



## **Ordinary Meeting of Council**

**Thursday 26 October 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**

**November 2023**

**Thursday 23rd**

**4.00pm**

**Ordinary Meeting of Council**

# Ordinary Meeting of Council

## A G E N D A

Open Forum

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### Webcasting

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

### Acknowledgement of Country

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

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- 10.1 Tender Evaluation Report - Provision of Caravan Park Management Services -  
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**Close of Meeting Time**

**Chris Berry**

**CHIEF EXECUTIVE OFFICER**



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

**Thursday 28 September 2023**

4.00pm

Council Chambers

209 Comur Street, Yass

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## Open Forum

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

- **6.3 Development Application No DA165253C – Change in Fence Design, 36 Rose Street, Murrumbateman**  
Christopher Erskine
- **6.4 Development Application No DA220274 – Landscaping Material Supplies Business – 757 Mulligans Flat Road, Sutton**  
John Grbesa  
Lisa Dart (via Teams)  
  
Floss Rutter (via Teams)  
Josip Jukic (via Teams)  
  
Tony Redman  
Tom Simunic (via Teams)  
Robert Batkovic (via Teams)
- **6.5 Development Application No DA210165 – Boarding house – 141 Meehan Street, Yass**  
John McGrath
- **6.6 Interim Heritage Order – Wee Jasper Fishermen’s Shacks, Swinging Bridge**  
Lisa Robinson  
Ty Mullens  
Adrian King

**Council Meeting - The Mayor declared the meeting open at 5.00 pm.**

### Present

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

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

### Acknowledgement of Country

#### 1. Prayer

#### 2. Apologies

***RESOLVED that apologies be received from Councillor Butler and leave of absence be granted.***

***(Turner/Pothan) 179***

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

AGAINST: Nil



### **3. Declaration of Interest/Disclosures**

**Councillor Burgess** declared a pecuniary conflict of interest in Item 9.5 – Minutes of the Bango Wind Farm Community Enhancement Fund Committee and stated that he believed his interest would preclude him from voting.

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

**Councillor Cameron** declared a non-significant, non-pecuniary conflict of interest in Item 6.5 – Development Application DA210165 – Boarding House – 141 Meehan Street, Yass and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Cameron declared an interest as he lives close to the site but does not share a property boundary.

### **4. Confirmation of Minutes**

***RESOLVED that the minutes of the Ordinary Council Meeting held on 24 August 2023 covered by resolution numbers 159-178, inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.***

***(Burgess/Abbey) 180***

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

AGAINST: Nil

### **5. Mayoral Minute**

Nil

### **6. Reports to Council**

#### **6.1 ELECTION OF MAYOR AND DEPUTY MAYOR**

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#### **SUMMARY**

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

#### **Election of Mayor**

In accordance with the *Local Government (General) Regulation 2005 (Schedule 7)* the Chief Executive Officer as Returning Officer called for nominations for the position of Mayor. He advised that there was one nomination for the position of Mayor, being Councillor McGrath. The Chief Executive Officer called for any further nominations. No further nominations were made.

**As there was only one nomination for the role of Mayor, the Chief Executive Officer, as Returning Officer declared Councillor McGrath elected as Mayor for September 2023 to September 2024.**

**RESOLVED that :**

- 1. The method of electing the Deputy Mayor be by Ordinary Ballot with the returning officer declaring the number of votes for each candidate.**
- 2. The Chief Executive Officer proceed with the election of the Deputy Mayor.**

**(Turner/Burgess) 181**

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

AGAINST: Nil

**Election of Deputy Mayor**

In accordance with the *Local Government (General) Regulation 2005 (Schedule 7)* the Chief Executive Officer as Returning Officer called for nominations for the position of Deputy Mayor. He advised that there were two nominations for the position of Deputy Mayor, being Councillors Pothan and Jones.

Councillors Pothan and Jones addressed the Council.

An election was held by ordinary ballot vote with the following result:

Councillor Pothan – 5

Councillor Jones –3

**The Chief Executive Officer, as Returning Officer, declared Councillor Pothan, with an absolute majority of votes, elected as Deputy Mayor for September 2023 to September 2024.**

## **6.2 PROPOSED HUMELINK TRANSMISSION LINE**

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### **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 Rind 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 accommodation 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 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*

**RESOLVED that :**

**1. A submission be made to the Department of Planning & Environment on the proposed HumeLink transmission line:**

- ***Opposing the use of above ground transmission lines in favour of undergrounding power lines for the Humelink Project to protect the interests of farmers, landowners, volunteer fire fighting service personnel and the environment; and***
- ***Seeking the inclusion of the following requirements in any approval that may issue for above ground transmission lines:***
  - ***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 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*

**3. Council meet with neighbouring Councils to investigate forming a coalition to continue to fight for undergrounding HumeLink.**

**(Jones/Reid) 182**

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

AGAINST: Nil

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

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**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.*

**MOTION**

***RESOLVED that the application to modify Development Consent DA165253B for the construction of a 1500mm high timber fence with white square steel posts be refused, as the fence does not contribute to the streetscape and residential amenity of the locality.***

**(Jones/Reid) 183**

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

AGAINST: Nil

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

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##### **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.

**RESOLVED 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.*

*(Jones/Reid)* 184

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

AGAINST: Nil

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

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##### **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.

**RESOLVED 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.*

**(Turner/Abbey) 185**

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

AGAINST: Nil

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

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### **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.

### **RESOLVED 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.*

**(Pothon/Burgess) 186**

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

AGAINST: Nil

## 6.7 YASS WATER TREATMENT PLANT UPGRADE PROJECT UPDATE

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### SUMMARY

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

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

**(Reid/Pothan) 187**

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

AGAINST: Nil

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

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### 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.

***RESOLVED 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.***

**(Turner/Pothan) 188**

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

AGAINST: Nil

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

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### SUMMARY

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

***RESOLVED 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.***

**(Turner/Abbey) 189**

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

AGAINST: Nil



## 6.10 INVESTMENT REPORT - JULY 2023

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### 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.

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

**(Reid/Turner) 190**

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

AGAINST: Nil

## 6.11 INVESTMENT REPORT - AUGUST 2023

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### 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.

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

**(Turner/Reid) 191**

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

AGAINST: Nil

## 6.12 FINANCIAL ASSISTANCE REQUEST

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### 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.

***RESOLVED 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.***

**(Pothan/Reid) 192**

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

AGAINST: Nil

### 6.13 GRANTS UPDATE: APRIL TO AUGUST 2023

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#### 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.

***RESOLVED that the report on Community Grants be noted.***

**(Pothan/Jones) 193**

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

AGAINST: Nil

### 6.14 DISCLOSURES BY DESIGNATED PERSONS

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#### SUMMARY

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

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

**(Abbey/Turner) 194**

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

AGAINST: Nil

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

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#### 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.

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

**(Turner/Abbey) 195**

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

AGAINST: Nil

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

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### 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.

***RESOLVED 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.***

(Turner/Abbey) 196

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

AGAINST: Nil

### 7. Notice of Motion

Nil

### 8. Questions with Notice

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

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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?*

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

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

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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?*

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

### 8.3 QUESTION WITH NOTICE - ENVIRONMENTAL UPGRADE FINANCING

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#### 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](#).

#### MOTION

**RESOLVED that Council does not proceed with the environmental upgrade financing system option due to the challenges of implementation.**

**(Jones/Pothan) 197**

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

AGAINST: Councillor A Cameron

### 8.4 QUESTION WITH NOTICE - DIRTY WATER

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#### 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.*

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

## 9. Minutes and Recommendations of Council Committees

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

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

**(Reid/Pothan) 198**

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

AGAINST: Nil

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

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**RESOLVED** 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**

(Jones/Reid) 199

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

AGAINST: Nil

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

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**RESOLVED** 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; Science competition; power cart racing; and softball field (requested from youth members of the public).**

(Pothan/Abbey) 200

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

AGAINST: Nil

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

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

***(Turner/Pothan) 201***

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

AGAINST: Nil

At 06:09 pm Councillor Burgess left the Chambers.

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

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

***(Abbey/Pothan) 202***

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

AGAINST: Nil

At 06:10 pm Councillor Burgess returned to the Chambers.

### **10. Confidential Matters**

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

#### ***10.1 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.***

***(Turner/Abbey) 203***

## Minutes of the Ordinary Meeting of Council held on 28 September 2023

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

AGAINST: Nil

Closed Council commenced at 6.10 pm.

***RESOLVED that the meeting move into Open Council.***

***(Abbey/Reid) 204***

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

AGAINST: Nil

Open Council resumed at 6.21 pm.

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

***(Pothan/Jones) 205***

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

AGAINST: Nil

### **10.1 TENDER EVALUATION REPORT - SUTTON ROAD REHABILITATION SEGMENT 35, STAGES 1 & 2 - YVC.IA.30.2023**

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#### **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.

***RESOLVED that the tender submitted by Lentro Earthworks Pty Ltd under the Contract YVC.IA.30.2023 for the Sutton Road Rehabilitation Segment 35, Stages 1 & 2, be accepted for a total cost of \$1,021,261.90***

***(Jones/Burgess) 206***

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

AGAINST: Nil

### **10.2 TENDER EVALUATION REPORT - CONTRACTOR PROCUREMENT YASS CIVIC & CRAGO MILL PRECINCT DEVELOPMENT - YVC.IA.22.2023**

---

#### **SUMMARY**

This report provides advice and recommendations on the submission of tenders for Contract Procurement for the Yass Crago Mill Precinct development.

**RESOLVED that :**

- 1. Both Tenders for the Crago Mill Precinct development be rejected.**
- 2. The Chief Executive Officer and his nominated staff be authorised to enter into negotiations with both tenderers to identify savings in build cost to provide further assurance of capacity for cost increases and price variations within the budgeted price.**
- 3. A further report on the preferred contractor be brought back to Council for determination on the outcome of negotiations. This report to include referee and financial checks on the preferred contractor.**

**(Turner/Abbey) 207**

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

AGAINST: Nil

The meeting closed at 6.22 pm.



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## 6.1 DEVELOPMENT APPLICATION NO. DA230294 - SHED WITH AMENITIES AND SWIMMING POOL - 37 CAMP STREET, MURRUMBATEMAN

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### SUMMARY

To present the assessment of Development Application DA230294 for a storage shed with amenities and swimming pool at 37 Camp Street, Murrumbateman. The application is reported to Council due to the size of the shed. It is recommended that consent be issued for the swimming pool, however relevant concerns relating to the size of shed cannot be addressed by conditions and refusal is recommended.

### RECOMMENDATION

*That:*

1. *Conditional Development Consent be issued for Development Application No DA230294 for the swimming pool at 37 Camp Street, Murrumbateman.*
2. *The shed with amenities proposed in Development Application No DA230294 is refused on the following basis:*
  - *It is not compatible with the existing development in the locality. The scale and height of the proposed shed is significantly greater than any other shed within Fairley.*
  - *The scale of the shed, as a result of the height, will have an adverse impact on the streetscape and character of the locality and Fairley generally, particularly when viewed from Fairley Street, which is one of the main streets. This is exacerbated as result of the lack of any architectural or visual features due to the inherent nature of the shed's built form.*
  - *The shed is not consistent with the objectives of the RU5 Village zone under the Yass Valley Local Environmental Plan 2013 as it is not considered to be development which is compatible with the village character in the locality.*

### 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*
- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Exempt & Complying Codes) 2008*
- *Yass Valley Local Environmental Plan 2013*
- *Building Line – Urban Policy*
- *Application Assessment and Decision-Making Policy*
- *Yass Valley Development Contributions Plan 2018*
- *Biodiversity Conservation Act 2016*
- *Local Government Act 1993*
- *Roads Act 1993*

## REPORT

### 1. Application Details

Date Received	-	26 June 2023
Land	-	Lot 138 DP 1226974
Area	-	1,242m <sup>2</sup>
Zoning	-	RU5 Village

### 2. Site Description and Locality

The site is located in an area characterised by village development known as “Fairley”, including predominantly residential houses and outbuildings. A dentist practice however is located opposite the site on the northern side of Fairley Street.

The site is located on the corner of Camp and Fairley Street. There is an existing dwelling with attached garage that fronts Camp Street. The site slope falls from the existing dwelling towards the east. There is an existing sewer easement located along inside the eastern boundary.

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

### 3. Proposal

The submitted application involves:

- Installation of a swimming pool
- Demolition of existing shed
- Construction of a shed with amenities
- Construct of a retaining wall

Details of the proposal are included in [Attachment B](#).

### 4. Public Exhibition

Public exhibition included notice to seven adjoining and nearby landowners and no submissions have been received.

### 5. Assessment

The proposed development has been assessed against the requirements of s4.15 *Environmental Planning & Assessment Act 1979*. It is considered that the proposed development can be supported for the swimming pool, but the storage shed cannot be support for the reasons outlined in the Assessment Report (refer [Attachment C](#)).

The following planning issues have been identified:

#### 6.1 Size of Shed

The proposed shed with amenities is 8m wide x 11m wide, but with a height of 4.8m to the eave or approximately 6.6m to the ridge. Concern was identified during the assessment in relation to the scale of the shed as a result of the height and the impact this will have on the streetscape when viewed from Fairley Street (refer to [Attachment D](#)).

The height of the proposed shed is generally more consistent with a large lot rural-lifestyle setting or a rural property. For the purposes of scale comparison, Council may be familiar with the following sheds:

- 7 Adele Street, Yass (visible from rear of the Council administration office carpark) – 9m (W) x 6m (W) and 3.6m to the eave or 4.475m to the ridge.
- 3 Rayner Place, Yass (visible from Yass Valley Way) – 12m (W) x 18m and 5m to the eave and 6.2m to the ridge.

The location of the proposed shed is to the rear of the existing dwelling house. The land falls from the rear of the dwelling towards the east and the proposed shed is located towards the bottom of the site. The site plan and supplementary details prepared by the Applicant's planning consultant suggest that the proposed storage shed will adopt a finished ground level at the lowest natural ground level contour of the site – i.e. resulting in a site cut of up to approximately 1m towards the dwelling house. However, the elevation drawings do not clearly show existing and proposed finished ground levels.

It was suggested to the Applicant during the assessment that they consider reducing the size of the proposed shed. For the purposes of understanding what may be an appropriate size, the Applicant was advised:

- NSW State Environmental Planning Policy (Exempt and Complying Codes) 2008 allows for outbuildings such as sheds to be up to 4.8m in height above natural ground level (i.e. to the ridge) as 'complying development' in a village/residential zone.
- Council is working on a Draft Development Control Plan (DCP) and the current draft control is suggesting that outbuildings such as sheds should not exceed 4.2m to the ridge or 3.2m to the eave in a residential or village area.

In response, the Applicant has engaged a planning consultant who has indicated that they are unwilling to reduce the size of the shed, and that the abovementioned controls have no weight for the purposes of the assessment (refer **Attachment E**). The response also outlined that, in their view, the size of the shed was appropriate for the following reasons:

- The scale and mass is consistent to the character of the area.
- The proposed development will have no unacceptable amenity impacts upon nearby residential development or the natural environment.
- The proposal has been prepared to create an appealing ancillary residential development within Murrumbateman.
- The location of the storage shed complies with Council's setback policies.
- Whilst the storage shed may be slightly taller than some surrounding sheds, the elevated nature of the neighbouring house means that it is not out of character of the area and creates an appealing visual amenity.
- The height of the shed is necessary as it will be used for a home gym including climbing ropes etc.

It is important to note that the controls referenced above do not have any legislative weight. However, in assessing a Development Application, s4.15 *Environmental Planning & Assessment Act 1979* also requires merits-based consideration of impacts and the suitability of the site of the proposed development. In this instance, the abovementioned controls can be used for assistance and guidance in undertaking the merits-based assessment.

A review of the existing sheds in the Fairley Estate on residential lots has been undertaken and there does not appear to be any of similar height. There is an existing shed located on nearby 36 Middle Street (shown in background of image in **Attachment D**) which presents as relatively large in the streetscape, but in comparison is smaller in all measurements and particularly height:

	<b>Proposed 37 Camp Street</b>	<b>Existing 36 Middle Street</b>	<b>Difference:</b>
<b>Width</b>	8m	7m	+1m
<b>Length</b>	11m	9m	+2m
<b>Height to eave</b>	4.8m	3m	+1.8m
<b>Height to ridge</b>	6.6m	3.875m	+2.725m

The merits-based assessment has concluded that there remains concern about the proposed shed due to its scale, which is as a result of the height. It is therefore recommended that the shed be refused as:

- It is not compatible with the existing development in the locality. The scale and height of the proposed shed is significantly greater than any other shed within the Fairley Estate.
- The scale of the shed, as a result of the height, will have an adverse impact on the streetscape and character of the locality and Fairley generally, particularly when viewed from Fairley Street, which is one of the main streets. This is exasperated as result of the lack of any architectural or visual features due to the inherent nature of the built form of the shed.
- The shed is not consistent with the objectives of the RU5 Village zone under the *Yass Valley Local Environmental Plan 2013* as it is not considered to be development which is compatible with the village character in the locality.
- Approval would set an undesirable precedent on the size of sheds that may then be considered acceptable on residential lots within the Fairley Estate and predominantly residential areas of the Yass Valley more generally.

If Council wishes to provide the Applicant further opportunity to revise the proposal, it is suggested that a maximum height of 4.8m above natural ground level be stipulated.

## **6.2 Vehicular Access to Storage Shed**

The subject property is located on the corner of Camp and Fairley Streets, with the vehicle access currently to the garage attached to the dwelling via Camp Street.

It was identified during the assessment that the location of proposed pool will prevent practical vehicle access to the proposed shed along the side of the dwelling from the existing access on Camp Street. In this regard, it was queried with the Applicant whether a secondary access to Fairley Street was being proposed, particularly given the large size of the shed and its similar scale roller doors.

The Applicant's planning consultant responded by advising that there was no legislative requirement that insists on practical vehicle access being available to the shed, and the intended use of the shed does not require vehicle access. There are issues identified with a secondary access from Fairley Street if this was to be later proposed (such as by a future owner).

## **6.3 Location of Shed in relation to Easement**

The proposed shed is located immediately adjacent to the sewer easement. If Council were to grant approval for the shed, conditions would need to be included which require:

- Demonstrating that the footings of the shed will not adversely impact the sewer main.
- That access to the easement and sewer boundary riser can be maintained at all times for maintenance purposes.
- No earthworks to be undertaken within the easement.

## **7. Conclusion**

From the assessment of the proposal, it is recommended that a Development Consent for the swimming pool only be issued. Draft conditions are included in **Attachment F**. It is recommended that the storage shed with amenities be refused.

If Council were of the mind to grant Development Consent for the proposed shed with amenities, it would be suggested this be subject to conditions which include:

- Landscaping using mature plantings along the Fairley Street property boundary (however plantings/species will need to be suitable in proximity to the sewer line)
- Use of a corrugated profile cladding instead of monoclad cladding
- Prohibiting vehicle access from Fairley Street
- Those relating to protection of the sewer easement

### 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

<b>ATTACHMENTS:</b>	A. Locality Plan ➡
	B. Plans ➡
	C. s.4.15 Assessment ➡
	D. Streetscape Views ➡
	E. Applicant's Planning Response ➡
	F. Draft Conditions (Swimming Pool) ➡

## 6.2 REVISED RENEWABLE ENERGY POLICY

### SUMMARY

To present the outcomes of the public exhibition of the revised Renewable Energy Policy. Adoption is recommended.

### RECOMMENDATION

*That:*

1. *The revised Renewable Energy Policy be adopted as publicly exhibited with a revised title of 'Renewable Energy Development Projects Policy'.*
2. *The requirements of the Renewable Energy Development Projects Policy be incorporated into the comprehensive Development Control Plan currently being prepared.*
3. *Consideration be given in future Delivery Programs and Operational Plans for the inclusion of resources for a broader renewable energy policy.*

### FINANCIAL IMPLICATIONS

Nil

### POLICY & LEGISLATION

- Renewable Energy Policy

### REPORT

At its meeting on 24 August 2023 Council determined to place a revised *Renewable Energy Policy* on public exhibition (refer [Attachment A](#)).

Following the public exhibition of the revised policy four submissions have been received (refer [Attachment B](#)).

The consistent theme in the submissions is that the revised policy is 'not a policy' but a 'political statement' and a renewable energy policy needs to be much broader.

This view is a misunderstanding of the purpose of the policy which is clearly stated in the objectives. The policy was developed to detail Council requirements for Development Applications for renewable energy projects (whether they are State Significant Developments determined by the State Government or renewable energy projects below the State thresholds, which Council can determine).

The policy is in fact a de facto Development Control Plan – Council has developed planning policies in the absence of a comprehensive Development Control Plan (DCP). DCPs are planning documents to assist with guiding development assessment and approvals by detailing Council's expectations for the development.

Council currently has many planning policies that are used as though they are DCPs which have guided a wide range of developments in Yass Valley. While not in the form of a DCP under the *Environmental Planning & Assessment Act 1979* the policies are routinely being used to assess Development Applications and, in several instances, have been presented to and accepted by the Land & Environment Court in planning appeals.

It is acknowledged that the renewable energy policy requirements should be included in the proposed comprehensive DCP currently in draft form and being reviewed by planning staff. In the absence of this DCP it is considered that the revised renewable energy policy be adopted as exhibited as an interim policy. For greater clarity it is suggested the title be revised to '*Renewable Energy Development Projects Policy*'. A copy of the revised *Renewable Energy Development Projects Policy* is included in [Attachment C](#).

The submissions are clearly seeking a broader strategic approach to Council's position of renewable energy. This is separate to a policy simply focused on setting development standards and requirements for Development Applications for renewable energy projects.

There are currently no resources included in the Delivery Program and Operational Plan for a broader strategic renewable energy project, however it could be considered in future Integrated Planning and Reporting processes.

## 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. Revised Renewable Energy Policy (Public Exhibition Version) [⇒](#)
  - B. Submissions [⇒](#)
  - C. Revised Renewable Energy Development Policy [⇒](#)

## 6.3 TFNSW EXECUTIVE LEADERSHIP SAFETY SUMMIT

### SUMMARY

To present an overview of the TfNSW Executive Safety Leadership Summit held in Sydney on 11 and 12 October 2023.

### RECOMMENDATION

*That the report of the TfNSW Executive Safety Leadership Summit and the signing of the common commitment to work, health and safety for TfNSW and Regional Councils by the Chief Executive Officer be noted.*

### FINANCIAL IMPLICATIONS

Resources for addressing work health and safety requirements are included in the Operational Plan.

### POLICY & LEGISLATION

- *Work Health & Safety Act 2011*

### REPORT

The Mayor, Director Infrastructure & Assets and Chief Executive Officer attended the TFNSW Executive Safety Leadership Summit in Sydney on 11 and 12 October 2023.

The purpose of the summit was to:

- Provide an overview of a workplace death on a road maintenance project at Walgett
- Present an outline of the responsibilities of persons conducting a business or undertaking (PCBU) under the *Work Health & Safety Act 2011* including:
  - Identifying critical risks
  - Having an active WHS program
  - Visibility of senior staff at work sites
  - Commissioning health and safety compliance audits every 3 years

The death of a worker at Walgett resulted in the Walgett Shire Council pleading guilty and being fined \$50,000 and TfNSW entering into an enforceable undertaking aimed at improving workplace safety culture.

The key messages from the summit included the need for Councils and TfNSW:

- To identify critical risks in their organisations e.g.
  - Hazardous substances
  - Height, falls and confined spaces
  - Electrical
  - Traffic Management
  - Volunteers
  - Contractors
  - Mobile plant
  - Psychosocial
- To have a WHS model based on leadership, governance, support, prevention, management and compensation



- To have an active WHS program
- To have regular WHS audits

The key outcome from the summit was a signed common commitment to work, health and safety for TfNSW and regional Councils by their Persons Conducting a Business or Undertaking representatives (refer **Attachment A**). Under the *Work Health & Safety Act 2011* the PCBU for Council is the General Manager/Chief Executive Officer.

### **STRATEGIC DIRECTION**

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

**ATTACHMENTS:** A. Common Commitment to Work, Health & Safety [⇒](#)

## 6.4 RATES ARREARS

### SUMMARY

This report is to provide an update council on rate arrears to the end of the first quarter of the 2023/24 financial year. Rate arrears totalled \$1,472,547.22 at 30 June 2023 and has now been reduced to \$1,277,170.71 as of 30 September 2023. This represents an improvement of \$195,376.51 or 13.27 %.

### RECOMMENDATION

*That the rates arrears report be noted.*

### FINANCIAL IMPLICATIONS

Nil.

### POLICY & LEGISLATION

- Debt Recovery Policy.

### REPORT

#### Arrears as of 30 September 2023

	Rates and Charges Levied (inc. interest)	Paid 1 July to 30 September	Balance Outstanding	Percent Paid 1 July to 30 Sept
Arrears to 30/6/2023	\$1,472,547.22	\$195,376.51	\$1,277,170.71	13.27%
Current Years Rates, Charges and Interest billed since 1/7/2023	\$22,063,437.79	\$6,963,787.84	\$15,099,649.95	31.56%
<b>TOTAL</b>	<b>\$23,535,985.01</b>	<b>\$7,159,164.35</b>	<b>\$16,376,820.66</b>	<b>30.42%</b>

Council deals with hardship applications on a case-by-case basis. For the first quarter of 2023/24, Council has received one hardship application which is under consideration.

In comparison to the same period for 2022/23, \$14,236,859.70 was the balance outstanding as of 30/9/2022. This represented 31.58% of the total rates and charges paid.

### 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

## 6.5 INVESTMENT REPORT - SEPTEMBER 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 September 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.*

*Inflation in Australia has passed its peak but is still too high and will remain so for some time yet. Timely indicators on inflation suggest that goods price inflation has eased further, but the prices of many services are continuing to rise briskly, and fuel prices have risen noticeably of late.*

*Growth in the Australian economy was a little stronger than expected over the first half of the year. But the economy is still experiencing a period of below-trend growth, and this is expected to continue for a while.*

*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.*

*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 outcome.*

*Source: Statement by Michele Bullock, Governor: Monetary Policy Decision – RBA -03/10/2023*

#### 2. Summary of movements in Council Investments

Five investments totalling \$6.2M matured during September 2023, and monies were reinvested on new term deposits with higher interest rate. In addition to the term deposits that were rolled over Council invested a total of \$3M in three new term deposits during the month of September.

### 3. Council Cash, Cash Equivalent, and Term Deposit Investments at 30 September 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-	1,042,872.40	A1+/AA-	n/a	n/a	at call	
Tcorp Strategic Cash Facility	778	5,086,931.02	AAA	n/a	n/a	3 day call	
		<b>6,129,803.42</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	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	898276870	1,500,000.00	A1+/AA-	26/04/23	25/10/23	182	4.50%
NAB	700564704	1,500,000.00	A1+/AA-	22/08/23	20/11/23	90	4.90%
NAB	364753222	1,200,000.00	A1+/AA-	06/09/23	05/09/24	365	5.20%
NAB	821149857	1,500,000.00	A1+/AA-	06/09/23	05/09/24	365	5.20%
NAB	296182199	1,000,000.00	A1+/AA-	13/09/23	12/09/24	365	5.20%
NAB	898243980	1,000,000.00	A1+/AA-	20/09/23	19/09/24	365	5.25%
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	CN065876	1,000,000.00	A2/BBB	30/06/23	03/01/24	187	5.60%
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%
Bandigo & Adelaide Bank	CN065878	1,000,000.00	A2/BBB+	30/06/23	28/03/24	272	5.40%
Bank of Queensland	CN065877	1,000,000.00	A2/BBB+	30/06/23	24/04/24	299	5.50%
Great Southern Bank	CN065879	1,000,000.00	A2/BBB	30/06/23	24/05/24	329	5.63%
AMP	CN065875	1,000,000.00	A2/BBB	30/06/23	26/06/24	362	5.70%
Great Southern Bank	CN067016	1,000,000.00	A2/BBB	05/09/23	04/09/24	365	5.22%
MyState Bank	CN067069	1,500,000.00	A2/BBB+	06/09/23	05/09/24	365	5.15%
Great Southern Bank	CN067017	1,000,000.00	A2/BBB	05/09/23	11/09/24	372	5.22%
Great Southern Bank	CN067018	1,000,000.00	A2/BBB	05/09/23	18/09/24	379	5.22%
		<b>28,610,464.40</b>					
<b>Total Short Term</b>		<b>34,740,267.82</b>					

### 4. Council Loans

Council has four loans with a balance of \$13.7M owing on 30 September 2023. The table below provides loan details.

General Loan	Principal as at	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	8,059,298.78	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
<b>Total balance as at 30/09/2023</b>	<b>13,680,156.15</b>		

### 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

## 6.6 2023/24 FIRST QUARTERLY BUDGET REVIEW STATEMENTS

### SUMMARY

This report represents the 2023/24 First Quarterly Budget Review Statements (QBRs) for the period 1 July to 30 September 2023. This review demonstrates Council's projected year end **Net Operating Result from Continuing Operations** remains positive and is predicted to be \$2.9M, with actuals as at 30 September 2023 the budget is sitting at a \$14.7M result for the first quarter.

### RECOMMENDATION

*That:*

1. *The 2023/24 First Quarterly Budget Review Statements and approve adjustments, as detailed in the report be adopted.*
2. *In accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position at 30 September 2023 be noted as being satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.*

### FINANCIAL IMPLICATIONS

The details of Council's projected year end operating result before capital changes for the 2023/24 financial year are contained within the report below.

### POLICY & LEGISLATION

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

### REPORT

This Quarterly Budget Review Statements (QBRs) presents a summary of Council's financial position as at 30 September 2023 for the 2022/23 financial year.

With some adjustments, Council is now forecasting a **Net Operating Result from Continuing Operations** of \$2.9M for the 2023/24 Financial Year budget. At 30 September the actual budget is sitting at \$14.7M mainly due to timing of income and expenditure.

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

### Recommended Changes to Revised Consolidated Budget

- Note 1
  - WHS incentive actual grant fund received adjustment (\$2,423), State Library grant received (\$17,618)
- Note 2
  - Strong Country Communities grant received Round 5 (\$1M)
- Note 3
  - Increase of 2.69% interest charge for Hunter Premium funding instalment payment plan (\$15,220)

- Note 4
  - Reallocation of funds from Yass Mainstreet Space Plan (\$10,722.70) to Village Masterplans (-\$10,722), New operating grant project for Active Transport Safety (\$65,000)
  - North Murrumbateman Masterplan (\$50,000), Settlement Strategy Murrumbateman Land investigation (\$54,735), Engineering Design Standards (\$50,000), Riverbank Vegetation Management Plan (\$20,000), Public Tree Management Strategy (\$25,000), and Planning Portal Integration (\$80,000)

### Recommended Changes to Consolidated Capital Budget

- Note 1
  - Combined effect of a reduction on roads CAPEX due to Yass River Bridge Replacement project and Murrumbateman Creek Bridge Replacement project being delayed due compulsory land acquisition, and increase in CAPEX dues to natural disaster funding, Get NSW Active, and CPTIGS
- Note 2
  - Increase in CAPEX due to unexpended grant reserve related to LG Recovery 2023 Grant
- Note 3
  - Increase in construction costs for Murrumbateman Recreation Grounds Dog Park (\$80,000). Grant funded projects: Wee Jasper Reserve Carpark Upgrade Recreational Assets (\$200,000), Victoria Park Skate Park Extension SCCF 0232 5 Rec Assets (\$500,000), Murrumbateman Recreation Ground Sports Storage Shed SCCF 5 (\$150,000), and Murrumbateman Sports Field Irrigation Installation SCCF 0232 (\$150,000).

### Consultancy and Legal Expenses

Below is a breakdown of the consultancy and legal expenses for the period 1 July to 30 September 2023:

- Consultants
  - Australia Pacific: Council Buildings Valuations
  - Maddocks Lawyer: Procurement Procedures and Procurement Plan template
  - Genium Civic: Kerb design Comur Street Project
  - CBR Consulting: Engineering Drawings
- Legal
  - Maddocks: land acquisition
  - Bradley Allen: Planning legal assistance with environmental proceedings and legal advice for other matters
  - Knight Frank: probity advice
  - Pikes & Vereker: legal advice

Council is asked to adopt the 2023/24 First Quarterly Budget Review Statements and approve the adjustments detailed in this report.

### 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. 2023/24 First Quarterly Budget Review Statements [↗](#)

## 6.7 SPRING SENIORS, SCHOOL HOLIDAY, AND NAIDOC PROGRAMS

### SUMMARY

This report provides a summary of the activities undertaken as part of Council's Spring Seniors, Spring School Holiday, and NAIDOC community programs.

### RECOMMENDATION

*That the Spring Seniors, School Holiday, and NAIDOC programs report be noted.*

### FINANCIAL IMPLICATIONS

These events were provided through budgeted funds, as well as a \$7,000 grant from the NSW Government for the Spring School Holiday program.

### POLICY & LEGISLATION

Nil

### REPORT

We started spring 2023 with a Seniors program which saw 120 seniors attend from across the Yass Valley over a two-week period. Following feedback from the 2022 seniors' program, the spring program was developed to entice more male seniors in our community to participate, to continue to provide opportunities for our seniors and youth to spend time together, as well as hold events around the Yass Local Government Area. Refer **Attachments A and B** for photos and the program.

The week commencing 18 September 2023, Council's Acting Community/Grants Officer worked with the Aboriginal Consultative Committee and the Onerwal Land Council to host events to celebrate NAIDOC in Yass. The program commenced on Monday 18 September 2023 with a Flag Raising event, followed by morning tea at the Yass Memorial Hall and NAIDOC Storytime at the Yass Library. The program also included the Scar Tree acknowledgement event on Saturday 23 September 2023. Refer to **Attachments C and D** for the program and photos.

Council finished off our Spring community programs with the school holiday program. Staff were successful in applying for a \$7,000 grant from Regional NSW Government for our Spring School Holiday program. We had 255 children register and participate in the program. Activities included:

- Kite Making; craft sessions, and movie at the Library.
- A bus trip into Questacon in Canberra, which was sold out in one day.
- A Yass Lawn Bowls event. We have four children who attended the holiday event join the Club for at their Open Day the following Saturday. This event was also sold.
- We added two horse trail riding events into the program, which sold out within 2 days. The rides were held over two days as the provider could only accommodate five riders at a time. A 16-year-old boy who participated commented "I can't believe I'm doing something like this, it's amazing".

Staff are pleased that we are starting to attract older youth to our activities through ensuring that there are activities of interest for 15-18 year olds. Refer to **Attachments E and F** for the program and photos.

Staff are starting to plan our community programs earlier than we did in the past, to assist us to reach more community members (both seniors and youth). For example, our programs for the summer, autumn and winter school holiday programs are already underway.

Staff are also looking at ways to improve our communication on social media and around the villages. This will include information regarding upcoming events, as well as reminders leading up to events.

We have also introduced Eventbrite bookings for the past few programs and are working to improve the registration to capture more details. This will allow us to promote upcoming events to the wider community, as well as ensure Council is protected in relation to insurance and risk for all activities.

**STRATEGIC DIRECTION**

CSP Theme	Our Community
CSP Strategy Objective	CO4: We celebrate our diverse cultural identify and heritage
Strategies	CO4.1 - Traditional Owners and First Nations people historic and ongoing connection to Country is recognised and supported
Delivery Program Action	Participation in community events

- ATTACHMENTS:**
- A. 2023 Spring Seniors Program Wrap Up [⇒](#)
  - B. 2023 Spring Seniors Flyer [⇒](#)
  - C. 2023 NAIDOC Program [⇒](#)
  - D. 2023 NAIDOC Flyer [⇒](#)
  - E. 2023 Spring School Holiday Program [⇒](#)
  - F. 2023 School Holiday Flyer [⇒](#)



## 6.8 2023 YASS VALLEY COMMUNITY LATE NIGHT SHOPPING AND CHRISTMAS PARADE

### SUMMARY

Council staff assist community groups to provide an annual Community Late Night Shopping and Christmas Parade event over two nights in December. The events are planned for the 14 and 21 December 2023. This report is looking for financial and in-kind assistance from Council to ensure the events can continue due to the withdrawal of key community members due to their inability to assist this year.

### RECOMMENDATION

*That an additional budget allocation of \$22,000 from General Funds to the 2023 Community Late Night Shopping and Christmas Parade events be approved.*

### FINANCIAL IMPLICATIONS

An allocation of \$22,000 from Council's General Fund will reduce the overall budget for this same amount.

### POLICY & LEGISLATION

Nil

### REPORT

Since 2021, Council staff have assisted community groups and members to coordinate the Yass Valley Community Late Night Shopping and Christmas Parade. Due to unforeseen circumstances two key community groups have had to withdraw their support this year and the responsibility has fallen back to Council staff to coordinate and run these two events.

This event has attracted approximately 3,000 people at the events in 2021 and 2022. The attendees are mainly from within the Yass Valley Local Government Area, with some from Canberra and surrounding Local Government Areas.

The main event is the Christmas Parade and Late Night Shopping (with both main street businesses and market stalls) on 14 December 2023. Comur Street will be closed to traffic from 4.30pm. The Christmas Parade will commence at 6.00pm. Comur Street will reopen to traffic at 8.00pm.

Table 1 below provides the actual expenditure and income for the 2022 event. Table 2 shows the estimates expenditure and income for the 2023 events.

**Table 1**

<b>Actual</b>	<b>Description</b>	<b>Paid by</b>
\$3,000	Social media promotions additional advertising	Council in-kind
\$50	Printing flyers, parking notices, street closure	Grant
\$1,200	VMS Signage - Promotional x 2	Council in-kind
\$250	2 Corflute Signs at entrances	Grant
\$1,800	VMS Signs - Road Closure x 2	Council in-kind
\$15,000	Traffic Control - Care Traffic	Council Budget
\$4,628	Snow Globe Christmas Parade	Grant
\$995	Petting Zoo	Grant
\$600	Celtic Pipe Band	Grant
\$2,000	Bins - disposal	Council in-kind
\$420	Reindeers - 6 (one off)	Grant
\$200	Lollies for Santa to hand out	Grant
\$8,000	Council staff hours and equipment provided	Council in-kind
\$5,000	Volunteer hours provided for free	Volunteer

\$-	Santa school representatives	Volunteer
\$200	Christmas lights on Comur St trees (installed for free)	Grant/Volunteer
\$2,000	Gift vouchers for children gifts from Santa	Grant
<b>\$43,343</b>	<b>Total Expenditure</b>	
\$2,000	Windfarm Grant	
\$7,000	State Government Reconnect Grant	
\$15,000	Council - external Traffic Control	
<b>\$24,000</b>	<b>Total Income</b>	
<b>\$19,343</b>	<b>Council in-kind contribution</b>	

Table 2

<i>Estimate</i>	<i>Description</i>	<i>Paid by</i>
\$3,000.00	Radio, News Print and Social Media Promotions	Council
\$50.00	Printing flyers, parking notices, street closure	Council
\$1,200.00	VMS Signage - Promotional x2	Council
\$1,120.00	14 Courflute signs to be placed in Yass and Villages	Council
\$900.00	Market stall map design	Council
\$1,800.00	VMS Signage - Road Closure x 3	Council
\$4,000.00	Traffic Control in-house and council vehicle decorations	Council
\$1,800.00	VMS Signage - Road Closure x 2 (23rd Nov to 14th Dec)	Council
\$1,600.00	200 x Bollards + Tape	Council
\$995.00	Petting Zoo at late night shopping and parade night	Council
\$-	Santa and school representatives	Volunteer
\$2,500.00	Bins + Disposal (additional bins)	Council
\$200.00	Lollies for Santa to hand out	Council
\$3,000.00	Gift vouchers for Santa to hand out to children	Grant
\$10,000.00	Santa slay - carriage + horses	Council
\$8,000.00	Council staff and equipment	Council
\$3,000.00	Volunteer hours provided for free	Volunteer
<b>\$41,665.00</b>	<b>Total estimated expenditure</b>	
\$2,500.00	YazzBar Sponsorship	
\$2,500.00	Stall registration fee	
\$15,000.00	Current Council Budget - initially for external Traffic Mgmt	
<b>\$20,000.00</b>	<b>Total Income</b>	
<b>\$21,665.00</b>	<b>In-kind or Volunteer equivalent</b>	

As mentioned earlier in this report, this event attracts approximately 3,000 to the Yass Valley per event. It not only provides economic benefit to the retail shops and the markets, but it meets Council commitment to provide community event to assist community member wellbeing.

To ensure the community has another successful event, this report recommends Council allocate an additional \$22,000 toward these community events.

**STRATEGIC DIRECTION**

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

**ATTACHMENTS:** Nil

## 6.9 TENDER EVALUATION REPORT - PROVISION OF CARAVAN PARK MANAGEMENT SERVICES - YVC.PE.41.2023

### SUMMARY

This report provides advice on the submission of tenders for a contract for the provision of management services for the Yass Caravan Park.

### RECOMMENDATION

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

### FINANCIAL IMPLICATIONS

The Caravan Park is a commercial activity of Council and the contract management charges are provided for in the 2023/24 budget.

### POLICY & LEGISLATION

- Local Government Act 1993
- Procurement Policy

### REPORT

#### 1. Background

Tenders were sought for the provision of caravan park management services via Council's e-tendering portal at [www.Tenderlink.com/yass/](http://www.Tenderlink.com/yass/) from 23 August to 13 September 2023. The contract advertised was a four year term with provision for two, three year extensions (i.e. a total of 10 years).

Details of the tender evaluation process, the tendered prices and the recommendations are provided in a separate confidential report.

#### 2. Tender

Two tenders were received from the following organisations:

Organisation	Address
Belgravia Pro	20 Longstaff Rd Bayswater VIC 3153
Fast Facilities Services	26/45/51 Huntley St Alexandria NSW 2015

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	IN3.3 - Manage assets in a proactive way across their lifespan
Delivery Program Action	Completion and upgrading of Asset Management Plans for all asset classes

### ATTACHMENTS: Nil

## **7.1 NOTICE OF MOTION - SAFETY OF YASS VALLEY CHILDREN AND YOUTH TRAVELLING TO THE ACT FOR EDUCATION**

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Councillor Kristin Butler has given notice that at the Ordinary Council Meeting on 26 October 2023, she will move the following motion.

### **MOTION**

*That Council writes to the appropriate government representative, including the Member for Goulburn, Wendy Tuckerman MP, to advocate for the safety of Yass Valley children and youth during physical bus transportation from NSW to the ACT, and at the Hall Bus Interchange when travelling to the ACT for education.*

### **REASONS**

There has been an incident that has unfolded at Hall Bus Interchange last week where a male was arrested in the public toilets for being indecent. Hall Interchange sees at least 100 Yass Valley youth traversing through there twice a day, left unattended for up to 20 minutes each time. There is no supervisor.

The bus culture is also changing, and seeing vaping, obscene language, bullying and pornographic material on mobile phones being shown to children as young as six. We need to ensure that children are protected to the best of our ability.

Councillor: Kristin Butler

17 October 2023

### **Chief Executive Officer Comments**

Hall is located within the ACT and TfNSW has no jurisdiction in the ACT.

The bus culture can be raised with TfNSW and the bus companies in addition to the Member for Goulburn.

A message around 'stranger danger' may be best delivered by the schools that Yass Valley students attend in the ACT. However, Council could mention this issue via social media and raise the issue with the Hall & District Progress Association which covers the 2618 postcode.

**ATTACHMENTS:** Nil

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## 8.1 QUESTION WITH NOTICE - DIRECT NEGOTIATIONS OVER CRAGO MILL DEVELOPMENT

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### Question

Councillor Adrian Cameron submitted the following Question with Notice:

1. *How does the Yass Valley Council resolution of 28 September 2023 regarding the Crago Mill precinct, ensure that it complies fully with Office of Local Government Tendering Guidelines in Section 3.19 when the reasons for declining to advertise and invite fresh tenders are not included in the resolution and the resolution fails to include the possible option to re-tender?*
2. *What assurance can be given to our community that the conduct of any direct negotiations over the Crago Mill redevelopment will be done in compliance with the other points listed in Section 3.19 of the OLG Tendering Guidelines?*

### Response

The tender for the Crago Mill Precinct were advertised in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2021* and the *Office of Local Government (OLG) Tendering Guidelines*. The tender process was overseen by Council's solicitors.

In the Crago Mill Precinct Tender, Council determined to decline both tender submissions. Under *Local Government (General) Regulation 2021*, s178(3)(e) states that when Council does not accept the tenders Council can enter into negotiations with any person (whether or not the person was not a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.

Council's reasons for determining to enter into negotiations with the tenderers was clearly stated in the resolution i.e. to enter into negotiations with both tenderers to identify savings in build cost to provide further assurance of capacity for cost increases and price variations within the budgeted price. By selecting this approach, it follows that the other options under the guidelines have been determined as not necessary in this instance.

On advice from Council's solicitor and in accordance with the *OLG Tendering Guidelines* a tender negotiation plan has been prepared to guide negotiations and includes:

- Preparation of a negotiation plan and strategy includes aims, objectives, constraints and agreed minimum bargaining positions along with a formal communication protocol covering regular meetings, written exchanges, document exchanges, dealing with urgent matters, recording of meetings and the roles and responsibilities of all team members
- Expert technical and legal advisers are involved at the appropriate times
- Comprehensive documentation of the planning, process and results of the negotiations is maintained

While the tendering process has not yet been completed, the negotiation plan and other associated documents remain confidential. The outcomes of the negotiations will be presented to a future Council meeting.

By following the legislative requirements and *OLG Tendering Guidelines* this provides the assurance that the correct procedures are being complied with.

**ATTACHMENTS:**    Nil

**9.1 MINUTES OF THE ABORIGINAL CONSULTATIVE COMMITTEE MEETING HELD ON 7 SEPTEMBER 2023**

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**REPORT**

The minutes of the Aboriginal Consultative Committee meeting held on 7 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 Aboriginal Consultative Committee meeting held on 7 September 2023 be noted.*

**ATTACHMENTS:** A. Aboriginal Consultative Committee Minutes 7 September 2023 [⇒](#)

## 9.2 MINUTES OF THE MURRUMBATEMAN PLAYGROUND PROJECT COMMITTEE HELD ON 16 OCTOBER 2023

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### REPORT

The minutes of the Murrumbateman Playground Project Committee meeting held on 16 October 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 Murrumbateman Playground Project Committee meeting held on 16 October 2023 be noted.*

**ATTACHMENTS:** A. Murrumbateman Playground Project Committee Minutes 16 October 2023 [⇒](#)



### 9.3 MEETING NOTES OF THE PUBLIC ART FOCUS GROUP HELD ON 9 OCTOBER 2023

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#### REPORT

The meeting notes of the Public Arts Focus Group meeting held on 9 October 2023 are included in **Attachment A**.

From these meeting notes 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 meeting notes are presented for information.

#### RECOMMENDATION

*That the meeting notes of the Public Art Focus Group meeting held on 9 October 2023 be noted.*

**ATTACHMENTS:** A. Public Arts Focus Group Meeting Notes 9 October 2023 [⇒](#)

## 10 Confidential Matters

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### 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 - Provision of Caravan Park Management Services - YVC.PE.41.2023**

Item 10.1 is confidential in accordance with section s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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.