide an update to Council regarding waste management activities associated with the South West Regional Waste Management Group (SWRWMG), the status of the Memorandum of Agreement (MOA) for the group and the current situation with the landfill operations at the Bald Hill Quarry (trading as Ecofill) including the reinstatement of the MOA.

RECOMMENDATION

That this item is classified CONFIDENTIAL in accordance with Section 10A(2)(di, dii and diii) 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, commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council and commercial information of a confidential nature that would, if disclosed, reveal a trade secret.

FINANCIAL IMPLICATIONS

Hilltops Council as administrator Council for the SWRWMG hold Restricted Reserve funding to cover the groups infrastructure needs. No further commitment required from Council.

POLICY & LEGISLATION

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

REPORT

The South West Regional Waste Management Group (SWRWMG) was established in 2002 by the Councils of the Shires of Boorowa, Cootamundra, Gundagai, Harden, Tumut, Tumbarumba, Yass and Young to establish, maintain and operate a common waste disposal facility for their Local Government Areas.

Since the Group was established, Council mergers have resulted in the Group now comprising the Councils of Cootamundra-Gundagai, Hilltops, Snowy Valleys and Yass Valley.

The Memorandum of Agreement (MOA) between Councils established the Group on 18 September 2002 for a period of 20 years.

Hilltops Council continues to exercise the functions of the managing Council and holds financial reserves and assets on behalf of the Group. Financial Reserves are held in trust to provide for the Group's waste transport and disposal activities, defined capital works at the landfill, replacement of plant, and closure and rehabilitation of the landfill at its end of life in its current form.

Currently the Group Councils are acting cooperatively and in good faith, however, there has been an administrative oversight and the MOA has expired.

To continue disposing waste at the common waste disposal facility, the Group needs to commit funds to capital works including:

- Stage 1 of the leachate barrier at the facility
- Stage 2 of the leachate barrier at the facility

A detailed report for Councils consideration has been included in the Confidential Section for this meeting.

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 commercial waste collection service

ATTACHMENTS: Nil

6.15 REQUEST FOR REVIEW - WATER AND SEWER HEADWORKS CHARGES, DEVELOPMENT CONSENT DA200271, 7 ADELE STREET, YASS

SUMMARY

A review has been requested of water and sewer headworks charges required in Development Consent DA200271. Report provides information for Council's review and determination.

RECOMMENDATION

That This item is classified CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to personnel matters concerning particular individuals (other than councillors).

FINANCIAL IMPLICATIONS

Headworks charges are not budgeted due to unpredictability of developments and their timelines. Section 64 headworks charges are held in the Water Fund or Sewer Fund.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Water Management Act 2000*
- *Development Servicing Plans for Water Supply and Sewerage Services (2013)*

REPORT

1. Headworks Charges for Water and Sewer Services

Section 64 *Local Government Act 1993* refers to Sections 305, 306 and 307 *Water Management Act 2000*. Provisions of the *Water Management Act 2000* enables Council to recover costs of infrastructure incurred in servicing new developments, additions and changes to existing developments. This charge is one-off and is in addition to any other charges for ongoing water and sewerage services such as annual water rates and water usage charges.

Council's *Development Servicing Plans for Water Supply and Sewerage Services (2013)* have determined the charges to be applied to developers for the increase in demand or loading that an average residential dwelling or house, otherwise known as an 'equivalent tenement' (ET), will have on Council's water and sewer infrastructure. Headworks charges for development other than an average residential dwelling are determined by assessing the potential demands on Council's water supply and sewerage infrastructure of that development and comparing them with an equivalent tenement.

2. NSW Water Directorate Guidelines 2017

The NSW Water Directorate was established in 1999, to provide focused independent source of technical advice to Councils on water and sewerage operations in addition to other support to Councils.

The Water Directorate publishes guidelines on Section 64 determinations that covers various development activities. Experts and practitioners in water and sewerage conduct periodical reviews of the guidelines to update with current practices and the latest guideline was published in 2017 (refer **Attachment A**).

These guidelines are widely used by the Councils in NSW. Examples are Queanbeyan-Palerang Regional Council, Eurobodalla Shire Council and Goulburn Mulwaree Council. The policy of Eurobodalla Shire Council explicitly indicates Water Directorate Guidelines in its policy for the headworks charges determination:

Commercial and Industrial development will be assessed by following the NSW Water Directorate's Section 64 Determinations of Equivalent Tenements Guidelines which provides Council with a basis for determining Equivalent Tenement (ET) loadings for different types of development.

The policy can be assessed at

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0007/138634/ECM_4625968_Water-Supply-and-Sewer-Headworks-Charges-Policy.pdf

3. Development Application No DA200271 - 7 Adele Street, Headworks Charges

The Development Application was for a change in use from a dwelling to an office. Headworks charges were estimated based on the *Water Directorate Guidelines 2017*.

Detailed Report consists of confidential information of the application and will be discussed in closed session.

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: Nil

6.16 PETITION - COMPLETION OF THE WINERY TRAIL, MURRUMBATEMAN

SUMMARY

Tabling a petition lodged in relation to the completion of the Murrumbateman Winery Trail along MacIntosh Circuit from Scrubby Lane to Murrumbateman Winery.

RECOMMENDATION

That the tabled petition on the completion of the Murrumbateman Winery Trail along MacIntosh Circuit from Scrubby Lane to Murrumbateman Winery be noted

FINANCIAL IMPLICATIONS

Funding for Stage 2 of the Murrumbateman Winery Trail or any part of the trail has not been secured. There are considerable design challenges with not having a design of the Barton Highway duplication in this locality and the constraints in the section between Scrubby Lane and the highway.

POLICY & LEGISLATION

- Yass Valley Community Strategic Plan 2042

REPORT

The petition requests Council to undertake the completion of the Murrumbateman Winery Trail along MacIntosh Circuit from Scrubby Lane to Murrumbateman Winery.

The petition will be tabled at the meeting.

The petition is consistent with Council's *Petition Policy*.

This issue raised in the petition have been raised by many residents in Murrumbateman.

Stage 2 of the Winery Trail is dependent upon further funding but more importantly the final design is for the Barton Hwy Duplication in this locality is needed to determine how the crossing of the Barton can be achieved for the trail. No duplication design for this section of the highway has been prepared at this stage.

Building the section from Scrubby Lane to the Barton Highway is challenging due to there being insufficient room within the MacIntosh Circuit road reserve to accommodate the Winery Trail due to significant trees, need for retaining walls, underground services and drainage. This is likely to need some considerable resources to come up with a design which will give us some basis for pursuing grant funding.

There is also a concern construction the trail from Scrubby Lane to the highway would lead pedestrians to the highway without any safe way to cross the highway. It is therefore preferable to do the design (including the crossing of the highway) once the highway duplication design has been completed.

STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN3: Our existing community infrastructure is maintained, and we plan for and support the development of infrastructure that meets community need
Strategies	IN3.1 - Advocate to state and federal government agencies for infrastructure that meets the needs of all people in our communities
Delivery Program Action	Advocate, and support community groups to advocate, for community infrastructure not currently identified in existing programs

ATTACHMENTS: Nil

7.1 NOTICE OF MOTION - BUILDING INSPECTION, 234 COMUR STREET, YASS

Councillor Kim Turner has given notice that at the Ordinary Council Meeting on 29 June 2023, he will move the following motion.

MOTION

That the inspection conducted at 234 Comur Street on 8 December 2022, at the request of Mr Touie Smith, was conducted as a final inspection and the matters identified as unsatisfactory were, in fact, incomplete or unfinished works already known to the applicant. Further that Mr Smith be offered the opportunity to respond to the identified matters with appropriate Council staff, prior to the next scheduled inspection without further expense.

Reasons:

No reasons provided

Councillor: Kim Turner

13 June 2023

Chief Executive Officer Comments

Guidance from the Office of Local Government (OLG) was sought in relation to the Notice of Motion.

The OLG indicated that the matter is clearly an intrusion into an operational matter but it is difficult to see how the action proposed by the motion could be seen to be unlawful. If the matter was considered, by the Chief Executive Officer, to be unlawful the motion is not included in the business papers.

The OLG have indicated that there is a potential concern that the originally submitted motion arguably could be seen to be a criticism of staff. This may constitute an act of disorder for the purposes of clause 15.11(d) of Council's *Code of Meeting Practice* i.e. A Councillor commits an act of disorder if the Councillor, at a Council meeting, insults, makes unfavourable personal remarks about, or imputes improper motives to any other Council official, or alleges a breach of the Council's *Code of Conduct*.

To avoid this Cr Turner has agreed to remove the word 'erroneously' in the originally submitted motion as his intention was not to criticise staff.

The OLG have also advised that the prescribed role of the governing body under s223 *Local Government Act 1993* is to set the policy framework under which the Council exercises its regulatory functions and that it should not be seeking to direct staff in the exercise of those functions in relation to a particular matter.

In relation to Mr Smith being given the opportunity to meet with staff to respond to the identified issues in the inspection, this is not necessary. Mr Smith has been provided with a list of the outstanding matters and he raised questions in relation to five matters for which a response has been provided. Once he has completed these works he could book a final inspection. The motion could be further refined to be that:

1. *The inspection conducted at 234 Comur Street on 8 December 2022, at the request of Mr Touie Smith, was conducted as a final inspection and the matters identified as unsatisfactory were, in fact, incomplete or unfinished works already known to the applicant.*
2. *Once Mr Smith has completed the identified works he can book a final inspection.*

ATTACHMENTS: Nil

8.1 QUESTION WITH NOTICE - A HEATED SWIMMING POOL FOR YASS VALLEY?

Councillor Adrian Cameron submitted the following Question with Notice:

Yass FM in its Facebook fundraising promotion to build a new studio mentioned that they need to vacate the Caretaker cottage at the Yass Soldiers' Memorial Pool by September 2023 as....'it must be bulldozed to make way for our new heated swimming pool for the town.'

Does this mean that the heated pool is to commence in the last quarter of 2023 and what is the projected completion date?

Response

The date of September 2023 is in anticipation of receiving Ministerial sign off on the Draft Victoria Park Plan of Management which includes provision of long term leasing. Once this has been received Council can move toward seeking Expressions of Interest for a heated pool. There is no timing on the commencement of the heated swimming pool project until the Ministerial sign off has been received.

ATTACHMENTS: Nil

8.2 QUESTION WITH NOTICE - FINANCIAL SUSTAINABILITY OF THE 2023/24 BUDGET

Councillor Adrian Cameron submitted the following Question with Notice:

The Integrated Planning and Reporting Guidelines stress that Local Councils in framing their budgets should have regard to their financial sustainability over the longer term.

How is Yass Valley Council meeting the financial benchmarks for long term financial sustainability set by the Office of Local Government, and if it is not meeting these benchmarks, what plans are in place to ultimately meet these over the coming years?

Response

The KPIs were not included in the draft documents placed on public exhibition as we did not have the finance resources at the time.

However, the KPIs will continue to be provided to Council each quarter as part of the Quarterly Budget Review Statement reports, against actual data rather than estimates.

With the limited resources, Council has fulfilled 8 of the 9 essential elements in a 'good' Operational Plan according to the IP&R Guidelines.

ATTACHMENTS: Nil

9.1 MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD ON 3 MAY 2023

REPORT

The minutes of the Local Traffic Committee meeting held on 3 May 2023 are provided in **Attachment A**.

From these minutes there are three 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

RECOMMENDATION

That the minutes of the Local Traffic Committee meeting held on 3 May 2023 be noted and the following recommendations be adopted:

Item 7.1 Request for a Loading Zone, Lead Street, Yass

That:

1. *The Committee gives in principle support to install a loading zone in Lead Street adjacent to the Club House Hotel to operate Monday to Friday 12.00pm to 5.00pm*
2. *Council place the proposed works on public exhibition*

Item 7.2 Request for Stop or Give Way Sign at the intersections of Mulligans Flat Road with East Tallagandra Lane and Read Road

That:

1. *The Committee gives in principle support to install a 'Give-Way' sign & line marking at the Mulligans Flat Road and East Tallagandra Lane intersection*
2. *No new signage be installed at the Read Road intersection*
3. *Council place the proposed works on public exhibition*

Item 7.4 Safety Improvements Intersection of Fifield Road and Meehan Street, Yass

That:

1. *The Committee gives in principle support to proposed modified stages of work to improve safety at the intersection of Fifield Lane and Meehan Street as below:*
 - *Stage 1 –temporary works to close the access into Fifield Lane via the driveway adjacent to the eastern side of 116 Meehan Street. Installation of reduce speed signs and convex mirrors on blind bends in Fifield Lane. This is considered minor works and can be undertaken using existing operational budgets.*
 - *Stage 2 – Preparation of a detailed design and implementation of agreed works including:*
 - *Widening the 90 degree access from Meehan Street to Fifield Lane to cater for heavy vehicle movements;*
 - *Associated landscaping including replacing timber sleepers with concrete edging*
 - *Formalisation of any temporary works from Stage 1*
 - *Installation of kerb and guttering as appropriate to improve road drainage*
 - *Reviewing on street parking options and current signage*
 - *Current parking area on Meehan Street to be maintain although landscaped area to be reviewed for opportunity to increase adjacent width of Fifield Lane*

These works will be subject to a separate budget request in a future operation plan or undertaken at the same time as the Main Street Plan implementation.

2. *Local resident consultation to be undertaken to inform the above proposed works for Stages 1 and 2.*
3. *Council to place the final detailed proposed works for Stage 2 on public exhibition prior to implementation.*

ATTACHMENTS: A. Local Traffic Committee Minutes 3 May 2023 [⇒](#)

9.2 MINUTES OF THE COUNTRY MAYORS ASSOCIATION MEETING HELD ON 26 MAY 2023

REPORT

The minutes of the Country Mayors Association meeting held on 26 May 2023 are included in **Attachment A**.

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

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

Accordingly, the minutes are presented for information.

RECOMMENDATION

That the minutes of the Country Mayors Association meeting held on 26 May 2023 be noted.

ATTACHMENTS: A. Country Mayors Association Minutes 26 May 2023 [↗](#)

9.3 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE MEETING HELD ON 30 MAY 2023

REPORT

The minutes of the Sustainability Advisory Committee meeting held on 30 May 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

In relation to the 2023/24 Integrated Planning & Reporting documents the Committee noted the contents of the documents and supported the conduction of a waste services review and engagement of a Waste Manager.

RECOMMENDATION

That the minutes of the Sustainability Advisory Committee meeting held on 30 May 2023 and adopt the following recommendations:

Item 5.1 – 2023/24 Integrated Planning & Reporting Documents

1. *The Committee note the contents of the 2023/24 Integrated Planning & Reporting documents*
2. *The Committee indicated support for the following budget items:*
 - *Conduction of waste services review*
 - *Engagement of a Waste Manager*

ATTACHMENTS: A. Sustainability Advisory Committee Minutes 30 May 2023 [⇒](#)

9.4 MINUTES OF THE YOUTH COUNCIL HELD ON 5 JUNE 2023

REPORT

The minutes of the Youth Council meeting held on 5 June 2023 are included in **Attachment A**.

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

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

Accordingly, the minutes are presented for information.

RECOMMENDATION

That the minutes of the Youth Council meeting held on 5 June 2023 be noted.

ATTACHMENTS: A. Youth Council Minutes 5 June 2023 [⇒](#)

9.5 MINUTES OF THE YASS SOLDIERS MEMORIAL HALL ADVISORY COMMITTEE HELD ON 1 JUNE 2023

REPORT

The minutes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 1 June 2023 are included in **Attachment A**.

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

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

Accordingly the minutes are presented for information.

RECOMMENDATION

That the minutes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 1 June 2023 be noted.

ATTACHMENTS: A. Yass Solders Memorial Hall Advisory Committee Minutes 1 June 2023 [↗](#)

10 Confidential Matters

RECOMMENDATION

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

- 10.1 Murrumbateman Playground Project Committee**
 Item 10.1 is confidential in accordance with section s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 10.2 Tender Evaluation Report - Victoria Park, Skate Park Extention YVC.IA.13.2023**
 Item 10.2 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 10.3 Caravan Park Management Services Agreement**
 Item 10.3 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 section s10(A)(2)(dii) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 10.4 Memorandum of Agreement - South West Regional Waste Management Group.**
 Item 10.4 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, section s10(A)(2)(dii) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council and section s10(A)(2)(diii) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 10.5 Request for Review - Water and Sewer Headworks Charges, Development Consent DA200271, 7 Adele Street, Yass**
 Item 10.5 is confidential in accordance with section s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.