



Ordinary Meeting of Council

Thursday 27 October 2022

4.00pm

Council Chambers

209 Comur Street, Yass

PRAYER:

All Stand:

Mayor:

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

All say together:

Almighty God, we ask your blessing upon this Council.

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

FUTURE MEETINGS

November 2022

Thursday 24th

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

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	Nil	

Close of Meeting Time

Chris Berry
GENERAL MANAGER



Minutes of the Ordinary Meeting of Council

Wednesday 21 September 2022

4.00pm

Council Chambers

209 Comur Street, Yass

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Council Meeting - The Mayor declared the meeting open at 4.01 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 (4.25pm).

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

Councillor Burgess declared a non-significant, non-pecuniary conflict of interest in Item 9.1 Minutes of the Bango Wind Farm Consultative Committee Meeting and Item 10.1 Council Committee and Focus Group Nominations and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Burgess declared an interest as he is an adjoining landowner and could potentially receive financial gain.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 25 August 2022 covered by resolution numbers 197-219 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed with the following corrections:

Item 7.1 – Notice of Rescission – Permanent Flying of the Aboriginal Flag at the Yass Soldiers Memorial Hall

- 1 After the success of the Rescission Motion, the Motion published in the business papers to record there was no mover or seconder.***
- 2 What is listed as an Amendment to be recorded as a Motion (moved Jones seconded Reid).***
- 3 The section referring to the Amendment becoming the Motion to be deleted.***

(Abbey/Reid) 223

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

AGAINST: Nil

RESOLVED that Council Meeting held on 01 September 2022 covered by resolution numbers 220-222 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Abbey/Butler) 224

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

AGAINST: Nil

5. Mayoral Minute

5.1 MAYORAL MINUTE - SEPTEMBER 2022 COUNCIL MEETING

SUMMARY

To inform of the rescheduling of the September 2022 Council meeting to account for the declaration of a public holiday on 22 September 2022.

RESOLVED that Mayoral Minute on the rescheduling of the September 2022 Council Meeting be noted.

(Reid/Pothan) 225

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

AGAINST: Nil

6. Reports to Council

6.1 DRAFT SOUTH EAST & TABLELANDS REGIONAL PLAN 2041

SUMMARY

The scheduled five year review of the South East & Tablelands Regional Plan has been completed and the draft is currently on exhibition. Feedback to be provided to the Department of Planning & Environment is attached to this report.

RESOLVED that a submission be made to the Department of Planning & Environment on the draft South East & Tablelands Regional Plan 2041 as outlined within the Attachment to this report.

(Reid/Jones) 226

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

AGAINST: Nil

6.2 BOOKHAM MAINSTREET MASTERPLAN

SUMMARY

Presenting the outcomes of the consultation on the draft Bookham Mainstreet Masterplan. It is recommended that the Masterplan be adopted subject to minor amendments.

RESOLVED that :

1. ***The Bookham Mainstreet Masterplan be adopted subject to the following:***
 - ***Additional Action: Review of village traffic entry and exit signs to Hume Highway***
 - ***Additional Action: Support land managers to repair or replace Bookham Cemetery boundary fencing to be stockproof***
 - ***Additional Action: Commission design and construction of Memorial Sculpture located within the grounds of the Bookham Memorial Hall***
 - ***Amend Action 3.16 to include: secure fencing around the playground***
 - ***Amend Action 3.13 to include: subject to location of underground assets***
2. ***The final design report be prepared incorporating the adopted Masterplan and information to support grant applications for relevant actions***

(Pothan/Cameron) 227

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

AGAINST: Nil

6.3 WORK, HEALTH & SAFETY IMPROVEMENT PLAN

SUMMARY

Providing a safe work environment for staff is a requirement of the *Work, Health & Safety Act 2011*. To improve safety the development of a Work, Health & Safety (WHS) Improvement Plan has been prepared. Endorsement of the recommendations is recommended.

RESOLVED that :

1. ***All the recommendations made in the WHS Management System Planning document be endorsed.***
2. ***The General Manager be delegated to implement the WHS Improvement Plan.***

(Reid/Pothan) 228

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

AGAINST: Nil

Amendment

That:

1. All the recommendations made in the WHS Management System Planning document be endorsed.
2. The General Manager be delegated to implement the WHS Improvement Plan.
3. An update on the implementation of the WHS Improvement Plan be provided to Council every three months.

(Cameron/

LAPSED DUE TO NO SECONDER

6.4 INVESTMENT AND BORROWINGS REPORT - AUGUST 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 August be noted.

(Burgess/Abbey) 229

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

AGAINST: Nil

6.5 DISCLOSURES BY DESIGNATED PERSONS

SUMMARY

To comply with s440AAB *Local Government Act 1993*, a register and tabling of returns must be maintained.

RESOLVED that the Register of Disclosures by Designated Persons Return 2022-23, as tabled be noted.

(Reid/Pothan) 230

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

AGAINST: Nil

6.6 DECEMBER 2022 MEETING DATE

SUMMARY

This report is to request that the December 2022 meeting date be moved to Wednesday 14 December 2022 to avoid a clash with the Yass Valley Community Christmas Parade and Night Markets.

RESOLVED that the Council Meeting scheduled for Thursday 15 December 2022 be rescheduled to Wednesday, 14 December 2022 at 4.00pm.

(Burgess/Reid) 231

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

AGAINST: Nil

6.7 PETITION - DEVELOPMENT APPLICATION NO DA135005 - RESIDENTIAL SUBDIVISION, 1B ROSAMEL STREET, GUNDAROO

SUMMARY

Tabling a petition lodged in relation to Development Application for DA135005 – Residential Subdivision, 1B Rosamel Street, Gundaroo opposing the proposed development.

RESOLVED that the tabled petition on the DA135005 – Residential Subdivision, 1B Rosamel Street, Gundaroo be noted.

(Burgess/Reid) 232

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

AGAINST: Nil

6.8 COUNCIL COMMITTEE AND FOCUS GROUP NOMINATIONS

SUMMARY

Advising on applications received for the Bango Wind Farm Community Enhancement Fund Advisory Committee, Sports Council, Public Arts Focus Group and Murrumbateman Recreation Grounds Focus Group.

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

(Jones/Reid) 233

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

AGAINST: Nil

6.9 LOAN FACILITY - YASS DAM WALL

SUMMARY

Following further negotiations with financial institutions for the refinancing of the Dam Wall, Council has affixed the Common Seal to the loan documentation.

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

(Jones/Reid) 234

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

AGAINST: Nil

7. Notice of Motion

Nil

8. Questions with Notice

Nil

9. Minutes and Recommendations of Council Committees

At 04:23 pm Councillor Burgess left the Chambers.

9.1 MINUTES OF THE BANGO WIND FARM CONSULTATIVE COMMITTEE HELD ON 26 JULY 2022

RESOLVED that the minutes of the Bango Wind Farm Consultative Committee meeting held on 26 July 2022 be noted.

Abbey/Reid) 235

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

AGAINST: Nil

At 04:24 pm Councillor Burgess returned to the Chambers.

9.2 MINUTES OF THE YOUTH COUNCIL HELD ON 8 SEPTEMBER 2022

RESOLVED that the minutes of the Youth Meeting held on 8 September 2022 be noted.

(Pothan/Reid) 236

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

AGAINST: Nil

10. Confidential Matters

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

10.1 Council Committee and Focus Groups Nominations

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

10.2 Loan Facility - Yass Dam Wall

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.

(Pothan/Jones) 237

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

AGAINST: Nil

Closed Council commenced at 4.25 pm.

Open Council resumed at 4.38 pm.

RESOLVED that the meeting move into Open Council.

(Reid/Turner) 238

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

AGAINST: Nil

Minutes of the Ordinary Meeting of Council held on 21 September 2022

At 04:25 pm Councillor Burgess left the Chambers.

10.1 COUNCIL COMMITTEE AND FOCUS GROUPS NOMINATIONS

SUMMARY

Advising on applications received for the Bango Wind Farm Community Enhancement Fund Advisory Committee, Sports Council, Public Arts Focus Group and Murrumbateman Recreation Grounds Focus Group.

RESOLVED that the following Focus Group nominations be accepted:

<i>Bango Wind Farm Community Enhancement Fund Advisory Committee</i>
<i>Community Representative</i>
<i>Geoff Frost (appointment to the Bango Wind Farm Community Enhancement Fund Advisory Committee is supported and is effective from when the wind farm becoming operational and compliance with Council Policy)</i>
<i>Sports Council</i>
<i>Sporting Organisation Nominations</i>
<i>Murrumbateman Tennis Club – Natasha Amerasinghe</i>
<i>Yass Netball Association – Rebecca Duncan</i>
<i>Yass United Rugby League Football Club – Tim Clayton</i>
<i>Murrumbateman Little Athletics Club – Lisa Tilyard</i>
<i>Yass Touch – William Collins</i>
<i>Murrumbateman Pony Club – Gayle Herbert</i>
<i>Yass Swimming Club – Deb Donaldson</i>
<i>Yass Football Club – Ingrid Davis</i>
<i>Yass District Cricket Association – Andrew Harding</i>
<i>Yass Valley Basketball – Scott Northey</i>
<i>Yass Rugby Union Club – Bronson Sainsbury</i>
<i>Binalong Brahmans Rugby League Club – Ben Spencer</i>
<i>Public Arts Focus Group</i>
<i>Community Nominations</i>
<i>Roger Buckman</i>
<i>Akka Ballenger</i>
<i>Blythe Guilfoyle</i>
<i>Al Phemister</i>
<i>Ria Tierney</i>

<i>Laurie Ann Columb</i>
<i>Michelle Thornely</i>
<i>Sui Jackson</i>
<i>Southern Tablelands Arts Representative – to be advised</i>
<i>Representative of the Local Aboriginal Community – to be advised</i>
<i>Murrumbateman Recreation Grounds Focus Group</i>
<i>User Group Nominations</i>
<i>1st Murrumbateman Scout Group – Leanne Power</i>
<i>Murrumbateman Pony Club – Rob McLachlan</i>
<i>Murrumbateman Pony Club – Gayle Herbert (alternate)</i>
<i>Yass Valley Riding Club – Susan Turner-Davis</i>
<i>Murrumbateman Tennis Club – Paul Trezise</i>
<i>Murrumbateman Progress Association – Greg Weekes</i>
<i>Murrumbateman Adult Riding Club – Sally Jones</i>
<i>Lions Club of Murrumbateman – Steve McCutcheon</i>
<i>Murrumbateman Football Club – Andy Ingold</i>
<i>Dazzle Dance Academy – Mischa Cainan</i>

(Jones/Abbey) 239

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

AGAINST: Nil

10.2 LOAN FACILITY - YASS DAM WALL

SUMMARY

Following further negotiations with financial institutions for the refinancing of the Dam Wall, Council has affixed the Common Seal to the loan documentation.

RESOLVED that the report on the loan for the Yass Dam Wall be noted.

(Butler/McGrath) 240

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

AGAINST: Nil

RESOLVED that the recommendations in Closed Council be adopted.

(Jones/Turner) 241

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

AGAINST: Nil

The meeting closed at 4.39 pm.

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.

RECOMMENDATION

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.*
-

FINANCIAL IMPLICATIONS

The Bookham, Wee Jasper and Yass Masterplans were funded within the 2021-22 Council budget.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Roads Act 1993*
- *AS 1428 Australian Standard – Design for Access and Mobility*
- *Yass Valley Local Environmental Plan 2013*
- *Community Engagement Strategy*

REPORT

1. Background

The 2022/26 Delivery Program includes the following three projects to be completed:

- Yass Main Street Masterplan
- Bookham Main Street Masterplan
- Wee Jasper Main Street Masterplan

Public exhibition of the three draft plans concluded on 31 August 2022. The Bookham Mainstreet Masterplan was adopted by Council subject to minor amendments at its September meeting, with the Yass and Wee Jasper plans requiring additional review due to issues raised or number of submissions.

There was also previous community consultation and design workshops with Wee Jasper and the outcomes are included in the Wee Jasper Community Consultation Summary Report (refer **Attachment A**).

2. Masterplan and Community Feedback

The draft Masterplan (refer **Attachment B**), Photomontage (refer **Attachment C**), and Schedule of Works (refer **Attachment D**) were placed on public exhibition from 4-31 August 2022, with electronic versions available on Council's website and hard copies within the Wee Jasper Village.

The feedback on the Plan (refer **Attachment E**) was positive and the specific issues raised are outlined below with the response in italics.

2.1 Boat Ramp

Suggestion that a boat ramp be installed near the bridge on the banks of the Goodradigbee River for visitors and locals. This would reduce the damage being done currently at other informal locations and provide additional protection for First Nation's cultural sites.

Comments:

This item was raised by the community during consultation and as such there are a number of actions incorporated within the draft plan including:

- *Install small FRP mesh watercraft slip with wetland planting to edges to improve water access and create a designated fishing area*
- *Install a picnic table and seats adjacent to the river to provide opportunities to appreciate the scenic views and create a designated fishing area*
- *Install a new fence to formalise public water access and reduce risk with adjacent land uses*
- *Liaise with DPIE to install fishing rules and regulation signage to ensure healthy and sustainable fisheries and create a designated fishing area*

There is a Council Public Reserve (Lot 14 DP255410) on the southern side of the bridge, which provides access to the river, however is currently not accessible to the community, nor does it have the required infrastructure. The masterplan proposes to activate this Public Reserve to accommodate a Boat Ramp and associated infrastructure.

2.2 Community Square

Suggestion that the proposed Community Square may need to be relocated further to the east so it will not be impacted by the adjacent waterway. The feedback also requested additional play equipment be provided within the playground, and at least 1-2 charging stations to be incorporated within the carpark area.

Comments:

The concern regarding the impact of the Goodradigbee River on the proposed location of the community square is noted. The proposed community square is also currently shown to be located on Crown Land which is not under Council Management. NSW Crown Lands have advised that they do not support what is proposed, particularly as discussions are underway regarding the future management of this lot with the current Crown Land Manager- Wee Jasper Reserves. This also has implications on the current toilet location, as although it is currently located within the road reserve, if it remains in its current location there may be a conflict with a future use of this Crown Reserve.

As such the community square, including carpark, toilet, playground, picnic area, bbq/shelter and power pillar is to be relocated onto the Wee Jasper Recreation Reserve (Lot 2 DP 1152498) with the main access to the east of the Rural Fire Shed. While the new location will be further from the distillery, and store (closed), it will be located between the school, hall and the distillery. It will also better activate the recreation ground, which is currently underutilised, and connect into the proposed woodland walk. This will also reduce the area of land required to be managed by Council and the community in the future.

The provision of additional play equipment and the stage/level or size of play equipment will be determined by the Open Space Strategy and be based on community/visitation needs.

2.3 Woodland Walk

There were verbal concerns raised regarding the extent of the proposed woodland walk shown on the draft masterplan.

Comments:

A notation should be added to the section of the woodland walk which is over NSW Department of Education land (western section) that it is subject to approval by NSW Department of Education.

The area over Water NSW and Crown Land not under Council Management (i.e. Recreation Ground) should be deleted. The aerial photo below shows the different ownership/management of the subject land.



Key

- NSW Department of Education land
- Council land
- Crown land managed by Council
- Water NSW land
- Crown Land not under Council management

3. Stakeholder Feedback

Internal stakeholder feedback was received from Council’s Road Safety Officer advising that there is a need to accommodate a rest area for motorcyclists given the high activity on Wee Jasper Road and fatal crashes that have occurred nearby in recent years. This could be as simple as a parking area with water refill station.

Comments:

This is noted and provision can be made for motorcycle parking within the community square carpark. Provision of a water station is more difficult, as Wee Jasper relies on groundwater and rainwater – hence a potable supply would require treatment.

4. Conclusion

It is recommended that the Masterplan be adopted subject to minor amendments outlined above.

STRATEGIC DIRECTION

CSP Theme	Our Community
CSP Strategy Objective	CO3: Our Community is connected, safe and proud
Strategies	CO3.5 -Community pride is encouraged through the beautification and maintenance of our villages and towns
Delivery Program Action	Complete the Wee Jasper Masterplan

- ATTACHMENTS:**
- A. Wee Jasper Community Consultation Summary Report [↔](#)
 - B. Wee Jasper Draft Masterplan [↔](#)
 - C. Wee Jasper Photomontage [↔](#)
 - D. Wee Jasper Schedule of Works [↔](#)
 - E. Submissions [↔](#)

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.

RECOMMENDATION

That the Climate Change Action Plan be noted.

FINANCIAL IMPLICATIONS

Captured within current operating budget.

POLICY & LEGISLATION

- Environmental Sustainability Policy
- Climate Change and Natural Disaster Risk Assessment

REPORT

1. Background

Changing weather patterns caused by climate change can pose physical, financial, and legal risks to people and organisations. Council is exposed to various natural disasters and environmental changes that are elements of climate change. These present risk to Council's operations, assets, and employees.

At its meeting on 1 December 2021 Council resolved to note the completion of the Climate Change and Natural Disaster Risk Assessment (Risk Assessment). The *Climate Change Action Plan* captures the actions Council is already taking, and the actions committed to within the Delivery Plan which address the risks of climate change identified in the Risk Assessment. These are combined into one document allowing the community to easily see the action Council is taking to adapt to climate change.

2. Content and Purpose

Early in 2022 Council was informed by its insurer that a *Climate Change Action Plan* is now required. Council received enquiries from the community and other stakeholders about what Council is doing to adapt to climate change. Council is already taking action on addressing climate change risk in many areas and these actions needed to be captured, to better highlight areas where work is still needed.

The Risk Assessment identified 28 climate induced risk events with a risk level of medium or greater. These are listed in the Action Plan, as well as the current and ongoing actions that were identified in the Risk Assessment as already occurring.

Many activities in our Delivery Plan will address the risk events identified in the Risk Assessment. These are captured in the Action Plan as well.

In summary, there is no new information in the Action Plan, but it is key information gathered into one document in a simple, community friendly format. While it is an operational document, making it accessible will allow the community to see all the positive action Council is already taking, and committed to in the near future, to adapt to the risks presented by climate change.

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN2: Adopt environmental sustainability practices
Strategies	EN2.3 - Encourage the community, businesses, government and community support services to mitigate and adapt to the impact of climate change and adopt environmentally sustainable practices
Delivery Program Action	Complete a Climate Change and Natural Disaster Action Plan

ATTACHMENTS: A. Draft Climate Change Action Plan (*Under Separate Cover*) [↔](#)

6.3 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT

SUMMARY

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

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Local Environmental Plan (Parkwood) 2020*
- *Planning Circular PS-20-002 Variations to Development Standards (5 May 2020)*

REPORT

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

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

No variations to development standards were approved by Council or its delegate during the 3rd Quarter (July – September) 2022.

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: 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.

RECOMMENDATION

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.*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Koala Habitat Protection) 2021*
- *Yass Valley Local Environmental Plan 2013*
- *Building Line – Rural and Rural Residential Land Policy*
- *Application Assessment and Decision Making Policy*
- *Road Standards Policy*
- *Community Engagement Strategy*
- *Yass Valley Development Contribution Plan*
- *Yass Valley Settlement Strategy*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Varying Development Standards: A Guide (Department of Planning & Infrastructure 2011)*

REPORT

1. Application Details

Date Received	-	29 August 2022
Land	-	Lot 2 DP 797830, Keirs Road, Murrumbateman
Area	-	1.5ha
Zoning	-	RU1 Primary Production

2. Site Description and Locality

The site is located in an area characterised by rural development, including a number of properties with dwelling houses.

The site is 1.5ha in area, with frontage to Keirs Road to the east and south, and to Murrumbateman (Nanima) Creek to the west. There are currently no buildings or significant development on the site.

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

3. Proposal

The submitted application involves the erection of a dwelling house and installation of an onsite sewage management facility.

The proposal seeks a variation to the current minimum lot size development standard (40ha) for the erection of a dwelling on land zoned RU1 Primary Production.

Details of the proposal are in [Attachment B](#) and [Attachment C](#) is the Applicant's clause 4.6 variation request.

4. Public Exhibition

Public exhibition included notice to five adjoining and nearby landowners and four submissions have been received (refer [Attachment D](#)). All submissions object to the proposed development.

5. Assessment

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

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

5.1 Variation to Development Standard – Dwelling Entitlement

The proposal seeks a variation to the minimum lot size development standard for the erection of a dwelling on land zoned RU1 Primary Production. The minimum lot size applicable is 40ha, and the subject land is only 1.5ha in area, representing a variation of approximately 96% to the development standard.

In accordance with Clause 4.6 of the LEP, the Applicant has requested a variation to the development standard on the following basis:

- A dwelling located on this lot will lay foundation for more efficient utilisation of land.
- The use of the land for the purposes of a dwelling will contribute to the local economy.
- Erecting a dwelling on the lot will allow the lot to be used for its intended purpose, and that without a dwelling entitlement it is difficult for the lot to be used due to size and location.
- A dwelling will allow a place of residence for managing farming operations and daily maintenance of the proposal.

- It is unclear on whether the lot would have attracted a dwelling entitlement when it was created in 1967.
- The variation is considered minor and clause 4.6 of the LEP allows for minor variations.
- The LEP already allows for lots which vary in size, including lots which are less than 40ha.
- The proposed development is unlikely to generate any adverse impacts on nearby properties and is consistent with the zoning objectives of the land.

An assessment against the LEP and guidelines to varying a development standard have been completed. The LEP allows a degree of flexibility to development standards to allow development to proceed where it has appropriate planning outcomes and is within the public interest. In this instance the assessment has determined that there are insufficient planning grounds to support the variation. The variation 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 around the Murrumbateman locality and Yass Valley.

The Applicant's written request fails to demonstrate that compliance with the development standard is unreasonable or unnecessary, nor that there are sufficient environmental planning grounds to justify contravening the development standard. Parts of the variation request are incoherent and conflicting, and it appears to have been possibly based on a different request for a subdivision – e.g. including reference to a “proposed lot layout” and that the variation will allow a “potential purchaser the choice of a rural lifestyle”.

It is important to note that in 2021/22 Council staff advised the Applicant on several occasions prior to their purchase that the subject land did not enjoy the benefit of a dwelling entitlement, and it was unlikely that a variation would be supported to allow a dwelling to be erected on the land.

5.2 Siting of Dwelling – Setbacks and Proximity to Road

Concern has been raised in relation to the siting of the dwelling, including the setbacks and the proximity to Keirs Road. The proposed development meets the minimum 30m setbacks to both road frontages required by the *Building Line – Rural and Rural Residential Land Policy*.

5.3 Flood Hazard

In the submissions received it is suggested that the land is inundated by flooding from Murrumbateman Creek which forms the western boundary. A flood study has not been submitted with the Development Application, and no further assessment has been undertaken noting that the recommendation for refusal on the basis that the land does not enjoy the benefit of a dwelling entitlement. To enable further assessment of flooding a flood study would be required to be submitted to determine the flood extent and consider the compatibility of the development with any flood hazard. A revised site plan and elevations would also be required to show site levels and contours.

5.4 Onsite Effluent Disposal

Concern is raised in the submissions in relation to the opportunity for onsite effluent disposal, particularly noting the potential flood affectation of the land. The submitted Onsite Effluent Disposal Report has been reviewed and there are a number of concerns with the information submitted including:

- The system type proposed is a standard aerated wastewater treatment system (AWTS) rather than an ADVANCED nutrient reducing model which is generally more suitable for high risk sites in proximity to watercourses.
- The Report does not detail the potential flood levels or inundation for the location of the system tank and effluent disposal area, and it would need to be amended to consider this.
- The site plan submitted is insufficient in terms of detail for the system location and disposal area.

- The onsite effluent disposal area is only 26pprox.. 35-40m away from the creek, where the recommended buffer distance per guidelines is 100m.
- If the area for onsite effluent disposal is to be within the flood affected area of the site, consideration may need to be given to sub-surface or sub-soil disposal combined with the ADVANCED system.

5.5 Slope and Earthworks

The site rises steeply from the floodplain of Murrumbateman Creek towards Keirs Road on the eastern boundary. The Development Application does not contain sufficient details of levels and contours to allow proper consideration of cut and fill and proposed finished levels.

5.6 Property Access

There is an existing access gate located on Keirs Road. The location is before the curve in the road and generally below the crest of a rise, which has been raised as a concern in the submissions. An assessment of the access indicates that there is adequate opportunity for the access to be located to meet minimum site distances based on the speed environment and traffic volumes.

5.7 Off-grid Electricity

The dwelling is proposed to be serviced by an off grid electricity system. It is questioned in the submissions whether the system adequacy needs to be ensured to prevent health issues associated with an inadequate system. No information has been submitted detailing the system proposed or a production and consumption assessment, however standard conditions usually require these to be supplied prior to the issue of a Construction Certificate.

5.8 Telecommunications

Within the submissions received it is noted that there is poor phone coverage at the subject property, and raises concerns about the possibility of a fixed line needing to be dug across a neighbouring property. A review has indicated that the subject land can be connected to satellite NBN telecommunication which can also act as a telephone service.

5.9 Existing Right of Way

One of the submissions received notes that their property is benefited by a Right of Way (RoW) across the subject land. The legal status and rights associated with any existing RoW will not change as a result of the proposed development. However, it cannot be determined from the site plan whether the proposed development is located in the RoW.

5.10 Heritage

The subject land is adjoining Murrumbateman Creek and includes a localised high point, with rocky outcrops evident on the site. In accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*, these are site features which indicate an increased likelihood for the presence of Aboriginal Objects. The Code of Practice details that investigation should be undertaken in such circumstances to determine the presence and potential impact on any Aboriginal Objects from the development. The application does not contain any details of due diligence undertaken.

One of the submissions suggests that the application incorrectly notes the subject site is not within a Heritage Conservation Area, despite there being a number of heritage items in the locality. For the purposes of the LEP the subject land is not within an identified heritage conservation area.

5.11 Amenity Impacts

There are concerns raised in the submissions in relation to the potential impacts that a dwelling on the subject land may have on amenity, including, for example, if the future residents had dogs, rode motorbikes or flew drones, or were regularly coming and going from the site. It is

also noted in submissions that the proposed development does not include a garage, and that this may result in a site which is untidy.

The expected traffic generation of one additional dwelling is not considered to result in a significant impact. There are no planning controls that require a garage to be erected with the dwelling.

The amenity impacts raised in relation to activities such as riding of motorbikes, control of dogs etc. are speculative and there is other legislation dealing with these issues.

The extent of any amenity impacts on neighbouring properties as a result of a dwelling being located on this land are not considered to be significant.

5.11 Bushfire Hazard

There is concern in the submissions that there is nothing in the proposal that indicates the installation of tanks or how fire fighting vehicles would access the block. A Bushfire Threat Assessment has been submitted with the Development Application and demonstrates that the proposed development can comply with the provisions of Planning for Bushfire Protection 2019.

5.12 Noxious Weeds

One of the submissions identifies ongoing concerns in relation to noxious weeds on the property. This is a matter outside the assessment of the Development Application.

5.13 Council Acquisition of the Subject Land

One of submissions received notes disappointment that the subject land was not acquired by Council when it was for sale in order to replace the low-level crossing of Murrumbateman Creek and realign the bends in the road. This is a matter outside of consideration for the Development Application.

6. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions it is recommended that the application be refused.

If Council were to consider supporting the variation to allow erection of a dwelling house, the following additional information would be necessary to enable further assessment:

- A flood assessment prepared by a suitably qualified and experienced person which details the extent of the flood hazard to the site and any necessary flood planning level for construction.
- A revised Onsite Effluent Disposal Report.
- Revised elevation drawings which clearly show the natural and proposed ground level to enable consideration of cut and fill, as well as ensuring the floor level meets any necessary flood planning level.
- A revised site plan which clearly shows:
 - Contours and areas of cut and fill.
 - Required tree removal, including those that need to be removed to achieve the bushfire asset protection zone.
 - All onsite sewage management system infrastructure, including effluent disposal area, buffer distances, etc.
 - The location of the development in relation to the RoW burdening the subject land.
- A due diligence assessment for the protection of Aboriginal Objects in accordance with *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* undertaken by a suitably qualified and experience person.

A further assessment report would need to be presented to Council for consideration. Any decision to support the variation will require the application to be referred to the Department of Planning & Environment to seek concurrence.

STRATEGIC DIRECTION

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

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

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.

RECOMMENDATION

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.

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1987*
- State Environmental Planning Policy (State & Regional Development) 2011
- Yass Valley Local Environmental Plan 2013
- Development & Assessment Decision Making Policy

REPORT

Development Application No 210262 has been lodged by SMEC Planning Consultants on behalf of Yass Valley Council for the construction of the Crago Mill Precinct Development, 209 Comur Street, Yass. **Attachment A** shows the location of the subject site.

The proposed development comprises demolition of existing buildings, construction of a single-storey public administration building, a single-storey community library, a two-storey commercial office building, an at-grade parking lot, additional at-grade parking spaces, a public plaza, refurbishment of the local heritage mill building (Crago's Mill), and consolidation of development site.

Architectural plans are included in **Attachment B** and public submissions are included as **Attachment C**.

Under Schedule 7 *State Environmental Planning Policy (State and Regional Development) 2011*, the proposal is regionally significant development as it is development carried out by or on behalf of Council and has a capital investment value of more than \$5 million. The consent authority for regionally significant development in Yass Valley is the Southern Regional Planning Panel. Council's *Development Assessment and Decision Making Policy* requires that an application to be determined by the Joint Regional Planning Panel be reported to Council.

The application was placed on public exhibition for a period of 29 days and five submissions have been received. Referrals to Transport for NSW and Essential Energy have been undertaken with no objection raised.

The application is currently being assessed by Queanbeyan-Palerang Regional Council on behalf of Council and the Development Application is scheduled to be considered by the Southern Regional Planning Panel in November 2022.

STRATEGIC DIRECTION

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

- ATTACHMENTS:**
- A. Locality Plan [⇒](#)
 - B. Architectural Drawings [⇒](#)
 - C. Submissions [⇒](#)

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.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- *Local Government Act 1993*
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Yass Valley Local Environmental Plan 2013
- Yass Valley Community Engagement Strategy
- Application Assessment and Decision Making Policy
- Building Line – Urban Policy

REPORT

1. Application Details

Date Received	-	1 st December 2021
Land	-	29 Camden Street, Binalong
Area	-	1569m ²
Zoning	-	RU5 Rural Village

At its meeting on 28 July 2022 Council considered a report recommending that this development application be refused. Council resolved to defer consideration of the report to the September 2022 meeting to enable the applicant to review the plans. Since that time, the Applicant has submitted amended plans to address the concerns of Council.

2. Site Description and Locality

The site is located in an area characterised primarily by large lots within the rural village of Binalong. Development within the locality is largely comprised of single dwelling houses constructed from lightweight materials. The allotment is regular in shape with an area of 1569m². The site contains an approved shipping container to the rear of the site and a manufactured dwelling with associated deck, for which consent is sought.

The site is a corner lot with its primary frontage to Camden Street and secondary frontage to Woolrych Street. There is also an unformed lane to the rear of the site. The site adjoins similar residential properties with a public reserve located to the east of the site.

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

3. Proposal

The application seeks consent to regularise the installation of a manufactured dwelling (see **Figures 1 and 2** below) and deck.

The dwelling is currently on wheels however the Applicant has outlined in their Statement of Environmental Effects that they would remove the wheels and install the dwelling on piers with a tie-down system if approved by Council. It is also proposed to install an on-site effluent system. **Attachment B** is the proposal considered by Council at its July meeting.

The proposal has been revised by proposing alterations to the dwelling to provide an additional deck and awning addressing Camden Street and an additional window also in the Camden Street frontage.

The dwelling measures 33m² comprising 1 bedroom, combined bathroom and laundry and open plan living. The proposal is defined as a manufactured dwelling under the *Local Government Act 1993* being:

‘a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—

(a) that comprises one or more major sections, and

(b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the [Road Transport Act 2013](#),

and includes any associated structures that form part of the dwelling.’



Figure 1 –Dwelling as viewed from Camden Street (Facing South)



Figure 2 – Dwelling as viewed from Woolrych Street (Facing North)

Details of the revised proposal are included in **Attachment C**.

4. Public Exhibition

Public exhibition included notice to six adjoining and nearby landowners for a period of 14 days, from 27 June 2022 until 11 July 2022. No submissions have been received.

5. Assessment

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

The following planning issues have been identified. The key issues relate to the character of the locality and building setbacks.

Setbacks for the proposed moveable dwelling are not in accordance with *Building Line – Urban Policy*. Section 4.1.3 of the policy requires Class 1(a) Buildings on a corner lot to have a 6m front setback and minimum 6m secondary setback where no established building line exists. The manufactured dwelling proposes a 3m secondary setback which does not comply with Council's Policy.

It is considered that the variation to Council Policy is able to be supported for the following reasons:

- The dwelling is a not a substantial structure measuring some 33sqm in gross floor area with a width of 3m measured at the secondary frontage. It is not a prominent structure in the streetscape.
- A compliant setback of 8.3m is achieved to the primary frontage whereas only a 6m setback is required. The proposed deck and awning will be setback 6.3m from the primary frontage which also complies.
- The road reserve is of a substantial width contributing towards the separation of the dwelling from the edge of the road.

- There is no established building line along the secondary frontage which would guide building setbacks. The property to the north is heavily vegetated on both frontages largely shielding the built form from view. There is a public reserve on the eastern side of Woolrych St which contains no immediate built form for context. Finally, there is a substantial separation achieved between the development and the site to the south.
- The dwelling proposes sufficient architectural treatments in the form of an existing rear facing deck and a proposed deck fronting Camden St with awning to provide visual interest to the streetscape. A window is also proposed within the Camden St façade which will provide for some passive surveillance opportunities.
- Landscaping is to be incorporated into the development. A condition of consent is to be imposed which requires the submission of an appropriate landscape plan detailing the landscaping treatment along the north eastern and south eastern boundaries.
- The reduced setback will not adversely impact upon adjoining properties with regard to matters of privacy, overshadowing, or bulk and scale.

The development as proposed is considered to be compatible with the character of the area.

6. Conclusion

From the assessment of the proposal it is recommended that a Development Consent be issued. Draft conditions are included in **Attachment E**.

STRATEGIC DIRECTION

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

ATTACHMENTS:	A. Locality Plan ⇨
	B. Original Development Plans ⇨
	C. Revised Development Plans ⇨
	D. s.4.15 Assessment ⇨
	E. Draft Conditions ⇨

6.7 PLANNING AND ENVIRONMENT COMPLIANCE MATTERS

SUMMARY

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

RECOMMENDATION

That the report on Planning and Environment Compliance Matters be noted.

FINANCIAL IMPLICATIONS

Council allocated \$25,000 in the 2022/23 for Planning and Environment legal advice. The first quarter budget review will request an additional \$100,000.

POLICY & LEGISLATION

- Enforcement Policy

REPORT

Council made provision in the 2021/22 Operational Plan to resource a compliance team within the Planning and Environment Directorate. This report details the compliance activities since the development of this team.

The Compliance Team have responsibility for compliance across Council with a focus on companion animals, environmental issues and development and building matters. There are three positions within this team with the third position currently being recruited.

Attachment A shows a summary of the compliance matters for 2021/22 and for the first three months of 2022/23. It is projected that the compliance matters will increase by 20% in this current financial year and that the number of order/notices and the value of infringements will increase in line with this.

Council's *Enforcement Policy* details the approach to compliance and how priorities are determined. This Policy is currently being reviewed given the increased resources to undertake compliance. In the first instance the focus of compliance matters is seeking 'compliance through co-operation'. Where co-operation is not forthcoming, various methods are used to obtain a result and can include notices/orders, detailed investigations and infringements.

Currently, there are 11 key investigations underway varying from stormwater, companion animal and development matters. This is in addition to the 'day to day' matters that require a response (e.g. 84 incidents for September 2022). One investigation taking four months has concluded with the issuing of \$24,000 of fines relating to non compliance with conditions of Development Consent. Council staff are currently preparing a brief for our solicitors for non-compliance with notices and it is expected that these will be heard in the NSW Local Court. This matter has been under investigation for 12 months and the approximate cost will be \$80,000 - \$90,000 in legal fees.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovate organisation
Strategies	CL1.1 - Council practices and processes are undertaken in a safe and efficient manner that meets legislative requirements
Delivery Program Action	Review of Endorcement Policy and Compliance Framework

ATTACHMENTS: A. Planning and Environment Compliance Activities 2021/22 - 2022/23 [⇒](#)

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.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

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

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

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT 1. Background

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

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

2. Progress to date

2.1 Stage 1 – Early Works

- Long lead time items including the compressor, dosing skids, electrical switchboards, and water quality instrumentation have all been ordered
- Tendering, evaluation, and approvals of the work packages were completed by the end of January 2022
- Contracts were issued in early February for three works packages:
 - Electrical and mechanical works
 - Civil and Building Works
 - Integration Works (control systems)
- Works involves the followings:
 - Yass Dam (construction of pipeline and underwater installation of diffuser pipes in the floor of the dam)
 - RWPS (new electrical switch board, control system, refurbishing of pumps and a compressor for bubble plume aeration)
 - Yass WTP (installation of dosing equipment for alum, potassium permanganate, water quality monitoring equipment, control system)
- Funding Deed was executed by the NSW Treasury for \$2,542,966 on 14 March 2022

- Construction works commenced in early March 2022 and the following assets were completed and are in operation:
 - RWPS: New switchboard and control system
 - Yass WTP: New alum dosing system, water quality monitoring equipment and control system
 - Yass Dam: Underwater diffuser pipeline for bubble plume aeration
- The Project is 90% complete. Completion of Yass Dam Bubble Plume Aeration System is delayed due to supply issues with an equipment for the operation of compressor. Equipment is scheduled for delivery in mid-November 2022 and commissioning of the aeration system is scheduled for completion early December 2022.
- There are latent risks associated with the effects of pandemic on the supply chain for equipment and construction materials.

The Stage 1 upgrade works made it possible to run the WTP at a slower rate during the flood event in August 2022 and in October 2022. This capability together with the enhanced alum dosing and control system enabled the operation staff to produce drinking water within the Australian Drinking Water Guidelines however this required the plant to be shut off for periods when it was incapable of treating incoming raw water. Treated water storage was also depleted to critical levels during the periods where water could not be treated.

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

2.2 Stage 2 &3 – New Water Treatment Facilities and Rehabilitation of Existing Facilities

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

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

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

2.3 Consultation with DPE (Water)

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

3. Next Steps

- Complete Stage 1 Construction and commission new assets
- Review Deed and complete design and business case for Stage 1A
- Continue to lobby for agreement to progress with Stage 2 and 3 Design and Business Case without a delay.
- Liaison and procurement for additional land for expanding the WTP site

STRATEGIC DIRECTION

Key Pillar Our Infrastructure

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

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

Operational Plan Activity Upgrade of Yass Water Treatment Plant

ATTACHMENTS: Nil

6.9 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.

RECOMMENDATION

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.*

FINANCIAL IMPLICATIONS

Funds were allocated for Water Source Strategy Study in Operational Plan 2021/22.

POLICY & LEGISLATION

Nil.

REPORT

1. Background

Water supply in Yass Valley suffered from severe restrictions during the millennium drought. In 2006, Council made the decision to increase the capacity of the Yass Dam to rectify the short and medium term water supply issues. Council also recognised that long-term water supply strategy is a pipeline from Canberra. Yass Dam was raised in 2013 increasing the capacity of the Yass Dam from 800ML to 2,464ML.

For the forecasted population growth in Yass Valley outlined in both the *South East & Tablelands Regional Strategy* and the *Yass Valley Settlement Strategy 2017* the need for an alternate water supply was identified if the growth potential was to be realised. The Settlement Strategy identifies two potential sources for an additional supply; from Canberra water infrastructure and from Burrinjuck Dam.

In July 2018, a report was presented to the Council to investigate development of the Yass water supply system to support the directions of *Yass Valley Settlement Strategy*. Council resolved to undertake the work as a priority.

In October 2019, Council received funding from *Safe & Secure Water Program* to update its existing Integrated Water Cycle Management (IWCM) Strategy dated 2007. IWCM is a 30-year strategy and financial plan for the provision of appropriate, affordable, cost-effective and sustainable urban water services to meet community needs and protect public health and the environment. Preparation of IWCM is a Best-Practice Management requirement under *Water Supply and Sewerage Framework* and has a longer time frame for its preparation.

While the *Regional Strategy* identified the need for a project to develop a Sub-Regional Water Plan that includes Queanbeyan-Palerang by DPE(Water), preparation of this sub-regional plan was not completed.

Identification of an additional source for water supply is critical for the long-term development of Yass Valley. Without this study the future development as envisaged in the *Yass Valley Settlement Strategy* could not take place once the limit of supply capacity of Yass Dam is reached.

Water source development generally has an extended time frame from inception to reality as it involves addressing water allocation and inter-jurisdictional issues, infrastructure, financial, environmental and community issues.

Considering the urgency to identify a preferred water source to commence water source development, Council approved funds to complete *Water Source Strategy Study* in August 2021.

2. Water Source Strategy Study

Council engaged GHD to prepare the study and sought advice and participation of DPE (Water) and Public Works Advisory (PWA) in the preparation.

Development of preferred water source option consisted of the following steps.

- Step 1: Investigate and validate the water constraint based on work prepared in IWCM Issues Paper by Public Works Advisory.
- Step 2: Identify potential options based on options considered in similar projects.
- Step 3: Develop the options assessment criteria to ensure each option was considered fairly.
- Step 4: Hold an options assessment workshop (December 2021) with the long list of options for consideration.
- Step 5: Reach recommended solution based on outcomes from options assessment workshop.

Following the early investigations, illustrated in steps 1 to 3, a facilitated options assessment workshop was held in December 2021, where options were considered.

- Off river storage
- Supply from Lake Burrinjuck
- Supply from ACT (Icon Water)
- Groundwater
- Recycled non-potable
- Purified recycled water
- Rainwater tanks
- Stormwater Harvesting
- Managed Aquifer recharge

The workshop brought together key stakeholders from Council, DPE (Water) and Public Works Advisory (PWA), to identify a preferred option for the future water supply source of Yass Valley.

Criteria developed to assess the options are as follows.

Mandatory

#	Criteria	Definition
1	Availability	Based on the volume, reliability of supply and ability to meet growth scenarios up to a 30-year horizon.

Broader Objective Criteria

#	Criteria	Definition
2	Environmental Impact	To consider the environmental and biodiversity benefit and/or impact.
3	Energy use and Emissions	Direct energy use mainly in relation to treatment options and pumping.

#	Criteria	Definition
4	Flexibility and adaptiveness	Incorporates the agility of the option to be modified to suit the emerging context as measured by two dimensions: Time and Scale.
5	Circular Economy Principles	Measure the overall circular economy benefits of the options as a general philosophy that compensates for the ability to be able to quantify them as measured by the three principles: <ul style="list-style-type: none"> - Design out waste and pollution - Keep products and material in use - Regenerate natural systems
6	Ability to Meet community expectations	Customer expectations, cultural heritage, and community affordability.
7	Minimal Impact on Traditional Owners	Impact on First Nations heritage assets
8	System resilience contribution	Incorporates the contribution the option provides to the overall system resilience including in the light of climate change as measured by the three dimensions which are: <ul style="list-style-type: none"> - Extreme drought - Major water quality event - Major asset failure
9	Minimise complexity	Complexity of treatment process. With complexity increasing with higher levels of treatment and adoption of simplistic/known technology and comfort of operators with technology.
10	Minimise Regulatory challenges	Complexity and effort required and likelihood of approval.
11	Indicative CAPEX Costs	CAPEX high level comparison estimate (qualitative)
12	Indicative OPEX costs	OPEX high level comparison estimate (qualitative)

At the options assessment workshop, options were scored 1 (poor) to 5 (excellent). Scores were then tallied and agreed weightings applied. The highest scoring option to meet the preferred strategy was identified as supply from the ACT. Overall, it was ranked the most suitable option across all criteria.

Following reports were prepared as part of the Study.

- Yass Valley Water Source Strategy Plain English (refer [Attachment A](#))
- YVC Water Source Strategy Main Report (refer [Attachment B](#))
- YVC Water Source Strategy - Cross-border Milestones (refer [Attachment C](#))

The ACT supply option would be able to service the projected growth in the Yass Valley and scored highest in terms of its ability to meet community expectations, having the least complex operation, and maintenance requirements. It also scored well in terms of its environmental impact and its alignment to circular economies.

3. Recommended Option

Following the analysis considering the advantages and disadvantages of the options available, the study recommends an additional water supply from the ACT as the preferred option. It is considered this finding should be endorsed by Council.

4. Next Steps

The *Yass Valley Water Source Study* and the recommended water supply solution provides a sound basis for Yass Valley’s long term water supply issues.

The recommended solution, a water supply pipeline from the ACT to Murrumbateman will assist in providing water security for Murrumbateman and Yass along with the identified growth in these towns. In turn this will assist with realising the objectives for settlement and growth identified in the *Yass Valley Settlement Strategy*.

Councillors have been made aware of the risks to Council associated with servicing the Parkwood development on the NSW/ACT border if it continues to be administered by Council and the State Government. The risks are summarised in the attached briefing paper (refer **Attachment D**) originally prepared for the Minister for Planning and more recently the Premier. Moving the border between NSW and the ACT, so Parkwood becomes part of the Territory, was identified as a solution to remove the need for complex interjurisdictional service agreements and the associated risks.

In supporting the Parkwood development Council took the view that the project was not to disadvantage the ratepayers elsewhere in Yass Valley. The servicing risks identified for Parkwood to remain in NSW (and Yas Valley) would disadvantage ratepayers elsewhere in the Local Government Area. Council supported the rezoning of Parkwood subject to investigating options to move the NSW/ACT border.

If Council is to forego the administration of the Parkwood area along with the rate revenues by moving the border, there should be a corresponding legacy project so the remaining Yass Valley residents are not disadvantaged. The water supply pipeline identified in the *Yass Valley Water Source Study* is such a project.

It is recommended that Council endorse the provision and findings for a water supply pipeline from the ACT to Murrumbateman as a legacy project for Yass Valley in exchange for agreeing to any move of the NSW/ACT border for the Parkwood development.

STRATEGIC DIRECTION

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

- ATTACHMENTS:**
- A. Yass Valley Water Source Strategy Plain English [⇒](#)
 - B. YVC Water Source Strategy Report - **Confidential**
 - C. YVC Water Source Strategy Cross-Border Milestones Report [⇒](#)
 - D. Parkwood Briefing Paper (Sept 2022) [⇒](#)

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.

RECOMMENDATION

That the Investment Report for September 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: September 2022**

The Australian economy

The Australian economy grew by 0.9% in the June quarter which was close to expectations. Consumer spending and exports were the key drivers of growth, with business investment and housing construction weak.

The unemployment rate rose from 3.4% to 3.5% in August, although this reflected more people seeking work rather than a loss of employment. Job vacancies also fell 2.1% over June to August which may indicate that a return of overseas migrants and students is gradually easing labour shortages.

Meanwhile, the Reserve Bank of Australia (RBA) continues to raise interest rates aggressively. At its September policy meeting it raised interest rates by 50bps – its fifth consecutive policy tightening – and indicated that it plans to keep on raising rates over the remainder of 2022. September was a brutal month for investors, with sharp falls in equity markets, large rises in bond yields and extreme movements in currency markets. This mainly reflected growing unease with the way global policymakers are conducting policy, and the growing risk of a global recession.

Source: TCorp Monthly Economic commentary – September 2022

2. Summary of movements in Council Investments

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

Opening Balance 1 September 2022		\$25,000,000
Less: 3 x Matured Deposits		(\$3,500,000)
Add: 5 x New Deposits		\$6,000,000
Closing Balance 30 September 2022		\$27,500,000

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

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 course of 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: NAB 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 - September 2022 Investment Report [↔](#)

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 %.

RECOMMENDATION

That the report on rates arrears be noted.

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

- Debt Recovery Policy

REPORT

Arrears as of 30 September 2022

	Rates and Charges Levied (includes interest)	Paid 1 July to 30 September	Balance Outstanding	% Paid 1 July to 30 September
Arrears to 30/6/2022	\$1,156,684.04	\$174,054.17	\$982,629.87	15.05%
Current Years Rates, Charges and Interest billed since 1/7/2022	\$19,650,209.92	\$6,395,980.09	\$13,254,229.83	32.55%
TOTALS	\$20,806,893.96	\$6,570,034.26	\$14,236,859.70	31.58%

Council deals with Hardship Requests on a case-by-case basis. For the first quarter of 2022/23, Council did not receive any Hardship Requests.

In comparison to the same period for 2021/22, \$13,628,707.79 was the balance outstanding as of 30/9/2021. This represented 32.63% of the total rates and charges paid.

STRATEGIC DIRECTION

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

ATTACHMENTS: 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.

RECOMMENDATION

That the report on Community Grants be noted.

FINANCIAL IMPLICATIONS

Without grant funding, Council would be unable to provide community programs such as school holiday activities and community festivals to enhance the wellbeing of our community members. Grants are also essential to assist with Economic Development within the Yass Valley.

REPORT

The table below is an outline of grant programs staff have either applied for or distributed to community groups, individuals, or business.

Program	Funding provider	Community involvement	Total funding	Success or not
Community Reconnect Funding	Dept. Premier & Cabinet	Over 20 community groups and individuals	\$301,708	TBC
Planting Trees for the Queen's Jubilee program	Dept. Industry Science and Resources	Bookham Hospital Auxiliary	\$9,500	Yes
Youth Winter Break Program	Dept. Regional NSW	Several community groups and businesses	\$5,000	Yes
Seniors Festival 2023	Dept. Regional NSW	Several community groups and businesses in the Yass Valley	\$5,000	Yes
Regional Tourism Activation Fund – Round 2	Dept. Regional NSW	Several community groups and businesses	Economic growth	TBC
Regional Events Acceleration Fund – Round 2	Regional NSW Regional Growth Fund	Several community groups and businesses	Economic growth	TBC
Library Co-Design community consultation	Charles Sturt University, NSW Public Libraries	Yass Valley Library	Services rather than income	TBC
Business Case & Strategy Development Plan Funding	Dept. Regional NSW	Southern Tablelands Councils – Goulburn Mulwaree, Upper Lachlan Shire, Queanbeyan-Palerang Regional, Hilltops, Yass Valley	\$175,000	TBC

Program	Funding provider	Community involvement	Total funding	Success or not
Small Business Month 2022	Small Business Council of NSW	Yass Valley Business Chambers and 9 local small businesses	\$5,000 (YVC & YVBC received \$5,000 each)	Yes
Regional Event Fund: Event Development Fund	Destination NSW	All business and community groups through Newsletter	Economic growth	
Youth Spring Break Program	Dept. Regional NSW	Several community groups and businesses	\$5,000	Yes
STEM Community Partnerships Program	CSIRO, Dept. Regional NSW	Yass High School and several local businesses	Community value	Yes
Youth Summer Break Program	Dept. Regional NSW	Several community groups and businesses	\$15,000	TBC
Arts & Culture Funding Program	Create NSW	Community member	TBC	TBC

When a business, or industry member mentions to staff that they are looking at expanding or adding an attraction to their business, when Eden Monaro Grants Bulletin, NSW Government Grants, Business Australian Government site, or Grant Guru put up a grant that can be useful to that business staff circulate it to them.

Staff constantly monitor the NSW RDA Grant Guru site which lists all grant opportunities Australia wide, as well as other funding providers (both Government and Non-Government) to ensure staff are aware of any grants that either Council or community groups could utilise.

STRATEGIC DIRECTION

CSP Theme Our Civic Leadership

CSP Strategy Objective CL1: Council is an effective, responsible and innovate 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

6.13 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.

RECOMMENDATION

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.

FINANCIAL IMPLICATIONS

The majority of these activities were held with funding from the Regional NSW Break grant program. Funding from Council's Operational Plan was within budget.

POLICY & LEGISLATION

Nil

REPORT

Staff worked with local community groups and businesses to develop and deliver the youth of the Yass Valley local government area with opportunities to have fun while learning and growing through their attendance at these activities.

The programs were developed by staff in conjunction with local businesses and community groups (refer **Attachments A** and **B**).

We wish to thank the following local businesses, community members and community groups who were involved in either (or both) the winter and spring programs: Yass Valley Library, Murrumbateman Scouts, Sutton Village Gallery, Southern Tablelands Arts, Tootsie Gallery Café, Zac's Place, Bowning Hall, PCYC, Robyn Sykes, Sara Phemister, and the Yass Railway Museum.

We also wish to thank the National Museum of Australia, Junee Chocolate Factory, Totem Skating, Poppy Bubbles and Little Wing Puppetry for providing programs that enabled us to enhance the local programs to provide experiences for our youth that we are unable to provide locally.

Refer below for photos from the programs. It is a privilege to be able to provide activities and events to bring such smiles and joy to the youth of the Yass Valley.

Staff have commenced development of the Summer and Autumn Programs, and welcome any local business, community group, or community members to contact Council's Director Corporate & Community or Coordinator Library Services if they wish to be involved.



WRITING WORKSHOP
WITH ROBYN SYKES

Robyn Sykes is a multi-awarded spoken word artist who writes and performs original poetry. The dynamic performer entertains audiences around Australia, including at Woodford (Qld), National Folk Festival (ACT) and Boyup Brook (WA). Robyn runs workshops for adults and children, mentors emerging performers and organises poetry events in regional NSW. In this workshop join Robyn as you create word pictures. Free event, but bookings are essential.

WEDNESDAY 13 JULY
 10.30am - 11.30am
 AGES 8 - 12
 LIMIT OF 15

STRATEGIC DIRECTION

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

- ATTACHMENTS:**
- A. 2022 Winter Break Program *(Under Separate Cover)* ➡
 - B. 2022 Spring Holiday Program *(Under Separate Cover)* ➡

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.

RECOMMENDATION

That the report on the IPART Review of Rate Peg Methodology be noted

FINANCIAL IMPLICATIONS

Nil for this financial year but important for future income.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

The CRJO have engaged Always Thinking Advisory to draft a submission to the IPART Review for consideration of General Managers by late October 2022, prior to finalising submissions for lodgement online by 4 November 2022.

Some of the points staff will be highlighting include:

- Local Government needs to be in charge of its financial future based on IP&R documents. There is evidence that a good IP&R process with the community can result in the acceptance of a larger than rate peg rise in rates
- Brian Dollery’s UNE paper indicates removal of rate pegging unlikely by either side of politics but there should be greater autonomy for Councils to set their own rates. Accountability as to whether Council delivered outcomes expected from any rate increase can come via each election
- Regional variations are essential as ‘one size’ does not fit all
- Opportunity to work collaborative with neighbouring LGAs through Joint Organisations
- Any increases need to be based on the characteristics of our industry (especially its construction focus) and should be based on lead indicators not lag indicators. Treasuries across the country made forecasts of the economic outlook to guide their budgets – this should be the same for Local Government
- We need to be aware of our ratepayers’ capacity to pay. Each household is faced annually with rising costs from utilities, government charges, inflation, etc. If they are lucky, they get a single adjustment annually to their income

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.15 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.

RECOMMENDATION

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.

FINANCIAL IMPLICATIONS

Securing addition government funding assists Council with delivering improved services and facilities for the Yass Valley Community.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

With the next State election scheduled for 25 March 2023 an updated advocacy paper on priorities for Yass Valley has been prepared (refer **Attachment A**)

Since the preparation of the advocacy paper in April 2022 two priorities have been addressed i.e.

- Reduction in FBT for Electric Vehicles
- Funding for the Murrumbateman Adventure Playground

All the other priorities reman relevant for the upcoming State Election in March 2023.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovate organisation
Strategies	CL1.3 - Seek out and pursue grant funding opportunities
Delivery Program Action	Apply for grants for operation, maintenance, upgrade and new infrastructure

ATTACHMENTS: A. Yass Valley Council Federal and State Government Support Priorities (October 2022) [⇒](#)

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.

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 previously approved funding this project to the value of \$3,425,000, which is funded by \$2,996,875 from a Fixing Local Road Program Round 3 grant and \$428,125 from the Development Contribution Reserve.

In 2021/22 Council expended \$413,698 of the project funding on preliminaries (survey, geotech, REF design etc) and tree clearance associated with this project. The 2022/23 Operational Plan and budget has included the remaining approved funds (\$3,011,302) for the construction works.

POLICY & LEGISLATION

- Local Government Act 1993

REPORT

1. Background

Council manages an extensive road network of over 1,200km throughout the Local Government Area (LGA). Council has received funding under the Fixing Local Roads grant funding program and in conjunction with internal funding intends to seal the first 5kms of Back Creek Road to provide an improved road surface, improve the serviceability of the road, and improve safety.

2. Tender

Tenders were called on 9 September 2022 and closed on 30 September 2022. Four tenders were received from the following organisations:

Organisation	Address
Denrith Pty Ltd T/A Divalls Earthworks and Bulk Haulage	17090 Hume Highway, Goulburn NSW 2580
Durack Civil Pty Ltd	750 Carool Road, Carool NSW 2486
Hewatt Civil Pty Ltd	881 Nanima Road, Springrange NSW 2618
Lentro Earthworks Pty Ltd	342, Wallaroo Road NSW 2618

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

STRATEGIC DIRECTION

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	Sealing unsealed roads (grant funded only)

ATTACHMENTS: 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.

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 previously approved funding this project to the value of \$2,051,670, which is funded by \$1,641,336 from the Bridge Renewal grant and \$410,334 from the Development Contribution Reserve.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Background

Council manages an extensive road network of over 1,200km throughout the Local Government Area (LGA). Council has received funding under the Bridge Renewal Grant Program and in conjunction with internal funding intends now plans to replace the existing low-level concrete causeway crossing over Jeir Creek, on Nanima Road. The site is located approximately 7km northeast of the Barton Highway. The upgrade of this low-level crossing will complement the recent upgrading works undertaken on Nanima Road

2. Tender

Tenders were called on 12 September 2022 and closed on 4 October 2022. Three tenders, consisting of four offers, were received from the following organisations:

Organisation	Address
Complete Civil Pty Ltd (2 offer submissions)	3 Redall Street, Yass NSW 2582
Denrith Pty Ltd	17090 Hume Highway, Goulburn NSW 2582
Lentro Earthworks Pty Ltd	342 Wallaroo Road NSW 2618

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

STRATEGIC DIRECTION

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	Bridge upgrade program (grant funded only)

ATTACHMENTS: 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.

RECOMMENDATION

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.

FINANCIAL IMPLICATIONS

Any associated rental income will be adjusted in a quarterly review.

POLICY & LEGISLATION

- *Local Government Act 1993*
- Leasing/Licensing of Council Land & Buildings Policy

REPORT

1. Report

In July 2022 Council determined to further advertise for Expressions of Interest for office space located at the front of the Yass Soldiers Memorial Hall i.e.

That:

1. *Expressions of interest be called for the use of the northern 3 room section and the southern room at the front of the Yass Soldiers Memorial Hall.*
 - *The EOI should address a matrix to determine the suitability of the organisation or business to the prime CBD location which sits within a community building with a memorial shrine at its centre.*
 - *The EOI should address how the CBD may be activated by increased foot traffic through the number and demographics of their visitors or customers and the number of days and hours they intend to be open for trade or access per week.*
2. *A further report be brought back to Council to consider any Expressions of Interest.*

2. Expressions of Interest

Expressions of Interest were called on 1 September 2022 and closed on 30 September 2022. Five submissions were received from the following organisations

1. Returned & Services League of Australia – Yass Sub-Branch
2. Tyger Gallery
3. The Spotted Rose
4. The Gathering Room
5. Yass & District Historical Society

A further report detailing content of the Expressions of Interest for evaluation is included in the Closed Session of this meeting for consideration.

STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN3: Our existing community infrastructure is maintained, and we plan for and support the development of infrastructure that meets community need
Strategies	IN3.5 - Management of community infrastructure is supported by strong relationships between Council and community groups
Delivery Program Action	Review of all agreements for use of community infrastructure managed by Council

ATTACHMENTS: 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.

RECOMMENDATION

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.

FINANCIAL IMPLICATIONS

\$1m from the Water Reserve has been allocated in the 2022/23 Operational Plan for the Yass WTP Upgrade Project including for land acquisition.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

Yass Water Treatment Plant (WTP) is located at Lot 1 DP180130. It has always been planned to acquire vacant land to allow for WTP any future upgrades. A detailed report is provided 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	IN4.1 - Ensure high quality water supply options for the towns in region
Delivery Program Action	Upgrade of Yass Water Treatment Plant

ATTACHMENTS: 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.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Council has received additional funding up to \$2M under the NSW Public Spaces Legacy Program.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Clause 178 Local Government (General) Regulation 2021*

REPORT

Council received increased funding up to \$2M under the NSW Public Spaces Legacy Program to construct a new adventure playground at Riverbank Park, Yass. The design for this playground was endorsed by Council in December 2021.

Following negotiations a contract for the construction of the playground was entered into with Monarch Building Solutions to deliver the new facility without the Skytower component. Additional funding has since been sought to enable the inclusion of the Skytower and negotiations with suitable providers was undertaken. The outcomes from this process are detailed in a report in the Closed Session of this meeting for consideration.

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

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:

MOTION

That Yass Valley Council immediately write to local State and Federal representatives, Wendy Tuckerman and Kristy McBain about why powerlines from Snowy 2.0 are to be overhead rather than underground given the potentially serious negative environmental impacts and fire risks and what implications does this decision have for Humelink particularly for Yass Valley and our farmers, landowners, and fire services and their volunteers?

Councillor: Adrian Cameron

General Manager Comment

The HumeLink project is still in its preliminary stages. While the Scoping Report for the project has been lodged with the Department of Planning & Environment and the Secretary's Environmental Assessment Requirements issued for the format and content of the Environmental Impact Statement (EIS) the proponent, Transgrid, have not yet finalised their application.

The decision makers for this project will be the Department of Planning & Environment/Independent Planning Commission.

The preliminary consultation (including the establishment of Community Consultative Committees) undertaken for the project identified an issue as to whether the transmission lines should be overhead or underground. It is understood that this issue came from discussions at the Community Consultative Committee meeting held – Cr Cameron is Council's representative on the Yass and Upper Lachlan Community Consultative Committee. Transgrid examined this issue and prepared a report but no decision to my knowledge has been made by the proponent nor has any report on this investigation been uplifted to the Major Project Portal for wider consideration by the public.

As the HumeLink Environmental Impact Statement has not yet been finalised it is not certain whether the transmission lines will be overhead or below ground. It is considered to be premature raising this issue at this point in time.

There is an opportunity for Council to make a submission to DPE when the proposal is placed on public exhibition. There are likely to be other issues that are of concern to Council that should also be raised (e.g. construction access, biodiversity impacts, community enhancement contributions).

Making representations to local State and Federal representatives, who are not the decision makers, may not be the most effective approach at this point in time. Once Council has formulated its submission on the proposal providing a copy of our submission to the local State and Federal Member will provided them with an appreciation of Council's views.

ATTACHMENTS: Nil

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.

Director's Comment

Refer report on Community Grants: July to September 2022 included in these business papers.

ATTACHMENTS: Nil

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?

Response

An update on the consultation approach is included in the September 2022 Councillor Briefing Paper.

The consultation approach involves:

- Seeking comments from Yass RSL Sub-Branch (email letter sent 30 Sept 2022)
- Seeking Comments from Onerwal Local Aboriginal Land Council (email letter sent 30 Sept 2022)
- On line and hard copy survey – (Council’s Aboriginal Consultative Committee to establish a working group (with representatives from Committee, RSL and Land Council) to discuss format of survey. Meeting scheduled for Nov 2022)

ATTACHMENTS: Nil

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

SUMMARY

The minutes of the General Manager's Performance Review Committee meeting held on 19 September 2022. As this meeting relates to a personnel matter concerning a particular individual it is recommended that the matter be dealt with in Closed Session.

RECOMMENDATION

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).

ATTACHMENTS: Nil

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

SUMMARY

The minutes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 11 August 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 are recommending the possibility of establishing a 'Friends of the Yass Memorial Hall', independent of the Advisory Committee, be pursued. It will be important for some terms of reference to be developed that include a clear purpose and functions of the Friends group.

RECOMMENDATION

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.

ATTACHMENTS: A. Yass Soldiers Memorial Hall Advisory Committee Minutes 11 August 2022 (*Under Separate Cover*) [↔](#)

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

REPORT

The minutes of the Aboriginal Consultative Advisory Committee meeting held on 6 October 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

RECOMMENDATION

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.

ATTACHMENTS: A. Aboriginal Consultative Advisory Committee Minutes 6 October 2022 [↔](#)

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

REPORT

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

ATTACHMENTS: A. Sustainability Advisory Committee Minutes 29 September 2022