



Ordinary Meeting of Council

**Thursday 27 June 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

July 2024

Thursday 25th

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	
2. Apologies	
3. Declaration of Pecuniary Interests/Special Disclosures	
4. Confirmation of Minutes	
Minutes of Ordinary Council Meeting held on 23 May 2024	5
5. Mayoral Minute	
6. Reports to Council	
6.1 Binalong and Bowning Masterplans	18
6.2 Planning Proposal - 34 Isabel Drive, Murrumbateman.....	20
6.3 Applications Update - April & May 2024	23
6.4 Development Application No. DA240013 - Five Lot Subdivision (Consolidation and Re-Subdivision), 38-46 Pollux Street, Yass	24
6.5 Development Application No DA240052 - Boundary Adjustment and Alterations and Additions to an Existing Dwelling, 8 and 10 Short Street Yass.....	29
6.6 Development Application No. DA230577 - Dance School, 26 Rose Street, Murrumbateman	34
6.7 Stronger Country Communities Fund Round 5 - Wee Jasper	45
6.8 Investment Report - May 2024	47
6.9 Councillor Fees 2024/25	50
6.10 Regional CSP - Towards 2042: Community Engagement.....	52
6.11 2024/25 Integrated Planning & Reporting Documents	54
6.12 Southern NSW Local Health District Planning Update.....	59
7. Notice of Motion	
7.1 Notice of Motion - Refund from Water Fund	61
7.2 Notice of Motion - Redevelopment of Swimming Pool	62

8. Questions with Notice

8.1 Questions With Notice - Yass Solar Farm.....63

8.2 Question With Notice - Transparency in Local Government64

8.3 Question with Notice - Chief Financial Officer.....65

8.4 Question with Notice - Waste Charges.....66

8.5 Question with Notice - Crago Mill Precinct..... 67

9. Minutes and Recommendations of Council Committees

9.1 Minutes of the Country Mayors Association Meeting held on 10 May 202468

9.2 Minutes of the Canberra Region Joint Organisation Board Meeting held on 16 May 202469

9.3 Minutes of the Aboriginal Advisory Consultative Committee held on 30 May 202470

9.4 Minutes of Bango Windfarm Community Enhancement Fund Committee held on 19 June 2024 71

10. Confidential Matters

Nil

Close of Meeting Time

Chris Berry
CHIEF EXECUTIVE OFFICER



Minutes of the Ordinary Meeting of Council

Thursday 23 May 2024

4.00pm

Council Chambers

209 Comur Street, Yass

Table of Contents

1.	Prayer	2
2.	Apologies	2
3.	Declaration of Interest/Disclosures	2
4.	Confirmation of Minutes	2
5.	Mayoral Minute.....	3
6.	Reports to Council	3
9.1	Minutes of the Murrumbateman Playground Project Committee held on 17 April 2024	3
6.1	Murrumbateman Playground - Site Determination.....	4
6.2	Modification Development Consent No DA200158 - Three Lot Village Subdivision, 20 Silver Street, Bowning.....	4
6.3	Development Application DA230454 - Animal Breeding Establishment - 15 Mylora Street, Binalong	5
6.4	2023/24 Third Quarterly Budget Review Statements.....	6
6.5	Investment Report - April 2024.....	6
6.6	Grants Update: September 2023 to March 2024	7
6.7	Australian Tax Office Class Rulings on Superannuation.....	7
6.8	Risk Management Framework	7
6.9	2024 Seniors Week Overview	8
6.10	Internal Audit Charter and the Audit, Risk & Improvement Committee Terms of Reference	8
6.11	Water Rebate for an Undetected Leak	8
7.	Notice of Motion	9
8.	Questions with Notice.....	9
9.	Minutes and Recommendations of Council Committees.....	9
9.2	Minutes of the Crago Mill Precinct Project Committee held on 18 April 2024	9
9.3	Minutes of the Murrumbateman Recreation Grounds Focus Group Meeting held on 23 April 2024	9
9.4	Minutes of the Local Traffic Committee held on 1 May 2024	9
9.5	Minutes of the Sustainability Advisory Committee Meeting held on 7 May 2024.....	10
9.6	Minutes of the Rescue Committee and Local Emergency Management Committee Meetings held on 9 May 2024	10
9.7	Meeting Notes of the Yass Soldiers Memorial Hall Advisory Committee held on 9 May 2024...10	
10.	Confidential Matters.....	11
10.1	Water Rebate for an Undetected Leak	12

Open Forum

Presentations to Council – Items on the Meeting Agenda

- **6.1 Murrumbateman Playground – Site Determination**
 - 9.1 Minutes of the Murrumbateman Playground Project Committee held on 17 April 2024**
 - 9.3 Minutes of the Murrumbateman Recreation Grounds Focus Group Meeting held on 23 April 2024**Annaliese Caston
- **6.1 Murrumbateman Playground – Site Determination**
Stephanie McCall (Via Teams)
- **6.3 Development Application DA230454 – Animal Breeding Establishment – 15 Mylora Street, Binalong**
Meg Trotter (via Teams) – Foundation Law Group

Council Meeting - The Mayor declared the meeting open at 4.20 pm.

Present

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

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

Acknowledgement of Country

1. Prayer

2. Apologies

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

(Turner/Reid) 104

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

AGAINST: Nil

3. Declaration of Interest/Disclosures

Nil

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 24 April 2024 covered by resolution numbers 75-98 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Butler/Turner) 105

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

AGAINST: Nil

RESOLVED that the minutes of the Extraordinary Council meeting held on 09 May 2024 covered by resolution numbers 99-103 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Jones/Butler) 106

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

AGAINST: Nil

5. Mayoral Minute

6. Reports to Council

Motion

RESOLVED that Item 9.1 – Minutes of the Murrumbateman Playground Project Committee held on 17 April 2024, be brought forward for consideration.

(Jones/Butler) 107

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

AGAINST: Nil

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

RESOLVED 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.*

(Jones/Reid) 108

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

AGAINST: Councillor A Cameron

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.

RESOLVED 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.*

(Butler/Abbey) 109

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

AGAINST: Councillor A Cameron

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.

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

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

(Jones/Butler) 110

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

AGAINST: Councillors C Burgess and A Cameron

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.

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

(Reid/Jones) 111

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

AGAINST: Councillor A Cameron

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.

RESOLVED 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.**

(Reid/Burgess) 112

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

AGAINST: Councillor A Cameron

Foreshadowed Motion

An update of the Quarterly Budget Review Statement which will include a "Statement on Cash and Investment" as per Appendix 4 of the Guidelines, be provided as soon as possible.

(Cameron)

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.

RESOLVED that the Investment & Borrowings Report for April 2024 be noted.

(Turner/Jones) 114

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

AGAINST: 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.

RESOLVED that the report on Community Grants be noted.

(Butler/Jones) 115

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

AGAINST: 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.

RESOLVED 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.

(Turner/Abbey) 116

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

AGAINST: 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*.

RESOLVED that the Risk Management Framework be endorsed.

(Cameron/Reid) 117

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

AGAINST: Nil

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 pre-schoolers to Thomas Eccles Gardens; Wrap with Love knitters; poetry; and still art, to name a few.

RESOLVED that the 2024 Seniors Week Overview report be noted.

(Turner/Reid) 118

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

AGAINST: Nil

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

SUMMARY

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

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

(Abbey/Reid) 119

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

AGAINST: Nil

6.11 WATER REBATE FOR AN UNDETECTED LEAK

SUMMARY

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

RESOLVED 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.

(Turner/Butler) 120

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

AGAINST: Nil

7. Notice of Motion

Nil

8. Questions with Notice

Nil

9. Minutes and Recommendations of Council Committees

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

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

(Butler/Abbey) 121

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

AGAINST: Councillors A Cameron and J Jones

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

RESOLVED 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.

(Butler/Abbey) 122

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

AGAINST: Nil

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

RESOLVED 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 Community 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.

(Abbey/Cameron) 123

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

AGAINST: Nil

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

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

(Cameron/Reid) 124

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

AGAINST: Nil

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

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

(Reid/Abbey) 125

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

AGAINST: Nil

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

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

(Turner/Abbey) 126

Minutes of the Ordinary Meeting of Council held on 23 May 2024

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, 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 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.

(Butler/Turner) 127

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

AGAINST: Nil

Closed Council commenced at 6.07 pm.

RESOLVED that the meeting move into Open Council.

(Abbey/Cameron)128

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

AGAINST: Nil

Open Council resumed at 6.15 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Jones/Reid) 129

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

AGAINST: Nil

10.1 WATER REBATE FOR AN UNDETECTED LEAK

SUMMARY

This report presents applications for water rebate for undetected leaks and a disputed water charge for Council determination.

RESOLVED that the excessive water bill from an undetected leak outside of the property boundary at Lot 2 DP1196036, 310 Henderson Lane, Binalong be written-off, noting that the meter was relocated and the service under the railway culvert was upgraded.

(Turner/Jones) 130

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

AGAINST: Nil

The meeting closed at 6.16 pm.

6.1 BINALONG AND BOWNING MASTERPLANS

SUMMARY

To present the outcomes of the consultation on the draft Binalong and Bowning Masterplans. It is recommended that the Masterplans be adopted.

RECOMMENDATION

That the Binalong and Bowning Masterplans be adopted.

FINANCIAL IMPLICATIONS

The preparation of masterplans for the villages of Binalong and Bowning are funded in the 2023/24 Operational Plan.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Roads Act 1993*
- AS 1428 Australian Standard – Design for Access and Mobility
- *Yass Valley Local Environmental Plan 2013*

REPORT

1. Background

The 2022/26 Yass Valley Council Delivery Plan includes the preparation of masterplans for Binalong and Bowning Villages. It was resolved at the Council meeting of 28 March 2024 to place the draft masterplans on exhibition for a period of 28 days. The masterplans were placed on public exhibition from 3 April until 5 May 2024. The Binalong Masterplan is included in **Attachment A** and the Bowning Masterplan is in **Attachment B**.

2. Community Feedback

A total of three submissions were received, one for Bowning and two for Binalong (refer **Attachment C**). Overall the submissions were supportive of the actions and recommendations of the masterplans.

In relation to Binalong Masterplan the submissions raised concerns about the extent, construction type and cost of providing footpaths, the lack of walkability to the community club, the missed opportunity for signposted walks around town and concerns about the slowing of traffic. It was also mentioned that the mural in Fitzroy Street needs careful consideration when undertaking works in the adjacent laneway.

The submission to the Bowning Masterplan suggests the planting of small flowering trees to the verge at the corner of Montem Street and Bowning Road to reduce areas that require mowing, an identification sign at the entrance to the recreation ground as well as the need to improve drainage through the village with many waterways and drainage areas being overgrown. The submission also notes the mention of Fitzroy Street which should be Montem Street.

In response to the submissions it was noted that funding from Transport for NSW in relation to footpath provision is provisional on a certain type, dimension and location of footpath, accordingly the footpaths as proposed in the Binalong Masterplan have been retained. A footpath to the community club is outside the scope of the study area which is the village centre, and whilst the submission raises concerns, the Binalong Masterplan does not cover the extent of the area to include the community club. The study does include a recommendation for the commission of a design of interpretative signage for the village which will promote self guided walking. It is noted that slower traffic in residential areas is desirable, with the masterplan implementing urban design interventions to assist in slowing traffic with a review of speed limits to occur upon implementation of masterplan recommendations. Accordingly, there were no changes to the Binalong Masterplan as exhibited.

The matters raised in the Bowning submission have been addressed in the revised masterplan document.

STRATEGIC DIRECTION

CSP Theme	Our Community
CSP Strategy Objective	CO3: Our Community is connected, safe and proud
Strategies	CO3.5 -Community pride is encouraged through the beautification and maintenance of our villages and towns
Delivery Program Action	Complete the Binalong Masterplan

- ATTACHMENTS:**
- A. Binalong Masterplan Report [⇒](#)
 - B. Bowning Masterplan Report [⇒](#)
 - C. Submissions to Binalong and Bowning Masterplan Exhibition [⇒](#)

6.2 PLANNING PROPOSAL - 34 ISABEL DRIVE, MURRUMBATEMAN

SUMMARY

To present a report on a draft Planning Proposal seeking an amendment *Yass Valley Local Environmental Plan 2013* to allow additional permitted uses at Shaw Vineyard, 34 Isabel Drive, Murrumbateman.

RECOMMENDATION

That:

1. *The draft Planning Proposal for 34 Isabel Drive, Murrumbateman (PP.2024-765) be endorsed.*
2. *The draft Planning Proposal be forwarded to the Minister for Planning & Public Spaces to request a Gateway determination pursuant to s3.34 Environmental Planning & Assessment Act 1979.*

FINANCIAL IMPLICATIONS

The applicant has paid the appropriate fee as listed in Council's Fees and Charges for the assessment and progression of the planning proposal.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Yass Valley Local Environmental Plan 2013*

REPORT

1. Background

Council has received a Planning Proposal seeking an amendment to the *Yass Valley Local Environmental Plan 2013 (Yass Valley LEP 2013)* by inserting an additional permitted use being 'serviced apartments' into Schedule 1 to allow the development of small-scale tourist and visitor accommodation, associated with the Shaw Winery, Cellar Door and Restaurant (including events) at 34 Isabel Drive, Murrumbateman.

2. Planning Proposal

The Planning Proposal applies to Lot 27 DP1301590, 34 Isabel Drive, Murrumbateman (refer **Attachment A**). This lot has an area of approximately 6.2ha and is the residual allotment in stage 3 of The Fields subdivision.

The site is located approximately 2.2km south west of the Murrumbateman town centre. Land immediately to the north of the site was the subject of stages 1 and 2 of The Fields subdivision.

The site is zoned R2 Low Density Residential with a minimum lot size of 6,500m². Uses permitted in this zone are as follows, with all other development prohibited:

Permitted Without Consent

Environmental Protection Works, Home-based Child Care, Home Businesses, Home Occupations

Permitted With Consent

Attached Dwellings, Bed and Breakfast Accommodation, Centre-based Child Care Facilities, Dual Occupancies, Dwelling Houses, Emergency Services Facilities, Environmental Facilities, Exhibition Homes, Group Homes, Home Industries, Oyster Aquaculture, Pond-based Aquaculture, Recreation Areas, Respite Day Care Centres, Roads, Signage, Tank-based aquaculture, Water Supply Systems.

The current use of the site (including the cellar door, winery and restaurant) was established under previous environmental planning controls where they were permissible. These uses are now

prohibited in the R2 zone. Serviced apartments are a subset of ‘tourist and visitor accommodation’ which are prohibited in the zone and under the *Yass Valley LEP 2013* is defined as ‘a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents’.

The proposed amendment to *Yass Valley LEP 2013* will allow for the submission of a development application for serviced apartments on the site. The proposed development is described in the attached planning proposal.

3. Site Analysis

The proposed use would be consistent with the current use of the site subject to the lodgement of a development application. A preliminary site analysis has been completed indicating that there is sufficient electricity and water (drawn from tanks and existing onsite bores) available and effluent is currently disposed on site. The Land Capability Assessment prepared for The Fields subdivision indicated that the soil qualities were appropriate for onsite wastewater management. Prior to any future development of the site it would be necessary for a whole of development strategy for waste water, drainage and water supply to be developed.

A preliminary traffic impact assessment has been undertaken taking account of existing development and proposed accommodation, being 12 accommodation units. This assessment used industry standard 85th percentile occupancy rate which estimated that the afternoon peak hour traffic generation of the additional use would be approximately 4 vehicles per hour. The development overall, including existing uses, would generate 54 vehicles per hour during afternoon peak. It is anticipated that this number accounts for approximately 38% of the traffic on Isabel Drive.

4. Strategic Planning Assessment

The site contains the existing Shaw Winery and Cellar Door as well as a restaurant. The proposal is to add accommodation units increasing the attraction of the site as a destination in its own right and the Murrumbateman area overall as part of the Cool Climate Wine Region. The provision of accommodation supports the diversification of onsite offerings and supports the growth of local and regional tourism. On this basis, it is considered that the planning proposal is consistent with the following strategic documents:

- a. The *South East and Tablelands Regional Plan 2036* (Regional Plan) recognises the importance of cool climate wineries to Yass Valley, particularly as an economic driver along with the proximity to Canberra Airport offers opportunities to capitalise on tourist visitation. The proposal is consistent with Directions 5 and 9 of the Regional Plan being:

- Direction 5: Promote agricultural innovation, sustainability and value-add opportunities
- Actions: Promote commercial, tourism and recreational activities that support the agricultural sector.
- Direction 9: Grow tourism in the region

The directions recognise the value of tourism and agriculture in the economy of the region and seek to promote growth of the economy, including tourism.

- b. The *Yass Valley Local Strategic Planning Statement* recognises the importance of tourism and investment to the Yass economy in Planning Priority 6 which states “*maximise opportunities for tourism, industry and investment in the Yass Valley*”.
- c. Action EC2 2 of the *Yass Valley Community Strategic Plan 2042* states “*the local and regional tourism offering is expanded, increasing visitation opt the region*” again recognising the importance of wineries in expanding our visitation.
- d. The Murrumbateman Structure Plan recognises that wines from Murrumbateman enjoy a very high reputation and it is estimated that “*the Murrumbateman wine industry has a greater economic value and employs more persons than any other employment use in Murrumbateman. It is a key economic generator for the Village, particularly in terms of tourism*”. Despite the area

where the winery is located not being identified in the Structure Plan as future residential or rural residential, it was rezoned R2 Low Density Residential at the commencement of the YVLEP 2013. The proposal is not inconsistent with the Murrumbateman Structure Plan as it does not seek to alter the zone nor introduce tourist and visitor accommodation as a permitted use to the zone, rather the use as proposed relates only to the subject site and provides value add opportunity due to the scale and nature of the existing uses on site.

5. Conclusion

The draft Planning Proposal is consistent with the regional and local strategic planning directions for the future growth of tourism in the Yass Valley and region more widely. It is recommended that the draft Planning Proposal be endorsed and forwarded to the Minister for Planning & Public Spaces to request a Gateway determination. Council should seek delegations to make the amendment as the local plan making authority.

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	Commence review of the Local Strategic Planning Statement

- ATTACHMENTS:**
- A. Locality Plan [⇨](#)
 - B. Draft Planning Proposal - 34 Isabel Drive, Murrumbateman [⇨](#)

6.3 APPLICATIONS UPDATE - APRIL & MAY 2024

SUMMARY

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

RECOMMENDATION

That the report on applications for April and May 2024 be noted.

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*

REPORT

A list of applications that have been lodged, determined and under assessment for April and May 2024 is included in **Attachment A**.

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. Applications Update - April & May 2024 [⇒](#)

6.4 DEVELOPMENT APPLICATION NO. DA240013 - FIVE LOT SUBDIVISION (CONSOLIDATION AND RE-SUBDIVISION), 38-46 POLLUX STREET, YASS

SUMMARY

To present the assessment of Development Application No 240013 for a five lot subdivision (consolidation and re-subdivision) of 38-46 Pollux Street, Yass. The application has requested an exception to the 2,000m² minimum lot size development standard by up to 64.6% through clause 4.6 *Yass Valley Local Environmental Plan 2013*. Relevant issues cannot be addressed by conditions and refusal is recommended.

RECOMMENDATION

That Development Application No DA240013 for a five lot subdivision (consolidation and re-subdivision) at 38-46 Pollux Street, Yass, be refused on the following grounds:

- *The lot sizes of proposed Lots 1-4 do not meet the prescribed minimum lot size of 2,000m². In accordance with clause 4.1(3) Yass Valley Local Environmental Plan 2013, Development Consent cannot be granted unless the size of each lot created as a result of a subdivision meets the minimum lot size.*
- *The Applicant's written request seeking an exception of the minimum lot size development standard using clause 4.6 Yass Valley Local Environmental Plan 2013 is not supported as the Applicant has not demonstrated that compliance with the development standard is unreasonable and unnecessary in this instance and that there are sufficient environmental planning grounds. As such, Development Consent for the exception to the minimum lot size development standard cannot be granted in accordance with clause 4.6(3).*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- *Biodiversity Conservation Act 2016*
- *Biodiversity Conservation Regulation 2017*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Yass Valley Local Environmental Plan 2013*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Yass Valley Development Contributions Plan 2018*
- *Yass Valley Community Engagement Strategy*
- *Road Standards Policy*
- *Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy*
- *Building Line Policy – Urban*
- *Application Assessment and Decision Making Policy*
- *NSW Guide to Varying Development Standards – November 2023*

REPORT

1. Application Details

Date Received	-	16 January 2024
Land	-	Lot 9 DP 1087186 Lots 8 and 10-12 Sec 35 DP 759136 38-46 Pollux Street, Yass
Area	-	10,164m ²
Zoning	-	R1 General Residential

2. Site Description and Locality

The site is located in an area characterised by residential development including dwelling houses.

Existing lots within the middle of the block between Pollux Street and Orion Street can generally be described as larger in size (at approximately the 2,000m² minimum lot size), but relatively long and with narrow street frontages. Smaller residential lots are generally located to the edges of this block, including to Hume Street to the east and Glebe Street to the north. A strata plan multi dwelling housing development is also located with frontage to Glebe Street.

The site contains five separate lots of which are currently each approximately 2,000m². Each lot contains an existing dwelling house and outbuildings on the front half, with direct vehicular access from Pollux Street.

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

3. Proposal

The submitted application involves a five-lot consolidation and re-subdivision. The proposed layout creates four smaller lots (Lots 1-4) of between 708m² and 817m², and then a large residue lot (Lot 5) of 7,322m².

The subject land is zoned R1 General Residential and has a prescribed minimum lot size (MLS) of 2,000m². Lot 5 meets the MLS requirement; however, Lots 1-4 are all significantly below. The application has requested an exception to the MLS development standard between 59.15%-64.6% through clause 4.6 *Yass Valley Local Environmental Plan 2013 (Yass Valley LEP 2013)*.

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

4. Public Exhibition

Public exhibition included notice to 17 adjoining and nearby landowners and no submissions have been received.

5. Assessment – Exception to Development Standard

The proposed development has been assessed against the requirements of s4.15 *Environmental Planning & Assessment Act 1979*. It is considered that the proposed development cannot be supported for the reasons outlined in the Assessment Report (refer **Attachment C**).

An assessment of the proposal has been completed in accordance with the planning legislation. The proposal does not comply with the relevant planning controls, policy and guidelines, specifically in relation to the exception to the MLS development standard and the subdivision lot layout.

Proposed Lot 5 meets the MLS 2,000m², however proposed lots 1-4 are below the MLS as follows:

Lot	Size	Exception Proposed
1	704m ²	64.6%
2	805m ²	59.15%
3	727m ²	62.45%
4	707m ²	63.2%
5	7,322m ²	Nil

The Applicant has requested an exception to the MLS development standard contained in clause 4.1 *Yass Valley LEP 2013* through use of clause *Yass Valley LEP 2013*. Clause 4.6(3) *Yass Valley LEP 2013* requires:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

It is important to note that clause 4.6 *Yass Valley LEP 2013* was updated across all Standard Instrument LEPs by the NSW Government in November 2023. This change now specifically requires that Council must not grant Development Consent unless they are satisfied that that the Applicant's written request has demonstrated the above matters. It is not up to Council as the consent authority to determine what is 'unreasonable or unnecessary' or whether there are 'sufficient environmental planning grounds' but whether the Applicant's written request demonstrates this through supporting information and evidence as sufficient justification. The previous version of the clause required that Council only consider the written request alongside public interest, but now must be expressly satisfied the Applicant has demonstrated it.

Legal guidance was sought earlier this year to assist in understanding the changes and assessment obligations under the updated clause. Preliminary assessment of the Applicant's written request following the legal guidance had indicated concerns that they had not adequately demonstrated the required matters. Opportunity was provided for the Applicant to prepare a revised request.

The Applicant's revised written request is included as **Attachment D** and response to additional information request as **Attachment E**. The Applicant's request is relying on basis of the objectives of the MLS development standard being achieved, notwithstanding the non-compliance with the numerical size. In summary, they have suggested in the written request that the exception should be supported on the following basis, including the environmental planning grounds:

- The proposal and contravention of the MLS development standard represents an outcome which achieves an increase in housing supply through providing lots of different sizes to provide for a range of different housing needs for the community.
- The *Yass Valley Settlement Strategy 2036* and the *Draft South East and Tablelands Regional Plan 2041* notes a need for increased housing supply and diversity of housing types in areas that are close to facilities and services. The lots are not currently being utilised to their full potential, and therefore the proposal and exception to the development standard supports the achievement of these objectives. The proposed layout with exception to the development standard facilitates a layout that would allow the potential future subdivision of the large Lot 5.
- The proposal has been prepared to ensure the design reflects and reinforces the neighbouring subdivision patterns, preserving the character of the Yass Valley. The proposal has taken into consideration the location, type, and intensity of the development, having regard to the characteristics of the land, and therefore in turn maintaining the character of the Yass Valley.
- The proposal has been designed to have regard to the existing land uses and retaining efficient, productive sized allotments for sustainable residential development. It further outlines that it has been designed to tie in with the adjoining amenity and land uses and makes appropriate use of the land in relation to location and zoning. The proposal is consistent with the aims and objectives of relevant planning instruments, is compatible and responds to the site conditions, and is a proposal creating a subdivision in a sustainable way.
- The development is expected to lay the foundation for the more efficient utilisation of the land in the future.
- This proposed layout including the non-compliant section is compatible with the existing and surrounding lot patterns. Therefore, the degree of non-compliance with the development

standard does not contravene from the existing and future character of the area and the proposal in its current form satisfies the objectives of the MLS.

- The minor variation to lot size will not result in any detriment to the public, rather the public benefits arising from the additional lot/dwelling entitlement and potential employment opportunities that would be delivered by the development can be classed as ‘sufficient environmental planning grounds’ to justify contravening the development standard.
- The proposal will not physically change the appearance of the surrounding environment or character of the existing neighbourhood.
- The proposed lot size variation will not generate any unacceptable adverse environmental impacts in respect of overshadowing, view loss or privacy impacts.
- The site is within an established residential area comprising a range of lot sizes. The locality is one subject to urban renewal through redevelopment and use of vacant land as well as replacement of existing housing stock.

An assessment of the written request (refer **Attachment F**) has indicated that it does not demonstrate with substantiated basis that compliance with the MLS development standard is unreasonable and unnecessary, and that there are sufficient environmental planning grounds. There are several elements of the request that have not been demonstrated with clear planning-based evidence and justification. The following assessment response comments are made:

- The proposed development is not creating any additional lots, housing or dwelling entitlements – it remains five lots reconfigured into five lots. There is no increase in the supply of lots for housing at this time. Any increase in the supply of housing would be through separate future development outside of that which is proposed in this Development Application and unrelated to the exception to the MLS development standard being considered. Reference to potential future development of further future subdivision or multi-dwelling housing is outside of scope of consideration and cannot be relied upon as justification in this instance.
- Other pathways and outcomes could be pursued for development of this land for residential purposes under the LEP without exception to the MLS development standard, which is acknowledged in the Applicant’s written request. However, the examples of another development referred to in their written request (a multi-dwelling proposal with community title subdivision) is a completely different type of development and unrelated to the standalone Torrens title subdivision proposed here.
- Council’s *2011 Built Form Study* identified that this area was generally unsuitable for further subdivision due to the general reflection of the characteristic of early subdivision and development of Yass, topography and presence of significant vegetation. The study found that “areas of significant consistency” are valued by the community for their character. The recommendations and built form principles in the Study suggested that subdivision should only be permitted where it is in keeping with prevailing subdivision pattern and built form character of the area. Whilst the *Draft South East and Tablelands Regional Plan 2041* does acknowledge potential for infill development in North Yass, this has not yet been considered further from a strategic perspective to changes in the MLS planning controls in the area. The Applicant has dismissed any consideration of the Study on the basis of its age (refer **Attachment D**), even though it still underpins the MLS applied by the LEP to this land and therefore relevance to the objective of the development standard in this instance.
- Whilst the subdivision proposes lots fronting Pollux Street with a form and size not dissimilar to that of lots on the opposite southern side of Pollux Street, the overall subdivision does not reflect the predominant pattern on the northern side of Pollux Street and southern side of Orion Street. This is predominantly an orthogonal grid pattern including with the longer lots in the area identified as the 2,000m² MLS, (i.e. to the immediate north, west and northwest). The larger residue Lot 5 created following the exception to the MLS on Lots 1-4 is also particularly out of character with the existing subdivision pattern. An analysis map showing the current lot layout, lot sizes, and minimum lot sizes is included as Figure 1 in **Attachment F**.

- The proposal through the departure to the MLS is an ad-hoc planning outcome in relation to the subdivision pattern and lot sizes of the area, taking into consideration the 2011 Built Form Study which underpins the basis for the 2,000m² MLS that applies to the land. Furthermore, although outside of considerations for this development, it is noted that the Applicant has indicated that the proposed subdivision design takes into account opportunity for further subdivision of Lot 5, which would further represent potential for ad-hoc planning.
- The proposed subdivision will change the character of the neighbourhood through establishment of a subdivision pattern that is inconsistent with the current predominant pattern. Although the built form streetscape will not immediately change due to the presence of the existing dwellings, this is only part of what is considered to constitute the overall character of an area.
- Parts of the written request focus on the development as a whole and not specifically the matters that relate to the proposed exception to the development standard which are the aspects that must be demonstrated.

As the Applicant's written request is not considered to have demonstrated that compliance with the development standard is unreasonable and unnecessary in this instance (i.e. though nonetheless achieving the objectives of the development standard) and that there are sufficient environmental planning grounds. As such, Development Consent for the exception to the MLS development standard cannot be granted in accordance with clause 4.6(3) *Yass Valley LEP 2013*.

6. Conclusion

From the assessment of the proposal, it is recommended that the application be refused.

Understanding that there are further subdivision plans below the MLS being considered for this land as referred to in supporting documentation (i.e. either on proposed Lot 5 or across entire site), it is considered that a complete Planning Proposal (i.e. seeking to amend the LEP) would instead be the most appropriate pathway to enable holistic and strategic assessment of a proposed change in minimum lot size for this area.

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:

- Locality Plan [⇒](#)
- Plan of Subdivision and Statement Environmental Effects [⇒](#)
- s4.15 Assessment [⇒](#)
- Applicant Clause 4.6 Exception Written Request [⇒](#)
- Applicant Response to Additional Information Request [⇒](#)
- Assessment of Applicant 6.4 Exception Request [⇒](#)

6.5 DEVELOPMENT APPLICATION NO DA240052 - BOUNDARY ADJUSTMENT AND ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING, 8 AND 10 SHORT STREET YASS

SUMMARY

To present the assessment of Development Application No 240052 for a boundary adjustment between 8 and 10 Short Street, Yass and alterations and additions to an existing dwelling at 10 Short Street, Yass. The application has requested an exemption to the 1,000m² minimum lot size development standard by 30% for one lot under clause 4.6 of the Yass Valley Local Environmental Plan 2013. The application did not attract any submissions. It is recommended the boundary adjustment and carport be refused.

RECOMMENDATION

That

1. *Part of Development Application No 240052 for a boundary adjustment between 8 and 10 Short Street, Yass and the construction of a carport at 10 Short Street, Yass be refused on the following grounds:*
 - *The lot size of proposed Lot 1 does not meet the minimum lot size of 1,000m². In accordance with clause 4.1(3) Yass Valley Local Environmental Plan 2013, Development Consent cannot be granted unless the size of each lot created as a result of a subdivision meets the minimum lot size.*
 - *The Applicant's written request seeking an exception to the minimum lot size development standard using clause 4.6 Yass Valley Local Environmental Plan 2013 is not supported as the Applicant has not demonstrated that compliance with the development standard is unreasonable and unnecessary in this instance and that there are sufficient environmental planning grounds. As such, Development Consent for the exception to the minimum lot size development standard cannot be granted in accordance with clause 4.6(3).*
 - *The proposed carport relies on the boundary adjustment and will otherwise encroach the existing boundary.*
2. *Development Application No 240052 for alterations and additions to an existing dwelling at 10 Short Street, Yass comprising a patio and rear addition be approved.*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Yass Valley Local Environmental Plan 2013*
- *Local Government Act 1993*
- *Yass Valley Development Contributions Plan 2018*
- *Yass Valley Community Engagement Strategy*
- *Building Line Policy*
- *Application Assessment and Decision Making Policy*
- *NSW Guide to Varying Development Standards – November 2023*

REPORT

1. Application Details

Date Received	-	26 February 2024
Land	-	Lot 2 & 3 DP 263781

8 & 10 Short Street, Yass

- Area - Total 2,426m²
Zoning - R1 General Residential

2. Site Description and Locality

The site is located in an area characterised by residential development including dwelling houses.

The existing lots on Short Street and the surrounding locality can be described as larger in size, at approximately 1,000m² and are relatively long with narrow street frontages. Exception to this can be found on two allotments located directly opposite the subject site where they are less than 700m² in size and an R3 Medium Density Residential zoned lot to the north of the site with a multi-unit development made up of villa style housing.

The subject site is made up of two existing allotments that are approximately 1,216m² and 1,200m². Each allotment contains a single dwelling house and associated structures in the form of sheds and rainwater tanks.

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

3. Proposal

The submitted application involves a boundary adjustment between 8 and 10 Short Street, Yass and alterations and additions to the existing dwelling on 10 Short Street.

The proposed boundary adjustment creates Lot 1 which is 700m² and rectangular in shape and Lot 2 which is 1,726m² and 'L' shaped, wrapping around the rear of proposed Lot 1.

The subject land is zoned R1 General Residential and has a prescribed minimum lot size (MLS) of 1,000m². Lot 2 meets the MLS requirement; however, Lot 1 does not meet the MLS. This application has requested an exception to the MLS development standard of 30% through clause 4.6 *Yass Valley Local Environmental Plan 2013 (Yass Valley LEP 2013)*.

The proposed alterations and additions to the existing dwelling on 10 Short Street involves a patio area at the front of the dwelling, a single carport with a brick wall on the southern side of the dwelling and additions to the rear of the dwelling including a living area and master bedroom with an ensuite bathroom. The carport relies on the proposed boundary adjustment, as otherwise it will encroach the existing boundary. The proposed boundary adjustment does not relate to the patio or the addition to the rear of the dwelling.

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

4. Public Exhibition

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

5. Assessment - Exception to Development Standard

The proposed development has been assessed against the requirements of s.4.15 *Environmental Planning & Assessment Act 1979*. It is considered that the proposed boundary adjustment cannot be supported for the reasons outlined in the Assessment Report (refer [Attachment C](#)).

An assessment of the proposal has been completed in accordance with the planning legislation. The proposal does not comply with the relevant planning controls, policy and guidelines, specifically in relation to the exception to the MLS development standard. Proposed Lot 2 meets the MLS requirement of 1,000m², however proposed Lot 1 is to be approximately 700m² which is 30% less than the requirement.

The Applicant has requested an exception to the MLS development standard contained in clause 4.1 through use of clause 4.6 *Yass Valley LEP 2013*. Clause 4.6(3) *Yass Valley LEP 2013* requires:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

It is important to note that clause 4.6 *Yass Valley LEP 2013* was updated across all Standard Instrument LEPs by the NSW Government in November 2023. This change now specifically requires that Council must not grant Development Consent unless they are satisfied that that the Applicant's written request has demonstrated the above matters. It is not up to Council as the consent authority to determine what is 'unreasonable or unnecessary' or whether there are 'sufficient environmental planning grounds' but whether the Applicant's written request demonstrates this through supporting information and evidence as sufficient justification. The previous version of the clause required that Council only consider the written request alongside public interest, but now must be expressly satisfied the Applicant has demonstrated it.

The Applicant's written request is included as **Attachment D**. The Applicant's request is relying on the achievement of the objectives of the MLS development standard, notwithstanding the non-compliance with the numerical size. In summary, they have suggested in the written request that the exception should be supported on the following basis, including the environmental planning grounds:

- The *Yass Valley Settlement Strategy 2036* notes a need for increased housing supply and diversity of housing types in areas that are close to facilities and services. The proposal will result in two Torrens Title residential lots varying in size to accommodate a range of different housing needs for the current and future community, and therefore the proposal and exception to the development standard supports the achievement of these objectives.
- The proposal has been prepared to ensure the design reflects and reinforces the neighbouring subdivision patterns, preserving the character of the Yass Valley. The proposal has taken into consideration the location, type, and density of the development, having regard to the characteristics of the land, and therefore in turn maintaining the character of the Yass Valley.
- The proposal has been designed to have regard to the existing land uses and retaining efficient, productive sized allotments for sustainable residential development. It further outlines that it has been designed to tie in with the adjoining amenity and land uses and makes appropriate use of the land in relation to location and zoning. The proposal is consistent with the aims and objectives of relevant planning instruments, is compatible and responds to the site conditions, and is a proposal creating a subdivision in a sustainable way.
- This proposed layout including the non-compliant section is compatible with the existing and surrounding lot patterns. Therefore, the degree of non-compliance with the development standard does not contravene from the existing and future character of the area and the proposal in its current form satisfies the objectives of the MLS.
- There are a number of lots on Short Street that are less than 1,000m² demonstrating that the proposed boundary adjustment will not look out of place in comparison to surrounding allotments. It is also states that the proposed lots are consistent with the prescriptive MLS for R1 General Residential within new development areas which is 700m².
- The proposal will not physically change the appearance of the surrounding environment or character of the existing neighbourhood. The exchange of land is located at the rear of the subject site and current access to Short Street will not be impacted.
- The proposed lot size variation will not generate any unacceptable adverse environmental impacts in respect of overshadowing, view loss or privacy impacts.

An assessment of the Applicant's written request (refer **Attachment E**) identifies that it does not demonstrate, with substantiated basis, that compliance with the MLS development standard is

unreasonable and unnecessary, and that there are sufficient environmental planning grounds. There are several elements of the request that have not been demonstrated with clear planning-based evidence and justification. The following comments are made in response:

- The proposed development is not creating any additional lots, housing or dwelling entitlements – it remains as two lots with existing dwellings to be retained. There is no increase in the supply of lots for housing. Any increase in the supply of housing would be by future development outside of that which is proposed in this Development Application and unrelated to the exception to the MLS development standard being considered.
- Whilst there are two lots located opposite the subject site that are less than 700m², the overall boundary adjustment proposed does not reflect the predominant pattern of the locality. This is predominantly rectilinear grid pattern, made up of lots that are 1,000m² or larger. The proposed boundary adjustment creates one 700m² rectangular lot and one 'L' shaped lot which wraps around 8 Short Street, which is not consistent with the surrounding lot pattern.
- It is noted that the proposed variation is consistent with the MLS (700m²) of newly established residential estates (e.g. Wellington Road and Yarrah). However, the subject site is located within a well-established urban area and is surrounded by a majority of lots that are rectangular in shape and 1,000m² or larger. This proposal does not work to preserve the existing character of the locality as the proposal is inconsistent with the established lot layout and size of lot in the locality. Comparison with newly established residential estates does not support the maintenance of the character or the retention of heritage and built form of the Yass Valley.
- Parts of the written request focus on the development as a whole and not specifically the matters that relate to the proposed exception to the development standard which are the aspects that must be demonstrated.

As the Applicant's written request is not considered to have demonstrated that compliance with the development standard is unreasonable and unnecessary and that there are sufficient environmental planning grounds. As such, Development Consent for the exception to the MLS development standard cannot be granted in accordance with clause 4.6(3) *Yass Valley LEP 2013*.

6. Assessment – Alterations and Additions

The proposed alterations and additions to the existing dwelling on 10 Short Street involves a patio area at the front of the dwelling, a single carport with a brick wall on the southern side of the dwelling and additions to the rear of the dwelling including a living area and master bedroom with an ensuite bathroom.

The carport relies on the proposed boundary adjustment, as otherwise it will encroach the existing boundary. The proposed boundary adjustment does not impact the patio or the addition to the rear of the dwelling. As such, the Development Consent for the carport cannot be granted if the exception to the MLS development standard is not approved. Consent can be granted for the patio and rear additions.

7. Conclusion

From the assessment of the proposal, it is recommended that:

- The exception to the MLS and carport be refused and
- The patio and rear addition are approved subject to standard conditions of Consent (refer **Attachment F**).

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Strategies	EN3.1 - 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. Plan of Subdivision, Architectural Drawings and Statement of Environmental Effects [⇒](#)
 - C. s4.15 Assessment [⇒](#)
 - D. Applicant Written Request for Clause 4.6 Exception [⇒](#)
 - E. Assessment of Applicant 4.6 Exception Request [⇒](#)
 - F. Conditions of Consent for Patio and Rear Addition [⇒](#)

6.6 DEVELOPMENT APPLICATION NO. DA230577 - DANCE SCHOOL, 26 ROSE STREET, MURRUMBATEMAN

SUMMARY

To present the assessment of Development Application No DA230577 for a dance school at 26 Rose Street, Murrumbateman. The application attracted 16 submissions over two public exhibition periods. Relevant concerns cannot be addressed by conditions. Refusal is recommended.

RECOMMENDATION

That Development Application No DA230577 for a dance school at 26 Rose Street, Murrumbateman, be refused on the following grounds:

1. *The site is not considered to be suitable for the proposed development in the current form based on the information available.*
2. *Suitable arrangements for vehicle access driveway location in conjunction with providing adequate onsite car parking has not been demonstrated. The proposed number of car parking spaces to be provided on site at 10 is considered to be inadequate and is likely to create adverse situation in the area through increased potential for traffic and pedestrian conflict, general parking issues (such as other informal parking), which in turn may also adversely affect amenity of nearby residential uses.*
3. *The noise impact assessment has calculated based on nine car spaces only, whereas the traffic impact statement is recommending a minimum 10, and this assessment is recommending minimum 12. As the current modelled noise for the carpark is only just at acceptable criteria for nearest sensitive receiver, updated noise assessment (and potentially consideration of additional attenuation measures) is necessary.*
4. *The proposed removal of the yellow box (eucalyptus melliodora) located in the unformed road reserve outside the western property boundary is unacceptable as:*
 - *The tree is located on public land and is identified as being in fair condition and with Council's consulting arborist identifying that it is suitable for retention with development. The tree is not identified as dead, dying or dangerous.*
 - *The proposal has not been designed to avoid removal and it has not been demonstrated how protection of this tree would otherwise be achieved in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites without need for further site redesign.*
 - *Yellow box (eucalyptus melliodora) provide habitat values and food sources for bird species, including vulnerable species such as the Superb Parrot.*

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
- NSW Guide to Traffic Generating Development
- *Local Government Act 1993*
- *Roads Act 1993*
- *Biodiversity Conservation Act 2016*
- *Biodiversity Conservation Regulation 2017*
- Australian Standard 4970-2009 Protection of Trees on Development Sites
- Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting

REPORT

1. Application Details

Date Received	-	14 December 2023
Land	-	Lot 1 DP 1291221, 26 Rose Street, Murrumbateman
Area	-	955m ²
Zoning	-	RU5 Village

2. Site Description and Locality

The site is located in an area characterised by the interface of residential and business/commercial land uses in the village of Murrumbateman.

The site is located on the corner of Rose Street and North Street at the edge of the older village and the area known as Fairley. The subject land was previously held in common ownership with the adjoining 24 Rose Street and with a boundary adjustment in 2023 both properties sold separately (i.e. 24 Rose Street with existing dwelling and 26 Rose Street as a vacant lot). The site has a number of mature trees spread across it and some minor existing structures. There is currently no formalised vehicle driveway from either street.

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

3. Proposal

The submitted application involves:

- Demolition of existing structures
- Construction of a new building to be used for the purposes of a dance school with two studio spaces
- Construction of a carpark
- Vehicle access to Rose Street
- Tree removal onsite and in the road reserve (public land)

The proposed opening times of the dance studio are Monday-Friday 4pm-9pm and Saturday 9am-3pm.

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

4. Public Exhibition

Public exhibition included notice to 11 adjoining and nearby landowners, and the Murrumbateman Community Association. During this period there were nine submissions received, and one additional submission after the public exhibition period had closed.

Additional information that was received from the Applicant during the assessment was also subject to another public exhibition period to those who had previously made a submission, as well as the

most immediate adjoining and nearby landowners who may be affected by changes made. During the additional information public exhibition there were six submissions received.

A copy of original submissions received is included as **Attachment C**, the Applicant's response as **Attachment D**, and the submissions received in relation to the additional information/revisions as **Attachment E**.

6. Assessment

The proposed development has been assessed against the requirements of s4.15 *Environmental Planning & Assessment Act 1979*. It is considered that the proposed development cannot be supported for the reasons outlined in the Assessment Report (refer **Attachment F**).

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

6.1 Zoning and Permissibility

The subject land is zoned RU5 Village under the *Yass Valley Local Environmental Plan 2013 (Yass Valley 2013)*. This zone is a mixed-use zone that applies across the Murrumbateman Village and allows for a variety of residential and business/commercial land uses that support the village.

Within the submissions received the zoning is questioned and it is suggested that this is a residential area. Whilst the current land uses on North Street and to the western side of Rose Street are currently primarily residential, it also an interface area with more business/commercial land uses including preschools, Fairley Square, and the Rural Fire Services shed in nearby proximity.

The proposed development can be characterised as a 'recreation facility (indoor)' for the purposes of the *Yass Valley 2013* and is permissible with consent across the RU5 Village zone.

The location is generally considered to be suitable for a non-residential use given it is already at the interface between the residential and business/commercial uses. However, whilst the proposed development may be permissible in the zone and the site generally suitable for a non-residential development, the impacts and merits of the proposal must still be considered in the assessment of this application.

A NSW Planning Principle of the Land & Environment Court provides guidance on the consideration of development at interfaces or transitions of different zones. Although in this instance the Murrumbateman village is zoned the same (RU5 Village), the planning principle still provides relevance as the location of this proposed development represents an interface or transition between business/commercial uses and residential uses. The principle generally suggests that any development in one area needs to recognise and take into account the existing development, which can therefore limit the extent of development potential. However, it also suggests the type and form of development that can occur may have such impacts on nearby development which are greater than that of other areas (i.e. non-interface areas). Although impacts must be within reason, they can nevertheless occur and may be accepted as greater in an interface area. In this regard, some level of impact on residential uses can be expected.

6.2 Vehicle Driveway Location

The original application submitted had proposed the vehicle driveway to be located on North Street (refer **Attachment G**). Concern was raised in the original submissions that the location of the driveway on North Street was inappropriate and that as it is addressed as Rose Street, it should instead be located there. It was also suggested that the location on Rose Street would result in less impacts to the dwellings on North Street, i.e. by having traffic movements occur on Rose Street and reducing headlight glare into dwellings on opposite side of North Street. Furthermore, submissions also identified concern that the location of the driveway on North Street may result in an unacceptable safety risk due to it crossing the existing shared path and equestrian trail.

As part of considering and responding to submissions, the Applicant had a traffic impact statement prepared by an engineer. The proposal was amended to have the driveway location to Rose Street. The intention of this change was that it reduced amenity impacts, reduced potential conflicts the existing shared path, and would better suit the carpark design.

Council's *Road Standards Policy* generally stipulates that driveways on corner lots be located on the least trafficable street, which is a standard traffic safety and engineering principle. In this case North Street is the least trafficable. However, this still should be assessed in relation to the specifics of the site, existing intersection and traffic treatments, safety outcomes, and with consideration of other competing aspects such as amenity impact.

Within the submissions to the additional information there was a mix of responses in relation the change in driveway location, including that the change remains unsatisfactory and that the changes may result in conflict with the preschool driveway, but also that the change is an improvement over the original location.

It is clear that the North Street location would have greater amenity impact on the dwellings on North Street than the Rose Street option by way of the traffic movements and disturbance (although likely less impact on dwelling at 24 Rose Street).

An assessment of access arrangements has been completed by Council's Development Engineer and the Road Safety Officer, including consideration of both the Rose Street and North Street options. The assessment has indicated that from a traffic management and safety perspective, the North Street option would be the most appropriate as the Rose Street option presents greater potential for conflict with traffic movement from the existing access driveway of the preschool site across the road, as well as presenting issues with how this would work with Council's intended future plans to reconfigure the calming treatment/existing shared path and installation of a raised crossing on Rose Street (revised concept plans being finalised), with potential issues including conflict between traffic movements, pedestrians, and the location of the hold line for the raised crossing.

Whilst the North Street option would cross the current shared path and equestrian trail which has a poor alignment with the intersection and road pavement (refer [Photo 1](#)), it is considered that this would present a limited/isolated conflict point only with good sight distance available in low speed environment. As part of the realignment with the raised crossing the conflict could be suitably addressed through use of contrasting-coloured textured surfaces on the shared path (similar to near Berinba School in Yass) and with appropriate signage.



Photo 1 – Current Intersection and Path Alignment

Notes:

1. Raised chicane in Rose Street
2. Alignment of existing shared path immediately adjoins North Street road pavement at intersection, before deviating back with a separating verge at approximate location of North Street access driveway location (at right side of photo)

The North Street access option is considered to further constrain the opportunity to increase the number of car park spaces on site, but the overall development needs provide suitable arrangements for both vehicle access and parking to be considered satisfactory.

A potential access arrangement that could be explored further is a partial access to Rose Street by way of left in only and then exit onto North Street. This arrangement may have benefit in distributing the traffic movements and amenity impacts between the two streets and may assist in facilitating car park design with an increased number of spaces, however further assessment of this arrangement would be necessary upon receipt of any additional information and revised design plans.

Update: Following completion of this report, the Applicant provided late additional information including further statement from their consulting engineer on consideration of access, as well as draft carpark layout plans (refer **Attachment I**). The statement includes the reasons why they consider that Rose Street represents the most suitable option. This has been reviewed and assessment has indicated that from a traffic management and safety perspective, the North Street option remains preferred for the reasons detailed in this report.

6.3 Car Parking

Council’s Offstreet Carparking Policy requires that adequate parking is provided on site for any development. The concept plans submitted with the original application (with North Street access arrangement) suggested that nine car spaces would be provided. Concern was identified in submissions received that the number of car spaces may be insufficient for the nature of the development, taking into consideration observations from the existing operation of the business the Murrumbateman Recreation Hall.

The Applicant was requested to prepare a traffic impact statement which included consideration of car parking, which was submitted as part of additional information. The traffic impact statement details that neither Council’s *Offstreet Carparking Policy* or the *NSW Guide to Traffic Generating Development* provides clear guidance on parking requirements for a dance school, and instead suggesting that the most appropriate categories that should be considered are:

Category	Parking Generation	Required Spaces
Commercial Premises	1 space per 40m ² of gross floor area	8 spaces
Child Care Centre	1 space for every 4 children in attendance	10 spaces (assumed maximum of 40 children in attendance at any time)

The traffic impact statement further details that:

- Majority of children are expected to be dropped off at commencement of lesson and picked up at completion, with only very small number staying during this time.
- Start and finish times with classes in the two studios are staggered, meaning that pick up and collection will also be generally staggered.
- The operating hours of the dance school (4pm-9pm) are outside of that of the operation of the Murrumbateman Preschool (closing 4pm) and therefore the public car spaces within Rose Street may act as overflow parking (seven spaces including one disabled).

The recommendation in the traffic impact statement is for 10 car spaces to be provided and for 50% of the car park spaces to be designated as short term only for pick up and drop off (five minutes only).

Submissions received in relation to the additional information indicated concern with the methodology in the traffic impact statement including the conclusion reached for the maximum

number of spaces. One submission received included a count of vehicles identified at the site of the dance school's current operation at the Murrumbateman Recreation Hall.

In the absence of a clear guideline that applies to the required number of spaces for the use as a dance school, Council needs to complete its own assessment to be satisfied that an adequate number are provided so that the proposed development will not result in adverse traffic and parking impacts, which could adversely affect safety and amenity. An assessment review has been completed which included consideration of:

- The Applicant's traffic statement and supporting details with the application and follow up meeting with the Applicant's engineer.
- Review of car parking requirements including the TfNSW Guideline and from other NSW Council's and also the ACT for similar uses.
- The practical experience of Council's engineer with the assessment of car parking considerations across a range of development and land use types.
- The issues and observations raised in submissions.
- The nature of the Murrumbateman locality noting that a large proportion of the residential population live in the rural-residential area and not within the immediate village, which would result in an increased propensity for trips to the dance school to be via vehicles rather than pedestrian or bicycles, and therefore influence parking demand.
- The opportunity for public overflow parking within existing spaces and road reserves at peak times.

The assessment concluded that the 10 spaces recommended in the Applicant's traffic impact statement is likely to still be insufficient based on the number of students and the limited availability of other off street parking. Concern was also identified that the methodology of the traffic impact statement relied heavily on the majority of children being expected to be dropped off at commencement and picked up at completion, and the effectiveness of the short-term spaces (5 minutes only), both of which are likely to be difficult to manage and ensure. Whilst the existing on street car parks on Rose Street do provide some additional spaces, concern remains that these present a limited number and may also still be utilised after the preschool closes and dance school opens (i.e. due to limited other parking in the area). This may also be further exacerbated as the informal car park arrangement on the equestrian trail which is occurring on North Street outside the site will need to cease. There is generally limited other street parking availability within the area due to the width of the road reserve.

The provision of only 10 car spaces is considered likely to create adverse situation in the area through increased potential for traffic and pedestrian conflict and general parking issues (such as other informal parking), which in turn may also adversely affect amenity of nearby residences. The 10 car spaces are not considered to be sufficient to appropriately manage parking obligations for the development, and it is recommended that in this instance a minimum rate of 1 space per 25m² of floor area be applied, which would require a minimum of 12 car spaces based on the current size of the building. Preliminary consideration of this has indicated that it is unlikely that number of car parks could easily be provided with the current design, including with consideration of the size of disabled car park space with circulation and the turnaround areas within the carpark to enable forward/entry exit of vehicles.

It is important to note that further update to the noise impact assessment may be required where additional car parks are being provided on site.

Update: Following completion of this report, the Applicant provided late additional information including further statement from their consulting engineer on consideration of carparking, as well as draft carpark layout plans (**Attachment I**). This has been reviewed and it is still considered that 12 car spaces are the minimum required for the reasons detailed in this report. The draft carpark layout plans show that 12 spaces could be provided for the proposal with Rose Street access, but not with North Street access.

6.4 Bicycle Parking Facilities

Within the submissions received it was suggested that bicycle parking should be provided. Council's current Off-street Carparking Policy stipulates that each application will be assessed on merit to determine whether it should be required to provide bicycle parking facilities. Council's Draft Development Control Plan (although not applicable to this application) further suggests that for every 20 car parking spaces, one bicycle parking rack should be provided next closest the access point of the development, after the required disabled parking space(s).

Noting the nature of the proposed use, proximity to the shared path infrastructure, and the general assumptions made in the supporting application that some students will either ride or walk to the site for purposes of determining car park numbers, it is considered appropriate that a bike rack is provided.

6.5 Tree Removal and Protection

The application proposes the removal of 15 trees, including two that are located outside of the site within road reserves (public land). There is a third tree noted for removal in the road reserve (tree #14), however this was a dead tree and has already since been removed by Council. This represents the removal of all trees on the subject lot.

An arborist report was submitted with the application (refer **Attachment B**). Council's consulting arborist was also engaged to provide a review of the submitted assessment (refer **Attachment H**), with particular focus on providing advice in relation to health and protection of the large eucalyptus trees, especially those in the road reserve.

Concern was raised in the submissions received in relation to the extent of tree removal. The key trees are discussed below.

Tree Removal and Protection - Subject Lot

Tree #1 is a native crimson bottlebrush (*callistemon citrinus*) and tree #3 is a native melaleuca (*melaleuca styphelioides*), both located near the boundaries in the southwest corner. Council's consulting arborist indicated the bottlebrush is an older tree and fair condition and the melaleuca a healthy smaller tree, and suggesting that potentially both could be retained within the proposed 1.5m setback of the building to the boundary. The feasibility of retention with the current design and setback of the building may depend on exact construction requirements, services location, etc. It would be suggested that the Applicant considers opportunity to retain both trees. However, removal can be supported as although they are native and provide foraging and tree canopy value, neither are significant.

Trees #4 and #5 on the site are mature yellow boxes (*eucalyptus melliodora*). Submissions received highlight importance of this species of tree, including for providing habitat to birds including the Superb Parrot. Council's consulting arborist has reviewed the Applicant's arborist assessment and has also inspected these trees. The advice received has indicated that both trees are recommended for removal should any development occur on the site. Tree #4 was identified as being in fair health but had poor structure and a significant fault in the branch union presenting a medium risk of failure. Tree #5 was identified to be currently dangerous with major limb failure imminent. The location of these two trees generally in the middle of the site present a substantial constraint to any type of development on the lot. Both arborist's reports identified that neither tree contain hollows. It would be recommended that the removal of both be supported should development on this lot be approved.

Tree #6 is an exotic honey locust (*Gleditsia triacanthus*). Council's consulting arborist report identified this as a big tree in good health and suggested that it could be retained within 1.5m of the proposed building and carpark. However, assessment has indicated that it would likely need to be removed due to the constraints associated with the required size of the carpark.

Tree #9 is an exotic prunus spp. It is a small old tree and could be retained as part of landscaping within the tree protection zone of the large yellow box on the corner of North Street and Rose Street.

The proposed removal of trees within the subject site can be supported if Council were to grant consent, but the Applicant should further consider practical opportunity for retention of any of Trees #1, #3, #6 and #9 where possible as part of final construction design and landscaping proposal.

Tree Removal and Protection – Road Reserve

The proposed tree removal and impacts within the road reserve (public land) includes:

- One large yellow box (*eucalyptus melliodora*) located in the unformed road reserve outside the western property boundary sought to be removed. This tree was identified by Council's consulting arborist as being in fair condition and has retention value. There is opportunity for development to be designed around protection of this tree, with removal considered to be unnecessary and is not supported. It has not been demonstrated how protection of this tree could be otherwise achieved in accordance with *Australian Standard 4970-2009 Protection of Trees on Development Sites* without need for further site redesign.
- One reshooting yellow box from an old stump on North Street. There are no issues with the removal of this stump.
- There is a mature yellow box located outside the property boundary on the corner of North Street and Rose Street. This tree is currently in good condition, although may have potential for failure in the future due to poor branch unions on the south west side. The tree is currently supported by root growth within 26 Rose Street boundaries. It is noted that the tree has unfortunately been damaged in the past by the installation of the water mains in the road reserve, and with ground surface changes of the gravel surface and equestrian trail. The proposed development including the driveway and carpark will further encroach into the tree protection zone (TPZ). Council's consulting arborist has recommended the following measures to ensure ongoing viability of this tree:
 - Landscaping within the tree protection zone (TPZ) to maintain permeability and to exclude access.
 - Hard paved surfaces (carpark and driveway) be constructed over the existing ground surface with a permeable cell and geotextile fabric between the ground and the underside of the hard paved surface.
 - Drip irrigation and subsurface drainage be provided to the TPZ (and under the hard paved surface).

These measures would need to be incorporated into conditions if Council is of the mind to grant consent.

Update: Following completion this report, the Applicant provided late additional information including a further statement from their consulting arborist. It is recommending again that the tree be removed due to poor structure (although acknowledges that it is in good health), suggesting that it presents a moderate risk to development located in proximity on the western boundary. This has been reviewed and although it is noted that the tree leans towards the subject land, the recommendation for removal is not accepted. Any future risks associated with the tree will be as a result of the proposed development being located in close proximity – i.e. the development occurring would then create the risk. Reasonably designing development around trees needs to be the first approach (i.e. avoid removal or impact), especially where they are off-site, and noting that the proposal has included essentially the removal of all trees within the site.

6.6 Noise

The nature of the proposed dance school will involve noise including through amplified music and persons speaking, as well as associated traffic and vehicle noises. A noise impact assessment was requested and has been submitted. The noise impact assessment has demonstrated that proposed noise levels for all aspects of the proposed development and operation can meet acceptable noise level criteria, subject to recommendation measures, which include:

- All doors must be fitted with auto closing mechanisms.
- Music from the speakers used in the studio floors must not exceed a sound level of 70 dB(A) at 1m from the speaker. Maximum of 6 speakers are allowed in each studio floor.
- Minimum weighted sound reduction requirements being achieved for glazing, walls and roof.
- The installation of a 1.8m high solid barrier to be installed along the southern boundary of the site (i.e. towards the dwelling located at adjoining 24 Rose Street).

It is noted that the acceptable noise criteria is only just met for the evening period (being 6pm-10pm) for the carpark noise impacts to the dwelling at adjoining 24 Rose Street, but has based assessment only on nine car spaces and not the 10 recommended in the Applicant's traffic impact statement or the 12 recommended in this assessment. Noting the issue of more car spaces needing to be provided and the current modelled noise criteria being borderline, further update of the noise impact assessment is necessary.

Concern was raised in submissions received to the additional information in relation to the methodology of the noise assessment, including why the background level was taken during the morning period (measured at 9am-10am) whereas this would not be during the time that it is operating. Taking the background level from this time is generally considered to be appropriate in this instance and remains a representative background noise level for daytime period (7am-6pm). From the background noise levels, calculation of noise levels are then modelled.

Minimum weighted sound reduction requirements (i.e. acoustic lining) will need to be in accordance with the recommendations of the noise impact assessment, which will be in addition to the minimum requirements of the National Construction Code NCC/Building Code of Australia. This would need to be included as relevant conditions if consent was granted.

6.7 Light Spill Impacts – External Lighting

Concern was raised in submissions received in relation to the potential for light spill impacts onto adjoining and nearby residential properties. The Applicant has since provided a plan showing the location of external lighting, including sensor lighting. It is generally considered that an acceptable solution for external lighting can be achieved which provides a suitable level of lighting whilst minimising impacts on nearby dwellings. Conditions could be included if consent was granted for further detail to be provided of final external lighting which demonstrates compliance for *Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting* (i.e. prepared by a suitably experienced person and submitted prior to Construction Certificate).

6.8 National Construction Code Compliance

A number of concerns were raised in the submissions to the initial application that the layout of the proposed building may not meet National Construction Code (NCC)/Building Code Australia (BCA) compliance, including in relation to the number and configuration of toilet facilities, as well as travel paths and widths for persons with a disability. Revised plans have since been provided which made changes and was accompanied by a preliminary BCA compliance report. This is considered to be suitable for the purposes of Development Application stage of the process and demonstrated potential for compliance, with any outstanding issues needing to be addressed through the usual certification process (i.e. at Construction Certificate), if Consent was granted.

6.9 Setback, Privacy and Overshadowing of Building

A submission received to the additional information also queried whether a 1.5m separation distance to the boundary was acceptable for the type of building. This setback has the potential to comply with the NCC/BCA subject to fire separation measures for construction.

Concern was also raised that the proposed development may slightly overshadow the rear yard of the adjoining residential dwelling. The proposed development is single storey only with a 2.7m high wall height and a skillion roof which slopes back the rear boundary. The scale of the building is generally consistent with a residential dwelling and will be slightly cut below current

natural ground level. Assessment has indicated that the proposed development will not have any substantial or unreasonable adverse impact by way of overshadowing to the adjoining dwelling or backyard.

There are no windows located to the rear or side of the proposed building, with all windows located towards North Street. The proposed development is not considered to present a privacy impact the adjoining dwelling from within the building. The adjoining dwelling at 24 Rose Street does have a window of a bedroom located towards the subject lot and location of the carpark. This is likely to result in some amenity impacts by way of vehicle headlights, etc. With the nature of different land uses in a mixed zone it is not possible to avoid all impacts and there are many other instances of residential uses adjoining commercial/business uses. In this instance, some further measures could be implemented by both parties to reduce impacts including:

- Reconsideration of the height of the common boundary fence – this remains largely a matter of agreement for the two owners under the *Dividing Fences Act*.
- Opportunity for landscaping on boundary at the edge of the carpark of the development site and/or landscaping to the boundary within adjoining residential lot.
- Installation of privacy screen near fence/window.
- Use of block-out curtains and blinds.

The proposed location of the building satisfies and is acceptable for purposes of Council's setback policy requirements and the NCC/BCA requirements.

6.10 Impact on Property Values

Concern is raised in the submissions that the proposed development will adversely affect the attractiveness of nearby residential dwellings and therefore property values. The Land & Environment Court has consistently maintained the impact on property values is not a valid planning consideration. However, specific impacts of development such as to amenity of nearby properties must be considered as detailed in this assessment.

6.11 Community Support

Within the submissions received and consultation undertaken it is generally understood that there is broad community support for the establishment of a permanent facility for the dance school. This application does however need to be assessed on merit in relation to the proposal presented and with consideration of the attributes and constraints of the site, and associated impacts, in accordance with the planning legislation.

7. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions it is recommended that the application be refused. The current proposal and information available does not present a clear path to satisfactorily resolve all outstanding issues which include the need to:

- Achieve acceptable vehicular access driveway arrangements
- Achieve acceptable car space numbers and carpark design
- Ensure protection of the tree located on public land to the western property boundary
- Ensure noise levels associated with the carpark remain within acceptable criteria with the provision of additional parking spaces

In this regard, the site is not considered to be suitable for the proposed development in the current form based on the information available.

Update: Following completion this report, the Applicant provided late additional information including a further statement from their consulting engineer and arborist, and further carpark plans. This has been assessed and is not considered to have provided an acceptable resolution on all the above issues identified. It is evident that an acceptable vehicular access arrangement to North Street cannot be achieved whilst providing the acceptable number of car spaces (12), and that the protection of the tree located on the public land to the western property boundary cannot be readily achieved with the

current proposal. It is also noted that further assessment of the noise levels associated with the carpark would still be required to determine whether levels remain within acceptable criteria.

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 Documentation [⇒](#)
 - C. Original Submissions [⇒](#)
 - D. Applicant Response to Submissions [⇒](#)
 - E. Additional Information Submissions [⇒](#)
 - F. s.4.15 Assessment [⇒](#)
 - G. Original and Revised Site Plans Showing Access [⇒](#)
 - H. Council's Consulting Arborist Peer Review Report [⇒](#)
 - I. Late Additional Information [⇒](#)

6.7 STRONGER COUNTRY COMMUNITIES FUND ROUND 5 - WEE JASPER

SUMMARY

To consider additional projects for delivery within Wee Jasper with unspent funds from the Stronger Country Communities Fund Round 5.

RECOMMENDATION

That the following projects (in priority order) proposed by the Wee Jasper Community Association on 4 May 2024 be endorsed and delivered as their preference for funding up to the value of \$120,000 subject to eligibility under the Stronger Country Communities Fund guidelines:

1. *Solar panels for the Community Hall*
2. *Generator for the Community Hall*
3. *Wee Jasper sign upgrade at bridge*
4. *Removal of pine trees at the tennis courts*

FINANCIAL IMPLICATIONS

Stronger Country Communities Fund Round 5 – Wee Jasper Carpark allocation \$200,000.

POLICY & LEGISLATION

Nil.

REPORT

1. Background

At its meeting on 22 February 2024 Council resolved that a report be presented to Council on projects in Wee Jasper that could be delivered with unspent monies from the Wee Jasper Carpark project funded under Round 5 of the Stronger Country Communities Fund.

The Wee Jasper Carpark project was allocated \$200,000 in funding. Council has awarded the contract for these works and will have a balance of \$120,000 remaining.

2. Wee Jasper Community Association Consultation

Council provided the Wee Jasper Community Association the opportunity to submit proposals of preferred works to be undertaken. Council provided recommendations from the Wee Jasper Masterplan for consideration.

At their community meeting held on 4 May 2024 the following priority-based project proposals were determined:

1. Solar panels for Community Hall
2. Generator for Community Hall
3. Wee Jasper sign upgrade at bridge
4. Removal of pine trees at tennis courts

3. Stronger Country Communities Fund Eligibility

Council is seeking confirmation of eligibility for the proposed projects under the Stronger Country Communities Fund from NSW Department of Planning, Industry & Environment – Regional Development.

STRATEGIC DIRECTION

CSP Theme

Our Infrastructure

CSP Strategy Objective	IN3: Our existing community infrastructure is maintained, and we plan for and support the development of infrastructure that meets community need
Strategies	IN3.3 - Manage assets in a proactive way across their lifespan
Delivery Program Action	Implementation of Strategic Plans and Plans of Management for all Council managed community sporting and recreation facilities

ATTACHMENTS: Nil

6.8 INVESTMENT REPORT - MAY 2024

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 May 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 May 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 their June meeting, the RBA elected to hold the Cash Rate at 4.35%. The board acknowledged that inflation is decreasing at a slower pace than previously thought. With mixed data as of late, the RBA is careful not to over commit too strongly to any definitive stance, continuing to walk the narrow path.

In the statement accompanying the decision, RBA Governor Bullock said:

"Inflation remains above target and is proving persistent.

Inflation has fallen substantially since its peak in 2022, as higher interest rates have been working to bring aggregate demand and supply closer towards balance. But the pace of decline has slowed in the most recent data, with inflation still some way above the midpoint of the 2–3 per cent target range. Over the year to April, the monthly CPI indicator rose by 3.6 per cent in headline terms, and by 4.1 per cent excluding volatile items and holiday travel, which was similar to its pace in December 2023.

The outlook remains highly uncertain.

The central forecasts published in May were 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. Since then, there have been indications that momentum in economic activity is weak, including slow growth in GDP, a rise in the unemployment rate and slower-than-expected wages growth. At the same time, the revisions to consumption and the saving rate and the persistence of inflation suggest that risks to the upside remain. Recent budget outcomes may also have an impact on demand, although federal and state energy rebates will temporarily reduce headline inflation. The persistence of services price inflation is a key uncertainty. Also, although growth in unit labour costs has eased, it remains high. Productivity growth needs to pick up in a sustained way if inflation is to continue to decline.

Returning inflation to target is the priority.

Inflation is easing but has been 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. While recent data have been mixed, they have reinforced the need to remain vigilant to upside risks to

inflation. 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 and will do what is necessary to achieve that outcome."

2. Summary of movements in Council Investments

One investment totalling \$1M was matured during May 2024. There has been no new term deposits during the month of May. Council used the proceeds to fund Council’s operations.

3. Council Cash, Cash Equivalent, and Term Deposit Investments at 31 May 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	2,969,111.53	A1+/AA-	n/a	n/a	at call	
Tcorp Strategic Cash Facility	778	5,268,287.90	AAA	n/a	n/a	3 day call	
		8,237,399.43					
Term Deposits < 12 Months							
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%
		26,200,000.00					
Total Short Term		34,437,399.43					

4. Council Loans

Council has five loans with a balance of \$13.1M owing on 31 May 2024. The table below provides loan details. During the month of May 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	7,855,340.63	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	13,145,817.31		

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

6.9 COUNCILLOR FEES 2024/25

SUMMARY

To detail the determination of the Local Government Remuneration Tribunal regarding Councillor fees for the 2024/25 year.

RECOMMENDATION

That:

1. *The decision of the Local Government Remuneration Tribunal that there will be an increase of 3.75% on Councillor Fees and Mayoral Allowance for 2024/25 be adopted.*
2. *The annual payment for Councillors will be \$18,340 and \$39,350 for the Mayor, to be paid in arrears in equal monthly instalments.*
3. *In accordance with clause 4.1.2 Councillor Expenses & Facilities Policy, an amount of \$1,500 to be paid in arrears in equal monthly instalments to the Deputy Mayor from the Mayoral Allowance.*

FINANCIAL IMPLICATIONS

A 3% increase was included in the 2024/25 draft budget. Therefore, the draft 2024/25 budget will be adjusted prior to adoption to 3.75%, as advised by the Local Government Remuneration Tribunal. No adjustment to the 2023/24 budget is required as this takes effect from 1 July 2024.

POLICY & LEGISLATION

- *Local Government Act 1993*
- Councillor Expenses and Facilities Policy

REPORT

In accordance with s239 and s241 *Local Government Act 1993*, the Local Government Remuneration Tribunal determines in each category of Council the maximum and minimum amount of fees to be paid to Mayors and Councillors of Councils. The Tribunal has determined an increase of 3.75% to Mayoral and Councillor fees. The Local Government Remuneration Tribunal Annual Report and Determination is provided in **Attachment A**.

Yass Valley Council is categorised as a Large Rural Council and in the past has resolved to adopt the maximum levels for Councillor fees and Mayoral allowance. The 2023/24 fee for Councillors is \$17,680pa and the Mayoral allowance is \$37,925pa (prior to any payment to the Deputy Mayor).

Council may determine the annual fees to be any amount between the minimum and maximum amounts determined by the Tribunal for a Large Rural Council. The minimum annual fee for a Councillor is \$10,220pa and the maximum fee is \$18,340pa. The minimum annual Mayoral allowance is \$16,330pa and the maximum allowance is \$39,350pa.

STRATEGIC DIRECTION

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

ATTACHMENTS: A. Local Government Remuneration Tribunal Annual Determination [⇒](#)

6.10 REGIONAL CSP - TOWARDS 2042: COMMUNITY ENGAGEMENT

SUMMARY

The regional communications and engagement is a regional approach that looked at hearing from each other the council communities perspective on where we are now, where we want to be in 10 years’ time and how we get there.

RECOMMENDATION

That the Community Strategic Plan – Towards 2042 Community Engagement report for Yass be noted.

FINANCIAL IMPLICATIONS

Any financial implications are included in the Delivery Program.

POLICY & LEGISLATION

- Office of Local Government IP&R Guidelines

REPORT

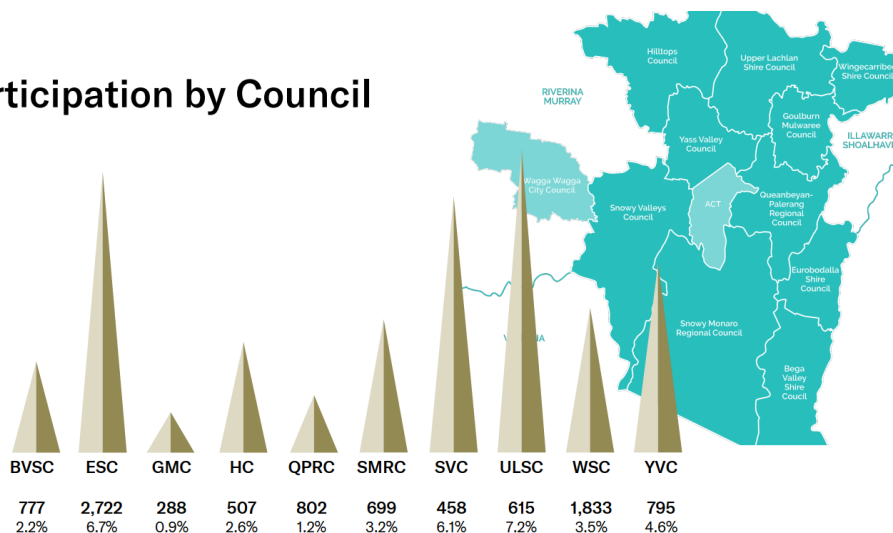
The Regional Community Strategic Plan community engagement included a survey, face to face engagement and primary/pre-school drawings.

The survey and engagement was promoted on YassFM and regional media outlets with a social media communication program at the same time. Council executive staff and Councillors held briefings with the following community groups and associations:

- Yass Valley Business Chamber
- Wee Jasper Community Association
- Binalong Community Association
- Sustainability Advisory Committee
- Sutton Community Association
- Soldiers Memorial Hall Advisory Committee
- Bookham Community Association
- Bowning community Association
- Aboriginal Consultative Committee
- Murrumbateman Community Association
- Gundaroo Community Association

In the graph below, Yass Valley’s community participation reached 4.6% or 795 community members, which was above average compared to other Councils involved.

Participation by Council



This is a draft report and the Regional CSP Community Engagement is expected out later in the year once the regional comparisons are completed. The full report will be provide to Council upon completion.

STRATEGIC DIRECTION

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

- ATTACHMENTS:**
- A. Draft Regional CSP Community Engagement Report [⇒](#)
 - B. Youth Drawings [⇒](#)

6.11 2024/25 INTEGRATED PLANNING & REPORTING DOCUMENTS

SUMMARY

The 2024/25 Integrated Planning & Reporting (IP&R) documents were placed on public exhibition for 28 days. Following community submissions, the final documents were reviewed and are submitted to Council for adoption in accordance with point 4.25 and 4.26 of the IP&R Guidelines. Council is forecasting to a surplus of \$9.1M for the 2024/25 *Operating Result from Continuing Operations*, with a deficit of \$4.7M *Net Operating Result before Grants and Contributions provided for Capital Purposes*.

RECOMMENDATION

That Council resolve to adopt:

1. *The 2024/25 Operational Plan and 2024-34 Long Term Financial Plan, 2024/25 Revenue Statement, the 2022-26 Delivery Program, Workforce Management Plan, 2024-26 Disability Inclusive Action Plan, and reviewed Asset Management Strategy.*
2. *The annual Ordinary Rates for 2024/25 as detailed in the following table, in accordance with the 2024/25 Revenue Statement.*

Category	Sub-Category	Ad Valorem	Minimum Charge	Base Charge	Income
Farmland		0.00119577		\$779.05	\$4,915,043
Residential	Non Urban	0.00126446		\$507.87	\$4,431,279
Residential	Yass	0.00263740	\$765.60		\$2,295,519
Residential	Binalong	0.00176145	\$765.60		\$160,392
Residential	Bowling	0.00176685	\$765.60		\$89,313
Residential	Wee Jasper	0.00176145	\$765.60		\$28,327
Residential	Bookham	0.00176145	\$765.60		\$12,250
Residential	Murrumbateman	0.00183169	\$765.60		\$220,251
Residential	Gundaroo	0.00152007	\$765.60		\$197,466
Residential	Sutton	0.00187845	\$765.60		\$79,141
Business	Sutton & Gundaroo	0.00126383		\$507.87	\$20,320
Business	Yass & Other Villages	0.00708186	\$765.60		\$1,028,603

3. *Each annual and consumption charge for water, sewer, liquid trade waste and waste as detailed in the 2024/25 Revenue Statement.*
4. *A 10.5% p.a. (Circular 24-05) interest payable on overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive) in accordance with s566(3) LG Act 1993.*

FINANCIAL IMPLICATIONS

All financial implications are contained within the associated documents presented in this report.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Office of Local Government IP&R Guidelines*

REPORT

While the *2024/25 Operational Plan, 2024/25 Revenue Statements, 2024-34 Long Term Financial Plan, the 2022-26 Delivery Program, and Workforce Management Plan* were placed on public exhibition, Council held community engagement sessions at the following locations:

- Murrumbateman - 13 May 2024
- Yass (Chambers) - 16 May 2024
- Binalong - 6 May 2024
- Gundaroo / Sutton - 20 May 2024
- Bowning - 21 May 2024
- Yass (Business Chambers) - 3 May 2024

Seven submissions were received from the following organisations/residents in relation to the draft 2024/25 Operational Plan, 2024-34 Long Term Financial Plan and 2022-26 Delivery Program (refer **Attachment A**):

- Murrumbateman Community Association (2)
- Kevin Curtis, Resident Gundaroo
- Sarah Commens, Resident Manton
- Mark Tree Road Action Group
- Luke McAlary
- Sutton & District Community Association

Submission Comments

Council appreciates the community taking the time to participate in community engagement sessions and providing feedback for consideration. Staff have reviewed all submissions and provide the follow comments:

Murrumbateman Community Association

- The booking system for the Murrumbateman Recreation Ground is being reviewed. Annual fees for user groups have been reviewed and account for the use of the new amenities building.
- Council has obtained a number of grants in recent years providing a number of improvements and new facilities at the Murrumbateman Recreation Ground. The following comments are provided in relation to the priorities:
 - New upgraded existing public toilets – refer to Council agenda item regarding this matter.
 - Barton Highway entrance culvert upgrade – Council’s Crown Reserve Improvement Fund application for this work was unsuccessful.
 - Remote supervision/directional signs – this is a project for the 2024/25 financial year.
 - Upgrade internal roadways – refer to Council agenda item regarding this matter.
 - Fencing of users and public safety – noted.
- The Old Historic School site matter is currently under consideration; however, no budget has been provided for the 2024/25 financial year.

Kevin Curtis

- Council has allocated \$14,000 to the Gundaroo community as part of the Financial Assistance Grants program for 2024/25, which is a higher allocation than any other village.
- Council is also considering how it may assist the communities with payment of rates on their Community Halls.

Sarah Commens

- Councils 4-year Delivery Program determines the work to be undertaken. This is then funded on an annual basis by the Operational Plan.

Luke McAlary

- Council's finance situation is at a point where staff are looking at improvements in the financial and resourcing areas for the long-term sustainability of Council. It is not currently operating insolvent.
- Council's external auditors also had no concerns in relation to Council's financial situation when they presented the 2022/23 Financial Statements in February 2024. They mentioned to Councillors during the presentation that:
 - Ratio disparity at rural and regional Councils is common and there were no major concerns.
 - Resourcing and capacity need to be addressed in comparison to other councils. The executive and leadership teams are working on this at the current time, but it will not be a quick fix.
 - Future items to consider are the finance system restrictions and an investment in a new program.
 - Councils low level of income and high dependency on grant income is an ongoing concern that the Executive Team are work on at the current time.
- A meeting has been scheduled with the Executive Team and the Office of Local Government in relation to Councils' financials and the Crago Mill Precinct project. A verbal update will be provided at the Council meeting.

Marked Tree Road

- No funding is available for the upgrade of Marked Tree Road in 2024/25. Ongoing routine road maintenance will continue to be delivered.
- Traffic count data will be obtained for Marked Tree Road to confirm its status as a Category 3 road as per Council's *Unsealed Rural Roads Policy*.
- Marked Tree Road makes up part of Council's over 600km's of unsealed road network. Limited available capital improvement funding (gravel resheeting or pavement rehabilitation projects) are allocated based on condition assessments, traffic volumes, road hierarchy, recent upgrades, etc.

Sutton & District Community Association

- No funding is currently available for the replacement of the Sutton causeway on Sutton Road. It will be considered in future grant funding proposals.
- Traffic count data will be obtained for the Sutton village area. This data could be used to determine the requirement of a future bypass.
- Council will be undertaking a thorough waste services review in the 2024/25 financial year. The extension of the current waste collection services will be considered.
- Road safety and pedestrian concerns identified will be reviewed internally by Council's Road Safety Team in consultation with the Local Traffic Committee.

Summary of Amendments

Following a final review by staff and consideration of community engagement and submission, the Executive Management Team have again reviewed the operating costs and trimmed the budget across Council to only include essential items of expenditure for the 2024/25 financial year, without affecting service levels.

No projects have been lost in this process, they have been moved to the next or following years. A list of projects included in this budget are listed in the 2024/25 Operational Plan (refer **Attachment B**).

A summary of some of the other amendments included:

- Net gain/loss from Disposal of Assets
 - A net amount of \$1.1M has been included in income for sale of Discovery Drive.
- Employee Costs

- 2024/25: Wages budget has been reviewed. Employee costs are now based on revised positions, salary levels, and allowances for 2024-25.
- 2025/26: Employee costs include a wage increase of 3.5% in accordance with the State Award. No changes in FTEs.
- 2026/27: Employee costs include a wage increase of 3.0% in accordance with the State Award. No changes in FTEs.

- Materials and Contracts
 - 2025/26 includes an increase of 3.1% (CPI)
 - 2026/27 includes an increase of 2.6% (CPI). Another \$3M will be reduced, for a total of \$6M in two years.
- Special Rate Variation
 - No special rate variation (SRV) has been included in the 2024-34 Long Term Financial Plans, just CPI increases. Given the forecast cash deficit, Council will need to consider if, or when, a SRV application is required, or to look at other means of increasing Council's income.
- Capital Expenditure
 - Is calculated in accordance with the Asset Management Plans.
- Fees & Charges
 - Some Planning legislative fees and charges have been received and updated.
 - After reviewing what other Councils are doing in relation to Informal GIPAs that require Development Application information, most Council are charging for Informal GIPAs that require Development Application information. Therefore, a new fee has been created for *Informal GIPA (requiring DA information pre-1 July 2010)* at a rate of \$150 per application.

Staff submit the 2024/25 Operational Plan and 2024-34 Long Term Financial Plan, 2024/25 Revenue Statement, the 2022-26 Delivery Program, the Workforce Management Plan, 2024-26 Disability Inclusive Action Plan, and the Asset Management Strategy for adoption.

Only the *2024/25 Operational Plan* and *2024-34 Long Term Financial Plan* (refer **Attachment B**), the *2024/25 Revenue Statement* (refer **Attachment C**), and the *2022-26 Delivery Plan* (refer **Attachment D**) are submitted as an attachment to this report, as the other documents remain unchanged from the draft version presented for public exhibition.

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:**
- A. Submissions to IP&R documents ⇨
 - B. 2024/25 Operational Plan and 2024-34 Long Term Financial Plan ⇨
 - C. 2024/25 Revenue Statement ⇨
 - D. 2022-26 Delivery Program ⇨

6.12 SOUTHERN NSW LOCAL HEALTH DISTRICT PLANNING UPDATE

SUMMARY

To provide an update of health services planning for the Southern NSW Local District Health Services (SNSWLHD) and the Yass Hospital.

RECOMMENDATION

That the report health services planning for the Southern NSW Local District Health Services (SNSWLHD) and the Yass Hospital be noted.

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- Federal & State Government Support Priorities October 2022

REPORT

On the 12 June 2023 the Mayor, Cr Allan McGrath, Cr Jasmin Jones and Chris Berry, Chief Executive Officer met with the senior executive staff of SNSWLHD to discuss planning for health services across the region and the Yass Hospital.

Council representatives outlined the need for long term planning of health services and in particular consideration of the need to find a greenfield site for the Yass Hospital or whether the existing site could be redeveloped to meet the needs of a growing community. Council representatives discussed the need for State agencies to consider their land use needs beyond election cycles and how sites could be secured to ensure their protection in future strategic town planning. Health staff were very supportive of Council considering health planning as a central part of planning for the future and are willing to work with Council staff. While there is the potential to upgrade the Yass Hospital at the current site in Meehan Street there are possible greenfield sites in Faulder Avenue, former saleyards on Yass Valley Way and Murrumbateman that could be considered.

SNSWLHD have completed a draft Clinical Services Plan 2023/28 for the health district region (refer **Attachment A**). SNSWLHD are conducting a survey and seeking comments on the Plan. The clinical services specific to Yass Hospital to meet the needs for a growing community include:

- Embedding the Virtual Rural Generalist Service Model
- Extending virtual supports into vCare
- Improving access to services including:
 - Improved transport options
 - Improved access to allied health (refurbishment of downstairs of Hospital for physio/OT gym space)
 - Outreach services to Yass Hospital
 - Virtual hub for outpatient specialist service access
- Enhancing maternal and child health services including access to midwifery continuity of care
- Outreach services into Murrumbateman as population grows (including access to community facilities to enable this approach)
- Strengthen Local and District network arrangements to improve access and build workforce capacity and capability

Funding has been made available for an upgrade of to Eric Bell House (formerly Sheehan House) at the current Yass Hospital site to facilitate maternity support services and planning is underway for this upgrade. This is a welcome announcement for the Yass Hospital and Yass Valley.

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	IN3.1 - Advocate to State and Federal Government agencies for infrastructure that meets the needs of all people in our communities
Delivery Program Action	Advocate, and support community groups to advocate, for community infrastructure not currently identified in existing programs

ATTACHMENTS: A. SNSWLHD Clinical Services Plan 2023-28 [⇒](#)

7.1 NOTICE OF MOTION - REFUND FROM WATER FUND

Councillor Jasmin Jones has given notice that at the Ordinary Council Meeting on 27 June 2024, she will move the following motion.

MOTION

That:

- 1. Council calls for a report to be presented to its July 2024 meeting regarding the option of refunding from the Water Reserve, the partial cost of construction at 35 Links Road, Yass, of a property retaining wall to a standard demanded for the protection of Council assets – water main and proximity to the narrow reservoir access track used by 20-ton trucks.*
- 2. The report to cover any identified safety issues related to Council use of the access track, any planning and infrastructure standards that have not been met in the subdivision lay-out and siting of Council assets, the proposed long-term solution for access to the reservoir; either at this location or another access road and the timeline and estimated budget for its implementation.*

Councillor: Jasmin Jones

Chief Executive Officer Comments

The motion is taken on notice for a report to the July 2024 Council meeting.

ATTACHMENTS: Nil

7.2 NOTICE OF MOTION - REDEVELOPMENT OF SWIMMING POOL

Councillor Jasmin Jones has given notice that at the Ordinary Council Meeting on 27 June 2024, she will move the following motion.

MOTION

That:

1. *Yass Valley Council redirects the 2024-25 budgeted funding for the Pool EOI process towards the planning process of the redevelopment of the 50 metre pool and its supporting infrastructure.*
2. *A report be presented to Council at the July meeting to address setting up a Focus Group to help advise Council on the redevelopment of the Olympic Yass Pool and supporting infrastructure and a Council led future heated pool development.*

Background

Following discussions with the Yass Swim Club and which has grown from 40 to 150 members, it has become apparent that the proposed EOI process and current concept design will not sufficiently meet the community needs for adequate public access (the previous Committee proposed a publicly run 6-lane pool).

The current needs of the community to address the state of the Olympic Pool and options to improve heating with solar requires prioritisation.

The drive within the community to deliver a public run facility and support or writes grants.

Councillor: Jasmin Jones

Chief Executive Officer Comments

At its meeting on 23 November 2023 Council resolved:

'The lease and contract documentation for the redevelopment of the Yass War Memorial Pool and construction and Management of an indoor heated swimming pool and associated facilities at the pool site be prepared and presented to a Councillor Workshop prior to undertaking any expression of interest process'.

Whilst Council is yet to finalise the 2024/25 Operational Plan a budget has been proposed to assist with the preparation of the lease and contract documentation for the redevelopment of the Yass War Memorial Pool. As part of the finalisation of the budget, this allocation can be redirected towards a review of the current infrastructure at the pool and future needs.

As requested, a report will be presented to the July 2024 Council meeting to establish a focus group to assist in advising Council of the redevelopment of the existing pool, supporting infrastructure and a Council led future heated pool development.

ATTACHMENTS: Nil

8.1 QUESTIONS WITH NOTICE - YASS SOLAR FARM

Questions

Councillor Cayla Pothan submitted the following Questions on Notice:

1. What is the process that will be used to evaluate the Engie Solar Farm, proposed on Wee Jasper Road?
2. Is there a known timeframe before it will come to Council and how will the Planning Department process the information?

Response

The proposed Yass Solar Farm, Wee Jasper Road, Yass is being assessed by the Department of Planning, Housing & Infrastructure (DPHI) not Council.

There is a Yass Solar Scoping report on the Planning Portal Major Projects web site along with the Planning Secretary's Environmental Assessment Requirements (SEARS) and initial agency comments (including Council comments). Documents relating to the project can be viewed at <https://www.planningportal.nsw.gov.au/major-projects/projects/yass-solar-farm-0>

The SEARS details all the reports required prior to being able to submit an Environmental Impact Statement (EIS). The SEARS have a 2 year time limit (issued in December 2023) but the proponent can seek an extension of time – EIS is required to be submitted by December 2025.

Once the EIS has been submitted it will be placed on public exhibition. Council staff will review the EIS to form the basis of a Council submission to the DPHI. The proposal would be evaluated against Council policies including *Yass Valley Settlement Strategy*, *Renewable Energy Development Projects Policy*, *Community Enhancement Fund Policy*.

Residents can make their own submissions on the project direct to DPHI. Copies of any submissions received by Council can be included in any report to Council for consideration.

ATTACHMENTS: Nil

8.2 QUESTION WITH NOTICE - TRANSPARENCY IN LOCAL GOVERNMENT

Question

Councillor Cayla Pothan submitted the following Questions on Notice:

1. *Can you please explain how a position on Council works as part of a political party and what the difference is when people run as independent community members?*
2. *Should Councillors who represent parties have to disclose who writes their questions and notes for meetings in the interest of transparency?"*

Response

Under s232(1) *Local Government Act 1993* the role of all Councillors is as follows:

- (1) *The role of a councillor is as follows:*
 - (a) *to be an active and contributing member of the governing body,*
 - (b) *to make considered and well informed decisions as a member of the governing body,*
 - (c) *to participate in the development of the integrated planning and reporting framework,*
 - (d) *to represent the collective interests of residents, ratepayers and the local community,*
 - (e) *to facilitate communication between the local community and the governing body,*
 - (f) *to uphold and represent accurately the policies and decisions of the governing body,*
 - (g) *to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.*
- (2) *A councillor is accountable to the local community for the performance of the council.*

The Act makes no distinction on the role between a Councillor who has been endorsed by a political party to one that is an independent or unaligned.

In addition to the role of Councillors outlined in the Act, all Councillors are required to comply with the *Model Code of Conduct, Code of Meeting Practice, Guidelines for Advisory Committees, Policy for Recordkeeping, Social Media Policy, Communication with the Media Policy* and the *Councillor Expenses & Facilities Policy*.

Under the *Model Code of Conduct*, Councillors must not participate in binding caucus votes in relation to matters to be considered by Council. A binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council irrespective of the personal views of individual members of the group on the merits of the matter before the Council. A Councillor that is endorsed by a political party which compels the Councillor to comply with a predetermined position on a matter before Council would be a breach of the Code of Conduct.

Under Council's *Communication with the Media Policy* indicates that Councillors should support Council decisions and refrain from using the media to make negative personal reflections on each other or comments that could be interpreted as to undermine public confidence in Council. However, Councillors are entitled to enter into public debate in their private capacity and make comments on Council affairs provided they clearly state that such public comments reflects their personal opinion and not that of Council.

There are no requirements for Councillors endorsed by a political party to disclose who writes their questions and notes for meetings. However, Councillors are required to make appropriate declarations of pecuniary or non- pecuniary interest in any matters that come before Council which may included declaring a relationship and the nature of that relationship. Councillors are also required to ensure they maintain confidentiality around matters that are to be discussed or have been discussed in a Closed Session other than the decision resolved by a majority of Councillors. This includes ensuring the security of papers from people who are not Councillors including immediate family, business partners or employer amongst others.

ATTACHMENTS: Nil

8.3 QUESTION WITH NOTICE - CHIEF FINANCIAL OFFICER

Question

Councillor Cameron submitted the following Question on Notice:

Given that the April 2024 Minutes of our CRJO Audit Committee reflect their serious concern about our Council having no permanent Chief Financial Officer for the last five months to spearhead effective financial management, what action has been taken to fill this position, and what are the next steps?

Response

Council has experienced difficulty with recruitment of a suitable Chief Financial Officer. A large part of the reasons for this is Council's lack of competitiveness in our region due to our low level of income and limited ability to compete with larger organisations (eg Goulburn Mulwaree, Queanbeyan Palerang, ACT Territory Government and Federal Government).

As previously advised to both the Council and CRJO Audit, Risk & Improvement Committee, the Chief Financial Officer role is currently being provided by contractors, UHY Haines Norton, Chartered Accountants. UHY have been engaged for 12 months while options for recruitment of a Chief Financial Officer or outsourcing this service are considered.

ATTACHMENTS: Nil

8.4 QUESTION WITH NOTICE - WASTE CHARGES

Question

Councillor Cameron submitted the following Questions on Notice:

As we are all aware of cost of living pressures on everyone and the apparent profit in waste management in the Council Budget papers, why is Council proposing to increase waste management charges to our Yass Valley Community in 2024/25?

Response

There was a significant increase in waste charges in 2023/24 to reflect:

- The additional costs associated with transporting recyclables to Sydney and Melbourne following the loss of the Canberra facility to a fire on Boxing Day 2022
- The need to ensure sufficient funding for remediation of the existing Bald Hill Facility and for former landfills in Yass Valley

The waste charges this year are largely in line with CPI other than commercial waste.

ATTACHMENTS: Nil

8.5 QUESTION WITH NOTICE - CRAGO MILL PRECINCT

Question

Councillor Cameron submitted the following Question on Notice:

What amendments, changes or reductions in the Crago Mill Project have Council staff agreed to with the preferred contractor since the conclusion of tender negotiations in November 2023 and when will the community be given information to what has been agreed to?

Response

In September 2023 Council rejected the submitted tenders for the construction of the Crago Mill Precinct project and determined to enter into negotiations with both tenderers to identify savings in build cost to provide further assurance of capacity for cost increases and price variations within the budgeted price.

Negotiations with both tenderers took place between October and November 2023 in accordance with a Negotiation Plan.

The changes from the selected tenderer included:

- Commercial building – construct to cold shell only
- Supawood ceilings, retain only 10%
- Landscaping changes
- Roof re-design
- Library subfloor (alternate design identified)
- Electrical Alternative Lighting

These changes were endorsed by Council in November 2023 as part of accepting the revised tender. No further changes to the building design have been made.

ATTACHMENTS: Nil

9.1 MINUTES OF THE COUNTRY MAYORS ASSOCIATION MEETING HELD ON 10 MAY 2024

REPORT

The minutes of the Country Mayors Association meeting held on 10 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 Country Mayors Association meeting held on 10 May 2024 be noted.

ATTACHMENTS: A. Country Mayors Association Meeting Minutes 10 May 2024 [⇒](#)

9.2 MINUTES OF THE CANBERRA REGION JOINT ORGANISATION BOARD MEETING HELD ON 16 MAY 2024

REPORT

The minutes of the Canberra Region Joint Organisation Board meeting held on 16 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 Canberra Region Joint Organisation Board meeting held on 16 May 2024 be noted.

ATTACHMENTS: A. CRJO Board Meeting Minutes 16 May 2024 [⇒](#)

9.3 MINUTES OF THE ABORIGINAL ADVISORY CONSULTATIVE COMMITTEE HELD ON 30 MAY 2024

REPORT

The minutes of the Aboriginal Advisory Consultative Committee meeting held on 30 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 Aboriginal Advisory Consultative Committee meeting held on 30 May 2024 be noted.

ATTACHMENTS: A. Aboriginal Consultative Committee Minutes 30 May 2024 [⇒](#)

9.4 MINUTES OF BANGO WINDFARM COMMUNITY ENHANCEMENT FUND COMMITTEE HELD ON 19 JUNE 2024

REPORT

The minutes of the Bango Windfarm Community Enhancement Fund Committee meeting held on 19 June 2024 are included in **Attachment A**.

From these minutes there are two 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

The two recommendations are administrative in nature and are recommended for endorsement.

RECOMMENDATION

That the minutes of the Bango Windfarm Community Enhancement Fund meeting held on 19 June 2024 be noted and the following recommendations adopted:

Item 4.1 Amended Application Form

That the Committee recommend to Council that the new form be used from now on.

Item 4.2 2023/24 Funding Program

That Council endorse the timeframe for the 2023/24 funding program.

ATTACHMENTS: A. Bango Windfarm Community Enhancement Fund Committee Minutes 19 June 2024