



Ordinary Meeting of Council

Thursday 22 August 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

October 2024 TBD

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.

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Nil

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Nil

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Close of Meeting Time

Chris Berry
CHIEF EXECUTIVE OFFICER



Minutes of the Ordinary Meeting of Council

Thursday 25 July 2024

4.00pm

Yass High School
Grampian Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

Item 6.3 - Development Application No DA230239 – Service Apartments, Keirs Lane, Murrumbateman

- Ken Helm
- Lach Haskins

Item 6.4 Development Application No SA240068 – Additions to Indoor Recreation Facility (Indoor Swimming Pool), 16 Hope Street, Yass

- Ross Webster

Item 6.5 Yass Pool Redevelopment Project Committee

- Donna Wullaert
- Deborah Donaldson

Item 6.6 -35 Links Road, Yass – Retaining Wall

- Joachim Berger

Item 6.13 Get NSW Active Grant Program 2024/25

- Stuart Atkins

Item 7.2 Notice of Motion - Community Halls and Rates

- Greg Martin
- Stuart Atkins

Item 7.1 Minutes of the Murrumbateman Recreation Ground Focus Group

- David Lewis

Council Meeting - The Mayor declared the meeting open at 5.25pm

Present

Councillors Allan McGrath, Mayor, in the chair, Jim Abbey, 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 Costa, Director of Infrastructure & Assets – Nathan Cooke, Director of Corporate & Community – Lynette Safranek and acting Manager Media & Communications – Robyn Zwar.

Acknowledgement of Country

Prayer

1. Apologies

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

(Turner/Abbey) 149

2. Declaration of Interest/Disclosures

Nil

3. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 27 June 2024 covered by resolution numbers 131-150 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Reid/Cameron) 152

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

AGAINST: Nil

4. Mayoral Minute

6. Reports to Council

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.

RESOLVED 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.***

(Jones/Reid) 149

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

AGAINST: Nil

6.2 PLANNING PROPOSAL - 3047 AND 3071 BARTON HIGHWAY MURRUMBATEMAN

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.

RESOLVED that :

- 1. The draft planning proposal for 3047 and 3071 Barton Highway, Murrumbateman (PP2024-1167) be endorsed subject to amendments being made to the planning proposal incorporating pedestrian connection to Scrubby Lane (subject to ability to acquire neighbouring land to enable the connection to occur) and provision being made for a category 3 playground.***
- 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.***

(Jones/Butler) 150

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

AGAINST: Councillor A Cameron

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.

MOTION

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***
- Signage in condition 89 to include contact details of the business***

(Jones/Butler) 151

FOR: Councillors K Butler, C Pothan and J Jones

AGAINST: Councillors J Abbey, A Cameron, A McGrath, M Reid and K Turner

MOTION LOST

RESOLVED that Development Application No DA230239 be refused on the following grounds:

- Inappropriate use of RU1 zoned land,***
- Unacceptable adverse effect on surrounding primary producers,***
- Not compatible with the primary producer zone projective of RU1, and***
- The development presents an unacceptable land use conflict with the adjoining/nearby agricultural uses including a vineyard and extensive grazing.***

(Turner/Abbey) 152

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

AGAINST: Councillors K Butler, C Pothan and J Jones

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.

RESOLVED 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.***

(Butler/Pothan) 153

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

AGAINST: Nil

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.

RESOLVED that :

- 1. The terms of reference for the Yass Pool Redevelopment Project Committee be endorsed with the amendment to the Terms of Reference to include five community members made up of two swim club members, and three non-members.***
- 2. An expression of interest be issued to fill the positions of the Yass Pool Redevelopment Project Committee.***

(Jones/Turner) 154

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

AGAINST: Nil

6.6 35 LINKS ROAD, YASS - RETAINING WALL

SUMMARY

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

RESOLVED that the report on 35 Links Road, Yass – Retaining Wall be deferred for consideration at a future Council meeting.

(Jones/Reid) 155

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

AGAINST: Nil

6.7 YASS WATER TREATMENT PLANT UPGRADE - IMPLEMENTATION

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.

RESOLVED 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.***

(Pothan/Turner) 156

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

AGAINST: 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.

RESOLVED 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.***

(Turner/Abbey) 157

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

AGAINST: Nil

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

SUMMARY

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

RESOLVED 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.***

(Abbey/Reid) 158

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

AGAINST: Nil

6.10 INVESTMENT REPORT - JUNE 2024

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.

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

(Turner/Reid) 159

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

AGAINST: Nil

6.11 REVIEW OF INVESTMENT POLICY

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.

RESOLVED that the reviewed Investment Policy be adopted.

(Jones/Abbey) 160

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

AGAINST: Nil

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.

RESOLVED 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.***
- 3. Yass Valley Council acknowledges Yass High School has extensive positive programs aimed at youth already operating.***

(Jones/Pothan) 161

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

AGAINST: Nil

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.

RESOLVED 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.***

(Reid/Pothan) 162

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

AGAINST: Nil

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

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.

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

(Jones/Turner) 163

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

AGAINST: Nil

6.15 TENDER EVALUATION REPORT - YASS RIVER 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.

RESOLVED that 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.

(Jones/Turner) 164

FOR: Councillors J Abbey, 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 - FULL QUARTERLY BUDGET REVIEW

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.*

(Cameron/Pothan) 165

FOR: Councillors K Butler, A Cameron and J Jones

AGAINST: Councillors J Abbey, A McGrath, C Pothan, M Reid and K Turner

Motion LOST

7.2 NOTICE OF MOTION - COMMUNITY HALLS AND RATES

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*

(Butler/Turner) 166

AMENDMENT

That :

1. Community Halls

- *A report be prepared for Council to consider an appropriate mechanism to offer a donation back to Community Hall Associations should any not obtain charity status which is rate exempt.*
- *All Community Hall Associations that register with Council their charity status within the 2024 calendar year be considered exempt of rates from July 2024.*

2. Not-for-profit & Community Groups

- *A report be prepared for Council to consider an appropriate method to offer a donation back of a percentage of the General Rates charged to volunteer run not-for-profit groups that provide community benefit.*

3. Bowning Hall

- *A 12 month retrospective donation of 50% of the 2023-24 rates bill be given back to Bowning Hall considering their difficulty in paying rates due to the ongoing excessive value given by the Value General.*

(Butler/Turner) 166

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

AGAINST: Nil

Foreshadowed Motion

That:

1. *Council no longer charge rates to Community Halls and Community Halls be reimbursed for any payments made in the last financial year*
2. *A full review of Council charges to all community run organisations be done after the Local Government Elections by a group comprising of Council Staff, Councillors and Community Groups with a draft policy to the new Council in time for the next financial year*

Cameron

The Amendment became the motion

RESOLVED that :

1. Community Halls

- *A report be prepared for Council to consider an appropriate method to offer a donation back to Community Hall Associations should any not obtain charity status which is rate exempt.*
- *All Community Hall Associations that register with Council their charity status within the 2024 calendar year be considered exempt of rates from July 2024.*

2. Not-for-profit & Community Groups

- *A report be prepared for Council to consider an appropriate method to offer a donation back of a percentage of the General Rates charged to volunteer run not-for-profit groups that provide community benefit.*

3. Bowning Hall

- ***A 12 month retrospective donation of 50% of the 2023-24 rates bill be given back to Bowning Hall considering their difficulty in paying rates due to the ongoing excessive value given by the Value General.***

(Butler/Turner) 167

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

AGAINST: Nil

8. Questions with Notice

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

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.

8.2 QUESTION WITH NOTICE - COMMUNICATIONS POLICIES

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.

9. Minutes and Recommendations of Council Committees

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

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.

RESOLVED that the minutes of the Murrumbateman Recreation Ground Focus Group meeting held on 6 June 2024 be noted.

(Butler/Jones) 168

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

AGAINST: Nil

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

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

RESOLVED 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.**

(Jones/Reid) 169

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

AGAINST: Nil

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

RESOLVED 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***
- ***Consider safety aspect of surrounding the water well and septic***
- ***Clearly mark what is funded and what is unfunded in this first stage***
- ***Removal of railings at current car park be retained and used at the old school site if an appropriate space***

(Reid/Jones) 170

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

AGAINST: Nil

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

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.

RESOLVED that the minutes of the Sustainability Advisory Committee meeting held on 9 July 2024 be noted.

(Cameron/Reid) 171

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

AGAINST: Nil

9. Confidential Matters

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

10.1 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 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 and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Turner/Abbey) 172

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

AGAINST: Nil

Closed Council commenced at 7.46 pm.

RESOLVED that the meeting move into Open Council.

(Pothan/Reid) 173

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

AGAINST: Nil

Open Council resumed at 8.20 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Jones/Abbey) 174

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

AGAINST: Nil

10.1 TENDER EVALUATION REPORT - YASS RIVER 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.

RESOLVED that :

- 1. The tender submitted by Murray Constructions Pty Ltd under Contract YVC.IA.37.2023 for the replacement of Yass River Bridge on Greenwood Road be accepted for a total cost of \$2,755,412 (Ex GST).***
- 2. The remaining funding from the project budget allocation be utilised as a contingency allowance for latent conditions and/or for undertaking additional schedule of rates works.***

(Turner/Cameron) 175

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

AGAINST: Nil

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

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.

RESOLVED that :

- 1. The tender submitted by Saunders Automation Pty Ltd for the Electrical and Telemetry Upgrade of Five Water and Wastewater Sites (YVC-IA-15-2024) be accepted for a total cost of \$1,091,661.90 (ex GST).***
- 2. A provisional sum of \$35,000 (ex GST) for additional items be allocated.***

(Turner/Reid) 176

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

AGAINST: Nil

RESOLVED that the recommendations in Closed Council be adopted.

(Jones/Abbey) 177

Minutes of the Ordinary Meeting of Council held on 25 July 2024

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

AGAINST: Nil

The meeting closed at 8.21pm

6.1 DRAFT PLAN OF MANAGEMENT - OLD MURRUMBATAMAN SCHOOL HOUSE

SUMMARY

The purpose of this report is to present the draft Plan of Management for the Old Murrumbateman School House to Council for endorsement in order that it may be placed on public exhibition.

RECOMMENDATION

That:

1. *The draft Old Murrumbateman School House Plan of Management be notified to Crown Lands, as the owner of the property.*
2. *The draft Plan of Management be forwarded to the Minister for Crown Lands under clause 70B Crown Lands Management Regulation 2018 seeking approval to adopt.*
3. *Upon advice of the Minister for Crown Lands that the draft Plan of Management may be adopted, Council place the Draft Plan of Management on exhibition for a period of not less than 28 days.*
4. *Should no objections be received that require signification changes to the draft the Plan of Management, the Plan of Management be adopted pursuant to s40 Local Government Act, 1993.*

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Crown Land Management Act 2016*
- *Local Government Act 1993*

REPORT

The *Crown Land Management Act 2016* came into force on 1 July 2018. As the appointed land manager, Council is required to prepare a Plan of Management (POM) for Crown Land under its care and control as if they were Community Land under the *Local Government Act 1993*. A POM outlines how the land can be used, developed and managed, how leases and licences or other interests are granted on Community Land and determines the scale and intensity of current and future use and development on the land.

A draft POM has been prepared for the Old Murrumbateman School House. **Attachment A** identifies the land where the draft POM applies and **Attachment B** is the draft POM.

On 20 April 2021 the Minister for Planning, Industry and Environment – Crown Lands approved the categorisation of Preservation of historical sites and buildings for Reserve 97127, being the Old Murrumbateman School House. This is consistent with the Crown Purpose of ‘General Community Use’ of this reserve.

The draft POM provides direction for the asset management of the Old Murrumbateman School House. The plan outlines the way the land can be used and provides the framework for Council to follow in relation to the leasing, licencing, and permit processes for the land.

Council has received Native Title Manager advice stating that:

“Council may have confidence that in the event of any native title claim over Old Murrumbateman School House (R97127), the previous exclusive possession act (PEPA) that affects the whole of the Crown Land in Old Murrumbateman School House will be regarded for the purposes of the Native Title Act (Cwlth) and the Native Title Act (NSW) as having the effect of having extinguished native title rights over the land affected by the public works. The adoption of the plan of management will not have an effect on native title rights over the PEPA-affected whole of Old Murrumbateman School House (R97127) as the previous exclusive possession act

(PEPA), being former freehold ownership by virtue of a Crown grant, has the effect of extinguishment on the affected land if subject to judgment in a native title claim. The adoption of the plan of management with proposed uses, developments and tenures that are in accordance with the reservation and the purpose of the Crown reserve is a valid future act."

Accordingly, Council may endorse the plan of management as a draft for referral to the Minister administering the *Crown Land Management Act 2016*.

The draft POM is considered suitable for public exhibition to seek feedback from the community on the proposed management of the reserve.

STRATEGIC DIRECTION

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

ATTACHMENTS: A. Locality Plan [⇒](#)
 B. Draft Plan of Management - Old Murrumbateman Schoolhouse [⇒](#)

6.2 APPLICATIONS UPDATE - JUNE & JULY 2024

SUMMARY

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

RECOMMENDATION

That the report on applications for June and July 2024 be noted.

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

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

REPORT

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

STRATEGIC DIRECTION

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

ATTACHMENTS: A. Applications Update - June & July 2024 [⇒](#)

6.3 DEVELOPMENT APPLICATION NO. DA230593 - LANDSCAPING MATERIAL SUPPLIES PREMISES AND TRUCK DEPOT, 757 MULLIGANS FLAT ROAD, SUTTON

SUMMARY

To present the assessment of Development Application No DA230593 for a landscaping material supplies premises and a truck depot at 757 Mulligans Flat Road, Sutton. The application attracted 14 submissions during the initial public exhibition period, including six in support and eight raising objection/concern. Relevant conditions can be addressed by conditions. Approval is recommended for the landscaping material supplies premises only.

RECOMMENDATION

That:

1. *Conditional Development Consent be issued for Development Application No DA230593 for a landscaping material supplies premises and ancillary use and parking of trucks at 757 Mulligans Flat Road, Sutton.*
2. *The proposed use of land as a 'truck depot' as defined by the Yass Valley Local Environmental Plan 2013 is refused as Council's Truck and Transport Depots in Rural Areas Policy states that 'truck depots' will not be approved in a buffer or transition area, and the Yass Valley Settlement Strategy identifies the land within a buffer/transition area of 5km to the NSW/ACT border. This does not prevent the ancillary parking of trucks associated with the 'landscaping material supplies' premises.*

FINANCIAL IMPLICATIONS

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

POLICY AND LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Biodiversity Conservation Act 2016*
- *Environmental Planning & Assessment Regulation 2021*
- *Biodiversity Conservation Regulation 2017*
- *State Environmental Planning Policy (Hazards and Resilience) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Yass Valley Settlement Strategy*
- *Local Strategic Planning Statement*
- *Yass Valley Local Environmental Plan 2013*
- *Community Engagement Strategy*
- *Yass Valley Development Contribution Plan 2018*
- *Application Assessment and Decision Making Policy*
- *Road Standards Policy*
- *Off-street Carparking Policy*
- *Truck and Transport Depots in Rural Areas Policy*
- *Noise Policy for Industry (2017)*

REPORT

1. Application Details

Date Received	-	22 December 2023
Land	-	Lot 2 DP 249946, 757 Mulligans Flat Road, Sutton
Area	-	16.8ha

Zoning

- RU1 Primary Production

2. Site Description and Locality

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

The subject land is 16.8ha in size and is a battle-axe lot, with the battle-axe handle providing access from Mulligans Flat Road between the adjoining lots. The subject land contains a dwelling house, associated outbuildings, rainwater tanks and three dams.

The development is proposed to be undertaken in the northeast corner of the site, immediately adjacent to the eastern property boundary. This area has been largely cleared from the previous use of the site.

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

3. Background and Proposal

In October 2023 Council refused Development Application DA220274 involving a proposed landscaping material supplies business and a truck depot at the subject land. The reasons for refusal were:

- The proposed 'landscaping material supplies' business did not include a retail component, and therefore a prohibited use in the RU1 Primary Production zone as an innominate/undefined land use.
- Unable to assess only the storage and parking of trucks as a 'truck depot' as all elements of the proposal were intertwined.

The current Development Application is to use the land to operate a landscaping material supplies business and truck depot, however the key difference with the earlier proposal is that it now involves the retail sales of landscaping materials directly from the site – that is, it is open to the public.

The submitted application involves:

- Use of land and operation of a landscaping material supplies business. The proposed operating hours are Monday to Friday 7am to 5pm and 8am to 3pm on Saturdays. The business is anticipated to employ two full time staff with additional casual staff on an as-needs basis.
- Use of land for the purposes of a truck depot including the parking of two trucks and three trailers.
- Erection of a storage shed (24m x 10m), site office, toilet block, and installation of onsite sewage management facility.

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

4. Public Exhibition

Public exhibition included notice to 12 adjoining and nearby properties, and to all persons who had made a submission in relation to the previous development application. There were 14 submissions received, comprising six in support and eight raising objection or concern.

A Planning Forum was held on 4 July 2024 and included six presentations/representations, including from the Applicant and proponent, as well as additional written representations.

A copy of the submissions received during the public exhibition period is included as **Attachment C** and the additional submissions received following the receipt of additional information and the Planning Forum is included as **Attachment D**.

The Applicant's response to Council's additional information request and the submissions received is included as **Attachment E**.

5. Referrals

The proposal was referred to the Environment Protection Authority (EPA) for advice in relation to the consideration of silica dust which was raised as an issue of concern in submissions. A copy of the advice received is included as **Attachment F**.

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 landscaping material supplies can be supported and that the truck depot be refused for the reasons outlined in the Assessment Report (refer **Attachment G**).

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 Local Environmental Plan 2013 (Yass Valley LEP 2013)* and is zoned RU1 Primary Production. The proposal is for use of land as a 'landscaping material supplies' and a 'truck depot', both of which are permissible in the RU1 Primary Production zone, subject to development consent. The proposal now includes a retail component, addressing the characterisation/permissibility issue associated with the previous development application.

The submissions of support suggest that there should be an expectation that land uses permitted in the zone by the LEP be approved where they meet all requirements. It is noted though that this is with consent only, and whilst permissibility in the zone is generally the starting position for consideration of a consent being granted, there are other matters which must be considered under s4.15 *EP&A Act 1979*.

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 objectives of the zone, but then must be considered in the context of the circumstances and merits of the proposal.

Consideration of the zone objectives is included in the assessment report (refer **Attachment G**). Generally, it is noted that the proposed development is not associated with primary production, agriculture, nor another form of development that is associated with rural industry. The key issues in relation to the zone objectives are whether the development presents a land use conflict with those existing in the locality which are primarily rural lifestyle, and whether the location, type and intensity of the development is appropriate.

It is suggested within the submissions that the proposed development constitutes a 'hazardous industry'. The proposed development does not constitute a 'hazardous industry' (or 'potentially hazardous industry') for the purposes of the LEP and NSW planning system definition as it does not propose a significant risk in relation to human health, life or property, or the biophysical environment. Management measures can be put in place to mitigate any associated risk as detailed in this assessment.

6.2 Yass Valley Settlement Strategy 2036

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

Legal advice received in relation to the previous Development Application briefly considered how much weight to give the Strategy in the assessment of Development Applications which proposed permissible land uses in the area within 5km of the NSW/ACT border. Whilst the advice

indicated that further review is required to understand the context of the Strategy, it did note that, in principle, to the extent of any inconsistencies between the Strategy and the LEP, greater weight should generally be given to the LEP in determining Development Applications.

This is consistent with the understanding of planning staff that the Strategy and the Strategic Planning Statement guide strategic planning decisions and future changes to planning controls, but that the LEP is the current environment planning instrument and holds the greatest weight.

Furthermore, this also appears to be consistent with the decision of the Department of Planning, Housing & Infrastructure 2018/19 to not endorse Council's proposal in the Strategy to include an RU6 Transition zone within the 5km area of the NSW/ACT border. In the May 2019 report to Council, it is recognised that the specific planning controls are the mechanism to achieve the strategic planning objectives, stating:

"When setting the implementation priorities for the Settlement Strategy Council identified the introduction of the RU6 Transition Zone as a project to be undertaken in 2021-22. In light of the Department's comments, this project would be better focused on investigating appropriate planning controls along the NSW/ACT border to achieve strategic planning outcomes for this area."

On this basis, the Strategy on its own is not considered to provide legal grounds for refusal of this application.

6.3 Yass Valley Local Strategic Planning Statement

Within the submissions received it is also suggested that the proposed development is inconsistent with the *Yass Valley Local Strategic Planning Statement* (LSPS). The LSPS acknowledges the issues and pressures with land uses such as truck depots within the 5km area of the NSW/ACT border, with the required action to *"incorporate standard/s within the Yass Valley Comprehensive Development Control Plan to discourage the establishment of intensive agriculture, waste or resource management facilities, mining, extractive industries, truck or transport depots within rural areas in close proximity to the NSW-ACT border."*

The weight to be given the LSPS is like that of the Strategy in that the LEP should be given greater weight in the consideration of development applications. LSPSs are not a legal document which determine zoning of land or the permissibility of land uses, with that role still being with the LEP. The NSW Government's *Local Strategic Planning Statements Guideline for Council's* notes that LSPSs guide local statutory planning and development controls, not the assessment of development applications.

On this basis, the LSPS on its own is not considered to provide legal grounds for refusal of this Development Application.

6.4 Truck and Transport Depot in Rural Areas Policy

The proposed development involves a truck depot including the parking of two trucks and three trailers. Council's *Truck and Transport Depot in Rural Areas Policy* determines where Council may support a Development Application for truck depots, including the scale and associated controls or limitations. The acceptable scale of a truck depot is based on the standard of the road that provides access to the development site. The proposed scale meets the requirements of the policy based on the road category of Mulligans Flat Road.

The policy also states that truck depots will not be supported if any adopted strategy identifies the development site as a buffer or transition area. The Strategy identifies the subject land within a buffer or transition area (refer section 6.2).

Refusal of the use of the land as a truck depot would, however, not prevent the parking of trucks where they are ancillary to the landscaping material supplies business such as for the purposes of deliveries and obtaining materials. If the trucks were to be used unrelated to the landscaping material supplies business, such as being used for transport of unrelated goods or the trucks being contracted out, then this would constitute the use of the land as a 'truck depot' rather than being ancillary to the 'landscaping material supplies' use.

However, it would be difficult to distinguish between these uses on the ground. However, if approval was not granted for the use as a 'truck depot', then this would prevent the use from occurring on its own in the future (i.e. in isolation of the 'landscaping material supplies' business).

Council could consider varying the policy to support the use as a 'truck depot' if they were of the view that it was appropriate, particularly if also intending to grant consent to the 'landscaping material supplies' noting that trucks may be used in a manner ancillary to that use anyway.

The policy also requires consideration of several other matters including visual impact, management of run-off, dust, and noise which are discussed elsewhere.

6.5 Noise

Noise impacts are a key issue identified in the assessment and submissions received. The primary issues with noise generally relate to the loading/unloading of rock material and heavy vehicle and traffic noise.

The noise impact assessment submitted suggests that the noise levels associated with the proposed development for both heavy vehicle movements and activities in the landscaping material supplies yard meet the relevant acceptable criteria, except for the dwelling located on Lot 3 DP249946. This dwelling is in close proximity to the access driveway and the report recommended consideration of a barrier noise fence be constructed to reduce impacts to that receiver.

Noise levels for the purposes of assessment are usually taken as a weighted average over a 15-minute period – i.e. LAeq 15minute. In requesting additional information, it was specifically asked for the noise assessment to consider the loading and unloading of rocks as feedback received in submissions suggested that this represented a significant sound which travels across the valley for short duration which may not be appropriately reflected by the LAeq 15minute level.

The noise impact assessment submitted suggests that the loading/unloading of rock material will have a sound power level of 112dBA LAeq over a 10 second period, with a maximum 120dBA over the LAeq one second time period. This has been based on modelling/database sources of the acoustic consultant, rather than a sound measurement on site (i.e. an actual reading is not possible given the activity cannot operate until approval is granted). Noise impact assessments are generally based on modelling and a degree of assumptions, and the approach in the methodology is not unusual.

The noise impact assessment discusses circumstances where corrections to noise levels may be necessary due to annoying characteristics, such as intermittency of the noise. In this instance however, a correction has not been applied as the noise is occurring during a daytime period and correction is not required by the *NSW Noise Policy for Industry* guideline.

Whilst the submitted noise impact assessment suggests that the noise associated with the proposed development generally meets the acceptable noise criteria, the comments received in the submissions and representations at the Planning Forum appear to suggest that the noise impacts from the loading/unloading of rocks has caused annoyance and general disturbance to surrounding residential and other sensitive land uses in the past (i.e. when it was operating). This is likely due to the nature of the sound being significantly different to that in the background sound environment and occurring at a relatively high level even for just a short duration.

It was considered appropriate to commission a peer review of the noise impact assessment by another appropriately qualified acoustic consultant (refer **Attachment H**). The peer review indicated:

- There was confusion in relation to the measured daytime Rating Background Level was 38 dBA or 40 dBA. This would make a significant difference to the assessment, and should be clarified, preferably with presentation of the detailed results of the noise monitoring.

- The levels are significantly above criterion level at the dwelling adjacent to the driveway due to truck passbys. This represents noticeable change to the environment at this residence and mitigation measures should be pursued. These may not be limited to a fence as proposed but detailed consideration of possibilities is beyond the scope of this.
- Feasible and reasonable mitigation measures, including both controls on operations at the yard and controls on the number of trucks using the access road, should form part of any consent conditions for the project.
- It was unclear exactly how the sound power level from loading of material into a truck had power level from loading of material into a truck has been arrived at, but that there were not any issues which would materially alter the conclusions for this made in the Applicant's noise impact assessment.

The Applicant has since provided a response from their acoustic consultant and submitted a revised noise impact assessment (**Attachment I**). This is considered to have addressed the confusion in relation to the daytime rating background levels identified.

In relation to the noise impacts at the dwelling adjacent to the driveway, the Applicant's acoustic consultant in their response is of the view that it is reasonable to conclude that the truck passby noise would not be considered significant and is not likely to be offensive or result in adverse impact for the occupants. This is on the basis of the truck passby representing a fairly bland sound acoustically, the duration of the truck being audible for less than two minutes, and the truck movements being infrequent. The Applicant's acoustic consultant further indicates that the predicated exceedance warrants the consideration of mitigation measures but does not mandate implementation. In this instance they have provided high level consideration of feasible and reasonable mitigation measures and have suggested that a 1.8m high solid and 100m long fence be erected in vicinity of the boundary to the dwelling adjacent to the driveway. This would reduce the exceedance of criterion from 4dB to 2dB at that dwelling for the daytime criterion to within in a negligible range, however, would still further exceed in the shoulder morning period (6.00am to 7.00am).

The Applicant's noise impact assessment recognises that the fence is a substantial structure and may have other undesirable outcomes and would need to be subject to agreement with the owners of that property. Whilst it is understood that the owners have not submitted any objection to the application, it is not clear whether they are fully aware of or support the installation of such a fence. Whilst the fence had been detailed in the noise impact assessment, it was not clearly shown on site plans with the application. It was suggested to the proponent that they speak with that landowner to understand their position and obtain confirmation of support/no objection to enable further consideration of the fence as a noise mitigation measure, however at the time of writing this had not been received.

Although the fence would be partially screened to the dwelling by existing vegetation, it would still represent a substantial structure in close proximity to the dwelling and would be unusual in a rural landscape. It is suggested that the fence should not be included as a condition on any consent unless there was evidence of clear support from the adjacent owners, otherwise the noise impacts should be considered on the assumption that the noise fence is not provided. The noise impacts should also be mindful of the ongoing use of the dwelling (i.e. residential use), rather than just the current owners – i.e. noting that owners may change in time which could contribute to noise concerns being raised in the future.

It is generally considered that the Applicant has demonstrated that the noise impacts of the development are within acceptable criterion, with the exception of that to the dwelling adjacent to the access driveway. Conditions can be imposed which restrict heavy vehicle movements associated with the development to not being before 7.00am (avoiding the early morning shoulder period) to limit the extent of impacts above the acceptable noise criterion. This would still exceed target noise criterion in daytime period, however, is within range of a marginal impact. It is also noted that the movement of heavy vehicles associated with any other development or rural industry/activity on this site would likely result in some exceedance of the

criterion due to the proximity of the dwelling to driveway and the relatively low background noise levels.

A condition which restricts heavy vehicle movements to not before 7.00am is consistent with the hours of operation proposed in the Development Application. However, the noise impact assessment had assumed that occasional heavy vehicle movements would occur between 6.00am to 7.00am for trucks travelling from the site for servicing purposes. It is not unreasonable for the business operator to make other arrangements in these circumstances to ensure the heavy vehicle movements do not occur before 7.00am.

To this end, the proposed development does not constitute significant or unacceptable noise impact, however Council may still form their own view on whether the noise generated is appropriate or acceptable with consideration of the context and setting.

6.6 Dust (Including Silica Dust)

Submissions raise concern with the impacts of dust from heavy vehicle movements, the dumping and storage of sandstone products (silica dust) and other activities at the landscaping material supplies premises.

The Applicant has confirmed that there will be no cutting of sandstone or rock products on the site, however it is understood that dust is generated through the loading and unloading of these products.

The proposal was referred to the Environment Protection Authority (EPA) for advice on the consideration of silica dust. The EPA advised that the risks and adverse health effects from silica dust tend to be associated with workplaces where employees are working directly with stone products containing crystalline silica and without adequate protective measures. They refer to a NSW Health Factsheet which states that “no adverse health effects have been reported in the general population from environmental (non-occupational) exposure to silica.”

The advice also suggests that due to the scale of the proposed development, an air quality impact assessment may not be fit for purpose and that a dust management plan developed by a suitably qualified person, which identifies risks appropriate controls, may be more appropriate.

Submissions received in response to additional information provided and the planning forum indicate that in the ACT, landscape material supplies are an industry where the risks of silica dust is identified, and guidance information is provided by Worksafe ACT. This has been reviewed, and was found to relate to occupational hazards, particularly to instances relating to where the materials are cut, drilled, crushed or sanded, and dust is released.

The submissions also suggest that the advice from the EPA may have understated the risks, suggesting that there are studies monitoring the impact of dust created from industrial operations on the immediate surrounding communities and their health. One submission also states that Council is urged to consider legal implications if a surrounding community member attracts a related illness.

Whilst risks associated with silica dust in industrial activities is noted, the EPA advice specifically notes that the scale of the development is relevant – i.e. in this instance, the development is small scale and it is considered unlikely any substantial risk to neighbouring properties and that dust can be appropriately managed. It is also considered that if there was any doubt about this, the EPA would have advised that a full air quality impact assessment be prepared, consistent with larger industrial proposals. Furthermore, from an assessment perspective, Council has exercised due diligence by following advice from the government agency with technical expertise in that area.

The Applicant has indicated that they will have a dust management plan prepared by an appropriately qualified person. This can be included as a condition of any Development Consent issued and must be implemented during operation.

It is considered that there is opportunity to adequately manage dust from light and heavy vehicle movements, including along the driveway. It is recommended that the entire driveway be bitumen sealed as discussed below. This would address any dust impacts, however if Council were of the mind not require total seal, it is considered that dust could still be appropriately addressed through use of a slow speed limit and dust management measures.

Occupational impacts of dust (i.e. to workers) will need to be managed in accordance with any work health and safety requirements and are outside of planning considerations.

6.7 Internal Driveway and Mulligans Flat Road Access

6.7.1 Internal Driveway

Access to the site from Mulligans Flat Road is via a private internal driveway along the battle-axe handle attached to the subject lot. The surface is generally compacted with a reclaimed bitumen surface. At the time of assessment in parts it was corrugated and with potholes, however it is understood that the owner was in the process of undertaking maintenance having obtained additional reclaimed asphalt.

The driveway has been inspected and it is suggested that this is unlikely to sustain the heavier traffic generation associated with the proposed use and is likely to regularly deteriorate, recommending that the entire length (approximately 750m) be upgraded including a wearing course of two-coat bitumen seal. This would ensure suitable ongoing access to the proposed development, as well as eliminating the potential dust issues associated with vehicle movements.

If Council were of the view that upgrading the entire length of the driveway is too onerous, this could be restricted to the section of driveway in close proximity to the neighbouring dwelling (Lot 3 DP249946). This would still avoid any adverse dust impacts to that property.

6.7.2 Mulligans Flat Road Access

Concern has been raised within several of the submissions in relation to the access from Mulligans Flat Road and the potential for this to present a safety hazard. The site is accessed directly from Mulligans Flat Road with the adjoining property also having a driveway immediately beside that for the subject property.

Mulligans Flat road is two lane bitumen sealed but with no shoulder and generally vegetated road reserve.

A staff assessment has found that the access and road conditions are generally suitable for the traffic generation volume and type associated with the development. The section of road is straight and complies with the required sight distance standards. The pavement of the access crossing itself is deteriorating however and requires reconstruction/upgrade in accordance with council's *Road Standards Policy*. It would also be appropriate for removal of some small tree saplings on the northern corner of the access to prevent these from restricting sight distance in the future.

Within the submissions received it was suggested that a full intersection treatment upgrade was necessary including a turning lane. This is not necessary and not required by any engineering design standards.

It is noted that the driveway may be a designated school bus stop, but whether the bus stops there depends on if there are children of school age requiring the bus. Consent conditions could restrict heavy vehicle movements associated with the development to coincide with the bus stopping at this location. There is a precedent with this approach with truck depots on Carrington Road, Wallaroo and Nanima Road, Nanima.

6.8 Stormwater and Sediment Management

Concern was identified during the initial assessment in relation to how stormwater and sediment would be managed, including for the prevention of sediment and organic material

entering dams and waterways. The Applicant has indicated that sediment and erosion control fencing will be installed along the perimeter of the site. This is considered to be appropriate for the scale of the proposed development and will be subject to ongoing management and maintenance.

6.9 Fuel – Use and Storage

The submissions question whether the fuelling of machinery and vehicles and the associated storage of fuel will be undertaken on site. The Applicant has advised that a loader and bobcat will be on site, and these will be refuelled and potentially serviced on site. No refuelling of trucks is proposed on site.

The volume of fuel to be stored onsite is considered to be consistent with that of an agricultural or rural industry operation. This is of small scale and appropriate arrangements can be made for the safe fuelling including a bunded area being provided for this to occur and storage of fuel in accordance with relevant standards.

6.10 Visual Impact

Visual impact has been raised as a concern in the submissions received, suggesting that the site presents a visual blight on the landscape.

An assessment identified that there is considerable distance between the development site and neighbouring dwellings on adjoining or nearby properties that may have a view of the site. The area of the development is also not visible from public roads.

Whilst the site may be visible from some properties within the landscape, the impact is not considered to be significant or detrimental to landscape values of the locality. The Applicant has proposed vegetation planting to the eastern boundary which is considered an acceptable a measure.

6.11 Impact on Terrestrial Biodiversity and Mulligans Flat Woodland Nature Reserve

Within the submissions received concern is raised in relation to the impact the proposed development may have on terrestrial biodiversity, including to the Mulligans Flat Woodland Nature Reserve which is generally to the immediate south of the subject land.

It is noted that the subject area has been previously cleared, including grassland and topsoil. The proposed development is intended to utilise this disturbed area, with additional clearing not required. There is, however, a couple of highly deteriorated eucalyptus trees within this disturbed area that will likely require removal.

It considered unlikely that the proposed development will have any significant adverse impact on terrestrial biodiversity nor the Mulligans Flat Woodland Nature Reserve. Any matters relating to the previous clearing or disturbance of the subject site are outside of the current development application considerations as were previously considered in earlier matters/decisions relating to compliance and enforcement.

6.12 Onsite Sewage Management System and Facilities

The proposal lodged was seeking to use a portable toilet for staff and customers which would be replaced or pumped out. This was considered to be an unacceptable arrangement for what is proposed to be a permanent land use. It was requested that details of a permanent toilet facility be provided, and that it must be suitable for persons with a disability to the required standard. It was also requested that details of a permanent onsite sewage management system be provided.

The additional information has provided plans of a toilet block which has the potential to be constructed to the accessible standard. The Applicant has also indicated willingness to install an onsite sewage management system. An onsite sewage management report has now been submitted generally indicated there is opportunity for onsite sewage management. This will be subject to a separate *s68 Local Government Act 1993* application/approval to be lodged/obtained for the installation of the system and associated plumbing and drainage works.

6.13 Bushfire Planning

Concern is raised within the submissions that the requirements of *Planning for Bushfire Protection (PBP) 2019* have not been adequately addressed, as the bushfire threat assessment submitted related to the previous development application (DA220274) and did not address the construction of any new buildings which are now proposed. However, the information submitted is sufficient to allow a determination of the bushfire attack level for construction of these buildings in accordance with PBP 2019 and can be required as a conditions of consent prior to Construction Certificate. If Council were of the mind to grant approval, an operational bushfire management plan could be prepared.

6.14 Impacts on Property Values

Within the submissions received there is reference to potential adverse impacts on property values. The Land & Environment Court has consistently maintained that impacts on property values are not a valid planning consideration.

6.15 Documentation Supporting Application

Within submissions received there is critique of the documentation submitted with the development application. It was noted that there were instances of anomalies or errors, or where statements had been made without supporting evidence. This was reviewed during the assessment and additional information or clarification requested where necessary.

6.16 Suggested Conditions

A submission received provides a list of conditions that should be imposed if Council were to grant consent. These have been reviewed and considered in the assessment of the application and drafting of conditions. A number of the suggested conditions are however unlawful, invalid, unnecessary or impractical to enforce. Where there is merit relating to conditions for certain issues, these have been included in a manner consistent with Council's and NSW standard conditions, or specific conditions drafted so that they are valid, lawful and generally practical.

6.17 Cost of Works

The Development Application has stated an estimated cost of works of only \$20,000, however the cost of undertaking the development as now proposed (including the proposed shed, onsite sewage management facility, toilet building, etc.) is likely to exceed this amount. If Council grant Consent, a full cost of works will be required prior to the issue of a Construction Certificate and additional Development Application fees may be payable.

6.18 Submissions of Support

Six submissions of support were received indicating they viewed the proposal as a positive development, providing a convenient location and another alternative for a landscape material supplies business. This has been noted in the assessment alongside the consideration of other required matters.

7. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions, it is recommended that a development consent be issued for the landscaping material supplies premises and ancillary use and parking of trucks.

It is recommended that the proposed use of the land as a 'truck depot' as defined by the LEP is refused as Council's *Truck and Transport Depots in Rural Areas Policy* states that 'truck depots' will not be approved in a buffer or transition area, and the *Yass Valley Settlement Strategy* identifies the land within a buffer/transition area of 5km to the NSW/ACT border. This does not prevent the ancillary parking of trucks associated with the 'landscaping material supplies' premises.

Draft conditions are included as [Attachment J](#).

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. Additional Information and Planning Forum Submissions [⇒](#)
 - E. Applicant Response to Additional Information Request and Submissions [⇒](#)
 - F. NSW EPA Advice Letter [⇒](#)
 - G. s4.15 Assessment [⇒](#)
 - H. Noise Assessment Peer Review [⇒](#)
 - I. Applicant Acoustic Consultant Response to Peer Review and Revised Noise Assessment Assessment [⇒](#)
 - J. Draft Conditions [⇒](#)

6.4 DEVELOPMENT APPLICATION NO. DA240031 - ONGOING USE OF DWELLING HOUSE, 62 BRIARWOOD LANE, SPRINGRANGE

SUMMARY

To present the assessment of Development Application No DA240031 for the ongoing use of a dwelling house and retaining wall at 62 Briarwood Lane, Springrange. The application attracted two submission and involves a variation to the boundary setback requirements of Council's *Building Line – Rural and Rural Residential Land Policy*. Approval is recommended.

RECOMMENDATION

That:

1. *Conditional Development Consent be issued for Development Application No. DA240031 for the ongoing use of a dwelling house and retaining wall at 62 Briarwood Lane, Springrange.*
2. *A Building Information Certificate (BIC) application must be lodged within three months of the date of issue of the Development Consent.*

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 2000*
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (
- Yass Valley Local Environmental Plan 2013
- Application Assessment & Decision Making Policy
- Building Line – Rural and Rural Residential Land Policy
- Road Standards Policy
- Community Engagement Strategy
- Water Supply in Rural Areas and Villages
- Yass Valley Development Contribution Plan
- *Local Government Act 1993*
- *Roads Act 1993*
- *Biodiversity Conservation Act 2016*
- *Biodiversity Conservation Regulation 2018*
- Buffer Zones to Reduce Land Use Conflict with Agriculture [Interim Guideline 2018]
- Planning for Bushfire Protection 2019

REPORT

1. Application Details

Date Received	-	2 February 2024
Land	-	Lot 2 DP 561027, 62 Briarwood Lane, Springrange

Area	- 16.2ha
Zoning	- RU1 Primary Production

2. Site Description and Locality

The site is located in an area generally characterised by rural and rural lifestyle development, including a number of properties with dwelling houses. A vineyard is located on land to the immediate north/northwest, along with a dwelling house and associated outbuildings.

The site is 16.2ha and includes existing development, including the subject dwelling and an earlier existing dwelling and associated outbuildings. Little Bedulluck Creek dissects the site.

Access is via Briarwood Lane, which is a private right of way, with the Barton Highway approximately 600m to the west.

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

3. Background and Proposal

In 2023 Council became aware that a second dwelling house and retaining walls had been constructed at the subject land without the necessary approvals having been obtained. A Development Control Order was subsequently issued to stop use of the dwelling and for demolition of unapproved works, unless approval was otherwise obtained.

A Development Application has since been lodged which seeks to allow the ongoing use of the building and retaining walls for residential purpose as a dwelling house, which creates a dual occupancy on the site. The building is a two-bedroom dwelling with single attached garage and verandahs. A solid fuel heater has also been installed, as well as associated retaining walls.

The dwelling is constructed 33.5m from the northwest property boundary which is less than the 50m minimum setback required by Council's *Building Line – Rural and Rural Residential Land Policy* and the Applicant is seeking that a variation be supported.

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

4. Public Exhibition

Public exhibition included notice to six adjoining and nearby landowners and two submissions have been received (refer [Attachment C](#)).

The Applicant's response to the submissions is included as [Attachment D](#).

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.

5.1 Permissibility and Single Dwelling Covenant

The proposed development for a second dwelling would create a dual occupancy (detached), which is a permitted use of land in the RU1 Primary Production zone.

The submission received highlights that a covenant on the title of the subject land stipulates that no more than one main building shall be erected or determined to remain on the land, and that the lot must only be used for single private dwelling.

This restriction has been reviewed and found that it appears to have been imposed by, and to the benefit of, the developer, likely at time of subdivision in c.1973.

Clause 1.9A *Yass Valley Local Environmental Plan 2013 (Yass Valley LEP 2013)* stipulates that for the purposes of enabling development which is permitted under the LEP, covenants (other than

those imposed by Council) which restrict the carrying out of that development do not apply for the purposes of determining whether to grant Development Consent.

In this regard, a dual occupancy is permissible on the land in the zone under the LEP, and the covenant cannot be used to refuse the development. Any enforcement of the covenant is a private civil matter outside of Development Application considerations.

5.2 Land Use Conflict – Vineyard

Concern is raised in a submission received in relation to the potential for the development to present a land use conflict with the activities of the vineyard on the property to the immediate north/northwest. The concerns raised have centred around the residential use conflicting with activities associated with the vineyard, including:

- Use of machinery including lights and noises
- Early morning and late night activities
- Use of irrigation pump
- Proximity of the dwelling to the internal access road for the vineyard which runs along the boundary fence
- Amenity impacts caused by the vineyard activities to the residential receivers which may lead to complaints that seek to curb such activities.

The original existing dwelling is also in similar proximity to the property boundary and the vineyard. It is noted that the original dwelling was approved in 1977, and from information included in the submission received that the vineyard in approximately 1995. In this regard, there is already considered to be the potential for a land use conflict between vineyard and residential use. It must be considered whether the intensification of the residential use through the additional dwelling in similar location to the original dwelling would represent an unacceptable land use conflict.

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 subject dwelling and the location of the vineyards on the adjoining property is approximately 60m, similar to the original dwelling. It is however noted that the vineyard internal access road runs along the boundary between the location of the vineyard vines and the subject land.

Council's recently adopted DCP (although not relevant to this application) generally requires 250m separation between horticultural land uses (including viticulture), reflective of the DPI Guideline. It is also noted that in July 2024 Council refused to grant consent to Development Application DA230239 for two serviced apartments at Keirs Road in Murrumbateman which were proposed to be set further away from existing vineyards. Whilst the circumstances of that proposal were different in that there was no existing development on the subject land, the reasons for refusal indicated Council's concern about the potential for land use conflict and desire to protect vineyard activities in the RU1 Primary Production zone.

In assessment of the proposal and consideration of how both lots have been developed over time, it is unlikely that the subject dwelling presents a significant or unacceptable land use conflict above that which is already existing. This is generally for the following reasons:

- Whilst the addition of another dwelling does intensify the residential use, the existing residential use of the original dwelling is already established in similar proximity and there is already potential for land use conflict. This dwelling would already experience adverse impacts associated with the vineyard activities and the subject dwelling would be expected to experience similar level.
- There is already the potential for the residents of the existing dwelling to make complaints about adverse impacts associated with vineyard activities. Whether these impacts are

occurring to one or two dwelling on the same lot will not make any significance difference in how these complaints would be managed.

- The maximum number of dwellings that could be located on the lot is two only (as a dual occupancy). There is no further opportunity for additional dwellings beyond that now proposed. The potential for land use conflict would also be more significant if this was another dwelling on a different lot with different owners – i.e. where potential conflict with two different sets of landowners could arise. In this instance both dwellings will be held in common ownership and there is no opportunity to subdivide at this time as the subject lot is already well below the minimum lot size of 40ha.
- The DPI Guideline of the 250m separation is considered relevant for subdivision or similar development where there is likely to be more significant intensification of development with sensitive uses, or where there are no sensitive land uses already existing and would now create a potential conflict.
- Whilst viticulture relates to the preferred uses of land in RU1 Primary Production zone, it appears the establishment of the vineyard after the original dwelling house was constructed in that location has largely been the point where the potential for land use conflict was created.

It is however noted that there may have been potential for the subject dwelling to have been located with somewhat further separation to the vineyard. The fact that the dwelling has already been constructed without consent must not be used as the basis for approval now, with the impacts of the ongoing use as a dwelling needing to be considered the same as any other proposed development.

5.3 Privacy Impacts

The submission received also indicates that from the neighbouring dwelling, it is possible to see the windows of the subject dwelling from certain angles from the master bedroom and ensuite. A site inspection from within the subject dwelling has indicated that, whilst it may be possible to see the building itself, it is generally not possible to see into the windows between the dwelling due to the distance and partial obstruction of the line of sight.

Even despite the setback variation of approximately 33.5m instead of the required 50m, there remains a separation distance of approximately 130-140m between the subject dwelling at 62 Briarwood Lane and the dwelling on the adjoining land to the north. This exceeds the minimum separation required by the policy where each dwelling only needs to be 50m from a property boundary, i.e. with 100m of separation between dwellings.

The subject dwelling it not considered to result in any significant privacy impact in relation to use of the internal access road from the vineyard as there was already the original dwelling in close proximity.

It is noted that until a few years ago a row of pine trees was located on the subject property along the northwest boundary, which have since been removed due to deteriorating condition which has significantly reduced the screening between the two properties. The adjoining landowner has now planted new trees along their side of the boundary, although these will take time to establish. The Applicant has also indicated a willingness to provide plantings/landscaping between the rear of the subject dwelling and the property boundary which can be included as a condition of any consent that may be issued.

The ongoing use of the subject dwelling is not considered to result in any significant privacy impact, particularly when that the residential use of this part of the site had already been established in nearby proximity with the original dwelling.

5.4 Setback Policy Variation

Council's *Building Line – Rural and Rural Residential Land Policy* applies to this application as it was lodged prior to the DCP being adopted. The policy requires a 50m setback from all property boundaries for lots which are greater than 5ha in size. The location of the subject dwelling is

33.5m from the northwest property boundary, with a retaining wall to the rear yard located approximately 8m closer.

The Applicant has requested the variation be supported on the following basis:

- Location in proximity to the main existing dwelling for care of an elderly residence
- Location utilised a hard stand area which originally had a farm shed located upon it
- It is in proximity of the original main dwelling and therefore can utilise existing infrastructure including internal access driveway
- There are a number of site constraints including a creek and existing buildings which limited where the subject dwelling could be located

It is noted that the original dwelling is located 17m from the northwest property boundary and development in this area had already been established. It is considered that residential development had already been established in this general area of the site with a reduced setback. The impacts associated with the setback variation in relation to potential land use conflict and privacy have been discussed above. The setback variation does not introduce any other significant planning issues and can be supported.

5.5 Lighting Impacts

A submission received notes impacts of external lighting from the subject dwelling and the older existing dwelling, including the potential shining of flood lights.

Council is aware of ongoing concerns in relation to external lighting with the subject property and the neighbouring property and has previously written to both owners. Guidance advice has been provided from the relevant Australian Standard and it has been suggested that both owners participate in mediation through community justice service to seek suitable resolution.

The external lighting of the rear of the subject dwelling house includes two relatively standard sized floodlights (of three lights each), which is not inconsistent with what would be expected on a dwelling. It is considered that there is opportunity to operate these lights in such a manner that does not cause light nuisance.

It is noted that the original dwelling does have a large floodlight to the rear, however this is outside of the matters of consideration for this Development Application.

5.6 Submission Suggestions to Manage Impacts/Issues

It is acknowledged that the submission received has provided constructive suggestions for how potential impacts or issues could be managed. These are discussed in table below:

<u>Suggestion</u>	<u>Comment</u>
Erection of a colorbond or similar fence to 1.8m high along boundary of vineyard	<p>Generally colorbond or similar solid fences are not preferred in rural areas. It is also noted that where it is a common boundary fence, it would be subject to agreement including for cost sharing under the <i>Dividing Fences Act 1993</i>.</p> <p>The erection of solid fencing is considered unnecessary, and a more suitable alternative would be establishment of additional landscaping between the subject dwelling and the boundary.</p>
Restrictions on the location, direction and brightness of any external lights	A condition of consent can be included which requires external lighting associated with the development to be mounted, screened and directed so as not to cause nuisance. The external lighting installed on the subject dwelling appears to be reasonable as detailed in assessment further above, and it is noted that there are limitations with practical enforceability

	and similar approach would be taken as with the previous lighting complaints received.
Frosted windows on the windows which face boundary	This is generally considered to be unnecessary. A more suitable alternative would be the establishment of additional landscaping between the subject dwelling and the boundary.
Amendment of the covenants relating to the maintenance and costs of the RoW.	As discussed further below, the RoW is a private civil matter and Council has no legal ability or authority to amend the RoW terms.

5.7 Onsite Sewage Management

An onsite sewage management system has already been installed to service the dwelling. Details of the onsite sewage management system including an effluent disposal report for land capability and the system design have not been provided. This would need to be addressed through conditions of any consent requiring the report to be provided prior to issue of any Occupation Certificate to demonstrate the system has been suitably design and is operating satisfactorily. Where changes to the system are necessary, an approval under s68 *Local Government Act 1993* would be required.

5.8 Briarwood Lane – Right of Way

Briarwood Lane from the Barton Highway road reserve is a private right of way (RoW) and not a public road, despite it having a lane name. The RoW is located over Lot 12 DP 1261605 which is held in private ownership and provides access for five lots.

A submission received suggests that the right of way arrangement is no longer suitable due to increased usage since it was first created, including with unequal usage between properties and in relation to maintenance contribution. The submission received suggests that this issue could be resolved if Council were to take over the maintenance responsibility.

Council's *Road Standards Policy* clearly states that all aspects of RoWs are the responsibility of the beneficiaries, and that Council will not accept any responsibility or provide any assistance in relation to matters associated with RoWs and will not accept transfer to public road status. The private nature of a RoW also means that Council could not just transfer it to public road status without agreement from all parties unless through a compulsory land acquisition. Briarwood Lane is a dead-end RoW and there is no broader public benefit in it becoming a public road.

There is already a legal mechanism included in this RoW which sets out that maintenance and repair is to be borne in equal shares for the benefited lots in part thereof. There is opportunity for this to be implemented and enforced as a private civil matter.

The RoW is considered suitable to provide safe all weather ongoing legal and physical access as required by the *Road Standards Policy*. Each lot with a dwelling entitlement in the RU1 Primary Production zone enjoys the benefit of entitlement for a second dwelling to create a dual occupancy, and therefore the nature of the development in relation to traffic demand is consistent with that which could be expected for any other lot.

5.9 Building Information Certificate (BIC)

A Building Information Certificate (BIC) needs to be obtained in relation to the building as an acknowledgement of the construction works that have already been completed. It is recommended that three months be provided for the BIC application to be lodged.

5.10 Development Control Order - Demolition

The Development Control Order to cease use and demolish the building is still in place and will not be withdrawn until such time as an Occupation Certificate and a BIC have been obtained.

In the event that Council refuses this Development Application, the Development Control Order for demolition of the building will need to be complied with and enforced.

6. 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**.

It is recommended that three months be provided for the Building Information Certificate application to be lodged.

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 Response to Submissions ⇒
	E. s4.15 Assessment ⇒
	F. Draft Conditions ⇒

6.5 DEVELOPMENT APPLICATION NO. DA240125 - TWO LOT SUBDIVISION AND DWELLING HOUSE, 22 O'BRIEN STREET, YASS

SUMMARY

To present the assessment of Development Application No DA240125 for a two-lot residential subdivision and construction of a dwelling house at 22 O'Brien Street, Yass. The application has requested an exception to the 2,000m² minimum lot size development standard by 58.75% through clause 4.6 *Yass Valley Local Environmental Plan 2013*. Approval is recommended.

RECOMMENDATION

That conditional Development Consent be issued for Development Application No. DA240125 for two lot subdivision and dwelling house at 22 O'Brien Street, Yass.

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- *Biodiversity Conservation Act 2016*
- *Biodiversity Conservation Regulation 2017*
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Yass Valley Local Environmental Plan 2013
- *Local Government Act 1993*
- *Roads Act 1993*
- Draft Yass Valley Development Control Plan 2024
- Yass Valley Development Contributions Plan 2018
- Yass Valley Community Engagement Strategy
- Road Standards Policy
- Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy
- Building Line Policy – Urban
- Application Assessment and Decision Making Policy
- NSW Guide to Varying Development Standards – November 2023

REPORT

1. Application Details

Date Received	-	1 May 2024
Land	-	Lot A DP 349083, 22 O'Brien Street, Yass
Area	-	3,060m ²
Zoning	-	R1 General Residential

2. Site Description and Locality

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

The site has direct frontage to O'Brien Street with an existing dwelling located in the northern corner. A separate driveway runs along the southern boundary and provide access to the rear of the lot.

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

3. Proposal

The submitted application involves the construction of a new single storey dwelling house and a two-lot residential subdivision. The proposed subdivision layout results in a small lot of 825m² containing the existing dwelling located at the front of the site and a larger lot 2,435m².

The subdivision is intended to be undertaken concurrently to the construction of the dwelling, with the subdivision to be finalised prior to Occupation Certificate for the dwelling.

The subject land is zoned R1 General Residential and has a prescribed minimum lot size (MLS) of 2,000m². Lot 2 meets the MLS requirement; however, Lot 1 is significantly below. The application has requested an exception to the MLS development standard of 58.75% through clause 4.6 *Yass Valley Local Environmental Plan 2013* (*Yass Valley LEP 2013*).

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

4. Public Exhibition

Public exhibition included notice to 12 adjoining and nearby landowners and no submissions have been received.

5. Assessment – Exception to Development Standard

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

The key issue identified in the assessment is that the proposal does not comply with the minimum lot size (MLS) development of the *Yass Valley LEP 2013*. Proposed Lot 2 meets the MLS of 2,000m², however proposed Lot 1 is only 825m² which represents a 58.75% departure from the MLS development standard.

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

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

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

Legal guidance was sought earlier this year to assist in understanding the changes and assessment obligations under the updated clause. Following consideration of this legal guidance, opportunity was provided for the Applicant to prepare a revised request which has since been submitted.

The original proposed subdivision submitted involved a greater exception to the development standard, with Lot 1 being only 625m² and representing a 68.7% departure. Following assessment of this original proposal, concern was identified with the extent of the departure to the MLS with Lot 1 which would have resulted in what would have been significant the smallest lot in the vicinity. It was suggested that the size of Lot 1 be increased, which the Applicant has agreed to and is reflected in the current plan.

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

- The proposal has been prepared to ensure the design reflects and reinforces the neighbouring subdivision patterns, preserving the character of the Yass Valley.
- The proposal has been designed to have regard to the existing land uses and location of existing and future infrastructure/buildings.
- This proposed layout including the non-compliant section is compatible with the existing and surrounding lot patterns. Therefore, the degree of non-compliance with the development standard does not contravene from the existing and future character of the area and the proposal in its current form satisfies the objectives of the MLS.
- The proposal will not physically change the appearance of the surrounding environment or character of the existing neighbourhood.
- The proposed lot size variation will not generate any unacceptable adverse environmental impacts in respect of overshadowing, view loss or privacy impacts.
- There are a number of other lots on O'Brien Stret, surrounding streets, and within the Yass Town that are less than 2,000m². The site is within an established residential area comprising a range of lot sizes. The locality is one subject to urban renewal through redevelopment.

An assessment of the written request (refer **Attachment E**) has indicated that it sufficiently demonstrates with a substantiated basis that compliance with the MLS development standard is unreasonable and unnecessary, and that there are sufficient environmental planning grounds to support the exception. It is particularly noted that this general area has an interspersed minimum lot size of either 2,000m² and 1,000m², reflecting a number of similar infill lots of differing sizes which have been created with frontage to O'Brien Street. Immediately opposite there is a very similar configuration of lots with 15 O'Brien Street being 3,237m² and 13 O'Brien Street to the front being 844m².

As the Applicant's written request is considered to have demonstrated that compliance with the development standard is unreasonable and unnecessary in this instance (i.e. though nonetheless achieving the objectives of the development standard) and that there are sufficient environmental planning grounds, Development Consent for the exception to the MLS development standard can be granted in accordance with clause 4.6(3) *Yass Valley LEP 2013*.

6. 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 [⇒](#)
 - C. Applicant's 4.6 Exception Request [⇒](#)
 - D. s4.15 Assessment [⇒](#)
 - E. Clause 4.6 Assessment [⇒](#)
 - F. Draft Conditions [⇒](#)

6.6 MURRUMBATEMAN ALL ABILITIES PLAYGROUND - DESIGN FOR PUBLIC CONSULTATION

SUMMARY

The purpose of this report is to seek approval for public exhibition of the concept design for the Murrumbateman All Abilities Playground.

RECOMMENDATION

That the draft concept design be placed on public exhibition, evaluated and amended to reflect the majority of feedback received and proceeds to develop detailed design and tender documentation.

FINANCIAL IMPLICATIONS

Council has carried forward the amount of \$165,313 in the 2024/25 Operational Plan to continue with the concept plans and detailed designs for an all-abilities playground in Murrumbateman.

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

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

POLICY & LEGISLATION

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

REPORT

1. Background

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

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

Stage Two of the project involves Council developing a concept plan to release to the community for feedback. The draft design has incorporated the following elements based off previous community consultation:

- Flying Fox
- Mouse Wheel
- Nature play area
- Main Play Area – incorporates playtower
- Amenities Block (Toilets)
- Passive open space areas
- Fencing, seating and shelters

The concept plan (refer **Attachment A**) includes a thematic approach and incorporates all physical areas of the Murrumbateman Schoolhouse location while offering a variety of activities to engage a broad age group.

2. Murrumbateman Playground Project Committee

The Committee at its last meeting held on 11 July 2024 adopted in principle a modified concept design based off its recommended amendments. The modified concept has since been circulated to Committee members for final feedback.

Feedback has been taken into consideration with the final concept plan under **Attachment A**.

The concept design is suitable to be placed on public exhibition for the community to review and provide feedback.

STRATEGIC DIRECTION

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

ATTACHMENTS: A. Final Concept Plan - Public Consultation [⇒](#)

6.7 PLAY OUR WAY GRANT APPLICATION

SUMMARY

Council has been successful under the Play Our Way Program – Expression of Interest Phase to submit a full grant application for the construction of female changerooms amenities building at Victoria Park, Yass. The grant application requires a commitment of 20% co-contribution for the project. It is recommended to Council that it not proceed with the grant application.

RECOMMENDATION

That the invitation to submit a grant application under the Play Our Way Program for the construction of female changerooms amenities building at Victoria Park, Yass be declined.

FINANCIAL IMPLICATIONS

Council is required to contribute \$155,000 under the funding program “Play Our Way” for this project. These funds would need to be budgeted across the 2025/26 and 2026/27 financial years.

POLICY & LEGISLATION

- Local Government Act 1993
- Victoria Park Masterplan.

REPORT

1. Background

The Australian Government has committed \$200million to the Play Our Way Program which will promote equitable access, build more suitable facilities, and support grassroots initiatives to engage women and girls in sport and physical activity throughout their lives.

The objectives of the program are to:

- Build and upgrade sport and physical activity facilities to better meet the needs of women and girls and prioritise equitable and enduring access and use of these facilities for the purposes of women and girls’ participation in sport and physical activity.
- Foster positive experiences for women and girls through quality sport and physical activity participation initiatives, including equipment, that are modern, inclusive, welcoming, safe, and tailored to the needs of women and girls, including those experiencing intersectional disadvantage.
- Provide enduring programs and initiatives that address barriers for women and girls to participate in sport and physical activity and build a culture of equality, respect and inclusion in sport and physical activity.
- Address discrimination and inequality that women and girls encounter and provide opportunities to participate in, contribute to, and remain involved in, all aspects of sport and physical activity for life.

The grant will be delivered over a three-year period and the project must be completed by 30 June 2027.

2. Grant Application

In April 2024 Council through the Department of Health and Aged Care applied under the “Play Our Way Program Grant Opportunity – Stage One Expression of Interest” for construction of an additional female-friendly amenities building (as identified in the adopted 2021 Victoria Park Masterplan) at Victoria Park, Yass. The building includes accessible changerooms and additional storage facilities.

Council has now been invited to submit a full grant application under stage two of the funding program, with applications due prior to 2pm Monday 23 September 2024.

Stage Two will be highly competitive. The Department has invited over 270 organisations to make a full submission, drawn from the highest quality expressions of interest in Stream 1. They expect to fund around 160 to 200 of the applications received in Stage Two.

3. Financial Implications

Council is required to commit a 20% contribution to this project. Total project costs submitted through the EOI process are \$942,000 with Council co-contributing an amount of \$155,000.

The project could be delivered so as the co-contributed portion of funds could be evenly split between the 2025/26 and 2026/27 financial years. However, given Council's current financial position it is recommended to Council that the decline the invitation to submit a grant application.

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.8 BLACKSPOT GRANT PROGRAM 2024/25

SUMMARY

To advise Council of a grant offer received under the Blackspot grant program 2024/25.

RECOMMENDATION

That:

1. *The Blackspot Grant for \$826,536 for safety improvements on Murrumbateman Road be accepted*
2. *The 2024/25 Operational Plan and associated budget be updated to allow the safety improvements of Murrumbateman Road project to progress*

FINANCIAL IMPLICATIONS

Nil - the Blackspot Grant covers 100% the cost of the proposed works.

The adopted 2024/25 Operational Plan is to be updated to include the impact of the proposed safety improvements.

POLICY & LEGISLATION

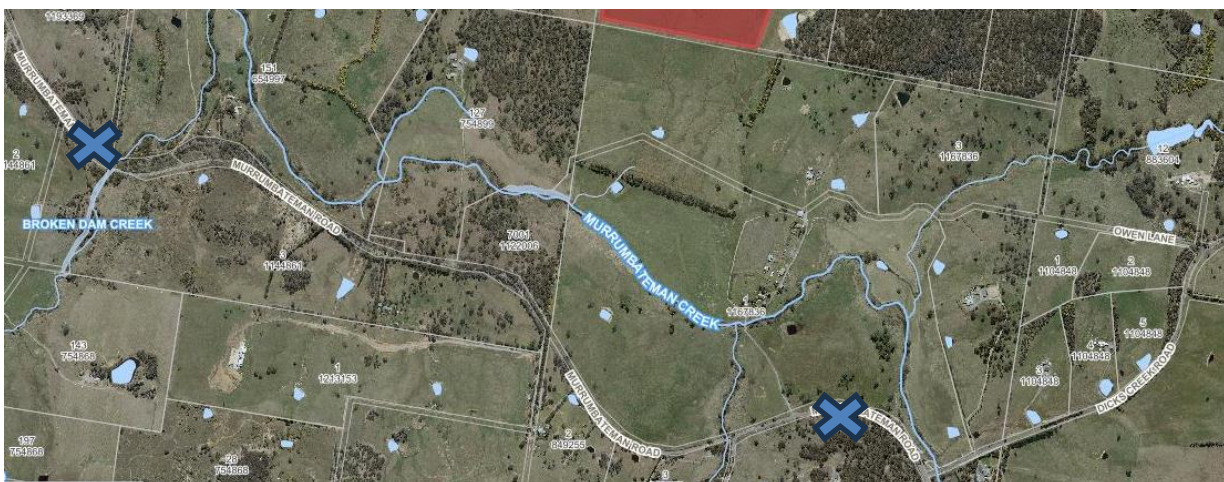
- *Local Government Act 1993*

REPORT

Council has recently been advised that it has been successful in obtaining a grant for \$826,536 to undertake safety improvements on Murrumbateman Road under the Blackspot Grant Program 2024/25.

The safety improvements include works to 3.1km of Murrumbateman Road from Broken Dam Creek to Dicks Creek Road, refer following plan, including targeted:

- Shoulder widening
- Guardrails
- Vegetation maintenance
- Guide posts
- Curve treatments including chevrons
- Reflective raised pavement markers
- Sign upgrades
- Additional line marking including the installation of audible tactile line markings



STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.9 UPDATE ON PROGRESS OF YASS VALLEY FLOOD WARNING SYSTEM

SUMMARY

To update Council on the progress of developing a Flood Warning System for Yass Valley.

RECOMMENDATION

That:

1. *The final report of Stage 1 of the Yass Flood Warning system – Scoping, Feasibility, Investigation and Design phase be noted*
2. *Stage 2 of the Yass Flood Warning system – Implementation be commenced.*

FINANCIAL IMPLICATIONS

Nil - All costs associated with the completion of Stage 1 of the project were included in the adopted 2023/24 Operational Plan, including \$80,000 of grant funding from the LG Recovery 2023 program and \$5,000 of Council revenue funding.

All costs associated with Stage 2 of the project have been included in the adopted 2024/25 Operational Plan, including \$540,000 of grant funding from the LG Recovery 2023 program and \$20,000 of Council revenue funding.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

The 2022 Natural Disaster declared storm event and associated flooding (AGRN1030/1034) has highlighted the need to be able to predict flooding at a much greater level of accuracy and identify actual/forecast water levels, particularly for crossing of bridges etc.

This will significantly assist the combat agency (SES) and ensure that we can provide accurate actual and forecast flooding data in real time during the storm event and based on what is actually occurring on ground.

Being better prepared and warned will improve combat agency decision making and allow our community to make personal decisions around their safety and protection of property. If a flood warning system was available for the AGRN1030/1034 events the following benefits would have been achieved:

- Reduced risk to life by allowing early leaving of identified areas, earlier evacuations, safer evacuation routes etc
- Reduced risk to property and actual costs associated with water inundation by allowing early removal or relocation of belongings etc
- Reduced risk of individuals or groups being isolated by flood waters

In addition, the recently completed Flood Risk Management Plans and Studies have also identified the importance of an operating Flood Warning System for Yass Valley.

Stage 1 of the Yass Flood Warning System was the scoping, feasibility, investigation and design phase, which has now been completed. The final report for Stage 1 is included in **Attachment A**.

Stage 2 of the Yass Flood Warning System is the installation and augmentation of existing infrastructure and systems as determined in Stage 1 of the project. Including the construction of river gauges, rainfall stations and telemetry. Stage 2 of the project is currently being prepared for tendering.

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Strategies	EN3.4 - Future development, particularly at the residential/agricultural and the residential/industrial interfaces, should be planned for the managed to minimise potential conflict between adjacent land uses
Delivery Program Action	Include information in the Development Control Plan

ATTACHMENTS: A. Yass Flood Warning - Stage 1 - Investigation and Design - Final Report [↗](#)

6.10 WATER QUALITY INCIDENTS

SUMMARY

To present a report on water quality incidents in the Yass Water Supply Area in particular the differences between discoloured water and boil water alerts incidents, the mitigation measures, and rebates. In addition, discussion of a discoloured water incident in Plunkett Street, Yass.

RECOMMENDATION

That the report on water quality incidents in the Yass Water Supply Network be noted

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Introduction

There are two main water quality incidents in the Yass Water Supply Service Area i.e.

- **Discoloured Water**
An incident of water discolouration occurs with an increase in iron, manganese and minerals. The source of discoloured water is from the build up material in the reticulated mains (and not directly from water leaving the Yass Water Treatment Plant) which often occurs with work being undertaken on the main or the build ups within the main becoming dislodged. These incidents tend to be localised rather than network wide events.
- **Boil Water Alert**
An incident at the Yass Water Treatment Plant when adequate treatment cannot be assured, and an alert is issued as a precautionary measure. Flood waters can cause challenges to water treatment and result in exceedance of filtered turbidity above 1 NTU which is a critical control point in Yass Water Treatment Plant. Turbidity relates to the cloudiness of water and presence of particles in suspension. Turbidity of water leaving the filter is a surrogate indicator for the potential presence of pathogens, such as *cryptosporidium* and *giardia*, and viruses. Exceeding filtered turbidity of 1 NTU is indicative of water treatment failure and not as a result of detection of any pathogens. Detection of pathogens takes time, and it will be too late to alert the consumers. Water treatment failure is a network wide issue and result in a Boil Water Alert being issued.

2. Discoloured Water

Discoloured water incidents occur from time to time across the Yass Water Supply Network and generally localised in nature.

A recent discoloured water incident report was in Plunkett Street, Yass. The incident occurred on the 22 and 23 June 2024 and was reported to Councillors rather than the afterhours service. The earliest response to this incident was on Monday 24 June 2024 to undertaking flushing of the water main.

The resident was advised that despite there only being one complaint it was likely other neighbouring residents would also have been impacted.

The resident elected to take their own samples of the discoloured water for testing (refer **Attachment A**).

A response was sent to the resident indicating that testing discoloured water would indicate elevated levels of iron, manganese and minerals. The test results provided to Council by the resident confirmed the advice provided by Council staff.

It was noted the resident was able to switch from the town supply to a rainwater tank supply immediately after the discoloured water incident occurred.

2.1 Mitigation Measures

There is information on Council's web site informing water users what to do in the event of a discoloured water incident. There has been, and will continue to, reminders circulated to the media (including social media).

Anyone experiencing discoloured water is unlikely to drink it and make their own alternate arrangements for drinking water. Council's current advice can be updated to reflect this.

It is important to report the matter promptly to Council to ensure a team is deployed to flush the mains. Following the flushing of the mains residents should turn on their garden tap to ensure the water at the house has returned to running clean. The amount of water used by the residents in this process (3-4 minutes) is minimal in comparison to the bulk of household water used for gardening, laundry, toilet flushing and showers/bathing. Consequently, flushing by the resident will have minimal impact on their water bill.

2.2 Rebates

Water rebates have only been given for discoloured water during early 2014 after raising of the Yass Dam wall and the widespread incident in 2019. In both cases rebates were given to residents that had made a report to Council and were largely for laundry costs.

With isolated discoloured water no rebates are provided due to the small amount of water used by residents to check water following flushing of the mains.

3. Boil Water Alert

Boil Water Alerts are not related to discoloured water. Alerts are issued following an incident at the Yass Water Treatment Plant when critical control point is exceeded (example, turbidity leaving the filter is above 1 NTU) and affects the entire water supply network.

Boil Water Alerts apply to water used for drinking, brushing teeth and food preparation. Other household uses such as laundry use, bathing, toilet flushing and garden use are not impacted by the Alert.

3.1 Mitigation Measures

Mitigating measures involve Council staff, with support from DCCEEW Water and NSW Health, to adjust the processing at the Water Treatment Plant to bring the water treatment under control.

3.2 Rebates

A report to Council in March 2024 estimated that the amount of water for drinking, cleaning teeth and food preparation would be minimal and for a typical household the additional cost would only be \$3.46 for the 16 days that boil water alert was in place.

4. Fair Trading Act 1987

The *FT Act 1987* provides consumer protections laws in NSW and applies to organisations carrying out a business.

Case law is instructive in whether Council services are a business. In *Plath v Snowy Monaro Regional Council* the NSW Civil & Administrative Tribunal found that Council was not carrying on a business in providing domestic waste management services and in providing approvals of on-site sewerage management.

In reaching this decision the Tribunal placed emphasis on s24 LG Act 1993 which gives Council a discretionary power within a local community and the wider public. The Tribunal held that;

‘...service, in the nature of a government service, is intended to support the Council’s objectives is outlined in the LG Act 1993.

Indeed s24 limits services which this section authorises the [Council] to engage in those ‘appropriate to the current and future needs within the community and the wider public’....rather they have the character of the performance of a statutory function.’

The provision of water supply had the character of a statutory function under the LG Act 1993 even though it is provided based on user charges.

5. Conclusion

There are different management responses to increased turbidity at the Water Treatment Plant and localised discoloured water incidents. The responses to these incidents do not result in water rebates due to the minimal amounts of water used by households for drinking water purposes and flushing for discoloured water.

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	Annual water distribution network operation and maintenance

ATTACHMENTS: A. Water Quality Testing Results [↗](#)

6.11 35 LINKS ROAD, YASS - RETAINING WALL

SUMMARY

To provide a further 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 in its current condition 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

1. Background

Council considered a report on the retaining wall at 35 Links Road, Yass at its meeting on 25 July 2024. Council determined to defer consideration of the report to a future Council meeting. A copy of the report to the July 2024 Council meeting is included in **Attachment A**. The exchanges between Councillors and the landowners are included in **Attachment B**.

Council first considered this matter in June 2024 as part of Notice of Motion seeking a report to consider:

- A partial refund for construction the retaining wall to a standard for the protection of Council assets (water main and proximity to a narrow access track).
- Any safety issues relating to the use of the track.
- Any planning and infrastructure standards not met by the subdivision layout and siting of Council assets.
- Any long term solution for access to the water reservoir.

While the report to the July 2024 Council meeting addressed these issues, the purpose of this report is to provide further clarity around comments made at the Open Forum and issues raised in the report to the July 2024 Council meeting. It should be noted that a response to the landowner on their request has not occurred as Council is yet to make a decision.

2. Retaining Wall

Excavation works were undertaken without approval. Regardless of what the contractor advised the excavation work did not meet the requirements for Exempt Development i.e.

Subdivision 15 Earthworks, retaining walls and structural support

2.29 Specified development

Earthworks and the construction or installation of a retaining wall or other form of structural support is development specified for this code if it is not carried out,

constructed or installed on or in a heritage item or a draft heritage item, on a flood control lot or in an environmentally sensitive area.

2.30 Development standards

The standards specified for that development are that the development **must**—

- (a) **not be a cut or fill of more than 600mm** below or above ground level (existing), and
- (b) **be located at least 1m from each lot boundary**, and
- (c) if it is carried out, constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
- (d) be located at least 40m from a waterbody (natural), and
- (e) not redirect the flow of any surface water or ground water or cause sediment to be transported onto an adjoining property, and
- (f) **if it is a retaining wall or structural support for excavation** or fill, **or a combination of both**—
 - (i) **be not be more than 600mm high**, measured vertically from the base of the development to its uppermost portion, and
 - (ii) be separated from any retaining wall or other structural support on the site by at least 2m, measured horizontally, and
 - (iii) **be located at least 1m from** any registered easement, sewer main or **water main**, and
 - (iv) have adequate drainage lines connected to the existing stormwater drainage system for the site, and
- (g) if the fill is more than 150mm deep—not occupy more than 25% of the area of the lot, and
- (h) if the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environmental Operations Act 1997*, and
- (i) if the land is in a rural or conservation zone—not be fill of more than 100 cubic metres on each lot.

Without a retaining wall there was a risk of the embankment created by the excavation, undertaken by the landowner, collapsing. This was acknowledged by the landowner in the meeting on 23 December 2023 and was advised to sure up the work and restrict access to the area.

A 'Notice of Intention to Issue an Order' was issued directing that a retaining wall be designed and constructed to provide adequate protection to Council land (i.e. laneway) and assets (i.e. water main) adjacent to 35 Links Road. There was no mention in the order that the purpose of the retaining wall was related of the size of vehicles using the laneway. The engineering design was required to ensure the zone of influence for the main was not compromised by the excavation or retaining wall. This is a standard engineering requirement for any works in proximity to infrastructure on adjoining land.

The issue of an order, for work undertaken without approval, overrides the need for a Development Application (as a DA cannot be issued retrospectively to approve unauthorised works).

If the retaining wall was not constructed, then there is the potential for the laneway to collapse preventing access to the water reservoir and cutting off water supply by damaging the main.

3. Location of Water Main

The water main extends from the along the wider section of Links Road in a straight line along the narrower section of the laneway up to the water reservoir. The narrowing of the laneway placed the water main in close proximity to 35 Links Road but remain within the Council land. The location of the main does not contravene any planning or infrastructure standards. Any development on the adjoining land and in proximity to the infrastructure must ensure there is no adverse impact.

4. Long Term Access

There is no need for a long term solution for alternative access to the reservoir as the current access along the laneway is fit for purpose. There is no need for a second access to the reservoir. Any alternate

access would require the acquisition of land from property owners in Clifton Place which is not possible due to the siting of houses and configuration of the subdivision.

5. Safety Issues

There are no safety issues relating to the use of the laneway by Council vehicles to maintain and service the reservoir which has been occurring for many years.

The excavation at 35 Links Road potentially compromised the use of the laneway and water main if a collapse occurred. This was the basis for the issuing of the order. Completion of the retaining wall has mitigated the impacts on the adjoining Council infrastructure and the laneway remains fit for purpose.

6. Conclusion

The need for the construction of the retaining wall was due to the excavation undertaken by the landowners of 35 Links Road without the necessary approval but more importantly for the protection of Council infrastructure adjoining the property. Without the retaining wall there was the potential for the laneway to collapse preventing access to the water reservoir and cutting of water supply by damaging the main. The responsibility for mitigating the impacts of the excavation were the responsibility of the landowner and the retaining wall has achieved this.

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. Council Report 25 July 2024 [⇒](#)
B. Email Exchanges [⇒](#)

6.12 INVESTMENT REPORT

SUMMARY

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

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

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

1. REPORT RBA Comments on Economic Climate

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

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 inflation is still some way above the midpoint of the 2–3 per cent target range. In underlying terms, as represented by the trimmed mean, the CPI rose by 3.9 per cent over the year to the June quarter, broadly as forecast in the *May Statement on Monetary Policy (SMP)*. But the latest numbers also demonstrate that inflation is proving persistent. In year-ended terms, underlying inflation has now been above the midpoint of the target for 11 consecutive quarters. And quarterly underlying CPI inflation has fallen very little over the past year.

The economic outlook is uncertain and recent data have demonstrated that the process of returning inflation to target has been slow and bumpy.

Inflation in underlying terms remains too high, and the latest projections show that it will be some time yet before inflation is sustainably in the target range. Data have reinforced the need to remain vigilant to upside risks to inflation and the Board is not ruling anything in or out. Policy will need to be sufficiently restrictive until the Board is confident that inflation is moving sustainably towards the target range.

The Board will rely upon the data and the evolving assessment of risks to guide its decisions. In doing so, it will continue to pay close attention to developments in the global economy and financial markets, 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 four new term deposits totalling \$4M during the month of July 2024.

3. Council Cash, Cash Equivalent, and Term Deposit Investments at 31 July 2024

Investment Type	Acc/Deal	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
Cash Working Accounts	Ref.						
NAB Working Account1	082-939 51	1,884,129.30	A1+/AA-	n/a	n/a	at call	
Tcorp Strategic Cash Facility	778	5,310,326.69	AAA	n/a	n/a	3 day call	
		7,194,455.99					
Term Deposits < 12 Months							
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	29/01/24	07/08/24	191	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	29/01/24	28/08/24	212	5.10%
Great Southern Bank	CN067016	1,000,000.00	A2	05/09/23	04/09/24	365	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	05/09/24	11/09/24	6	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	05/09/24	18/09/24	13	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%
My State Bank	CN076018	1,000,000.00	XX	03/07/24	20/12/24	170	5.30%
NAB	10906670	1,000,000.00	A1+	03/07/24	03/07/25	365	5.45%
NAB	10906669	1,000,000.00	A1+	03/07/24	31/03/25	271	5.40%
AMP	CN076015	1,000,000.00	A2	03/07/24	03/01/25	184	5.05%
		27,200,000.00					
Total Short Term		34,394,455.99					

4. Council Loans

Council has five loans with a balance of \$12.9 owing on 31 July 2024. The table below provides loan details. During the month of July 2024 Council has not drawn down Crago Mill funding.

General Loan	Principal as at	Interest rate	Comment
Sewer - CBA Loan for Sewer Infrastructure	3,143,962.72	4.82%	20 years, repaid in 2035/36
Water - NAB Westpac Dam Wall	7,809,936.37	5.36%	20 years amortisation, 10 years term Aug 2032
Water - Yass to Murrumbateman water supply (Tcorp)	1,228,793.37	2.55%	10 years, full repaid in 2029
Water main and pump station upgrades (Tcorp)	671,402.57	2.55%	10 years, full repaid in 2029
Crago Mill funding facility (Westpac)	100,000.00	6.52%	20 years, full repaid 2043 - Variable rate (2.17%+BBSR)
Total balance as at 31/07/2024	12,954,095.03		

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

6.13 DELIVERY PROGRAM SIX MONTH PROGRESS REPORT

SUMMARY

In line with the Integrated Planning and Reporting (IP&R) Framework, Council is required to report on progress against the actions and activities identified in its Delivery Program. This report contains the status of actions and activities undertaken for the period 1 January to 30 June 2024.

RECOMMENDATION

That the 6-month Progress Report for the 2022 – 2026 Delivery Program covering the period 1 January to 30 June 2024 be noted.

FINANCIAL IMPLICATIONS

This is a progress report against Council's adopted Key Performance Indicators for the Delivery Program, all financial implications are included in the Operational Plan.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Local Government Regulations 2005*
- Integrated Planning and Reporting Framework

REPORT

The report provided at **Attachment A** tracks progress against the actions and activities adopted by Council in its 2022 - 2026 Delivery Program and across the period 1 January to 30 June 2024.

The Delivery Program highlights achievements that are in progress, completed, or not commenced.

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. Delivery Plan Update [⇒](#)

6.14 2023/24 DRAFT FINANCIAL STATEMENT REFERRAL TO AUDITOR GENERAL

SUMMARY

In accordance with s413 *Local Government Act 1993*, approval is sought to refer the Draft 2023/24 Annual Financial Statements to Council's external auditor, the NSW Audit Office.

RECOMMENDATION

That the draft 2023/24 Annual Financial Statements be signed in accordance with s413 (1), (2) and (3) Local Government Act 1993 and referred to the NSW Audit Office.

FINANCIAL IMPLICATIONS

This is an annual financial reporting requirement.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

This report deals with the following items that highlight Council's financial performance and financial position for the financial year of 2023/24 (FY2024):

- Operating results for the year ended 30 June 2024,
- Financial position as at 30 June 2024,
- Cash and investments position as at 30 June 2024, and
- Financial performance indicators as at 30 June 2024.

1. Income Statement – Operating Results

The income statement represents all items of income and expense recognised in the financial year resulting from its operating activities together with the equity accounted investments. A summary of Council's operating result for the financial year ended 30 June 2024 is as follows:

Budget	Continuing Operations (\$'000)	FY2024	FY2023	Change +/-
46,535	Total Income	53,493	55,151	(1,658)
44,239	Total Expenses	43,902	40,885	3,017
2,296	Net Operating Result for the Year	9,591	14,266	(4,675)
(12,557)	Net Operating Result before Capital Income	(5,523)	(3,418)	(2,105)

Council's net operating result for the year has generated a surplus of \$8,591k, a decrease of \$4,675k from FY2023's \$14,266k, primarily attributable to the major material items, including:

- Total rates and annual charges increased by \$2,309k or 16.66% as compared with last year, resulting from a \$294k or 2.36% increase in ordinary rate income and a \$2,015k or 27.34% increase in annual charges.
- Total grants and contributions decreased by \$5,629k as compared with last year.
- Investment income increased by \$790k for the year resulting from the RBA lifting the cash rates to 4.35% of the year from 4.10% in FY2024.
- Total employee benefits and oncosts for the year increased by \$1,087k or 8.45% due to salaries and wages increased by \$641k or 4.53% attributable to a 4.50% salary increment from 1 July

2023 and the employee leave entitlements (ELE) increased by \$237k or 22.76% for long service leave to staff terminations.

- Total materials and services increased by \$2,704k or 18.15%, reflected the overall operating costs of goods delivered and services rendered for the operational activities of Council continuously increase in the year.

A detailed analysis of Council's financial performance for the year ended 30 June 2024 as compared with FY2023 is provided below.

1.1 Total Income from Continuing Operations

Total income from continuing operations decreased by \$1,658k or 3.0% as compared with FY2023. The major changes by revenue type are summarised below:

Income from Continuing Operations (\$'000)	FY2024	FY2023	Change +/-
Rates and annual charges	22,097	19,788	2,309
User charges and fees	5,607	5,622	(15)
Other revenues	996	458	538
Grants and contributions – Operating purposes	6,919	9,978	(3,059)
Grants and contributions – Capital purposes	15,114	17,684	(2,570)
Interest and investment income	2,010	1,220	790
Other income	750	401	349
Total	53,493	55,151	(1,658)

Rates and Annual Charges

Total rates and annual charges increased by \$2,309k or 11.66% as compared with FY2023, resulting from a \$294k or 2.36% increase in ordinary rate income and a \$2,015k or 27.34% increase in annual charges, attributable to the following:

- The IPART determination a 4.20% of rate peg for FY2024 (2023: 2.30%) increased rate by \$514k (2023: \$272k). Detailed information refers to Special Schedule – Permissible Income for General Rates.
- A \$437k rates and annual charges payment in advance deducted to FY2022 is restated to FY2023 for the correction of change in accounting policies from FY2021.
- The annual charges for waste management (domestic and non-domestic), water supply services, sewerage services, stormwater management collectively increased by \$2,015k or 27.34% as compared to FY2023, primarily attributable to the growth of service delivery in accordance with the Revenue Statement in the 2023/24 Operational Plan.

User Fees and Charges

User fees and charges maintained at a similar level as last year, slightly decreased by \$15k or 0.26% as compared with FY2023, mainly attributable to the specific user charges from water supply, sewerage network and trade waste services increased by \$376k, adjusted by the change of user fees and charges from other business activities.

Other Revenue

Other revenue increased by \$538k or 117.46% as compared with FY2023, mainly attributable to the receipt of \$278k from PayPal Australia for various charges in the prior years.

Grants and Contributions provided for Operating Purposes

Grants and contributions provided for operating purposes increased by \$3,059k or 30.65% as compared with FY2023, mainly attributable to the following:

- A \$1,151k decrease in Financial Assistance Grant (FAG), resulting from a \$3,622k of FAG advance payment almost 85% for following year allocation received in June 2023, whereas the previous \$4,003k of 100% FAG advance received in FY2023 as part of the Federal Budget.
- A \$1,908k decrease in operating grants for emergency roads and bridges repairs and maintenance for the storm and flood damage events in the prior years.

Grants and Contributions provided for Capital Purposes

Grants and contributions provided for capital purposes decreased by \$2,570k or 14.53% as compared with FY2023, mainly attributable to the completion of school zone infrastructure and safer roads projects which the grant income.

Interest and investment income

Interest and investment income increased by \$790k or 64.75% as compared with FY2023, mainly attributable to the Reserve Bank of Australia (RBA) increasing the cash rate from 4.10% to 4.35% over the FY2024 period.

Other Income

Other income increased by \$349k as compared with FY2023, mainly attributable to the revaluation of the investment properties by \$312k as at the reporting date (2023: nil).

1.2 Total Expenses from Continuing Operations

Total expenses from continuing operations increased by \$3,017k or 7.37% as compared with FY2023. The major changes by revenue type are summarised below:

Expenses from Continuing Operations (\$'000)	FY2024	FY2023	Change +/-
Employee benefits and oncosts	13,937	12,850	1,087
Materials and services	17,598	14,894	2,704
Borrowing costs	720	693	27
Depreciation and amortisation	9,726	9,141	585
Other expenses	1,149	963	186
Net loss from assets disposal	772	2,344	(1,572)
Total	43,902	40,885	3,017

Employee benefits and oncosts

Total employee benefits and oncosts for the year increased by \$1,087k or 8.45% as compared FY2023.

Employee benefits and oncosts (\$'000)	FY2024	FY2023	Change +/-
Salaries and wages	10,843	10,620	223
Employee leave entitlements	1,278	1,041	237
Superannuation	1,236	1,084	152
Workers' compensation	573	553	20
Fringe benefits tax	52	15	37
Less: capitalised costs	(45)	(463)	418
Total	13,937	12,850	1,087

The major contributions to the increase in employee costs were the following:

- Salaries and wages increased by \$641k or 4.53% from last year, mainly attributable to a 4.50% salary increment from 1 July 2023 based on the Local Government (State) Award 2023.

- Employee leave entitlements (ELE) increased by \$237k or 22.76% compared with last year, mainly attributable to the long service leave to the staff termination.

Materials and services

The materials and services represent all operating expense types not covered under employee, borrowing, depreciation and other costs. It includes expenses for materials and the cost of external resources and contractors relating to Council normal operational maintenance and services for the function and activity works, and administration and governance costs.

The materials and services expense would therefore rise and fall directly in relation to Council budgeted work programs and movements in the cost of sourced materials and contracts in accordance with the adopted Operational Plan each year.

Materials and Services (\$'000)	FY2024	FY2023	Change +/-
Raw materials and consumables	1,294	1,445	(151)
Consultancy costs	415	198	217
Contractor costs	8,069	7,496	573
Insurance	858	387	471
Vehicle and plant expense	1,704	1,277	427
Other (details refer Note B3-2)	5,258	4,091	1,167
Total	17,598	14,894	2,704

Total materials and services increased by \$2,704k or 18.15% as compared with FY2023, indicating the actual costs of goods delivered and services rendered for the continuing operational activities of Council over the two financial years:

- Consultancy costs increased by \$217k mainly attributable to the consultancy of the infrastructure assets management plan and water supply services.
- Contractor costs increased by \$573k, due to the delivery for the infrastructure maintenance and services caused by the higher than anticipated storm and flooding natural occurrences in 2022/23, and the additional engagement of contractors to assist with staff vacancies.
- Insurance premium cost is up by \$471k resulting from public liabilities and professional indemnity insurance significant increase.
- Vehicle and plant running costs increased by \$427k mainly attributable to the higher fuel costs and repair and maintenance services.
- Other materials and services up by \$1,313k reflected the overall operating costs continuously increasing in the year, such as legal costs \$160k, computer expense \$126k, general repair and maintenance \$117k, training and education \$202k, fire control and emergency service \$156k.

Borrowing costs

Total borrowing costs slightly increased by \$27k or 3.89% as compared with FY2023, resulting from the interest on the extension of leased plant in the year.

Depreciation and amortisation

Total depreciation and amortisation increased by \$585k or 6.40% as compared with FY2023, mainly due to the high level of infrastructure assets renewal in the last two years, and the water supply and sewerage supply network revaluation together with the indexation of the infrastructure assets undertaken in FY2023, which impact on current year's depreciation result.

Other expenses

Total other expenses increased by \$186k or 19.31% as compared with FY2023, mainly attributable to:

- A \$45k increase in the levies of emergency services to FRNSW, SES and RFS, and
- A \$110k increase in the community contributions, including \$45k from Bango Wind Farm Community Enhancement Fund.

Net loss from asset disposals

Total net loss from the asset disposals decreased by \$1,572k as compared with FY2023, mainly attributable to the disposals of the net residual value of infrastructure asset from the asset register resulting from the respective asset renewals.

2. Financial Position

Statement of financial position represents the current and non-current assets and liabilities, equity and reserves as at the reporting date. A summary of Council's financial position is as follows:

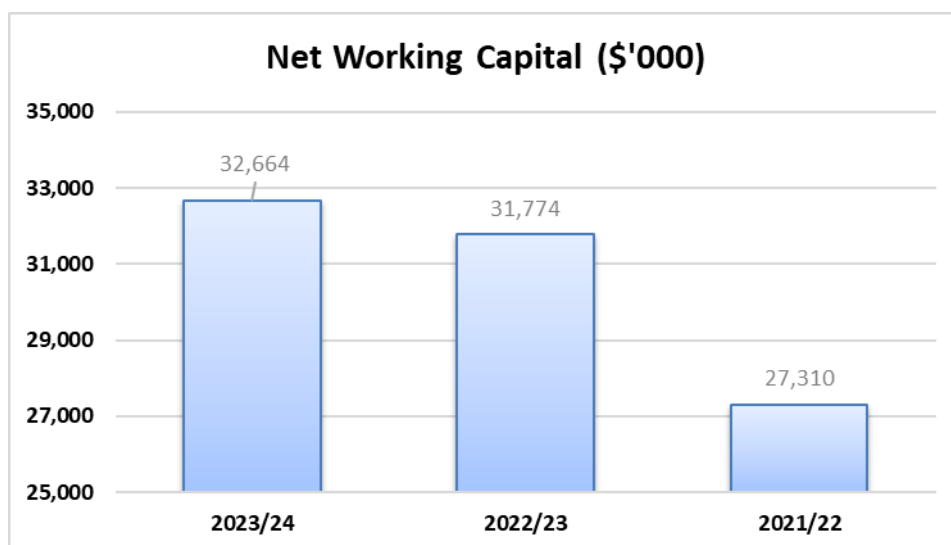
Financial Position (\$'000)	FY2024	FY2023	Change +/-
Current Assets	50,791	47,659	3,132
Current Liabilities	(18,127)	(15,885)	2,242
Net Working Capital	32,664	31,774	890
Non-current Assets	585,362	544,896	40,466
Non-current Liabilities	(14,963)	(13,809)	(1,154)
Total	603,063	562,861	40,202

Council net asset position as at 30 June 2024 increased by \$40,202k (2023: \$68,850k) when compared with FY2023, primarily attributable to the following:

- A \$890k increase in net working capital (net current assets and current liabilities),
- A \$40,320k increase in non-current assets, and
- A \$1,154k decrease in non-current liabilities.

2.1 Net Working Capital

Working capital measures the working fund available to Council, which is used in the day-to-day continuing operations, calculated as total current assets minus total current liabilities.



As at the reporting date, the net working capital position maintained at the similar level of last year, slightly increased by \$890k or 2.80% (2023: \$4,464k) as compared with FY2023, mainly attributable to the following:

- Cash and investments position has kept at a similar level as compared with FY2023, giving \$1,476k increase in cash at bank and cash equivalents, and \$900k decrease in investments of short-term deposits maturity within 12 months, resulting in a \$576k additional cash and investments position.
- Receivables increased by \$573k mainly attributable to the increase in rates and annual charges and water supply in the year.
- Contract assets increased by \$1,974k for the recovery of the grant funded projects incurred by Council from the grant providers under the new AASB adopted in 2021.
- Account payables and accruals kept at a similar level as last year, slightly decrease due to the timing difference of the creditors pay run at the reporting date as compared with FY2023.
- Contract liabilities increased by \$3,390k due to the unspent grants for roads and bridges maintenance caused by higher than anticipated raining and flooding in the prior years under the new AASB adopted in 2021.

2.2 Non-current Assets

Total non-current assets increased by \$40,320k (2023: \$63,202k) from FY2023 primarily attributable to the following:

- A \$40,132k increase in infrastructure, property, plant and equipment (IPPE) resulting from the revaluation and indexation of \$30,610k, and a net increment of \$9,622k in IPPE, resulting from additions \$19,075k offset by disposals \$878k, depreciation \$9,603k and adjustments \$100k during the year.
- A \$312k increment in the revaluation of investment property.

2.3 Non-current Liabilities

Total non-current liabilities increased by \$1,154k from FY2023 primarily attributable to the following:

- A \$760k decrease in borrowing for transferring next year loan repay to current liabilities, and
- A \$1,967 increase in other provisions resulted from the revaluation for landfill remediation and rehabilitation revaluation.

3. Cash and Investments Position

An important measure of Council's finance sustainability is the cash and investment position at the end of the reporting date. Cash received by Council for expenditure on specific projects or activities such as tied grants, water and sewer fund, stormwater levy, domestic waste management, and developer contributions, if not expended in the year, must be held as an externally restricted asset reserve. Cash assets not subject to the external restrictions may be internally allocated in accordance with Council resolution or policy. These funds are held by Council along with other funds and set aside for future expenditure as an internally restricted asset reserve. The total reserve assets are held in the form of either cash and cash equivalent or investment assets.

The table below indicates the result of cash and investments position as at 30 June 2024.

Cash and Investments Position (\$'000)	FY2024	FY2023	Change +/-
Cash and Investment Assets at July 1	36,433	35,675	
Net cash inflow/(outflow) for the year	576	758	
Total cash and investments at June 30	37,009	36,433	576
Less: Externally restricted assets	(30,473)	(29,987)	486
Less: Internally restricted assets	(6,247)	(6,357)	(110)

Net unrestricted cash & investments at June 30	109	89	20
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The total cash and investment assets increased by \$576k to \$37,009k as at the reporting date from FY2023's position of \$36,433k.

After allowing for restricted assets, both externally imposed by legislation and set aside for specific internal purposes, Council has a net cash and investment surplus of \$109k as at the reporting date, which conforms to the Operational Plan for 2023/24 based on the adopted Long Term Financial Plan.

3.1 Externally Restricted Reserve Funds

As at 30 June 2024, the total externally restricted reserve funds of \$30,473k (2023: \$29,987k) are set aside in the cash and investment assets, comprised of the following items:

Externally Restricted Reserve Funds (\$'000)	FY2024	FY2023	Change +/-
Specific purpose unexpended grants	7,561	4,793	2,768
Developer Contributions (s.11.2 and s.64)	14,509	14,554	(45)
Water Fund	2,183	2,884	(701)
Sewerage Fund	4,344	4,682	(338)
Domestic Waste Management	1,808	2,948	(1,140)
Stormwater Management	67	126	(59)
Total	30,473	29,987	485

Specific purpose unexpended grants

The externally restricted reserve fund for specific purpose unexpended grants of \$7,561k (2023: \$4,793k) at the reporting date relates to the grants and contributions received in advance, funding to construct infrastructure assets under the enforceable contracts which will be under Council's control on completion. Details refer to contract liabilities (Note C3-2).

Development Contributions

The externally restricted reserve fund for development contributions of \$14,509k (2023: \$14,554k) at the reporting date under the Development Contribution Plan are the balance of the developer contributions for the provision or improvement of amenities or services received by Council in accordance with s7.11 and s7.12 *EPA Act 1979* and s64 *LG Act 1993*. Details information refer Statement of Development Contributions (Note G4-1).

Water Fund

The externally restricted water reserve fund of \$2,183k (2023: \$2,884k) at the reporting date is to preserve for the provision of Council water network infrastructure operations. Refer Statement of Financial Position by Fund (Note D1-2).

Sewerage Fund

The externally restricted sewerage reserve fund of \$4,344k (2023: \$4,682k) at the reporting date is to preserve for the provision of Council sewerage network infrastructure operations. Refer Statement of Financial Position by Fund (Note D1-2).

Domestic Waste Management

The externally restricted domestic waste management reserve fund of \$1,808k (2023: \$2,948k) at the reporting date is derived from the annual charges to all rateable properties to preserve for the provision of transfer stations and the management of environmental waste matters, provision for additional infrastructure and improvements to accommodate waste disposal at all transfer stations, and provision for the purchase, maintenance and upgrade waste and recycling bins and infrastructure throughout Council area.

Stormwater Management

The externally restricted stormwater management reserve fund of \$67k (2023: \$126k) at the reporting date is levied under Section 496A of the LG Act 1993 to preserve for the provision and maintenance of the drainage infrastructure operations.

3.2 Internally Restricted Reserve Funds

Other than the cash, cash equivalents and investments not subject to externally restrictions, Council has allocated the remaining cash and investment assets as the internally restricted reserve funds at the reporting date in accordance with the resolutions and management plan policy.

These internally restrictions are at the discretion of Council, they are not necessary to be subtracted from the "Total cash, cash equivalents and investments" as reference to the NSW OLG Code of Accounting Practice and Financial Reporting 2023/24.

As at 30 June 2024, the total internally restricted reserve funds of \$10,349k (2023: \$6,357k) are set aside in Council cash and investment assets, comprised of the following items:

Internally Restricted Reserve Funds (\$'000)	FY2024	FY2023	Change +/-
Plant and vehicle replacement	1,225	1,186	39
Employees leave entitlements	1,293	895	398
Carry over works	653	196	457
Binalong pool	22	22	-
Comur street rehabilitation	20	20	-
Land and assets	1,452	1,452	-
Council election	188	135	53
Murrumbateman Library School ground	123	123	-
Quarry rehabilitation	690	106	584
Roads	45	0	45
Victoria Park	619	324	295
Electricity savings reserve	97	97	-
Financial assistance grant	-	1,801	(1,801)
Total	6,427	6,357	70

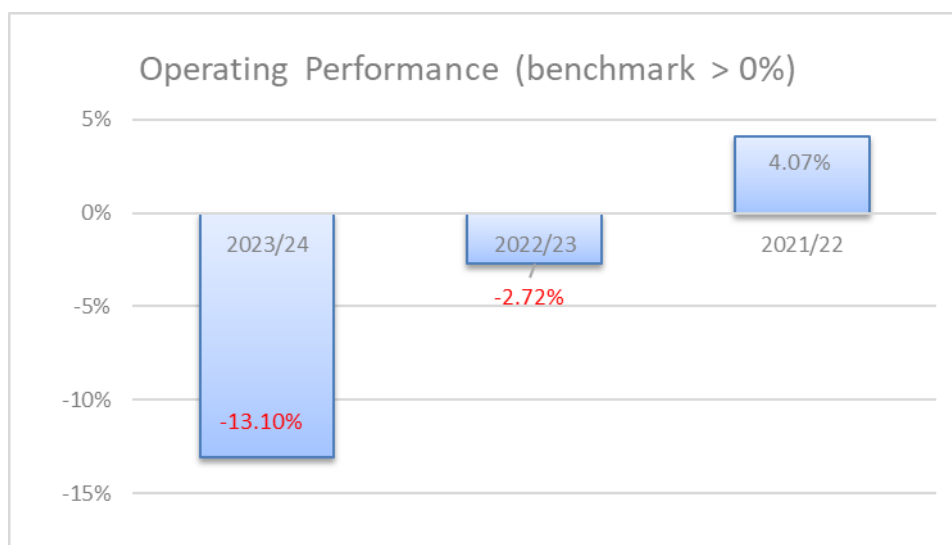
4. Financial Performance Indicators

Council financial performance indicators (other than operating performance ratio) continue resulting favourable, as compared with generally accepted industry benchmarks.

Performance Measurements	FY2024	FY2023	FY 2022	Benchmark
Operating performance ratio	(13.10%)	(2.72%)	4.07%	> 0.00%
Own source operating revenue ratio	58.57%	49.84%	49.40%	> 60%
Unrestricted current ratio	2.58x	2.52x	2.39x	> 1.50x
Debt service cover ratio	3.28x	5.45x	5.30x	> 2.00x
Rate and annual charges outstanding ratio	10.38%	9.27%	5.59%	< 10%
Cash expense cover ratio (month)	13.74	11.78	16.41	> 3.00
Building and infrastructure renewals ratio	230%	343%	343%	> 100%

4.1 Operating performance ratio

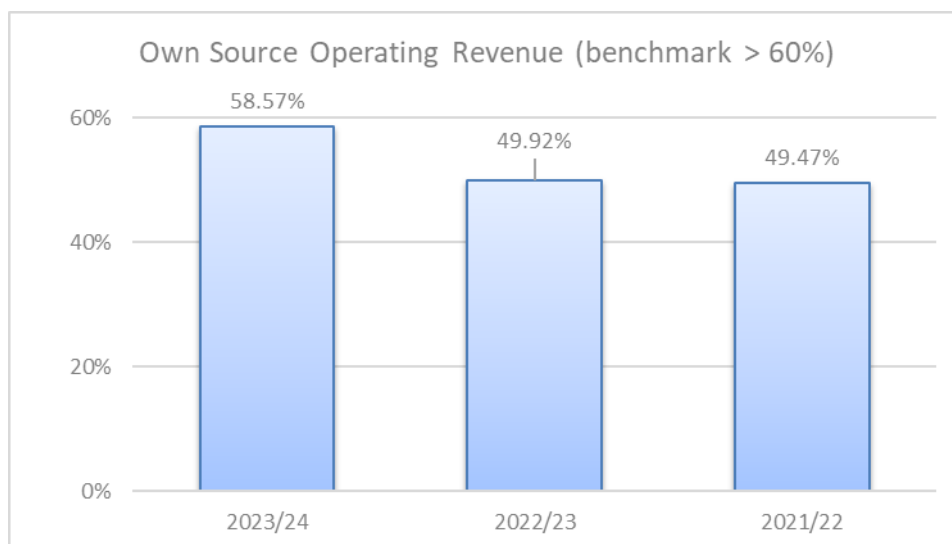
The operating performance ratio measures the extent to which Council has succeeded in containing operating expenditure within operating revenue, excluding capital grants and contributions, fair value adjustments and revaluation decrements.



For the financial year ended 30 June 2024, Council recorded the net operating result (excluding capital grants and contributions, net loss on asset disposals and investment property revaluation increment) of -\$4,986k (2023: -\$1,019k) and the total operating revenue before the capital grants and contributions of \$38,067k (2023: \$37,467k), giving the operating performance ratio to -13.10% (2023: -2.72%), below the OLG benchmark >0.0%. It is mainly attributable to the operating expenses increased by \$3,163k as compared with FY2023, whereas the operating revenue dropped by \$1,658k from FY2023.

4.2 Own source operating revenue ratio

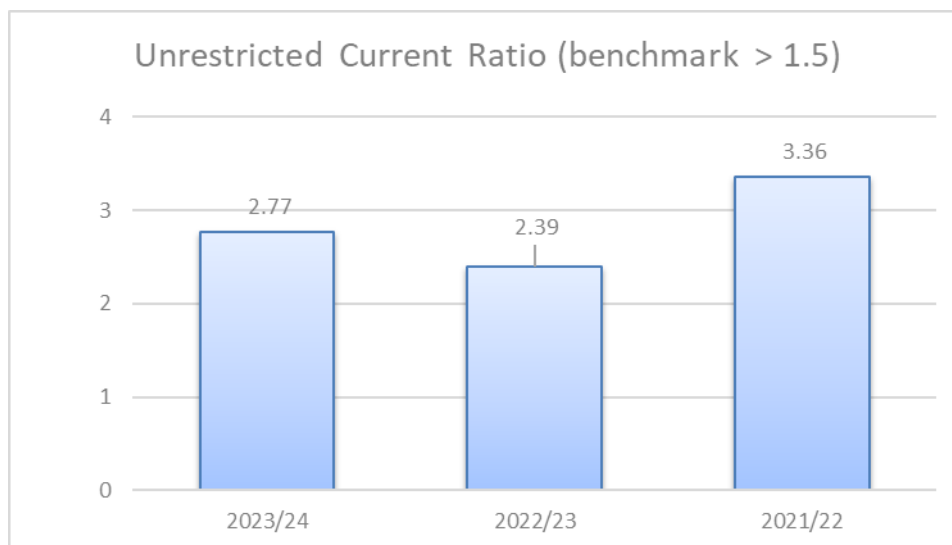
The own source operating revenue ratio measures Council's financial flexibility on the degree of reliance on its own source revenue to the external funding sources, both operating and capital grants and contributions.



The own source operating revenue ratio for the year is 58.57% (2023: 49.84%), slightly lower than the OLG benchmark >60%, mainly attributable to improvement in operating revenue from rates and annual charges, and the investment interest income, but offset by the high level of materials and services operating expenses due to the inflation, higher than anticipated natural disasters of rains and floodings and the workforce vacancies in the year.

4.3 Unrestricted current ratio

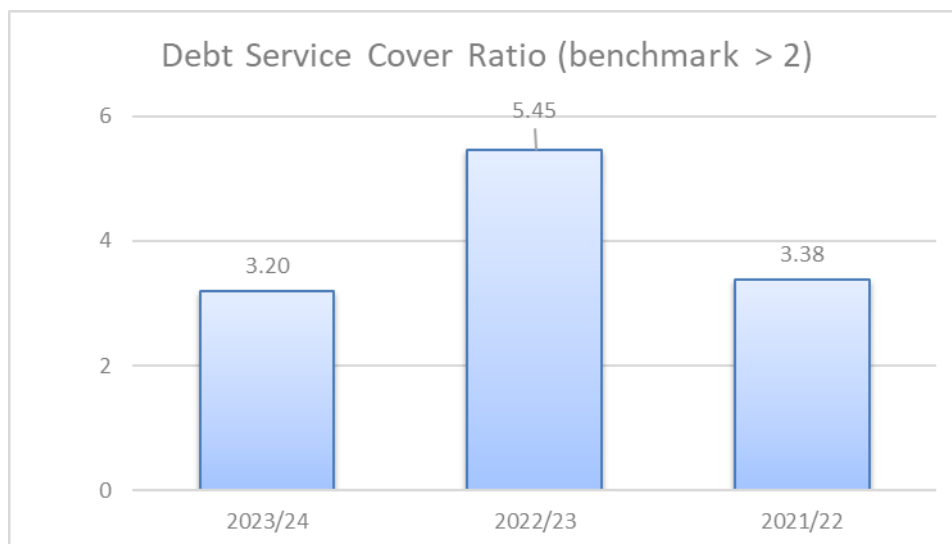
The unrestricted current ratio is a measure of the adequacy of working capital to satisfy obligations in the short term for the unrestricted activities of Council, excluding external restrictions.



As at the reporting date, the unrestricted current ratio maintained at the similar level as FY2023 and achieved the OLG benchmark >1.5x with a ratio of the unrestricted current assets 2.77 times (2023: 2.52 times) over the unrestricted current liabilities. This ratio reflects a sound liquidity and cash flow of the short-term financial position as at the reporting date.

4.4 Debt service cover ratio

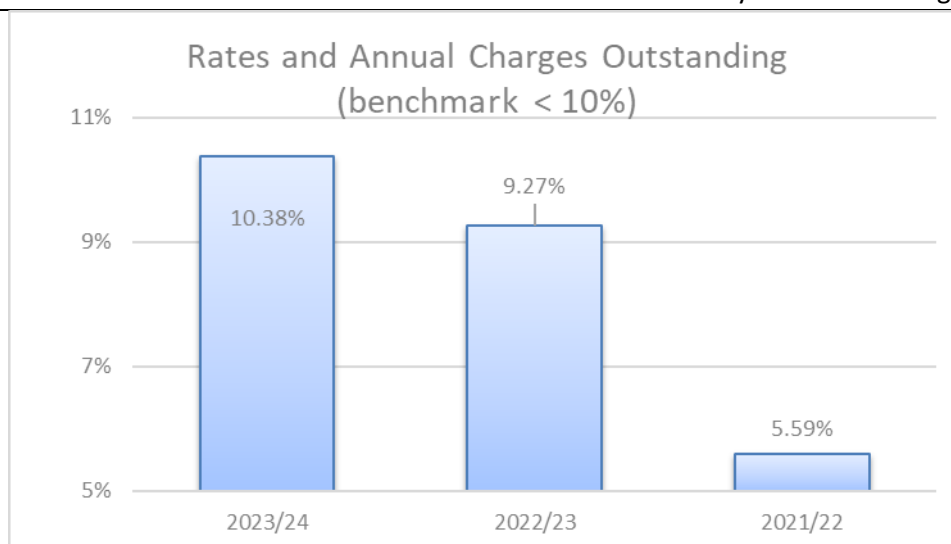
The debt service cover ratio is a measure of the degree to which revenues from operating activities excluding capital items and specific purpose grants and contributions are committed to the repayment of debt.



As at the reporting date, the debt service cover ratio has achieved the OLG benchmark >2.0x with a ratio of operating result before capital revenue excluding interest and depreciation (EBTDA) 3.20 times (2023: 5.45 times) over the net debt service costs.

4.5 Rate and annual charges outstanding ratio

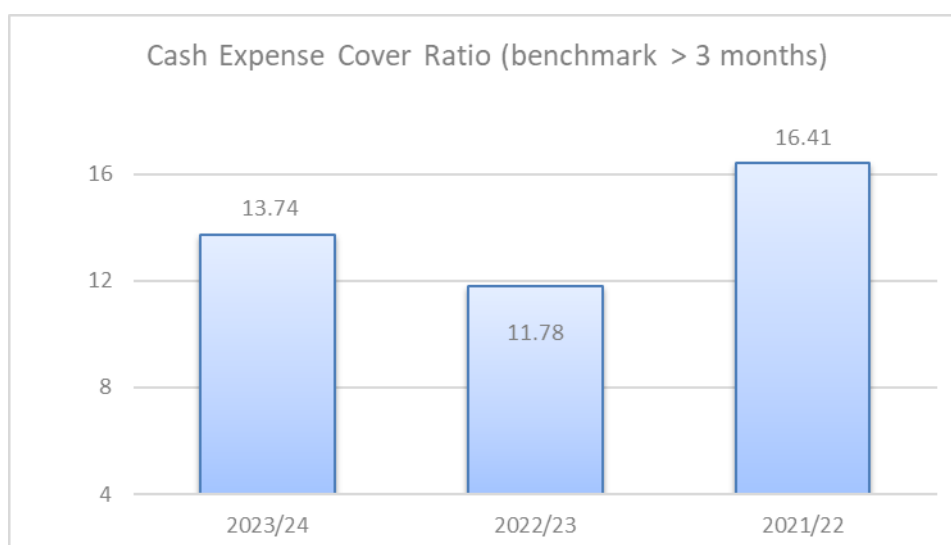
The ratio is to assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.



As at the reporting date, the rate and annual charges outstanding ratio of 10.38% (2023: 9.27%) is slightly higher than the OLG benchmark <10%. The increase in the ratio to 10.38% is mainly attributable to the increase in the rates and annual charges receivables by \$628k and factored by the prior year outstanding balance carry forward to current year.

4.6 Cash expense cover ratio (month)

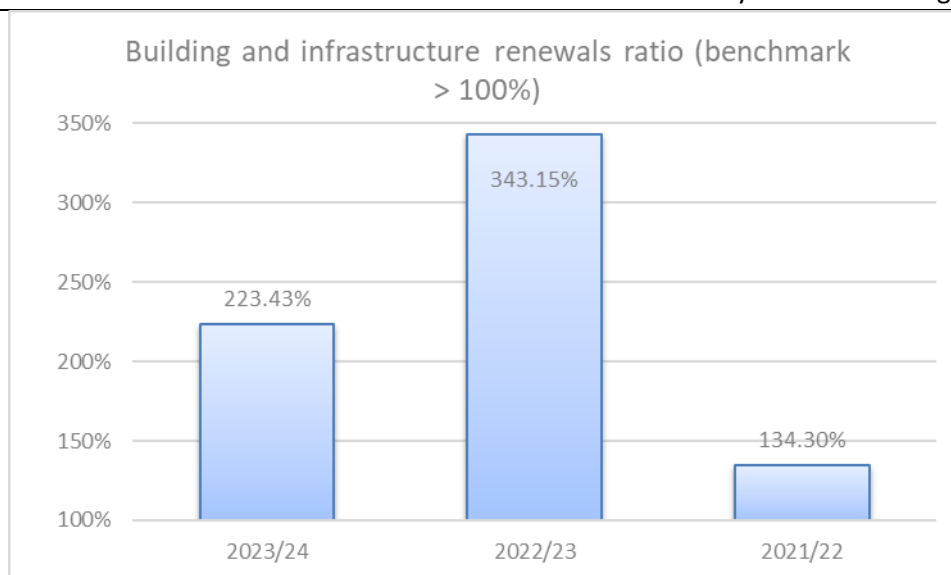
The cash expense cover ratio indicates the number of months Council can continue paying for its immediate expenses without additional cash inflow.



As at the reporting date, the cash expense cover ratio has achieved the OLG benchmark with a ratio of cash, the cash equivalents and short-term deposits 13.74 months (2023: 11.78 months) over the monthly payments from cash flow of operating and financial activities for the year.

4.7 Building and infrastructure renewals ratio

The building and infrastructure renewals ratio is an indication of the ratio of asset renewal to the annual depreciation of buildings and infrastructure at the reporting date. It reflects the percentage at which these assets are being renewed relative to the rate at which they are depreciating or amortising over the period.



The building and infrastructure renewals ratio of 223% resulted for the year. The high level of buildings and infrastructure renewal ratio resulted from the completion of major contractual capital projects of roads, water and sewerage networks over the two financial periods.

5. Summary

Councils' financial performance resulted in a net operating surplus of \$9,591k (2023: \$14,266k) for the year ended 30 June 2024. In addition, the total cash, cash equivalents and investment assets increased by \$576k to \$37,009k (2023: \$758k to \$36,433k) as at 30 June 2024. Other than the operating performance ratio, the financial performance indicators demonstrate almost all Council performance achievements achieved the OLG benchmarks. In view of the financial performance and financial position highlighted in the above analysis, Council's current financial position and cash flow is considered sound and stable as at the reporting date. The overall operating performance of Council's functions and activities are in line with the 2023/24 Operation Plan and Budget.

However, as previously reported to Council with the adopted Long Term Financial Plan, unless opportunities to increase Council revenue base are identified and secured, the future financial pressures will present significant challenges and threaten Council's current sound financial position.

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. Draft 2023/24 General Purpose Financial Statement [↗](#)
 - B. Draft 2023/24 Special Purpose Financial Statement [↗](#)

6.15 BANGO WIND FARM COMMUNITY ENHANCEMENT FUND

SUMMARY

The Bango Wind Farm Community Enhancement Fund Committee held a meeting on 7 August 2024 to assess the community application forms for the second round of funding. This report is seeking Council's acceptance of the decision made by the Committee.

RECOMMENDATION

That the Committee recommendation for grant distribution as outlined in this report be approved.

FINANCIAL IMPLICATIONS

There is no impact on Council's 2024/25 budget as the funding is provided to Council for distribution on behalf of the Bango Wind Farm.

POLICY & LEGISLATION

- Bango Wind Farm Voluntary Planning Agreement

REPORT

The Committee met to review the applications for the 2024/25 funding provided to be community by the Bango Wind Farm Enhancement Fund. There is a total of \$57,960 provided to Council to distribute to the community through grant applications.

Council received 37 applications requesting a total of \$147,694.10. The breakdown of applications is 15 within the 20km priority radius, 21 from the wide Yass Valley area, and 1 application from outside the Yass Valley Council Local Government Area.

Attachment 1 outlines all applications and the funding recommended by the Committee.

STRATEGIC DIRECTION

CSP Theme	Our Community
CSP Strategy Objective	CO3: Our Community is connected, safe and proud
Strategies	CO3.3 -We support our community partners to foster respect and safety
Delivery Program Action	Work with community members/groups, and organisations

ATTACHMENTS: A. August 2024 Funding Request/Allocation Spreadsheet [⇒](#)

6.16 CARETAKER RESTRICTIONS

SUMMARY

To provide an overview of the Council decision making restrictions during caretaker period and up until the first Council meeting following the election.

RECOMMENDATION

That:

1. *Councillors note they cease to hold office on Election Day (14 September 2024)*
2. *The Council decision making arrangements for the caretaker period (16 August to 14 September 2024) be noted.*
3. *Appropriate delegations are in place for the Chief Executive Officer to exercise the functions of Council between Election Day and the first meeting of Council following the Election.*
4. *The outgoing Mayor be authorised to continue to exercise the civic and ceremonial functions of Council in the period between Election Day and the holding of the Mayoral Elections after the Election.*

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Caretaker Restrictions

Under the Regulation, Councils are required to assume a “caretaker” role in the four weeks preceding the election day (see s393B *LG Act 1993*).

The caretaker restrictions are designed to prevent outgoing Councils from making major decisions that will bind the new Council or limit its actions.

The caretaker period for the 2024 Local Government Elections commences on Friday 16 August 2024 and ends on Saturday 14 September 2024.

During the caretaker period, Councils, Chief Executive Officers, and other delegates of Councils (other than a Joint Regional Planning Panel, a Local Planning Panel or the Central Sydney Planning Committee) must not exercise the following functions:

- Enter into any contract or undertaking involving an expenditure or receipt by the Council of an amount equal to or greater than \$150,000 or 1% of the Council’s revenue from rates in the preceding financial year (whichever is the larger).
- Determine a “controversial Development Application”, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period. “Controversial development application” means a Development Application for Designated Development under s4.10 *Environmental Planning & Assessment Act 1979* for which at least 25 persons have made submissions during community consultation.
- Appoint or reappoint Council’s Chief Executive Officer (except for temporary appointments).

Councils should plan ahead to avoid the need to make these types of decisions during the caretaker period.

In certain circumstances, these functions may be exercised with the approval of the Minister.

2. First meeting of the new Council following the Election

Postal votes may be received for up to 13 days after election day.

This means that Councils' elections are not likely to be declared before 30 September 2024.

Councils should schedule the timing of their first meetings following the election on this basis.

Councils that elect their mayor must hold a Mayoral Election within 3 weeks of the declaration of the Ordinary Election and are required to schedule a meeting for this purpose within 3 weeks of the declaration of the election.

3. Delegations during the Election Period

Under the Act, all current Councillors and Mayors elected by the Councillors cease to hold their civic offices on election day 14 September 2024.

This means that Councils will be without a governing body from 14 September 2024 until the declaration of the election on 30 September 2024 at the earliest.

Councils that elect their Mayor will be required to meet within 14 days or 3 weeks of the declaration of the Ordinary Election to hold a Mayoral Election.

Prior to the election, Councils should ensure that appropriate delegations are in place for their General Managers so that they can continue to exercise the functions of the Council as required in the period between election day and the first meeting of the Council following the election.

Councils may wish to consider delegating all delegable functions to the General Manager at the last meeting before the election for the period between election day and the first meeting of the Council following the election.

Councils that elect their Mayors will not have a Mayor in the period between election day and the first meeting after the election when the Mayoral Election is held.

There is nothing to prevent Councils from authorising the General Manager to exercise the civic and ceremonial functions normally exercised by the Mayor during this period in the absence of a Mayor.

OLG is aware that some Councils that elect their Mayors have expressed a preference that the outgoing Mayor should continue to exercise the functions of Mayor in the period between election day and the holding of the Mayoral Election after the election.

There is nothing to prevent Councils from authorising the outgoing Mayor to continue to exercise the civic and ceremonial functions normally exercised by the Mayor during this period in the absence of a Mayor should they wish to do so (even though the outgoing Mayor will have ceased to hold any civic office in the Council as of the day of the election).

Given the possibility that the outgoing Mayor may not be re-elected at the election and may therefore cease to be accountable to the Council and the community, Councils should refrain from making any delegations to the outgoing Mayor.

4. Councillor Inductions

Following the Election it is necessary to undertake an induction program for all Councillors. Assuming the results of the election are finalised on 30 September 2024 the following needs to take place:

- 4pm Thursday 3 October 2024 - Initial Briefing and Preparation for first Meeting at Yass High School
- 4pm Thursday 10 October 2024 - First Council Meeting at Yass High School

A more comprehensive Councillor Induction Program is currently being developed and will cover such matters as:

- Code of Conduct
- Divisional Overviews

- Integrated Planning & Reporting Framework
- Financial Overview
- Planning Responsibilities
- Key Projects and Priorities.

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STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.17 MURRUMBATEMAN CREEK BRIDGE - GREENWOOD ROAD - COMPULSORY LAND ACQUISITION

SUMMARY

This report provides a recommendation on compulsory land acquisitions associated with the replacement of the Greenwood Road low level crossing over Murrumbateman Creek to obtain approval to place a report in confidential session.

RECOMMENDATION

item is classified CONFIDENTIAL in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance contrary to the public interest.

FINANCIAL IMPLICATIONS

All costs associated with the land acquisitions are funded via project budgets currently allocated in the 2024/25 Operational Plan.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Land Acquisitions (Just Terms Compensation) Act 1991*

REPORT

Council is proposing to replace the low-level crossing on Greenwood Road over Murrumbateman Creek.

The new concrete bridge will have increased flood immunity and requires the acquisition of additional land to accommodate the road batters and to improve road geometry.

Council has already approved the acquisition of the required land by agreement under *Land Acquisitions (Just Terms Compensation) Act 1991*.

A confidential report has been prepared for this acquisition and it is recommended that this report be considered by Council in closed session.

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

9.1 MEETING NOTES OF THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW COMMITTEE HELD ON 11 JULY 2024

REPORT

The meeting notes of the Chief Executive Officer's Performance Review Committee meeting held on 19 March 2024 be endorsed. As this meeting relates to a personnel matter it is recommended that the matter be dealt with in Closed Session.

RECOMMENDATION

That this item be classified CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to personnel matters concerning particular individuals (other than councillors).

ATTACHMENTS: Nil

9.2 MINUTES OF THE CRJO JOINT AUDIT RISK & IMPROVEMENT COMMITTEE HELD ON 27 JUNE 2024

REPORT

The minutes of the CRJO Joint Audit Risk & Improvement Committee meeting held on 27 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 CRJO Joint Audit Risk & Improvement Committee meeting held on 27 June 2024 be noted.

ATTACHMENTS: A. Audit Risk & Improvement Committee Minutes 27 June 2024 [⇒](#)

9.3 MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD ON 10 JULY 2024.

REPORT

The minutes of the Local Traffic Committee meeting held on 10 July 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

Accordingly, the minutes are presented for information.

RECOMMENDATION

That the minutes of the Local Traffic Committee meeting held on 10 July 2024 be noted and the following recommendations be adopted:

Item 9.1 2024 Yass Christmas Parade

That the 2024 Yass Christmas Parade and associated road closures (Crago Street carpark from 7.00am to 9.00pm and Comur Street from 4.30pm to 9.00pm) to be held on Thursday 12 December 2024 be approved subject to the following conditions:

- *The organiser is to supply Council with a copy of the current Public Liability Insurance for the event with a minimum \$20,000,000 indemnity. Transport for NSW, NSW Police and Yass Valley Council are to be identified on the insurance document as “interested parties” or equivalent*
- *The event organiser develop and implement a Traffic Management Plan (TMP) and associated Traffic Guidance Scheme (TSG); (Council to arrange)*
- *The event organiser provide Council with a Risk Management Plan for the event*
- *The event organiser is responsible for directly notifying all residents that may be affected by the approved events as soon as possible*
- *The event organiser is responsible for placing signs in the Crago Street carpark advising of the closure of the carpark; (Council to arrange)*
- *The event organiser is responsible for directly notifying all commercial premises etc in Comur Street from Polding Street to the Yass River advising of the road closure of Comur Street*
- *The event organiser is responsible for directly notifying all school bus operators of the road closure of Comur Street as soon as possible*
- *That the event organiser is responsible for public notification of the road closure; (Council to arrange)*
- *Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation*
- *The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TMP and associated TGS. All personnel involved must be appropriate accredited; (Council to arrange)*
- *The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted by the TMP and associated TGS*
- *Event organisers, event marshals, volunteers, event participants etc. are to take all possible actions to minimise the effect of the event on the non-event community, throughout the event*
- *Event organiser provide provision for school buses that arrive after the road closures*
- *Event organisers shall comply with the above conditions and the undertakings in its submission. Failure to comply will immediately void this approval*

Item 9.2 Traffic Safety Concerns Mont Street to Weemilah Street, Yass.

That:

- Council work with TfNSW in relation to:
 - Use of mobile speed cameras
 - Determine if the intersection of Mont and Worth Streets satisfy warrants for stop signs
 - Subject to the above, review the potential option of the installation of stop signs on Mont Street
 - Installation of traffic calming options
- TfNSW review opportunity to reduce the posted speed limit

Item 9.3 Remembrance Day 2024 - Road Closures

That the 2024 Remembrance Day Service event and associated road closure (Comur Street from 10.45am to 11.30am on 11/11/2024) be approved subject to the following conditions:

- The organiser is to supply Council with a copy of the current Public Liability Insurance for the event with a minimum \$20,000,000 indemnity. Transport for NSW, NSW Police and Yass Valley Council are to be identified on the insurance document as “interested parties” or equivalent
- The event organiser develop and implement a Traffic Management Plan (TMP) and associated Traffic Guidance Scheme (TSG) (Council to provide)
- The event organiser is responsible for directly notifying businesses etc located in Comur Street from Meehan Street to Rossi Street of the approved closure as soon as possible
- The event organiser is responsible for informing the normal road users that may be affected by the approved closure as soon as possible (Council to provide)
- That the event organiser is responsible for public notification of the road closure; (Council to provide)
- Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation
- The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TMP and associated TGS. All personnel involved must be appropriate accredited (Council to provide)
- The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted by the TMP and associated TGS (Council to provide)
- Event organisers, event marshals, volunteers, event participants etc. are to take all possible actions to minimise the effect of the event on the non-event community, throughout the event
- Event organisers shall comply with the above conditions and the undertakings in its submission. Failure to comply will immediately void this approval

ATTACHMENTS: A. Local Traffic Committee Meeting Minutes 10 July 2024 [🔗](#)

9.4 MINUTES OF THE YOUTH COUNCIL HELD ON 31 JULY 2024

REPORT

The minutes of the Youth Council meeting held on 31 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 Youth Council meeting held on 31 July 2024 be noted.

ATTACHMENTS: A. Youth Council Minutes 31 July 2024 [⇒](#)

10 Confidential Matters

RECOMMENDATION

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

10.1 Murrumbateman Creek Bridge, Greenwood Road - Land Acquisition

Item 10.1 is confidential in accordance with section s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance contrary to the public interest and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

10.2 Meeting Notes of the Chief Executive Officer's Performance Review held on 11 July 2024

Item 10.2 is confidential in accordance with section s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance contrary to the public interest and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.