



Ordinary Meeting of Council

Thursday 24 November 2022

4.00pm

Council Chambers

209 Comur Street, Yass

4.00pm Citizenship Ceremony

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

December 2022

Wednesday 14th

4.00pm

Ordinary Meeting of Council

Ordinary Meeting of Council

A G E N D A

Open Forum

Page No.

Webcasting

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

Acknowledgement of Country

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

1. Prayer

2. Apologies

3. Declaration of Pecuniary Interests/Special Disclosures

4. Confirmation of Minutes

Minutes of Ordinary Council Meeting held on 27 October 2022	5
Minutes of Extraordinary Council Meeting held on 10 November 2022	24

5. Mayoral Minute

5.1 Mayoral Minute - Declaration of Statewide Road Emergency	28
--	----

6. Reports to Council

6.1 Draft 2022 Housekeeping Planning Proposal.....	30
6.2 Proposed Woodlawn Advanced Recovery Centre, Tarago	32
6.3 Development Application No DA220185 - Single Storey Dwelling, Shed, Swimming Pool and Importation of Fill, 3 Shearsby Crescent, Yass	37
6.4 Acquisition of Land for Road Purposes - Various Locations.....	41
6.5 Investment and Borrowings Report - October 2022.....	46
6.6 Work, Health & Safety Improvement Plan Update.....	49
6.7 Murrumbateman Grant Funding Request	50
6.8 Permanent Flying of the Aboriginal Flag at Yass Memorial Hall	51
6.9 Tender Evaluation Report - Wee Jasper Rd Rehabilitation Stage 2 YVC.IA.19.2022	53
6.10 Tender Evaluation Report - Yass Sewer Relining Project 2022/23	55

7. Notice of Motion

Nil

8. Questions with Notice

8.1 Question With Notice - Open Space Strategy Consultation	57
8.2 Question With Notice - Rubbish Bin, Hattons Corner.....	58

9. Minutes and Recommendations of Council Committees

9.1 Minutes of the South East Australian Transport Strategy Meeting held on 11-12 August 2022	59
---	----

9.2	Minutes of the Traffic Management Committee held on 2 November 2022	60
9.3	Minutes of the Sustainability Advisory Committee held on 7 November 2022	61
9.4	Minutes of the Public Art Focus Group held on 14 November 2022.....	62
10.	Confidential Matters	63
	The following matters are classified as CONFIDENTIAL and will be considered in the Closed Meeting of Council in accordance with Section 10A(2) as they deal with commercial, personnel and legal matters:	
10.1	Tender Evaluation Report - Wee Jasper Road Rehabilitation, Stage 2 - YVC.IA.19.2022.....	63
10.2	Tender Evaluation Report - Yass Sewer Relining Project 2022-23.....	63

Close of Meeting Time

Chris Berry
CHIEF EXECUTIVE OFFICER



Minutes of the Ordinary Meeting of Council

Thursday 27 October 2022

4.00pm

Council Chambers

209 Comur Street, Yass

Table of Contents

1.	Prayer	3
2.	Apologies	3
3.	Declaration of Interest/Disclosures	3
4.	Confirmation of Minutes	3
5.	Mayoral Minute.....	4
6.	Reports to Council	4
6.1	Wee Jasper Main Street Masterplan	4
6.2	Climate Change Action Plan for Council Functions and Assets.....	4
6.3	Variations to Development Standards Quarterly Report.....	5
6.4	Development Application No DA220216 - Dwelling House, Lot 2 DP797830, Keirs Road, Murrumbateman	5
6.5	Development Application No DA210262 - Crago Mill Precinct, 209 Comur Street, Yass	6
6.6	Development Application DA210298 - Manufactured Dwelling, 29 Camden Street, Binalong.....	6
6.7	Planning and Environment Compliance Matters	7
6.8	Yass Water Treatment Plant Upgrade Project Update	7
6.9	Water Source Strategy	7
6.10	Investment and Borrowings Report - September 2022	8
6.11	Rates Arrears.....	8
6.12	Community Grants: July to September 2022.....	8
6.13	2022 Winter and Spring School Holiday Programs	9
6.14	IPART Review of Rate Peg Methodology	9
6.15	Advocacy Paper for Funding Priorities.....	9
6.16	Tender Evaluation Report - Back Creek Road Upgrade Stage 1 YVC.IA.17.2022	10
6.17	Tender Evaluation Report - Jeir Creek Bridge Nanima YVC.IA.16.2022	10
6.18	Expressions of Interest - Leasing Office Space Yass Soldiers Memorial Hall	10
6.19	Yass Water Treatment Plant Upgrade - Land Acquisition for Future Facilities.....	11
6.20	Procurement Evaluation Report - Riverbank Park Adventure Playground Skytower YVC.IA.04-1.2022	11
7.	Notice of Motion	12
7.1	Notice of Motion - Contact Local State and Federal Representative re Overhead Powerlines from Snowy 2.0	12
8.	Questions with Notice.....	12
8.1	Question With Notice - Yass Valley Council Non Road Related Competitive Grant Applications	12
8.2	Question with Notice - Consultation Process - Permanent Flying of the Australian Aboriginal Flag outside the Yass Soldiers Memorial Hall	13
9.	Minutes and Recommendations of Council Committees.....	13
9.1	Minutes of the General Manager's Performance Review Committee Meeting held on 19	

Minutes of the Ordinary Meeting of Council held on 27 October 2022

September 2022.....	13
9.2 Minutes of the Yass Soldiers Memorial Hall Advisory Committee held on 11 August 2022	13
9.3 Minutes of the Aboriginal Consultative Advisory Committee held on 6 October 2022	14
9.4 Minutes of the Sustainability Advisory Committee held on 29 September 2022	14
10. Confidential Matters.....	14
10.1 Minutes of the General Manager's Performance Review Committee Meeting held on 19 September 2022.....	15
10.2 Tender Evaluation Report - Back Creek Road Upgrade Stage 1 YVC.IA.17.2022	16
10.3 Tender Evaluation Report - Jeir Creek Bridge Nanima YVC.IA.16.2022	16
10.4 Expressions of Interest - Leasing Office Space Yass Soldiers Memorial Hall	17
10.5 Yass Water Treatment Plant Upgrade - Land Acquisition for Future Facilities.....	17
10.6 Procurement Evaluation Report - Riverbank Park Adventure Playground Skytower YVC.IA.04-1.2022	18

Open Forum

Presentations to Council – Items on the Meeting Agenda

- **Item 6.4– Development Application DA220216 - Dwelling House at Lot 2 DP 797830, Keirs Road, Murrumbateman**
Ken Helm
Lachlan Haskins
- **Item 7.1 – Notice of Motion – Contact Local State and Federal Representatives re Overhead Powerlines from Snowy 2.0**
Nan Betts

Council Meeting - The Mayor declared the meeting open at 4.22 pm.

Present

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

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

Acknowledgement of Country

1. Prayer

2. Apologies

Nil

3. Declaration of Interest/Disclosures

Chris Berry, General Manager declared a pecuniary conflict of interest in Item 10.1 – Minutes of the General Manager’s Performance Review Committee Meeting held on 19 September 2022.

Reason: Chris Berry declared an interest as the report/minutes relate to his employment at Council and indicated he would leave the meeting during this item.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 21 September 2022 covered by resolution numbers 223-241 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Burgess/Abbey) 224

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

AGAINST: Nil

5. Mayoral Minute

6. Reports to Council

6.1 WEE JASPER MAIN STREET MASTERPLAN

SUMMARY

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

RESOLVED that :

- 1. *The Wee Jasper Mainstreet Masterplan be adopted subject to the following:***
 - *The community square be relocated onto the Wee Jasper Recreation Ground.*
 - *Inclusion of two electric vehicle charging locations within the community square carpark.*
 - *Provision for motorcycle parking within the community square carpark.*
 - *The woodland walk be revised to within the boundaries of the Wee Jasper Recreation Ground only, with the extension to the west notated subject to approval by NSW Department of Education.*
 - *Reference to the Wee Jasper Community Association, rather than Progress Association.*
- 2. *The final design report be prepared incorporating the adopted Masterplan and information to support grant applications for relevant actions.***

(Jones/Reid) 225

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

AGAINST: Nil

6.2 CLIMATE CHANGE ACTION PLAN FOR COUNCIL FUNCTIONS AND ASSETS

SUMMARY

This document summarises and communicates the current and planned actions Council are taking to adapt to a climate change future and reduce the risk to Council functions and assets.

RESOLVED that the Climate Change Action Plan be noted.

(Pothen/Reid) 226

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

AGAINST: Councillor A Cameron

FORESHADOWED MOTION

That:

- The item be held over until the December meeting given that the Climate Change Action Plan has not been made publicly available on the website.
- A future report be provided to Council providing an update addressing whether Council's insurer's opinion on the adequacy of the plan has been sought and obtained, given the insurer's requirement that such a plan be developed.
- The business Paper report considers and advises whether the Plan needs to be updated in light of the experience and learnings from the August 2022 floods.
- The Plan be referred to the November meeting of the Sustainability Advisory Committee for its consideration and comment prior to being brought back to Council

(Cameron)

FORESHADOWED MOTION LAPSED

6.3 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT

SUMMARY

Reporting on development standard variations approved in the third quarter (July – September) of 2022.

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

(Turner/Pothan) 227

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

AGAINST: Nil

6.4 DEVELOPMENT APPLICATION NO DA220216 - DWELLING HOUSE, LOT 2 DP797830, KEIRS ROAD, MURRUMBATEMAN

SUMMARY

To present the assessment of Development Application DA220216 for a dwelling house at Lot 2 DP797830, Keirs Road, Murrumbateman. The application is referred to Council as it involves a variation (by greater than 10%) to the minimum lot size development standard for the erection of a dwelling in the RU1 Primary Production Zone. The application attracted four objections and relevant concerns cannot be address by conditions. Refusal is recommended.

RESOLVED that Development Application DA220216 for a dwelling house at Lot 2 DP 797830, Keirs Road, Murrumbateman, be refused on the following grounds:

1. ***The land does not enjoy the benefit of a dwelling entitlement pursuant to clause 4.2B of the Yass Valley LEP 2013***
2. ***The variation to the development standard contained in clause 4.2B(3)(a) of the Yass Valley LEP 2013 is not supported as:***
 - ***There are insufficient environmental planning grounds.***

- ***It is not within the public interest and would create an undesirable precedent for the development of existing small lots in the RU1 Primary Production zone.***

(Turner/Reid) 228

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

AGAINST: Nil

6.5 DEVELOPMENT APPLICATION NO DA210262 - CRAGO MILL PRECINCT, 209 COMUR STREET, YASS

SUMMARY

A Development Application for the Crago Mill Precinct Development has been lodged with Council to be determined by the Southern Regional Planning Panel.

RESOLVED that the determination of Development Application No DA210262 for the New Crago Mill Precinct Development, 209 Comur Street Yass by the Southern Regional Planning Panel be noted.

(Jones/Reid) 229

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

AGAINST: Nil

6.6 DEVELOPMENT APPLICATION DA210298 - MANUFACTURED DWELLING, 29 CAMDEN STREET, BINALONG

SUMMARY

To present the assessment of Development Application No DA210298 which seeks to regularise the installation of a manufactured dwelling (dwelling house) and associated works at 29 Camden Street, Binalong. The application was notified and attracted no submissions. Approval is recommended.

RESOLVED that conditional Development Consent be issued for Development Application No DA210298 for the installation of a manufactured dwelling at 29 Camden Street, Binalong.

(Pothan/Jones) 230

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

AGAINST: Councillor J Abbey

6.7 PLANNING AND ENVIRONMENT COMPLIANCE MATTERS

SUMMARY

Details of compliance matters being managed by the Planning and Environment Directorate.

RESOLVED that the report on Planning and Environment Compliance Matters be noted.

(Abbey/Pothan) 231

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

AGAINST: Nil

6.8 YASS WATER TREATMENT PLANT UPGRADE PROJECT UPDATE

SUMMARY

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

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

(Reid/Turner) 232

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

AGAINST: Nil

6.9 WATER SOURCE STRATEGY

SUMMARY

Report provides the outcome of the Water Source Strategy to identify preferred option for additional water source when supply capacity from Yass Dam is reached. Preferred water source option is supply from ACT.

RESOLVED that :

- 1. The preferred strategy of additional water source from Canberra to meet the future growth of Yass Valley be endorsed.***
- 2. Works towards achieving an agreement in principle for water supply from Canberra commenced with stakeholders.***
- 3. A water supply pipeline from the ACT to Murrumbateman be endorsed as a legacy project to offset the loss of rate revenue in any discussions and negotiations associated with a move of the NSW/ACT border in the Parkwood area.***

(Turner/Abbey) 233

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

AGAINST: Nil

6.10 INVESTMENT AND BORROWINGS REPORT - SEPTEMBER 2022

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 30 June 2022. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

RESOLVED that the Investment Report for September be noted.

(Abbey/Reid) 234

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

AGAINST: Nil

6.11 RATES ARREARS

SUMMARY

To update Council on rate arrears to the end of the first quarter of the 2022/23 financial year.

Rate arrears totalled \$1,156,684.04 as at 30 June 2022 and this has now been reduced to \$982,629.87 as of 30 September 2022. This represents an improvement of \$174,054.17 or 15.05%.

RESOLVED that the report on rates arrears be noted.

Reid/Pothan) 235

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

AGAINST: Nil

6.12 COMMUNITY GRANTS: JULY TO SEPTEMBER 2022

SUMMARY

In line with Council's Community Strategic Plan and Delivery Program, Council staff continually source grant funding to assist council, community groups, and local businesses to support the wellbeing of our community. This report outlines grant opportunities that staff have applied for during the first quarter of the 2022/23FY.

RESOLVED that the report on Community Grants be noted.

(Turner/Reid) 236

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

AGAINST: Nil

6.13 2022 WINTER AND SPRING SCHOOL HOLIDAY PROGRAMS

SUMMARY

This report provides Council with a brief on activities undertaken as part of the youth 2022 Winter and Spring Break Grant Programs that were undertaken in partnership with local community groups and businesses. It is anticipated that this program will continue to grow as more local businesses come on board. The opportunity of grant funding by the State Government has enabled activities to be provided that would normally be out of reach due to Council's operational plan.

RESOLVED that the 2022 Winter and Spring School holiday Programs report be noted and consideration be given to funding in the 2023/24 Operational Plan for ongoing Holiday Break activities.

(Pothan/Reid) 237

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

AGAINST: Nil

6.14 IPART REVIEW OF RATE PEG METHODOLOGY

SUMMARY

IPART have issued an Issues Paper "Review of Rate Peg Methodology". Council is contributing to a submission being put together by the CRJO.

RESOLVED that the report on the IPART Review of Rate Peg Methodology be noted.

(Abbey/Pothan) 238

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

AGAINST: Nil

6.15 ADVOCACY PAPER FOR FUNDING PRIORITIES

SUMMARY

To present an updated advocacy paper for funding priorities in Yass Valley for the purpose of advocacy to candidates in the upcoming State Election.

RESOLVED that the updated advocacy paper for funding priorities in Yass Valley to be endorsed for the purpose of advocacy to candidates in the upcoming State Election in March 2023.

(Jones/Reid) 239

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

AGAINST: Nil

6.16 TENDER EVALUATION REPORT - BACK CREEK ROAD UPGRADE STAGE 1 YVC.IA.17.2022

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Back Creek Road Upgrade – Stage 1 under Contract YVC.IA.17.2022.

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

(Turner/Burgess) 240

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

AGAINST: Nil

6.17 TENDER EVALUATION REPORT - JEIR CREEK BRIDGE NANIMA YVC.IA.16.2022

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Jeir Creek Bridge replacement Nanima Road, under contract YVC.IA.16.2022.

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

(Turner/Burgess) 241

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

AGAINST: Nil

6.18 EXPRESSIONS OF INTEREST - LEASING OFFICE SPACE YASS SOLDIERS MEMORIAL HALL

SUMMARY

Reporting on the outcome of Expressions of Interest received for use of office space at the northern and southern side at the front of the Yass Soldiers Memorial Hall.

RESOLVED that item is 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.

(Turner/Burgess) 242

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

AGAINST: Nil

6.19 YASS WATER TREATMENT PLANT UPGRADE - LAND ACQUISITION FOR FUTURE FACILITIES

SUMMARY

Seeking approval for the acquisition of land through purchase for the proposed upgrade of the Water Treatment Plant.

RESOLVED that this item is 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.

(Turner/Burgess) 243

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

AGAINST: Nil

6.20 PROCUREMENT EVALUATION REPORT - RIVERBANK PARK ADVENTURE PLAYGROUND SKYTOWER YVC.IA.04-1.2022

SUMMARY

Advising of the outcome of negotiations undertaken to deliver the Skytower as part of the new Riverbank Park Adventure playground.

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

(Turner/Burgess) 244

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

AGAINST: Nil

7. Notice of Motion

7.1 NOTICE OF MOTION - CONTACT LOCAL STATE AND FEDERAL REPRESENTATIVE RE OVERHEAD POWERLINES FROM SNOWY 2.0

Councillor Adrian Cameron has given notice that at the Ordinary Council Meeting on 27 October 2022, he will move the following motion:

RESOLVED that :

- 1. Council writes to our Federal Member and pose an open question for candidates in the upcoming NSW election seeking their position statement and support to advocate for undergrounding power lines for the Humelink Project to protect the interests of farmers, land owners, volunteer fire fighting service personnel and the environment.***
- 2. Write to the Department of Planning seeking their support for the undergrounding of power lines for the Humelink Project.***

(Cameron/Reid) 245

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

AGAINST: Councillor C Pothan

FORESHADOWED MOTION

That Yass Valley Council write to our current State and Federal Members seeking their position statement and support for undergrounding the power lines for the Humelink Project to protect the interests of farmers, land owners, volunteer fire fighting personnel and the environment and that this be repeated with candidates for the State election once they are known.

(Cameron)

FORESHADOWED MOTION LAPSED

8. Questions with Notice

8.1 QUESTION WITH NOTICE - YASS VALLEY COUNCIL NON ROAD RELATED COMPETITIVE GRANT APPLICATIONS

Councillor Adrian Cameron asked the following Question with Notice:

In keeping with YVC Strategic Plan Cl.1 to seek out and pursue grant funding opportunities, can Councillors have an update on YVC non road related competitive grant applications including application amounts both successful and unsuccessful for the first quarter of this financial year 2022/2023.

Council received and noted the response provided in the business papers.

8.2 QUESTION WITH NOTICE - CONSULTATION PROCESS - PERMANENT FLYING OF THE AUSTRALIAN ABORIGINAL FLAG OUTSIDE THE YASS SOLDIERS MEMORIAL HALL

Councillor Adrian Cameron submitted the following Question with Notice:

Our YVC Strategic Plan, CL.3 notes that residents have access to relevant and accurate information about issues that affect them so, my question is, what is the process for consultation regarding the permanent flying of the Australian Aboriginal Flag outside the Yass Soldiers Memorial Hall?

Council received and noted the response provided in the business papers.

9. Minutes and Recommendations of Council Committees

9.1 MINUTES OF THE GENERAL MANAGER'S PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 19 SEPTEMBER 2022

RESOLVED that this item be classified as 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).

(Jones/Reid) 246

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

AGAINST: Nil

9.2 MINUTES OF THE YASS SOLDIERS MEMORIAL HALL ADVISORY COMMITTEE HELD ON 11 AUGUST 2022

RESOLVED that the minutes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 11 August 2022 be noted and the following recommendation be adopted:

Item 6 Strategic Projects & Priorities Discussion

That Council approve the Advisory Committee investigating the possibility of creating a "Friends of the Yass Soldiers Memorial Hall" that is independent of the Committee.

(Abbey/Pothan) 247

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

AGAINST: Nil

9.3 MINUTES OF THE ABORIGINAL CONSULTATIVE ADVISORY COMMITTEE HELD ON 6 OCTOBER 2022

RESOLVED that the minutes of the Aboriginal Consultative Advisory Committee meeting held on 6 October 2022 and adopt the following recommendations:

Item 4.1 Acknowledgement of Country on Council's Email Signature and Letterhead

That Council works in partnership with Local Land Council and members of the Aboriginal Consultative Committee to create a unique banner and sticker with a unique to country Acknowledgement of Country, including use of a local artist.

Item 4.2 Aboriginal Flag at Yass Soldiers Memorial Hall

That Council facilitate a representative of the Yass RSL Sub-branch, Aboriginal Consultative Committee, and Local Aboriginal Land Council to come together to discuss the flying of the Aboriginal Flag at the Yass Memorial Hall in early November 2022.

(Turner/Reid) 248

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

AGAINST: Nil

9.4 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 29 SEPTEMBER 2022

RESOLVED that the minutes of the Sustainability Advisory Committee meeting held on 29 September 2022 be noted.

(Cameron/Reid) 249

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

AGAINST: Nil

10. Confidential Matters

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

10.1 Minutes of the General Manager's Performance Review Committee Meeting held on 19 September 2022

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 - Back Creek Road Upgrade Stage 1 YVC.IA.17.2022

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** ***Tender Evaluation Report - Jeir Creek Bridge Nanima YVC.IA.16.2022***
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 discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 10.4** ***Expressions of Interest - Leasing Office Space Yass Soldiers Memorial Hall***
Item 10.4 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 10.5** ***Yass Water Treatment Plant Upgrade - Land Acquisition for Future Facilities***
Item 10.5 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.
- 10.6** ***Procurement Evaluation Report - Riverbank Park Adventure Playground Skytower YVC.IA.04-1.2022***
Item 10.6 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.

(Turner/Jones) 250

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

AGAINST: Nil

Closed Council commenced at 6.38 pm.

Open Council resumed at 7.14 pm.

RESOLVED that the meeting move into Open Council.

(Turner/Reid) 251

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

AGAINST: Nil

At 6.39pm all members of staff left the Chambers.

10.1 MINUTES OF THE GENERAL MANAGER'S PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 19 SEPTEMBER 2022

RESOLVED that the minutes of the General Manager's Performance Review Committee meeting held on 19 September 2022 be noted and the following recommendations adopted:

Item 1 General Manager's Performance Review 2022

That:

- 1. The General Manager's Performance Review be noted as meets, and at times exceeds, expectations.***
- 2. The Position of General Manager be redesignated as Chief Executive Officer and all references to General Manager in Council policies, delegations and other documentation to be taken as referring to the Chief Executive Officer.***

Item 2 General Manager's Performance Review 2023

That the General Manager's Performance Agreement for 2023 be endorsed.

(Pothan/Turner) 252

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

AGAINST: Nil

At 6.46pm all members of staff returned to the Chambers.

10.2 TENDER EVALUATION REPORT - BACK CREEK ROAD UPGRADE STAGE 1 YVC.IA.17.2022

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Back Creek Road Upgrade – Stage 1 under contract YVC.IA.17.2022.

RESOLVED that :

- 1. The tender submitted by Lentro Earthworks Pty Ltd, under Contract YVC.IA.17.2022 for the Back Creek Road Upgrade Stage 1, be accepted for a total cost of \$2,889,296.91 excluding GST***
- 2. A contingency allowance of \$100,000 be allocated for latent conditions***
- 3. The schedule of rates submitted by Lentro Earthworks Pty Ltd for the Back Creek Road Upgrade Stage 1 be accepted for undertaking additional road works etc on Back Creek Road to the value of any funds remaining***

(Burgess/Abbey) 253

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

AGAINST: Nil

10.3 TENDER EVALUATION REPORT - JEIR CREEK BRIDGE NANIMA YVC.IA.16.2022

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Jeir Creek Bridge replacement Nanima Road, under contract YVC.IA.16.2022.

RESOLVED that :

- 1. The tender submitted by Complete Civil Pty Ltd – Option 2, under the Contract YVC.IA.16.2022 for the replacement of Jeir Creek Bridge be accepted for a total cost of \$1,328,351.**
- 2. A Contingency allowance up to the maximum funded amount, be allocated for latent conditions.**
- 3. The schedule of rates submitted by Complete Civil Pty Ltd for the Jeir Creek Bridge replacement be accepted for undertaking additional road/bridge works as required to the value of any funds remaining.**

(Burgess/Abbey) 254

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

AGAINST: Nil

10.4 EXPRESSIONS OF INTEREST - LEASING OFFICE SPACE YASS SOLDIERS MEMORIAL HALL

SUMMARY

Reporting on the outcome of Expressions of Interest received for use of office space at the northern and southern side at the front of the Yass Soldiers Memorial Hall.

RESOLVED that :

- 1. The EOI submitted by Tyger Gallery for the occupation of the three rooms on the northern side of the Yass Soldiers Memorial Hall be accepted and the weekly rental proposed for \$120 per week be negotiated to seek improved commercial rental terms.**
- 2. The EOI submitted by The Spotty Rose for the one room on the Southern side of the Yass Soldiers Memorial Hall be accepted and a commercial rental be negotiated.**
- 3. Discussions be commenced with community organisations regarding options for future accommodation.**

(Jones/Pothan) 255

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

AGAINST: Nil

10.5 YASS WATER TREATMENT PLANT UPGRADE - LAND ACQUISITION FOR FUTURE FACILITIES

SUMMARY

This report seeks approval for the acquisition of land through purchase for the proposed upgrade of water treatment plant.

RESOLVED that :

- 1. The proposed acquisition of Part of Lot 2 DP503391 for the price outlined in the report be approved.**
- 2. The General Manager and Mayor be delegated under s377 Local Government Act 1993, to execute the purchase.**
- 3. Additional funds be allocated from the Water Reserve in the 2022/23 Operational Plan for this purchase as outlined in the report.**

(Jones/Reid) 256

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

AGAINST: Nil

**10.6 PROCUREMENT EVALUATION REPORT - RIVERBANK PARK ADVENTURE
PLAYGROUND SKYTOWER YVC.IA.04-1.2022**

SUMMARY

To advise of the outcome of negotiations undertaken to deliver the Skytower as part of the new Riverbank Park Adventure playground.

RESOLVED that :

- 1. The submission by Proludic Pty Ltd be accepted and the contract awarded for a total cost of \$249,750 for the supply and installation of a revised Skytower for the Riverbank Park Adventure Playground.**
- 2. Supply and installation of the Skytower is within the project budget of \$286,744 and no further staging of the Skytower is required.**
- 3. The increase in the budget allocation for the 2022/23 Operational plan to \$1,919,000 for the Riverbank Park Adventure Playground be approved to match the increased grant amount.**

(Abbey/Jones) 257

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

AGAINST: Nil

RESOLVED that the recommendations in Closed Council be adopted.

(Jones/Cameron) 258

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

AGAINST: Nil

The meeting closed at 7.15 pm.



Minutes of the Extraordinary Meeting of Council

Thursday 10 November 2022

4.00pm

Annex

Yass Soldiers Memorial Hall

Comur Street, Yass

Table of Contents

1.	Apologies	2
2.	Declaration of Interest/Disclosures	2
3.	Reports to Council	2
3.1	Development Application No DA220229 - Zenith Gathering Event, 1168 Dicks Creek Road, Yass River	2
3.2	Development Application No DA220126 - Multi-Unit Residential Development (Group Homes), 19 Pritchett Street, Yass.....	3

Open Forum

Item 3.1 – Development Application DA220226 – Zenith Gathering Event, 1168 Dicks Creek Road, Yass River

Viraj Evans

Item 3.2 - Development Application DA220126 – Multi Unit Residential Development- 19 Pritchett Street, Yass

Andrew Randall

Present

Councillors Allan McGrath, Mayor, in the chair, Jim Abbey, Adrian Cameron, Jasmin Jones, C Pothan, and Mike Reid.

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

1. Apologies

RESOLVED that apologies be received from Councillors Burgess, Butler and Turner and leave of absence be granted.

(Abbey/Pothan) 259

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

AGAINST: Nil

2. Declaration of Interest/Disclosures

3. Reports to Council

3.1 DEVELOPMENT APPLICATION NO DA220229 - ZENITH GATHERING EVENT, 1168 DICKS CREEK ROAD, YASS RIVER

SUMMARY

To present Development Application No DA220229 for the Zenith Gathering event at 1168 Dicks Creek Road, Yass River, proposed to be held on 25-28 November 2022. The application attracted 27 submissions, with 26 objections. There is insufficient time available to enable a complete assessment of the application, and relevant concerns cannot be addressed via conditions. It is recommended that Council refuses the event date of 25-28 November 2022 and invites the Applicant to amend their Development Application to another date in 2023 for further consideration.

RESOLVED that following consideration under s4.15 EP&A Act 1979, Development Application DA220229 for the Zenith Gathering event at 1168 Dicks Creek Road is refused in its entirety on the following grounds:

- ***The proposed event is not within the public interest or that of the local community***
- ***The condition of the local road network is currently not suitable for the proposed traffic generation as a result of the exceptional and ongoing wet weather. With consideration of***

the long range weather forecast and the extent of damage across the local road network, it is considered unlikely that this situation will significantly change into 2023

- *The event is unacceptable taking into account the advice and objections of NSW Police, in particular:*
 - *The likelihood that an overdose will take place vs. the time it will take to transport a patient to a critical care facility is high risk, which cannot be further mitigated*
 - *The possibility of a natural disaster resulting in an unplanned evacuation verses the number of people and available resources to facilitate an evacuation equal a high risk, which cannot be further mitigated*

(Jones/Cameron) 260

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

AGAINST: Nil

3.2 DEVELOPMENT APPLICATION NO DA220126 - MULTI-UNIT RESIDENTIAL DEVELOPMENT (GROUP HOMES), 19 PRITCHETT STREET, YASS

SUMMARY

To present the assessment of Development Application No DA220126 for a group home comprising of the erection of six new residential units, the renovation of an existing dwelling and removal of trees at 19 Pritchett Street, Yass. The application attracted three submissions. Approval is recommended.

RESOLVED that conditional Development Consent be issued for Development Application No DA220126 for Group Home development at 19 Pritchett Street, Yass, with the following amendments:

- ***Condition 14 be deleted***
- ***Conditions 24 and 96 be amended to reflect the deletion of Condition 14.***

(Pothan/Abbey) 261

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

AGAINST: Nil

The meeting closed at 4.46 p.m.

5.1 MAYORAL MINUTE - DECLARATION OF STATEWIDE ROAD EMERGENCY

SUMMARY

Presenting a report from the recent Country Mayors Association meeting on 18 November 2022 seeking support for the declaration of a Statewide Road Emergency as a result of widespread flooding and above average rainfall across NSW. The Mayoral Minute has been prepared by the Chair of the Country Mayors Association for Council's consideration.

RECOMMENDATION

That Council joins with Local Government NSW and Country Mayors Association of NSW in declaring a Statewide Road Emergency

REPORT

Council is well aware the Yass Valley Local Government Area has been hit by a seemingly relentless wave of flood events in the past 12 months.

A total of 126 of New South Wales' 128 Local Government Areas have had natural disaster declarations within the last 12 months, according to the President of Local Government NSW, Darriea Turley.

On the 3 November 2022, Local Government NSW declared a Statewide Roads Emergency.

The declaration – and urgent call for the NSW and Federal Governments to increase their existing road funding commitments in the wake of the floods – comes on the back of an estimated \$2.5 billion in road damages and a collapse of the local and regional road network.

Councils need to show support for this move and whole-heartedly endorse the Local Government NSW declaration of Statewide Road Emergency.

The declaration has already been publicly supported by our peak regional body, the Country Mayors Association of New South Wales.

As part of the Statewide Roads Emergency, LGA NSW and Country Mayors Association of NSW are calling for:

- An acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing Country Bridges program from the New South Wales Government
- A boost to Road Block Grant funding to compensate for the damage to the regional road network from the Federal Government
- New funding to provide councils with plant machinery and skilled workers to expedite road repairs from the Federal Government.

The State has faced, and may continue to face, an unprecedented and unrelenting series of natural disasters that has seen residents and business owners cleaning up again and again, people isolated, workers unable to get to work, and students unable to get to training or school.

Add to this our very real and immediate concern for our primary producers.

This latest rain event has hit at a critical time. Winter crops are ready to be harvested and the window for planting summer crops, including cotton, only lasts a matter of week. Cotton is the single largest contributor to our agricultural outputs.

Livestock are ready to go to sale.

The local and regional road network is critically-enabling infrastructure. It is absolutely vital to our primary producers, and the key to keeping affordable food on the table across New South Wales and beyond.

Our road network, and the road network of Shires across the State, have disastrous damage. We are facing a task that is beyond the reasonable scope of any Local Government authority. The State is facing an unprecedented disaster that requires an unprecedented response.

Councils and our communities need help. Other regional and rural communities across the State and beyond need help. Local Government desperately need our leaders to lead.

Councils need to support our peak bodies in their declaration of Statewide Road Emergency.

This is an emergency, and it is time to seek help, and by supporting this Mayoral Minute you are endorsing that the Chair of the Country Mayors Association write to the Prime Minister of Australia Anthony Albanese and the Premier of New South Wales Dominic Perrottet pleading for immediate action.

ATTACHMENTS: Nil

6.1 DRAFT 2022 HOUSEKEEPING PLANNING PROPOSAL

SUMMARY

To present a report for a draft Planning Proposal to make administrative housekeeping amendments to the *Yass Valley LEP 2013*. It is recommended that the proposal be submitted for a Gateway Determination.

RECOMMENDATION

That the Planning Proposal (PP-2022-03) for administrative/housekeeping amendments be endorsed and forwarded to the Minister for Planning to request a Gateway Determination pursuant to s3.34 Environmental Planning & Assessment Act 1979.

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *South East and Tablelands Regional Plan 2036*
- *Draft South East and Tablelands Regional Plan 2041*
- *Yass Valley Local Environmental Plan 2013*

REPORT

1. Introduction

Section 3.21(1) *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)* requires Councils to regularly review their environmental planning instruments. Best practice is suggested to be every five years, and the last housekeeping amendment to the *Yass Valley LEP 2013* was done in 2018. Despite the small number of amendments, this Planning Proposal will be within the suggested five year timeframe and is being done now to expand the application of the land use 'Artisan Food and Drink Premises' as permitted with consent as there are a number of businesses who would currently like to access the additional opportunities that definition offers.

2. Planning Proposal

A Planning Proposal has been prepared which includes minor administrative amendments to reflect existing land use, ownership or alignment of zones and minimum lot sizes with cadastral lot boundaries. It is also proposed to include the addition of the 'Artisan Food and Drink Premises' definition into the RU1 Primary Production and RU4 Primary Production Small Lots zones. There are a total of 15 items for amendment within the draft Planning Proposal (refer [Attachment A](#)).

As all the amendments are administrative in nature, no supporting studies are required. In this instance, it is appropriate that Council seek authorisation to exercise its delegation to make the amending LEP under s3.36 *EP&A Act 1979* as this Planning Proposal is considered to be within the 'Basic' category.

STRATEGIC DIRECTION

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

ATTACHMENTS: A. Draft 2022 Housekeeping Planning Proposal [↗](#)

6.2 PROPOSED WOODLAWN ADVANCED RECOVERY CENTRE, TARAGO

SUMMARY

To present a report on the proposed Woodlawn Advanced Recovery Centre (ARC). The proposal is a State Significant Development and the Planning Assessment Commission is the Consent Authority. While the proposal is located within the Goulburn Mulwaree Local Government Area the key issue for Yass Valley residents relate to the emissions and whether there is any impacts on residents especially those in the Lake George, Gundaroo and Sutton areas.

RECOMMENDATION

That taking into consideration the findings presented in the Environmental Impact Statement for the Woodlawn Advanced Recovery Centre at Tarago it is difficult to see how Council's position from October 2021 to oppose waste incineration facilities on environmental and public health grounds can be supported and on this basis no submission be made to the Department of Planning & Environment.

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *State Environmental Planning Policy (State & Regional Development) 2011*
- *EPA Energy from Waste Infrastructure Plan*

REPORT

1. Background

In October 2021 Council considered the *Energy from Waste Infrastructure Plan* prepared by the EPA. Council resolved that:

1. *Council states its total opposition to waste incineration facilities in the Yass Valley Local Government Area and neighbouring Local Government Areas. Council's position is to ensure that environmental and public health outcomes are the number one priority*
2. *The State Government be requested to undertake an urgent review be undertaken of the Energy from Waste Infrastructure Plan before any applications for specific Energy from Waste proposals are lodged or determined based on:*
 - *A robust evaluation of the technology used in any existing facilities in addressing any adverse impacts (especially emissions)*
 - *A cost benefit analysis of the best technology facility in comparison to other energy generating alternatives*
 - *Identifying potential sites and evaluating their suitability based on the preferred technology*
 - *Use of an Environmental Impact Assessment process to evaluate specific proposals and a merits based review process for those aggrieved by the assessment outcomes*
3. *The Minister for Environment and Local Member for Goulburn be advised of Council's determination*

The urgent review prior to any application being lodged has not occurred.

A Development Application has now been lodged with the Department of Planning & Environment (DPE) for the proposed Woodlawn Advanced Recovery Centre in Tarago off Collector Road. The site is within the Goulburn Mulwaree Local Government Area. A Locality Plan showing the regional and local setting is included in **Attachment A**.

The proposal is classified as a State Significant Development due to its waste and energy generating elements and is assessed by DPE. The Independent Planning Commission is the Consent Authority for the proposal and will make the final determination.

Veolia Environmental Services (Australia) Pty Ltd owns and operates the Woodlawn Eco Precinct. The precinct is approximately 6km west of the Tarago village.

The precinct is located approximately 30kms due east of Gundaroo and Sutton. Lake George and the escarpment along the Federal Highway are mid-way between the villages and the proposed site.

The precinct is a significant waste treatment and disposal complex. It incorporates a bioreactor landfill, a bioenergy power station that operates on landfill gas generated in the bioreactor, a mechanical and biological waste treatment facility and a wind farm. The precinct accepts 40% of Sydney's residual putrescible waste which is sorted in Sydney and transferred to Crisps Creek intermodal facility near Tarago from two rail transfer stations in Clyde and Banksmeadow. From the Crisps Creek facility waste containers are transported 4kms to the precinct by road. It should be noted that no waste from the surrounding region goes to Woodlawn.

The precinct extends over 6,000ha and the central waste management operations comprise of 300ha. Most of the remaining land is a buffer used for agricultural purposes. The nearest privately owned residence is more than 4km from the waste operations area.

2. Project Description

The Veolia proposal is to build and operate an energy recovery facility. Of the 1,180,000 tons per annum of Sydney waste currently approved for the site it is proposed to divert up to 380,000 tons per annum from the bioreactor to the energy recovery facility. The process involves incinerating waste to generate electrical energy.

The proposal involves the construction and operation of:

- The ARC building containing:
 - The ERF for the thermal treatment of up to 380,000 tpa of residual waste that would otherwise be disposed of to landfill
 - A power plant with a nominal capacity of 30MWh to generate 240,000MW of electricity per annum
- An encapsulation cell for the on-site management of residual by-products generated by the ARC
- Ancillary site infrastructure to facilitate construction and operation of the project

A site plan and the ARC building design are included in **Attachment B**.

The proposal is supported by a comprehensive Environmental Impact Statement (with supporting technical reports) including assessment of the following issues:

- | | |
|-------------------------|-----------------------|
| • Air quality and odour | • Biodiversity |
| • Human health | • Aboriginal heritage |
| • Greenhouse gas | • Historic heritage |
| • Noise and vibration | • Visual |
| • Traffic and transport | • Social |
| • Groundwater | • Economics |
| • Surface water | • Hazards |

- Contamination
- Waste
- Bushfire

All the documents associated with this proposal can be accessed via the following link <https://www.planningportal.nsw.gov.au/major-projects/projects/woodlawn-advanced-energy-recovery-centre>

This EIS has assessed the project as:

- Being consistent with the objects set out in s1.3 *Environmental Planning & Assessment Act 1979*
- Meets the principles of ecologically sustainable development outlined in Part 8 *Environmental Planning & Assessment Regulation 2021*

The key findings from the EIS are summarised as follows:

- **Waste management strategy**
The project meets the objective of the NSW Government to provide an ERF to serve Sydney by 2030, as set out in the *NSW Waste and Sustainable Materials Strategy 2041*, and will support the circular economy and the waste hierarchy by diverting some 380,000 tpa from landfill.
- **Site suitability**
The site is zoned appropriately and has been identified by the NSW Government as an Energy from Waste Infrastructure Priority Area. In addition, the site has the benefit of a substantial Veolia owned buffer area to residences and other sensitive land uses, providing a separation of over 4km. Finally, the site has been a major waste processing location for over 20 years and benefits from a major waste transport infrastructure system which has approval to move over 1 mtpa of waste to the site.
- **Environmental issues**
The EIS has assessed all the potential environmental impacts that may result from the project. No substantial impacts have been identified that cannot be appropriately mitigated through management plans and other measures. The project will generate low carbon energy generation for the equivalent of almost 40,000 homes, contributing to electricity generation from alternative energy sources with a lower global warming potential compared to other sources of energy generation (hard coal, biomass, natural gas).
- **Community**
The assessment recognises that some in the community have concerns about the project, and the impacts of current operations at the Eco Precinct. All of the issues raised have been addressed in the EIS. It is noted there is also support for the project and its economic benefits and contributions to the community. Veolia has and will continue its community engagement program throughout all phases of the project

3. Key Issues

The key issue for Yass Valley is the air quality emissions and whether they have any impacts on residents of Yass Valley particularly in the Lake George, Gundaroo and Sutton areas.

An Air Quality Impact Assessment was undertaken by EMM Consulting Pty Ltd which was completed in accordance with the EPA guidelines *Approved Methods for Modelling & Assessment of Air Pollutants in NSW 2022*.

Three scenarios were developed for the emissions from the ARC i.e.

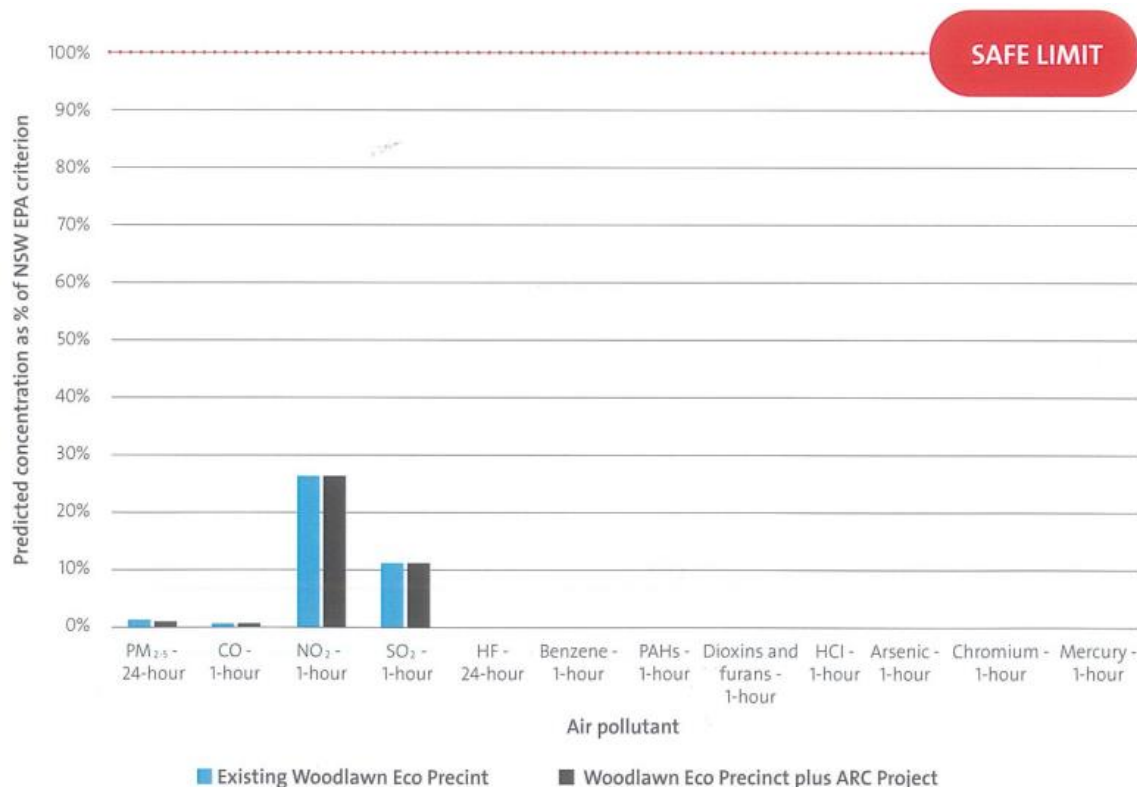
- **Scenario 1:** Reference Case Emissions – expected emissions based on Staffordshire Energy Recovery Facility (ERF) emissions monitoring data
- **Scenario 2:** Reference Case Emissions – maximum emissions (based on Staffordshire ERF emissions monitoring data)
- **Scenario 3:** Regulatory Case Scenario - adopting emission standards presented in the EPA document *NSW Energy from Waste Policy Statement*

Scenarios 1 and 2 used 12 months of real-world emissions data from an energy from waste facility in Staffordshire, England. The final scenario adopted the new emission limits set by the EPA in its *NSW Energy from Waste Policy Statement*.

The report identified that:

- The predicted air quality levels for the ARC are safely below the limits set by the EPA to protect human health and the environment
- The introduction of the ARC will not significantly change the current air quality impacts from the Eco Precinct
- The project has adopted best available technology for controlling air pollution emissions
- The air quality impact at sensitive locations (schools, residential areas, agriculture) is predicted to be negligible
- The project is not predicted to generate odour

The predicted concentration of different air pollutants from the ARC compared to the EPA's permitted limits is shown in the following graph.



Notes:

PM₁₀ Particulate Matter < 10 micrometres
 PM_{2.5} Particulate Matter < 2.5 micrometres
 NO₂ Nitrogen dioxide
 SO₂ Sulphur dioxide

HF Hydrogen fluoride
 PAHs Polycyclic aromatic hydrocarbons
 HCl Hydrogen chloride

The prevailing wind direction is east to west in the direction of Lake George, Gundaroo and Sutton. The mapping of pollution emissions for particulate matters, nitrogen oxide, sulphur dioxide and ammonia in the report indicates they are largely confined to the Veolia Eco Precinct and does not extend into Yass Valley.

The report indicates the proposal is not predicted to generate any odour.

4. Conclusion

Based on the Air Quality Impact Assessment and the modelling undertaken it appears that:

- The predicted emissions are within the standards set by the EPA in its *NSW Energy from Waste Policy Statement*
- The emissions are largely confined to the existing Eco Precinct and predicted to have a negligible impact at nearby sensitive locations (schools, residential areas, agriculture)
- Even with the prevailing winds being east to west the mapping of emissions indicated that they will not impact on Yass Valley

Taking into consideration the findings presented in the Environmental Impact Statement it is difficult to see how Council's position from October 2021 to oppose waste incineration facilities on environmental and public health grounds can be supported. It is recommended that no submission be made to DPE on the energy recovery facility at Tarago.

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. Site Plans and Building Design [⇒](#)

6.3 DEVELOPMENT APPLICATION NO DA220185 - SINGLE STOREY DWELLING, SHED, SWIMMING POOL AND IMPORTATION OF FILL, 3 SHEARSBY CRESCENT, YASS

SUMMARY

To present the assessment of Development Application No DA220185 comprising of construction of a single-storey dwelling, shed, swimming pool and the importation of 5,560m³ of fill material at 3 Shearsby Crescent, Yass. The application attracted one submission.

Approval is recommended for the dwelling, swimming pool, and importation of fill material. It is recommended that the shed be refused.

RECOMMENDATION

That:

- 1 *Conditional Development Consent be issued for Development Application No DA220185 for the dwelling, swimming pool and importation of fill at 3 Shearsby Crescent, Yass*
- 2 *The shed proposed in Development Application No DA220185 be refused on the following grounds:*
 - *The shed is located forward of the building line set by the proposed dwelling house, contrary to the requirements of Building Line – Rural and Rural Residential Land Policy*
 - *There is insufficient planning basis to support the proposed variation*
 - *The location of the shed will have an unacceptable visual impact on 12 Shearsby Crescent*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Yass Valley Local Environmental Plan 2013*
- *Filling Policy*
- *Rural and Rural Residential Land Policy*
- *Application Assessment and Decision-Making Policy*
- *Road Standards Policy*
- *Yass Valley Heavy Haulage Development Contributions Plan 2021*
- *Yass Valley Development Contributions Plan 2018*
- *Biodiversity Conservation Act 2016*
- *Local Government Act 1993*
- *Roads Act 1993*

REPORT

1. Application Details

Date Received	-	5 August 2022
Land	-	Lot 102 DP1152667, 3 Shearsby Crescent, Yass
Area	-	15,580m ²
Zoning	-	R% Large Lot Residential

2. Site Description and Locality

The subject site is located on Shearsby Crescent, south of Yass off Rossi Street. The site is vacant land and is bounded by large lot residential land to the north, east, south and western boundaries. The site is made up of one lot and is zoned R5 Large Lot Residential in the *Yass Valley LEP 2013*. The subject site is a regular shaped parcel of land with an area of approximately 1.5ha fronting Shearsby Crescent. The site is intended to be utilised for residential purposes.

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

3. Proposal

The submitted application involves:

- Construction of a brick veneer dwelling house
- Swimming pool not greater than 45,000 kilolitres
- Colorbond storage shed of 24m (L) x 12m (W) and a wall height of 4.2m and ridge height of 5.8m.
- The importation of 5,560m³ of fill material for associated earthworks, of which 1,200m³ has already been imported.

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

4. Public Exhibition

Public exhibition included notice to six adjoining and nearby landowners and one submission has been received. The Applicant's response to the submission is included as **Attachment D**.

5. Referrals

The proposal was referred to Essential Energy as development is immediately adjacent to the electricity easement and therefore within 5m of the electricity line. Essential Energy have no objections to the proposal.

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 dwelling, swimming pool and importation of fill material, but the storage shed cannot be supported for the reasons outlined in the Assessment Report (refer **Attachment F**).

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

6.1 Setback of storage shed

Council's *Building Line Rural and Rural Residential Land Policy* requires a minimum 30m front and 10m side setback for a dwelling house on a lot of this size. The setback of the dwelling house is satisfied.

The Policy requires that class 10 structures such as sheds be located behind the building line set by the dwelling house. The proposed shed is forward of the building line set by the proposed dwelling, and it is also closer to the front boundary than would be permitted for a dwelling at only 20m instead of 30m. In this regard, the shed proposes a variation to both aspects of the setback policy requirements.

The Applicant has made a request to vary the Policy (refer **Attachment G**) on the following basis:

- The proposed development offers an achievable planning outcome and supports orderly development of the site
- The proposal is not contravening rural and environmental aspects of the subject land, and is expected to lay foundation for more efficient utilisation of the land
- The variation is considered minor
- The proposal would not look out of place or vary significantly from what currently exists in the streetscape
- The position of the structure will not generate adverse impacts on nearby properties
- The objectives of the Policy are still achieved

In July 2016 Council considered a Development Application for a dwelling house in Rayner Place, Yass, which was to result in the shed being significantly forward of the building line set by the dwelling house. Council resolved that stronger development controls are to be included in Council's Development Control Plan to restrict the erection of storage sheds forward of the building line set by the dwelling house on land zoned R5 Large Lot Residential. For the proposal at 3 Shearsby Crescent, the development control is already in place in the Policy and a variation is being proposed.

An assessment and consideration of the issues raised in the submission has been undertaken and it is considered that there is insufficient planning basis to support the variation for the following reasons:

- The location and size of the shed is highly visible from the dwelling opposite at 12 Shearsby Crescent. Although there is an elevation difference between the two sites, the dwelling at 12 Shearsby Crescent is orientated directly towards the shed. The height and orientation of the shed will result in the length-ways elevation with a blank wall presenting the street and the opposite dwelling, with it being a significant sized shed at 24m (L) x 12m (W), a wall height of 4.2m and ridge height of 5.8m. It is considered that the location of the shed and associated variation will have a significant impact on the outlook and amenity of the dwelling at 12 Shearsby Crescent.
- It is considered that this situation presents an example of what the Policy is trying to avoid. Therefore the proposed variation and development does not meet the objectives of the Policy as well as non-compliance with the development standards.
- There is reasonable opportunity to design the site in such a way which would comply with the Policy and the Applicant's variation request does not substantiate any strong planning basis for the variation taking into consideration the attributes of the particular site and the locality.

The assessment has concluded that the location of proposed shed is not acceptable, and it is not an appropriate variation to the Policy. In this regard, the shed should be refused.

6.2 Earthworks, Importation of Fill Material and Heavy Haulage Contributions

Consideration has been given to the requirements/principles of the *Filling Policy*, and the proposed development generally complies. The importation of fill material relates to the filling of an existing dam and the Development Application has been accompanied by appropriate design drawings prepared by an engineer to verify volumes.

A site inspection has identified that approximately 1,200m³ of fill material has been imported to the site without Development Consent. This means that there is an additional 4,360m³ of fill to be imported to the site. It is recommended that for any Consent that may issue, include conditions requiring the heavy haulage development contributions be payable for both the material imported to date, as well as for the remaining volume. The contribution for the material imported to date should be made using the assumption that the haulage vehicles were six axle truck and dog combinations.

6.3 Business Operation

Concern has been raised in the submission received that the Applicant may intend to use the site for the purposes of their plumbing business operations, particularly noting the size of the shed. It had previously identified that the land was being used for the purposes of storing vehicles associated with this business operation, and direction had been given to the landowner to cease this use and relocate the vehicles.

The Applicant has proposed the use of the dwelling and shed for residential use only. Conditions of any Development Consent that may issue can restrict the use of the land to residential use unless further Development Consent is obtained.

6.4 Additional Access Driveway

Prior to the Development Application being lodged, the landowner had constructed an additional access driveway into the site without the necessary approval being obtained under the *Roads Act 1993*. An inspection has indicated that the access driveway meets the minimum sight distance requirements. For any Consent that may issue conditions should require a final compliance inspection of the driveway to be undertaken to ensure it meets all requirements of Council's *Road Standards Policy*.

There is no further compliance action proposed to be taken in relation to the access driveway, however it is noted that the additional driveway access has, in part, lead to the site design now proposed for the location of the shed. The access driveway location should not be used as a reason to support the setback variation on the proposed shed.

7. Conclusion

From the assessment of the proposal and consideration of issues raised in the submission, it is recommended that a Development Consent for the dwelling, swimming pool and importation of fill only be issued. Draft conditions are included in **Attachment H**.

From the assessment of the proposed shed and consideration of issues raised in submission it is recommended that the storage shed is refused and the setback variation to the policy is not supported.

STRATEGIC DIRECTION

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

ATTACHMENTS:

- A. Locality Plan [⇒](#)
- B. Submitted House Plans [⇒](#)
- C. Submitted Shed Plans [⇒](#)
- D. Submission [⇒](#)
- E. Response to Submission [⇒](#)
- F. s4.15 Assessment [⇒](#)
- G. Request to Vary the Building Setback [⇒](#)
- H. Draft Conditions [⇒](#)

6.4 ACQUISITION OF LAND FOR ROAD PURPOSES - VARIOUS LOCATIONS

SUMMARY

To obtain Council's approval to acquire land for road purposes.

RECOMMENDATION

That:

1. *The acquisition of land for road purposes for the following projects, as detailed in this report, be approved:*
 - *Mulligans Flat Road Safety Improvements – 100m² of land*
 - *Back Creek Road Rehabilitation Stage 1 -700m² of land*
 - *Low Level crossing replacement - Murrumbateman Creek - 3,440m²*
 - *Low level crossing replacement – Yass River – 9,580m²*
2. *All land acquired be classified as public road*
3. *The General Manager and Mayor be delegated under s377 Local Government Act 1993, to execute the approved purchases*

FINANCIAL IMPLICATIONS

Nil – all costs associated with the land acquisitions are funded via project budgets currently allocated in the 2022/23 Operational Plan.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

Council is currently commenced or about to commence a number of road upgrade projects that will require the acquisition of adjacent private land. These land acquisitions are required to:

- Accommodate the existing road/bridge formation within a public road reserve
- Improve the road geometry of the road/bridge
- To improve traffic safety through increased road shoulder widths, flatter embankments, increase clearance zones, space for barriers/signs etc, increased sight distance, improved horizontal/vertical bends etc

Section 377(h) *Local Government Act 1993* specifically excludes Council from the delegation of its function to purchase land. As such Council must resolve to acquire land for land for road purposes.

The following projects requiring land acquisition and approval via this report:

1. **Mulligans Flat Road Safety Improvements**

Road – Mulligans Flat Road, Sutton

Location – adjacent to 765 Mulligans Flat Road

Land area to be acquire – 100m² – refer pink highlight on following plan



2. Back Creek Road Rehabilitation Stage 1

Road – Back Creek Road

Location – adjacent to 318 Back Creek Road

Land area to be acquire – 700m² – refer blue highlight on following plans



3. Low Level Crossing Replacement - Murrumbateman Creek

Road – Greenwood Road

Location –adjacent to 213 Greenwood Road

Land area to be acquire –

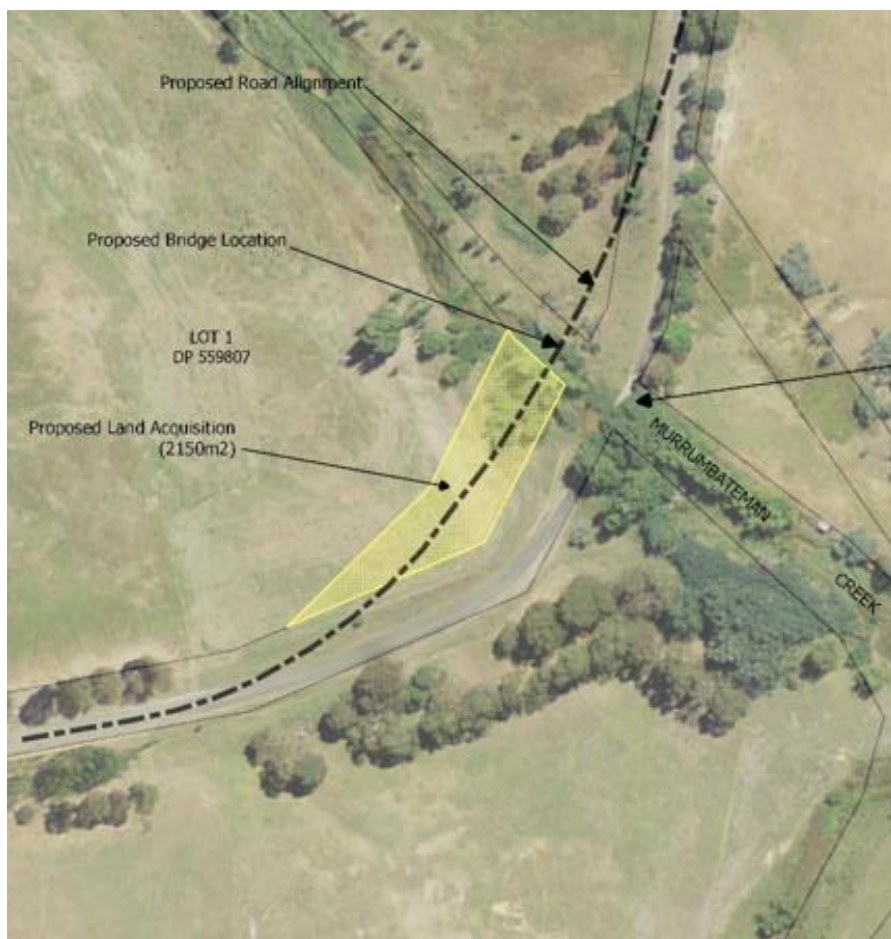
- Area 1 – 1,290m²
- Area 2 – 2,150 m²
- Total – 3,440 m² square

Refer green or yellow highlight on maps below

Area 1



Area 2



4. Low Level Crossing Replacement – Yass River

Road – Greenwood Road

Location – adjacent to 562 Greenwood Road and 1768 Yass River Road

Land area to be acquire –

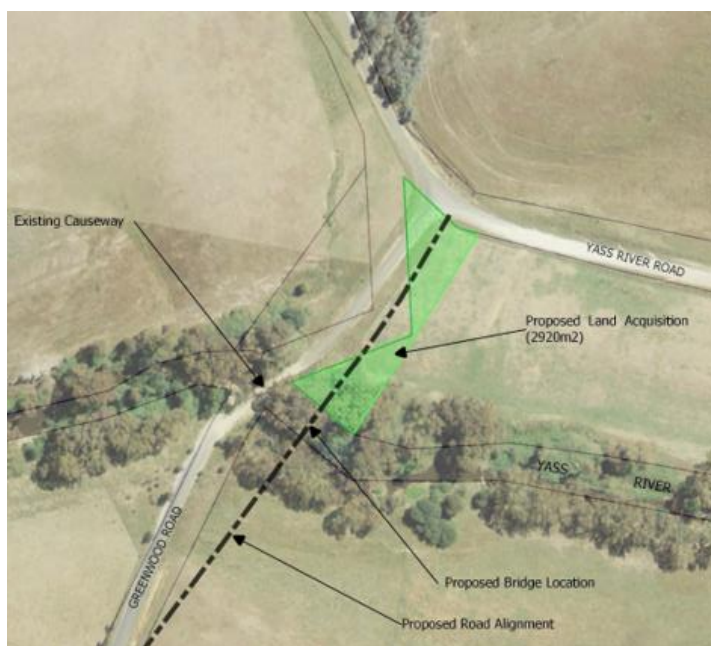
- Area 1 – 6,660 m²
- Area 2 – 2,920 m²
- Total – 9,580 m²

Refer yellow highlight on maps below:

Area 1



Area 2



It is noted that all land acquisitions will only occur with agreement of the landowner(s).

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.5 INVESTMENT AND BORROWINGS REPORT - OCTOBER 2022

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 30 October 2022. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

RECOMMENDATION

That the Investment Report for October 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: October 2022

The Australian economy

The RBA surprised investors by opting to raise its policy rate by 25bps at its September policy meeting. The RBA's rationale for stepping down from 50bps rate hikes was that a longer series of smaller rate hikes might be more effective in keeping inflation expectations contained, as it will keep the story of rising interest rates on the front pages of the newspapers. As with other countries around the world, Australian inflation also continues to remain stubbornly high. Australian consumer prices rose by 1.8% in the September quarter to be 7.3% higher than a year ago. This was a little higher than market expectations but roughly in line with the RBA's forecasts. Also consistent with the experience of other economies was the deterioration in growth momentum. The composite Purchasing Manager's Index for Australia fell to 49.6 in October, down from 50.9 in September. October 2022 Published: 01 November 2022 Economic commentary – October 2022 Unclassified / 2 Financial market commentary Equity markets remain highly volatile but closed markedly higher in October, as investors welcomed the potential slowdown in the pace of monetary policy tightening. For bond markets, however, the implications are more nuanced as it could point to lower rates in the short term, but the potential need to keep rates higher for longer.

Source: TCorp Monthly Economic commentary – October 2022

2. Summary of movements in Council Investments

Three investments matured and five new investments created during October 2022.

Opening Balance 1 October 2022		\$27,500,000
Less: 2 x Maturities		\$3,000,000
Add: 2 x New Deposit		\$2,500,000
Closing Balance 31 October 2022		\$27,000,000

Council is currently conforming with its investment ratio. Information on Council's investments is detailed in **Attachment A**.

Please note:

This month a change to the way interest earned from councils TCorp account is calculated has been made. In previous periods, the monthly interest rate earned has been shown, this is of course an accurate reflection of that month's performance. For this month and going forward the same calculation of monthly interest earned will be calculated, but it is then annualised. This has been done to bring the interest shown in line with all other interest rates. It also then compares directly interest rate to interest rate. When accessing Council's performance to the benchmark rate, the RBA cash rate target, councils performance was weighted down by a monthly rate shown for Councils TCorp invested funds, and annualise rates for all other investments. The use of a single annualised rate for all investment removes this bias.

3. Council Loans

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

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

STRATEGIC DIRECTION

Key Pillar Our Civic Leadership

CSP Strategy CL2: Council is a financially sustainable organisation that can meet community needs

Delivery Program Action CL2.1 - Manage resources in a responsible manner that supports the ongoing viability of Council

Operational Plan Activity Actively manage investments

ATTACHMENTS: A. Attachment A - Investment Report - October 2022 [↗](#)

6.6 WORK, HEALTH & SAFETY IMPROVEMENT PLAN UPDATE

SUMMARY

This report provides Councillors with an update on the progress of the WHS Improvement Plan.

RECOMMENDATION

That the Work, Health & Safety Improvement Plan update be noted

FINANCIAL IMPLICATIONS

Within 2022/23 Operational Plan

POLICY & LEGISLATION

- *Work Health & Safety Act 2011*

REPORT

Please find attached the quarterly update to Council's Work Health & Safety Improvement Plan.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovative organisation
Strategies	CL1.1 - Council practices and processes are undertaken in a safe and efficient manner that meets legislative requirements
Delivery Program Action	Implement and manage an accredited WHS system

ATTACHMENTS: A. WHS Improvement Plan Update (October 2022) [↗](#)

6.7 MURRUMBATAMAN GRANT FUNDING REQUEST

SUMMARY

Council has received a request from users of the Murrumbateman Recreation Ground for Section 356 Financial Assistance to undertake plumbing maintenance at the shed to assist with flooding.

RECOMMENDATION

That \$5,000 Section 356 funding for Murrumbateman be allocated to undertake maintenance of the shed to prevent flooding during wet weather.

FINANCIAL IMPLICATIONS

This funding falls within the 2022/23 Operational Plan

POLICY & LEGISLATION

- Financial Assistance Grants and Donations Policy

REPORT

Council received a request from users of the Murrumbateman Recreation Ground for the Section 356 Financial Assistance allocation to Murrumbateman for plumbing maintenance at the shed to assist with flooding.

It is proposed to use a sump located between two tanks with a submersible (automated and cage protected) pump with an outlet to an existing drain.

It is recommended that Council allocate the \$5,000 Section 356 funding for Murrumbateman to this project.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovative organisation
Strategies	CL1.3 - Seek out and pursue grant funding opportunities
Delivery Program Action	Support community groups to apply for grants for renewal, upgrades and new infrastructure

ATTACHMENTS: Nil

6.8 PERMANENT FLYING OF THE ABORIGINAL FLAG AT YASS MEMORIAL HALL

SUMMARY

Council staff have undertaken consultation regarding the permanent flying of the Aboriginal Flag at the Yass Soldiers Memorial Hall.

RECOMMENDATION

That the permanent flying of the Aboriginal Flag be resolved by:

- 1. Taking down the Aboriginal Flag and placing up the New South Wales flag, to then enable a formal ceremony to lower the NSW flag and raise the Aboriginal flag by the Yass RSL Sub-branch and the Yass Aboriginal Community*
- 2. Installing two flag poles on the verandah of the Yass Soldiers Memorial Hall or adjacent to the cenotaph in Comur Street, as part of the proposed renovations as a permanent home of the Australian National and Aboriginal flags*

FINANCIAL IMPLICATIONS

To be considered as part of renovations of the Yass Memorial Hall

POLICY & LEGISLATION

Nil

REPORT

At its meeting in August 2022, Council asked staff to continue to fly the Aboriginal flag outside the Yass Soldiers Memorial Hall while community consultation was undertaken.

During the consultation period, Council received six submissions (refer [Attachment A](#)). The comments received range from support for the Aboriginal Flag to the Aboriginal Flag should not be flown at the expense of the NSW Flag and the donation of the flag poles was conditional upon the Australian and NSW Flags being flown.

Staff also undertook consultation with the Aboriginal Consultative Committee who determined that Council facilitate a meeting with a representative of the Yass RSL Sub-branch, Aboriginal Consultative Committee, and Onerwal Local Aboriginal Land Services to come together to discuss wording for a survey in relation to the permanent flying of the Aboriginal Flag.

Meetings were held on 4 and 11 November 2022 with the President of the Yass RSL Sub-branch, Steve Neuhaus, CEO of the Onerwal Local Aboriginal Land Service, Sonia Shea, and a representative of the Aboriginal Consultative Committee, Cindy Cronan. These meetings were held in a conciliatory nature, with all parties looking for a way forward on this matter.

It was determined at these meetings that those present were representing the major stakeholders in this matter and that the proposed survey would only inflame the matter.

Following discussions, it was proposed to seek Council support to resolve this issue by taking down the Aboriginal Flag from the Yass Soldiers Memorial Hall to enable a formal ceremony to raise the Aboriginal Flag by representatives of the Aboriginal Community and the Yass RSL Sub-branch. This would provide the appropriate dignity for both flags.

It was also agreed to request Council to include two new flag poles on the verandah of the Yass Soldiers Memorial Hall as part of the ongoing renovations. It was acknowledged that this could take up to 5 years to complete. It is proposed that the two poles would fly both the Australian National Flag and the Aboriginal Flag. Alternatively, it may be better to add an additional two flag poles adjacent to the cenotaph to avoid any problems with flag flying protocols which indicate that the Australian Flag must be the most prominent flag.

STRATEGIC DIRECTION

CSP Theme	Our Community
CSP Strategy Objective	CO3: Our Community is connected, safe and proud
Strategies	CO3.3 -We support our community partners to foster respect and safety
Delivery Program Action	Work with community members/groups, and organisations

ATTACHMENTS: A. Submissions - Aboriginal Flag [⇒](#)

6.9 TENDER EVALUATION REPORT - WEE JASPER RD REHABILITATION STAGE 2 YVC.IA.19.2022

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Wee Jasper Road Rehabilitation, Stage 2 under Contract YVC.IA.19.2022.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Council has received \$350,000 under the 2022/23 Regional Road Repair Program to assist in funding this project. The remaining funds will be allocated from the 2022/23 Regional Road Block Grant.

POLICY & LEGISLATION

- Local Government Act 1993

REPORT

1. Background

Council has received funding under the 2022/23 Regional Road Repair Program (RRRP) and in conjunction with funding from the 2022/23 Regional Road Block Grant intends to rehabilitate Stage 2 of segment 70 & 71 of Wee Jasper Road. This is a 640m long section of the road south of Victoria Street Yass. The rehabilitation works will improve the road surface, serviceability and safety of the road.

2. Tender

Tenders were called on 7 October 2022 and closed on 4 November 2022. Five tenders were received from the following organisations:

Organisation	Address
Denrith Pty Ltd	17090 Hume Highway Goulburn NSW 2580
Downer Edi Works Pty Ltd	50 Eastern Creek Drive, Eastern Creek NSW 2766
Durack Civil Pty Ltd	750 Carool Road, Carool NSW 2486
Lentro Earthworks Pty Ltd	342 Wallaroo Road, Wallaroo NSW 2618
Simeonov Civil Engineering Pty Ltd	82 Bayldon Road, Queanbeyan NSW 2620

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

ATTACHMENTS: Nil

6.10 TENDER EVALUATION REPORT - YASS SEWER RELINING PROJECT 2022/23

SUMMARY

This report provides advice on the submission of tenders for the Yass Sewer Relining Project.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Budget is allocated for the sewer relining project in the Operational Plan for FY2022-23

POLICY & LEGISLATION

- Local Government Act 1991
- Protection of the Environment Legislation Amendment Act 2011
- NSW EPA Licence 1730 Yass Sewerage System
- Procurement Policy

REPORT

1. Background

The structural condition of sewer mains, deteriorate over time due to corrosive environment, ground movement, intrusion of tree roots etc. The structural integrity of sewer mains is essential for the functioning of a sewer collection system and their collapse or deformation will result in sewage overflows, cause severe inconvenience to amenity, day to day life, environmental pollution and emergency maintenance, expense and damage the reputation of Council.

Council implements an asset management program to systematically assess and reline priority sewer mains annually. To reduce the risk of sewer main collapse, Council staff assess the sewer main condition with CCTV surveys and schedule priority mains for renewal as required. Priority sewer mains are scheduled for relining annually since 2017/18. The following table shows the progress.

Year	Sewer Mains Assessed Length, m	Sewer Mains Relined, Length, m
2017/18	2,572	335
2018/19	Nil	Nil
2019/20	3,017	1,478
2020/21	3,566	607
2021/22	4,459	124
Total	13,614	2,544

Total length of gravity sewer main in Yass Town is approximately 86 km.

In this financial year, approximately 1,561m length of mains are prioritised for relining. The majority of these mains are 150mm in diameter and a 400mm trunk main at Yass Sewage Treatment Plant premises is also included.

2. Tender

Tenders were called on 18 August 2022 and closed on 19 September 2022. Three tenders were received from the following organisations:

Organisation	Address	ABN
Interflow Pty Ltd.	17 Amax Avenue, Girraween, Sydney 2145	34 000 563 208
Pipe Management Australia Pty. Ltd.	PO Box 5194, Minto, Sydney 2566	14 145 894 695
Rangedale Drainage & Industrial Services	32 Murrell Street, Wangaratta, VIC 3677	42 635 170 375

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	IN4: Water, waste and sewerage services meet the needs of our community
Strategies	IN4.2 - Provide safe and efficient sewerage services across the region
Delivery Program Action	Upgrade of sewer network

ATTACHMENTS: Nil

8.1 QUESTION WITH NOTICE - OPEN SPACE STRATEGY CONSULTATION

Councillor Adrian Cameron submitted the following Question with Notice:

As the on-line consultation on the Open Space Strategy closed on 31 May 2022, six months ago, can Councillors have an update on what further consultation has taken place with the Yass Valley community as per our Community Strategic Plan CL 3 [the Community is informed and engaged in decision -making], what strategies are planned for future consultation and what is the planning for the implementation of this strategy once completed and the timelines?

Response

At its meeting on 5 May 2022 the Yass Valley Open Space Committee requested that additional consultation be undertaken in relation to open space. In response to this, the following occurred:

- The online survey was reopened and groups (that were notified in the first consultation round) were notified and requested to respond if they had not already done so
- Council's Aboriginal Consultative Committee were advised of the Strategy at their meeting on 30 June 2022 and comments were received on 27 July 2022

Since this time there has been no further community consultation as the information collected from the first and second round community consultation was being used to formulate the draft Open Space Strategy. Council has now received the draft Strategy and the Project Committee will be meeting to on 7 December 2022 to discuss it.

Once the draft Strategy is finalised, it will be presented to Council with a request to place it on public exhibition. The public exhibition will consist of notices on Council's Facebook page, direct notification to stakeholder groups, internal consultation with stakeholders and drop in sessions.

The timeline for the finalisation of the draft Strategy has not been determined. This will become clearer once the Project Committee meet in December 2022.

ATTACHMENTS: Nil

8.2 QUESTION WITH NOTICE - RUBBISH BIN, HATTONS CORNER

Councillor Adrian Cameron submitted the following Question with Notice:

Hatton's Corner is a stunning natural asset for the people of Yass Valley and for tourism, so when will there be a bin installed to help maintain its natural beauty and attraction for all?

Response

Bins have been placed at Hatton's Corner over the past 10 months. These bins are regularly vandalised or removed by community members. A new bin stand and bin installed on 17 November 2022.

ATTACHMENTS: Nil

9.1 MINUTES OF THE SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY MEETING HELD ON 11-12 AUGUST 2022

REPORT

The minutes of the South East Australian Transport Strategy (SEATS) meeting held on 11-12 August 2022 are included in **Attachment A**.

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

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

Accordingly the minutes are presented for information.

RECOMMENDATION

That the minutes of the South East Australian Transport Strategy meeting held on 11-12 August 2022 be noted.

ATTACHMENTS: A. SEATS Minutes 11-12 August 2022 [⇒](#)

9.2 MINUTES OF THE TRAFFIC MANAGEMENT COMMITTEE HELD ON 2 NOVEMBER 2022

REPORT

The minutes of the Traffic Management Committee meeting held on 2 November 2022 are included in **Attachment A**.

From these minutes there are five items which covers a matter that:

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

The recommendations are presented for determination.

RECOMMENDATION

That the minutes of the Traffic Management Committee meeting held on 2 November 2022 be noted and adopt the following recommendations:

Item 7.1 Zenith Gathering 2022

That the event not be supported due

- *Murrumbateman Road's extended full road closure at Broken Dam Creek*
- *The volume of participant vehicles and the current poor condition of the unsealed roads servicing the event site*
- *Potential limited access for emergency vehicles*

Item 7.2 Safety Concerns Merriman Drive Worth, Mont, Weemilah Streets Yass

That:

- *The NSW Police be requested to increase police patrol in this area*
- *TfNSW provide Council with their guidelines for traffic calming devices*
- *Council's RSO to follow up Walker Park user groups in relation to speeding when accessing or leaving Walker Park*

Item 7.3 Safety Concerns Fifield Lane Yass

That:

- *Council install a convex mirror in Fifield Lane*
- *Council to investigate options to define the entrance and exit from Meehan Street to Fifield Lane and report to the February 2023 Committee meeting*

Item 7.5 Various Safety Concerns

Crossing at corner Dutton and Meehan Street:

That no further action to be undertaken unless Council prepares a proposal for the site. It is noted that Council has no funds allocated for this.

Item 7.6 School Signs Adjacent to Murrumbateman Public School

That the plans submitted by Hansen Yuncken be supported.

ATTACHMENTS: A. Traffic Management Committee Minutes 2 November 2022 [⇒](#)

9.3 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 7 NOVEMBER 2022

REPORT

The minutes of the Sustainability Advisory Committee meeting held on 7 November 2022 are included in **Attachment A**.

From these minutes there is one item which covers a matter that:

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

The Committee has recommended that it be given the opportunity to be consulted on any current and future policy and strategy reviews that are relevant to the sustainability priorities of the Committee. This can be incorporated into consultation arrangements of any project brief.

RECOMMENDATION

That the minutes of the Sustainability Advisory Committee meeting held on 7 November 2022 be noted and the following recommendation be adopted:

Item 4.3 Process for Providing Input into Upcoming Policies

That:

1. *The Sustainability Advisory Committee be given the opportunity to be consulted on any current and future policy and strategy reviews that are relevant to the sustainability priorities of the Committee*
2. *A program of current and future policy and strategy reviews be provided to the Committee and discussed at a future meeting*
3. *Future Committee agendas schedule for discussion the identified policy and strategy development work*

ATTACHMENTS: A. Sustainability Advisory Committee Minutes 7 November 2022 [⇒](#)

9.4 MINUTES OF THE PUBLIC ART FOCUS GROUP HELD ON 14 NOVEMBER 2022

REPORT

The minutes of the Public Art Focus Group meeting held on 14 November 2022 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

Council referred the Murrumbateman Lions Club Water Tank Artwork Project to the Focus Group for consideration against Council's *Public Arts Policy*. The Focus Group endorsed the project.

RECOMMENDATION

That the minutes of the Public Arts Focus Group meeting held on 14 November 2022 be noted and the following recommendation be adopted:

Item 4.3 Murrumbateman Lions Club Water Tank Artwork Project

That the Murrumbateman Lions Club Water Tank Artwork Project be endorsed subject to the inclusion of a sign acknowledging the artwork and the artist

ATTACHMENTS: A. Public Art Focus Group Minutes 14 November 2022 [⇒](#)

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 Tender Evaluation Report - Wee Jasper Road Rehabilitation, Stage 2 - YVC.IA.19.2022**
Item 10.1 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 10.2 Tender Evaluation Report - Yass Sewer Relining Project 2022-23**
Item 10.2 is confidential in accordance with section s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, 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.