



Ordinary Meeting of Council

Wednesday 25 March 2020

4.00pm

Council Chambers

209 Comur Street, Yass

Citizenship Ceremony

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

April 2020

Wednesday 22nd

4.00pm

Ordinary Meeting of Council

Ordinary Meeting of Council

A G E N D A

Open Forum

Page No.

Webcasting

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Acknowledgement of Country

I acknowledge that we are meeting on the ancestral land of the Ngunnawal people. I recognise the Ngunnawal as the traditional custodians and pay respect to the Elders of the community and their descendants.

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Close of Meeting Time

Chris Berry
GENERAL MANAGER



Minutes of the Ordinary Meeting of Council

Wednesday 26 February 2020

4.00pm

Council Chambers

209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

Item 6.4 DA190192 – Home Industry, 4498 Gundaroo Road, Gundaroo
Tim Sides

Presentations to Council

Police Presentation – Yass Local Area
Sgt Dave Cowell

Council Meeting - The Deputy Mayor declared the meeting open at 4.33 pm.

Present

Councillors Nathan Furry, Deputy Mayor, in the chair, Cecil Burgess, Geoff Frost, Allison Harker, Jasmin Jones, Michael McManus, Mike Reid and Kim Turner.

Also present were the General Manager – Chris Berry, Acting Director of Planning – Liz Makin, Director of Engineering – Stan Robb, Director of Finance & Corporate – Mark Eady and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

1. Prayer

A minutes silence was observed in respect of the late Sharon Hutch, Council's former General Manager and Director Finance & Corporate.

2. Apologies

RESOLVED that apologies be received from Councillor Abbey due to her attending Federal Ministerial meetings, and leave of absence be granted.

(Turner/McManus) 1

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

3. Declaration of Interest/Disclosures

Councillor Harker declared a significant, non-pecuniary conflict of interest in Item 6.6 2019/0 Community Grants and stated that she believed her interest would preclude her from voting.

Reason: Councillor Harker declared an interest as she is a member of the Yass Pony Club.

Councillor Harker declared a non-significant, non-pecuniary conflict of interest in Item 7.2 Road Reserve Weed Spraying Trial and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Harker declared an interest as her residence is on one of the trial roads.

Councillor Jones declared a non-significant, non-pecuniary conflict of interest in Item 6.1 Department of Education Planning Update and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Jones declared an interest as she has a child at the school, but holds no executive position.

Councillor Reid declared a non-significant, non-pecuniary conflict of interest in Item 6.6 2019/20 Community Grants and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Reid declared an interest as he is a member of the Murrumbateman Landcare Group.

Chris Berry, General Manager, declared a pecuniary conflict of interest in Items 5.2 and 13.2 Mayoral Minute General Manager Performance Agreement.

Reason: Chris Berry declared an interest as the matter for consideration directly relates to the General Manager's position.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 18 December 2019 covered by page numbers 1-11 inclusive and resolution numbers 281-304 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Jones/Reid) 2

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

5. Mayoral Minute

5.1 MAYORAL MINUTE: GENERAL MANAGER PERFORMANCE PANEL

SUMMARY

Presenting a report on the *Guidelines for the Appointment & Oversight of General Managers* and recommend that future performance reviews of the General Manager be undertaken in accordance with the guidelines.

RESOLVED that the General Manager's Performance Review Panel consist of all Councillors.

(Frost/Jones) 3

FOR: Councillors C Burgess, G Frost, N Furry, A Harker and J Jones

AGAINST: Councillors M McManus, M Reid and K Turner

Foreshadowed Motion

1. The performance review of the General Manager be undertaken in accordance with the Guidelines for the Appointment & Oversight of General Managers (July 2011).
2. A Councillor be nominated for the General Manager Performance Review Panel.

(McManus)

At 04:53 pm General Manager, Chris Berry left the Chambers.

5.2 MAYORAL MINUTE: GENERAL MANAGER PERFORMANCE AGREEMENT

SUMMARY

To present for consideration a draft General Manager Performance Agreement for the period Oct 2019 to October 2020.

RESOLVED that this item of the Mayoral Minute: General Manager Performance Agreement be classified as confidential in accordance with s10A(2)(a) Local Government Act 1993 as the information is a personnel matter related to a particular individual.

(Turner/Harker) 4

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 04:54 pm Chris Berry returned to the Chambers.

6. Director of Planning Reports

6.1 DEPARTMENT OF EDUCATION PLANNING UPDATE

SUMMARY

Providing an update on the planning for a school at Murrumbateman and the Yass High Multi-Purpose Indoor Sports Centre.

RESOLVED that :

1. The Mayor write to the NSW Minister for Education to request a timeline for the completion of planning for a school at Murrumbateman and the design of the Yass High School Multi - Purpose Indoor Sports Centre, with a commitment to their construction within two years.
2. The Mayor write to the Member for Goulburn to request support to finalise the school planning, design and construction processes.

(Jones/Reid) 5

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

6.2 DEVELOPMENT CONSENT NO. DA155133E - LAND & ENVIRONMENT COURT APPEAL, TRUCK DEPOT, 46 CARRINGTON ROAD, SPRINGRANGE

SUMMARY

A Class 1 appeal has been lodged in the NSW Land & Environment Court in relation to modification DA155133E which was determined by Council in March 2019. The appeal seeks a merit review of Council's decision to refuse to grant approval to the removal of the condition which restricts the movement of heavy vehicle movements along Carrington Road during the school bus period. In the proceedings the Applicant is seeking an order for the condition to be removed by the Court.

Solicitors and an independent expert has been engaged on behalf of Council. This report presents consideration of the legal and independent expert advice, and seeks direction from Council on the proceedings.

RESOLVED that this item of the Acting Director Planning's report be classified as CONFIDENTIAL in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice that would otherwise be privilege from production in legal proceedings on the ground of legal professional privilege.

(Jones/Turner) 6

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

6.3 DEVELOPMENT APPLICATION NO DA190179 - HORSE ARENA COVER, MCINTOSH CIRCUIT, MURRUMBATAMAN

SUMMARY

Presenting the assessment of Development Application No DA190179 for the erection of a horse arena cover at McIntosh Circuit, Murrumbateman. The proposal is referred to Council due to the scale of the development and refusal is recommended.

RESOLVED that Development Application No DA190179 for a horse arena cover at Lot 3 DP1257138, McIntosh Circuit, Murrumbateman be refused on the basis that the scale of the development is inconsistent with that of the locality and the R2 Low Density Residential zoning of the land.

(Jones/Turner) 7

FOR: Councillors C Burgess, G Frost, N Furry, J Jones, M McManus, M Reid and K Turner

AGAINST: Councillor A Harker

6.4 DEVELOPMENT APPLICATION NO. DA190192 - HOME INDUSTRY, 4498 GUNDAROO ROAD, GUNDAROO

SUMMARY

Presenting the assessment of Development Application No DA190192 for a home industry (beer production only) and residential swimming pool at 4498 Gundaroo Road. The application is referred to Council due to the number of submissions received, however the proposal has been significantly amended in response to concerns in the submissions. Approval is recommended following receipt of a satisfactory waste water management report and the response from Transport for NSW.

RESOLVED that Conditional Development Consent be issued for a home industry (beer production only – no retail) and a swimming pool at 4498 Gundaroo Road, Gundaroo following receipt of a satisfactory waste water management report and the response from Transport for NSW.

(Frost/Turner) 8

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

6.5 DEVELOPMENT APPLICATION NO. DA190204 - STORAGE SHED, 32 LUTE STREET, GUNDAROO

SUMMARY

Presenting the assessment of Development Application DA190204 for the erection of a storage shed at 32 Lute Street, Gundaroo. The proposal is referred to Council as the location of the storage shed is forward of the building line set by the dwelling house and therefore contrary to Council's setback policy. Refusal is recommended.

RESOLVED that Development Application No DA190204 for a storage shed at 32 Lute Street, Gundaroo be approved.

(Burgess/Jones) 9

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M Reid and K Turner

AGAINST: Councillor M McManus

At 05:10 pm Councillor Harker left the Chambers.

6.6 2019/20 COMMUNITY GRANTS

SUMMARY

Recommending grants to be made through Council's Community Grants Program.

Minutes of the Ordinary Meeting of Council held on 26 February 2020

MOTION

1. *The following grants be made under Council's Community Grants Program for expenditure in 2020, subject to incorporation requirements being met:*

<i>Organisation</i>	<i>Grant amount</i>	<i>Purpose</i>
<i>Wee Jasper Community Association</i>	<i>\$4,000</i>	<i>Sanding and sealing of the Wee Jasper Hall dance floor and kitchen floor</i>
<i>Murrumbateman Landcare Group</i>	<i>\$3,200</i>	<i>An ecological survey of the Murrumbateman Bush Cemetery, installation of signs showing images of flora and fauna found in the cemetery and small scale re-seeding of specific areas of the cemetery with tube stock.</i>
<i>Yass Pony Club</i>	<i>\$4,000</i>	<i>Purchase of 20 portable show-jump wings and flags and a jumps trailer.</i>
<i>Yass Railway Heritage Centre</i>	<i>\$2,600</i>	<i>Construction of a replacement roof for a display locomotive.</i>

2. *Up to \$4,000 of the 2019/20 Community Grants funding allocation be expended on grants application writing workshops for members of community organisations.*
3. *The Gundaroo Soldiers Memorial Hall Management Committee be invited to submit a budget specification for the proposed lighting and circulation upgrade project, for the 1st round of funding, for consideration at the March 2020 Council meeting.*
4. *A 2nd round of the 2019/20 Community Grants funding be opened.*

(Jones/Frost)

FOR: Councillors C Burgess, G Frost and J Jones

AGAINST: Councillors N Furry, M McManus, M Reid and K Turner

MOTION LOST

RESOLVED that :

1. *The following grants be made under Council's Community Grants Program for expenditure in 2020, subject to incorporation requirements being met:*

<i>Organisation</i>	<i>Grant amount</i>	<i>Purpose</i>
<i>Wee Jasper Community Association</i>	<i>\$4,000</i>	<i>Sanding and sealing of the Wee Jasper Hall dance floor and kitchen floor</i>
<i>Murrumbateman Landcare Group</i>	<i>\$3,200</i>	<i>An ecological survey of the Murrumbateman Bush Cemetery, installation of signs showing images of flora and fauna found in the cemetery and small scale re-seeding of specific areas of the cemetery with tube stock.</i>
<i>Yass Pony Club</i>	<i>\$4,000</i>	<i>Purchase of 20 portable show-jump wings and flags and a jumps trailer.</i>
<i>Yass Railway Heritage Centre</i>	<i>\$2,600</i>	<i>Construction of a replacement roof for a display locomotive.</i>

2. *Up to \$4,000 of the 2019/20 Community Grants funding allocation be expended on grants application writing workshops for members of community organisations.*
3. *A 2nd round of 2019/20 Community Grants funding be opened following the completion of the grants application writing workshops.*

(Turner/McManus) 10

FOR: Councillors C Burgess, G Frost, N Furry, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 05:37 pm Councillor Harker returned to the Chambers.

7. Director of Engineering Reports

7.1 SWIMMING POOLS - FREE ENTRY TRIAL

SUMMARY

In December 2019 Council determined to conduct a trial of the Yass and Binalong Pools to allow free entry on days here the expected temperature was 40°C or above. This report presents the outcomes of this trial.

RESOLVED that :

1. *The additional impact on 2019/20 operational cost associated with the operation of the Yass and Binalong pools as a result of the 'free entry' trial in December 2019 and January 2020 be noted.*
2. *The application of 'free entry' days to the Yass and Binalong pools be considered as part of the 2020/21 budget deliberations, subject to:*
 - a. *Free entry to Yass and Binalong pools be restricted to residents and ratepayers of Yass Valley Local Government Area except those days where wider natural disasters (such as bushfires) occur.*
 - b. *The number of 'free entry' days be restricted to a maximum of 10 per season, with no more than five in any given month.*
 - c. *No refunds or further rebates being provided to season ticket holders for any given 'free entry' days.*

*(Jones/McManus)*11

FOR: Councillors C Burgess, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Councillor G Frost

7.2 ROAD RESERVE WEED SPRAYING TRIAL

SUMMARY

This report is to present a proposed road reserve priority weed spraying trial on selected roads within Yass Valley with the view to consider expanding this program as part of the 2020/21 budget considerations.

RESOLVED that :

- 1. \$50,000 be allocated from the 2019/20 roads maintenance budget to undertake a limited targeted weed spraying trial along selected sealed roads.**
- 2. Funding of \$200,000 to undertake a program of maintenance works associated with the spraying of priority weeds along Council managed and maintained road reserves be considered in the 2020/21 Budget deliberations.**

(Turner/McManus) 12

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

7.3 DRAFT WATER RESTRICTIONS POLICY

SUMMARY

In November 2019 Council determined to place a draft *Water Restrictions Policy* on public exhibition and adopted if no significant submissions were made. Three submissions have been received.

RESOLVED that the item be deferred to a Councillor Workshop to review the draft Water Supply Restriction Policy.

(Frost/McManus) 13

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

8. Director of Finance & Corporate Reports

8.1 DRAFT UNREASONABLE CONDUCT BY CUSTOMER POLICY

SUMMARY

In November 2019, Council determined to place a draft *Unreasonable Conduct by Customer Policy* on public exhibition and adopt it if no significant submissions were made. One submission was received.

RESOLVED that CA-POL-05 Unreasonable Conduct by Customer Policy be adopted as exhibited.

(Burgess/Reid) 14

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

8.2 INVESTMENT AND BORROWINGS REPORT

SUMMARY

In accordance with Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 31 January 2020. 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 Investment Report as at 31 January 2020 be received and it be noted that the summary has been prepared in accordance with the Act, the Regulations and Council's Investment Policy.

(Frost/Harker) 15

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

8.3 RATE ARREARS

SUMMARY

To update Council on rate arrears to the end of the second quarter of the 2019/20 financial year.

Rate arrears totalled \$1,289,675.96 as at 30 June 2019 and this has now been reduced to \$540,578.36 as of 31 December 2019. This represents an improvement of \$749,097.60 or 58.08%.

RESOLVED that the report on rate arrears be noted.

(Turner/Reid) 16

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

8.4 SIX MONTHLY REPORTING ON THE 2017/18- 2020/21 DELIVERY PROGRAM AND 2019/2020 OPERATIONAL PLAN

SUMMARY

In line with the Integrated Planning and Reporting Framework, Council is required to prepare every six months, a report on progress against the actions and activities identified in its Delivery Program and Operational Plan. This report contains the status of actions and activities undertaken for the period 1 July 2019 to 31 December 2020. This report will be placed on Council's website.

RESOLVED that the six monthly Progress Report for the 2017/18 – 2020/21 Delivery Program and 2019/20 Operational Plan for period 1 July 2020 to 31 December 2020 be noted.

(Turner/Jones) 17

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

8.5 2ND QUARTER BUDGET REVIEW 2019/20

SUMMARY

This report represents the 2nd Quarterly Budget Review Statement (QBRs) for the period 1 October 2019 to 31 December 2019 in the financial year ending 30 June 2020.

RESOLVED that :

- 1. The 2nd Quarterly Budget Review Statement adjustments as detailed in the attachments be adopted and the relevant income and expenditure budget adjustments be approved.***
- 2. In accordance with Clause 203 (2)(a) Local Government (General) Regulation, Council's financial position as at 31 December 2019 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.***

(Burgess/Reid) 18

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

9. General Manager Reports

9.1 INDEPENDENT OMBUDSMAN

SUMMARY

Presenting a report seeking clarification on the terms of reference for the engagement of an Independent Ombudsman service to review several unresolved complaints.

RESOLVED that :

- 1. *It be noted the Independent Ombudsman Service was identified as a process to enable the Smiths to air what they considered to be their outstanding complaints to a third party and at arm's length from Council and staff.***
- 2. *It be noted the Council decision in August 2019 was to engage an independent ombudsman service to review the complaints raised by the Smiths in respect of matters not relating to the Liberty Theatre referred to (but not detailed) in the Probity Report (noting that not every matter will be suitable for review due to the age of the underlying incidents, or because relevant staff are no longer employed by Council, or where the prospect of remedy is unavailable or unlikely in all the circumstances).***
- 3. *It be noted that the decision in August 2019 was not an open ended decision for an independent service for every past, existing and future complaint by the Smiths.***
- 4. *The engagement of Centium to undertake the independent ombudsman service be endorsed subject to any interview with the Smiths being conducted by their staff who have not been exposed to the background information provided by Council staff.***
- 5. *If the above arrangements are not suitable to the Smiths then:***
 - *The Independent Ombudsman Service be abandoned, and***
 - *The Smiths be advised that if they continue to be dissatisfied with the responses received from Council on any of their concerns they should refer to matters to the appropriate oversight organisation for Local Government (eg NSW Ombudsman, ICAC, Office of Local Government).***

(Jones/Frost) 19

FOR: Councillors C Burgess, G Frost, N Furry, J Jones, and K Turner

AGAINST: Councillors A Harker, McManus and M Reid

9.2 INFRASTRUCTURE PLANNING PRIORITIES

SUMMARY

To present the initial infrastructure priorities discussed at recent Councillor Workshops for endorsement.

RESOLVED that :

- 1. *The following infrastructure priorities be endorsed:***
 - *Council Administration Complex, library and commercial space***
 - *Yass War Memorial Swimming Pool redevelopments***
 - *Murrumbateman Community Hall***

- *Amenities at the Yass Pool/Skate Park, Murrumbateman and Yass CBDs*
 - *New Companion Animals Facility*
 - *Parks and playgrounds upgrades*
 - *Bike park, Adventure Playground and Yass River activation*
 - *Memorial Hall*
 - *Murrumbateman Dog Park*
2. *\$250,000 from the Property Reserve be considered as part of the 2020/21 Operational Plan and budget process for the preparation of plans for the Council Administration Complex, Yass Swimming Pool upgrade and Murrumbateman Community Hall.*
 3. *Toilet amenities at the Yass Swimming Pool/Skate park and Murrumbateman and a new dog park at Murrumbateman be considered as part of the 2020/21 Capital Works Program.*
 4. *Strategic planning work be undertaken in 2020/21 for leisure infrastructure across whole of Yass Valley including an adventure playground, bike park, parks and playground facilities.*
 5. *Investigations be undertaken in 2020/21 into the use of Crown Land in Murrumbateman and near the Yass Dam for parklands.*
 6. *A further report be presented to a future Council meeting reviewing the operational and strategic needs of Council land.*

(Jones/Frost) 20

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

9.3 ORGANISATIONAL REALIGNMENT

SUMMARY

Presenting a proposed realignment of the organisational structure to reflect recent Council decisions.

RESOLVED that :

1. *A three divisional structure headed by three Directors continue.*
2. *The revised organisational structure be endorsed with the Library and Economic Development and Tourism being moved into the Corporate & Community Directorate.*
3. *All Directors continue to be classified as 'Senior Staff' positions and employed on performance based contracts on the minimum remuneration package as specified under s332 Local Government Act 1993.*
4. *The position of Director Finance and Corporate Services be renamed Director Corporate & Community.*
5. *The position of Director Engineering be renamed Director Infrastructure & Assets.*
6. *The position of Director Planning be renamed Director Planning & Environment.*

(Harker/Reid) 21

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

9.4 PETITION - PROPOSED DISTILLERY, WEE JASPER

SUMMARY

Tabling a petition lodged requesting Council to review the Development Application for a proposed distillery so that the iconic views and access to Wee Jasper General Store, the fuel forecourt and parking arrangements be preserved.

RESOLVED that the tabled petition on the Development Application for a proposed distillery in Wee Jasper be noted.

(Frost/Turner) 22

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

10. Notice of Motion

Nil

11. Questions with Notice

Nil

12. Minutes and Recommendations of Council Committees

12.1 MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE AND RESCUE COMMITTEE MEETINGS

RESOLVED that the minutes of the Local Emergency Management Committee and Rescue Committee meetings held on 4 February 2020 be noted.

(Reid/Frost) 23

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

12.2 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 5 FEBRUARY 2020

RESOLVED that the minutes of the Traffic Committee meeting held on 5 February 2020 be noted and the following recommendation be endorsed:

Item 7.2 Request for Additional Parking Signs from the Yass office of NSW Fire and Rescue

That the request from the Yass office of NSW Fires and Rescue to install an additional parking restriction sign (Meehan Street) to improve access to their facility be approved.

Jones/Harker) 24

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

13. 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:

13.1 Development Consent No DA155133E - Land and Environment Court Appeal - Truck Depot - 46 Carrington Road, Springrange

Item 13.1 is confidential in accordance with section s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.2 Mayoral Minute: General Manager Performance Agreement

Item 13.2 is confidential in accordance with section s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(McManus/Jones) 25

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 7.01 pm Councillor Harker left the Meeting.

Closed Council commenced at 7.01 pm.

13.1 DEVELOPMENT CONSENT NO DA155133E - LAND AND ENVIRONMENT COURT APPEAL - TRUCK DEPOT - 46 CARRINGTON ROAD, SPRINGRANGE

SUMMARY

A Class 1 appeal has been lodged in the Land & Environment Court in relation to modification DA155133E which was determined by Council in March 2019. The appeal seeks a merit review of Council's decision to refuse to grant approval to the removal of the condition which restricts the movement of heavy vehicle movements along Carrington Road during the school bus period. In the proceedings the Applicant is seeking an order for the condition to be removed by the Court.

Solicitors and an independent expert has been engaged on behalf of Council. This report presents consideration of the legal and independent expert advice, and seeks direction from Council on the proceedings.

It is recommended that Council provide delegation to planning staff to participate in a Conciliation Conference and negotiate a reduced restriction period, but if the Applicant does not accept, that the matter should proceed to a Hearing in order to settle it conclusively.

RESOLVED that:

- 1. Staff be delegated authority to participate in the Conciliation Conference in relation to appeal DA155133E and negotiate per the following approach:**
 - **Firstly seek to retain the current condition in its present form**
 - **If there is no movement from the Applicant, a reduced restriction duration for morning and afternoon be put forward**
- 2. If an outcome is not negotiated at the Conciliation Conference the matter proceeds to Hearing.**

Jones/Frost) 26

FOR: Councillors C Burgess, G Frost, N Furry, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 7.23 pm Councillor Reid left the meeting.

13.2 MAYORAL MINUTE: GENERAL MANAGER PERFORMANCE AGREEMENT

SUMMARY

Presenting for consideration a draft General Manager Performance Agreement for the period Oct 2019 to October 2020.

RESOLVED that the General Manager Performance Agreement be endorsed for the period October 2019 to October 2020.

(Turner/Frost) 27

FOR: Councillors C Burgess, G Frost, N Furry, J Jones, M McManus and K Turner

AGAINST: Nil

RESOLVED that the meeting move into Open Council.

(Burgess/McManus) 28

FOR: Councillors C Burgess, G Frost, N Furry, J Jones, M McManus and K Turner

AGAINST: Nil

Open Council resumed at 7.24 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(McManus/Burgess) 29

FOR: Councillors C Burgess, G Frost, N Furry, J Jones, M McManus and K Turner

AGAINST: Nil

The meeting closed at 7.25 pm.

Nathan Furry
Deputy Mayor

6.1 'WOODSIDE' DRAFT PLANNING PROPOSAL ADVICE

SUMMARY

The landowners of 'Woodside' 3489 Barton Highway, Murrumbateman have put forward a draft Planning Proposal for preliminary advice over part of the subject site. The way in which this site is developed has significant bearing on the next stage of development in Murrumbateman, including linkages with Council's own land holding at 'Hawthorn'.

RECOMMENDATION

That the landowners of 'Woodside' 3489 Barton Highway, Murrumbateman be advised that rezoning request for part of the property will not be supported.

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Biodiversity Conservation Act 2016*
- *Environmental Protection & Biodiversity Conservation Act 1999*
- Yass Valley LEP 2013
- Yass Valley Settlement Strategy
- South East and Tablelands Regional Plan

REPORT

1. Introduction

The subject site is 41 ha in area to the immediate north of Fairley Estate, Murrumbateman. The eastern boundary abuts the Barton Highway, while the north and west boundaries abut 'Hawthorn' (Council owned property). The streets within Fairley Estate have been designed to connect into and anticipating development of the subject site.

This land was identified in the *Town & Villages Study 2010* as a Future Investigation Area to the immediate north to consolidate the existing 'village' area. Growth in this direction assumes a cessation of the vineyard activity on the subject site to remove the potential for land use conflict. Provision for the retention of the slab cottage 'Woodside' and its' adaptive re-use was also considered.

The *Murrumbateman Structure Plan 2014* later identified this land for small lot residential and retail/commercial use or tourist accommodation. This was due in part to its topography, abuttal to Barton Highway and ability to integrate with the existing village. A road extension was suggested to link Hillview Drive to Merryville Drive extending along the northern boundary of the site.

The subject site was again identified in the *Yass Valley Settlement Strategy* for potential rezoning from RU1 Primary Production to R1 General Residential. A minimum lot size of 1,000m² was recommended, which took into account the need for consolidation of development in Murrumbateman, connection to reticulated water and sewer while being large enough to retain the open character.

A reticulated sewerage scheme for Murrumbateman was completed in 2016. Construction of the pipeline to transfer water from Yass to Murrumbateman is underway, with the project expected to be completed by the second half of 2020. In anticipation, landowners have begun to undertake the

required site assessments to facilitate rezoning, particularly for this land, given its location and previous identification in Council's strategic studies.

2. Biodiversity Assessment

A Biodiversity Development Assessment Report (BDAR) has been prepared by Capital Ecology for the Woodside property.

The ecological assessment initially covered the whole Woodside property. The surveys conducted by Capital Ecology included:

- A biodiversity assessment between 18 October 2018 and 6 December 2018
- A remnant tree survey on 18 October 2018
- Five threatened flora and threatened bird surveys between 18 October 2018 and 6 December 2018
- Four Golden Sun Moth surveys between 30 October 2018 and 6 December 2018
- A threatened bat survey on 3 November 2018 and 5 November 2018

The ecological assessment confirmed that the site has been substantially modified. Although there is Box-Gum Woodland, the assessment determined that none of the vegetation zones which occur within the property meet the listing criteria under the *Biodiversity Conservation Act 2016* or *Commonwealth Environmental Protection & Biodiversity Conservation Act 1999* listed Threatened Ecological Communities. In addition, no threatened flora species were recorded on the subject site.

With regard to fauna species, Golden Sun Moth were recorded across the Woodside property, except within the vineyard area. The past grazing management practices implemented by the landowner have allowed native grass cover to re-establish and therefore creating habitat for Golden Sun Moth.

The landowners have been advised by Office of Environment & Heritage that they may be able to develop part of the Golden Sun Moth habitat, provided the required offset area can be secured. Development of all the Golden Sun Moth habitat on the subject site would not be supported, as this would trigger the Significant and Irreversible Impact threshold under the *Biodiversity Conservation Act 2016*. The ecological assessment also identified potential habitat to support the Striped Legless Lizard on the subject site. Targeted surveys for Striped Legless Lizard have not been undertaken to date.

No threatened ecological communities or threatened species were identified within the 7.5ha vineyard. The landowner has advised that further surveys are proposed to be undertaken for the presence of threatened species and based on the outcomes, a decision will be made in relation to the remainder of the subject site.

3. Draft proposal

Based on the outcomes of the ecological assessments summarised above, the landowner has sought advice whether Council would consider the rezoning of only part of the subject site, limited to the area containing the vineyard prior to making a formal application. The whole of the site has been identified within Council's strategic planning work for Murrumbateman, and impacts on the connection and integration with Council's landholding to the north.

The draft proposes amending the zone from RU1 Primary Production to R1 General Residential over the 7.5ha vineyard only. The landowner has requested that consideration be given to a smaller minimum lot size of 600 – 700m², in part to offset the reduced development potential which would realise a yield of approximately 90 to 70 lots respectively. While 600-700 m² lot sizes were considered as part of the supply and demand modelling undertaken to inform the *Murrumbateman Structure Plan*, it is much smaller than the recommended 1,000m² for Murrumbateman within the *Yass Valley Settlement Strategy*.

The balance of the land outside the vineyard is proposed to remain zoned RU1 Primary Production for the foreseeable future, unless further targeted Golden Sun Moth and Striped Legless Lizard surveys can revise the area able to be considered for rezoning. Until that time, it is the intention of the landowner to retain ownership of the balance of the site.



Subject site: Area shaded red proposed to be zoned R1 General Residential

4. Strategic assessment

The presence of Golden Sun Moth Habitat over this site is problematic, not only for the landowner but also ensuring connectivity between landholdings within Murrumbateman.

Due to the area and strategic location of the land to the north, it was initially proposed to seek Strategic Biodiversity Certification once these ecological surveys had been completed. This would have allowed the ecological values to be assessed holistically, with offsets and credits considered over the broader area.

The survey of Hawthorn identified a total area of 14.16ha habitat for Golden Sun Moth and the area is nowhere near the proportion which has been identified on the subject site. This means that the areas of habitat on 'Hawthorn' would be avoided if possible, as opposed to being developed, which would remove the requirement for an offset area to be secured (and purchased). Areas of potential reptile habitat were found on 'Hawthorn' including Striped Legless Lizard, however the site surveys confirmed that there were none present.

This means that including the subject site within any overall Strategic Biodiversity Certification is unlikely to enable a greater area to be developed on the subject site and there is no apparent benefit to include this land.

If Council was of a mind to consider the request for a partial rezoning of the subject site, it raises issues in terms of integration with the 'Hawthorn' site, especially through road connections. It also has the potential to create serious future land use conflict, as the balance of the site would remain rural and be able to be used for uses permitted within the RU1 Primary Production zone, while being adjacent to and surrounded by land zoned for residential purposes.

The landowner has been advised that the zoning and management of the balance of the land needs to be considered as part of this proposal, and planning staff have attempted to find an alternative use for the site with State agencies. Suggestions have been made to consider a stewardship agreement or environmental zoning, or to explore adaptive commercial use of the heritage listed slab building adjacent to the Barton Highway, but to date these alternatives have not been explored.

5. Conclusion

It is unlikely that the *Biodiversity Conservation Act 2016* will be reviewed in the short term, and the most likely improvement will be through an additional Striped Legless Lizard survey to increase the developable area.

Consideration of only part of the site which is the easiest and quickest to develop will result in a very poor planning outcome for Murrumbateman. It is recommended that the landowners be advised that a partial rezoning is not supported, and a holistic solution to the site needs to be put forward together following any additional surveys that may be required.

Land investigations on 'Hawthorn' will continue with the view to negotiating effective connections and circulation pathways, as well as ecological linkages.

STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN4 - Maintain a balance between growth, development and environmental protection through sensible planning
Delivery Program Action	EN4.1 - Ensure Council's statutory planning instruments are up to date and reflective of the community needs
Operational Plan Activity	EN4.1.1 – Undertake ongoing strategic land use planning and reviews of existing instruments

ATTACHMENTS: Nil

6.2 FILLING ON RURAL PROPERTIES

SUMMARY

To present a draft policy relating to filling on rural properties. It is recommend that the draft policy be placed on public exhibition.

RECOMMENDATION

That the draft Filling on Rural Properties Policy be placed on public exhibition and adopted if no significant matters are raised.

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- Community Engagement Strategy

REPORT

Council has been aware for some time of the issue of clean fill being deposited on rural properties in Yass Valley.

To date the dumping of clean fill material on rural properties in Yass Valley has involved a three pronged approach i.e.

- Advocate for a change in the Statewide regulations to limit filling on rural land to 100m³
- Review the Development Contributions Plans to update the methodology for calculating the heavy vehicle road maintenance levy and remove the exemptions
- Review standard conditions of Consent to place limitations on the amount of fill material, hours of operation and truck movements

The change in the Statewide Regulations and the standard conditions of Consent have been completed. Councils Heavy Haulage Development Contribution Plan is currently under review. .

Filling continues to be an issue with operators and landowners now over designing internal access roads and access tracks to maximise the amount of material being imported. The potential cumulative impact of over designed and unnecessary internal access roads on the rural landscape is significant.

For rural properties, with an average of 6 vehicle movements per day, a 4.5m wide driveway and 300mm above the existing ground level is sufficient for this level of traffic. Incorporating these standards into a planning policy will assist in providing some clear guidelines on the extent of fill permitted.

The draft policy (refer **Attachment A**) also seeks to set standards around the importation and use of fill for the purpose of gully remediation.

STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN1 - Protect and enhance the existing natural environment, including flora and fauna native to the region
Delivery Program Action	EN1.1 - Protect our natural assets in line with community values
Operational Plan Activity	EN1.1.1 – Ensure assessment of development applications protects our natural environment

ATTACHMENTS: A. Draft Filling on Rural Properties Policy [↓](#)

Policy: Filling on Rural Properties

XX-POL-XX

Division Development Assessment

Responsible Officer: Manager Development Control

1. INTRODUCTION

The issue of 'clean fill' material being transported to rural properties in the Yass Valley has been ongoing. Changes to state-wide regulations have now come into effect which generally limit filling without Development Consent on rural land to 100m³. A broader issue has emerged with operators and landowners seeking to find alternative projects which maximise the amount of material that can be imported, including gully rehabilitation projects and the overdesign of internal access roads. However, the use of this material can also facilitate good planning and environmental outcomes in certain instances.

2. POLICY OBJECTIVE

The objective of the policy is to provide guidance around when Council will support Development Applications involving the importation of clean fill material, including for gully rehabilitation and internal access roads. The policy shall also outline the minimum information required for assessment of Development Applications and the standard conditions of Development Consent that may be imposed.

3. POLICY SCOPE

The policy applies to all Development Applications in the Yass Valley involving the importation of material, however, does not extend to quarry remediation or the importation of 'waste' material.

4. POLICY PROVISIONS

4.1. Exempt Development

State Environmental Planning Policy (Exempt and Complying Codes) 2008 prescribes filling and earthworks that can be undertaken without Development Consent, subject to compliance with the development standards and any approval requirements under other legislation.

4.2. Guiding Principles

Erosion Gully Rehabilitation

The following guiding principles shall be taken into consideration when determining Development Applications for new or upgrade of internal access roads:

- Erosion is an adverse environmental process and potentially impacts on both the natural and built environment, such as waterways and farm infrastructure. The availability of clean fill material may represent an appropriate reuse for improved environmental outcomes. However, the filling of erosion gullies does not always represent the most appropriate or effective option for rehabilitation.
- Professional advice in relation to the design of control works is important to consider the available options for erosion gully rehabilitation and its effectiveness.

- The erosion gully rehabilitation plan should consider factors that include land capability, systems management (i.e. ongoing land management), the location of infrastructure, and temporary sediment and erosion control measures during the project.
- Positive environmental outcomes from the rehabilitation of erosion gullies must be considered alongside any adverse impacts on the amenity of neighbouring properties.

Internal Access Roads

The following guiding principles shall be taken into consideration when determining Development Applications for new or upgrade of internal access roads:

- Internal access roads for rural properties should be at a standard that reasonably provides safe, practical and physical access, having regard to the lawful use of the land, as well as site specific constraints (such as topography, native vegetation and bushfire hazard).
- Proposals for internal access road should provide clear detail of purpose, including for the infrastructure, activity or development that they are servicing.
- The design standard for internal access roads should generally be no greater than the following:
 - (a) a maximum pavement width of 4.5 metres;
 - (b) maximum height of 300mm above existing ground levels;

A greater design standard may be supported where it is demonstrated as being necessary in association with the lawful use of the land.

- Internal access roads should generally follow the 'lay of the land' with significant filling to alter ground levels considered to be unacceptable.

Development Applications for the internal access driveways will be referred to Council's Engineering Division for consideration. Proposal which are considered by Council's Engineering Division to represent an overdesign (i.e. beyond the standard identified above or not reasonably 'fit for purpose') will not be supported.

4.3. Minimum Information to Accompany Development Application

The minimum information to accompany a Development Application for erosion gully rehabilitation and construction of internal access roads is included as *Appendix A* to this policy.

4.4. Assessment of Development Applications, Consideration of Impacts and Neighbour Notification

The assessment of Development Applications and consideration of impacts for proposal involving the importation of material will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Neighbour notification will be undertaken, where required, in accordance with Council's *Community Engagement Strategy*.

4.5. Standard Conditions of Development Consent

Standard conditions of Development Consent will include requirements for:

- A limitation on the maximum volume of material that can be imported.
- Appropriate temporary sediment and erosion controls to be installed and maintained during the project.

- Reporting and record keeping, including details of heavy vehicle movements, material source, and project progression.
- Evidence of material classification.
- Hours of project operation and maximum number of daily heavy vehicle movements.
- Completion of project certification.

Additional conditions of Development Consent may be required depending on the particular circumstances and characteristics of a proposal.

4.6. Other Approvals

In addition to requiring Development Consent from Council, some proposals may require approval from other bodies or government agencies.

This may include, for example, a controlled activity permit for works in a watercourse under the *Water Management Act 2000* issued by the Natural Resources Access Regulator.

4.7. Heavy Haulage Contributions

Proposal involving the importation of material may be subject to heavy haulage monetary contributions for road maintenance. Where required, any heavy haulage contribution will be levied in accordance with Council's relevant contribution plan.

5. REVIEW

The review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

This policy will be reviewed every two years from the adoption date.

6. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Protection of the Environment Operations Act 1997*
- *Water Management Act 2000*
- *State Environmental Planning Policy (Exempt and Complying Codes) 2008*

7. DEFINITIONS

Excavated natural material (ENM) is as defined in the Protection of the Environment Operations (Waste) Regulation 2014 – Excavated Natural Material Resource Recovery Exemption 2014:

“naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:

- (a) been excavated from the ground, and
- (b) contains at least 98% (by weight) natural material, and
- (c) does not meet the definition of Virgin Excavated Natural Material in the Act.

6.2 Filling on Rural Properties

Attachment A Draft Filling on Rural Properties Policy

Excavated natural material does not include material located in a hotspot; that has been processed; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.”

Internal access road means a private road or driveway providing access within or through a property, but does not include a public road.

Virgin excavated natural material (VENM) is as defined in the *Protection of the Environment Operations Act 1997*:

“natural material (such as clay, gravel, sand, soil or rock fines):

- that has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities, and
- that does not contain any sulfidic ores or soils or any other waste.”

8. RESPONSIBILITIES

Development assessment staff are required to take into account the provisions of this policy in relation to any Development Applications involving the importation of material for erosion gully rehabilitation and internal access road construction.

9. HISTORY

<i>EMT Review Date</i>	<i>Report to Council</i>	<i>Minute No.</i>	<i>Exhibition Period</i>	<i>Adoption</i>	<i>Rescission Date</i>
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Appendix A – Information to Accompany a Development Application

Erosion Gully Rehabilitation

The minimum information to accompany a Development Application for erosion gully rehabilitation is as follows:

- Statement of Environmental Effects.
- A plan of the site, clearly identifying the areas of work.
- A Site and Soil Erosion Control Plan (or similar) prepared by a suitably experienced soil consultant. This must include an outline the purpose of the project, other options for rehabilitation, and a step-by-step project plan for the completion.
- A clear statement on the volume of material required, including an outline of how this has been calculated. This may require a land survey of the site to site or gully to be undertaken.
- A clear statement on the duration of the project and an estimate on the number of heavy vehicle movements.
- A clear statement on whether the proposal triggers entry into the *Biodiversity Offset Scheme* under the *Biodiversity Conservation Act 2016*.

Additional information may be required depending on the particular circumstances and characteristics of a proposal.

Internal Access Roads

The minimum information to accompany a Development Application for erosion gully rehabilitation is as follows:

- Statement of Environmental Effects (SEE)
- A plan of the site, clearly identifying the areas of work.
- An erosion control plan and a step-by-step project plan for the completion.
- An indicative engineering detail (i.e. cross section) showing the pavement width and depth. For some proposals full engineering design drawings, which include survey levels, may be required.
- A clear statement on the volume of material required, including an outline of how this has been calculated.
- A clear statement outlining the need to the internal access road construction or upgrade, including the details of any infrastructure or development that it is proposed to service.
- A clear statement on the duration of the project and an estimate on the number of heavy vehicle movements.
- A clear statement on whether the proposal triggers entry into the *Biodiversity Offset Scheme* under the *Biodiversity Conservation Act 2016*.

Additional information may be required depending on the particular circumstances and characteristics of a proposal.

6.3 DEVELOPMENT CONSENT NO DA175300 - RURAL SUBDIVISION, 196 BROOKLANDS ROAD, WALLAROO

SUMMARY

An application has been received to modify Development Consent No DA175300 for three lot subdivision of 196 Brooklands Road, Wallaroo. The application seeks to modify lot sizes based on the final survey of new lot boundaries. The proposal is reported to Council as it involves a variation to the maximum lot size development standard under the averaging provisions in the *Yass Valley Local Environmental Plan 2013*. Approval is recommended.

RECOMMENDATION

That the application to modify Development Consent No DA175300 for a rural subdivision of 196 Brooklands Road, Wallaroo be approved.

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- Yass Valley Local Environmental Plan 2013
- Application Assessment and Decision Making Policy
- Planning Circular PS-18003

REPORT

1. Application Details

Date Received	-	10 March 2020
Land	-	196 Brooklands Road, Wallaroo
Area	-	126.12ha
Zoning	-	RU1 Primary Production

2. Site Description and Locality

The subject site is 126.12ha containing a dwelling, outbuildings, vineyard and cellar door. The site is undulating in nature and vegetation on the site consists of scattered remnant and regenerating native woodland trees. The area is characterised by large lot rural lots used for primary production and dwellings.

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

3. Proposal

In November 2018 Consent was issued for a three lot rural subdivision (refer **Attachment B**).

A modification application has now been received to amend lot sizes by creating three rural lots of 20.56ha, 25.96ha and 79.60ha with an average area of 42.04ha (refer **Attachment C**). The proposal meets the average lot size requirements however, proposed Lot 1 is greater than the maximum lot size of 70ha permitted by the planning controls.

4. Public exhibition

The initial proposal was notified to 10 nearby and adjoining property owners and three submissions were received. This initial proposal was revised in response to the issue raised and renotified. No further submissions were received and Consent was issued.

As the modification does not represent a significant change to the original approval further public exhibition was not required.

5. Assessment

An assessment of the modification has been completed in accordance with the relevant planning legislation. The application generally complies with the relevant planning controls, policies and guidelines with the exception of the maximum lot size development standard. The planning response to the variation of the development standard is detailed below.

5.1 Variation to the Development Standard

Under the LEP the minimum lot size is 40ha. However there is provision to use lot size averaging provided the average lot size is 40ha with a minimum lot size of 20ha and a maximum lot size of 70ha.

The proposal complies with the provisions of the LEP with the exception of the maximum lot size of 70ha. Proposed Lot 1 is 79.60ha which is a 14% variation to the maximum lot size.

The Applicant's written request (refer **Attachment D**) suggests that that variation should be supported on the following basis:

- The variation will have minimal environmental impacts on the surrounding flora and fauna
- The variation will achieve a more positive subdivision design by adopting existing fencing and taking into consideration the history of the subject site
- Compliance with the development standard is unnecessary as the proposal meets the objectives of the zone and the objectives of the development standard.
- The development will result in good planning outcome for the wider community
- The average lot size will exceed the minimum requirement of 40ha
- The variation will allow for the appropriate allocation of land to service the existing use of the land
- The proposal is not against the public interest

The request is considered to have adequately demonstrated that the variation is making an effort to protect and preserve the environmental values of the site and that the development will result in a positive outcome for the future use and management of the land.

The development is in the public interest because it is consistent with the objectives of the zone and the development standard i.e.

- The predominant land use in the Wallaroo area is rural lifestyle in nature, as opposed to broadacre farming, and therefore the future use of each lot for such purposes, is unlikely to cause land use conflicts
- The proposed lot sizes are conducive to development that will maintain the rural character of the Wallaroo area and the Yass Valley
- The averaging provisions allow a subdivision design which permits existing uses to continue, whilst promoting environmental management through decreased land area and ease of access to lane within each lot

The proposed lot sizes are generally consistent with those in the locality and the development is considered to maintain the existing character of the area.

In summary, it is considered that compliance with the development standard is unnecessary as the proposal meets the objectives of the zone and the development standard (despite non-

compliance), the variation is minor and it is not inconsistent with the broader public interest. On this basis, it is considered that there are sufficient planning grounds to support the proposed variation to the development standard.

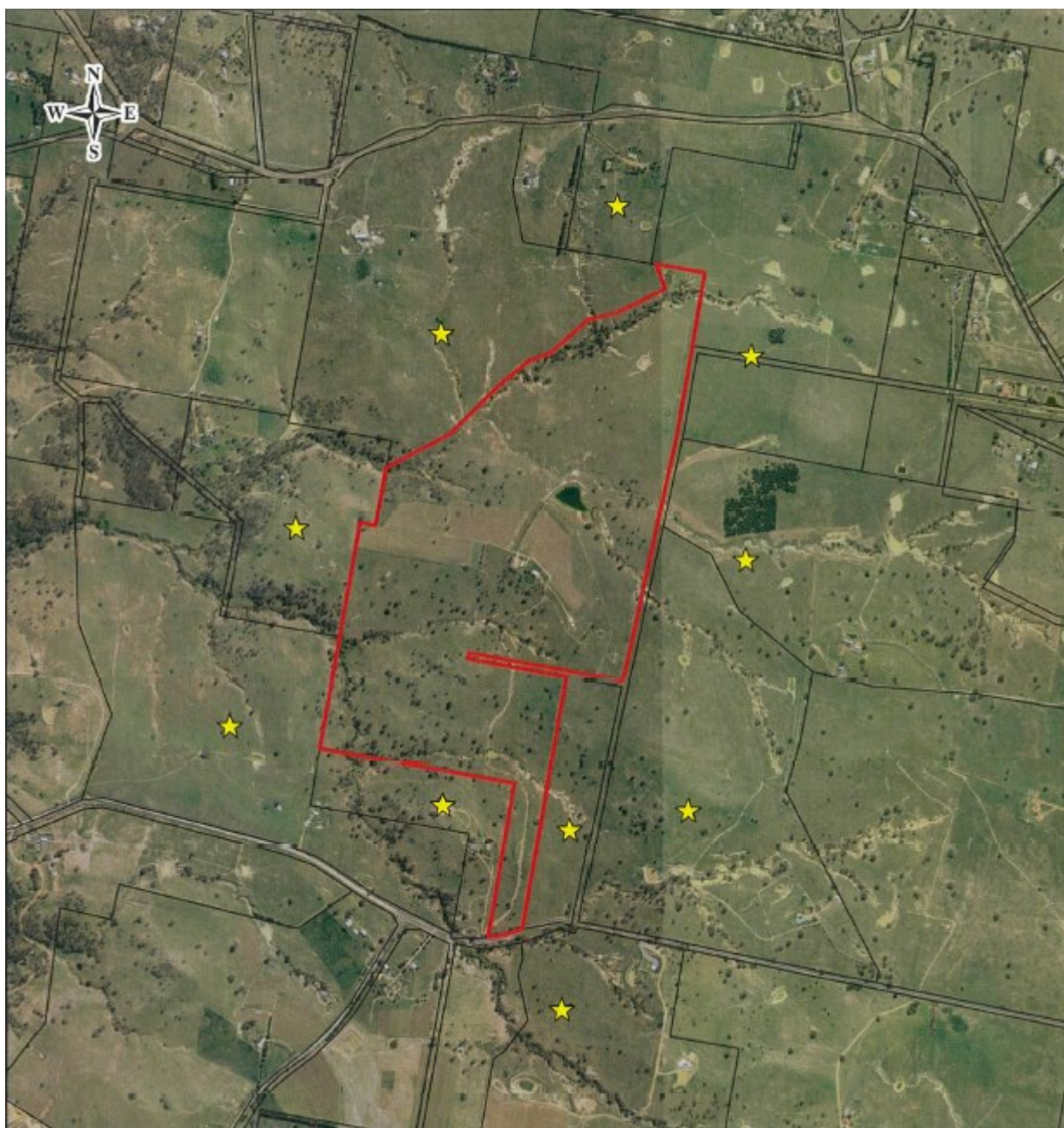
6. Conclusion

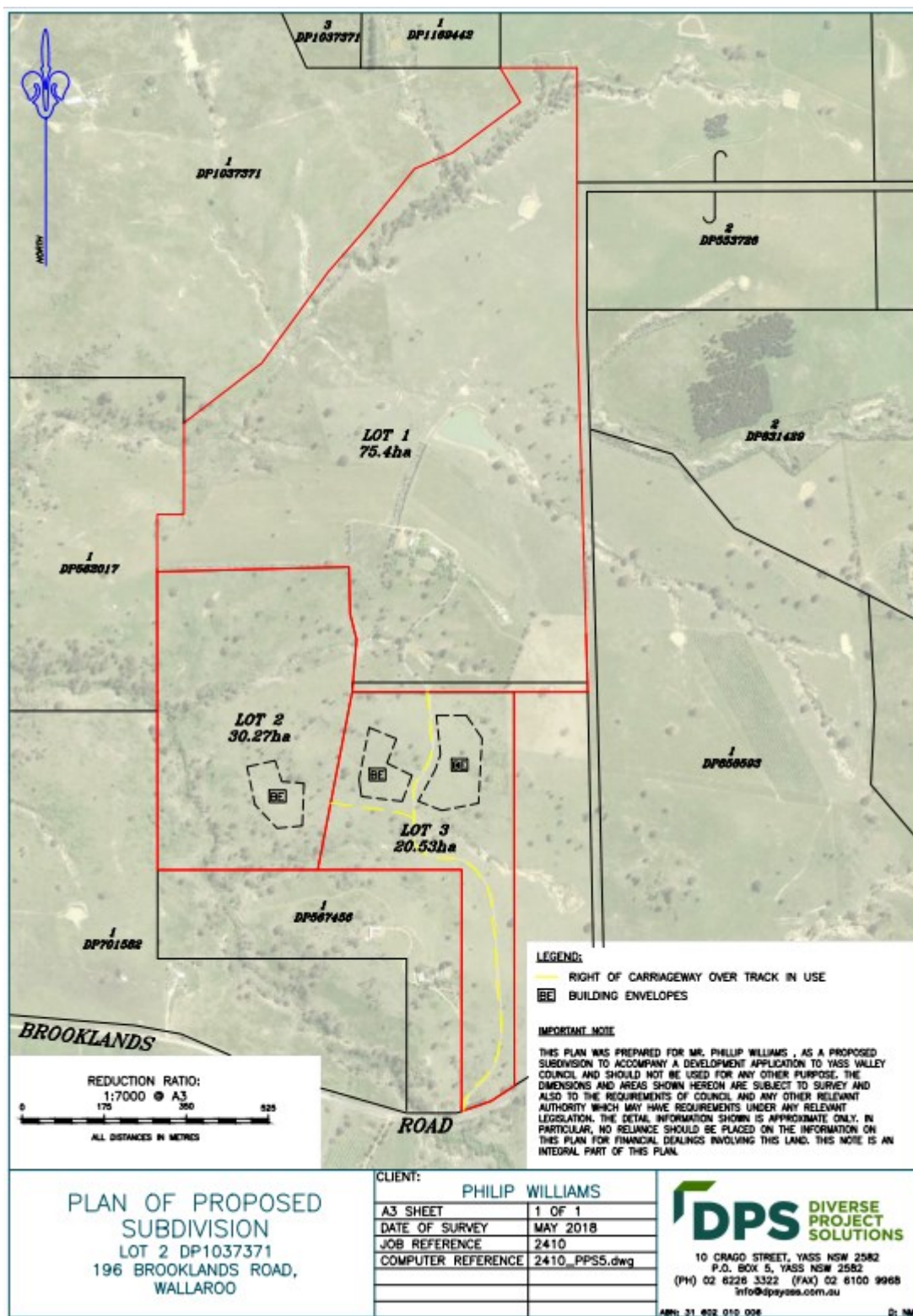
From the assessment of the proposal, it is recommended that modification application be approved.

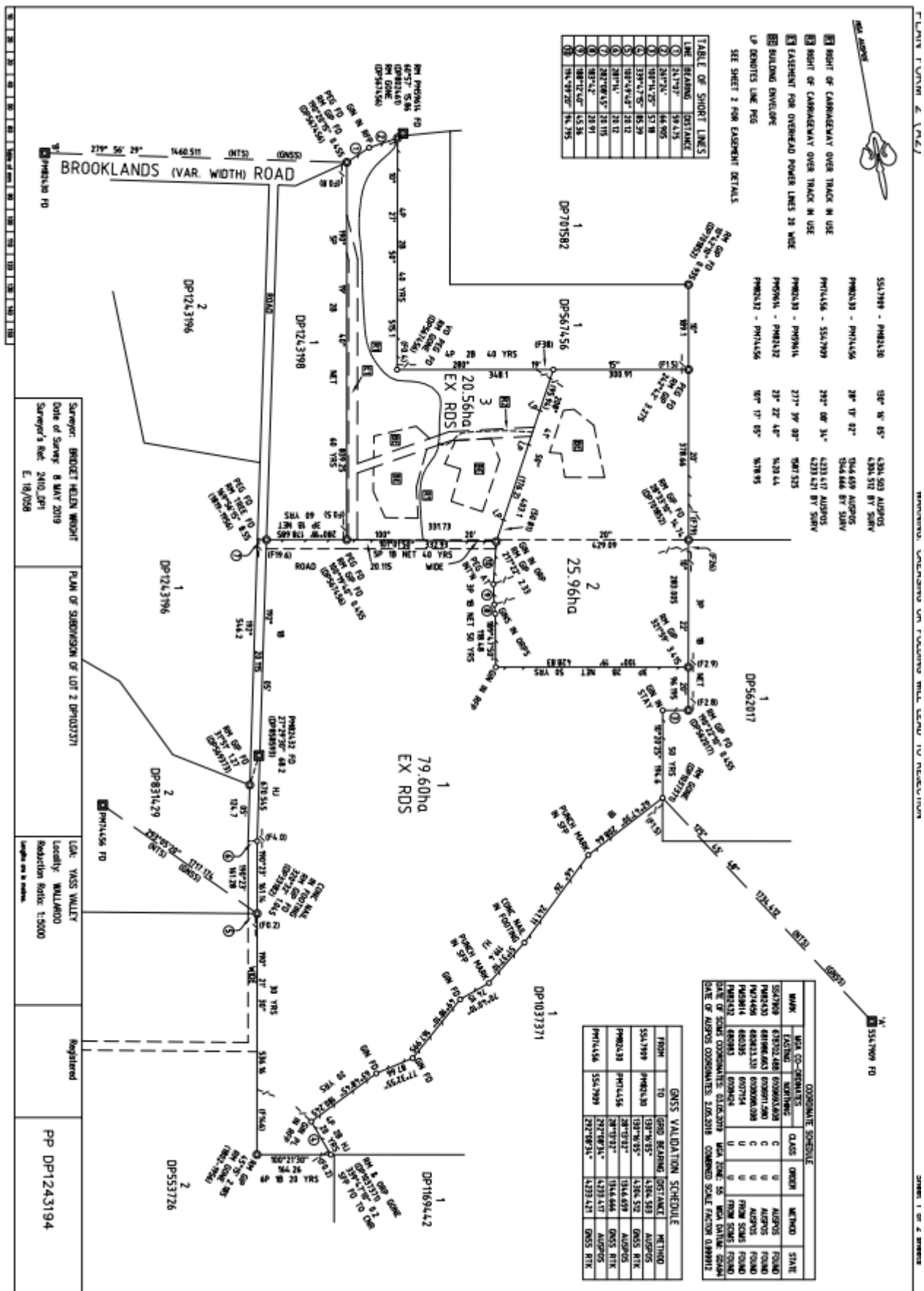
STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN1 - Protect and enhance the existing natural environment, including flora and fauna native to the region
Delivery Program Action	EN1.1 - Protect our natural assets in line with community values
Operational Plan Activity	EN1.1.1 – Ensure assessment of development applications protects our natural environment

- ATTACHMENTS:**
- A. Locality Plan [↓](#)
 - B. Approved Subdivision [↓](#)
 - C. Proposed Modified Subdivision [↓](#)
 - D. Applicant's Variation Request [↓](#)







It is proposed to create three (3) rural lots utilising Clause 4.1B(3) with areas of 20.56ha, 25.96ha and 79.6ha. The average lot size of this proposed development is 42.04ha, however with Lot 1 having an area of 79.6ha it does not comply with Clause 4.1B(3)(c). Although not complying the intention of the subdivision is to minimise the environmental impact on the subject land, by adopting existing fencing to create lots of these sizes avoiding the disturbance of flora and fauna and preserving the environmental values of the site

EXTENT OF VARIATION

The minimum lot size for this zone is 40ha, the proposed subdivision is creating three (3) rural lots of 20.56ha, 25.96ha and 79.6ha with an average area of 42.04ha. Whilst achieving the average minimum lot size, proposed Lot 1 presents a variation to Clause 4.1B(3)(c) of 13.71%.

As a result, a request for a variation is required utilising Clause 4.6, it is anticipated that this variation will have minimal environmental impact on the surrounding flora and fauna of the subject site. The variation to the maximum lot size under Clause 4.1B(3)(c) whilst more than 10% is still reasonably minor in nature and offers an achievable outcome for the proposed subdivision. The proposed subdivision takes into consideration the history of the site with great acknowledgement of the environmental conditions that surround this development.

The proposal has been prepared in accordance with the relevant planning legislation and has been proposed to result in a feasible planning outcome. The proposal largely complies with the relevant planning controls, policies and guidelines with the exception to the average lot size provision under Clause 4.1B(3) in the YVLEP. In this instance, we believe that compliance with the development standard is superfluous as the variation to the maximum average lot size is relatively minor in nature.

The proposed access for all the lots has been placed to appropriately to follow the existing track in use. The proposed layout of the lots has been determined by the topography of the land, existing vegetation and fencing on site. Based on the above supporting information, there are enough substantial environmental planning grounds to support this variation. In varying the development standard, the resultant subdivision offers an appropriate environmental planning decision that follows design principles that restrict compliance with the LEP requirements.

The proposed lot sizes are consistent with the surrounding parcels of land, this subdivision further enhances the rural lifestyle that the subject land has been zoned to accommodate. It is our expectation that the proposed subdivision will encourage enhanced land care management and environmental conservation values for the area.

As a result, a request for a variation is required utilising Clause 4.6, it is anticipated that this variation will have minimal environmental impact on the surrounding flora and fauna of the subject site. The variation to the maximum lot size under Clause 4.1B(3)(c) whilst more than 10% is still reasonably minor in nature and offers an achievable outcome for the proposed subdivision. The proposed subdivision takes into consideration the history of the site, the existing/ surrounding bushland with great acknowledgement of the environmental conditions that surround this development. The proposal will result in a minimal environmental impact upon the subject land, with all efforts made to deviate away from any large established vegetation.

CONCLUSION

As demonstrated in this request, by varying the standard, we are not contravening the rural and environmental attributes of the land, rather it is enhancing the environmental aspects of the subject land and provides a development that is complementary to the surrounding area. Considering the subject matter, it is deemed a variation to Clause 4.1B(3)(c) utilising Clause 4.6 is in this instance justified.

It is our opinion that due to the relatively minor variation required to satisfy Clause 4.1B(3)(c) that it would be unreasonable and unnecessary to comply with the requirements of this clause, we recommend and support this request.

6.4 DEVELOPMENT APPLICATION NO. DA200011 - BUILDING ENVELOPE AMENDMENT, 26 JIPARU DRIVE, MURRUMBATEMAN

SUMMARY

To present the assessment of Development Application DA200011 for the proposed amendment to the building envelope at 26 Jiparu Drive, Murrumbateman. The application is referred to Council due to the number of submissions received. Approval is recommended subject to a reduction in the size of the building envelope.

RECOMMENDATION

That Conditional Development Consent be issued for an amendment to the building envelope of Lot 83 DP 270586, 26 Jiparu Drive, Murrumbateman upon receipt of a plan which makes the following changes to the building envelope amendment:

- *Area of extended building envelope to be reduced to more accurately reflect the size necessary for the approved shed and excluding the trees.*
- *Reduction in the size of the existing building envelope so that the overall percentage of the lot occupied by the building envelope remains equal to existing.*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Conveyancing Act 1919*
- *Community Management Act 1989*
- Yass Valley Local Environmental Plan 2013
- Building Line – Rural and Rural Residential Land Policy

REPORT

1. Application Details

Date Received	-	22 January 2020
Land	-	26 Jiparu Drive, Murrumbateman
Area	-	1.3ha
Zoning	-	R5 Large Lot Residential

2. Site Description and Locality

The site is located in the Jiparu rural residential area, south of Murrumbateman. The area is characterised by single detached houses.

The site contains a dwelling which is constructed towards the north east corner of the prescribed building envelope and a swimming pool to the west of the dwelling. A maturing stand of eucalyptus encroaches on the southern boundary of the existing building envelope behind the dwelling, with some

older eucalyptus to the east of the building envelope. There is an approved shed for the site (outside the building envelope) which has not yet been constructed.

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

3. Proposal

The submitted proposal seeks to increase the size of the building envelope to incorporate the proposed shed for the site. A copy of the plan and supporting request, as well as the approved shed plans, are included in **Attachment B**.

4. Background

In March 2019 Development Consent DA180151 was granted for a storage shed outside the building envelope and with a 5m setback to the side boundary. A by-law in the Community Management Statement for this subdivision requires buildings to be located within the designated building envelope.

The *Yass Valley Local Environmental Plan 2013* allows title restrictions to be 'set aside' where they have not been required or imposed by Council.

A submission was received in relation to this application on behalf of the Jiparu Community Association Executive Committee indicating that they did not support the erection of the shed outside the building envelope. While a title restriction can be set aside under the planning controls a landowner still has a separate obligation to comply with any by-laws which could be enforced in a civil manner (e.g. by the Jiparu Community Association). The Applicant was advised of the by-law and that acting on it without the approval of the Jiparu Community Association would be at their risk. It was also recommended that the Applicant obtain independent legal advice on the matter.

The building envelope on the title can be amended via a Development Application. The Applicant has indicated legal advice has been obtained in relation to amending the building envelope which indicates approval by the Community Association is not required.

4. Public Exhibition

Public exhibition included notice to seven nearby and adjoining property owners, as well as the Jiparu Community Association. Five submissions have been received (refer **Attachment C**), all objecting or raising concerns in relation to the proposal. The key issues raised in the submissions are:

- The legal basis for the amendment
- The impact on the character of the subdivision
- The size and location of the building envelope
- Public interest and precedent

The Applicant has provided a response to the submissions which is included as **Attachment D**. The Applicant's response also included an email of support from the landowner whose property adjoins the side of the building envelope extension and the shed.

5. Assessment

An assessment has been completed in accordance with the planning legislation. The proposal generally complies with the relevant planning controls, policies and guidelines, inherently with the exception of the existing building envelope which is proposed to be amended by this application. The following is a response to the planning issues identified in the submissions and assessment.

5.1 Legal Basis for Amendment

The Applicant has indicated that they received extensive legal advice in relation to the proposed building envelope amendment prior to lodging the Development Application. The legal advice has not been provided but has been summarised in the Applicant's supporting letter, i.e.:

- The building envelope in the 88B instrument states that Yass Valley Council is the only authority that can release, vary or modify the building envelope

- The Community Management Statement for DP 270586 does not define the building envelope, just stating that buildings must be located within it. In this regard, the Community Management Statement does not need to be amended

The title restriction and Community Management Statement have been reviewed and it is generally agreed that the building envelope could be amended if Council granted Development Consent without requiring the approval of the Jiparu Community Association. However, the operation of the *Community Management Act 1989* raises the broader question of whether it is appropriate to do so.

5.2 Impact on Character of Subdivision

The decision to support the proposed storage shed outside the designated building envelope was made on the basis that:

- The proposed shed does not have any significant impact on the rural character of the subdivision
- There is still significant separation to development on adjoining lots and the location complies with the minimum requirements of Council's setback policy
- The location minimises the need for tree removal
- The shed of reasonable scale, consistent with the size on other properties in the locality

The submissions indicate that relative to the size of the lot, the subject land enjoys a generous building envelope as a percentage of lot area. In response, the Applicant has noted that adjoining lots already have setbacks of 10m from their lot and that there are other instances within the subdivision which have only a total of 20m separating building envelopes on adjoining lots. Furthermore, the Applicant outlines that many of the lots within the recently released stage of Jiparu have only 10m setbacks to side boundaries. The size of the building envelope is discussed further in the following section.

5.3 Size and Location of Building Envelope

The revised building envelope increases the setback to the eastern property boundary and is equal to the required setback for a dwelling. This better reflects Council's setback policy and the building setbacks of other lots within the subdivision.

The proposed increase in the building envelope size is generous and extends beyond the immediate area to be occupied by the proposed shed. There are several mature eucalyptus trees which would be located in the building envelope at the north-west corner.

It is understood that the Applicant's primary objective is to facilitate the erection of the approved storage shed with a 10m setback. In this instance it is recommended that the building envelope be reduced to better reflect the proposed building footprint (refer **Attachment E**). This is considered more appropriate for the following reasons:

- More accurately reflects the physical development that has been considered as acceptable in the previous Development Application/Development Consent for the shed
- Excludes the mature eucalyptus trees. Building envelopes are usually designed to avoid mature trees and including them inside it is not considered to be appropriate. If the area included the trees, further environmental assessment may be required under the *Biodiversity Conservation Act 2016*
- A smaller increase in the building envelope helps ensure the separation between buildings on each lot, highlighted as a concern in the submissions received
- There is a reduction in the size of the existing building envelope so that the overall percentage of the lot occupied by the building envelope remains equal

5.4 Public Interest and Precedent

Concern has been raised that approving this proposal the operation of the *Community Management Act 1989* (i.e. the role of the by-laws and role of the Jiparu Community Association) is being unduly affected. Furthermore, concern has also been raised that the granting of the

approval is creating an undesirable precedent and may lead to other similar proposals for modifying building envelopes within this subdivision and elsewhere.

Modifying building envelopes should be carefully considered and supported only where there is planning basis to do so.

The inclusion of a requirement in the LEP to vary a title restriction is to ensure that private requirements do not conflict with the achievement of wider community planning objectives expressed in the planning controls.

In this instance the planning and environmental impact of the proposal is not considered to be significant and the revised building envelope increases the side boundary setback of the shed.

Other individual applications would need to be considered on their own merit in accordance with the requirements of the planning legislation and their particular circumstances. The current application does not create an undesirable precedent.

Any decision under the planning controls is a separate matter to any decision making responsibilities of the Community Association.

6. Conclusion

From an assessment of the proposal and consideration of the issues raised in all the submissions it is recommended that Condition Development Consent be issued subject to a reduction in the size of the building envelope. Draft Consent conditions are included as **Attachment F**.

STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN1 - Protect and enhance the existing natural environment, including flora and fauna native to the region
Delivery Program Action	EN1.1 - Protect our natural assets in line with community values
Operational Plan Activity	EN1.1.1 – Ensure assessment of development applications protects our natural environment

ATTACHMENTS:

- A. Locality Plan [↓](#)
- B. Supporting Documents and Approved Shed Plans [↓](#)
- C. Submissions [↓](#)
- D. Applicant's Response to Submissions [↓](#)
- E. Suggested Changes to Building Envelope [↓](#)
- F. Draft Conditions [↓](#)

6.4 Development Application No. DA200011 - Building Envelope Amendment, 26 Jiparu Drive, Murrumbateman
Attachment A Locality Plan



yass valley council
the country the people

Yass Valley Council
PO Box 6
209 Camar Street
YASS NSW 2582
Telephone: 02 6226 1477
Email: council@yassvalley.gov.au

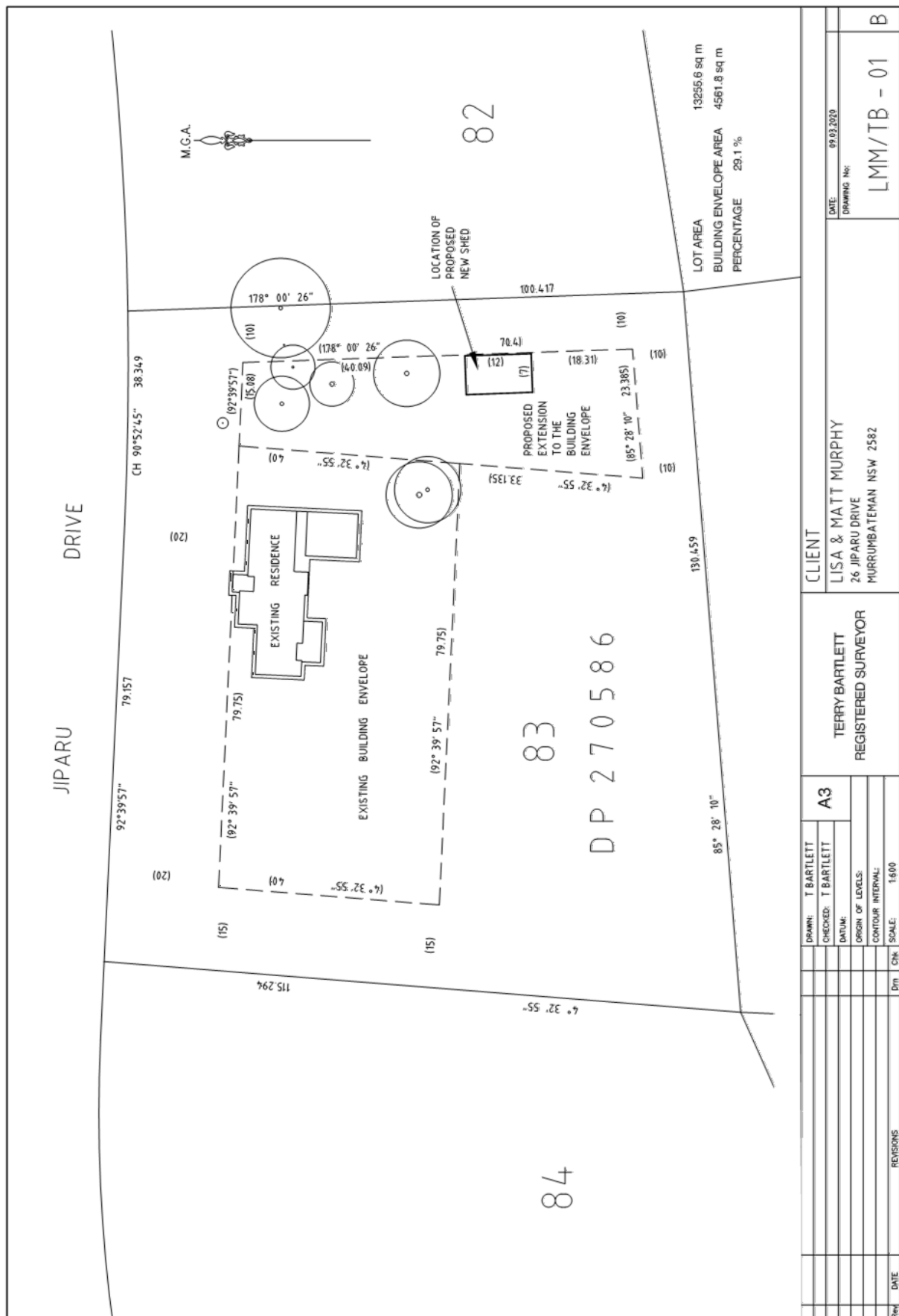
Important Notice!
This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or reliability of the information for use for any purpose (whether the purposes have been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Yass Valley Council nor the SV makes any representation or warranty about its accuracy, reliability, completeness or suitability for any particular purpose, and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of the data being inaccurate or incomplete in any way and for any reason.
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Drawn By: Jeremy Knox
Projection: GDA94 / MGA zone 55
Date: 12/03/2020 10:56 AM

Subject Property
Property Notified

Map Scale: 1:3319 at A4

6.4 Development Application No. DA200011 - Building Envelope Amendment, 26 Jiparu Drive, Murrumbateman
Attachment B Supporting Documents and Approved Shed Plans



Lisa Murphy
26 Jiparu Drive
Murrumbateman NSW 2582

To Whom It May Concern,

APPLICATION TO AMEND BUILDING ENVELOPE

To support our application to make a small amendment to our current building envelope, which will allow us to be compliant with Jiparu by-laws, please see below for additional information.

On 1st March 2019, Yass City Council approved our development application (DA180151) to erect a storage shed on our Lot 83 (DP270586). However, as the positioning of the shed was located outside the allocated building envelope, it was noted that this is inconsistent with the current by-laws.

The main purpose for the positioning of our new building envelope is to reduce the environmental impacts and unnecessary clearing of native trees that would cause habitat destruction on the native animals that are currently living within these trees as well as the biodiverse impact. The increase of our building envelope is still within the Jiparu theme; *"A rural residential development set amongst some of the most delightful country in the region"*. This amendment is only small and the proposed new envelope will still only cover 37% of the lot area, which is far less than a majority of existing lots within Jiparu.

As advised by Yass City Council on the 27 August 2019, we engaged a Registered Surveyor who has prepared the attached plan. The plan shows the dimensions and location of the proposed building envelope and positioning of the storage shed.

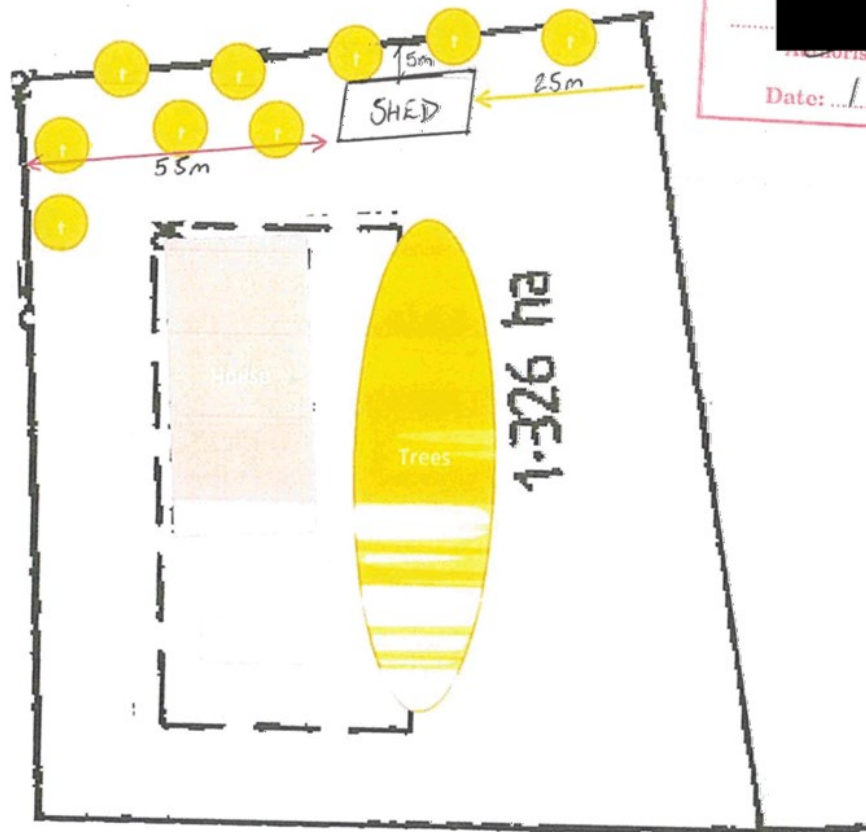
We have also sought legal advice as recommended. The extensive legal advice from Kerin Benson Lawyers on this matter advised the following:

- **88B Instrument** states that Yass City Council is the *only* Authority that can release, vary or modify the building envelope.
- **The Community Management Statement** for DP 270586 ("Jiparu statement") does not need to be amended to reflect any changes to the building envelope. This is because the Jiparu statement does not define the building envelope nor does it make any reference to the process of amending the building envelope. As such no changes to the **Development Contract** is required.
- Yass Valley Local Environmental Plan 2013 and particularly clause 1.9A which relevantly states: *"1.9A Suspension of covenants, agreements and instruments (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose."* This clause is commonly referred to as a "by-law buster provision". It has the effect that if Council approves your development consent, this approval supersedes, or trumps, the Jiparu statement making any provision of the management statement or development contract void to the extent they prevent the approved development. As mentioned above, the building envelope is not defined in the Jiparu statement and therefore, Council should not need to rely on clause 1.9A of the LEP.
- The **Community Development Contract** does not make any reference to the building envelope.
- The **Development Contract** does not contain any reference to the building envelope. As such no changes to the development contract are required.

If you require any further information, please do not hesitate in contacting me.

Regards
Lisa Murphy
[Redacted Signature]

Attachment A



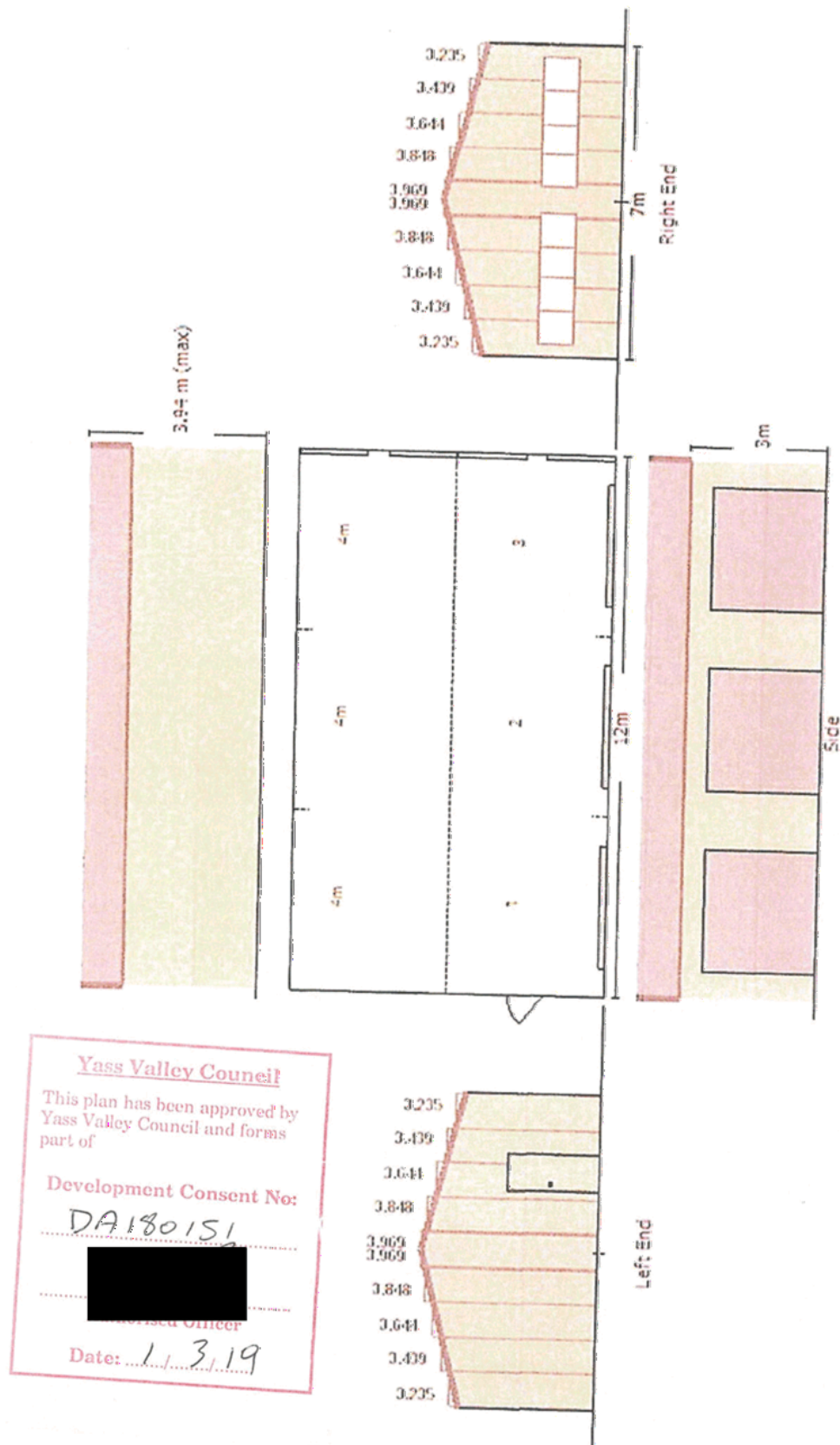
Yass Valley Council
This plan has been approved by
Yass Valley Council and forms
part of
Development Consent No:
DA180151
Authorised Officer
Date: 1.3.19

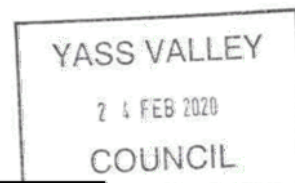
Garage Position:

- 5 metres from the side boundary fence (as indicated with the red arrow)
- 25 metres from the Back boundary fence (as indicated with the yellow arrow)
- 55 metres from the Front boundary fence (as indicated with the red arrow)

Spec's of the shed include:

- 7m Span, 3m High and 12m Long
- 3 Bays each 4m Wide. 15Deg Roof Pitch
- Corrugated 0.42 CB Roof Monoclad 0.42 CB Walls
- Suitable for REGION Reg A. TCat 2.5
- ALL BHP Bluescope
- Colour- Roof & Walls - Colorbond Woodland_grey (same colour as the roof of our house)
- - Gutter/downpipes/doors - Colorbond Basalt (same colour as the trimmings of our house)





ALLAN GOLDING PTY LTD

Strata Managing Agents
[Redacted]

24 February 2020

Mr Jeremy Knox
Yass Valley Council
P O Box 6
YASS NSW 2582

Re: DA 200011 - 26 Jiparu Drive Murrumbateman

Dear Jeremy

Please see attached the objection material from the Executive Committee members:

[Redacted] Lot 18;
[Redacted] Lot 17;
[Redacted] Lot 25;
[Redacted] Lot 31;
[Redacted] Lot 23;
[Redacted] Lot 14.

[Redacted] as Chair has signed on behalf of them and their individual
authorisation is held in writing.

I mention this information because the Executive Committee wishes that this matter
have a hearing by general council. Its degree of importance is rated so highly by the
Executive Committee that it is their want that every effort be made to clarify this
matter completely.

The Executive Committee has authorised distribution of the cover letter (Annexure 1)
to all councillors.

Again I thank you for including myself (on behalf of the overall Jiparu community) in
the distribution of information process. Given enough time it would be the intention to
involve all of the Jiparu lot owners in general meeting conversation - the ripple effect
has the potential of adverse effect on them all.

K [Redacted]
Allan Golding
Community Title Manager
[Redacted]

JIPARU COMMUNITY ASSOCIATION DP 270586
EXECUTIVE COMMITTEE
C/O ALLAN GOLDING PTY LTD

[REDACTED]
Strata Managing Agents
[REDACTED]

General Manager
Yass Valley Council
PO Box 6
YASS NSW 2582
Attention: Jeremy Knox

Dear Sir

RE: Development Application DA 200011 - 26 Jiparu Drive Murrumbateman

The Executive Committee of the Jiparu Community Association Scheme through the Community Title Manager, Mr Allan Golding thank the council for the opportunity to provide a submission in response to Development Application DA200011- 26 Jiparu Drive, Murrumbateman that proposes to amend the existing building envelope.

The time frame for returned submissions in reply to the development application, as a consequence of the statutory notice periods required, has not provided an opportunity to hold a special general meeting or a formal Executive Committee meeting. The Executive Committee has relied however on informal discussion and the outcomes of the Community Association Scheme 2019 Annual General Meeting (AGM 2019) to inform and represent to council what it, the Executive Committee, believes to be the overwhelming view of Jiparu Community Scheme lot holders. As a consequence the Executive Committee has endorsed the Chair and the Community Title Manager to sign this submission on behalf of the Executive Committee (Annexure 1).

The Executive Committee strongly **opposes** the application on the following grounds:

1. The assertion made by the applicant that the development is still within the 'Jiparu theme' stated in the Community Management Statement is misleading as it fails to consider the precedent that granting such an application would set. A precedent that poses the serious risk of changing the entire character and 'theme' of the Community Scheme.
2. The building envelopes form part of the development plan of the Jiparu Community Scheme. Each individual building envelope in the Jiparu Community Scheme was thoughtfully and deliberately sized and sited to best provide space, privacy and outlook in a fair and inclusive overall approach. The development plan was counter signed by Yass Valley Council as part of the developer's development / sub division application (Annexure 2). We are of the view that council in their consideration of the sub division, inclusive of the proposed building envelopes, would have considered the appropriateness of the same against the objectives of the Yass Valley LEP.

3. The assertion made by the applicant that the "amendment is only small and will only cover 37% of the lot area, which is far less than the majority of existing lots within Jiparu", is entirely misleading and incorrect. The current building envelope of the applicant's lot is proportionately one of the largest building envelopes in comparison to the adjoining and adjacent surrounding lots to the applicant's lot within the Jiparu Community Scheme. (Annexure 3/3A). This is a direct result of the developer obtaining a special dispensation from council to extend the building envelope of the applicant's lot in the initial development plan in response to maintaining the native trees located on the lot.
4. The proposed amendment seeks to increase the existing building envelope by approx 53%. On any reading such an increase could not be characterised as 'small'. If granted the lot would enjoy a building envelope at least 30% - 150% larger than any other adjoining or adjacent surrounding lots to the applicant's lot (Annexure 3A). If all other lot holders sought to amend their building envelopes in the same manner the entire theme and essence of the Jiparu would be lost.
5. It would be naïve to suggest that a lot holder with a current building envelope to lot size ratio significantly lower than the existing ratio of 26 (Lot 83) Jiparu, would not rely on the precedent set, if the development application was approved, to maximise their own potential building envelope.
6. Noting that the existing building envelope is comparable to the adjoining and adjacent surrounding lots one of the most generous, and that the current structures within the existing building envelope of the applicant occupy only a small footprint, it is not surprising that there are numerous alternate locations available within the existing building envelope to place the proposed shed. As such there is no need to increase the building envelope to facilitate the erection of a shed.
7. The location of the proposed shed, which is the stated underlying motivation for the applicant's development application to amend the building envelope, came before the Jiparu Community Association AGM as an application to erect a structure outside the building envelope (AGM minutes attached - Annexure 4). The motion was unequivocally defeated with a resounding consensus that a precedent would be established that would threaten the very essence and nature of the Jiparu rural residential 'theme'.

Detailed reasoning:

- I. The positioning of the proposed shed at 26 (Lot 83) Jiparu Drive, Murrumbateman is located outside the property's allocated building envelope. Subsequently, the development of the shed in its proposed location, without an approved extension to the current building envelope, would be in contravention of the Jiparu by-laws.
- II. The Yass Valley Local Environment Plan 2013 (LEP), an instrument enlivened by the *Environmental Planning and Assessment Act 1979* (EPA Act), stipulates the aims of the LEP at s 1.2. Most relevantly, the aims of the LEP include –
 - a. to establish planning controls that promote sustainable development;
 - b. to protect and conserve the cultural heritage and history of Yass Valley;
 - c. to protect and enhance the environmental and biodiversity values of Yass Valley;
 - d. to minimise land use conflicts.

- III. Section 136(1) of the *Strata Schemes Management Act 2015* (NSW) provides that by-laws can be made in relation to the management, administration, control, use or enjoyment of the lots or the common property and lots of a strata scheme.¹ This provision is applicable to the creation and maintenance of the Jiparu by-laws.
- IV. The Community Management Statement and by-laws were developed to ensure compliance with the overarching provisions of the LEP. Further, the Jiparu 'theme' captures the aims and intent of the LEP by working to control and preserve the unique rural residential nature of the Jiparu Community and therefore ensure that developments are made in accordance with the LEP.
- V. Jiparu's Community Management Statement contains the list of Jiparu by-laws. The primary purpose of the Community Management Statement and the associated by-laws are captured in Jiparu's theme - to "**protect and enhance the value of each lot and the development as a whole providing a peaceful and enjoyable environment.**" The by-laws relate explicitly to the preservation of the 'theme' suggested by the Community Management Statement.
- VI. Jiparu Community Management Statement notes '*inter alia*' that the theme of Jiparu "*is a rural residential development...*" and while not expressly stated the Executive Committee is of the view that this theme would imply that the development has a sense of space and does not reflect the built up nature of a suburban development, which in the view of the Executive Committee would not include building structures in close proximity to lot boundaries. This sense of space is given effect by the generous setbacks and relatively modest building envelope to lot size ratios. There is no doubt that it is these carefully considered design attributes by the developer, such as the layout of the building envelopes, that first attracted lot holders to invest in Jiparu, but also and most importantly such attributes provide assurance to each lot holder that their significant investment in Jiparu is protected.
- VII. It is not a coincidence that Part 11 of the Community Management Statement goes on to specifically list "*by-laws that relate to the control and preservation of the essence or theme of the community scheme*" again, adding that such by-laws "*may only be amended or revoked by unanimous resolution of the Association in accordance with section 17(2) of the Community Land Management Act 1989.*" Importantly, by-law 9- 'Building Envelopes' is included in this list.
- VIII. The Executive Committee relies on the wording of section 14(3)(a) of the *Community Land Management Act 1989* (CLM Act) which requires a "***unanimous resolution if the amendment would affect by laws made under section 17 to control or preserve the essence or theme of the scheme to which they relate***" (emphasis added). While by-law 9 would not have to be altered as a consequence of altering building envelopes, the alteration of building envelopes would clearly still affect the intent and application of by-law 9 by changing the impact of by-law 9. The practical outcome would be that by-law 9, fundamental to the protection of the "*control and preservation of the essence and theme*" of Jiparu would be rendered valueless.
- IX. Council's attention is drawn to the minutes of the Jiparu Community Scheme AGM 2019 when a motion was put to the meeting by the applicant to erect a shed outside the building envelope in the same location as would be the effect of this application. The motion was unequivocally defeated. Importantly the opposition was not based on the erection of the shed as the following was expressly recorded in the minutes:

MOTION LOST

The meeting requested that it be recorded that the vote be viewed not as any judgement on the merits of the individual lot owner's circumstances, rather a reflection of a majority consensus opposed to a motion that could have the potential of adversely affecting all lots.

¹ *Strata Schemes Management Act 2015* (NSW) s 136.

Similarly the opposition to the current development application is not an opposition to the applicant erecting a shed but opposition to the amendment of building envelopes which poses a serious risk of creating a precedent that would adversely impact the Community Scheme and all lots as a whole.

The Executive Committee again notes that the applicant is not prevented from erecting a shed within the current building envelope which on comparison with other similar sized lots is generous, offering numerous alternative sites for the shed.

- X. The Executive Committee notes the argument made by the applicant in relation to section 1.9A of the LEP which applies to the development of land **to be carried out in accordance with the LEP** (emphasis added). It provides that applicable covenants, agreements and instruments may be suspended to facilitate a proposed development. The Environmental and Planning Assessment Act 1979 provides that 'instrument' includes by-laws.

The Executive Committee notes that the stated underlying reasoning of the proposed extension to the building envelope is the subsequent erection of a shed in a location that is currently outside of the existing building envelope.

It is absurd to suggest that the by- laws prohibit the underlying erection of a shed on the applicant's lot. Rather the primary operation of the by- laws, which were made in consultation with Yass Valley Council to ensure the aims and objectives of the Yass Valley LEP were met, relate to *"the control and preservation of the essence or theme or the Community Scheme"*. As such, in these circumstances, the by-laws ensure the development of land **'is carried out in accordance with the LEP'** (emphasis added). It would be absurd to suggest that Section 1.9A of the LEP supports the suspension of a by-law that at its very heart ensures controls are maintained to preserve the character of a development which has been approved **in accordance with the Yass Valley LEP** (emphasis added).

- XI. The size of each lot, their respective building envelopes that dictate the proximity of neighbouring structures and developments of surrounding properties, and the safe guards to the development's design such as the Community Scheme by-laws, all play a significant role in each lot holder's decision to invest. As such it is no surprise that these documents form part of property law with respect to the conveyance of land within the scheme and the decision making process to invest is based on these known rules.

The Executive Committee draws council's attention to *Owners Corporation Strata Plan 56531 v Council of the City of Sydney* (2017) NSWLEC 1007 where the court held that as *"part of the appearance of a new development on an existing block of land, its character, identity and ability to blend in with the 'charm of the area' are essential considerations for the NSW Courts in upholding applications for new developments. The height and bulk of the proposed development, its impact on views, and its potential to impact the value of surrounding properties are also of fundamental importance."* (emphasis added).

- XII. The location of the proposed shed contemplates a considerable extension to be made to the existing building envelope at 26 (Lot 83) Jiparu Drive. The plans suggest a significant increase in the building envelope, approx increase of 53% on its existing size. The existing building envelope is set back from the property's boundaries on all sides, affording privacy to neighbours, upholding the rural residential feel of the area and preserving a peaceful and enjoyable living environment, as per Jiparu's theme. The proposed amendment reduces the setback alarmingly to only 33% of the existing.

- XIII. Approval to extend the building envelope in the proposed manner, would set a precedent for current and future residents of the Jiparu community to alter their existing building envelopes, and develop structures situated close to the boundaries of other properties. The ultimate result being a real risk that the *"control and preservation of the essence or theme of the Community Scheme"* will be entirely compromised and the Community Scheme will no longer demonstrate compliance with the aims of the LEP. If this was to occur, the potential negative impact to the value of surrounding properties would be significant noting that it is the underlying 'rural residential theme' and sense of space from adjacent lots that underpins the significant property values of Jiparu.

In conclusion

It is the Executive Committee's view, that section 17(2) of the *CLM Act* and the construction of the Jiparu Community Statement, which expressly includes by-law- 9 – 'Building Envelopes' as part of the subset of by-laws relating to the *"control and preservation of the essence or theme of the community scheme"*, that in consideration of this development application within the Jiparu Community Scheme, and the impact such a precedent would set, it is appropriate for council to act in consort with the overriding wishes from the overwhelming majority of Jiparu lot holders to protect their belief in design of and investment in Jiparu.

To that end the Executive Committee respectfully requests that Yass Valley Council acts to ensure consistency with fundamental considerations of NSW Courts in development approval cases, maintains the aims of the LEP, upholds the central themes of the Jiparu Community Scheme, namely providing a peaceful and enjoyable environment afforded by the sense of space which is given effect by the existing building envelopes, and refuses the application to amend the building envelope of 26 (Lot 83) Jiparu.

In the alternate, if council approves the application, then consistent with the intent of section 17(2) of the *CLM Act* that seeks to *"control and preservation of the essence or theme of the community scheme"* and therefore the value and investment of all lot holders, that any approval should be conditioned on a unanimous resolution of a motion supporting such an amendment put to a general meeting duly convened in accordance with the *CLM Act*.

Yours sincerely,



Allan Golding
Community Title Manager



On Behalf of the Executive Committee.



(Executive Committee – Chair)

Dated 23rd day of February 2020.

* ANNEXURE 2



LAND
REGISTRY
SERVICES

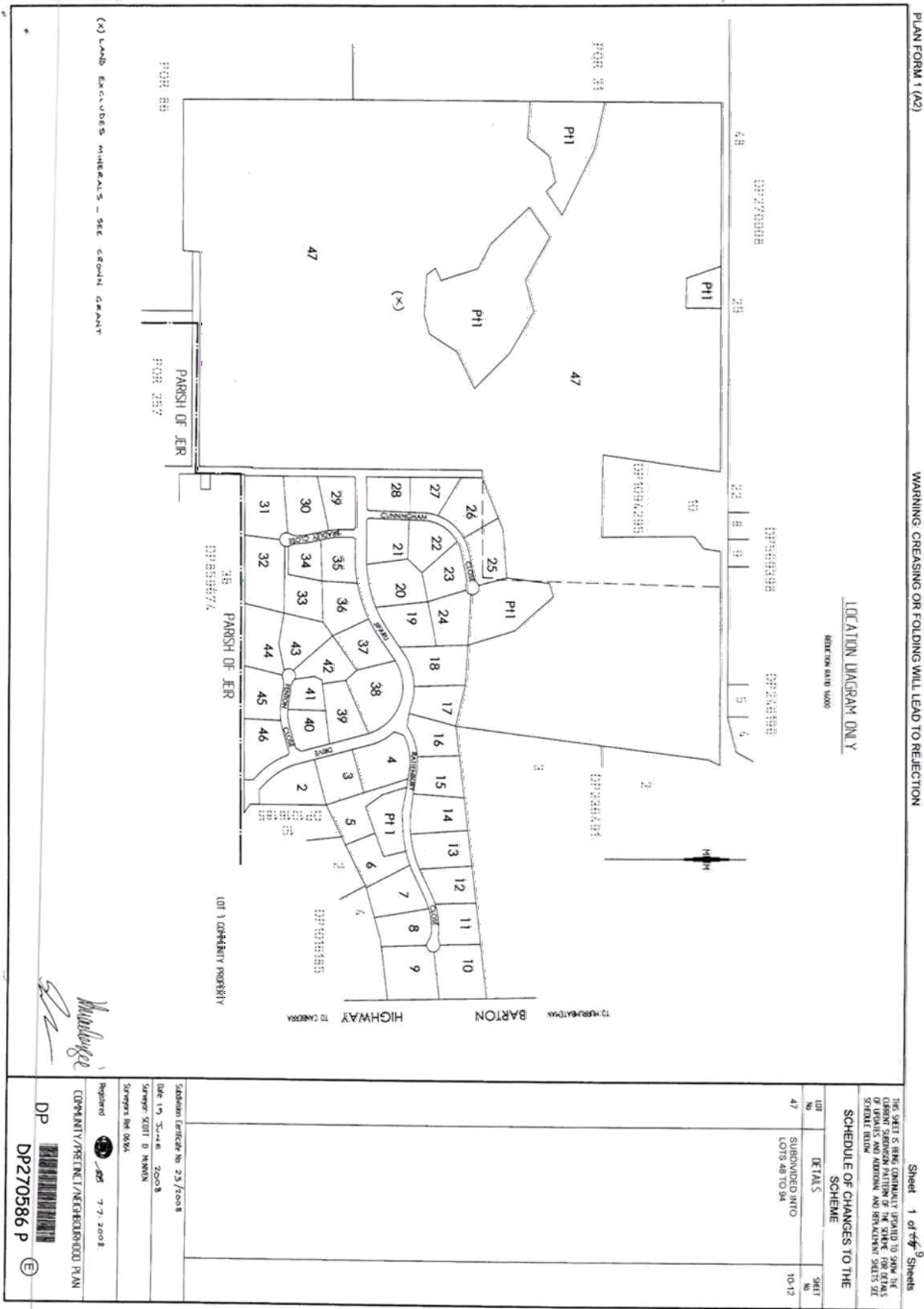
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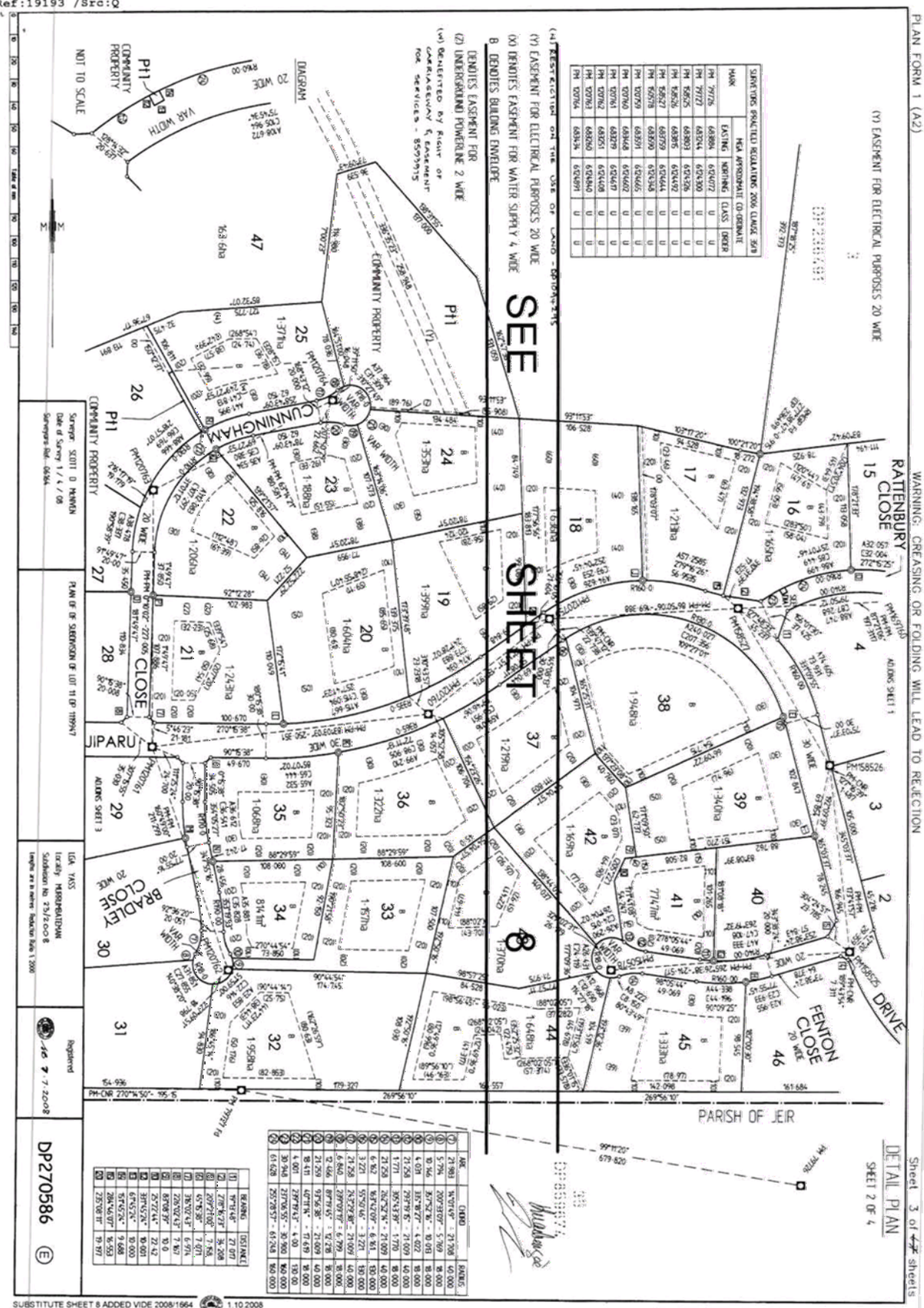
Direct Info Pty Ltd - ABN 25 160 378 263 an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B (2) of the Real Property Act, 1900.

Req:R342967 /Doc:DP 0270586 P /Rev:03-Jun-2014 /Sts:SC.OK /Pgs:ALL /Prt:08-May-2019 08:40 /Seq:1 of 20
Ref:19193 /Src:Q



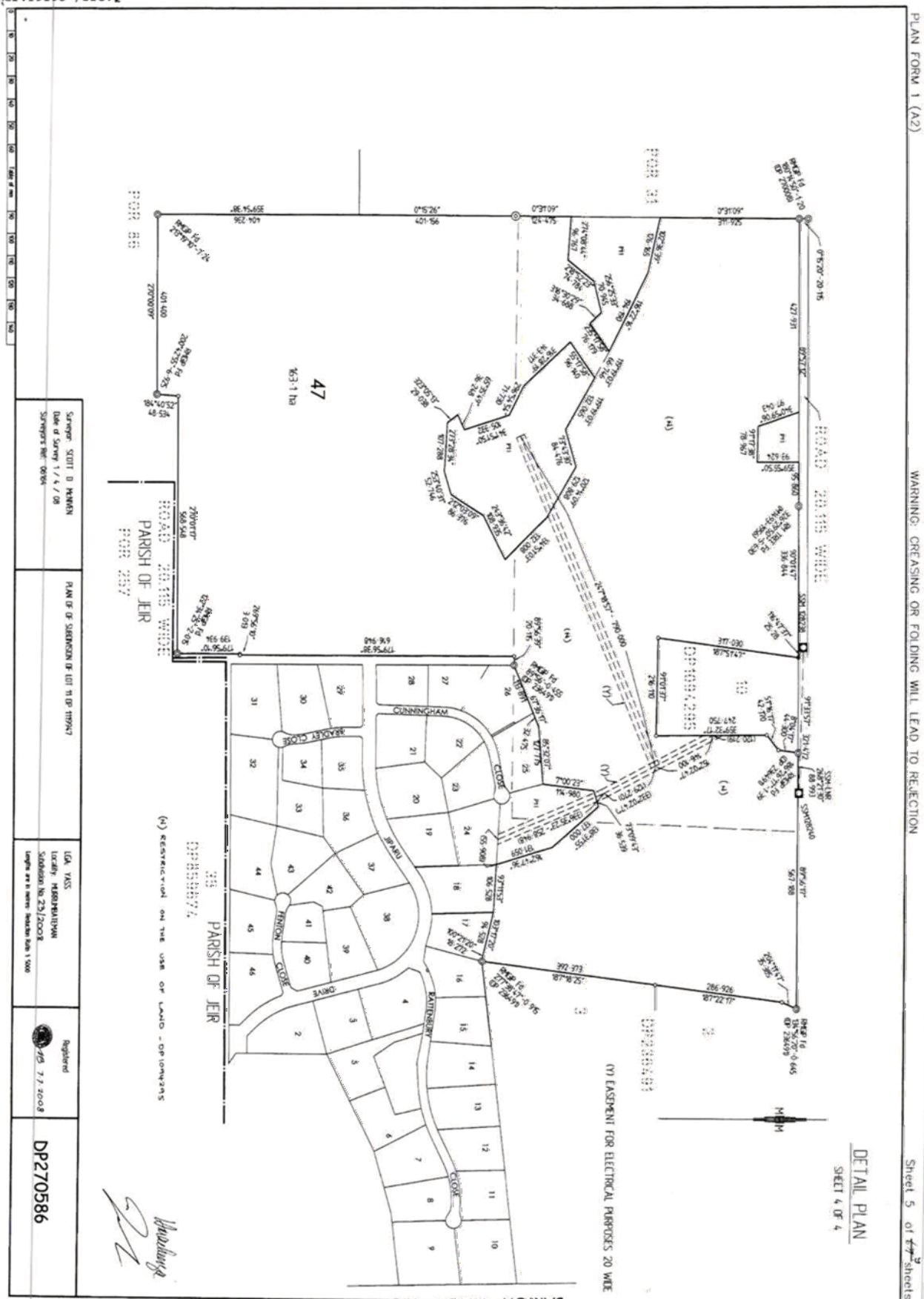
Director of Planning & Environment Reports – Page 59 of 331

Req:R342967 /Doc:DP 0270586 P /Rev:03-Jun-2014 /Sts:SC.OK /Pgs:ALL /Prt:08-May-2019 08:40 /Seq:3 of 20
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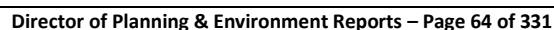


Development Application No. DA200011 - Building Envelope Amendment, 26 Jiparu Drive,
Murrumbateman
Attachment C Submissions

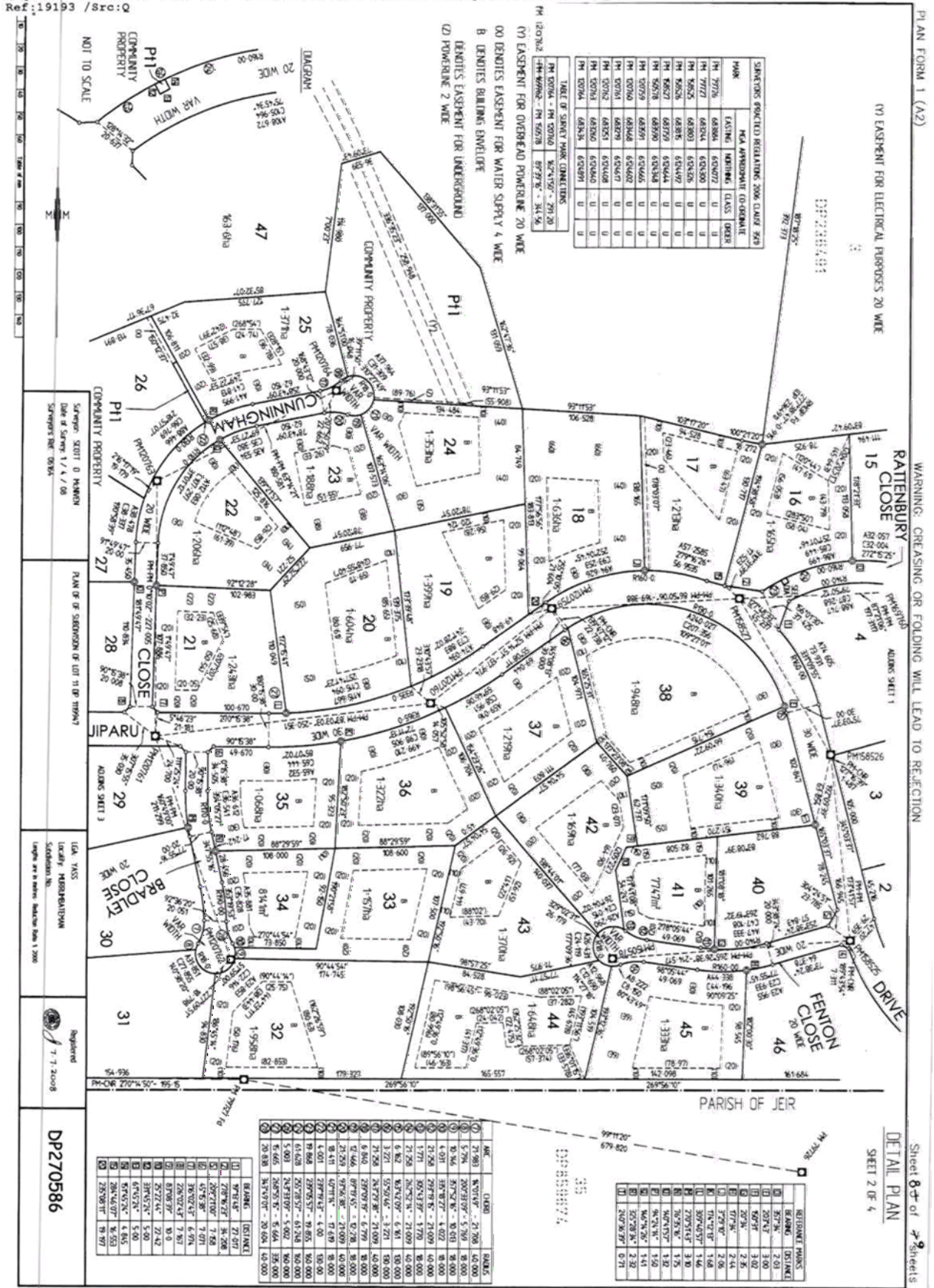
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Ref:19193 /Src:Q



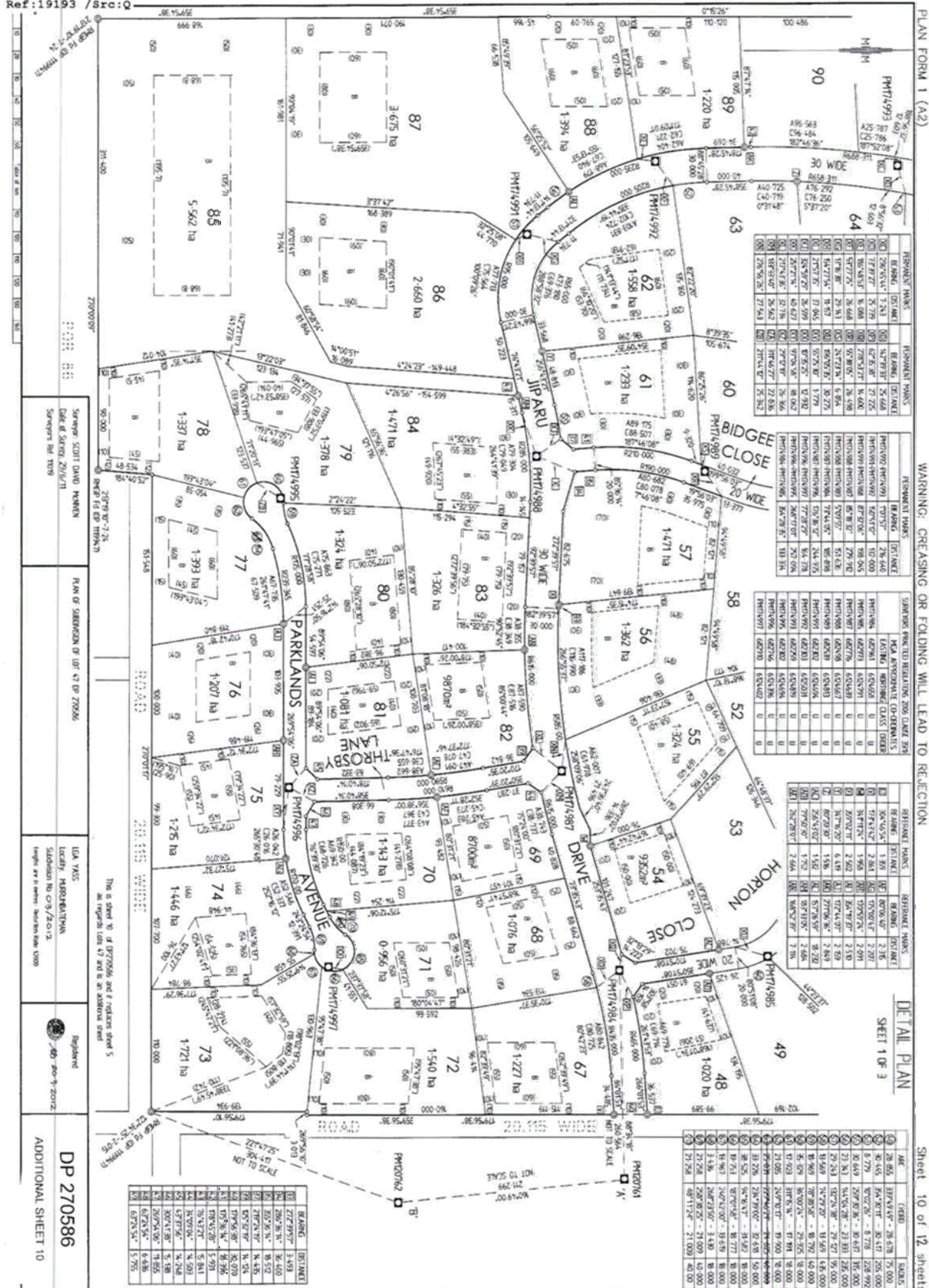
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Ref:19193 /Src:Q



Req:R342967 /Doc:DP 0270586 P /Rev:03-Jun-2014 /Sts:SC.OK /Pgs:ALL /Prt:08-May-2019 08:40 /Seq:8 of 20
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Req:R342967 /Doc:DP 0270586 P /Rev:03-Jun-2014 /Sts:SC.OK /Pgs:ALL /Prt:08-May-2019 08:40 /Seq:10 of 20
Ref:19193 /Src:Q

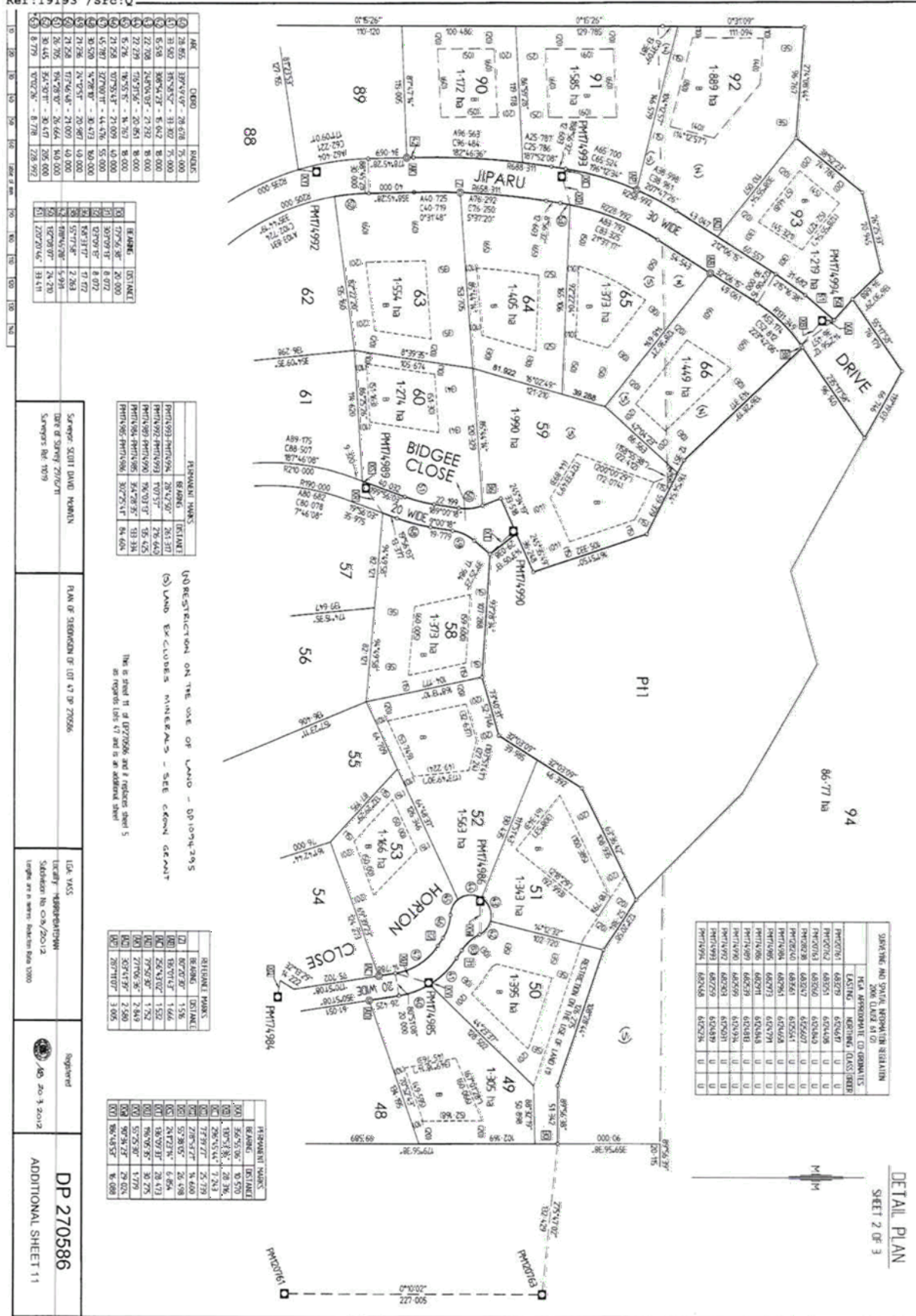


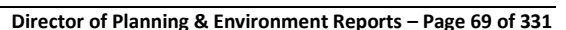
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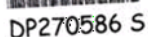
PLAN FORM 1 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 11 of 12 sheets







COVER SHEET FOR SIGNATURE FORM

ATTENTION

A Community Plan may be subject to future subdivision that may contain a Signature Form. This document will then comprise separate Signature Forms registered on different dates.

Particulars of each Signature Form are as follows:-

[illegible]

6.4 Development Application No. DA200011 - Building Envelope Amendment, 26 Jiparu Drive, Murrumbateman
Attachment C Submissions

Req:R342947 /Doc:DP 0270586 P /Rev:03-Jun-2014 /Sta:BC OK /Dwg:ALL /Pct:08-May-2009 09:40 /Seq:14 of 20
Ref:19193 /Site:0
PLAN 5


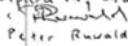




WARNING: Creasing or folding will lead to rejection Doc. A

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 3 sheet(s)
<p>SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.</p> <p>It is intended to dedicate Jiparu Drive, Fenton Close, Rattenbury Close, Cunningham Close, Bradley Close to the Public as Road.</p> <p>Pursuant to Section 88B Conveyancing Act, 1919 it is intended to Create:</p> <ol style="list-style-type: none">1. Restriction on the Use of Land2. Restriction on the Use of Land3. Restriction on the Use of Land4. Restriction on the Use of Land5. Easement for Underground Powerline 2.0 wide6. Easement for Water Supply 4.0 wide7. Easement for Underground Powerline 2.0 wide and variable8. Easement for Overhead Powerline 20 wide <p>Use PLAN FORM 5A for additional certificates, signatures, seals and statements</p> <p>Crown Lands NSW/Western Lands Office Approval</p> <p>I, _____ in approving this plan certify: (Authorised Officer)</p> <p>that all necessary approvals in regard to the allocation of the land shown herein have been given</p> <p>Signature: _____ Date: _____ File Number: _____ Office: _____</p> <p>Subdivision Certificate</p> <p>I certify that the provisions of a 105J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:</p> <p>the proposed <u>SUBDIVISION</u> set out herein (insert 'subdivision' or 'new road')</p> <p><i>Paul de Sain</i> * Authorised Person/General Manager/Deemed-Certifier</p> <p>Consent Authority <u>YASS VALLEY COUNCIL</u> Date of Endorsement: <u>19 JUNE 2008</u> Accreditation no: _____ Subdivision Certificate no: <u>23/2008</u> File no: <u>2968-18</u></p>		<p>DP270586 S</p> <p>Registered: <u>16 JUL 2008</u></p> <p>Title System: <u>TORRENS</u></p> <p>Purpose: <u>SUBDIVISION</u></p> <p>PLAN OF SUBDIVISION OF LOT 11 DP 1119947</p> <p>LGA: YASS Locality: MURRUMBATEMAN Parish: NANIMA County: MURRAY</p> <p>Surveying Regulation, 2006</p> <p>I, SCOTT DAVID MANTVEN of 8 SHOUT PLACE PEARCE, ACT 2607 a surveyor registered under the Surveying Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation, 2006 and was completed on _____</p> <p>The survey relates to: <u>LOTS 1-47 INCL</u></p> <p>(Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey):</p> <p><i>SM</i> Signature: _____ Dated: <u>22/5/08</u> Surveyor registered under the Surveying Act, 2002</p> <p>Datum Line: <u>A - B</u> Type: <u>Urban/Rural</u></p> <p>Plans used in the preparation of survey/compilation</p> <p>DP 1119947</p> <p>(If insufficient space use Plan Form (A) enclosure sheet)</p> <p>SURVEYOR'S REFERENCE: 08164</p>

* OFFICE USE ONLY

6.4 Development Application No. DA200011 - Building Envelope Amendment, 26 Jiparu Drive,
Murrumbateman
Attachment C Submissions

Reg:19342967 /Doc:DP-0270586 P /Rev:03-Jan-2014 /Sta:BC/OK /Eps:ALL /Pxt:08-May-2019 08:40 /Seq:15 of 20
Ref:19193 /Eps:M&A (Annexure Sheet) WARNING: Creasing or folding will lead to rejection Doc: A

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of 3 sheet(s)
PLAN OF SUBDIVISION OF LOT 11 DP 1119947		DP270586
Registered:  16 7.7.2008		* OFFICE USE ONLY
Subdivision Certificate No: 25 /2008 Date of Endorsement: 17 JUNE 2008		
It is intended to release:		
1. Easement for electrical purposes 20-wide (DP 1119947)		
2. Easement for electrical purposes 20-wide (DP 1094295)		
Jiparu Pty Ltd ACN 201 273 338  Peter Ruwald - Sole Director/Secretary		
Executed by COUNTRY ENERGY ABN 37 428 185 226 Authority: Section 127 of the Corporations Act 2006		
Signature of authorized person:  CRAIG MURRAY MANAGING DIRECTOR Name of COUNTRY ENERGY Office held: Director		Signature of authorized person:  PETER JOHNSON AGS COMPANY SECRETARY Name of COUNTRY ENERGY Office held: Secretary
<small>Witnessed by St George's Bank Limited ABN 52 050 513 070 by its Attorneys pursuant to Power of Attorney registered number BWA41852 at GPO 15.5</small>		
Signature: Attorney: Fiduciary:  Peter Johnson Senior Manager		Witness:  Karlique Gillard Bank Officer with 5 or more years continuous service
SURVEYOR'S REFERENCE 06154		

6.4 Development Application No. DA200011 - Building Envelope Amendment, 26 Jiparu Drive, Murrumbateman
Attachment C Submissions

Req:18342967 /Doc:DP 0270586 P /Rev:03-Jun-2014 /Sta:9C OK /Pgs:ALL /Pct:08-May-2009 08:40 /Seq:16 of 20
Ref:19193 /Err:0
PLAN Form 60 (Community annexure) WARNING: Creasing or folding will lead to rejection Doc A

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 3 of 3 sheet(s)																																																																																																				
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Name of Development if any Jiparu Murrumbateman	Address for Service of Notice "JIPARU" BARTON KILLWAT MURRUMBATEMAN.																																																																																																					
<p>This sheet shows an initial schedule of unit entitlements for the "Community/Precinct/Neighbourhood scheme which is liable to be altered as the scheme is developed on or completion of the scheme in accordance with the provisions of section 30 of the Community Land Development Act, 1989. Any changes will be recorded on subsequent Administration Sheets.</p> <p>I, Graham Jeffress, of Colliers International, being a Valuer registered under the Valuers Registration Act 1975, certify that the Unit Entitlements shown on "this sheet" these sheets are based upon valuations made by me on 27 May 2008.</p> <p>Signature: [Signature] Date: 22.5.08</p> <p>* Only to be completed if applicable. If insert date of valuation THIS CERTIFICATE REQUIRED FOR COMMUNITY/PRECINCT PLANS ONLY.</p>																																																																																																						
SCHEDULE OF UNIT ENTITLEMENT (If insufficient space use additional enclosure sheet: Plan Form 6A)																																																																																																						
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SURVEYOR'S REFERENCE 06164(1) SEE ADMINISTRATION SHEET 3 (Doc.B)																																																																																																						

OFFICE USE ONLY

6.4 Development Application No. DA200011 - Building Envelope Amendment, 26 Jiparu Drive, Murrumbateman
Attachment C Submissions


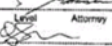
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Ref:19193 /Doc:QMS
WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET		
Sheet 1 of 4 sheet(s)		
<p>SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of and or positive covenants.</p> <p>It is intended to dedicate Jiparu Drive, Throsby Lane, Bidgee Close, Horton Close, Parklands Avenue to the Public as Road.</p> <p>Pursuant to Section 888 Conveyancing Act, 1919 it is intended to Create:</p> <ol style="list-style-type: none">1. Restriction on the Use of Land2. Restriction on the Use of Land3. Restriction on the Use of Land4. Restriction on the Use of Land <p>Executed for and on behalf of JIPARU PTY LTD ACN 001 223 338 in accordance with Section 127(1) of the Corporations ACT 2001.</p> <p><u>Peter R. Smith</u> Name of Director - Sole</p> <p><u>P. Smith</u> Use PLAN FORM 5A for additional certificates, signatures, seals and statements.</p> <p>Crown Lands NSW/Western Lands Office Approval I, _____ in approving this plan certify (Authorized Officer) that all necessary approvals in regard to the allocation of the land, shown herein have been given.</p> <p>Signature _____ Date _____ File Number _____ Office _____</p> <p>Subdivision Certificate I certify that the provisions of a TOU of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to: the proposed <u>SUBDIVISION</u> set out herein (insert 'subdivision' or 'new road')</p> <p><u>Peter R. Smith</u> Authorized Person/General Manager/Registered Certifier</p> <p>Consent Authority <u>YASS VALLEY COUNCIL</u> Date of Endorsement <u>03 FEBRUARY 2012</u> Accreditation no. _____ Subdivision Certificate no. <u>03/2012</u> File no. <u>39168-B</u></p> <p>* Delete whichever is inapplicable.</p>		<p>DP270586 S</p> <p>Registered: <u>20-3-2012</u></p> <p>Tide System: <u>TORRENS</u></p> <p>Purpose: <u>SUBDIVISION</u></p> <p>PLAN OF SUBDIVISION OF LOT 47 DP 270586</p> <p>LGA: <u>YASS</u> Locality: <u>MURRUMBATEMAN</u> Parish: <u>NANIMA</u> County: <u>MURRAY</u></p> <p>Surveying Regulation, 2006 I, <u>SCOTT DAVID McINTYRE</u> of <u>8 SHOUT PLACE PEARCE ACT 2607</u> a surveyor registered under the Surveying and Spatial Information Act 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying and Spatial Information Regulation 2006 and was completed on: <u>20th December 2011</u></p> <p>The survey relates to: <u>LOTS 48-94 INCD</u></p> <p>(Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)</p> <p>Signature <u>[Signature]</u> Dated <u>9/3/12</u> (Survey completed under the Surveying Act 2002)</p> <p>Datum Line: <u>'A' - 'B' (PM120701-PM120762)</u> Type: <u>Urban/Rural</u></p> <p>Plans used in the preparation of survey/compilation DP 1119947</p> <p>(If insufficient space use Plan Form DP provision sheet) SURVEY/OPS REFERENCE: 1119</p>

* OFFICE USE ONLY

6.4 Development Application No. DA200011 - Building Envelope Amendment, 26 Jiparu Drive,
Murrumbateman
Attachment C Submissions


Req:R342967 /Doc:DP 0270586 P /Rev:03-Jan-2014 /Sta:RC OK /Eps:ALL /Prt:08-May-2019 08:40 /Seq:18 of 20
Ref:19193 /Sheet:0
1 sheet(s) of 6A (Annexure Sheet) WARNING: Creasing or folding will lead to rejection.

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of 4 sheet(s)
PLAN OF SUBDIVISION OF LOT 47 DP 270586	DP270586	(Doc B)
Registered:  20-3-2012		
Subdivision Certificate No: 03/2012	Date of Endorsement: 03 FEBRUARY 2012	
<p>Mortgagee under Mortgage No. AFB44314 Signed at 11:15 this 14th day of February 2014 for National Australia Bank Limited ABN 12 004 044 937 by <u>Michael David Mendenhall</u> its duly appointed Attorney under Power of Attorney No. 39 Book 4519</p> <p> Legal Attorney Witness/Stamp Officer Liam J. Mendenhall Solicitor</p>		
SURVEYOR'S REFERENCE: 11019		

* OFFICE USE ONLY

6.4 Development Application No. DA200011 - Building Envelope Amendment, 26 Jiparu Drive, Murrumbateman
Attachment C Submissions

Reg:R342967 /Doc:DP 0270586 P /Rev:03-Jan-2016 /Sta:BC OK /Pgs:ALL /Prt:08-May-2019 08:40 /Seq:19 of 20
Ref:19193 /Sheet:60 (Community annexure) WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 3 of 4 sheet(s)						
PLAN OF SUBDIVISION OF LOT 47 DP 270586		DP270586 (Doc B)						
Registered:  20.3.2012								
Subdivision Certificate No: 03/2012		Date of Endorsement: 03 February 2012						
Name of Development if any Jiparu Murrumbateman		Address for Service of Notices						
<p>This sheet shows an initial schedule of unit entitlements for the "Community/Precinct/Neighbourhood" scheme which is liable to be altered as the scheme is developed or on completion of the scheme in accordance with the provisions of section 30 of the Community Land Development Act, 1989. Any changes will be recorded on subsequent Administration Sheets. * Delete out whichever is applicable</p>		<p>I, <u>MATTHEW CURTIS</u> of <u>Colliers International</u> being a Valuer registered under the Valuers Registration Act 1975, certify that the Unit Entitlements shown on this sheet these sheets are based upon valuations made by me on 8 January 2012. Signature: <u>M. Curtis</u> Date: <u>15/3/2012</u> * Delete out whichever is applicable * Insert date of valuation THIS CERTIFICATE REQUIRED FOR COMMUNITY'S PRECINCT PLANS ONLY</p>						
SCHEDULE OF UNIT ENTITLEMENT (If insufficient space use additional annexure sheet: Plan Form 6A)								
LOT	UNIT ENTITLEMENT	SUB-DIVISION	LOT	UNIT ENTITLEMENT	SUB-DIVISION	LOT	UNIT ENTITLEMENT	SUB-DIVISION
1	0	17	80	33	80			
2	81	18	82	34	84			
3	81	19	80	35	82			
4	58	20	84	36	85			
5	81	21	89	37	85			
6	83	22	59	38	88			
7	57	23	58	39	86			
8	57	24	59	40	86			
9	56	25	55	41	87			
10	56	26	58	42	71			
11	58	27	56	43	87			
12	63	28	55	44	84			
13	63	29	59	45	84			
14	66	30	83	46	85			
15	66	31	87	47	NOX LOT	SEE SHEET		
16	60	32	67	48-84	TC-12			

SURVEYOR'S REFERENCE: 11019

* OFFICE USE ONLY

6.4 Development Application No. DA200011 - Building Envelope Amendment, 26 Jiparu Drive, Murrumbateman
Attachment C Submissions

Reg:0342967 /Doc: DP 0270586 P /Rev:03-Jun-2014 /Sta:SC-08 /Pgs:ALL /Prt:08-May-2019 08:40 /Seq:20 of 20
Ref:19193 /Sec:0

PLAN FORM 6A

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN: ADMINISTRATION SHEET							
PLAN OF SUBDIVISION OF LOT 47 DP 270586				DP270586			
Subdivision Certificate No: 03/2011				Date of Endorsement: 03 FEBRUARY 2012			
SCHEDULE OF UNIT ENTITLEMENT							
LOT	UNIT ENTITLEMENT	SUB-DIVISION	LOT	UNIT ENTITLEMENT	SUB-DIVISION	LOT	UNIT ENTITLEMENT
48	50		64	67		80	69
49	54		65	65		81	72
50	52		66	66		82	71
51	63		67	72		83	70
52	72		68	71		84	70
53	65		69	68		85	91
54	64		70	68		86	84
55	64		71	69		87	88
56	64		72	78		88	72
57	62		73	78		89	69
58	69		74	75		90	68
59	70		75	72		91	76
60	67		76	73		92	76
61	70		77	77		93	79
62	74		78	72		94	3,951
63	71		79	70			
TOTAL = 10,000							
Surveyor's Reference: 11019							

Annexure 3 (a) – Lot comparison

Lot No	Lot size	Building envelop approx size	Building envelop / Lot size approx %
Lot 83 (Applicant's lot)	1.326 hectares	3190 sq mts	24
Lot 80	1.324 hectares	3200 sq mts	24
Lot 84	1.471 hectares	2745 sq mts	18.6
Lot 77	1.393 hectares	2700 sq mts	19.3
Lot 82	0.9870 hectares	2500 sq mts	25
Lot 81	1.081 hectares	2400 sq mts	22.5
Lot 77	1.393 hectares	2700 sq mts	19.3
Lot 76	1.207 hectares	2793 sq mts	23.1
Lot 75	1.215 hectares	2475 sq mts	20.3
Applicant's Proposed amendment to Lot 83	1.326 hectares	4864 sq mts	37

For context large free holdings

Lot 85	5.562 hectares	13260 sq mts	23.8
Lot 86	2.660 hectares	3600 sq mts	13.5
Lot 87	3.675 hectares	4800 sq mts	13

The current building envelope of the applicant's Lot 83 (26 Jiparu) @ 24% is proportionately one of the largest building envelopes.

* ANNEXURE 4

ALLAN GOLDING PTY LIMITED
Strata Managing Agents

COMMUNITY LAND MANAGEMENT ACT 1989 No 202

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE
COMMUNITY ASSOCIATION DP270586**

Held in Murrumbateman Recreation Hall on Tuesday - 21st August 2019
Scheduled to commence at 6.30pm:

MINUTES

ITEM NO. 1

Present: -

Proxy Votes:-

Apologies:-

In Attendance:-

Chairperson:-

Meeting Commenced: 6.35pm

Quorum: Declared and maintained throughout meeting.

MOTIONS

1.

2.

3.

4.

5.

6.

7.

2751 Barton Highway
Murrumbateman NSW 2582

Email:

8. That the Association UNANIMOUSLY RESOLVES to amend by-law 9 of the Association as follows:

"9. Building envelopes

9.1 No structure shall be erected on any part of the lot other than within the building envelope identified on the Community Plan for that lot. Structures exempt from this requirement are:

- (a) Any water storage tank(s) and pump(s) which is completely screened by trees and/or shrubs and is situated on the lot in a location approved by the Community Association.
- (b) Any water trough.
- (c) Any boundary or internal fence.

9.2 Notwithstanding clause 9.1, an owner of lot shall be permitted to erect a storage shed on their lot but outside the building envelope of their lot provided that they first obtain the development consent of Yass Valley Council."

Explanatory note to the motion: This motion is submitted by the owners of lot 83 (the "Owners") to amend by-law 9 by adding in a new sub-clause 9.2 which will allow all lot owners to erect a storage shed on their lot but outside the building envelope of their lot, subject to the relevant lot owner obtaining the development consent of Yass Valley Council. The Owners have obtained the development consent of Yass Valley Council (a copy of which is attached to this notice of meeting) to construct a storage shed along their boundary fence, which is located outside their building envelope. If the Owners were to construct the storage shed within the building envelope of their lot, this would result in the removal of at least 5 - 8 gum trees. This would not only be a major cost factor but also detrimental to preserving the essence and theme of the community scheme as well as a loss in biodiversity values from unnecessary clearing of native trees and causing habitat destruction to the native animals that are currently living in these trees. The Owners currently have trees growing all around the front and side boundaries, which once develop will act as a screen around the storage shed.

Lisa Murphy spoke in support of her proposed motion as being of assistance to all lot owners and also as her best method of preserving trees and native wildlife on her property. Other lot owners spoke in opposition to the motion mainly on the basis of setting a undesirable precedent.

Moved Lisa Murphy (83) Seconded [REDACTED] (17)

This motion requires UNANIMOUS RESOLUTION - Meeting agreed that a secret ballot be conducted.

* [REDACTED] (25) & [REDACTED] (23) of the Executive Committee were appointed as scrutineers.

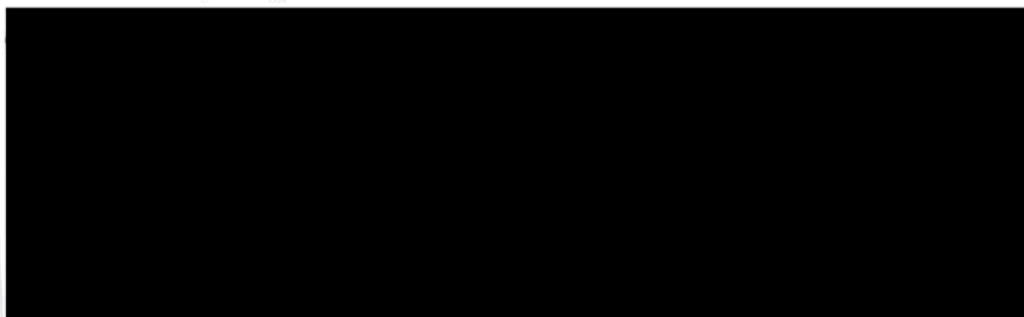
Outcome of ballot:	In favour:	3
	Against:	14

MOTION LOST

The meeting requested that it be recorded that the vote be viewed not as any judgement on the merits of the individual lot owner's circumstances, rather a reflection of a majority consensus opposed to a motion that could have the potential of adversely affecting all lots.

MEETING CLOSED: There being no further official business the Annual General Meeting closed at 7.25pm

Dated this 21st day of August 2019.





24 February 2020

Yass Valley Council
PO Box 6
YASS NSW 2582

Re: DA 200011 - 26 Jiparu Drive Murrumbateman

To whom it may concern,

Please see below response to DA 200011 - 26 Jiparu Drive Murrumbateman

As a resident of the Jiparu Estate and community, I am formally writing to object to the proposed amendment to the building envelope of (lot 83) 26 Jiparu Drive. My concerns go beyond the merit of this DA as an individual submission, but the potential for this DA to set a precedent for the estate.

The community statement and bi-laws clearly state the intent of a rural and country themed estate. Every person buying into the estate is well aware of the community statement, intent and bi-laws and effectively buys into that agreement. It is each lot owner's ongoing responsibility to plan and build according to those rules for the enduring theme for the estate.

The bases of my objection are that this DA, if approved, will set a damaging precedent for the estate. This precedent has the potential to have a flow on effect to allow every individual lot owner in the estate enlarging their building envelopes. This effectively allows for each lot owner to build to the extremities of their property encroaching on other people's property and privacy, build on currently excluded elevated areas and ridge lines and in areas set aside for natural habitat. This in turn will erode the overarching rural and naturalistic theme people have financially invested in.

As residents of Yass Valley, we have entrusted that the Yass Valley Council uphold the values of this estate as they are entrusted with upholding the rules of the Local Environment Plan for which the Community Title and bi-laws have been created under.

Kind Regards



Jeremy Knox

From: [REDACTED]
Sent: Monday, 24 February 2020 2:24 PM
To: YVC Customer Service Team
Cc: [REDACTED]
Subject: PUBLIC CONSULTATION RE DA200011 (26 Jiparu Drive, Murrumbateman)

Dear Council,

Thank you for the opportunity to comment on the above application to increase the building envelope at the nominated address.

Although my property ([REDACTED]) is not directly adjacent to Mrs Murphy's block, as a member of the Jiparu community I feel entitled to comment on her application as its approval would lead to an adverse affect on the value of my property and the enjoyment I get from it.

Therefore, I want to lodge my objection to the application in the strongest possible terms. I acknowledge that, as a member of the Executive Committee of the Jiparu Community, I am aware of the submission that has been lodged by the Chair and the Title Manager. However, by necessity, that document is expressed in quite formal language; I wish to raise issues at the more personal level.

When I bought my block close to 12 years ago, the most important factor, on par with the site's location and aspect, was the community rules that promised the peaceful enjoyment of a semi-rural lifestyle without neighbours encroaching on each others' space. This highly valuable attribute is reflected, for example, in such rules as allowing no more than three dogs, clotheslines being out of sight, and no parking of semi-trailers.

The outstanding feature that influenced my choice of settling in Jiparu was the size and location of the building envelopes, as approved by Council and as fully known by all purchasers of the blocks. We all bought our blocks in the knowledge of the allocated building envelopes. Someone now wanting to change the rules is in my view akin to buying a property under a flight path and then agitating to close the airport because of the noise.

I note from the site plan that the existing building envelope provides a huge amount of space for a relatively small shed, which makes me wonder why Mrs Murphy has applied for such a huge increase to accommodate it (or indeed, if building the shed is her only motive, why she didn't simply apply for a separate, smaller area just for the shed).

If Council becomes an accomplice to this post-game changing of the score, the precedent set means that other Jiparu property owners could expand their building envelopes - to what limit? Could 100% of a block be re-zoned? Would we then become another suburban Nicholls?

Council approval of this application would have far reaching consequences, way beyond the minor matter of Mrs Murphy's shed. If this happens, the intrinsic value of my property will be very adversely affected.

I believe I am not alone in objecting to this proposal, as demonstrated by the overwhelming rejection of Mrs Murphy's request in a secret ballot at the latest AGM.

I urge you, therefore, to follow the wishes of the vast majority of Jiparu property owners and deny approval of DA200011.

Yours faithfully,

[REDACTED]

Jeremy Knox

From: [REDACTED]
Sent: Monday, 24 February 2020 4:59 PM
To: YVC Customer Service Team
Cc: Cr Rowena Abbey; Cr Nathan Furry; Cr Cecil Burgess; Cr Geoff Frost; Cr Allison Harker; Cr Jasmin Jones; Cr Mike Reid; Cr Kim Turner; Chris Berry
Subject: Re: Submission re DA200011

To whom it may concern,
I refer to the below email sent to you earlier today.
I note that Lot 108 referred to in my submission is incorrect and should be Lot 83.
Regards,
[REDACTED]

From: [REDACTED]
Sent: Monday, February 24, 2020 3:03 PM
To: chris.berry@yass.nsw.gov.au
Cc: Rowena.Abbey@yass.nsw.gov.au ; Nathan.Furry@yass.nsw.gov.au ; Cecil.Burgess@yass.nsw.gov.au ; Geoff.Frost@yass.nsw.gov.au ; Allison.Harker@yass.nsw.gov.au ; Jasmin.Jones@yass.nsw.gov.au ; Mike.Reid@yass.nsw.gov.au ; Kim.Turner@yass.nsw.gov.au
Subject: Submission re DA200011
Dear Chris,

Please find attached my submission as to DA200011 which relates to a building envelope associated with one of the Lots within the Jiparu Community Plan.

Please contact me if you require further information or have any queries in relation to the attached submission.

Regards,
[REDACTED]

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24 February 2020

General Manager
Yass Valley Council
PO Box 6
YASS NSW 2582

BY EMAIL

Dear Chris

Development Application DA 200011 - 26 Jiparu Drive Murrumbateman

I refer to Development Application DA200011 - 26 Jiparu Drive, Murrumbateman that proposes to amend the existing building envelope.

I am the sole Director of Wooljump Pty Ltd being the developer of the Jiparu subdivision and Jiparu Pty Ltd which was the original owner of the land now comprised within the Community Plan and which retains a number of lots within the Community Plan.

This submission is made on behalf of Wooljump Pty Ltd and Jiparu Pty Ltd in response to Development Application DA200011 - 26 Jiparu Drive, Murrumbateman (**Development Application**).

Wooljump Pty Ltd and Jiparu Pty Ltd oppose the application for the reasons stated below.

1. Intended Purposes of Building Envelopes

- a. The Jiparu Community Scheme was designed as a low density development. Building envelopes were sited to maximise privacy, space and visual amenity.
- b. The design, size and location of each building envelope was carefully considered based on the size and nature of each lot and the impact on each other lot together with the visual amenity of the development as a whole. The building envelopes were created to be of a size so that sheds, storage areas, garages etc could be constructed within the building envelopes.
- c. The building envelopes prevent development occurring in a haphazard manner. The existence of the building envelopes provides each lot owner with certainty as to where they are allowed to build and where other lot owners may build. Each lot owner is aware of, and relies on, these limitations which serve to protect all lot owners including the Applicant. It is a reasonable expectation of each lot owner that the Community Management Statement be complied with.
- d. The Development Application seeks to alter the existing position to the potential detriment of each other lot owner within the development. If the

Development Application is approved, the nature and intent of the development will be altered and the visual amenity and value of lots within the Community Plan will be affected (particularly having regard to the potential broader implications of the alteration referred to below).

- e. I submit that it is unnecessary for the Council to approve the Development Application having regard to the existing rights of the Applicant, the planning considerations associated with the Jiparu development and the likely detriment to other lot owners associated with the Development Application being approved.

2. Implication of allowing the Application

- a. By-Law 9 of the Jiparu Community Management Statement establishes the limitation on the erection of improvements outside of the designated building envelopes.
- b. By-Law 9 was made under section 17 of the CLM Act to control or preserve the essence or theme of the Jiparu Community Scheme. As a consequence of the nature of By-Law 9, section 14(3) of the *Community Land Management Act 1989* requires a unanimous resolution of the Jiparu Community Association where the proposed amendments would affect the By-Law.
- c. The Development Application in this instance clearly intends to affect By-Law 9 via the proposed expansion of the Lot 108 building envelope. The application also intends to subvert the requirement for a unanimous resolution recognising that the Applicant has previously sought and failed to obtain such a resolution.
- d. While the Development Application relates to Lot 108 only, approving the application would effectively mean that By-Law 9 and the limitations imposed by the building envelopes will have no further application to any lot owner. The same rationale would also apply in respect of a number of the other By-Laws that were established to control development.
- e. I submit that allowing the By-Laws to be subverted by approving the Development Application is not a positive planning outcome for Council, other owners of lots within the Community Plan or the general public.
- f. While I recognise the wording of clause 1.9A of the Yass Local Environmental Plan 2013, clause 1.9A does not require the Council to approve any Development Application. Clause 1.9A(3) also provides that clause 1.9A does not affect the rights or interests of any public authority under any registered instrument.


3. Applicant's position in terms of Compliance with the Community Management Statement

- a. It is open to the Applicant to submit a development application that complies with the Community Management Statement by applying to construct the proposed improvements within the existing building envelope.

- b. The Applicant was aware of the requirements of the Community Management Statement before the Applicant acquired Lot 108. The Community Management Statement forms part of each contract issued for any lot within the Community Plan. If the Applicant was not satisfied with the position in the Community Management Statement, the Applicant had no obligation to acquire the lot.
- c. Further, a number of By-Laws in the Community Management Statement seek to protect the Applicant and all other lot owners from development that may affect the visual amenity and the value of the lots within the Community Plan. I consider it disingenuous of the Applicant to maintain the benefit of all of the protections offered by the By-Laws in circumstances where the Applicant is not prepared to allow each other lot owner to have the same benefit.
- d. While the Applicant was unable to obtain the unanimous resolution to alter By-Law 9, the Applicant is still entitled to propose a further resolution to the Community Association or to seek an order varying the Community Management Statement from the NSW Civil and Administrative Tribunal under the *Community Land Management Act 1989*.
- e. I submit that the Applicant should be required to rely on the Applicant's rights pursuant to the *Community Land Management Act 1989* if the Applicant wishes to effectively alter the By-Laws previously accepted by the Applicant and all other lot owners.

Thank you for considering this submission.

Yours faithfully,



Director

cc: Rowena.Abbey@yass.nsw.gov.au; Nathan.Furry@yass.nsw.gov.au; Cecil.Burgess@yass.nsw.gov.au;
Geoff.Frost@yass.nsw.gov.au; Allison.Harker@yass.nsw.gov.au; Jasmin.Jones@yass.nsw.gov.au;
Mike.Reid@yass.nsw.gov.au; Kim.Turner@yass.nsw.gov.au

9 March 2020

General Manager
Yass Valley Council
PO Box 6
Yass NSW 2582

Dear Sirs,

Re: Development Application DA 200011 – 26 Jiparu Drive Murrumbateman

We are the registered proprietors of the property situated at 26 (Lot 83) Jiparu Drive Murrumbateman New South Wales.

We write this letter to supplement our DA200011 Development submission dated 14th January 2019 and to respond to a number of objections made by the Executive Committee and the individual members in their personal capacity.

Amendment to Building Plan

Please note the plan attached and marked Annexure “A” to my DA200011 Development submission dated 14th January 2019 is no longer current and has been amended so that the proposed shed is situated 10 metres from the eastern boundary of our property and not 5 metres.

Attached to this letter and marked “A” is a copy of the revised plan.

The amendment ensures that the location of the proposed shed is in accordance the minimum building setbacks for dwelling houses and ancillary structures as detailed in the Yass Valley Council Building Line- Rural And Rural Residential Land Policy DA-POL-08 (a copy of which is attached to this letter marked “B”).

We are informed by our surveyor that the total area of the proposed new building envelope is now 4,561 sq metres which is 29.1% of the lot area which is far less than the majority of the lots (for example Lots 33- 44).

We also attach a copy of Deposited Plan 270586 marked “C” for your ease of reference.

The Jiparu Theme

The majority of the objections put forward to Council assert that the proposed development has the potential to set a precedent that poses a “*serious risk of changing the entire character and theme of the Community Scheme*”.

This assertion is simply not true. The approval of the development does not pose a serious risk for the following reasons:

1. Neighboring Lots – objections

We are not aware of any objections lodged by our neighbors who we share a property boundary (Lots 80, 84 and 82). We submit that Council to draw a favorable inference

from this fact in that the people who would be impacted the most have not raised any concerns in respect of the proposed development.

2. Neighboring Lots - Building Envelopes

Lots 80, 84 and 82 all benefit from building envelopes which are situated within 10 metres of our property boundary.

We submit that it would not be contrary to the theme of the Community Scheme to grant us the same benefit.

3. Lots with building envelopes within 20 meters from each other

Each of the following pair of Lots share a boundary where their respective building envelopes are within 20 metres from each other:

74/73, 57/56, 103/102, 102/101, 101/100, 105/104, 99/98, 97/96, 120/121, 121/122, 1222/123, 123/124.

We submit that it would not be contrary to the theme of the Community Scheme to add Lot 83/82 to the above list.

4. Environmental Impact

The proposed location of the shed was chosen by us to minimize environmental impact and to meet the outlined objective of the Yass Valley Local Environment Plan 2013.

We confirm that no trees will be cut down and no habitat will be lost due to the proposed development.

We specifically chose this location as it is situated between a number of trees that are establishing themselves along the property line.

Additionally, once the trees have established themselves, they will provide a natural privacy screen in respect of the shed. This is in the spirit of the by-laws and within the theme of the Community Scheme.

5. Newly Released Lots

The developers of Jiparu have recently released a number of new Lots for sale.

Council will note from the attached Deposited Plan that Lots 95, 96, 97, 99 101, 102, 103, 120 121 122 123 124, 119 and 115 all benefit from a building envelope which is situated within 10 metres of each of their respective side boundaries.

We would submit that the latest release of Jiparu confirms that a movement of our eastern building envelope to within 10 metres of our eastern boundary is within the Community Scheme and furthermore, we would submit that this type of building envelope may be the “norm” for future releases of the Jiparu estate.

6. Setting a Precedent

Approving our development does not set a precedent. Each Lot must still apply for Council approval. Each application must still be assessed on their individual merits and the community will be provided an opportunity to provide their feedback to the proposed developments.

Community Meeting

We would request that Council take note that the community meeting which took place on 21st August 2019 voted to reject a proposed amendment to by-law 9 which, if successful, would make it possible for residents to build outside their respective building envelopes provided that they first obtain development consent.

The vote was not whether the community agreed/objected to our proposed development and Council should not consider the vote to be a reflection on our proposed development.

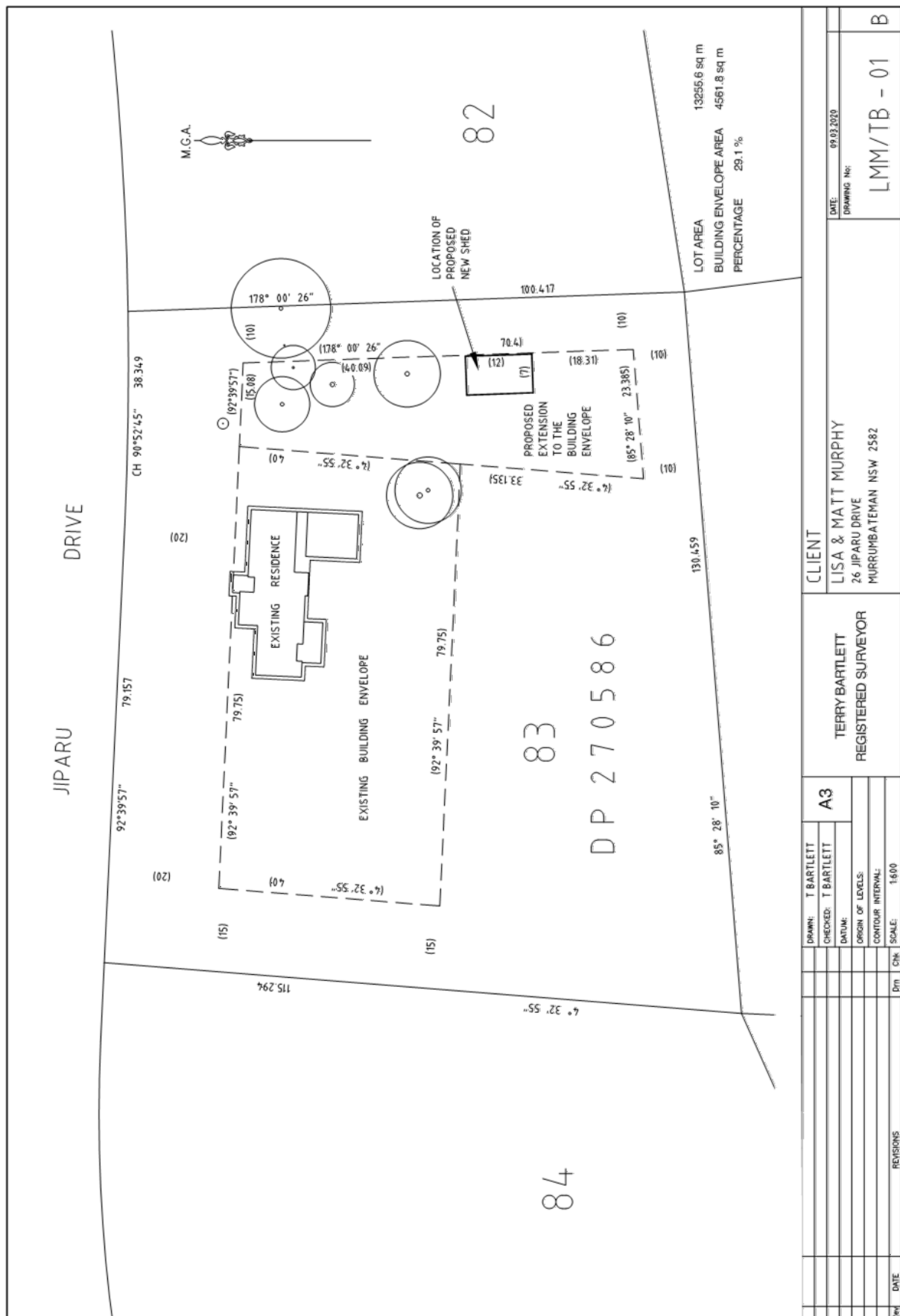
We submit that the community has had an opportunity to object to our proposed development and that, to date, the only objections lodged have been from the Community Executive Committee in their capacity as the Executive Committee and in their respective personal capacities.

We thank Council for taking the time to consider this matter.

Yours sincerely

Matthew Murphy and Lisa Murphy

6.4 Development Application No. DA200011 - Building Envelope Amendment, 26 Jiparu Drive, Murrumbateman
Attachment D Applicant's Response to Submissions



Jeremy Knox

From: Matt & Lisa Murphy [REDACTED]
Sent: Wednesday, 11 March 2020 10:49 AM
To: Jeremy Knox
Subject: Fwd: Seeking your approval - building a shed

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jeremy,

Please see attached a copy of the email. Are we able to include this in with our response. We share the boundary to where the shed will be 10 metres off.

Thanks
Lisa Murphy

Begin forwarded message:

From: [REDACTED]
Date: 10 March 2020 at 10:59:05 pm AEDT
To: Matt & Lisa
Subject: Re: Seeking your approval - building a shed

Hi Lisa,

10 metres are fine. Hope you get the approval soon.

Kind regards,

Yuhang

From: Matt & Lisa
Sent: Sunday, 8 March 2020 9:35 PM
To: [REDACTED]
Subject: Re: Seeking your approval - building a shed

Hi Guys,

As you are aware Matt and I have been trying to seek approval for the construction of our shed. As part of this process, we have had to submit an application to Yass City Council to seek approval to extend our envelope to ensure compliance with the Jiparu By-laws.

The envelope will be 10 metres off our boundary and the shed will be placed in the same position along the fence if we can seek Council's approval.

Can you please let me know if you are still happy for this to happen.

Thanks Lisa

On 12 Aug 2018, at 7:05 PM, [REDACTED]
wrote:

Hi Lisa and Matt,

we think that is OK.

Kind regards,

[REDACTED]

From: Matt & Lisa [REDACTED] >
Sent: Sunday, 12 August 2018 5:58 PM
To: [REDACTED]
Subject: Seeking your approval - building a shed
Hi,

Matt and I would like to build a 3 car garage along our side fence. As a result of this being outside our building envelope, we do require approval/permission from our neighbours and the Jipura committee to do so.

Our main reasoning to build the garage alone side the fence, we feel that it would be a lot neater and if we were to build it within the building envelop, we would be required to knock a few of our tress down to fit it in.

I have attached the plan for your consideration.

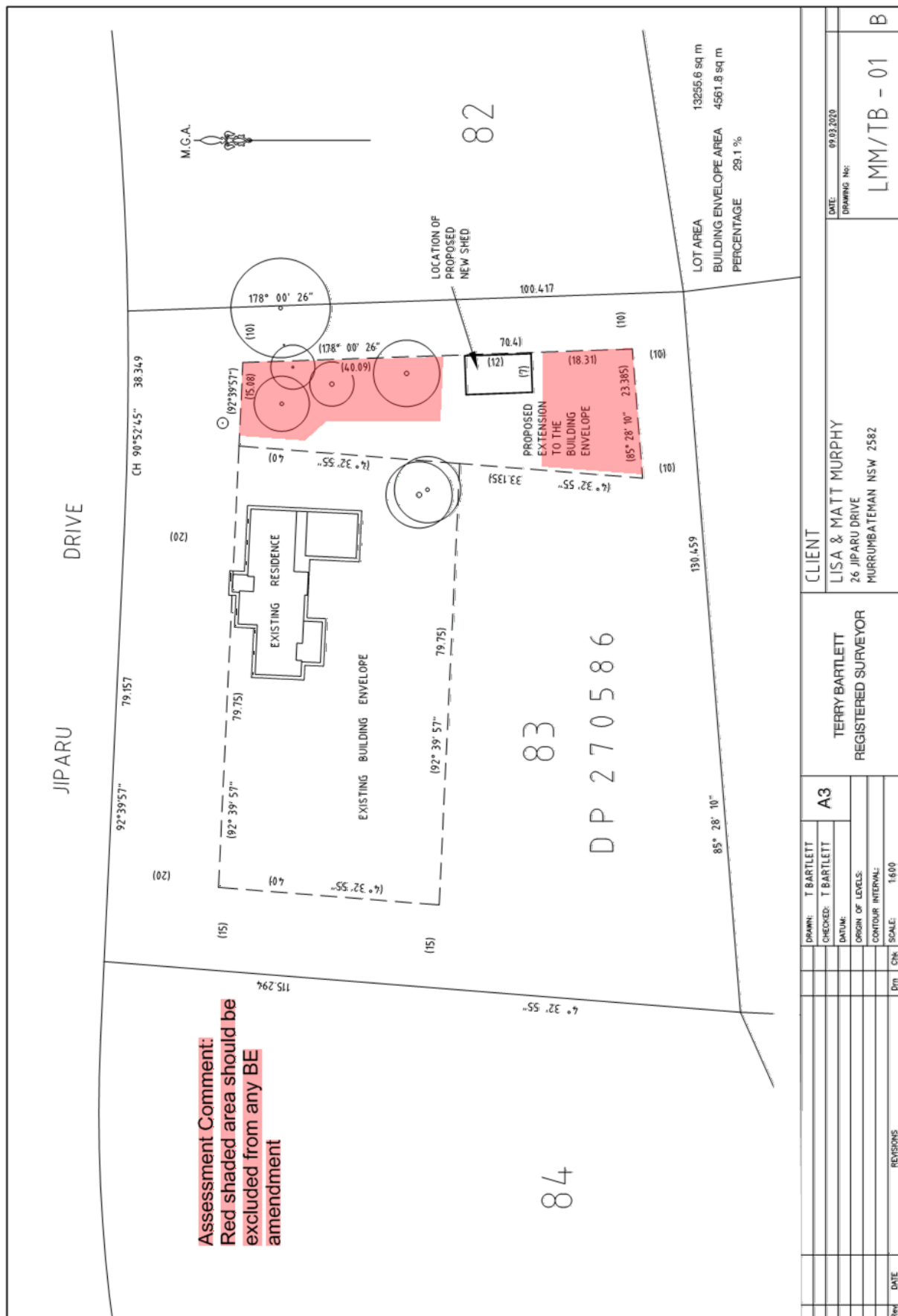
Could you please response to my email with your decision, so I can submit it as part of my submission to Jipura Committee and Yass City council.

Thanks Lisa

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6.4 Development Application No. DA200011 - Building Envelope Amendment, 26 Jiparu Drive, Murrumbateman
Attachment E Suggested Changes to Building Envelope



DA200011 – DRAFT CONDITIONS – 26 JIPARU DRIVE

PART A - GENERAL CONDITIONS

- (1) Consent is granted generally in accordance with the plan and details submitted to Yass Valley Council (Council) with the Development Application. The plan of amendment has been stamped and attached to this consent. The development must be carried out in accordance with the stamped plan or as modified by these conditions.
- (2) This approval relates only to the development referred to in the development application and specifically does not amount to an approval or acceptance by the Council of any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior development or building approval.
- (3) The developer must make any necessary alteration, relocation or enlargement to public utilities, whether caused directly or indirectly by this development, at no cost to Council.
- (4) A written request to Council must be submitted formally requesting that a variation to the restriction be endorsed. The request must be accompanied by:
 - (a) The amendment plan acceptable for registration by the NSW Land and Property Information Office.
 - (b) The relevant documents required by the NSW Land and Property Information Office for the variation of restriction created pursuant to s88E of the *Conveyancing Act 1919*.
 - (c) A deed of variation/memorandum of variation prepared, at no cost to Council, by an appropriately qualified legal professional.
 - (d) A copy of relevant Development Consent.
 - (l) The relevant fee payment at the date. The current fee for a variation of a restriction to user is \$167 in accordance with Council's 2019-2020 fees and charges.

6.5 DEVELOPMENT APPLICATION NO. DA190211 - IMPORTATION OF MATERIAL AND INTERNAL ACCESS ROADS - 33 HILLVIEW DRIVE

SUMMARY

To present the assessment of Development Application No. DA190211 for the importation of 65,000m³ of material at 'Hillview', 33 Hillview Drive, Murrumbateman. The proposal is referred to Council as it attracted nine submissions. Refusal is recommended as the proposal is insufficiently clear in detail to enable a full assessment and the volume has not been demonstrated as necessary.

RECOMMENDATION

That:

1. *Development Application DA190211 for the importation of 65,000m³ of material at 33 Hillview Drive, Murrumbateman be refused on the following basis:*
 - *The Development Application does not provide sufficiently clear detail of the development proposed to enable a complete assessment under the provisions of the Environmental Planning & Assessment Act 1979.*
 - *The volume of 65,000m³ has not been demonstrated as necessary.*
 - *Supporting a Development Application for the importation and stockpile of material for unknown future development of internal access roads and building pads inappropriately circumvents due planning process*
2. *The Applicant be invited to lodge another Development Application(s) at such time as they have clear details of where material is required and how it will be used, including the final location of internal access roads, building pads and building plans, and the like.*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Biodiversity Conservation Act 2016*
- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operation (Waste) Regulation 2014*
- *Water Management Act 2000*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Yass Valley Local Environmental Plan 2013*
- *Resource Recovery Exemption – Excavated Natural Material Exemption 2014*
- *Resource Recovery Order – Excavated Natural Material Order 2014*
- *Yass Valley Heavy Haulage Section 94 Contributions Plan 2006*
- *Yass Valley Community Engagement Strategy*
- *Application Assessment and Decision Making Policy*

REPORT

1. Application Details

Date Received	- 3 December 2019
Land	- 33 Hillview Drive, Murrumbateman
Area	- Approximately 1,900ha
Zoning	- RU1 Primary Production

2. Site Description and Locality

The development site is a significant property of approximately 1,900ha north of the Murrumbateman Village. The property contains land to the north and south of Hillview Drive, as well as west of the Barton Highway. Due to the size of the property there is considerable separate to sensitive receivers, with notable nearby development including the veterinary surgery and dwelling houses on Hillview Drive towards the Barton Highway intersection.

The property is used for agricultural purposes, containing farm buildings and infrastructure as well as manager's residences. The portion north of Hillview Drive is serviced by three primary property access points.

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

3. Proposal

The submitted proposal (refer **Attachment B**) seeks approval for the importation of 65,000m³ of virgin excavated natural material (VENM) or excavated natural material (ENM) for the purposes of internal access road construction and upgrade, as well as stockpiling for other future additional internal access roads, building pads and other infrastructure.

The Application outlines approximately 19kms of internal roads will be constructed or upgraded to a 4.5m width at a depth of 400mm, equating to the use of 35,000m³ of material. The submitted information however advises that the location of internal access roads in the accompanying plans are indicative only and subject to change. Furthermore, the additional 30,000m³ of material is proposed to be stockpiled only for a future use which is specified in any detail. The purposes of the internal access road construction and upgrade and stockpiling of material is outlined as being necessary to return the Hillview property into a high production farm.

Ultimately it is understood that the proposal is seeking approval to import the material, with final details of where it will be used (i.e. which internal access roads requires upgrade or where new roads are required, or other uses) all to be determined at a later date.

4. Public Exhibition

Public exhibition included notice to 16 nearby and adjoining property owners and 10 submissions were received (refer **Attachment C**). Nine submissions raised either objections or points of concerns, whilst one submission was unrelated to the Development Application. The key planning issues raised in the submissions include:

- Volume of material and purpose
- Material quality and contamination potential
- Road impacts and heavy haulage contributions
- Access Safety and Hillview Drive/Barton Highway intersection
- Water usage
- Biodiversity
- Watercourse crossings
- Consideration of Aboriginal cultural heritage

The Applicant has undertaken their own consultation (refer **Attachment D**). The Applicant also advised that they were happy to discuss concerns or issues raised with those persons who made submissions.

Following consideration of the issues raised in the submissions, additional information was requested in relation to the quantity of fill material needed and details of the location of the works and stockpiles. The response and the additional information are included in **Attachment E**.

5. Referrals

The application was referred to Transport for NSW (TfNSW) as the proposal involves a large number of heavy vehicles utilising the Barton Highway/Hillview Drive intersection, as well as works within land identified on the 'Barton Highway Duplication Corridor' map.

TfNSW have requested a number of conditions, including for a Transport Management Plan to be prepared, including for managing heavy vehicle movements, adverse weather conditions, avoiding school bus times, and record keeping. These conditions are consistent with previous responses from TfNSW for applications involving heavy haulage onto a classified road.

The internal access roads do not limit the opportunity for the duplication in the future.

The conditions of TfNSW can be included in any approval that may be issued.

6. Assessment

An assessment has been completed in accordance with the planning legislation.

The three key issues raised in submissions relate to:

- Contamination potential of the material
- The volume and purpose of the fill material
- Heavy vehicle impacts on the road network and safety

These issues are not unfamiliar with Council.

A draft planning policy has been prepared (refer separate report) to assist with setting standards on the importation of fill material.

The Applicant has noted that if the soil comes from the Canberra Airport then it must be tested in accordance with Commonwealth Department of Agriculture, Water & Environment requirements. However it is also necessary for the material quality to meet the requirements of NSW legislation. The Applicant will therefore need to have appropriate documentation to confirm the classification of the material is VENM or ENM for NSW legislation should the proposal be approved. Evidence of this classification would need to be submitted prior to it being imported to the site, including evidence of clearance for per- and poly-fluoroalkyl substances.

The submitted application proposes to import 65,000m³ of material, however only 35,000m³ of this is to be used for internal access road construction. The following further information was requested:

- Clarification on how the volume of material had been determined, including where the balance of additional material beyond internal access road construction/upgrade was proposed to be utilised
- A revised site plan clarifying the proposed stockpile locations and which internal access roads are new and which are proposed to be upgrades.

The response to the additional information request stated that the requested amount is to allow for flexibility and growth of development within the site, including for further internal access roads and building bases. A revised site plan was not submitted with the response received by the Applicant noting that the plans submitted for internal access roads are an indication only and still subject to change.

Without this information it is not possible to undertake a complete assessment in accordance with the planning legislation, including the potential impacts. Accordingly it is recommended that the application in its current form be refused and the Applicant invited to reapply with clearer details on:

- The location of where the material is required and how it will be used (including the internal access road locations)

- The amount of material to better match to intended use

7. Conclusion

From an assessment of the proposal including the issues raised in the submissions and the additional information submitted by the Applicant, it has been concluded that:

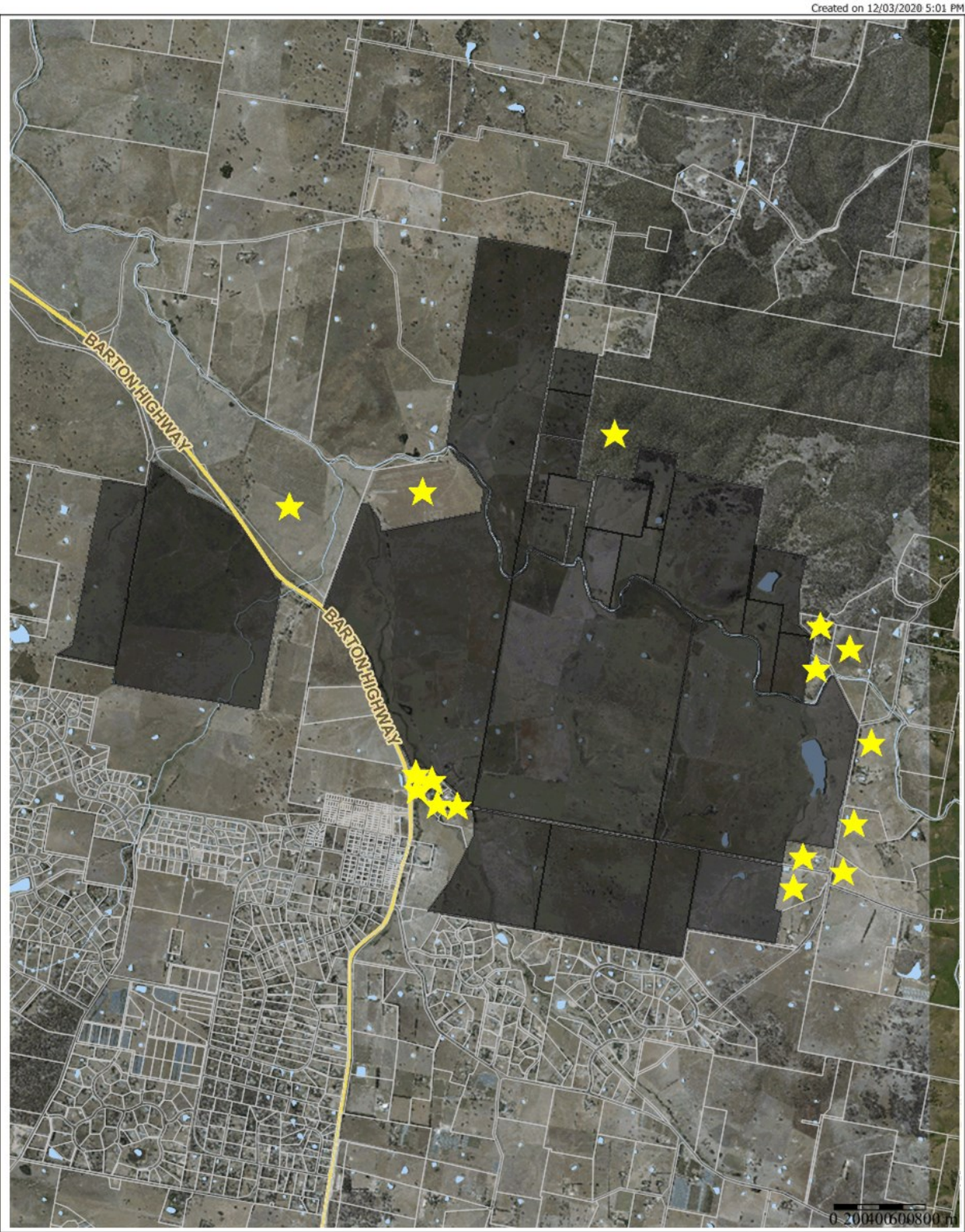
- Whilst the construction and or upgrade of internal access roads associated with primary production land use is generally considered to be a reasonable development, in this instance the Development Application does not provide sufficiently clear detail of the development that is proposed, instead referring to a proposal which is subject to change and for other future uses. This does not allow a complete assessment to be undertaken of the proposed development under the provisions of the *Environmental Planning & Assessment Act 1979*.
- The volume of 65,000m³ has not been demonstrated as necessary.
- Supporting a Development Application for the importation and stockpile of material for unknown future development of internal access roads and building pads inappropriately circumvents due planning process.

STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN1 - Protect and enhance the existing natural environment, including flora and fauna native to the region
Delivery Program Action	EN1.1 - Protect our natural assets in line with community values
Operational Plan Activity	EN1.1.1 – Ensure assessment of development applications protects our natural environment

ATTACHMENTS:

- A. Locality Plan [↓](#)
- B. Supporting Documentation [↓](#)
- C. Applicant's Community Consultation [↓](#)
- D. Submissions [↓](#)
- E. Applicant's Additional Information and Response to Submissions [↓](#)



yass valley council
the country the people

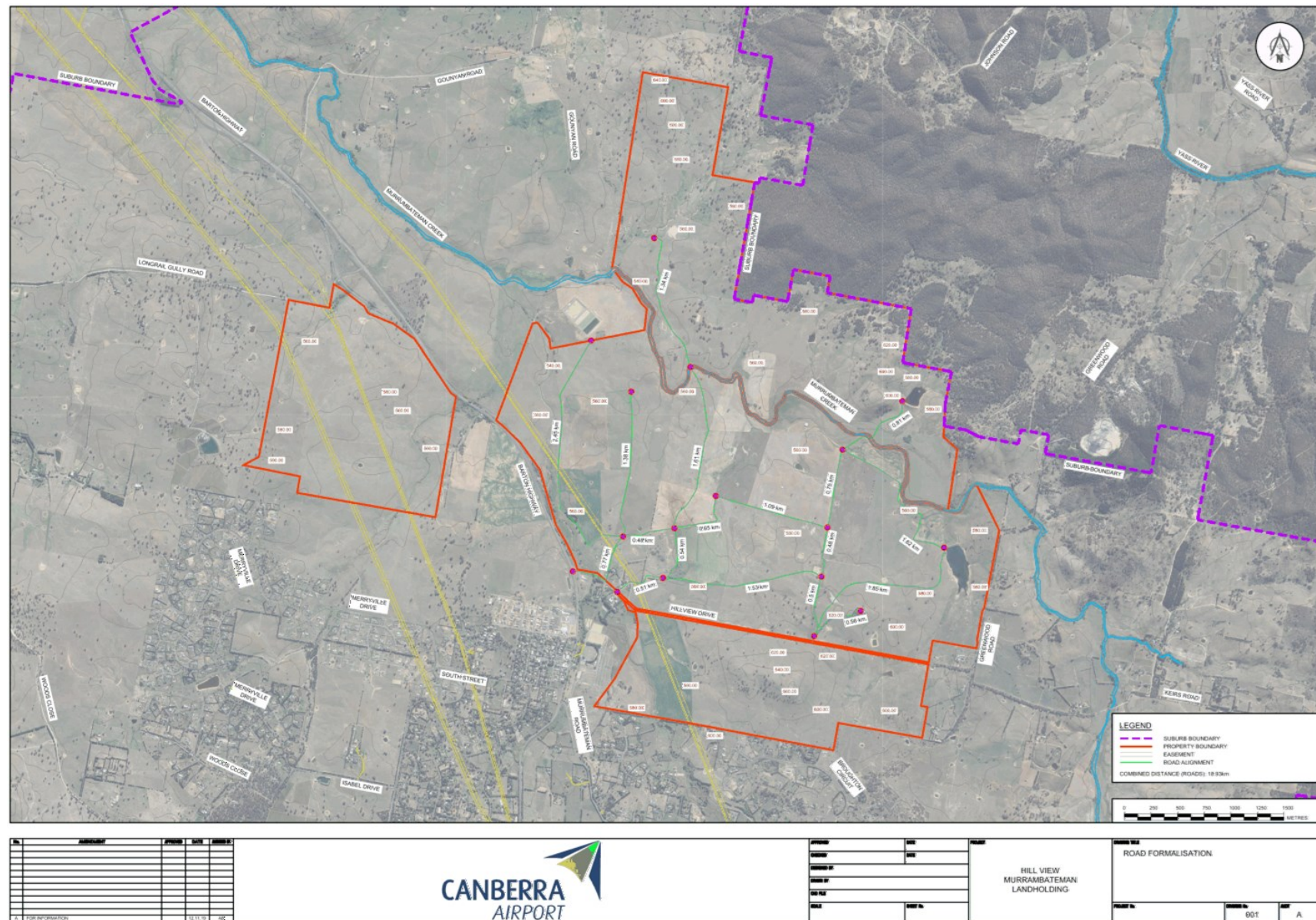
Yass Valley Council
PO Box 6
209 Camar Street
YASS NSW 2582
Telephone: 02 6226 1477
Email: info@yass.nsw.gov.au

Important Notice!
This map is not a professional survey document. Accuracy of locations is not guaranteed. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or reliability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care has been taken to ensure the accuracy of this data, neither the Yass Valley Council nor the SV make any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.
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Drawn By: Jeremy Knox
Projection: GDA94 / MGA zone 55
Date: 12/03/2020 5:01 PM

Subject Property (Black box)
Property Notified (Yellow box)

Map Scale: 1:45014 at A4



**Hillview Acreage Pty Limited
as trustee for Hillview Unit Trust**

Level 4, 21 Terminal Avenue, Plaza Offices West, Canberra Airport ACT 2609
Tel 02 6275 2222 Fax 02 6275 2244

Statement of Environmental Effects for Hillview Acreage

Address:

33 Hillview Drive, Murrumbateman, New South Wales 2582

Prepared by:

Natalia Weglarz. B.Sc, M.Sc, MPIA

Development:

Proposed use and storage of 65,000m³ of sediment, including rock and soil to ENM standard. Within the site, building roads and building bases which will allow for access to the stockpiles and site preparations for future development. The roads will be of a practical size to allow trucks and farm vehicles (4.5m wide) to be accommodated on the internal road network.



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Introduction

Application Details

This development application is for the transportation of sediment to Hillview, the use and storage of the sediment in a few areas located on site, construction of all-weather access roads to these storage pits. It will also be used for bases for future buildings on site. The amount of soil would be in the order of 65,000 cubic metres bulked. Any soil will comply with NSW EPA requirements for transferring and re-use and would be classified as ENM (excavated natural material). This is the start of the re-development of Hillview farm and will allow for the site to be re-developed into a high production rural farm.

The aim for the land in the immediate time horizon (3-5 years) is for a high production rural farm with both sheep and cattle. The target is to gradually build up the average carrying capacity to 20,000 Dry Sheep Equivalents (DSE) in response to the future land and infrastructure development. This livestock will require dips, yards, woolshed, access roads to a suitable all-weather standard and new fencing. This DA will start the process of providing material on site, to facilitate improved internal access roads and new bases for buildings, yards and sheds.

Consultation

There are a several properties and businesses operating within Barton Highway and Hillview Drive adjacent to the Hillview property. The intention is for consultation to take place with these residents and businesses to inform them that this development application has been lodged in addition to the post-submittal Yass Council consultation.

Site and Location

Hillview is located north of the village of Murrumbateman in NSW, just north of the ACT. The site is accessed from Hillview drive off the Barton Highway.

The storage location will be wholly located within the boundaries of the site. The methodology for the final locations will ensure that they are not substantially seen from the road network and in accessible locations for future development on site close to their use on site.

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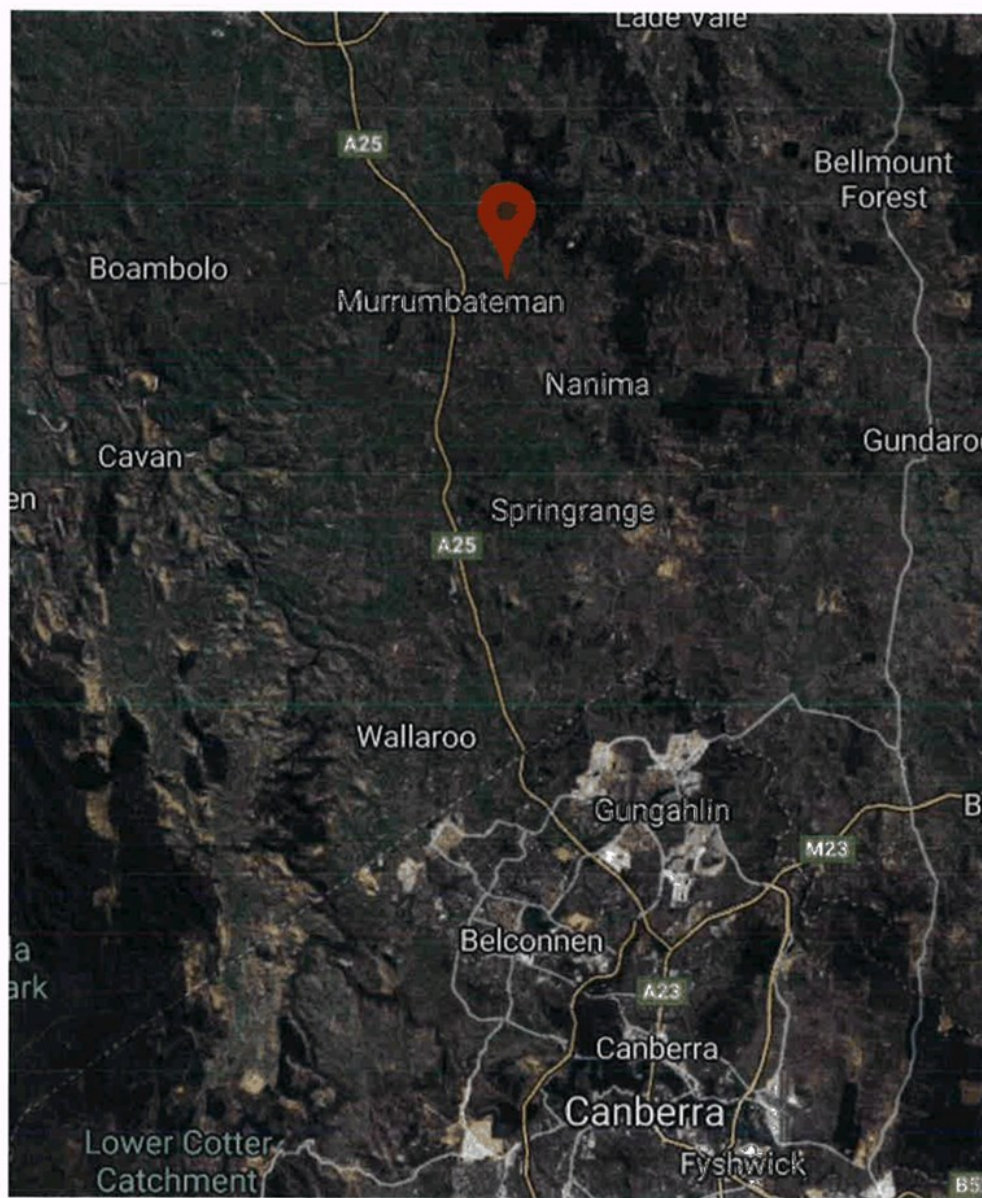


Figure 1 View of site in the regional NSW/ACT Context [Source: Google Maps]

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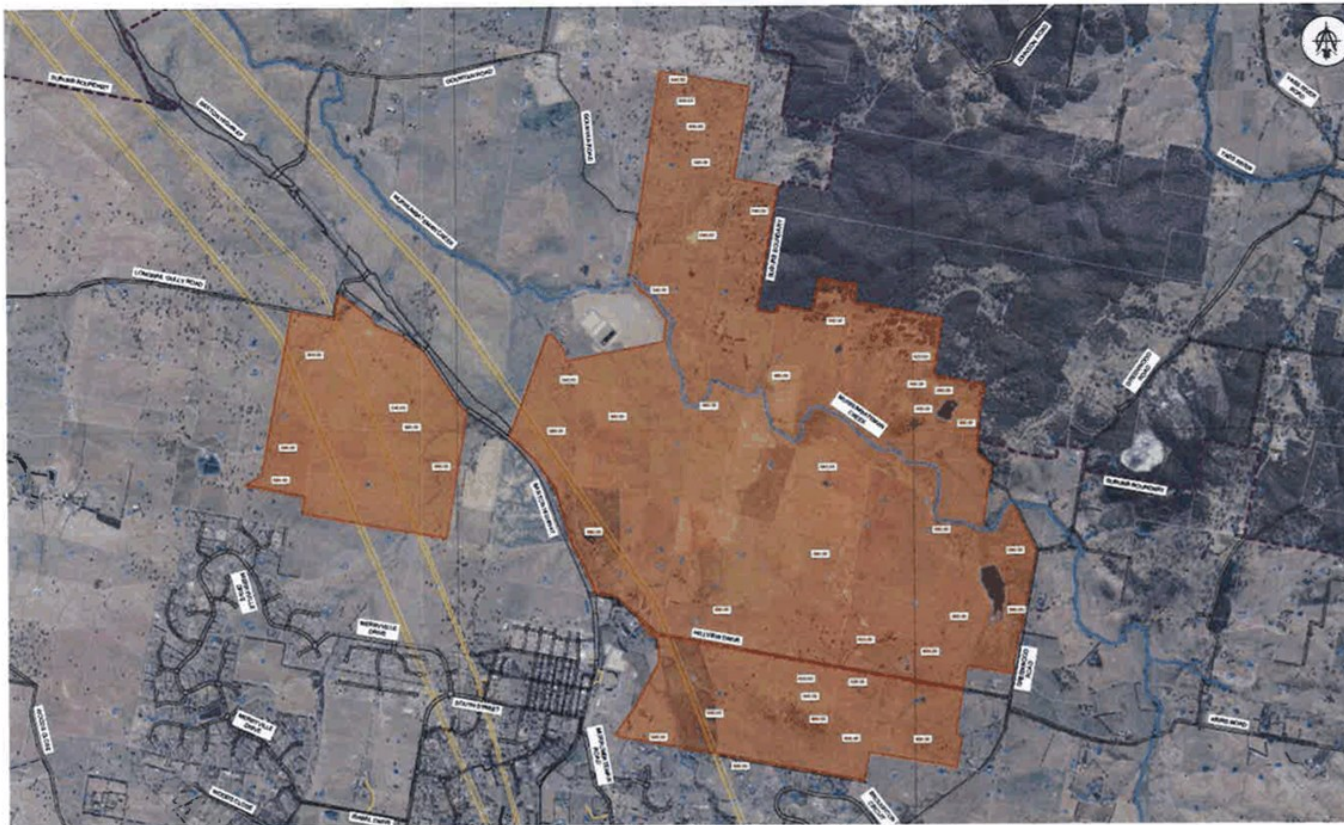


Figure 2 Site Map [Source: Capital Airport Group]

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Site Photos



Figure 3 Looking to the site from the Barton Highway looking east [Source: Own Photography 2019]



Figure 4 Site from Barton Highway looking east and start of Hillview Drive Intersection [Source: Own Photography 2019]

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Figure 5 Aerial Photography of the Barton Highway and Hillview Drive Intersection [Source: Google Maps 2019]



Figure 6- Right hand lane depicted in centre of photography [Source: Own Photo]

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Other Matters

There are no access easements or restrictions through the site. There are powerline and water line easements through the western paddocks, and the western portion of the Hillview land. There is also no Development Control Plan in effect within Yass Valley Council which will be affected by this development or this location. There are also no SEPP's which refer to this type of development. Therefore, the Yass Local Environmental Control will be the main planning controls this application refers to.

Development Summary

Hillview was purchased by the Snow Family (Terry and Ginette Snow) in 2016. The Snow Family has owned, developed and operated Canberra Airport since 1998, as well as properties in NSW, such as Willinga Park- a world class Equestrian Park and cattle property, and QLD cattle properties.

Hillview has been leased to a tenant who is undertaking rural activities on site; this lease will expire shortly, and the Snow Family will now undertake the farming and management of the land in Late Feb 2020.

The area of Hillview is just over 1,900 hectares. There have been several plans and inspections of the site in order to review the opportunities for the development of Hillview as a major rural holding in the area. This will move it back to Hillview's previous stature in the region as a prestigious sheep and cattle farm when managed by Sir Walter Merriman.

The future of Hillview development will include farm road upgrades, new farm roads, fencing, stock and domestic water facilities, pasture improvements including rebuilding soil fertility, potential irrigation and farm buildings. Currently Hillview has limited building and stock management infrastructure to manage a well-developed cattle and sheep grazing property enterprise as proposed. Therefore, an upgrade is required.

It is accepted that the ongoing development of Hillview will require subsequent development applications for the rural improvements as and when they occur. This development application will allow for the movement of circa 65,000m³ to the Hillview site to facilitate the short-term repair and upgrade to existing farm roads and tracks.

The excess sediment will be moved into a small number of short-term stockpiles on site to minimise the impact to both the site and neighbouring lots and reduce the bulk impact of the sediment. These short-term stockpiles will be stored on site in an agreed manner, to relevant standards and close by reuse areas.

The sediment will be located in lower contoured land to ensure no stockpiles are excessive and are suitable for their requirement to be used into the future for roads and building platforms on site.

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The internal access roads will be connected to existing gated access points from Hillview Drive into the site and waterway crossings. No new access routes will be cut into fences unless development requires.

It is imperative that the increase in trucks moving the sediment on site does not affect the current movement of traffic down the Barton Highway. We would anticipate the trucks would move off the highway onto the existing right-hand turn lane before entering Hillview Road. This would ensure traffic could flow more easily and allow for the trucks to manoeuvre safely and slowly into the site.

The access roads would be built first to allow access to the sediment storage. The proposed on farm access roads will be built to the appropriate engineering standards for a good quality rural farm road. This will typically consist of a 4.5m wide gravel carriageway with table drains and culverts as required. The road pavement would consist of approximately 300/400mm of compacted gravel, with an option to seal it with a chip seal surface if required. Any gravel used would be compliant with Austroads/Yass Council engineering standards and specifications. The constructed roads would need to support heavy machinery, without the potential in adverse weather of being bogged.

For a start point, 18.93km of roads will need to be upgraded. Please refer to the plan provided with this application which provides an indication of which current farm tracks will be upgraded. This map does not include the locations for the farm buildings and further roads as overall development proceeds.

At 4.5m wide, and 400mm depth, roughly 34,074m³ of sediment will be required for the roads only.

Any access roads will be appropriately graded to ensure they are trafficable by all vehicles intended to use the roads.

Prior to construction, engineering drawings will be provided for sign off by Yass Council.

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Yass Valley

Yass Valley's economy is one of the strongest in regional NSW, with an unemployment rate of 2.9% well below the NSW average of 6.3%. Sheep farming accounts for 3% of the industry of employment for the residents and is the second highest after Central Government Administration (Census 2016).

The re-development of Hillview is ensuring that the strong rural and sheep farming community is alive and well in Yass Valley. The village of Murrumbateman has a long and rich history of sheep farming, and Hillview is a part of that history.

The future re-investment into the property to strengthen its position in this industry will be a boost for the locality in both industry terms, local employment and tourism. The future pasture improvement is likely to include cover crops for animal consumption.

This rural farming in a prime location will allow Yass Valley to achieve their vision.

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South-east and tableland regional plan 2017- NSW Government Plan

The NSW government released their regional plan in 2017, this a 'blueprint' plan of what the region will look like and how to achieve the vision. There are goals, directions and actions that this development at Hillview can be used to show progress towards.

Goal 1

A connected and prosperous economy

The regional plan details that tourism and agriculture will be priority growth sectors in the region.

Direction 5:

Promote agricultural innovation, sustainability and value add opportunities

Action 5.2

Encourage value-add agricultural opportunities through flexible planning provisions in local strategies and local environmental plans.

The future improvement of Hillview Farm will allow increased agricultural production on site and diversifying the current offering will provide a strong anchor for rural production in the Tablelands region. Ensuring that land which was historically used for agricultural production is re-invigorated and reinstated provides for a good level of sustainability as the land is proven to work. Otherwise previously untouched greenfield land would have to be extensively tested and maintained to see if it could reach a good level of agricultural production.

Direction 8:

Protect important agricultural land

The NSW Government's 2014 Biophysical Strategic Agricultural Land mapping identifies agricultural land of significance to the State. The Hillview development is consistent with the direction and maintains its agricultural uses on site.

Goal 3:

Healthy and connected communities

Direction 23:

Protect the region's heritage

Cultural and historic heritage provides tangible connections to the past and attracts tourists. Hillview has a strong connection to its history as a sheep and cattle farm as well as with the Merriman farm connection. This will ensure that the history of sheep and cattle farming in Yass Valley and Murrumbateman is maintained and strengthened. Ensuring that a vast majority of the northern area of Murrumbateman will maintain views to the trees and ridgeline will ensure tourists and locals alike can benefit from the rural lifestyle and setting.

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The Tablelands 2016-2036 Regional Community Strategic Plan

The Regional Plan provides a vision for the future of the Tableland region. This document has been used to better inform the future development at Hillview.

Strategy	Response
EN1 Protect and enhance the existing natural environment, including flora and fauna native to the region Highlight Maintain our rural landscapes	The future re-development of Hillview will allow for the farming practices to be improved on site, and to allow for the rural landscape to be maintained and enhanced.
EN4 Maintain a balance between growth, development and environmental protection through sensible planning Highlight- <ul style="list-style-type: none"> - To ensure local planning strategies protect and enhance the natural environment - Retention of the villages and rural character has to be balanced with ensuring the economic viability of the area - Recognition of the appropriate locations for different types of development in conjunction with community member feedback 	<ul style="list-style-type: none"> - Allowing development at Hillview to improve the natural environment to thrive and improve the current rural offering. - The retention and improvement of Hillview as a high-production farm will ensure the rural character is strengthened on the land surrounding Murrumbateman - Historical activity on site with sheep farming makes Hillview a highly appropriate location for development. Improving the woolsheds and future farming infrastructure and practices on site will strengthen the link to the village to the land and the history.
EC2 Jointly develop appropriate tourism opportunities and promote the region as a destination Highlight- <ul style="list-style-type: none"> - To foster and retain the regions unique rural character, natural environment, heritage and culture - Retention of the region's unique 	<ul style="list-style-type: none"> - This future development of Hillview will ensure Murrumbateman maintains its rural character to the north of the village.

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Strategy	Response
rural lifestyle and character is central to attracting visitors	<ul style="list-style-type: none"> - The unique history of the site will allow for the retention of the regions rural lifestyle and character. Ensuring that farmland is located close to the village will strengthen the draw for tourists wanting that rural getaway in Murrumbateman.
<p>EC4 Foster and develop a diverse, adaptive and innovative agricultural industry</p> <p>Highlight-</p> <ul style="list-style-type: none"> - To promote sustainable agricultural practises - Accommodate diversification of existing agricultural practices and methods - A thriving agricultural industry is key to the region's unique rural character and is a significant tourism driver. 	<ul style="list-style-type: none"> - Ensuring that Hillview does not fall further into disrepair will help in promoting sustainable agricultural practices within the region - A number of agricultural practises and methods, both modern and traditional will be undertaken onsite to improve the agricultural offering. - Allowing Hillview to start the development journey will enable the region to capitalise on the unique agricultural land to the north of the village.
<p>CO5 Maintain our rural lifestyle</p> <p>Highlight-</p> <ul style="list-style-type: none"> - To implement planning and development decisions that ensure the protection of our rural and village lifestyles while planning for population growth and community sustainability - The rural lifestyle is built on strong, resilient, and connected communities that work together and support each other. 	<ul style="list-style-type: none"> - Restoring Hillview to a high producing rural farm will let the council ensure the rural lifestyle in Murrumbateman is maintained - Having a high producing rural farm re-instated in north Murrumbateman will provide jobs for the local community and provide clarity as to the future development of the village.

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Assessment

Yass Valley Local Environmental Plan 2013

6.1 Earthworks	Response
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The sediment brought into the site will not have a detrimental impact on the environmental functions of the surrounding land. It is classified as ENM and will be utilised to improve the lots within Hillview. If impacts occur, these will be mitigated where appropriate.
(2) Development consent is required for earthworks unless: (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or	Not Applicable. Development Consent is required.
(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.	Not Applicable. Development Consent is required.
(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:	-
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	Importing the soil will have no detrimental effect on drainage patterns or soil stability. The ENM will be stored on site in a suitable manner adjusted as required to suite the general undulation and geographical features. The stockpiles will not be located near bodies of water or catchment areas on site, and therefore will not affect overland flow patterns where reasonably practicable and avoidable.
(b) the effect of the development on the likely future use or redevelopment	The development will enable future development of the site for future roads, building platforms and stabilisation of

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6.1 Earthworks	Response
of the land,	development on the site therefore this is a positive development for the lot.
(c) the quality of the fill or the soil to be excavated, or both,	The fill will be classified as ENM and is of a high quality for the site.
(d) the effect of the development on the existing and likely amenity of adjoining properties,	There will be no effect on the development of adjoining properties from the stockpiles. A future a traffic management plan will be created which will detail the truck movements to the site. Any potential effect will be mitigated if and when they arise.
(e) the source of any fill material and the destination of any excavated material,	All material will be sourced from the Canberra Airport precinct. This fill will be classified as ENM and will be checked for its geo-tech quality for development.
(f) the likelihood of disturbing relics,	There are no known aboriginal, or relics known within this area. If any relics are found the appropriate steps will be taken to ensure the site is contained and excavated to the relevant laws.
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	The fill will not be located near waterways and will be stored in a manner which will not seep into the water catchment areas within the local catchment.
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. Note. The <i>National Parks and Wildlife Act 1974</i> , particularly section 86, deals with harming Aboriginal objects.	The impacts of this development on site will be minor, and all appropriate measures to mitigate any impacts will be undertaken. These measures include moving material during business hours to minimise noise impact of trucks; ensuring that fill is stored as required and kept securely on site.

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Transportation of sediment

Records of the material to be used on site will be maintained by the Snow Family and provided as required.

Estimation of sediment movement

Truck and Trailer-sediment carrying size- Combined 22m³

65,000m³ bulked weight would have ~6,000 truck movements in total.

It would be estimated that the earth moving would happen within normal business hours and would be monitored to ensure the trucks minimise any possible disturbance.

The route the trucks would take would also minimise the disruption to the road systems and local residents. The route is highlighted within figure 1 below. The route is designed to stick to main roads where possible, to not use residential secondary roads, and to increase traffic temporarily on roads that can take the extra movements through their capacity. All loads will be suitably covered or dampened to mitigate dust/small sediment particles.

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Figure 6 Route of trucks from Canberra Airport to Hillview [Source: Google maps 2019]

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Site Suitability

Hillview is a large rural property which is well placed to become again a high production farm. The woolsheds and internal access roads have become worn over the years. The increase in rural activities on the site will allow the site to be re-vitalised into the future.

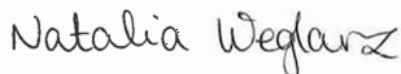
To re-establish the property, this development application will start to improve the site. It will allow for the storage of ENM available to improve and create roads and building platforms throughout the site. The site is suitable for the development due to its historic use. This application and future applications are provided to ensure that this farming legacy continues.

Conclusion

The development on site consisting of transporting ENM material onto the Hillview Property, including from Canberra Airport and will allow for future development to occur on site. This will ensure that the Hillview Property will once again become a high functioning rural property with Cattle and Sheep on site.

The circa 65,000m³ of sediment will be spread out across the site and ensure the development is manageable on site. This is the start of ensuring the site is viable for years to come, and the start of a significant investment for the rural farming community.

Signature



Natalia Weglarz BSc MSc MPIA

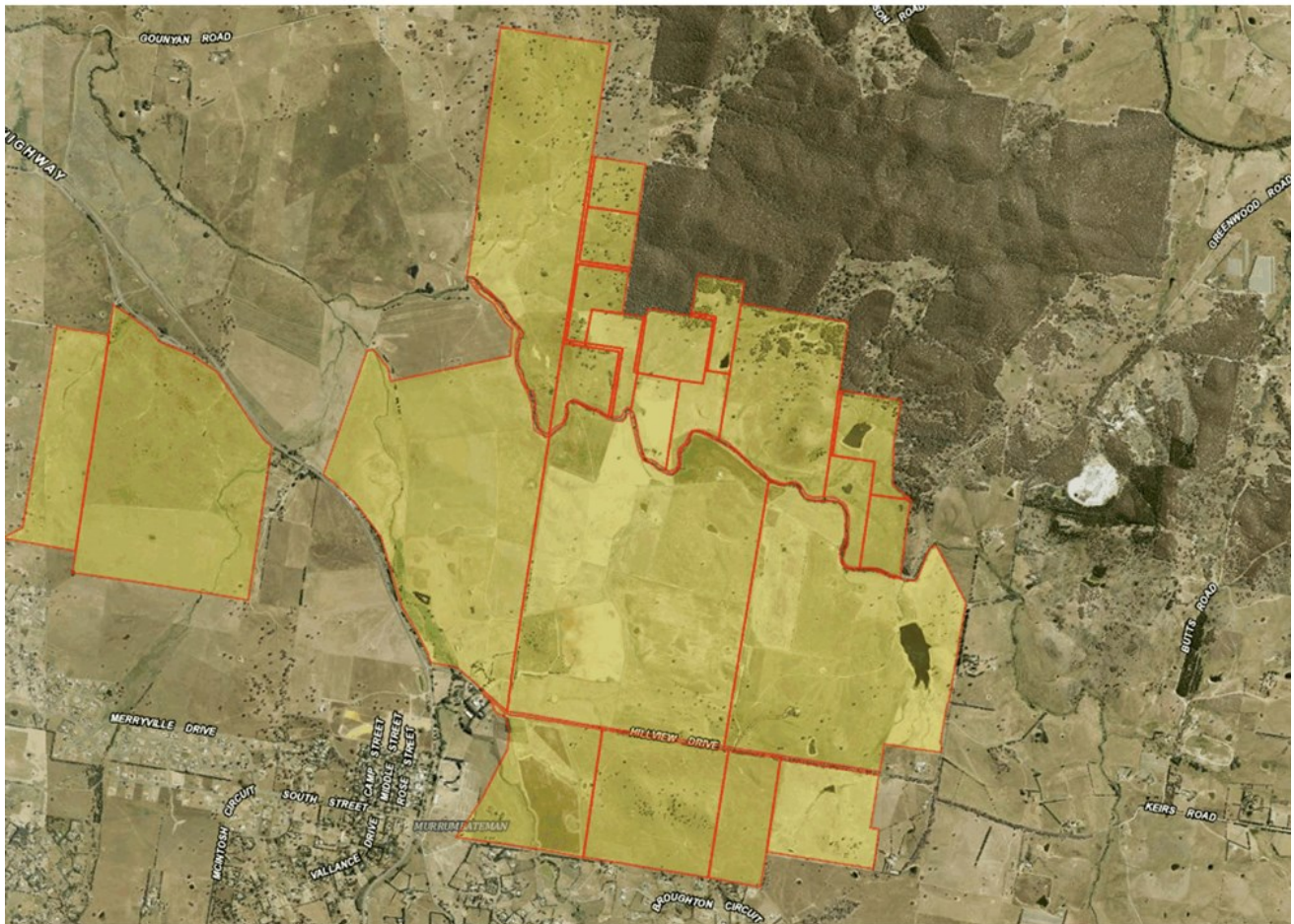
18/11/19

Hillview Acreage Pty Limited ACN 128 918 589
Hillview Unit Trust ABN 63 203 381 992

HILLVIEW

33 HILLVIEW DRIVE

CONSULTATION SESSION
INFORMATION LEAFLET



HILLVIEW MURRUMBATEMAN

Development Application Summary

Date Submitted:

19 November 2019

Proposal:

The DA asked for the use and storage of 65,000 cubic metres of rock and soil to the NSW EPA Standard for Excavated Natural Material (ENM). Within the site, building of roads and building/shed bases for preparation of renewing rural production within the site.

Size of Hillview:

1,900 Hectares

Stage 1- Initial works

This Application asked for the storage of the sediment on site, as well as the building work for 19km of roads through the site. These roads are situated on existing farm tracks and allow for farm vehicles to easily access the property. The roads connect to the water reservoirs to the east of the site and the current sheds in the west and north.

History

Hillview was purchased by the Snow Family (Terry and Ginette Snow) in 2016. The Snow Family has owned, developed and operated Canberra Airport since 1998, as well as properties in NSW, such as Willinga Park- a world class Equestrian Park and cattle property, and QLD cattle properties.

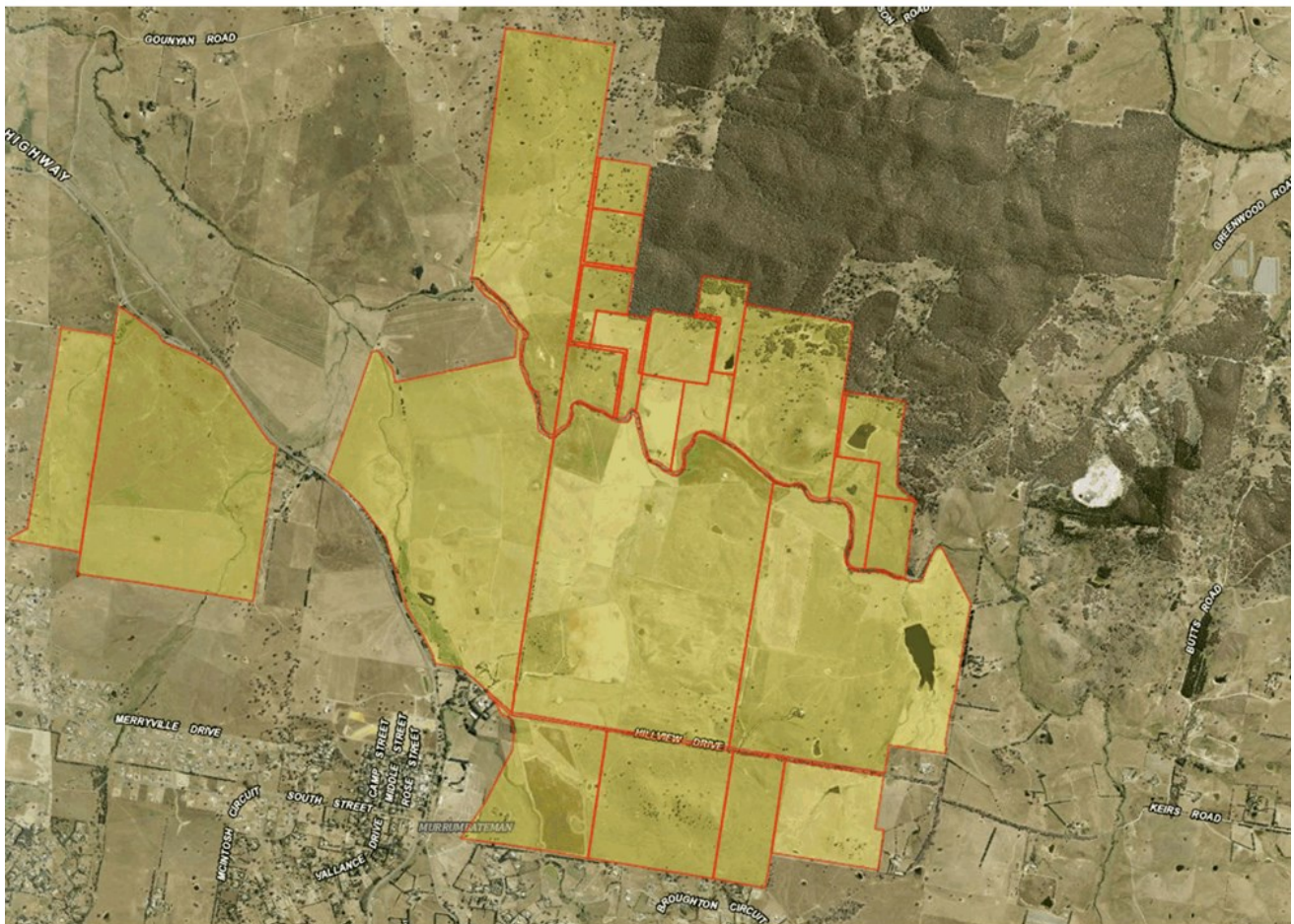
Hillview has been leased to a tenant who is undertaking rural activities on site; this lease will expire shortly, and the Snow Family will undertake the farming and management of the land in Late Feb 2020.

The future of Hillview development will include farm road upgrades, new farm roads, fencing, stock and domestic water facilities, pasture improvements including rebuilding soil fertility, potential irrigation and farm buildings. Currently Hillview has limited building and stock management infrastructure to manage a well-developed cattle and sheep grazing property enterprise as proposed. Therefore, an upgrade is required.

HILLVIEW

33 HILLVIEW DRIVE

CONSULTATION REPORT



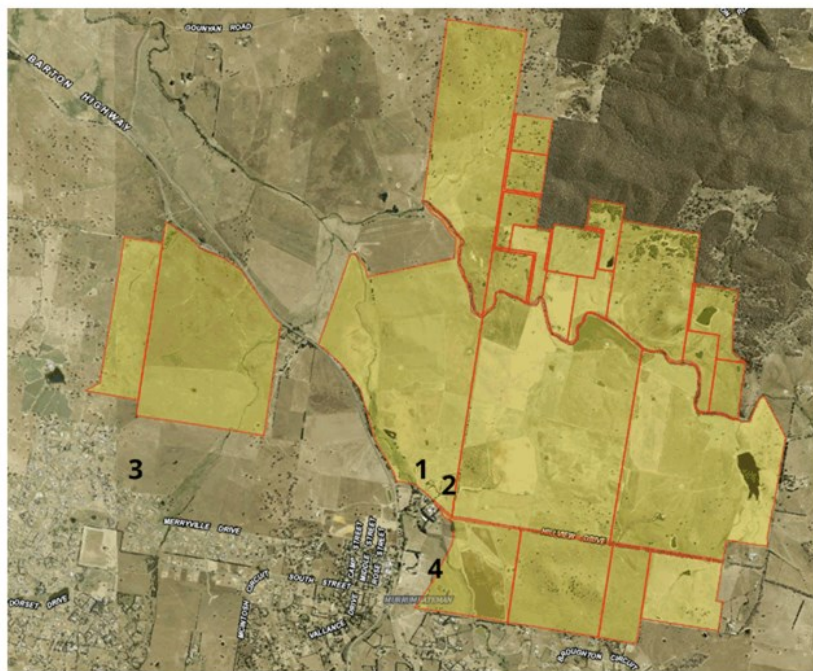
HILLVIEW MURRUMBATEMAN

Development Application Consultation Report 16.12.19

Consultation

Noel McCann undertook phone calls with neighbours and interested parties which were followed up by e-mails. These emails included an overview of the site, the proposal and a consultation leaflet.

Map of Immediate Consultees and list of Interested Parties



Map	Consultee	Neighbour/Interested Party	Method
1	Yass Valley Veterinary	Neighbour	Phone call 09.12.19 and 10.12.2019 E-mail 09.12.19
2	Allan Goulding	Interested Party and neighbouring landowner	Phone call 21.11.19 E-mail 22.11.19
3	Graeme Shaw-Shaw Winery	Interested Party and neighbouring landowner	Phone call 22.11.19 and 2.12.2019 E-mail 22.11.19
4	Roger Bain	Neighbour	Phone call 13.12.19 E-mail 12.12.19
	Councillor Reid	Interested Party	Phone call 3.12.19 E-mail 03.12.19
	Major Rowena Abbey	Interested Party	Phone call 28.11.19

Comments

The phone calls with the neighbours and interested parties provided the opportunity to discuss the proposal with people directly. The interested parties were happy the site would be re-developed, and welcomed the investment from the Snow family. There were no negative comments received in respect to this development application.

Jeremy Knox

From: Yass Valley Council <no-reply@wufoo.com>
Sent: Tuesday, 7 January 2020 5:13 PM
To: YVC Customer Service Team
Subject: Public Consultation online submission [#115]

Name *

Address *



Email *

Phone Number *

What item are you making a submission on? Hillview Murrumbateman
*

Submission * YVC needs to acquire 30 hectares of land north of Hillview drive for
the Field Days after the Bypass is complete and adjacent to the
interchange.

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>

[Report this message as spam](#)

Submission in relation to proposed DA 190211 Hillview Acreage Pty Ltd Lot 3 DP 601345 Hillview
Drive Murrumbateman page 1/3

Description of Proposal: Importation of 65,000m3 of sediment for road creation and sediment storage and creation of farm roads and future bases for a high production rural farm

We strongly oppose this proposal until the following points are satisfactorily addressed in writing and made available to the public for re assessment.

* "sediment/soil standards are 'Excavated Natural Material' tested" and "sourced from the Canberra Airport precinct" and "geo technically checked for development" The soils must be asbestos and building rubble free; an independent Yass Council report free from the developer's influences, on this needs to be made freely available to the public stating results and a map exactly from where this sediment will come. Importing of Soil from the Canberra Airport Precinct. Prior to any soil being relocated from the airport precinct, could council please ensure that all shipments of soil are tested for PFOS AND PFOA. PFOS and PFOA are man-made chemicals belonging to the group known as PER- and poly-fluoroalkyl substances. Whilst they may be stable, they can take 100 years to break down. These chemicals have for many years been used in fire- fighting foam at airfields around Australia, particularly airfields owned/operated/utilised by the Australian Defence Force which Canberra is and has been for many years. Over the decades that these chemicals were in use they have found their way into the soil and groundwater, contaminating not only the airfields but the land surrounding them. Further information on this contamination is available in a report 'Williamstown RAAF Base contamination' and also Oakey QLD has contaminated soil and contaminated groundwater surrounding the RAAF Base and into neighbouring farms. Whilst there currently is no consistent evidence that exposure to PFOS and PFOA causes adverse human health effects, based on the evidence from animal studies potential adverse health effects cannot be excluded. Studies in laboratory animals suggest that PFOS and PFOA may promote some cancers in those animals, but it is not clear if these results have any implications for human health. Any soil imported from the Canberra Airport precinct has the potential to be contaminated with PFOS and PFOA. There would also be a risk of leaching through the soil into the groundwater which would then find its way, over time, to communities, including Yass; that are located downstream from the Hillview site. Murrumbateman also is not a dumping ground of sediment taken from the genesis of a large new commercial development.

* "future bases on site" need to be defined more specifically...woolsheds, dips and yards are mentioned. Considering the zoning is RU1, which aims to ensure that development does not unreasonably increase the demand for public services or public facilities, what are the other intended buildings ...are they farm buildings, a high density housing subdivision, workers' housing, businesses? We hold grave concerns for the type of future development, considering the intended number and placement of such intensive new road systems.

* "will comply with NSW EPA requirements for transferring and re use of sediment" and " all loads will be suitably covered or dampened to mitigate dust/small sediment particles"-where will water come from (during water shortage and drought) in order to settle dust during transportation whilst on the site? Murrumbateman is already on water restrictions and the ground water is at an all time low.

Page 2 of 3

Continued Submission by _____ in Relation to proposed DA 190211 Hillview
Acreage Pty Ltd Lot 3 DP 601345 Hillview Drive Murrumbateman

* "all appropriate measures to mitigate any impacts will be undertaken" and "it is imperative that the increase in trucks moving the sediment on site does not affect the current movement of traffic down the Barton Highway" and "a future traffic management plan will be created which will detail the truck movements to the site" **How will transportation causing dust and noise (other than taking place in business hours) be minimised so as not to affect immediate neighbours? How will the truck movement be managed to soften the impact on Murrumbateman town ship such as noise, congestion and damage to road? How will the traffic congestion at the intersection of Barton Highway and Hillview drive be managed? Details of this to be made available to the public for perusal.**

* "The storage locations of soil are not substantially seen from the road network" and "the impacts of this development on site will be minor" **How will this be managed and where, on a map, made available to the public? We have a problem with the words 'not substantially' seen from the road, so what parts will be seen from the road?**

* "that fill will be stored as required and kept securely on site" **By what specific security mechanism will this be done?**

* "That fill will not be located near waterways and will be stored in a manner which will not seep into the water catchment areas" **Where on a map, made available to the public, will these be situated?**

* "Protect and enhance the existing natural environment, including flora and fauna native to the region. **How will roads and stockpiles protect and enhance these? Provide survey of flora and fauna that might be endangered.**

* "Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters: (a) the likely disruption of; or any detrimental effect on, drainage patterns and soil stability in the locality of the development- Importing the soil will have no detrimental effect on drainage patterns or soil stability." And "At 4.5m wide, and 400mm depth, roughly 34,074m3 of sediment will be required for the roads only" **The new road profiles will be higher than current ground level and this will affect water runoff. Also there will be 30,926m3 of sediment over burden that isn't used for roads and will be stockpiled. Why bring this sediment all the way to Yass Council and not get rid of it within the ACT? Is it only because it is a cheaper way out for the developer? Millions for dumping in the ACT as opposed to a few hundred for a DA at Yass Council.**

* "prior to construction, engineering drawings will be provided for sign off by Yass Council". **These drawings be made available to the public, especially those who make submissions, within a reasonable time frame to allow for feedback and comments to be made.**

* "the sediment will be located in lower contoured land" - **there are concerns with blockage of the natural watercourses and run off here. This fill will redirect water into other areas. Request a map for this placement. Fill will subside.**

* "there will be no effect on the development of adjoining properties from the stockpiles" **How can this generalised statement be made? Neighbours' land values will plummet with eyesores of**

Page 3 of 3

Continued Submission by _____ in Relation to proposed DA 190211 Hillview
Acreage Pty Ltd Lot 3 DP 601345 Hillview Drive Murrumbateman

stock piles within view unless they are completely out of sight of neighbours and with such a large scale noisy big business farm as a neighbour. Request a map of where these stock piles will be situated.

* "Point 7 Type of Development _ 'Earthworks' box ticked and 'other(specify)' box filled in with road creation and sediment storage" but box not ticked for erection of any other building or structure. This contradicts "point 8 – Summary of proposed development –use and storage of 65000m3 of sediment. Creation of 18.93 kms of 4.5 wide farm roads and future bases on site"

* "the development will enable future development of the site for future roads, building platforms and stabilisation of development". What /where specifically will these future roads and buildings be? Need engineer's report before structures erected. And what is meant by stabilisation of development?

*"Protect important agricultural land.... protect the region's heritage...if any aboriginal or relics found appropriate steps be taken" A dichotomy prevails here by in-roading in to the very heart of agricultural land and carving it up, possibly interfering with original heritage listed outbuildings and structures. Construct and make available a map of heritage structures currently on the property. Have a survey done for Aboriginal heritage sites and/or relics and provide for public display.

In conclusion, unless the above points are not satisfactorily addressed in writing, and made available to the public, within a reasonable time period for feedback and comment, then we strongly disapprove of this DA.

Murrumbateman email:

Phone


Murrumbateman email:

phone

Jeremy Knox

From: Yass Valley Council <no-reply@wufoo.com>
Sent: Wednesday, 15 January 2020 3:46 PM
To: YVC Customer Service Team
Subject: Public Consultation online submission [#116]

Name *

Address * 

Australia

Email *

Phone

Number *

What item DA 190211 Hillview Drive
are you
making a
submission
on? *

Submission *

I wish to register the concern of myself and the members of the Murrumbateman Progress Assn on the Development Application to transport 65,000 cubic metres of soil to a property off Hillview Drive. This proposal will result in over 12,000 heavy vehicle movements to and from this property, along the Barton Highway and through the village of Murrumbateman. Residents have expressed their concerns to me over the inordinate number of truck and trailer movements that will no doubt have significant impact on the road surfaces and traffic flow. There is also concern that the only two entrances to this property to and from Hillview Drive are in areas of double white lines. This will undoubtedly pose unsafe traffic conditions. Other concerns of members is whether this is going to be an actual development or just another form of dumping in our Shire to escape ACT costs.

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<http://www.mailguard.com.au/mg>

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Submission Relating to DA 190211 by Hillview Acreage P/L

While we applaud the stated objective of this DA, "in the immediate time horizon (3-5 years) is for a high production rural farm with both sheep and cattle", we have significant concerns about this DA which need to be properly addressed before Council considers giving it approval.

Our main concern is the **adverse effect this will have on the clean image of Yass Valley**. If this DA is approved as is, we could become seen as a dumping ground for waste from the ACT. This development could create a precedent which other developers will follow.

The DA's origins seem to stem from the need to get rid of 65,000m³ of sediment from around Canberra airport. What alternatives have been considered by the developer to send this sediment elsewhere and why have they chosen Hillview? Is it because this is the cheapest option and they have no genuine intention of developing Hillview in the manner described? We are aware that other DAs proposing residential development on this site have been rejected and a new one is being considered by another developer. What guarantees can Hillview acreage P/L give that the purpose of the site will remain "sheep and cattle"?

To allay our concerns in this regard, we require the developer to be more specific about his commitment to develop Hillview as a "high functioning rural property with sheep and cattle on site", including specifying a timeline for such development, specifications of how many sheds, yards, etc will be built and how the excess sediment stored on site (around 31,000m³) will be used for this purpose.

If the developer cannot specify **and commit to** how the excess sediment will be used in the next 3-5 years, then this excess should remain in Canberra or sent elsewhere.

Our second concern is in regards to **testing of the sediment to be transferred**. Before this DA is approved, we require Council to arrange and publish independent testing of the soil at its source, including standard ENM tests, detailed mapping of the source, and tests for noxious chemicals used in firefighting at airports.

Our third concern is in regards to the **effects of Murrumbateman's ground and surface water supplies**. The DA points out that vast amounts of water will be used to dampen loads and avoid dust being spread around the district. During the extended drought we are all currently experiencing, many of our dams and ground water sources have run dry. Where does the developer propose to get the vast amount of water needed to satisfy these commitments? If they intend to truck this in, then this detail should be included in the transportation impacts (ie how many trucks per day).

DA 190211 33 Hillview Drive – Hillview Acreage Pty Limited

Thank you for the opportunity to comment on the above DA.

As a regular user of Hillview Drive my major concern is the extra 12,000 truck & trailer movements which this development will impose, both in accessing and exiting the property and turning off the Barton Highway onto Hillview Drive. The applicant has not advised how many movements per day and, over what period, they envisage the movement of this 65,000 cubic metres of material will be required. Being waste material from their Canberra Airport Site development one would presume that they will desire this to be done as quickly as possible.

The nominated existing gated access points from Hillview Drive into the site present a potential hazard to road users. Both have very short site distances to the east and require trucks & trailers to turn over double lines when exiting the site. See Figures 1 & 2. However, this had obviously been recognised by the applicant who states “No new access routes will be cut into fences unless development requires”.

Although as stated “the increase in trucks moving the sediment on site does not affect the current movement of traffic down the Barton Highway”, it will effect the entrance to the Veterinary Surgery and also those exiting Hillview Drive and turning right towards Yass where there are no turning/slip lanes.



Figure 1 – Proposed Hillview Cattle yard Entrance



Figure 2 – Proposed Sunningdale Entry

Submission in relation to:

DA190211 Hillview Drive, Murrumbateman

From:

Murrumbateman

Whilst the proposed future use of the land is not opposed by us, and in fact is more acceptable than high density housing estates in that it enhances the rural nature of the area, there are a number of concerns in the DA which lack transparency and which we feel need to be addressed to the satisfaction of the Murrumbateman community.

These concerns are outlined as under.

- It is understood that some 65,000m³ of sediment is to be imported from the ACT for internal road enhancement and stockpiling for future use. The amount to be imported appears to be excessive given that the Sutton quarry used 70000m³ to infill the quarry. The future usage of the Hillview quantity remaining after roads are completed needs to be better explained, given that the internal roads only appear to be an enhancement of existing tracks.
- It is noted that dampening of the loads will take place at the load point. Will further dampening be carried out at the Hillview site during unloading and for the remaining stockpiled material until used? If so where will the water be supplied from and how much would be required. This is a question that must be fully explained, given the current water shortage which will no doubt extend into the future.
- Given the origin of the material, documentation should be shown which confirms the absence of contaminants and which has been ratified by an acceptable Agency in NSW. Self- certification should not be acceptable.

- Will the stockpiles be located such that they do not impede water run off which would normally flow into water courses. What will be the size of each stockpile.
- There is insufficient transparency as to future development approvals. There is reference to sheds, farm buildings etc but no specific descriptions.

Addressing regional plans.

- According to Goal 2 of the South East and Tableland Regional Plan 2017, which the submission overlooks, and which states a “diverse environment interconnected by biodiversity corridors”. This development needs address this goal by enhancing the existing native environment within and adjacent to the site. How will this be achieved.
- The Regional Community Strategic Plan is mentioned but not how its strategies will be achieved by this development. The responses do not address the KPIs of the strategies which is how Council monitors their implementation. The responses do not address natural environment protection.

Other

- Proposed Murrumbateman by- pass for the Barton Highway duplication. It appears from the plan that the by- pass would pass through some of the development and therefore the earthworks on some of the internal road will be defunct. How is this to be allowed for.
- We propose that these and other questions would be best answered at a public meeting by a representative of the developer giving a full explanation of the planned development and the future proposals in order to provide clarity to the community prior to Council’s consideration of the application and the commencement of the work.

Thank you for the opportunity to comment.

23rd January, 2020

Jeremy Knox

From:
Sent: Monday, 27 January 2020 12:12 PM
To: YVC Customer Service Team
Subject: Submission on Development Application DA 190211

Submission from

CONFIDENTIAL

DA 19011 Applicant Name: Hillview Acreage Pty Limited

Property Description: Lot 3, DP 601345, Hillview Drive, Murrumbateman

Description of Proposal: Importation of 65,000m³ for the construction of internal access roads and future building pads

I have a number of concerns in the lack of transparency of Development Application 190211 and the wider plans of the proponent which need to be addressed and further consulted upon with the community. I hope that these concerns and comment will assist in a better outcome for balancing planning, environment and community issues. Concerns and possible actions are listed below:

1. DA does not contain

- 1.1. a step by step project plan with associated timelines
- 1.2. plan of the site that identifies all areas for the earthworks described
- 1.3. duration of the project
- 1.4. Council should require the additional information to be provided and further consulted with the community.

2. The SOEE states that this DA is the start of redevelopment of Hillview farm. The community has not been consulted therefore has no transparency on the extent of this redevelopment to a high production rural farm.

- 2.1. Is there a 'masterplan' for the whole redevelopment?
- 2.2. If this DA is approved then it is virtually given that approval for future DAs will happen without. The community needs to know now about the future infrastructure, crop irrigation, erosion impacts, where irrigation and domestic water supplies will be sourced etc.
- 2.3. Noted that the SOEE states "average carrying capacity of 20,000 Dry Sheep Equivalents (DSE)" but no capacity detail for cattle
- 2.4. Council should require further information on the whole redevelopment for the farm prior to the start of DA processes. Proponent should make the 'masterplan' available to the community.

3. 65,000 m3 of sediment

- 3.1. Sediment amount appears to be far more than what is needed for the upgrade of road/tracks and pads for future infrastructure
 - 3.1.1. estimation of 34,074 m³ just for road/track base (18.93 kilometres, 4.5m wide and 300/400mm compacted gravel) seems to be an over-estimation
- 3.2. This DA to YVC provides a cheap solution for dumping of sediment from the Canberra Airport expansion. Such activity has been criticised in the press with comparisons of costs of dumping in ACT or NSW showing a large financial benefit to proponents.
- 3.3. Council should seek justification/clarification for a more accurate sediment calculation for the proposed uses on the site to be provided by the proponent.
- 3.4. Council should ensure that appropriate costs associated with a DA for sediment dumping transfer to the Shire are appropriate and may be beneficial for use in a community project.

4. Plan of the site only shows the road/tracks to be upgraded. Information is required on the location of the short-term stockpiles and the size of each

- 4.1. Wider community is impacted by unsightly stockpiles, not only adjacent properties, for example Village Fairley Estate dwellings have views across to Hillview farm

4.2. Barton Highway bypass land set aside/reserved is not shown on the site plan. This will mean that some roads/tracks within the site will not be used, therefore, they should not be upgraded

4.3. Council should require and updated plan of the site plan.

5. 6000 truck movements

5.1. SOEE does not address air emissions generated by the 6000 truck movements. Information is needed on the extent of emissions from this number of truck movements

5.2. Council should impose abatement or offsetting measures for this atmospheric pollution (greenhouse gases and other)

5.3. Timing for truck movements is not clear so that it does not affect the movement of traffic. Statement only addresses the turn off from Barton onto Hillview Drive. There is no traffic management plan. Has the RMS been consulted?

5.4. Concerns about the slow turning of loaded trucks at Barton/Hillview will impede traffic flow with potential risks. Suggest that speed reduction section (70k) in and out of the northern side of Murrumbateman village that joins onto the 50k limits. Additional warning signs for truck movements should be installed for the duration of the activity

5.5. Community need to know the exact time period that the 6000 truck movements will occur - is it for a period of 2 weeks, 2 months, 6 months? The only time indication is for the a 2-3 year target for the high production rural farm development

5.6. The Barton Highway traffic (commuters/school buses) should not be impeded at peak commuting times by these additional truck movements.

5.7. Council to require further information on emissions and abatement, a traffic management plan, arrange for RMS consultation to implement safety measures during the truck movement activity, and the exact time period of the sediment transfer activity

5.8. Council should restrict the movement of trucks to only operate during 0900 to 1600 Monday to Friday only.

6. Road Construction will occur as part of this DA and yet there are no specifics about this activity that can only occur after the sediment has been transferred and dumped on the site

6.1. Council should require the specifics about the upgraded road construction and what it entails.

7. Noise Truck movements and road construction activities create noise and this has not be addressed.

7.1. Ongoing road construction activity creates constant background noise that impacts the whole community of Murrumbateman as noise travels and ambience is lost. Mental health of some members of the community may be severely affected. Construction activity for the road upgrades on the farm should have a reduced operational time period.

7.2. Council should consider restricting road construction activity on the site to 0900 to 1600 Monday to Friday only. No road construction activity should be undertaken on the weekends

8. Natural native resources and biodiversity have not been addressed.

8.1. The Hillview farm is within the area of habitat for the listed threatened species (vulnerable, endangered, critically endangered) Superb Parrot (*Polytelis swainsonii*) and the Golden Sun Moth (*Synemon plana*). The Superb Parrot is well known in area and specifically on the Hillview farm and Hillview Drive during Spring when large numbers of parrots and fledglings feed within the farm and alongside Hillview Drive. The Golden Sun Moth is prolific in adjacent areas to Hillview farm. While agricultural activity means that habitat for the moth may not be present, there has been no assessment.

8.2. The farm is also adjacent to a major forest of Box-Gum Woodland an endangered ecological community (NSW) and critically endangered (Clth). The farm contains remnants and scattered trees of Box-Gum Woodland and it is important to retain and enhance these natural resources.

8.3. There are no assessment or measures to ensure that threatened fauna and flora species will not be impacted by this proposal and the wider redevelopment as a high production rural farm.

8.4. Proponent needs to address natural native resources and biodiversity impacts of the whole redevelopment plan for the farm and provide information on the measures they will undertake to restore and rehabilitate the land to negate any impacts.

8.5. Council should impose a seasonal restriction on truck movements and construction activities to protect threatened species on the site.

9. SOEE has not addressed all relevant goals of the Plans for the Yass Valley

9.1. South East and tableland regional plan 2017 – vision *“A borderless region in Australia’s most geographically diverse natural environment with the nation’s capital at its heart”*

9.1.1. Goal 2 *A diverse environment interconnected by biodiversity corridors* is not mentioned at all. This is a major oversight. Is this addressed in the Hillview farm ‘masterplan’? See point 7 above and also general comments below.

9.2. Tablelands 2016-2036 Regional Community Strategic Plan – vision *“To build and maintain sustainable communities while retaining the regions natural beauty”*

9.2.1. Does not effectively address the EN pillar *“We appreciate our range of rural landscapes and habitats, and act as custodians of the natural environment for future generations”*

9.2.2. EN1 is wider than just rural landscape. There is no response dealing with the enhancement of the natural native environment. EN2, EN3 and EN5 also need to be specifically addressed.

9.2.3. Appreciated that rural landscape will continue rather than large scale housing or other commercial developments.

9.3. Yass Valley Local Environment Plan

9.3.1. The DA has only addressed the earthworks section of the YV LEP

9.3.2. This DA and the redevelopment to a high production rural farm need to fully address the impact on the natural resources (within and adjacent to the land)

9.3.3. Salinity, Groundwater vulnerability and Natural resource biodiversity. Note the maps attached to the LEP

Council should require further information of the proponent to address all relevant plans that apply.

10. General: Environment and biodiversity

Historically, farming of Hillview was established by large scale clearing of the natural vegetation. Such clearing has major environmental impacts and today this would not be permitted or be highly restricted. While this land is zoned primary production, the current owners need to recognise this impact and put in place measures to rehabilitate and enhance native vegetation that was pre-existing prior to European settlement.

The proposed future redevelopment of Hillview farm will benefit from any measure to improve the native vegetation as will the natural environment. Essentially, there has been no restoration of native vegetation on Hillview farm.

There are important scattered Box-gum native trees on the farm and a substantial native forest is adjacent on the north east boundary. What is seriously lacking is green corridors to provide linkages of native vegetation and habitats for birds and wildlife across this farm and landscape. Native vegetation corridors provide valuable food and shelter for different types of fauna, improve water quality and they also assist in stabilising site soils to minimise erosion to benefit agricultural pursuits.

Biodiversity is irreplaceable and the proponent has a moral and social obligation to undertake rehabilitation and enhancement of the current environment by providing green corridors.

Proponent should provide information on what they are committed to do to enhance and rehabilitate the natural environment.

Comment on Development Application by Hillview Acreage Pty Ltd at Murrumbateman

Summary

Throughout this Application there are inconsistencies, contradictions and omissions. In its current form this Application is a thinly disguised attempt to dump some 65,000m³ of excavated material from Canberra Airport and possibly elsewhere on the Hillview site at Murrumbateman.

Excavated Material

Throughout this Application the excavated material (EM) is referred to as sediment, there is only one reference to 65,000m³ of sediment including rock and soil this implies sediment is the principal component of the EM. Sediment consists of silt, sludge and alluvium, it requires stabilisation for use in roads, bases and similar situations. Suitability of the EM for its intended purpose is not provided, it must be prior to approving the Application, failure to do so can result in unsightly permanent EM stockpiles.

The EM is referred to as ENM throughout the Application, no evidence is provided to support this assertion. Also, there is no reference to fully independent ongoing testing and monitoring to ensure ENM criteria are met throughout the operation. Essentially a 40m x 40m x 40m cube of EM is being transported from Canberra Airport to Hillview, there is ample scope for quality variations in this amount of EM.

How the EM will be stockpiled on site varies throughout the Application, pits, stockpiles and spread out across the site. This implies an ad hoc approach rather than a managed plan for disposing of the EM on site.

Roads

Roads are referred to as all weather roads with some 34,074m³ of EM being required. This figure equates to 18.93 km of road construction 4.5m wide and 400mm deep. If such roadwork is raised above the adjacent ground level the impact on flow lines has to be addressed, it is not. If such roadwork is at adjacent ground level then what happens to the material removed to accommodate the imported material.

The Application states that access roads will be built first, these are described as 4.5m wide gravel 300/400mm deep, implying that some 34,074m³ of gravel will be imported. This equates to some 3,000 truck extra journeys. Importing this amount of gravel will result in about half of the EM from the Airport being unused.

The contradictions in the road component imply a lack of proper planning and management for what is a very large earth moving operation.

Risk Management

Anything in the Application that may be construed as risk management is essentially ad hoc and post the event.

The environmental impact of such a large volume of EM and surface disturbance caused by equipment poses a potentially significant risk of material entering adjacent waterways during a storm. How this risk will be managed is not addressed.

Managing dust risk for adjoining properties from the site during the earthmoving operation and afterwards is not addressed. This risk is exacerbated when there is a shortage of water to lay the dust.

Conclusion

In its present form the Hillview Application should not be supported by the Council.

27th January 2020

Development Planner
Yass Valley Council
PO Box 6
YASS NSW 2582
Attention: Jeremy Knox - council@yass.nsw.gov.au

Dear Jeremy

RE : DA190211 - Hillview Drive, Murrumbateman
Importation of 65,000m³ for the construction of internal access roads and future building pads

My family and I have been fortunate enough to reside within the Murrumbateman area for some 18 years and more recently have purchased our own home. I have seen firsthand the progression and development as this area has grown, bringing many families and considerable development.

We are pleased to see the Snow Family (Terry and Ginette Snow) through Hillview Acreage Pty Ltd opportunities for the development of "Hillview" as a major rural holding in the area and their desire to restore "Hillview" to its previous stature, when managed by Sir Walter Merriman, as a prestigious sheep and cattle farm. We do however have some concerns about the numerous trucks that will be using Hillview Drive to bring fill onto site – approximately 6,000 trucks in total. Hillview Drive currently is only just wide enough for two cars let alone numerous large trucks.

Two of the proposed entries points (one directly opposite our entry and the second only metres from our entry) are located on a blind spot/bend with a crest in the road which will present numerous concerns for residents and any other traffic as truck will be required to veer out into oncoming traffic to turn in, we have witnessed numerous farming vehicles on numerous occasions veering across both lanes to gain entry into existing yards and adjacent sheds and silos. Currently Hillview Drive from the Barton Highway there are no sign posted speed limits and we believe provisions to reduce the speed limit and provide a designated turning lane for the numerous trucks would be beneficial for all.

As a resident impacted by the proposed entries we have concerns about the safety of our family and the numerous children, residents and individuals in the area. Other concerns if the development was to go ahead relate to current road, Hillview Drive and the impact from the increase in traffic.

We are not opposed to the development – but believe provisions should be made within the Development Application to improve Hillview Drive to accommodate the increased traffic loads, thought should be given to implementing turn in lanes for the trucks and the introduction of reduced speeds limits.

Thank you for allowing us to submit our concerns.

Yours Sincerely



Jeremy Knox

From:
Sent: Monday, 27 January 2020 5:30 PM
To: YVC Customer Service Team
Subject: FW: Hillview DA 190211 Concerns
Attachments: Hillview Development Application Concerns.doc

Dear General Manager

Yass Valley Council

As owner of recommendations of 'Murrumbateman I advise that I fully support the sentiments, opinions and as expressed in their submission attached to this email.

Kind Regards

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>

[Report this message as spam](#)

* Attachment.

27th January 2020

Development Planner
Yass Valley Council
PO Box 6
YASS NSW 2582
Attention: Jeremy Knox - council@yass.nsw.gov.au

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Two of the proposed entry points (one directly opposite our entry and the second only metres from our entry) are located on a blind spot/bend with a crest in the road which will present numerous concerns for residents and any other traffic as trucks will be required to veer out into oncoming traffic to turn in, we have witnessed numerous farming vehicles on numerous occasions veering across both lanes to gain entry into existing yards and adjacent sheds and silos. Currently Hillview Drive from the Barton Highway there are no sign posted speed limits and we believe provisions to reduce the speed limit and provide a designated turning lane for the numerous trucks would be beneficial for all.

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We are not opposed to the development – but believe provisions should be made within the Development Application to improve Hillview Drive to accommodate the increased traffic loads, thought should be given to implementing turning lanes for the trucks and the introduction of reduced speeds limits.

Thank you for allowing us to submit our concerns.

Yours Sincerely

Additional Information Request Response- Development Application No. DA190211 for 33 Hillview Drive, Murrumbateman

Comment	Response
<p>1. Clarification shall be provided on how the volume of material proposed has been determined. The application proposed to import 65,000m³ of material, however the Statement of Environmental Effects (SEE) outlines that only approximately 34,000m³ is required to complete the internal access road upgrades and construction. Furthermore, the SEE is unclear on whether additional gravel is proposed to be imported or whether this is included in the 34,000m³ calculation detailed for road construction.</p> <p>In this regard, details shall be provided, including calculations where necessary, of why the additional material beyond that proposed road construction is required and where/how it will be utilised.</p>	<p>As stated in the SEE this application is for a total of 65,000m³ of sediment to be brought to the property. Out of this 65,000m³ of sediment, 34,074m³ will be used for the 18.93km of roads currently proposed.</p> <p>This is the first stage of development, as detailed in the plan 'Hill View- Road Formalisation A' the roads do not connect with each other at their northern most extent, these roads are subject to change and are only an indication. There will be more roads in the future to connect further to the northern and north-western portion of the site, and the area of Hillview on the western side of the Barton Highway. The rest of the sediment will be used for these future roads and for building bases as demand on site requires.</p> <p>The requested amount to be housed on site is a current maximum number to allow for flexibility in the design and growth of the development into further roads and building bases.</p>
<p>2. A revised or supplementary site plan(s) showing:</p> <ul style="list-style-type: none"> - The proposed stockpile locations - The Barton Highway duplication corridor - Which internal roads are new and which are existing and proposed to be upgraded - The location of property accesses intended to be used for heavy vehicle entry and exit. 	<p>Provided plan showing the Barton Highway duplication corridor and other details will be supplied in due course.</p>
<p>3. The material proposed shall be imported is stated to be sourced from Canberra Airport in the ACT. An outline shall be provided in relation to how material quality will be managed and ensured, including:</p> <p>a) Clarification on the type of material proposed to be imported and how it has been determined suitable for access road construction</p>	<p>This statement was an error in the SEE 6.1e</p> <p>The statement should read that 'Not all material will be sourced from Canberra Airport, it could come from the airport and/or from local quarries.'</p> <ul style="list-style-type: none"> a) Rock, soil and gravel will be imported as use for road and building bases b) All soil that will be bought will be detailed as VEN and/or ENM by the facility the sediment is bought from. If soil comes from the airport it has to be tested in accordance with the Commonwealth Department of Agriculture, Water and the Environment requirements.

<p>b) How material quality will be managed for ensuring that it meets the definitions for Virgin Excavated natural material (VENM) or excavated natural material (ENM) as defined in the Protection of the Environment Operations ACT 1997</p> <p>C) How material quality will be managed in relation to the potential for contamination (including per- and poly-fluoroalkyl substances- PFASs).</p>	<p>c) As detailed above, all airport soil has been tested to the satisfaction of the Commonwealth Department of Agriculture, Water and the Environment. No PFAS soil will be bought to Hillview. The proponent will not be polluting their own land, they would like to ensure Hillview is a rural stock producing farm.</p>
<p>4. The Biodiversity Offset Scheme (BOS) under the Biodiversity Conservation Act 2016 is applicable to the Development Application. The applicant shall demonstrate how they have determined whether the proposed development triggers entry into the BOS.</p> <p>Note: Part of the subject land is identified on the Biodiversity Values Map (BVM)</p>	<p>Not applicable.</p> <p>The trigger for a property this size is 2 hectares of development. These roads are not near this size of development. The subject site is the creek that runs through the north of the property, which as detailed previously, will not be developed.</p>
<p>5. Details of how the project site will be managed, including for:</p> <ul style="list-style-type: none"> - Material Volume - Site access and Security - Driver behaviour - Monitoring and minimising dust impacts - record keeping - Responding to complaints or enquiries (from Council, other government agencies or external parties) - Any other measures proposed to mitigate, minimise or manage[ment] the impact of the project on neighbouring and nearby properties, and the environment 	<p>Management for:</p> <ul style="list-style-type: none"> - Material Volume: Material will be quantifiable by the trucks and dogs bringing the soil to Hillview, and from the material from the local quarries. These will enable the farm manager and project manager to know how much soil and sediment has been brought into the site. - Site Access: Site access will be provided through the access road onto Hillview Drive to the subject property - Security- The site is monitored from the Farm Manager who lives on site, and through gates and locks. - Driver Behaviour: Not a DA concern- qualified drivers will be used to transport the material. - Dust Impact- Material will be covered or wetted down at source, clean up will be periodical on Hillview Drive against any potential dust while trucks turn into the property. Once the soil and sediment is on the property, soil management practices will provide for covering the soil appropriate for the location. - Record Keeping- As required by NSW EPA, a log of all material will be kept by the Farm Manager. If any material is bought from local quarries, it will also be logged by the quarry/source site.

	<ul style="list-style-type: none"> - Complaints/enquiries: If and when enquiries or concerns are raised, the proponent has a team of employees which will respond and deal with the enquiry. - This DA details the management of the project. A traffic management plan will be in place to minimise impacts. The farm manager will be on site at all times as a point of contact.
6. Clarification on the estimated timeline for undertaking and completion of the project	The aim is within 3 years to have a high production rural farm.
7. Clarification on whether the proposal involves the construction or upgrade of any watercourse crossings, such [as] across Murrumbateman Creek, for the purposes of the Water Management Act 2000.	Not in this application. Only access roads are to be built.
8. Details of where water for dust minimisation measures will be sourced from	<p>The site has a number of onsite dams throughout the property. The Snow family are conscious farmers and will only use what is required. There are a number of methods of dust suppression that can be used. The DA states 'All loads will be suitably covered or dampened to mitigate dust...' this is in relation to the movement of the sediment from the source and is in accordance to the Protection of Environmental Operations (Waste) Regulation 2014 Section 70 (1) (b) states 'any waste that is likely to be blow, or otherwise escape from the vehicle or plant if uncovered during its transportation is covered during its transportation'</p> <p>As detailed, dampening with water is one of many potential ways to mitigate dust. It is incorrect in the submission that 'vast amounts of water will be used to dampen loads'. It has not been detailed anywhere in the submission that this will take place, the SEE reads 'All loads will be suitably covered or dampened to mitigate dust/small sediment particles.' Covering will also mitigate dust. As part of the roadway into Hillview farm, a cleaning schedule will be created to clean Hillview Drive as per standard construction protocol.</p>
9. Confirmation of the proposed heavy vehicle traffic generation as a result of the development, including in relation to the importation of material, any additional gravel, and any anticipated water carting for dust minimisation measures	<p>As detailed in the SEE:</p> <p>Truck and Trailer carrying size: ~22m³</p> <p>65,000m³ bulked weight would have circa 6,000 truck movements in total.</p> <p>There is no additional gravel, or water proposed for this application to be carted in over the DA request.</p>
10. Evidence of how due diligence has been undertaken for the protection of Aboriginal site[s] or objects	The site has been used for intensive farming for over 100 years. Any objects would probably have been found by now.

<p>Note: The applicant is advised to use the <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW</i> to determine whether or not Aboriginal objects will be harmed as a result of this development.</p>	<p>Under the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW the property falls under Clause 80B Defence of carrying out certain low impact activities: section 87 (4). The use of farming is detailed within this clause and therefore there is not requirement to go through the due diligence process. If Aboriginal objects are later found when works are being carried out, the proponent will stop work, notify DECCW and apply for an AHIP if they intend to harm those known objects as per this code of practice.</p> <p>Although there are no known aboriginal objects on site.</p>
<p>11. A revised Statement of Environmental Effects (SEE) which addresses all relevant clauses of the Yass Valley Local Environmental Plan (YV LEP) 2013. [Further clarification was sought, and detailed which policies were to be addressed. These are: 2.3, 5.09AA, 5.10, 6.3, 6.4, 6.5, 6.6, 6.7, 6.9, 6.10.</p>	<p>Please refer to the addendum to the SEE provided with this response for a formal response.</p>
<p>The applicant should also consider providing any other information that may be available which supports or shows how the proposal is necessary to facilitate the ongoing agricultural use and redevelopment of the land.</p>	<p>The proponent has moved a farm manager from his rural property Willinga Park, Bawley point NSW and 1000 cattle were placed on the site on the 25/2/2020. The farm manager is in the process of investing over quarter of a million dollars into new farm equipment and at a minimum of 11km of fences into the property. There is a growth plan of 1,500 cattle dependant on rainfall. The proponent is upgrading water supply and pasture fertility over the next 2 years subject to rain fall. An agronomist has already prepared a plan for the land and this will be used to provide the growth plan for the land. This level of investment shows the applicants willingness to ensure the land will be maintained for ongoing agricultural use.</p>

DA190211 Hillview Acreage 33 Hillview Drive- DA Submission response

The DA for Hillview Farm received 10 submissions from neighbours and the Murrumbateman Progress Association.

There are a number of inconsistencies and misinterpretations in the submissions which will be dealt with first.

This application is clear about the intentions of the proponent, to initially build 18.93km of roads and prepare for the erection of building bases by using and storing up to a total of 65,000m³ of sediment on the site. Sediment in this context is: soil, gravel and natural material required for the future roads and building bases within Hillview Farm. This sediment could come from the Canberra Airport precinct but could also come from other sources from the ACT/NSW or from the local quarry on Hillview Drive. The application provides transparency by detailing that soil could come from Canberra Airport to ensure that the local community is informed of the development proposed within the site.

This development application is for 65,000m³ of sediment to be used within the Hillview farm for roads and building bases for sheds, yards and dips. The sediment needs to be ENM and needs to be geo-technically suitable for such uses. It is incorrect to state that the impetus of this application is to 'get rid of sediment from around the airport'. The impetus is to make Hillview a high production rural farm. This site has not been the subject of residential development DA's by the Snow family. This application shows part of a significant investment by the family into the farm. The application does not state that the sediment will be taken to site in one go, it will be obtained, used and stored as required up to a maximum of 65,000m³. It makes financial and operational sense to bring sediment on site, pile it temporarily close to the final use (i.e. roads) it will then be easier to build the road when the materials are in situ.

The proponent has consulted, either by phone or e-mail, with local councillors, immediate neighbours and landowners and local business owners. They were also provided with consultation documents that synthesised the application. These consultees were:

- 1) Yass Valley Veterinary
- 2) Allan Goulding
- 3) Graeme Shaw
- 4) Roger Bain
- 5) Councillor Reid
- 6) Mayor Rowena Abbey

The consultation documents were provided to Yass Council Planners. The proponent let Yass Council know they would be happy to meet with the submitters of comments on January 21st 2020. Jeremy Knox from Yass Council, on the 10th of February 2020 confirmed that Yass Council:

'provided an update on the DA to the persons who made a submission. This has included your offer for those interested persons to contact you directly to discuss the proposal and their concerns. Both your contact details and Noel's have been provided (email and landline phone number).'

One of the submissions was not relevant to this development application as it did not comment on the DA, and therefore not included in this response. There were 9 submissions which directly commented on this DA, two submissions were identical, therefore there were 8 unique submissions. These submissions raised questions and comments in relation to the development; these have been grouped in similar themes for ease of response.

The top 12 comments covered are broken down below with their frequency within the submissions. These themes are provided and responded to below.

1. Traffic Management on Barton Highway and on Hillview Drive (6 of 9 submissions)
2. The positive impact of the land being re-invigorated into a high-production farm (5 of 9 submissions)
3. What is the future use of the land? (5 of 9 submissions)
4. Where will the water for dust suppression come from? (4 of 9 submissions)
5. There is too much sediment to the land? (4 of 9 submissions)
6. Soil needs to be tested before it comes on site (3 of 9 submissions)
7. Where are the locations of the piles of sediment? (3 of 9 submissions)
8. How will the piles affect water runoff on the site? (3 of 9 submissions)
9. Provide a survey of flora and fauna (2 of 9 submissions)
10. Make engineering drawings available for the public and Council (2 of 9 submissions)
11. Enhance the bio-diversity corridors by planting trees and restoring the land to pre-European Settlers. (2 of 9 submissions)
12. The Implications of the Barton Highway bypass and redundant roads (2 of 9 submissions)

Response:

1. Barton Highway:
 - The 52km highway runs between Canberra and Yass and links the ACT to NSW.
 - It is used by 12,500 vehicles per day¹. Heavy vehicles along the Barton Highway currently account for about eight per cent of the daily traffic (around 700 to 900 heavy vehicles) varying between the north and south of the highway. This development will add 6000 trucks over an undecided period. The truck movements will not be daily, they will be as required to ensure the development can occur as required.
 - The sediment could come from the quarry down Hillview drive, therefore reducing the amount of trucks on the Barton Highway.

Hillview Drive:

- There will be up to 6000 truck movements not 12,000 as detailed in some submissions.
- As part of the truck movements into the site a full traffic management plan will be undertaken. This plan will provide suitable traffic management and priority for the residents on Hillview Drive.
- The trucks will not complete with the AM and PM peak traffic movements. The exact detail of the truck movements is yet to be determined, every possible step will be taken to ensure safety of both road users. The road is used by heavy vehicles from the quarry traversing along the whole length of Hillview Drive and do not have an issue completing a right turn to Yass. The trucks for the Hillview farm development would usually be travelling back to

¹<https://www.transport.nsw.gov.au/sites/default/files/media/documents/2017/barton-highway-corridor-strategy-jan-2017.pdf>

Canberra and would complete a left-hand turn onto the Barton Highway traffic rather than across traffic towards Yass.

Canberra Airport is currently building taxiway Bravo which requires the excavation of 100,000m³ of material and import of material, some of the material is being taken from Denman Prospect in the Molonglo Valley. This demonstrates Canberra Airport is well versed in organising and detailing sediment movement throughout the Territory and State with little disruption to the local area.

2. The development of Hillview into a high production farm is beneficial for the area and will allow Murrumbateman and the Yass Valley to maintain its rural stronghold in the local area. More than half of the submissions state that this development is a positive for the local community. The support is strong and will enable Murrumbateman to ensure the gateway into the town from the north will have a rural landscape. Having discussed the proposal with local businesses, they welcome the investment and support the increase in rural production.
3. As stated in the SEE, the aim is within 3 years to have a high production rural farm with both sheep and cattle. The investment required to have a high production farm would ensure that for the current future, the development is rural pasture and cattle rearing. The Snow Family have a number of rural properties throughout Eastern Australia and are committed to farming.
4. The site has a number of onsite dams throughout the property. The Snow family are conscious farmers and will only use what is required. There are a number of methods of dust suppression that can be used. The DA states 'All loads will be suitably covered or dampened to mitigate dust...' this is in relation to the movement of the sediment from the source and is in accordance to the Protection of Environmental Operations (Waste) Regulation 2014 Section 70 (1) (b) states 'any waste that is likely to be blow, or otherwise escape from the vehicle or plant if uncovered during its transportation is covered during its transportation' As detailed, dampening with water is one of many potential ways to mitigate dust. It is incorrect in the submission that 'vast amounts of water will be used to dampen loads'. It has not been detailed anywhere in the submission that this will take place, the SEE reads 'All loads will be suitably covered or dampened to mitigate dust/small sediment particles.' Covering will also mitigate dust. As part of the roadway into Hillview farm, a cleaning schedule will be created to clean Hillview Drive as per standard construction protocol.
5. This farm is to be a high production rural farm, as such the infrastructure requires an upgrade to allow the land to be re-invigorated. The DA is asking for 65,000m³ of sediment, with 34,074m³ required for the immediate 18.93km of roads, this provides access to 45% of Hillview. The balance of 30,926m³ will be used for future roads, and required building bases (dips, sheds etc).
Having the piles on site allows for flexibility to have future DA's for the farm buildings without the need to have piecemeal DA's asking for small amounts of sediment to be brought to the site. DA's will still be required and will be submitted for the future building developments (shed, dips, yards and farm buildings).
Having the soil on site will ensure that the council are not assessing soil transfer DA's constantly and allows for smooth development of the site into a high-production farm.
6. The Hillview farm will be a working farm for the Snow Family, over 1000 cattle were placed on the site on the 25/2/2020. The site is to be used for cattle rearing up to 20,000 Dry Sheep Equivalents (DSE), therefore there is a personal and commercial importance to not pollute the site.
As stated in the Statement of Environmental Effects (SEE) any soil would comply with NSW EPA requirements for transferring and re-use and would be classified as ENM. If soil does

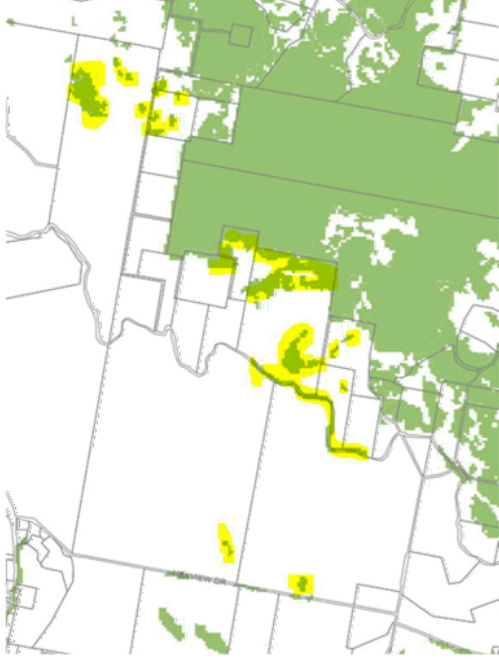
come from the airport precinct, there are strict Commonwealth laws that must be followed to ensure the land can be developed, this includes soil testing. The Hillview site would only take ENM soil with good geo-technical potential that is suitable for roads and bases. The soil coming to the site could come from the airport, but also could come from other sites. Hillview believes in re-use and recycling where appropriate and where available.

7. The final locations of the soil have not been finalised, once the project plan has been finalised and the start of the roads have been laid down, a more developed idea of the future stockpiles will be available. This is not an immediate development plan. The property is over 1,900 hectares in size and has space to accommodate this sediment for use on site.
8. As detailed on page 14 of the report, the stockpiles will not be located near bodies of water or catchment areas on site, and therefore will not affect overland flow patterns where reasonably practicable and avoidable. The site will have silt fencing along waterways to ensure if any soil is disturbed it would not all into any potential waterways. The soil locations will not be on site for the long term, this will ensure that any overland flow, if disturbed, will only be disturbed temporarily. There is also a drought currently within the Yass Valley, and there are little overland flows currently occurring through the area. The sediment will not be located within known waterways e.g. between dams nor will they be located within valleys which could impede water.
9. The site has been used as a rural farm for over 100 years to when Sir Walter Merriman used the site. The land has been ploughed, used for cropping for improvements to pasture and grazing for animals during this time.
10. The roads will be better than average rural farm roads.
11. The site has been a farm for over 100 years and will be maintained as a principle grazing property.
12. The by-pass is likely to occur in a 10-year timeframe. It would be unreasonable to not farm or use land that may, in the future, be used as the bypass. When the NSW Government is ready to build the road, they will enter negotiations with the landowner and will detail their requirements, including construction impacts. We are aware that Hillview Drive and the Bypass intersection is the Northern link to Murrumbateman Village and will be an important entryway into the area.

Additional SEE

Yass Valley Environmental Plan 2013

LEP Plan Section	Response
2.3 Zone Objectives and Land Use Table Zone RU1 Objectives of zone <ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones. To protect and enhance the biodiversity of Yass Valley. To protect the geologically significant areas of Yass Valley. To maintain the rural character of Yass Valley. To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location. To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land. To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas. 	<p>The development is in direct alignment with the zone objectives as it reinvigorates Hillview farm as a high production rural farm. The original SEE provides development discussions which align well with the zone objectives. This can be found on page 3 and 8-15 of the original SEE.</p>
5.10 Heritage Conservation	No Heritage Items are detailed in the LEP Schedule 5 on the land subject to this DA.
6.3 Terrestrial biodiversity (1) The objective of this clause is to maintain terrestrial biodiversity by— (a) protecting native fauna and flora, and	<p>According to Map Natural Resources Biodiversity Map- Sheet NRB_005.</p> <p>There are a few minor pieces of 'biodiverse land' These pieces of land are not going to be affected by this application. Most of these are on land</p>

<p>(b) protecting the ecological processes necessary for their continued existence, and</p> <p>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p> <p>(2) This clause applies to land identified as "Biodiversity" on the Natural Resources Biodiversity Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>which is unsuitable for roads due to undulation and contours or within tree covered areas.</p>  <p>The areas proposed for new roads which may affect the land highlighted above will:</p> <p>3a)</p> <ul style="list-style-type: none"> i) Not have any adverse impact on fauna and flora. ii) The land is subject to farming practices and has been for over 100 years. The road development will not have an adverse effect on the importance of habitat for fauna. There are no known fauna habitats on the land iii) This development will not further fragment, disturb or diminish the biodiversity structure, function and composition of the land iv) The roads will not diminish any connectivity of the land. Although there are no known habitat connections through the site <p>3b) The developed roads will be engineered to allow surface run off, will not be in contradiction to flora and fauna in the locality</p> <p>4)</p> <ul style="list-style-type: none"> a. The roads will not cause environmental impact, they're gravel roads through 1,900m² of
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	<p>rural farmland. There are informal truck tracks which these roads follow.</p> <p>b. Not applicable.</p> <p>c. Not applicable.</p>
<p>6.4 Groundwater vulnerability</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to maintain the hydrological functions of key groundwater systems,</p> <p>(b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.</p> <p>(2) This clause applies to land identified as “Groundwater vulnerability” on the Groundwater Vulnerability Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</p> <p>(b) any adverse impacts the development may have on groundwater dependent ecosystems,</p> <p>(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),</p> <p>(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>The development will not affect the ground water vulnerability of the locality through the road design. The roads will provide adequate drainage to allow any water to keep running through the natural courses on the land. There will be no contaminants within the brought material and therefore will not pollute the land or water on site.</p> <p>The development is subject to what the land can handle- water is the key driver of rural development. The proponent is aware of farming practices and will not exceed the cattle yield of the land through water.</p>
<p>6.5 Riparian land and watercourses</p> <p>(1) The objective of this clause is to protect and maintain the following—</p>	<p>The site has a watercourse through the property within the creek that runs to the north of the property. The roads proposed will not affect the</p>

<p>(a) water quality within watercourses, (b) the stability of the bed and banks of watercourses, (c) aquatic and riparian habitats, (d) ecological processes within watercourses and riparian areas.</p> <p>(2) This clause applies to all of the following— (a) land identified as “Watercourse” on the Riparian Lands and Watercourses Map, (b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider— (a) whether or not the development is likely to have any adverse impact on the following— (i) the water quality and flows within the watercourse, (ii) aquatic and riparian species, habitats and ecosystems of the watercourse, (iii) the stability of the bed and banks of the watercourse, (iv) the free passage of fish and other aquatic organisms within or along the watercourse, (v) any future rehabilitation of the watercourse and riparian areas, and (b) whether or not the development is likely to increase water extraction from the watercourse, and (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>creek or watercourse. There are no upgrades proposed for the water crossings in this DA.</p>
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<p>6.6 Salinity</p> <p>(1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.</p> <p>(2) This clause applies to land identified as "Dryland Salinity" on the Natural Resources Land Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) whether the development is likely to have any adverse impact on salinity processes on the land,</p> <p>(b) whether salinity is likely to have an impact on the development,</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>This development will not add to the salinity of the land. The roadways are natural material which will not provide more salinity to the earth.</p>
<p>6.7 Highly erodible soils</p> <p>(1) The objective of this clause is to provide for the appropriate management of land that has highly erodible soils or has the potential to be affected by the process of soil erosion.</p> <p>(2) This clause applies to land identified as "High Soil Erodibility" on the Natural Resources Land Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) whether the development is likely to have any adverse impact on soil erosion processes on the land,</p>	<p>The Hillview property has 2 small pockets of 'Highly erodible soils' to the north of the property. These are not affected by this road development.</p>

<p>(b) whether soil erosion is likely to have an impact on the development,</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	
<p>6.9 Development within a designated buffer area</p> <p>(1) The objective of this clause is to protect the operational environment of sewage treatment plants, waste disposal facilities and water treatment facilities, and to limit the impact of these facilities on proposed sensitive land uses.</p> <p>(2) This clause applies to land identified as “Water, Waste and Sewerage Buffers” on the Water, Waste and Sewerage Buffer Map.</p> <p>(3) Before granting development consent for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) the impact that any noise, odour or other emissions associated with the existing facility would have on the development,</p> <p>(b) any measures incorporated into the development that would limit the impact of noise, odour and other emissions associated with the existing facility,</p> <p>(c) any opportunity to relocate the development outside land to which this clause applies,</p> <p>(d) whether the development would adversely affect the operational environment of the existing facility on land to which this clause applies.</p>	<p>The sewerage treatment facility to the north east of the property is well established.</p> <p>The farming use will not be affected by the sewage plant. This development will provide for roads into the farming land, one road will come into the buffer zone.</p> <p>a) Roads re not affected by noise, odour or emissions from the road. As long as the facility is operating in the relevant standards.</p> <p>b) None required</p> <p>c) None required</p> <p>d) None</p>

<p>6.10 Development on land intended to be acquired for Barton Highway duplication</p> <p>(1) The objective of this clause is to limit development on land intended to be acquired for the construction of the Barton Highway duplication.</p> <p>(2) This clause applies to land identified as "Barton Highway Corridor" on the Barton Highway Duplication Map.</p> <p>(3) Development consent must not be granted for any development of a permanent nature (for example, a building) on land to which this clause applies unless the development is consistent with the purpose for which the land is intended to be acquired.</p> <p>(4) A condition of a development consent granted under subsection (3) may require the demolition or removal of the work for which consent is granted before the land is acquired for the purpose of the Barton Highway duplication.</p>	<p>The Barton Highway duplication is currently happening from the ACT border to Kavneys Road. The timing for the Hillview Drive/Barton Highway development isn't for at roughly 10 years. Therefore, it isn't viable to leave land alone for 10 years because the road may occur. A small number of the proposed roads may be affected by the Barton Highway road corridor. The road may have a bridge bypass to enable connection from Hillview into Murrumbateman or local access roads through the area.</p> <p>1) -</p> <p>2) Land is identified on the map</p> <p>3) The development is consistent for the rural purpose of the land.</p> <p>4) We accept a future condition which details roads may need to be removed before the land is settled for the Barton Highway duplication, if the land is required subject to future negotiation with the NSW Government.</p>
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6.6 DEVELOPMENT APPLICATION NO. DA190213 - DISTILLERY, 6494 WEE JASPER ROAD, WEE JASPER

SUMMARY

To present the assessment of Development Application DA190213 for a distillery and retail cellar door at 6494 Wee Jasper Road, Wee Jasper. The application is referred to Council due to the number of submissions received. The Applicant has made a number of revisions to the proposal in response to the submissions. Approval is recommended.

RECOMMENDATION

That Conditional Development Consent be issued for a distillery and retail cellar door at 6494 Wee Jasper Road, Wee Jasper following receipt of a satisfactory waste water management report

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Local Government Act 1993*
- *Roads Act 1993*
- State Environmental Planning Policy (Infrastructure) 2007
- Yass Valley Local Environmental Plan 2013
- Yass Valley Community Engagement Strategy
- Yass Valley Development Contribution Plan 2018
- Application Assessment and Decision Making Policy

REPORT

1. Application Details

Date Received	-	2 December 2020
Land	-	6494 Wee Jasper Road, Wee Jasper
Area	-	3,233m ²
Zoning	-	RU5 Village

2. Site Description and Locality

The site is located within the village of Wee Jasper. The subject land is on the southern side of Wee Jasper Road, adjoining the Wee Jasper General Store. The area can be characterised as village, however land uses are primarily residential as there are currently no business which are permanently operating.

The site is generally flat, with a slight slope from the road. Access is provided from a service road that is parallel to Wee Jasper Road. The service road intersects with Wee Jasper Road to the east and west of the subject site.

A Locality Plan and Site Photographs are included as Attachments A and B.

3. Proposal

The submitted proposal involves the construction of a distillery and “cellar door”.

The buildings are proposed to be steel framed with Colorbond and timber wall cladding with a rural-shed form. Ancillary works include the construction of a car park, installation of an onsite sewage management facility and rain water tanks.

A copy of the submitted plans and Statement of Environmental Effects are included as Attachment C.

4. Public Exhibition

Public exhibition included notice to seven nearby and adjoining landowners. The exhibition was extended to account for the Christmas /New Year period

The total submissions received (refer Attachment D) include:

- A 47 signature petition in objection/raising issues of concerns
- 7 submissions directly received in objection/raising issues of concerns
- 5 submissions directly received in support, including from Wee Jasper Community Association
- 18 additional submissions received via the Applicant

At the time public exhibition closed the number of submissions received was less than the threshold for a Planning Forum. The additional submissions were received after this date and after the decision to not hold a forum was made.

The key issues raised in the submissions include:

- Impact on the Wee Jasper General Store infrastructure, including access to the fuel court and a water supply line
- Site design and impact on WJGS – i.e. view loss and view sharing
- Heritage Impact
- Onsite sewage and waste water management arrangements
- Economic and community impact – both positive and negative

The Applicant’s written response to the submissions and additional information request is included in Attachment E.

5. Referrals – Transport for NSW (TfNSW)

The application was referred to Transport for NSW (TfNSW) as Wee Jasper Road is a classified road.

TfNSW recommends the inclusion of a condition in any approval that may issue requiring the service road (which provides access to the proposed distillery site and the General Store) be changed to one way only.

As this affects both the General Store and the proposed distillery this is more appropriately dealt with separately to the development assessment process (e.g. via the Traffic Committee).

6. Assessment

An assessment has been completed in accordance with the planning legislation. The proposal generally complies with the relevant planning controls, policies and guidelines. The following is a response to the planning issues identified in the submissions and assessment.

6.1 Wee Jasper General Store Infrastructure

Concern has been raised in relation the impact of the proposed development on the practical operation of the General Store, particularly the access to the fuel court and water supply.

The submission suggests that the redevelopment of the General Store was approved on the basis the adjoining lot (i.e. the proposed distillery lot) was held in common ownership. The suggestion is that the redevelopment of the General Store was considered and approved across both lots.

The approval for the General Store redevelopment has been reviewed and there is no evidence to support this claim.

Both the General Store and the proposed distillery site are on separate titles. Although they were previously held in single ownership nothing prevented them from being sold independently.

Whilst the General Store may have informally operated historically across the adjoining land there is no evidence to support that the lots needed to be held in the same ownership.

6.2 Fuel Court Access

The current location of the fuel tanks and pumps results in access to the fuel court being across the north-west corner of the proposed distillery lot. Concern has been raised that the proposed distillery will restrict practical physical access to the fuel pumps and remove the possibility for fuel being offered in the future if the General Store was to reopen.

The location of the fuel tanks and pumps that was considered and approved as part of the redevelopment of the General Store is inconclusive. Unfortunately this is an historic problem where practical physical access relies on the use of this part of the proposed distillery lot.

Historic issues relating to legal and physical access or encroachment arise from time to time and usually are addressed as part of a new development.

The fuel court access can be addressed by a condition in any approval that may issue requiring that access to the fuel court not being restricted. This could be achieved by:

- Creation of easement (right of way) over this part of the distillery lot in favour of the General Store
- Boundary adjustment between the distillery lot and the General Store lot
- Dedication of the access area to the fuel court as road reserve

It is considered that the issue associated with access to the fuel court can to be addressed as part of the proposed distillery. A flexible Consent condition can provide an appropriate mechanism, with any specific requirements being a matter for direct negotiation between the landowners.

6.1.1 Waterline

The General Store owner indicates there is currently a water line which crosses the proposed distillery lot, drawing water from the river and servicing the toilets. A site inspection confirmed the presence of this water line, being a modern black poly pipe.

It is understood that the General Store has historically drawn water from the river, however there were no details of this supply in relation to the General Store redevelopment. Furthermore, as the General Store lot does not enjoy direct frontage to the river, it is unknown whether a legal right exists or water licence is in place for access to this water. The General Store does not enjoy the benefit of an easement over the proposed distillery lot along the water line, nor over the adjoining land further to the east owned by Council.

The proposed distillery will be located across this water line and therefore its removal or relocation is likely to be necessary as part of the development. In this instance it is not considered that the water line is a matter that the Applicant's responsibility to address as part of their development for the following reasons:

- The infrastructure is not substantial in nature, being a poly pipe only (whereas the access to the fuel court is more significant infrastructure)
- There is no evidence of this water line being considered in the redevelopment of the General Store
- Reasonable alternative arrangements for water supply to the toilets can be made

As such, the General Store owner will need to pursue alternative arrangements for the provisions of water supply additional to the tanks they already have on site, or negotiate a formal legal easement.

6.2 Site Layout and View Loss/View Sharing

Following consideration of the concerns raised in the submissions, it was suggested that the Applicant consider the following design changes in order to allow increased separation from the General Store and the increased opportunity for view sharing:

- Moving the distillery building closer to the western property boundary and rotating it 90 degrees
- Moving the cellar door building further south slightly in order to increase sight lines from the WJGS generally towards the river, bridge and valley
- Increasing the setback distance between the cellar door building and the boundary of the WJGS
- An alternative location for the cellar door building could be towards the eastern boundary (i.e. generally reversing the location of the cellar door building and the car parking)

The Applicant has amended their proposal (refer **Attachment F**) in response to the issues raised. The proposal is now considered to represent an appropriate development of the land, with buildings appropriately designed and sited for balancing their development objectives and reasonably minimising the impacts on the General Store. The site layout complies with all necessary planning controls.

The loss of view and outlook from the General Store has been raised. The Applicant has taken amended their layout to reduce this impact on the General Store however there still remains some level of impact.

The Land & Environment Court have a 'planning principle' which can be used in the assessment of view impacts when provided for in an LEP. Unfortunately under the *Yass Valley LEP 2013* there are no such protections for views in this instance. Nevertheless an assessment against the Land & Environment Court planning principle indicates that the amended building layout maintains a view corridor to the Goodradigbee Bridge and Coodrvale Homestead although existing vegetation partially obstructs these views.

The amendments to the building layout and design made by the Applicant have an impact from the side boundary of the General Store but the more iconic views toward the Goodradigbee Bridge and Coodrvale Homestead are retained in part.

Noting the design changes made by the Applicant and compliance with planning controls, the proposal is considered to be reasonable and an appropriate degree of view sharing provided. In this regard, it is not considered that view loss from the General Store represents a significant impact or warrants refusal of the proposal.

6.3 Proximity of Outdoor Fire Pit to Fuel Pumps/Tanks

The proposed outdoor fire pit is in close proximity to the fuel pumps and tanks at the General Store site. No risk assessment has been provided to demonstrate that the separation meets the appropriate requirements to mitigate the potential impacts. It is recommended that a condition be include in any approval that may issue for details to be provided demonstrating the proximity of the fire pit to the fuel tanks and pumps comply with all the necessary legislation, standards and safety guidelines.

6.4 Onsite Sewage and Waste Water Management

Concern has been raised in relation to the onsite sewage and waste water management. A site and soil assessment by an appropriately qualified and experienced consultant had been submitted, however a review indicated a number of concerns in relation to missing or unclear

information. A revised site and soil assessment has been requested, as well as details of the proposed system and an updated site plan.

While an updated site and soil assessment has not yet been provided Council's staff have indicated that, based on the previous report and the discussions with the Applicant and their consultant, it is highly likely that an acceptable solution for onsite sewage and waste water management can be achieved.

6.5 Heritage Impact

Concerns have been raised with the potential for adverse impacts on heritage values of the locality and the adjoining General Store. The submissions suggests that the views towards the Coodravale Homestead from the General Store are of historical significance due to the fact the original owner of the General Store used to ride with Banjo Patterson, the former owner of Coodravale.

It is important to note that the General Store is not a Heritage Item nor in a Heritage Conservation Area. The General Store was redeveloped in the late 1990s-early 2000s.

Council's Heritage Advisor has indicated that from an architectural and planning perspective there were issues with the relationship between the existing General Store and the proposed distillery and cellar door buildings, however these are not heritage impacts.

Whilst potential historical connection between the General Store and the Coodravale Homestead is noted, the proposed development does not have an adverse heritage impact in this regard.

6.6 Economic and Community Impact

Both positive and negative economic and community impacts has been. The positive comments are primarily in relation to the distillery reinvigorating the Wee Jasper village given the absence of other businesses operating and the economic benefit this would bring (including tourism). Conversely, concerns are primarily in relation to the proposed distillery having an adverse impact on the General Store reducing the opportunity for it to be reopened when there is a desire for it to be reopened and fuel and other essentially conveniences provided.

The impacts on the General Store have been discussed and are not considered to have a significant adverse impact on the General Store. The products and services being offered are not directly competing with the General Store. Whilst the General Store may enjoy the benefits of a liquor licence, the proposed distillery will have a limited offering based on their production.

The proposed distillery is considered to have economic benefit for Wee Jasper and supports the vitality of the village. Tourists and visitors to the distillery may seek the products and services of the General Store whilst they are there, including fuel, other food offerings and conveniences.

7. Conclusion

The Applicant has amended the proposal in response to the issues raised. The proposed development of the distillery is not considered to have a significant impact on the Wee Jasper General Store and the fuel court access issue can be addressed through conditions of approval that may issue.

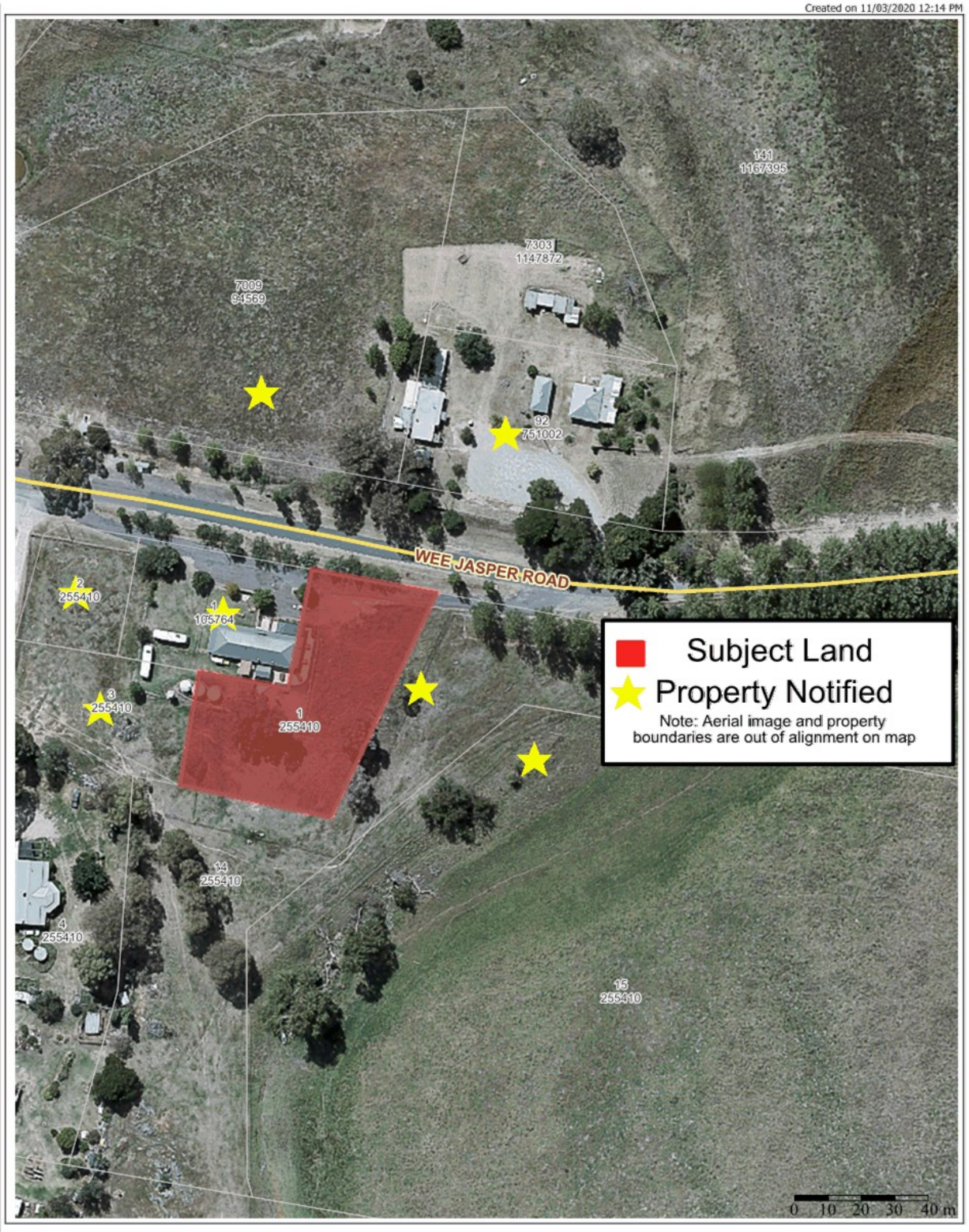
From an assessment of the proposal and the consideration of the issues raised in submissions it is recommended that Conditional Development Consent be issued subject to all outstanding issues relating to onsite sewage and waste water management being resolved in a satisfactory manner. Draft conditions are included as **Attachment G**.

STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN1 - Protect and enhance the existing natural environment, including flora and fauna native to the region
Delivery Program Action	EN1.1 - Protect our natural assets in line with community values
Operational Plan Activity	EN1.1.1 – Ensure assessment of development applications protects our natural environment

ATTACHMENTS:

- A. Locality Plan [↓](#)
- B. Site Photographs [↓](#)
- C. Submitted Plans and Statement of Environmental Effects [↓](#)
- D. Submissions [↓](#)
- E. Applicant's Response [↓](#)
- F. Site Layout Versions [↓](#)
- G. Draft Conditions [↓](#)



yass valley council
the country the people

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Drawn By: Jeremy Knox

Projection: GDA94 / MGA zone 55

Date: 11/03/2020 12:14 PM

Map Scale: 1:1500 at A4

DA190213 – Site Photos – 6494 Wee Jasper Road



Plate 1: Looking northeast across from the western boundary of the WJGS lot

This is towards the bridge, partially obscured by the vegetation of the background of the photo.



Plate 2: Looking south-southeast across the distillery lot.

The tree in the left forefront of the photo is the southernmost tree on the distillery lot. Photo shows some of the view/outlook that may be inhibited (i.e. to the left of the wooden fence post in the middle of photo).



Plate 3: Looking south-southeast across the distillery lot from the western boundary of the WJGS.



Plate 4: Looking towards the WJGS from the eastern boundary of the distillery lot.

Windows on this façade are the café/diner and the presence of outdoor tables along this boundary and on the road frontage side are noted.



Plate 5: Fuel court access of the WJGS

The gravel area to approximately the concrete strip is understood to be across the distillery lot. Through access to the fuel court currently relies on this arrangement.



Plate 6: Looking at the water line on land east of the distillery lot

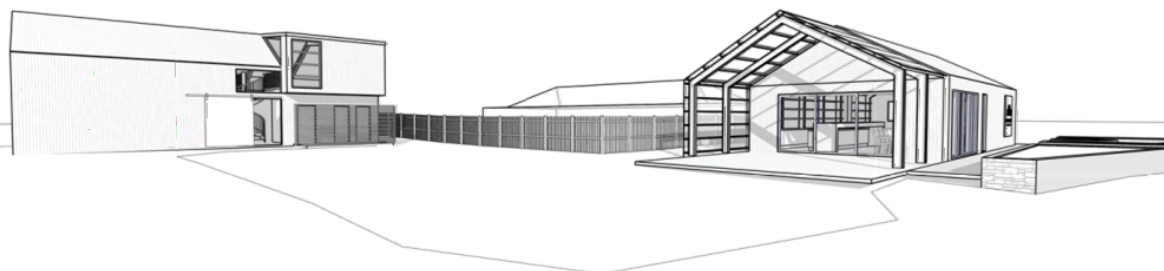
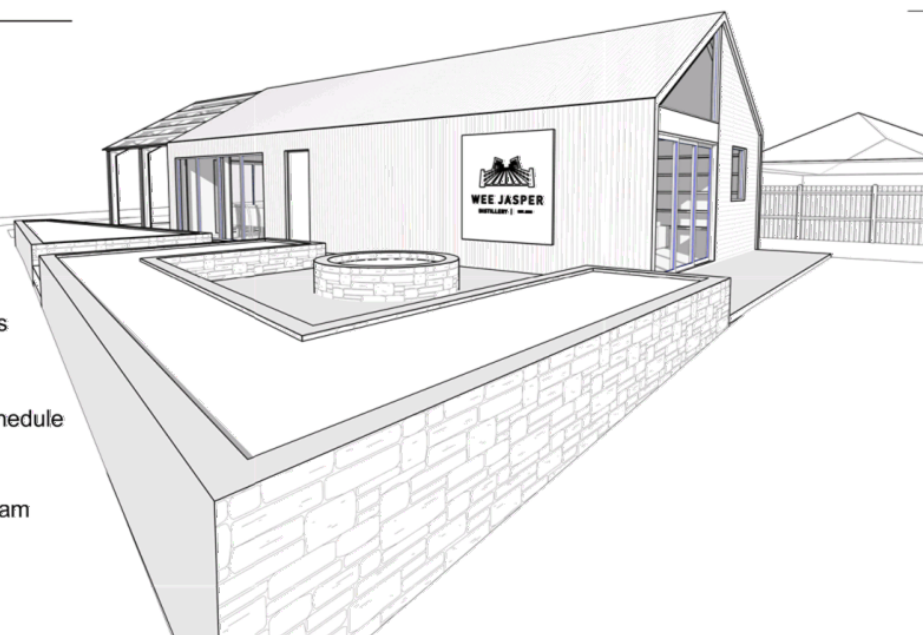
The poly line is underground through the distillery lot and above ground across Lot 14 DP 255410, land owned by Council, and heads towards the river.

GENERAL CONDITIONS

*COMPLETE THE WORKS WITHIN THE CONTRACT PERIOD IN ACCORDANCE WITH DRAWINGS.
*COMPLY WITH REGULATIONS AND BY-LAWS OF AUTHORITIES WITH JURISDICTION OVER THE WORKS AND INCLUDING THOSE RELATING TO WATER SUPPLY, GAS, SEWERAGE, HEALTH AND ELECTRICITY GIVE ALL NOTICES AND PAY ALL FEES REQUIRED BY THE AUTHORITIES.
*THE CONDITIONS OF THE DEVELOPMENT APPROVAL FROM YASS SHIRE COUNCIL ARE ADHERED TO.
*ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS AND BUILDING REGULATIONS.
*WORK SHOWN OR DESCRIBED ON THE DRAWINGS OR VICE VERSA. THE REQUIREMENTS OF REGULATIONS TAKE PRECEDENCE OVER DRAWINGS. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED. DETAIL DRAWINGS TAKE PRECEDENCE OVER GENERAL DRAWINGS.
*CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING CONSTRUCTION OR PRODUCING SHOP DRAWINGS OR FABRICATED COMPONENTS. TENDERS ARE TO VISIT THE SITE AND FAMILIARISE THEMSELVES WITH ALL EXISTING CONDITIONS WILL BE ADMISSIBLE.
*THE WINDOW SCHEDULE IS A REFERENCE DOCUMENT AND ALL WINDOWS ARE TO BE CHECKED ON SITE FOR SIZES. INSTALLATION REQUIREMENTS PRIOR TO MANUFACTURE BY THE WINDOW MANUFACTURER.
*GROUND LINES INDICATIVE AND SHOULD BE VERIFIED ON SITE.
*CONCRETE SLABS AND FOOTINGS TO AS 2870-1988 ENGINEERING OPTIONADOPTED.ALL FOOTINGS TO BE TAKEN DOWN TO SOLID GROUND.
*FRAMING TO AS 1684-1992 'NATIONAL TIMBER FRAMING CODE' AND SUPPLEMENTS. HARDWOOD TO AS 3000.
*LINTELS TO TRUSS MANUFACTURES TABLES.
*BRICKWORK TO AS 3700 'Saa MASONRY CODE' AND AS 1640 'Saa BRICKWORK CODE'.
*STRUCTURAL STEEL TO AS 1170 AND AS 4100. AND TO THE STRUCTURAL ENGINEERS DRAWINGS.
*TERMITE CONTROL TO COMPLY WITH AS 1694 'PHYSICAL BARRIERS' AND AS 3660 'APPENDIX D' AND ACT BUILDING CONTROL NOTE NO.3 TERMI-MESH OR EQUAL.
*SMOKE ALARMS TO AS 3786.
*WET SEAL TO AS 3740

DRAWING LIST

- DA01 Cover Page
- DA02 Site Location Plan
- DA03 Site Plan
- DA04 Cellar Plan
- DA05 Cellar Elevations
- DA06 Cellar Section
- DA07 Distillery Plan
- DA08. Distillery Loft
- DA09 Distillery Elevations
- DA10 Distillery Section
- DA11 Toilet layouts
- DA12 Colour Sample Schedule
- DA13 Window & Door Schedule
- DA14 Septic/Water diagram
- DA15 Solar Study



Proposed Distillery
Wee Jasper Distillery

Cover Page
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Page: DA01
Scale: 1 : 1
date: 10/03/2020
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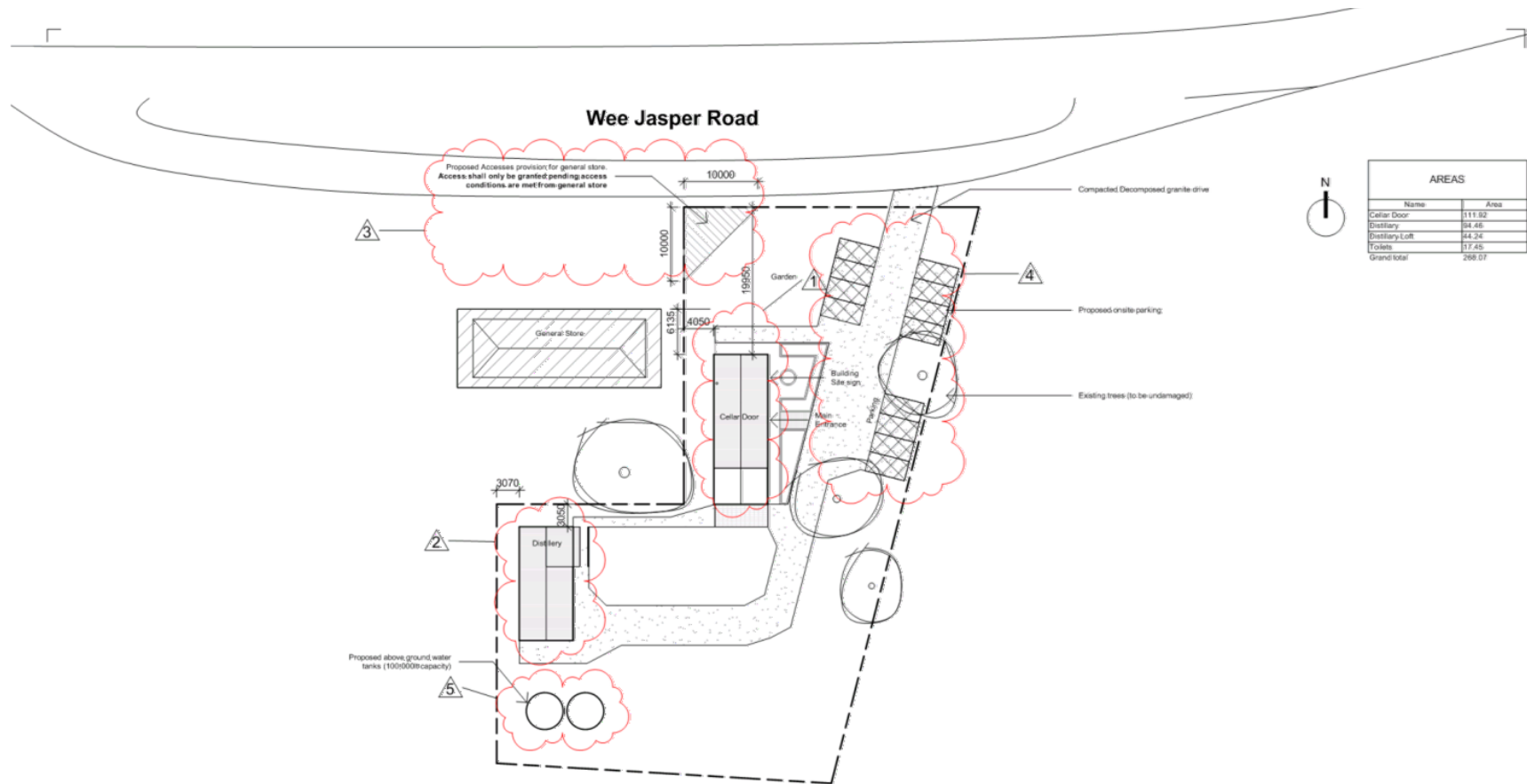
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Proposed Distillery

Wee Jasper Distillery

Site Plan
LOT: 1 D.P.: 255410

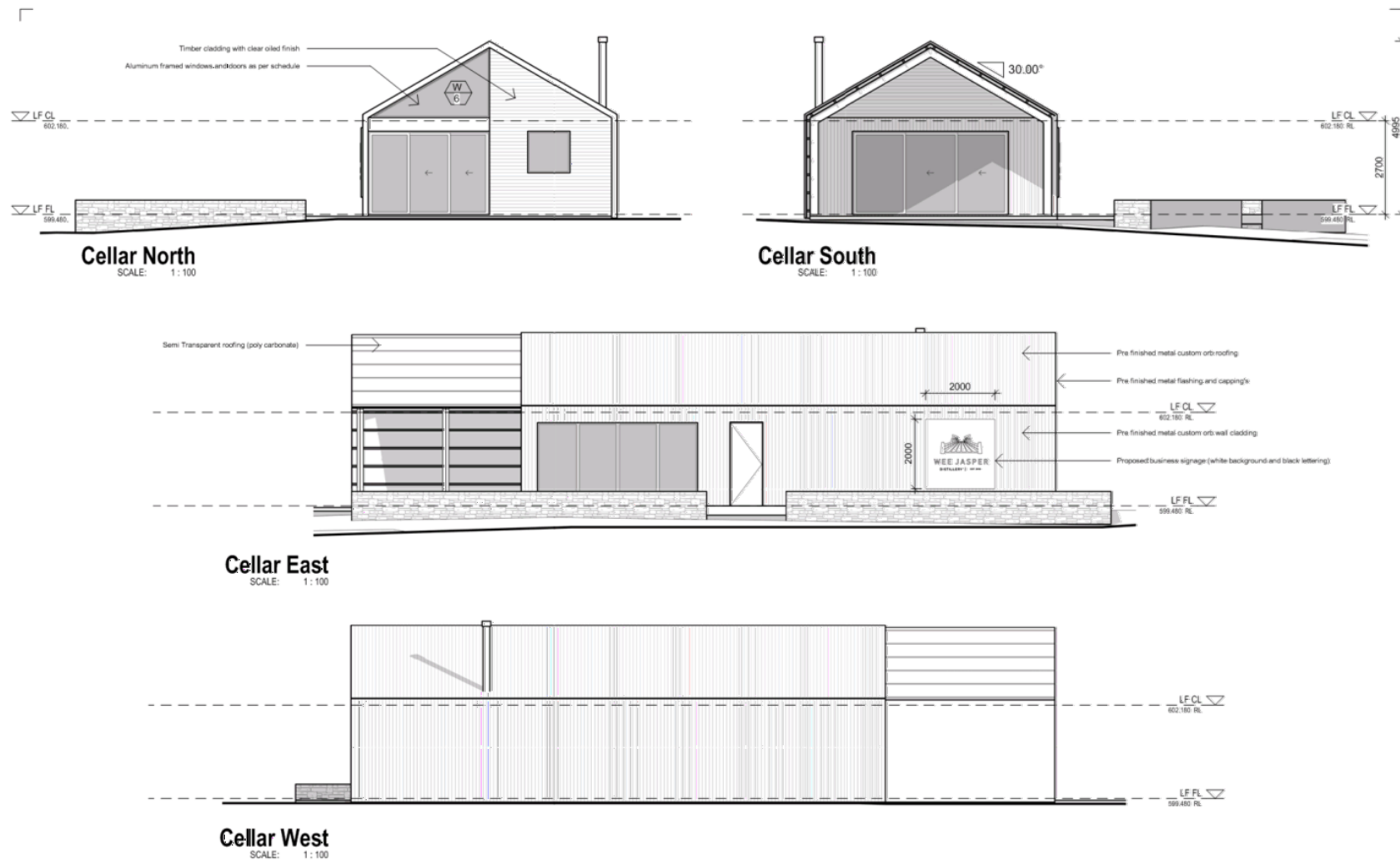
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AMENDMENTS			
Revised By	Date	Description	Code
CA	26/02/2020	Relocated Cellar (in south & 1st East)	1
CA	26/02/2020	Relocated Distillery	2
CA	26/02/2020	Added provision for access to conditions	3
CA	26/02/2020	Revised parking arrangements due to building relocation	4
CA	26/02/2020	Revised water tank and septic location due to building relocation	5



Proposed Distillery
Wee Jasper Distillery

Cellar Elevations
LOT: 1 D.P.: 255410

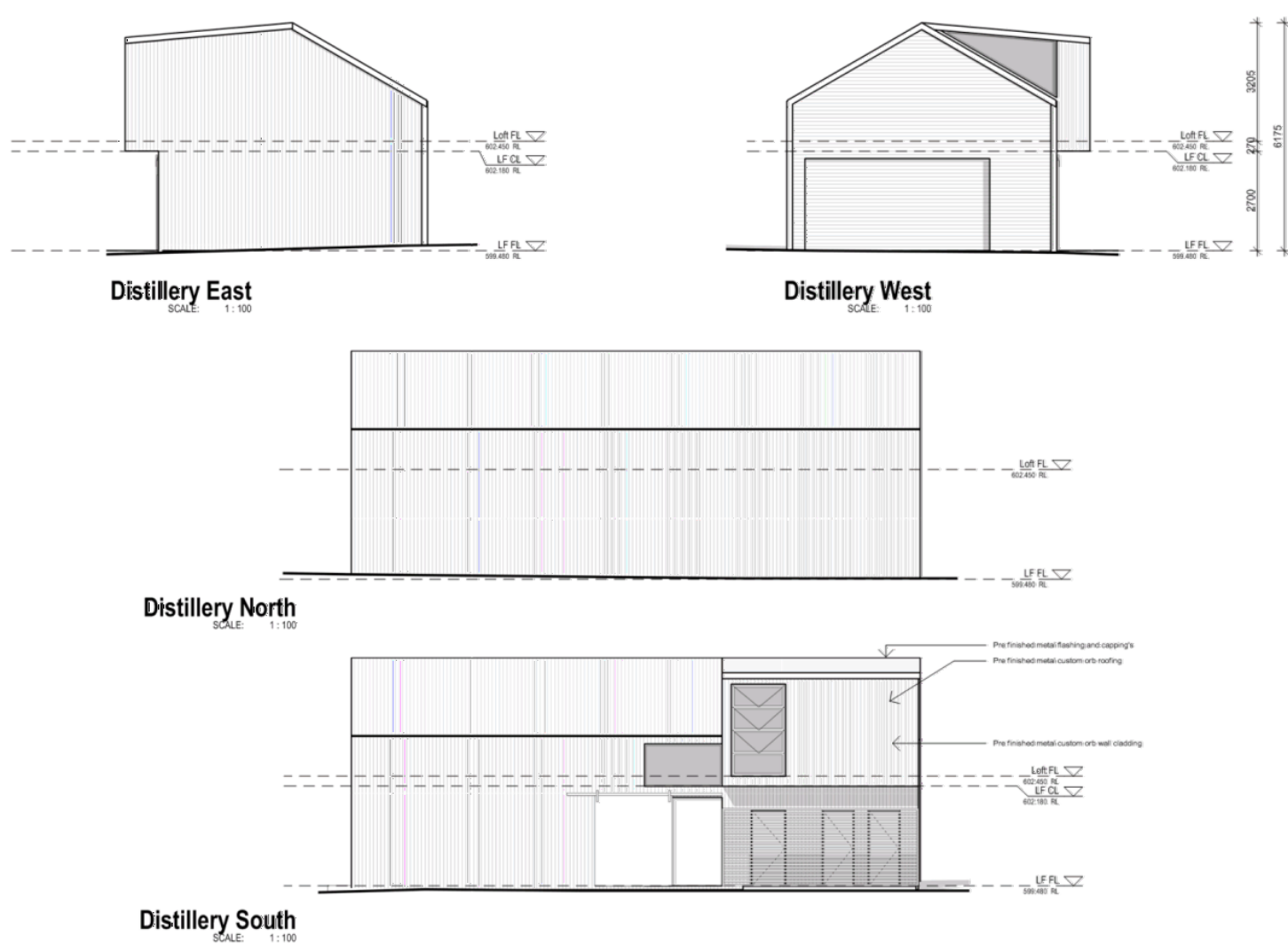
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Proposed Distillery
Wee Jasper Distillery

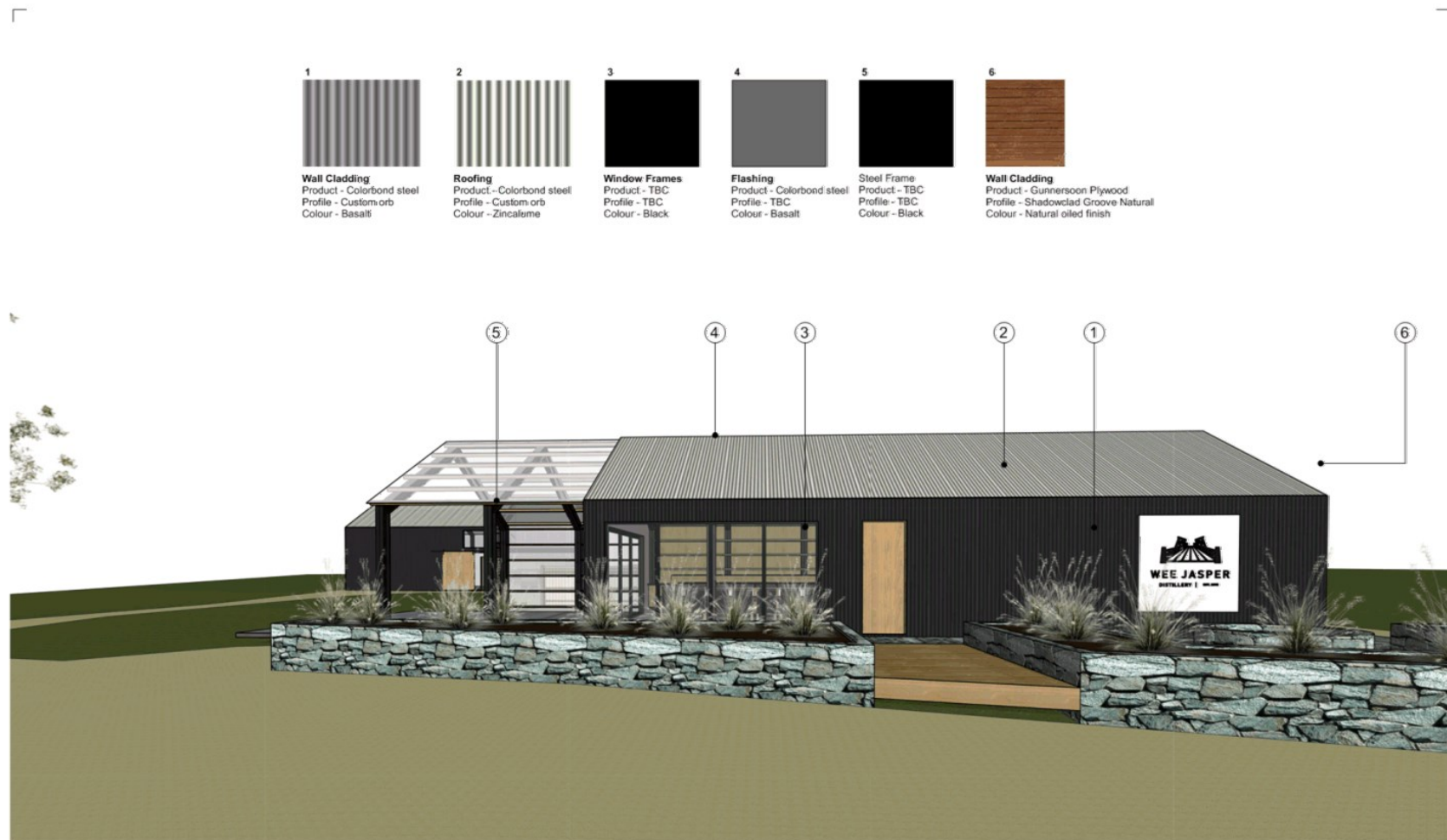
Distillery Elevations
LOT: 1 D.P.: 255410

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Proposed Distillery
Wee Jasper Distillery

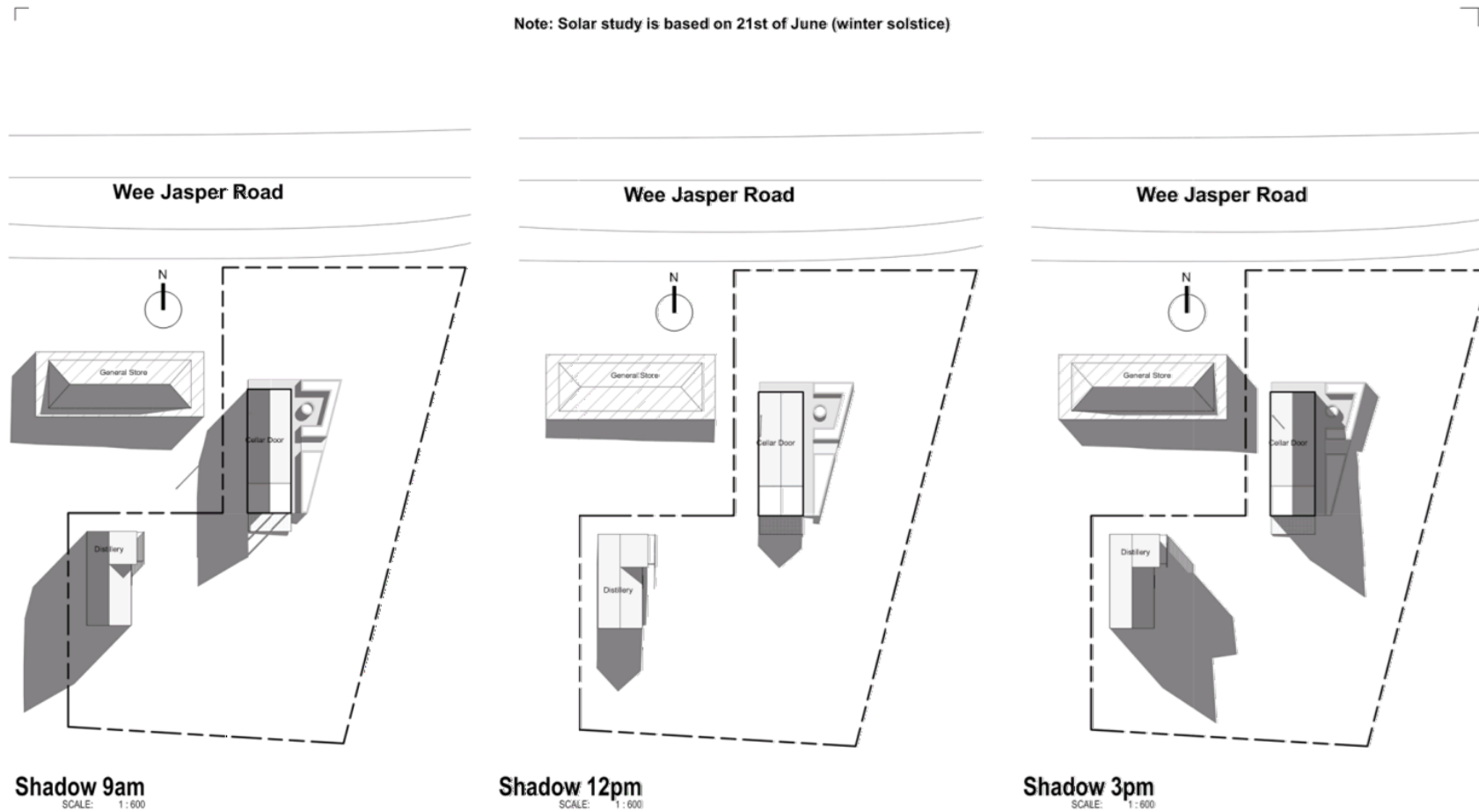
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Proposed Distillery
Wee Jasper Distillery

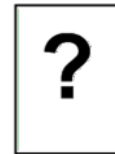
Solar Study
LOT: 1 D.P.: 255410

Page: DA15
Scale: 1 : 600
date: 10/03/2020
REV DA03

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Statement of Environmental Effects

In accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation* a development application must be accompanied by a Statement of Environmental Effects*.

**Except for designated development which is accompanied by Environmental Impact Statement.*

What is a Statement of Environmental Effects?

A Statement of Environmental Effects (SEE) is a report that outlines and addresses:

- The likely **environmental and social impacts** of your proposed development, during and after the development process
- How the impacts have been **identified**
- **Proposed measures** to protect, or to lessen the expected harm to, the environment and community.
- All applicable **policies and planning controls** that apply to the land and/or development (i.e. Acts, SEPPs, LEPs and DCPs).
- **Details** of your proposal that cannot be readily shown by your plans.

A high quality SEE is an important component to a development application as well as high quality, well designed plans.

When is a Statement of Environmental Effects Required?

All development applications, no matter how minor, must be accompanied by a thorough SEE, including those development applications seeking **amendments to existing development consents**.

Who can help prepare a Statement of Environmental Effects?

Council's Planning staff can provide assistance at a general level, however if this is insufficient to allow you to produce a thorough SEE, you should seek out the services of a suitably qualified and experienced town planning consultant to assist you in preparing the necessary documentation to accompany your development application.

General Checklist

The following document will assist you in preparing your SEE.

Applicant, Site and Owners Details

<p>Applicants Name and Address</p> <p><i>**An email and postal address must be provided</i></p>	Signature of Applicant <u></u>
	Phone () _____ Mobile () 04314102829 _____
	**Email clinton@designbyrabbit.com _____
	Location of Development: Lot: 1 DP 255410 Street No. _____
	Street: <u>Wee Jasper</u>
	Road _____
Locality: <u>Wee Jasper</u>	

Description of the Development

This should include, where applicable, the physical description of building, proposed building materials, nominated colour scheme, nature of use, details of any demolition etc. ..

- Proposed single story "shed" type construction Cellar door and Distillery.
- Application for OSSM and water tanks.
- Business sign (non illuminated at night)
- Minimal Site excavation will be required.

Description of the Site

Describe the physical features such as shape, slope, vegetation, any waterways. Also describe the previous and current use/s on the site.

The site slopes from street frontage falling to the rear by approximately 2m and is largely clear of vegetation with some trees and grasses are present.



View from street to the south.



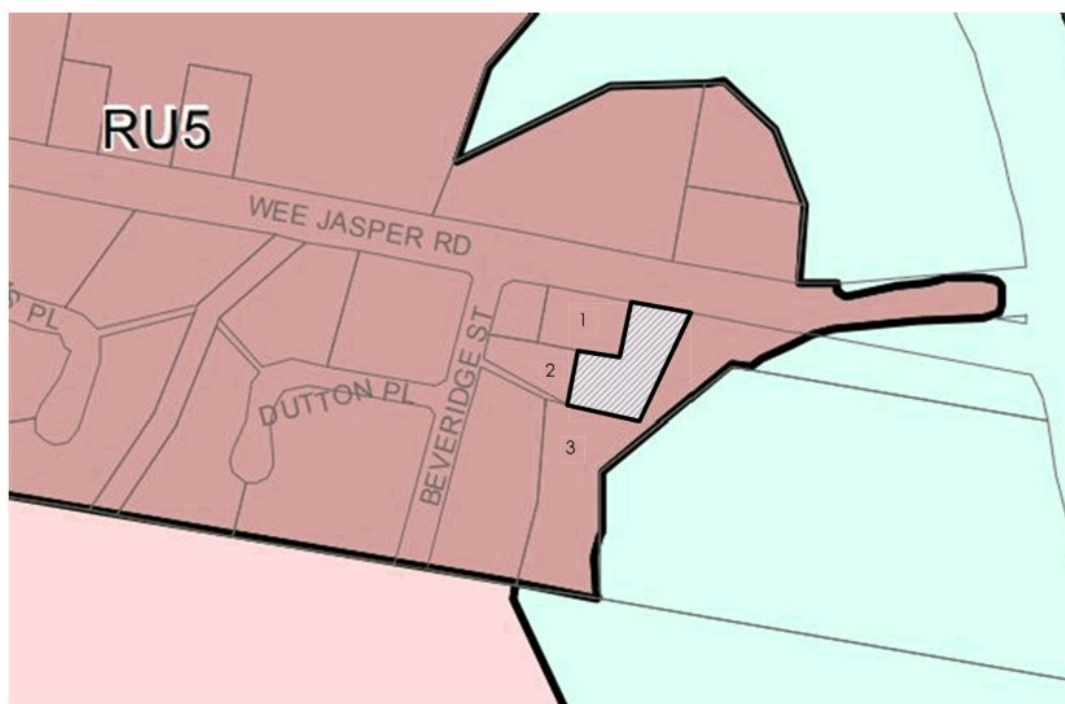
Trees to the east



View to the south from the street

Describe the use of the land adjoining the site.

All adjoining sites are zoned RU5



1. Currently Wee Jasper store. The store is intermittently open supplying small domestic good and fuel.



2. Is currently undeveloped and largely clear of vegetation.
3. Is currently undeveloped and largely clear of vegetation.

Context and Settings

Will the development:

Be visually prominent in the surrounding area?

No ☒ Yes ☐

Why/Why not?

The proposed distillery is of single story construction and consists of common building materials located around the area.

The buildings are also located inline with current adjoining setbacks (excluding fuel pumps) and will be suitably landscaped prior to the end of constructions.

Be inconsistent with the existing streetscape or Council's setback policies?

No ☒ Yes ☐

Why/Why not?

The proposed will be inline with the adjoining buildings and consistent with councils policies

Description of the Site Context and setting

Be out of character with the surrounding area?

No ☒ Yes ☐

Why/Why not?

The proposed will be consistent by being single story, style, colours and materials of the area.

Impact on the existing and likely future amenity of the area?

No ☒ Yes ☐

Why/Why not?

There will no loss of amenity to the adjoining or area. Although there will be cellar door operations all precautions will be made to reduce noise generated, on site parking. This will be done by reasonable operation hours and insulation of the cellar.

The distillery will be manufacturing alcohol via a distilling process. This process may produce some non toxic odours however will be very low range and will be contained within the distillery using all commercial professional equipment and processes.

Access/Traffic & Utilities

(Note i.e. 1 movement = a vehicle entering or exiting the site)

Is legal and practical access available to the development?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
---	---

Describe where access is available:

Access to the site will be via the street frontage via compacted gravel drive. There will be no on street parking applied for and considerable on site parking will be constructed.

Will development increase local traffic movements/volumes?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
--	---

If Yes, by how much? Unclear.

Why/Why not?

Due to the nature of the town and its largely fluctuation traffic movements pending on the time of the year its unclear how much traffic will increase or maintain. Yes there will be additional local traffic by the owners (approximately 2 movements per day).

All traffic access and egress should not affect any traffic on Wee Jasper road as the site is located on a secondary road running parallel to the main road.

Are additional access points to road network required?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
--	---

Describe where additional access points are required from:

Only establishing site access will be required via a new driveway.

Have vehicle manoeuvring and onsite parking been addressed in the design? (Commercial/Industrial/Multi Res/Public Buildings only)	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
--	---

Describe route of vehicle movements & number/type/location of parking:

All access and exit to the site will be via the front driveway. Parking will be located to the east of the site and currently stand at 12 position.

Is power, water, electricity, sewer and telecommunications services readily available to the site?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
<p>Why/Why not? Currently there is no services provide to the site.</p> <p>Electricity - will be provided via the existing overhead supply to a pole located on the north western side of the site.</p> <p>Septic - will be supplied by an approved OSSM system in accordance with the supplied Geotech report.</p> <p>Water - will be collected via water tanks collecting 100% of the roof/s collection area</p> <p>Telecommunications – are yet to be determined however a wireless connection is most probable.</p>	
What type of vehicle/equipment will be used onsite?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
<p>List number, use & type of vehicle/equipment:</p> <p>Cars – for owners and patrons</p> <p>Light delivery truck – possibly delivery light trucks/or vans for delivery of goods and despatch of product</p> <p>Bottling truck – mobile bottling truck to bottle product.</p>	
Can/Is disabled access provided?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
Are disabled facilities to be installed/provided?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
<p>Number & location: 1 accessible unisex toilet will be proved. All access points to the cellar will also be accessible</p>	
<p>Method/timing/frequency/type of deliveries (loading and unloading)?</p> <p>Light delivery truck;</p> <ul style="list-style-type: none"> - Business hours - 1 per week - General goods, supplies for distilling. <p>Bottling truck;</p> <ul style="list-style-type: none"> - Business hours - 1 per month - Bottling or product/bottles 	
<p><u>Environmental Impacts</u></p>	
Is the development likely to result in any form of air pollution (smoke, dust, odour etc)?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
<p>Why/Why not? The distilling process may produce some non toxic odours however will be very low range and will be contained within the distillery using all commercial professional equipment and processes.</p>	

Does the development have the potential to result in any form of water pollution? (eg. Sediment run-off)	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Why/Why not? All septic will be retained using the appropriate OSSM system and recommendations from the geotechnical engineer.	
Will the development have any noise impacts above background noise levels? (eg. Swimming pool pumps)	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Why/Why not? The intended use of the development will be within business hours. The main source of noise will be from patrons and will largely be contained with the cellar. The cellar will be insulated for sound retention including double glazing too further more aid in the sound reduction.	
Does the development involve any significant excavation or filling? (eg. Is the cut and fill greater than 600mm)	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Describe Location & Quantity fill and/or excavation to be taken or added to the location. Why/Why not? Due to the location of the buildings minimal excavation will be required. The only areas that that are to be excavated will be for the pads for the buildings and septic systems.	
Could the development cause erosion or sediment run-off (including during the construction period)?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Why/Why not? During construction all measures will be undertaken to stop all erosion/sediment run off. These methods will be hay bales and geotextile fencing. If the proposed methods fail new controls will be instated with urgency. All overflow from the OSSM and water tanks will flow into recommended transportation areas	
Is there any likelihood of the development resulting in soil contamination?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Why/Why not? There will be no activities within the premise that will result in soil contamination.	
Is the development considered to be environmentally sustainable (including provision of BASIX certificate where required)?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
Why/Why not? Yes the proposal will be largely self sufficient by supplying its own water and using OSSM systems. Further to this the building construction will be highly insulated to reduce the need for power supply.	

Is the development likely to disturb any Aboriginal artefacts or relics?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
<p>Why/Why not?</p> <p>There is no sign of first nations activities on the site. However, if any artefacts or relics are discovered stop work will be ordered and the appropriate departments advised seeking further actions.</p>	
Are there any threatened species, populations &/or ecological communities &/or their habitats on the land or nearby?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
<p>If "Yes",</p> <p>If "No", why not? How will the development impact?</p> <p>There are no threatened species at risk on the site. There are a few trees located that could potentially harbour animal species.</p> <p>These trees are not being removed, damaged or altered for the proposal.</p>	
Will there be external lighting?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
<p>Describe location/type/wattage:</p> <p>There will be external lighting. The lighting will be manually on/off and used as external task lighting.</p> <p>The site advertisement will not be light during the night outside of operating hours</p>	
<p><u>Flora and Fauna Impacts</u></p> <p>Describe location/quantity/type of vegetation.</p> <p>Why/Why not?</p> <p>The site is largely pre cleared and consists of mainly grass. There is 3 large gum trees on the site that will undamaged during the construction period and maintained on the site.</p>	
Is the development likely to have any impact on threatened species or endangered ecological communities?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
<p>(If the answer is yes to either of the over questions it may be necessary to have a formal seven-part test completed to assess the impact on threatened species – applicants are encouraged to consult Council).</p> <p>Describe location/quantity/type:</p> <p>.....</p> <p>Why/Why not?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

Natural & Technological Hazards

Is the development site subject to any of the following natural hazards:

No ☒ Yes ☐

Bushfire Prone? ☐ Landslip? ☐ Flooding?

(Note if the site is identified as Bushfire Prone it will be necessary to address the Planning for Bushfire Protection Guidelines and in the case of subdivision the development will be integrated. For further information please consult the NSW Rural Fire Service web site www.rfs.nsw.gov.au). Describe location/type/severity:

Will the development result in any technological hazards?

No ☒ Yes ☐

Describe hazard/s. n/a

Why/Why not?

.....
.....

Identify any proposed hazardous materials &/or processes &/or any potential emissions from the proposal.

Describe: n/a

.....

Waste Disposal

Sewer/Septic:

How will effluent be disposed of?

No ☐ Yes ☒

To Sewer ☐ Onsite ☐ Indicate location/size/disposal method for onsite system:

All septic is to be connected to a OSSM system as outlined in the geotechnical report.

Will liquid trade waste be discharged to Council's sewer?

No ☐ Yes ☒

Type and quantity?

.....

How will stormwater (from roof and hard standing) be disposed of: ☐ Street Drainage System ☐ Other (of other provide details) Describe:

All storm water collected from the roofs will be delivered to on site water tanks.

Garbage & other Waste:

Will the development produce waste?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
-------------------------------------	---

If "Yes", please specify quantity:

- 1 garbage bin per week
- 2 recycle bin per fortnight

What type/s of waste will be generated? Describe:

- General Garbage waste (household)
- General recyclables (household)

How will waste be disposed of & the frequency of disposal? Describe:

All waste will be disposed as per councils waste management service recommendations.

How will waste be stored onsite? Describe:

All waste generated on site will be stored in appropriate garbage bins. This waste will be contained and sealed.

Social and Economic Impacts

Will the proposal have any economic consequences in the area?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
---	---

Why/Why not?

The proposal should not have an economic adverse effect on the area as the proposal shall be a point of attraction whilst being sympathetic to the local community.

Will the proposal affect the amenity of surrounding residences by overshadowing/loss of privacy/increased noise or vibrations?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
--	---

Why/Why not?

Although the current site is vacant the orientation and type of construction should not increase any adverse effect on the adjoining due the proposals location.

There will be no loss of privacy to the adjoining as the proposal is has sufficient spatial separation. Further to this operation hours will be consistent to councils recommendations to reduce the risk of noise.

Is the development situated in a heritage area or likely to have an impact on any heritage item or item of cultural significance?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
---	---

Why/Why not?

The proposal is not within a heritage area. There are heritage ruins located on the northern side of wee jasper road and the proposal shall have no direct sight lines to the site.

What are the likely social effects of the proposal? (Issues which may need to be considered include demography/community services/amenity/quality of life/employment rates/health & safety)

There will not be any adverse social effects to the adjoining and surrounding area. The proposal will add a point of attraction to the area.

Once the proposed is operational all council operation recommendations will be applied. Also community considerations and concerns will be addressed and best efforts to sort resolve within reason.

Operation and Management Details

Note: This section is only relevant to commercial/industrial/public buildings and other non-residential uses

Description of operation

Distillery of alcohol and cellar door

Numbers of staff

2

Description of production process

The Pot Still process by which Malt Whisky is made may be divided into four main stages: Malting, Mashing, Fermentation and Distillation.

(a) Malting

The barley is first screened to remove any foreign matter and then soaked for two or three days in tanks of water known as steepers. After this it is spread out on a concrete floor known as the malting floor and allowed to germinate. Germination may take from 8 to 12 days depending on the season of the year, the quality of the barley used and other factors. During germination the barley secretes the enzyme diastase which makes the starch in the barley soluble, thus preparing it for conversion into sugar. Throughout this period the barley must be turned at regular intervals to control the temperature and rate of germination.

At the appropriate moment germination is stopped by drying the malted barley or green malt in the malt kiln. More usually nowadays malting is carried out in Saladin boxes or in drum maltings. In both of which the process is controlled mechanically. Instead of germinating on the distillery floor, the grain is contained in large rectangular boxes (Saladin) or in large cylindrical drums. Temperature is controlled by blowing air at selected temperatures upwards through the germinating grain, which is turned mechanically. A recent development caused by the rapid expansion of the Scotch Whisky Industry is for distilleries to obtain their malt from centralised maltings which supply a number of distilleries, thereby enabling the malting process to be carried out more economically.

(b) Mashing

The dried malt is ground in a mill and the grist, as it is now called, is mixed with hot water in a large circular vessel called a mash tun. The soluble starch is thus converted into a sugary liquid known as wort. This is drawn off from the mash tun and the solids remaining are removed for use as cattle food.

(c) Fermentation

After cooling, the wort is passed into large vessels holding anything from 9,000 to 45,000 litres of liquid where it is fermented by the addition of yeast. The living yeast attacks the sugar in the wort and converts it into crude alcohol. Fermentation takes about 48 hours and produces a liquid known as

wash, containing alcohol of low strength, some unfermentable matter and certain by-products of fermentation.

(d) Distillation

Malt Whisky is distilled twice in large copper Pot Stills. The liquid wash is heated to a point at which the alcohol becomes vapour. This rises up the still and is passed into the cooling plant where it is condensed into liquid state. The cooling plant may take the form of a coiled copper tube or worm that is kept in continuously running cold water, or it may be another type of condenser.

The first distillation separates the alcohol from the fermented liquid and eliminates the residue of the yeast and unfermentable matter. This distillate, known as low wines, is then passed into another still where it is distilled a second time. The first runnings from this second distillation are not considered potable and it is only when the spirit reaches an acceptable standard that it is collected in the Spirit Receiver. Again, towards the end of the distillation, the spirit begins to fall off in strength and quality. It is then no longer collected as spirit but drawn off and kept, together with the first running, for redistillation with the next low wines.

Pot Still distillation is a batch process.

Hours and days of operation

8

Maximum expected number of customers/day and at one time.

According to the Australian standard the venue will be licensed for 112 people + staff (i.e. 112m² x 1 person per m²). However, the projected daily patronage will be considered considerably less approximately 15 people per day midweek and 50 people per day on the weekends. The patronage is also expected to be at varying times during the day.

Type and quantity of goods handled including any hazardous substances

The main goods manufactured and sold on site will be distilled alcoholic beverages. These beverages will mainly be whiskey and gin.

On occasion there may be other types of distilled beverages manufactured using similar process.

List and describe the type of quantity of raw materials and finished products

Raw materials generally include;

- Barley
- Wheat
- Corn
- Juniper (for gin)

Finish products;

- Whiskey
- Gin
- Other alcohol beverages using similar process.
-

Advertising/business signage onsite

There will be a business signage located to the side of the cellar door. This signage will not be facing the street however still be visible for patrons.

This sign will be approximately XX in size the sign will be white back ground with simple text and business logo. The sign wont be continually lit at night only during business hours.

Applicant Signature Date
Applicant Signature Date

Privacy Policy – This information is required under the Environmental Planning and Assessment Act and Regulation to process your application. Your information would comprise part of a public register related to this purpose. This information will be kept by Council and disposed of in accordance with the Local Government Disposal Authority. You are entitled to review your personal information at any time by contacting Yass Valley Council.

Public Consultation online submission
Make an online submission to a item currently on public consultation.

Name: [Redacted]
First: [Redacted] Last: [Redacted]
Address: [Redacted]
Street Address: [Redacted]
Address Line 2: [Redacted]
City: [Redacted] State / Province / Region: NSW
Postal / Zip Code: [Redacted] Country: Australia
Email: [Redacted]
Phone Number: [Redacted]

What item are you making a submission on? * DA 190213 - 6494 Wee Jasper Rd, Wee Jasper.
Lot 1 Dp 255410

Submission * I do not reject the proposal for the Wee Jasper Distillery, however,
1. [Redacted] object to the current development application
DA190213 for these reasons.
1. Fuel, currently provided by the Wee Jasper General Store
will become completely inaccessible to the general public.
2. The visual amenity impact will be so great on the
General Store and is detrimental to the current
aesthetic quality and significant historical elements
of stated General store.

Use check the box below. *
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reCAPTCHA
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Jeremy Knox

From:
Sent: Tuesday, 28 January 2020 11:40 PM
To: YVC Customer Service Team
Subject: Submission re DA190213

Attention: Yass Valley Council

I wish to make the following brief submission, regarding DA190213 on Wee Jasper Road, as a regular visitor to the area.

Generally I am supportive of the application in terms of a new business coming to the area to create economic activity, noting the existing General Store has curiously never opened under its current owner, and the historic tavern has burnt down. But I do have some concerns I would like to highlight in relation to potential adverse environmental effects.

The disposal of waste from the distillery process in particular appears to present a risk of water pollution through the proposed absorption trench approach, as identified in the site assessment. The proposed approach presents risks even if appropriately managed. The site assessment does not discuss whether feasible alternatives exist that could avoid/reduce the identified risks, including from water logging. The site assessment is further limited by not discussing the close proximity of the site to the flood plain and its acknowledgement that the underlying structure of the limestone is unknown. I would urge the Council to carefully consider whether the identified risks to water sources through the proposed approach are acceptable when considered in light of the interests of the community.

Thank you,

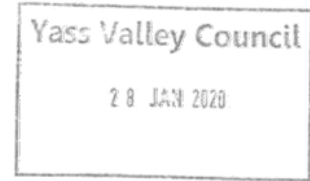
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Mob

Email:



Wee Jasper NSW 2582

27th January 2020

Yass Valley Council, Planning Department.

Re: DA190213 - 6494 Wee Jasper Rd, Wee Jasper

Dear Planning Officer,

I wish to make the following submission regarding DA 190213.

Whilst I fully support the establishment of a Distillery and Cellar Door in Wee Jasper.

I find I must lodge an objection to and ask that DA 190213 be rejected in its current form.

If it were to be approved as is it would have a severe detrimental impact on the potential of the Wee Jasper General Store ever reopening given the placement of the Cellar Door and gardens on the block.

If the positioning of the building was altered so as not to impact the visual aspect from the WJGS or cause obstruction to their fuel pumps and allow for existing parking arrangements then I believe I could fully support it.

Yours sincerely,

To : Yass Valley Council
January 2020

19

Wee Jasper store / Land submission

I have recently been informed of the proposed 2020 development of the adjacent property next to the Wee Jasper Store and concerned that its boundaries will both interfere of the stores existing use facilities and prohibit public use of the surrounding heritage facilities.

- The previous project managment of tourism was promoted by myself as a owner manager in the toursism network as a registered Aroura Tourist Information Centre business Level 3.

During this time between 2007-09 the Tourism Centre promoted the Hume and Hovell walking track.

It is recorded that the Hume and Hovel heritage listed walking track encroaches upon the rear boundary of the adjoining property at the Wee Jasper Store . I have concerns that any redevelopment of the adjacent land will adversely effect the heritage listed site.

The iconic facility of the Hume and Hovel waking track was carved by Australian pioneers as well now being the backbone of local toursim promotion with the incorporation of the Wee Jasper Camping reserves (run by the crown reserves lease) and grass roots of the beginning of the township of Wee Jasper and the lower levels of Snowy mountains access in horsetails.

The location of the walking track bringing tourists directly to the iconic Wee Jasper Store 1899 and town centre hub , town hall, school 1899 and police barracks 1906.

* The Wee Jasper store driveway access was supplied within a development application of the 1998/9 site.

The approval for the site incorporated the need for fuel pumps in ability to both service cars , trucks and caravans/ motor homes is approximately 10-15 metres on front of adjacent land block.

Furthermore to the promotion of existing use of supplying shop patronage parking and toilets that service 85 patrons in accordance to the original retail liquor licence servicing 125 patrons have been met with both council ordinance and NSW state liquor licence accords and regulations since being introduced in the 1970's.

This is due to the development of the store by last owner/ developer, Mr David Murray in 1998-99 and the presentation of available services of surrounding land mass that meets the Yass Valley council and NSW State Liquor licensing laws.

The Wee Jasper Store is a licensed fuel outlet and has a workplace emergency management plan for public safety of both public and surrounding land mass and the Goodradigbee river system.

The delivery of fuel is a large contingent of the necessary consumer facility of the remote township of the regional store due to travelling seasonal tourism and surrounding camping reserves promoted by the store and its tourism network.

The store was utilised by emergency services during my business in both volunteer fire fighting and all emergency services as a fuel outlet in 2008.

During the 2008 Wee Jasper / Canberra fires the Wee Jasper Store was the designated command post for emergency services both air and land vehicles using the adjacent land and river flats as aircraft helipads for emergency vehicles. During this time the adjacent land mass was

utilised within the emergency management plan for access of emergency vehicles and fuel delivery.

The nearest towns being Tumut 75 kms away and Yass 56 kms.

* The adjacent vacant property was offered to myself for sale in 2008 by previous owner Mr David Murray .

I was advised of the boundary issues of the adjacent block of land encroaching on the Wee Jasper Store land mass, whilst further advised that a previous subdivision had taken place in the development of the original store in 1998-99 by Mr Murray with no intentions to ever separate the titles as the adjacent block of land provides the servability of patronage with vehicles accessing the relocated fuel pumps on the site within the development application in 1999.

This being incorporated in the licences of fuel and public safety management plans and welfare of the adjoining NSW waterways.

As the previous owner / manager until mid 2009 of the site of the Wee Jasper Store I pursued its development due to the availability of surrounding land masses and offers to secure the land that was needed for the store to operate within its ordinance guidelines .

The developments into the certified Tourist Information Centre / Fuel outlet/ Cafe/ Aust Post and Retail convenience / Retail liquor licence were made possible due to the surrounding infrastructures and management plans.

I'm confident to support the known conflict of boundaries that will not only interfere with heritage town needs whilst also the current licence legislation requirements met in NSW and local laws by the current Wee Jasper Store owner .

These boundary issues were highlighted in the proposed sale to myself in

2008 by the land owner Mr David Murray by land title diagrams and recommended that the current store owner(myself at the time) be the only acceptable purchaser due to the related issues of the surrounding land mass and its previous sub division .

As the previous manager of the Wee Jasper store I have a working experience of the site . I believe that the Wee Jasper Store would be unable to operate without these basic requirements being met whilst being offered to in consultations with the previous owner Mr Murray has secured its development of the recent years of ownership.

Regards.

Mr Chris Berry
General Manager
Yass Valley Council
PO BOX 6
YASS NSW 2582

Email: Council@yass.nsw.gov.au

SUBMISSION.

Dear Mr Berry,

RE: Development Application DA190213 – 6494 Wee Jasper Road, Wee Jasper.

I am the owner of the Wee Jasper General Store and Fuel Station which is adjacent to the proposed Development Application DA190213.

Since purchasing the business and land in 2010 I have invested more than \$200,000 transforming the Wee Jasper Store and Fuel Station so that it now connects with the country-village quaintness the Yass Valley is known for. I am in the process of negotiating contracts for the installation of commercial solar power and the supply of fuel which are the final stages of the refurbishment. I expect to be fully operational by the end of the year, once the business plan is completed.

[REDACTED]

As an independent owner/operator of a Service Station at North Ryde in Sydney for over 40 years, I am very familiar with the requirements of a local successful business. During this time I was elected as an Independent Councillor for The City of Ryde, 2004-2008, Chaired and founded both the Ryde Sports Council and the Crime Prevention Advisory Committee, Chaired the Public Facilities and Service Committee, and the Heritage Advisory Committee. I then continued a further 4 years on committees until 2012. I've been an active Justice of Peace for almost 20 years. I am an active and supportive community member and I've lived at [REDACTED] my entire 63 years.

With respect to the prospective DA190213 on the adjoining land.
The proposed placement of the cellar door and distillery buildings on the adjacent block of land will result in a significant loss of iconic views to the heritage-listed Wee Jasper Bridge and the Coodravale Homestead for customers enjoying the amenities of the general store. Their placement creates an undesirable character as they are not visually consistent with the Wee Jasper country streetscape. The historical significance of the Coodravale Homestead once owned by one of Australia's most famous Poet's, Banjo Patterson, is relative to the Wee Jasper General Store by the fact, the original Stores owner, Mr Bill Mitchell use to ride with Banjo Patterson throughout the Wee Jasper region and is highlighted in the poem, "Billy Mitchell", written by Dudley Barber, an owner of Cooradigbee Homestead.

This poem and other poems, songs and photos written by locals of the Wee Jasper area were discovered only 2 years ago in a time capsule found located in the corner roof area of the current

General Store. The current dining and bar area of the General Store looks directly across with unimpeded views across the Goodradigbee River flats, to the Coodravale Homestead. The DA with the Distillery's placement totally blocks out these iconic views.

These views and connection with Bill Mitchell and Banjo Patterson have historical significance!

A noted omission from the DA's Geological Report are the details of the Waste Water Management System. After talking to the Environmental Officer, Mr Jeff Cartwright of the Yass Valley Council, he informed me that the minimum distance under the Code for the installation of the Waste System is 100 metres from the high water line of the Goodradigbee River. Please note that the furthest Western boundary of the land is under 100 metres from the high water line, as thought by Mr Cartwright.

Other shown items that are drawn in the DA include an "Open Fire Pit", in front of the Cellar Door and a "Chimney" exiting western end of the proposed Cellar Door, which are both within 10 metres of the shown car parking arrangements, driveways and the fuel court to the General Store with the chimney within just metres of the Stores existing seating arrangements for its patrons.

Also note, the Wee Jasper General Store has a retail Liquor License dating back to 1973, with a current trading registered business name of "Wee Jasper Cellar Door".

In creating the business plan for the Wee Jasper General Store, I have taken into consideration the local attributes of the area and the future needs for the local Community, the Camping and Tourist Communities. The Store also has the trading name of "Wee Jasper Tourist Information Centre". This is to be linked with NSW Tourism and the Yass Valley Tourist Information Centre soon.

Also of great importance has been the restoration of the Fuel Court, Petrol Browsers and an original Golden Fleece I.D sign bearing the historic and registered business name of "Golden Fleece Gasoline".

An appropriate rebirth of an iconic true blue Australian Petrol name, which is appropriate given that the Yass Valley area is known to have the finest wool in the World.

This is unique in Australia!

Combining with this theme has been the painting of the General Store in Green and Gold, not only adding flavour to the Store, but highlighting the Golden Fleece image and reflecting our Australian sporting colours of green and gold.

So may we say "Aussie Aussie Aussie, Wee Wee Wee"! A significant tourist attraction but one that will be significantly blocked out by the current proposed DA 190213 if approved.

Approval for the development of the general store and fuel station in 1998 was subject to the use of the adjacent block for access to the fuel forecourt, waterline which feeds the external toilets and parking. At the time both blocks were owned by the same person. On completion of the general store development it was sold with an understanding the adjacent block which is used for access to the fuel forecourt and parking would be maintained. I have continued with that arrangement, mowing and caring for this block since purchasing the Store, and of the understanding that if and when the blocks owner, Mr David Murray, was to sell, then I would be notified and given the opportunity to purchase as I am prepared to do.

The Statement of Environmental Effects for DA190213 also claims, "The proposed will be consistent by being single story, style, colours and materials of the area". The height of the proposed buildings are comparable to double storey buildings. It also states "There will be no loss of amenity to the

adjoining or area". The placement of the cellar door and distillery buildings will impact iconic views for patrons of the general store and the proposed garden will block access to the fuel forecourt.

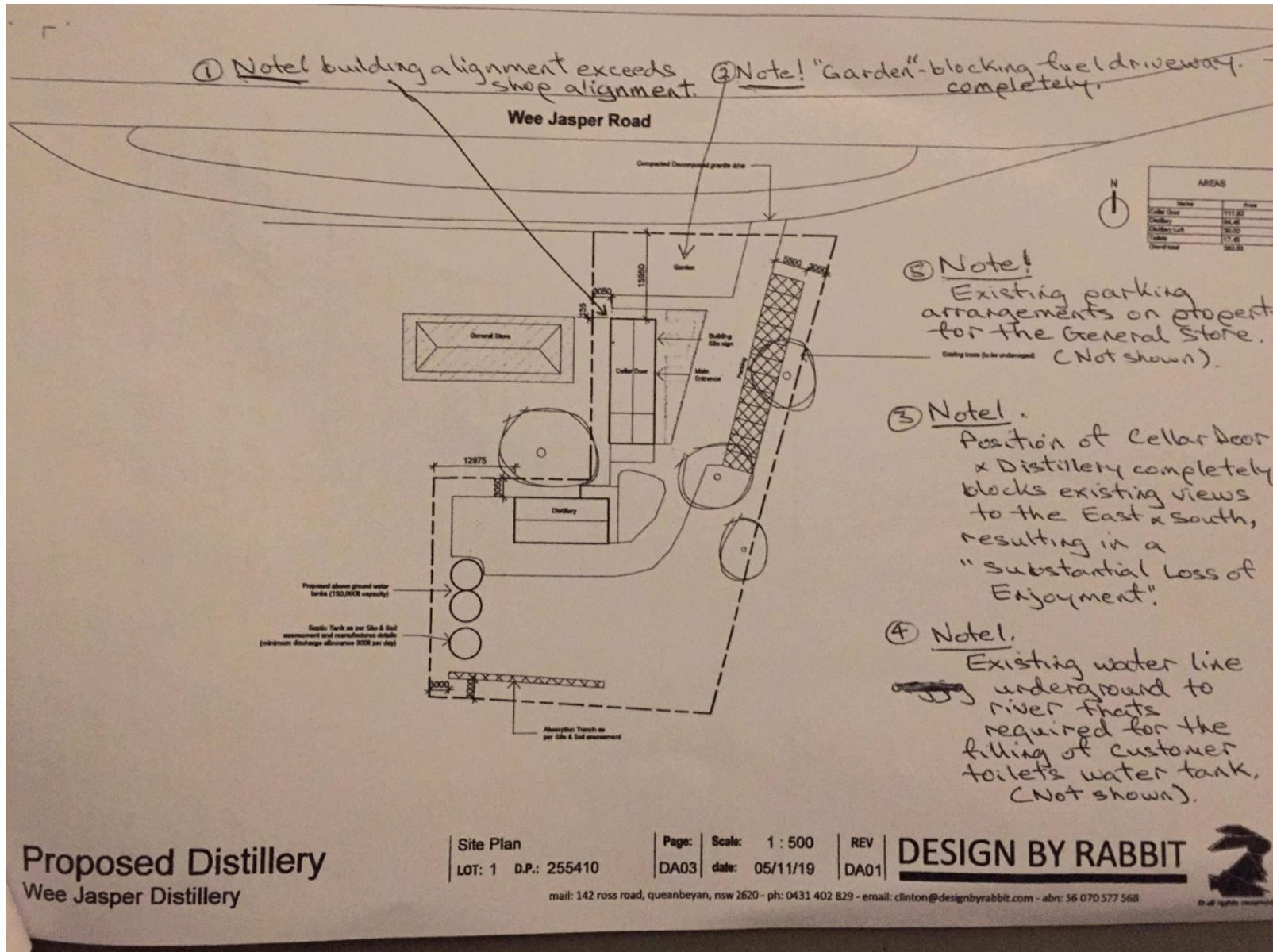
Visitors are encouraged to explore the villages and towns of the Yass Valley with a promise of stunning scenery ripe for sightseeing. The Wee Jasper store services the local community, walkers on the Hume Hovel Track, campers to the five Wee Jasper Reserves and visitors to the Careys Caves. The success and viability is dependent on both the iconic views of the heritage-listed Wee Jasper Bridge and Coodravale Homestead as well as continued access to the fuel forecourt and parking arrangements, the underground water line from the river via the adjacent block which has been in place since 1998 and remain visible and in use today.

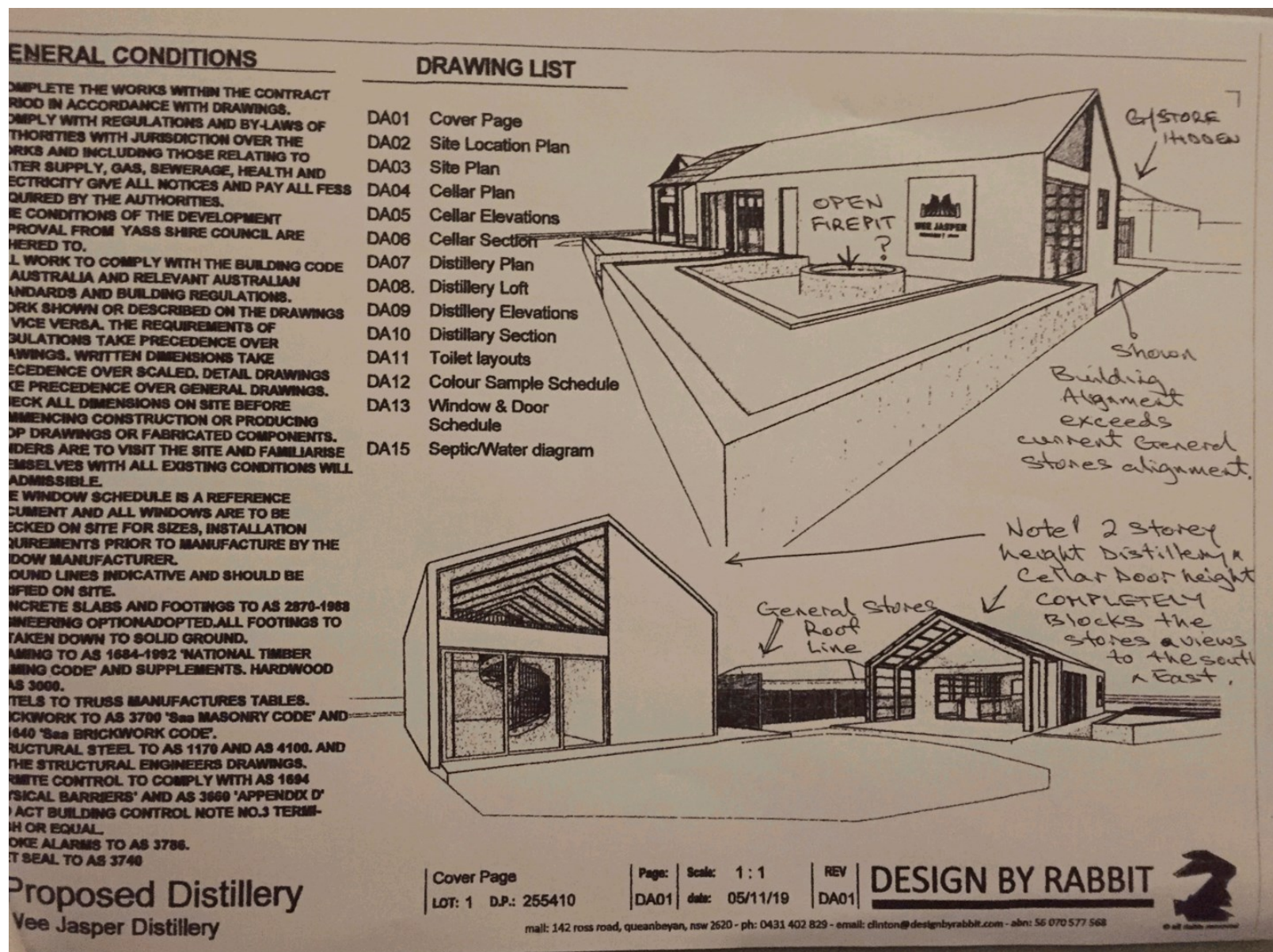
In view of my concerns and the significance surrounding the existing use rights and the removal of significant iconic views I request this development application be referred to the Regional Planning Panel for consideration.

[REDACTED]









**Response to the Statement of Environmental Effects included in
Development Application 190213**

Summary:

The main objection to this project is its long term Environmental Impact. Our objections are:

- The applicant has overlooked its proximity to the Burrinjuck Dam.
- The projected storage, use and disposal of water are not sustainable.
- There are long term environmental risks in using a domestic system for industrial purposes.
- The siting of the project will disadvantage the existing shop business and detract from public amenities.

1. Description of the Site:

- The D A fails to take into account that the block borders on a steep slope which leads to the high water mark of the Burrinjuck Dam. Indeed the D A omits to mention Burrinjuck Dam at all!
- It is clear from the diagram of Zone RU5, that the flood plain almost abuts the South East corner of the proposed site. We estimate it is a distance of 14 metres.

2. Description of the Site Context and Setting: Will the site affect amenities of surrounding buildings?

- The buildings as proposed will block views of the valley from the existing café and shop. Lack of outlook to the east and south-east will definitely impact the existing and likely future amenity of the area.
- The garden proposed in the D A will block the access of trucks to the bowzers and will become a safety concern at the petrol station. It is very important that there is clear access on both sides of the bowzers.

Access, Traffic and Utilities:

- At present there are 12 parking spaces provided in the DA. It is not at this stage possible to predict how much more parking might be necessary.

3. Is the development likely to result in any form of air pollution?

- The level of pollution from odour is not quantified in the D A. Prevailing winds from the north are cited by the applicant, but this year, 2020, prevailing winds have been mainly from the east, predictably blowing odours over the residential area.
- The equipment for containing the odours of distillation has not been fully described.

4. Does the development have the potential to result in any form of water pollution?

The system of waste water disposal is cited as a domestic septic tank and 2 absorption trenches 16 metres long and one metre wide, separated by 1.5 metres. These are to be covered with 150 mm of soil and planted with grasses. The geologist's Site and Soil Assessment states that these trenches will be able to cope with any effluent created even in case of extremely wet weather.

Our objections are:

- Regular monitoring and maintenance are essential to this system and may not take place.
- The Site and Soil report does not seem to understand that the area east of the block is intermittently flooded by the Burrinjuck Dam. He states that the trenches are 250 metres from the Goodradigbee River, but they are only 35 metres approximately from the Dam!
- Burrinjuck has flooded on these dates since 1998 when we have been keeping records:
November 2000; November 2008; October 2010; February 2013; August 2016.

- The report does not take into account that the bedrock in Wee Jasper is limestone, which has many fissures and caverns. This should be taken into account when discussing the environmental impact on groundwater.
- In Attachment 3 the Site and Soil Report states that 'the most critical months for wet weather storage will be the months of May to August'. According to our Rain Charts which we have kept for 22 years, the heaviest rain may also be from September to October. This report has many inadequacies in its evaluation of the environment in Wee Jasper.
- According to the Site and Soil Report the amount of waste water accumulated per day will be 300 litres. The septic tank has not been sited at the required 100 metres from the flood line of Burrinjuck. It is a risk that the septic tank cannot cope with this amount.
- The D A states that the two large 150000 litre water storage tanks will be filled from roof catchment after rain. In recent years rainfall has reduced in volume and become unpredictable. There is no provision for filling the water tanks from other sources.
- The Site and Soil report outlines a system which will cope with extreme events such as a storm which will flood the absorption trenches. As the trenches are too close to the Dam, the diversion drainage system may fail.
- There is a high possibility of fats, salts and other chemicals entering the treatment system if not maintained regularly, or it could be from accidental spillage. These effluents would flow into the Dam, only 35 metres away.
- There is no estimation of the maximum operational life of the absorption trenches, due to build-up of sludge, phosphorus and salt (See Appendix 4 of the D A)

- The equipment for distillation will need regular cleaning which will in turn generate more waste water to be treated and cleaned. This will increase the amount of water going through the septic and absorption trenches.
- According to the Site and Soil Report, the waste effluent of 300 L is too much to put into the septic and must be released in stages. What is the provision for storage of the contaminated liquid generated by the distillation process?

5. Is the development considered to be environmentally sustainable? NO

The D A proposal is to use a domestic septic tank system for all waste water, but this is possibly unsuited to a commercial undertaking, e.g, the disposal of distillation effluent twice a month. The risks outlined in Table 1 of the Site and Soil Report may not be within acceptable limits.

Secondly, the whole system is not the required distance from one of the most important water storages in New South Wales.

6. Is there any likelihood that development will result in soil contamination?

YES

Our reasons have been outlined above.

7. Will the development produce waste?

According to the D A the waste will be kept to one garbage bin and one recycle bin per week. There is no mention of the waste product of distillation such as grain mash and other distillation necessities. No provision has been made for processing or disposing of this distillery waste.

There is no provision for recycling of the water waste to a potable standard. All water waste is planned for the absorption trenches which are too close to the Dam and may over time pollute the soil and groundwater.

Jeremy Knox

From: [REDACTED]
Sent: Saturday, 15 February 2020 5:16 PM
To: YVC Customer Service Team
Subject: DA 190213

Dear Sir/Madam,

We have participated in the submission process regarding the above Development Application at Wee Jasper.

Some members of the Wee Jasper Community are intent on influencing the decision of the Council.

We trust that you will take our points into account when assessing the viability of the distillery.

Public opinion must not overrule common sense and clarity of discussion.

Yours faithfully

[REDACTED]

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<http://www.mailguard.com.au/mg>

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Jeremy Knox

From: [REDACTED]
Sent: Tuesday, 18 February 2020 10:01 AM
To: YVC Customer Service Team
Subject: DA 190213 Wee Jasper Distillery

To: The General Manager, Yass Valley Council

Re: DA 190213 - Application for a Distillery in Wee Jasper

I write as a Wee Jasper resident in support of the application by Shannon Kellett to operate a distillery in the Wee Jasper Village.

The Distillery enterprise will inject much needed vitality into the heart of the local community by providing a focus for social gatherings, providing casual employment for locals, and boosting tourism. These have all suffered the cumulative effects of the loss of

- the Stables Tavern to fire, with no likelihood that it will serve again as a pub,
- the Duck and Fishes Café at Cooradigbee Homestead, which now functions only on special occasions, and
- the General Store, which has been closed for ten years, serves only as a dumping ground for caravans, and offers no credible expectation of opening in the foreseeable future.

In a community as small as ours, these losses have been sorely felt, leaving the village with only the School, Church, Memorial Hall, and Fire Shed – a far cry from the days when the Pub and General Store were the focus of life in the Valley. The distillery will provide an important step towards restoring that life.

I should add that the Kellett family has already contributed effectively to the Wee Jasper Community, and is undertaking the Distillery initiative with great energy and a high level of professionalism. I have every reason to expect the Distillery will meet our expectations.

Yours Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

16th February 2020

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<http://www.mailguard.com.au/mg>

[Report this message as spam](#)

Jeremy Knox

From: [REDACTED]
Sent: Friday, 14 February 2020 2:56 PM
To: YVC Customer Service Team
Subject: SUBMISSION IN SUPPORT OF THE DEVELOPMENT APPLICATION - WEE JASPER DISTILLERY

UNCLASSIFIED

Dear Sir/Madam

The Wee Jasper Community Association (WJCA) would like to place on record their unanimous support for the Development Application for the Wee Jasper Distillery on Wee Jasper Road, Wee Jasper.

The Wee Jasper Community has not had a central focal point in the Village for 10 years now since losing the The Stables Tavern and the closure of the Wee Jasper General Store. This has not only effected how the local community comes together, informally shares news and events but has also effected those businesses that rely on visitors including the Wee Jasper Reserves, Wee Jasper Caves and the various accommodation businesses in the Valley.

The proposal to build a distillery that includes a cellar door and eatery/shop showcasing local produce and goods is welcomed by the WJCA as once more providing a focus for visitors as well as place for locals to meet, promote the Valley and their wares including Wee Jasper Wines.

We understand that [REDACTED], owner of the Wee Jasper General Store, has objected to the Development Application for the distillery and has claimed he has widespread community support for his objection. The WJCA would like to go on record to say this is not the case and we would be available for further testimony, if needed, as part of the Council's considerations of the Development Application and can be contacted via this email address or on the number noted below.

Otherwise, we look forward to notification of the development and building approval for the Wee Jasper Distillery.

Yours sincerely,

[REDACTED]
[REDACTED]
Secretary, Wee Jasper Community Association
[REDACTED]
[REDACTED] 2
Mobile: [REDACTED]

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

To: Yass Council
Re: Letter of Support for Wee Jasper Distillery DA

Dear Yass Council,

I'm writing in support of Shannon Kellett's development application for a distillery in Wee Jasper.

When I first became a regular visitor to the Wee Jasper valley, the small historic village at the gateway to the valley had a well-utilized pub and general store. Both offered welcoming amenities to visitors entering the valley and together provided a central gathering place and service hub for the surrounding rural community. Since becoming a property owner and part-time resident in the Wee Jasper valley in 2009, I've witnessed the unfortunate demise of both of these commercial outlets and the demoralising effect this has had on the local community.

First to go was the operation of the Wee Jasper General Store. This ceased when it changed hands 10 years ago and has remained closed for business ever since. The loss of the store has been a terrible blow for the community, which is totally perplexed as to why the new owner (who resides elsewhere) has not responded to longstanding Wee Jasper Community Association requests for updates regarding his plans for the store and yet appears to be highly competitive, adversarial and reactive to any other proposed local business initiatives. His behaviour strongly suggests that he has no genuine interest in the local community and its needs. After all these years of inaction and perverse blocking, there is widespread community opinion that his periodically stated intentions to re-open the store are completely disingenuous.

Next to go was The Stables, the historic Wee Jasper pub. Again, upon changing hands around eight years ago, this business went into steady decline, was eventually abandoned and finally burnt down early in 2018. Sadly, the Wee Jasper Valley now has a gateway village devoid of any commercial life, activity or welcoming service provision. This is a great shame and loss for the community and for those who visit the area.

Despite the lack of commercial amenity in the village, the valley itself remains a hugely popular destination for visitors, campers, and outdoor recreationalists because its outstanding natural resources and beauty. With the main access routes from Yass and Canberra now completely sealed, the valley has never been so readily accessible. It has much untapped development potential, especially in the hospitality industry area.

All of this means that the Wee Jasper Distillery proposal is incredibly welcome, timely and feasible. It has my full support, and the enthusiastic backing of everyone I know who is actively involved in the local community. We are desperate for the injection of some new commercial life and energy into the village that used to be the heart of the surrounding community, and which is still the gateway into the beautiful Wee Jasper valley.

Just across the bridge at the entrance to the village, the Distillery will be perfectly positioned to deliver a positive initial impression of Wee Jasper. I have no doubt it will be a welcome sight for visitors and extremely well utilized. It will also offer the local community a much-needed opportunity for revitalization – attracting business, providing jobs and acting as a gathering hub and a venue for community events - just as the pub used to do.

This is absolute the right time and place for an interesting and innovative enterprise, such as this Distillery, to step in, revitalize the valley's flagging historical centre and inject new energy, pride and commercial activity into the local community. It will be a place where people can gather, relax, eat and drink – offering a convivial venue that will enhance visitors' enjoyment of the Wee Jasper Valley, and compliment and bolster the Yass Valley's increasing reputation as a fine food and wine destination. It offers all-round win-win outcomes.

I do hope that you give the green light to this timely and innovative proposal, which promises to deliver so much to the Wee Jasper Valley and to the broader Yass Valley communities.

Yours sincerely,

[Redacted Signature]

[Redacted Name]

[Redacted Address Line 1]

Wee Jasper

[Redacted Address Line 2]

[Redacted Address Line 3]

I am writing this letter in regards to the proposed Distillery in Wee Jasper.

My concern is regarding access to the fuel bowzers at the Wee Jasper Store for customers and also for any maintenance that may be needed in the future, either with the current owner or future owners.

Also if there are any dangers with the proximity of the bowzers in relation to the distillery itself.

My other concern is if there are any environmental issues with run off.

Regards

[REDACTED]

[REDACTED]

Dear Council,

I, [REDACTED], have lived at [REDACTED], Wee Jasper since 1981. In the first years part time and full time since Dec 1999.

In that time I have been part of the WJ community in various ways. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

I have come to know and treasure Wee Jasper and have seen the ups and downs we have gone through as the store has changed hands, and other ventures have come up such as the Duck and Fishes Cafe. There is no doubt that when positive people want to have a go at building a venture in Wee Jasper, they bring an uplifting feeling to the valley, creating a centre for us to meet and chat and let off steam if needed. Relationships are strengthened and people are willing to help out when needed. The relationships with visitors gets stronger and the whole community benefits in many subtle and direct ways.

TO this end I want to support the Distillery project unreservedly. I have the privilege of knowing close friends of the Kellett family for over 40 years. They confirm my personal experience of the Kelletts as innovators and doers who develop their ideas to a high standard and are good business managers. The whole family, not least Shannon, are great with people, will provide an interesting and welcoming venue to community and visitors alike and only raise the confidence and profile of the valley.

I have read through the objections to the project and can find nothing of any substance. In fact there are many factual errors and I cannot understand why the WJGS owner wishes to oppose a good initiative for WJ, when he has done little to contribute anything in the last 10 years. He was not part of the recent fire communications or shared efforts, he claims heritage privileges for the store and its position which are incorrect and would be irrelevant to the issues at hand. I urge the Council to treat the objections from the store owner as frivolous and a waste of everyone's time and resources.

I request the Council to support the project strongly. It will bring life to the heart of WJ, and as such is to be commended as it will be properly developed with open and strong relationship with the community.

Yours sincerely

[REDACTED]

Wee Jasper, NSW, 2582.

[REDACTED]
[REDACTED]
[REDACTED]

February 18th, 2020

[REDACTED]
[REDACTED]
15 February 2020

To whom it may concern,

We are of the understanding that the current owner of the Wee Jasper General Store has put in an objection to the proposed Wee Jasper Distillery.

We would like to express our support for the proposed Distillery and comment on the objection based on the following factors.

Currently we have a General store that is not open.
The general store has not been open for over 8 years under the current owner. In his time as the owner of the general store, [REDACTED] has not engaged with the community to discuss or keep us abreast of current and/ or future plans for the business.
We can only surmise that the Wee Jasper General Store will not open under the current owner.

The Distillery has a plan for now and into the future which has been shared with the community.

We as residents of Wee Jasper look forward to having a business that will create opportunities for this community

Yours sincerely

[REDACTED]

3:43 pm wed 19 Feb

54%

Documents



Blank



Shannon Kellett
WeeJasper Distillery
Wee Jasper NSW. 2582

Dear Shannon,

I fully support you in your new enterprise in Wee Jasper.

I have lived in Wee Jasper for 30 years and Wee Jasper is/was a great tourist destination, but over the years with the General Store not opening for 10 years and the loss of the tavern tourism has changed/declined and the economics of the valley.

The valley needs to be sustainable for tourism, work opportunities, socialisation.

The big drawcard to keeping people in the valley would be a productive/viable business that is right at the entrance to Wee Jasper open to welcome people, offer a fantastic service and general knowledge of what the valley has to offer.

I trust that Yass Valley Council will support you in your endeavours as we as a community do.

Regards



Wee Jasper. NSW 2582
19th February 2020.

20/02/2020

Wee Jasper Distillery Mail - wee jasper distillery



Shannon Kellett <shannon@weejasperdistillery.com.au>

wee jasper distillery

[Redacted]

17 February 2020 at 16:23

To: shannon@weejasperdistillery.com.au

Dear Shannon ,

I also do not have any problem with the letter going to council regarding the Gin Distillery and fully support it going in to Wee Jasper Village .

regards

[Redacted]

20/02/2020

Wee Jasper Distillery Mail - Wee Jasper Distillery



Shannon Kellett <shannon@weejasperdistillery.com.au>

Wee Jasper Distillery

15 February 2020 at 10:50

To: "shannon@weejasperdistillery.com.au" <shannon@weejasperdistillery.com.au>

To whom it may concern,

I have lived in Wee Jasper my entire life. I wish to offer my support for the Wee Jasper Distillery. Everyone I know is looking forward to a cellar door in the village. It will be a great addition to the community. Shannon has been friendly and professional and we wish her the greatest success with her plans.

[REDACTED]

Wee Jasper

[REDACTED]

20/02/2020

Wee Jasper Distillery Mail - Fwd: Objections to Wee Jasper Distillery Application



Shannon Kellett <shannon@weejasperdistillery.com.au>

Fwd: Objections to Wee Jasper Distillery Application

Shannon Kellett <shannon@[REDACTED]>
To: shannon@weejasperdistillery.com.au

20 February 2020 at 11:35

Shannon Kellett



----- Forwarded message -----

From: [REDACTED]
Date: Thu, 20 Feb 2020 at 09:50
Subject: Objections to Wee Jasper Distillery Application
To: <[REDACTED]>

Dear Shannon,

I have seen the objections to the DA as they relate to the Wee Jasper General Store.

Please note the following which you are at liberty to share with the Council –

At the time I demolished and rebuilt the general store there were no heritage restrictions or requirements.

When I sold the store there were no conditions on contract or title which gave any access or usage rights to the neighbouring site which I retained.

I have not given the current or previous owners any consent to encroach on or use or maintain my land.

In advertising the land for sale I indicated to interested parties that the council had given in principle approval (many years ago) to erection of cottage accommodation which might make common ownership of the store and adjoining block attractive.

I hope this clarifies the situation and confirm that I owned both the store block and your block as separate titles.

Regards,



20/02/2020

Wee Jasper Distillery Mail - Distillery



Shannon Kellett <shannon@weejasperdistillery.com.au>

Distillery

[REDACTED]

13 February 2020 at 22:04

To: "shannon@weejasperdistillery.com.au" <shannon@weejasperdistillery.com.au>

Cc: [REDACTED]

Shannon

I am a property owner in Wee Jasper and happy to support your development.

I am also happy to discuss the easement issue if you give me a call.

Happy to help.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

To: Yass Council
Re: Letter of Support for Wee Jasper Distillery DA

Dear Yass Council,

I'm writing in support of Shannon Kellett's development application for a distillery in Wee Jasper.

When I first became a regular visitor to the Wee Jasper valley, the small historic village at the gateway to the valley had a well-utilized pub and general store. Both offered welcoming amenities to visitors entering the valley and together provided a central gathering place and service hub for the surrounding rural community. Since becoming a property owner and part-time resident in the Wee Jasper valley in 2009, I've witnessed the unfortunate demise of both of these commercial outlets and the demoralising effect this has had on the local community.

First to go was the operation of the Wee Jasper General Store. This ceased when it changed hands 10 years ago and has remained closed for business ever since. The loss of the store has been a terrible blow for the community, which is totally perplexed as to why the new owner (who resides elsewhere) has not responded to longstanding Wee Jasper Community Association requests for updates regarding his plans for the store and yet appears to be highly competitive, adversarial and reactive to any other proposed local business initiatives. His behaviour strongly suggests that he has no genuine interest in the local community and its needs. After all these years of inaction and perverse blocking, there is widespread community opinion that his periodically stated intentions to re-open the store are completely disingenuous.

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Despite the lack of commercial amenity in the village, the valley itself remains a hugely popular destination for visitors, campers, and outdoor recreationalists because its outstanding natural resources and beauty. With the main access routes from Yass and Canberra now completely sealed, the valley has never been so readily accessible. It has much untapped development potential, especially in the hospitality industry area.

All of this means that the Wee Jasper Distillery proposal is incredibly welcome, timely and feasible. It has my full support, and the enthusiastic backing of everyone I know who is actively involved in the local community. We are desperate for the injection of some new commercial life and energy into the village that used to be the heart of the surrounding community, and which is still the gateway into the beautiful Wee Jasper valley.

Just across the bridge at the entrance to the village, the Distillery will be perfectly positioned to deliver a positive initial impression of Wee Jasper. I have no doubt it will be a welcome sight for visitors and extremely well utilized. It will also offer the local community a much-needed opportunity for revitalization – attracting business, providing jobs and acting as a gathering hub and a venue for community events - just as the pub used to do.

This is absolute the right time and place for an interesting and innovative enterprise, such as this Distillery, to step in, revitalize the valley's flagging historical centre and inject new energy, pride and commercial activity into the local community. It will be a place where people can gather, relax, eat and drink – offering a convivial venue that will enhance visitors' enjoyment of the Wee Jasper Valley, and compliment and bolster the Yass Valley's increasing reputation as a fine food and wine destination. It offers all-round win-win outcomes.

I do hope that you give the green light to this timely and innovative proposal, which promises to deliver so much to the Wee Jasper Valley and to the broader Yass Valley communities.

Yours sincerely,

[Redacted Signature]

[Redacted Name]

[Redacted Address Line 1]

Wee Jasper

[Redacted Address Line 2]

[Redacted Address Line 3]

To: Yass Shire Council

Subject: DA application for a Distillery in Wee Jasper

I write as a Wee Jasper resident in support of the application by Shannon Kellett to operate a distillery in the Wee Jasper Village.

The Distillery enterprise will inject much needed vitality into the heart of the local community by providing a focus for social gatherings, providing casual employment for locals, and boosting tourism. These have all suffered the cumulative effects of the loss of

- the Stables Tavern to fire, with no likelihood that it will serve again as a pub,
- the Duck and Fishes Café at Cooradigbee Homestead, which now functions only on special occasions, and
- the General Store, which has been closed for ten years, serves only as a dumping ground for caravans, and offers no credible expectation of opening in the foreseeable future.

In a community as small as ours, these losses have been sorely felt, leaving the village with only the School, Church, Memorial Hall, and Fire Shed – a far cry from the days when the Pub and General Store were the focus of life in the Wee Jasper Valley. The distillery will provide an important step towards restoring that life.

I should add that the Kellett family has already contributed effectively to the Wee Jasper Community, and is undertaking the Distillery initiative with great energy and a high level of professionalism. I have every reason to expect the Distillery will meet our expectations.

Yours Sincerely,

[Redacted Signature]

[Redacted Address Line 1]
[Redacted Address Line 2]

Wee Jasper, NSE 2582.

[Redacted Address Line 3] [Redacted Address Line 4]

15th February 2020

20/02/2020

Wee Jasper Distillery Mail - Wishing you all the best for your future endeavours in Wee Jasper.



Shannon Kellett <shannon@weejasperdistillery.com.au>

Wishing you all the best for your future endeavours in Wee Jasper.

[REDACTED]
To: "shannon@weejasperdistillery.com.au" <shannon@weejasperdistillery.com.au>

14 February 2020 at 11:36

Shannon and to whom it may concern,

I just wanted to email you to offer my support and encouragement for the new venture you are proposing to operate in the Wee Jasper village environs. It is great to see fellow residents who are keen to establish a business in Wee Jasper, especially considering that there is little to no trade currently in the village. Furthermore, its also great to see people investing time, money and energy into the Wee Jasper community, which is what we need to see more of in rural and remote Australia.

Thank you for making a positive contribution to the Wee Jasper community and wishing you all the best for your future endeavour in the valley.

Best

[REDACTED]

[REDACTED] [Wee Jasper, 2582 NSW](#)

[REDACTED]

20/02/2020

Wee Jasper Distillery Mail - Wee Jasper Distillery



Shannon Kellett <shannon@weejasperdistillery.com.au>

Wee Jasper Distillery

To: shannon@weejasperdistillery.com.au

14 February 2020 at 21:41

To Whom it may concern,

I have lived in Wee Jasper all my life. The shop has been closed for at least 10 years and probably will never open with the current owner. He just doesn't want to any change in the valley. The Wee Jasper Distillery will make NO difference to his business at the General Store because there is NO business there.

Wee Jasper Distillery is a great opportunity to get a going business in the valley and all locals and tourists should get behind this business and so should YASS COUNCIL.

Regards

[Redacted signature]

20/02/2020

Wee Jasper Distillery Mail - Fwd: Hi Nathan, let me know if you need anything changed



Shannon Kellett <shannon@weejasperdistillery.com.au>

Fwd: Hi Nathan, let me know if you need anything changed

To: "shannon@weejasperdistillery.com.au" <shannon@weejasperdistillery.com.au>

17 February 2020 at 17:14

From: [REDACTED]
Sent: Monday, 17 February 2020, 16:26
To: [REDACTED]
Subject: Re: Hi Nathan, let me know if you need anything changed

[REDACTED]
[REDACTED]
[REDACTED]

To whom it may concern.

Re: Wee Jasper Distillery

It was a very pleasant surprise to hear that someone intends to open a new commercial venture in Wee Jasper. It will take a lot of determination, drive, money, knowledge to make this a success.

Possibly most of all, it will need local support. I, for one, am all for it.

Shannon Kellett has the drive, determination, knowledge and I presume funds for Wee Jasper Distillery be a success. She also has my outright support.

WJD will be a place for residents to display and sell local produce, Arts and Crafts, Wee Jasper Wines, and the Wee Jasper Cheese Making school.

It will also provide opportunities for employment and a central meeting place for locals, tourists and visitors.

Good on you Shannon, you have my very best wishes and heartfelt support.

[REDACTED]
[REDACTED]
Wee Jasper
[REDACTED]
[REDACTED]

<https://mail.google.com/mail/u/0?ik=19b6a27ec2&view=pt&search=all&permmsgid=msg-f%3A1658763389593024590&simpl=msg-f%3A1658763389593024...> 1/1

20/02/2020

Wee Jasper Distillery Mail - Your block Wee J.



Shannon Kellett <shannon@weejasperdistillery.com.au>

Your block Wee J.

To: Shannon Kellett <shannon@weejasperdistillery.com.au>

20 February 2020 at 15:08

Hi Shannon

so sorry it has taken me time to get back to you. Good luck with your app tomorrow in council. Ive had time to go over all info you have sent me.

I feel [REDACTED] has covered all areas. As council only want a response to 2 concerns, I feel you have covered those beautifully.

Im also a member of the Wee Jasper Tourism Group, I have given my support on the content of Helen's letter, which indicates the council proceed as presented.

I feel you have all areas covered & good support to move forward. Wishing you the best.

From: Shannon Kellett <shannon@weejasperdistillery.com.au>

Sent: Friday, 14 February 2020 10:17 AM

To: [REDACTED]

Subject: Re: Your block Wee J.

[Quoted text hidden]

20/02/2020

Wee Jasper Distillery Mail - Wee Jasper Distillery



Shannon Kellett <shannon@weejasperdistillery.com.au>

Wee Jasper Distillery

17 February 2020 at 18:09

To: "shannon@weejasperdistillery.com.au" <shannon@weejasperdistillery.com.au>

Dear Shannon

On behalf of [REDACTED] we are sending this letter extending our support for your new business venture The Wee Jasper Distillery.

We have lived and worked in the Wee Jasper valley over many years and feel that this business would benefit the Wee Jasper community by encouraging visitors and giving them and locals somewhere to meet.

We have been associated in tourism industry ourselves for past 20 years with our Farm Fish out in Rye Park it has enable visitors to come and share a fishing and farming experience - it has been very rewarding and visitors seem to enjoy themselves.

Our hat goes off to you Shannon for wanting to open your business in Wee Jasper and hope the community gets behind your project.

We wish you all the best with your venture and hope to visit your business in the near future.

Regards

[REDACTED]

Sent from my iPad

14th February 2020

████████████████████
████████████████████
Wee Jasper 2582

ATTN: Shannon

RE: Wee Jasper Gin Distillery

Dear Shannon,

We are writing a letter in support of your proposed development. To give you our background,

██
██
██
██

We are very excited about the prospect of your distillery. It would be wonderful for the community to have a local meeting place. ██████████ runs a cheese making workshop from Athelington and Cooradigbee Homesteads and hopes your distillery will help to bring more tourists to Wee Jasper and thus to her business.

Presently the only building open for business is the school. The shop and tavern have been closed for many years and since the Duck and Fishes closed there is no local watering hole. Although many locals have applied to the shop owner to lease his shop, no application to open the shop has been successful. Community sentiment is that he never plans to open the shop, he has been promising 'something' since he purchased the shop more than 10 years ago.

The petrol bowzers at the shop have not been in operation since April 2009. Given the shop owners' inaction over the past 10 years, we wonder if they will ever be functional again? Therefore, we question why the shop owner is asking for access over your land to reach these bowzers.

We wholeheartedly support your application and will be very disappointed if your DA is not approved.

Please do not hesitate to contact us if you require more support or action

Kind Regards

██
████████████████████
██
██

20/02/2020

Wee Jasper Distillery Mail - Letter of support



Shannon Kellett <shannon@weejasperdistillery.com.au>

Letter of support

[REDACTED]
To: "shannon@weejasperdistillery.com.au" <shannon@weejasperdistillery.com.au>

14 February 2020 at 09:03

Hello Shannon,

My name is [REDACTED] and I own a holiday house in Micalong (and I'm currently living and working in [REDACTED], so I don't get to WJ as much as I would like to, but I do have my house on Air BnB) and I have recently been added to the community list. I read through some minutes that there was an application for a distillery and I was so excited to hear about that. I've also just read that you are looking for letters of support. I am more than happy to write one, but am unsure of what will be of most use. If you can let me know I'll send a formal letter/email.

All the best,

[REDACTED]

--

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As an uninvited visitor on unceded Aboriginal territory, I have a responsibility to examine my part in settler colonialism, to acknowledge the Traditional Custodians of the land where I live

<https://mail.google.com/mail/u/0?ik=19b6a27ec2&view=pt&search=all&permmsgid=msg-f%3A1658460742144357237&simpl=msg-f%3A1658460742144357...> 1/2

20/02/2020

Wee Jasper Distillery Mail - Letter of support

and work, and to work towards justice and equity.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20/02/2020

Wee Jasper Distillery Mail - Support for Proposed Distillery [SEC=UNOFFICIAL]



Shannon Kellett <shannon@weejasperdistillery.com.au>

Support for Proposed Distillery [SEC=UNOFFICIAL]

14 February 2020 at 09:50

To: "shannon@weejasperdistillery.com.au" <shannon@weejasperdistillery.com.au>

Cc: [REDACTED]
[REDACTED]

UNOFFICIAL

Good morning Shannon,

I am a long time visitor and recent landowner in the Wee Jasper/Goodradigbee valley (I am at [REDACTED]). I have long thought that the area has an enormous amount of potential as a recreational and tourist destination for Canberra, being only 60-90 minutes' drive away on a good road. I have lamented the unfortunate closure of the Pub and Store in recent years, as even small amenities and attractions make a huge difference to getting people over the line and in their cars to make that drive. I truly believe that even one interesting and attractive business, in addition to the enormous natural beauty of the valley, will work wonders for our community, visitor numbers and probably real estate values.

On a personal note (and I am sure I speak for many in the community), I relish the thought of once again having a place to go for a drink and a chat, with visitors and other members of this very close knit group.

I am wholly supportive of your initiative, your commitment and your investment in our little Village. I wish you all the very best.

[REDACTED]

[REDACTED]

20/02/2020

Wee Jasper Distillery Mail - Best wishes for your gin distillery in Wee Jasper village



Shannon Kellett <shannon@weejasperdistillery.com.au>

Best wishes for your gin distillery in Wee Jasper village

[REDACTED]
To: shannon@weejasperdistillery.com.au

14 February 2020 at 12:11

Shannon,
I hear that you have applied for a DA to open a Distillery in the Wee Jasper village. I just wanted to email you to offer you my support and encouragement to establish a business in Wee Jasper. Its small businesses like this that add to the vibrancy and life of small villages such as Wee Jasper. Not only will it be an additional tourist attraction for our wonderful valley, but it will also bring employment and add to the impact of Wee Jasper being a destination on the tourist trail.

Wishing you all the best for your new venture.

[REDACTED]
[REDACTED]
Wee Jasper 2582
[REDACTED]

20/02/2020

Wee Jasper Distillery Mail - Support for Shannon



Shannon Kellett <shannon@weejasperdistillery.com.au>

Support for Shannon

To: "shannon@weejasperdistillery.com.au" <shannon@weejasperdistillery.com.au>

17 February 2020 at 13:20

Dear Shannon,

I am writing to you in regard to showing my support for your new business venture as Wee Jasper needs to get back on the map.

What a wonderful idea and how proud will our little community be to know that we have a business person on board with the community in their best interests.

I live in [REDACTED], Wee Jasper and I feel that with the appropriate community support Shannon which was unanimous at the Wee Jasper Community meeting, will create more tourism for Wee Jasper than the current shop owner has ever done.

I am extremely happy to lend my support to Shannon.

Kind regards,

[REDACTED]

20/02/2020

Wee Jasper Distillery Mail - Distillery



Shannon Kellett <shannon@weejasperdistillery.com.au>

Distillery

[REDACTED] >
To: "shannon@weejasperdistillery.com.au" <shannon@weejasperdistillery.com.au>

20 February 2020 at 12:06

Dear Yass Valley Council,

I wish to offer my support for the Wee Jasper Distillery based on the detailed plans provided. I also wish to refute any objections from or conditions proposed by the Wee Jasper General Store that to my knowledge has been closed for the last 10 years. I have heard rumours that the store has opened for 3 or 4 weekends in the last 10 years but in the many years I have been living in the valley I pass by the general store more than 4 times a week and I have never seen the general store open. I would like the general store to be a place where I can purchase food and fuel from regularly but that is currently not the case.

Regards,

[REDACTED]
[REDACTED]
[REDACTED]

20/02/2020

Wee Jasper Distillery Mail - Wee Jasper Distillery



Shannon Kellett <shannon@weejasperdistillery.com.au>

Wee Jasper Distillery

To: shannon@weejasperdistillery.com.au

13 February 2020 at 21:05

To whom it may concern, regarding DA190213-PROPOSED CELLAR DOOR & DISTILLERY, LOT1DP255410, 6494 WEE JASPER ROAD WEE JASPER.

My partner and I have been visiting Wee Jasper for the past 15 years and in 2018 we moved to the district permanently. We wanted to offer our full support for the proposed Wee Jasper Distillery. We are aware that the owner of the Wee Jasper General Store has made some objections to the development, which, although unsurprising, is nevertheless disappointing. After 10 years the community has grown tired of the empty promises and endless list of excuses regarding the opening of the store. In my opinion the owner, through no fault but his own, has earned his reputation within the community as 'persona non grata'. I would also suggest that the petition be taken with a grain of salt given it was never offered to the members of the Wee Jasper community who truly understand the situation at hand. As far as I am aware the overwhelming majority of us are looking forward to some life being breathed into the community with the addition of the Wee Jasper Distillery.

If you would like to further discuss the matter please feel free to contact me on [REDACTED]

[REDACTED]

[REDACTED] Wee Jasper

20/02/2020

Wee Jasper Distillery Mail - Wee Jasper Distillery



Shannon Kellett <shannon@weejasperdistillery.com.au>

Wee Jasper Distillery

13 February 2020 at 21:23

To: "shannon@weejasperdistillery.com.au" <shannon@weejasperdistillery.com.au>

Attn: Yass Valley Council

Please accept my letter of support regarding the proposed Wee Jasper Distillery. The community is long overdue for a fresh project to get behind. I strongly believe it will be excellent not only for tourism but community morale. All efforts to open the General Store have been futile and I personally have long since abandoned hope. I was very excited to hear of someone willing to start a new venture and I believe the new building according to the plans will be a beautiful addition to the village.

[REDACTED]

[REDACTED]

[REDACTED], Wee Jasper Road

[REDACTED]
[REDACTED]
15 February 2020

To whom it may concern,

We are of the understanding that the current owner of the Wee Jasper General Store has put in an objection to the proposed Wee Jasper Distillery.

We would like to express our support for the proposed Distillery and comment on the objection based on the following factors.

Currently we have a General store that is not open.
The general store has not been open for over 8 years under the current owner. In his time as the owner of the general store, [REDACTED] has not engaged with the community to discuss or keep us abreast of current and/ or future plans for the business.
We can only surmise that the Wee Jasper General Store will not open under the current owner.

The Distillery has a plan for now and into the future which has been shared with the community.

We as residents of Wee Jasper look forward to having a business that will create opportunities for this community

Yours sincerely

[REDACTED]
[REDACTED]

Mr Chris Berry
Yass Valley Council GM

Wee Jasper Tourism Group
Wee Jasper NSW 2582

Dear Mr Berry,

17th February 2020

I am writing to express the support for the Wee Jasper Distillery proposal DA 190213 – 6494 Wee Jasper Road Wee Jasper by the Wee Jasper Tourism Group(WJTG).

Currently there is no enterprise to welcome visitors into Wee Jasper at the western end of the Wee Jasper Bridge over the Goodradigbee River. This is the entrance that most visitors use and to have a friendly business in vista as well as people, welcoming visitors would set the scene for a good Wee Jasper experience.

The only Wee Jasper visitor facilities are currently provided by Careys Cave; Wee Jasper Reserves; Wee Jasper Accommodation; Wee Jasper Station; Cooradigbee Homestead and the public toilets at the information bay.

The Wee Jasper General Store(WJGS) was once a good and active member of our group however despite 10 years of ongoing promises of its imminent opening, it has been virtually closed since 2009. Opening only on the occasional day, perhaps once per year, this does not provide a service to the community, visitors or Hume & Hovell walkers.

There have been three separate attempts that the WJTG is aware of to lease the WJGS however the terms and conditions offered reflected those of the Sydney CBD rather than the Wee Jasper CBD and negotiations failed.

There has been no input into or contact from the WJGS with the WJTG in those 10+ years.

We recommend that the Yass Valley Council encourage and facilitate this development to proceed as presented in the DA.

Yours sincerely

Wee Jasper Tourism Group

Members:

Baa Poo

Burrinjuck Waters Holiday Park

Carey's Caves

Cooradigbee Homestead

Kim O'Connor

Waffle-On

Wee Jasper Accommodation

Wee Jasper Reserves

Wee Jasper Station

Wee Jasper Wines

Yes Cheese

DESIGN BY RABBIT



To Whom it may concern,

Re; Development application No. DA190213 for 6494 Wee Jasper Road, Wee Jasper.

In response to the additional information request issued from council dated 20th February 2020. Below is a detailed account of the proposed changes (in addition to updated plans provided) to the application to address concerns raised with in that document. Additionally, to this included is a response to the heritage concerns of the area.

(Points 1,2a-e,3) Onsite Sewage management arrangements.

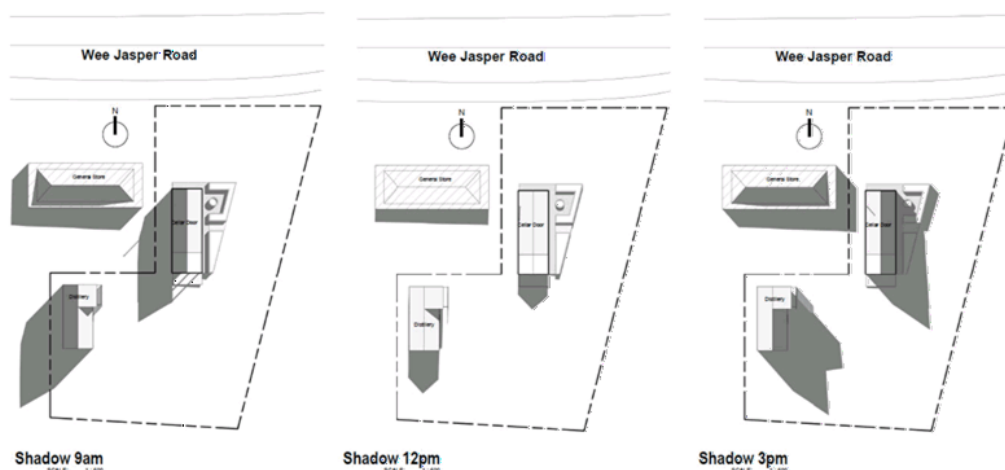
The proposed is willing to comply with recommendations made by council within reason. As a result, an updated report will be issued with correspondence between council and Colin Hall. This will be including manufactures details of the sewage management system and site locations of proposed measures.

(Points 4) Shadow diagrams.

Proposed shadow diagrams have been provided within the plans set. As demonstrated, there will be minimal to no overshadowing to Wee Jasper general store and grounds. Noting that no existing trees or landscape features have not been modeled.

The diagrams issued have been based on the 21st of June (winter solstice/shortest day of the year). This will replicate the worst possible overshadowing condition of the year.

The solar diagrams have been modeled using "Autodesk - Revit Architecture" software. Additionally, all geographical coordinates, dates, times and orientation have been adjusted accordingly to suit the proposed site.



(Point 5) Confirmation of Proposed hours of operation.

Hours of the proposed operations have been outlined in the statement of environmental effects. However this document only lists actual hours of operation per day and expected patronage.

The operators will be seeking hours of operations for;

Cellar Door;

- General mid weeks, Tuesday – Saturday 11am – 6pm
- General mid weeks, Monday - closed
- General Weekends, Sunday 9am – 12pm
- Increased population times (ie holiday periods) open Monday 11am – 6pm, Sunday open 11am – 6pm

Distillery;

- All times varied hours between 8am – 5pm pending operational requirements. (closed weekends)

Additional Council recommendations.

- ***Moving the Distillery building.*** The distillery building has been **relocated 8.5m Westerly direction and 1m in the south direction**. Upon investigation rotating the building 90° with have greater exaction requirements and in addition increase the distance to washrooms and considerably interrupt the provision of the manufacturing process.
- ***Moving the cellar door/increasing setback between wee jasper general store.*** The cellar door has been **relocated 6m south and 1m east**. This have increased the sight line from the Wee Jasper general store toward the river/bridge. As a result of this relocation the cellar door parking arrangements have been modified to include parking forward of the building line (similarly to the current conditions of the Wee Jasper general store). Unfortunately if parking where to be sustained in the current location all existing eucalypt trees on the front of the site would have to be removed.

Access to fuel court of the Wee Jasper General Store.

As a result of prior assumed land possession, the Wee Jasper General Store has arranged fuel pumps in a general drive through orientation utilising the north west corner of 6494 Wee Jasper Road. As understood Wee Jasper general store has had no legal right to utilise this land and there for would be currently trespassing over land that does not belong to them.

This arrangement would typically be strongly discouraged and unprovable by council in its current format. Being that the General Store has assumed this arrangement over vacant land the owners of 6494 Wee Jasper Road have no obligation to grant this existing condition to continue.

Having had an assessment of the current illegal access via Wee Jasper General store. The Owners have agreed to arrange for an access easement too the fuel court to be established. However due to public liability, safety and access concerns **this access shall only be granted if;**

- All costs incurred off the proposed easement and construction shall be covered by Wee Jasper General Store.
- Application for the easement shall be applied for and submitted by Wee Jasper General Store with written/signed endorsement by 6494 Wee Jasper Road.

- Shall be surveyed by a registered surveyor and modifications to the appropriate deposited plan and instruments be carried out.
- Appropriate approvals are obtained from council and Department of NSW transport.
- The proposed access road to be correctly engineered designed and certified.
- The proposed access road be of hard stand (ie concrete or asphalt) to improve stability and safety of the access.
- Bollards be positioned to ensure safety of 6494 Wee Jasper Road.
- Current compliance/certification certificates of fuel pumps and tanks be issued.
- Confirmation and action plan of standard operational hours be produced.
- Hours/ fuel delivery truck plan be issued.
- Upon completion of driveway work all liability, maintenance and up keep shall be the responsibility of Wee Jasper General Store.

Concerns of adversely affecting the "Hume and Hovell track",

In a submission received there was a point raised that the proposal will adversely effect the heritage value of the track, general store, town centre hub town hall, school and police barracks. The intension of the proposal is not to have detrimental effects on the values of the area. The proposal shall seek to offer a sympathetic addition to the township offering a constantly open source of interest. This will not only accommodate uses of the track but a wider community also.

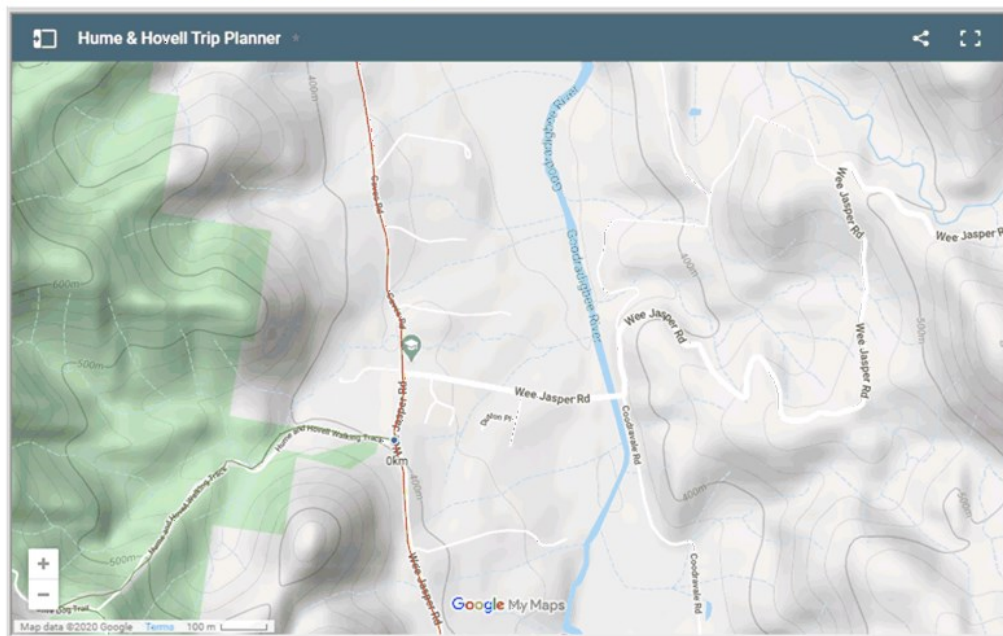
This issue has been assessed by councils heritage adviser and the response is quoted below;

- *A referral has been completed by Council's consultant Heritage Advisor (architect) with the advice received detailing:*
 - *Confirmed that there are no heritage issues or heritage impact on the WJGS as a result of the development.*
 - *Provided further architectural advice, suggesting that the building form is appropriate, with good pitch and rural form, being modern and sympathetic.*
 - *Considers the issue is with site planning in relation to the proposed cellar door building to the WJGS. Indicated that in his view it is a large site and there is opportunity to move the cellar door building to reduce impacts.*
 - *Design changes suggested were generally consistent with our thinking and underpin the suggestions we have put forward in the attached.*

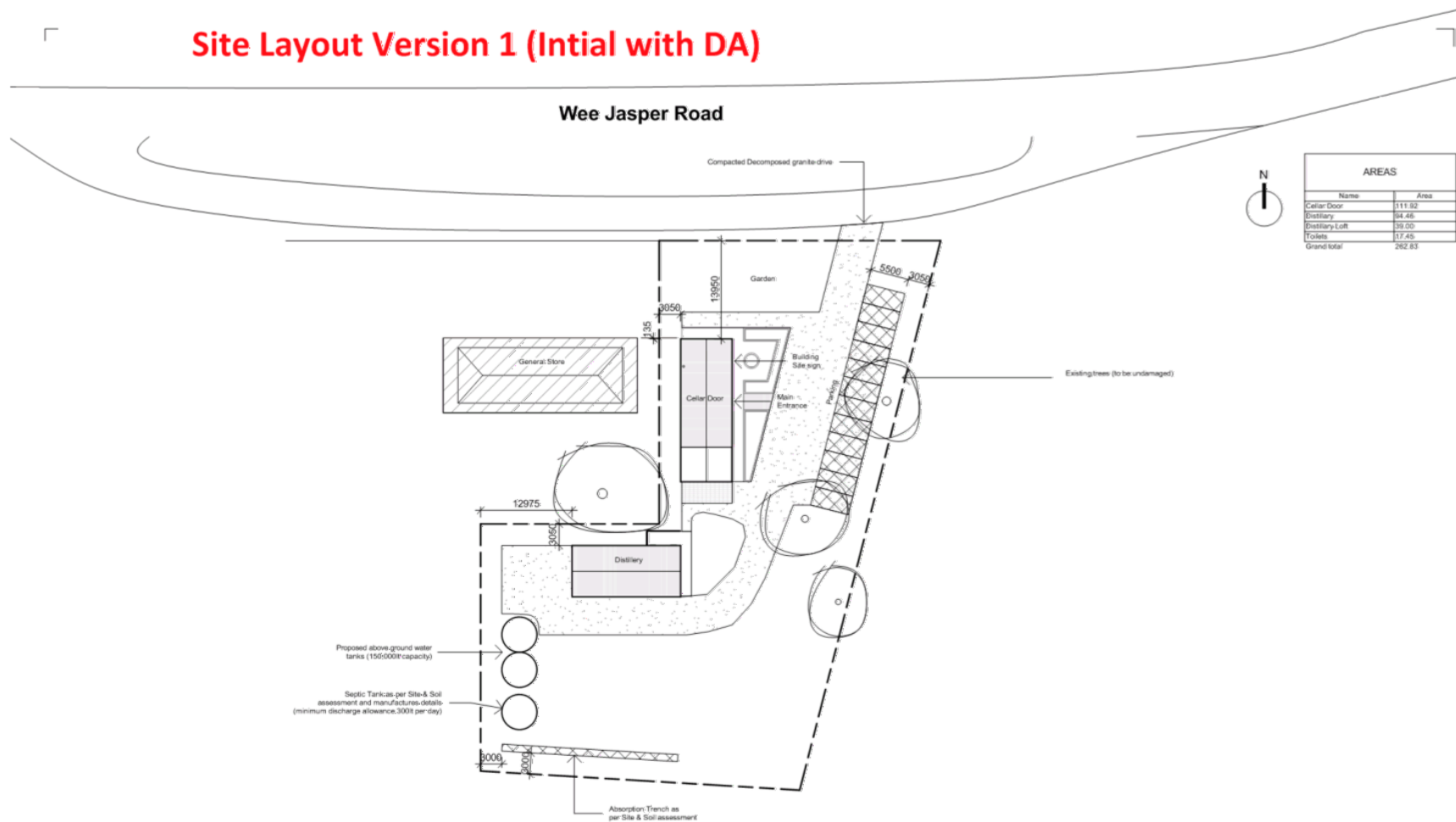
Further to investigation and location of the track the proposed distillery's neighbour (wee jasper general store) is not located adjacent the track and there is no encroachments from the proposed Distillery. The track is located on caves road as indicated on the Hume and Hovell track website approximately 570m away.



Extract from Six maps <https://maps.six.nsw.gov.au/> (location of track shown in solid red line)



Extract from Hume and Hovell Track website showing location of track
<https://www.humeandhovelltrack.com.au/>



Proposed Distillery
Wee Jasper Distillery

Site Plan
LOT: 1 D.P.: 255410

Page: DA03
Scale: 1 : 500
date: 05/11/19

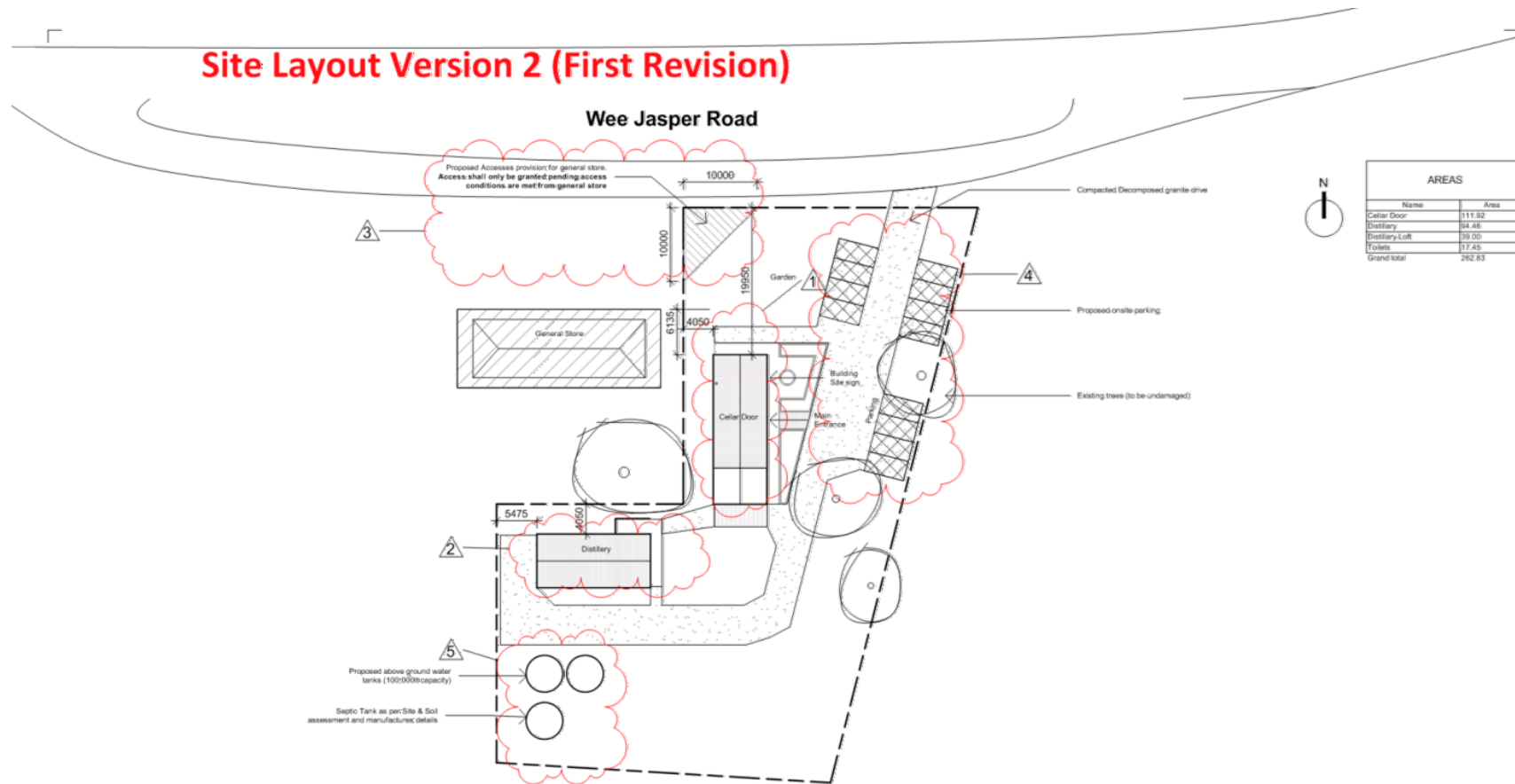
REV DA01

DESIGN BY RABBIT



mail: 142 ross road, queanbeyan, nsw 2620 - ph: 0431 402 829 - email: clinton@designbyrabbit.com - abn: 56 070 577 568

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Proposed Distillery Wee Jasper Distillery

Site Plan
LOT: 1 D.P.: 255410

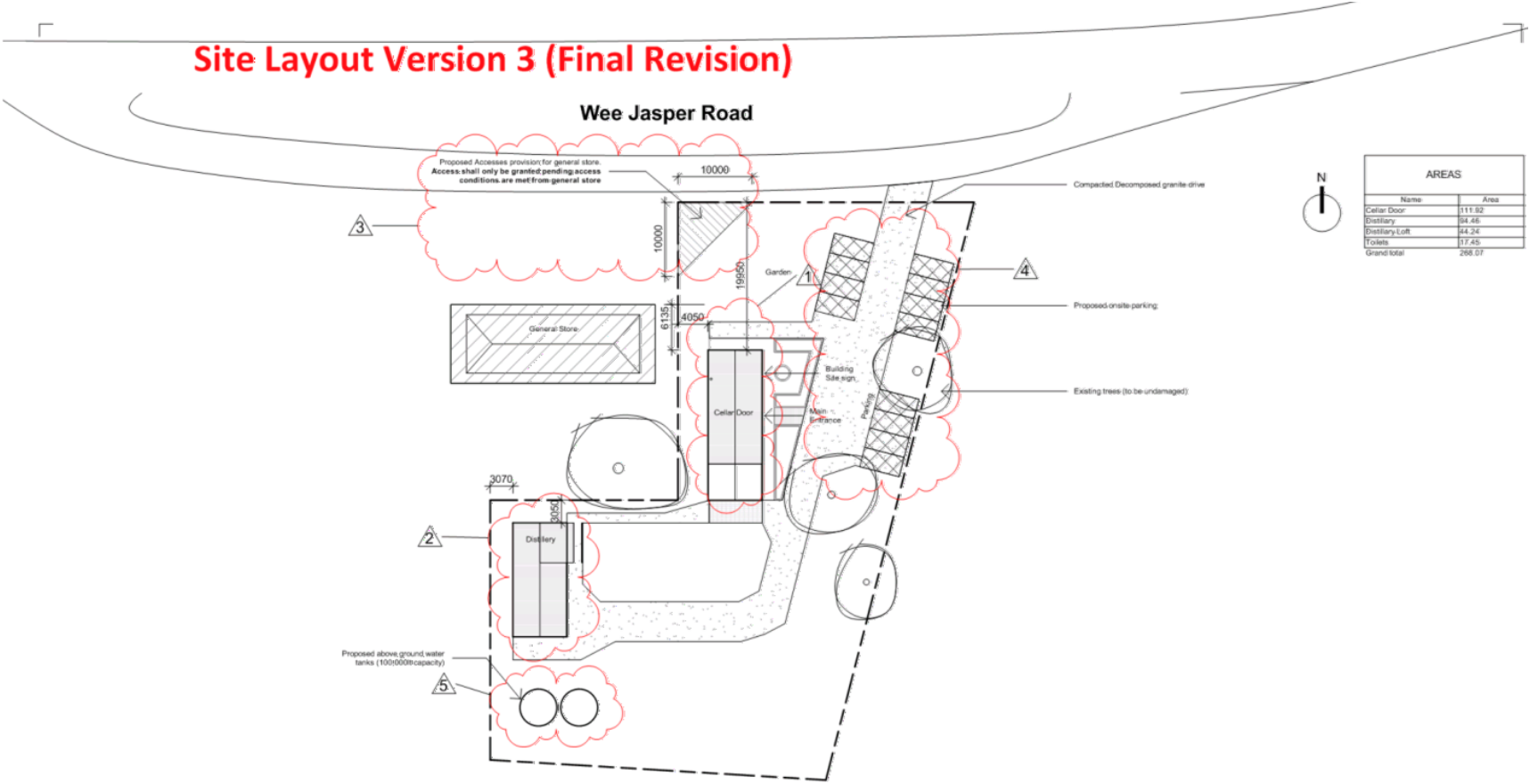
Page: Scale: 1 : 500
DA03 date: 26/02/2020 REV DA02

DESIGN BY RABBIT

mail: 142 ross road, queanbeyan, nsw 2620 - ph: 0431 402 829 - email: clinton@designbyrabbit.com - abn: 56 070 577 568



AMENDMENTS			
Revised By	Date	Description	Code
CA	26/02/2020	Relocated Cellar door south & 1m East	1
CA	26/02/2020	Relocated Distillery 8.5m West & 1m South	2
CA	26/02/2020	Added provision for access to conditions	3
CA	26/02/2020	Revised parking arrangements due to building relocation	4
CA	26/02/2020	Revised water tank and septic location due to building relocation	5



Proposed Distillery
Wee Jasper Distillery

Site Plan
LOT: 1 D.P.: 255410

Page: Scale: 1 : 500 REV
DA03 date: 10/03/2020 DA03

DESIGN BY RABBIT

mail: 142 ross road, queanbeyan, nsw 2620 - ph: 0431 402 829 - email: clinton@designbyrabbit.com - abn: 56 070 577 568



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CA	26/02/2020	Added provision for access to conditions	3
CA	26/02/2020	Revised parking arrangements due to building relocation	4
CA	26/02/2020	Revised water tank and septic location due to building relocation	5

DA190213 – Draft Conditions – 6494 Wee Jasper Road

PART A - GENERAL CONDITIONS

- (1) with the Development Application. The plans and details have been stamped and attached to this consent. The development must be carried out in accordance with the stamped plans or as modified by these conditions.
- (2) Work on any building shall not commence until a Construction Certificate, complying in all respects with the provisions of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and the Building Code of Australia, has been issued.

Note: A Construction Certificate Application has not been lodged with Council.

- (3) This approval relates only to the development referred to in the development application and specifically does not amount to an approval or acceptance by the Council of any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior development or building approval.
- (4) This Development Consent does not include approval for the outdoor fire pit unless it has been demonstrated to Council's satisfaction that the location of the fire pit in relation to the nearby fuel tanks and fuel pumps complies with all necessary legislation, Australian Standards, and safety guidelines.
- (5) All engineering design and construction work shall be undertaken in accordance with the following, current at the time of the Engineering Construction Certificate being issued:
 - Council's Road Standards Policy RD-POL-09
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards and
 - AustRoads
- (6) The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to the satisfaction of Council as shall any techniques to suppress dust and the tracking of sediment onto existing sealed roads.
- (7) All adjustments to existing utility services whether caused directly or indirectly by this proposed development are to be undertaken at the developer's expense.
- (8) The approved development shall not at any time be occupied, inhabited or used for residential living without the separate development consent of Council;
- (9) The colours and external materials used are to be compatible with those of existing development in the locality.

Note: Zinalume is not permitted to be used for roof or wall panels.

- (10) The Development Consent does not grant approval for any fencing.

Note: Common boundary fencing is subject to the provisions of the *Dividing Fences Act 1991*.

- (11) The development must be operated in strict accordance with all requirements of the NSW Office of Liquor, Gaming & Racing, and any other conditions of a liquor license issued under the *Liquor Act 2007*;
- (12) The maximum approved hours of operation under this Development Consent are:
- Monday- Sunday: 9.00am to 10.00pm
- (13) The maximum number of patrons at the premises shall be limited to 100 under this Development Consent unless otherwise approved in writing by Council;
- (14) The LA10* noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) by more than 5dB between 9.00am and 10.00pm at the boundary of any affected residence. The LA10* noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) between 10.00pm and 9.00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

*For the purpose of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the premises. This is a minimum standard.

- (15) Any Archaeology object discovered during excavation having interest due to its age or association with the past is uncovered during the course of the work:
- (a) all work must stop immediately in that area, and
 - (b) the Office of Environment and Heritage must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further the work can continue.

- (16) If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
- (a) all excavation or disturbance of the area must stop immediately in that area, and
 - (b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (1) A copy of a quote or invoice of the total cost of labour and materials involved in the proposed development prepared by a suitably qualified builder or quantity surveyor shall be submitted to Council.

If the total cost of works exceeds the amount in the Development Application further fees may be applicable and will need to be paid prior to issuing a Construction Certificate.

- (2) In accordance with section 7.12 *Environmental Planning and Assessment Act 1979* and the Yass Valley Development Contributions Plan 2018, a monetary contribution must be paid to Council if the proposed cost of carrying out the development exceeds \$100,000.

The contribution rate is determined in accordance with the table below:

<u>Proposed cost of carrying out the development</u>	<u>Contribution Rate</u>
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5% of that cost
More than \$200,000	1% of that cost

- (3) Fully dimensioned and detailed construction drawings shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate. Drawings shall include a window and door schedule.
- (4) Structural drawings prepared by a suitably qualified and experienced Structural Engineer shall be submitted to and approved by the Principal Certifier prior to the issue of a Construction Certificate.

Unless otherwise approved by the Principal Certifier, the plans shall detail:

- (a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas where applicable);
- (b) Footings of the proposed structure;
- (c) Structural steel wall frames, roof framing members, beams, columns, bearers, joists and wall/roof bracing (as applicable to the development).
- (d) Roof framing members.
- (e) Hold-down/connection details.
- (f) Wall and roof bracing details.

The consulting engineer shall also assess the structural sufficiency of the existing footings and brickwork ensuring they are suitable to support the imposed loads of the proposed development. Acknowledgement that this has been carried out shall be included in the documentation submitted to the Principal Certifier.

- (5) A landscaping plan shall be submitted to Council for approval with the application for a construction certificate. The plan shall indicate all existing trees, specifying those trees to be retained and those proposed to be removed. It shall specify details of proposed planting, including common and botanical names and height and spread at maturity.

The plan shall also include:

- a) The location of driveways, parking and storage areas and the type of material to be used for sealing these areas;
- b) Details of earthworks including mounding and retaining walls;
- c) Details of planting procedure and maintenance;
- d) Preference for locally occurring native species.

All landscaping is to be carried out in accordance with the plan and maintained in accordance with the plan at all times. In this respect, a satisfactory final will not be granted until the landscaping is complete.

- (6) Retaining walls or other approved methods of preventing movement of the soil must be provided if the soil conditions require it and adequate provisions made for drainage. Where retaining walls that are located closer than 900mm to a property boundary or exceed 600mm metre in height, Engineers details must be submitted to and approved by the Principal Certifier.
- (7) Plans specifications and specialist reports demonstrating compliance with the National Construction Code (NCC) /Building Code of Australia (BCA) are to be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate.

Where an application for a Construction Certificate is lodged with Council plans, product and general construction specifications submitted shall demonstrate compliance with the Deemed to satisfy provisions of the NCC/BCA.

Significant parts of Volume 1 of the NCC/BCA which must be addressed include (but are not limited to):

Part D - Access and Egress and Access for People with a Disability

Door widths, travel distances, ramps, handrails, door operation etc. Path of travel from the property boundary to the principal entry

Part E - Services and Equipment

Plan indicating location of required essential services, Hydraulic plans where required

Part F2 - Sanitary Facilities including Disabled and ambulant facilities

Details of handrails, toilet location, toilet height, etc. demonstrating AS 1428.1 compliance

The current plans do not show ambulant toilet facilities.

Part J - Energy Efficiency

A report showing compliance with all parts of this section is to be provided with the application for a Construction Certificate.

General Compliance

A building specification which outlines the construction standard of each element of the building (i.e. Glazing to comply with AS 1288 – 2006 – Glass in Buildings – Selection and Installation, Masonry to comply with AS 3700-2001 Masonry Structures etc.)

- (8) Engineering drawings for the provision of access to the site shall be submitted to Council's Engineering Department for approval in accordance with:

- Council's Roads Standards Policy RD-POL-09 and
- Council's Design and Construction Specification – AUS-SPEC #1.

All accesses (entry and exit) shall be appropriately designed to suit the expected vehicles that will or expected use the site

- (9) Engineering drawings associated with the construction car parking areas shall be submitted to the Principal Certifying Authority.

The design details shall indicate compliance with the following:

- (a) Council's *Off-Street Car Parking Policy ENG-POL-08*
- (b) *AS 2890 – Off-Street Car Parking*. Car parking and vehicular manoeuvring areas for the development being designed in accordance with *AS 2890 Off-Street Car Parking*.
- (c) The drawings shall include all dimensions, line marking/delineation and signs for the function centre car parking area plus details of provision of parking for disabled persons
- (d) The car parking area for the development is to be designed to allow all vehicles to enter and exit the subject site in a forward direction.
- (e) The drawings shall provide details of any proposed carpark lighting and the potential impact on surrounding premises.

- (10) Engineering drawings associated with the provision of access to the fuel court on the adjoining Lot 1 DP 105764 shall be submitted to Council's Engineering Department for approval. The engineering drawings shall demonstrate that access to the fuel court is retained for the largest vehicle that will or is expected to access the fuel court.

- (11) A detailed plan is to be submitted to and approved of by Council's Environmental Health Officers indicating compliance with AS 4674-2004 and Safe Food Australia Food Safety Standard 3.2.3 and also in conjunction with the *Food Act 2003 & Food Regulation 2015*. The plan/s shall include but **not limited** to details of:

- Solid wall construction;
- Wall, floor and ceiling finishes (note: no architraves or skirting boards);
- Location of all sinks and hand basins, including details of hand basin operation (to be 'hands free' using knee pad, wand or sensor/type)
- Details of wall/floor coving;
- Proposed Equipment/fittings layout/materials and installation construction (note: 150mm legs, castors and plinths may be used)
- Location and provision of a cleaners sink with hot and cold water.
- Details of compliance with Mechanical Ventilation AS 1668.2012 in regard to exhaust systems.

Note: A meeting can be arranged with Council's Environmental Health Officers to discuss plans and or Construction details.

PART C - PRIOR TO COMMENCEMENT OF WORKS

- (1) Council shall be informed of the name and details of the Principal Certifier and the date construction work is proposed to commence, no later than two days prior to such commencement;
- (2) Any contractor undertaking works in a Council road reserve shall be recognised by Council as an "Approved Contractor" for such works.

The contractor shall also submit the following details to Council not less than three days prior to works commencing:

- (a) A current public liability certificate with a minimum cover of \$20 million;
- (b) Current Plant / vehicle insurances;
- (c) A certified traffic control plan for the proposed works.

Note: Any work associated with a classified road requires Transport for NSW (tfNSW) South West concurrence and no work within the road reserve is to be undertaken until received. TfNSW concurrence may take 10 working days.

- (3) A waste management plan for the work must be submitted to the principal certifier at least 2 days before work commences on the site. The waste management plan must:
 - (a) Identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
 - (b) Identify the quantity of waste material in tonnes and cubic metres to be—
 - (i) Reused on-site, and
 - (ii) Recycled on-site and off-site, and
 - (iii) Disposed of off-site, and
 - (c) If waste materials are to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - (d) If waste materials are to be disposed of or recycled off-site—specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.
- (4) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (5) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- (6) Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
 - (a) diverting uncontaminated run-off around cleared or disturbed areas, and

- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - (c) preventing the tracking of sediment by vehicles onto roads, and
 - (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- (7) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

This sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed

- (8) A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:
- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (b) could cause damage to adjoining lands by falling objects, or
 - (c) involve the enclosure of a public place or part of a public place.

Note: Clauses 2.67 and 2.68 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

- (9) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet provided must be:
- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.
- (10) The building(s) shall be set out by a registered surveyor to verify the correct position of each structure in relation to the property boundaries prior to the commencement of works.

Evidence that the building(s) were set-out and have been located in accordance with the approved plans shall be submitted to the Principal Certifier or Council upon request.

- (11) Each Plumber and Drainer that works on the development must notify the Yass Valley Council of their intention to carry out works as outlined in the *Plumbing and Drainage Act 2011*. Such

notification is to come in the form of the standard Notice of Work (NoW) form prepared by the Office of Fair Trading.

Note: The minimum amount of notice under this Act is two business days.

PART D – INSPECTIONS

- (1) Critical stage inspections as required by Clause 162A of the *Environmental Planning and Assessment Regulation 2000* must be carried out by the Principal Certifier. Where Council is nominated as the Principal Certifier, inspections will be required at the following stages of construction:

Class 5, 6, 7, 8 or 9b building

	Inspection	Hold Point
(a)	After excavation of the first footing	Prior to pouring concrete, after placement of erosion and sediment control measures, on-site toilet and signage.
(b)	Stormwater	prior to covering any stormwater drainage connections
(c)	Final	After the building work has been completed and all conditions of development consent are complied with and prior to any occupation certificate being issued in relation to the building

- (2) As the local plumbing and drainage regulator Yass Valley Council must undertake inspections at the following stages of construction:

	Inspection	Hold Point
(a)	All internal sanitary drainage.	Prior to backfill;
(b)	All external sanitary drainage	Prior to backfill;
(c)	Connection to Councils stormwater system (street or inter-allotment)	Prior to backfill;
(d)	Subsurface land application area and/or surface drip line.	Prior to backfill or covering.
(e)	Inspection prior to use of the system.	At point of commissioning of the system.
(f)	At the completion of all plumbing and drainage works.	Prior to the occupation of the dwelling.

- (3) A Compliance Certificate shall be obtained from Council's Engineering Department at the following stages of construction:

Roads

- (a) Completion of property access. This inspection is for access dimensions and to ensure there are no 'trip-fall' hazards.
- (4) Upon inspection of each stage of construction, the Principal Certifier (or other suitably qualified person on behalf of the Principal Certifier subject to the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
- (a) Sediment control measures.
- (b) Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
- (c) Maintenance of the public place free from any unauthorised materials, waste containers or other obstructions.

PART E – CONSTRUCTION

- (1) Works must be carried out in accordance with the plans and specifications to which this consent relates.
- (2) All building work shall be carried out in accordance with the provisions of the National Construction Code/Building Code of Australia (as amended) and all relevant Australian Standards;
- (3) Hours for construction - Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.
- (4) If any part of the work is the erection of a new building, or an alteration or addition to an existing building, that is located less than 3m from the lot boundary, a survey certificate must be given to the principal certifier:
- (a) Before any form work below the ground floor slab is completed, or
- (b) If there is no such form work, before the concrete is poured for the ground floor slab.

Note: The survey certificate must be prepared by a registered land surveyor and show the location of the work relative to the boundaries of the site.

- (5) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (6) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Note: Copies of receipts relating to the disposal of waste at a licensed waste management facility (or facilities) must be submitted to the Yass Valley Council upon request.

- (7) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (8) During construction:
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (9) At the completion of the works, the work site must be left clear of waste and debris.

PART F – PLUMBING AND DRAINAGE

- (1) All Plumbing and Drainage work shall comply with the provisions of the Plumbing Code of Australia.
- (2) Plumbing and Drainage shall comply with the provisions of the *Plumbing and Drainage Act 2011* and *Plumbing and Drainage Regulation 2012*.

Note: The *Plumbing and Drainage Act 2011* requires each Plumber and Drainer that works on the development to submit the following information to the Yass Valley Council:

- Notice of Work (NoW);
- Sewer Service Diagram (SSD);
- Certificate of Compliance (CoC).

PART G – STORMWATER DRAINAGE

- (1) If the work is the erection of, or an alteration or addition to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- (2) Stormwater drainage work shall comply with *AS/NZS 3500.3, 2003 - Stormwater drainage*;
- (3) Stormwater collected from the development shall not cause nuisance to adjoining landowners;
- (3) Where up-stream surface water flows through the allotment the development shall not redirect or divert this water in such a manner that would intensify flows onto adjoining properties.
- (4) Adequate provision shall be made for the disposal of roof water collected from the development. In this regard roof water shall be piped and discharged to one of the following as applicable:
 - (a) The street stormwater drainage system;

- (b) Inter-allotment stormwater drainage system;
- (c) A rubble pit designed by a suitably qualified person to cater for a 1 in 5 year rainfall event. The pit design shall make suitable provision for overflow.

PART H – ONSITE SEWAGE MANAGEMENT FACILITY

<<Conditions to be inserted upon submission of satisfactory revised onsite waste water management report>>

PART I – ADVERTISING SIGNAGE

- (1) Details of any proposed advertising signage that is not 'exempt development' for the purposes of State Environmental Planning Policy (Exempt and Complying Codes) 2008 shall be submitted to and approved in writing by Yass Valley Council prior to its erection;
- (2) Any signage shall be designed and located so as to comply with the following;
 - (a) The sign display shall not include:
 - Any flashing lights,
 - Electronically changeable messages,
 - Animated display, moving parts or simulated movements.
 - Complex display that holds motorist's attention beyond "glance appreciation",
 - Display resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop';
 - (b) The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.
 - (c) The permissible level of reflectance of an advertisement is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A', as set out in Australian Standard AS/NZS 1906.1:2007;
 - (d) Any proposed sign and support structure shall be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.
 - (e) Any proposed sign and support structure to be located within close proximity to a road reserve is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1 Structural design actions – Permanent, imposed and other actions and AS1170.2 Structural design actions – wind actions.
 - (f) Any proposed sign and support structure shall not obstruct any road regulatory, safety or directional signage in the vicinity,
 - (g) Any proposed sign and support structure shall not pose any risk to the safety of pedestrians or motorists.

PART J - PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

- (1) Prior to the issue of any Occupation Certificate, An application for an occupation certificate must be lodged with the Principal Certifier.
- (2) Prior to the issue of any occupation certificate, all applicable Clauses under Section 6.10 of the *Environmental Planning and Assessment Act 1979* shall be complied with.
- (3) An occupation certificate authorising a person:
 - (a) to commence occupation or use of a partially completed new building, or
 - (b) to commence a new use of a part of an existing building,must not be issued unless the building will not constitute a hazard to the health or safety of the occupants of the building.
- (4) Product testing demonstrating compliance with the requirements of specification C1.10 of the National Construction Code / Building Code of Australia Volume 1 for all relevant floor coverings shall be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate;
- (5) The fire safety measures, as detailed in the relevant Fire Safety Schedule are to be installed and maintained in accordance with the provisions of Clause 168 Environmental Planning and Assessment Regulation 2000.
- (6) A fire safety certificate in accordance with Clause 174 Environmental Planning and Assessment Regulation 2000 is to be submitted to the Yass Valley Council prior to the issue of an Occupation Certificate.
- (7) Prior to the issue of any occupation certificate, certificates of compliance/installation for contractor's works as applicable to the development shall be submitted to the Principal Certifying Authority.

Where Council is nominated as the Principal Certifier, the certificates listed below will be required as applicable to the development:

- Plumbing/drainage
- Stormwater
- Gas fitting
- Electrical
- Photovoltaic electricity generating system
- Frame (Timber or Metal)
- Waterproofing
- Glazing (windows, glazed doors and shower screens)
- Air-conditioning
- Termite Protection Systems
- Solid Fuel Heater
- Smoke Alarms
- Insulation
- Installation or maintenance of refrigeration systems
- Structural Adequacy

As applicable to the works, a copy of the tradespersons license number, qualifications, professional memberships, insurances, name, address and the Australian Standards or standards to which the certificate relates is to be included on the Certificate.

It is important to note that this list may not cover all developments and Council may request additional certificates prior to the issue of an occupation certificate.

- (8) If the work includes a mechanical ventilation system that is a regulated system within the meaning of the Public Health Act 2010, the system must be notified as required by the Public Health Regulation 2012, before an occupation certificate for the work is issued.
- (9) If the work relates to a food business within the meaning of the *Food Act 2003*, the food business must be notified as required by that Act, or licensed as required by the Food Regulation 2010, before an occupation certificate for the work is issued.
- (10) The kitchen is to be constructed in accordance with the plans approved with the Building Construction Certificate and any relevant conditions in the approved Liquid Trade Waste Agreement.
- (11) The kitchen is to be inspected and approved in writing by one of Yass Valley Councils Environmental Health Officers.
- (12) An appropriate water supply management plan, in compliance with NSW Health requirements and the *Public Health Act 2010* and Regulation 2012 is to be provided prior to the issue of any occupation certificate;
- (13) If the proposed development cannot be connected to a potable water supply then the applicant must demonstrate that the drinking water supplied to the premises will consistently meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the Guidelines;
- (14) Prior to the issue of any occupation certificate, the developer shall restore, replace or reconstruct any damage caused to road pavements, surfaces, street furniture, roadside drainage, street lighting or underground facilities as a result of the construction of the development.
- (15) Prior to the issue of any occupation certificate, any alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.
- (16) Prior to the issue of any occupation certificate, A commissioning/installation certificate verifying that the installed Onsite Sewage Management System for effluent disposal, has been installed in accordance with the manufacturer's specifications and the relevant approved On-Site Effluent Disposal report.
- (17) An identification survey prepared by a registered surveyor showing the location of the constructed development in relation to the property boundaries, easements and building

envelope(s) shall be submitted to the Principal Certifier prior to the issue of an occupation certificate.

- (18) The carpark is to be constructed per the approved Construction Certificate.
- (19) The property access is to be constructed per the approved Construction Certificate.
- (20) The Applicant shall submit evidence to the Principal Certifying Authority that the provision of access to the fuel court on the adjoining Lot 1 DP 105764 has been resolved by one of the following:
- Evidence of a boundary adjustment has been undertaken and registered with the NSW Land and Registry Service (LRS) between Lot 1 DP 255410 and Lot 1 DP 105764; or
 - Evidence that an easement has been created and registered with NSW Land and Registry Service (LRS) over Lot 1 DP 255410 in favour of Lot 1 DP 105764; or
 - Evidence that the land identified as providing access to the fuel court on Lot 1 DP 105764 has been dedicated as road reserve under the *Roads Act 1993*; or
 - Any other alternate option to achieve this outcome to the satisfaction of Yass Valley Council has been completed.

The area associated as access to the fuel court for the purposes of this condition must be in accordance with the engineering design drawings submitted and approved with the Construction Certificate.

NOTES ACCOMPANYING DEVELOPMENT CONSENT DA190213

(Please read these notes carefully to ensure you are fully conversant with the conditions under which this consent is granted.)

Please read these notes carefully to ensure you are fully conversant with the conditions under which this consent is granted.

- (1) This consent has been granted under Clause 2.3 of the Yass Valley Local Environmental Plan 2013 and Section 68 of the Local Government Act 1993;
- (2) All fees and charges associated with this consent shall be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region;
- (3) Any additional Council inspection, beyond the scope of any Compliance Certificate package and needed to verify the compliance of any work, shall be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule;
- (4) This development consent does not guarantee compliance with land specific agreements, by-laws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the land owner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved.

- (5) The applicant shall ensure all sub-contractors are licensed by the NSW Department of Fair Trading;
- (6) The following items shall be considered where the proposed development looks to achieve compliance with the 'deemed to satisfy' provisions of the Building Code of Australia:
- Portable fire extinguishers shall be installed in the building or portions of the building compatible to the hazard/s posed by equipment or functions associated with the use of the building, in accordance with Part E1.6 of the Building Code of Australia and AS 2444 (Portable Fire Extinguishers and Fire Blankets Selection and Location);
 - Required exit doors are to swing in the direction of egress in accordance with clause D2.20 of the Building Code of Australia;
 - The proposed exits are not to be blocked at the point of discharge. Where necessary, suitable barriers must be provided to prevent vehicles from blocking the exit or access to it;
 - A door in a required exit, forming part of a required exit or in the path of travel to a required exit, must be readily openable without a key from the side that faces a person seeking egress, by a single hand action on a single device which is located between 900mm and 1100mm from the floor;
 - An emergency lighting system which complies with *AS 2293.1- 2005 Emergency escape lighting and exit signs for buildings* shall be installed within the building;
 - All required exit doors shall be provided with illuminated exit signage which complies with *AS 2293.1- 2005 Emergency escape lighting and exit signs for buildings*;
 - All new walkways, platforms, ladders, stairs, ramps, landings, handrails or balustrades providing access to the building shall comply with Part D of the *Building Code of Australia*;
 - Access for people with disabilities is to be provided to the building from any required accessible car parking space on the allotment by means of a continuous path of travel in accordance with *AS 1428.1, 'Design for Access and Mobility'*;
 - The accessible sanitary facility and the sanitary facility for persons with ambulant disabilities shall be constructed in accordance with *AS 1428.1: 'Design for Access and Mobility'*;
 - The main points of pedestrian entry into the building shall achieve compliance with *AS 1428.1-2009 'Design for Access and Mobility'*. Particular attention should be given to the following:
 - Colour contrast between the door and the door frame;
 - The width of the door;
 - Door hardware;

- Tactile ground surface indicators shall be provided in accordance with Clause D3.8 of the *Building Code of Australia*, Volume 1 and AS1428.4;
 - Signage shall be provided in accordance with Clause D3.6 of the *Building Code of Australia*, Volume 1 and AS1428.1;
 - The unobstructed width of each path of travel to an *exit* must be not less than 1m;
- (7) The *Work Health and Safety Act 2011*, the *Work Health and Safety Regulation 2011* and various Australian Standards provide a comprehensive set of risk control measures and procedures for development sites which cover all types of risk. This legislation is administered by WorkCover New South Wales which has produced a variety of guidelines and other supporting documents for the information of developers.

All persons undertaking work in connection with this consent should ensure that all required risk control measures and procedures are complied with.

- (8) To arrange a building or plumbing inspection please use Council's on-line booking system. Access to the booking system and information about Inspections is available on Council's website - <https://www.yassvalley.nsw.gov.au/our-services/planning-and-building/certification-and-inspections/inspections/>

Your development is in the **Wee Jasper area** for the purpose of booking these inspections.

7.1 TENDER VARIATION - VICTORIA PARK AMENITIES UPGRADE STAGE 2

SUMMARY

Following the formation of a women's team at the Yass Rams Rugby Union Club a variation to the contract to upgrade the amenities at Victoria Park is required to amend the showering area of the change rooms at the facilities from that originally designed and allow the facility to be co-used by both men's and women's teams. This variation is greater than 10% of the value of the original contract.

RECOMMENDATION

That this item of the Director Infrastructure and Asset's report be classified as confidential in accordance with s10A(2)(c) Local Government Act 1993 as it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

FINANCIAL IMPLICATIONS

Council have budgeted \$160,000 under 2019/20 Operational Plan for this project. This variation can be accommodated within the current budget allocation.

POLICY & LEGISLATION

- Local Government Act 1993
- Procurement Policy

REPORT

In September 2019 Council awarded the contract for the Victoria Park Amenities Upgrade Stage 2 project to Monarch Building Solutions for \$80,515 (ex GST). This upgrade included the refurbishment of the public toilets and change room facilities and is due to commence construction in March 2020.

Since awarding the contract a local sporting club, the Yass Rams Rugby Union Club, have established a women's rugby team for the 2020 season. This competition will require use of this facility at concurrent, albeit staggered, times to the current men's rugby union team.

The inclusion of this variation will actively support and promote the participation of women in sports across Yass Valley and healthy lifestyle activities.

Minor modifications to the design of change rooms (refer **Attachment A**) would allow the use of the facility by both men and women teams and provide some privacy for those using the showers within the two change room areas. These modifications have been costed by the contractor for consideration by Council.

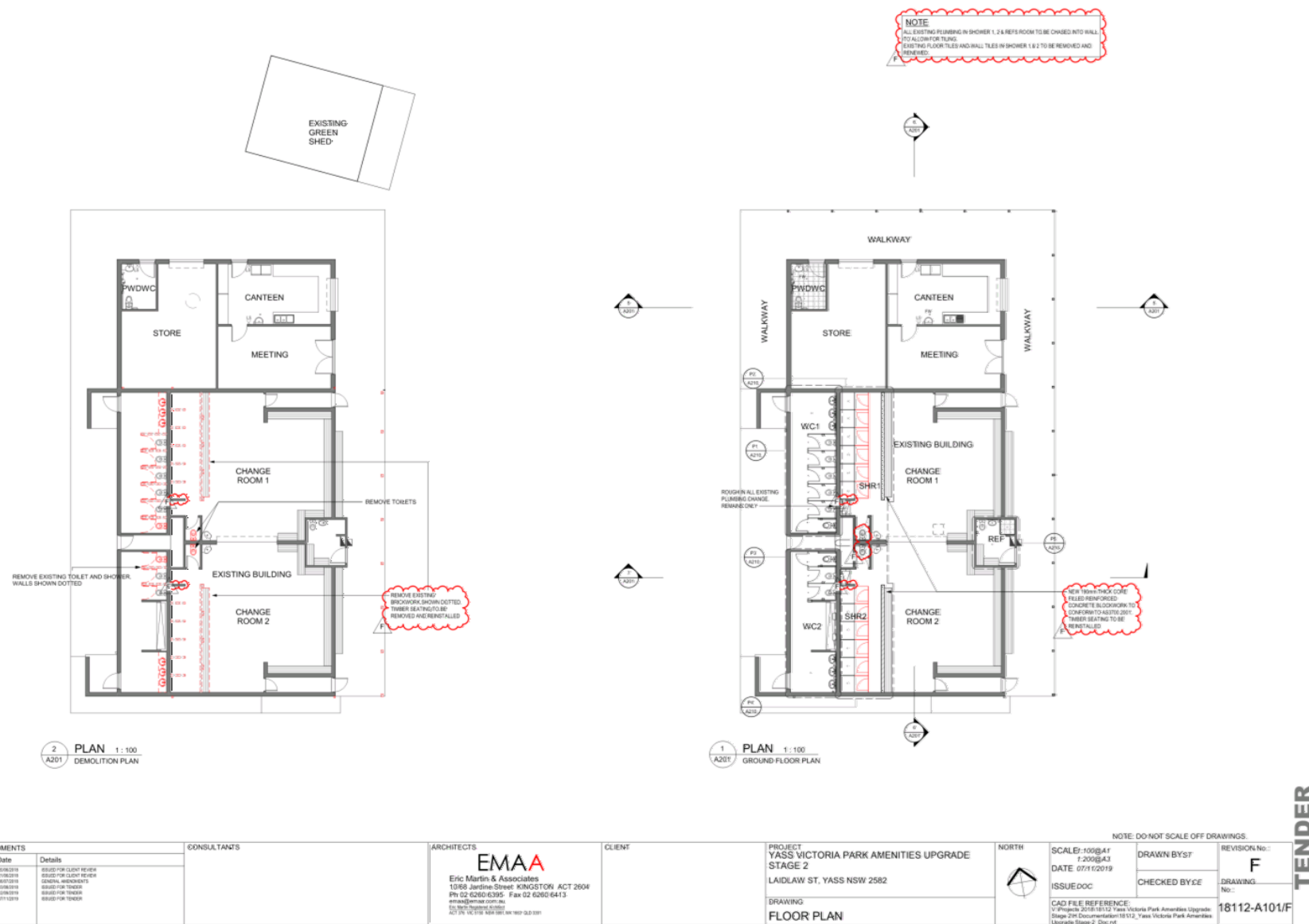
A report on the tender variation is included in the Closed Session of Council for consideration.

STRATEGIC DIRECTION

Key Pillar	4. Our Infrastructure
CSP Strategy	IN4 - Maintain and update existing community facilities, and support the development of new community infrastructure as needed
Delivery Program Action	IN4.1 - Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner
Operational Plan Activity	IN4.1.1 - Develop and maintain sports grounds and associated facilities to standard that enables use by a variety of users

ATTACHMENTS: A. Victoria Park - Floor Plan Update [📄](#)

7.1 Tender Variation - Victoria Park Amenities Upgrade Stage 2
Attachment A Victoria Park - Floor Plan Update



7.2 STRONGER COUNTRY COMMUNITIES FUND ROUND 3 - MURRUMBATAMAN RECREATION GROUND AMENITIES

SUMMARY

Council has received an offer under Round Three of the Stronger Country Communities Fund to assist in the construction a new amenities building at the Murrumbateman Recreation Ground. The offer does not meet the required funding to construct a suitable multi-purpose and inclusive amenities building and significant additional funding will be required to construct this facility.

RECOMMENDATION

That:

1. *The funding allocation of \$275,045 under the 'Stronger Country Communities Fund Round 3' be accepted noting the difference between the funds required and the offer from the NSW Government.*
2. *The General Manager be authorised to sign the funding deed.*
3. *The additional funding required to undertake this project be considered in the 2020/21 budget deliberations.*

FINANCIAL IMPLICATIONS

The current funding from the NSW Government through the Stronger Country Communities Fund will only partially fund the construction of a new amenities building at the Murrumbateman Recreation Grounds, with a likely shortfall of between \$325,000 and \$525,000 depending on the configuration and location of the building being determined following discussions with the local community.

While additional external funding will be sought from a range of bodies, any difference between the funds received under the grant and the expected construction costs will need to be met by Council.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Background

Council has completed or is the process of undertaking upgrades to a number of facilities upgrades across the council area in order to provide better facilities to its local communities. To date the facilities at Murrumbateman Recreation Grounds have not been upgraded to provide the same amenities provided elsewhere and the current facilities are in need of repair.

The current facilities at the Murrumbateman Recreation Grounds are currently unable to cater for large events nor do they provide change room facilities as constructed at other sites within the Council area. The current facilities are considered 'basic' toilet facilities located adjacent the public park on Murrumbateman Road and are not conveniently located to sporting and other events held on the Murrumbateman Recreation Ground, including:

- Equestrian events
- Athletics
- AFL
- Scouts
- Large Special events (including Murrumbateman Field Days)
- Farmers market events

Usage of the Murrumbateman Recreation Ground continues to grow and the construction of a new multipurpose building would support events held within the site and assist growth of new emerging activities into the future.

2. Grant Submission

Under the Stronger Country Communities Fund Round 3 (SCCF) a grant application for \$600,000 was submitted to construct amenities at the Murrumbateman Recreation Ground, with a further \$60,000 being identified coming from the AFL (NSW/ACT). However any final decision on the provision of AFL funding is subject to the completion of a detailed business case and AFL Executive approval. Should this not eventuate then Council would be expected to contribute this additional \$60,000.

Current construction estimates for a new amenities building are in the order of \$660,000. However this does not include additional change rooms that are increasing being required by sporting bodies to support male and female sports teams. This additional requirement was only identified after the submission to the funding body.

Additionally this initial estimate does not support viewing platforms and the like nor does it take into account additional works to resolve water and electrical supplies to the building and wastewater and stormwater disposal costs as these latter costs will be dependent on the building's location following the proposed revision of the site's strategic plan which is currently underway.

It is anticipated that additional change rooms, water and wastewater issues are likely to result in an increase of around \$200,000, bringing the total expected build costs to \$800,000.

3. Submission Outcome

In February 2020 Council were formally advised that the Murrumbateman Recreation Ground project was (partially) successful in its submission to the Stronger Country Communities Round 3 and would receive \$275,045 under this Fund.

This leaves a shortfall in funding of \$325,000 in the submission based upon the current scope. Should additional works be required to construct additional change rooms to support the expansion of AFL at the site and accommodate a separate female AFL competition, it is likely that this will result in an increase of around \$200,000, bringing the total expected build costs to \$800,000 bringing the shortfall to some \$525,000.

Proposed viewing platforms have not been costed as this requirement is unknown.

4. Conclusion

The construction of a multipurpose facility at the Murrumbateman Recreation Grounds will continue to assist in the expansion of sports and other events held at the site. With the continued expansion of Murrumbateman as a residential destination there will be greater pressure on Council to upgrade the current facilities and provide a more inclusive sporting environment across a range of codes.

While these codes have proposed some supportive funding, based on the current grant offer significant additional funding is required. It proposed to refer an additional funding requirement of \$525,000 to the 2020/21 budget process.

STRATEGIC DIRECTION

Key Pillar	4. Our Infrastructure
CSP Strategy	IN4 - Maintain and update existing community facilities, and support the development of new community infrastructure as needed
Delivery Program Action	IN4.1 - Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner
Operational Plan Activity	IN4.1.4 - Manage Council's properties and buildings

ATTACHMENTS: Nil

7.3 PARTIAL CLOSURE OF ROAD RESERVE - REDDALL STREET, YASS

SUMMARY

To obtain approval to commence the process for the closure of a portion of the Reddall Street road reserve adjacent 75 Laidlaw Street, Yass.

RECOMMENDATION

That:

1. *The portion of the Reddall Street road reserve adjacent 75 Laidlaw Street, Yass is identified as being surplus to Council requirements and serves no physical purpose in being retained as road reserve*
2. *The road closure process and public notification be commenced in accordance with the Roads Act 1993*
3. *Subject to there being no objections received in respect of this proposal, and that the owner of 75 Laidlaw Street agrees to the purchase of the portion road reserve in accordance with the formal valuation of the land and payment of all associated fees and charges, that:*
 - a. *The closure of the portion of road reserve of Reddall Street be approved.*
 - b. *The said closed portion of road reserve be dedicated as Operational Land.*
 - c. *The said closed portion of road reserve be offered to the adjacent property owner.*
 - d. *The General Manager and Mayor be authorise to use to the Council seal, as required, on all associated documentation.*

FINANCIAL IMPLICATIONS

The estimated costs of the road closure process is \$5,500, plus GST, associated with the road transfer, dedication and closure which will be funded by the adjacent owner.

Additionally the costs associated with independent property valuation reports will also be funded by the adjacent owner through the land sale process should Council consent to the proposal.

POLICY & LEGISLATION

- *Roads Act 1993*
- *Local Government Act 1993*
- *Assets - Sale of (Funds) Policy*
- *Property Acquisition and Disposal Policy*

REPORT

1. Background

A request was received from the owners of the property at 75 Laidlaw Street, Yass to acquire a portion of public road reserve in Reddall Street adjacent to their property to assist in the orderly development of the site (refer [Attachment A](#)).

No current or future operational issues have been identified with the closure of this portion of public road reserve.

2. Adjacent Development

As part of the development of the property at 75 Laidlaw Street, Yass the owner was required to ensure that stormwater generated from upstream catchments was able to pass unabated through the

property and without impact to the property itself or adjacent properties or those properties and other infrastructure either upstream or downstream of the property.

In March 2019 the engineering calculations provided by the developer at the time indicated that the works to be carried out along the 'southern' boundary of the property would achieve the required stormwater management outcomes and the works subsequently constructed in line with those conditions.

This 'containment' of overland flows by this development lead to a request from the owner to purchase a portion of Reddall Street road reserve on the 'northern' side of the property for the purposes of constructing landscaping and car parking associated with the property. The area requested to be purchased is approximately 5m wide by 192m length and 960m².

3. Upstream Stormwater Management

A stormwater study in Yass is currently being undertaken to determine appropriate stormwater management activities and projects required to effectively manage overland flows into the Yass River. As noted in a previous request to Council in August 2019 for the lease/acquisition of Reddall Street on the corner of Glebe Street another portion of road reserve stormwater, along Reddall Street is managed through an overland flow path within the current road reserve. The road reserve between Glebe Street and Ford Street is 60m wide, reflecting this overland flow path, but constricts to 25m between Glebe Street and Laidlaw Street (refer **Attachment B**), in line with the diversion of this overland flow path along the southern side of the development.

Subsequently the application to purchase a portion of road along the northern side of 75 Laidlaw Street, Yass in Reddall Street is not considered detrimental to the overland flow of stormwater along Reddall Street and the current stormwater management works undertaken on that property will be taken into account as part of the Yass Stormwater Management Study due to presented to Council in December 2020.

Council has however taken the prudent step to review future requests for land sale or lease upstream of this property on the basis that such decisions require consideration as to possible uses of the road reserve space to assist in the management of stormwater in this area.

4. Utility Infrastructure

A review of Council's underground water and wastewater services has been conducted to ensure that either services remained in the road reserve or within easements. These requirements allows Council to access such infrastructure in the future should the need arise.

The water main in Reddall Street will still be some 2.5m in the road reserve allowing access without impediment from adjacent properties. The existing wastewater main will be located within a portion of land to be transferred to Council as road reserve, at no cost to Council, on the Glebe Street intersection which will be able to be accessed easily by Council should the need arise.

It is noted that a second wastewater main is already located though the property however this is covered by existing rights of access under the *Local Government Act 1993* and were therefore not considered relevant within this application.

Any relocation of services owned and managed by other utilities are dealt with by the applicant at their cost and no cost to Council through the notification process noted under the *Roads Act 1993*.

5. Valuation of Land

If the portion of the road reserve is to be closed and sold, two independent property valuations will be sought to determine the value of the land. The valuations will form the basis of any sale.

On acceptance of the independent valuation, documentation relating to the sale of the land are drawn up for signature by both parties.

Council staff have reviewed the requested and no current or future operational issue have been identified with the part road closure.

6. Public Display

The closure of public road reserve requires Council to publically display the proposed closure and to invite submissions on this closure for consideration by Council.

7. Governance

In order for Council to undertake the sale of land, it is required to declare the land as being Operational Land under s25 *Local Government Act 1993*. Council must also identify the said land as being surplus to Council requirements and serving no physical purpose to being retained as road reserve.

Following the creation of stormwater management works along the southern boundary of 75 Laidlaw Street, Yass in accordance with the development consent associated with that property, it is proposed that the portion of road reserve in Laidlaw Street proposed to be closed and sold to the adjacent owner, is not required for Council purposes and is therefore surplus to Council requirements and may be closed and sold.

Council's *Property Acquisition & Disposal Policy* allows for sale of the said land by negotiation – with owners of adjoining or others with a pre-existing interest in the property, or where the property is to be used by a purchaser whose purpose for the property is consistent with Council's strategic objectives for the property. The selection of a suitable disposal method includes consideration of the number of known potential purchasers of the property. In this instance the adjoining owner is the only potential purchaser.

Under the Policy the following matters are to be considered:

- *Operational Value*: the land holds no operational value to Council and there are no further commercial returns outside the sale of the said land to Council.
- *Strategic Value*: Stormwater management has already been catered for within the confines of the adjacent property. The remaining road reserve and constructed road cross section are considered adequate to cater for road related stormwater management.
- *Commercial Value*: The said land does not achieve a commercial return for Council, nor likely to as a road reserve.
- *Surplus Property*: Once closed the land would be surplus to Council's road management and property access needs.

The request for a partial road closure and purchase of the land commenced prior to the development of Council's processes around unsolicited approaches to Council and therefore it is proposed to continue this closure process outside those processes. This proposed closure and potential sale only provides an interest to the adjacent landowner and therefore outside the intent of the unsolicited approaches process.

The sale of the land does not conflict with the Community Service Plan Strategy, Delivery Program Action, and Operational Plan Activity. No current or future operational needs have been identified for retaining this portion of the road reserve.

STRATEGIC DIRECTION

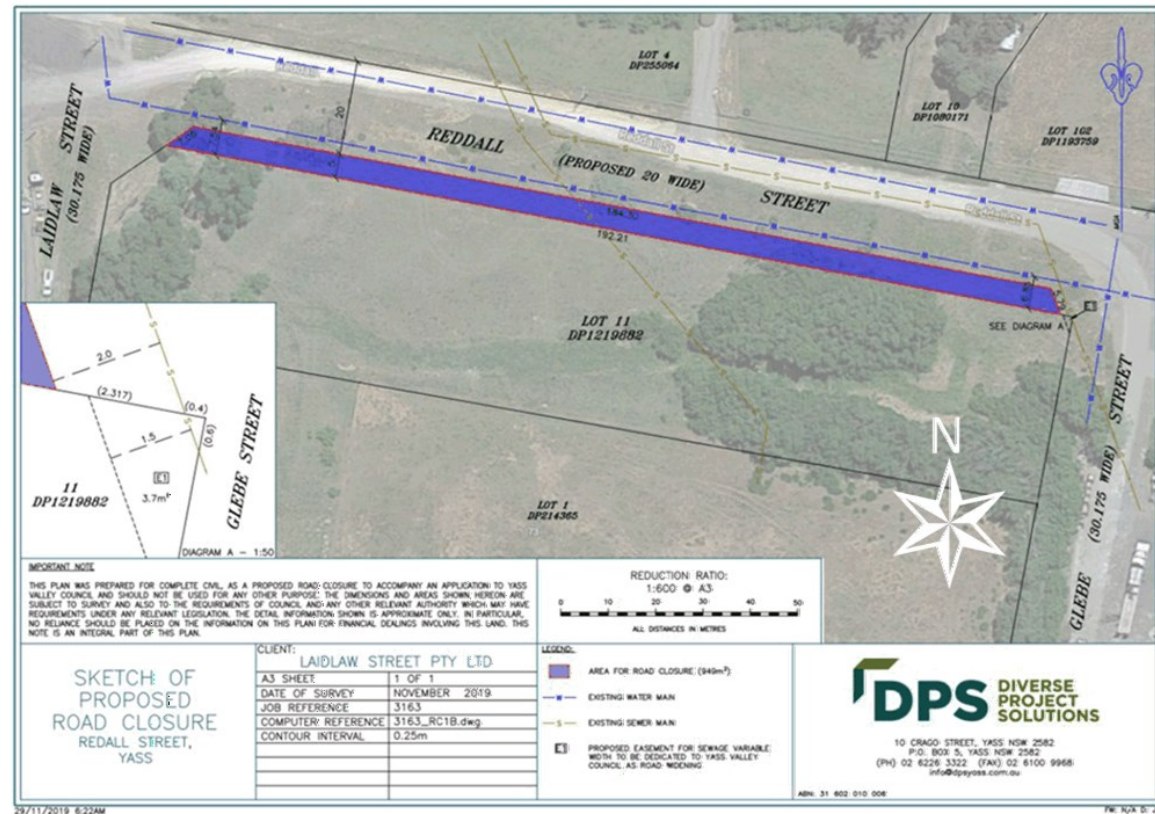
Key Pillar	4. Our Infrastructure
CSP Strategy	IN3 - Maintain and improve road infrastructure and connectivity
Delivery Program Action	IN3.1 - Deliver transport asset infrastructure, maintenance, renewal and enhancement programs for urban, rural and regional roads to maintain or improve overall condition
Operational Plan Activity	IN3.1.3 - Implement sound asset management practices in accordance with industry standards

- ATTACHMENTS:**
- A. Proposed Road Closure, Reddall Street, Yass [↓](#)
 - B. Road Reserve Widths, Reddall Street, Yass [↓](#)

7.3 Partial Closure of Road Reserve - Reddall Street, Yass
Attachment A Proposed Road Closure, Reddall Street, Yass

Attachment A

Proposed closure of partial of road reserve, Reddall Street, Yass



Attachment B

Road Reserve Widths, Reddall Street, Yass



7.4 FOOD AND ORGANICS WASTE RECYCLING

SUMMARY

This report is to present options in regards to the possible kerbside collection of green waste or food and organics waste within the current domestic collection service areas.

RECOMMENDATION

That a survey be undertaken of the current domestic collection serve areas to determine whether the introduction of such a service (and the approximate costs) would be favourably received and the results of this survey be brought back to Council for further consideration.

FINANCIAL IMPLICATIONS

The collection of green waste or food organics and green organics waste is costed through Council waste management budget lines in accordance with the requirements of the Local Government Act and its associated regulations. Financial implications associated with various options are noted within the report.

POLICY & LEGISLATION

- Local Government Act 1993

REPORT

1. Background

Prior to 2003 Council provided a recycling services using a single 240lt bin with a divider, with recycling one side and waste the other side, providing a weekly service of 120lt waste and 120lt recycling. In 2003 Council introduced the current two waste bin collection service to coincide with closing the in-house 'material recycling processing line' and commenced transporting recycling to Hume. A 140lt waste bin was also distributed with the original 240lt bin converted to a fortnightly recycling collection. These services did not include a separate green waste collection service with green waste collected though the domestic waste service and disposed of to land fill or through a pay-as-you-go service at Council's transfer stations.

In 2008 Council purchased a second collection vehicle to deal with increased demand.

In 2013 Council upgraded the collection vehicles to again cater for greater demand for the service.

Two new vehicles were leased in 2019 and currently collect a total of 6,230 bins per week, being 4,213 garbage bins and 2,107 recycle bins. While there is some capacity to extend and add to the existing service this is being taken up by increased demand with around 100 new services each year from growth in Yass & Murrumbateman and surrounds.

In 2018 requested were received to investigate green waste or Food Organics and Green Organics (FOGO) waste collection within the current domestic waste collection areas noting that green waste or FOGO collection services are not listed in the 2016/2020 Community Strategic Plan.

2. Current Situation

Currently green waste is delivered by residents to waste transfer stations for disposal and processing. Yass and Murrumbateman transfer stations receive the highest quantities of green waste. An average, each year Council mulches approximately 12,000 m3 of product which includes general garden waste, lawn clippings and tree branches.

This equates to approximately 1½, 6' x 4' trailer loads per household per year, or the equivalent of each household producing 6 x 240lt garbage bins for collection yearly.

3. Options

In order to provide a green waste/FOGO kerbside collection service Council would need to provide third collection bin to avoid contamination with domestic and other recyclable materials. Additionally other available processing facilities would be required.

3.1 Option 1 – Green Waste Collection only

This option requires the provision of a Green Waste only (3rd bin) collection to current kerbside recipients.

Currently 4,213 households receiving a kerbside service at an annual charge of \$397 per household (2019/20 Fees and Charges). The provision of a third bin for this service would require the following in addition to the annual domestic collection charge:

3.1.1 Infrastructure Requirements (Options 1, 2 and 3 only)

Initial capital start-up costs would include the capital purchase of the following:

• Additional Side-Load truck	\$ 390,000 Ex GST
• 4,213 240lt Green waste Bins	\$ 236,000 Ex GST
Total	\$ 626,000

3.1.2 Operational Expenses

• Truck Lease Payment	\$ 88,000	
• Wages (incl on costs)	\$ 66,500	* based on 5 days per fortnight (42.5 hrs)
• Vehicle running costs	\$ 65,000	
• Amortization cost of Bins	\$ 27,200	* over 5 years
• Registration & Insurance	\$ 6,000	
• Mulching Green Waste only	\$ 96,000	* based on 12,000m ³
Total	\$ 348,700	

Cost for collection per annum \$82.77

Residents not receiving kerbside collection would continue to dispose of their green waste direct to nearest transfer station on a pay as you go basis and there would be no alteration to that service.

3.2 Option 2 - Food Organics and Garden Organics (FOGO)

This option requires the provision of a Food Organics and Garden Organics (FOGO) (3rd bin) collection to current kerbside recipients

This option requires Council to transport FOGO products to the nearest processing facility located in either Canberra or Goulburn. The long term viability as to acceptance of this material and associated costs to disposed have not been determined but have been estimated for the purposes of this report. These estimates are considered reasonable.

The provision of a third bin for this service would require the following in addition to the annual domestic collection charge:

3.2.1 To Collect and Process FOGO

• Truck Lease Payment	\$ 88,000	
• Wages (incl on-costs)	\$ 66,500	* based on 5 days per fortnight (42.5 hrs)
• Vehicle running costs	\$ 65,000	
• Amortization cost of Bins	\$ 27,200	* over 5 years
• Registration & Insurance	\$ 6,000	
• Indicative Disposal Costs	\$172,800	* At approved EPA facility
• Additional Transfer costs (Travel)	\$ 28,600	
Total	\$454,100	

Cost for collection per annum \$107.79

Further licencing approval may also be required from the Environmental Protection Agency (EPA) in order to operate such a facility over its existing capacity. These costs are unknown and may increase disposal fees accordingly.

Residents not receiving kerbside collection would continue to dispose of their green waste direct to nearest transfer station on a pay as you go basis and there would be no alteration to that service.

3.3 Option 3 – Private industry involvement

This option considers the possible involvement of private industry to accept and process green waste or FOGO as part of their normal business operations at little to no cost to Council if market was available to on-sell the processed product.

Surety around long term contracts would be essential to ensure the ongoing viability of providing this service and the outlay of cost for infrastructure to enable Council to undertake the 3rd bin collection.

It is also likely that Council would be required to accept any contamination of product or contaminants within the each load free of charge for disposal to landfill, adding an additional cost to Council in providing the service.

This option has not been further explored to date as it requires Council to move towards a 3-bin collection service.

3.3.1 To Collect Green Waste and Explore Option with disposal at Nil Cost

• Truck Lease Payment	\$ 88,000	
• Wages (incl on costs)	\$ 66,500	* based on 5 days per fortnight (42.5 hrs)
• Vehicle running costs	\$ 65,000	
• Amortization cost of Bins	\$ 27,200	* over 5 years
• Registration & Insurance	\$ 6,000	
Total	\$ 252,700	

Cost for collection per annum \$60.00

Residents not receiving kerbside collection would continue to dispose of their green waste direct to nearest transfer station on a pay as you go basis and there would be no alteration to that service.

3.4 Option 4 – Regional based collection

The issue around waste collection generally is one facing many local Councils regardless of their size and ability to provide essential services to their communities.

With greater expectations from state and federal governments to deal with 'recyclable' waste products, such as green waste and FOGO, a wider approach to green waste recycling could be considered through the Canberra Region Joint Organisation (CRJO) for the consideration of a regional FOGO recycling project, with the objective to the development of a central location for the benefit of member Councils in processing bulk FOGO.

4. Promotion of Waste Reduction

Under the current 'drop-off user-pays' system green waste is separated for further mulching at transfer stations and provided back to the community for free. Whilst ways to improve the reduction of waste continue to be explored, Council continues to be proactive in having waste sorted into respective piles for recycling prior to waste going to landfill.

Recycling at the transfer stations continues to provide a financial incentive to residents rather than the higher fees that apply to landfill disposal.

It is expected that the introduction of a green waste/FOGO kerbside collection service would reduce waste to landfill by around 10% (or 26t) taking into account the majority of green waste is already recycled through or transfer stations. This reduction in landfill is expected to save Council in the order to \$5,000 per annum.

5. Summary of Options

- *Option1. Introduction of third bin Green Waste kerbside pick only*
Additional \$83 per annum for fortnightly kerbside collection.
- *Option2. Introduction of third bin Food Organics and Garden Organics (FOGO)*
Additional cost \$108 per annum for fortnightly collection.
Formal agreement on disposal costs and acceptance of raw product required.
Significant degree of uncertainty in regards to continued service and rejection of contaminated materials.
- *Option3. Private industry involvement acceptance and disposal of Green Waste only or FOGO*
Additional cost \$60 per annum based on local business to defray additional travel, employment and running costs.
- *Option 4 Regional based collection*
Additional costs unknown at this stage.

6. Conclusion

The introduction of a green waste kerbside collection service to the existing domestic collection service is likely to cost in the order of \$83 collection per annum and require Council to acquire significant infrastructure. As a result the service would need 'compulsory' and not an 'opt-in/opt-out' service for each property served in order to minimise individual collection costs. Escalation of this service to FOGO collection would increase the annual charge by \$108 collection per annum.

While such services are provided in other larger Council areas with a greater density of housing stock and limited on-site reuse or restricted availability of public disposal sites such as transfer stations, the need for such a service is unknown but not likely to be significant enough to warrant its introduction at this time.

It may be relevant for Council to undertake a survey of the current domestic collection serve areas to determine whether the introduction of such a service (and the approximate costs) would be favourably received.

STRATEGIC DIRECTION

Key Pillar	4. Our Infrastructure
CSP Strategy	IN6 - Implement safe, accessible, and efficient management and recycling options for general waste, green waste, and sewage
Delivery Program Action	IN6.2 - Provide an efficient and sustainable waste service
Operational Plan Activity	IN6.2.1 - Operation of domestic and commercial waste collection

ATTACHMENTS: Nil

7.5 WATER SUPPLY RESTRICTIONS POLICY

SUMMARY

In November 2019 Council determined to place a draft *Water Restrictions Policy* on public exhibition and adopted if no significant submissions were made. Three submissions have been received.

RECOMMENDATION

That the revised draft Water Supply Restriction Policy be adopted.

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*

REPORT

At its meeting on 26 February 2020 Council determined to defer consideration of the revised draft *Water Supply Restrictions Policy* and the submissions pending discussion at a Councillor Workshop.

The draft policy was discussed at a Councillor Workshop on 9 March 2020 and the policy has been further revised in light of the discussions.

A revised policy reflecting the Councillor discussions and relevant issues raised in submissions is included in **Attachment A**. The revised policy is now suitable for adoption.

STRATEGIC DIRECTION

Key Pillar	4. Our Infrastructure
CSP Strategy	IN5 - Ensure high quality water supply options for the towns in the region
Delivery Program Action	IN5.1 - Council to supply quality water, cater for growth and quality enhancements that addresses the community needs
Operational Plan Activity	IN5.1.1 - Council to supply quality water, cater for growth and quality enhancements that addresses the community needs

ATTACHMENTS: A. Revised Draft Water Supply Restrictions Policy [📄](#)

Policy:	WATER SUPPLY RESTRICTIONS	WS-POL-11
Division	Infrastructure & Assets engineering	
Responsible Officer:	Manager Water & Wastewater	

1. INTRODUCTION

The design of water supply systems generally is such that water supply head-works should be sized so that water restrictions are only necessary on average once every ~~ten~~ (10) years, and when applied, should not be needed on average for longer than six months.

This is in recognition of the fact that:

- It is neither practical, economic nor environmentally responsible to provide “restriction free” water supply systems; and
- A trade-off is necessary between the security of supply i.e. the relative severity of restrictions, and the associated capital and operating costs.

Council’s water supply system is designed in accordance with these parameters, and therefore Council may need to implement water restrictions to secure supply during drought periods.

There may also be times when, due to operational faults, the available stored water or the available capacity of supply to an area of the water supply system is so limited that restrictions are necessary in the water supply system.

2. POLICY OBJECTIVE

Take such steps as are necessary to ensure the continued supply of potable water to consumers.

Promote an integrated framework for dealing with water restrictions.

Ensure consistency and fairness in the manner in which the Council deals with potable water consumers.

Ensure compliance with legislative requirements under the *Local Government (General) Regulation 2005*.

Make the Council’s policies and requirements for water restrictions accessible to the public.

3. POLICY SCOPE

This Policy applies on to areas of the LGA serviced by the Yass Water Supply network or the Murrumbateman Water Supply network.

4. POLICY PROVISIONS

Clause 137 of the *Local Government (General) Regulation 2005* allows for restrictions to be imposed.

5. REVIEW

The review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

This policy will be reviewed every two years from the adoption date.

6. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- Water Supply Policy ~~WS-POL-1~~
- Section 637 of the Local Government Act 1993
- Clause 137 of the Local Government (General) Regulation 2005

7. DEFINITIONS

LGA: Local Government Area

Water supply system: The network of pipes and other infrastructure constructed by on or behalf of Council to convey potable water to households in the LGA.

Yass Water Supply network: properties serviced by the Yass Water Treatment Plant

Murrumbateman Water Supply network: properties serviced by the Murrumbateman bore.

Water Restrictions: actions and levels as detailed in Table 1 of this Policy.

Dam: refers to the level of the Yass Dam, percentage full

Bore: refers to the yield of the Murrumbateman Bore

Elderly: refers to persons over the age of 65

Daylight Saving: refers to the period to which daylight savings applies in NSW (Australian Eastern Daylight Savings Time or AEDST)

Non daylight saving: refers to the period to which daylight savings does not apply in NSW (Australian Eastern Savings Time or AEST)

8. RESPONSIBILITIES

The General Manager or Director Infrastructure ~~and~~ Assets Engineering may authorise water restrictions in areas of the water supply system if, due to operational faults, the available stored water or the available capacity of supply is so limited that restrictions are necessary. Water restrictions introduced shall be at a level considered necessary to achieve the required reduction in demand.

~~Customers may apply for exemptions to this policy. The General Manager or Director Infrastructure and Assets may authorise exemptions from water restriction on completion of an application and payment of the appropriate fee published in the Council's Fees and Charge. Exemptions will be considered on the individual circumstances taking into account any water saving measures that have been installed by the applicant.~~

~~The General Manager or Director Engineering may authorise exemptions from water restriction on completion of an application and payment of the appropriate fee.~~

As soon as practicable following water restrictions being applied due to operational issues, a report detailing the reasons for the water restrictions, the duration or intended duration of restrictions and the numbers of consumers affected shall be reported to the Council.

During Level 4 ~~& and~~ 5 Water Restrictions, Council's Stand Pipe Supply will be restricted to residential requirements only within the LGA.

Council's Rangers are delegated to issue penalties for non-compliance with water restrictions under Section 637 of the Local Government Act 1993.



9. HISTORY

<i>EMT Review Date</i>	<i>Report to Council</i>	<i>Minute No.</i>	<i>Exhibition Period</i>	<i>Adoption</i>	<i>Rescission Date</i>
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Table 1 - WATER RESTRICTIONS STAGES

Waterwise Measures

	Private	Commercial	Public
Waterwise Measures	Sprinklers (include pop-ups and micro sprays) or hand held hoses or drippers that does not cause pooling or runoff.	Same as private usage.	Parks, ovals and gardens watered at minimum level for sustainability.
	Vehicle washing on grassed rather than paved surfaces, no more than once per week using: <ul style="list-style-type: none"> • A bucket or watering can; • A hand held hose fitted with a trigger nozzle. 	No restrictions on commercial vehicle wash operations.	Same as private usage.
	Private swimming pools:- <ul style="list-style-type: none"> • Filling and topping up with a hand held hose only. • Pool covers are encouraged. 	Same as private usage.	Same as private usage.
	Buckets and watering cans can be used anytime for essential garden watering only that does not cause pooling or runoff	Same as private usage.	Same as private usage.
	No hosing of hard surfaces unless cleaning is required as the result of an accident, fire, health hazard or other emergency.	Same as private usage.	Same as private usage.

Level 1 Restrictions

Level	Private	Commercial	Public
Dam 81%	Sprinklers (these include pop-ups and micro-sprays) or hand held hoses or drippers in accordance with the following schedule:	Same as private usage.	Parks, ovals and gardens watered at minimum level for sustainability.
Bore 1.59 L/s	<ul style="list-style-type: none"> Odd street numbered houses 6.00 pm. to 9.00 pm. in the summer months <u>daylight saving months</u> and 4.00 pm. to 7.00 pm. in the winter <u>non-daylight saving months</u>, on odd numbered days; Even street numbered houses, 6.00 pm. to 9.00 pm. in the summer months <u>daylight saving months</u> and 4.00 pm. to 7.00 pm. in the non-daylight saving <u>winter</u> months, on even numbered days. Houses only with elderly people are allowed to water between 7.00am and 10.00am on alternative days. 		
	Vehicle washing on grassed rather than paved surfaces, no more than once per week using: <ul style="list-style-type: none"> A bucket or watering can; A hand held hose fitted with a trigger nozzle. A high pressure/low volume cleaner. 	No restrictions on commercial vehicle wash facilities.	Same as private usage.
	Private swimming pools:- <ul style="list-style-type: none"> Filling and topping up with a hand held hose only. Pool covers are encouraged. 	Same as private usage.	Same as private usage.
Dam 81%	Buckets and watering cans can be used anytime for essential garden watering only that does not cause pooling or runoff.	Same as private usage.	Same as private usage.
Bore 1.59 L/s	No hosing of hard surfaces unless cleaning is required as the result of an accident, fire, health hazard or other emergency.	Same as private usage.	Same as private usage.

Level 2 Restrictions

Level	Private	Commercial	Public
Dam 73.4% 74% Bore 1.53 L/s	<p>Sprinklers (these include pop-ups and micro-sprays) or hand held hoses or drippers in accordance with the following schedule:</p> <ul style="list-style-type: none"> • Odd street numbered houses 7.00 p.m. to 9.00 pm. in the summer-daylight savings months and 4.00 pm. to 6.00 pm. in the winter-monthsnon-daylight savings months, on odd numbered days; • Even street numbered houses, 7.00 pm. to 9.00 pm. in the summer-daylight savings months and 4.00 pm. to 6.00 pm. in the winter-monthsnon-daylight savings months, on even numbered days. • Houses only with elderly people are allowed to water for two hours only between 7.00am and 10.00am on alternative days. 	Same as private usage.	Parks, ovals and gardens watered at minimum level for sustainability.
	<p>Vehicle washing on grassed rather than paved surfaces, no more than once per fortnight using:</p> <ul style="list-style-type: none"> • A bucket or watering can; • A hand held hose fitted with a trigger nozzle. 	No restrictions on commercial vehicle wash facilities	Same as private usage.
Dam 73.4% 73% Bore 1.53 L/s	<p>Private swimming pools:-</p> <ul style="list-style-type: none"> • No emptying of pools without prior written approval. • Refilling or topping up of pools are permitted without prior written approval if the pool is covered when not in use. • Only topping up with a hand held hose only. • Pool covers are encouraged. 	Same as private usage.	Same as private usage.
	Buckets and watering cans can be used anytime for essential garden watering only that does not cause pooling or runoff.	Same as private usage.	Same as private usage.
	No hosing of hard surfaces unless cleaning is required as the result of an accident, fire, health hazard or other emergency.	Same as private usage.	Same as private usage.

Level 3 Restrictions

Level	Private	Commercial	Public
Dam <u>62.4–63%</u> Bore 1.47 L/s	<p>Sprinklers (these include pop-ups and micro-sprays) or hand held hoses or drippers for one hour only in accordance with the following schedule:</p> <ul style="list-style-type: none"> • Odd street numbered houses between 7.00 p.m. to 9.00 pm. in the summer months<u>daylight savings months</u> and between 4.00 pm. to 6.00 pm. in the winter non-daylight savings months, on odd numbered days; • Even street numbered houses, between 7.00 pm. to 9.00 pm. in the summer daylight savings months and between 4.00 pm. to 6.00 pm. in the winter non-daylight savings months, on even numbered days. • Houses only with elderly people are allowed to water for one hour only between 7.00am and 10.00am on alternative days. 	<p>Same as private usage.</p>	<p>Parks, ovals and gardens watered at minimum level for sustainability.</p>
	<p>Vehicle washing on grassed rather than paved surfaces, no more than once per fortnight using:</p> <ul style="list-style-type: none"> • A bucket or watering can; • A hand held hose fitted with a trigger nozzle. 	<p>No restrictions on commercial vehicle wash operations.</p>	<p>Same as private usage.</p>

Level 3 Restrictions (continued)

Level	Private	Commercial	Public
Dam 62.4%–63% Bore 1.47 L/s	Private swimming pools:- <ul style="list-style-type: none"> No emptying or refilling of pools without prior written approval. No topping up of pools without written approval and only if the pool is covered when not in use. Pool covers are required. 	Same as private usage.	Same as private usage.
	Buckets and watering cans can be used anytime for essential garden watering only that does not cause pooling or runoff.	Same as private usage.	Same as private usage.
	No hosing of hard surfaces unless cleaning is required as the result of an accident, fire, health hazard or other emergency.	Same as private usage.	Same as private usage.

Level 4 Restrictions

Level	Private	Commercial	Public
Dam 52.8% <u>53%</u> Bore 1.42 L/s	<p>Sprinklers (these include pop-ups and micro-sprays) or hand held hoses or drippers for half an hour only in accordance with the following schedule:</p> <ul style="list-style-type: none"> Odd street numbered houses between 7.00 p.m. to 9.00 pm. in the summer-daylight savings months and between 4.00 pm. to 6.00 pm. in the winter-non-daylight savings months, on odd numbered days; Even street numbered houses, between 7.00 pm. to 9.00 pm. in the summer-daylight savings months and between 4.00 pm. to 6.00 pm. in the winter monthsnon-daylight savings months, on even numbered days. Houses only with elderly people are allowed to water for half an hour only between 7.00am and 10.00am on alternative days 	Same as private usage.	Parks, ovals and gardens watering is restricted and permitted on prior written approval.
	Vehicle washing is not permitted.	Vehicle wash is permitted only at commercial car wash facility which holds an exemption allowing use of potable water	Same as private usage.
	Private swimming pools:- <ul style="list-style-type: none"> Emptying, refilling or topping up of pools is not permitted. Pool covers are required. 	No topping up of pools without prior written approval and only given if the pool is covered when not in use.	Same as private usage.
	Buckets and watering cans can be used anytime for essential garden watering only that does not cause pooling or runoff.	Same as private usage.	Same as usage. private
	No hosing of hard surfaces unless cleaning is required as the result of an accident, fire, health hazard or other emergency.	Same as private usage.	Same as usage. private

Level 5 Restrictions

Level	Private	Commercial	Public
Dam 45.1% 46%	All external use of town water is banned.	Same as private usage.	Same as private usage.
Bore 1.42 L/s	Vehicle washing is not permitted.	Same as private usage.	Same as private usage.
	Private swimming pools: <ul style="list-style-type: none"> Pool covers are required. All external use of town water is banned. 	Same as private usage.	Same as private usage.
	No hosing of hard surfaces unless cleaning is required as the result of an accident, fire, health hazard or other emergency.	Same as private usage.	Same as private usage.

N.B. "Dam" refers to the level of the Yass Dam, percentage full.
"Bore" refers to the yield of the Murrumbateman Bore.
"Elderly" refers to persons over the age of 65.
"Summer Daylight Savings Time" refers to the period to which daylight savings applies in NSW (Australian Eastern Daylight Savings Time or AEDST)
"Winter Non Daylight Savings Time" refers to the period to which daylight savings does not apply in NSW (Australian Eastern Savings Time or AEST)
"Dam" refers to the level of the Yass Dam, percentage full.
"Bore" refers to the yield of the Murrumbateman Bore.

Document No: WS-POL-11	Created/Revised: 2711/2019	Review date: 12/2023
Version No:	Author: Director Engineering	Doc Type: 30
File Name: Water Supply Restrictions	Adopted:	

8.1 INVESTMENT AND BORROWINGS REPORT

SUMMARY

In accordance with Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 29 February 2020. 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

The Investment Report as at 29 February 2020 be received and it be noted that the summary has been prepared in accordance with the Act, the Regulations and Council's Investment Policy.

FINANCIAL IMPLICATIONS

Council's investment portfolio provides funding for some projects identified in the Operational Plan.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Local Government General Regulation 2005*
- Investment Policy

REPORT

1. Comments on Economic Climate

Interest rates were reduced to 0.5% at the RBA's March meeting. Market developments are occurring against a backdrop of uncertainty regarding policy response to COVID-19. There has been heightened uncertainty around short term global growth and loss of confidence. Central banks are stepping in to provide liquidity, which may need to be increased if conditions continue to deteriorate. Liquidity in corporate bond markets is more challenged at the moment. When financial markets become so volatile and erratic, market liquidity often dries up as investors hold back and market makers retreat. If the global economy does fall into recession, credit markets will come under more pressure.

2. Council Investments

Valuations of Council investments are detailed in **Attachment A**.

Details of investment compliance with Council's Investment Policy are provided in the tables below. Excess funds held in the NAB working account have been transferred to Council's investment account with TCorp during March 2020.

A recent valuation has seen the market value of Hawthorn increase to \$4,350,000.

Table 1 – Exposure by Credit Rating Type as at 31 January 2020

S&P Rating (or equivalent)	Exposure	Maximum % Invested per Policy
A1+/AAA	Nil	100%
A1/AA	73.96%	100%
A2/A	Nil	60%
A3/BBB	6.05%	30%
N/A	19.99%	<i>Note 1</i>

Note 1 – The TCorp Strategic Cash Facility is an allowable investment under the Ministerial Order.

Table 2 – Exposure to Single Institutions at 29 February 2020

Institution	S&P Rating (or equiv)	Exposure	Max Exposure per Policy
NAB	A1/AA	45.00%	50%
IMB	A3	6.05%	30%
CBA	A1/AA	28.96%	50%
TCorp	N/A	19.99%	<i>Note 1 above</i>

3. Council Loans

Council has four loans with an estimated 29 February 2020 value of \$17.387m. It should be noted that there may be small balance variations as current balances are based on indicative payment schedules. The table below provides loan details at 29 February 2020. Indicative repayments for 2019/20 are shown for both principal and interest for all current loans. Balances will not change on a monthly basis as the most frequent repayment cycle is quarterly. The NSW Treasury interest free loan sourced for the raising of the dam wall has been completed with the final payment of \$750k having been made in December 2019.

	Current Balance	Interest rate	Comment	Principal 2019/20	Interest 2019/20
General Loan	\$834,638	5.91% fixed	To be fully repaid in 2020/21	\$ 645,058	\$ 53,967
Sewer - CBA Loan for Sewer Infrastructure	\$4,027,201	4.82% fixed	Payable over 20 years, fully repaid in 2035/36	\$ 168,053	\$ 195,684
Water – NSW Treasury Loan for Dam wall	\$0	Interest free	FULLY REPAID December 2019	\$ 750,000	\$ -
Water – NAB Dam wall	\$9,024,165	6.96% fixed	Total loan over 30 years. Fixed rate period of 10 years to 2022, to be renegotiated at that time.	\$ 250,019	\$ 665,199
Water - Yass to Murrumbateman water supply (Tcorp)	\$2,263,730	2.55% fixed	Payable over 10 years.	\$ 215,714	\$ 59,786
Water main and pump station upgrades (Tcorp)	\$1,236,883	2.55% fixed	Payable over 10 years.	\$ 117,864	\$ 32,666

STRATEGIC DIRECTION

Key Pillar	5. Our Civic Leadership
CSP Strategy	CL1 - Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.6 - Maximise Council's ability to generate income
Operational Plan Activity	CL1.6.3 - Review commercial activities to ensure Council is maximising returns

ATTACHMENTS: A. Investment Valuations [↓](#)

8.1 Investment and Borrowings Report
Attachment A Investment Valuations

Investment Type	Par Value \$	Market Value \$	Maturity	Rate	Interest \$ July 19 to June 20
Cash Working Accounts					
NAB Working Account	9,742,872.67	9,742,872.67	n/a	0.50%	40,237.52
	9,742,872.67	9,742,872.67			40,237.52
Term Deposits < 12 Months					
IMB 29876	1,762,743.00	1,762,743.00	1/05/2020	1.55%	33,201.34
IMB - Youth Bequest	125,107.13	125,107.13	1/05/2020	1.55%	2,686.05
NAB Term Deposit	2,690,340.10	2,690,340.10	27/07/2020	1.10%	33,627.42
NAB Term Deposit	1,597,239.98	1,597,239.98	30/03/2020	1.60%	28,993.20
CBA	2,092,428.86	2,092,428.86	2/06/2020	1.41%	46,571.78
CBA	1,175,558.73	1,175,558.73	10/03/2020	1.36%	10,086.50
CBA	2,125,139.03	2,125,139.03	2/06/2020	1.41%	29,761.34
CBA	1,577,474.88	1,577,474.88	28/05/2020	1.43%	11,908.83
CBA	2,059,087.20	2,059,087.20	11/06/2020	2.21%	25,389.40
Tcorp Strategic Cash Facility	6,231,287.74	6,231,287.74	at call	Variable	66,264.12
Interest Recalled Funds *					-
	21,436,406.65	21,436,406.65			288,489.98
Total Short Term	31,179,279.32	31,179,279.32			328,727.50
Investment Property					
Hawthorn - Current Fair Value		4,350,000.00	Revalued March 2020		

* Refers to interest received in the current financial year for investments no longer held by council

Feb-20

9.1 COMMUNITY SERVICES REVIEW UPDATE AND LEASING OF COUNCIL BUILDING

SUMMARY

To provide an update on the progress with the transfer of Council's community service activities and to consider a request for the leasing of a Council owned building.

RECOMMENDATION

That this item of the General Manager's report be classified as confidential in accordance with s10A(2)(c) Local Government Act 1993 as the information would confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business.

FINANCIAL IMPLICATIONS

Provision is included in the 2019/20 Operational Plan to deliver community services. The budget is based on expenditure matching the income from grant funding. The transfer of the services will have no impact on the budget as funding income will be transferred along with the responsibility for operational expenditure.

POLICY & LEGISLATION

- Funding agreements
- Council resolutions October and December 2019

REPORT

In October 2019 Council determined to seek Expressions of Interest for the transfer of its community services functions.

In December 2019 Council considered the Expressions of Interest submissions received and determined to forward the submissions from Godwin Aged Care Services, Community Services #1 and Valmar to the funding bodies as being suitable organisations to continue the provision of community services to the Yass Valley community.

The Department of Health (DoH) has now indicated that Valmar is the preferred provider for the transfer of Council's CHSP services in Yass Valley.

Transport for NSW (TfNSW) have been advised of the DoH decision and informed that the preference is for all community services (including community transport) be delivered by the same organisation.

The submitters have been advised of the DoH decision.

Valmar has now requested consideration of Council leasing or renting the Goodradigbee Centre to continue the delivery of services.

The building has not been identified as being needed to support Council's recently adopted infrastructure priorities.

A report on the leasing is presented for consideration by Council in the closed session as it includes commercial information relating to the leasing of a Council owned building.

STRATEGIC DIRECTION

Key Pillar	4. Our Infrastructure
CSP Strategy	IN4 - Maintain and update existing community facilities, and support the development of new community infrastructure as needed
Delivery Program Action	IN4.1 - Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner
Operational Plan Activity	IN4.1.4 - Manage Council's properties and buildings

ATTACHMENTS: Nil

9.2 OFFER TO PURCHASE - RESTORED STATIONARY ENGINE

SUMMARY

Presenting a report on an offer for Council to purchase a restored stationary engine. It is recommended that the offer be declined at this stage.

RECOMMENDATION

That:

1. *The offer to purchase the 1901 restored stationary engine be declined at this stage.*
2. *The custodianship of Council's 1904 engine be reviewed.*

FINANCIAL IMPLICATIONS

No resources are included in the current Operational Plan for the purchase of a restored engine, undertake valuations or due diligence reports or house the machine if it is purchased.

The whole of life costs associated with the machine and ongoing operating costs are unknown.

There are no resources identified in Council's Long Term Financial Plan for the purchase and its ongoing management.

POLICY & LEGISLATION

- *Local Government Act 1993*
- Regional Community Strategic Plan 2016-36, Delivery Program 2017-21 and Operational Plan 2019-20.
- Yass Valley Local Environmental Plan 2013
- Asset Management Policy
- Property Acquisition & Disposal Policy

REPORT

1. Proposal

An offer has been received from Mr Chris Broers for Council to purchase a restored stationary engine for \$30,000.

The restored engine is 119 years only and operated for 50 years at the Yass Gas Works. The machine is a rare American '1901 Olds Hit and Miss' gas engine and one of only three remaining engines in the world.

2. Background

Council has previously purchased an historic engine. In May 2013 Council purchased the 1904 Fairbanks Morse engine formerly used at the Crago Mill. This machine is currently in the custodianship of Mr Broers on the basis that:

- Mr Broers retains custodianship until Council finds a proper home or the engine
- Mr Broers carries out any minor maintenance as required
- The engine being housed in a suitable location to protect it from damage and the weather
- Mr Broers holding the right to use the engine for any 'antique machinery displays'

- Council funding any major maintenance costs or costs to protect the engine including making it transportable
- Council reserving the right to withdraw its custodianship at any time with a minimum of 30 days' notice

It should be noted that the report to Council at the time indicated that the Yass Antique Farm Machinery Club would be the custodians of the engine however it seems that this has been placed in the custodianship of an individual and not the organisation.

No proper home has been found by Council for the engine nor does it appear that this has been actively pursued.

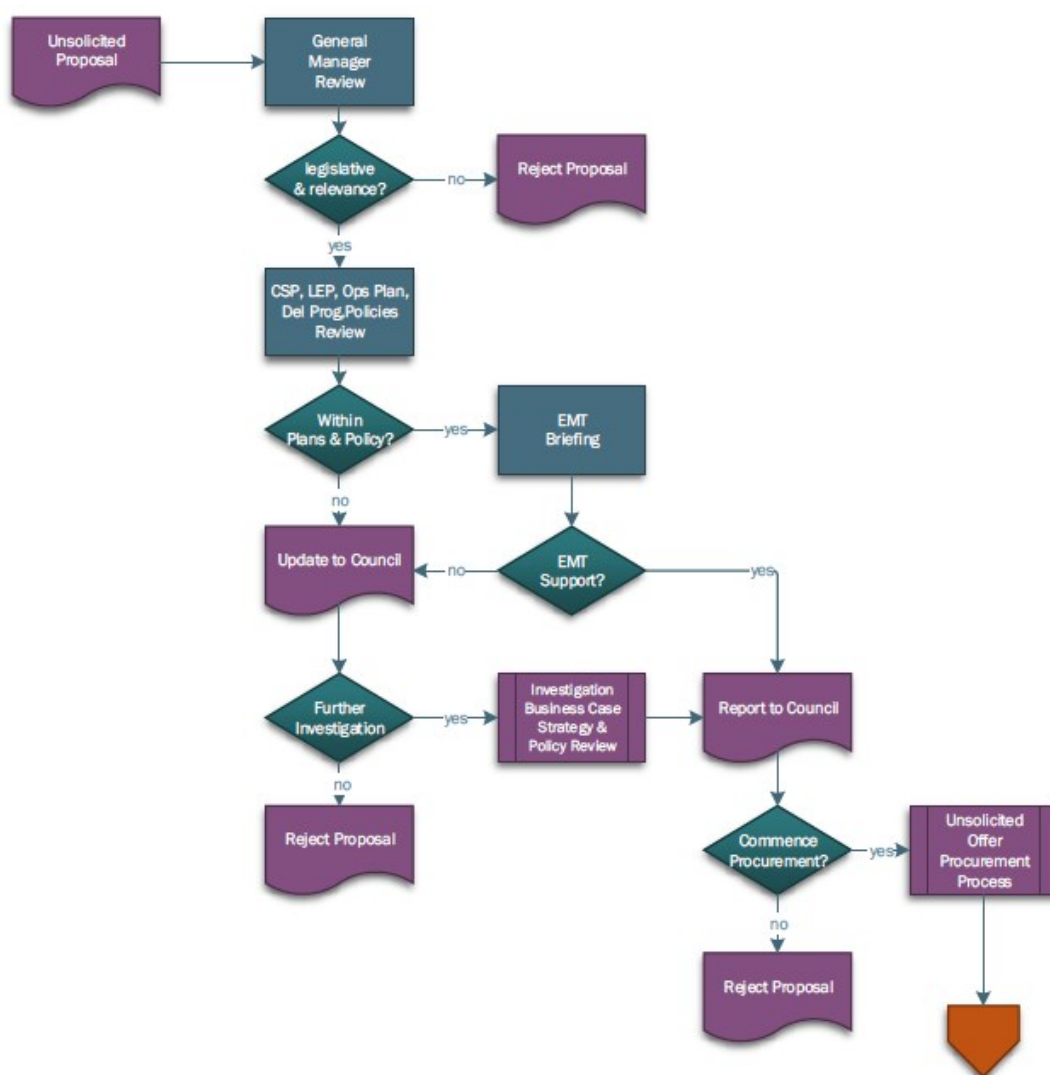
There is no indication that Council has been requested to fund any major maintenance costs associated with the engine. Any work is therefore considered to be minor or routine maintenance.

The only Council request to make the 1904 engine available for a public event was in April 2018 however this was rejected by the custodian due to insufficient notice and the engine was in parts as it was being prepared for a Can Assist event.

The current offer indicates a similar custodianship arrangement for the 1901 engine. This would be preferable to be a legal entity (e.g. incorporated body) rather than an individual.

3. Decision Making Process

Council develops forward plans for its activities to guide future decision making. However there are times outside of the usual planning process in which strategic opportunities arise that warrant evaluation. To assist with this evaluations Council endorse a flowchart for such proposals i.e.



The evaluation of the proposal has followed this process.

4. Legislation

The *Local Government Act 1993* establishes the powers and obligations of Councils.

Section 8A of the Act sets out the guiding principles for Councils. Amongst these are that Councils should:

- Manage assets so that current and future community needs can be met in an affordable way
- Have effective financial and asset management
- Identify and prioritise key local community needs and aspirations and consider regional priorities

While Councils have a responsibility for undertaking a range of prescribed activities and regulatory functions it also has the flexibility to determine what other activities it chooses to become involved with. This allows each Council to determine which other services it wishes to provide to meet community needs above its prescribed functions.

The purchase of an historic restored engine would need to occur consistently with the established priorities for Council, as expressed in its strategic planning documents and through appropriate Council resolutions. Further the Office of Local Government would have an expectation that any proposed asset acquisition follows a robust business case analysis, relevant to the life costs for the proposed transaction.

The purchase of the historic restored engine therefore needs to be consistent with Council's strategic planning and priorities.

5. Regional Community Strategic Plan, Delivery Program & Operational Plan

The purchase of the historic restored engine does not form part of Council's established strategy for purchase of strategic assets.

There is currently no reference to this proposal in Council's *Regional Community Strategic Plan 2016-36*, *Delivery Program 2017-21* or *Operational Plan 2019-20* or the recently adopted strategic infrastructure priorities.

The CSP does make broad reference to:

- **Strategy CO4** - Recognise and celebrate our diverse cultural identities and protect and maintain our community's natural and built environment

While the purchase of the machine may assist with meeting this aspirational objective of the community unfortunately there are no Delivery Program Actions or Operational Plan Activities relating to the purchase of heritage machinery or properties.

6. Local Planning

The *Yass Valley Local Environmental Plan 2013* is focused on the preservation and conservation of heritage properties. Unfortunately this does not extend to heritage machinery or 'movable' assets.

No publically accessible site or building has been identified to accommodate the engine.

7. Council Policy

There are two Council policies applicable to this proposal i.e.

- *Asset Management Policy*
- *Property Acquisition & Disposal Policy*

7.1 Asset Management

While Council has an *Asset Management Policy* there is no up-to-date Asset Management Plan in place for Council assets. Council has endorsed the need to develop the Asset Management Plan but the project has not commenced.

The policy details the principles for any strategy or plan but is clearly not a plan. Without such a plan in place it is not possible to determine the implications of purchasing the machine on the assets portfolio and ongoing Council asset management.

No due diligence into the current condition of the machine or its value has been undertaken.

7.2 Property Acquisition & Disposal Policy

Under this policy Council can acquire assets for the purposes of its functions under the *Local Government Act 1993*. The legislation permits Council to determine the services and facilities it provides to meet local community needs. The priorities are identified in its *Regional Community Strategic Plan* and associated documents.

Under the policy asset acquisition requires an independent valuation to be undertaken. No valuation has been undertaken. The need for a valuation would only be necessary if Council determined to proceed with a purchase.

Under the policy acquisitions must have regard to specific criteria. This criteria and the commentary are as follows:

- *Identification as to the 'purpose' for the acquisition*
Other than preserving a machine of some local heritage value no other purpose has been identified.

Council's purchase of the machine is not the only means of preserving the engine. The current owner could continue to retain ownership or transfer/donate/sell it to another likeminded community organisation (e.g. antique machinery group, National Trust) or another public institution (e.g. Powerhouse Museum).
- *Identification in Council strategic documents*
The purchase of the engine has not been identified in the *Regional Community Strategic Plan* or associated documents.
- *Land classification upon acquisition (operational or community per Section 25 Local Government Act 1993)*
Not applicable.
- *Any property swap opportunities*
Not applicable.
- *Prospect for capital gain, rate of return, investment risk and timeframe*
These prospects have not been examined in any detail. Having regard to the rarity of the machine it could be expected to appreciate in value provided there continues to be interest and a market for old machines. Unless viewing of the machine can be controlled there is little prospect of obtaining any other return on the investment.
- *Any commercial or redevelopment opportunity that would be considered in the overall public interest*
No commercial opportunity or wider public interest has been identified.
- *Stimulation of the market or enabling the local economy.*
Refer above comments.
- *Demonstrable community need where there is evidence of market failure*
Council's strategic plans have not identified that the purchase of the machine will meet a specific community or operational need.
- *Costs including acquisition, ongoing and whole of life costing associated with any operational, capital improvement and opportunity costs*
The purchase price \$30,000 but no other costs have been examined.
- *Funding arrangements and impact on Council finances or services*
No financial resources have been identified in the Operational Plan or Long Term Financial Plan for the purchase of new assets properties.

8. Conclusion

The proposal does not meet Council's current strategic priorities as identified in the *Regional Community Strategic Plan* and associate documents. Similarly it does not meet the criteria for acquisition in Council's policy.

Accordingly it is recommended not to proceed with the purchase of the 1901 engine and the current custodianship of Council's 1904 engine be reviewed.

STRATEGIC DIRECTION

Key Pillar	4. Our Infrastructure
CSP Strategy	IN4 - Maintain and update existing community facilities, and support the development of new community infrastructure as needed
Delivery Program Action	IN4.1 - Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner
Operational Plan Activity	IN4.1.4 - Manage Council's properties and buildings

ATTACHMENTS: A. Restored Station Engine [↓](#)

Chris Berry

From: Friday, 28 February 2020 10:21 AM
Sent: Chris Berry
To:
Subject: Doc 358067 Yass Gas works "olds" stationary engine
Attachments: IMAG9444~2-20200228-100949891.jpg; IMAG9309-20200228-101241901.jpg;
IMG_3189-20190723-093629366-20200228-101656978.jpg; IMG_
3179-20190723-093643755-20200228-101657162.jpg; IMG_
3186-20190723-093637903-20200228-101657327.jpg

Dear Chris,

As discussed with previous GM (David Rowe) I have fully restored the Yass Gas works engine that belt drove the gas compressor,

This 119 year old engine operated at the gas works for 50 years, the last operator being council employee Lyle Wilson,

I would like to offer this engine to YVC on a preferred offer basis,

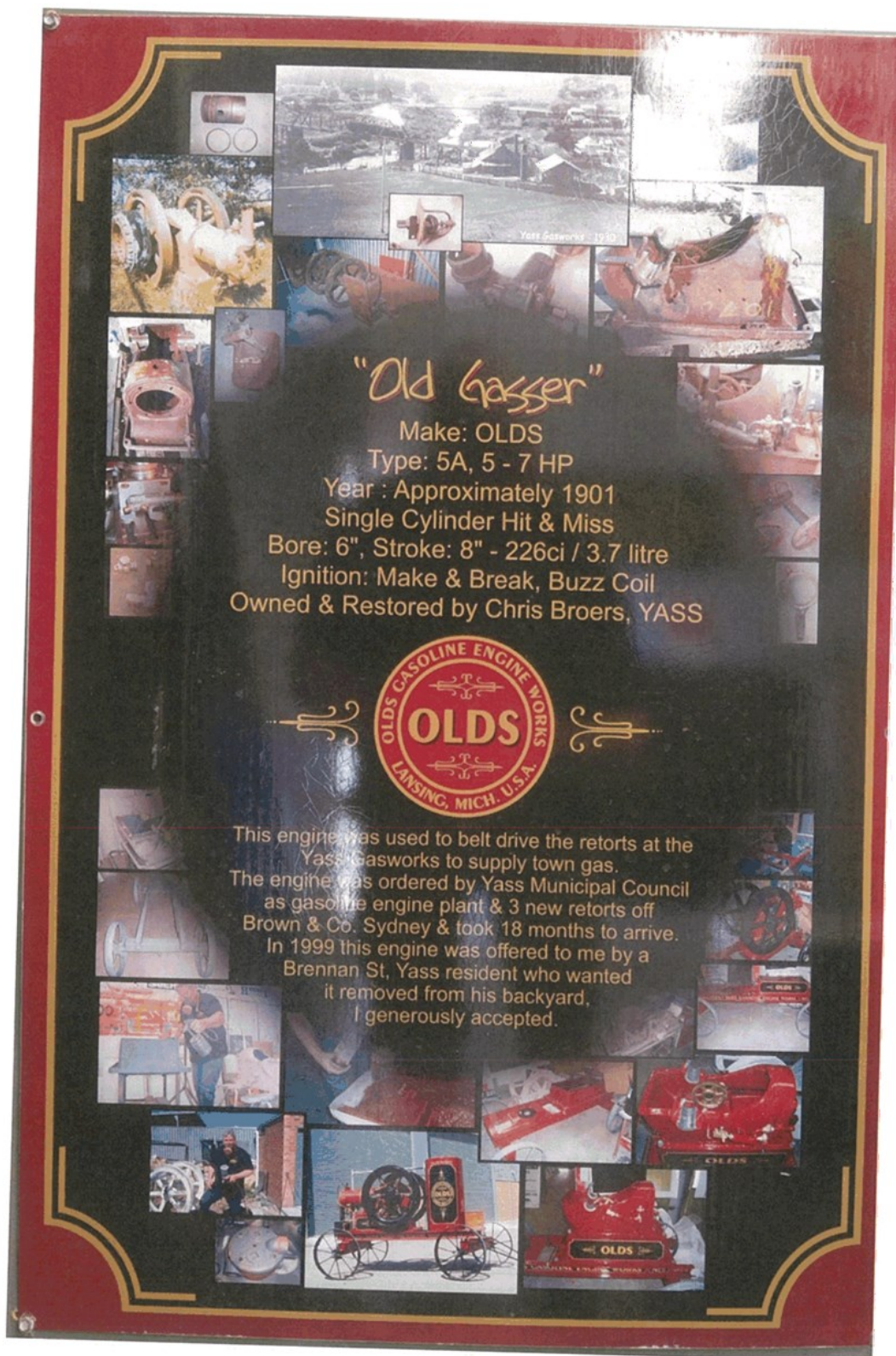
Can you please advise if Yass Valley Council is interested in purchasing this historic piece of YVC mechanical heritage?

This rare "1901 Olds hit n miss" Gas engine is American, and one of 3 left found in the world today, I have interest from the power house museum and some private collectors including one in USA, I would prefer the gas engine stay in Yass and I am very happy to be Guardian and display it as I do the cragos mill engine.

Regards

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<http://www.mailguard.com.au/mg>

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11.1 QUESTIONS WITH NOTICE - CR GEOFF FROST

The following Questions on Notice have been received from Councillor Frost:

1. What has been the impact of the drought and the recent rains on Council roads?
2. What has been the Council response to the changed conditions?
3. When can we expect to return to normal maintenance routines?

Response

What has been the impact of the drought and the recent rains on Council roads?

The recent drought, through the suspension of the 'normal' unsealed road maintenance grading, largely unaffected the unsealed road conditions. While dust and corrugations arising from road use became a nuisance to some residents, the cessation of the grading program enabled the granular road pavement to remain largely intact across the Council area. This allowed Council to undertake a number of other projects associated with good road maintenance practice, including drainage clearing, road safety maintenance (signs, lines and guide posts) and sealed shoulder maintenance activities in preparation of the road resealing program and the anticipated upcoming 'wet' season.

The advent of the heavy rainfall events in February 2020, especially in the eastern area of the Council, created a number of issues across the 640km unsealed road network. While some drainage clearing works had occurred, not all road crossings were either able to cope with the volume of water runoff in the creeks as a result of the hard dry soils resulting from the drought conditions, or clearing works had not yet occurred. This led to some roads being closed while water subsided and roads became passable again and some wash-outs along drainage lines.

Additionally these large rainfall events also washed away some localised sections of unsealed road pavements and in some instances, where roadside drainage as less than adequate, created potholes in sections of some roads.

What has been the Council response to the changed conditions?

A limited and targeted unsealed road maintenance program has been developed following the rain events to address a number of the concerns identified through inspections of the road network and community feedback. These concerns are being prioritised based primarily on the impact of the event on the road structure and the ongoing usage of the road.

In some instances temporary works were required until appropriate resources could, or can, be allocated.

When can we expect to return to normal maintenance routines?

Unsealed roads require a number of conditions to be maintained effectively. Initial placement of material requires the application of water, usually through the use of water trucks, to compact and shape the material. However, just as important in the following days and weeks, is the moisture content of the air and continued compaction from slow moving vehicles. High speed traffic, coupled with dry conditions, break down the road surface creating dust and removal of the consolidated surface from the road leading to corrugations and potholes. Additionally not enough traffic allows the compacted surface material to 'break apart', creating the same concerns as experienced under hot dry conditions.

As weather patterns return to more 'normal' conditions, general maintenance of the unsealed road network will be gradually reinstated in a sustainable manner based on expected longer term weather condition forecasts and the resources available to Council to manage its entire 1,240km sealed and unsealed road network.

12.1 MINUTES OF THE BANGO WIND FARM COMMUNITY CONSULTATIVE COMMITTEE HELD ON 18 FEBRUARY 2020

REPORT

The minutes of the Bango Wind Farm Community Consultative Committee meeting held on 18 February 2020 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 Bango Wind Farm Community Consultative Committee meeting held on 18 February 2020 be noted

ATTACHMENTS: A. Bango Wind Farm Community Consultative Committee Minutes 18 February 2020





BANGO WIND FARM COMMUNITY CONSULTATIVE COMMITTEE

Minutes of meeting held on Tuesday 18th February 2020 Yass Clubhouse Hotel

Attendees:

Lisa Andrews (LA)	Independent Chair
Tegan Dobliger (TD)	CWP Renewables (Assistant Project Manager)
Malcolm Moore (MM)	CWP Renewables (Site Supervisor)
Lyn Diskon (LD)	CWP Renewables (Community Engagement Officer)
Brooke Watson (BW)	Yass Valley Business Chamber delegate
Laurie Hutchison (LH)	Ngunnawal Aboriginal Corporation
Terry Sellwood (TS)	Community Representative <i>[arrived at 11.26pm]</i>
Cr Geoff Frost (GF)	Yass Valley Council delegate
Thomas McGrath (TM)	Community Representative (Host Landholder)

Apologies

Jonathan Post	CWP Renewables (Project Manager)
Jayne Apps	Boorowa District Landscape Guardians

Absent:

Cr John Walker	Hilltops Council delegate
Andrew Winterflood	Community Representative

Meeting commenced at 11.13am.

Welcome and Introductions

The Chair welcomed everyone to the Bango Wind Farm (BWF) Community Consultative Committee (CCC) and introduced Brooke Watson, from the Yass Business Chamber, (YBC new stakeholder group). BW was invited to provide background on her position with YBC.

The attendance sheet was distributed for signing.

Apologies

Jonathan Post & Jayne Apps.

Declaration of Interest

The Chair declared her interest as Independent Chairperson of the BWF CCC, approved by the Department of Planning, Industry and Environment, and engaged by CWP Renewables to chair the meeting.

No changes to previous declarations by members.

Business Arising from Previous Minutes

Minutes of CCC held 12th November 2019 were finalised and emailed to members on 4th December 2019.

Action Items from Previous Meeting

Item	Issue	Responsibility
1	Downer to provide its water source strategy for construction to Yass Valley Council and Hilltops Council. NFA, project now sourcing water from out of town.	JP/MM (Downer)
2	Once construction commences - provide figures of local employment/contractors to CCC. Included in presentation.	TG/JP
3	Implications on putting power into the grid and what the RET impacts were. Project doesn't rely on the RET – viable without this program.	JP
4	Update Acronym Sheet (ongoing). Updated and sent 4/12/19. Add LGC.	TG
5	Possible contributions to the community by CWP (standing agenda item moving forward). Sponsorship of both Yass & Boorowa Shows. Information posted on the website, facebook & newsletter. Some informal enquiries have been received. Action: Email application form to CCC members.#	All

<https://bangowindfarm.com.au/wp-content/uploads/2020/01/Bango-Wind-Farm-Sponsorship-Request.pdf>

<https://bangowindfarm.com.au/wp-content/uploads/2020/01/Bango-Wind-Farm-Sponsorship-Guidelines.pdf>

Correspondence

Correspondence as sent out with the meeting notice on 4/2/20 with **one additional item**:

- 20/11/19 – Email to members with the draft minutes for review.
- 4/12/19 – Email to members with the finalised minutes and acronym sheet
- 4/12/19 – Letter to Terry Sellwood with the finalised minutes.
- 16/1/20 – Email to members with the latest Bango WF newsletter.
- 16/1/20 - Letter to TS with same information.
- 4/2/20 – Email to members with the Meeting Notice for this meeting. Same information sent to TS.

- 12.1 Minutes of the Bango Wind Farm Community Consultative Committee held on 18 February 2020
Attachment A Bango Wind Farm Community Consultative Committee Minutes 18 February 2020
-

- 17/2/20 – Email to members with a reminder for this meeting, including the agenda.

Accepted.

Project Update – CWP Renewables

MM provided attendees with a brief presentation; *questions asked and answered throughout*. A copy of the document and coded reference map were distributed to attendees.

Current Status:

1. Completion of temporary site facilities, now established and permanent.
2. Batch plant area has been prepared in readiness for batch plant installation. Finalising negotiations with batch plant operator over the next month.
3. Construction of substation well advanced with power pole install progressing. Transgrid is building a substation on Tangmangaroo Road and will disseminate out to the main power lines.
4. Current area where road is up to in the eastern cluster. Were the road is sealed at the moment to give Transgrid access.
5. Works progressing on track/hardstand areas, in varying stages. Western side, 3 locations on side of track in different stages of hard stand construction.
6. Three metmasts in advanced stages of completion. Two will be temporary masts and one permanent. The three will communicate with each other and collect weather data. Once enough information has been collated, two will be removed.
7. Areas of progress in the coming months.

Next 3 months

- Commence pouring of foundations in the Western Cluster (Tangmangaroo Rd & Lachlan Valley Way).
- June/July – potential deliveries of turbine components.
- Advance into the eastern cluster.
- Early to mid March, there will be a transformer delivery to the substation. **Action: MM to advise CCC of timeframe.**

Site Numbers:

- Currently ranging from 70-80 personnel onsite for the windfarm and another 15-20 for the substation construction.
- Foundation contractor/concrete batch plant/electrical contractors mobilising over the coming months.
- Three new cleaners have been employed to clean the offices/site facilities. All come from Boorowa area.
- Maliyans from Cootamundra and RECS from Young are providing civil works. Over the next month, foundation and electrical contractors will be mobilising to the site.

GF asked if there were going to be any arrangements for public access. MM advised that signage has been installed. Currently arranging for security cameras, fences and gates.

General Business

- TM advised that work has commenced on his property. Quite daunting with builders coming on site. Communication is working well between the proponent and contractors.
- GF enquired whether most people that are likely to be employed, have been. MM responded that the foundation contractor will have opportunities for concrete formworkers. As well, the concrete batching plant may have prospects. GF asked if there had been any issues with accessing accommodation due to the influx of contractors in the area. It was agreed that there was a shortage of housing in the area. GF advised that Council is currently looking at amending its Local Environmental Plan to allow for more medium density housing.
- TM informed the CCC that the proposed motel in Boorowa is proceeding.
- Discussions held on the dual highway from Canberra to Yass.
- LD advised that she has been in discussions regarding possible community investment into the Bango project and explained how it would operate as a co-ownership/community owned venture, similar to the Sapphire Wind Farm in the northern tablelands. Further details to come.
- LD explained the current program for presentations to the local schools in the area; as well as a proposed cycling/walking event from Yass, via Rye Park to Boorowa. Discussions regarding best contacts to assist with organising, logistics and running the event.
- MM advised that it is proposed to organise an open day, once the project is constructed and in operation. As well, hoping to get the Mens Health Education Rural Van (MHERV) out to the site to discuss issues with contractors/employees. The MHERV is an initiative by the Rotary Club, where a custom built van and qualified staff attend, offering free health screening to rural and regional men (blood sugars, cholesterol, blood pressure and mental health issues). **Link:** <https://mherv.com.au/>

Next Meeting

The next meeting will be on:

- Tuesday 19th May 2020 – Boorowa commencing at 11am. (Magistrates Tea Rooms - venue to be confirmed). Thomas McGrath will be an apology.

Meeting closed at 12noon with LA thanking all for their attendance.

- 12.1 Minutes of the Bango Wind Farm Community Consultative Committee held on 18 February 2020
Attachment A Bango Wind Farm Community Consultative Committee Minutes 18 February 2020
-

Action Items

Item	Issue	Responsibility
1	Email sponsorship form to CCC with minutes	LA/LD
2	Advise CCC of delivery date for transformer	MM/LA
3	Provide figures of local employment/contractors to CCC (ongoing)	TG/JP
4	Update Acronym Sheet (ongoing)	TG
5	Possible contributions to the community by CWP (standing agenda item moving forward)	All

12.2 MINUTES OF THE COUNTRY MAYORS ASSOCIATION HELD ON 6 MARCH 2020

REPORT

The minutes of the Country Mayors Association General Meeting held on 6 March 2020 are included in **Attachment A**.

From these minutes there are no items which covers matters that:

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

Accordingly the minutes are presented for information.

RECOMMENDATION

That the Minutes of the Country Mayors Association General Meeting held on 6 March 2020 be noted.

ATTACHMENTS: A. Country Mayors Association Minutes 6 March 2020 [↓](#)



Country Mayors Association of NEW SOUTH WALES

Chairperson: Cr Katrina Humphries
PO Box 420 Moree NSW 2400
02 6757 3222
ABN 92 803 490 533

MINUTES

GENERAL MEETING

FRIDAY, 6 MARCH 2020 THEATRETTE, PARLIAMENT HOUSE, SYDNEY

The meeting opened at 9.03 a.m.

1. ATTENDANCE:

Armidale Regional Council, Cr Diane Gray
Bega Valley Shire Council, Cr Kristy McBain, Mayor
Bellingen Shire Council, Cr Dominic King, Mayor
Bellingen Shire Council, Ms Liz Jeremy, General Manager
Bland Shire Council, Cr Brian Monaghan, Mayor
Blayney Shire Council, Cr Scott Ferguson, Mayor
Blayney Shire Council, Ms Rebecca Ryan, General Manager
Cabonne Shire Council, Cr Kevin Beatty, Mayor
Cabonne Shire Council, Cr Jamie Jones Deputy Mayor
Clarence Valley Shire Council, Cr Jim Simmons, Mayor
Coffs Harbour City Council, Mr Stephen McGrath, General Manager
Cootamundra-Gundagai Regional Council, Cr Abb McAlister
Cootamundra-Gundagai Regional Council, Mr Phil McMurray, General Manager
Cowra Shire Council, Cr Bill West, Mayor
Cowra Shire Council, Mr Paul Devery, General Manager
Dubbo Regional Council, Cr Ben Shields, Mayor
Edward River Council, Cr Norm Brennan, Mayor
Edward River Council, Mr Adam McSwain, General Manager
Forbes Shire Council, Cr Phyllis Miller, Mayor
Forbes Shire Council, Cr Jenny Webb, Deputy Mayor
Forbes Shire Council, Mr Steve Loane, General Manager
Gilgandra Shire Council, Cr Doug Batten, Mayor
Glen Innes Shire Council, Cr Carol Sparkes, Mayor
Glen Innes Shire Council, Mr Craig Bennett, General Manager
Goulburn Mulwaree Council, Mr Warrick Bennett, General Manager
Griffith City Council, Mr Brett Stonestreet, General Manager
Gunnedah Shire Council, Cr Jamie Chaffey, Mayor
Gunnedah Shire Council, Mr Eric Growth, General Manager
Gwydir Shire Council, Cr John Coulton, Mayor

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Gwydir Shire Council, Mr Max Eastcott, General Manager
Hay Shire Council, Cr David Townsend, Deputy Mayor
Hay Shire Council, Mr David Webb, General Manager
Hilltops Council, Cr Brian Ingram, Mayor
Kempsey Shire Council, Cr Liz Campbell, Mayor
Kyogle Council, Cr Danielle Mulholland, Mayor
Kyogle Council, Mr Graham Kennett, General Manager
Leeton Shire Council, Cr Paul Maytom, Mayor
Leeton Shire Council, Ms Jackie Kruger, General Manager
Lithgow City Council, Cr Ray Thompson, Mayor
Lithgow City Council, Cr Steve Ring, Deputy Mayor
Moree Plains Shire Council, Cr Katrina Humphries, Mayor
Murray River Council, Cr Christopher Bilkey, Mayor
Murray River Council, Mr Des Bilske, General Manager
Narrabri Shire Council, Cr Catherine Redding, Mayor
Narrabri Shire Council, Mr Stewart Todd, General Manager
Narrandera Shire Council, Mr George Cowan, General Manager
Narromine Shire Council, Cr Craig Davies, Mayor
Narromine Shire Council, Ms Jane Redden, General Manager
Oberon Council, Cr Kathy Sajowitz, Mayor
Oberon Council, Mr Gary Wallace, General Manager
Orange City Council, Cr Reg Kidd, Mayor
Parkes Shire Council, Cr Ken Keith, Mayor
Port Stephens Council, Cr Ryan Palmer, Mayor
Port Stephens Council, Mr Wayne Wallis, General Manager
Queanbeyan-Palerang Regional Council, Mr Tim Overall, Mayor
Singleton Council, Cr Sue Moore, Mayor
Singleton Council, Mr Jason Linnane, General Manager
Snowy Monaro Regional Council, Cr Peter Beer, Mayor
Snowy Monaro Regional Council, Mr Peter Bascombe, General Manager
Snowy Valleys Council, Cr James Hayes, Mayor
Temora Shire Council, Mr Gary Lavelle, General Manager
Tenterfield Shire Council, Cr Peter Petty, Mayor
Uralla Shire Council, Cr Michael Pearce, Mayor
Wagga Wagga City Council, Cr Greg Conkey, Mayor
Walcha Council, Cr Eric Noakes, Mayor
Walcha Council, Ms Anne Modderno, General Manager
Warren Shire Council, Cr Milton Quigley, Mayor
Warren Shire Council, Mr Glen Wilcox, General Manager
Warrumbungle Shire Council, Cr Denis Todd, Mayor
Warrumbungle Shire Council, Mr Roger Bailey, General Manager
Wentworth Shire Council, Cr Melisa Hendrics, Mayor
Wentworth Shire Council, Mr Ken Ross, General manager
Yass Valley Council, Cr Rowena Abbey, Mayor
LGNSW, Cr Linda Scott, President
LGNSW Ms Kylie Yates, Acting CEO

APOLOGIES:

As submitted

SPECIAL GUESTS:

Hon Melinda Pavey MP, Minister for Water, Property and Housing

Ms Teresa Corbin, Chief Executive Officer, Australian Communications Consumer Action Network

Mr Rob Rogers, AFSM, Deputy Commissioner, NSW Rural Fire Service and Rebel Talbert, Assistant Commissioner, NSW Rural Fire Service

Hon Jennifer Gardiner, Chairperson, NSW Local Government Grants Commission

Dr Lindsay White, Director, Northern Basin, Commonwealth Environmental Water Holder and Mr Hilary Johnson, Director, Southern Basin, Commonwealth Environmental Water Holder

Ms Susan Madden, Board Member, Murray Darling Basin Authority

Mr David Harris, CEO Water NSW

2. Condolences and Welcome

Cr Humphries expressed condolences on behalf of the Country Mayors Association to those Councils that were affected by the bush fires and welcomed to the meeting Mary O'Kane and Dave Cowen from the NSW Independent Bushfire Enquiry

3. ADOPTION OF MINUTES OF PREVIOUS MEETING:

RESOLVED that the minutes of the General Meeting held on 1 November 2019 be accepted as a true and accurate record it being noted that Cr Reg Kidd, Mayor of Orange was in attendance (Kyogle Council / Uralla Shire Council).

4. Hon Melinda Pavey MP, Minister for Water, Property and Housing

Catchments are not filling up yet which will be a challenge. 180 litres per person are being used in Sydney versus 118 litres in Orange. There are restrictions on flood plain harvesting and there are embargos on rivers but some are being lifted with recent rain. 150 regulators are auditing. 244,000 mega litres have passed Walgett. There are concerns by communities regarding the Murray Darling Basin Plan because there has been a lack of communication but the government is trying to connect. Along with the Victorian Government, New South Wales commissioned a review of the constraints of the Murray Darling Basin Authority which found that if the plan continues there is a big chance of failure. Stakeholder consultations are to take place in March and April. However the basin is in a better condition due to the plan. New metres are being rolled out throughout the State to ensure fair allocations

5. Ms Teresa Corbin, Chief Executive Officer, Australian Communications Consumer Action Network

The Network is working for communication services and takes issues to communication companies. There are 200 members across Australia. Fires have damaged infrastructure which has created challenges. The network has been fighting hard to keep pay phones which proved their worth during the fires. Regional concerns include higher costs, greater dependency on services, unreliable services, and limited mobile coverage. Goals of the network are guaranteed access, equitable voice, expansion of mobile coverage and digital capacity. A Regional Connectivity Program is being introduced and funding is available similar to the Black Spots Program. The next round of the Black Spots Program is coming

up. 5G next generation for mobile phones needs more base stations so will not go everywhere but will deliver data to the areas where it is providing a service. The 4G footprint needs to be the same as 3G before 3G is switched off. Reliability of services in regional areas means NBN and a land line are required in many areas. Digital literacy solving technical problems in regional areas is more difficult.

6. Membership

Resolved That Hay Shire Council be admitted as a member of the Association (Forbes Shire Council/ Kyogle Council)

7. CORRESPONDENCE

Inward

- (a)Mr John Cleland, Chief Executive Officer, Essential Energy, regarding Disaster Hardship provisions provided to those that have suffered a loss as a result of a natural disaster
- (b)Hon Matt Kean MP, Minister for Energy and Environment, regarding Disaster Hardship provisions provided to those that have suffered a loss as a result of a natural disaster
- (c)Mr Gary White, Chief Planner, Planning, Industry and Development, thanking him for his presentation to the 1 November meeting
- (d)Mr Matt Fuller, Acting Deputy Secretary, Regional and Outer Metropolitan, Transport for NSW, thanking him and Peter Ryan for their presentation to the 1 November meeting
- (e)Mr Rob Rogers AFSM, Deputy Commissioner, NSW Rural Fire Service, thanking him and Cory Shalkleton for their presentation to the 1 November meeting
- (f)Hon Rob Stokes MP, Minister for Planning and Public Spaces, requesting information on progress of the Land Negotiation Program concluded in 2017
- (g)Hon Matt Kean MP, Minister for Energy and Environment, following up the reply from Andrew Lewis, Executive Director, Energy, Strategy, Planning, Industry and Environment regarding prioritization of electricity grid connections at substations
- (h)To all members from CR Humphries, Chairperson, CMA, regarding the recent bushfires, requesting information on what assistance CMA may be able to give to affected Council's

Outward

- (a)Hon Rob Stokes, Minister for Planning and Public Spaces, advising that Regional Crown Lands falls under the responsibility of the Hon Melinda Pavey MP, Minister for Water, Property and Housing and the Associations correspondence has been forwarded to her for attention
- (b)James Griffin MP, Parliamentary Secretary for the Environment and Veterans regarding hazard reduction and water infrastructure for bush fire management (Copy Attached)
- (c)Cr Linda Scott, President, Local Government NSW, regarding per capita grants Local Government Financial Assistance Grants Act 1995 (Copy Attached)
- (d)John Cleland, Chief Executive Officer, Essential Energy, regarding assets located beyond the customer connection point (Copy Attached)

NOTED

8. FINANCIAL REPORT

RESOLVED That the financial reports for the last quarter were tabled and accepted (Tenterfield Shire Council / Singleton Council)

9. Mr Rob Rogers AFSM, deputy Commissioner, NSW Rural Fire Service and Ms Rebel Talbert, Assistant Commissioner, NSW Rural Fire Service

In the 2019/20 fire season 21 councils commenced bushfire danger period early. September 2019 more than 1300 bush and grass fires. October 2019 significant impact on towns in northern NSW. November 2019 catastrophic fire danger in many areas with fires in Port Macquarie, Taree and Foster. December 2019 three firefighters killed. January 2020 fire activity intensifies in southern NSW and C130 crashes killing three American crew. February 2020 widespread heavy rain begins. During these periods there were more than 200 days of continuous major operations, over 11500 bush and grass fires, 5.5 million hectares burnt, and more than 2400 homes destroyed. Challenges of the RFS are paying invoices, communication risk, NSW RFS website, Fires Near Me NSW, interagency efforts, interstate and international assistance and aviation support.

10. Hon Jennifer Gardiner, Chairperson, NSW Local Government Grants Commission

The Grants Commissions recommendations go to the NSW Minister for Local Government and to the Federal Minister for Regional Services, Decentralisation and Local Government. The Commission operates under the Local Government Financial Assistance Act 1995 and the NSW Local Government Act 1993. The Commonwealth Act provides for two funding pools the General Purpose Component and the Local Roads Component. The National Principles require an assessment of Revenue Capacity and Expenditure Needs. They also contain the key elements of Horizontal Equalisation and Effort Neutrality. The minimum grant is based on 30% of the General Purpose component pool. All 17 minimum grants are for metropolitan councils. The Local Roads Component looks at population, local road length, and bridge length on local roads. 73.9% of NSW FAGS distribution is to non metropolitan councils. The NSW Grants Commission does not determine the size of the bucket of money but divides up the bucket in an equitable and objective manner. The total grant is untied. The isolation allowance applies to non metropolitan councils and recognizes additional costs for fuel. The main disability factors are population, no of aboriginals, road length, environment, rainfall, topography and drainage. The length of funding for future years are unknown

11. Bush Fire Impact

RESOLVED 1. That the Country Mayors Association acknowledges the financial impact that the 2019/20 bush fires had on a number of councils, but in particular those regional and rural councils impacted in NSW and writes to both the Federal and State Governments to ask them to immediately review financial assistance grants criteria for the benefit of regional and rural councils

2. That the Country Mayors Association provides its support as a lobbying organisation to any of its member councils initiatives during this recovery phase (Bega Valley Shire Council/Yass valley Council)

12. Waste to Energy

RESOLVED that The Country Mayors Association follow up its letter dated 3 June 2019 to the Minister for Local Government on Waste to Energy (Bellingen Shire Council/Tenterfield Shire Council)

13. Additional Contributions Local Government Superannuation

RESOLVED That Country Mayors write to the Chief Executive and the Board Chair of Local Government Superannuation and appeal to humanitarian and sensitive attitude of this organisation and seek that two year moratorium be placed on these "additional contributions" for the defined benefit plan totalling \$40 million to allow NSW Councils to focus on the devastating natural disasters that need to be managed and funded. It needs to be acknowledged that the payment of over 1% of our annual rate income (\$40,000,000) to Local Government Superannuation would be better spent on essential recovery focus in our destroyed and homeless communities (Goulburn Mulwaree Council/Yass Valley Council)

14. Letter from GP Synergy Re Contact Persons in Towns for Rural Doctors

RESOLVED That member councils be encouraged to respond to GP Synergy and nominate a suitable staff member to liaise with them (Kyogle Council/Kempsey Shire Council)

15. Inland Rail – Level Crossings and Grade Separation of Highway and regional Roads

RESOLVED 1. That Country Mayors lobby both the Hon John Barrilaro MP, Deputy Premier, and Minister for Regional New South Wales, Industry and Trade and the Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, to ensure grade separation to all State Highway crossings intersecting with the Inland Rail is achieved, and

2. A working party be developed with representatives from impacted Councils, in conjunction with Transport NSW Staff, to progress a standardised approach on all rail crossings on private property, local, regional and state roads for Inland Rail route. (Gilgandra Shire Council/Forbes Shire Council)

16. Coronial Inquests

RESOLVED That the Association follow up the Minister for Health and Medical Research on the matter of Coronial Inquests (Leeton Shire Council/Tenterfield Shire Council)

17. General Business

- (a) an invitation be extended to Minister for Regional Transport and Roads to present to the 29 May meeting regarding returning regional roads to State care
- (b) The Mayor of Yass Cr Rowena Abbey to be given time at the 29 May meeting to up date Country Mayors on Joint Organisation Chairs meeting

The meeting adjourned at 12.50pm for lunch

The meeting resumed at 1.10pm

18. Panel Session Murray Darling Basin

Ms Susan Madden, Board Member, Murray Darling Basin Authority

The Murray Darling Basin is home to 2.6million, produces \$24billion worth of agriculture and \$8billion in tourism. It is the most complex river system in Australia. Inflows to the basin in 1895 was 28,000GL per year fluctuating over the years due to drought and flood. In 2010/11 it was 20,000GL and in 2013/15 it was 10,000GL. The Basin Plan has limits on use, targets for water quality, rules for water trading, water resource planning, environmental water plan, monitoring and evaluation, sustainable diversion limit and water resource plan implementation. Before the Basin Plan 136,236GL was the average amount of water extracted from the basins rivers annually. The new SDL is 10,873GL. Water to be recovered for the environment is 2,700GL. Current issues are water sharing investigation including inflows and supply into the basin, delivery of water, water sharing and potential opportunities for enhancement. Report card water recovery - on track, SDL adjustment mechanism - at risk of delay, water resource plans - good progress, water resource plans NSW - at risk of delay, northern basin initiatives - some progress, planning and delivery of e water - good progress, compliance - good progress

Dr Lindsay White, Director, Northern Basin, Commonwealth Environmental Water Holder and Mr Hilary Johnson, Director, Southern Basin, Commonwealth Environmental Water Holder

The Environmental Water Office are looking to engage more with local Councils. Healthy rivers mean healthy communities and healthy industries. With water for the environment the Department of Agriculture and Water buys the water requirement. The State Governments decides how much it gets each year. Critical human needs include the need for the environment and what is needed for production. Environmental water worth \$3.77billion. Water management options include use it, hold it, or trade it. There six local engagement offices. There are environmental success stories such as introducing fish at the local level and reinvigoration of forests at the catchment level. The recent rainfall is very welcome and is highest north of the basin. Runoff from the fire affected areas are impacting Murray headwaters water quality. Basin watering priorities are Narran Lakes including maintaining habitat because it is a critical waterbird habitat

Mr David Harris, Chief Executive Officer, NSW Water

Water NSW is the States river system manager and looks after source water protection, bulk water supply, system operation, bulk water infrastructure and customer water transactions. Storage levels are generally low enough for coastal drought response. Water NSW controls regulated rivers, and provides infrastructure solutions to optimize water releases. The 20 year infrastructure options study ,Rural Valleys, identifies infrastructure options and is customer focused and developed. In drought they change the way they do things eg Peel pipeline reduced from two and half years to nine months to complete. Water

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projects include Nyngan and Cobar Water Security, Lachlan Valley Wyangala dam raising, Macquarie Water security, Macquarie water grid a strategic business case to connect towns and major users to build drought resilience, Bunerong drought resilience, Wilcannia weir raising, Lake Rowlands to Carcoar business case, and Glennies to Lomax water security project. The cost of Wyangala dam is \$650million providing 650GL additional storage, Moll river dam \$355million to provide 100GL storage capacity and Dungowan dam \$480million to provide 22.5GL storage capacity.

There being no further business the meeting closed at 3.00pm.

Cr Katrina Humphries
Chair – Country Mayor's Association of NSW

12.3 MINUTES OF THE CANBERRA REGION JOINT ORGANISATION BOARD MEETINGS HELD ON 27 FEBRUARY 2020

REPORT

The minutes of the Meeting of the Canberra Region Joint Organisation (CRJO) Board held on 27 February 2020 are included in **Attachment A**.

From these minutes there are no items which cover matters that:

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

RECOMMENDATION

That the Minutes of the Meeting of the CRJO Board held on 27 February 2020 be noted.

ATTACHMENTS: A. Canberra Region Joint Organisation Minutes 27 February 2020 [↓](#)

CRJO BOARD MEETING 27 FEBRUARY 2020 PARLIAMENT HOUSE CANBERRA



PRESENT - MEMBERS	
Bega Valley Shire Council	Cr Kristy McBain – CRJO Deputy Chair Ms Leanne Barnes OAM
Eurobodalla Shire Council	Cr Liz Innes Dr Catherine Dale
Goulburn Mulwaree Council	Cr Bob Kirk Mr Warwick Bennett
Hilltops Council	Cr Brian Ingram Mr David Rowland
Queanbeyan-Palerang Regional Council	Cr Tim Overall
Snowy Monaro Regional Council	Cr Peter Beer Mr Peter Bascomb
Snowy Valleys Council	Cr James Hayes OAM Mr Matthew Hyde
Upper Lachlan Shire Council	Cr John Stafford Ms Colleen Worthy
Wingecarribee Shire Council	Cr Duncan Gair Mr Mark Pepping
Yass Valley Council	Cr Rowena Abbey – CRJO Chair Mr Chris Berry
ACT Government	Mr Sam Engele
East Gippsland Shire	Cr John White Mr Anthony Basford
Canberra Region Joint Organisation	Ms Gabrielle Cusack Ms Nikolina Marinovic Mr Alec Palmer Mr Noel Schiller
PRESENT - GUESTS	
Office of Local Government	Ms Karen Purser

1. OPENING MEETING AND ACKNOWLEDGEMENT OF COUNTRY

The CRJO Chair opened the meeting at 9:47am and dedicated a minute of silence to the recent loss of lives in the recent bushfires.

The CRJO Chair made the following acknowledgement of country “We meet on Ngunnawal land today and I wish to acknowledge the Aboriginal elders past and present as well as emerging leaders, and acknowledge the traditional custodians of the land upon which we meet today. “

2. PRESENTATIONS

Nil



3. APOLOGIES

RESOLVED

That the apologies of Cr Greg Conkey, Mr Peter Thompson, Ms Ann Prendergast, Dr David Clapham and Mr Peter Teggart be accepted.

Moved B. Ingram / T. Overall

Carried

4. DISCLOSURE OF INTEREST

Nil

5. RESOLVE INTO THE COMMITTEE OF THE WHOLE

N/A

6. URGENT /ADDITIONAL BUSINESS

RESOLVED

That a Bushfire Recovery discussion be held before the close of meeting and that the CRJO councils collaborate to write ministerial requests in relation to additional and on-going disaster funding.

That the CRJO write to the four Regional Development Australia (RDA) bodies situated within the CRJO boundary; RDA Southern Inland, RDA ACT, RDA Far South Coast and RDA Riverina regarding their regional priorities, activities and achievements in their respective regions.

Moved B. Kirk / B. Ingram

Carried

Meeting adjourned by the CRJO Chair for Ministerial Meetings with the Office of the Hon. Simon Birmingham MP at 10:00am.

Meeting recommenced at 1:47pm.

7. CONFIRMATION OF MINUTES

RESOLVED

That the CRJO Board Meeting minutes of 6 December 2019 be confirmed.

Moved T. Overall / P. Beer

Carried

8. CHAIR'S MINUTE

Nil

9. NOTICE OF MOTIONS

Nil

10. NOTICE OF RECISSIONS

Nil

11. REPORTS TO THE JOINT ORGANISATION

11.1 CRJO CHARTER

RESOLVED

That the CRJO Board

1. *Endorse the changes to the CRJO Charter.*
2. *Agree to undertake a complete review of the CRJO Charter after the Local Government 2020 Elections and adopt the revised Charter at the CRJO Board meeting of 4 December 2020.*

Moved J. Stafford / D. Gair

Carried

11.2 CRJO CODE OF MEETING PRACTICE

RESOLVED

That the CRJO Board

1. *Receive the report for the revised CRJO Code of Meeting Practice.*
2. *Adopt the following changes be made to the Code of Meeting Practice:*
 - 2.1. *Clause 5.9. The Quorum of a Meeting. Remove the current requirement for a quorum of 75% of voting representatives and amend the clause to read;*

"The quorum of a meeting of the Joint Organisation is 50% of the voting representatives plus one (1) additional voting representative.

***Note:** to achieve a quorum calculate 50% of voting representatives then add one (1) additional representative. For example: If 50% of 10 voting members is 5 voting representatives, then a sixth voting representative must be present to establish a quorum."*
 - 2.2. *Clause 5.14 to be amended to; "A non-quorum meeting of the Board may be held if 50% of voting members are in attendance."*
 - 2.3. *Clause 5.14(a) to be amended to: "must have 50% plus one (1) of voting members registered 'in favour' within 7 days of the circulating the minutes."*



2.4. Amend all other clauses that currently state or reference the 75% quorum.

2.5. Clause 8.1 Order of Business for Ordinary Joint Organisation Meetings be amended to remove the following items:

- Part 2. Resolving to Committee of the Whole
- Part 13. Resolving into the Board
- Part 14. Adoption of decisions of committee of the whole.

2.6. That Clause 8.1 be amended to read as follows "The general order of business for an ordinary meeting of the Joint Organisation shall be:

1	Opening Meeting
2	Welcome & Acknowledgement of Country
3	Apologies
4	Disclosures of interest
5	Notice of Motions
6	Notice of Rescissions
7	Urgent Business
8	Presentations
9	Confirmation of Minutes
10	Chair's Minute
11	Reports to Joint Organisation
12	Confidential Matters
13	Close"

3. Refer the amended Code of Meeting Practice to public exhibition for 28 days and if no submissions or comments are received then the amendment be endorsed as Policy of Canberra Region Joint Organisation. If any submissions or comments are received, then they be placed on the next agenda of the Board for consideration.

Moved D. Gair / J. Stafford

Carried

11.3 ELECTION OF JOINT ORGANISATION CHAIRPERSON

RESOLVED

That the CRJO Board

1. Receive the Election of Joint Organisation Chairperson report and note the proposed election process as per the guidelines set out in the Joint Organisation implementation Guide and the Local Government Act 1993.
2. Resolve to call an Extraordinary meeting to be held after 29 June 2020 for the election of the 2020 CRJO Chairperson and Deputy Chairperson by preferential ballot (secret ballot).
3. Resolve to adopt the same process for election of the CRJO Deputy Chairperson as that of the Chairperson.



4. *Resolve to forward their nominations for the CRJO Chairperson and Deputy Chairperson 2020 – 2022 to the Returning Officer (CRJO Executive Officer) one week prior to the election date.*
5. *Agree that a letter be sent to the NSW Minister for Local Government and Chief Executive of the Office of Local Government informing the Office of the newly elected Chairperson and Deputy Chairperson.*
6. *Write to the NSW Minister of Local Government to change the election legislation for joint organisations to hold Board elections after local government elections.*

Moved B. Kirk / J. Hayes

Carried

11.4 CRJO FINANCIAL REPORT TO 31 DECEMBER 2019

RESOLVED

That the CRJO Board

1. *Note the financial position of the CRJO as at 31 December 2019.*
2. *Note the intention of the budget review for 2020/21 in relation to the actions regarding financial viability to be tabled at the CRJO Board meeting on 14 May 2020.*

Moved J. Hayes / P. Beer

Carried

11.5 CRJO PAYMENT OF EXPENSES, PROVISIONS OF FACILITIES AND ALLOWANCES TO BOARD MEMBERS

RESOLVED

That the CRJO Board

1. *Approve the changes to remove references to the 2018/2019 financial year, clarify payment frequency and include extraordinary and ordinary meetings to the clause 5.8 of the 'CRJO Payment of Expenses, Provisions of Facilities and Allowances to Board Members' policy.*
2. *Agree to place the document on public exhibition for a period of 28 days and if no submissions or comments are received then the amendment be endorsed as Policy of Canberra Region Joint Organisation. If any submissions or comments are received, then they be placed on the next agenda of the CRJO Board for consideration.*

Moved P. Beer / B. Kirk

Carried



11.6 ADDITIONAL CONTRIBUTIONS LOCAL GOVERNMENT SUPERANNUATION

RESOLVED

That the CRJO Board

1. Receive report from the Chair of the General Managers Advisory Group on additional contributions Local Government Superannuation.
2. Endorse the CRJO Letter to Local Government Superannuation regarding the additional contributions be sent to Local Government Superannuation.

Moved B. Kirk / T. Overall

Carried

11.7 GENERAL MANAGERS ADVISORY GROUP MEETING SUMMARY – 30 JANUARY 2020

RESOLVED

That the CRJO Board

1. Receive and note the report from the Chair of the General Managers Advisory Group on the summary of the GMAG meeting from the 30th January 2020.
2. Write to the Department of Planning seeking an urgent review of implementation of the E-planning mandatory provisions.

Moved B. Kirk / D. Gair

Carried

11.8 CRJO OPERATIONAL REPORT

RESOLVED

That the CRJO Board note the CRJO operational report.

Moved T. Overall / J. Hayes

Carried

11.9 CRJO ACTIONS AS AT 30 JANUARY 2020

RESOLVED

That the CRJO Board note the CRJO Actions and report as at 18 February 2020.

Moved D. Gair / J. Stafford

Carried



11.10 STANDING ITEM: OFFICE OF LOCAL GOVERNMENT UPDATE

The Manager Council Engagement from the Office of Local Government provided the CRJO Board with an update and welcomed questions.

11.11 STANDING ITEM: ACT GOVERNMENT UPDATE

Noting a conflict of interest Ms Gabrielle Cusack, Ms Nikolina Marinovic, Mr Alec Palmer, Mr Noel Schiller left the meeting at 2:15pm, along with Ms Karen Purser.

12. MOVE INTO CLOSED SESSION

RESOLVED

The CRJO Board must resolve to move into Closed Session to deal with any items under s10 of the Local Government Act 1993.

Moved B. Ingram / T. Overall

Carried

13. CONFIDENTIAL MATTERS

RESOLVED

That the CRJO Board considers the confidential report listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993 (a) Personnel matters concerning particular individuals (other than councillors).

14. MOVE OUT OF CLOSED SESSION

RESOLVED

That the CRJO Board resolve to move out of Closed Session and record any resolutions made during the closed session.

Moved D. Gair / J. Stafford

Carried

Ms Gabrielle Cusack, Ms Nikolina Marinovic, Mr Alec Palmer and Ms Karen Purser returned to the meeting at 2:32pm.



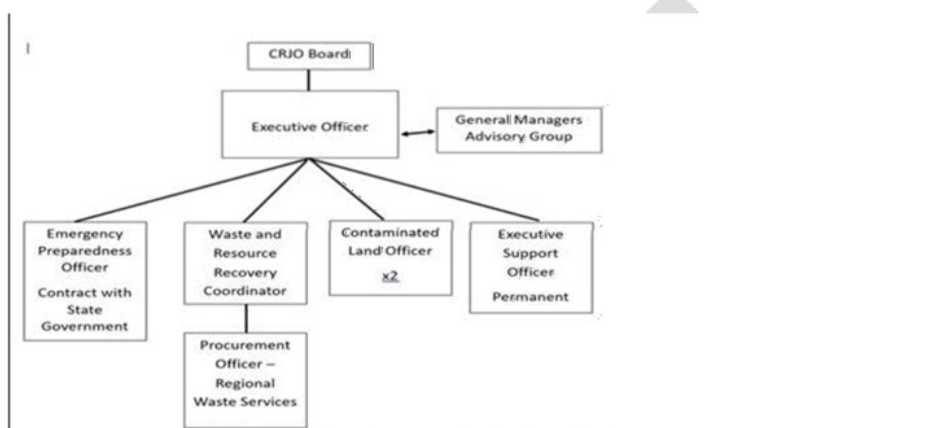
15. RESOLVE INTO THE BOARD

15.1 CRJO RESTRUCTURE AND RECRUITMENT

RESOLVED

That the CRJO Board

1. *Receive the report from the CRJO General Managers Advisory Group Chair.*
2. *Endorse the following staff structure:*



3. *Endorse the position description for the advertisement of the Executive Officer position.*
4. *Appoint an Executive Officer Recruitment Working Party (Working Party) with the delegations to appoint a recruitment consultant and undertake the recruitment process of a new Executive Officer. The Executive Officer Recruitment Working Party is to consist of the following CRJO representatives:*
 - *CRJO Chair of the Board – Mayor Rowena Abbey*
 - *Mayor of Snowy Valleys Council – Mayor James Hayes OAM*
 - *CRJO Chair of the General Managers Advisory Group – Mr Warwick Bennett*
 - *Chief Executive Officer Queanbeyan-Palerang Regional Council – Mr Peter Tegart*
5. *That the Working Party provide a recommendation for the appointment of the Executive Officer to be determined by the CRJO Board,*
6. *That the Chair and Deputy Chair of the General Managers Advisory Group be delegated to undertake the staff consultation on the staff restructure, including arrangement with staff whose position may become surplus.*

Moved K. McBain / T. Overall

Carried



16. ADOPTION OF DECISION OF COMMITTEE OF THE WHOLE

N/A

17. ADDITIONAL BUSINESS: BUSHFIRE RECOVERY

RESOLVED

That the CRJO EMT prepare a detailed list key strategic items and solutions funding sources representing the needs of all councils for submission to the National Bushfire Recovery agency and the State Bushfire Recovery Committee.

Moved L. Innes / K. McBain

Carried

18. CLOSE

The Chair closed the meeting at 3:00pm.

DRAFT

12.4 MINUTES OF THE ABORIGINAL CONSULTATIVE COMMITTEE HELD ON 11 FEBRUARY 2020

REPORT

The minutes of the Aboriginal Consultative Committee meeting held on 11 February 2020 are included in **Attachment A**.

From these minutes there are no items which cover matters that:

- Require expenditure not provided for in the current Operational Plan
- Involve a variation to a Council policy
- Are contrary to a previous decision or position of Council
- Relate to a matter which requires Council to form a view or adopt a position
- Deal with a matter of specific interest

RECOMMENDATION

That the minutes of the Aboriginal Consultative Committee meeting held on 11 February 2020 be noted.

ATTACHMENTS: A. Aboriginal Consultative Committee Minutes 11 February 2020 [↓](#)



Minutes of the Aboriginal Consultative Committee Meeting

Tuesday 11 February 2020

4.00pm

Yass Valley Council Chambers

209 Comur Street, Yass

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Present

Cr Michael McManus (Chair), Bob Buffington, Brad Bell, Lillian Bell, Karen Denny (interval 4.25pm-4.40pm)

Also present

Sergeant Dave Cowell, (Yass Police - until 4.40pm), Helen Maskell-Knight (Community Planner).

Acknowledgement of Country

Cr McManus acknowledged the Ngunnawal people as the traditional custodians and paid respect to the Elders and their descendants.

1. Apologies

Apologies were noted from Cr Kim Turner and Debbie Wallace.

2. Presentations

Sergeant Dave Cowell advised of progress with consultations relating to establishing a support group for any young Aboriginal people coming into custody. Discussions will continue with Brad and Karen. The importance was stressed of getting a list together for the next meeting and of giving young people options as to who they might prefer to support them.

3. Declarations of Interest

Nil

4. Confirmation of Minutes

RECOMMENDED that:

- 1. *The minutes of the Aboriginal Consultative Committee Meeting held on 13 August 2019, copies of which had been circulated to all members, were taken as read and confirmed.***
- 2. *The content of notes of informal discussions held on 3 December 2019, copies of which had been circulated to all members, was endorsed and adopted.***

(B Bell/K Denny)

5. Staff Reports

5.1 INCLUSIONS ON THE STATE HERITAGE REGISTER RELATING TO YASS GORGE

SUMMARY

This report responds to the request made at the informal meeting of the Aboriginal Consultative Committee on 3 December for advice as to what parts of Yass Gorge are on the State Heritage Register.

RECOMMENDED that the report was noted and it was resolved that members be given further opportunity to assess its contents.

(B Bell/K Denny)

RECOMMENDED that the meeting resolved that Karen Denny and Brad Bell initiate the nomination of the Town Camp as an Aboriginal Place.

(K Denny/B Bell)

6. General Business

6.1 CONCERNS RAISED ABOUT SCARRED TREES

Brad Bell advised that he had received an email expressing concern about the work being undertaken by the Committee and Council with the scarred trees on Oak Hill, but that the cause of the concern was not evident.

The Chair advised that if concerns were raised again that the complainant be asked to write to the Mayor and Council would deal with the matter.

6.2 ACTION ITEMS

It was agreed that a list of action items arising from matters addressed at the meeting be drafted and circulated.

7. Next Meeting

4.00pm Tuesday 7 April, Yass Valley Council Chambers.

The meeting closed at 5.30pm

13 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:

13.1 Tender Variation - Victoria Park Amenities Upgrade Stage 2

Item 13.1 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.

13.2 Community Services Review Update and Lease of Council Building

Item 13.2 is confidential in accordance with section s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.