



Ordinary Meeting of Council

Thursday 23 March 2023

4.00pm

Council Chambers

209 Comur Street, Yass

PRAYER:

All Stand:

Mayor:

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

All say together:

Almighty God, we ask your blessing upon this Council.

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

FUTURE MEETINGS

April 2023

Thursday 27th

4.00pm

Ordinary Meeting of Council

Ordinary Meeting of Council

A G E N D A

Open Forum

Page No.

Webcasting

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

Acknowledgement of Country

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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- 10.1 Tender Evaluation Report - Primary School SPS Refurbishment 69

Close of Meeting Time

Chris Berry
CHIEF EXECUTIVE OFFICER



Minutes of the Ordinary Meeting of Council

Thursday 23 February 2023

4.00pm

Council Chambers

209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

- **Craig McGaffin** (Teams)
Item 6.4 – Modification Development Consent No DA200158 – Three Lot Village Subdivision, 20-24 Silver Street, Bowning
- **Muhammad Asfour** (Did not attend)
Item 6.5 – Development Application No DA220241 – Change of Use to formalise an Existing Barn as a Dwelling House, 5 Ambleside Avenue, Murrumbateman

Item 6.6 – Development Application No DA220241 – Formalising Existing Workshop and Use, 5 Ambleside Avenue, Murrumbateman
- **Harvey Walsh** (Attended)
Item 6.8 – Draft Transport Plan for the South East & Tablelands Region

Council Meeting - The Mayor declared the meeting open at 4.13 pm.

Present

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

Also present were the Chief Executive Officer – Chris Berry, Director of Planning & Environment – Julie Rogers, Director of Corporate & Community – Lynette Safranek and Manager Media & Communications – Gabby Lucas.

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 6.7 – Fixing Local Roads Round 4 & Regional and Local Roads Repair Program Grant and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Burgess declared an interest as he is resides on Back Creek Road.

Councillor Turner declared a non-significant, non-pecuniary conflict of interest in Item 6.3 – Development Consent DA175305 – Request for Deferred Payment of Contributions – Village Subdivision – 17 South Street, Murrumbateman and stated that he believed his interest would preclude him from voting.

Reason: Councillor Turner declared an interest as the applicant has acted as his solicitor and is a Trustee of his Estate.

Councillor Butler declared a non-significant, non-pecuniary conflict of interest in Item 6.3 – Development Consent DA175305 – Request for Deferred Payment of Contributions – Village Subdivision – 17 South Street, Murrumbateman and stated that she believed her interest would preclude her from voting.

Reason: Councillor Butler declared an interest as she lives across the road from the development.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 14 December 2022 covered by resolution numbers 287-307 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Jones/Abbey) 1

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

AGAINST: Nil

5. Mayoral Minute

6. Reports to Council

6.1 COUNCIL-RELATED DEVELOPMENT APPLICATIONS

SUMMARY

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

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

(Jones/Pothan) 2

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

AGAINST: Nil

6.2 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT

SUMMARY

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

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

(Turner/Reid) 3

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

AGAINST: Nil

At 4.16 pm Councillors Butler and Turner left the Chambers.

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

SUMMARY

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

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

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

(Abbey/Reid) 4

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

AGAINST: Nil

At 4.18 pm Councillors Butler and Turner returned to the Chambers.

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

SUMMARY

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

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

- Clause 6.8 Yass Valley Local Environmental Plan 2013 requires Council to be satisfied of adequate arrangements for essential services, including the supply of electricity.***

- *The policy requires the supply of grid electricity to lots in subdivisions that are zoned RU5 Village as an adequate essential service arrangement.*
- *Supporting the variation would currently set an undesirable precedent for subdivisions in the RU5 Village and residential zones across the Yass Valley.*
- *The circumstances of the case are not unique to the extent that would warrant supporting the proposed variation.*

(Reid/Jones) 5

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

AGAINST: Nil

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

SUMMARY

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

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

(Jones/Pothan) 6

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

AGAINST: Nil

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

SUMMARY

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

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

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

(Turner/Reid) 7

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

AGAINST: Nil

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

SUMMARY

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

RESOLVED that :

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

(Abbey/Turner) 8

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

AGAINST: Nil

6.8 DRAFT SOUTH EAST AND TABLELANDS REGIONAL TRANSPORT PLAN

SUMMARY

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

RESOLVED that .

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

(Abbey/Reid) 9

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

AGAINST: Nil

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

SUMMARY

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

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

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

RESOLVED that :

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

(Pothan/Reid) 10

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

AGAINST: Nil

6.10 YASS WATER TREATMENT PLANT UPGRADE PROJECT UPDATE

SUMMARY

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

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

(Turner/Abbey) 11

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

AGAINST: Nil

6.11 MATERIAL RECYCLING FACILITY CANBERRA

SUMMARY

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

RESOLVED that :

- 1. The recycling arrangement with Regroup continue, pending an alternative price competitive solution.**
- 2. Increased fees and charges will be considered in the preparation of the 2023/24 and 2024/25 budget.**

(Reid/Pothan) 12

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

AGAINST: Nil

6.12 DRAFT 2021/22 FINANCIAL STATEMENTS

SUMMARY

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

RESOLVED that :

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

(Turner/Reid) 14

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

AGAINST: Nil

6.13 INVESTMENTS AND BORROWINGS REPORT - DECEMBER 2022 AND JANUARY 2023

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 January 2023. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

RESOLVED that the Investment Report for December 2022 and January 2023 be noted.

(Reid/Pothan) 15

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

AGAINST: Nil

6.14 DELIVERY PROGRAM SIX MONTH PROGRESS REPORT

SUMMARY

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

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

(Jones/Reid) 16

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

AGAINST: Nil

6.15 CLASS ACTION BY RICHMOND VALLEY COUNCIL AGAINST JLT

SUMMARY

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

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

Reid/Turner) 17

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

AGAINST: Nil

6.16 YASS MUSIC CLUB REQUEST FOR FINANCIAL SUPPORT

SUMMARY

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

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

(Jones/Abbey) 18

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

AGAINST: Nil

6.17 FEDERAL GOVERNMENT FUNDING FOR TROVE

SUMMARY

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

RESOLVED that :

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

(Cameron/Abbey) 19

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

AGAINST: Nil

6.18 SOUTHERN TABLELANDS STEERING COMMITTEE ANNUAL REPORT

SUMMARY

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

RESOLVED that the Annual Report of the Southern Tablelands Steering Committee be noted.

(Turner/Reid) 20

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

AGAINST: Nil

6.19 SUMMER HOLIDAY PROGRAM OVERVIEW

SUMMARY

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

RESOLVED that the 2023 Summer Holiday Program Overview report be noted.

(Reid/Turner) 21

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

AGAINST: Nil

6.20 PROPOSED SCULPTURE, FAGAN DRIVE, BOOKHAM

SUMMARY

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

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

- 1. A plaque (separate to the sculpture) including a photograph or sketch of Dr Fagan with some additional information regarding his service to the local community***
- 2. Names of others who served not being included in the sculpture as the focus of the sculpture is to recognise Dr Fagan.***

3. *Obtaining a Roads Approval (including appropriate insurances and details of foundations for the structure).*

(Abbey/Pothan) 22

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

AGAINST: Nil

7. Notice of Motion

7.1 NOTICE OF MOTION - YASS & DISTRICT HISTORICAL SOCIETY

SUMMARY

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

Motion

That:

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

RESOLVED that :

- Pending the Yass & District Historical Society securing an acceptable alternate permanent home for its collection and operation, Council gives in principle support for YDHS to be offered first option of the location of the current Library rooms at the back of the Memorial Hall (subject to the rooms being compliant with relevant standards for a public use) following the relocation of the new library to the Crago Mill Precinct.***

This support acknowledges the long tenancy of 40+ years up to an including 2023 of the YDHS within the Yass Soldiers' Memorial Hall and the important service the Society volunteers provide our community.

2. ***Council requests a written report on the risks associated with the Memorial Hall upstairs level including the former location of the Archives collection be presented to Council (including load bearing risks to the structural integrity of the building, asbestos, and access issues).***

(Jones/Abbey) 23

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

AGAINST: Nil

8. Questions with Notice

8.1 YASS SOLDIERS MEMORIAL HALL - LEASING OF OFFICE SPACE

Councillor Cameron submitted the following Question with Notice:

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

Note: Response provided in the Business Papers

8.2 YASS & DISTRICT HISTORIAL SOCIETY POSSIBLE ASSISTANCE

Councillor Cameron submitted the following Question with Notice:

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

Note: Response provided in the Business Papers

9. Minutes and Recommendations of Council Committees

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

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

(Turner/Abbey) 24

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

AGAINST: Nil

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

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

Item 11.2 Waste and Sustainability Materials Strategy 2022-2027

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

Item 11.3 Canberra Region Joint Organisation Membership Fees

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

(Butler/Abbey) 25

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

AGAINST: Nil

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

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

Item 4.3 Draft South East & Tablelands Regional Transport Plan

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

(Jones/Reid) 26

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

AGAINST: Nil

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

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

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

That:

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

Item 1.2 - 2023 Yass Remembrance Day Road Closures

That:

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

Item 1.3- Road Closures ANZAC Day 2023 - Yass

That:

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

Item 1.4 – Road Closures ANZAC Day 2023 - Binalong

That:

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

Item 1.5 – Road Closures ANZAC Day 2023 - Sutton

That:

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

Item 1.6 – Road Closures ANZAC Day 2023 - Gundaroo

That:

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

Item 1.7 – Bondi 2 Barossa Charity Ride Event 2023

That the proposed 2023 Bondi 2 Barossa Charity Bike Ride event be approved subject to the following conditions:

1. *The organiser is to supply Council with a copy of the current Public Liability Insurance for the event with a minimum \$20,000,000 indemnity*
2. *The event organiser is to arrange for an appropriately certified Traffic Management Plan (TMP) and associate Traffic Guidance Scheme (TGS) to be prepared, as required*
3. *That the event organiser implement the TMP and associated TGS*
4. *The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TMP and associated TGS. All personnel involved must be appropriate accredited*
5. *Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation*
6. *The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted*
7. *Event organisers, event marshals, volunteers, event participants etc. are to take all possible actions to minimise the effect of the event on the non-event community, throughout the event*

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

Item 1.8 - 2023 Hayman Classic Cycling Event

That the proposed 2023 Hayman Classic cycling event be approved subject to the following conditions:

1. *The organiser is to supply Council with a copy of the current Public Liability Insurance for the event with a minimum \$20,000,000 indemnity.*
2. *The event organiser is to arrange for an appropriately certified Traffic Management Plan (TMP) and associate Traffic Guidance Scheme (TGS) to be prepared, as required.*
3. *That the event organiser implement the TMP and associated TGS.*
4. *The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TMP and associated TGS. All personnel involved must be appropriate accredited.*
5. *Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation.*
6. *The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted.*
7. *Event organisers, event marshals, volunteers, event participants etc. are to take all possible actions to minimise the effect of the event on the non-event community, throughout the event.*
8. *The event organiser must comply with any COVID-19 restrictions current at the time of the event including compliance with Restrictions on Gathering and Movement Public Health Orders, which may require developing and complying with a COVID-19 safety Plan.*
9. *Event organisers shall comply with the above conditions and the undertakings. Failure to comply will immediately void this approval.*

Cameron/Reid) 27

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

AGAINST: Nil

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

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

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

That:

Minutes of the Ordinary Meeting of Council held on 23 February 2023

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

(Turner/Abbey) 28

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

AGAINST: Nil

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

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

Item 4.2 Public Art Funding

That:

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

(Pothan/Reid) 29

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

AGAINST: Nil

10. Confidential Matters

Nil

The meeting closed at 6.27pm.

5.1 MAYORAL MINUTE - SENATE ENQUIRY INTO BANK CLOSURES IN REGIONAL AUSTRALIA

SUMMARY

Recommending a submission to the Senate Inquiry into bank closures considering the recent and reduced hours of local branches.

RECOMMENDATION

That a submission be made to the Senate Inquiry into bank closures.

REPORT

Westpac closed their branch in Yass just prior to Christmas last year. NAB closed their Cooma (similar population to Yass) and Bombala branches also in December 2022. While there has been no suggestion about the NAB in Yass closing, it currently has reduced opening hours, trading between 9.30am and 12.30pm daily. CBA intended to close their branch in Junee (similar population to Yass) in March this year but the decision was deferred following the announcement of the Senate Inquiry.

ATTACHMENTS: Nil

6.1 AMENDED HOUSEKEEPING PLANNING PROPOSAL

SUMMARY

A Planning Proposal to amend the *Yass Local Environmental Plan 2013* was presented to the November 2022 Council meeting where Council determined to proceed with the proposal. A gateway determination was requested but the Department of Planning and Environment requested Council amendments to the planning proposal. Since the proposal was presented to Council additional mapping anomalies have been identified and these have been included in the amended Planning Proposal

RECOMMENDATION

That the amended Planning Proposal (PP-2022-03) for administrative/housekeeping amendments be endorsed and forwarded to the Minister for Planning for a gateway determination

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

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

REPORT

1. Introduction

At its meeting on 24 November 2022 Council resolved to endorse a Planning Proposal (PP-2022-03) for administrative/housekeeping amendments to the *Yass Valley Local Environmental Plan 2013* and it be forwarded to the Minister for Planning to request a Gateway Determination pursuant to s3.34 *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*.

The Planning Proposal has been submitted to the Department of Planning & Environment (DPE) for a gateway determination. DPE have requested amendments to the Planning Proposal prior to issuing a gateway determination. This report details these amendments and some additional amendments identified by Council.

2. Amendments to the Planning Proposal

The Department has requested amendments to Items 8 and 9 of the Planning Proposal. Items 8 and 9 deal with land that is currently zoned RE1 – Public Recreation located at Lot 10 Sec 2 DP759136, Church Street, Yass and Lot 8 DP38481, 37 Rossi Street, Yass. It was proposed to zone this land to C3 Environmental Management as the site would be unsuitable for residential development due to being heavily constrained by flooding. Nonetheless a zoning of land for a public purpose does submit Council to the provisions of s3.15 *EP&A Act 1979*. This section states that land reserved exclusively for a public purpose (as described in s3.14(1)(c) *EP&A Act 1979*) is subject to owner-initiated acquisition provisions. Council does not require the land, and proposes to amend the rezoning as follows:

- Church Street – RE2 – Private Recreation
- Rossi Street – Part R1 – General Residential and Part RE2 – Private Recreation

In addition to the amendments to Items 8 and 9 a number of further mapping anomalies have been identified and these have now been included in the amended planning proposal. These include:

- Item 3 (Murrumbateman Recreation Ground) has wording amendments to clearly articulate that the rectification of cadastre/zone boundary applies to both RU1 - Primary Production and RU5 - Village zones and that no minimum lot size is to be applied to the RE1 – Public Recreation areas
- Item 13 (land adjacent 18 Hanley Place, Yass) is being amended to reflect the application of R1 General Residential Zone rectified by the realignment of the cadastre/zone boundary
- Item 14 has been expanded to include Lots 9 and 3 DP1147860 and Lot 32 DP1045621 (Hanley Place, Yass) where additional mapping anomalies were identified. The realignment of the cadastre/zone boundary is to rectify those anomalies and provide a minimum lot size consistent with the applicable zone
- Item 16 includes Lots 174, 177 and 136 DP1268670 (Malbec Drive, Murrumbateman) which have been identified having mapping anomalies in relation to the applicable lot sizes. The lots are provided with the correct zoning, however the minimum lot size map contains a misalignment with the cadastre boundary. The realignment of the cadastre boundary is to rectify the identified anomalies and provide a minimum lot size consistent with the applicable zone
- Item 17 refers to Lot 2 DP1229389 and Lot 1 DP128070 (683 and 687 Murrumbateman Road, Nanima) which a misalignment of the cadastre boundary has incorrectly identified these lots as containing an item of environmental heritage.

There are a total of 17 items for amendment within the draft Planning Proposal (refer **Attachment A**). As all the amendments are administrative in nature, no supporting studies are required. In this instance, it is appropriate that Council seek authorisation to exercise its delegation to make the amending LEP under s3.36 *EP&A Act 1979* as this Planning Proposal is within the ‘Basic’ category.

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Strategies	EN3.1 - Develop sustainably, integrates environmental, social and economic factors which are in the best interests of the community and the region
Delivery Program Action	Complete a planning proposal to insert planning controls from the Yass Floodplain Risk Management Study and Plan into the Yass Valley Local Environmental Plan 2013

ATTACHMENTS: A. Planning Proposal (Amended) [⇒](#)

6.2 DEVELOPMENT CONSENT NO DA200151 - VOLUNTARY PLANNING AGREEMENT, QUARRY REHABILITATION, 1170 MURRUMBATEMAN ROAD, MURRUMBATEMAN

SUMMARY

To present a Voluntary Planning Agreement (VPA) in relation to Development Consent DA200151 for quarry rehabilitation at 1170 Murrumbateman Road, Murrumbateman. The VPA is for the payment of monetary contributions to Council under *Yass Valley Heavy Haulage Development Contributions Plan 2021*. It is recommended that the VPA be amended to ensure the developer is responsible for Council's associated legal costs.

RECOMMENDATION

That a Voluntary Planning Agreement for the payment of contributions in accordance with Development Consent DA200151 for 1170 Murrumbateman Road, Murrumbateman:

- 1. Be amended so that the developer is responsible for Council's associated legal costs.*
- 2. Be entered into with Winjarra Pty Ltd and executed by the Chief Executive Officer on behalf of Council.*

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 Heavy Haulage Development Contributions Plan 2021*
- *Yass Valley Council Heavy Haulage Contributions Plan 2006*
- *Development Consent DA200151*

REPORT

1. Background

At its meeting on 26 May 2022 Council resolved to approve Development Application DA200151 for quarry rehabilitation and the importation of 38,150m³ of material at 1170 Murrumbateman Road, Murrumbateman and to place the associated Voluntary Planning Agreement (VPA) on exhibition.

A condition of Development Consent requires that prior to the importation of material the Applicant must enter into a VPA with Council for the payment of heavy haulage development contributions. This report details the outcome of the exhibition.

A Locality Plan is included in **Attachment A**. The approved quarry rehabilitation plans are provided in **Attachment B** and the VPA is in **Attachment C**.

2. Voluntary Planning Agreement

This VPA provides for a contribution consistent with the provisions of the *Yass Valley Heavy Haulage Contributions Plan 2021* rather than under the *Yass Valley Council Heavy Haulage Contributions Plan 2006* which applied to this Development Application. At the time that Consent was granted the contribution was \$47,536.81 but the contribution rate will be indexed at the time of payment as detailed in the VPA.

The VPA currently proposes that each party pay their own legal costs. However previous VPAs require the developer to pay Council's legal costs so it is recommended the VPA be amended to reflect this.

The VPA will be registered on the title of the land by the developer in accordance with s7.6 *Environmental Planning & Assessment Act 1979*.

3. Public Consultation

The VPA was placed on public exhibition from 11 January to 8 February 2023 and included notice to all the persons who made a submission on the Development Application and notice on Council's website. Two submissions were received.

The only issue raised in the submissions relating to the VPA is that the contribution is inadequate. The value of the contribution is based on the Contributions Plan.

All other issues raised related to the Consent conditions and included:

- The VPA does not contain a proposed Traffic Management Plan including a proposed haulage route
- The Traffic Management Plan could use roads in and around Sutton depending on where the fill is coming from
- The haulage route in the consent implies that Nanima Road is mandated as the only route for the traffic associated with this development
- The Consent is silent as to who will be responsible for monitoring of truck movements

These issues are not considered in this report as they do not relate to the VPA.

Copies of submissions are included in **Attachment D**.

4. Conclusion

It is recommended that the draft VPA be finalised.

STRATEGIC DIRECTION

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

- ATTACHMENTS:**
- A. Locality Plan [⇒](#)
 - B. Quarry Rehabilitation Plans [⇒](#)
 - C. Draft Voluntary Planning Agreement [⇒](#)
 - D. Submissions [⇒](#)

6.3 DEVELOPMENT APPLICATION NO DA210293 - RESIDENTIAL SUBDIVISION, 2155 SUTTON ROAD, SUTTON

SUMMARY

To present the assessment of Development Application No DA210293 for a staged 18 lot subdivision of Lot 1 DP32236, 2155 Sutton Road, Sutton. The application attracted six submissions and relevant concerns can be addressed by conditions. Approval is recommended.

RECOMMENDATION

That conditional Development Consent be issued for Development Application No DA210293 for a staged 18 lot subdivision of 2155 Sutton Road, Sutton.

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*
- *Biodiversity Conservation Act 2016*
- *Roads Act 1993*
- *Local Government Act 1993*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Development Contributions Plan 2018*
- *Road Standards Policy*
- *Building Line Policy*
- *Yass Valley Community Engagement Strategy*
- *Application Assessment and Decision Making Policy*
- *Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy*
- *Road Naming Policy*
- *Non Urban Fencing Policy*

REPORT

1. Application Details

Date Received	-	November 23, 2021
Land	-	Lot 1 DP32236, 2155 Sutton Road, Sutton
Area	-	73.02 ha
Zoning	-	R2 Low Density Residential and RU1 Primary Production

2. Site Description and Locality

The site is located approximately 450m from the Federal Highway in an area characterised by low density and large lot residential development, environmental management and agricultural land.

The development site is located to the south end of and entrance to Sutton. It is irregular in shape and has an area of approximately 73.02 ha.

The site is bounded to the north by Guise Street/Majura Lane and to the east by Sutton Road, the main southern entrance road to Sutton and to the west by a crown road reserve.

The land is characterised by large areas of open grassland interspersed with scattered mature paddock trees and pine plantings. An electricity transmission easement 151.5m wide traverses the site diagonally dividing the land into two halves. Part of the land is prone to seasonal waterlogging or flood flows streams and drainage depressions which drain the site.

The development site is largely undeveloped land which has been used for agricultural purposes including pasture improvement, livestock grazing, horse agistment and polo training. Improvements on the site consists of a single dwelling house, equestrian polo field, farm sheds and a bitumen driveway. The site is undulating, generally sloping towards the stream flowing north to McLaughlins Creek which forms part of upper catchment of Yass River.

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

3. Background

Council adopted the Sutton Masterplan at its meeting of December 2017. The Masterplan set a framework for future development in and around Sutton. The subject site was included in the identified land to accommodate future growth of Sutton.

The Planning Proposal was lodged with Council in July 2018 seeking an amendment to *Yass Valley Local Environmental Plan 2013 (Yass Valley LEP 2013)* to enable residential development on the site consistent with the Masterplan. Council endorsed this proposal in August 2018 and a Gateway determination was subsequently issued. The Planning Proposal was made in November 2020.

The final version of the Planning Proposal sought to:

- Rezone part of the land from RU1 Primary Production to part R2 Low Density Residential.
- Apply minimum lot sizes of 5,000m² (having no reticulated sewerage system, otherwise minimum lot size 2,000m²) to R2 land with frontage to Guise Street/Majura Lane and adjacent to Sutton Road.
- The residue land to remain RU1 Primary Production with the minimum lot size reduced from 40ha to 10ha inside the indicative bypass route and 20ha outside the route.

The R2 zone sits west of the stream that flows to McLaughlins Creek whilst RU1 Primary Production zone with the 10ha minimum lot size is located to the east of the creek. This area was proposed for equestrian themed development comprising of training centre, stables and an arena for the community to use. This 10ha area will not attract a dwelling entitlement. There is an existing dwelling located on the RU1 zoned land with the 20ha minimum lot size.

Land for the Sutton bypass was also set aside in a location that is clear of existing dwelling and other structures and potential archaeological deposits.

The plan of land use zones and minimum lot sizes is shown in **Attachment B** and **C** respectively.

3. Proposal

The submitted application seeks approval for a staged 18 lot residential subdivision with lots ranging in size from 5,000m² (R2 Low Density Residential zone) to 62ha (RU1 Primary Production zone). The proposed lots meet the minimum lot size requirements of the *Yass Valley LEP 2013*.

It is proposed to undertake the subdivision over three stages:

- Stage 1 – Creation of Lots 1-4 plus residue lot
- Stage 2 - Creation of Lots 5-8 plus residue lot
- Stage 3 - Creation of Lots 9-17

The proposal will result in the existing dwelling and other structures (farm sheds, polo training/riding arena etc) being located within the large rural lot being proposed Lot 18 approximately 62 ha in size.

As part of the subdivision the following is proposed:

- Construction of a 25m wide road off Guise Street/Majura Lane
- Vehicular access to proposed Lots 1-7 will be directly from Guise Street/Majura Lane
- Access to proposed Lots 8-17 will be off a new 25m wide road
- The residue rural lot (Lot 18) will continue to utilise existing access off Sutton Road
- Installation of stormwater infrastructure
- Creation of a 10m “Trafficable Defendable Space” around the perimeter of the subdivision which relates to managing the bushfire risk
- Creation of a 36m and 40m restriction on the use of land to the rear of proposed lots 9 -17 to ensure any future dwelling on these lots is not subject to greater than 10kw/m² heat flux. This is required to manage the bushfire risk
- Creation of Sutton bypass corridor which will be dedicated as a road reserve to Council

Proposed plan of subdivision is included as **Attachment D**.

4. Public Exhibition

The proposal was publicly exhibited twice. Public exhibition included notice to 30 adjoining and nearby landowners, the Sutton Community Association and a notice published on Council’s website. A total of six submissions have been received (refer **Attachment E**).

The issues raised in the submissions are discussed as part of the assessment below.

The Applicant has provided a response to address the issues raised in the submissions (refer **Attachment F**).

5. Referrals

Internal referrals have been completed by Development Control, Infrastructure and Assets, Strategic Planning and Environmental Services. No objections were raised subject to the inclusion of conditions in any consent.

The proposal was referred externally to:

- NSW Rural Fire Service (RFS)
- Transport for NSW (TfNSW)
- DPE – Crown Lands (Crown Lands)
- DPE – Water
- NSW State Emergency Services (SES)
- TransGrid
- Local Aboriginal Land Councils

Refer to the s4.15 Assessment for details of submissions sought or received from public authorities. No objections have been raised subject to the inclusion of requirements in any consent.

A copy of referral responses is included in **Attachment G**.

6. Assessment

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

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

6.1 Divert Traffic Away from Village

There is significant concern for Sutton regarding safety for road users requiring action to divert traffic away from the village

The subdivision plan shows the potential alignment of the bypass based on the preliminary designs by the proponents. A bypass would assist to divert traffic away from the village.

However, Council will further investigate the alignment once it is identified as a priority project and funding allocated.

6.2 Integration with Current Village Layout

A submission raised the concern that there is a need to ensure the development integrates with the current village layout.

The subdivision pattern within the immediate locality on Guise Street/Majura Lane, West Street and Camp Street are irregular in shape and size. As such the proposed layout is not inconsistent with this mix of lot sizes and shapes.

The subdivision layout is acceptable given the constraints of the land which include a transmission line easement, undulating topography, an established pine plantation, stream, a number of other drainage lines and proposed bypass.

As such the proposed lots are compatible with the existing context and setting of the village and is consistent with the planning proposal.

6.3 Access to Groundwater

A concern is raised that a significant number of new property holders would be seeking access to groundwater via bores.

The proposal is for subdivision only and does not involve drilling/installation of bores. Any future application for groundwater bores will be determined by WaterNSW.

6.4 Future Bypass Road Corridor

A submission has raised concern about the use of the wording "Future Bypass Road Corridor" on the subdivision plan making it sound like it is not an active part of the application. Rather it implies that Council will need to gain permission from the landowner before proceeding with any potential future roadworks. The issue of how the proposed corridor would merge into Sutton Road was also identified.

The alignment for the bypass was determined with the Planning Proposal and has been identified in the subdivision plan. Council will further investigate the most suitable alignment once it is identified as a priority project and funding allocated. Council cannot link the determination of this application with the progress of the bypass.

6.5 The Little Overpass Bridge

A submission suggests that the crossing McLaughlins Creek on Camp Street/Sutton Road is not legally adequate for B Double trucks. This bridge is rated to support traffic not exceeding 10-15 tonnes. Use of this bridge by B Double trucks is creating a very dangerous situation, may trigger a major road accident.

This is not relevant to the assessment of this application.

6.6 Trees along Guise Street and Creek Ecosystem

A submission raises the concern that the trees along Guise Street should not be removed as these trees provide important habitat. The creek ecosystem should not be polluted, or damaged given frogs, waterfowl and other wildlife reside there.

The subdivision plans do not show removal of any trees. However before commencing any works, the Applicant is required to obtain Controlled Activity Approval (CAA) from DPE Water. The CAA application is required to be accompanied with plans demarcating the waterfront land, designated riparian corridors and any areas of encroachment and offsets, detailed drainage plans, a vegetation management plan demonstrating a vegetated riparian corridor and any excavation which interferes with an aquifer or within 40m of the highest bank of the water body.

6.7 Working Hours, Noise and Dust

One of the objections raises the concern about dust and noise disruption during construction. Work should not start at anti-social hours and damage to roads needs to be addressed.

A condition can be included in any Consent that may issue requiring the developer to implement dust suppression measures during the subdivision construction works.

Any development is expected to create a certain amount of noise associated with construction activities. A standard condition can be included in any Consent that may issue for all construction work to comply with the provisions of the *Protection of the Environment Operations Act 1997* which includes construction hours.

6.8 Proposed Road Network Layout and Connections

The submissions have raised concern that the proposed road network does not extend to the existing village grid namely West Street. The location of the proposed access road should be relocated to the east to form a cross intersection and continuation of West Street.

As discussed in section 6.2, the proposed road layout is responsive to the site characteristics and constraints. The new road is placed along a minor depression to accommodate stormwater drainage.

6.9 Design of Roads

A submission raises concern that the design of road verges should be required to match those in the existing village and developed without kerb and gutter and with natural stormwater drainage system.

The *Sutton Masterplan* requires flush kerbs to roads in new village subdivisions but also details verges for roads to be designed to provide swale drains to cater for stormwater runoff. Details will be required to be submitted with the Subdivision Works Certificate.

6.10 Public access to Creek Reserve

Concern has been raised that public access should be provided along the proposed creek reserve and bypass corridor as a walking and cycling routes. This access should be finished with a compacted gravel surface suitable for cyclists.

The proposed buffer along the creek is to be provided to meet the requirements of *Planning for Bushfire Protection 2019*. The buffer along the creek and around the perimeter of the subdivision is provided to ensure a safe operational environment for emergency management. It will function like a fire trail and is meant for the use of emergency services only. Public/pedestrian access along fire trail/buffer is not proposed nor it is supported by the RFS as this is for emergency purposes only.

The potential alignment for the bypass is identified in the subdivision plan. Further investigations including geotechnical and design studies are required to be carried out for the most suitable alignment once it is identified as a priority project and funding allocated.

6.11 Entry To Village and Landscaping

The submissions raise concerns that the proposed development will be very prominent for Sutton and will potentially form a new entry point to Sutton. In its current form the development does little to add value to the existing township. The development does not make a contribution to improve the public amenity.

The Masterplan requires the inclusion of a 10m wide landscape easement within lots abutting Sutton Road. It is suggested that a 10m wide landscape buffer easement be created along Sutton Road to create a sense of arrival through landscaped avenue, prevent direct vehicular access to Sutton Road and provide visual screen to the subdivision from the main road. The landscaping should also be undertaken for the entire length of Guise Street/Majura Lane frontage of the development site.

A condition can be included in any consent to require a landscaping plan be submitted for approval. A condition can also be included to require that a legal mechanism is implemented for the long-term maintenance of the landscaping by the future owners of land.

6.12 Bypass Road Corridor and Road Noise

A submission raised the concern that at least seven of the proposed lots will be subject to significant road noise from the bypass being right at the back of these blocks. The submission suggests there should be more space for a landscaped verge between roadway and the proposed lots.

All the proposed lots are about 100m in depth. Proposed Lots 9-14 have a buffer of 36m – 40m from the future bypass. No structure is to be built in this area and it is to be maintained to ensure any future dwelling is not exposed to heat flux exposure greater than 10kw/m². This purpose of the buffer is to maintain this area as an inner asset protection zone.

Any future development on the proposed lots would be required to be designed such that road traffic noise from Guise Street/ Majura Lane and the bypass is mitigated by appropriate building design including use of acoustic design principles and use of durable materials. Landscaping for a site is to include acoustic design principles.

6.13 Removal of Lots 4 and 5

A concern is raised that proposed lots 4 and 5 appear to have restricted space for development if the dotted line showing the buffer is continued through these lots.

The Bushfire Assessment Report concludes that the 'buffer dotted line' is not required to be extended to these blocks given the largely open and high visible nature of these lots abutting the road with minimum exposure to grassland vegetation and potentially exposure to low radiant heat levels. Having said that proposed lots 4 and 5 both have sufficient area that a dwelling with associated infrastructure can be built and function within the confinement of the lot boundaries.

6.14 Drainage of Watercourse

A submission has asked if any improvement to drainage of the infrequent watercourse is proposed.

No earthworks are proposed within the bed or banks of the watercourse.

6.15 Lot 17

A submission has raised the concern that lot 17 has limited development potential being strangely shaped and restricted heavily from watercourse side.

The proposed land within the confinement of lot 17 is 8,160m². Although irregular in shape and as an inner protection zone, it is considered there is sufficient viable area for the erection of a dwelling house and associated infrastructure.

6.16 Traffic Increase in Majura Lane/Guise Street

A submission is made that seven of the proposed new lots getting direct access onto Guise Street/Majura Lane will increase the traffic in this area. The question is raised about the adequacy of the existing road network to cater for the increase in traffic, resulting from the development.

The application was referred to Transport for NSW (TfNSW) who raised no objections to the development proposal and granted concurrence in accordance with s138 *Roads Act 1993* subject to inclusion of conditions. To this end, the Applicant is required to upgrade the Guise Street and Majura Lane in accordance with the requirements of Council's *Road Standards Policy* including installation of appropriate roadside drainage. The road has capacity for the traffic generated by the subdivision.

6.17 The Development needs Additional Planning Consideration

An objection raised concern that the proposed development needs additional planning consideration give the proposal forms new entry point for Sutton, determines a path for new Sutton Bypass Road and Sutton itself is expanding significantly in other directions.

The *Yass Valley Settlement Strategy* provides direction for long-term growth and development for each town and village and this site was identified to accommodate the future growth of Sutton. This has been further considered by the planning proposal and the assessment of this development application.

6.18 Reticulated Water and Sewer System

A submission is made that Council develop town water supply and sewerage system to accommodate these new smaller lots.

Provision of a reticulated water supply and sewerage system is not identified for Sutton.

6.19 Kerb and gutter

Sutton Village Master Plan was adopted to provide greater certainty and structure to the future development of Sutton Village and surrounds. The Master Plan requires flush kerb to roads in new village subdivisions. Any approval of the proposed subdivision will be conditioned accordingly.

6.20 Light Spill

The street lighting is required for vehicular and pedestrian safety, reduced street crimes at the same time providing night amenity. Determination of light design and illumination depends upon road category and all lighting is to comply with AS/NZS 1158, NSW Public Lighting Code and the Essential Energy standards.

However, to be consistent with other developments in the locality, it is recommended that the new road is required to have flagstaff lighting at the intersection of the new road with Guise Street/Majura Lane as well as within the subdivision.

6.21 Stormwater and Flooding

Part of the site is identified as being flood prone. The Applicant is required to show extent of 1:100 year flood on the subdivision plan. Any Consent that may issue will contain the following requirements:

- Details of compliance with applicable flood planning controls to be submitted to Council for approval, including finished floor levels for flood affected lots
- The finished floor levels are to be included in a Restriction to User to ensure future development is compatible with the flood risk of each proposed lot

6.22 Pedestrian and Cycle Network

Sutton Village Master Plan requires provision of pedestrian and cycle facilities in accordance with part 13 and 14 of AUSTRROADS. The proposed subdivision plan does not show pedestrian and cycle facilities. However, any approval that may issue can require engineering drawings and details are to be provided to Council prior to issue of a Subdivision Works Certificate to ensure provision of pedestrian and cycle facilities along Guise Street/Majura Land and proposed new road.

7. Conclusion

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

Strategic Direction

CSP Theme Our Environment

CSP Strategy Objective EN3: We have a robust planning framework that considers our rural character and natural landscapes

Strategies EN3.1 - Develop sustainably, integrates environmental, social and economic factors which are in the best interests of the community and the region

Delivery Program Action Complete the comprehensive development control plan

- ATTACHMENTS:**
- A. Locality Plan [⇨](#)
 - B. Zoning Plan [⇨](#)
 - C. Minimum Lot Size Map [⇨](#)
 - D. Subdivision Plans [⇨](#)
 - E. Submissions [⇨](#)
 - F. Applicant's Response to Submissions [⇨](#)
 - G. Agencies Response [⇨](#)
 - H. s.415 Assessment [⇨](#)
 - I. Draft Conditions [⇨](#)

6.4 DEVELOPMENT APPLICATION NO DA220304 - DUAL OCCUPANCY, 24 BROUGHTON CIRCUIT, MURRUMBATEMAN

SUMMARY

To present the assessment of Development Application No DA220304 for a dual occupancy at 24 Broughton Circuit, Murrumbateman. The application attracted five submissions. Approval is recommended.

RECOMMENDATION

That conditional Development Consent be issued for Development Application No DA220304 for a dual occupancy at 24 Broughton Circuit Murrumbateman.

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

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

REPORT

1. Application Details

Date Received	-	14 December 2022
Land	-	Lot 5 DP 285351 - 24 Broughton Circuit Murrumbateman
Area	-	2.05 ha
Zoning	-	R5 – Large Lot Residential

2. Site Description and Locality

The site is located in an area characterised by large lot residential development. It is a regular shaped parcel of land with an area of approximately 2ha fronting Broughton Circuit. There is an existing dwelling house located on the subject land.

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

3. Proposal

The submitted application involves the construction of a single storey brick veneer dwelling to create a dual occupancy and the installation of an on-site aerated waste water treatment system (AWTS).

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

4. Public Exhibition

Public exhibition included notice to adjoining and nearby landowners and five submissions have been received. The submissions are included as **Attachment C**.

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 including responses to the issues raised in submissions.

5.1 On-site Wastewater Management Assessment

Concern has been raised that moveable sprinklers from the on-site wastewater management system may spray into an existing orchard or compromise trees and other vegetation on adjoining land.

This information has been reviewed and no issues have been identified other than a revised site plan is needed (prior to construction) that shows an effluent irrigation area. Conditions of consent are recommended that before the issue of a Construction Certificate, a revised site plan be submitted that indicates minimum buffer distances from the AWTS are achieved. This will ensure no adverse impact on adjoining properties.

5.2 Setback / Location of Dual Occupancy

Council's *Building Line Rural and Rural Residential Land Policy* requires a minimum 30m front and 10m side setback for a dwelling house on a lot of this size. The front setback of the dual occupancy is a minimum of 21m and the side setback is 20m. In this regard, the dual occupancy proposes a variation to the front setback policy requirements. The Applicant has made a request to vary the Policy (refer **Attachment E**) on the following basis:

- The 21m setback is required in order for the proposal to maintain the minimum setbacks and buffer distances to the septic tank, disposal systems and water tank
- Positioning the tank behind the dwelling to obstruct its view, as well as the required minimum buffer distances to the effluent disposal area has resulted in the minimum front setback being reduced by 8.855m from the minimum
- Positioning the dwelling at the required 30m setback may create health issues for the owner/tenant living in the property while also creating structural issues related to undermining and weakening of the footings of the proposed dwelling

The request is reasonable and is supported. It should also be noted that the proposed setback is not inconsistent with adjoining development to the east and west fronting Broughton Circuit. Closer examination of existing development nearby, reveals a variety of front setback distances to Broughton Circuit.

5.3 Second Driveway

A second driveway is shown on the plans submitted as providing access to the proposed dual occupancy.

Prior to the Development Application being lodged, the landowner constructed this second access driveway into the site without approval being obtained under the *Roads Act 1993*. An inspection has indicated that the access driveway meets the minimum sight distance requirements. If consent is granted, conditions are recommended which require a final compliance inspection of the driveway to be undertaken to ensure it meets all requirements of Council's *Road Standards Policy*.

5.4 Design / Size of Dual Occupancy

Concern has been raised that the single storey designed dual occupancy is out of character with other existing development in Broughton Circuit.

An assessment of the plans and schedule of finishes has been undertaken, and the proposal is consistent with other approvals granted for such development in the locality. Being single storey in height, no adverse visual impacts will result if consent is granted. The proposal also complies with all applicable development controls, which set no limits for the size of a dual occupancy.

6. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions, it is recommended that development consent be granted. Draft conditions are included in **Attachment F**.

STRATEGIC DIRECTION

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

- ATTACHMENTS:**
- A. Locality Plan [⇨](#)
 - B. Proposal [⇨](#)
 - C. Submissions [⇨](#)
 - D. s4.15 Assessment [⇨](#)
 - E. Building Line Variation Request [⇨](#)
 - F. Draft Conditions [⇨](#)

6.5 DRAFT TERMS OF REFERENCE - MURRUMBATEMAN PLAYGROUND PROJECT COMMITTEE

SUMMARY

To provide the draft Terms of Reference for the Murrumbateman Playground Project Committee.

RECOMMENDATION

That:

1. *A Murrumbateman Playground Project Committee be formed*
2. *The Terms of Reference be adopted*
3. *Nominations be sought for the community positions*
4. *Three Councillor representatives be nominated*

FINANCIAL IMPLICATIONS

Funding for the Murrumbateman Playground Project is included in the 2022/23 Operational Plan.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Crown Land Management Act 2016*
- *Roads Act 1993*
- NSW Everyone Can Play Guidelines
- AS 1428 Australian Standard – Design for Access and Mobility
- Yass Valley Local Environmental Plan 2013

REPORT

Council's *Park and Playground Strategy* guides the future development and maintenance of parks and playgrounds within the Yass Valley. The Strategy includes a requirement for master planning to be undertaken within the villages in the Yass Valley. Within these masterplans, provisions for appropriate village open space needs to be made. The Strategy envisages that a Category 1 Park and Playground (defined as a centralised park with diverse major play equipment, catering for a population >5000) will be required for Murrumbateman, either within the existing village or in new development areas. The site should incorporate multi-use play equipment, fitness equipment, suitable amenities and open space. This process should also consider the timing of such a facility within Murrumbateman based on population growth.

The Strategy promotes community consultation and adopting the Terms of Reference for the Murrumbateman Playground Project Committee is an important step towards ensuring that the current and future playground needs of the Murrumbateman community are identified. This Project Committee will work on identifying a suitable site for a new playground in Murrumbateman through to the finalisation of the concept design. The draft Terms of Reference for the Murrumbateman Playground Project Committee are included in **Attachment A**.

STRATEGIC DIRECTION

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

ATTACHMENTS: A. Draft Terms of Reference - Murrumbateman Playground Project Committee [↗](#)

6.6 ROAD REPAIR PRIORITIES

SUMMARY

To present a draft program of road repair priorities for the Yass Valley. Endorsement is recommended.

RECOMMENDATION

That the Road Repair Priorities attached to this report be endorsed.

FINANCIAL IMPLICATIONS

Road repair is being undertaken with natural disaster funding

POLICY & LEGISLATION

- *Roads Act 1993*

REPORT

A Councillor Workshop was held on 7 February 2023 to discuss the local road repairs following the above average rainfall events in 2022. Some 420 sections of roads were damaged by rainwater.

From the discussions a report was requested on the priorities for undertaking the repairs. A draft priority program has been prepared (refer **Attachment A**) indicating the high, medium and low priorities. The determination of priorities has been based on:

- Hierarchy calculation of Road Assets, which considers:
 - AADT
 - % HV
 - Through Road Score
 - Bus Route
 - Tourist Route
- Risk Assessment based on Safety
- Grouping of similar damages in close proximity
- Availability of resources and contractors
- Integration of unsealed repairs with grading program

Staff inspections have identified 425 damages that need attention. Of these damages, 346 are flood related and staff will attempt to claim the expenses from the Resilience NSW funding.

Of the total 346 flood related damages, 136 have been repaired, 8 repairs are currently in progress and 202 damages are remaining.

Council staff will repair 107 of the 202 remaining damages and 95 will be completed by contractors.

The indicative workload per quarter:

Quarter	YVC Internal	Contractors
2023 – Q2 (April – June)	38	42
2023 – Q3 (July – September)	45	16
2023 – Q4 (October – December)	18	12

Quarter	YVC Internal	Contractors
2024 – Q1 (January – March)	0	2
2024 – Q2 (April – June)	0	4
2024 – Q3 (July – September)	2	3
2024 – Q4 (October – December)	0	1
2025 – Q1 (January – March)	2	0
2025 – Q2 (April – June)	2	0
Unknown (managed by other Departments)	0	15
Total	107	95

These are indicative timeframes dependent of resources, contractor availability and weather.

A quarterly review and update of progress can be supplied to Council.

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	IN1.4 - Maintain road networks
Delivery Program Action	Annual sealed roads maintenance proram

ATTACHMENTS: A. Road Repair Prioriteis [⇨](#)

6.7 HEAVY VEHICLE PERMIT UPDATE

SUMMARY

To provide Council with details of how heavy vehicle permits are issued and obtain a direction on heavy vehicles permit approval.

RECOMMENDATION

That the standard NHVR permit request responses, detailed in the report, be endorsed.

FINANCIAL IMPLICATIONS

Nil directly however the volume of heavy vehicles on a road impacts the road’s life and can accelerate the need for road rehabilitation and/or safety upgrades.

POLICY & LEGISLATION












- *National Heavy Vehicle legislation*

REPORT

As a whole, much of the economic activities in NSW is dependent on heavy vehicle movements. The efficient movement and connectivity of heavy vehicles is an essential component to allow the movement of goods in, out and through the Yass Valley.

Heavy Vehicles are any vehicles with a gross vehicle mass greater than 4.5 tonnes. The various type of heavy vehicles and their configurations are shown in Table 1.

Table 1 – Heavy Vehicle Configurations

 National Heavy Vehicle Regulator Common Heavy Freight Vehicle Configurations		Description
1. COMMON RIGID TRUCKS - GENERAL ACCESS		
(a)		2 Axle Rigid Truck
(b)		3 Axle Rigid Truck
(c)		4 Axle Rigid Truck
(d)		4 Axle Twinsteer Rigid
(e)		5 Axle Twinsteer Rigid
2. COMMON SEMITRAILER COMBINATIONS - GENERAL ACCESS		
(a)		3 Axle Semitrailer
(b)		4 Axle Semitrailer
(c)		5 Axle Semitrailer
(d)		5 Axle Semitrailer
(e)		6 Axle Semitrailer

3. COMMON RIGID TRUCK AND TRAILER COMBINATIONS (General access when complying with pr		
(a)		2 Axle Truck and 2 Axle Dog Trailer
(b)		2 Axle Truck and 2 Axle Pig Trailer
(c)		3 Axle Truck and 2 Axle Dog Trailer
(d)		3 Axle Truck and 2 Axle Pig Trailer
(e)		3 Axle Truck and 3 Axle Dog Trailer
(f)		3 Axle Truck and 3 Axle Pig Trailer
(g)		3 Axle Truck and 4 Axle Dog Trailer
(h)		4 Axle Truck and 3 Axle Dog Trailer
(i)		4 Axle Truck and 4 Axle Dog Trailer
4. COMMON B-DOUBLE COMBINATIONS - CLASS 2		
(a)		7 Axle B-double
(b)		8 Axle B-double
(c)		8 Axle B-double
(d)		9 Axle B-double
5. COMMON TYPE 1 ROAD TRAINS - CLASS 2		
(a)		9 Axle A-double
(b)		11 Axle A-double
(c)		12 Axle A-double

Access of heavy vehicles to the NSW public road network is managed by a range of State and Federal legislations.

Simplistically, any heavy vehicle combination that is less than 42.5 tonnes, 4.3m high, 2.5 wide and 19 long can travel on any public road unless the road is sign posted to the contrary.

Heavy vehicles outside these limits are classified as restricted access vehicles and may only operate on a public road under a specific permit or notice. It is however noted that in NSW boggie/dog (6 axle) truck combinations are covered by a notice that allows them a 48.5 tonne gross combined vehicle mass.

It is also noted that Council has previously agreed to have all of Yass Valley's roads covered by a notice to increase the height restriction noted above to 4.6m to allow the movement of stock trucks.

Permits for restricted access vehicles are issued by the National Heavy Vehicle Regulator (NHVR). These permits:

- Are issued for a maximum period of three years
- Are route specific i.e. all roads covered by the permit are identified. It is noted that a route can be hundreds and sometimes thousands of kilometres long, include multiple individual roads and involve multiple road authorities
- Can include specific conditions, which may cover the whole route or part thereof. For example no access during school bus times

Prior to issuing a permit the NHVR must request approval from the road authority/manager of a road that is to be included in a permit.

The road authority/manager when considering a request from the NHVR can approve, approve with conditions or refuse.

The NHVR when determining a permit request must consider the road authority's response however it is not bound to accept it when issuing a permit.

Road authorities can only refuse a permit request from the NHVR based on a defined number of reasons.

When Council considers a permit request it considers a range of factors including:

- Does the route’s road infrastructure have the physical capacity to allow the safe movement of the proposed heavy vehicle configuration. If not, can the infrastructure be readily modified to allow access. Particularly consideration is given to structural capacity of bridges/culvert, road width and geometry
- The potential impact on road user safety
- Impact school bus routes
- Decision made on previous permit request for the road for similar heavy vehicles
- alternate access
- Any existing planning approvals eg heavy haulage routes for wind farm developments

Council continually receives new or renewal permit requests. Each is individually assessed and Council is continually requested to allow access for larger heavy vehicle configurations. Many of these requests are the result of businesses within Yass Valley endeavouring to improve productivity and/or reduce freight costs.

To assist staff with consideration of these requests the following roads and vehicle configuration should be considered as standard approvals albeit other configurations may be considered for these roads/routes on a case by case basis as determined by relevant staff.

Road/Route	Standard Maximum Restricted access vehicle configuration allowed
Yass Valley Way from the Hume Highway to and including the roundabout at the industrial area/highway service centre	A double
Bellevale Road	B double
Kaveney's Road from the Barton Highway to the Boral quarry entrance	B-double
Paynes Road from the Hume Highway to the quarry entrance	A-double
Nottingham Road – Wee Jasper Road to LGA boundary	B- doubles – forestry purposes only
Wee Jasper Road from Nottingham Road to LGA boundary	B- doubles – forestry purposes only
Comur Street from Grand Junction Road and Laidlaw Street	Nil
Laidlaw Street from Yass River to Orion Street	Nil

NB – Yass Valley Way is already a gazetted B-Double route from the Hume Highway (Service Centre) to Orion Street and the Barton Highway to Grand Junction Road.

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	IN1.6 - Support infrastructure that enables sustainable transport options
Delivery Program Action	Identify, encourage and support initiatives from private companies and government agencies for increasing community access to infrastructure that supports sustainable transport

ATTACHMENTS: Nil

6.8 FEMALE FRIENDLY COMMUNITY SPORT FACILITIES & LIGHTING UPGRADE PROGRAM

SUMMARY

Council has been successful in receiving \$335,936 under the Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program 2022/23 to remove the existing sports field lighting and replace with a new LED lighting system at Victoria Park. The total project amount is \$451,248 with Council required to contribute \$115,312 to the project.

RECOMMENDATION

That:

- 1. The grant funding amount of \$335,936 under the Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program 2022/23 be accepted.*
- 2. \$115,312 be allocated to the Victoria Park Field Lighting Upgrade in the 2023/24 Operational Plan and budget.*

FINANCIAL IMPLICATIONS

Council will receive \$335,936 in funding under the Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program 2022/23. Council is required to contribute \$115,312 under the funding program for this project which will be budgeted in the 2023/24 and 2024/25 Operational Plans.

POLICY & LEGISLATION

- Victoria Park Masterplan

REPORT

1. Background

The NSW Government has committed up to \$25 Million to the Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program. The Program investment will revive sport facilities by providing new and redeveloping existing sport facility bathrooms and change rooms. Funding will also support the provision of new and upgraded lighting that will enable more women and girls to train and compete in sport in a safe and inclusive environment.

The primary objectives of the Program are to:

- Increase the number and type of safe, equitable, accessible, and inclusive sport and active recreation facilities across NSW
- Foster positive sport and active recreation experiences for women and girls through the provision of welcoming and supportive community spaces and environments
- Increase utilisation of sport and active recreation facilities for women and girls through enabling more female participation opportunities

2. Victoria Park Field Light Upgrade

Current lighting levels recorded on the sports field at Victoria Park average at 25 lux, the LED lighting upgrade will enable training to occur under a minimum of 100 lux, therefore increasing safety of current user groups.

The new lighting infrastructure will service and support a multitude of user groups and individuals to participate in recreation, leisure and non leisure activities, resulting in a 50% increase in utilisation of the sports field. The amenities will support:

- Additional junior rugby teams
- Additional cricket teams supporting a day/night cricket competition

- Increase Little Athletics participants (50% increase)

Construction is required to begin on the project prior to July 2023 and will take approximately 12 months to complete.

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	Implementation of priority projects identified in the Yass Valley Open Space strategy

ATTACHMENTS: Nil

6.9 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE GRANT - PHASE 4 FUNDING

SUMMARY

To report to Council the receipt advice that Council will receive \$857,227 of funding under the Local Roads and Community Infrastructure program Phase 4.

RECOMMENDATION

That:

1. *The grant under the Local Roads and Community Infrastructure Program Phase 4 for \$857,227 be accepted*
2. *These funds be allocated to the following projects, subject to confirmation of funding guidelines:*
 - *Yass Memorial Hall - Stage 2 of upgrade and drainage works - \$450,000*
 - *Yass Memorial Hall –floor subsidence works- \$60,000*
 - *Victoria Park – Lighting upgrade - \$116,000*
 - *Gravel Re-Sheeting - \$231,227*
3. *The Operational Plan be amended to include the above changes*

FINANCIAL IMPLICATIONS

Nil –all funds received will be expended on associated works and Operational budgets are to be appropriately amended.

POLICY & LEGISLATION

Nil.

REPORT

Council has received advice that it will receive \$857,227 under Phase 4 of the Local Roads and Community Infrastructure Program. Detailed guideline for the grant phase have yet to be developed and it has been assumed that they will generally follow the guidelines for previous phase.

There are several approaches for expending these funds based on current projects identified in a number of strategic plans i.e.

Project	Estimated Funding Requirement
<p>Road Infrastructure</p> <p>Allocate all the funding to gravel re-sheeting of local roads.</p> <p><i>Note:</i> <i>Unit rate approximately \$30,000/km.</i></p>	\$857,227
<p>Mainstreet</p> <p>Allocate all funding to mainstreet improvement works.</p> <p><i>Note:</i></p> <ul style="list-style-type: none"> • <i>Priority works will need to be identified, prioritised and costed.</i> • <i>A project management resource will be needed which may depend on any grant conditions.</i> 	\$857,227

Project (cont)	Estimated Funding Requirement (cont)
<p>Memorial Hall</p> <ul style="list-style-type: none"> • Stage 2 of roof upgrade plus drainage works to foundations. • Floor subsidence repair. • Electrical upgrade. <p style="text-align: right;">Total</p>	<p>\$450,000</p> <p>\$60,000</p> <p><u>\$120,000</u></p> <p>\$630,000</p>
<p>Victoria Park</p> <p>Lighting upgrade contribution.</p> <p><i>Note:</i> Ability to use LR&CI grant as a Council contribution to grant under the Female Friendly Community Sport Facilities & Lighting Upgrades Program needs to be determined.</p>	<p>\$116,000</p>
<p>Bookham Masterplan</p> <p>Replacement fencing for cricket ground.</p>	<p>\$110,000</p>
<p>Murrumbateman Playground (Category 1)</p> <p>Additional equipment/facilities to complement the funded all abilities playground.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> • Federal grant for \$750,000 (all abilities playground). • Development Contributions \$228,611 • Design for Category 1 playground is needed (of which the all abilities playground is part of) and could be funded from the Development Contributions 	<p>\$857,227</p>

The above options have been reviewed and it is considered that funding be directed to unfunded projects, or projects seeking a co-contribution, and those that are relatively 'shovel ready' i.e.

- Yass Memorial Hall - Stage 2 of upgrade and drainage works - \$450,000
- Yass Memorial Hall –floor subsidence works- \$60,000
- Victoria Park – Lighting upgrade - \$116,000
- Gravel Re-Sheeting - \$231,227

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	Unsealed roads renewal program

ATTACHMENTS: Nil

6.10 COUNCIL OWNED LAND, GREVILLEA CLOSE, MURRUMBATEMAN

SUMMARY

A review of the need for Council owned land in Grevillea Close, Murrumbateman has been undertaken. It is recommended that the land not be sold but retained for a future pedestrian connection into the adjoining land to the north.

RECOMMENDATION

That the Council owned land in Grevillea Close, Murrumbateman not be sold but be retained for a future pedestrian connection into the adjoining land to the north.

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- Murrumbateman Structure Plan
- Draft Open Space Strategy

REPORT

In November 2020 Council determined that a strip of land at the end of Grevillea Close, Murrumbateman was no longer required. Council determined to offer the land to adjoining owners to purchase. A Locality Plan is included in **Attachment A**.

One adjoining landowner has contacted Council expressing an interest in purchasing the land and has sought an update on the progress of the sale.

Preliminary discussions have been held with the landowner to the north of Grevillea Close in relation to subdividing the land. There is an opportunity for the subdivision design of this land to integrate with the Council land in Grevillea Close to provide a pedestrian connection between the neighbourhoods.

There has been considerable community discussion by Murrumbateman residents seeking improved pedestrian connectivity between neighbourhoods, existing and proposed open space areas, community facilities and businesses in Murrumbateman.

At this stage the Council land in Grevillea Close provides an opportunity for pedestrian connectivity into any adjoining subdivision design and on this basis it is considered that the land should not be sold. Accordingly it is recommended that the sale of Council land in Grevillea Close be withdrawn and retained for a future connection into the subdivision of the adjoining land.

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	Develop and implement active transport strategy for Yass Valley

ATTACHMENTS: A. Locality Plan [⇒](#)

6.11 INVESTMENT AND BORROWINGS REPORT - FEBRUARY 2023

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 28 February 2023. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

RECOMMENDATION

That the Investment Report for February 2023 be noted.

FINANCIAL IMPLICATIONS

The investment portfolio assists with Council's cash flow and funding of projects identified in the Operational Plan.

POLICY & LEGISLATION

- s625 *Local Government Act 1993*
- Clause 212 *Local Government (General) Regulation 2005*
- Investment Policy

REPORT

1. Comments on Economic Climate: February 2023

At the February meeting, the Reserve Bank of Australia (RBA) raised its policy rate by 25bps. The meeting minutes and subsequent comments by the RBA Governor indicated a more hawkish stance, with the bank also revising up its wage growth and inflation forecasts this month. In turn, investors increased their expectations for the peak policy rate and now believe the RBA will raise rates by a further 100bps over the next 6 months. The heightened concerns around more persistent inflationary pressures have emerged despite a key measure of wages growth, the Wage Price Index, increasing by less than expected in the December quarter.

While the labour market remains tight, employment fell unexpectedly for the second consecutive month and the unemployment rate rose from 3.5% to 3.7%. Retail sales volumes (that is, after adjusting for inflation) fell slightly in the December quarter and consumer confidence is weak. Nominal retail sales rose in January, partly reversing December's large fall but, on average, there has been no growth in this metric since September 2022. Building approvals also continued to trend lower in December. *Source: TCorp*

Monthly Economic commentary – 1 March 2023

2. Summary of movements in Council Investments

Three investments matured and three new investments were created during February 2023.

Opening Balance 1 2022		\$25,400,000
Less: 3 x Maturities		\$4,400,000
Add: 3 x New Deposit		\$3,500,000
Closing Balance 30 November 2022		\$24,500,000

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 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: Sewer Infrastructure CBA	\$3,593,096	\$3,399,115	4.82% Fixed	20 years, repaid in 2035/36	\$193,981	\$169,757
Water: Yass Valley Dam Wall Westpac	\$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 TCorp	\$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 TCorp	\$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. February 2023 Investment Report [⇒](#)

6.12 SECOND 2022/23 QUARTERLY BUDGET REVIEW STATEMENTS

SUMMARY

This report represents the Second 2022/23 Quarterly Budget Review Statements (QBRs) for the period 1 October 2022 to 31 December 2022. This review shows Council's projected year end **Net Operating Result from Continuing Operations** remaining positive and is predicted to be \$7.18M in the December review. Actuals as at 31 December 2022 are showing a positive \$11.22M result with Net Operating result before Capital Items also positive at \$5.34M.

RECOMMENDATION

That:

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

FINANCIAL IMPLICATIONS

The details of Council's projected year end operating result before capital changes for the 2022/23 financial year are contained within the report below.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Local Government General Regulation 2005*
- *Office of Local Government 2010 QBRs Guidelines*

REPORT

This Quarterly Budget Review Statements (QBRs) presents a summary of Council's financial position as at 31 December 2022 for the 2022/23 financial year.

Council has forecast an increased deficit in **Net Operating Result before Capital Items** from \$912K, as presented to council in the 2022/23 Operational Plan, to \$7.5M for the 2022/23 Financial Year budget. Due to continued staff turnover and shortages commencing in the third quarter review last financial year, the end of financial year reporting periods, and a prolonged 2021/22 year end audit, staff have not been available to complete a full search for possible savings. This has meant that during this second quarter budget review, the addition of capital and operational projects, as well as operational expenses has created a new forecast deficit of \$7.51M.

It is important for Council to be aware that the additional projects and expenses are only budgeting issues, and Council is currently in a sound financial position.

This is highlighted by:

- **Net Operating Result from Continuing Operations** remaining positive and is predicted to be \$7.18M in the December review. Actuals as at 31 December 2022 are also showing a positive \$11.22M result with Net Operating result before Capital Items as positive at \$5.34M.
- Council is continuing to maintain its **Total Cash & Investments** with a projected year end result of \$35.68M for the year end and an Actual figure of \$34.98M as at 31 December 2022.

The QBRS appear as **Attachment A** and have been produced in accordance with the guidelines and standards issued by the Office of Local Government.

Council is provided with a breakdown of the budget by functional/service unit and key performance indicators (financial ratios).

Summary

- **Operational Revenue:** Council's original budgeted **Total Income from Continuing Operations** was \$44.86M. Based on previous QBRS changes and the current review this has increased to \$46.32M in the December Quarter. The movement in the December Quarter is due to a \$2.0M reduction in the line-item **Net Gain from Disposal of Assets**, this line item now reflects the net gain on disposal of assets and not the total proceeds from sale of assets.

This change combined with budgeted:

- Increased Rates and Annual Charges by \$150K
- Increased User Fees & Charges by \$120K, due to increased income from DA's
- Receipt of an additional \$8K Operating grant for which council is to supply equal funding
- Changes to funding and grants from previously reported allocations and an additional \$24K State block grant, reduced this line by \$176K, and
- Increase in Interest income due to interest rate increases

All the above changes combine to increase **Total Expected Income from Continuing Operations** to \$46.32M. When compared to actual \$30.22M as at 31 December 2022, Council is tracking favourably at 66%, and 75% if you adjust the Rates and Annual charges to reflect a half year result.

- **Operational Expenditure:** As part of the Second QBRS **Total Expenses from Continuing Operations** increase by an estimated \$18K. This is made up of:
 - The decrease in Employee costs is due to the \$100K being transferred from Employee costs to Materials & Services. This is reduced by the additional funding council received for an extra working day to be added to the Road Safety Officer position and its follow-on affect. These two items net against each other and result in a budgeted decrease in Employee costs of \$82K, and
 - An \$100K increase in materials is due to a transfer from Employee costs to Material & Services costs to cover Contractor costs due to staff vacancies.

Comparing the new December adjusted forecast to the December Actual, demonstrates that Council is tracking at 48%.

- **Capital Budget:** Council's capital budget has also increased from \$24.0M to \$32.1M due to additional grant funds secured, along with capital works being carried forward into this financial year. These are explained by:
 - The \$490K increase in Roads, Bridges due to:
 - A change in the funding source for the Jeir Creek Nanima Low Level replacement project. \$410K of previously identified funding from Bridge Renewal Grant round 5 has been replaced by S711 funds, has a zero effect on this line but is included for completeness.
 - A combination of changes to funding on various projects including some new projects: Back Creek Road low level replacement an additional \$75K; Murrumbateman Creek Bridge, Greenwood Road an additional \$25K; Yass River Bridge, Greenwood Road an additional \$25K; totalling \$125K funded from the Bridge Renewal Round 5.
 - Back Creek Road Rehabilitation \$250K funded from FLR Round 4.
 - A reduction of \$5K on the Yass Rail Trail Design.

Giving a total of \$370K and additional \$120K in RRRP funding. Making a grand movement of \$490K.

- The \$80K movement is made up of:
 - Back Creek Road low level replacement an additional \$75K; Murrumbateman Creek Bridge, Greenwood road an additional \$25K; Yass River Bridge, Greenwood Road an additional \$25K; totalling \$125K funded from the Bridge Renewal Round 5.
 - Back Creek Road Rehabilitation \$250K funded from FLR Round 4
 - A reduction of \$5K on the Yass Rail Trail Design.
- Giving a total of \$80K and additional \$120K in RRRP funding. Making a grand movement of \$80K.
- The reduction in External Restrictions/Reserves relates to the Jeir Creek Nanima Low level replacement project as it is now being partially funded to the amount of \$410K from the S711 reserve.

Cash & Investments

Councils Cash & Investments stay relatively steady the whole year. The opening balance for the year is \$36.68M. On day one Council converted the General Revenue Carry Forward and the Financial assistance grant (advance) from Internally restricted to being available, this increases Council's unrestricted cash from \$27K to \$3.45M. As this is a change to an internal classification it has no effect on our **Total Cash and Investments**, which remain at a balance of \$36.68M.

During the December quarter Review:

- Unexpended grants increased by \$490K. This is due to a combination of new projects and additional fundings to existing projects. These include:
 - A change in the funding source for the Jeir Creek Nanima Low Level replacement project. \$410k of previously identified funding from Bridge Renewal Grant round 5 has been replaced by S711 funds.
 - A combination of changes to funding on various projects including some new projects:
 - Back Creek Road low level replacement an additional \$75K,
 - Two increases of \$25K each to both Murrumbateman Creek Bridge - Greenwood road, and Yass River Bridge, Greenwood Road.
 - Totalling \$125K funded from the Bridge Renewal Round 5.
 - Back Creek Road Rehabilitation \$250K funded from FLR Round 4.
 - A reduction of \$5K on the Yass Rail Trail Design, and
 - An additional \$120K in RRRP funding.
- Making a grand movement of \$490K. A change in the funding source for the Jeir Creek Nanima Low Level replacement project.
- \$410K previously identified as being Funded from Bridge Renewal Grant round 5 has been replaced by S711. The use of S711 funds is reflected here.

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 Abide by Accounting Standards and OLG accounts regulations

ATTACHMENTS: A. Q2 Quarterly Budget Review Statement [⇒](#)

6.13 CLASS ACTION BY RICHMOND VALLEY COUNCIL APPEAL UPDATE

SUMMARY

This report provides Council with an update on the decision to appeal, or not, the determination of the class action by Richmond Valley Council against Jardine Lloyd Thompson (JLT).

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

Nil

REPORT

It was alleged that JLT had breached contractual, general law, and fiduciary duties, the case proceeded to NSW Supreme Court.

The Honourable Justice Kate Williams delivered her decision on 19 December 2022, dismissing claims that JLT breached contractual, general law, and fiduciary duties said to have been owed in providing insurance broking services. The Court found that JLT did not provide the alleged broking services nor make the alleged recommendations, this being the central premise on which all claims were founded.

Even though there has been an unsuccessful outcome in the court case, Council is not exposed financially.

Despite Council being a member of the class action, JLT continued to provide insurance products and professional services. JLT continues to be Council’s preferred insurance provider.

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.14 YASS & DISTRICT HISTORICAL SOCIETY ARCHIVE RELOCATION BRIEFING

SUMMARY

This report is to provide Councillors with an understanding of the risks associated with the Yass Soldiers Memorial Hall and how staff determined that the upstairs level was unfit and unsafe for the Yass & District Historical Society archives to remain.

RECOMMENDATION

That the report on the Yass & District Historical Society Archive Relocation be noted.

FINANCIAL IMPLICATIONS

Council has spent approximately \$50,000 on Engineering and Risk reports in relation to the Yass Soldiers Memorial Hall.

POLICY & LEGISLATION

- *Work, Health & Safety Act 2011*
- *Work, Health & Safety Regulation 2022*

REPORT

Council obtained an engineering report on the Yass Soldiers Memorial Hall in 2021 to ascertain the integrity of the building and to determine the extent of footings and foundation movement due to water runoff around the building perimeter which has potential caused structural issues to both the inner and outer walls of the hall.

An initial Structural Engineering Report on cracking and settlement was undertaken in January 2021, on receipt of this report a complete assessment and Dilapidation Report was commissioned by Peak Consulting. The final report and priority recommendations was presented to the Yass Soldiers Memorial Hall Committee and to the Council Meeting in October 2021.

The Peak Consulting report was extensive and thorough in their investigations and covered the following aspects:

- Conduct inspections and compile report on roof condition
- Conduct inspection and compile report on subfloor and floor condition
- Conduct inspection and compile report on condition of the exterior and interior wall surfaces
- Conduct inspection and compile report as to the compliancy of access and egress points throughout the building
- Conduct inspection and compile report as to the compliancy of the steps and stairs throughout the building
- Conduct inspection and compile report as to the compliancy of fire safety compliance installed throughout the building
- Conduct inspection and compile report as the presence and management of asbestos throughout the building
- Conduct inspection and compile report as to the dilapidation status of paint application both internally and externally throughout the building
- Conduct inspection and compile report as to the status of plumbing and drainage throughout the building

- Conduct inspection and compile report as to the serviceability condition of the exterior doors and windows of the building
- Conduct inspection and compile report as to the condition and compliancy of balconies both internally and externally of the building
- Conduct inspection and investigate source of dampness emanating from areas presenting with evidence of mould throughout the building
- Assess and provide priority order of above items that require addressing in order to achieve safety and compliance and protect the amenity of the building.

The highest priorities determined from this report were:

1. Issues caused by Water leaking into the building via the roof and issues caused by runoff water external of the structure
 - Electrical
 - Replace recalled Eaton RCD's (Completed)
 - Majority of lighting was identified as old
 - Majority of cabling identified as aged where it should be replaced
 - Asbestos/lead based paint
 - Asbestos sheeting and asbestos in floor tiles identified
 - As per the asbestos register areas have been identified throughout the building that are potentially at-risk area for falling lead paint and asbestos sheeting during roof construction works.
 - Sagging ceilings in upper level can potentially fail if undue strain is applied by further water pooling or any external roof repair work
2. Non-compliant access/Fire Safety
 - Fire exit doors, fire stairs, handrails and door latch mechanisms
 - Fire reel locations
 - Handrails and balustrade heights.
3. Load bearing roof void over archives offices
 - This roof void shows evidence of bird nesting
 - Deterioration to sarking paper allowing condensation and other moisture to penetrate the roof void creating water damage to timber and ceilings below.
 - Racked roofing rafters causing movement and sagging of roof level over the archives room.
4. Mould caused by water dampness
 - Due to water leaking into the building from the roof and pooling on/within the ceiling structure.
 - There is physical appearance of mould on walls and ceilings in the upstairs area.
 - Mould residue appears present in the ceiling linings due to water entering from the roof and soaking into the roof installation.
 - There is also an un-flued gas heater present in this room that while in operation and unvented has potential to cause increased condensation on walls and ceiling which can lead to mould growth.
5. Cracks in walls
 - Cracks in the outer brick layer of the external clay bricks were found to be caused by water build up at ground level due to downpipes not being connected to storm water.
 - Pooled water seeping into ground level foundations causing movement and instability to footings contributing to movement in these cracks due to accumulated moisture in the ground. Excessive rain and wet weather exacerbate variances within the openings.

- Cracks to internal wall and external walls were also contributed to movement in wooden roofing structure of cathedral type roof with tends to spread over time
 - Cracks 12 mm or more in width indicates the cracking is classified as Category 3.
 - The NSW Guide to Standards and Tolerances, Part 3.2 Damage to masonry walls (Refer to Table 3.02 On Page 24). states the following:
 - “Category 3 or greater damage to walls is defective and requires investigation, stabilisation, monitoring and rectification work, which may include breaking out and replacing sections of the wall.”
 - Smaller cracks can be sealed with a colour matched polyurethane to prevent moisture entry and accommodate future movement

The consultant’s report Identifies lead-based paint on the upper level which has commenced cracking and is flaking, Staff have concerns that with the external roof works would increase the likelihood of further deterioration of the paint and adversely increasing health risks and contamination of Archival material.

As per the Peak Consulting report, asbestos has been identified in within the upper level as well as other parts of the building. Staff have concerns that any adverse impact to the internal ceiling because of external roof works poses unacceptable health risk and further contamination to archival material.

Mould and dampness within the upper lever present an extreme risk to health and deterioration to Archival material.

The Dilapidation Report Peak Engineering Part 1 and 2 for supporting documents referred to in the content above are included in refer **Attachments A** and **B**.

On 12 February 2023, a Pre-Insurance Renewal and Safety Inspection was undertaken by Council staff. The scope of this audit was to provide advice to the Executive Management Team (EMT) on identified risks and safety issues relevant to the upper level of the building utilised and occupied by Yass & District Historical Society (refer **Attachment C**).

Following receipt of the pre-insurance renewal and safety inspection, EMT determined that it the first floor area was unfit and unsafe for the Yass District Historical Society in accordance with the *Work, Health & Safety Act 2011* and *Work, Health & Safety Regulation 2022*.

The current roofing contractor requested further assessment of the cracks in both the northern and southern facing walls prior to commencement of re-sheeting works.

The following recommendations were received from Pierre Dragh Consulting Engineer Canberra site inspection report dated 8 March 2023, (**Attachment D**) to stabilise the cracks in the exterior walls:

- Wall cracks should be repaired with HeliBars and HeliBond Grout. For more information, refer <http://heliflex.com.au/applications/crack-stitching/>.
- Cracks should be monitored
- Half of the depth of existing mortar should be removed and filled with high strength grout.

These works will be coordinated in stage one of the roof repair and re-sheeting works while scaffolding is in place, additional repairs costs may reduce the scope of works to be undertaken on the repair and re-sheeting program, depending on the additional cost.

STRATEGIC DIRECTION

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

- ATTACHMENTS:**
- A. Memorial Hall - Peak Consulting Dilapidation Report Part 1 [⇨](#)
 - B. Memorial Hall Dilapidation Report Peak Consulting Part 2 [⇨](#)
 - C. Pre-Insurance Renewal and Safety Inspection [⇨](#)
 - D. Pierre Dragh Consulting Engineers - Site inspection Report [⇨](#)

6.15 PETITION - URGENT REPAIRS FOR MARKED TREE ROAD, GUNDAROO

SUMMARY

Tabling a petition lodged in relation to the condition of Marked Tree Road and the need for urgent to repair the most dangerous sections of the road.

RECOMMENDATION

That the tabled petition on the condition of Marked Tree Road, Gundaroo be noted

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- Petitions Policy

REPORT

The petition requests Council to undertake urgent action to repair the most dangerous section of Marked Tree Road, Gundaroo.

The petition will be tabled at the meeting.

The petition is consistent with Council's *Petition Policy*. The issues raised in the petition can be considered as part of the report on Road Repair Priorities included in these Business Papers.

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.16 TENDER EVALUATION REPORT - PRIMARY SCHOOL SPS REFURBISHMENT

SUMMARY

This report provides advice on the submission of tenders for Primary School SPS (Sewage Pump Station) Refurbishment to upgrade civil assets.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Budget is allocated for the Sewage Pump Station Upgrade Program in the 2022/23 Operational Plan.

POLICY & LEGISLATION

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

REPORT

1. Background

Primary School SPS is one of the 14 sewage pump stations within the Yass Sewerage System. It was built and commissioned in 1976. It services a sewer catchment that includes Yass Primary School and a number of residences west of Laidlaw Street. To improve work, health and safety issues and increase longevity of this asset, upgrades of civil and electrical and control infrastructure are required. Upgrade of civil infrastructure works is included in this Tender and upgrade of electrical infrastructure will follow civil works.

2. Tender

Tenders were called on 30 January 2023 and closed on 27 February 2023. Two tenders were received from the following organisations:

Organisation	Address	ABN
EMT Pty Ltd.	1/144 Station Road, Seven Hills, NSW 2147	95 166 388 469
QMax Pumping System Pty. Ltd.	72 High Street, Queanbeyan NSW2620	95 164 437 914

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

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

8.1 QUESTIONS ON NOTICE - STAFFING LEVELS AND REDUNDANCIES

Councillor Adrian Cameron submitted the following Question on Notice:

As Yass Valley Council is a major employer in Yass Valley, there has been some disquiet in our community about staff turnover at YVC and its impact on the YVC delivery programme.

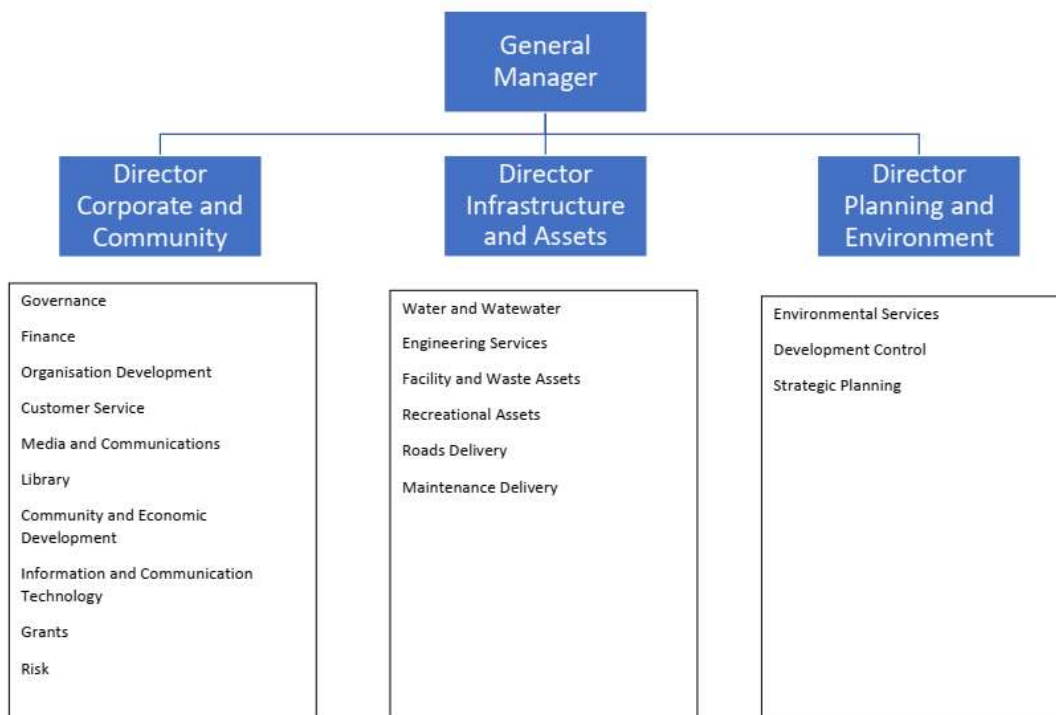
With regard to staffing at Yass Valley Council, would you please advise:

- *Is there a redundancy programme at YVC?*
- *Are there any changes to YVC organisational structure being made through this redundancy programme?*
- *What is the number of staff vacancies at the end of February 2023 relative to budgeted staffing levels?*
- *What positions have been vacant for three months or more including those filled by temporary staff and / or contractors?*
- *How many redundancies has there been and/ or offered to YVC Staff in the 2022/2023 financial year and have these redundancies followed process as per the Local Government Award?*
- *What is the total cost YVC of all redundancies offered in the 2022/2023 financial year?*
- *How has the staff turnover affected our delivery programme?*

Response

There is no redundancy program however there has been redundancies.

In May 2022 Council endorsed the following organisational structure:



While Council determines the structure immediately below the General Manager/Chief Executive Officer and the functions within each of these areas, the arrangement of the sections under each Directorate is a matter for the Chief Executive Officer and the relevant Director.

There has been no change to the adopted organisational structure as a result of the redundancies. The restructure in the governance, risk and WHS areas within the Corporate and Community Directorate was undertaken following a review of the work requirements and roles, and the Council adoption of the WHS Improvement Plan. This resulted in three positions being redesigned and each of the affected staff members requested a redundancy provided for under *the Local Government State Award 2020* which links to the *Fair Work Act 2009*.

Of the 177 positions in the organisation and there are currently 42 vacancies a rate of 23% which puts Yass Valley Council in a much better position than many Councils across NSW. There are local government industry wide skills shortages in finance, construction, planning, building certifiers and engineers which means each Council is competing with all others for a shrinking workforce.

There are 18 positions have been vacant for three months or more with a number being filled by temporary staff/contractors. We currently have 19 positions at various stages of the recruitment process.

There have been three redundancies and the due processes under *Local Government State Award 2020*. The total cost of redundancies for the 2022/23 financial year is \$106,796 which largely comprised of employee entitlements.

The staff turnover has impacted some delivery programs however these impacts have been minimised via the engagement of contractors. In addition, there has been a focus on recruiting trainees and cadets as a longer term solution with mixed success.

ATTACHMENTS: Nil

8.2 QUESTION ON NOTICE - ASSET CONDITIONS, THEIR RATINGS AND FINANCIAL IMPLICATIONS

Councillor Adrian Cameron submitted the following Question with Notice:

*In the unaudited Yass Valley Council 2021/2022 special schedule report on infrastructure assets, almost 74% rated 'Satisfactory', and approximately 25% rated as either 'Excellent ' or 'Good'. **None** are rated 'Poor' or 'Very Poor'.*

By contrast, YVC January 2022 Building Asset Management Plan States that approximately 43% of the portfolio is "POOR" or "VERY POOR", with almost 10% rated as end of life', compared with none in the special schedule report.

Why do the conditions ratings for buildings in the Financial Statement appear to completely contradict YVC adopted Asset Management Plans, and has the Auditor-General been advised of this discrepancy?

Response

The reported figures are believed to be correct in that they report the required information based on the purpose and intent of the reports, but the two reports are from different perspectives, and are intended for different needs and audiences.

The Special Schedule reports the serviceability of an asset, while the Asset Management Plan is for managements use and provides a way forward in relation the maintenance and repairs required for a specific asset.

The Special Schedule is a report that states the current serviceability of assets as at a certain time, in this case the 30 June 2022, and its status is based on the assets actual sustainable serviceability level. As opposed to the Building Asset Management Plan indicates a way forward with the assets as to any required maintenance, enhancements, or repairs.

These two reports use divergent criteria for their reporting. For example, the Council Chambers are more than satisfactory and meet the requirements for holding meeting. Yet, in the Building Management Plan, going forward it may be classed as poor and in need of attention. The chambers very recently has had water leaking down the southern wall and, although these have repaired, so that the room is very serviceable, the roof may need replacement in the next year so it is classed as poor. We still have a satisfactory serviceable room, but it is in poor condition and in need of a roof replacement in the near future.

In these circumstances there is no need to inform anyone of the divergence between these two reports.

ATTACHMENTS: Nil

8.3 QUESTION WITH NOTICE - IMPLEMENTATION OF THE YASS MAIN STREET MASTERPLAN AND THE OPEN SPACE STRATEGY

Councillor Adrian Cameron submitted the following Question with Notice:

A number of questions are being asked in our community about the future of the Yass Main Street Masterplan and the Open Space Strategy.

- *What Is the plan for implementation of the Yass Main Street Master Plan and the Open Space Strategy?*
- *What are the timelines for implementation of the Yass Main Street Masterplan and the Open Space Strategy?*
- *What are the next steps for each of these two projects to ensure implementation of both?*

Response

Implementing the Mainstreet Master Plan and Open Space Strategy (once adopted) will require the proposed works to be prioritised and programmed in a logical order. There are no timelines for the implementation. The Yass Mainstreet Master Plan in particular will require a project manager to develop an implementation plan including an estimate of costs of the new works, detailed designs and potential funding options.

Resources for project management will need to be provided for the plans to be implemented which will need to be considered as part of a future Delivery Program and Operational Plan.

ATTACHMENTS: Nil

9.1 MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE AND RESCUE COMMITTEE MEETINGS HELD ON 16 FEBRUARY 2023

REPORT

The minutes of the Local Emergency Management Committee and Rescue Committee meetings held on 16 February 2023 are included in **Attachments A** and **B**.

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

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

Accordingly the minutes are presented for information.

RECOMMENDATION

That the minutes of the Local Emergency Management Committee and Rescue Committee meetings held on 16 February 2023 be noted

- ATTACHMENTS:**
- A. Local Emergency Management Committee Minutes - 16 February 2023 [⇒](#)
 - B. Rescue Committee Minutes - 16 February 2023 [⇒](#)

9.2 MINUTES OF THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE HELD ON 28 FEBRUARY 2023

REPORT

The minutes of the Economic Development Advisory Committee meeting held on 28 February 2023 are included in **Attachment A**.

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

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

Accordingly the minutes are presented for information.

RECOMMENDATION

That the minutes of the Economic Development Advisory Committee meeting held on 28 February 2023 be noted.

ATTACHMENTS: A. Economic Development Advisory Committee Minutes 28 February 2023 [↗](#)

9.3 MINUTES OF THE CANBERRA REGION JOINT ORGANISATION BOARD MEETING HELD ON 24 FEBRUARY 2023

REPORT

The minutes of the Canberra Region Joint Organisation Board meeting held on 24 February 2023 are included in **Attachment A**.

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

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

Accordingly the minutes are presented for information.

RECOMMENDATION

That the minutes of the Canberra Region Joint Organisation Board meeting held on 24 February 2023.

ATTACHMENTS: A. CRJO Board Meeting Minutes 24 February 2023 [⇒](#)

10 Confidential Matters

RECOMMENDATION

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

10.1 Tender Evaluation Report - Primary School SPS Refurbishment

Item 10.1 is confidential in accordance with section s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and section s10(A)(2)(dii) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.