



Ordinary Meeting of Council

Thursday 24 August 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

September 2023

Thursday 28th

4.00pm

Ordinary Meeting of Council

Ordinary Meeting of Council

A G E N D A

Open Forum

Page No.

Webcasting

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

Acknowledgement of Country

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

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Close of Meeting Time

Chris Berry
CHIEF EXECUTIVE OFFICER



Minutes of the Ordinary Meeting of Council

Thursday 27 July 2023

4.00pm

Council Chambers

209 Comur Street, Yass

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Citizenship Ceremony

Ms Sinead Garrett
Mrs Surangani Weerasingha Mudiyansele
Mrs Yolanda Henrieke

Open Forum

Presentations to Council – Items on the Meeting Agenda

6.3 Public Notification – Lease of Yass Memorial Pool Area for Construction of a Heated Pool

Ross Webster

6.7 Murrumbateman Winery Trail – Options to Extend Stage 1 from Scrubby Land to the Barton Highway

Felicity Prideaux
Elizabeth Harris

Council Meeting - The Mayor declared the meeting open at 4.34 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 Acting Chief Executive Officer – Julie Rogers, Director of Infrastructure & Assets – Nathan Cooke, and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

Prayer

1. Apologies

Nil

2. Declaration of Interest/Disclosures

Councillor Burgess declared a pecuniary conflict of interest in Item 9.1 – Minutes of the Bango Wind Farm Community Consultative Committee held on 27 June 2023 and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Burgess declared an interest as he is an adjoining land owner and has received financial gain.

Councillor Jones declared a non-significant, non-pecuniary conflict of interest in Item 6.2 – 2023/24 Local Heritage Grants Program and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Jones declared an interest as she is on an active working group with the owner of “Benochy”.

3. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 29 June 2023 covered by resolution numbers 111-142 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Burgess/Abbey) 143

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

AGAINST: Nil

4. Mayoral Minute

5. Reports to Council

6.1 PLANNING PROPOSAL - LEP HOUSEKEEPING AMENDMENT

SUMMARY

To present the outcomes from the public exhibition of the Housekeeping Planning Proposal to amend the Yass Valley Local Environmental Plan, 2013. Endorsement of the Planning Proposal is recommended.

RESOLVED that :

- 1. The Planning Proposal – LEP Housekeeping Amendment (PP2022-2147) be adopted.**
- 2. The amendment to the Yass Valley Local Environmental Plan 2013 by made as a local plan making authority.**

(Turner/Reid) 144

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 2023/24 LOCAL HERITAGE GRANTS PROGRAM

SUMMARY

To present a report on the completion of the 2022/23 Local Heritage Grants and the recommendations from the 2023/24 Local Heritage Grants Assessment Panel.

RESOLVED that :

- 1. The expenditure and reimbursement for the 2022/23 Local Heritage Grants Program be noted.**
- 2. The following funding be provided in the 2023/24 Local Heritage Grant Program:**

46 Orion Street Yass "Benochy"	\$3,285
Bowning Hall, 3 Short Street Bowning	\$614
Cobblestone Cottage,, 15 Comur Street Yass	\$3,899
The Allambee Club, 76 Comur Street Yass	\$2,925

<i>St Marks Anglican Church Gundaroo, 24 Cork Street</i>	<i>\$3,899</i>
<i>"Ronola, 48 Orion Street Yass</i>	<i>\$478</i>
<i>Old Paterson Pub, 36 Fitzroy Street Binalong</i>	<i>\$3,899</i>
Total	\$19,000

(Pothan/Reid) 145

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

AGAINST: Nil

6.3 PUBLIC NOTIFICATION - LEASE OF YASS MEMORIAL POOL AREA FOR CONSTRUCTION OF A HEATED POOL

SUMMARY

To seek Council approval to give public notice of the proposal to lease the land for the management of the current swimming pool and construction and management of an indoor heated swimming pool at the Yass Memorial Pool site and release an Expression of Interest for the lease.

RESOLVED that :

- 1. The proposal to lease the land for the management of the current swimming pool and construction and management of an indoor heated swimming pool and associated facilities at the Yass Memorial Pool site be placed on public notification for a period no less than 28 days in accordance with the Local Government Act 1993.***
- 2. If no objections are received, Council develop and release an Expression of Interest for the lease.***
- 3. A Councillor Workshop be held prior to release of the Expression of Interest for the lease.***

(Jones/Reid) 146

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

AGAINST: Councillor A Cameron

6.4 INVESTMENTS REPORT - JUNE 2023

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 30 June 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 June 2023 be noted.

(Reid/Pothan) 147

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 AGENCY INFORMATION GUIDE

SUMMARY

To inform Council that the Agency information Guide has been updated.

RESOLVED that the updated Agency Information Guide be noted.

(Turner/Abbey) 148

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 TENDER EVALUATION REPORT - BACK CREEK BRIDGE REPLACEMENT YVC.IA.12.2023

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Back Creek Bridge Replacement Contract YVC.IA.12.2023.

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

(Turner/Burgess) 149

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 MURRUMBATEMAN WINERY TRAIL - OPTIONS TO EXTEND STAGE 1 FROM SCRUBBY LANE TO THE BARTON HIGHWAY

SUMMARY

To provide options to extend Stage 1 of the Murrumbateman Winery Trail from Scrubby Lane to the Barton Highway.

RESOLVED that :

- 1. The preferred option to connect Stage 1 of the Murrumbateman Winery Trail from Scrubby Lane to the Barton Highway be a shared path located adjacent to McIntosh Circuit;**
- 2. The connection of Stage 1 of the Murrumbateman Winery Trail from Scrubby Lane to the Barton Highway be undertaken as the first priority with the remaining Stage 2 works and not be contingent on the final design of the Barton Highway duplication;**
- 3. Council continue to seek grant funding to complete the detailed design and construction of the whole of Stage 2 of the Murrumbateman Winery Trail.**

(Butler/Reid) 150

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 COMPULSORY LAND ACQUISITION FOR THE REPLACEMENT OF THE LOW LEVEL CROSSING ON GREENWOOD ROAD OVER MURRUMBATEMAN CREEK

SUMMARY

To obtain Council's approval to compulsorily acquire land for the replacement of the low-level crossing on Greenwood Road over Murrumbateman Creek.

RESOLVED that :

- 1. Council approve the compulsory acquisition of lands adjacent to the low level crossing on Greenwood Road over Murrumbateman Creek, as detailed in this report;***
- 2. The compulsory land acquisitions are to be undertaken in accordance with the requirements of the NSW Land Acquisition (Just Terms Compensation) Act 1991;***
- 3. The land acquisitions are to be undertaken with agreement where possible or, where agreement cannot be obtained, without agreement with the land owner in accordance with the requirements of the NSW Land Acquisition (Just Terms Compensation) Act 1991;***
- 4. The Chief Executive Officer and Mayor be authorised to sign any associated documents and use the Council Seal, as required, on any documentation associated with these land acquisitions;***
- 5. The Chief Executive Officer be authorised to negotiate the terms of any associated agreements;***
- 6. The lands acquired be dedicated as public road and classified as operational land.***

(Jones/Burgess) 151

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 MURRUMBATEMAN FIELD DAYS - FEES FOR SEPTIC DISCHARGE AND WATER WITHDRAWAL

SUMMARY

The Murrumbateman Field Days are an annual event held on a weekend in October. The organisers of the event have requested Council to waive the extra charges arising from the Council services from operating on the weekend. This report seeks Council approval to waive extra charges for septic disposal and allow water withdrawal at a designated location in Murrumbateman.

RESOLVED that water is withdrawn at a designated location or another location as agreed by Council in Murrumbateman and charged at the rate of withdrawal from the standpipe at Yass.

(Jones/Abbey) 152

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

AGAINST: Nil

6. Notice of Motion

Nil

7. Questions with Notice

Nil

8. Minutes and Recommendations of Council Committees

At 05:16 pm Councillor Burgess left the Chambers.

9.1 MINUTES OF THE BANGO WIND FARM COMMUNITY CONSULTATIVE COMMITTEE HELD ON 27 JUNE 2023

RESOLVED that the minutes of the Bango Wind Farm Community Consultative Committee meeting held on 27 June 2023 be noted.

(Abbey/Turner) 153

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

AGAINST: Nil

At 05:17 pm Councillor Burgess returned to the Chambers.

9.2 MINUTES OF THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE HELD ON 18 APRIL 2023

RESOLVED that the minutes of the Economic Development Advisory Committee meeting held on 18 April 2023 and adopt the following recommendations:

Affordable Housing Sub Committee

That the next LEP review to include small block sizes around community parks and facilities.

(Jones/Reid) 154

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

AGAINST: Nil

9. Confidential Matters

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

10.1 Tender Evaluation Report - Back Creek Bridge Replacement YVC.IA.12.2023
Item 10.1 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Jones/Abbey) 155

Minutes of the Ordinary Meeting of Council held on 27 July 2023

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

AGAINST: Nil

Closed Council commenced at 5.19 pm.

RESOLVED that the meeting move into Open Council.

(Turner/Reid) 156

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

AGAINST: Nil

Open Council resumed at 5.20 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Pothan/Burgess) 157

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

AGAINST: Nil

10.1 TENDER EVALUATION REPORT - BACK CREEK BRIDGE REPLACEMENT YVC.IA.12.2023

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Back Creek Bridge Replacement Contract YVC.IA.12.2023.

RESOLVED that :

- 1. The tender submitted by Murray Constructions Pty Ltd, under the Contact YVC.IA.12.2023 for the replacement of Back Creek Bridge, be accepted for a total cost of \$2,143,248.40 and;***
- 2. The remaining funding from the project budget allocation be utilised as a contingency allowance for latent conditions and/or for undertaking additional schedule of rates works.***

(Burgess/Pothan) 158

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

AGAINST: Nil

The meeting closed at 5.20 pm.

6.1 REVISED RENEWABLE ENERGY POLICY

SUMMARY

To present a revised *Renewable Energy Policy* with amendments to include reference to the Department of Planning & Environment (DPE) guidelines for solar energy projects and several other minor amendments. Adoption is recommended.

RECOMMENDATION

That the revised Renewable Energy Policy be adopted.

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- Renewable Energy Policy

REPORT

In June 2023 Council considered an application for the Wallaroo Solar Farm. At this meeting Councillors sought a workshop on the *Renewable Energy Policy* to determine if it needs to be further reviewed. A workshop was held on 8 August 2023.

The original policy was developed in response to the community debate around wind farms in Yass Valley.

In June 2018 Council held a Planning Forum on windfarms with speakers for and against the land use. From the Forum and a subsequent Councillor Workshop a policy position was developed on renewable energy projects in Yass Valley which was adopted in October 2018 (refer **Attachment A**).

In October 2019 there was an administrative update to the policy was endorsed but this made no fundamental changes.

While the policy had its origins in the windfarm debate it was structured to be applicable to all renewable energy projects.

The policy position indicates that while supportive of renewable energy projects, further large scale wind turbine sites are opposed.

The policy also indicates that despite its position on windfarms it would consider further proposed renewable energy projects on their individual merits with the following matters being taken into consideration:

- The location being consistent with the *Yass Valley Settlement Strategy*
- The infrastructure (e.g. turbines, panels, substations) not being within view lines of villages and towns or areas of closer settlement
- The infrastructure not having an adverse impact on the amenity of other dwellings
- The impact of infrastructure (e.g. turbines, panels) on the rural landscape and tourism values of the Yass Valley
- Roads being used by any heavy vehicles being upgraded to the appropriate standard in Council's *Roads Standards Policy* prior to commencement of works on site
- A sharing the benefits scheme(s) with the host landowners, immediate neighbours and a Community Enhancement Fund (as per Council policy)
- Noise impacts at adjoining dwellings being consistent with the applicable standards
- The project to commence within 5 years of a Consent being issued and completed within 5 years of commencement

- The impacts of the infrastructure (e.g. panels, turbines) on the heritage values of the site and Yass Valley
- The economic and social impacts on local communities and Yass Valley
- Any community and Rural Fire Service concerns in relation to the bushfire risks and any impediments to firefighting operations

The policy relates to all renewable energy projects including windfarms and solar farms.

Following the discussions at the workshop on 8 August 2023 the policy has been revised to include:

- Reference to the Department of Planning & Environment (DPE) *Large Scale Solar Energy Guidelines 2022*
- A reference to the buffer area along the NSW/ACT border identified in the *Yass Valley Settlement Strategy* as an area not suitable for renewable energy projects
- In the view lines criteria to replace ‘areas of closer settlement’ with ‘clusters of rural dwellings’
- A reference for the need to address the impacts associated land contamination as a result of grass and bushfires
- A requirement for projects to develop housing solutions for their workforce

As these amendments are minor in nature it is not necessary to place the revised policy on public exhibition. A copy of the revised policy is included in **Attachment B** and is suitable for endorsement.

STRATEGIC DIRECTION

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

- ATTACHMENTS:**
- A. Current Renewable Energy Policy [⇒](#)
 - B. Revised Renewable Energy Policy [⇒](#)

6.2 REVISED SUSTAINABILITY POLICY

SUMMARY

In May 2023 Council endorsed a revised Sustainability Policy for public exhibition. One submission has been received. The revised policy is recommended for adoption.

RECOMMENDATION

That the revised Sustainability Policy be adopted as exhibited.

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- Sustainability Policy

REPORT

In May 2023 Council endorsed a revised *Sustainability Policy* developed by the Sustainability Advisory Committee for public exhibition (refer **Attachment A**).

Public exhibition closed on 29 June 2023 and one submission was received (refer **Attachment B**). The issues raised relate to:

- Sustainability Assessment Framework
- Progress Reporting
- Use of the Sustainability Assessment Framework

The Sustainability Assessment Framework is a tool developed by the Committee to assist in establishing priorities for investigation. It is not part of the policy. The revised *Sustainability Policy* incorporates the current priorities for the Committee identified from using the framework.

Progress reporting is not included in the policy as it is an operational process for the Sustainability Advisory Committee. Progress of priority projects are routinely reported to the Committee with any recommendations being reported to Council.

As priorities are completed the framework is to be used by the Committee and staff to identify the next priorities. While it is an internal document it has been made publicly available on Council’s web site in the Sustainability Advisory Committee’s agenda.

The revised Sustainability Policy as exhibited is suitable for adoption.

STRATEGIC DIRECTION

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

- ATTACHMENTS:**
- A. Revised Sustainability Policy [⇨](#)
 - B. Submission [⇨](#)

6.3 VARIATION TO DEVELOPMENT STANDARDS QUARTERLY REPORT

SUMMARY

Reporting on development standard variations approved in the fourth quarter (April - June) of 2023.

RECOMMENDATION

That the report on approved development variations for the second quarter of 2023 be noted.

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

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

REPORT

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

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

No variations to development standards were approved by Council or its delegate during the 2nd Quarter (April– June) 2023.

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.4 MODIFICATION DEVELOPMENT CONSENTS DA200030 (SHED), DA210228 (SUBDIVISION), DA210232 (DWELLING HOUSE/DUAL OCCUPANCY) - 838 MURRUMBATEMAN ROAD, NANIMA

SUMMARY

To present the assessment of a request to modify the following Development Consents at 838 Murrumbateman Road, Nanima:

- DA200091B for construction of a machinery/storage shed with part private indoor recreation space with amenities
- DA220228 for a two-lot subdivision
- DA220232 for a dwelling house/dual occupancy

The proposed modifications to DA220228 and DA220232 primarily relate to access arrangements, including both internal access arrangements and the required standard of upgrade to the intersection of a Crown road and Murrumbateman Road included as conditions on the existing Development Consents. The modification application for DA220232 also proposes changes to the dwelling house/dual occupancy, whilst the modification for DA200091B includes moving the location of the approved development.

The modification applications were exhibited concurrently and received six separate submissions. The proposed internal access road/right of way was revised during the assessment to reduce the volume of fill material required to approximately 1,015m³. The relevant concerns can be addressed by conditions, and it is recommended that modified Development Consents be issued.

RECOMMENDATION

Modification Application DA200091C

1. *That Development Consent DA200091B be modified for the for construction of a machinery/storage shed with part private indoor recreation space with amenities at 838 Murrumbateman Road, Nanima, subject to additional conditions that require that a Construction Certificate cannot be issued until such time as an Occupancy Certificate has been issued in relation to the dwelling house/dual occupancy under Development Consent DA220232 (as modified).*

Modification Application DA220228B

2. *That Development Consent DA220228 be modified for the two-lot subdivision of 838 Murrumbateman Road, including to:*
 - *Change the required intersection upgrade treatment from a BAR/BAL to a modified Austroads 'Rural Type Property Access'*
 - *Change the access arrangement to use of an unsealed/gravel internal access road/right of way*
 - *Construct the internal access road/right of way including importation of 1,050m³ of material*

Modification Application DA220228B

3. *That Development Consent DA220232 be modified for dwelling house (dual occupancy) of 838 Murrumbateman Road, including to:*
 - *Change the required intersection upgrade treatment from a BAR/BAL to a modified Austroads 'Rural Type Property Access'*
 - *Change the access arrangement to use of an unsealed/gravel internal access road/right of way*
 - *Construct the internal access road/right of way including importation of 1,050m³ of material*
 - *Amend the architectural design of the dwelling house*
 - *Include an in ground swimming pool*

- *Change the onsite sewage management arrangements and system*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Yass Valley Local Environmental Plan 2013
- Road Standards Policy
- Water Supply for Rural Areas and Villages Policy
- Application Assessment and Decision Making Policy
- Enforcement Policy
- Filling Policy
- Community Engagement Strategy
- Building Line – Rural and Rural Residential Land Policy
- Yass Valley Heavy Haulage Development Contribution Plan 2021
- Yass Valley Development Contributions Plan 2018
- *Local Government Act 1993*
- *Roads Act 1993*
- *Biodiversity Conservation Act 2016*
- *Protection of the Environment Operations Act 1997*
- *Resource Recovery Exemption – Excavated Natural Material Exemption 2014*
- *Resource Recovery Order – Excavated Natural Material Order 2014*

REPORT

1. Application Details

Date Received	-	DA200091C – 17 January 2023 DA210228B – 11 January 2023 DA210232B – 19 January 2023
Land	-	838 Murrumbateman Road, Nanima
Area	-	80ha
Zoning	-	RU1 Primary Production

2. Site Description and Locality

The site is located in an area characterised by rural and rural lifestyle development, including properties with dwelling houses. The immediate property to the west has an established vineyard.

The site is 80ha in size and is generally undulating. There is an existing dwelling house located on the land which has been constructed over the last five years.

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

3. Background and Proposal

The modification applications relate to three separate Development Consents at the subject site:

Development Consent No.	Approved Development	Proposed Modification/s
DA200030	Construction of machinery shed, including part private indoor recreation space and internal amenities	<ul style="list-style-type: none"> Moving the location of the approved building from proposed lot 1 to proposed lot 2 in the subdivision approved by DA210228 to be in proximity to the dwelling house approved by DA210228. Connection to the onsite sewage management system associated with DA210232 instead of installing a separate system.
DA210228	Two (2) lot rural subdivision	<ul style="list-style-type: none"> Change the required intersection upgrade treatment from a BAR/BAL to a modified Austroads 'Rural Type Property Access'. Change the access arrangement to use of an unsealed/gravel internal access road/right of carriageway. Importation of 1,015m³ of fill material (VENM/ENM) Amendments to associated conditions of Development Consent
DA210232	Construction of a dual occupancy dwelling house with solid fuel heater and installation of onsite sewage management system (AWTS)	<p>The same proposed modification as DA210228, and:</p> <ul style="list-style-type: none"> Architectural design changes to the dwelling house The inclusion of an inground swimming pool Changes to the onsite sewage management arrangements and system

A modification locality plan is included as **Attachment B**.

Development Consents DA220228 and DA220232 were considered and determined by Council at their meeting held on 24 March 2022 and have interrelated considerations relating to access arrangements.

Details of the proposal are included in **Attachment C**. The internal access road/right of way was revised by the Applicant during the assessment and the updated plans are included as **Attachment D**.

4. Public Exhibition

The modification applications were subject to public exhibition concurrently and included notice to seven adjoining and nearby landowners, as well as to any other persons who had previously made a submission on the original Development Applications. As the modification applications were subject to public exhibition concurrently, the submissions received are generally interrelated to all applications. There were six submissions received (refer **Attachment E**).

A Planning Forum was held for the original Development Applications DA220228 and DA220232 in March 2022 which included a site inspection by Councillors.

5. Assessment

The proposed development in the modification applications has been assessed against the requirements of s4.55 and 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 F**).

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

5.1. Access Arrangements

The key issue with modification applications DA220228B and DA220232B relate to access arrangements, including the Crown road and internal access road, along with the intersection of the Crown road with Murrumbateman road.

5.1.1. Intersection with Murrumbateman Road

Conditions of Development Consent DA220228 and DA220232 require the intersection of the Crown Road with Murrumbateman Road to be upgraded to a standard of a Basic Right-turn (BAR)/Basic Left-turn (BAL). This was in response to concerns raised in submissions received during the original assessment about the safety of the intersection, with these concerns reiterated in submissions to the modification. A BAR/BAL intersection treatment has a widened shoulder and allows through vehicles, having slowed, to pass turning vehicles.

Details provided by the Applicant has indicated that there is insufficient width within the road reserve corridor to accommodate the BAR treatment, – i.e. with the current road alignment, a BAR treatment would extend into private property on the northern side of Murrumbateman Road. Whilst the original assessment recognised that there would be some vegetation removal required to accommodate the intersection treatment, the design review has also indicated that this would require removal of the majority of the mature trees in the vicinity of the intersection.

In this regard, the Applicant has requested that Council consider a reduced upgrade standard to a modified Austroads ‘Rural Type Property Access’. This would include modification to the southern roadside embankment to improve sight distance to the west for vehicles exiting the Crown Road. There would, however, still be necessary removal of two large eucalyptus trees on the western side and removal of three stands of smaller eucalyptus to the east. Furthermore, the Applicant has suggested that further consideration could also be given to the removal of some existing pine trees on the eastern side, and for the installation advance driveway warning signs eastbound on Murrumbateman Road.

The intersection and the information from the Applicant has been reviewed by Council’s Engineers and Road Safety Officer. This assessment undertaken has also concluded that there is insufficient width for the construction of a BAR/BAL treatment and that the recommendations proposed by the Applicant are suitable in the circumstances to reasonably improve safety of the intersection and site distance. There is already a ‘watch for vehicles entering sign’ on the westbound approach along Murrumbateman Road, but an additional sign for ‘concealed entry’ or ‘concealed driveway’ should be installed to provide further warning that traffic may either be stopped and attempting to turn right into the Crown Road or exiting the Crown Road. It is noted that the proposed modified arrangement will not facilitate the opportunity for a stopped car on Murrumbateman Road turning right to be passed (which a BAR treatment would have), however, the arrangement is still considered to be suitable in this instance when taking into consideration engineering design standards, the constraints presented and existing arrangements, and the volume of additional traffic generated by the subject developments.

The intersection upgrade and sight distance improvements will still require tree removal as described above. Discussions with neighbouring property owners utilising the Crown Road has reiterated existing safety concerns with the intersection, however, has also suggested preference for avoidance of tree removal. This is unfortunately a difficult issue to balance with the existing trees being located in close proximity to the intersection and road pavement, inhibiting sight distances. The existing approval with a BAR/BAL would result in majority tree removal on both sides, so it is suggested that the revised arrangement with less tree removal required is an overall preferable option. The Applicant will still need to provide full engineering design drawings for the upgrade as part

of the construction approval. This will also still need to be accompanied by a 'test of significance' to demonstrate that any tree removal does not have a significant impact on threatened species or community as required by the current conditions given the previous flora and fauna assessment for the subject property (which the Applicant submitted again with the modification application) did not assess the vegetation within the road reserve. It is important to note that the required vegetation removal is on Murrumbateman Road only and does not include the large remnant eucalyptus on the Crown Road.

Separate to the applications and works required to be undertaken by the Applicant as conditions, it is recommended that the following safety measures are referred to the Traffic Committee for further consideration:

- For the replacement of the single centre line and dotted centre line with a double yellow line along this section of Murrumbateman Road, with potential for installation of Audio Tactile Linemarking (ATLM) between the centre lines two lines.
- Review of appropriateness of the current 100km/h speed limit.

5.1.2. Crown Road and Internal Access Road/RoW Arrangement

The proposed access arrangement has been a significant issue of concern throughout the assessment of the original application and again in the proposed modification. The site is accessed from the Crown Road off Murrumbateman Road. The access for proposed Lot 1 is via the existing driveway servicing the existing dwelling house, approximately 75m along the Crown Road from the intersection with Murrumbateman Road. The approved access arrangement for proposed Lot 2 is currently via the same Crown Road, which currently also provides access to 840 and 842 Murrumbateman Road.

The modification applications seek to change the proposed internal access arrangement for proposed Lot 2 to be via an unsealed/gravel internal access road with a right of way (RoW) – i.e. within proposed Lot 2. This commences at the existing shared driveway entry with proposed lot 1, but then deviating to the west and running generally parallel to the Crown Road, then crossing over the Crown Road after it has turned 90 degrees. The proposed internal access road terminates at the site of the new dwelling house. The initial plan of subdivision submitted with the original Development Application had proposed this arrangement, however it was modified to the current approved layout through the course of assessment, partly in response to concerns raised in relation to the volume of fill material that would be required to construct the internal access road/RoW.

The Crown Road passes in close proximity of the dwelling at 840 Murrumbateman Road and the impacts of this had been considered and discussed at length during the original assessment presented to Council. It was acknowledged that the additional traffic generation along the Crown Road would have an adverse impact on 840 Murrumbateman Road, however, that this was difficult to manage or avoid given their dwelling had been constructed immediately adjacent to it, and the status of it being a legal public road. The conditions of Development Consent had proposed to address this by requiring the Crown Road to be bitumen sealed to reduce dust impacts. The access arrangement utilising the Crown Road had ultimately been recommended and supported by Council as it minimised the volume of fill material required, utilised the existing legal road, and did not duplicate access arrangements by having an internal road/RoW running parallel to the Crown Road.

The modification application proposed that the new internal access road/RoW would require the importation of approximately 6,800m³ of fill material. The submissions received again raised concerns about the volume of material that was proposed to be imported. An assessment also identified concern with this, and it was suggested to the Applicant that they further revise their proposal to look at opportunity to minimise the volume of fill material required if they wished to further pursue the internal access road/RoW arrangement. The Applicant has now had engineering design plans prepared for the internal access road/RoW and this has reduced the fill volume to 1,015m³. This has been achieved through some use of cut where appropriate, but also through utilising

larger culvert sizes rather than by filling to raise the levels. The revised proposal has been reviewed and is acceptable and appropriately designed from an engineering perspective.

The location of the internal access road/RoW is acceptable and will result in a decreased ongoing impact to 840 Murrumbateman Road by way of traffic generation. Other options for the internal access road/RoW were also discussed with the Applicant, such as locating it further to the west within the subject property, however the current proposed arrangement remains their preference. The adverse impacts resulting from the internal access road/RoW arrangement as proposed relates to the importation of the fill material (as discussed in the section further below) and during construction, and the fact that it essentially duplicates the existing access arrangement of the Crown Road which will continue to be utilised by both 840 and 842 Murrumbateman Road.

It is recommended that the proposed access arrangement of the internal access road/RoW is supported. However, if Council are of the view that the arrangement is unacceptable then the proposed change should be refused and the current bitumen sealed upgrade of the Crown Road remain.

5.2. Importation of Fill Material

As detailed above, the revised internal access road/RoW will involve the importation of approximately 1,015m³ of fill material. Concern has been raised in the submissions received in relation to the importation of fill material. The submissions received also highlight concerns about the previous and ongoing management of fill material at the subject land, including the construction of a previous internal access road to the existing dwelling that failed and resulted in a pollution event.

5.2.1. Fill Volume and Heavy Vehicle Movements

The fill volume has been determined through engineering designed drawings. This has been reviewed and determined to be a true and accurate reflection of the volume of material required for construction and has generally demonstrated design which has minimised the volume. The estimated total number of truck movements (i.e. loads – a delivery in and out) would be approximately 46 movements based on truck and dog combination with a 33 tonne payload. This is an indicative estimate only, with the exact number of truck movements depending on the delivery vehicles and combination, and bulking factor for each load. The Applicant's estimates in their project plan make the assumption of 22.5 tonnes per delivery and allow for a bulking factor of 20%, resulting in an estimated 82 movements.

Council has generally limited movements associated with development involving importation of fill material to 20 per day (i.e. loads). However, in considering applications for gully rehabilitation more recently in the Wallaroo area, Council has further restricted movements to eight per day. In this instance due to the more suitable nature of the transport route and the relatively small volume, a maximum of 20 movements per days is considered appropriate.

5.2.2. Material Quality

The submissions received raised concerns in relation to material quality and highlight concerns with the quality of the material that has been previously imported to the site.

Conditions of any modified Development Consent which allows the importation of fill material will need to restrict the use of material to virgin excavated natural material (VENM) and excavated natural material (ENM). A resource recovery exemption (RRE) and resource recover order (RRO) issued by the NSW EPA under the *Protection of the Environment Operation (Waste) Regulation 2014* allows the use of ENM in earthworks, subject to specific requirements for source testing.

The Applicant will need to have appropriate documentation to confirm the classification is VENM or ENM for NSW legislation should the proposal be approved. Evidence of this classification must be submitted as requested.

5.2.3. Sediment and Erosion Control

Conditions of any modified Development Consent which involves the importation of fill material will require a sediment and erosion control plan to be prepared and implemented.

5.2.4. Filling Policy

Assessment has been undertaken of the proposed internal access road and importation of fill material in accordance with Council's *Filling Policy*. The proposed internal access road/right of way construction is generally consistent with the provisions of the policy, noting that the design has changed to reduce the volume of material and more appropriately follow the lay of the land. The design and fill volume calculations have also been prepared by a qualified civil engineer. Conditions of any Development Consent can be applied in accordance with the requirements of the policy.

5.2.5. Heavy Haulage Contributions

The importation of fill material will trigger the payment of heavy haulage development contributions. The amount of the contribution will depend on the haulage route and vehicle configuration. For example:

- All haulage via Murrumbateman Road from the Barton Highway in six axle truck and dog configuration is approximately \$872.
- All haulage via Nanima Road from the Barton Highway in six axle truck and dog configuration is approximately \$26,178 – i.e. as substantially greater haulage on Council's local road network.

Conditions can be included in any approval that may issue to require details of haulage including route, vehicle configuration, and volume to be submitted and the completion of haulage in accordance with the plan. The final heavy haulage contribution amount will need to be calculated and paid at that time.

5.2.6. Weeds

The submissions received raise concern about the importation of material and the potential risk that this may present for the spread of weeds, such as for Chilean Needle Grass. This is a concern and will need to be managed by the Applicant during the project. Conditions can be included in the subdivision approval that may issue to require an inspection and clearance for noxious weeds prior to any Subdivision Certificate being issued for the creation of new lots.

5.3. Proposed Machinery/Storage Shed Building

The construction of a machinery/storage shed with part private indoor recreation space with amenities is approved by DA200091B at the location of the existing dwelling house. The modification application requests to move the location of the development towards the location of the new dwelling house associated with DA210232.

The building contains both machinery/storage and garage space, as well an area intended to be used for private indoor recreation. The Applicant is in part relying to the development being ancillary to the future dwelling house to be permissible for the purposes of the *Yass Valley Local Environment 2013*. In this regard, conditions of any modified Development Consent must require an Occupation Certificate to have been issued for the dwelling house before such time as a Construction Certificate can be issued for the building.

The building is significant in size at 15m(W) x 42m(L) and 7.5m(H - to ridge), however is the same size as already approved at the site of the existing dwelling house. The new proposed location is below the ridgeline and landscaping works are proposed.

5.4. Short-term Rental Accommodation and Antisocial Behaviour

The submissions received again highlight that the existing dwelling house on the property is let for short-term rental accommodation through sites such as AirBnB. The NSW Government implemented a State-wide regulatory framework for short-term rental accommodation and that permits the use of dwelling houses for this purpose and is outside of any decisions of Council. The submitted proposal is for a dwelling house/dual occupancy only, and potential or future use for short-term rental accommodation utilising the NSW framework does not trigger assessment for higher traffic volumes or other similar considerations.

Any instances of antisocial behaviour occurring at the premises need to be reported to NSW Police.

5.5. Compliance Issues

Submissions received note issues relating to how development has previously been undertaken on this site, as well as ongoing issues with the importation of fill material. These issues are subject to ongoing investigations and compliance and enforcement action where necessary and are not relevant considerations in determining the current applications. Any approval which involves importation of fill material will be subject to ongoing monitoring for compliance.

6. Conclusion

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

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. Modification Locality Plan [⇨](#)
- C. Plans and Supporting Documents [⇨](#)
- D. Updated Internal Access Road RoW and Project Management Plan [⇨](#)
- E. Submissions [⇨](#)
- F. s4.15 Assessment Reports [⇨](#)
- G. Draft Modified Conditions [⇨](#)

6.5 NSW LOCAL GOVERNMENT CONFERENCE 2023

SUMMARY

Local Government NSW (LGNSW) hold a Conference annually. This year the conference will be held from 12 to 14 November 2023, Rosehill Gardens Racecourse, Sydney. The purpose of the conference is to shape the advocacy agenda for 2024 and to vote on motions presented to the conference.

Council needs to elect two voting delegates for LGNSW Conferences.

RECOMMENDATION

That:

1. *The attendees and voting delegates for the Local Government NSW Conferences be determined.*
2. *Any motions to be submitted for consideration at the conference be determined by Council*

FINANCIAL IMPLICATIONS

The estimated cost to attend the conference including registration and accommodation is \$2,000 per person.

POLICY & LEGISLATION

Nil

REPORT

From 12 to 14 November 2023, Rosehill Gardens Racecourse, Sydney will host key local government representatives from across the state as we look to shape the advocacy agenda for 2024 along with voting on motions presented to the conference.

Council is entitled to two votes on each of the motions presented to conference. The voting delegates can be determined from those Councillors wishing to attend.

The three-day event also provides the opportunity to network with your peers and learn about the future of Local Government from a range of speakers.

Early bird registrations close on the 28 September 2023.

Any motion that the Council wishes to have debated at the conference needs to be submitted on line by 15 September 2023.

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.6 REQUEST FOR FEE WAIVER - GUNDAROO CRICKET CLUB

SUMMARY

A request has been received from the Gundaroo Cricket Club to waive waste fees associated with the replacement of the cricket pitch at Gundaroo Oval. The Club has received a 50:50 grant from NSW Cricket.

RECOMMENDATION

That the waste fees associated with the replacement of the cricket pitch at Gundaroo Oval be waived.

FINANCIAL IMPLICATIONS

Reduction in revenue

POLICY & LEGISLATION

- Revenue Policy

REPORT

The Gundaroo Cricket Club has received a grant for the replacement of the cricket pitch at the Gundaroo Oval. The club has received a grant from NSW Cricket for 50% of the cost to replace the pitch. The balance of the funding is from the club’s own resources.

Replacement of the cricket pitch (concrete and synthetic) requires waste disposal at the Gundaroo Transfer Station. This has been estimated to be \$1,500.

A request has been received from the club for the waiving of the waste fees (refer **Attachment A**).

Under Council’s Revenue Policy fees can be waived for not for profit organisations provided

- The organisation holds a not for profit status
- Waiving the fee will enable the organisation to provide betterment for the Yass Valley community
- The fee would be a financial hardship

The club is a not for profit sporting organisation. The new pitch will benefit young people in Gundaroo with the establishment of an under 12s team. Imposing the fee will be an additional cost to the club.

It is recommended that the waste fees be waived for the cricket club.

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	Advocate and support community and sporting groups to improve services they provide for physical and mental health wellbeing

ATTACHMENTS: A. Gundaroo Cricket Club Request [⇒](#)

6.7 BANGO WIND FARM COMMUNITY ENHANCEMENT FUND ADVISORY COMMITTEE NOMINATIONS

SUMMARY

Advising on nominations received for the Bango Wind Farm Community Enhancement Fund Advisory Committee.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- Committee Framework & Guidelines (May 2022)

REPORT

The Bango Wind Farm Community Enhancement Fund has been established by the Bango Wind Farm to sponsor local projects and organisations that benefit the regional community during the construction and operation of the Bango Wind Farm.

Membership of the Committee includes up to two community representatives with demonstrated skills and experience relating to the Terms of Reference who do not own any of the Bango land or receive any payment from the operator. The Terms of Reference for this Committee are:

- To determine the form in which applications for funding for local projects from the Community Enhancement Fund are to be made.
- To recommend to the Council which applications for funding for local projects should be funded from the Community Enhancement Fund.

Council previously called for nominations and received one nomination, from a previous Councillor. Council resolved the following:

<i>Bango Wind Farm Community Enhancement Fund Advisory Committee</i>
<i>Community Representative</i>
<i>Geoff Frost (appointment to the Bango Wind Farm Community Enhancement Fund Advisory Committee is supported and is effective from when the wind farm becoming operational and compliance with Council Policy)</i>

Geoff Frost will be eligible to take up the role in December 2023.

A further round of recruiting for the Committee was recently undertaken and one nomination has been received.

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

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL3: Our community is informed and engaged in decision making
Strategies	CL3.1 - Our community is empowered to access engagement opportunities and provide input into the future direction of the region
Delivery Program Action	Promote 'having your say' when opportunities identified by staff and Councillors

ATTACHMENTS: Nil

6.8 EXPRESSIONS OF INTEREST - LEASING VACANT RURAL FIRE SERVICE SHEDS, BOWNING

SUMMARY

Reporting on the outcome of Expressions of Interest received for use of the vacant Rural Fire Service (RFS) sheds located at 18 Leake Street, Bowning.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

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

REPORT

1. Report

The two Rural Fire Sheds at 18 Leake Street, Bowning are now vacant and no longer required by the RFS due to new facilities being built at Bowning Road, Bowning. Following an enquiry from the community, Expressions of Interest in leasing the vacant sheds has been undertaken for:

- Shed 1: Two bay colourbond 10m x 8.5m shed (85m²) on concrete slab, with two roller doors, electricity and water
- Shed 2: Single bay besser brick 10m x 5m shed (50m²) on concrete slab, with one roller door and electricity

The lease period advertised was for 2 years with a further 2 x 1 year option to lease.

2. Expressions of Interest

Expressions of Interest were called on 25 May 2023 and closed on 15 June 2023. Two submissions were received from the following individuals/organisations:

1. Local Resident
2. Bowning & District Progress Association

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

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

7.1 NOTICE OF MOTION - REMOVAL OF LIBRARY READING MATERIAL

Councillor Jasmin Jones has given notice that at the Ordinary Council Meeting on 24 August 2023, she will move the following motion:

MOTION

That:

1. *The book 'Welcome to Sex' be removed from the Yass Library's print and digital E-book catalogue due to its explicit content and inappropriate advice to children based on the book's claim it is for children and teens.*
2. *Council consider at its next available workshop a suitable option to consider future concerns raised by the community such as creating a Focus Group to make recommendations to Council. Options to come back to a future Council meeting for resolution.*

Reasons

I have read this book and consider while it does contain useful information, I was left disturbed by its showcase of sexual acts without relationship context graphically depicted like circus tricks - knowing that the audience for this book is flagged for as young as 11 by the authors and in theory could be viewed by even younger readers who visit our library.

Of much concern is its specific advice to children regarding 'safe' ways to send nude photos (it is illegal to send nude photos of children).

It's failure to raise early in the book the issue of the legal age of consent as 16 and 17 depending on which Australian State you are in (page 119).

On balance, it's pro-sex stance and judgemental treatment of those who value virginity.

It's use of non-heterosexual teenagers as examples of children ready to 'put themselves on the map' for sexual experiences in years 7-8 which is under the legal age of consent.

Cyber expert and psychologist feedback on the book which has described its advice as irresponsible and illegal.

Councillor: Jasmin Jones

Date 15 August 2023

Chief Executive Officer Comments

Local libraries, including the Yass Valley Library, operate under the provisions of the *Library Act 1939* and under the umbrella of the State Library.

The book '*Welcome to Sex*' was selected by staff as part of a bulk book purchase of new releases. In placing the orders staff consider any requests from borrowers, library staff recommendations and suggestions from the suppliers.

Library staff follow guidelines issued by the State Library (refer **Attachments A and B**). The guidelines indicate that local library staff are not to exercise any censorship in the selection of material. However, books with a classification restriction, such as '*American Psycho*', are managed by being flagged on the library databased with the applicable restrictions.

The Federal or State Governments, following advice from the Australian Classification Board, can restrict or ban a book and require its removal from a public library. The book '*Welcome to Sex*' has not been banned it has not been removed from the library.

Concerns over the book '*Welcome to Sex*' were raised with library staff. The staff responded to the concerns by placing the book in the Non-Fiction Collection for Adults and Young Adults. There is an expectation there is a level of parental supervision of young children to monitor their reading selections and therefore unlikely that young children would access the Adult and Young Adult collections within the library.

The book has not received a classification from the Australian Classification Board. It is the classification that determines the level of any restriction not staff. Without an Australian Classification Board classification the book is unclassified and therefore unrestricted. There are no age restrictions for a book without a classification.

The State Library Guidelines do not specify where a book is allowed to be displayed – it is up to the discretion of local library staff. Our staff have responded to concerns by removing it from the new release display and placed it in the Non-Fiction Collection for Adults and Young Adults. Young children would be unlikely to access this collection.

There is also an e-copy of the book in the online Borrow Box. For young children to use the Borrow Box it usually requires the assistance of a parent to set up which would enable them to monitor their child's selections.

In relation to the establishment of a Focus Group to oversee and/or advise on library resources would be inconsistent with the State Library Guidelines. It would also be a duplication of the Australian Classification Board role and therefore unnecessary.

- ATTACHMENTS:**
- A. State Library Access to Information Guidelines [⇒](#)
 - B. State Library - Freedom to Collect and Read NSW Public Libraries [⇒](#)

8.1 QUESTION WITH NOTICE - ENVIRONMENTAL UPGRADE FINANCING

Question

Councillor Adrian Cameron submitted the following Question with Notice:

What action does Council propose to give effect to its September 2021 Council Resolution on Environmental Upgrade Financing? How will it promote and encourage participation in this by local businesses in the Yass Valley?

Response

This is a project tasked to the Director Corporate & Community. As the Director is currently unavailable a report will be provided to the September 2023 Council Meeting.

ATTACHMENTS: Nil

9.1 NOTES OF THE YOUTH COUNCIL HELD ON 10 JULY 2023

REPORT

The notes of the Youth Council meeting held on 10 July 2023 are included in **Attachment A**.

There was no quorum present at this meeting, therefore notes are presented for information.

RECOMMENDATION

That the notes of the Youth Council meeting held on 10 July 2023 be noted.

ATTACHMENTS: A. Youth Council Meeting Notes 10 July 2023 [⇒](#)

9.2 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 1 AUGUST 2023

REPORT

The minutes of the Sustainability Advisory Committee meeting held on 1 August 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 Sustainability Advisory Committee meeting held on 1 August 2023 be noted.

ATTACHMENTS: A. Sustainability Advisory Committee Minutes 1 August 2023 [⇒](#)

9.3 MINUTES OF THE COUNTRY MAYORS ASSOCIATION HELD ON 4 AUGUST 2023

REPORT

The minutes of the Country Mayors Association meeting held on 4 August 2023 are included in **Attachment A**.

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

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

Accordingly the minutes are presented for information.

RECOMMENDATION

That the minutes of the Country Mayors Association meeting held on 4 August 2023 be noted.

ATTACHMENTS: A. Country Mayors Association Minutes 4 August 2023 [⇒](#)

9.4 MINUTES OF THE LOCAL TRAFFIC FACILITIES COMMITTEE HELD ON 2 AUGUST 2023

REPORT

The minutes of the Local Traffic Facilities Committee meeting held on 2 August 2023 are included in **Attachment A**.

From these minutes there are three items which cover matters that:

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

Concerns raised with the new car park area at the Adventure Playground and the interactions between children and vehicles. The Committee has supported:

- The area being designated as a shared zone
- Collection of further data for a review as a high pedestrian area
- Additional signs in the area

Concerns have been raised in relation to on street parking at the crest in Laidlaw Street and the impact on sight vision when vehicles are exiting adjoining properties. A “No Stopping’ zone has been supported.

The Committee has conditionally approved the traffic plans for the Murrumbateman Field Days.

RECOMMENDATION

That the minutes of the Local Traffic Facilities Committee meeting held on 2 August 2023 be noted and the following recommendations be adopted:

1. Safety Concerns New Playground Riverbank Park Yass

That the Committee gives in principle support to:

- a) Council to make a formal application to TfNSW for the playground carpark area to be reviewed as a shared zone area*
- b) Council to collect data on traffic and pedestrian numbers in this area and refer this TfNSW to review the road area for a high pedestrian zone, around and underbridge access road*
- c) Signage in the area for the bus zone and no stopping to be inspected and modified to ensure compliant for enforcement*

2. Safety Concerns, Laidlaw Street, Yass

That the Committee gives in principle support to install a ‘NO STOPPING ZONE’ as indicated in the report

3. Murrumbateman Field Days 2023

That the 2023 Murrumbateman Field Days event and its associated management plans, procedures, plans etc be approved subject to the following conditions:

- *The event organiser shall supply Council with a copy of their public risk insurance for at least \$20M which notes Yass Valley Council, NSW Police Force and Transport for NSW (TfNSW) as interested parties*
- *The event organiser shall implement the Temporary Traffic Management Plan (TTMP) prepared by Territory Traffic Engineering dated 4 July 2023*
- *Event marshals, event participants etc will at all times obey the provisions of NSW Transport Legislation*

- *Event organisers, event marshals, parking marshals, event participants etc. shall ensure vehicles entering the site are parked asap to minimise any vehicle back logs and queuing on Murrumbateman Road*
- *All entrances/exits to the site are to be clearly and prominently marked*
- *Event marshals and/or parking marshals shall ensure vehicles entering the site have priority over vehicles exiting the site to minimise queuing*
- *The event organiser is to arrange for a TfNSW Road Occupancy Licence and Speed Zone Authorisation for the Barton Highway*
- *The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TTMP. All personnel involved must be appropriate accredited*
- *The event organiser is responsible for public notification of the road closure*
- *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*
- *The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted by the TTMP*
- *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*
- *Event organisers shall comply with the above conditions and the undertakings in its submission. Failure to comply will immediately void this approval*

ATTACHMENTS: A. Local Traffic Committee Meeting Minutes 2 August 2023 [↗](#)

9.5 MINUTES OF THE RESCUE AND LOCAL EMERGENCY MANAGEMENT COMMITTEES HELD ON 10 AUGUST 2023

REPORT

The minutes of the Rescue and Local Emergency Management Committees meetings held on 10 August 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 Rescue and Local Emergency Management Committees meetings held on 10 August 2023 be noted.

- ATTACHMENTS:**
- A. Rescue Committee Minutes 10 August 2023 [⇒](#)
 - B. Local Emergency Management Committee Minutes 10 August 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 Bango Wind Farm Community Enhancement Fund Advisory Committee Nominations**
Item 10.1 is confidential in accordance with section s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 10.2 Expression of Interest - Leasing Vacant Rural Fire Service Sheds, Bowring**
Item 10.2 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.