

Ordinary Meeting of Council

**Wednesday 23 September 2020
4.00pm
Council Chambers
209 Comur Street, Yass**

PRAYER:

All Stand:

Mayor: *Let us be still and remember the presence of God. As we commence our meeting let us together pray for guidance and help.*

All say together:

Almighty God, we ask your blessing upon this Council.

Direct and prosper our deliberations to the true welfare of Australia and the people of Yass Valley Amen.

FUTURE MEETINGS

October 2020

Wednesday 28th

4.00pm

Ordinary Meeting of Council

Ordinary Meeting of Council

A G E N D A

Open Forum

Page No.

Webcasting

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

Acknowledgement of Country

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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5. Notice of Motion

Nil

62. Questions with Notice

Nil

13. Minutes and Recommendations of Council Committees

14. Confidential Matters

Nil

Close of Meeting Time

Chris Berry

GENERAL MANAGER



Minutes of the Ordinary Meeting of Council

Wednesday 26 August 2020

4.00pm

Council Chambers

209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

SPEAKERS VIA ZOOM

Item 6.2 Planning Proposal – Administrative Amendment: 82 Laidlaw Street, Yass

Jack Walker

Item 6.4 – Development Application DA200025 – Dragon Dreaming – Caves Road, Wee Jasper

Helen Cathles

Item 9.1 Design for Civic Precinct Project

Bec Duncan

Council Meeting - The Mayor declared the meeting open at 4.18 pm.

Present

Councillors Rowena Abbey, Mayor, in the chair, Cecil Burgess, Geoff Frost, Nathan Furry, Allison Harker (via Zoom), Jasmin Jones, Michael McManus, Mike Reid (via Zoom) and Kim Turner.

Also present were the General Manager – Chris Berry, Director of Planning & Environment – Julie Rogers, Interim Director of Infrastructure & Assets – Steven Beasley, Director of Corporate & Community – Mark Eady and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

1. Prayer

2. Apologies

Nil

3. Declaration of Interest/Disclosures

Councillor Jones declared a pecuniary conflict of interest in Item 13.2 – Tender Evaluation Report – Cleaning Services for Specified Council Buildings and Amenities YVAIA/05.2020 and stated that she believed her interest would preclude her from voting.

Reason: Councillor Jones declared an interest as the tender was advertised in the Sydney Morning Herald but not the Yass Valley Times before the resolution of Council to not advertise in Yass Valley Times.

Councillor McManus declared a significant, non-pecuniary conflict of interest in Item 10.1 – Notice of Motion – Affordable Meeting Spaces During COVID-19 and stated that he believed his interest would preclude him from voting.

Reason: Councillor McManus declared an interest as he is the Vice President and Life Member of the Yass Soldiers Club.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 22 July 2020 resolution numbers 103-155 inclusive be taken as read and confirmed.

(Furry/Turner) 116

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

AGAINST: Nil

5. Mayoral Minute

6. Director of Planning & Environment Reports

6.1 PROPOSED BIOCERTIFICATION OF COUNCIL OWNED PROPERTY "HAWTHORN"

SUMMARY

The Council owned property "Hawthorn" to the north of Murrumbateman, has long been identified as a logical location for the expansion of the Murrumbateman village. Whether Council develops the land or sells to a third party, Biocertification under the *Biodiversity Conservation Act 2016* is a way to consider and embed the best strategic and biodiversity outcomes for the site.

RESOLVED that Strategic Biocertification for the development of the Council property known as 'Hawthorn' be pursued.

(Jones/McManus) 117

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

AGAINST: Nil

6.2 PLANNING PROPOSAL - ADMINISTRATIVE AMENDMENT: 82 LAIDLAW STREET, YASS

SUMMARY

Presenting the outcomes of public exhibition of the Planning Proposal seeking an amendment to the *Yass Valley Local Environmental Plan (LEP) 2013* to amend the Land Zoning, Lot Size, Floor Space Ratio and Height of Buildings maps for 82 Laidlaw Street, Yass to reflect the updated cadastral map and the extent of Yass River flooding as shown in the *Yass Flood Study*.

It is recommended that the Planning Proposal be adopted and the amendment to the *Yass Valley LEP 2013* be made by Council as a local plan-making authority.

RESOLVED that :

- 1. The Planning Proposal - Administrative Amendment: 82 Laidlaw Street, Yass (PP.2019.04) be adopted.***
- 2. The amendment to Yass Valley LEP 2013 be forwarded to the Parliamentary Counsel's Office (PCO) to request a formal legal opinion that the amendment can be made.***

3. *The amendment to Yass Valley LEP 2013 be made by Council as a local plan-making authority under s3.36 Environmental Planning & Assessment Act 1979.*

(Frost/Turner) 118

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

AGAINST: Nil

6.3 PLANNING PROPOSAL - 2155 SUTTON ROAD, SUTTON

SUMMARY

Presenting the outcomes of public exhibition of the Planning Proposal seeking an amendment to *Yass Valley Local Environmental Plan 2013* by amending the land zoning and lot size maps for 2155 Sutton Road, Sutton.

It is recommended that the Planning Proposal be adopted and the Department of Planning, Industry and Environment (DPIE) be requested to make the amendment to *Yass Valley Local Environmental Plan 2013* as a local plan-making authority.

RESOLVED that :

- 1. *The Planning Proposal - 2155 Sutton Road, Sutton (PP.2018.02) be adopted.***
- 2. *The Department of Planning, Industry & Environment be requested to make the amendment to Yass Valley Local Environmental Plan 2013 as a local plan-making authority under s3.36 of the Environmental Planning & Assessment Act 1979.***

(Jones/Burgess) 119

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

AGAINST: Nil

6.4 DEVELOPMENT APPLICATION DA200025 - DRAGON DREAMING - CAVES ROAD, WEE JASPER

SUMMARY

To consider Development Application DA200025 for the Dragon Dreaming music, arts and lifestyle festival at Caves Road, Wee Jasper. A three year approval is recommended.

RESOLVED that conditional Development Consent be issued for the Dragon Dreaming event at Caves Road, Wee Jasper subject to the Development Consent being limited to a duration of three years (covering the 2021 to 2023 events inclusive) and the organiser negotiating with NSW Police in relation to user-pays policing.

(Turner/Reid) 120

FOR: Councillors R Abbey, C Burgess, A Harker, M Reid and K Turner

AGAINST: Councillors G Frost, N Furry, J Jones and M McManus

FORESHADOWED MOTION

The application be refused on the following basis:

- *The event is unacceptably high-risk due to the relatively remote location at which it is held*
- *The event is unacceptable taking into account the advice and objections of NSW Police in particular:*
 - *The likelihood that an overdose will take place the time it will take to transport a patient to a critical care facility is high risk, which cannot be further mitigated*
 - *The possibility of a natural disaster resulting in an unplanned evacuation v the number of people and available resources to facilitate an evacuation equal a high risk, which cannot be further mitigated*

Jones/

7. Director of Infrastructure & Assets Reports

7.1 NSW ROAD CLASSIFICATION AND REGIONAL ROADS REVIEW OVERVIEW

SUMMARY

To develop Council's submission for the NSW Road Classification Review and Transfer and recommend that Council make a submission nominating all Regional Roads for transfer to NSW State Government management.

RESOLVED that a submission to the Road Classification Review and Transfer be made:

1. ***For the following Council's Regional Roads to be transferred and fully managed by the NSW State Government:***
 - ***Yass Valley Way – from the western intersection with the Hume Highway to the intersection with the Barton Highway***
 - ***Burrinjuck Road – from the intersection with the Hume Highway to Burrinjuck Dam***
 - ***Murrumbateman Road – from intersection with the Barton Highway to the intersection with Sutton Road***
 - ***Sutton/Gundaroo Road – from the intersection with the Federal Highway to the LGA Boundary with Upper Lachlan Shire Council***
 - ***Wee Jasper Road - from the LGA boundary with Snowy Valleys Council to the intersection with Comur Street***
2. ***No roads where Council is the road authority have been identified to be re-classified.***
3. ***The submission include a requirement that Regional Roads are maintained at a minimum asset management state 2-good.***
4. ***A report be presented to the September Council meeting to assess the suitability of the following roads for reclassification:***
 - ***Shingle Hill Way***
 - ***Mulligans Flat Road***
 - ***Nanima Road***
 - ***Mountain Creek Road***
 - ***Fairlight Road***

(Frost/Turner) 121

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

AGAINST: Nil

7.2 SAFETY CONCERNS BURLEY GRIFFIN WAY, BINALONG - SAFETY BARRIERS

SUMMARY

To report on options to improve safety at the intersections of Burley Griffin Way (Stephens Street) with Richmond and Fitzroy Streets, Binalong.

RESOLVED that :

- 1. Council work with TfNSW to install traffic barriers adjacent to the residents at the intersection of Burley Griffin Way (Stephens Street) with Fitzroy and Richmond Streets.**
- 2. The installation of traffic barriers be funded from the State Road Reserve.**
- 3. TfNSW be requested to install fixed speed cameras in Binalong.**
- 4. Council's portable VMS board be made available.**

(Jones/Furry) 122

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

AGAINST: Nil

7.3 ACCESS TO MURRUMBATEMAN RECREATION AREA, BARTON HIGHWAY, MURRUMBATEMAN

SUMMARY

Presenting options for improving road safety and access into the Murrumbateman Recreation Area and seeking endorsement of a preferred option.

MOTION

That:

- Option 1 for the access into the Murrumbateman Recreations Area be endorsed as the preferred option subject to a replacement advanced London Plane tree being planted on the eastern side of the Barton Highway north of the new access.*
 - Following consultation with the community the six London Plane trees be planted in the gaps between the remaining memorial trees in the road verge area on the eastern side of the Barton Highway*
 - A commemorative plaque recognising the stand of memorial trees be installed in consultation with the community.*
- A new memorial be investigated in consultation with the community.*

(McManus/Harker)

FOR: Councillors C Burgess, N Furry, A Harker and M McManus

AGAINST: Councillors R Abbey, G Frost, J Jones, M Reid and K Turner

MOTION LOST

AMENDMENT

That Option 1 for the access into the Murrumbateman Recreations Area be endorsed as the preferred option and to mitigate the heritage impacts as a result of the tree removal:

- *Council will support a replacement and sustainable memorial subject to community feedback on its suitability and location.*
- *A commemorative plaque recognising the stand of memorial trees be installed.*

(Reid/Turner)

FOR: Councillors G Frost, M Reid and K Turner

AGAINST: Councillors R Abbey, C Burgess, N Furry, A Harker, J Jones and M McManus

MOTION LOST

FORESHADOWED MOTION

RESOLVED that Option 1 for the access into the Murrumbateman Recreations Area be endorsed as the preferred option subject to a replacement advanced London Plane tree being planted on the eastern side of the Barton Highway north of the new access.

(Jones/Furry) 123

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

AGAINST: Councillor M McManus

7.4 TENDER EVALUATION REPORT - YASS VALLEY WAY RECONSTRUCTION YVC/ASS/03.2020

SUMMARY

This report provides advice on the submission of tenders for the Yass Valley Way Reconstruction, contract YVC/ASS/03.2020. This tender includes the reconstruction of 5.26km of Yass Valley Way commencing from the double roundabouts near the Barton Highway through to the intersection of the Hume Highway.

RESOLVED that this item of the Director of Infrastructure & Assets report's be classified as confidential in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

(McManus/Turner) 124

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

AGAINST: Nil

7.5 TENDER EVALUATION REPORT - CLEANING SERVICES FOR SPECIFIED COUNCIL BUILDINGS AND AMENITIES YVC/IA/05.2020

SUMMARY

This report provides advice on the recent Tender YVC/IA/05/2020 – Cleaning Services for Specified Council Buildings and Amenities.

RESOLVED that this item of the Director of Infrastructure & Assets report's be classified as confidential in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

(McManus/Turner) 125

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

AGAINST: Nil

7.6 TENDER EVALUATION REPORT - WALKER PARK GRANDSTAND YVC/PG/04.2020

SUMMARY

This report provides advice on the submission of tenders for the construction of a covered grandstand, commentators box, footpath and disabled amenities at Walker Park Sporting Complex, Yass.

RESOLVED that this item of the Director Infrastructure and Assets Report be classified as confidential in accordance with section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, prejudice the commercial position of the person who supplied the information.

(McManus/Turner) 126

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

AGAINST: Nil

8. Director of Corporate & Community Reports

8.1 SIX MONTHLY PROGRESS REPORTING ON THE 2017/18 - 2020/21 DELIVERY PROGRAM

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. This report contains the status of actions and activities undertaken for the period 1 January 2020 to 30 June 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 for period 1 January 2020 to 30 June 2020 be noted.

(Furry/Turner) 127

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

AGAINST: Nil

8.2 DRAFT 2019/20 ANNUAL FINANCIAL STATEMENTS

SUMMARY

In accordance with s413 *Local Government Act 1993*, approval is sought to refer the Draft 2019/20 Annual Financial Statements to Council's external auditor.

RESOLVED that :

- 1. The Draft 2019/20 Annual Financial Statements be referred to the NSW Audit Office when completed.***
- 2. The Statement of Councillors and Management be signed in accordance with s413 (1), (2) and (3) Local Government Act 1993.***

(Furry/Harker) 128

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

AGAINST: Nil

8.3 REVOTES FROM 2019/20 TO 2020/21

SUMMARY

To submit proposed revotes and project costs to be carried forward from 2019/20 to the new financial year 2020/21.

RESOLVED that :

- 1. The budgets detailed in Attachment A Revotes from 2019/20 to 2020/21 be revoted.**
- 2. The budgets detailed in Attachment B Carry Forward funds from 2019/20 to 2020/21 be noted.**

(Frost/Furry) 129

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

AGAINST: Nil

8.4 RATES AND CHARGES ARREARS

SUMMARY

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

Rate arrears totalled \$1,289,675.96 as at 30 June 2019. It has reduced to \$286,203.04 at 30 June 2020. This represents an improvement of \$1,003,472.92 or 77.81%.

RESOLVED that the report on rate arrears be noted.

(Turner/Burgess) 130

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

AGAINST: Nil

8.5 INVESTMENT AND BORROWINGS REPORT

SUMMARY

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

(Harker/Turner) 131

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

AGAINST: Nil

8.6 AMENDMENTS TO THE MODEL CODE OF CONDUCT AND PROCEDURES FOR LOCAL COUNCILS IN NSW

SUMMARY

The Office of Local Government have advised that amendments have been made to the Model Code of Conduct and Procedures which have taken effect from 14 August 2020. Council are required to adopt the Model Code and Procedures.

RESOLVED that the amended 2020 Model Code of Conduct for Local Councils in NSW and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW be adopted.

(Furry/McManus) 132

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

AGAINST: Councillor G Frost

9. General Manager Reports

9.1 DESIGN FOR CIVIC PRECINCT PROJECT (INCLUDING LIBRARY AND WORK HUB) - 209 COMUR STREET, YASS

SUMMARY

To present a draft project brief for the preparation of plans and documentation for the design of an civic precinct project (including library and work hub) at 209 Comur Street, Yass. It is recommended that the process for engaging an appropriately qualified and experienced consultant be commenced.

RECOMMENDATION

That:

- 1. The project brief for the design of a civic precinct project (including library and work hub) at 209 Comur Street, Yass be endorsed.*
- 2. A procurement process be undertaken to engage as suitably qualified and experienced consultant for the project.*

NOTE: Original recommendation was not considered.

9.1A DESIGN FOR CIVIC PRECINCT PROJECT (INCLUDING LIBRARY AND WORK HUB) - 209 COMUR STREET, YASS - SUPPLEMENTARY REPORT

SUMMARY

To present a supplementary report on the draft project brief for the preparation of plans and documentation for the design of an civic precinct project (including library and work hub) at 209 Comur Street, Yass.

RESOLVED that :

1. ***Council commence an immediate cross media strategy to publicise to the Yass Valley public its intention to begin work on a civic precinct project. The strategy to highlight:***
 - a. ***The favoured location – 209 Comur Street, Yass***
 - b. ***The scope of the intended works to include but not limited to a new library, community meeting rooms, small business centre/work hub, short term accommodation, space for long term government tenants***
2. ***Feedback from the public be received by submissions through a range of suitable mechanisms including a forum***
3. ***A procurement process be undertaken to engage a suitably qualified and experienced consultant for the project***

(Jones/Turner) 133

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

AGAINST: Nil

10. Notice of Motion

At 06:08 pm Councillor McManus left the Chambers.

10.1 NOTICE OF MOTION - AFFORDABLE MEETING SPACES DURING COVID-19

Councillor Geoff Frost gave notice that at the Ordinary Council Meeting on 26 August 2020, he will move the following motion.

MOTION

That Yass Valley Council use the Memorial Hall to provide the public and community groups with access to affordable meeting spaces during the COVID 19 pandemic.

(Frost/Turner)

RESOLVED that the Motion be put.

(Furry 134

FOR: Councillors G Frost, J Jones and K Turner

AGAINST: Councillors R Abbey, C Burgess, N Furry, A Harker and M Reid

MOTION LOST

At 06:29 pm Councillor McManus returned to the Chambers

10.2 NOTICE OF MOTION - STANDARD COMMITTEE CONSTITUTION

Councillor Nathan Furry gave notice that at the Ordinary Council Meeting on 26 August 2020, he will move the following motion.

RESOLVED that the following amendments be adopted to Section 8 of the Committee Standard Constitution and Instrument of Delegation:

- *In consultation with Committee members, s355 Committees can conduct ordinary and annual general meetings through an online meeting platform, or provide this platform in addition to meeting in person (where members may require it)*
- *Members of s355 Committees who choose to attend ordinary and annual general meetings by online meeting platform are counted towards quorum.*

(Furry/Reid) 135

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

AGAINST: Nil

11. Questions with Notice

Nil

12. Minutes and Recommendations of Council Committees

12.1 MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD ON 14 JULY 2020

RESOLVED that the Minutes of the Meeting of the Audit, Risk & Improvement Committee held on 14 July 2020 be noted.

(Harker/Furry) 136

FOR: Councillors R Abbey, 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** *Tender Evaluation Report - Yass Valley Way Reconstruction YVC/ASS/03.2020*
Item 13.1 is confidential in accordance with section s10(A)(2)(dii) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 13.2** *Tender Evaluation Report - Cleaning Services for Specified Council Buildings and Amenities YVC/IA/05.2020*
Item 13.2 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 13.3** *Tender Evaluation Report - Walker Park Grandstand YVC/PG/04.2020*
Item 13.3 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Furry/Turner) 137

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

AGAINST: Nil

Closed Council commenced at 6.39 pm.

13.1 TENDER EVALUATION REPORT - YASS VALLEY WAY RECONSTRUCTION YVC/ASS/03.2020

SUMMARY

This report provides advice on the submission of tenders for the Yass Valley Way Reconstruction, contract YVC/ASS/03.2020. This tender includes the reconstruction of 5.26km of Yass Valley Way commencing from the double roundabouts near the Barton Highway through to the intersection of the Hume Highway.

RESOLVED that :

- 1. The tender of \$1,125,465.62 from Roadworx Surfacing to reconstruct the 5.26km of failing pavement on Yass Valley Way be accepted.***
- 2. A contingency of \$200,000 be allocated for latent conditions and unsuitable material.***

(Furry/Burgess) 138

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

AGAINST: Nil

13.3 TENDER EVALUATION REPORT - WALKER PARK GRANDSTAND YVC/PG/04.2020

SUMMARY

This report provides advice on the submission of tenders for the construction of a covered grandstand, commentator's box, footpath and disabled amenities at Walker Park Sporting Complex, Yass.

RESOLVED that the lump sum tender of \$571,454.03 (ex GST) be accepted from Monarch Building Solutions for the construction of a covered grandstand, commentator's box, footpath and disabled amenities at the Walker Park Sporting Complex, Yass.

(McManus/Turner) 139

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

AGAINST: Nil

At 06:51 pm Councillor Jones left the Chambers.

13.2 TENDER EVALUATION REPORT - CLEANING SERVICES FOR SPECIFIED COUNCIL BUILDINGS AND AMENITIES YVC/IA/05.2020

SUMMARY

This report provides advice on the Evaluation process, results and recommendation by the Panel for the Tender YVC/IA/050.2020, Cleaning Services for Specified Council Buildings and Amenities.

RESOLVED that the Tender submission by Fast Facilities Services Pty Ltd of \$102,505 pa (Ex GST) for the provision of Cleaning Services for Specified Council Buildings and Amenities for Contract YVC/IA/05.2020, representing the best value for money be accepted.

(Furry/McManus) 140

Councillor Reid left the meeting at 6.55pm

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, M McManus and K Turner

AGAINST: Nil

RESOLVED that the meeting move into Open Council.

(Turner/Furry) 141

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, M McManus, and K Turner

AGAINST: Nil

Open Council resumed at 7.00 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Furry/Turner) 142

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, M McManus, and K Turner

AGAINST: Nil

The meeting closed at 7.01 pm.

Rowena Abbey
Mayor

5.1 ELECTION OF MAYOR AND DEPUTY MAYOR

SUMMARY

To provide the framework for the election of the Mayor and Deputy Mayor.

RECOMMENDATION

That:

1. *The General Manager be the Returning Officer for the Mayor and Deputy Mayor elections.*
2. *Following the close of nominations for the position of Mayor the method of electing the Mayor be determined from one of the following options in accordance with Schedule 7 Local Government (General) Regulation 2005 if there is more than one nomination:*
 - a. *Open Voting*
 - b. *Ordinary Ballot*
 - c. *Preferential Ballot*
3. *Following the close of nominations for the position of Deputy Mayor the method of electing the Mayor be determined from one of the following options in accordance with Schedule 7 Local Government (General) Regulation 2005 if there is more than one nomination:*
 - a. *Open Voting*
 - b. *Ordinary Ballot*
 - c. *Preferential Ballot*

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

Conducting the election in accordance with Schedule 7 *Local Government (General) Regulation 2005* and the *Local Government Amendment (Governance and Planning) Act 2016* will meet Council's governance obligations.

REPORT

1. Background

In accordance with s225 *Local Government Act 1993*, Council is required to elect a Mayor. Under s230(1) of the Act a Mayor elected by Councillors holds office for two years. Councillors may also choose to elect a fellow Councillor as Deputy Mayor.

The two year term of the current Mayor and Deputy Mayor was due to be concluded in September 2020. However due to the COVID-19 pandemic the State Government have deferred the Local Government elections until 4 September 2021 (refer **Attachment A**). Council are therefore required to elect a Mayor and Deputy Mayor for a one year term until September 2021.

The *Local Government Act 1993* provides for the General Manager or the person appointed by the General Manager to be the Returning Officer. The election of the Mayor is to be carried out in accordance with Clause 394 *Local Government (General) Regulation 2005*. i.e.

Local Government (General) Regulation 2005

CI 394 Election of mayors by councillors

If a mayor or deputy mayor is to be elected by the councillors of an area, the election is to be in accordance with Schedule 7.

Schedule 7 – Election of mayor by councillors (Clause 394)

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) The nomination is to be delivered or sent to the returning officer.*
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

3 Election

- (1) If only one councillor is nominated, that councillor is elected.*
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.*
- (4) In this clause:
“ballot” has its normal meaning of secret ballot.
“open voting” means voting by a show of hands or similar means.*

2. Election of Mayor

Nomination papers for the election of Mayor and Deputy Mayor for the 2020/21 term have been circulated to Councillors

Nominations for the position of Mayor shall be in writing by two or more Councillors (one of whom may be the nominee). The nomination must have the consent of the nominee in writing.

The nomination is to be delivered or sent to the Returning Officer who will announce the names of nominees at the meeting.

If only one candidate is nominated, that Councillor is elected.

When more than one candidate is nominated, the Council may, by resolution, decide whether the election shall be carried out by:

- a. Open voting – procedure identical to Ordinary Ballot, however, the voting is by show of hands or similar means, not a Ballot Paper.
- b. Ordinary ballot – involving the marking of Ballot Papers – subsequent exclusion of one candidate; further voting and exclusions; repeated until two candidates only remain, final vote between remaining two candidates.
- c. Preferential ballot – the complete numbering of Ballot Papers in consecutive order of preference for all candidates, commencing with “1” as first preference.

Both preferential and ordinary ballots are secret. Under the ordinary ballot system the Councillors vote “1” for the candidate of their choice and if there are three or more, the lowest is excluded at each ballot until only two remain and the person with the most votes at that ballot is declared elected. This

system is less complicated than preferential voting and ensures that the direct vote of Councillors (not preferences) will determine who is elected as Mayor. Previously, this Council has always adopted the ordinary ballot system for Mayoral elections and this has been proposed in the recommendation.

3. Election of Deputy Mayor

Section 231 of the Act provides that Council may elect a Deputy Mayor for the Mayoral term, or a shorter period if specified. This Council has always elected to have a position of Deputy Mayor and filled that position for the same period as the Mayor. A nomination form for this position is attached.

4. Mayoral Allowance

After consideration of the findings of the Local Government Remuneration Annual Determination, Council, at its meeting of 22 July 2020 set, the Mayoral Allowance at \$26,530. Council in the past has paid part of the Mayoral allowance to the Deputy Mayor in accordance with Council's *Councillor Expenses and Provision of Facilities Policy*. Council set the Deputy Mayoral Allowance (to be paid from the Mayoral Allowance) at \$1,500 per annum.

STRATEGIC DIRECTION

Theme	7. Council Governance and Finance
Long Term Goal	7.1 - Our council acts responsibly in its civic leadership role and is effective in planning and managing local growth and change
Strategy	7.1.3 – Consider social, environmental and economic sustainability in all Council planning, decision making and actions.
Strategic Action	7.1.3.1 – Develop a framework for long term planning and decision making which balances social, environmental and economic factors.

ATTACHMENTS: A. OLG Circular 20-29 4 August 2020 [↓](#)



Office of
Local Government

Circular to Councils

Circular Details	20-29 / 4 August 2020 / A713425
Previous Circular	20-25 <i>The date of the next ordinary local government elections is 4 September 2021</i> 20-28 <i>Rules on attendance at council and committee meetings during the COVID-19 pandemic as of 1 July 2020</i>
Who should read this	Councillors / General Managers / Governance staff
Contact	Council Governance Team/ 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Council to Implement

September 2020 mayoral elections

What's new or changing

- Councils that elected mayors in September 2018 must have mayoral elections in September 2020 when the 2-year term of the current mayor expires. The mayor elected in September 2020 will hold their office until ordinary elections are held on 4 September 2021.
- Councils must also hold an election for deputy mayor if the deputy mayor's term has expired and county councils must elect a chairperson.

What this will mean for your council

- Schedule 7 of the *Local Government (General) Regulation 2005* prescribes three methods of election of mayors:
 - open ballot (eg a show of hands)
 - ordinary ballot, or
 - preferential ballot.
- Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link.
- Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person if the election is to be by way of an ordinary or preferential ballot.

Key points

- In deciding which method to use for the mayoral election, councils should consider the personal circumstances of their councillors to ensure that all councillors can participate in the mayoral election.
- Councillors may attend council meetings in person under the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020* for the purposes of participating in a mayoral election and staff may attend for the purposes of conducting the election.
- Councils should observe appropriate social distancing when conducting mayoral elections and take any other steps necessary to minimise the risk of infection by the COVID-19 virus and to ensure the health and safety of all attendees.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

Where to go for further information

- The Office of Local Government has issued a fact sheet on conducting mayoral elections which is available at <https://www.olg.nsw.gov.au/councils/councillors/mayoral-elections/>.
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



Tim Hurst
Deputy Secretary
Local Government, Planning and Policy

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5.2 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

SUMMARY

To comply with s440AAB *Local Government Act 1993* a register and tabling of returns must be maintained.

RECOMMENDATION

The Register of Disclosures by Councillors and Designated Persons Return 2019-2020, as table, be noted

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

The tabling of these returns is a statutory obligation under the *Local Government Act 1993*.

REPORT

Section 440 *Local Government Act 1993*, prescribe that Council have a Model Code of Conduct (the Code). Under this section and as part of Council's Model Code of Conduct Councillors and designated person are required to complete and lodge with the General Manager, a *Disclosure by Councillors and Designated Persons Return* within three months after becoming a Councillor of designated person. Designated persons are those that have been identified as having significant contact with the general public.

Annual Returns are then due to be lodged each year prior to 30 September.

Part 4 Pecuniary Interests, s4.21 of the Model Code of Conduct states:

- 4.21 *A councillor or designated person must make and lodge with the general manager a return disclosing the councillor's or designated person's interests as specified within 3 months after:*
- (a) *becoming a councillor or designated person, and*
 - (b) *30 June of each year, and*
 - (c) *the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).*

Section 4.8 of the Code identifies that the General Manager and other senior staff of Council are designated persons. Council may also identify a member of staff or a delegate or members of a Council committee to be considered a designated person.

Positions have been identified which are thought to fit within this definition. The occupants of those positions are considered designated persons in accordance with Section 4.8 of the Code. The table below lists the Councillors and the positions identified as designated persons.

The returns are considered open access information in accordance with the *Government Information (Public Access) Act 2009*. The returns are placed on a Register of Returns which is available for inspection and is tabled at the Council meeting in accordance with the requirements of 4.26 of the Code.

Position	Directorate
Councillor	Council
Councillor	Council
Councillor	Council

Position	Directorate
Councillor	Council
Councillor	Council
Councillor	Council
Councillor	Council
Councillor	Council
Councillor	Council
General Manager	Executive
Manager Risk, Audit & Improvement	Executive
Director	Planning & Environment
Manager Development Control	Planning & Environment
Manager Strategic Planning	Planning & Environment
Coordinator Environmental Services	Planning & Environment
Senior Environmental Health Officer	Planning & Environment
Environmental Health Officer	Planning & Environment
Assistant Environmental Health Officer	Planning & Environment
Compliance Ranger	Planning & Environment
Senior Biosecurity Weeds Officer	Planning & Environment
Natural Resource & Sustainability Officer	Planning & Environment
Development Planner	Planning & Environment
Development Planner	Planning & Environment
Development Planner	Planning & Environment
Development Planner	Planning & Environment
Building Surveyor	Planning & Environment
Building Surveyor	Planning & Environment
Director	Corporate & Community
Chief Financial Officer	Corporate & Community
Manager Organisation Development	Corporate & Community
Manager ICT	Corporate & Community
Manager Tourism & Business Liaison	Corporate & Community
Coordinator Library Services	Corporate & Community
Financial Accountant	Corporate & Community
Director	Infrastructure & Assets
Manager Maintenance Services	Infrastructure & Assets
Manager Water & Wastewater	Infrastructure & Assets
Manager Engineering Services	Infrastructure & Assets
Manager Roads Delivery	Infrastructure & Assets

Position	Directorate
Manager Facility & Waste Assets	Infrastructure & Assets
Manager Recreational Assets	Infrastructure & Assets
Project Engineer Water & Wastewater	Infrastructure & Assets
Asset Engineer	Infrastructure & Assets
Support Engineer	Infrastructure & Assets
Parks Project Officer	Infrastructure & Assets
Coordinator Fleet & Procurement	Infrastructure & Assets

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 CL1.4 - Be compliant, more efficient and effective

Operational Plan Activity CL1.4.2 - All regulated compliance is adhered to

ATTACHMENTS: Nil

7.1 PLANNING PROPOSAL - 7 ICETON PLACE, YASS

SUMMARY

To present a report on a draft Planning Proposal seeking an amendment to the minimum lot size under the *Yass Valley LEP 2013* for 7 Icton Place, Yass.

RECOMMENDATION

That:

1. *Draft Planning Proposal - 7 Icton Place, Yass (PP.2020.03) be endorsed and forwarded to the Minister for Planning and Public Spaces to request a Gateway determination pursuant to s3.34 Environmental Planning & Assessment Act 1979*
2. *Planning Proposal (PP.2020.03) be adopted if no significant objections are received after the public exhibition of the Planning Proposal pursuant to the conditions of Gateway determination in accordance with s3.34(2)(c) Environmental Planning & Assessment Act 1979*

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Settlement Strategy 2036*

REPORT

1. Introduction

The *Yass Valley Settlement Strategy 2036* was adopted in August 2017. The Strategy sets a direction and a framework for the consideration of future development within the Yass Valley particularly Yass and Murrumbateman. It is estimated that the population of Yass and District will be 10,645 people by 2036, with an ultimate population of 20,000 people. Yass needs an additional 5,360 residential lots to accommodate the additional population growth by 2036. Land which is currently zoned residential has a capacity of 2,645 residential lots requiring more land to be rezoned to meet the shortfall of 2,715 residential lots.

The Strategy identified greenfield and brownfield sites in Yass to accommodate future population growth. The land immediately south of Cusack Place/Craig Close is also identified as Potential Future Residential Expansion Area (refer **Attachment A**).

2. Planning Proposal

A draft Planning Proposal has been received seeking an amendment to the minimum lot sizes in the *Yass Valley LEP 2013* for the land at 7 Icton Place, Yass.

The site is located approximately 3km from the Yass town centre and is situated immediately south of the Yass Valley Way and Craig Close, east of Cusack Place and Gums Lane and west of Dog Trap Road. O'Brien's Creek flows through the site in a northerly direction toward the Yass River (refer Figure 1 below).

The site is comprised of three parcels of land and has a total area of 173.3ha. The site is currently zoned R5 Large Lot Residential with a minimum lot size of 10ha under *Yass Valley LEP 2013*.

Surrounding development is characterised as rural residential comprising detached houses.

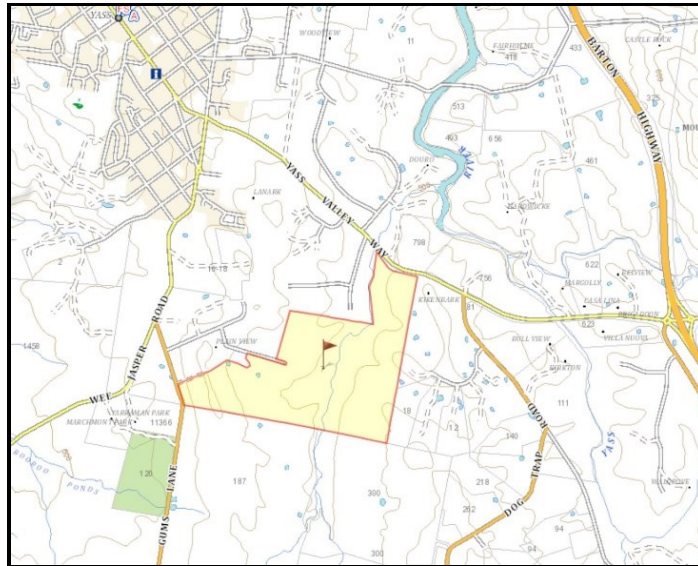


Figure 1: Site Location

The draft Planning Proposal seeks to amend the *Yass Valley LEP 2013* by reducing the minimum lot size of the site from 10ha to 1ha and 2ha. It is proposed that the majority of the site (141.8ha) will have a minimum lot size of 2ha whereas a smaller section (31.5ha) will have 1ha minimum lot size (refer **Attachment B**).

The draft Planning Proposal would enable the eventual development of the site for approximately 72 rural residential lots.

2.1 Site Analysis

Ecological Value

The submitted Biodiversity Development Assessment Report (BDAR) has identified the biodiversity values and constraints to development.

The assessment indicates that the site is extensively cleared and has been subject to pasture improvement over many years. The ecological surveys found that 82% of the site does not support any significant biodiversity values. The vegetation in the riparian zone along O'Briens Creek is largely characterised by exotic pasture grasses and the only woody riparian vegetation is restricted to a few small patches of Willow and Elm.

Only 18% of the site supports significant biodiversity values. There are patches of habitat of two threatened species – Golden Sun Moth and Striped Legless Lizard (refer **Attachment C**).

A conceptual lot layout has been prepared where the main patches of Golden Sun Moth and Striped Legless Lizard habitats are contained in larger lots. Similarly, a separate lot has been created to protect riparian land. These lots can be managed through Conservation Agreements or similar mechanism, to protect and manage the 19.22ha of land that supports significant biodiversity values.

The areas of habitat that would be impacted by the proposed development will be required to be offset. The offsets would be calculated at the development assessment stage if the amendment to *Yass Valley LEP 2013* is approved.

Traffic Impact Assessment

The submitted Traffic Impact Assessment Report notes that the proposed development is expected to generate a total of 533 additional daily vehicle movements, of which 409 are expected to exit and enter the site through Yass Valley Way.

The secondary access will be provided to Wee Jasper Road via Icton Place, Cusack Place and Gums Lane which currently carry relatively low volumes of traffic.

The report recommends works to mitigate traffic impacts. The proposed development is not anticipated to create of any significant traffic impacts with the implementation of the recommended mitigation measures.

Heritage

The site is not listed at a Heritage Item in the *Yass Valley LEP 2013*.

An Aboriginal Cultural Heritage Assessment concludes that:

- No registered Aboriginal heritage sites are located within the site
- No areas of potential archaeological deposits or heritage sites have been identified within the site and the potential for Aboriginal heritage objects to be present within has been assessed as low
- A subdivision of the site for rural residential purposes can proceed without further investigation or heritage assessment

Contaminated Land

Four potential areas of environmental concern from imported fill, the use of agricultural chemicals, fuel storage, and zinc leaching from galvanized corrugated roof sheeting from sheds on site has been identified in the Stage 1 Preliminary Site Investigation.

The preliminary investigation concludes that the site could be remediated for residential development, subject to subsurface investigations carried out at Stage 2 Detailed Contamination Investigation as part of the development assessment stage in the planning process.

The report concludes that the Planning Proposal can proceed without further investigation at this time.

Flood Prone Land

Although the site is outside the scope of the *Yass Flood Study 2016*, O'Briens Creek runs through the site flowing northerly toward the Yass River. A site specific flood impact assessment considered the 1% AEP flood level as the flood planning level and identifies the depth and flood level for the site (refer **Attachment D**).

Based on this study, the proposal will not be significantly impacted by flooding.

Groundwater Vulnerability

The *Yass Valley LEP 2013* identified the southern part of the site is vulnerable to groundwater contamination (refer Figure 2 below).

Future development will need to be assessed to ensure it would not have any impact on the groundwater quality. This can be undertaken as part of any future Development Application should the rezoning be approved.

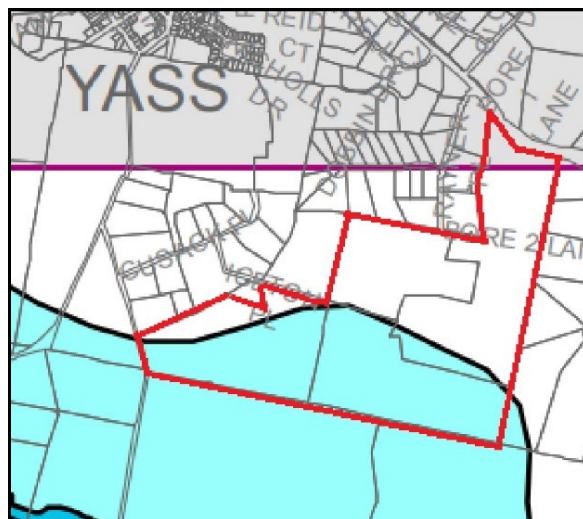


Figure 2: Groundwater Vulnerability

Dryland Salinity

The site is also identified in the *Yass Valley LEP 2013* as being partially affected by potential dryland salinity (refer Figure 3 below).

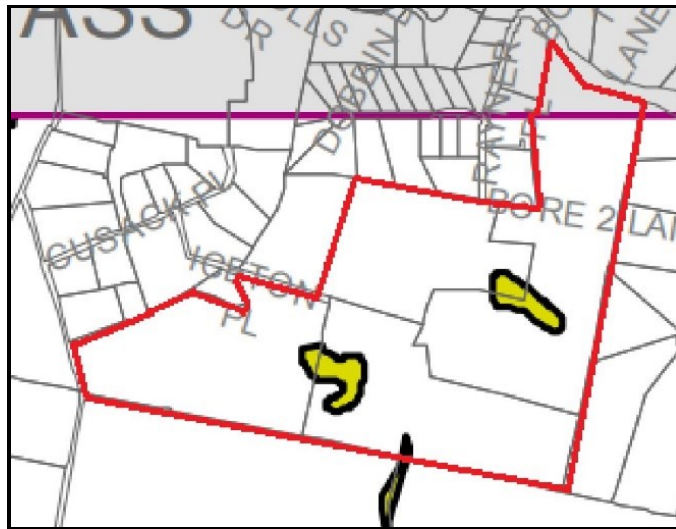


Figure 3: Dryland Salinity

The Land Capability Assessment prepared for the site states that:

- The areas mapped as salt affected are associated with drainage depressions and there is no evidence of saline scalding, no impact to pasture growth or species composition in adjacent paddocks, and no salt crusting evident; and
- These areas are stable and not eroding but do present a limitation to effluent disposal and dwelling construction. These areas are already included in the buffer areas associated with the drainage depressions

Land Capability Assessment

The site is not connected to a reticulated water supply or a reticulated sewerage system. Therefore, any rural residential development on the site will have to secure and manage a sustainable source of water for potable and non-potable uses and on site effluent management systems.

A Land Capability Assessment has been carried out to determine the suitability of the site:

- To sustainably manage on-site effluent on-site as per Australian Standards; and
- Provide unconstrained building sites for the construction of future dwellings

The constraints identified have been reflected on the Land Capability Constraints Plan (refer **Attachment E**).

Bush Fire Prone Land

The site is not identified on current Bush Fire Prone Land Map. However, it is subject to bushfire risk from grasslands as identified in the *Bush Fire Strategic Study* prepared for the site.

This report supports the proposed minimum lot size (1-2ha) on the site and concludes that the site is deemed to meet the objectives of the *Planning for Bushfire Protection* and is capable of meeting the acceptable solutions for Residential and Rural Residential Subdivisions.

3. Strategic Planning Assessment

The proposed amendment is consistent with the recommendation of the *South East and Tablelands Regional Plan 2036* and the *Yass Valley Settlement Strategy 2036*.

The draft Planning Proposal is consistent with the following directions set in the Regional Plan:

- *Direction 15: Enhance Biodiversity Connections*
The proposal has proposed measures to protect and manage threatened species – the Golden Sun Moth and Striped Legless Lizard as well as the riparian land within the site. This will not only protect the biodiversity values of the site but will also enhance biodiversity connectivity with the surrounding land.
- *Direction 24: Deliver Greater Housing Supply and Choice*
The proposal will create opportunity for approximately 72 rural residential lots in Yass that will support future housing demand. This will also offer more housing choice and a rural lifestyle in proximity to Yass town.
- *Direction 25: Focus Housing Growth in Locations that Maximise Infrastructure and Services*
The proposal would create an opportunity for housing in proximity to Yass town with existing infrastructure, services and community facilities.
- *Direction 28: Manage Rural Lifestyle*
The proposal is also consistent with the Yass Valley Settlement Strategy as the site was identified as a Potential Future Residential Expansion Area in the Strategy with a potential to be zoned R1 General Residential from R5 Large Lot Residential to accommodate the future population growth.

The detailed investigation identified that the site has significant constraints and is not suitable for urban residential development, although it is suitable for rural residential development on larger lots. To that end, the proposal is consistent with the principles of the Strategy that any future development in the Yass Valley should be contiguous to the existing settlements and should utilise existing infrastructure, services and facilities.

The *Yass Valley Settlement Strategy* identified part of the site as a potential future urban release area. At a Councillor Workshop on the proposal and the form of development was discussed and it was considered that a rural residential use of the area would be more consistent with the pattern of surrounding development taking into account the site's isolation from water and sewer infrastructure and existing urban development.

4. Conclusion

The proposal is consistent with regional and local strategic planning for future growth and the proposal is considered to have sufficient merit to progress through the Gateway process to allow further consideration.

It is recommended that the draft Planning Proposal be endorsed and forwarded to the Minister for Planning and Public Spaces to request a Gateway determination. Delegation to make the amendment as the local plan-making authority should also be sought.

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

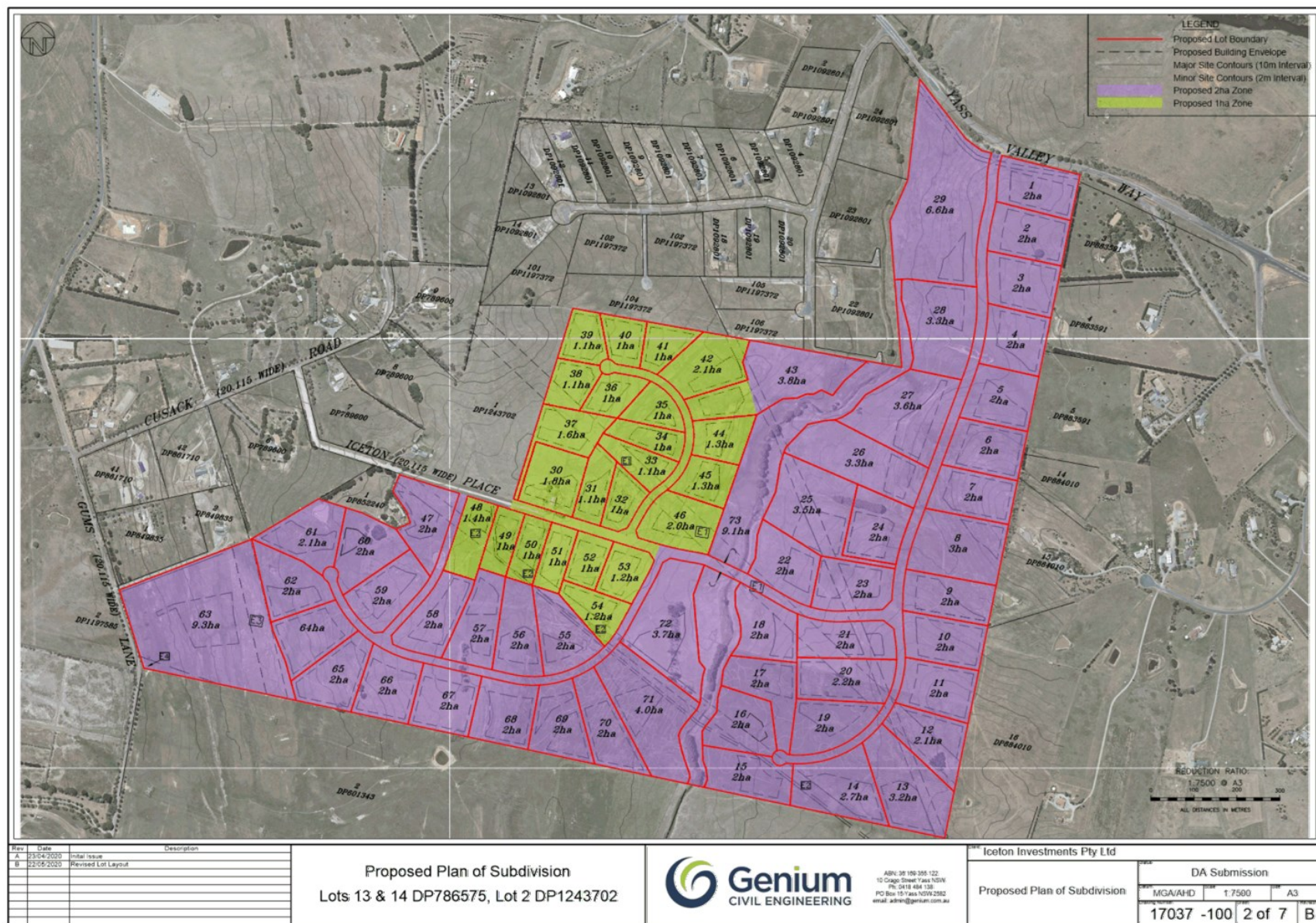
ATTACHMENTS:	A. Land identified for future development in south of Yass ↓
	B. Proposed Minimum Lot Sizes ↓
	C. Ecology Map ↓
	D. Flood Map ↓
	E. Land Capability Constraints Map ↓



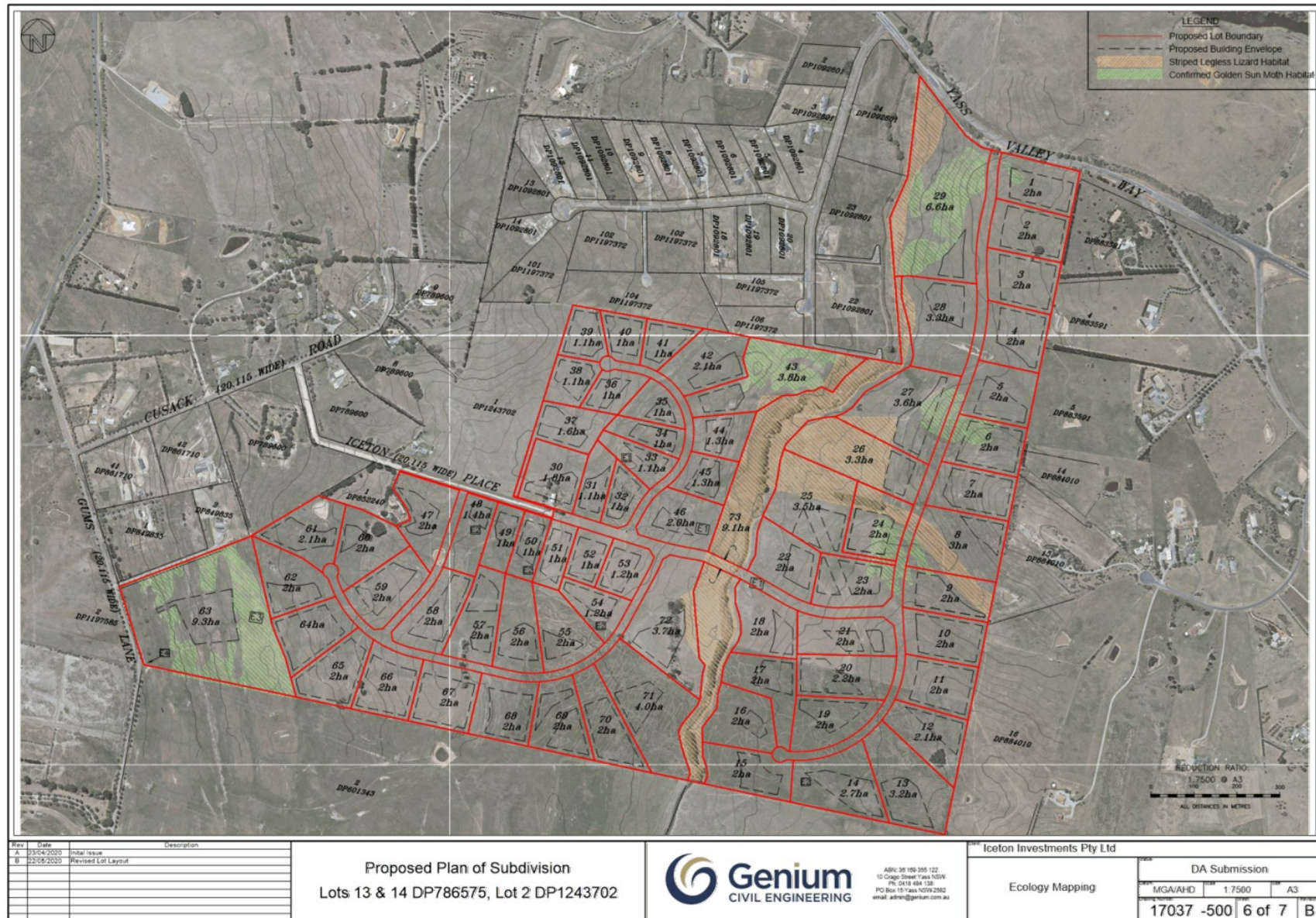
Potential rezoning (R5 to R1) of vacant land in south of Yass Town

6.1 Planning Proposal - 7 Iceton Place, Yass

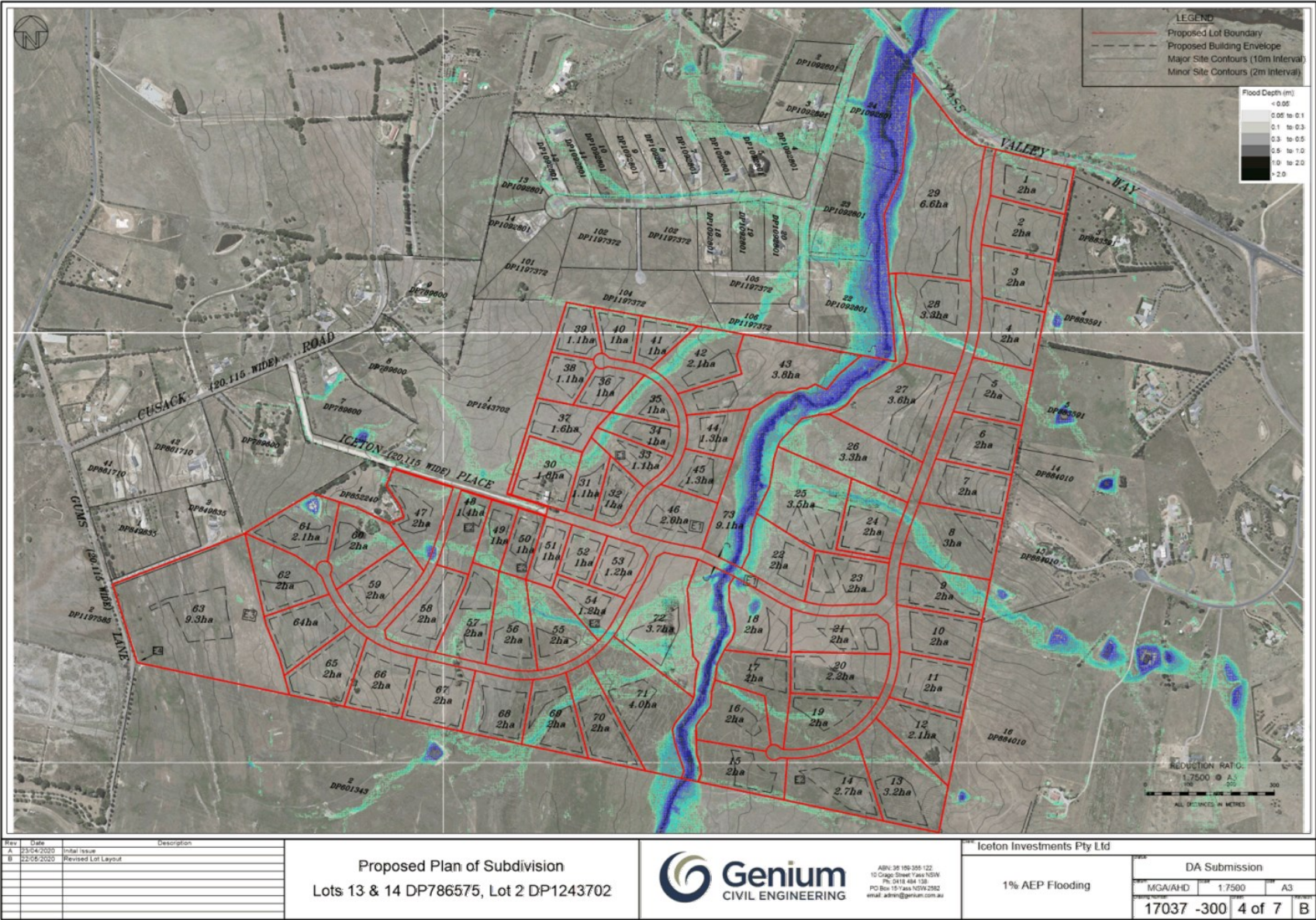
Attachment B Proposed Minimum Lot Sizes



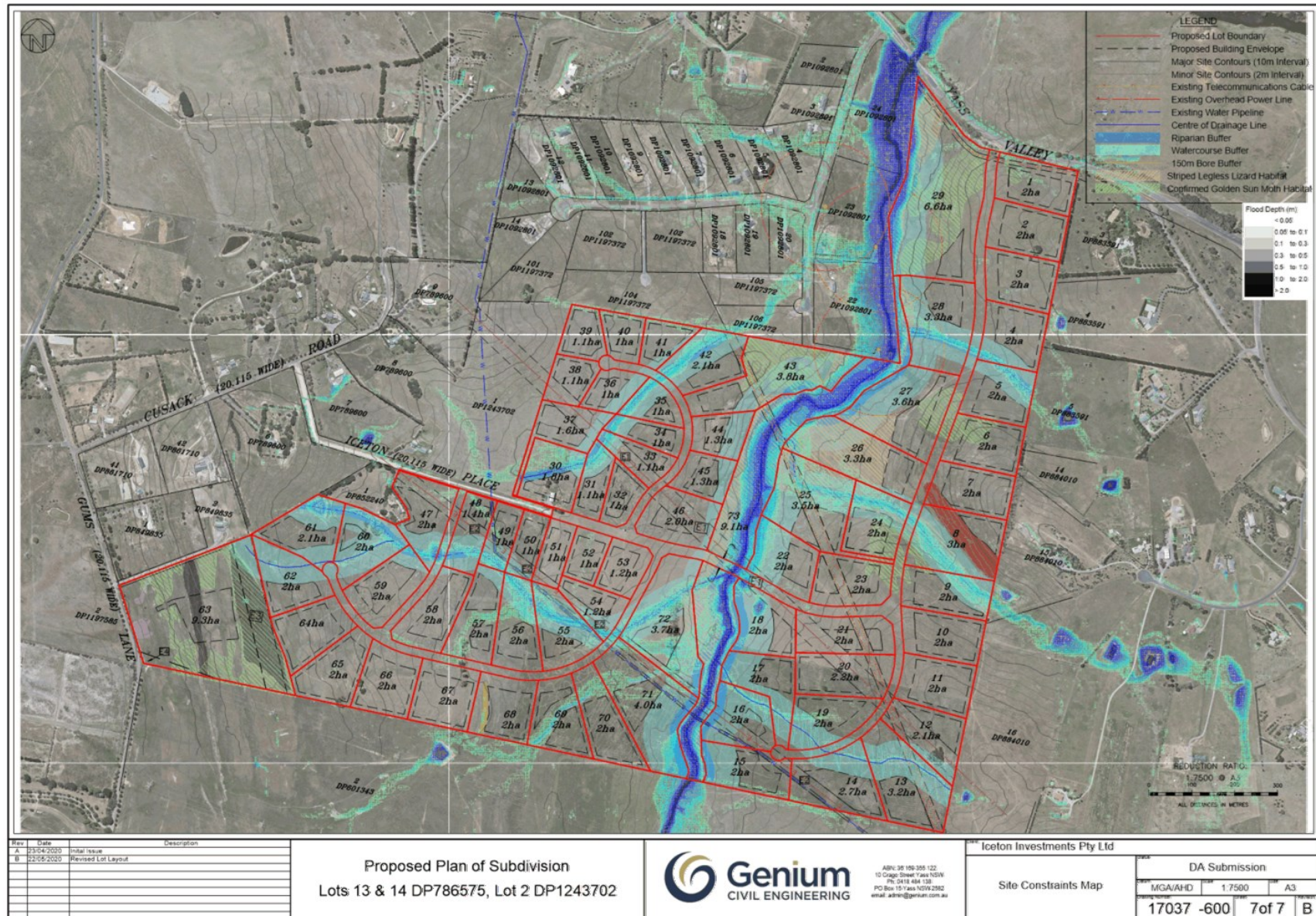
6.1 Planning Proposal - 7 Icton Place, Yass
Attachment C Ecology Map



6.1 Planning Proposal - 7 Icton Place, Yass
Attachment D Flood Map



6.1 Planning Proposal - 7 Icton Place, Yass
Attachment E Land Capability Constraints Map



7.2 DEVELOPMENT CONTROL RESOURCES

SUMMARY

To request consideration of additional funding for staff resources for this financial year for Development Control within the Planning and Environment Directorate.

RECOMMENDATION

That:

1. *An allocation of \$104,000 be made in the 2020/21 budget for the provision of staff resources within the Planning and Environment Directorate for Development Control*
2. *The allocation of \$104,000 be included in the September 2020 quarterly budget review*

FINANCIAL IMPLICATIONS

- Cost of one additional Development Planner until 30 June 2020 is \$45,000
- Cost of a Building Certifier two days per week until 31 December 2020 to undertake certification activities is (at the upper end) \$59,000
- An additional allocation of \$104,000 is required in the 2020/21 budget and would be included in the September 2020 quarterly budget review

POLICY & LEGISLATION

- Operational Plan 2020/21

REPORT

1. Background

Sitting within the Planning and Environment Directorate, Development Control is responsible for the provision of regulatory services such as development assessment and building certification. Functions include (with relevant (approximate) activity numbers for the 2019/20 financial year):

Activity	2019/20 total	2020/21 to date
Development Applications (including modifications)	312	79
Complying Development Certificates	25	10
Construction Certificates	105	12
Local Activity Applications	125	25
Subdivision Certificates	64	11
Occupation Certificates	118	12
Critical Stage Inspections	807	158
Swimming Pool Compliance Certificates	29	7
Planning Certificates	540	101
Building Information Certificates	40	8

Currently, Development Control full time equivalents (FTEs) is as follows:

- Manager – 1 FTE
- Development Planners - 3 FTEs. One FTE position will be a 0.8 FTE position from late October decreasing the FTEs to 2.8
- Building surveyors - 3 FTEs
- Customer Service Officer - 3 FTEs

2. Public Spaces Legacy Program

Council was invited to participate in the Public Spaces Legacy Program and has since lodged an application to be included in the program. If accepted, Council is eligible for \$2 million in funding for public space projects if it achieves efficiency targets in development assessment.

In the application the following targets have been proposed:

- 10% reduction in gross median assessment times for development applications from 1 September to 31 December 2020 (58 days)
- 15% reduction in gross median assessment times for Development Applications from 1 January 30 June 2021 (55 days)
- 50% of all new applications lodged through the NSW Planning Portal between 1 September and 31 December 2020 targeting applicants who regularly lodge applications with Council
- Transition 100% uptake of the NSW Planning Portal by 1 July 2021
- Process improvements based on best practice

3. Additional Resources

It is proposed to engage one additional Development Planner and a Building Surveyor via either contract or on a casual basis (two days per week) until 31 December 2020. The additional resources would allow for a focus to be placed on development assessment, continuous improvement and transition to the NSW Planning Portal to meet the targets of the Public Spaces Legacy Program and to complete assessment of the current development applications and associated building certification activities. In addition to this, Council will be undertaking an improvement project relating to Planning Certificates.

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	EN4.2 - Ensure development application assessment is thorough and efficient
Operational Plan Activity	EN4.2.1 - Implement the development process and implement changes aligning with the NSW Government's best practice guidelines

ATTACHMENTS: Nil

7.3 DEVELOPMENT APPLICATION NO DA200069 - DWELLING HOUSE, 15 HANLEY PLACE, YASS

SUMMARY

To consider Development Application DA200069 for a split level two-storey dwelling house at 15 Hanley Place, Yass.

The proposal involves variation to the maximum building height development standard from 8m to 9.4m and a variation to an 88B restriction in relation to direction of the major ridge line of the building is to be at 90 degrees to the general fall of the land.

RECOMMENDATION

That a Conditional Development Consent be issued for Development Application DA200069 for a split level two-storey dwelling house at 15 Hanley Place, Yass

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Biodiversity Conservation Act 2016*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Community Engagement Strategy*
- *Yass Valley Development Contributions Plan 2018*
- *Road Standards Policy*

REPORT

1. Application Details

Date Received	-	15 May 2020
Land	-	Lot 6 DP 1193382, 15 Hanley Place, Yass
Area	-	844m ²
Zoning	-	R1 General Residential

2. Site Description and Locality

The site is located on the eastern side of Hanley Place, Yass. The site is in an elevated position with views to the east over the township and the Yass River. The site is currently vacant and has a significant site fall of about 20.7%. The area can be characterised as residential area comprising detached houses.

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

3. Proposal

The submitted application is for the construction of a split level two-storey dwelling house with covered and uncovered deck, attached garage and installation of a 5,000L water tank. Details of the proposed development are included in **Attachment B**.

4. Public Exhibition

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

5. Assessment

An assessment of the proposal has been completed in accordance with the planning legislation. The proposal generally complies with the relevant planning controls, policies and guidelines with the exception of the maximum building height development standard within the *Yass Valley LEP 2013* and restrictions within the section 88B instrument.

5.1 Building Height

The maximum building height prescribed in the LEP is 8.0m. The maximum height of the proposed dwelling is 9.4m from the ground floor level to the top of the ridge line.

The Applicant has requested (refer **Attachment C**) a variation on the basis that:

- The proposal complies with the height restriction in the section 88B instrument (in place prior to the LEP height restriction)
- The significant slope of the land
- Only a small proportion of the building exceeds the maximum height
- The dwelling presents as single storey from the street
- The objectives of development standard are achieved despite non-compliance.

An assessment against the guidelines for varying a development standard has been completed and is summarised as follows:

- The height control aims to ensure consistency with the streetscape and to minimise the loss of solar access and privacy for neighbouring development. The height of the proposed dwelling is consistent with the height of other buildings in the locality. The proposed building is single storey at the street frontage but is two storey at the rear of the site and is appropriate in scale
- The proposed dwelling is consistent with the character and streetscape given the environmental characteristics
- Given the environmental constraint of a 20.68% (approximate) site fall from the street (a fall of about 7.75m), the compliance with the development standard is considered unreasonable
- The adjoining lots to the east (13A and 13B Hanley Place) are currently vacant. It is not considered that the proposed dwelling will significantly impact upon these lots by way of overshadowing. This is due to steep slope of land, the variable height of the proposed dwelling, the wider building envelopes on 13A and 13B Hanley Place and 13A and 13B Hanley Place being on the eastern side of the subject land
- There are other dwellings approved in Hanley Place that are greater than 8m in height. On this basis, it is considered that a precedent is already set on building height in this locality
- The proposed development complies with the height restrictions of 10.5m and overall maximum height of the dwelling to the ridge of the building measure to Australian Height Datum of 523.4m in the section 88B Instrument

In this particular instance compliance with the development standard is considered to be unnecessary as the proposal meets the objectives of the height control measure albeit in an alternative way and there are sufficient planning grounds to support the variation. The proposed dwelling is consistent with the zone objectives and it is not inconsistent with the public interest.

5.2 Title Restrictions

The applicant has sought a number of minor variations to the title restrictions (refer **Attachment D**) i.e.

a. Direction of the Major Roofline

The title restriction requires the direction of the major ridge line to be at 90 degrees to the general fall of the land. The proposed dwelling has hipped roof with multiple ridgelines. The ridgelines do not comply with the restriction.

The proposed roof design compatible with the existing built form in Hanley Place. The shape of the building envelope runs with the fall of the land and not at 90 degree to it. As such, it does not enable the building/roof form to run at 90 degrees to the fall of the land. In this instance it is considered appropriate that a variation to this restriction is supported.

b. Paving and Driveway Materials

The title restriction requires driveway is to be asphalt or charcoal grey coloured concrete. The proposed driveway material is concrete rather than asphalt or charcoal grey coloured concrete. The Applicant is required to have charcoal grey coloured concrete in order to be in keeping with the existing streetscape.

6. Conclusion

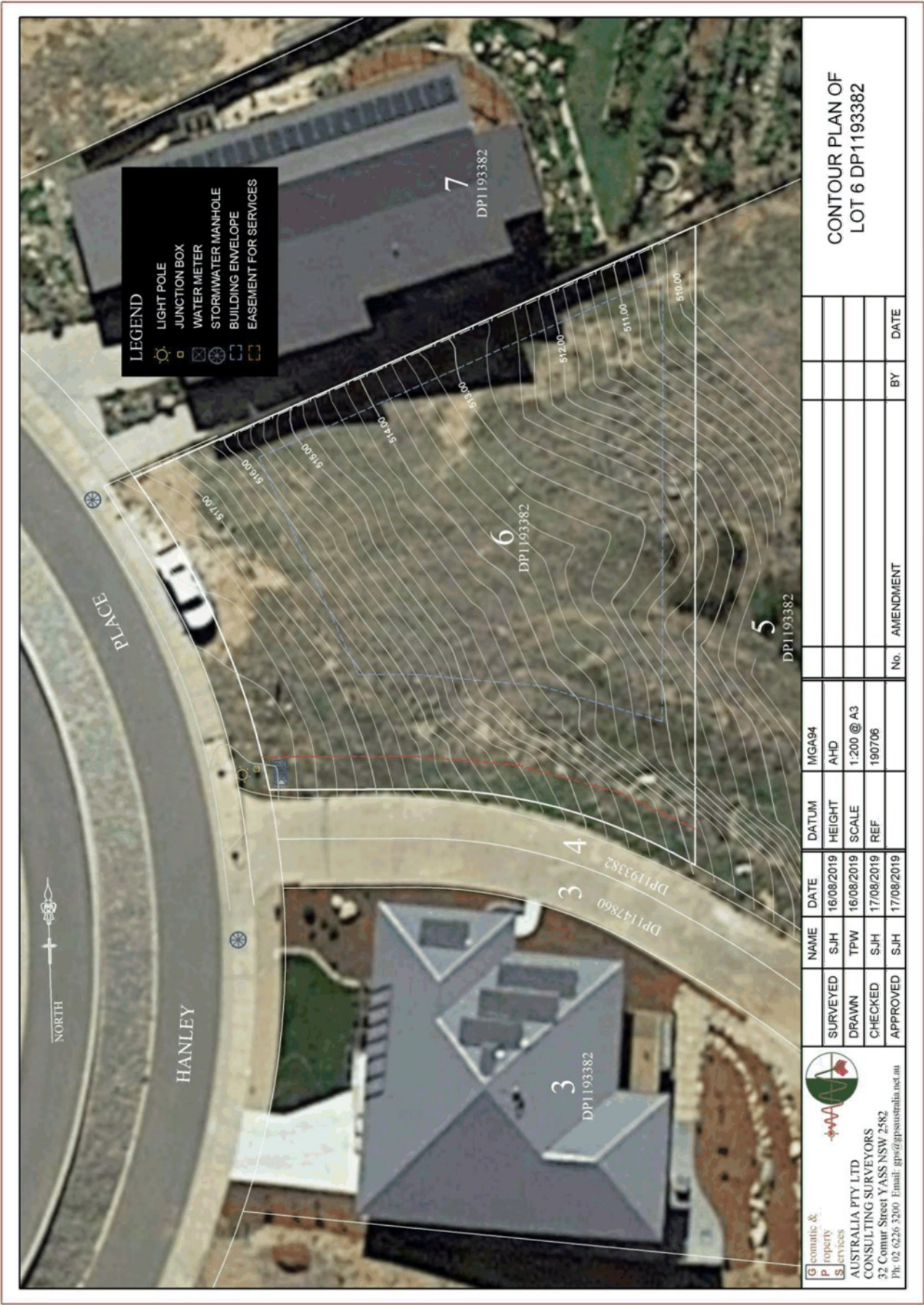
From the assessment of the proposal it is recommended that Consent be issued. Draft conditions are included in **Attachment E**.

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	EN4.2 - Ensure development application assessment is thorough and efficient
Operational Plan Activity	EN4.2.1 - Implement the development process and implement changes aligning with the NSW Government's best practice guidelines

ATTACHMENTS:

- A. Locality Plan [↓](#)
- B. Submitted Plans [↓](#)
- C. Request to Vary Development Standard [↓](#)
- D. Title Restriction [↓](#)
- E. Draft Conditions [↓](#)



6.3 Development Application No DA200069 - Dwelling House, 15 Hanley Place, Yass
Attachment B Submitted Plans

Drawing List	
Sheet Number	Sheet Name
A00	COVER SHEET
A01	SITE PLAN
A02	FLOOR PLAN
A03	LOWER FLOOR PLAN
A04	ELEVATIONS
A05	ELEVATIONS
A06	SECTIONS
A07	ROOF PLAN
A08	MATERIALS AND COLOURS



ISSUE	DATE	AMENDMENT
 JEFFERSON GODFREY ARCHITECTS PTY LTD		
131 BRIGALOW STREET, LYNEHAM ACT, 2602 MOBILE: 0411 868 085 EMAIL: jgarchitects@optusnet.com.au		
PROJECT TITLE PROPOSED NEW RESIDENCE 15 HANLEY PLACE LOT 6 DP 1193382 YASS		
TITLE COVER SHEET		28/04/2020 5:31:29 PM
CLIENT VOGUE CONSTRUCTIONS		
SCALES DRAWN: 1 : 1 CHECKED: JLJG DATE: 28/4/20	PROJECT No: LOT 6 YASS DRAWING No: A00 APPROVALS	
<small>ALL DIMENSIONS ARE IN MILLIMETRES. DO NOT SCALE DRAWING. ALL DIMENSIONS AND LEVELS MUST BE VERIFIED ON SITE BY CONTRACTOR BEFORE THE COMMENCEMENT OF WORK.</small>		

BASIX COMMITMENTS

Water Fixtures

install showerheads with a minimum rating of 4 star (> 6 but < 7.5 L/min) in all showers
install a toilet flushing system with a minimum rating of 4 star in each toilet
install taps with a minimum rating of 4 star in the kitchen
install basin taps with a minimum rating of 5 star in each bathroom

Alternative water

Rainwater tank

install a rainwater tank of at least 5000 litres. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.
Configure the rainwater tank to collect rain runoff from at least 100 square metres of the roof area
connect the rainwater tank to:
the cold water tap that supplies each clothes washer, all toilets and at least one outdoor tap in the development

Thermal Comfort Commitments

Floor, walls and ceiling/roof

construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed below.
floor - concrete slab on ground 35m2 - nil
floor - suspended above enclosed subfloor - 70m2 - 1.5 9er 2.2 including construction (down)
floor - above habitable rooms 35m2 - nil
floor - suspended floor above garage, framed - 0.3 (or 1 including construction (down))
external wall - brick veneer 2.06 (or 2.80 including construction)
internal wall shared with garage - nil
ceiling and roof - flat ceiling / pitched roof ceiling: ceiling: 4.45 (up), roof: foil backed blanket (55mm) unventilated, dark (solar absorptance > 0.70)
Note Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.

Windows, glazed doors and skylights

all windows and sliding doors, aluminium, double-glazed clear, eave and overhangs as show on the plans.

Energy Commitments

Hot water

install the following minimum hot water system: gas instantaneous with a performance of 5 stars.

Cooling system

install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning, Energy rating: EER 3.8 - 3.5
install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning, Energy rating: EER 3.0 - 3.5
The cooling system must provide for day/night zoning between living areas and bedrooms.

Heating system

install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning, Energy rating: EER 3.5 - 4.0
install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning, Energy rating: EER 3.5 - 4.0
The heating system must provide for day/night zoning between living areas and bedrooms.

Ventilation

install the following exhaust systems in the development:

At least 1 Bathroom: individual fan, ducted to façade or roof, Operation control: manual switch on/off
Kitchen: individual fan, ducted to façade or roof, Operation control: manual switch on/off
Laundry: natural ventilation

Artificial lighting

the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:

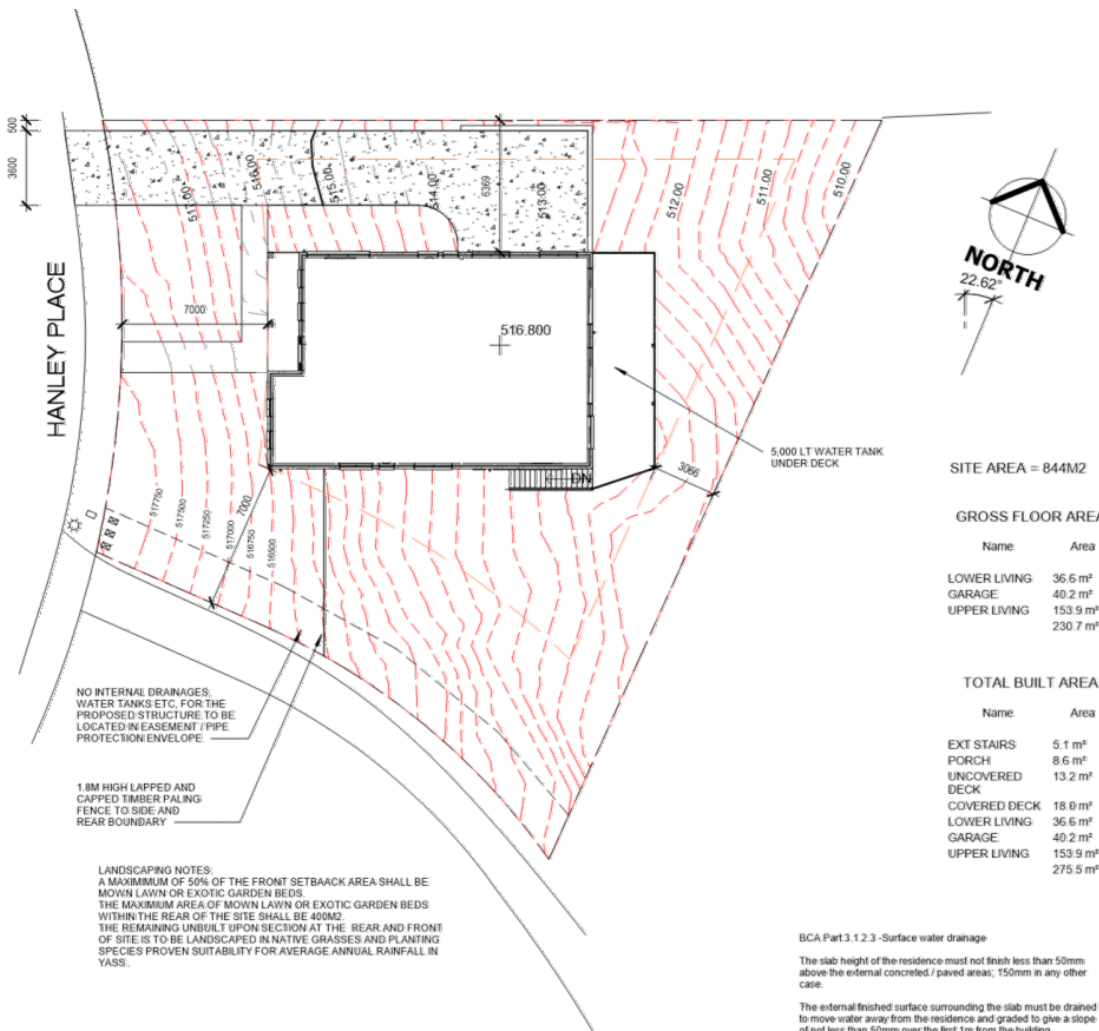
- at least 3 of the bedrooms / study, dedicated
- at least 2 of the living / dining rooms, dedicated
- kitchen, bathrooms and toilet, dedicated
- the laundry, dedicated
- all hallways, dedicated

Natural lighting

install a window and/or skylight in the kitchen for natural lighting.
install a window and/or skylight in 4 bathroom(s)/toilet(s) for natural lighting.

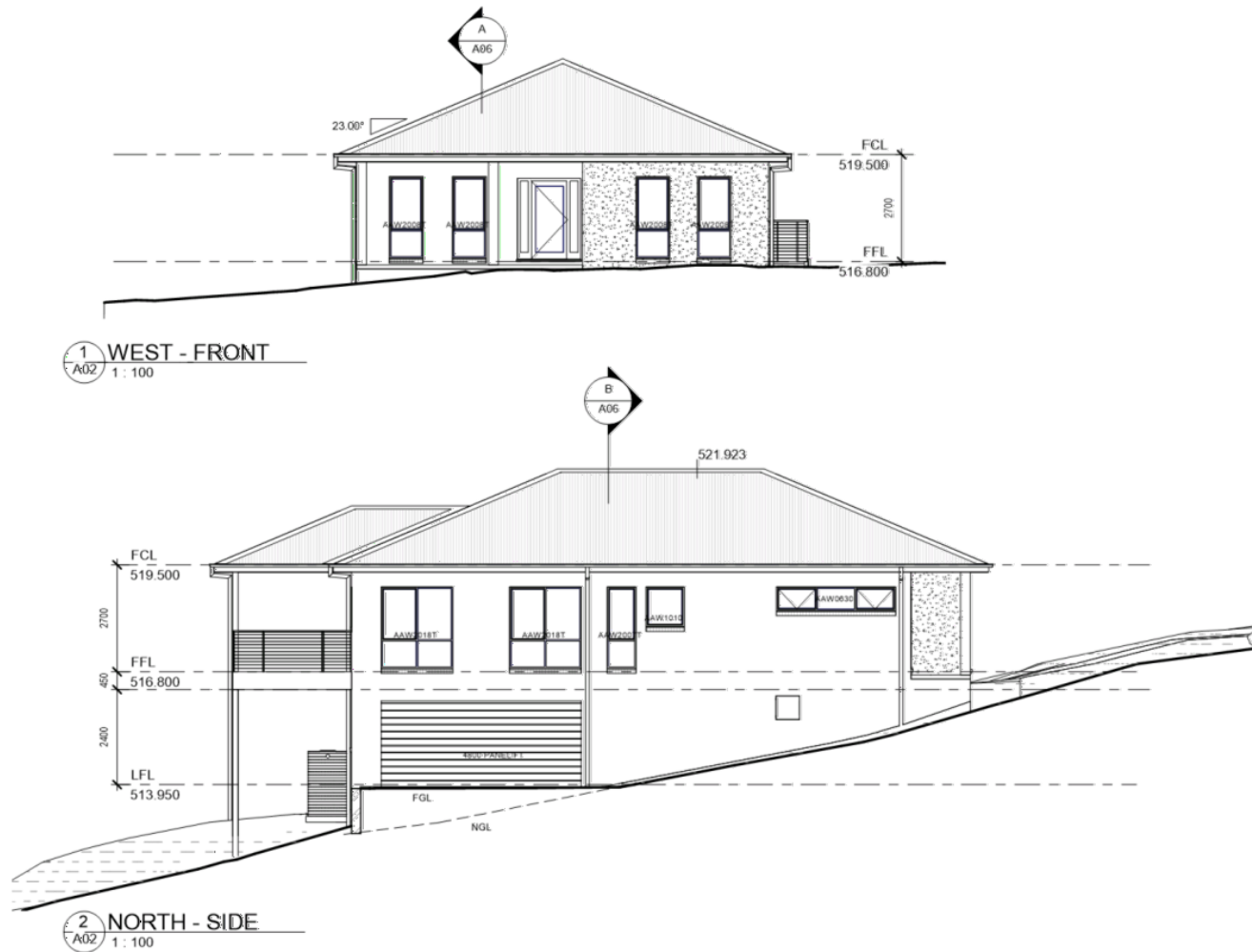
Other

install a gas cooktop & electric oven in the kitchen.
ventilated fridge space
install a fixed outdoor clothes drying line as part of the development.



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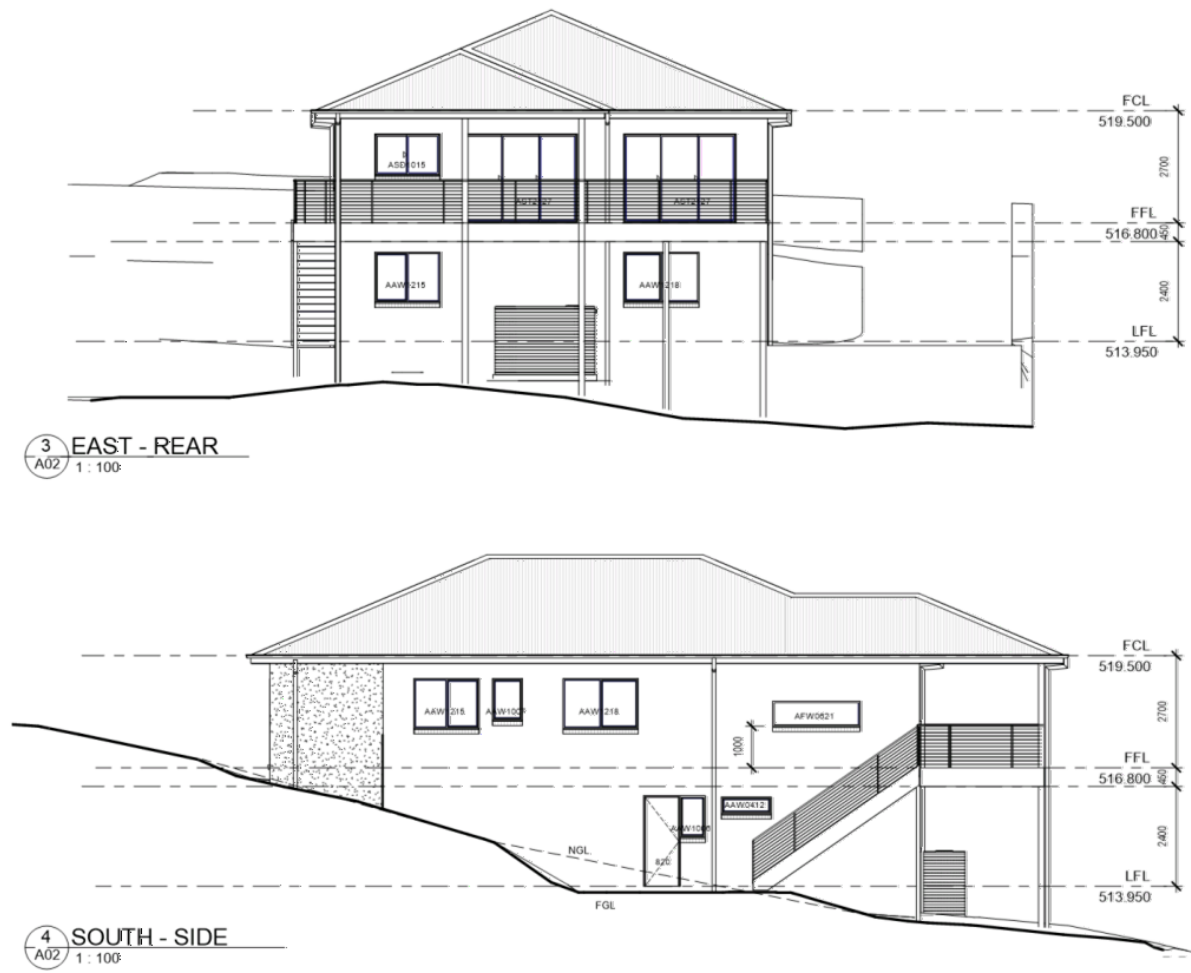
PROJECT TITLE PROPOSED NEW RESIDENCE			TITLE SITE PLAN		SCALES: 1 : 200	PROJECT No: LOT 6 YASS
15 HANLEY PLACE LOT 6 DP 1193382 YASS			CLIENT VOGUE CONSTRUCTIONS		DRAWN: JLG	DRAWING No: A01
					CHECKED: JLG	APPROVALS
					DATE: 28/4/20	
					ALL DIMENSIONS ARE IN MILLIMETRES. DO NOT SCALE DRAWINGS. ALL DIMENSIONS AND LEVELS MUST BE VERIFIED ON SITE BY CONTRACTOR BEFORE THE COMMENCEMENT OF WORK.	



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			PROJECT TITLE PROPOSED NEW RESIDENCE	TITLE ELEVATIONS	SCALES: 1 : 100	PROJECT No: LOT 6 YASS
			15 HANLEY PLACE LOT 6 DP 1193382 YASS	CLIENT VOGUE CONSTRUCTIONS	DRAWN: JLG	DRAWING No: A04
					CHECKED: JLG	APPROVALS
					DATE: 28/4/20	
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ISSUE	DATE	AMENDMENT				

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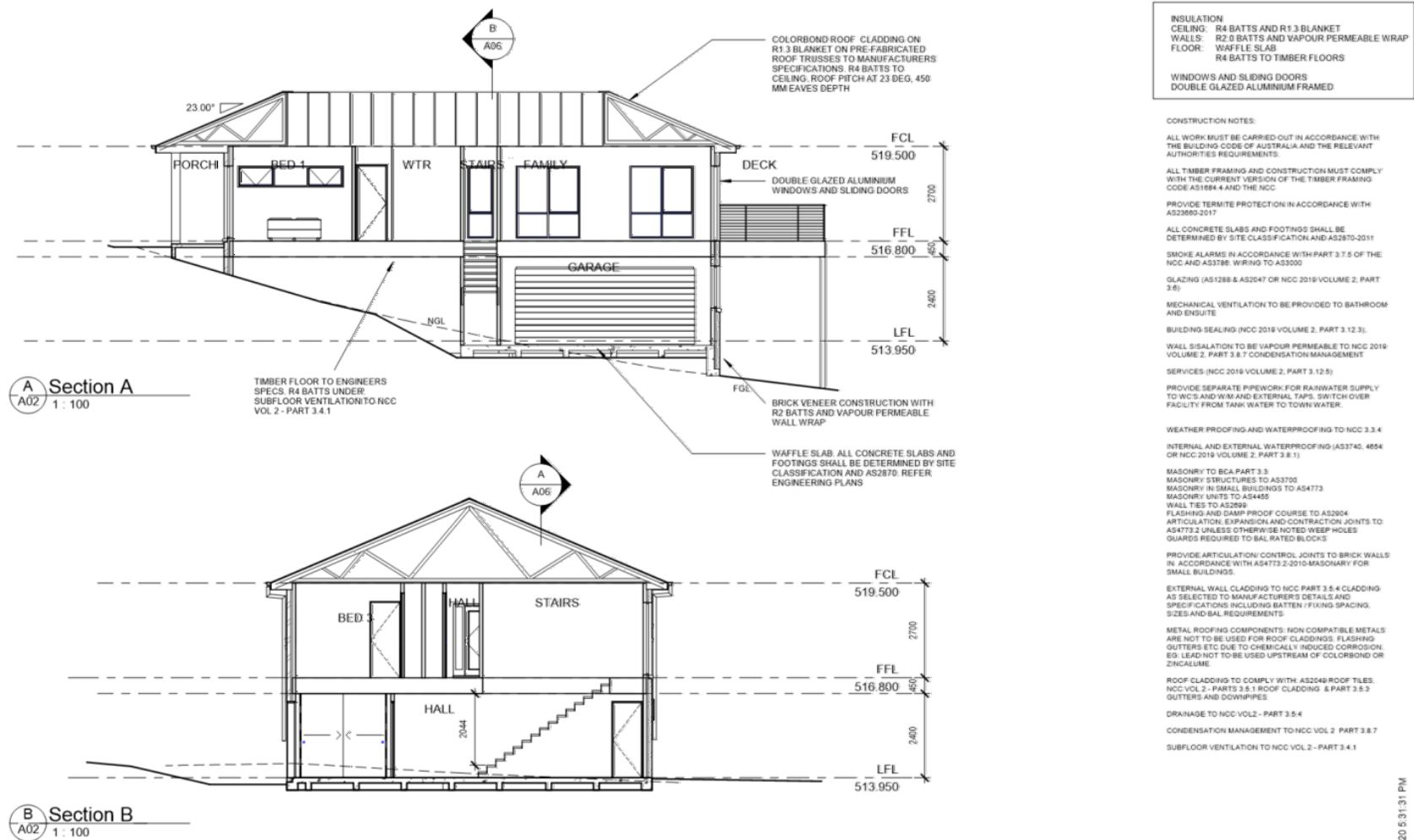


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			PROJECT TITLE PROPOSED NEW RESIDENCE	TITLE ELEVATIONS	SCALES: 1 : 100	PROJECT No: LOT 6 YASS
			15 HANLEY PLACE LOT 6 DP 1193382 YASS	CLIENT VOGUE CONSTRUCTIONS	DRAWN: JLG CHECKED: JLG DATE: 28/6/20	DRAWING No: A05 APPROVALS:
ISSUE	DATE	AMENDMENT				

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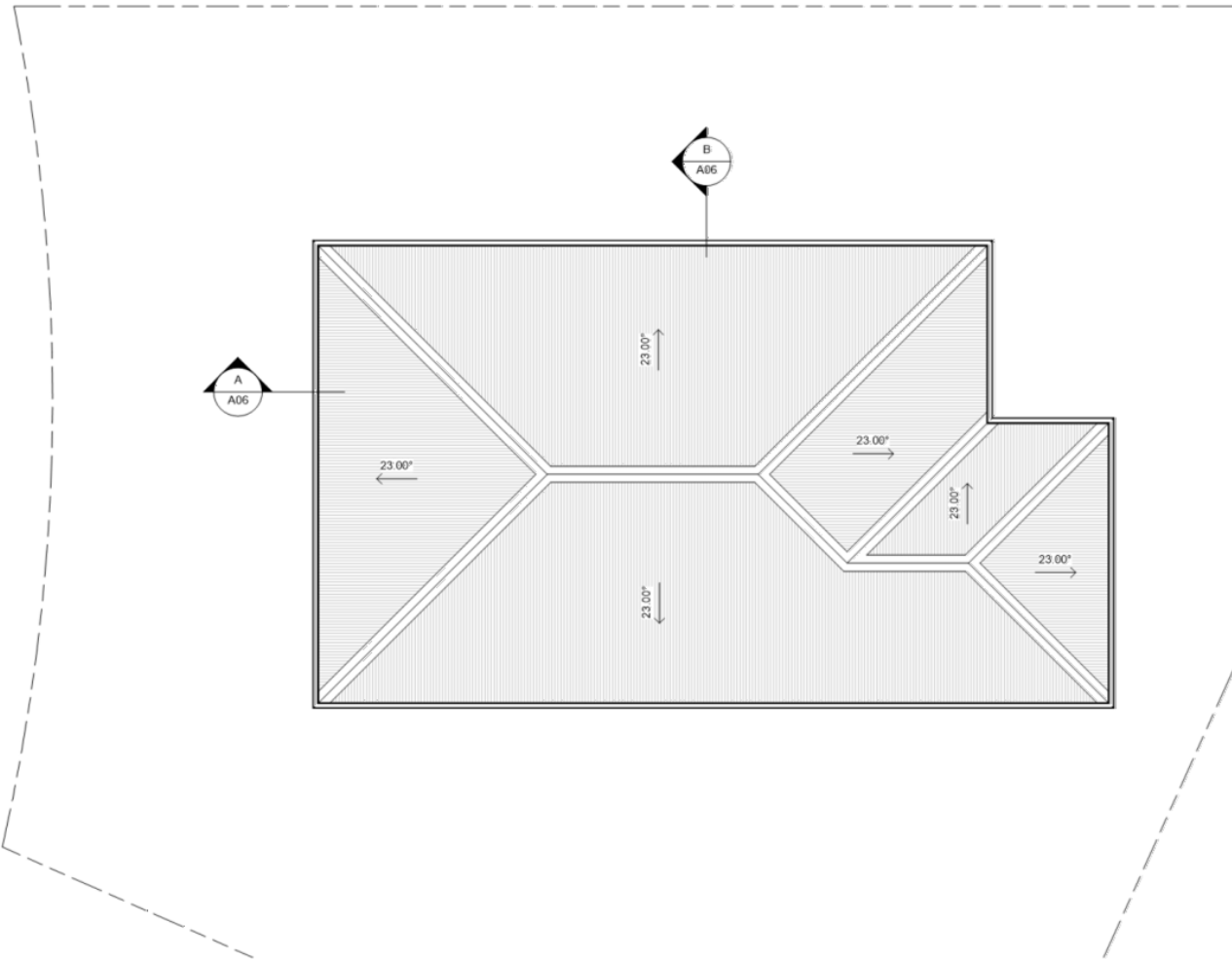
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JEFFERSON GODFREY
ARCHITECTS

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			PROJECT TITLE PROPOSED NEW RESIDENCE	TITLE SECTIONS	SCALES 1 : 100	PROJECT No. LOT 6 YASS
			15 HANLEY PLACE LOT 6 DP 1193382 YASS	CLIENT VOGUE CONSTRUCTIONS	DRAWN JLG CHECKED JLG DATE 28/4/20	DRAWING No. A06 APPROVALS
ISSUE	DATE	AMENDMENT	ALL DIMENSIONS ARE IN MILLIMETRES. DO NOT SCALE DRAWINGS. ALL DIMENSIONS AND LEVELS MUST BE VERIFIED ON SITE BY CONTRACTOR BEFORE THE COMMENCEMENT OF WORK.			



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			PROJECT TITLE PROPOSED NEW RESIDENCE	TITLE ROOF PLAN	SCALES: 1 : 100	PROJECT No: LOT 6 YASS
			15 HANLEY PLACE LOT 6 DP 1193382 YASS	CLIENT VOGUE CONSTRUCTIONS	DRAWN: JLG CHECKED: JLG DATE: 28/4/20	DRAWING No: A07 APPROVALS
ISSUE	DATE	AMENDMENT				

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ALL DIMENSIONS AND LEVELS MUST BE VERIFIED ON SITE BY CONTRACTOR
BEFORE THE COMMENCEMENT OF WORK.

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MATERIALS AND COLOURS



Face Brick – Urban One Chiffon



Roof, Fascia, Gutter,
Window frames –
Woodland Grey



Render – Indian Sand



Rough Sawn 250 x 250
Timber posts to front
verandah



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LYNEHAM, ACT 2602
MOBILE: 0411 858 886
EMAIL: jgarchitects@optusnet.com.au

			PROJECT TITLE PROPOSED NEW RESIDENCE	TITLE MATERIALS AND COLOURS	SCALES 1 : 1	PROJECT No. LOT 6 YASS
			15 HANLEY PLACE LOT 6 DP 1193382 YASS	CLIENT VOGUE CONSTRUCTIONS	DRAWN JLG	DRAWING No. A08
					CHECKED JLG	APPROVALS
					DATE 28/4/20	
ISSUE	DATE	AMENDMENT	ALL DIMENSIONS ARE IN MILLIMETRES. DO NOT SCALE DRAWINGS. ALL DIMENSIONS AND LEVELS MUST BE VERIFIED ON SITE BY CONTRACTOR BEFORE THE COMMENCEMENT OF WORK.			

Muzaffar Rubbani

From:
Sent:
To: Muzaffar Rubbani
Subject: DA200069 - 15 Hanley Place

[EXTERNAL] Please exercise caution when clicking on links or attachments from external sources.

Good Morning Muzaffar,

Thank you for contacting me regarding the below.

It was our clients request during the design process to maintain the look of a single storey home from the front elevation, which as a result caused the homes overall height to be higher than the 8m permissible height.

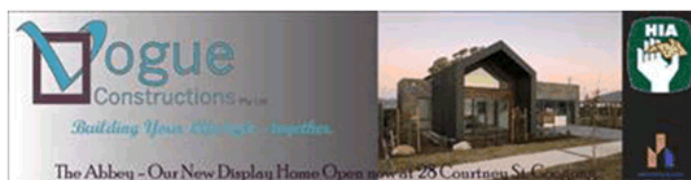
We therefore would wish to seek permission to vary the height development standard as the topography of the land does not permit an alternative solution that would be acceptable to our client.

It is identified that the overall building height at the rear exceeds the Yass Valley Local Environmental Plan 2013 requirement of 8m. From front to the rear the natural fall of the land is about 6m. This fall is utilised by incorporating the Garage under the main residence. The highest overall height of the building is 9.4m. There are existing dwellings in the locality that exceed 8m height. There is only small section of roof where the height limit of 8m is exceeded. The height restrictions and maximum RL figures as listed in the 88B instrument are easily met.

The major ridge line means the most prominent/highest ridge line. The building envelope runs with the fall of the land, not at 90 degree to it and so does not really lend itself to enabling the roof form to run at 90 degrees

If you require any further assistance, please feel free to contact me to discuss.

Kind Regards



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A: UNIT 2, 26-28 Winchcombe Court MITCHELL ACT 2911
www.vogueconstructions.com.au
E:
L: 200313339A 164309C



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ePlan

INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A PRENDRE INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE OF LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919.

PLAN DP1193382

(Sheet 1 of 9 Sheets)

Plan of Subdivision for Lots 1, 2, 4, 5 & 6 in DP1147860 and covered by Yass Valley Council's Certificate No. 02/2014 dated 14 JANUARY 2014

Full Name and address of Registered Proprietor of the Land:

Yass Valley Developments Pty Limited
PO Box 282, Yass in the State of New South Wales

Mortgagee

National Australia Bank Limited
Level 3, 225 George Street
SYDNEY NSW 2000

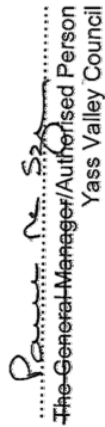
PART 1 (Creation)

Number of item shown in the intention panel of the plan	Identity of easement, a pendre, restriction or covenant to be created and referred to in the plan	Benefited lot(s) or parcel(s):	Benefited lot(s), road(s) bodies or Prescribed Authorities
1	Easement for Services 2.5 wide	4, 5 and 7	Yass Valley Council
2	Restrictions on Use of Land	1 – 7 inclusive	Yass Valley Council
3	Right of Carriageway 3 wide	4 and 3/1147860	5

Part 1A (Release)

Number of item shown in the intention panel of the plan	Identity of easement, a pendre, restriction or covenant to be created and referred to in the plan	Benefited lot(s) or parcel(s):	Benefited lot(s), road(s) bodies or Prescribed Authorities
1	Restrictions on Use of Land numbered 7 in DP1147860	1/1147860 2/1147860 4/1147860 5/1147860 6/1147860	Yass Valley Council


Sarah Buckley


The General Manager/Authorised Person
Yass Valley Council

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PLAN DP1193382

(Sheet 2 of 9 Sheets)


Plan of Subdivision for Lots 1, 2, 4, 5 & 6 in DP1147860 and covered by Yass Valley Council's Certificate No. D2/2014 dated 14 JANUARY 2014

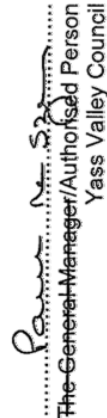
Part 2 (Terms)

Terms of Restrictions on the Use of Land secondly referred to in the plan

No development, construction, excavation or building work shall be permitted on any lot burdened unless it complies with the following items and standards as set out here under.

Item	Standard			
(a) House siting	All dwelling houses shall be located within the building envelope identified on the attached plan			
(b) Siting of Outbuildings	<p>(i) No additional buildings, inclusive of garages and sheds, shall be located between the dwelling area identified on the attached plan and the public road.</p> <p>(ii) No outbuildings are to be located within the side boundary setbacks established for each allotment.</p>			
(c) House size (floor area excluding carports and shed areas)	<p>For the purpose of this provision "gross floor area" has the same meaning as in the Standard Instrument – Principal Local Environmental Plan except that the following shall be substituted for paragraph (g) of the definition:</p> <p>(g) car parking (including access to that car parking)</p> <p>The gross floor area of any building to be erected on any lot shall comply with the following Table:</p> <table><tr><td>Lot Area over 2000m² Minimum 225m² Maximum 550m²</td></tr><tr><td>Lot Area between 1500m² and 2000m² Minimum 205m² Maximum 450m²</td></tr><tr><td>Lot Area between 1000m² and 1500m² Minimum 200m²</td></tr></table>	Lot Area over 2000m ² Minimum 225m ² Maximum 550m ²	Lot Area between 1500m ² and 2000m ² Minimum 205m ² Maximum 450m ²	Lot Area between 1000m ² and 1500m ² Minimum 200m ²
Lot Area over 2000m ² Minimum 225m ² Maximum 550m ²				
Lot Area between 1500m ² and 2000m ² Minimum 205m ² Maximum 450m ²				
Lot Area between 1000m ² and 1500m ² Minimum 200m ²				


Spere Bockley


The General Manager/Authorised Person
Yass Valley Council

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PLAN DP1193382

(Sheet 3 of 9 Sheets)
Plan of Subdivision for Lots 1, 2, 4, 5 & 6 in DP1147860 and covered by Yass Valley Council's Certificate No. 02/2014 dated 14 JANUARY 2014

	Maximum 400m ² Lot Area under 1000m ² Minimum 150m ² Maximum 300m ²
(d) Building Height	<p>The maximum number of storeys is two (2), subject to the following additional restrictions:</p> <p>(i) Houses on Lots 2, 3, 6 and 7 shall present as single storey buildings to the public road and not more than two storey buildings to the rear boundary;</p> <p>(ii) Houses on Lots 1 and 4 shall present as single storey buildings to the western boundary and not more than two storey building to the eastern boundary;</p> <p>(iii) Subject to sub-clause (v) the maximum height for the two (2) storey component of housing is 7 metres to the ceiling of the top most storey and 10.5 metres to the ridge. For the purpose of calculating ceiling height, attic rooms and cathedral ceilings are excluded. The height of cathedral ceilings is to be measured from the pitching point of the ceiling;</p> <p>(iv) The maximum height for the external wall of the single storey component of housing is 3.6 metres to the eave and 7 metres to the ridge;</p> <p>(v) The overall maximum height of housing, to the ridge of buildings measure to Australian Height Datum, shall be:- Lot 1 – 526.3m Lots 2 & 3 – 527.4m Lot 4 – No specific requirement Lot 5, 6 & 7 – 523.4m</p> <p>(vi) The direction of the major ridge line of the buildings (except from that on Lot 1) is to be at 90 degrees to the general fall of the land;</p> <p>(vii) Any attic room is to be wholly contained within the roof planes of the house with light and ventilation being</p>


The General Manager/Authorised Person
Yass Valley Council

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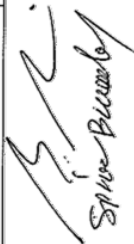
INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A PRENDRE INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE OF LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919.

PLAN DP1193382

(Sheet 4 of 9 Sheets)

Plan of Subdivision for Lots 1, 2, 4, 5 & 6 in DP1147860 and covered by Yass Valley Council's Certificate No. 02/2014 dated 14 JANUARY 2014

	provided by in-plane skylights; (viii) The maximum height of a detached garage or outbuilding shall be no more than 5.0 metres above ground level; Height, as referred to above, shall be measured vertically from the finished ground level.
(e) Roof Mounted Fixtures	(i) Television antennas, no more than one (1) per lot; (ii) No more than 1.5 metres above the highest point of roof; (iii) Satellite dishes not to exceed 1.5 metres in diameter and not to be visible in the public open space adjoining Yass River; (iv) Only split solar hot water units, not visible from public open space along the Yass River, and at the same pitch as the roof; (v) No water tanks located on the roof
(f) Dormer Windows	(i) Dormer windows are not permitted in any future dwellings or buildings
(g) Roof Materials and Colours	(i) Roof materials to be either terracotta, slate grey or woodland grey in Custom Orb colorbond profile;
(h) Roof Design	(i) The roof pitch of the main building to be 30° or 23°; (ii) Eaves are required in all buildings to a minimum dimension of 450mm; (iii) Curved roof forms are not permitted; (iv) Skillion roof forms are not permitted for the main roof form.


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Yass Valley Council

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PLAN DP1193382

(Sheet 5 of 9 Sheets)
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and covered by Yass Valley Council's Certificate No. 02/2014
dated 14 JANUARY 2014

(i) House and Garage Materials	(i) External Walls- face brick, rendered masonry, sandstone block or the like. Concrete can only be used if finished and painted so to be indistinguishable from rendered masonry construction; (ii) Weather board cladding may be used together with a traditional Australian homestead architectural style; (iii) Plain flat sheeting may only be used with a rendered finish
(j) House Colours	(i) Main Walls (a) Unpainted/jointed face brick or monotone (b) Mottles, blends tumbled or distressed profile bricks prohibited. (ii) Rendered or Bag Rendered Masonry (a) Colours- Haymes Stoneware, Cream, Biscuit, Manilla, Vellum, Milkweed, Linen, Indian sand or double strength Indian Sand; (iii) Garage Doors (a) Timber or colorbond- grey stones. (iv) Windows, door frames, shutters, balustrading, trim, eaves, gutters, downpipes and other structures. (a) Colour to tone with main wall colour
(k) Garden walls, Retaining walls and embankments	(i) No retaining walls may be constructed forward of the house unless: (a) Constructions is of same material as the house, rock or as otherwise approved; (b) No less than 1 metre from a lot boundary;

Spivey Architects

Pauline N. Spivey
The General Manager/Authorised Person
Yass Valley Council

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INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A PRENDRE INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE OF LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919.

PLAN DP1193382

(Sheet 6 of 9 Sheets)
Plan of Subdivision for Lots 1, 2, 4, 5 & 6 in DP1147860 and covered by Yass Valley Council's Certificate No. DP12014 dated 14 JANUARY 2014

	<p>(c) If higher than 500 mm is structurally certified.</p> <p>(ii) No site excavation or fill within 500 mm of a lot boundary</p> <p>(iii) No garden or retaining wall shall be:</p> <p>(a) Over 500 mm, unless structurally certified;</p> <p>(b) Below natural ground level within 500 mm of a lot boundary;</p> <p>(iv) Embankments should have maximum slope of 1:4;</p> <p>(v) Garden or retaining walls to blend with house materials.</p>
(I) Fencing	<p>(i) All fences:</p> <p>(a) No metal clad, fibro, cement or asbestos cement fibreglass fencing permitted.</p> <p>(ii) Front fence:</p> <p>(a) No fence or an open palisade type fence or similar to a maximum height of 1.2 metres above finished ground level. Fences shall be of one continuous design for the lot frontage and side returns forward of the house;</p> <p>(b) Palisade type fences can incorporate a base to a maximum height of 0.5 metres above finished ground level and piers at regular spacing of no closer than 4 metres, constructed of brick or masonry to match house colour.</p> <p>(iii) Side Rear Fences:</p> <p>(a) No closer to the street than 1 metre back from the front wall of main house structure;</p> <p>(b) 1.8 metres high lapped and capped timber or masonry (if masonry to match house colour);</p>

[Signature]
Spive-Breakeley

[Signature]
The General Manager/Authorised Person
Yass Valley Council

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PLAN DP1193382

(Sheet 7 of 9 Sheets)

Plan of Subdivision for Lots 1, 2, 4, 5 & 6 in DP1147860
and covered by Yass Valley Council's Certificate No. ~~0212014~~
dated **14 JANUARY 2014**

(m) Fences bounding Public Open Space	(i) Open palisade fencing or similar with landscaping screening as required; (ii) Palisade fencing can include brick or masonry piers to match house colour at spacing not closer than 5 metres.
(n) Paving and Driveway Materials	(i) Driveways to be asphalt, or charcoal grey coloured concrete, broom finish (not stamped or stencilled); (ii) The property vehicular access from the road to the adjoining boundary of each allotment created by the subdivision shall be constructed to the following minimum standard; (a) Minimum of 3.0 metres wide at the property boundary; (b) Minimum of 5.0 metres wide at the edge of road pavement
(o) Landscaping	(i) Unbuilt upon areas to be landscaped with plant species dominated by indigenous native varieties or other species with proven suitability for the average rainfall levels of Yass; (ii) A maximum of 50% of the front setback area shall be mown lawn or exotic garden beds; (iii) The maximum area of mown lawn or exotic garden beds within rear of sites shall be 400 m ² . (iv) The remaining unbuilt upon section at the rear of the site shall be landscaped with native grasses, and planting beds comprising a predominance of indigenous native or exotic species with proven suitability for the average annual rainfall of Yass; (v) Planting beds shall incorporate nil or drip irrigation systems connected to a house water tank or internal water reuse system and a minimum cover of 75mm mulch
(p) Water Tanks	(i) Water tanks must not be located within the side boundary setbacks established for each allotment unless wholly below finished ground level.

Spur Bradley

Paul M. Sax
The General Manager/Authorised Person
Yass Valley Council

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PLAN DP1193382


(Sheet 8 of 9 Sheets)
Plan of Subdivision for Lots 1, 2, 4, 5 & 6 in DP1147860
and covered by Yass Valley Council's Certificate No. 02/2014
dated 14 JANUARY 2014

(a) Number of Dwellings	Not more than 1 dwelling shall be permitted on proposed lots 2, 3, 6 and 7
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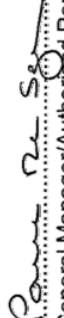
Part 3

The Party having the right to release vary or modify the Easement numbered 1, Rights of Carriageway numbered 3 and the restrictions on use numbered 2 is Yass Valley Council.

SIGNED by YASS VALLEY DEVELOPMENTS PTY LIMITED
In accordance with s127 Corporations Act, 2001
ACN: 107 760 154


Signature of Director
Brendan Price


Signature of Secretary
Spiros Brendas


The General Manager/Authorised Person
Yass Valley Council

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CONVEYANCING ACT 1919.

PLAN DP1193382

(Sheet 9 of 9 Sheets)

Plan of Subdivision for Lots 1, 2, 4, 5 & 6 in DP1147860
and covered by Yass Valley Council's Certificate No. 02/2014
dated 14 JANUARY 2014

SIGNED by YASS VALLEY
COUNCIL)

Signature of Witness:

Kate McGrath

Name of Witness:

KATE MCGRATH

Address of Witness:

3 OLDEN CR. YASS

SIGNED by the Mortgagee in the
Presence of:)

Signature of Witness

Name of Witness
(BLOCK LETTERS)

Address of Witness

Spencer Bullock

Signature of Authorised Officer:

Paul de Siell

Name of Authorised Officer:

PAUL DE SIELL

Authority Authorised Officer:

DIRECTOR OF PLANNING
AND ENVIRONMENTAL
SERVICES

Mortgagee under Mortgage No. AB600950
Signed at Fishwick this 28th day of
JANUARY 2014 for National
Australia Bank Limited ABN 12 004 044 937
by Wayne M. and Anne M. de Siell
its duly appointed Attorney under Power of
Attorney No. 39 Book 4512

Level 3 Attorney

Witness/Bank Officer/James Bullock
39 HOLLOWONG ST
FISHWICK, ACT
2604

Paul de Siell
The General Manager/Authorised Person
Yass Valley Council

REGISTERED 28.2.2014

DRAFT CONDITIONS DA200069

PART A - GENERAL CONDITIONS

- (1) Consent is granted generally in accordance with the plans and details submitted to Council 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) 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.
- (5) All adjustments to existing utility services whether caused directly or indirectly by this proposed development are to be undertaken at the developer's expense.
- (6) The premises are only to be used as a single residential dwelling and shall not be used or adapted for separate use or occupation as a dual occupancy without the prior consent of Council.
- (7) 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.

- (8) All engineering design and construction work shall be undertaken in accordance with the following:
 - Council's Road Standards Policy RD-POL-09
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards and
 - AustRoads
- (9) The developer at no cost to Council shall make any necessary alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed development.

- (10) The overall maximum height of the dwelling to the ridge measured to Australian Height Datum shall be not more than 523.4m. This is to be confirmed by a registered surveyor prior to the placement of any roof sheeting.
- (11) The proposed driveway shall be of a colour consistent with asphalt or charcoal grey coloured concrete broom finished (not stamped or stencilled).
- (12) 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.
- (13) 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.

- (14) 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) Prior to a Construction certificate being issued, the applicant shall submit to the Principal Certifier, a copy of an Owner Builder Permit or a Certificate of Insurance under the Home Building Compensation Fund for the proposed development as applicable under the provisions of the *Home Building Act 1989*.
- (2) A report from a suitably qualified professional stating the soil classification of the site as required by AS 2870 - *Residential Slabs & Footings* shall be submitted to the Principal Certifier.
- (3) Structural drawings prepared by a suitably qualified and experienced Structural Engineer must be submitted to and approved by the Principal Certifier prior to the issue of a Construction Certificate. 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).

- (4) An application to have a metered connection (25mm water meter) to Council's water supply shall be lodged with Council. This meter shall remain connected for at least the full period of construction. The fee for the provision of this service shall be levied in accordance with the Council's Management Plan relevant at the time of payment;
- (5) 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.

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) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (3) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- (4) 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.
- (5) 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

- (6) 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.

- (7) 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.

- (8) 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.

- (9) 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.
- (10) 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 E - EARTHWORKS, INTERNAL DRIVEWAYS & IMPORTATION OF ASSOCIATED MATERIAL

- (1) Unless otherwise approved by a condition of consent or the stamped approved plans earthworks, internal driveways and the importation of associated material is restricted to that which can be undertaken as exempt development under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*;
- (2) Any earthworks (including any structural support or other related structure for the purposes of the development):
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and

- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
 - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.
- (3) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.
- (4) Material imported to the site must be suitable for the proposed application/fit for purpose and be:
- (a) Sourced from a suitably licenced facility (i.e. landscaping supplies or quarry operation); or
 - (b) Virgin Excavated Natural Material (VENM) as defined in the Protection of the Environment Operations Act 1997;
- Documentation demonstrating compliance with this condition must be provided to Council upon request.
- (5) Heavy vehicle movements associated with the delivery of material to the site are restricted as follows:
- (a) A maximum of 6 movements per day (1 movement = in and out of the site);
 - (b) No movements on weekends or public holidays;
 - (c) Movements must occur between 7am and 6pm;

PART F – 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:

Inspection		Hold Point
(a)	After excavation of footings	Prior to pouring concrete, after placement of erosion and sediment control measures, on-site toilet and signage.
(b)	Bearers and Joists	Prior to placement of floor sheeting.
(c)	Floor slab	Prior to pouring concrete.
(d)	Frame/Pre-sheet	Prior to placing internal sheeting, after all internal services including water plumbing and electrical are installed and external cladding has been fixed.

- | | | |
|-----|----------------------------|--------------------------------------------------------------------------------------------------------------------------|
| (e) | Waterproofing of wet areas | Prior to the placement of tiling and/or covering. |
| (f) | Stormwater | Prior to backfilling or covering pipes and connections to services. |
| (g) | Final | All works relating to the proposed development are complete and all conditions of development consent are complied with. |

- (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)	At the completion of all plumbing and drainage works.	Prior to the occupation of the dwelling.

- (3) As the local Road Authority Yass Valley Council must undertake inspections at the following stages of construction:

	Inspection	Hold Point
(a)	Vehicular access	Upon completion of the vehicular access and prior to the occupation or use of the development.

- (4) If Council is selected as the Principal Certifying Authority for engineering works, the fee per inspection shall be levied in accordance with Council's Fees and Charges, relevant at the time of payment.

- (5) 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.
- (6) Roof truss and wall bracing details are to be supplied to the Principal Certifier prior to frame inspection.

PART H – CONSTRUCTION

- (1) Works must be carried out in accordance with the plans and specifications to which the 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) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (5) 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.

- (6) 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.
- (7) 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.
- (8) At the completion of the works, the work site must be left clear of waste and debris.

PART I – 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).

- (3) Sewer boundary riser is to be located and exposed at all times. If there is no existing sewer boundary riser, then a sewer boundary riser shall be installed by licenced Plumber in accordance with AS 3500.

PART J – STORMWATER DRAINAGE

- (1) If the work is the erection of, or an alteration or addition to, a dwelling house, 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;
- (4) 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.
- (5) Stormwater run-off from the subject site onto the adjoining properties as a result of the proposed development is not to exceed the existing level of runoff from the subject site. Suitable provision should be made to retard any increased storm water runoff from the site.
- (6) 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 M - 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) 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 Certifier.

Where Council is nominated as the Principal Certifier, the certificates listed below will be required as applicable to the development:

- Air-conditioning
- Electrical
- Frame (Timber or Metal)
- Gas fitting
- Glazing (windows, glazed doors and shower screens)
- Installation Certificate for the swimming pool, pump and filtration system
- Installation or maintenance of refrigeration systems
- Insulation
- Photovoltaic electricity generating system
- Plumbing/drainage
- Smoke Alarms
- Solid Fuel Heater
- Stormwater
- Structural Adequacy
- Termite Protection Systems
- Waterproofing

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.

- (5) Prior to the issue of any occupation certificate, all commitments of the relevant BASIX Certificate have been complied with in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

Note: All critical stage inspections must be carried out in accordance with Section 109E(3)(d) of the *Environmental Planning and Assessment Act 1979* prior to the issue of any Occupation Certificate.

- (6) Prior to the issue of any occupation certificate, the applicant is to submit written certification to the Principal Certifier certifying that the development has been constructed in accordance with the commitments of the relevant BASIX Certificate. Such certification shall make reference to the:

- Address of the site;
- Development Consent Number;
- BASIX Certificate Number.

- (7) 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.
- (8) The property vehicular access from the road to the property boundary shall be constructed in accordance with Council's Roads Standards Policy RD-POL-09;
- (9) 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.
- (10) The sewer boundary riser shall be located above the finished ground level and have a concrete collar installed.

NOTES ACCOMPANYING DEVELOPMENT CONSENT DA200069

(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 and Clause 4.6 of the Yass Valley Local Environmental Plan 2013;
- (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) The applicant shall ensure all sub-contractors are licensed by the NSW Department of Fair Trading;
- (5) 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.

- (6) 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 **Yass area** for the purpose of booking these inspections.

7.4 DEVELOPMENT APPLICATION NO DA200049 - SUBDIVISION, ISABEL DRIVE, MURRUMBATEMAN

SUMMARY

To present a report on Development Application No 200049 for a 101 lot subdivision of Lot 1 DP1257138, Isabel Drive, Murrumbateman. It is presented to Council as it attracted 65 submissions and involves a variation to the minimum lot size for one lot. Approval is recommended, subject to the submission of a revised Land Capability Assessment for effluent disposal and a Voluntary Planning Agreement for the open space.

RECOMMENDATION

That:

1. *Development Consent be issued for a 101 lot subdivision of Lot 1 DP 1257138, Isabel Drive, Murrumbateman following receipt of a satisfactory revised Land Capability Assessment for effluent disposal*
2. *The dedication of the open space lot be supported, subject to conditions of Development Consent including a Voluntary Planning Agreement covering the dedication, associated works, and initial maintenance period*
3. *A further report be presented to Council on the draft terms of the Voluntary Planning Agreement*

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*
- *Water Management Act 2000*
- *National Parks & Wildlife Act 1974*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Settlement Strategy*
- *Murrumbateman Structure Plan*
- *South East & Tablelands Regional Plan 2036*
- *Yass Valley Community Engagement Strategy*
- *Yass Valley Development Contributions Plan 2018*
- *Road Standards Policy*
- *Building Line Policy*
- *Application Assessment & Decision Making Policy*
- *Water Supply for Rural Areas & Villages Policy*
- *Parks & Playgrounds Strategy*

REPORT

1. Applications Details

Date Received	- 31 March 2020
Land	- Lot 1 DP1257138, Isabel Drive, Murrumbateman
Area	- 99.55ha
Zoning	- R2 Low Density Residential, R5 Large Lot Residential

2. Site Description and Locality

The development site is approximately 100ha in size and located west-southwest of the Murrumbateman village. It is an irregular shape, with frontage to Isabel Drive, McIntosh Circuit, Colonial Place and Merryville Drive. The site is bordered by Shaw Winery, Merryville Estate and Carrington Park Estate and was formerly part of the Shaw Vineyard Estate but has been excised from that holding.

The site is generally undulating with the highest areas being towards the centre. McClungs Creek bisects the site and there are several other drainage lines and dams. Part of the site is identified as having significant native vegetation. There is currently no significant development located on the land other than bores and historically has been used primarily for stock grazing.

The site is subject to two zones and minimum lot sizes under the *Yass Valley LEP 2013*. The eastern portion is zoned R2 Low Density Residential with a minimum lot size of 6,500m² and the western portion is zoned R5 Large Lot Residential with a minimum lot size of 1ha.

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

3. Proposal

The Development Application was initially lodged for a 106 lot subdivision including 104 development lots and two open space lots. The proposal has been revised to 100 lots and one open space lot. The open space lot includes a shared horse/bike/pedestrian trail from Isabel Drive to Merryville Drive. The subdivision is proposed in two stages with stage one being the eastern portion and stage two the western portion.

The lot sizes range from 5,800m² to 14,800m², with the smallest (Lot 136) representing a variation to the 6,500m² minimum lot size of.

A copy of the revised subdivision plan and the original subdivision plan are included in **Attachment B**.

4. Public Exhibition

Public exhibition included:

- Letters to 170 nearby properties determined by a buffer distance from the development site
- Notice to the Murrumbateman Progress Association
- Signs displayed at the site (McIntosh Circuit, Merryville Drive and Colonial Place)
- Notice on Council's website and Facebook page

A total of 65 submissions were received including two broadly in support and 63 either raising matters of concern or objecting to the proposal.

A Planning Forum was held in July 2020 to provide an opportunity for submission authors and the Applicant to address Council prior to determination of the proposal. Five presentations were made, including two on behalf of the Applicant and three by submitters. A site meeting was also held with representatives of the Merryville Community Association.

The key issues raised in the submissions and at the planning forum relate to:

- Lot Layout and Open Space
- Lot Sizes and Variation to Minimum Lot Size
- Murrumbateman Services and Facilities
- Development Contributions

- Consistency with Settlement Strategy
- Access and Road Network
- Paths and Cycleways
- Tree Removal, Vegetation and Biodiversity Impacts
- Additional Tree Buffer with Carrington Estate
- Bore, Groundwater and Water Supply
- Onsite Effluent Disposal
- Stormwater Drainage and Dam Removal
- Murrumbateman School
- Electricity and Internet
- Bushfire Hazard
- Aboriginal Cultural Heritage
- Subdivision Management and Building Design Covenants
- Boundary Alignments Issues
- Street Lighting
- Domestic Animals and Cat Containment
- Development Application Lodgement Timing
- Suggested Conflict of Interest

Copies of the submissions are included in **Attachment C** and the Applicant's response is in **Attachment D**.

5. Referrals

The application was referred to the Natural Resources Access Regulator (NRAR), WaterNSW, Department Planning, Infrastructure & Environment (Biodiversity & Conservation), and Transport for NSW (TfNSW). A copy of the referral responses are included in **Attachment E**.

5.1 Natural Resources Access Regulator (NRAR)

The application was referred to NRAR as it involves lots fronting and the crossing of, McClungs Creek. NRAR requested amendments to the lot layout to minimise impacts on waterfront land and the number of lots with frontages to the watercourses. The subdivision layout was amended to address these issues and NRAR has now issued their conditions for any approval that may issue.

5.2 WaterNSW

The application was referred to WaterNSW in relation to the supplementary bore water supply. The Applicant indicated the proposal will involve a new bore and therefore will require a new Water Access Licence (WAL). In relation to the new bore WaterNSW advised that a new water supply approval is required. Consent conditions can require evidence to be submitted of an amended or new water supply approval and WAL prior to the issue of any Subdivision Certificate. There is no guarantee that WaterNSW will issue amended or new approvals. However, the bore supply is secondary non-potable supply and is not a necessity to service the subdivision.

5.3 Department Planning, Infrastructure & Environment (Biodiversity & Conservation)

The application was referred to DPIE (B&C) as part of the site contains an Endangered Ecological Community (i.e. Tablelands Box-Gum Woodland) and to obtain advice regarding the open space. DPIE (B&C) raised concerns about the number of lots proposed with building envelopes adjacent to and within the area of the EEC. DPIE (B&C) recommended that the majority of lots within the biodiversity corridor become open space and be protected with a Vegetation Management Plan to facilitate the use of the space whilst ensuring environmental values are protected and managed. The amended subdivision layout includes all the biodiversity corridor being located within a public open space lot to address these concerns.

5.4 Transport for NSW (TfNSW)

The application was referred to TfNSW in response to submissions about the adequacy of the Barton Highway intersections (particularly McIntosh Circuit) which will serve as the main transport routes for the development. TfNSW do not raise an objection to the proposal. TfNSW have provided further comments for consideration for the assessment of the local road network, such as for speed design, service and construction vehicles, and alternative transport modes.

6. Assessment

An assessment of the DA has been completed in accordance with the planning legislation. It generally complies with the relevant planning controls, policies and guidelines, with the exception of one lot which involves a variation to the minimum lot size requirement. The following is a response to the planning issues identified, including those raised in the submissions. These comments have been considered in the assessment.

6.1 Lot Layout and Open Space

Concerns were raised with the lot layout and open space, particularly in the area around McClungs Creek and a secondary watercourse. The open space has been revised to protect biodiversity taking into account comments from submissions, DPIE (B&C) and staff. In response to the concerns raised, the following changes to the subdivision design have been made:

- Reducing the number of development lots from 106 to 100
- Number of development lots with watercourse frontage has been reduced to one, plus one open space lot
- Open space has been increased to extend from Merryville Drive to the top of the Merryville Common including the majority of McClungs Creek, the other creek/drainage line, and all of the vegetation corridor
- Realignment of the path/trail to reflect the additional area of open space
- Reducing size of three lots backing onto Marquess Place to facilitate increased open space
- Removing the building envelope adjacent to 15 Marquess Place
- Deleting the open space lot (stormwater lot) at the end of Colonial Place and consolidating this into a development lot
- Realignment of boundary between lots 105 and lot 106 to allow improved sight distance for property accesses
- Increasing the size of Lots 126-130 to facilitate stormwater outcomes and drainage back to McClungs Creek

The amended layout represents a significant improvement to the subdivision design, increasing open space and reducing environmental impacts.

The provision and dedication of open space to Council was raised in pre-lodgement discussions with the Applicant given that it is not identified in any open space strategy, masterplan or the Murrumbateman Structure Plan. The subdivision has been amended to increase open space around McClungs Creek and the biodiversity values. The Applicant proposes to dedicate this area to Council and proposes a Voluntary Planning Agreement (VPA) for its development and management (refer **Attachment F**). The terms of the VPA will need to be negotiated with the Applicant.

6.2 Lot Sizes and Variation to Minimum Lot Size

The proposed lots sizes range between 5,800m² to approximately 14,800m² with the smaller lots generally being located on the eastern portion of the site and the larger ones on the western portion.

The *Yass Valley LEP 2013* specifies a minimum lot size of:

- 6,500m² for the R2 Low Density Residential area
- 10,000m² for the R5 Large Lot Residential area

The proposal complies with the minimum lot size requirements with the exception of proposed Lot 136 which reduces the minimum lot size from 6,500m² for this lot to 5,800m² (i.e. 11% variation). The variation is proposed to enable the adjoining vegetation to be retained entirely in the open space lot rather than being fragmented by a boundary fence line.

The request for a variation to the development standard (refer **Attachment G**) includes the following justification:

- The subdivision layout has been modified to increase the amount of open space reflecting comments made from government agencies and Council
- The development and variation remain consistent with the objectives of the R2 Low Density Residential zone
- The variation allows a boundary to be adopted which avoids vegetation
- The variation is for one lot representing less than one percent of overall the development
- The lot remains consistent with surrounding lot sizes and subdivision pattern

The extent and nature of the proposed variation is considered to be minor in the context of the subdivision and represents a positive planning and environmental outcome by retaining the existing vegetation wholly within the open space lot. It is therefore considered that there is sufficient planning basis to support the proposed variation to the minimum lot size for Lot 136.

6.3 Consistency with Yass Valley Settlement Strategy

The consistency of the proposed development with the *Yass Valley Settlement Strategy* has been questioned suggesting that the future growth plan for Murrumbateman is to the north. Historically this area has been zoned for rural residential and low density residential purposes and the *Settlement Strategy* does not envisage a change to this area from the current zoning. The proposal is therefore consistent with the current planning controls in the LEP and the Strategy.

6.4 Access and Road Network

Concerns have been raised in relation to access and the road network, including for new road connections, the adequacy of the existing network, speed limits, and property accesses.

6.4.1 New Road Connections

The new roads are proposed to connect to Isabel Drive to the west of Shaw Winery entry, McIntosh Circuit to the north of Woodleigh Drive, and into Colonial Place.

The most appropriate traffic management solution at the intersection of McIntosh Circuit and the new road is the construction of a roundabout. This would facilitate this intersection being the preferred route for a large proportion of lots within the subdivision. In addition it will reduce the additional traffic generation that will use the Isabel Drive/McIntosh Circuit intersection, especially for turning right (south) onto McIntosh Circuit from Isabel Drive. The roundabout in this location will also reduce traffic speed. A requirement for a roundabout is consistent with the strategic use of roundabouts at either end of Merryville Drive.

All other intersections within the subdivision will comply with engineering standards.

6.4.2 Adequacy of Existing Road Network

The adequacy of the existing road network, especially McIntosh Circuit, the Barton Highway, and the McIntosh Circuit/Barton Highway intersection and the assumptions of the Traffic Impact Assessment (TIA) have been raised.

A revised traffic impact assessment has included the following changes:

- Traffic distribution assumption of 50% trips to Canberra and 50% to Yass has been corrected to include 95% to Canberra and 5% to Yass
- Utilised 2017 traffic count data of McIntosh Circuit rather than using assumptions based on the number of existing dwellings

The assessment makes assumptions regarding routes taken for traffic travelling to and from Canberra and Yass using McIntosh Circuit. In reality, traffic travelling into Murrumbateman village are likely to use the same route as those travelling to Yass, being north on McIntosh Circuit and then South Street (and likely onto West Street and Hercules Street).

The use of 2017 traffic count data is supported but it should be noted that since 2017, the Scrubby Lane connection to McIntosh Circuit from the Jiparu Estate has been opened, however those lots are either still vacant or under construction. Other subdivisions including on the corner of Dog Trap Road and Isabel Drive, and 17 South Street, are yet to have any lots released.

The additional traffic generation of this development and nearby subdivisions are within the capacity of the road network but increased traffic generation is likely to result in additional queue times at the McIntosh Circuit/Barton Highway intersection and for properties exiting existing driveways along McIntosh Circuit. A number of submissions suggested that further subdivision in Murrumbateman should not proceed until the Barton Highway is duplicated. Whilst the issues associated with the Barton Highway are acknowledged, Council has not adopted a position to prevent other subdivisions in the Murrumbateman and Yass.

Roundabout have been requested to be constructed on each existing road intersection of McIntosh Circuit between the development site and the Barton Highway, and the installation of traffic signals at the Barton Highway intersection. This is not considered to be necessary based on the traffic volumes and the previous upgrade to the Barton Highway intersection. However a new roundabout at the proposed new intersection to the subdivision off McIntosh Circuit will assist with management of the traffic generated.

The condition of McIntosh Circuit and in particular the potholes are acknowledged and these are considerations for Council's road maintenance programs. The opportunity for potential heavy patching or rehabilitation works either this year or next year will be investigated regardless of whether the subdivision proceeds.

6.4.3 Speed Limit and Heavy Vehicle Load Limit

Some submissions requested that the speed limit on McIntosh Circuit and Isabel Drive be reduced from 70km/h to 60km/h (and in some cases to 50km/h) and a heavy vehicle load limit or curfew be introduced for construction traffic on McIntosh Circuit.

Speed limits are determined by TfNSW. The speed limit on McIntosh Circuit has recently been reviewed based on current conditions and the outcome is pending.

There is no basis for a heavy vehicle load limit on McIntosh Circuit. It is a public road and road registered vehicles are entitled to use it. The maintenance of local roads due to wear and tear by all vehicles (including heavy vehicles) is a responsibility for Council.

Amenity impacts as a result of heavy vehicle movements during construction are managed through conditions on the Development Consent.

6.4.4 Location of Property Accesses

Concern has been raised in relation to property accesses, particularly with lots that front McIntosh Circuit or Isabel Drive. The subdivision proposes two lots with access from Isabel Drive and three lots with access from McIntosh Circuit. Corner lots with frontage to existing roads and new roads are proposed to have property access from the new road.

Council's *Road Standards Policy* specifies requirements in relation to the location of property accesses, including sight distances for the speed environment and that corner lots must have access from the less trafficable road. The location of property accesses is considered acceptable and will comply with the requirements of this Policy.

6.4.5 Bus Stops

Provision for bus stops within the subdivision can be required as a condition of any Consent that may be issued. The location of bus stops outside of the subdivision (i.e. further along McIntosh Circuit) are outside of the scope of this proposal.

6.4.6 Colonial Place Name

Colonial Place is proposed to become a through road connecting to the new road in the subdivision. It is noted within submissions that a 'Place' is a short, enclosed roadway. In accordance with the *NSW Address Policy and User Manual* a 'Place' is a suitable name for a closed road only.

Provision had also been made in the Carrington Park subdivision for a further road connection from Colonial Place rather than closing it off with another development lot. It appears that the implications of naming it as a 'Place' were not fully considered at the time of this subdivision.

The need to rename Colonial Place can be further considered separately as it involved properties external to this current subdivision proposal. Seven properties are currently addressed as Colonial Place and renaming may be disruptive for those residents. Renaming Colonial Place needs further consideration and can be done outside of any Development Consent.

6.4.7 Saxon Place

The initial subdivision design provided for a future road connection from Merryville Drive to the small cul-de-sac on the western portion of the subdivision via the unformed Saxon Avenue. Although this future connection was originally envisaged when Merryville Estate was planned, the way lots have been developed has meant that its construction would potentially have an adverse impact on the amenity of those residents.

Construction of Saxon Avenue is not a Council priority. The Merryville Community Association have expressed an interest in closing and purchasing the land. This can be examined separately to the current application. The revised subdivision design allows provision for a right of way in case there is ever a future need for a secondary emergency connection to be constructed.

6.5 Paths and Cycleways

The provision of pedestrian, horse and cycle connections has been raised in submissions. Concerns were also raised about missing links, particularly along McIntosh Circuit to the Barton Highway

The Applicant proposes a pedestrian/horse/cycle trail running from Isabel Drive to Merryville Drive through the open space which is consistent with the Murrumbateman Structure Plan.

The rural residential nature of Murrumbateman outside of the village results in larger lots and distances between them compared to higher density urban areas. This makes it unrealistic for a path to be provided on every road. It is recommended that a single path be constructed along the verge of roads numbered 1, 2 and 4 from the intersection of McIntosh Circuit to the open space lot where it meets the horse trail. It should be noted that Murrumbateman Winery Trail project will include a shared path along McIntosh Circuit from the Barton Highway and joining with the existing path at Acacia Way.

6.6 Tree Removal, Vegetation and Biodiversity Impacts

Tree and vegetation removal as well as biodiversity impacts particularly around McClungs Creek and along existing boundaries within Merryville Estate have been raised. The revised subdivision design reduces the need for tree removal and includes a biodiversity corridor within a proposed public open space area. This is consistent with the recommendations of DPIE (B&C).

Building envelopes have been sited so that trees are located outside of them and will be further supported by a title restriction prohibiting the removal of vegetation by future landowners unless otherwise approved. The stands of vegetation along the existing boundaries within Merryville Estate are not proposed to be removed with the exception of where new fences connect/about into existing fences.

It is proposed to remove 0.80ha of Box Gum Woodland from where the road crosses over from the eastern to western portion of the subdivision, for the construction of the horse trail and in

another isolated locations to facilitate fence construction. One dead paddock tree will also be removed which is identified as containing hollows and potentially habitat for superb parrot.

The Biodiversity Development Assessment Report (BDAR) concludes offsets credits are required for the removal of the Box Gum Woodland and the dead paddock tree. The BDAR concludes that the removal of the Box Gum Woodland does not trigger the Commonwealth's *Environment Protection & Biodiversity Conservation Act 1997*.

The removal of the dams will not have an impact on threatened species, however does contain habitat for long-necked turtles. The BDAR recommends that a dam dewatering plan be prepared and that these turtles be captured and relocated by an experienced fauna catcher. This should be included as a condition of any Consent that may be issued.

DPIE (B&C) have reviewed the report and are satisfied with its methodology. Concerns about the lot layout and the biodiversity corridor have been addressed through the revised subdivision plan ensuring the retention of the biodiversity values.

6.7 Additional Tree Buffer with Carrington Estate

The provision of an additional tree buffer between this subdivision and properties at the back of Carrington Park Estate as a privacy buffer has been raised. Council does not have any policy requirements for this and the proposed development is not considered to have a privacy impact to the extent that a buffer is required. Individual lot owners in both Carrington Park and the new subdivision can undertake their own boundary planting if privacy is of a concern.

6.8 Bore, Groundwater and Water Supply

Bore, groundwater and water supply issues have been raised. The development is not connected to a reticulated potable water supply, with rainwater tanks being the primary potable water supply with a proposed supplementary non-potable reticulated bore water supply.

The reliability of groundwater supply has been questioned and the impact that this may have on existing supply to other subdivisions, particularly in drought conditions. Water supply work approvals and WALs for bores are issued by WaterNSW under the *Water Management Act 2000*. Testing of the existing bore suggests that the bore is operating well and there is enough water and pressure. If WaterNSW do not grant approvals for the bore supply then the subdivision can be serviced by rainwater tanks only.

A Communal Water Management Statement will need to be prepared if the bore is approved and included as a title restriction detailing limits on use, ongoing management, equitable distribution, water restrictions, dispute resolution, etc.

Council's standard requirements for rainwater tanks is a minimum of 45,000L for a dwelling less than 150m² in area and 90,000L for larger dwellings. In response to submissions, the Applicant proposes to increase this to a minimum 120,000L through a title restrictions. This is supported, however a minimum 45,000L is appropriate for dwellings less than 150m² as these are likely to be granny flats or secondary dwellings.

Concern was also raised in relation to the noise levels from the existing diesel bore which services Carrington Park. The DA proposes to replace this with an electric pump, with any other new pump to also be electric. This can be included as a Consent condition if the proposal is approved.

6.9 Onsite Effluent Disposal

The capability for onsite effluent disposal has been questioned, including whether this would adversely affect groundwater.

The submitted Land Capability Assessment indicates that there is generally adequate area on each lot for effluent disposal. However a revised assessment to reflect the final lot layout and subdivision design adjustments will need to be submitted prior to the issue of any Consent to allow for the inclusion of any updated management requirements in the final conditions.

Each future dwelling application will require a separate waste water report and system design based on the size of the dwelling house, etc.

6.10 Stormwater Drainage and Dam Removal

Concern was raised in relation to the filling of six dams and the potential stormwater drainage impacts including on neighbouring development. The revised subdivision layout now proposes the removal of three dams and the reshaping of the remaining three. The size of proposed lots-126-130 have also increased to facilitate improved stormwater outcomes and drainage back to McClungs Creek. Concept stormwater plans have been reviewed and the detailed design will be required prior to issuing a Subdivision Works Certificate. Flood modelling has also been completed and indicates that all building envelopes are outside the 1% AEP flood event.

The submissions also suggest a higher design standard for stormwater drainage be adopted to allow for increased rainfall events associated with climate change. Current design standards are generally for a 1 in 5 and 1 in 100 year rainfall event.

6.11 Murrumbateman School

The lack of a school in Murrumbateman meaning that children must travel to Canberra and Yass limiting the opportunity for sense of community. The need for a school has been long recognised by Council and the Murrumbateman community.

At the last State election the Government made a commitment to fund the establishment of a school in Murrumbateman. The State Government has recently sought expressions of interest for a suitable site in Murrumbateman to accommodate the construction of a primary school by 2023. It is understood that a site has been selected however at the time of compiling this report an announcement on the successful site has not been made.

6.12 Murrumbateman Services and Facilities

Concerns with the level of services and facilities within Murrumbateman have been raised with the suggestion that there should be no further growth or development until these services (e.g. health, education, etc) are all in place. Some submissions recognised that growth in Murrumbateman from development does present an opportunity for the further growth of services and facilities in time. Conversely, other submissions convey that they would like for a rural village setting to be retained.

Open space, roads, school, and internet and electricity are discussed elsewhere in this report. A number of the services and facilities referred to are outside of Council jurisdiction and are the responsibility of State Government.

6.13 Development Contributions

The submissions request confirmation that development contributions will be levied and suggest the amount or the purpose they should be levied for. Under the *Yass Valley Development Contributions Plan 2018* a contribution of \$33,392 will be levied based on 1% of the estimated cost of development being \$3,392,000 and a VPA is proposed for the public open space. A further development contribution will be levied for the construction of the dwellings or other development on the lots. All development contributions are pooled to undertake identified infrastructure projects in Yass Valley.

6.14 Electricity and Internet

The adequacy of electricity and internet supply within Murrumbateman has been questioned and the impact that the additional development will have on those services.

The developer will be required to prepare a design for the provision of electricity infrastructure for approval by the infrastructure service provider. A Notice of Arrangement (NoA) from Essential Energy for electricity, and a Certificate of Practical Completion for fibre-ready internet infrastructure must be submitted prior to the issue of a Subdivision Certificate. A Consent condition can also be imposed requiring submission of evidence prior to the issue of a Subdivision Works Certificate demonstrating that:

- Suitable arrangements for electricity supply can be made available including with consideration of impact on existing capacity and reliability, and the opportunity for feed-in from new lots
- Suitable arrangements for telecommunications service (fixed-line NBN fibre) can be made available including with consideration of impact on existing capacity and reliability

6.15 Bushfire Hazard

Bushfire hazards have been raised particularly for access in and out of the subdivision. The subject land is not identified as being bushfire prone. However the submitted bushfire due diligence assessment concluded that even though the land is not bushfire prone, the development will meet the requirements under *Planning for Bushfire Protection*.

6.16 Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment has now been completed and the report found that the site does contain landscape features which indicates an increased likelihood of presence of Aboriginal objects, with a site survey identifying three new Aboriginal sites/objects. The assessment indicates that these sites are typical of the region and have little research or scientific potential, however the social or cultural significance of these could only be determined by the Aboriginal community.

The sites found are located within the riparian corridor that is proposed to be open space. The assessment recommends that if these sites will be disturbed during revegetation works then an Aboriginal Heritage Impact Permit (AHIP) will be necessary for the objects to be removed and replaced. Where avoidance is possible, then these sites should be fenced during works and the fences put in place by a qualified archaeologist and members of the Onerwal Local Aboriginal Land Council. The sites will also need to be recorded and their protection considered in the plan of management for this land.

6.17 Boundary Alignment Issues

The submissions detail boundary alignment issues between Merryville community land and the subject site. The Merryville Community Association had their own survey prepared and inconsistencies with boundary location had been identified between the two surveys. A site meeting was held between the Merryville Community Association, Applicant and staff. The boundary location issue has now been resolved by the two surveyors and the Applicant has advised that they will consult with individual lot owners (including Merryville Community Association) in relation to the movement and construction of any new fences.

6.18 Subdivision Management and Building Design Covenants

The proposed subdivision is a Torrens Title subdivision rather than Community Title meaning that no community association will be established. The reticulated bore water scheme will be established through a separate Communal Water Management Statement.

The submissions also question whether there will be specific building guidelines and covenants imposed. At this time there are no specific built form guidelines or covenants that have been put forward other than the location of building envelopes, restriction on tree removal, and size of rainwater tanks. Council generally relies on development controls to shape development and usually only requires covenants where it is to address a particular issue or concern (such as size of rainwater tanks). The Applicant may implement their own covenants, however Council would not be the enforcement authority for them.

6.19 Street Lighting

The submissions suggest that the provision of street lighting should be minimal to provide suitable illumination but not to adversely impact upon the night skies and environment. The level of street lighting should be consistent with surrounding development (which is minimal) and details can be required prior to the issue of a Subdivision Works Certificate.

6.20 Domestic Animals and Cat Containment

The impact that additional properties with domestic animals will have on wildlife (especially birds) and stock has been raised. A suggestion for this area to be cat containment was also made.

The *Companion Animals Act 1998* advocates responsible pet ownership. The Act does not require cats to be contained within a property. Future residents must comply with the requirements of this legislation.

6.21 Development Application Lodgement Timing

The proposal was lodged at the end of March 2020 and submissions have raised the timing of its lodgement in relation to the COVID-19 situation. This was taken into consideration resulting in public exhibition being delayed until May 2020 to allow an opportunity for submissions to be made. In addition a Planning Forum was held to ensure submitters had an opportunity to address Councillors and clarify concerns. .

6.22 Conflict of Interest

A conflict of interest between Council and Elton Consulting, and whether Council may have a relationship with the developer has been mentioned. This suggestion is based on the engagement of Elton Consulting by Council to undertake work on the *Yass Valley Settlement Strategy*.

The application has been prepared by Elton Consulting on behalf of the developer, Next Level Eighteen Pty Ltd. There is no relationship between Council and the developer. Elton Consulting were engaged in 2016 by Council to prepare the *Settlement Strategy*. Elton Consulting completed this project and are no longer engaged by Council. Elton Consulting completed a probity plan to manage any potential conflicts of interest during the preparation of the Strategy. However, it is very important to note that in the context of this application, the land was already zoned under the *Yass Valley LEP 2013* for the subdivision proposed (and previously under the *Yass LEP 1987*) and therefore does not rely on the provisions of the Strategy to make it permissible.

7. Conclusion

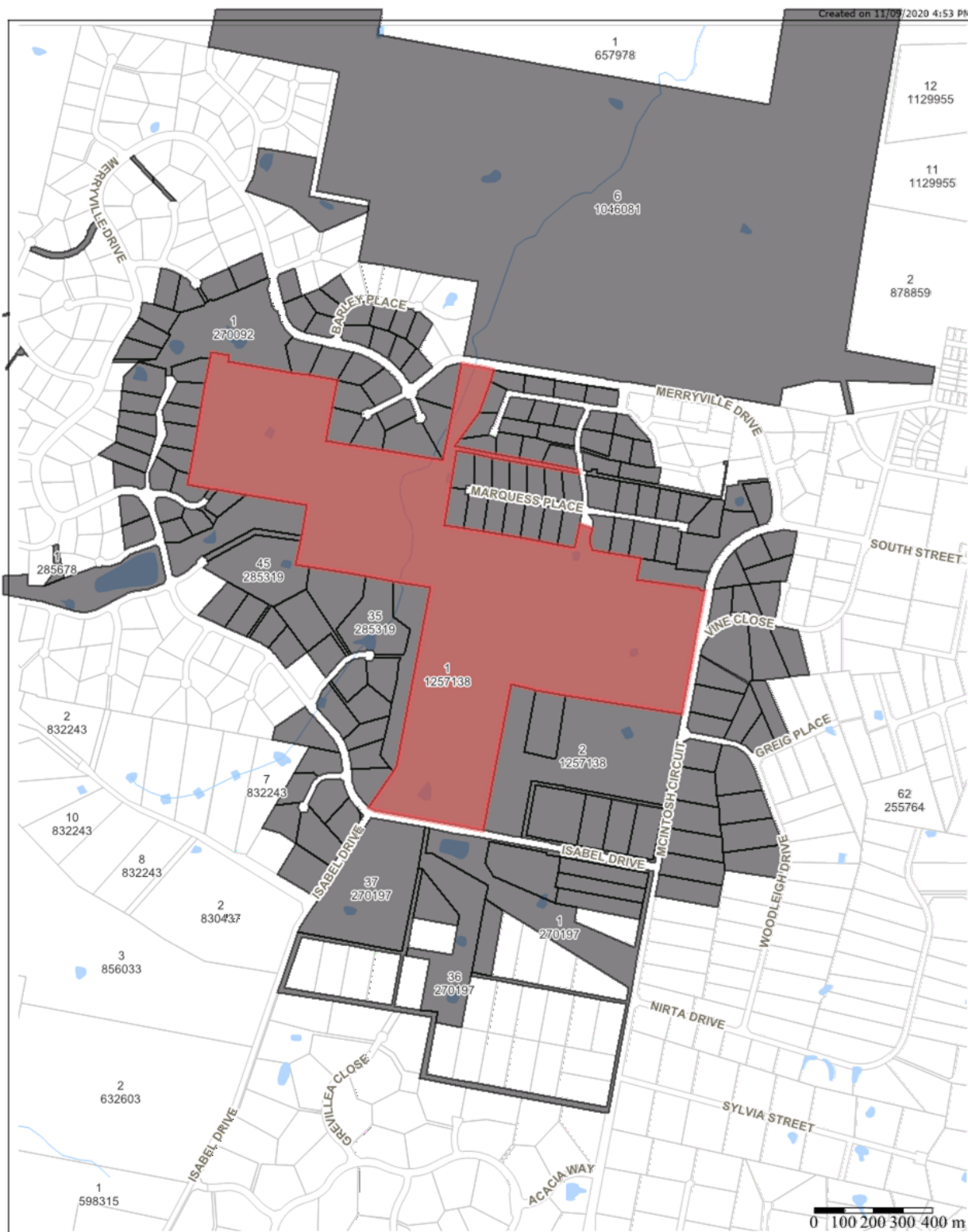
From an assessment of the proposal and consideration of issues raised in submissions, it is recommended that a conditional Development Consent be issued following the receipt of a satisfactory final Land Capability Assessment for effluent disposal. It is also recommended that the dedication and acceptance of the open space be supported, subject to conditions of Development Consent which include a requirement for a VPA. Draft conditions are included as **Attachment H**.

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 and Notification Plan [↓](#)
- B. Revised and Original Plans of Subdivision [↓](#)
- C. Submissions (*Under Separate Cover*) [⇒](#)
- D. Applicant Response to Submissions [↓](#)
- E. Referral Agency Responses [↓](#)
- F. VPA Letter of Offer [↓](#)
- G. Development Standard Variation Request [↓](#)
- H. Draft Conditions [↓](#)



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the country the people

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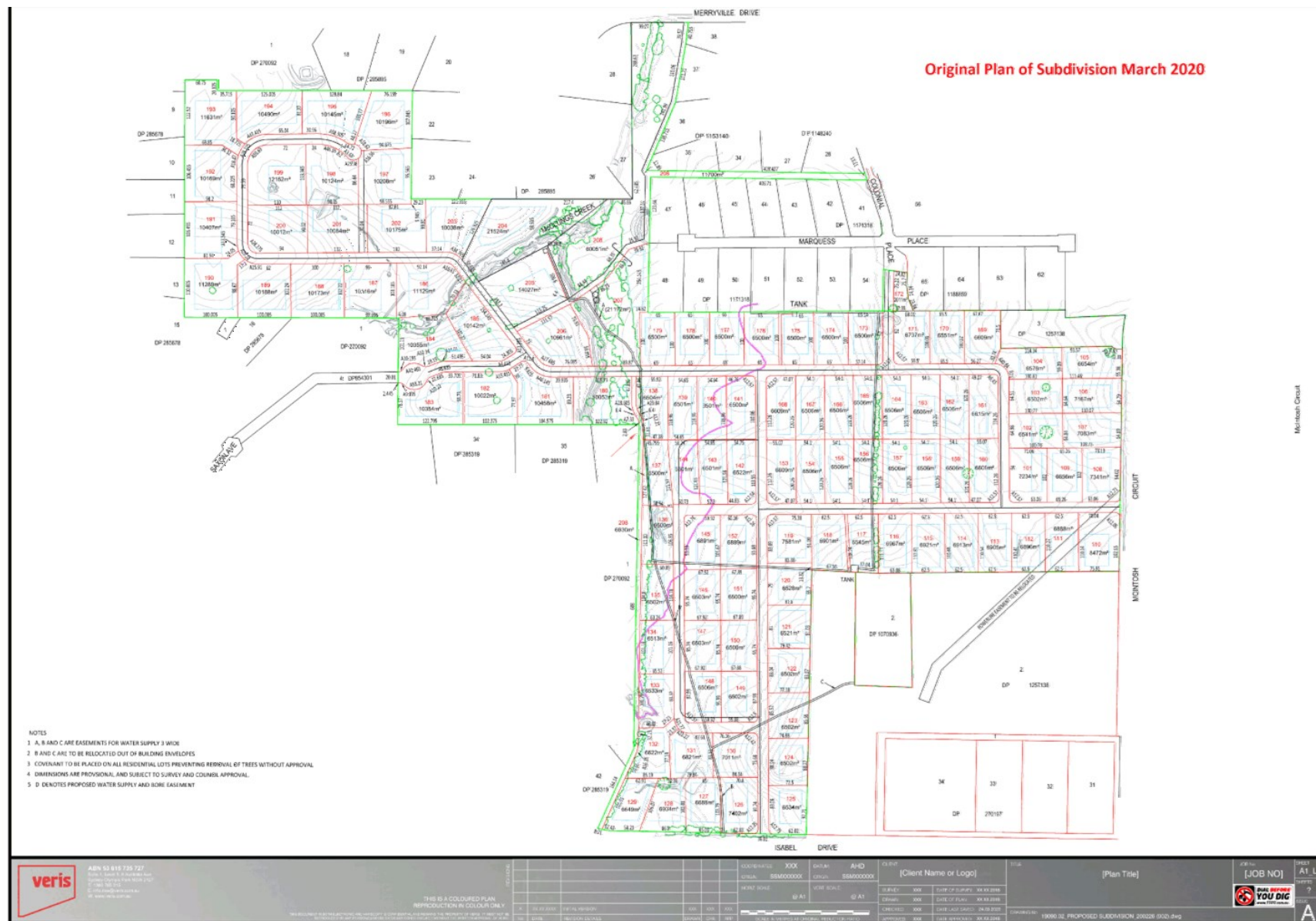
Drawn By: Jeremy Knox
Projection: GDA94 / MGA zone 55
Date: 11/09/2020 4:53 PM

Subject Land

Property Notified

Map Scale: 1:16849 at A4

7.4 Development Application No DA200049 - Subdivision, Isabel Drive, Murrumbateman
Attachment B Revised and Original Plans of Subdivision



DA200049 – Lot 1 DP 1257138 – Isabel Drive, Murrumbateman
Response to public submissions

Theme	Comments Summary	Response
Environmental		The Biodiversity Development Assessment Report (BDAR) addresses threatened species and associated habitat. The dams were evaluated and not considered to provide habitat for threatened species and have low potential habitat value. Three of the larger dams are being retained. The removal of other smaller dams will involve a dewatering and desilting process during construction. We will consider whether an environmental observer will be present during this process to capture and habitat any species found. Dewatering and desilting will be done in a phased process to limit any potential impact to habitat.
	Filling in dams and effect on biodiversity - habitat for turtles, frogs, ducks and other animals.	
	Concern about removal of White Box Yellow Box Blakely's Red Gum Woodland, including confusion about how much vegetation will be removed	Direct impact (vegetation to be cleared) is approximately 0.81 hectares, but assumed cleared vegetation is 1.18ha subject to the final BDAR. Existing threatened ecology community is degraded and planted, but still required to be assessed. Removal and assessment was done in accordance with NSW State and Commonwealth legislation.
	1.18ha of vegetation to be removed - unclear how it will be replaced	It is considered that the loss of 1.18 hectares of native vegetation is unavoidable. Species credits are required to supplement the loss of vegetation. The dedication of the open space along the creek will provide an opportunity for the revegetation and rehabilitation of this area with species endemic to the locality.
	Particular concern about maintaining windbreak vegetation	It is proposed to retain all on site vegetation unless it is unavoidable to remove it (e.g. clearing for roads or remove for construction of fencing). The Section 88B instrument will be used to protect any existing vegetation not identified for removal and will require future residents to seek Council approval for all future tree removal. The landscape plan provided shows significant new plantings of native vegetation.
	SEE doesn't make reference to kangaroos, wallabies, echidnas, frogs, turtles etc	The BDAR focuses on threatened species only. Common native species are more mobile and it is considered that they will be able to find suitable habitats in the vicinity of Murrumbateman. Offset required as per the BDAR will also provide habitat for common species as well as threatened species. As noted above, the dedication of the open space along the riparian corridor will assist in the maintenance of habitat.
	Concern about loss of habitat in grasslands - superb parrot, echidnas, kangaroos, birds	Paddocks are improved pastures, highly modified and were not considered to provide habitat for threatened species. However, where possible trees will be retained. Refer to earlier comments about open space.
	Not enough greenspace generally, and lack of consideration for improving the existing environmental features	The subdivision plan has been amended to include a large area of land along the riparian corridor for open space. An offer has been made to Council to enter into a voluntary planning agreement that will dedicated this land was public open space.
	Not enough greenspace along McClungs Creek - e.g. Lots 204, 205, 207, 208, 184 and 186	Refer comments above. The subdivision has been amended to reduce the opportunity for private access to the creek corridor and include and open the development to the wider community by dedicating proposal Lot 202 as Public Open Space subject to the voluntary planning agreement.
		90,000L minimum was supported by Council during DA development. However, following consideration of the tank size it is proposed to increase tanks to 110,000L. This has been included in the s.88(B) document for future owners. 110,000L is a common tank size for rural residential development in the Canberra region. It should be noted that the development is supplemented by a separate supply of non-potable water via a bore. The bore supply will be stored in 0.5ML buffer tanks constructed on site and the proposed non-potable supply will be metered to prevent misuse.
Services	Concern that 90,000L tanks in insufficient for potable water supply.	
	Concern about access to bore water and increased development within surrounding existing bores	A detailed hydrogeological assessment will be conducted on the bore as part of the process of investigation into the capacity of the existing water allocation from NSW Department of Water. The yield will still be within the existing license allocation and this will not be required to be increased. A bore test has been carried out which shows good water supply at a depth of 12m.
	Confusion about removal of bores and access to existing bores	An existing unused bore near Isabel Drive will be decommissioned in the development works. The development yield will still be within the existing license allocation and this will not be required to be increased.
	Concern about effluent management in proximity to bores	It is proposed to install an additional bore near the existing bore towards the northwest of the property. Pumps, storage tanks and associated electrical infrastructure will be upgraded to improve efficiency and reduce operating noise. The additional bore will provide a new casing and improve the reliability of the bore extraction.
	Concern about stormwater management downslope and overflow of effluent, and the effect of removing dams	Proposed decommissioning of some bores will serve to minimise impact to groundwater system. Maintained min. 100m buffer between effluent disposal and bores. Buffer of 250m from 'Silver Book' and is groundwater management plan for the area. Any effluent irrigation between 250m and 100m treated as special management area.
	Too much reliance on bores on Murrumbateman/ identified need for water pipeline	Beyond the scope of the project. Current pipeline not proposed to service the rural residential portion west of Murrumbateman village (only village core).

7.4 Development Application No DA200049 - Subdivision, Isabel Drive, Murrumbateman
Attachment D Applicant Response to Submissions

	Suggested community dam like for Merryville Estate	Community dam is not an efficient way of managing water due to loss from evaporation. The proposal includes communal storage tanks that will store bore water.
	Not enough rain to fill up tanks, and unsustainable to use bores	Noted.
	Concern that tanks and swales are insufficient to manage stormwater and flooding from heavy rain events, especially with dams removed	The detail design will look at storage of stormwater runoff in lineal swales and other areas within the site
	Merryville Estate has been on groundwater restrictions, not convinced there's enough capacity in the proposed bores	If restrictions are put in place during drought events, they will affect all residents, including the future dwellings from as part of this proposed subdivision. Ground water is no different and subject to the same depletion during drought. Adequate testing and monitoring will be undertaken along with usage and impact predictions to assess the viability of the source. It should be noted the groundwater is non-potable water and only intended to be used outside the home and not as a primary supply.
	No evidence for sufficiency of electricity network	Essential Energy won't comment on supply until DA is approved.
	Anecdotal evidence of poor NBN quality	Noted. Supplier issue.
	General concern of insufficient network capacity for NBN and electricity	Noted. Supplier issue.
	Concerned about connection through to Colonial Place	Colonial Place was designed to achieve future additional connectivity to the subject site at the time of construction.
	Need to upgrade surrounding roads to cope with increased traffic volumes (Isabel Drive, McIntosh Circuit, Barton Highway)	Noted. Council issue to consider.
	Concern with connecting intersection design onto McIntosh Cct and Isabel Dr for vehicle safety and visibility	Intersections with existing streets were located for maximum visibility. SMEC - Marvin to address. Including driveways to McIntosh Circuit (3 Lots) and Isabel Drive (3 Lots).
Traffic	Concern over existing condition of McIntosh Cct - congestions, pot holes, water pooling on road	Noted. Council maintenance.
	No evidence of access for public transport, which is already anecdotally full	Roads are designed to be bus capable (Isabel Drive to McIntosh Circuit through development)
		Since DA submitted additional traffic data has been received and the traffic report has been updated to reflect this as per the following: Considering the location of the proposed development site, which is around the western side area of Murrumbateman, it is assumed that the additional generated external traffic on Barton Highway will be distributed as follows:
		<ul style="list-style-type: none"> 5% of the traffic will leave Murrumbateman and travel north towards Yass, using South St 95% of the traffic will leave Murrumbateman and travel south towards Canberra, using McIntosh Circuit Residual traffic accounted for by the RMS internal trip factor will travel within Murrumbateman and to the west.
		Yass Valley Council has a designated Road Hierarchy plan which nominates McIntosh Circuit as a 'Local Sealed Road', according to Table 3 of the Yass Valley Council Roads Standards Policy (RD-POL-9), local roads can have an Average Annual Daily Traffic (AADT) of 101-1000 (refer Table 3.0 Rural Road Standards).
	Disagree with Traffic Report claim of 50/50 split of vehicle movements to Yass and Canberra - likely more will go to Canberra	The assessment showed that the traffic impact of the proposed residential development on the surrounding network is not significant and the road network has enough spare capacity to accommodate the additional traffic generated by the proposed development.
	Concern about lack of footpaths/cycle paths within road reserves - not part of DA	Footpaths are not required in Council standards. Provision for a shared path connecting from north down to Isabel Drive (Stage 3) has been included in the design.
	Concern about increased heavy vehicles on surrounding roads - school buses etc.	All roads are designed as being capable of handling buses and garbage trucks.
	Concern about direct access to lots front McIntosh Circuit	SMEC will check all access to lots from McIntosh and Isabel Drive during the detail design phase of the project.
	Concern about lack of public transport in Murrumbateman	Access will be designed to meet Clause 7 of Yass Valley Policy RD-POL-9.
Amenity and social infrastructure		Noted. This is an issue for Transport for NSW.
	Stress on local services - supermarket, post office undersized	The introduction of additional dwellings is considered to have a positive economic impact for Murrumbateman and may encourage additional economic development. A new retail area is planned near the Abode Hotel to the north of Murrumbateman village.
	Concern about lack of greenspace within the development, particularly along McClungs Creek	Lot 202 is proposed to be dedicated to Council as public open space. The final design and landscaping of this area will be undertaken in consultation with Council under the terms of the planning agreement.
	Concern about lack of social/community spaces within the development	Noted. A pedestrian and cycle path is proposed to be incorporated within the southern extension of the public open space Lot 202 to connect Isabel Drive to Merryville Drive.
Heritage	Murrumbateman has no school and the proposed development will likely increase school-aged population	We understand the NSW Department of Planning, Industry and Environment has agreed to terms on the purchase of a site to construct a primary school in the Murrumbateman area.
	Concern about sufficiency of information regarding indigenous heritage	A subsequent assessment has been undertaken to satisfy the NSW Office of Environment and Heritage <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> .

7.4 Development Application No DA200049 - Subdivision, Isabel Drive, Murrumbateman
Attachment D Applicant Response to Submissions

Land use conflict	Concern that block size is too small compared to surrounding lots	The proposed land use and minimum lot sizes are consistent with the relevant controls of the Yass Valley LEP 2013.
	Concern about over development of the site and increase to population	The site is zoned for residential land use and the proposed development is considered consistent with the objectives of the zones. The density of development is consistent with the associated minimum lot sizes.
	Disruption to rural setting and village character of Murrumbateman and Merryville Estate	The site is zoned for residential land use and the proposed development is considered consistent with the objectives of the zones. The density of development is consistent with the associated minimum lot sizes.
Construction	Concern about heavy vehicle movements through existing estates	During construction all heavy vehicles will be managed with a Construction Management Plan. It is envisaged all construction traffic will enter and exit the site via MacIntosh Circuit. A construction traffic management plan will also be submitted to council as part of the detail design phase of the project for approval.
	Concern about dust, noise and general construction impacts	Construction will be subject to construction environmental management plan which will impose limitations on environmental impacts during construction to meet EPA requirements.
Community Consultation	Concern over lack of community consultation	Noted, to be addressed with the public Planning Forum.



Natural Resources
Access Regulator

Natural Resources Access Regulator
Locked Bag 5123,
Parramatta NSW 2124
T 1800 633 362
www.industry.nsw.gov.au/nrar

Contact: Charity Nichols
Phone: 0409 976 120
Email: charity.nichols@nrar.nsw.gov.au

General Manager
Yass Valley Council

Our ref: IDAS1124900
CNR: CNR-6899, A-8280
Your ref: DA-200049

Attention: Jeremy Knox

Uploaded to the eplanning portal

10 September 2020

Dear Mr Knox

Re: Integrated Development Referral – General Terms of Approvals
Development Reference: DA-200049
Description: 106 Torrens title lots for residential purposes and 2 lots of public open space and associated civil works including two road crossings
Location: Lot 1 DP 1257138; Isabel Drive MURRUMBATEMAN NSW

I refer to your letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's (NRAR) General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR request these GTA's be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- If any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, or lake or estuary; (ii) on the banks of any river, lake or estuary; (iii) on land within 40 metres of the highest bank of a river, lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- If Council receives an application under s4.55 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- Of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

<https://www.industry.nsw.gov.au> > [Water](#) > [Licensing & Trade](#) > [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 4.47 (6) of the EPA Act.

Yours sincerely



For
Vickie Chatfield
Manager Licensing and Approvals (West)
Natural Resources Access Regulator
Department of Planning, Industry & Environment



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1124900
Issue date of GTA: 10 September 2020
Type of Approval: Controlled Activity
Description: 106 Torrens title lots for residential purposes and 2 lots of public open space and associated civil works including two road crossings
Location of work/activity: Isabel Drive Murrumbateman 2582
DA Number: DA-200049
LGA: Yass Valley Council
Water Sharing Plan Area: Murrumbidgee Unregulated River Water Sources 2012

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
Plans, standards and guidelines	
GT0002-00857	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 200049 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0004-00003	A. A security deposit must be provided, if required by Natural Resources Access Regulator. B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.
GT0005-00382	A. The application for a controlled activity approval must include the following plan(s): - Detailed culvert design, Detailed subdivision design including civil and earthworks for works on waterfront land, Preparation of a VMP clearly showing 20m riparian corridor for the 2nd order tributary and 30m riparian corridor for the 3rd order tributary measured from top of bank and rehabilitation and any offsets proposed in accordance with the guidelines, Detailed and itemised VMP and drainage costings, and Detailed erosion and sediment control plan. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities/guide .
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

209 Cobra Street, Dubbo, NSW 2830 | PO BOX 717, Dubbo, NSW 2830
nrar.enquiries@nrar.nsw.gov.au | <http://www.industry.nsw.gov.au/nrar>

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA-200049 as provided by Council:

- Statement of Environmental Effects Isabel Drive Subdivision, prepared by Elton Consulting and dated 30 March 2020,
- Plan of Proposed Subdivision Lot 1 DP1257138, Issue A, prepared by Veris and dated 07/09/2020.
- Updated Engineering Plan Set, prepared by SMEC and dated 07/09/2020, Drawing Numbers 3002724-0000, 00002, 00003, 00005-00005, 0010-0012, 0030, 0031-0032, 0040, 0050-0052. Revision B



Contact Simone Tonkin
Phone 03 5880 1736
Email simone.tonkin@waternsw.com.au

Yass Valley Council
Jeremy.Knox@yass.nsw.gov.au

Our ref F2020/839
Your ref DA 400049

24 July 2020

Attention: Mr Jeremy Knox,

Dear Sir,

RE: Development Application: 400049- Lot: 1 DP: 1257138, Isabel Drive, Murrumbateman NSW 2582. 106 Torrens Title Subdivision, 2 Lots of Public Space, Construction of 5 roads and Construction of two river crossings.

I refer to the above-mentioned development application referred to WaterNSW for comment in relation to water supply to the development.

WaterNSW has reviewed the information submitted with the application for the proposed development and offers the following information:

The applicant holds a Water Supply Works approval for two bores that currently supply the existing subdivisions. Linked to the Approval, the applicant has a Water Access Licence with a total volume of 73 Units.

WaterNSW considers for the purposes of the Water Management Act 2000, the applicant would be required to apply to WaterNSW to amend the current Water Supply Works approval. The amendment would need to include:

- Change the purpose of the current approval to reflect the current and future proposed use.
- Correctly identify the land the approval is to supply.

The applicant should be aware that any extraction and supply of water to the development, must be done so in accordance with the existing Approval and Water Access License. The supply of water to the development is via available water entitlements and adequate supply is at the risk of the applicant.

Please feel free to contact me on 03 5880 1736, should you require any further information.

Yours sincerely



Simone Tonkin
Water Regulation Officer

8-20 Edwardes Street, Deniliquin | PO Box 453 Deniliquin NSW 2710
t 1300 662 077 | www.waternsw.com.au



12th August 2019

PO Box 156, Leeton NSW 2705
63 Kurrajong Avenue
Leeton, NSW 2705
www.waternsw.com.au
ABN 21 147 934 787

Next Level Eighteen Pty Ltd
C/- P Square Advisory P/L
Level 3, 59 Wentworth Avenue
Kingston ACT 2604

Contact: Angela Lepper
Phone: 02 6953 9823
Email: angela.lepper@waternsw.com.au
Our Ref:

Dear Sir/Madam,

Re: Shaw Projects

Please be advised that WaterNSW have met with Graeme Shaw in relation to the subdivision of Lot 71 DP754900 and access to basic landholder rights stock and domestic water for the subdivision lots.

I can confirm that each individual block in the proposed subdivision can make application for a water supply works approval for stock and domestic purposes (note the bore must be >250m away from any on-ground septic system) and can be run and operated on an independent basis from any Community Association. These BLR rights bores will not be required to be metered.

Alternatively, a community association could also apply for a water supply works approval and supply each property with domestic and stock water.

Mr Shaw will be able to retain his approval (bore) and WAL under its current status (and independent of the subdivision) if a registered easement is in place at the time of registration of the subdivision.

If you have any questions, please do not hesitate to contact me.

Yours sincerely


Angela Lepper
Senior Water Regulation Officer
Customer and Community
WaterNSW



Planning,
Industry &
Environment

DOC 20/525455-5

Jeremy Knox
Yass Valley Council
PO Box 6
Yass NSW 2982

12 August 2020

Dear Mr Knox

Subject: DA200049 108 Lot Subdivision – Isabel Drive, Murrumbateman

We have assessed the above proposed subdivision submitted to the Biodiversity and Conservation Division (BCD) for review and comments. Please note a site inspection was conducted with Council 5 August to support the comments provided within this letter.

BCD have concerns regarding a number of lots proposed with building envelopes adjacent to and within the Endangered Ecological Community Box-Gum Woodland (EEC BGW). These lots will be constrained by the biodiversity present on site, and the proximity to the creeks. We recommend that the majority of the lots that contain the biodiversity corridor should be used as open space and protected with a Vegetation Management Plan (VMP). This would ensure that the proposed open space is consistent and could offer the community an area for walking, biking and potentially riding horses. BCD also recommend that a Tree assessment is completed with an appropriate Tree Management Plan to protect the paddock trees throughout the life of the development.

Additional information can be found within Attachment 1 and a subdivision layout can be found within Attachment 2 that is referred to within the report.

If you would like to discuss this matter further, please contact Nicola Hargraves, Senior Conservation Planner on 02 6229 7195 or at rog.southeast@environment.nsw.gov.au.

Yours sincerely



ALLISON TREWEEK
Senior Team Leader – South East
Biodiversity and Conservation Division

Attachment 1 - More detailed biodiversity comments

Vegetation Management Plan and Open Space

BCD recommend that a VMP is completed to support council to manage this land as open space. It does present a good opportunity for the community to have a space where they can walk, bike and ride horses on an allocated path. Revegetation and enhancement should be specifically outlined as an objective within the VMP with allocated adequate funds to achieve this over the set timeframe. Council may be interested in entering into a Planning agreement with the proponent to outline the funding and management arrangements.

We support a Creek Management Plan (CMP) with adequate funding with action plans focusing on revegetation with species specific to the EEC BGW present on site.

The Biodiversity corridor also contains a few large yellow box eucalypts (*Eucalyptus melliodora*) that contain hollows, BCD would like confirmation that these trees will not be impacted by the proposed road that will impact the vegetation corridor.

Reduction in lots and increase in Open Space

The following lots will have ongoing impacts on the area of Box Gum woodland CEEC. We recommend these lots are removed or reduced to limit the impact on the corridor.

- 180
- 204,205 and 206 - the size of these lots could be reduced to provide a buffer along the creek.
- 207
- 208

A reduction in lots and impact will also require less credits to be offset. This will need to be amended if these recommendations are adopted.

Tree Management Plan

Some isolated paddock trees that are proposed to be retained are in positions that may be difficult for the future buyers to build without an appropriate tree management plan. We recommend that a tree assessment is completed on those paddock trees to ensure that no impacts or conflicts will occur for the future of this development.

We also recommend that all Paddock trees are avoided, due to the large lots we consider that there should be enough room to be able to avoid the removal of these trees.



Transport
for NSW

SWT20/00082
SF2020/129725
MM/CO

5 August 2020

The General Manager
Yass Valley Council
PO Box 6
YASS NSW 2582

Attention: Jeremy Knox

DA200049 – PROPOSED 108 LOT SUBDIVISION, LOT 1 DP1257138, ISABEL DRIVE, MURRUMBATEMAN

I refer to your correspondence regarding the subject Application which was referred to Transport for NSW (TfNSW) for assessment and comment.

From the information provided it is understood that this proposal is for a subdivision creating 108 residential allotments and new roads to be undertaken in 3 stages. The development site has frontage to McIntosh Circuit, Isabel Drive, Merryville Drive and Colonial Place which are all classed as local roads.

The submitted documentation includes a Statement of Environmental Effects prepared by Elton Consulting dated March 2020 and a Traffic Impact Assessment (TIA) prepared by SMEC dated June 2020. The proposal includes the creation of an internal road network with a new intersection to Isabel Drive (as part of stage 1) and also a new intersection to McIntosh Circuit (as part of stage 2). TfNSW notes that all access is to be local road network.

From the staging plans it appears that access to stages 1 of the subdivision will be via a single new road connecting to Isabel Drive. Stage 2 includes a new road connection to McIntosh Circuit. Council should consider the provision of alternative access in the initial stage should an incident occurs at or near the proposed intersection to Isabel Drive for accessibility for households and emergency purposes.

There are multiple intersections that would service the subdivision to the Barton Highway. However due to the location of the development site relative to Canberra and the surrounding road network it is anticipated that a significant proportion of trips from this site will be towards the south via the intersection of McIntosh Drive and the Barton Highway. TfNSW notes the potential impact of the proposed additional traffic generation on this intersection.

Transport for NSW has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal.

The following comments are provided to Council for consideration in its assessment of the development proposal;

- The internal road network and roadside environment should be designed, constructed and maintained to provide a safe environment for all road users and to encourage compliance with

Transport for NSW

193-195 Morgan Street Wagga Wagga NSW 2650 | PO Box 484, Wagga Wagga NSW 2650
W transport.nsw.gov.au | ABN 18 804 239 602

the desired speed limit through the subdivision in accordance with the NSW speed zoning guidelines.

- The subdivision should be designed and staged to provide for alternative routes for vehicular access to allow for distribution of traffic and alternative means of access for emergency vehicles.
- The internal road network is to provide for ease of access for larger vehicles such as public transport, service and construction vehicles (eg Garbage trucks, delivery trucks). Bus stop facilities are to be provided within the estate for the convenience of the user in accordance with relevant guidelines.
- Transport for NSW encourages the provision of facilities to provide for alternative means of travel to the motor vehicle. Facilities are required to be extended to and provided through the subdivision for the safe and effective movement of pedestrians and cyclists to facilities such as nearby schools, sporting and shopping facilities.-

Please be advised that under the provisions of the Environmental Planning & Assessment Act it is the responsibility of the Consent Authority to assess the environmental implications, and notify potentially affected persons, of any development including conditions.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use, TfNSW (South West Region), Maurice Morgan, phone (02) 6923 6611.

Please forward a copy of the Notice of Determination for this Development Application to the Land Use -TfNSW at the same time as advising the applicant.



Per:
Lindsay Tanner
Director South West



2 September 2020

Ref:19/9255

Mr Chris Berry
General Manager
Yass Valley Council

Via email council@yass.nsw.gov.au

Dear Chris

**Letter of Offer to enter into a Voluntary Planning Agreement - Development
Application DA200049 Subdivision, Isabel Drive Murrumbateman**

This letter of offer to enter into a Voluntary Planning Agreement (VPA) has been prepared in support of a development application submitted on behalf of Next Level Eighteen Pty Ltd. Set out below are details of the development proposal, and the essential terms of the planning agreement would be prepared.

We are submitting this letter of offer for initial consideration by Yass Valley Council (Council) to accompany the Development Application (DA) currently under consideration prior to the drafting of the VPA. We look forward to progressing discussions on this VPA offer, which we consider will provide significant public benefit for the existing and future community at Murrumbateman.

Development Overview

A DA was lodged with Council on 8 April 2020 for the subdivision of certain land at Isabel Drive Murrumbateman known as Lot 1 DP 1257138.

The DA, as lodged sought the consent for the subdivision of land into 106 residential lots and two open space lots. During the course of the assessment and following the public notification of the proposal and subsequent consultation with both adjoining landowners, public agencies and Council, the proposal has been revised.

The development comprises:

- » Subdivision of Lot 1 DP1257138 to create 101 Torrens title lots for residential purposes and one public open space lot (Lot 202 on the plan provided).
- » Construction of roads to service the new lots.
- » Construction of two road crossings across McClungs Creek.

Canberra

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PO Box 41, Dickson ACT 2602
Australia

T 02 6274 3300
F 02 6274 3333
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Elton Consulting
ABN 56 003 853 101



- » All subdivision works to prepare the land for the future development comprising site preparation and grading, road construction, and tree and vegetation removal.
- » Landscaping of the new roads.

Voluntary Planning Agreement Offer

Part 4 of the EP&A Act sets out a statutory system of planning agreements in NSW. Section 93F(1) provides that a planning agreement is a voluntary agreement under which the developer agrees to make development contributions towards a public purpose.

Next Level Eighteen Pty Ltd propose to prepare and submit for Council's consideration a VPA under the terms of the EP&A Act and Regulation and the 2006 Practice Note published by the NSW Department of Planning.

It is proposed that this VPA will include the dedication of land to Council for public open space and associated works which exceeds the works that would ordinarily be associated with a DA for subdivision. The work will include:

- » Embellishment work including vegetation planting, installation of a walking track creating permeability through the site, linkages to adjoin development
- » Rehabilitation of degraded vegetation
- » Preparation of a Landscape Plan
- » Dedication of land

Landscape Plans will be prepared to support the delivery of the open space works and would be developed in consultation with Council.

Next Level Eighteen Pty Ltd invite, as conditions of consent to the DA, the following in relation to the timing of the preparation of the VPA with Council, registration on title, and completion of the works:

1. Prior to the issue of any Construction Certificate to which the consent relates the applicant shall enter into a Voluntary Planning Agreement (VPA) with Council. This report shall outline the terms of the offer made by the applicant in connection with the subject Development Application. All works shall be carried out in accordance with the applicable VPA.
2. Prior to the issue of any Construction Certificate the applicant must register the VPA on the title of the land to which the VPA applies.
3. The applicant must prepare Landscape Plan and the detail or work to be undertaken in as part of the open space embellishment and rehabilitation for approval by Council prior to the issue of any Construction Certificate. All work shall be completed to the satisfaction of Council prior to the issue of the Subdivision Certificate for the proposed Open Space Lot.

Other Development Contributions

The development of the site would be subject to the provisions of the Yass Valley Development Contributions Plan 2018 (the Plan). The Plan will allow contributions to be collected under a levy. Funds will be utilised for the provision of public amenities as outlined in the plan and including open space and recreation, pathways, community facilities and roads. The levy is applied to subdivision based on the estimated cost of the development at a rate of 1% of that cost.

For the Isabel Drive development, based on the estimated cost of \$3,392,000 this would be \$33,392.00. We are not seeking relief from the application of the Plan and this VPA letter of offer does not affect the application of the Plan to the proposed DA.



The Next Steps

This VPA letter of offer is submitted to Council for your consideration as part of the DA for the proposed subdivision. If it is acceptable Council we request that the development consent include appropriate conditions as outline above.

If you have any questions or required further clarification please contact either myself or Paul Powderly on 0413 122 877 to discuss the matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Liz Densley', written in a cursive style.

Liz Densley
Associate Director
liz.densley@elton.com.au

Clause 4.6 Variation

This is a supplementary submission providing for the justification of a variation to the development standard in Yass Local Environmental Plan 2013 (YLEP) clause 4.1 Minimum Lot Size.

1.1 Background

A number of issues were raised during the public exhibition and consultation undertaken in respect of the development proposal including feedback from Natural Resources Access Regular (NRAR). NRAR advised that the lot layout be amended to reduce the number of waterfront lots (180, 184, 185, 186, 204, 205, 207 and 208) to reduce the impact on riparian land.

Following discussion with Council, the layout has been modified to address the comments from NRAR and reduce the number of waterfront lots. The revised layout reduces the number of residential lots by 5 from 106 as originally proposed to 101 under the revised scheme. It also proposes the creation of a public open space lot with a total area of 8.4ha. An offer to enter into a voluntary planning agreement to dedicate this land as public open space for the benefit of the wider community been made to Council. This will be considered as part of the application process.

The changes result in a better planning outcome and satisfy the issues raised during the initial assessment process. However, as a result of the changes to the general arrangement, there is one lot, proposed Lot 136, that will result in a lot that is approximately 5,800sqm. This has resulted in a lot that is less than the minimum lot size for land in the R2 zone of 6,500sqm.

Having considered the legislative context, the variation to the MLS in this instance is considered reasonable under the circumstances and should be supported by Council.

Figure 1 General Arrangement

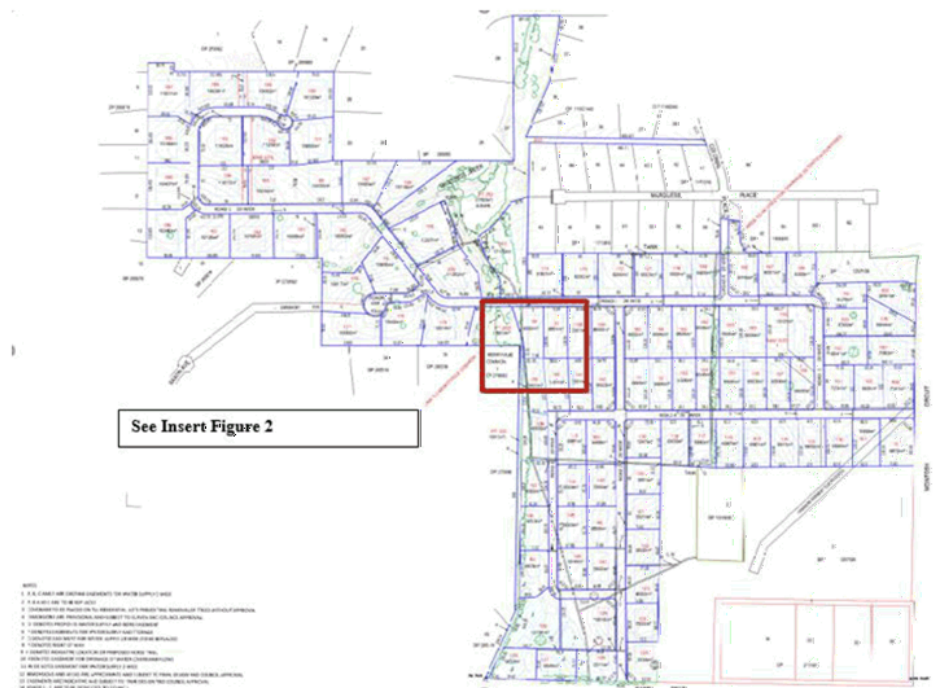
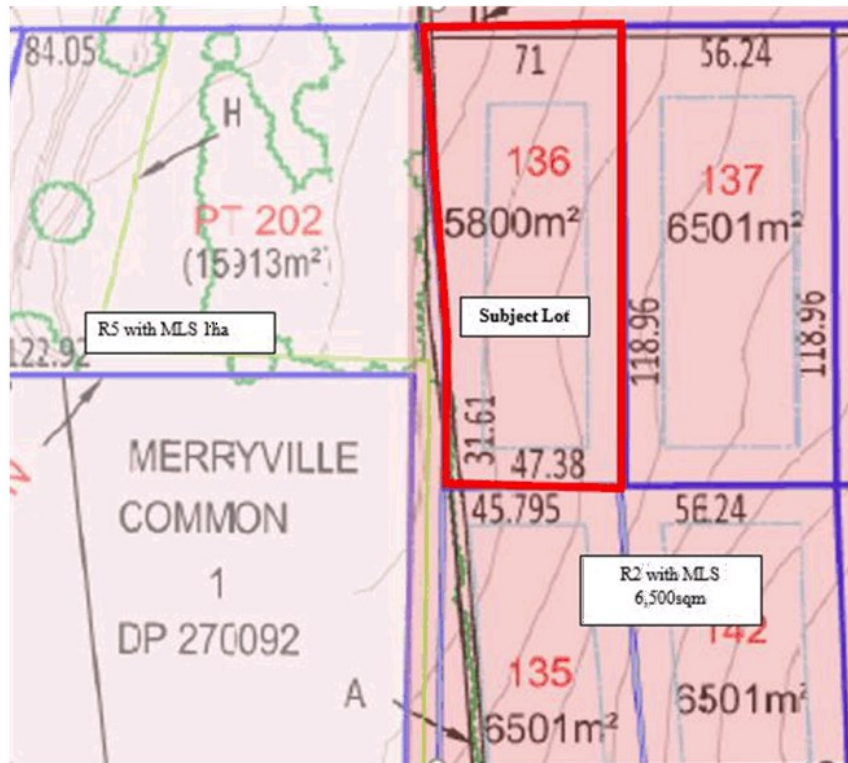


Figure 2 Subject Lot



1.2 Legislative Context

The YLEP provides for subdivision of land with development consent (clause 2.6). The YLEP provides for a minimum lot size for subdivision and refer to the Lot Size Map as the mechanism for identifying the minimum lot size (MLS) that applies to a particular parcel of land. The MLS is a development standard.

Clause 4.6 of the YLEP provides for a variation to a development standard under certain circumstances. The objectives of clause 4.6 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development;
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances

In the case of land within the R2 zone, there is no numerical reference governing the extent to which the standard may be varied. In this instance the variation only one lot of 101 residential lots, that represents less than 1% of the total development. The lot itself is seeking a variation to reduce the total size by approximately 11%.

The Land and Environment Court (LEC) reiterated in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 per Preston CJ at [11] the four tests imposed by clause 4.6 as follows:

1. That compliance with the relevant development standard must be **unreasonable or unnecessary** in the circumstances of the case;
2. That there are **sufficient environmental planning grounds** to justify contravening the development standard;

3. That the applicant's written request has **adequately addressed the matters** required to be demonstrated by sub-clause 3;
4. That the proposed development would be in the public interest because it **is consistent with the objectives of the particular standard and the objectives for development within the relevant zone**

The test for "unreasonable or unnecessary" has also been settled by the LEC. In *Wehbe V Pittwater Council* (2007) NSW LEC 827, Preston CJ identified a five-part test that could be applied to demonstrate that an objection to a development standard is reasonable and will deliver an outcome consistent with the relevant policy framework. The five elements are identified below. For the most part, in this instance, only the first of the five elements are considered strictly applicable to this development and this has been addressed above. Nonetheless the test is as follows:

1. The objectives of the standard are achieved notwithstanding the noncompliance with the development standard
2. The underlying objective is irrelevant
3. The underlying object or purpose would be defeated if compliance was required therefore compliance is unreasonable
4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

1.3 Application of the Test

Unreasonable or unnecessary

The development standard proposed to be varied in the MLS prescribed in clause 4.1 and identified as 6,500sqm on the accompanying Lot Size Map. It is contended that strict application of the MLS is unreasonable in this instance on the grounds that:

1. The development is consistent with the objectives of the R2 zone;
2. The proposed lot boundary with Lot 202 will avoid vegetation; and
3. The variation has come about in response to feedback from Council and NRAR to reduce the number of lots that will impact the riparian corridor. The overall result is a better planning outcome for the development.

Objectives of the Zones

The site predominately zoned R2 Low Density Residential under the YLEP. The objectives of the zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is provided with an adequate water supply and the disposal of sewage.

The development proposed is a subdivision which will enable the development of the land within the low density environment. The immediately adjoining lots are also rural residential in nature and the land to the west proposed to be dedicated for public open space. The variation will not result in an outcome that it inconsistent with the objectives zone.

Other planning grounds

The decisions of *Four2 Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 also provides that an objection under clause 4.6(3)(a) that the development standard is unreasonable or unnecessary needs to be established on grounds other than the objectives of the zone alone.

In this case it is relevant to consider the objectives of Clause 4.1 Minimum Lot Size. Again, the request for the variation has been weighted against these objectives and found to be consistent on the baes that:

Clause 4.1 Objective	Response
(a) to minimise the likely impact of subdivision on the amenity of neighbouring properties,	All of the surrounding lots are of a similar size and proposed to be used for residential purposes with proposed Lot 136 being toward the centre of the development.
(b) to ensure that lot sizes and dimensions have appropriate regard to the characteristics of the land, the rural environment, the protection of biodiversity, significant geological and natural resources, the heritage and the built form of Yass Valley,	The configuration of the lot and depth to frontage is consistent with adjoining lots to the east. It is not an odd shape or a battle axe lot. It maintains a street frontage.
(c) to ensure that subdivision reflects and reinforces the predominant subdivision patterns of neighbouring properties and surrounds,	Consistent with the balance of the development and surrounding pattern.
(d) to maintain the character of Yass Valley,	Not inconsistent
(e) to ensure subdivision occurs in a planned and sustainable way,	Yes
(f) to ensure subdivision does not create unreasonable or uneconomic demands for the provision or extension of services,	The Lot to which the variation is only a single lot representing less that 1% of the total development.
(g) to prevent the subdivision of land on the fringe of urban areas into small lots that may negatively influence the layout of future urban areas.	No inconsistent

1.4 Conclusion

The general arrangement of lots has been revised to accommodate feedback during the assessment process resulting in a reduction in yield of 6 residential lots. This has led to a better planning outcome, however resulted in a lot that is less than the MLS for the R2 zone. This challenges the application of the MLS clause in the YLEP. Having considered clause 4.6, the development standard, as it applies in this instance, is considered unnecessary as demonstrated in this variation request. Therefore, variation to the development standard is considered reasonable and should be supported.

DA200049 – DRAFT CONDITIONS – ISABEL DRIVE, MURRUMBATEMAN

PART A - GENERAL CONDITIONS (ALL STAGES)

- (1) Consent is granted generally in accordance with the plans and details submitted to Council with the Development Application. The plans of subdivision has been stamped and attached to this consent. The development shall 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) A Subdivision Works Certificate, as defined by the *Environmental Planning and Assessment Act 1979*, shall be obtained for all engineering works prior to any works commencing on site. Council's fee for providing a Construction Certificate is levied in accordance with Council's Management Plan relevant at the time of payment.
- (4) 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
 - Specific Requirements of Transport for NSW
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards and
 - AustRoads
- (5) The developer at no cost to Council or Transport for NSW, shall make any necessary alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision.
- (6) Public access to the site and construction works, materials and equipment on the site is to be restricted, when construction work is not in progress or the site is unoccupied.
- (7) 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;
- (8) The applicant must adhere to the following days and hours of operation for subdivision works associated with the development unless otherwise approved by Council in writing:
 - 7.00 am to 6.00 pm Monday to Friday
 - 8.00 am to 1.00 pm Saturday
 - No work on Sundays or Public Holidays
- (9) Noise, dust and odour generated as a result of the development must comply with the provisions of the *Protection of the Environment Operations Act 1997*.

PART B - PRIOR TO ISSUE OF SUBDIVISION WORKS CONSTRUCTION CERTIFICATE (ALL STAGES)

- (1) The applicant shall submit evidence that suitable arrangements for electricity supply can be made available to service the proposed development, including with consideration of impact on existing capacity and reliability, and the opportunity for feed-in from new lots.
- (2) The applicant shall submit evidence that suitable arrangements for telecommunications service (fixed-line NBN fibre) can be made available to service the proposed development, including with consideration of impact on existing capacity and reliability.
- (3) Prior to the issue of any Subdivision Works Certificate for Stage 1 the Applicant shall enter into a Voluntary Planning Agreement (VPA) with Council. The VPA shall outline the terms of the offer made by the Applicant and accepted by Council in connection with the subject Development Application. The terms of the offer shall generally include:
 - (a) A Landscape Plan, Vegetation Management Plan and Riparian Restoration Plan and detail the work to be undertaken in as part of the open space embellishment and rehabilitation.
 - (b) Facilities to be provided within the open space are to be consistent with a Category 3 Park in accordance with Council's Park & Playground Strategy 2017.
 - (c) That all work shall be completed to the satisfaction of Council prior to the issue of the Subdivision Certificate for the proposed Open Space lot.
 - (d) Prior to the issue of any Subdivision Works Certificate the Applicant must register the VPA on the title of the land to which the VPA applies.
 - (e) The maintenance responsibility period for the Applicant shall be five (5) years from the date of the issue of a Subdivision Certificate.
 - (f) A Memorandum of Understanding in relation to the provision of easements and ongoing access and responsibilities for the private non-potable bore water supply infrastructure proposed to be located and cross the open space lot dedicated to Council.
- (4) A Construction Environmental Management Plan to address construction activity is to be prepared and submitted to Council. The Construction Environmental Management plan shall include:
 - Details for waste management
 - Details for minimising impacts on neighbouring properties
 - Details for minimising impacts on the road network
 - The discouragement of construction traffic through Carrington Park estate
 - The Biodiversity Management Plan
 - The dam dewatering plan.
- (5) The class and number of **ecosystem credits** in Table 1 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Note: Prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

Table 1 Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset impacts from the development
PCT 1330 – Yellow Box Blakelys Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion	12	Murrumbateman, Bondo, Crookwell, Inland Slopes, Monaro, Murrumbateman and Snowy Mountains. Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	White Box Yellow Box Blakelys Red Gum Woodland.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to Council prior to issue of a Subdivision Works Certificate.

Evidence must be provided in accordance with the following:

- (a) Retirement of credits: A credit retirement report issued by OEH confirming credit transactions.
- (b) Payment to the Biodiversity Conservation Fund: A section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund issued by the Biodiversity Conservation Trust.
- (6) The class and number of **species credits** in Table 2 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Note: Prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

Table 2 Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
Polytelis swainsonii / Superb Parrot	1	Murrumbateman, Bondo, Crookwell, Inland Slopes, Monaro, Murrumbateman and Snowy Mountains. Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 requirements must be provided to Council prior to the issue of a Subdivision Works Certificate.

Evidence must be provided in accordance with the following:

- (a) Retirement of credits: A credit retirement report issued by OEH confirming credit transactions.
 - (b) Payment to the Biodiversity Conservation Fund: A section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund issued by the Biodiversity Conservation Trust.
- (7) A Biodiversity Management Plan must be submitted to and approved by Council. The Biodiversity Management Plan may form part of a Construction Environmental Management Plan.

The Biodiversity Management Plan must:

- Identify the development site as per the Biodiversity Development Assessment Report and approved plans
- Identify areas of land that are to be retained as outlined in the Biodiversity Development Assessment Report
- Include a Statement of Commitments which identifies all measures proposed in the Biodiversity Development Assessment Report to mitigate and manage impacts on biodiversity. The statement must indicate what the measure is, when and how often it is to be applied and who is responsible for undertaking the measure.
- State that construction impacts will be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the Biodiversity Development Assessment Report.

- (8) Engineering drawings for the provision of access to each lot 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.

- (9) Engineering drawings for the construction of all roads 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.

Note: All roads must be constructed in accordance with Local or Cul-De-Sac standards as specified for Yass and Murrumbateman Township Roads within the Council's Road Standards Policy.

Note: Roadside drainage shall be constructed along the frontage of the subject land adjacent to all roads. Where kerb & and gutter or flush kerb (if approved by the Director of Infrastructure & Assets) standards are to be in accordance with Council's Roads Policy RD-POL-09.

- (10) The Engineering Drawings for the construction of roads shall provide for the provision of larger vehicles such as public transport service and construction vehicles (e.g. garbage trucks, delivery trucks).
- (11) All cul-de-sacs shall have a 12m turning radius and provided with an asphaltic concrete wearing surface. Minimum standard 40mm thick AC14. In accordance with Council's Road Standards Policy RD-POL-9. The road reserve will need to be increased at cul-de-sac ends to cater for the turning radius and road verge.
- (12) The Engineering Drawings for the construction of roads shall provide for alternative means of travel to the motor vehicle. Facilities are required to be extended to and provided through the subdivision for the safe and effective movement of pedestrians and cyclists to nearby facilities.
- (a) A shared pathway 2.5m wide, 100mm thick, reinforced concrete or asphalt on 50mm compacted road base shall be provided on new roads #1, #2 and #4 on the eastern portion of the development (east of the open space lot and horse trail path).
- (b) A horse trail path is to be provided from Isabel Drive to Merryville Drive as shown on the approved plan of subdivision. Details are to be provided on the engineering drawings.
- (13) Engineering drawings associated with the design of creek crossings and waterways are to be provided to Council for approval. The design shall be undertaken by a suitable qualified engineer and designed in accordance with Council policies, Council's Design and Construction Specification –AusSpec#1, and relevant standards.

As part of the design, calculations of the catchment, flow velocities and volumes will need to be submitted to Council as well as a suitable proposal for upstream and downstream erosion protection. Details of road approaches to the crossing are to be supplied as part of these drawings.

- (14) Bus stop facilities are to be provided within the estate at appropriate intervals for the convenience of the user in accordance with relevant guidelines. Bus shelters are to be of a construction consistent with shelters recently installed by Council. Show bus stop locations on the drawings.
- (15) Engineering drawings associated with the drainage of stormwater shall be submitted to Council's Engineering Department for approval in accordance with Council's Stormwater Policies and Design and Construction Specification – Ausspec#1.
- (16) Engineering drawings must include details of the discharge of stormwater off the site (including quantities for various storm event and is to include stormwater that falls on the site or enters the site from upstream), what is proposed to manage the discharge (including details of any infrastructure etc.), the potential downstream effects of such discharges and actions proposed to ameliorate such effects and what is proposed to ameliorate any effects on the site from stormwater from upstream of the site.
- (17) An overland flow path to accommodate the discharge from a 1 in 100 year storm event shall be provided, including the provision of an easement where this flow path traverses private property. Details of any stormwater retention or water quality basins are to be provided.
- (18) A Design Certification Report relating to the detailed engineering design work shall be submitted to Council as per Council's Design Specification - AusSpec #1, Annexure DQS-A.

Note: This Design Report shall provide evidence that suitably qualified designers have designed each component of the engineering works for the development.
- (19) A list of three street names, for each new street shall be submitted to Council for consideration and approval in accordance with Council's Naming of Roads Policy RD-POL-6.

PART C - PRIOR TO ISSUE OF SUBDIVISION WORKS CONSTRUCTION CERTIFICATE (STAGE 1 ONLY)

- (1) Engineering drawings for the design and construction of a roundabout at the intersection of the new subdivision road and McIntosh Circuit are to be submitted to Council's Infrastructure & Assets Division. As a minimum, the pavement of the roundabout is to be asphaltic concrete.

Note: The centre of the roundabout shall be concrete or asphalt
- (2) The Engineering Drawings for the construction of roads shall provide for the provision of alternative access in the initial stage should an incident occurs at or near the proposed intersection to Isabel Drive for accessibility for households and emergency purposes.

PART D - PRIOR TO SUBDIVISION WORKS COMMENCING (ALL STAGES)

- (1) Subdivision work shall not be commenced until the person having the benefit of this Development Consent provides at least two days' notice to Council of their intention to commence subdivision work.
- (2) Any contractor undertaking works in an existing Council road reserve shall also submit the following details:
 - A current public liability certificate with a minimum cover of \$20 million
 - Current Plant / vehicle insurances
 - A certified traffic control plan for the proposed works
- (3) A Soil and Water Management Plan shall be submitted to Council's Infrastructure & Assets Division for approval in accordance with Council's Design and Construction Specification – Ausspec#1. The plan shall include construction techniques to minimise site disturbance and the potential for soil erosion by wind or water, erosion control on any watercourse on the property, revegetation of disturbed areas and any other matters that are deemed necessary by Council.

Note: An indicative plan may be prepared to complement the design plans, however, the final plan for approval shall be prepared in consultation with the construction contractor;
- (4) Prior to works commencing, Council is to be provided with all appropriate approvals to construct the creek crossings. Approvals may include Fisheries Permit, Controlled Activity Permit from Natural Resources Access Regulator, etc.
- (5) A sign must be displayed in a prominent position on the site while subdivision work is being undertaken.

The sign must list the following details:

- The name, address and telephone number of the Principal Certifying Authority
- The name or the Principal Contractor and an after-hours telephone number and
- That unauthorised entry to the site is prohibited.

The sign must be maintained while the subdivision work is being carried out and removed upon completion.

- (6) Toilet facilities must be provided at the work site. Each toilet provided must be:
 - (a) a flushing portable toilet maintained under a service agreement with an accredited service provider; or
 - (b) a standard flushing toilet connected to a public sewer; or
 - (c) a standard flushing toilet connected to an accredited on-site sewage management facility approved by Council.

PART E – NATURAL RESOURCES ACCESS REGULATOR (NRAR GENERAL TERMS OF APPROVAL) (ALL STAGES)

- (1) The development must be undertaken in accordance with the General Terms of Approval issued by the Natural Resources Access Regulator (NRAR) under the *Water Management Act 2000* dated 10 September 2020 and attached as *Appendix A*.

PART F - TREE REMOVAL AND MANAGEMENT (ALL STAGES)

- (1) All trees that are proposed to be retained must be protected prior to any site works or civil works commencing on the site in accordance with *AS 4970-2009 - Protection of Trees on Development Sites*.
- (2) The removal of trees from the site is restricted to those in accordance with the plans and details submitted to Council with the Development Application, stamped and attached to this consent.
- (3) The applicant shall nominate a suitably qualified and experienced person who will be responsible for overseeing the tree removal and tree management.
- (4) Public access to the site is to be restricted when tree removal work is in progress or the site is unoccupied. All public safety provisions must be in place prior to the commencement of any works and must be maintained throughout tree removal work.
- (5) A suitably qualified and/or experienced tree arborist is required to carry out all tree removal.
- (6) All tree pruning must be undertaken in accordance with *AS 4373-2007* and by a suitably qualified and/or experienced tree arborist.
- (7) The one (1) hollow bearing paddock tree to be removed (living or dead) will need to be inspected by an ecologist for nesting wildlife present in the hollows prior to removal and any wildlife relocated by a fauna spotter catcher.

PART G – DAM DEWATERING (ALL STAGES)

- (1) A dam dewatering plan prepared by a suitably qualified and experienced person shall be submitted to Council and shall be implemented for any dams to be filled. Long neck turtles are present in some of the farms dams that are proposed to be drained. These turtles are protected fauna and will need to be captured and relocated when the dams are dewatered prior to being filled. An ecologist will be required to be present to capture and relocate turtles or other native fauna within the dams during the dam dewatering process.

PART H – ABORIGINAL SITES AND OBJECTS (ALL STAGES)

- (1) All impacts to identified Aboriginal sites and objects should be avoided. If this not possible then an Aboriginal Heritage Impact Permit (AHIP) is required.
- (2) The identified Aboriginal site and objects are to be fenced during all ground distributing works including during revegetation works. The fences are to be put in place by a qualified archaeologist and members of the Onerwal LALC.
- (3) Should any additional Aboriginal sites, objects or suspected human remains be unearthed during works associated with the subdivision, all work must cease and the NSW Government

Environment Line (131 555) is to be contacted immediately. No works is to recommence at the location unless authorised by Heritage NSW in writing.

- (4) Should any additional potential archaeological relics are discovered during works associated with the subdivision, all work must cease and NSW Government Environment Line (131 555) is to be contacted immediately. No works is to recommence at the location unless authorised by Heritage NSW in writing.
- (10) If impacts to Aboriginal heritage sites or objects are found to be a possibility from the proposed development then consultation should be undertaken to discuss management and mitigation options in accordance with the *"Aboriginal Cultural Heritage Consultation Requirements for Proponents"*.
- (5) All Aboriginal objects and places are protected in NSW under *National Parks & Wildlife Act 1974*. It is an offence to harm an Aboriginal object or place without an approval issued by the Heritage NSW.

PART I – INSPECTIONS (ALL STAGES)

To arrange an inspection with Council please use the on-line booking system:
yassvalley.nsw.gov.au > Our Services > Planning and Building > Certification and Inspections > Inspections

If Council undertakes the inspection, the fee per inspection will be levied in accordance with Council's Fees and Charges, relevant at the time of payment.

- (1) A compliance certificate must be obtained from Council's Infrastructure & Assets Division at the following stages of construction:

Roads

- (a) Completion of sub-grade pavement layer (proof roll);
- (b) Completion of stormwater drainage lines – prior to backfilling;
- (c) Completion of stormwater detention infrastructure;
- (d) Completion of stormwater quality improvement infrastructure;
- (e) Completion of base course pavement layer (proof roll);
- (f) Completion of kerb and guttering;
- (g) Completion of round-a-bout subgrade;
- (h) Completion of round-a bout pavement;
- (i) Completion of two-coat bitumen seal;
- (j) Completion of property access. This inspection is for access dimensions and to ensure there are no 'trip-fall' hazards. Compliance with change in longitudinal grade will only be undertaken where it can be confirmed via WAE drawings;
- (k) Completion of shared pathway;
- (l) Completion of horse trail;

Other

- (m) Completion of streetscape works and other public landscaping;
- (n) Completion of boundary fencing of each lot created;
- (o) Practical completion;

- (p) Final inspection.
- (q) Refund of bond.

PART J - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (STAGE 1 ONLY)

- (1) The terms of the Voluntary Planning Agreement associated with the open space (Lot 202) must be satisfied.
- (2) Construction of a the roundabout at the intersection of the new subdivision road and McIntosh Circuit is to be completed in accordance with the designs/drawings approved with the Subdivision Works Certificate.

PART K - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (ALL STAGES)

- (1) 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:

Proposed cost of carrying out the development	Contribution Rate
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

Note: The cost of carrying out development is cumulative across stages.

- (2) A levy under the Building and Construction Industry Long Service Payments Act 1986, equivalent to 0.35% of the value of the works, shall be paid to Council, where the value of such works is greater than \$25,000.00;
- (3) Roads and associated infrastructure is upgraded in accordance with either Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
- (4) The property vehicular accesses from the road to the property boundary must be constructed in accordance with Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
- (5) Street name signs shall be installed at the entrance to each new road. The street sign shall be in accordance with Council's standard urban street sign design. Where the road is no-through a "no-through road" sign is to be installed
- (6) Stock proof fencing must be provided to all boundaries of the proposed lots in accordance with Council's Non-Urban Fencing Policy DA-POL-12.

The minimum acceptable standard for new fencing work for rural residential lots is as follows:

- A fence height of no less than 1200 mm.
- Strainers – spacing 100 metres to 200 metres depending on terrain.

- Steel Star Pickets at 4 metre centres.
- Two 1.57 mm high tensile plain wires on top.
- Three 2.8 mm high tensile carry wires.
- “Wire Netting” - must be set no higher than 50 mm above the surface of the ground.
- Netting floodgates as required.
- All gates must be set back a minimum of 15 metres from the edge of road formation

The existing boundary fence where dilapidated, must be repaired to the above standard.

Existing fence in good order but of varying standards may be permitted if such standard is deemed by Council as ‘stock proof’.

Where the boundary fence does not coincide with the property boundary for proposed subdivision, the applicant must provide a note on the linen plan that fence may not be constructed on the boundary of particular lot.

- (7) In accordance with the Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17, evidence must be submitted to Council demonstrating that a satisfactory standard of electricity supply is available to each lot within the subdivision.
- (8) In accordance with the Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17, evidence must be submitted to Council demonstrating that a satisfactory standard of telecommunications service is available to each lot within the subdivision.
- (9) The applicant must confirm by survey that the formation and associated batters and drainage structures of McIntosh Circuit and Isabel along the frontage of the subject property, are within the road reserve.

Where the existing road is within the subject land, the applicant must ensure that the legal and physical attributes coincide by adjustment of the road reserve. The Applicant’s request for a Subdivision Certificate must include specific reference to the review and whether or not adjustment of the road reserve is necessary.

- (10) Easements must be created on the final plan of subdivision centred on any existing or new power lines/cables passing through private property and must be in accordance with the service provider’s requirements.
- (11) Easements shall be created, on the final linen plan of subdivision, centred on any existing or new sewer mains passing through private property.

Easements shall be three metres wide however consideration will be given to a narrower easement in circumstances where it can be justified and approved by Council’s Engineering Department.

- (12) Building envelopes must be designated on the final plan of subdivision over each proposed lot in accordance with the approved plan of subdivision.

The accompanying Section 88E instrument must state that no permanent or temporary dwellings and/or outbuildings and associated infrastructure are permitted to be erected outside of the identified building envelope shown on the plan of subdivision.

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

- (13) A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on all lots created requiring potable water storage (rainwater tanks) to the following minimum standard:
- 45,000 litres for houses less than 150 m²
 - 120,000 litres for houses in excess of 150 m².

Above ground tanks shall provide for the refilling of fire tankers by the installation of a “Storz” fitting at the base of the tank with a gate valve. The house service may branch off this outlet. Underground tanks shall include an access hole at least 150mm diameter;

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

- (14) A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on all lots created prohibiting the use of primary treatment septic tank and absorption trench onsite sewage management facilities.

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

- (15) A restriction to user under Section 88B of the *Conveyancing Act 1919* requiring the installation of only advanced wastewater treatment systems with nutrient reduction linked to subsurface irrigation must be placed on the following lots:

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

<< TO BE UPDATED PENDING RECEIPT OF FINAL REVISED LAND CAPABILITY ASSESMENT>>

- (16) A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on all lots created prohibiting the removal of trees and vegetation unless otherwise approved by Yass Valley Council.

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

- (17) The Applicant is to provide evidence from WaterNSW that the existing Water Supply Works approval and Water Access Licence (WAL) has been amended and approved, including:
- The change in purpose of the current approval to reflect the current and future proposed use; and
 - Correctly identifying the land the approval is to supply.

Note: A copy of the letter from WaterNSW is attached for your consideration.

(18) A Communal Water Management Statement (CWMS), prepared in association with the proposed 'tenancy in common' arrangements for the supply of non-potable water to each allotment, shall be submitted to Council. The CWMS shall form part of a restrictive covenant under section 88E of the *Conveyancing Act 1919*, to which each joint tenant is a beneficiary. The CWMS shall:

- Limit the total annual use of non-potable water from the reticulated community supply scheme to that which may be licenced by WaterNSW.
- Prescribe the arrangements on-going management and maintenance of all communal areas and community infrastructure including the non-potable water supply system.
- Provide for the equitable distribution of water including metering of non-potable water supply to each allotment.
- Provide for the ability to introduce water supply restrictions during extended dry periods.

(19) A non-potable water service main (connection) shall be installed from the communal bore to a point inside the front boundary of each allotment created within the subdivision.

(20) The existing diesel bore pump located on Lot 199 shall be upgraded to an electric pump.

(21) One complete set of "Work as Executed" (WAE) drawings, indicating all details of new engineering works constructed, shall be submitted to Council.

The WAE Drawings shall be supplied to Council in the following format:

- AutoCAD LT 2011 on MGA 94 Zone 55 coordinates; and
- AutoCAD R12/LT2 DXF; and
- PDF; and
- A1 Hard Copy; and

Shall include separate details of for the following:

- (a) Stormwater (including detention structures) - Location, Depth, Size, Material, Easement, Invert Level, Grades, Pit Details and tie details;
- (b) Transport Infrastructure – roads plan, cross sections, long sections, pavement details, K&G details, Footpath and Cycleway Details, Bus Stop Details, Street Light Locations;
- (c) Details of property accesses including a cross section from the centre of the road to at least 3 metres into the adjacent property. Cross section to show all change in grades
- (d) Landscaping Details;
- (e) Other Utilities – Gas, Telstra, Electricity, Fibre Optic Cable locations, Depths, Easements and heights in comparison to the roads centre line;
- (f) Survey Mark Details – Marker Numbers and AHD.

Note: Tie details must include depth, distance into the property and distance from a specified property boundary.

(22) For each lot created, a separate Lot Plan (A4) shall be submitted to Council which shows the location (distance away from nearest side boundary and distance into the lot), level, depth and diameter of tie details for water, sewer and stormwater and as well easement details.

- (23) Constructed Asset Information shall be supplied for all assets dedicated to Council. The required information shall include:

Roads

- Length, width, gravel depth;
- Earthworks cost;
- Pavement cost;
- Seal cost;
- Guidepost numbers and cost;
- Raised pavement markers numbers and cost;
- Guardrail type, size in metres and cost;
- Signposts cost;
- Kerb and gutter length and cost
- Footpath cycleway length, width and cost;
- Open drainage works length and cost;

Stormwater Drainage

- Pipe type, length and cost;
- Pit type, number and cost;
- Headwalls, number and cost;
- Rockwork area and cost;
- Stormwater quality improvement features, type, number and component costs.

Sewerage Infrastructure

- Pipe type, length and cost;
- Pit type, number and cost;
- Pump well type and cost;
- Electrical and Control equipment type and cost;
- Backup generator type and cost;
- Monitoring equipment type and cost.

Water Supply Infrastructure

- Pipe type, length and cost;
- Valve type, number and cost;
- Hydrant type, number and cost;

Other Assets

- Description, dimensions and cost e.g. Horse bridle path

- (24) A bank guarantee, or cash bond, equivalent to 5% of the value of the whole of the engineering works shall be lodged with Council as a performance bond.

Note: This bond must be unconditional with no time limit and must be in the name of the developer (i.e. bonds in the name of the construction contractor will not be accepted).

Note: This bond shall be held for the period of the defects liability period (at least 12 months), which will commence from the later of linen plan release from Council or the practical completion of the engineering works (as evidenced by the associated engineering compliance certificate).

Note: At the end of the defects liability period a final compliance inspection will be undertaken. Areas inspected may include the following:

- Roadside drainage;
- Piped drainage;
- Water quality or retention systems/devices;
- Sealed road surface condition including excessive loose gravel;
- Road signs and lines;
- Sub-grade failures (e.g. soft spot);
- Roadside landscaping.

(25) The identified Aboriginal sites must be registered on Aboriginal Heritage Information Management System (AHIMS) register. Evidence of registration shall be provided to Council.

(26) A Subdivision Certificate Application (Form 206) must be submitted to Council.

The application is to be accompanied by the following:

- (a) A plan of subdivision (linen plan) acceptable for registration by the NSW Land and Property Information Office.
- (b) An Administration Sheet which incorporates a subdivision certificate acceptable for registration by the NSW Land and Property Information Office.
- (c) Where easements, rights of carriageway or restrictions on the use of land are proposed or required to be created under Section 88 of the *Conveyancing Act 1919*, a copy of the relevant instrument.
- (d) The relevant documents required by the NSW Land and Property Information Office for the registration of a Community scheme or a Strata scheme, if applicable.
- (e) The applicant must create, where applicable, 20 metre wide easements over the final plan of subdivision in favour of Essential Energy, centred on all existing power lines which cross the subdivision.
- (f) A copy of relevant development consent or complying development certificate.
- (g) A copy of any relevant construction certificate.
- (h) A copy of any relevant compliance certificates, letters from authorities and receipts for payment of any fees/contributions.
- (i) A copy of detailed subdivision engineering plans, where relevant.
- (j) Evidence that the applicant has complied with all conditions of consent that it is required to comply with before a subdivision certificate can be issued.
- (k) For subdivision involving subdivision work, evidence that the work has been completed, or:

- Agreement has been reached with the relevant consent authority as to payment of the cost of work and as to the time for carrying out the work, or
- Agreement has been reached with the relevant consent authority as to security to be given to the consent authority with respect to the completion of the work.

(l) The relevant fee payment at the date of application for the subdivision certificate.

- (27) The subdivision certificate will not be issued until all conditions of this consent have been complied with in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

NOTES ACCOMPANYING DEVELOPMENT CONSENT DA200049

(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 4.1 and clause 4.6 of the *Yass Valley Local Environmental Plan 2013*.
- (2) This approval is for subdivision only. Further development consent is required for any proposed dwelling house or other permissible use, as prescribed in the relevant Environmental Planning Instruments of Council.
- (3) All fees and charges associated with this consent must be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region.
- (4) Any additional Council inspection, beyond the scope of any Compliance Certificate package and needed to verify the compliance of any work, must be charged at the individual inspection rate nominated in Council's Fees and Charges.
- (5) The applicant must ensure all sub-contractors are licensed by the NSW Department of Fair Trading.
- (6) 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.

- (7) All Development Applications relating to the lots created by this subdivision will be assessed under the provisions of the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulation 2017*. If the development triggers the Biodiversity Offsets Scheme, the Development Application must be accompanied by a Biodiversity Development Assessment Report (BDAR).

7.5 GRAFFITI ART PROPOSAL

SUMMARY

A proposal has been received from a community member that the bridge support under the Laidlaw Street end of the Hume Bridge be used as a 'free wall' for graffiti art. Support for the proposal is recommended.

RECOMMENDATION

That the proposal from Jade Roche to convert the face of the bridge support under the Laidlaw Street end of the Hume Bridge to a 'free wall' for graffiti art be approved

FINANCIAL IMPLICATIONS

There would be no direct cost to Council.

POLICY & LEGISLATION

Public Art Policy.

Council's insurer has advised that Council's Public Liability cover would include the project.

Health and safety requirements include completion of a risk assessment prior to implementation and a work log during implementation.

REPORT

1. Proposal

A proposal has been received to use the bridge support under the Laidlaw Street end of the Hume Bridge over Yass River as a 'free wall' for graffiti art.

Mr Jade Roche, a Yass resident and trained graffiti artist, has submitted a proposal:

- To permit him to paint the wall adjacent to the walking path running under the Laidlaw Street end of the Hume Bridge with graffiti art
- For the painted wall become a 'free wall'

A free wall is one on which anyone is able to paint, adding to the work of others or painting over prior work.

2. Current condition of the wall and adjacent surfaces

The relevant wall area is currently patchily painted in a grey-toned paint and the buttresses adjoining it are roughly painted in several colours. The underside of the bridge above the wall is host to numerous insect cocoons and cobwebs.

A photograph of the proposed location is at [Attachment A](#).

3. Preparation and inclusions

The wall and surrounds would be cleaned and the wall surface stabilised prior to the artwork being applied. The adjoining buttresses would also be painted. Professional housepainter Mr Jake Sherratt would assist Mr Roche to undertake this work.

4. Community benefit

Experience elsewhere indicates that this initiative would be of particular benefit to young people through providing them with the opportunity to express their creativity by being able to paint on a wall without being in breach of the law.

Having a 'legal' site on which to paint is also known to reduce the incidence of graffiti in other locations.

Images of similar walls and artworks elsewhere are at [Attachment B](#).

An image similar to that proposed as the initial work is at [Attachment C](#).

5. Consultation with members of the Public Art Focus Group and Youth Council

Comments on the proposal were sought from members of the Public Art Focus Group and Youth Council and four responses were received. One comment was that the proposal was a good idea. Another was that the proposed work would be a great improvement on what is there now. The third noted that if the result was anything like nearby art there should not be a problem. The fourth suggested that consideration be given to installing a sign providing information about the wall and the expectation that contributions be 'appropriate'.

The proponent has advised that he previously considered including a sign asking that 'tasteful' standards be reflected in contributions. However, he decided against including it in the proposal on the basis that it could have an effect opposite to that desired. He has advised that any objectionable contributions can be painted over by other contributors.

6. Conclusion

Council's *Public Art Policy* recognises that public art can enhance public places, express civic pride, activate public spaces, express local identity, celebrate local creativity, tell local stories and create discussion. Public art is rarely universally appreciated by all and graffiti art has its supporters and detractors. The members of the Public Art Focus Group and Youth Council consider the project to have merit. If the proposal is successful a similar opportunity could be considered at the skate park.

STRATEGIC DIRECTION

Key Pillar	3. Our Community
CSP Strategy	CO2 - Encourage and facilitate active and creative participation in community life
Delivery Program Action	CO2.3 - Develop and implement a Public Art Strategy that includes specific actions for the development of creative pursuits
Operational Plan Activity	CO2.3.1 - Develop a Public Art Strategy

ATTACHMENTS:	A. Proposed Location ↓
	B. Examples of Graffiti Art ↓
	C. Image Similar to the Proposed Initial Work ↓

Attachment A: Proposed location



Attachment B: Examples of graffiti art



Attachment C: Image of work similar to the proposed initial work



7.6 DEVELOPMENT CONSENT NO DA135014D - RESIDENTIAL SUBDIVISION, 14 WELLINGTON ROAD AND 2 GRAND JUNCTION ROAD, YASS

SUMMARY

To present a report on the land exchange associated with Development Consent DA13501D for a residential subdivision of 14 Wellington Road and 2 Grand Junction Road, Yass.

RECOMMENDATION

That this item of the General Manager's reports be classified as confidential in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person whom the Council is conducting (or proposes to conduct) business.

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*

REPORT

A request has been received from the developer of the Wellington Road Subdivision in relation to the purchase price of the exchange of land for the realignment of the road reserve. The exchange involved the closure of an existing unformed road reserve with a revised road alignment for better intersection design.

A detailed assessment of the request is provided in a separate confidential report.

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	EN4.2 - Ensure development application assessment is thorough and efficient
Operational Plan Activity	EN4.2.1 - Implement the development process and implement changes aligning with the NSW Government's best practice guidelines

ATTACHMENTS: Nil

8.1 NSW ROAD CLASSIFICATION AND REGIONAL ROADS RECOMMENDATIONS

SUMMARY

To present the outcomes of the investigations into reclassifying and the transfer of several Council local roads under the NSW Road Classification Review. These additional roads were identified by Council at its meeting in August 2020.

RECOMMENDATION

That no further submission be made to the Road Classification Review Panel to have the following local roads reclassified as regional roads:

- *Shingle Hill Way*
- *Mulligans Flat Road*
- *Nanima Road*
- *Mountain Creek Road*
- *Fairlight Road*

FINANCIAL IMPLICATIONS

Nil as a result of this report.

It should be noted that the transfer of roads has a positive impact for Council's fit for future ratios as it reduces depreciation and expenditure requirements in the Long Term Financial Plan (ongoing maintenance, asset renewal etc). It should be noted that regional roads are not included in the annual Financial Assistance Grants calculations however if there is a reduced length of local roads there is the potential for the amount Council receives from the road component of the annual Financial Assistance Grants to be reduced.

POLICY & LEGISLATION

- *Roads Act 1993*

REPORT

1. Background

In August 2020 Council sought a report on the following local roads and their suitability for reclassification to a regional road:

- Shingle Hill Way
- Mulligans Flat Road
- Nanima Road
- Mountain Creek Road
- Fairlight Road

The annual average daily traffic (AADT) for these roads is summarised in the following table:

Shingle Hill Way	AADT 637 vehicles measured July 2019 near Sutton Road
Mulligans Flat Road	AADT 252 vehicles measured June 2015 near Sutton Road
Nanima Road	AADT 681 vehicles measured August 2019 near Barton Highway
Mountain Creek Road	AADT 74 vehicles July 2011 near Wee Jasper Road
Fairlight Road	AADT 179 vehicles measured December 2015 near Mountain Creek Road

ADDT is the total volume of traffic passing a roadside observation point over a period of time (at Council this is normally measured over two weeks outside school holidays) and then converted to a daily rate. It includes all traffic movements in both directions.

2. Definition of a Regional Road as provided by the Review Committee

The Reclassification Committee has defined regional roads as roads that facilitate travel between smaller towns and districts. A rural road may be a regional road if its primary function meets at least one of the following criteria:

- Links smaller towns within the state road network
- Connects smaller towns with each other
- Provides access from the state road network to major recreation and tourist areas of State significance
- Provides a town or suburban centre relief route for significant flows of traffic, especially freight vehicles
- Provides access for significant flows of freight vehicles to major rural intermodal interchanges and urban distributions areas

For example Gundaroo/Sutton Road is a regional road as it connects:

- The larger towns of Gunning and Queanbeyan
- The Federal Highway and Hume Highway
- Gundaroo and Sutton to each other and Gundaroo and Sutton to the State road network

3. Eligibility for re-classification

To be eligible to submit roads for reclassification they ideally need to meet the above criteria. Additional testing for reclassification that may be used by the review panel includes meeting one or more of the following measures:

- Forms main regional link between population centres
- Forms the main regional link between secondary suburban centres
- Provides necessary connectivity between state roads in urban areas
- Joins smaller service towns to their higher order economic and social regional centres
- Has significance for more than one Local Government Area
- Functions as a collector road to service town serving an extensive catchment
- Carries a steady to increasing traffic volume with some potential for future growth
- Is an important route for significant flows of freight vehicles
- Provides access to secondary flow of urban public transport to major transport interchanges
- Carries a minimum AADT that is similar to surrounding main roads
- Is a main route performing the functions of a closed railway line
- Provides a relief route for significant traffic, especially heavy vehicles wishing to bypass a busy town

The identified Council local roads have been reviewed against the above requirements and it has been assessed that none of these local roads satisfy the requirements to be reclassified as a regional road (refer **Attachment A**).

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. Local Road Classification Assessment [↓](#)

7.1 NSW Road Classification and Regional Roads Recommendations
Attachment A Local Road Classification Assessment

Road	Forms main regional link between population centres either directly or as part of the main route joining such centres	Forms the main regional link between secondary suburban centres either directly or as part of the main route joining such centres	Provides necessary connectivity between state roads in urban areas	Joins smaller service towns to their higher order economic and social regional centres	Has significance for more than one Local Government Area	Functions as a collector road to service town serving an extensive catchment	Carries a steady to increasing traffic volume with some potential for future growth	Is an important route for significant flows of freight vehicles especially relatively short haul farm to market/transport intermodal interchanges	Provides access to secondary flow of urban public transport to major transport interchanges	Carries a minimum AADT that is similar to surrounding main roads	Is a main route performing the functions of a closed railway line	Provides a relief route for significant traffic, especially heavy vehicles wishing to bypass a busy town	Suitability for reclassification as a regional road
Shingle Hill Way	No	No	Connection between Federal and Barton Hwys	No	Link between Palerang and Yass Valley	No	Rural area – limited growth	Yes	No	505-637 ADT from 2016-19	No	No	No (7/12)
Mulligans Flat Road	Link between Canberra and Gundaroo	No	No	Link between Canberra and Gundaroo	Link between ACT and Yass Valley	No	Limited growth in village and rural areas	No	No	Varied from 180-816 ADT from 2005-15	No	No	No (7/12)
Nanima Road	No	No	No	No	No	No	Rural area – limited growth	Yes – agricultural freight	No	Varied from 514-879 ADT from 2016-19	No	No	No (9/12)

7.1 NSW Road Classification and Regional Roads Recommendations
Attachment A Local Road Classification Assessment

Road	Forms main regional link between population centres either directly or as part of the main route joining such centres	Forms the main regional link between secondary suburban centres either directly or as part of the main route joining such centres	Provides necessary connectivity between state roads in urban areas	Joins smaller service towns to their higher order economic and social regional centres	Has significance for more than one Local Government Area	Functions as a collector road to service town serving an extensive catchment	Carries a steady to increasing traffic volume with some potential for future growth	Is an important route for significant flows of freight vehicles especially relatively short haul farm to market/transport intermodal interchanges	Provides access to secondary flow of urban public transport to major transport interchanges	Carries a minimum AADT that is similar to surrounding main roads	Is a main route performing the functions of a closed railway line	Provides a relief route for significant traffic, especially heavy vehicles wishing to bypass a busy town	Suitability for reclassification as a regional road
Mountain Creek Road	Link between Yass and Canberra	No	No	No	No	No	Rural area – limited growth	Yes – agricultural freight	No	Varied from 23-1,371 ADT (at Fairlight intersection) from 2009	No	No	No (8/12)
Fairlight Road	Link between Yass and Canberra	No	No	No	Link between ACT and Yass Valley	No	Rural area – limited growth	No	No	179 ADT from 2015	No	No	No (8/12)

8.2 SHINGLE HILL WAY BRIDGE REPLACEMENT AND ROAD REALIGNMENT - LAND ACQUISITION AND ROAD CLOSURE

SUMMARY

Council has accepted a grant under the NSW Fixing Country Roads Grant Program, for the realignment and replacement of the existing low level crossing on Shingle Hill Way. The project requires the acquisition of private land to allow the realignment of the road, and closure of an existing public road. Council approval is sought to proceed with the acquisition and road closure process.

RECOMMENDATION

That:

1. *Approximately 19,645m² of Lot 1 DP136398 be acquired to allow the realignment of Shingle Hill Way*
2. *The road closure process and public notification be commenced on the public road identified in the report in accordance with the Roads Act 1993*
3. *The proposed closed road area is to be considered surplus to Council's requirements and serving no physical purpose to being retained as road reserve*
4. *Subject to there being no significant objections received in respect of this proposal, the closure of part of Shingle Hill Way be approved*
5. *The closed portion of Shingle Hill Way be classified as Operational Land and be transferred to the adjacent property owner in exchange for opening of a new public road and the payment per the land valuation detailed in the confidential reports section of the agenda*
6. *The Mayor and General Manager be authorised to sign under Council seal, any legal documents associated with the land acquisition and transfer of the closed road*

FINANCIAL IMPLICATIONS

The total project budget is \$4,000,053, with \$3,600,053 coming from the Grant and \$400,000 to be funded by Council. An allowance of \$25,000 was included in the project estimate/budget to cover costs associated with land acquisition, which is adequate to cover the cost of the acquisition.

POLICY & LEGISLATION

- *Roads Act 1993*
- *Local Government Act 1993*
- *Property Acquisition & Disposal Policy.*

REPORT

Council has accepted a grant of \$3,600,053 under the NSW Fixing Country Roads Grant Program 2019 Tranche 1, for the realignment and replacement of the existing low level crossing on Shingle Hill Way. The project includes realignment of the road through private property in order to improve the alignment and road safety.

The proposed road alignment traverses Lot 1 DP136398, which is privately owned. The intention is to acquire some 19,645m² of this lot for construction of the new road. A new road reserve would also be created to provide continuing access to Lot 1 DP195216, adjacent to the works.

It is intended to demolish the existing concrete causeway and close part of the existing public road (including ripping the existing pavement and rehabilitating the land). This land would be transferred to the landowners

to improve farm management by removing part of the road which severs Lot 1 DP136398. This will also offset some of the cost of acquiring the land.

A plan of the proposed arrangements has been included as **Attachment A**. Land proposed to be acquired is shown hatched in yellow and green and the road to be closed and transferred to the adjoining landowner is shown hatched blue.

Discussions have been held with the landowner's family who have agreed to sell the land to Council for the amount identified in the valuation report. The valuation report is included as a confidential document (refer **Attachment B**).

Final areas will be subject to survey at the completion of the road design and the acquisition amount will be determined pro-rata based on the above value and estimated land area.

Council's approval to proceed is required to commence the acquisition, road closure and transfer of land.

In order for Council to undertake the transfer of this land to the landowners, it is required to declare the land as being Operational Land under s25 *Local Government Act 1993*. Council must also identify the land is surplus to operational requirements and serves no physical purpose to being retained as road reserve.

Council's *Property Acquisition & Disposal Policy* allows for sale of the said land by negotiation with owners of the adjoining land. There are no other parties who have a justifiable interest in the land as the public road is bound by land fully owned by the adjoining owner.

Under the Policy the following matters have been considered:

- **Operational Value:**
The land holds no operational value to Council and will be redundant as a road reserve once the new road is opened.
- **Strategic Value:**
The land hold no strategic value.
- **Commercial Value:**
The proposed transfer of the land to Bingley has been taken into account in determining the value of the adjacent land to be acquired. As such Council will realise the commercial value of the land as part of the agreement.
- **Surplus Property:**
Once closed the land would be surplus to Council's road management and property access needs.

STRATEGIC DIRECTION

Key Pillar 4. Our Infrastructure

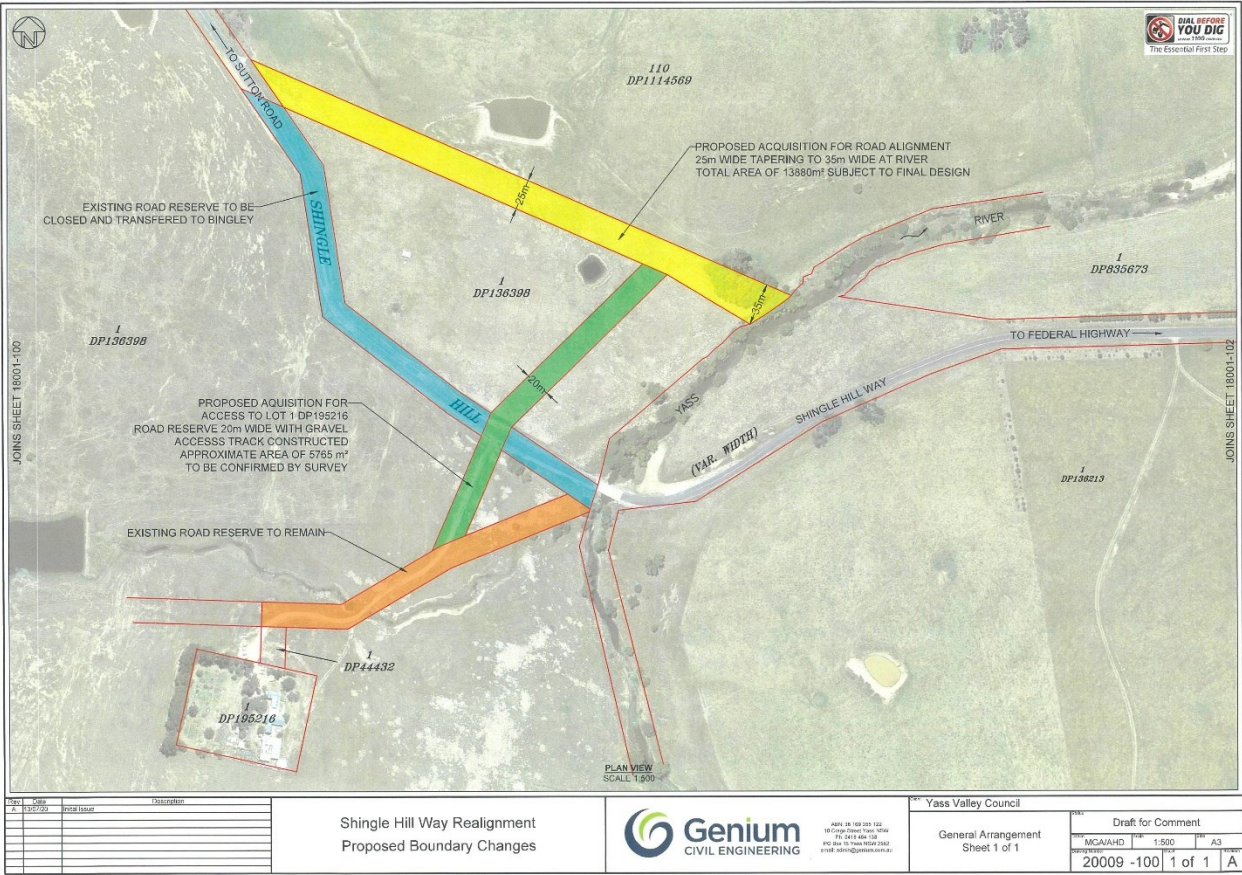
CSP Strategy IN3 - Maintain and improve road infrastructure and connectivity

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 IN3.1.1 - Develop and deliver annual programs for urban, rural and regional road renewal and construction, including bridges and stormwater

ATTACHMENTS: A. Proposed Plan [↓](#)
B. Valuation Report - **Confidential**

8.2 Shingle Hill Way Bridge Replacement and Road Realignment - Land Acquisition and Road Closure
Attachment A Proposed Plan



8.3 YASS PUBLIC SCHOOL - TRAFFIC CONCERNS

SUMMARY

To recommend an investigation and concept development process for the traffic and parking arrangements at Yass Public School be undertaken

RECOMMENDATION

That:

1. *A consultant be engaged to undertake an investigation and concept development process for the traffic and parking arrangements at Yass Public School*
2. *The estimated consultancy cost of \$30,000 be funded from reserve funds*

FINANCIAL IMPLICATIONS

The estimated cost to undertake the proposal is \$30,000 which will be funded from the Contributions Reserve.

POLICY & LEGISLATION

- *Roads Act 1993*
- Procurement Policy

REPORT

1. Background

For several years Council have been approached about the car parking situation at Yass Public School. Council's Road Safety Officer, along with the Local Traffic Committee, have inspected the site numerous times to understand the school community's main concerns.

The primary problems relate to the operation of the school including single fixed starting and finishing times and unimpeded growth of the school population with no requirement to consider associated problems (e.g. loss of onsite parking and play areas, traffic, parking etc). These issues have been raised with the Department of Education but no commitment has been received to work collaboratively on resolving the concerns.

As a result of the above, safety problems such as children interface with buses and cars has been, bus management, departure delays and the poor quality of the road access and alternate car parking opportunities at the rear of the school have been continually raised.

To help minimise safety concerns Council with support from the school and bus providers have implemented a number of measures to reduce the safety concerns including:

- The installation of a rock barricade to stop other vehicles entering the bus lane
- Dedicated teacher parking
- Safety awareness campaigns targeting parent driver behaviour
- Working alongside the bus companies and organising a 'queue' at the Court House where there is a clear line of sight to the school removing any traffic hazards on Laidlaw Street
- A request to have the management of the rail corridor located at the rear of the school vested to Council has been submitted which could assist with parking management

In addition Council has endeavoured to get support from TfNSW under the safety around schools program however we have been advised that this is a matter for Council.

2. Proposal

A proposal to engage an external consultant to undertake an investigation and concept development process for the traffic and parking arrangements at Yass Public School has been prepared. This proposal would involve consultation with the school, a traffic survey to understand the extent of the congestion and an intersection analysis to identify the average wait times and confirm the extent of the issues.

Once this information is gathered the consultant will investigate and identify options to address the issues and improve traffic flow in the area. A report will be prepared highlighting each identified option, cost estimates, advantages and disadvantages and a preferred option for consideration.

Potential options that have already been identified include:

- Left turn only out of school at Laidlaw Street with new roundabout at Grampian Street
- Additional parking area at O'Connor Park
- Reconfiguration of Laidlaw Street intersection e.g. roundabout, seagull intersection
- Separation of bus and passenger vehicle exits from the school
- Other options which may come out of the investigation, or discussions with the school or Council.

The estimated cost of the engaging a consultant to undertake these works is \$30,000.

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 IN3.1.1 - Develop and deliver annual programs for urban, rural and regional road renewal and construction, including bridges and stormwater

ATTACHMENTS: Nil

8.4 ROAD RESERVE WEED SPRAYING TRIAL

SUMMARY

To advise of the 'Priority Weeds' spraying trial that was completed on the Council's linear road reserve network from April to July 2020.

RECOMMENDATION

That following the success of the road reserve weed spraying trial that consideration be given within the 2021/22 Operational Plan for annual funding for a 'Priority Weeds' spraying program estimated at \$100,00 to \$150,000

FINANCIAL IMPLICATIONS

Approximately \$53,000 was spent on the weed spraying trial from Council's 2019/20 operational budget.

POLICY & LEGISLATION

- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Roads Act 1993
- Biosecurity Act 2015

REPORT

In October 2019 Council determined to undertake a cooperative targeted approach to roadside weed management. A program was developed between Council's Environmental Services and Maintenance Management Business Units, together with adjacent property owners, to manage weeds in priority locations rather than across the whole Local Government Area.

In December 2019 a trial of road reserve priority weed spraying was undertaken. The purpose of this trial was to give guidance to Council in effectiveness of such a limited program of work and the possible required funding for an ongoing Council-wide program to assist in the management of priority weeds along Council's road reserves.

Council's Environmental Services Team completed an extensive inspection of the Council linear road reserve network to identify 'Priority Weeds' that were both existing and emerging. A series of areas within the road network were inspected and priority weeds identified.

The spraying of the road network was undertaken by two spraying contractors to ensure that the large area of linear reserve requiring spraying would be achieved within the specified trial timeframe of three months.

Weed spraying was undertaken on the following roads:

• Dairy Creek Road	• Yass River Road	• Shingle Hill Way
• Tallaganda Lane	• Dicks Creek Road	• Gundaroo Road
• Mulligans Flat Road	• Whites Road	• Majura Creek Road
• Glengyle Road	• Nanima road	• Hadlow Drive
• Old Federal Highway	• Yass Valley Way	• Dog Trap Road
• Lachlan Valley Way	• Black Range Road	• Wee Jasper road
• Burrinjuck Road	• Burley Griffin Way	• Coollalie Road
• Beralston Road	• Good Hope Road	• Long Rail Gully Road

• Bouchers Road	• Mountain Creek Road	• Clarks Road
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The predominate 'Priority Weeds' sprayed were:

- Serrated Tussock
- African Love Grass
- Chilean Needle Grass

The results of the program indicate a reduction in the population numbers of the above 'Priority Weeds' species for the roads sprayed. Follow up inspections indicated that the program has been successful in that a visible effective kill rate was achieved (>75%) of weed pest species sprayed. Further spraying will impact 'Priority Weed' population numbers and reduce competition for native local endemic plant species with high floristic value.

The weed spraying trial has demonstrated clearly that two spraying management cycles are required to control 'Priority Weeds' species within the linear road reserve. A spraying management regime is needed in both spring and autumn to control both annual and perennial weed species. Currently Council has received \$80,000 through grant funding to complete a spring based spraying cycle. This will target the following weed species;

- Blackberry
- Sweet Briar
- Gorse
- Saint John's Wort
- Scotch Thistle

It is estimated that between \$100,000 - \$150,000 annually is required to undertake two spraying cycles. This could be reduced significantly over several years as weed population numbers decrease requiring less spraying equating to less funding required.

Weeds management requires a cyclical annual spraying approach to ensure that Council are adequately meeting their legal requirement to manage 'Priority Weeds' populations within both Council managed linear road and open space reserves. This demonstrated approach reduces weed population numbers and with ongoing spraying it is anticipated that less funding will be required as less spraying is needed.

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 IN3.1.2 - Develop and deliver annual maintenance programs for urban, rural and regional roads based on priority and in accordance with allocated budgets

ATTACHMENTS: Nil

8.5 YASS & BINALONG SWIMMING POOL COVID-19 RESPONSE

SUMMARY

To present recommendations for to the operation of Yass and Binalong swimming pools, with respect to COVID -19 public health restrictions.

It is noted that all reference to NSW Public Health Orders contained in this report are subject to change without notice due to the continual changes relating to COVID-19.

RECOMMENDATION

That:

1. *An additional amount of \$69,620 be funded within the Infrastructure and Assets operational budget for both Yass and Binalong pools to deliver the procedures developed in Council's COVID-19 Safety Plan for swimming pools, as stated in NSW Public Health Order (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020.*
2. *The change rooms and shower facilities be closed at Yass and Binalong Pools as referenced in COVID-19 Safety Plan.*
3. *The modifications made to Council's swim programs be endorsed. Based on the current NSW Public Health Order Council will need to limit all sessions to 20 participants plus instructors in the dedicated lane rope sections of the pool.*
4. *Canteen service be restricted to pre-packaged foods and drinks.*

FINANCIAL IMPLICATIONS

To deliver the procedures developed in Council's COVID-19 Safety Plan (as stated in NSW Public Health Order (COVID-19 Restrictions on Gathering and Movement) Order (No4) 2020.

Funding can be accommodated within Infrastructure and Assets operational budget for 2020/21.

2020/21 Operational budget for swimming pools	\$206,000
Proposed increase for additional staff resources	\$69,620
Revised 2020/21 Operational budget for swimming pools	\$275,620

POLICY & LEGISLATION

- *Public Health (Covid-19 Restrictions on Gathering & Movement) Order (No4) 2020*
- COVID-19 Safety Plan Swimming Pools

REPORT

1. Background

The COVID-19 pandemic has seen the introduction of Public Health Orders to limit the community transmission of the virus. The Orders require the implementation of a COVID-19 Safety Plan for swimming pools as prescribed by NSW Health (refer [Attachment A](#)).

Measures to reduce the risk of community transmission have been developed and include:

- Physical distancing within the facility of one person per 4m²
- Swim classes have no more than 20 participants, plus instructor per class
- Swim class participants must maintain 1.5m physical distance

- Strongly encourage visitors to shower/change at home

There is no impact to pass holders, both Yass and Binalong swimming pools facilities historically do not reach capacity numbers as indicated by calculations based on the one person per 4m², as indicated in the COVID-19 Safety Plan for swimming pools. It is noted that Yass pool reached capacity of 200 persons once during 2019/20 season on 30 January 2020.

Advisory signs will be displayed at both Yass and Binalong facilities indicating allowable numbers for each pool.

- Yass 50m pool – 194 people
- Yass Toddler pool – 32 people
- Binalong 25m pool - 55 people
- Binalong Toddler pool - 10 people
- Binalong Baby pool - 5 people

2. Operational Budget Increases (Staff Resources)

The primary objective of the lifeguard is to ensure safety of person/s while swimming. The proposed additional position/s are to accommodate actions identified through the development of the COVID-19 Safety Plan for swimming pools at both Yass and Binalong. These activities include but are not limited to:

- Cleaning schedule of touch surfaces (pool entry, front counter, canteen, toilets, seating around pool etc) to be cleaned every two hours
- Enforce social distancing within the pool and grounds - main focus on reducing crowding at canteen, entry and exit points.
- Regular COVID awareness announcements through Public Address system
- Increase frequency of water testing quality
- Customer service at canteen/front counter

3. Closure of Change Rooms and Showers

Guidelines issued by NSW Health and the COVID-19 Safety Plan for swimming pools specifies the following physical distancing requirements:

- Ensure communal facilities such as showers/change rooms and lockers have strategies in place to reduce crowding and promote physical distancing
- Where practical, stagger the use of communal facilities. Strongly encourage visitors to shower/change at home

Due to the current layout of these facilities at both Yass and Binalong pools, it is not practical to comply with the above restrictions. The closure of these facilities is recommended. Like many sporting activities this will require patrons to attend the pool 'swim ready'.

All toilet facilities will remain available to all patrons of both Yass and Binalong swimming pools.

4. Council Swim Classes

Council provides various swimming programs to the community. These are:

- **Swimming Program – (stroke correction/competitive training):**
Yass pool only - 2 sessions per day 3.30pm to 5pm and 5pm to 6.30pm for the entire pool season. Expected participants per session 70, based on 2019/20 season numbers.

Recommendation:

Based on the current NSW Public Health Order Council will need to limit all sessions to 20 participants plus teachers and instructors in the dedicated lane rope sections of the pool.

- **Learn to Swim Program:**

Yass pool only – held in December, one lesson per week after school for five weeks. Expected participants 12 per session, based on 2019/20 season numbers. These classes are open to all ages, however historically only younger ages attend.

Recommendation:

Based on the current NSW Public Health Order all sessions will need to limit to 20 participants plus instructors in the dedicated lane rope sections of the pool.

- **Intensive Swimming Program:**

Yass and Binalong pools in January, three week program, weeks 1, 2, 3 at Yass pool, week 2 Yass and Binalong pools. Expected participants 12 per session, based on 2019/20 season numbers these classes are open to all ages, however historically only younger ages attend.

Recommendation:

Based on the current NSW Public Health Order all sessions will be limited to 20 participants plus instructors in the dedicated lane rope sections of the pool.

- **Aqua Aerobics:**

Classes are held three times per week, day class 11am Wednesday and Friday only and evening class 6pm Tuesday only. Number of participants range from 5 to 30 based on 2019/20 season numbers.

Recommendation:

Based on the current NSW Public Health Order all sessions will be limited to 20 participants plus instructors in the dedicated lane rope sections of the pool.

- **Morning Lap Swimming:**

Morning lap swimming is held on Monday, Wednesday, and Friday only: 6am – 8am (subject to weather). 2019/2020 season numbers not known as a general entry is only required.

Recommendation:

Based on the current NSW Public Health Order all sessions will be limited to 20 participants in the dedicated lane sections of the pool.

Three 30 minute sessions between 6am and 8am will need to be provided to allow for a 15 minute break for cleaning in between sessions.

Participants will be required to pre – book their session for numbers control. However bookings will not be restricted and participants will be able to book for more than one session.

5. Canteen service

Based on discussions with the Department of Health food and drinks are to be restricted to pre-packaged hot foods, ice creams sweets and drinks, eliminating direct contact with food products.

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	IN4.1.3 - Maintain and operate Council's commercial assets including swimming pools and Yass Caravan Park

ATTACHMENTS:

- A. COVID-19 Safety Plan Swimming Pools - Saunas - Spas [↓](#)
- B. Public Health (COVID-19 Restrictions on Gathering and Movement Order (No 4) 2020 [↓](#)

COVID-19

> HELPING BUSINESS GET BACK TO WORK



30 June 2020

COVID-19 Safety Plan

Effective 1 July 2020

Swimming pools (including spa pools, saunas and steam rooms)

We've developed this COVID-19 Safety Plan to help you create and maintain a safe environment for you, your workers and your visitors.

Complete this plan in consultation with your workers, then share it with them. This will help slow the spread of COVID-19 and reassure your visitors that they can safely visit your business. You may need to update the plan in the future, as restrictions and advice changes – you can make changes to the plan if you've printed or saved it, or you can choose to download and create a new version of the plan.

Businesses must follow the current COVID-19 Public Health Orders, and also manage risks to staff and other people in accordance with Work Health and Safety laws. For more information and specific advice for your industry go to nsw.gov.au

BUSINESS DETAILS

Business name:	Yass Valley Council
Plan completed by:	Melinda Cooke - Senior Parks Project Officer
Approved by:	Steven Beasley - Director Infrastructure & Assets

> REQUIREMENTS FOR BUSINESS

Requirements for your workplace and the actions you will put in place to keep your visitors and workers safe

REQUIREMENTS	ACTIONS
Wellbeing of staff and visitors	
Exclude staff, volunteers and visitors who are unwell.	Council will display appropriate signs to advise patrons and staff to avoid entry if unwell. All members to sign declaration prior to entry Council to advise conditions of entry through social media outlets.
Provide staff and volunteers with information and training on COVID-19, including when to get tested, physical distancing and cleaning, and how to manage a sick visitor.	Council to conduct induction training to all staff prior to the pool opening. Council to provide all staff with operations manual containing COVID information.
Make staff aware of their leave entitlements if they are sick or required to self-isolate.	Council will advise all staff of their entitlements through the induction process and staff manuals.
Display conditions of entry (website, social media, venue entry).	Council will display appropriate signs to advise patrons and staff to avoid entry if unwell. All members to sign declaration prior to entry Council to advise conditions of entry through social media outlets.

Wellbeing of staff and visitors	
<p>Ensure COVID-19 Safety Plans are in place, where relevant, for:</p> <ul style="list-style-type: none"> Gyms Restaurants and Cafes (for kiosks or canteens) 	<p>Approved COVID plan to kept at facility and included in Councils operations manual. Council to advise information through social media outlets.</p>
REQUIREMENTS	ACTIONS
Physical distancing	
Ensure the number of people in a facility does not exceed one person per 4 square metres (excluding staff).	Council have determined the maximum capacity of patrons for each swimming pool and will display this information on signs throughout each facility. Council to advise information through social media outlets..
Ensure classes have no more than 20 participants, plus the instructor and any assistants, per space that complies with one person per 4 square metres. There may be multiple classes in a pool if there is sufficient space to accommodate this and the classes remain separate. Ensure participants maintain 1.5 metres physical distance where practical.	Council will monitor participation levels of all classes through our online booking system and modify where necessary.
Ensure any spectators comply with 1.5 metres physical distance where practical, such as through staggered seating. People who live in the same household are not required to distance.	Council to display appropriate signs throughout the facility advising social distancing rules.
Saunas and spa pools can have up to 20 people inside at any one time provided non-household contacts can maintain 1.5 metres physical distancing. If capacity cannot be closely monitored then these facilities should remain closed.	Not applicable
Steam rooms are higher risk and should have no more than 20 people inside at any one time or one person per 4 square metres, whichever is the lesser. Clean steam rooms with a detergent and disinfectant several times per day, should the facility choose to open them for use.	Not applicable
Ensure communal facilities such as showers, change rooms and lockers have strategies in place to reduce crowding and promote physical distancing.	Council to display appropriate signs throughout each facility noting the closure of showers and change rooms. Council to advise information through social media outlets.
Where practical, stagger the use of communal facilities. Strongly encourage visitors to shower/change at home where possible.	Council to display appropriate signs throughout each facility. Council to advise information through social media outlets.
Reduce crowding wherever possible and promote physical distancing with markers on the floor, including where people are asked to queue.	Council to display appropriate signs throughout each facility including floor markers. Council to advise information through social media outlets.
Have strategies in place to manage gatherings that may occur immediately outside the premises.	Council to display appropriate signs throughout each facility. Council to monitor entry/exit points of each facility and engage with patrons to reduce gatherings.
Use telephone or video platforms for essential staff meetings where practical.	Council will arrange staff meetings through Zoom where practicable. All other relevant information will be sent via email.

Physical distancing	
Review regular business deliveries and request contactless delivery and invoicing where practical.	Council will contact all suppliers and seek their support for contactless deliveries and electronic invoicing.

REQUIREMENTS	ACTIONS
Hygiene and cleaning	
Adopt good hand hygiene practices.	Council to display appropriate signs throughout each facility and in all public amenities.
Ensure hand sanitiser is accessible at the venue entry and throughout the facility or ground.	Council will install sanitising stations at all entry/exit points and throughout each facility with appropriate signs for use. Council will include as part of cleaning regime the restocking of these stations.
Ensure bathrooms are well stocked with hand soap and paper towels or hand dryers. Consider providing visual aids above hand wash basins to support effective hand washing.	Council to display appropriate signs throughout each facility and in all public amenities. Council will include as part of cleaning regime the restocking of these amenities.
Clean frequently used indoor hard surface areas, including children's play areas, at least daily; first with detergent and water, and then disinfect. Clean frequently touched areas and surfaces, including in communal facilities, several times per day.	Council to increase the frequency of its cleaning to every 2 hours throughout each facility including high use areas such as entry/exit points, amenities and shaded seating areas .
Clean steam rooms with a detergent and disinfectant several times per day, should the facility choose to open them for use.	Not applicable
Reduce sharing of any equipment where practical and ensure these are cleaned with detergent and disinfectant between use.	Council to restrict equipment use for swimming classes only - no general public use. All equipment to be cleaned between each use.
Maintain proper disinfectant levels and pH of pools and spas.	Council to undertake regular testing of pools as part of daily checklist.
Disinfectant solutions need to be maintained at an appropriate strength and used in accordance with the manufacturers' instructions.	Council will store sanitisers, disinfectant solutions and detergents appropriately and use in accordance with the manufacturer's instructions.
Staff are to wear gloves when cleaning and wash hands thoroughly before and after with soap and water.	Council to include this process in staff induction training and identify in Council's PPE assessments.
Encourage contactless payment options.	Council to advise with appropriate signs and through social media outlets.

REQUIREMENTS	ACTIONS
Record keeping	
Keep a record of name and a mobile number or email address for all staff, volunteers, visitors and contractors for a period of at least 28 days. Ensure records are used only for the purposes of tracing COVID-19 infections and are stored confidentially and securely.	Council has record-keeping software that secures patrons details using the facility.
Make your staff and visitors aware of the COVIDSafe app and its benefits to support contact tracing if required.	Council to promote the COVIDSafe app with appropriate signs and through social media outlets.
Cooperate with NSW Health if contacted in relation to a positive case of COVID-19 at your workplace, and notify SafeWork NSW on 13 10 50.	Council commit to cooperate with NSW Health if contacted in relation to a positive case of COVID-19 within each facility.



Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020

under the

Public Health Act 2010

I, Brad Hazzard, the Minister for Health and Medical Research, under section 7 of the *Public Health Act 2010*, make the following Order.

Dated 30 June 2020 (original order).

As amended on 16 July 2020, 23 July 2020, 31 July 2020 and 25 August 2020.

Minister for Health and Medical Research

Explanatory note

The object of this Order is to revoke and remake the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020* to ease certain restrictions.

This Order is made under section 7 of the *Public Health Act 2010*.

Editorial note

This is the order as amended by the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) Amendment Order 2020*, the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) Amendment Order (No 2) 2020*, the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) Amendment Order (No 3) 2020* and the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) Amendment Order (No 4) 2020*.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
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Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Part 1 Preliminary

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020

under the

Public Health Act 2010

Part 1 Preliminary

1 Name of Order

This Order is the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020*.

2 Commencement

This Order commences at the beginning of 1 July 2020.

3 Definitions

(1) In this Order—

approved COVID-19 safety checklist means a COVID-19 safety checklist, approved by the Chief Health Officer and published on the New South Wales Government website.

corporate event means an event, hospitality or social activity—

- (a) organised, held or funded by a business or other organisation for staff, clients or stakeholders, and
- (b) held on premises that are a function centre.

COVID-19 Safety Hygiene Marshal, for a hospitality venue or gymnasium, means a person who—

- (a) is responsible for ensuring the COVID-19 Safety Plan for the premises is being adhered to, and
- (b) is dressed in distinctive clothing.

event includes a function.

gymnasium means a gymnasium that is a recreation facility (indoor) and that is open to members of the public, but does not include a dance, yoga, pilates, gymnastics or martial arts studio.

hospitality venue means the following—

- (a) a casino,
- (b) food and drink premises,
- (c) micro-breweries, small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* and cellar door premises,
- (d) pubs,
- (e) registered clubs,
- (f) small bars.

household means persons living together in the same place of residence.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
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occupier of premises includes the operator of a vehicle or vessel.

parent in relation to a child, includes a person who has parental responsibility for, or care of, the child.

party bus means a vehicle being used on a commercial basis for the purposes of a party, whether or not the party takes place during transportation between locations.

place of residence includes the premises where a person lives and a garden, yard, passage, stairs, garage, outhouse or other area or thing attached to, or used in connection with, the premises.

public gathering means a meeting or assembly of persons for a common purpose, including an organised or planned event, in a public place (whether ticketed or not).

public place has the same meaning as in the *Summary Offences Act 1988*.

separate area, for a hospitality venue, means an area within the venue—

- (a) that is separate from other areas on the premises, and
- (b) has been designated as a separate area by the occupier of the premises, and
- (c) if food and drink service are being provided in the area—that has staff that are providing food and drink service only in that area, and
- (d) that does not allow persons gathering in different areas to mingle.

short-term rental means premises to which a short-term rental accommodation arrangement, as defined in section 54A of the *Fair Trading Act 1987*, applies.

significant event means—

- (a) a corporate event, or
- (b) a funeral or memorial service, or
- (c) a wedding service, or
- (d) a gathering following a funeral or memorial service or wedding service.

the Act means the *Public Health Act 2010*.

work includes work done as a volunteer or for a charitable organisation.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

- (2) A reference to a type of premises in this Order has the same meaning as it has in the Standard Instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

Note. The Standard Instrument includes the following definitions—

Amusement centre means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

Business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Part 1 Preliminary

Caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

Cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Early education and care facility means a building or place used for the education and care of children, and includes a centre-based child care facility, home-based child care and school-based child care.

Entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

Food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

Information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

Market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

Pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

Registered club means a club that holds a club licence under the *Liquor Act 2007*.

Sex services premises means a brothel, but does not include home occupation (sex services).

4 Interpretation generally

- (1) In calculating both the space available for each person on any premises and the number of persons on the premises, the following persons are not to be included in any calculations—
 - (a) any person engaged in work on the premises for the occupier of the premises,
 - (b) if the premises are food and drink premises, any person ordering or collecting food or drink to consume off the premises.
- (2) In calculating the space available for each person on any premises the following areas are to be included in the calculations—

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Part 1 Preliminary

- (a) if the size of the premises is not more than 200 square metres of floor space, the entire premises,
 - (b) if the size of the premises is more than 200 square metres of floor space, only those areas that are open to the public.
- (3) Notes included in this Order do not form part of this Order.

5 Grounds for concluding that there is a risk to public health

The basis for concluding that a situation has arisen that is, or is likely to be, a risk to public health is as follows—

- (a) public health authorities both internationally and in Australia have been monitoring and responding to international outbreaks of COVID-19, also known as Novel Coronavirus 2019,
- (b) COVID-19 is a potentially fatal condition and is also highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales, as well as other Australian jurisdictions, including by means of community transmission.

6 Direction of Minister about place of work

The Minister directs that an employer must allow an employee to work at the employee's place of residence if it is reasonably practicable to do so.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Part 2 Restrictions on gatherings and use of premises

Part 2 Restrictions on gatherings and use of premises

Division 1 Non-residential premises

7 Direction of Minister requiring COVID-19 Safety Plans

- (1) The Minister directs that occupiers of premises listed in column 1 of Schedule 1 must—
 - (a) develop and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the premises in column 2 of Schedule 1 approved on the date specified in column 3 of Schedule 1, and
 - (b) keep a copy of the COVID-19 Safety Plan on the premises and make it available for inspection by an authorised officer or police officer as requested.
- (2) The Minister directs that for premises that are a hospitality venue that has more than one separate area, the occupier of the premises must develop, comply with and keep a COVID-19 Safety Plan as required by subclause (1) for each of the separate areas on the premises.
- (3) The Minister directs that for any of the following premises, the occupier of the premises must register with the NSW Government as a COVID-19 Safe business—
 - (a) crematoria,
 - (b) hospitality venues,
 - (c) funeral homes,
 - (d) places of public worship,
 - (e) gymnasiums.

Note. For how to register as a COVID-19 Safe business, see the NSW Government website at www.nsw.gov.au

8 Direction of Minister about the number of persons allowed on premises

- (1) The Minister directs that a person who is the occupier of premises must not allow persons on the premises if the size of the premises is insufficient to ensure there is at least 4 square metres of space for each person on the premises.

Note. The *Public Health Act 2010* defines the occupier of premises or a part of premises to mean the owner of the premises or part of premises or if any other person is entitled to occupy the premises or part to the exclusion of the owner, that person.
- (2) This clause does not apply to—
 - (a) a place of residence, or
 - (ab) hospitality venues, or
 - (b) a recreation facility (major), or
 - (c) a vessel used for commercial tours for scuba diving, snorkelling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel, or
 - (d) caravan parks and camping grounds, or
 - (e) holiday homes and short-term rentals, or
 - (f) a gathering referred to in Schedule 2, or
 - (g) a gathering at a place of public worship.

8A Direction of Minister about hospitality venues

- (1) The Minister directs that the occupier of a hospitality venue must ensure that—

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Part 2 Restrictions on gatherings and use of premises

- (a) for a hospitality venue that consists of more than one separate area, the maximum number of persons in each of the areas is the lesser of—
 - (i) the number of persons that is equivalent to one person per 4 square metres of space in the area, or
 - (ii) 300 persons, and
 - (b) for any other hospitality venue, the maximum number of persons on the premises is the lesser of—
 - (i) the number of persons that is equivalent to one person per 4 square metres of space in the premises, or
 - (ii) 300 persons.
- (2) The Minister directs that the occupier of a hospitality venue must ensure that—
 - (a) for a significant event on the premises—a booking for the event does not consist of more persons than the maximum number permitted under clause 14A to attend the event, and
 - (b) otherwise—
 - (i) an individual booking or reservation for a group entering or on the premises does not consist of more than 10 persons, and
 - (ii) no individual group entering or on the premises consists of more than 10 persons, and
 - (c) as far as practicable, persons on the premises remain seated, and
 - (d) there is a COVID-19 Safety Hygiene Marshal—
 - (i) for premises that do not have separate areas—on the premises if there are more than 250 persons on the premises, or
 - (ii) for premises that have separate areas—in a separate area on the premises if there are more than 250 persons in the area.

8B Direction of Minister about gymnasiums

The Minister directs that the occupier of a gymnasium must ensure that there is a COVID-19 Safety Hygiene Marshal on the premises if the gymnasium is open for use.

9 Direction of Minister about places of public worship

The Minister directs that the occupier of a place of public worship must ensure that the maximum number of persons on the premises is the lesser of—

- (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises, or
- (b) 100 persons.

9A Direction of Minister about premises on which significant event held

The Minister directs that the occupier of premises on which a significant event is held must ensure that the number of persons on the premises for that event is not more than the number of persons that, under clause 14A, are permitted to participate in a significant event of that type.

10 Directions of Minister about major recreation facilities

- (1) The Minister directs that a person who is the occupier of a recreation facility (major) must not allow persons, other than persons engaged in work, to be on the premises unless—

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Part 2 Restrictions on gatherings and use of premises

- (a) admission to the premises is by way of a ticket and each person has been assigned to a seating area, and
 - (b) the total number of persons is the lesser of 25% of the capacity of the premises or 10,000 persons.
- (2) Subclause (1) does not apply in circumstances where—
- (a) admission to the premises is limited to a maximum of 500 persons, and
 - (b) the size of the premises is sufficient to ensure there is at least 4 square metres of space for each person on the premises.
- (3) The Minister directs that the occupier of premises of a type listed in Schedule 1 (for example, food and drink premises) that are within a recreation facility (major) must not allow persons to be on the premises unless the size of the premises is sufficient to ensure there is at least 4 square metres of space for each person on the premises.

Division 2 Residential premises

11 Direction of Minister about persons allowed on residential premises

- (1) The Minister directs that each adult member of a household must not allow more than 20 visitors to be at the place of residence of the household at any one time.
- (2) This clause does not apply to a wedding, a funeral or a memorial service or a gathering immediately after a wedding, a funeral or a memorial service.

12, 13 (Repealed)

14 Visitors

For the purposes of this Division, a person is not a visitor to a place of residence if—

- (a) the person is a member of the household of the place of residence, or
- (b) the person is at the place of residence for any of the following purposes—
 - (i) to engage in work,
 - (ii) for childcare,
 - (iii) to fulfil carers' responsibilities,
 - (iv) to provide care or assistance, including personal care, to a vulnerable person,
 - (v) to give effect to new or existing arrangements for spending time with, and providing contact between, parents and children under the age of 18 or between siblings,
 - (vi) to assist a person moving to or from the place of residence,
 - (vii) to avoid an injury or illness or to escape a risk of harm,
 - (viii) because of an emergency or for compassionate reasons.

Division 2A Corporate events, funerals, memorial and religious services and weddings

14A Restrictions on certain activities

- (1) The Minister directs that a person must not organise, conduct or participate in a significant event mentioned in subclause (2)—(5) if the number of persons to attend or attending the service or event exceeds the maximum set out in the relevant subclause.
- (2) For a corporate event, the maximum number of people is the lesser of—

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Part 2 Restrictions on gatherings and use of premises

- (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises, or
 - (b) 150 persons.
- (3) For a funeral or memorial service, or a gathering following a funeral or memorial service, the maximum number of people is the lesser of—
 - (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises, or
 - (b) 100 persons.
- (4) For a religious service, the maximum number of persons is the lesser of—
 - (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises, or
 - (b) 100 persons.
- (5) For a wedding service, or a gathering following a wedding service, the maximum number of persons is the lesser of—
 - (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises, or
 - (b) 150 persons.
- (6) This clause does not apply to organising, conducting or participating in a significant event on premises that are a place of public worship.
Note. For the maximum number of persons who may be present for a significant event at premises that are a place of public worship, see clause 9.

14B Direction of Minister requiring COVID-19 Safety Plans

- (1) The Minister directs that the responsible person for a significant event must—
 - (a) have and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of event in column 2 of Schedule 1 approved on the date specified in column 3 of Schedule 1, and
Note. If a person is a responsible person for more than one significant event the person may not need to develop a specific COVID-19 Safety Plan for each event. For example, if wedding services are regularly held in an indoor space on premises, the occupier of the premises may have one COVID-19 Safety Plan that applies to all wedding services held on the premises.
 - (b) keep a copy of the COVID-19 Safety Plan on the premises while the significant event is being held and make it available for inspection by an authorised officer or a police officer as requested.
- (2) The Minister directs that for a significant event, other than an event held in a public park, a reserve or a public garden, the responsible person for the event must register with the NSW Government as a COVID-19 Safe business before the event is held.
Note. For how to register as a COVID-19 Safe business, see the NSW Government website at www.nsw.gov.au
- (3) In this clause—
responsible person means—
 - (a) for a significant event held in a public park, a reserve or a public garden—the person organising the event or conducting the service, and
 - (b) for another significant event—the occupier of the premises.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Part 2 Restrictions on gatherings and use of premises

Division 3 Community sporting activities

15 Definitions

In this Division—

community sporting activity includes a training session for a community sporting activity.

organiser means—

- (a) for an activity conducted by or on behalf of an entity that is registered under the *Associations Incorporation Act 2009*, the public officer of the entity, or
- (b) for an activity conducted by or on behalf of an entity other than an entity referred to in paragraph (a), the chief executive officer of the entity, however described, or
- (c) in all other cases, the person who made the arrangements for the activity.

participant includes—

- (a) a person engaged in the sporting activity, and
- (b) an official involved in the conduct or organisation of the sporting activity, and
- (c) a spectator of the sporting activity.

16 Direction of Minister requiring COVID-19 Safety Plans

The Minister directs that the organiser of a community sporting activity that involves a gathering of more than 20 participants must—

- (a) develop and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist, and
- (b) keep a copy of the COVID-19 Safety Plan and make it available for inspection by an authorised officer or a police officer as requested.

17 Direction of Minister concerning maximum number of participants

The Minister directs that the organiser of a community sporting activity must ensure that a gathering for the activity involves no more than 500 participants.

Division 4 Outdoor public gatherings

18 Direction of Minister concerning outdoor public gatherings

- (1) The Minister directs that a person must not participate in an outdoor public gathering of more than 20 people.
- (2) This clause does not apply to a person who is—
 - (a) engaged in work, or
 - (b) providing care or assistance to vulnerable persons.
- (3) This clause does not apply to the following—
 - (a) a gathering on premises for which a person is required by clause 7 of this Order to develop and keep a COVID-19 Safety Plan,
 - (b) a community sporting activity for which a person is required by clause 16 of this Order to develop and keep a COVID-19 Safety Plan,
 - (c) a gathering listed in Schedule 2 of this Order,
 - (d) a gathering of persons who are all from the same household,

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Part 2 Restrictions on gatherings and use of premises

- (e) a gathering for a wedding, a funeral, a memorial service or a religious service or a gathering immediately after a wedding, a funeral, a memorial service or a religious service,
- (f) a gathering to move to a new place of residence or a business moving to new premises,
- (g) a gathering to provide emergency assistance to a person or persons,
- (h) a gathering necessary to allow a person to fulfil a legal obligation,
- (i) a gathering of persons on real property to enable persons to view or inspect the real property for the purposes of the sale or lease of that property,
- (j) a gathering of persons at a display home or other display premises to enable persons to view or inspect the display home or display premises for the purpose of the sale or lease of real property.

Division 5 Use of premises for specific activities

19 Direction of Minister concerning holiday homes and short-term rentals

The Minister directs that the occupier of premises may not allow the premises to be used for the purpose of a holiday home or a short-term rental for more than 20 persons unless all of those persons are from the same household.

20 Direction of Minister concerning nightclubs

The Minister directs that premises may not be used for the purpose of a nightclub.

21 Direction of Minister concerning music festivals

The Minister directs that premises may not be used for the purpose of a music festival within the meaning of the *Music Festivals Act 2019*, and includes a music festival attended by fewer than 2,000 people.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Part 3 Records and exchange of information

Part 3 Records and exchange of information

22 Directions of Minister concerning persons providing contact details

- (1) The Minister directs that the following persons must, if required to do so by the occupier of the premises, provide the person's contact details—
 - (a) a person entering premises to attend a significant event or religious service,
 - (b) a person consuming food or drink on premises that are food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* or cellar door premises,
 - (c) a person entering the premises of a casino,
 - (d) a person entering the premises of a pub, a small bar or a registered club (including premises occupied by a racing club within the meaning of the *Liquor Act 2007*), but not if the person enters the premises solely for the purpose of collecting food or drink to consume off the premises.
- (2) The Minister directs that the occupier of the premises must require a person specified in subclause (1) to provide the person's contact details in accordance with subclause (3).
- (3) A person may provide the person's contact details—
 - (a) directly to the occupier of the premises, or
 - (b) by electronically registering the person's contact details with Service NSW by means of a mobile phone or other device at the time the person enters the premises.
- (3A) The Minister directs that the occupier of premises to whom a person's contact details are provided in the manner specified in subclause (3)(a) must—
 - (b) keep, for at least 4 weeks, a record of the contact details, and
 - (c) on request, provide the record to the Chief Health Officer as soon as practicable, but no later than 12 hours, after the request is made.
- (4) If a service is conducted in an outdoor public place the person conducting or otherwise officiating at the service is taken to be the occupier of the premises.
- (5) In this clause—

contact details, of a person who entered premises mentioned in subclause (1), means—
 - (a) the person's name, and
 - (b) the person's telephone number or email address, and
 - (c) the time at which the person entered the premises.

23 Direction of Minister concerning information exchange

- (1) The Minister directs that a government sector agency or a NSW Minister (the **first agency**) is authorised to collect information from, or use or disclose information to, a related agency if the first agency considers it necessary to do so for the purposes of protecting the health or welfare of members of the public during the COVID-19 pandemic.
- (2) In this clause—

government sector agency means a government sector agency within the meaning of the *Government Sector Employment Act 2013*.

information includes personal information or health information.

NSW Minister means a Minister of the State.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Part 3 Records and exchange of information

related agency means—

- (a) a government sector agency or NSW Minister, or
- (b) an agency or Minister of the Commonwealth or another State or Territory.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Part 4 Miscellaneous

Part 4 Miscellaneous

24 Exemptions

The Minister may, in writing and subject to the conditions the Minister considers appropriate, grant an exemption to this Order or specified provisions of this Order.

25 Repeal

The *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020* is repealed on the commencement of this Order.

26 Savings

- (1) Any act, matter or thing that, immediately before the repeal of the repealed Order, had effect under that Order continues to have effect under this Order.
- (2) If, immediately before the commencement of this Order, a person was required to keep a record of a person's name and contact details under the repealed Order, that requirement continues under this Order as if the repealed Order remained in force.
- (3) If, immediately before the commencement of this Order, an exemption granted by the Minister under the repealed Order was in force, that exemption continues as if it were granted under this Order.
- (4) In this clause—
repealed Order means the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020*.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Schedule 1 Premises requiring COVID-19 Safety Plan

Schedule 1 Premises requiring COVID-19 Safety Plan

Column 1	Column 2	Column 3
Premises or event	Checklist	Approval date
Amusement centres	Theme parks and amusement centres	23 July 2020
Aquariums	Zoos, reptile parks and aquariums	23 July 2020
Business premises that are used for auction houses, other than clearing houses	Auction and open houses	23 July 2020
Business premises that are used for betting agencies	Betting agencies	23 July 2020
Business premises that are used for nail salons, beauty salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours	Beauty and other services	23 July 2020
Caravan parks and camping grounds	Caravan parks and camping grounds	23 July 2020
Casinos	Pubs and clubs (including small bars, cellar doors, breweries, casinos, karaoke bars, function centres, and strip clubs)	23 July 2020
Community centres	Community centres and halls	23 July 2020
Community sporting activities	Community sporting competitions and full training activities	23 July 2020
Corporate events	Conferences, functions and corporate events	23 July 2020
Crematoria	General	23 July 2020
Drive-in cinemas	Cinemas, theatres, concert halls, drive-in cinemas	23 July 2020
Entertainment facilities	Cinemas, theatres, concert halls, drive-in cinemas	23 July 2020
Food and drink premises	Restaurants, cafes, food courts	23 July 2020
Food courts	Restaurants, cafes, food courts	23 July 2020

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Schedule 1 Premises requiring COVID-19 Safety Plan

Column 1	Column 2	Column 3
Premises or event	Checklist	Approval date
Function centres	Pubs and clubs (including small bars, cellar doors, breweries, casinos, karaoke bars, function centres, and strip clubs)	23 July 2020
Funeral homes	General	23 July 2020
Funerals and memorial services and gathering after funerals and memorial services	Funerals, memorial services and wakes	23 July 2020
Gymnasiums	Indoor gymnasiums	31 July 2020
Information and education facilities	Libraries Museums and galleries	23 July 2020
Markets	Non-food markets	23 July 2020
Micro-breweries, small distilleries holding a drink on-premises authorisation under the <i>Liquor Act 2007</i> or cellar door premises	Pubs and clubs (including small bars, cellar doors, breweries, casinos, karaoke bars, function centres, and strip clubs)	23 July 2020
Party buses	Commercial vessels	23 July 2020
Places of public worship	Places of worship	23 July 2020
Properties operated by the National Trust or the Historic Houses Trust	Museums and galleries	23 July 2020
Public indoor swimming pools	Swimming pools	23 July 2020
Public outdoor swimming pools	Swimming pools	23 July 2020
Pubs, small bars and registered clubs	Pubs, clubs, small bars, breweries, casinos	23 July 2020
Recreation facilities (indoor) (other than gymnasiums)	Indoor recreation facilities (including health and dance studios and martial arts training facilities)	31 July 2020
Recreation facilities (major)	Major recreation facilities, stadiums, showgrounds, racecourses Theme parks and amusement centres	23 July 2020
Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises	Sex on premises	23 July 2020
Sex services premises	Sex services	23 July 2020

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Schedule 1 Premises requiring COVID-19 Safety Plan

Column 1	Column 2	Column 3
Premises or event	Checklist	Approval date
Strip clubs	Pubs and clubs (including small bars, cellar doors, breweries, casinos, karaoke bars, function centres, and strip clubs)	23 July 2020
Vessels used for hosting functions or for commercial tours	Commercial vessels	23 July 2020
Wedding services and gatherings after wedding services	Wedding ceremonies and receptions	23 July 2020
Zoological parks and reptile parks	Zoos, reptile parks and aquariums	23 July 2020

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 [NSW]
Schedule 2 Exempted gatherings.

Schedule 2 Exempted gatherings

- 1 a gathering at an airport that is necessary for the normal business of the airport
- 2 a gathering for the purposes of or related to transportation, including in vehicles or at truck stops, stations, platforms or stops or other public transportation facilities but not a gathering on a vehicle being used as a party bus
- 3 a gathering at a hospital or other medical or health service facility that is necessary for the normal business of the facility
- 4 a gathering for the purposes of emergency services, including the provision of training by an emergency service
- 5 a gathering at a prison, correctional facility, youth justice centre or other place of custody
- 6 a gathering at a disability or aged care facility that is necessary for the normal business of the facility
- 7 a gathering at a court or tribunal
- 8 a gathering at Parliament for the purpose of its normal operations
- 9 a gathering at a supermarket, market that predominately sells food, grocery store or shopping centre (but not a retail store in a shopping centre other than a supermarket, market that predominately sells food or grocery store) that is necessary for the normal business of the supermarket, market, store or centre
- 10 a gathering at an office building, farm, factory, warehouse, commercial fishing operation or mining or construction site or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the building, farm, factory, warehouse, commercial fishing operation or site or of the commercial vessel
- 11 a gathering at a school, university or other educational institution or child care facility that is necessary for the normal business of the school, university, institution or facility but does not include a school event that involves members of the community in addition to staff and students
- 12 a gathering at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services at that hotel, motel or other facility
- 13 a gathering at an outdoor space for the purposes of transiting through the place
Example. Pitt St Mall
- 14 a gathering to provide a service to assist vulnerable members of the public, including, for example, a food bank or a service providing for the needs of homeless persons
- 15 a gathering at premises that is necessary to provide the services of an early education and care facility

8.6 DRAFT 2020 STRATEGIC PLAN MURRUMBATAMAN RECREATION GROUNDS

SUMMARY

To advise of the process to update the *2017 Strategic Plan Murrumbateman Recreation Grounds*. To ensure community participation in the development of the site and fast track current capital work improvements.

RECOMMENDATION

That:

1. *The draft 2020 Strategic Plan Murrumbateman Recreation Grounds be placed on public exhibition for comment and that user groups at the site be directly engaged*
2. *The draft 2020 Strategic Plan Murrumbateman Recreation Grounds be adopted if no significant submissions are received.*

FINANCIAL IMPLICATIONS

The current 2020/21 Operational plan includes budget to complete:

1. New amenities building
2. Sand arena stabilisation.
3. Enclosed dog park

POLICY & LEGISLATION

- *Local Government Act 2993*
- 2017 Strategic Plan Murrumbateman Recreation Grounds

REPORT

Council had made an undertaking to consult with the community regarding updating the *2017 Strategic Plan Murrumbateman Recreation Grounds* in early 2020. Unfortunately planned community workshops were cancelled due to COVID-19 restriction.

A Councillor Workshop was held on 31 August 2020 to develop a revised strategic plan prior to community engagement. Councillors and staff had a collaborative discussion, worked through site issues, site constraints and ideas received from user groups. These have been formulated into concepts within the draft strategic plan (refer **Attachment A**).

The main features that were resolved by the workshop and incorporated into a new strategic plan for community consultation are;

- The development of an equestrian precinct which formalises a storage and clubhouse into one facility
- The site for horse yards and associated infrastructure
- New amenities building location
- Location of future community hall
- All purpose hardcourts for multiple sports i.e. tennis, basketball and netball
- Upgrade of site entrance from Barton Highway
- Development of an enclosed dog park facility within the southern sand arena
- Pathways and roadway linkages within the site

- Oval irrigation and water storage tank
- Signs as remote supervision

Council currently has funding within the 2020/21 financial year capital works budget to undertake the following:

- Murrumbateman sand arena stabilisation
- Murrumbateman Recreation Ground dog park
- Murrumbateman Recreation Ground amenities

Council has also undertaken grant submissions to seek funding to complete the following projects:

- Storage/club house facilities for equestrian and other user groups
- Horse yards and formalised roadway within the Equestrian Precinct

A new strategic plan will identify infrastructure for existing and new activities. It is important to acknowledge that whilst the consultation with the community and users is currently being completed approved capital improvements will commence. These are:

- Preliminary work activities for the new amenities building
- Design for the new enclosed dog park
- Working construction drawings for the future community hall (shovel ready for grant funding opportunities)
- Investigation of sand arena stabilisation for equestrian groups

The draft *2020 Strategic Plan Murrumbateman Recreation Grounds* is suitable for public exhibition, user group consultation and wider community comment. If there are no significant submissions received it is recommended that the document be adopted after the exhibition period.

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. Draft 2020 Strategic Plan Murrumbateman Recreation Grounds [📄](#)

yass valley council

the country the people



2020 STRATEGIC PLAN

This Strategy guides the future development and maintenance of Murrumbateman Recreation Ground within the Yass Valley.

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1. INTRODUCTION

Murrumbateman Recreation Ground is a multi-use facility located along the Barton Highway within the main township of Murrumbateman. The facility is approximately 45 hectares in size and includes an equestrian precinct, sporting field, tennis courts, playground, community hall, amenities building, public toilets and passive open space areas.

The purpose of this strategic plan is to provide Yass Valley Council and the community with a direction for structured development of the Murrumbateman Recreation Ground as well as meeting the legislative requirements of the *Local Government Act 1993*.

The objectives of this strategic plan is to identify the current uses of the area and outline the long term direction of the development of the recreation grounds.

2. BACKGROUND

Yass Valley Council has 10 sporting facilities, which are well distributed throughout the municipal area providing a range of varying sporting activities.

In 2017 Council developed an upgrade program based off consultation with sporting user groups for existing assets located at sporting facilities in the Yass Valley LGA. This program supports the significant increase of participants in sports and provides an opportunity to introduce new sporting codes to the LGA. This program also aligns with the renewal program identified in Council's Asset Management Plan.

The heavy use of sporting grounds by multiple user groups has considerably increased in the past three years which has caused Council to review the demands placed on the individual sporting venues.

It is important to ensure that Council's facilities are well managed, maintained and meets the growing needs and expectations of both residents and visitors to Yass Valley. Council has committed to the ongoing maintenance, enhancement and redevelopment of sporting facilities within the Yass Valley, and this is assisted through this strategic plan.

3. AIMS AND OBJECTIVES

The aims and objectives of the strategic plan are:

- To provide quality sporting and recreational space for the community.
- To provide a management approach that delineates and integrates activities within the site and surrounding recreational areas that will identify the various elements.
- To provide a proposed program for the development of the site to a regional or national sporting level.
- Identify the need to develop a Plan of Management that will meet legislative requirements and be a supporting document for any grant funding applications.
- To enhance the aesthetics for the natural environment of the Murrumbateman Recreation Ground.

4. CURRENT FACILITY PURPOSES

Murrumbateman Recreation Ground is a facility that is utilised for active and passive recreation. The local activities undertaken include:

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">• Tennis• Cricket• Equestrian activities• Scouts• Dog Shows• Dancing• Karate• Community Events | <ul style="list-style-type: none">• Men's Shed• Yoga• Mothers & children playgroups• Village Markets• Film evenings• Christmas Carols• Wine shows• Field Days |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The Murrumbateman Recreation Ground has recently been developed with new an equestrian facility which removes equestrian activities from the main sporting oval. Council is undertaking works to the main oval to bring the surface up to a suitable playing standard. These upgrades will create an opportunity for sporting events to commence such as:

- AFL
- Soccer
- Rugby League
- Little Athletics

The recreation grounds has a designated passive recreation area known as Jones Park which includes a category 3 playground and significant open space area. Service levels for this park aligns with Council's adopted 2017 Parks and Playground Strategy.

5. CONSULTATION

Yass Valley Council will use in its methodology for consultation a holistic approach to each facility including both internal and external stakeholders to understand and develop the assets required through the strategic direction in which Murrumbateman Recreation Ground needs to move towards to create more sporting opportunities for the community.

Council has previously worked extensively within the community and with local sporting bodies to gain an understanding of the future requirements for the Murrumbateman Recreation Grounds which is reflected in the actions list in this strategic plan.

6. STRATEGIC PLAN

Figure 1 – Aerial Overview

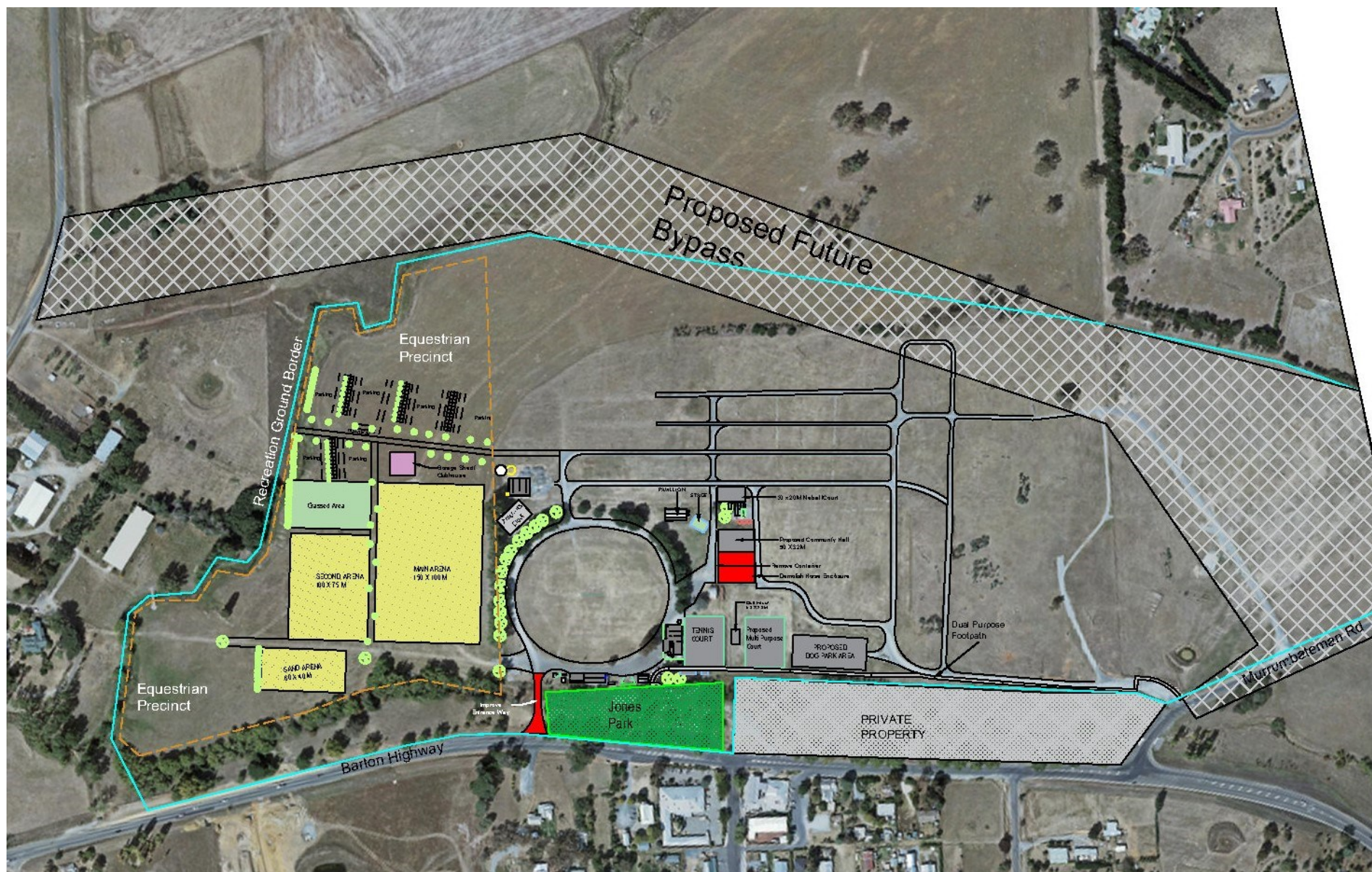
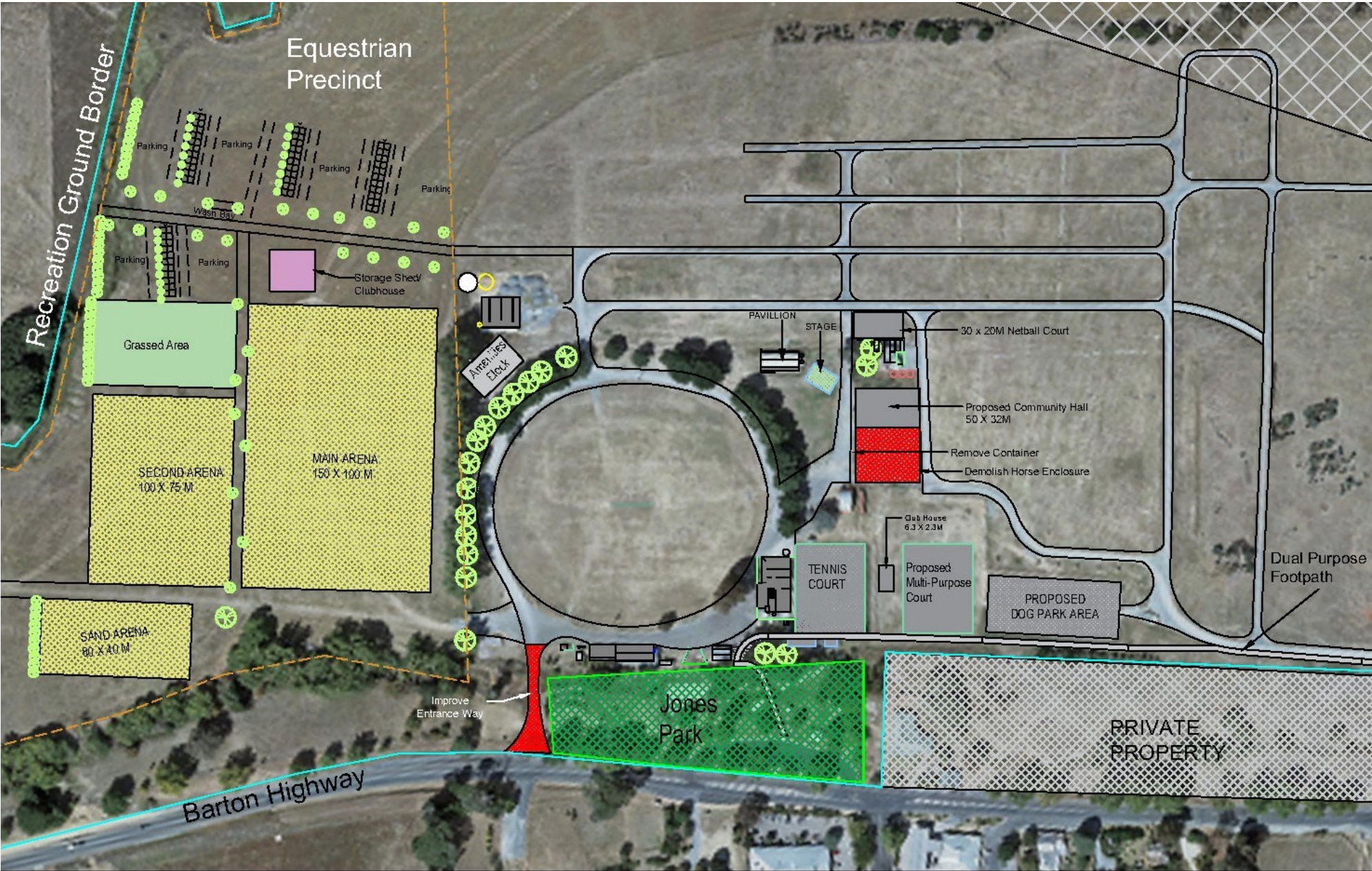


Figure 2 – Aerial Facility Overview



7. MANAGEMENT ZONES

Sporting and Active Zones

This zone provides an area which can be utilised for both sporting and active recreation. The site includes a playing field, multiple equestrian arenas and open space for equestrian activities.



Figure 3 –playing field



Figure 4 – equestrian arenas

Passive Recreation Zones

This zone includes Jones Park, a category 3 playground which was installed in 1999 and a passive recreational open space area.



Figure 5- Jones Park



Figure 6- Passive open space area

8. PLAN OF MANAGEMENT PROGRAM

Under Section 36 of the Local Government Act 1993, Council must prepare Plans of Management for community land.

All Council owned sporting facilities will be incorporated in a generic Plan of Management. This will provide management actions that relate to all sporting facilities and will comprise the following:

- A plan of management for community land must identify the category of the land
- A current description of the natural and cultural resources.
- Planning considerations relevant to the land.
- A statement of the long term objectives for the reserve and the associated management targets for the specified period.
- Method of assessment of organized objectives and targets.
- The condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management.

9. PROPOSED ACTIONS

It is important to develop Murrumbateman Recreation Ground in a sequential and detailed approach. This allows the various tasks to be identified, resourced and programmed as appropriate. Projects can be considered annually by Council for consideration in its yearly operational plan and also identified for grant funding where applicable.

The proposed actions as outlined hereunder will provide the guidelines for the enhancement and development of Murrumbateman Recreation Ground and its immediate surrounds.

10. ACTION PLAN

Item	Activity
1	Construct new Community Hall
2	Investigate power upgrade to recreation grounds
3	Relocate internal fencing to increase parking around sporting oval
4	Formalise wash bay / car parking – equestrian precinct
5	Construct new Amenities Building
6	Installation of irrigation to sporting oval
7	Installation of 120,000L Water Tank
8	Construct new Multipurpose Courts
9	Construct new Netball Courts
10	Cricket net – adjust entry point into nets to the south side
11	Construct new storage facility – sporting groups
12	Install directional signs for equestrian facilities
13	Construct new Dog Park
14	Install new swings at Jones Park
15	Construct improvements to Barton Highway entrance into recreation ground
16	Construct new storage facility/clubhouse – equestrian precinct
17	Construct linked pathway to dog park / winery trail
18	Upgrade existing public toilets
19	Upgrade internal roadway to equestrian precinct

NB: priorities and funding will be subject to consideration annually by Council in its Operational Plan Process.

9.1 INVESTMENT AND BORROWINGS REPORT

SUMMARY

In accordance with the Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 31 July 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 31 August 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

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

REPORT

Comments on Economic Climate

The RBA has kept the official cash rate at 0.25% and released updated forecasts for the Australian economy. The Australian economy is experiencing the biggest contraction since the 1930's. Arguing that while the initial decline in activity appears to be smaller than initially feared, the recovery will also be slower than anticipated. The major uncertainty looming over the outlook remains whether governments can contain the spread of COVID-19 and the level of restrictions that remain in place.

Council Investments

Valuations of Council investments are detailed in Attachment A.

Due to the uncertainty around the potential impacts of COVID-19, Council is currently holding a higher than usual balance in its 'At Call' accounts.

Council Loans

Council has five loans with balance owing as at 30 June 2020 of \$16.782m. The table below provides loan details as at 30 June 2020. Indicative repayments for 2020/21 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.

	Balance as at 30 June 2020	Projected Balance as at 30 June 2021	Interest rate	Comment	Principal 2020/21	Interest 2020/21
General Loan	\$ 509,570	\$ -	5.91% fixed	To be fully repaid in 2020/21	\$ 509,570	\$ 9,999
Sewer - CBA Loan for Sewer Infrastructure	\$ 3,954,301.22	\$ 3,778,024.33	4.82% fixed	Payable over 20 years, fully repaid in 2035/36	\$ 176,277	\$ 187,461
Water – NAB Dam wall	\$ 8,901,866.12	\$ 8,608,200.49	6.96% fixed	Total loan over 30 years. Fixed rate period of 10 years to 2022, to be renegotiated at that time.	\$ 293,666	\$ 635,962
Water - Yass to Murrumbateman water supply (Tcorp)	\$ 2,209,286.29	\$ 1,988,019.06	2.55% fixed	Payable over 10 years.	\$ 221,267	\$ 54,232
Water main and pump station upgrades (Tcorp)	\$ 1,207,135.81	\$ 1,086,237.23	2.55% fixed	Payable over 10 years.	\$ 120,899	\$ 29,632
TOTAL LOANS	\$16,782,159.56	\$15,460,481.11			\$ 1,321,678	\$ 917,286

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. August 2020 - Investments [↓](#)

a) Council Investments as at 31 August, 2020

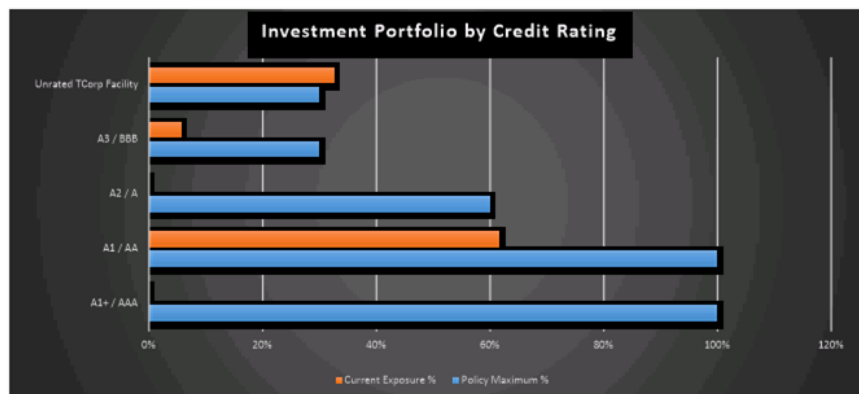
Investment Type	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
Cash Working Accounts						
NAB Working Account ¹	7,088,420.97	A1/AA	n/a	n/a	at call	0.25%
Tcorp Strategic Cash Facility ²	10,815,545.32	unrated	n/a	n/a	at call	0.27%
	17,903,966.29					
Term Deposits < 12 Months						
IMB 29876	1,774,407.86	A3	31/07/20	30/11/20	122	0.70%
IMB - Youth Bequest	125,935.02	A3	31/07/20	30/11/20	122	0.70%
NAB Term Deposit	2,709,691.73	A1/AA	29/06/20	29/09/20	92	0.85%
NAB Term Deposit	1,608,658.70	A1/AA	29/06/20	29/09/20	92	0.85%
CBA	2,102,128.56	A1/AA	02/06/20	30/10/20	150	0.69%
CBA	1,179,588.48	A1/AA	10/03/20	07/09/20	181	1.15%
CBA	2,134,990.36	A1/AA	02/06/20	30/09/20	120	0.67%
CBA	1,586,745.25	A1/AA	28/05/20	25/09/20	120	0.68%
CBA	2,069,106.21	A1/AA	11/06/20	09/10/20	120	0.68%
	15,291,252.17					
Total Short Term	33,195,218.46					
Investment Property						
Hawthorn - Current Fair Value	4,350,000.00	Revalued March 2020				

1. The NAB account balance shown above includes deposits at month end not processed to Council's financial system and excludes cheques that have not been presented.

2. Tcorp Strategic Cash Facility is an allowable investment under the Ministerial Order.

b) Investment Exposure by Credit Rating Type

S&P Rating (or equivalent)	Policy Maximum %	Current Exposure %	Current Investment \$
A1+ / AAA	300%	0.00%	-
A1 / AA	300%	61.69%	20,479,330.26
A2 / A	50%	0.00%	-
A3 / BBB	30%	5.72%	1,900,342.88
Unrated TCorp Facility	30%	32.58%	10,815,545.32



c) Exposure to a Single Institution

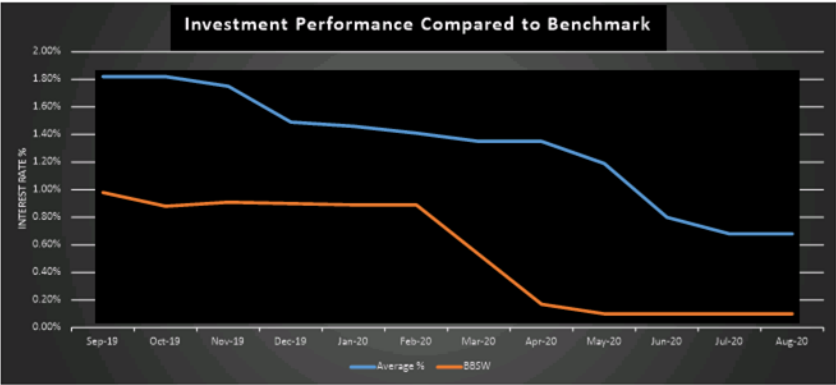
Institution	S&P Rating	Policy Maximum %	Current Exposure %	Current Investment \$
NAB	A1/AA	50%	34.36%	11,406,771.40
IMB	A3	30%	5.72%	1,900,342.88
CBA	A1/AA	50%	27.33%	9,072,558.86
TCorp	unrated	30%	32.58%	10,815,545.32

d) Investment Portfolio Performance.

UBS 90 day bank bill index

Investment Performance vs Benchmark

	Investment Portfolio return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month average	0.68%	0.30%
3 month average	0.72%	0.20%
6 month average	1.01%	0.18%
12 month average	1.32%	0.55%



10.3 APPLICATION FOR FINANCIAL HARDSHIP

SUMMARY

To consider an application seeking a rebate for water usage under the *Financial Hardship Policy*.

RECOMMENDATION

That the item be classified confidential in accordance with Section 10A(2))b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the personal hardship of a resident or ratepayer

FINANCIAL IMPLICATIONS

Reduction in income.

POLICY & LEGISLATION

- *Financial Hardship Policy*

REPORT

In May 2020 Council adopted a *Financial Hardship Policy*. Council are required to make a determination in respect of all hardship applications received. An application seeking a rebate for water usage has been received. As it deals with the personal hardship of a resident the matter needs to be considered in closed session.

STRATEGIC DIRECTION

Key Pillar	5. Our Civic Leadership
CSP Strategy	CL2 - Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other government agencies
Delivery Program Action	CL2.1 - Make doing business with Council easier
Operational Plan Activity	CL2.1.1 - Continued development of Council's online presence that improves customer experiences

ATTACHMENTS: Nil