

Ordinary Meeting of Council

**Wednesday 28 October 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

November 2020

Wednesday 25th

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

- 13.1 Tender Evaluation Report - Yass Sewer Relining Project YVC/IA/WWW/06.2020194
- 13.2 Tender Evaluation Report - Design and Construction of Three Concrete Bridges YVC/ASS/05.2020194
- 13.3 Tender Evaluation Report - Nanima Road Reconstruction (Stage 1 Ch 0-5km) YVC/ASS/07/2020.....194
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Close of Meeting Time

Chris Berry
GENERAL MANAGER



Minutes of the Ordinary Meeting of Council

Wednesday 23 September 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

Simon Cassidy

Item 7.1 Planning Proposal – 7 Icton Place

Paul Powderly

Item 7.4 Development Application No DA200049 – Subdivision, Isabel Drive

Jade Roche

Item 7.4 Graffiti Art Proposal

Council Meeting – The Mayor declared the meeting open at 4.27pm.

Present

Councillors Rowena Abbey, Mayor, in the chair, Cecil Burgess, Geoff Frost, Nathan Furry, Allison Harker, 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, and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

1. Prayer

2. Apologies

Nil

3. Declaration of Interest/Disclosures

Councillor McManus declared a non-pecuniary, less than significant conflict of interest in Item 7.3 Development Application No DA20006 – Dwelling House, 15 Hanley Place, Yass and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor McManus declared an interest as he is a resident of the street subject to the same building constraints.

Councillor Jones declared a non-pecuniary, less than significant conflict of interest in Item 14.1 Development Consent No DA135014D – Residential Subdivision, 14 Wellington Road and 2 Grand Junction Road, Yass and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Jones declared an interest as the developer's real estate agent has placed two advertisements in the local paper which she holds the position of Editor and Co-Director. It was a normal transaction and the developer is not a usual advertiser. She considered herself able to well and truly declare no conflict of influence on her decision.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 26 August 2020 resolution numbers 116-142 inclusive be taken as read and confirmed.

(Turner/Burgess) 143

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

AGAINST: Nil

5. Election of Mayor and Deputy Mayor

Mayor Rowena Abbey vacated the Chair.

Election of Mayor

In accordance with the *Local Government (General) Regulation 2005 (Schedule 7)* the General Manager as Returning Officer called for nominations for the position of Mayor. He advised that there were two nominations for the position of Mayor, being Councillors Abbey and Turner.

5.1 ELECTION OF MAYOR AND DEPUTY MAYOR

SUMMARY

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

RESOLVED 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 by Ordinary Ballot in accordance with Schedule 7 Local Government (General) Regulation 2005 if there is more than one nomination.***
- 3. Following the close of nominations for the position of Deputy Mayor the method of electing the Deputy Mayor be determined by Ordinary Ballot in accordance with Schedule 7 Local Government (General) Regulation 2005 if there is more than one nomination.***

(Furry/McManus) 144

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

AGAINST: Nil

Councillor Kim Turner and Councillor Rowena Abbey addressed the Council.

Ballot papers were distributed to all Councillors and an election was held under the Ordinary Ballot system with the following result:

Councillor Abbey – 6
Councillor Turner - 3

The General Manager, as Returning Officer declared Councillor Abbey elected as Mayor for September 2020 to September 2021.

Election of Deputy Mayor

In accordance with the *Local Government (General) Regulation 2005 (Schedule 7)* the General Manager as Returning Officer called for nominations for the position of Deputy Mayor. He advised that there were two nominations for the position of Deputy Mayor, being Councillors Jones and Furry

Councillor Jasmin Jones and Councillor Nathan Furry addressed the Council.

Ballot papers were distributed to all Councillors and an election was held under the Ordinary Ballot system with the following result:

Councillor Furry - 6
Councillor Jones -3

The General Manager, as Returning Officer declared Councillor Furry elected as Deputy Mayor for September 2020 to September 2021.

The ballot papers for both elections were destroyed.

The General Manager handed the meeting over to the Mayor.

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.

RESOLVED that Register of Disclosures by Councillors and Designated Persons Return 2019-2020, as tabled, be noted.

(Furry/Harker) 145

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

AGAINST: Nil

6. Mayoral Minute

Nil

7. Director of Planning & Environment Reports

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.

RESOLVED that :

- 1. Draft Planning Proposal - 7 Iceton 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.**

(Jones/McManus) 146

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 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.

RESOLVED 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.**

(Jones/Turner) 147

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 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.

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

(Turner/Reid) 148

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

AGAINST: Nil

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.

RESOLVED 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.***

(McManus/Furry) 149

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 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.

RESOLVED that :

- 1. The proposal from Jade Roche to convert the face of the bridge support under Laidlaw Street end of the Hume Bridge to a "free wall" for graffiti art be deferred pending further consultation with the Ngunnawal Aboriginal community and NSW Police.***
- 2. A report be presented to the October 2020 Council meeting with suggested additional sites for wall art and murals.***

(Harker/Frost) 150

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

AGAINST: Councillor M McManus

FORESHADOWED MOTION

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 and additional art space be investigated ie the skate park.

(McManus)

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.

RESOLVED that this item 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.

(Turner/Reid) 151

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

AGAINST: Nil

At 05:29 pm Councillor Burgess left the Meeting.

8. Director of Infrastructure & Assets Reports

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.

RESOLVED that :

- 1. A Further submission be made to the Road Classification Review Panel to have Shingle Hill Way and Mulligans Flat Road reclassified as regional roads for the following reasons:***
 - Shingle Hill Way provides an important tourism and freight link between the South Coast, Braidwood, Bungendore, Murrumbateman, the Hume Highway and the Riverina.***

- *Mulligans Flat Road provides an important link to employment, education and higher order services for rural residents in Sutton, Gundaroo and Gunning and the rapidly developing suburbs of the ACT (eg Gungahlin).*

2. No further submission be made to the Road Classification Review Panel to have the following local roads reclassified as regional roads:

- *Nanima Road*
- *Mountain Creek Road*
- *Fairlight Road*

(Frost/Turner) 152

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

AGAINST: Nil

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.

RESOLVED 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.**

(Harker/Furry) 153

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

AGAINST: Nil

8.3 YASS PUBLIC SCHOOL - TRAFFIC CONCERNS

SUMMARY

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

RESOLVED 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.***

(Jones/Harker) 154

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

AGAINST: 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.

RESOLVED that :

- 1. 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 \$150,00***
- 2. Council collaborate on weed management through the advocacy of the Canberra Joint Region Organisation, to seek support for additional funding.***
- 3. A submission be made to Local Government NSW for a motion to the 2020 Conference.***

(Harker/Frost) 155

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

AGAINST: 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.

All reference to NSW Public Heath Orders contained in this report are subject to change without notice due to the continual changes relating to COVID-19.

RESOLVED 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 generally be closed at Yass and Binalong Pools except for school groups on a case by case basis and disabled patrons as referenced in COVID-19 Safety Plan.***
- 3. Total numbers permitted entry in the swimming pool complex be limited 226 at Yass and 70 for Binalong as per the Department of Health advice.***
- 4. 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.***
- 5. Canteen service be restricted to pre-packaged foods and drinks.***

(Jones/Furry) 156

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

AGAINST: Nil

8.6 DRAFT 2020 STRATEGIC PLAN MURRUMBATEMAN 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.

RESOLVED 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.***

(Harker/Reid) 157

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

AGAINST: Nil

9. Director of Corporate & Community Reports

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.

RESOLVED that 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.

(Turner/Furry) 158

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

AGAINST: Nil

10. General Manager's Report

10.1 APPLICATION FOR FINANCIAL HARDSHIP

SUMMARY

To consider an application seeking a rebate for water usage under the *Financial Hardship Policy*.

RESOLVED 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.

(Jones/Furry) 159

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

AGAINST: Nil

11. Notice of Motion

Nil

12. Questions with Notice

Nil

13. Minutes and Recommendations of Council Committees

Nil

14. 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:

14.1 Development Consent No DA135014D - Residential Subdivision, 14 Wellington Road and 2 Grand Junction Road, Yass

Item 13.1 is confidential in accordance with section s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

14.2 Application for Financial Hardship

Item 13.2 is confidential in accordance with section s10(A)(2)(b) of the Local Government Act because it contains the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Harker/Furry) 160

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

AGAINST: Nil

Closed Council commenced at 5.47pm.

14.1 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.

RESOLVED that the developer of 14 Wellington Road and 2 Grand Junction Road, Yass be advised of the review of the purchase price for the land exchange associated with the subdivision.

(Furry/Turner) 161

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

AGAINST: Nil

14.2 APPLICATION FOR FINANCIAL HARDSHIP

SUMMARY

To consider an application seeking a rebate for water usage under the *Financial Hardship Policy*.

RESOLVED that :

- 1. A rebate equivalent to 75kl's be applied to the applicant's water account per reading period.**
- 2. This rebate continue to be applied whilst the applicant remains at her current residence with the production of a letter from the relevant health services confirming her ongoing home dialysis needs on an annual basis.**
- 3. The Financial Hardship Policy be reviewed.**

(Furry/Frost) 162

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

AGAINST: Nil

RESOLVED that the meeting move into Open Council.

(Jones/Furry) 163

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

AGAINST: Nil

Open Council resumed at 5.59

RESOLVED that the recommendations in Closed Council be adopted.

(Turner/Reid) 164

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

AGAINST: Nil

The meeting closed at 5.59 pm.

Rowena Abbey
Mayor

6.1 GRAFFITI ART PROPOSAL

SUMMARY

Council deferred consideration of the graffiti wall proposal pending further consultation. Further consultation has been completed and additional sites identified. Approval of the proposed site is recommended.

RECOMMENDATION

That:

1. *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 as an initial trial*
2. *The Yass Memorial Swimming Pool upgrade plans incorporate a graffiti wall/mural space*
3. *Future consideration be given to other sites such as water reservoirs, Yass Skate Park, bridge supports being made available for a graffiti walls/mural spaces following the initial trial*

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

At its meeting on 23 September 2020 Council resolved that:

1. *The proposal from Jade Roche to convert the face of the bridge support under Laidlaw Street end of the Hume Bridge to a "free wall" for graffiti art be deferred pending further consultation with the Ngunnawal Aboriginal community and NSW Police.*
2. *A report be presented to the October 2020 Council meeting with suggested additional sites for wall art and murals.*

Brad Bell, Onewal Local Aboriginal Land Council, advised of support for the graffiti art proposal.

Contact was made with the Ngunnawal Nation Traditional Owners Network Group who indicated that

- Delegates fully support the proposal in principal and consider that the initiative will strengthen relationships with younger generations and benefit the Yass community
- With regard to compliance and safety concerns (i.e. possible offensive inclusions and the importance of passive surveillance in enhancing the safety of young artists), it was advised that Cowra Council has implemented a program of mural artworks and may have experience which would be informative

Yass Police support the proposal and indicated that such free walls typically do not attract offensive contributions.

The Yass Youth and Family Interagency Group were also consulted and indicated support for the proposal.

Comments on the proposal were sought from members of the Public Art Focus Group and Youth Council and five 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 fifth response was also supportive of the proposal.

An assessment has been completed against the Public Art Policy criteria (refer **Attachment A**).

Art works in public spaces such as sculptures require structural details which involve works requiring approval and for this reason need to be considered in the context of any master planning for the locality. However, utilising existing structures for a graffiti free wall or mural does not involve structural issues and are less likely to compromise any master planning process.

The following sites for potential graffiti free walls or murals have been identified as suitable spaces:

- **Water reservoirs**
Water reservoirs are not dissimilar to silos which in many rural areas have been used for murals. The new water reservoir at Murrumbateman is currently under a maintenance defects liability requirement and can be considered following completion of this period. The Murrumbateman Lions Club has expressed an interest in organising a mural at this site. Other reservoirs could be made available on request.
- **Yass Skate Park**
The existing mural is in poor condition. A new mural or graffiti wall would improve the visual appearance of the space. The skate park is not undercover and there is no formed access to the walls. There is good passive surveillance of this area from the car park and fenced off leash dog park.
- **Yass Memorial Swimming Pool**
There are existing murals on building within the pool complex however access to this area is limited to opening hours. The preparation of plans for an upgrade of the pool is a priority for 2020/21. A graffiti wall could form part of this plan.
- **Laidlaw Street Underpass (north side of bridge)**
The site has been proposed by Jade Roche. It is adjacent to a sealed path and undercover making it suitable for all weather access. The site is somewhat unsightly area and the proposal would improve the visual appearance of the space. Passive surveillance is limited to users of the pathway.
- **Bridge supports**
The supports for the road bridge over the Yass River provide an opportunity for a mural/graffiti wall. There is no formed access to the base of the supports.

It is recommended that the underpass be permitted to be used for a graffiti wall as an initial trial site. Other sites can be considered in future and in light of any experiences with the operation of the initial site.

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. Public Art Policy Assessment [↓](#)

Public Art Policy Assessment

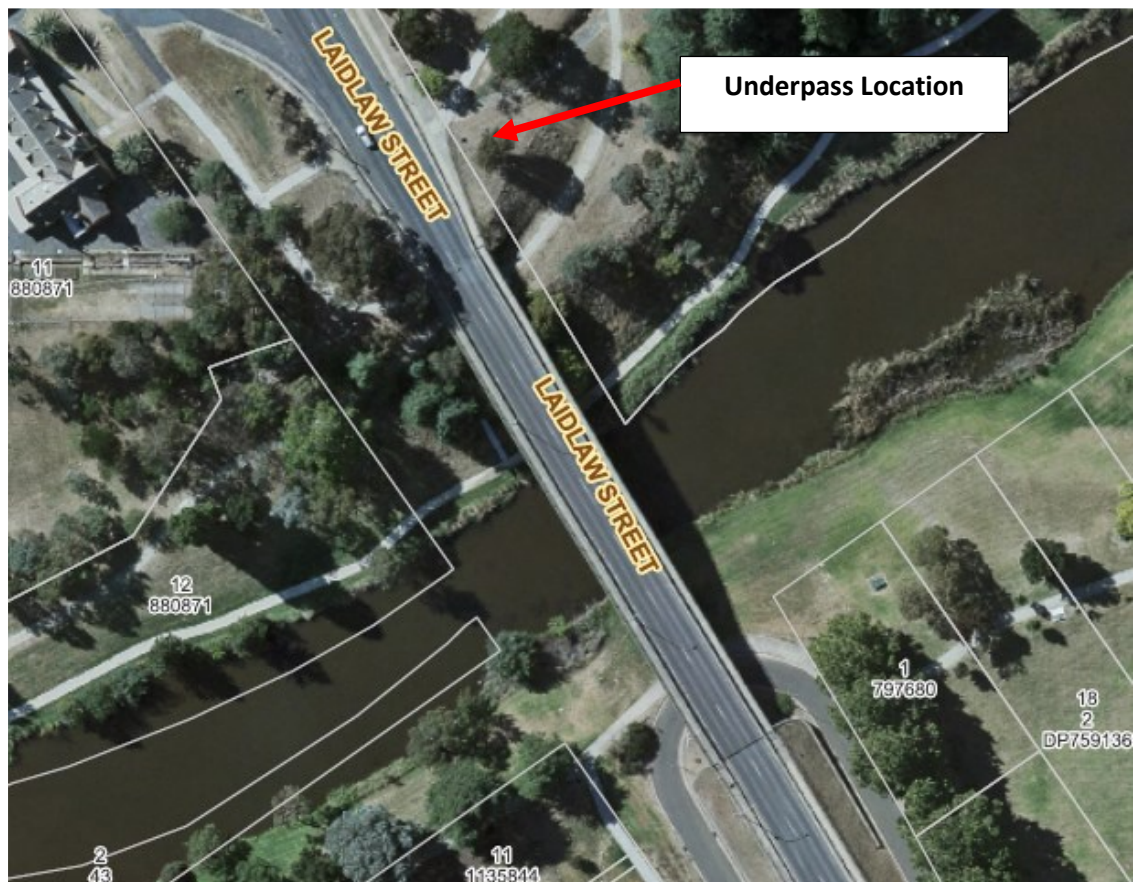
Proposed Art Work: 'Graffiti Art Wall' (refer Attachments) by Jade Roche

Location: Riverbank Park Underpass (northside of Laidlaw Street bridge)

Criteria	Comments
Selection Criteria	
Consistency with the principles of this policy i.e. <ul style="list-style-type: none"> • Transparency and accountability • Community involvement • Assessment criteria • Local opportunities • Arts tourism • Specific funding 	<ul style="list-style-type: none"> • For consideration by the Public Arts Focus Group members • Public Arts Focus Group includes community representation • Refer below • Proposal from a local artist • Unclear • No funding within 2020/21 Operational Plan for public art acquisition. Proposal is at no cost to Council. Simply seeking support for an art space
High standards in terms of artistic quality, originality and integrity	Council's <i>Public Art Policy</i> 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.
Technical feasibility and ability to successfully realise the proposal.	Technically feasible. No cost to Council – simply providing an art space
Contribution of the artwork to visual enhancement and understanding of its place and the community context.	Riverbank Park underpass (refer attachment). Adds visual amenity to a somewhat unsightly area.
Appropriateness of the artwork to the context of the proposed site.	Satisfactory
Impact on the day-to-day use of the public domain, including safety, accessibility and structural stability.	Improves the visual appearance of the space
Durability of the artwork and its ability to withstand vandalism, weathering and ease of maintenance.	Satisfactory. Paint on concrete structure
Life cycle costs including maintenance and decommissioning costs.	'Free wall' can be painted over by other artists so constantly changing

Selection Criteria (cont)	
Potential to foster community well-being and social cohesion including opportunities for community consultation and involvement.	<ul style="list-style-type: none"> • NSW Police supportive – graffiti walls do not attract offensive contributions • Yass Youth & Family Interagency Group – 20 members supportive • Public Art Focus Group members consulted - 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’. • Brad Bell (Onewal LALC) supportive
Consistency with local planning, urban design, heritage and environmental policies and practices.	Generally satisfactory in that it does not interfere with existing land use or proposed land use for the park or walkway.
Consideration of artists who have, or who have had, an association with Yass Valley.	Local artist
Site Selection	Riverbank Park underpass (refer attachment). Adds visual amenity to a somewhat unsightly area.
Risk Assessment	<p>Council’s insurer advises that Council’s Public Liability cover would include the project.</p> <p>Health and safety requirements include completion of a risk assessment prior to implementation and a work log during implementation.</p>
Maintenance	‘Free wall’ can be painted over by other artists so constantly changing
Commissioning	The policy details arrangements for public art commissioned by Council. The policy is silent on how unsolicited proposals will be considered. However, Council has previously accepted unsolicited projects (e.g. sheep at Tootsies)

Attachment A: Proposed location



Attachment B: Examples of graffiti art



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



6.2 PUBLIC SPACE LEGACY PROGRAM

SUMMARY

To advise of the application to the Public Space Legacy Program and the development assessment performance for September 2020.

RECOMMENDATION

That the report on the Public Space Legacy Program and development assessment performance for September 2020 be noted

FINANCIAL IMPLICATIONS

Council will receive \$2M in funding for open space projects if it is accepted into the Public Space Legacy Program (PSLP). In September 2020 Council allocated \$104,000 for additional assessment resources to assist with meeting its obligations under the program.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- Fraud Control Policy
- Delegation Policy
- Development Assessment & Decision Making Policy

REPORT

1. Background

The PSLP offers funding for new and upgraded public spaces to Councils that achieve significant improvement in timeframes in development assessment and rezoning proposals during the COVID-19 pandemic. Council was invited to participate as it is using the ePlanning Digital Services (the Planning Portal) for Development Applications (DAs).

2. PSLP Application

An application was lodged but offers to participate are yet to be made by the State Government. However, the PSLP commenced on 1 September 2020 and performance is being tracked as if the offer has been received. The following improvements in DA assessment times (based on DAs lodged from 1 September 2020) have been proposed:

- 1 September – 31 December 2020 - 10% reduction in DA gross median assessment times (58 days)
- 1 January to 30 June 2021 - 15% reduction in DA gross median assessment times (55 days)

It is proposed that DA processing times will be achieved by:

- Accelerated uptake of the Planning Portal being 50% of all new applications lodged through the Portal between 1 September and 31 December 2020. 100% uptake by 1 July 2021 (Council is mandated to use the Planning Portal by this date)
- Process improvements aligning with the development assessment best practice guidelines
- Additional assessment staff

Performance will be measured through:

- Uptake of the Planning Portal
- Documenting of processes improved
- Percentage increase in complying development applications

- DAs determined per full time equivalent staff resources

Council has also been required to detail probity, governance and oversight in assessment processes as part of participation in the program. These include:

- Adherence to the Code of Conduct, Council policies, Internal Risk Audit Plan and draft Compliance Management Framework
- Use of templates and standard workflows (which are under constant review)
- Monthly audit on 5% of DAs determined focusing on compliance with relevant legislation
- Aligning assessment processes with the development assessment best practice guidelines

3. September 2020 Performance

Performance monitoring and improvement planning has commenced and the following comments are provided:

- **Assessment Times**

September 2020	
Target Gross Median Assessment Time	58 days
September Gross Median Assessment Time	7 days
No. of DAs Determined	10

- **Planning Portal** - Additional training is being undertaken on the Planning Portal to understand its workflows and its impacts on current workflows and a media package is being prepared to inform the community of the transition to the Portal
- **Additional Assessment Resources** - The engagement of temporary assessment staff has commenced and from late October 2020 one assessment resource will be dedicated to 'fast tracking' DAs for minor development
- **Process Improvements** – Currently reviewing standard Consent conditions and Consent templates.
- **Audit** - An audit has been completed on two of the September 2020 DAs and the outcome is satisfactory

4. Proposed PSLP Projects

The following projects have been put forward for the funding:

- **Yass Gorge Cultural Trail** – 4km of walking tracks through the Yass Gorge linking existing walking tracks along the Yass River. Approximate cost is \$411,600.
- **Chinamens Creek Interpretive and Education Trail and Wetlands** – Construction of a wetland along Chinamens Creek in Yass providing walking trail links between the upper reaches of Chinamens Creek and the Yass River and opportunities for nature based play and interpretive signs. Approximate cost is \$1,041,200
- **Adventure Playground Riverbank Park** – Construction of an adventure playground. Approximate cost of \$547,200

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

6.3 DEVELOPMENT APPLICATION NO. DA165280 - HIGHWAY SERVICE CENTRE, YASS VALLEY WAY, YASS

SUMMARY

To present the assessment of the application for a highway service centre on proposed Lot 1 of the subdivision of Lot 1 DP 842644 and Lot 34 DP 871286 Yass Valley Way, Yass. Two submissions were received in relation to the proposal. It is recommended the application be approved subject to deferred commencement conditions.

RECOMMENDATION

That:

1. *A Deferred Commencement Development Consent be issued for Development Application No. DA165280 for the establishment of a Highway Service Centre on proposed Lot 1 of the subdivision of Lot 1 DP 842644 and Lot 34 DP 871286 Yass Valley Way*
2. *The commencement of the Development Consent be deferred until such time that the Applicant has completed the subdivision DA145283 works enabling the creation of legal title for the land subject of DA165280*

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*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 64 – Advertising Signage*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Community Engagement Strategy*
- *Roads Standards Policy*
- *Off-street Carparking Policy*
- *Application Assessment and Decision Making Policy*

REPORT

1. Application Details

Date Received	-	16 December 2016 re-lodged 21 May 2020
Land	-	Proposed Lot 1 in subdivision of Lot 1 DP842644 and Lot 34 DP 871286, Yass Valley Way, Yass
Area	-	3.35ha
Zoning	-	IN1 General Industrial and SP2 Infrastructure

2. Site Description and Locality

The site is a proposed lot in an approved 24 lot industrial subdivision, located approximately 6km north-west of the Yass Township and opposite the existing North Yass service centre. The South Eastern Livestock Exchange and a fertilizer production business are located to the east of the site. The land immediately adjoining the subdivision site is currently used for agricultural purposes. The site is

located on the southern side of Yass Valley Way and has frontage to Yass Valley Way and two roads to be constructed as part of the industrial subdivision.

The site is currently vacant sloping towards the northwest with trees located along the Yass Valley Way frontage but does not contain any riparian lands or watercourses. Low voltage overhead electrical power lines and the underground Sydney to Melbourne telecommunications line traverse the site.

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

3. Background

In June 2017 Council considered a report on the permissibility of a service centre at the site. Legal advice indicating the proposal was prohibited in the zone. Council determined to defer consideration of the proposal pending the outcome of a Planning Proposal to include a service centre within the zone as a permissible land use.

In February 2018 the Planning Proposal amending the *Yass Valley Local Environmental Plan 2013* was gazetted.

4. Proposal

The submitted proposal for the highway service centre includes the construction of:

- A service station with a convenience store, fuel canopy, separate diesel canopy and underground fuel tanks
- A takeaway food and drink premises
- A truckers lounge and amenities
- On-site parking
- A new access point comprising of a left-out only onto Yass Valley Way
- Four access points on to the new internal roads (to be constructed as part of the subdivision)

Details of the proposed development are included as **Attachment B**.

5. Public Exhibition

Public exhibition included notice to five adjoining and nearby landowners and two submissions have been received (refer **Attachment C**). The Applicant has provided a response to the submissions (refer **Attachment D**).

6. 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. The planning response to the issues identified are as follows:

6.1 Aboriginal Cultural Heritage

A submitter raised the concern that an Aboriginal Cultural Heritage Assessment is needed. The Applicant has submitted an Aboriginal and Historical Cultural Heritage Due Diligence Assessment which concludes that:

- No Aboriginal objects are recorded in the Aboriginal Heritage Information Management System for the site
- A Field survey revealed no areas of potential archaeological deposits or Aboriginal heritage within the proposed development area

Any approval that may issue can include a requirement that if any archaeological deposit or any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the development, all work must stop immediately, contact must be made with Heritage NSW.

6.2 Fencing

A submission suggests that security fence be erected around the service centre in order to protect the livestock from dog attacks and any bio-security threats to the neighbouring agricultural properties.

The proposed site located clear of shared boundaries with adjoining properties containing grazing stock. However, to retain the open rural character of the area, to avoid disputes between neighbours and to keep the stock on neighbouring properties safe from domestic animals and any bio-security threats, a requirement can be included in any consent for fences to the service centre to comply with requirements of Council's *Non-Urban Fencing Policy* and to be of a stock proof standard

6.3 Stormwater Run off

A concern has been raised about the impact of stormwater runoff, and fuel spillage on the neighbouring properties.

To mitigate any adverse downstream impacts, the design and construction of forecourt areas and fuel filling points are required to comply with the *EPA Practice Note: Managing Runoff from Service Station Forecourts*.

The Applicant has also proposed onsite treatment of stormwater runoff to mitigate any adverse downstream impacts with all stormwater runoff/overland flow from the operational apron/forecourt areas and fuel filling points being treated through an oil and water separator before discharging it into the stormwater system. This will ensure suitable treatment of the stormwater to ensure no downstream contamination. In addition to this, prior to commencement of operation of the service centre, a network of groundwater monitoring wells are also required to be installed, maintained and monitored in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*.

Roof water from the buildings will be harvested in rainwater tank(s) that will be used for toilet flushing, outdoor irrigation and to meet the fire demand. Overflows are directed to the stormwater system.

Surface water from paved areas will be conveyed to a detention basin before being directed off site to the stormwater drainage system being constructed as part of the subdivision.

A concept stormwater management plan has been submitted however it will be necessary for the Applicant to submit supporting calculations to demonstrate that post development flows do not exceed the predevelopment flows for a 1 in 5 and 1 in 100 year ARI.

6.4 Waste Management

Concern has been raised in relation to the suitability of the waste management system.

A waste management plan has been submitted. At construction stage, construction waste and non-recyclable materials will be separated on site to make sure no recyclable materials are mixed with non-recyclable materials and the site manager will ensure disposal of the waste at an appropriate waste facility.

At the operational stage, the operators will be responsible for ongoing management of waste. A waste storage/management area is provided for the appropriate sorting and storing of the waste in two bulk bins clearly labelled waste and recycling which will be emptied by a contractor and disposed of at an appropriate waste facility.

6.5 Biodiversity

The site is part of an approved industrial subdivision (i.e. DA145283) which was accompanied by a Flora and Fauna Assessment Report. All clearing as approved under the approval for the industrial subdivision is able to proceed.

It should be noted that this assessment did not include the land proposed for the exit onto Yass Valley Way. As such, removal of any vegetation that is not approved under Consent No DA145283 requires the Applicant to demonstrate compliance with the *Biodiversity Conservation Act 2016* and *Environmental Protection & Biodiversity Conservation Act 1999*. This requirement can be included in any Consent that may issue.

6.6 Traffic Safety and Access

The site is effectively surrounded by three roads. Access to the site is via two new roads off a fourth leg to the existing roundabout on Yass Valley Way. In relation to traffic, the main concern for the proposed development is the capacity of the existing roundabout to accommodate the potential cumulative traffic generation by the proposed highway service centre and the industrial subdivision.

The north south road (along eastern site frontage) will allow traffic to enter the site from the fourth leg of roundabout on Yass Valley Way whilst a new east west road (along southern site frontage) will provide an additional access opportunity particularly for heavy vehicles. The proposed development separates heavy and light vehicle movements as far as practicable. This will assist in achieving efficiency of the access arrangement and internal safety. The proposal involves construction of five driveways/vehicular access points.

The entry driveway on the eastern site frontage is for use by all types of vehicles. This entry driveway provides vehicle types to split internally to gain access to the car fuel canopy and associated convenience store parking, the coach and service bays, the heavy vehicle diesel canopy and the truck parking area. An exit driveway north of the abovementioned driveway provides exit for cars and car/caravan.

Two combined entry-exit driveways on the southern site frontage are proposed for use by all truck types, providing exit movements from the diesel canopy and coach/service lane as well as the truck access to/from the truck parking area.

To alleviate traffic congestion at the roundabout and in the event of any delays or incident at the roundabout, the proposal involves a heavy vehicle, left turn exit only access directly on to the Yass Valley Way. This will potentially minimise the light and heavy vehicle interactions at the roundabout. This exit driveway to Yass Valley Way includes an acceleration lane. A median will be provided to ensure separation of the merge lane and Yass Valley Way pavements and preventing vehicles turning right. A swept path analysis is required to be submitted to demonstrate the longest vehicle accessing the site can be accommodated within the proposed acceleration lane.

6.7 Car Parking

A total of 95 car parking spaces are provided comprising of:

- 64 general car parking spaces
- 10 staff carpark spaces
- 6 trailer spaces
- 2 spaces for loading/unloading/service vehicles
- 2 coach parking spaces
- 10 spaces for B Doubles
- 3 spaces for A Doubles

The Traffic Impact Assessment indicates that the internal car park generally complies with the requirements of AS 2890 – Off-Street Car Parking.

Appropriate conditions can be included in any Consent that may issue to ensure that:

- Car parking and vehicular manoeuvring areas being designed in accordance with AS 2890 “Off-Street Car Parking” and “Off Street Commercial Vehicle Facilities”
- The proposed off street parking includes disabled car parks
- All car park dimensions are in accordance with AS 2890.1:2004
- The various entries and exits are signposted to regulate traffic
- Parking facilities are to be provided for service vehicles
- The car parking areas are to allow all vehicles enter and exit in a forward direction

6.8 Economic and Social Impacts

No significant adverse economic and social impacts are anticipated as a result of the proposed development.

The major benefits that arise from the proposed development include:

- Creation of local employment opportunities
- Provision of efficient service facilities that meet the needs of motorists/tourists
- Encourage rest stops for motorists (particularly those travelling along the Hume highway)

6.9 Advertising Signs

The Applicant has proposed a mix of flush wall signs and branding on building facades and three large freestanding pylon signs 20m, 12m and 9m high for the highway service centre tenancies. *State Environmental Planning Policy 64 – Advertising and Signage* (SEPP 64) requires concurrence of Transport for NSW (TfNSW) for all signs within 250m of a classified road and higher than 8m.

TfNSW initially criticised the assessment against the criteria in the SEPP submitted with the application. Following submission of revised information TfNSW has now provided concurrence subject to conditions for any Consent that may issue.

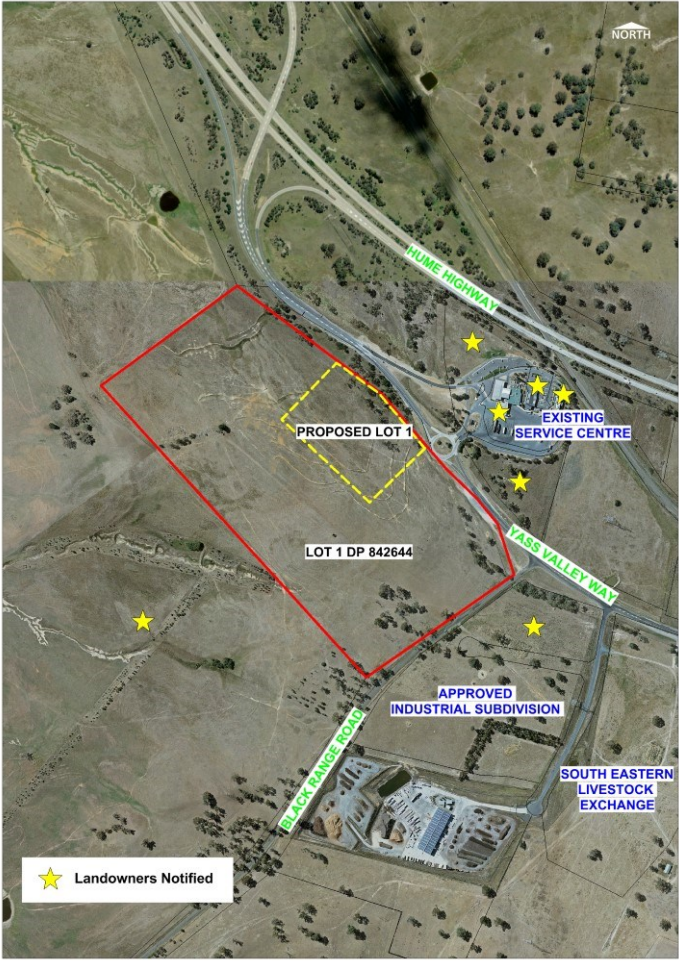
7. Conclusion

From the assessment of the proposal and the consideration of the issues raised in the submissions it is recommended that a deferred commencement consent be issued. Draft conditions are included as **Attachment E**.

STRATEGIC DIRECTION

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

ATTACHMENTS:	A. Locality Plan ↓
	B. Plans ↓
	C. Submissions ↓
	D. Additional Information and Response to Submissions ↓
	E. Draft Conditions ↓



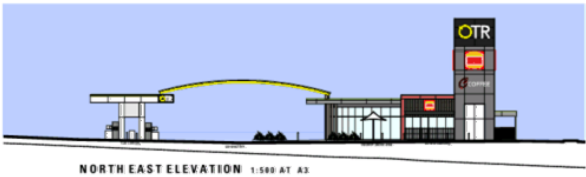
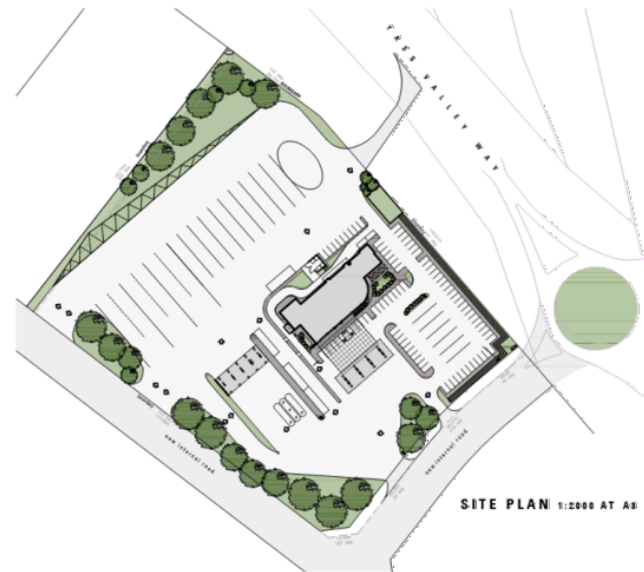


15.04.20
19/JN1361/SK00a

OTR YASS
YASS VALLEY WAY, YASS NSW

DEVELOPMENT APPLICATION

ADS Architects
93 Gilles Street Adelaide 5000 T:82232244



ADS
93 Gilles Street Adelaide
South Australia 5000
Telephone: 08 8223 2244
admin @ adsarchitects.com.au

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DO NOT SCALE FROM DRAWINGS

DRAWING REVISIONS			No.	Date	Revision
A	15.05.20	DA ISSUE			

Status
DEVELOPMENT APPLICATION
Drawn by
Authorised for issue
15.05.20

Client
PC INFRASTRUCTURE
Project
OTR YASS
YASS VALLEY WAY, YASS NSW

Drawing Title
NOTIFICATION PLAN
Dwg. No. **19/JN1361/NP01** Rev **A**



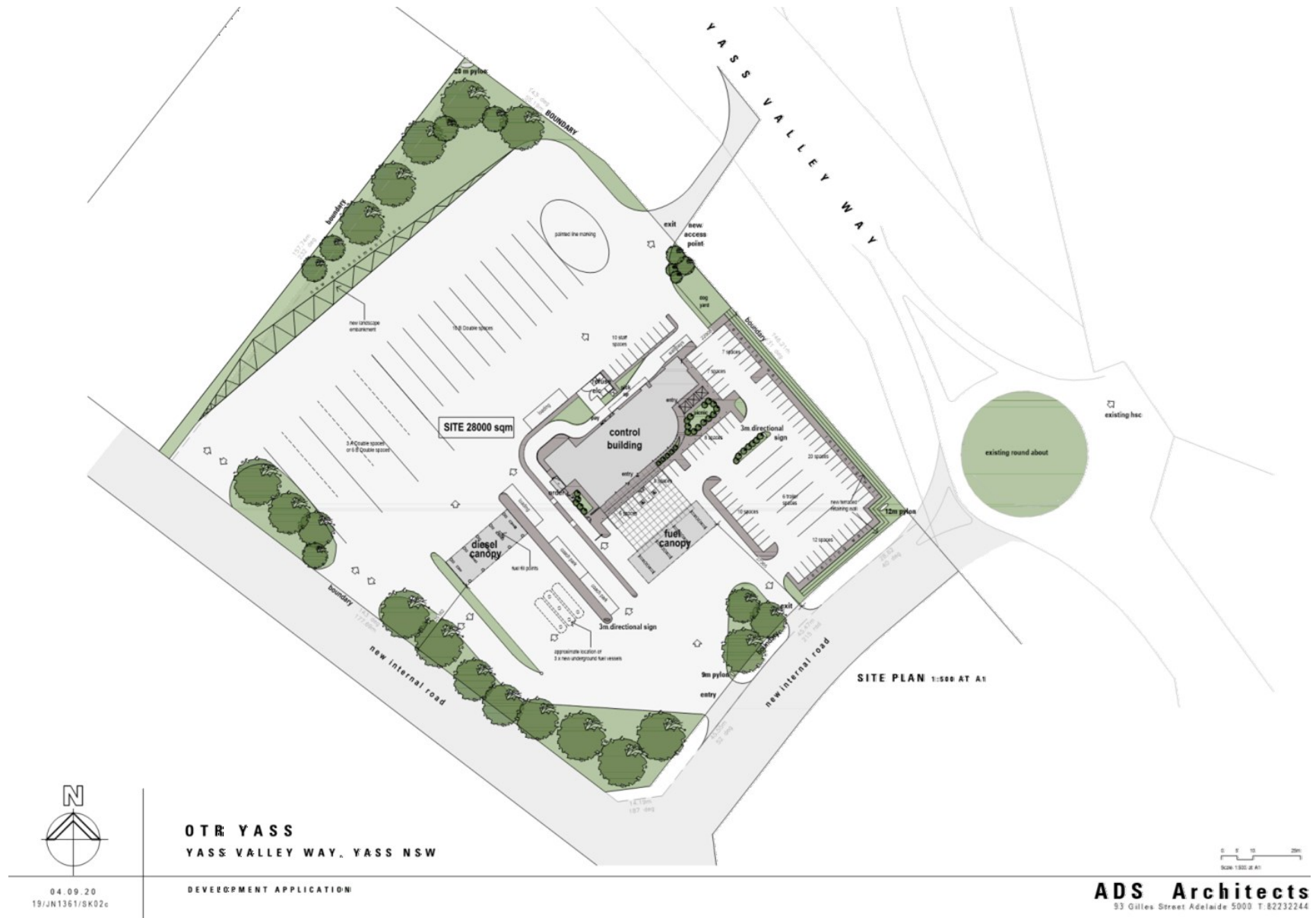
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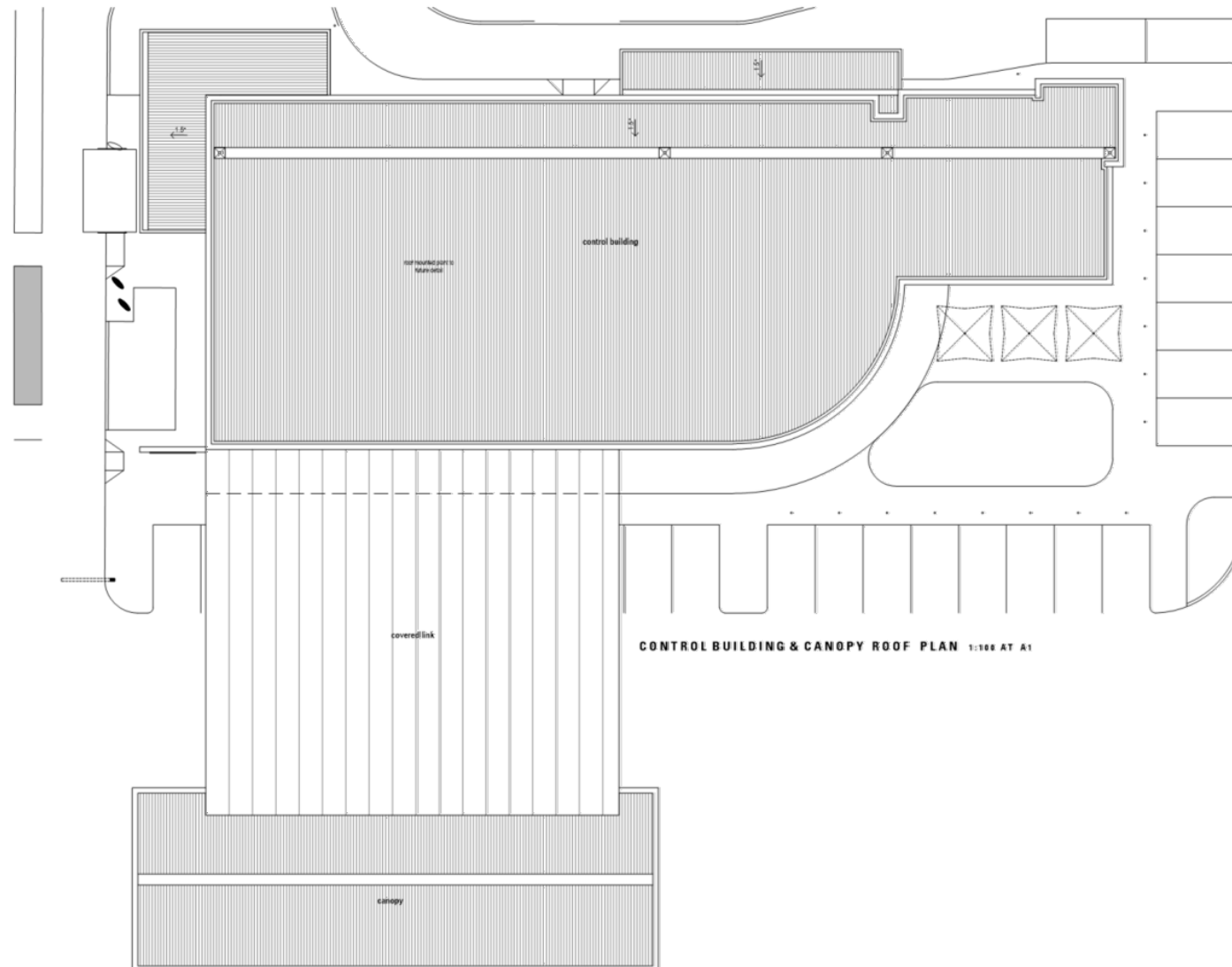
OTR YASS
YASS VALLEY WAY, YASS NSW

DEVELOPMENT APPLICATION:

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ADS Architects
93 Gilles Street Adelaide 5000 T:82232244





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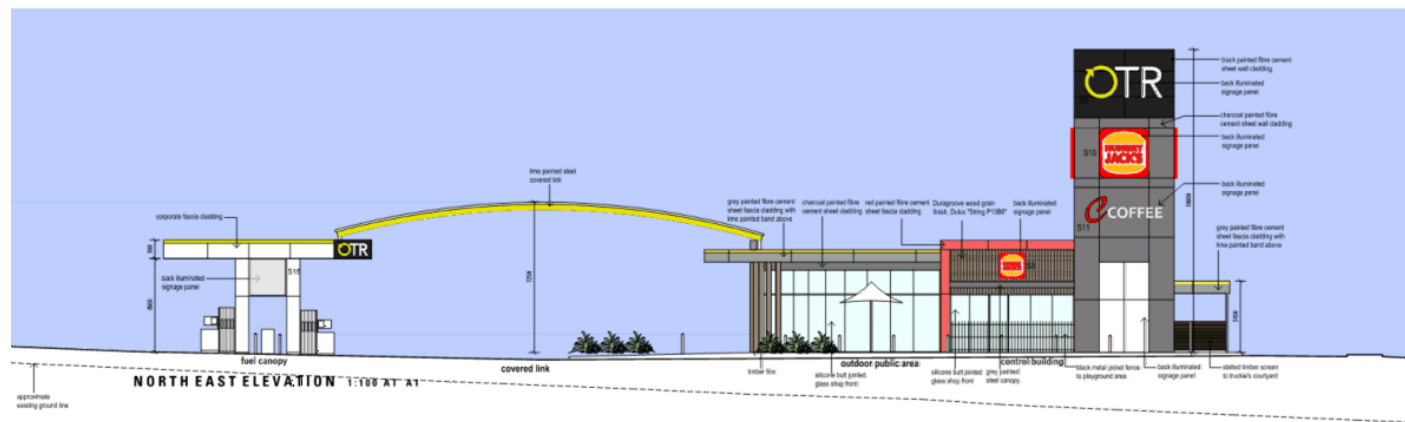
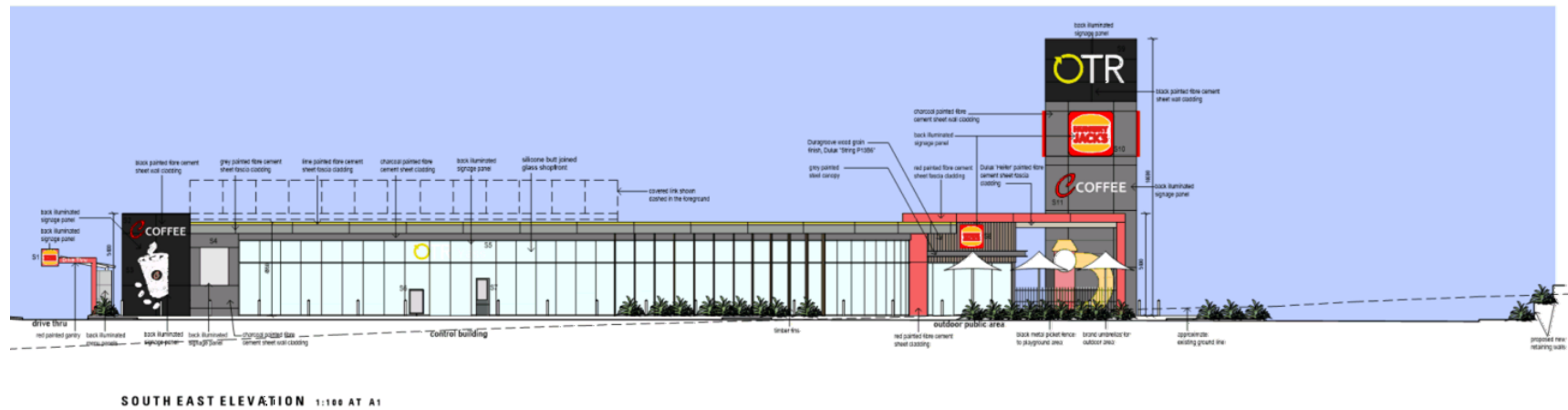
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YASS VALLEY WAY, YASS NSW

DEVELOPMENT APPLICATION:

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93 Gilles Street Adelaide 5000 T:82232244

6.3 Development Application No. DA165280 - Highway Service Centre, Yass Valley Way, Yass
Attachment B Plans



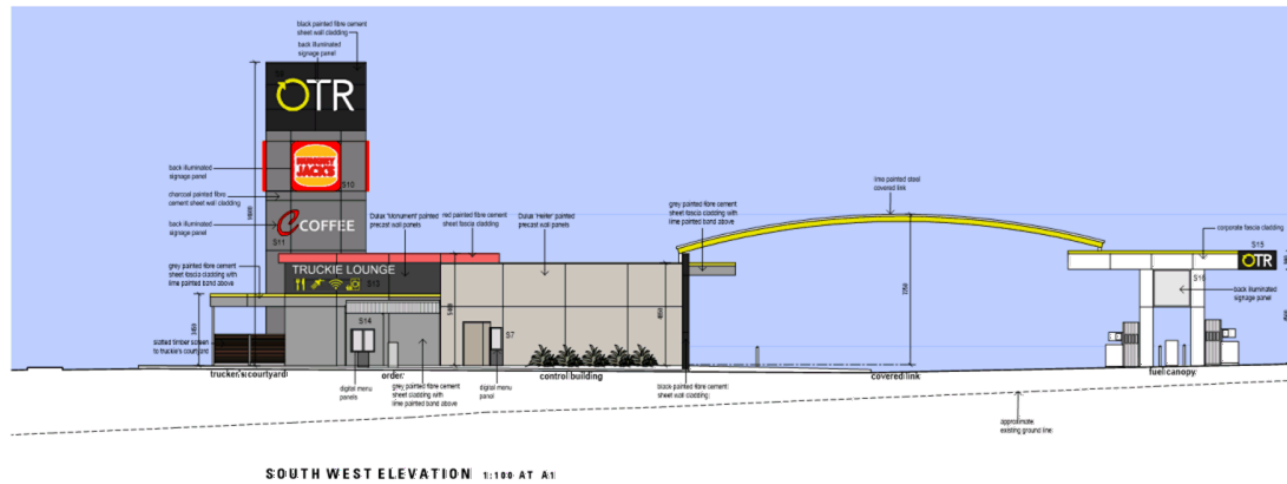
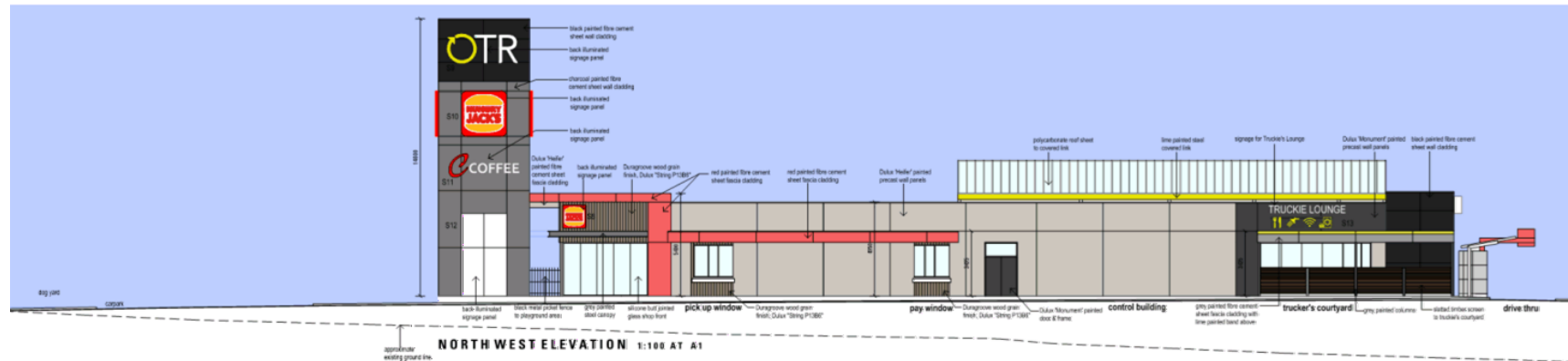
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YASS VALLEY WAY, YASS NSW

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DEVELOPMENT APPLICATION

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ADS Architects
93 Gilles Street Adelaide 5000 T: 82232244



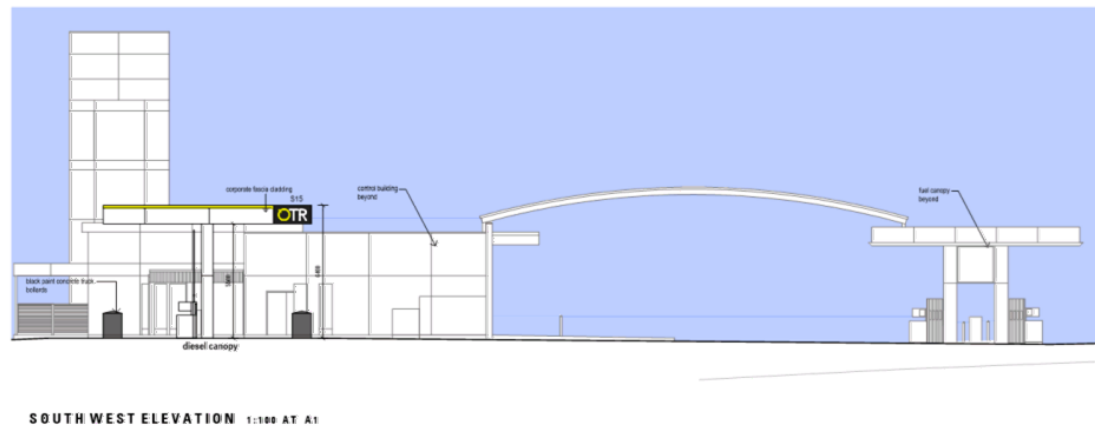
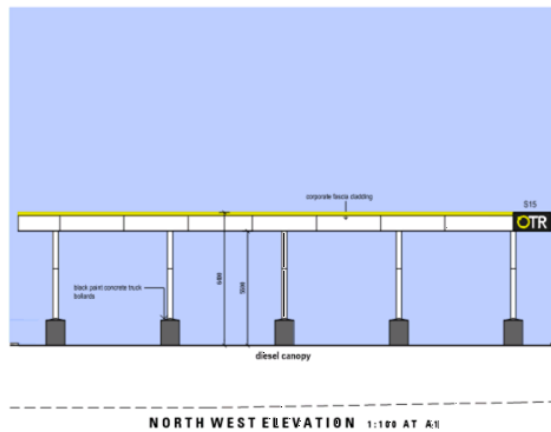
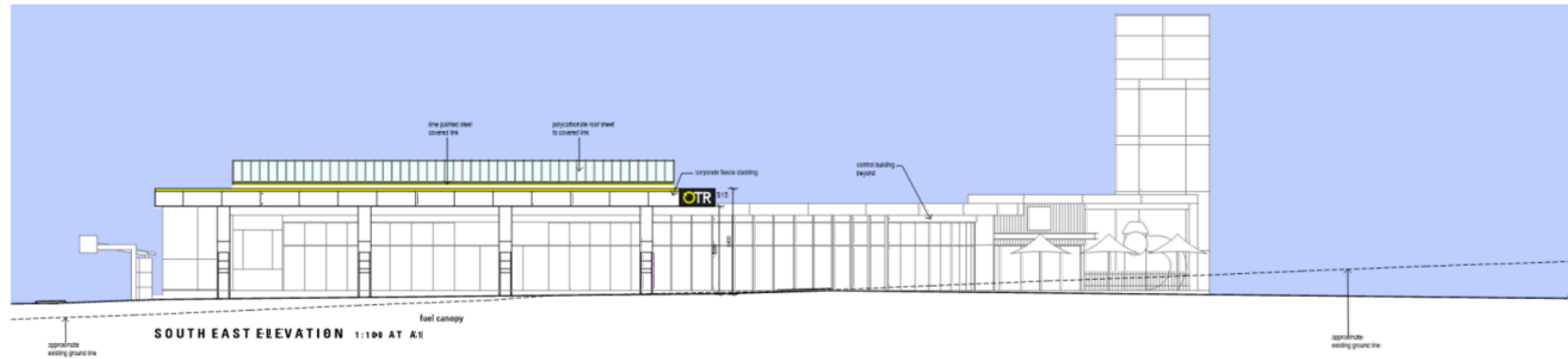
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YASS VALLEY WAY, YASS NSW

DEVELOPMENT APPLICATION

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ADS Architects
93 Gilles Street Adelaide 5000 T: 82232244

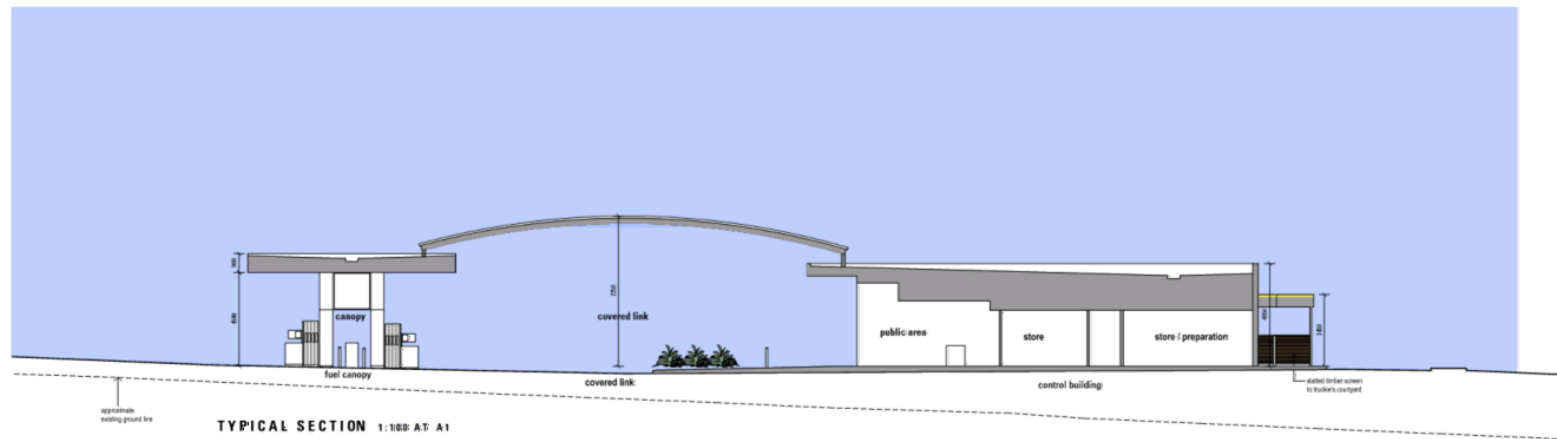


OTR YASS
YASS VALLEY WAY, YASS NSW

DEVELOPMENT APPLICATION:

15.05.20
19/JN1351/SK07

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ADS Architects
93 Gilles Street Adelaide 5000 T:82232244



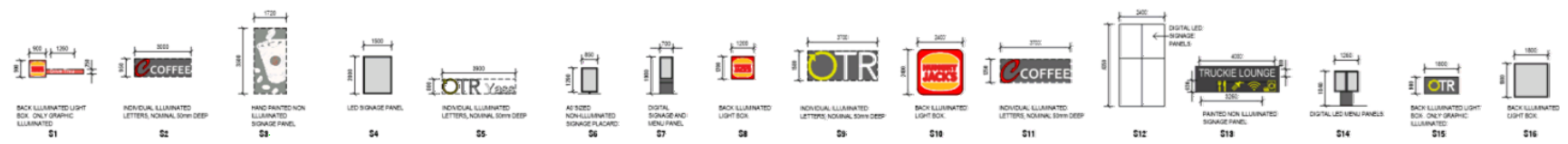
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YASS VALLEY WAY, YASS NSW

DEVELOPMENT APPLICATION

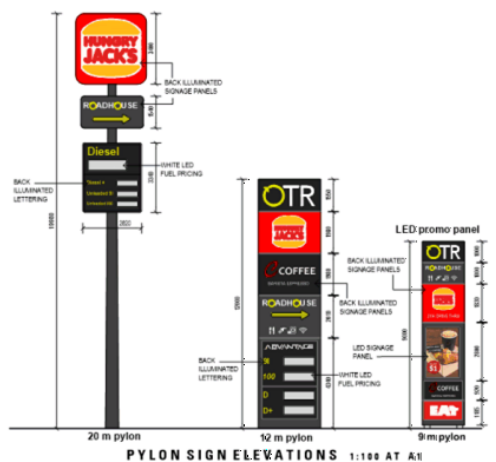
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ADS Architects
93 Gilles Street Adelaide 5000 T: 82232244



SIGNAGE ELEVATIONS
1:100 AT A1



PYLON SIGN ELEVATIONS 1:100 AT A11

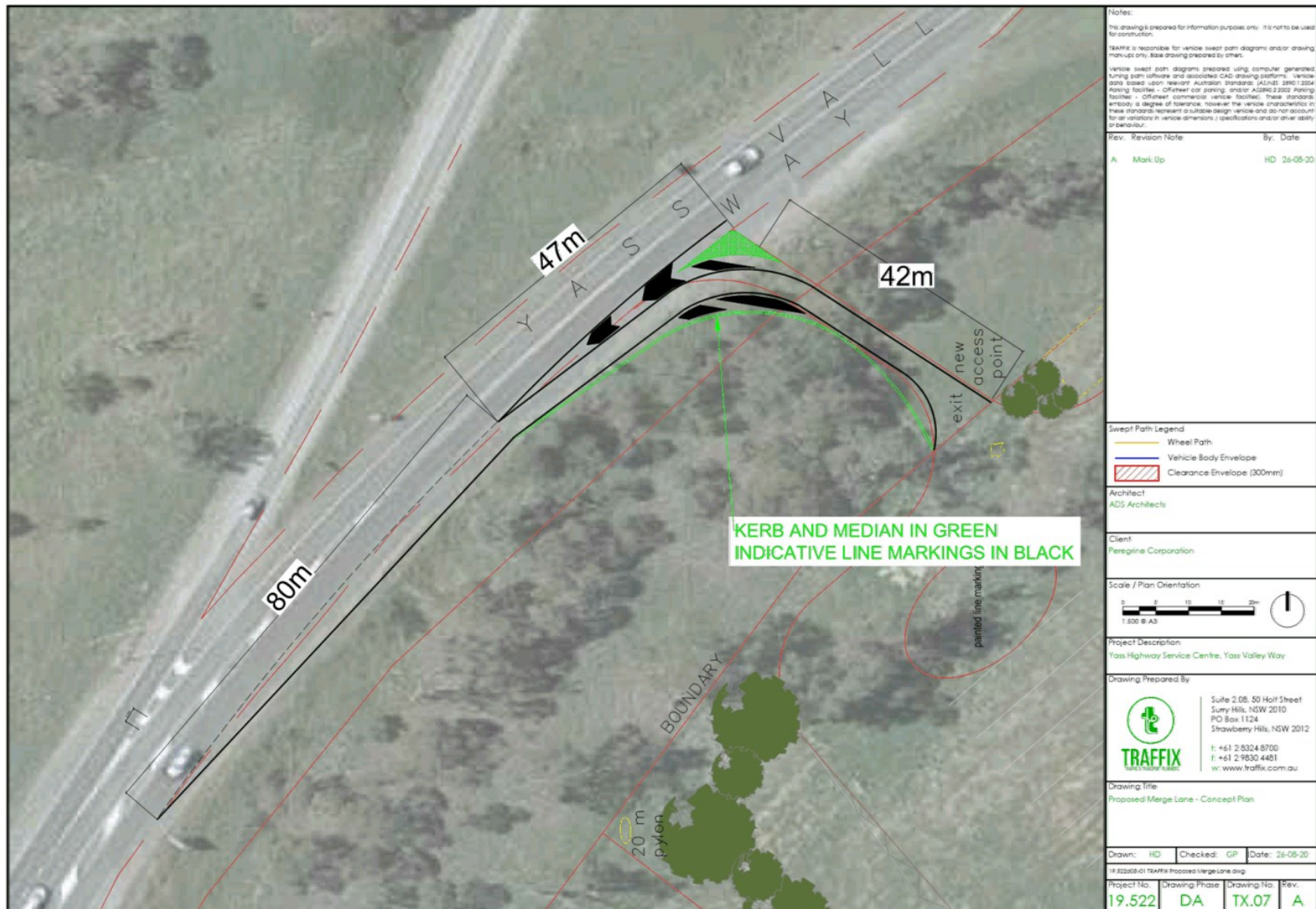
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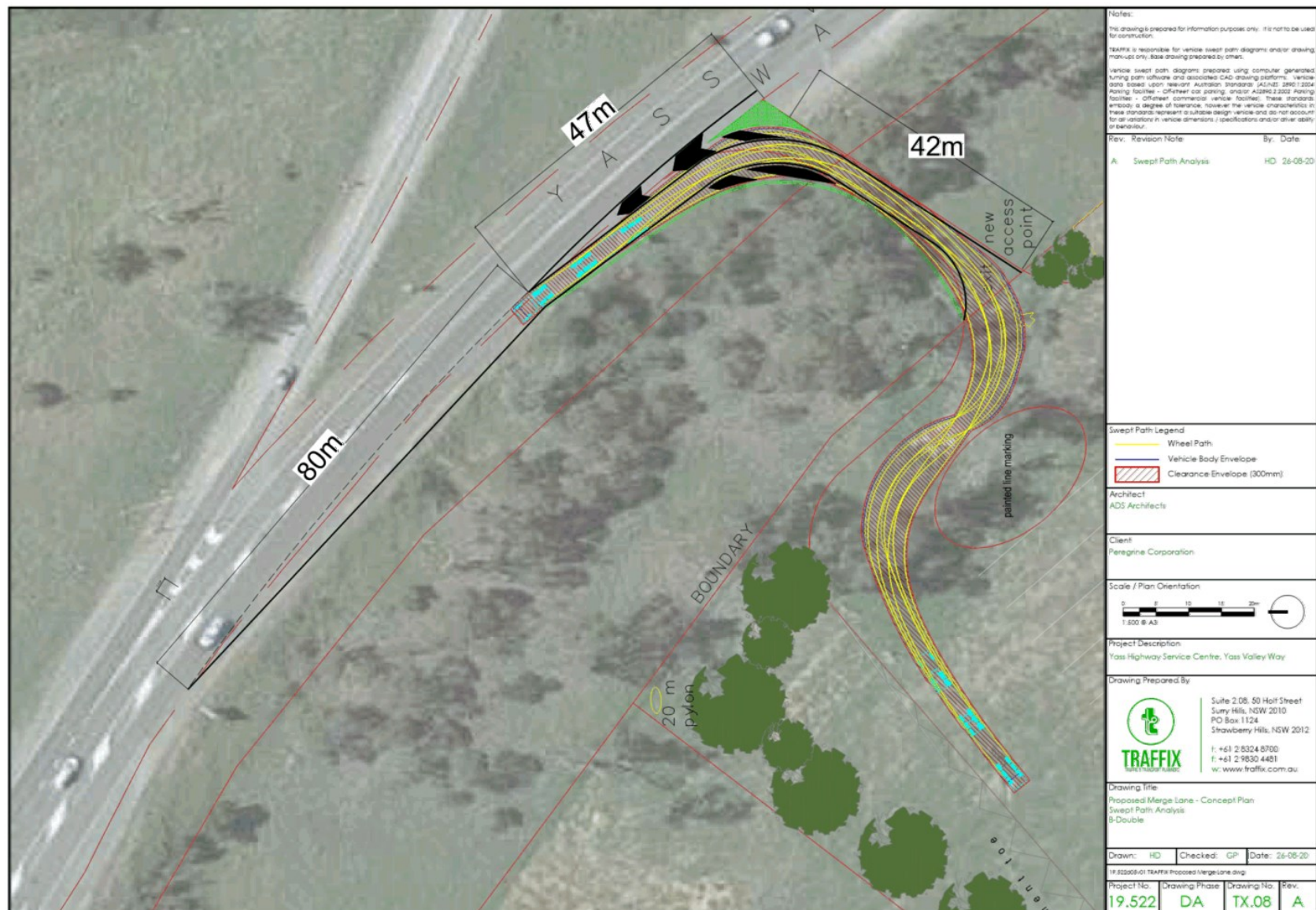
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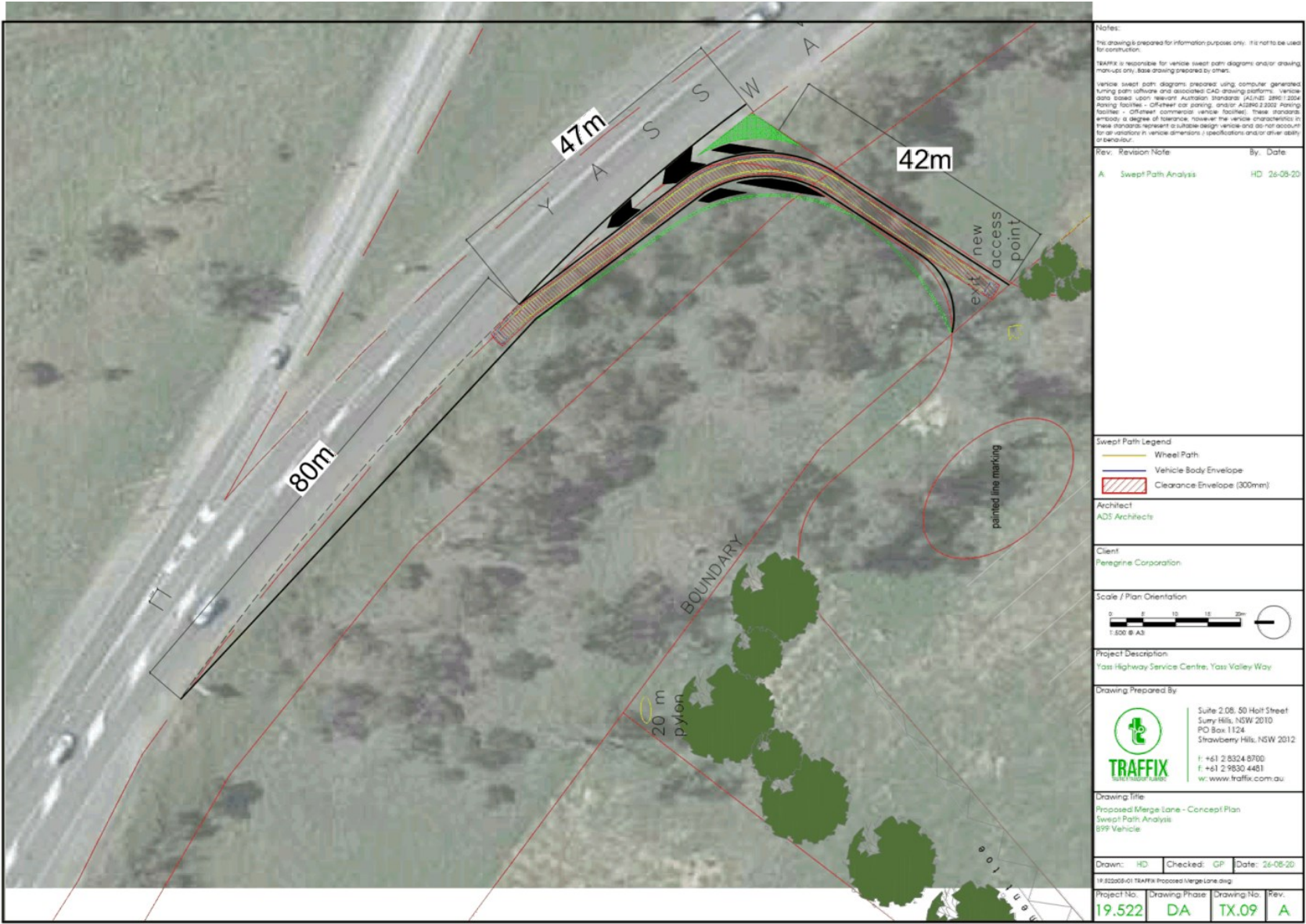
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Scale 1:100 (ELEV)
ADS Architects
93 Gilles Street Adelaide 5000 T:82232244

6.3 Development Application No. DA165280 - Highway Service Centre, Yass Valley Way, Yass
Attachment B Plans













To The General Manager
Yass Valley Council
P.O. Box 6
YASS NSW 2582

Dear General Manager,

RE: DA165280 – Yass Valley Way, YASS

As the landholders around the proposed service Centre we request a security fence to be erected around the service centre to protect our livestock. As I am sure you can understand this is our livelihood which we need to protect from not only dog attacks but also bio-security threats. We would also ask that all future developments in this industrial park have adequate protective fencing and that the fences are maintained to a high standard throughout the future.

On our property below the proposed Service Centre is the catchment area for the Derrengullen Creek which is the major water supply for the stock located in this area. Could you please ensure that there is a suitable waste management system in place to avoid any run off, spillages or overflow entering and contaminating our water supply. As stated above our stock is our livelihood.

Regards,

Muzaffar Rubbani

From:
Sent:
To: YVC Customer Service Team
Subject: Construction of Service Station south of Yass NSW - DA165280

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

ATTENTION: Muzaffar Rubbani

Dear Mr Rubbani,

I refer to the above project and our recent conversation regarding this project.

This project is being constructed on the Traditional lands of the Ngunawal people and as a Traditional owner from the Ngunawal people, I request an Aboriginal Cultural Heritage Assessment (ACHA) be conducted in order to support the current Development Application (DA165280).

I further request this Aboriginal Cultural Heritage Assessment application be facilitated by the relevant government body, that being Heritage NSW.

Thanking You

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ABN 61 148 085 492

Suite 2B, 125 Bull St
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Our ref: 19405

07 September 2020

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

Attention: Muzaffar Rubbani

Dear Muzaffar,

RE: Request for Further Information and Response to Submissions for DA165280 Seeking the Construction of a Highway Service Centre located at Lot 1 DP842644 NSW 2582

This correspondence has been prepared by KDC Pty Ltd (KDC) on behalf of PC Infrastructure Pty Ltd in relation to the proposed Highway Service Centre located at Yass Valley Way, Yass NSW 2582 (Lot 1 DP842644). This letter provides a response to the issues raised in the submissions received during the notification period, as well as further information as requested via email on 28 July 2020.

Request for Further Information

Council have highlighted concerns, which are summarised and responded to below:

- + *Due to scale of the proposed advertising signs and their potential distraction to the motorists it is requested to submit a detailed assessment under the provisions of SEPP 64 – Advertising Signage for each sign including photomontages.*

Comment: See Enclosure A for an updated SEPP 64 assessment and associated panoramic photos, photomontage and updated plan.

- + *An assessment of the proposed location of the 12m sign in close proximity to the existing roundabout with consideration of the road safety criteria outlined in Chapter 3 of the Transport Corridor Outdoor Advertising and Signage Guidelines (see attached). TfNSW has not supported the location of 12m sign at the roundabout for road safety reasons*

Comment: The location of the 12m pylon sign has been re-located 5m further distancing itself from the roundabout. Yass Valley Way is not a classified road, and as per the photomontage representation, the 12m signage is not particularly visible from the Hume Highway. It is considered that the updated SEPP 64 which addresses the 12m pylon sign separately is considered appropriate for its location within a newly approved industrial subdivision which will accommodate an abundance of industrial/commercial uses. Refer to Enclosure A for an updated SEPP 64 assessment and associated panoramic photos and photomontage.

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- + *Concept design for the proposed intersection of the exit driveway to the Yass Valley Way with an acceleration lane in accordance with the Austroads Guide to Road Design. The intersection shall also be designed to deny right turn to Yass Valley Way and to the western access driveway to the existing service centre located on the northern side of Yass Valley Way.*

Comment: A concept plan has been prepared by Traffix. The lane provides the minimum 80m taper in accordance with AUSTROADS with a 99m long full width lane from the property boundary. A median is provided to ensure separation of the merge lane and Yass Valley Way and prevent vehicles turning right. The swept path analysis demonstrates that B99 and a B-Double vehicles can be accommodated within the proposed lane. In addition, indicative line mark of the lane is also provided. For details of the concept plan, refer to Enclosure B.

- + *Details be provided relating to how due diligence has been undertaken to consider whether or not the proposed development will harm any Aboriginal sites or objects. Please note that under the National Parks and Wildlife Act 1974 and Regulation 2009 it is required to make all reasonable efforts to determine whether the proposed activities will harm Aboriginal objects or harm landscape features that are likely to contain Aboriginal objects.*

The Due Diligence Code of Practice for the Protection for Aboriginal Objects in New South Wales
can be used to determine whether or not Aboriginal objects will be harmed by the proposed development and to determine whether further assessment is required.

Comment: On the 18 August 2020 KDC submitted to Council an Aboriginal and Historical Cultural Heritage Due Diligence Assessment prepared by Past Traces Heritage Consultants for the land adjacent to the subject site Lot 34 DP 871286 Yass Valley Way, Yass NSW 2582. On 20 August KDC had a phone conversation with Council (Muzaffar Rubbani), seeking confirmation that no further report was required to be undertaken. Council advised verbally that the due diligence report provided will satisfy the request for further information dated 28 July 2020.

KDC have previously indicated that it is surprising that we've reached the stage of individual DA proposals for individual lots within an industrial subdivision, based on a very recent rezoning/planning proposal and to date, Council has not indicated how the indigenous heritage due diligence was considered in those previous determinations. Notwithstanding, we are confident and comfortable that the attached document achieves the intention set out in Council's RFI letter of 28 July 2020.

KDC are of the view that this Due Diligence Report adequately addresses the required information for an Indigenous heritage review and makes appropriate and reasonable recommendations. KDC agree with these recommendations and would be prepared to accept that these are conditions of consent for the associated Development Application.

Refer to Enclosure C for the Aboriginal and Historical Cultural Heritage Due Diligence Assessment.

Response to Submissions

Council have advised that two (2) submissions were received following the notification of the application raising concerns. KDC have compiled a list of issues raised in these submissions, these are addressed below:

Aboriginal Cultural Heritage Assessment

As the application is proposed on the Traditional Lands of the Ngunawal people, a traditional land owner has requested that an Aboriginal Cultural heritage Assessment be undertaken.

Comment: As above. Refer to Enclosure C for the Aboriginal and Historical Cultural Heritage Due Diligence Assessment.



Fencing + Waste Management

Fencing has been requested to be erected around the proposed highway service centre and future development to protect livestock

Suitable waste management systems have been requested to mitigate run off, spills or overflow, potentially contaminating the local water supply

Comment: It is considered that the erection of fencing around the subject site and future developments within the area of the approved parent subdivision (DA 5.2014.283) is considered unnecessary and unreasonable. The proposed highway service centre has proposed site landscaping internal to the site and along the site boundaries to screen the site appropriately. It is expected that the industrial park which comprises of the subject site, will provide density over time, mitigating any issues of livestock entering the sites.

Onsite treatment is proposed for stormwater runoff to mitigate any adverse downstream impacts. All stormwater runoff from the operational apron/forecourt areas and fill point will be treated through the proposed SPEL Purceptor (or approved equivalent) to provide the separation of hydrocarbons from the stormwater. The SPEL system collects polluted stormwater and separates pollutants from water before discharging into the stormwater system. All erosion and sediment control measures will be constructed, placed, and maintained in accordance with the 'blue book' (managing urban stormwater – soils and construction, Landcom, 2004 manual) and as shown on the proposed Erosion and Sediment Control Plans prepared by Northrop.

In addition, prior to the operation of the highway service centre a network of groundwater wells must be installed, maintained and monitored in accordance with Appendix B of the DECCW (2008) *Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*² (or the prevailing revision – due 2020).

Conclusion

Overall, it is concluded that the issues raised by Council and in submissions received have been adequately addressed or can be addressed via the continued implementation of the Plan of Management which supports DA165280.

We trust that the information provided is sufficient however, if any clarification is needed or you require further information, please contact our office on (02) 4940 0442 and we will provide the additional information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'MK' followed by a stylized flourish.

Mitchell Kennedy
Town Planner
KDC Pty Ltd

Enclosures

Enclosure A – Updated SEPP 64, Photomontage and Site Plan

Enclosure B – Concept Plan – Proposed Intersection

Enclosure C – Aboriginal and Historical Cultural Heritage Due Diligence Assessment

Draft Conditions - DA165280

PART A – DEFERRED COMMENCEMENT CONDITIONS – Conditions concerning matters as to which the Council must be satisfied before the consent can operate and before the Conditions in Part B to Q can apply

- (1) The consent does not operate until Council is satisfied as to the matters relating to Conditions 2, 3, and 4 inclusive in Part A and no use of the site is to physically commence in respect of the highway service centre development until such time as Council has notified the applicant in writing that these conditions have been satisfied and the date from which this consent operates.
- (2) Evidence is to be provided to Council indicating satisfactory provision of infrastructure/services/utilities for proposed Lot 1 of the subdivision of Lot 1 DP 842644 & Lot 34 DP 871286 (DA145283).

Note: No construction in relation to DA165280 can be approved until water, sewer, stormwater and all other services to the proposed highway centre are available and the details of the service connections are known.

- (3) Evidence is to be provided to Council indicating that the final subdivision plan (linen plan) relating to Development Consent No. DA145283 (as amended) has been registered with the NSW Land Registry Services.
- (4) Details shall be submitted to Council demonstrating removal of vegetation is restricted to that vegetation which was approved under DA145283 (as amended).

Clearing beyond what was approved under DA145283 (as amended) needs further assessment under the *Biodiversity Conservation Act 2016* and *Environmental Protection and Biodiversity Conservation Act 1999*. The Applicant is to suitably demonstrate that the proposed development does not trigger entry into the Biodiversity Offset Scheme under the *Biodiversity Conservation Act 2016*. Should the proposed development triggers entry into the Biodiversity Offset Scheme, a Biodiversity Development Assessment Report shall be submitted to Council and modification of Development Consent is to be sought.

- (5) The period within which the applicant is to produce evidence to the Council sufficient enough to enable it to be satisfied as to the submission and approval of the information required by **conditions 2, 3, and 4** is 12 months from the date of determination of the development application to which this consent relates.

PART B - 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) 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) Work on any building shall not commence until a Building 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.

- (4) An Engineering Construction 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.
- (5) All engineering design and construction work shall be undertaken in accordance with the following, current at the time of the Engineering Construction Certificate being issued:
- Council's Road Standard Policy RD-POL-09,
 - Council's Design and Construction Specification – AUS-SPEC #1,
 - Australian Standards,
 - AustRoads,
- (6) 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.
- (7) The colours and external materials used are to be compatible with those of existing development in the locality.

Note: Zincalume is not permitted to be used for roof or wall panels.

- (8) 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*.
- (9) Landscaping must be completed in accordance with the approved landscaping plan and maintained to the satisfaction of Council at all times.
- (10) The earth works shall not redirect the flow of any surface water or groundwater or cause sediment to be transported onto adjoining properties or public roads.
- (11) 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.
- (12) All adjustments to existing utility services whether caused directly or indirectly by this proposed development are to be undertaken at the developer's expense.
- (13) The removal of any vegetation that is not approved under Development Consent DA145283 (as amended) requires consent of Council under the provisions of *Biodiversity Conservation Act 2016*.

- (14) All waste generated by the development is to be disposed of at an approved waste management facility or premises lawfully permitted to accept such materials in a timely manner.

- (15) Any Archaeology object discovered during excavation having interest due to its age or association with the past is uncovered during the course of the work:

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.

- (16) If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- (a) all excavation or disturbance of the area must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

PART C - PRIOR TO ISSUE OF BUILDING CONSTRUCTION CERTIFICATE

- (1) Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, a monetary contribution of **\$45,000.00** shall be paid to Council prior to issue of Building Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the *Draft Yass Valley Section 7.12 Contributions Plan 2018* based on 1% of the estimated construction cost of \$4,500,000.00 and will be adjusted at the time of payment in accordance with the changes in Consumer Price Index (CPI) for Sydney.
- (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) Plans, specifications and specialist reports demonstrating compliance with the National Construction Code (NCC) /Building Code of Australia (BCA) are to be submitted to and approved by the Principal Certifier prior to the issue of a Construction Certificate.
- (4) Fully dimensioned and detailed construction drawings shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate. Drawings shall include a window and door schedule.
- (5) Structural drawings prepared by a suitably qualified and experienced Structural Engineer shall be submitted to and approved by the Principal Certifier prior to the issue of a Construction Certificate.

Unless otherwise approved by the Principal Certifier, the plans shall detail:

- (a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas where applicable);

- (b) Footings of the proposed structure;
 - (c) Structural steel wall frames, roof framing members, beams, columns, bearers, joists and wall/roof bracing (as applicable to the development);
 - (d) Roof framing members;
 - (e) Hold-down/connection details;
 - (f) Wall and roof bracing details;
 - (g) Retaining Walls.
- (6) Plans and calculations prepared by a suitably qualified and experienced hydraulic engineer shall be submitted to and approved by the Principal Certifier for all essential fire safety services that rely on a reticulated water supply (i.e. Fire Hose Reels/Fire Hydrants/Sprinkler Systems etc.) prior to issue of the Construction Certificate.

Where compliance with the deemed to satisfy provisions of the NCC/BCA is proposed these plans and calculations shall demonstrate compliance with the requirements of the relevant Australian Standards.

New water main connections can only be carried out by Council. A separate application to Council's Water and Sewer Department is required. Fees and waiting times apply.

- (7) Prior to issue of a Construction Certificate, detailed plan(s) are to be submitted to and approved by Council's Environmental Health Officers indicating compliance with AS 4674-2004 and Safe Food Australia Food Safety Standard 3.2.3 and also in conjunction with the *Food Act 2003* & *Food Regulation 2015*. The plan(s) shall include but not limited to details of:
- Solid wall construction;
 - Wall, floor and ceiling finishes (note: no architraves or skirting boards);
 - Location of all sinks and hand basins, including details of hand basin operation (to be 'hands free' using knee pad, wand or sensor/type)
 - Details of wall/floor coving;
 - Proposed Equipment/fittings layout/materials and installation construction (note: 150mm legs, castors and plinths may be used)
 - Location and provision of a cleaners sink with hot and cold water.
 - Details of compliance with Mechanical Ventilation AS 1668.2012 in regard to exhaust systems.

Note: A meeting can be arranged with Council's Environmental Health Officers to discuss plans and or Construction details.

PART D - PRIOR TO ISSUE OF ENGINEERING A CONSTRUCTION CERTIFICATE

- (1) A Certificate of Compliance shall be obtained for the augmentation of Council's water supply system under section 305 *Water Management Act 2000*. The fee for the Certificate of Compliance is **\$215,933.86**.

It should be noted that:

- The total fee is based on a 15.01 ET unit increase in demand.
- The unit increase has been calculated based on the NSW Water Directorate Guidelines and information provided by the applicant.

- In accordance with Council's Policy, *Water Supply and Sewerage Contributions*, the fee has been calculated on a base rate of \$14,386.00.00 per unit.
- Deferred payments can be made upon the registration of a Voluntary Planning Agreement which provides for such arrangements.
- The base rate utilised above was the rate applicable at the time the application was determined.
- The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined.
- The base rate per connection may vary over time.
- Compliance under Section 305 does not include the physical installation of any infrastructure.

Please contact Council's Manager Water and Wastewater on council@yass.nsw.gov.au or 6226 1477 for further information.

- (2) A Certificate of Compliance shall be obtained for the augmentation of Council's sewer system under section 305 *Water Management Act 2000*. The fee for the Certificate of Compliance is **\$147,763.05**.

It should be noted that:

- The total fee is based on a 22.17 ET unit increase in demand.
- The unit increase has been calculated based on the NSW Water Directorate Guidelines and information provided by the applicant.
- In accordance with Council's Policy, *Water Supply and Sewerage Contributions*, the fee has been calculated on a base rate of \$6,665.00 per unit.
- Deferred payments can be made upon the registration of a Voluntary Planning Agreement which provides for such arrangements.
- The base rate utilised above was the rate applicable at the time the application was determined.
- The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined.
- The base rate per connection may vary over time.
- Compliance under Section 305 does not include the physical installation of any infrastructure.

Please contact Council's Manager Water and Wastewater on council@yass.nsw.gov.au or 6226 1477 for further information.

- (3) Engineering drawings associated with the drainage of sewer shall be prepared by qualified designers and submitted to Council for approval.

The drawings shall address the following details as a minimum:

- Internal sewer system shall be designed and installed to discharge to Council's sewer connection point with appropriate boundary riser and inspection point.
- All liquid trade waste discharge to Council sewer shall comply with the requirements of "NSW Liquid Trade Waste Discharge Guidelines 2009" and its updates.
- Internal sewer system design and layout shall incorporate pre-treatment requirements.
- Each Fast Food Outlet shall have separate Grease Arrestor (minimum 1500 L Capacity)
- Each Food outlet shall lodge Liquid Trade Waste Application. All conditions of Approval shall be complied with prior to commencing business.
- Neither surface water nor roof water shall be discharged to Council Sewer.
- Pollution from rainwater and contaminated trade wastewater shall be managed in accordance with Section 3.7 and Section 5.10 in Statement of Environmental Effects (KDC, May 2020). Storm water from fuel dispensing areas shall be treated through Class 1 oil and water separator before discharged to stormwater network. Storm water whether treated or untreated MUST not be designed to be discharged into the Council Sewer System.

- (4) Engineering drawings associated with the supply of water shall be prepared by qualified designers and submitted to Council for approval.

The drawings shall address the following details as a minimum:

- Internal water reticulation shall be designed and installed in accordance with relevant National Plumbing Code to meet the demand and pressure.
- Size of Bulk Water Meter shall be specified by the designer. Council will install the bulk water meter close to the street boundary. Cost shall be borne by Developer.
- Council will neither install nor maintain any water meters for individual businesses operating within the premises.
- A testable RPZD (Reduced Pressure Zone Device) shall be designed and installed downstream of the Bulk Water Meter and at 300mm above ground in accordance to National Plumbing Code.
- Fire services shall be designed by qualified designers. Satisfactory arrangements shall be made to meet all required fire demands. If necessary, an adequately sized water storage tank and booster pumping arrangement shall be installed).
- In-line pressure boosting is NOT permitted.
- Vehicle washing is NOT permitted in these premises.

- Use of town water supply is NOT permitted for any outdoor irrigation.
 - Rainwater Harvesting shall be considered from whole of the roof of control building (Approximately 907 square meter) and shall be used for outdoor irrigation and to meet fire demand. Proposed rainwater tank size (5kL) is inadequate shall be increased to around 80-100 kL
- (5) An application to have a metered connection 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 Fees and Charges Schedule relevant at the time of payment;
- (6) Written approval from Transport for NSW (TfNSW) shall be submitted to Council indicating compliance with the following Transport for New South Wales condition(s) as specified in Part F of the conditions of this consent:
- Part F - Condition (9)
- (7) Engineering drawings for the provision of access to the site shall be submitted to Council's Infrastructure & Assets Department for approval in accordance with:
- Council's Roads Standards Policy RD-POL-09 and
 - Council's Design and Construction Specification – AUS-SPEC #1.
 - RMS Standards
 - AustRoads

Notes:

- For each access to the site, a longitudinal cross section of the access is to be provided including any change in grades.
 - All property accesses are to be reinforced concrete designed to allow appropriate access from roads.
 - Turning templates for the largest proposed vehicle is to be provided for all access points two way access.
 - All accesses are to be appropriately signed and line marked to ensure the direction of travel is readily identified.
- (8) Engineering drawings associated with the construction of public roads shall be submitted to Council's Infrastructure & Assets Department for approval in accordance with Council's Roads Standards Policy RD-POL-09 and Council's Design and Construction Specification – Ausspec#1

Note 1: Road details are to be provided for:

- Road 1 – from the Yass Valley Way Roundabout to Road 2.
- Road 2 – from the intersection with Road 1 to the furthest northwest property boundary of the site including a cul-de-sac at this point.
- Construction of fourth leg of Yass Valley Way roundabout including details on actions taken to minimise the impact on the movement of existing traffic using the roundabout plus details of any expected delays.

Note 2: The design vehicle shall be the largest vehicle expected to enter the site. Details of the design vehicles is to be provided on drawing

Note 3: The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be provided in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and in a manner to allow all vehicles to be able to enter and exit the subject site in a forward direction. The movement paths are to be maintained free of obstructions.

Note 4: Details of the following ancillary construction works if require following ancillaries/items:

- The installation of culverts to allow the passage of stormwater under the road as required.
- Creek crossings, as required, and any associated approval/permits/licences.
- Lines and signs in accordance with RMS standards, as required.

Note 5: Except as identified in Council's Road Standards Policy or as specified by an approved Engineering Construction Certificate, the maximum additional thickness of gravel/roadbase that can be added to an existing surface of is 150mm and the road formation cannot be varied from Council's Road Standards.

Note 6: Except as identified by an approved Engineering Construction Certificate reducing the existing site levels by more than 200mm (in any section) will not be approved.

Note 7: All road accesses used by heavy vehicles that require the vehicle to turn into/out of the site at approximately 90 degrees are to have concrete pavement for the full width of the road and designed to cater for the maximum vehicle loads.

Note 8: Turning templates for the largest vehicles are to be supplied for all roads.

Note 9: During construction of the fourth leg of the roundabout VMS boards are to be used to warn motorist of delays and queuing traffic. These are to be included for the Hume Highway and will be subject to TfNSW approvals.

The required works are to be undertaken at no cost to Council.

Council is committed to the sustainable management of the environment which includes minimising the impact of road upgrades. Clause 9.5 of Council's Road Standards Policy RD-POL-9 should be considered in the preparation of engineering designs. In this regard, Council may require a *Review of Environmental Factors* (REF) to accompany the engineering drawings for consideration and approval prior to the issue of an Engineering Construction Certificate.

- (9) Engineering drawings associated with the construction of internal roads and the heavy vehicle only exit to Yass Valley Way and construction of fourth leg of Yass Valley Way roundabout shall be submitted to Council's Infrastructure & Assets Department for approval in accordance appropriate Australian Standards, AustRoads etc.

Note 1: Details of the heavy vehicle only exit to Yass Valley Way including acceleration lane and traffic management devices (lines, signs, structures etc) to prevent right hand turn onto Yass Valley Way from the exit and left turn from Yass Valley Way into this exit.

Note 2: Details of the following ancillary construction works if require following ancillaries/items:

- The installation of culverts to allow the passage of stormwater under the road, as required.
- Creek crossings, as required, and any associated approval/permits/licences.
- Lines and signs in accordance with Transport for NSW Roads & Maritime Services (TfNSW) standards, as required.

Note 3: The heavy vehicle exit to Yass Valley Way and acceleration lane are to be considered as property access points to the lot. As such the land holder is responsible for the maintenance and rehabilitation of these areas including the any lighting provided.

Note 4: Appropriate lighting is to installed on the site and the acceleration lane to ensure safe movement of vehicles and pedestrians.

Note 5: Appropriate lighting is to be installed to the heavy vehicle only exit to Yass Valley Way and acceleration lane in accordance with Transport for NSW Roads & Maritime Services (TfNSW) requirements and appropriate Australian Standards. This lighting is to be connected to the sites power supply and the land owner is responsible for all electricity costs etc.

Note 6: Turning templates for the largest vehicles are to be supplied for all areas of the site including the heavy vehicle only exit to Yass Valley Way and its acceleration lane.

Note 7: At minimum the first 20 metres of the acceleration lane from its intersection with the carriageway of Yass Valley Way is to be sealed.

Note 8: The heavy vehicle only exit to Yass Valley Way and acceleration shall not extend further to the west than the eastern most part of the intersection of the Yass Valley Way and the existing western most driveway to the Yass Valley Service Centre development located on northern side of Yass Valley Way on Lot 2 DP 852715.

Note 9: The appropriate direction of travel is to signed and line marked through-out the site

The required works are to be undertaken at no cost to Council.

- (10) Engineering details of site lighting and lighting for the heavy vehicle only exit to Yass Valley Way and acceleration lane shall be submitted to Council's Infrastructure & Assets Department for approval in accordance TfNSW (RMS) requirements and Australian Standards.

Note: Spill diagrams are to be provided.

- (11) Engineering drawings associated with the drainage of stormwater shall be submitted to Council's Infrastructure & Assets Department for approval in accordance with Council's Stormwater Policies and Design and Construction Specification – Ausspec#1

Note 2: Road 1 and 2 are to be construction with standard upright concrete kerb.

Note 3: Specific details are to be supplied of how the stormwater is to be managed at the roundabout.

Note 4: The stormwater system shall be designed to ensure that discharge from the site post development is not exceed when compared to pre development flows for a 1 in 5 and 1 in 100 year ARI.

Note 5: These documents will 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

Note 6: Stormwater that is collected from the fuel dispensing areas is to be kept separate from other stormwater. This stormwater is to be separately treated to remove contaminants prior to being discharged to the sites stormwater system. Details of the contaminate removal process are to be provided.

Note 7: A 1in 100 year overland flow path is to be provided for the site and shown on drawings

Note 8: Details of gross pollutant and water quality device(s) proposed to be installed are to be provided.

- (12) Engineering drawings associated with the construction internal roads and car parking areas shall be submitted to Council's Infrastructure & Asset's Department for approval in accordance with Council's Roads Standards Policy RD-Pol-09 and Off-Street Car Parking Policy ASS-POL-08.

The design details shall include the following information:

Note 1: Car parking and vehicular manoeuvring areas being designed in accordance with AS 2890 "Off-Street Car Parking" and "Off Street Commercial Vehicle Facilities"

Note 2: All movement paths are to be maintained free of obstructions

Note 3: Parking facilities are to be provided for service vehicles.

Note 4: Interfacing of heavy vehicles and passenger vehicles shall be minimised

Note 5: Parking facilities and space are to be provided for waste management and waste collection vehicles

Note 6: The drawings shall include all dimensions, line marking and signs for the car parking area plus details of provision of parking for disabled persons

Note 7: The drawings shall include details of facilities to be provided within the car park to facilitate safe pedestrian movements throughout the car park. Pedestrian crossing stripes are not to be placed as it resembles to the pedestrian crossing on the road and creates confusion as to who has the priority. Raised pedestrian walkways enhance the visibility of the walkway and the safety of pedestrians.

Note 8: The car parking area is to be designed to allow all vehicles to enter and exit the subject site in a forward direction.

Note 9: The drawings shall provide details of any proposed carpark lighting and the potential impact on surrounding areas.

- (13) 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.

- (14) A detailed landscaping plan shall be submitted to Council's Infrastructure and Asset Department for Approval. Details of the proposed landscaping species and installation including cultivar, common and botanical names, height and spread at maturity shall be submitted along with this plan. Approved advanced street trees shall be planted in the road reserve at a rate of 1 every 20 metres and shall be adequately protected.

Installed street trees must be appropriately maintained (including watered) to ensure they survive and will be checked as part of any defect liability period. Any missing or dead tress must be replaced before issuing the final defect liability period compliance certificate.

- (15) 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.
- (16) Detailed design plans for any proposed works, or works required by a condition of consent, within the road reserve of Yass Valley Way shall be submitted to, and approved by Transport for NSW prior to the issue of any Construction Certificate for the development. The geometric design shall be in accordance with the Austroads Guide to Road Design as amended by supplements adopted by Transport for NSW. Proof of Transport for NSW (TfNSW's) approval is to be provided to Council prior to the issue of an Engineering Construction Certificate.

PART E – PRIOR TO WORKS COMMENCING

- (1) Work, with the exception of set out and investigation work, 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.
- (2) 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;
- (3) A waste management plan for the work must be submitted to the principal certifier at least 2 days before work commences on the site. The waste management plan must:
- (a) Identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
 - (b) Identify the quantity of waste material in tonnes and cubic metres to be—
 - (i) Reused on-site, and
 - (ii) Recycled on-site and off-site, and
 - (iii) Disposed of off-site, and
 - (b) If waste materials are to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and

- (d) If waste materials are to be disposed of or recycled off-site—specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.
- (4) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (5) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- (6) Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
 - (a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - (c) preventing the tracking of sediment by vehicles onto roads, and
 - (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- (7) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

This sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed
- (8) A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:
 - (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (b) could cause damage to adjoining lands by falling objects, or
 - (c) involve the enclosure of a public place or part of a public place.

Note: Clauses 2.67 and 2.68 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.
- (9) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet provided must be:
 - (a) be a standard flushing toilet connected to a public sewer, or

- (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.
- (10) The building(s) and freestanding advertising signs shall be set out by a registered surveyor to verify the correct position of each structure in relation to the property boundaries prior to the commencement of works.

Evidence that the building(s) were set-out and have been located in accordance with the approved plans shall be submitted to the Principal Certifier or Council upon request.

- (11) Any contractor undertaking works in a Council road reserve shall be recognised by Council as an “Approved Contractor” for such works.

The contractor shall also submit the following details to Council not less than three days prior to works commencing:

- (a) A current public liability certificate with a minimum cover of \$20 million;
- (b) Current Plant / vehicle insurances;
- (c) A certified traffic control plan for the proposed works.

Note: Any work associated with a classified road requires RMS concurrence and no work within the road reserve is to be undertaken until received. RMS concurrence may take 10 working days.

- (12) 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.

- (13) A Soil and Water Management Plan shall be submitted to Council’s Infrastructure & Assets Department 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;

PART F – CONDITIONS OF TRANSPORT FOR NSW (TfNSW)

- (1) The heavy vehicle refuelling bowsters and canopy are to be setback from the road reserve to provide stacking for at least 1 design vehicle behind a design vehicle standing at the bowsters. The stack vehicle shall not impede the flow of other vehicles to the site from the public road.
- (2) The provision of facilities within the development site is to provide for the safe movement of pedestrians and to minimise potential for conflict with vehicles.

- (3) The proposed coach parking should be located adjacent to the building to allow for the congregation of passengers and movement to the building to minimise potential for conflict between pedestrians and vehicles on the development site.
- (4) The proposed driveway through Lot 34 DP 871286 to the Yass Valley Way shall be designed and sign posted for left turn exit only from the development site to the Yass Valley Way.
- (5) The exit driveway shall include an acceleration lane designed and constructed for the design vehicle to achieve the required merge speed for the posted speed limit in accordance with the Austroads documentation. Compliance with this requirement shall be demonstrated by an appropriately qualified person prior to release of the Construction Certificate.
- (6) The proposed driveway through Lot 34 DP 871286 to the Yass Valley Way and acceleration lane shall not extend further to the west than the eastern most part of the intersection of the Yass Valley Way and the existing western most driveway to the Yass Valley Service Centre development located on northern side of Yass Valley Way on Lot 2 DP 852715.
- (7) The intersection of the exit driveway and acceleration lane with the Yass Valley Way shall be designed to deny right turn to the existing western most driveway to the Yass Valley Service Centre development located on northern side of Yass Valley Way on Lot 2 DP 852715.
- (8) The proposed driveway and acceleration lane to the Yass Valley Way shall be sealed for at least 50 metres from the carriageway of the Yass Valley Way.
- (9) Detailed design plans for any proposed works, or works required by a condition of consent, within the road reserve of Yass Valley Way shall be submitted to, and approved by Transport for NSW prior to the issue of any Construction Certificate for the development. The geometric design shall be in accordance with the Austroads Guide to Road Design as amended by supplements adopted by Transport for NSW.
- (10) Works associated with the proposed development shall be at no cost to Transport for NSW.
- (11) The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities".
- (12) The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be provided in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and in a manner to allow all vehicles to be able to enter and exit the subject site in a forward direction. The movement paths are to be maintained free of obstructions.
- (13) The proposed one way motion at the various driveways as indicated on the submitted plans is to be implemented. This one way motion is to be appropriately signposted and line marked at the access driveways and through the carpark.
- (14) Facilities are to be provided within the car park to facilitate safe pedestrian movements throughout the car park. Pedestrian crossing stripes are not to be placed as it resembles the pedestrian crossing on the road and creates confusion as to who has the priority. Raised pedestrian walkways enhance the visibility of the walkway and the safety of pedestrians.

PART G - 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 [PDF] and ISBN 978-0-642-785459 [DOCX]), 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 H – 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)	Stormwater	Prior to covering any stormwater drainage connections
(c)	Final	After the building work has been completed and all conditions of development consent are complied with and prior to any occupation certificate being issued in relation to the building

- (2) As the local plumbing and drainage regulator Yass Valley Council must undertake inspections at the following stages of construction:

	Inspection	Hold Point
(a)	All internal sanitary drainage.	Prior to backfill;
(b)	All external sanitary drainage	Prior to backfill;
(c)	At the completion of all plumbing and drainage works.	Prior to the occupation.

- (3) 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.

- (4) A Compliance Certificate shall be obtained from Council's Engineering Department at the following stages of construction:

Roads

- (a) **Completion of property access.** This inspection is for access dimensions and to ensure there are no 'trip-fall' hazards. Compliance with change in longitudinal grade will only be undertaken where it can be confirmed via WAE drawings
- (b) **Completion of sub-grade pavement layer** – proof roll
- (c) **Completion of base course pavement layer**– proof roll
- (d) **Completion of two coat bitumen seal – if required** – visual only
- (e) **Completion of asphalt works (eg cul-de-sac heads)** – visual only

- (f) **Completion of concrete road pavements**
- (g) **Completion of any upgrade works on state roads/highways as requested by TfNSW**—written confirmation from TfNSW that they are satisfied with the works undertaken
- (h) **Completion of kerb and guttering**

Stormwater

- (a) **Completion of stormwater drainage line** – prior to backfilling
- (b) **Completion of stormwater detention infrastructure** – if required
- (c) **Completion of stormwater quality improvement infrastructure** - if required

Water

- (a) **Installation of bulk water meter, RPZD device and fire service**

Sewer

- (a) **Installation of sewer drainage connections to Council's main** – prior to backfilling
- (b) **Installation of pre-treatment devices** for pre-treatment of liquid waste

Other

- (a) **Completion of streetscaping and other public landscaping**
- (b) **Completion of car parking including line marking** – visual only

- (5) 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.

PART I - CONSTRUCTION

- (1) Works must be carried out in accordance with the plans and specifications to which this consent relates.
- (2) All building work shall be carried out in accordance with the provisions of the National Construction Code/Building Code of Australia (as amended) and all relevant Australian Standards;
- (3) Hours for construction - Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.
- (4) 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.
- (9) Internal walls for food tenancies shall be of solid construction in accordance with *AS 4674-2004 Design, Construction and Fit-out of Food Premises*.

PART J – PLUMBING AND DRAINAGE

- (1) All Plumbing and Drainage work shall comply with the provisions of the Plumbing Code of Australia.
- (2) Plumbing and Drainage shall comply with the provisions of the *Plumbing and Drainage Act 2011* and *Plumbing and Drainage Regulation 2012*.

Note: The *Plumbing and Drainage Act 2011* requires each Plumber and Drainer that works on the development to submit the following information to the Yass Valley Council:

- Notice of Work (NoW);
- Sewer Service Diagram (SSD);
- Certificate of Compliance (CoC).

PART K – STORMWATER DRAINAGE

- (1) If the work is the erection of, or an alteration or addition to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- (2) Stormwater drainage work shall comply with *AS/NZS 3500.3, 2003 - Stormwater drainage*.
- (3) Stormwater collected from the development shall not cause nuisance to adjoining landowners.
- (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.

PART L - TREE REMOVAL, PROTECTION AND MANAGEMENT

- (1) All trees that are 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*. No machinery is to impinge upon the retained remnant trees.
- (2) The removal of trees from the site are restricted to those that were approved by DA145283.
- (3) Removal of vegetation that is not approved by DA145283 requires the consent of Council under the provisions of the *Biodiversity Conservation Act 2016 and Environmental Protection and Biodiversity Conservation Act 1999*.
- (4) The Applicant shall nominate a suitably qualified and experienced person who will be responsible for overseeing the tree removal and tree management. A suitably qualified and/or experienced tree arborist is required to carry out all tree removal.

- (5) The trees approved to be removed under DA145283 shall be felled by controlled or sectional felling so as to avoid any damage to trees to be retained and nearby structures/buildings.
- (6) To minimise disturbance to retained trees, no excavation shall take place within the critical root zone, measured as a radius from the centre of the trunk (minimum 5 metres).

Critical Root Zone = 5 x Trunk Diameter 1400 from ground level.

- (7) 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.
- (8) The applicant 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 tree removal.

PART M - FUEL, OIL AND CHEMICALS

- (1) All chemicals, fuels and oils used on-site are to be stored in appropriately bunded areas in accordance with, and that comply with, all relevant Australian Standards including *Australian Standard AS1940-2017 – The Storage of and Handling of Flammable and Combustible Liquids*, and with WorkCover NSW requirements.
- (2) The underground petroleum storage system (UPSS) must:
 - (a) Be designed, installed and commissioned by appropriately qualified and experienced persons in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019* as well as *AS 4897:2008 Design, Installation and Operation of Underground Petroleum Storage*.
 - (b) Have minimum mandatory pollution protection equipment installed, consistent with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*.
 - (c) Have groundwater monitoring wells installed and tested in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*.
 - (d) Have a certificate showing that an equipment integrity test (EIT) has been carried out in line with directions of an appropriately qualified person. A copy of the EIT shall be provided to Council.
 - (e) Have leak detection equipment installed, consistent with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*.
 - (f) The UPSS design shall include loss monitoring procedures capable of detecting losses of petroleum down to 0.76L per hour with at least 95% accuracy.

- (g) A Fuel System Operation Plan (FSOP) shall be development in accordance with *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*. A copy of the FSOP shall be provided to Council.
- (h) The Vapour Recovery System shall be tested in accordance *Protection of the Environment Operations (Clean Air) Regulation*.

The UPSS can only be commissioned once all of these requirements have been met.

- (3) If above ground tanks are included: any diesel fuel storage tanks shall be installed and operated in accordance with:
 - Manufacturers details and specifications
 - AS1940-2017 - The Storage and Handling of Flammable and Combustible Liquids
 - AS1692-2006 - Steel Tanks for Flammable and Combustible Liquids;
- (4) The design and construction of forecourt of the approved Highway Service Centre shall comply with the NSW EPA Practice Note: Managing run-off from Service Station Forecourts
- (5) Suitable oil and fuel spill kit(s) shall be provided onsite at all times.
- (6) The site is to be maintained in a clean and tidy manner at all times.

PART N - ADVERTISING SIGNAGE

- (1) The advertising signs shall be designed and located so as to comply with the following:-
 - (a) The signs display shall not include –
 - any flashing lights
 - electronically changeable messages
 - animated display, moving parts or simulated movements
 - complex display that holds motorist's attention beyond "glance appreciation"
 - display resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'.
 - (b) The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity as to cause distraction or glare to motorists.
 - (c) The permissible level of reflectance of an advertisement is not to exceed the 'Minimum coefficients of Luminous intensity per unit area as set out in Australian Standard AS/NZS 1906.1:2007;
 - (d) The proposed advertising signs and support structure shall be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.
 - (e) The proposed signs and supporting structures to be located within close proximity to a road reserve are required, as a minimum, to comply with wind loading requirements as specified in AS1170.1 Structural Design Actions – Permanent, imposed and other actions and AS 1170.2 Structural Design Actions – wind actions.

- (f) Any proposed sign and support structure shall not obstruct any road regulatory, safety or directional signage in the vicinity.
 - (g) Any proposed sign and support structure shall not pose any risk to safety of pedestrian or motorists.
- (2) The sign structures are to be designed and located so as not to interfere with the required Safe Intersection Sight Distance (SISD) in either direction at the intersection for the prevailing speed limit in accordance with the Austroads Guide to Road Design as amended and the supplements adopted by Transport for NSW (TfNSW).

PART O – NOISE

- (1) Noise, dust and odour generated as a result of the proposed development must comply with the provisions of the *Protection of the Environment Operations Act, 1997*.
- (2) Noise generated by the development shall comply with the *Noise Policy for Industry 2017* (as amended from time to time), NSW Interim Construction Noise Guidelines and the Noise Assessment Report prepared by Muller Acoustic Consulting Pty Ltd (MAC) – April 2020 submitted with the Development Application.

PART P – LIGHTING

- (1) All external lighting associated with the development shall be mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadways. The lighting shall be the minimum level of illumination necessary and shall comply with Australian Standard AS4282 1997 – *Control of the Obtrusive Effects of Outdoor Lighting*.

PART Q - PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

- (1) Prior to the issue of any Occupation Certificate, an application for an occupation certificate must be lodged with the Principal Certifier.
- (2) Prior to the issue of any occupation certificate, all applicable Clauses under Section 6.10 of the *Environmental Planning and Assessment Act 1979* shall be complied with.
- (3) An occupation certificate authorising a person:
- (a) to commence occupation or use of a partially completed new building, or
 - (b) to commence a new use of a part of an existing building,
- must not be issued unless the building will not constitute a hazard to the health or safety of the occupants of the building.
- (4) Product testing demonstrating compliance with the requirements of specification C1.10 of the National Construction Code / Building Code of Australia Volume 1 for all relevant floor coverings shall be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate;
- (5) The fire safety measures, as detailed in the relevant Fire Safety Schedule are to be installed and maintained in accordance with the provisions of Clause 168 Environmental Planning and Assessment Regulation 2000.

- (6) A fire safety certificate in accordance with Clause 174 Environmental Planning and Assessment Regulation 2000 is to be submitted to the Yass Valley Council prior to the issue of an Occupation Certificate.
- (7) Prior to the issue of any occupation certificate, certificates of compliance/installation for contractor's works as applicable to the development shall be submitted to the Principal Certifying Authority.

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

- Air-conditioning
- Electrical
- Frame (Timber or Metal)
- Gas fitting
- Glazing (windows, glazed doors and shower screens)
- Installation or maintenance of refrigeration systems
- Insulation
- Photovoltaic electricity generating system
- Plumbing/drainage
- Smoke Alarms
- 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.

- (8) 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.
- (9) If the work includes a mechanical ventilation system that is a regulated system within the meaning of the *Public Health Act 2010*, the system must be notified as required by the Public Health Regulation 2012, before an occupation certificate for the work is issued.
- (10) Prior to the issue of any occupation certificate, any alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.
- (11) 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.

- (12) All road construction to be undertaken designs/drawings approved with the Engineering Construction Certificate.
- (13) All internal roads and heavy vehicle exit only to Yass Valley Way including acceleration lane are constructed in accordance with designs/drawings approved with the Engineering Construction Certificate.
- (14) All carparking are constructed in accordance with designs/drawings approved with the Engineering Construction Certificate.
- (15) The property vehicular accesses (new or existing) from the road to the property boundary shall be constructed in accordance with the approved plans attached to the engineering construction certificate.

Note: All disturbed surfaces adjacent to the works, either natural or manmade, will be required to be rehabilitated to a suitable state at the end of works.

Note: Clean debris from driveway pipe and nearby drain to facilitate water flow.

Note: Remove existing entry, reinstate fence and revegetate disturbed area.

- (16) Kerb and gutter has been constructed in accordance with designs/drawings approved with the Engineering Construction Certificate.
- (17) All stormwater structures etc are constructed in accordance with designs/drawings approved with the Engineering Construction Certificate.
- (18) Landscaping is to be completed in accordance with the landscaping designs/plans approved with the Engineering Construction Certificate. The landscaping shall be maintained to the satisfaction of Council at all times.
- (19) All street and site lighting has been installed in accordance with designs/drawings approved with the Engineering Construction Certificate.
- (20) One complete set of "Work as Executed" (WAE) drawings, indicating all details of new engineering works constructed that will be dedicated to Council 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 (if applicable to development):

- (a) Water – Location, Depth, Size, Material, Easement;
- (b) Sewer – Location, Depth, Size, Material, Easement, Invert Level, Grades, Pit Details and tie details;
- (c) Stormwater - Location, Depth, Size, Material, Easement, Invert Level, Grades, Pit Details and tie details;
- (d) Transport Infrastructure – roads plan, cross sections, long sections, pavement details, K&G details, Footpath and Cycleway Details, Bus Stop Details, Street Light Locations;

- (e) 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
- (f) Landscaping Details;
- (g) Other Utilities – Gas, Telstra, Electricity, Fibre Optic Cable locations, Depths, Easements and heights in comparison to the roads centre line.
- (h) Survey Mark Details – Marker Numbers and AHD.

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

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.

- (21) A bank guarantee, or cash bond, equivalent to 5% of the value of the whole of the engineering works that will be dedicated to Council shall be lodge 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 (ie bonds in the name of the construction contractor will not be accepted).

Note: This bond shall be held for a 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 evidence 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 (eg soft spot)
- Roadside landscaping

Note: During the defect liability period the applicant will be responsible for all maintenance activities except for the following, which will be undertaken by Council:

- maintenance grading of unsealed roads public roads
- Council sewer blockages

- (22) Kerb and gutter shall be constructed along the frontage of the subject land adjacent to roads 1 and 2.

Note: Kerb & Gutter standards are upright type to be in accordance with Council's Roads Policy RD-POL-09.

- (23) 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
- (24) An over land flow path to accommodate the discharge from a 1 in 100 year storm event shall be provided;
- (25) Property accesses shall be constructed in accordance with approved Engineering Construction Certificate.
- (26) A Constructed Asset Information shall be supplied for all assets dedicated to Council. The required information shall include:

Roads

- (i) Length, width, gravel depth;
- (ii) Earthworks cost;
- (iii) Pavement cost;
- (iv) Seal cost;
- (v) Guidepost numbers and cost;
- (vi) Raised pavement markers numbers and cost;
- (vii) Guardrail type, size in metres and cost;
- (viii) Signposts cost;
- (ix) Open drainage works length and cost;
- (x) Kerb and gutter length and cost;
- (xi) Footpath cycleway length, width and cost.

Stormwater Drainage

- (i) Pipe type, length and cost;
- (ii) Pit type, number and cost;
- (iii) Headwalls, number and cost;
- (iv) Rockwork area and cost;
- (v) Stormwater quality improvement features, type, number and component costs.

Sewerage Infrastructure

- (i) Pipe type, length and cost;
- (ii) Pit type, number and cost;
- (iii) Pump well type and cost;
- (iv) Electrical and Control equipment type and cost;
- (v) Back up generator type and cost;
- (vi) Monitoring equipment type and cost.

Water Supply Infrastructure

- (i) Pipe type, length and cost;
- (ii) Valve type, number and cost;
- (iii) Hydrant type, number and cost;

Other Assets

- (i) Description, dimensions and cost.

- (27) Prior to the issue of any Occupation Certificate; water, sewer and stormwater infrastructure and connections are to be completed in accordance with the approved Construction Certificate plans.
- (28) Prior to the issue of any Occupation Certificate of a premises which involves the discharge of liquid trade waste, the developer shall apply to and obtain written approval from Yass Valley Council stating the conditions of discharge to sewer. This approval shall state any pre-treatments, ongoing requirements and whether a Liquid Trade Waste Agreement needs to be entered into with Yass Valley Council.
- (29) A copy of the Emergency and Spill Management Plan(s) for the highway service centre is to be submitted to Council.
- (30) The developer is required to get approval from the National Heavy Vehicle Regulator under the Heavy Vehicle National Law (HVNL) for the entire heavy vehicle access route.
- (31) Stock proof fencing shall be provided to all property boundaries. The minimum acceptable standard for new fencing work is as follows:
- A fence height of no less than 1,200 mm
 - Strainers – spacing 100 m to 200 m depending on terrain
 - Steel Star Pickets at 4 m centres
 - Two 1.57 mm high tensile barbed wires (or 2.5 mm. high tensile plain wires) on top
 - Three 2.8 mm high tensile carry wires
 - “Hinged Joint or Ringlock”
 - Netting floodgates as required
 - All gates shall be set back a minimum of 15 metres from the edge of road formation.
- New fences must be located so as to minimise the need for tree removal.
- (32) Prior to the issue of any occupation certificate, a Food Business Notification Form (Form No. 187 located on Council website) is to be completed and returned to Council with details of the business and qualified/nominated Food Safety Supervisor.
- (33) The kitchen is to be constructed in accordance with the plans approved with the Building Construction Certificate and any relevant conditions in the approved Liquid Trade Waste Agreement.
- (34) The kitchen is to be inspected and approved in writing by Council’s Environmental Health Officer.
- (35) 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.

NOTES ACCOMPANYING DEVELOPMENT CONSENT DA190114

(Please read these notes carefully to ensure you are fully conversant with the conditions under which this consent is granted.)

- (1) This consent has been granted under Clause 2.3 of the *Yass Valley Local Environmental Plan 2013*;
- (2) All fees and charges associated with this consent shall be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region;
- (3) Any additional Council inspection, beyond the scope of any Compliance Certificate package and needed to verify the compliance of any work, shall be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule;
- (4) This development consent does not guarantee compliance with land specific agreements, by-laws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the land owner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved.
- (5) The applicant shall ensure all sub-contractors are licensed by the NSW Department of Fair Trading;
- (6) The 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) 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.

6.4 DEVELOPMENT APPLICATION DA200184 - DWELLING AND TWO LOT SUBDIVISION, 2 ROSE STREET, MURRUMBATEMAN

SUMMARY

To present the assessment of an application for a dwelling and two lot subdivision at 2 Rose Street, Murrumbateman. The application is referred to Council due to a variation (greater than 10%) to the minimum lot size development standard contained in the LEP. There have been no submissions received and approval is recommended.

RECOMMENDATION

That:

1. *Conditional Development Consent be issued for a dwelling house and two lot subdivision at 2 Rose Street, Murrumbateman; and*
2. *The removal of the two eucalyptus is not approved and the Applicant is encouraged to lodge a separate tree removal application with the necessary supporting documentation.*

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*
- *Roads Act 1993*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Settlement Strategy*
- *Yass Valley Community Engagement Strategy*
- *Yass Valley Development Contribution Plan*
- *Application Assessment and Decision Making Policy*
- *Building Line - Urban Policy*
- *Road Standards Policy*

REPORT

1. Application Details

Date Received	-	22 September 2020
Land	-	Lot 1 DP 758736, 2 Rose Street, Murrumbateman
Area	-	2,0008m ²
Zoning	-	RU5 Village

2. Site Description and Locality

The site is located on the corner of Rose and South Streets in the south-east of the Murrumbateman Village. The lot is rectangular in shape with frontage to both Rose Street and South Street, as well as a village laneway for access to the existing dwelling. There is an existing dwelling and outbuildings located on proposed Lot 1. There are a number of existing mature trees and shrubs, including

eucalyptus. Surrounding development is primarily residential with detached dwellings. On the opposite side of Rose Street is the former Murrumbateman Vet site.

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

3. Proposal

The submitted proposal is for a single storey dwelling and a subsequent two lot subdivision. The existing dwelling and outbuildings will be retained on proposed Lot 1 and the new dwelling constructed on proposed Lot 2. Four trees are proposed to be removed for construction of the new dwelling including two mature eucalyptus. Details of the proposed development are included in **Attachment B**.

4. Public Exhibition

Public exhibition included notice to nine neighbouring and surrounding landowners. 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 minimum lot size development standard in the LEP and issues associated with trees.

5.1 Variation to Minimum Lot Size

The minimum lot size in the area is 1,500m², however both lots are proposed to be 1,004m² being a 43% percent variation to the development standard for each lot. The request for the variation to the development standard (refer **Attachment C**) states the following:

- The proposed development follows the same pattern of symmetrical subdivision that has been followed in this part of Murrumbateman previously.
- The *Yass Valley Settlement Strategy 2036* recommended that the village precinct be rezoned to R1 General Residential.
- The original subdivision pattern of 2,000m² lots in this locality has been eroded with previous subdivisions into 1,000m² lots.
- The proposal is not dissimilar to a dual occupancy proposal is currently permissible on the site under the LEP. The proposal will still appear as a two dwellings and the impact on infrastructure, traffic and parking will be the same under either scenario.
- The minimum lot size of 1,500m² is contrary to the intentions of the contemporary planning policies in this locality. The proposal satisfies the objectives of the *Yass Valley Settlement Strategy* and the intentions of the amendments to the LEP.
- The proposal is not against the public interest.

An assessment against the LEP and guidelines to vary a development standard has been completed. The LEP allows a degree of flexibility to minimum lot size development standards in order allow development to proceed where it has appropriate planning outcomes.

The proposed subdivision layout is generally consistent and compatible with the existing subdivision pattern in the locality. Previous subdivisions in Rose Street have created 1,000m² lots. The minimum lot size of 1,500m² in the LEP was adopted prior to Murrumbateman being connected to reticulated sewer (ensuring there was an appropriate opportunity for onsite effluent disposal). The *Yass Valley Settlement Strategy* has recommended that the land be rezoned to R1 General Residential.

It is however generally accepted that this proposal being the erection of a dwelling and subdivision, results in a development outcome that presents the same as a dual occupancy. If the variation to the development standard is supported it is recommended that a restriction be placed on the title prohibiting the erection of more than one dwelling on each lot to reinforce the development outcome.

It is considered that compliance with the development standard is unnecessary as the proposal meets the objectives of the zone and the minimum lot size development standard, particularly noting that the LEP allows the erection of a dual occupancy on a lot of this size. In this regard, the proposal is not contrary to the public interest and there are sufficient planning grounds to support the proposed variation to the development standard.

5.2 Trees and Tree Removal

Proposed Lot 2 contains three mature eucalyptus on the northern boundary and some smaller exotic trees. The application proposes the removal of four trees, being two eucalyptus, a conifer, and a cotoneaster. There are no concerns with the removal of the conifer or cotoneaster, however as the two eucalyptus are native species this requires assessment under the *Biodiversity Conservation Act 2016*.

It is proposed to remove the two eucalyptus as they have been damaged by borers and are therefore dangerous. However, no arborist assessment has been submitted nor an assessment demonstrating that their removal does not have any significant environmental impact or trigger entry into the Biodiversity Offset Scheme under the *Biodiversity Conservation Act 2016*. It is recommended that any approval not include the removal of the two eucalyptus. The Applicant can be encouraged to lodge a separate dangerous tree removal application accompanied by an assessment of the trees by a suitably experienced person.

To protect any of the remaining eucalyptus, conditions can also be included in any Consent that a Tree Management Plan to be prepared by a suitably experienced person be submitted to ensure that the development (i.e. site cut, driveway and installation of services) do not adversely affect the health of the tree.

5.3 Proposed Lot 1 Driveway Location

The existing driveway for proposed Lot 1 is located within a laneway off South Street adjoining the property. Council's *Road Standards Policy* stipulates that for subdivisions access via laneways will not be supported. In this regard, a new access will need to be constructed directly from South Street and can be required as a Consent condition. There will be a new access constructed for proposed Lot 2 from Rose Street.

6. Conclusion

From an assessment of the proposal it is recommended that Conditional Development Consent be issued for a two lot subdivision and construction of dwelling at 2 Rose Street, Murrumbateman. It is also recommended that the removal of the two eucalyptus be refused and the Applicant be encouraged to lodge a separate tree removal application with the necessary supporting documentation.

Draft conditions are included as **Attachment D**.

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. Submitted Plans ↓
	C. Request to Vary Development Standard ↓
	D. Draft Conditions ↓

Attachment A Locality and Notification Plan



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

Important Notice!
This may not be a precise survey document. Accurate conclusions can be reached only by a survey on the ground.
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Drawn By: Jeremy Knox

Projection: CEASG / MGA zone 55

Date: 8/10/2020 11:29 AM

Subject Property

Property Notified

Map Scale: 1:1597 at A4

6.4 Development Application DA200184 - Dwelling and Two Lot Subdivision, 2 Rose Street, Murrumbateman
Attachment B Submitted Plans



Drawing List	
Sheet Number	Sheet Name
A00	COVER SHEET / BASIX REQUIREMENTS
A01	SITE PLAN
A02	FLOOR PLAN
A03	ELEVATIONS
A04	SECTIONS
A05	ROOF PLAN
A06	INTERNAL PERSPECTIVES
A07	EXTERNAL PERSPECTIVES

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 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 - nil
external wall - undecided - 2.80 including construction
ceiling and roof - flat ceiling / pitched roof ceiling: ceiling: ceiling: 3.95 (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 3.0 - 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: 3 bathroom(s)/toilet(s) for natural lighting.

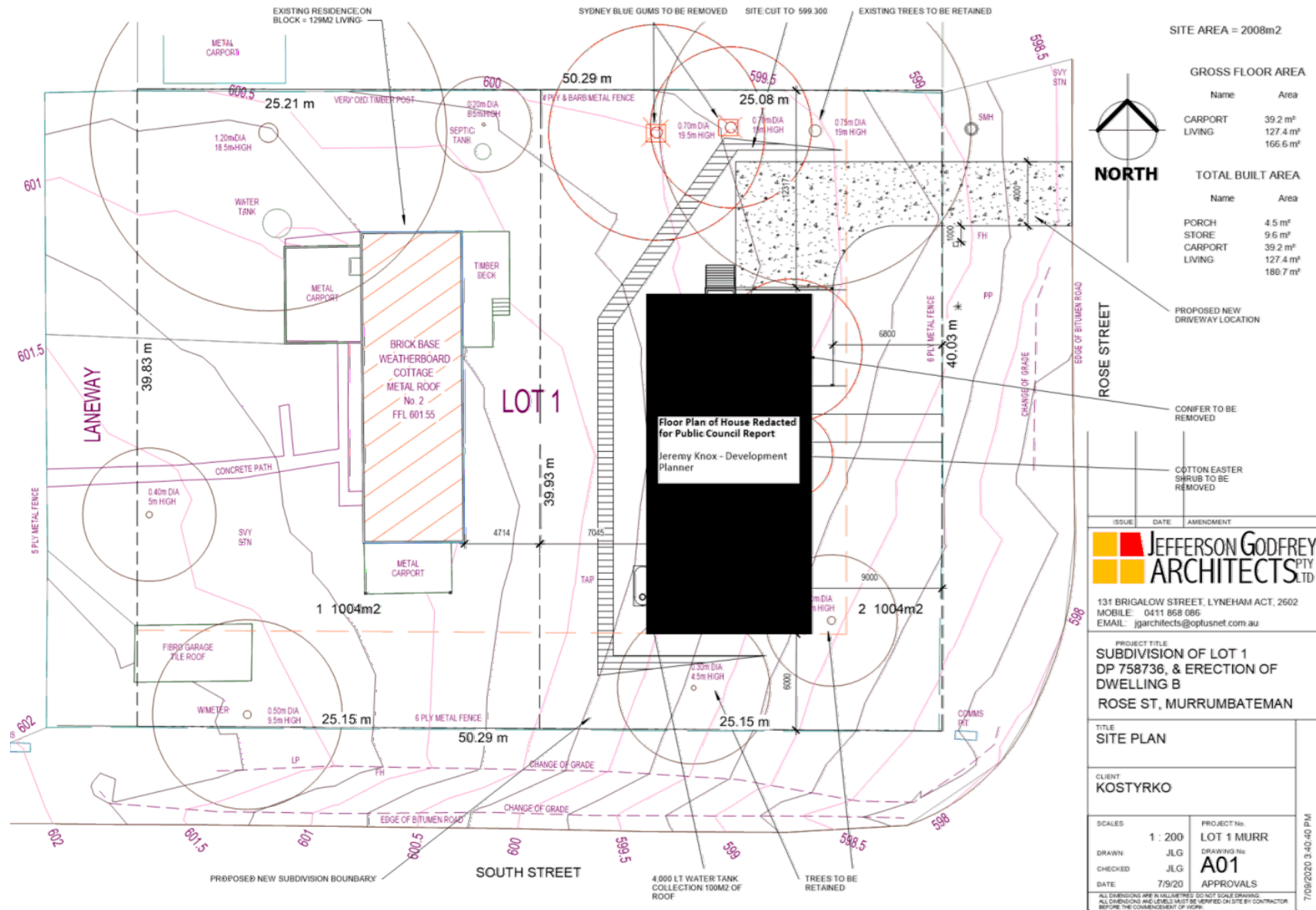
Other

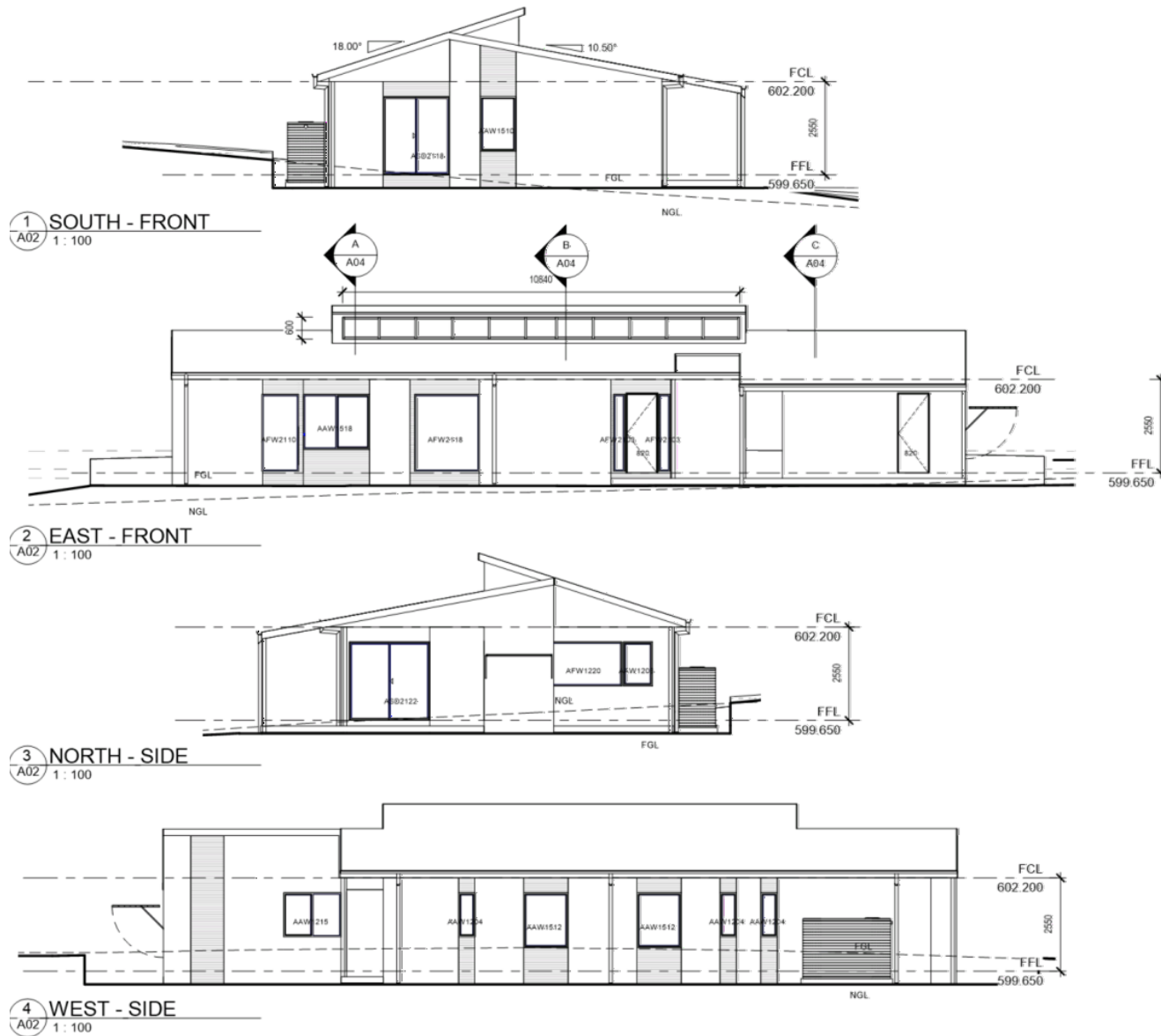
Install a gas cooktop & electric oven in the kitchen.
ventilated fridge space
Install a fixed outdoor clothes drying line as part of the development.



ISSUE	DATE	AMENDMENT
		
131 BRIGALOW STREET, LYNEHAM ACT, 2602 MOBILE: 0411 868 086 EMAIL: jgarchitects@optusnet.com.au		
PROJECT TITLE: SUBDIVISION OF LOT 1 DP 758736, & ERECTION OF DWELLING B ROSE ST, MURRUMBATEMAN		
TITLE: COVER SHEET / BASIX REQUIREMENTS		7/09/2020 3:40:40 PM
CLIENT: KOSTYRKO		
SCALES: 1 : 1	PROJECT No: LOT 1 MURR	
DRAWN: JLJG	DRAWING No: A00	
CHECKED: JLJG	APPROVALS:	
DATE: 7/9/20	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.	

6.4 Development Application DA200184 - Dwelling and Two Lot Subdivision, 2 Rose Street, Murrumbateman
Attachment B Submitted Plans





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 SUBDIVISION OF LOT 1 DP 758736, & ERECTION OF DWELLING B ROSE ST, MURRUMBATEMAN		
TITLE ELEVATIONS		
CLIENT KOSTYRKO		
SCALES 1:100 DRAWN JLG CHECKED JLG DATE 7/9/20	PROJECT No. LOT 1 MURR DRAWING No. A03 APPROVALS	7/09/2020 3:40:41 PM
<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>		



7/09/2020 3:40:41 PM

JEFFERSON GODFREY

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EMAIL: jgarchitects@optusnet.com.au

ISSUE	DATE	AMENDMENT

			PROJECT TITLE SUBDIVISION OF LOT 1 DP 758736, & ERECTION OF ROSE LN, MURRUMBATAMAN	TITLE EXTERNAL PERSPECTIVES		SCALES 1 : 1	PROJECT No. LOT 1 MURR
				CLIENT KOSTYRKO	DRAWN JLG	DRAWING No. A07	
					CHECKED JLG	APPROVALS	
					DATE 7/9/20		
					ALL DIMENSIONS ARE IN METRES. DO NOT SCALE DRAWING. ALL DIMENSIONS AND LEVELS MUST BE VERIFIED ON SITE BY CONTRACTOR BEFORE THE COMMENCEMENT OF WORK.		
ISSUE	DATE	AMENDMENT					

Annex B

**WRITTEN REQUEST PURSUANT TO CLAUSE 4.6 (2) - JUSTIFICATION FOR THE
CONTRAVENTION OF DEVELOPMENT STANDARD 4.1(3)**

**Subdivision of Lot 1 Deposited Plan 758736 into two lots each of approximately
1004 square metres.**

YASS VALLEY LOCAL ENVIRONMENTAL PLAN 2013

September 2020

*Request made pursuant to the Environmental Planning and Assessment Act 1979, No.203,
s.3.33*

Prepared on behalf of:

M D & D J Kostyrko
1 Middle Street
MURRUMBATEMAN NSW 2582

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Executive Summary

MD and DJ Kostyrko, are the registered proprietors of Lot 1 DP 758736 Murrumbateman. The land is located on the corner of Rose and South Streets Murrumbateman and is zoned RU5 - Village.

The land has an area of 2008 square metres. A single storey detached house has been erected on the western portion of the land. The existing house is a rental property. The proposed new dwelling will become the principal residence of the Kostyrkos'.

The proprietors propose to divide the land into two equal sized lots of 1004 square metres each and to erect a single storey dwelling house on the newly created lot. This written statement forms part of the development application lodged with Yass Valley Council seeking approval to subdivide the land and erect the proposed dwelling house. Subdivision of the land is integral to that application.

The proposed subdivision contravenes clause 4.1 of the Yass Valley Local Environment Plan 2013, which requires lots resulting from the subdivision of land to be not less than the minimum size shown on the Lot Size Map relating to that land. In this case the minimum size of land after subdivision is 1500 square metres.

The Yass Valley Local Environment Plan at clause 4.6 provides that development approval may be granted to a development that contravenes a development standard, subject to certain conditions, and provided that the development is not expressly excluded from the operation of clause 4.6.

The proposed development is not subject to any of the conditions set out in clause 4.6 under subclause (6) and subclause (8) that would exclude the operation of clause 4.6 to permit approval of the proposed subdivision.

Contravening development can be approved where it can be shown that:

- 1) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;*
- 2) there are sufficient environmental planning grounds to justify contravening the development standard; and,*
- 3) the proposal is in the public interest because it is consistent with the objectives of the contravened standard and objectives for development in the zone.*

The proposed development is located in a precinct defined by North, West, South and Rose Streets and is characterised by a C1800s rectangular grid containing forty-two 2000 square metre lots. Eighteen lots have been subdivided to create thirty-six 1000 square metre lots, but because of the undulating topography, mature vegetation and limited viewsheds, there has been little visible impact on the village character of the precinct. The proposed development would follow the same pattern of symmetrical subdivision as has been followed previously.

In 2017 the Yass Valley Council adopted¹ the Yass Valley Settlement Strategy 2036 which recommended that the village precinct be rezoned to Zone R1 with a minimum lot size of 1000 square metres. While this recommendation has yet to be given effect, the LEP has been amended by the insertion of clause 4.1D which permits dual occupancies in Zone RU5 Village where the site area is at least 750 square metres and where the site is connected to a reticulated sewerage system, and 2000 square metres if not connected.

The 2017 adoption of the Yass Valley Settlement Strategy and the 2020 amendment of the LEP are purposive actions of Council to bring about a significant physical change to the Zone

¹ Yass Valley Council Local Environmental Plan 2013 - Amendment (340) inserted 20.6.2020

RUS precinct. In practice, with respect to retention of a village character, two dwellings erected under clause 4.1D would function the same, and appear the same as two dwellings erected on abutting 1000 square metre lots, except that under clause 4.1D, the lots could be asymmetrical, with one lot of 1250 square metres, and the other of 750 square metres.

Impact on infrastructure, and traffic and parking generation would be the same in both cases.

In the circumstances where planning legislation and policy both seek to increase dwelling density and to change the village precinct to a residential zone, it would be both unreasonable and unnecessary to require development on the subject land to comply with the provisions of clause 4.1(3) in order to satisfy the objectives of clause 4.1 (1).

Further, the requirements of Clause 4.1(1)(e) are satisfied by the purposive nature of the Strategic Plan and clause 4.1D. Respectfully, it is suggested that the lot sizes set out in the lot size map are otiose in the light of the intentions of contemporary planning policy.

Also, respectfully it is argued that the requirement that a minimum lot size after subdivision of 1500 square metres in a precinct where all original lots were 2000 square metres is unreasonable and inconsistent with the principles of orderly planning.

With respect to environmental planning grounds, the LEP requires that a proposed development be consistent with the objectives of the particular standard, in which case, it is considered to be in the public interest. In clause 4.1 the objectives are set out in subclause (1). The objectives are qualitative, not quantitative, and subclause (3) is not an objective.

What satisfies the objectives is, in the present case, determined by contemporary plans and policies, that is, the YVSS and the LEP, as amended.

The written statement below analyses the position in detail and concludes that contravention of the requirements of the relevant lot size map is justified and appropriate in the circumstances of this case.

**REQUEST PURSUANT TO CLAUSE 4.6 (2) - JUSTIFICATION FOR THE
CONTRAVENTION OF DEVELOPMENT STANDARD 4.1(3)**

PART ONE

Introduction

1. This document is a written request that seeks, subject to the *Yass Valley Local Environment Plan 2013* (YVLEP) clauses 4.6 (2) and (3), to justify contravention of clause 4.1(3), in order that Lot 1 Section 5 DP 758736 (aka 2 Rose Street) ('the subject land') may be subdivided into two lots of approximately 1004 square metres each, for the purpose of using each lot for a principal dwelling only.
2. The subject land is shown on the map in Figure 1. below.

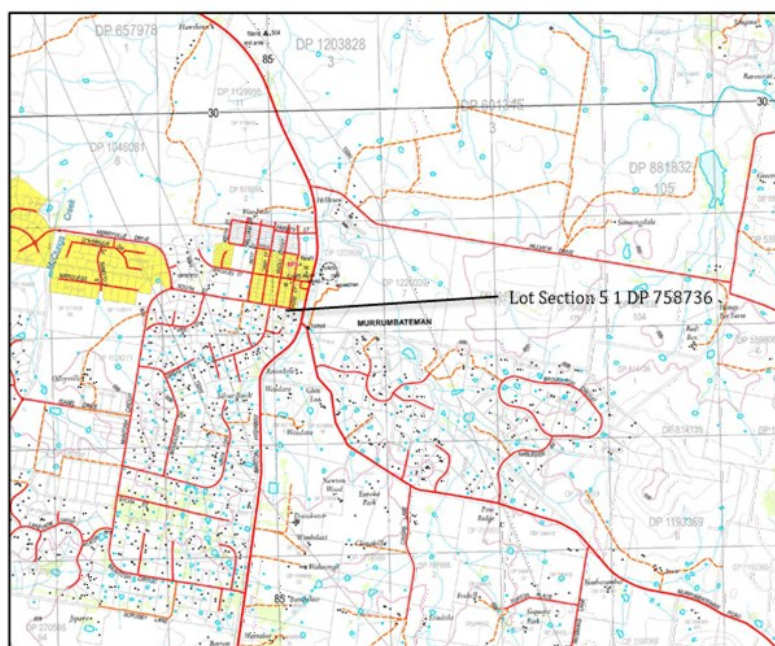


Figure 1. Site Location Map

Proposed Subdivision

3. It is proposed to redevelop Lot 1 Section 5 DP 758736 ('the subject land') being 2 Rose Street Murrumbateman, by subdividing the existing lot, having an area of 2008 square metres, into two lots, each lot having an area of 1004 square metres or thereabouts. A single storey detached dwelling house is erected on the western half of the existing lot. It is proposed to subdivide the existing lot, then erect a single storey detached dwelling house on the eastern lot created by the subdivision, retaining the existing dwelling house on the western lot also created by the subdivision.



Figure 2. Subject land (right). The proposed subdivision would be similar to Lots 1 and A Section 4 on the left of the photo.

Source: Six Maps

4. Figure 3 (below,) illustrates the proposed subdivision. The existing dwelling addresses South Street and the existing front setback, setbacks from adjacent properties and driveway access, are retained. The new dwelling would address Rose Street respecting the established streetscape and vehicle movement patterns.



Figure 3. Lot 5 DP 758736. The proposed subdivision is indicated by the centre vertical black line. The existing house is marked 'A'. The site for the proposed dwelling is marked 'B'. Site access is indicated by blue arrows.

PART TWO

Relevant legislation

5. The Yass Valley Environmental Plan 2013, ('the YVLEP') clause 4.6 provides that:

"4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (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.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and,*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and,*
- (ii) is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and,*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

(6)

- {7} After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- {8} This clause does not allow development consent to be granted for development that would contravene any of the following:*
- (a) a development standard for complying development,*
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*
 - (c) clause 5.4."*

Exceptions

6. With respect to the conditions governing a request under Clause 4.6:
- the proposed development is not a development expressly excluded from the operation of clause 4.6 subclause 4.6(2);
 - the proposed development is not a development subject to the operation of subclause 4.6(6);
 - the proposed development is not a development subject to the operation of subclause 4.6(8).

Relevant Clause

7. At clause 4.1 (Minimum subdivision lot size) the YVLEP provides that:

"4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows—*

- {a} to minimise the likely impact of subdivision on the amenity of neighbouring properties,*
- {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,*
- {c} to ensure that subdivision reflects and reinforces the predominant subdivision patterns of neighbouring properties and surrounds,*
- {d} to maintain the character of Yass Valley,*
- {e} to ensure subdivision occurs in a planned and sustainable way,*
- {f} to ensure subdivision does not create unreasonable or uneconomic demands for the provision or extension of services,*
- {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.*

(2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or

(b) by any kind of subdivision under the [Community Land Development Act 1989](#)."

8. The development standard from which relief is sought is:

"(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land;..."

9. The subject land is zoned RU5 and the minimum permitted lot size is 1500 square metres (see lot size Map - Sheet LSZ_005C). The subject land has an area of 2008 square metres and is incapable of being subdivided into two lots, each lot having an area of 1500 square metres.

Clause 4.1D

10. Clause 4.1D permits the erection of dwelling houses on site areas of 750 square metres in Zone RU5 where the development is for the purpose of a dual occupancy. The proposed development on Lot 1 Sect 5 DP 758736 is not for the purposes of a dual occupancy, but the scheme as proposed has the potential to significantly impact on the existing character of the Murrumbateman RU5 zone.

11. Accordingly, reference is made to Clause 4.1D throughout this written statement because it is contradictory to the thrust of the YVLEP with respect to the future urban design of Murrumbateman village precinct, a factor that must be given much weight in the consideration of this present proposal.

PART THREE

Grounds for Request

12. In order to justify contravention of the development standard relating to subdivision lot sizes, it is necessary to demonstrate:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (4.6(3)(a)), and,*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard (4.6(3)(b)); and,*
- (c) *that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out (4.6 (4)(a)(ii)).*

13. The justification for seeking approval to subdivide the subject land into two lots both of which will have an area less than the prescribed minimum is set out below.

Background

14. The subject land is part of the original Murrumbateman subdivision and is zoned RU5 -Village ('the village precinct'). The village precinct lies within an area defined by North Street, West Street, South Street and East Street. The sub-precinct between Rose Street and East Street includes the local centre.

15. A master plan for the Village of Murrumbateman is included as part of the Town and Village studies carried out to inform the Yass Valley Settlement Strategy (YVSS). The YVSS noted that:

"The recommendations of the Murrumbateman Master Plan are to expand the Village Core which will provide alternative living, assist with affordable housing, assist to increase local demand for services within the Village centre, and to allow for additional standard residential blocks.

The Master Plan States that 'it is anticipated that Murrumbateman will continue to experience strong population growth and reach 3,030 people by 2031; a total increase of an additional 72 percent'. "Based on a population increase of 1,271 by 2031 and an average household size of three persons, there is a requirement for an additional 424 lots and 418 hectares by 2031 (assuming an average lot size of 8479 square metres). The 418 hectares of raw land assumes 360 hectares of saleable land and an additional 59 hectares dedicated to roads and drainage (approximately an 86/14 per cent split). Council's current future investigation areas include provision for up to 1695 hectares of raw land. Based on historical demand patterns and forecast population for Murrumbateman this should be sufficient up to 2031.

"The study highlights the need for Murrumbateman to provide employment generating land. The study recommends around 6 hectares of industrially zoned land. Additionally, 2332-5823m² of land could be allocated for retail purposes and 636m² of land could be set aside for commercial purposes in the future. It is crucial to the economic development of the region and Murrumbateman to ensure a surplus of employment land."

*"The study also identified a strong demand for a primary school, allocation of land for recreation purposes and further supporting uses which would support tourism. The master plan will be reviewed and a detailed plan will be prepared to give effect to this strategy."*²

(emphasis added)

16. The proposed development is located within the Village Core (pink). Figure 4 shows the subject land on the margin of the existing village core. Land south of South Street lies outside the master planned areas and is predominantly small lot residential.

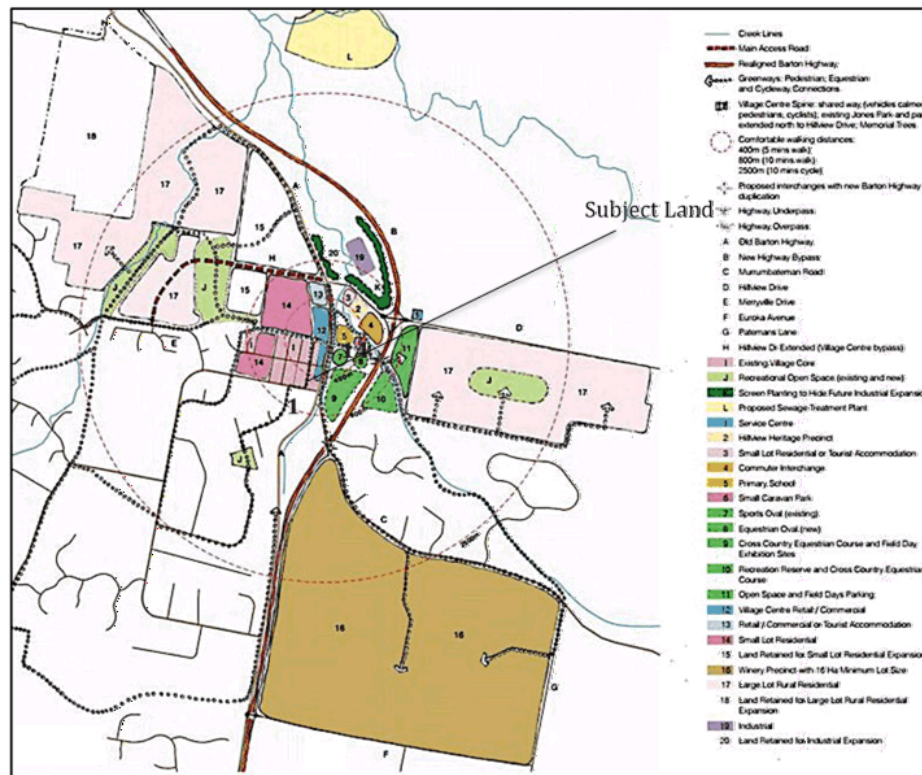


Figure 4. Murrumbateman Master Plan. Area No.1: Existing village core; Area No.14: Small lot residential
(Source: Yass Valley Settlement Strategy 2036)

17. The master plan is reviewed at Part 10 of the YVSS and discussed below. The Murrumbateman Settlement and Future Growth Plan is at Figure 4.

18. The objectives of the RU5 zone are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To ensure that development is compatible with village character and amenity.
- To ensure that development is provided with an adequate water supply and the disposal of sewage. (YVLEP Part 2 Land Use Table)

² Yass Valley Settlement Strategy (August 2019 Version) Page 20.

19. However, the *Yass Valley Settlement Strategy 2036* (August 2019) ('the YVSS') recommends that the village precinct be rezoned to R1. The objectives of the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents (YVLEP Part 2 Land Use Table).

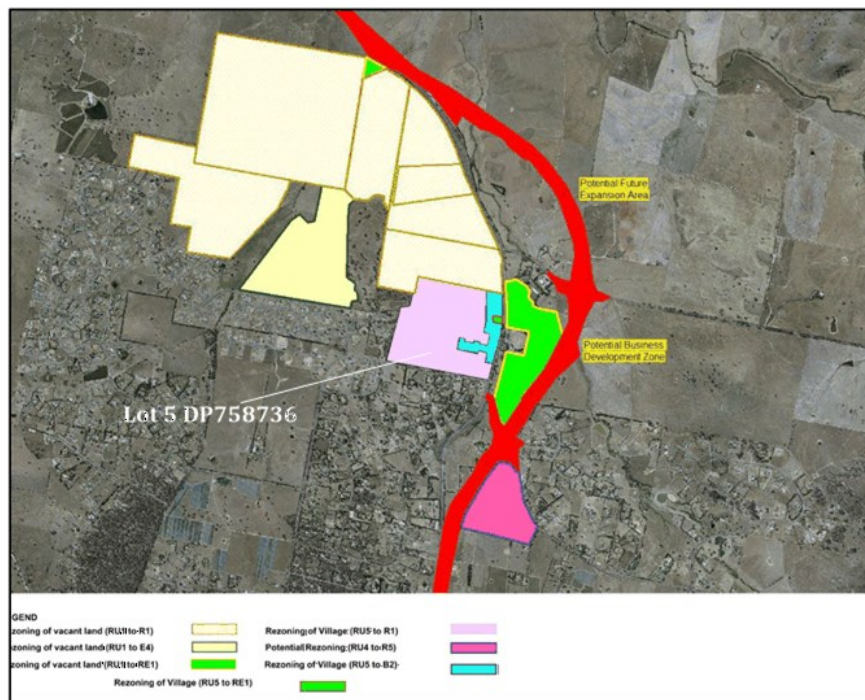


Figure 5. Murrumbateman Settlement and Future Growth
(Source: YVSS Figure 23)

20. The YVSS recognises a conflict between a desire to retain the village character and the need to 'grow' Murrumbateman to a major town. The YVSS also acknowledges that the RU5 zoning is inappropriate and propose rezoning to R1 - *General Residential*, presumably anticipating a change to a more robust character through higher densities and more diverse uses³.

21. Recommendations include the retention of existing lot sizes, but introducing R1 General Residential Zoning to recognise the commercial focus along Hercules and Rose Streets and the Barton Highway. The YVSS also recommends that R1 General Residential land have a minimum lot size of 1000 square metres.

22. On 26 June 2020 the *Yass Valley Local Environment Plan 2013* was amended by Amendment No.8, which provided:

"4.1D Minimum site areas for dual occupancies and multi dwelling housing in Zones R1, R2, R3 and RU5"

³ *Yass Valley Settlement Strategy 2036* Table 14 at pages 66-67.

- (1) The objective of this clause is to achieve planned residential density in certain zones.*
- (2) Development consent must not be granted to development for the purposes of a dual occupancy unless the site area per dwelling is at least—*
- (a) in the case of Zone R1 General Residential—400 square metres, or*
 - (b) in the case of Zone R2 Low Density Residential—2,000 square metres, or*
 - (c) in the case of Zone R3 Medium Density Residential—150 square metres, or*
 - (d) in the case of Zone RU5 Village if the site is connected to a reticulated sewerage system—750 square metres, or*
 - (e) in the case of Zone RU5 Village if the site is not connected to a reticulated sewerage system—2,000 square metres.*
- (3) Development consent must not be granted to development for the purposes of multi dwelling housing unless the site area per dwelling is at least—*
- (a) in the case of Zone R1 General Residential—400 square metres, or*
 - (b) in the case of Zone R3 Medium Density Residential—150 square metres.⁴*

Summary - Part Three

23. The YVLEP defines the Murrumbateman Village Precinct and provides a range of uses and a form of development intended to preserve the character and amenity of the place. Among the controls imposed by the YVLEP are controls on lot size intended to retain the traditional orthogonal subdivision pattern.

24. The construction of Clause 4.1 (3) would suggest that the general intention is to dissuade subdivision in Zone RU5, although a significant number of the original 2000 square metre lots have already been subdivided into 1000 square metre lots.

25. The Yass Valley Settlement Strategy takes a different view of the future of the village, and sees a need to change the present zone from RU5 Village to RU1 Residential in order to meet the changing nature of the Yass Valley as a place to work, live and recreate.

26. While there appears to be a reluctance to adopt the recommendations of the Settlement Strategy *in toto*, the YVLEP has been amended to permit dual occupancies in the RU5 zone, provided that the site area for each dwelling is 750 square metres in the case of a sewered site, and 2000 square metres in the case of an unsewered site.

27. Amendment No.8 (Clause 4.1D) would significantly change the urban design of the Village precinct from that which is prospective under Clause 4.1, but change under clause 4.1D is limited to proposals involving dual occupancies and multi dwelling housing. However, dual occupancy housing on a lot held under single title would be physically indistinguishable from two single detached dwelling houses on two abutting lots. It follows that, if a dual occupancy development can satisfy the YVLEP objectives for the Murrumbateman RU5 Zone, contrary to the development standard set by Clause 4.1(3), then a development involving two single detached houses on abutting lots can equally satisfy the zone objective and thus, the public interest requirement.

⁴ *Yass Valley Local Environmental Plan 2013 (Amendment No.8) Published LW 26 June 2020 (2020 No.340)*

PART FOUR

This Part addresses the matters that demonstrate that approval of the proposed development satisfies the requirements of clause 4.6 with respect to approving a development that contravenes a development standard - in this case the lot size provisions for the Murrumbateman RU5 Village Zone.

Responses against the Clause 4.1 Objectives

28. The objectives of the current standard are set in full out and analysed against the proposed development in Table 1 (below). The responses to the objectives indicate that the proposed development is compatible with each of the objectives in clause 4.1.

Item	Objective	Response
(a)	<i>to minimise the likely impact of subdivision on the amenity of neighbouring properties,</i>	<p>The subject land is in the south-eastern corner of the RU5 precinct, interfacing with rural residential developments to the south, and abutting residential land to the north and west.</p> <p>The proposed use of the land, for a single storey detached dwelling house in scale with adjacent buildings, is entirely consistent with existing uses and activities within the precinct.</p> <p>There is no significant increase in density or occupation rates that might occasion excess demand on community facilities.</p> <p>Indicative traffic movements would increase from 4-5 vpd to 8-10 vpd which is insignificant on a minor collector road.</p> <p>There would be generous setbacks to adjoining properties that are not part of the redevelopment.</p>
(b)	<i>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,</i>	<p>Lot sizes in the village precinct are analysed in Table 2 below, and discussed at paras 35 -39 (below).</p> <p>There is no adverse impact on the biodiversity, geology or natural resources of the land, nor on the heritage or village character created by the proposed built form, siting, spacing or the existing density of the precinct.</p>
(c)	<i>to ensure that subdivision reflects and reinforces the predominant subdivision patterns of neighbouring properties and surrounds,</i>	<p>Murrumbateman village is set out in a traditional orthogonal grid with lots (other than those addressing East Street), set in a formal rectangular pattern. Where lots have been subdivided, the depth has been maintained and original frontages have divided to provide new frontages of equal width. The same form of subdivision is proposed in this case as is shown in the existing subdivision pattern in Figure 7.</p>
(e)	<i>to ensure subdivision occurs in a planned and sustainable way,</i>	<p>The proposed subdivision is consistent with the Yass Valley Settlement Strategy with respect to the intention to change zoning from RU5 to R1 and to reduce minimum lot sizes in the precinct to 1000 square metres and with Clause 4.1D with respect to the de facto subdivision of lots in the Precinct.</p>
(f)	<i>to ensure subdivision does not create unreasonable or uneconomic demands for the provision or extension of services,</i>	<p>The proposed subdivision would not create a demand for infrastructure or service not foreseen in the Settlement Strategy (see YVSS Table 13) and is insignificant in terms of planning proposals outlined in the Strategy.</p>

(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.	Not applicable.
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Table 1. Analysis of clause 4.1(1) Objectives of minimum subdivision lot size

29. From Table 1 (above) it is concluded that:
- a reduction in lot size would be achieved without loss of existing character;
 - a dwelling house of appropriate form with typical setbacks can be erected on each lot created by the proposed subdivision;
 - consistency between the proposed subdivision pattern and geometry and the existing subdivision pattern and geometry would be achieved;
 - the proposed subdivision and development would not be inconsistent with the YVSS with respect to demand on infrastructure;
 - there would be no adverse impact on the residential amenity of neighbouring properties arising out of the proposed subdivision; and,
 - A minimum lot size of 1500 square metres is unnecessary to achieve the objectives of Clause 4.6.

Discussion: Clause 4.6 (3)(a) - Compliance with the Development Standard is unreasonable

30. The relevant lot size map (LSZ_005C) provides that the minimum lot size in the Murrumbateman RU 5 Zone is 1500 square metres (see below).

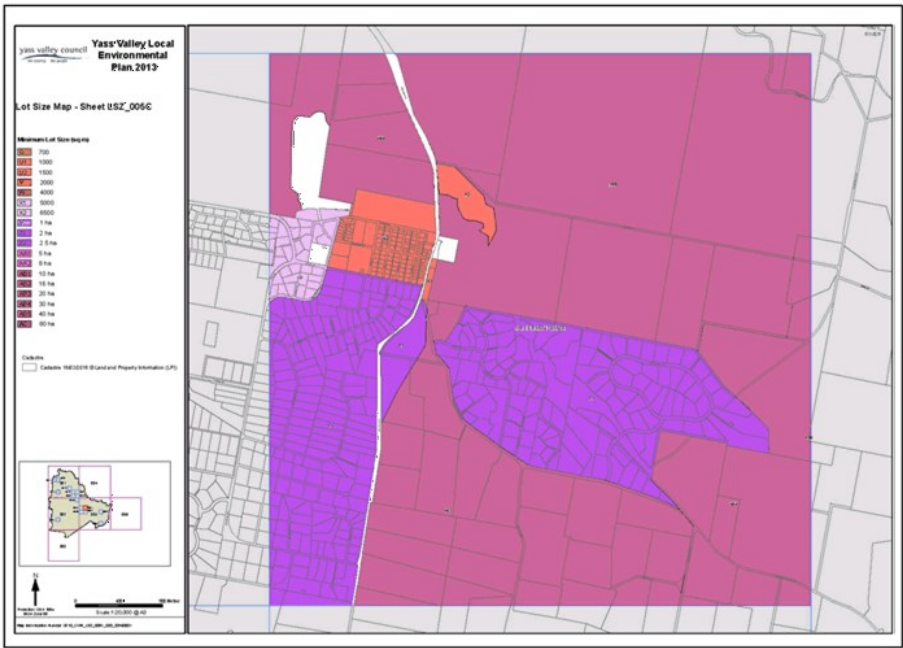


Figure 6. Lot Size Map LSZ_005C - Murrumbateman

31. Subclause 4.1(3) provides that;

The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

32. The effect of this provision is that, although no prohibition is placed on subdivision in order to subdivide land within the RU5 zone, it is necessary to consolidate at least two 2000 square metre lots, or a 2000 square metre lot abutting an existing 1000 square metre lot (of which there are eighteen), then subdivide into one lot of 1500 square metres and one lot of 2500 square metres in the former case, or two lots of 1500 square metres in the latter.

33. In each case the result is sub-optimal. The existing 1000 square metre lots are not uniformly disposed, so that any exercise of the latter option will break down the regularity of the existing general precinct layout and the view from the street. Consolidation and subdivision in the former case, would create asymmetrical lots, characterised by a disrupted streetscape. Further, the process requires an unnecessarily bureaucratic process, and is inconsistent with the principles of orderly planning.

34. With the introduction of Clause 4.1D two parallel standards now exist with respect to the same Murrumbateman RU5 zone. The first restricts subdivision to lots with an area of not less than 1500 square metres. The second standard permits the de facto subdivision of land into two lots not less than 750 square metres. Putting aside Clause 4.1D, it would be unreasonable to enforce the bureaucratic and inelegant subdivision requirements of clause 4.1(3). When read in the context of Clause 4.1D, the requirement is conflictive, and inconsistent with the planning strategy for Murrumbateman and the Yass Valley generally. In the circumstances the enforcement of the development standard would be unreasonable.

Discussion: Clause 4.6 (3)(a) - Compliance with the Development Standard is unnecessary in the circumstances of the case.

35. The YVLEP 2013 lot size requirement was most likely devised to protect the traditional orthogonal subdivision of the original village for its heritage values. However, although a number of Murrumbateman places⁵ have heritage status - the Village precinct does not.

36. While the remnant Village precinct has aesthetic and amenity values and has retained its sense of place, clause 4.1D (YVLEP Amendment 8) and the Yass Valley Settlement Strategy 2036 change the context in which the Village precinct is to be viewed.

37. As indicated in Table 1 (above) the YVLEP objectives can be achieved without compliance with the subdivision arrangements required by Clause 4.1(3). More to the point, compliance with the 1500 square metre minimum lot requirement for subdivision would distort the existing subdivision pattern by creating randomly located oversize lots interposed between lots of 2000 square metres and 1000 square metres.

38. Under Clause 4.1D each 2000 square metre lot in the Murrumbateman RU5 zone could carry two dwellings erected side by side in accordance with the *Low Rise Housing Diversity Code*⁶. The benefit of developing under this scheme is avoidance of the cost and delay involved in subdivision, and in that the development is complying development for the purposes of the parent Act.

39. It follows that compliance with subclauses 4(1)(b), 4(1)(c) and 4(1)(e) in the Murrumbateman RU5 zone no longer relies on preservation of large lots.

⁵ 'Places' is used in the sense of being a site of heritage or historical significance

⁶ *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* Part 3B Clause 3B.1(1)

40. In the context of planned changes to settlement patterns for the Village precinct, the proposed development will produce the desired objective of increasing dwelling density, while maintaining the physical and visual characteristics of the precinct without resort to the prescribed lot sizes. In view of the YVSS and clause 4.1D, development standard 4.1(3) is otiose generally, and unnecessary in this case.

Discussion: Clause 4.6(3)(b) - There are sufficient environmental planning grounds to justify contravening the development standard

41. Clause 4.1D is triggered by a proposal to carry out a dual occupancy development. The current proposal is not made under Clause 4.1D. It is for the subdivision of Lot 1 Section 5, the erection of a dwelling house on one lot (referred to as Lot "B" in Figure 3), and creation of separate titles over the land, hence it is necessary to consider all of the requirements of Clause 4.6.

42. The term "sufficient environmental planning grounds" is not defined in *Environmental Planning and Assessment Act 1979* ('the EPA Act'), nor is it defined in the YVLEP. In *Initial Action v Woollahra Council*⁷ the Court said that:

"The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act."

43. With respect to "sufficiency", the Court went on to say:

*"The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31]"*

Context - The Element of the Development that contravenes Clause 4.1(3)

44. The environmental planning grounds for contravening development standard 4.1(3) (that fixes the minimum lot size to 1500 square metres) require an appreciation of the context in which development is proposed. The context encompasses the present physical environment of the RU5 zone, the relevant standards intended to retain the existing character, and their relevance with respect to the approved settlement strategy for Murrumbateman as set out in the *Yass Valley Settlement Strategy 2016*.

Physical Environment

45. The original RU5 precinct comprised forty-two 2000m² lots in what are now Sections 1, 4, 5, and 7, and a further five lots of various sizes abutting East Street. The

⁷ *Initial Action v Woollahra Municipal Council* [2018] NSWLEC 118 (14 August 2018) at [23]

balance of the residential core (now Sections 2, 3, 6 and 7), were added later⁸. This gave the residential precinct seventy-seven 2000m² lots.

46. Originally, the sections west of the service lanes separating the half sections in Sections 7 and 8, each contained uniform size lots of approximately 40m x 50m yielding a lot areas of 2000m²± each. Thirty-five lots were created in the three-and-one-half sections between Hercules Street and the Joan/North Street boundary (Sections 2, 3, 6 and 7), and forty-two 2000m² lots were created in the three-and-one-half sections between Hercules Street and South Street (Sections 1, 4, 5 and 8).

47. In Sections 2, 3, 6, and 7, twenty-four 1000m² lots have been created by subdividing twelve of the original 2000m² lots. In Sections 4 and 7, subdividing six 2000m² of the original lots has created twelve 1000m² lots. In total 23% of the 2000m² lots in the residential precinct have been subdivided, so that there are now 115 residential blocks within the residential core, a 49% increase in the number of lots in the precinct.

48. Figure 6 indicates the pattern of lots subdivided to date. The patterning is predominant along Hercules Street and Rose Street but there is no evident urban design intention. The changes created by subdividing the original lots in the residential core are summarised in Table 2 (below).



Figure 7 Blocks created through subdivision. The proposed subdivision (Lot 2). is in the lower right hand corner of the plan (red dot) ,

⁸ Yass Valley Council Yass Valley Town and Village Study 2010 Page 139

DP	Section	Lot	Lot	Original	Facing
Section bounded by West Street, Joan Street, Camp Street, and Hercules Street					
758736	2	5	11	Corner lot	West Street
		6	12	Corner lot	Camp Street
710178	2	1	2	Mid-block lot	Camp Street
Section bounded by Camp Street, Joan Street, Middle Street and Hercules Street					
758736	3	5	11	Corner lot	Camp Street
		6	12	Corner lot	Middle Street
Section bounded by Middle Street, North Street, Rose Street and Hercules Street					
758736	6	6	12	Corner lot	Middle Street
		5	11	Corner lot	Rose Street
711456	6	81	82	Mid-block lot	Middle Street
740443	6	101	102	Corner lot	Middle Street
		103	104	Mid-block lot	Rose Street
Section bounded by Rose Street, North Street, East Street, and Hercules Street					
758736	7	9	10	Mid-block lot	Rose Street
		11	12	Mid-block lot	Rose Street
1204406	7	1	2	Corner lot	Rose Street (1)
Section bounded by Camp Street, Hercules Street, Middle Street and South Street					
401905	4	A) formed by	Corner lot	Facing South Street
135045		1) subdivision		
Section bounded by Rose Street, Hercules Street, East Street and South Street					
758736	8	3	4	Mid-block lot	Rose Street
		5	6	Mid-block lot	Rose Street
		7	8	Mid-block lot	Rose Street
		9	10	Mid-block lot	Rose Street
		11	12	Corner lot	Rose Street.

Table Two Summary of 1000m² (0.25 acre) lots in the RU 5 - Village Zone created from previous subdivisions - Murrumbateman RU5 Zone

Note:

(1) Non-commercial uses and addressing Hercules Street.

Impacts from previous subdivision

49. The original residential core was a low rise, low density area. The gross residential density⁹ of the original residential core (26.91 ha) was 3.01 dwellings per hectare (3.01 d/ha). The present subdivision pattern includes 20 additional residential lots, giving a gross residential density of 3.76 d/ha. The proposed development would increase the gross residential to 3.79 d/ha.

50. Dwelling density is not an exact measure and varies with the inclusions. In this case, all the land having frontage to East Street was included in calculating density because the land uses relate directly to the residential core. While by any measure 3-4 dwellings per hectare would be considered low density, the purpose here is to indicate

⁹ Gross residential density is defined in this proposal as the land required for uses that are generated by the residential uses (i.e. roads, schools, parks, community buildings) (after Griffith D, 2009)

that the proposed development would bring about an insignificant *change* in scale within the residential core.

51. Within the precinct there are a number of vacant lots and lots that are used for storage of landscape and other materials, earthmoving equipment and the like, which appear compatible with the relaxed nature of the development. The 1000m² lots have been absorbed into the precinct without any adverse impact on the visual quality of the urban landscape, probably because of the low site coverage of the dwelling houses and their orientation, together with the scale of buildings and the predominant use of gable end roofing.

52. Road reservations in the village precinct are a standard 20m wide, with sealed carriageways 6.0m wide. Generally, there is no kerb and guttering, 7.0m wide verges extend from the carriageway on either side of the carriageway to the property line. Blocks (i.e. the rectangular organisation of lots) are subdivided along their long axis by 6.0m wide service lanes originally intended for night carts. Although the precinct is sewered, the service lanes have been preserved, faithful to the original subdivision pattern.

53. The precinct has an undulating landform which, together with the tree cover, almost universal street vegetation, and narrow roads, breaks the precinct into a number of separate viewsheds, thus blurring inconsistencies in lot size and variations in building style, materials and colour palette. In terms of visual sequencing, the landform, vegetation, and narrow framing created by the road widths, creates a cumulative series of views of a more or less unified townscape¹⁰.

54. In summary, the retention of the village character and sense of place can be attributed to:

- the robust nature of the original rectangular subdivision;
- the undulating land form that limits the view shed from any particular point;
- the mature vegetation that both contributes to the landscape character, and to the restricted viewshed;
- the simple architectural styles, roof forms and proportions of the existing dwellings;
- informal streetscapes embodying narrow asphalt carriageways, absence of kerbing and guttering, and an abundance of trees and shrubs in the view from the road; and,
- adoption of a symmetrical and regular form of subdivision, compatible with the original.

Effect of VVLEP Clause 4.1D

55. Clause 4.1D enables dual occupancy (side by side dwellings) to be erected under the *Low Rise Diversity Code* in Zone RU5 Village, subject to the area allocated to each dwelling not being less than 750 square metres. With respect to Murrumbateman Village Precinct, the potential for change is explored in paragraphs 35-39 (above).

56. Development under the Low Rise Housing Diversity Code is intended to allow:

*"well-designed dual occupancies, manor houses and terraces (up to two storeys) to be carried out under a fast-tracked complying development approval pathway."*¹¹

¹⁰ Lynch, Kevin Site Planning Second Edition (1971) The Massachusetts Institute of Technology at page 202

¹¹ NSW DPI&E Low Rise Housing Diversity 01/07/2020

57. The advantages of development through the Low Rise Diversity Housing Code is seen as a means of giving effect to the Yass Valley Settlement Strategy, and hence it is in the public interest. However, its success in Murrumbateman is dependent on the attractiveness of the proposal to existing landholders, who may have acquired their land specifically because of its size.

58. The proposed subdivision of Lot 1 Section 5 meets all the development conditions of the *Low Rise Housing Diversity Code* without the lead time involved in attracting potential dual occupancy developers. It also satisfies the underlying objectives of the scheme. Hence, it is in the public interest to allow it to proceed.

59. No adverse planning implications arise from the subdivision of the land. From a visual and a functional viewpoint, the result in terms of housing outcomes would be identical. With respect to the existing streetscape, the proposed subdivision would have the same configuration as Lot 1 DP 135045 and Lot A DP 401905 on the corner of Middle Street and South Street.



Figure 4. Aerial Photograph of Murrumbateman and surrounds. The village core is visible as an area of intensive subdivision surrounded by small lot developments to the north, west and south. The area directly north is presently in development and partly occupied as an estate characterised by detached houses on single lots of about 1200 square metres.

PART FIVE

Conclusion

60. With respect to the Murrumbateman village zone, the precinct is a classical rectangular grid laid over an undulating land-form. Originally, a pattern of rectangular sections was established, each with a number of rectangular lots of 2000 square metres in area.

61. The Yass Valley Local Environment Plan 2013 established a minimum lot size for the Murrumbateman Village precinct with the objective of ensuring development is compatible with the existing village character and amenity. The minimum lot size is 1500 square metres.

62. As indicated above, the original pattern of development has been eroded over time with nineteen of the original seventy-seven 2000 square metre lots being subdivided into thirty-eight 1000 square metre lots. However, visually, and particularly in streetscape terms, this has not led to a corresponding erosion of the village character of the precinct.

63. Currently the YVLEP at clause 4.1(3) provides that:

"(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land."

64. With respect to the Murrumbateman Village zone, the development standard is otiose because it is not possible to subdivide any lot within the precinct to create residual lots that meet the criteria for subdivision. Further, the development standard conflicts with Clause 4.1D which permits dual occupancies in Zone RU5 where each dwelling is sited in an area of 750 square metres.

65. A dual occupancy development in the Village precinct will have no physical or functional differences to the proposed subdivision. However, for the proposed subdivision to occur contravenes the development standard.

66. The adoption of Clause 4.1D makes development standard 4.1(3) unnecessary. To persist in its application on the basis that is necessary in order to enforce the objectives under 4.1, but at the same time allow for the same or similar development under the Low Rise Diversity Housing Code is not only unreasonable - it is illogical.

67. This written statement has set out in detail a description of the physical structure and urban design of the Village Precinct and demonstrated that the proposed subdivision is consistent with the objectives of the standard, and hence it is in the public interest that it be approved.

68. The proposition that the proposed subdivision goes towards the service of the public interest is given further weight by the fact that the resulting development would be consistent with State Government policy on providing a more diverse range of housing choices; and the Yass Valley Settlement Strategy that recommends an increased dwelling density in the Village Precinct, the rezoning of the Precinct to R1 Residential, and the reduction in lot sizes to 1000 square metres.

This written statement was prepared by:
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DA200184 – DRAFT CONDITIONS – 2 ROSE STREET

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.
- (2) All engineering design and construction work shall be undertaken in accordance with the following, current at the time of the Construction Certificate being issued:
 - Council's Road Standards Policy RD-POL-09
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards and
 - AustRoads
 - The Water Reticulation Code of Australia and
 - The Sewerage Code of Australia
- (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 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.

- (7) 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.

- (8) 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 copy of a quote or invoice of the total cost of labour and materials involved in the proposed development prepared by a suitably qualified builder or quantity surveyor shall be submitted to Council.

If the total cost of works exceeds the amount in the Development Application further fees may be applicable and will need to be paid prior to issuing a Construction Certificate.

- (3) 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

- (4) A Certificate of Compliance shall be obtained for the augmentation of Council's water supply system under section 305 Water Management Act 2000. The fee for the Certificate of Compliance is \$22,929.

It should be noted that:

- The total fee is based on a 1 ET lot increase in demand calculated on a base rate of \$22,929 per lot.
- Deferred payments can be made upon the registration of a Voluntary Planning Agreement which provides for such arrangements.

- The base rate utilised above was the rate applicable at the time the application was determined.
 - The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined.
 - The base rate per connection may vary over time.
 - Compliance under Section 305 does not include the physical installation of any infrastructure.
- (5) A Certificate of Compliance shall be obtained for the augmentation of Council's sewer system under section 305 Water Management Act 2000. The fee for the Certificate of Compliance is \$16,944.

It should be noted that:

- The total fee is for a 1 ET lot increase in demand calculated on a base rate of \$16,944 per lot.
 - Deferred payments can be made upon the registration of a Voluntary Planning Agreement which provides for such arrangements.
 - The base rate utilised above was the rate applicable at the time the application was determined.
 - The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined.
 - The base rate per connection may vary over time.
 - Compliance under Section 305 does not include the physical installation of any infrastructure.
- (6) Engineering drawings for the provision of access to each allotment shall be submitted to Council's Infrastructure and Assets Division for approval in accordance with Council's Roads Standards Policy RD-POL-09 and Council's Design and Construction Specification – Ausspec#1.

Note: Access for Lot 1 (existing dwelling) must be located off South Street and not the laneway.

Engineering drawings associated with the drainage of sewer shall be submitted to Council's Engineering Department for approval in accordance with the Sewerage Code of Australia.

- Sewer to service Proposed Lot 1 and Lot 2 shall be designed to discharge to existing sewer manhole MV AA2 on Rose Street.
- Sewer reticulation shall be designed and laid to satisfy hydraulic requirements in accordance with Sewerage Code of Australia.

- All sewer reticulation mains shall be with PVC, RRJ, Class SN8 with a minimum diameter of 150 mm.
 - Trench stops / concrete bulkheads shall be installed for mains designed for grades 5% and above as per the Sewerage Code of Australia.
 - Sewer mains shall be air pressure tested as per approved methods and sewer manholes shall be vacuum tested as per approved methods.
 - Sewer connections to existing sewer manholes or existing main shall be carried out by a licensed plumber in accordance with Council requirements.
 - Sewer ties are to be raised with a boundary riser and capped if the tie depth is more than two metres.
 - Marker peg system or marker tape system shall be installed to each sewer tie as per the Sewerage Code of Australia.
 - Existing on-site sewage management system shall be decommissioned.
- (7) A water service and meter are required to service Proposed Lot 2. An application shall be lodged to Council with relevant payment. Installation of water service and water meter to be carried-out by Council at Developer's expense.
- The water service and meter are not permitted to be located within or closer than 500mm to the proposed driveway. The water meter location shall be agreed to the satisfaction of Council's Water and Wastewater Department prior to the construction of the proposed driveway.
- (8) A Tree Impact Assessment and Tree Management Plan shall be submitted to Council for approval and shall detail:
- The health, life expectancy and structural stability of the native trees proposed to be retained.
 - Identifies the tree protection zone (TPZ) and considers the impact of any encroachment of works within this area including site cut, driveway and installation of services.
 - Makes recommendations for management and protection of the native trees proposed be retained, including during construction.
- Note:** The Applicant should consider the opportunity to relocate the driveway for Proposed Lot 2 further to the south.
- (9) 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.

- (10) 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).
- (11) 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.

- (11) A Soil and Water Management Plan shall be submitted to Council's Engineering Department for approval in accordance with Council's Design and Construction Specification – AUS-SPEC #1.

6.4 Development Application DA200184 - Dwelling and Two Lot Subdivision, 2 Rose Street, Murrumbateman
Attachment D Draft Conditions

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.

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.

- (12) An inspection and test plan for all civil engineering works shall be submitted to Council's Engineering Department for approval in accordance with Council's Construction Specification – AUS-SPEC #1, Annexure CQS-14.

PART D - 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*;

PART E – 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)	Floor slab	Prior to pouring concrete.
(c)	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.
(d)	Waterproofing of wet areas	Prior to the placement of tiling and/or covering.
(e)	Stormwater	Prior to backfilling or covering pipes and connections to services.
(f)	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;
(f)	At the completion of all plumbing and drainage works.	Prior to the occupation of the dwelling.

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

Roads

- (a) **Completion of property accesses** - This inspection is for access dimensions and to ensure there are no 'trip-fall' hazards.

Sewer

- (a) Completion of sewer main and lot sewer ties – prior to backfilling
(b) Installation of sewer drainage connections to Council's main – prior to backfilling

Other

- (c) Practical completion.

- (4) Upon inspection of each stage of construction, the Principal Certifier (or other suitably qualified person on behalf of the Principal Certifier subject to the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- (a) Sediment control measures.
(b) Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
(c) Maintenance of the public place free from any unauthorised materials, waste containers or other obstructions.

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

PART F – 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 G – DECOMMISSIONING OF AN ONSITE SEWAGE MANAGEMENT FACILITY

- (1) The contents of the existing onsite sewage management tank shall be pumped out by an appropriately licensed contractor and disposed of at an approved facility.

Note: A copy of the disposal receipt shall be submitted to Council;

- (2) The sides, lid, baffle (if fitted), square junctions and any internal components of the existing onsite sewage management tank shall be hosed down as the waste is being removed;
- (3) The existing onsite sewage management tank is to be disinfected by spreading hydrated lime over the exposed surfaces;

Note: A photo is to be taken and submitted to Council showing the hydrated lime spread over the exposed surfaces of the onsite sewage management tank.

- (4) If the existing onsite sewage management tank is to be left on site the following shall be implemented:

- a) Several holes shall be punched into the base of the onsite sewage management tank. The lid and those parts of the walls, baffle and square junctions above the ground should be demolished and collapsed into the onsite sewage management tank and filled with clean fill and finished with a layer of topsoil;

Note: A photo is to be taken and submitted to Council showing the sections detailed above collapsed into the onsite sewage management tank.

- (5) If the existing onsite sewage management tank is to be removed from the site the following shall be implemented:

- a) All internal components are to be removed following pump out and all saturated soil is to be allowed to dry;

- b) The excavated onsite sewage management tank is to be disposed of at an approved facility.

Note: A copy of the disposal receipt shall be submitted to Council;

- c) All excavations/voids shall be backfilled with clean soil and finished with a layer of topsoil to natural ground level;

- (6) The absorption trench shall be decommissioned and sealed to prevent any further filtration of water;

PART H – 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.

- (4) A rainwater tank with a minimum capacity of 22,500 litres shall be installed and connected to the entire roof catchment area and plumbed to all toilets, washing machines and showers.
- (5) An Automatic main water diverter system shall be installed in accordance to AS/NZS 3500 Part 1 and shall be connected to the mains water to supply for all toilets, washing machines and showers during dry periods when the rain water tank is empty.

PART I – 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) 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 J - PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

- (1) Prior to the issue of any Occupation Certificate, An application for an occupation certificate must be lodged with the Principal Certifier.
- (2) Prior to the issue of any occupation certificate, all applicable Clauses under Section 6.10 of the *Environmental Planning and Assessment Act 1979* shall be complied with.
- (3) An occupation certificate authorising a person:
 - (a) to commence occupation or use of a partially completed new building, or
 - (b) to commence a new use of a part of an existing building,must not be issued unless the building will not constitute a hazard to the health or safety of the occupants of the building.
- (4) 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.

- (5) 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.

- (6) 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.

- (7) The property vehicular accesses from the road to the property boundary shall be constructed in accordance with Council's Roads Standards Policy RD-POL-09;

Note: Access for Lot 1 (existing dwelling) must be located off South Street and not the laneway.

- (8) 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.

- (9) A water service main (service connection) shall be installed from Council's main to a point inside the front boundary of each lot created within the subdivision.

If the Council main is existing and currently in use (i.e. a "live" main) Council must undertake the works at full cost to the developer. An application can be made by contacting Council's Engineering Department on (02) 6226 1477.

- (10) Each lot within the subdivision is required to have its own connection to a Council approved sewerage system.

- (11) The sewer boundary riser shall be located above the finished ground level and have a concrete collar installed.

- (12) 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.

This bond shall be held for a period of twelve months from the date of release of the Subdivision Certificate from Council or the practical completion of the engineering works, whichever is later.

- (13) 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
- PDF and
- A1 Hard Copy.

The WAE Drawings shall include the following details:

- (a) **Water** - Location, depth, size, material, easement
- (b) **Sewer** - Sewer pump station details, location, depth, size, material, easement, invert level, grades, pit details and tie details

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

(a) **Sewerage Infrastructure**

- Pit type, number and cost
- Pipe type, length and cost

(b) **Water Supply Infrastructure**

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

- (15) 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.

PART K - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

- (1) Evidence must be submitted to Council that a Final Occupation Certificate for the dwelling house approved by this Development Consent has been issued.
- (2) 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.
- (3) 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.
- (4) The applicant must confirm by survey that the formation and associated batters and drainage structures of Rose Street and South Street 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.

- (5) Easements must be created on the final plan of subdivision centred on any existing or new power lines/cables, stormwater drainage lines, water mains, or sewer mains passing through private property and shall be in accordance with the service providers requirements; passing through private property and must be in accordance with the service provider's requirements.

Note: Easements over Council services shall generally be 3.0m wide however consideration will be given to a narrower easement in circumstances where it can be justified and is approved by Council's Infrastructure & Assets Department.

- (6) 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.
- (7) 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 DA200184

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) This development consent does not guarantee compliance with land specific agreements, by-laws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the land owner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved.
- (5) The applicant shall ensure all sub-contractors are licensed by the NSW Department of Fair Trading;
- (6) The *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) 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 **Murrumbateman area** for the purpose of booking these inspections.

7.1 SOLAR PANEL INSTALLATION PROPOSAL - YASS WATER TREATMENT PLANT, YASS WASTEWATER TREATMENT PLANT AND YASS VALLEY COUNCIL DEPOT

SUMMARY

This report is to advise on progress in relation to the possible implementation of solar panels and other associated electricity infrastructure on the Water Treatment Plant, Wastewater Treatment Plant and Council's Works Depot.

RECOMMENDATION

That:

1. *The proposed installation of solar panels and associated equipment at the Yass Wastewater Treatment Plant, Yass Water Treatment Plant and Works Depot be considered within the quarterly budget review to allocate funds of \$20,000 for commencement of the project in FY2020/21 and \$130,000 (including contingencies) for installation in 2021/22*
2. *Opportunities for external funding of solar energy generation projects on its buildings and facilities where practical continue to be pursued*

FINANCIAL IMPLICATIONS

The construction cost of solar panels and associated equipment at the Yass Wastewater Treatment Plant, Yass Water Treatment Plant and Works Depot is estimated to have a capital cost of \$113,161 plus consultancy fees and contingencies.

Cost of electricity bills for these three sites is approximately \$194,000 per annum consisting of fixed and usage charges.

With estimated power generation from the solar panels, depreciation, on-going maintenance costs, etc. it is estimated that the pay-back period for these works will be in the order of 3 to 6 years depending on individual locations, based on replacement of assets and reductions in consumption charges.

External government funding of such projects does arise from time to time through such programs as the State Government's Regional Community Energy Fund. Round 2 of this Fund has not been announced.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Background

In 2015 Council considered the installation of solar panels on a number of major buildings in an effort to reduce costs and provide an environmental outcome to its electrical supply concerns. Council resolved:

That consideration of a solar photovoltaic system at the Yass Sewerage Treatment Plant be held in abeyance and be included in future investigations as part of an energy audit of all facilities.

In 23 October 2019 Council determined that:

1. *A suitably qualified consultant be engaged to advise on solar energy options to reduce operational costs at council facilities be undertaken as a priority.*
2. *The consultant report and findings be brought back to a future Council meeting for consideration on how to fund and implement the findings.*

Given the improvements surrounding solar technology over the recent years this project has been re-visited to assist in the feasibility of this project.

Following delays with the project due to the impact of the bushfires on other consultants, ITP Australia was engaged to investigate the installation configurations, installation sizes and project costs for possible installations on the Yass Wastewater Treatment Plant, Yass Water Treatment Plant and Works Depot. A copy of the consultant's report is included in **Attachment A**.

These sites were selected given their current high power use and opportunities to install such systems without significant alterations to existing facilities.

Other sites such as Council's Administrative Building and the Yass Swimming Pool were not considered due to possible redevelopment opportunities at these sites. The possible upgrading of the Yass Water Treatment Plant was also taken into account utilising existing roof space on existing buildings. Consideration on to the installation of solar assets at these facilities will be considered as part of any redevelopment of those facilities as and when they occur.

Battery energy storage was found not to be feasible due to the relatively low cost of energy and high cost of batteries at this stage. This can be reviewed in the future should circumstances change. Any existing back-up power supplies (e.g. generator) will be retained for emergency situations in keeping plant operational during significant power outages.

Savings on electrical bills varies for each site due to the nature of electricity usage during a 24-hour period compared to the solar electricity generation only during daylight hours. Council's Works Depot has the advantage of electricity usage matching the solar generation largely during daylight hours while both the Water Treatment Plant and Wastewater Treatment Plant require power during a 24-hour period.

2. Funding

Funding for each site would be attributed to the Fund applicable to that service to negate cross subsidisation of services, with the following break up of costs:

2.1 Water Fund – Yass Water Treatment Plant

Site	PV Array Capacity	PV Invertor Capacity	Capital Cost	Nominal Annual Savings	Simple Payback
Water Treatment Plant	19.2 kWp (DC)	15 kW (AC)	\$20,500	\$5,929	3.45 years

2.2 Sewer Fund – Yass Wastewater Treatment Plant

Site	PV Array Capacity	PV Invertor Capacity	Capital Cost	Nominal Annual Savings	Simple Payback
Wastewater Treatment Plant	<ul style="list-style-type: none"> 32 kWp (DC) Ground mounted array 8 kWp (DC) Rooftop array 	<ul style="list-style-type: none"> 25 kW (AC) Ground mounted array 5kW (AC) Rooftop array 	\$52,569	\$8,815	5.96 years

2.3 Works Depot – General Fund

Site	PV Array Capacity	PV Invertor Capacity	Capital Cost	Nominal Annual Savings	Simple Payback

Works Depot	39 kWp (DC)	25 kW (AC)	\$40,092	\$13,537	2.96 years
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Note: kWp – Kilowatt –peak unit of power for solar panels

3. Capital Setup Cost & Savings

The following table summarises the set costs for the installation of panels at the three sites:

Total estimated capital cost (Infrastructure)	\$113,161
Consultancy for Project Management (technical)	\$25,000
Contingencies	\$11,839
Estimated Total cost (over 2 years)	\$150,000

The following table estimates the anticipated savings:

Yearly spend on electricity	\$194,000
Estimated Nominal yearly Saving (includes payback period)	\$28,281
Estimated Percentage of saving	14.65%

4. Conclusion

The installation of solar panels and other associated electricity infrastructure on the Water Treatment Plant, Wastewater Treatment Plant and Works Depot will assist in reducing Council's reliance on grid generated electricity and energy consumption costs associated with those three sites.

It is therefore recommended that a consultancy agency be engaged (estimated to be \$20,000) to prepare tender documents in 2020/21 financial year for tendering when funding is approved. In addition a budget of \$130,000 be allocated in the 2021/22 for installation of solar panels.

STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN4 -	Maintain and update existing community facilities, and support the development of new community infrastructure as needed
Delivery Program Action	IN4.1 -	Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner
Operational Plan Activity	IN4.1.4 -	Manage Council's properties and buildings

ATTACHMENTS: A. Solar PV Feasibility Study [📄](#)



Solar PV Consultancy Yass Valley Council

A0370
Feasibility Study

Revision 02
October 2020

ENGINEERING | STRATEGY | ANALYTICS | CONSTRUCTION



DOCUMENT CONTROL

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ABOUT ITP RENEWABLES

ITP Renewables (ITP) is a global leader in renewable energy engineering, strategy, construction, and energy sector analytics. Our technical and policy expertise spans the breadth of renewable energy, energy storage, energy efficiency and smart integration technologies. Our range of services cover the entire spectrum of the energy sector value chain, from technology assessment and market forecasting right through to project operations, maintenance and quality assurance.

We were established in 2003 and operate out of offices in Canberra (Head Office), Sydney, North Coast NSW, Adelaide and Auckland, New Zealand. We are part of the international ITP Energised Group, one of the world's largest, most experienced and respected specialist engineering consultancies focussing on renewable energy, energy efficiency, and carbon markets. The Group has undertaken over 2,000 contracts in energy projects encompassing over 150 countries since it was formed in 1981.

Our regular clients include governments, energy utilities, financial institutions, international development donor agencies, project developers and investors, the R&D community, and private firms.

ABOUT THIS REPORT

This report was commissioned by Yass Valley Council.

It provides a high-level assessment of the feasibility of installing Solar PV systems at three of its sites; namely, Yass council works depot, wastewater treatment plant and water treatment plant, located in Yass, NSW.



ABBREVIATIONS

AC	Alternating current
AEMO	Australian Energy Market Operator
AUD	Australian Dollar
BOS	Balance of system
CBA	Cost benefit analysis
DC	Direct current
HVAC	Heating Ventilation and Air Conditioning
IRR	Internal rate of return
I_{sc}	Short circuit current
ITP	IT Power (Australia) Pty Ltd
kVA	Kilo Volt-Ampere, unit of apparent power
kW	Kilowatt, unit of power
kWh	Kilowatt-hour, unit of energy (1 kW generated/used for 1 hour)
kWp	Kilowatt-peak, unit of power for PV panels tested at STC
LCOE	Levelized cost of electricity
LV	Low Voltage
MSB	Main switch board
NASA	National Aeronautics and Space Administration
NPC	Net Present Costs
NPV	Net present value
O&M	Operation and maintenance
PV	Photovoltaic
RE	Renewable Energy
ROI	Return on investment
STC	Small-scale Technology Certificates
V_{oc}	Open circuit voltage
WTP	Water Treatment Plant
WWTP	Waste Water Treatment Plant



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EXECUTIVE SUMMARY

ITP was engaged by Yass Valley Council to assess the feasibility of installing solar PV, and energy storage at three key buildings in Yass NSW. The three sites are:

- Site 1: Yass Council works depot, Yass Valley Way, Yass
- Site 2: Wastewater (Sewer) Treatment plant, Faulder Avenue, Yass
- Site 3: Water Treatment Plant, Cooks Hill Road, Yass

ITP visited the three sites on Wednesday 22nd April 2020 to assess their suitability for solar PV installations. All three sites had suitable locations for solar installation either on building rooftops or ground mounted locations.

ITP found that grid connected solar PV is feasible, and is recommended at all three sites to offset daytime energy consumption. Battery energy storage was found not to be feasible due to the relatively low cost of energy and high cost of batteries.

ITP's recommendations for the three sites, along with a summary of the financial modelling results for each recommendation are outlined in Table 1 below.

Table 1 Summary of recommendations and feasibility modelling results

Site	PV Array capacity	PV Inverter Capacity	Capital Cost	Annual Savings ¹	IRR	Simple Payback
Works Depot	39 kWp (DC)	25 kW (AC)	\$40,092	\$13,537	33.6%	2.96 years
Wastewater Treatment Plant	-32 kWp (DC) – Ground mounted array -8 kWp (DC) – Rooftop array	-25 kW (AC) – ground mounted array -5 kW (AC) – rooftop array	\$52,569	\$8,815	16%	5.96 years
Water Treatment Plant	19.2 kWp (DC)	15 kW (AC)	\$20,500	\$5,929	28.6%	3.45 years

¹ Nominal
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1 INTRODUCTION

1.1 Project Background

As part of Yass Valleys Council's Operational Plan, Council is seeking to investigate the possible installation of solar photovoltaic (PV) systems and associated equipment, including battery storage and remote monitoring, at three of its buildings in Yass, NSW to further decrease reliance on grid-sourced electricity and associated costs.

Preliminary analysis has been conducted at the sites and the scope of this report is to present the outcomes of this analysis and advice, with regards to:

- Optimal capacity and possible locations for PV systems
- Potential battery storage options
- Technical feasibility for the PV and storage systems
- Financial assessment of the proposed PV systems, including life cycle cost comparison and value for money assessment
- Outline of timeframes and costs associated with design, specification, construction and commissioning of proposed systems



2 SITE ASSESSMENT

The three sites investigated under this study are:

- Site 1: Yass Council works depot, Yass Valley Way, Yass
- Site 2: Wastewater (Sewer) Treatment plant, Faulder Avenue, Yass
- Site 3: Water Treatment Plant, Cooks Hill Road, Yass

Table 2 gives the address of each of the sites and Figure 1 shows the map containing the three sites, which are outlined in red.

Table 2: Site details in Yass, NSW 2582

Site	Address	Coordinates
Yass Council works depot	1418 Yass Valley Way	-34.818972, 148.907779
Wastewater (Sewer) Treatment plant	32 Faulder Avenue	-34.821610, 148.907243
Water Treatment Plant	24 Cooks Hill Road	-34.825438, 148.920932



Figure 1: Map showing the location of the sites in Yass NSW (34.82° S, 148.91° E)

ITP has investigated two PV system mounting options at the sites, these are:

- free-standing ground mounted systems, or

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- Flush and/or tilt mounted (depending on which configuration achieves optimal output and space efficiency) panels located on Council owned building roof-tops.

2.1 Site 1: Yass Council Works Depot

The Yass council works depot consists of an office building, workshop, and a number of covered carports and canopies. The electrical loads are primarily associated with the operation of machinery within the workshop, and general office lighting, HVAC, and computers etc within the office building. The Site loads are supplied from the main switchboard located at the workshop.

Figure 2 below shows the layout of the works depot site.

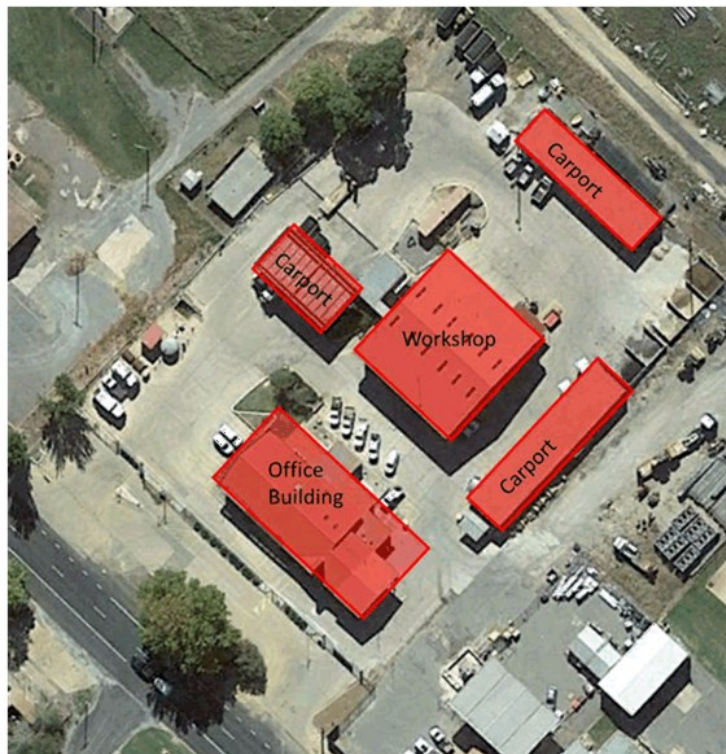


Figure 2 Yass Council Works Depot Site

2.1.1 Load Analysis

Yass Council provided ITP with historical billing data for the works depot. There is no interval data available to determine the actual typical load profile of the site, thus ITP has assumed a typical commercial load profile and applied the average daily consumption of the site to generate an indicative hourly load profile.. Figure 3 and Table 3 below illustrate the load assumptions used for modelling the feasibility of PV at the works depot site.

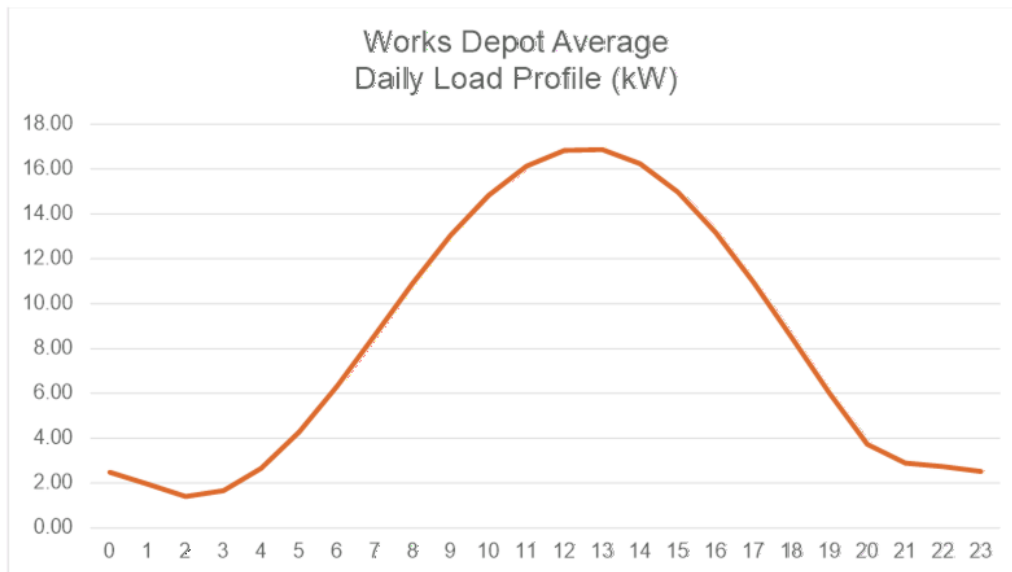


Figure 3: Average Daily load profile for the Works Depot

Table 3: Load summary for the Works Depot

Parameter	Value
Load Type	Commercial Load (Afternoon Peak)
Average Daily Load (kWh/day)	200
Peak Load (kW)	33.9

2.1.2 PV Array Options

There is sufficient space on the roof of the workshop building for a rooftop PV system. The building also has the main switch board for the site, and hence it is considered the most feasible location for a proposed PV array. The roof is a peaked (gable) two storey roof with two orientations. The north-east face, highlighted in Figure 4, has been considered for this analysis.



Figure 4: Areas considered for the proposed PV system at the Works Depot

Using a typical 60 cell PV module, approximately 120 panels can be fit on the roof, and considering a nominal power per module of 370 Wp, it was estimated that the roof can accommodate a PV array of up to 44 kWp.

2.2 Site 2: Wastewater Treatment Plant

The Wastewater Treatment Plant (WWTP) consists of a large area of land with three water treatment systems in place across the site. The most recent water treatment plant (plant 1 in Figure 5 below) consists of a single aeration pond, and a large standing area where solid waste is stored to dry out in the sun. The previous water treatment plant (plant 2 in Figure 5 below) consists of a number of holding ponds, as well as two aeration ponds. This facility has been partially decommissioned however is able to be used as the backup supply to plant 1 if necessary. The oldest water treatment system/facility (plant 3 in Figure 5 below) is completely decommissioned and no longer in use.

The entire site has been used for the burial of solid wastes at some point in time, and as such all land on the site is considered to be contaminated soil.

The WWTP is considered to be an essential load as the facility cannot lose power for extended periods of time, or else the microbes that process the wastewater in the aeration pond will die. In the event of a power outage, Yass City Council have to immediately drive a trailer mounted backup generator to the site to supply the site loads and keep the plant operational. Any PV/storage system that is connected to this site will need to accommodate the backup power generator on the site. This is typically achieved by isolating and shutting down the PV array when a backup generator is running, so that it doesn't impact the operation of the generator.

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Figure 5 below illustrates the general arrangement of the various water treatment plants on the WWTP site.

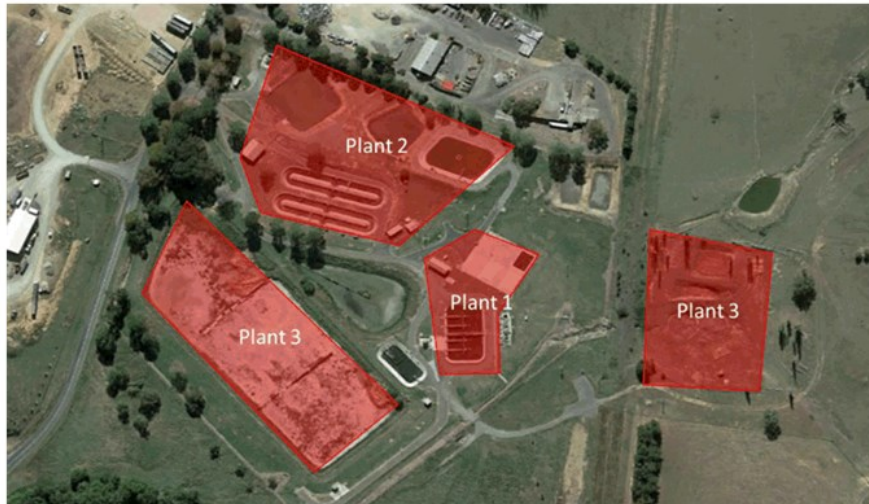


Figure 5 Yass Council Waste Water Treatment Plant Site

2.2.1 Load Analysis

Yass Council provided ITP with both historical billing data and hourly interval data for the loads at the WWTP. Figure 6, and Table 4 below summarise the analysis of this load data and present the average load data that has been used for modelling the feasibility of PV at the WWTP site.

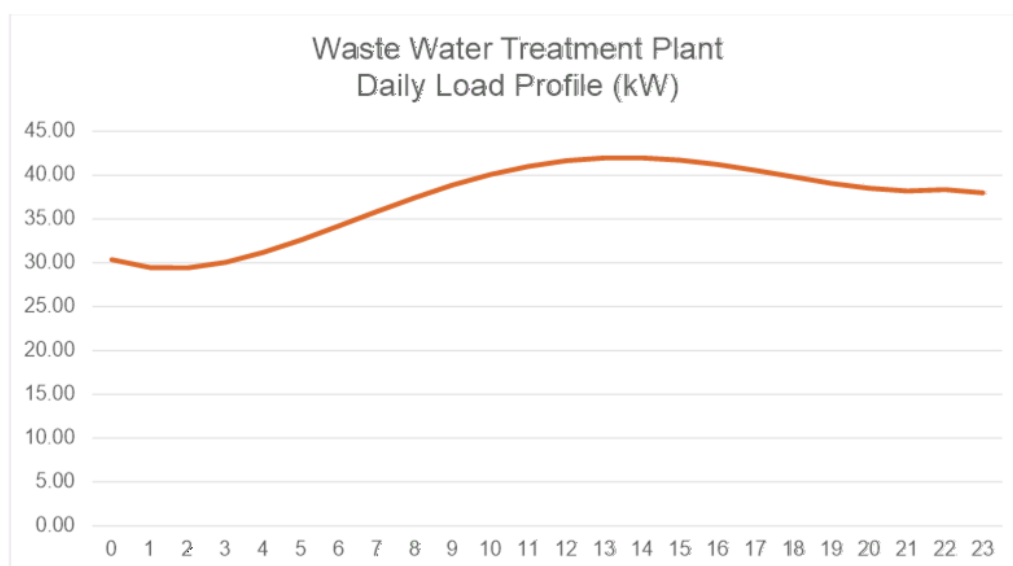


Figure 6: Average Daily load profile for the Waste Water Treatment Plant

Table 4: Load Summary for the Waste Water Treatment Plant

Parameter	Value
Load Type	Industrial Load (Flat - 24 x 7)
Average Daily Load (kWh/day)	892
Peak Load (kW)	75.3

2.2.2 PV Array Options

As per the original correspondence between ITP and the client, the only areas available for a PV system were those highlighted in Figure 7.



Figure 7: Areas considered for the proposed PV system at the WWTP

Considering 435 Wp modules for a ground mounted system and 370 Wp modules for the roof mounted system, the maximum achievable system size for the two areas was found to be approximately 20 kWp with 46 modules (for a ground mount system) and 8 kWp with 24 modules (for a roof top system).

Should Yass council identify additional land at the site available for the installation of a ground mounted PV array, this would increase the size of the array that could be installed at the site. For the purposes of the feasibility modelling, ITP will consider that up to 32 kWp of PV could be ground mounted in addition to the 8 kWp of rooftop PV on the switch room providing a total of 40 kWp PV array.

2.3 Site 3: Water Treatment plant

The water treatment plant (WTP) consists of two buildings, the old water treatment plant, and the current water treatment plant, as well as a number of covered water storage tanks.

The old water storage plant has been completely decommissioned and is no longer in use. Yass Council advised that the roofs of the water tanks on site are not to be considered for the mounting of solar PV.

The current water treatment plant is reaching the end of its lifetime and will soon be replaced with a new water treatment facility on the lot of land to the north of the existing water treatment plant. The roof of this building will be considered for the installation of solar PV.

Figure 8 below shows the layout of the WTP site.



Figure 8 Yass Council Water Treatment Plant

2.3.1 Load Analysis

Yass Council provided ITP with historical billing data for the WTP. There is no interval data available to determine the actual typical load profile of the site, thus ITP have assumed a typical industrial load profile, with consistent loads throughout the day and night, and applied the average daily consumption of the site to generate an indicative hourly load profile. Figure 9 and Table 4 below illustrate the load assumptions used for modelling the feasibility of PV at the water treatment plant site.

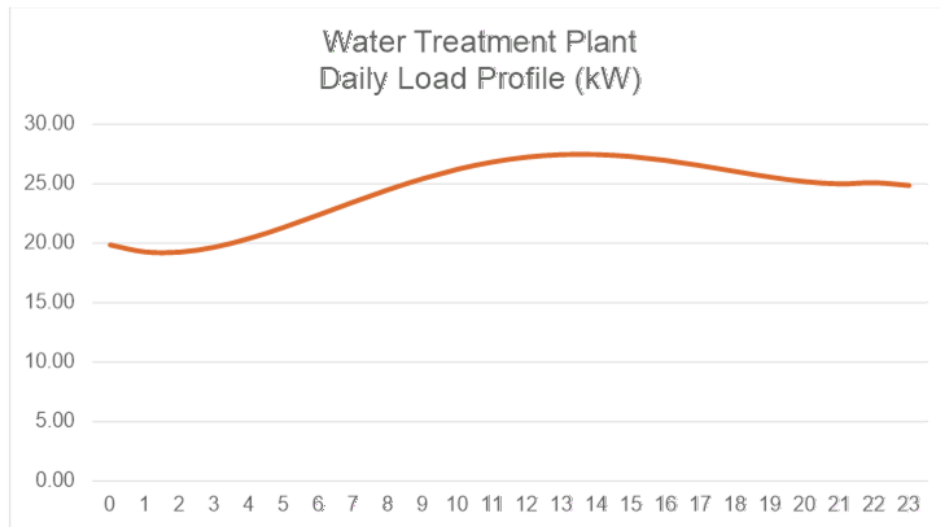


Figure 9: Average Daily load profile for the Water Treatment Plant

Table 5: Load Summary for the Water Treatment Plant

Parameter	Value
Load Type	Industrial Load (Flat - 24 x 7)
Average Daily Load (kWh/day)	583
Peak Load (kW)	49.2

2.3.2 PV Array Options

The north facing portion of the current water treatment plant, highlighted in Figure 10, was found to be a suitable location for the proposed PV Array, and has been considered for this analysis. The roof is a peaked (gable) two storey roof.



Figure 10: Areas considered for the proposed PV system at the WTP

Using a typical 60 cell PV module, approximately 55 panels could be installed on this roof. Considering a nominal power of 370 Wp, it was found that the roof can accommodate a system of approximately 20 kWp.



3 REGULATORY CONSIDERATIONS

3.1 Network Connection

The proposed PV systems will be connecting to Essential energy's distribution network and as such should adhere to their guidelines for connection of embedded generation. As required by the National Electricity Customer Framework, an application for Low Voltage Connection needs to be submitted for assessment to Essential Energy. Based on their assessment, the network connection offers are classified into:

- Basic
- Standard, and
- Negotiated

ITP has considered systems up to 30 kW for this feasibility study, as this would require no augmentation to Essential Energy's LV network and falls within the limit for being classified as a Basic micro embedded generation connection.

Systems larger than this limit would be classified as a Standard connection and can incur additional time, expense related to technical enquiries and reviews and risk of involving additional contestable works.

3.2 Planning approvals

Depending on the location, size, and classification of the buildings being used, the installation of PV arrays at the three sites may require Building approvals, an/or development approvals.

ITP has not included the costs of structural assessments or building approvals in the financial analysis carried out below. Yass council should expect this to add an additional capital cost to each rooftop mounted system of approximately \$4,000..



4 FINANCIAL ANALYSIS

4.1 HOMER modelling

ITP uses the industry standard grid optimisation modelling tool HOMER Pro, to determine the most feasible PV system sizes for each site. HOMER performs optimisation using sensitivity analysis algorithms which evaluate the economic and technical feasibility of the technology options considered, while accounting for variations in technology costs and energy resource availability. As detailed in the sections below, the following system and financial parameters were used for the HOMER modelling at the three Yass Council sites.

4.2 Modelling Assumptions

4.2.1 PV System assumptions

- The system lifetime is 25 years
- Replacement for the PV inverters occurs at 12.5 years
- PV module degradation rate is 0.5% p.a.
- Battery capacity degradation rate is 2% p.a.
- Batteries and the battery inverter are replaced in Year 12
- Each building is assumed to be independently metered
- Costs are exclusive of GST
- Cost of Building approval has not been considered in the capital costs for the system
- The specific production of the PV arrays on the three sites has been determined by HOMER, using NASA data, to be 1,480 kWh/kWp/year.

4.2.2 Financial Parameters

The key financial parameters assumed in the analysis are:

- Analysis period of 25 years (system lifetime)
- Discount rate is 7% p.a.
- Inflation rate of 2% p.a. is applied to O&M, administration and other running costs
- Inflation is not applied to inverter and battery replacement costs, as these component costs are expected to continue to decrease in real terms into the future
- Tax is not considered
- Tariff modelling assumptions
 - The tariff structures used for modelling each site are presented in Appendix A.
 - The tariffs are assumed to increase at the rate of inflation over the 25-year modelling period
 - The terms of the electricity retail contract that Yass Council has with the energy retailers for each site are assumed to not be affected by the installation of solar PV and subsequent reductions in energy consumption or demand.



- It is assumed that Yass Council will receive no payments for any PV generation exported to the grid²
- Small Generation Unit Renewable Energy Certificates (STC's) generated by the proposed PV systems were assumed to be deemed up front, based on a system installation date in 2021, and their value incorporated into the PV system cost model used for the Homer modelling
- Cost of structural assessments and Building Approval have not been considered in the financial model

4.3 Results

For each site, the Homer simulation model was run to obtain system options which are technically feasible and also result in high savings and lowest Net Present Costs (NPC) when compared to the existing base scenario.

Batteries were not found to be a feasible for any of the three sites, due to the low tariffs, and relatively high cost of storage yielding a low return on investment. Grid connected PV only was found to achieve the best financial returns on all three sites.

4.3.1 Yass council works depot

A 39 kWp rooftop system with a 30-kW inverter was found to be optimal for the works depot. The results of the HOMER simulation for this site are outlined below in Table 6.

Table 6: HOMER modelling results for the Works Depot

Parameter	Value
System Size	39 kWp (DC)/ 25 kW (AC)
Annual Load	74,000 kWh/yr.
Annual PV System Contribution	38,260 kWh/yr.
RE Fraction	60.7%
Capital Cost	\$40,092
Annual Savings (nominal)	\$13,537 / yr
Operating cost	\$650/yr.
Inverter Replacement cost (in Year 13)	\$5,812
NPV	\$149,394

² It is likely that retailers will provide some feed in tariff however this hasn't been modelled as the rate is likely to be low (<\$0.08 / kWh) and there will be minimal export of PV generation, with the majority of generation consumed within the site. Any revenue generated by excess generation would serve to further improve the financial return of the system.



IRR	33.6%
Simple Payback	2.96 years

4.3.2 Wastewater treatment plant

Given the limited rooftop and ground area available for the installation of a PV system at this site, an 8 kWp rooftop system (on WWTP switch-room roof) with a 5-kW inverter, as well as a 20 kWp ground mount system with a 15-kW inverter, was found to be optimal for the wastewater treatment plant site. The results of the HOMER simulation for this site are outlined below in Table 7.

Table 7: HOMER modelling results for the Wastewater Treatment Plant

Parameter	Value
Ground Mount System Size	32 kWp (DC)/ 25 kW (AC)
Rooftop System Size	8 kWp (DC)/ 5 kW (AC)
Annual Load	326,000 kWh/yr.
PV System Contribution	58,100kWh/yr.
RE Fraction	17.9%
Capital Cost	\$52,569
Annual Savings (nominal)	\$8,815 / yr
Operating cost	\$600/yr.
Inverter Replacement cost (in Year 13)	\$8,919
NPV	\$67,995
IRR	16%
Simple Payback	5.96 years

4.3.3 Water treatment plant

Given the limited space available for the installation of a PV system at this site, a 19.2 kWp rooftop system with a 15-kW inverter was found to be optimal for the works depot. The results of the HOMER simulation for this site are outlined below in Table 8.

Table 8: HOMER modelling results for the Water Treatment Plant

Parameter	Value
-----------	-------



System Size	19.2 kW (DC)/ 15 kW (AC)
Annual Load	213,000 kWh/yr.
PV System Contribution	28,300 kWh/yr.
RE Fraction	13.3%
Capital Cost	\$20,500
Annual Savings (nominal)	\$5,929 / yr
Operating cost	\$290
Inverter Replacement cost (in Year 13)	\$5,000
NPV	\$61,100
IRR	28.6%
Simple Payback	3.45 years



5 RECOMMENDATIONS AND NEXT STEPS

ITP Recommends that Yass Council pursue the installation of solar PV on all three sites in line with the optimal system sizes presented in section 4.3 Results. The recommended system sizes for each site are outlined in Table 9.

Table 9 Summary of recommended system capacities

Site	PV Array capacity	PV Inverter Capacity	Capital Cost
Works Depot	39 kWp (DC)	25 kW (AC) ³	\$40,092
Wastewater Treatment Plant	<ul style="list-style-type: none"> 32 kWp (DC) Ground mounted array 8 kWp (DC) – Rooftop array 	<ul style="list-style-type: none"> 25 kW (AC) – for the ground mounted array 5 kW (AC) – for the rooftop array 	\$58,569
Water Treatment Plant	19.2 kWp (DC)	15 kW (AC)	\$20,500

To proceed with the system installations, Council should prepare technical specifications for the proposed PV arrays and seek quotes from reputable installers. ITP would be happy to provide a proposal to undertake this work.

Other options

Yass Valley Council could consider developing a solar farm on contaminated soil. Various development options are available, including entering in to a PPA with a developer to purchase power for council sites.

³ Note that to qualify for the Essential energy basic connection process the solar generator must have an AC capacity less than 30 kW.



6 PROJECT TIMELINE

ITP expects the proposed PV system installations to follow the following process and approximate timeframes:

- Tendering and contract execution – 10 weeks
 - Preparation of Technical specifications and tender documents – 2 weeks
 - Identification of suitable installers, and request quotes (including site visit) – 5 weeks
 - Review quotes and select preferred supplier – 1 week
 - Contract negotiation and engage installer – 2 weeks
- System installation – 10 weeks
 - System design finalisation and confirmation – 1 week
 - Grid connection approval – 2 weeks
 - Building approvals – 2 weeks
 - Procurement of equipment to conduct installation – 2 weeks
 - Site mobilisation and installation – 2 weeks
 - Commissioning and electrical inspection / certification - 1 week
- Defects liability – 1 year



APPENDIX A. TARIFF STRUCTURE

A1. Works Depot

The works depot has a 3-phase connection with a General Supply LV tariff, with a flat rate for all periods (no time of use). The latest electricity tariff of 37.081c/kWh, as per the bill for January 2020, was used as the input for the HOMER simulation.

A2. WWTP

The WWTP has a 3-phase connection with time of use tariffs along with network and demand charges. These charges, along with the timings are specified in the tables below.

Table 10: Energy charges at the WWTP used for the HOMER modelling

Energy Charges	Rate (c/kWh)	Timings
Peak	11.36	2pm-8pm on weekdays
Off-Peak	8.42	10 pm to 7 am on weekdays and weekends
Shoulder	11.36	7 am to 2pm & 8 pm to 10 pm on weekdays; 7 am to 10 pm on weekends

Table 11: Network charges at the WWTP used for the HOMER modelling

Network Charges	Rate (c/kWh)	Timings
Peak	4.02	5pm to 8pm on weekdays
Off-Peak	2.3	10 pm to 7 am on weekdays; whole day on weekends
Shoulder	3.56	7 am to 5pm & 8 pm to 10 pm on weekdays

Table 12: Demand charges at the WWTP used for the HOMER modelling

Demand Charges	Rate (\$/kVA)	Timings
Peak	9.19	5pm to 8pm on weekdays
Off-Peak	2.17	10 pm to 7 am on weekdays; whole day on weekends
Shoulder	8.97	7 am to 5pm & 8 pm to 10 pm on weekdays



A3. WTP

The WTP has a 3-phase connection with time of use tariffs along with network and demand charges. These charges, along with the timings are specified in the tables below.

Table 13: Energy charges at the WTP used for the HOMER modelling

Energy Charges	Rate (c/kWh)	Timings
Peak	10.97	2pm-8pm on weekdays
Off-Peak	7.18	10 pm to 7 am on weekdays and weekends
Shoulder	10.97	7 am to 2pm & 8 pm to 10 pm on weekdays; 7 am to 10 pm on weekends

Table 14: Network charges at the WTP used for the HOMER modelling

Network Charges	Rate (c/kWh)	Timings
Peak	13.44	5pm to 8pm on weekdays
Off-Peak	5.95	10 pm to 7 am on weekdays; whole day on weekends
Shoulder	11.74	7 am to 5pm & 8 pm to 10 pm on weekdays

There is also an anytime demand charge of \$10.62/kVA included in the WTP bills.



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7.2 TENDER EVALUATION REPORT - YASS SEWER RELINING PROJECT YVC/IA/WWW/06.2020

SUMMARY

This report provides information on the submission of tenders for the 2020/21 Yass Sewer Relining Project.

RECOMMENDATION

That this item of the Director Infrastructure and Assets Report be classified as Confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public relating to commercial information of a confidential nature that would, if disclosed, prejudice the position of the person who supplied it.

FINANCIAL IMPLICATIONS

Funds have been allocated in the 2020/21 Operational Plan for sewer main replacement in alignment with Delivery Program Action IN6.1.1 - Operate an efficient sewerage management network.

POLICY & LEGISLATION

This tender has been conducted in accordance with the requirements of the *Local Government Act 1993*.

REPORT

1. Background

The condition of sewer mains, deteriorates over time due to the impacts of a corrosive environment, ground movement, intrusion of tree roots and age. Sewer main failures result in environmental harm, human health impacts and reputational loss to Council.

To reduce the risk of sewer main failure, the condition of sewer mains are assessed with routine CCTV surveys and renews the mains based on their condition and criticality. Renewal of sewer mains using relining technology helps Council meet its NSW EPA Licence obligations.

In 2017/18 and 2019/20 Council carried out condition assessment of selected sewer mains and prioritised approximately 675m for relining and associated renewal works. The majority of the prioritised mains are 150mm diameter with small lengths of 225mm, 375mm and 400mm also included.

2. Tender Period

The tender was advertised via Council's e-planning portal, Tenderlink, Council's Website and social media in August and September 2020. A mandatory pre tender meeting was held on 3 August 2020.

3. Tender Submissions

Tenders were opened on 17 August 2020. Tenders were received from the following contractors:

NAME OF TENDERER (Alphabetical)	
1.	Interflow Pty Ltd (ABN 34 000 563 208)
2.	Total Drain Cleaning Pty Ltd (ABN 17 130 467 346)

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

STRATEGIC DIRECTION

Key Pillar 4. Our Infrastructure

CSP Strategy IN6 - Implement safe, accessible, and efficient management and recycling options for general waste, green waste, and sewage

Delivery Program Action IN6.1 - Provide and operate a quality sewer network. Cater for growth and quality enhancements that address the community needs

Operational Plan Activity IN6.1.2 - Operate an efficient sewerage management network

ATTACHMENTS: Nil

7.3 TENDER EVALUATION REPORT - DESIGN AND CONSTRUCTION OF THREE CONCRETE BRIDGES YCC/ASS/05.2020

SUMMARY

This report provides advice on the submission of tenders for the design and construction of three concrete bridge structures.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Council, through a successful application for the February 2019 Community Development Grants Programme, secured \$1,240,000 to replace three timber road bridges. No further funds are anticipated to be required from Council to complete this project in line with the proposed project outcomes.

POLICY & LEGISLATION

This tender has been conducted in accordance with the requirements of the *Local Government Act 1993*.

REPORT

1. Background

Council manages an extensive road network of over 1,200km and 79 bridges throughout the Local Government Area (LGA). Over the last five years Council have been working to replace all existing timber bridges, there are now only four in the LGA with three set to be replaced in this design and construct contract.

The bridges to be replaced are:

- Burrinjuck Road, Carrolls Creek Bridge (Bridge #1)
- Burrinjuck Road, Tributary to Carrolls Creek Bridge (Bridge #2)
- Garryowen Road, Balgalal Creek Bridge (Bridge #3)

Council invited tenders for this contract. The works involve the replacement of three timber bridge structures with reinforced concrete bridge structures that are to be delivered by way of a design and construct contract with three separable portions. The works also include the demolition and disposal of the existing bridge structures.

The tender includes the provision of all plant, labour and materials required to carry out the works.

2. Tender Period

The tender was advertised via Council's e-tendering portal 'Tenderlink', Council's Website and social media in September/October 2020. There was a mandatory site inspection held for this tender on 17 September 2020 with 14 contractors in attendance.

3. Tender Submissions

Tenders were opened on 6 October 2020. Tenders were received as follows:

Organisation	Address
Bridge and Marine Engineering Pty Ltd	18 Sawmill CCT, Hume ACT 2620
Bridgeworks Australia Pty Ltd	703 Bourke Street, Surry Hills, NSW 2010
Complete Civil Pty Ltd	26 Dog Trap Road, Yass NSW 2582
Devcon Civil Pty Ltd	142 Sunnyholt Road, Blacktown NSW 2148
East Coast Civil Constructions Pty Ltd	38 Francis Hollis Drive, Tathra, NSW 2550
Gradian Projects Pty Ltd	213 High Street, Shepparton, VIC 3630
Kenpass Pty Ltd	77 Williams Road, Kiama, NSW 2533
Saunders Civilbuild Pty Ltd	74 Kalaroo Road, Redhead, NSW 2290
Bedrule Pty Ltd T/A Tobco	2 Lincoln Street, Lane Cove West, NSW/Mort Lane Yass, NSW 2582

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

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

7.4 TENDER EVALUATION REPORT - NANIMA ROAD RECONSTRUCTION (STAGE 1 CH 0-5KM) YVC/ASS/07.2020

SUMMARY

This report provides advice on the submission of tenders for the Nanima Road Reconstruction (Stage 1 - Ch 0-5km).

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Council, through a successful application for the December 2018 round of the Fixing Country Roads Grants program secured \$3,584,800 to rehabilitate Nanima Road. Council determined to contribute internal funding of \$400,000 from the Reserve Fund to undertake the project.

POLICY & LEGISLATION

This tender has been conducted in accordance with the requirements of the *Local Government Act 1993*.

REPORT

1. Background

Council manages an extensive road network of over 1,200km throughout the Local Government Area (LGA). Nanima Road connects residents and visitors from the Barton Highway and Murrumbateman Road and is an integral part of our roads system. At present the first 5km section of Nanima Road commencing from the Barton Highways, is in poor condition. This requires widening and significant pavement strengthening to enable expanded use of the road by heavy vehicles and in particular higher productivity vehicles.

Council, through a combination of funding via a successful application for the December 2018 round of the Fixing Country Roads Grants program and internal funding, are preparing to rehabilitate Nanima Road in two stages, stage one being the rehabilitation and widening of the first 5kms. The reason that the grant was provided is to increase freight capacity.

The Stage 1 rehabilitation area shall commence from the Barton Highway intersection, approximately 16km south from the centre of Murrumbateman village and conclude 5km along Nanima Road.

Council invited tenders for this contract. The works involve road widening, tree trimming, and rehabilitation by the way stabilisation, resealing and line marking. The tender includes the provision of all plant, labour and materials required to carry out the works.

2. Tender Period

The tender was advertised via Council's e-tendering portal 'Tenderlink', Council's Website and social media in September/October 2020. There was a mandatory site inspection held for this tender on 23 September 2020 with 12 contractors in attendance.

3. Tender Submission

Tenders were opened on 8 October 2020. Tenders were received as follows:

Organisation	Address
Dale Hitchcock Civil Engineering	21 Tralee Street, Hume ACT
Denrith Pty Ltd	282 Carrick Road, Goulburn
Hewatt Civil Pty Ltd	881 Nanima Road, Springrange NSW, 2618
Stefanutti Construction Pty Ltd	Prince of Wales Avenue, Unanderra NSW 2526
Bedrule Pty Ltd T/A Tobco	2 Lincoln Street, Lane Cove West, NSW

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

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

7.5 SCOPE OF WORKS - YASS VALLEY WAY RECONSTRUCTION YVC/ASS/03.2020

SUMMARY

This report seeks the allocation of surplus grant funding associated with the rehabilitation of Yass Valley Way to extend the scope of works and thereby vary Contract No YVC/ASS/03.2020.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Council has allocated \$1,855,580 in the 2020/21 budget for the upgrade of Yass Valley Way from the Barton Highway to the Hume Highway. This project is funded by \$1,655,580 under round three of the Fixing Country Roads Program and the remaining \$200,000 has been allocated from Council's reserves to complete 5.2km of rehabilitation along Yass Valley Way.

Currently Council has committed \$170,000 of the project funds on design preliminaries, detailed design, project management etc.

POLICY & LEGISLATION

- Roads Act 1993
- Procurement Policy

REPORT

Yass Valley Way from the Barton Highway to the Hume Highway is a local road that requires upgrade to improve access to high productivity vehicles.

In August 2020 Council determined to award a tender to Roadworx Surfacing for the reconstruction of 5.26km of failing pavement on Yass Valley Way.

The total cost for the project is \$530,000 lower than the total available budget. This provides the opportunity to adjust the scope of works to address some additional unexpected costs and to extend the extent of the works.

A detailed report evaluating the variations is in the Closed Session of this meeting for consideration.

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

8.1 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 30 September 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 30 September 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. The fall in output would have been greater were it not for the large and rapid fiscal stimulus delivered by the Commonwealth and State Governments.

Faced with an extended period of high unemployment and low inflation, the Deputy Governor of the RBA admitted that the RBA was unlikely to achieve its policy targets in the next few years. Some options are targeting the AUD\$ for reduction, reaching negative interest rates or reducing the target for the 3 year bond yield. It is likely that the third option of reducing the 3 year bond yield is the most likely course of action to be taken.

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. Investments ReportI

8.3 Investment and Borrowings Report Attachment A Investments Report

a) Council Investments as at 30 September, 2020

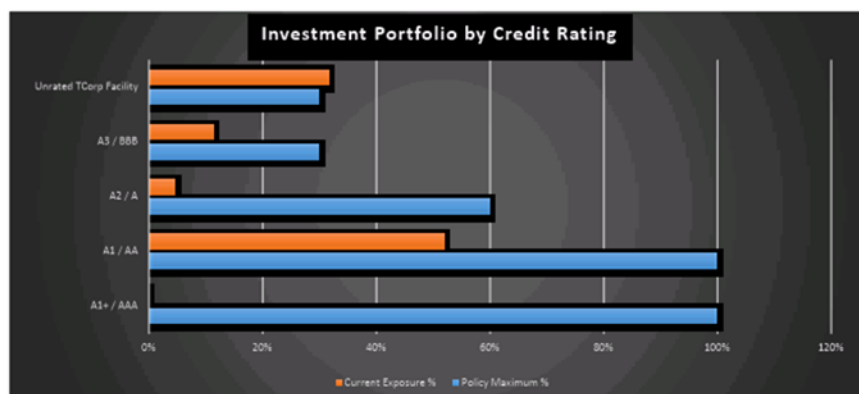
Investment Type	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
Cash Working Accounts						
NAB Working Account ¹	5,278,223.61	A1/AA	n/a	n/a	at call	0.25%
Tcorp Strategic Cash Facility ²	10,821,900.70	unrated	n/a	n/a	at call	0.46%
	16,100,124.31					
Term Deposits < 12 Months						
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	2,700,000.00	A1/AA	29/09/20	27/01/21	120	0.60%
BOQ	1,600,000.00	A2/BBB	30/09/20	28/01/21	120	0.55%
NAB Term Deposit	1,000,000.00	A1/AA	02/09/20	01/12/20	90	0.70%
AMP	2,000,000.00	BBB	03/09/20	03/02/21	153	0.80%
CBA	2,102,128.56	A1/AA	02/06/20	30/10/20	150	0.69%
CBA	1,100,000.00	A1/AA	07/09/20	07/01/21	122	0.57%
CBA	2,000,000.00	A1/AA	30/09/20	01/03/21	152	0.63%
CBA	1,500,000.00	A1/AA	25/09/20	25/11/20	61	0.57%
CBA	2,069,106.21	A1/AA	11/06/20	09/10/20	120	0.68%
	17,971,577.65					
Total Short Term	34,071,701.96					
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	100%	0.00%	-
A1 / AA	100%	52.09%	17,749,458.38
A2 / A	60%	4.70%	1,600,000.00
A3 / BBB	30%	11.45%	3,900,342.88
Unrated TCorp Facility	30%	31.76%	10,821,900.70



c) Exposure to a Single Institution

Institution	S&P Rating	Policy Maximum %	Current Exposure %	Current Investment \$
NAB	A1/AA	100%	26.35%	8,978,223.61
AMP	BBB	60%	5.87%	2,000,000.00
IMB	A3	30%	5.58%	1,900,342.88
CBA	A1/AA	100%	25.74%	8,771,234.77
BOQ	A2/BBB	60%	4.70%	1,600,000.00
TCorp	unrated	30%	31.76%	10,821,900.70

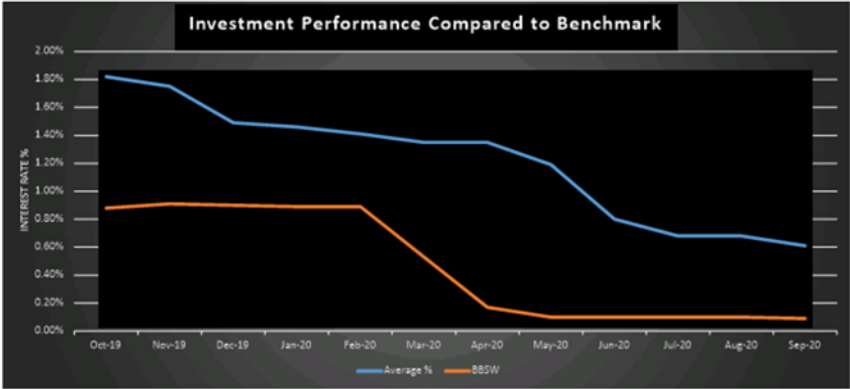
8.3 Investment and Borrowings Reort
Attachment A Investments Report

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	0.61%	0.09%
3 month average	0.66%	0.10%
6 month average	0.89%	0.11%
12 month average	1.22%	0.47%



8.2 RATES ARREARS

SUMMARY

To update Council on rate arrears to the end of the first quarter of the 2020/21 financial year.

Rate arrears totalled \$1,129,323.95 as at 30 June 2020 and this has now been reduced to \$855,511.56 as of 30 September 2020. This represents an improvement of \$273,812.39 or 24.25%.

RECOMMENDATION

That the report on rates arrears be noted

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

Rate arrears are closely monitored and debt recovery is fully compliant with Council's *Debt Recovery Policy*.

REPORT Table 1 – Arrears as of 30 September 2020

	Rates and Charges Levied (includes interest)	Paid 1 July to 30 September	Balance Outstanding	% Paid 1 July to 30 September
Arrears to 30/6/2020	\$1,129,323.95	\$273,812.39	\$855,511.56	24.25%
Current Years Rates, Charges and Interest billed since 1/7/20	\$18,352,069.45	\$5,637,103.26	\$12,714,966.19	30.72%
TOTALS	\$19,481,393.40	\$5,910,915.65	\$13,570,477.75	30.34%

Table 2 – Summary of Prior Year's Outstanding Balance as of 30 September 2020

Year	No of Assessments	Amount	Details
2004/05	1	\$201.52	Proposed Private Cemetery in Middle of Crown Land – Never Developed – No Burials (1)
2005/06	1	\$309.09	As Above
2006/07	1	\$342.02	As Above
2007/08	1	\$437.26	As Above
2008/09	5	\$2,373.52	As Above / Private Cemetery (2) / Pt Bendenine Rd (1) / Pt Riverbank Park (1) / Vacant Block Kangiara Village (1)
2009/10	5	\$3,497.44	As Above
2010/11	5	\$3,408.90	As Above
2011/12	5	\$3,923.27	As Above

2012/13	5	\$4,277.60	As Above
2013/14	6	\$4,628.24	As Above / 1 Property Subject of Ongoing Debt Recovery Action
2014/15	8	\$10,843.65	As Above / 2 Additional Properties Subject of Ongoing Debt Recovery action – Owner Declared Bankrupt
2015/16	10	\$11,746.31	As Above / 2 Additional Properties Subject to Ongoing Debt Recovery Action
2016/17	14	\$18,304.03	As Above / 4 Additional Properties Subject of Ongoing Debt Recovery Action
2017/18	37	\$51,438.93	As Above / All Additional Properties With Either Payment Arrangements or Subject of Ongoing Debt Recovery Action
2018/19	101	\$129,218.05	
2019/20	641	\$610,561.73	
	TOTAL	\$855,511.56	

Legend – (1) – Owner(s) Deceased – (2) – Company Deregistered

Many long term debts have now been either satisfied or have payment arrangements in place. It is proposed to sell all eligible properties without payments agreements for overdue rates in the second half of 2021 under s713 *Local Government Act 1993*.

Table 3 – Rates and Charges Levied and Payments Made 1 July to 30 September

	Rates and Charges Levied (includes interest)	Paid 1 July to 30 September	Balance Outstanding	% Paid 1 July to 30 September
1/7/17 – 30/9/17	\$15,287,346.07	\$5,211,915.04	\$10,075,431.03	34.09%
1/7/18 – 30/9/18	\$16,519,537.55	\$5,300,458.09	\$11,219,079.46	32.09%
1/7/19 – 30/9/19	\$17,712,656.44	\$5,459,704.82	\$12,252,951.62	30.82%
1/7/20 – 30/9/20	\$18,352,069.45	\$5,637,103.26	\$12,714,966.19	30.72%

Note: The prescribed period for not being able to commence the recovery of a rate or charge through legal proceedings has been extended to 26 March 2021 under s747AB *Local Government Act 1993*

The rate arrears as of 30 June 2020 showed an outstanding balance of \$1,129,323.95 which has now been reduced to \$856,511.56 as shown in **Table 1**. The yearly breakup of these arrears is shown in **Table 2**.

The rates and charges levied and the payments made up until the end of the first quarter is shown in **Table 3**. Also included are comparative figures for the previous three financial years. It can be seen that the percentage of rates and charges paid in this year's first quarter is roughly the same as last year's first quarter. This is despite legislative restrictions regarding debt recovery being put into place due to COVID-19 as well as extending the payment of the first rates instalment from August 31 to September 30.

STRATEGIC DIRECTION

Key Pillar 5. Our Civic Leadership

CSP Strategy CL4 - Actively investigate and communicate funding sources and collaboration opportunities that can strengthen the region

Delivery Program Action CL4.1 - Monitor and distribute information from government agencies relating to funding opportunities

Operational Plan Activity CL4.1.1 - Provide information to community organisations on funding opportunities

ATTACHMENTS: Nil

8.3 POLICY REVIEW

SUMMARY

Good governance underpins the effective delivery of Council services to our community. Council policies are a key component of our governance framework and support the outcomes sought in the *Our Civic Leadership* strategic pillar within the *Tablelands Regional Community Strategic Plan 2016-2036*. Council policies are reviewed to ensure they remain fit for purpose. To that end, the *Gifts & Benefits Policy* has been reviewed and determined to be unnecessary.

RECOMMENDATION

That the Gifts & Benefits Policy GOV-POL-21 be rescinded

FINANCIAL IMPLICATIONS

The maintenance of Council policies is a recurrent labour expense in Council's annual budget. Changes to the *Gifts & Benefits Policy* are unlikely to have material impact on Council's budget.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Model Code of Conduct*
- *Gifts & Benefit Policy*

REPORT

The current *Gifts & Benefits Policy* (refer **Attachment A**) has been reviewed and determined to be unnecessary. The content of the policy is simply a restatement of legislation (i.e. The *Model Code of Conduct* under s440 *Local Government Act 1993*). Rescission of the policy is recommended.

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: A. Gifts & Benefits Policy [↓](#)

Policy: GIFTS AND BENEFITS

GOV-POL-21

Service: Governance

Responsible Officer: General Manager

1. OBJECTIVE

This policy establishes a common understanding of the transparent and ethical conduct expected of all Councillors and staff in relation to the acceptance of gifts and benefits.

2. DEFINITIONS

Benefit – A non-tangible item of value (eg. preferential treatment such as queue jumping or access to confidential information, access to private boxes at sporting venues). For the purposes of this policy, gifts and benefits are treated in the same way and considered to be interchangeable.

Bribe – A gift or benefit offered to or solicited by a member of staff to influence that person to act in a particular way.

Cash-like gift – Includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

Ceremonial gift – An official gift often provided to delegates from another government organisation, politicians or other dignitaries of note.

Gifts and Benefits Register – A register maintained by the Corporate Administration Coordinator of all declared gifts.

Gift of gratitude or gift of appreciation – A gift offered to an individual or Council in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions would be considered gifts of gratitude.

Gift of influence – A gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future.

Moderate hospitality – Free or subsidised meals or beverages consumed at the time and provided to staff infrequently (and/or reciprocally) by individuals and representatives of other agencies associated with meetings or visits in connection with official functions. Moderate hospitality does not extend to meals above nominal value.

Nominal value – For the purposes of this policy, a value that is equal to or less than \$20 in relation to moderate hospitality and \$5 in relation to token gifts.

Token gift – A gift that is offered in business situations. Such gifts are often small office or business accessories (e.g. pens, calendars, notepads) that contain an agency or company logo. They are usually products that are mass-produced, less than \$5 in value and given to all customers or meeting participants rather than as a personal gift.

Document No: GOV-POL-21	Created/Revised: 24/02/2016	Review date: October 2016
Version No: 3	Author: Corporate Administration Coordinator	Doc Type: 30
File Name: Gifts and Benefits	Approved By: Council Meeting	

3. APPLICATION OF THE POLICY

This policy applies to Councillors and all staff, whether by way of appointment, secondment, contract, temporary arrangement or on a fee-for-service basis. Any individual having employee functions or acting in an employee capacity, including a volunteer, is a member of staff for the purpose of this policy.

4. GENERAL PRINCIPLES

- (a) Council's reputation for integrity and professionalism can only be achieved and maintained if the community is confident that Councillors and Council staff are not influenced by gifts, benefits or bribes. It is therefore essential that we try to avoid any real or perceived attempts to improperly influence us in the performance of our functions by the acceptance of bribes and gifts or benefits.

Document No: GOV-POL-21	Created/Revised: 24/02/2016	Review date: October 2016
Version No: 3	Author: Corporate Administration Coordinator	Doc Type: 30
File Name: Gifts and Benefits	Approved By: Council Meeting	

- (b) It is often not a question of whether a gift or benefit is or was an attempt to influence a public official, but what a reasonable 'impartial observer' would think. Things which could influence the perception of a gift or benefit being improper would include:

- the scale, lavishness or expense/cost/value;
- the frequency of occurrence; and
- the degree of openness surrounding the occasion or gift.

Relevant considerations would include such things as:

- the nature of our main functions and the individual Councillor or staff member;
- the relationship between or potentially between, the giver/offerer and Council, the Councillor and/or individual staff member;
- the type of gift or benefit offered or given; and
- the frequency or regularity of gifts or offers from the same source.

- (c) Councillors and staff should not take advantage (or seek to take advantage) of their status or position with, or functions performed for, Council in order to seek or obtain unauthorised or unfair benefit for themselves or for any other person or body. This includes seeking such advantage:

- as an inducement or reward for some decision, action or inaction, priority or delay that favours or is against the interests of any person or body; or
- whose receipt (or any expectation of receipt) would in any way tend to influence you to show, or not to show, favour or disfavour to any person or body in relation to the affairs or business of Council.

- (d) In many circumstances, however, the acceptance of token gifts and benefits is either unavoidable or appropriate. Being transparent and accountable about the receipt of all gifts and benefits is the best way to avoid perceptions of improper influence.

5. ACCEPTANCE OF ANY GIFT OR BENEFIT AIMED TO INFLUENCE YOUR DUTIES IS PROHIBITED

We should never expect to get anything extra for doing what we are paid, or elected, to do. We should not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence us:

- (a) to act in a particular way (including making a particular decision); or
- (b) to fail to act in a particular circumstance, or
- (c) to otherwise deviate from the proper exercise of our official duties.

6. ATTEMPTS AT BRIBERY MUST BE RESISTED AND IMMEDIATELY REPORTED

- (a) You must refuse to accept any gift or benefit that you believe is offered as a bribe to either take or not take any particular action. If you are a staff member you must report any such attempt immediately to your Director who will advise the General Manager. Councillors must inform the Mayor who will advise the General Manager.

- (b) Any staff member who becomes aware of another staff member soliciting gifts or benefits or accepting a bribe must immediately report that fact or suspicion to their Director who will advise the General Manager.
- (c) Any Councillor who becomes aware of another Councillor soliciting gifts or benefits or accepting a bribe must immediately report that fact or suspicion to the Mayor who will advise the General Manager.
- (d) The General Manager will consider appropriate action, report the matter to the ICAC by way of a section 11 notification under the Independent Commission Against Corruption Act 1988 and, where relevant, notify the police.

7. ACCEPTANCE OF GIFTS OF MONEY IS STRICTLY PROHIBITED

In no circumstances must any Councillor or staff member accept a gift of money or a cash-like gift in connection with their official duties. If a Councillor or staff member is offered a gift of money, it is to be refused and the incident reported immediately to the relevant Director, the General Manager and/or the Mayor. It must be declared in accordance with this policy. Any such gift that is received without the recipient's knowledge, for example in the mail, must immediately be reported and declared, and every effort made to return it.

8. ALL GIFTS AND BENEFITS TO BE DECLARED

All gifts and benefits apart from token gifts of less than \$5 value and moderate hospitality of less than \$20 value must be declared on the Gifts and Benefits Declaration Form which is available via the intranet or from the Corporate Administration Coordinator. The Corporate Administration Coordinator will record every declaration in the Gifts and Benefits Register. This includes gifts and benefits that are offered to you, but which you refuse, and extends to any gift or benefit offered to a family member that arises in connection with your official duties or could be perceived to be connected with your official duties by a reasonable observer.

The policy applies at all times including Christmas and other cultural or religious occasions where gifts or benefits may be offered.

If you are in doubt about whether the value of a gift or benefit exceeds the nominal value as defined in the Policy you should declare it.

9. APPROVAL MUST BE OBTAINED FROM THE GENERAL MANAGER TO KEEP ANY GIFT OR BENEFIT

Once you declare a gift or benefit the General Manager or Director will either endorse the action you have already taken with respect to its disposal or direct you to take specific disposal action. You must abide by that decision.

10. ACCEPTANCE OF GIFTS OF GRATITUDE OR APPRECIATION IS NOT PERMITTED

It is not generally permissible for Councillors or staff to accept gifts or benefits given in gratitude or appreciation for work done even if the business relationship between you and the gift giver has been completed.

11. INADVERTENT ACCEPTANCE OF GIFTS OF APPRECIATION OR GRATITUDE ABOVE NOMINAL VALUE

In circumstances where a token gift with a nominal value greater than \$5 is inadvertently accepted by a Councillor or staff member and may not be easily returned, it must be immediately declared. Examples would include a wrapped gift not opened in the presence of the giver, gifts accepted for cultural, protocol or other

reasons where returning the gift would be inappropriate, anonymous gifts and gifts received in a public forum where attempts to refuse or return it would cause significant embarrassment or offence.

Decisions on whether such gifts may be kept by the Councillor or staff member will be made on a case by case basis by the General Manager or Director, although they will generally become the property of Council and be shared with other staff, donated to a raffle or used as a prize at a future staff function.

12. RESTRICTIONS ON ACCEPTING CUMULATIVE GIFTS OF NOMINAL VALUE

If you are offered multiple gifts of appreciation or gratitude within a six month period by the same person or organisation, the total value of which exceeds \$20, they will be regarded as a cumulative gift that will need to be declared and shared with other staff or donated. In such circumstances, consideration should also be given to whether the 'serial giving' is an attempt to influence you. In the case of a Councillor this should be discussed with the Mayor. In the case of staff this should be discussed with your Director or the General Manager.

13. ACCEPTANCE OF PRIZES, SAMPLES OR TRIAL PRODUCTS

Any gift or benefit that is won as a result of entering a competition while engaging in official duties (eg. lucky door prizes at seminars) must be declared. If Council has a purchaser business relationship with the organisation that provided the prize then acceptance of the prize may lead to a perception of improper influence. In such circumstances, the prize should be publicly declined. If those circumstances do not apply, the prize becomes the property of Council and a decision on its disposal will be made by the General Manager. Generally, the prize should be shared with other staff, donated to a raffle or used as a prize at a future staff function.

All offers of free samples and trials of products are to be rejected unless approval has been obtained by the Director. All offers, whether rejected or accepted are to be declared on Council's Gifts and Benefits Declaration Form.

14. DISPOSAL OF GIFTS OR BENEFITS ARISING FROM PURCHASE INCENTIVE SCHEMES

Any gift or benefit that is obtained as a result of a purchase incentive scheme belongs to Council and must be only used for official purposes. Its use should not be restricted to the officer responsible for making the purchase.

15. ACCEPTING TOKEN GIFTS AND HOSPITALITY

There is no requirement to declare receipt of token gifts and modest hospitality including food and beverages that are provided by another Council, government agency or individual as part of normal work related activities including business meetings, conferences and seminars where they are given to all participants. However, if the token gift has more than a nominal value of \$5 or the hospitality is significantly more than Council would offer in similar circumstances and/or there is any suggestion or reason to possibly perceive that it may be offered in an attempt to influence your duties, it must be declared.

Any offer of free or subsidised travel and accommodation to attend a meeting or conference either as a participant or presenter needs to be declared and approved by the General Manager before acceptance.

16. GIFTS AND BENEFITS OF VALUE

Gifts and benefits that have more than a nominal value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes including NRL, AFL, FFA, NBL), corporate hospitality at a corporate facility at major sporting events, discounted products

for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel must not be accepted and be declared on Council's Gifts and Benefits Declaration Form, unless otherwise approved by the General Manager or Director.

17. PROVISION OF GIFTS AND BENEFITS TO OTHERS

It is acceptable practice for Council staff to offer modest hospitality to individuals and representatives of other Councils or government agencies who visit our office for work related activities. It is also acceptable to give tokens of appreciation to individuals who have given non-paid presentations to our staff. Such gifts must be approved by the General Manager and should be of a nominal value of \$20 or less.

It is also acceptable to give ceremonial gifts to visiting dignitaries if so requested by the Mayor. These should generally be of a nominal value of \$100 or less and should be approved by the General Manager.

18. DECLARATIONS BY COUNCILLORS AND DESIGNATED PERSONS

The subsequent actions in relation to all declared gifts and benefits are to be determined by the General Manager (or the Mayor, in the case of the potential recipient being the General Manager).

The inclusion of any entry in the Gifts and Benefits Register does not relieve Councillors and designated persons from their obligations to make disclosures in association with the Disclosure of Interest Returns (that is annual pecuniary interest returns) required under Section 449 (3) of the Local Government Act. It is also noted that the *Local Government (General) Regulation 2005* states:

A gift need not be included in a return if:

- (a) It did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
- (b) It was a political contribution disclosed, or required to be disclosed, under Part 6 of the *Election Funding and Disclosures Act 1981*, or
- (c) The donor was a relative of the donee.

19. DISCIPLINARY CONSEQUENCES OF NOT COMPLYING WITH THIS POLICY

Council staff who are found to accept gifts or benefits in contravention of this Policy may be subject to disciplinary action, which could include loss of job or entitlements, and possible criminal charges.

20. REFERENCE DOCUMENTS/LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005
Council's Code of Conduct
Statement of Business Ethics GOV-POL-5
Independent Commission Against Corruption Act 1988
Crimes Act 1900



HISTORY

<i>Minute No</i>	<i>Date of Issue</i>	<i>Action</i>	<i>Author</i>	<i>Checked By</i>
	6 September 2011	Re-written	Sheri Norton	EMT
352	14 September 2011	Adopted		Special Planning Committee Meeting
	15 January 2013	Amended	Sheri Norton	EMT
15	6 February 2013	Adopted		Special Planning Committee Meeting
	2 February 2016	Reviewed		EMT
34	24 February 2016	Adopted		Council Meeting

9.1 JOHN LEWIS WILLIAMS BEQUEST

SUMMARY

To provide an update on the management of the John Lewis Williams bequest for the advancement of the interests of young people of Yass. The executor of the Estate of John Lewis Williams is supportive of the bequest being forwarded to the Yass District Education Foundation.

RECOMMENDATION

That:

1. *The John Lewis Williams bequest be forwarded to the Yass District Education Foundation to provide financial assistance to young people in Yass Valley for education support and development in their chosen careers*
2. *The financial support provide through the Yass District Education Foundation be known as the John Lewis Williams Award and a representative of the Williams family be invites to present the award to the successful recipient(s) annually*

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

In August 2017 Council considered a bequest from the Estate of John Lewis Williams. The Estate donated \$122,000 to Council to support the advancement of the interests of young people of Yass.

In March 2019 Council determined to establish a project that advances the interest of young people.

Broadly there were two options for managing the donation i.e.

- Choose a project(s) and use funds for the capital expenditure
- Invest the funds and allocate interest to an annual project

A project with broad youth support proved difficult to identify and interest rates have not generated sufficient funds for an annual project.

Council explored leveraging the funds by pooling the money with its Community Grants and placing the funds under the management of the Foundation for Rural & Regional Renewal. The administration cost associated with this approach outweighed the benefits so Council determined in October 2019 not to proceed with this arrangement.

The bequest is currently held in a Reserve fund with any interest being added annually to the fund. The purpose of this was to give Council the opportunity to explore options on how best the use the funds.

The executor of the Estate of John Lewis Williams, Simon Bernhard, recently approached Council seeking information on how the bequest was being managed. Mr Bernhard was advised that the funds were currently being held in Reserve fund until a suitable project was identified.

The most recent youth survey was undertaken in May 2020. The on-line survey sought to identify the needs and interests of young people and potential projects and activities. From this survey the following priorities were identified:

- Regular movie nights
- Safe place to talk
- Study mentoring
- Learning practical skills
- Comedy night

The survey outcomes formed the basis of a submission to the Youth Opportunities Program for the funding of a Youth Development Officer to assist young people to work on these initiatives.

Mr Bernhard advised that his uncle's interest was to provide support to youth in Yass and was not interested in a monument and plaque.

As an alternative the Yass District Education Foundation, that provides education support to young people in developing their careers, was suggested. The eligibility is not simply for young people seeking to go to university but extends to TAFE, traineeships, cadetships and apprenticeships. The funding provides financial support to young people in meeting their expenses associated with their chosen study and career.

From the 2020 survey learning practical skills and study mentoring are consistent with the Yass District Education Foundation objectives.

Mr Bernhard is supportive of his late uncle's bequest being directed to the Yass District Education Foundation. He appreciates that while the donation would not last indefinitely it would provide a legacy for several years and would be directed to young people who could benefit. Mr Bernhard stated that:

I believe working with the Yass District Education Foundation would align with my Uncle's expectations, and hope the entirety of the Council supports this.....Happy to support both the Foundation and the Council any way I can and look forward to progressing this so we can start helping the youth of Yass.

It is recommended that the John Lewis Williams bequest be directed to the Community Education Foundation to be distributed to young people to assist with their education and career development in the Yass District. It should be noted that from 1 October to 30 November 2020 each dollar donation to one of the local foundations will be matched and donated back to the community to a capped amount (refer <https://cef.org.au/matched-giving-2020/>).

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	CL1.2 -	Address the community's needs in a sustainable manner
Operational Plan Activity	CL1.2.3 -	Alignment with annual reporting measures

ATTACHMENTS: Nil

9.2 AUSTRALIA DAY AWARDS SELECTION PANEL

SUMMARY

Australia Day is a significant civic celebration in Yass Valley. Advertising for Australia Day Award nominations will commence shortly and run until December 2020. Council needs to form an assessment panel to decide on the successful recipients of the 2021 Australia Day Awards.

RECOMMENDATION

That an assessment panel to select 2021 Australia Day award recipients be established

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

Nil

REPORT

The Rotary Club of Yass is once again organising Yass Valley's Australia Day breakfast celebration to be held in Coronation Park on Tuesday, 26 January 2021. Council has traditionally assisted with the celebration in Coronation Park by coordinating the Australia Day Awards Program and through the provision of financial support.

As in previous years, celebrations will include the presentation of Australia Day Citizens Awards to recognise people that have made outstanding contributions to our local community. All residents of Yass Valley are eligible to nominate for an award.

Advertisements calling for nominations will open in November 2020 and will close in early December 2020. As in previous year's awards will be provided for the following categories:

- Citizen of the Year Award
- Young Citizen of the Year Award
- Senior Citizen of the Year Award
- Community Group of the Year Award
- Individual Community Service Award/s

Nominations are sought from Councillors to participate on the Assessment Panel. The panel will meet once at 3.00pm on 16 December 2020 to decide the award recipients. Last year's panel comprised the Mayor, Deputy Mayor and Cr Burgess.

Council staff will be working with Rotary to ensure the event is Covid safe and that proper processes are implemented according to the public health order at the time of the event.

STRATEGIC DIRECTION

Key Pillar	3. Our Community
CSP Strategy	CO2 – Encourage and facilitate active and creative participation in community life
Delivery Program Action	CO2.5 – Support the growth of a diverse range of community events
Operational Plan Activity	CO2.5.3 – Publicise upcoming community events on Council's website and via Yass Valley Views

ATTACHMENTS: Nil

11.1 QUESTIONS WITH NOTICE - CR GEOFF FROST

The following Questions on Notice have been received from Councillor Frost:

1. What is the current status of the Wellington Drive development? Has the developer been able to connect to Council services, including water and sewerage to their satisfaction? Have any problems arisen with regard to servicing this estate, how have they been solved and at what cost to ratepayers?
2. What is the current position and status of access to the Yarrah estate across the old tram line? When will Council provide legal access for the estate across the tram line? What is the current state of negotiations with respect to this access?
3. What is the capacity of the Yass sewerage system to provide access to homes in the Yarrah estate? What arrangements have been made with the developer to ensure early stages of the development are able to access existing capacity?
4. Can the General Manager assure Councillors that these developments will not be unduly delayed?

Response

1. ***What is the current status of the Wellington Drive development? Has the developer been able to connect to Council services, including water and sewerage to their satisfaction? Have any problems arisen with regard to servicing this estate, how have they been solved and at what cost to ratepayers?***

The Subdivision Certificate for the development was issued on 2 October 2020. Water services have been provided to the development. In relation to sewerage infrastructure, the subdivision will be serviced by the proposed Wellington Road Sewage Pump Station. Tenders for the construction of the pump station are currently being evaluated and it is expected that the pump station will be completed by September 2021. Should there be any house built and ready for occupation prior to the commissioning of the pump station, the developer has agreed to install interim holding tanks and pump out arrangement similar to the arrangements provided at the Fairley subdivision in Murrumbateman.

Until this time, the developer will be responsible for provision, monitoring and pumping out of the temporary arrangement and the number of connections into the systems will be limited to the capacity of the temporary arrangement or 12 connections whichever is the lesser. Council will waive any fees associated with the discharge of sewage at the Yass Wastewater Treatment Plant and will not levy any sewer rates for any lots created in the subdivision until such time as the sewer pump station is commissioned.

2. ***What is the current position and status of access to the Yarrah estate across the old tram line? When will Council provide legal access for the estate across the tram line? What is the current state of negotiations with respect to this access?***

Development Consent No 180013 permits the crossing of the disused tramline and conditions of approval from the rail authority have been incorporated into the Consent. The compliance with these conditions is up to the developer who has been instructed to submit the plans to both Council and the rail authority for approval. Council has provided a letter support for the developer to submit to the rail authority.

Council has requested that the rail corridor be vested in Council. Council is awaiting the outcome of this request.

3. ***What is the capacity of the Yass sewerage system to provide access to homes in the Yarrah estate? What arrangements have been made with the developer to ensure early stages of the development are able to access existing capacity?***

Development Consent No 180013 was issued on 24 April 2019 approved the creation of 62 residential lots (being 62 ET (Equivalent Tenements)) to connect to the existing trunk sewer main

along Laidlaw Street. Since then, a number of meetings have been held between the developer and Council staff with regard to the possibility of connecting additional lots to sewer and corresponding location of discharge. Council has commissioned Public Works Advisory to build a calibrated sewer model for the Yass Sewerage System which consists of real time flow measurement at strategic locations. This will inform any decision on the available capacity in the trunk sewer main in Laidlaw Street.

4. *Can the General Manager assure Councillors that these developments will not be unduly delayed?*

The Subdivision Certificate has been released for the Wellington Road subdivision and a solution has been found for the temporary disposal of sewage until the pump station has been constructed. This has been done in consultation with the developer.

In relation to the Yarrah subdivision, Development Consent has been issued and developer is required to meet the Consent conditions. Council staff, Mayor and Deputy Mayor met with the developer on 8 October 2020 to discuss the subdivision and the Director Planning & Environment will be meeting again with the developer in the coming weeks. The developer indicated at a meeting with Council on 8 October 2020 that their Construction Certificate documentation is ready to be submitted. At the time of compiling this report the documentation had not been received.

12.1 MINUTES OF THE BANGO WIND FARM COMMUNITY CONSULTATIVE COMMITTEE HELD ON 18 AUGUST 2020

REPORT

The minutes of the Bango Wind Farm Community Consultative Committee meeting held on 18 August 2020 are included in **Attachment A**.

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

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

Accordingly the minutes are presented for information.

RECOMMENDATION

That the minutes of the Bango Wind Farm Community Consultative Committee meeting held on 18 August 2020 be noted.

ATTACHMENTS: A. Bango Wind Farm Community Consultative Committee Minutes 18 August 2020 [↓](#)



**BANGO WIND FARM
COMMUNITY CONSULTATIVE COMMITTEE**

**Minutes of meeting held
on Tuesday 18th August 2020
Boorowa Hotel, Boorowa**

Attendees:

Lisa Andrews (LA)	Independent Chair
Malcolm Moore (MM)	CWP Renewables (Site Supervisor)
Lyn Diskon (LD)	CWP Renewables (Community Engagement Officer)
Jonathan Post (JP)	CWP Renewables (Project Manager)
Jayne Apps (JA)	Boorowa District Landscape Guardians
Cr Geoff Frost (GF)	Yass Valley Council delegate
Michael McNally (MMc)	CWP Renewables (Maintenance Manager)
Laurie Hutchinson (LH)	Ngunnawal Aboriginal Corporation

Apologies

Thomas McGrath (TM)	Community Representative (Host Landholder)
Tegan Doblinger (TD)	CWP Renewables (Assistant Project Manager)
Brooke Watson (BW)	Yass Valley Business Chamber delegate
Terry Sellwood (TS)	Community Representative
Cr John Walker (JW)	Hilltops Council delegate

Absent:

Andrew Winterflood	Community Representative
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All members checked in to the venue, completing its safety protocols, hand sanitiser, etc.

Meeting commenced at 11.05am.

Welcome and Introductions

The Chair welcomed everyone to the Bango Wind Farm (BWF) Community Consultative Committee (CCC) and introduced Michael McNally, the project Maintenance Manager and invited him to provide some background on himself.

The attendance sheet, which included a health declaration, was distributed for signing.

Apologies

As listed above.

Declaration of Interest

The Chair declared her interest as Independent Chairperson of the BWF CCC, approved by the Department of Planning, Industry and Environment, and engaged by CWP Renewables to chair the meeting.

No changes to previous declarations by members.

Business Arising from Previous Minutes

Minutes of CCC held 'virtually' on 19 May 2020 due to the COVID-19 pandemic, were finalised and emailed to members on 10th June 2020.

Action Items from Previous Meeting

Item	Issue	Responsibility
1	Advise CCC of delivery date for transformer (MM advised that all transformers are in, with deliveries commencing of the main tower components)	MM/LA
2	Advise CCC of the number of local employment numbers and the contracts they were involved in (included in presentation).	TG/JP
3	Update Acronym Sheet (ongoing)	TG
4	Possible contributions to the community by CWP (standing agenda item)	All

Correspondence

Correspondence as sent out with the meeting notice on 6/8/20 with 2 additional items.

- 1/6/20 – Email to members with the draft minutes for review.
- 10/6/20 – Email to members with the finalised minutes.
- 10/6/20 – Letter to TS with the finalised minutes and attachments.
- 6/7/20 – Email from CWP with the project community newsletter. This was forwarded on to members the same day.
- 20/7/20 – Email to members with the project update on delivery of components to the site. This information was hand delivered to TS by LD.
- 6/8/20 – Email to members with the Meeting Notice for this meeting. Same information provided to TS. Responses received.
- 10/8/20 – Email to members confirming venue and providing log-in details for Microsoft Teams.
- 17/8/20 – Email from CWP provide details of the Community Co-Investment Proposal.
- 17/8/20 – Email to members with a reminder for this meeting, including the login details for video-conferencing.

Accepted.

Project Update – CWP Renewables

MM presented the project update; questions were asked and answered throughout. A copy of the document forms an addendum to these minutes.

- 21 WTG Foundations in the western cluster (shown in green) are all poured and generally backfilled, ready for components to be delivered and lifted.
- Currently in the final stages of handover for WTG deliveries and installation activities.
- Hardstand - 6 nearing completion.

- Track accessway (shown in yellow) is all the way through to the substation in the eastern cluster. This is substantially complete and ready to receive towers.
- Construction works for the tracks (shown in brown) in the eastern cluster are in progress in varying stages with civil works, drainage, etc. Rehabilitation, batters, etc are being undertaken on the sides of the tracks at the moment.
- WTG Nacelle preparation is underway. The Nacelles will be brought in to the site via Lachlan Valley Way and then placed into the workshop to fit the components, prior to lifting. One Nacelle is made at a time; moved into the shed, then moved out for the next Nacelle.
- Substation Completion Energisation scheduled for 17/08/2020. Started bringing one of the feeds in from the eastern cluster to connect to the main grid. Cabling is ongoing.
- Works have commenced on the Operation and Maintenance Facilities.
- Program for the next 3 Months:
 - Continue pouring of foundations in the Eastern Cluster;
 - Delivery and Installation of Wind Turbine Components;
 - Bulk Civil Construction activities; and
 - Continue cabling and installation of Underground and Over-head Services.

Transportation of components from Port Kembla and timed to ensure they move outside bus timetable hours to minimise disruption. LH commented that there has been little interruption from the transport activities.

Site Numbers: Currently there are 250 + personnel on site. Will see demobilisation of the substation crew but increasing numbers for the WTG installation program.

A list of local suppliers used up to 31 July 2020 was provided (Slides 16 & 17), as well as suppliers from other areas (Slides 18 & 19).

Boorowa	40+
Bowning	3
Cootamundra	15
Goulburn	4
Yass	11
Young	7
ACT	30
Wider Region	79
TOTAL	189

Approximate numbers of local and regional people directly employed on the BWF site:

- Transgrid utilise locally based resources - (substation and overhead power lines). This is an indicative and conservative example only and does NOT include rent paid:

For example: 50-60 people accommodated in Yass and Boorowa.

Average spend per person = (approx.) \$200+ each week

= between approx:

\$ 10,000 and

\$ 12,000 per week

\$ 43,000 and \$ 52,000 per month

\$130,000 and \$156,000 per quarter

Fuel:- (Say) 15 diesel vehicles x 50 ltrs pw x \$1.20 per litre

= approx: \$ 900 per week

\$ 3,900 per month

\$11,700 per quarter

- Downer utilise locally based resources Downer currently has about 200 people working on site from all over Australia, including the local area. Contractors / office staff travel from Boorowa, Young, Yass, Bowning, Jugiong, and Cootamundra every day. Of those who are not from the local area, there are approximately 21 people staying in Boorowa, others in Yass.

This is an indicative and conservative example only and does NOT include rent paid.

For example:-

60-80 people accommodated in Yass and Boorowa.

Average spend per person = (approx.) \$200+ each week

= between (approx.): \$ 12,000 and \$ 16,000 per week

\$ 52,000 and \$ 69,300 per month

\$156,000 and \$208,000 per quarter

Fuel:- (Say) 30 diesel vehicles x 50 ltrs pw x \$1.20 per litre

= approx: \$ 1,800 per week

\$ 7,800 per month

\$23,400 per quarter

- GE utilise locally based resources at this point in time, there are some GE management personnel on site. More personnel and resources are due to arrive in the next period. Those numbers will be reported at next CCC meeting.
- GF requested a copy of the presentation. LA advised that it would be sent out with the minutes.
- LH enquired how many full-time staff would be on site once the project was operational. MM advised that there would be eight full time technicians, plus the site supervisor. There may be more when maintenance of tracks is required, rehabilitation work and cleaners. LH commented that CWP had sent through an invitation for work, however, they have been unable to get workers.

Community Co-Investment Program

JP spoke about the Community Co-Investment Program, advising that CWP's Sapphire Wind Farm (SWF) in the NSW Northern Tablelands, rolled out this program for local investment opportunities. The uptake was very high as it provided great returns. CWP are looking at doing the same program for the Bango Wind Farm when it becomes operational. Andrew Dickson from CWP is responsible for this incentive. Approximately \$1.5M was required to be committed for SWF prior to it proceeding. Each investor was able to purchase between \$1,200 - \$200,000 worth of shares. **Action: LA to provide a link to the prospectus.**

LD advised that there will be community meetings held to ascertain interest in the program.

JP commented that the initial intake for the SWF program started with local investors and was expanded to accommodate investors from other groups. **Action: LA suggested that Andrew Dickson present to the next CCC.**

Community & Education

LD advised that she continues to visit local schools and present to community groups. LD showed a booklet that has been written by a local author, which is being given to school children and explains wind turbines.

LD advised that CWP have been working on a project with the Rye Park School, to assist students to build a solar and wind operated Go-kart. The kart, and solar panels have been donated to the school.

LD advised that the company has sponsored the Yass Show and the Boorowa Show. She has put in an application to assist the Op Shop with Bendigo Bank.

The Community Enhancement Fund will be administered by S355 committees under the project's Voluntary Planning Agreement with both Yass Valley and Hilltops Councils with regular meetings to consider applications. The committees are to comprise of the Mayors (or their representatives), the General Managers (or their representatives), two community representatives and a representative from the wind farm. Funding priority to be given to projects within 20kms of the wind farm.

General Business

- GF mentioned that he had received information of work being undertaken outside of hours. MM responded that two complaints had been received regarding noise on a Sunday. MM advised that the state government had granted exemptions to the construction industry during the COVID pandemic to allow work to be undertaken on Sundays. However, it was unlikely that this exemption will be acted upon. LA asked if a complaints register was kept with MM advising yes. LA asked for complaints to be presented at the CCC's moving forward.
Action.
- JA advised that she had received feedback from Rye Park locals stating they were experiencing rock cutting noises.
JA stated that she understood that that Rye Park Wind Farm had approached BWF to gain access through its site. JP responded no.
JA also said that she had received information that CWP were using second-hand turbines or components. JP advised no, the turbines being installed are the first of their type being used in Australia (GE Cypress 5.2mW).
JA asked how many aboriginal artefacts had been found on site during construction works. MM advised, none have been found to date. Items identified in the EIS have stayed in-situ and the construction works have avoided these areas. Maliyan Horizon are contracted. LH commented that if there are any objects found to contact him direct.
- LH asked when the CCC members may visit the site. MM commented that this may be able to be organised for the next CCC meeting, however, will depend on site activities, COVID restrictions, etc.
- JP commented that Open Days/Family Days will be planned when possible to enable the community to view the project.

Next Meeting

The next meeting will be on:

📅 Tuesday 17th November 2020 – at the Club House Hotel Yass, commencing at 11am.

Meeting closed at 12.05pm with LA thanking all for their attendance.

Action Items

Item	Issue	Responsibility
1	Send Community Co-Investment prospectus information to CCC	LA
2	Complaints Register to be included in CCC presentations moving forward	MM/JP/LD
3	Provide figures of local employment/contractors to CCC (ongoing)	MM/LD
4	Update Acronym Sheet (ongoing)	TG
5	Possible contributions to the community by CWP (standing agenda item moving forward)	All
6	Arrange site inspection, when possible	MM/LA

Links:

Sapphire Wind Farm Project Community Co-Investment Program Prospectus:

<https://www.sapphirewindfarm.com.au/community-investment/>

Clean Energy Council – A Guide to Benefit Share Options for Renewable Energy Project, October 2019.

<https://assets.cleanenergycouncil.org.au/documents/advocacy-initiatives/community-engagement/guide-to-benefit-sharing-options-for-renewable-energy-projects.pdf>

RECOMMENDATION

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

13.1 Tender Evaluation Report - Yass Sewer Relining Project YVC/IA/WWW/06.2020

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 - Design and Construction of Three Concrete Bridges YVC/ASS/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 - Nanima Road Reconstruction (Stage 1 Ch 0-5km) YVC/ASS/07/2020

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.

13.4 Scope of Works - Yass Valley Way Reconstruction YVC/ASS/03.2020

Item 13.4 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.