



## **Ordinary Meeting of Council**

**Thursday 28 September 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**

**October 2023**

**Thursday 26th**

**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.

<b>1. Prayer</b>	
<b>2. Apologies</b>	
<b>3. Declaration of Pecuniary Interests/Special Disclosures</b>	
<b>4. Confirmation of Minutes</b>	
Minutes of Ordinary Council Meeting held on 24 August 2023 .....	5
<b>5. Mayoral Minute</b>	
<b>6. Reports to Council</b>	
6.1 Election of Mayor and Deputy Mayor.....	17
6.2 Proposed Humelink Transmission Line .....	20
6.3 Development Application No. DA165253C - Change in Fence Design, 36 Rose Street, Murrumbateman.....	28
6.4 Development Application No. DA220274 – Landscaping Material Supplies Business - 757 Mulligans Flat Road, Sutton .....	31
6.5 Development Application No. DA210165 - Boarding House - 141 Meehan Street, Yass.....	37
6.6 Interim Heritage Order - Wee Jasper Fishermen's Shacks, Swinging Bridge .....	45
6.7 Yass Water Treatment Plant Upgrade Project Update .....	48
6.8 Yass Sewage Treatment Plant Augmentation Project - Concept Design .....	51
6.9 Revotes and Carry Forwards from 2022/23 to 2023/24FY .....	52
6.10 Investment Report - July 2023 .....	54
6.11 Investment Report - August 2023 .....	57
6.12 Financial Assistance Request .....	60
6.13 Grants Update: April to August 2023.....	61
6.14 Disclosures by Designated Persons.....	63
6.15 Tender Evaluation Report - Sutton Road Rehabilitation Seg 35, Stages 1 & 2 - YVC.IA.30.2023.....	65

6.16	Tender Evaluation Report - Contractor Procurement Yass Civic & Crago Mill Cultural Precinct - YVC.IA.22.2023 .....	67
<b>7.</b>	<b>Notice of Motion</b>	
	Nil	
<b>8.</b>	<b>Questions with Notice</b>	
8.1	Question on Notice - Open Space Commitee .....	68
8.2	Question on Notice - Roof Repairs Yass Soldiers Memorial Hall .....	69
8.3	Question With Notice - Environmental Upgrade Financing.....	70
8.4	Question With Notice - Dirty Water.....	71
<b>9.</b>	<b>Minutes and Recommendations of Council Committees</b>	
9.1	Minutes of the CRJO Audit, Risk & Improvement Committee held on 7 June 2023 .....	72
9.2	Minutes of the Economic Development Advisory Committee held on 29 August 2023 .....	73
9.3	Minutes of the Youth Council Meeting held on 11 September 2023 .....	74
9.4	Meeting Notes of the Yass Soldiers Memorial Hall Advisory Committee held on 14 September 2023.....	75
9.5	Minutes of the Bango Wind Farm Community Enhancement Fund Committee held on 14 September 2023.....	76
<b>10.</b>	<b>Confidential Matters .....</b>	<b>77</b>
	The following matters are classified as CONFIDENTIAL and will be considered in the Closed Meeting of Council in accordance with Section 10A(2) as they deal with commercial, personnel and legal matters:	
10.1	Tender Evaluation Report - Sutton Road Rehabilitation Segment 35, Stages 1 & 2 - YVC.IA.30.2023 .....	77
10.2	Tender Evaluation Report - Contractor Procurement Yass Civic & Crago Mill Precinct Development - YVC.IA.22.2023 .....	77

**Close of Meeting Time**

**Chris Berry**  
**CHIEF EXECUTIVE OFFICER**



## **Minutes of the Ordinary Meeting of Council**

**Thursday 24 August 2023**

4.00pm

Council Chambers

209 Comur Street, Yass

## Table of Contents

<b>Prayer</b> .....	<b>2</b>
<b>1. Apologies</b> .....	<b>2</b>
<b>2. Declaration of Interest/Disclosures</b> .....	<b>2</b>
<b>3. Confirmation of Minutes</b> .....	<b>3</b>
<b>4. Mayoral Minute</b> .....	<b>3</b>
<b>5. Reports to Council</b> .....	<b>3</b>
6.1 Revised Renewable Energy Policy .....	3
6.2 Revised Sustainability Policy .....	4
6.3 Variation to Development Standards Quarterly Report .....	4
6.4 Modification Development Consents DA200030 (Shed), DA210228 (Subdivision), DA210232 (Dwelling House/Dual Occupancy) - 838 Murrumbateman Road, Nanima .....	4
6.5 NSW Local Government Conference 2023.....	6
6.6 Request for Fee Waiver - Gundaroo Cricket Club .....	6
6.7 Bango Wind Farm Community Enhancement Fund Advisory Committee Nominations .....	6
6.8 Expressions of Interest - Leasing Vacant Rural Fire Service Sheds, Bowning .....	7
<b>6. Notice of Motion</b> .....	<b>7</b>
7.1 Notice of Motion - Removal of Library Reading Material .....	7
<b>7. Questions with Notice</b> .....	<b>8</b>
8.1 Question with Notice - Environmental Upgrade Financing .....	8
<b>8. Minutes and Recommendations of Council Committees</b> .....	<b>8</b>
9.1 Notes of the Youth Council held on 10 July 2023 .....	8
9.2 Minutes of the Sustainability Advisory Committee held on 1 August 2023 .....	8
9.3 Minutes of the Country Mayors Association held on 4 August 2023 .....	9
9.4 Minutes of the Local Traffic Facilities Committee held on 2 August 2023 .....	9
9.5 Minutes of the Rescue and Local Emergency Management Committees held on 10 August 2023 .....	10
<b>9. Confidential Matters</b> .....	<b>10</b>
10.2 Expression of Interest - Leasing Vacant Rural Fire Service Sheds, Bowning .....	11
10.1 Bango Wind Farm Community Enhancement Fund Advisory Committee Nominations .....	12

## Open Forum

### Presentations to Council – Items on the Meeting Agenda

- **6.8 Expressions of Interest – Leasing Vacant Rural Fire Service Sheds, Bowning**  
Stuart Atkins
- **7.1 Notice of Motion – Removal of Library Reading Material**  
Tim Murphy  
Dianne Auld (video presentation)
- **9.4 Minutes of the Local Traffic Facilities Committee held on 2 August 2023**  
Mark Burgess (Sutton & District Community Association)  
Bernadette Walker

Police Presentation – Yass Local Area – Inspector Dave Cowell OIC Yass Police Station

**Council Meeting - The Mayor declared the meeting open at 4.46 pm.**

### Present

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

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

### Acknowledgement of Country

### Prayer

#### 1. Apologies

Nil

#### 2. Declaration of Interest/Disclosures

**Councillor Burgess** declared a significant, pecuniary conflict of interest in Items 6.7 and 10.1 – Bango Wind Farm Community Enhancement Fund Advisory Committee Nominations and stated that he did believe his interest would preclude him from voting.

**Reason:** Councillor Burgess declared an interest as he is an adjoining landowner who has received financial gain.

**Councillor Cameron** declared a non-significant, non-pecuniary conflict of interest in Items 6.7 and 10.1 – Bango Wind Farm Community Enhancement Fund Advisory Committee Nominations and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Cameron declared an interest as the nominee was part of the election ticket for the Greens Party.

### **3. Confirmation of Minutes**

***RESOLVED that the minutes of the Ordinary Council Meeting held on 27 July 2023 covered by resolution numbers 143-158 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.***

***(Burgess/Reid) 159***

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 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.*

(Jones/Pothan)

##### Amendment

***RESOLVED that the revised Renewable Energy Policy be placed on public exhibition for 28 days and adopted, if no significant objections received.***

***(Cameron/Butler) 160***

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

AGAINST: Nil

Amendment becomes Motion

***RESOLVED that the revised Renewable Energy Policy be placed on public exhibition for 28 days and adopted, if no significant objections received.***

***(Cameron/Butler) 161***

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 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.

***RESOLVED that the revised Sustainability Policy be adopted as exhibited.***

***(Cameron/Butler) 162***

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 VARIATION TO DEVELOPMENT STANDARDS QUARTERLY REPORT

---

### SUMMARY

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

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

***(Jones/Pothan) 163***

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

AGAINST: Nil

## 6.4 MODIFICATION DEVELOPMENT CONSENTS DA200030 (SHED), DA210228 (SUBDIVISION), DA210232 (DWELLING HOUSE/DUAL OCCUPANCY) - 838 MURRUMBATAMAN 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 1,015m<sup>3</sup>. The relevant concerns can be addressed by conditions, and it is recommended that modified Development Consents be issued.

**RESOLVED that:**

**Application DA200091C**

1. ***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. ***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 1,050m<sup>3</sup> of material***

**Modification Application DA220228B**

3. ***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 1,050m<sup>3</sup> of material***
  - ***Amend the architectural design of the dwelling house***
  - ***Include an in ground swimming pool***
  - ***Change the onsite sewage management arrangements and system***

**(Jones/Abbey) 164**

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

AGAINST: Councillor A Cameron

## 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 Conference.

***RESOLVED that Crs Cameron and Pothan attend and be voting delegates at the Local Government NSW Conference.***

***(Reid/Butler) 165***

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 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.

***RESOLVED that the waste fees associated with the replacement of the cricket pitch at Gundaroo Oval be waived.***

***(Burgess/Reid) 166***

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

AGAINST: Nil

At 05:21 pm Councillor Burgess left the Chambers.

## 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.

***RESOLVED 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).***

***(Turner/Jones) 167***

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

AGAINST: Nil

At 05:24 pm Councillor Burgess returned to the Chambers.

## 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.

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

(Jones/Pothan) 168

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

AGAINST: Councillor A Cameron

## 6. Notice of Motion

### 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.*

***MOTION: That 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.***

(Jones/Butler) 169

## Minutes of the Ordinary Meeting of Council held on 24 August 2023

---

FOR: Councillors J Jones and K Turner

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

MOTION LOST

MOTION

*That 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.*

MOTION LAPSED

### **7. Questions with Notice**

#### **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?*

**Note:** Response provided in the [Business Papers](#).

### **8. Minutes and Recommendations of Council Committees**

#### **9.1 NOTES OF THE YOUTH COUNCIL HELD ON 10 JULY 2023**

---

**RESOLVED that:**

- The notes of the Youth Council meeting held on 10 July 2023 be noted.***
- The participation of the Youth Council at the Riverbank Park opening be acknowledged.***

**(Pothan/Turner) 170**

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 SUSTAINABILITY ADVISORY COMMITTEE HELD ON 1 AUGUST 2023**

---

**RESOLVED that the minutes of the Sustainability Advisory Committee meeting held on 1 August 2023 be noted.**

**(Cameron/Abbey) 171**

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 COUNTRY MAYORS ASSOCIATION HELD ON 4 AUGUST 2023

---

**RESOLVED** that the minutes of the Country Mayors Association meeting held on 4 August 2023 be noted.

(Turner/Reid) 172

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 LOCAL TRAFFIC FACILITIES COMMITTEE HELD ON 2 AUGUST 2023

---

**RESOLVED** 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 to 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*

*(Cameron/Reid) 173*

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 RESCUE AND LOCAL EMERGENCY MANAGEMENT COMMITTEES HELD ON 10 AUGUST 2023**

---

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

*(Reid/Pothan) 174*

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 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, Bowning**  
*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.*

*(Turner/Reid) 175*

Closed Council commenced at 6.18 pm.

*RESOLVED that the meeting move into Open Council.*

*(Abbey/Jones) 176*

## Minutes of the Ordinary Meeting of Council held on 24 August 2023

---

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 6.40 pm.

***RESOLVED that the recommendations in Closed Council be adopted.***

***(Turner/Cameron) 177***

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

AGAINST: Nil

### **10.2 EXPRESSION 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.

***RESOLVED that Council rejects all EOI submissions and gives authorisation for staff to return to the Expression of Interest parties and negotiate further. If unsuccessful, the property is to be placed for sale on the open market with at least 50% of the sale profits (after associated costs) be used within the Bowning area for the community's benefit.***

***(Jones/Turner) 179***

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

AGAINST: Nil

At 06:34 pm Councillor Burgess left the Chambers.

### **10.1 BANGO WIND FARM COMMUNITY ENHANCEMENT FUND ADVISORY COMMITTEE NOMINATIONS**

---

#### **SUMMARY**

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

***RESOLVED that the following nomination be accepted for the Bango Wind Farm Community Enhancement Fund Advisory Committee:***

- ***Tanya Cullen***

***(Butler/Pothan) 178***

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

AGAINST: Nil

The meeting closed at 6.41 pm.



## 6.1 ELECTION OF MAYOR AND DEPUTY MAYOR

---

### SUMMARY

To provide the framework for the election of the Mayor and Deputy Mayor.

### RECOMMENDATION

*That:*

1. *The method of electing the Mayor be by Ordinary Ballot with the returning officer declaring the number of votes for each candidate.*
  2. *All ballot papers be destroyed following the election.*
  3. *A Deputy Mayor be elected for the same term as the Mayor and the system of election be the same as used for the election of the Mayor.*
  4. *The Chief Executive Officer proceed with the election of the Mayor and Deputy Mayor.*
- 

### FINANCIAL IMPLICATIONS

Nil.

### POLICY & LEGISLATION

Conducting the election in accordance with Schedule 7 *Local Government (General) Regulation 2005* will meet Council's governance obligations.

### REPORT

#### 1. Background

In accordance with s225 *Local Government Act 1993*, Council is required to elect a Mayor. Under s230(1) of the Act a Mayor elected by Councillors holds office for two years. In accordance with s290(1)(b) of the Act a mid-term mayoral election is required to be held in September 2023. The Mayor elected at the mid-term election will hold office until the day of Council's next Ordinary Election in September 2024.

Councillors may also choose to elect a fellow Councillor as Deputy Mayor. The Deputy Mayor will hold office for the term specified in Council's resolution.

The election of the Mayor must be carried out in accordance with Clause 394 *Local Government (General) Regulation 2005* which requires that the election is to be in accordance with Schedule 7 of the Regulation. In accordance with Clause 1 Schedule 7 *Local Government (General) Regulation 2005*, the General Manager is the Returning Officer for the election of Mayor.

#### ***Local Government (General) Regulation 2005***

#### ***Cl 394 Election of mayors by councillors***

*If a mayor or deputy mayor is to be elected by the councillors of an area, the election is to be in accordance with Schedule 7.*

#### ***Schedule 7 – Election of mayor by councillors (Clause 394)***

#### ***Part 1 Preliminary***

#### **1 Returning officer**

*The general manager (or a person appointed by the general manager) is the returning officer.*

#### **2 Nomination**

*(1) A councillor may be nominated without notice for election as mayor or deputy mayor.*

- (2) *The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The nomination is to be delivered or sent to the returning officer.*
- (4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

### **3 Election**

- (1) *If only one councillor is nominated, that councillor is elected.*
- (2) *If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) *The election is to be held at the council meeting at which the council resolves on the method of voting.*
- (4) *In this clause:*
  - ballot** has its normal meaning of secret ballot.*
  - open voting** means voting by a show of hands or similar means.*

## **2. Election of Mayor**

Nominations for the position of Mayor shall be in writing by two or more Councillors (one of whom may be the nominee) and the nomination must have the consent of the nominee in writing. This written nomination must be delivered or sent to the Returning Officer who will announce the names of nominees at the meeting.

A nomination form for this position is included in **Attachment A**. Nominations for the Mayor must be received by the Chief Executive Officer prior to the announcement of nominations.

The Act also provides that, if there is more than one nomination, a ballot will be required. Council must determine method of election of the Mayor from the following options in accordance with Schedule 7 *Local Government (General) Regulation 2005*:

- (a) Ordinary ballot
- (b) Open voting
- (c) Preferential ballot

Both preferential and ordinary ballots are secret. Under the ordinary ballot system, the Councillors vote '1' for the candidate of their choice and if there are three or more, the lowest is excluded at each ballot until only two remain and the person with the most votes at that ballot is declared elected. This system is less complicated than preferential voting and ensures that the direct vote of Councillors (not preferences) will determine who is elected as Mayor. Previously, Council has always adopted the ordinary ballot system for Mayoral elections and this has been proposed in the recommendation.

## **3. Election of Deputy Mayor**

Section 231 of the Act provides that Council may elect a Deputy Mayor for the Mayoral term, or a shorter period if specified. This Council has always elected to have a position of Deputy Mayor and filled that position for the same period as the Mayor, i.e. 2 years. A nomination form for this position is included in **Attachment B**. Nominations for the Deputy Mayor must be received by the Chief Executive Officer prior to the announcement of nominations.

## **4. Mayoral Allowance**

After consideration of the findings of the *Local Government Remuneration Annual Determination*, Council, at its meeting of 25 May 2023, set the Mayoral Allowance at \$37,925 (NB: the Councillor allowance is set at \$17,680). Council in the past has paid part of the Mayoral allowance to the Deputy Mayor in accordance with Council's *Councillor Expenses and Provision of Facilities Policy*. Council set the Deputy Mayoral Allowance (to be paid from the Mayoral Allowance) at \$1,500 per annum.

**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. Nomination Form - Mayor [⇒](#)
  - B. Nomination Form - Deputy Mayor [⇒](#)

## 6.2 PROPOSED HUMELINK TRANSMISSION LINE

### SUMMARY

To present a report on the proposed HumeLink Transmission Line. The proposal is a State Significant Development and the Independent Planning Commission is the Consent Authority. Key issues for Yass Valley relate to road impacts, landscape and visual impacts, workers' accommodation, community enhancement fund and community engagement.

### RECOMMENDATION

*That:*

1. *A submission be made to the Department of Planning & Environment on the proposed HumeLink transmission line seeking the inclusion of the following requirements in any approval that may issue:*
  - *The proponent to undertake appropriate landscaping to mitigate the landscape impacts in the Murrumbidgee and Black Rand to Yass Landscape Character Areas due to the reduction of vegetation in these landscapes*
  - *The proponent to undertake appropriate landscaping to mitigate the visual impacts, both during construction and operation, at the following viewpoints:*
    - *South from Cooks Hill Road*
    - *South east from Childowla Road*
    - *East of Burrinjuck Road*
    - *East from the Hume Highway, Yass*
    - *West from Black Range Road*
  - *Specific measures be tailored and installed by the proponent for each of the 15 dwellings in Yass Valley impacted by the transmission line to mitigate visual impacts*
  - *The proponent invest in new accommodation for workers in Yass Valley due to the lack of short term accommodation*
  - *The 21 Local Roads in Yass Valley be upgraded by the proponent where necessary to be fit for purpose to accommodate the additional construction traffic prior to the commencement of the transmission line construction. In addition to the commitment to prepare a dilapidation report on the condition of the road surface, the report is required to include existing structural conditions of the pavement of Local Roads to be used by construction traffic. This shall involve a Geotech investigation at the pre-construction stage. The investigation shall also examine anticipated impacts during the construction phase and recommend mitigation measures that should be included as repair work commitments, in the proposed Traffic and Transport Management Plan (which should be more like a "Construction Traffic Management Plan").*
  - *The proponent to maintain and repair Local Roads throughout the construction phase to the appropriate Council standard. The Traffic and Transport Management Plan to include a commitment that any damage caused by construction traffic movements during the construction phase shall be progressively repaired at no cost to Council. In addition, at the completion of construction, a joint assessment between Council staff and the contractor of the Local Roads used during construction to be undertaken to assess any damage by construction traffic*
  - *The proponent is required to provide a site map showing locations of proposed construction compounds and their accessways and any carparking areas that might be proposed for employees parking spaces. The proponent shall provide a commitment to remove the compounds and parking areas at the completion of construction and restore the sites to their original conditions*

- *A Community Enhancement Fund be established by the proponent in accordance with Council's policy based on an annual contribution, while ever the transmission line is operating, equal to 1% of the capital cost divided by the estimated operational life of 20 years*
2. *The Department of Planning & Environment be advised that:*
- *The length of the public exhibition for a major project has not taken into account the complexity of the project and the extent of the documentation for a laypersons impacted by the proposal*
  - *A local forum should be held in Yass to allow local residents to clarify their concerns ad seek response from the Department and the proponent*
  - *Any Public Hearing be held in Yass to provide the opportunity for local residents to raise their concerns*
- 

## FINANCIAL IMPLICATIONS

Nil

## POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- Road Standards Policy
- Community Enhancement Funds Policy

## REPORT

### 1. Background

A Development Application (including Environmental Impact Statement) has been lodged with the Department of Planning & Environment (DP&E) for the HumeLink Transmission Line. The transmission line is 356km in length and runs from Wagga and Maragle to Wondalga and onto Bannaby traversing Wagga Wagga City, Snowy Valleys, Cootamundra-Gundagai, Yass Valley and Upper Lachlan Shire Local Government Areas. The section that passes through Yass Valley is part of the 234km Wondalga to Bannaby section. The land in Yass Valley is currently used mainly for agricultural/grazing purposes. A Locality Plan, Key Facilities & Structures and Local Roads proposed to be used is included in **Attachment A**.

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

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

### 2. Public Exhibition

The Environmental Impact Statement (EIS) is on public exhibition from 30 August 2023 to 27 September 2023. The exhibition process will include further face-to-face and online information sessions starting 4 September 2023, lasting for two weeks. These sessions will focus on the EIS and will guide participants on how to make a submission. In addition two community information sessions will be held in Yass Valley at the Yass Soldiers Memorial Hall on 12 September 2023 between 11am – 1 pm and 4pm – 6pm.

### 3. Project Description

The project involves:

- Transmission Lines
  - 500kV transmission lines in 70m – 130m wide easements
  - 500kV transmission lattice steel structures between 50m and 70m high spaces between 300m and 600m

- 330kV transmission line between Wagga and Gugaa – 60m wide easement
- 330kV transmission lattice steel structures between 24m and 50m high
- Substations
  - New 500kV Gugaa Substation
  - Expansion of existing substations a Bannaby and Gregadoo
  - Future Maragle substation (approved under Snowy 2.0 Transmission Connection Project)
  - There are no new or upgrade substations in Yass Valley
- Ancillary Infrastructure
  - Telecommunications hut (Snowy Valleys)
  - Optical fibre ground wire connection between transmission line structures and the Rye Park Wind Farm substation
  - Use of existing roads and tracks (with upgrades if necessary)
  - New access tracks and water crossings
- Construction Facilities
  - 14 construction compounds (only one in Yass Valley at the Yass Substation compound)
  - 1 accommodation facility at Tumberumba for 200 workers (other sections will rely on existing accommodation in towns)
  - Helicopter land pads

The EIS is supported by several technical reports i.e.

- Biodiversity Development Assessment Report
- Aboriginal Cultural Heritage Assessment Report
- Historic Heritage Impact Assessment
- Agricultural Impact Assessment
- Land Use and Property Impact Assessment
- Economic Impact Assessment
- Social Impact Assessment
- Landscape Character and Visual Impact Assessment
- Noise and Vibration Impact Assessment
- Phase 1 Contamination Assessment
- Hydrology and Flooding Impact Assessment
- Surface Water and Groundwater Impact Assessment
- Bushfire Risk Assessment
- Aviation Impact Statement
- Electric and Magnetic Field Study
- Traffic and Transport Impact Assessment
- Air Quality Impact Assessment
- Greenhouse Gas Assessment

The EIS and technical reports can be viewed at <https://www.planningportal.nsw.gov.au/major-projects/projects/humelink>

The assessment of the impacts identified in the EIS indicates that:

- The project has been designed to avoid and minimise impacts
- Detailed design will provide further avoidance and minimisation of impacts
- Residual impacts unable to be avoided include:
  - Biodiversity from vegetation clearance within the proposed easement during construction and operation
  - Landscape character and visual amenity from new large-scale transmission infrastructure that would be visible from public and private viewpoints
  - Land use and property, including restrictions for some agricultural and forestry land uses in the new transmission line easement
  - Aboriginal heritage from ground disturbance during construction

The potential residual impacts are considered manageable and/or would be offset.

On balance, the strategic need and benefits of the project outweigh the mitigated project impacts. Therefore, the project is justified and would be in the public interest.

#### **4. Key Issues**

The key issues for Yass Valley are:

- Overhead v Undergrounding transmission lines
- Landscape Character and Visual Amenity Impacts
- Workers' accommodation
- Road impacts
- Community Enhancement Fund
- Community engagement

##### **4.1 Overhead v Undergrounding**

The submitted proposal involves overhead transmission lines.

In October 2022 Council resolved to seek support for the undergrounding of power lines for HumeLink. Unfortunately, no reasons or evidence to support this view were determined by Council.

Options to underground the transmission lines were considered by the proponent as a potential way to help minimise the social and environmental impacts of the project. Transgrid completed an investigation into undergrounding transmission lines and concluded that:

- Undergrounding was not feasible in the same place as overhead lines
- Underground would be three times the cost of overhead lines. These costs would be passed onto consumers as higher electricity charges
- There would be up to a five year delay with undergrounding placing energy security and stability at the risk of failure

Based on the findings from the report, undergrounding HumeLink is not consistent with the regulatory rules that require Transgrid to propose the most efficient option for consumers based on the capital cost of the solution, the ongoing operational costs, the market benefits, the expected reliability, and the costs associated with the impact on landowners, the community, and the environment.

In addition, the Parliamentary Standing Committee on State Development has completed its inquiry into the feasibility of undergrounding the transmission line and found that, in considering all the evidence, the current plan for constructing HumeLink as a 500 kV overhead transmission line is the correct approach especially given the applicable regulatory environment and the lack of any action to date in progressing the undergrounding option.

The conclusions of the EIS and the inquiry findings conflict with Council's position on undergrounding. It is recommended that Council should not pursue the case of undergrounding.

## **4.2 Landscape Character & Visual Amenity Impacts**

### **4.2.1 Landscape impacts**

Yass Valley is included in the Undulating Hills and Ridges Landscape Character Zones which includes the Murrumbidgee and Black Range to Yass Landscape Character Areas.

During construction and operation there would be moderate-low landscape impacts on the of the Murrumbidgee and Black Range to Yass Landscape Character Areas. The moderate-low impacts on these landscapes would be some reduction in vegetation and the transmission line route would be a new feature in the landscape.

Consideration needs to be given to including appropriate landscaping requirements in any approval that may issue.

### **4.2.2 Visual impact**

The visual impacts from key viewpoints in Yass Valley during construction have a:

- Moderate impact on the view south from Cooks Hill Road
- Moderate-low impact on the views south east from Childowla Road, east from Burrinjuck Road and east from the Hume Highway, Yass
- Low impact on the view west from Black Range Road
- Negligible impact on the view north west from Orion Street

The moderate impacts would be in locations close to the project footprint, where there are clear views towards the construction activities, including vegetation removal. Consideration needs to be given to including appropriate landscaping requirements in any approval that may issue.

The visual impacts from key viewpoints in Yass Valley during operation have a:

- Moderate impacts on the view south from Cooks Hill Road and east from Burrinjuck Road
- Moderate-low impacts on the views south east from Childowla Road and east from the Hume Highway, Yass
- Low impacts on the view west from Black Range Road
- Negligible impacts on the view north west from Orion Street

The moderate impacts would continue be in locations close to the project footprint, where there are clear views towards the project, including views with little intervening vegetation and/or where there are no existing transmission line structures visible. Consideration needs to be given to including appropriate landscaping requirements in any approval that may issue.

### **4.2.3 Views from surrounding dwellings**

In Yass Valley the views to the transmission lines from surrounding dwellings during operation will have the following impacts:

- 3 dwellings would have a high visual impact
- 4 dwellings would have a high-moderate visual impact



- 6 dwellings would have a moderate visual impact
- 2 dwellings would have a moderate-low visual impact

It is critical that specific measures tailored for each dwelling are developed to mitigate these impacts. Appropriate conditions to this effect need to be included in any approval that may issue.

#### 4.3 Workers' Accommodation

Only one accommodation facility at Tumbarumba for 200 workers is proposed over the 356km of transmission line corridor. Other sections are proposed to rely on existing accommodation in towns. The current experience is Yass and surrounding villages is that existing infrastructure projects, such as windfarms and road construction, are currently occupying most of the short term accommodation facilities. It is essential that the proponent be required to invest in new accommodation particularly in Yass.

#### 4.4 Road Impacts

The Yass Valley roads to be used in the construction include:

- 21 Local Roads
- 4 Regional Roads (Burrinjuck, Comur, Laidlaw and Yass Valley Way)
- 2 State Roads (Barton and Hume Highways)

The Regional and State Roads are higher traffic roads and are less of a concern in relation to additional construction traffic.

Most of the Local Roads have low level traffic and with additional construction traffic associated with the project this will result in a perceptible change for current road users.

It is important that the Local Roads are fit for purpose prior to the project construction commencing as most roads are constructed for light traffic volumes and not an intensive period of heavy vehicle use associated with major infrastructure construction. Any necessary road upgrades need to be undertaken prior to the commencement of construction.

The main concern with the Local Road is the increase in wear and tear due to the increase in heavy vehicle traffic particularly concrete, sand, gravel and water trucks. The proponents proposed to mitigate these impacts by

- Undertaking dilapidation surveys of all local roads to determine the current condition
- Conducting a post construction assessment to determine any road damage and undertake the necessary repairs

However, there is a need for Local Roads to be maintained and repaired throughout the construction phase to ensure the roads remain fit for purpose for all road users. The proponent should be required to undertake regular inspections and repairs throughout the construction phase not just at the completion of construction.

All road works should be undertaken in accordance with Council's *Roads Standard Policy*.

In addition to the commitment to prepare a dilapidation report on the condition of the road surface, the report is required to include existing structural conditions of the pavement of Local Roads to be used by construction traffic. This shall involve a Geotech investigation at the pre-construction stage. The investigation shall also examine anticipated impacts during the construction phase and recommend mitigation measures that should be included as repair work commitments, in the proposed Traffic and Transport Management Plan (which should be more like a "Construction Traffic Management Plan").

The Traffic and Transport Management Plan is to include commitment that any damage caused by construction traffic movements during the construction phase shall be progressively repaired at no cost to Council. In addition, at the completion of construction, a joint assessment between

Council staff and the contractor of the Local Roads used during construction to be undertaken to assess any damage by construction traffic.

The proponent is to provide a site map showing locations of proposed construction compounds and their accessways and any carparking areas that might be proposed for employees parking spaces. The proponent shall provide a commitment to remove the compounds and parking areas at the completion of construction and restore the sites to their original conditions.

#### **4.5 Community Enhancement Fund**

Under Council's *Community Enhancement Fund Policy* an annual contribution is required based on 1% of the capital cost divided by the estimated operational life of 20 years. The contributions continues while ever the facility is operating. The fund is to be administered by Council. The current estimated cost of \$4.89 billion which would need to be proportioned by the length of the transmission line within each Local Government Area.

There is no reference to a Community Enhancement Fund in the EIS. If the proposal is to be approved, then a requirement for the proponent to establish a fund in accordance with Council's policy should be included in any approval that issues.

#### **4.6 Community Engagement**

Community consultation for the project includes:

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

Both the pre-lodgement and proposed post approval consultation mechanisms are considered satisfactory.

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

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

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

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

### **5. Conclusion**

The proposed HumeLink transmission line is generally consistent with the requirements of the planning legislation and includes appropriate measures to mitigate impacts.

Council's position on relation to undergrounding the transmission line is not supported by any reasons or evidence. It is considered that this is not a reliable basis for opposing the project.

It is recommended that Council seek the following additional requirements to any approval that may issue:

- The proponent to undertake appropriate landscaping to mitigate the landscape impacts in the Murrumbidgee and Black Range to Yass Landscape Character Areas due to the reduction of vegetation in these landscapes
- The proponent to undertake appropriate landscaping to mitigate the visual impacts, both during construction and operation, at the following viewpoints:
  - South from Cooks Hill Road
  - South east from Childowla Road
  - East of Burrinjuck Road
  - East from the Hume Highway, Yass
  - West from Black Range Road
- Specific measures be tailored and installed by the proponent for each of the 15 dwellings in Yass Valley to mitigate visual impacts
- The proponent invest in new accommodation for workers in Yass Valley due to the lack of short term accommodation
- The 21 Local Roads in Yass Valley be upgraded by the proponent where necessary to be fit for purpose to accommodate the additional construction traffic prior to the commencement of the transmission line construction
- The proponent to maintain and repair Local Roads throughout the construction phase to the appropriate Council standard
- A Community Enhancement Fund be established by the proponent in accordance with Council's policy based on an annual contribution, while ever the transmission line is operating, equal to 1% of the capital cost divided by the estimated operational life of 20 years

In addition, the DPE be advised that:

- The length of the public exhibition for a major project has not taken into account the complexity of the project and the extent of the documentation for a laypersons impacted by the proposal
- A local forum should be held in Yass to allow local residents to clarify their concerns and seek response from the Department and the proponent
- Any Public Hearing be held in Yass to provide the opportunity for local residents to raise their concerns

## STRATEGIC DIRECTION

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

**ATTACHMENTS:** A. Locality Plan, Key Facilities & Structures and Local Roads [↔](#)

---

## 6.3 DEVELOPMENT APPLICATION NO. DA165253C - CHANGE IN FENCE DESIGN, 36 ROSE STREET, MURRUMBATEMAN

---

### SUMMARY

To present the assessment of an application to modify Development Consent DA165253B by changing the design of the front fence at 36 Rose Street, Murrumbateman. The application was exhibited and attracted six submissions comprising four objections and two in support. Approval is recommended.

### RECOMMENDATION

*That Development Consent DA165253B be modified to permit the construction of a 1500mm high timber fence with white square steel posts.*

### FINANCIAL IMPLICATIONS

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

### POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- Yass Valley Local Environmental Plan 2013
- Yass Valley Community Engagement Strategy
- Application Assessment and Decision Making Policy

### REPORT

#### 1. Application Details

Date Received	-	12 July, 2023
Land	-	36 Rose Street, Murrumbateman
Area	-	3060.77m <sup>2</sup>
Zoning	-	RU5 Village

#### 2. Site Description and Locality

The site is on the corner of Fairley Street and Rose Street in 'Fairley Estate', Murrumbateman and contains seven dwellings. The site is bound by residential land to the north, south and west and commercial land uses, comprising 'Fairley Square', Murrumbateman Health Hub and a vacant commercial lot to the east. Northeast of the development site is Abode Hotel.

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

#### 3. Proposal

The original application proposed front fencing consisting of 1500mm high timber with stone columns (refer **Attachment B**). The subject application proposes to replace the stone columns with white steel posts.

A site plan is included as **Attachment C** and photos of the fence are included as **Attachment D**.

#### 4. Public Exhibition

The modification application was publicly exhibited and included notice to adjoining and nearby landowners, and the developer of Fairley Estate. The application attracted six submissions comprising four objections and two in support (refer **Attachment E**).

## 5. Assessment

The proposed modification has been assessed against the requirements of s.4.55 and s.4.15 *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 Approval Process

This modification application is to formalise the noncompliance of the front fence as constructed on site.

An application for an Occupation Certificate was lodged with Council on 9 June 2023 and an interim occupation certificate will be issued with conditions including that this matter be resolved prior to any final occupation being issued.

### 5.2 Restriction on the use of land

Pursuant to s.88B *Conveyancing Act 1919*, a restriction on the use of land specifies standards of fence construction for the site. Clause 1.9A *Yass Valley Local Environmental Plan 2013* (Yass Valley LEP) gives Council the power to set aside the terms of a restriction if Council did not request the imposition of the restriction. In this instance, the restriction relating to the standard of fencing was imposed by the developer, and not Council, and therefore does not require consideration in the assessment of the modification application.

In this regard, compliance with the terms of the restriction is a civil matter between developers/landowners.

### 5.3 Objections

The objections raise concern that the change in material from stone to metal has resulted in a fence which is inferior to that of the original design and one which detracts from the streetscape. Whilst it is generally accepted that stone gives the appearance of a high-quality finish, the use of metal components, in this instance, is considered to be negligible in relation to the broader unit development and Fairley Estate. The photos included in **Attachment D** show the fence in a broader context, demonstrating that the use of metal does not stand out nor does it impact the streetscape or the existing townhouse development on the site.

### 5.4 Character and Streetscape

The assessment of the modification needs only consider the extent to which the original development is being modified, which in this instance is the change in material from stone columns to steel posts. The material change is not considered to have a negative impact on the streetscape, nor the residential character of Fairley Estate. The proposed fence is not dissimilar to existing fences in Fairley Estate, in terms of aesthetics, materials and overall design.

## 6. Conclusion

From the assessment of the proposal and the issues raised in submissions, it is considered there are sufficient planning grounds to support the proposed variation and it is recommended that the modified fence design be approved.

## 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. Illustrations of proposed fence [⇒](#)
  - C. Site plan [⇒](#)
  - D. Photos of fence as constructed [⇒](#)
  - E. Submissions [⇒](#)
  - F. Assessment report [⇒](#)

---

## 6.4 DEVELOPMENT APPLICATION NO. DA220274 – LANDSCAPING MATERIAL SUPPLIES BUSINESS - 757 MULLIGANS FLAT ROAD, SUTTON

---

### SUMMARY

To present the assessment of Development Application DA220274 for landscaping material supplies business at 757 Mulligans Flat Road, Sutton. The application attracted seven objections and one submission in support. Relevant planning issues cannot be addressed by conditions. Refusal is recommended.

### RECOMMENDATION

*That Development Application No DA220274 for a landscaping material supplies business at 757 Mulligans Flat Road, Sutton, be refused on the following grounds:*

- *The component of the proposed development involving the rocks (and potentially firewood and recycled concrete) is not appropriately characterised as a ‘landscaping material supplies’ for the purposes of the Yass Valley Local Environmental Plan 2013, rather it is an innominate land use which is prohibited in the RU1 Primary Production zone, and Development Consent cannot be granted.*
- *Whilst the component of the proposed development involving the parking and storage of trucks can be characterised as a ‘truck depot’ for the purposes of the Yass Valley Local Environmental Plan 2013 and is permissible with consent in the RU1 Primary Production zone, the Development Application as presented intertwines both components to the extent where it is not possible to decouple the component of the truck depot and complete a full assessment in accordance with the requirements of s4.15 Environmental Planning & Assessment Act 1979.*

### 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 (Hazards and Resilience) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Settlement Strategy*
- *Application Assessment and Decision Making Policy*
- *Road Standards Policy*
- *Truck and Transport Depots in Rural Areas Policy*
- *Community Engagement Strategy*
- *Yass Valley Heavy Haulage Development Contribution Plan 2021*
- *Yass Valley Development Contribution Plan 2018*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Biodiversity Conservation Act 2016*
- *Protection of the Environment Operations Act 1997*
- *NSW Noise Policy for Industry 2017*

## REPORT

### 1. Application Details

Date Received	-	28 June 2022 [Lodged 2 November 2022]
Land	-	Lot 2 DP 249946, 757 Mulligans Flat Road, Sutton
Area	-	16.8ha
Zoning	-	RU1 Primary Production

### 2. Site Description and Locality

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

The subject land is 16.8ha in size and can be described as a battle-axe lot. The battle-axe handle provides access from Mulligans Flat Road between the adjoining lots. The subject land also contains a dwelling house and the associated outbuildings. The area of the proposed development is immediately adjacent to the boundary of the adjoining property to the east. This area has largely been cleared from the previous use of the site.

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

### 3. Proposal and Background

The submitted application proposes a 'landscape material supplies' business and involves (as outlined in the supporting documentation):

- The storage of rock which is then sold by wholesale to the consumer (stonemasons) through telephone and internet sales, with the stone then delivered to the customer's site. There are no sales to the general public as part of the business or from the site.
- Parking/storage of the following equipment:
  - 2 x trucks
  - 3 x trailers
  - 2 x bobcats
  - 1 x front end loader

Additional clarification provided by the proponent indicates that the trucks are contracted out to civil contractors when not being used to move the rock product, and that this is the main source of their business income. There are also reference in the original application to the materials also including firewood and recycled concrete, however reference to this has not been made in later additional information.

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

In June 2022 Council issued a Development Control Order to cease use of the land for this purpose as it had been operating without a Development Consent in place. The business operator has subsequently complied with the Order, ceasing use of the land, and seeking approval through lodgement of the Development Application.

### 4. Public Exhibition

Public exhibition included notice to 12 adjoining and nearby landowners and eight submissions were received. One of the submissions was in support of the proposal, whilst the remaining seven raised objections. One of the submissions included 22 signatures attached. A copy of the submissions received 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 cannot be supported for the reasons outlined below and in the Assessment Report (refer **Attachment D**).



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

### 6.1 Characterisation and Permissibility

The land is zoned RU1 Primary Production under the provisions of the *Yass Valley Local Environmental Plan 2013*. The land use table determines the permissibility of a use on land in the zone, with the *Yass Valley LEP 2013 Dictionary* contains the definitions for various land uses. A development or use of land is considered to be for a particular purpose, and it must be characterised to determine the permissibility in the zone.

The initial Development Application submitted provided unclear information on the nature of the business, the proposed use, and which land use definitions were being relied upon. The application mentioned both a 'landscaping material supplies' and a 'home business' in different parts of the application.

Clarification was sought from the proponent who advised they are relying on the 'landscaping material supplies' land use definition, which is a permissible with consent in the RU1 Primary Production zone. The clarification provided outlined that there are no retail transactions to the general public or customers attending the site, rather it involves the sale of stone via wholesale (through phone, email etc.) directly to stonemasons and that the stone is then delivered to site. It was also advised that the main source of business income was through the contracting of the trucks out to civil companies.

Despite the additional information provided, there remained concern with characterisation as a 'landscaping material supplies', particularly with what appeared to be the absence of any clear retail component from the site. On this basis, Council sought legal advice to assist in the appropriate characterisation of the development.

#### Landscaping Material Supplies

A 'landscaping material supplies' is defined in *Yass Valley LEP 2013* as:

*"a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.*

**Note—** *Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary."*

A 'retail premises' is defined in the *Yass Valley LEP 2013* as:

*"a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—*

...

*(g) landscaping material supplies,*

...

*but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.*

**Note—** *Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.*

The legal advice indicated that Council may not be able to be satisfied that the proposed development can be characterised as a 'landscaping material supplies' and is instead likely an innominate (undefined) land use, which is therefore prohibited in the RU1 Primary Production zone, due to the following reasons:

- The interpretation of 'landscaping material supplies' must have statutory regard to its status as a type of 'retail premises' as defined by the *Yass Valley LEP 2013*.
- The development being undertaken on the site does not include the sale of material, only the storage.

- The use of the land must be for the purposes of selling items by retail, though may also sell by wholesale. Whilst some wholesale sales may be undertaken from a 'retail premises', there must be some retail sales to satisfy the definition. There is no requirement for this retail sale to be 'directly to the public', however, it must be to the end consumer. The supporting documentation indicates that the business is dealing directly with stonemasons, and such, the use of the land associated with the development is not considered to constitute the retail supply of the materials to the end consumer.

#### Truck Depot

It is considered that the parking of the trucks (which are contracted out) is a standalone land use for the purposes of the *Yass Valley LEP 2013*. Whilst a 'truck depot' is permissible with consent in the RU1 Primary Production zone, the current application as presented intertwines both aspects of the proposal/business to the extent where it is not possible to decouple components and the application may not have sufficient details to enable assessment in accordance with the requirements of s4.15 *Environmental Planning & Assessment Act 1979*.

It is understood that the use of the land for only the truck parking component is unlikely to suit the proponent's overall business operation. However, if they wish to pursue this further, it would be most appropriately dealt with through a separate Development Application for just that component. Furthermore, a revised proposal would need to be subject to public exhibition again and a full assessment completed.

## **6.2 Settlement Strategy**

The *Yass Valley Settlement Strategy 2036* has been adopted by Council and makes recommendations for the area northeast of the ACT/NSW border to remain generally unaltered. This includes for both restricting higher density residential development as well as other land uses such as truck parking and depots, particularly for the area within 5km of the ACT/NSW border which has been predominantly developed for rural lifestyle purposes and in order to protect amenity/avoid land use conflicts. It was suggested in the submissions received that this should be used as a basis to refuse the proposed development.

The legal advice received also briefly considered this matter, although indicated that further review would need to be undertaken on the background to determine the exact weight to give the Settlement Strategy in determining applications for land uses permissible under the *Yass Valley LEP 2013* in this area. It did however note that, in principle, to the extent of any inconsistencies between the Settlement Strategy and the *Yass Valley LEP 2013*, generally greater weight should likely be given to the LEP in determining specific Development Applications.

## **6.3 Other Key Issues**

The assessment undertaken to date and through the submissions received have identified a number of other key issues. A full assessment of these issues has not been undertaken at this time due to the issues associated with permissibility/characterisation and the reasons for recommendation of refusal.

### **6.3.1 Noise and Amenity**

There is concern raised within submissions in relation to adverse noise and amenity impacts, with the exception of one submission which suggests that the previous operation did not result in adverse impacts. A noise assessment was requested to be submitted upon receipt of the initial application, which was subsequently provided prior to the application being formally lodged. The noise assessment has considered the operation of heavy vehicles and machinery at the site as well as the heavy vehicle movements along the access. However, the submissions received suggest that the most significant noise impact that has been experienced from the past operation is as a result of the loading and unloading of the rock (i.e. from tipping it out of a truck onto the ground or tipping of rock into the metal body of the truck). This was not considered in the noise assessment and there have been other potential concerns with the methodology identified that would require attention.

### **6.3.2 Road Safety**

The submissions received raise concern regarding road safety, including the suitability of Mulligans Flat Road for heavy vehicle movements and the property access. This is a matter that would need to be considered further with any revised proposal for a truck depot. It should be noted that at the location of the access, which is shared with the adjoining property/s, there is a setback area which is used as a stop for the school bus. In determining DAs for development involving heavy vehicle movements in rural areas in the past (e.g. truck depots and erosion gully filling), Council has generally looked to consider implications for potential conflict with the school bus.

### **6.3.3 Road Impacts**

The nature of development involving heavy vehicle movements will have an impact on the road network, which is raised as an issue of concern in a number of the submissions received. A full assessment of road impacts not been undertaken and there is inadequate information to allow assessment of the truck depot component.

### **6.3.4 Pollution Management – Dust/Silica Dust and Sediment**

There is concern raised within the submissions that the proposed development presents a risk to neighbouring properties through particularly dust of sandstone rocks, which can contain high levels of silica. Furthermore, potential issues of dust and sediment more generally were also raised. The details of how this would be managed are limited in the supporting documentation and as such an assessment of this issue has not been completed.

### **6.3.5 Compliance and Enforcement**

Within the submissions received there is concern raised in relation to ensuring compliance with conditions of any Development Consent that may be issued, including suggestions that the proponent will not comply with conditions and the associated ongoing costs this presents to Council. Investigation and compliance action where necessary is undertaken in accordance with Council's *Enforcement Policy* and an assumption of non-compliance and associated costs are not relevant considerations.

### **6.3.6 Clearing and Biodiversity Impacts**

The supporting documentation submitted with the application suggests that there is no clearing or biodiversity impacts proposed. Submissions received highlight that the clearing associated with this development, including of grassland, has already occurred during the previous site works and operation. A review of historical aerial imagery has indicated that site works to clear the area of the proposed development occurred in the vicinity of 10 years ago. This is an historical issue that was considered through the previous compliance action.

There is also concern raised in the submission that the proposed development presents a threat to biodiversity, including to native fauna through noise disturbance, as well undermining the objectives of the Greater Goorooyaroo Project. It is noted that the proposed development is to be contained to the area of the site already disturbed, however a full assessment of all potential impacts has not been completed at this time.

## **6.4 Submission Received from Yass Valley Planning Inc.**

The proponent has highlighted that a submission received from a neighbouring property owner writing as "on behalf of the 'Secretary of Yass Valley Planning Inc'" could have been misinterpreted as being on behalf of Council's Planning and Environment Directorate and may have resulted in additional signatures attached to the submission or additional submissions being received.

It is understood that Yass Valley Planning Inc is Planning Yass Valley Inc and is a ratepayer association. A review of correspondence received by Council has found that there were no statements that said that they were writing on behalf of Yass Valley Council, with the email address attached being from a generic email provider rather than an official yass.nsw.gov. suffix. This matter is not relevant to the consideration of this application.

**6.5 Adverse Impacts on Proponent’s Business**

A letter submitted by the proponent (refer **Attachment B**) indicates concern and frustration in relation to the delays in the assessment of the application, as well as the financial losses and emotional distress the process from initial compliance action to the application has caused. It also outlines the significant costs associated with leasing another yard to continue trading and the adverse impact this has had on the viability of their business. The adverse impacts on their business are unfortunate, however, this and any delay in assessment of an application cannot be used as reason to support a development which is prohibited under the *Yass Valley LEP 2013*.

**7. Conclusion**

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

**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. Plans and Supporting Documents [⇨](#)
  - C. Submissions [⇨](#)
  - D. s4.15 Assessment [⇨](#)

## 6.5 DEVELOPMENT APPLICATION NO. DA210165 - BOARDING HOUSE - 141 MEEHAN STREET, YASS

---

### SUMMARY

To present the assessment of Development Application No DA210165 which seeks consent for a boarding house development at 141 Meehan Street, Yass. The application was notified on two separate occasions and attracted a total of 25 objections. Refusal is recommended.

### RECOMMENDATION

*That Development Application No DA210165 for alterations and additions to an existing dwelling house to provide for a boarding house with 14 rooms, be refused on the following grounds:*

- 1. The proposed development will have an adverse impact on the character of the locality pursuant to clause 30A State Environmental Planning Policy (Affordable Rental Housing) 2009.*
- 2. The proposed development will result in adverse impacts on the significance of the heritage conservation area.*
- 3. The proposed development will result in adverse traffic impacts with regard to car parking requirements and access from the site.*
- 4. The proposed development will result in adverse visual and privacy impacts on adjoining residential development.*
- 5. The proposed development will result in adverse impacts to the surrounding built environment in accordance with s4.15(b) Environmental Planning & Assessment Act 1979.*
- 6. The proposed development is not considered to be in the public interest in accordance with s.4.15(e) EP&A Act 1979.*
- 7. The Development Application is not in the approved form as required by the Environmental Planning & Assessment Regulation 2021.*

---

### FINANCIAL IMPLICATIONS

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

### POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- *Local Government Act 1993*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009 – repealed version applies as was in force at time of application lodgement*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Community Engagement Strategy*
- *Application Assessment and Decision Making Policy*
- *Building Line – Urban Policy*
- *Off Street Carparking Policy*

## REPORT

### 1. Application Details

Date Lodged	-	29 July 2021
Land	-	141 Meehan Street, Yass
Area	-	1432.63m <sup>2</sup>
Zoning	-	R3 Medium Density Residential

### 2. Site and Locality

The site is located approximately 300m southwest of Comur Street, is irregular in shape and contains a single storey dwelling house and detached garage. The site is located within a heritage conservation area.

Adjoining the site to the north is a medium density residential development comprising 10 units. Adjoining the site to the east is a single storey dwelling house and detached garage, and to the south is a medical practice, comprising a listed heritage item under the *Yass Valley Local Environmental Plan 2013 (Yass Valley LEP 2013)*. To the immediate west is the local ambulance station.

The site is relatively flat where the existing structures are located, however becomes quite steep towards the western corner of the site, which adjoins the ambulance station and the unit development. The site for the unit development to the north involved substantial site cut, resulting in the dwellings sitting lower than the development site.

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

### 3. Proposal

The application seeks consent for a boarding house comprising 14 boarding rooms, a shared laundry facility and common area. Each boarding room contains an ensuite and a kitchen area.

The application involves:

- Alterations to the existing dwelling house
- Construction of a single storey addition to the rear of the existing dwelling house
- Construction of vehicular access along the eastern boundary of the site
- Provision of 8 car parking spaces including 1 accessible car parking space and parking for three motorcycles and bicycles.
- Landscaping

With regard to the management of the boarding house the applicant has outlined in the submitted Plan of Management that one of the residents will be appointed as the on-site caretaker/manager. They will be supported by an off-site managing agent.

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

### 4. Public Exhibition

Public exhibition included notice to the adjoining and nearby landowners on two separate occasions, each for a period of 14 days. The application was re-exhibited as additional information was submitted by the applicant.

In the first exhibition period, from 7 September 2021 until 21 September 2021, 10 submissions were received objecting to the proposal. One submission was also received from NSW Health raising matters to be considered.

In the second exhibition period, from 1 September 2022 until 16 September 2022, 15 submissions were received objecting to the proposal.

In accordance with Council's *Community Engagement Strategy*, due to the number of submissions received, the application was the subject of a Planning Forum on 28 March 2023.

Copies of the submissions are included in **Attachment C** and **Attachment D** and the Applicant's response to the submissions is included in **Attachment E** and **Attachment F**.

## 5. Referrals

The proposal was referred internally only and did not require referral to external State agencies. Matters raised are discussed in section 6 of this report.

## 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 cannot be supported for the reasons outlined in the Assessment Report (refer **Attachment G**).

The following planning issues have been identified.

### 6.1 Character of Locality

Council must consider the impact of the development on the character of the local area in accordance with clause 30A *State Environmental Planning Policy (Affordable Rental Housing) 2009*. It is noted that the application was submitted on 29 July 2021 prior to the SEPP being repealed and prior to *State Environmental Planning Policy (Housing) 2021* commencing, which occurred on 26 November 2021.

The documentation submitted does not allow for a thorough assessment of the relationship between the development and its surroundings and thus, the impact of the development on the character of the area.

Notwithstanding the above, the following matters are noted:

- The proposed addition at the rear of the site, whilst being single storey, will sit prominently in the landscape given the topography of the site. The design seeks to minimise the extent of earthworks in the western section of the site and as such will be readily viewable from Meehan Street on the western approach. This sits in contrast to the multi-unit residential development to the north which would sit approximately 1.7m lower.
- The elevation of the proposed addition above ground level may result in potential adverse visual and privacy impacts on the adjoining units to the north. The level of detail provided is insufficient to ascertain the full extent of the impacts.
- The development proposes a car parking space and hardstand areas (gravel and concrete) forward of the building line, limiting the landscape treatment in front of the built form.
- It is unclear if landscaping is proposed along the common boundary with 139 Meehan Street, to soften the extent of the internal concrete driveway.
- The development is located within a heritage conservation area (see section 6.2 of this report). Inadequate consideration has been given to the impact of the development on the Heritage Conservation Area.

For the reasons provided above, the development is not considered to be compatible with the character of the area.

### 6.2 Heritage

The site is located within a heritage conservation area in accordance with the *Yass Valley LEP 2013* and directly opposite a locally listed heritage item, being the 'Rose cottage and kitchen building'.

Council's Heritage Advisor indicated that the development has potential to adversely impact the streetscape of the Heritage Conservation Area, for the following reasons:

- Visibility from Meehan Street and prominent nature of the proposed addition
- Visibility of car parking, in front of and alongside the built form

- Extent of concrete proposed for the internal driveway, which will run the entire length of the site.

The following modifications were recommended by Council's Heritage Advisor to address the matters raised:

- Increased vegetation along the southern (angled) boundary
- Extend green space/garden bed between the development site and 139 Meehan Street to a line level with the rear of 139 Meehan Street. The green space should be minimum of 600mm wide to allow for screen planting.
- Erect a picket fence between the road and the front of 139 Meehan Street and extend this as a timber paling fence to the rear of 139 Meehan Street. Colorbond beyond that may be acceptable.
- Reduce the number of units so the number of carparking spaces is similarly reduced, and the opportunity for screen vegetation is increased.

While additional information was submitted by the applicant in response, it has not sufficiently addressed the matters raised. While there has been some increase in landscaping along the southern (angled) boundary, the more intensive screen plantings are located in front of the existing dwelling rather than in front of the new building to the rear of the site. Furthermore, the screen plantings are punctuated by five clotheslines along this boundary which reduces the effectiveness of the treatment.

The remaining advice which sought to increase the landscape treatment along the common boundary with 139 Meehan Street has not been provided, nor has the recommended fencing treatment or the removal of the car park forward of the building line. Furthermore, the lack of detail regarding the design and materials of the addition to the rear of the site, makes it unclear how the development would present when viewed from the south-west.

For these reasons it is considered that the development will result in adverse heritage impacts.

### 6.3 Access and Carparking

Car parking requirements are derived from *SEPP (Affordable Rental Housing) 2009 (ARH SEPP 2009)*. In accordance with s29 *ARH SEPP 2009*, where compliance is achieved, it cannot be used as a reason to refuse consent.

The *ARH SEPP 2009* requires:

- (i) 0.5 parking spaces per boarding room and
- (ii) 1 parking space for each person employed in connection with the development and who is a resident on the site.

On this basis, 7.5 parking spaces are required, as outlined below:

- 13 boarding rooms – 6.5 parking spaces
- One room for a resident who will also be appointed as the onsite manager – 1 parking space

The development provides for 8 parking spaces.

Despite the adequate number of parking spaces proposed, additional information, including a revised Traffic and Parking Impact Assessment was requested from the applicant, to demonstrate that vehicles can enter and exit the site in a forward direction, the dimensions of parking spaces and the provision of a parking space for disabled persons.

In response, information was submitted by the applicant, however it is unclear the size of the vehicle that has been used to demonstrate the above requirements have been met. It has also not been clearly demonstrated that the parking spaces and access comply with *Australian Standard 2890.1 – 1993 – Parking Facilities – Off Street Carparking* and Council's *Off-Street Carparking Policy*.



For these reasons, the development could result in adverse access and traffic impacts on the development and the locality.

#### 6.4 Submissions

The following is a summary of the key issues raised in the objections received and the planning response to each.

Matter Raised	Response
<b>Excess noise from occupants</b>	The proposed development would contain up to 14 persons with one person per boarding room. In support of the application is a plan of management that considers how the boarding house would be managed, noting that one of the residents would be engaged in the day-to-day management of the premises. There is no reason to be believe that the boarding house development would generate noise emissions any greater than an equivalent scale residential development.
<b>Parking issues - sufficient parking is needed to cater for the development</b>	While the development has provided for a consistent number of parking spaces pursuant to the <i>ARH SEPP 2009</i> , insufficient information has been provided to confirm that the parking spaces and access are compliant with the relevant Australian Standard. This is particularly the case for the parallel parking spaces within the access handle.
<b>Traffic congestion and conflicts including with the adjoining ambulance station and nearby intersection</b>	A traffic report was submitted with the application which considered the impacts associated with the development. However, there remains insufficient information to confirm that the design and car parking has been designed appropriately.
<b>The development is an overdevelopment of the site</b>	The applicant has not demonstrated that the site is capable of accommodating the development in its current form. The scale of the development may need to be reduced to appropriately address the issues identified.
<b>Solar access impacts</b>	Given the orientation of the development with residential development to the east and a public road to the south, the solar access impact on adjoining development is considered to be appropriate.
<b>Privacy impacts</b>	The addition to the rear of the site will be elevated above existing ground level given the steep topography. This has the potential to result in adverse privacy and visual impacts on the residential development to the north.
<b>Encouraging to understand that the facility may serve to house health care workers</b>	The proposed development may contribute toward affordable housing options in Yass, including housing for health care workers.
<b>No details of the anticipated lessees or occupants</b>	The information submitted in relation to this matter is considered sufficient for the purpose of Council's assessment.

	<p>The following information was provided for in the Social Impact Assessment (refer <b>Attachment H</b>):</p> <p><i>The on-site manager will be supported by an off-site Managing Agent, who will be responsible for selecting tenants and maintaining tenancy agreements, maintaining the accommodation register, ensuring the maximum number of residents does not exceed 14, administration and enforcement of the House Rules, ensure annual fire safety inspections are undertaken and equipment is working; manage cleaning of common areas and landscaping, manage the Complaints Register and Incident Report Register. Contact details for the off-site Manager will be on display adjacent to the main entry door.</i></p>
<p><b>Social impacts of the development</b></p>	<p>The applicant has submitted a Social Impact Assessment in support of the application (refer <b>Attachment H</b>). The report concludes that:</p> <p><i>An assessment of the potential impacts likely to be generated by the proposed boarding house did not identify any potentially negative long-term impacts. Short term negative impacts relate to disturbance to neighbouring properties during the demolition and construction phase. These potential impacts can be minimised through conditions of consent.</i></p> <p><i>Any potentially negative impacts that may arise during the operation of the proposed boarding house are able to be mitigated through the presence of an onsite manager and application of the Plan of Management. However, it is unlikely that the proposed boarding house will be distinguishable from other residential uses.</i></p> <p>Finally, that it could be considered that the proposed development has the potential to generate a number of positive social impacts.</p>
<p><b>Stormwater and impacts of overflow during heavy storm events</b></p>	<p>Stormwater plans have been prepared in support of the application detailing how stormwater would be managed appropriately.</p>
<p><b>Waste management and the storing of bins on the kerb for collection</b></p>	<p>The applicant has submitted a Waste Management Plan detailing the quantity of waste and recycling bins required to satisfy the requirements of the development. This includes the storage of waste bins within the site and for kerb side collection.</p>
<p><b>Need for an integrated social housing policy that is developed by the community with consultation from all stakeholders</b></p>	<p>There is no requirement for such a policy to be in place for the consideration of affordable housing development options.</p>
<p><b>The amenity for the future occupants including the</b></p>	<p>A 'common area' is proposed, however, it is noted that the space is approximately 16m<sup>2</sup> and within a split level area divided by a ramp.</p>

<b>communal room and facilities</b>	There are concerns with both the limited functionality of the space and the limited solar access it will receive.
<b>Adequacy of the Social Impact Statement</b>	A further Social Impact Assessment has been provided in support of the application (refer <b>Attachment H</b> ).
<b>Development is not suitable for the site of the block and is inconsistent with the prevailing character of the area</b>	The proposed development in its current form is considered to be incompatible with the character of the locality. Furthermore, the applicant has not demonstrated that the site is capable of accommodating the scale of development.
<b>Impact from lighting for the development</b>	This is a matter which could be addressed by way of condition of consent.
<b>Design of the development</b>	The applicant has provided little in the way of detail regarding the design of the development. It is not entirely clear how the development will present with a limited connection between the existing building and the addition.

### 6.5 Adequacy of Information Submitted

The Development Application is not in the approved form as required by the *EP&A Regulation 2021*.

Specifically, the documentation submitted with the Development Application is insufficient for the purpose of Council's assessment as follows:

- The applicant has not supplied a floor plan of the existing dwelling house to ascertain what works are required to facilitate the proposed layout
- The plans submitted have insufficient detail regarding colours and materials to understand the proposed development in the local context
- The documentation submitted contains insufficient detail to ascertain the extent of earthworks required to facilitate the development and the potential impacts on adjoining properties
- A *Building Code of Australia (BCA)* Compliance Report from a suitably qualified certifier, to assist Council in its assessment of the development, has not been provided
- A Statement of Heritage Impact which considers the impact of the development on the heritage conservation area and listed heritage items pursuant to clause 5.10(4) *Yass Valley LEP 2013* has not been provided
- A Traffic Impact Assessment which adequately considers the design of the proposed access and car parking arrangement against Council's *Off-Street Carparking Policy* including *Australian Standard AS2890.1*, has not been provided.

## 7. Conclusion

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

**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. Development Plans [⇒](#)
- C. Submissions - Notification Period 1 [⇒](#)
- D. Submissions - Notification Period 2 [⇒](#)
- E. Applicant's Response to Submissions - Notification Period 1 [⇒](#)
- F. Applicant's Response to Submissions - Notification Period 2 [⇒](#)
- G. s4.15 Assessment [⇒](#)
- H. Social Impact Assessment [⇒](#)

## 6.6 INTERIM HERITAGE ORDER - WEE JASPER FISHERMEN'S SHACKS, SWINGING BRIDGE

### SUMMARY

Heritage NSW has received a request to make an Interim Heritage Order (IHO) over the 'Wee Jasper Fishermen's Shacks' on land known as the Swinging Bridge Reserve, Nottingham Road, Wee Jasper. Council has been requested by Heritage NSW to provide advice on whether it would consider listing the item as a local heritage item on the *Yass Valley Local Environmental Plan 2013 (Yass Valley LEP 2013)* as part of their consideration of the IHO. Further investigation of this matter shows that the items are located on Crown land and Council's road reserve. It is recommended that Council provide advice to Heritage NSW that it would consider listing the item on the *Yass Valley LEP 2013*, that Council not make an IHO on the item located within its road reserve and that the proponent for the IHO be advised to prepare an Applicant Initiated Planning Proposal for consideration and assessment by Council.

### RECOMMENDATION

*That:*

1. *The NSW Heritage be advised that Council will consider adding Lot 7008 DP96171 as an item of local significance to Schedule 5 of Yass Valley Local Environmental Plan 2013.*
2. *An Interim Heritage Order not be made by Council on the item located in the Nottingham Road road reserve as the item is not being or likely to be harmed.*
3. *The proponent be advised that an Applicant Initiated Planning Proposal is required to progress the assessment of Lot 7008 DP96171 and part of the Nottingham Road road reserve as an item of local significance under Schedule 5 of Yass Valley Local Environmental Plan 2013.*

### FINANCIAL IMPLICATIONS

This is an operational matter and as such is considered to be provided for in Council's Operational Plan 23/24.

### POLICY & LEGISLATION

An application for an IHO can be made to Heritage NSW pursuant to s24(1) *Heritage Act 1977*. IHOs can be made by either the Minister for Heritage (on the advice of the Heritage Council) or by a Local Council where authorised under section 25 of the Act. An authorised Council may make an IHO that the Council may, on further inquiry or investigation, be found to be of local heritage significance and that the Council considers is being or is likely to be harmed. Council has been authorised to make IHOs subject to the conditions set out by the authorisation. For the purposes of this matter, it should be noted that Council is not authorised to make an IHO in relation to an item located on Crown Land.

The IHO safeguards a place or object of potential heritage significance for a temporary period of up to 12 months. They allow time to fully assess the significance of a place or object and determine if a heritage listing is warranted and generally only made if there is a threat of harm. It should be noted for the purposes of this matter that a IHO made by Council will lapse after six months from the date it is made unless Council has passed a resolution before that date and in the case of an item which, in the Council's opinion is of local significance, the resolution seeks to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item. There is a second qualification related to this part of the authorisation where Council is of the opinion that the item is of State heritage significance.

### REPORT

#### 1. Background

Lot 7008 DP96171, 308-375 Nottingham Road, Wee Jasper (known as Swinging Bridge Reserve) is Crown Land. Located upon the land is:

- A fibro and weatherboard cabin with a fibro roof known as No. 375 Nottingham Road

- A metal cottage with a metal roof known as 'The Rocks'
- A fibro cottage with a metal roof known as No. 337 Nottingham Road
- A metal cabin with a metal roof known as No. 329 Nottingham Road
- A metal cabin with a metal roof known as No. 327 Nottingham Road
- A metal cabin with a metal roof known as No. 325 Nottingham Road

There are also metal and fibro toilets, tanks and tank stands, metal and timber storage sheds, pump station, environmental monitoring station, and a timber toilet block situated upon this land.

In addition to the above, a number of structures are located upon, or encroaching into, Nottingham Road Reserve is:

- A metal cabin with a metal roof known as No. 312 Nottingham Road
- A metal cabin with a metal roof known as No. 310 Nottingham Road
- A metal cabin with a metal roof known as No. 308 Nottingham Road

Metal toilets, timber and metal storage shed, metal tank stand, metal storage shed with metal roof, and a timber toilet block are also located upon, or encroaching into, the Nottingham Road road reserve which is Council land.

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

Historically these structures have been occupied under licence from Crown Lands. A review of licences by Crown Lands has indicated that the historic arrangement will no longer be supported and the occupants will be required to vacate the structures. Crown Lands has indicated that it intends to remove the structures and return the land to its original reserve purpose and provide water access to the wider community.

## 2. Discussion

An application for an IHO has been made to Heritage NSW pursuant to s24(1) of the *Heritage Act 1977*. As detailed above the majority of the structures are located on Crown land however there are some structures located on the Nottingham Road road reserve which is owned by Council. Council is currently discussing with Crown Lands this matter of the Nottingham Road formation sitting outside the road reserve.

### Structures on Crown Land

For the structures located on Crown Land, the Minister must make the IHO. However, Council has been requested by Heritage NSW to provide advice on whether Council would consider adding the item to the *Yass Valley LEP 2013*.

The item was identified in the *Yass Rural Areas Heritage Study* (December 2002) which was co-authored by Council's Heritage Advisor (refer **Attachment B** for an extract from this Study). The Study identified them as the 'Fisherman's Huts Precinct' and stated their significance as:

*'A particularly interesting set of 20th century vernacular recreational dwellings. They are the corrugated iron version of the 19th century slab hut. They utilise accessible, low-cost materials to fashion a structure that suits the needs of the individual. As a group of unregulated buildings from the twentieth century they are quite rare as, apart from some rural outbuildings, most habitable dwellings require regulatory approval. These buildings provide a very interesting comparison with the approved settlement at nearby Micalong Creek. The structures have social values for the community who built and care for them, and they have aesthetic values for their scale, and constrained diversity. The swinging bridge adds to the diversity of bridges to be found within the Shire.'*

Council's Heritage Advisor has recently advised that:

*'in my view the collection of places have a range of values that would meet the threshold for local heritage significance. At the same time I can see that listing the group of places*

*could present a range of management issues, including their continued occupation in an environmentally sensitive area.'*

It should be noted that the IHO would provide the opportunity to review the heritage significance of the item (given that the information in the *Yass Rural Areas Heritage Study* is now 21 years old and there have been changes in the item since that time) and determine whether actual listing as a heritage item under the *Yass Valley LEP 2013* is warranted.

Heritage information provided by the proponent is included in **Attachment C**.

#### Structures on Council Land

In terms of making an IHO over the item on the Council land, Council must be satisfied under its authorisation under the *Heritage Act 1977* that the item is being or is likely to be harmed and that the IHO is confined to the item determined as being under threat. The item on Council land is not being harmed or likely to be harmed given that Council has not initiated compliance action. It is recommended that Council not make an IHO on the item on its land however the item be considered as part of the Applicant Initiated Planning Proposal.

#### Planning Proposal

In order to list the item on Schedule 5 an amendment to the *Yass Valley LEP 2013* is required. The proponent will be required to lodge an Applicant Initiated Planning Proposal. The applicant would be required to prepare all documentation to support the planning proposal and pay the appropriate fee for its progression.

### **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. Location Map [⇒](#)
  - B. Extract - Yass Rural Areas Heritage Study 2002 [⇒](#)
  - C. Local Heritage Significance Assessment [⇒](#)

---

## 6.7 YASS WATER TREATMENT PLANT UPGRADE PROJECT UPDATE

---

### SUMMARY

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

### RECOMMENDATION

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

---

### FINANCIAL IMPLICATIONS

Budgets are allocated for Design and Business Case development in the Operational Plan FY2023-24.

### POLICY & LEGISLATION

- *Local Government Act 1993*

### REPORT

#### 1. Background

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

A roadmap to prepare a business case to inform the investment to upgrade the WTP based on a high-level concept design was agreed in March 2023 and on a revised Scope of Works.

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

#### 2. Business Case for Yass WTP Augmentation

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

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

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

Timeline for major deliverables are as follows:

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

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



Progress (April – August 2023)

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

- Performance review of WTP until May 2023
- Mechanical and Electrical Condition Assessment Report
- Location of additional clear water storage
- The Options Identification Memorandum was discussed on 9 June 2023 and process components of each option were agreed.
- Three options assessed are as follows:
  - **Option 1 - Base Case**  
Minimal improvements (filter media and backwashing and soda ash dosing)
  - **Option 2 - Risk Mitigation Upgrade**  
(New chemical storage, handling and dosing assets, replacement of ageing electrical assets and power supply and standby generator, inlet outlet modification of existing reservoirs and additional clear water storage that requires demolition of old WTP, UV treatment to address *cryptosporidium* risk from the catchment, filter improvements, and amenities).
  - **Option 3 - WTP Augmentation**  
New treatment processes including inclined plate settling tanks, DAF/Filters, and softening.
- Benefits realisation framework for each option was discussed at a workshop on 7 August 2023 and agreed.
- Options were developed further with high-level concept design, site layout, and cost estimation for the Options Assessment Workshop.
- Options Assessment Workshop: This workshop was conducted on 14 September 2023. At this workshop, DPE Water required that Option 2 be modified to achieve the same benefits as Option 3 and assessed. Council staff and consultants are working on it.
- Customer Survey: A customer survey was posted and emailed to those connected to Council's water supply. The last day for survey responses was on 1 September 2023 and all responses received until 11 September are being analysed. A total of 3,435 surveys were sent out and the responses received was 491 (14.5%). Analysis on the survey responses will be presented in a report to the Council next month. Regular and improved surveys are planned in the future as part of the customer engagement.
- Financial Analysis: This analysis is being carried-out to understand the impact of different investment on customer bills and affordability. It is assessed as Typical Residential Bill (TRB) for water. Results of the analysis along with the assessment of options will be presented in the next report to Council for determination.

**3. Consultation with DPE (Water) and NSW Health**

Council continues to consult with HAF, DPE Water and NSW Health on WTP Upgrade works and extensive inputs were obtained to develop the Scope of Works for the Business Case and through subsequent workshops. HAF, DPE Water and NSW Health are part of Project Steering Group that meets monthly with Council staff and consultants (BecaHunterH2O). An InfrastructureNSW (INSW) representative also joined the Steering Committee from September. DPE Water and NSW Health officials inspected facilities in Yass WTP and bubble plume aeration at Yass Dam during 21-22 August 2023.

**4. Next Steps**

Progress activities to complete Business Case and following are scheduled:

- Modified option and results of Options Assessment
- Draft Business Case

**STRATEGIC DIRECTION**

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

**ATTACHMENTS:** Nil

**6.8 YASS SEWAGE TREATMENT PLANT AUGMENTATION PROJECT - CONCEPT DESIGN**

**SUMMARY**

This report informs the funding received from the Safe and Secure Water Program to prepare an options study and concept design for the augmentation of the Yass Sewage Treatment Plant (STP). The augmentation is to cater for the growth of Yass Township and the study has been included in the FY2023/24 Operational Plan.

**RECOMMENDATION**

*That the funding by Safe and Secure Water Program (SSWP) to co-finance the preparation of an Options Study and Concept Design for augmentation of the Yass Sewage Treatment Plant be accepted.*

**FINANCIAL IMPLICATIONS**

A budget of \$275,000 for the options study and concept design has been included in the operational plan for FY2023/24. Safe and Secure Water Program grant is up to a maximum amount of \$165,000.

**POLICY & LEGISLATION**

- Local Government Act 1993
- Procurement Policy
- Yass Sewage Treatment Plant Environmental Protection Licence 1730

**REPORT**

The Yass Sewage Treatment Plant (STP) was commissioned in March 2013 and has a capacity of 6,800 EP (equivalent persons). It requires augmentation to cater for rapid growth in the Yass Town. Augmentation of the Yass STP was identified in the Delivery Program 2022-2026 and in the Operational Plan 2023/24.

Funding from Safe and Secure Water Program was received to prepare an Options Study and Concept Design. Public Works which designed the existing STP has been engaged to carry-out the Options Study and Concept Design. The study will be completed by the end of June 2024.

**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	Planning for duplication of Yass Sewage Treatment Plant

**ATTACHMENTS:** Nil

## 6.9 REVOTES AND CARRY FORWARDS FROM 2022/23 TO 2023/24FY

### SUMMARY

This report provides the proposed revotes and project costs to be carried forward 2022/23FY to the current 2023/24FY.

### RECOMMENDATION

*That:*

1. *The budgets detailed in this report as Revotes from 2022/23 to 2023/24FY be revoted.*
2. *The budgets detailed in this report as Carry Forward funds from 2022/23 to 2023/24FY be noted.*

### FINANCIAL IMPLICATIONS

Projects to be revoted are being funded from unexpended grants and contributions, reserves, and general Council funds from the 2022/23FY.

### POLICY & LEGISLATION

- *Local Government Act 1993*

### REPORT

At the conclusion of each financial year, some work remains either not commenced or not completed. Under Clause 211 (Authorisation of Expenditure) *Local Government (General) Regulation 2005*, it is necessary for Council each year to revoke funds for those works that have not commenced, for the works to be carried out during the following financial year.

It is not a requirement for Council to revoke funds for works that have commenced or for works which have been contracted to be carried out. However, these projects are provided for information.

### REVOTES

A summary of projects included in the 2022/23 Operational Plan which have not yet commenced and require funding to be Revoted into the current financial year, to ensure work is completed are included in **Attachment A**.

The amount proposed for capital projects revoting is \$4,676,413 comprising of:

- Revotes from the General fund: \$120,000
- Revotes from Reserves: \$2,238,743
- Unexpended grants and contributions: \$2,317,670

The amount proposed for operating projects revoting is \$84,642 comprising of:

- Revotes from the General fund: \$84,642
- Revotes from Reserves: \$0
- Unexpended grants and contributions: \$0

### CARRIED FORWARD

A summary of projects included in the 2022/23 Operational Plan which have not yet been completed, requiring funding to be carried forward into the current financial year to ensure continued works ins included in **Attachment B**. These funds include allocation of grants over multiple financial years, with many of the projects being multi-financial year, with works planned to be completed in FY2023/24.

The amount being carried forward for capital projects into 2023/24 financial year totals \$5,405,853 comprising of:

- Carry forward from general revenue: \$0
- Carry forward from reserves: \$2,221,929
- Carry forward from unexpended grants and contributions: \$3,183,924

The amount being carried forward for operating projects into 2023/24 financial year totals \$111,332 comprising of:

- Carry forward from general revenue: \$111,332
- Carry forward from reserves: \$0
- Carry forward from Unexpended grants and contributions: \$7,603

### 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 Office of Local Government accounts regulations

- ATTACHMENTS:**
- A. Revotes [⇒](#)
  - B. Carry Forwards [⇒](#)

## 6.10 INVESTMENT REPORT - JULY 2023

---

### SUMMARY

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

### RECOMMENDATION

*That the Investment & Borrowings Report for July 2023 be noted.*

---

### FINANCIAL IMPLICATIONS

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

### POLICY & LEGISLATION

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

### REPORT

#### 1. Comments on Economic Climate

At its meeting, the Board decided to leave the cash rate target unchanged at 4.10 per cent and the interest rate paid on Exchange Settlement balances unchanged at 4.00 per cent.

Interest rates have been increased by 4 percentage points since May last year. The higher interest rates are working to establish a more sustainable balance between supply and demand in the economy and will continue to do so. In light of this and the uncertainty surrounding the economic outlook, the Board again decided to hold interest rates steady this month. This will provide further time to assess the impact of the increase in interest rates to date and the economic outlook.

Inflation in Australia is declining but is still too high at 6 per cent. Goods price inflation has eased, but the prices of many services are rising briskly. Rent inflation is also elevated. The central forecast is for CPI inflation to continue to decline, to be around 3¼ per cent by the end of 2024 and to be back within the 2–3 per cent target range in late 2025.

The Australian economy is experiencing a period of below-trend growth and this is expected to continue for a while. Household consumption growth is weak, as is dwelling investment. The central forecast is for GDP growth of around 1¾ per cent over 2024 and a little above 2 per cent over the following year.

Conditions in the labour market remain very tight, although they have eased a little. Job vacancies and advertisements are still at very high levels, although firms report that labour shortages have lessened. With the economy and employment forecast to grow below trend, the unemployment rate is expected to rise gradually from its current rate of 3½ per cent to around 4½ per cent late next year. Wages growth has picked up in response to the tight labour market and high inflation. At the aggregate level, wages growth is still consistent with the inflation target, provided that productivity growth picks up.

Returning inflation to target within a reasonable timeframe remains the Board's priority. High inflation makes life difficult for everyone and damages the functioning of the economy. It erodes the value of savings, hurts household budgets, makes it harder for businesses to plan and invest, and worsens income inequality. And if high inflation were to become entrenched in people's

expectations, it would be very costly to reduce later, involving even higher interest rates and a larger rise in unemployment. To date, medium-term inflation expectations have been consistent with the inflation target and it is important that this remains the case.

The recent data are consistent with inflation returning to the 2–3 per cent target range over the forecast horizon and with output and employment continuing to grow. There are though significant uncertainties. Services price inflation has been surprisingly persistent overseas and the same could occur in Australia. There are also uncertainties regarding the lags in the operation of monetary policy and how firms’ pricing decisions and wages will respond to the slowing in the economy at a time when the labour market remains tight. The outlook for household consumption is also an ongoing source of uncertainty. Many households are experiencing a painful squeeze on their finances, while some are benefiting from rising housing prices, substantial savings buffers and higher interest income. In aggregate, consumption growth has slowed substantially due to the combination of cost-of-living pressures and higher interest rates.

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

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

## 2. Summary of movements in Council Investments

Two investments totalling \$2.5M matured during July 2023, and monies were brought into our NAB working account to be used for operating and capital expenses.

## 3. Council Cash, Cash Equivalent, and Term Deposit Investments at 31 July 2023

Investment Type	Acc/Deal	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
<b>Cash Working Accounts</b>	<b>Ref.</b>						
NAB Working Account1	082-939 51-	2,247,619.70	A1+/AA-	n/a	n/a	at call	4.10%
Tcorp Strategic Cash Facility	778	5,039,073.40	AAA	n/a	n/a	3 day call	3.78%
		<b>7,286,693.10</b>					
<b>Term Deposits &lt; 12 Months</b>							
CBA	37623409	1,000,000.00	AA-	28/02/23	30/08/23	183	4.64%
CBA	37623409	1,400,000.00	AA-	24/02/23	04/10/23	222	4.85%
CBA	37623409	1,500,000.00	AA-	28/02/23	29/11/23	274	4.85%
NAB	829761530	10,464.40	A1+/AA-	12/07/23	10/10/23	90	5.05%
NAB	700564704	1,500,000.00	A1+/AA-	24/05/23	22/08/23	90	4.65%
NAB	364753222	1,200,000.00	A1+/AA-	05/04/23	06/09/23	154	4.40%
NAB	821149857	1,500,000.00	A1+/AA-	09/03/23	06/09/23	181	4.60%
NAB	296182199	1,000,000.00	A1+/AA-	10/05/23	13/09/23	126	4.60%
NAB	898243980	1,000,000.00	A1+/AA-	10/05/23	20/09/23	133	4.60%
NAB	821585210	1,500,000.00	A1+/AA-	09/03/23	04/10/23	209	4.65%
NAB	898276870	1,500,000.00	A1+/AA-	26/04/23	25/10/23	182	4.50%
Great Southern Bank	CN062846	1,000,000.00	A2/BBB	31/01/23	02/08/23	183	4.45%
Bank of Queensland	CN063021	1,000,000.00	A2/BBB+	08/02/23	09/08/23	182	4.40%
MyState Bank	CN063731	1,500,000.00	A2/BBB+	10/03/23	06/09/23	180	4.70%
AMP	CN065498	1,500,000.00	A2/BBB	14/06/23	11/12/23	180	5.40%
AMP	CN065499	1,500,000.00	A2/BBB	14/06/23	11/12/23	180	5.40%
AMP	CN065620	1,000,000.00	A2/BBB	20/06/23	20/12/23	183	5.55%
AMP	CN065875	1,000,000.00	A2/BBB	30/06/23	26/06/24	362	5.70%
AMP	CN065876	1,000,000.00	A2/BBB	30/06/23	03/01/24	187	5.60%
Bank of Queensland	CN065877	1,000,000.00	A2/BBB	30/06/23	24/04/24	299	5.50%
Bandigo & Adelaide Bank	CN065878	1,000,000.00	A2/BBB	30/06/23	28/03/24	272	5.40%
Great Southern Bank	CN065879	1,000,000.00	A2/BBB	30/06/23	24/05/24	329	5.63%
		<b>25,610,464.40</b>					
<b>Total Short Term</b>		<b>32,897,157.50</b>					

#### 4. Council Loans

Council has four loans with a balance of \$13.7M owing on 31 July 2023. The table below provides loan details.

General Loan	Principal as at July/23	Interest rate	Comment
Sewer - CBA Loan for Sewer Infrastructure	3,349,028.19	4.82%	20 years, repaid in 2035/36
Water - NAB Westpac Dam Wall	8,101,868.44	5.36%	20 years amortisation, 10 years term Aug 2032
Water - Yass to Murrumbateman water supply (Tcorp)	1,469,116.20	2.55%	10 years, full repaid in 2029
Water main and pump station upgrades (Tcorp)	802,712.98	2.55%	10 years, full repaid in 2029
Total balance as at 01/07/2023	13,722,725.81		

#### STRATEGIC DIRECTION

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

**ATTACHMENTS:** Nil



## 6.11 INVESTMENT REPORT - AUGUST 2023

---

### SUMMARY

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

### RECOMMENDATION

*That the Investment & Borrowings Report for August 2023 be noted.*

---

### FINANCIAL IMPLICATIONS

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

### POLICY & LEGISLATION

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

### REPORT

#### 1. Comments on Economic Climate

At its meeting, the Board decided to leave the cash rate target unchanged at 4.10 per cent and the interest rate paid on Exchange Settlement balances unchanged at 4.00 per cent.

Interest rates have been increased by 4 percentage points since May last year. The higher interest rates are working to establish a more sustainable balance between supply and demand in the economy and will continue to do so. In light of this and the uncertainty surrounding the economic outlook, the Board again decided to hold interest rates steady this month. This will provide further time to assess the impact of the increase in interest rates to date and the economic outlook.

Inflation in Australia has passed its peak and the monthly CPI indicator for July showed a further decline. But inflation is still too high and will remain so for some time yet. While goods price inflation has eased, the prices of many services are rising briskly. Rent inflation is also elevated. The central forecast is for CPI inflation to continue to decline and to be back within the 2–3 per cent target range in late 2025.

The Australian economy is experiencing a period of below-trend growth and this is expected to continue for a while. High inflation is weighing on people's real incomes and household consumption growth is weak, as is dwelling investment. Notwithstanding this, conditions in the labour market remain tight, although they have eased a little. Given that the economy and employment are forecast to grow below trend, the unemployment rate is expected to rise gradually to around 4½ per cent late next year. Wages growth has picked up over the past year but is still consistent with the inflation target, provided that productivity growth picks up.

Returning inflation to target within a reasonable timeframe remains the Board's priority. High inflation makes life difficult for everyone and damages the functioning of the economy. It erodes the value of savings, hurts household budgets, makes it harder for businesses to plan and invest, and worsens income inequality. And if high inflation were to become entrenched in people's expectations, it would be very costly to reduce later, involving even higher interest rates and a larger rise in unemployment. To date, medium-term inflation expectations have been consistent with the inflation target and it is important that this remains the case.

The recent data are consistent with inflation returning to the 2–3 per cent target range over the forecast horizon and with output and employment continuing to grow. Inflation is coming down, the labour market remains strong and the economy is operating at a high level of capacity utilisation, although growth has slowed.

There are significant uncertainties around the outlook. Services price inflation has been surprisingly persistent overseas and the same could occur in Australia. There are also uncertainties regarding the lags in the effect of monetary policy and how firms’ pricing decisions and wages respond to the slower growth in the economy at a time when the labour market remains tight. The outlook for household consumption also remains uncertain, with many households experiencing a painful squeeze on their finances, while some are benefiting from rising housing prices, substantial savings buffers and higher interest income. And globally, there is increased uncertainty around the outlook for the Chinese economy due to ongoing stresses in the property market.

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

Source: Statement by Philip Lowe, Governor: Monetary Policy Decision – RBA -05/09/2023

## 2. Summary of movements in Council Investments

Two investments totalling \$4.5M matured during August 2023, and monies were reinvested on new term deposits with higher interest rate.

## 3. Council Cash, Cash Equivalent, and Term Deposit Investments at 31 August 2023

Investment Type	Acc/Deal	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
<b>Cash Working Accounts</b>	<b>Ref.</b>						
NAB Working Account1	082-939 51-	5,655,856.31	A1+/AA-	n/a	n/a	at call	4.10%
Tcorp Strategic Cash Facility	778	5,065,365.53	AAA	n/a	n/a	3 day call	3.78%
		<b>10,721,221.84</b>					
<b>Term Deposits &lt; 12 Months</b>							
CBA	37623409	1,400,000.00	A+/AA-	24/02/23	04/10/23	222	4.85%
CBA	37623409	1,500,000.00	A+/AA-	28/02/23	29/11/23	274	4.85%
NAB	296182199	1,000,000.00	A1+/AA-	10/05/23	13/09/23	126	5.05%
NAB	364753222	1,200,000.00	A1+/AA-	05/04/23	06/09/23	154	4.60%
NAB	700564704	1,500,000.00	A1+/AA-	22/08/23	20/11/23	90	4.90%
NAB	821149857	1,500,000.00	A1+/AA-	09/03/23	06/09/23	181	4.90%
NAB	821585210	1,500,000.00	A1+/AA-	09/03/23	04/10/23	209	4.60%
NAB	829761530	10,464.40	A1+/AA-	12/07/23	10/10/23	90	4.65%
NAB	898243980	1,000,000.00	A1+/AA-	10/05/23	20/09/23	133	4.60%
NAB	898276870	1,500,000.00	A1+/AA-	26/04/23	25/10/23	182	4.50%
MyState Bank	CN063731	1,500,000.00	A2/BBB+	10/03/23	06/09/23	180	4.70%
AMP	CN065498	1,500,000.00	A2/BBB	14/06/23	11/12/23	180	5.40%
AMP	CN065499	1,500,000.00	A2/BBB	14/06/23	11/12/23	180	5.40%
AMP	CN065620	1,000,000.00	A2/BBB	20/06/23	20/12/23	183	5.55%
AMP	CN065875	1,000,000.00	A2/BBB	30/06/23	26/06/24	362	5.70%
AMP	CN065876	1,000,000.00	A2/BBB	30/06/23	03/01/24	187	5.60%
Bank of Queensland	CN065877	1,000,000.00	A2/BBB+	30/06/23	24/04/24	299	5.50%
Bandigo & Adelaide Bank	CN065878	1,000,000.00	A2/BBB+	30/06/23	28/03/24	272	5.40%
Great Southern Bank	CN065879	1,000,000.00	A2/BBB	30/06/23	24/05/24	329	5.63%
Bank of Queensland	CN066559	1,000,000.00	A2/BBB+	09/08/23	08/02/24	183	5.25%
Bandigo & Adelaide Bank	CN066659	1,000,000.00	A2/BBB+	15/08/23	15/02/24	184	5.15%
Bandigo & Adelaide Bank	CN066899	1,000,000.00	A2/BBB+	30/08/23	26/02/24	180	5.05%
		<b>25,610,464.40</b>					
<b>Total Short Term</b>		<b>36,331,686.24</b>					

#### 4. Council Loans

Council has four loans with a balance of \$13.7M owing on 31 August 2023. The table below provides loan details.

General Loan	Principal as at August/23	Interest rate	Comment
Sewer - CBA Loan for Sewer Infrastructure	3,349,028.19	4.82%	20 years, repaid in 2035/36
Water - NAB Westpac Dam Wall	8,080,630.28	5.36%	20 years amortisation, 10 years term Aug 2032
Water - Yass to Murrumbateman water supply (Tcorp)	1,469,116.20	2.55%	10 years, full repaid in 2029
Water main and pump station upgrades (Tcorp)	802,712.98	2.55%	10 years, full repaid in 2029
Total balance as at 01/07/2023	13,701,487.65		

#### STRATEGIC DIRECTION

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

**ATTACHMENTS:** Nil

## 6.12 FINANCIAL ASSISTANCE REQUEST

---

### SUMMARY

Council has received a request from the Berinba School Spectacular Choir for financial assistance with their upcoming trip to the Schools Spectacular in Sydney in November 2023.

### RECOMMENDATION

*That the request for financial assistance for the Berinba School Schools Spectacular Choir with \$3,500 from General Funds, for participation in the Schools Spectacular in Sydney in November 2023, be supported.*

---

### FINANCIAL IMPLICATIONS

This will reduce the forecast surplus for 2023/24FY by \$3,500.

### POLICY & LEGISLATION

Nil

### REPORT

A request has been received from the Berinba Public School Schools Spectacular Choir for financial assistance (refer [Attachment A](#)).

At the time Council's financial assistance grant applications were open, Berinba was not sure if the Choir would be able to attend the Spectacular. Now that it has certainty, the Choir is seeking financial assistance to assist their students to attend.

Council supported the Yass Valley High School and the Yass Primary School to the value of \$3,500 to attend the Schools Spectacular in Sydney in November 2023, as part of its 2023/24FY Section 356 Financial Assistance grant program.

It is recommended that Council provide the Berinba Public School Spectacular Choir with \$3,500 financial assisting, being the same amounts provided to other schools attending the Schools Spectacular.

### STRATEGIC DIRECTION

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

**ATTACHMENTS:** A. Berinba Letter [⇒](#)

## 6.13 GRANTS UPDATE: APRIL TO AUGUST 2023

### SUMMARY

In line with Council’s Community Strategic Plan and Delivery Program, Council staff continually source grant funding to assist council, community groups, and local businesses. This report outlines grant applications covering the period April to August 2023.

### RECOMMENDATION

*That the report on Community Grants be noted.*

### FINANCIAL IMPLICATIONS

Without grant funding, Council would be unable to provide various road and community programs to enhance the wellbeing of our residents. Grants are also essential to assist with Economic Development within the Yass Valley.

### REPORT

Table 1 outlines community grant applications that are either successful and underway, or awaiting approval for programs staff are working with community groups, individuals, or business.

Applications submitted	Funding provider	Community involvement	Total funding	Approved	Completed
<ul style="list-style-type: none"> <li>STA Country Arts Support Program</li> </ul>	Southern Tablelands Arts	Community Arts	\$3,000	TBC	
<ul style="list-style-type: none"> <li>Library community survey</li> </ul>	Charles Sturt University	Yass Valley Library	In-Kind	Yes	Underway
<ul style="list-style-type: none"> <li>Business Case &amp; Strategy Development Plan Funding</li> </ul>	Dept. Regional NSW	Southern Tablelands Councils – Goulburn Mulwaree, Upper Lachlan Shire, Queanbeyan-Palerang Regional, Hilltops, Yass Valley	\$175,000	Yes	Underway
<ul style="list-style-type: none"> <li>Community Reconnect Funding</li> </ul>	Dept. Premier & Cabinet	Over 20 community group and individual events	\$301,708	Yes	Underway
<ul style="list-style-type: none"> <li>STEM Community Partnerships Program</li> </ul>	CSIRO, Dept. Regional NSW	Yass High School and a local business	Community value	Yes	Underway
<ul style="list-style-type: none"> <li>Youth Spring Holiday Program</li> </ul>	Dept. Regional NSW	Several community groups and businesses	\$7,000	Yes	Underway
<ul style="list-style-type: none"> <li>Seniors Springs Festival</li> </ul>	Dept Regional NSW	Various	\$5,000	Yes	Underway
<ul style="list-style-type: none"> <li>2023 Small Business Month</li> </ul>	Small Business Commission	Yass Valley Business Chamber and local businesses	\$2,500	Yes	Underway

Table 2 is a summary of capital grants for recreation facilities. There are no new grant applications during the timeframe.

Project	Value	Commence date	Completion due date
SCCF5 – Skate Park Extension	\$500,000	June 2023	June 2025

Project	Value	Commence date	Completion due date
SCCF5 – Wee Jasper Carpark	\$200,000	June 2023	June 2025
SCCF5 – Murrumbateman Storage Shed	\$150,000	June 2023	June 2025
SCCF5 – Murrumbateman Field Irrigation	\$150,000	June 2023	June 2025
MSCFF – Murrumbateman Amenities Building	\$1,400,000	June 2023	June 2025
FFSCFF – Victoria Park Lighting Upgrade	\$450,000	June 2023	June 2025
Murrumbateman Playground	\$750,000	2023/24	2023/24
Bowling Cricket Pitch	\$20,000	2023/24	2023/24
Caravan Park BBQ Shelter	\$20,000	2023/24	2023/24
Bowling Playground	\$30,000	2023/24	2023/24
O’Connor Park Boat Ramp	\$50,000	2022/23	2022/23
Yass Cemetery Plinth & Irrigation	\$25,000	2022/23	2022/23

Table 3 is a summary of capital grants for roads.

Project	Status	Value	Completion due date
Local Roads and Community Infrastructure Program (LRCI) <ul style="list-style-type: none"> <li>Yass Memorial Hall – Stage 2 upgrade &amp; Drainage</li> <li>Memorial Hall – Floor Subsidence</li> <li>Murrumbateman Playground Project</li> <li>Gravel Re-sheeting</li> <li>Various Roads Delivery</li> </ul>	Commenced	\$1,351,673	30 June 2025
Regional and Local Road Repair Program Round 2 (RLR RP)	Commenced	\$2,295,489	29 Feb 2024
Fixing Local Roads Pothole Repair Round (FLR PRR)	Commenced	\$432,341	01 Jan 2024
Active Transport	Commenced	\$62,258	30 June 2024
Get Active NSW	Commenced	\$127,500	30 June 2024

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

Staff also distribute the Eden Monaro Grants Bulletin, NSW Government Grants, Business Australian Government site, and Grant Guru opportunities to community and businesses.

### STRATEGIC DIRECTION

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

**ATTACHMENTS:** Nil

**6.14 DISCLOSURES BY DESIGNATED PERSONS**

**SUMMARY**

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

**RECOMMENDATION**

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

**FINANCIAL IMPLICATIONS**

Nil.

**POLICY & LEGISLATION**

- *Local Government Act 1993*

**REPORT**

Section 440 *Local Government Act 1993*, prescribes that Council have a *Model Code of Conduct*. Under this section and as part of Council’s *Model Code of Conduct* designated persons are required to complete and lodge disclosures of their interests with the General Manager/Chief Executive Officer.

Annual Returns are required to be lodged each year prior to 30 September.

Part 4 Pecuniary Interests, s4.21 *Model Code of Conduct* states:

- 4.21 *A councillor or designated person must make and lodge with the general manager a return disclosing the councillor’s or designated person’s interests as specified within 3 months after:*
- (a) becoming a councillor or designated person, and*
  - (b) 30 June of each year, and*
  - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).*

Section 4.8 of the Code identifies that the Chief Executive Officer and other senior staff of Council are designated persons. Council may also identify a member of staff or a delegate or members of a Council committee to be considered a designated person.

Positions have been identified which are thought to fit within this definition. The occupants of those positions are considered designated persons in accordance with Section 4.8 of the Code. The table below lists the Councillors and the positions identified as designated persons.

The returns are considered open access information in accordance with the *Government Information (Public Access) Act 2009*. The returns are placed on a Register of Returns which is available for inspection and is tabled at the Council meeting in accordance with the requirements of 4.26 of the Code.

<b>COUNCILLORS</b>
Allan McGrath
Jasmin Jones
James Abbey
Kristin Butler
Cecil Burgess
Adrian Cameron
Cayla Pothan
Mike Reid
Kim Turner

<b>STAFF</b>	<b>POSITION</b>
Chris Berry	Chief Executive Officer
Nathan Cooke	Director Infrastructure & Assets
Terry Cooper	Manager Engineering Services
Kellie Jones	Support Engineer
Kamrul Hasan	Asset Engineer
Eddie Kobeissi	Development Standards Engineer
Tony Stevens	Manager Facility & Waste Assets
Adam Baker	Coordinator Fleet & Procurement
Kuga Kugaprasatham	Manager Water & Wastewater
<i>Vacant</i>	Operations Engineer Water & Wastewater
<i>Vacant</i>	Water & Wastewater Engineer
Nicholas Buchholz	Manager Roads Delivery
Seamus McGurk	Manager Maintenance Delivery
<i>Vacant</i>	Coordinator Waste Services
<i>Vacant</i>	Supervisor Facilities Maintenance
Julie Rogers	Director Planning & Environment
Mark Livermore	Manager Environmental Services
Amanda Dickens	Environmental Health Officer
Kacey-Lee Ireland	Assistance Environmental Health Officer
Brad McRae	Senior Compliance Officer
Megan Hoad	Compliance Officer
Carolina Merriman	Compliance Ranger
Brett Lees	Senior Biosecurity Weeds Officer
David Jarrett	Weeds Officer
Kate Baker	Manager Development Control
John Guiney	Building Surveyor
Jeremy Knox	Development Planner
Kate Withers	Development Planner
Bradley Peach	Building Surveyor
Vinh Ngo	Building Surveyor
Paige Frost	Coordinator Development Administration
Ian Dencker	Manager Strategic Planning
Shrey Chanchad	Strategic Planner
Rebecca Widdows	Natural Resource & Sustainability Officer
Peter Harvey	Manager Recreational Assets
Melinda Cooke	Senior Parks Projects Officer
Lynette Safranek	Director Corporate & Community
Lisa Garrett	Manager Organisation Development
Georgia Patmore	Manager Tourism & Business Liaison
Philip Hodge	Manager Governance & Risk
<i>Vacant</i>	Chief Financial Officer
Waqas Ahmed	Governance Officer
Craig Harman	Manager ICT
Gabby Iannelli	Manager Media & Communications

**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:** Nil



## 6.15 TENDER EVALUATION REPORT - SUTTON ROAD REHABILITATION SEG 35, STAGES 1 & 2 - YVC.IA.30.2023

### SUMMARY

This report provides advice and recommendations on the submission of tenders for the Sutton Road Rehabilitation Seg 35, Stages 1 & 2, Contract YVC.IA.30.2023.

### RECOMMENDATION

*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.*

### FINANCIAL IMPLICATIONS

The total budget for this project is \$1.1M, which is funded by the 2023/24 Regional Road Repair Program and the TfNSW Block Grant

### POLICY & LEGISLATION

- *Local Government Act 1993*

### REPORT

#### 1. Background

Council manages an extensive road network of over 1,200km throughout the Local Government Area (LGA). Council has received funding under the Regional Road Repair Program (RRRP) and in conjunction with internal funding intends to rehabilitate Sutton Road segment 35 - Stage 1 CH440 - CH990, 550m long section and Stage 2 CH0 – CH440, 440m long section, to provide an improved road surface, improve the serviceability of the road and improve safety.

#### 2. Tender

Tenders were called on 31 July 2023 and closed on 4 September 2023. Nine tenders were received, seven of which were conforming, from the following organisations:

Organisation	Address
Dale Hitchcock Civil Pty Ltd	21 Tralee Street Hume ACT 2620
Denrith Pty Ltd	17090 Hume Highway Goulburn NSW 2580
Form & Pour Civil Pty Ltd	1799 The Horsley Drive, Horsley Park NSW 2175
Fulton Hogan Industries Pty Ltd	5 Keevers Place, Kembla Grange, NSW 2526
Lentro Earthworks Pty Ltd	342 Wallaroo Road, Wallaroo NSW 2618
RECivil Pty Ltd	11 Despatch Street, Echuca VIC 3564
Roadworx Group Pty Ltd	56 Marley Place, Unanderra NSW 2526

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

**STRATEGIC DIRECTION**

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

**ATTACHMENTS:** Nil

## 6.16 TENDER EVALUATION REPORT - CONTRACTOR PROCUREMENT YASS CIVIC & CRAGO MILL CULTURAL PRECINCT - YVC.IA.22.2023

### SUMMARY

This report provides advice and recommendations on the submission of tenders for Contractor Procurement to finalise the design and construction of the Crago Mill Precinct.

### RECOMMENDATION

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

### FINANCIAL IMPLICATIONS

Funding for the project has been included in the current 23/24 Operational Plan.

### POLICY & LEGISLATION

- Local Government Act 1993

### REPORT

#### 1. Background

In April 2023 Council resolved to tender for a head contractor to submit pricing based on the 80% design plans. Council, in conjunction with APP Group, undertook procurement through the Tenderlink portal via a Public Tender process to attract Tier 1 and 2 building contractors for this project. A compulsory pre-tender registration meeting was held on 4 July 2023 with three contractors in attendance.

#### 2. Tender

Tenders were called on 22 June 2023 and closed on 17 August 2023. Two tenders were received from the following organisations:

Organisation	Address
David Payne Constructions Pty Ltd	Dubbo NSW 2830
FDC Building Pty Ltd	Forrest Lodge NSW 2037

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

### STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN3: Our existing community infrastructure is maintained, and we plan for and support the development of infrastructure that meets community need
Strategies	IN3.2 - 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 Crago Mill Precinct

**ATTACHMENTS:** Nil

**8.1 QUESTION WITH NOTICE - OPEN SPACE COMMITTEE**

---

Councillor Adrian Cameron submitted the following Question with Notice:

*How many times has the Open Space Committee met in 2023, and are more meetings planned and when is the final report expected to be presented to Yass Valley Council?*

**Response**

The Open Space Committee has not met in 2023.

Staff have reviewed the draft report and provided feedback to the consultant. There have been some delay with finalising the draft report due to the Council and consultant staff shortages. It is expected that a draft will be presented Council before the end of 2023.

**ATTACHMENTS:** Nil

## 8.2 QUESTION WITH NOTICE - ROOF REPAIRS YASS SOLDIERS MEMORIAL HALL

---

Councillor Adrian Cameron submitted the following Question with Notice:

*Have the roof repairs on the Yass Soldiers' Memorial Hall been completed on budget, and what if any repairs are currently underway on this Hall, and what are the planned completion dates for each of these?*

### **Response**

A progress report on the maintenance and upgrade of the Memorial Hall was presented to the Yass Soldiers Memorial Hall Advisory Committee meeting scheduled for the 14 September 2023. Unfortunately no quorum for the meeting was achieved.

Notice of the September 2023 Committee meeting and reports were uploaded to the Council Hub available to all Councillors.

The papers for the meeting included a comprehensive update and status of all the identified priority works for the hall.

In relation to the Stage 1 roof works the roof re-sheeting has been held up due to winter weather conditions also the contractor difficulties in supplying skilled workers to complete the job.

There have been several structural repair challenges to date. The contractor confirmed this week work will recommence to complete Stage 1 roof re-sheeting from 19 September 2023. It is anticipated that Stage 1 will be completed within 3 – 4 weeks.

Stage 2 of the roof repairs and resheeting works received \$460,000 funding under the Local Roads & Community Infrastructure Phase 4 grant program. The procurement process for this work has commenced.

**ATTACHMENTS:**    Nil

### 8.3 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 question was taken on notice at the August 2023 Council meeting with a report to be presented to the September 2023 Council meeting.

Since staff put the report to Council in September 2021 regarding Environment Upgrade Financing, we have come to realise that Council would be responsible for collecting the debt through its rating system (although the report says otherwise). Multiple staff have looked into this arrangement and there are two components preventing Council offering this type of arrangement:

- Attempts to incorporate this program into Council's rating system (Magiq) have failed, and
- The additional debt recovery processed would place an extra burden on Council's small Rates Team.

Therefore, we have not promoted this program.

**ATTACHMENTS:** Nil

## 8.4 QUESTION WITH NOTICE - DIRTY WATER

---

### Question

Councillor Cayla Pothan submitted the following Question with Notice:

*Why are some people getting really dirty water in town and some aren't? Can we please have an update on the water improvement timeline and what we can do as a council to help it move forward.*

### Response

Manganese and iron in the treated water supplied accumulates on the walls of pipelines over time. These accumulated scales can dislodge from the pipe wall when there are changes in temperature, flow velocity, direction of flow. Houses near the dead end of a water main may also experience incidents of water discoloration. This causes local incidents of discolouration. The accumulation and incidents are more likely to happen to those houses connected with galvanised iron water services.

The current approach is to flush the service or pipeline depending on the incident. This depends largely on residents reporting the dirty water issue to Council's Customer Service so that work crews can be deployed to flush the mains.

More effective methods such as air scouring or ice pigging to clean the pipes regularly is hindered due to the layout of the network. Funding from the election promise will be used to address the issue of water reticulation to address this issue and also replace the galvanised services. Public Works have been appointed to prepare a program of work and cost estimates. Physical works is due to commence later this year.

**ATTACHMENTS:** Nil

**9.1 MINUTES OF THE CRJO AUDIT, RISK & IMPROVEMENT COMMITTEE HELD ON 7 JUNE 2023**

---

**REPORT**

The minutes of the CRJO Audit, Risk & Improvement Committee meeting held on 7 June 2023 are included in **Attachment A**.

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

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

Accordingly the minutes are presented for information.

**RECOMMENDATION**

*That the minutes of the CRJO Audit, Risk & Improvement Committee meeting held on 7 June 2023 be noted.*

**ATTACHMENTS:** A. CRJO Audit, Risk & Improvemnt Committee Minutes 7 June 2023 [⇒](#)



## 9.2 MINUTES OF THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE HELD ON 29 AUGUST 2023

---

### REPORT

The minutes of the Economic Development Advisory Committee meeting held on 29 August 2023 are included in **Attachment A**.

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

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

### RECOMMENDATION

*That the minutes of the Economic Development Advisory Committee meeting held on 29 August 2023 and adopt the following recommendations:*

#### **Item 5.1 Priority Setting for the Economic Development Committee**

*That Council note the following prioritised list of actions agreed upon by the Economic Development Committee members:*

- *Infrastructure to maintain population in Yass, such as secondary source of water for Yass Valley for future security*
- *Economic Development Strategy (included as part of Regional EDS)*
- *Ngunnawal Heritage Centre (dynamic and living way)*
- *Affordable housing*
- *Hawthorn development*
- *Barton Highway*
- *Murrumbateman: Crown Land (school site); Satellite Visitor Centre, etc.*
- *Yass main street activation*
- *Trail developments: arts, food & wine, etc.*
- *Industrial Land opportunities*

**ATTACHMENTS:** A. Economic Development Advisory Committee Meeting Minutes 29 August 2023 [⇨](#)

### 9.3 MINUTES OF THE YOUTH COUNCIL MEETING HELD ON 11 SEPTEMBER 2023

---

#### REPORT

The minutes of the Youth Council meeting held on 11 September 2023 are included in **Attachment A**.

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

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

#### RECOMMENDATION

*That the minutes of the Youth Council meeting held on 11 September 2023 be noted and the following recommendation adopted:*

##### **Item 5.4 Youth Council Activities for the Next 12 Months**

*That the Youth Council work with Council staff to investigate the following activities (as either permanent or one off activities): ice skating; tennis event; Chess boards in the Parks; Croquet course for youth; Pickle Ball; Scient competition; power cart racing; and softball field (requested from youth members of the public).*

**ATTACHMENTS:** A. Youth Council Minutes 11 September 2023 [⇒](#)

**9.4 MEETING NOTES OF THE YASS SOLDIERS MEMORIAL HALL ADVISORY COMMITTEE HELD ON 14 SEPTEMBER 2023**

---

**REPORT**

The meeting notes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 14 September 2023 are included in **Attachment A**.

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

**RECOMMENDATION**

*That the meeting notes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 14 September 2023 be noted.*

**ATTACHMENTS:** A. Yass Soliders Memorial Hall Advisory Committee Meeting Notes 14 September 2023 [⇒](#)

**9.5 MINUTES OF THE BANGO WIND FARM COMMUNITY ENHANCEMENT FUND COMMITTEE HELD ON 14 SEPTEMBER 2023**

---

**REPORT**

The minutes of the Bango Wind Farm Community Enhancement Fund Committee meeting held on 14 September 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 Bango Wind Farm Community Enhancement Fund Committee meeting held on 14 September 2023 be noted.*

**ATTACHMENTS:** A. Bango Wind Farm Community Enhancement Fund Committee Minutes 14 September 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 - Sutton Road Rehabilitation Segment 35, Stages 1 & 2 - YVC.IA.30.2023**

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.

**10.2 Tender Evaluation Report - Contractor Procurement Yass Civic & Crago Mill Precinct Development - YVC.IA.22.2023**

Item 10.2 is confidential in accordance with section s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and section s10(A)(2)(dii) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.