



## **Ordinary Meeting of Council**

**Wednesday 24 February 2021**

**Council Chambers  
209 Comur Street, Yass**

**Police Presentation – Yass Local Area  
Sgt Dave Cowell**

**Presentation of Annual Financial Statements**

**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**

**March 2021**

**Wednesday 24th**

**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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## **Close of Meeting Time**

**Chris Berry**  
**GENERAL MANAGER**



## **Minutes of the Ordinary Meeting of Council**

**Wednesday 16 December 2020**

4.00pm

Council Chambers

209 Comur Street, Yass

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## Open Forum

### Presentations to Council – Items on the Meeting Agenda

- **Andrew Connor (Canberra Town Planning)**  
Item 6.2 Planning Proposal – 80 Murrumbateman Road, Murrumbateman
- **Miriam Bellew**  
Item 6.4 Development Application No DA200214 – Dwelling, 631 Wargeila Road, Bango

**Council Meeting - The Mayor declared the meeting open at 4.39 pm.**

### Present

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

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

### Acknowledgement of Country

#### 1. Prayer

### Urgent Business

Councillor Jones requested the following motion be considered as urgent business:

*Council will support pre-registered Community Group 'clean up our town or village initiatives' on community or operational land by waiving transfer station fees.*

Following explanation by the General Manager Councillor Jones withdrew her request.

#### 2. Apologies

Nil

#### 3. Declaration of Interest/Disclosures

**Councillor Jones** declared a non-significant, pecuniary conflict of interest in Item 6.4 Development Application No DA200214 – Dwelling, 631 Wargeila Road, Bango and stated that she believed her interest would preclude her from voting.

**Reason:** Councillor Jones declared an interest as the neighbouring property is owned by a regular advertiser in her newspaper business and Council's decision could give them a pecuniary advantage.

#### **4. Confirmation of Minutes**

***RESOLVED that the minutes of the Ordinary Council Meeting held on 25 November 2020, resolution numbers 193-223 inclusive, be taken as read and confirmed.***

***(Furry/Turner) 224***

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

AGAINST: Nil

#### **5. Mayoral Minute**

#### **6. Director of Planning & Environment Reports**

##### **6.1 WEE JASPER HALL AND TENNIS COURTS DRAFT PLAN OF MANAGEMENT**

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#### **SUMMARY**

To recommend public exhibition of the draft Plan of Management (POM) for the Wee Jasper Hall and Tennis Courts.

#### ***RESOLVED that :***

- 1. The draft Plan of Management for Wee Jasper Hall and Tennis Courts be forwarded to the Minister for Water, Property and Housing as owner of the land.***
- 2. The draft Wee Jasper Memorial Hall and Tennis Courts Plan of Management be placed on public exhibition with Local Government Act 1993 and the Plan of Management be adopted if no substantial objections are received.***
- 3. The Plan of Management be forwarded to the Minister for Water, Property & Housing for adoption and publishing on the Department's website.***
- 4. A short term Licence be issued on Crown Reserve 86113 for General Community Use and a Sportsground with the Wee Jasper Community Association.***

***(Frost/Turner) 225***

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

AGAINST: Nil

## 6.2 PLANNING PROPOSAL - 80 MURRUMBATEMAN ROAD, MURRUMBATEMAN

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### SUMMARY

Presenting the outcomes of public exhibition of the Planning Proposal seeking an amendment to the *Yass Valley Local Environmental Plan 2013* by amending the land zoning and lot size of 80 Murrumbateman Road, Murrumbateman.

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

#### **RESOLVED that :**

- 1. *The Planning Proposal – 80 Murrumbateman Road, Murrumbateman (PP.2020.02) be adopted.***
- 2. *The opinion of the NSW Parliamentary Counsel's Office (PCO) be sought whether the amendment to the Yass Valley LEP 2013 can legally be made.***
- 3. *The amendment to the Yass Valley LEP 2013 be made as a local plan-making authority.***

**(Reid/Burgess) 226**

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

AGAINST: Nil

## 6.3 DEVELOPMENT APPLICATION NO DA200037 - SHED, 12 DAVID STREET, GUNDAROO

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### SUMMARY

To consider Development Application No DA200037 for a shed at 12 David Street, Gundaroo. The application is reported to Council as it attracted four submissions. The size, bulk, scale and design features of the shed would have an adverse and unacceptable impact on the locality and are not consistent with a residential use in a village setting. As such, refusal is recommended.

***RESOLVED that consideration of Development Application No DA200037 for a shed at 12 David Street, Gundaroo be deferred.***

**(Frost/Turner) 227**

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

AGAINST: Nil

At 05:00 pm Councillor Jones left the Chambers.

#### **6.4 DEVELOPMENT APPLICATION NO DA200214 - DWELLING, 631 WARGEILA ROAD, BANGO**

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##### **SUMMARY**

To present the assessment of an application for a dwelling at 631 Wargeila Road, Bango. The application is referred to Council as it involves a variation (by greater than 10%) to the minimum lot size development standard for a dwelling in the RU1 Primary Production zone. Refusal is recommended.

***RESOLVED that staff prepare a further report taking into consideration:***

- ***The development history of the property***
- ***The fact that Council has on previous occasions supported a Development Application***
- ***The property has been in the same family for a number of years and it is generally consistent with the area in which it is located.***

***(McManus/Reid) 228***

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

At 05:03 pm Councillor Jones returned to the Chambers.

#### **6.5 DEVELOPMENT CONSENT NO DA200049 - DRAFT VOLUNTARY PLANNING AGREEMENT, ISABEL DRIVE, MURRUMBATEMAN**

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##### **SUMMARY**

Presenting a draft Voluntary Planning Agreement with Council for the landscaping of the open space areas and trails in a subdivision off Isabel Drive, Murrumbateman.

***RESOLVED that :***

1. ***The draft Voluntary Planning Agreement for the landscaping of the proposed open space areas and trails in Development Consent No 200049 for a residential subdivision in Isabel Drive. Murrumbateman be placed on exhibition in accordance with the Environmental Planning and Assessment Act 1979 and adopted if no significant submissions are received.***
2. ***Upon dedication to Council the open space lot be classified as Community Land under the Local Government Act 1993.***

***(Reid/Burgess) 229***

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

AGAINST: Nil



## **7. Director of Infrastructure & Assets Reports**

### **7.1 YASS TO MURRUMBATEMAN WATER TRANSFER PROJECT - CREATION OF EASEMENT ALONG PIPELINE**

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#### **SUMMARY**

The Yass to Murrumbateman water pipeline was constructed through 28 properties and this report informs the next steps for the creation of easements along the pipeline.

#### **RESOLVED that :**

- 1. The following interests in land be acquired by compulsory process with landowner's consent under the Land Acquisition (Just Terms Compensation) Act 1991 by authority contained in the Local Government Act 1993 for the purposes of Yass to Murrumbateman Water Pipeline Easement:**

- a) An easement for water supply over the sites shown as "(A) PROPOSED EASEMENT FOR WATER SUPPLY 6 WIDE" in Deposited Plan 1269804 affecting Lot 2 DP1166247, Lot 1 DP1007355, Lot 9 DP789600, Lot 1 DP1243702, Lot 2 DP1243702, Lot 13 DP786575, Lot 114 DP1167373, Lot 5 DP1065407, Lot 33 DP270631, Lot 6 DP270631, Lot 7 DP270631, Lot 8 DP270631, Lot 1 DP1018078, Lot 2 DP1176034, Lot 4 DP1018078, Lot 10 DP633719, Lot 13 DP1125715, Lot 1 DP537290, Lot 20 DP1142830, Lot 1 DP1097237, Lot 21 DP1125716, Lot 15 DP815470 and Lot 1 DP657978**
- b) An easement for water supply over the site shown as "(B) PROPOSED EASEMENT FOR WATER SUPPLY 10 WIDE & VARIABLE" in Deposited Plan 1269804 affecting Lot 1 Deposited Plan 575599.**

- 2. The terms of the easement shall be as shown on Schedule A i.e.**

#### **SCHEDULE A**

##### **Part 10 Easement for Water Supply**

- 1. The body having the benefit of this easement may:**
  - a. run water in pipes through each lot burdened, but only within the site of this easement, and**
  - b. do anything reasonably necessary for that purpose including:**
    - i. entering the lot burdened, and**
    - ii. taking anything on to the lot burdened, and**
    - iii. carrying out work, such as constructing, placing, repairing or maintaining pipes and equipment.**
- 2. In exercising those powers, the body having the benefit of this easement must:**
  - a. ensure all work is done properly, and**
  - b. cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and**
  - c. cause as little damage as is practicable to the lot burdened and any improvement on it, and**
  - d. restore the lot burdened as nearly as is practicable to its former condition, and**
  - e. make good any collateral damage.**

3. *Minerals are to be excluded from the acquisition.*
4. *The acquisition is not for the purpose of resale.*
5. *The necessary applications be made to the Minister for Local Government and the NSW Governor.*
6. *The Common Seal of Yass Valley Council be affixed to all documentation required to be sealed to give effect to this resolution and that Mayor and General Manager be delegated authority to sign any related documents.*

**(Burgess/Furry) 230**

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 YASS TO MURRUMBATEMAN WATER TRANSFER PROJECT - COMPULSORY ACQUISITION OF EASEMENT FOR PIPELINE**

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### **SUMMARY**

Yass to Murrumbateman water pipeline was constructed through 28 properties. This report informs the next steps for the creation of easement in a property with which agreement with landowner has not yet been reached.

### **RESOLVED that :**

1. *The following interests in land be acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 by authority contained in the Local Government Act 1993 for the purposes of Yass to Murrumbateman Water Pipeline Easement:*
  - a) *an easement for water supply over the site shown as "(A) PROPOSED EASEMENT FOR WATER SUPPLY 6 WIDE" in Deposited Plan 1269804 affecting Lot 113 Deposited Plan 1167373*
2. *The terms of the easement shall be as shown on Schedule A attached.*

### **SCHEDULE A**

#### **Part 10 Easement for Water Supply**

1. *The body having the benefit of this easement may:*
  - a. *run water in pipes through each lot burdened, but only within the site of this easement, and*
  - b. *do anything reasonably necessary for that purpose including:*
    - i. *entering the lot burdened, and*
    - ii. *taking anything on to the lot burdened, and*
    - iii. *carrying out work, such as constructing, placing, repairing or maintaining pipes and equipment.*
2. *In exercising those powers, the body having the benefit of this easement must:*
  - a. *ensure all work is done properly, and*
  - b. *cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and*

- c. cause as little damage as is practicable to the lot burdened and any improvement on it, and*
  - d. restore the lot burdened as nearly as is practicable to its former condition, and*
  - e. make good any collateral damage.*
- 3. Minerals are to be excluded from the acquisition.**
- 4. The acquisition is not for the purpose of resale.**
- 5. The necessary applications be made to the Minister for Local Government and the NSW Governor.**
- 6. The Common Seal of Yass Valley Council be affixed to all documentation required to be sealed to give effect to this resolution and that Mayor and General Manager be delegated authority to sign any related documents.**

**(Burgess/Furry) 231**

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 YASS WATER TREATMENT PLANT UPGRADE PROJECT**

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#### **SUMMARY**

Presenting an update on progress with the Yass Water Treatment Plant Upgrade Project and the discussions with Department of Planning, Industry & Environment (Water).

#### **RESOLVED that :**

- 1. The update on the Yass Water Treatment Plant Upgrade Project be noted.**
- 2. The implementation of Stage 1 be progressed as a priority in advance of finalising discussions on Stages 2 and 3 including a report back to Council with financial modelling on of the impacts on local household water charges with any self-funding of the shortfall between the estimated cost and the available grant funding for a new water treatment plant.**
- 3. Discussions continue with DPIE (Water) in parallel with the implementation of Stage 1 to resolve the design framework for any new or upgraded water treatment plant including an independent peer review of the technical options selection.**
- 4. A report on the progress of the project become a standing item on Council's agenda bi-monthly.**

**(Jones/Turner) 232**

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

AGAINST: Nil

#### **Amendment**

- 1. The update on the Yass Water Treatment Plant Upgrade Project be noted.**
- 2. The implementation of Stage 1 be progressed as a priority in advance of finalising discussions on Stages 2 and 3 including a report back to Council with financial modelling on of the impacts on local household water charges with any self-funding of the shortfall between the estimated cost and the available grant funding for a new water treatment plant.**

3. *Discussions continue with DPIE (Water) in parallel with the implementation of Stage 1 to resolve the design framework for any new or upgraded water treatment plant including an independent peer review of the technical options selection.*
4. *A quarterly report on the progress of the project become a standing item on Council's agenda.*

(McManus/

LAPSED

#### **7.4 DRAFT 2020 STRATEGIC PLAN MURRUMBATEMAN RECREATION GROUNDS EXHIBITION COMMENTS**

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##### **SUMMARY**

Presenting a report on the submissions received during the public exhibition of the draft '2020 Strategic Plan Murrumbateman Recreation Grounds'. It is recommended that the amenities building and equestrian storage facilities proceed in accordance with the draft plan to ensure grant funding and the capital works program are finalised. In addition it is recommended that a forum be held with submitters to discuss competing demands.

##### **RESOLVED that :**

1. *The design and procurement activities for both the amenities building and equestrian storage facilities in locations near the scouts building be commenced in advance of finalising the strategic plan to ensure that grant funding and capital works programs are finalised within specified timeframes.*
2. *A forum with user groups be undertaken in early 2021 to discuss competing demands at the site and prioritise an agreed action plan list to formalise the Draft Strategic Plan Murrumbateman Recreation Grounds.*

**(Burgess/Furry) 233**

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

AGAINST: Nil

## **8. Director of Corporate & Community Reports**

### **8.1 2019/20 ANNUAL REPORT**

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#### **SUMMARY**

Presenting the 2019/20 Annual Report.

***RESOLVED that the 2019/20 Annual Report be noted.***

***(Frost/Turner) 234***

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

AGAINST: Nil

### **8.2 INVESTMENT AND BORROWINGS REPORT**

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#### **SUMMARY**

In accordance with the Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 30 November 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 the Investment Report as at 30 November 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.***

***(Reid/Frost) 235***

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

AGAINST: Nil

### 8.3 2020/21 QUARTER 1 BUDGET ADJUSTMENT FOR EMPLOYEE BENEFITS

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#### SUMMARY

In November 2020 Council sought further information on the 2020/21 Quarter 1 Budget Adjustments. This report has been prepared to provide further explanation of the Quarter 1 Budget adjustment to Employee Benefits of \$2.443m. This adjustment was necessary to rectify an error in the original budget due to the accounting treatment of on costs.

After other identified adjustments are made in the Quarter 2 Budget Review, the result will be a projected increase to the original Employee Benefits budget of \$69,167.

Important to note as at 30 September 2020 actual Employee Benefits to date was \$2.740m. Assuming these costs trend in a straight line, the proposed final spend on Employee Benefits for 2020/21 would be approximately \$10.960m. This is well under the original budget and Quarter 1 proposed budget.

***RESOLVED that report on the 2020/21 Quarter 1 Budget Adjustments for Employee Benefits be noted and the report be referred to the Audit, Risk & Improvement Committee.***

***(Turner/Furry) 236***

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

AGAINST: Nil

## 9. General Manager Reports

### 9.1 DESIGN FOR CIVIC PRECINCT PROJECT - 209 COMUR STREET, YASS

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#### SUMMARY

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

***RESOLVED that :***

- 1 The updated report on the Civic Precinct Project be noted.***
- 2. A report on the final location be brought back to the February 2021 Council meeting.***

***(Jones/Frost) 237***

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

AGAINST: Nil

## 9.2 APPLICATIONS FOR FINANCIAL HARDSHIP

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### SUMMARY

To consider two applications for financial hardship with the payment of rates.

***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.***

**(Furry/Harker) 238**

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

AGAINST: Nil

## 9.3 TENDER EVALUATION REPORT - FORD STREET SEWAGE PUMP STATION ELECTRICAL AND TELEMETRY UPGRADE RFT10034281

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### SUMMARY

Providing information on the tender submissions for construction of Ford Street Sewage Pump Station Electrical and Telemetry Upgrade.

***RESOLVED that 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.***

**(Furry/Harker) 239**

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

AGAINST: Nil

## 9.4 TENDER EVALUATION REPORT - WEE JASPER ROAD SEGMENT 68 & GOOD HOPE ROAD INTERSECTION ROAD REHABILITATION YVC/IA/09.2020

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### SUMMARY

Providing advice on the submission of tenders for the Wee Jasper Road Segment 68 and Good Hope Road Intersection Road Rehabilitation.

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

**(Furry/Harker) 240**

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

AGAINST: Nil

**10. Notice of Motion**

Nil

**11. Questions with Notice**

Nil

**12. Minutes and Recommendations of Council Committees**

**12.1 MINUTES OF THE TRAFFIC MANAGEMENT COMMITTEE HELD ON 11 NOVEMBER 2020**

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*RESOLVED that the Minutes of the Traffic Management Committee meeting held on 11 November 2020 be noted and the following recommendations adopted:*

**Item 9.3 – Request for Taxi Rank at Murrumbateman**

*That:*

- 1. The Committee did not support the proposed location due to proximity to the intersection.*
- 2. Council investigate a site across the road from suggested site and report back to the Committee.*
- 3. The requester be advised of the outcome meetings.*

**Item 9.4 - Request for No Parking Zone Adjacent to 122 Church Street, Yass**

*That:*

- 1. The Committee supported in principle the installation of No Parking School Zone Times signs.*
- 2. Council place the proposed sign installation on public exhibition and, subject to no objections being received, install the signs.*
- 3. The resident be advised of the outcome.*

**Item 9.6 - Disabled Parking Spaces in Yass adjacent to the Memorial Hall**

*That:*

- 1. The Committee support the request for an additional disable parking space at this site subject to it satisfying the requirements for a disabled person parking space.*
- 2. Council place the proposed disabled parking space installation on public exhibition and, subject to no objections being received, install the disabled parking space.*
- 3. The residents be advised of the outcome..*

**Item 9.7 - Parking Safety Concerns Hercules Street, Murrumbateman**

*That:*

- 1. The Committee supports in principle the installation of 'No Stopping' signs on the northern side of Hercules Street from Camp to Rose Streets.*
- 2. Council place the proposed sign installation on public exhibition and, subject to no objections being received, install the signs.*
- 3. The resident be advised of the outcome.*

**Item 9.12- Safety Concerns East Tallagandra Lane, Sutton**

*That*



1. *Council undertake a sight distance review of the intersection of East Tallagandra Lane and Mulligans Flat Road.*
2. *The resident be advised of the outcome.*

(Jones/Frost) 241

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

AGAINST: Nil

## **12.2 MINUTES OF THE MEMORIAL HALL COMMITTEE MEETING - 26 NOVEMBER 2020**

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***RESOLVED that the Minutes of the Memorial Hall Committee meeting held on 26 November 2020 be noted and the following recommendations adopted:***

### **Item 6.1 – Yass Memorial Hall Community Consultation Outcomes Report**

***That Council:***

1. *Confirm that maintenance of the Hall is part of Council's budget.*
2. *Provide a detailed report of maintenance planned and undertaken during the past financial year.*
3. *Advise of estimates of maintenance (and associated budgets) for this financial year.*

### **Item 8.3 – Potential Improvements**

***That Council consider as part of the budget process the following Committee's initial priorities for potential improvements to the Hall to make it fit for contemporary purposes:***

1. *Installation of adequate air conditioning.*
2. *Upgrade of the kitchen facilities to commercial standards.*

***That the following initial priorities be noted:***

1. *Improvements in the standard and access to the toilet facilities.*
2. *Upgrading of the Hall furniture to allow more flexibility and easier storage.*

***That the Committee recommends that Council undertake a cost, feasibility and timing analysis for these projects in anticipation of funding.***

### **Item 8.4 – Occupation of Rooms on the Southern Side of the Main Hall Entrance**

***The Committee supports the initiative of the Yass RSL sub-branch to establish a presence in the rooms adjacent to the Memorial Hall foyer.***

(Frost/Turner) 242

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

AGAINST: Nil

## **12.3 2020 LGNSW CONFERENCE**

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## SUMMARY

Presenting Deputy Mayor, Cr Nathan Furry's, overview of the LGNSW Conference held on 25 November 2020.

**RESOLVED that the report on the 2020 LGNSW Conference be noted.**

**(Furry/Turner) 243**

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

AGAINST: Nil

## **13. Confidential Matters**

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

**13.1 Tender Evaluation Report - Ford Street Sewage Pump Station Electrical and Telemetry Upgrade RFT10034281**

**Item 13.1 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and 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 - Wee Jasper Road Segment 68 & Good Hope Road Intersection Road Rehabilitation YVC/IA/09.2020**

**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 Applications for Financial Hardship**

**Item 13.3 is confidential in accordance with section s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.**

**(Harker/Reid) 244**

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

AGAINST: Nil

Closed Council commenced at 6.35 pm.

### **13.1 TENDER EVALUATION REPORT - FORD STREET SEWAGE PUMP STATION ELECTRICAL AND TELEMETRY UPGRADE RFT10034281**

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#### **SUMMARY**

Providing information on the tender submissions for construction of Ford Street Sewage Pump Station Electrical and Telemetry Upgrade. The report recommends that no tender be accepted and that negotiations be commenced with the most advantageous tenderer.

***RESOLVED that no tenders be accepted and that negotiations continue with the lowest tenderer.***

***(Jones/Furry) 245***

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

AGAINST: Councillor M McManus

### **13.2 TENDER EVALUATION REPORT - WEE JASPER ROAD SEGMENT 68 & GOOD HOPE ROAD INTERSECTION ROAD REHABILITATION YVC/IA/09.2020**

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#### **SUMMARY**

Providing advice on the submission of tenders for the Wee Jasper Road Segment 68 and Good Hope Road Intersection Road Rehabilitation.

***RESOLVED that :***

- 1. The tender submitted by Denrith Pty Ltd to undertake the Wee Jasper Road Segment 68 & Good Hope Road Intersection Road Rehabilitation (Contract No. YVC/IA/09.2020) be accepted for a total cost of \$879,821.42.***
- 2. A contingency of \$20,000 be allocated latent conditions and unsuitable materials.***

***McManus/Frost) 246***

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

AGAINST: Nil

### **13.3 APPLICATIONS FOR FINANCIAL HARDSHIP**

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#### **SUMMARY**

To consider two applications seeking hardship with the payment of rates.

***RESOLVED that :***

- 1. The application for 4 and 10 Raven Street, Yass be approved subject to:***
  - No interest be charged on either rate assessments for 4 and 10 Raven Place, Yass until 1 July 2021.***
  - No debt recovery be commenced against 4 and 10 Raven Place, Yass until 1 July 2021.***
  - If one of the properties is sold prior to 1 July 2021, profits from the sale are used to bring the other properties rates and water usage account up to date.***

- *If both 4 and 10 Raven Place remain in the same ownership as of 1 July 2021 a further extension in relation to interest payments be granted until 31 December 2021 after proof is provided that at least one of the properties has been placed on the market for sale.*

2. *The application for 117 Old Dairy Lane, Spring Range be approved subject to:*

- *The due date for the full payment of 2020/21 rates and charges totalling \$1,872.89 be extended to 30 June 2021.*
- *No interest be charged against the rates assessment for 117 Old Dairy Lane until 1 July 2021.*

*(Furry/Reid) 247*

FOR: Councillors R Abbey, C Burgess, 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.***

*(Furry/Reid) 248*

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

AGAINST: Nil

Open Council resumed at 6.42 pm.

***RESOLVED that the recommendations in Closed Council be adopted.***

*(McManus/Harker) 249*

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

AGAINST: Nil

The meeting closed at 6.47 pm.

**Rowena Abbey**  
**Mayor**

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## 6.1 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT

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### SUMMARY

*Reporting on development standard variations approved in 2020.*

### RECOMMENDATION

*That the report on approved development variations be for 2020 be noted*

### FINANCIAL IMPLICATIONS

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

### POLICY & LEGISLATION

- *Environmental Planning & Assessment Regulation 2000*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Local Environmental Plan (Parkwood) 2020*
- *Planning Circular PS-20-002 Variations to Development Standards (5 May 2020)*

### REPORT

#### 1. Background

Clause 64 *Environmental Planning & Assessment Regulation 2000* states that Consent Authorities may be notified that they can assume the Secretary of the Department of Planning, Industry & Environment's (DPIE) concurrence for exceptions to development standards for applications made under cl4.6 *Yass Valley Local Environmental Plan 2013 (Yass Valley LEP 2013)* or the *Yass Valley Local Environmental Plan (Parkwood) 2020 (Parkwood LEP 2020)*. The Secretary has provided concurrence to Council, subject to conditions, to vary development standards proposed in Development Applications.

*Planning Circular PS 20-002 Variations to Development Standard* details the assumed concurrence, governance and reporting requirements for Consent Authorities. Variations to development standards under the *Yass Valley LEP 2013* and *Parkwood LEP 2020* must be accompanied by a written submission and the Secretary's concurrence cannot be assumed by a delegate of Council if the development contravenes a numerical standard by greater than 10% or the variation is to a non-numerical standard. Council is also required to meet the following reporting requirements:

- Provision of a publicly available online register of all variations to development standards approved by the consent authority or its delegates
- A quarterly report of all variations approved by the consent authority or its delegates must be submitted to DPIE
- A report of all variations approved must be provided to a Council meeting at least once a quarter

#### 2. Reporting

Reporting on variations to development standards has been provided to DPIE on a quarterly basis. The variations to development standards approved by Council or its delegate during 2020 are included in **Attachment A**. A register of decisions will also be placed on Council's website.

#### 3. Audit

DPIE also undertakes audits of variations to development standards determined by Council. Council was advised in late 2020 that it was being audited however at the time of compiling this report the outcomes have not been released.

## 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. Variations to Development Standard Report for the Year 2020 [↓](#)

6.1 Variations To Development Standards Quarterly Report  
Attachment A Variations to Development Standard Report for the Year 2020

**Register of DAs Determined Involving Variation to a Development Standard**

**2020 Register**

**1st Quarter 2020 (January - March)**

Council DA reference Number	Lot Number	DP Number	Street Number	Street Name	Suburb/Town	Postcode	Description of Development	Environmental Planning Instrument	Zoning of Land	Development Standard to be Varied	Extent of Variation	Determination	Date DA Determined
DA175300C	2	103737#	196	Brooklands Road	Wallaroo	2616	3 Lot Subdivision	Yass Valley Local Environmental Plan 2013	RU1 Primary Production	Clause 4.1B Maximum Lot Size 70 ha	14.00%	Approved	25/03/2020
DA180041	11	123999	302	Keirs Road	Murrumbateman	2582	2 Lot Subdivision	Yass Valley Local Environmental Plan 2013	RU1 Primary Production	Clause 4.1 Minimum Lot Size 40ha	8.60%	Approved	24/02/2020
DA190020	11 32 33 67 90 112 142 197 198 287 288 300 337 346 4	754882 754883 754882 754882 754882 754883 754883 754882 754882 754882 754883 754882 754882 854666	354	Majura Lane	Sutton	2620	10 Lot Subdivision	Yass Valley Local Environmental Plan 2013	RU1 Primary Production	Clause 4.1B Average Lot Size 40ha	2.20%	Approved	10/03/2020

**2nd Quarter 2020 (April - June)**

No variations to Report

**3rd Quarter 2020 (July - September)**

Council DA reference Number	Lot Number	DP Number	Street Number	Street Name	Suburb/Town	Postcode	Description of Development	Environmental Planning Instrument	Zoning of Land	Development Standard to be Varied	Extent of Variation	Determination	Date DA Determined
DA200069	6	1193382	15	Hanley Place	Yass	2582	Erection of a Split Level Two Storey Dwelling House	Yass Valley Local Environmental Plan 2013	R1 General Residential	Clause 4.3 Building Height	17.50%	Approved	23/09/2020

**4th Quarter 2020 (October - December)**

Council DA reference Number	Lot Number	DP Number	Street Number	Street Name	Suburb/Town	Postcode	Description of Development	Environmental Planning Instrument	Zoning of Land	Development Standard to be Varied	Extent of Variation	Determination	Date DA Determined
DA200049	1	1257138		Isabel Drive	Murrumbateman	2582	101 Lot Subdivision including 1 Open Space Lot	Yass Valley Local Environmental Plan 2013	R2 Low Density Residential	Clause 4.1 Minimum Lot Size 6,500m <sup>2</sup>	11.00%	Approved	12/10/2020
DA200132	1-5	38922	2 51 51A 51B	MacDonald Street Grand Junction Road Grand Junction Road Grand Junction Road	Yass	2582	2 Staged Motel Redevelopment including Demolition of 2 Existing Dwellings and Construction of 26 Motel Units	Yass Valley Local Environmental Plan 2013	B5 Business Development	Clause 4.3 Height of Buildings - 8.0 m	9.00%	Approved	22/12/2020
DA200184	1 Sec 5	758736	2	Rose Street	Murrumbateman	2582	Erection of Dwelling House and Two (2) Lot Subdivision	Yass Valley Local Environmental Plan 2013	RUS Village	Clause 4.1 - Minimum Lot Size 1,500m <sup>2</sup>	33.00%	Approved	28/10/2020

## 6.2 DEVELOPMENT APPLICATION NO DA200214 - DWELLING, 631 WARGEILA ROAD, BANGO

### SUMMARY

To present a further report on an application for a dwelling at 631 Wargeila Road, Bango. The application is referred to Council as it involves a variation (by greater than 10%) to the minimum lot size development standard for a dwelling in the RU1 Primary Production zone. Council deferred consideration at its December 2020 meeting and requested a further report.

### RECOMMENDATION

*That Development Application No DA200214 for the erection of a dwelling house at 631 Wargeila Road, Bango be refused on the basis:*

1. *The land does not enjoy the benefit of a dwelling entitlement pursuant to clause 4.2B Yass Valley Local Environmental Plan 2013*
2. *The variation to the development standard contained in clause 4.2B(3)(a) Yass Valley LEP 2013 is not supported as:*
  - *There are insufficient environmental planning grounds*
  - *It is not within the public interest and would create an undesirable precedent for the development of existing small lots in the RU1 Primary Production zone*

### 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*
- *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*
- *Varying Development Standards: A Guide (Department Planning & Infrastructure 2011)*

### REPORT

#### 1. Application Details

Date Received	-	26 October 2020
Land	-	631 Wargeila Road
Area	-	27.65ha
Zoning	-	RU1 Primary Production



## 2. Site Description and Locality

The site is located at the intersection of Wargeila Road and Laverstock Road, Bango, approximately 10km from Yass. The lot is 27.65ha in size and slopes gradually towards the south, although the area of proposed development is flat. There are existing sheds, a kiosk, cattle yards, and rainwater tanks on the site.

The surrounding area can be characterised as rural, including agricultural enterprises, farm buildings and some lots which contain dwellings. Land closer to Yass to the south-east is large lot residential and includes smaller rural lifestyle holdings.

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

## 3. Proposal

The submitted proposal is for the erection of a dwelling house, onsite sewage management facility and rainwater tanks. Details of the proposed development are included in **Attachment B**.

The proposal seeks a variation to the current minimum lot size development standard (i.e. 40ha) for the erection of a dwelling on land zoned RU1 Primary Production.

At its December 2020 meeting Council resolved to defer determination of the application for a further report to be presented, requesting further consideration of:

- The development history of the property
- The fact that Council had previously supported a variation to development standard to allow dwelling house on this land
- The property has been held in same family ownership for a number of years
- The proposal is generally consistent with the area that it is located

## 4. Site History

The site history relating the creation of the lot, approvals and previous dwelling applications is as follows:

Year	Comment
1994	Development Consent 94/76 for an emu farm and associated tourist complex was approved but never enacted.
1994	Development Consent 94/111 included approval for a restaurant which has been partially constructed but has never been in use. Also included approval for subdivision which created the current lot less than the then minimum lot size of 80ha for the purposes of the use as restaurant and emu farm.
1998	Manager's residence was refused on the basis that there was insufficient justification that this was necessary to support an intensive agricultural activity on the site.
2000	Purchase of the lot by current owner. Letter from Council sent to their solicitor advising lot did not enjoy benefit of dwelling entitlement at time of purchasing.
2001	Development Application for a dwelling was refused on the basis that the land did not attract a dwelling entitlement.
2002	Development Application was lodged for a dwelling. This also involved a variation to the development standard for a dwelling under the <i>Yass LEP 1987</i> . At this time the minimum lot size requirement for a dwelling was 80ha. Council resolved to support the application and the variation to the development standard. The Department Planning, Industry & Environment (DPIE) refused to grant their concurrence to the variation and the application was refused. The Applicant commenced proceedings to challenge the refusal in the Land & Environment Court but this was later discontinued prior to a court determination.

## 5. Assessment

An assessment has been completed in accordance with the planning legislation. The proposal generally complies with the relevant planning controls, policies, with the exception of the minimum lot size development standard relating to the erection of a dwelling house in the RU1 Primary Production zone.

Under the *Yass Valley LEP 2013* the minimum lot size for a dwelling in a RU1 Primary Production zone is 40ha. The land is only 27.65ha in area representing a 31.25% variation to the development standard.

In accordance with Clause 4.6 *Yass Valley LEP 2013* the Applicant has requested (refer [Attachment C](#)) a variation to the development standard on the following basis:

- The erection of a dwelling would be consistent with the existing development pattern for the area and the proposal would conform to this
- The development would not hinder the existing agricultural practices of the land itself nor surrounding land uses
- It is not seen that the approval of a dwelling would substantiate a rise in the variations to apply for dwelling applications on land under the minimum lot size given the complex history of this particular site
- The subject lot is located within a proximity to the Yass town and would contribute back to the local economy
- Strict compliance is unreasonable as the proposal is consistent with surrounding development and with minimal impact
- The proposal remains consistent with the objectives of the RU1 Primary Production zone
- Strict compliance would hinder the obtainment of objectives of the Act which encourage property management of land, and that this would improve if the property was occupied

Clause 4.6 *Yass Valley LEP 2013* provides opportunity for variations to development standards where it can be shown that compliance is unreasonable or unnecessary, where there are sufficient environmental planning grounds, and where it is within the public interest. The Land & Environment Court established a 'five part test' for consideration in whether a variation to development standard is well founded and this is included in the NSW guidelines for varying development standards.

An assessment of the proposed variation to the development standard has been undertaken in accordance with the LEP and the 'five part test' (refer [Attachment D](#)).

### Family Ownership

It is noted that the property has been in the same family ownership for a number of years.

### Previous Decisions

The 'five part test' requires consideration of whether the development standard has been virtually abandoned by the previous decisions of Council.

The development standard is not considered to have been abandoned by Council's previous decisions. Although there may be other lots within the locality that are of a similar size and do have a dwelling house erected or entitlement to erect a dwelling, these have not been as a result of Council departing from the development standard proposed to be varied.

The only time where this particular development standard has been varied by greater than 10% to allow the erection of a dwelling house has been on Hadlow Drive in Bywong, adjacent to the Federal Highway. In that instance the variation was significant, however there was also a unique set of planning characteristics and circumstances. There are several adjoining lots along Hadlow Drive less than the minimum lot size fragmented following the construction of the Federal Highway. The variation to the development standard was supported by Council and DPIE issued their concurrence.

It should be noted that Council had previously supported a variation to the development standard to allow the erection of dwelling on the subject site.

#### Consistency with Development in Locality

Land generally to the south-east towards Yass changes to R5 Large Lot Residential zone, with lots in that zone attracting dwelling entitlement regardless of size (refer **Attachment E**).

The Applicant has identified in their variation request that there are also six dwellings on land zoned RU1 Primary Production in 2km radius which are less than the minimum lot size (refer **Attachment E**). Three of those have been determined as concessional lots created in the 1990s which attract dwelling entitlements.

The pattern of development does include dwellings and the proposal would not necessarily be inconsistent with this. However, on balance when taking into account all matters with varying a development standard, it is still not considered that there are sufficient planning grounds, the variation is not within the public interest, and would create a broader undesirable precedent for development of small lots in the RU1 Primary Production zone.

One of the matters for consideration in the 'five part test' is whether or not the particular lot should have been included in that zone. The nearby R5 Large Lot Residential zone corresponds with the area formerly zoned 1(c) (Rural Residential – Hobby Farms Zone) under the *Yass LEP 1987*. In 2010 *the Town & Villages Study* considered the appropriateness of the zoning in this area and it was determined not to increase the area to be zoned R5 Large Lot Residential.

#### Alternate Option

If the Applicant wishes to pursue the erection of a dwelling on this land, they could attempt to purchase additional land from their neighbours in order to achieve a minimum of 40ha.

## **4. Conclusion**

A further assessment of the proposed variation to the development standard has been completed, including on the Applicant's request and the historical context. It is still recommended that the Development Application be refused as:

- The land does not enjoy the benefit of a dwelling entitlement pursuant to clause 4.2B *Yass Valley LEP 2013*
- There are insufficient planning grounds to support the variation to the development standard
- The variation to the development standard is not within the public interest and would create an undesirable precedent for the development of existing small lots in the RU1 Primary Production zone

Should Council determine to support the variation, the application must be referred to DPIE for concurrence. If concurrence is issued by DPIE, any Development Consent should be subject to standard conditions.

The Applicant provided additional information on 16 February 2021, including a revised clause 4.6 variation request and planning submission (refer **Attachment F**).

The Applicant had not indicated any intention to provide additional information prior to it being submitted. A late review of the additional information indicates that it does not introduce anything fundamentally new or different to support the variation request assessment, nor does it establish any existing use rights for a dwelling on the land. In this regard, the additional information submitted does not change the conclusions reached or the recommendation in this report.

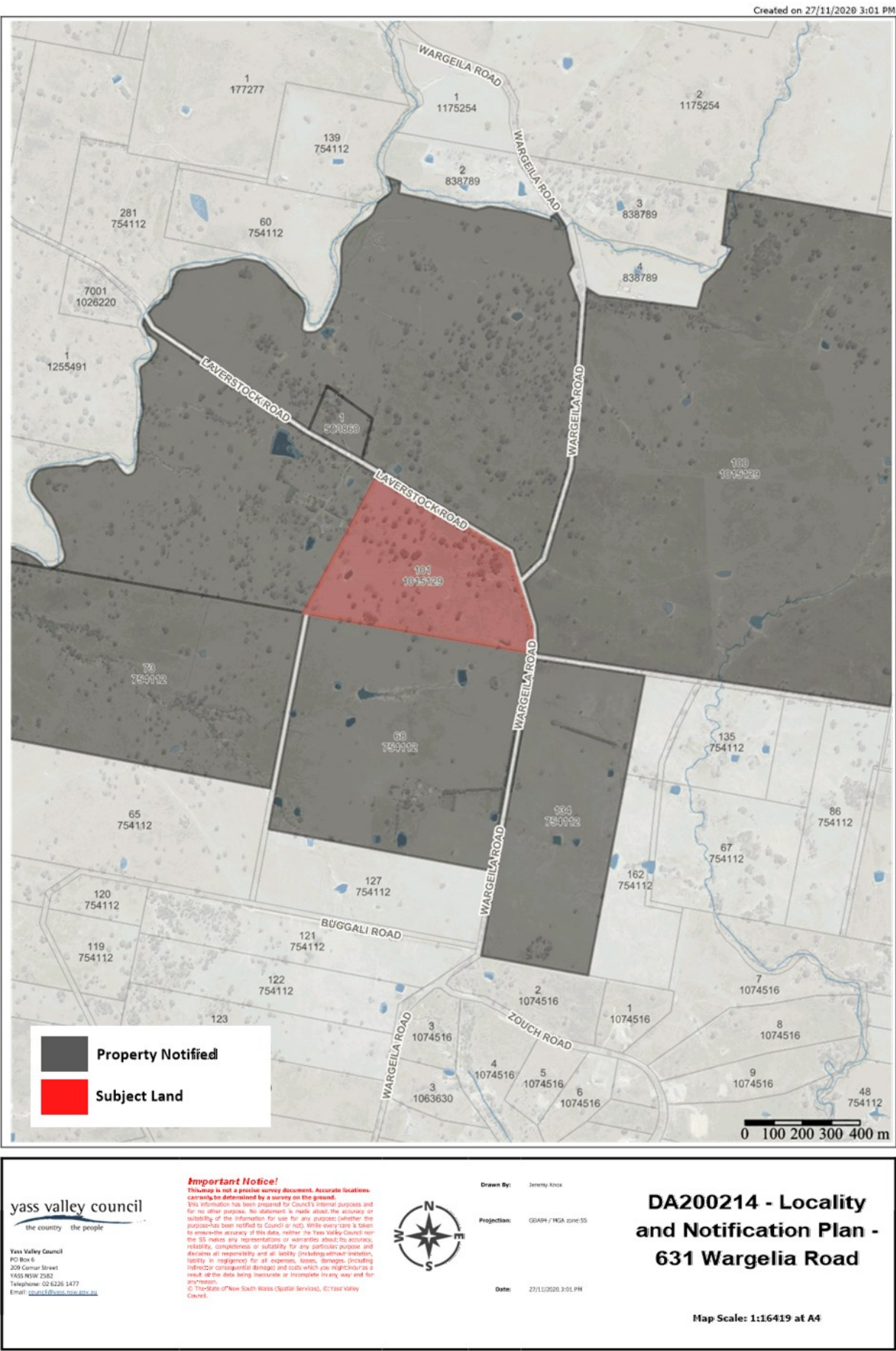
## **STRATEGIC DIRECTION**

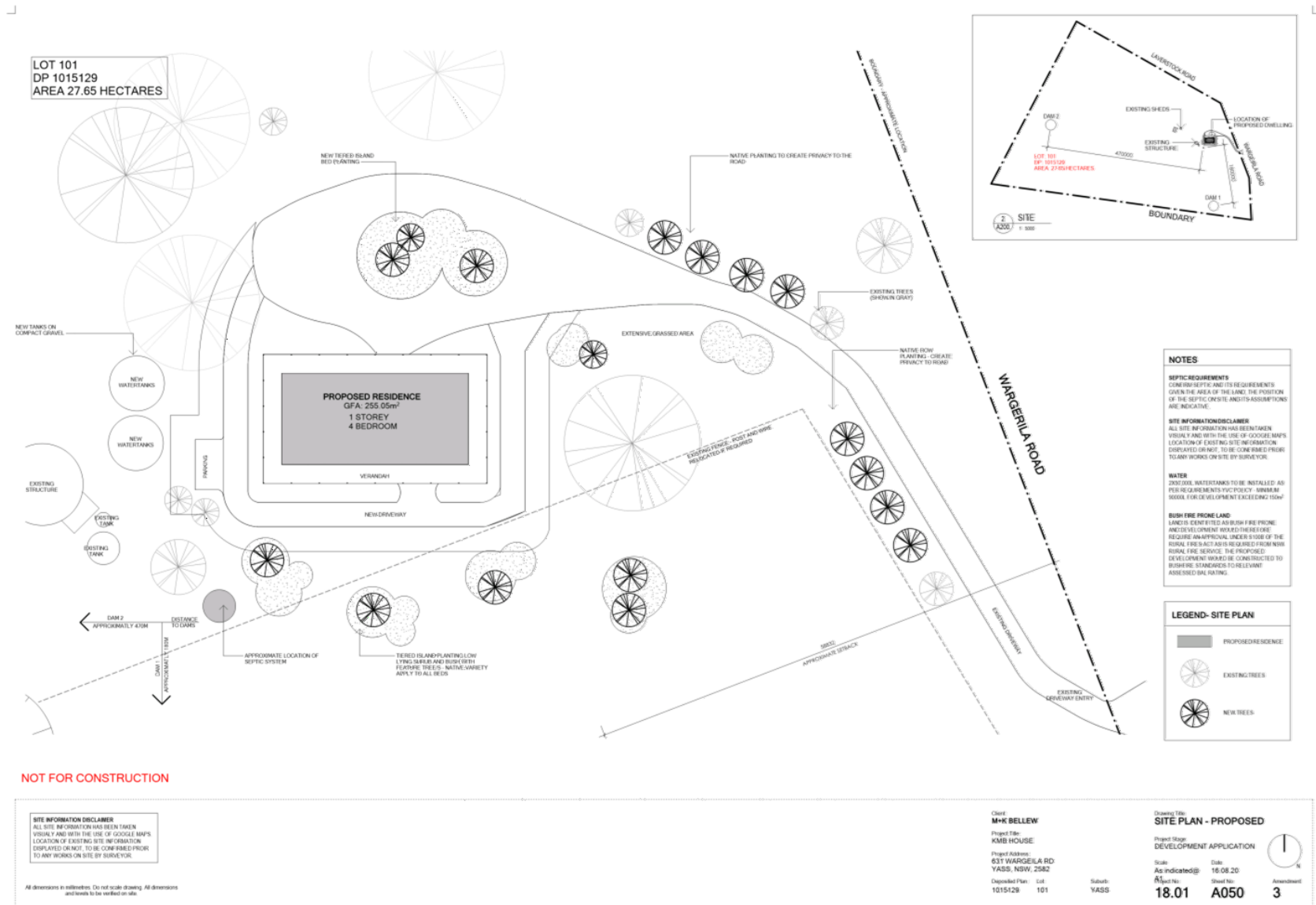
Key Pillar	1. Our Environment
CSP Strategy	EN1 - Protect and enhance the existing natural environment, including flora and fauna native to the region
Delivery Program Action	EN1.1 - Protect our natural assets in line with community values

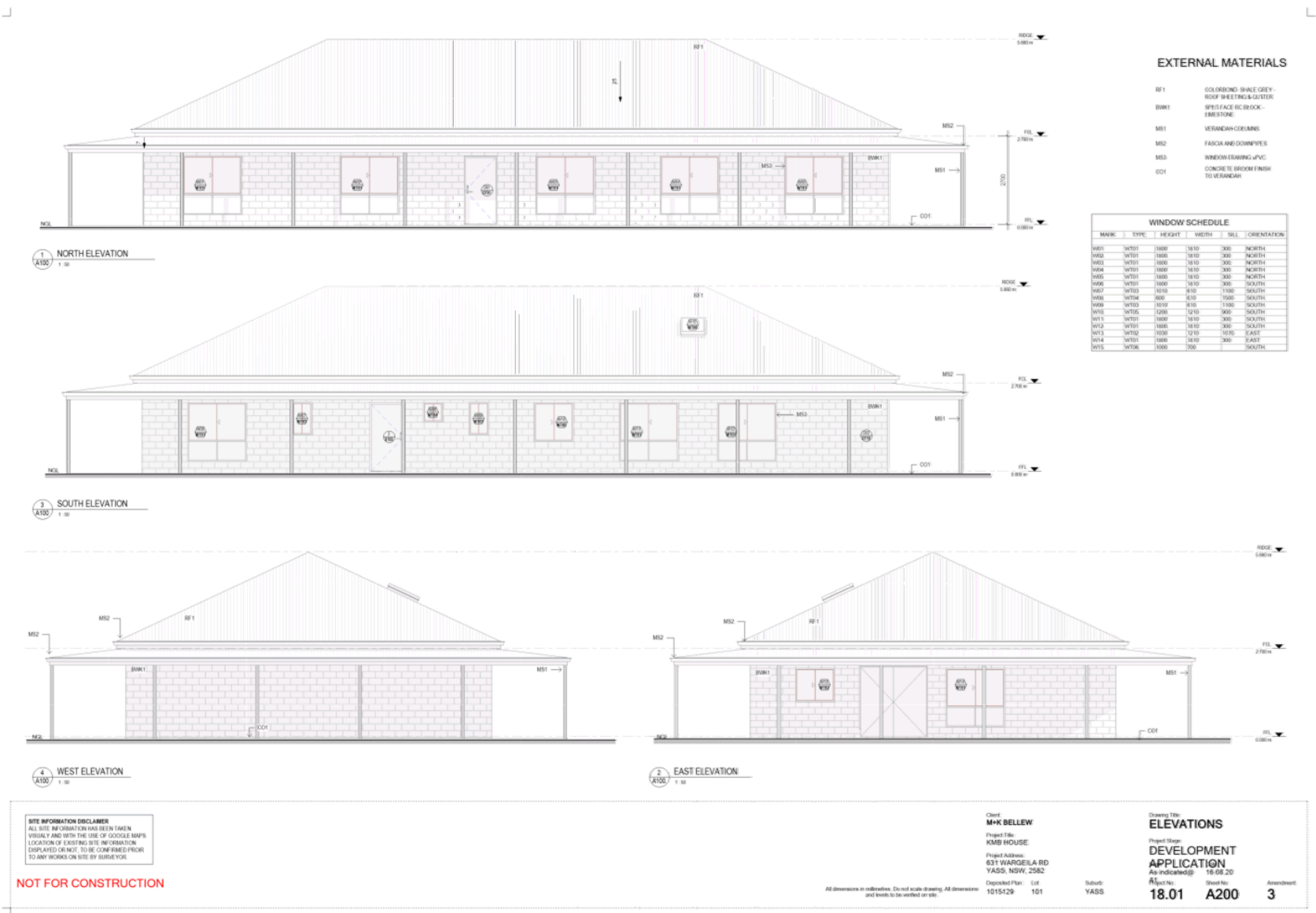
Operational Plan Activity EN1.1.1 – Ensure assessment of development applications protects our natural environment

- ATTACHMENTS:**
- A. Locality Plan [↓](#)
  - B. Plans and Supporting Documentation [↓](#)
  - C. Applicant Clause 4.6 Variation Request [↓](#)
  - D. Assessment [↓](#)
  - E. Zone Map and Dwelling Locations [↓](#)
  - F. Revised Clause 4.6 Variation Request and Planning Submission [↓](#)

6.2 Development Application No DA200214 - Dwelling, 631 Wargeila Road, Bango  
Attachment A Locality Plan







# Statement of Environmental Effects

Accompanying a development application for

New Residential Dwelling

At:

Lot: 101 DP: 1015129

631 Wargeila Road

Yass, NSW, 2582



### **Introduction**

This statement of environmental effects has been to accompany a development application for K and M Bellew at 631 Wargeila Road, Yass, NSW, 2582. The application is being lodged by K and M Bellew, pursuant to Clause 4.12 of the Environmental Planning and Assessment Act 1979.

The proposal has been designed to achieve the relevant provisions of Yass Valley Local Environmental Plan 2013, and Clause 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

### **The proposal**

The proposed development is for the construction of a residential dwelling on Lot 101, DP 1015129. The land is located in the Yass Valley approximately 9.3 kms from the town centre. The block is Zoned RU1 under the Yass LEP 2013. The proposed development includes the construction of a new 4 bedroom residential dwelling, associated landscaping, OSSM and water storage tank/s.

This statement has been prepared having regard to the following documentation:

#### Architectural plans

A050 SITE PLAN  
A060 LANDSCAPE PLAN  
A100 FLOOR PLAN  
A150 ROOF PLAN  
A200 ELEVATIONS  
A300 SECTIONS

BASIX certificate

### **Site description and analysis**

#### **Location and property description**

The site is located at 631 Wargeila Road, Yass NSW. It is approximately 9.3kms from the town centre.



Figure 1 : Aerial view of 631 Wargeila Road (Credit: E-planning spatial viewer - NSW Planning portal)

#### Site characteristics

The site is located at the fork of Wargeila Road and Laverstock Road. This leaving the site it with a rounded corner and generally square perimeter to the remaining allotment, it is semi irregular in shape and has a total site area of 27.65 hectares. The land is situated as a corner block and fronts Wargeila Road at the East boundary and Laverstock Road on the North boundary. Vegetation on the block is generally vast spread, mostly mature in nature and the topography slopes gradually and generally south on the site. There are two small dams located on the site, one to the east approximately 470 meters of the proposed dwelling and one to the south approximately 180 meters from the proposed dwelling.

Gated access to the site is located off Wargeila Road where there is an established entry point and driveway. Existing structures on the site include a machinery shed/ workshop, storage shed, Kiosk and cattle yards. There is also 3 water tanks two of 22750 litres, and one 4500 litre. Also present on the site potentially existing remains of a previous dwelling or structure with visual evidence in the form of footings, "room" space, pavement, pipes, and ash.

Images: existing site and structures



*Image: cattle yards*



*Image: Kiosk*



*Image: Shed*



*Image: Machinery Shed / Workshop*

Images: Site



*Image: view from entry gate*

Images: potentially existing remains of a previous dwelling or structure



*Image: paved spaces, built "rooms"*



*Image: paved spaces, built "rooms"*



*Image: water pipes with press elbows*



### **Surrounding development**

The surrounding development is similar in nature, there are large and smaller rural blocks and the site is on the edge of R5 land classification therefore several dwellings exist on the town side of the block as well as surrounding RU1 class lands both on blocks larger and smaller than 40 hectares. Both neighbouring blocks (south boundary and west boundary) look to have dwellings and other infrastructure on Aerial inspection.

### **Details of proposal**

This proposal seeks council approval for the erection of a dwelling on Lot 101 DP 1015129. The development is considered in keeping with the surrounding development and considers relevant planning legislation to ensure a positive outcome. The proposed works include construction of a dwelling and associated works as follows:

- Construction of new 4 bedroom residential dwelling
- Landscaping
- Installation of an on-site effluent management system
- Installation of a 2x 50,000L water storage tank/s

Refer to architectural plans for full details of the proposal.

### **Assessment of Planning Issues**

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment considers only those matters under Section 4.15 of the EP&A Act 1979 that are relevant to the proposal.

#### **Clause 4.15 (1) Matters for consideration**

The following provides an assessment of the proposal against the provisions of Clause 4.15 of the Environmental Planning and Assessment Act (as amended).

##### *(a) the provisions of:*

##### *(i) any environmental planning instrument*

#### **Local Environmental Plan**

The proposal has been assessed against  
*Yass Valley Local Environmental Plan (LEP) 2013 (as amended)*  
*The following addresses the relevant clauses and zone objectives as relevant to this proposal*

The land for the proposed development is zoned RU1 Primary Production

#### **Land use table:**

Zone RU1 Primary Production  
*Objectives of zone*

To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

To encourage diversity in primary industry enterprises and systems appropriate for the area.

To minimise the fragmentation and alienation of resource lands.

To minimise conflict between land uses within this zone and land uses within adjoining zones.

To protect and enhance the biodiversity of Yass Valley.

To protect the geologically significant areas of Yass Valley.

To maintain the rural character of Yass Valley.

To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.

To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land.

To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.

#### **Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Water storage facilities

#### **3 Permitted with consent**

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Helipads; High technology industries; Home industries; Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Serviced apartments; Signage; Timber yards; Transport depots; Truck depots; Turf farming; Waste or resource management facilities; Water recreation structures; Water supply system

#### **4 Prohibited**

Any development not specified in item 2 or 3

#### **Compliance response**

The proposal for a new dwelling on the subject lot, it is considered, that the development would be in keeping with the surrounding area, and that the development of a dwelling would lead to / encourage enhanced management of the land. It is submitted that the development would not hinder attainment of the RU1 zone objectives.

The proposal is permissible with consent as it is defined as a dwelling house, but the subject lot size does not meet the minimum lot size requirements as defined under clause 4.2B(3) of the *Yass Valley Local Environmental Plan (LEP) 2013 (as amended)*.

**The applicant wishes to vary the development standard - Refer to Clause 4.6 variation application.** The proposal has been developed with all due considerations to the relevant planning legislations and it is submitted that the variation will have minimal environmental impact to the subject lot surrounding land, and greater district.

#### **Additional local provisions:**

##### **Clause 4.6 Exceptions to development standards**

(1) The objectives of this clause are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and

(b) to achieve better outcomes for and from development by allowing flexibility circumstances.

(2) 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) 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) 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) 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, and
- (b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State 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 Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Rural Small Holdings, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(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 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.
- (ca) clause 6.12.

Comment

Under the clause 4.6 variation the land holder requests a variation to clause 4.2B(3)(a) minimum lot size for RU1 zoned land. The minimum lot size is 40 hectares and the landholder requests a variation of 31.25% precent to the standard. The anticipated impact of the development is minimal and in its typical compliance with all planning policies and controls with the exception of the minimum lot size it is seen the proposal is consistent with surrounding development therefor strict compliance with the clause 4.2B(3)(a) is unreasonable.

Refer to clause 4.6 variation as submitted with this application

#### **Clause 6.3 Terrestrial biodiversity**

- (1) The objective of this clause is to maintain terrestrial biodiversity by—
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Biodiversity” on the Natural Resources Biodiversity Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—
  - (a) whether the development is likely to have—
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
    - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
    - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### **Compliance response**

The site is mapped as having Terrestrial Biodiversity. Figure 4 shows the area extent of terrestrial biodiversity as identified by NSW planning, the proposed dwelling would not have any direct impact on the bio terrestrial area as mapped and complies with clause 6.3 objectives. The proposed development considers its impact on the biodiverse environment of the subject lot and careful consideration has been given to the siting of the dwelling to utilise existing infrastructure to ensure minimal impact on the existing environment, seeking to protect the ecological value and existing flora and fauna.

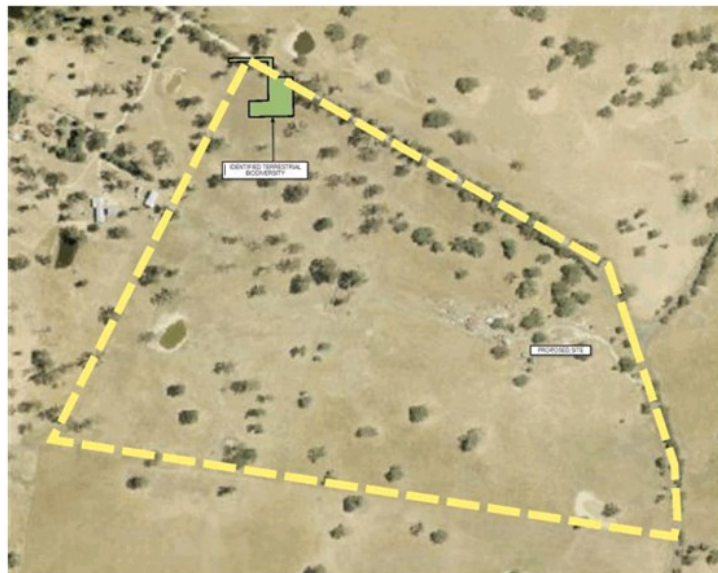


Figure 4 : Identified Terrestrial Biodiversity - Aerial view 631 Wargeila Road (Credit: E-planning spatial viewer - NSW Planning portal)

#### 6.8 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access,
- (f) connection to a communications network with voice or data capability (or both).

#### Compliance response

It is considered that the essential services required for the proposed development are available and obtainable when required. to address the considerations above as follows:

- (a) The supply of water is currently available on site with 2 existing dams, and 3 existing tanks.
- (b) The supply of electricity is noted in previous report and evaluation of the land as available
- (c) The disposal of sewer, it is proposed that the development be supported by an effluent disposal system (refer architectural plans) and it is considered there is sufficient land to support the use of the system.
- (d) Storm water overland flow will not be affected by the proposal, there is adequate land to support natural run off and absorption, along with dams that collect stormwater runoff
- (e) The site maintains an existing access point, verge crossing and driveway



- (f) The supply of telephone/communications is noted in previous report and evaluation of the land as available

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

Not applicable

*(iii) any development control plan*

Not applicable

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

Not applicable

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)*

Not applicable

*that apply to the land to which the development application relates,*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

The proposed development is located 9.3 kms from town in an area that captures rural and residential crossover. Although predominantly rural in nature the surrounding area has many large and small blocks with dwellings present. The character of the landscape would not be impacted by the development. Large setbacks ensure the nature of the street and area maintained with low visibility to development. The proposed development is in harmony with the existing built and natural environment and it is considered that the development would be in keeping with the character of the surrounding area. The proposed development is suitable for the site as it will not result in any significant impacts on the natural or built environments. The development has been designed and placed to be site specific, to utilise existing infrastructure and ensure minimal environmental impact to the site.

*(c) The suitability of the site for the development,*

The proposed development is consistent with development within the vicinity of a 2km radius. The air quality and microclimate are appropriate for the development. There are no critical habitats, or threatened species, populations, ecological communities or habitats which will be affected by the proposed development.

- Sediment & Erosion control - Appropriate soil and erosion controls will be in place during construction. The proposed development will have no adverse impact on soil conservation.
- Stormwater - A proposed total of 100,000L new water storage along with the existing will be utilised for the collection of roof storm water. The overflow is proposed to be diverted away from the house and onsite effluent dispersal area. The land is expansive and has a good coverage of grass and vegetation and will provide natural storm water slowing.
- Privacy - The proposed residence is located more than 50 meters from the closest street boundary with all adjacent residences sited more than 100m from the proposed dwelling. The proposed dwelling has privacy due to distance from neighbouring residences. There is no overlooking, privacy, or daylight issues generated by the proposed residence.

- Character/streetscape - The streetscape character is rural and vast, the area is generally open land with scattered residences. The proposed development is in harmony with the existing built and natural environment.
- Access & parking - Access is available through the existing entry gate. An established driveway is present and there is ample space on site for parking during and after construction.
- Bushfire hazard - The site is mapped to be in a bushfire zone (refer figure 4) therefore an approval under S100B of the Rural Fires Act is required from NSW Rural Fire Service. The proposed development would be constructed to bushfire standards to relevant assessed BAL rating. As the site is on bush fire prone land the development proposes to satisfy the aim and objectives of Planning for Bush Fire Protection (PBP) as required under Environmental Planning and Assessment Act 1979 section 4.14.

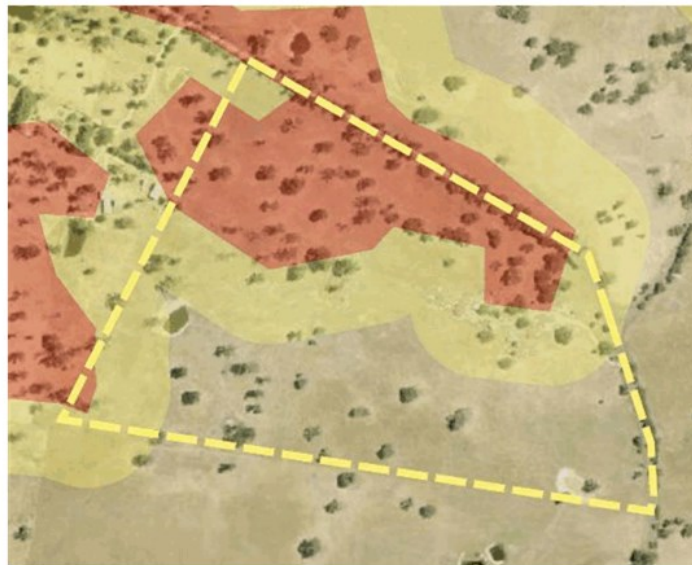


Figure 5 : Identified Bushfire zone - Aerial view 631 Wargeila Road (Credit: E-planning spatial viewer - NSW Planning portal)

- Native vegetation - all existing vegetation on site is proposed to remain with the addition of further flora through new plantings in the landscape. No existing vegetation is within or very close to the building site therefore lowering the risk of interruption to vegetation during construction. Proposed new vegetation aims to contribute to the native environment in a positive manner. The proposed planting of the native variety aims to assist with development and encouragement of the local fauna with the additional benefit of dwelling privacy and visual impact of the development from the street which is considered minimal. There is no vegetation or mature trees to be removed as a part of this proposal.
- Ground water- the sloping site ensures water run off to dams and site surrounds

*(d) any submissions made in accordance with this Act or the regulations,*

- The application is required to be referred to the RFS due to part of the land being mapped as "Bushfire Prone". Consideration will be given to any other submissions made as a result of Council's consultation and notification processes.

*(e) the public interest.*

The proposed dwelling is a custom home for the site, it has been oriented to provide passive solar opportunities and cross ventilation. The social effect of this development is neutral. The building proposed aims to be of a quality construction, design and finish. It is proposed to be constructed considering many sustainable attributes including double glazed thermally broken windows, considerate orientation and shading and all operable windows to encourage natural ventilation. It is in the public interest to encourage and support well considered residential design and in that, site specific design. The proposed development has a neutral social effect. Economically, the proposed development will aim to employ local tradespeople and support local industry where possible. There are no covenants, easement or agreements that affect this proposal. Approval of the proposed development would not be contrary to the public interest.

**Other relevant considerations**

The proposed development aims to meet all planning assessment and also considers the following:

- Visual Impact - the proposed development has little visual impact and minimal relationship to the street scape given the nature of the site and the proposed location of the development. The house is sited modestly on the block in a location that maintains use of existing infrastructure to minimise works to site. The large set back minimises interfering with the visual nature of the street and as can be seen from image: view from front gate, the appearance of structures from the street is minimal and furthermore the sites topography rises at the side further reducing the view lines from the street plane. The external proposed finishes, limestone blockwork and colorbond shale grey pay respect the site and nature of Australian bush land and extended area to which the proposed dwelling is located. The selected materials also lend themselves to low reflectivity minimising unwanted solar glare effects. The roof pitch is modest and the single storey nature of the dwelling allows the least visual impact. The proposition for the dwelling also includes extensive landscaping to further soften the nature of the dwelling as well as contribute to and improve on the local flora of the site. The proposed dwelling is respectful of the site and surrounds in its scale, siting and materiality.
- Overshadowing and privacy - Given the nature of the RU1 block and location there would be no overshadowing or open space privacy issues. As the site is expansive and underpopulated with trees/shrubs, it is proposed that landscaping assist in creating privacy beyond distance from the street and neighbouring dwelling on the west of the property.
- Noise and air - The proposed development will minimise contribution to noise or air emissions. There are no known conditions that are perceived to contribute to noise or air emissions. The development will not affect existing air quality or climatic conditions local to the site in quality or pollution, during construction there will be minimal noise and the distance to other local dwellings enable a substantial distance buffer for any unpredictable construction noise. Acoustic privacy is offered from the distance between the road and the proposed dwelling to minimise noise disruption from surrounding roads. Additionally, in the design of the dwelling, other beneficial noise reduction measures include room and building layout, double glazed windows and building façade material.
- Energy Efficiency's - the house is designed to promote energy efficiencies. Living areas and orientation promote energy efficiency in passive solar, the building envelope is proposed to be well insulate and sealed and the windows proposed are double glazed and thermally broken to minimise the environmental impact of the building over its lifetime. The building is well shaded to maximise winter sun and summer shade. All windows proposed are operable and conducive of a well cross ventilated space.
- Waste management - Waste during the construction phase will be stored on-site and disposed of as required. And general waste on completion will be processed utilising the Yass Valley Council waste facility.
- The Building Code of Australia- Is it proposed that the development would comply with the current (at the time) BCA.

- Traffic - There is no adverse impact on the traffic network. The proposal includes the use of existing road infrastructure. There is existing access to the property off a public road and the use of existing roads within the property propose to be utilised to minimise environmental impact. There is no conflict to the existing road network, pedestrian or vehicular.

### **Conclusion**

Whilst the proposal it does not comply with the minimum lot size requirements under the *Yass Valley Local Environmental Plan (LEP) 2013 (as amended)* for which a variation is sought as a part of this proposal, this report has demonstrated ample compliance and consideration to meet the requirements of 4.15(1) of the *Environmental Planning and Assessment Act 1979* and should be approved. The site proves to be suitable for the proposed development and it would not be against the public interest to grant consent for this proposal.

## Clause 4.6 Variation

Written application providing grounds for variation to development standards

Accompanying a development application for

### New Residential Dwelling

At

Lot: 101 DP: 1015129

631 Wargeila Road

Yass, NSW, 2582

## Introduction

This Clause 4.6 Variation has been developed to accompany development application proposal for dwelling for K and M Bellew at 631 Wargeila Road, Yass, NSW, 2582. Lot 101 DP 1015129. The subject property fronts Wargeila Road and Laverstock Road and is approximately 9.3kms from the Yass town centre.

### **The environmental planning instrument that applies to the land**

The Yass Valley Local Environmental Plan 2013 (as amended).

### **Zoning of the land**

The subject land is lot 101 DP 1015129. It is zoned RU1 Primary production

### **Objectives of the zone**

#### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To protect and enhance the biodiversity of Yass Valley.
- To protect the geologically significant areas of Yass Valley.
- To maintain the rural character of Yass Valley.
- To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.
- To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land.
- To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.

#### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Water storage facilities

#### **3 Permitted with consent**

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Helipads; High technology industries; Home industries; Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Serviced apartments; Signage; Timber yards; Transport depots; Truck depots; Turf farming; Waste or resource management facilities; Water recreation structures; Water supply systems

#### **4 Prohibited**

Any development not specified in item 2 or 3

*Comment*

The Statement of Environmental Effects outlines the considerations that the proposed dwelling has on the site. The proposal for a dwelling strives to maintain the objectives of the zone RU1 as described in the Planning instrument and to respect the environmental and rural values of the site. The design and siting of the dwelling has minimum disruption to the existing site and associated environmental attributes, flora and fauna. The development would be in keeping with the character and development in the area and it would not look displaced or cause disruption to surrounding development. It is seen that the occupation of the site from the approval of a dwelling would lend itself to a better environmental outcome for the land. The proposal is in keeping with the objectives of the zone and will not result in less land for use for agricultural purposes.

**The development standard being varied**

Minimum lot size

**The Clause under which the development standard is listed in the environmental planning instrument**

4.2B Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones

**Objectives of the clause**

- (1) The objectives of this clause are as follows—
  - (a) to minimise unplanned rural residential development,
  - (b) to enable the erection of dual occupancies in rural and environment protection zones,
  - (c) to enable the replacement of lawfully erected dwelling houses or dual occupancies in rural and environment protection zones.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone E3 Environmental Management,
  - (e) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies unless the land—
  - (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or
  - (b) is a lot created before this Plan commenced and on which the erection of a dwelling house or a dual occupancy was permissible immediately before that commencement, or
  - (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
  - (d) is a lot resulting from a subdivision under clause 4.1 or clause 4.1B, or
  - (e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by—
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
    - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

**Note.**

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.



- (4) Development consent must not be granted under subclause (3) for the erection of a dwelling house unless—
- (a) no dwelling house has been erected on the land, and
  - (b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and
  - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (5) Development consent must not be granted under subclause (3) for the erection of a dual occupancy unless—
- (a) no dual occupancy has been erected on the land, and
  - (b) if a development application has been made for development for the purpose of a dual occupancy on the land—the application has been refused or it was withdrawn before it was determined, and
  - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (6) Development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or a dual occupancy on the land and the dwelling house or the dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.
- (7) Despite subclauses (3) and (6), development consent may be granted for the erection of a dwelling house to create a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land.

#### **Variation to development standard**

Under clause 4.2B(3)(a) it is stated that:

**(3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies unless the land—**

- (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or**

The proposal for a residential dwelling on the subject lot therefore does not comply with the clause as the lot identified on the 'Lot size map' relative to clause 4.2B(2) (a) Zone RU1 Primary production – requires the land be minimum 40 hectares for a dwelling to be permissible.

#### **Extent of variation**

The subject lot is 27.65 hectares. The extent of the variation to the minimum lot size in which a dwelling is proposed results in a difference of 12.35 hectares, or a difference of 31.25% to the minimum lot size of 40 hectares as identified on the lot size map.

Resulting in a request for variation being required to the above rule via Clause 4.6 variation. It is considered that the variation to the lot size is in keeping with surrounding development and will have minimal impact on the local area and greater Yass district. The proposal extensively considers the impact that it would have on the environment and its greater surrounding region

#### **How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**

The strict compliance to the development standard in this case is unreasonable for the following reasons:

1. The proposal for erection of a dwelling house would be consistent with the existing development pattern for the area and the necessary services are available on the site to support the proposed dwelling. *Figure one* shows the pattern of existing land occupation in the area where dwellings are present. The proposal in this case would conform to the existing pattern of the area. The size of



holdings as determined via NSW planning viewer and visual presence of a dwelling structure proves that the proposed dwelling would conform with the existing pattern of the area.

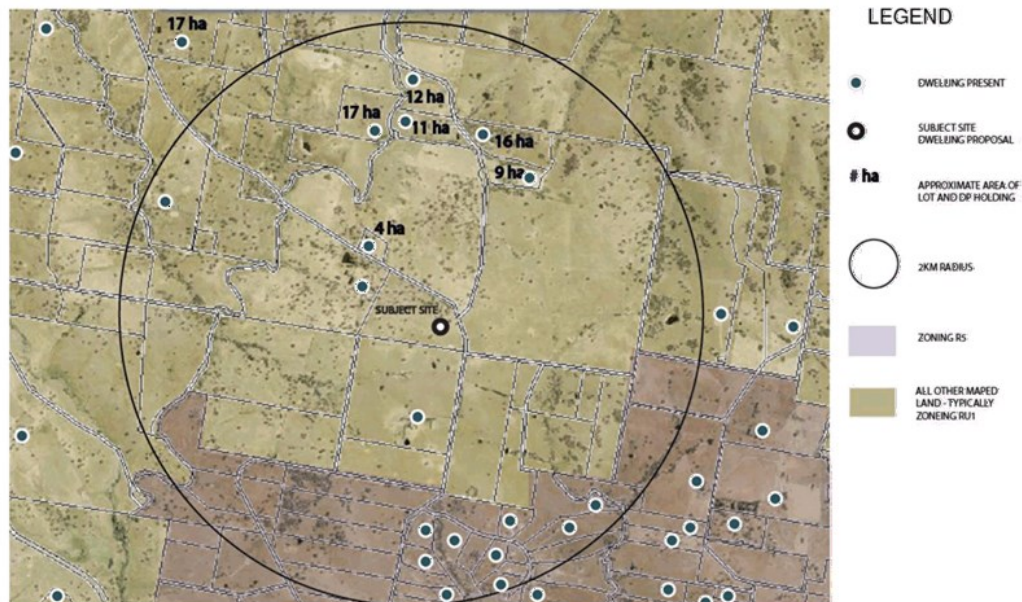


Figure 1 - lot holding and dwelling locations\*

\* This study was developed via the use of aerial image mapping and measurement tool from NSW planning portal. Care has been taken to represent the information clearly and accurately based off the information gathered and seen on the NSW planning tools. (<https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>).

Regardless of the conditions that have led to the erection of dwellings on land zoned RU1 its clear from figure 1 that there is a development pattern of dwellings on lands zoned RU1 with minimum lot size of 40 hectares, on lots that are under 40 hectares in size. The neighbouring lots too have a dwelling present on the land making the proposed development well in keeping with the immediate area despite lot size. This analysis is taken from the 2km radius, yet other examples also exist in the surrounding area where a dwelling is present on a lot zoned RU1 with a minimum lot size of 40 hectares that to seem to have a dwelling on the lot. Noting that this information was sourced using the NSW planning tool and aerial view of maps to determine whether dwellings are present and measurement of the lot sizes.

It is noted that it is unidentified/unidentifiable to what conditions dwellings became permissible on these lots, yet despite that, the 'Development' pattern in the area for dwellings on holdings of lands, shows that the proposed development would not be inconsistent with the pattern as analysed in figure 1.

2. The development would not hinder the existing agricultural practices of the land itself nor surrounding land uses. Current agricultural use of the land, supports occasional stock. The effect that the proposal would have on this agricultural use would be minimal given the proposal for the dwelling sites the building in close proximity to existing infrastructure (sheds etc) in a fenced portion of the lot that does not currently support stock holding, therefor would have minimal impact on any future agricultural use.
3. It is not seen that the approval of a dwelling would substantiate a rise in the variations to apply for dwelling applications on lands under the minimum lot size given the complex history of the site and its eventual predicament.

4. The subject lot is located in the Yass Valley approximately 9.3 kms from the town centre. It is considered that its proximity to the town centre is not so far that a dwelling should not be viable whereby it would contribute back to the local economy.
5. There is existing water supply available on the subject land and the site is considered to be suitable for on site sewerage disposal given there is an existing on site sewer system previously used on the site.
6. There is generally adequate yearly rainfall to support collection of potable roof water to support domestic use.
7. As the site identifies as bushfire prone it is also noted that there is suitable on site above ground water supply in the form of dams, for the needs of future agricultural uses and bush fire fighting, and in addition there are also existing water tanks on the subject site.
8. The condition of the road between the Yass town and the subject lot is sealed and local, there are no special access conditions, and the lot maintains an already established entry driveway and verge crossing that is proposed to service the proposed dwelling.

Additionally in support of the variation to the minimum lot size for the subject lot:

- There is evidence on the site that there was once a dwelling present on the land at some point in time
- It is considered that the development is in keeping with surrounding development and occupation of the land would further enhance agricultural use and care of the subject land.
- Yass council has previously supported the application for the dwelling entitlement.
- There was much local support under a no objection to a dwelling on this lot dated the year 2001 to the approximate number of 12 property holders in the surrounding area. Majority of which resided in the Derringullen area, Laverstock road and Wargelilla road vicinity.
- The subject land has several services and would not impact the load to town services, a valuation report notes the following existing assets / qualities and we list the relevant to support the proposal:
  - o Electricity and phone is available to the lot
  - o Soils and topography - soil is granite derived and land is slightly undulating, and most is arable
  - o Water - 2 small dams, 2x 22750 litre tanks, 1x 4500 litres

#### **Clause 4.6 Exceptions to development standards**

(1) The objectives of this clause are:

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

(2) 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) 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) 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) 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, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State 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 Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Rural Small Holdings, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(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 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.

(ca) clause 6.12.

Under the clause 4.6 variation the land holder requests a variation to clause 4.2B(3)(a) minimum lot size for RU1 zoned land. The minimum lot size is 40 hectares and the landholder requests a variation of 31.25% percent to the standard. The anticipated impact of the development is minimal and in its typical compliance with all planning policies and controls with the exception of the minimum lot size it is seen the proposal is consistent with surrounding development therefor strict compliance with the clause 4.2B(3)(a) is unreasonable.

It is believed that in supporting the development that better outcomes for the land and surrounding region shall be achieved by way of occupation leading to better land care of agricultural rural land. This is supported by the objectives of the clause 4.6. Additionally, the statement of environmental effects addressed the due considerations to the objectives of land zoned RU1. Given the development maintains the values and objectives of its zone RU1 and has considered all other planning policies and environmental effects it is seen to have a viable and achievable planning outcome. Reiterating that there are precedent lot sizes with dwellings erected in the area that are of a similar circumstance where the lot size is not greater than the minimum 40 hectares. Refer *Figure 1*.

**How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.**

Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979 (extract)

5 The objects of this Act are:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land, State environmental planning policy (or SEPP) see section 24 (2) of EP&A Act.

It is considered that strict compliance with the planning rule would hinder the obtainment of objectives stated under Section 5 (a)(i) and (ii).

The objectives encourage proper management of land in all its environmental capacity, and it is considered that the overall quality of land management will improve when the property is occupied.

This is consistent with the following statement in the Draft ACT and Sub Region Strategy

- Rural Areas:-

"Observations within the ACT and Sub - Region suggest that there may be a net benefit from rural residential development in terms of tree planting, better grass cover and gully control through dam construction."

**Are there sufficient environmental planning grounds to justify contravening the development standard?**

As it stands the proposal would not result in and adverse environmental impacts. More likely the occupation of the land would lead to better maintenance of the lot including management of pest species that might overcome the land, implemented control of feral animals (eg foxes, rabbits) which in turn could also help improve on and reduce soil erosion.

**The 'five part test'**

Whebe

1. the objectives of the standard are achieved notwithstanding noncompliance with the standard;
2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

Despite the variation the development proposal upholds the objectives of the standard. The proposed development is consistent with the surrounding development and it is considered the accommodation of the proposal will support better management of land and care of the immediate and surrounding environment. By varying the standard the rural and environmental attributes of the land would not be implicated,

Clause 4.6 Variation  
631 Wargeila Road, Yass, NSW, 2582

alternatively the land would be better supported and maintained. The rural character of the lot would be upheld and enhanced due to the occupation of the lot.

The minimum lot size is 40 hectares and the landholder requests a variation of 31.25% percent to the standard. The anticipated impact of the development is minimal and in its typical compliance with all planning policies and controls with the exception of the minimum lot size it is seen the proposal is consistent with surrounding development and upholds values and objectives of the standards.

#### **Conclusion**

It is considered that within this application to vary the standard utilising the clause 4.6, that application and proposal for a dwelling on the subject lot, is an appropriate planning proposal that is in keeping with the surrounding development and would not hinder or affect the agricultural or rural use of the land. This application demonstrates that the compliance of the proposal is in keeping with the standards despite the lot size in which this application seeks to vary. The Statement of Environmental Effects that supports this application too provides additional support to this effect and shows that the site attains to be suitable for the proposed development and it would not be against the public interest to grant consent for this proposal.



<b>Development Application No:</b>	DA200214
<b>Subject Land:</b>	Lot 101 DP 1015129 631 Wargeila Road BANGO NSW 2582
<b>Assessing Officer:</b>	Jeremy Knox – Development Planner

## Application to Vary a Development Standard Assessment

Environmental Planning Instrument, Development Standard and Objectives	
<b>What is the name of the environmental planning instrument that applies to the land?</b>	The Yass Valley Local Environmental Plan (YV LEP) 2013 applies to this land.
<b>What is the zoning of the land?</b>	The land is zoned RU1 Primary Production and has a minimum lot size of 40ha.
<b>What are the objectives of the zone?</b>	<p>The objectives of the RU1 Primary Production zone are:</p> <ul style="list-style-type: none"> <li>• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>• To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>• To minimise the fragmentation and alienation of resource lands.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>• To protect and enhance the biodiversity of Yass Valley.</li> <li>• To protect the geologically significant areas of Yass Valley.</li> <li>• To maintain the rural character of Yass Valley.</li> <li>• To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.</li> <li>• To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land.</li> <li>• To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.</li> </ul>
<b>What is the development standard being varied? e.g. FSR, height, lot size?</b>	The development standard proposed to be varied is contained in clause 4.2B(3), specially 4.2B(3)(a) which specifies that development consent must not be granted for the erection of a dwelling house unless it is a lot that is at least the minimum lot size as shown on the Lot Size Map in relation to that land.



Under what clause is the development standard listed in the environmental planning instrument?	Clause 4.2B as detailed above.
What are the objectives of the development standard?	<p>The objectives of clause 4.2B are:</p> <ul style="list-style-type: none"> <li>(a) To minimise unplanned rural residential development,</li> <li>(b) To enable the erection of dual occupancies in rural and environmental protection zones,</li> <li>(c) To enable the replacement of lawfully erected dwelling houses or dual occupancies in rural and environmental protection zones.</li> </ul>
What is the numeric value of the development standard in the environmental planning instrument?	The Minimum Lot Size (MLS) for this land is 40ha.
What is proposed numeric value of the development standard in the development application?	The subject land is 27.65ha in size.
What is the percentage variation (between the proposal and the environmental planning instrument)?	Whilst the MLS for this land is 40ha, the subject land is 27.65ha in size. This represents a 31.25% variation on the development standard.
Is the development standard a performance based control? Give details.	No. The development standard in clause 4.2B(3)(a) is a prescriptive control specifying that a Development Consent must not be granted unless the lot meets the MLS shown on the MLS Map, which in this case is 40ha.
<b>Clause 4.6(4) Yass Valley Local Environmental Plan 2013</b>	
Clause 4.6(4)(a)(i) – Has the applicant's written request adequately addressed the matters required to be demonstrated by subclause (3)?	<p>Lindsay Taylor Lawyers (2019) outline that there is tension about whether the consent authority needs to be directly satisfied about the matters in clause 4.6(3). In their view, a request under clause 4.6 will only adequately address clause 4.6(3)(a) where the consent authority is satisfied that the matters have been demonstrated.</p> <p>The Applicant has submitted a detailed written application providing grounds for the variation. Although it is detailed and generally considers the relevant matters required in an Applicant's variation request, it fails to demonstrate why in the particular circumstance of this case the development standard is unreasonable or demonstrate that there are sufficient environmental planning grounds.</p> <p>The following comments are made:</p> <ul style="list-style-type: none"> <li>• It is accepted that any agricultural practices undertaken on the land, including the occasional grazing of stock, are unlikely to change as a result of this development.</li> </ul>

	<ul style="list-style-type: none"> <li>It is also acknowledged that there are other dwellings within the locality on lots which are less than the minimum lot size, however the planning conditions for how they were granted has not been ascertained and there are a number of other lots less than the minimum lot size nearby that do not have a dwelling.</li> <li>The justification for the variation relies heavily matters which are not unique to this particular site. For example, that the subject lot is within 9.3kms of the Yass town therefore would contribute to the local economy, is serviced by a sealed road and has an access, and that there is opportunity for onsite sewage management and rainwater collection for supply. There are many other lots which are less than the minimum lot size with similar attributes.</li> <li>The benefits of occupation of the land in relation to increased opportunity for increased tree cover and pest management (i.e. land management) are generally acknowledged, however this also needs to be balanced with the orderly use and development of land.</li> <li>The Applicant suggests that the approval of a dwelling would not give rise in the number variations, but does not outline further how this conclusion has been reached or acknowledge planning factors across the Yass Valley such as the development pressures being experienced particularly from Canberra. There are no details of the author or their expertise to determine weight that should be given to this statement.</li> <li>The variation request considers the historic objects of the <i>Environmental Planning and Assessment Act 1979</i> and not those which are current.</li> </ul>
Clause 4.6(4)(a)(iii) – Is the proposed development in the public interest because it is consistent with the objectives for the development within the zone in which the development is proposed to be carried out?	No, it is not within the public interest. The proposed development is not considered to be in the public interest as it is not consistent with the objectives of the zone nor the objectives of the clause containing the development standard. If the variation was approved, it will create an undesirable precedent for the development of existing small lots in the RU1 Primary Production zone across the Yass Valley and potentially undermine the objectives of the zone. This is particularly the case given the development pressure experienced from the ACT. Cumulatively, these variations would create future infrastructure and servicing challenges and would not be within the public interest.
Clause 4.6(4)(b) – has the concurrence of the Planning Secretary been obtained.	Planning Circular PS-18003 dated 21 February 2018 determines when Council has the assumed concurrence of the Planning Secretary. In this instance the proposed variation does not have the assumed concurrence and therefore, if supported by Council, would have to be referred to seek the concurrence before any Development Consent can be issued.
<b>The Five Part Test</b>	



Are the objectives of the standard achieved notwithstanding non-compliance?	No, the objectives of standard are not achieved in this instance. Although the proposal does not involve the erection of a dual occupancy or the replacement of a lawful dwelling, the objective that is relevant is for minimising unplanned rural residential development. The proposed variation to the development standard represents an example of unplanned rural residential development which the objective is to avoid.
Is the underlying objective or purpose of the standard not relevant to the development and therefore compliance is unnecessary?	The underlying objective and purpose of clause 4.2B remains relevant.
Would the underlying object of purpose be defeated or thwarted if compliance was required and therefore compliance is unreasonable?	No, the underlying object of purpose for this development standard would not be defeated or thwarted if compliance was required. The underlying object of purpose is to minimise unplanned rural residential development. This underlying object is consistent with the aims of the YV LEP 2013 and the <i>Environmental Planning and Assessment Act 1979</i> which promotes the orderly use and development of land.
Has the development standard been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standard and hence compliance with the development standard is unnecessary and unreasonable?	<p>The development standard is not considered to have been abandoned or destroyed by Council's own actions. Although there may be other lots within the locality that are of a similar size and do have a dwelling house erected or entitlement to erect a dwelling, these have not been as a result of Council departing from the development standard proposed to be varied.</p> <p>The only time where this particular development standard has been varied by greater than 10% to allow the erection of a dwelling house has been on Hadlow Drive in Bywong, adjacent to the Federal Highway. In that instance the variation was significant, however there was also a unique set of planning characteristics and circumstances. There are several lots in a strip along Hadlow Drive which are less than the minimum lot size and were created as a result of fragmentation from the Federal Highway realignment. That area has been a source of ongoing land use problems owing to the isolated location and fragmented nature of the urban land use pressures in proximity to Canberra. Council has also acknowledged that the minimum lot size and/or zoning in that location needs to be reviewed to reflect the characteristics of the multiple lots. Noting this, the variation to the development standard was supported by Council and DPIE issued their concurrence. The circumstances for 631 Wargeila Road are significantly different.</p> <p>Supporting a variation to the development standard for the submitted application could be seen as an action which contributes to Council reducing its upheld value.</p>
Is the compliance with the development standard unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, should the particular parcel of land not have been included in the zone?	<p>The development standard is reasonable and appropriate in relation to the land and the current environmental character of the particular parcel of land. It is clear that the parcel of land was intended to be included within the RU1 Primary Production zone and for this development standard to apply.</p> <p>Land generally to the south-east towards Yass is zoned R5 Large Lot Residential and this generally applies to area which was formerly zoned 1(c)2 (Rural Residential – Hobby Farms Zone) under the previous Yass LEP 1987. In the 2010 Town and Villages Study the application of the R5 zone (16 ha MLS) was justified on the basis that fragmentation had occurred due to concessional lots and the primarily residential use of many of the lots. It was</p>

	stated that “the amount of undeveloped land in this area also indicates that the existing demand for ‘Rural Residential’ land in this location is not as strong as on the southern side of Yass.” As such, there was no consideration given to increasing the R5 zone due to available land supply in this location.
<b>Objects of the Environmental Planning and Assessment Act 1979</b>	
<b>What are the objects of the Environmental Planning and Assessment Act 1979?</b>	<p>The objects of the <i>Environmental Planning and Assessment Act 1979</i> are:</p> <ul style="list-style-type: none"> <li>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,</li> <li>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</li> <li>(c) to promote the orderly and economic use and development of land,</li> <li>(d) to promote the delivery and maintenance of affordable housing,</li> <li>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</li> <li>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</li> <li>(g) to promote good design and amenity of the built environment,</li> <li>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</li> <li>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</li> <li>(j) to provide increased opportunity for community participation in environmental planning and assessment.</li> </ul>
<b>Would strict compliance with the development standard hinder the attainment of the objects specified in Section 1.3 of the Act?</b>	<p>No, strict compliance would generally not hinder the attainment of objects specified in Section 1.3 of the Act.</p> <p>The proposed variation to the development standard would be particularly contrary to object (c) which promotes the orderly economic use and development of land for reasons outlined in this assessment.</p>

**Reference documents:**

**Lindsay Taylor Lawyers. (2019). Clause 4.6 requests – further developments in the law.** Retried from;  
[https://www.lindsaytaylorlawyers.com.au/in\\_focus/clause-4-6-requests-further-developments-in-the-law/](https://www.lindsaytaylorlawyers.com.au/in_focus/clause-4-6-requests-further-developments-in-the-law/)

**Yass Valley Local Environmental Plan 2013** - <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2013-0391>

**Yass Local Environmental Plan 1987** - <https://www.legislation.nsw.gov.au/view/html/repealed/current/epi-1987-0388>

**Planning Circular PS-18003 dated 21 February 2018** - <https://www.planning.nsw.gov.au/-/media/Files/DPE/Circulars/planning-circular-ps-18-003-variations-to-development-standards-2018-02-21.pdf?la=en>

**Environmental Planning and Assessment Act 1979**- <https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1979-203>

6.2 Development Application No DA200214 - Dwelling, 631 Wargeila Road, Bango  
Attachment E Zone Map and Dwelling Locations

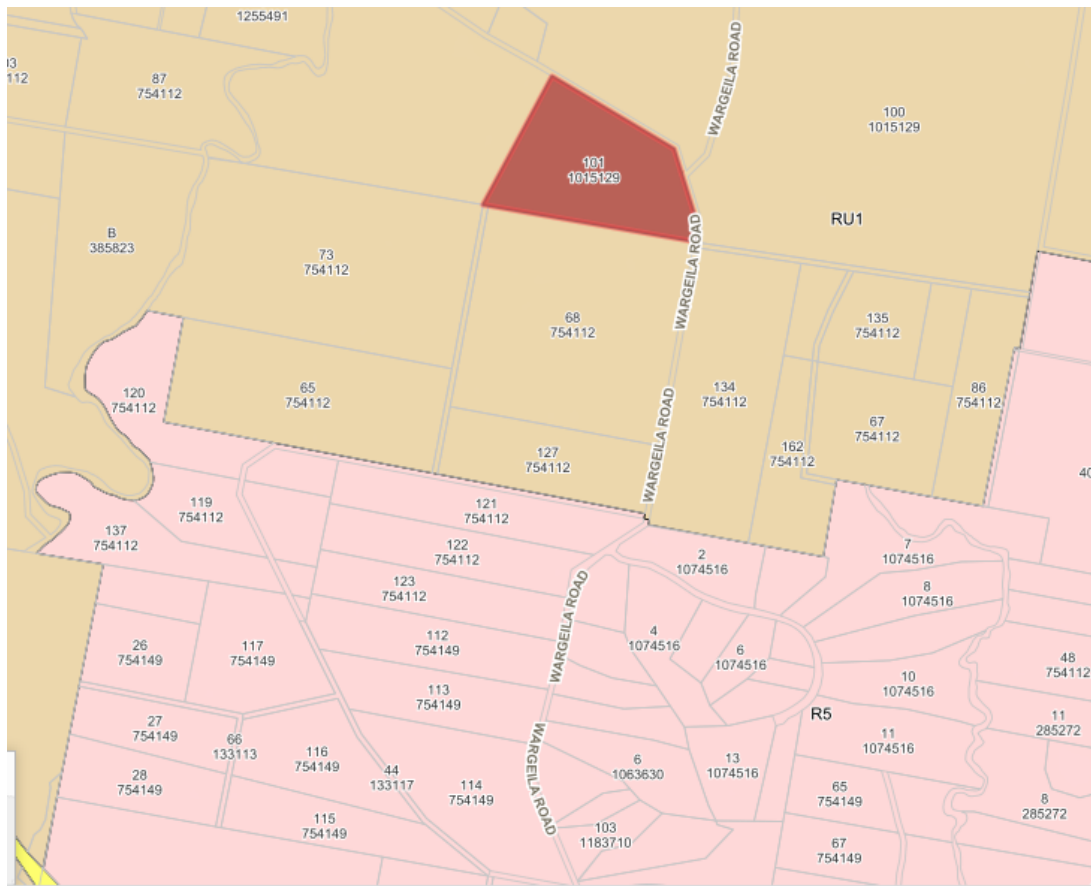


Figure 1: YV LEP 2013 Zone Map

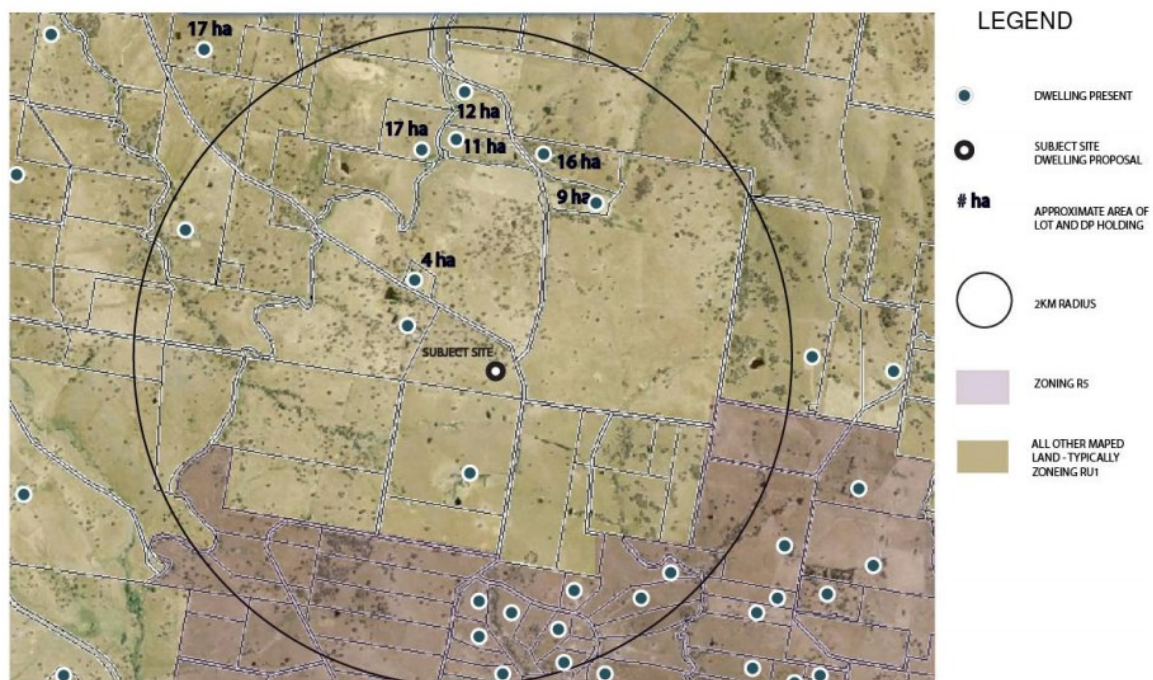


Figure 2: Applicant's Map Showing Lot Holding and Dwelling Locations (2km Radius)



gsa planning

OUR REF: 17206

16 February 2021

Yass Valley Council  
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**Attention: Jeremy Knox**

Dear Sir/Madam,

**RE: LATE CORRESPONDENCE PLANNING SUBMISSION  
NO. 631 WARGEILA ROAD, BANGO**

This late correspondence has been prepared on behalf of Miriam Bellew to assist with the assessment of development application (DA 200214) for the abovementioned address. The DA is for the erection of a dwelling house, an on-site sewage management facility and rainwater tanks.

## 1.0 Introduction

In the preparation of this submission, I have had extensive discussions with Miriam Bellew and gained an appreciation for the economic hardships they are currently enduring. Mrs Bellew has owned the site for over 20 years and is not allowed to live there. Currently they have rented premises and travel approximately 30 minutes each day to and from the site to undertake various tasks. However, the tasks to improve the farm are greatly inhibited by the tyranny of distance, which in turn reduces surveillance, supervision and improvements to the site.

More importantly, discussions with Mrs Bellew have revealed the substantial environmental planning grounds for supporting this application. These environmental planning grounds include:

- employment, directly and indirectly;
- land cultivation and utilisation;
- site maintenance and improvements;
- weed control and replanting;
- improvements to infrastructure; and
- the economic benefits to the community of Yass.

I will elaborate on these environmental planning grounds in the following paragraphs.

## 2.0 Response to Council Concerns

To be fair, in preparing his recommendation, the Council Officer may not have been aware of many of the issues identified above. His further research, requested by Council, may have assisted. Notwithstanding that, I will now respond to the two reasons for refusal.



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### **3.0 Existing Use Rights**

There are the remains of a structure on the subject site that looks as though it was used for residential purposes. Anecdotal evidence would suggest that previous owners have resided in structures currently on the site, perhaps for the purpose of necessity and/or a more efficient maintenance of the site. However, a review of the documentation would confirm that existing use rights are not evident.

In any case, Council have reduced their allotment size from 80 to 40 hectares. As acknowledged in the Council Officer's report, there are a number of parcels of land of a similar size to the subject site in the immediate area. While this, of itself, does not provide a justification, it would suggest that sites that are 27.65 hectares can provide a reasonable standard of living for occupants. This is reinforced by the fact that Clause 4.1B(3)(b) of the LEP allows lots as small as 20 hectares in the RU1 Primary Production zone.

While acknowledging that existing use rights cannot be substantiated at this stage, the Council can rely on a Clause 4.6 Variation knowing that there are other properties of a similar size in the locality.

### **4.0 Sufficient Environmental Planning Grounds**

As summarised above, there are at least six environmental planning grounds that support the Clause 4.6 and the approval of this application. These will now be discussed.

#### **4.1 Employment, Directly and Indirectly**

If the Bellew's were residing on site, there would be many opportunities to employ people in the local area, both directly and indirectly, in connection with improvements of the existing farm. I am advised that there is at least one full time position that could be filled and there is potential for additional employees to help get the farm back in reasonable order. Additionally, if the farm becomes more productive, then there is more indirect employment generated and improved usage. Additional employment is a sought-after commodity in the Yass area.

#### **4.2 Land Cultivation and Utilisation**

Although the site doesn't meet the development standard, there are still over 27 hectares of land that can be utilised for growing various types of crops. Land cultivation could facilitate the growing of barley or wheat and the owners are keen to pursue these options.

In addition, there are presently only five or six cattle on the site. If the site is cultivated with, say, wheat and hay, the owners estimate that they could provide between 400-500 bales. This could facilitate 50 cattle, which would then qualify as a primary producer. While the Council Officer's report suggested agricultural practices are unlikely to change from a dwelling entitlement, having the owners live on site will allow better management and more extensive cultivation of the land.

#### **4.3 Site Maintenance and Improvements**

The fences on site are in a state of disrepair and in need of refurbishment and/or replacement. Similarly, structures on the site are in need of refurbishment. Owners residing on the site are constantly aware of the tasks that need to be completed and are in a much better position to either undertake those tasks themselves or employ someone to pursue them.

#### **4.4 Weed Control and Replanting**

Weed eradication is a constant problem with this type of activity, particularly when the owners are located offsite. The removal of various weed infestations has been an ongoing problem that needs to be dealt with on an ongoing basis.

Also, in contrast to the weed removal is the planting of trees. The owners have a real desire to extensively plant the site to provide windbreaks, increase the amount of shade, and improve the appearance of the site.

#### **4.5 Improvements to Infrastructure**

The condition of the road between the site and the Yass Town Centre is sealed, generally in good condition, making access to the town readily available. Highway access is also available to the subject site.

The site has the benefit of two dams of the site that could do with a considerable amount of refurbishment. These dams can provide water to the whole of the site and have the potential to be a major infrastructure feature.

#### **4.6 Economic Benefits to the Community of Yass**

There are obvious economic benefits to the Yass community if this farm can become a functional operation that runs, say, 50 cattle; grows, barley or wheat; and employs locals, either directly or indirectly. The site is ideally located only 9.3kms from the town centre and has the potential to help grow, albeit to a small extent, the economy of the Yass community. The property has been in single ownership for over two decades and the owners are committed to the local community.

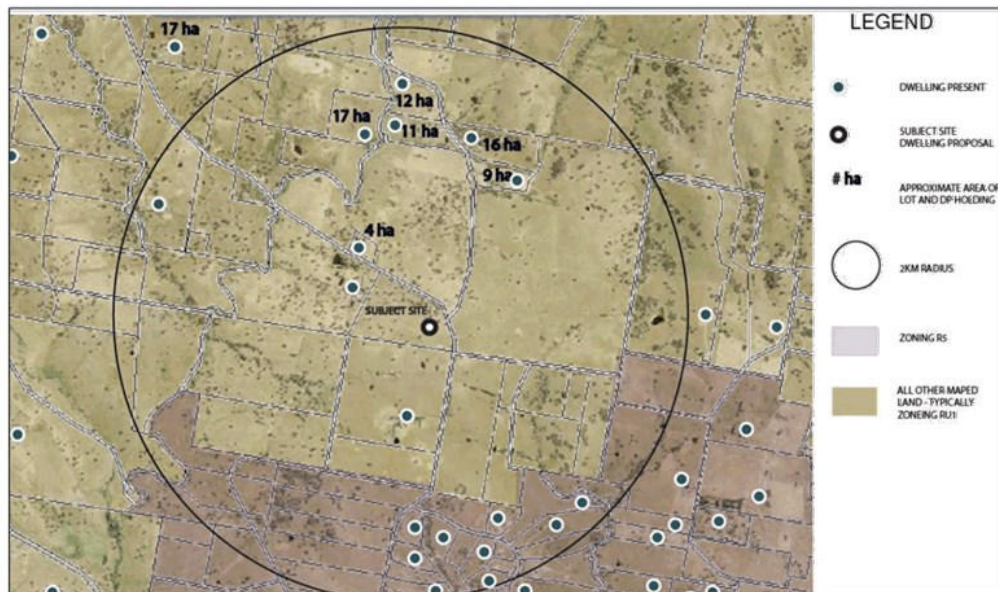
### **5.0 Development Standard – Public Interest**

In our submission, a variation to the development standard to permit a dwelling house on the subject site is in the public interest. Leaving aside any hard times that might be endured by the current owners living offsite, there are clear and obvious benefits to the wider community if the existing farm becomes more productive and have permanent residents.

As acknowledged in Council's documentation, there are many sites in the immediate area that are well below the minimum allotment size (see Figure 1 on the following page). A cluster of these sites within the RU1 Primary Production Zone vary in size from 4 to 17 hectares, considerably less than the subject site. Although not suggesting they provide a precedent, they at least provide evidence that smaller lots can be acceptable and benefit the area. While every application needs to be dealt with on its merits, in our submission, there are considerable merits to this proposal.

Importantly, public interest can serve many masters. In my submission, the public interest would be served by providing a dwelling on the subject site, increasing the utility and functionality of this farm, and providing employment and produce that would service the local community. I cannot see an argument of the contrary that the public interest would be served by refusing this application.

Prepared by GSA Planning



**Figure 2: Lot Holding and Dwelling Locations\***

\* This study was developed via the use of aerial image mapping and measurement tool from NSW planning portal. Care has been taken to represent the information clearly and accurately based off the information gathered and seen on the NSW planning tools. (<https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>).

Councillors, I respectfully submit to you that the Clause 4.6 Variation is well founded and I commend this application for a dwelling for a favourable determination.

I trust this information is of some assistance to you. If you have any queries, or would like to discuss further, please do not hesitate to contact us.

Yours faithfully,

Dr Gary A. Shields  
Senior Consultant



# **YASS VALLEY LEP 2013 Clause 4.6 Exceptions to Development Standards – Dwelling Entitlement Lot Size**

New dwelling at

**No. 631 Wargeila Road,  
Bango**

Prepared for:  
**Miriam Bellew**  
631 Wargeila Road  
Bango NSW 2582

Prepared by:  
**GSA PLANNING**  
Urban Design, Environmental & Traffic Planners  
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JOB NO. 17206  
February 2021

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**YASS VALLEY LOCAL ENVIRONMENTAL PLAN (LEP) 2013  
CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS**

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**APPLICANT'S NAME:** Miriam Bellew

**SITE ADDRESS:** No. 631 Wargeila Road, Bango

**PROPOSAL:** New dwelling

**1. (i) Name of the applicable planning instrument which specifies the development standard:**

Yass Valley Local Environmental Plan (LEP) 2013

**(ii) The land is zoned:**

RU1 Primary Production Zone. The objectives of the RU1 Primary Production Zone are as stated:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To protect and enhance the biodiversity of Yass Valley.
- To protect the geologically significant areas of Yass Valley.
- To maintain the rural character of Yass Valley.
- To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.
- To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land.
- To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.

**(iii) The number of the relevant clause therein:**

Clause 4.2(B) which is stated as follows:

**4.2B Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones**

- (1) The objectives of this clause are as follows—
- (a) to minimise unplanned rural residential development,
  - (b) to enable the erection of dual occupancies in rural and environment protection zones,
  - (c) to enable the replacement of lawfully erected dwelling houses or dual occupancies in rural and environment protection zones.
- (2) This clause applies to land in the following zones—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone E3 Environmental Management,
  - (e) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies unless the land—
- (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or

- (b) is a lot created before this Plan commenced and on which the erection of a dwelling house or a dual occupancy was permissible immediately before that commencement, or
- (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
- (d) is a lot resulting from a subdivision under clause 4.1 or clause 4.1B, or
- (e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by—
  - (i) a minor realignment of its boundaries that did not create an additional lot, or
  - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
  - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

**Note—**

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

- (4) Development consent must not be granted under subclause (3) for the erection of a dwelling house unless—
  - (a) no dwelling house has been erected on the land, and
  - (b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and
  - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (5) Development consent must not be granted under subclause (3) for the erection of a dual occupancy unless—
  - (a) no dual occupancy has been erected on the land, and
  - (b) if a development application has been made for development for the purpose of a dual occupancy on the land—the application has been refused or it was withdrawn before it was determined, and
  - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (6) Development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or a dual occupancy on the land and the dwelling house or the dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.
- (7) Despite subclauses (3) and (6), development consent may be granted for the erection of a dwelling house to create a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land.

This Clause 4.6 Exception to Development Standards should be read in conjunction with the Statement of Environmental Effects (SEE) submitted with the DA.

## 2. Overview

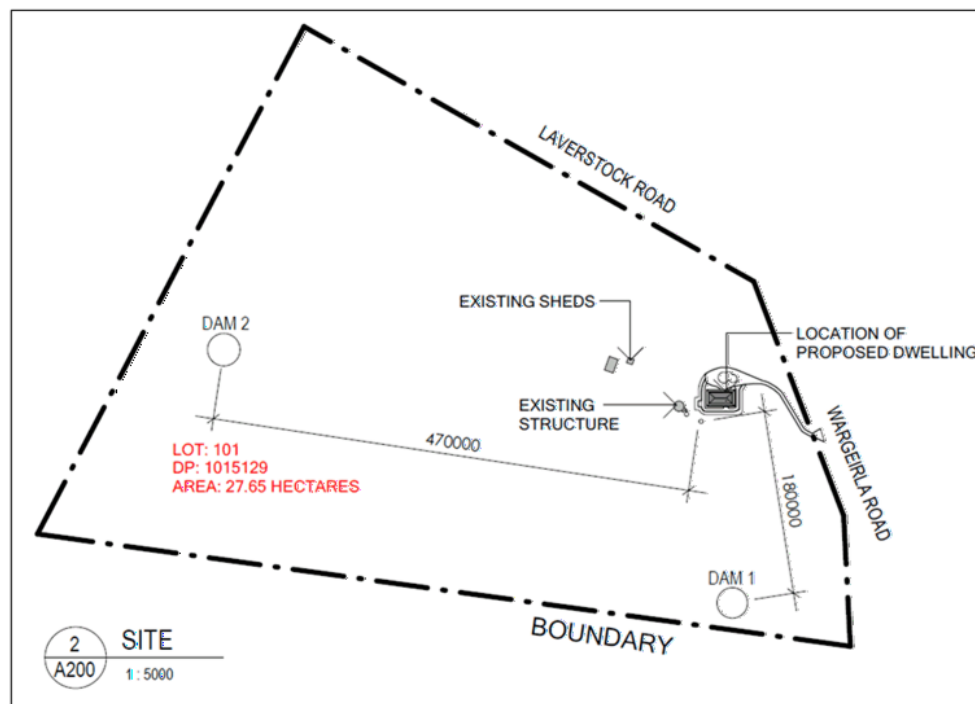
This revised Clause 4.6 Exception to Development Standards has been prepared in accordance with the most recent case law. In our opinion, the variation is consistent with the objectives of the zone and development standard and has demonstrated there are sufficient environmental planning grounds.

## 3. Specify the nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for variation relates is Clause 4.2B of the LEP – Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones. This Clause operates in conjunction with the Lot Size Map which indicates a minimum 40 hectares applies to the subject site. Clause 4.2B is consistent with the definition for a development standard under Section 1.4 of the Environmental Planning and Assessment Act 1979 (EPA Act). The subject site is located within

the RU1 Primary Production Zone. Dwelling houses are permitted in this zone subject to the lot size identified above.

The subject site is known as Lot 101 in DP 1015129 and has a lot area of 27.65 hectares (see **Figure 1**). There are frontages to both Laverstock Road and Wargeila Road. There are no dwellings currently on the site. The existing structures comprise a machinery shed, storage shed, kiosk and cattle yards. There are also three water tanks and what appears to be the remnants of a dwelling previously constructed on the site.



**Figure 1: Site Plan Showing Proposed Dwelling Location**

The extent of the variation to the minimum dwelling entitlement lot size in which a dwelling is proposed results in a difference of 12.35 hectares (31.25%) from the standard. It is considered that the variation to the lot size is in keeping with surrounding development and will have minimal impact on the local area and greater Yass district.

#### 4. Consistency with Objectives of Clause 4.6

The objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development. In the Court determination in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (*Initial Action*), Preston CJ notes at [87] and [90]:

*Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development...In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.*



However, it is still useful to provide a preliminary assessment against the objectives of the Clause. The objectives of Clause 4.6 and our planning response are as follows:

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

Flexibility is sought in the application of the dwelling entitlement lot size development standard to the proposed development in the circumstance of this particular case as the anticipated impact of the development is minimal. The proposal generally complies with the relevant planning policies and controls, with the exception of the minimum lot size for a dwelling entitlement. The proposal provides better outcomes for the land and surrounding region by way of occupation leading to better land care of agricultural rural land.

As the proposed dwelling provides a better outcome for and from the site, flexibility in the application of the development standard is considered reasonable in this instance.

## 5. Justification of Variation to Development Standard

Clause 4.6(3) outlines that a written request must be made seeking to vary a development standard and that specific matters are to be considered. The Clause states, *inter alia*:

- (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.

This written request justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in these circumstances; and there are sufficient environmental planning grounds to justify the non-compliance. These matters are discussed in the following sections.

### 5.1 Compliance with the Development Standard is Unreasonable and Unnecessary in the Circumstances of the Case

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (*Wehbe*), Preston CJ established five potential tests for determining whether a development standard could be considered unreasonable or unnecessary. This is further detailed in *Initial Action* where Preston CJ states at [22]:

*These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.*

It is surprising that the Council Officer's Report assesses all five tests when demonstrating consistency with one test is sufficient in accordance with the case law. It is our opinion that the proposal satisfies Test 1 established in *Wehbe* and for that reason, the development standard is unreasonable and unnecessary in this instance. The relevant test will be considered below.

**Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard;**

Despite the proposed development's non-compliance with the applicable dwelling entitlement lot size development standard, the proposal is consistent with the desired agricultural character of the area. Reasons why the proposed development is consistent with the objectives of the standard are explained below.

***Objective: (a) to minimise unplanned rural residential development,***

This application is not for an unplanned rural residential development, rather is for a dwelling entitlement on the basis of the unique history and characteristics of the site. The dwelling will provide a public benefit by enhancing management of the land. It is considered that the proposal promotes the orderly and economic development of the land in accordance with Object (c) of the EPA Act.

It is also noted that Council has previously approved an application for a dwelling entitlement on the site, recognising the planning merit in this location. Environmental planning grounds for the dwelling entitlement are addressed in detail in Section 5.2 of this report.

***Objective: (b) to enable the erection of dual occupancies in rural and environment protection zones,***

A dual occupancy is not proposed and therefore this objective is not relevant.

***Objective: (c) to enable the replacement of lawfully erected dwelling houses or dual occupancies in rural and environment protection zones.***

The proposal is for a new dwelling rather than the replacement of the existing. However, there does appear to have been a dwelling previously on the site.

Accordingly, although the proposal will exceed the dwelling entitlement lot size control, it remains consistent with the objectives of the standard.

**5.2 There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard**

There are a number of environmental planning grounds that justify allowing a dwelling house in this instance. These are described below.

***Consistent in the Context***

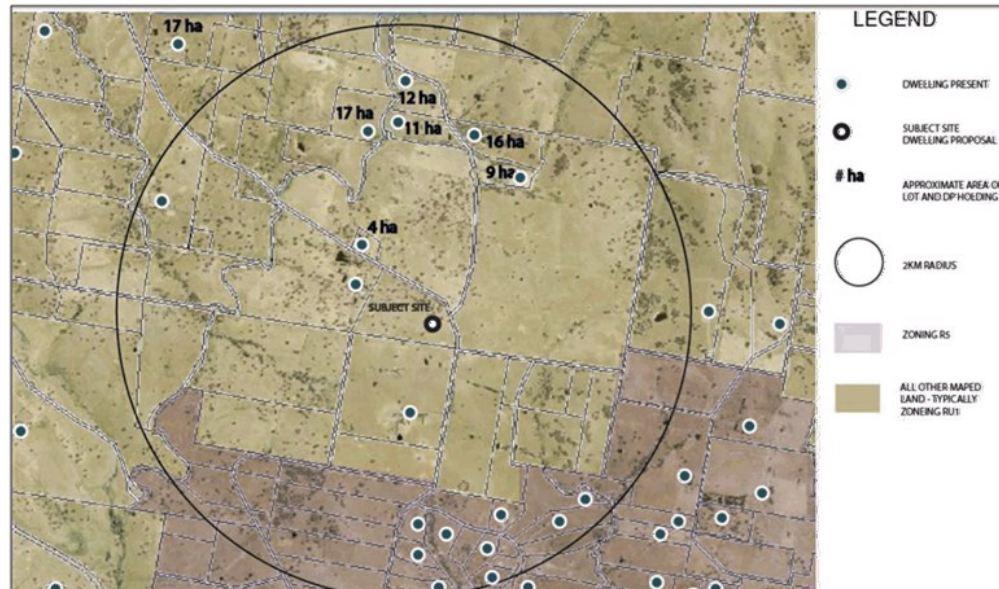
The proposed dwelling house would be consistent with the existing development pattern for the area and the necessary services are available on the site to support the use. **Figure 2** on the following page shows the pattern of existing land occupation in the area where dwellings are present. This analysis is taken from the 2km radius, yet other examples also exist in the surrounding area.

It is clear that there is a development pattern of dwellings on lots under 40 hectares, despite being zoned RU1 and having a minimum lot size of 40 hectares. The neighbouring lots too have a dwelling present on the land making the proposed development in keeping with the immediate area. The proposal in this case would conform to the existing pattern of the area.

As noted in the Council Officer's report, it is not clear under what circumstances dwellings were approved/constructed on these lots. Notwithstanding, these examples demonstrate that the proposed dwelling would not be inconsistent with the development pattern in the area. These examples also suggest



that 27.65 hectares can provide a reasonable standard of living for occupants. This is reinforced by the fact that Clause 4.1B(3)(b) allows lots as small as 20 hectares in the RU1 Primary Production zone.



**Figure 2: Lot Holding and Dwelling Locations\***

\* This study was developed via the use of arial image mapping and measurement tool from NSW planning portal. Care has been taken to represent the information clearly and accurately based off the information gathered and seen on the NSW planning tools. (<https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>).

Consistency in the context is recognised as an environmental planning ground in *Initial Action v Woollahra Municipal Council* [2019] NSWLEC 1097 where Commissioner O'Neill states at [42] that:

*I am satisfied that justifying the aspect of the development that contravenes the development standard as creating a consistent scale with neighbouring development can properly be described as an environmental planning ground within the meaning identified by His Honour in Initial Action [23], because the quality and form of the immediate built environment of the development site creates unique opportunities and constraints to achieving a good design outcome (see s 1.3(g) of the EPA Act).*

### **Existing Use Rights**

There are the remains of a structure on the subject site that looks as though it was used for residential purposes. Anecdotal evidence would suggest that previous owners have resided in structures currently on the site, perhaps for the purpose of necessity and/or more efficient maintenance of the site. However, a review of the documentation would confirm that existing use rights are not evident.

Given the unique and complex history of the site, it is unlikely that approving the dwelling entitlement lot size shortfall would create an undesirable precedent in the area. Each site needs to be assessed on its own merits. It is also noted that a dwelling entitlement was previously approved by Council.

### **Environmental Impacts**

The proposal is unlikely to result in any adverse environmental impacts. Instead, the occupation of the land would lead to better maintenance of the lot including management of pest species that might overcome the land, implement control of feral animals (e.g. foxes and rabbits) which in turn could also help reduce soil erosion. The dwelling will be centrally located and is unlikely to have any impacts on adjoining properties.

***Employment, Directly and Indirectly***

If the Bellew's were residing on site, there would be many opportunities to employ people in the local area, both directly and indirectly, in connection with improvements of the existing farm. We are advised that there is at least one full time position that could be filled and there is potential for additional employees to help get the farm back in reasonable order. Additionally, if the farm becomes more productive, then there is more indirect employment generated and improved usage. Additional employment is a sought-after commodity in the Yass area.

***Land Cultivation and Utilisation***

Although the site doesn't meet the development standard, there are still over 27 hectares of land that can be utilised for growing various types of crops. Land cultivation could facilitate the growing of barley or wheat and the owners are keen to pursue these options.

In addition, there are presently only five or six cattle on the site. If the site is cultivated with, say, wheat and hay, the owners estimate that they could provide between 400-500 bales. This could facilitate 50 cattle, which would then qualify as a primary producer. While the Council Officer's report suggested agricultural practices are unlikely to change from a dwelling entitlement, having the owners live on site will allow better management and more extensive cultivation of the land.

***Site Maintenance and Improvements***

The fences on site are in a state of disrepair and in need of refurbishment and/or replacement. Similarly, structures on the site are in need of refurbishment. Owners residing on the site are constantly aware of the tasks that need to be completed and are in a much better position to either undertake those tasks themselves or employ someone to pursue them.

***Weed Control and Replanting***

Weed eradication is a constant problem with this type of activity, particularly when the owners are located offsite. The removal of various weed infestations has been an ongoing problem that needs to be dealt with on an ongoing basis.

Also, in contrast to the weed removal is the planting of trees. The owners have a real desire to extensively plant the site to provide windbreaks, increase the amount of shade, and improve the appearance of the site. There may be a net benefit from rural residential development in terms of tree planting, better grass cover and gully control through dam construction.

***Infrastructure Capabilities and Improvements***

The site has the existing infrastructure capability to accommodate a dwelling. As many of the services can be provided on site, the proposed dwelling will not significantly increase the load on existing infrastructure in the area.

The subject land has several services and would not impact the load on town services, a valuation report notes the following existing assets / qualities and we list the relevant to support the proposal:

- o Electricity and phone is available to the lot
- o Soils and topography – soil is granite derived and land is slightly undulating, and most is arable
- o Water – 2 small dams, 2x 22750 litre tanks, 1x 4500 litres

The site has the benefit of two dams of the site that could do with a considerable amount of refurbishment. These dams can provide water to the whole of the site and have the potential to be a major infrastructure feature. There is generally adequate yearly rainfall to support collection of potable roof water to support domestic use.



As the site identifies as bushfire prone it is also noted that there is suitable on site above ground water supply in the form of dams, for the needs of future agricultural uses and bush fire fighting, and in addition there are also existing water tanks on the subject site.

There is existing water supply available on the subject land and the site is considered to be suitable for on site sewerage disposal given there is an existing on site sewer system previously used on the site.

The subject lot is located in the Yass Valley approximately 9.3 kms from the Yass Town Centre. This is close enough to contribute to the local economy. The condition of the road between the site and the town centre is sealed, generally in good condition, making access to the town readily available. The subject site maintains an already established entry driveway and verge crossing that is proposed to service the proposed dwelling.

#### ***Economic Benefits to the Community of Yass***

There are obvious economic benefits to the Yass community if this farm can become a functional operation that runs, say, 50 cattle; grows, barley or wheat; and employs locals, either directly or indirectly. The site is ideally located near the town centre and has the potential to help grow, albeit to a small extent, the economy of the Yass community. The property has been in single ownership for over two decades and the owners are committed to the local community.

Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).

#### **6. Clause 4.6(4)(a) Requirements**

Clause 4.6(4)(a) guides the consent authority's consideration of this Clause 4.6 variation request. It provides that:

- (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) 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

The applicant submits that the consent authority can be satisfied of each of the requirements of Clause 4.6(4)(a), for all the reasons set out in this written request, and having regard to the site and locality.

In our opinion, the proposal is consistent with the objectives of the minimum subdivision lot size Development Standard (Clause 4.2B), as already demonstrated; and the RU1 Primary Production Zone, as discussed below:

- ***To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.***

**Response:** As discussed under Section 5.2 above, the proposal will enhance the primary industrial activities on the site. This will be achieved through, inter alia; site maintenance and improvements, infrastructure improvements, weed control and replanting, and land cultivation and utilisation.



- ***To encourage diversity in primary industry enterprises and systems appropriate for the area.***

**Response:** The existing primary industry activities on the site will be retained and enhanced by the proposed dwelling. This includes farming and stock rearing activities which are suitable for the area.

- ***To minimise the fragmentation and alienation of resource lands.***

**Response:** The proposal does not include subdivision and primary industry will be continued on site. Accordingly, there will be no fragmentation or alienation of resource lands.

- ***To minimise conflict between land uses within this zone and land uses within adjoining zones.***

**Response:** The proposed dwelling will not result in land use conflict. The primary industrial activities on the site will be maintained and enhanced through permanent on site residents. Any number of surrounding properties also have dwellings on site.

- ***To protect and enhance the biodiversity of Yass Valley.***

**Response:** The site is mapped as having a small portion of Terrestrial Biodiversity. The proposed dwelling would not have any direct impact on the bio terrestrial area as mapped and complies with the objectives of Clause 6.3 of the LEP. The proposed development considers its impact on the biodiverse environment. In particular, careful consideration has been given to the siting of the dwelling to utilise existing infrastructure to ensure minimal impact on the existing environment, seeking to protect the ecological value and existing flora and fauna.

- ***To protect the geologically significant areas of Yass Valley.***

**Response:** The proposal will not affect the geological significance of Yass Valley.

- ***To maintain the rural character of Yass Valley.***

**Response:** The proposed single dwelling on a 27.65 hectare allotment will maintain the rural character of the Yass Valley generally and the subject site specifically. Rural land uses will continue to operate on the site.

- ***To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.***

**Response:** The proposed dwelling will benefit agricultural uses on the site with permanent residents able to better manage the site.

- ***To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land.***

**Response:** The proposed dwelling is appropriate for a number of reasons including the existing infrastructure, consistency with the context and the benefits to primary industry activities. This is addressed in detail in Section 5.2 of this report. The single dwelling on the 27.65 hectare site is not considered an overdevelopment.

- ***To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.***

**Response:** The proposal does not include any subdivision.

In our submission, the public interest would be served by providing a dwelling on the subject site, increasing the utility and functionality of this farm, and providing employment and produce that would service the local community. I cannot see an argument of the contrary that the public interest would be served by refusing this application. From this, we consider the proposal is in the public interest and should be supported.

## 7. Clauses 4.6(4)(b) and 4.6(5) Requirements

Clause 4.6(4)(b) of the LEP requires the concurrence of the Secretary (of the Department of Planning, Industry and Environment) before the consent authority can exercise the power to grant development consent for development that contravenes a development standard.

Under Clause 64 of the Environmental Planning and Assessment Regulation 2000, the Secretary has given written notice dated 21 February 2018, attached to the Planning Circular PS 20-002 issued on 5 May 2020, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under Clause 4.6, subject to the conditions in the table in the notice.

Nevertheless, the matters in Clause 4.6(5) should still be considered when exercising the power to grant development consent for development that contravenes a development standard (*Fast Buck\$ v Byron Shire Council* (1999) 103 LGERA 94 at [100] and *Wehbe* at [41]). In deciding whether to grant concurrence, the Secretary is required to consider the following:

- (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.

The proposal is not considered to raise any matter of significance for State or regional environmental planning. The dwelling entitlement lot size non-compliance would significantly, unreasonably or unacceptably impact neighbouring properties. The public benefit of maintaining the development standard is not considered significant given that, regardless of the non-compliance, the proposal will remain consistent with the context. Leaving aside any hard times that might be endured by the current owners living offsite, there are clear and obvious benefits to the wider community if the existing farm becomes more productive and have permanent residents. The development of a dwelling would encourage enhanced management of the land.

Accordingly, the proposal is consistent with the matters required to be taken into consideration before concurrence can be granted. The non-compliance contributes to a quality development which is consistent with the desired character of the precinct and is, in our opinion, in the public interest.

## 8. Conclusion

This written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. This is summarised in the compliance matrix prepared in light of *Initial Action* (see Table 1 on the following page).

We are of the opinion that the consent authority should be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the development objectives of the RU1 Primary Production Zone pursuant to the LEP. On that basis, the request to vary Clause 4.2B should be upheld.

Table 1: Compliance Matrix

Para (Initial Action)	Requirement	Section of this Report	Summary	Satisfied
10	Is it a development standard (s.1.4)	1	Yes	
11	What is the development standard	1	Clause 4.2B – Erection of Dwelling Houses and Dual Occupancies on Land in certain Rural and Environment Protection Zones	
12	What is the control	1 & 2	40 Hectares	
14	<b>First Precondition to Enlivening the Power</b> – Consent authority must form 2 positive opinions:		Both positive opinions can be formed as detailed below.	YES
15, 25	<b>1<sup>st</sup> Positive Opinion</b> – That the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). There are two aspects of that requirement.	5	The Clause 4.6 variation has adequately addressed both matters in Clause 4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations.	YES
16-22	<b>First Aspect is Clause 4.6(3)(a)</b> – That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Common ways are as set out in <i>Wehbe</i> .	5.1	The proposal satisfies Test 1 of <i>Wehbe</i> : <ul style="list-style-type: none"> <li>The objectives of the standard are achieved notwithstanding the non-compliance with the standard;</li> </ul>	YES
23-24	<b>Second Aspect is Clause 4.6(3)(b)</b> – 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 Clause 4.6(4)(a)(i) that the written request has adequately addressed this matter. The environmental planning grounds must be "sufficient" in two respects: a) The environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus 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. b) 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.	5.2	Sufficient environmental planning grounds include, inter alia: <ul style="list-style-type: none"> <li>The proposed dwelling will be consistent in the context;</li> <li>There appears to have been a previous dwelling on the site;</li> <li>There are unlikely to be any environmental impacts;</li> <li>The proposal will provide direct and indirect employment;</li> <li>The proposal will facilitate enhanced land cultivation and utilisation;</li> <li>The dwelling will assist in site maintenance and improvements;</li> <li>On site residents will allow better weed control and replanting;</li> <li>The site has the existing infrastructure capacity to support a dwelling and the proposal will assist in the improvement of this infrastructure</li> <li>The proposal will provide economic benefits to the Yass community; and</li> <li>The proposal is for the orderly and economic development of the land in accordance with the Object of the EPA Act.</li> </ul>	YES
26-27	<b>2<sup>nd</sup> Positive Opinion</b> – That the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is	6	The proposed development is consistent with the objectives of the standard as addressed under Test 1 of <i>Wehbe</i> . The proposal is also consistent with the objectives of the RU1 Primary Production Zone.	YES

	contravened and the objectives for development for the zone in which the development is proposed to be carried out.			
28-29	<b>Second Precondition to Enlivening the Power –</b> That the concurrence of the Secretary has been obtained [Clause 4.6(4)(b)]. On appeal, the Court has the power to grant development consent, subject to being satisfied of the relevant matters under Clause 4.6.	7	As the relevant matters for consideration under Clause 4.6 have been satisfied as outlined above, the Council can grant development consent.	YES

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## 6.3 DEVELOPMENT APPLICATION NO DA200037 - SHED, 12 DAVID STEET, GUNDAROO

### SUMMARY

To consider Development Application No DA200037 for a shed at 12 David Street, Gundaroo. The application is reported to Council as it originally attracted four submissions. Council deferred consideration at its December 2020 meeting to allow the Applicant to present a redesign which has now been submitted. It is recommended that the application be refused as the size, bulk and scale will have an adverse and unacceptable impact on the locality and it is not consistent with a residential use in a village setting.

### RECOMMENDATION

*That Development Application No DA200037 for the revised shed at 12 David Street, Gundaroo be refused on the following basis:*

1. *The size, bulk and scale of the proposed shed, particularly as a result of the height, will have an adverse and unacceptable impact on the character of the locality and the Gundaroo Heritage Conservation Area.*
2. *The size, scale and design features of the shed are not consistent with a residential use in a village setting.*

### 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*
- *Local Government Act 1993*
- *Yass Valley Local Environmental Plan 2013*
- *Gundaroo Flood Study 2016*
- *Gundaroo Floodplain Risk Management Plan 2016*
- *Yass Valley Community Engagement Strategy*
- *Yass Valley Development Contribution Plan*
- *Application Assessment and Decision Making Policy*
- *Building Line - Urban Policy*

### REPORT

#### 1. Application Details

Date Received	-	4 March 2020
Land	-	12 David Street, Gundaroo
Area	-	3,140m <sup>2</sup>
Zoning	-	RU5 Village

#### 2. Site Description and Locality

The site is located on David Street in the Gundaroo village (refer [Attachment A](#)) and within the Heritage Conservation Area. The surrounding development is primarily residential with the adjoining 65 Cork Street also containing a large shed.

The site is currently vacant with the exception of several shipping containers. The site is affected by a 1% AEP (i.e. 1 in 100 year) flood event. There is an existing vehicular access which is shared with the neighbouring 14 David Street and there a number of trees are located on the site predominantly along the boundaries.

### 3. Background and Proposal

The proposal originally involved a large shed for the purposes of a 'light industry' for carpentry and the manufacture of shutters, light metalwork, maintenance of construction equipment, and storage of items such as scaffolding, temporary fencing and formwork which would be transported to and from other building sites.

Additional information was requested including a Statement of Environmental Effects (with details of the proposed business operation and how this would meet the requirements of a 'light industry') and a noise impact assessment. It was also recommended that the Applicant reconsider the design of the shed, including a reduction in size, scale and footprint.

The additional information submitted did not address all relevant items and the application was reported to the December 2020 Council meeting recommending refusal. Council resolved to defer determination to allow opportunity for a further redesign to be submitted.

Following the December 2020 meeting, a further additional information request was sent to the Applicant including the following suggestions for revisions of the proposal:

- A significant reduction in footprint
- Deleting the mezzanine level to achieve a lower wall height and maximum height
- The heritage design features of the current proposal being retained, including the roof pitch and use of galvanised cladding

The Applicant has since revised the proposal as following:

Proposal	Length	Width	Area	Apex Height	Gutter Height
December 2020	27.0m	17.5m	473m <sup>2</sup>	9.0m	5m
February 2021	21.3m	13.5m	288m <sup>2</sup>	8.3m	5m

A copy of plans for all iterations of the proposal are included as [Attachment B](#).

### 4. Public Exhibition

Public exhibition of the original proposal included notice to nine nearby and adjoining landowners and four submissions were received (refer [Attachment C](#)). Key issues raised in the submissions included:

- Size and heritage considerations
- Use of shed and impacts on amenity of neighbourhood
- Vehicular access
- Onsite effluent disposal
- Shipping containers

The revised proposal was renotified to those who had made submissions. There was one submission that was withdrawn and three submissions which objected to the revised proposal or generally reiterated their earlier submission (refer [Attachment D](#)).

### 5. Assessment

An assessment has been completed in accordance with the planning legislation and the following is a response to the planning issues and those raised in the submissions:

#### 5.1 Size, Bulk, Scale and Heritage Considerations

The proposed shed is now 21.3m x 13.5m with a height of 8.3m to the apex, 5m to the gutter, and 5.2m wall height. The footprint is now 288m<sup>2</sup>, reduced from 473m<sup>2</sup>. The mezzanine floor

level has also been deleted and the shed has been reorientated on the site so the gable faces the street.

The footprint of the shed is now acceptable and is the preferred orientation. However, the wall height has had only a minor reduction and it is still at 5m to the gutter. The height of the shed still remains more consistent with a business or industrial shed, rather than a shed with a residential use in a village setting.

The revised proposal has been referred to Council's Heritage Advisor who had indicated that whilst it is better, the size, bulk and scale is still incompatible with the character of the locality and the Gundaroo Heritage Conservation Area and should not be supported.

The large footprint when combined with a steeper roof pitch for heritage design purposes results in a maximum height to the apex which is significant. As proposed the shed would still be one of the tallest and largest buildings within the Gundaroo village. In comparison, the shed at adjoining 65 Cork Street has a wall height of 3.4m and an overall height of under 4.8m to the apex. The proposed wall height of the shed at 12 David Street is taller than the total height of the shed at 65 Cork Street, with the shed at 12 David Street being almost 3.5m greater in total height.

## **5.2 Use of Shed**

The original application was to use the shed for 'light industry'. A light industry is a permissible use of land in the RU5 Village zone and must not interfere with the amenity of the neighbourhood. Following consideration of the issues raised in the submissions, the Applicant was requested to provide additional information related to the use as a light industry including details of all activities to be undertaken, how it complied with the 'light industry' definition, and the estimated traffic generation. The Applicant was also requested to provide a Noise Impact Assessment to consider operational noise impacts on the amenity of neighbourhood.

The Applicant submitted a revised proposal and outlined that they are no longer proposing a light industry and the shed would instead be used for storage and shelter, including for equipment and materials which are currently stored in the shipping containers located on the lot and to store building construction materials relating to a future dwelling on the site.

Although it has been reduced, the size of the shed remains significant and it would still not be unreasonable to conclude that it is more consistent with a commercial, industrial or business use. This is particularly noting the significant wall height has been retained (despite the mezzanine level being deleted) and the size of the door opening.

## **5.3 Vehicular Access**

The vehicular access to the site is shared with the adjoining 14 David Street. Concern has been raised in relation to the use of the shared access, including for heavy vehicle movements. The Applicant was requested to provide clarification on the traffic generation associated with the light industry. Noting that the application now relates to a shed ancillary to a future residential use the anticipated traffic impacts are not considered to be significant and the existing access satisfactory.

## **5.4 Onsite Effluent Disposal**

The onsite effluent disposal report submitted for the revised proposal is considered to be acceptable.

## **5.5 Shipping Containers and Compliance Matters**

A site inspection and submission made have indicated that there are a number of shipping containers that have been placed on the land and that they may be being used in conjunction with the Applicant's business ventures (refer **Attachment E**). The Applicant has acknowledged in correspondence the presence of the shipping containers. A review of Council's records has indicated that there has been no Development Consent issued for these nor for their use in conjunction with a business.

If the Development Application is refused, it is suggested that further investigation be undertaken and where necessary compliance action is commenced in accordance with Council's *Enforcement Policy*.

## 6. Conclusion

From an assessment of the revised proposal and with consideration of the submissions received, it is recommended that the revised proposal be refused as:

- The size, bulk and scale of the proposed shed, particularly as a result of the height, will still have an adverse and unacceptable impact of the character of the locality and the Gundaroo Heritage Conservation Area.
- The size and scale of the shed is not consistent with a residential use in a village setting.

Refusal is considered to be the most appropriate option and represents a clear determination on what continues to be an unsatisfactory proposal despite the revisions.

If Council considers the proposal to have merit then any approval should be subject to a further reduction in wall height (e.g. 3.8m maximum wall height). Any Development Consent issued should also be subject to standard conditions and conditions that strictly prohibit use of the shed for business and industrial purposes.

## 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 (Original Proposal) [↓](#)
- D. Submissions (Revised Proposal) [↓](#)
- E. Shipping Container Photographs [↓](#)



6.3 Development Application No DA200037 - Shed, 12 David Steet, Gundaroo  
Attachment A Locality Plan



**yass valley council**  
the country the people

Yass Valley Council  
PO Box 6  
209 Cornish Street  
YASS NSW 2582  
Telephone: 02 6226 1477  
Email: [info@yassvalley.nsw.gov.au](mailto:info@yassvalley.nsw.gov.au)

**Important Notice!**  
This map is not a precise survey document. Accurate locations cannot be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or reliability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Yass Valley Council nor the SR issues any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.  
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Drawn By: Jeremy Knox

Projection: GDA94 / MGA zone 55

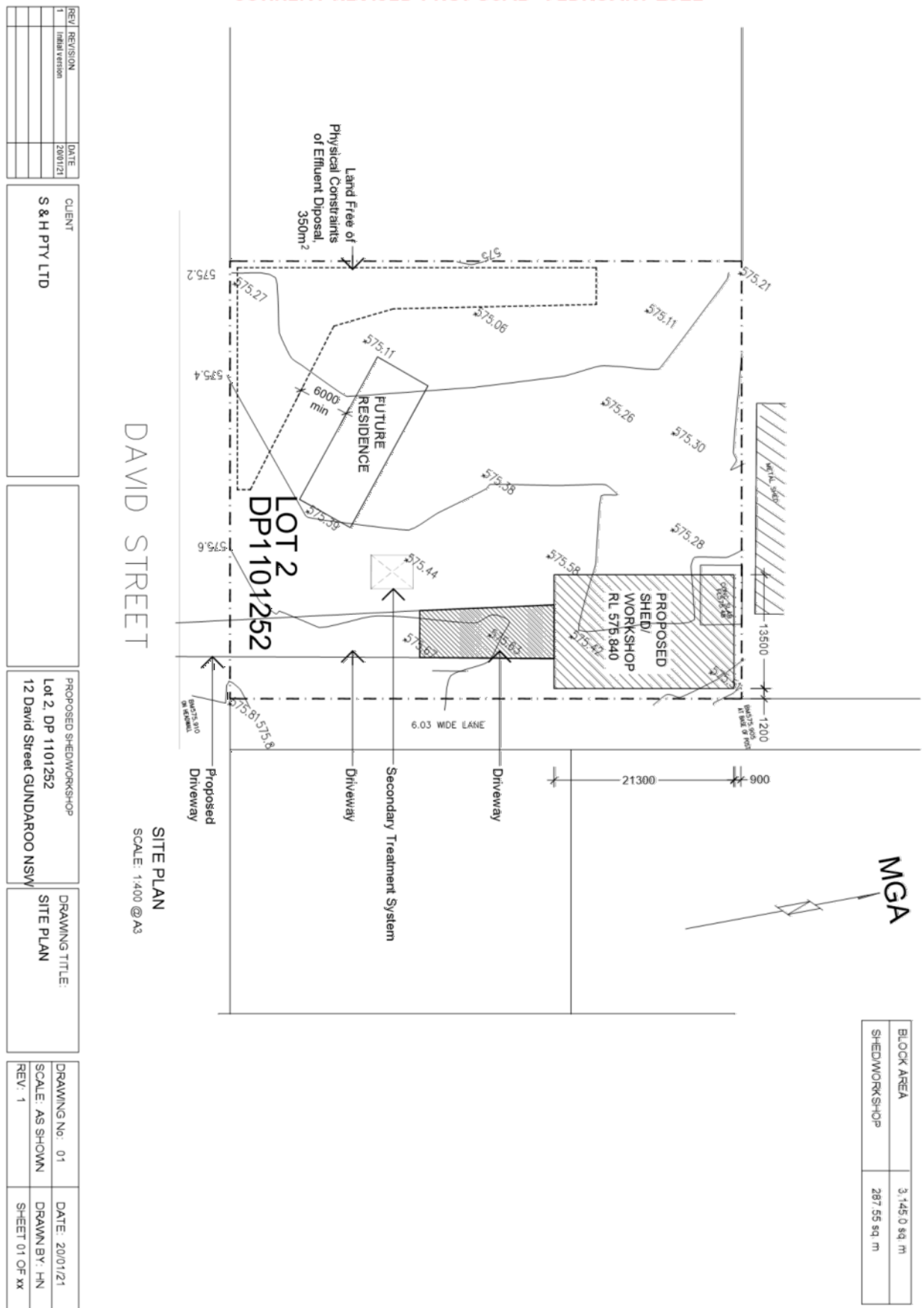
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**Subject Site**

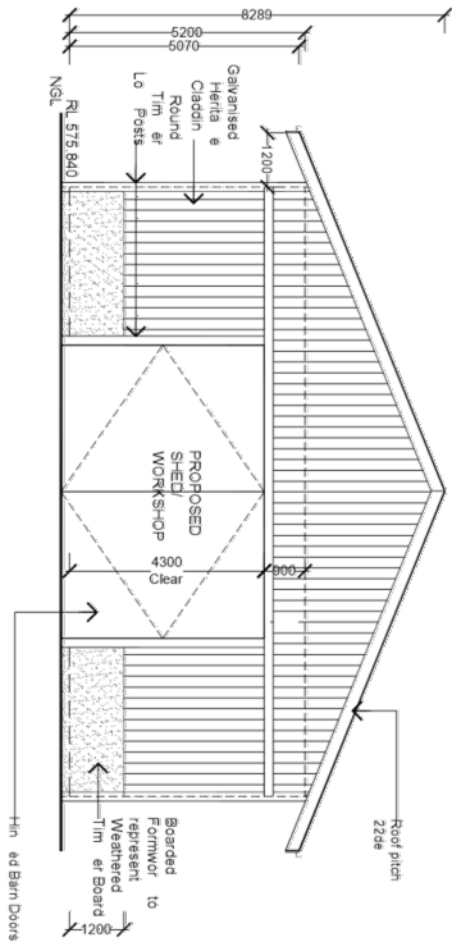
**Property Notified**

**Map Scale: 1:2374 at A4**

**CURRENT REVISED PROPOSAL - FEBRUARY 2021**

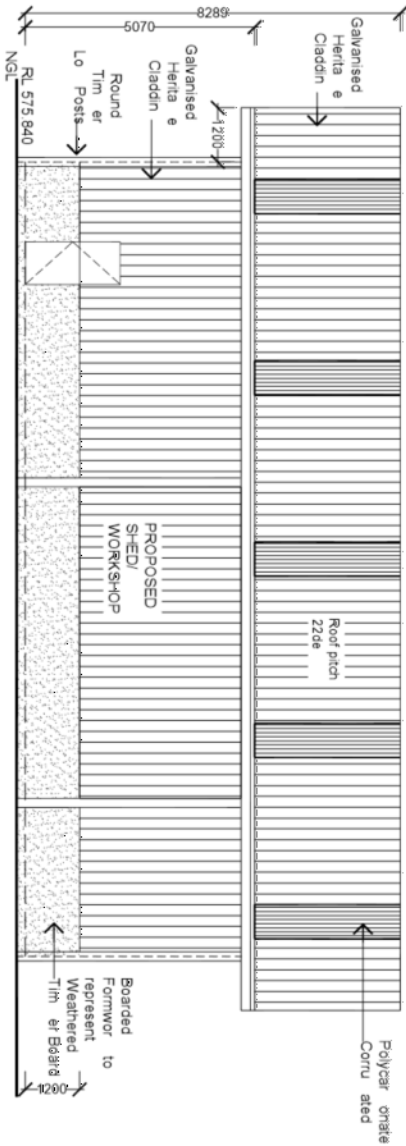


CURRENT REVISED PROPOSAL - FEBRUARY 2021



South Elevation

SCALE: 1:100 @ A3



West Elevation

SCALE: 1:100 @ A3

REV	REVISION	DATE
1	Initial version	20/01/21

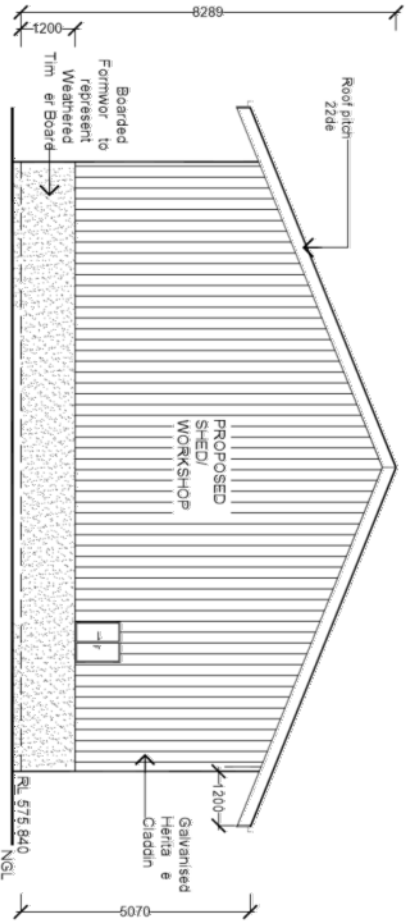
CLIENT  
S & H PTY LTD

PROPOSED SHED/WORKSHOP  
Lot 2, DP 1101252  
12 David Street GUNDAROO NSW

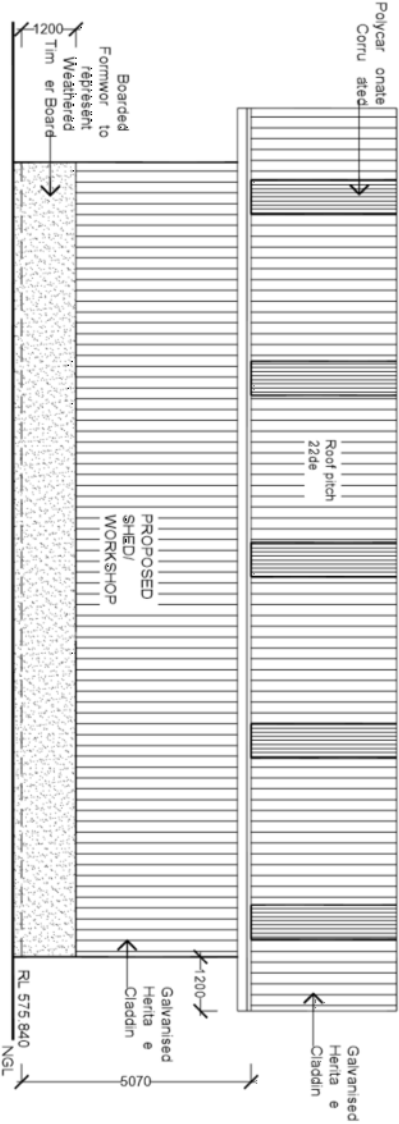
DRAWING TITLE:  
ELEVATIONS

DRAWING No: 04	DATE: 20/01/21
SCALE: AS SHOWN	DRAWN BY: HN
REV: 1	SHEET 03 OF xx

CURRENT REVISED PROPOSAL - FEBRUARY 2021



North Elevation  
SCALE: 1:100 @ A3



East Elevation  
SCALE: 1:100 @ A3

REV	REVISION	DATE
1	Initial version	20/01/21

CLIENT
S & H PTY LTD

PROPOSED SHED/WORKSHOP
Lot 2, DP 1101252
12 David Street GUNDAROO NSW

DRAWING TITLE:
ELEVATIONS

DRAWING No: 04	DATE: 20/01/21
SCALE: AS SHOWN	DRAWN BY: HN
REV: 1	SHEET 04 OF xx



## PREVIOUS PROPOSAL - DECEMBER 2020

Jeremy Knox

---

**From:** [REDACTED]  
**Sent:** Tuesday, 10 November 2020 6:21 AM  
**To:** Jeremy Knox  
**Subject:** RE: 12 David Street Gundaroo

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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

Morning Jeremy, the shed use hasn't really changed. It is simply a conventional shed as per the adjoining neighbours, used for storage & shelter. The block is currently 1/3 full of stored materials with 3 no 20ft containers & 2 no 40ft containers full of stored equipment, materials & small plant/tools. Hence the requirement of a storage structure as a majority of the gear is inaccessible.

The shed is a precursor to the stage 2 application to construct the dwelling, quite simply it doesn't make any sense to shift the materials all around the block & double/triple handle everything. The shed needs to be built first to house the gear that is stored on the block so that there is space to carry out the bulk earth works & detail for the stage 2 dwelling.

Regards,  
Mika Karhu



M: [REDACTED] | P: [REDACTED]  
E: [REDACTED]  
[REDACTED]

---

**From:** Jeremy Knox  
**Sent:** Monday, 9 November 2020 5:18 PM  
**To:** [REDACTED]  
**Subject:** RE: 12 David Street Gundaroo

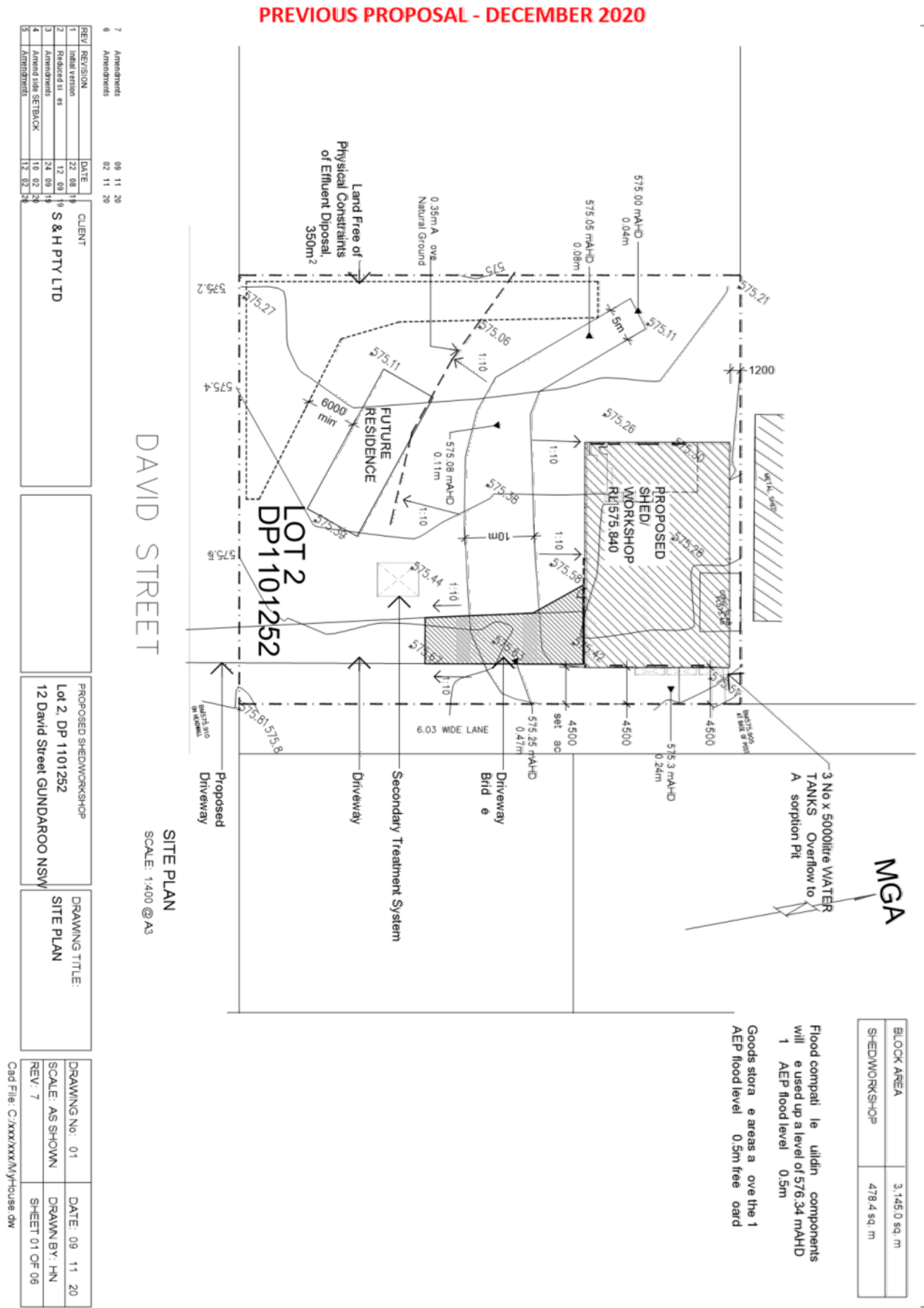
Hi Mika,

Thank you for sending through the attachments and the revised plans – I have updated them in the system.

I have a meeting with our Development Manager on Wednesday and I will discuss this application then. In the meantime can I please confirm what the use of the shed now is? We still have to characterise the use of the shed for the purposes of determining whether the development is permissible under the *Yass Valley Local Environmental Plan 2013*.

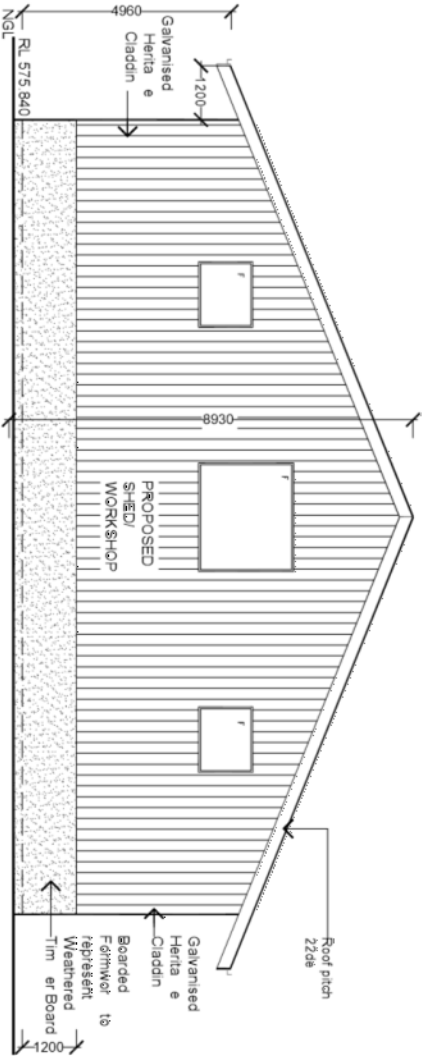
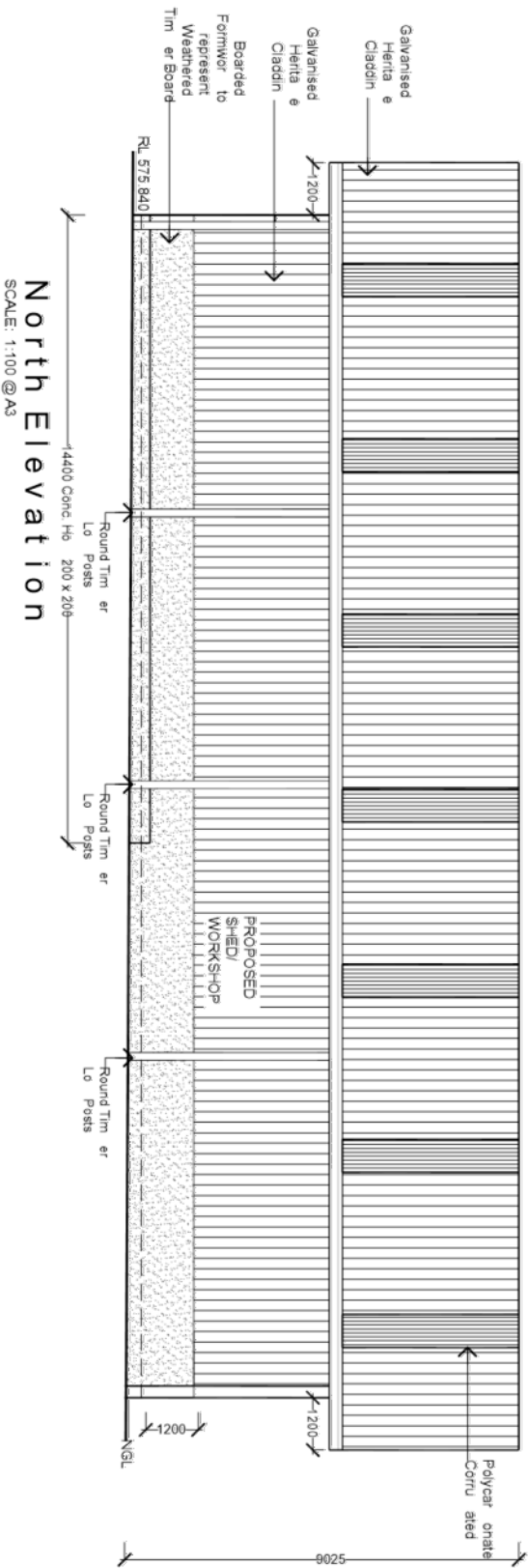
Kind regards,

Jeremy





PREVIOUS PROPOSAL - DECEMBER 2020



Flood compatible building components will be used up a level of 576.34 mAHD  
1 AEP flood level 0.5m  
Goods storage areas above the 1 AEP flood level 0.5m free board

REV	REVISION	DATE
1	Initial version	22.08.19
2	Reduced size	12.09.19
3	Amendments	24.09.19
4	Amend site SETBACK	10.02.20
5	Amendments	12.02.20

CLIENT	S & H PTY LTD
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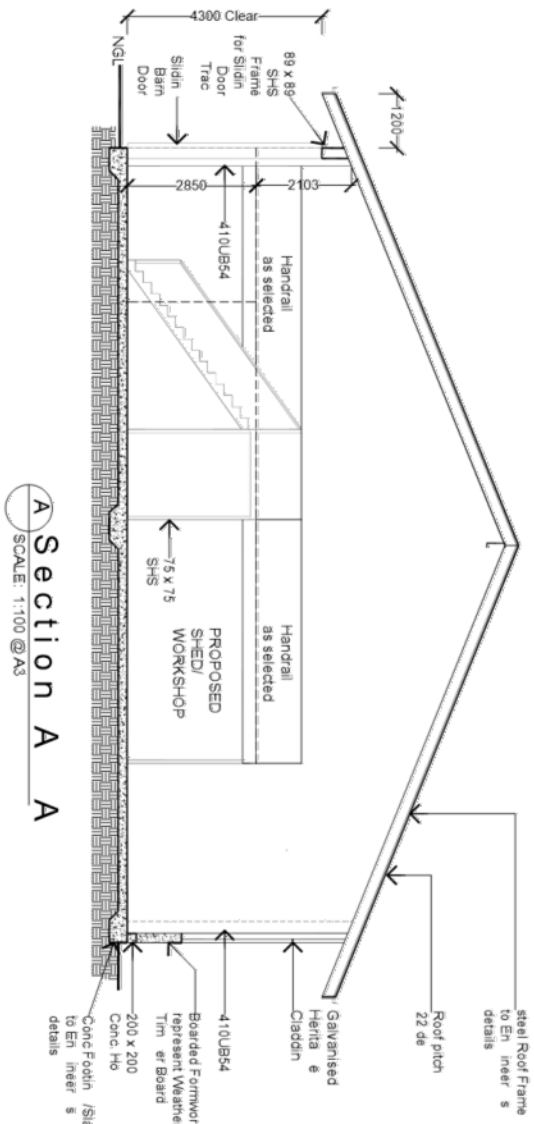
PROPOSED SHED/WORKSHOP	Lot 2, DP 1101252
12 David Street GUNDAROO NSW	

DRAWING TITLE:	ELEVATIONS
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DRAWING No: 05	DATE: 09.11.20
SCALE: AS SHOWN	DRAWN BY: HN
REV: 7	SHEET 05 OF 06



PREVIOUS PROPOSAL - DECEMBER 2020



Flood compatible uplift components will be used up to level of 578.34 MAHD  
1 AEP flood level 0.5m  
Goods storage areas above the 1 AEP flood level 0.5m free board

7	Amendments	09 11 20
6	Amendments	02 11 20
5	Amendments	17 02 20
4	Amendments	16 02 20
3	Amendments	24 09 19
2	Reduced to 65	12 09 19
1	Initial version	22 08 19

CLIENT	S & H PTY LTD
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PROPOSED SHED/WORKSHOP	Lot 2, DP 1101252 12 David Street GUNDAROO NSW
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DRAWING TITLE:	SECTION, DETAILS
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DRAWING No: 06	DATE: 09 11 20
SCALE: AS SHOWN	DRAWN BY: HN
REV: 7	SHEET 06 OF 06

Cad File: C:\xxx\xxx\MyHouse.dwg

## ORIGINAL PROPOSAL - MARCH 2020

**STOCK & HOLDINGS**  
PTY LTD

ABN: 67 154 459 846  
ACN: 154 459 846

PH: [REDACTED]

FAX: [REDACTED]

EMAIL: [REDACTED]

[www.stockandholdings.com.au](http://www.stockandholdings.com.au)

Lot2, DP 1101252, 12 David Street, Gundaroo,

### Development Application Criteria 14. Shed/Commercial/Light Industries

1. **Hours of Operation**- 7.00 am - 5.00pm mon friday
2. **Details of the type of plant and machinery to be installed & used**- office, light industry carpentry & metalwork hand tools, forklift for unloading/loading.
3. **Details of the type/ size of goods to be made, stored or transported**- storage of scaffold, temp fencing, formwork materials, hoarding material, light gauge studwork, general building materials. Manufacture of shutters, light weight metalwork, maintenance of construction equipment. Transportation to active building sites & return transportation for storage in the premises.
4. **Details of loading and unloading bays**- none required, vehicular access into shed.
5. **Number of employees**- 5 employed (on external construction sites)
6. **Details of any proposed signage**- None required
7. **Levels of Clientele visiting site**- None
8. **Service vehicle maneuverability**- Not required
9. **Parking arrangements, vehicle entry/exit points, onsite maneuvering** - Nil parking required, access to block is through existing gate & driveway, no requirement for onsite maneuvering as driveway has direct access to shed.

Director  
Mika Karhu

PROJECT BUILD | COMMERCIAL INTERIORS | REFURBISHMENTS | DEVELOPMENT WORK

MIKA [REDACTED] | ANDREW [REDACTED] | PHONE [REDACTED] | FAX [REDACTED] | EMAIL [REDACTED]

## ORIGINAL PROPOSAL - MARCH 2020

REV	REVISION	DATE
1	Initial version	22-08-19
2	Reduced sizes	12-09-19
3	Amendments	24-09-19
4	Amend and SETBACK	10-02-20
5	Amendments	12-02-20

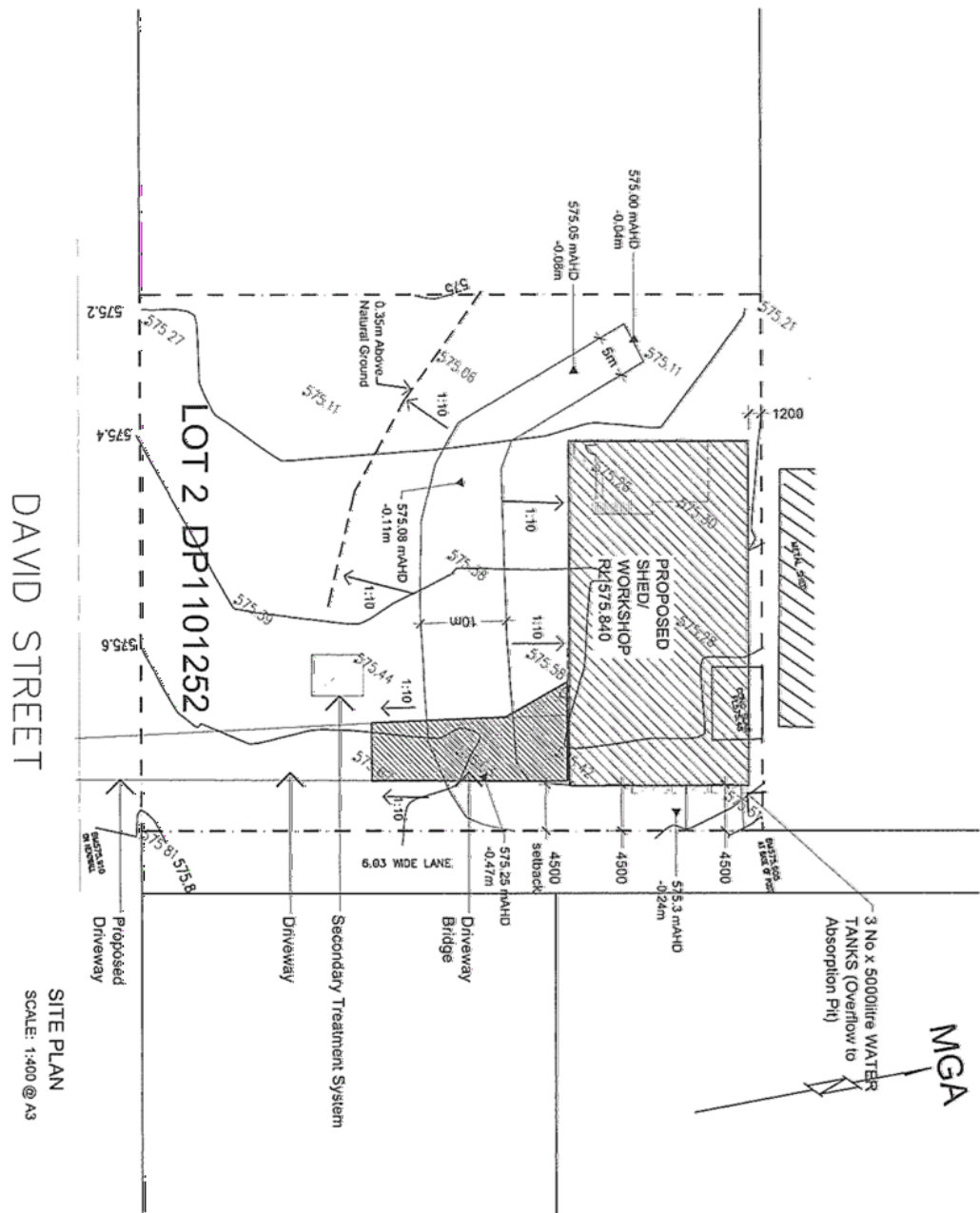
CLIENT  
S & H PTY LTD

PROPOSED SHED/WORKSHOP  
Lot 2, DP 1101252  
12 David Street GUNDAROO NSW

**DRAWING TITLE:**  
**SITE PLAN**

DRAWING No: 01	DATE: 12-02-20
SCALE: AS SHOWN	DRAWN BY: HN
REV: 5	SHEET 01 OF 07

Cad File: C:/xxx/xxx/MyHouse.dwg

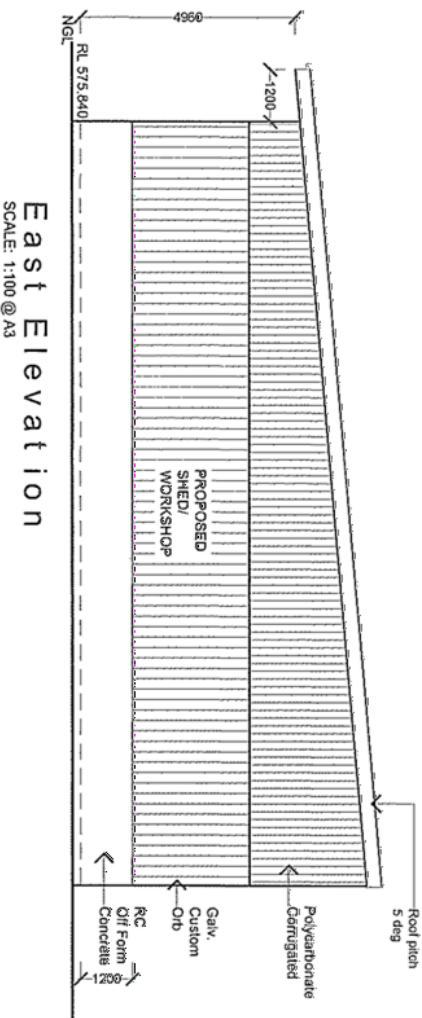
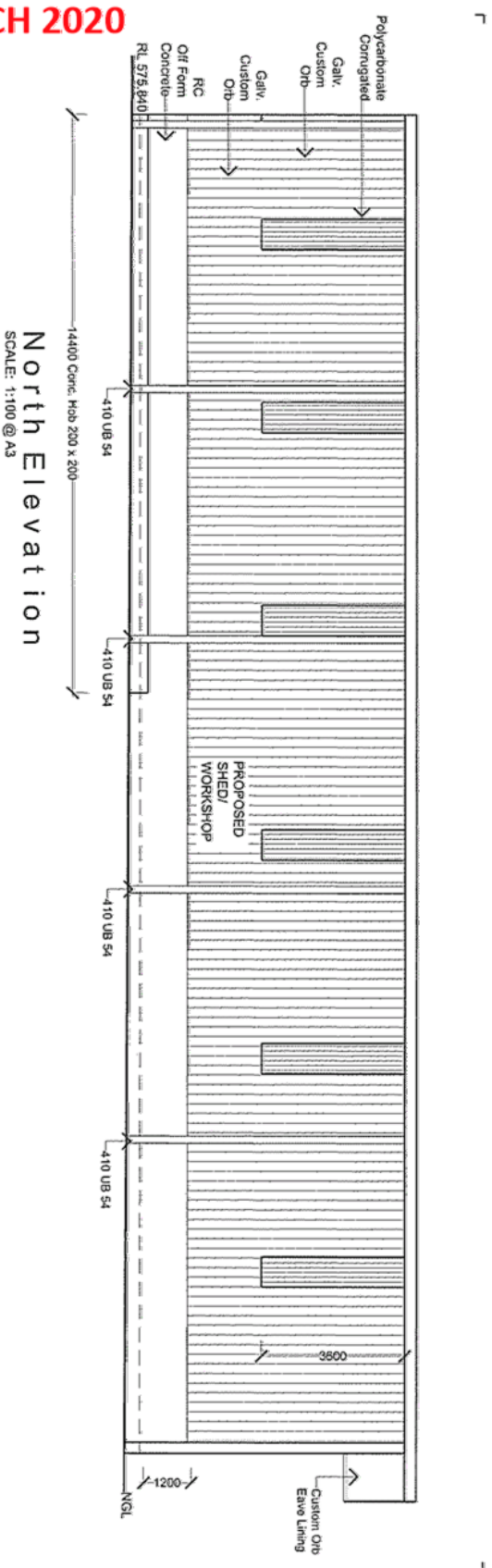


BLOCK AREA	3,145.0 sq. m
SHED/WORKSHOP	584.0 sq. m

Goods storage areas above the 1% AEP flood level + 0.5m freeboard



ORIGINAL PROPOSAL - MARCH 2020



Flood compatible building components will be used up a level of 576.34 mAHD (1% AEP flood level + 0.5m)  
Goods storage areas above the 1% AEP flood level + 0.5m freeboard

REV	REVISION	DATE	CLIENT	PROPOSED SHED/WORKSHOP	DRAWING TITLE:
1	Initial Revision	12-09-19	S & H PTY LTD	Lot 2, DP 1101252	ELEVATIONS
2	Revised S&H	12-09-19		12 David Street GUNDAROO NSW	
3	Amended S&H	24-02-20			
4	Amended S&H	10-02-20			
5	Amended S&H	12-02-20			

DRAWING No: 06	DATE: 12-02-20
SCALE: AS SHOWN	DRAWN BY: HN
REV: 5	SHEET 06 OF 07

Cad File: C:\xxx\xxx\MyHouse.dwg



[REDACTED]  
[REDACTED]  
Gundaroo NSW 2620

Jeremy Knox  
Development Planner  
Yass Valley Council  
PO Box 6  
Yass NSW 2582

Dear Jeremy

**Re: Objection to DA200037 – 12 David Street Gundaroo**

We object to this proposal for the "Erection of a shed for storage of construction materials and office space" for a number of reasons including:

- the lack of clarity and significant errors in the documentation;
- an industrial building in a heritage conservation zone;;
- setting a precedent on an industry not associated with a residential property
- large vehicle access to the site;
- other issues related to noise, storage and traffic.

**Documentation**

The documentation for the proposal contains significant errors and appears in part to be describing another proposal or version of the proposal. For example:

- The DA clearly states it is for storage of construction material and office space but the attached material indicates it will be used for light industry and manufacturing. The Outline of Use of Shed information lists "Development Application Criteria 14. Shed/Commercial/Light Industries" as the relevant DA criteria but this doesn't seem to relate to the YVC DA form submitted.

- The Outline document has contradictory information and unrealistic claims about activities. It says employees will be working offsite but that there will be light industry and carpentry activity on site. It also says "nil parking" is required. Both will be required if staff are working there. It also says there'll be no need for onsite manoeuvring but this seems unlikely. The outline seems to relate to another building site.

- The plans have no details on final heights of the building.

- There are several references in the plans to "brickwork" that are inconsistent between areas of the plan and in one case whether it is brickwork or "off-form concrete."

- The site and soil assessment report for sewerage was done in 2016 and was for a residence.

- The geotechnical report is for a residence and not a commercial building. Should references such as 4055-2012 "wind loads for housing" be done for commercial activity?



**Heritage concerns**

The site sits within a heritage conservation zone in a village that is known for its heritage value. As a standalone industrial building it will impact negatively on a primarily residential area where the owners have made efforts to build in sympathy with surrounding heritage supported in the past by Council's building guidelines.

**Not associated with a residence**

Other light industries in the village (for example our own [REDACTED] enterprise) are connected to a residence, generally as a home industry. Allowing this as a standalone industrial site sets a precedent for other such developments in a village that is known for its social and cultural focus on home and family rather than industry. There are no plans for a residence to follow as has been a practice in the village in the past where homeowners build their shed first and then their house.

**Vehicle access**

The proposed existing access point off David Street is very difficult for large trucks to use. This was evident when the current owner moved several containers onto the block shortly after its purchase. To gain access the trucks had to use the narrow laneway that runs between Harp and David Streets which is used for children and other pedestrians as a safe route, especially to and from school. Use by trucks would endanger them and also impact on residents' access especially those who front onto the lane.

**Other issues** include noise levels from the work being proposed and keeping to the time schedule for work, use of the rest of the site for storage outside the shed and potential creep in times of operation, types of use and amount of and type of traffic.

The documentation provided needs to be updated so staff and residents know exactly what is proposed before any decision is made. There may be a need to extend the comment period.

We ask that Council takes the time for a detailed look at this proposal as it has the potential to have a significant detrimental impact on the immediate residential area and on the future of the village as a whole given it will set a precedent for this type of development in Gundaroo.

Yours sincerely

[REDACTED]  
25 March 2020



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The documentation provided needs to be updated so staff and residents know exactly what is proposed before any decision is made. There may be a need to extend the comment period.

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Yours sincerely

[REDACTED]  
25 March 2020



Mr Jeremy Knox  
Yass Valley Council  
PO Box 6  
YASS NSW 2582

17 March 2020

**Development Application DA200037 – 12 David Street, GUNDAROO**

Dear Mr Knox

Thank you for the opportunity to comment on the above development application.

I am writing to express my opposition to the development on the basis that it is classified as “light industrial” but located in a residential area, adjacent to houses with heritage development restrictions.

I am surprised the Council would even entertain such an application. Light industrial developments are more commonly placed on the outskirts of a locality where potential noise and traffic considerations have less impact - not in one of the village’s original streets, surrounded by people’s homes.

I don’t believe the development is in keeping with the village environment which all residents value highly and should be denied.

Kind regards





Gundaroo Community Association Inc.  
c/- Post Office  
Gundaroo NSW 2620

[gundaroocommunityassociation@gmail.com](mailto:gundaroocommunityassociation@gmail.com)

Jeremy Knox  
Development Planner  
Yass Valley Council  
PO Box 6  
Yass NSW 2582

Dear Jeremy

**Re: Objection to DA200037 – 12 David Street Gundaroo**

The Gundaroo Community Association has had a number of concerns raised by residents in relation to the proposed construction of a shed at 12 David Street, Gundaroo.

The objectives of Clause 5.10 of the Yass Valley Local Environment Plan 2013 relate to Heritage Conservation. The Development Application fails to address any aspects relating to heritage conservation as required in the LEP. A stand alone industrial building of this size in the heritage conservation area has a negative impact on the existing residential nature of this area. Most of the residents have built houses sympathetic to the heritage nature of the village often under strict regulation and guidance by council. The proposed shed is not in keeping with this approach particularly as there is no residence planned.

The large drain adjacent to the block along David St has a narrow driveway across leading into 12 David Street and next door at No 14. Is this driveway designed to manage regular truck movements in and out? Regular truck movements over this shared driveway will impact on immediate neighbours. We have had reports the laneway between Harp and David Street was used for deliveries to the block as the driveway could not be accessed by large vehicles from David Street. The village laneways are not intended for large vehicle use but for accessing backyards and houses on the laneway.

The application refers to the shed being used for "storage of construction materials and office space". However the 'Outline of Use of Shed' refers to the 'Manufacture of shutters, light weight metal work and maintenance of construction equipment.' What is scale of manufacturing and maintenance work?

Activity on the site seems to be not clearly defined and open to potential uses not considered in the DA.

We consider the nature of this DA is not in keeping with the current residential nature of the village and as such should not be approved.

Regards

[Redacted Signature]

President  
Gundaroo Community Association

[REDACTED]  
Gundaroo NSW 2620

Jeremy Knox  
Development Planner  
Yass Valley Council  
PO Box 6  
Yass NSW 2582

Dear Jeremy

**Re: Objection to DA200037 – 12 David Street Gundaroo**

We submit this our objection development application DA200037 for the erection of a shed, office and storage of construction equipment for the following reasons.

Access to and egress to our block is via the common crossover of the storm water channel that runs along the southern boundaries of both blocks. This cross over provides access to our garage, water delivery, gas delivery and septic tank servicing. The lane way cross over is offset from the lane to the west and aligns with the access gate of 12 David Street. The potential for vehicles blocking this access is not addressed.

**Most important to us is risk that trucks pose to our child who uses this access and the other children that use the lane way.**

There are no estimates of traffic flow in and out of the business on a daily/weekly basis

While the development is described as a shed and storage it is clearly a development from which a construction business will operate inclusive of manufacturing. This is a manufacturing and construction business operating out of workshop/warehouse in the heritage listed area of the village.

The proposal identifies the manufacture of shutters but states there will be no employees on site and that the 5 employees will be engaged elsewhere. This appears contradictory. The application does not seem to be appropriate for this purpose.

The block to the north has an existing large shed in close proximity to the proposed development. Combined these structures may create a dam effect and impact on drainage from the blocks to the east increasing flood risk to these blocks.

What processes are involved in the proposed manufacturing? Will dangerous goods be stored on site?

Some dimensions and data are missing from the drawings making it difficult to gauge its impact.

The drawings do not include the boundaries to the east of the development making difficult to determine its impact.

There is no description of the driveway bridge dimensions making it difficult to determine its impact.

The information in the documentation appears to be describing different proposals again making it difficult to assess its impact and purpose.

What prevents the hours of operation and activities from expanding over time.

A number of assessments supporting the application are for a residential property.

The surrounding blocks are residential. The introduction of a manufacturing and construction business amongst these residences would be detrimental to their amenity and values.

We ask that the council consider our objection and that the proposal be examined in the light of our expressed concerns and limited ability to assess it fully due to its incompleteness, contradictory information, the true purpose of the development and its impact on the direct residential neighbour's, their amenity and particularly our children.

Yours Sincerely



**Gundaroo Community Association Inc.**

c/- Post Office  
Gundaroo NSW 2620  
gundarooassociation@gmail.com

President: [REDACTED]  
Secretary: [REDACTED]  
Treasurer: [REDACTED]

General Manager  
Yass Valley Council  
PO Box 6  
Yass NSW 2582

**Re: DA200037 - Revised Proposal – 12 David Street Gundaroo**

Thank you for the opportunity to comment on the revised proposal for DA200037 - Shed/Workshop 12 David Street, Gundaroo.

GCA note that some changes have been made to the proposal including building footprint/size and inclusion of materials considered to give a 'heritage appearance' to the building.

We are still concerned about this D.A. as follows;

The height and size of the building is still very large for a storage shed in this residential /heritage area.

The proponent is now saying the shed will be for storage of materials for the construction of a residence. We question the proponents actual intention for the block, is it for a shed and residence; or is it to construct a shed/workshop for light manufacturing with a notional mention of a residence to appease to concerns raised by residents and council? We question the proponents long term intentions for the use of the building?

Although there are other examples of light manufacturing in the village these have all been secondary to and after the construction of residences.

We agree with recommendation from the Director of Planning to council on 16 Dec 2020 that DA 200037 be refused on the following basis:

- The size, bulk and scale of the proposed shed will have an adverse and unacceptable impact on the character of the locality and the Gundaroo Heritage Conservation Area.
- The size, scale and design features of the shed are not consistent with a residential use in a village setting.

Regards

[REDACTED]  
President  
Gundaroo Community Association

██████████  
██████████  
Gundaroo NSW 2620

Jeremy Knox  
Development Planner  
Yass Valley Council  
PO Box 6  
Yass NSW 2582

Dear Jeremy

**Re: Objection to DA200037 – 12 David Street Gundaroo**

We submit this our objection development application DA200037 for the erection of a shed/workshop, office and storage of construction equipment for the following reasons.

In the absence of a written description of the shed/workshops use I assume this remains unchanged.

Access to and egress ██████████ is via the common crossover of the storm water channel that runs along the southern boundaries of 12 and 14 David Street. This cross over provides access to our garage, water delivery, gas delivery and septic tank servicing. The lane way cross over is offset from the lane to the west and aligns with the access gate of 12 David Street. The potential for vehicles blocking this access is not addressed.

**Most important to us is risk that trucks pose to our child and friends who uses this access and the other children that use the lane way.**

There are no estimates of traffic flow in and out of the business on a daily/weekly basis.

While the development is described as a shed/workshop it is clearly a development from which a construction business will operate inclusive of manufacturing. This is a manufacturing and construction business operating out of workshop in the heritage listed area of the village. The heritage value is not just the appearance of the structure.

The proposal identifies the manufacture of shutters but states there will be no employees on site and that the 5 employees will be engaged elsewhere. This appears contradictory. The application does not seem to be appropriate for this purpose.

What processes are involved in the manufacturing? What types of machinery will be used and how will any associated noise be addressed? Will dangerous goods / chemicals, solvents be stored / used on the premises? If yes how will the risk of spillage, fumes, storage be addressed? I see no indication of filtered ventilation for painting/wood stain application if these are to be used. Are there any baths for dipping materials for treatment? None of the requirements for such processes on industrial premises are addressed in the application.



A secondary treatment system is identified. What is this treating? Is there associated plumbing. Where is the primary treatment system located and what is it treating? What are the health implications associated with these treatment systems?

The block to the north has an existing large shed in close proximity to the proposed development. Combined these structures and driveway may create a dam effect and impact on drainage from the blocks to the east increasing flood risk to these blocks. Any future residential development may further increase this risk. No dimensions or materials are provided for the shaded driveway on the site plan. It is therefore not possible to determine its impact.

Some dimensions and data are missing from the drawings making it difficult to gauge its impact. There are two east west boundaries along the eastern side of the lane. Only one is identified. Which one is it? It is not possible to relate plans to properties on the eastern side of the lane. I note the height of the building appears to remain the same.

The interior layout is not addressed. The change in design would necessitate interior changes these are not addressed in the re-submission.

The trees along the eastern boundary which provide a sight barrier appear to be removed as part of the development. Is this correct? It is preferable that should the application be successful that the trees remain.

No storm water catchment or effluent systems are identified. So it is not possible to assess impact.

The information in the documentation appears to be describing different proposals again making it difficult to assess its impact and purpose. The description of use in the application contains aspirational/motherhood statements around the manufacturing that will take place but no specifics. A determination of impact cannot be made against this type of description.

What prevents the hours of operation and activities from expanding over time?

The surrounding blocks are residential. The introduction of a manufacturing and construction business amongst these residences would be detrimental to their amenity and values.

We ask that the council consider our objection and that the proposal be examined in the light of our expressed concerns and limited ability to assess it fully due to its incompleteness, contradictory information, the true purpose of the development and its impact on the direct residential neighbour's, their amenity and particularly our children.

Many of the original concerns express in our previous objection are not addressed in this submission.

Yours Sincerely



[REDACTED]  
[REDACTED]  
Gundaroo NSW 2620

Jeremy Knox  
Development Planner  
Yass Valley Council  
PO Box 6  
Yass NSW 2582

Dear Jeremy

**Re: DA200037 - Revised Proposal – 12 David Street Gundaroo**

Thank you for the opportunity to comment on the revised proposal for DA200037 - Shed/Workshop 12 David Street, Gundaroo.

We appreciate that in the revised proposal the proponent has made some changes to the shape and dimensions of the shed proposed and the materials used in its construction but we still have significant concerns about some elements of the building and, in particular, what it's to be used for.

These concerns include:

- while the footprint of the building has been reduced from 472.5sqm to 287.5sqm, the height of the building has only been reduced by some 700mm to 8.3m. This is still a very large building in a residential/heritage zone and is significantly larger than any comparable building in the area;
- the change to galvanized iron and adding a pitch to the roof (albeit not within the 30-35 degree range of most heritage buildings) makes the building more acceptable but the overall size is still a significant detriment in a residential heritage conservation zone;
- we still have a concern about the use of the building which in the proponent's correspondence with Council for the revised DA is described as "a conventional shed" similar to an adjoining neighbour's and to be used for "storage and shelter". This same correspondence indicates the use of the shed "hasn't really changed" from the original DA. In the original DA there is clear indication it will be used "for light industry and manufacturing".
- Our original objection raised the issue of a light industry business being run on the block without an associated residence. The revised plan includes a nominal reference to a "future residence" and that the shed would be used to store building materials for it. Our concern is that there seems to be no plans or documentation regarding the proposed residence and that without some assurance that the residence will be built within a Council-mandated time frame, any light industry would be allowed to go ahead unchecked, leading to the block becoming a de facto industrial site.
- there is no mention in the revised proposal of the light manufacturing industry recorded in the original DA. Does this mean the proponent has dropped plans to run such a business? Or is it that a DA for such a business will follow after the shed is approved. If this is the case what assurance do we have that permission for the industry will only follow the construction of the residence?
- there already have been a number of times when the proponent has undertaken open-air manufacturing work on the block.

While we accept that the proponent has made some changes to his plans for the DA, without stronger direction and limitations from Council on what can happen on the block we believe this development still has the potential to have a significant detrimental impact on the immediate residential area and on the future of the village as a whole given it will set a precedent for this type of development in Gundaroo.

Yours sincerely



4 February 2021

## Jeremy Knox

---

**From:**  
**Sent:** Monday, 1 February 2021 3:14 PM  
**To:** Jeremy Knox  
**Subject:** RE: DA200037 - Revised Proposal - 12 David Street, Gundaroo

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

Thanks Jeremy, no concerns.

Regards

On 1 Feb 2021, at 10:27, Jeremy Knox <[jeremy.knox@yass.nsw.gov.au](mailto:jeremy.knox@yass.nsw.gov.au)> wrote:

Hi

Hope everything is well. Thanks for the below and also the email on

The floor plan of the building has deleted the mezzanine level and kitchenette, but includes a standard bathroom and another separate washtub. The use of the shed has now dropped the light industry or business use as detailed in the December 2020 Council report – please see attached. The Applicant has suggested that it will be used for storage and shelter, i.e. ancillary to a future residential use.

Please let me know if any questions or feel free to give me a call to discuss.

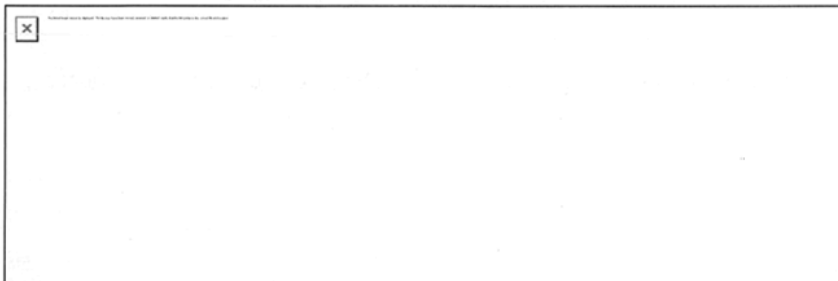
Kind regards,

Jeremy

Jeremy Knox | Development Planner | Yass Valley Council  
P: +61 (0)2 6226 1477  
E: [Jeremy.Knox@yass.nsw.gov.au](mailto:Jeremy.Knox@yass.nsw.gov.au) | W: [www.yassvalley.nsw.gov.au](http://www.yassvalley.nsw.gov.au)

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**From:**

**Sent:** Friday, 29 January 2021 6:01 PM

**To:** YVC Customer Service Team <Council@yass.nsw.gov.au>

**Cc:** Jeremy Knox <Jeremy.Knox@yass.nsw.gov.au>

**Subject:** RE: DA200037 - Revised Proposal - 12 David Street, Gundaroo

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

Good afternoon Jeremy

Thank you for providing opportunity to comment on the revisions to this development application.

I note that the Initial application contained detail around purpose of the buildings and internal layout, which is lacking in this revision. Therefore, while the overall dimensions of the proposed buildings are more sympathetic to the area, I think clarification is required as to whether the owner still intends to undertake "light industry" on the block, if a transparent consultation process is to be undertaken.

Kind regards



Shipping Containers – 12 David Street, Gundaroo



## 6.4 DEVELOPMENT APPLICATION DA200267 - SUBDIVISION, 15 GUNDAROO TERRACE, GUNDAROO

### SUMMARY

To present the assessment of an application for a two lot subdivision at 15 Gundaroo Terrace, Gundaroo. The application is referred to Council as it has attracted five submissions. Approval is recommended subject to conditions which include the formation/upgrade of David Street adjacent to the site.

### RECOMMENDATION

*That Conditional Development Consent be issued for the two lot subdivision of 15 Gundaroo Terrace, Gundaroo*

### FINANCIAL IMPLICATIONS

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

### POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Local Government Act 1993*
- *Biodiversity Conservation Act 2016*
- *Roads Act 1993*
- Yass Valley Local Environmental Plan 2013
- Yass Valley Community Engagement Strategy
- Yass Valley Development Contribution Plan
- Gundaroo Flood Study
- Gundaroo Floodplain Risk Management Plan
- Application Assessment and Decision Making Policy
- Road Standards Policy
- Enforcement Policy

### REPORT

#### 1. Application Details

Date Received	-	10 December 2020
Land	-	15 Gundaroo Terrace, Gundaroo
Area	-	4,040m <sup>2</sup>
Zoning	-	RU5 Village

#### 2. Site Description and Locality

The site is located at the end Gundaroo Terrace on the western edge of the Gundaroo village (refer **Attachment A**). The lot is rectangular and has frontage to both Gundaroo Terrace and David Street, with David Street only formed to a driveway standard. There is an existing dwelling and associated outbuildings. The site is within the Heritage Conservation Area and the surrounding development is primarily residential, with the exception of the adjacent Gundaroo Park which has a variety of recreational and community uses, including a primitive campground.

#### 3. Proposal

The submitted Development Application involves a two lot subdivision with each lot being approximately 2,000m<sup>2</sup>, consistent with the minimum lot size requirement in the LEP (refer **Attachment B**). The dwelling will be retained on the eastern lot whilst a large shed retained on the western lot. Access for the western lot is proposed via David Street and from Gundaroo Terrace for the eastern lot.

#### **4. Public Exhibition**

Public exhibition included notice to six nearby landowners and the Gundaroo Community Association. During the exhibition period five submissions were received, with the key issue identified in the submissions being David Street and access (refer **Attachment C**).

#### **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. The following is an assessment of the issues raised in submissions:

##### **5.1 David Street and Access**

The main issue identified in the submissions is access and David Street. The landowner currently utilises the adjacent section of David Street as a driveway and has erected bollards to restrict other access. The submissions request that this section of David Street be properly formed and delineated as public road.

David Street is only proposed to be utilised as access for the eastern lot. Conditions of Development Consent can require David Street to be formed to a standard of 3.5m wide bitumen sealed right of way (i.e. rather than to a full road standard with cul-de-sac) and for appropriate fencing to be installed to delineate public and private boundaries. A new driveway for the eastern lot will need to be constructed off newly upgraded section of David Street.

##### **5.2 Landscaping Business**

It has been identified that the landowner may currently be utilising 15 David Street for the storage of landscaping material, equipment and heavy vehicles associated with a business operation. The landowner has previously made enquiries in relation to the establishment of a landscaping material supplies business on the land, however has been advised that this is a prohibited use in the RU5 Village zone. Further investigation into the extent of any current business operations can be commenced and where necessary, compliance action undertaken in accordance with Council's *Enforcement Policy*.

##### **5.3 Flood Affection**

Part of the western lot is identified as being flood affected. A flood risk assessment has been submitted and indicates that the subdivision is compatible with the flood hazard of the land and can be developed in accordance with the controls of the *Gundaroo Floodplain Risk Management Plan 2016*.

##### **5.4 Onsite Sewage Management**

The submitted land capability assessment for onsite sewage management has identified that the existing system servicing the dwelling will need to be replaced/upgraded given the effluent disposal area is currently across the subdivision lot boundaries. This can be conditioned in any Development Consent that may be issued.

#### **6. Conclusion**

From an assessment of the proposal it is recommended that Development Consent be issued for a two lot subdivision at 15 Gundaroo Terrace, Gundaroo, including conditions which include the formation/upgrade of David Street adjacent to the site and boundary fencing. 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. Plans of Subdivision [↓](#)
- C. Submissions [↓](#)
- D. Draft Conditions of Consent [↓](#)



6.4 Development Application DA200267 - Subdivision, 15 Gundaroo Terrace, Gundaroo  
Attachment A Locality and Notification Plan




**Yass Valley Council**  
 PO Box 6  
 208 Connor Street  
 1465 NSW 2562  
 Telephone: 02 6226 1477  
 Email: [gcouncil@yassvalley.nsw.gov.au](mailto:gcouncil@yassvalley.nsw.gov.au)

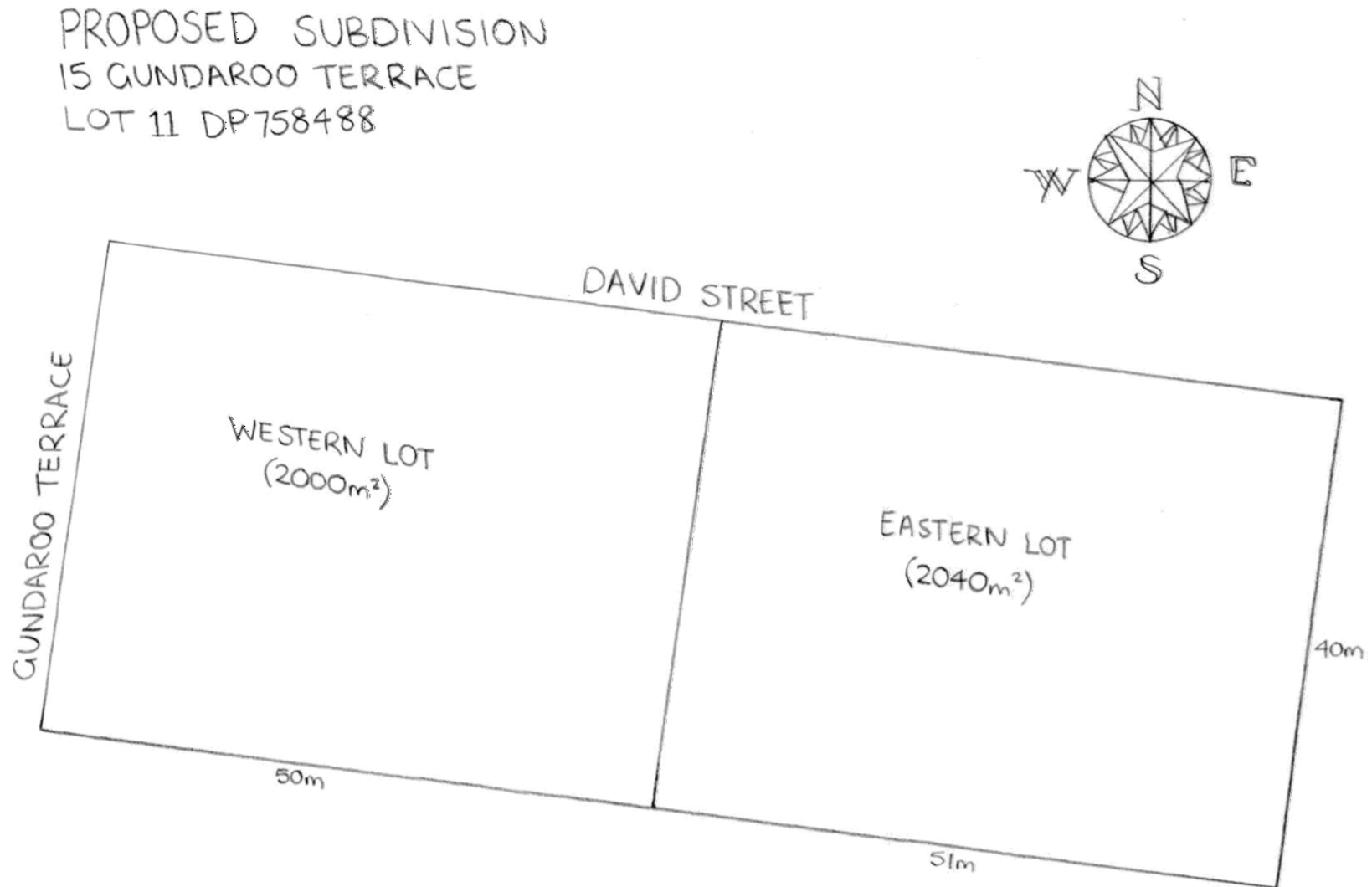
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**Drawn By:** Jeremy Knox  
**Projection:** GDA94 / WGA zone 55  
**Date:** 12/02/2021 4:23 PM  
**Map Scale:** 1:1593 at A4

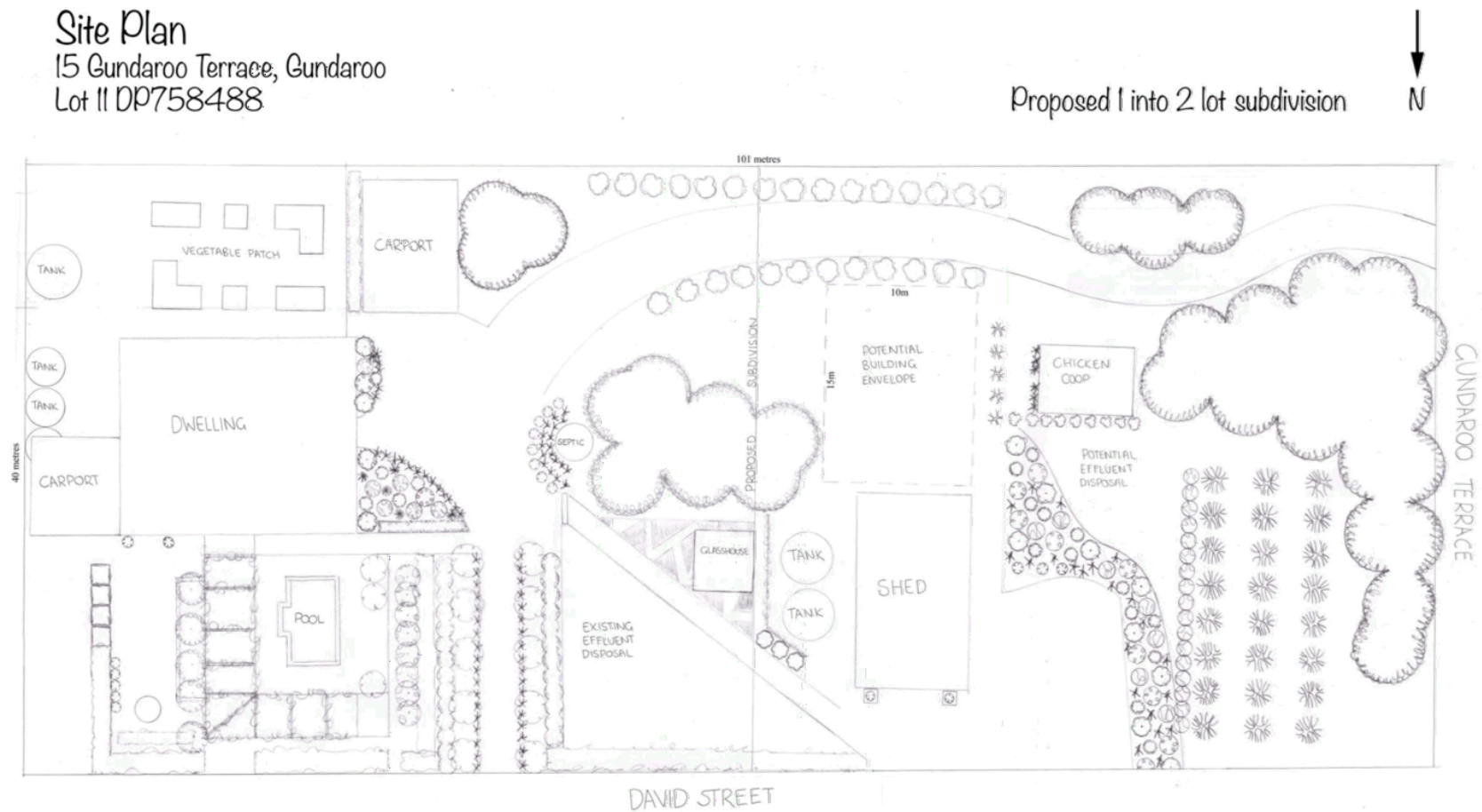
**Property Notified**

**Subject Land**









General Manager  
Yass Valley Council  
PO Box 6  
Yass NSW 2582

Gundaroo Park Land Manager  
70 Cork Street  
Gundaroo NSW 2620

**Re: DA 200267 – 15 Gundaroo Terrace, Gundaroo – Two lot subdivision**

Thank you for the opportunity to comment on the proposed two lot-subdivision (DA200267) On Gundaroo Terrace Gundaroo.

The Gundaroo Park Land Manager would like to record an objection to the proposal based on the proposed access plans from David Street to the eastern block.

The Board is not opposed to the subdivision *per se* as it generally fulfils the required criteria in terms of block size and local development standards. However, it is concerned at the suggestion that David Street will continue to be used as it is currently (point 6.8) and that there should be no upgrade or change to that usage.

Gundaroo Park is surrounded by public roads - Cork, Lind and David Streets and Gundaroo Terrace. Currently only Cork and Lind Streets are accessible by the public with the unformed Gundaroo Terrace and the eastern end of David Street on short-term lease by Council to local landowners. The Park has a small section of the western end of David Street open as a contingency access/exit point. The other part of the western end of David Street (the section related to our objection) is not currently accessible to the public.

Current users of the Park include regular cricket and soccer competitions when in season, Scouts, Men's Shed, a playground, bike track, The Gundaroo Music Festival, other community events, dog walkers, people exercising or having BBQs and some 1500-person nights each year with campers. Present infrastructure work includes an Amenities Block (courtesy of Council), playground shade and solar system and a new bore.

Gundaroo's population is growing quickly and usage of the Park is also growing, especially by young people. As this continues in the future the Park will require greater use of the surrounding streets to enable safe and secure access and egress. This is the main point of our objection.

There are a number of reasons for our concern:

1. The applicant currently uses David Street as a main access to their dwelling and discourages public access (including we hear, by pedestrians). They have erected bollards towards the western end of the street and other semi-permanent infrastructure on the area.
2. They also appear to use that section of the street as an extension of their block for storage of landscaping material and equipment and parking of machinery and heavy vehicles.

3. The notion in the application that David Street is a “dead end street” is incorrect and implies that it is of no consequence to the village or neighbours. This term is used several times in the document. David Street is part of the original street plan of the village and intersects with Gundaroo Terrace which runs (in unformed state) across the western end of Gundaroo Park to meet Lind Street. That section of Gundaroo Terrace is currently under lease from Council.
4. The application says the “proposed lots will have access to public streets, including Gundaroo Terrace and David Street”. (p.11). Given Point 1 above it’s difficult to see how David Street can be regarded as “public”.
5. It also says “no upgrades to Gundaroo Terrace or David Street would be required as part of the proposed development, as this would change the localised established character of the streetscape”. That character has in part been formed by infrastructure and landscaping by the applicant as “delineation between the property boundary and David Street” (p11). That delineation spills onto David Street itself.
6. Other landowners within the village have been required to make significant upgrades to access roads when subdividing their land, particularly where road reserves have been opened, for example Harp Street and Lind Street.
7. If no upgrade is required, the current delineation and general downplaying of the public nature of the street will continue. We’re concerned that if this happens and further landscaping, private usage or infrastructure is done on the section it would be very difficult in future to open David Street for the necessary public access the Park will eventually require.

The Gundaroo Park Land Manager asks that conditions be placed on approval that:

- a. Require some upgrading of the street be done that clearly indicates it is a public road;
- b. Allow for current landscaping involving vegetation but require removal of bollards and semi-permanent infrastructure to more clearly indicate that it is not private property;
- c. That prevents the private use of David Street at the exclusion of the public. This includes not leasing the block to the applicants as this would allow for potential restriction of public entry under current Council rules; and
- d. Provide more formal delineation of the boundary between the applicant ‘s block and David Street so that the area that is public is clearly defined and isn’t mistaken for private land. This could include fencing.

Thank you again for the opportunity to comment.

Regards

██████████

Chair, Gundaroo Park Land Manager Board

14 January 2021

Mob: ██████████

General Manager  
Yass Valley Council  
PO Box 6  
Yass NSW 2582

Gundaroo Park Land Manager  
70 Cork Street  
Gundaroo NSW 2620

**Re: DA 200267 – 15 Gundaroo Terrace, Gundaroo – Two lot subdivision**  
**Additional information**

The Gundaroo Park land Manager would like to submit the following photographs and as additional information for our submission sent on 14 January 2021 objecting to the above DA.

The landscape photographs were taken on Sunday 17 January 2021 and show the current usage made of the western end of David Street by the applicant. As can be seen the usage includes storage of landscaping materials and equipment and parking of a number of vehicles. The photographs also show large concrete blocks in place on the eastern end of this section of David Street and bollards on the western end. The other photograph of the orange trailer (taken Thursday 14 January 2021) indicates the Park's contingency access/exit point that opens onto the bottom end of David Street and into Gundaroo Terrace.

Thank you for your assistance with this.

Regards



Chair, Gundaroo Park Land Manager Board







**Gundaroo Community Association Inc.**

c/- Post Office  
Gundaroo NSW 2620  
gundaroocommunityassociation@gmail.com



General Manager  
Yass Valley Council  
PO Box 6  
Yass NSW 2582

**Re: DA 200267 – 15 Gundaroo Terrace, Gundaroo – Two lot subdivision**

Thank you for the opportunity to comment on the proposed two lot-subdivision (DA200267) on Gundaroo Terrace Gundaroo. The Gundaroo Community Association would like to record an objection to the proposal based on the proposed access to the eastern block from David Street.

David Street is part of the original street plan of the village and intersects with Gundaroo Terrace which runs (in unformed state) across the western end of Gundaroo Park to meet Lind Street.

The GCA is concerned that David Street will continue to be used as it is currently (point 6.8) with no upgrade or change to that usage. The applicant currently uses David Street as the main access to their property and has erected bollards towards the western end of the street suggesting that this area of David Street is part of their property. The eastern block in this subdivision is accessed from David Street. This would essentially make this section of David Street running east from Gundaroo Terrace an extension of the driveway to this block.

The public use of the park for sport, recreation, camping and large events such as the Gundaroo Music festival continues to increase. Continued clear and unhindered access to the Gundaroo Park via Gundaroo Terrace and David St is essential for the ongoing use of the park.

With significant development surrounding the village demand for increased recreational opportunities is inevitable. In order to provide flexible options in the longer term for access to the park it is essential this area of David St remains a designated public space and not merely an extension to a private residence. If further landscaping, private usage or infrastructure occurs in this area it will hinder the option in the future to open David Street for access to the Gundaroo Park, needed for the continued safe running and amenity of the park down the track.

Recent subdivision at the eastern ends of Lind St, David St and Harp St has required land owners to develop unformed roads to comply with council regulations. We would assume



that in this case an appropriate entrance to the eastern block and identification of David St as a public road be required.

The Gundaroo Community Association asks that an approval to this subdivision has conditions that ensures this part of David Street is identified clearly as public space and is clearly delineated from the proposed eastern block in this subdivision.

Best regards,



President, Gundaroo Community Association.



Group Leader  
1st Gundaroo Scout Group  
c/- Gundaroo Post Office  
Cork St  
Gundaroo NSW 2620

General Manager  
Yass Valley Council  
PO Box 6  
Yass NSW 2582

**Re: DA 200267 – 15 Gundaroo Terrace, Gundaroo – Two lot subdivision**

Thank you for the opportunity to comment on the proposed two lot-subdivision (DA200267) On Gundaroo Terrace Gundaroo.

The 1st Gundaroo Scout Group wish to record an objection to the proposal due to the proposed access plans from David Street to the Gundaroo Park.

The 1st Gundaroo Scout Group is made up of youth members aged between 6 and 18 who meet during term time at the Community Hall at the Gundaroo Park. Many of these children either walk or ride their bicycles to the park, including along David Street.

Our concern with the development relates to emerging issues relating to safe access to the Park, especially as the village continues to expand.

We ask that access to the western end of David Street is provided for pedestrians and other users of the park now and into the future.

Regards

[Redacted Signature]

[Redacted]  
Group Leader  
1st Gundaroo Scout Group  
[Redacted]

## DA200267 - 15 Gundaroo Terrace, Gundaroo

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[REDACTED]

[REDACTED]

Mob: [REDACTED]

In relation to the above subdivision proposal, I would like to express my concerns.

The current users of this land have a lot of machinery and equipment, mainly landscaping related equipment and they utilise David street as parking / storage of bulk landscape materials.

My concern as a member of the community and Treasurer of The Gundaroo Bullocks Football Club is that if the subdivision is approved without any guiding regulations regarding the use of David Street as access to the rear of the oval, this access may be lost to the community. The area in its current state appears to be private property to the uniformed and I fear that this subdivision proposal will see this formalised.

As the Gundaroo Community is growing and use of the oval for sporting and community events / camping is increasing the loss of David Street access would mean that there is only one means of gaining entry and exit, Cork Street. At times for certain events it is critical that we can have the safe movement of vehicles via David Street, as the main entrance off Cork Street is often utilised for pedestrian access only, for safety reasons.

I would like to see strict rules regarding the use of David Street as part of the subdivision, if approved, to ensure this access is not lost for use by the community.

Kind Regards

[REDACTED]

Treasurer

Gundaroo Bullocks

**Jeremy Knox**

---

**From:** [REDACTED]  
**Sent:** Wednesday, 20 January 2021 4:18 PM  
**To:** YVC Customer Service Team  
**Cc:** [REDACTED]  
**Subject:** DA 200267 Gundaroo objection

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

Hello

I wish to object to DA 200267 for the following reasons.

It states that David Street is a dead end. That is not true. It is a road connecting Cork Street with Gundaroo Terrace.

At present it has been blocked by the current landowners.

As Gundaroo is growing at a significant pace and more significant events will take place at the park including the Music Festival and Christmas Cinema and more campers, this needs to open up and maintain David Street as a conduit to Gundaroo Terrace and Cork Street.

It should be open to pedestrians and cyclists which it currently is not.

It needs to have another Emergency Exit as Gundaroo Park gets more usage.

No one should profit from A public road.

Yours sincerely

[REDACTED]

[REDACTED] Gundaroo

mob. [REDACTED]

Email [REDACTED]

--

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## **DA200267 – DRAFT CONDITIONS – 15 GUNDAROO TERRACE**

### **PART A - GENERAL CONDITIONS**

- (1) Consent is granted generally in accordance with the plan and details submitted to Yass Valley Council (Council) with the Development Application. The plan of subdivision has been stamped and attached to this consent. The development must be carried out in accordance with the stamped plan or as modified by these conditions.
- (2) This approval relates only to the development referred to in the development application and specifically does not amount to an approval or acceptance by the Council of any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior development or building approval.
- (3) All engineering design and construction work must be undertaken in accordance with the following, current at the time of the Engineering Construction Certificate being issued:
  - Council's Road Standards Policy RD-POL-09
  - Council's Design and Construction Specification – AUS-SPEC #1
  - Australian Standards and
  - AustRoads
- (4) The developer must make any necessary alteration, relocation or enlargement to public utilities, whether caused directly or indirectly by this subdivision, at no cost to Council.
- (5) If Aboriginal sites or objects are identified during works associated with the subdivision, all work must cease and Environment NSW is to be contacted immediately (131 555).

### **PART B - PRIOR TO WORKS COMMENCING**

- (1) Subdivision work shall not be commenced until the person having the benefit of this Development Consent provides at least two days' notice to Council of their intention to commence subdivision work.
- (2) Any contractor undertaking works in an existing Council road reserve shall also submit the following details:
  - A current public liability certificate with a minimum cover of \$20 million
  - Current Plant / vehicle insurances
  - A certified traffic control plan for the proposed works
- (3) A sign must be displayed in a prominent position on the site while subdivision work is being undertaken.

The sign must list the following details:

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

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

- (4) An approval under s68 of the *Local Government Act 1993* shall be obtained for the alterations to the onsite sewage management facility on the eastern lot. The current effluent spray irrigation system on the eastern lot of the subdivided property shall be decommissioned and converted to an absorption trench/bed system and connected to the existing AWTS in accordance with the Site and Soil Assessment for On-site Effluent Disposal Report prepared by ACT Geotechnical Engineers – Revised 11 February 2021.

This will require an application to be lodged in order to facilitate an approval s68 of the *Local Government Act 1993*.

### **PART C – INSPECTIONS**

To arrange an inspection with Council please use the on-line booking system:

yassvalley.nsw.gov.au > Our Services > Planning and Building > Certification and Inspections > Inspections

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

- (1) A compliance certificate must be obtained from Council's Engineering Division at the following stages of construction:
- (a) **Completion of property access** - This inspection is for access dimensions and to ensure there are no 'trip-fall' hazards.
  - (b) **Completion of the sealed property access to ROW(s) (2-4 properties) standard** - visual only
  - (c) **Completion of boundary fencing** of each lot created.

### **PART D - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

- (1) In accordance with section 7.12 *Environmental Planning and Assessment Act 1979* and the Yass Valley Development Contributions Plan 2018, a monetary contribution must be paid to Council if the proposed cost of carrying out the development exceeds \$100,000.

The contribution rate is determined in accordance with the table below:

<b>Proposed cost of carrying out the development</b>	<b>Contribution Rate</b>
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

- (2) Property access:
- Property access for western lot can be via the existing access off Gundaroo Terrace or from a new access created on David Street.



- Property access for eastern lot shall be via constructed road in the unformed section of David Street connecting from the end of seal of Gundaroo Terrace to the proposed property access to the eastern lot. The road is to be sealed (14/7) and constructed to ROW standard (2-4 properties) in accordance with Council's Road Standards Policy RD-POL-09.
- (3) The property vehicular accesses from the road to the property boundary must be constructed in accordance with Council's Road Standards Policy RD-POL-09.
- (4) Stock proof fencing must be provided to boundaries fronting Gundaroo Terrace and David Street in accordance with Council's Non-Urban Fencing Policy DA-POL-12.

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

- A fence height of no less than 1200 mm.
- Strainers – spacing 100 metres to 200 metres depending on terrain.
- Steel Star Pickets at 4 metre centres.
- Two 1.57 mm high tensile barbed wires (or plain wires) on top.
- Three 2.8 mm high tensile carry wires.
- "Wire Netting" - must be set no higher than 50 mm above the surface of the ground.
- Netting floodgates as required.
- All gates must be set back a minimum of 15 metres from the edge of road formation

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

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

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

- (5) Existing ground water bore GW401993 on the eastern lot shall be effectively sealed (if not already) and protected with a stormwater berm placed around the opening so that it is protected from inundation of overland water flow from rain events.
- (6) 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.
- (7) In accordance with the Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17, evidence must be submitted to Council demonstrating that a satisfactory standard of telecommunications service is available to each lot within the subdivision.
- (8) The applicant must confirm by survey that the formation and associated batters and drainage structures of Gundaroo Terrace and David 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.

- (9) 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 Engineering Department.

- (10) A restriction to user under Section 88B of the *Conveyancing Act 1919*, must be placed on the western lot prohibiting the construction of a habitable building on the lot unless it has a finished floor level of no lower than 573.2m AHD.

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

- (11) A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on the western lot prohibiting any development that requires Development Consent unless it complies with the *Gundaroo Floodplain Risk Management Plan 2016* (as amended or superseded).

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

- (12) A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on all lots requiring that any on-site sewage management facility installed to be an Aerated Wastewater Treatment System (AWTS) with related subsoil absorption trench/bed disposal system.

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

- (13) The current effluent spray irrigation system on the eastern lot of the subdivided property shall be decommissioned and converted to an absorption trench/bed system and connected to the existing AWTS in accordance with:

- The Site and Soil Assessment for On-site Effluent Disposal Report prepared by ACT Geotechnical Engineers – Revised 11 February 2021; and
- The relevant approval issued under s68 of the *Local Government Act 1993*.

- (14) 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.
- (15) 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 DA200267**

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

- (1) This consent has been granted under clause 4.1 of the *Yass Valley Local Environmental Plan 2013*.
- (2) This approval is for subdivision only. Further development consent is required for any proposed dwelling house or other permissible use, as prescribed in the relevant Environmental Planning Instruments of Council.
- (3) All fees and charges associated with this consent must be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region.
- (4) Any additional Council inspection, beyond the scope of any Compliance Certificate package and needed to verify the compliance of any work, must be charged at the individual inspection rate nominated in Council's Fees and Charges.
- (5) The applicant must ensure all sub-contractors are licensed by the NSW Department of Fair Trading.
- (6) The *Work Health and Safety Act 2011*, the *Work Health and Safety Regulation 2011* and various Australian Standards provide a comprehensive set of risk control measures and procedures for development sites which cover all types of risk. This legislation is administered by WorkCover New South Wales which has produced a variety of guidelines and other supporting documents for the information of developers.  
  
All persons undertaking work in connection with this consent should ensure that all required risk control measures and procedures are complied with.
- (7) All Development Applications relating to the lots created by this subdivision will be assessed under the provisions of the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulation 2017*. If the development triggers the Biodiversity Offsets Scheme, the Development Application must be accompanied by a Biodiversity Development Assessment Report (BDAR).

## 7.1 FIXING COUNTRY BRIDGES PROGRAM GRANT

### SUMMARY

To advise of a grant offer under the NSW Fixing Country Bridges Program and to obtain Council's approval to accept the grant and to allocate the associated contribution from Council.

### RECOMMENDATION

*That:*

1. *The grant for \$288,000 under the NSW Fixing Country Bridges Grant Program be accepted for the replacement of the Bango Lane Timber Road Bridge*
2. *A \$50,000 Council contribution, as required by the grant approval, be allocated from the State Roads Reserve*
3. *The project be included in the 2020/21 Operational Plan*

### FINANCIAL IMPLICATIONS

Council's contribution to this project will be funded from the State Roads Reserve.

### POLICY & LEGISLATION

- *Local Government Act 1993*

### REPORT

The NSW Fixing Country Bridges Program is an initiative which aims to support Councils by reducing the maintenance burden of ageing timber bridges across Regional NSW. Replacing timber bridges with structures that are safer and more resilient to natural disasters, supports regional communities and helps local economies.

Under the current funding round an application was submitted for the replacement of its last timber road bridge located on Bango Lane, which is currently load limited

Council has recently been advised that its application has been successful and it is recommended that the grant offer be accepted with the Council contribution of \$50,000 being funded from the Development Contribution Reserve.

### STRATEGIC DIRECTION

Key Pillar 4. Our Infrastructure

CSP Strategy IN3 - Maintain and improve road infrastructure and connectivity

Delivery Program Action IN3.1 - Deliver transport asset infrastructure, maintenance, renewal and enhancement programs for urban, rural and regional roads to maintain or improve overall condition

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

**ATTACHMENTS:** Nil

## 8.1 ANNUAL FINANCIAL STATEMENTS 2019/20

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### SUMMARY

Council has received the auditor's reports on the Annual Financial Statements for the year ended 30 June 2020. Council is now required to adopt the financial statements and to authorise the presentation of the audited statements to the public.

### RECOMMENDATION

*That the 2019/20 Annual Financial Statements be adopted and authorise the presentation of the financial statements to the public.*

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### FINANCIAL IMPLICATIONS

Financial results determine Council's ability to provide goods, services and facilities and to carry out activities appropriate to the current and future needs of the local community and of the wider public.

### POLICY & LEGISLATION

- *Local Government Act 1993*
- *Australian Accounting Standards and Professional Pronouncements*
- *Local Government Code of Accounting Practice and Financial Reporting*

### REPORT

#### 1. Summary

The Annual Financial Statements incorporating the Audit Reports for the year ended 30 June 2020, have been completed and submitted to the Office of Local Government prior to the 31 January 2021 deadline (refer **Attachment A**).

Council's net operating result from continuing operations is a surplus of \$15.555M. The net operating result before grants and contributions provided for capital purposes is a surplus of \$4.808M.

Council's Long Term Financial Plan (consolidated) projected an operating surplus before grants and contributions for capital purposes of \$2.321M. The 2019/20 operating result is an improvement on this projected result. Matching, or improving on, Long Term Financial Plan predictions will ensure that Council remains on track to be fit for the future.

Representatives from the NSW Audit Office will provide a presentation to the Council meeting and will be available to answer questions from Councillors.

The Annual Financial Statements will be available on Council's website at least 7 days prior to the March meeting date. In accordance with Section 420 of the *Local Government Act 1993*, any person may make submission in writing to Council with respect to the Council's Audited Financial statements or the Auditors Reports. The full financial statements will be tabled at this meeting of Council.

A summary of the Financial Statements is provided below.



	2020 \$ '000	2019 \$ '000
<b>Income Statement</b>		
Total income from continuing operations	42,844	37,519
Total expenses from continuing operations	27,289	32,150
<b>Operating result from continuing operations</b>	<b>15,555</b>	<b>5,369</b>
<b>Net operating result for the year</b>	<b>15,555</b>	<b>5,369</b>
<b>Net operating result before grants and contributions provided for capital purposes</b>	<b>4,808</b>	<b>257</b>
<b>Statement of Financial Position</b>		
Total current assets	33,803	33,242
Total current liabilities	(9,793)	(9,717)
Total non-current assets	401,064	364,108
Total non-current liabilities	(16,719)	(17,635)
<b>Total equity</b>	<b>408,355</b>	<b>369,998</b>
<b>Other financial information</b>		
Unrestricted current ratio (times)	1.33	3.94
Operating performance ratio (%)	12.08%	5.59%
Debt service cover ratio (times)	3.20	3.57
Rates and annual charges outstanding ratio (%)	5.78%	7.18%
Infrastructure renewals ratio (%)	112.57%	60.14%
Own source operating revenue ratio (%)	60.23%	64.27%
Cash expense cover ratio (months)	9.37	9.12

In accordance with Section 420 of the *Local Government Act 1993 (NSW)*, any person may make a submission in writing to Council with respect to the Council's Audited Financial Statements or the Auditor's Reports.

Copies of the Audited Financial Statements and the Auditor's Reports may be inspected at:

Internet: [www.yassvalley.nsw.gov.au](http://www.yassvalley.nsw.gov.au)

Locations: 209 Comur Street, YASS NSW 2582

Location & Address 4

Submissions close one week after the above public meeting has been held.

## 2. Items of Note 2019/20

The list below provides details of items of note in the Financial Statements for information. It should be noted that original budget figures are required to be disclosed in the Annual Financial Statements. Variations to budget details below are likely to have been previously addressed during quarterly financial reviews presented to Council:

- Council's operating result was \$10.2M higher than the 2018/19 result. This was primarily due to an increase of \$3.2M in Grant income and an overall reduction in expenditure of approximately \$4.9M.
- The reduction in expenses from 2018/19 to 2019/20 can be attributed to \$1m reduction to Employee benefits and on-costs. This was due to a period of high vacancies experienced throughout the financial year.
- Rate and annual charges increased by \$1.2M in 2019/20 largely due to the special rate variation of 8.5% (including rate peg).
- Asset revaluations for 2019/20 were undertaken externally for Infrastructure assets including Roads, Bridges and Footpaths.
- A prior period error has been identified affecting the balances forming part of Council's equity. \$1.6M of Asset Revaluation Reserve transactions had been incorrectly classified as Accumulated

Key Pillar	5. Our Civic Leadership
CSP Strategy	CL1 - Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.4 - Be compliant, more efficient and effective
Operational Plan Activity	CL1.4.2 - All regulated compliance is adhered to

Director of Corporate & Community Reports – Page 137 of 252

## 8.2 SIX MONTHLY PROGRESS REPORT ON THE 2017/18 - 2020/21 DELIVERY PROGRAM - JULY 2020-DECEMBER 2020

### SUMMARY

In line with the Integrated Planning and Reporting Framework, Council is required to prepare every six months, a report on progress against the actions and activities identified in its Delivery Program. This report contains the status of actions and activities undertaken for the period 1 January 2020 to 30 June 2020. This report will be placed on Council's website.

### RECOMMENDATION

*That the six monthly Progress Report for the 2017/18 – 2020/21 Delivery Program for period 1 July 2020 to 31 December 2020 be noted.*

### FINANCIAL IMPLICATIONS

Reports progress against Council's adopted Key Performance Indicators for the Delivery Program and Operational Plan and has no direct financial impact.

### POLICY & LEGISLATION

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

### REPORT

The report provided at **Attachment A** tracks progress against the actions and activities adopted by Council in its 2017/18 – 2020/21 Delivery Program and across the period 1 July 2020 to 31 December 2020.

The report highlights significant achievements against the Community Strategic Plan for all the actions and activities that have been completed, but also summarises actions that have not completed.

### STRATEGIC DIRECTION

Key Pillar	5. Our Civic Leadership
CSP Strategy	CL1 - Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.4 - Be compliant, more efficient and effective
Operational Plan Activity	CL1.4.2 - All regulated compliance is adhered to

**ATTACHMENTS:** A. Delivery Program Progress Report July - December 2020 (*Under Separate Cover*) [⇒](#)

## 8.3 2ND QUARTER BUDGET REVIEW 2020/21

### SUMMARY

This report represents the 2nd Quarterly Budget Review Statement (QBRs) for the period 1 October 2020 to 31 December 2020 in the financial year ending 30 June 2021.

### RECOMMENDATION

*That:*

1. *The 2<sup>nd</sup> Quarterly Budget Review Statement adjustments, as detailed in the attachments, be adopted and the relevant income and expenditure budget adjustments be approved.*
2. *In accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position as at 31 December 2020 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.*

### FINANCIAL IMPLICATIONS

Full details of the financial implications of this quarter's QBRs are contained within the following report.

### POLICY & LEGISLATION

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

### REPORT

#### 1. Background

In accordance with Clause 203 (Budget Review Statements and Revision of Estimates) *Local Government (General) Regulations 2005*:

- (1) Not later than 2 months after the end of each quarter, the responsible accounting officer of a Council must prepare and submit to the Council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Council's Revenue Policy included in the Operational Plan for the relevant year, a revised estimate of the income and expenditure for that year.
- (2) A budget review statement must include or be accompanied by:
  - (a) A report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure; and
  - (b) If that position is unsatisfactory, recommendation for remedial action.

In accordance with Clause 211 (Authorisation of expenditure) *Local Government (General) Regulations 2005*:

- (1) A council, or a person purporting to act on behalf of a council, must not incur a liability for the expenditure of money unless the council at the annual meeting held in accordance with subclause (2) or at a later ordinary meeting:
  - (a) has approved the expenditure, and
  - (b) has voted the money necessary to meet the expenditure.

## 2. Budget Review

The Quarterly Budget Review Statement (QBRs) presents a summary of Council's financial position at the end of the second quarter for the financial year ended 30 June 2021.

The quarterly budget review process is the mechanism through which Council and the community are informed of Council's progress against the Operational Plan (annual budget), together with recommendations for changes and reasons for any budget variations.

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

Council is provided with a breakdown of the budget and actuals by functional/service unit and key performance indicators (financial ratios). Staff have undertaken a mapping process to ensure this information is accurate.

### 2.1 Summary

Council's operational revenue is currently \$32M which is below the forecast of \$54.5M. This variance is expected due to the timing of receipt of grant funding, with funds being received after milestones have been met. Operational expenditure of \$10.7M is currently \$21M under budget, which is readily attributable to the seasonal, semi-annual, and annual nature of some expenditures and end of financial year calculations, such as depreciation.

Capital Revenue is \$8.7M which is \$12.6M under budget. This is due to the timing of the grant payments being received, and dependent on the achievement of relevant milestones. Capital Expenditure is currently under budget as some projects have been delayed while the design process is being completed or community consultation is still occurring. The Local Government Area has seen weather events that have impacted the ability to undertake some works and emergency repair work has had to be undertaken as a priority. It is expected that capital expenditure will increase as we progress through the financial year and ramp up as planning and community consultation on some projects are finalised.

### 2.2 Operational Budget Result

As a result of this budget review, Council's projected year end net operating result before capital items is expected to increase from a budgeted surplus of \$536k to a budgeted surplus of \$1.6M for 2020/21. The primary driver of this is a thorough review of Council's expenditure, including Employee Costs and better than projected income receipts.

### 2.3 Capital Budget Result

As a result of this budget review, Council's anticipated expenditure on capital items is expected to increase by \$2.3M to \$39.4M for 2020/21. This increase is a result of receiving approximately \$1M from the Local Roads and Community Infrastructure grant Round 2, which is funding resheeting works around the local government area.

### 2.4 Commentary on Key Variances

Some adjustments have been done to the budget line items to better reflect the nature of the budget item and where it should sit on the face of the Income Statement. Some costs have been reallocated as Capital expenditure to better reflect the nature of the work involved.

Income has increased due to additional grant funding becoming available.

Capital works with a value of \$2.3M have been added to the capital expenditure budget. The majority of this work is to be undertaken on resheeting roads throughout the local government area.

**STRATEGIC DIRECTION**

Key Pillar 5. Our Civic Leadership

CSP Strategy CL1 - Effect resourceful and respectful leadership and attentive representation of the community

Delivery Program Action CL1.4 - Be compliant, more efficient and effective

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

**ATTACHMENTS:** A. 2020/21 Quarter 2 Budget Review Statement [↓](#)



Yass Valley Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

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Yass Valley Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

**31 December 2020**

It is my opinion that the Quarterly Budget Review Statement for Yass Valley Council for the quarter ended 31/12/20 indicates that Council's projected financial position at 30/6/21 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

**Signed:** \_\_\_\_\_

**Date:** 12/02/2021

Tracy Sligar  
Responsible Accounting Officer

Yass Valley Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 December 2020

**Income & Expenses - Council Consolidated**

(\$000's)	Original Budget 2020/21	Approved Changes					Revised Budget 2020/21	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRS	Sep QBRS	Dec QBRS	Mar QBRS					
<b>Income</b>											
Rates and Annual Charges	17,853			82			17,935	104		18,039	18,102
User Charges and Fees	6,759			3			6,762	31		6,793	2,189
Interest and Investment Revenues	538			22			560	(19)		541	120
Other Revenues	702			55			757	(61)		696	355
Grants & Contributions - Operating	5,741			746			6,487	(236)		6,251	1,933
Grants & Contributions - Capital	10,934	6,397		2,636			19,967	1,321	1	21,288	8,761
Net gain from disposal of assets	400			-			400	150		550	401
Share of Interests in Joint Ventures				-			-	-		-	-
Rental Income	400			-			400	-		400	219
<b>Total Income from Continuing Operations</b>	<b>43,327</b>	<b>6,397</b>	<b>-</b>	<b>3,544</b>	<b>-</b>	<b>-</b>	<b>53,268</b>	<b>1,290</b>		<b>54,558</b>	<b>32,080</b>
<b>Expenses</b>											
Employee Costs	11,889	119		2,443			14,451	(2,376)	2	12,075	5,671
Borrowing Costs	923			306			1,229			1,229	176
Materials & Contracts	6,382	36		(115)			6,303	655	3	6,958	2,036
Depreciation	6,278			135			6,413			6,413	-
Other Expenses	6,385	12		(1,178)			5,219	(222)		4,997	2,796
<b>Total Expenses from Continuing Operations</b>	<b>31,857</b>	<b>167</b>	<b>-</b>	<b>1,591</b>	<b>-</b>	<b>-</b>	<b>33,615</b>	<b>(1,943)</b>		<b>31,672</b>	<b>10,679</b>
<b>Net Operating Result from Continuing Operation</b>	<b>11,470</b>	<b>6,230</b>	<b>-</b>	<b>1,953</b>	<b>-</b>	<b>-</b>	<b>19,653</b>	<b>3,233</b>		<b>22,886</b>	<b>21,401</b>
Discontinued Operations - Surplus/(Deficit)							-			-	-
<b>Net Operating Result from All Operations</b>	<b>11,470</b>	<b>6,230</b>	<b>-</b>	<b>1,953</b>	<b>-</b>	<b>-</b>	<b>19,653</b>	<b>3,233</b>		<b>22,886</b>	<b>21,401</b>
<b>Net Operating Result before Capital Items</b>	<b>536</b>	<b>(167)</b>	<b>-</b>	<b>(683)</b>	<b>-</b>	<b>-</b>	<b>(314)</b>	<b>1,912</b>		<b>1,598</b>	<b>12,640</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 30/09/2020 and should be read in conjunction with the total QBRS report

8.3 2nd Quarter Budget Review 2020/21  
Attachment A 2020/21 Quarter 2 Budget Review Statement

Yass Valley Council

**Quarterly Budget Review Statement**

for the period 01/10/20 to 31/12/20

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 December 2020

**Income & Expenses - Council Consolidated**

(\$000's)	Original Budget 2020/21	Approved Changes					Revised Budget 2020/21	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRS	Sep QBRS	Dec QBRS	Mar QBRS					
<b>Income</b>											
Governance	-	-	-	-	-	-	-	-		-	-
Administration	16,115	-	-	(500)	-	-	15,615	85		15,700	12,765
Public Order & Safety	682	-	-	(5)	-	-	677	(50)		627	254
Health	129	-	-	26	-	-	155	-		155	136
Environment	4,250	-	-	(251)	-	-	3,999	2		4,001	3,340
Community Services & Education	-	-	-	-	-	-	-	(210)		(210)	(210)
Housing & Community Amenities	1,134	-	-	(60)	-	-	1,074	320		1,394	1,055
Water Supplies	6,263	-	-	977	-	-	7,240	-		7,240	4,671
Sewerage Services	2,498	-	-	224	-	-	2,722	117		2,839	2,715
Recreation & Culture	532	-	-	583	-	-	1,115	5		1,120	319
Transport & Communication	9,977	-	6,397	2,535	-	-	18,909	1,021		19,930	6,475
Economic Affairs	1,747	-	-	15	-	-	1,762	-		1,762	560
<b>Total Income from Continuing Operations</b>	<b>43,327</b>	<b>-</b>	<b>6,397</b>	<b>3,544</b>	<b>-</b>	<b>-</b>	<b>53,268</b>	<b>1,290</b>		<b>54,558</b>	<b>32,080</b>
<b>Expenses</b>											
Governance	353	-	-	-	-	-	353	(150)		203	72
Administration	5,285	-	-	1,395	-	-	6,680	(196)		6,485	3,115
Public Order & Safety	1,335	2	-	(13)	-	-	1,324	(60)		1,264	629
Health	-	-	-	-	-	-	-	-		-	-
Environment	4,385	5	-	29	-	-	4,419	(389)		4,030	1,217
Community Services & Education	-	-	-	-	-	-	-	-		-	-
Housing & Community Amenities	2,369	126	-	(34)	-	-	2,461	(52)		2,409	966
Water Supplies	3,998	33	-	209	-	-	4,240	(15)		4,225	907
Sewerage Services	2,068	-	-	85	-	-	2,153	(45)		2,108	516
Recreation & Culture	1,974	-	-	70	-	-	2,044	-		2,044	888
Transport & Communication	8,152	-	-	(152)	-	-	8,000	(971)		7,029	1,830
Economic Affairs	1,938	-	-	2	-	-	1,940	(65)		1,875	539
<b>Total Expenses from Continuing Operations</b>	<b>31,857</b>	<b>166</b>	<b>-</b>	<b>1,591</b>	<b>-</b>	<b>-</b>	<b>33,614</b>	<b>(1,943)</b>		<b>31,672</b>	<b>10,679</b>
<b>Net Operating Result from Continuing Operation</b>	<b>11,470</b>	<b>(166)</b>	<b>6,397</b>	<b>1,953</b>	<b>-</b>	<b>-</b>	<b>19,654</b>	<b>3,233</b>		<b>22,886</b>	<b>21,401</b>
Discontinued Operations - Surplus/(Deficit)	-	-	-	-	-	-	-	-		-	-
<b>Net Operating Result from All Operations</b>	<b>11,470</b>	<b>(166)</b>	<b>6,397</b>	<b>1,953</b>	<b>-</b>	<b>-</b>	<b>19,654</b>	<b>3,233</b>		<b>22,886</b>	<b>21,401</b>
<b>Net Operating Result before Capital Items</b>	<b>536</b>	<b>(167)</b>	<b>-</b>	<b>(683)</b>	<b>-</b>	<b>-</b>	<b>(314)</b>	<b>1,912</b>		<b>1,598</b>	<b>12,640</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 30/09/2020 and should be read in conjunction with the total QBRS report

Yass Valley Council

Quarterly Budget Review Statement  
for the period 01/10/20 to 31/12/20

Income & Expenses Budget Review Statement

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	The increase in Operating Grants & Contributions is primarily due to successfully gaining approximately \$1m from the Local Roads & Community Infrastructure Grant program Round 2
2	Employee costs have been reduced to more accurately reflect costs to Council. Any capitalisation of staff costs will be undertaken at the end of the financial year, once costs are known.
3	Expenses associated with Materials and Contracts increased as a review of costs identified some incorrect classifications. These expenses were moved out of Other expenses and into Materials and Contracts.

Yass Valley Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

**Capital Budget Review Statement**

Budget review for the quarter ended 31 December 2020

**Capital Budget - Council Consolidated**

(\$000's)	Original Budget 2020/21	Approved Changes					Revised Budget 2020/21	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRS	Sep QBRS	Dec QBRS	Mar QBRS					
<b>Capital Expenditure</b>											
New Assets											
- Plant & Equipment	45	73		4			122	(16)		106	32
- Land & Buildings	1,306	189		130			1,625	842	3	2,467	61
- Roads, Bridges, Footpaths	2,525	-		45			2,570	28		2,598	91
- Stormwater	177	144		-			321			321	55
- Water Supply Network	322	-		-			322			322	142
- Sewerage Network	1,600	254		-			1,854	300	2	2,154	2
- Waste	170	-		-			170			170	
Renewal Assets (Replacement)											
- Plant & Equipment	1,075	-		-			1,075			1,075	394
- Land & Buildings	-	312		-			312	3		315	5
- Roads, Bridges, Footpaths	8,065	12,138		1,595			21,798	1,030	1	22,828	4,378
- Stormwater	-	-		-			-			-	
- Water Supply Network	1,528	1,232		869			3,629			3,629	1,602
- Sewerage Network	430	46		60			536	112	2	648	148
- Other Open Space / Recreational Assets	-	541		200			741			741	97
- Waste	335	379		-			714			714	121
Loan Repayments (Principal)	1,322	-		-			1,322			1,322	911
<b>Total Capital Expenditure</b>	<b>18,900</b>	<b>15,308</b>	<b>-</b>	<b>2,903</b>	<b>-</b>	<b>-</b>	<b>37,111</b>	<b>2,299</b>		<b>39,410</b>	<b>8,039</b>
<b>Capital Funding</b>											
Rates & Other Untied Funding	5,019						5,019	578		5,597	
Capital Grants & Contributions	10,934	6,397		2,636			19,967	1,321	1	21,288	9,862
Reserves:											
- External Restrictions/Reserves	1,885	764		269			2,918	250		3,168	
- Internal Restrictions/Reserves	662	8,147		(2)			8,807			8,807	
New Loans	-						-			-	
Receipts from Sale of Assets											
- Plant & Equipment	400						400	150		550	401
<b>Total Capital Funding</b>	<b>18,900</b>	<b>15,308</b>	<b>-</b>	<b>2,903</b>	<b>-</b>	<b>-</b>	<b>37,111</b>	<b>2,299</b>		<b>39,410</b>	<b>10,263</b>
<b>Net Capital Funding - Surplus/(Deficit)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>	<b>2,224</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 30/09/2020 and should be read in conjunction with the total QBRS report



Capital Budget Review Statement

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Expenditure on Roads, Bridges & Footpaths have increased in line with additional grant funding becoming available. Local Roads and Community Infrastructure Grant Round 2 has been secured to undertake a number of projects to Resheet roads.
2	An additional \$412k has been allocated to the budget for Sewerage Network, to be funded from the Sewerage Reserve. These works include the Fors Street SPS Generator Design and Wellington Road Sewerage Pump Station projects.
3	Increased budget for Civic Precinct project as per project managers estimated costs after tenders evaluated. Increase for 20/21 of \$832k to be funded from general revenue.

8.3 2nd Quarter Budget Review 2020/21  
Attachment A 2020/21 Quarter 2 Budget Review Statement

Yass Valley Council

**Quarterly Budget Review Statement**

for the period 01/10/20 to 31/12/20

**Cash & Investments Budget Review Statement**

Budget review for the quarter ended 31 December 2020

**Cash & Investments - Council Consolidated**

(\$000's)	Opening Balance 2020/21	Approved Changes					Revised Balance 2020/21	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Original Budget	Carry Forward	Sep QBRS	Dec QBRS	Mar QBRS					
<b>Externally Restricted <sup>(1)</sup></b>											
Unexpended Grants	6,445		(5,919)				526	(210)	3	316	316
Water Supplies	4,495	(186)	(72)	(719)			3,518	6		3,524	3,524
Sewerage Services	4,701	(1,814)	(254)	(180)			2,453	(250)		2,203	2,203
Waste Management	1,723	(87)	(379)	(246)			1,011	169		1,180	1,180
Stormwater Management	236	1	(59)				178			178	178
S64 Water	2,378			617			2,995			2,995	2,995
S64 Sewer	1,015			259			1,274			1,274	1,274
Heavy Haulage	1,262						1,262			1,262	1,262
S7.11 Yass Valley Council Area	4,801	300	(800)	(225)			4,076	525		4,601	4,601
<b>Total Externally Restricted</b>	<b>27,056</b>	<b>(1,786)</b>	<b>(7,483)</b>	<b>(494)</b>	<b>-</b>	<b>-</b>	<b>17,293</b>	<b>240</b>		<b>17,533</b>	<b>17,533</b>
(1) Funds that must be spent for a specific purpose											
<b>Internally Restricted <sup>(2)</sup></b>											
Plant & Vehicle Replacement	833	(230)		230			833			833	833
Employee Leave Entitlement	820						820			820	820
Binalong Pool		21		(4)			17	4		21	21
Comur Street Rehabilitation		21					21			21	21
Infrastructure	676	1,629	(1,019)	(1,060)			226	527	1	753	753
Local Government Elections	109	(100)		125			134			134	134
Murrumbateman S355		123					123			123	123
Quarry Rehabilitation		105					105			105	105
Roads		516		45			561			561	561
Victoria Park		720	(232)				488			488	488
Advancement of Young People	126						126	(126)	2	-	-
Electricity Savings Reserve	-			30			30			30	30
General Revenue Carry Forward	343		(343)				-			-	-
<b>Total Internally Restricted</b>	<b>2,907</b>	<b>2,805</b>	<b>(1,594)</b>	<b>(634)</b>	<b>-</b>	<b>-</b>	<b>3,484</b>	<b>405</b>		<b>3,889</b>	<b>3,889</b>
(2) Funds that Council has earmarked for a specific purpose.											
<b>Unrestricted (ie. available after the above Restrictio</b>	<b>57</b>	<b>3,033</b>	<b>9,077</b>	<b>1,128</b>	<b>-</b>	<b>-</b>	<b>13,295</b>	<b>832</b>		<b>14,127</b>	<b>15,625</b>
<b>Total Cash &amp; Investments</b>	<b>30,020</b>	<b>4,052</b>					<b>34,072</b>	<b>1,477</b>		<b>35,549</b>	<b>37,047</b>

This statement forms part of Cassilis Quarterly Budget Review Statement (QBRS) for the quarter ended 30/09/2020 and should be read in conjunction with the total QBRS report

Yass Valley Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

**Cash & Investments Budget Review Statement**

**Comment on Cash & Investments Position**

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

The Cash at Bank figure included in the Cash & Investment Statement totals \$37,046,651

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
The date of completion of this bank reconciliation is 31/12/20

**Reconciliation Status**

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

**\$ 000's**

Cash at Bank (as per bank statements)  
Investments on Hand

4,574  
32,473

**Reconciled Cash at Bank & Investments**

37,047

**Balance as per Review Statement:**

37,047

Difference:

-

**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

**Notes Details**

- 1 A very extensive Capital Works program is currently being undertaken which is being funded from Council reserves and Grants. When further grant funding can be sourced for these projects, it is anticipated that the grant funding will replace the need to utilise Council reserves for such work. As grant funding has been received for projects underway, we have been able to top up council reserves.
- 2 As per council resolution, the John Lewis Williams bequest has been forwarded to Yass District Education Foundation.
- 3 Unspent grant funds for Home Living Support Programs are now required to be repaid.

### 8.3 2nd Quarter Budget Review 2020/21 Attachment A 2020/21 Quarter 2 Budget Review Statement

Yass Valley Council

#### Quarterly Budget Review Statement for the period 01/10/20 to 31/12/20

#### Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 December 2020

(\$000's)	Current Projection		Original Budget 20/21	Actuals Prior Periods	
	Amounts	Indicator		19/20	18/19
	20/21	20/21			

NSW Local Government Industry Key Performance Indicators (OLG):

#### 1. Operating Performance

Operating Revenue (excl. Capital)	1,048	3.2 %	7.67 %	11.02 %	5.59 %
Operating Revenue (excl. Capital Grants & Contributions)	32,720				

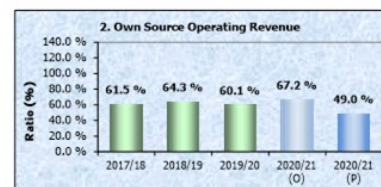
This ratio has decreased to be under the benchmark primarily due to the volume of Capital Grants the council has obtained. These are one off grants that the State and Federal Governments have offered to stimulate the economy due to the impacts of COVID-19. These funds will be used to fast track Councils capital works program. It is important to note that the value of Capital Grants in 2020/21 is double the amount received in 2019/20.



#### 2. Own Source Operating Revenue

Operating Revenue (excl. ALL Grants & Contributions)	26,469	49.0 %	67.15 %	60.13 %	64.27 %
Total Operating Revenue (incl. Capital Grants & Cont)	54,008				

In the 2020/21 Financial year, Yass Valley Council has been able to secure approximately \$20m in grant funding to fund the Capital Works program. This funding has been provided by the State and Federal Government as part of their initiative to stimulate the economy due to the impact of COVID-19. The majority of these grants are one off grants and will allow Council to fast track the capital works program.



#### 3. Unrestricted Current Ratio

Current Assets less all External Restrictions	16,363	1.77	0.00	1.26	3.94
Current Liabilities less Specific Purpose Liabilities	9,242				

This ratio hasn't been calculated for the original budget. Council is sitting just above the benchmark of >1.5 times. This is due to a reduction in our liabilities and external restrictions as work progresses through the year.



## Yass Valley Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

### Contracts Budget Review Statement

Budget review for the quarter ended 31 December 2020

**Part A - Contracts Listing** - contracts entered into during the quarter[illegible]

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 30/09/2020 and should be read in conjunction with the total QBRs report

Yass Valley Council

Quarterly Budget Review Statement  
for the period 01/10/20 to 31/12/20

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	44,248	Y
Legal Fees	21,175	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details



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## 8.4 INVESTMENT AND BORROWINGS REPORT - DECEMBER 2020

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### SUMMARY

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

*That the Investment Report as at 31 December 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.*

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### 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 held the cash rate at 0.10%.

The global economic recovery has been disrupted by rising COVID-19 cases with increased movement restrictions and lockdowns reinstated.

The Australian economy, however, was doing much better than expected. Retail sales jumped 7% in November 2020, driven by a wave of pent-up spending being released at the end of the lockdown in Victoria.

Forecasters have upgraded their growth forecasts for 2020/21, assuming no significant setbacks due to COVID or from the winding down of JobKeeper and other support measures.

#### Council Investments

Valuations of Council investments are detailed in [Attachment A](#).

#### 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
<b>TOTAL LOANS</b>	<b>\$16,782,159.56</b>	<b>\$15,460,481.11</b>			<b>\$ 1,321,678</b>	<b>\$ 917,286</b>

## 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. December 2020 Investment Report [↓](#)

## 8.4 Investment and Borrowings Report - December 2020

### Attachment A December 2020 Investment Report

#### a) Council Investments as at 31 December, 2020

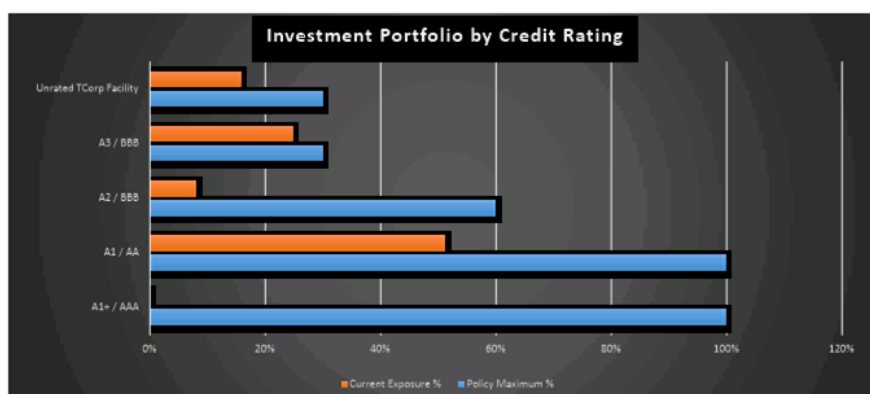
Investment Type	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
<b>Cash Working Accounts</b>						
NAB Working Account <sup>1</sup>	4,574,247.39	A1/AA	n/a	n/a	at call	0.25%
Tcorp Strategic Cash Facility <sup>2</sup>	5,862,361.53	unrated	n/a	n/a	at call	0.46%
	<b>10,436,608.92</b>					
<b>Term Deposits &lt; 12 Months</b>						
IMB 29876	1,700,000.00	A3	30/11/20	30/04/21	151	0.40%
NAB Term Deposit	2,700,000.00	A1/AA	28/09/20	28/01/21	122	0.60%
NAB Term Deposit	2,000,000.00	A1/AA	01/12/20	01/03/21	90	0.45%
NAB	1,000,000.00	A1/AA	16/11/20	16/03/21	120	0.45%
BOQ	1,600,000.00	A2/BBB	30/09/20	28/01/21	120	0.55%
BOQ	1,400,000.00	A2/BBB	03/12/20	30/09/21	301	0.50%
AMP	2,000,000.00	BBB+	04/09/20	05/03/21	182	0.80%
AMP	2,000,000.00	BBB+	01/12/20	01/12/21	365	0.75%
ME	1,000,000.00	BBB+	01/12/20	02/07/21	213	0.45%
Bendigo Bank	1,500,000.00	BBB+	10/12/20	06/09/21	270	0.40%
Macquarie	1,000,000.00	BBB+	08/12/20	03/11/21	330	0.50%
CBA	2,100,000.00	A1/AA	30/10/20	28/04/21	180	0.53%
CBA	1,100,000.00	A1/AA	07/09/20	05/01/21	120	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	25/11/20	24/05/21	180	0.49%
CBA	2,000,000.00	A1/AA	14/10/20	12/04/21	180	0.59%
NAB - TD for bank guarantee	10,041.92	A1/AA	16/11/20	16/03/21	120	0.45%
	<b>26,610,041.92</b>					
<b>Total Short Term</b>	<b>37,046,650.84</b>					
<b>Investment Property</b>						
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%	51.24%	18,984,289.31
A2 / BBB	60%	8.10%	3,000,000.00
A3 / BBB	30%	24.83%	9,200,000.00
Unrated TCorp Facility	30%	15.82%	5,862,361.53



#### c) Exposure to a Single Institution

Institution	S&P Rating	Policy Maximum %	Current Exposure %	Current Investment \$
NAB	A1/AA	100%	27.76%	10,284,289.31
AMP	BBB	60%	10.80%	4,000,000.00
IMB	A3	30%	4.59%	1,700,000.00
CBA	A1/AA	100%	23.48%	8,700,000.00
BOQ	A2/BBB	60%	8.10%	3,000,000.00
Macquarie	BBB	60%	2.70%	1,000,000.00
ME	BBB	60%	2.70%	1,000,000.00
Bendigo	BBB	60%	4.05%	1,500,000.00
TCorp	unrated	30%	15.82%	5,862,361.53

## 8.4 Investment and Borrowings Report - December 2020

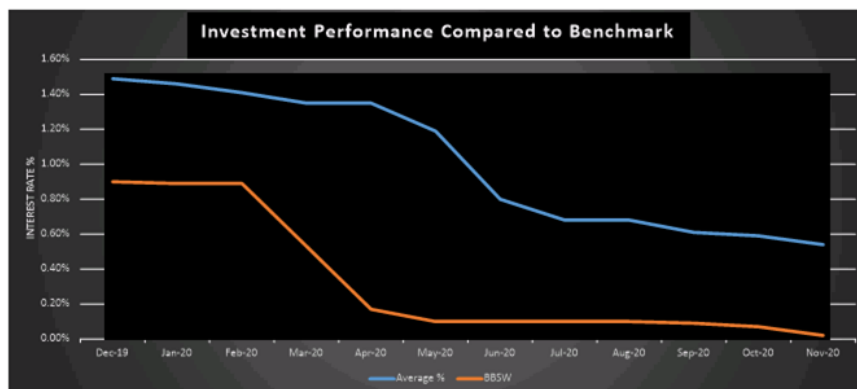
### Attachment A December 2020 Investment Report

#### 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	0.52%	0.02%
3 month average	0.55%	0.04%
6 month average	0.60%	0.07%
12 month average	0.93%	0.26%



#### e) Application of Invested Funds

Restricted Funds	Description	Value
Externally Restricted	Unexpended Grants	525,341
	Water Supplies	3,518,577
	Sewerage Services	2,453,978
	Waste management	1,010,582
	Stormwater Management	178,449
	Water	2,994,557
	Sewer	1,274,124
	Heavy Haulage	1,261,700
	S7-11 Yass Valley Council Area	4,076,483
	Plant & Vehicle Replacement	833,000
Internally Restricted	Employee Leave Entitlements	820,336
	Bialong Pool	17,175
	Concur Street Rehabilitation	20,925
	Infrastructure	225,476
	Local Government Elections	134,304
	Marrumbateman S355	123,179
	Quarry Rehabilitation	105,419
	Roads	560,506
	Victoria Park	488,267
	Advancement of Young People	-
	Electricity Reserve	30,000
	General Revenue Carry Forward	-
Unrestricted funds		16,394,272.84
<b>TOTAL INVESTMENTS</b>		<b>37,046,650.84</b>

The above application of invested funds reflects draft unaudited budgeted balances as at 30 September 2020.

The values are subject to change.

The unrestricted funds balance forms available cash to fund Council's ongoing budget operations

## 8.5 INVESTMENT AND BORROWINGS REPORT - JANUARY 2021

### SUMMARY

In accordance with the Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 31 January 2021. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

### RECOMMENDATION

*That the Investment Report as at 31 January 2021 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 held the cash rate at 0.10%.

The global economic recovery prospects have improved as the roll out of COVID-19 vaccines gather momentum. The European Union began the year minus the United Kingdom, as Brexit came into effect. New and extended lockdowns to combat the pandemic are likely to push the Eurozone economy back into recession.

The Australian Government's actions to prevent a resurgence of the pandemic in Australia continue to be largely effective. The economy to date has experienced a stronger and more sustained recovery than many other countries, however economic activity is expected to remain below pre-COVID levels through 2021.

Vaccinations are expected to start in February 2021, with herd immunity likely to be achieved in the September 2021 quarter.

#### Council Investments

Valuations of Council investments are detailed in [Attachment A](#).

#### 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
<b>TOTAL LOANS</b>	<b>\$16,782,159.56</b>	<b>\$15,460,481.11</b>			<b>\$ 1,321,678</b>	<b>\$ 917,286</b>

## 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. January 2021 Investment Report [↓](#)



## 8.5 Investment and Borrowings Report - January 2021

### Attachment A January 2021 Investment Report

#### a) Council Investments as at 31 January, 2021

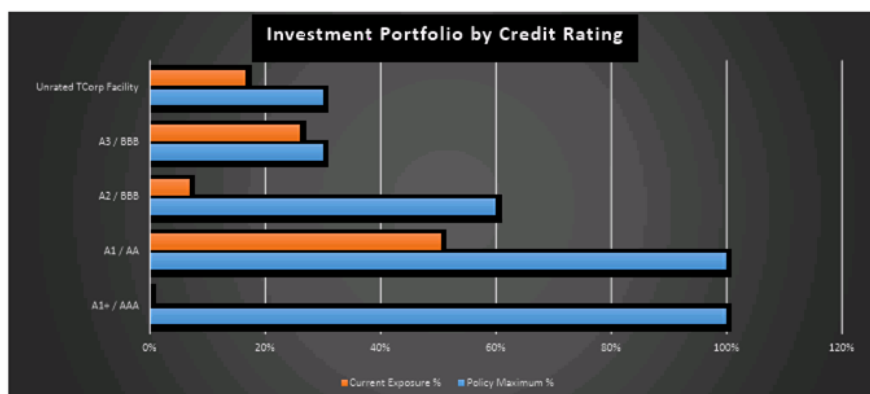
Investment Type	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
<b>Cash Working Accounts</b>						
NAB Working Account <sup>1</sup>	3,399,902.80	A1/AA	n/a	n/a	at call	0.25%
Tcorp Strategic Cash Facility <sup>2</sup>	5,865,733.46	unrated	n/a	n/a	at call	0.46%
	<b>9,265,636.26</b>					
<b>Term Deposits &lt; 12 Months</b>						
IMB 29876	1,700,000.00	A3	30/11/20	30/04/21	151	0.40%
NAB Term Deposit	2,700,000.00	A1/AA	28/01/21	27/06/21	150	0.35%
NAB Term Deposit	2,000,000.00	A1/AA	01/12/20	01/03/21	90	0.45%
NAB	1,000,000.00	A1/AA	16/11/20	16/03/21	120	0.45%
BOQ	1,000,000.00	A2/BBB	28/01/21	29/07/21	182	0.32%
BOQ	1,400,000.00	A2/BBB	03/12/20	30/09/21	301	0.50%
AMP	2,000,000.00	BBB+	04/09/20	05/03/21	182	0.80%
AMP	2,000,000.00	BBB+	01/12/20	01/12/21	365	0.75%
ME	1,000,000.00	BBB+	01/12/20	02/07/21	213	0.45%
Bendigo Bank	1,500,000.00	BBB+	10/12/20	06/09/21	270	0.40%
Macquarie	1,000,000.00	BBB+	08/12/20	03/11/21	330	0.50%
CBA	2,100,000.00	A1/AA	30/10/20	28/04/21	180	0.53%
CBA	1,100,000.00	A1/AA	05/01/21	07/04/21	92	0.25%
CBA	2,000,000.00	A1/AA	30/09/20	01/03/21	152	0.63%
CBA	1,500,000.00	A1/AA	25/11/20	24/05/21	180	0.49%
CBA	2,000,000.00	A1/AA	14/10/20	12/04/21	180	0.59%
	<b>26,000,000.00</b>					
<b>Total Short Term</b>	<b>35,265,636.26</b>					
<b>Investment Property</b>						
Hawthorn - Current Fair Value	4,350,000.00	Revalued March 2020				

1. The NAB account balance shown above includes deposits at month end not processed to Council's financial system and excludes cheques that have not been presented.

2. Tcorp Strategic Cash Facility is an allowable investment under the Ministerial Order.

#### b) Investment Exposure by Credit Rating Type

S&P Rating (or equivalent)	Policy Maximum %	Current Exposure %	Current Investment \$
A1+ / AAA	300%	0.00%	-
A1 / AA	300%	50.47%	17,799,902.80
A2 / BBB	60%	6.81%	2,400,000.00
A3 / BBB	30%	26.09%	9,200,000.00
Unrated TCorp Facility	30%	16.63%	5,865,733.46



#### c) Exposure to a Single Institution

Institution	S&P Rating	Policy Maximum %	Current Exposure %	Current Investment \$
NAB	A1/AA	100%	25.80%	9,099,902.80
AMP	BBB	60%	11.34%	4,000,000.00
IMB	A3	30%	4.82%	1,700,000.00
CBA	A1/AA	100%	24.67%	8,700,000.00
BOQ	A2/BBB	60%	6.81%	2,400,000.00
Macquarie	BBB	60%	2.84%	1,000,000.00
ME	BBB	60%	2.84%	1,000,000.00
Bendigo	BBB	60%	4.25%	1,500,000.00
TCorp	unrated	30%	16.63%	5,865,733.46

## 8.5 Investment and Borrowings Report - January 2021

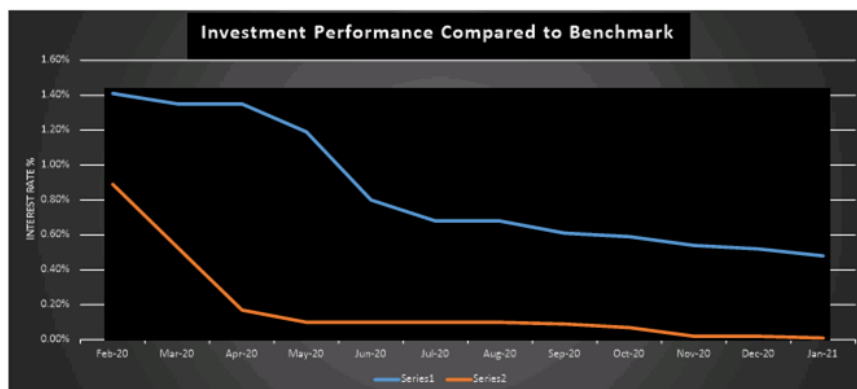
### Attachment A January 2021 Investment Report

#### 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	0.48%	0.01%
3 month average	0.51%	0.02%
6 month average	0.57%	0.05%
12 month average	0.85%	0.18%



#### e) Application of Invested Funds

Restricted Funds	Description	Value
Externally Restricted	Unexpended Grants	525,341
	Water Supplies	3,518,577
	Sewerage Services	2,453,978
	Waste management	1,010,582
	Stormwater Management	178,449
	Water	2,994,557
	Sewer	1,274,124
	Heavy Haulage	1,261,700
	S7-11 Yass Valley Council Area	4,076,483
	Plant & Vehicle Replacement	833,000
Internally Restricted	Employee Leave Entitlements	820,336
	Binalong Pool	17,175
	Concur Street Rehabilitation	20,925
	Infrastructure	225,476
	Local Government Elections	134,304
	Marrumbateman S355	123,179
	Quarry Rehabilitation	105,419
	Roads	560,506
	Victoria Park	488,267
	Advancement of Young People	-
	Electricity Reserve	30,000
	General Revenue Carry Forward	-
Unrestricted funds		14,613,258.26
<b>TOTAL INVESTMENTS</b>		<b>35,265,636.26</b>

The above application of invested funds reflects draft unaudited budgeted balances as at 30 September 2020.

The values are subject to change.

The unrestricted funds balance forms available cash to fund Council's ongoing budget operations.

## 8.6 RATES ARREARS

### SUMMARY

To update Council on rate arrears to the end of the second 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 \$670,945.22 as of 31 December 2020. This represents an improvement of \$458,378.73 or 40.59%.

### 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 31 December 2020**

	Rates and Charges Levied (includes interest)	Paid 1 July to 31 December	Balance Outstanding	% Paid 1 July to 31 December
Arrears to 30/6/2020	\$1,129,323.95	\$458,378.73	\$670,945.22	40.59%
Current Years Rates, Charges and Interest billed since 1/7/20	\$18,358,641.08	\$9,949,188.58	\$8,409,452.50	54.19%
<b>TOTALS</b>	<b>\$19,487,965.03</b>	<b>\$10,407,567.31</b>	<b>\$9,080,397.72</b>	<b>53.41%</b>

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

Year	No of Assessments	Amount	Details
2004/2005	1	\$201.52	Proposed Private Cemetery in Middle of Crown Land – Never Developed – No Burials (1)
2005/2006	1	\$309.09	As Above
2006/2007	1	\$342.02	As Above
2007/2008	1	\$437.26	As Above
2008/2009	5	\$2,373.52	As Above / Private Cemetery (2) / Pt Bendenine Rd (1) / Pt Riverbank Park (1) / Vacant Block Kangiara Village (1)
2009/2010	5	\$3,497.44	As Above
2010/2011	5	\$3,408.90	As Above
2011/2012	5	\$3,923.27	As Above
2012/2013	5	\$4,277.60	As Above

2013/2014	6	\$4,628.24	As Above / 1 Property Subject of Ongoing Debt Recovery Action
2014/2015	8	\$10,843.65	As Above / 2 Additional Properties Subject of Ongoing Debt Recovery action – Owner Declared Bankrupt
2015/2016	8	\$11,518.39	As Above
2016/2017	13	\$17,400.17	As Above /5 Additional Properties Subject of Ongoing Debt Recovery Action
2017/2018	37	\$50,500.71	As Above / All Additional Properties With Either Payment Arrangements or Subject of Ongoing Debt Recovery Action
2018/2019	79	\$116,016.52	
2019/2020	394	\$441,266.92	
	<b>TOTAL</b>	<b>\$670,945.22</b>	

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 31 December**

	<b>Rates and Charges Levied (includes interest)</b>	<b>Paid 1 July to 31 December</b>	<b>Balance Outstanding</b>	<b>% Paid 1 July to 31 December</b>
1/7/17 – 31/12/17	\$15,298,237.70	\$8,322,210.22	\$6,976,027.48	54.40%
1/7/18 – 31/12/18	\$16,558,376.08	\$8,493,908.86	\$8,064,467.22	51.30%
1/7/19 – 31/12/19	\$17,731,423.73	\$9,318,768.16	\$8,412,655.57	52.56%
1/7/20 – 31/12/20	\$18,358,641.08	\$9,949,188.58	\$8,409,452.50	54.19%

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 \$670,945.22 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 second 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 second quarter compares favourably to previous years, despite legislative restrictions regarding debt recovery being put into place due to COVID-19.

## 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

## 8.7 LOCAL TRAFFIC COMMITTEE

### SUMMARY

To provide Council with the option of establishing a shared Local Traffic Committee with Goulburn Mulwaree, Upper Lachlan Shire Council and Yass Valley Council.

### RECOMMENDATION

*That:*

1. *A shared Local Traffic Committee be established between Goulburn Mulwaree, Upper Lachlan Shire and Yass Valley Councils, following the revision of the TfNSW administrative precincts.*
2. *Council's representative on the Local Traffic Committee be the current chair of the Yass Valley Local Traffic Committee*
3. *Council technical staff provide support to the Council representative and the shared Local Traffic Committee*

### FINANCIAL IMPLICATIONS

Nil

### POLICY & LEGISLATION

- *Road Transport (Safety & Traffic Management) Act 1999*

### REPORT

#### 1. Background

As part of the shared services agreement with Goulburn Mulwaree Council (GMC), Upper Lachlan Shire Council (ULSC) and Yass Valley Council (YVC) the General Managers recently met to set the priorities for investigation. The Local Traffic Committee (LTC) was identified as a potential shared service activity. Discussions have taken place with Transport for NSW (TfNSW) on the feasibility of a shared LTC.

#### 2. Traffic Control Responsibilities

TfNSW is responsible for the control of traffic including traffic control devices (e.g. regulatory signs) and traffic facilities (e.g. medians).

The responsibility for non-State Road traffic related matters have been delegated to Local Councils.

TfNSW has delegated certain aspects of traffic control on Regional and Local roads to Councils. TfNSW continues to manage State Roads.

#### 3. Local Traffic Committee

As part of the delegations to Council there is a requirement for a Local Traffic Committee (LTC).

The LTC is not a Committee under the *Local Government Act 1993*. It does not have any decision making powers and is a technical review committee only. The LTC provides advice to Council on matters delegated only. Before exercising its delegation on traffic control devices and facilities the LTC must be consulted and any advice from the committee to Council can only be made in the views of TfNSW and NSW Police have been obtained.

When the minutes of the LTC meeting are presented to Council if Council agrees with the advice or recommendations from the Committee they are adopted as a Council decision. If Council makes a decision other than that of the LTC advice then both TfNSW and the NSW Police have the option of lodging an appeal to the Regional Traffic Committee.

The LTC only deal with matters delegated to Council relating to the control of traffic and includes:

- Stop/Give Way signs
- Traffic signals
- Pedestrian facilities on all roads
- Line marking
- Parking restrictions and zones (including mobility and angle parking)
- Weight limits on all roads and bridges
- Restricted vehicle access
- On-road events (vehicle and cycle) on all roads
- Speed cushions/rumble strips
- Kerb blisters and lane control devices
- All matters where a partial or full road closure is required

Matters that are not referred to the LTC are:

- Matters assigned to Councils via legislation /regulation e.g.
  - Warning signs on local roads (e.g. animals crossing)
  - School bus stop signs
  - General customer requests seeking advice
  - Replacement of existing regulatory signs
  - Authorised traffic control plans for roadworks
- Not delegated e.g.
  - Speed zone reviews

Any other traffic matters are dealt with outside of the LTC.

#### **4. Administrative Arrangements**

Goulburn Mulwaree, Upper Lachlan Shire and Yass Valley Councils are part of the TfNSW Southern Region however the administration is currently split between the Wollongong office (ULSC and GMC) and Wagga office (YVC) despite being located in the same Police Local Area Command (LAC). It is understood that TfNSW are reviewing their administrative arrangements of the Southern Region with GMC, ULSC and YVC being placed within the same precinct.

Being in the same administrative group for TfNSW and the Hume LAC provides an opportunity for a shared LTC for the three Councils. This would provide efficiencies for both TfNSW and Police in terms of meeting once rather than on three separate occasions. It also provides the opportunity for greater consistency between Local Government Areas and collaboration between the technical staff of Councils.

From discussions with TfNSW it is possible to establish a shared LTC however it is essential that each Council separately consider the advice and recommendations as they related to their Local Government Area.

As the LTC is a technical committee which provides advice to Council it is not essential that a Councillor is a member and the committee may be better served by appointing Council's technical staff. Council retains the decision making rights for traffic control devices and facilities on delegated matters so there is no loss of local decision making by elected representatives.

In considering the recommendation of the LTC to Council, the elected body must be aware that if they overturn/reject or amend an item that this action requires a formal notification to both the NSW Police



and TfNSW. Depending of the nature of the item under consideration the action by the elected Council to overturn/reject or amend the item may necessitate the matter being discussed at a Regional Traffic Committee (RTC). The decision of the RTC is final with no appeal process available.

At YVC several matters referred to the LTC are outside the terms of reference. There needs to be more discipline in relation to matters for consideration by the LTC. Matters outside the terms of reference for the LTC should be referred to engineering staff for investigations and report and if needed a separate discussion forum with relevant stakeholders.

The venue for a shared LTC could be rotated between the participating Councils or alternatively could be hosted in a central location (e.g. Upper Lachlan Shire Council Office, Gunning).

The chairing of the shared LTC could rotated between each of the Council representatives.

Technical staff at each Council would be responsible for preparing the LTC reports with the host Council staff coordinating the agenda and preparing minutes. Rotating the hosting of a shared LTC will share this workload.

The option of members to participate in meetings remotely should be retained.

The opportunity for stakeholders on a specific issue to address the shared LTC should also be retained along with flexibility on how best they can participate (e.g. face to face, electronic means, written submission).

It is recommended that a shared LTC be established following the revision of the TfNSW administrative precincts.

## STRATEGIC DIRECTION

Key Pillar 4. Our Infrastructure

CSP Strategy IN3 - Maintain and improve road infrastructure and connectivity

Delivery Program Action IN3.1 - Deliver transport asset infrastructure, maintenance, renewal and enhancement programs for urban, rural and regional roads to maintain or improve overall condition

Operational Plan Activity IN3.1.3 - Implement sound asset management practices in accordance with industry standards

ATTACHMENTS: Nil

## 8.8 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 *Delegations to Staff Policy* and the *Interaction between Councillors and Staff Policy* have been reviewed and determined to be unnecessary.

### RECOMMENDATION

*That the Delegations to Staff Policy GOV-POL-09 and the Interaction between Councillors and Staff Policy GOV-POL-14 be rescinded.*

### FINANCIAL IMPLICATIONS

The maintenance of Council policies is a recurrent labour expense in Council's annual budget. Changes to the *Delegations to Staff Policy* and the *Interaction between Councillors and Staff Policy* are unlikely to have material impact on Council's budget.

### POLICY & LEGISLATION

- *Local Government Act 1993*
- Model Code of Conduct for Local Councils in NSW

### REPORT

The current *Delegations to Staff Policy* and the *Interaction between Councillors and Staff Policy* (refer **Attachments A** and **B**) have been reviewed and determined to be unnecessary. The content of these policies are simply a restatement of legislation (i.e. s377-s381 *Local Government Act 1993*) and Part 7 of the Model Code of Conduct for Local Councils in NSW. Rescission of these policies 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. Delegations to Staff Policy [↓](#)
- B. Interaction between Councillors and Staff Policy [↓](#)

Title: DELEGATIONS TO STAFF

GOV-POL-9

Service: GOVERNANCE

Responsible Officer: GENERAL MANAGER

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## 1. OBJECTIVES

To provide guidance on current and relevant delegations to the General Manager for the timely and effective operations of Council.

To provide guidance to the General Manager on issuing delegations to relevant staff and maintaining a current delegations register for staff positions that require delegations.

## 2. DELEGATIONS TO THE GENERAL MANAGER

2.1 Pursuant to Section 377 of the *Local Government Act 1993* (NSW), Council approves delegations to the General Manager to exercise Council's powers, functions and duties and authorities subject to the following limitations:

- Functions of Council listed in Section 377 of the *Local Government Act 1993* (NSW); and
- Applications for designated developments, non-residential development outside the appropriate zones and development applications which are the subject of written objections, except where objections can be satisfied by the imposition of conditions or by amendments of the application or by the objector withdrawing their objections.

2.2 Council may, by resolution, direct the General Manager in the exercise of any function delegated.

2.3 Pursuant to Section 380 of the *Local Government Act 1993* Council will review this "Instrument of Delegation" within 12 months of each election.

## 3. DELEGATIONS TO STAFF

3.1 The General Manager will provide appropriate delegations to staff that will ensure timely delivery of services to the community.

3.2 The General Manager will maintain a Delegation Register for all delegations issued to Staff.

Document No: GOV-OP-9	Created/Revised: 11/05/2011	Review date: October 2016
Version No: 3	Author: General Manager	Doc Type: 30
File Name: Delegations to Staff	Approved By: SPCM 11/05/2011	

3.3 The Delegations Register shall be reviewed by the General Manager annually and provided to Council for adoption.

#### 4. REFERENCE DOCUMENTS/LEGISLATION

Previous known as Policy D.4.

#### HISTORY

<i>Minute No</i>	<i>Date of Issue</i>	<i>Action</i>	<i>Author</i>	<i>Checked By</i>
604	12 December 2007	Adopted		Council Meeting
78	10 March 2010	Confirmed		Special Planning Com Mtg
	5 April 2011	Reviewed	David Rowe	EMT
155	11 May 2011	Reviewed		Special Planning Com Mtg

Document No: GOV-OP-9	Created/Revised: 11/05/2011	Review date: October 2016
Version No: 3	Author: General Manager	Doc Type: 30
File Name: Delegations to Staff	Approved By: SPCM 11/05/2011	

**Policy:** INTERACTION BETWEEN COUNCILLORS AND STAFF **GOV-POL-14**

**Service:** Governance

**Responsible Officer:** General Manager

#### 1. OBJECTIVE

To clarify the roles and responsibilities of councillors and staff in relation to professional and acceptable practices for interactions.

#### 2. ROLE OF COUNCILLORS

The Councillors are the governing body of the Council and as a member of the governing body their role is to:

- set strategic direction;
- provide the policy framework for direction;
- allocate financial resources (by adopting annual budgets); and
- monitor the performance of the council and its delivery of services.

#### 3. ROLE OF STAFF

The General Manager is responsible for the day-to-day management of Council, Staff, under the direction of the Council. The General Manager implements Council strategy and policy and administers compliance.

#### 4. INAPPROPRIATE INTERACTIONS

Council's Code of Conduct provides a guide to ethical and appropriate behaviour of staff and Councillors and includes the following examples of inappropriate actions.

- a) Council staff approaching Councillors to discuss individual staff matters.
- b) Council staff refusing to give information that is available to other Councillors to a particular Councillor.
- c) Councillors who have lodged a development application with Council, discussing the matter with Council staff in staff only areas of the Council.
- d) Councillors being overbearing or threatening to Council staff.
- e) Councillors making personal attacks on Council staff in a public forum.

Document No: GOV-POL-14	Created/Revised: 11/07/2012	Review date: October 2016
Version No: 2	Author: General Manager	Doc Type: 30
File Name: Interaction Between Councillors & Staff	Approved By: SPCM 11/07/2012	



- f) Councillors directing or pressuring Council staff in the performance of their work, or recommendations they should make.
- g) Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- h) Councillors making contact with Council staff without the permission of the General Manager.

Document No: GOV-POL-14	Created/Revised: 11/07/2012	Review date: October 2016
Version No: 2	Author: General Manager	Doc Type: 30
File Name: Interaction Between Councillors & Staff	Approved By: SPCM 11/07/2012	

## 5. ACCESS TO COUNCIL RECORDS BY COUNCILLORS

Access to Council records will be considered in conjunction with the requirements of the Privacy and Personal Information Protection Act 1998 and the Government Information (Public Access) Act (GIPA) 2009.

## 6. ACCESS TO COUNCIL OFFICES

As elected members of the Council, Councillors:

- a) are entitled to have access to the Council Chamber, Committee room, Mayor's office, Councillors' rooms and public areas of the Council's building;
- b) who are in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public; and
- c) have no rights to enter staff only areas without the express authorisation of the General Manager or his nominee or by resolution of the Council.

## 7. BREACHES

Breaches should be reported and dealt with as a breach under Council's Code of Conduct.

## 8. REFERENCE DOCUMENTS/LEGISLATION

*Local Government Act 1993 (NSW)*

*Local Government (General) Regulation 2005 (NSW)*

Code of Conduct

Code of Meeting Practice

## HISTORY

<i>Minute No</i>	<i>Date of Issue</i>	<i>Action</i>	<i>Author</i>	<i>Checked By</i>
	<i>12 March 2003</i>			
	<i>19 April 2007</i>	<i>Reviewed</i>	<i>Geoff Smith</i>	<i>EMT</i>
<i>54</i>	<i>13 February 2008</i>	<i>Amended</i>		<i>PP&amp;R Meeting</i>
	<i>2 July 2012</i>	<i>Amended</i>	<i>David Rowe</i>	<i>EMT</i>
<i>294</i>	<i>11 July 2012</i>	<i>Amended</i>		<i>Special Planning Committee Meeting</i>



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## 8.9 CIVIC PRECINCT PROJECT - LOCATION OPTIONS

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### SUMMARY

To present a report on the locality options for a new Civic Precinct and to recommend a preferred location.

### RECOMMENDATION

*That the site at 209 Comur Street, Yass be endorsed as the preferred location for a new Civic Precinct.*

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### FINANCIAL IMPLICATIONS

The financial implications of the Civic Precinct Project were discussed in the December 2020 Council report.

### POLICY & LEGISLATION

- *Local Government Act 1993*
- Tablelands Regional Community Strategic Plan 2016-36
- Delivery Program 2017/18 – 2020/21
- Operational Plan 2020/21

### REPORT

Council has been considering its office accommodation options since the mid -1990's (refer **Attachment A**). There is no specific report that examines the site options for a Civic Precinct. All concept designs have focused on the site at 209 Comur Street, Yass.

In February 2003 Council considered a report on four options for its accommodation needs i.e.

- Renovate existing offices
- Extend the existing building
- Relocate to another Council owned site (eg Dutton Street)
- Redevelop the Comur Street site

Council determined to proceed with short term renovations and longer term options be considered in 12 months' time.

By July 2003 Council determined to investigate the longer term options for its office accommodation. It appears that the longer term options and alternate sites were not examined.

For the next several years Council expanded its existing offices by acquiring adjoining building and land.

In March 2013 Council made a clear decision to investigate the 209 Comur Street site for future Council offices, community and commercial spaces. The report indicated that previous Councils had debated the location of its office accommodation and eventually determined the building should be located either on the mainstreet or very close to the mainstreet with the preferred site being in proximity to the existing Council building. This may have been at a Councillor Workshop in November 2010. The focus on the Comur Street site was reinforced when expressions of interest were sought in September 2018 for the redevelopment of 209 Comur Street.

In February 2020 Council identified the Civic Precinct as a key infrastructure project. Funds were included in the 2020/21 Operational Plan for the preparation of plans.

In August 2020 Council considered a project brief for the preparation of plans and documentation for the design of a Civic Precinct. Council considered the favoured location to be the 209 Comur Street site. Council

determined to commence the procurement process for a suitably qualified and experienced consultant for the project as well as a media campaign to inform the community of the project.

Community comments on the proposal were reported to Councillors in the October 2020 briefing notes. From the community feedback received the two key sites identified were:

- Current site at 209 Comur Street, Yass
- Site in Rossi Street and Riverbank Park, Yass

In December 2020 Council called for a report on the preferred location for the Civic Precinct.

A call for further community comments on the location of the Civic Precinct was conducted in December 2020 and January 2021 and no further sites have been suggested.

An assessment of the two sites is summarised in the following sections.

### **209 Comur Street, Yass**

This site is currently occupied by the existing Council Administration Building and has a total area of 1.3ha. It is at the southern entry to Yass and is a key site for a landmark buildings.

In July 2014 Council adopted the *Mainstreet Strategy* which clearly identified that as part of the journey to revitalise the mainstreet was that 209 Comur Street needed to be redeveloped

The site is zoned B2 Local Centre and the proposed land use is permissible within the zone.

The land is also within a Heritage Conservation Area and the Crago's Mill is listed as a Local Heritage Item.

The maximum height restrictions is 12m (approximately 3 storeys) and the floor space ratio is 1:1.

The site has mainstreet frontage which is advantageous for retail/customer service activities (including libraries, work hub and Service NSW).

### **Rossi Street and Riverbank Park**

Part of the site (approximately 1,500m<sup>2</sup>) is currently occupied by Transborder Bus Depot. The balance of the site would extend into Riverbank Park. Chinamans Creek is along the western boundary of the site.

The Transborder site is zoned B2 Local Centre and is within the Heritage Conservation Area. The proposal is permissible within this zone.

The land at the rear is Council owned land and is zoned RE1 Public Recreation. Some elements of the proposal (e.g. community facilities) are permissible however office/public administration building is prohibited. The area for office/public administration space (in the B2 Local Centre zone) is insufficient for Council needs.

The Riverbank Park area is also classified as Community Land under the *Local Government Act 1993*. Only activities permitted in an adopted Plan of Management are allowed on this portion of the site. Unfortunately there is no Plan of Management for this parkland area.

The B2 Local Centre zone has a 12m height limit restriction however there are no height restrictions for the RE1 Public Recreation land.

The site is within the vicinity of three Heritage Items (i.e. Yass Courthouse, Rose Inn and former Bank and Post Office). The ultimate design of the building needs to respect these Heritage Items. To preserve the prominence in the streetscape/landscape of these Heritage Items it is essential that the overall height of the Civic Precinct building is lower than the Courthouse. Due to the limited area for office space the Civic Precinct would need to be a multi storey building.

In the current *Yass Flood Study & Risk Management Plan* the site is within a high flood risk area. The draft planning controls for development in this area indicate that critical facilities (such as a Civic Administration Offices) should not be located in this flood area.

The flood levels, depth and speed of flood waters at the junction of two watercourses (i.e. Yass River and Chinamans Creek) indicates the site is not suitable for a Civic Precinct. Designing a building to be above the flood level and having regard to the size of the site (permissible for offices) is likely that the building will need

to be 4 storeys high and would have a negative visual impact on the nearby Heritage Items and exceed the current height restrictions. This will also add additional building costs to the project.

The site does not have a mainstreet frontage for retail/customer service activities. On site parking is likely to be pushed into the parkland area.

### **Preferred Site**

There is no doubt a site overlooking Riverbank Park will have outstanding views for the users and occupiers of the building. However due to the limited area available for office space the building would need to be multi storey impacting on the nearby Heritage Items and exceeding the height restrictions. In addition the site is located within the Yass River floodplain which will result in additional building construction costs. The area of the site zoned for office/public administration development is not in Council ownership and would need to be acquired.

Changing the planning controls in this locality to facilitate the development of a Civic Precinct would require several supporting consultant studies and would likely to have a 2 to 3 year lead time before any LEP changes came into effect if approved by the Department of Planning, Industry & Environment

The Comur Street site has a mainstreet frontage at the entrance to Yass and is a key site for a landmark building. The site is currently owned by Council and has two road frontages for ease of access and parking. Preliminary geotechnical investigations have identified the need for some minor site remediation but there is no major contamination that would impede the development. There are less constraints with the 209 Comur Street site than the Rossi Street/Riverbank Park site.

It is recommended that the Comur Street site be endorsed as the preferred location for a Civic Precinct.

### **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. Civic Precinct Chronology [↓](#)

### CIVIC PRECINCT TIME LINES

DATE	COMMENTS
Mid 1990's	<p>Council form the view that:</p> <ul style="list-style-type: none"> <li>The current Administration Building is inadequate for existing and future needs</li> <li>Planning for a new building is needed</li> <li>209 Comur Street is the preferred site</li> </ul>
1997	Council commissioned Bagot Woods to review accommodation
April 1997	Former Butchers Shop acquired for office space expansion
January 1999	Westfarmers Dalgety land acquired for parking
12 February 2003	<p>Council Report on Accommodation Options including:</p> <ul style="list-style-type: none"> <li>Renovate existing offices</li> <li>Extend the existing building</li> <li>Relocate to another Council owned site (eg Dutton Street)</li> <li>Redevelop the Comur Street site</li> </ul> <p><b>Decision:</b></p> <ul style="list-style-type: none"> <li><i>Proceed with Option 1 (short term renovations)</i></li> <li><i>Consider long term options in 12 months</i></li> </ul>
9 July 2003	<p>Council report on Office Accommodation</p> <p><b>Decision:</b></p> <ul style="list-style-type: none"> <li><i>Proceed with investigations into Options 2 and 3</i></li> <li><i>Prepare a report on costs and benefits of options</i></li> </ul>
27 August 2003	<p>Council report on establishing an Office Working Party</p> <p><b>Decision:</b></p> <ul style="list-style-type: none"> <li><i>Establish a Councillor/Officer Working Party to assist with investigations</i></li> </ul>
January 2005	Old Hume Tennis Courts identified as a strategic acquisition for an expanded or new administration centre
June 2005	Timmers Baker building acquired for office expansion
February 2006	FAW Building and Nesbitt Car Yard acquired to enable a master plan for the entire site to be prepared
June 2006	DesignInc prepared a master plan for the site as part of a proposed land exchange. No action taken
2007	Expressions of Interest sought from architects to prepare a master plan for 209 Comur Street site
2009	Cox Architects agree to prepare a concept for the site development
10 November 2010	<p>Councillor Workshop on new Council Building</p> <p><b>Note:</b> No report or meeting notes</p>

DATE	COMMENTS
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8.9 Civic Precinct Project - Location Options  
Attachment A Civic Precinct Chronology

14 September 2011	Report on Council Precinct <b>Decision:</b> <ul style="list-style-type: none"><li>• <i>Engage Cox Architects to prepare Master Plan</i></li></ul>
18 April 2012	Site inspection and Cox Architects presentation to Council <b>Note:</b> No report or meeting notes
April/May 2012	Cox Architects Master Plan Report
27 March 2013	Report on 209 Comur Street <b>Decision:</b> <ul style="list-style-type: none"><li>• <i>Proceed with investigation for 209 Comur Street for Council building, community and commercial spaces</i></li><li>• <i>Undertake geotechnical report</i></li><li>• <i>Cox Architects be engaged for detailed concept plans</i></li></ul>
April 2014	Yass Business and Cultural Precinct <b>Decision:</b> <ul style="list-style-type: none"><li>• <i>Reconsider Cox Architects Concept Plan</i></li></ul> <b>Note:</b> No report or meeting notes
July 2014	<i>Mainstreet Strategy</i> adopted which identified that as part of the journey to revitalise the mainstreet that 209 Comur Street needed to be redeveloped
17 December 2014	Report on Yass Business and Cultural Precinct to consider broad Concept Plan prepared by Cox Architects <b>Decision:</b> <ul style="list-style-type: none"><li>• <i>Seek quotations for Business Case Analysis</i></li></ul>
September 2018	Expressions of Interest – Council Administration Building Seek EoI to test the market for possible development of 209 Comur Street site
28 August 2019	Report on Expressions of Interest – Council Administration Building Three EoI considered <b>Decision:</b> <ul style="list-style-type: none"><li>• <i>Abandon EoI process</i></li><li>• <i>Further short and long term options be explored</i></li></ul>
26 February 2020	Report on Infrastructure Priorities <b>Decision:</b> <ul style="list-style-type: none"><li>• <i>New Administration Complex identified as a priority</i></li><li>• <i>Resources to prepare design identified for 2020/21 budget</i></li></ul>

DATE	COMMENTS
20 August 2020	Report on Design for Civic Precinct Project

8.9 Civic Precinct Project - Location Options  
Attachment A Civic Precinct Chronology

	<b>Decision:</b> <ul style="list-style-type: none"><li>• <i>Commence community consultation on a civic precinct (with the favoured location identified as 209 Comur Street)</i></li><li>• <i>Commence procurement process for experienced consultant</i></li></ul>
16 December 2020	Report on Civic Precinct Project Design <b>Decision:</b> <ul style="list-style-type: none"><li>• <i>Progress with procurement noted</i></li><li>• <i>Call for report on preferred location</i></li></ul>
9 February 2021	Report on Civic Precinct Preferred Location <b>Decision:</b> TBD

## 8.10 CIVIC PRECINCT PROJECT - DESIGN PHASE FUNDING

### SUMMARY

Council has previously approved work to develop plans for a new Civic Precinct to include administration, a library, and other community facilities. All necessary procurement work has now been completed to engage contractors and consultants to achieve the objective of a shovel ready design. Approval is now sought to set aside the funds required for the completion of a masterplan, schematic design and all necessary development approval documentation (up to phase 3 of 7 phase project). Contractors and consultants engaged by Council in accordance with this approval will lead and incorporate community consultation into the final design.

### RECOMMENDATION

*That \$672,000 be allocated within the 2020/21 budget for the provision of plans and documentation for a new Yass Civic Precinct Development Application.*

### FINANCIAL IMPLICATIONS

\$672,000 will be taken from general revenue as set out in the second quarter budget review. Due to commercial in confidence considerations, a spreadsheet has been distributed to Councillors confidentially showing the breakdown of the costs for the three phases to be funded.

### POLICY & LEGISLATION

Council has complied with the requirements of the *Local Government Act 1993* and public sector policy for the procurement of the contractors and consultants.

### REPORT

#### 1. Background

Council records reveal that there have been many failed attempts over several years to develop and deliver a new Civic Precinct for the Yass Community. A 'Yass Civic Precinct Masterplan and Feasibility Study' produced in April 2012, commissioned from Cox Architects (subsequent to a masterplan they developed in 2009) is a good example of previous work that did not progress. Notable outcomes at that time included:

- Creating a gateway for the town on the current site
- Activation of underutilised parts of Comur Street
- Creation of community space to create a sense of place.

This design included Council Chambers, public meeting rooms, a library, and office accommodation. The plan also included considerations for the restoration and reuse of Crago's Mill.

Council included \$200,000 in the 2020/21 Financial Year budget to commence design work required for the development of requisite plans and documentation for a new Yass Civic Precinct Development Application (DA). This allocation has been used to engage an experienced project management firm, APP to provide highly specialised skills and experience that are not able to be retained by Council on a permanent basis. To date, APP has undertaken all necessary project planning and associated work to draft and deliver 19 Tenders and Requests for Quotation for a range of specialised disciplines required to deliver DA ready plans and documentation.

Phases to be delivered under this funding are:

- Phase 1 – Masterplanning
- Phase 2 – Concept Design



- Phase 3 – Schematic and DA Documentation

## 2. Advice

APP has produced a project schedule that would see the Precinct completed in mid 2023, should work and funding continue without unforeseen delays. Approval of expenditure for the required contractors and consultants through this report will keep the project on track for DA approval in 2021. It is projected that a four month assessment and approval process for the DA will commence in early August 2021.

Council has been previously advised about benefits of commencing this once in a generation project now. The broader national and international economic conditions continue to create a unique funding opportunity to provide core infrastructure assets that will serve our community for 50 plus years. It is highly unlikely that the cost of money will ever be this inexpensive again and accordingly the time is right to deliver on this long delayed project.

While the funding of the construction of the Precinct will be a decision for the next Council, the following financial information is pertinent to a decision now:

- Estimated cost of construction will be in the vicinity of \$20M. This will be sourced from a new 20 year loan. Work to identify surplus operational land for sale to offset part of the cost will continue concurrent to the design phase.
- At the end of the 2020/21 financial year, Council debt is projected to be \$15.4M. The four loans that make up that figure are all for previous water and wastewater infrastructure projects. Of note is the \$8.9M NAB loan for the raising of the Yass Dam wall. In 2022, Council will exercise its option to renegotiate the 6.96% interest rate that will result in reduction in interest expense and improve our debt service cover ratio (currently 3.2x which is well over the benchmark of 2x)
- A loan in the vicinity of \$20M to be drawn down in 2022/23 is projected to result debt service cover ratio of 2.31x in Council's long term financial plan. This remains within desired benchmarks for debt management.

## 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. Confidential Attachment List of suppliers - **Confidential**

## 9.1 TENDER EVALUATION REPORT - ARCHITECTURAL AND INTERIOR DESIGN SERVICES CIVIC PRECINCT PROJECT

### SUMMARY

This report provides advice on the tender submission for Architectural and Interior Design Services for the Civic Precinct Project.

### 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.*

### REPORT

#### 1. Purpose and Objectives

In accordance with the approved Consultant Procurement Plan for Yass Civic Precinct Project (the Project), a single stage tender process has been completed for the procurement of an Architectural and Interior Design Services Consultant for the Project.

The Request for Tender (RFT) submissions were evaluated in accordance with approved Tender Evaluation Plan and the RFT on Local Government Procurement have been called for this work in accordance with Council's *Procurement Policy* and s55 *Local Government Act 1993*.

The objective of the evaluation is to:

1. Ensure that the evaluation of proposals is conducted in accordance with Yass Valley Council's Procurement Policy and procedures.
2. Conduct the evaluation in a manner that demonstrates the probity and equity objectives of Yass Valley Council and the Local Government Act.
3. Conduct the evaluation in a confidential manner that protects local government proprietary and commercial in confidence information.
4. Conduct the evaluation in a manner that will make the results and recommendations auditable and defensible.

#### 2. Tender Programme

The actual Tender process milestone dates are provided below with a comparison to the dates identified in the Tender Evaluation Plan.

Event	Proposed Date from Tender Evaluation Plan	Actual Date
Tender Advertised	9 December 2020	9 December 2020
Tenders Closing Date and Time	2PM 22 January 2021	2pm 22 January 2021
Evaluation Panel to agree on Tenders for next stage of evaluation	4 February 2021	4 February 2021
Presentations from Proponent if required and referee checks.	As required	N/A

Event	Proposed Date from Tender Evaluation Plan	Actual Date
Tender Evaluation Panel to agree on the preferred Tender.	15 February 2021	16 February 2021
Tender Evaluation Report signed by Panel members and forwarded to relevant Director.	16 February 2021	17 February 2021
Council business paper prepared based on recommendation in Tender Evaluation Report.	As per council meeting requirement	17 February 2021
Approval sought from Yass Valley Council.	24 February 2021	
Issue Letter of Acceptance & prepare Contract Document for signature	After Contract awarded	

### 3. Advertisement

The Tender was advertised through TenderLink from 9 December 2020 to 22 January 2021.

### 4. Addendum

Six addendums were issued via TenderLink during the tender period in response to queries and clarifications raised by Tenderers. A compliance check was undertaken to confirm inclusion of these addendums within tender Responses.

### 5. Tender Submissions

During the Tender advertisement period 90 sets of documents were downloaded from TenderLink by prospective proponents.

Tenders were opened on 28 January 2021 by Alana Travis and Adam Baker in attendance.

Twenty tenders were received as follows:

- 1 ARM Architecture
- 2 Brewster Hjorth Architects
- 3 Clarke Keller
- 4 CO.OP STUDIO Pty Ltd
- 5 Cox Architecture Pty Ltd
- 6 Daryl Jackson Alastair Swayn Pty Ltd
- 7 DesignInc Ltd
- 8 DJRD Pty Ltd
- 9 Eric Martin and Associates
- 10 Facility Design Group
- 11 Francis-Jones Morehen Thorp Pty Ltd
- 12 GHD Pty Ltd
- 13 Hames Sharley (NSW) Pty Ltd
- 14 Ignite Services Limited
- 15 Lahz Nimmo Architects Pty Ltd
- 16 Michael Davies Architecture Pty Ltd
- 17 Mova Group Pty Ltd T/A MOVA RASI
- 18 Richard Small & Phil Quinton Architects Pty Ltd
- 19 Stewart Architecture Pty Limited
- 20 The Buchan Group Melbourne

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 IN4 - Maintain and update existing community facilities, and support the development of new community infrastructure as needed

Delivery Program Action IN4.1 - Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner

Operational Plan Activity IN4.1.4 - Manage Council's properties and buildings

**ATTACHMENTS:** Nil

## 9.2 TENDER EVALUATION REPORT - CIVIL AND STRUCTURAL ENGINEERING SERVICES

### SUMMARY

This report provides advice on the submission of tenders for Civil and Structural Engineering Services required for the Civic Precinct Project.

### 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.*

### REPORT

#### 1. Purpose and Objectives

In accordance with the approved Consultant Procurement Plan for Yass Civic Precinct Project (the Project), a single stage tender process has been completed for the procurement of a Civil and Structural Engineering Services Consultant for the Project.

The Request for Tender (RFT) submissions were evaluated in accordance with approved Tender Evaluation Plan and the RFT on Local Government Procurement have been called for this work in accordance with Council's *Procurement Policy* and s55 *Local Government Act 1993*.

The objective of the evaluation is to:

1. Ensure that the evaluation of proposals is conducted in accordance with Council's *Procurement Policy* and procedures.
2. Conduct the evaluation in a manner that demonstrates the probity and equity objectives of Council and the *Local Government Act 1993*
3. Conduct the evaluation in a confidential manner that protects local government proprietary and commercial in confidence information.
4. Conduct the evaluation in a manner that will make the results and recommendations auditable and defensible.

#### 2. Tender Program

The actual Tender process milestone dates are provided below with a comparison to the dates identified in the Tender Evaluation Plan.

Event	Proposed Date from Tender Evaluation Plan	Actual Date
Tender Advertised	9 December 2020	9 December 2020
Tenders Closing Date and Time	2PM 22 January 2021	2PM 22 January 2021
Evaluation Panel to agree on Tenders for next stage of evaluation	4 February 2021	4 February 2021
Presentations from Proponent if required and referee checks.	As required	N/A

Event	Proposed Date from Tender Evaluation Plan	Actual Date
Tender Evaluation Panel to agree on the preferred Tender.	15 February 2021	15 February 2021
Tender Evaluation Report signed by Panel members and forwarded to relevant Director.	16 February 2021	17 February 2021
Council business paper prepared based on recommendation in Tender Evaluation Report.	As per council meeting requirement	17 February 2021
Approval sought from Yass Valley Council.	24 February 2021	
Issue Letter of Acceptance & prepare Contract Document for signature	After Contract awarded	

### 3. Advertisement

The Tender was advertised through TenderLink from 9 December 2020 to 22 January 2021.

### 4. Addendum

Four addendums were issued via TenderLink during the tender period in response to queries and clarifications raised by Tenderers. A compliance check was undertaken to confirm inclusion of these addendums within tender Responses.

### 5. Tender Submissions

During the Tender advertisement period 45 sets of documents were downloaded from TenderLink by prospective proponents.

Tenders were opened on 28 January 2021 with Alana Travis and Adam Baker in attendance.

Eleven tenders were received as follows:

- 1 Core Consulting Engineers
- 2 GHD Pty Ltd
- 3 Indesco Pty Ltd
- 4 JJ Ryan Consulting Pty Ltd
- 5 Jones Nicholson Pty Ltd
- 6 Northrop Consulting Engineers Pty Ltd
- 7 Rise Consulting Engineers Pty Ltd
- 8 SMEC Australia Pty Ltd
- 9 Taylor Thomson Whitting (ACT) Pty Ltd
- 10 Van der Meer Consulting
- 11 WSP Australia Pty Limited

## STRATEGIC DIRECTION

Key Pillar 4. Our Infrastructure

CSP Strategy IN4 - Maintain and update existing community facilities, and support the development of new community infrastructure as needed

Delivery Program Action IN4.1 - Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner

Operational Plan Activity IN4.1.4 - Manage Council's properties and buildings

**ATTACHMENTS:** Nil

## 9.3 TENDER EVALUATION REPORT - MULTI SERVICE ENGINEER SERVICES

### SUMMARY

This report provides advice on the submission of a tender for Multi Service Engineering Services required for the Civic Precinct Project.

### 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.*

### REPORT

#### 1. Purpose and Objectives

In accordance with the approved Consultant Procurement Plan for Yass Civic Precinct Project (the Project), a single stage tender process has been completed for the procurement of a Multi Engineering Services Consultant for the Project.

The Request for Tender (RFT) submissions were evaluated in accordance with approved Tender Evaluation Plan and the RFT on Local Government Procurement have been called for this work in accordance with Council's *Procurement Policy* and s55 *Local Government Act 1993*.

The objective of the evaluation is to:

1. Ensure that the evaluation of proposals is conducted in accordance with Council's *Procurement Policy* and procedures.
2. Conduct the evaluation in a manner that demonstrates the probity and equity objectives of Council and the *Local Government Act 1993*.
3. Conduct the evaluation in a confidential manner that protects local government proprietary and commercial in confidence information.
4. Conduct the evaluation in a manner that will make the results and recommendations auditable and defensible.

#### 2. Tender Program

The actual tender process milestone dates are provided below with a comparison to the dates identified in the Tender Evaluation Plan.

Event	Proposed Date from Tender Evaluation Plan	Actual Date
Tender Advertised	9 December 2020	9 December 2020
Tenders Closing Date and Time	2PM 22 January 2021	2pm 22 January 2021
Evaluation Panel to agree on Tenders for next stage of evaluation	4 February 2021	4 February 2021
Presentations from Proponent if required and referee checks.	As required	N/A



Event	Proposed Date from Tender Evaluation Plan	Actual Date
Tender Evaluation Panel to agree on the preferred Tender.	15 February 2021	
Tender Evaluation Report signed by Panel members and forwarded to relevant Director.	16 February 2021	
Council business paper prepared based on recommendation in Tender Evaluation Report.	As per council meeting requirement	
Approval sought from Yass Valley Council.	16 February 2021	
Issue Letter of Acceptance & prepare Contract Document for signature	After Contract awarded	

### 3. Advertisement

The Tender was advertised through TenderLink from 9 December 2020 to 22 January 2021.

### 4. Addendum

Three addendums were issued via TenderLink during the tender period in response to queries and clarifications raised by Tenderers. A compliance check was undertaken to confirm inclusion of these addendums within tender Responses.

### 5. Tender Submissions

During the tender advertisement period 41 sets of documents were downloaded from TenderLink by prospective proponents.

Tenders were opened on 28 January 2021 by Alana Travis and Adam Baker in attendance.

Nine tenders were received as follows:

- 1 Building Services Engineers Pty Ltd
- 2 Centric Building Services Engineers Pty Ltd
- 3 Core Consulting Engineers
- 4 GHD Pty Ltd
- 5 Norman Disney Young
- 6 Northrop Consulting Engineers Pty Ltd
- 7 Steensen Varming Australia Pty Ltd
- 8 Webb Australia Group ACT
- 9 WSP Australia Pty Ltd

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 IN4 - Maintain and update existing community facilities, and support the development of new community infrastructure as needed

Delivery Program Action IN4.1 - Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner

Operational Plan Activity IN4.1.4 - Manage Council's properties and buildings

ATTACHMENTS: Nil

## 9.4 TENDER EVALUATION REPORT - QUANTITY SURVEYING SERVICES

### SUMMARY

This report provides advice on the submission of tender for Quantity Surveying Services required to the Civic Precinct Project.

### 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.*

### REPORT

#### 1. Purpose and Objectives

In accordance with the approved Consultant Procurement Plan for Yass Civic Precinct Project (the Project), a single stage tender process has been completed for the procurement of an Quantity Surveying Services Consultant for the Project.

The Request for Tender (RFT) submissions were evaluated in accordance with approved Tender Evaluation Plan and the RFT on Local Government Procurement have been called for this work in accordance with Council's *Procurement Policy* and s55 *Local Government Act 1993*.

The objective of the evaluation is to:

1. Ensure that the evaluation of proposals is conducted in accordance with Yass Valley Council's *Procurement Policy* and procedures.
2. Conduct the evaluation in a manner that demonstrates the probity and equity objectives of Council and the *Local Government Act 1993*
3. Conduct the evaluation in a confidential manner that protects local government proprietary and commercial in confidence information.
4. Conduct the evaluation in a manner that will make the results and recommendations auditable and defensible.

#### 2. Tender Program

The actual Tender process milestone dates are provided below with a comparison to the dates identified in the Tender Evaluation Plan.

Event	Proposed Date from Tender Evaluation Plan	Actual Date
Tender Advertised	9 December 2020	9 December 2020
Tenders Closing Date and Time	2PM 22 January 2021	22 January 2021
Evaluation Panel to agree on Tenders for next stage of evaluation	3 February 2021	3 February 2021
Presentations from Proponent if required and referee checks.	As required	N/A
Tender Evaluation Panel to agree on the preferred Tender.	8 February 2021	15 February 2021

Event	Proposed Date from Tender Evaluation Plan	Actual Date
Tender Evaluation Report signed by Panel members and forwarded to relevant Director.	9 February 2021	17 February 2021
Council business paper prepared based on recommendation in Tender Evaluation Report.	As per council meeting requirement	17 February 2021
Approval sought from Yass Valley Council.	24 February 2021	
Issue Letter of Acceptance & prepare Contract Document for signature	After Contract awarded	

### 3. Advertisement

The tender was advertised through TenderLink from 9 December 2020 to 22 January 2021.

### 4. Addendum

Four addendums were issued via TenderLink during the tender period in response to queries and clarifications raised by Tenderers. A compliance check was undertaken to confirm inclusion of these addendums within tender Responses.

### 5. Tender Submissions

During the tender advertisement period 22 sets of documents were downloaded from TenderLink by prospective proponents.

Tenders were opened on 28 January 2021 by Alana Travis and Adam Baker. Eight tenders were received as follows:

- 1 Currie & Brown (Australia) Pty Ltd
- 2 Donald Cant Watts Corke (VIC) Pty Ltd
- 3 Genus Advisory Pty Ltd
- 4 MBMPL Pty Ltd
- 5 Rider Levett Bucknall ACT Pty Ltd
- 6 Slattery Australia Pty Ltd
- 7 Turner & Townsend
- 8 Xmirus Pty Limited

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 IN4 - Maintain and update existing community facilities, and support the development of new community infrastructure as needed

Delivery Program Action IN4.1 - Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner

Operational Plan Activity IN4.1.4 - Manage Council's properties and buildings

**ATTACHMENTS:** Nil

## 9.5 TENDER EVALUATION REPORT - NANIMA ROAD REHABILITATION STAGE 2 - YVC/IA/17.2020

### SUMMARY

This report provides advice on the tender submission for the Nanima Road Rehabilitation Stage 2.

### 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

Funding for Stage 1 and 2 works has been included in the 2020/21 budget based on an estimated cost of \$4M funded by a \$3.6M grant and \$400K Council contribution, as previously reported to Council.

### POLICY & LEGISLATION

- *Local Government Act 1993*

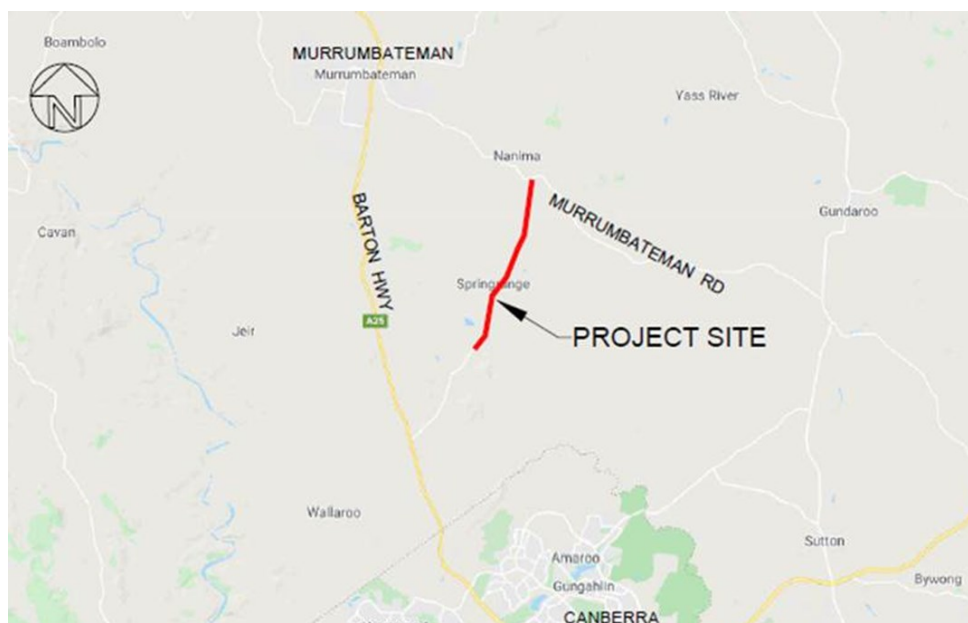
### REPORT

#### 1. Background

Nanima Road connects residents and visitors from the Barton Highway and Murrumbateman Road and is an integral part of Council's transport network.

Nanima Road has experienced increasing traffic volumes in recent years due to development in the area. Part of this Road has therefore deteriorated significantly and other sections of the existing road are narrow and impacted by edge breaks. To address these issues a two stage rehabilitation program has been developed at an estimated cost of \$4M.

- Stage 1 – full road width reconstruction and widening of the first 5km of Nanima Road from the intersection with the Barton Highway
- Stage 2 – shoulder widening in various locations along the remaining 9km of road



Currently Nanima Road has a 10 tonne load limit to restrict the road being used as a through route for heavy vehicles. The upgrade works on Nanima Road will allow the load limit to be removed.

To assist in undertaking the proposed rehabilitation works Council applied for a grant under NSW Fixing Country Roads Program. This application was successful and Council was offered a \$3.6M grant, which as previously been reported to Council.

Stage 1 rehabilitation works have been awarded and work has commenced.

Stage 2 works have been tendered and are the subject of this report.

Tenders for Stage 2 works closed on 1 February 2021. Three tenders were received from the following organisations:

Organisation	Address
Devcon Civil Pty Ltd	142 Sunnyholt Road Blacktown NSW 2148
Denrith Pty Ltd	282 Carrick Road, Goulburn
Group One Pty Ltd	45-51 Grimwade Street Mitchell, ACT 2911

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

## 9.6 TENDER EVALUATION REPORT - DOG TRAP ROAD REHABILITATION SEGMENTS 7B & 8 - YVC/IA/16.2020

### SUMMARY

This report provides advice on the submission of tenders for the rehabilitation of Dog Trap Road Segments 7B and 8.

### 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 Fixing Local Roads Grants Programme, have secured over \$3M to undertake the rehabilitation of several local roads. Funding has also been allocated from general revenue for segment 7B of this project. No further funds are anticipated to be required from Council to complete this project in line with the proposed project outcomes.

### POLICY & LEGISLATION

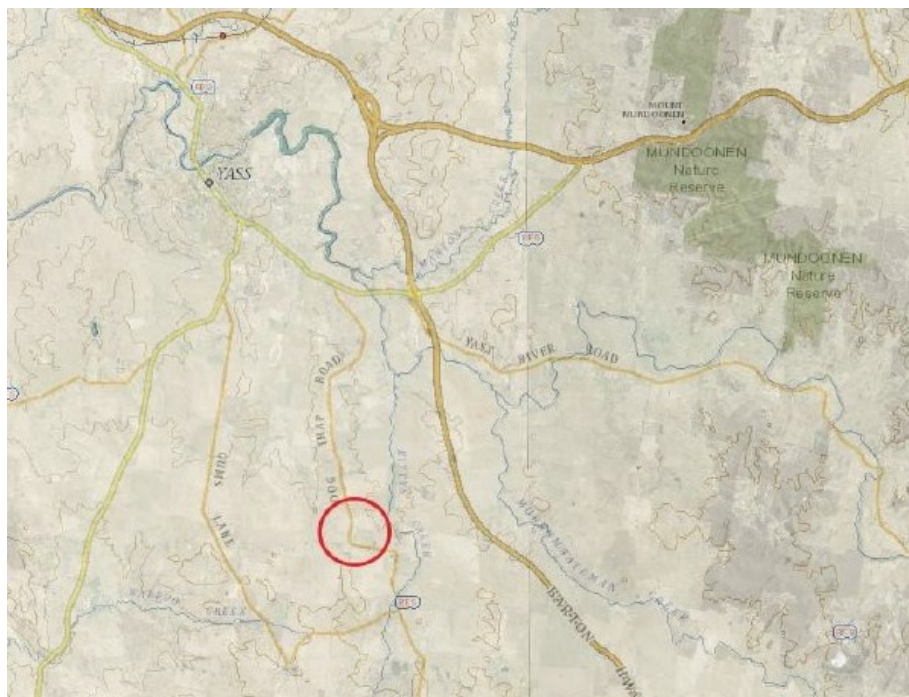
- *Local Government Act 1993*

### REPORT

#### 1. Background

Council manages an extensive road network of over 1,200km throughout the Local Government Area. Dog Trap Road is a Local Road that is maintained by Council and links Yass and Murrumbateman, west of the Barton Highway.

Segment 7B and Segment 8 of Dog Trap Road (as shown below) have been identified for upgrade.







This section of road is in poor condition and requires rehabilitation and widening to improve serviceability. The road rehabilitation area commences approximately 6.5km south of the Yass Valley Way intersection and continue for 1.57km towards Murrumbateman.

Tenders have been called to undertake these rehabilitation works and include the activities below:

- Minor culvert extensions
- Formation widening
- Construction of a new flexible road pavement
- Bitumen sealing
- Provision and installation of guideposts and signs

## 2. Tender

Tenders were called on 19 December 2020 and closed on 1 February 2021. Three tenders were received from the following organisations:

Organisation	Address
Devcon Civil Pty Ltd	142 Sunnyholt Road Blacktown NSW 2148
Group One Pty Ltd	45-51 Grimwade Street Mitchell, ACT 2911
Hewatt Civil Pty Ltd	PO BOX 94, Hall, ACT 2618

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



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## 9.7 YASS SOLDIERS' MEMORIAL HALL COMMITTEE - NOMINATIONS

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### SUMMARY

To recommend nominations to fill the vacancies on the Yass Soldiers' Memorial Hall Committee.

### RECOMMENDATION

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

---

### FINANCIAL IMPLICATIONS

Nil

### POLICY & LEGISLATION

Nil

### REPORT

The Terms of Reference for the Yass Soldiers' Memorial Hall Committee allow for up to nine community members and two Councillors.

With the recent passing of Con Novitski this Committee currently has six members, allowing an additional three community members.

Two nominations have been received however it should be noted that these nominations have not been received in response to a public call for expressions of interest.

### STRATEGIC DIRECTION

Key Pillar 3. Our Community

CSP Strategy CO3 - Foster and encourage positive social behaviours to maintain our safe, healthy, and connected community

Delivery Program Action CO3.2 - Connecting the community to Yass Valley Council through a range of Advisory Committees

Operational Plan Activity CO3.2.1 - Completion of identified projects

**ATTACHMENTS:** Nil

## **12.1 MINUTES OF THE LOCAL EMERGENCY MANAGEMENT & RESCUE COMMITTEES HELD ON 15 DECEMBER 2020 AND 9 FEBRUARY 2021**

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### **REPORT**

The minutes of the Local Emergency Management Committee meetings held on 15 December 2020 and 9 February 2021 and the Rescue Committee meeting held on 9 February 2021 are included in **Attachments A, B and C**.

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 Local Emergency Management Committee meetings held on 15 December 2020 and 9 February 2021 and the Rescue Committee meeting held on 9 February 2021 be noted.*

**ATTACHMENTS:**

- A. Local Emergency Management Committee Minutes 15 December 2020 [↓](#)
- B. Local Emergency Management Committee Minutes 9 February 2021 [↓](#)
- C. Rescue Committee Minutes 9 February 2021 [↓](#)

*DRAFT Minutes of the Yass Valley Local Emergency Management Committee held on 15 December 2020*

---

**Present**

**LEMC Members**

Tony Stevens (Chair) - Yass Valley Council, Dave Cowell (LEOCON) - NSW Police, Paul Lloyd (REMO) (via Zoom), George Shepherd (RFS), Kurt Bailey and Rob Bolin (NSW SES), Nick Whiting (FRNSW), Chris Harris (LLS) Nicola Barnes (Southern NSW Health Services) and Julie Venables (Communities and Justice) (via Zoom)

**Also Present**

Shirree Garland (Yass Valley Council)

**Apologies**

Steven Beasley (YVC), Paul Billingham (Transport for NSW), Dean Campbell (FRNSW), Scott Lang (FRNSW)

**Confirmation of Minutes**

*It was resolved that the minutes of the meeting held on 20 October 2020 be accepted.*

**Business Arising from meeting**

Action Sheets were updated.

Emergency Notification via SES – George Shepherd advised that he had spoken to the region and State re the possibility of Council being able to use RFS system for emergency notification and had been advised that it would not be possible.

**Correspondence**

- NSW SES Controller – Heatwave conditions (25/11/2020)
- Resilience NSW – Bushfire Business Recovery Survey (26/11/2020)
- REMO – Natural Disaster Assessment Form – Severe Weather NSW (2/12/2020)

**Delegates Reports**

**1. NSW Police**

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Dave Cowell advised that it was business as usual. There have been some exercises run out at Burrinjuck. Marine exercise, for all agencies, to be arranged for the new year. Currently targeting reducing road trauma and fatigue, especially for heavy vehicles. 'Coffee with a Cop' campaign, at Mundoonen Rest Area, was held last week. All resources have now returned from work on the border.

**2. Fire Rescue NSW**

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Nick Whiting advised that it was business as usual. They currently have two officers undertaking fire rescue training. Fire safety checks have been undertaken at all Valmar homes, with assessments undertaken as to resources and access requirements. Looking at enhancing numbers to hopefully 19.

**3. Health Services**

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Nicky Barnes advised that the redevelopment had been completed, however there is still some minor work required. The COVID clinic at McDonald Street has been closed and is now located

***DRAFT Minutes of the Yass Valley Local Emergency Management Committee held on 15 December 2020***

in the hospital carpark. Approximately 48 tests are being done per week, with around 10 tests being conducted through the Emergency Department. The hospital is still in lock down, with security guards and the requirement to sign in and sign out. Ingrid Nasralla will be undertaking Health Liaison Officer training shortly. Emergency Department beds have increased to 12. The Emergency Department activity is currently 100-150 people per week, with a 50% increase on the weekend.

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**4. Local Land Services**

Chris Harris advised that there is currently a lot of fuel on land that they manage. Landholders have been encouraged to take up short term leases. A small in-agency exercise with a grass fire type scenario is being held Wednesday.

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**5. State Emergency Service**

Kurt Bailed advised that they had been busy with a storm early December in the Hilltops LGA. This identified a number of deficiencies. Communication with Liaison Officers is essential. Training is currently being focussed on flood rescue. All COVID restrictions in relation to training have been lifted. RFS and Council continue to work well together.

---

**6. Rural Fire Service**

George Shepherd advised that Upper Lachlan and Goulburn LGAs had been hit with a storm front which resulted in power lines and trees being down. There is still a lot of clean up to be done. Within the Zone there have been 70 incidents, within Yass Valley there have been 19 incidents – six fires, eight MVAs and the remainder were ‘other calls’. More MVAs are expected during the upcoming holiday period with more traffic on the roads. Peak period is looking at being February. COVID restrictions have been lifted, and services are basically back to normal. RFS Active, integrated system for phones has started to be rolled out. Pagers will be still used as the primary call out. A new staff member will be commencing in Yass next week. State Mitigation crews are working well within the zone.

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**7. Community Services**

Julie Venables provided a written report, attached.

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**8. NSW Ambulance**

Nil

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**9. Binalong Volunteer Rescue Association**

Nil

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**10. Transport for NSW**

Paul Billingham provided a written report, attached.

**Regional Emergency Management Officer Report – Paul Lloyd**

Paul Lloyd discussed EOC arrangements and ensuring that all were aware of location and that EMOS will still be used. Resilience NSW are currently working on on-line LEMO training. There have been a number of courses at Wingecarribee. Emergency Management training for Police will be held in February.

Paul thanked all services for their commitment and continued working together attitude.

**General Business**

**EOC Arrangements and LO availability for the holiday period**

12.1 Minutes of the Local Emergency Management & Rescue Committees Held on 15 December 2020 and 9 February 2021

Attachment A Local Emergency Management Committee Minutes 15 December 2020

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***DRAFT Minutes of the Yass Valley Local Emergency Management Committee held on 15 December 2020***

Transgrid have advised that unrestricted access is available if an EOC is required.

George Shepherd advised that only staff who have undertaken Bushfire Awareness training are permitted on the fire ground. George is working through this issue in regards to providing local training.

Use of Depot/Community Centre for an optional EOC to be looked into.

Forecast predictions for summer period (RFS & SES)

Rob Bolin advised that advise at this stage was that we were going to have a wetter than normal January to March. This may lead to a possible increase in flooding. SES may be called out to assist out of area.

George Shepherd advised at this stage the peak period would be February. Crews have been organised over the Christmas/New Year period.

Meeting closed at 10:39am

**Next Meeting:**

Next meeting to be advised.

*DRAFT Minutes of the Yass Valley Local Emergency Management Committee held on 15 December 2020*

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### **Communities and Justice Report**

We have been carrying out extensive training for disaster welfare officers, this training has been presented by Resilience NSW:

- On line modules and MS Teams training for disaster welfare officers
- Liaison Officer training
- Evacuation Centre Manager training

We have deployed PPE stock to all our Deputy WelfAC's in the southern NSW district to manage, and have readily available in the event of opening an Evacuation Centre.

Shane Meijer and Warren Goodall participated in a desktop exercise earlier this week, opening with Health.

Also, since 01 July 2020, NSW Family & Community Services is now Department of Communities and Justice.

*DRAFT Minutes of the Yass Valley Local Emergency Management Committee held on 15 December 2020*

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Transport  
for NSW

Operations Branch as part of Transport for NSW manages the day to day performance and continuity of the State road Network. To do this we manage unplanned incidents such as vehicle crashes, natural disasters and other emergency situations. We also assist with the management of planned events on the network including road projects, road maintenance and special events.

Local Emergency Management Committee Report: Quarter 4

- Transport for NSW Operations Branch staff based at Wagga Wagga are a 24 hour resource that can be called to assist agencies managing impacts on the transport network. Without changing agencies normal reporting channels and processes a call direct to operations staff can assist with timely response of resources and a broader overview of other impacts on the transport network. If agencies have an interest we can provide more information and conduct small workshops with staff on ways we can assist and collaborate to manage transport incidents. Contact details below.

**Lee Shoemark**  
Manager Regional Operations – South  
West  
Transport for NSW  
M 0428 175 399

**Paul Billingham**  
Regional Operations Officer-South West  
Transport for NSW  
M 0417 244 348

- We are currently compiling a standby list of appropriately trained Transport for NSW staff (TfNSW) to act as Transport Liaison Officers (TLO) in an EOC. We currently have 21 interested people of which about half have completed the intro to EM training on the Resilience NSW website. These staff will also undertake internal training around Transport requirements and reporting.
- TfNSW are working with local councils and RFS on Hazard reduction on state road corridors. TfNSW legal responsibility ends at the back of the table drains but are working collaboratively to get the best outcomes for communities. Further enquiries can be made to Andrew Holmes on 0418 490 031
- Major Projects  
Moama Intersection works related to second Murray River crossing  
Barton Highway, Safety Upgrades including duplication  
Newell Highway, construction of a number of overtaking lanes across the length of the corridor
- We have had some recent instances across the region where staff engaged by Transport for NSW to carry out traffic management have been requested by emergency services to assist with site clean up after serious injury crashes and fatalities.  
With consideration to the health and wellbeing of our staff and contractors we ask our staff not be engaged in tasks that may expose them to traumatic scenes or areas of incident sites that may impact their wellbeing.

For any questions or further discussion on what is contained in this report please contact myself on the below details.





## **Minutes of the Local Emergency Management Committee Meeting**

**Tuesday 9 February 2021**

10.30am

Council Chambers

209 Comur Street, Yass

**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

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**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

---

**Present**

James Dugdell (Chair), Tony Stevens – Yass Valley Council, Dave Cowell (LEOCON) – NSW Police, George Shepherd – RFS, Kurt Bailey, Matt Price and Rob Bolin – NSW SES, Dean Campbell and Nick Whiting – FRNSW, Chris Harris – LLS, Nicola Barnes – Southern NSW Health Service and Superintendent Paul Condon – Commander of The Hume PD (via Zoom)

**1. Apologies**

Paul Box – NSW Ambulance, Paul Billingham – TfNSW, Noeleen Hazell – Red Cross, Paul Lloyd – REMO, Scott Lang – FRNSW and Fiona Leech – LLS

**2. Confirmation of Minutes**

**RECOMMENDATION**

*The minutes of the meeting held on 15 December 2020 be accepted.*

**3 Business Arising**

Nil

**4. Correspondence**

- SEOC – COVID-19 – 17 December 2020
- SES – Operational Update – Heavy Rainfall Northern NSW
- SEOC – COVID-19 – 6 January 2021
- SEOC – COVID-19 – 4 January 2021
- National Flood Mitigation Infrastructure Program
- SEOC – Seasons Greetings
- Natural Disaster Declaration – NSW Storms from 28 November 2020 onwards
- Potential heatwave – 22/1-24/1
- BOM Severe Thunderstorm Warning

**5. Delegates Reports**

Police

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Dave Cowell reported that it was business as usual, and that there were no issues over the Christmas period. Bango Wind Farm have had a serious accident, their response to this was very good with the entire site shutdown, roadways and UHF lines were cleared for emergency use.

An online vaccine briefing session with NSW Health will be held 10 February. LEMC Chairs, LEMO and GM's of Council have been invited to participate. The importance of continuing to support the COVID-19 clinic was noted.

Any training requirements to be forwarded to Paul Lloyd.

A desk top exercise will be held at the next LEMC meeting, at Transgrid.

Ambulance

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Nil

**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

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**Fire Rescue NSW**

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Nick Whiting advised that there was currently an expression of interest out for the position of acting Deputy Captain. Yass station currently have 17 staff available.

**Rural Fire Service**

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George Shepherd advised that there had been 86 incidents within Zone - 30 in Yass Valley, 12 fires, 11 MVA and remainder others. A team from Upper Lachlan were sent to assist with the Crystal Springs fire. At this stage the largest fires within the Zone have been 160 acres in Goulburn Mulwaree and 40 hectares at Lake Bathurst.

It is currently business as usual for the Service, servicing of all 260 vehicles has taken place. At this stage the threat of a large fire has diminished.

Training will be commencing shortly.

Staffing – George advised that there was still no one in the position of 2IC and that he will continue to undertake both roles. Advertising for an Admin Officer.

**State Emergency Service**

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Kurt Bailey spoke to written report as provided. He also advised that they were still getting new recruits, and congratulated organisers of the Christmas Parade.

**Binalong Volunteer Rescue Association**

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Paul Vasey spoke to written report as provided.

**Local Land Services**

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Chris Harris advised that it was business as usual. A successful in-house desk top exercise was held before Christmas. The RFS were thanked for their assistance in providing mapping.

**Southern NSW Local Health District**

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Nicky Barnes advised that the Health District was currently on amber alert for COVID. The hospital has relaxed visitor limits. Security on the door, requirements of masks and sanitising etc are still in place. COVID testing continues at McDonald Street with 40-60 tests being undertaken per week. The hospital currently has doctors available 24/7.

Nicky advised that she will be finishing with the Health Service on 19 March.

The Committee thanked Nicky for her dedication, time and hard work with the LEMC.

**NSW Department of family & Community Services**

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Nil

**Transport for NSW**

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Report provided

**Red Cross**

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Report Provided

**6. Region Emergency Management Officer Report**

Nil

**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

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**7. Staff Reports**

Yass Valley Emergency Management Plan (EMPLAN)

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The Committee endorsed the EMPLAN, with amendments to include a copy of Wee Jasper and updated map of Murrumbateman.

**8. General Business**

Council Duty Officer

Discussion was held regarding a number of calls to Council's Duty Officers. James advised that more in-house training will be undertaken. A new procedure is also to be developed and forwarded to members for their information.

Shared LEMC Arrangements

Discussion was held in relation to the possibility of having a shared LEMC arrangement with Upper Lachlan and Goulburn Mulwaree Councils.

Members did not support the idea due to retaining local identity and the size of the area. Superintendent Paul Condon did not support the idea. It was noted that Upper Lachlan and Goulburn Mulwaree Councils were currently more connected geographically and also currently shared some resources.

LEMC shared arrangements – UL and GM Councils. George UL and Goulburn looking at going down that track. Different stakeholders – lose local identity in certain areas.

**9. Next Meeting**

10.30am – Tuesday 4 May 2021 at Transgrid.

The meeting closed at 12.03pm

**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

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**Yass Valley LEMC/LRC Agency Report**

To: Yass Valley LEMC/LRC  
From: SES NSW Yass-Hilltops Local Commander Kurt Bailey  
Date: 09 February 2021

Information Covering Period: 15 Dec 2020 to 08 February 2021

**Community engagement**

- The 2020 Christmas parade for us was a great success. Members really enjoyed it and feedback from public was very positive. In 2021 we intend to have a couple of open days/nights

**General:**

- Yass unit had their awards ceremony on the 30<sup>th</sup> of January at the Yass Soldiers club. 22 members received awards ranging from the Premiers bush fire citations to National medals. We got a great write up in the Yass valley times which has already resulted in a couple of new recruits.

**Training:**

- Courses that have been run in the last couple of months include
  - Job Ready (Induction Course)
  - BEACON, (SES incident management system)
  - Land Search training at Captains Flat with SES and other agencies

**Requests for assistance**

- During this period we have had a total of 26 Requests For Assistance between Sutton and Yass units. Most of these occurred during a storm event on the 1<sup>st</sup> of Feb.

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**This is page 5 of 17 of the minutes of a meeting of  
Yass Valley Local Emergency Management held on the above date**

**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

---

**Recruitment**

- Yass have had 3 new recruits join in this period
- Sutton has had 4 new recruits join in this period

**Position Changes**

Matt Price has taken up the position of Deputy Zone Commander South East Zone

**Matthew Price**  
Superintendent | Deputy Zone Commander | South Eastern Zone  
NSW State Emergency Service - Regional Operations  
M 0429 063 942 E [matthew.price1@ses.nsw.gov.au](mailto:matthew.price1@ses.nsw.gov.au)

END OF REPORT

NSW State Emergency Service – Yass/Hilltops  
P 02 6118 6331 M 04 27845675 E [kurt.bailey@member.ses.nsw.gov.au](mailto:kurt.bailey@member.ses.nsw.gov.au)

1410 Laidlaw Street Yass NSW 2582  
[www.ses.nsw.gov.au](http://www.ses.nsw.gov.au)

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**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

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**NEW SOUTH WALES  
VOLUNTEER RESCUE ASSOCIATION INC**

**Binalong Rescue Squad Inc. – LRC & LEMC Report**

Email: [Binalong.Secretary@vrarescue.org](mailto:Binalong.Secretary@vrarescue.org)

New equipment has been received and placed on the squad's response vehicles

VRA Binalong were also donated 2 new Auto Defibrillators and a trainer from the "Coppabella Windfarm" and a hand over will be done in the upcoming weeks. Members thanked them for their donation to the squad for their community and surrounds

VRA Binalong now take part in the PAD program that was rolled out last year and will be responded to any potential Cardiac Arrests to assist NSW Ambulance in their community and surrounds

VRA Binalong have been invited and are continuing to do joint training and exercises with emergency services in the Upper Lachlan Shire this is works very well for all involved. Members have travelled to Young for an evening exercise that was conducted by NSW Police Inspector Jacob Reeves a great evening was had by all who attended

VRA members have been doing some inland waterways training at Burrinjuck Dam

VRA Binalong continue to train once a week with 3 trainee members going through their mandatory training to bring them up to GLR operators status – they are all progressing very well

VRA Binalong continue assisting Warby Motor sports trials at Tumut a trial run is scheduled for March 2021

VRA members have been involved in a couple of searches recently with good outcomes and have attended a few MVA's, assisting other services in one instance driving an Ambulance

VRA Binalong members had a meeting in with Acting Inspector David Cowell and REMO Paul Lloyd. It was good for them both to come for the visit and members hope they come again soon.

VRA Binalong will be having a uniform change and rebranding of vehicles in the coming months, this is state wide for all VRA Rescue Squads

VRA Binalong welcomes anyone that would like to visit us, just give us a call to arrange  
As we move forward squad members look forward to working and assisting all emergency services anywhere anytime. If we are called out by anyone to an accident we will respond accordingly.

Due to COVID19 VRA Binalong have not been setting up Driver Reviver at Bookham and will advise when this starts up again.  
Appropriate COVID 19 protection has been made available to all members and is allocated to each operator and response vehicle

Kind Regards

*Paul*

Paul Vasey

NSW VRA Binalong Rescue squad Representative

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*The Community Based Volunteer Emergency Service  
A HELPING HAND ANYWHERE, ANYTIME.  
ABN 68 767 393 968*

**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

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**REPORT TO  
Yass Valley Emergency Management Committee**

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NSW Rural Fire Service  
Report Period: 15/12/2020 to 09/02/2021

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1. **ACTIVITY** - within the Southern Tablelands Zone during this period there has been a total of 86 incidents, for Yass Valley there have been a total of 30 incidents – twelve fires, eleven and the remainder were others. There were RAFT commitments from the zone and a Strike team from Upper Lachlan to the South West Group fire at Crystal Springs at Reids Flat. Fires of notable size were a grass fire in the Middle Arm/ Roslyn area that burnt approx. 160ac started by an angle grinder, also a 40ha fire at Inverloch/Lake Bathurst started by a header

2. **CAPABILITY** - Business as usual

3. **PLANNING** - Will step up operational capability when fire danger increases to match the risks. But with good rain within the area over the last couple of weeks, a welcome change to the heat wave we had prior. With the forecast of continued rain the fire danger risk shall reduce, and the zone will have an increase of fire permit requests.

4. **TRAINING** - Training is to start in the 2<sup>nd</sup> week of February with a BF course assessment in Goulburn and then continue with our proposed zone training schedule.

5. **OTHER** - Nil

6. **ACTION** - Nil

Submitted By: George Shepherd Date 09/02/2021

**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

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**Transport  
for NSW**

Customer and Network Coordination as part of Transport for NSW manages the day to day performance and continuity of the NSW regional and outer metropolitan transport network. To do this we coordinate unplanned incidents such as vehicle crashes, natural disasters and other emergency situations.

We are connecting people and communities and making journeys safer, easier and more reliable by coordinating planned events on the network including road projects, road maintenance and special events.

**Local Emergency Management Committee Report Quarter 1**

- Transport for NSW is currently implementing a new way of working using the Evolving Transport model this has meant some small changes regional boundaries and some role changes for some positions. Locally Paul Billingham remains your contact for LEMC business in the short to medium term. As this changes in the future with the addition of new staff the LEMC will be advised.
- As part of Evolving transport there has been a specific resource stood up to assist the regions with emergency management, things like internal training and exercises as well as working with REMO's across the state to better assist communities in times of emergency.
- We have had some recent instances across the region where staff engaged by Transport for NSW to carry out traffic management have been requested by emergency services to assist with site clean up after serious injury crashes and fatalities.  
With consideration to the health and wellbeing of our staff and contractors we ask our staff not be engaged in tasks that may expose them to traumatic scenes or areas of incident sites that may impact their wellbeing.
- Barton Highway upgrade  
Current work includes fencing, setting up site access, stockpiling material from Canberra, implementing temporary access across major culverts.  
Speed reductions during working hours of (60km/h and 80km/h)  
Speed reduction to 40km/h will only apply outside peak travel times  
Installation of permanent sign structure posts commencing  
Currently average number of people on site is around 33 per day

For any questions or further discussion on what is contained in this report please contact myself on the below details.

Paul Billingham  
Customer & Network Operations Coordinator - South  
Customer and Network Coordination  
Regional and Outer Metropolitan  
Transport for NSW

T 02 69 236 7341 M 0417 244 348  
193 Morgan Street, Wagga Wagga NSW 2650

## Minutes of the Local Emergency Management Committee Meeting held on 9 February 2021

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28 January 2021

*For internal distribution only. Use this document to inform public-facing communications.*

### Australian Bushfires – 12 months on Key messages

Thanks to you, thousands of Australians got financial and practical help after the bushfires.

- Last year saw the worst bushfire season on record. Thousands of people lost their homes and 35 people lost their lives.
- We are honoured that you placed your trust in Red Cross to help those who needed it the most, and we have given our all to that effort.
- **49,718 people** were supported during the bushfires, **5,914 people** have received financial assistance, and **21,563 people** received advice and support from our ongoing recovery program.
- Bushfire survivors continue to write in and tell us how your donations are helping. The thing we hear most often is that they feel like people remember and care about them.

\$20.7m of the funds donated after the bushfires has now been disbursed or spent, with the remainder powering final grant payments and a recovery program to 2022 and beyond.

- Red Cross has provided \$18.7m in grants to 5,914 Australians to meet immediate needs after the fires, repair homes, cover funeral or hospital costs, or find a safe place to live.
- We helped many people who are not counted in official records, including those who had been living in caravans and mobile homes that were destroyed in the fires.
- More than 1,700 people came forward for help months after the fires ended. This reinforces the need to work at the pace of the people who are impacted. It also confirms that funds are needed throughout their ongoing recovery.
- Before Christmas, we distributed \$17.8m in additional support grants to bushfire survivors who are on low incomes, receiving specific government assistance, and continuing to experience financial hardship. There will be a second round of payments in February for those who were unable to apply last year. We are also processing applications for other grants received at the end of the year. We expect to conclude disbursement of financial assistance early in 2021.
- Even after the last grant is paid in March, our recovery program will continue in bushfire-affected communities across the country.

Page number:	1 of 5	Reviewed by:	Astrid Mallard, Errol Williams
Document owner:	JP Alves & Zayne D'Crus	Authorised by:	Solene Dimas (R)

**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

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For every dollar you donated, 96c directly helped people and the remaining 4c covered the essential support costs necessary to do this work.

- We have worked hard to keep support costs as low as possible and they are now at 5c in the dollar. These costs are crucial to our bushfire program which has provided support to 49,718 people during the bushfires, financial assistance to 5,914 people, and support and information to 21,563 people so far through our ongoing recovery program.
- In 2020 essential support costs covered a dedicated grant payments team, enhanced fraud prevention and data security measures, fundraising costs, casework support for grant applicants, and the promotion of grants in bushfire-affected communities. We will continue to keep further support costs as low as possible.

You can be confident in Red Cross. Our work has the focus of a review by both the charities regulator and we provided significant detail to the Natural Disasters Royal Commission.

- The charities regulator (Australian Charities and Not-for-Profits Commission) found that Red Cross had allocated all donations received during the bushfires to bushfire-related activities and costs required to deliver them; that it had appropriate skills and expertise to deliver its programs; and that it had sound fraud detection practices in place.
- The Natural Disasters Royal Commission's report relayed that 'Distributing all funding as quickly as possible would mean that individuals could miss out on needed recovery assistance or that there is insufficient funding to meet the needs of a broader community as it rebuilds.' It also supported many of the concerns we had raised, including the need for better data sharing to ensure people impacted by disasters receive help.

Recovery takes time. We're here for as long as it takes.

- It will take people and communities years before they can fully recover and some may never return to the lives they had before the bushfires. The pandemic added further delays to rebuilding and community recovery.
- Our recovery program will continue to operate long after the last grant has been paid.
- Our focus is helping people and communities recover: materially, psychologically and socially. We help people get information and 1-1 support; fund community events; and support other service providers to meet the needs of survivors.

**Call to action:**

See the difference you made possible. Read our 12-month report at [redcross.org.au/bushfirereport](https://redcross.org.au/bushfirereport).



## Minutes of the Local Emergency Management Committee Meeting held on 9 February 2021

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### Questions and Answers

**Did my donation to Red Cross help people in the bushfires?**

Yes. A total of \$207m was disbursed or spent in 2020 (figure correct as at 14 January 2021) to support bushfire-affected people and their communities. We have worked hard to keep support costs as low as possible and they are now at 4c in the dollar. These costs are crucial to our ongoing bushfire program which provided support to 49,718 people during the bushfires, financial assistance to 5,914 people, and support and information to 21,563 people so far through our ongoing recovery program. We will continue working hard to keep further essential support costs as low as possible.

**How much money was raised and how was it distributed?**

A total of \$240m was raised, with \$13m arriving after June. Of these donations \$207m was disbursed or spent as at 14 January 2021. With this we have supported 49,718 people through the fires, provide grants to 5,914 people and so far helped 21,563 people through our recovery program. The remaining funds will support people over the next two years.

**What kind of grants were available?**

We had emergency and re-establishment grants for people who lost their homes; repair grants for home-owner-occupiers; bereavement grants for the next-of-kin of those who died in the fires; injury grants for people hospitalised for injuries; and discretionary financial hardship grants for people experiencing extreme financial hardship who were not eligible for other Red Cross grants and unable to access support elsewhere. We also provided additional support grants to those who had received a payment, but were on low incomes and receiving specific government assistance and still in financial hardship.

**Can we trust you to do the right thing with bushfire donations?**

You can be confident that we're helping as many people as possible, and getting them support when they need it. Our handling of donations, administration costs, and our response to the fires was part of a review by the independent charities regulator (ACNC), which found that we have been transparent and have acted legally and responsibly.

**Did Red Cross hold back money meant for bushfire survivors?**

No. We started distributing financial assistance in the first week of January 2020 and continued all year. We've paid grants of up to \$70,000 to people who were most impacted and in financial hardship from the fires. People have been coming forward for help all year, so we've distributed funds wisely to be able to help them when they were ready.

**Why didn't you give out all the money straight after the bushfires?**

We've been giving out funds since January 2020, as fast as people applied for them. But many people didn't come forward for help until months later and we knew from experience that people would require help for both immediate and longer-term needs. The fact that more than 1,700 people came forward for help months afterwards reinforces the need to work at the pace of the people who were impacted. It also confirms that funds are needed throughout their ongoing recovery.

**I've heard that most of the donations are going to admin costs.**

We've always said that essential administrative support costs would be as low as possible, no more than 10c in the dollar. They're currently at 4c in the dollar, and those costs are essential to getting help to people. They covered a dedicated grant payments team, fraud prevention, case work

**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

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support, data security and fundraising costs – the things that ensure we can help people who really need it, and not pay out fraudulent claims. We will continue to keep essential administrative support costs as low as possible.

**What measures did you take to prevent fraud?**

We had to carefully balance the need to provide an easy process for people to apply and checking every grant we paid, knowing that in many cases, people had lost important documents in the fires. We received thousands of suspicious applications from bots, and sadly, some carefully falsified documents as well. All applications were checked against records of fire damage, and where those records were incomplete, we conducted visual inspections too.

**Why couldn't you help some farmers or business owners with their expenses?**

We are bound by Australia's charity laws, which stipulate that we must provide relief to people in hardship or financial distress. In practice, this meant we could help people who lost their homes (including farmers and business owners), but we could not help with their actual business costs or investment properties. We could help people replace their personal water tanks or generators, but not specific farming equipment.

**Why were your applications online?**

It was the most accessible way to help the largest number of people. Around 84% of grant recipients told us they found the process easy. But we also knew that many people might not have internet access or might not be confident online, so our volunteers and staff with iPads helped them complete their applications in the field and our grant teams also supported people on the phone.

**Why did people take time to come forward?**

This happens after every disaster. Not everyone feels ready to apply for help straight away. Some were living off the grid in remote locations, some were initially reluctant to ask for 'charity', some thought the money should go to those 'more deserving', and many just needed time before they could begin the process of navigating bushfire assistance.

**Did COVID-19 slow down your response?**

The pandemic has made everything harder for bushfire-affected communities. Clearing debris and other processes for rebuilding have been delayed for months, and community lockdowns and restrictions on movement have made things harder. We've worked throughout the year to ensure bushfire survivors don't feel forgotten amidst the global impacts of the pandemic.

**Why is there still some money left over?**

\$15m will power our ongoing recovery program that is supporting all communities impacted over coming years. The rest is for people who are still in financial hardship, including a second round of our additional support grant in February.

**Why are people still doing it tough?**

Recovery from disasters like the fires takes years. It takes a long time for people to replace all they lost, heal from the trauma they endured, make decisions on what to do next, and rebuild their communities. That's why a recovery program is essential for at least the next two years.

**Why are some funds being used for a recovery program?**

Financial aid is only one part of disaster recovery. Psychological, social and community recovery are just as important. Our financial assistance program is \$187m and helped 5,914 people; our recovery program is \$18m and has helped 21,563 people in its first year alone. It helps people get



**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

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information and 1-1 support; funds community events; and supports other service providers to meet the needs of bushfire survivors.

**Was Red Cross independently reviewed?**

Red Cross was reviewed and recognised by the independent charities regulator (ACNC) for its response to the fires, use of donated funds, and commitment to public accountability. The Natural Disasters Royal Commission also looked closely at our work and how the funds were being used. Our Disaster Relief and Recovery fund was also independently audited by Deloitte.

**What would you do differently next time?**

We're advocating to make it easier for people to access support: this includes through better data sharing between agencies so people can provide their details once and then access support directly and quickly without having to tell their story multiple times. We're also giving donors better information about our experience of distributing funds after a disaster, how those funds are used, and why long-term support is critical.

**Why do you have an advertisement thanking Australians?**

After the fires, Australian author and historian Thomas Keneally sent a poem to Red Cross, as a tribute to all those who endured the bushfires. As Australia collectively remembers the fires, this seemed an ideal time to share it. No funds from the Disaster Relief and Recovery Fund were used to finance the production or promotion of this poem.

**Contacts**

Internal enquiries: E&S Controller | 1300 913 941 | [eandscontroller@redcross.org.au](mailto:eandscontroller@redcross.org.au)

Public enquiries: Customer Care | 1800-RED-CROSS (733 276) | [contactus@redcross.org.au](mailto:contactus@redcross.org.au)

Media enquiries: On-call media adviser | 1800 733 443 | [media@redcross.org.au](mailto:media@redcross.org.au)

- 12.1 Minutes of the Local Emergency Management & Rescue Committees Held on 15 December 2020 and 9 February 2021  
Attachment B Local Emergency Management Committee Minutes 9 February 2021
- 

**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

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Transport for NSW  
Street address, Suburb Postcode NSW | Locked Bag XXXX, Suburb Postcode NSW  
P XXXXXX | W roads-maritime.transport.nsw.gov.au | ABN 18 804 239 602

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This is page 15 of 17 of the minutes of a meeting of  
Yass Valley Local Emergency Management held on the above date

- 12.1 Minutes of the Local Emergency Management & Rescue Committees Held on 15 December 2020 and 9 February 2021  
Attachment B Local Emergency Management Committee Minutes 9 February 2021
- 

**Minutes of the Local Emergency Management Committee Meeting held on  
9 February 2021**

---

Transport for NSW  
Street address, Suburb Postcode NSW | Locked Bag XXXX, Suburb Postcode NSW  
P XXXXXX | W roads-maritime.transport.nsw.gov.au | ABN 18 804 239 602

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This is page 16 of 17 of the minutes of a meeting of  
Yass Valley Local Emergency Management held on the above date



## **Minutes of the Rescue Meeting**

**Tuesday 9 February 2021**

9.30am

Council Chambers

209 Comur Street, Yass

**Minutes of the Rescue Meeting held on 9 February 2021**

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**Minutes of the Rescue Meeting held on 9 February 2021**

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**Present**

Dave Cowell – LEOCON (NSW Police), Kurt Bailey, Matt Price, Bob Bolin (NSW SES – Yass), Paul Vasey (Binalong VRA), Dean Campbell, Nick Whiting (Fire Rescue NSW), George Shepherd (NSW RFS)

**Also Present**

Shirree Garland (Yass Valley Council)

**1. Apologies**

Paul Box (Ambulance), Paul Lloyd (REMO), Scott Lang (Fire Rescue NSW) and Paul Billingham (Transport for NSW)

**2. Confirmation of Minutes**

**RECOMMENDATION**

*That the Minutes of the Rescue Committee meeting held on 20 October 2020 be taken as read and confirmed.*

*(Paul Vasey/Nick Whiting)*

**3. Business Arising**

Nil

**4. Correspondence**

Nil

**5. Delegates Reports**

**Police**

---

Dave Cowell reported that it was business as usual, and that there were no issues over the Christmas period. Bango Wind Farm have had a serious accident, their response to this was very good with the entire site shutdown, roadways and UHF lines were cleared for emergency use.

The Yass Station will have another Constable commencing on 2 March.

**Ambulance**

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Nil.

**Fire Rescue NSW**

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Nick Whiting advised that they had two new rescue operators trained. A further rescue course will be run 2<sup>nd</sup> quarter of this year. A rescue exercise, debrief following recent head-on accident, will be held with NSW Ambulance on 24 February, 7.30pm-9.00pm. Services that attended incident were also invited to attend. Dean Campbell to confirm participants with Scott Lang.

**Rural Fire Service**

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George Shepherd spoke to written report as provided.

**State Emergency Service**

---

Kurt Bailey spoke to written report as provided.

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**This is page 2 of 8 of the minutes of a meeting of  
Yass Valley Rescue held on the above date**

**Minutes of the Rescue Meeting held on 9 February 2021**

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**Binalong Volunteer Rescue Association**

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Paul Vasey spoke to written report as provided.

**6 Region Emergency Management Officer Report**

Nil

**7. General Business**

SES Satellite Communications (SATCOM) Trailer

Matthew Price advised that there will be a SATCOM trailer based in Goulburn, providing a satellite internet connection to support emergency services when they respond to communities in areas without reliable phone or internet coverage. Equipment should be available for use at the end of the first quarter. Equipment will come with a technician.

Defib Machines

Hume Police Command have purchased a number of defibrillators to be placed in supervisor's vehicles.

Binalong VRA – Dual Response Arrangements

Paul Vasey confirmed that dual response arrangements with FRNSW were still in place.

Large Animal Rescue Training

Kurt Bailey advised that training for rescue of large animals, horses, will be undertaken shortly.

**8. Next Meeting**

9.30am Tuesday 4 May 2021

The meeting closed at 10.13 p.m.



**Minutes of the Rescue Meeting held on 9 February 2021**

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**REPORT TO  
Yass Valley Emergency Management Committee**

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NSW Rural Fire Service  
Report Period: 15/12/2020 to 09/02/2021

---

1. **ACTIVITY** - within the Southern Tablelands Zone during this period there has been a total of 86 incidents, for Yass Valley there have been a total of 30 incidents – twelve fires, eleven and the remainder were others. There were RAFT commitments from the zone and a Strike team from Upper Lachlan to the South West Group fire at Crystal Springs at Reids Flat. Fires of notable size were a grass fire in the Middle Arm/ Roslyn area that burnt approx. 160ac started by an angle grinder, also a 40ha fire at Inverloch/Lake Bathurst started by a header
2. **CAPABILITY** - Business as usual
3. **PLANNING** - Will step up operational capability when fire danger increases to match the risks. But with good rain within the area over the last couple of weeks, a welcome change to the heat wave we had prior. With the forecast of continued rain the fire danger risk shall reduce, and the zone will have an increase of fire permit requests.
4. **TRAINING** - Training is to start in the 2<sup>nd</sup> week of February with a BF course assessment in Goulburn and then continue with our proposed zone training schedule.
5. **OTHER** - Nil
6. **ACTION** - Nil

Submitted By: George Shepherd Date 09/02/2021

### Minutes of the Rescue Meeting held on 9 February 2021

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#### NEW SOUTH WALES VOLUNTEER RESCUE ASSOCIATION INC

#### Binalong Rescue Squad Inc. – LRC & LEMC Report

Email: [Binalong.Secretary@vrarescue.org](mailto:Binalong.Secretary@vrarescue.org)

New equipment has been received and placed on the squad's response vehicles

VRA Binalong were also donated 2 new Auto Defibrillators and a trainer from the "Coppabella Windfarm" and a hand over will be done in the upcoming weeks. Members thanked them for their donation to the squad for their community and surrounds

VRA Binalong now take part in the PAD program that was rolled out last year and will be responded to any potential Cardiac Arrests to assist NSW Ambulance in their community and surrounds

VRA Binalong have been invited and are continuing to do joint training and exercises with emergency services in the Upper Lachlan Shire this is works very well for all involved. Members have travelled to Young for an evening exercise that was conducted by NSW Police Inspector Jacob Reeves a great evening was had by all who attended

VRA members have been doing some inland waterways training at Burrinjuck Dam

VRA Binalong continue to train once a week with 3 trainee members going through their mandatory training to bring them up to GLR operators status – they are all progressing very well

VRA Binalong continue assisting Warby Motor sports trials at Tumut a trial run is scheduled for March 2021

VRA members have been involved in a couple of searches recently with good outcomes and have attended a few MVA's, assisting other services in one instance driving an Ambulance

VRA Binalong members had a meeting in with Acting Inspector David Cowell and REMO Paul Lloyd. It was good for them both to come for the visit and members hope they come again soon.

VRA Binalong will be having a uniform change and rebranding of vehicles in the coming months, this is state wide for all VRA Rescue Squads

VRA Binalong welcomes anyone that would like to visit us, just give us a call to arrange  
As we move forward squad members look forward to working and assisting all emergency services anywhere anytime. If we are called out by anyone to an accident we will respond accordingly.

Due to COVID19 VRA Binalong have not been setting up Driver Reviver at Bookham and will advise when this starts up again  
Appropriate COVID 19 protection has been made available to all members and is allocated to each operator and response vehicle

Kind Regards

*Paul*

Paul Vasey  
NSW VRA Binalong Rescue squad Representative

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*The Community Based Volunteer Emergency Service  
A HELPING HAND ANYWHERE, ANYTIME.  
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**Minutes of the Rescue Meeting held on 9 February 2021**

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**Yass Valley LEMC/LRC Agency Report**

To: Yass Valley LEMC/LRC  
From: SES NSW Yass-Hilltops Local Commander Kurt Bailey  
Date: 09 February 2021

Information Covering Period: 15 Dec 2020 to 08 February 2021

**Community engagement**

- The 2020 Christmas parade for us was a great success. Members really enjoyed it and feedback from public was very positive. In 2021 we intend to have a couple of open days/nights

**General:**

- Yass unit had their awards ceremony on the 30<sup>th</sup> of January at the Yass Soldiers club. 22 members received awards ranging from the Premiers bush fire citations to National medals. We got a great write-up in the Yass valley times which has already resulted in a couple of new recruits.

**Training:**

- Courses that have been run in the last couple of months include
  - Job Ready (Induction Course)
  - BEACON, (SES incident management system)
  - Land Search training at Captains Flat with SES and other agencies

**Requests for assistance**

- During this period we have had a total of 26 Requests For Assistance between Sutton and Yass units. Most of these occurred during a storm event on the 1<sup>st</sup> of Feb.

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**This is page 6 of 8 of the minutes of a meeting of  
Yass Valley Rescue held on the above date**

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**Minutes of the Rescue Meeting held on 9 February 2021**

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**Recruitment**

- Yass have had 3 new recruits join in this period
- Sutton has had 4 new recruits join in this period

**Position Changes**

Matt Price has taken up the position of Deputy Zone Commander South East Zone

**Matthew Price**  
Superintendent | Deputy Zone Commander | South Eastern Zone  
NSW State Emergency Service - Regional Operations  
M 0429-063 942 E [matthew.price1@ses.nsw.gov.au](mailto:matthew.price1@ses.nsw.gov.au)

END OF REPORT

NSW State Emergency Service – Yass/Hilltops  
P 02 6118 6331 M 04 27845675 E [kurt.bailey@member.ses.nsw.gov.au](mailto:kurt.bailey@member.ses.nsw.gov.au)

1410 Laidlaw Street Yass NSW 2582  
[www.ses.nsw.gov.au](http://www.ses.nsw.gov.au)

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VISION - BE THE BEST VOLUNTEER EMERGENCY SERVICE IN AUSTRALIA

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## **12.2 MINUTES OF THE BANGO WIND FARM COMMUNITY CONSULTATIVE COMMITTEE HELD ON 17 NOVEMBER 2020**

---

### **REPORT**

The minutes of the Bango Wind Farm Community Consultative Committee meeting held on 17 November 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 17 November 2020 be noted.*

**ATTACHMENTS:**    A. Bango Wind Farm Community Consultative COmmittee Minutes 17 November 2020





**BANGO WIND FARM  
COMMUNITY CONSULTATIVE COMMITTEE**

**Minutes of meeting held  
on Tuesday 17<sup>th</sup> November 2020  
The Club House Hotel, Yass**

**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
Michael McNally (MMc)	CWP Renewables (Maintenance Manager)
Laurie Hutchinson (LH)	Ngunnawal Aboriginal Corporation
Thomas McGrath (TM)	Community Representative (Host Landholder)
Terry Sellwood (TS)	Community Representative ( <i>arrived at 11.10am</i> )

**Apologies**

Tegan Doblinger (TD)	CWP Renewables (Assistant Project Manager)
Brooke Watson (BW)	Yass Valley Business Chamber delegate
Cr John Walker (JW)	Hilltops Council delegate
Cr Geoff Frost (GF)	Yass Valley 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).

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 in Boorowa on 18 August 2020, were finalised and emailed to members on 11<sup>th</sup> September 2020.

### Action Items from Previous Meeting

---

Item	Issue	Responsibility
1	Send Community Co-Investment prospectus information to CCC (Complete – send 11/9/20 with the draft minutes)	LA
2	Complaints Register to be included in CCC presentations moving forward (Included in the presentation)	MM/JP/LD
3	Provide figures of local employment/contractors to CCC (ongoing) (Included in the presentation)	MM/LD
4	Update Acronym Sheet (closed – if any come up in the future, they will be added)	TG
5	Possible contributions to the community by CWP (information provided at meeting – standing agenda item moving forward)	All
6	Arrange site inspection, when possible (holdover to appropriate time – post COVID)	MM/LA

### Correspondence

---

Correspondence as sent out with the meeting notice on 6/8/20 with 1 additional item:

- 2/9/20 – Email to members with the draft minutes for review.
- 11/9/20 – Email to members with the finalised minutes, presentation and co-investment information.
- 11/9/20 – Letter to TS with the same information.
- 20/10/20 – Email from LD with the latest community newsletter.
- 3/11/20 – Email to members with the Meeting Notice, Agenda and Correspondence Report for this meeting.
- 16/11/20 – Email to members with a reminder for this meeting. Text sent to TS.

**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.

- The Western Cluster Foundations have been poured and hardstand areas gradually being handed over to GE for the Installation of the WTG.
- Approximately 75% of the Projects tracks are in varying stages of completion.
- Substation completion - Substation now has both the 973 / 999 Transmission Lines installed with the 973 line energised and providing power to the Substation and under the Operation of Transgrid Operation team.



- Operation and Maintenance Facilities are substantially completed with Interim Occupancy Certificate Issued.

**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 overhead services.

**Site Numbers:** Fluctuating between 250 and 270 personnel working on site.

**Complaints Register:** Between January 1st and November 2nd 2020, there have been a total of nine (9) complaints registered. Complaints related to traffic, the location of towers and noise. All were investigated and resolved or found to be compliant with approvals.

DPiE compliance officers and Department of Agriculture Water and Environment officers have conducted audits on the site, which resulted in positive results. Representatives from the CMFEU and EPA have also undertaken visits.

LH asked if there have been any WHS issues or incidents on site. MM responded that there had been a few, which is normal as part of the construction process. WorkSafe have attended the site, which resulted in improvements being implemented. One incident required medical treatment with 22 x first aid applications (band aids, insect bites, etc).

TMc commented that there has been people/vehicles coming onto his property to look at the wind farm and asked if the company had considered putting in a viewing platform. JA asked if there were signs up stating "private property". JP advised that there were signs on the front gate and also security cameras.

TMc asked whether the site would shut down over the Christmas period. MM advised that they are currently in discussions with GE & Downer, however at this stage, the site is likely to close between 18/12/20 to 4/1/21. Yet to be confirmed.

**General Communications Register** Between January 2020 and 31st October 2020, there have been 146 communications via the 1300 phone number and the info@bangowindfarm.com.au email address. Of these contacts:

- 42% - potential suppliers
- 28% - individuals seeking employment on the project
- 30% - other reasons – mostly seeking physical location of wind farm for delivery of items etc; and offers of accommodation.

**Community Sponsorships YTD:**

- 2020 Approved = \$20,850
- February - \$2,000 ✓ Yass Show ✓ Boorowa Show
- September - \$10,150 ✓ St Joseph's School, Boorowa ✓ Rye Park Public School
- October - \$8,700 ✓ Carinya Court, Boorowa ✓ Boorowa Business Chamber ✓ Yass Valley Business Chamber ✓ Rye Park Showground.
- 1 x application currently to be assessed = \$6,000.

LH asked if any applications had been received from the Young district. TS commented that this area was too far away from the project to be impacted. LD advised that consideration is given to projects within 20 kilometres of the project, stating that these sponsorships are driven by the company and separate to the Community Enhancement Fund, which will commence once the project is operational.

JD advised that LD has done a lot of work in relation to education, with support for schools, buying locally campaigns and assisting with the Carinya Retirement Village renovations.

#### General Business

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- TS commented how visible the towers are, even without the blades. JA remarked that they can be seen 20-30 kms away.
- TM enquired about the Community Enhancement Fund rules, which state that host landholders cannot be on the CEF committee. TM advised that host land holders wish to be represented and he was keen to nominate. Discussions around the table on the appropriateness of this.
- TM mentioned that there have been some rumours around Boorowa that the project was "broke" and not going to be finished. JP confirmed that this was not the case. TM recommended that the company put something out in the community via media release reaffirming that the project is proceeding as planned. JP responded that they will put something in the next community newsletter and possibly do a letterbox drop before Christmas.
- JA commented that she was told 150 people were let go on a Friday afternoon without notice. MM responded that some contractors' "package of work" ended, therefore this section of the project had been finalised.
- TS advised that he heard that GE had blade problems. JP informed that this was incorrect, the contractor just needs a two day weather window to ensure the works can be undertaken in one process. Commenting that the blades will be transported in two pieces. JP explained the shipping and transport arrangements required.
- JA advised that Tangmangaroo Road is being used by workers, contrary to CWP's commitment and approval. JP responded that contractors are advised not to use this road and that only a handful of drivers over the construction period have travelled this road, which resulted in disciplinary action. JA further commented on the poor condition of the road and that the company should contact Council to have it fixed. JP advised that all construction vehicles, deliveries, etc are via Lachlan Valley Way and therefore the company could not be held accountable for the condition of Tangmangaroo Road. Recommending that residents should contact Council if they were concerned for their safety. It was suggested that TransGrid may be the ones using the road.
- JA asked what the expected time frame for the first turbine to be in use was. MM responded mid-January 2021, to be spinning. Further that one or two turbines will operate and trialled on putting power into the grid. A report will be prepared for the energy regulator to receive release. MMc commented that the turbine will be tested over a number of days at this time.
- JA asked if there was an area for the substation. MM advised that they will provide a map showing the footprint of the substation. **Action:**

#### Meeting Schedule for 2021

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It was agreed to hold 2021 meetings quarterly on Mondays, accordingly the following dates and locations were set:

- ✚ Monday – 15 February in Boorowa (*including proposed site inspection*)
- ✚ Monday – 24 May in Yass

-  Monday – 16 August in Boorowa
-  Monday - 15 November in Yass

***Meeting closed at 12.05pm with LA thanking all for their attendance and as it was the last CCC of the year, the chair wished members a safe and happy festive season.***

#### **Action Items**

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Item	Issue	Responsibility
1	Map of footprint of substation to be provided at next CCC	MM
2	Site Inspection to be scheduled when possible	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

### **12.3 MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD ON 27 JANUARY 2021**

---

#### **REPORT**

The minutes of the Audit, Risk & Improvement Committee meeting held on 27 January 2021 are included in **Attachment A**.

From these minutes there are no items which cover matters that:

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

The Committee endorsed the Audited Annual Financial Statements for the year ending 30 June 2020 subject to the Statements being resigned. The Statements were resigned and submitted to the Office of Local Government as per the extension of time directive to submit by 31 January 2021.

#### **RECOMMENDATION**

*That the Minutes of the Audit, Risk & Improvement Committee meeting held on 27 January 2021 be noted*

**ATTACHMENTS:** A. Audit, Risk & Improvement Committee Minutes 27 January 2021 [↓](#)



## **Minutes of the Audit, Risk and Improvement Committee Meeting**

**Wednesday 27 January 2021**

5.30pm

Council Chambers

209 Comur Street, Yass

**Minutes of the Audit, Risk and Improvement Committee Meeting held on 27 January 2021**

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**Minutes of the Audit, Risk and Improvement Committee Meeting held on 27 January 2021**

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**Present**

Andrew Hannan – Chair, Natasha Bourke, Mitchell Fleming (via Zoom), Rowena Abbey (via Zoom)

**Also Present**

Jovan Pejic – Manager, Risk Audit & Improvement, Mark Eady – Director Corporate & Community, Tracy Sligar – Chief Financial Officer, and Shirree Garland – Corporate Planning & Executive Support Officer

Sanket Raji – Deloitte, Monique Oosthuizen - Deloitte and Dominika Ryan NSW Audit Office (via Zoom) (6.13pm)

**1. Introduction**

**1.1 Formal Opening and Welcome**

**1.2 Acknowledgement of Country**

Chair Andrew Hannan made a statement acknowledging the tradition owners

**1.3 Apologies**

Apologies were received from Cr Allison Harker and Chris Berry – General Manager

**1.4 Declaration of Conflict of Interest**

Nil

**2. Committee Matters**

**2.1 Confirmation of Minutes**

***RESOLVED that the minutes of the Audit, Risk and Improvement Committee Meeting held on 27 October 2020, be taken as read and confirmed.***

***(Abbey/Bourke)***

**2.2. Matters Arising**

Nil



**Minutes of the Audit, Risk and Improvement Committee Meeting held on 27 January 2021**

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**3. AUDITED FINANCIAL STATEMENTS AND ANNUAL REPORT FOR THE YEAR ENDED  
30 JUNE 2020**

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**SUMMARY**

Presenting the Audited Financial Statements and Annual Report for the year ended 30 June 2020.

**RESOLVED that :**

1. *The Audited Annual Financial Statements for the year ended 30 June 2020 be endorsed, subject to the Statements being re-signed.*
2. *The Annual Report for the year ended 30 June 2020 be endorsed.*

*(Bourke/Fleming)*

**4. Other Matters**

The committee acknowledged Tracy Sligar, Chief Financial Officer's work and efforts on the Financial Statements.

**5. Next Meeting**

To be advised.

The meeting closed at 6.21 p.m.

## 12.4 MINUTES OF THE TRAFFIC MANAGEMENT COMMITTEE HELD ON 3 FEBRUARY 2021

### REPORT

The minutes of the Traffic Management Committee held on 3 February 2021 are included in **Attachment A**.

From these minutes there are four items which covers matters that:

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

### RECOMMENDATION

*That the draft Committee Minutes of the Traffic Management Committee meeting held on 3 February 2021 be noted and the following recommendations adopted*

#### **Item 7.2 Yass Anzac Day 2021 Road Closures**

*That:*

1. *The Yass 2021 Anzac Day Road event be supported subject to the provision of updated insurance documents to TfNSW.*
2. *Public notification of the road closures be arranged and advice be forwarded to the NSW Ambulance Services and NSW Fire and Rescue.*

#### **Item 7.3 Binalong Anzac Day 2021 Road Closures**

*That:*

1. *In principle support for the Binalong 2021 Anzac Day event be granted subject to the provision of updated TCP's and insurance documents to TfNSW.*
2. *Public notification of the road closures be arranged and advice be forwarded to the NSW Ambulance Services and NSW Fire and Rescue.*

#### **Item 7.4 Sutton Anzac Day 2021 Road Closures**

*That:*

1. *In principle support for the Sutton 2021 Anzac Day Road event be granted subject to the provision of updated TCP's and insurance documents to TfNSW.*
2. *Public notification of the road closures be arranged and advice be forwarded to the NSW Ambulance Services and NSW Fire and Rescue.*

#### **Item 7.5 Gundaroo Anzac Day Road Closures**

*That:*

1. *The Committee supports in principle the Gundaroo 2021 Anzac Day event subject to the provision of updated TCP's and insurance documents to TfNSW.*
2. *Public notification of the road closures be arranged and advice be forwarded to the NSW Ambulance Services and NSW Fire and Rescue.*

**ATTACHMENTS:** A. Traffic Management Committee Minutes 3 February 2021 [↓](#)



## **Minutes of the Traffic Facilities Committee Meeting**

**Wednesday 3<sup>rd</sup> February 2021**

10.30am

Council Foyer Room  
209 Comur Street, Yass

**Minutes of the Traffic Facilities Committee Meeting held on 3 February 2021**

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**Minutes of the Traffic Facilities Committee Meeting held on 3 February 2021**

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**Present**

Cr Jasmin Jones (Chairperson), Terry Cooper (Engineering Services Manager), Katherine Boulton (TfNSW via Zoom), Meryl Hinge (RSO Officer) and Trish Rayner (Support Engineer) (Minutes)

**Acknowledgement of Country**

The meeting commenced at 10:40am.

**2. Apologies**

Stephen Pidgeon and Dave Cowell (NSW Police)

**3. Declarations of Interest**

Nil

**4. Confirmation of Minutes**

**COMMITTEE DECISION**

*That the minutes of the Traffic Facilities Committee Meeting held on 11 November 2020, be taken as read and confirmed.*

**5. Matters Arising From Minutes**

Nil

**6. Director of Infrastructure & Assets Reports**

**6.1 2020 BOWNING XMAS MARKETS**

---

**SUMMARY**

To provide the Committee an update of an event approved between meetings of the Traffic Committee.

**COMMITTEE DECISION**

*That the information on the 2020 Bowning Xmas Markets be noted.*

**6.2 YASS ANZAC DAY 2021 ROAD CLOSURES**

---

**SUMMARY**

To consider confirmation for the Yass Anzac Day Ceremony to be held on 25 April 2021.

**RECOMMENDATION**

*That:*

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**This is page 2 of 6 of the minutes of a meeting of  
Yass Valley Traffic Facilities Committee held on the above date**

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**Minutes of the Traffic Facilities Committee Meeting held on 3 February 2021**

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1. *The Yass 2021 Anzac Day Road event be supported subject to the provision of updated insurance documents to TfNSW.*
2. *Public notification of the road closures be arranged and advice be forwarded to the NSW Ambulance Services and NSW Fire and Rescue.*

---

**6.3 BINALONG ANZAC DAY 2021 ROAD CLOSURES**

---

**SUMMARY**

To consider confirmation for the Binalong 2021 Anzac Day March.

**RECOMMENDATION**

*That:*

1. *In principle support for the Binalong 2021 Anzac Day event be granted subject to the provision of updated TCP's and insurance documents to TfNSW.*
2. *Public notification of the road closures be arranged and advice be forwarded to the NSW Ambulance Services and NSW Fire and Rescue.*

---

**6.4 SUTTON ANZAC DAY 2021 ROAD CLOSURES**

---

**SUMMARY**

To consider confirmation for the Sutton 2021 Anzac Day Ceremony.

**RECOMMENDATION**

*That:*

1. *In principle support for the Sutton 2021 Anzac Day Road event be granted subject to the provision of updated TCP's and insurance documents to TfNSW.*
2. *Public notification of the road closures be arranged and advice be forwarded to the NSW Ambulance Services and NSW Fire and Rescue.*

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**6.5 GUNDAROO ANZAC DAY 2021 ROAD CLOSURES**

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**SUMMARY**

To consider confirmation for the Gundaroo 2021 Anzac Day Ceremony.

**RECOMMENDATION**

*That:*

1. *In principle support for the Gundaroo 2021 Anzac Day event be granted subject to the*

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**This is page 3 of 6 of the minutes of a meeting of  
Yass Valley Traffic Facilities Committee held on the above date**

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**Minutes of the Traffic Facilities Committee Meeting held on 3 February 2021**

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*provision of updated TCP's and insurance documents to TfNSW.*

2. *Public notification of the road closures be arranged and advice be forwarded to the NSW Ambulance Services and NSW Fire and Rescue*

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**7. COMMITTEE MEMBER'S UPDATES**

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**SUMMARY**

To provide each Committee member an opportunity to provide the Committee with an update on traffic matters as it relates to their area of responsibility.

**NSW Police – NIL**

**TfNSW –** Restructure at TfNSW, at this stage business as usual any changes will be communicated to the General Manager.

**Council – 25 February Learner Drivers Workshop**

'Free Coffee with a Cop' this is a police initiative speaking with truck drivers regarding the fatigue zone along the Hume High, this initiative will be held at the Mundoonan Rest Stop. Attending with the NSW Police will be Council's RSO officer, TfNSW staff from Wagga and the Heavy Vehicle Registered Federal Department.

The draft design for the guard rail on Stevens Street, Binalong was sent to TfNSW on 2 February 2021. TfNSW to provide comment by 5 February 2021.

Options for the Yass Public School parking/car movements should be provided by the end of February 2021.

The community's feedback regarding the Christmas Parade was very positive, the only concern was if the road could be closed if this event was held again.

**COMMITTEE DECISION**

*That the information provided by Committee Member be noted.*

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**8. UPDATE ON CURRENT TRAFFIC MANAGEMENT COMMITTEE ISSUES**

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**SUMMARY**

An update is provided of the outstanding issues/activities and associated actions of the Committee including their current status.

**COMMITTEE DECISION**

*That the information on current Traffic Management Committee issues be noted*

**9. Next Meeting**

Time: 10.30am

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This is page 4 of 6 of the minutes of a meeting of  
Yass Valley Traffic Facilities Committee held on the above date



**Minutes of the Traffic Facilities Committee Meeting held on 3 February 2021**

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Date: Wednesday 5 May 2021  
Venue: Council Foyer Room  
209 Cornur Street  
YASS NSW 2582

The meeting closed at 11:00.am.

## 12.5 MEETING NOTES OF THE YASS SOLDIERS MEMORIAL HALL COMMITTEE HELD ON 4 FEBRUARY 2021

---

### REPORT

The Yass Soldiers Memorial Hall Committee met on 4 February 2021. The meeting did not have a quorum. The Committee's meeting notes (refer **Attachment A**) are presented for Council's information.

A copy of the Agenda papers are available on The Hub and on Council's website - <https://www.yassvalley.nsw.gov.au/our-council/council-meetings/agendas-and-minutes/>

As there were insufficient members in attendance for a quorum informal discussion took place with those in attendance. The following matters were discussed:

- Building conditions audit
- Fees and charges for 2021/22
- Nominations
- Kitchen design
- Maintenance budget

From the discussions by those in attendance the following suggestions were made:

- **Building conditions audit**

The suggestion was made that a full structural integrity report be undertaken including priorities for repairs and grant funding be sought for urgent repairs.

Staff can organise the structural report to be undertaken with the cost to be included in the 3<sup>rd</sup> Quarter Budget Review.

- **Fees and charges**

The fees and charges for hire of the hall are recommended to remain unchanged.

Council determines the fees and charges are part of the 2021/22 budget process. User groups should not be advising on fees and charges prior to the preparation of the budget due to their pecuniary interests of their organisations. Consultation on any proposed fees is undertaken as part of the usual public exhibition of the Operational Plan.

- **Nominations**

Nominations for new members of the Committee are included in a separate report. It should be noted that these nominations have not been received in response to a public call for expressions of interest.

- **Kitchen design**

Consultation with user groups on any design for the kitchen can be undertaken at the appropriate stage once a decision has been made to proceed with such an upgrade. In light of the structural deficiencies with the building these need to be prioritised first (one the final report has been completed) before any upgrades, such as a new kitchen, are considered.

- **Maintenance budget**

The maintenance budget is currently for all Council facilities and is not separated out into individual buildings. While the Committee is seeking a separate budget for the Hall the current chart of accounts does not provide for this. The structure of the accounts is planned to be reviewed in the 2021/22 financial year.

**RECOMMENDATION**

*That:*

1. *The Notes from the Yass Soldiers Memorial Hall Committee meeting held on 4 February 2021 be noted*
2. *A full structural integrity report (including priorities and estimated costs for repairs) for the Hall be undertaken and resources for the report be included in the 3<sup>rd</sup> Quarter Budget Review*
3. *Fees and charges for the hire of the Hall be considered as part of the 2021/22 Operational Plan*

**ATTACHMENTS:**     A. 4 February 2021 Yass Soldiers Memorial Hall Committee Meeting Notes [!\[\]\(cbe80b694ebd74fcfe136a095b608235\_img.jpg\)](#)



## **Notes of the Yass Soldiers Memorial Hall Committee Meeting**

**Thursday 4 February 2021**  
2.00pm  
Yass Soldiers Memorial Hall

**Committee Members:** Cr G Frost (Chair), Cr K Turner, A McCarthy, J ward, N Turner, P Keogh,  
J Scanes, S Peer, vacant position

**Notes of the Yass Soldiers Memorial Hall Committee Meeting held on 4 February 2021**

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**Notes of the Yass Soldiers Memorial Hall Committee Meeting held on 4 February 2021**

**Present**

Cr Geoff Frost (in the Chair), Cr Kim Turner, Neil Turner, Alfred McCarthy

**Note: There was no quorum present**

**In Attendance**

Chris Berry, Asbhan Bhandari, Tony Stevens, Philip Hodge, Seamus McGurk, Adrian Cameron, Jean Frost, Valarie Jewell, Judy Breitkopf and Steve Neuhaus.

**The Passing of Con Novitski**

**Thirty seconds silence was observed in remembrance of Committee member Con Novitski who passed away in December 2020.**

The Committee wished the following to be recorded in the meeting notes:

Con was a very good friend to all of us and to Yass. Con was involved in the setting up and early running of Yass FM, where his skills as a broadcaster and technical officer, as were his ability to work productively with others. Con was always a sensible source of sound advice and a reliable and valuable team member. Con played a massive role in establishing and running the station, and I doubt we would have Yass FM without him. On Council committees, Con was a passionate about tourism and economic development and was a very strong supporter of the Railway Museum and the Yass Cup which was held at Canberra racecourse but was a truly Yass event - largely due to Con's passion and enthusiasm for it. Con was a member of the old Development Corporation and stayed on as a member of its successor Council Committees. In these roles Con always provided calm and sensible advice and backed his talk with action. Similarly, on the Memorial Hall committee, Con could always be relied on to provide a different and sensible view and was enthusiastic about its restoration and long term use by the community. He always made an important contribution, right up to the last meeting of the committee in November 2020.

We will miss Con's wisdom and common sense, but more so his humour and sunny positive outlook on all things.

**1. Apologies**

Apologies were received from James Ward and Jan Scanes.

**2. Declaration of Interest/Disclosures**

Nil

**3. Confirmation of Minutes**

**FOR CONSIDERATION AT NEXT MEETING**

*That the minutes of the Yass Soldiers Memorial Hall Committee Meeting held on 26 November 2020, be taken as read and confirmed.*

**4. Business Arising from Minutes**

Nil

## Notes of the Yass Soldiers Memorial Hall Committee Meeting held on 4 February 2021

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### 5. Matters Brought Forward

#### RSL Expression of Interest – Use of Yass Memorial Hall Front Office

An expression of interest received by Council from the RSL to use the southern side front office of the Hall.

The committee was advised that Expressions of Interest would be advertised and a report submitted to a future Council meeting for determination.

### 6. Staff Reports

#### 6.1 COMMITTEE UPDATE REPORT

---

##### SUMMARY

Providing the Committee with an update on the Condition Audits undertaken on the Yass Soldiers Memorial Hall to inspect the hall as fit for purpose and to ascertain required and potential upgrade requirements.

Staff spoke to the attached reports and provided an update on the water damage in particular to the kitchen floor area, the committee was informed that the area has been cordoned off and is not safe for use until further investigation can be carried out to ascertain the extent of damage and cost of repairs.

Investigation on the male amenities needs further investigation as the floor is uneven and there are some cracked tiles. All Forward bookings have been contacted and advised of the need for alternate arrangements for kitchen use.

The committee was also informed that due to safety concerns the upstairs gallery is not to be used until further complete structural engineer's assessment as per schedule in the recommendation is carried out.

##### DETERMINATION

That:

1. *A full structural integrity report be undertaken by a certified engineer on aspects listed below:*
  - *Roof structure*
  - *Floor and subfloor condition assessment*
    - a. *Kitchen floor area be accessed as a priority and an urgent separate report provided.*
  - *Access and egress – condition and compliance*
  - *Electrical condition report – code compliance, including all electrical control panels / boards*
  - *Fire safety compliance*
  - *Plumbing/Drainage condition*
  - *Upper storey load level report*
  - *Asbestos report*
  - *Lead paint report*
2. *Priorities for repairs be fully costed and presented to The Yass Soldiers Memorial Hall Committee for further consideration.*
3. *Grant funding opportunities be explored for source funding of urgent repairs.*

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This is page 3 of 6 of the Notes of a meeting of  
Yass Valley Yass Soldiers Memorial Hall held on the above date



## **Notes of the Yass Soldiers Memorial Hall Committee Meeting held on 4 February 2021**

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### **6.2 CONSIDERATION OF 2021/2022 FEES AND CHARGES - YASS MEMORIAL HALL**

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#### **SUMMARY**

Presenting report for consideration of the Memorial Hall Committee in recommending Hall hire fees for 2021/22.

#### **DETERMINATION**

*That Hall hire fees for 2021/22 remain unchanged.*

### **6.3 MEMORIAL HALL INCOME, EXPENSE AND USAGE REPORT**

---

#### **SUMMARY**

Providing an overview of Hall income and expenses over the past three years also included is the usage numbers and a breakdown of hire type for the committee's information.

#### **DETERMINATION**

*That the report be noted.*

## **7. General Business from the Committee**

### **7.1 NOMINATION OF COMMITTEE MEMBERS**

---

#### **SUMMARY**

The Committee strongly supports three new applications to the Section 355 Yass Soldiers Memorial Hall for Council's consideration from the following Community/user groups:

1. A replacement nomination for current retiring Music Club member.
2. A new nomination from the Yass Historical Society to fill the vacant position.
3. That the number of committee members to be amended to include one additional position, this would accommodate an additional nomination from the of Yass RSL Sub Branch. The RSL would hold three positions of the committee.

Three nomination forms were provided with two nomination forms completed and handed to Council staff for further action.

#### **DETERMINATION**

*That three nominations be accepted when received by Council for inclusion on the Yass Soldiers Memorial Hall Committee.*

**Notes of the Yass Soldiers Memorial Hall Committee Meeting held on 4 February 2021**

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**7.2 CONSULTATION WITH USER/CATERING GROUPS**

---

**SUMMARY**

In attendance were members of the Country Women's Association (CWA) who provide catering for the Music Club. Yass CWA Branch representatives provided an overview of kitchen requirements to meet catering needs for consideration in any future planning of upgrade works.

**DETERMINATION**

*That the users of the kitchen be consulted and involved in design prior to any upgrade /renovation works being undertaken to the kitchen area.*

**7.3 MAINTENANCE BUDGET**

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**SUMMARY**

The committee would like a separate maintenance budget line for Yass Memorial Hall Maintenance included in the 2021/2022 operations budget for repairs and maintenance. This would ensure that the Committee has input into priority maintenance issues but managed by Council staff.

**DETERMINATION**

*The committee members ask Council to establish a separate maintenance budget line for the Yass Soldiers Memorial Hall with sufficient funds for minor maintenance issues at the Hall.*

**8. Confidential Matters**

Nil

**9. Next Meeting**

April 2021

The meeting closed at 3.37 p.m.

## 13 CONFIDENTIAL MATTERS

### RECOMMENDATION

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

#### **13.1 Tender Evaluation Report - Architectural and Interior Design Services**

Item 13.1 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **13.2 Tender Evaluation Report - Civil and Structural Engineering Services**

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 - Multi Service Engineer Services**

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 Tender Evaluation Report - Quantity Surveying Services**

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.

#### **13.5 Tender Evaluation Report - Nanima Road Rehabilitation Stage 2 - YVC/IA/17.2020**

Item 13.5 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.

#### **13.6 Tender Evaluation Report - Dog Trap Road Rehabilitation Segments 7B & 8 - YVC/IA/16.2020**

Item 13.6 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.

#### **13.7 Nominations - Yass Soldiers' Memorial Hall Committee**

Item 13.7 is confidential in accordance with section s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.