



## **Ordinary Meeting of Council**

**Thursday 25 July 2024**

**4.00pm**

**Yass High School**

**Grampian 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**

**August 2024**

**Thursday 22nd**

**4.00pm**

**Ordinary Meeting of Council**

# Ordinary Meeting of Council

## A G E N D A

**Open Forum**

**Page No.**

### **Webcasting**

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

### **Acknowledgement of Country**

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

#### **1. Prayer**

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## **10. Confidential Matters**

The following matters are classified as CONFIDENTIAL and will be considered in the Closed Meeting of Council in accordance with Section 10A(2) as they deal with commercial matters:

10.1 Tender Evaluation Report - Yass River Bridge Upgrade YVC.IA.37.2023.

10.2 Tender Evaluation Report - Electrical and Telemetry Upgrade of Five Water and Wastewater Sites

### **Close of Meeting Time**

**Chris Berry**

**CHIEF EXECUTIVE OFFICER**



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

**Thursday 27 June 2024**

4.00pm

Council Chambers

209 Comur Street, Yass

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## Open Forum

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

- **Item 6.4 Development Application No DA240013 – Five Lot Subdivision (Consolidation and Re-Subdivision, 38-46 Pollux Street, Yass)**  
Jamie Bush  
Rachel Doberer
- **Item 6.6 Development Application No DA230577 – Dance School, 26 Rose Street, Murrumbateman**  
Mischa Calnan  
Garrick Calnan  
Peter Thompson  
Simon Cassidy  
Coleen Carruthers
- **Item 6.11 2024/25 Integrated Planning & Reporting Documents**  
Luke McAlary
- **Item 7.2 Notice of Motion – Redevelopment of Swimming Pool**  
Donna Wullaert  
Deborah Donaldson

### Council Meeting - The Mayor declared the meeting open at 5.05pm

#### Present

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

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

#### Acknowledgement of Country

##### 1. Prayer

##### 2. Apologies

Nil

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

**Cr Burgess**, declared a pecuniary conflict of interest in Item 9.4 Minutes of Bango Windfarm Community Enhancement Fund Committee held on 30 May 2023 5 and stated that he would be leaving the Chambers.

**Reason:** Cr Burgess declared an interest as he received payments from the windfarm.

**Cr Jones**, declared a significant non-pecuniary conflict of interest in Item 6.6 Development Application No DA230577 – Dance School, 26 Rose Street, Murrumbateman and stated that she would be leaving the Chambers.

**Reason:** Cr Jones declared an interest as she has children attending the dance school.

**Cr Pothan** made the following statement:



## Minutes of the Ordinary Meeting of Council held on 27 June 2024

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- Councillors, I wish to advise of an oversight at the December 2023 and April 2024 Council meetings in relation to the reports on the Yass Valley Open Space Strategy.
- From all the recommendations in the Open Space Strategy it did not resonate with me that the land I have an interest in adjoins the open space area in Yeo Crescent that was identified as an area to be investigated for potential disposal.
- On reflection I should have declared a pecuniary interest and left the chamber without discussing or voting on the matter.
- I understand that my failure to declare the interest does not invalidate the decision by Council.
- I apologise to Council for my oversight

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

***RESOLVED that the minutes of the Ordinary Council Meeting held on 23 May 2024 covered by resolution numbers 104-130 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed***

***(Reid/Jones) 130.***

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

AGAINST: Nil

### **5. Mayoral Minute**

Nil

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

#### **6.1 BINALONG AND BOWNING MASTERPLANS**

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##### **SUMMARY**

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

***RESOLVED that the Binalong and Bowning Masterplans be adopted.***

***(Jones/Pothan) 1***

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

AGAINST: Nil

#### **6.2 PLANNING PROPOSAL - 34 ISABEL DRIVE, MURRUMBATEMAN**

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## 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.

### **RESOLVED 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.***

**(Butler/Jones) 132**

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

AGAINST: Nil

## 6.3 APPLICATIONS UPDATE - APRIL & MAY 2024

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### SUMMARY

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

### **RESOLVED that the report on applications for April and May 2024 be noted.**

**(Turner/Reid) 133**

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

AGAINST: Nil

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

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### 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 2,000m<sup>2</sup> 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.

### **RESOLVED that:**

- 1. Council approves the DA with conditions and accepts the variation to the minimum lot size standard for the land at 38-46 Pollux Street, Yass to facilitate the subdivision to assist with meeting the State Housing targets and the objectives of Council's Settlement Strategy and Local Strategic Planning Statement for increased infill development in North Yass.***
- 2. A report be prepared for Council's consideration examining other sites in North Yass suitable for infill development subject to available resources.***

**(Jones/Turner) 134**

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

AGAINST: Councillors A Cameron and C Pothan

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

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##### **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 1,000m<sup>2</sup> 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.

***RESOLVED that Development Application No DA240052 for a boundary adjustment between 8 and 10 Short Street, Yass be deferred to allow the applicant to review the information submitted with the application.***

*(Jones/Abbey)* 135

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

AGAINST: Nil

Cr Jones left the Chambers at 5.35pm

#### **6.6 DEVELOPMENT APPLICATION NO. DA230577 - DANCE SCHOOL, 26 ROSE STREET, MURRUMBATAMAN**

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##### **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.

***RESOLVED that a Deferred Commencement Development Consent be issued for Development Application DA230577 for a dance school at 26 Rose Street, Murrumbateman, including all proposed tree removal, subject to access being from North Street and the draft conditions tabled. The Development Consent be issued under a Deferred Commencement including for the following matters to be satisfied:***

- ***Revised site plan/s showing access to North Street and demonstrating that adequate number of car spaces (11) within the carpark can be provided, including disabled/accessible car space with clearances and vehicle turn areas.***
- ***Revised Noise Impact Assessment, which matches the required number of car spaces, to demonstrate noise impact on sensitive receivers remain within acceptable criteria.***
- ***Revised site plan showing the location of any extended acoustic barrier to the southern boundary of carpark in accordance with revised Noise Impact Assessment.***
- ***The trees on the road reserve be retained.***

*(Butler/Abbey)* 136

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

AGAINST: Councillors A Cameron and K Turner

Cr Jones returned to the Chambers at 5.52pm

**6.7 STRONGER COUNTRY COMMUNITIES FUND ROUND 5 - WEE JASPER**

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**SUMMARY**

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

**RESOLVED 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**

**(Turner/Pothan) 137**

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

AGAINST: Nil

**6.8 INVESTMENT REPORT - MAY 2024**

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**SUMMARY**

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

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

**(Reid/Abbey) 138**

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

AGAINST: Nil

**6.9 COUNCILLOR FEES 2024/25**

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**SUMMARY**

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

**RESOLVED 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.***

(Butler/Turner) 139

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

AGAINST: Nil

## 6.10 REGIONAL CSP - TOWARDS 2042: COMMUNITY ENGAGEMENT

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### 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.

***RESOLVED that the Community Strategic Plan – Towards 2042 Community Engagement Report for Yass be noted.***

(Turner/Pothan) 140

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

AGAINST: Nil

### PROCEDURAL MOTION

***[RESOLVED that Item 7.2 Notice of Motion – Redevelopment of Swimming Pool be brought forward for consideration].***

(Jones/Butler)

### 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.

***RESOLVED that:***

- 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.***
- 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.***

(Jones/Turner) 141

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

AGAINST: Nil

## 6.11 2024/25 INTEGRATED PLANNING & REPORTING DOCUMENTS

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**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*.

**RESOLVED 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	Bowning	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.***
5. ***\$70,000 allocation for a Settlement Strategy be considered at the second quarter budget review.***

*(Jones/Turner)* 142

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

**6.12 SOUTHERN NSW LOCAL HEALTH DISTRICT PLANNING UPDATE**

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## SUMMARY

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

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

**(Butler/Jones) 143**

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

AGAINST: Nil

## 7. Notice of Motion

### 7.1 NOTICE OF MOTION - REFUND FROM WATER FUND

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

**RESOLVED 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.**

**(Jones/Butler) 144**

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

AGAINST: Nil

## 7. Questions with Notice

### 8.1 Questions With Notice - Yass Solar Farm

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#### 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.

### 8.2 QUESTION WITH NOTICE - TRANSPARENCY IN LOCAL GOVERNMENT

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#### 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 include 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.

### 8.3 QUESTION WITH NOTICE - CHIEF FINANCIAL OFFICER

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#### 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.

### 8.4 QUESTION WITH NOTICE - WASTE CHARGES

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#### 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.

### 8.5 QUESTION WITH NOTICE - CRAGO MILL PRECINCT

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#### 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.

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

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

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#### **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

## Minutes of the Ordinary Meeting of Council held on 27 June 2024

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- 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.

***RESOLVED that the minutes of the Country Mayors Association meeting held on 10 May 2024 be noted.***

***(Abbey/Cameron) 145***

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

AGAINST: Nil

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

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#### **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.

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

***(Abbey/Cameron) 146***

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

AGAINST: Nil

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

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#### **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.

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

**(Abbey/Cameron) 147**

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

AGAINST: Nil

Cr Burgess left the chamber at 7.35pm

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

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##### **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.

**RESOLVED 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.**

**(Butler/Pothan) 148**

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

AGAINST: Nil

#### **10. Confidential Matters**

Nil

The meeting closed at 7.36pm

## 6.1 YASS VALLEY DEVELOPMENT CONTROL PLAN 2024 - POST EXHIBITION

### SUMMARY

The report details the outcome of the exhibition of the *Yass Valley Development Control Plan 2024* and recommends that it be adopted.

### RECOMMENDATION

*That:*

1. *The report on the exhibition of the Yass Valley Development Control Plan, 2024 and the assessment of the submissions received in response to that exhibition be noted.*
2. *The Yass Valley Council Development Control Plan 2024 be adopted with a commencement date of 1 August 2024*
3. *The policies as listed in Table 1 of this report be repealed upon the commencement of the Yass Valley Development Control Plan 2024 on 1 August 2024*
4. *A review of the Yass Valley Development Control Plan 2024 be undertaken in 18 months from the date of commencement to ensure that it is fit for purpose.*

### FINANCIAL IMPLICATIONS

The *Yass Valley Council Development Control Plan 2024* (DCP) has been drafted and developed in house with the engagement of a graphic designer to finalise the formatting and presentation of the Plan. The costing for the development of the DCP was in the 2023/24 Operational Plan.

### POLICY & LEGISLATION

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

### REPORT

#### 1. Background

At the Council meeting of 22 February 2024, Council resolved to place the draft *Yass Valley Council Development Control Plan* (DCP) on exhibition for a period of 56 days. The Council also resolved to hold a community briefing on the DCP. A community briefing session was held on 27 March 2024.

The DCP was placed on public exhibition from Monday 4 March until 26 April 2024. The period for submissions was extended a further week. As a result of the exhibition, a total of 15 submissions were received. This report provides an assessment of the submissions received and any changes made as a result. The final version for adoption of the DCP is included in **Attachment A**.

#### 2. Report

For the most part the submissions received were positive in their comments and commend Council for the work that has gone into the development and drafting of the DCP. Many of the submissions called for additional community consultation however it was determined at the Councillor Workshop in June 2024 that the DCP could be presented to Council for finalisation. Accordingly, where the submissions have requested additional consultation no comments have been made in the assessment of the submissions. A table summarising the issues raised in the submissions and a response is included in **Attachment B**. Copies of the submissions are included in **Attachment C**.

In developing the DCP an examination of Council's existing policies was undertaken and where matters relating to development were able to, the provisions of those policies have been incorporated into the DCP. Accordingly, the following policies need to be repealed:

Policy Number	Title	Section of DCP
DA-POL-01	Tourism Signs	F10.8 – Tourism Signs
DA-POL-02	Building – Temporary Accommodation	D1.8 – Temporary Accommodation
DA-POL-04	Building Line – Urban	D1.2 - Single Dwelling Front Setbacks D2.2 – Single Dwelling Side Setbacks
DA-POL-6	Refunding of DA Fees	A.10 – The Development Process
DA-POL-7	Second Hand Transportable Dwellings	L2 – Secondhand Dwellings
DA-POL-08	Building Line – Rural and Rural Residential Land	E1.1 Site of dwellings and Setbacks F2 – Farm Buildings and Outbuildings
DA-POL-12	Non Urban Fencing	C2.2 – Fences
DA-POL-17	Provision of Electricity Supply and Telecommunications Service for Subdivisions	C1.3 and C2.6 – Essential Services
DA-POL-18	Development Assessment and Decision Making Council Policy	A.10 The Development Process
ENG-POL-9	Off-Street Carparking	Section I – Carparking
SP-CP-05	Public Art Policy	L5 – Public Art
SP-POL-07	Renewable Energy Development Projects Policy	L6 – Renewable Energy Developments Projects
Yass Shire Council Multi Unit Residential Development Control Plan	-	D2 Medium Density Housing

It is proposed that 18 months into the operation of the DCP that a review be undertaken to ensure that it is fit for purpose.

### 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. Yass Valley Development Control Plan 2024 [⇒](#)
  - B. Summary of Issues Raised in Submissions [⇒](#)
  - C. Submissions [⇒](#)

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## 6.2 PLANNING PROPOSAL - 3047 AND 3071 BARTON HIGHWAY MURRUMBATEMAN

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### SUMMARY

To present a report on a draft Planning Proposal to amend *Yass Valley Local Environmental Plan 2013* to reduce the minimum lot size for land at 3047 and 3071 Barton Highway Murrumbateman from 2ha to 1ha.

### RECOMMENDATION

*That:*

1. *The draft Planning Proposal for 3047 and 3071 Barton Highway, Murrumbateman (PP2024-1167) 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.*

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### 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)* to reduce the minimum lot size for 3047 and 3071 Barton Highway, Murrumbateman (Lots 2 & 3 DP236491) from 2ha to 1ha.

#### 2. Planning Proposal

The Planning Proposal applies to Lots 2 and 3 DP236491, 3047 and 3071 Barton Highway, Murrumbateman (refer **Attachment A**). The subject land has an area of approximately 44.2ha and is the last two undeveloped lots on the western side of the Barton Highway within the large lot residential area of Murrumbateman.

The site is located approximately 3.5km south of the Murrumbateman town centre. Land immediately adjoining the site to the north, west and south has been subdivided with an average lot size of approximately 1.5ha, despite the minimum lot size under the *Yass Valley LEP 2013* being 2ha. These subdivisions were undertaken prior to the introduction of the current environmental planning instrument.

The proposed amendment to the *Yass Valley LEP 2013* will reduce the minimum lot size from 2ha to 1ha and allow for additional large lot residential development. The reduction in size would result in two subdivisions containing 15 large lot residential lots to be created. These lots will provide additional housing. A lot layout is provided in the attached planning proposal (refer **Attachment B**). It should be noted that **Attachment B** does not include all the report appendices due to size. They are available upon request.

#### 3. Site Analysis

The proposal is to reduce the minimum lot size for the land to allow for large lot residential subdivision into 30 allotments with an average area of 1ha. A proposed subdivision layout has been provided that indicates two subdivisions of 15 large lot residential lots designed to be presented as a single subdivision development upon completion. A preliminary site analysis has been completed indicating

the existing electricity services are sufficient to service the proposal resultant lots. Water provision and effluent disposal is to be provided onsite. A Land Capability Assessment has been prepared that indicates the lot sizes proposed are suitable for onsite effluent disposal.

The site is subject to minor overland flow flooding in a 1% AEP event, predominantly around the dams. It is the intention for the dams to be dewatered, nonetheless this is the flow path for overland water. It is proposed that accesses and roads are designed to allow for the flow of water without restricting access in a flood event. Similarly, it is proposed for building envelopes to be imposed at subdivision stage to ensure that dwellings are not constructed in areas impacted by flooding.

The site does contain some biodiversity value and the proposed resultant subdivision will result in impacts on that biodiversity. A Biodiversity Development Assessment Report (BDAR) has been undertaken which indicates that the resultant subdivision of 30 lots (undertaken as two fifteen lot subdivisions) could proceed with offsets being purchased or provided. The provision of such offsets would not result in an irreversible or unacceptable impact on the ecological community.

The site seeks direct access to the Barton Highway via a single access, removing one of the existing access points. Whilst access will be reduced the traffic volumes from the resultant subdivision will be an increased over that of the existing two residences. To this end a traffic study has been prepared, due to the location of the site on the Barton Highway and the proposal will be forwarded to Transport for NSW as part of the planning proposal consultation process.

The site is also impacted by the buffer for the Barton Highway duplication. Some of the resultant lots will be impacted by this buffer and potential acquisition for the duplication of the Barton Highway. However, this is no different to the current situation with a change in minimum lot size unlikely to alter the ultimate acquisition of land. The proposed lot layout demonstrates that even with the acquisition of such land the impacted lots are still to be greater than the proposed 1ha and be able to support a dwelling and effluent disposal areas.

#### 4. Strategic Planning Assessment

The site currently contains a dwelling on each existing allotment. The current lots are 19.82ha (Lot 2) and 24.38 ha (Lot 3). Under the current provisions of the *Yass Valley LEP 2013* a total of 22 lots could be created and this proposal seeks to increase the lot yield to 30 by reducing the minimum lot size and undertaking development across both allotments in a coordinated manner. The site is surrounded on three sides with lots of a size not dissimilar to that proposed with connections provided to the local and wider community.

It is considered that the Planning Proposal is consistent with the following strategic documents:

- a. *The South East & Tablelands Regional Plan 2041 (Regional Plan)* and *South East & Tablelands Regional Plan 2036 Implementation Plan* recognises the importance of Yass Valley in the provision of diverse housing to the ACT and wider region with planning for 6,500 new homes on the border of New South Wales and the ACT. The plan recognises the continued desire for housing and lifestyle opportunities outside the ACT with Murrumbateman playing a considerable role in this function. The proposal is consistent with Directions 28 of the Implementation Plan and Objective 17 of the Regional Plan being:
  - Direction 28: Manage rural lifestyles
    - Actions: Enable new rural residential development only where it has been identified in a local housing strategy prepared by Council and approved by the Department of Planning and Environment
    - Action: Locate new rural residential areas close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure
  - Objective 17: Plan for a supply of housing in appropriate locations



This objective seeks to supply a mix of well-planned infill, greenfield and rural residential development that is deemed to be essential for the region. Infill development is important as it takes advantage of existing infrastructure and services.

**Comments:**

Direction 28 seeks to ensure that housing in rural and lifestyle areas makes efficient use of existing infrastructure, does not impede agricultural activities and is supported in an endorsed housing strategy. The *Yass Valley Settlement Strategy* recognises the importance of Murrumbateman to provide housing diversity and additional housing stock with this area projected to grow, particularly in the short with additional large lot residential development. The site is located in an area surrounded by allotments not dissimilar to that proposed by this planning proposal and is a logical extension of the development style of the area.

Objective 17 reinforces the role of infill development making use of existing infrastructure and providing good community and social connections. To this end the proposal seeks to take advantage of the surrounding subdivision and lot size patterns, existing connections and infrastructure. The site has good connections to the regional road network, in that it fronts directly on the Barton Highway.

- b. The *Yass Valley Local Strategic Planning Statement* recognises the importance of growth in Murrumbateman to the overall continued increased population of the Yass Valley. It recognises the role of Murrumbateman in providing large lot residential development as well as more dense urban development. The proposal is consistent with Priority 2 with states: “*focus growth in Yass and Murrumbateman*”.
- c. The *Murrumbateman Structure Plan* recognises the large lot residential development south of Murrumbateman, however makes no comment about intensification of development in this area. Nonetheless the proposal is consistent with the subdivision and settlement pattern of surrounding lands.

**5. Conclusion**

The draft Planning Proposal is consistent with the regional and local strategic planning directions for the provision of large lot residential land in the Yass Valley and promoting a variety of housing choice and diversity. It is recommended that the draft Planning Proposal be endorsed and forwarded to the Minister for Planning and 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. Site Location [⇒](#)
  - B. Planning Proposal Report [⇒](#)

## 6.3 DEVELOPMENT APPLICATION NO. DA230239 - SERVICED APARTMENTS, KEIRS ROAD, MURRUMBATEMAN

### SUMMARY

To present the assessment of Development Application No DA230239 for two serviced apartments (tourist and visitor accommodation) at Lot 2 DP 797830, Keirs Road, Murrumbateman. The application attracted five objections and relevant concerns can be addressed by conditions. Approval is recommended.

### RECOMMENDATION

*That conditional Development Consent be issued for Development Application No DA230239 for two serviced apartments at Lot 2 DP 797830, Keirs Road, Murrumbateman, including conditions relating to:*

- *Landscape buffer and additional fencing to be provided*
- *A plan of management to be prepared and implemented in operation, and which must be provided to guests*

### 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 Regulation (Development Certification and Fire Safety) 2021*
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Yass Valley Local Environmental Plan 2013
- Building Line – Rural and Rural Residential Land Policy
- Application Assessment and Decision Making Policy
- Road Standards Policy
- Community Engagement Strategy
- Yass Valley Development Contribution Plan
- *Local Government Act 1993*
- *Roads Act 1993*
- *Biodiversity Conservation Act 2016*
- *Biodiversity Conservation Regulation 2017*
- *Rural Fires Act 1997*
- Buffer Zones to Reduce Land Use Conflict with Agriculture [Interim Guideline 2018]

### REPORT

#### 1. Application Details

Date Received	-	7 June 2023
Land	-	Lot 2 DP 797830, Keirs Road, Murrumbateman
Area	-	1.5ha
Zoning	-	RU1 Primary Production

## 2. Site Description and Locality

The site is located in an area characterised generally by rural development, including a number of properties with dwelling houses. A vineyard and winery is located to the immediate north.

The site is 1.5ha in area, with frontage to Keirs Road to the east and south, and to Murrumbateman (Nanima) Creek to the west. There are currently no buildings or significant development on the site.

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

## 3. Background and Proposal

In October 2022 Council refused Development Application DA220216 for a dwelling house at the subject land. It was refused on the grounds of the land not having a dwelling entitlement for the purposes of *Yass Valley Local Environmental Plan 2013 (Yass Valley LEP 2013)*, and that there was insufficient basis to support the proposed variation requested.

A new Development Application has since been submitted and involves:

- Construction of two serviced apartments
- Construction of a storage shed
- Installation of an onsite sewage management facility

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

## 4. Public Exhibition

Public exhibition included notice to four adjoining and nearby landowners, as well as to persons who had previously made a submission to DA220216. During the public exhibition period five submissions were received (refer **Attachment C**).

A copy of the Applicant's response to submissions is included as **Attachment D**.

## 5. Referrals

The application was referred to the NSW Rural Fire Service (RFS) for concurrence under s100B *Rural Fires Act 1997* as the proposal is for the purposes of tourist and visitor accommodation. Following revisions to the proposal, the RFS have issued General Terms of Approval which can be included in any Development Consent that may be issued.

## 6. Assessment

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

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

### 6.1 Zoning and Permissibility

The land is subject to the controls of the *Yass Valley LEP 2013* and is zoned RU1 Primary Production. The proposal is for two 'serviced apartments' and is a permissible use in the zone, subject to Development Consent.

'Serviced apartments' are a type of 'tourist and visitor accommodation' and does not have to be associated or secondary to an agricultural use of the land.

However, in determining a Development Application, the objectives of the zone must be taken into consideration. It is important to note that the proposed development does not need to be consistent with all objectives but must be taken into consideration with a genuine regard. It is also noted that development which is classified as permissible in the zone should generally be presumed as being consistent with the objective of the zone, but then must be considered in context of the particular circumstances and merits of the proposal.

An assessment of the zone objectives is included in the assessment report (refer **Attachment E**). Generally, the following comments are made:

- The proposed development is not a use of land which involves primary production/agriculture or directly primary industry enterprises.
- The proposed development may provide a form of development which provides secondary support to rural industry including specifically wineries/cellar doors and other agritourism uses within the Murrumbateman area.
- The potential for land use conflict between uses is an important consideration. This has been discussed elsewhere in the assessment but concluded that the proposed development does not represent a significant or unacceptable land use conflict, subject to appropriate management measures and potential conditions of consent.
- The size and characteristics of the subject lot means that it is not particularly conducive for agricultural activity, which is also acknowledged in comments made in submissions received. The location, type and intensity of the development is generally considered to be appropriate. The subject land is an existing small holding and the proposed development does not further fragment resource lands.

## 6.2 Building Entitlement vs. Dwelling Entitlement

A submission received suggests that the proposed development represents an increase in the number of buildings compared to the last application, and on a lot for which does not enjoy a building entitlement.

For the purposes of the LEP, the land does not enjoy the benefit of a 'dwelling entitlement' for the purposes of clause 4.2B. However, this relates to the erection and use of the lot for the purposes of a dwelling or a dual occupancy only. The LEP does not have any additional provisions relating to a 'building entitlement'. In this regard, whilst clause 4.2B of the LEP prohibits only the erection of a dwelling or dual occupancy on this lot; it does prohibit the erection of buildings for other uses of land which are permissible in the RU1 Primary Production zone.

It is important to note that if a Development Consent was granted, the use of the buildings is limited to that which is approved. In this case, that would be for the purposes of 'serviced apartments' as a type of 'tourist and visitor accommodation' only. This means that they cannot be used for residential living as a 'dwelling'. Any future proposed use as dwelling would again be subject to requirements of clause 4.2B as previously discussed, with the land not enjoying a dwelling entitlement. There is no concern of a precedent being set as the controls of the *Yass Valley LEP 2013* already provide the framework for permissible uses in the zone.

## 6.3 Land Use Conflict – Agricultural Uses

The main issues identified in the submissions received, and relevant to the RU1 Primary Production zone objectives, is whether the proposed development presents an unacceptable land use conflict with the adjoining/nearby agricultural uses, which include a vineyard and extensive grazing. These concerns raised have centred around:

- The behaviour and activities of guests, including the potential for guests to enter adjoining/neighbouring properties, particularly given there is no manager present.
- Control of domestic animals.
- Disruption of guests as a result of activities at the vineyard, such as harvesting, spraying etc., which may occur in hours early in the morning or late at night – i.e. which may lead to complaints from guests or the serviced apartment operator.

In their response to the submissions received (refer **Attachment D**), the Applicant indicates that the proposed development is to provide boutique accommodation in the Murrumbateman region with focus on local wine and produce. They have also outlined that they intend to have strict booking rules, including that domestic animals such as dogs will not be allowed. Guests are to be advised of the site boundaries as part of the check in and signage installed.

For the purposes of the assessment, it generally should be considered that guests are rational persons that will comply and respect private property boundaries and will not trespass. Whilst the behaviour of each individual cannot always be ensured, it should not be assumed that guests overall will intentionally do the wrong thing by unlawfully entering adjoining and nearby properties.

It is appropriate however to consider whether measures are or can be put in place to clearly delineate the property boundaries to avoid or minimise the possibility of guests inadvertently entering the adjoining property. In this instance an approach of providing information to guests as part of the check in process, combined with signs, is sufficient. It is considered that a physical barrier would also be of assistance, such as a landscaped and fenced buffer particularly near the northeast corner. The Applicant has indicated a willingness to undertake this with a concept plan submitted (refer **Attachment B**). This could however be improved by fencing-in the landscaping boundary on the northern side where it adjoins the vineyard property (i.e. as a corridor - fence > landscape buffer > fence). It is also suggested that instead of proposed Leighton Green Pines, suitable native species be planted due to improved drought tolerance and environmental benefits.

Concern has also been raised that a land use conflict may exist through disturbances to guests through activities associated with the vineyard, particularly early morning or late at night. The Department of Primary Industries (DPI) *Buffer Zones to Reduce Land Use Conflict with Agriculture [Interim Guideline 2018]* suggests that a 250m buffer from outdoor horticulture (including viticulture) should be provided to sensitive uses where possible. The sensitive land uses referred to include private dwellings, schools, places of worship, etc. The distance between the proposed development and the location of the vineyards on the southeast corner of the property is only approximately 130m at the closest point. It is arguable whether the proposed use as tourist and visitor accommodation represents a sensitive use of land in this context given guests are likely to stay only for a short duration (unlike a residential dwelling). However, the NSW Government's Agritourism framework does also adopt this 250m buffer distance to horticulture activities on adjoining land for 'farm stay accommodation' land uses to meet 'exempt development' criteria (i.e. without requiring assessment through a Development Application). Council's Draft DCP (although not relevant to this application) does not prescribe a separation distance for tourist and visitor accommodation in the rural zones to adjoining agricultural land uses, instead requiring consideration of odour, noise and light impacts that may occur.

The DPI buffer distance guideline is not a prescribed development control and given this is a Development Application, the appropriateness of the setback or buffer is considered on merit. There is limited opportunity to increase the separation distance further due to the constraints of the site including the size, topography, flood affection, and bushfire protection requirements. The Applicant has indicated that they are aware of the nature of the activities that occur at vineyards and in agricultural settings and believe that this provides part of the attraction of their proposal.

It is noted that whilst a 250m buffer distance is not achieved, the proposed development is not considered to present a significant land use conflict and is acceptable as:

- The scale of the proposed development is small, constituting two serviced apartments with a maximum of four guests at any one time only. The design and layout of the proposed serviced apartments suggest that they are intended to cater for couples and not for large group bookings which may have increased potential for adverse behaviour which would increase conflict.
- The nature of the proposed use is for short term tourist and visitor accommodation only.
- There is opportunity to make guests aware of the surrounding agricultural activities in the vicinity prior to their stay and during their stay as part of information provided by the operator.
- It is only the portion of the vineyard located in the southeast corner of the adjoining property that is within the 250m buffer (however, it is noted that further expansion of the vineyard may occur).
- There is a landscape buffer of roadside vegetation within the Keirs Road road reserve near the southern boundary of the existing vineyard. Additional landscape buffer and fencing is proposed.
- There is opportunity for Consent conditions that are similar to the NSW Government's Draft Agritourism Standard Conditions. These include for a plan of management to be prepared which must be implemented by the operator and notified to guests. This can

reinforce nature and awareness of adjoining and surrounding agricultural land uses, including the vineyard.

#### **6.4 Objects of the EP&A Act 1979**

Within the submissions received it is suggested that the proposed development is contrary to the Objects of the *EP&A Act 1979*, however does not go into further specifics. The Objects of the Act are broad guiding principles in relation to planning decisions. Due to the broadness of the Objects, the more specific controls and considerations of the *Yass Valley LEP 2013* and s4.15 of the Act generally provide for a clearer assessment and determination of the suitability/appropriateness of the development.

The proposed development is not considered to be contrary to the broad Objects of the Act for the reasons detailed through the assessment.

#### **6.5 Biosecurity Risks and Management**

Concern has been raised in the submissions in relation to the potential for the proposed development presenting a biosecurity risk to adjoining properties, including the vineyard and agriculture activities.

The concerns raised centred most notably in relation to risks to the adjoining vineyard. It is suggested that guests may have travelled from other areas of the country and have the potential to bring pests and disease, such as grapevine phyloxera, which could be spread on vehicles or shoes if they were to enter the vineyard. As previously discussed, there is no lawful right for guests to enter neighbouring property/vineyard except through the regular cellar door openings, and measurement measures can be put in place to make this clear. With guests staying only within the subject land and not entering the adjoining properties, it is therefore considered that the likelihood of the proposed development presenting a biosecurity risk is low.

In relation to noxious weeds, advice was sought from Council's Biosecurity Weeds Officer who indicated that the nature of the proposed development does not present a noxious weeds risk that is any greater than other similar uses where guests, visitors, or customers may be attending the site. It is noted that a formed driveway is to be constructed and designated hardstand car spaces provided which limits movement of vehicles across the site. The landowner will still have ongoing responsibilities for the control of noxious weeds on their property.

#### **6.6 Flood Planning**

In the previous Development Application, it was identified that the land may be inundated by flooding from Murrumbateman Creek which forms the western boundary. The flood study provided demonstrates that the proposed buildings are sited above the 1% annual exceedance probability (AEP) flood event. The buildings can be constructed above the required flood planning level.

The subject land is located on the eastern side of Murrumbateman Creek with the low level crossing being subject to inundation during certain flood events. The land on the eastern side of Murrumbateman Creek becomes isolated upon inundation of the crossing as there is no alternative road out of this area. Whilst there is no specific floodplain risk management plan that applies to this area, general flood planning principles require consideration of evacuation or isolation during flood events. In relation to this development, it is noted that guests are staying on a short-term basis. This presents a concern in that they are considered unlikely to be familiar with the flood risks and characteristics, and are also unlikely to be prepared if needing to stay for an extended period of time whilst the crossing is inundated (i.e. compared to permanent residents staying at their dwelling). However, tourist and visitor guests are also more likely to be able to evacuate on short notice with limited possessions and no attachment to the property.

The Applicant has indicated that they intend to develop a site-specific emergency plan outlining the site risks and restrictions for access and egress during flood events, and this will be provided to guests. They have also indicated that any reservations at a time of high rainfall probability will be cancelled ahead of time. This is generally consistent with NSW Government's *Draft*

*Agritourism Standard Conditions*, which requires the accommodation not to operate during periods when the Bureau of Meteorology has declared a flood watch or flood warning that applies to the land.

#### **6.7 Onsite Effluent Disposal**

Concern is raised in the submissions in relation to the opportunity for onsite effluent disposal, particularly noting the flood affectation of the land and potential impact on adjoining vineyard. The application was accompanied by an *Onsite Effluent Disposal Report* and this was subject to a number of revisions for the system design following review by Council's Environmental Health Officer. The effluent disposal area has also been relocated to be in the furthest corner of the site from the watercourse to provide maximum available buffer distances and achieves the required 100m in accordance with guidelines. The disposal from the system is subsurface rather than via sprinkler which further reduces risks to watercourses.

Vineyards are located to the northeast of the proposed effluent disposal area on the adjoining property. The risk to the vineyards has been considered and it has been concluded that there is minimal risk given the disposal is subsurface rather than via sprinklers, and the area is located downslope of the location of the vineyard. The location complies the required buffer distances in guidelines. There is also anticipated to also be no impact on groundwater or bores on adjoining properties.

An audible warning alarm for the system is to be provided into both serviced apartments, and instructions can be provided to guests on appropriate course of action in the event of system error or breakdown.

In this regard, adequate and acceptable arrangements can be made of onsite effluent disposal.

#### **6.8 Property Access**

There is an existing access gate located on Keirs Road. The location is before the curve in the road and generally below the crest of a rise, which has been raised as a concern in the submissions. A review by Council's Development Engineer has found that there is adequate opportunity for access to meet minimum site distances based on the speed environment and traffic volumes. Conditions of any approval that may be issued would need to require the access to be constructed/upgraded in accordance with Council's Road Standards Policy.

#### **6.9 Water Supply**

The proposed development will be serviced by rainwater tanks. It is questioned in the submissions received whether this will be adequate to serve the development. Standard conditions of consent will require potable water storage for the development to be the equivalent to Council's requirements for a dwelling of the same size, which will be minimum 45,000L. Dedicated capacity for firefighting will also be required in accordance with the requirements of the NSW RFS.

It is considered that adequate arrangements can be made to ensure the driveway is capable of servicing a water truck in the event that filling of tanks is required in dry periods. The operator will have the responsibility to ensuring that there is sufficient water in tanks for their guests or customers, the same as any other business or tourist use where reticulated water supply is not available.

#### **6.10 Electricity Supply**

The proposed development is to be serviced by an off grid electricity system. It is questioned in the submissions whether the system adequacy needs to be ensured to prevent health issues associated with an inadequate system. Standard conditions on any approval that may be issued would require a production and consumption assessment, as well as system details, prior to the issue of a Construction Certificate. This arrangement is considered acceptable for other similar development, and current system technology is suitable to service the scale of likely energy demand from the two serviced apartments.

#### **6.11 Telecommunications**

Within the submissions received it is noted that there is poor phone coverage at the subject property and raises concerns about the possibility of a fixed line needing to be dug across a neighbouring property. A review of coverage maps has suggested that Telstra coverage is not available at the subject, although Optus may be. NBN satellite telecommunications is available and can act as a telephone service, including via Wi-Fi connection with most modern mobile phone handsets.

The Applicant has indicated that they intend to install satellite internet and Wi-Fi access will be made available to all guests to avoid any potential communication issues. The Applicant has however suggested that they have not experienced any issues previously with Telstra coverage at the site but will provide the satellite internet anyway to alleviate any concerns or issues, with the details for login provided to guests prior to arrival. This is generally considered to be an acceptable solution.

It is noted that the NSW Government’s short-term rental accommodation (STRA) framework allows the use of existing dwelling houses for short-term rental (including tourist and visitor accommodation) regardless of whether telecommunication services are available.

**6.12 Cleaning/Management Staff Facilities**

A question was raised in the submissions how facilities will be available for cleaning/management staff, including for toilet facilities. It is considered that practically these staff will use the facilities within the serviced apartments when required, which is no different to the operation of other serviced apartments or dwellings offered for short term rental accommodation.

**6.13 Safety Fencing for Creek**

A submission received suggests that safety fencing will need to be provided along the creek to prevent the danger of guests falling into it. There is no requirement for the creek to be fenced the same as a swimming pool. Tourist accommodation is often located in proximity to natural waterbodies such as rivers, beaches and lakes that are not entirely fenced.

**6.14 Council Acquisition of the Subject Land**

One of submissions received encourages Council to consider the acquisition of the land in order to facilitate realignment of the bends in the road and construction of a bridge over the creek. This is a matter outside of the assessment of the Development Application.

**6.15 Rural Addressing**

The subject land does not currently have a rural address and is referred to as only the Lot and DP number. Referral has been sent to Council’s Rates Officer to provide a rural address which will assist in site identification.

**7. Conclusion**

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

**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. Submissions [⇨](#)
  - D. Applicant's Response to Submissions [⇨](#)
  - E. s4.15 Assessment [⇨](#)



F. Draft Conditions [⇒](#)

## 6.4 DEVELOPMENT APPLICATION NO. DA240068 - ADDITIONS TO INDOOR RECREATION FACILITY (INDOOR SWIMMING POOL), 16 HOPE STREET, YASS

### SUMMARY

To present the assessment of Development Application No DA240068 for additions to an indoor recreation facility including the construction of an indoor swimming pool at 16 Hope Street, Yass. The application attracted five submissions. Approval is recommended.

### RECOMMENDATION

*That:*

1. *Conditional Development Consent be issued for Development Application No. DA240068 for additions to indoor recreation facility including construction of an indoor swimming pool) at 16 Hope Street, Yass.*
2. *The process for issuing a Development Control Order in relation to completion of stormwater drainage works associated with Development Consent DA220284 be commenced with a maximum of further six months for completion.*

### 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 Regulation (Development Certification and Fire Safety) 2021*
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- Yass Valley Local Environmental Plan 2013
- Application Assessment and Decision Making Policy
- Road Standards Policy
- Off-Street Carparking Policy
- Building Line – Urban Policy
- Building Over Sewer Mains Policy
- Community Engagement Strategy
- Yass Valley Development Contribution Plan
- *Local Government Act 1993*
- *Roads Act 1993*

### REPORT

#### 1. Application Details

Date Received	-	29 February 2024
Land	-	16 Hope Street, Yass
Area	-	2,951m <sup>2</sup>
Zoning	-	R1 General Residential

## 2. Site Description and Locality

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

The site was historically used as a mechanics workshop and then remained vacant for number of years. In 2022-2023 the site was subject to a Development Application and the existing shed building on the was repurposed for use as an indoor recreation facility (gymnastics) which has since commenced use. The site currently has two existing buildings, with the smaller of the two proposed for demolition. Vehicle access is directly from Hope Street.

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

## 3. Proposal

The submitted application involves:

- Demolition of a small existing building/shed
- Construction of a new building with indoor swimming pool
- Carpark, driveway, and additional access to Hope Street
- Stormwater drainage works
- Landscaping
- Signs

Additional information was requested during the assessment and some minor revisions were made to the proposal.

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

The Applicant's response to the additional information request and response to the submissions is included in [Attachment C](#).

## 4. Public Exhibition

Public exhibition included notice to 12 adjoining and nearby landowners and five submissions have been received (refer [Attachment D](#)).

The Applicant's response to submissions and additional information requests from Council is included in [Attachment C](#).

## 5. Assessment

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

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

### 6.1 Hours of Operation

The hours of operation proposed are 9.00am to 7.00pm Monday to Friday and 9.00am to 12.00pm on Saturday. The existing conditions of Development Consent DA220284 restricts the hours of operation to 8.00am to 8.00pm Monday to Saturday and 10.00am to 4.00pm Sundays and public holidays.

It is suggested in the submissions received that the hours of operation until 7pm is excessive noting that it is a residential setting and should instead be restricted to 5pm. The submissions cites that they already experience adverse noise impacts through loud music, particularly in summer months when the windows of the existing building may be open.

Restricting the hours of operation to 5pm is unnecessary, subject to other amenity considerations being managed. It is suggested that the conditions adopted for hours of operation be the same as the previous consent.

### 6.2 Carpark Location and Impacts

The main carpark for the proposed development is located to the eastern boundary and adjoining neighbouring dwellings. Concern was raised in submissions received that this location of the carpark presents potential amenity impacts including by way of noise, light, privacy and air quality. The submissions received suggest a number of potential approaches to address this, including inverting the driveway and carpark location (i.e. so the car spaces are not near the boundary), and the use of privacy screens and sound barrier.

The opportunity to invert the driveway and carpark location on the eastern side of the site was discussed with the Applicant. The Applicant has indicated for operational preferences this is not the preferred arrangement and have requested consideration of the current layout. In their additional information response, the Applicant has instead proposed reverse-in parking, landscaping in the form of hedge along the boundary (Lily Pillies), and the installation 200mm high 'fence topper'. This was further discussed with the adjoining property owners who indicated that whilst this does go some way to addressing their concerns, they generally remained of the view that it was still insufficient to protect amenity.

Whilst the use of land for purposes of an indoor recreation facility is permissible at the site, it is primarily a residential zone and therefore the protection of amenity of residential uses is important consideration. An assessment has indicated that additional practical measures can be required to further reduce impacts in relation to the carpark, including:

- Use of relatively mature plantings for landscaped hedge.
- Installation of signage which states "Reverse parking only. Please turn off engine and headlights when parked."
- The installation of suitable acoustic barrier on the inside of the existing fence along location of adjoining dwellings. Suitable materials can include plywood timber panelling, fibre cement sheeting, Hebel PowerPanel, etc. (provided it meets the required surface density). A similar measure was proposed and required recently in DA230577 for a proposed dance studio at 26 Rose Street in Murrumbateman which also had a carpark immediately adjoining residential dwelling.

It is also noted that the finished carpark level sits slightly above the ground level of the fence, but well below the top of the fence. With the landscaping, installation of acoustic barrier, the fence topper, and signage, this is considered to reasonably address the amenity impacts associated with the carpark including by way of noise, privacy, light, and air quality.

### **6.3 Mezzanine Level Windows**

The proposed building has a mezzanine level on the eastern side (i.e. the side facing the existing building). Windows are proposed to the mezzanine level primarily to the eastern elevation, but also one of the south (rear) and north (front) elevations. Concern was raised in submissions that this may represent a potential privacy impact by way of overlooking into neighbouring backyards.

There is considerable separation distance to the backyards of dwellings where there may be potential to overlook, and the height of these windows is consistent with the upper floor of a two-storey dwelling. Whilst it is considered unlikely this presents any significant adverse privacy impact, the Applicant has proposed to use frosted film on the mezzanine level windows. This is considered acceptable but the windows should also be fixed (non-opening) on the southeast corner (or alternatively could be changed to high set windows if preferred).

### **6.4 Stormwater**

#### **6.4.1 Proposed Stormwater Drainage Works**

Questions and concerns were raised in relation to proposed stormwater drainage works, suggesting they were potentially inadequate to address the volume of stormwater and prevent adverse impacts on neighbouring properties. The assessment of the application also identified inconsistencies with the plans and details submitted. The Applicant has since revised the proposed stormwater arrangements upon review and feedback from Council. The revised concept arrangements are now considered to be acceptable.

#### 6.4.2 DA220284 – Non-Complete Stormwater Drainage Works

Concern has also been raised in the submissions received that required stormwater drainage works in relation to the previous Development Consent DA220284 have not yet been completed.

By way of background, as part of that previous development, the Applicant proposed to undertake some stormwater drainage works (including installation of a detention tank) to address some of the existing/ongoing stormwater issues as the site which were adversely affecting neighbouring property and had been raised in submissions. Conditions of consent required the stormwater drainage works to be completed prior to issue of an Occupation Certificate (i.e. for use of the site to commence).

In May 2023 a modification application was lodged which sought to defer completion of the stormwater drainage works to within six months after Occupation Certificate. In part, this was to allow the business operator to commence at the site due to deadline of when they needed to be out of their previous temporary premises. A modified Development Consent was issued including amended conditions for the stormwater works to be completed within six months of date of Occupation Certificate meaning the works should have been completed by 24 November 2023.

In January 2024 Council wrote to the landowner/business operator requesting an update on the status of these works. A response was provided by their planning consultant requesting that this work instead now be completed as part of the new development with DA240068 nearing lodgement at that time. As the new DA has since been lodged, no further action has been undertaken in order to allow Council to consider this matter.

The landowner is in breach of their conditions of Development Consent DA240068. Whilst it may now be most practical to complete all stormwater drainage works at the same time, commitments were made by the landowner and Applicant as part of the previous DA220284 and Development Consent was granted on that basis. Council has exercised flexibility in good faith to enable the business to occupy the site as soon as possible on the assurance that the stormwater drainage works would then be completed in six months. As this has not occurred and there are no guaranteed timeframes in relation to the commencement and completion of works as part of the new DA240068, it is suggested that the matter now be escalated including either or both:

- Development Control Order - there remains opportunity to complete the part of the stormwater drainage works associated with DA220284 independently of that in DA240068. A Development Control Order can be issued requiring the completion within six months, or
- Penalty Infringement Notice - If Council are of the mind to instead allow all stormwater drainage works to be completed at the same time, it may be appropriate for a Penalty Infringement Notice to be issued for development not in accordance with consent. It is important and expected that Development Consent conditions are complied with, and the issue of a Penalty Infringement Notice may also act as deterrent to instances non-compliance during the additional development now being undertaken.

It is recommended that the Development Control Order process be commenced.

#### 6.5 Vegetation Removal

It was identified in the submissions and the assessment that the application was stating that no vegetation removal was proposed, however plans were suggesting that an existing tree on the northeast corner was going to be removed. This has since been clarified with the Applicant and the tree is being retained within the carpark area, as shown on revised plans. An adequate tree protection clearance will need to be provided and shown on the final carpark design plans at Construction Certificate stage.

**6.6 Dust – Carpark and Driveway**

The issue of dust from the carpark has been raised in submissions. The existing carpark at the site servicing the gymnastics building is unsealed. As previous DA220284 did not propose to increase building footprint area, there was no requirement for upgrade of the carpark in accordance with Council’s *Off-Street Carparking Policy* (other than to formalise an accessible car space). As a new building is proposed as part of this application, the carpark and driveway will need up be upgraded and constructed to meet the policy requirements, which includes for it to be bitumen sealed. This alleviates dust issues associated with carpark and driveway.

**6.7 Wastewater and Sewage Discharge**

The subject land discharges wastewater and sewage into Council’s reticulated sewer network, which then drains in this location to the Ford Street sewer pump station. To avoid overload of the sewer pump station from discharge from the swimming pool, installation of a storage facility and pre-treatment device may be required to control the discharge. This can be addressed and any additional information necessary provided through the Liquid Trade Waste Agreement and Construction Certificate applications.

**6.8 Water and Sewer Headwork Contributions**

Water and sewer headwork contributions will be payable in accordance with s305 *Water Management Act 2000* and Council’s relevant servicing plans in relation to the increase in demand the proposed development places on these services. An assessment has indicated that at this time there is insufficient detail available to conclusively determine the contributions payable. Preliminary assessment has indicated that it may be approximately 5.76 equivalent tenements (ET) for water and 9.20ET for sewer. Conditions can require contribution rates for water and sewer headwork to be determined at Construction Certificate stage and with consideration of arrangements proposed in the Liquid Trade Waste Agreement application.

**7. Conclusion**

From the assessment of the proposal and consideration of issues raised in submissions, it is recommended that a Development Consent be issued. Draft conditions are included in **Attachment 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. Plans and Supporting Documentation ⇨
- C. Applicant Response to Additional Information Request and Submissions ⇨
- D. Submissions ⇨
- E. Draft Conditions ⇨
- F. s.4.15 Assessment ⇨

## 6.5 YASS POOL REDEVELOPMENT PROJECT COMMITTEE

### SUMMARY

To approve the terms of reference and seek approval to release an Expression of Interest for a Project Committee to help advise Council on the redevelopment of the Olympic Yass Pool and supporting infrastructure and a Council led future heated pool development.

### RECOMMENDATION

*That:*

1. *The terms of reference for the Yass Pool Redevelopment Project Committee be endorsed.*
2. *An expression of interest be issued to fill the positions of the Yass Pool Redevelopment Project Committee.*

### FINANCIAL IMPLICATIONS

Nil.

### POLICY & LEGISLATION

- *Local Government Act 1993*
- *Guidelines for Advisory Committees and Committees of Council*

### REPORT

#### 1. Background

Council at its meeting on 27 June 2024 through a notice of motion resolved to:

- *Redirect 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.*
- *Consider a report at its 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*

This report sets out the terms of reference for the Yass Pool Redevelopment Project Committee. It also addresses the release of an expression of interest to fill the positions within the committee.

#### 2. Expression of Interest

Council will release an Expression of Interest requesting nominations from community members to participate in the planning for the redevelopment of the 50m Yass Olympic Pool and its associated infrastructure. Nominations will open on 1 August 2024 for a minimum period of 28 days, closing on 29 August 2024.

A further report with nominations for the Project Committee will be presented to Council.

#### 3. Terms of Reference

1	Name of Committee	Yass Pool Redevelopment Project Committee
2	Terms of Reference	<ul style="list-style-type: none"> <li>• To provide advice to Council on the redevelopment of the 50m Olympic Yass pool and its supporting infrastructure until completion of an action plan</li> <li>• To provide advice to Council on the redevelopment for a future heated pool until completion of the proposal</li> </ul>

		<ul style="list-style-type: none"> <li>To assist in drafting recommendations and actions for the implementation of the project</li> <li>To act as champions for the project within the broader community</li> </ul>
3	Policies and Legislation the required Committee is required to comply with	<ul style="list-style-type: none"> <li><i>Local Government Act 1993</i></li> <li><i>Crown Land Management Act 2016</i></li> <li>Victoria Park Plan of Management</li> <li>Victoria Park Masterplan</li> <li>Yass Valley Open Space Strategy</li> </ul>
4	Maximum number for make-up of Committee members	<ul style="list-style-type: none"> <li>3 x Councillors</li> <li>3 x community members, to be comprised of: <ul style="list-style-type: none"> <li>Yass Swim Club</li> <li>Community member (not associated with the Yass Swim Club)</li> <li>Community member (not associated with the Yass Swim Club)</li> </ul> </li> </ul>
5	Council employees	<ul style="list-style-type: none"> <li>Director Planning &amp; Environment</li> <li>Director Infrastructure &amp; Assets</li> <li>Manager Maintenance Delivery</li> <li>Senior Project Officer Recreational Assets</li> </ul>
6	Area assigned to Committee and/or map	Yass
7	Additional clauses or amendments to <i>Guidelines for Advisory Committees and Committees of Council</i>	N/A
8	Minimum number of meetings per annum	As required

## 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



## 6.6 35 LINKS ROAD, YASS - RETAINING WALL

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### SUMMARY

To provide a report requested by Council in relation to a retaining wall at 35 Links Road, Yass.

### RECOMMENDATION

*That:*

- 1. The need for the construction of the retaining wall was due to the excavation undertaken by the landowners of 35 Links Road, Yass without the necessary approval.*
  - 2. No partial refund for the construction of the retaining wall is warranted.*
  - 3. The laneway to the reservoir is fit for purpose having regard to the frequency and types of Council vehicles using the laneway.*
- 

### FINANCIAL IMPLICATIONS

Nil

### POLICY & LEGISLATION

- *Local Government Act 1993*
- *Environmental Planning & Assessment Act 1979*

### REPORT

At its meeting in June 2024 Council determined 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 layout 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.*

Excavation work was undertaken at 35 Links Road, Yass (refer **Attachment A**) in the vicinity of a water main without approval. Initial concerns related to whether this work in Links Road had compromised the water main.

Staff inspected the unauthorised work (refer **Attachment B**) and issued a 'Notice of Intention to Issue an Order' on 22 December 2023.

The landowners met with the Chief Executive Officer on 23 December 2023 concerned that with the forecasted rain over the Christmas/New Year period and the use of the laneway by heavy vehicles to access the water reservoir could cause the embankment to collapse. The advice provided was to:

- Ensure access to the construction area was restricted.
- Appropriate steps taken to shore up the embankment created by the unauthorised excavation work.
- Provide a response to the 'Notice of Intention to Issue an Order' especially if time to comply with the timelines was an issue.
- The risk by Council vehicles to the water main and the excavation area was low having regard to the frequency of vehicles and the alignment of the wheel tracks in relation to the main.

The landowners undertook to install barrier fencing to restrict access to the excavated area, showed photographs of temporary bracing in place and indicated that their landscaping contractor had standard drawings for retaining walls.

The landowners provided a response to the Notice on 15 January 2024 seeking amendments to the timeframe. An Order was issued incorporating the revised timeframes on 17 January 2024.

The retaining wall at 35 Links Road was installed by the landowners' contractor in accordance with the Order (refer **Attachment B**).

Under the terms of the Order, an engineering design for the retaining wall was required to ensure the zone of influence for the water main was not compromised by the excavation or the proposed retention wall works. The works proceeded in accordance with the engineering plan. If an application for approval had been submitted prior to excavation an engineering plan would have been required. On this basis a partial refund of the construction costs for the retaining wall is not warranted.

There are no safety issues before or after the construction of the retaining wall. The laneway is unformed however the wheel tracks are not over the water main as per the photographs in **Attachment B**. Traffic using the laneway is limited to Council vehicles associated with operating and maintenance of the water reservoir. The laneway while unformed remains fit for purpose considering the frequency and types of Council vehicles using the laneway.

There is no need for a long term solution as the current access is adequate. The acquisition of land from property owners in Clifton Place is not possible having regard to the siting of houses and configuration of the subdivision.

## 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. Compliance and Final Inspection Photographs [⇒](#)

## 6.7 YASS WATER TREATMENT PLANT UPGRADE - IMPLEMENTATION

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### SUMMARY

The Yass Water Treatment Plant Upgrade Project is a challenging and a very high priority project for Council. This report provides an update on progress following Council approval of the Final Business Case at the extraordinary Council Meeting on 9 May 2024.

### RECOMMENDATION

*That:*

1. *This updated report on the Yass Water Treatment Plant Upgrade Project including the approval of the Final Business Case by NSW Government be noted.*
2. *The release of the remaining \$6.6M from the Housing Infrastructure Fund (HIF, formerly HAF) for implementation of Yass Water Treatment Plant Upgrade work was approved and included in the NSW State Budget on 18 June 2024 be noted.*
3. *The expected release of \$13.55M from the NSW State Ad-hoc Election Commitment for the Yass WTP Upgrade Project and Reticulation Upgrade project be noted.*
4. *The Chief Executive Officer be delegated to execute the Funding Deeds for HIF Fund and Ad-hoc Election Commitment Fund.*
5. *Short-listing of Council's application to the National Water Grid Fund, June 2024 Round by the NSW Government and submission to the Australian Government be noted.*

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### FINANCIAL IMPLICATIONS

Budget is allocated for Pre-design and Tender Management for the Yass WTP Upgrade in the Operational Plan FY2024-25 and for upgrades to the Yass water reticulation network.

### POLICY & LEGISLATION

- *Local Government Act 1993*
- *Australian Drinking Water Guidelines (ADWG) 2011*
- *Council Procurement Policy*

### REPORT

#### 1. Background

The project to prepare a Design and Business Case for the upgrade of the Yass Water Treatment Plant commenced in November 2019. The Housing Acceleration Fund (HAF) funded this project at a cost of \$1.2M with a total commitment of \$10M for the WTP Upgrade. During the course of this project, stakeholders required that Stage 1 - Early Works be carried-out in advance in December 2020. Stage 1 Works, required by the stakeholders, included installation of a bubble plume aeration system at the Yass Dam, upgrade of the Raw Water Pump Station (RWPS), and urgent works at Yass Water Treatment Plant. Stage 1 Works were completed at a cost of \$2.2M funded by HAF at the end of February 2023. The Final Business Case was endorsed by the Council at its extraordinary Council Meeting on 9 May 2024 and was submitted for approval to HIF (Housing Infrastructure Fund, formerly HAF) / DPHI/INSW/Treasury. Funding commitment remaining from HIF is \$6.6M.

#### 2. Funding

The Final Business Case identified the following funding commitments for the WTP Upgrade Project.

**HIF Grant Fund \$6.6M:** In the NSW State Budget FY24-25, release of \$6.6M for the Yass WTP Upgrade was announced. This was following the approval of the Final Business Case by Treasury.

Council is working with the Department of Planning and Housing Infrastructure (DPHI) to enter into a funding deed.

**NSW Ad-hoc Election Commitment Fund \$13.55M:** With the approval of Final Business Case, \$13.55M funding from Ad-hoc Election Fund commitment by the NSW Government is also expected to be released. Ad-hoc election funding will cover the Yass WTP Upgrade (**\$10.5M**) and for the Yass water reticulation upgrade (**\$3.05M**). Council is working with DCCEEW Water/INSW to enter into a funding deed. The allocation of funds between WTP Upgrade and water reticulation upgrade is subject to change.

**NSW Health Fluoridation Grant \$0.97M:** NSW Health provided a commitment to upgrade the existing fluoridation unit. The upgrade was paused to take place with the overall upgrade of the Yass WTP. Council has written to NSW Health to reconfirm this grant.

Financial Analysis showed that without further grants Council will be required to raise the typical water rates over three years by up to \$300 to finance the funding shortfall through loans. Council will continue to seek further grants especially National Water Grid Fund round of June 2024 to lessen the impact on water supply customers.

**National Water Grid Fund Application:** YVC’s application to the National Water Grid Fund (NWGF) was shortlisted by the NSW Government for the June 2024 round. The State government (DCCEEW) has submitted this application with the recommendation of NSW Minister for Water to the Australian Government for assessment and funding consideration. The outcome of the NWGF funding application is expected by October 2024. Link to NWGF application process is: (<https://water.dpie.nsw.gov.au/our-work/water-infrastructure-nsw/grants-and-funding/national-water-grid-authority/applications>).

### 3. Implementation

With the HIF funding already released, activities identified in the Final Business Case will commence as soon as the Funding Deed with Ad-hoc Election Commitment is executed.

Following are major project milestones and key dates, which are subject to change:

a) Funding Deed Executed	July/Aug 2024
b) Engage Owner’s Engineer	Sep/Oct 2024
c) Reference Design and Section 60 Approvals	Jun 2025
d) Tendering and Contract Award	Jan 2026
e) Construction Commencement	Feb 2026
f) Commissioning of Main WTP	Jul 2027
g) Completion of Construction	Jan 2028
h) Project Completion	Feb 2028

During FY2024-25, the major activity is to prepare the reference design and tender documents. Funds to be released through the NSW Ad-hoc Election Commitment will cover this expenditure. Depending on the outcome of NWGF funding application, Council is to keep seeking additional funding prior to commencing construction in FY2025-26.

### 4. Delivery and Procurement Strategy

Contract systems available for the WTP Upgrade as identified in the Final Business Case are Design and Construct (D&C), Design Development and Construct (DD&C) and Construct Only. Given the need to provide tenderers some flexibility and to encourage innovation and cost-effective solutions, the most appropriate contract systems are:

- Design & Construct; and
- Design Development & Construct.

A straight Design and Construct Contract is not suitable due to the complexity of the project and Council’s detailed requirements for water treatment performance. Council must maintain a high but not necessarily total level of control over the design to ensure project objectives are met and operation of the WTP is not impacted by the upgrade. Therefore, a Design Development & Construct contract will be developed.

With the engagement of an Owner’s engineer, technical requirements for the upgrade will be set out in the Reference Design and the Technical Specifications. These documents and drawings will form the Preliminary Design referenced by the Contract. The Principal (Council) will rely on the Contractor as an expert designer and constructor in regard to construction and performance of the Works.

Process performance requirements will be stated in the specifications together with the design raw water envelope and the treated water quality requirements. Industry standard requirements for the various unit processes will be set out in the specifications.

The key features of the procurement strategy are:

- The project will be delivered using a Design Development and Construct contract using a Principal Contractor.
- New South Wales Government GC21 General Conditions of Contract will be used for the contract.
- A Reference Design and Specification will be prepared to document the project technical requirements and facilitate review by DCCEEW Water as part of the Section 60 approval process.
- Council will invite open Expressions of Interest for the purpose of establishing a list of three prequalified tenderers (plus a reserve) who will be invited to tender for the contract.
- The prequalified tenderers will participate in an Early Tender Involvement process consisting of a small number of briefing workshops to ensure appropriate allocation of risk (technical and commercial) and address constructability issues.
- Tenders for the contract will be evaluated based on price and non-price evaluation criteria.
- Contract and Construction supervision by YVC with support from an organisation contracted to provide these services using AS4122.

#### 4. Water Reticulation Improvement Project

Due to the presence of untreated iron and manganese in the water supplied over the past several decades and ineffective water main cleaning methods, mineral deposits accumulate on the walls of the water mains. Prevalence of galvanized iron house service connections exacerbate the discolouration and taste issues experienced by customers. With the proposed improvement of water treatment and control to remove iron and manganese in the WTP Upgrade Project, it is also necessary to eliminate the accumulated deposits and control their accumulation to maintain good water quality at the customers tap.



**Mineral deposits in water pipes**

Ineffective cleaning is due to the followings:

- 1) Configuration of the water reticulation network without adequate isolation valves at critical locations that does not allow isolation without affecting large number of customers.
- 2) House service connections directly to trunk water mains that result in change in flow conditions that affects water quality.
- 3) Presence of galvanised iron house service connections.

Council engaged NSW Public Works to analyse and identify improvements to the water reticulation network and a number of improvements to the reticulation system have been identified (*Network Criticality Analysis – Yass Reticulation Network, January 2024*). Priority components will be included in the funding deed. In the meantime, Council will implement minor works to install valves and hydrants and also trial pipe cleaning methods other than direct flushing available in the market.

## 5. Safety of Drinking Water Supply

The Yass WTP is mostly compliant with the Australian Drinking Water Guidelines; however, seasonal and extreme weather events (e.g. major rainfall, flooding and extended dry weather) affect the quality of the raw water and exceeds the plant’s capability to provide reliable, compliant treated water. This results in issues such as poor water quality, affecting taste, smell and discolouration (e.g. brown water) and increased hardness. In extreme circumstances, Yass Valley Council has declared boil water alerts to advise the community of the health risk and the need to use alternative water supply for drinking, food preparation and washing for example in August 2020 and in February 2024.

## 6. Project Delivery

The project delivery will be provided by Council through the internal appointment of a Project Director and Project Manager. The NSW DCCEE Water Group (formerly DPE Water) will perform a technical review role as part of the *s60 Local Government Act 1993* approval process. A third-party Owners Engineer for technical support and assistance throughout the procurement, design, construction and commissioning of the upgrade will be engaged by Council.

## 7. Stakeholders

Steering Committee meetings were established during the business case development and continues to be held monthly with representatives of DCCEE Water, NSW Health, DPHI/HIF and Council. As the project progresses, liaison with stakeholders such as NSW EPA will commence.

## 8. Next Steps

Following activities are scheduled:

- Enter into funding deeds (Ad-hoc election fund and HIF).
- Engage Owners Engineer and liaise with DCCEE Water.
- Commence Reference Design.
- Inform and engage with community.

## STRATEGIC DIRECTION

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

**ATTACHMENTS:** Nil

**6.8 MORTON LOW-LEVEL RESERVOIR REPAIR - OPTIONS STUDY**

**SUMMARY**

Morton Low level Reservoir is a key component of water infrastructure in the Yass Water Supply and is out of service due to safety and serviceability issues since 2020. This report informs options to restore functions of this water storage facility including repair and building a new reservoir for Council decision.

**RECOMMENDATION**

*That:*

1. *A new reservoir with similar capacity (4.5ML) is the preferred option to be constructed in the vacant space available in the existing site with the existing reservoir to be demolished.*
2. *Concept design including Review of Environmental Factors, community consultation, and site investigations for the construction of new reservoir be prepared.*

**FINANCIAL IMPLICATIONS**

Budget is allocated for the repair of Morton Low Level Reservoir Project in FY2024-25 budget. Construction of a reservoir will require a new funding allocation in FY2025-26.

**POLICY & LEGISLATION**

- *Local Government Act 1993*
- *Protection of the Environment Legislation Amendment Act 2011*
- *National Emergency Risk Assessment Guidelines (NERAG) 2020*
- *Procurement Policy.*

**REPORT**

**1. Background**

Morton Low Level Reservoir is the largest drinking water reservoir in South Yass with a capacity of 4.5ML. It receives water by gravity from the Yass Water Treatment Plant. It is an intermediate reservoir to supply Morton High Level Reservoir zone and Murrumbateman village. Morton High Level Reservoir zone includes areas east of Grand Junction Road including developments in Rayner Place, Wellington Road, and early stages of Hamilton Rise. This Reservoir is a key asset for the water supply to Murrumbateman Village.



**Location Map - Morton Low Level Reservoir**

The Reservoir was constructed during 1963-65 and was put out of service due to safety and serviceability issues since late 2020. Water retaining structures of this magnitude are classified as a hazardous activity due to consequences of failure and requires compliance with National Emergency Risk Assessment Guidelines (NERAG) 2020.

In 2020, Council engaged ALS Industrial to assess the structural conditions and to recommend methods of repair. There were concerns of repair and longevity of repaired reservoirs considering the failure of a similar reservoir in the surrounding region during 2019 bushfire and subsequent demolition.

In 2023, Council engaged NSW Public Works to prepare an options study to investigate and report on a preferred option.

## 2. Options for Repair or Replacement

Four options for repair or replacement of the Reservoir are considered and summarised below:

- **Option 1 Repair:** With surface treatments and strengthening the existing structure.
- **Option 2 Retrofit:** Construct new reservoir internally to the existing reservoir wall.
- **Option 3 New Reservoir (Existing Footprint):** Demolish existing structure and construct new reservoir.
- **Option 4 New Reservoir (adjacent location):** Construct new reservoir in the adjacent to the existing reservoir.

All options include removal of the pipework around the existing reservoir, including removal and disposal of existing AC (asbestos cement) pipework and other ageing pipework within the reservoir site. Replacement of internal and external reservoir access, and electrical and telemetry upgrades are included in all options. Options 3 and 4 both consider removal and replacement of the existing reservoir as part of the analysis.

Key features of each option are described in the following:

### Option 1 Repair

- Repair the existing reservoir with surface treatments and strengthening as recommended ALS Industrial Study Report (2020).
- Maximum life expectancy is 30 years due to limitations on repairs to the walls and floor to prolong the life.
- Existing Reservoir capacity of 4.5ML can be maintained.
- Repair cost is likely to be exceeded during construction as the extent of repairs can increase after cleaning. The repaired reservoir will require frequent inspections and likely leads to additional repairs over the 30 year life span.
- A new reservoir will need to be built before the end of the 30 years and thus full replacement cost after 30 years is included in the options analysis.

### Option 2 Retrofit

- Construction of a new wall internally to the existing reservoir wall.
- Maximum life expectancy of the internally constructed reservoir is 50 years. However, the floor of the existing reservoir will need to be repaired and strengthened prior to constructing new wall inside the existing reservoir.
- Reservoir capacity will be slightly reduced to 4.3ML due to an assumed wall thickness of 250mm of the new internal wall.
- Similar to Option 1 above, the repair cost to the floor is likely to be exceeded as the extent of repairs can increase after cleaning and surface preparations of the existing concrete floor. The extent of strengthening of the floor would be determined at the detailed design stage. This could also lead to high repair cost to meet current design and safety standards.

### Option 3 New Reservoir (Existing Footprint):

- Demolish existing structure and construct new reservoir with the same capacity in the same footprint.
- Maximum life expectancy of the new reservoir is 50 years.
- Existing reservoir capacity of 4.5ML can be maintained.



- New reservoir is built over the foundation of the existing reservoir.
- More certainty in cost estimate than options 1 and 2 above. However, ground conditions of the existing foundations are unknown, and the foundation design can only be completed after the demolition of the existing reservoir. This will prolong the duration of the project and potentially escalate cost during the implementation.

#### Option 4 New Reservoir (Adjacent Location)

- Construct new reservoir in the vacant space adjacent to the existing reservoir.
- Maximum life expectancy of the new reservoir is 50 years.
- Existing reservoir capacity of 4.5ML can be maintained.
- New reservoir is built onsite in new location.
- More certainty of cost estimate than all other options as early geotechnical investigation at the adjacent location can be determined to guide design and project cost.

### 3. Analysis of Options

Options were assessed using a Multi Criteria Assessment (MCA) tool that included cost and non-cost criteria.

#### 3.1 Cost Estimates

The cost criteria include capital expenditure and operational expenditure over the maximum life expectancy of 50 years. Net present value (NPV) of each option was estimated.

Option 1 will require replacement asset at the end of 30 year due to shorter life expectancy of a repaired water retaining structure.

#### Capital Costs

Capital costs for each of the options are as shown below.

Period	Option 1	Option 2	Option 3	Option 4
0-30 year (to 2054)	\$3,790,000	\$5,712,000	\$7,935,000	\$8,012,000
30-50 year (to 2074)	\$8,012,000	\$250,000	-	-
<b>CAPEX Total</b>	<b>\$11,802,000</b>	<b>\$5,962,000</b>	<b>\$7,935,000</b>	<b>\$8,012,000</b>

For Option 1, cost of replacement reservoir at the end of 30 years is required and is included.

The capital cost for each option is estimated based on quantities and items to replace the existing reservoir with a similar concrete reservoir, and quantities provided for repair by ALS Industrial in their 2020 structural assessment of the existing reservoir. Cost estimates have been developed using a number of sources including calculation using Rawlinsons Australian Construction Handbook 2024, and a review of prices for similar works in the past 3 years managed by NSW Public Works. A 20% contingency for the capital expenditure is included for each option.

Capital costs of Option 4 is approximately 1% higher than Option 3 due to existing topography, additional road works, drainage and pipework as the new reservoir will be located at the far end of the site entrance.

#### Operation and Maintenance Costs

Period	Option 1	Option 2	Option 3	Option 4
0-30 years (to 2054)	\$581,000	\$497,000	\$117,000	\$117,000
30-50 year (to 2074)	\$188,000	\$388,000	\$175,000	\$175,000
<b>OPEX Total</b>	<b>\$769,000</b>	<b>\$885,000</b>	<b>\$292,000</b>	<b>\$292,000</b>

### 3. NPV

NPV for each option was estimated based on the capital cost and operation and maintenance cost for the assessment period of 50 years and is summarised below.

Item	Option 1	Option 2	Option 3	Option 4
CAPEX	\$11,802,000	\$5,962,000	\$7,935,000	\$8,012,000
OPEX	\$769,000	\$885,000	\$292,000	\$292,000
<b>Total</b>	<b>\$12,571,000</b>	<b>\$6,847,000</b>	<b>\$8,227,000</b>	<b>\$8,304,000</b>

### 3.3 Qualitative Criteria

Non-price considerations are assessed for each option considering the following qualitative criteria.

- Strategic fit
  - Operational safety (WHS)
  - Risk to public
  - Efficiency, reliability, and redundancy
  - Population growth
  - Construction timeline and requirement for future works
- Social, environment and legal
  - Public perception
  - Provides options for countering climate change.
  - Compliance with regulations related to water retaining structure (NERAG).
- Construction
  - Impacts during construction.
  - Impacts to construction timeline, complexity, cost over-run.
- Operation and Maintenance
  - Maintenance requirements

#### Option 1 Repair

- Highest Risk option in terms of cost increases due to latent conditions as well as disruption to services during operation due to likely frequent repairs. Increased risk during repairs as entry into confined space would be required for the full duration of the repairs to the walls and floor and ensuring effective management of dust and chemicals used for repairs inside the reservoir. In terms of safety hierarchy, this would be the highest risk option.

#### Option 2 Retrofit

- Internal wall construction within the existing reservoir limit visibility and mask any issues with the external face of the new structural wall. Confirmation of surface defects will require more specialised inspections than a new reservoir, with allowance made for regular inspections both internally and externally by appropriately qualified persons. Maintenance will also be challenging. It is important to note that there are no examples of this type of construction in NSW, which may make finding experienced consultants and contractors challenging.
- This is also a high-risk option in terms of cost blow out but slightly lower risk than the full repair of Option 1. Service disruption during operation is also likely due to repairs to the floor. Increased risk during construction as entry into confined space will be required for the full duration of construction and repairs. In terms of safety hierarchy, this will also be a high-risk option.

#### Option 3 New Reservoir (Existing Footprint)

- The construction of a new reservoir provides Council with additional future options and ease of operation with equipment and telemetry improvements. The operational requirements for a new reservoir may be reduced initially due to newer equipment and ability to monitor key functions remotely. It is anticipated that maintenance will be like any other comparable reservoir to ensure all equipment is functioning correctly.
- There is a lower risk of cost increase after demolition of the existing reservoir and completing the foundation investigation and design to meet current standards. No operation or service disruptions are likely as the entire structure is new and no need for frequent inspections and potential repairs. In terms of safety hierarchy, this option would be much safer than Option 1 and 2 as no repairs in a confined space is required during construction.

**Option 4 New Reservoir (adjacent location)**

- The location of the reservoir proposed in Option 4 also provides Council with the opportunity to plan access routes around the reservoirs for operation and maintenance, and plan for future developments and forecast increases to the required capacity of the supply.
- This option has the lowest risk of cost increase as no repairs to walls or floor or unknown geotechnical ground conditions. No operation or service disruptions are likely as the entire structure is new and no need for frequent inspections and potential repairs. In terms of safety hierarchy, this option would be much safer than Option 1 and 2 as no repairs in a confined space is required during construction.

**3.3 Summary of Assessment**

Option 1	Highest Risk option in terms of cost blow out due to latent conditions as well as disruption to service during operation due to likely frequent repairs. Increased risk during repairs as entry into confined space would be required for the full duration of the repairs to the walls and floor and ensuring effective management of dust and chemicals used for repairs inside the reservoir. In terms of safety hierarchy, this would be the highest risk option. Replacement of reservoir after 30 years will pose challenges due to increased water demand.
Option 2	This is also a high-risk option in terms of cost blow out but slightly lower risk than the full repair Option1. Service disruption during operation is also likely due to repairs to the floor. Increased risk during construction as entry into confined space would be required for the full duration of construction and repairs. In terms of safety hierarchy, this would be the also a high-risk option
Option 3	There is a lower risk of cost increase, after demolition of the existing reservoir and completing the foundation investigation and design to meet current standards. No operation or service disruptions are likely as the entire structure is new. Constructed asset will require less frequent inspections and potential repairs required with other options. In terms of safety hierarchy, this option would be much safer to construct than Options 1 and 2 as no repairs are required in a confined space.
Option 4	This option has the lowest risk of cost increase as no repairs to walls or floor or unknown geotechnical ground conditions is involved. No operation or service disruptions are likely as the entire structure is new. Constructed asset will require less frequent inspections and potential repairs required with other options. In terms of safety hierarchy, this option would be much safer to construct than option 1 and 2 as no repairs are required in a confined space.

Based on a cost: non-cost weightings of 50:50, and a CAPEX: OPEX weightings of 70:30, the highest ranked option is Option 4.

A sensitivity analysis by varying both cost to non-cost weighting and CAPEX to OPEX weighting did not change the ranking. Ranking of options for various combinations is summarised below.

CAPEX to OPEX Weightings	Cost to non-cost criteria Weightings	Option 1	Option 2	Option 3	Option 4
50:50	70:30	56.0 (4)	73.0 (3)	87.0 (2)	89.0 (1)
40:60	50:50	54.0 (4)	63.0 (3)	90.0 (2)	92.0 (1)
70:30	70:30	52.8 (4)	75.9 (3)	86.5 (2)	87.3 (1)
80:20	80:20	52.3 (4)	82.6 (3)	84.5 (2)	84.7 (1)

Note: Rank of option is shown in brackets.

#### 4. Planning and Environmental Considerations

##### 4.1 Planning Considerations

A thorough review of planning requirements and approvals is required before undertaking any work. Approvals for Options 1 and 2 are likely to be minimal as there is no proposed change to the existing footprint of the reservoir and minimal external construction works. For Options 1 and 2, a simple Request for Environmental Factors (REF) will likely be needed to cover construction-related issues such as dust and noise. However, Options 3 and 4 will likely require a standard REF.

There is currently a REF for the site which was developed in 2018 for the construction of pump station. This will be updated to include the requirements specific to the proposed works. This is estimated to take three months to complete. There will be no ongoing noise from the proposed works and a noise assessment will not be required during operation of the reservoir.

##### 4.2 Sustainability Considerations

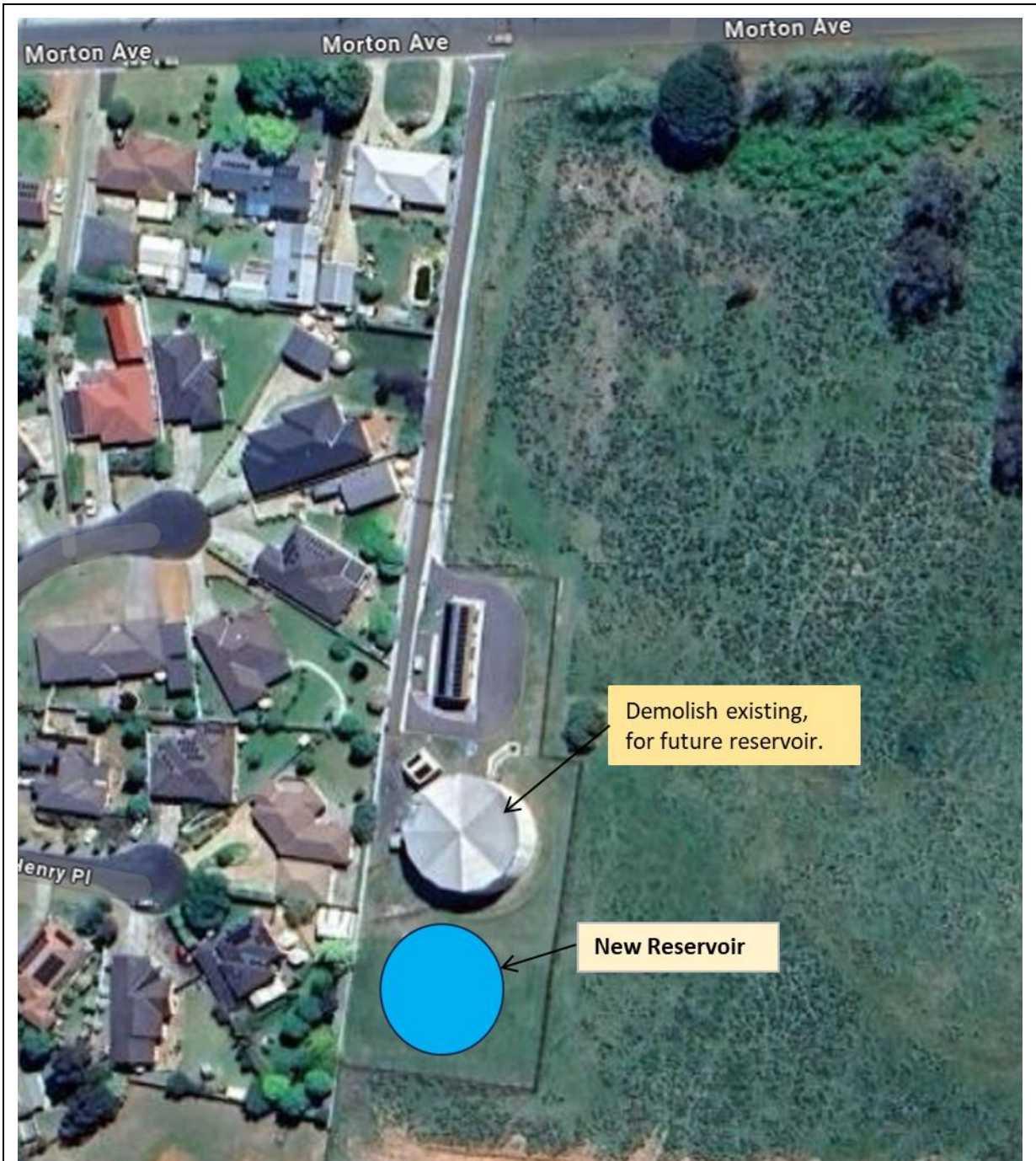
The increasing climate variability brings numerous challenges and requires asset owners to plan for the increasing hazards. The sustainability of each option is considered holistically, with some key items that mitigate hazards considered as part of the cost assessment including installation of solar panels and improvements to electrical and telemetry.

Installation of solar panels increases resilience to climate variability. Options 1 and 2 will require strengthening of the reservoir roof to enable installation of solar panels, while the roof can be designed to support solar panels with the construction of a new reservoir for Options 3 and 4.

#### 5. Preferred Option

Construction of a new reservoir 4.5ML in the vacant space and demolition of the existing reservoir is the preferred option for the following reasons.

- a) Investigation, design and construction can be carried-out with certainty.
- b) Constructed asset will be safe to operate, reliable and fit-for-purpose for the next 50 years as a minimum to service Morton High-Level Zone and Murrumbateman village.
- c) Future reservoir in the existing footprint can be planned after demolition and investigation.



**Morton Reservoir and Pump Station Site**

## 6. Next Steps

The following will be required to progress the preferred option:

### **FY2024-25**

- Carry out geotechnical investigation.
- Complete concept design / value engineering.
- Prepare REF and consultation process.
- Revise project cost estimate.

### **FY2025-26**

- Obtain funding approval for design and construction.
- Prepare RFT and advertise and award contract.
- Carry out construction of new reservoir.

**STRATEGIC DIRECTION**

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

**ATTACHMENTS:** Nil

## 6.9 REVOTES AND CARRY FORWARDS FROM 2023/24 TO 2024/25FY

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### SUMMARY

This report provides the proposed revotes and project costs to be carried forward 2023/24FY to the current 2024/25FY.

### RECOMMENDATION

*That:*

1. *The budgets detailed in this report as Revotes from 2023/24 to 2024/25FY be approved.*
  2. *The budgets detailed in this report as Carry Forward funds from 2023/24 to 2024/25FY be noted.*
- 

### FINANCIAL IMPLICATIONS

Projects to be revoted are being funded from unexpended grants and contributions, reserves, and general Council funds from the 2023/24FY.

### POLICY & LEGISLATION

- *Local Government Act 1993*

### REPORT

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

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

### REVOTES

A summary of projects included in the 2023/24 Operational Plan which have not yet commenced and require funding to be Revoted into the current financial year, to ensure work is completed are included in **Attachment A**.

The amount proposed for capital projects revoting is \$1,212,287 comprising of:

- Unexpended grants and contributions: \$20,000
- Revotes from Reserves: \$252,300
- Revotes from the General Fund: \$939,987

### CARRIED FORWARD

A summary of projects included in the 2023/24 Operational Plan which have not yet been completed, requiring funding to be carried forward into the current financial year to ensure continued works ins included in **Attachment B**. These funds include allocation of grants over multiple financial years, with many of the projects being multi-financial year, with works planned to be completed in FY2024/25.

The amount being carried forward for capital projects into 2024/25 financial year totals \$4,406,980 comprising of:

- Carry forward from unexpended grants and contributions: \$1,217,226
- Carry forward from reserves: \$1,466,702
- Carry forward from general revenue: \$1,723,052

**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. 2023/24 to 2024/25 Revotes [⇒](#)
  - B. 2023/24 to 2024/25 Carry Forwards [⇒](#)



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## 6.10 INVESTMENT REPORT - JUNE 2024

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### SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 30 June 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 June 2024 be noted.*

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### 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 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 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.*

*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**

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

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

Investment Type	Acc/Deal Ref.	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
<b>Cash Working Accounts</b>							
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	
		<b>8,237,399.43</b>					
<b>Term Deposits &lt; 12 Months</b>							
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%
Bank of Queensland	CN068866	1,000,000.00	A2	01/12/23	11/09/24	193	5.35%
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%
		<b>24,200,000.00</b>					
<b>Total Short Term</b>		<b>32,437,399.43</b>					

**4. Council Loans**

Council has five loans with a balance of \$13.1M owing on 30 June 2024. The table below provides loan details. During the month of June 2024 Council has not drawn down Crago Mill funding.

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	7,889,999.83	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)
<b>Total balance as at 30/06/2024</b>	<b>13,180,476.51</b>		

**STRATEGIC DIRECTION**

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

**ATTACHMENTS:** Nil



## 6.11 REVIEW OF INVESTMENT POLICY

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### SUMMARY

A review of Council's *Investment Policy* was undertaken to ensure we continue to provide a framework for the investment of Council funds that seeks to maximise earnings whilst having due consideration of the risk and security for that investment.

### RECOMMENDATION

*That the reviewed Investment Policy be adopted.*

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### FINANCIAL IMPLICATIONS

Nil

### POLICY & LEGISLATION

- *s625 Local Government Act 1993*
- *clause 16 Local Government (General) Regulation 2005*
- *Ministerial Investment Order 2011*
- *s14 The Trustee Amendment (Discretionary Investments) Act (1997)*
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- NSW Office of Local Government Investment Policy Guidelines 2010
- NSW Office of Local Government Circulars
- Council Code of Conduct

### REPORT

The current *Investment Policy* has been reviewed and it meets the current requirements.

The only update was the name change of General Manager to Chief Executive Officer.

It is presented to Council for approval.

### STRATEGIC DIRECTION

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

**ATTACHMENTS:** A. Investment Policy [⇒](#)

## 6.12 2024 YASS HIGH SCHOOL YOUTH FORUM

### SUMMARY

Council and Yass High School hosted a full-day consultation event on Monday 3 June 2024, involving approximately 150 students ranging from Year 7 to Year 11, representing communities from across the Yass Valley LGA.

### RECOMMENDATION

*That:*

1. *The Summary Report of the Yass Valley Youth Forum be noted.*
2. *Staff consider the recommendations in the Yass Valley Youth Forum Report to determine how Council can assist and/or advocate for the Youth.*

### FINANCIAL IMPLICATIONS

The Youth Forum was funded by Regional NSW Government.

### POLICY & LEGISLATION

Nil

### REPORT

This event involved focus was on topics highlighted as being of most concern in the Yass Valley Youth Survey:

- Vaping and smoking
- Mental health
- Bullying, harassment, and discrimination
- Addressing boredom
- Sexual health
- Water
- Transport

A detailed Summary Report that outlines what happened at the forum is included in **Attachment A**.

There are 11 recommendations for Council and Yass High School to consider how we can assist and/or advocate for youth of the Yass Valley.

### STRATEGIC DIRECTION

CSP Theme	Our Community
CSP Strategy Objective	CO1 - Our health and wellbeing are supported by equitable access services
Strategies	CO1.1 - Our community is able to access information, health and services that support physical health and mental wellbeing
Delivery Program Action	Provide and improve existing community programs to support mental wellbeing, social opportunities and lifelong learning

**ATTACHMENTS:** A. Youth Forum Summary Report [↗](#)

## 6.13 GET NSW ACTIVE GRANT PROGRAM 2024/25

### SUMMARY

To advise Council of three grant offers received under the Get NSW Active grant program 2024/25.

### RECOMMENDATION

*That:*

1. *The Get NSW Active Grants be accepted for:*
  - a. *Detail Design Yass Rail Trail - \$698,323*
  - b. *Construction of the Bowning Active Circuit - \$1,308,121.20*
2. *The 2024/25 Operational Plan and associated budget be updated to allow Yass Rail Trail and Bowning Active Circuit projects to progress.*
3. *The \$50,000 grant for the Active Transport Strategy be accepted if the grant provider agrees to Council's co-contribution being reduced from \$51,048.20 to \$15,000 as provided for in the 2024/25 Operational Plan.*

### FINANCIAL IMPLICATIONS

Expenditure for the detailed design Yass Rail Trail and the construction of the Bowning Active Circuit is covered by grant funding so zero net impact on the budget. The \$50 000 grant for the Active Transport Strategy is included in the 2024/25 Operational Plan along with a Council co-contribution of \$15,000. However, the grant offer refers to a \$51,048.20 Council co-contribution. This is currently being discussed with Transport for NSW.

The adopted 2024/25 Operational Plan is to be updated to include the impact of the detailed design Yass Rail Trail and the construction of the Bowning Active Circuit. If the Council co-contribution for the Active Transport Strategy cannot be reduced to \$15,000, it is proposed to decline the funding.

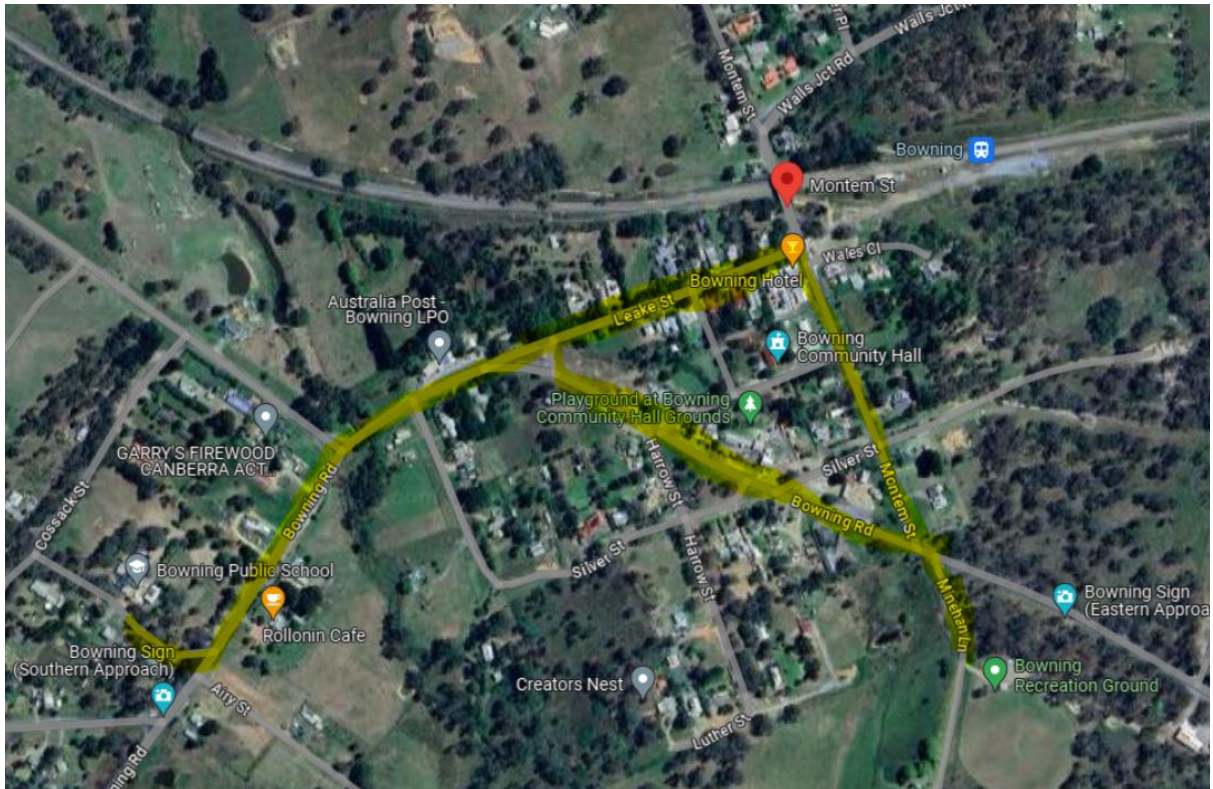
### POLICY & LEGISLATION

- *Local Government Act 1993*

### REPORT

In December 2023 Council submitted three grant applications under the Get NSW Active grant program being:

- **Active Transport Strategy** – To cater to the needs of pedestrians and cyclists in Council's towns and villages by reviewing existing plans and active transport network to respond to rapid population increase forecast over the next five years, improving short trips, safety, comfort, leave of use, connectivity, accessibility and developing priority actions with costs.
- **Detail Design of the Yass Rail Trail** – Council has adopted a strategic study into the feasibility of the Yass Rail Trail. The detailed design is the next stage to lead to the ultimate construction of the rail trail.
- **Construction of the Bowning Village Active Circuit** – currently Bowning has virtually no formal pathways. This proposed work was developed as part of a road safety review undertaken by Council's Road Safety Officer and referred Council's team developing the Bowning Masterplan for community consultation. The circuit will connect the public school, town centre to the recreation area.



The project will consist of 3 stages:

- Stage 1 – 3m shared path along Montem Street from Wales Close (adjacent to the hotel) to Bowing Road then Minehan Lane to the Bowing recreation grounds. The project includes a pedestrian bridge over a water way on Montem Street;
- Stage 2 – 1.8m footpath from Bowing Public School along Bowing Road to Montem Street and connecting into the Stage 1 shared path;
- Stage 3 - 1.8m footpath along Leake Street joining the Stage 2 footpath on Bowing Road to the existing footpath near Montem Street.

It is recommended that Council accept the grants for the Yass Rail Trail and the Bowing Active Circuit and update the adopted 2024/25 Operational Plan accordingly. It is recommended that the grant for the Active Transport Strategy be accepted only if the Council co-contribution can be reduced to \$15,000.

**STRATEGIC DIRECTION**

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

**ATTACHMENTS:** Nil

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## 6.14 TENDER EVALUATION REPORT - ELECTRICAL AND TELEMETRY UPGRADE OF FIVE WATER AND WASTEWATER SITES

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### SUMMARY

This report provides advice on the tender evaluation for the Electrical and Telemetry Upgrade of Five Water and Wastewater Sites (YVC-IA-15-2024). Sites are Binalong Reservoir and Pump Station, Primary School Sewage Pump Station (SPS), Petit Street SPS, Willow Creek SPS and Bowning-Binalong Pump Station.

### RECOMMENDATION

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

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### FINANCIAL IMPLICATIONS

Budget is allocated in FY2024-25 Operational Plan for the electrical and telemetry upgrades of these water pump stations and sewage pump stations.

### POLICY & LEGISLATION

- *Local Government Act 1993*
- *Protection of the Environment Legislation Amendment Act 2011*
- EPA Licence 1730 Yass Sewerage System
- Council Procurement Policy

### REPORT

#### 1. Background

The existing electrical switchboard and telemetry systems require upgrade to a modern and standard electrical switchboard with integral telemetry panels for five water and wastewater sites listed below.

- a) Binalong Reservoir and Pump Station
- b) Primary School Sewage Pump Station (SPS)
- c) Petit Street SPS
- d) Willow Creek SPS
- e) Bowning-Binalong Pump Station

The existing electrical assets at these sites are more than 30 years old and runs on old telemetry system. This arrangement is causing increasing operational challenges including failure of equipment, limited ability to control and monitor, reliability of operation etc. The new electrical switchboards will improve the operational reliability, safety in operation, monitoring and remote control of these pumping stations including early warning of leakage in trunk water mains. Provision for automatic control and remote monitoring including flow meters via the Council's upgraded SCADA system will improve management of these sites and will reduce the need for operators to attend these sites. Solar panels are included at Binalong Reservoir Pump Station and at Bowning-Binalong Pump Station where space is available for their installation to reduce the energy costs and environmental footprint.



Council engaged NSW Public Works to provide specialist technical support for preparation of technical contents of the tender documents, tender assessment and technical support during installation and commissioning.

## 2. Tenders

Tenders were open to qualified contractors, experienced in the design and installation of electrical and telemetry upgrade works for water and sewage pump stations.

Council called for tenders through the Tenderlink portal on 24 April 2024. Mandatory site meetings were held on 8 May 2024 and on 16 May 2024. Tenders closed on 31 May 2024. Three tenders were received from the organisations listed below:

Organisation	Address	ABN
Saunders Automation Pty Ltd	Level 1, 3 Rider Boulevard Rhodes, NSW 2138	92 093 758 564
Chiverton Estate Pty Ltd Trading as Thompson's Irrifab	46 William St, Cowra, NSW 2794	94 078 501 327
Qmax Pumping Systems Pty Ltd	72 High St, Queanbeyan, NSW 2620	95 164 437 914

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

### STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN4: Water, waste and sewerage services meet the needs of our community
Strategies	IN4.2 - Provide safe and efficient sewerage services across the region
Delivery Program Action	Upgrade of sewer network

**ATTACHMENTS:** Nil

**6.15 TENDER EVALUATION REPORT - YASS RIVER BRIDGE BRIDGE UPGRADE YVC.IA.37.2023**

**SUMMARY**

This report provides advice and recommendations on the submissions received for the Yass River Bridge Upgrade YVC.IA.37.2023 tender.

**RECOMMENDATION**

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

**FINANCIAL IMPLICATIONS**

The total budget for this project is \$3,120,535 which is jointly funded by Round 6 of the Bridges Renewal Program (\$2,496,428) and Council’s Contribution Reserve (\$624,107).

The current actual and committed expenditure for this project is approximately \$200,000, which covers designs and preliminary works. This leaves a budget allocation for this component of the project including contingencies of \$2,920,535.

**POLICY & LEGISLATION**

- *Local Government Act 1993*

**REPORT**

**1. Background**

Council manages an extensive road network of over 1,200km throughout the Local Government Area (LGA), including numerous bridges and causeways.

Council has received funding under the Bridges Renewal Program Round 6, for the replacement of the existing low-level causeway over the Yass River on Greenwood Road with a new reinforced/pre-stressed concrete bridge structure. The construction of a new bridge will provide a significantly improved flood immunity and improve safety of the route.

**2. Tender**

Tenders were called on 22 May 2024 and closed on 24 June 2024 at 10am. Five conforming tenders and three alternate tenders were received from the following organisations:

Organisation	Address
Bridgeworks Australia Pty Ltd	703 Bourke Street, Surry Hills, NSW 2010
Cord Civil Pty Ltd	17-19 Copper Close, Beard, ACT 2620
HD Civil Pty Ltd	5 Namadji Lane, Bergalia, NSW 2537
Murray Constructions Pty Ltd	362-3645 Augustus St, Deniliquin, NSW 2710
Saunders Civilbuild Pty Ltd	Level 5, 250 Pacific Highway Charlestown NSW 2290

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

**STRATEGIC DIRECTION**

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

**ATTACHMENTS:** Nil

## 7.1 NOTICE OF MOTION - FULL QUARTERLY BUDGET REVIEW

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Councillor Adrian Cameron has given notice that at the Ordinary Council Meeting on 25 July 2024, he will move the following motion.

### **MOTION**

*That in the interest of transparency in the lead up to the Local Council Election in September 2024 Council resolves that:*

- 1. A full quarterly budget review statement for the June quarter of the 2023/2024 Financial Year be tabled at the August 2024 Council meeting; and*
- 2. This review pays particular attention to a complete cash and investment report identifying external and internal restrictions balances, as well as the Council's position with regard to all Office of Local Government financial benchmarks.*

Councillor:                 Adrian Cameron  
15 July 2024

### **Chief Executive Officer Comments**

Council was provided with a fourth quarter budget review in 2023 due to the Annual Financial Statements not being ready for audit.

The August 2024 meeting will be provided with the final draft 2023/24 Annual Financial Statements that will provide the above information.

**ATTACHMENTS:**     Nil

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## 7.2 NOTICE OF MOTION - COMMUNITY HALLS AND RATES

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Councillor Jasmin Jones has given notice that at the Ordinary Council Meeting on 25 July 2024, she will move the following motion.

### MOTION

*That:*

1. *A Village Hall & Community Group Rate Relief Donations Policy or amendment to the current Donation Policy be brought forward at the August 2024 meeting for consideration to address the need for rate relief of Not-For-Profit, volunteer run community Groups & Hall Associations.*
2. *The 2024-2025 policy to implement a 100% donation back of rates for Village Hall Associations and 75% donation back for membership-based Community Groups that meet the policy requirements.*
3. *In the instance of requests for assistance received to date, that:*
  - *Council draws from the 2024-25 rate income a 12-month-retrospective donation of 50% of the general rates for Bowning Hall Association and Gundaroo Hall Association, and 50% donation back to Yass Lawn Tennis Club, noting any reduction from the amended valuation.*
  - *Council investigates possible alternate categorisation of rating for Yass Lawn Tennis Club out of Business category if the provision of organisational structure and operation documentation satisfies Council's requirements under State legislation.*

Councillor: Jasmin Jones  
12 July 2024

### Background

Noting that Council has this month made every effort to communicate with community hall groups to ensure they are aware that if they restructure to a charity, they are exempt from rates, it may still not be possible for all Village Hall Associations to become registered charities. In this instance, this policy will provide Village Hall and Community groups a safety net, acknowledging the disparity between rates levied versus the limited income received from competitive membership base fees and venue hire, the ongoing need to maintain aging and historic buildings, the volunteer run nature of the Hall Association, Sporting and Benevolent Community groups, the greater community good and wellbeing of residents to provide accessible venues for social, sport, cultural, health, and well-being, and acknowledging the provision by ratepayers already through Council for Murrumbateman and Yass Halls.

The provision of 100% rates back for halls allows income received from venue hire to be returned directly to the upkeep of the village halls and grounds and to facility community run events.

The 75% rates back donation for community and sporting groups acknowledges the limited membership base revenue in a large rural council zoning and the community benefit generated by these groups and venues. The volunteer run nature of the groups and the lack of capacity to generate other income such as colocation with liquor sales or gaming businesses.

Hardship appeals have been received both to Council via correspondence from the above organisations and from the public in representations to Councillors and discussed in the media. Contrary to advice given to Councillors, there are multiple Halls, not just Bowning but Gundaroo as well and at least one community group (Yass Lawn Tennis Club) appealing for direct assistance. As the instances have been made public, I believe an open discussion in Council may be warranted rather than a confidential closed session. The Yass Lawn Tennis Club has provided evidence, that I have circulated by email, of its limited membership base and fee structure which shows it is already not competitive with the Council owned tennis courts, evidence it is attempting to downsize its land ownership and complexities surrounding this location, its volunteer run organisational structure and history of attempts to engage Council on this matter.

### Chief Executive Officer Comments

A report on community owned halls was discussed at the May 2024 Councillor Workshop (refer **Attachments A** and **B**). In essence community owned halls are subject to rates unless it can be demonstrated they are exempt from rates under s555 *LG Act 1993*.

All land in Yass Valley is rateable unless it is specifically exempt under the *LG Act 1993*. Community owned and operated halls are not exempt from rates. Council has no role in their operation. Bookings, utility costs and insurances are the responsibilities of the owners.

There are broadly 4 categories for rating (farmland, residential, business, mining) and as community owned halls do not fit the description of farmland, residential or mining they are required to be classified as business.

The issue of rating of community halls was raised at a recent Business Chamber meeting with community associations in which there was a common theme of the impact of Council rates on the operations of local community halls.

Since the Chamber forum Council has made representations to the Local Member for Goulburn, Wendy Tuckerman to raise the issue with the Minister for Local Government to amend legislation to exempt community halls from rates. To date we have not received any feedback.

Council has recently received advice from the President of the Bowning Hall Association they have recently applied to the Australian Charities & Not-for-Profits Commission to register the Hall Association as a charity. Registered charities are exempt from paying Council rates.

Gundaroo Soldiers Memorial Hall have indicated they are a registered charity (but did not inform Council) and are in the process of applying to Council to change their status, so they are exempt for paying rates.

Other community halls at Bookham and Binalong have been advised of the approach taken at Gundaroo and Bowning.

The Yass Lawn Tennis Club is a not-for-profit organisation but this does not exempt them from rates under the *LG Act 1993*. They have requested a meeting, which at the time of compiling this report, has not been confirmed.

**ATTACHMENTS:**    A. Community Halls and Rates [⇒](#)  
                          B. Community Hall Rates 2024 [⇒](#)

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## 8.1 QUESTIONS WITH NOTICE - CRAGO MILL PRECINCT, YASS WATER TREATMENT PLANT, LOANS, FINANCIAL SUPPORT & GRANTS OFFICER

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### Questions

Councillor Kristin Butler submitted the following Questions with Notice:

1. *How will the Crago Mill \$50 million loan be repaid if a Special Rate Variation is not applied to this project?*
2. *Does Council have the lending capacity for another loan if the Water Treatment Plant grant is unsuccessful and if so, how will that be repaid?*
3. *How much land will need to be sold in order to offset the Crago cost, and for how long will that meet the repayments?*
4. *What grants has Council identified it will go after for funding the Crago Mill project?*
5. *Does Council have an experienced Grant Officer on payroll for grant applications now and in the future?*
6. *Does Council have a full-time Chief Financial Officer advising on how to meet repayments for the \$50M loan?*
7. *Why was TCorp not engaged as a potential lender for the Crago Mill project at an approximately 2.5% interest rate?*
8. *How long until the money for the Yass Dam Wall is paid off and was this a levy?*
9. *In regard to the accusation of insolvency, could you provide a statement in regard to the recent visit of the Department of Local Government and any statement in regard to external auditing of our 2024/25 budget?*

### Response

The responses to the questions raised are as follows:

1. How will the Crago Mill \$50 million loan be repaid if a Special Rate Variation is not applied to this project?

**Comment:** An SRV is only applied to specific projects identified.

2. Does Council have the lending capacity for another loan if the Water Treatment Plant grant is unsuccessful and if so, how will that be repaid.

**Comment:** Yes, the WTP loan would be from the Water and Sewer Fund which is separate from the General Fund. There would be either an increase in water rates or a specific 'levy' on water for the term of the loan.

3. How much land will need to be sold in order to offset the Crago Mill cost, and for how long will that meet the repayments?

**Comment:** There is no set value of land sales. This is a way to raise funds to repay the loan sooner.

4. What grants has Council identified it will go after for funding the Crago Mill project?

**Comment:** The Federal Department of Infrastructure program, Regional Precincts & Partnerships Program (rPPP) has been identified and an application is being written at the present time. Staff will continue to identify grant funding throughout the project in an attempt to reduce the loan amount.

5. Does Council have an experienced Grant Officer on payroll for grant applications now and in the future?

**Comment:** Council has staff in every area that apply for grants. We also have a full time Community/ Grants Officer on staff who works on community events, as well as writing/assisting with community and infrastructure grants, as required.

6. Does Council have a full-time Chief Financial Officer advising on how to meet repayments for the \$50M loan.

**Comment:** Council has financial consultants (1 full time and 3 others who are called upon when needed) who are advising on all aspects of finance.

7. Why was TCorp not engaged as a potential lender for the Crago Mill project at an approximately 2.5% interest rate?

**Comment:** A discussion was held with TCorp when staff first started looking for a lender, but they advised that they were not interested in financing this project at the time.

8. How long until the money for the Yass Dam Wall is paid off and was this a levy?

**Comment:** Completion expected in 2032. No this was an increase in water rates not a levy.

9. In regard to the accusation of insolvency, could you provide a statement in regard to the recent visit of the Department of Local Government and any statement in regard to external auditing of our 2024/25 budget.

**Comment:** Council has had discussions recently with its External Auditors who have undertaken the 2023/24 interim audit and there have been no 'red flags' raised in regard to operating insolvent. The Executive Management Team met with the Office of Local Government recently and we were advised that they are reviewing not only Yass Valley but other rural Councils who are submitting deficit budgets. If the Office of Local Government was concerned the first sign would be an Improvement Notice and there was no indication of this during the meeting.

**ATTACHMENTS:** Nil



## 8.2 QUESTION WITH NOTICE - COMMUNICATIONS POLICIES

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### Question

Councillor Kristin Butler submitted the following Question with Notice:

*Will Council Policies, including the Social Media Policy, Communications with the Media Policy and Community Engagement Strategy, be reviewed following the 2024 Local Government Elections? How are reviews undertaken?*

### Response

Following a Council Election, it is prudent to review all policies to determine if they remain fit for purpose.

A report is usually presented at an early meeting of the new Council outlining a review program for consideration.

The *Social Media Policy, Communications with the Media Policy and Community Engagement Strategy* will all be part of the program for the new Council.

Policies are usually reviewed by the relevant staff member and presented to Council for consideration.

Policies with only minor amendments or no amendments are presented for endorsement.

The revised policies with changes are placed on public exhibition for wider community comment.

If there are no significant amendments, the policies are adopted without being reported back to Council.

The policies attracting submissions seeking significant changes will be reported back to Council with or without further changes resulting from the submissions received. Council may wish to hold a forum with submitters prior to a report being presented to a Council meeting.

For policies needing a major overhaul, new policies or strategic plans, Council may wish to establish a working party to oversee their development.

**ATTACHMENTS:**    Nil

## 9.1 MINUTES OF THE MURRUMBATEMAN RECREATION GROUND FOCUS GROUP HELD ON 6 JUNE 2024

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### REPORT

The minutes of the Murrumbateman Recreation Ground Focus Group meeting held on 6 June 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 Murrumbateman Recreation Ground Focus Group meeting held on 6 June 2024 be noted*

**ATTACHMENTS:** A. Murrumbateman Recreation Ground Focus Group Minutes 6 June 2024 [⇒](#)

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## 9.2 MINUTES OF THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE HELD ON 20 JUNE 2024

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### REPORT

The minutes of the Economic Development Advisory Committee meeting held on 20 June 2024 are included in **Attachment A**.

From these minutes there are three 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

### RECOMMENDATION

*That the minutes of the Economic Development Advisory Committee meeting held on 20 June 2024 be noted and the following recommendations be endorsed:*

#### **Item 4.1 State of the Regions Economic Update**

1. That Council:

- Consider how YVC staffing is impacting on the vacancy rate.
- Review spending levels on Economic Development & Tourism since December 2019.
- Consider affordable housing to meet workforce needs, such as short-term accommodation to continue to generate tourism/events opportunities for Yass Valley and downsizing opportunities, as part of the Murrumbateman Masterplan.
- The State of the Regional Economic Update be noted.

#### **Item 4.2 Development of an Interactive Tourism App**

*That Council consider an interactive touchscreen kiosk in the future.*

#### **Item 4.3 Committee Priorities**

*That the new Economic Development Advisory Committee consider priorities when the Committee is newly formed.*

**ATTACHMENTS:** A. Economic Development Committee Minutes 20 June 2024 [⇒](#)

## 9.3 MINUTES OF THE MURRUMBATEMAN PLAYGROUND PROJECT COMMITTEE HELD ON 11 JULY 2024

### REPORT

The minutes of the Murrumbateman Playground Project Committee meeting held on 11 July 2024 are included in **Attachment A**. The playground concept designs considered at the meeting are included in **Attachment B**.

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

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

### RECOMMENDATION

*That the minutes of the Murrumbateman Playground Project Committee meeting held on 11 July 2024 be noted and the following recommendation be adopted:*

#### **Item 3.1 Playground Concept Designs**

*That Option 2 be the in principle recommended concept for adoption with the following changes/additions/omissions noted below, and that the adjusted concept be circulated to the committee via email for confirmation:*

- *Curvy paths behind Old School House from Concept 1*
- *Retain heritage Orchard and exploring path through it from Concept 4*
- *Incorporate shade over the toddlers' area, suggest moving toddlers area away from back of cottage as the shade sail would interfere with view of the Old School House - could put it closer to passive area where parents may be sitting picnicking.*
- *Car park - south solution and reduce to half the size. Create a footpath to edge of car park nearest the park so children do not have to walk entire car park to exit their vehicles and get to park*
- *Fencing down highway and off car park*
- *Mark in bike parking*
- *Keep existing pathway on new school side to assist people not using park to bypass the park and reduce waste of existing infrastructure*
- *Delete path at Landcare in option 2 and create organic pathway from option 1 near Landcare*
- *Keep all equipment on Southside to enhance supervision of children and heritage view to and from Old School House*
- *Protect Land Care area from encroachment*
- *Incorporate school bell back to the location*
- *Removal of railings at current car park be retained for return to Rec Grounds if possible where they originally came from*
- *Consider old water well and septic*
- *Clearly mark what is funded and what is unfunded in this first stage*

**ATTACHMENTS:** A. Murrumbateman Playground Project Committee Minutes 11 June 2024 [⇒](#)

B. Murrumbateman Playground Options Design [⇒](#)

## 9.4 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 9 JULY 2024

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### REPORT

The minutes of the Sustainability Advisory Committee meeting held on 9 July 2024 are included in **Attachment A**.

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

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

Accordingly, the minutes are presented for information.

### RECOMMENDATION

*That the minutes of the Sustainability Advisory Committee meeting held on 9 July 2024 be noted.*

**ATTACHMENTS:** A. Sustainability Advisory Committee Minutes 9 July 2024

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**Confidential Matters**

## **RECOMMENDATION**

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

**10.1 Tender Evaluation Report - Yass River Bridge Upgrade YVC.IA.37.2023.**

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

**10.2 Tender Evaluation Report - Electrical and Telemetry Upgrade of Five Water and Wastewater Sites**

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