



## **Ordinary Meeting of Council**

**Wednesday 25 August 2021**

**4.00pm**

**Council Chambers**

**209 Comur Street, Yass**

**PRAYER:**

**All Stand:**

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

**All say together:**

*Almighty God, we ask your blessing upon this Council.*

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

**FUTURE MEETINGS**

**September 2021**

**Wednesday 22nd**

**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.

<b>1. Prayer</b>	
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Nil

**11. Questions with Notice**

Nil

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

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- 13.1 Minutes of the General Manager's Performance Review Committee held on 2 August 2021 ..... 75
- 13.2 Yass Water Treatment Plant Upgrade Funding Scenarios - Impact on Typical Residential Water Bills ..... 75

**Close of Meeting Time**

**Julie Rogers**

**ACTING GENERAL MANAGER**





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

**Wednesday 28 July 2021**

4.00pm

Council Chambers

209 Comur Street, Yass

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## Minutes of the Ordinary Meeting of Council held on 28 July 2021

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## Open Forum

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

- David Mawell  
Item 6.6 – DA210001 – Subdivision & Construction of Private Road, 298 Parkwood Road, Wallaroo

**Council Meeting - The Mayor declared the meeting open at 4.15 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, Director of Infrastructure & Assets – James Dugdell, Director of Corporate & Community – Lynette Safranek and Corporate Planning & Executive Support Officer – Shirree Garland.

### Acknowledgement of Country

#### 1. Prayer

#### 2. Apologies

Nil

#### 3. Declaration of Interest/Disclosures

**Councillor Turner** declared a non-significant, non-pecuniary conflict of interest in Item 6.1 – 2021/22 Local Heritage Grant Program and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Turner declared an interest as the Warden of St James is his wife.

**Councillor Harker** declared a significant, pecuniary conflict of interest in Item 6.5 – Planning Proposal – Highway Service Centre, Murrumbateman and stated that she believed her interest would preclude her from voting.

**Reason:** Councillor Harker declared an interest as she is related to the owners.

**Councillor Frost** declared a significant, non-pecuniary conflict of interest in Item 7.2 – “Old” Yass Water Treatment Building and stated that he did believe his interest would preclude him from voting.

**Reason:** Councillor Frost declared an interest as President of Yass FM, the tenant discussed in the item.

**Councillor Burgess** declared a significant, -pecuniary conflict of interest in Item 12.1 Minutes of the Bango Wind Farm Community Consultative Committee and stated that he believed his interest would preclude him from voting.

**Reason:** Councillor Burgess declared an interest as he could be a possible beneficiary of money from the Bango Wind Farm.

**Councillor Jones** declared a non-significant, non-pecuniary conflict of interest in Item 7.9 – 2021/22 School Zone Infrastructure Sub-Program Grant Tranche 3 and stated that she did not believe her interest would preclude her from voting.

**Reason:** Councillor Jones declared an interest as her child attends one of the schools which will benefit from the grant works.

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

***RESOLVED that the minutes of the Ordinary Council Meeting held on 23 June 2021 covered resolution numbers 113-133 inclusive be taken as read and confirmed.***

***(Furry/Turner) 134***

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 2021/22 LOCAL HERITAGE GRANT PROGRAM**

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#### **SUMMARY**

To present a report on the completion of the 2020/21 Local Heritage Grants and the recommendations from the 2021/22 Local Heritage Grants Assessment Panel.

***RESOLVED that :***

- 1. The expenditure and reimbursement for the 2020/21 Local Heritage Grants Program be noted.***
- 2. The following funding be provided un the 2021/22 Local Heritage Grant Program:***

<b><i>Binalong Mechanics Institute, Binalong</i></b>	<b><i>\$2,500</i></b>
<b><i>Cooma Cottage, Yass</i></b>	<b><i>\$1,500</i></b>
<b><i>"Caledonia Store", 32 Cork St Gundaroo</i></b>	<b><i>\$2,075</i></b>
<b><i>"General Store" 28 Fitzroy Street Binalong</i></b>	<b><i>\$3,000</i></b>
<b><i>"Darcyville", 18 Pritchett Street Yass</i></b>	<b><i>\$2,000</i></b>
<b><i>Bowning Hall</i></b>	<b><i>\$3,300</i></b>
<b><i>St James Church Bowning</i></b>	<b><i>\$625</i></b>
<b><i>St Mark's Church Gundaroo</i></b>	<b><i>\$2,000</i></b>
<b><i>"The Parsonage" 120 Rossi Street Yass</i></b>	<b><i>\$2,000</i></b>

***(Furry/Reid) 135***

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

AGAINST: Nil

## 6.2 PUBLIC SPACE LEGACY PROGRAM

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### SUMMARY

The first stage of the Public Spaces Legacy Program has been successfully completed.

***RESOLVED that the successful completion of the first stage of the Public Spaces Legacy Program be noted.***

**(Jones/Frost) 136**

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 BUSH FIRE PRONE LAND MAP

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### SUMMARY

To present the draft bush fire prone land map for the Yass Valley prepared by the Rural Fire Service (RFS).

***RESOLVED that the draft Bushfire Prone Map be approved and a request be made to the Rural Fire Service for its certification.***

**(Furry/Reid) 137**

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

AGAINST: Nil

## 6.4 DRAFT VICTORIA PARK MASTERPLAN

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### SUMMARY

The purpose of this report is to recommend public exhibition of the draft Victoria Park Masterplan.

***RESOLVED that the draft Victoria Park Masterplan be placed on public exhibition and be adopted if no substantial objections are received or substantial revisions to the plan are required.***

**(Furry/Reid) 138**

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

AGAINST: Nil

At 04:20 pm Councillor Harker left the Chambers.

## **6.5 PLANNING PROPOSAL - HIGHWAY SERVICE CENTRE, MURRUMBATEMAN**

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### **SUMMARY**

To present the outcomes of the consultation for the Planning Proposal seeking amendment to the *Yass Valley LEP 2013* to permit a highway service centre on the Barton Highway, Murrumbateman.

#### **RESOLVED that :**

- 1. The Planning Proposal – Highway Service Centre, Murrumbateman (PP.2020.01) 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.***

**(Frost/Reid) 139**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, M McManus and M Reid

AGAINST: Councillors J Jones and K Turner

At 04:48 pm Councillor Harker returned to the Chambers.

## **6.6 DEVELOPMENT APPLICATION NO DA210001 - SUBDIVISION & CONSTRUCTION OF PRIVATE ROAD, 298 PARKWOOD ROAD, WALLAROO**

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### **SUMMARY**

To present the assessment of Development Application No DA210001 for the construction of a private road and subdivision of 298 Parkwood Road, Wallaroo. The proposal is referred to Council as the application attracted five submissions.

***RESOLVED that conditional Development Consent be issued for Development Application No 210001 for the construction of a private road and subdivision of 298 Parkwood Road, Wallaroo.***

**(Furry/Reid) 140**

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

AGAINST: Nil

**6.7 DEVELOPMENT APPLICATION NO 210076 - YASS HIGH SCHOOL MULTI-PURPOSE HALL, 39 GRAMPIAN STREET, YASS**

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**SUMMARY**

A Development Application for a multi-purpose school hall at Yass High School has been lodged with Council and is to be determined by the Southern Regional Planning Panel. Council has been advocating for several years for improved facilities at the high school.

***RESOLVED that the determination of Development Application No DA210076 for a multi-purpose school hall at Yass High School, 39 Grampian Street, Yass by the Southern Regional Planning Panel be noted.***

***(Jones/Harker) 141***

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 WATER TREATMENT PLANT UPGRADE PROJECT - DESIGN AND BUSINESS CASE PREPARATION UPDATE**

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**SUMMARY**

The Yass Water Treatment Plant Upgrade Project is an important and challenging project for the Yass Valley Council. In December 2020 an update on progress of the Yass Water Treatment Plant Upgrade Project was provided which outlined significant challenges to the progression of the project. Council requested bimonthly update reports be provided on the project. This report is the third update.

***RESOLVED that :***

- 1. The update report and work completed on the Water Treatment Plant Upgrade Project be noted.***
- 2. The submission for funding of Stage 1 Construction Works estimated at \$2.543M made to Housing Acceleration Fund (HAF)/RestartNSW be noted.***
- 3. The funding for construction of Stage 1 Works from HAF be accepted when approved.***
- 4. The General Manager be delegated to execute the Funding Deed for Yass WTP Upgrade: Stage 1 Construction.***
- 5. Work on the Design and Business Case for Stage 2 & 3 Upgrade Works be recommenced on the basis of the Peer Review recommendations and stakeholder feedback.***
- 6. The 2021/22 Operational Plan/Budget be modified to reflect the above recommendations to include \$2.543M of capital grant funds to cover \$2.543M capital expenditure.***

***(Jones/Turner) 142***



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

AGAINST: Nil

At 05:01 pm Councillor Frost left the Chambers.

## **7.2 "OLD" YASS WATER TREATMENT BUILDING**

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### **SUMMARY**

To present a report advising of the current unsafe condition of the Old Water Treatment Building, and to advise that Yass Community Radio Association (Yass FM100.3) have vacated the building and implemented interim transmission measures while alternate accommodation options are being explored.

***RESOLVED that the report on the "Old" Yass Water Treatment Building be noted.***

***(Burgess/Turner) 143***

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

AGAINST: Nil

At 05:02 pm Councillor Frost returned to the Chambers.

## **7.3 LEASE OF YASS MEMORIAL POOL AREA FOR CONSTRUCTION OF A HEATED POOL**

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### **SUMMARY**

The construction of a new indoor heated pool for swimming lessons and rehabilitation is part of the Council's vision for the development of the Victoria Park Precinct. The draft Victoria Park Masterplan which will form the basis of the Victoria Park Plan of Management has identified the area around the existing Yass War Memorial Pool as the location of the Indoor Heated Pool. Council has been approached by a private company looking for a location to develop an indoor heated pool. The option for a lease of the site exists to enable the construction and management of an appropriate facility for the community.

***RESOLVED that the process required under the Local Government Act 1993 and the Crown Lands Management Act 2016 be commenced to enable the release of an expression of interest for the lease of the Yass Memorial Pool site for the purpose of construction and operating an indoor heated pool and (if requested) the operation of the existing pool facility.***

***(Jones/Turner) 144***

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

AGAINST: Councillor M McManus

## 7.4 ELECTRIC VEHICLE CHARGING NETWORK PROPOSALS

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### SUMMARY

This report provides advice on a number of Electric Vehicle (EV) Charging Networks Proposals that have been submitted.

***RESOLVED that discussions be entered into with the two companies on alternate locations for EV chargers and a further report be brought back to Council for further consideration.***

***(Harker/Turner) 145***

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

AGAINST: Nil

## 7.5 CRAGO MILL PRECINCT - DEVELOPMENT APPLICATION SUBMISSION

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### SUMMARY

The Crago Mill Precinct Concept Design has been developed to a point where it is suitable for submission for Development Application assessment and approval. Community consultation and internal staff consultation have been completed and the outcomes are being considered as part of the design process. This report seeks Council's approval for the submission of the Development Application package based on the Concept Designs.

***RESOLVED that the Crago Mill Precinct Development Application be submitted based on the Concept Designs.***

***(Jones/Reid) 146***

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

AGAINST: Nil

## 7.6 DRAFT 2021 STRATEGIC PLAN MURRUMBATEMAN RECREATION GROUNDS USER GROUP FORUM

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### SUMMARY

To advise on the outcomes of a forum undertaken with submitters in May 2021 to finalise the draft '2021 Strategic Plan Murrumbateman Recreation Grounds.

***RESOLVED that :***

- 1. The revised 2021 Strategic Plan Murrumbateman Recreation Grounds be adopted.***
- 2. The original amenities building location not be changed due to the cost and opposition from other site users.***

***(Furry/Reid) 147***

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

AGAINST: Nil

## **7.7 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE GRANTS PHASE 3**

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### **SUMMARY**

To accept and apart allocate determine the allocation of funds of \$1,714,454 provided by Australian Government under the Local Roads and Community Infrastructure (LRCI) Program Phase 3.

#### **RESOLVED that :**

- 1. The Local Roads & Community Infrastructure Program Phase 3 grant for the amount of \$1,714,454 be accepted.**
- 2. The grant funding be allocated as follows:**
  - \$1,000,000 for gravel re-sheeting of Council's unsealed road network to be allocated \$250,000 to 2021/22 and \$750,000 to 2022/23.**
  - \$714,454 be subject to a further report to Council.**
- 3. The 2021/22 Operational Plan/Budget be modified to reflect the above recommendations to include \$250,000 of grant funds to cover \$250,000 capital expenditure.**

**(Jones/Turner) 148**

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

AGAINST: Nil

## **7.8 2021/22 SAFER ROADS PROGRAM GRANT**

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### **SUMMARY**

To accept funds of \$455,000 provided under the NSW 2021/22 Safer Roads Program.

#### **RESOLVED that :**

- 1. The NSW2021/22 Safer Roads program grant for \$455,000 be accepted.**
- 2. The grant funding be allocated as follows:**
  - \$100,000 in 2021/22**
  - \$355,000 in 2022/23**
- 3. The 2021/22 Operational Plan/Budget be modified to reflect the above recommendations to include \$100,000 of capital grant funds to cover \$100,000 capital expenditure.**

**(Furry/Reid) 149**

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

AGAINST: Nil

## **7.9 2021/22 SCHOOL ZONE INFRASTRUCTURE SUB-PROGRAM GRANT TRANCHE 3**

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### **SUMMARY**

To accept funds of \$871,306 provided under the joint Federal and NSW 2021/22 School Zone Infrastructure Sub-Program Tranche 3.

#### **RESOLVED that**

- 1. The 2021/22 School Zone Infrastructure Sub-Program Tranche 3 grant for \$871,306 be accepted.**
- 2. The 2021/22 Operational Plan/Budget be modified to reflect the above recommendations to include \$871,306 of capital grant funds to cover \$871,306 capital expenditure.**

**(Jones/Harker) 150**

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

AGAINST: Nil

## **7.10 YASS FLOODPLAIN RISK MANAGEMENT PLAN & STUDY**

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### **SUMMARY**

A draft *Yass Flood Risk Management Plan & Study* has been prepared to assess the impacts of flooding, review existing Council policies as they relate to development of land in flood liable areas and to consider measures for the management of flood affected land. The draft plan has been placed on public exhibition, submissions received and a final draft is now presented for adoption by Council.

#### **RESOLVED that the draft Yass Flood Risk Management Plan & Study be adopted.**

**(Frost/Turner) 151**

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

AGAINST: Nil

## **7.11 MURRUMBATEMAN, BINALONG, BOOKHAM & BOWNING FLOOD STUDIES**

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### **SUMMARY**

To adopt the Murrumbateman, Binalong, Bookham and Bowning Flood Studies including addendums created to ensure a consistent set of flood related planning controls can be applied to future development in the Local Government Area.

#### **RESOLVED that the draft Murrumbateman, Binalong, Bookham and Bowning Flood Studies and addendums be adopted.**

**(Furry/Reid) 152**

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 INVESTMENT AND BORROWINGS REPORT - JUNE 2021**

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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 June 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.

***RESOLVED that the Investment Report as at 30 June 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.***

***(Furry/Reid) 153***

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 RATES ARREARS**

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#### **SUMMARY**

To update Council on rate arrears to the end of the fourth 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 \$474,301.11 as of 30 June 2021. This represents an improvement of \$655,022.84 or 58.0 %.

***RESOLVED that the report on rates arrears be noted.***

***(Frost/Furry) 154***

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

AGAINST: Nil

### **8.3 REVOTES FROM 2020/21 TO 2021/22**

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#### **SUMMARY**

To submit proposed revotes and project costs to be carried forward from 2020/21 to the new financial year 2021/22.

***RESOLVED that :***

- 1. The budgets detailed in Attachment A Revotes from 2020/21 to 2021/22 be revoted.***
- 2. The budgets detailed in Attachment B Carry Forward funds from 2020/21 to 2021/22 be noted.***

***(Frost/Turner) 155***

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

AGAINST: Nil

#### **8.4 RESTRICTED ASSETS POLICY**

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##### **SUMMARY**

In accordance with the *Local Government Act 1993*, this report provides a review of the Restricted Assets Policy.

***RESOLVED that the Restricted Assets Policy be adopted.***

**(Jones/Turner) 156**

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

AGAINST: Nil

#### **8.5 SERVICE NSW PARTNERSHIP AGREEMENT**

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##### **SUMMARY**

The purpose of this report is to seek support to enter into an Agreement with Service NSW and to consider future business improvement initiatives.

***RESOLVED that the General Manager be delegated authority to enter into an Agreement with Service NSW.***

**(Turner/McManus) 157**

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 LOCAL GOVERNMENT ELECTION 2021**

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##### **SUMMARY**

The declaration of the 2021 Local Government Election clashes with the current scheduled Council meeting date. It is recommended that the September 2021 Council meeting not be held and a Council meeting be held on 6 October 2021.

***RESOLVED that the report be noted considering the State decision to defer elections until 4 December 2021.***

**(Turner/Furry) 158**

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 COUNCIL COMMITTEES - FRAMEWORK AND TRANSITION ARRANGEMENTS**

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## SUMMARY

To present the framework for Council Committees and the transitional arrangements for endorsement.

***RESOLVED that the Committee Framework and Transition Arrangements be endorsed subject to completion dates being amended.***

***(Harker/Reid)*** 159

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**

At 06:14 pm Councillor Burgess left the Chambers.

### **12.1 MINUTES OF THE BANGO WIND FARM COMMUNITY CONSULTATIVE COMMITTEE HELD ON 24 MAY 2021**

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***RESOLVED that the minutes of the Bango Wind Farm Community Consultative Committee meeting held on 24 May 2021 be noted.***

***(Frost/Turner)*** 160

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

AGAINST: Nil

### **12.2 MINUTES OF THE CANBERRA REGION JOINT ORGANISATION HELD ON 11 JUNE 2021**

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***RESOLVED that the minutes of the Canberra Region Joint Organisation meeting held on 11 June 2021 be noted.***

***(Furry/Turner)*** 161

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

AGAINST: Nil

### **12.3 MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE HELD ON 29 JUNE 2021**

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**RESOLVED** that the minutes of the Audit, Risk & Improvement Committee meeting held on 29 June 2021 be noted and the following recommendation be adopted:

**Item 4.4 CRJO Internal Audit Service**

**That Council agree to participate in an independent ARIC and internal audit function established by the CRJO to provide a service to member Councils noting the need:**

- **To mitigate key risks including by ensuring that any shared service arrangement does not result in degradation of Internal Audit Services to Council**
- **For a risk based internal audit plan to be maintained for Yass Valley Council**
- **All agreed governance and service arrangements are contractually enforceable**

**(Furry/Harker) 162**

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

**AGAINST:** Nil

## **12.4 MINUTES OF THE TRAFFIC FACILITIES MANAGEMENT COMMITTEE HELD ON 30 JUNE 2021**

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**RESOLVED** that the minutes of the Traffic Facilities Management Committee meeting held on 30 June 2021 be noted and adopt the following recommendations:

**1. Wine N Vibe 2021 Event**

**That the 2021 Wine N Vibe event be approved subject to the following conditions:**

1. **The organiser is to supply Council with a copy of the current Public Liability Insurance for the event with a minimum \$20,000,000 indemnity**
2. **The event organiser develop and implement a Traffic Management Plan (TMP) and associated Traffic Guidance Scheme (TSG), in-line with the recommendations from the NSW Police**
3. **The event organiser is responsible for directly notifying all residents that may be affected by the approved events as soon as possible**
4. **Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation**
5. **The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TMP and associated TGS. All personnel involved must be appropriate accredited**
6. **The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted by the TMP and associated TGS**
7. **Event organisers, event marshals, volunteers, event participants etc. are to take all possible actions to minimise the effect of the event on the non-event community, throughout the event**
8. **The event organiser is to take appropriate actions to ensure no traffic is backed up on the Federal Highway**
9. **The event organisers to work with the police in relation to the potential for a paid NSW Police presence to manage unforeseen risks**
10. **The event organiser is direct advise LiveTraffic so the event can be highlighted on the website**
11. **The event organiser must comply with any COVID-19 restrictions current at the time of the event including compliance with Restrictions on Gathering and Movement**



*Public Health Orders, which may require developing and complying with a COVID-19 safety Plan*

12. *The event organisers are to apply for a Road Occupancy Licence (ROL) and Speed Zone Agreement (SZA) from TfNSW prior to the event*
13. *Event organisers shall comply with the above conditions and the undertakings in its submission. Failure to comply will immediately void this approval*

**2. Pollie Pedal 2021 – ‘Soldier on’ Charity Bicycle Ride**

*That the 2021 Pollie Pedal – ‘Soldier On’ charity bicycle ride be approved by Council subject to the following conditions:*

1. *The organiser is to supply Council with a copy of the current Public Liability Insurance for the event with a minimum \$20,000,000 indemnity*
2. *The event organiser develop and implement a Traffic Management Plan (TMP) and associated Traffic Guidance Scheme (TSG)*
3. *The event organiser is responsible for directly notifying all residents that may be affected by the approved events as soon as possible*
4. *Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation*
5. *The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TMP and associated TGS. All personnel involved must be appropriate accredited*
6. *The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted by the TMP and associated TGS*
7. *Event organisers, event marshals, volunteers, event participants etc. are to take all possible actions to minimise the effect of the event on the non-event community, throughout the event*
8. *The event organiser must comply with any COVID-19 restrictions current at the time of the event including compliance with Restrictions on Gathering and Movement Public Health Orders, which may require developing and complying with a COVID-19 safety Plan*
9. *The event organisers are to apply for a Road Occupancy Licence (ROL) and Speed Zone Agreement (SZA) from TfNSW prior to the event*
10. *The event organisers are to consider implementing a temporary speed zone reduction and lane closure as part of the traffic management plans and appropriate modify the event’s TMP and TGS*
11. *The event organiser shall ensure the VMS messages are set-up to display a range of messages based on the various risk management requirements*
12. *Event organisers shall comply with the above conditions and the undertakings in its submission. Failure to comply will immediately void this approval*

**3. Inward Bound 2021 Event**

*That the Inward Bound 2021 event be approved by Council subject to the following conditions:*

1. *The organiser is to supply Council with a copy of the current Public Liability Insurance for the event with a minimum \$20,000,000 indemnity*
2. *The event organiser develop and implement a Traffic Management Plan (TMP) and associated Traffic Guidance Scheme (TSG)*
3. *The event organiser is responsible for directly notifying all residents that may be affected by the approved events as soon as possible*
4. *Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation*

5. *The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TMP and associated TGS. All personnel involved must be appropriate accredited*
6. *The event organisers are to ensure that risk associated with roadside vegetation are considered particularly on Mulligans Flat Road near the ACT border and on Marked Tree Road*
7. *The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted by the TMP and associated TGS*
8. *Event organisers, event marshals, volunteers, event participants etc. are to take all possible actions to minimise the effect of the event on the non-event community, throughout the event*
9. *The event organiser must comply with any COVID-19 restrictions current at the time of the event including compliance with Restrictions on Gathering and Movement Public Health Orders, which may require developing and complying with a COVID-19 safety Plan*
10. *Event organisers shall comply with the above conditions and the undertakings in its submission. Failure to comply will immediately void this approval*

(Jones/Frost) 163

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

AGAINST: Nil

### **13. Confidential Matters**

Nil

The meeting closed at 6.40 pm.

Rowena Abbey  
**Mayor**

### Item 8.3 – Revotes from 2020/21 to 2021/22 – Attachment A

## Project Expenditure to be Revoted to 2021/22

Project Code	Description of Project	Operational or Capital Project	2020/21 Budget \$	2020/21 Expense \$	Revote 21/22 \$	Revotes from General Revenue Amount \$	Revotes from Reserves \$	Unexpended Grant \$
	<b>Local Roads</b>							
5020013	Local Roads Rehabilitation - Dog Trap Rd Seg 7B	Capital	400,000	-	400,000	400,000		
5020052	Resheeting - Back Creek Road, Seg 4 & 8	Capital	20,695	-	20,695			20,695
5020053	Resheeting - Bango Lane, Seg 1,3,4 & 5	Capital	50,800	-	50,800			50,800
5020056	Resheeting - Coolalle Road, Seg 7.8 & 9	Capital	96,600	-	96,600			96,600
5020057	Resheeting - Dicks Creek Road, Seg 3 & 4	Capital	51,450	-	51,450			51,450
5020060	Resheeting - Longrail Cully Road, Seg 7	Capital	17,500	-	17,500			17,500
5020061	Resheeting - Lucernvale Road, Seg 1	Capital	35,000	-	35,000			35,000
5020062	Resheeting - Old Cap Road - Seg 2	Capital	38,500	-	38,500			38,500
5020063	Resheeting - Springrange Road, Seg 7-8	Capital	80,500	-	80,500			80,500
5020064	Resheeting - Tallagandra Lane, Seg 2,3 & 5	Capital	64,680	-	64,680			64,680
5020065	Resheeting - Yass River Road, Seg 35	Capital	42,398	-	42,398			42,398
	<b>Parks &amp; Gardens</b>							
4920001	Murrumbateman sand arena stabilisation	Capital	50,000	-	50,000	50,000		
4920002	Murrumbateman Rec grounds Dog Park	Capital	20,000	-	20,000	20,000		
5019010	Village Ovals Bore water Investigations	Capital	37,828	-	37,828	37,828		
5019014	Murrumbateman Rec Grounds Club House	Capital	60,000	-	60,000	60,000		
5019019	Walker Park Sporting Complex	Capital	378,390	-	378,390		378,390	
5019022	Murrumbateman Rec Ground Storage & Horse Yards Upgrade	Capital	125,160	-	125,160			125,160
5019023	Yass Learn to Ride Centre	Capital	114,000	-	114,000			114,000
	<b>Cemeteries</b>							
5015009	New Toilet at Lawn Cemetery	Capital	50,000	-	50,000	50,000		
	<b>Water Supply Network</b>							
5027025	Developer Servicing Plan	Capital	27,503	-	27,503			27,503
5027030	Water Main Extension Murrumbateman North	Capital	100,000	-	100,000		100,000	
	<b>Waste</b>							
5025126	Murrumbateman Stg 2 Landfill Rehabilitation	Capital	254,380	-	254,380		254,380	
5026013	Landfill Closure Plans	Capital	25,000	-	25,000		25,000	
5026014	Closure Murrumbateman Landfill	Capital	200,000	-	200,000		200,000	
	<b>Information Technology</b>							
TBA	Modernise IT Systems	Operational	80,000	-	80,000	80,000		
1201007	Network switches	Operational	57,000	-	57,000	57,000		
	<b>Public Health</b>							
2013009	Weeds Inspection Tablet	Capital	5,840	-	5,840			5,840
	<b>TOTAL</b>		<b>2,483,224</b>	<b>-</b>	<b>2,483,224</b>	<b>754,828</b>	<b>957,770</b>	<b>770,626</b>

## Minutes of the Ordinary Meeting of Council held on 28 July 2021

**Item 8.3 – Revotes from 2020/21 to 2021/22 – Attachment B**

### Project Expenditure to be Carried Forward to 2021/22

Project Code	Description of Project	Operational or Capital Project	2020/21 Budget \$	2020/21 Expense \$	Carried Forward 21/22 \$	General Revenue Amount \$	Reserves \$	Unexpended Grant \$
	<b>Local Roads</b>							
5010011	Shingle Hill Way Bridge Replacement	Capital	355,000	281,622	73,378			73,378
5010012	Bango Bridge	Capital	338,000	55,690	282,310		50,000	232,310
5020011	Local Roads Resealing (includes heavy patching)	Capital	695,000	524,902	170,098			170,098
5020027	Winery Trail	Capital	1,269,736	378,042	891,694		891,694	
5020029	Nanima Rd Rehabilitation	Capital	2,742,194	2,279,556	462,638	462,638		
5020033	Construction of Shared paths	Capital	311,922	284,204	27,718			27,718
5020035	Roadside Weed Management Program	Capital	79,886	73,184	6,702			6,702
5020036	Illalong Road Seg 7	Capital	440,000	64,417	375,583		46,875	328,708
5020037	Yass River Road Seg 5B & 6	Capital	580,000	54,306	525,694		186,875	338,819
5020038	Moreton Avenue	Capital	445,000	28,010	416,990		51,875	365,115
5020039	Walls Junction Road Seg 3	Capital	433,000	61,408	371,592		39,875	331,717
5020040	Qu sack Place Seg 1	Capital	395,000	61,885	333,115		1,875	331,240
5020041	Faulder Avenue Seg 2	Capital	428,000	58,069	369,931		34,875	335,056
5020042	Good Hope Road Seg 9	Capital	422,054	58,396	363,658		51,875	311,783
5020043	FLR Grant Resealing Program	Capital	1,545,000	1,358,215	186,785		186,785	
5020046	Traffic facilities - Yass Public School	Capital	30,000	7,267	22,733			22,733
5020048	Detailed Design for 21/22 Transport Asset - Local Roads	Capital	50,000	18,548	31,452			31,452
5020049	Concept Designs for Bridge renewal Rd 5 - Greenwood Rd x3	Capital	25,000	3,456	21,544			21,544
5020050	Concept Designs for Fixing Country Roads Rd 2021	Capital	50,000	5,577	44,423			44,423
5020051	Detailed Design for 21/22 sealing an unsealed road	Capital	50,000	16,380	33,620		33,620	
5020054	Resheeting - Casey Close, Seg 1	Capital	20,720	726	19,994			19,994
5020055	Resheeting - Connell's Lane, Seg 1 & 2	Capital	53,900	4,990	48,910			48,910
5020058	Resheeting - Dog Trap Road, Seg 14-19	Capital	222,600	79,777	142,823			142,823
5020059	Resheeting - Gum's Lane, Seg 4-8	Capital	140,000	32,992	107,008			107,008
	<b>Regional Roads</b>							
5021013	Wee Jasper Rd Rehabilitation Seg 68	Capital	896,000	830,498	65,502			65,502
5021014	Detailed design for 21/22 Transport Asset - Wee Jasper Seg 70 & 71	Capital	50,000	18,731	31,269		31,269	
	<b>Parks &amp; Gardens</b>							
4920004	Bowning Rec Ground new septic system	Capital	35,000	21,630	13,370	13,370		
4920006	Murrumbateman Rec Ground Amenities	Capital	660,000	80	659,920	384,955		274,965
4920007	Gundaroo Amenities Building	Capital	576,000	210,195	365,805		236,500	129,305
4920009	Playground Equipment Replacement - Binalong	Capital	60,000	54,021	5,979			5,979
5019011	Murrumbateman Equestrian Ground Oval Upgrade	Capital	24,919	820	24,099		24,099	
5019015	Sutton Rec Grounds Stage 1	Capital	24,460	1,889	22,571	12,230	10,341	
	<b>Stormwater</b>							
5023020	Yass Flood Risk Management Plan	Capital	97,910	55,477	42,433	14,167	28,266	
	<b>Caravan Park</b>							
5012003	Amenities Upgrade	Capital	232,210	1,726	230,484		230,484	
	<b>Plant &amp; Equipment</b>							
	Vehicle Purchases	Capital	1,147,000	678,189	468,811		468,811	
	<b>Water Supply Network</b>							
5027013	Integrated Water Cycle Management Plan	Capital	140,000	40,819	99,181		99,181	
5027017	Water Pump / Motor Replacement	Capital	100,000	2,199	97,801		97,801	
5027026	Telemetry System Upgrade Strategy - Water & Sewer	Capital	80,000	45,069	34,931			
5027027	Water Quality Improvements Yass	Capital	1,009,694	402,712	606,982			606,982
5027028	Water Reservoir Upgrade program	Capital	70,000	5,521	64,479		64,479	
	<b>Sewer Supply Network</b>							

## Minutes of the Ordinary Meeting of Council held on 28 July 2021

### Project Expenditure to be Carried Forward to 2021/22

Project Code	Description of Project	Operational or Capital Project	2020/21 Budget \$	2020/21 Expense \$	Carried Forward 21/22 \$	General Revenue Amount \$	Reserves \$	Unexpended Grant \$
5022015	Ford Street SPS Generator Design	Capital	365,721	149,713	216,008		216,008	
5022018	Wellington Road Sewerage Pump Station	Capital	1,900,000	1,267,663	632,337		632,337	
5022026	Wastewater Treatment Plant Upgrade	Capital	30,000	12,656	17,344		17,344	
5022027	Wastewater Pump Station Upgrade program	Capital	100,000	37,432	62,568		62,568	
	<b>Waste Services</b>							
5026016	Gundaroo Transfer station Trailer Pad	Capital	50,000	30,694	19,306		19,306	
	<b>Engineering Management</b>							
1101007	Crago Mill Precinct	Capital	922,000	360,830	561,070		561,070	
	<b>Organisational Development</b>							
1101006	WHS projects	Operational	36,664	17,762	18,902			18,902
	<b>Economic Development</b>							
2010008	Mainstreet Lighting	Operational	40,000	18,916	21,084	21,084		
	<b>Information Technology</b>							
1201006	HRMS System - ELMO	Operational	45,000	7,469	37,531	37,531		
	<b>Development Services</b>							
2012017	10.7 Certificates project	Operational	20,000	12,150	7,850	7,850		
	<b>Strategic Planning</b>							
2012009	Settlement Strategy - Murrumbateman Land Investigation	Operational	79,268	18,716	60,552	60,552		
710240310	Donations	Operational	55,000	41,132	13,868	13,868		
	<b>Public Health</b>							
73022234	Weeds Officer - Grant funded	Operational	115,674	105,617	10,057			10,057
	<b>TOTAL</b>		<b>20,084,532</b>	<b>10,242,045</b>	<b>9,842,487</b>	<b>1,028,245</b>	<b>4,531,171</b>	<b>4,283,071</b>

## Minutes of the Ordinary Meeting of Council held on 28 July 2021

### Project Expenditure to be Carried Forward to 2021/22

Project Code	Description of Project	Operational or Capital Project	2020/21 Budget \$	2020/21 Expense \$	Carried Forward 21/22 \$	General Revenue Amount \$	Reserves \$	Unexpended Grant \$
5022015	Ford Street SPS Generator Design	Capital	365,721	149,713	216,008		216,008	
5022018	Wellington Road Sewerage Pump Station	Capital	1,900,000	1,267,663	632,337		632,337	
5022026	Wastewater Treatment Plant Upgrade	Capital	30,000	12,656	17,344		17,344	
5022027	Wastewater Pump Station Upgrade program	Capital	100,000	37,432	62,568		62,568	
	<b>Waste Services</b>							
5026016	Gundaroo Transfer station Trailer Pad	Capital	50,000	30,694	19,306		19,306	
	<b>Engineering Management</b>							
1101007	Crango Mill Precinct	Capital	922,000	360,930	561,070		561,070	
	<b>Organisational Development</b>							
1101006	WHS projects	Operational	36,664	17,762	18,902			18,902
	<b>Economic Development</b>							
2010008	Main Street Lighting	Operational	40,000	18,916	21,084	21,084		
	<b>Information Technology</b>							
1201006	HRMS System - ELMO	Operational	45,000	7,469	37,531	37,531		
	<b>Development Services</b>							
2012017	10.7 Certificates project	Operational	20,000	12,150	7,850	7,850		
	<b>Strategic Planning</b>							
2012009	Settlement Strategy - Murrumbateman Land Investigation	Operational	79,268	18,716	60,552	60,552		
710240310	Donations	Operational	55,000	41,132	13,868	13,868		
	<b>Public Health</b>							
730222234	Weeds Officer - Grant funded	Operational	115,674	105,617	10,057			10,057
	<b>TOTAL</b>		<b>20,084,532</b>	<b>10,242,045</b>	<b>9,842,487</b>	<b>1,028,245</b>	<b>4,531,171</b>	<b>4,283,071</b>

## 5.1 MAYORAL MINUTE - COMPLIANCE LEVIES

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### SUMMARY

To provide an update in changes to legislation preventing Council from introducing a compliance levy for improved oversight, resourcing of statutory and regulatory responsibilities and advice of action taken.

### RECOMMENDATION

*That the action taken in relation to the prohibition of Councils introducing compliance levies on Development Applications to improve the oversight and resourcing of statutory and regulatory responsibilities sought by the Yass Valley community be endorsed.*

### REPORT

Through the preparation of the 2021/22 Operational Plan Council considered the introduction of a compliance levy on all Development Applications to generate sufficient income to engage additional staff to undertake compliance. This initially came out of community concerns for the need for increased enforcement of filling activities in Yass Valley.

The approach developed, while focusing on this priority, was also to include both education and enforcement of all development activities to ensure adequate oversight and resourcing of statutory and regulatory responsibilities. The levy was one part of Council's multi-pronged strategy to deal with illegal filling activities and was estimated to generate revenue of \$180,000 which would allow for the employment of additional staff.

In March 2021 the Department of Planning, Infrastructure and Environment (DPIE) released a review of compliance levies. The outcomes of the review included:

- The introduction of regulation to prohibit Council compliance levies on Development Applications from the 1 July 2021
- A six-month transition to allow Councils already charging levies to continue until 31 December 2021

In May 2021 representations were made to the Local Member for Goulburn and Local Government NSW indicating the importance of the levy to increase staff resources to improve the level of compliance in Yass Valley. Assistance was requested for the decision to be reviewed.

On 16 July 2021 the legislation to prohibit the compliance levies was proclaimed which now impacts on Council's ability to address the community concerns. This regulation was made the same month the Government saw the passage of new legislation which facilitates compliance levies for the NSW Building Commissioner's Office. Council will collect the levies and pass the funds onto the State Government.

On one hand the State Government is endorsing compliance levies to resource its own compliance responsibilities but is restricting Local Government from taking a similar approach for its local compliance issues. A clear case of double standards.

I have written to the Minister for Planning and Open Spaces (with copies to the Local Member, LGNSW and CRJO) to:

- Express Council's dissatisfaction with the gazettal of legislation preventing Council from raising income to improve the compliance of development activity in Yass Valley and meet community expectations for additional enforcement resources
- Seek withdrawal of the changes until proper discussions are undertaken with Council to identify alternatives to fund its compliance priorities

Endorsement of this action is recommended.

**ATTACHMENTS:** Nil

## 6.1 DEVELOPMENT CONSENT NO 200184 - REQUEST FOR DEFERRED PAYMENT OF CONTRIBUTIONS - 2 ROSE STREET, MURRUMBATEMAN

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### SUMMARY

To present a request to defer payment of development contributions (including water and sewer headworks) in relation to Development Consent DA200184 for the construction of a dwelling house and two lot subdivision at 2 Rose Street, Murrumbateman. This request is consistent with previous and similar arrangements and recommends that a Voluntary Planning Agreement be entered into for the deferred payment.

### RECOMMENDATION

*That a Voluntary Planning Agreement be entered into for the deferred payment of development contributions (including water and sewer headworks) associated with Development Consent DA200184, Murrumbateman, subject to the agreement including:*

- *Payment of the required contributions (indexed in accordance with CPI) within two years of the occupation of the dwelling house.*
- *Any deferred payments being subject to interest equal to that for outstanding rates.*

### 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*
- Yass Valley Development Contribution Plan 2018
- Development Servicing Plan for Yass Valley Council Sewerage 2013
- Development Servicing Plan for Yass Valley Council Water 2013

### REPORT

Development Consent DA200184 was issued in October 2020 for the construction of a dwelling house and two lot subdivision. The construction of the dwelling is to occur first followed by the subdivision, to ensure the overall development outcome. Development contributions are currently required to be paid prior to the issue of a Construction Certificate for the dwelling as follows:

- S7.12 Development Contribution – 1% of the value of the development (dwelling and subdivision)
- Water Headworks - \$23,388
- Sewer Headworks - \$17,283

The value of the development for which a s7.12 contribution is payable will be confirmed with the final cost of works details, however was estimated at \$264,000 with the Development Application, being a contribution of approximately \$2,640.

The Applicant has requested to defer payment of the development contributions (refer **Attachment A**) indicating that it is their intention to fund the new dwelling and subdivision through the sale of the existing dwelling – i.e. once they are able to move into the new dwelling and the subdivision is finalised.



The current plans primarily provide for deferral of contributions via the lodgement of a bank guarantee. Recently Council has allowed for deferred payment of contributions through a Voluntary Planning Agreement (VPA), noting the problems with obtaining bank guarantees for development financing. Council has previously deferred payments of contributions for several developments including Riverview Estate, Willow Creek, the SLEX saleyards, Cobham Street and Blackett Place.

The Yass Valley Development Contribution Plan 2018 outlines circumstances where deferred contributions could be supported. The proposed request is considered to be consistent with these provisions as follows:

- The Applicant has provided valid reasons why the timing of the payment is unreasonable, noting their intention of selling the existing dwelling upon completion of the new dwelling and subdivision.
- The scale of the development and value of the contribution is small in the context of the plans meaning that the deferred payment will not adversely impact their operation.
- The plan also includes provisions for use of VPAs instead of a Bank Guarantee.



It is recommended that a VPA be entered into prior to the issue of an Occupation Certificate and requires the payment of contributions two years from the issue of this certificate. The Applicant will need to lodge an administrative modification to their Development Consent to accommodate this. They are currently required to be paid the contribution prior to the issue of a Construction Certificate.

It is appropriate that any agreement include provisions for the indexing of the contributions in accordance with CPI as provided for by each plan and that any outstanding payments are subject to interest equal to that for outstanding rates (currently 6% per annum).

All other administrative fees and charges (such as building and plumbing inspections etc.) will need to be paid as per usual and are not being deferred.

## **STRATEGIC DIRECTION**

Theme	1. –	Our Environment
Long Term Goal	EN4 –	Maintain a balance between growth, development and environmental protection through sensible planning
Strategy	EN4.2 –	Ensure development application assessment is thorough and efficient
Strategic Action	EN4.2.1 –	Implement the development process and implement changes aligning with the NSW Government’s best practice guidelines.

**ATTACHMENTS:** A. Applicant's Request  

Jeremy Knox

*JKnox@yass.nsw.gov.au*

5 August 2021

Dear Jeremy

**Re: DA200184 – Deferred Payment on Contributions – 2 Rose Street, Murrumbateman**

Thank you for your usual prompt response, and consideration of our request resulting in the two options which have been placed before us.

We have duly considered the options. Given the amount of expenditure to date in getting the DA to this stage the best option for us would be **option 2** using the VPA, as this is consistent with our plan to pay for the subdivision, house building, and associated costs by selling the existing Rose Street property, which we will do once the new residence is built and we are able to move in.

We would be grateful for your response to this request in due course, and will abide by your's and Council's decision.

Sincerely,

*Mark Kostyrko     Diana J. Kostyrko*

Mark and Diana Kostyrko

████████████████████

████████

## 6.2 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT

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### SUMMARY

Reporting on development standard variations approved in the second quarter (April – June) of 2021.

### RECOMMENDATION

*That the report on approved development variations for the second quarter of 2021 be noted.*

### FINANCIAL IMPLICATIONS

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

### POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Local Environmental Plan (Parkwood) 2020*
- *Planning Circular PS-20-002 Variations to Development Standards (5 May 2020)*

### REPORT

Development Applications involving variations to development standards may be made under clause 4.6 *Yass Valley Local Environmental Plan 2013* and *Yass Valley Local Environmental Plan (Parkwood) 2020*. Variations to development standards must be accompanied by a written submission and the Secretary's concurrence cannot be assumed by a Council delegate if the development contravenes a numerical standard by greater than 10% or the variation is to a non-numerical standard.

Clause 4.6 of the Local Environmental Plans have requirements for the assessment of variations to the development standards and *Planning Circular PS 20-002 Variations to Development Standard* details the assumed concurrence, governance and reporting requirements for Council. Any variations approved are reported quarterly to the Department of Planning, Industry & Environment (DPIE), detailed in a publicly available online register on Council's website and must be presented to Council on a quarterly basis. Monitoring of these variations enables the DPIE and Council to determine whether development standards are appropriate, or whether changes are required.

The variations to development standards approved by Council or its delegate during second quarter (April – June 2021) are included in **Attachment A**.

### Audit

DPIE has recently audited Council's use of clause 4.6. Council has been advised that it is compliant with the procedural and reporting requirements except for providing an online register of its decisions. This is currently being addressed.

**ATTACHMENTS:** A. Development Standard Variations Data Report Second Quarter 2021  

6.2 Variations to Development Standards Quarterly Report  
Attachment A Development Standard Variations Data Report Second Quarter 2021

Council DA Reference Number	Lot No	DP No	Street No	Street Name	Town	Category of Development	Environmental Planning Instrument	Zoning of Land	Development Standard to be Varied	Justification of Variation	Extent of Variation	Concurring Authority	Date DA Determined
DA210049	18	1263262	18	Cadell Place	Yass	14: Other	Yass Valley Local Environmental Plan 2013	R1 General Residential	Clause 4.1 – Minimum Lot Size 700m <sup>2</sup>	<ul style="list-style-type: none"> <li>The development is consistent with the established character of the wider area and the likely future character of the parent subdivision</li> <li>The subdivision is consistent with the relevant objectives of Clause 4.1</li> <li>The development is consistent with the relevant zone objectives</li> <li>No environmental constraints on the site, that would prevent an approved detached dual occupancy being subdivided.</li> <li>The subdivision will not result in any adverse environmental impacts</li> <li>The creation of one additional comparable sized lot which is appropriately serviced and contains a suitably designed dwelling that meets all relevant planning controls, will not impact on the social and economic welfare of the community and will not impact on the environment or management of natural resources.</li> <li>The erection of two dwellings on the land and their subsequent subdivision, utilises existing infrastructure and services, which is considered to promote the orderly and economic use of the land.</li> <li>The variation to the standard is considered minimal being less than 10%.</li> </ul>	7.80%	Council	17/06/2021

## 6.3 HEAVY HAULAGE DEVELOPMENT CONTRIBUTIONS PLAN

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### SUMMARY

To present a report on the outcomes of the consultation for the draft Yass Valley Heavy Haulage Development Contributions Plan. It is recommended that the draft plan be adopted, and the Yass Valley Heavy Haulage Section 94 Plan (2006) be repealed.

### RECOMMENDATION

1. *The draft Heavy Haulage Development Contributions Plan (2021) be adopted, subject to amending the Section 2.5 of the plan as follows:*  
  
*“Exemptions to developer contributions towards heavy haulage costs on top of levies under the Yass Valley Development Contributions Plan 2018 are at the discretion of Council, where the contribution payable would be greater if levied solely under the Yass Valley Development Contributions Plan 2018.”*
2. *The Yass Valley Heavy Haulage Section 94 Plan (2006) be repealed.*

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### FINANCIAL IMPLICATIONS

The draft plan preparation has been funded from the current Development Contribution Administration Reserve.

### POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- Department of Planning & Environment Practice Note: Local Infrastructure Contributions (2018)
- Ministerial Directions (Local Infrastructure Contributions)
- Yass Valley Council Community Engagement Strategy

### REPORT

#### 1. Background

At its meeting in June 2021, Council resolved to place the draft Heavy Haulage Development Contributions Plan on public exhibition.

#### 2. Public Exhibition

The draft plan was exhibited from 1 to 30 July 2021. The community was notified through Council's website, Facebook page and e-newsletter. Residents who had previously expressed an interest to Council in heavy haulage related matters, were notified directly.

A total of 6 submissions were received (refer [Attachment A](#)) during public exhibition.

#### 3. Issues raised in Submissions

The main issues raised by the submissions and the planning response are discussed as follows.

### **3.1 Plan will recoup costs of increased heavy vehicle movements and shortfalls in current contributions**

Acknowledged. This plan is more closely aligned with the actual costs of road rehabilitation in the Yass Valley, as well as the types of vehicles currently involved in heavy haulage. The 2006 plan is long overdue to be replaced, particularly as the volume and type of heavy vehicle movements currently being experienced were never anticipated by that plan.

### **3.2 Rates need to be reviewed more regularly**

It is recognised that contribution rates, particularly road rehabilitation costs are likely to vary from year to year. Unfortunately, Council does not have sufficient resources to undertake an annual review of rates. It has also been 15 years since the Heavy Haulage Plan was updated, so it is important that a realistic, achievable review interval is set. A review every four years allows sufficient data to be collected on road pavement conditions and rehabilitation costings, as well as reviewing the income being generated. This interval also aligns with the Community Strategic Plan preparation as well as the review of the works schedule within the Yass Valley Development Contributions Plan 2018.

Only one of the submissions raised concerns that the proposed contribution rates were too low. It appears that somehow, the previous draft Heavy Haulage Plan had been referred to, rather than the current 2021 draft plan. One of the criticisms related to the need to use calculations based on Yass Valley costings, which has been done in this version and is the reason the contribution rates are significantly greater than those in the previous one.

### **3.3 Implementation of Plan**

It agreed that the outcomes of the plan will depend on its implementation and compliance work undertaken. The plan is very clear regarding the timing of payments, and the conditions on which a deferral of, or alternative contribution (e.g. works in kind) may be considered.

The potential issue of the plan becoming an incentive for illegal dumping i.e pay penalties rather than contributions, is acknowledged. The importation of fill remains an ongoing issue for the Yass Valley and this plan needs to be complemented with a greater focus on compliance.

Council is in the process of recruiting dedicated compliance positions which will have a focus on heavy haulage and the importation of fill. This additional resource will be able to undertake spot checks and audits of haul routes, vehicle types, volumes of material and traffic classifier data. The plan provides for Council to be able to determine an alternative contribution rate if the original data is shown to be incorrect.

One of the submissions suggested that section 1.3 of the draft plan should be amended to add that penalties imposed in relation to this plan would be used to cover costs administering this plan. It is considered unnecessary to state this, as funds generated from penalties are already utilised for reimbursing staff and legal costs in relation to compliance. This statement is to allow the contribution fund to be utilised to cover costs associated with undertaking reporting and reviews of the contribution rates.

Another submission requested that the plan be amended to apply to uses which involve transport of bulk materials by road or heavy vehicles for commercial, parking or storage purposes. While this is a reasonable suggestion, the practical application is complex, and record keeping of the number of trips, vehicle type, payloads as well as estimating the life of this type of business would be extremely difficult. Council does not have the resources to monitor this data, and as such it would be more practical to require a contribution under the Yass Valley Development Contributions Plan 2018.

A concern was raised that the plan needs to clearly state that it applies to all rural and environmental zones, not just RU1. The plan is already clear in that the only zones it does not apply to are Business and Industrial zones. Further, the exemption of earthworks up to 100m<sup>3</sup> on 'rural zone and environmental zones' is within the Exempt and Complying Development Codes SEPP 2008, not this plan. Other issues raised in relation to interpretation and potential loopholes relate to the draft Filling Policy, not this plan.

### 3.4 Heavy Haulage v's Yass Valley Development Contributions Plan 2018

A couple of submissions raised the relationship of this plan with the Yass Valley Development Contributions Plan 2018. Under the EP&A Act, this Heavy Haulage Plan can impose contributions, however if they are imposed, any costs associated with heavy haulage must then be excluded from any calculation for a contribution under the Yass Valley Plan 2018. The Heavy Haulage Plan is required to specify this, and has been included accordingly within Section 2.5.

Concern was also raised over the inclusion of exemptions under the Heavy Haulage Plan on top of levies under the Yass Valley Development Contributions Plan 2018. It is acknowledged that there should be an additional inclusion i.e. *"at the discretion of Council, where the contribution payable would be greater if levied solely under the Yass Valley Development Contributions Plan 2018."*

## 4. Conclusion

The Heavy Haulage Development Contributions Plan has undergone a rigorous process to get to this point, and has generally had a positive response from the community. As no significant objections were received, it is recommended the plan be adopted subject to a minor amendment.

## 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 - Deliver annual program for urban, rural and regional road renewal and construction, including bridges and stormwater

**ATTACHMENTS:** A. Submissions [↓](#) 

### **Comments on the Draft Heavy Haulage Development Contributions Plan**

In the main, the document is well written and logical and if properly enforced, will be a huge step forward for YVC. We thank Council staff and officers for making this happen. Therefore, we support the passing of the HHCP, provided some small but critical amendments are made.

It is noted that this Haulage Development Contributions Plan (HHCP) relies on the principle that vehicle movements which are the target scope of the plan are not local traffic, i.e. they are alien to the resident population, and their impacts have not been factored into the design, construction or scheduled maintenance of the roads upon which they travel. This is why they need to contribute, as additional payments, to the maintenance and premature replacement of these roadways.

#### **Application to transport depots**

An example of heavy vehicles movements which have not been factored into the design, construction or scheduled maintenance of the roads are transport depots in non-industrial-zoned locations. These must be specifically called out as subject to the HHCP. As such, the definition of Heavy Haulage should be amended as follows: "Heavy Haulage – means either of the following: the transportation of bulk materials via road transport or use of Council roads in non-industrial areas by heavy vehicles for commercial, parking or storage purposes".

#### **Application of Cost Calculation Model to related Penalties**

It will be important that the HHCP, once approved, is supported by complementary plans and policies (including enforcement) to ensure that the issues driving development of the HHCP, i.e. the significant dumping trade out of the ACT, are addressed in a holistic manner. On that basis, the Enforcement Policy must be immediately upgraded because currently, anyone who doesn't put in a DA and therefore doesn't pay their HHCP fees, will only get a warning letter – what a great incentive to flout the policy.

This must also extend to the application of the contribution calculation model used in the HHCP to the determination of penalties or fines to be imposed on illegal or unapproved dumping operations or breaches of development consent or exempt developments. All those that have engaged in dumping that is not in accordance with the HHCP must be required to put in a retrospective DA and pay the appropriate HHCP contribution. Within the HHCP there is also the need for sufficient hooks to be included to ensure the use of the HHCP's contribution calculation method in those penalty scenarios. Whether there needs to be a specific section on 'application to penalties'. It will be important to ensure that there is not a cost incentive for dumpers or those who breach conditions or exemptions to avoid the contributions to be calculated and collected through approved works by undertaking illegal dumping or breaches and receiving a penalty, if caught and enforced, that is cheaper than if they took the legal or approved route ie for the worked examples, how much would the fine be if they just copped the fine (assuming they'd already received a warning letter)? Much cheaper than putting in the DA and paying the HHCP hence they should have to pay the fine PLUS the HHCP contribution.

Similarly, at Clause 1.3, whether "The costs of administering this plan will also be met by contributions imposed under this Plan." needs amendment to include "contribution or penalties imposed under...".



#### **Application of Discretion**

At Clause 2.5: "Exemptions to developer contributions towards Heavy Haulage costs on top of levies under the Yass Valley Development Contributions Plan 2018 are at the discretion of Council." A Council Plan that creates discretion to be applied by an individual at potentially a lower level within the organisation, without transparency, review and recourse, is ripe for malpractice and corruption. Individuals should NOT be placed in this position as a matter of good governance. Any situation in which potentially large sums of money are to be determined by the application of discretion must be the subject of absolutely clear metrics / guidelines / requirements AND be subject to full transparency AND review. The discretion needs to be removed, or at the very least, strict guidelines stipulating how and when any discretion can be applied need inclusion. We've seen many times that a YVC officer's verbal "that should be fine" will be exploited to get away with gross breaches of the LEP.

#### **Vehicle type**

*3.3 Calculation of monetary contributions – Step One: Determine which vehicle type is being used for the Heavy Haulage activity.* In current dumping operations in Wallaroo rarely is a single vehicle type used. On 17 March 2021, Wallaroo and Spring Range residents undertook a traffic count on the Barton Highway, between 0730AM and 5.15PM, 219 dump trucks of various configurations passed in a northerly direction along the Barton Hwy; with some 10 different truck or truck and trailer configurations. The ESA would be different for each of these configurations. Appropriate records will need to be kept that capture actual configurations used and so inform the calculation of a specific project's contributions. This level of rigor in monitoring and record-keeping is to ensure that cheaper vehicle types are not nominated instead. For example, a 6-axle Truck and Dog combination dumping into Brooklands Road via 10km of 'Access – Rural Residual' classed road will recoup \$0.911 per t.km (10km x 22.5t x \$0.911) so be liable for \$204.98 in contribution. But the 7-axle, if claimed would only be calculated at \$0.715/t.km, being \$160.88. This would be a \$123,480 loss to YVC on a currently proposed DA for a 2,800 vehicle project in Brooklands Road if then the larger vehicles were in fact used.

#### **Potential Loophole**

It is critical that an amendment be included to close the current potential loophole around application to rural and environmental zoned land only. Care must be applied in the strict interpretation of the 100m<sup>3</sup> limit on earthworks on rural-zoned and environmental-zoned land. Specifically, it must be made clear that the HHCP applies to **ALL** categories of rural zone, ie RU1 to RU5, not simply RU1; and environmental zone, ie E1 to E4. Otherwise, it could allow the latest Murrumbateman developer, once getting land re-zoned to rural residential, to dump huge quantities of ACT building waste, build up the land and say it is not zoned strictly as rural only land – section 2.30(i) of the SEPP.



## HEAVY HAULAGE CONTRIBUTIONS PLAN SUBMISSION

We wish to make comment on the draft Heavy Haulage Contributions Plan on exhibition. We commend Council for presenting such a professional draft and for employing expert consultants in its formulation.

Our only concern is not with this draft but with the Filling Policy draft, also currently before Council. The Filling Policy draft in its loosely worded form has the potential to create loopholes for developers to avoid the contributions payable under the Heavy Haulage Contributions Plan using the guise of 'environmental' or 'ancillary' works.

It has taken a number of years for a comprehensive, professional and fair Heavy Haulage Contributions Plan to be produced. Considering the high financial costs to achieve this result, along with the loss of income from contributions not recouped over this period of time, it would be a travesty if the Heavy Haulage Contributions Plan can't function to its full potential due to an in-house policy undermining it.

We ask that the draft Heavy Haulage Contributions Plan be approved as is.

Thankyou for giving us the opportunity to make a submission.



The Draft Plan is a welcome contribution to addressing matters of concern to many Residents and ratepayers in Yass Valley. However, it is a draft and requires significant further development. Given that the current Council is about to move into caretaker mode it would seem appropriate that, while consultation continues, the matter be determined by the incoming Council which will have charge of its implementation.

Impetus for action in this matter has been driven in recent times by Canberra's biggest growth industry – shifting 'spoil' from ACT building sites to areas outside the ACT. Even casual observation attests to the increasing number of operators, trucks and hours of operation along the Barton Highway in 2021. The ACT Government prides itself on its 'green' credentials but the emissions, alone, from this activity must cancel out some of the environmental gains being made by the development of sustainable energy sources.

Council has facilitated the growth of this industry but the Plan, belatedly, recognises the impact on infrastructure of heavy vehicle movements (p.13), hence, appropriate rates for heavy haulage have been developed. This is to be applauded.

However, reference is made (p.18) to upgrades of existing infrastructure that may be required to facilitate access to future 'tipping sites'. It is not clear why Council would carry out these upgrades when the benefits from doing so accrue to ACT developers, cartage operators and the land-holder where the tipping takes place. In a cost:benefit analysis Council and, in particular, residents (not least the neighbours to the tipping site) would continue to carry the costs, albeit somewhat ameliorated.

To an extent this situation is recognized (p.22) where reference is made to developers providing material public benefit. If this offset loss of amenity, noise and environmental disturbance it would be a positive step.

Reviewing the contribution rates is imperative. To do so every four years (p.24) may be too long an interval given the dynamics of the industry to which attention is drawn, above.

Finally, when the draft has been further developed a clear statement of policy principles will encourage ratepayers and equip Councillors to monitor implementation of the Plan. These principles should include preservation of amenity values; minimizing environmental impacts, and ensuring that contributions levied are such as to discourage unlimited further expansion of the 'ACT Spoil Industry'.



## MT SPRING ASSOCIATION INC

*"Living with our environment"*

### **Mount Spring Association (MSA) response to draft YVC Heavy Haulage Charges**

The MSA represents residents in the Wallaroo/ Springrange areas.

Thank you for the opportunity to respond to the The Yass Valley Heavy Haulage Contributions Plan 2021.

#### **Background:**

Abutting the ACT as we do the issue of both dumping of fill and the directly associated enormous volume of heavy vehicle movements have been a growing issue.

The frequency of the heavy vehicle movements are extremely detrimental to safety, health, amenity and most property values. It is also generally at odds with YVC's planning and philosophical approach to this peri-urban rural area.

The MSA and others are seeking to build on this general YVC approach by promoting gourmet food, wine and hospitality businesses in the area, as well as seeking to introduce a network of 'beside the road' cycleways to connect the huge ACT cycling population with the Council's well designed cycle network under construction around Murrumbateman.

That is all at odds and put at risk by the growth of the area as a dumping ground for ACT generated development – either fill or the associated industries (such as the attempts to regularly set up informal, unsanctioned truck and machinery depots on rural blocks).

One of the most profound and obvious impacts of the massive volume of truck movements has been the early deterioration of Council roads. It is well known that a single truck and dog passing over a section of road not designed for continuous heavy vehicles is the equivalent of 10,000 cars.

The residents in our area understand this impact from first-hand experience. During wet conditions tar is removed by the trucks, potholes form which are quickly enlarged by yet more trucks.

The roads become far less safe, especially for cyclists and motorcyclists.

#### **Comments on the plan:**

The MSA therefore congratulates the Yass Valley Council for taking this modest but important step which, whilst not addressing all issues associated with the locality and the ACT's expansion, will seeking to recoup some of the costs for the community and Council of unchecked heavy vehicle usage of minor and country roads and perhaps level the playing field a little.

The YVC is to be congratulated for accepting, as a starting point, the position the MSA has been advocating for some years.

That is:

*Major roads and highways are generally designed and constructed to accommodate heavy vehicles and the damage associated with heavy trucks is recouped through registration and general taxation. Roads within the local road network managed by Council conversely often have a lower design standard and are more susceptible to wear and tear associated with heavy vehicles resulting in the need for more frequent reconstruction work.*

*Council has the responsibility of maintaining most of the roads in the LGA to an acceptable standard. The standard is to ensure the roads:*

- *Are kept to an appropriate level of safety for the road user; and*

- *Remain trafficable for the duration of their design life.*

*The additional heavy vehicle loadings on a road due to developments involving laden heavy vehicle movements will accelerate the deterioration of that road's pavement. The consequence is that in order for the roads authority to maintain the road pavement at its existing level of service, additional maintenance spending will be required sooner than would be the case without that development.*

*In short, the use of a road by heavy vehicles will require the replacement of that road's pavement sooner.*

The MSA also supports YVCs determination to hypothecate additional income accrued through these measures to repair the roads which are specifically damaged by excessive truck movements. These will most often be roads in our locality due to their proximity to the ACT.

*"Council shall allocate any monies received under this plan to the particular haul roads that developments have contributed towards."*

**Three further issues for consideration:**

1. It is important to understand if the haulage rates proposed are indeed going to generate sufficient income to offset the damage to the roads. We note that the rates have been set with reference to tables produced by the Australian Trucking Federation. We suggest YVC undertake to review in 12 months time if the rates are indeed generating sufficient income to repair the damage caused by those incurring the rates.
2. It will also be of great interest to residents and YVC to understand the impact of the decision on the volume of heavy vehicles, noting as I said in the introduction that road damage is just one of the effects our residents are feeling. Our understanding is that heavy vehicle baseline traffic data in our area is not up to date. We strongly encourage YVC to update the current data to ensure that any impact of the road user charge is actually able to be determined and revealed to residents and to do this in twelve monthly intervals.
3. YVC has shown great willingness to grapple with the issues confronting the residents in the YVC areas close to the ACT, however much good intentions do not seem to be able to be implemented fully due to a lack of resources to police them. The MSA would be keenly interested to understand how the YVC will ensure that heavy haulage contributions are indeed declared and collected and routes which have been self-identified by the haulage companies are indeed followed.





## ***Sutton & District Community Association Inc.***

PO Box 7404  
SUTTON NSW 2620

### **Submission on the Yass Valley Council's draft Heavy Haulage Contributions Plan**

The Sutton & District Community Association has a keen interest in this draft plan, in particular because of the large amount of dumping of waste apparently coming into the Council area from the ACT and the significant increase in heavy vehicle traffic traversing the Sutton Village and neighbouring roads and resulting in increased damage to local roads.

Our main concern is the manifestly inadequate fees expected to be charged.

Using data from the draft plan, we observe:

The worked example fee shown on page 13 calculates that for hauling 5000 tonnes, the fee would be \$1125. The Plan also mentions on page 11 that "This (calculation) is derived by assuming the typical weight of vehicles is 15 tonnes".

That would equate to 333 truck loads.

Based on that calculation it means a total of \$1,125 or \$3.38 per truck load.

That fee appears manifestly inadequate. Clearly the proposed fees schedule needs revision and such revision should be based on calculations by Yass Valley Council engineers not by comparing rates charged by a select few other shires in NSW.



We are on the border of Australia's National Capital and have been for some time, bearing the brunt of excess fill from major developments in the ACT.

Substantially increasing the contribution rate to more nearly reflect the compensation needed for damage to Council roadways (specified on page 9 of the Plan) might also provide an opportunity to rectify the seemingly blatant illegal dumping of waste into the Yass Valley LGA.

A less pressing observation regarding the timing of fee payments (page 13, section 3.7) of 3 or 12 monthly, is that the timing is (quote) "based on the submission to Council of returns calculated from weighbridge dockets or other suitable records for the applicable period."

This provision does not seem to take into account the current situation where some fully-loaded trucks from the ACT enter the Yass Valley LGA without suitable (if any) documentation.

Policing of the requirement for the provision of suitable documentation is not a simple matter but should be highlighted more forcefully in this plan as a necessary part of the plan. There needs to be significant penalties for non-compliance and if Council Officers do not have the necessary powers to undertake such enforcement, they should be liaising with the appropriate authorities to assist.

A second issue is the statement in the YVC's approved 2018 Development Contributions Plan:

Section 1.3 *"In accordance with the EP&A Act, the Plan does not apply to any applications for development consent where the Yass Valley Heavy Haulage Contributions Plan 2018 is applicable."* Surely the DA rate (which is fixed) is a separate issue to the heavy haulage element which may or may not apply to a given development.

The SDCA considers that any development that is required to contribute to the Council's, Community Enhancement Fund Policy (DA-POL-20) should also have to make relevant Heavy

Haulage contributions under this policy. The Community Enhancement Fund does not require that such funds be spent on local roads, so therefore developers should also be required to make relevant contributions under the Heavy Haulage Contributions Plan.

Thank you for the opportunity to provide comment. We look forward to seeing the finalising of this draft Plan and its timely implementation.



Mark Burgess

President

Sutton & District Community Association

30 July 2021



Submission commending Heavy Haulage Contributions Plan.

This is a professional document. It was drafted by appropriately qualified people. It is soundly based on unequivocal principles and clearly and concisely articulated. The people who drafted it are to be congratulated.

The original HHCP has been applied inconsistently over the last six years. It will be interesting to see how this one is applied.

We can only deplore the immense waste of money from the Shire. Firstly the \$20,000 paid for the previous tender to a Victorian team who were inappropriately qualified and had to rely on YVC for engineering input. Secondly the contributions the Shire has not received from the million plus tonnes of Canberra's building waste imported and dumped on our lands and waterways over the past six years.

I note the stark contrast between the rule that this plan shall NOT apply to any DA that has already been submitted before the Plan is validated, and the Director's recommendation in 2015, that the Draft Truck Depot Policy be applied to any DA under consideration while it was still on exhibition!

However Council chooses to deal with this Plan, the tendering for it was well done. I am grateful for that.

## 6.4 ROAD RESERVE ENCROACHMENT - 1 GREEN STREET, YASS & DEVELOPMENT CONSENT NO DA190106 - SUBDIVISION, 114 GRAND JUNCTION ROAD, YASS

### SUMMARY

Development Consent DA190106 has been issued for the subdivision of 114 Grand Junction Road, Yass, which includes the construction of new road within an existing road reserve. It has been since identified that the existing boundary fencing and landscaping of adjoining 1 Green Street encroach into the road reserve. Council has been approached with a request for partial road closure and road reserve dedication.

### RECOMMENDATION

*That:*

1. *The part road closure of Grand Junction Road, Yass be approved*
2. *The road closure process be commenced and notification be undertaken in accordance with the Roads Act 1993*
3. *The closed road be dedicated as Operational Land under the Local Government Act 1993 and sold to the owner of 1 Green Street at the unimproved land value*
4. *The part of 1 Green Street be dedicated as public road*
5. *The General Manager and Mayor be authorised to sign documentation associated with the partial road closure*

### FINANCIAL IMPLICATIONS

All costs associated with the road closure are to be met by the owners of 1 Green Street.

### POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Roads Act 1993*
- *Local Government Act 1993*

### REPORT

In February 2021 Development Consent DA190106 was granted for the 18 lot subdivision of 114 Grand Junction Road, Yass. A locality plan is included as **Attachment A** and plan of subdivision as **Attachment B**.

In May 2021 Council was approached by the owners of 1 Green Street who had become aware that their western boundary fence was not on the correct alignment, resulting in the property occupying part of the unformed road reserve (Grand Junction Road). A new road is proposed to be constructed within this road reserve as part of the subdivision.

It is understood that the existing fence was in this location prior to the purchase of the property by the current land owners and had not been confirmed by survey during development on the site. The area between the fence and the legal boundary contains landscaping and is being used as outdoor curtilage around the dwelling.

Council has been approached to assist in finding a solution to this issue. The options have been discussed and the following has been proposed (refer **Attachment C**):

- Partial road closure of road reserve in area of the encroachment to the rear of the dwelling (397m<sup>2</sup>) – i.e. to be transferred from road reserve to 1 Green Street.

- Dedication of road reserve near intersection of the new road and Green Street/Grand Junction Road (30m<sup>2</sup>) – i.e. to be transferred from 1 Green Street to road reserve.

The balance of land being acquired by the owners of 1 Green Street is 367m<sup>2</sup> which would need to be purchased from Council at the unimproved land value.

The benefit to Council is primarily the outcome relating to the additional road reserve acquired where the new road enters the subdivision from Green Street. Whilst the existing approved arrangements could meet minimum engineering design standards, the additional area provides opportunity for an entry into the subdivision which achieves the preferred road reserve width and an overall better design. The new road, cul-de-sac and street plantings can still be accommodated within the remaining road reserve.

All expenses relating to the partial road closure and dedication, including legal fees and survey, are to be borne by the owners of 1 Green Street (or as they negotiate with the subdivision Applicant and their consultants) and there is to be no cost to Council.







The *Roads Act 1993* details the process for closing a road and requires Council approval for the partial closure and the required notification process. It is recommended that the partial road closure be approved with the owners of 1 Green Street to purchase the 367m<sup>2</sup> at the unimproved land value, and for the process for partial road closure be commenced.

If Council does not support the partial road closure, the owners of 1 Green Street would either need to relocate their boundary fence to the correct legal boundary alignment or for their occupation to remain as an encroachment, noting that Council could require encroachment to cease at a later point in time.

## STRATEGIC DIRECTION

Theme	1. –	Our Environment
Long Term Goal	EN4 –	Maintain a balance between growth, development and environmental protection through sensible planning
Strategy	EN4.2 –	Ensure development application assessment is thorough and efficient
Strategic Action	EN4.2.1 –	Implement the development process and implement changes aligning with the NSW Government's best practice guidelines.

## ATTACHMENTS:

- Locality Plan  
- Approved Plan of Subdivision  
- Proposed Partial Road Closure and Road Reserve Dedication  

6.4 Road Reserve Encroachment - 1 Green Street, Yass & Development Consent No DA190106 - Subdivision, 114 Grand Junction Road, Yass  
Attachment A Locality Plan



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the country the people

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**Important Notice!**

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability 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 SG makes 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 damage) 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)

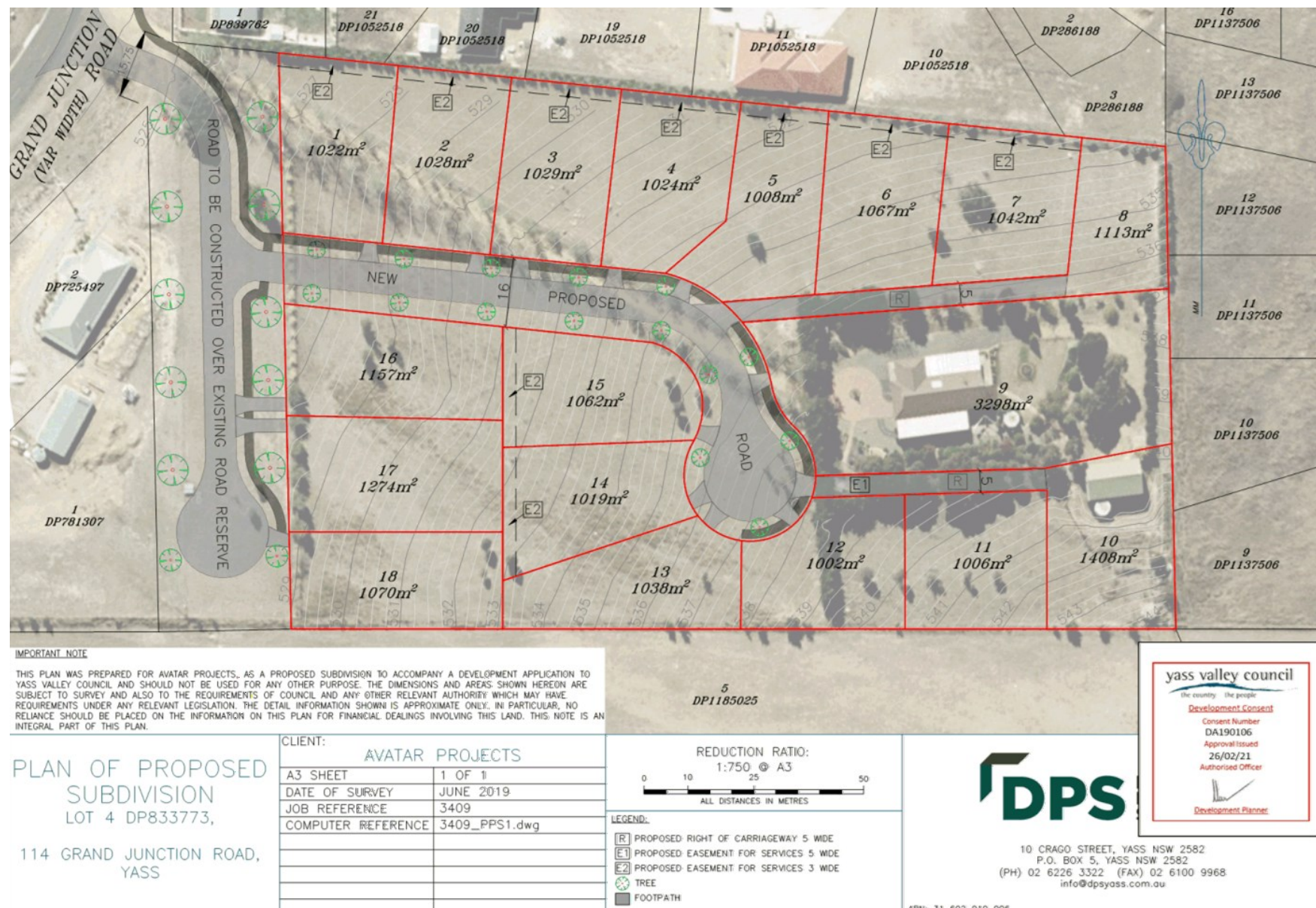
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**Locality Plan**

Map Scale: 1:2616 at A4



6.4 Road Reserve Encroachment - 1 Green Street, Yass & Development Consent No DA190106 - Subdivision, 114 Grand Junction Road, Yass  
Attachment B Approved Plan of Subdivision



6.4 Road Reserve Encroachment - 1 Green Street, Yass & Development Consent No DA190106 - Subdivision, 114 Grand Junction Road, Yass  
Attachment C Proposed Partial Road Closure and Road Reserve Dedication



## 7.1 WATER SOURCE STRATEGY STUDY - UPDATE

### SUMMARY

In 2018, Council resolved to carry out an investigation to develop the Yass water supply system to support the *Yass Valley Settlement Strategy*. This report provides an update and seeks Council direction on budget.

### RECOMMENDATION

*That:*

1. *The work carried out to seek a subsidy to develop the Water Source Strategy Study and the DPIE direction that the study is ineligible for funding at this time be noted.*
2. *An additional \$50,000 (\$100,000 in total) be allocated from the s64 Water Network Reserve to the 2021/22 Operational Plan and Budget to complete this study.*

### FINANCIAL IMPLICATIONS

Council has approved a budget of \$50 000 for this project however the total cost will be \$100,000. An additional \$50 000 can be allocated from the s64 Water Network Reserve to fund this study, if approved by Council. The current balance of this Reserve is approximately \$2.9m (unaudited balance as at 30 June 2021 and is subject to change).

### POLICY & LEGISLATION

- *Local Government Act 1993*

### REPORT

In July 2018, a report was presented to the Council to investigate development of the Yass water supply system to support the directions of *Yass Valley Settlement Strategy*. Council resolved to undertake the work as a priority (Min No. 151/2008). It was envisaged that the study would form part of the Sub-Regional Water Strategy and would be eligible for grant funding to develop the Sub-Regional Integrated Water Cycle Management Plan. However, agreement could not be reached with the Department of Planning, Industry and Environment (DPIE) due to alignment of the Council's approach and scope with the specific requirements of the subsidy eligibility criteria. Additionally, work on formulation of a true sub-regional approach to water supply was also hampered due to the current state of each individual Council's strategic water supply planning journey.

Identification of an additional source for water supply is critical for the long-term development of Yass Valley. Without this study the future development as envisaged in the *Yass Valley Settlement Strategy* could not take place once the limit of supply capacity of Yass Dam is reached.

A scope of study was prepared and a short-listing of consultants through Local Government Procurement was undertaken. The forecast cost to complete the study is \$100,000 and the engagement of the consultant is pending. DPIE notified Council on 6 August 2021 that the study is not eligible for funding.

The options available at this time are to:

- Abandon the study, or
- For Council to fund the study.

Considering the criticality of the need for this study and the uncertainty of future funding availability, it is recommended that Council proceed with the study as soon as possible utilising additional funds drawn from s64 Water Network Reserve.

**STRATEGIC DIRECTION**

Key Pillar	4. Our Infrastructure
CSP Strategy	IN5 - Ensure high quality water supply options for the towns in the region
Delivery Program Action	IN5.1 - Council to supply quality water, cater for growth and quality enhancements that addresses the community needs
Operational Plan Activity	IN5.1.6 - Prepare long-term water source strategy for Yass and Murrumbateman through participation in Regional water strategy development

**ATTACHMENTS:** Nil



## 7.2 2021/22 BLACKSPOT PROGRAM GRANTS

### SUMMARY

To accept funds of \$1,405,000 provided under the 2021/22 Australian Government Blackspot Program.

### RECOMMENDATION

*That:*

1. *The 2021/22 Australian Government Blackspot program grants be accepted for:*
  - *Safety improvements on Mulligans Flat Road - \$745,000*
  - *Safety improvements on Murrumbateman Road - \$660,000*
2. *The 2021/22 Operational Plan/Budget be modified to reflect the above recommendations to include:*
  - *Local Roads - (310) - \$745,000 of capital grant funds to cover \$745,000 capital expenditure*
  - *Regional Roads - (320) - \$660,000 of capital grant funds to cover \$660,000 capital expenditure.*

### FINANCIAL IMPLICATIONS

The Australian Government Blackspot program grant will 100% fund all project cost and as such will have a zero impact on Council's net position.

The original budgeted net operating result before grants and contributions provided for capital purposes will remain unchanged as a surplus of \$32k, as a result of accepting this grant.

In addition, in-line with previous Blackspot grants, Council will be paid on a monthly based on the provision of a standard report and based on the actual expenditure for the month.

### POLICY & LEGISLATION

- *Local Government Act 1993*

### REPORT

In September 2020 Council submitted a number of grant applications for funding under the NSW Safer Roads and the Australian Government Blackspot programs.

Council was advised in June 2021 that it was successful in obtaining a NSW Safer Roads grant for safety works on Nanima Road, which was reported to Council in July 2021.

Council has recently been advised that it has been successful in obtaining two additional grants under the Australian Government Blackspot program.

The works includes:

- Mulligans Flat Road safety improvements for a 0.5km section of road near the ACT border - \$745,000. Works to include:
  - Shoulder widening
  - Full width clear zone
- Murrumbateman Road safety improvements for a 2km section of road west of Nanima Road - \$660,000. Works to include:
  - Shoulder widening

- Clear zone widening in selected areas
- Flexible barrier in selected areas

The grant has been offered on the basis that all work shall be completed by 30 June 2022.

## 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 - Deliver annual program for urban, rural and regional road renewal and construction, including bridges and stormwater

**ATTACHMENTS:** Nil

## 7.3 CRAGO MILL PRECINCT BUSINESS CASE

### SUMMARY

Council has approved the submission of a Development Application for the Crago Mill Precinct Project. The next stage of the process is the development of the Business Case for the project to determine the funding requirements, sources and sustainability of the project.

### RECOMMENDATION

1. Council approve the development of a Business Case for the Crago Mill Precinct Project.
2. Council approve the allocation of \$55,000 from the funding already allocated in the 2021J/22 Operational Plan and Budget of \$561,070 for the development of the Business Case for the Crago Mill Precinct Project.

### FINANCIAL IMPLICATIONS

The Crago Mill Precinct Project has an allocation of \$561,070 for the FY2021/22 Operational Plan. Current commitment against this allocation is \$433,897.29 (ex GST).

The development of the Business Case will cost approximately \$55,000 (ex GST) and includes financial analysis and modelling to determine the affordability of the project for Council.

### POLICY & LEGISLATION

Nil.

### REPORT

#### 1. Project Progress

The Crago Mill Precinct Project has continued design development to enable the submission of a Development Application in late August or early September.

#### 2. Business Case

The Business Case will be developed to provide options for the delivery, funding and management of the proposed site. It will be supported by financial modelling and provide Council with an overview of the project and its feasibility.

The Business Case will be developed by the Project Manager as a fee variation with the only additional consultant required being a Financial Modeller.

The Business Case will take approximately 2 months to complete and involve a number of workshops with staff to determine the challenges and opportunities presented by the project.

### 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	CL1.5 - Improve Council's operating performance (operating performance ratio)
Operational Plan Activity	CL1.5.2 - Undertake a program of service reviews to ensure that services are delivered in the most cost effective and efficient manner

**ATTACHMENTS:** Nil

## 8.1 INVESTMENT AND BORROWINGS REPORT - JULY 2021

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### SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 31 July 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 July 2021 be received and 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%.

While most economic data consistently exceeded expectations over the first half of 2021, it now appears that the peak pace of growth has been reached for the USA and China.

Besides the slight softening of some economic measures, investors also monitored the spread of the delta variant of COVID-19 around the world. The USA and UK have high vaccinations rates with low levels of hospitalisation and serious illness, whereas many Asian countries have low vaccination rates. This could create an uneven global recovery.

Australian economic data in July 2021 showed an economy that was performing well, however the outlook was dominated by lockdowns in Victoria, Queensland, South Australia, and an extended lockdown in the greater Sydney region. While consumer sentiment is cautious, analysts are expecting the Australian economy to contract in the September quarter but bounce back in the December quarter as restrictions are progressively removed.

Inflation data released in July 2021 showed core inflation was 1.6% over the year to June 2021.

## Summary of Movements in Council Investments for the Month

Opening Balance 1/7/21		\$24,200,000
Less Investments redeemed:		
Bank of Queensland	\$1,000,000	
NAB	\$1,000,000	\$2,000,000
Plus Investments placed:		
AMP	\$1,000,000	\$1,000,000
Closing Balance 31/7/21		\$23,200,000

Valuations of Council investments are detailed in **Attachment A**.

## Council Loans

Council has four loans with balance owing as at 30 June 2021 of \$15.46m. The table below provides loan details. Indicative repayments for 2021/22 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 2021	Projected Balance as at 30 June 2022	Interest rate	Comment	Principal 2021/22	Interest 2021/22
General Loan	\$ -	\$ -	-	-	\$ -	\$ -
Sewer - CBA Loan for Sewer Infrastructure	\$ 3,778,024	\$ 3,593,096	4.82% Fixed	Payable over 20 years, fully repaid in 2035/36	\$ 184,928	\$ 178,809
Water - NAB Dam wall	\$ 8,611,093	\$ 8,275,818	6.96% Fixed	Total loan over 30 years. Fixed rate period of 10 years to Aug 2022, to be renegotiated at that time	\$ 335,274	\$ 607,414
Water - Yass to Murrumbateman water supply (Tcorp)	\$ 1,988,019	\$ 1,761,055	2.55% Fixed	Payable over 10 years, fully repaid in 2029	\$ 226,964	\$ 48,536
Water main and pump station upgrades (Tcorp)	\$ 1,086,237	\$ 962,226	2.55% fixed	Payable over 10 years, fully repaid in 2029	\$ 124,011	\$ 26,519
<b>TOTAL LOANS</b>	<b>\$ 15,463,373</b>	<b>\$ 14,592,195</b>			<b>\$ 871,177</b>	<b>\$ 861,278</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. Investments as at July 2021  

## 8.1 Investment and Borrowings Report - July 2021

### Attachment A Investments as at July 2021

#### a) Council Investments as at 30 July, 2021

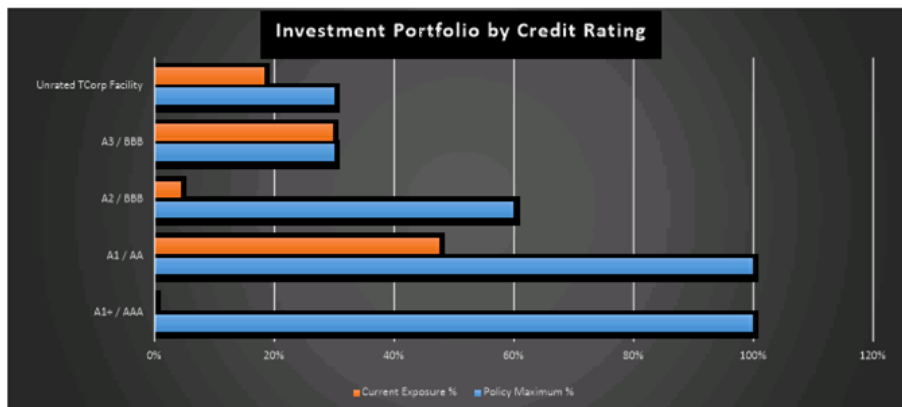
Investment Type	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
<b>Cash Working Accounts</b>						
NAB Working Account <sup>1</sup>	2,882,532.72	A1/AA	n/a	n/a	at call	0.25%
Tcorp Strategic Cash Facility <sup>2</sup>	5,873,899.21	unrated	n/a	n/a	at call	0.46%
	<b>8,756,431.93</b>					
<b>Term Deposits &lt; 12 Months</b>						
NAB Term Deposit	2,700,000.00	A1/AA	28/06/21	27/09/21	91	0.27%
NAB Term Deposit	2,000,000.00	A1/AA	31/05/21	30/08/21	91	0.30%
BOQ	1,400,000.00	A2/BBB	03/12/20	30/09/21	301	0.50%
AMP	2,000,000.00	BBB+	05/03/21	05/08/21	153	0.70%
AMP	2,000,000.00	BBB+	01/12/20	01/12/21	365	0.75%
AMP	1,000,000.00	BBB+	15/07/21	11/01/22	180	0.50%
ME	1,000,000.00	BBB+	02/07/21	28/01/22	210	0.45%
ME	1,000,000.00	BBB+	25/03/21	23/09/21	182	0.40%
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	28/04/21	25/10/21	180	0.34%
CBA	2,000,000.00	A1/AA	31/05/21	30/11/21	183	0.33%
CBA	1,500,000.00	A1/AA	24/05/21	21/09/21	120	0.30%
CBA	2,000,000.00	A1/AA	12/04/21	10/08/21	120	0.27%
	<b>23,200,000.00</b>					
<b>Total Short Term</b>	<b>31,956,431.93</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%	47.51%	15,182,532.72
A2 / BBB	60%	4.38%	1,400,000.00
A3 / BBB	30%	29.73%	9,500,000.00
Unrated TCorp Facility	30%	18.38%	5,873,899.21



#### c) Exposure to a Single Institution

Institution	S&P Rating	Policy Maximum %	Current Exposure %	Current Investment \$
NAB	A1/AA	100%	23.73%	7,582,532.72
AMP	BBB	60%	15.65%	5,000,000.00
IMB	A3	30%	0.00%	-
CBA	A1/AA	100%	23.78%	7,600,000.00
BOQ	A2/BBB	60%	4.38%	1,400,000.00
Macquarie	BBB	60%	3.13%	1,000,000.00
ME	BBB	60%	6.26%	2,000,000.00
Bendigo	BBB	60%	4.69%	1,500,000.00
TCorp	unrated	30%	18.38%	5,873,899.21

## 8.1 Investment and Borrowings Report - July 2021

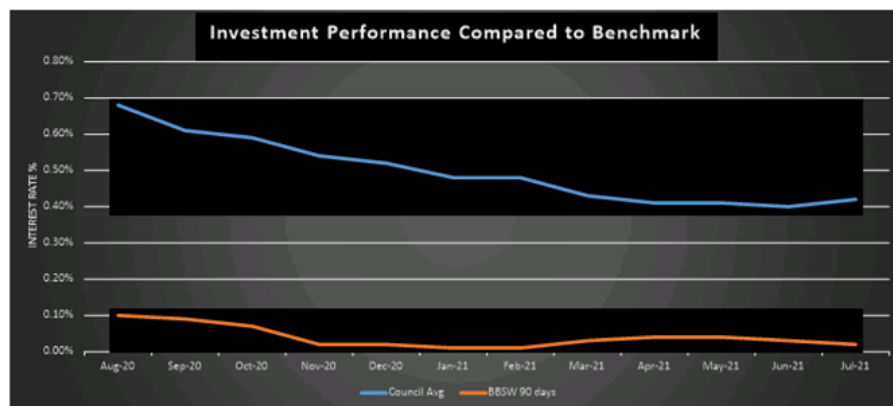
### Attachment A Investments as at July 2021

#### 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	0.42%	0.02%
3 month average	0.41%	0.03%
6 month average	0.43%	0.03%
12 month average	0.50%	0.04%



## 8.2 DRAFT 2020/21 ANNUAL FINANCIAL STATEMENTS

### SUMMARY

In accordance with s413 *Local Government Act 1993*, approval is sought to refer the Draft 2020/21 Annual Financial Statements to Council's external auditor.

### RECOMMENDATION

*That:*

1. *The Draft 2020/21 Annual Financial Statements be referred to the NSW Audit Office when completed.*
2. *The Statement of Councillors and Management be signed in accordance with s413 (1), (2) and (3) Local Government Act 1993 once the draft Financial Statements are ready.*
3. *On receipt of the Audited Reports, forward a copy to the Office of Local Government.*

### FINANCIAL IMPLICATIONS

Council's financial result may impact future decision making.

### POLICY & LEGISLATION

- *Local Government Act 1993*

### REPORT

Council's Draft 2020/21 Annual Financial Statements will be completed and referred to Council's external auditor.

Section 413 *Local Government Act 1993* as amended, requires that:

1. *A Council must prepare financial reports for each year and must refer them for audit as soon as practicable (having regard to the requirements of section 416 (1) after the end of that year).*  
**Note:** *Under section 416 (1), a Council's financial reports for a year must be prepared and audited within four (4) months after the end of the year concerned and under section 428 (2)(a) the audited financial reports must be included in the Council's Annual Report.*
2. *A Council's financial report must include:*
  - *a General Purpose financial report, and*
  - *any other matters prescribed by the regulations, and*
  - *a statement in the approved form by Council as to its opinion on the General Purpose financial report.*
3. *The General Purpose financial report must be prepared in accordance with the Act and the Regulation and the requirements of:*
  - *the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to the regulations, and*
  - *such other standards as may be prescribed by the regulations.*

Section 418 of the Act requires that:

- 1 *As soon as practicable after Council receives a copy of the auditor's reports:*
  - *it must fix a date for a meeting at which it proposes to present its audited financial reports, together with the auditor's report, to the public, and*
  - *it must give public notice of the date so fixed*



2. *The date fixed for the meeting must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the auditor's reports are given to Council.*

The 2020/21 Annual Financial Statements must be submitted to the Office of Local Government no later than 31 October 2021. It is anticipated that the Auditor will address the October 2021 meeting of Council.

## STRATEGIC DIRECTION

Key Pillar 5. Our Civic Leadership

CSP Strategy CL1 - Effect resourceful and respectful leadership and attentive representation of the community

Delivery Program Action CL1.4 - Be compliant, more efficient and effective

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

**ATTACHMENTS:** Nil

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## 8.3 REVIEW OF FRAUD & CORRUPTION CONTROL POLICY

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### SUMMARY

The *Fraud & Corruption Control Policy* has been reviewed to ensure Council has a sound policy to prevent, detect, investigate, and recover from fraudulent and corrupt conduct. The revised version of the policy is consistent with Australian Standard 8001:2008 Fraud and Corruption Control.

### RECOMMENDATION

*That draft GOV-CP-22 Fraud and Corruption Control Policy be adopted.*

---

### FINANCIAL IMPLICATIONS

The maintenance of Council policies is a recurrent staff expense in Council's annual budget.

### POLICY & LEGISLATION

- *Local Government Act 1993*
- *Independent Commission Against Corruption Act 1998*
- Model Code of Conduct for Local Councils in NSW 2020
- GOV-POL-5 Statement of Business Ethics
- GOV-CP-15 Internal Reporting Policy
- GOV-CP-7 Complaints Policy
- CA-POL-4 Procurement Policy
- Australian Government Investigations Standards 2011
- Australian Standard 8001:2008 Fraud and Corruption Control
- NSW Audit Office Fraud Control Improvement Kit 2015

### REPORT

#### 1. Background

The current *Fraud Control Policy* (refer **Attachment A**) has been reviewed to ensure it is consistent with Australian Standard 8001:2008 Fraud and Corruption Control. The policy has been renamed to better reflect the content.

Significant improvements have been made to the policy, but the substance and intent of the policy has not changed.

The revised policy does not need to be placed on public exhibition as the key changes (outlined below) are administrative and do not change the substance or intent of the policy. It is being reported to Council as it has responsibilities in relation to fraud and corruption for both Councillors and Council staff.

#### 2. Key Changes

The revised *Fraud and Corruption Control Policy* (refer **Attachment B**) has been prepared to ensure Council has a policy that aligns with the Australian Standard 8001:2008.

**2.1 Revised policy position**

The revised Policy commits Council to the prevention, detection, investigation of, and recovery from, any fraud or corruption events that impact on Council. It also maintains the position that Council does not, and will not, tolerate fraudulent or corrupt practices.

**2.2 Revised definitions**

The revised Policy contains updated definitions of fraud and corruption drawn directly from the Australian Standard.

**2.3 Revised format**

The revised Policy has changed to follow the best practice format identified in the Australian Standard.

It clearly attributes general responsibilities to all Councillors and Council staff, with specific responsibilities to Managers and the General Manager.

It also clearly explains the actions Council will take to prevent, detect, investigate, and recover from fraudulent or corrupt activities that affect Council, and links up existing policies relevant to fraud and corruption control.

**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	CL1.3 - Meet its objectives through improving the effectiveness of risk management, controls and governance processes
Operational Plan Activity	CL1.3.2 - Manage Council's risks

- ATTACHMENTS:**
- A. Fraud Control Policy [!\[\]\(1e63609ed98a835f4eb8c01936fe5abe\_img.jpg\) !\[\]\(894ed1eaf67f827f170900945f995ae3\_img.jpg\)](#)
  - B. Fraud & Corruption Control Policy [!\[\]\(667a6241441d64e420cc3455b8ca30eb\_img.jpg\) !\[\]\(cb9705be8985eff5e7983ed16a9ace3c\_img.jpg\)](#)

<b>Policy:</b>	<b>FRAUD CONTROL</b>	<b>GOV-POL-22</b>
<b>Service:</b>	<b>Governance</b>	
<b>Responsible Officer:</b>	<b>Director of Finance and Corporate Services</b>	

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## 1. Objective

To provide a framework for the prevention, detection, investigation and correction of fraudulent activity.

## 2. Statement

Yass Valley Council is committed to the prevention, detection and investigation of all fraudulent and corrupt activity. Fraud and corruption wastes scarce public resources and damages organisational reputation. Council does not, and will not, tolerate fraudulent or corrupt practices.

## 3. Definitions

**Fraud** – dishonest use of Council resources or using ones position and power to grant favours or achieve a personal gain.

**Corrupt conduct** – is deliberate or intentional wrongdoing that is not the result of negligence or a mistake. Examples would include a councillor voting in favour of a development in which the councillor has an undisclosed financial interest or a member of the public bribing a staff member for favourable treatment in relation to a development.

## 4. Fraud Prevention

### 4.1 Organisational Integrity and Leadership

**4.1.1** The most effective form of fraud prevention is the establishment of an organisational culture which rejects fraudulent and corrupt practices. Commitment from Councillors and Executive Staff is essential in establishing a behaviour model for all staff, contractors or any other person working on behalf of Council (eg volunteer).

**4.1.2** Council will establish and maintain a fraud-resistant culture by:

- a) employing managers and supervisors who will be positive role models for ethical behaviour
- b) adopting and enforcing policies which emphasise the importance of ethical behaviour
- c) issuing clear standards and procedures to minimise opportunities for fraudulent and corrupt behaviour, and enhance detection mechanisms, and
- d) ensuring all staff are accountable for their own actions

### 4.2 Employee Education and Awareness

Employees will be made aware of Council's ethical conduct expectations by:

- a) the inclusion of ethical conduct requirements in information packages for new employees

- b) an ongoing program of the inclusion of ethical behaviour expectations within all position descriptions for new and existing positions, and
- c) awareness training on a regular basis for all staff on Council's Code of Conduct.

#### **4.3 Customer and Community Awareness**

Fraudulent activity may be detected as a result of complaints from Council customers or other members of the public. It is essential that the community understands the impact of fraudulent and corrupt activity and the importance of exposing such behaviour. In order to increase community awareness and encourage the reporting of fraudulent and corrupt conduct, Council will:

- a) publish the Code of Conduct, Statement of Business Ethics and Complaints Policy on Council's website; and
- b) provide appropriate feedback to all persons who report suspected corrupt or fraudulent conduct on any action taken.

#### **4.4 Regular Review of Policies and Procedures**

In addition to ongoing policy development directed at emphasising ethical behaviour and fraud prevention and detection, Council is committed to the ongoing review of existing policies and procedures. The following policies will be reviewed every two years and a special review will be undertaken in the case of any incident of fraud.

- a) Code of Conduct
- b) Statement of Business Ethics
- c) Fraud Control Policy
- d) Complaints Policy
- e) Protected Disclosures Policy
- f) Procurement Policy
- g) Disposal of Assets Policy

### **5. Fraud Detection and Risk Management**

#### **5.1 Encouraging Disclosure**

It is recognised that most fraudulent activity is detected by employees of Council, and to a lesser extent, by members of the public. Council will encourage the reporting of fraudulent conduct by:

- a) the inclusion of training on fraud awareness and reporting procedures in the induction of new employees;
- b) providing awareness training on a regular basis for all staff on Council's Code of Conduct;
- c) advertising on Council's website of the various methods by which members of the public may report instances of fraudulent conduct which they become aware of; and
- d) providing appropriate feedback to people who report suspected fraud on any action taken.

## 5.2 Internal Audit

Council will minimise opportunities for undetected fraudulent activity through the development of an internal audit program to identify risk areas and to detect any problems with Council procedures which may lead to the occurrence of fraudulent activity.

## 5.3 External Audit

Council is required under section 415 of the Local Government Act 1993 to have its financial reports audited and to present those audited financial reports to the Director-General of the Office of Local Government, the Australian Bureau of Statistics and the public.

## 6. Fraud Investigation

Council recognises that it will not always be successful in its efforts to prevent fraud. It will therefore investigate all reported instances of fraud and corrupt conduct as thoroughly as possible. Depending on the circumstances of the alleged fraud, an internal investigation may be undertaken or the matter referred to an external body such as NSW Police, the ICAC, or the Ombudsman.

## 7. Fraud Correction

Once a fraudulent act has been identified and investigated, strategies and procedures will be implemented to ensure the minimisation of risk leading to the fraudulent act being repeated. These may include:

- disciplinary action and/or dismissal of employees, committee members, volunteers or contractors involved in fraudulent conduct
- review and alteration of operating procedures
- additional training for employees, committee members, volunteers or contractors
- making other employees aware of the situation in general terms in order to discourage similar conduct in the future, or
- improvements in the physical security of assets

## 8. Non Compliance

Non compliance with this policy may result in disciplinary action and/or dismissal.

## 9. Reference Documents/Legislation

Code of Conduct  
GOV-POL-5 Statement of Business Ethics  
GOV-POL-15 Internal Reporting Policy  
GOV-POL-7 Complaints Policy  
FS-POL-1 Procurement Policy  
Disposal of Assets Policy

### History

Minute No	Date of Issue	Action	Author	Checked By
	2 July 2012	Written	Sarah Donnelly	EMT
297	11 July 2012	Adopted		Special Planning Meeting
	29 August 2018	Reviewed	Sarah Donnelly	EMT
208	26 September 2018	Adopted	Financial Accountant	Council Meeting

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## Fraud and Corruption Control Policy

### Purpose

Yass Valley Council (Council) is committed to minimising fraud and corruption in the workplace. To achieve this, Council will adopt and resource a fraud and corruption control framework that aligns to better practice.

### Scope

This policy applies to all Councillors, Council staff and contractors, and any other person who performs official functions on behalf of Council, such as volunteers.

### Definitions

Term	Meaning
Fraud	Dishonest activity causing actual or potential financial loss to any person or entity including theft of monies or other property by employees or persons external to the entity and where deception is used at the time immediately before or immediately following the activity. <sup>1</sup>
Fraudulent conduct	The act of intentionally taking a dishonest action to obtain a benefit that would not have been received if honest action was taken.
Corruption	Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. <sup>2</sup>
Corrupt conduct	Corrupt conduct is deliberate or intentional wrongdoing, not negligence or a mistake.
Australian Standard 8001:2008	The Australian Standard that describes fraud and corruption controls

### Policy Principles

Council is committed to the prevention, detection, investigation of and recovery from any fraud and/or corruption events that impact on Council.

Fraud and corruption wastes scarce public resources and damages organisational reputation. Council does not, and will not, tolerate fraudulent or corrupt practices.

<sup>1</sup> Australian Standard 8001:2008 Fraud and Corruption Control

<sup>2</sup> Australian Standard 8001:2008 Fraud and Corruption Control



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## Responsibilities

### All Councillors and Council staff

- The Model Code of Conduct for Local Councils in NSW (the Code) is the cornerstone of establishing an ethical framework whereby staff acknowledge and adhere to the Code at all times by acting ‘...honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions.’<sup>3</sup>
- It is the responsibility of all Councillors and Council staff to adhere to this policy and execute their work with probity, accountability and transparency in order to prevent fraud and corruption in areas within their workplace.
- It is also the responsibility of all Councillors and Council staff to report any alleged or actual incidences of fraud and corrupt behaviour using relevant mechanisms in accordance with GOV-CP-15 Internal Reporting Policy.
- All Councillors and Council staff must ensure they undertake any relevant training relating to prevention, detection and action on fraud and corruption.

### Managers

Managers are responsible for implementing the Code and ensuring prevention of fraud and corruption in areas within their control. This must be achieved through:

- Completing training as and when required
- Promoting awareness of ethical conduct
- Leading by example
- Providing guidance and support to staff as necessary
- Ensuring access to relevant policies and procedures
- Ensuring reports of fraud and corruption are referred appropriately without any delay
- Maintaining confidentiality in accordance with Public Interest Disclosures Act 1994
- Ensuring staff who report are protected from reprisal
- Complying with actions taken by or required by investigating parties

### Governance Unit

The Governance Unit, working with the Audit Risk and Improvement Committee (ARIC) are responsible for ensuring the fraud and corruption resources work collectively, effectively coordinated, and fraud and corruption control outcomes are delivered.

The Manager Governance responsibilities include:

- Implementing, reviewing, maintaining, and updating policies on fraud and corruption
- Development of resources
- Investigations of alleged or actual fraud and corruptions
- Ongoing monitoring and improvement

### The General Manager

Under Section 11 of the *Independent Commission Against Corruption Act 1988* the General Manager ‘is under duty to report to the Commission any matter that the person suspects on reasonable grounds concerns or may concern corrupt conduct’<sup>4</sup>.

It is also the responsibility of the General Manager to:

- Encourage ethical culture by promoting zero tolerance to any form of fraudulent and corrupt behaviour
- Endorse policies, strategies and procedures pertaining to prevention of fraud and corruption
- Maintain legislative and regulatory compliance
- Have oversight of the risk assessments and mitigations

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<sup>3</sup> Local Government Act 2009 s439

<sup>4</sup> Independent Commission Against Corruption Act 1988 s11(2)



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## **Fraud and Corruption Prevention**

### **Integrity and Leadership**

One of the most effective form of fraud and corruption prevention is the establishment of an organisational culture which rejects fraudulent and corrupt practices. Commitment from Councillors and Executive Staff is essential in establishing a behaviour model for all staff, contractors or any other person working on behalf of Council

Council will establish and maintain a fraud and corruption resistant culture by:

- employing managers and supervisors who will be positive role models for ethical behaviour
- adopting and enforcing policies which emphasise the importance of ethical behaviour
- issuing clear standards and procedures to minimise opportunities for fraudulent and corrupt behaviour, and enhance detection mechanisms, and
- ensuring all staff are accountable for their own actions

### **Employee Education and Awareness**

Employees will be made aware of Council's ethical conduct expectations by:

- the inclusion of ethical conduct requirements in information packages for new employees
- an ongoing program of the inclusion of ethical behaviour expectations within all position descriptions for new and existing positions, and
- awareness training on a regular basis for all staff on the adopted Code of Conduct.

### **Customer and Community Awareness**

Fraudulent or corrupt conduct may be detected as a result of complaints from Council customers or other members of the public.

It is essential that the community understands the impact of fraudulent and corrupt conduct and the importance of exposing such behaviour. In order to increase community awareness and encourage the reporting of fraudulent and corrupt conduct, Council:

- publishes the Code of Conduct, Statement of Business Ethics and Complaints Policy on Council's website
- provides appropriate feedback to all persons who report suspected corrupt or fraudulent conduct on any action taken

### **Regular Review of Policies and Procedures**

Council is committed to the ongoing review of existing policies and procedures. The following policies will be reviewed every two years and a special review will be undertaken in the case of any incident of fraudulent or corrupt conduct.

- GOV-POL-5 Statement of Business Ethics
- GOV-CP-22 Fraud and Corruption Control Policy
- GOV-CP-7 Complaints Policy
- GOV-CP-15 Internal Reporting Policy
- CA-POL-4 Procurement Policy

### **Delegations, authority and accountability**

Council has established a management structure and the General Manager delegates functions to Council staff, based on their responsibilities and qualifications.

Staff have ready access to the organisation chart and the register of delegations.

These measures ensures staff have a clear authority to make decisions and take actions, and can be held to account for the decisions made and actions taken should they exceed the authority of the Council staff member.

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## Fraud and Corruption Detection

### Encouraging Disclosure

It is recognised that fraudulent activity will most likely be detected by employees of Council, and to a lesser extent, by members of the public. Council will encourage the reporting of fraudulent conduct by:

- the inclusion of training on fraud awareness and reporting procedures in the induction of new employees
- providing awareness training on a regular basis for all staff on Council's adopted Code of Conduct
- advertising on Council's website of the various methods by which members of the public may report instances of fraudulent conduct which they become aware of
- providing appropriate feedback to people who report suspected fraud on any action taken.

### Internal Audit

Council will minimise opportunities for undetected fraud or corrupt conduct through the development of an internal audit program to identify risk areas and to detect any problems with Council procedures which may lead an occurrence.

### External Audit

Council is required under s 415 of the *Local Government Act 1993* to have its financial reports audited. Under s 417 of the *Local Government Act 1993* Council is required to present both the external auditor's report and Council's audited financial reports to the Director-General of the Office of Local Government and the Australian Bureau of Statistics.

## Fraud and Corruption Investigation

Council recognises that it will not always be successful in its efforts to prevent fraud and corrupt conduct. It will therefore investigate all reported instances of fraud and corrupt conduct as thoroughly as possible. Depending on the circumstances of the alleged fraud or corrupt conduct, an internal investigation may be undertaken or the matter referred to an external body such as NSW Police, the ICAC, or the NSW Ombudsman.

Where an investigation is undertaken internally Council will ensure it is conducted in accordance with the *Australian Government Investigations Standards 2011*.

## Fraud and Corruption Recovery

Once a fraudulent act has been identified and the appropriate investigative actions commenced, at the appropriate time strategies and will be implemented to ensure Council recovers from the incident, including taking reasonable steps to recover lost financial or real assets and minimising the risk of the fraudulent act being repeated.

These may include strategic activities such as:

- consideration of the most appropriate financial recovery action such as seeking repayment or reparation payments in either a criminal or civil jurisdiction
- considering whether an insurance claim is possible and appropriate
- review and alteration of operating procedures
- additional training for employees, committee members, volunteers or contractors
- making other employees aware of the situation in general terms in order to discourage similar conduct in the future
- making the public aware of the incident and the actions Council and other authorities have undertaken to respond to the incident, to improve public confidence in Council, or
- improvements in the physical security of assets

If sufficient information is obtained during the course of an investigation indicating the intentional actions of a staff member(s) have engaged in fraudulent or corrupt conduct the matter will be referred to the Complaint Management Team who will consider the appropriate action to take in relation to the staff.

## References

<b>Legislation</b>	<i>Local Government Act 1993</i>
<b>Policies and procedures</b>	<i>Independent Commission Against Corruption Act 1988</i> Model Code of Conduct for Local Councils in NSW 2020 GOV-POL-5 Statement of Business Ethics GOV-CP-15 Internal Reporting Policy GOV-CP-7 Complaints Policy CA-POL-4 Procurement Policy <i>Australian Government Investigations Standards 2011</i> Australian Standard 8001:2008

## Approval History

Stage	Date	Comment	MagiQ Reference
Original	11 July 2012	Adopted by Council	32969
Review	26 September 2018	Adopted by Council	32969
Review	XX August 2021		

## Ownership and Approval

Responsibility	Role
Author	Manager Governance
Owner	Manager Governance
Endorser	Governance Unit
Approver	Council

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

### SUMMARY

In line with the Integrated Planning and Reporting Framework, Council is required to 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 2021 to 30 June 2021.

### RECOMMENDATION

*That the six monthly Progress Report for the 2017/18 – 2020/21 Delivery Program for period 1 January 2021 to 30 June 2021 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 January 2021 to 30 June 2021.

The report highlights significant achievements against the Community Strategic Plan for all the actions and activities that have been completed and summarises actions that have not been 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. Six Monthly Progress Report January-June 2021 (*Under Separate Cover*) 

## 9.1 YASS WATER TREATMENT PLANT UPGRADE FUNDING SCENARIOS - IMPACT ON TYPICAL RESIDENTIAL WATER BILLS

### SUMMARY

In December 2020 an update on progress of the Yass Water Treatment Plant Upgrade Project was provided to Council. This report was provided in May 2021 and identified a single scenario. Council determined that for different funding scenarios, impacts on local household water charges be reported back to Council with sensitivity analysis conducted on the financial modelling.

### RECOMMENDATION

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

### FINANCIAL IMPLICATIONS

There are no direct financial implications of this report. It provides analysis of potential funding scenarios over the next 30 years for the Water Account. Any financial decisions to progress any project highlighted in the analysis will be the subject of a separate report to Council.

### POLICY & LEGISLATION

*Local Government Act 1993*

### REPORT

#### 1. Background

Results of financial modelling of the Water Account based on the identified development needs were presented to Council at its May 2021 meeting. Council resolved to request a report on sensitivity analysis of these based on the investment rates, loan interest rates and the inclusion of the development of an alternate water source.

PWA was engaged to carry-out the financial modelling and sensitivity analysis. The results including the investment scenarios are provided in the Confidential report.

### STRATEGIC DIRECTION

Key Pillar	4. Our Infrastructure
CSP Strategy	IN5 - Ensure high quality water supply options for the towns in the region
Delivery Program Action	IN5.1 - Council to supply quality water, cater for growth and quality enhancements that addresses the community needs
Operational Plan Activity	IN5.1.5 - Prepare design and business case for Yass Water Treatment Plant upgrade (Stages 2 and 3)

**ATTACHMENTS:** Nil

## 12.1 MINUTES OF THE GENERAL MANAGER'S PERFORMANCE REVIEW COMMITTEE HELD ON 2 AUGUST 2021

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### REPORT

The General Manager's Performance Review Committee meeting was held on 2 August 2021. As this meeting relates to a personnel matter concerning a particular individual it is recommended that the matter be dealt with in Closed Session.

### RECOMMENDATION

*That this item be classified as Confidential in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to personnel matters concerning particular individuals (other than councillors).*

ATTACHMENTS: Nil

## 13 Confidential Matters

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### 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 Minutes of the General Manager's Performance Review Committee held on 2 August 2021**

Item 13.1 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.

**13.2 Yass Water Treatment Plant Upgrade Funding Scenarios - Impact on Typical Residential Water Bills**

Item 13.2 is confidential in accordance with section s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.