



Ordinary Meeting of Council

**Thursday 23 May 2024
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

June 2024

Thursday 27th

4.00pm

Ordinary Meeting of Council

Ordinary Meeting of Council

A G E N D A

Open Forum

Page No.

Webcasting

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

Acknowledgement of Country

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.

1. Prayer

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Nil

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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:

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Close of Meeting Time

Chris Berry
CHIEF EXECUTIVE OFFICER



Minutes of the Ordinary Meeting of Council

Wednesday 24 April 2024

5.00pm

Council Chambers

209 Comur Street, Yass

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Council Meeting - The Mayor declared the meeting open at 4.00 pm.

Present

Councillors Allan McGrath, Mayor, in the chair, Jim Abbey, Cecil Burgess, Adrian Cameron, Jasmin Jones (remotely via Teams), Cayla Pothan, Mike Reid and 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

Councillor Request for Attendance via Audio-Visual

RESOLVED that the request for remote attendance by Councillor Jones be approved due to her absence from the local area due to prior commitments.

(Pothan/Abbey) 75

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

AGAINST: Nil

1. Apologies

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

(Reid/Abbey) 76

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

AGAINST: Nil

2. Declarations of Interest/Disclosures

Chris Berry, Chief Executive Officer declared a pecuniary conflict of interest in Item 5.1 Mayoral Minute – Chief Executive Officer’s Request for Contract Renewal and stated that he would be leaving the Chambers.

Reason: Chris Berry declared an interest as the report relates to his employment at Council.

Julie Costa, Director Planning & Environment declared a non-significant, non-pecuniary conflict of interest in Item 10.1 – Additional 2024/24 Community Financial Assistance Applications and stated she would remain in the Chambers.

Reason: Julie Costa declared an interest as she attends classes at the Valley Boxing Gym.

3. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 28 March 2024 covered by resolution numbers 47-74 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

Note: *The addition of the foreshadowed motion in relation to Item 10.5 –Minutes of the Chief Executive Officer's Performance Review Committee, be included in the Confidential Minutes.*

(Reid/Burgess) 77

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

AGAINST: Councillor Cameron and Turner

At 05:08 pm Chris Berry, Chief Executive Officer left the Chambers.

5. Mayoral Minute

5.1 MAYORAL MINUTE - CHIEF EXECUTIVE OFFICER'S REQUEST FOR CONTRACT RENEWAL

SUMMARY

To provide an update in relation to the Chief Executive Officer's request for a contract renewal.

RESOLVED that the new 3 year contract for the Chief Executive Officer with a \$300,000 per year salary package (comprising of salary and superannuation) be noted.

(McGrath/Reid) 78

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

AGAINST: Councillors A Cameron and K Turner

At 05:20 pm Chris Berry, Chief Executive Officer returned to the Chambers.

6. Reports to Council

6.1 OPEN SPACE STRATEGY - CONSIDERATION OF SUBMISSIONS

SUMMARY

To present the outcomes of the exhibition of the draft Yass Valley Open Space Strategy. It is recommended that the Strategy be adopted subject to minor amendments.

RESOLVED that :

1. The Yass Valley Open Space Strategy be adopted subject to the following:

- ***Reference to Sutton Common should be amended to Sutton Reserve***
- ***Include reference to Sutton District Community Association and Sutton Landcare as providing maintenance services in the Open Space Strategy***
- ***Include BBQ areas for Sutton Recreation Ground in item ACTP7***
- ***The strategy note the informal use of areas for equestrian trails throughout Yass Valley under "Equestrian"***

- *The Strategy be corrected to indicate that the fitness stations at Murrumbateman are not yet complete and there is no dedicated space for fitness and exercise activities at Murrumbateman*
 - *Recommendation MD26 be split into two separate actions being:*
 - (1) *Establish a dedicated sporting precinct on new greenfield site in Hawthorn land owned by Council of at least double rectangular equivalent sporting field and full size oval; and*
 - (2) *Plan and construct new sporting fields and ovals, potentially co-located near future schools.*
 - *Include the words 'or near' the two public open space areas in recommendation MD27 relating to the location of pedestrian and cycleways*
 - *The recommendations as they related to Murrumbateman be renumbered*
 - *The ratios of open space that are currently undersupplied and will be undersupplied in the future should both be highlighted*
 - *Include a general recommendation that the culture of the Aboriginal Community is important in the Yass Valley and the continued engagement of the Local Aboriginal Land Council and the local Aboriginal Community is necessary in implementing the actions and recommendations of the Strategy*
 - *Open Space shall be located, designed and constructed to withstand extreme weather events*
 - *The vision of the Strategy be amended to recognise that open space has multi faceted benefits*
 - *Wherever possible biodiversity considerations should be taken into account in the management and maintenance of open space*
 - *Amend MD34 to include cultural themes and include an overall guiding principle at the beginning of the Strategy in regard to the preservation of open space around cultural and heritage items and areas.*
 - *BBRW 7 be amended to retain the playground at the community hall and that Council investigate options to enter into a Memorandum of Understanding for the maintenance of the playground.*
2. *Staff commence the investigation to obtain approval for camping at the Bowning Recreation Ground*
 3. *Council investigates the feasibility of establishing a walking trail near Reddall Street and establishing habitat links between the rail trail and Cooks Hill as well as in Hovell Street between Pollux and Castor Streets*
 4. *A request for an assessment of traffic safety, particularly the intersection of Barton Highway and Wallaroo Road be made to the Traffic Committee*
 5. *A request for consideration of a pedestrian crossing at Sutton Road/Camp Street/Victoria Street be made to the Traffic Committee*
 6. *The final report be prepared incorporating the amendments and be considered to be adopted once the amendments are made in accordance with the recommendations in item 1.*
 7. *Council acknowledge the work of the Yass Valley Open Space Project Committee and extend their thanks for providing oversight on this project.*

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

AGAINST: Nil

6.2 WEE JASPER FISHERMEN'S SHACKS - HERITAGE LISTING IN THE YASS VALLEY LOCAL ENVIRONMENTAL PLAN 2013

SUMMARY

Council has received an applicant-initiated Planning Proposal to include 9 cabins located on Lot 7008 DP 96171 and adjacent Nottingham Road reserve, in Schedule 5, Items of Environmental Heritage of *Yass Valley LEP 2013*. A Heritage Statement supports the application to include the cabins and assesses their significance to the local, regional and national heritage values.

RESOLVED that :

- 1. The Planning Proposal to include 9 cabins at Swinging Bridge Reserve, Nottingham Road, Wee Jasper in Schedule 5 of the Yass Valley Local Environmental Plan 2013 be referred to the Department of Planning, Housing & Infrastructure (DPHI) for a gateway determination.***
- 2. The Department of Planning, Housing & Infrastructure be advised that Council does not wish to utilise delegations as the Local Plan Making Authority (LPMA) for the Planning Proposal.***

(Turner/Pothan) 80

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

AGAINST: Nil

6.3 APPLICATIONS UPDATE - FEBRUARY & MARCH 2024

SUMMARY

A list of applications that have been lodged, determined and under assessment for February and March 2024.

RESOLVED that the report on applications for February and March 2024 be noted.

(Reid/Abbey) 81

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

AGAINST: Nil

6.4 PUBLIC EXHIBITION - INTEGRATED PLANNING & REPORTING DOCUMENTS

SUMMARY

This report provides an overview of the draft 2024-25 Operational Plan, draft 2024-2034 Long Term Financial Plan, draft 2024-25 Revenue Statement, reviewed 2022-26 Delivery Program, draft Workforce Management Plan, and reviewed Asset Management Strategy, for placement on public exhibition for at least 28 days. During public exhibition Council will receive feedback in the form of written submissions no later than 4.00pm on Monday 27 May 2024. The documents will be reviewed in line with submissions and presented to Council for adoption at the June Council Meeting.

RESOLVED that:

- 1. the draft 2024-25 Operational Plan with the amended Ad Valorem, draft 2024-2034 Long Term Financial Plan, draft 2024-25 Revenue Statement, reviewed 2022-26 Delivery Program, draft Workforce Management Plan, and reviewed Asset Management Strategy be placed on public exhibition until 27 May 2024 for public feedback.**
- 2. A report be prepared for Council on the most suitable Yass Mainstreet Masterplan projects for consideration.**

(Reid/Turner) 82

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

AGAINST: Nil

6.5 INVESTMENT REPORT - MARCH 2024

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 March 2024. 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 March 2024 be noted.

(Abbey/Reid) 83

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

AGAINST: Nil

6.6 YASS VALLEY BUSINESS CHAMBER AWARDS 2024

SUMMARY

Member for Goulburn, Wendy Tuckerman MP officially declared the Awards open at the Yass Valley Business Chamber Breakfast on Friday 5 April 2024, urging the community to “get on board and celebrate the amazing businesses in the Yass Valley”. This report is for Council to consider a sponsorship to support the Awards.

RESOLVED that a Gold Award Sponsor for the Yass Valley Business Chamber Awards 2024 be purchased.

(Turner/Abbey) 84

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

AGAINST: Nil

6.7 ADDITIONAL 2024/25 COMMUNITY FINANCIAL ASSISTANCE APPLICATIONS

SUMMARY

At the March 2024 Council Meeting, applications for 2024/25FY Community s356 Financial Assistance by community groups and organisations, or individuals were considered. Unfortunately, there were three applications that were overlooked and are presented to this meeting for consideration.

RESOLVED that item is classified CONFIDENTIAL in accordance with Section 10A(2)(b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the personal hardship of a resident or ratepayer.

(Turner/Abbey) 85

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

AGAINST: Nil

6.8 MURRUMBATEMAN STP IRRIGATION SUPPLY AND INSTALLATION

SUMMARY

This report provides advice on the submission of tenders for the Murrumbateman STP Irrigation System Supply and Installation.

RESOLVED that this item is 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) 86

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

AGAINST: Nil

6.9 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.

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

(Pothan/Burgess) 87

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

AGAINST: Nil

6.10 SAFETY IMPROVEMENTS STEPHENS STREET BINALONG - CLOSURE OF RICHMOND STREET INTERSECTION TO TRAFFIC

SUMMARY

To provide details of TfNSW safety improvements proposed for Stephens Street, Binalong and the associated TfNSW request to close the Richmond Street intersection with Stephens Street to traffic.

RESOLVED that :

- 1. The TfNSW safety improvements proposed for Stephens Street Binalong be supported in principle.***
- 2. The TfNSW proposal to close the Richmond Street intersection with Stephens Street to traffic be supported.***

(Turner/Reid) 88

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

AGAINST: Nil

7. Notice of Motion

7.1 NOTICE OF MOTION - YASS WATER TREATMENT PLANT

MOTION

That Yass Valley Councillors and Yass Valley CEO and other staff as needed make the fixing of the Yass Valley Water Treatment Plant to meet the best standard and meeting community expectations for our water supply their top priority until it's fixed.

Note: The mover and seconder both accepted the changes to the motion.

RESOLVED that Yass Valley Councillors and Yass Valley CEO and other staff continue to make the fixing of the Yass Water Treatment Plant as their top priority.

(Cameron/Turner) 89

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

AGAINST: Councillor J Jones

8. Questions with Notice

Nil

9. Minutes and Recommendations of Council Committees

9.1 MINUTES OF THE CRJO JOINT AUDIT RISK & IMPROVEMENT COMMITTEE HELD ON 12 MARCH 2024

RESOLVED that the minutes of the CRJO Joint Audit Risk & Improvement Committee meeting held on 12 March 2024 be noted.

(Reid/Pothan) 90

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

AGAINST: Nil

9.2 MEETING NOTES OF THE YASS VALLEY OPEN SPACE STRATEGY PROJECT COMMITTEE HELD ON 25 MARCH 2024

RESOLVED that the Meeting Notes of the Yass Valley Open Space Strategy Project Committee meeting held on 25 March 2024 be noted.

(Turner/Cameron) 91

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 EXTRAORDINARY MEETING OF SOUTH WEST REGIONAL WASTE MANAGEMENT GROUP HELD ON 28 MARCH 2024

RESOLVED that the minutes of the South West Regional Waste Management Group Extraordinary Meeting held on 28 March 2024 be noted.

(Reid/Pothan) 92

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

AGAINST: Nil

9.4 MINUTES OF THE SOUTH WEST REGIONAL WASTE MANAGEMENT GROUP HELD ON 3 APRIL 2024

RESOLVED that the minutes of the South West Regional Waste Management Group meeting held on 3 April 2024 be noted.

(Turner/Pothan) 93

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

AGAINST: Nil

10. Confidential Matters

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

10.1 Additional 2024/25 Community Financial Assistance Applications

Item 10.1 is confidential in accordance with section s10(A)(2)(b) of the Local Government Act because it contains the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

10.2 Murrumbateman STP Irrigation System Supply and Installation

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/Pothan) 94

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 6.19 pm.

RESOLVED that the meeting move into Open Council.

(Abbey/Reid) 95

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 6.22 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Pothan/Turner) 96

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

AGAINST: Nil

10.1 ADDITIONAL 2024/25 COMMUNITY FINANCIAL ASSISTANCE APPLICATIONS

SUMMARY

At the March 2024 Council Meeting, applications for 2024/25FY Community s356 Financial Assistance by community groups and organisations, or individuals were considered. Unfortunately, there were three applications that were overlooked and are brought back to this meeting for consideration.

RESOLVED that :

- 1. An additional amount of \$3,499 be added to the \$85,526 2024/25 s356 Community Financial Assistance grants approved in March 2024, for inclusion in the draft 2024/25FY Operational Plan.**
- 2. All successful applicants be placed on public exhibition as part of the draft 2024/25FY Operational Plan.**

(Pothan/Burgess) 97

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

AGAINST: Nil

10.2 MURRUMBATEMAN STP IRRIGATION SYSTEM SUPPLY AND INSTALLATION

SUMMARY

This report provides advice on the submission of tenders for the supply and installation of an irrigation system at the Murrumbateman Sewage Treatment Plant (STP).

RESOLVED that the tender submitted by Waterland Pty Ltd for the Murrumbateman STP Irrigation System Supply and Installation be accepted for a total cost of \$435,623.00 (GST exclusive). A Provisional Sum of \$9,654.60 (GST exclusive) is also allocated.

(Turner/Reid) 98

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 6.23pm.



Minutes of the Extraordinary Meeting of Council

Thursday 9 May 2024
5.00pm
Council Chambers
209 Comur Street, Yass

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5.1	Yass Water Treatment Plant Upgrade - Final Business Case	3

Extraordinary Council Meeting - The Mayor declared the meeting open at 5.03 pm.

Present

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

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

Acknowledgement of Country

1. Prayer

2. Apologies

Nil

3. Declaration of Interest/Disclosures

4. Reports to Council

4.1 YASS WATER TREATMENT PLANT UPGRADE - FINAL BUSINESS CASE

SUMMARY

The Yass Water Treatment Plant Upgrade Project is a challenging and very high priority project for Council. This report provides a summary of the Final Business Case prepared with the participation of stakeholders and by addressing the recommendations of independent review (Gateway-2) organised by the Department of Planning and Housing Infrastructure (DPHI). The full business case is included in the Closed Session of this meeting for endorsement by the Council.

RESOLVED that this item is classified CONFIDENTIAL in accordance with Section 10A(2)(dii and f) 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, confer a commercial advantage on a competitor of the council and matters affecting the security of Council, Councillors, Council staff or Council property.

(Reid/Pothan) 99

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

AGAINST: Councillor A Cameron

5. 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:

5.1 Yass Water Treatment Plant Upgrade - Final Business Case
Item 5.1 is confidential in accordance with 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 section s10(A)(2)(f) of the Local Government Act because it contains matters affecting the security of the council, councillors, council staff or council property and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Jones/Pothan) 100

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

AGAINST: Nil

Closed Council commenced at 5.34 pm.

RESOLVED that the meeting move into Open Council.

(Reid/Turner) 101

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 6.01 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Turner/Pothan) 102

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

AGAINST: Nil

5.1 YASS WATER TREATMENT PLANT UPGRADE - FINAL BUSINESS CASE

SUMMARY

The Yass Water Treatment Plant Upgrade Project is a challenging and very high priority project for Council. This report provides a summary of the Final Business Case prepared with the participation of stakeholders and by addressing the recommendations of independent review (Gateway-2) organised by the Department of Planning & Housing Infrastructure (DPHI) for Council's endorsement.

RESOLVED that :

- 1. The Final Business Case for the Yass Water Treatment Plant Upgrade be endorsed.**
- 2. Council endorses the Final Business Case list of documents to be released to the public other than those:**
 - **Being commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council**
 - **Matters affecting the security of the Council, Councillors, Council staff or Council property.**
- 3. In the absence of any significant grant funding Council commits to the financing of the deficit to implement the project through loans and/or equity.**
- 4. Additional grants be sought to lessen the impact on the water supply customers.**

(Jones/Butler) 103

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

AGAINST: Nil

The meeting closed at 6.02 p.m.

6.1 MURRUMBATEMAN PLAYGROUND - SITE DETERMINATION

SUMMARY

To present the site recommendation report from Complete Urban and determine the preferred location for the construction of the Murrumbateman All-Abilities Playground.

RECOMMENDATION

That:

1. *The report from Complete Urban on the preferred location for the construction of the Murrumbateman All-Abilities Playground be noted.*
2. *The site location for construction of the Murrumbateman All-Abilities Playground be at the Murrumbateman Old School Site.*
3. *If it is not possible to deliver the playground at the Old School site then the Murrumbateman Recreation Grounds be considered the alternate subject to consultation with user groups and stakeholders.*

FINANCIAL IMPLICATIONS

Council has allocated \$200,000 in the 2023/24 Operational Plan for the site selection, community consultation, concept plans and detailed designs for an all-abilities playground in Murrumbateman.

It should be noted that the following funding is available for the construction of the playground:

- Investing in Our Communities Program - \$750,000 (Federal election promise).
- Local Roads and Community Infrastructure Grant (Phase 4) - \$116,000
- Development Contributions Reserve - \$228,611.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *2017 Parks and Playground Strategy*
- *Everyone Can Play Guidelines.*

REPORT

Council engaged Complete Urban to undertake consultation on the site selection, community preferences, concept plans and detailed design for the Murrumbateman All Abilities Playground. This is a staged process:

- Stage One – Site Determination / Community Consultation
- Stage Two – Draft Concept plans / Public Consultation
- Stage Three – Final Design plan / Tender Documentation

The consultant was provided with three potential locations within Murrumbateman:

- Murrumbateman Recreation Ground
- Murrumbateman Old Schoolhouse Site
- Greenfield Site – Lot 6 DP 1046081 (part of Hawthorn)

As part of the consultation Complete Urban held two drop-in sessions at the Murrumbateman Markets and held community group meetings with Council's Murrumbateman Playground Committee, Sustainability Committee and the Ngunnawal Community Representative Group.

Complete Urban has completed stage one of the process and provided Council with a site recommendation report. The report also took into consideration the Murrumbateman Community Association's cost benefit analysis which was undertaken in March 2023.

The consultant's report is included in **Attachment A** and the appendices are in **Attachment B**.

The consultant’s report has been presented to both the Murrumbateman Playground Project Committee and the Murrumbateman Recreation Ground Focus Group.

The Murrumbateman Playground Project Committee recommended that:

1. *Following consideration of community input, cost analysis and the consultant’s report with an emphasis on the SWOT analysis and first preference selection, that the Old School Site be adopted as the preferred location for the grant and reserved funded ‘All Abilities’ playground with appropriate parking and amenities upgrade.*
2. *The Committee also recommends further investigation of tourism and economic development opportunities at the Old School site building such as an onsite café/community book exchange and tourism information hub.*
3. *Council should address building improvement and overflow parking. Council considers contingency in the next budget cycle for funding for possible site contamination checks, water tank make-safe, fencing and contribution to public amenities and upgrade sewerage construction and connection. Construction should be sympathetic to the onsite heritage and be situated appropriately as per the consultant’s report.*
4. *Should the project be undeliverable at the Old School site for any time, site specific issues or cost constraints, the Murrumbateman Recreation Grounds be adopted as the alternate with further consultation with the Murrumbateman Recreation Grounds Focus Group and any identified stakeholders.*
5. *Once this playground has been delivered on the same side of Murrumbateman’s major population cluster (primary school, preschools, daycare centre, shops and pedestrian/cycle path links) then a future Category 1 playground be considered for the Murrumbateman Recreation Grounds in collaboration with user groups including the Field Days.*
6. *A further category 1 playground be pursued as part of Council’s North Murrumbateman Masterplan.*
7. *Council continues to advocate for a safe crossing of the Federal and State managed Barton Highway to and from the Recreation Ground.*

The Murrumbateman Recreation Grounds Focus Group determined:

That if the Murrumbateman Recreation Ground is the preferred location further consultation with the user groups be undertaken.

Based on the recommendation of the Murrumbateman Playground Project Committee, the Old Murrumbateman School Site is the preferred site for an All-Abilities Playground. If it is not possible to deliver the playground at this site then the Murrumbateman Recreation Grounds be considered the alternate subject to consultation with user groups and stakeholders.

STRATEGIC DIRECTION

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

- ATTACHMENTS:**
- A. Consultation Report [⇨](#)
 - B. Appendices [⇨](#)

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

SUMMARY

To present the assessment of a request to modify Development Consent DA200158 for three lot subdivision (consolidation and re-subdivision) at 20-24 Silver Street, Bowning. The modification requests to allow the lots to be created without being supplied with a grid electricity connection, seeking a variation to Council policy. This modification application request is similar to that considered and refused by Council in February 2023. Refusal is again recommended.

RECOMMENDATION

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

- *Clause 6.8 Yass Valley Local Environmental Plan 2013 requires Council to be satisfied of adequate arrangements for essential services, including the supply of electricity. In this instance an off-grid arrangement is not considered to be suitable for the supply of electricity to an RU5 Village lot as part of a development for subdivision, and therefore a modified Development Consent cannot be granted.*
- *The policy requires the supply of grid electricity to lots in subdivisions that are zoned RU5 Village as the suitable essential service arrangement. This is supported by the requirements of the Draft Yass Valley Development Control Plan 2024 which has recently been on public exhibition.*
- *The environmental planning grounds and circumstances are not unique to an extent that would warrant supporting the variation and departure from the policy requirements.*
- *The policy has been consistently applied. The inconsistent application of the policy is not considered to be consistent with the public interest pursuant to s4.15(e) Environmental Planning & Assessment Act 1979. Supporting the variation would set an undesirable precedent for the future application of the policy for electricity arrangements in subdivisions in the RU5 Village and residential zones across the Yass Valley.*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- *Yass Valley Local Environmental Plan 2013*
- *Electricity Supply and Telecommunications Service Policy for Subdivision Policy*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Community Engagement Strategy*

REPORT

1. Application Details

Date Received	-	4 April 2024
Land	-	20-24 Silver Street, Bowning
Area	-	6,060m ²
Zoning	-	RU5 Village

2. Site Description and Locality

The site is located on the corner of Silver Street and Harrow Street in an area characterised by village development, including dwelling houses and associated out buildings.

The site currently consists of three lots which are generally orientated north-south and are relatively long and narrow. There is an existing dwelling at the rear of 22 Silver Street, however the associated infrastructure is located across the existing lot boundaries.

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

3. Background and Proposal

The approved development involves a three lot subdivision, being a consolidation and re-subdivision of three lots into three lots. The proposal changes the boundaries from a north-south orientation to an east-west orientation, resulting in lots which are squarer rather than long and narrow and all with frontage to Harrow Street. A copy of the approved plan of subdivision is included as **Attachment B**.

In February 2023 Council considered a request to seek a variation to policy in order to allow the lots to be created without being supplied with a grid electricity connection, changing the proposed development to an off-grid arrangement. Council resolved to refuse the request to modify the Development Consent on the following grounds:

- Clause 6.8 *Yass Valley LEP 2013* requires Council to be satisfied of adequate arrangements for essential services, including the supply of electricity.
- The policy requires the supply of grid electricity to lots in subdivisions that are zoned RU5 Village as an adequate essential service arrangement.
- Supporting the variation would currently set an undesirable precedent for subdivisions in the RU5 Village and residential zones across the Yass Valley.
- The circumstances of the case are not unique to the extent that would warrant supporting the proposed variation.

Council is in receipt of another modification application seeking consideration of this same change. Details of the proposal are included in **Attachment C**.

4. Public Exhibition

Public exhibition was not required due to the proposed modification only requesting a variation in relation to the supply of electricity to the lots, which generally will not have adverse impact to neighbouring properties.

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 not be supported for the reasons outlined in the Assessment Report (refer **Attachment D**).

The key issue relates to the request to change to proposed electricity connection arrangement from grid to off-grid. This seeks a variation to Council's *Electricity Supply and Telecommunication Service for Subdivision Policy* which ordinarily requires a grid-electricity to be provided at time of subdivision. The modification proposes that instead the lots be serviced by an alternative off-grid arrangement (i.e. to be installed at time of future development) or for the future landowner to provide the grid connection at a later date.

The Applicant's supporting documentation again requests a variation, in summary, on the following basis:

- The policy is not an environmental planning instrument (such as the LEP) and is therefore not specifically required to be considered by Council when determining a Development Application – i.e., it has less weight or importance.

- It is reasonable to apply a level of flexibility to the Policy, similar to how the *Environmental Planning & Assessment Act 1979* requires flexibility of consideration of a Development Control Plan.
- Council is not constrained to place determinative weight on the controls just because of their prior consistent application, of the policy and should apply flexibility in circumstances of the case.
- The circumstances of the case are unique and deserve to be considered with flexibility.
- The cost of supplying electricity has been found to be prohibitively expensive in the order of \$205,000 plus GST.
- The proposal is for a consolidation and re-subdivision of land and does not create any additional lots – i.e. three existing lots being reconfigured into three lots.
- The planning outcome proposed is vastly more sensible than the current lot arrangement.
- Owners of the future lots would have the option to building a dwelling which is off grid (positive from an environmental perspective), or undertake the grid connection if they were in a financial position to do so.

The Applicant has also provided comments in response to the reasons of refusal in the previous modification:

- Clause 6.8 states that it is the 'supply of electricity' that maybe an essential service for a development; along with water, sewer, stormwater drainage, vehicle access and communications. It does not specify that the supply of electricity must be via the grid. As such, a solar panel/battery/generator arrangement is also able to facilitate a 'supply of electricity' that can satisfy this clause. In a similar way to tank water and onsite wastewater management can also address the supply of water and sewage management.
- In the scheme of environmental planning hierarchy there is no doubt that this Policy can be applied with flexibility in the right circumstances; and we submit those circumstances exist in this case.
- In environmental assessment under the Act there is no precedent in relation to merit consideration. This is well established and accepted via many Land & Environment Court decisions. The reason why that is the case, is that no two properties can present circumstances that are exactly the same. As such, there would be no precedent set by being flexible in these circumstances. In any event, if there was such a thing as precedent in merit based matters, we submit that the precedent already been set in relation to this property as there are currently two existing lots without power.
- The Act does not require the relative uniqueness of a circumstance to be considered when assessing an application under s.4.15. In any event the proposed amendment will result in a better built form outcome for Bowning as the three resultant lots are a better shape to support sensible residential development.

An assessment of the modification application has not identified any significant changes to the circumstances, or the request compared to that presented in the previous modification application.

Under clause 6.8 *Yass Valley LEP 2013*, Development Consent must not be granted unless Council is satisfied that essential services for the proposed development are available, or that adequate arrangements have been made to make them available when required, including for the supply of electricity:

6.8 Essential services

Development consent **must not** be granted to development unless the consent authority **is satisfied** that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

(b) the supply of electricity,

The policy then provides the direction on the arrangements that are considered to be suitable for proposed subdivisions, which is currently based broadly on the zoning of the land. The policy stipulates that in the RU5 Village zone the accepted arrangement for lots as a result of a subdivision is for a grid electricity connection, and for a Notice of Arrangement from Essential Energy to be submitted prior to the issue of a Subdivision Certificate. The policy does however recognise that alternative electricity arrangements are becoming increasingly desired and allows for these in subdivisions in certain rural or environmental zones (e.g. RU1 Primary Production and C4 Environmental Living).

The policy was last updated in 2018/19 and it was specifically intended to ensure that subdivisions in residential, village and business zones be supplied with grid electricity connection, rather than allowing for alternative arrangements. This was considered to ensure that electricity (as both an essential service and essential infrastructure) is provided by developers at time of subdivision, consistent with a general community expectation, preventing associated costs being transferred from developers to future purchasers, and to minimise the risk of creating substantial gaps in the infrastructure network (i.e. which may result in further issues with achieving grid connection for other nearby development as instead of each developer contributing to upgrade of the network to service development, gaps are created and potentially inhibiting opportunity for orderly development).

Council's recently exhibited *Draft Yass Valley Development Control Plan 2024* is consistent with the policy in requiring grid electricity connection to the boundary of lots as part of subdivisions in the RU5 Village zone.

Whilst the Applicant has also used a comparative example of rainwater tanks and onsite sewage management systems as alternatives to reticulated supplies as essential services, in areas where reticulated services are available generally there would also be an expectation/requirement that these connections are made at time of subdivision.

It is acknowledged that alternative off-grid arrangements are becoming increasingly desirable with technology improving to facilitate this, reflected by the current policy to allow such arrangements in certain zones. Supplying the grid connection at time of subdivision does not prohibit a future purchaser from deciding to run their dwelling house entirely off grid. However, there is also some concern about off-grid dwellings in village areas not connected to reticulated sewer. The onsite sewage management reports approved with the subdivision application recommends the installation of aerated wastewater treatment systems (AWTS) on the new lots, with these units generally needing a consistent electricity supply. Whilst off-grid electricity systems are improving and there are some measures (such as alarms) that can be installed to assist in managing this issue, the concerns are increased in the village setting compared to rural settings due to the small lot sizes and proximity to adjoining lots (i.e. in the event of a system failure and the associated environmental risks).

The circumstances of this particular case do have a degree of uniqueness in that there are already three existing lots (which are original portions) and the proposal involves reconfiguring them, rather than creating additional lots. Whilst the reconfiguration does result in an improved planning outcome, it also the vehicle for releasing the development potential of the lots for the developer given the location of the existing house and associated infrastructure in relation to the current boundaries. Council's approach to considering servicing arrangements for proposals involving a re-subdivision such as this has generally been the same as any other subdivision, i.e. to ensure that all necessary arrangements are made for the new layout and lots being created. Unfortunately, the cost of providing the electricity connection may have been higher than the developer anticipated, but this factor should not be given any significant planning weight in the context of considering whether the provision of essential services should be made. If it is not feasible to make the suitable arrangements for essential services, the proposed development may just not be suitable at this time.

Council has previously considered requests to vary the policy to allow for off-grid arrangements in urban and village settings and at this time has not supported any variation. It was identified in the previous reasons for refusal that not requiring a grid connection at time of subdivision here would create a precedent for future requests. The Applicant has suggested that in environmental assessment under the Act there is no precedent in relation to merit consideration, and that this is well established and accepted in many Land & Environment Court decisions on the basis of no two properties being exactly the same. Whilst it is accepted that each individual application needs to be assessed on the environmental planning grounds, the Land & Environment Court has also outlined principles in relation to the weight to be given to Council development policies, which includes consideration of the extent to which the policy has been departed from in prior decisions. It is also outlined that generally under the public interest (which is a consideration under s4.15 *P&EA Act 1979*), consistency of decision-making must be a fundamental objective in administrative decision making in order to allow the broader public to make informed decisions in relation to development.

In this instance there are insufficient environmental planning grounds to support the variation, and it is possible for grid electricity connection to be brought to the lots. The circumstances are not unique from other properties to an extent that would warrant departure from the policy requirement. The policy has been consistently applied and supports the objectives and application of clause 6.8 *Yass Valley LEP 2013*. Therefore, there remains concern that by supporting the variation, this would reduce the weight that could be applied to the policy in the future in similar settings. It is considered that the departure from the policy in this instance therefore does not serve the public interest.

It should be noted that although this is another modification application and not a 'review of determination' as defined by the Act, peer review advice from a contract town planner (i.e. who did not work on the previous modification application) has also been sought in course of completing this assessment in fairness to the Applicant.

7. Conclusion

From the assessment of the proposal and consideration of the issues, it is recommended that application modify the Development Consent with the request to vary the *Electricity Supply and Telecommunication Service Policy for Subdivision* seeking not to supply a grid electricity connection to be refused as:

- Clause 6.8 *Yass Valley LEP 2013* requires Council to be satisfied of adequate arrangements for essential services, including the supply of electricity. In this instance an off-grid arrangement is not considered to be suitable for the supply of electricity to an RU5 Village lot as part of a development for subdivision, and therefore a modified Development Consent cannot be granted.
- The policy requires the supply of grid electricity to lots in subdivisions that are zoned RU5 Village as the suitable essential service arrangement. This is supported by the requirements of the *Draft Yass Valley Development Control Plan 2024* which has recently been on public exhibition.
- The environmental planning grounds and circumstances are not unique to an extent that would warrant supporting the variation and departure from the policy requirements.
- The policy has been consistently applied. The inconsistent application of the policy is not considered to be consistent with the public interest pursuant to s4.15(e) *EP&A Act 1979*. Supporting the variation would set an undesirable precedent for the future application of the policy for electricity arrangements in subdivisions in the RU5 Village and residential zones across the Yass Valley.

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. Approved Plan of Subdivision [⇒](#)
 - C. Supporting Documentation [⇒](#)
 - D. s4.15 Assessment [⇒](#)

6.3 DEVELOPMENT APPLICATION DA230454 - ANIMAL BREEDING ESTABLISHMENT - 15 MYLORA STREET, BINALONG

SUMMARY

To present the assessment of Development Application No DA230454 for an animal breeding establishment at 15 Mylora Street, Binalong. The application seeks to formalise the use of existing activity and attracted 11 submissions. Approval is recommended.

RECOMMENDATION

That conditional Development Consent be issued for Development Application No DA230454 for an animal breeding establishment at 15 Mylora Lane, Binalong.

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- *Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021*
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Yass Valley Local Environmental Plan 2013
- Application Assessment & Decision Making Policy
- Road Standards Policy
- Off-street Car Parking Policy
- Building Line – Rural and Rural Residential Land Policy
- NSW Road Noise Policy
- Yass Valley Development Contribution Plan 2018
- Planning for Bushfire Protection 2019
- *Local Government Act 1993*
- *Roads Act 1993*
- *Companion Animals Act 1998*
- *Animal Welfare Code of Practice Breeding Dogs and Cats Under the Prevention of Cruelty to Animals Regulation 2012*
- NSW Animal Welfare Code of Practice No 5
- Companion Animals Guidelines June 2020

REPORT

1. Application Details

Date Received	-	22 September 2023
Land	-	15 Mylora Street, Binalong
Area	-	6.8ha
Zoning	-	R5 Large Lot Residential

2. Site Description and Locality

The site is located in an area characterised by village lots to the north and northeast, including predominantly residential uses. The land generally to the east, south and west is characterised by large lot residential, including dwellings and some small-scale rural lifestyle agricultural use. The St Patrick's Catholic Church is located approximately 500m to the northwest on Sykes Road/Manning Street.

The site is large lot residential in nature at approximately 6.8ha. Property entry is via what is considered Mylora Street but immediately at the location of the end of Woolrych Street. There is an existing dwelling house located on the land (which has Development Consent), as well as the buildings associated with animal breeding establishment and another large farm/machinery shed (which do not have Development Consent). The location of the development on the site is generally in an elevated position towards the top of a localised high point. There is a small amount of native vegetation scattered across the site including mature trees, but this is outside of the area of the subject development.

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

3. Proposal

The submitted application involves:

- Formalising the use of the site for the purposes of an animal breeding establishment
- Installation of an onsite sewage management system
- Insulation of sound attenuation measures to existing buildings

A Building Information Certificate application has also been lodged to deal with the issue associated with building that have been constructed without necessary approvals, inspections, and certification.

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

4. Public Exhibition

Public exhibition included notice to 14 adjoining and nearby landowners and 10 submissions have been received (refer **Attachment C**), and one additional submission received after the public exhibition.

The Applicant's response to the 10 submissions received during the public exhibition period is included as **Attachment D**.

A Planning Forum was held in January 2024 to provide an opportunity for submission authors and the Applicant to address Council prior to determination of the proposal. Three presentations were made, including one on behalf of the Applicant and two by submitters. A site inspection was also undertaken by Councillors on the date of the Planning Forum.

5. Assessment

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

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

6.1 Legitimacy of the Existing Facility and Compliance

The submissions question the legitimacy of the existing facility, noting that the animal breeding establishment has been operating for some time.

The proposed subject land has been operating as an animal breeding establishment without Consent and has been the subject of a compliance investigation in accordance with Council's *Enforcement Policy*. This has resulted in a Development Application being lodged to formalise the current existing use.

A Building Information Certificate application has also been lodged to deal with the issues associated with buildings that have been constructed without necessary approvals, inspections, and certification.

6.2 Zoning and Permissibility

The subject land is zoned R5 Large Lot Residential and the proposed development is for animal breeding being an 'animal boarding and training establishment' under the *Yass Valley Local Environmental Plan 2013 (Yass Valley LEP 2013)*. The use is permissible with Consent in the R5 Large Lot Residential zone and is defined as:

"animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital."

Whilst the definition of an 'animal boarding and training establishment' includes animal boarding and training, the proposed development is only seeking approval as a breeding establishment – i.e. there is no boarding or training proposed as a separate business or activity. Any future expansion to include this would require a separate Development Application. It should be noted that the animals on the premises associated with the animal breeding may however be trained on site within the scope of the proposal.

Reading of the submissions suggest that there was likely some confusion in relation the exact nature of the proposal as a result of the intricacies of the abovementioned definition within the LEP framework. The nature of the proposal was clarified during the Planning Forum.

6.3 Number of Animals

It was identified during the assessment and in the submissions received that there appeared to be uncertainty around the number of animals proposed and including different numbers proposed in different documents.

This has been clarified with the Applicant and the maximum number of animals are proposed:

- Maximum number of adult dogs: 25
- Maximum number of puppies: 40

In the additional information response, the Applicant had indicated that they considered puppies to be animals up to 12 months of age. Assessment identified concerns with a puppy being up to 12 months of age, particularly in relation to the noise considerations (i.e. if there was a large proportion of the 40 puppies on site that were approaching 12 months of age). It was suggested up to six months be considered a more appropriate age to make distinction between a puppy and an adult dog, with that being age upon which an animal is the required to be registered in NSW. The Applicant is agreeable to it being considered that puppies are up to six months of age and being adult dogs beyond that.

The Applicant has outlined that generally puppies are sold between 8-12 weeks of age, so therefore it would be uncommon for dogs between 12 weeks and 12 months of age to be at the site, unless they are intended to be kept for breeding purposes.

Restrictions on the maximum number of animals can be included in appropriate conditions in any consent that may be issued.

6.4 Noise

The most common issue raised in the submissions related to noise impacts, particularly from the barking of animals. The submissions suggested potential adverse impacts by way of noise as a result of the operation of the animal breeding establishment.

It is important to note that the Development Application does propose additional noise management and sound attenuation measures beyond which have been in place for the current operation. The existing operation may have at times been exceeding acceptable noise criteria to

sensitive receivers in the vicinity as the noise impact assessment has now determined it necessary to include these additional measures in order to be able to achieve acceptable noise criteria.

The noise impact assessment submitted by the Applicant has been prepared by a suitably qualified and experienced person. However, the submissions and assessment indicated potential concerns with the noise impact assessment, for example:

- Puppies being included for the purposes of noise level assessment.
- The determination of sensitive receivers and consideration of topographical factors relating to the elevated position.
- Inconsistencies in the report in relation to number of dogs and the nature of the use of land (i.e. dog breeding vs. dog boarding).

A revised noise impact assessment was requested and has been submitted (refer **Attachment B**).

The main concern identified with the revised noise impact assessment remained particularly around the exclusion of puppies for the purposes of determining the noise levels. In this regard, Council commissioned a peer review of the noise impact assessment by another appropriately qualified noise consultant (refer **Attachment F**). The peer review indicated that puppies should be included in the noise assessment as potentially they would impact on the total noise generated. However, if all 40 puppies were in the southern exercise yard at the same time (unlikely situation) then at receptor R1 the acceptable noise criteria would only be exceeded by 1dB. The inclusion of puppies in the modelled noise from animals when indoors was suggested to likely make only a marginal difference to the total predicted noise levels at residences. This was discussed with the Applicant and the following additional measures proposed in response:

- No more than five puppies at a time outside during the day
- No animals, and including puppies, outside during the evening and night-time period.
- A puppy being considered a dog at the age of six months

This is generally considered to be acceptable but would need to be detailed in a clear plan of management for the operation of the establishment.

In addition to a plan of management, other sound attention measures as proposed in the noise impact assessment are to include:

- Upgrade to acoustic construction to buildings, including wall insulation and sheeting
- Roller doors and other doorways are to have proper acoustic seals installed to prevent any gaps
- Any minor gaps in buildings and construction are required to be sealed

Subject to the above, it is considered that the animal breeding establishment can be operated in such a manner that does not exceed acceptable noise criteria at nearby sensitive receivers.

If the Development Application is approved it would be reasonable for a six month period be provided for the required works to be completed.

6.5 Traffic

Concern was raised in a submission in relation to traffic generation and the associated impacts. The Applicant has advised that approximately one customer would attend the site per week for collection of animals, whilst the rest of the animals sold via off-site arrangements. The application also outlines that there are three staff that carry out general duties on the site, related to the animal breeding establishment and also other activities in relation to the property, with up to two attending to the animal breeding establishment at any time.

The following traffic generation is estimated to be approximately:

- Existing residential: 9 vehicles trips day (*NSW Guide to Traffic Generating Development*)
- Staff: 3 x 2 = 6 vehicle trips per day
- Customers: 1 per week

Woolwych Street from Stephens Street to Mylora Street has a low level of traffic volume due to the small number of properties. However, the traffic generation as a result of the animal breeding establishment is not considered to be substantial and is unlikely to have any significant adverse impacts on neighbouring properties.

The annoyance of noise of traffic generation was also raised in submissions. It is considered highly unlikely that the traffic generation would exceed the noise assessment criteria in the NSW Road Noise Policy as it is low, infrequent, and short duration.

6.6 Operating Hours

The animal breeding establishment is proposed to operate 24hrs/day. Within the submissions received it is suggested that it should be open only 12hrs/day to allow residents some peace and quiet. Practically the establishment will need to operate 24hrs/day as the animals remain on site. However, the noise assessment and proposed management arrangements will prohibit animals being outside in the evening and night time hours.

6.7 Building Setback – Variation to Policy

The proposed development involves the use of a building which has been constructed immediately to the boundary of the adjoining property. Council's *Building Line – Rural and Rural Residential Land Policy* requires structures such as sheds to be located minimum 50m from property boundaries on a lot of this size in the R5 Large Lot Residential zone. Council's *Draft Yass Valley Development Control Plan* (which has recently been on public exhibition) does specify a minimum setback requirement for buildings associated with an animal breeding establishment, but residential outbuildings still require a minimum 50m setback from property boundaries consistent with the current policy.

The setback being immediately to the boundary is not considered to be the preferred outcome in the large lot residential environment. However, the building is existing and there has been no objection received in relation to the setback from the adjoining owner. There is also approximately 70m between the subject building and development on the neighbouring lot, providing a reasonable separation distance. In this regard, it is suggested that the location be accepted as the alternative would be to now require substantial demolition work and relocation.

6.8 Site Identification Signage

Concern has been raised within a submission that persons attending the site to collect puppies are getting lost and arriving at neighbouring properties. The submission suggests that appropriate street numbering and business identification should be required. It is generally agreed that the configuration of Mylora Street and intersection with Woolrych Street could be confusing, particularly with the stone entry gates to the subject property and location of driveways to neighbouring properties. It is not unreasonable for either more visible street numbering and/or small business identification signage (e.g. on the gate) be provided. This can be addressed through an appropriate condition of any consent that may be issued.

6.9 Impact on Property Values

Within the submissions there is suggestion that the proposed development may adversely impact property values. The NSW Land & Environment Court has consistently maintained that impacts on property values is not a valid planning consideration.

6.10 Disposal of Deceased Animals

During the Planning Forum a question was asked in relation to the proposed arrangements for the disposal of deceased animals in the event that was to occur.

Deceased animals are required to be double bagged for disposal at the Binalong Transfer Station. It is noted that this process may be subject to change in the future, so it is suggested that the operator contact Council periodically or in the event where disposal is required they are meeting Council’s requirements.

7. Conclusion

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

STRATEGIC DIRECTION

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

ATTACHMENTS:

- A. Locality Plan [⇒](#)
- B. Plans and Supporting Documents [⇒](#)
- C. Submissions [⇒](#)
- D. Applicant Response to Additional Information and Submissions [⇒](#)
- E. s4.15 Assessment [⇒](#)
- F. Peer Review Noise Assessment Advice [⇒](#)
- G. Draft Conditions [⇒](#)

6.4 2023/24 THIRD QUARTERLY BUDGET REVIEW STATEMENTS

SUMMARY

This report outlines the 2023/24 Third Quarterly Budget Review Statements (QBRs) for the period 1 January to 31 March 2024. This quarterly budget review focused on capital expenditure for the remainder of 2024 financial year.

RECOMMENDATION

That:

1. *The 2023/24 Third Quarterly Budget Review Statements and adjustments, as detailed in the report be approved.*
2. *It be noted that in accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position as at 31 December 2023 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.*

FINANCIAL IMPLICATIONS

The details of Council's projected year end operating result 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 Statement (QBRs) presents a summary of the Council's financial position as of 31 March 2024 for the 2023/24 financial year. Staff focused on reviewing only capital projects as the operating income and expenses had been thoroughly reviewed in the second quarter review. There were minor changes in the capital project expenditure linked to road projects. The income related to capital projects has been increased by \$1M due to an increase in grant income for the Regional Heavy Patch Program capital project.

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. Third Quarterly Budget Review Statements [⇨](#)

6.5 INVESTMENT REPORT - APRIL 2024

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 30 April 2024. 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 April 2024 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. RBA Comments on Economic Climate

At its meeting today, the Board decided to leave the cash rate target unchanged at 4.35 per cent and the interest rate paid on Exchange Settlement balances unchanged at 4.25 per cent.

Inflation remains high and is falling more gradually than expected.

Recent information indicates that inflation continues to moderate, but is declining more slowly than expected. The CPI grew by 3.6 per cent over the year to the March quarter, down from 4.1 per cent over the year to December. Underlying inflation was higher than headline inflation and declined by less. This was due in large part to services inflation, which remains high and is moderating only gradually.

Higher interest rates have been working to bring aggregate demand and supply somewhat closer towards balance. But the data indicate continuing excess demand in the economy, coupled with strong domestic cost pressures, both for labour and non-labour inputs. Conditions in the labour market have eased over the past year, but remain tighter than is consistent with sustained full employment and inflation at target. Wages growth appears to have peaked but is still above the level that can be sustained given trend productivity growth. Meanwhile, inflation is still weighing on people's real incomes and output growth has been subdued, reflecting weak household consumption growth.

The outlook remains highly uncertain.

The economic outlook remains uncertain and recent data have demonstrated that the process of returning inflation to target is unlikely to be smooth.

The central forecasts, based on the assumption that the cash rate follows market expectations, are for inflation to return to the target range of 2–3 per cent in the second half of 2025, and to the midpoint in 2026. In the near term, inflation is forecast to be higher because of the recent rise in domestic petrol prices, and higher than expected services price inflation, which is now forecast to decline more slowly over the rest of the year. Inflation is, however, expected to decline over 2025 and 2026.

The persistence of services inflation is a key uncertainty. It is expected to ease more slowly than previously forecast, reflecting stronger labour market conditions including a more gradual increase in the unemployment rate and the broader underutilisation rate. Growth in unit labour costs also remains very high. It has begun to moderate slightly as measured productivity growth picked up in the second half of last year. This trend needs to be sustained over time if inflation is to continue to decline.

At the same time, household consumption growth has been particularly weak as high inflation and the earlier rises in interest rates have affected real disposable income. In response, households have been curbing discretionary spending and maintaining their saving. Real incomes have now stabilised and are expected to grow later in the year, supporting growth in consumption. But there is a risk that household consumption picks up more slowly than expected, resulting in continued subdued output growth and a noticeable deterioration in the labour market.

More broadly, there are uncertainties regarding the lags in the effect of monetary policy and how firms' pricing decisions and wages will respond to the slower growth in the economy at a time of excess demand, and while the labour market remains tight.

There also remains a high level of uncertainty about the overseas outlook. While there has been improvement in the outlook for the Chinese and US economies, and many global commodity prices have picked up, geopolitical uncertainties, including those related to the conflicts in the Middle East and Ukraine, remain elevated.

Returning inflation to target is the priority.

Returning inflation to target within a reasonable timeframe remains the Board's highest priority. This is consistent with the RBA's mandate for price stability and full employment. The Board needs to be confident that inflation is moving sustainably towards the target range. To date, medium-term inflation expectations have been consistent with the inflation target and it is important that this remains the case.

Recent data indicate that, while inflation is easing, it is doing so more slowly than previously expected and it remains high. The Board expects that it will be some time yet before inflation is sustainably in the target range and will remain vigilant to upside risks. The path of interest rates that will best ensure that inflation returns to target in a reasonable timeframe remains uncertain and the Board is not ruling anything in or out. The Board will rely upon the data and the evolving assessment of risks. In doing so, it will continue to pay close attention to developments in the global economy, trends in domestic demand, and the outlook for inflation and the labour market. The Board remains resolute in its determination to return inflation to target.

2. Summary of movements in Council Investments

Two investments totalling \$2M were matured during April 2024. There have been no new term deposits during the month of April. Council used the net proceeds to fund council's operations.

3. Council Cash, Cash Equivalent, and Term Deposit Investments at 30 April 2024

Investment Type	Acc/Deal	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
Cash Working Accounts	Ref.						
NAB Working Account1	082-939 51	3,431,068.57	A1+/AA-	n/a	n/a	at call	
Tcorp Strategic Cash Facility	778	5,241,776.60	AAA	n/a	n/a	3 day call	
		8,672,845.17					
Term Deposits < 12 Months							
My State	CN070447	1,000,000.00	XX	29/02/24	29/05/24	90	5.05%
Bank of Queensland	CN068866	1,000,000.00	A2	01/12/23	11/06/24	193	5.35%
AMP	CN069228	1,000,000.00	A2	20/12/23	19/06/24	182	5.10%
AMP	CN065875	1,000,000.00	A2	30/06/23	26/06/24	362	5.70%
AMP	CN069404	1,000,000.00	A2	03/01/24	03/07/24	182	5.00%
Judo Bank	CN069780	1,000,000.00	XX	29/01/24	24/07/24	177	5.10%
Judo Bank	CN069781	1,000,000.00	XX	24/01/24	07/08/24	196	5.10%
NAB	10886903	1,000,000.00	A1+	26/02/24	26/08/24	182	5.10%
Judo Bank	CN069782	1,000,000.00	XX	24/01/24	28/08/24	217	5.10%
Great Southern Bank	CN067016	1,000,000.00	A2	04/09/23	04/09/24	366	5.22%
My State Bank	CN068865	1,000,000.00	XX	01/12/23	04/09/24	278	5.35%
MyState Bank	CN067069	1,500,000.00	XX	06/09/23	05/09/24	365	5.15%
NAB	10860338	1,200,000.00	A1+	06/09/23	05/09/24	365	5.20%
NAB	10860337	1,500,000.00	A1+	06/09/23	05/09/24	365	5.20%
Great Southern Bank	CN067017	1,000,000.00	A2	04/09/23	11/09/24	373	5.22%
AMP	CN069038	1,500,000.00	A2	11/12/23	11/09/24	275	5.30%
NAB	10861610	1,000,000.00	A1+	13/09/23	12/09/24	365	5.20%
Great Southern Bank	CN067018	1,000,000.00	A2	04/09/23	17/09/24	379	5.22%
NAB	10862901	1,000,000.00	A1+	20/09/23	19/09/24	365	5.25%
Bank of Queensland	CN068867	1,000,000.00	A2	01/12/23	02/10/24	306	5.35%
Bank of Queensland	CN068868	1,000,000.00	A2	01/12/23	09/10/24	313	5.35%
AMP	CN069039	1,500,000.00	A2	11/12/23	06/11/24	331	5.30%
NAB	10886904	1,000,000.00	A1+	26/02/24	25/11/24	273	5.10%
MyState Bank	CN068869	1,000,000.00	XX	01/12/23	04/12/24	369	5.40%
MyState Bank	CN068870	1,000,000.00	XX	01/12/23	11/12/24	376	5.40%
		27,200,000.00					
Total Short Term		35,872,845.17					

4. Council Loans

Council has five loans with a balance of \$13.2M owing on 30 April 2024. The table below provides loan details. During the month of March 2024 Council has not drawn down the Crago Mill funding facility from Westpac to fund the Crago Mill Project.

General Loan	Principal as at	Interest rate	Comment
Sewer - CBA Loan for Sewer Infrastructure	3,196,484.95	4.82%	20 years, repaid in 2035/36
Water - NAB Westpac Dam Wall	7,912,082.63	5.36%	20 years amortisation, 10 years term Aug 2032
Water - Yass to Murrumbateman water supply (Tcorp)	1,289,447.98	2.55%	10 years, full repaid in 2029
Water main and pump station upgrades (Tcorp)	704,543.75	2.55%	10 years, full repaid in 2029
Crago Mill funding facility (Westpac)	100,000.00	6.52%	20 years, full repaid 2043 - Variable rate (2.17%+BBSR)
Total balance as at 30/04/2024	13,202,559.31		

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 GRANTS UPDATE: SEPTEMBER 2023 TO MARCH 2024

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 September 2023 to March 2024.

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 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
STA Country Arts Support Program	Southern Tablelands Arts	Community Arts	\$3,000	TBC	
Library community survey	Charles Sturt University	Yass Valley Library	In-Kind	Yes	Completed
Business Case & Strategy Development Plan Funding	Dept. Regional NSW	Southern Tablelands Councils – GMC, ULSC, QPRC, HC, YVC	\$175,000	Yes	Underway
Community Reconnect Funding	Dept. Premier & Cabinet	Over 20 community group and individual events	\$301,708	Yes	Completed
STEM Community Partnerships Program	CSIRO, Dept. Regional NSW	Yass High School and a local business	Community value	Yes	2023 finished and starting 2024
2023 Youth Spring Holiday Program	Dept. Regional NSW	Several community groups and businesses	\$7,000	Yes	Completed
2023 Seniors Springs Festival	Dept Regional NSW	Various	\$5,000	Yes	Completed
2023 Small Business Month	Small Business Commission	YV Business Chamber and local businesses	\$2,500	Yes	Completed
2024 Summer and Autumn School Holiday Programs	Dept Regional NSW	Several community groups and businesses	\$22,000	Yes	Summer completed
2024 Australia Day Celebrations	Australia Day Council	Yass Pool and community musicians and entertainers	\$10,000	Yes	Completed
2024 Winter and Spring School Holiday Program	Dept Regional NSW	Several community groups and businesses	\$13,180	TBA	
Public Library Infrastructure Grant 2023/24	State Library		\$500,000	TBA	
Public Library Funding Strategy	State Library	New public computers and library resources	\$57,265	Yes	Completed

Regional Drought Resilience Planning Program - Round 2	Department of Regional NSW	Community consultation & engagement	\$160,000	Yes	Underway Completion by 31/10/24
Regional NSW – Business Case and Strategy Development Fund - Round 1	Department of Regional NSW	Community consultation & engagement	\$175,000	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
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
SCCF5 – Upgrade of Community Centre	\$232,000	2024/25	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
O’Connor Park Boat Ramp	\$50,000	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"> Yass Memorial Hall – Stage 2 upgrade & Drainage Memorial Hall – Floor Subsidence Murrumbateman Playground Project Gravel Re-sheeting Various Roads Delivery 	Commenced	\$1,351,673	30 June 2025
Regional and Local Road Repair Program Round 2 (RLRRP)	Commenced	\$2,295,489	29 Feb 2024
Fixing Local Roads Pothole Repair Round (FLRPRR)	Commenced	\$432,341	01 Jan 2024
Active Transport	Commenced	\$62,258	30 June 2024
Get Active NSW	Commenced	\$127,500	30 June 2024
2024/25 Regional Road Block Grant – part fund Rehabilitation of Segment 35 Sutton Road, various heavy patches & reseals and general maintenance on regional roads.	Commenced	\$963,995	30 June 2024

Country Passenger Transport Infrastructure Grant for bus shelters - 1 new (South Street Murrumbateman), 1 relocated (from Opposite Murrumbateman Cemetery to McIntosh Circuit) and 2 upgraded (Rose Street Murrumbateman and Brennan Street Yass)	Commenced	\$27,550	30 June 2024
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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 groups 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

6.7 AUSTRALIAN TAX OFFICE CLASS RULINGS ON SUPERANNUATION

SUMMARY

Genesis Accounting has been engaged by LGNSW to obtain three Class Rulings from the Australian Tax Office (ATO) in relation to whether superannuation is payable on payments to members of Audit, Risk & Improvement Committees, Planning Panels, and ad hoc Committees. Councils are asked to contribute to the matter.

RECOMMENDATION

That the participation of Council in three Class Rulings from the ATO in relation to whether superannuation is payable on payments to members of Audit, Risk & Improvement Committees, Planning Panels, and ad hoc Committees be noted.

FINANCIAL IMPLICATIONS

The cost of participating in the class action is \$500. This is within the Executive Management 2023/24 budget.

POLICY & LEGISLATION

Nil

REPORT

LGNSW wrote to members last year regarding their decision to obtain Class Rulings from the ATO in relation to whether superannuation is payable on payments to members of Audit, Risk & Improvement Committees (ARIC), Planning Panels and ad hoc committees.

The reason for applying for these class rulings is to seek clarity regarding these issues and, once the class rulings are issued, to provide all NSW Councils with definitive guidance regarding their legislative obligations.

Genesis Accounting (a firm of chartered accountants) has been engaged to research the circumstances of LGNSW members and, on that basis, to prepare applications for class rulings to be filled with the ATO by LGNSW.

LGNSW is not funding the work undertaken by Genesis Accounting. LGNSW and Genesis Accounting are seeking voluntary contributions from LGNSW members to fund the research, preparation, and management of the application for Local Government class rulings.

LGNSW members who do make voluntary contributions will be consulted with by Genesis Accounting to discuss the particular circumstances and nuances of their various Committees, for inclusion in the class ruling applications.

Genesis has written to each Council individually seeking a contribution of \$1,000 for larger Councils and \$500 for smaller Councils, plus GST. As these matters affect Yass Valley Council financially, a decision has been made to participate in the three class rulings.

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.8 RISK MANAGEMENT FRAMEWORK

SUMMARY

Council's Risk Management Framework has been developed in accordance with the amendment of the *Local Government (General) Regulation 2021*.

RECOMMENDATION

That the Risk Management Framework be endorsed.

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

- *Local Government (General) Regulation 2021.*

REPORT

An amendment to the *Local Government (General) Regulation 2021* requires all Councils to have a Risk Management Framework from 1 July 2024.

The framework is an overarching document that provides guidance of operational risk.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovate organisation
Strategies	CL1.1 - Council practices and processes are undertaken in a safe and efficient manner that meets legislative requirements
Delivery Program Action	Implement and manage an accredited WHS system

ATTACHMENTS: A. Risk Management Framework [⇒](#)

6.9 2024 SENIORS WEEK OVERVIEW

SUMMARY

The Yass Valley Seniors Festival was a resounding success, offering a diverse range of activities that catered to the interest of the older community members. The festival included a variety of engaging events such as bus trips to Cockington Green and the Premiers NSW Comedy show; tennis and pickleball; a visit from Montessori preschoolers to Thomas Eccles Gardens; Wrap with Love knitters; poetry; and still art, to name a few.

RECOMMENDATION

That the 2024 Seniors Week Overview report be noted.

FINANCIAL IMPLICATIONS

All events were within the 2023/24 Community Services budget allocation, plus a contribution by the NSW Government with free tickets for the Comedy Show.

POLICY & LEGISLATION

Nil

REPORT

All activities during the festival were free to all participants.

A highlight of the festival was the NSW Premiers Seniors Festival Comedy theatre show in Batemans Bay. Staff were able to acquire free show tickets as part of the NSW Government Seniors Festival. This event provided a unique and enjoyable experience for the festival attendees, offering a blend of humour and entertainment. After the show, Council provided all the participants with fish and chips for lunch as they soaked up the sun and relaxed on the foreshore of Batemans Bay, before heading back on the bus to Yass.

Another highlight of the Seniors Festival was an historical walk around the Yass town, led by Sheree Bamforth from the Historical Society. This guided tour offered participants a fascinating glimpse into the rich history of Yass, highlighting significant landmarks and sharing intriguing stories from the past. The walk was followed by a delightful morning tea, providing an opportunity for attendees to socialise and reflect on the history they had learned. This activity not only celebrated the heritage of Yass but also encouraged community engagement and a sense of pride in the town's history.

The Seniors Festival also featured a delightful morning at the Railway Museum, where attendees enjoyed watching a 1956 movie, "Titfield Thunderbolt", evoking nostalgia and memories of times gone by. Following the movie, thanks to Tanks Food Van, attendees were treated to a lovely morning tea on the platform, complete with delicious food and coffee. This event provided a charming blend of entertainment and relaxation, offering seniors a chance to enjoy a classic movie in a unique setting and indulge in some delicious refreshments, all while fostering a sense of community and camaraderie.

We had a poetry reading session in Binalong, led by Robyn Skyes. This activity provided a creative and relaxing experience for seniors. Robyn ensured that everyone enjoyed the engaging session. This event added a creative flair to the festival, offering seniors a chance to learn a new skill and connect with other in their own community.

The Yass Valley Library bustled with activity during the 2024 NSW Seniors festival, hosting a vibrant program that catered to a variety of interests. Knitting enthusiasts shared a morning of tea and friendship at the "Wrap with Love" session, attendees knitted squares to be joined into blankets and donated to needy people in Australia and around the world. The library's mobile service ensured inclusivity by delivering knitting kits to those unable to attend in person.

The "Seniors Memoir Gathering," led by author and president of the Yass Historical Society, Cheryl Mongan, sparked lively discussions and a chance to share cherished memories about life and growing up in the Yass

valley and surrounds, while Mel a customer care specialist from Service NSW offered valuable information on available savings, services, and support for seniors.

The festival offered a heartwarming blend of connection and exploration. Grandparents created lasting memories with their grandchildren during a special Storytime session. Local seniors showcased their artistic talents at a still life workshop, followed by a delightful afternoon tea, and a captivating film screening of "The Electric Life of Louis Wain" provided a relaxing morning.

Overall, the festival was well-received, highlighting the importance of supporting and celebrating seniors in the Community. The only disappointing item of the festival was the no show of community members who had booked to attend the bus trip to Batemans Bay. Staff may have to consider a bond for future bus trips for both senior and youth events, as this is becoming a costly problem.

The festival activities not only provided entertainment but also fostered social connections and community engagement.





STRATEGIC DIRECTION

CSP Theme	Our Community
CSP Strategy Objective	CO1 - Our health and wellbeing are supported by equitable access services
Strategies	CO1.1 - Our community is able to access information, health and services that support physical health and mental wellbeing
Delivery Program Action	Support community groups with mental health wellbeing events and activities

ATTACHMENTS: Nil

6.10 INTERNAL AUDIT CHARTER AND THE AUDIT, RISK & IMPROVEMENTS COMMITTEE TERMS OF REFERENCE

SUMMARY

To present the draft Charter and Terms of Reference for the Audit, Risk & Improvement Committee (ARIC) for endorsement.

RECOMMENDATION

That the draft Charter and Terms of Reference for the Audit, Risk & Improvement Committee be endorsed.

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

Following the 12 March 2024 Audit, Risk & Improvement Committee (ARIC) meeting, one of the actions was to seek Council approval for the Internal Audit Charter and the ARIC Terms of Reference.

A draft of the Charter and the Terms of Reference is included in **Attachment A** and **B**.

The Charter and Terms of Reference are suitable for endorsement

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. Draft Yass Valley Council Internal Audit Charter [⇒](#)
 - B. Draft Yass Valley Council Terms of Reference for the Audit, Risk & Improvement Committee [⇒](#)

6.11 WATER REBATE FOR AN UNDETECTED LEAK

SUMMARY

This report presents water rebate for an undetected leak for Council determination.

RECOMMENDATION

That this item be classified CONFIDENTIAL in accordance with Section 10A(2)(b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance contrary to the public interest.

FINANCIAL IMPLICATIONS

Reduction in revenue.

POLICY & LEGISLATION

- *Local Government Act 1993*
- Water Rebate for Undetected Leaks Policy

REPORT

Information on a water rebate for the property listed below is provided for Council's determination:

Water Rebate:

- a) Lot 2 DP1196036, 310 Henderson Lane, Binalong

As this matter relates to a resident and personal matters, the matter needs to be considered in Closed Session.

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

9.1 MINUTES OF THE MURRUMBATEMAN PLAYGROUND PROJECT COMMITTEE HELD ON 17 APRIL 2024

REPORT

The minutes of the Murrumbateman Playground Project Committee meeting held on 17 April 2024 are included in **Attachment A**.

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

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

The Project Committee are making a recommendation on the preferred site for the Murrumbateman All Abilities Playground. This will be considered as part of a separate report in these business papers.

RECOMMENDATION

That the minutes of the Murrumbateman Playground Project Committee meeting held on 17 April 2024 be noted and the following recommendation be adopted:

Item 3.1 Site Recommendation Report

That:

1. *Following consideration of community input, cost analysis and the consultant's report with an emphasis on the SWOT analysis and first preference selection, that the Old School Site be adopted as the preferred location for the grant and reserved funded 'All Abilities' playground with appropriate parking and amenities upgrade.*
2. *The Committee also recommends further investigation of tourism and economic development opportunities at the Old School site building such as an onsite café/community book exchange and tourism information hub.*
3. *Council should address building improvement and overflow parking. Council considers contingency in the next budget cycle for funding for possible site contamination checks, water tank make-safe, fencing and contribution to public amenities and upgrade sewerage construction and connection. Construction should be sympathetic to the onsite heritage and be situated appropriately as per the consultant's report.*
4. *Should the project be undeliverable at the Old School site for any time, site specific issues or cost constraints, the Murrumbateman Recreation Grounds be adopted as the alternate with further consultation with the Murrumbateman Recreation Grounds Focus Group and any identified stakeholders.*
5. *Once this playground has been delivered on the same side of Murrumbateman's major population cluster (primary school, preschools, daycare centre, shops and pedestrian/cycle path links) then a future Category 1 playground be considered for the Murrumbateman Recreation Grounds in collaboration with user groups including the Field Days.*
6. *A further category 1 playground be pursued as part of Council's North Murrumbateman Masterplan.*
7. *Council continues to advocate for a safe crossing of the Federal and State managed Barton Highway to and from the Recreation Ground.*

ATTACHMENTS: A. Murrumbateman Playground Project Committee Meeting Minutes 17 April 2024 [↗](#)

9.2 MINUTES OF THE CRAGO MILL PRECINCT PROJECT COMMITTEE HELD ON 18 APRIL 2024

REPORT

The minutes of the Crago Mill Precinct Project Committee meeting held on 18 April 2024 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 Crago Mill Precinct Project Committee meeting held on 18 April 2024 be noted.

ATTACHMENTS: A. 18 April 2024 - Crago Mill Precinct project Committee Meeting Minutes [⇒](#)

9.3 MINUTES OF THE MURRUMBATEMAN RECREATION GROUNDS FOCUS GROUP MEETING HELD ON 23 APRIL 2024

REPORT

The minutes of the Murrumbateman Recreations Ground Focus Group meeting held on 23 April 2024 are included in **Attachment A**.

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

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

The Focus Group recommends that if the Murrumbateman Recreation Ground is the preferred location for the All-Abilities Playground further consultation with the user groups be undertaken. This is not an unreasonable request. This will be considered as part of a separate report in these business papers.

RECOMMENDATION

That the minutes of the Murrumbateman Recreation Grounds Focus Group meeting held on 23 April 2024 be noted and the following recommendation be adopted:

Item 4.1 Murrumbateman All-Abilities Playground - Site Recommendation

That if the Murrumbateman Recreation Ground is the preferred location for the All-Abilities Playground further consultation with the user groups be undertaken.

ATTACHMENTS: A. Murrumbateman Recreation Grounds Focus Group Meeting Minutes 23 April 2024
[⇒](#)

9.4 MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD ON 1 MAY 2024

REPORT

The minutes of the Local Traffic Committee meeting held on 1 May 2024 are included in **Attachment A**.

RECOMMENDATION

That the minutes of the Local Traffic Committee meeting held on 1 May 2024 be noted and the following recommendations be adopted:

Item 9.1 Truck Parking in Fairley Estate Murrumbateman Village

That:

- 1. Council investigate options for alternate heavy vehicle parking in the Murrumbateman village area.*
- 2. Cr Cameron discuss the issue at a Murrumbateman Progress Association meeting.*
- 3. The matter be deferred for a future LTC meeting when information is available from Recommendations 1 and 2.*

Item 9.2 Traffic Safety Concerns Intersection Mont and Worth Streets, Yass

That Council install stop signs on both legs of Worth Street at the Mont Street intersection due to sight distance restrictions.

Item 9.3 Pedestrian Safety Concerns Crossing the Barton Highway, Murrumbateman

That Council refer the safety concerns in relation to pedestrians crossing the Barton Highway in Murrumbateman village to TfNSW for consideration.

Item 9.4 Safety Concerns Intersection Browne Street, Pritchett Street and Morton Avenue, Yass

That Council implement the proposed safety works for the intersection of Browne Street, Pritchett Street and Morton Avenue Yass, subject to available funding and resources.

ATTACHMENTS: A. Local Traffic Management Committee Minutes 1 May 2024 [⇒](#)

9.5 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE MEETING HELD ON 7 MAY 2024

REPORT

The minutes of the Sustainability Advisory Committee meeting held on 7 May 2024 are included in **Attachment A**.

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

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

Accordingly the minutes are presented for information.

RECOMMENDATION

That the minutes of the Sustainability Advisory Committee meeting held on 7 May 2024 be noted.

ATTACHMENTS: A. Sustainability Advisory Committee Minutes 7 May 2024 [⇒](#)

9.6 MINUTES OF THE RESCUE COMMITTEE AND LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETINGS HELD ON 9 MAY 2024

REPORT

The minutes of the Rescue Committee and Local Emergency Management Committee meetings held on 9 May 2024 are included in **Attachment A** and **Attachment B**.

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

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

Accordingly, the minutes are presented for information.

RECOMMENDATION

That the minutes of the Rescue Committee and Local Emergency Management Committee meetings held on 9 May 2024 be noted.

- ATTACHMENTS:**
- A. Rescue Committee Minutes 9 May 2024 [⇒](#)
 - B. Local Emergency Management Committee Minutes 9 May 2024 [⇒](#)

9.7 MEETING NOTES OF THE YASS SOLDIERS MEMORIAL HALL ADVISORY COMMITTEE HELD ON 9 MAY 2024

REPORT

The Meeting Notes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 9 May 2024 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 Meeting Notes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 9 May 2024 be noted.

ATTACHMENTS: A. Yass Soldiers Memorial Hall Advisory Committee Meeting Notes 9 May 2024 [↗](#)

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 Water Rebate for an Undetected Leak

Item 10.1 is confidential in accordance with section s10(A)(2)(b) of the Local Government Act because it contains the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance contrary to the public interest and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.