



Ordinary Meeting of Council

Thursday 19 December 2024

4:00 PM

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

February 2025

Thursday 27th

4:00 PM

Ordinary Meeting of Council

Ordinary Meeting of Council

A G E N D A

Open Forum

Page No.

Webcasting

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

Acknowledgement of Country

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

1. Prayer

2. Apologies

3. Declaration of Pecuniary Interests/Special Disclosures

4. Confirmation of Minutes

Minutes of Ordinary Council Meeting held on 28 November 20245

5. Mayoral Minute

5.1 Mayoral Minute - Appointment of Acting Chief Executive Officer and Recruitment of Chief Executive Officer Update 23

6. Reports to Council

6.1 Development Application No. DA240223 - Three Lot Subdivision - 110 Southwell Road & 51 Brooklands Road, Wallaroo24

6.2 Modification of Development Consent No. DA200091 - Erosion Gully Rehabilitation and Importation of Material - 64 Brooklands Road, Wallaroo.....30

6.3 Development Application No. DA240214 - Dual Occupancy and Two Lot Strata Title Subdivision - 2 Oak Grove, Murrumbateman35

6.4 Development Application No. DA240302 - Two Lot Subdivision - 29 Orion Street, Yass.....41

6.5 Play Our Way Program - Grant Outcome.....46

6.6 Sports Facility Closure Policy.....48

6.7 Community Sports Facility Booking Policy49

6.8 Binalong Recreation Ground Masterplan50

6.9 Murrumbateman BMX/Pump Track Focus Group53

6.10 Applications Update - October & November 202456

6.11 Road Safety Program 2023-24 to 2025-26 Grant.....57

6.12 Monthly Financial Report.....60

6.13 2024/25 First Quarterly Budget Review Statements19

6.14 Investment and Borrowing Report75

6.15	YVC.PE.37.2024 Murrumbateman Recreation Ground - Access Upgrade	77
6.16	Workplace Culture Review	79
6.17	Tender Evaluation Report - Murrumbateman Creek Bridge Replacement - Greenwood Road YVC.IA.36.2023	81
6.18	Tender Evaluation Report - Bowning Active Circuit - YVC/IA/35.2024	83
7.	Notice of Motion	
	Nil	
8.	Questions with Notice	
	Nil	
9.	Minutes and Recommendations of Council Committees	
9.1	Minutes of the Canberra Region Joint Organisation Extraordinary Board Meeting held on Friday 25 October 2024	85
9.2	Minutes of the CRJO Joint Audit Risk & Improvement Committee held on 17 September 2024	86
10.	Confidential Matters	87
	The following matters are classified as CONFIDENTIAL and will be considered in the Closed Meeting of Council in accordance with Section 10A(2) as they deal with commercial, personnel and legal matters:	
10.1	Tender Evaluation Report - Murrumbateman Creek Bridge Replacement - Greenwood Road YVC.IA.36.2023	87
10.2	YVC.PE.37.2024 Murrumbateman Recreation Ground - Access Upgrade	87
10.3	Tender Evaluation Report - Bowning Active Circuit - YVC/IA/35.2024	87
10.4	Mayoral Minute - Appointment of Acting Chief Executive Officer and Recruitment of Chief Executive Officer Update	87

Close of Meeting Time

Julie Costa
ACTING CHIEF EXECUTIVE OFFICER



Minutes of the Ordinary Meeting of Council

Thursday 28 November 2024

4.00pm

Yass High School

Grampian Street, Yass

Table of Contents

Audit Slideshow was presented at 4.00pm by:	3
• Irene Tzavaras – Ernst & Young	3
• Reiky Jiang – NSW Audit Office	3
1. Prayer	3
2. Apologies	3
3. Declaration of Interest/Disclosures	3
4. Confirmation of Minutes	4
Late Reports.....	3
5. Mayoral Minute	4
5.1 Mayoral Minute - Financial Statements Review	4
5.2 Mayoral Minute - Advocacy for Parkwood Development	5
6. Reports to Council	5
6.1 Parkwood Funding Deed of Agreement.....	5
6.2 Plan of Management - Old Murrumbateman School House and Library Reserve	6
6.3 Development Application No. DA240159 - Distribution Battery Energy Storage System - 3 Turton Place, Murrumbateman.....	8
6.4 Stronger Country Communities Fund Round 5 - Wee Jasper Variation.....	8
6.5 Yass Water Treatment Plant Upgrade - Implementation	9
6.6 Finance Report	9
6.7 Investment and Borrowing Report	10
6.8 Audited 2023/24 Annual Financial Statements	10
6.9 2023/24 Annual Report.....	10
6.10 WHS Update.....	11
6.11 Social Media Policy.....	12
6.12 Risk Management Framework Review	12
6.13 Draft Public Interest Disclosures Policy.....	12
6.14 Community Halls, Not-for-Profit Organisations & Rates	13
6.15 Council Surplus Land	13
6.16 Committee Review	14
6.17 2024/25 First Quarterly Budget Review Statements	14
7. Notice of Motion	14
8. Questions with Notice	14
9. Minutes and Recommendations of Council Committees	14
9.1 Minutes of the Rescue and Local Emergency Management Committee Meetings held on 8 August 2024	14
9.2 Minutes of the Local Traffic Committee held on 8 November 2024	15

Minutes of the Ordinary Meeting of Council held on 28 November 2024

10. Confidential Matters16
10.1 Tender Evaluation Report – Natural Disaster (Flood) Recovery Works Package 2
YVC.IA.28.2024.....17
10.2 Yass Pool Development Project Committee – Nominations17

Audit Slideshow was presented at 4.00pm by:

- Irene Tzavaras – Ernst & Young
- Reiky Jiang – NSW Audit Office

Presentations to Council – Items on the Meeting Agenda

Item 9.2 – Traffic Committee Minutes

- Stuart Smith
- Jan Smith

Late Open Forum Registrations were accepted by Council below:

(Cr McGrath/Cr Cameron) 37

Item 5.1 – Mayoral Minute

- Greg Smith – Morrison Low Consultants

Item 6.2 - Plan of Management – Murrumbateman Old School House and Library Reserve

- Marcayla Stopp

Item 6.11 – Social Media Policy

- Stephanie McCall

Council Meeting - The Mayor declared the meeting open at 4.53pm

Present

Councillors Jasmin Jones, Mayor, in the chair, Cecil Burgess, Kristin Butler, Adrian Cameron, David Carter, Alvaro Charry, Fleur Flanery, Allan McGrath and David Rothwell.

Staff Present - Acting Chief Executive Officer – Julie Costa, Director of Infrastructure & Assets – Nathan Cooke, Acting Director of Planning & Environment – Kate Baker, Executive Support Officer – Katie Yeo and William Paiva from UHY Haines Norton Chartered Accountants - Contractor.

Acknowledgement of Country

1. Prayer

2. Apologies

Nil

3. Declaration of Interest/Disclosures

Mayor Councillor Jones, declared a Non-Pecuniary-Significant Interest in Item 6.2 Plan of Management – Old Murrumbateman School House and Library and will leave the meeting.

Reason: A relative is a member of the Yass Valley Anglican Church Board mentioned in an alternate motion.

Councillor Flanery, declared a Non Pecuniary – Less Significant Interest in Item 6.5 Yass Water Treatment Plant Upgrade – Implementation and will remain in the meeting.

Reason: Council purchased land adjacent to the current water treatment plant from my mother-in-law. This sale was completed prior to my tenure as a councillor.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 24 October 2024, and Extraordinary Council Meeting held on 25 November 2024, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Burgess/Rothwell) 38

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

Late Reports

The Mayor advised that the following late Reports had been submitted, and invited a motion to enable the addition of the late items to the meeting agenda.

1. 2024/2025 First Quarterly Budget Review Statements

(Butler/Rothwell) 39

FOR: Councillors C Burgess, K Butler, A Cameron, J Jones, A McGrath and D Rothwell

AGAINST: Councillors D Carter, A Charry and F Flanery

2. Mayoral Minute 5.2 Advocacy for Parkwood Development

(Carter/McGrath) 40

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

5. Mayoral Minute

5.1 MAYORAL MINUTE - FINANCIAL STATEMENTS REVIEW

SUMMARY

Engagement of a consultant to review Council's financial statements.

RESOLVED that a scope be developed then quotes be sought from a list of suitable consultants and a procurement process be undertaken in accordance with Council policy.

The scope is to conduct an on-the-ground assessment into Council's financial information which informs the financial statements to verify Council's true financial situation.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

5.2 MAYORAL MINUTE - ADVOCACY FOR PARKWOOD DEVELOPMENT

SUMMARY

To Inform Council of the advocacy for the NSW Government for dealing with the financial issues arising out of the development being brought forward into Yass Valley.

RECOMMENDATION

That the letter to the NSW Premier, Chris Minns MP regarding the fast tracking of the Parkwood development into Yass Valley and setting of deadlines for the completion of work to either move the NSW/ACT border or a Ministerial agreement on a special rate for Parkwood be noted.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

6. Reports to Council

6.1 PARKWOOD FUNDING DEED OF AGREEMENT

SUMMARY

The Parkwood Funding Deed of Agreement has been executed by Council and is presented for noting.

RESOLVED that the Deed of Agreement between Council and Riverview Projects (ACT) Pty Ltd be noted.

(Butler/Charry) 41

FOR: Councillors C Burgess, K Butler, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Councillor A Cameron

Mayor Cr Jones left the room at 5.41pm and declared a Non-Pecuniary – Significant Interest in Item 6.2 in the alternate motion and Deputy Mayor Cr Butler took the chair.

6.2 PLAN OF MANAGEMENT - OLD MURRUMBATEMAN SCHOOL HOUSE AND LIBRARY RESERVE

SUMMARY

The draft Plan of Management for the Old Murrumbateman School House and Library Reserve has been revised following Council's decision at the October 2024 meeting requesting further discussions with the Onerwal Local Aboriginal Land Council and the Murrumbateman Community Association. These discussions have now occurred and it is recommended that Council endorse the draft Plan of Management.

(Butler/Rothwell)

A Motion was moved to complete the below items sequentially

(Charry/Carter) 42

FOR: Councillors C Burgess, K Butler, D Carter, A Charry, F Flanery, A McGrath and D Rothwell

AGAINST: Councillor A Cameron

RESOLVED that :

1. The inclusion of the playground in the Plan of Management for the Murrumbateman Old School House Site be removed before being sent to Crown Lands.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, A McGrath and D Rothwell

AGAINST: Nil

2. The grant provider be contacted to request an extension of time due to undertaking further land investigations on other possible sites in Murrumbateman following the lodgement of the Aboriginal Land Claim over the Murrumbateman Old School House and Library Reserve on the 15th October 2024.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, A McGrath and D Rothwell

AGAINST: Nil

3. A meeting with the Murrumbateman Recreation Ground Focus Group be held before the end of 2024 to locate an area that would be suitable to facilitate both an all-abilities playground and a BMX/PUMP track if this site was deemed favourable.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, A McGrath and D Rothwell

AGAINST: Nil

4. Council engage with the Murrumbateman Anglican Church Parish by the end of 2024 to discuss upgrading the current playground and any other desired infrastructure (seats/shade/toilet) on their site on Hercules Street and review the current arrangements that Council has with the church in relation to the site.

FOR: Councillors C Burgess, K Butler, A Cameron, F Flanery, A McGrath and D Rothwell

AGAINST: Councillors D Carter and A Charry

5. That a report be presented to the December 2024 Council meeting to establish the Murrumbateman BMX/PUMP Track Focus Group including the Terms of Reference.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, A McGrath and D Rothwell

AGAINST: Nil

6. Council engage with TfNSW and advocate for a safe crossing for the Barton Highway by providing examples from other Council areas that have created safer crossings on highways.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, A McGrath and D Rothwell

AGAINST: Councillor F Flanery

7. The Onerwal Local Aboriginal Land Council be invited to collaborate on playground designs for any proposed playground at the Murrumbateman Recreation Grounds and/or on the Murrumbateman Anglican Church Parish site.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, A McGrath and D Rothwell

AGAINST: Nil

8. The draft Old Murrumbateman School House and Library Reserve Plan of Management be notified to Crown Lands, as the owner of the property.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, A McGrath and D Rothwell

AGAINST: Nil

9. 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.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, A McGrath and D Rothwell

AGAINST: Nil

10. 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.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, A McGrath and D Rothwell

AGAINST: Nil

11. Should no objections be received that require significant changes to the draft Plan of Management, then it be adopted pursuant to s40 Local Government Act 1993.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, A McGrath and D Rothwell

AGAINST: Nil

Mayor Cr Jones returned to the room and resumed the chair at 6.08pm.

6.3 DEVELOPMENT APPLICATION NO. DA240159 - DISTRIBUTION BATTERY ENERGY STORAGE SYSTEM - 3 TURTON PLACE, MURRUMBATEMAN

SUMMARY

To advise on the receipt of Development Application No. DA240159 for a 5 megawatts (MW) distribution battery energy storage system at 3 Turton Place, Murrumbateman. The Development Application is regionally significant development with the consent authority being the Southern Regional Planning Panel. The *Yass Valley Development Control Plan 2024* requires that an application to be determined by the Panel be reported to Council for noting.

RESOLVED that it be noted:

- 1. The receipt of Development Application No. DA240159 for a distribution battery energy storage system at 3 Turton Place, Murrumbateman.***
- 2. The development application is regionally significant development with the consent authority being the Southern Regional Planning Panel in accordance with State Environmental Planning Policy (Planning Systems) 2021.***
- 3. Depending on the outcome of the assessment report that Council officers complete, and once the report has been made public, Council reconvene to determine its position on whether a submission should be made.***

(Butler/Burgess) 43

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

6.4 STRONGER COUNTRY COMMUNITIES FUND ROUND 5 - WEE JASPER VARIATION

SUMMARY

To provide an update on the outcome of the additional projects for delivery within Wee Jasper with unspent funds from the Stronger Country Communities Fund Round 5.

RESOLVED that Council accepts the approved variation under round 5 of the Stronger Country Communities Fund for the demolition of the existing drop-pit public toilet and the installation of new composting public toilet facilities within Wee Jasper for a project value of \$120,000.

(Cameron/Rothwell) 44

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

6.5 YASS WATER TREATMENT PLANT UPGRADE - IMPLEMENTATION

SUMMARY

The Yass Water Treatment Plant Upgrade Project is a challenging and very high priority project for Council. This report provides an update on the progress of implementation following the approval of the business case in May 2024 and the release of NSW Government ad-hoc election commitment funding of \$13.55M and Housing Infrastructure funding of \$6.6M.

RESOLVED that :

- 1. The updated report on the Yass Water Treatment Plant Upgrade Project be noted**
- 2. The executed funding deed for \$6.6M from the Housing Infrastructure Fund (HIF) be noted**
- 3. Funding approval of \$13.55M by NSW Minister Rose Jackson through the NSW State Ad-hoc Election commitment be noted**

(McGrath/Rothwell) 45

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

Cr Flanery declared a Non-Pecuniary-Less than Significant Interest in item 6.5, and remained in the meeting, and voted on the matter.

6.6 FINANCE REPORT

SUMMARY

This is a monthly report to provide current and ongoing information to effectively inform Councillor decisions.

RESOLVED that the November 2024 Finance Report be noted.

(Rothwell/Butler) 46

FOR: Councillors C Burgess, K Butler, A Cameron, J Jones, A McGrath and D Rothwell

AGAINST: Councillors D Carter, A Charry and F Flanery

6.7 INVESTMENT AND BORROWING REPORT

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments for the period 1 to 30 September 2024. It also provides an update on the June, July, and August 2024 investment reports. 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 Reports, covering the period 1 July to 31 October 2024 be noted.

(Butler/Rothwell) 47

FOR: Councillors C Burgess, K Butler, J Jones, A McGrath and D Rothwell

AGAINST: Councillors A Cameron, D Carter, A Charry and F Flanery

6.8 AUDITED 2023/24 ANNUAL FINANCIAL STATEMENTS

SUMMARY

The Audit Office report on the Annual Financial Statements for the year ended 30 June 2024 has been received. Council is now required to adopt the annual financial statements and place the audited statements on public exhibition.

RESOLVED that the audited 2023/24 Annual Financial Statements be adopted.

(Carter/Rothwell) 48

FOR: Councillors C Burgess, K Butler, A Cameron, J Jones, A McGrath and D Rothwell

AGAINST: Councillors A Charry and F Flanery

Cr Carter left the room at 6.53pm.

Cr Carter returned to the room at 6.55pm.

6.9 2023/24 ANNUAL REPORT

SUMMARY

This report is to present the 2023/24 Annual Report.

RESOLVED that the 2023/24 Annual Report be noted.

Councillors acknowledge there has been late adjustments that require Councillors further review.

(McGrath/Rothwell) 49

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

6.10 WHS UPDATE

SUMMARY

This report provides a summary of the WHS Incident that occurred on 27 September 2024.

RESOLVED that:

1. That Council notes the WHS Report.

2. That in response to the SafeWork NSW Improvement Order issued to Yass Valley Council in Sept 2024, Acting CEO Yass Valley Council engages an independent organisation to conduct a comprehensive review of workplace culture across all directorates of Yass Valley Council. This review is to:

a. Identify areas of council's staff positive culture.

b. Identify patterns of misconduct, including psychosocial hazards.

c. Evaluate the effectiveness of current policies, procedures, and systems for managing psychosocial risks.

d. Address the non-compliance gaps identified in Appendix A to the Psychosocial Gap Analysis dated 12 November 2024.

e. Provide actionable recommendations to align council practices with legislative and best practice standards, including but not limited to SafeWork NSW's Code of Practice: Managing Psychosocial Hazards at Work and other pertinent Legislation stated within Psychosocial Risk Gap Analysis.

3. That the independent workplace review commences as soon as possible following procurement in accordance with Council's policies. The preliminary report be presented for council consideration with a briefing on the project for Council, inclusive of a comprehensive action plan, be delivered at the March 2025 ordinary meeting and a final report to Council at its meeting in April 2025, subject to Council being able to procure a suitable consultant to undertake the proposed works.

(Rothwell/Charry) 50

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

6.11 SOCIAL MEDIA POLICY

SUMMARY

With a new term of Council, staff are reviewing all policies. The Office of Local Government have developed a *Model Social Media Policy*. A revised *Social Media Policy* has been prepared in accordance with the Model Policy.

RESOLVED that the draft Social Media Policy based on the Office of Local Government Model Social Media Policy 2022 be placed on public exhibition for a period of not less than 28 days and if no substantial submissions are received the policy be adopted.

(McGrath/Butler) 51

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

6.12 RISK MANAGEMENT FRAMEWORK REVIEW

SUMMARY

The *Risk Management Framework* and *Risk Management Policy* have been reviewed for the Council to adopt.

RESOLVED that the Risk Management Framework and Risk Management Policy be deferred until the February 2025 Council Meeting.

(Butler/Rothwell) 52

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

6.13 DRAFT PUBLIC INTEREST DISCLOSURES POLICY

SUMMARY

There is a new public interest disclosure legislation in NSW which completely replaces the *Public Interest Disclosures Act 1994*. This Policy incorporates the key components of the *Public Interest Disclosures Act 2022*.

RESOLVED that the new Public Interest Disclosures Policy be deferred until February 2025 Council meeting.

(Butler/Rothwell) 53

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

6.14 COMMUNITY HALLS, NOT-FOR-PROFIT ORGANISATIONS & RATES

SUMMARY

To provide an update in relation to rating of community halls and not-for-profit organisations run by volunteers.

RESOLVED that :

- 1. The charitable status of halls owned and operated by community associations be noted**
- 2. No retrospective donations to community halls be granted**
- 3. Any donations for not-for-profit organisations run by volunteers and who own property be considered under the current Financial Assistance, Grants & Donations Policy subject to being supported by a financial statement detailing income and expenditure.**

(McGrath/Burgess) 54

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

6.15 COUNCIL SURPLUS LAND

SUMMARY

To provide an update on Council owned land identified as surplus to needs and investment lands.

RESOLVED that Council place the Discovery Drive lot in Council's ownership on the market subject to the modification of the Development Application.

A Councillor Workshop be held in relation to options for 'Hawthorn'.

Council rejects the following properties to sell until further investigation is under taken:

- 1. The former saleyards**
- 2. The Goodradigbee Centre**

(Burgess/Cameron) 55

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

6.16 COMMITTEE REVIEW

SUMMARY

To present a discussion paper on Council committees for consideration.

RESOLVED that the Guidelines for Advisory Committees and Committees of Council be deferred until February 2025 Council Meeting:

(Butler/Rothwell) 56

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

6.17 2024/25 FIRST QUARTERLY BUDGET REVIEW STATEMENTS

SUMMARY

This report represents the 2024/25 First Quarterly Budget Review Statements (QBRS) for the period 1 July to 30 September 2024. This review demonstrates Council's projected year end **Net Operating Result before Capital Items** remains negative and is predicted to be \$(4.8M), an increase in deficit of \$123k compared to the original budget. Actuals as at 30 September 2024 show a surplus of \$14.8M due to rate and annual charges income happening in July but expenses evenly spread across the year.

RESOLVED that Council defer to the 19 December 2024 meeting for consideration.

(Butler/Carter) 57

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

7. Notice of Motion

Nil

8. Questions with Notice

Nil

9. Minutes and Recommendations of Council Committees

9.1 MINUTES OF THE RESCUE AND LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETINGS HELD ON 8 AUGUST 2024

REPORT

The minutes of the Rescue and Local Emergency Management Committee meetings held on 8 August 2024 are included in Attachments A and B.

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

- Requires expenditure not provided for in the current Operational Plan

Minutes of the Ordinary Meeting of Council held on 28 November 2024

- 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 Rescue and Local Emergency Management Committee meeting held on 8 August 2024 be noted.

(Cameron/Carter) 58

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

9.2 MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD ON 8 NOVEMBER 2024

REPORT

The minutes of the Local Traffic Committee meeting held on 8 November 2024 are included in **Attachment A**.

From these minutes there are two items which covers a matter that:

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

RESOLVED that the minutes of the Local Traffic Committee meeting held on 8 November 2024 be noted and adopt the following recommendations:

Item 9.1 Vehicle Load Limit Fairley Estate, Murrumbateman

That:

- ***The Committee does not support the implementation of vehicle load limits in Fairley Estate.***
- ***Council work with the Abode Motel to encourage any heavy vehicle guests to minimise noise when arriving/leaving the area.***
- ***Council consider installation of signs in the Fairley Estate area to encourage heavy vehicle drivers to minimise noise generation.***
- ***Council and TfNSW continue to consider alter parking arrangements for heavy vehicles in the Murrumbateman village area***

Item 9.2 Safety Concerns with Parking at Intersection Laidlaw Street with Grampian and Mount Streets, Yass

That:

- ***Council install no parking signs and line marking pavement hatching on Laidlaw Street at the intersections with Grampian and Mounts Street as shown in the report.***
- ***Undertake roadside vegetation clearance to improve intersection site distances***

(Cameron/Rothwell) 59

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

10. Confidential Matters

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

10.1 Tender Evaluation Report – Natural Disaster (Flood) Recovery Works – Package 2 YVC.IA.28.2024 – this item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied the information. Discussion of the matter in an open meeting would be, on balance, contrary to the public interest

10.2 Yass Pool Development Project Committee – Nomination - this item is 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) and discussion of the matter in an open meeting would be, on balance contrary to the public interest

(Carter/McGrath) 60

Closed Council commenced at 8.09pm

Open Council resumed at 8.19pm

10.1 TENDER EVALUATION REPORT - NATURAL DISASTER (FLOOD) RECOVERY WORKS PACKAGE 2 YVC.IA.28.2024.

SUMMARY

This report provides advice and recommendations on the submissions received for the Natural Disaster (Flood) Recovery Works – Package 2 YVC.IA.28.2024 tender.

RESOLVED that the tender submitted by Denrith Pty Ltd T/A Divalls Earthworks and Bulk Haulage under Contract Natural Disaster (Flood) Recovery Works – Package 2 YVC.IA.28.2024 be accepted for a total cost of \$513,796.50 (Excluding GST).

(Carter/Rothwell) 61

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

10.2 YASS POOL REDEVELOPMENT PROJECT COMMITTEE - NOMINATIONS

SUMMARY

To consider nominations for the vacated community member (non-members of the Yass Swim Club) position on the Yass Pool Redevelopment Project Committee.

RESOLVED to accept the nominations in the following order:

- 1. Jamie Te Hui***
- 2. Adrienne Steward***
- 3. Jodie Kidd***

(Carter/Rothwell) 62

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

The meeting closed at 8.21pm.

5.1 MAYORAL MINUTE - APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER AND RECRUITMENT OF CHIEF EXECUTIVE OFFICER UPDATE

SUMMARY

To consider matters relating to the appointment of the Acting Chief Executive Officer and recruitment of the Chief Executive Officer.

RECOMMENDATION

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

REPORT

To consider a matter relating to the appointment of the Acting Chief Executive Officer and recruitment of the Chief Executive Officer.

ATTACHMENTS: Nil

6.1 DEVELOPMENT APPLICATION NO. DA240223 - THREE LOT SUBDIVISION - 110 SOUTHWELL ROAD & 51 BROOKLANDS ROAD, WALLAROO

SUMMARY

To present the assessment of development application no. DA240223 for three lot rural subdivision at 110 Southwell Road and 51 Brooklands Road, Wallaroo. The application attracted four objections. Approval is recommended.

RECOMMENDATION

That conditional development consent be issued for Development Application No DA240223 for a three lot subdivision of 110 Southwell Road and 51 Brooklands Road, Wallaroo.

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Yass Valley Local Environmental Plan 2013
- Yass Valley Development Control Plan 2024
- Yass Valley Development Contribution Plan 2023
- Yass Valley Settlement Strategy 2036
- Roads Act 1993
- Biodiversity Conservation Act 2016
- Biodiversity Conservation Regulation 2017
- Rural Fires Act 1997
- Planning for Bushfire Protection 2019

REPORT

1. Application Details

Date Received	-	22 July 2024
Land	-	Lot 1 DP 1305287, 51 Brooklands Road, Wallaroo Lot 2 DP 1305287, 110 Southwell Road, Wallaroo
Area	-	120ha
Zoning	-	RU1 Primary Production

2. Site Description and Locality

The site is located in an area characterised by rural and rural lifestyle development, with a mix of holdings and property sizes. Land uses relate to both agricultural activities and rural lifestyle, including wineries, an olive grove, and residential dwellings and outbuildings.

The site consists of two existing lots, being:

- Lot 1 DP 1305287, 51 Brooklands Road which is located on the corner of Brooklands Road and Southwell Road and is dissected by Brooklands Road.
- Lot 2 DP 1305287, 110 Southwell Road, which contains the existing dwelling house and is located with frontage to Southwell Road.

The site is predominantly open grassland and pasture and has historically been used for the purposes of grazing. There are a number of scattered paddock trees across the site and a short windbreak adjacent to the existing access to proposed lot 6.

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

3. Proposal

The submitted application involves a three lot subdivision resulting in the creation of one additional lot.

Proposed lot 4 contains an existing dwelling house and is accessed from Southwell Road. Proposed lots 5 and 6 are accessed from existing accesses on either side of Brooklands Road. There is a new building envelope which is shown on proposed lot 5. There is an existing building envelope on proposed lot 6 which was created as part of a previous subdivision in 2023.

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

Note: *The proposed lots on the plan of subdivision are referred to as 'Lots 4, 5 and 6', however, the proposed development is only for a three lot subdivision. It is understood that the number of 'Lots 4, 5 & 6' has been used in favour of 'Lots 1, 2 & 3' by the Applicant to avoid confusion on their part with their previous subdivisions.*

4. Public Exhibition

Public exhibition included notice to 12 adjoining and nearby landowners and four submissions have been received. A copy of the submissions are included in **Attachment C** and the applicant's response to the submissions is included in **Attachment D**.

5. Referrals

The application was referred to the NSW Rural Fire Service (RFS) for concurrence under s100B of the Rural Fires Act 1997 as the proposal involves subdivision of bushfire prone land. The RFS have issued General Terms of Approval which must be included in any relevant development consent.

6. Assessment

The proposed development has been assessed against the requirements of s4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act). 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 responses to issues raised in submissions.

6.1 Average Lot Size Provisions

The land is zoned RU1 Primary Production and is subject to a minimum lot size of 40ha under the Yass Valley Local Environmental Plan 2013 (the LEP). The proposed lot sizes are 51ha, 20ha and 49ha, with the applicant relying on clause 4.1B of the LEP which allows subdivision in the RU1 Primary Production zone using an average lot size where:

- (a) *the average area of all the lots created will be at least 40 hectares, and*
- (b) *none of the lots created will have an area of less than 20 hectares, and*
- (c) *none of the lots created will have an area greater than 70 hectares.*

The proposed subdivision satisfies the average lot size requirements of clause 4.1B.

It is suggested within the submissions that the applicant has now undertaken multiple subdivisions utilising the average lot size provisions to circumvent the minimum lot size requirement, which has increased the overall potential for lot yield. It is noted that the applicant has undertaken multiple subdivisions and boundary adjustments of this land, including most recently that approved by development consent DA230246 which created the subject lots. It would appear that the multiple

subdivision development applications have achieved an overall outcome that would not have been permissible as a single subdivision development application (DA) under the LEP. However, the current DA must be assessed in accordance with the requirements of the LEP which does not require the consideration of the previous subdivisions and how the existing lots were created.

It is noted that at its meeting in October 2024, Council considered and approved application DA240111 for a three lot subdivision at 4350 and 4338 Gundaroo Road which had a background of similar circumstances with multiple subdivisions using the average lot size provisions.

Whilst review of the appropriateness of the average lot size provisions may need to be undertaken when the LEP is next updated, the proposal as submitted complies with the current requirements of the LEP.

6.2 Zone Objectives

Within the submissions received it is suggested that the proposed development is inconsistent and incompatible with the RU1 Primary Production zone objectives.

In determining a DA, 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 they must be taken into consideration with a genuine regard. Development that is permissible in the zone, in this case subdivision utilising the specified average lot size provisions, 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 E**). The proposed development does further fragment rural land due to the inherent nature of subdivision. However, the lot sizes and layout are consistent with the surrounding subdivision pattern. This area is predominantly characterised by rural/rural lifestyle and smaller scale agricultural activities, and the subdivision is therefore not considered to result in a land use conflict or result in adverse impacts to the rural character of the Yass Valley. The proposed subdivision may also facilitate supporting other land uses which are associated with rural industry outside of direct primary production.

6.3 Clause 4.1C of the Local Environmental Plan

A submission received suggests that the requirements of clause 4.1C of the LEP prevents the subdivision from being granted development consent. Clause 4.1C prescribes additional requirements for subdivisions in rural zones with the objective of enabling appropriate subdivision which has regard to topographical constraints, agricultural productivity, biodiversity values, and environmental impact.

Consideration of clause 4.1C is included in the assessment report (refer **Attachment E**), including the following comments:

- The subdivision layout and building envelope location does not have a detrimental impact on any riparian land, watercourses or biodiversity values, or exacerbate existing erosion or salinity process, for the reasons detailed in the assessment.
- The subdivision layout has regard to remnant vegetation. The location of the one new building envelope on lot 5 minimises the need for clearing any vegetation.
- There are no significant watercourses that the subdivision layout would result in increased access to.
- The subdivision layout is consistent with the overall subdivision pattern in the locality and the range of land uses present. In this regard, the subdivision is not considered to adversely affect the use of the land and the surrounding land for agriculture. It is noted that agriculture takes a variety of forms and at different scales, and that the Wallaroo locality is characterised by small scale agriculture activities and associated rural/rural lifestyle land uses.

6.4 Yass Valley Settlement Strategy 2036

The Yass Valley Settlement Strategy 2036 (Settlement Strategy) makes recommendations for the area within 5km of the ACT/NSW border, which has been predominantly developed for rural lifestyle purposes. The Settlement Strategy recommends restricting higher density residential development and other land uses such as truck parking and depots within this area – i.e. a buffer area. A submission received suggests that the proposed development is therefore inconsistent with the requirements of the Settlement Strategy and will set precedent for proliferation of small lots in this area.

The intention of the Settlement Strategy is to prevent ad-hoc residential development in this area – i.e. planning proposals which seek to change the zone and achieve urban or large lot residential subdivision density. It does not restrict rural subdivision which is consistent with the current subdivision requirements of the LEP. Furthermore, legal advice previously received by Council has also indicated that to the extent of any inconsistencies between the Settlement Strategy and the LEP, greater weight should generally be given to the LEP in determining DAs. The proposed subdivision is consistent with the minimum lot size requirements of the LEP using the average lot size provisions. It is also not considered to create any additional pressures for rezoning.

6.5 ACT Planning Strategy 2018

A submission received suggests that if approved, the subdivision would be ignoring the ACT Planning Strategy 2018 which seeks to support the provision for adequate buffer areas between the urban areas of the ACT and adjoining land uses in NSW to achieve compact and efficient growth, avoid land use conflict, and protect rural and environmentally sensitive areas (refer Action 1.5.1 on p. 51).

The ACT Planning Strategy does not have a direct consideration under s4.15 of the EP&A Act as it is a document of a different jurisdiction, however, may be considered indirectly under the public interest provisions. The proposed subdivision which creates one additional lot and is consistent with the LEP average lot size provisions it not considered to be contrary to the ACT Planning Strategy's objectives which are similar to that outlined under the Settlement Strategy above. It is also noted that further comments in the ACT Planning Strategy (p.55) is in reference to supporting council's decision to limit urban development, not in relation to rural subdivision.

6.6 Internal Access Roads

A submission received suggests that there is insufficient information within the application in relation to construction of internal access roads to the location of the building envelopes, and that this is contrary to the requirements of council's Filling Policy DA-CP-22 and Heavy Haulage Development Contribution Plan 2024.

The internal access roads to the building envelopes are not proposed to be constructed at this time, which is generally consistent with other rural subdivisions. It is usually the future owner who would construct the internal access road, which would be assessed either as part of an application for future development (e.g. dwelling) or as a separate standalone application.

Some considerations around likely future internal access roads are however made at time of the subdivision DA. This includes, for example, ensuring there will be opportunity to comply with the requirements of Planning for Bushfire Protection 2019 and making allowance for an assumed area of impact for purposes of determining entry thresholds into the NSW Biodiversity Offsets Scheme. These matters have been sufficiently outlined within the applicant's supporting information.

6.7 Estimated Development Cost

A submission received questions the estimated development cost (EDC) stated by the applicant in their application, suggesting that \$30,000 is an underestimate. In this regard, there would only be relatively minor works associated with the subdivision and therefore \$30,000 is likely a reasonable market estimate. Standard conditions of any consent issued would require the applicant to provide evidence of the costs incurred associated with subdivision works prior to the issue of a Subdivision Certificate (i.e. the final sign off with Council before title creation) for the purposes of determining whether a s7.12 development contribution would be payable (only payable where the cost of undertaking the development exceeds \$100,000).

6.8 Watercourses and Controlled Activity Approval

A submission received suggested that the DA has been misleading in relation to a statement that there are no watercourses on the property, yet there are two watercourses marked on the NSW Hydroline Maps and the NSW Spatial Viewer.

It is understood that the statement made in the application relates to watercourses for the purposes of the Water Management Act 2000 and whether there would be work on 'waterfront land' that required a Controlled Activity Approval issued by the relevant NSW Government department. In this instance, the mapping suggests that the watercourses referred to in the submission are 'first order' drainage lines only rather than any significant watercourses. The development does not propose any works within these drainage lines and therefore is not considered to constitute works on 'waterfront land' for which a Controlled Activity Approval could be required.

6.9 Environmental Impacts

A submission received suggests that there has been insufficient environmental consideration in the application, including incorrect calculations for area of impact for the Biodiversity Offset Scheme entry threshold, consideration of disruption to wildlife habitats, and potential impacts to threatened ecological communities on other land to the north and the south of the site.

The proposed subdivision which creates one additional lot is not considered to result in any significant environmental impacts including to biodiversity. In this regard, the following comments are made:

- The building envelope on lot 6 (the lot south of Brooklands Road) is already approved/existing. There is an existing dwelling on Lot 4. The new building envelope on Lot 5 is in an area of grassland which has been previously cleared and has been subject to use for primary production activities including grazing and pasture.
- The information supporting the DA is sufficient to conclude the proposed development does not involve clearing of native vegetation which would trigger entry into the NSW Biodiversity Offsets Scheme under the Biodiversity Conservation Act 2016.
- The creation of one additional lot in this location is unlikely to have any significant impact on fauna, or to any vegetation communities located off-site to the north or south.

6.10 Social, Service and Infrastructure Impacts

A submission received also suggests that the proposed subdivision will create additional strain on existing infrastructure and services which are not equipped to handle increased demands from additional lots.

The creation of one additional lot created under a subdivision which is consistent with the average lot size requirements of the LEP is not considered to have any significant social impacts or impacts on services and infrastructure. All essential services can be made available to service the new lot. It is also noted that this location is approximately a 15 minute drive to major urban areas of Canberra.

6.11 Bushfire Assessment Report Anomalies/Inconsistencies

A submission received suggests there are anomalies or inconsistencies within the bushfire assessment report submitted with the application, and this needs to be redone. An assessment has indicated that there are no anomalies or inconsistencies with the bushfire report that would require this. It is noted that the NSW Rural Fire Service have also assessed the application and provided their General Terms of Approval.

6.12 Asphalt Storage Area on Lot 5

A submission received suggests that there is an unapproved asphalt waste processing facility and dump site on lot 5, and it should be removed. Whilst this is generally outside of the considerations for the DA, it is noted that this has been subject to separate investigations in the past and the pile of asphalt appears to have now been removed based on the most recent inspection.

7. Conclusion

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

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Strategies	EN3.4 - 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. Locality Plan [⇒](#)
 - B. Plans and Supporting Documentation [⇒](#)
 - C. Submissions [⇒](#)
 - D. Applicant Response to Submissions [⇒](#)
 - E. s.4.15 Assessment [⇒](#)
 - F. Draft Conditions [⇒](#)

6.2 MODIFICATION OF DEVELOPMENT CONSENT NO. DA200091 - EROSION GULLY REHABILITATION AND IMPORTATION OF MATERIAL - 64 BROOKLANDS ROAD, WALLAROO

SUMMARY

To present the assessment of a request to modify deferred commencement development consent no. DA200091 for erosion gully rehabilitation including importation of 42,000m³ of material. The modification seeks to allow additional impacts to native vegetation, specifically eucalyptus trees, and to increase the maximum number of heavy vehicle movements per day. The application attracted 17 submissions. The applicant has not responded to requests for additional information. Relevant concerns cannot be addressed, and refusal is recommended.

RECOMMENDATION

That the request to modify deferred commencement development consent No. DA200091 for erosion gully rehabilitation including importation of 42,000m³ of material at 64 Brooklands Road, Wallaroo, be refused on the following grounds:

- 1. The modification application has been made pursuant to section 4.55(1A) Environmental Planning and Assessment Act 1979 (EP&A Act) as being of 'minimal environmental impact'. Based on the information available, the impact to native vegetation, specifically eucalyptus trees, detailed in the Vegetation Assessment and the Tree Management Report as 'adverse effect' and 'unlikely to survive' is not considered to represent 'minimal environmental impact' in the context of the proposal. In this regard, the modification application cannot be approved in accordance with s4.55(1A)(a) of the EP&A Act.*
- 2. The proposed development, as modified, is not considered to represent 'substantially the same development' to which deferred commencement development consent was originally granted. The original development involved no proposed impact or removal of native trees, whilst the development as modified will result in impacts of 'adverse effect' and 'unlikely to survive' to approximately 19 mature or remnant native eucalyptus trees. Modified development consent therefore cannot be granted in accordance with s4.55(1A)(b) of the EP&A Act.*
- 3. A 'test of significance' for threatened species has not been provided. It is therefore not possible to determine whether the development as modified may be 'likely to significantly affect threatened species' or now triggers entry into the NSW Biodiversity Offset Scheme in accordance with the requirements of Part 7 Biodiversity Conservation Act 2016.*
- 4. The applicant did not provide response to council's request for additional information on 22 June 2023 and final request on 1 October 2024. The information available does not enable a complete assessment for the purposes of s4.55(3) of the EP&A Act.*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Environmental Planning and Assessment Regulation 2021
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operation (Waste) Regulation 2014
- Water Management Act 2000
- Biodiversity Conversation Act 2016

- Biodiversity Conservation Regulation 2017
- Yass Valley Local Environmental Plan 2013
- Resource Recovery Exemption – Excavated Natural Material Exemption 2014
- Resource Recovery Order – Excavated Natural Material Order 2014
- Resource Recover Exemption – Reclaimed Asphalt Pavement 2014
- Resource Recovery Order – Reclaimed Asphalt Pavement 2021
- Yass Valley Heavy Haulage Section 94 Contributions Plan 2006
- Yass Valley Heavy Haulage Development Contributions Plan 2021
- Yass Valley Council Development Control Plan 2024
- Enforcement Policy
- Filling Policy
- Community Engagement Strategy

REPORT

1. Application Details

Date Received	-	30 March 2023
Land	-	Lot 1 DP 1290348, 64 Brooklands Road, Wallaroo
Area	-	23.26ha
Zoning	-	RU1 Primary Production

2. Site Description and Locality

The subject site is located on Brooklands Road, Wallaroo, just west of the intersection with Southwell Road. The surrounding area is rural and rural lifestyle in nature, with a mix of property sizes. Land uses relate to both agricultural activities and rural lifestyle, including wineries, an olive grove, and residential dwellings. The Murrumbidgee River is located approximately 3km to the west.

The erosion gully dissects a large part of the lot. It includes the head of the erosion gully which then extends into the adjoining 66 Brooklands Road and further downstream. The site does not currently contain a dwelling house or any significant buildings. Access is via a driveway on Brooklands Road.

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

3. Background and Proposal

In November 2021 council resolved to grant a ‘deferred commencement’ development consent for the erosion gully rehabilitation including importation of 42,000m³ of virgin excavated natural material (VENM)/excavated natural material (ENM). The development consent was issued under a deferred commencement for several reasons, including for a tree management plan to be provided which reflected the original development application details that there would be no impact to, or removal of, native trees because of the proposed development.

In September 2022 the applicant submitted information with a request for deferred commencement matters to be considered as satisfied. It was identified that the tree management plan submitted outlined that approximately 19 mature or remnant native eucalyptus trees would be subject to ‘adverse effect’ and/or ‘unlikely to survive’ impacts, which was contrary to the original proposal, development application, assessment, and the consent issued. In this regard, the applicant was advised that the deferred commencement matters were not satisfied and that a modification application should be lodged for further consideration.

The submitted modification application involves:

- Allowing impact (i.e. assumed removal) of additional native vegetation, including approximately 19 mature or remnant native eucalyptus trees.
- A proposed increase in the maximum number of heavy vehicle movements from eight to 16 per day (with a movement being a return trip).

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

A copy of the most recent version of the Gully Rehabilitation Plan is included as **Attachment C** and Statement of Environmental Effects accompanying the original development application is included as **Attachment D**.

It is also noted that additional information was requested on 22 June 2023 and 1 October 2024 (refer **Attachment E**), however this information has not been forthcoming, and the assessment is being completed based on the information submitted.

4. Public Exhibition

Public exhibition included notice to nine adjoining and nearby landowners, as well as all persons who had previously made a submission to the original development application. 17 submissions have been received (refer **Attachment F**). A Planning Forum was held for the original development application but is not required again by council's Community Engagement Strategy in relation to a modification application.

6. Assessment

The proposed modification has been assessed against the requirements of s4.55 and s4.15 of the Environmental Planning and Assessment Act 1979 (the EP&A Act). It is considered that the proposed development cannot be supported for the reasons outlined below and in the Assessment Report (refer **Attachment G**).

The following planning issues have been identified.

6.1 Legislative Framework for Modifications

Section 4.55 of the EP&A Act allows modifications to development consents in certain circumstances where the development remains substantially the same as that which was originally granted consent. There are three types of modification applications under s4.55, being:

- s4.55(1) – modifications involving minor error, misdescription or miscalculation
- s4.55(1A) – modifications involving minimal environmental impact
- s4.55(2) – other modifications.

The applicant has lodged their modification application pursuant to s4.55(1A) as involving minimal environmental impact. Whilst it was suggested to the applicant to lodge a modification application for further consideration at the time it was identified that the deferred commencement matters could not be addressed due to the impacts on the trees (as discussed in section 3 above) however, there was no specific advice provided in relation to which modification provisions of the EP&A Act it should be lodged, nor was there any assurance provided in relation to a potential determination.

Section 4.55(1A) of the EP&A Act states that an application to modify a development consent can only be granted where the consent authority is satisfied by a number of matters, including:

- S4.55(1A)(a) - That the proposed modification is of minimal environmental impact, and
- S4.55(1A)(b) - The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

An assessment of the submitted application has indicated that the proposed modification to the approved development is not considered to be of minimal environmental impact, nor is the development substantially the same as which was proposed and considered in the original development application/is subject to the issue of development consent.

Based on the information available, the impact on native vegetation as a result of the modification, specifically to approximately 19 mature or remnant native eucalyptus trees with impacts of

‘adverse effect’ and ‘unlikely to survive’, is not considered to represent minimal environmental impact in the context of the proposal.

Furthermore, the original development application outlined:

- *“There will be no impact to the biodiversity of the site as a result of this proposal.”* (Statement of Environmental Effects, p.10)
- *“It is expected that no vegetation removal will be required as a result of this development.”* (Statement of Environmental Effects, p.13)
- *“Existing native trees will be retained on the site.”* (Gully Rehabilitation Plan, p.24)

In the rehabilitation options presented in the Gully Rehabilitation Plan, the author relied on no impacts to native trees as part of their justification for selecting the filling of the gully as the most suitable option. It was requested that the applicant have the original author reconsider the recommended option in light of the impacts to native trees and for a revised report be provided, however this has not been submitted.

With the introduction of ‘adverse effect’ and ‘unlikely to survive’ impacts to the approximately 19 mature or remnant native trees, this is considered to represent a substantial change and shift to the proposal that was presented in the original development application, and for which was assessed and consent under deferred commencement ultimately granted. The development as modified is therefore not considered to be substantially the same.

In this regard, a modified development consent cannot be granted in accordance with s4.55(1A)(a) and s4.55(1A)(b) of the EP&A Act.

6.2 Biodiversity Conservation Act 2016

The NSW Biodiversity Conservation Act 2016 (BC Act) and the Biodiversity Offset Scheme (BOS) applies to the proposed development. As the proposed modification now introduces additional impacts to native vegetation, this needs to be considered in accordance with the requirements of the BC Act and to determine whether the proposal would trigger entry into the BOS. Entry into the BOS would trigger the need for a Biodiversity Development Assessment Report (BDAR) and potentially biodiversity offset credit obligations.

One of the triggers for entry into the BOS is the ‘test of significance’ to determine whether the proposed activity is likely to significantly affect a threatened species. The applicant was requested to provide a test of significant prepared by a suitably qualified and experienced person, however this has not been submitted.

There is insufficient information available to determine whether the proposed modification has an impact which exceeds the test of significance. In this regard, the requirements of part 7 of the BC Act have not been satisfied and a modified development consent cannot be granted.

6.3 Increase in Daily Heavy Vehicle Movements

A condition of the development consent restricts the number of daily heavy vehicle movements to eight (with a movement being a return trip or load). The modification application proposes an increase in the maximum number of heavy vehicle movements from eight to 16 per day.

In determining an earlier similar development application for erosion gully rehabilitation downstream at adjoining 66 Brooklands Road (DA200109) in March 2021, the council resolution required that the number of heavy vehicle movements be limited to eight per day only. This was a reduction from the staff recommendation in draft conditions of allowing up to 20 movements per day, which had been consistent with other similar development consents outside of Wallaroo.

In presenting the later subject development application report for 64 Brooklands Road, it was proposed that the same limit of eight per day in the draft conditions to provide consistency between the two potential development consents.

A peer review of the noise impact assessment was also commissioned as part of the original development application assessment (reviewing noise impact assessments submitted by both the

applicant and the objector). The recommendations in the peer review stated that conditions of an approval issued should limit heavy vehicle movements to 10 per day as a feasible and reasonable measure to reduce noise.

In this regard, this would be a matter for council to consider in balancing the amenity impacts associated with daily heavy vehicle movements in relation to the overall duration of the project to transport the volume of material.

A decision on this is not required at this time noting the modification application lodged cannot be approved due to the reasons outlined in section 6.1 and 6.2 above.

7. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions it is recommended that the application be refused.

If the applicant wishes to proceed further with this project, it would be recommended that an entirely new development application be lodged which holistically addresses the full range of impacts (including for the project option justification) and legislative requirements.

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

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. Locality Plan [⇒](#)
- B. Modification Application Supporting Documentation [⇒](#)
- C. Gully Rehabilitation Plan (Version 4) [⇒](#)
- D. Original DA Statement of Environmental Effects [⇒](#)
- E. Submissions [⇒](#)
- F. Additional Information Requests [⇒](#)
- G. s.4.55 & s.41.5 Assessment [⇒](#)

6.3 DEVELOPMENT APPLICATION NO. DA240214 - DUAL OCCUPANCY AND TWO LOT STRATA TITLE SUBDIVISION - 2 OAK GROVE, MURRUMBATEMAN

SUMMARY

To present the assessment of development application No. DA240214 for a dual occupancy and associated two lot strata title subdivision at 2 Oak Grove, Murrumbateman. The application has requested an exception to the 1,500m² minimum lot size development standard by between 47-49% through clause 4.6 of the Yass Valley Local Environmental Plan 2013. The application attracted one submission. Approval is recommended.

RECOMMENDATION

That conditional development consent be issued for Development Application No. DA240214 for a dual occupancy and associated two lot strata title subdivision at 2 Oak Grove, Murrumbateman.

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Biodiversity Conservation Act 2016
- Biodiversity Conservation Regulation 2017
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Exempt and Complying Codes) 2008
- Yass Valley Local Environmental Plan 2013
- Local Government Act 1993
- Roads Act 1993
- Yass Valley Development Control Plan 2024
- Yass Valley Development Contributions Plan 2018
- Yass Valley Community Engagement Strategy
- NSW Guide to Varying Development Standards – November 2023

REPORT

1. Application Details

Date Received	-	16 July 2024
Land	-	Lot 18 DP 1295461, 2 Oak Grove, Murrumbateman
Area	-	1,561m ²
Zoning	-	RU5 Village

2. Site Description and Locality

The site is in a newly created residential subdivision on the western side of West Street in Murrumbateman. Development in the area is characterised by dwelling houses and ancillary outbuildings. There are several sites within the subdivision where construction of dwellings has now commenced. There are older existing dwellings on the eastern side of West Street.

The site is a corner lot on the intersection of Oak Grove and West Street, which is 1,560m² in size. The site is relatively flat and has been cleared as part of recent subdivision works.

Locality plans are included in **Attachment A**.

3. Proposal

The submitted development application (DA) involves:

- Construction of two four-bedroom dwelling houses
- Retaining walls
- Associated two lot strata title subdivision

The associated strata title subdivision proposes to create lots of 752m² and 795m². The subject land is zoned RU5 Village and has a prescribed minimum lot size (MLS) for strata title subdivision of 1,500m². Both lots are significantly below the MLS requirement. The DA has requested an exception to the MLS development standard contained in clause 4.1A of the Yass Valley Local Environmental Plan 2013 (the LEP) through clause 4.6.

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

It is also noted that the same applicant has several similar DAs currently lodged in this area of Murrumbateman which are at various stages of assessment, including:

- DA240332 – 30 Hercules Street
- DA240353 – 7 Oak Grove
- DA240354 – 8 Oak Grove
- DA240352 – 3 Oak Grove

All applications are for two dwellings and associated strata title subdivision, seeking similar exceptions to the MLS requirement. Whilst there is no precedent effect for exceptions to development standards using clause 4.6 of the LEP, the circumstances will be similar for each. The subject application DA240214 for 2 Oak Grove is unique though amongst these in that the site is a corner lot with two street frontages.

4. Public Exhibition

Public exhibition included notice to seven adjoining and nearby landowners and the Murrumbateman Community Association. There was one late submission received which related to the subject DA and also DA240332 for 30 Hercules Street (refer **Attachment C**). The submission raises concerns in relation to the further subdivision, as well as the impact on the character of the locality through the increased density and the built form.

A copy of the applicant's response to the submission is included as **Attachment D**.

5. Referrals

The DA was referred to the NSW Rural Fire Service (RFS) for concurrence under s100B of the Rural Fires Act 1997 as the proposal involves subdivision on bushfire prone land. The RFS have issued General Terms of Approval which can be included in any consent that may be issued.

6. Assessment

The proposed development has been assessed against the requirements of s4.15 of the Environmental Planning and Assessment Act 1979 (the Act). The proposal complies with the relevant planning controls, policy and guidelines, with the exception of the MLS development standard for strata title subdivision contained in clause 4.1A of the LEP. It is considered that the proposed development can be supported for the reasons outlined in the Assessment Report (refer **Attachment E**).

Discussed below are relevant planning issues identified and any issues raised in the submissions.

6.1 Exception to Minimum Lot Size Development Standard (Strata Title Subdivision)

The applicant has requested an exception to the MLS development standard contained in clause 4.1A of the LEP through clause 4.6. Clause 4.6(3) of the LEP 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 of the LEP was updated across all Standard Instrument LEPs by the NSW Government in November 2023. This change now specifically requires that council must not grant 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 in relation to several DAs considered by the previous Council.

The applicant's written request is included as **Attachment F**. The applicant's request is suggesting that there are several reasons why compliance with the development standard is unreasonable or unnecessary in the circumstances, but with particular justification relating to the objectives of the MLS development standard (i.e. clause 4.1A) being achieved. The applicant has also included a number of environmental planning grounds being:

- The proposed development meets the objective of the intended residential density of the area and the RU5 Village zone.
- There is no increase in the overall density given the dual occupancy development is already permitted (i.e. without the strata subdivision).
- The exception to the MLS for the strata title subdivision is imperceptible to the public and streetscape, noting the built form proposal meets the requirements of the more detailed controls of the LEP and development control plan (DCP).
- The minor non-compliance does not result in any new or additional impacts to adjoining properties.
- 107 dwellings have been permitted to be constructed on lots which are 20% to 78% less than the minimum lot size of 1,500m² in the Murrumbateman village (predominantly in Fairley).
- The objectives of clause 4.1D of the LEP (relating to minimum site areas for dual occupancies) are still achieved notwithstanding the non-compliance with the MLS development standard in clause 4.1A of the LEP.
- The corner lot lends itself to the proposal due to the ability to create separate driveway and pedestrian entrances to the two streets, and with larger site areas and longer street frontage for each lot.
- The exception to the MLS for strata title subdivision will enable each dwelling to be sold separately, assisting to fill a gap in the Murrumbateman market at a lower price point.
- It is within the public interest and is consistent with the objects of the Act.

An assessment of the written request (refer **Attachment G**) against the LEP and guidelines for exceptions to development standards has been completed. The assessment found that the applicant has demonstrated with substantiated basis that compliance with the MLS development standard is unreasonable and unnecessary in the circumstances of this case, and that there are sufficient environmental planning grounds. In this regard, the following comments are made:

- It has been demonstrated that the development still achieves the planned residential density permitted by the LEP and DCP despite the exception to the MLS development standard, achieving the objectives of the development standard and representing sufficient environmental planning grounds. This has been supported through the proposal combining the built form of the dual occupancy and a strata title subdivision to ensure the overall development outcome is achieved at the planned density.
- The density of the overall development proposed is consistent with that which is otherwise permissible as a dual occupancy under clause 4.1D of the LEP, being one dwelling per 750m² of site area. The addition of the strata title subdivision would create no discernible difference to the physical outcome on the ground, subject to only one dwelling remaining on each strata lot.

Although already limited by the requirements clause 4.1D for dual occupancy (one dwelling per 750m²), conditions of any consent issued can further reinforce this by requiring a restriction to be imposed on each strata lot created prohibiting the erection of additional dwellings (i.e. further dual occupancies and also secondary dwellings) to ensure that there remains only the two dwellings as proposed by this development (i.e. the planned residential density).

- The applicant notes that 107 dwellings have been permitted to be constructed on lots which are 20% to 78% less than the minimum of lot size in the Murrumbateman village (primarily being in Fairley on the northern/opposite side of Murrumbateman). This has taken only a broad consideration of the RU5 Village zone in Murrumbateman, but the applicant's request has not provided any significant consideration or analysis of the more immediate setting, which is also noted in the submission received. Assessment has found that the lots within the subdivision which the subject lot is located, and generally the lots in the southwest corner of Murrumbateman, primarily meet the MLS requirement. However, this is not considered to be fatal to the written request given the reasons demonstrated as outlined in the points above.
- The proposed lots retain the regular grid pattern which this area and Murrumbateman village is characterised by. Each dwelling and lot have direct street frontage and access.
- The objective of the development standard contained in clause 4.1A *"is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements."* As the construction of a dual occupancy is otherwise permissible and meets the other more detailed LEP and DCP controls, this is considered to achieve the intended density (as outlined in the applicant's written request). The applicant's written request has taken a detailed and nuanced approach to unpack the underlying purpose of the objective in order to demonstrate that compliance is achieved.
- The Low-Rise Housing Diversity Code (the Code) of the NSW State Environmental Planning Policy (Exempt and Complying Codes) 2008 (the SEPP) allows opportunity for a dual occupancy with strata title subdivision to be undertaken as 'complying development' in the RU5 Village zone where it strictly complies with the requirements of the SEPP.
 - In this instance, the proposal would have likely been complying development, except for the fact that the site is identified by the 'terrestrial biodiversity' overlay of the LEP which is a legacy from the time of pre-subdivision. It is likely that this layer will be amended in time to reflect the post-subdivision biodiversity conditions which have been significantly reduced, and this would enable the proposal to be complying development. However, at this time the proposal has had to be lodged as a DA and an exception to the MLS development standard of the LEP sought.
 - There has already been another dual occupancy approved by a private certifier as complying development at 28 Hercules Street (which is not on the 'terrestrial biodiversity' overlay), and it is their intention to subdivide that dual occupancy which they are then able to do under the same complying development provisions.
 - The provisions implemented by the NSW Government under the Code are to enable this type of dual occupancy development to occur in residential and village zones. At the time

that the Code was implemented, council amended the LEP to include clause 4.1D which requires the one dwelling per 750m² in the village zone to ensure there was an acceptable planned level of density. The proposal meets this level of planned density.

The submission received suggests that a dual occupancy where it is under one owner is acceptable (such as for extended family members), but suggests it is concerning that they are to be subdivided to enable separate ownership. On the ground, it would not be possible to tell whether the dual occupancy was on a single title or subdivided as a strata title, or the relationship of the occupants of each dwelling.

The applicant's written request is considered to have demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case (i.e. through nonetheless achieving the objectives of the development standard) and that there are sufficient environmental planning grounds. As such, consent for the exception to the MLS development standard can be granted in accordance with clause 4.6(3) of the LEP.

6.2 Built Form and Architectural Style

Concern has been raised in the submission received that the architectural style of the proposed development is inconsistent with the existing village core, suggesting that most dwellings in the village core are low rise with peak roofs rather than a square modern contemporary flat roof design. It suggests that this looks out of place in a rural village setting.

Council's development control plan (DCP) contains objectives for neighbourhood character which encourage development which responds to, and contributes positively, to the character of the existing streetscape. The DCP also requires:

- Development should respect the scale, patterns, and predominant building characteristics within a streetscape.
- The design should consider how the building will respond to the predominant characteristics of the neighbourhood such as for construction types and materials, roof pitch, setbacks, location, and proportion of windows and doors.
- New development should not dominate the streetscape.
- Building materials should reinforce or complement the dominant pattern within the streetscape.

It is noted that the architectural style of the dwellings is more modern in comparison to the older dwellings in the village core. The area of this subdivision is on southern side of the older village core. However, it is also a new residential subdivision of approximately 50 lots, rather than infill subdivision of existing village lots. This means that the new residential subdivision will develop its own character and with architectural styles and building characteristics that are influenced by the trends at time of design and construction.

The DCP does not require the development to adopt an architectural style which is the same as the older village core. This would also be impossible to ensure due to the ability for some dwellings within the subdivision to be approved as complying development which does not require regard to architectural style. The built form proposed is single storey only, and whilst the roof pitch and building materials may differ from the predominant style in the older village core, it is not incompatible within the streetscape of this immediate area which is still developing.

A review of the approvals already issued for dwellings within the subdivision (either through DA or complying development) has also found they are of variety of architectural styles, including like that proposed here. The architectural style of the older dwellings on the eastern side of east street also varies, including a dwelling with a flat roof at 7 West Street.

7. Conclusion

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

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Strategies	EN3.4 - 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. Locality Plans - Notification Plan and Contextual Plan [⇒](#)
- B. Plans and Supporting Documentation [⇒](#)
- C. Submission [⇒](#)
- D. Applicant Response to Submission [⇒](#)
- E. s.4.15 Assessment [⇒](#)
- F. Applicant Clause 4.6 Written Request [⇒](#)
- G. Clause 4.6 Assessment [⇒](#)
- H. Draft Conditions of Consent [⇒](#)

6.4 DEVELOPMENT APPLICATION NO. DA240302 - TWO LOT SUBDIVISION - 29 ORION STREET, YASS

SUMMARY

To present the assessment of Development Application No DA240302 for the two lot torrens title subdivision and demolition of a carport at 29 Orion Street, Yass. The application as requested an exception to the 2,000m² minimum lot size development standard by up to 57% through clause 4.6 of the Yass Valley Local Environmental Plan 2013. Relevant issues cannot be addressed by conditions and refusal is recommended for the subdivision. Approval is recommended for the demolition of a carport.

RECOMMENDATION

That for Development Application No DA240302 relating to 29 Orion Street, Yass:

1. *The proposed two lot subdivision be refused on the following grounds:*
 - *The proposed lot sizes do not meet the prescribed minimum lot size of 2,000m². In accordance with clause 4.1(3) Yass Valley Local Environmental Plan 2013, Development Consent cannot be granted unless the size of each lot created as a result of a subdivision meets the minimum lot size.*
 - *Applicant's written request seeking an exception to the minimum lot size development standard using clause 4.6 Yass Valley Local Environmental Plan 2013 is not supported as the applicant has not demonstrated that compliance with the development standard is unreasonable and unnecessary in this instance and that there are sufficient environmental planning grounds. As such, development consent for the exception to the minimum lot size development standard cannot be granted in accordance with clause 4.6(3).*
 - *The subdivision layout including a battle-axe is inconsistent with, and does not reinforce, the existing subdivision pattern which is predominantly orthogonal. This is inconsistent with the requirements of the Yass Valley Development Control Plan 2024 in relation to:*
 - *B5 – Neighbourhood Character*
 - *C.1 – Subdivision Layout*
2. *Development consent be issued for the demolition of an existing carport only (i.e. a partial development consent).*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Biodiversity Conservation Act 2016
- Biodiversity Conservation Regulation 2017
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Yass Valley Local Environmental Plan 2013
- Local Government Act 1993
- Roads Act 1993
- Yass Valley Development Control Plan 2024
- Yass Floodplain Risk Management Study and Plan 2021
- Yass Valley Development Contributions Plan 2018

- Yass Valley Community Engagement Strategy
- NSW Guide to Varying Development Standards – November 2023

REPORT

1. Application

Date Received	-	25 September 2024
Land	-	Lot 1 DP 779030, 29 Orion Street, Yass
Area	-	2,048m ²
Zoning	-	R1 General Residential

2. Site Description and Locality

29 Orion Street, Yass (the site) is in an area characterised by residential development including dwelling houses and ancillary outbuildings.

Existing lots with frontage to Orion Street can generally be described as larger in size and relatively long with proportionally narrow street frontages. Smaller residential lots are generally located to the edges of this block, including to Hume Street to the east and Glebe Street to the north. A strata plan multi dwelling housing development is also located with frontage to Glebe Street to the west.

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

3. Proposal

The submitted application involves at two lot residential subdivision. The proposed layout creates a battle-axe arrangement with lots sizes of 860m² and 1,192m² respectively. The existing dwelling and outbuildings are being retained on Lot 1, with the exception of a carport which is proposed for demolition. Lot 2 is located at the rear of Lot 1 and will be accessed via a battle-axe handle on the eastern side. A right of way is also proposed over the battle-axe handle to the benefit of Lot 1 as a means of physical vehicle access to the rear yard.

The site is zoned R1 General Residential and has a prescribed minimum lot size (MLS) of 2,000m² under the Yass Valley Local Environmental Plan 2013 (the LEP). Both lots are all significantly below the MLS requirement, representing departures by 57% and 40.4% respectively. The application has requested an exception to the MLS development standard through clause 4.6 of the LEP.

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

4. Public Exhibition

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

5. Assessment – Exception to Minimum Lot Size Development Standard

The proposed development has been assessed against the requirements of s4.15 Environmental Planning and Assessment Act 1979 (the Act).

The proposal does not comply with the relevant planning controls, policy, and guidelines, specifically in relation to the exception to the MLS development standard and the subdivision lot layout. It is considered that the proposed development cannot be supported for the reasons outlined in the Assessment Report (refer **Attachment C**) and as discussed below.

The applicant has requested an exception to the MLS development standard contained in clause 4.1 of the LEP through use of clause 4.6 which allows for consideration of exceptions in certain circumstances. 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 consent unless they are satisfied 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 in relation to several applications before being considered by the previous Council.

The applicant's written request 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 lot size. In summary, they have suggested in the written request that the exception should be supported on the following basis, including the environmental planning grounds:

- The proposed subdivision minimises impacts on amenity of neighbouring properties and will not result in any adverse environmental impacts. The proposal has been designed to consider the existing land uses and has been able to retain efficient and productive size lots.
- The proposal is consistent with the aims and objectives of the LEP, delivering lots that can facilitate a variety of housing products to provide variety in the market and attract buyers at different price points.
- The exception to the MLS will have minimal impact on the surrounding landscape and streetscape, noting that the existing dwellings is being retained and will still front Orion Street.
- There are already several lots on Orion Street and surrounding streets within the Yass town that are less than 2,000m².
- The proposal has been prepared to ensure the design reflects and reinforces the neighbouring subdivision patterns, preserving the character of the Yass Valley. The proposal has taken into consideration the location, type, and intensity of the development, having regard to the characteristics of the land, and therefore in turn maintaining the character of the Yass Valley
- A similar development outcome could be achieved through another mechanism such as community title development.
- The proposal is consistent with the objectives of the R1 General Residential zone.
- The Yass Valley Settlement Strategy 2036 and the Draft South East and Tablelands Regional Plan 2041 notes a need for increased housing supply and diversity of housing types in areas that are close to facilities and services. The lots are not currently being utilised to their full potential, and therefore the proposal and exception to the development standard supports the achievement of these objectives.
- This proposed layout including the non-compliant section is compatible with the existing and surrounding lot patterns. Therefore, the degree of non-compliance with the development standard does not contravene from the existing and future character of the area and the proposal in its current form satisfies the objectives of the MLS.
- The minor variation to lot size will not result in any detriment to the public, rather the public benefits arising from the additional lot/dwelling entitlement and potential employment

opportunities that would be delivered by the development can be classed as 'sufficient environmental planning grounds' to justify contravening the development standard.

- The site is within an established residential area comprising a range of lot sizes. The locality is one subject to urban renewal through redevelopment and use of vacant land as well as replacement of existing housing stock.

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

- Council's *2011 Built Form Study* identified that this area was generally unsuitable for further subdivision due to the general reflection of the characteristic of early subdivision and development of Yass, topography and presence of significant vegetation. The study found that "areas of significant consistency" are valued by the community for their character. The recommendations and built form principles in the Study suggested that subdivision should only be permitted where it is in keeping with prevailing subdivision pattern and built form character of the area. Whilst the Draft South East and Tablelands Regional Plan 2041 does acknowledge potential for infill development in North Yass, this has not yet been considered further from a strategic perspective to changes in the MLS planning controls in the area. The applicant has not provided any consideration of the Built Form Study, even though it still underpins the MLS applied by the LEP to this land and therefore has direct relevance to the objective of the development standard in this instance.
- The subdivision does not reflect the predominant pattern of lots on the southern side of Orion Street. This is predominantly an orthogonal grid pattern including the longer lots in the area identified as the 2,000m² MLS. There is one battle-axe shaped lot at 28 Pollux Street, however there are no other battle-axe lots in this block and none with frontage to Orion Street. Figure 4.2 presented in the applicant's written request (refer **Attachment D**) clearly shows that the proposed layout does not reflect the surrounding subdivision pattern. The subdivision proposed with the exception to the MLS is not considered to reflect or reinforce the predominant pattern.
- The proposal through the departure to the MLS is an ad-hoc planning outcome in relation to the subdivision pattern and lot sizes of the area, taking into consideration the 2011 Built Form Study which underpins the basis for the 2,000m² MLS that applies to the land.
- The proposed subdivision will change the character of the neighbourhood through establishment of a subdivision pattern that is inconsistent with the current predominant pattern and eroding the existing pattern. Although the built form streetscape as viewed from Orion Street will not immediately change due to the battle-axe layout, this is only part of what is considered to constitute the overall character of an area.
- Parts of the written request focus on the development as a whole and not specifically the matters that relate to the proposed exception to the development standard which are the aspects that must be demonstrated.

It is important to note that in June 2024 the previous Council resolved to grant Development Consent to DA240013 for a five lot consolidation and re-subdivision of 38-46 Pollux Street, which is the land immediately behind 29 Orion Street. DA240013 proposed an exception to the MLS development standard by 64.6%. The application was recommended to be refused, however, Council resolved to grant consent with reasons that it assisted with meeting State housing targets and the objectives of Council's Settlement Strategy and Local Strategic Planning statement by increasing infill development in North Yass. These reasons have been considered in the course of assessing the subject development application, however are not considered to provide a sufficient basis for the purposes of meeting requirements of clause 4.6 and enabling consent to be granted. This includes for the following reason:

- Clause 4.6 requires that the applicant demonstrate the relevant matters, and for Council to be directly satisfied of this before consent can be granted. It is not considered that these relevant matters have been demonstrated for the reasons outlined in the assessment.
- The provision of the supply of housing has a limited weight as an ‘environmental planning grounds’ for the purposes of clause 4.6. Whilst it may have some environmental planning grounds, housing supply objectives need to ‘mesh’ with local planning controls in order to read the full picture on the planning intentions. In this instance, the proposal is inconsistent with the intention of the planning controls and represents an ad-hoc and unplanned outcome.
- There are other opportunities for development of the site which provides additional housing without the need to depart from the LEP and MLS requirements, including a dual occupancy or a multi-dwelling proposal. These options could enable a greater supply of housing to be provided than this two lot subdivision would likely result in.

The legal advice Council received also notes that a clause 4.6 exception request must be considered in relation to the particular development and a previous decision does not result in a precedent effect being established, although regard may be had to the previous decision. Continual exceptions to the MLS though in this area may result in a situation where Council is considered to have abandoned the MLS development standard in the future.

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

Council previously acknowledged the need for strategic consideration of further infill development in the North Yass area, resolving at the June 2024 meeting (when considering DA240013 for 38-46 Pollux Street) for a report to be prepared examining other sites in this area that may be suitable. This report was subject to available resources and is intended to be presented to Council in 2025.

6. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions it is recommended that the proposed subdivision be refused, however it is recommended that consent be issued for demolition of the existing carport (i.e. as a partial development consent).

Draft conditions are included as **Attachment F** for demolition of the carport, as well as for the subdivision if Council formed the view that the required matters of clause 4.6 of the LEP are satisfied for consent to be granted.

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. Locality Plan [⇒](#)
 - B. Plans and Supporting Documents [⇒](#)
 - C. s.4.15 Assessment [⇒](#)
 - D. Applicant Clause 4.6 Written Request [⇒](#)
 - E. Clause 4.6 Assessment [⇒](#)
 - F. Draft Conditions of Consent [⇒](#)

6.5 PLAY OUR WAY PROGRAM - GRANT OUTCOME

SUMMARY

To advise Council with the outcome of the 'Play Our Way' program grant application.

RECOMMENDATION

That Council notes:

1. *The unsuccessful application for grant funding from the Federal Government's 'Play Our Way' program, for the construction of a female change room and amenities building at Victoria Park, Yass.*
2. *The project has been placed on a reserve list and a further report will be provided to Council if the outcome changes.*

FINANCIAL IMPLICATIONS

If successful in the future, Council would be required to contribute \$261,366 under the 'Play Our Way' program. These funds would need to be budgeted across the 2025/26 (\$96,366) and 2026/27 (\$165,000) financial years. Adjustments would need to be made to the budget to fund the depreciation and the ongoing running and maintenance costs of the building.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Victoria Park Masterplan*
- *Anti-Discrimination Act 1977*
- *Yass Valley Council Fair Access to Sport Action Plan (Draft)*
- *Yass Valley Council Sport Facility Booking Policy 2024 (Draft)*
- *Yass Valley Disability Inclusion Action Plan*

REPORT

1. Background

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

In August 2024 Council was invited to submit a full grant application in stage two of the funding program, and at its meeting on 22 August 2024 Council resolved that *"it notes its application has been successful in the EOI phase of the Play Our Way program for the construction of female change room amenities at Victoria Park, Yass and that Council continues with its application and a full grant submission now be prepared in time for the 23 September 2024 deadline"*.

Council lodged an application in stage two of the funding program. It should be noted that over 270 organisations were invited to make a full submission, drawn from the highest quality expressions of interest in stage 1. It was expected that 160 to 200 of the applications received in stage two would be funded.

2. Report

Council has received notification that its application was unsuccessful and have been placed on a reserve list pending finalisation of successful funding agreements.

It should be noted that if there are any changes to this outcome a further report will be presented to Council.

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.6 SPORTS FACILITY CLOSURE POLICY

SUMMARY

To develop a policy for the closure of council sporting grounds due to inclement weather, maintenance or renovation works.

RECOMMENDATION

That the draft Sports Facility Closure Policy:

- 1. Is placed on public exhibition for a period of 28 days, and*
- 2. Is adopted at the conclusion of the public exhibition period if no significant submissions are received.*

FINANCIAL IMPLICATIONS

Existing resources to implement this policy are budgeted for in Councils Operational Plan.

POLICY & LEGISLATION

- Local Government Act 1993
- Yass Valley Council Community Sports Facility Booking Policy 2024 (*Draft*)

REPORT

1. Background

Council is undertaking a review of the policies, procedures and processes relating to Council's recreational assets and identifying documents that require development to support the services and functions delivered by Council's Parks and Gardens and Recreational Assets teams.

2. Context

Council has developed the Sports Facility Closure Policy (see **Attachment A**) that details the considerations and principles for the closure of sporting fields and associated facilities. The aim of the policy is to provide equitable access and safe playing conditions for users while sustainably managing available sports facilities.

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	IN3.5 - Management of community infrastructure is supported by strong relationships between Council and community groups
Delivery Program Action	Review of all agreements for use of community infrastructure managed by Council

ATTACHMENTS: A. Sports Facility Closure Policy (Draft) [⇒](#)

6.7 COMMUNITY SPORTS FACILITY BOOKING POLICY

SUMMARY

To develop a policy for the allocation of sporting fields and associated facilities for hire within the Yass Valley local government area.

RECOMMENDATION

That the draft Community Sports Facility Booking Policy:

1. *Is placed on public exhibition for a period of 28 days and*
2. *Is adopted at the conclusion of the public exhibition period if no significant submissions are received.*

FINANCIAL IMPLICATIONS

Existing resources to implement this policy are budgeted for in Council's Operational Plan.

POLICY & LEGISLATION

- Local Government Act 1993
- Yass Valley Council Sports Facility Closure Policy (*Draft*)

REPORT

1. Background

Council is undertaking a review of the policies, procedures and processes relating to Council's recreational assets and identifying documents that require development to support the services and functions delivered by the Parks and Gardens and Recreational Assets teams.

2. Context

Council has developed the Community Sports Facility Booking Policy (see **Attachment A**) that details the considerations and principles for the allocation of sporting fields and associated facilities for hire. The aim of the policy is to provide equitable access and safe playing conditions for users while sustainably managing available sports facilities.

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	IN3.5 - Management of community infrastructure is supported by strong relationships between Council and community groups
Delivery Program Action	Review of all agreements for use of community infrastructure managed by Council

ATTACHMENTS: A. Community Sports Facility Booking Policy (Draft) [↔](#)

6.8 BINALONG RECREATION GROUND MASTERPLAN

SUMMARY

To present the draft Binalong Recreation Ground Masterplan and recommend the masterplan be placed on public exhibition.

RECOMMENDATION

That the draft Binalong Recreation Ground Masterplan:

1. *Is placed on public exhibition for 28 days and*
2. *Is adopted at the conclusion of the exhibition period if no significant objections are received or substantial revisions to the masterplan are required.*

FINANCIAL IMPLICATIONS

1. The 2024/25 Operational Plan allocated \$25,000 for the Binalong Recreation Ground Masterplan.
2. Any improvements or upgrades identified within the masterplan are likely to be eligible for funding under the annual NSW Government Crown Reserves Improvement Fund (CRIF). Council needs to note that the creation of any new assets will have an impact on depreciation, there will be an increase in ongoing running and maintenance costs for the site and any grants sourced should not require any co-contribution.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Crown Lands Management Act 2016*
- *Yass Valley Open pace Strategy 2024*
- *Binalong Masterplan 2024*
- *Plan of Management – Crown Reserves: Sports and Recreation Grounds*

REPORT

1. Background

Binalong Recreation Ground is a Crown Reserve managed by Council with an area of 6.29ha. It includes a sporting field, tennis courts, playground, 25m swimming pool, skate park, electric BBQs, amenities building and open space area. The extent of the Crown Reserve is shown in **Figure 1**.

Given the broad range of facilities and uses within the ground, existing infrastructure, level of usage and the need to ensure that the ground is continuing to meet the needs of residents and visitors, a masterplan is being prepared to provide a framework for its future development and management.

Landscape Architects, Taylor Brammer, have been engaged to prepare the masterplan with the input of internal council stakeholders. The consultant's met with these stakeholders and undertook detailed site investigations of the existing Binalong Recreation Ground.

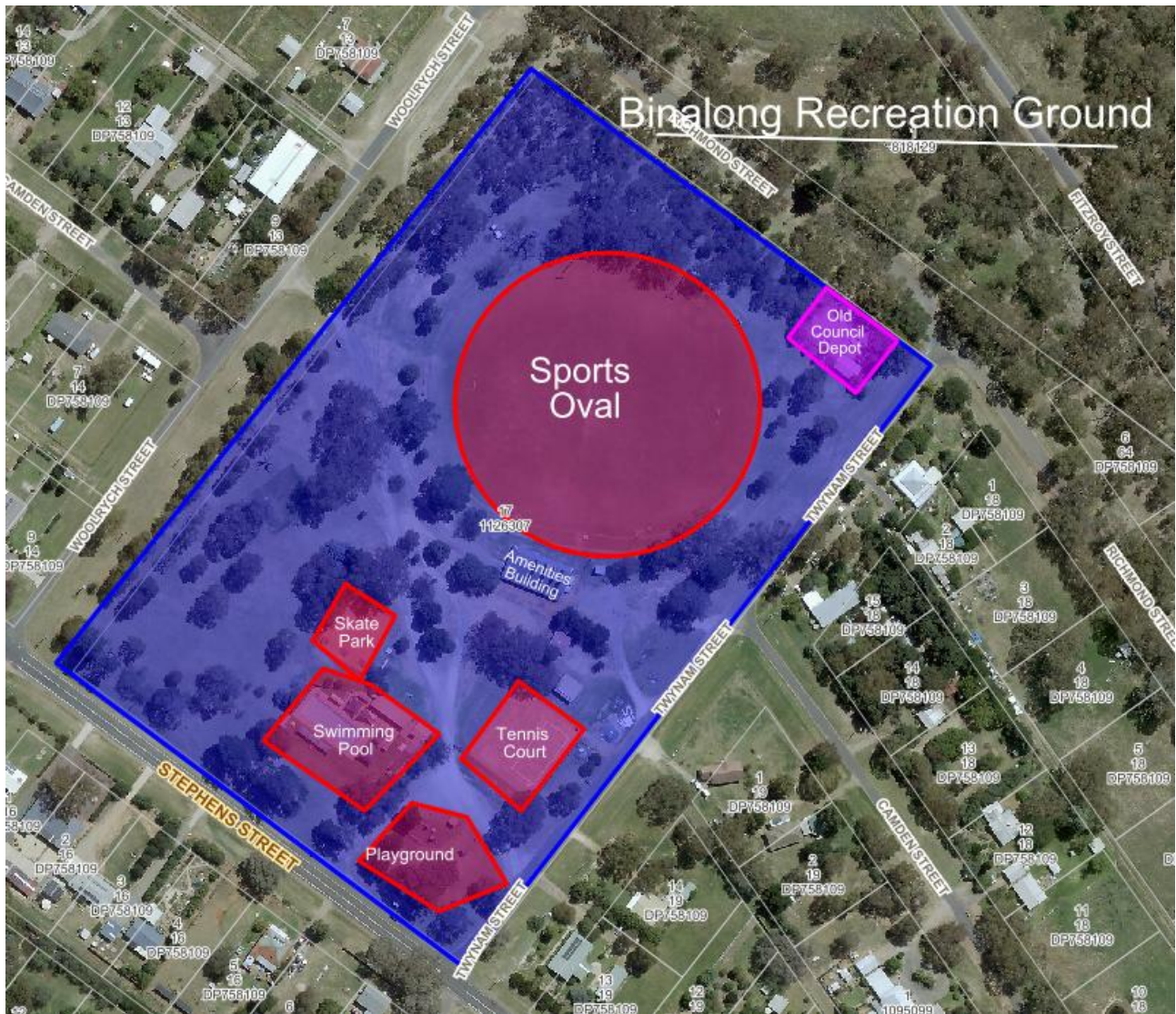


Figure 1. Extent of Crown Reserve comprising the Binalong Recreation Ground

2. Preliminary Consultation

Two preliminary consultation sessions were held with key user groups, consisting of:

- Binalong Brahmans Rugby League
- Binalong Fishing Club
- Binalong Swimming Club
- Binalong Tennis Club and
- Binalong Progress Association.

Discussion focussed on the usage of facilities, key events, challenges, and aspirations for the use of the ground. A submission was also received from the Binalong Primary School.

The input from all stakeholders and user groups has informed the preparation of the draft masterplan.

3. Draft Masterplan

The draft masterplan is included in **Attachment A** and includes recommendations for improvements and upgrades comprising:

- Extending the oval boundary, upgrade field lighting, irrigation and new grandstand
- Upgrades to the skate park and new pump track

- Active shared path network
- Formalised parking near the amenities building and tennis courts
- Extending the boundary area of swimming pool
- Removing the existing children’s pool and replacing with splash pad
- Teen play area including two new basketball courts adjacent to skate park
- New dog park
- Wayfinding signage

If Council resolves to proceed with the draft masterplan, the next step will be broader community consultation during the public exhibition period including publishing the draft masterplan on council’s website and promoting this through council’s Facebook page and newsletter.

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: A. Binalong Recreation Ground Masterplan 2024 (Draft) [⇒](#)

6.9 MURRUMBATEMAN BMX/PUMP TRACK FOCUS GROUP

SUMMARY

To approve the terms of reference and seek approval to release an Expression of Interest for a Project Focus Group to help advise Council on the location and concept design of a BMX/Pump Track in Murrumbateman.

RECOMMENDATION

That:

1. *The terms of reference for the Murrumbateman BMX/Pump Track Focus Group be endorsed.*
2. *An expression of interest be issued to fill the positions of the Murrumbateman BMX/Pump Track Focus Group.*

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

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

REPORT

1. Background

Council at its meeting on 28 November 2024 resolved:

- *That a report be presented to the December 2024 Council meeting to establish the Murrumbateman BMX/PUMP Track Focus Group including the Terms of Reference.*
- *A meeting with the Murrumbateman Recreation Ground Focus Group be held before the end of 2024 to locate an area that would be suitable to facilitate both an all-abilities playground and a BMX/PUMP track if this site was deemed favourable.*

This report sets out the terms of reference for the Murrumbateman BMX/pump Track Focus Group based on the above resolutions. It also addresses the release of an expression of interest (EOI) to fill the positions within the focus group.

Council is in the process of organising a meeting with Murrumbateman Recreation Ground Focus Group as per the above resolution however it is unlikely to occur prior to the end of 2024 given the timing of Council's decision and Christmas.

2. Expression of Interest

Council will release an EOI requesting nominations from community members to participate in the planning for a new BMX/pump track in Murrumbateman. Nominations will open in January 2025 for a minimum period of 28 days.

A further report with nominations for the focus group will be presented to Council.

3. Terms of Reference

1	Name of Committee	Murrumbateman BMX/Pump Track Focus Group
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2	Terms of Reference	<ul style="list-style-type: none"> To provide advice to Council on the location and development of the Murrumbateman BMX/pump track from establishment phase until completion of a concept design. To assist in drafting recommendations and actions for the implementation of the project. To act as champions for the project within the broader community.
3	Policies and Legislation	<ul style="list-style-type: none"> Local Government Act 1993 Crown Land Management Act 2016 NSW Everyone Can Play Guidelines Yass Valley Local Environmental Plan 2013 Draft Yass Valley Open Space Strategy Yass Valley Park and Playground Strategy 2017
4	Maximum number for make-up of Committee members	<ul style="list-style-type: none"> 2 Councillors 3 community members, to be comprised of: <ul style="list-style-type: none"> Youth representative (Murrumbateman resident between ages of 15-24) Murrumbateman Recreation Ground Focus Group representative Murrumbateman community member with experience in BMX/pump track design and/or use
5	Council employees	<ul style="list-style-type: none"> Director of Planning and Environment Director of Infrastructure and Assets Senior Project Officer - Recreational Assets
6	Area assigned to Committee	Murrumbateman
7	Additional clauses or amendments to 'Guidelines for Advisory Committees and Committees of Council'	Nil
8	Minimum number of meetings per annum	As required

STRATEGIC DIRECTION

CSP Theme Our Infrastructure

CSP Strategy Objective IN3: Our existing community infrastructure is maintained, and we plan for and support the development of infrastructure that meets community need

Strategies IN3.5 - Management of community infrastructure is supported by strong relationships between Council and community groups

Delivery Program Action Establishment and coordination of community infrastructure user groups to identify community uses and Council support requirements

ATTACHMENTS: Nil

6.10 APPLICATIONS UPDATE - OCTOBER & NOVEMBER 2024

SUMMARY

A list of applications that have been lodged, determined and under assessment for October and November 2024, and a wrap-up of Development Assessment Team statistics.

RECOMMENDATION

That the report on applications for October and November 2024 and the “2024 wrap-up” be noted.

FINANCIAL IMPLICATIONS

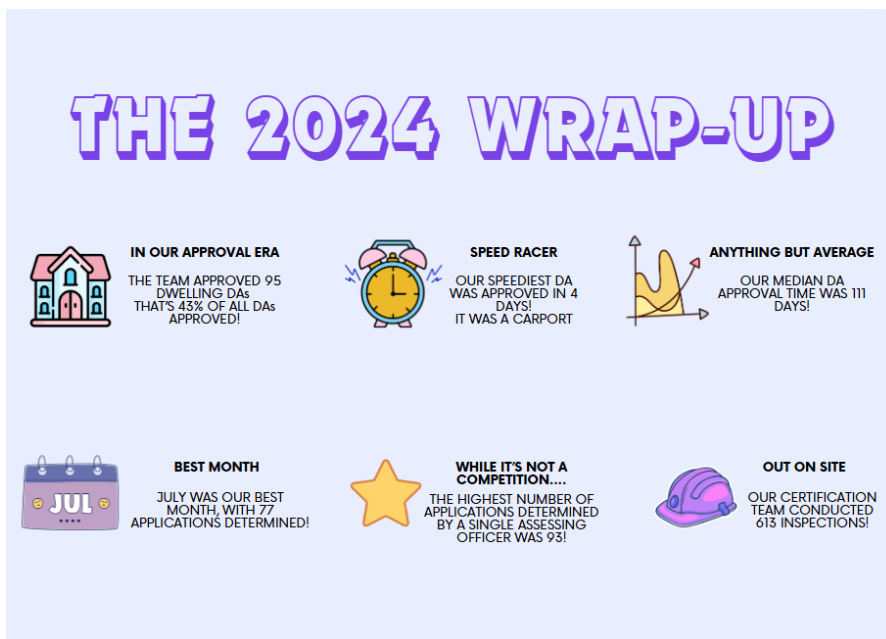
Nil.

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 October and November 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 - October and November 2024 [↔](#)

6.11 ROAD SAFETY PROGRAM 2023-24 TO 2025-26 GRANT

SUMMARY

To advise of a grant offer received under the Road Safety Program 2023-24 to 2025-26 to undertake various pedestrian projects to improve pedestrian connectivity in Yass township.

RECOMMENDATION

That:

1. *The Road Safety Program 2023-24 to 2025-26 grant be accepted for \$853,000 for the construction of path connecting Walker Park to Berinba Public School via Walker and Julian Places to Petit Street to Church Street and a path connecting Crago Street via Shaw Street to Petit Street.*
2. *The 2024/25 Operational Plan and associated budget be updated to allow \$20,000 of income and expenditure to undertake preliminary activities including procurement, road safety audit etc.*
3. *The remainder of the funding (\$833,000) and associated expenditure be referred to the draft 2025/26 Operational Plan for the construction of the project.*
4. *The Roads Delivery draft 2025/26 Operational Plan budget for Local Roads – Footpaths expenditure (GL 310 Project Number 502027) be reduced by \$8,500 to fund the additional annual depreciation costs associated with the project.*

FINANCIAL IMPLICATIONS

The financial implications if the grant is accepted and the paths constructed the financial impact is shown in the following table.

Cost Area	Cost	Comment
Net capital	\$0	All costs associated with construction of the project are covered by the grant
Annual Maintenance	\$0	There are no expected annual maintenance costs for a concrete path. NB – the adjacent landowners are currently responsible for grass maintenance costs of the verge area where the path will be constructed
Annual Operational	\$0	There are no operational costs associated with a concrete path
Annual Depreciation	\$8,500	The life of a concrete path is 100 years
Other	\$0	No other associated costs
Total	\$8,500	This cost will be funded by reducing the budget and associated services levels for footpath maintenance activity in Council's Roads Delivery Area

POLICY & LEGISLATION

NSW Local Government Act.

REPORT

In May 2024 Council submitted 5 grant applications under the Road Safety Program 2024-25 and 2025-26 to construct various paths to improve pedestrian connectivity throughout Yass Valley.

Council has recently been advised that one of the grant applications has been successful.

The project consists of two pathways identified in the Pedestrian Access and Mobility Plan (PAMP) consisting of:

- A path that will connect Walker Park to Berinba Public School via Walker and Julian Places to Petit Street to Church Street (see figure 1 below).
- A path that connects Crago Street via Shaw Street to Petit Street (see figure 2 below).

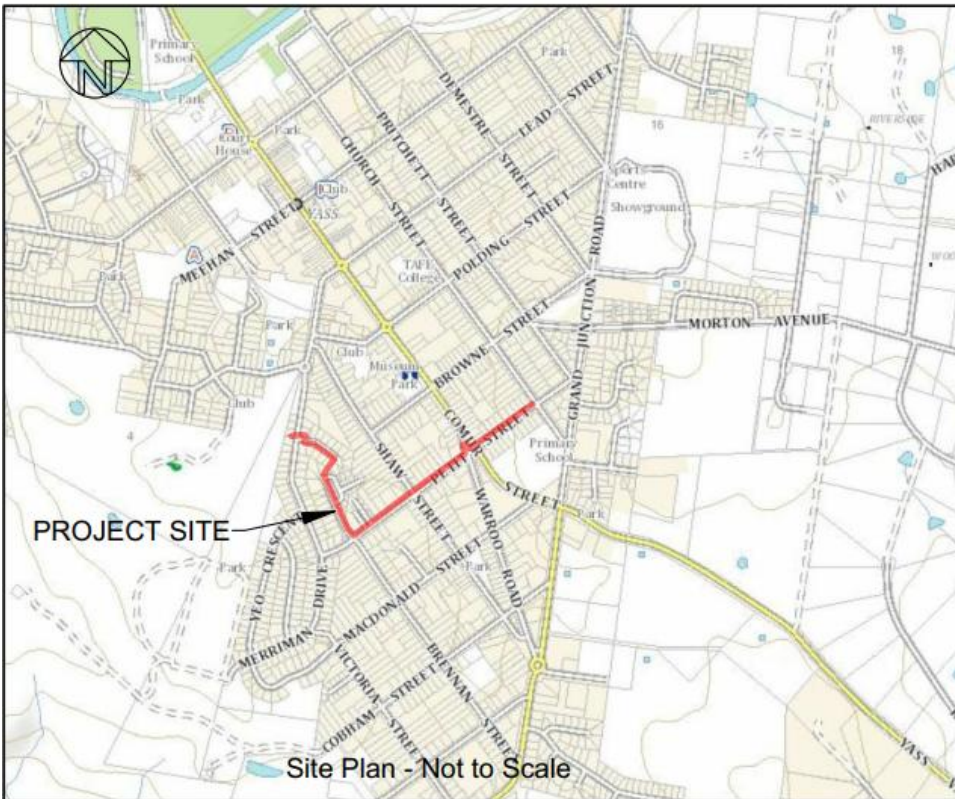


Figure 1 Path – Walker Park to Berinba Public School

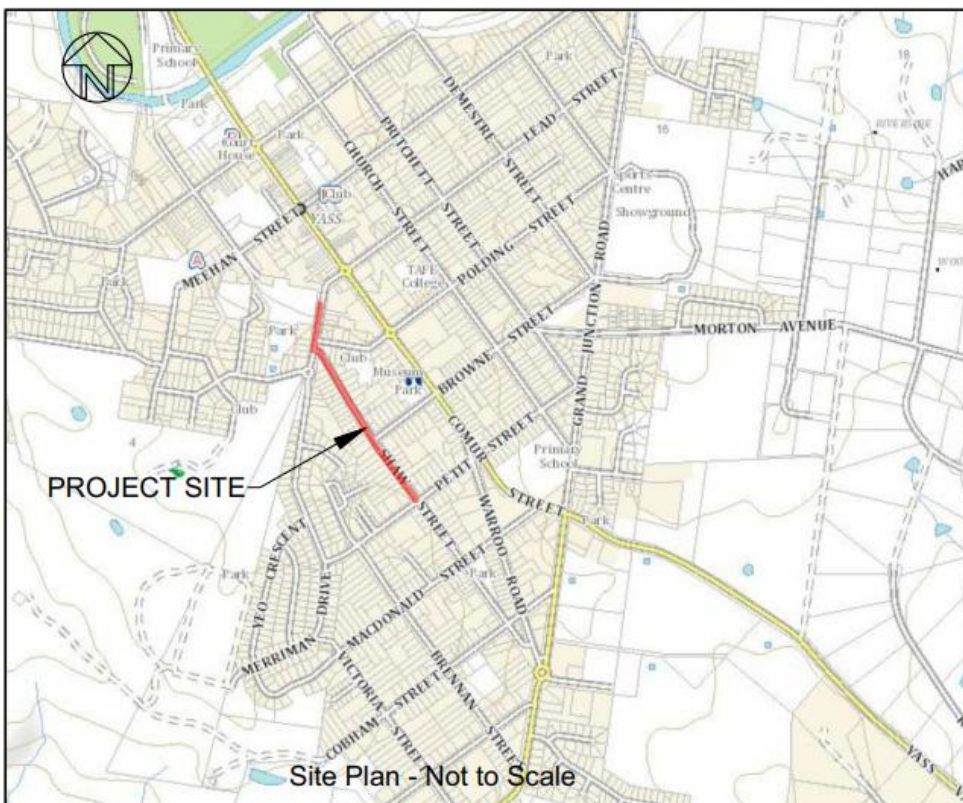


Figure 2 Path – Crago Street via Shaw Street to Petit Street

The paths will be 1.8m wide and approximately 1.75km long and will include a number of associated road crossing refuges, kerb ramps and road blisters. It is recommended that Council accept the grant to construct the paths.

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	IN1.5 - Advocate for funding to improve road conditions and connectivity
Delivery Program Action	Advocate for grant funding for road maintenance, renewal and upgrading to be allocated in accordance with Council's needs

ATTACHMENTS: Nil

6.12 MONTHLY FINANCIAL REPORT

SUMMARY

Council was advised at its November 2024 meeting that a monthly report would be developed to update Council and the Office of Local Government on Council's financial performance. This monthly financial report is now provided and provides information about Council's financial position 30 November 2024. It also includes a variance analysis against the full year budget and budget year to date (YTD).

RECOMMENDATION

That the November 2024 Monthly Financial Report be noted

FINANCIAL IMPLICATIONS

This report shows the Council's financial position as at the end of the reporting month.

REPORT

FINANCIAL IMPLICATIONS

This report shows the Council's financial position as at the end of the reporting month.

1. Consolidated Income Statement

Operating Result from Continuing Operations:

This result includes capital grants and contributions. The Actual YTD result is \$15.7M surplus and is \$1.4M less (unfavourable) compared to the YTD budget.

Net Operating Result Before Capital Grants and Contributions:

This result does not include capital grants and contributions. The Actual YTD result is \$10.4M surplus and is \$1.3M more (favourable) compared to the YTD budget.



November 2024 Report

Income Statement	QBR1 24-25			QBR1 YTD x Actuals		QBR1 Full Year x Actuals	
	Full Year	YTD	Actual 24-25	\$	%	\$	%
Consolidated							
Income from continuing operations	-60,833,022	-36,972,674	-32,026,575	4,946,099	-13.4%	28,806,447	-47.4%
Rates and Annual charges	-22,929,352	-22,914,452	-22,927,790	-13,339	0.1%	1,561	0.0%
User charges and fees	-6,246,534	-2,442,781	-2,104,559	338,222	-13.8%	4,141,975	-66.3%
Other revenues	-330,052	-114,102	-280,579	-166,478	145.9%	49,472	-15.0%
Grants and contributions provided for operating purposes	-10,284,004	-2,752,811	-548,992	2,203,819	-80.1%	9,735,012	-94.7%
Grants and contributions provided for capital purposes	-18,587,615	-8,024,833	-5,328,241	2,696,592	-33.6%	13,259,374	-71.3%
Interest and investment income	-1,003,505	-535,380	-564,070	-28,690	5.4%	439,435	-43.8%
Other income	-351,960	-146,650	-179,521	-32,871	22.4%	172,439	-49.0%
Net gain/loss from the disposal of assets	-1,100,000	-41,667	-92,822	-51,155	122.8%	1,007,178	-91.6%
Expenses from continuing operations	47,128,651	19,837,765	16,331,091	-3,506,674	-17.7%	-30,797,560	-65.3%
Employee benefits and on-costs	14,765,062	5,728,499	5,467,782	-260,716	-4.6%	-9,297,280	-63.0%
Materials and services	19,649,602	8,916,077	5,932,403	-2,983,674	-33.5%	-13,717,200	-69.8%
Borrowing costs	1,559,796	649,915	396,450	-253,465	-39.0%	-1,163,346	-74.6%
Depreciation, amortisation and impairment of non-financial assets	10,095,538	4,206,474	4,206,474	0	0.0%	-5,889,064	-58.3%
Other Expenses	1,058,653	336,801	327,982	-8,819	-2.6%	-730,671	-69.0%
Operating result from continuing operations	-13,704,371	-17,134,909	-15,695,484	1,439,425	-8.4%	-1,991,113	14.5%
Net Operating Result Before Capital Grants and Contributions	4,883,244	-9,110,076	-10,367,243	-1,257,167	13.8%	-15,250,487	-312.3%

All figures in this table are shown as they appear in the Council's management accounting system. **Income is shown as negative**, and **expenses are shown as positive** numbers. The green figures indicate a favourable variance against the budget, while the red figures indicate an unfavourable variance against the budget. Note that favourable and unfavourable variances do not mean a change to the budget is required at this stage.

2. Income Statement Variance Analysis

a. Income

Rates and Annual Charges are \$13k above the YTD budget as a result of new subdivisions that happened since July. This figure may increase further over the year if new subdivisions come into effect.

User Charges are \$338k below the expected YTD budget. This is made up of; Development Fees (\$112k), Subdivision Work Certificates (\$43k), Swimming Pool Fees (\$42k), and actual usage charges for waste and water (\$154k).

Other Revenue is \$166k above the YTD budget due to a \$211k reimbursement from worker's compensation insurance for over-estimated wages declaration, but partially offset by training incentives of \$48k that have not yet been received.

Operating Grants and Contributions is \$2.2M below the YTD budget due to transport grants budgeted for but not yet received.

Capital Grants and Contributions is \$2.6M below the YTD budget due to transport grants budgeted for but not yet received.

Interest and Investment Income is \$28k above the YTD budget due to interest received on additional funds invested with respect to the Crago Mill drawdown (\$25k) and from overdue charges on rates and annual charges (\$3k) exceeding the YTD budget.

Other Income is \$32k above the YTD budget from lease income of Council properties.

Net gain/loss from disposal of assets is \$51k above the YTD budget. However, the actuals only include the proceeds from the sale of the Council's vehicles; the calculation for the actual gain/loss will be updated in the coming months.

b. Expenses

Employee benefits and on-costs are \$260k below the YTD budget due to vacant positions that have not been filled. However, contractors' expenses in Materials and Services have offset these savings.

Materials and Services are \$2.9M below YTD budget that whilst budgeted have not yet been incurred or invoiced:

- \$1.3M for Engineering Contractors
- \$670k for Raw Materials
- \$212k for Consultancy Costs
- \$204k for Repairs and Maintenance
- \$190k for Election Expenses
- \$131k for Vehicle Expenses.

Borrowing Costs are \$253k below the YTD budget due to the timing of drawdowns of loans compared to the budgeted expectations. It is expected that the full budget will be required.

Depreciation, amortisation, and impairment have been adjusted in QBR1 to match the actuals in the 2023-24 financial statements, plus forecast additional depreciation for new assets in the 2024-25 FY. The figures in the actual column are the same as the adjusted budget. The 2024-25 actual expenditure will be calculated when the Council completes the 2024-25 financial statements.

Other expenses are \$8k below the YTD budget due to the timing of donations and grants to community groups (\$41k) but partially offset by a bad debt write-off of \$36k for unrecoverable debts from 2018 and earlier, which will be included in QBR2.

3. Income Statement by fund

The following Income Statements are for each Council Fund.

General Fund



November 2024 Report

Income Statement	QBR1 24-25			QBR1 YTD x Actuals		QBR1 Full Year x Actuals	
	Full Year	YTD	Actual 24-25	\$	%	\$	%
General Fund							
Income from continuing operations	-46,352,809	-25,028,600	-20,528,374	4,500,226	-18.0%	25,824,435	-55.7%
Rates and Annual charges	-15,522,941	-15,498,941	-15,669,991	-171,049	1.1%	-147,049	0.9%
User charges and fees	-3,538,742	-1,515,701	-1,270,613	245,089	-16.2%	2,268,130	-64.1%
Other revenues	-329,852	-113,902	-280,537	-166,636	146.3%	49,314	-15.0%
Grants and contributions provided for operating purposes	-10,284,004	-2,752,811	-548,992	2,203,819	-80.1%	9,735,012	-94.7%
Grants and contributions provided for capital purposes	-14,414,305	-4,574,049	-1,921,604	2,652,445	-58.0%	12,492,701	-86.7%
Interest and investment income	-823,005	-389,880	-564,070	-174,190	44.7%	258,935	-31.5%
Other income	-339,960	-141,650	-179,746	-38,096	26.9%	160,214	-47.1%
Net gain/loss from the disposal of assets	-1,100,000	-41,667	-92,822	-51,155	122.8%	1,007,178	-91.6%
Expenses from continuing operations	36,117,736	15,512,715	12,399,475	-3,113,240	-20.1%	-23,718,262	-65.7%
Employee benefits and on-costs	12,117,332	4,702,026	4,379,844	-322,182	-6.9%	-7,737,488	-63.9%
Materials and services	14,844,041	7,099,841	4,522,500	-2,577,342	-36.3%	-10,321,541	-69.5%
Borrowing costs	948,518	395,216	190,318	-204,897	-51.8%	-758,199	-79.9%
Depreciation, amortisation and impairment of non-financial assets	7,149,193	2,978,830	2,978,830	0	0.0%	-4,170,363	-58.3%
Other Expenses	1,058,653	336,801	327,982	-8,819	-2.6%	-730,671	-69.0%
Operating result from continuing operations	-10,235,073	-9,515,886	-8,128,899	1,386,986	-14.6%	2,106,173	-20.6%
Net Operating Result Before Capital Grants and Contributions	4,179,232	-4,941,837	-6,207,296	-1,265,459	25.6%	-10,386,528	-248.5%

Sewer Fund



November 2024 Report

Income Statement	QBR1 24-25			QBR1 YTD x Actuals		QBR1 Full Year x Actuals	
	Full Year	YTD	Actual 24-25	\$	%	\$	%
Sewer							
Income from continuing operations	-4,136,648	-4,020,198	-4,020,294	-95	0.0%	116,355	-2.8%
Rates and Annual charges	-2,753,353	-2,762,453	-2,749,533	12,920	-0.5%	3,820	-0.1%
User charges and fees	-141,800	-58,250	-67,194	-8,944	15.4%	74,606	-52.6%
Other revenues	0	0	0				
Grants and contributions provided for operating purposes	0	0	0				
Grants and contributions provided for capital purposes	-1,181,495	-1,174,495	-1,203,566	-29,071	2.5%	-22,071	1.9%
Interest and investment income	-60,000	-25,000	0	25,000	-100.0%	60,000	-100.0%
Other income	0	0	0				
Net gain/loss from the disposal of assets	0	0	0				
Expenses from continuing operations	2,668,538	1,079,379	929,462	-149,918	-13.9%	-1,739,077	-65.2%
Employee benefits and on-costs	662,069	256,639	165,258	-91,381	-35.6%	-496,812	-75.0%
Materials and services	963,142	388,021	340,444	-47,577	-12.3%	-622,699	-64.7%
Borrowing costs	154,882	64,534	53,575	-10,959	-17.0%	-101,307	-65.4%
Depreciation, amortisation and impairment of non-financial assets	888,445	370,185	370,185		0.0%	-518,259	-58.3%
Other Expenses	0	0	0				
Operating result from continuing operations	-1,468,110	-2,940,819	-3,090,832	-150,013	5.1%	-1,622,722	110.5%
Net Operating Result Before Capital Grants and Contributions	-286,615	-1,766,324	-1,887,266	-120,942	6.8%	-1,600,651	558.5%

Water Fund



November 2024 Report

Income Statement	QBR1 24-25			QBR1 YTD x Actuals		QBR1 Full Year x Actuals	
	Full Year	YTD	Actual 24-25	\$	%	\$	%
Water							
Income from continuing operations	-7,883,565	-5,463,876	-5,186,085	277,791	-5.1%	2,697,480	-34.2%
Rates and Annual charges	-2,193,057	-2,193,057	-2,216,444	-23,387	1.1%	-23,387	1.1%
User charges and fees	-2,565,992	-868,830	-766,752	102,078	-11.7%	1,799,240	-70.1%
Other revenues	-200	-200	-42	158	-79.0%	158	-79.0%
Grants and contributions provided for operating purposes	0	0	0				
Grants and contributions provided for capital purposes	-2,991,816	-2,276,289	-2,203,071	73,218	-3.2%	788,744	-26.4%
Interest and investment income	-120,500	-120,500	0	120,500	-100.0%	120,500	-100.0%
Other income	-12,000	-5,000	224	5,224	-104.5%	12,224	-101.9%
Net gain/loss from the disposal of assets	0	0	0				
Expenses from continuing operations	5,019,941	2,070,839	1,875,132	-195,707	-9.5%	-3,144,808	-62.6%
Employee benefits and on-costs	895,515	347,334	443,450	96,116	27.7%	-452,065	-50.5%
Materials and services	1,996,732	836,967	582,752	-254,215	-30.4%	-1,413,980	-70.8%
Borrowing costs	456,396	190,165	152,557	-37,608	-19.8%	-303,839	-66.6%
Depreciation, amortisation and impairment of non-financial assets	1,671,298	696,374	696,374		0.0%	-974,924	-58.3%
Other Expenses	0	0	0				
Operating result from continuing operations	-2,863,624	-3,393,037	-3,310,952	82,084	-2.4%	-447,328	15.6%
Net Operating Result Before Capital Grants and Contributions	128,192	-1,116,748	-1,107,881	8,867	-0.8%	-1,236,073	-964.2%

Stormwater Management Fund



November 2024 Report

Income Statement	QBR1 24-25			QBR1 YTD x Actuals		QBR1 Full Year x Actuals	
	Full Year	YTD	Actual 24-25	\$	%	\$	%
Stormwater Management							
Income from continuing operations	-60,000	-60,000	-59,375	625	-1.0%	625	-1.0%
Rates and Annual charges	-60,000	-60,000	-59,375	625	-1.0%	625	-1.0%
User charges and fees	0	0	0				
Other revenues	0	0	0				
Grants and contributions provided for operating purposes	0	0	0				
Grants and contributions provided for capital purposes	0	0	0				
Interest and investment income	0	0	0				
Other income	0	0	0				
Net gain/loss from the disposal of assets	0	0	0				
Expenses from continuing operations	454,302	169,267	95,257	-74,010	-43.7%	-359,045	-79.0%
Employee benefits and on-costs	170,761	65,677	0	-65,677	-100.0%	-170,761	-100.0%
Materials and services	54,925	8,333	0	-8,333	-100.0%	-54,925	-100.0%
Borrowing costs	0	0	0				
Depreciation, amortisation and impairment of non-financial assets	228,616	95,257	95,257	0	0.0%	-133,359	-58.3%
Other Expenses	0	0	0				
Operating result from continuing operations	394,302	109,267	35,882	-73,385	-67.2%	-358,420	-90.9%
Net Operating Result Before Capital Grants and Contributions	394,302	109,267	35,882	-73,385	-67.2%	-358,420	-90.9%

Domestic Waste Management Fund



November 2024 Report

Income Statement	QBR1 24-25			QBR1 YTD x Actuals		QBR1 Full Year x Actuals	
	Full Year	YTD	Actual 24-25	\$	%	\$	%
Domestic waste management							
Income from continuing operations	-2,400,000	-2,400,000	-2,232,448	167,552	-7.0%	167,552	-7.0%
Rates and Annual charges	-2,400,000	-2,400,000	-2,232,448	167,552	-7.0%	167,552	-7.0%
User charges and fees	0	0	0				
Other revenues	0	0	0				
Grants and contributions provided for operating purposes	0	0	0				
Grants and contributions provided for capital purposes	0	0	0				
Interest and investment income	0	0	0				
Other income	0	0	0				
Net gain/loss from the disposal of assets	0	0	0				
Expenses from continuing operations	2,868,134	1,005,565	1,031,766	26,200	2.6%	-1,836,368	-64.0%
Employee benefits and on-costs	919,385	356,823	479,231	122,408	34.3%	-440,154	-47.9%
Materials and services	1,790,762	582,915	486,707	-96,208	-16.5%	-1,304,055	-72.8%
Borrowing costs	0	0	0				
Depreciation, amortisation and impairment of non-financial assets	157,986	65,828	65,828	0	0.0%	-92,159	-58.3%
Other Expenses	0	0	0				
Operating result from continuing operations	468,134	-1,394,435	-1,200,682	193,753	-13.9%	-1,668,816	-356.5%
Net Operating Result Before Capital Grants and Contributions	468,134	-1,394,435	-1,200,682	193,753	-13.9%	-1,668,816	-356.5%

4.

4. Statement of Financial Position

The Council's consolidated statement of financial position as at November 2024 shows the following;

- total cash and cash equivalents of \$16.7M,
- investments of \$29.2M
- total borrowings of \$27.7M, which includes the \$15.1M loan for the Crago Mill Project.




November 2024 Report	
Statement of Financial Position	Consolidated
Asset	668,257,656
Current assets	67,533,541
Cash and cash equivalents	16,668,543
Investments	29,200,000
Receivables	17,323,582
Contract assets and Contract cost assets	4,192,320
Inventories	149,095
Non-current assets	600,724,115
Infrastructure, property, plant and equipment	593,690,776
<i>Capital work in progress</i>	26,125,256
<i>Plant and equipment</i>	4,323,720
<i>Land</i>	72,646,256
<i>Infrastructure</i>	488,908,269
<i>Other assets</i>	1,687,275
<i>Reinstatement, rehabilitation and restoration as.</i>	0
Right of use assets	33,339
Investment properties	7,000,000
Liabilities	-41,951,218
Current liabilities	-11,960,492
Borrowings	-459,612
Contract Liabilities	-6,600,733
Employee benefit provisions	-2,984,591
Payables	-1,853,589
Provisions	0
Lease liabilities	-61,966
Non-current liabilities	-29,990,726
Borrowings	-27,291,949
Employee benefit provisions	-129,521
Provisions	-2,569,256
Lease liabilities	0
Net Assets	626,306,438
Equity	-626,306,438
Accumulated surplus	-329,552,053
IPPE revaluation reserve	-296,754,385

5.

5. Reserves Balance

The reserves balance report shows the current balance for each of Council’s reserves based on the best available information at the time of reporting. Some end-of-year adjustments might impact the final balance for the financial year.

Externally restricted reserves are those that are only available for specific use by the Council due to a restriction placed by legislation or third-party contractual agreement. Internally restricted reserves are internally allocated by the resolution or policy of the elected Council.



November 2024 Report		
Reserves balance report	Balance	
	Jun-24	Nov-24
External restrictions	27,611,240	35,064,306
Domestic waste management	2,143,857	3,386,401
S64 Developer contributions – sewer fund	2,448,198	3,631,264
S64 Developer contributions – water fund	5,751,027	7,954,098
S7.11 Developer contributions – general	1,298,345	1,318,998
S7.12 Developer contributions – general	5,011,848	2,680,524
Sewer fund	4,282,897	5,796,993
Specific purpose unexpended grants – general fund	4,430,009	6,600,733
Stormwater Management	34,267	93,642
Water Fund	2,210,792	3,601,653
Crago Mill Reserve	0	8,644,461
Internal restrictions	9,350,104	6,415,153
Binalong pool	21,475	21,475
Carry over works	652,833	652,833
Comur street rehabilitation	20,362	20,362
Council elections	188,304	188,304
Electricity Savings Reserve	96,720	96,720
Employees leave entitlement	993,000	991,596
Land and assets	1,452,451	1,452,451
Murrumbateman Library School Ground	123,179	123,179
Plant and vehicle replacement	1,125,000	1,688,139
Quarry rehabilitation	689,729	689,729
Roads	44,818	44,818
Victoria Park	320,232	445,545
Financial Assistance Grant (received in advance)	3,622,000	0
External + Internal restriction + Crago Mill	36,961,344	50,123,921
Total cash, cash equivalents and investments	37,017,000	45,868,543
Unrestricted and unallocated cash, cash equivalents and investments	55,656	-4,255,378
External restriction + Crago Mill Reserve	27,611,240	43,708,768
Total cash, cash equivalents and investments less External restriction + Crago Mill Reserve	9,405,760	2,159,775

Total cash and investment is \$45.8M. However, the externally restricted Crago Mill Reserve and Internally restricted funds come to more than the cash on hand.

- Externally restricted funds \$35.06M
 - Crago Mill Reserve \$ 8.64M
 - Internally restricted funds \$ 6.42M
- \$50.12M

The Crago Mill reserve was established to hold excess funds drawn down from the loan.

This means that the Council has used some of its Internally restricted funds for operations.

When considering year-to-date results, the income statement shows accrual accounting, where the cash and investments reflect actual cash received and paid. For instance, the income statement shows the actual rate income as \$22.9M; however, this is the amount that has been raised. Only a portion of rates are received by November as they are paid by instalments throughout the year.

The reserve balances need to be continually monitored.

6. Capital Expenditure

The total capital expenditure (CAPEX) budgeted for the year is \$55.1M. The YTD budget for November 2024 was \$17.9M, and the actual expenditure was \$12.0M, which is \$5.8M less than the YTD budget. This includes the Crago Mill project, with a total budget of \$27.9M for the year, a \$7.2M YTD budget and a \$6.1M actual expenditure.

The capital works are distributed over 85 projects; 43 have already started, and 42 are still to commence



November 2024 Report

Capital Expenditure (CAPEX)	QBR1 24-25		Actual 24-25	QBR1 YTD x Actuals		QBR1 Full Year x Actuals	
	Full Year	YTD		\$	%	\$	%
Capital work in progress	55,173,361	17,928,854	12,050,935	-5,877,918	-32.8%	-43,122,426	-78.2%
- Land & Buildings	29,346,792	8,177,435	6,248,644	-1,928,791	-23.6%	-23,098,149	-78.7%
1101007 - Crago Mill Precinct	27,901,259	7,286,422	6,164,156	-1,122,266	-15.4%	-21,737,102	-77.9%
5014006 - Sports Stadium	19,401	19,401	0	-19,401	-100.0%	-19,401	-100.0%
5014024 - Old sale yard remediation	250,000	250,000	0	-250,000	-100.0%	-250,000	-100.0%
5014028 - Yass Valley Community Centre Upgrade SCCF5 0232 Buildings	277,841	142,508	0	-142,508	-100.0%	-277,841	-100.0%
5014029 - Buildings Roof Resheeting Yass memorial LRCP3	83,057	83,057	81,851	-1,206	-1.5%	-1,206	-1.5%
5014032 - Cemeteries strategic plan	20,000	20,000	0	-20,000	-100.0%	-20,000	-100.0%
5014033 - Buildings Roof Resheeting Yass Liabary LRCP4	560,000	262,500	0	-262,500	-100.0%	-560,000	-100.0%
6310003 - Goodradigbee Centre Subdivision	22,403	22,403	0	-22,403	-100.0%	-22,403	-100.0%
6310005 - Solar Panel Installation	14,055	14,055	2,636	-11,419	-81.2%	-11,419	-81.2%
6310016 - Discovery Drive Subdivision	50,000	20,833	0	-20,833	-100.0%	-50,000	-100.0%
6310017 - Old Gas Works EPA monitoring as per VMP & 2 extra wells	98,776	35,422	0	-35,422	-100.0%	-98,776	-100.0%
6310018 - Annual Fire Safety Statements	50,000	20,833	0	-20,833	-100.0%	-50,000	-100.0%
- Roads, Bridges, Footpaths	13,804,323	4,375,819	4,499,017	123,198	2.8%	-9,305,306	-67.4%
4910008 - Yass Valley Rail Trail Detailed Design	0	0	30,037	30,037		30,037	
4910009 - Bowning Village Active Circuit	0	0	23,462	23,462		23,462	
5010013 - Yass River Bridge Replacement	2,976,146	74,576	1,664,084	1,589,509	2131.4%	-1,312,061	-44.1%
5010014 - Murrumbateman Creek Bridge Replacement	2,980,040	124,769	37,709	-87,060	-69.8%	-2,942,331	-98.7%
5010015 - Back Creek Road Bridge Replacement	791,829	791,829	422,015	-369,814	-46.7%	-369,814	-46.7%
5020104 - Back Creek Road Sealing - stage 2 Local Roads	2,255,894	2,255,894	2,046,560	-209,334	-9.3%	-209,334	-9.3%
5020116 - Detailed Design – Pedestrian \$125K Cycling \$40K	7,415	7,415	0	-7,415	-100.0%	-7,415	-100.0%
5020117 - Bus Shelter upgrades	4,528	4,528	13,275	8,748	193.2%	8,748	193.2%
5020118 - RERRF Local Road Programme	873,880	364,117	0	-364,117	-100.0%	-873,880	-100.0%
5020119 - 2024-25 - Block Grant - Traffic Island - Yass	0	0	1,100	1,100		1,100	
5020540 - Bus shelter Upgrades – \$4.5K	2,614	2,614	13,388	10,774	412.2%	10,774	412.2%
5021024 - RERRF Regional Road Program	312,120	130,050	0	-130,050	-100.0%	-312,120	-100.0%
5021029 - 2024-25 - Block Grant - Resealing Program - Regional Roads	0	0	6,253	6,253		6,253	
5021030 - LGRG (Roads Delivery component)	380,000	158,333	0	-158,333	-100.0%	-380,000	-100.0%
5021031 - BLOCK Grant Capital Works FY24-25	500,000	208,333	0	-208,333	-100.0%	-500,000	-100.0%
5021542 - Regional Roads - Block Grant - Sutton Rd Design Project	300,000	140,000	71,188	-68,812	-49.2%	-228,812	-76.3%
6012002 - Flood event Oct 22 Emergency Task or Special Events	0	0	6,287	6,287		6,287	
6012004 - DM01326 Cavan Rd S10 Undermined lrg gabion wingwall 1700dia	138,167	7,985	0	-7,985	-100.0%	-138,167	-100.0%
6012005 - DM01327 Cavan R S8 Erosion underme strcture out/inlet blk	154,791	8,175	0	-8,175	-100.0%	-154,791	-100.0%
6012006 - DM01328 Cavan Rd S8 Outlets scour inlet debris us erosion/slip	118,637	7,985	0	-7,985	-100.0%	-118,637	-100.0%
6012007 - DM01132 Dicks Creek Road S2 Shoulder & embankment washout	122,175	7,005	0	-7,005	-100.0%	-122,175	-100.0%
6012008 - DM01112 Fifeshire Rd S2 Landslip lost culvert concrete prot	271,557	0	13,620	13,620		-257,937	-95.0%
6012009 - DM01358 Henderson Ln S1 Bridge Damage -scour of approaches	313,552	10,000	0	-10,000	-100.0%	-313,552	-100.0%
6012011 - DM01023 Illalong Road Seg 5 washed out	84,886	0	14,701	14,701		-70,185	-82.7%
6012012 - DM00980 McCarthy Rd Seg 2 land slip Council - Emergency Task	185,241	6,209	3,594	-2,615	-42.1%	-181,647	-98.1%
6012014 - DM01324 Wee Jasper Road Seg 11 Landslip Emergency task	800,115	10,000	15,315	5,315	53.1%	-784,800	-98.1%
6012015 - DM01313 Wee Jasper Rd Seg 51 Landslip - Emergency	77,508	0	53,679	53,679		-23,829	-30.7%
6012016 - DM01312 Wee Jasper Road Seg 53 Erosion of batter	38,081	38,081	24,543	-13,539	-35.6%	-13,539	-35.6%
6012019 - DM01004 - Burrinjuck Road - Seg 18	107,226	10,000	0	-10,000	-100.0%	-107,226	-100.0%
6012046 - AGRN 1034 - Fifeshire Road - Seg 4,5	0	0	13,620	13,620		13,620	
6012076 - AGRN 1034 - DM01377 - Shingle Hill Way	7,922	7,922	0	-7,922	-100.0%	-7,922	-100.0%
No project Number	0	0	24,588	24,588		24,588	
- Other Assets	36,000	15,000	485	-14,515	-96.8%	-35,515	-98.7%
4910008 - Yass Valley Rail Trail Detailed Design	0	0	485	485		485	
5015013 - Yass Lawn Cemetery Improvement and Expansion works	12,000	5,000	0	-5,000	-100.0%	-12,000	-100.0%
5015014 - Murrumbateman Cemetery Improvement and Expansion works	12,000	5,000	0	-5,000	-100.0%	-12,000	-100.0%
5015015 - Villages Cemetery Improvement works	12,000	5,000	0	-5,000	-100.0%	-12,000	-100.0%



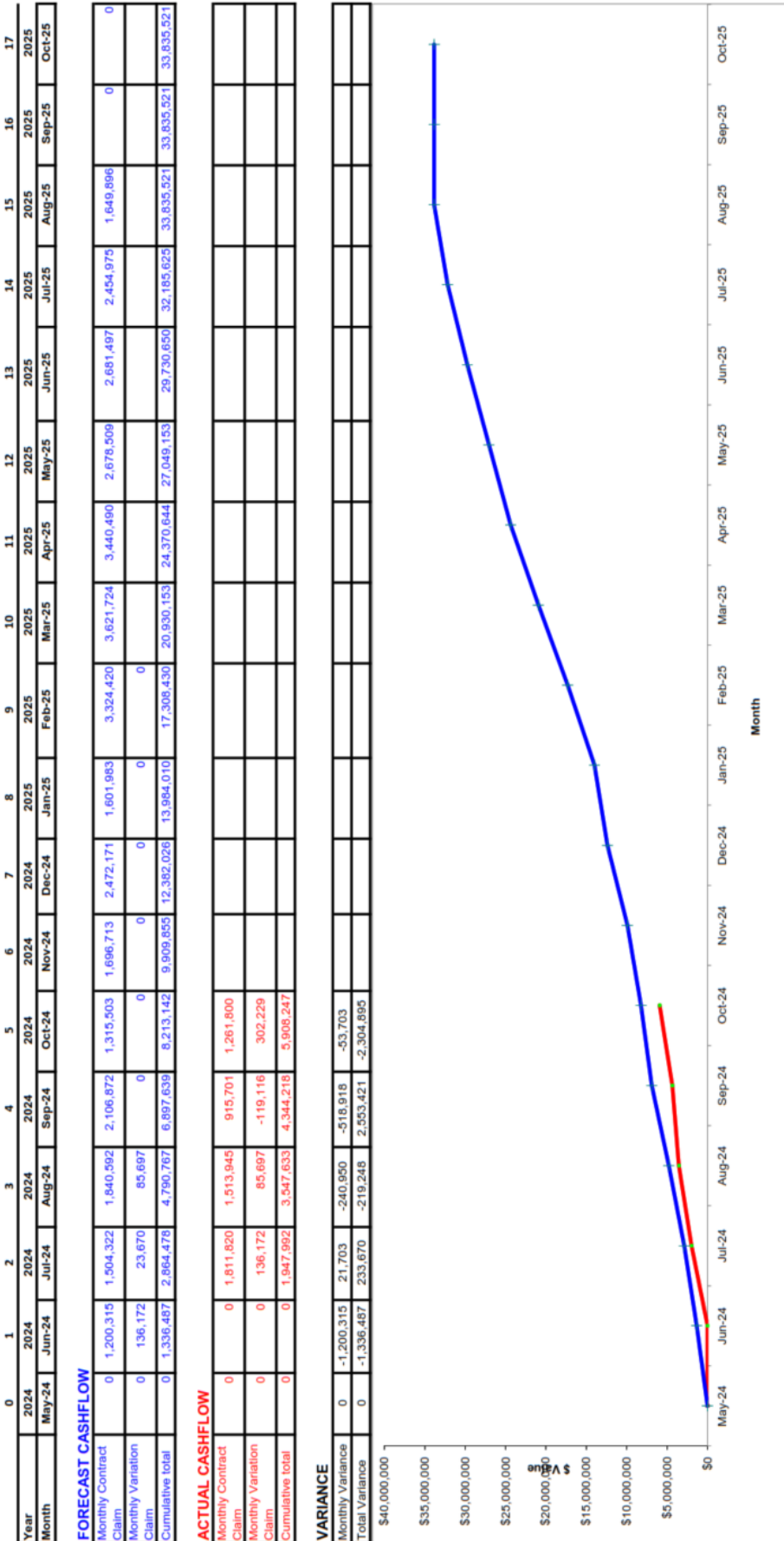
November 2024 Report

Capital Expenditure (CAPEX)

	QBR1 24-25		Actual 24-25	QBR1 YTD x Actuals		QBR1 Full Year x Actuals	
	Full Year	YTD		\$	%	\$	%
- Other Open Space/Recreational Assets	2,362,977	1,805,477	520,330	-1,285,147	-71.2%	-1,842,647	-78.0%
4920001 - 20-21 Murrumbateman Sand Arena Stabilisation	2,300	2,300	2,300		0.0%		0.0%
4920002 - Murrumbateman Rec grounds Dog park	33,108	33,108	10,038	-23,070	-69.7%	-23,070	-69.7%
4920006 - 20-21 Murrumbateman Rec Ground Amenities	1,361,485	1,036,485	166,311	-870,174	-84.0%	-1,195,174	-87.8%
4920015 - Wee Jasper Reserve Carpark Upgrade Recreational Assets	185,654	185,654	54,098	-131,556	-70.9%	-131,556	-70.9%
4920018 - Murrumbateman Sports Field Irrigation Installation SCCF 0232	23,356	23,356	0	-23,356	-100.0%	-23,356	-100.0%
4920019 - Victoria Park Field Lighting Upgrade Recreational Assets	237,761	237,761	219,170	-18,591	-7.8%	-18,591	-7.8%
5012006 - 4 Cabin Replacements (32,34,3,4)	80,000	80,000	0	-80,000	-100.0%	-80,000	-100.0%
5012007 - Caravan Park Masterplan	5,000	5,000	0	-5,000	-100.0%	-5,000	-100.0%
5013018 - Yass Pool Relocatable Shade/Seating	9,000	9,000	8,775	-225	-2.5%	-225	-2.5%
5019010 - Village Ovals - Bore Water Investigations	25,000	25,000	0	-25,000	-100.0%	-25,000	-100.0%
5019025 - Murrumbateman Adventure Playground Study	390,313	165,313	29,461	-135,852	-82.2%	-360,852	-92.5%
5019027 - 2024-25 - CRIF - Cricket Pitch & Covers	0	0	30,176	30,176		30,176	
5019031 - Stage 1 'Signage as remote Supervision'	10,000	2,500	0	-2,500	-100.0%	-10,000	-100.0%
- Plant & Equipment	2,433,390	1,150,057	4,991	-1,145,066	-99.6%	-2,428,400	-99.8%
PACQNEW - Plant Acquisition - New & Upgrade Assets	0	0	4,991	4,991		4,991	
PACQRENEW - Plant Acquisition - Renew & Replace Assets	2,433,390	1,150,057	0	-1,150,057	-100.0%	-2,433,390	-100.0%
- Sewerage Network	2,499,367	989,367	594,121	-395,246	-39.9%	-1,905,246	-76.2%
5022001 - Yass STP	0	0	622	622		622	
5022013 - Sewer Main Upgrade Program (Capital)	150,000	0	0			-150,000	-100.0%
5022021 - Integrated Water Cycle Management Plan - Sewer (Capital)	60,000	30,000	10,000	-20,000	-66.7%	-50,000	-83.3%
5022026 - Wastewater Treatment Plant Upgrade Program (Capital)	200,000	0	11,657	11,657		-188,343	-94.2%
5022027 - Wastewater Pump Station Upgrade Program (Capital)	1,015,000	255,000	14,090	-240,910	-94.5%	-1,000,910	-98.6%
5022028 - Telemetry Upgrade Sewer (Capital)	166,820	46,820	53,903	7,083	15.1%	-112,917	-67.7%
5022029 - Laidlaw Street SPS - decommissioning	200,000	0	20,608	20,608		-179,392	-89.7%
5022030 - Yass STP Augmentation (Capital)	50,000	0	0			-50,000	-100.0%
5022031 - Murrumbateman STP Irrigation System (Capital)	657,547	657,547	483,241	-174,306	-26.5%	-174,306	-26.5%
- Stormwater	560,000	0	0	0	0.0%	-560,000	-100.0%
5023520 - Yass Flood Warning System Stage 2 - install infrastructure	560,000	0	0			-560,000	-100.0%
- Waste	843,073	629,260	0	-629,260	-100.0%	-843,073	-100.0%
5025126 - Murrumbateman Landfill Closure Stage 2	104,504	74,024	0	-74,024	-100.0%	-104,504	-100.0%
5026013 - Landfill Closure	50,000	35,417	0	-35,417	-100.0%	-50,000	-100.0%
5026014 - Murrumbateman Landfill Closure	358,570	253,987	0	-253,987	-100.0%	-358,570	-100.0%
5026018 - Transfer Station Improvements Yass and Murrumbateman	330,000	265,833	0	-265,833	-100.0%	-330,000	-100.0%
- Water Supply Network	3,287,439	786,439	183,348	-603,091	-76.7%	-3,104,091	-94.4%
5027013 - Integrated Water Cycle Management Plan - Water (Capital)	149,439	113,439	0	-113,439	-100.0%	-149,439	-100.0%
5027015 - Village Water Main Extensions (Capital)	20,000	0	0			-20,000	-100.0%
5027017 - Water Pump Station Upgrade Program (Capital)	700,000	0	83,018	83,018		-616,982	-88.1%
5027018 - WTP Improvement (Capital)	100,000	0	31,061	31,061		-68,939	-68.9%
5027025 - Developer Servicing Plan (DSP) (Capital)	30,000	15,000	0	-15,000	-100.0%	-30,000	-100.0%
5027026 - Telemetry System Upgrade Upgrade - Water (Capital)	208,000	88,000	62,973	-25,027	-28.4%	-145,027	-69.7%
5027028 - Water Reservoir Upgrade Program (Capital)	780,000	0	3,583	3,583		-776,417	-99.5%
5027029 - Water Reticulation Upgrade Program (Capital)	600,000	250,000	1,545	-248,455	-99.4%	-598,455	-99.7%
5027032 - Smart Water Meter	0	0	0				
5027033 - Morton Low Level Reservoir Repair	200,000	120,000	1,167	-118,833	-99.0%	-198,833	-99.4%
5027035 - WTP Upgrade Pre-Design and Tender Management	500,000	200,000	0	-200,000	-100.0%	-500,000	-100.0%
Total Capital Expenditure	55,173,361	17,928,854	12,050,935	-5,877,918	-32.8%	-43,122,426	-78.2%

Crago Mill Progress Report

Project Name: Crago Mill - Yass
 Separable Portion 1 - \$ 32,501,986.12
PROJECT CASHFLOW - Progress Claim 5 - 25-10-24



STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.13 2024/25 FIRST QUARTERLY BUDGET REVIEW STATEMENTS

SUMMARY

This report represents the 2024/25 First Quarterly Budget Review Statements (QBRs) for the period 1 July to 30 September 2024. This review demonstrates Council's projected year end **Net Operating Result before Capital Items** remains negative and is predicted to be \$(4.8M), an increase in deficit of \$123k compared to the original budget. Actuals as at 30 September 2024 show a surplus of \$14.8M due to rate and annual charges income happening in July but expenses evenly spread across the year.

RECOMMENDATION

That:

1. *The 2024/25 First Quarterly Budget Review Statements and approve adjustments, as detailed in the report be adopted.*
2. *In accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position at 30 September 2024 be noted as being satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure. If only one recommendation, delete the number.*

FINANCIAL IMPLICATIONS

The details of Council's projected year end operating result and adjustment to capital expenditure for 2024/25 financial year are contained within the report below.

POLICY & LEGISLATION

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

REPORT

At its meeting on 28 November 2024 Council resolved to defer its consideration of this report to its meeting on 19 December 2024.

This Quarterly Budget Review Statements (QBRs) presents a summary of Council's financial position as at 30 September 2024 for the 2024/25 financial year.

Council is now forecasting a deficit in the **Net Operating Result before Capital Items** of \$(4.8M) for the 2024/25 Financial Year budget. At 30 September the actuals are sitting at \$14.8M mainly due to timing of income and expenditure.

Capital expenditure is decreasing from \$56.8M to \$55.1M, mainly due to postponement of Water and Sewer capital projects.

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

Recommended Changes to Revised Consolidated Income and Expenses Budget

- Note 1
 - Increase of \$416k in Rate and Annual Charges due to new subdivisions.
- Note 2
 - Increase of \$58k to account for the Bango Wind Farm Community Enhancement Fund Income, which is fully offset by adjustment in the expenses.

- Note 3
 - A decrease of \$700k was made to remove a water project that was incorrectly included in the budget. This water project had \$700k income and \$700k expenses, which have also been removed. This correction has no impact on the bottom line. Additionally, there is an increase of \$183k due to the review of the Financial Assistance Grant advance payment forecast, an increase of \$84k to account for the Community Enhancement Fund Income, which is fully offset by an increase in expenses, and a reduction of \$84k in Regional Roads Grant income.
- Note 4
 - An increase of \$3.395M due to development contribution for new subdivisions for Water and Sewer and increase in Regional Roads grant income.
- Note 5
 - Increase of \$53k to adjust Long Service Leave Provision and higher duties allowances.
- Note 6
 - A decrease of \$700k was made to remove the expenses for a water project that was incorrectly included in the budget, as mentioned above in item 3. This reduction was partially offset by an increase in Water expenses (152k in contractors and \$250k for new smart meters that was moved from capital expenditure to operating expenditure).
- Note 7
 - An increase of \$280k in depreciation expenses to adjust to actual depreciation from 2023-24.

Recommended Changes to Consolidated Capital Budget

- Note 1
 - 29k reallocated from operating expenses to capital expenses for project NCP35002 - Old Gas Works EPA monitoring as per VMP and 2 extra wells.
- Note 2
 - \$606k reduction due to the delay of project 5022030 - Yass STP Augmentation (Capital) to 25-26.
- Note 3
 - \$100k increase in Regional Roads capex program, which is fully offset by an increase in capital grant income.
- Note 4
 - \$250k decrease due to reallocation for project 5027032 - Smart Water Meter from capital to operating expenses, and \$760k reduction due to the delay of 5027033 - Morton Low Level Reservoir Repair.
- Note 5
 - \$200k reduction due to the delay of project 5022029 - Laidlaw Street SPS - decommissioning to 25-26.

Consultancy and Legal Expenses

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

- Consultants
 - Genium Civil: Project Management
 - Hunter H2O Hold: Interim Water Quality Objective Assessment
 - NSW Public Works Advisory: 3D surveying and mapping of the Yass Dam

- ACEAM Pty Ltd: Asset revaluation
- Legal
 - Building and Environmental Services: Building Certifier expert witness
 - BAL Lawyers : Planning legal assistance with environmental proceedings and legal advice for other matters
 - Sparke Helmore: legal advice
 - Custom Commercial Services: debt collection legal fees

Council is asked to adopt the 2024/25 First Quarterly Budget Review Statements and approve the adjustments detailed in this report.

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. First Quarter Budget Review Statement for year ending 30 June 2025 [⇒](#)

6.14 INVESTMENT AND BORROWING REPORT

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments for the period 1 to 30 November 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 and Borrowings Report covering the period 1 to 30 November 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*
- Council's Investment Policy

1. REPORT Council Loans

Council has five loans with a balance of \$27.75M owing on 30 November 2024. Council commenced drawing down funds for the Crago Mill project during October 2024. Refer to the table below for details.

General Loan	Principal as at	Interest rate	Comment
Sewer - CBA Loan for Sewer Infrastructure	3,090,809.33	4.82%	20 years, repaid in 2035/36
Water - NAB Westpac Dam Wall	7,759,001.19	5.36%	20 years amortisation, 10 years term Aug 2032
Water - Yass to Murrumbateman water supply (Tcorp)	1,167,752.09	2.55%	10 years, full repaid in 2029
Water main and pump station upgrades (Tcorp)	638,050.12	2.55%	10 years, full repaid in 2029
Crago Mill funding facility (Westpac)	15,100,000.00	6.52%	20 years, full repaid 2043 - Variable rate (2.17%+BBSR)
Total balance as at 31/07/2024	27,755,612.73		

2. Summary of movements in Council Investments

Five investments totalling \$5.5M matured with four new investments totalling \$4.5M during the month of November. \$1M was not reinvested in the month due to timing of the maturity.

Council Cash, Cash Equivalent, and Term Deposit Investments at **30 November 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-	11,055,595.86	A1+/AA-	n/a	n/a	at call	4.30%
Tcorp Strategic Cash Facility	778	5,406,193.58	AAA	n/a	n/a	3 day call	2.30%
		16,461,789.44					
Term Deposits							
Investment Type	Acc/Deal	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
MyState Bank	CN068869	1,000,000.00	A2	01/12/23	04/12/24	369	5.40%
MyState Bank	CN068870	1,000,000.00	A2	01/12/23	11/12/24	376	5.40%
NAB	10920644	1,000,000.00	A1+	12/09/24	11/12/24	90	4.95%
My State Bank	CN076018	1,000,000.00	A2	03/07/24	20/12/24	170	5.30%
NAB	10916957	1,000,000.00	A1+	28/08/24	02/01/25	127	4.95%
AMP	CN076015	1,000,000.00	A2	03/07/24	03/01/25	184	5.05%
Bank of Queensland	CN079573	1,000,000.00	A2	03/10/24	15/01/25	104	4.70%
Bendigo	CN078929	1,000,000.00	A2	30/08/24	29/01/25	152	4.78%
NAB	10919397	1,500,000.00	A1+	05/09/24	03/02/25	151	5.00%
Great Southern Bank	CN079336	1,000,000.00	A2	18/09/24	17/02/25	152	5.00%
NAB	10923110	1,000,000.00	A1+	19/09/24	17/02/25	151	5.00%
Judo Bank	CN078928	1,000,000.00	A2	30/08/24	26/02/25	180	5.10%
NAB	10919400	1,200,000.00	A1+	05/09/24	04/03/25	180	5.20%
Great Southern Bank	CN079004	1,000,000.00	A2	04/09/24	05/03/25	182	5.04%
MyState Bank	CN079048	1,500,000.00	A2	05/09/24	06/03/25	182	4.95%
Great Southern Bank	CN079199	1,000,000.00	A2	11/09/24	11/03/25	181	4.90%
Bank of Queensland	CN079198	1,000,000.00	A2	11/09/24	11/03/25	193	4.90%
NAB	10906669	1,000,000.00	A1+	03/07/24	31/03/25	271	5.40%
AMP	CN079200	1,500,000.00	A2	11/09/24	09/04/25	210	5.30%
Bank of Queensland	CN068868	1,000,000.00	A2	09/10/24	16/04/25	189	4.95%
NAB	10906670	1,000,000.00	A1+	03/07/24	03/07/25	365	5.45%
Judo Bank	CN076032	1,000,000.00	A2	03/07/24	03/07/25	365	5.10%
My State Bank	CN079005	1,000,000.00	A2	04/09/24	04/09/25	365	4.95%
AMP	CN080143	1,500,000.00	A2	06/11/24	05/05/25	180	4.80%
NAB	10934664	1,000,000.00	A1+	25/11/24	24/02/25	91	5.00%
NAB	10934663	1,000,000.00	A1+	25/11/24	24/02/25	91	5.00%
NAB	10934895	1,000,000.00	A1+	26/11/24	24/02/25	90	5.00%
		29,200,000.00					
Total Short Term		45,661,789.44					

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

6.15 YVC.PE.37.2024 MURRUMBATEMAN RECREATION GROUND - ACCESS UPGRADE

SUMMARY

To provide advice and recommendations on the submissions received for the YVC.PE.37.2024 Murrumbateman Recreation Ground – Access Upgrade tender.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Council received \$1.4m in funding under the NSW Government Multi-Sport Community Facility Fund 2022/23 to construct a new amenities building and associated infrastructure at the Murrumbateman Recreation Ground. Council contributed \$700,000 under the funding program for this project which has been included in the 2024/25 Operational Plan.

POLICY & LEGISLATION

- Local Government Act 1993
- CA-CP-04 Procurement and Disposal Policy

REPORT

1. Background

Council was successful in receiving \$1.4m in round two of the NSW Government’s Multi-Sport Community Facility Fund 2022/23 program to construct a new amenities building and associated infrastructure at the Murrumbateman Recreation Ground. The total project cost is \$2.1m with Council required to contribute \$700,000 to the project.

Council had an underspend of funds of approximately \$700,000 with the construction of the new amenities building and was able to amend the funding agreement to include the replacement of the public toilet block and upgrade to the internal ring road.

This report relates only to submissions for the upgrade of the internal ring road within the Murrumbateman Recreation Ground.

2. Tender

Tenders were called on 12 November 2024 and closed on 4 December 2024. Four tenders were received from the following organisations:

Organisation	Address
Denrith Pty Ltd T/A Divalls Earthworks & Bulk Haulage	282 Carrick Road, Goulburn NSW 2580
Earth Moving Creations	48 Turriff Street, Chisholm ACT 2905
R Con Civil Pty Ltd	881 Nanima Road, Springrange NSW 2618
Lentro Earthworks Pty Ltd	342 Wallaroo Road, Wallaroo NSW 2618

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

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.16 WORKPLACE CULTURE REVIEW

SUMMARY

Council resolved at its meeting on 28 November 2024 to undertake a Workplace Culture Review. This report details how this review could be funded.

RECOMMENDATION

That:

- 1. The 2024/25 Operational Plan be updated to include the Workplace Culture Review and a budget of \$40,000 be identified for this work.*
 - 2. The 2024/25 Operational Plan be updated to reflect a reduction in budget for the afterhours service project (NP20104) from \$30,000 to \$10,000 and the budget for the purchase of library books (GL760220228) from \$100,000 to \$80,000.*
-

FINANCIAL IMPLICATIONS

There is no budget to fund this project in the 24/25 Operational Plan. This report details how the project can be funded.

POLICY & LEGISLATION

24/25 Operational Plan

REPORT

1. Background

At its meeting on 28 November 2024, Council resolved:

- 1. That Council notes the WHS Report.*
- 2. That in response to the SafeWork NSW Improvement Order issued to Yass Valley Council in September 2024, Acting CEO of Yass Valley Council engages an independent organisation to conduct a comprehensive review of workplace culture across all directorates of Yass Valley Council. This review is to:*
 - a. Identify areas of Council's staff positive culture.*
 - b. Identify patterns of misconduct, including psychosocial hazards.*
 - c. Evaluate the effectiveness of current policies, procedures, and systems for managing psychosocial risks.*
 - d. Address the non-compliance gaps identified in Appendix A to the Psychosocial Gap Analysis dated 12 November 2024.*
 - e. Provide actionable recommendations to align Council practices with legislative and best practice standards, including but not limited to SafeWork NSW's Code of Practice: Managing Psychosocial Hazards at Work and other pertinent legislation stated within Psychosocial Risk Gap Analysis.*
- 3. That the independent workplace review commences as soon as possible following procurement in accordance with Council's policies. The preliminary report be presented for Council consideration with a briefing on the project for Council, inclusive of a comprehensive action plan, be delivered at the March 2025 ordinary meeting and a final report to Council at its meeting in April 2025, subject to Council being able to procure a suitable consultant to undertake the proposed works.*

This report details how this work will be funded as it has not been identified in Council's 24/25 Operational Plan.

2. Budget

It is estimated that a budget of \$40,000 will be required to complete this work. It is recommended that Council, reduce the funding for the following items in the 24/25 Operational Plan:

Item	Reference	Budget Amount	Redirect to Workplace Culture Review
NP20104	After Hours Service – moving to external provision of an afterhours phone service	\$30,000	\$20,000
760220228	Library – Purchase of Books	\$100,000	\$20,000
Total			\$40,000

The reallocation of this funding will occur in the second quarter budget review. Should the quotes indicate that additional funding is required, the matter will be presented to Council for consideration with additional options for funding or modification to the scope to fit within the proposed budget.

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.17 TENDER EVALUATION REPORT - MURRUMBATEMAN CREEK BRIDGE REPLACEMENT - GREENWOOD ROAD YVC.IA.36.2023

SUMMARY

This report provides advice and recommendations on the submissions received for the Murrumbateman Creek Bridge Replacement – Greenwood Road YVC-IA-36-2023 tender.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

The bridge replacement works have been included in the adopted 2024/25 Operational Plan. The total budget for this project is jointly funded by Round 6 of the Bridges Renewal Program and Council's Contribution Reserve.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Background

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

Council has received funding under the Bridges Renewal Program Round 6, for the replacement of the two existing low-level causeways on Greenwood Road, the first over Yass River is under construction. The second bridge, covered by this report, is over Murrumbateman Creek on Greenwood Road and will include a reinforced/pre-stressed concrete bridge structure. The construction of this new bridge will provide significantly improved flood immunity and improve safety of the route for all road users.

2. Tender

Tenders were called through the online Tendering portal, Tenderlink, from October 30, 2024, to November 28, 2024, at 10am local time. Five conforming and two alternate tenders were received from the following organisations:

Organisation	Address
Cord Civil Pty Ltd	17-19 Copper Close, Beard ACT 2620
Delaney Civil Pty Ltd	Suite 311/33 Lexington Drive, Bella Vista, NSW 2153
Guideline ACT Pty Ltd	16 Bass Street, Queanbeyan NSW 2620
Murray Constructions Pty Ltd	362-3645 Augustus St, Deniliquin, NSW 2710
Saunders Civilbuild Pty Ltd	Level 5, 250 Pacific Highway Charlestown NSW 2290

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

STRATEGIC DIRECTION

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

ATTACHMENTS: Nil

6.18 TENDER EVALUATION REPORT - BOWNING ACTIVE CIRCUIT - YVC/IA/35.2024

SUMMARY

This report provides advice and recommendations on the submissions received for the Bowning Active Circuit YVC.IA.37.2023 tender.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

The total budget for this project is \$1,308,121.20 which is fully funded by the 2024/25 Get NSW Active program administered by TfNSW.

The current actual and committed expenditure for this project is approximately \$50,000, which covers preliminary works and leaves a budget allocation for this component of the project including contingencies of \$1,258,121.20.

POLICY & LEGISLATION

- Local Government Act 1993

REPORT

1. Background

Council manages an extensive footpath network throughout the Local Government Area (LGA). Council has received funding under the NSW government Get NSW Active program to construct a footpath and shared cycleway network around Bowning village. The objective of the project is to improve links to key facilities in the village, improve pedestrian safety, and provide improved infrastructure to encourage the community to get active.

2. Tender

Tenders were called on October 30, 2024 and closed on November 28, 2024, at 4pm local time via Tenderlink. Eight responses from seven tenderers were received from the following organisations:

Organisation	Address
Central Industries Pty Ltd	527 Great Western Highway, Marrangaroo NSW 2790
Connex Group Pty Ltd	Unit 11, 14-16 Stanton Road, Seven Hills NSW 2147
Fulton Hogan Industries Pty Ltd	2 Werowi St, Dapto NSW 2530
Jasique Building and Earthworks	216 Keirs Road, Murrumbateman NSW 2582
JSC Building T/A Girri Birrang Infrastructure Pty Ltd	Level 6, 77 Castlereagh St Sydney NSW 2000
Lentro Earthworks Pty Ltd	342 Wallaroo Road, Wallaroo NSW 2618
Snowy Valleys Council	76 Capper Street, Tumut NSW 2720

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

STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN1: We have transport links that connect towns within the region and increase access to significant centres
Strategies	IN1.5 - Advocate for funding to improve road conditions and connectivity
Delivery Program Action	Advocate for grant funding for road maintenance, renewal and upgrading to be allocated in accordance with Council's needs

ATTACHMENTS: Nil

9.1 MINUTES OF THE CANBERRA REGION JOINT ORGANISATION EXTRAORDINARY BOARD MEETING HELD ON FRIDAY 25 OCTOBER 2024

REPORT

The minutes of the Canberra Region Joint Organisation Extraordinary meeting held on 25 October 2024 are included in **Attachment A**.

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

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

Accordingly, the minutes are presented for information.

RECOMMENDATION

That the minutes of the Canberra Region Joint Organisation meeting held on 25 October 2024 be noted

ATTACHMENTS: A. Minutes of Extraordinary Board Meeting 25 October 2024 [⇒](#)

9.2 MINUTES OF THE CRJO JOINT AUDIT RISK & IMPROVEMENT COMMITTEE HELD ON 17 SEPTEMBER 2024

REPORT

The minutes of the CRJO Joint Audit Risk & Improvement Committee meeting held on 17 September 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 17 September 2024 be noted.

ATTACHMENTS: A. Canberra Region Joint Organisation Audit Risk & Improvement Committee Meeting Minutes 17 September 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 Tender Evaluation Report - Murrumbateman Creek Bridge Replacement - Greenwood Road YVC.IA.36.2023

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 YVC.PE.37.2024 Murrumbateman Recreation Ground - Access Upgrade

Item 10.2 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.

10.3 Tender Evaluation Report - Bowning Active Circuit - YVC/IA/35.2024

Item 10.3 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.

10.4 Mayoral Minute - Appointment of Acting Chief Executive Officer and Recruitment of Chief Executive Officer Update

Item 10.4 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.