



Ordinary Meeting of Council

Wednesday 22 September 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

October 2021

Wednesday 27th

4.00pm

Ordinary Meeting of Council

Ordinary Meeting of Council

A G E N D A

Open Forum

Page No.

Webcasting

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

Acknowledgement of Country

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

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	Nil	
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	Nil	
12.	Minutes and Recommendations of Council Committees	
13.	Confidential Matters	
	Nil	

Close of Meeting Time

Chris Berry
GENERAL MANAGER



Minutes of the Ordinary Meeting of Council

Wednesday 25 August 2021

4.00pm

Council Chambers

209 Comur Street, Yass

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Council Meeting – Councillor Turner declared the meeting open at 4.06 pm.

Present

Councillors Kim Turner, in the Chair, Geoff Frost, Nathan Furry (via Zoom), Allison Harker, Jasmin Jones, Michael McManus (via Zoom) and Mike Reid (via Zoom).

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.

Motion

RESOLVED that Councillor Kim Turner chair the meeting.

(Furry/Frost) 164

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

AGAINST: Nil

Acknowledgement of Country

1. Prayer

2. Apologies

RESOLVED that apologies be received from Councillors Abbey and Burgess and leave of absence be granted.

(Frost/Harker) 165

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

AGAINST: Nil

3. Declaration of Interest/Disclosures

Chris Berry, General Manager, declared a pecuniary conflict of interest in Item 13.1 –Minutes of the General Manager's Performance Review Committee held on 2 August 2021.

Reason: Chris Berry declared an interest as the report/minutes relate to his employment at Council.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 28 July 2021 covered by resolution numbers 134-163 inclusive, be taken as read and confirmed.

(McManus/Harker) 166

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

AGAINST: Nil

5. Mayoral Minute

5.1 MAYORAL MINUTE - COMPLIANCE LEVIES

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.

RESOLVED 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.

(Furry/Harker) 167

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

AGAINST: Nil

6. Director of Planning & Environment Reports

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

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.

RESOLVED 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.***

(Frost/Harker) 168

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

AGAINST: Nil

6.2 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT

SUMMARY

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

RESOLVED that the report on approved development variations for the second quarter of 2021 be noted.

(Frost/Jones) 169

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

AGAINST: Nil

6.3 HEAVY HAULAGE DEVELOPMENT CONTRIBUTIONS PLAN

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.

RESOLVED that .

- 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.***

(Furry/Reid) 170

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

AGAINST: Nil

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.

RESOLVED 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.***

(Frost/Jones) 171

FOR: Councillors 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 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.

RESOLVED 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.***

(Jones/Harker) 172

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

AGAINST: 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.

RESOLVED 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.*

(Furry/Reid) 173

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

AGAINST: 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.

RESOLVED that the development of the Business Case for the Crago Mill Precinct Project be progressed with funding of \$55,000 allocated from the Land and Buildings Reserve.

(Jones/Reid) 174

FOR: Councillors 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 - JULY 2021

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.

RESOLVED 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.

(Harker/Frost) 175

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

AGAINST: Nil

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.

RESOLVED 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.**

(Frost/Harker) 176

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

AGAINST: Nil

8.3 REVIEW OF FRAUD & CORRUPTION CONTROL POLICY

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.

RESOLVED that consideration of draft GOV-CP-22 Fraud & Corruption Control Policy be deferred for further discussion at a Councillor Workshop.

(Furry/Jones) 177

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

AGAINST: Councillor M McManus

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.

RESOLVED 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.

(Harker/Frost) 178

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

AGAINST: Nil

9. General Manager Reports

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.

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

(Furry/Reid) 179

FOR: Councillors, N Furry, A Harker, , M McManus, M Reid and K Turner

AGAINST: Councillors J Jones G Frost

10. Notice of Motion

Nil

11. Questions with Notice

Nil

12. Minutes and Recommendations of Council Committees

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

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.

RESOLVED 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).

(Furry/Reid) 180

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

AGAINST: Nil

13. Confidential Matters

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

13.1 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.

(Frost/Harker) 181

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

AGAINST: Nil

Closed Council commenced at 4.59 pm.

All staff left the Meeting at 4.59pm.

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

RESOLVED that the minutes of the General Manager's Performance Review Committee held on 2 August 2021 be noted and the following recommendations be adopted:

Item 1 General Manager's Performance Review 2021

That the General Manager's Performance Review be noted as meets, and at times exceeds, expectations.

Item 2 General Manager's Performance Review 2022

That the General Manager's Performance Review Agreement for 2022 be endorsed.

(Furry/Frost) 182

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

AGAINST: Nil

All staff returned to the Meeting at 5.05pm.

13.2 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.

This report provides results of financial modelling and the impacts to the typical households.

RESOLVED that the results of the financial modelling be noted.

(Furry/Reid) 182

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

AGAINST: Nil

Motion

RESOLVED that the report associated with Item 13.2, with the exception of the Attachment, be made public.

(McManus/Furry) 1833

FOR: Councillors N Furry, A Harker, M McManus, M Reid and K Turner

AGAINST: Councillors G Frost and J Jones

Foreshadowed Motion

The report associated with Item 13.2, with the exception of pages 9-10 of the Attachment, be made public.

(Frost)

Note:

The report Item 13.2 considered in Closed Council is included as an attachment to these Minutes.

RESOLVED that the meeting move into Open Council.

(Furry/Reid) 184

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

AGAINST: Nil

Open Council resumed at 5.16 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Reid/McManus) 185

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

AGAINST: Nil

The meeting closed at 5.17 pm.

13.2 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.

This report provides results of financial modelling and the impacts to the typical households.

RECOMMENDATION

That the results of the financial modelling results be noted.

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. Introduction

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 **Attachment A (remains confidential as per Council resolution)**.

2. Key Assumptions for financial modelling and sensitivity analysis

Financial modelling was carried-out using NSW Financial Planning Model (FINMOD) with the following key assumptions or base data.

- **Growth rates**

Assessment Growth Rate

- For the first 10-year period: 1.2% per year
- For the second 10-year period: 1.1% per year
- For the final 10-year period: 1.0% per year

Long term Average Assessment Growth Rate: 1.1% per year

Growth rates are based on the historical growth of water connections. It is the baseline adopted in the Integrated Water Cycle Management (IWCM) Strategy which is under preparation. Two growth scenarios are adopted in the IWCM namely baseline and aspirational (high growth). For the purpose of financial modelling baseline growth which is conservative is adopted.

- Financial Data**

Average annual long term inflation rate: 2.5% per year

Annual investment Interest Rate: 5.5% (default) – 2.5% per year adopted

Annual Borrowing Interest Rate: 6.5%pa (default) – 4.0% per year adopted

- Access Charges**

Access Charge: \$490 per year (20-32 mm water meter size)

User Charge: \$3.50/kL – for 450kL/year or less

\$4.60/kL – Above 450 kL per year

(Based on average residential consumption of 197kL/for 2019/20)

Current water headworks charge (s64 Development Charges) for Water Supply (2020/21): \$14,386/ET

Development charges revenue of \$500K/year is used for modelling.

In 2019/20, average residential consumption was 197kL. TRB for water is \$1,180 in 2020/21.

- WTP Upgrade Funding Scenarios**

Total cost of Stage 2 and 3 is based on \$29 million expended over three years. Subsidy is:

	Estimated Capital Cost (\$'000)			Total (\$'000)
	2022/23	2023/24	2024/25	
WTP Upgrade Stage 2&3	9,000	10,000	10,000	29,000
Subsidy at:				
- 50% of capital cost	4,500	5,000	5,000	14,500
- 75% of capital cost	6,750	7,500	7,500	21,750

- Other Major Projects**

Costs of major projects considered in the 30-year horizon are listed in the table below and are in current dollars.

Other Major Projects	Year Planned	Estimated Cost
Yass to Murrumbateman Water Transfer	2021	\$2.585 million
WTP Upgrade – Stage 1	2021-22	\$3.715 million
Additional Water Source	2036-2041	\$59 million
Bowning-Binalong pipeline duplication	2040-43	\$4 million

3. Impact on Typical Residential Bills (TRB)

Results of the modelling including the Additional Water Source are summarised below.

TRB for	First 14 years (2020/21\$ p.a.) until 2034/35			Next 15 years (2020/21\$ p.a.) 2035/36 onwards		
Borrowing Interest Rates	0% subsidy	50% subsidy	75% subsidy	0% subsidy	50% subsidy	75% subsidy
1%	1,400	1,270	1,180	1,280	1,180	1,180
2%	1,415	1,270	1,180	1,280	1,180	1,180
6%	1,480	1,270	1,180	1,480	1,270	1,180
4%	1,480	1,270	1,180	1,480	1,270	1,180

4. Impact on TRB without future investment for Additional Water Source

If the Additional Water Source is not pursued the TRB will likely reduce to about \$1,000 after 2035 as no additional major project or expansion funding would be needed. While this reduces the TRB it will result in the inability to expand the water supply network from about 2035-2040 onwards.

5. Discussion

The cost estimate for the Water Treatment Plant upgrade will be revised based on the option to be finalised following the results of Peer Review on Stage 2. However, the sensitivity analysis demonstrates that there is a marginal difference (in the order of \$80 for the expected worst case) in TRB based on the low interest rates currently and the biggest impact will be achieved through seeking the highest government subsidies.

STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN5 -	Ensure high quality water supply options for the towns in the region
Delivery Program Action	IN5.1 -	Council to supply quality water, cater for growth and quality enhancements that addresses the community needs
Operational Plan Activity	IN5.1.1-	Council to supply quality water, cater for growth and quality enhancements that addresses the community needs

6.1 DRAFT FILLING POLICY

SUMMARY

The draft Filling Policy has been exhibited and 12 submissions were received. It is recommended that the draft Policy be adopted.

RECOMMENDATION

That the draft Filling Policy be adopted and that the submission authors be notified of Council's decision.

FINANCIAL IMPLICATIONS

Nil. This report relates to the exhibition of a draft policy.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- State Environmental Planning Policy (Exempt and Complying Development)
- Heavy Haulage Contributions Plan
- Community Engagement Strategy
- Development Assessment and Decision Making Policy

REPORT

At its meeting on 23 June 2021 Council resolved to place the draft Filling Policy (refer **Attachment A**) on public exhibition and it be adopted if there were no significant issues raised in the submissions.

During the exhibition 12 submissions were received (refer **Attachment B**).

The submissions are addressed in **Attachment C**. The draft policy is intended to deal with the planning framework associated with this activity. However, the submissions make comments beyond this e.g. strategic approach to filling with the ACT Government, enforcement issues etc. Many of submissions comment on what they believe is a lack of specificity in the draft policy however it has been prepared to reflect the current planning legislation and must be able to applied to a range of situations across Yass Valley not just those located on our border with the ACT. The draft policy reflects minimum requirements and does leave scope for additional requirements in terms information submitted for a Development Application, drafting of standard conditions etc. The draft policy as exhibited is considered appropriate for the legislative context in which it has been prepared.

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	CL1.1 -	Ensure activities carried out in Yass Valley are in a safe manner and meet legislative requirements
Operational Plan Activity	CL1.1.7 -	Develop solutions for unauthorised filling

- ATTACHMENTS:**
- A. Draft Filling Policy [↓](#)
 - B. Submissions (*Under Separate Cover*) [⇒](#)
 - C. Response to Submissions [↓](#)

XX-POL-XX

Filling Policy

Purpose

Scope

The policy applies to all Development Applications involving filling but does not extend to quarry remediation submitted in accordance with the Yass Local Environmental Plan 2013 (Yass Valley LEP 2013) and Yass Local Environmental Plan (Parkwood) (2020).

Definitions

Term	Meaning
Earthworks	Defined in the <i>Yass Valley LEP 2013</i> as excavation or filling.
Environmental protection works	Defined in the <i>Yass Valley LEP 2013</i> as works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.
Excavated natural material (ENM)	<p>Defined in the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> – Excavated Natural Material Resource Recovery Exemption 2014 as naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:</p> <ul style="list-style-type: none">(a) been excavated from the ground, and(b) contains at least 98% (by weight) natural material, and(c) does not meet the definition of Virgin Excavated Natural Material in the Act. <p>Excavated natural material does not include material located in a hotspot; that has been processed; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate Soils (PASS) or sulfidic ores.</p>
Fill	<p>Defined in the <i>Yass Valley LEP 2013</i> as the depositing of soil, rock other similar extractive material obtained from the same or another site, but does not include:</p> <ul style="list-style-type: none">(a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or(b) the use of land as a waste disposal facility.

Internal access road	Means a private road or driveway providing access within or through a property, but does not include a public road.
Virgin excavated natural material (VENM)	Defined in the <i>Protection of the Environment Operations Act 1997</i> as natural material (such as clay, gravel, sand, soil or rock fines): <ul style="list-style-type: none"> that has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities, and does not contain any sulfidic ores or soils or any other waste.
Waste	Anything left over or superfluous as excess material, by-products etc, not of use for the work in hand or having served a purpose and no longer of use, or rejected as useless, or worthless or refuse (Ref: Macquarie Dictionary Online).
Waste Disposal Facility	Defined in the <i>Yass Valley LEP 2013</i> as a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and winning of extractive material to generate a void for disposal of waste to cover waste after its disposal.

It should be noted that a reference in this Policy to the *Yass Valley LEP 2013* is also a reference to the Yass Local Environmental Plan (Parkwood) 2020.

Policy Principles

Exempt Development

State Environmental Planning Policy (Exempt and Complying Codes) 2008 prescribes filling and earthworks that can be undertaken as exempt development, subject to compliance with the development standards and any approval requirements under other legislation.

Development without Consent

Environmental protection works is development permitted without consent in a number of zones under the *Yass Valley LEP 2013*. Where this work relates to erosion gully rehabilitation it is to be limited to the importation of no more than 100m³ of fill and is undertaken in accordance with the 'Gully Erosion Assessment and Control Guide' prepared by the Local Land Services.

In order to determine if the works are permissible without consent, you must discuss the proposed works with Council and additional information may be requested to confirm the proposed works. Any information submitted in support of environmental protection works being permissible without development consent will be used to monitor the works as part of Council's compliance program.

Where development is permissible without consent, an assessment is required under Part 5 of the Environmental Planning and Assessment Act and may still require other approvals under other legislation eg Water Management Act, Roads Act or Local Government Act.

Development with Consent

Clause 6.1(2)(b) *Yass Valley LEP 2013* states that development consent is required for earthworks unless the earthworks are ancillary to development that is permitted without consent under this Plan or to development which development consent has been given. Council may also consider fill material to be 'waste' and filling being

characterised as a waste disposal facility, for example, top dressing of paddocks with material that is not suitable for the intended purpose/outcome.

Guiding Principles

Council generally receives Development Applications for filling related to erosion gully rehabilitation and the construction of internal access roads.

Erosion Gully Rehabilitation

Where filling is proposed as part of a proposal for erosion gully rehabilitation, the following guiding principles shall be taken into consideration when determining Development Applications:

- Erosion is an adverse environmental process and potentially impacts on both the natural and built environment, such as waterways and farm infrastructure. The availability of fill material may represent an appropriate reuse for improved environmental outcomes. However, the filling of erosion gullies does not always represent the most appropriate or effective option for rehabilitation.
- Professional advice in relation to the design of control works is to consider the available options for erosion gully rehabilitation and its effectiveness.
- The erosion gully rehabilitation plan should consider factors that include land capability, systems management (i.e. ongoing land management), the location of infrastructure, and temporary sediment and erosion control measures during the project.
- Impacts of the proposed development on the amenity of neighbouring properties must be considered.

Internal Access Roads

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

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

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

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

Development Applications for the internal access driveways that represent an overdesign (i.e. beyond the standard identified above or not reasonably 'fit for purpose') will not be supported.

Information to Accompany Development Application

Information to accompany a Development Application for erosion gully rehabilitation and construction of internal access roads is included as *Appendix A* to this policy. These requirements may also be applied to other similar Development Applications.

Assessment of Development Applications, Consideration of Impacts and Neighbour Notification

The assessment of Development Applications will be undertaken in accordance with the requirements of the *Environmental Planning & Assessment Act 1979*.

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

Determination of Development Applications will be in accordance with Council's *Development Assessment and Decision Making Policy*.

Standard Conditions of Development Consent

Standard conditions of Development Consent may include:

- A limitation on the maximum volume of material that can be imported.
- Appropriate sediment and erosion controls to be installed and maintained during the project until the proposed works have been stabilised.
- Reporting and record keeping, including details of heavy vehicle movements, material source, and project progression.
- Requirements to comply with the Traffic Management Plan.
- Requirements for site surveys throughout the project at appropriate intervals estimating quantities of fill that have been placed on the site.
- Evidence of material classification in accordance with NSW requirements.
- Required approvals from the ACT Government.
- Hours of operation for the project and maximum number of daily heavy vehicle movements.
- Dust management.
- An inspection regime to be undertaken by Council (if required).
- Completion of project certification.

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

Other Approvals

In addition to requiring Development Consent from Council, some proposals may require approval from other bodies or government agencies. This may include, for example, a controlled activity approval for works in a watercourse under the *Water Management Act 2000* issued by the Natural Resources Access Regulator.

Heavy Haulage Contributions

Where required, heavy haulage contribution will be levied in accordance with Council's relevant contribution plan.

Responsibilities

Development Assessment Officers are required to take into account the provisions of this policy when assessing Development Applications that this policy relates to.

References

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

Legislation Policies and procedures	<i>Environmental Planning & Assessment Act 1979</i>
	<i>Environmental Planning & Assessment Regulation 2000</i>
	<i>Protection of the Environment Operations Act 2000</i>
	<i>Water Management Act 2000</i>
	State Environmental Planning Policy (Exempt and Complying Development)
	Heavy Haulage Contributions Plan



	Community Engagement Strategy
	Development Assessment and Decision Making Policy

Approval History

Stage	Date	Comment	MagiQ Reference
Original/Review		Approved by	

Ownership and Approval

Responsibility	Role
Author	
Owner	
Endorser	
Approver	Council

Appendix A – Information to Accompany a Development Application

Erosion Gully Rehabilitation

The minimum information to accompany a Development Application for erosion gully rehabilitation is detailed below. Council may vary the requirements based on the Development Application submitted.

- Statement of Environmental Effects
- A site plan identifying the areas of work including works that may need to be undertaken to provide access through the development site, fencing, areas for stockpiling etc
- A Site and Soil Erosion Control Plan (or similar) prepared by a suitably experienced soil consultant. This must include an outline the purpose of the project, other options for rehabilitation, a step-by-step project plan for the completion of the works and management of environmental issues for the duration of the project
- A site survey of the area to be rehabilitated showing existing and proposed finished levels and an estimation of the volume of material required for the proposed works
- Details of the source of fill.
- A vegetation plan for the stabilisation of the work including fencing (if required) to prevent stock entering the area
- Evidence of due diligence being undertaken to determine whether the proposed activity could harm Aboriginal objects or declared Aboriginal place
- Details of the duration of the project
- An assessment of whether the proposal triggers entry into the *Biodiversity Offset Scheme* under the *Biodiversity Conservation Act 2016*
- A Traffic Management Plan including estimate on the number of heavy vehicle movements for the overall project and daily limits for vehicles visiting the site, proposed route for accessing the site (and the return trip), method of vehicle identification associated with the development

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

- Traffic impact assessment
- Noise impact assessment

Internal Access Roads

The minimum information to accompany a Development Application for internal access roads is detailed below. Council may vary the requirements based on the Development Application submitted.

- Statement of Environmental Effects
- A site plan identifying the areas of work including works that may need to be undertaken to provide access through the development site, fencing, areas for stockpiling etc
- A site survey of the area where the internal access road is to be constructed showing existing and proposed finished levels and an estimation of the volume of material required for the proposed works
- A Site and Soil Erosion Control Plan (or similar) prepared by a suitably experienced soil consultant. This must include an outline the purpose of the project, a step-by-step project plan for the completion of the works and management of environmental issues for the duration of the project
- Details of the source of fill
- Dust management.
- Evidence of due diligence being undertaken to determine whether the proposed activity could harm Aboriginal objects or declared Aboriginal place
- Details of the duration of the project
- An assessment of whether the proposal triggers entry into the *Biodiversity Offset Scheme* under the *Biodiversity Conservation Act 2016*

- A Traffic Management Plan including estimate on the number of heavy vehicle movements for the overall project and daily limits for vehicles visiting the site, proposed route for accessing the site (and the return trip), method of vehicle identification associated with the development
- An indicative engineering detail (i.e. cross section) showing the pavement width and depth. For some proposals full engineering design drawings may be required
- A statement outlining the need to the internal access road construction or upgrade, including the details of any infrastructure or development that it is proposed to service

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

- Traffic impact assessment
- Noise impact assessment

Summary of Submissions

Submission	Response
<p><u>Community Engagement Strategy (CES)</u></p> <p>DA notification under the CES – extent of notification is inadequate and all DAs under the scope of this Policy should be notified. Notification should include every property downstream of the activity, all properties affected by truck movements and the Sutton District Community Association should be notified of any DA where trucks are moving through Sutton Village.</p>	<p>The CES sets the parameters for DA notification for notification and it may be extended having regard to the particular application and its locality. These provisions are considered appropriate for DA notification and any person that has an interest in a DA (ie those not directly notified) are also able to make a submission. This frequently occurs on DAs where there is a high level of public interest.</p>
<p>Development consents should be available for all surrounding properties in local community.</p>	<p>It would be preferable to make development consents available on our website however Council's current technology does not make it possible. Anyone who makes a submission is generally sent a copy of the notice of determination or it can be requested via an access request.</p>
<p><u>Council Determination of Policy</u></p> <p>The draft Policy should not be determined until after the 2021 Council elections.</p>	<p>This is a decision for Council.</p>
<p><u>DA-POL-18 Development Assessment and Decision Making</u></p> <p>All applications subject to the draft Policy should be determined by Council.</p>	<p>Determination of DAs is made in accordance with the Development Assessment and Decision Making Policy.</p>
<p><u>Heavy Haulage Contributions Plan (HHCP)</u></p> <p>Relationship between the HHCP and developments that may be permissible without consent, with consent or exempt development ie when can contributions be levied.</p>	<p>Contributions under the HHCP can only be applied via a development consent.</p>
<p>Ability to levy additional contributions where there is a breach of a development consent and more fill is deposited (meaning more truck movements)</p>	<p>Council can require that the development consent be modified under the Environmental Planning and Assessment Act and additional contributions can be levied, if appropriate.</p>

<p><u>Definitions</u></p> <p>The LEP definition of fill excludes landscaping and associated works. Policy must set boundaries of what can and cannot be done with respect to landscaping and associated work.</p>	<p>These definitions are taken from the LEP and do exclude certain activities meaning that these activities do not require development consent. It is acknowledged that this requires a level of interpretation by the consent authority which can be informed by legal advice and case law.</p>
<p>ENM/VENM definitions are relatively precise. Fill is less so and appears to mean either ENM/VENM.</p>	<p>These definitions are from legislation or environmental planning instruments.</p>
<p>Definition of 'waste' should rely on the definition in the Protection of the Environment Operations Act.</p>	<p>The definition of 'waste' is based on Council's legal advice but is only relevant in the context of the Environmental Planning and Assessment Act.</p>
<p><u>State Environmental Planning Policy (Exempt and Complying Development) (Code SEPP)</u></p> <p>Review the 100m³ threshold in 12 months to see if this is appropriate</p>	<p>Part 2, Division 1, Subdivision 15 of the Code SEPP specifies the 100m³ threshold.</p>
<p>There should be a reference to the Resource Recovery Exemption for exempt development.</p>	<p>One of the qualifiers for the exemption under the Code SEPP is that the fill imported must be VENM.</p>
<p>The term 'ancillary' as used in the draft policy needs to be defined. What constitutes ancillary development? The use of the term ancillary is broad enough to permit or deny almost anything.</p>	<p>The term 'ancillary' is used in clause 6.1(2)(b) of the LEP (stating that development consent is required for earthworks unless they are ancillary to development that is permitted without consent). The interpretation of what is considered 'ancillary' is based on Council's legal advice.</p>
<p><u>Waste</u></p> <p>Reference to 'waste' and 'waste disposal facility' needs to be tightened to clearly state that where an activity can be regarded as waste disposal. How will it be determined what is 'waste' and/or 'waste disposal facility' and what action flows from such a determination?</p> <p>When will fines be applied where a property becomes an illegal waste disposal facility?</p>	<p>Determination of whether fill material is to be 'waste' and the activity being characterised as a 'waste disposal facility' will be done on a case by case basis. Action that would flow from this, is a determination of whether the activity is permissible under LEP.</p> <p>Issuing of fines will be determined as part of any enforcement activity.</p>

<p><u>Development Without Consent</u></p> <p>The draft policy states that works that are permissible without development consent require an assessment under Part 5 of the Environmental Planning and Assessment Act. Council has a duty to consider environmental impact under Part 5 and the draft policy should detail the requirements for this assessment, the role of Council and when an environmental impact statement (EIS) is required.</p> <p>The proponent must be required to assess the erosion setting in accordance with the Local Lands Services 'Gully Erosion Assessment and Control Guide' and present that to Council as part of the consideration for the 'exemption'.</p>	<p>Under Part 5 of the Act Council is only the determining authority where it is the proponent. The proponent needs to prepare and determine the assessment in accordance with the provisions of the Act.</p> <p>The draft Policy states that erosion gully rehabilitation should be undertaken in accordance with the LLS guide but does not require the proponent to submit any documentation demonstrating any assessment. Any information submitted to Council is only to determine if it is permissible without consent and to monitor the works as part of Council's enforcement activities.</p>
<p><u>Relationship between Council and ACT Government</u></p> <p>There is an existing disconnect between dumping related policies and practices within the ACT and Yass Valley Council which are not resolved in the draft policy.</p>	<p>This draft policy does not seek to resolve the issues between the ACT Government and Council. There are other mechanisms for this to occur eg Canberra Region Joint Organisation and the ACT/NSW Cross Border Illegal Waste Dumping Steering Committee.</p>
<p>There should be a strategic approach to managing the disposal of VENM/ENM working across local government and the ACT Government eg registration scheme for contractors, equalisation mechanism making the cost of disposal more equitable across the region to reduce the incentive for long distance transport, enforcement measures.</p>	<p>Comments noted and will be raised with the ACT/NSW Cross Border Illegal Waste Dumping Steering Committee.</p>
<p><u>Assessment of Impacts</u></p> <p>DAs should consider impacts of the proposed works eg noise, safety, amenity etc including the expressed view of neighbours. If the proponent refuses to incorporate modifications to address these views then the DA should be refused.</p>	<p>DAs are assessed in accordance with s4.15 of the Act and are required to consider a range of matters including issues raised in submissions.</p>

Council should access environmental expertise (paid for by the applicant) to test claims made by paid consultants ie engaged by the applicant.	Noted.
Council should support decisions with evidence from current environmental best practice.	Noted. All DAs are assessed in accordance with the planning legislation.
Policy does not comply with legislated protection of rural lands and existing and emerging rural enterprises.	If the activity is permissible, then a DA can be lodged with Council.
<p><u>Guiding Principles</u></p> <p>The Policy states that 'DAs are generally received for erosion gully rehabilitation and the construction of internal roads'. This should be expanded to include dam height adjustment, paddock top dressing and finish with 'however this Policy is to apply to all activities involving earthworks'.</p>	The majority of the DAs that Council is receiving are for erosion gully rehabilitation and the construction of internal access roads. Hence the focus on these activities. Should other activities be identified then Council may seek to apply this Policy to those developments.
<p><u>Internal Access Roads</u></p> <p>4.5m wide internal access roads are excessive given a standard road land width is 3.5m</p> <p>The last dot point under 'Internal Access Roads' states that 'internal access roads should generally follow the lay of the land'. The word 'generally' should be removed from this sentence.</p>	<p>The width of the road is considered to be acceptable.</p> <p>Word 'generally' to be retained.</p>
Layout and design of internal access roads should not substantially alter the natural drainage patterns including not changing the location at which overland and/or concentrated flows leave the property boundary and/or substantially change the catchment size and/or dynamics of flows as they exit the property. They must be undertaken in accordance with Managing Urban Stormwater: Soils and Construction (the Blue Book) which include the requirement for Erosion and Sediment Control plans for soil and water management plans as may be appropriate	To be considered as part of the DA assessment.

<p><u>Erosion Gully Rehabilitation</u></p> <p>Draft policy should state that filling to be an exception. The proponent should prove why filling is the only available option for this work.</p> <p>Gully rehabilitation should not be approved on 2nd or higher order streams or any permanently flowing watercourses. Gullies to be rehabilitated must be actively eroding, unlikely to stabilise without intervention, consistent with the Natural Resource Access Regulator (NRAR) Guidelines for Riparian Management and able to attain a Controlled Activity Approval (if required).</p> <p>No best practice research went into this draft – risk of accepting sodic soils as fill for eroded gullies has been ignored, draft policy does not require testing for sodicity.</p>	<p>The LEP permits filling and as such a DA can be lodged which is consistent with the legislative framework. Professional advice is required to be provided considering the available options for erosion gully rehabilitation and their effectiveness.</p> <p>DAs can be lodged for the activity if it is permissible with consent and any integrated development is referred to the relevant agencies who determine if their General Terms of Approval should be issued for the development.</p> <p>Filling activities utilise VENM and ENM, with the ENM consisting of at least 98% VENM. A resource recovery exemption (RRE) and resource recovery order (RRO) issued by the NSW EPA under the Protection of the Environment Operation (Waste) Regulation 2014 allows the use of ENM in earthworks, subject to specific requirements for source testing and requires appropriate documentation to confirm the classification is VENM or ENM for NSW legislation.</p> <p>The definition of ENM expressly excludes material which contains acid sulphate soils, potential acid sulfate soils, or sulfidic ores.</p>
<p><u>Standard Conditions of Consent</u></p> <p>If they are standard conditions then it should read “will” instead of “may”.</p> <p>Condition re soil/erosion controls should be amended so the controls are maintained over a meaningful period.</p> <p>‘Evidence of material classification’ should this be ‘certification’?</p> <p>Standard conditions of consent could require soil compaction tests, soil compatibility certification addressing sodicity of both site and fill material.</p>	<p>Councils use standard conditions of consent for drafting of development consents. Not all standard conditions get used on all development consents and are applied as appropriate to the development application.</p> <p>The condition refers to the controls being maintained during the project until the works have been stabilised. This is considered appropriate.</p> <p>Use of the classification is considered appropriate.</p> <p>Refer to comments above.</p>

<p>Works must be in accordance with Managing Urban Stormwater: Soils and Construction (the Blue Book) which include the requirement for erosion and sediment control plans for soil and water management plans, should not substantially alter the natural drainage patterns of landscape including not changing the location at which overland and/or concentrated flows leave the property boundary and/or substantially change the catchment size and/or dynamics of flows as they exit the property.</p>	<p>This can be incorporated into any conditions of consent and/or considered as part of the DA assessment.</p>
<p>Medium to large projects (exceeding 3 months duration and/or 10 000m³) should be staged to enable the proponent to demonstrate intent and capacity to properly implement and management the overall project, minimise environmental risk, provide logical hold points/site inspection opportunities/reporting timelines.</p>	<p>There are opportunities during the DA assessment to consider this and where a development consent is issued, to impose these types of conditions.</p>
<p>A curfew for trucks while children are walking to and from the school bus.</p>	<p>This can be dealt with via conditions of consent.</p>
<p>Site inspection and/or proponent reporting requirements for projects should include post installation of sediment and erosion control and site management measures, quarterly and/or at end of each stage, following any major climate or other issues which have significantly impacted the site/project, completion of filling and associated earthworks, post revegetation/stabilisation works, end of project sign-off (successful revegetation/stabilisation).</p>	<p>There are opportunities to build inspection regimes into development consent and Council's enforcement program.</p>
<p>Inspection/reporting requirements should be scaled based on the project risk factors.</p>	
<p>Acceptance only of certified VENM as was the Council policy until 2018.</p>	<p>Refer to comments above regarding VENM and ENM.</p>
<p>Requirements for DAs approved to lodge a bond with Council which is refundable on satisfactory completion of the work.</p>	<p>Section 4.17 of the Environmental Planning and Assessment Act deals with bonds.</p>

<p><u>Information to Accompany DAs</u></p> <p>Need to set out the minimum information required for all DAs and then have additional sections for minimum information required in specific scenarios (eg erosion gully rehabilitation, internal access roads).</p> <p>Statement of Environmental Effects – To what standard and compiled by who ie what qualifications/certifications</p> <p>Site and soil erosion control plan – add ‘management of environmental issues for the duration of the project including compatibility of soil to be used (chemical and sodicity) and compaction requirements for the actual on site conditions and long term stability’.</p> <p>Site survey – to be undertaken by someone actually qualified to do a site survey with the estimated quantities of fill to be used to be matched with vehicle numbers.</p> <p>Details of source of fill – this information is to be matched to guidance requirements of, where applicable, other jurisdictions such as the ACT.</p> <p>Vegetation Plan – must not relate only to the immediate rehabilitation of the site but also to its maintenance over a meaningful period. It must align with the purpose of the project ie an activity claiming to increase biodiversity and having outstanding environmental outcomes cannot have as the outcome of its vegetation plan, simply re-grassing so it can then be cropped.</p>	<p>The format suggested achieves a similar outcomes as already achieved in the draft Policy.</p> <p>The requirements for a Statement of Environmental Effects is determined by Schedule 1 of the Environmental Planning and Assessment Regulation.</p> <p>Refer to comments above re standards of conditions of consent.</p> <p>The site survey must be completed by a registered surveyor and will include an estimation of the volume of material required for the proposed works. This information can be used to determine vehicle numbers.</p> <p>Details of the source of fill can be used to match with any notifications received by the ACT Government regarding fill leaving its jurisdiction.</p> <p>Assessment of the suitability of the vegetation plan is undertaken as part of the DA assessment.</p>
<p>Traffic Management Plan – rather than an estimate, this needs to be a maximum cap on the number of heavy vehicle movements.</p>	<p>An estimate is considered appropriate for what is required in the Traffic Management Plan. Council can cap the number of vehicles via conditions of consent if considered appropriate. Where necessary, final versions of Traffic Management Plans that reflect final conditions of consent can be required prior to commencement of any works.</p>

<p>Traffic impact assessment – this should be not only for any particular DA as a standalone activity but also in the context of what approved and/or exempt projects are currently expected to be operating along the same or some of the access routes to be used for that particular project. This is so the traffic impact relates to the actual (cumulative) number of vehicles likely to be on the roads rather than simply this particular DA.</p>	<p>Traffic impact assessments are prepared on the basis on traffic count data. Requiring the Applicant to prepare an assessment based on an understanding of all other approved and/or exempt projects that currently or expected to occur along the access route would not be practical (as the Applicant would not have all this information available). Also, the frequency of heavy vehicle movements associated with these activities can be sporadic. In determining a DA however, Council would generally need to take into consideration cumulative traffic impacts.</p>
<p>Noise impact assessment – should consider the entirety of the route, proximity of dwellings to the route and the cumulative impact. This assessment must be done in accordance with the NSW Road Noise Policy and/or Industrial Noise Policy with conditions to be applied accordingly.</p>	<p>A noise impact assessment may need to consider the entirety of the route, including proximity to dwellings along it. Noise impact assessments are prepared for transport routes on the basis of traffic count data and/or noise readings to determine current conditions. Requiring the Applicant to prepare this assessment based on an understanding of all other approved and/or exempt projects that are currently or expected to occur along the access route would generally not be practical (as the Applicant would not have all this information available). Also, the frequency of heavy vehicle movements associated with these activities can be sporadic. In determining a DA however, Council would generally need to take into consideration cumulative traffic noise impacts. In circumstances where cumulative noise impact are identified as a potential concern, an Applicant could be required to provide assessment of consideration.</p>
<p><u>Policy Structure/Application</u></p> <p>There should be a policy statement and purpose statement.</p> <p>Policy principles are not principles.</p> <p>Discretion within the policy creates opportunities for malpractice, misinterpretation and corruption.</p>	<p>The draft policy follows the standard Council format.</p> <p>The draft policy reflects the planning legislation. The Code of Conduct manages Council conduct and Council's Development Assessment and Decision Making Policy sets who can determine a DA.</p>

<p>Policy references minimum requirements. Council should be able to “add” to these requirements.</p> <p>The term ‘spoil’ is not used in the draft policy but it is in the ACT. Council should use ACT terminology for consistency.</p> <p>Policy needs to be clear that it applies to all earthworks including ancillary and exempt development eg landscaping</p> <p>The draft policy should focus on filling in the Murrumbidgee catchment.</p>	<p>The use of the term ‘minimum requirements’ does give Council the option to “add” to these requirements.</p> <p>Council works within NSW legislation and this draft policy relates to planning matters within the NSW planning system.</p> <p>The draft policy applies to exempt development, development without consent and development with consent.</p> <p>The draft policy will apply across all the Yass Valley Council.</p>
<p><u>Quarry Rehabilitation</u></p> <p>Why is quarry rehabilitation excluded from the draft Policy?</p>	<p>The draft policy was not intended to cover quarry rehabilitation as these proposals are far less frequent and can be considered on an individual basis. Furthermore, quarry rehabilitation may also need to be considered in conjunction with any requirements that may already exist for the rehabilitation to occur as part of the original quarry approval.</p>
<p><u>Enforcement</u></p> <p>Use of clean fill only likely to be achieved by spot checks by Council, if powers not available to Council then other appropriate agencies should be invited to conduct such operations.</p>	<p>With Council’s increased enforcement capacity, there will be opportunities to undertake these checks.</p>
<p>Feasible for Council to deploy drones or supply same to neighbourhood watch to help with enforcements.</p>	<p>Noted. Council will be considering the tools required for enforcement for the 22/23 Operational Plan.</p>
<p>A clear statement of how Council will deal with illegal filling including requiring a DA to be submitted.</p>	<p>Illegal dumping will be subject to enforcement action as per Council’s Enforcement Policy. Decisions on requirements to submit DAs for illegal dumping will be made on an individual basis.</p>

6.2 DEVELOPMENT APPLICATION NO DA210063 – RESIDENTIAL SUBDIVISION, 3 BURRAI PLACE, YASS

SUMMARY

To present a report on Development Application No 210063 for a 57 lot subdivision (including a super lot for future development and an open space lot) of Lot 1 DP 1185454, 3 Burrai Place, Yass. It is presented to Council as it attracted 15 submissions including a petition. Approval is recommended, subject to a Voluntary Planning Agreement for the open space.

RECOMMENDATION

That:

1. *Development Consent be issued for a 57 lot subdivision of Lot 1 DP 1185454, 3 Burrai Place, Yass*
2. *The draft Voluntary Planning Agreement for the proposed open space be prepared*
3. *A further report be presented to Council on the draft terms of the Voluntary Planning Agreement*
4. *Upon dedication to Council the open space lot be classified as Community Land under the Local Government Act 1993*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Biodiversity Conservation Act 2016*
- *Roads Act 1993*
- *Local Government Act 1993*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Settlement Strategy*
- *Yass Valley Community Engagement Strategy*
- *Yass Valley Development Contributions Plan 2018*
- *Road Standards Policy*
- *Building Line Policy*
- *Application Assessment & Decision Making Policy*
- *Parks & Playgrounds Strategy*

REPORT

1. Application Details

Date Received	-	24 March 2021
Land	-	3 Burrai Place, Yass
Area	-	6.37ha
Zoning	-	R1 General Residential zone

2. Site Description and Locality

The development site is approximately 6.37ha and is located in Burrai Place, Yass. It is an irregular shaped vacant lot, with frontage to Grand Junction Road, Burrai Place and Wellington Road. The land surrounding the site is zoned R2 Low Density Residential and RE1 Public Recreation to the north west, E3 Environmental Management to the north and north east and R1 General Residential to the east, south and west. Existing development within the locality is characterised by single storey, detached dwellings and ancillary outbuildings. Historically the site has been cleared and used for grazing and any vegetation on the site is comprised almost entirely of exotic grassland. The site slopes towards Grand Junction Road and contains a dam which is required to be filled in order to enable road construction.

A Locality Plan is included in Attachment A.

3. Proposal

The Development Application was initially lodged for a 58 lot subdivision including one super lot for future development, construction of new roads, upgrading of existing road and provision of associated infrastructure. The subdivision plan has been revised to include an open space lot of 1,602m² which has been created by the consolidation of two lots within the subdivision meaning that 57 lots are now proposed (i.e. 55 residential lots, 1 super lot and an open space lot).

The minimum lot size applicable to all the lots is 700m². The proposed lot sizes range from 704m² to 1,328 m² excluding the super lot which is approximately 6,552m² in size.

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

4. Public Exhibition

Public exhibition included notice to 101 adjoining and nearby landowners and notice on Council's website. A total of 15 submissions including one petition signed by 89 signatories were received during public exhibition period.

A Planning Forum was held to provide opportunity for submission authors and the Applicant to address Council prior to the determination of the development application.

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

5. Referrals

The application was referred to the Local Aboriginal Land Councils (LALCs). No objections have been raised subject to the inclusion of requirements in any approval that may be issued.

6. Assessment

An assessment of the proposal has been completed in accordance with the Planning Legislation. The proposal generally complies with the relevant planning controls, policies and guidelines.

The following issues have been identified including the response to the issues raised in submissions.

6.1 Lot Sizes and Reduction in Lot Yield

Concerns have been raised about proposed lot sizes and proposed lot yield.

The proposed lot sizes range between 704m² to 1,328m² with the exception of super lot which is 6,552m² in size. The minimum lot size is 700m² and the proposal complies with this requirement.

6.2 Removal of New Entry Roads form Grand Junction Road and Burrai Place

Concerns were raised with new roads off Grand Junction Road and Burrai Place. These entry points should be removed to reduce traffic and noise for existing properties.

The new roads are proposed to connect Burrai Place to the north, Grand Junction to the west and Wellington Road to the south. The proposed locations of the new roads are within 50km/hr zone and are required to be designed in accordance with Austroads Guide to Road Design,

Council's Design and Construction Specification – Ausspec#1 and safe sight distance requirements.

6.3 Devaluation of Properties

Concern is raised that Council and/or developer to indemnify/compensate for any reduction or loss in market value of property.

The devaluation of properties is not considered to be a relevant planning issue.

6.4 Super Lot Development

Concern is raised about the development of super lot as a medium density development.

The current application is for subdivision only and does not involve any building works. No design has been submitted for the future development of this lot. This will be subject to a separate application.

6.5 Timeline of Development

A submission raised a concern about the timeline of development including DA approval, commencement and completion of works.

Timeline for development (if it is approved) will be dependent on the proponent.

6.6 Hours of Construction

The submission raises concern that the construction activity is to be conducted between 7.00 am to 5.00pm Monday to Friday with no work on weekend or public holiday.

In accordance with the *Environmental Planning & Assessment (COVID-19 Development – Construction Work Days) Order (No 3) 2021*, hours of work are to be undertaken in accordance with the following:

Work	Hours
Does <u>not</u> involve the carrying out of rock breaking, rock hammering, sheet piling, pile driving or similar activities.	7.00am to 6.00pm on any day of the week including public holidays
Involves the carrying out of rock breaking, rock hammering, sheet piling, pile driving or similar activities.	<ul style="list-style-type: none"> 7.00am to 6.00pm Monday to Friday 8.00am to 1.00pm Saturday No work on Sundays or public holidays

However, all feasible and reasonable measures must be taken to minimise noise.

6.7 Dust and Noise Impacts

Concern is raised about dust and noise impacts posing a health risk to the neighbourhood as well as potential damage to properties during construction.

A condition of any development consent can require the developer to implement dust suppression measures during the subdivision construction works.

Any development will create a certain amount of noise associated with construction activities. A condition of any development consent can require all construction work to comply with the provisions of the *Protection of the Environment Operations Act 1997*. This includes standard construction hours (as detailed above) in order to minimise impact on the amenity of the area.

The proposed development is expected to create a certain amount of noise, traffic and water use, typical to that of any other residential development within a residential area.

6.8 Open Space

Concern has been raised that there is no provision for open space or visual appeal in keeping with rural quality of life and atmosphere.

Following the Planning Forum, the Applicant has proposed a 1,602m² open space area within the proposed subdivision (refer **Attachment B**).

The general principle for the location of open space is that it should be centrally located and be within 400m-500m of walking distance. Accordingly, it is considered that the proposed location of the open space along the eastern property boundary is appropriate. It will serve the proposed subdivision and any future development of Lot E DP 38504 and Lot 1 DP 779557 as well as the existing development in Wellington Road Estate.

The Applicant proposes to dedicate this open space area to Council and proposes a Voluntary Planning Agreement (VPA) for its development and management (refer **Attachment E**). The terms of the VPA will be negotiated with the Applicant and will be the subject of a separate report to Council.

6.9 Master Plan

Concern is raised that there is no master plan to guide future growth and development.

This concern is noted however the Yass Valley Local Environmental Plan 2013 (LEP) and the Yass Valley Settlement Strategy provides the guide to growth and development. The subject land has been zoned for residential purposes for approximately 34 years and does not have any significant constraints. Area to the north, north east and east of the subject land is zoned Environmental Management with a minimum lot size (MLS) of 10 ha, providing a buffer to the Yass Water Supply. Whilst Guginya Place is zoned Low Density Residential with a minimum lot size of 4,000m².

There is now a tendency for planning proposals to undertake some masterplanning activities to allow for constraints to be identified and planned for at this stage. Additionally, Council has allocated funds to complete an Open Space Strategy in this financial year which will assist for future planning of open space in conjunction with development.

6.10 Zone Objectives

Concern is raised that the proposal is contrary to zone objectives.

The land is zoned R1 General Residential with the zone objectives being:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal is considered consistent with the zone objectives as it can provide additional residential land catering for a variety of housing needs in both type and density. The subject land is located within an established residential area and the proposed open space will serve not only the proposed subdivision but will also serve the existing and future development in the locality.

6.11 Housing Types

The submissions raise concern that a housing typology plan should be developed as part of proposed development that provide greater choice for residents.

Zoning allows for different types of housing typologies e.g. detached single storey houses, double storey houses, dual occupancies (detached or attached), granny flats, multi dwelling housing, residential flat buildings etc.

6.12 Biodiversity Impacts

Biodiversity impacts of the proposed subdivision has been raised.

The submitted Flora and Fauna Assessment Report and Pasture Assessment Report address the potential biodiversity impacts of the proposed subdivision.

The subject land does not contain any areas of mapped biodiversity values. The submitted reports conclude that the environment of the site is comprised almost entirely exotic grassland, which has been historically cleared and used for grazing. As such, there is no likelihood of threatened species being present on site, or impacted by the development.

Given that the site contains exotic grassland and is not in proximity to mapped suitable habitat, it is unlikely that the Superb Parrot would use the site except as occasional flyover habitat. The

Flora and Fauna Assessment Report concludes that proposed subdivision will not impact upon the Superb Parrot's ability to cross the site as it moves between areas of suitable foraging and nesting habitat.

The grassland to be cleared is classified as exotic grassland, the native vegetation to be removed falls below the impact threshold and does not trigger Biodiversity Offset Scheme. As such, submission of a Biodiversity Development Assessment Report (BDAR) is not required.

6.13 Aboriginal and Historical Heritage

Concern was raised if Ngunnawal people were consulted.

The Applicant has submitted Aboriginal and Historical Heritage Due Diligence Assessment prepared in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* in support of the proposed subdivision.

The Due Diligence Assessment concludes that no Aboriginal or historical heritage sites or areas of potential archaeological deposits were recorded or identified on the land. Having said that the application was referred to the Local Aboriginal Land Councils (LALCs) and they did not raise any issues.

6.14 Pedestrian/Cycle Pathways

The provision of pedestrian and cycle connection has been raised in the submissions.

A 2.1m wide pedestrian/cycle pathway along Grand Junction, Burrai Place as well as within the proposed subdivision are proposed providing a link to the open space area which is consistent with Council's *Bike and Pedestrian Access and Mobility Plan*. Any development consent would be conditioned appropriately.

6.15 Traffic Impacts

The traffic impacts and adequacy of Grand Junction Road and Burrai Place have been raised.

The proposed subdivision is on Grand Junction Road and Burrai Place which are 50km/h roads and are considered substandard. To mitigate the impact of the increased traffic on Grand Junction Road and Burrai Place as a result of the proposed subdivision a requirement can be included in any development consent for Grand Junction Road and Burrai Place to be widened and upgraded to a 'local standard' in accordance Council's *Roads Standards Policy* with upright kerb and guttering.

A condition of any development consent would require the submission of engineering drawings associated with the construction of new roads, as well as the upgrading of Grand Junction Road and Burrai Place, construction of kerb and gutter, footpaths and shared cycleway for approval in accordance with Council's *Roads Standards Policy*, *Austroads Guide to Road Design*, Council's *Design and Construction Specification – Ausspec#1*. To this end, submission of a landscaping plan can also be included in any development consent.

The additional traffic is not considered to create a significant impact on the urban road network as:

- Proposed conditions of consent include the widening and upgrading of both Grand Junction Road and Burrai Place as well as completion of new proposed roads, kerb and gutter and pedestrian footpath/ cycleway.
- The upgraded Grand Junction Road and Burrai Place will be of a suitable standard to handle the additional traffic without significantly increasing risk. The total traffic numbers during morning and afternoon peaks is not expected to generate queuing of any significance.
- The traffic to and from the development will be relatively slow moving.

6.16 Water Availability

A concern has been raised that Council is allowing development to occur without considering water availability.

The required services are available and capable of supporting the proposed development. Following the completion of the dam wall, the capacity of water supply increased and approved

developments including water supply to Murrumbateman has not exceeded the available capacity.

6.17 Cat Containment Zone

The impact that additional properties with domestic animals (particularly cats) will have on wildlife especially the migratory birds has been raised.

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

6.18 Services and Facilities

Concerns with the level of services and facilities within Yass have been raised as a result of the proposed development and other developments with the suggestion that there should be no further growth or development until these services (e.g. health, education, public transport etc.) are all upgraded.

It is recognised that growth in Yass from development does present an opportunity for the further growth of services and facilities in time. A number of the services and facilities referred to are outside of Council jurisdiction and are the responsibility of the State Government.

6.19 Cumulative Impacts

A submission requested that the development application be assessed in conjunction with other developments in the locality undertaken by the same developer.

Council must assess the development application that has been submitted. The proposed subdivision is generally consistent with the intended future use of the land for residential purposes. It meets the requirements of the LEP with respect to zone objectives, permissibility and subdivision provisions as well as the site is appropriate for its location given the future desired character.

As discussed earlier, provision of open space, widening and upgrading of Grand Junction Road and Burrai Place with upright kerb and gutter as well as shared pedestrian footpaths/cycleways would not likely result in significant adverse cumulative impacts to the immediate surrounds or distract the amenity of the area.

6.20 Yass turning into Canberra

Concern is raised that this development and other developments will turn Yass into Canberra. People moved to Yass to get away from cities.

Yass is a growing town. The Yass Settlement Strategy has identified the need for more housing supply. Having said that the controls in the LEP guide the development which assist to keep the character of a locality.

6.21 Lot Orientation

Concern is raised about orientation of lots and will the houses have solar and full insulation.

Any future development of the lots will be required to comply with BASIX – the Building Sustainability Index and will address issues such as solar access and insulation.

6.22 Access to Proposed Lots Fronting Existing Roads

Proposed lots 2-6, 45-48 and 55-58 have frontage onto existing roads as well as new proposed roads. The submissions request that these lots be denied vehicular access from these existing roads i.e. Grand Junction Road and Burrai Place.

Lots 2-6, 45, 48 and 55 will get access from the new roads from within the proposed subdivision. Any approval of the proposed subdivision will require a s88B restriction be created prohibiting direct vehicular access from these lots onto Grand Junction Road and Burrai Place. Lot 58 has existing access off Burrai Place whereas Lots 46, 47, 56, and 57 will get access off the relevant road frontage.

6.23 Connection to Wellington Road Estate

A concern is raised that the proposed development does not have connection to Wellington Road Estate.

The submitted subdivision plan indicates that the proposed subdivision is connected to Wellington Road Estate via Birrie Close.

6.24 Build to Boundary

A submission raises concern about whether Council would permit building to the boundary i.e. side and rear boundaries.

The siting of any building is required to comply with guidelines provided by the setback policy.

6.25 Amenity of the Area and Town Water Supply

Concern has been raised that the proposed subdivision being on the edge of the town does not match the amenity of the area and would impact on the town water supply. The surrounding blocks are larger in size.

The surrounding blocks are larger in size due to zoning and minimum lot size requirements of the particular zone. These surrounding large blocks act as a buffer between the town water supply and the proposed subdivision. It is considered that the creation of lots which comply with the subdivision provisions for land in the residential zone would not impact the amenity of the area.

6.26 No Development Activity in 12 Months

The submissions urge for no development to occur in the locality for at least 12 months.

The proposal is not a staged development. It is the market demand for the land that will control the rate of development.

6.27 Community Consultation

An objection raised concerns with the lack of community consultation.

Notification of the application was undertaken in accordance with Council's *Community Engagement Strategy* which included notice to 101 adjoining and nearby landowners and notice on Council's website. Council also facilitated a Planning Forum as stated above.

7. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions, it is recommended that a conditional Development Consent be issued. It is also recommended that the dedication of the open space be supported subject to conditions of Development Consent which include a requirement for a VPA. Draft conditions are included in **Attachment F**.

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. Locality Plan [↓](#)
- B. Original and Revised Plan of Subdivision [↓](#)
- C. Submissions (*Under Separate Cover*) [⇄](#)
- D. Applicant's Response to Submissions [↓](#)
- E. VPA Letter of Offer [↓](#)
- F. Draft Conditions [↓](#)



Subject Land



Locality Plan


6.2 Development Application No DA210063 – Residential Subdivision, 3 Burrai Place, Yass
Attachment B Original and Revised Plan of Subdivision



PROPOSED PLAN OF SUBDIVISION
OF LOT 1 DP1185454
3 BURRAI PLACE
YASS

CLIENT:	
CVC PROJECTS	
A2 SHEET	1 OF 1
DATE OF PLAN	AUGUST 2019
JOB REFERENCE	3510
COMPUTER REFERENCE	3510_PPS.dwg
LEVEL DATUM	N/A
ORIGINS OF LEVEL	
CONTOUR INTERVAL	

REDUCTION: RATIO:
1:1000 @ A2



ALL DISTANCES IN METRES:

Q:

PROPOSED EASEMENT FOR TRANSMISSION LINE 20' WIDE
VIDE: 08A04690.

DPS DIVERSE
PROJECT
SOLUTIONS

10 CRAGO STREET, YASS NSW 2582
P.O. BOX: 5, YASS NSW 2582
(PH) 02 6226 3322 (FAX) 02 6100 9968
info@dpsvass.com.au

6.2 Development Application No DA210063 – Residential Subdivision, 3 Burrai Place, Yass
Attachment B Original and Revised Plan of Subdivision



CLIENT:		CVC PROJECTS	
A2 SHEET		1 OF 1	
DATE OF PLAN		AUGUST 28/19	
JOB REFERENCE		3510	
COMPUTER REFERENCE		3510_PPS8.dwg	
LEVEL DATUM		N/A	
ORIGIN OF LEVEL			
CONTOUR INTERVAL			

REDUCTION RATIO:

1:1000 © A2
25 50

ALL DISTANCES IN METRES

EMENT FOR TRANSFERS

0



7 ADELE STREET, YASS NSW 2582
P.O. BOX 5, YASS NSW 2582
(PH) 02 6226 3322
info@dosyass.com.au



Diverse Project Solutions
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www.dpsyass.com.au

19 July 2021

Our Ref: 3510_YVC2

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

Attention: Muzaffar Rubbani

Dear Sir,

RESPONSE TO SUBMISSION – DA210063
PROJECT: Subdivision of Lot 1 DP1185454
3 Burrai Place, YASS

In response to your email dated 7 May 2021 please see in the spreadsheet below our comments addressing the submissions received for the above-mentioned development application:

SUBMISSION	ISSUE	RESPONSE
1.		
1.1	<p><i>"Prior to final approval of DA210063 we seek the following amendments and issues to be addressed to reach a satisfactory outcome that balances the long-term needs of the community with the impact to current residents/property owners/rate payers:</i></p> <p><i>Reduction in lot numbers (specifically removal of Lots 2,3,4,5,6,45,46,47,48,55,56,57,58) and redesign of DA with increased open space to allow for further set back from existing boundaries of Burrai Place, Guginya Place and Grand Junction Road for reduction in noise/visual/lifestyle impact, traffic congestion/safety and asset value protection for existing properties in Burrai Place, Grand Junction Road and Guginya Place."</i></p>	<p>The current proposal will remain and is permissible with Council consent.</p> <p>The applicant has been consulting with Peter Harvey and it has been determined the Townsend Place Park will be upgraded from a Category 3 park to a Category 2 park as per Council's guidelines. It is to be noted this park is within 2 mins (approx. 340m) of the proposed development.</p>
1.2	<p><i>"No development activity to occur for at least 12-months to provide relief to current residents/property owners/rate payers from continual prolonged development activity during the previous 2 years from Stage 1 Wellington Estate and sewage pump construction"</i></p>	<p>The proposed development will be providing the community stock that is in high demand. At the moment vacant land is not getting to the market quick enough.</p> <p>The development is meeting the current demand and forecast demand of YVC Settlement Strategy.</p>
1.3	<p><i>"Removal of proposed new entry roads along Burrai Place and Grand Junction Road with utilisation of current (recently redeveloped) access via Wellington Road to</i></p>	<p>The proposed new entry roads are in a 50km zone.</p>



	<i>reduce traffic and noise issues for existing property owners in Burrai Place, Grand Junction Road and Guginya Place."</i>	It is expected road widening and footpaths will be conditioned and the applicant is proposing to add a cycleway along the length of Burrai Place to the river for the new and existing residents.
1.4	<i>"Permanent noise and visual screening protection to be incorporated in DA for existing property owners in Burrai Place, Grand Junction Road and Guginya Place."</i>	<p>Lots 2-6 will be entering their respective lots via the new internal road network. Each of these lots will have colorbond fencing to the rear of their lots facing Grand Junction Road.</p> <p>The only lots that will have direct access off Grand Junction Road and Burrai Place are 45-48 and 55-58. Further to that the developer is proposing an extensive cycleway abutting this development all the way to the river and will be planting established street trees.</p>
1.5	<i>"All development infrastructure (site office, vehicles, electrical, sewage etc) to be always located within the development site without encroaching on any adjoining private or public land with appropriate visual screening and noise suppression barriers to be installed"</i>	The site office, vehicles and machinery will be located/ fenced on Lots 28 and 29. All services will be within road reserves other than new inter allotment which is yet to be designed.
1.6	<i>"Further details of proposed future development of Lot 1 "Super Lot" – we would strongly oppose any medium-high density development."</i>	There is no design yet for the future development lot, it is however intended to provide affordable housing to the community and will be subject to a development application.
1.7	<i>"Road and traffic management/impact details to be provided"</i>	These details will provided to YVC at CC stage and it is expected the conditional consent will be conditioned accordingly.
1.8	<i>"Council and/or developer to indemnify/compensate us for any reduction/loss in market value of our property at Yass resulting from the proposed development"</i>	This comment is irrelevant. Having said that would it be 2 way door and if their property increased in value they would be willing to compensate the developer.
1.9	<i>"Timeline of development to be provided (including final DA approval, commencement of site works, completion etc) – refer Item 2"</i>	This is not achievable, timeline of development depends on relevant approvals from Council, availability of contractors and weather. It is not something we can predict right now.



1.10	<i>"All construction/development activity to be conducted within 7.00 am – 5.00 pm Monday to Friday with strictly no weekend and/or public holiday activity"</i>	Construction will occur within the hours specified in the conditional consent, noting Saturday is classed as a standard working day. It is not fair to refuse a worker the right to work.
2.		
2.1	<i>"I am writing in response to Development Application DA 210063 at 3 Burrai Pl, Yass. Before this DA is approved, I hope you would consider my concerns that are outlined in this letter. Firstly, the dust from the worksite may be an issue if it is not managed effectively. I am concerned regarding the amount of dust a development of this size and duration will create, which will be impacted on my home. I am requesting the council appropriately manages the dust to stop it from covering my home and roof space, as this can cause damage to our property, such as to vehicles. It also poses a health risk to our neighbourhood in regard to asthma and allergies."</i>	There will be a fenced, grassed stockpile on proposed Lots 54 and 58 as well as all other measures in places to minimise dust issues. Water carts will be onsite during construction to assist with dust suppression.
2.2	<i>"I request any work that is done on our nature strip that I request is repaired and left in its original state after the development"</i>	Any work affecting existing infrastructure will be returned to its original state
2.3	<i>"In regard to block size, is there potential for some of the blocks to be of a larger size?"</i>	The current zoning allows for a minimum lot size of 700m ² which this proposal adheres to. It takes into consideration the target market that these lots will attract, which is to keep the cost of the lots down. The bigger a lot is the more it is worth. Having said that they are not all at 700m ² , they range in size from 705m ² to 1328m ² .
2.4	<i>"I extend my concern about future out of pocket expenses occurring to me. Neither future neighbours or the Yass Valley Council can make us do anything, during or after the development is finalised and houses are built. I would like to make it very clear that no out of pocket expenses are to occur to me. There will additionally be no complaints to us after houses are developed due to anything being previously overlooked. This is not, and will not be our responsibility and therefore complaints incurred to us are not fair-minded or honourable"</i>	There will be no future out of pocket expenses occurring to existing/ future residents. The applicant has approached the adjoining neighbour in question and reached a verbal agreement that will be made in writing.
3.		
3.1	<i>I request Council consider the merits of DA 210063 in conjunction with other developments in the area being undertaken by the same developer. For example, currently DA 210063 is presented as single development that proposes 58 new houses and one super block – which is assumed to be for intensive or more intensive housing. The applicant however has an existing (new) development on Wellington Road immediately joining the proposed development on Burrai Place. The plan provided as part of DA210063, makes no mention of the adjacent 48 blocks recently offered for sale as part of the Wellington Road development. Assessed collectively,</i>	<p>The DA in question DA135014 was approved in 2014 well before the lodgement of this DA and was purchased by the current developer with an approved CC. Adjoining Lots are shown on the PPS however very light in colour, please see amended PPS darkening those lines.</p> <p>The two cannot be assessed</p>



	<i>this is an increase in 106 houses. This number doesn't include other more intensive types of housing as part of the super block.</i>	collectively as they are essentially two separate DA's that happen to be adjoining. What is not mentioned is the extensive upgrade of infrastructure this developer built at Wellington Road to overcompensate for that development to accommodate much more than what is currently proposed.
3.2	<i>Furthermore, DA 210063 doesn't acknowledge or refer to other lots currently under development by the same developer along Mort Lane. All these developments are proposed to connect. The proposed DA is therefore misleading. Viewed collectively the scale of this development is much larger and I urge the Council to consider the total impact of all these development on the surrounding area to allow planning at a broader or landscape scale. Consideration of the proposed development at a larger scale may prevent future issues such as congestion and over reliance of resources, to be minimised and managed appropriately.</i>	Wrong Developer, this developer previously has not and currently does not have a development underway at Mort Lane. Regardless the Yass Settlement Strategy proposes a growth in residents of Yass town quite significantly over the following years/ decades, how is this meant to be achieved if new lots are not created to support this growth.
3.3	<i>There has been minimal consultation for a development of this scale. Residents of streets not directly adjoining these developments have not been consulted, when clearly the size of this development will impact more than those directly across the road. I recommend the applicant is compelled to develop and implement a comprehensive communication plan prior to the DA approval which includes public information sessions including disclosure about all their proposed developments in the area.</i>	There is no requirement for the developer to consult with adjoining neighbourhoods regarding the proposal. If Council deems it necessary at Neighbour Notification stage these letters can be extended to these neighbourhoods. The upcoming planning forum also allows for the public to voice their concerns to the developer.
3.4	<p><i>The roads immediately impacted by this development (and others) include Grand Junction Road, Burrai Place, Guginya Place, Wellington Road, Lead Street, Meehan Street and Therry Street.</i></p> <p><i>DA 210063, in its current form will extensively modify the character of Burrai Place and surrounding streets. An additional 106 cars (or more) using the road will change it from low to high use making it less safe for pedestrians, cyclists and horse riders. Given there is <u>no green space proposed</u> I'm concerned about the safety of children, families who walk their dogs and community groups using the road corridor. The road in its current state is virtually single lane and will be unable to cope with the increase in traffic.</i></p> <p><i>It is essential that a traffic modelling study is undertaken that assess the future impact on the internal roads and roads external to the developments including those mentioned above. This information should be provided to the residents in the area to ensure suitable options are explored and discussed. This should include measures to mitigate traffic on Burrai Place, Grand Junction Road and Therry Street.</i></p> <p><i>Of particular concern are access/egress points for blocks 46 and 47. The plan provided indicates they will front</i></p>	<p>It is expected the conditional consent will require road widening of Burrai Place and Grand Junction Road as well as Foot Paths and the proposed Cycleway, this will be safer than the current situation where they walk on the road.</p> <p>This is not required at this stage, the land has been zoned R1 and the proposed development meets the objectives of this zone.</p> <p>It is to be noted this is a 50km zone, there will be extensive road widening and all accesses will be designed by an engineer and will have to comply to AustRoad Standards</p>



	<p>directly onto to Burrai Place on a blind corner. This is unacceptable on many levels.</p> <p><i>**Although not specifically part of this development the traffic island on the end of Grand Junction Road and Therry Street that was installed to improve safety for the Wellington Road development provides a good example of poor planning and poor outcomes. The new traffic island is a visual blight and has made the intersection unsafe when travelling from Therry Street. This kind of road treatment makes the community nervous about the quality of future developments.</i></p>	<p>As stated, the traffic island is not part of this development.</p>
3.5	<p><i>The proposed plans have no greenspace for 106 or more homes. Is this acceptable for a rural town or any kind of development where the links between the provision of open space and health are well known? Planning consideration should include a Green Space Plan that reflects contemporary design principles for public open space with provisions for parkland, pocket parks and playgrounds for young and middle aged (5-12) children. The nearest playground is over 2.5 km away. The nearest bus stop is over a 1 km away from many of the proposed houses. How will new families encourage their children to walk to the bus stop traversing on a high use road? These types of connections must be made prior to the DA being approved.</i></p> <p><i>I had to laugh when I read this comment on the last page of the Statement of Environmental Effects "The proposal has been prepared with respect to maintain the rural character and to protect/ enhance the biodiversity of Yass Valley LGA". What part of 58 (and 48 in the Wellington Rd development) houses in such a small area enhances the rural character of the area or enhances biodiversity? The blocks proposed are all around 700 sqm which are nowhere near being 'rural'. The area will become a colourbond fence jungle.!!</i></p> <p><i>The proposed DA does not reflect the objectives in Council's Bike and Pedestrian Access and Mobility Plan 2017-2017. Specifically</i></p> <ul style="list-style-type: none"> <i>o for accessibility to be inherent to the design principles of the development s to enable movement around and to and from the development to other areas.</i> <i>o Creation of pedestrian and bike/horse riding corridors, separate from roadways enable access to and from the Yass Showground and township.</i> 	<p>The applicant has been consulting with Peter Harvey and it has been determined the Townsend Place Park will be upgraded from a Category 3 park to a Category 2 park as per Council's guidelines. It is to be noted this park is within 2 mins (approx. 340m) of the proposed development.</p> <p>Again, this development will be providing much needed footpaths and cycleways.</p> <p>The proposal has taken into consideration the objectives within the R1 General Residential Land, maintaining the integrity of the surrounding area which in turn takes into consideration the rural character. The developer is a local resident who has the future of Yass Town in his best interest. Development is going to happen especially when the land is zoned accordingly, isn't it better if it is done by a developer that has a vested interest in making the town better as opposed to a developer that could sell and run.</p> <p>The proposed DA does not mention the footpaths and cycleway, however other than the cycleway that the Developer is proposing to enhance the end product it is expected footpaths will be conditioned in the consent. This additional infrastructure will benefit new lots as well the existing/ adjoining properties.</p>



3.6	<p>How can this development be considered sustainable when 74% of the blocks aren't north facing? A Sustainability Plan should be developed that demonstrates how this development (and other adjacent developments), minimise resource use. For example, less than ¼ of the blocks are north facing. This will reduce the effectiveness of solar systems. The plans don't show any water harvesting or water reuse on site meaning all run off will end up in the storm water system. If redesigned to include the formation of a natural wetland, run off could be treated before entering the storm water and riverine system and provide habitat and parkland for residents. It could also serve as a visual barrier for the development. It is strongly recommended that planning considerations are reviewed at a more holistic scale to enhance biodiversity and connect with existing 'natural' and adjacent areas of cultural significance.</p> <p>The Sustainability or Green Space Plan should include a Tree and Vegetation Management Plan that demonstrates measures to mitigate the visual impact from the development to surrounding areas including along Coolalie Road and noise buffering measures between existing houses and new houses.</p> <p>The plan should consider how amenity, the rural character and natural features of Yass will be retained. I am also interested to learn about the Council policy for the management of any new trees. Many jurisdictions use bonds or management agreements to oblige the Developer to maintain any new trees, planted in public space, for 3-5 years post the sale of blocks. The development along Morton Avenue, undertaken by the same proponent has only two surviving trees that were planted as part of that development. The developer removed over 18 remnant Eucalyptus and the outcome is a net loss of trees and habitat.</p> <ul style="list-style-type: none"> • A Housing Typology Plan should be developed as part of the DA assessment that includes examples of the housing typology and external fencing materials to ensure visual amenity is high. (For example, the current (new) yellow colour bond fence appears as a scar on the landscape and is unsympathetic to the surrounding area). The Council should seek a range of housing types to provide greater choice for residents. 	<p>As per the PPS, all but 4 of the Lots are facing direct North, therefore extremely efficient for future solar systems.</p> <p>The development application included a Pasture Assessment and a Flora and Fauna Assessment. Both concluded the subject site is comprised almost entirely of exotic grassland which has historically been cleared and used for grazing.</p> <p>The development along Morton Avenue the submission is referring to is a different developer (Melrose Homes), this is misleading and incorrect.</p> <p>To enforce housing typology plans is very restrictive for a future owner who may want something totally different. This situation is more reserved for smaller lots where as part of the DA it is clear that a house with the required setbacks will fit on the block. This is not the case in this instance.</p>
3.7	<p>Cost of living expenses in response to poor planning decisions should not be attributed to existing residents. I am concerned that as a rate payer, if this development is not given the adequate consideration, and problems need to be remedied in the future, that my rates will increase due to poor planning decisions. I want the Council to get it right the first time and lead by example in not approving the DA in its current form.</p>	<p>The DA in its current form is an acceptable development that meets the objectives of the zone.</p> <p>Good planning principles allow for development to connect to spread the flow of traffic. Having said that the developer is going to great lengths to provide an outstanding end product that will be appealing and provide additional infrastructure to new and existing residents.</p>
4.		
4.1		See 3.1 comment
4.2		See 3.2 comment
4.3		See 3.3 comment
4.4		See 3.4 comment



4.5		See 3.5 comment
4.6		See 3.6 comment
4.7	<p>Water. Is it being allocated responsibly?</p> <p><i>I am keen to learn if the Council has assessed the impact of this developments and others approved over the last decade including those at Murrumbateman, to ascertain if there is sufficient water to provide for these blocks in low rainfall times, particularly sustained low rainfall periods. I am genuinely concerned the Council is setting Yass on a trajectory that will see the township without water as a direct result of over development. This is an unnecessary burden to place on the existing residents and environment. I am seeking advice through State Planning Agencies about the over allocation of resources for developments of this scale.</i></p> <p><i>I am extremely concerned over this type of development and its long-term impact on the township and its resources that I am also seeking legal advice on its (and others) impact on the town and the resource implications. Unfortunately, the legal advice was not available during the timeframe for the submission but will form the basis of future action.</i></p>	<p>This is a comment for Council to reply to. As stated previously the Yass Settlement Strategy projects the town of Yass to grow significantly over the next few years/ decades. This would have been taken into consideration at this stage.</p> <p>It is to be noted as well this is not a Planning Proposal, the land is already zoned R1 General Residential and the proposed development is considered to meet the objectives of the zone and therefore appropriate for Conditional Consent.</p>
5.		
5.1		See 3.1 comment
5.2		See 3.2 comment
5.3		See 3.3 comment
5.4		See 3.4 comment
5.5		See 3.5 comment
5.6		See 3.6 comment
5.7		See 4.7 comment
6.		
6.1	<p><i>Specifically, we urge the Vass Valley Council to reject the current DA and seek amendments to improve the sustainability, safety, amenity, and liveability of the development. The requested amendments align with contemporary development standards, community expectations and Council policy documents and statements. The amendments include:</i></p> <p><i>A <u>traffic modelling study</u> to be undertaken to across the three new developments in the area to assess the:</i></p> <ul style="list-style-type: none"> <i>o impact of future development on the current road and network, specifically Burrai Place and Grand Junction Road.</i> 	See 3.1 and 3.4 comments
6.2	<p><i>Development of an Green Space Plan as part of the DA assessment, which creates public open space with a mixture of parkland, pocket parks and playgrounds for young and middle aged (5-12) children. The nearest playground is over 2.5 km away. The proposed DA does not reflect the objectives in Council's Bike and Pedestrian Access and Mobility Plan 2017-2017</i></p> <ul style="list-style-type: none"> <i>o For accessibility to be inherent to the design principles of the developments to enable movement around and to and from the development to other areas.</i> <i>o Creation of pedestrian and bike/horse riding corridors, separate from roadways enable access to and from the Vass Showground and township;</i> <i>o the retention of Burrai Place as low usage, slow speed environment where walking is promoted. Currently over 50 people regularly walk along that stretch of the road daily.</i> 	See 3.5 comments



6.3	<i>To consider filtering the block size (more concentrated development closer to the existing town and larger further away, to reflect the rural nature of the surrounding area.</i>	The current zoning permits the proposed development, block sizes vary and have been proposed to reflect current demand and housing affordability. Adjoining land directly to the east is also zoned R1 with a minimum lot size of 700m ² , it then would not be a good planning outcome to commence 'filtering' without knowing the intent of this land. See 2.3 comment
6.4		See 3.6 comment
7.		
7.1		See 3.1 comment
7.2		See 3.2 comment
7.3		See 3.3 comment
7.4		See 3.4 comment
7.5		See 3.5 comment
7.6		See 3.6 comment
8.		
8.1	<i>I am all for new housing. But this one and the future super development are bad for Yass. Why? Where are the green spaces? Will the houses face north? Will the houses have solar and full insulation? What about the Ngunnawal peoples were they contacted?</i>	See 3.5 comments It is each individuals choice to have solar however the lots are in prime position for it. A BASIX certificate which is required for any new home requires insulation. A Due Diligence Heritage Report was conducted by a reputable consultant 'Past Traces', this report was on Council's website for the public to view.
8.2	<i>Will every second house be government owned for low income earners? Yes Yass has a housing problem and homeless people. Will the houses be affordable I am talking about under 350K to get young families and first home buyers into the housing market.</i>	There is no contract with any government agency at this stage. Houses will be market value of which we have no control over.
8.3	<i>This development and the the second development will turn Yass into Canberra. People moved to Yass for a reason to get away from the Cities!</i>	Yass is a growing regional town and if the public had read the documents submitted with the DA along with the Yass Settlement Strategy it would be clear that it has been the intention from the date that plan was adopted that Yass town and the LGA in general would expand. The town is desperate for more housing supply. In the current climate it is almost impossible to



		find a rental, home to purchase or block of land. The intention of the proposed development is to lessen the current lack of supply.
8.4	<i>Has the council thought of what all these extra houses bring apart from people? Schools to be built, our hospital can't cope as it is, will the council put in an application to state government to expand our hospital? Our roads can't cope with the traffic now and a lot need repairing and new lines in and around the area</i>	This is a response for Council however any type of development also contributes significantly to the local economy, provides jobs and upgrades the existing infrastructure, widens roads, creates additional infrastructure such as foot paths and cycleways
8.5	<i>It's OK for these developers to come and bugger up our town and cut our space when they live on acreage.</i>	This is a personal attack and does not require a response, having said the developer is a Yass local that has a vested interest in creating an attractive and positive outcome for the new and existing residents.
8.6	<i>More consultation is required over this development. The council need to tell the whole of Yass and surrounds in the council area what is going on. Stop keeping things secret, the last time I checked we still lived in a democratic society and that council are the towns peoples employees</i>	All DA documentation is available on Councils website during neighbour notification. As stated earlier if the residents familiarised themselves with the Yass Valley Settlement Strategy and the Local Strategic Planning Statement, they would be aware this development needs to occur to cater to the increase in population and demand. None of this is a secret and can be found on Councils website.
9.		
9.1		See 3.1 comment
9.2		See 3.2 comment
9.3		See 3.3 comment
9.4		See 3.4 comment
9.5		See 3.5 comment
9.6		See 3.6 comment
9.7		See 4.7 comment
9.8	<i>Cost of living expenses in response to poor planning decisions should not be attributed to existing residents.</i> <i>I am concerned that as a rate payer, if this development is not given the adequate consideration, and problems need to be remedied in the future, that my rates will increase due to poor planning decisions. I want the Council to get it right the first time and lead by example in not approving the DA in its current form.</i> <i>In addition to the number of points raised above, please also find below a list of additional concerns I would like to have addressed;</i> <ul style="list-style-type: none">• <i>There seems to be no planning for Grand Junction Road and how a small, one lane road will be</i>	See 3.7 comment Grand Junction Road and Burrai Place will be upgraded/ widened which will be a benefit to both existing and new residents. All environmental studies that were required were undertaken and available on Councils website for the public to review.



	<p>changed due to increased traffic. What road changes will be made in this area?</p> <ul style="list-style-type: none"> • Have all environmental assessments and surveys been done? The space is home to a number of native species of flora and fauna, and I would like to know that we are not removing habitat for a protected species. • Lots 2-11 are incredibly small for the space. Does this density of housing meet planning specifics for green space and other community areas? • Lots 2-6, 45-48, and 55-58 all back onto the road. As this is a space where there will already be too much traffic, will these houses have a restriction disallowing them from creating car entry from Grand Junction Road or Burrai Place? There needs to be a way to stop the verge from being destroyed by car traffic. • Does Yass Valley Council approve of build to boundary developments? This kind of development does not fit with what I know of the local area and its development guidelines. Please clarify. • The road entrance off Grand Junction Rd is directly opposite a driveway. In regards to planning, this seems to have been ignored. Due the proximity to the Wellington Road development that has been recently finished, why does the new development not connect through completely into the roads in the Wellington Road development that seem to have been built with that in mind? • Lots 2-6 and lots 45-48. What is the fencing situation going to be? I believe that a green verge is needed down Grand Junction Road and Burrai Place to add green space and more trees as a part of this development. • If we are to put all of these houses in this space, a footpath is needed down the west side of Grand Junction Road. • Grand Junction Road also needs to be given a kerb and guttering, and as this runs straight down past our house, I would like to be consulted on this process due to it having an effect on our property. • Lot 1 in the development is being retained for future development. I believe this should be utilised as a park, or community space. Due the number of houses in this area, green space is vital, and necessary as a part of a vibrant community 	<p>Lots 2-11 meet the minimum lot size requirement for the R1 zoned land.</p> <p>Lots 2-6 have access from the new internal road, Lots 45-48 and 55-58 will have accesses built from the relevant road at subdivision stage. The design and placement of these accesses will form a part of the engineering construction certificate application.</p> <p>Each dwelling will have to satisfy the requirements in the setback policy which states a 6m front setback and 900mm side setbacks for new areas. This development connects through to Birrie Street (see updated PPS reflecting this).</p> <p>Lots 2-6 and 45-48 are intended to have colorbond fencing along with a new footpath and associated street trees.</p> <p>The placement of footpaths will be determined by Yass Valley Council, it is to be noted the developer intends to put a cycleway in that will run parallel to the site, cross over the road near lot 57 and extend the entire length of Burrai Place to the river.</p> <p>Kerb and guttering of Grand Junction Road will be as per Councils requirements and the consent will be conditioned to reflect this.</p> <p>Lot 1 is proposed for future development to accommodate affordable housing.</p> <p>The applicant has been consulting with Peter Harvey and it has been determined the Townsend Place Park will be upgraded from a Category 3 park to a Category 2 park as per Council's guidelines. It is to be noted this park is within 2 mins (approx. 340m) of the proposed development.</p>
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10.		
10.1	We are writing regarding Development Application DA210063 – 3 Burrai Place, Yass, NSW. We wish to raise a number of concerns with regards the above-mentioned application. We hope the Yass Valley Council will consider the proposed DA with the Yass Valley Council's strategic priorities in mind, with a focus on 'custodians for the environment', 'sustainable growth', 'communities that value our rural lifestyle', and 'empower our residents in relation to development of our communities'. We ask that consideration be given towards the 'bigger picture' of Yass and the flow-on impact a development of this nature will have on the Yass community, now and into the future.	See 9.8 comment
10.2	DA210063 is listed as a new development with 57 lots and a 'super lot' (assumed to be for high density style housing in the future), however it is presented with old photographic overlays and gives little indication of the 'Wellington' development that has 48 adjacent blocks. When considered together, this is an increase of 106 blocks. The Statement of Environmental Effects notes that "the proposed residential subdivision is consistent with the surrounding residential lots" however, if this development is considered without the 'Wellington' development, this statement is false – the surrounding residential lots are larger and increase in size with the move further away from the centre of Yass. We ask that Council consider a focus on filtering of block size to fit with the rural environment and location of the development. Additionally, we ask that blocks adjacent to Burrai Place and Grand Junction Road get set further back from the road allowing more space for pedestrian traffic and the implementation of a green corridor spanning the length of the development to act as a screen and to fit with the rural nature of the area.	<p>It is noted the current image is historic however this is all we have access to at this stage, please see updated plan darkening the lines on the plan showing the connection to Wellington Road.</p> <p>We have to consider the adjoining development on Wellington Road, it is existing and was built taking into consideration future needs.</p> <p>See 1.1 comment.</p>
10.3		See 3.2 comment
10.4	As the parents of two children that attend a local Yass primary school, we are concerned both for ourselves, and for the surrounding community, with regard the impact of traffic on the surrounding road network. Allowing for a minimum of one car per block, this development will result in 106 additional cars and will alter the character of the neighbourhood. The roads immediately impacted by this development include Grand Junction Road, Burrai Place, Guginya Place, Wellington Road, Lead Street, Meehan Street, and Therry Street.	Currently the residents utilise the road for pedestrian traffic, the proposed development will be providing much needed footpaths and a cycleway therefore making it safer.
10.5	DA210063 will significantly modify the character of Burrai Place which is a back road (no through road) that leads to the water and boat ramp, and is used for passive recreation (walking) by many in the community. The volume of vehicles from this new development will change the road from low use to high use therefore making it less safe for pedestrians, cyclists, and horse riders. The closest bus stop for local schools is on the corner of Lead Street and Plunkett Street, resulting in significant increase in risk to children within the area with the increased volume of traffic. We lodged concerns with Council regarding safety of the road after the significant changes to the road with the 'Wellington' development. It is noted that access/egress points for blocks 46 and 47 are on the 'blind' corner and find this unacceptable. We request that a traffic modelling study be undertaken that assesses the future impact of this development. We request this information be shared with residents to ensure suitable options are explored and discussed. Additionally, we ask that the access roads into the development be reconsidered with a view to cease entry road access from Burrai Place and connect instead from the 'new' roads created within the 'Wellington' development.	<p>By significantly modifying the road reserve and formation by upgrading/ widening will be a benefit to the community and should be seen this way.</p> <p>See 3.4 comment</p>



10.6		See 3.5 comments
10.7		See 3.5 comments
10.8	<i>Over development and increase in the population of Yass will impact on infrastructure and local services within the township – we are concerned that approval of this and other developments will place strain on services that are not set up for a significant increase in the population including public transport, schools, medical centres and the hospital, emergency services, community support services, and recreation facilities.</i>	<p>It is not over development, the land is zoned R1 General Residential with a minimum lot size of 700m², therefore permissible with Council Consent.</p> <p>Council's forward planning in the Yass Settlement Strategy and Local Strategic Planning Statement will have taken this into consideration and have plans in place to accommodate the growing community.</p>
11.		
11.1		See 1.1 comments
11.2		See 1.2 comments
11.3		See 1.3 comments
11.4		See 1.4 comments
11.5		See 1.5 comments
11.6		See 1.6 comments
11.7		See 1.7 comments
11.8		See 1.8 comments
11.9		See 1.9 comments
11.10		See 1.10 comments
12.		
12.1		See 1.1 comments
12.2		See 1.2 comments
12.3		See 1.3 comments
12.4		See 1.4 comments
12.5		See 1.5 comments
12.6		See 1.6 comments
12.7		See 1.7 comments
12.8		See 1.8 comments
12.9		See 1.9 comments
12.10		See 1.10 comments
13.		
13.1	<p><i>In regard to the above submission, I'd like to add this being close to my family home and growing up in the area knowing it well. A consideration for foot paths & a public area or park as the existing areas are lacking in these things and require more foot pathing for aging/disabled & young families. I know how much the existing homes in the grand Junction Road area are already sacrificed for the Wellington estate (up to 10 days without water & electricity) to upgrade & connect the new estate. This has been accepted even when there is a lot of people in the area who don't work and are home through the days as well.</i></p> <p><i>I love seeing our town grow but we must be able to provide more as well</i></p>	<p>Footpaths will be conditioned by the Consent and will be built accordingly to Council's standards.</p> <p>The construction of Wellington Estate did not cause a disruption to the water & electricity for a period of 10 days, at the most was one (1) day.</p> <p>To provide an attractive development to the community the developer is proposing a cycleway that extends down Burrai Place to the river, this in turn will benefit not only the new</p>



		residents but also the existing.
14.		
14.1	<i>While I have no fundamental opposition to this development, I note with concern that no space has been allocated within this plan to a public park, open space, or children's playground. For a development of this size, these sorts of facilities are a must, especially considering how far residents will otherwise have to go to access these.</i>	See 3.5 comments
14.2	<i>I would ask too that the development include footpaths throughout to facilitate healthy lifestyles and enable those with a disability or injuries to have safe egress. We already have too many roads in Yass where the only pedestrian access is by walking on-road: it should be a must that all new developments include footpaths that link up with existing paths.</i>	See 13.1 comments
15.		
15.1	<i>I think this development needs dedicated green spaces for people to exercise safely, a play space for children, and consideration for wildlife corridors. It should also be a cat containment zone to stop the growth of feral cats in Yass</i>	See 3.5 comments In relation to a cat containment zone, a private restriction could be added to the title of each lot reflecting housing of cats however this is difficult to police and will not necessarily result in the desired outcome.

We recommend this proposed subdivision to Council and await advice on Council's determination of the application.

Please call this office if you have any queries on the above.

Yours Faithfully
DPS YASS Pty Ltd

Rachel Braithwaite
Planning Assistant



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9 September 2021

Our Ref: 3510_YVC3

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

Attention: Muzaffar Rubbani

Dear Sir,

REVISED LAYOUT FOLLOWING PUBLIC AND COUNCIL CONSULTATION – DA210063

**PROJECT: Subdivision of Lot 1 DP1185454
3 Burrai Place, YASS**

Further to the most recent consultation with the public, Council and Councillors please see attached a slightly revised layout that incorporates Lot 36 as Public Open Space that will be dedicated to Council as a public reserve upon registration of the Final Plan of Subdivision.

It is proposed a condition be included in the conditional consent under the '*Prior to Issue of Subdivision Works Certificate*' that calls for a Voluntary Planning Agreement (VPA) to accommodate the offsets generated from dedicating the Open Space as well as the construction of the Category 2 park.

The offsets will be proposed in lieu of payment of Council contributions for this development consent only. It is to be noted the 'Offset Figure' is to be based on a valuation of the land by a qualified valuer and a quote for the construction of the park.

We recommend this proposed subdivision to Council and await advice on Council's determination of the application.

Please call this office if you have any queries on the above.

Yours Faithfully
DPS YASS Pty Ltd

Rachel Braithwaite
Town Planner



DRAFT CONDITIONS – DA210063

Part A General Conditions

1. Consent is granted generally in accordance with the plans and details submitted to Yass Valley Council (Council) with the Development Application. The plans and details have been stamped and attached to this consent. The development must be carried out in accordance with the stamped plans or as modified by these conditions.
2. This approval relates only to the development referred to in the Development Application and does not approve or accept any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior approval.
3. **Work must not commence until a [Subdivision Works Certificate](#) has been issued.**

The conditions in Part B of this consent must be satisfied before a Subdivision Works Certificate can be issued.

The Certificate certifies that all engineering design and construction work completed in accordance with approved plans will comply with the relevant requirements of the following, current at the time of the Subdivision Works Certificate being issued:

- Council's Road Standards Policy RD-POL-09
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards
 - Austroads
 - Water Supply Code of Australia
 - Gravity Sewerage Code of Australia
4. All engineering design and construction work must be undertaken in accordance with the following:
 - Council's Road Standards Policy RD-POL-09
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards
 - Austroads
 - Water Supply Code of Australia
 - Gravity Sewerage Code of Australia
 5. All adjustments to existing utility services, whether caused directly or indirectly by the approved development, must be undertaken at no cost to Council.
 6. The site office, all vehicles and machinery shall be parked within the confinement of the allotment boundaries of subject land without encroaching onto public or private land.

Part B Before the issue of a Subdivision Works Certificate

7. An [Application for a Subdivision Works Certificate](#) must be lodged with Council.
8. Prior to the issue of any Subdivision Works Certificate the Applicant shall enter into a Voluntary Planning Agreement (VPA) with Council. The VPA shall outline the terms of the

offer made by the Applicant and accepted by Council in connection with the subject Development Application. The terms of the offer shall generally include:

- (a) A Landscape Plan and Vegetation Management Plan and detail the work to be undertaken in as part of the open space embellishment and rehabilitation.
- (b) Facilities to be provided within the open space are to be consistent with a Category 2 Park in accordance with Council's Park & Playground Strategy 2017.
- (c) That all work shall be completed to the satisfaction of Council prior to the issue of the Subdivision Certificate for the proposed Open Space lot.
- (d) Prior to the issue of any Subdivision Works Certificate the Applicant must register the VPA on the title of the land to which the VPA applies.
- (e) The maintenance responsibility period for the Applicant shall be five (5) years from the date of the issue of a Subdivision Certificate.

9. Engineering drawings for the provision of **access** to each lot must be submitted to Council's Infrastructure and Assets Division for approval in accordance with:

- Council's Road Standards Policy RD-POL-09 and
- Council's Design and Construction Specification – AUS-SPEC #1
- Australian Standards
- AustRoads

10. All proposed accesses within the subdivision shall meet requirements for Safe Intersection Sight Distance requirements for the prevailing speed.

11. Engineering drawings associated with the construction of **roads within the subdivision** with upright kerb and guttering on all sides of the roads shall be submitted to Council's Infrastructure & Assets Division for approval in accordance with Council's Roads Standards Policy RD-POL-09 and Council's Design and Construction Specification – Ausspec#1

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

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

12. Engineering drawings associated with the **widening and upgrade of Grand Junction Road** to "local" standard with upright kerb and guttering (on eastern side of the Grand Junction Road) shall be submitted to Council's Infrastructure & Assets Division for approval in accordance with Austroads, Council's Roads Standards Policy RD-POL-09 and Council's Design and Construction Specification – Ausspec#1.

Note: The upgrade of the Grand Junction Road shall be from the intersection of Wellington Road to the intersection with Burrai Place.

Note: The applicant shall demonstrate how upgrade of Grand Junction Road will comply with all the relevant controls prescribed in the *Yass Floodplain Risk Management Study and Plan* for Flood Planning Constraint Category 1, 3 & 4 of main stream flooding.

13. Engineering drawings associated with the **widening and upgrade of Burrai Place** to “local” standard with upright kerb and guttering (on the south eastern side of the Burrai Place) shall be submitted to Council’s Infrastructure & Assets Directorate for approval in accordance with Austroads, Council’s Roads Standards Policy RD-POL-09 and Council’s Design and Construction Specification – Ausspec#1.

Note: The upgrade of the Burrai Place shall be from the intersection of Grand Junction Road to the 10metres past the furthest property of the subdivision.

14. Engineering drawings associated with the construction of 2.1 metre wide **footpath/cycleway** shall be submitted to Council’s Infrastructure & Assets Division for approval in accordance with Council’s Roads Standards Policy RD-POL-09 and Council’s Design and Construction Specification – Ausspec#1

Note: The footpath shall commence at Wellington Road and proceed to the 10 metres past the farthest property in the subdivision in Burrai Place.

Note: Within the subdivision, footpath is to be provided on one side of all roads.

15. Engineering drawings and calculations associated with the drainage of **stormwater** shall be submitted to Council for approval in accordance with Council’s Design and Construction Specification – AUS-SPEC #1.

These documents will include details of the discharge of stormwater off the site (including quantities for various storm event and is to include stormwater that falls on the site or enters the site from upstream), what is proposed to manage the discharge (including details of any infrastructure etc.), the potential downstream effects of such discharges and actions proposed to ameliorate such effects and what is proposed to ameliorate any effects on the site from stormwater from upstream of the site.

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

Note: Stormwater mains are to be designed to cater for the entire developed catchment to allow for future development of adjoining land.

Note: Stormwater ties are to be provided for each individual lot.

Note: An overland flow path to accommodate the discharge from a 1 in 100 year storm event shall be identified on the drawings in order to ensure no adjoining property is being affected by the stormwater runoff as a result of the proposed development.

16. Engineering drawings associated with the supply of **water** shall be submitted to Council’s Engineering Department for approval in accordance with the Water Code of Australia.

- Water reticulation mains shall be designed and laid in accordance with the Water Supply Code of Australia.

- Location of water service shall be designed and installed to allow minimum of 500mm clearance to the water meter from the driveway. Location of driveway/building envelope must be shown in the plans.
- All reticulation mains shall be of MPVC, **PN 12, S2** except at road crossings. Road crossings shall be DICL pipe class **PN 35. Minimum diameter shall be 100 mm.**
- All water mains in cul-de-sac locations shall be looped, unless otherwise instructed by Council.
- All valves shall be anti-clockwise closing and shall conform to Council standards.
- All mains shall be tested in accordance with Council requirements.
- All property services shall be with copper pipes as per plumbing standards. Long services shall be with 25mm and short services shall be with 20mm.
- All meter cocks of each property service shall be installed at 200mm – 300mm below finished ground level and shall be covered with meter boxes. Meter boxes will be supplied by Council.
- Tapping saddle, main cock and meter cock shall meet Council requirements.
- Connection shall be made to the existing 200mm water main at Grand Junction Road and at Birrie Close by Council at the Developer's cost.

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

- Sewer reticulation shall be designed and laid to satisfy hydraulic requirements in accordance with Sewerage Code of Australia.
- Sewer ties (connection points) for future development of LOT E DP38504 and LOT1 DP1174532 shall be designed and installed considering the topography and existing/proposed development layout.
- All sewer reticulation mains shall be with **PVC, RRJ, Class SN8** with a minimum diameter of 150 mm.
- Trench stops / concrete bulkheads shall be installed for mains designed for grades 5% and above as per the Gravity Sewerage Code of Australia.
- Sewer mains shall be air pressure tested as per approved methods and sewer manholes shall be vacuum tested as per approved methods.
- Sewer connections to existing sewer manholes or existing main shall be carried out by a licensed plumber in accordance with Council requirements.
- Sewer ties are to be raised with a boundary riser and capped if the tie depth is more than two metres.
- Marker peg system or marker tape system shall be installed to each sewer tie as per the Sewerage Code of Australia.
- The sewer system for this subdivision shall be designed to be discharged to a sewer tie in Grand Junction Road off Manhole WMH1/2.

18. A list of three street names, for each new street shall be submitted to Council for consideration and approval in accordance with Council's Naming of Roads Policy RD-POL-6.

For each proposed street name information must be supplied for the reason for the names and any historical significance.

Note: If a proposed street name has aboriginal significance or root then written approval from the appropriate Aboriginal Land Council is to be supplied. In addition the preferred name for each road is to be placed on a plan that is equivalent to that used for the sub-division certificate and provided to Council so that this can be submitted to the Geographic Names Board for consideration.

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

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

20. A Design Certification Report relating to the detailed engineering design work shall be submitted to Council as per Council's Design Specification - AusSpec #1, Annexure DQS-A.

Note: This Design Report shall provide evidence that suitably qualified designers have designed each component of the engineering works for the development.

21. A construction management plan to address construction activity, access and parking is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from Council's road reserve, details for minimising impacts on neighbouring properties and dam dewatering plan. Appropriate signage and fencing is to be installed and maintained to effect this requirement.

22. The applicant must not fill any dam located on the property without the specific approval of Council's Infrastructure and Assets Division.

Note: Any filling within 1%AEP flood is normally unacceptable unless compensatory excavation is provided to ensure there is no net loss of floodplain storage volume below 1% AEP.

Note: Dewater the dam and filling shall be inspected under Level 1 supervision of earthworks.

23. A dam dewatering plan prepared by a suitably qualified and experienced person shall be submitted to Council and shall be implemented for any dams to be filled.

24. A **Soil and Water Management Plan** must be submitted to Council's Infrastructure and Assets Division for approval in accordance with Council's Design and Construction Specification – AUS-SPEC #1.

The plan must include construction techniques to minimise site disturbance and the potential for soil erosion by wind or water, erosion control on any watercourse on the property, revegetation of disturbed areas and any other matters that are deemed necessary by Council.

An indicative plan may be prepared to complement the design plans, however, the final plan for approval must be prepared in consultation with the construction contractor.

Part C Before the commencement of subdivision works

25. Council must be informed of the date subdivision work is proposed to commence, no later than two days prior to works commencing. This will require [Form 131](#) to be submitted to Council.
26. A sign must be erected in a prominent position on the site which indicates:
- (a) the name, address and telephone number of the Principal Certifier for the work, and
 - (b) the name and after-hours contact phone number of the principal contractor and
 - (c) unauthorised entry to the site is prohibited.
- This sign must be maintained while work is being carried out and must be removed upon completion of the work.
27. Any contractor undertaking works in an existing Council road reserve must submit the following details to Council:
- A current public liability certificate with a minimum cover of \$20 million
 - Current plant / vehicle insurances
 - A certified traffic control plan for the proposed works
28. An inspection and test plan for all civil engineering works shall be submitted to Council's Infrastructure and Assets Division for approval in accordance with Council's Construction Specification – AUS-SPEC #1, Annexure CQS-14.
29. Prior to works commencing, Council is to be provided with all appropriate approvals to construct the creek crossings. Approvals may include Controlled Activity Permit from Natural Resources Access Regulator etc.
30. Toilet facilities must be provided at the work site. Each toilet provided must be:
- (a) a flushing portable toilet maintained under a service agreement with an accredited service provider; or
 - (b) a standard flushing toilet connected to a public sewer; or
 - (c) a standard flushing toilet connected to an accredited on-site sewage management facility approved by Council.
31. A "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E Protection of Underground Electricity Power Lines of the *Electricity Supply Act 1995* (NSW).

Part D While subdivision works are being carried out

Environmental Heritage

32. If an Archaeology object is discovered during the course of work:
- (a) All work must stop immediately and
 - (b) The *Heritage NSW* must be advised of the discovery.

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

33. If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of work:

- (a) All work must stop immediately and
- (b) The *Heritage NSW* must be advised of the discovery in accordance with s.89A *National Parks and Wildlife Act 1974*.

Depending on the nature of the discovery, an Aboriginal Heritage Impact Permit issued under the *National Parks and Wildlife Act 1974*, may be required before work can continue.

Construction

34. The capacity and effectiveness of runoff and erosion control measures must be maintained at all times to the satisfaction of Council, including any techniques to suppress dust and the tracking of sediment onto existing sealed roads.

35. In accordance with the *Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order (No 3) 2021*, hours of work must be undertaken in accordance with the following:

Work	Hours
Does <u>not</u> involve the carrying out of rock breaking, rock hammering, sheet piling, pile driving or similar activities	7.00am to 6.00pm on any day of the week including public holidays
Involves the carrying out of rock breaking, rock hammering, sheet piling, pile driving or similar activities	<ul style="list-style-type: none">• 7.00am to 6.00pm Monday to Friday• 8.00am to 1.00pm Saturday• No work on Sundays or public holidays
All feasible and reasonable measures must be taken to minimise noise.	

36. Public access to the site and construction works, materials and equipment on the site is to be restricted, when construction work is not in progress or the site is unoccupied.

37. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to the satisfaction of Council as shall any techniques to suppress dust and the tracking of sediment onto existing sealed roads.

Earthworks and Importation of Material

38. The amount of filling material imported to the site for works associated with this approval (e.g. road upgrade) must be **limited to 100m³** unless otherwise approved by Council. If the amount of filling for works associated with this approval is greater than 100m³ details on the volume of material and number of truck movements must be submitted to Council.

39. Dust, noise and odour emissions from works associated with the proposed development must comply with the provisions of the *Protection of the Environment Operations Act 1997*.

40. Appropriate soil erosion and sediment control measures must be installed.

41. Measures must be applied, to the satisfaction of Council, to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development.
42. Material imported to the site must be suitable for the proposed application and be:
- (a) Sourced from a suitably licensed facility (i.e. landscaping supplies or quarry operation) or
 - (b) [VENM](#) as defined in the *Protection of the Environment Operations Act 1997* or
 - (c) [ENM](#) as defined in the *Protection of the Environment Operations (Waste) Regulation 2014 – Excavated Natural Material Resource Recovery Exemption 2014*.

Documentation demonstrating compliance with this condition must be provided to Council upon request.

The document titled *Certification: Virgin excavated natural material* as published by the *Environmental Protection Authority* in September 2013 is considered a suitable form of certification to achieve compliance with this condition for VENM.

The use of ENM must be in accordance with the requirements of:

- The *Protection of the Environment Operations (Waste) Regulation 2014 – Excavated Natural Material Resource Recovery Exemption 2014* and
- *Protection of the Environment Operations (Waste) Regulation 2014 – Excavated Natural Material Resource Recovery Order 2014* (as modified or superseded).

43. Heavy vehicle movements associated with the delivery of material to the site are restricted as follows:
- (a) A maximum of 6 movements per day (1 movement = in and out of the site)
 - (b) No movements on weekends or public holidays
 - (c) Movements must occur between 7am and 6pm.

Inspections

To arrange an inspection with Council please use the on-line booking system on Council's website: yassvalley.nsw.gov.au > [Our Services](#) > [Planning and Building](#) > [Certification and Inspections](#) > [Inspections](#).

44. A Compliance Certificate shall be obtained from Council's Infrastructure & Assets Division at the following stages of construction:

Roads

- (a) **Completion of property access.** This inspection is for access dimensions and to ensure there are no 'trip-fall' hazards. Compliance with change in longitudinal grade will only be undertaken where it can be confirmed via WAE drawings
- (b) **Completion of sub-grade pavement layer** – proof roll
- (c) **Completion of base course pavement layer**– proof roll
- (d) **Completion of two coat bitumen seal**
- (e) **Completion of roadside drainage**
- (f) **Completion of kerb and guttering**
- (g) **Completion of footpaths**

Stormwater

- (a) **Completion of stormwater drainage line** – prior to backfilling

- (b) **Completion of stormwater detention infrastructure**
- (c) **Completion of stormwater quality improvement infrastructure**

Water

- (a) **Completion of water main and service connections** – prior to backfilling
- (b) **Testing of water mains and services**

Sewer

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

Other

- (a) **Completion of streetscaping and other public landscaping**
- (b) **Practical Completion**
- (c) **Refund of bond**

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

Part E Before the issue of a Subdivision Certificate

46. The terms of the Voluntary Planning Agreement associated with the open space (Lot 36) must be satisfied.

47. A Certificate of Compliance under s.305 *Water Management Act 2000* must be obtained for the augmentation of Council's water supply system. The fee for the Certificate of Compliance is **\$836,418**.

It should be noted that:

- The total fee is based on a 57 lot increase in demand calculated on a base rate of **\$14,674 per lot**.
- The base rate utilised above was the rate applicable at the time the application was determined.
- The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined.
- The base rate per connection may vary over time.
- Compliance under Section 305 does not include the physical installation of any infrastructure.

48. A Certificate of Compliance shall be obtained for the augmentation of Council's sewer system under section 305 *Water Management Act 2000*. The fee for the Certificate of Compliance is **\$387,486**.

It should be noted that:

- The total fee is based on a 57 lot increase in demand calculated on a base rate of **\$6,798 per lot**.
- Deferred payments can be made upon the registration of a Voluntary Planning Agreement which provides for such arrangements.

- The ~~base~~ rate utilised above was the rate applicable at the time the application was determined.
 - The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined.
 - The base rate per connection may vary over time.
 - Compliance under Section 305 does not include the physical installation of any infrastructure.
49. A ~~levy~~ under the *Building and Construction Industry Long Service Payments Act 1986*, equivalent to 0.35% of the value of the works, must be paid to Council where the value of works is greater than \$25,000.
50. The ~~new subdivision roads~~ must be constructed in accordance with the plans and details approved with the Subdivision Works Certificate.
51. The ~~Grand Junction Road and Burrai Place~~ must be widened and reconstructed in accordance with the plans and details approved with the Subdivision Works Certificate.
52. ~~Stormwater drainage~~ and any quality/quantity devices to be constructed in accordance with either Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Sub-division Works Certificate.
53. Property vehicular ~~accesses~~ from the road to the property boundary must be constructed in accordance with the plans and details approved with the Subdivision Works Certificate.
54. ~~Kerb and gutter~~ shall be constructed along Grand Junction Road, Burrai Place and new subdivision roads in accordance with the plans and details approved with the Subdivision Works Certificate.
55. 2.1 m wide, 100mm thick, reinforced concrete ~~footpaths/cycleways~~ (with 50mm compact gravel base) shall be constructed in accordance with the plans and details approved with the Subdivision Works Certificate.
56. All cul-de-sacs within the subdivision shall have a minimum 12m turning radius and be constructed with an Asphaltic Concrete wearing course. Minimum standard 40mm thick AC14 in accordance with Council's Road Standards Policy RD-POL-9. The road reserve will need to be increased at cul-de-sac ends to cater for the turning radius and road verge.
- Note:** Where any road terminates and is intended to be extended in future stages of development, a temporary bitumen sealed cul-de-sac or other approved arrangement is required.
57. ~~Street name signs~~ shall be installed at the entrance to each new road. The street sign shall be in accordance with Council's standard urban street sign design. Where the road is no-through a "no-through road" sign is to be installed.
58. ~~Street lighting~~ shall be designed and installed throughout the subdivision in accordance with *Australian Standard AS1158.1*.
59. An over land flow path to accommodate the discharge from a 1 in 100 year storm event shall be provided;

60. Concrete **vehicle crossings** shall be constructed ensuring each allotment within the subdivision has its own vehicle access.
61. Each lot within the subdivision is required to have its own stormwater drainage connection to a Council approved stormwater system.
62. One complete set of “**Work as Executed**” (**WAE**) drawings, indicating all details of new engineering works constructed, shall be submitted to Council.

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

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

Shall include separate details of for the following (if applicable to development):

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

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

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

64. A bank guarantee, or cash bond, equivalent to 5% of the value of the whole of the engineering works shall be lodge with Council as a performance bond.

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

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

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

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

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

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

65. Approved advanced street trees shall be planted in the road reserve at a rate of 1 every 20 metres. The trees shall be adequately protected in accordance with the approved landscaping plans.

66. A Constructed Asset Information shall be supplied for all assets dedicated to Council. The required information shall include:

Roads

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

Stormwater Drainage

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

Sewerage Infrastructure

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

Water Supply Infrastructure

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

Other Assets

- (i) Description, dimensions and cost.

- 67.** A **water service main** (service connection) shall be installed from Council's main to a point inside the front boundary of each lot created within the subdivision.
- If the Council main is existing and currently in use (i.e. a "live" main') Council must undertake the works at full cost to the developer. An application can be made by contacting Council's Engineering Department on (02) 6226 1477.
- 68.** **Water supply infrastructure** must be installed in accordance with the plans and details approved with Subdivision Works Certificate. Water reticulation shall be tested in accordance with Yass Valley Council requirements.
- 69.** **Sewerage infrastructure** must be installed in accordance with the plans and details approved with Subdivision Works Certificate. Sewerage reticulation shall be tested in accordance with Yass Valley Council requirements.
- 70.** Each lot within the subdivision is required to have its own connection to a Council approved sewerage system.
- 71.** Sewer ties are to be raised with a boundary riser and capped if the tie depth is more than 2 metres. A marker peg or marker tape system shall be installed to each sewer tie as per the *Sewerage Code of Australia*.
- 72.** The SPS is to be installed in accordance with the plans and details approved with Subdivision Works Certificate.
- 73.** **Easements** must be created on the final plan of subdivision centred on any existing or new power lines/cables, stormwater drainage lines, water mains or sewer mains passing through private property and must be in accordance with the service providers requirements. Easements over Council services must be 3m wide however consideration will be given to a narrower easement in circumstances where it can be justified and is approved by Council's Infrastructure and Assets Division.

74. In accordance with the [Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17](#), evidence must be submitted to Council demonstrating that a satisfactory standard of **electricity supply** is available to each lot within the subdivision.
75. In accordance with the [Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17](#), evidence must be submitted to Council demonstrating that a satisfactory standard of **telecommunications service** is available to each lot within the subdivision.
76. The applicant must confirm by survey that the formation and associated batters and **drainage structures of road(s)**, along the frontage of the subject property, are within the road reserve.
- Where the existing road is within the subject land, the applicant must ensure that the legal and physical attributes coincide by adjustment of the road reserve. The Applicant's request for a Subdivision Certificate must include specific reference to the review and whether or not adjustment of the road reserve is necessary.
77. A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on proposed Lots 2-6, 45, 48 and 55 stating that:
- No form of vehicular access onto Grand Junction Road and Burrai Place is permitted. Vehicular access for these allotments shall be from the new subdivision roads which will be constructed as part of this development.
- The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.
78. A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on proposed Lots 2-6, 45, 48 and 55 stating:
- Dwelling houses shall have designs which address the street scape and provide visual interest on elevations facing both Grand Junction Road and Burrai Place and the new roads. Each of these elevations shall incorporate at least 1 window and 1 door.
- The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.
79. A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on proposed allotments requiring a minimum of 30% of the setback area(s) (both the new roads, Grand Junction Road and Burrai Place as applicable) of all lots shall be landscaped with gardens or lawn.
- The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.
80. A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on proposed allotments that requires cats should be kept completely within a dwelling or in a cattery or cat run within the dwelling curtilage at all times (day and night) to protect native fauna in the locality.
- The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.
81. Any damage caused to **Council owned infrastructure or property** must be repaired or replaced at no cost to Council.

82. A **Subdivision Certificate Application** must be submitted to Council on the NSW Planning Portal.

The application is to be accompanied by the following:

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

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

Advisory Notes Accompanying Development Consent DA210063

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

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

All persons undertaking work in connection with this consent should ensure that all required risk control measures and procedures are complied with.

- (7) All Development Applications relating to the lots created by this subdivision will be assessed under the provisions of the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulation 2017*. If the development triggers the Biodiversity Offsets Scheme, the Development Application must be accompanied by a Biodiversity Development Assessment Report (BDAR).
- (8) The property access shall be constructed to the following minimum specifications from the road pavement to the property boundary:
 - (a) Safe Sight Distance Requirements in accordance with Section 7 of this policy;
 - (b) A Minimum of 3.0 metres wide with maximum trafficable width of 5.0 metres wide at the kerb or road edge where no kerb exists.
 - (c) Permissible driveway standards shall be per the following table:

Location	Driveway Standard			
	Gravel	Concrete	Bitumen Seal	Decomposed Granite
Villages - All	Yes	Yes	Yes	Yes

Yass Township – New Developments	No	Yes	No	No
Yass Township – with k&g	No	Yes	No	No
Yass Township – with no k&g	Yes	Yes	Yes	Yes
Murrumbateman - New	No	Yes	No	No
Murrumbateman - with k&g	No	Yes	No	No
Murrumbateman - without k&g	Yes	Yes	Yes	Yes

(d) Specification for the driveway standards shall be as below:

- Gravel – 100mm thick gravel
- Concrete –
 - Residential - minimum of 50mm thick gravel base and minimum 100mm thick concrete layer (25 MPA with SL72 mesh).
 - Commercial/Industrial – minimum of 150mm of gravel and minimum 150mm thick concrete (25MPa with minimum one layer F82 mesh). Also refer to Clause 8.
- Bitumen seal – minimum 100mm thick gravel base with two coat
- Bituminous seal (14mm / 7mm) or asphaltic concrete.
- Decomposed granite – colour to match any existing driveways,
- Minimum 50mm layer over minimum 100mm gravel base.

(e) Cut and fill batters within the road verge shall be graded to a maximum of 1 in 8.

(f) Driveways are to be constructed at least 6m from the tangent point of the kerb at any intersection.

(g) The grade of the driveway from the kerb or edge of seal to the property boundary shall be +2.5% (i.e. 2.5% sloping upwards from the kerb to the property boundary).

(h) The maximum allowable longitudinal change in grade of any driveway shall be 12%.

Note: New property accesses should not be constructed over any water service or sewer tie. Where an access is constructed over Councils water, sewer, or stormwater mains a minimum of 450mm cover is required over the main. Clearance to other services shall be by approval of the relevant service authority.

Note: Council has no responsibility for the maintenance, repair or replacement of property accesses. Council may direct a property owner to repair a property access which is deemed a safety risk or alternatively undertake the work and recover costs from the property owner.

6.3 DEVELOPMENT APPLICATIONS NOS DA210162 & DA210168 - DWELLING HOUSE & STORAGE SHED, 30 MONTEM STREET, BOWNING

SUMMARY

To present the assessment of Development Application No. DA210162 for a manufactured dwelling house and Development Application No. DA210168 for a storage shed at 30 Montem Street, Bowning. The applications are presented to Council as the combined proposal involves a variation to the setback policy as the storage shed is forward of the building line set by the dwelling on two road frontages. The applications attracted no objections. Approval is recommended.

RECOMMENDATION

That:

1. *Conditional Development Consent be issued for Development Application No. DA210162 for dwelling house at 30 Montem Street, Bowning*
2. *Conditional Development Consent be issued for Development Application No. DA210168 for storage shed at 30 Montem Street, Bowning*

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*
- *Road Standards Policy*
- *Building Line – Rural and Rural Residential Land Policy*
- *Local Government Act 1993*
- *Local Government Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings Regulation 2005*
- *Roads Act 1993*

REPORT

1. Application Details

Date Received	-	DA210162: 15 July 2021 DA210168: 21 July 2021
Land	-	30 Montem Street, Bowning
Area	-	2.1ha
Zoning	-	R5 Large Lot Residential

2. Site Description and Locality

The site is located in an area characterised by large lot residential and village lots at the northern edge of the Bowning village.

The site is on the corner of Montem and Juno Streets, with the primary frontage being to Montem Street which has the vehicular access. The site is clear and falls generally to the west and northwest.

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

3. Proposal

Two separate Development Applications have been submitted.

Development Application DA210162 involves:

- Installation of a manufactured dwelling house
- Onsite sewage management facility

Development Application DA210168 involves:

- Construction of a storage shed with attached carport

Details of the proposals are included in **Attachment B**.

4. Public Exhibition

Public exhibition was required due to the proposed variation to Council's *Building Line – Rural and Rural Residential Land Policy* included notice to five adjoining and nearby landowners. No submissions have been received.

5. Assessment

An assessment of the proposal has been completed in accordance with the planning legislation. The proposal generally complies with the relevant planning controls, policies and guidelines with the exception of the shed location.

Council's *Building Line – Rural and Rural Residential Land Policy* requires sheds to be located behind the building line set by a dwelling house on lots less than 5ha in size. Where it is a corner lot, it must be behind the dwelling building line on both road frontages. The proposed shed is located forward of the building line on both the Montem Street (primary) frontage and the Juno Street (secondary) frontage.

The variation was discussed with the landowner who made the following amendments to the proposal:

- Moving the shed further back so that only the open carport bays are forward of the dwelling house.
- Moving both the dwelling and shed further to the north so that the dwelling has the greater presence when viewed from the primary Montem Street frontage.

The landowner has formally requested (refer **Attachment C**) consideration of a variation to the policy on the following basis:

- The proposed site layout minimises the need for civil works or changes to the natural flow of water across the site
- The proposed site layout minimises the length of driveway required
- The location and orientation of the shed will allow it to be fitted with solar panels in the future on the north facing side of the roof
- Locating the shed and dwelling together will allow practical capture and use of rainwater

In July 2016 Council considered a Development Application for a dwelling house in Rayner Place, Yass, which was to result in the shed being significantly forward of the building line set by the dwelling house. Part of the resolution of Council at the time was for strong development controls be included in Council's future Development Control Plan to restrict the erection of storage sheds forward of the building line set by a dwelling on land zoned R5 Large Lot Residential. For the proposals at 30 Montem Street, the development control is in place and a variation is being proposed.

An assessment has been undertaken and it is considered that there is merit to the proposed variation for the following reasons:

- The amendment made to the proposal means the dwelling will be the structure that is most prominent when viewed from the primary Montem Street frontage. The shed is located to the side of the dwelling when viewed from Montem Street and it is only the open carport bays that are forward to this frontage. This is generally consistent with the policy objectives
- There is limited development further to the north or down Juno Street on the secondary frontage. Existing trees within the Juno Street road reserve will generally screen the shed as viewed from the road and other properties to the north. In this regard, the variation does not result in an adverse or unacceptable impact to the Juno Street frontage
- The setback of structures along both Montem Street and Juno Street are not consistent and there are other examples of sheds located forward of the building line set by dwellings
- The overall site layout and design is considered to be well planned, taking into account both the attributes of the site and the landowner's needs

In this regard, the assessment has concluded that the proposals are acceptable and it would be an appropriate variation to the policy.

6. Conclusion

From the assessment of the proposal and it is recommended that a Development Consents be issued. Draft conditions are included in **Attachment D**.

If Council were of the mind not to support the proposed variation, it would be suggested that the Applicant be invited to further amend the proposals by shifting the shed entirely behind the building line set by the dwelling on the primary Montem Street frontage.

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. Locality Plan ↓
	B. Proposal Plans ↓
	C. Landowner's Variation Request ↓
	D. Draft Conditions ↓

6.3 Development Applications Nos DA210162 & DA210168 - Dwelling House & Storage Shed, 30 Montem Street, Bowning
Attachment A Locality Plan



yass valley council
the country the people

Yass Valley Council
PO Box 6
208 Conar Street
YASS NSW 2582
Telephone: 02 6326 1477
Email: council@yass.nsw.gov.au

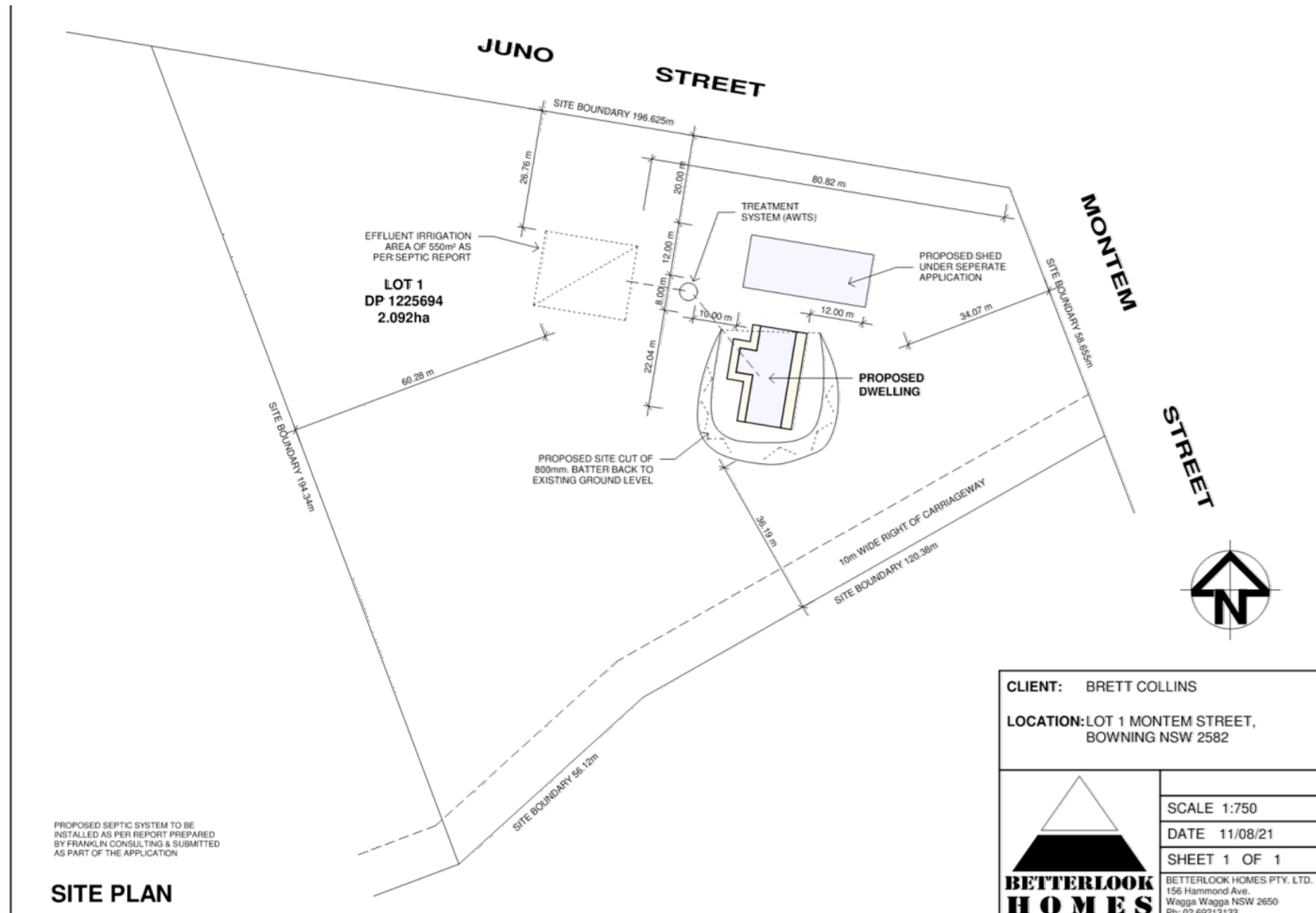
Important Notice!
This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for 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 SS 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 damages) and costs which you might incur as a result of the data being inaccurate or incomplete in any way, and for any reason.
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Drawn By: Jeremy Knox
Projection: GDA94 / MGA zone 55
Date: 7/08/2021 9:45 AM

Subject Land

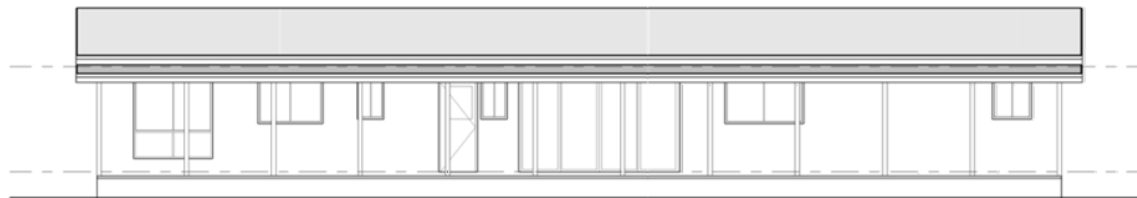
Property Notified

Map Scale: 1:4798 at A4

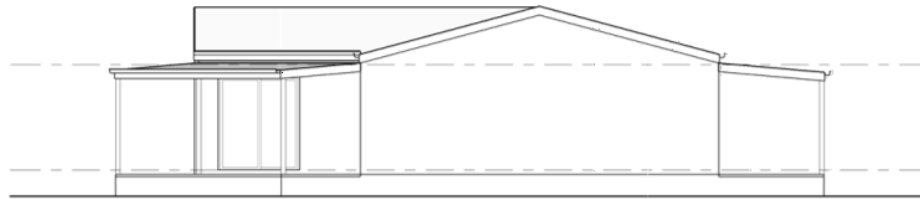




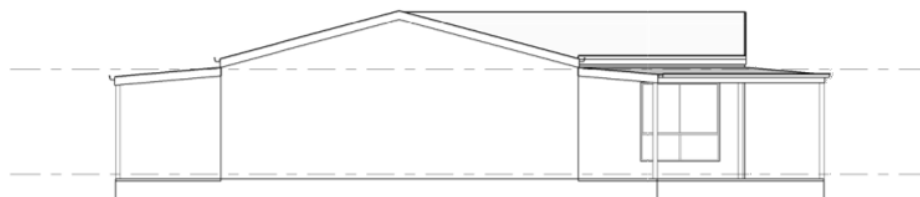
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION.



SIDE ELEVATION

CLIENT: BRETT COLLINS

LOCATION: LOT 1 MONTEM STREET,
BOWNING NSW 2582



AREA = 201.49m²

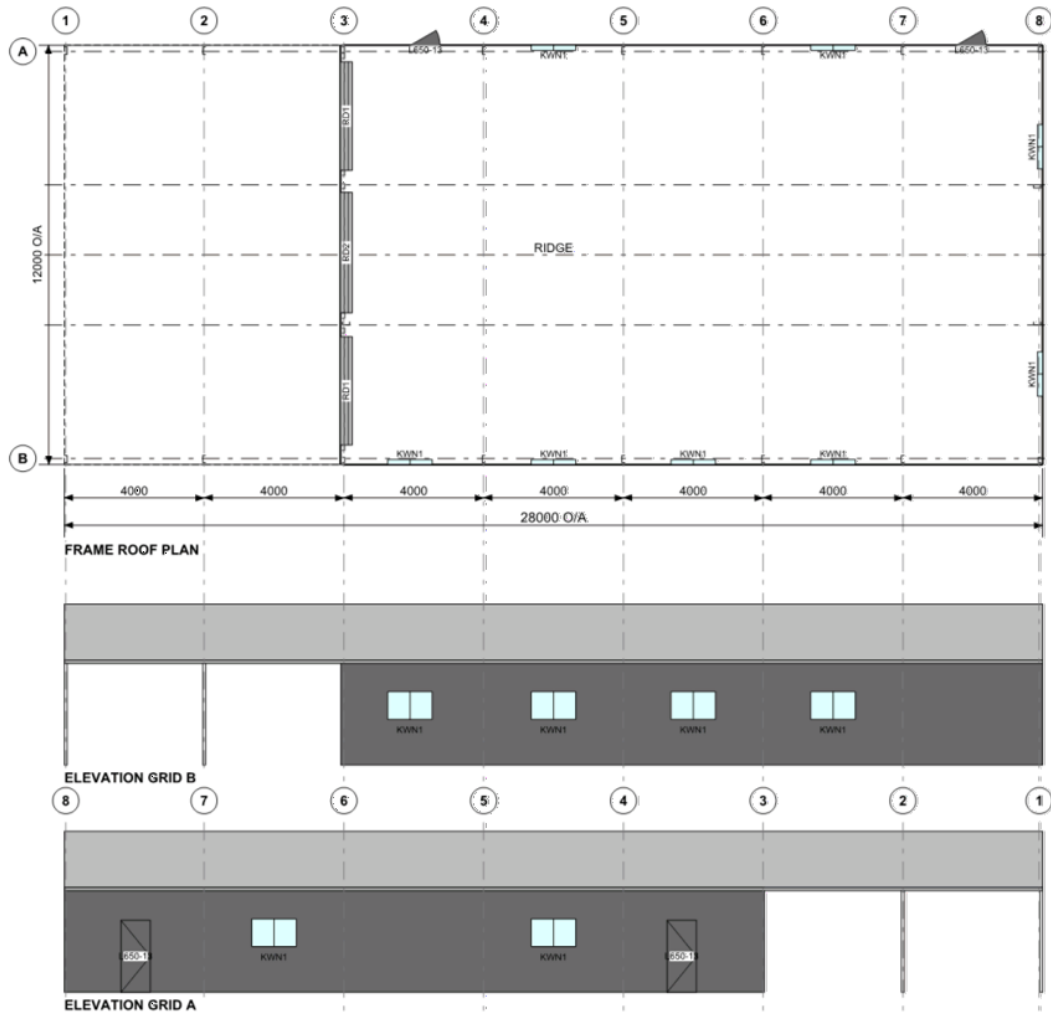
SCALE 1:100


DATE 13/12/20

SHEET 2 OF 2

BETTERLOOK HOMES PTY. LTD.
156 Hammond Ave.,
Wagga Wagga NSW 2650
Ph: 02 60213122

6.3 Development Applications Nos DA210162 & DA210168 - Dwelling House & Storage Shed, 30 Montem Street, Bowning
Attachment B Proposal Plans





Lysaght Building Solutions Pty Ltd

trading as RANBUILD

Better sheds. Bigger choices.

CLADDING

ITEM	PROFILE (min)	FINISH	COL
ROOF	CUSTOM ORB 0.42 BMT	CB	S
WALLS	TRIMDEK 0.35 BMT	CB	B
CORNERS	--	CB	B
BARGE	--	CB	S
GUTTER	HI-QUAD	CB	S
DOWNPIPE	100x50	CB	B

0.35bmt=0.40lct; 0.42bmt=0.47lct; 0.48bmt=0.53lct

ACCESSORY SCHEDULE & LEGEND

QTY	MARK	DESCRIPTION
2	RD1	B&D, Firmador, R.D. Indust. "R2P", W/lock, . . . High x 3100 wide Ctr. Open. C/B
1	RD2	B&D, Firmador, R.D. Indust. "R2P", W/lock, . . . High x 3450 wide Ctr. Open. C/B
2	L650-13	Lamtec Door & Frame Kit, 650/37, Std. 2040 x . . . Rond
8	KWN1	AMI - Reg A & B, 790x1274 CLR, Window Kit (BDSP)

ARCHITECTURAL DRAWING ONLY, NOT FOR CONSTRUCTION USE

WIND DESIGN

IMPORTANCE LEVEL	REGION	TERRAIN
2	A	2

CLIENT

Brett Collins

SITE

30 Montem Street

BOWNING NSW 2582

BUILDING

SUNDOWN DELUXE

12000 SPAN x 3000 EAVE x 28000 LONG

TITLE

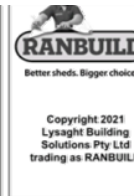
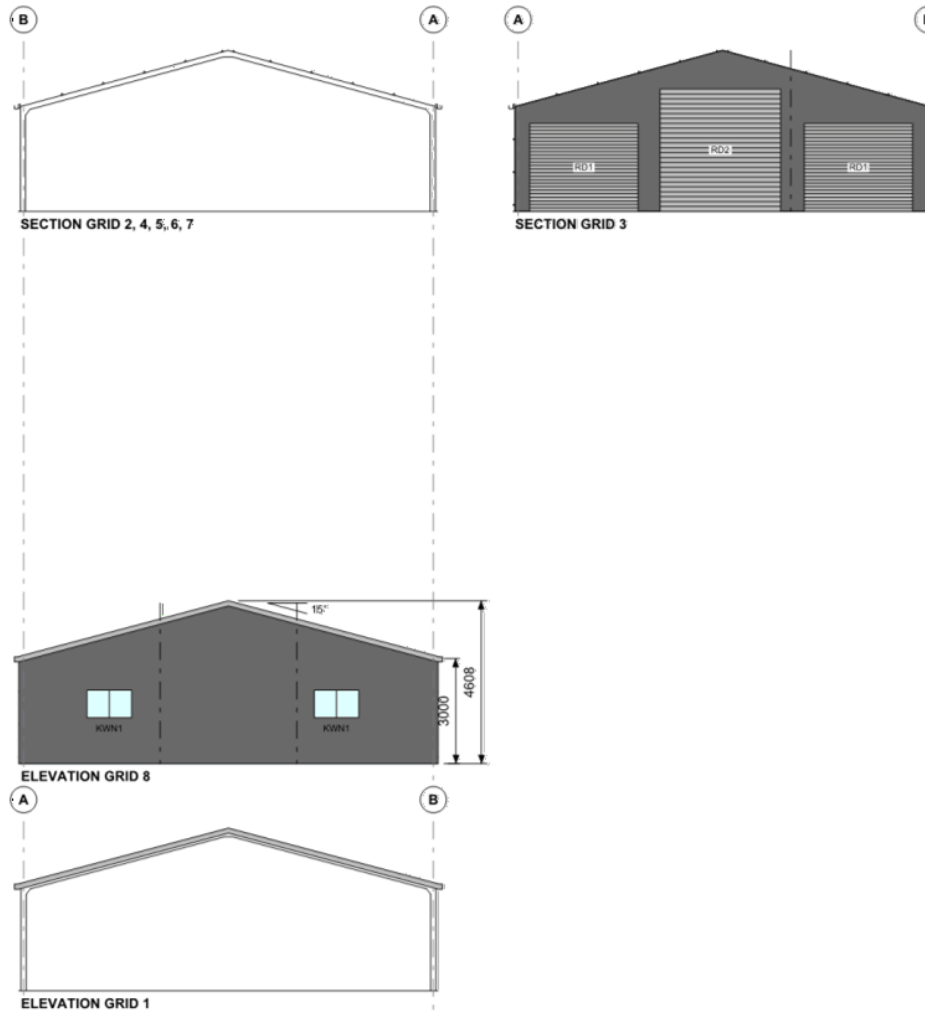
GENERAL ARRANGEMENT

SCALE	DRAWING NUMBER	REV	P
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Cont. on page 2

Cont. on page 2

6.3 Development Applications Nos DA210162 & DA210168 - Dwelling House & Storage Shed, 30 Montem Street, Bowning
Attachment B Proposal Plans



SCALE
A3 SHEET 1:125

PROJ: 210162/210168

Jeremy Knox

From: Brett Collins: <[REDACTED]>
Sent: Friday, 13 August 2021 10:35 AM
To: Jeremy Knox
Cc: Sales; Skie | Ranbuild Young; [REDACTED]
Subject: Doc 460881 FW: Site Plan
Attachments: Collins Site Plan 11-08-21.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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

Jeremy,

As discussed during our site inspection earlier this week please see attached amended site plan to show carport section only forward of house and adjustment towards Juno Street boundary to open up views to the Montem Street neighbours.

As discussed on site at the time our position / motivation for shed location was:

- Due to the lands slope keeping the shed up with the house will minimise civil works and affecting the natural flow of water.
- keeping the shed up with the house will minimise driveway requirements again minimise civil works and affecting the natural flow of water.
- Although not an immediate plan with the shed and meter board attached to the shed, we will be looking at in the future fitting some form of solar power to the shed roof and connecting to the grid via the metering board.
- Keeping the shed and house local (together) we will be able to combine the storm water capture and hopefully not need as much if any town water which is available on the block.

Selfish reasons:

- Privacy from local traffic – Juno Street
- Trying not to obstruct the natural view from the house.

If I need to supply any further information for your review please let me know.

Kind Regards,

Brett Collins | [REDACTED]

**DA210162 – DRAFT CONDITIONS (MANUFACTURED HOME AND ONSITE
SEWAGE MANAGEMENT FACILITY) – 30 MONTEM STREET**

Part A General Conditions

1. Consent is granted generally in accordance with the plans and details submitted to Yass Valley Council (Council) with the Development Application. The plans and details have been stamped and attached to this consent. The development must be carried out in accordance with the stamped plans or as modified by these conditions.
2. This approval relates only to the development referred to in the Development Application and does not approve or accept any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior approval.
3. The capacity and effectiveness of runoff and erosion control measures, including techniques to suppress dust and the tracking of sediment onto existing sealed roads, must be maintained at all times to the satisfaction of Council.
4. All adjustments to existing utility services, whether caused directly or indirectly by the approved development, must be undertaken at no cost to Council.
5. The premises must only be used as a single residential dwelling and must not be used or adapted for separate use or occupation as a dual occupancy without the prior consent of Council.
6. Colours and external materials must be compatible with those of existing development in the locality.

Zincalume is not permitted to be used for roof or wall panels.
7. All engineering design and construction work must be undertaken in accordance with the following, current at the time:
 - Council's Road Standards Policy RD-POL-09
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards.

Part B Before the commencement of works

8. In accordance with s.7.12 EP&A Act and the *Yass Valley Development Contributions Plan 2018*, a monetary contribution must be paid to Council if the proposed cost of carrying out the development exceeds \$100,000.

The cost of carrying out development is to be determined by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following (as applicable to the development):
 - Materials and labour required for the erection of building/s
 - Materials and labour for the internal fit out of all buildings
 - Demolition works
 - Excavation and site preparation including earthworks for access construction
 - Driveway construction/upgrade

- Water, sewer and stormwater infrastructure

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

Proposed cost of carrying out the development	Contribution Rate
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5% of that cost
More than \$200,000	1% of that cost

The contribution plan may be viewed on Council's [website](#) or at the Council Office, located at 209 Cornur Street, Yass.

9. A quote or invoice, prepared by a suitably qualified builder or quantity surveyor, detailing the total cost of labour and materials involved in the approved development must be submitted to Council.

The cost of carrying out development is to be determined by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following (as applicable to the development):

- Materials and labour required for the erection of building/s
- Materials and labour for the internal fit out of all buildings
- Demolition works
- Excavation and site preparation including earthworks for access construction
- Driveway construction/upgrade
- Water, sewer and stormwater infrastructure

If the total cost of works exceeds the amount specified in the Development Application, additional fees must be paid to Council.

10. The following information is required to be submitted to the Principal Certifier:

Cost of works	Required information
Up to and including \$10,000	Licensed contractor's details or Owner builder declaration
More than \$10,000	Licensed contractor's details or Owner builder permit
More than \$20,000	Certificate of Insurance under the Home Building Compensation Fund (organised with licensed contractor) or Owner Builder Permit

11. Structural drawings for the manufactured home prepared by a suitably qualified and experienced structural engineer, must be submitted to the Principal Certifier.

The plans must detail (as applicable to the development):

- (a) Footings of the proposed structure/s

(b) Structural steel wall frames, roof framing members, beams, columns, bearers, joists and wall/roof bracing and

(c) Retaining walls greater than 600mm in height

12. Council must be informed of the following, no later than two days prior to works commencing:

- Name and details of the Principal Certifier ([Form 214](#) to be submitted if Council is the Principal Certifier) and
- Date construction work is proposed to commence ([Form 131](#) to be submitted).

If Council is the Principal Certifier the above forms must be lodged the NSW Planning Portal.

13. A garbage receptacle must be provided at the work site before works commence and must be maintained until the works are completed.

The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

14. Run-off and erosion control measures must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties and
- (c) preventing the tracking of sediment by vehicles onto roads and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

15. A sign must be erected in a prominent position on the site which indicates:

- (a) the name, address and telephone number of the Principal Certifier for the work, and
- (b) the name and after-hours contact phone number of the principal contractor (if any) for any building work, and
- (c) unauthorised entry to the site is prohibited.

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

16. Hoarding or temporary construction site fence must be erected between the site and adjoining properties, if the works:

- (a) could cause a danger, obstruction or inconvenience to the public, pedestrian and/or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

The hoarding or temporary construction site fence must be erected before works commence and be removed immediately after the work in relation to which it was erected has finished, if no safety issue will arise from its removal.

17. Toilet facilities must be available or provided at the work site before works commence and must be maintained until the works are completed.

The toilets must be provided in accordance with the following:

- (a) at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site and
- (b) be a standard flushing toilet connected to a public sewer or
- (c) be connected to an on-site effluent disposal system approved under the *Local Government Act 1993* or
- (d) be a temporary chemical closet approved under the *Local Government Act 1993*.

18. The building/s must be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries.

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

19. Any contractor undertaking works in an existing Council road reserve must submit the following details to Council, no later than three days prior to work commencing:

- A current public liability certificate with a minimum cover of \$20 million
- Current plant / vehicle insurances
- A certified traffic control plan for the proposed works

20. In accordance with the *Plumbing and Drainage Act 2011*, each plumber and drainer that works on the development must submit to Council a Notice of Work (Form 11) notifying Council of their intention to carry out works.

The minimum amount of notice under this Act is two business days.

Part C While building works are being carried out

Environmental Heritage

21. If an Archaeology object is discovered during the course of work:

- (a) All work must stop immediately and
- (b) The *Department of Planning, Industry and Environment* must be advised of the discovery.

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

22. If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of work:

- (a) All must stop immediately and

- (b) The *Department of Planning, Industry and Environment* must be advised of the discovery in accordance with s.89A *National Parks and Wildlife Act 1974*.

Depending on the nature of the discovery, an Aboriginal Heritage Impact Permit issued under the *National Parks and Wildlife Act 1974*, may be required before work can continue.

Earthworks, Internal Driveways and Importation of Material

23. Earthworks, internal driveways and the importation of associated material is restricted to that which can be undertaken as exempt development under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, unless otherwise approved by a condition of this consent or the stamped approved plans.
24. Any earthworks, including any structural support or other related structure for the purposes of the development:
- (a) must not cause danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property and
 - (c) that is fill brought to the site - must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997* and
 - (d) that is excavated soil to be removed from the site - must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
25. Any excavation must be carried out in accordance with Safe Work Australia's *Excavation Work: Code of Practice*, published 26 October 2018.
26. The internal driveway must be constructed as follows, unless otherwise approved by Council in writing:
- (a) Minimum pavement width - 3 metres
 - (b) Maximum pavement width - 4.5 metres
 - (c) Maximum height - 300mm above existing ground levels.
27. Material imported to the site must be suitable for the proposed application and be:
- (a) Sourced from a suitably licensed facility (i.e. landscaping supplies or quarry operation) or
 - (b) VENM as defined in the *Protection of the Environment Operations Act 1997*.
- Documentation demonstrating compliance with this condition must be provided to Council upon request.
28. Heavy vehicle movements associated with the delivery of material to the site are restricted as follows:
- (a) A maximum of 6 movements per day (1 movement = in and out of the site)
 - (b) No movements on weekends or public holidays
 - (c) Movements must occur between 7am and 6pm.

Inspections

To arrange a building or plumbing inspection with Council please use the on-line booking system on Council's website: yassvalley.nsw.gov.au > Our Services > Planning and Building > Certification and Inspections > Inspections.

29. The footing system supporting the manufactured home (i.e. footings or sole plates) shall be inspected prior to pouring concrete or concealing by:

- The Yass Valley Council; or
- A suitably qualified and experienced structural engineer.

Written certification is to be submitted to Council where the inspection is carried out by a suitably qualified and experienced structural engineer.

30. As the local plumbing and drainage regulator Council must undertake inspections at the following stages of construction:

Inspection	Hold Point
(a) All internal sanitary drainage	Prior to backfill
(b) All external sanitary drainage	Prior to backfill
(c) Subsurface land application area and/or surface drip line	Prior to backfill or covering
(d) Inspection prior to use of the system	At point of commissioning of the system
(e) At the completion of all plumbing and drainage works	Prior to occupation of the structure

31. As the local road authority Council must undertake inspections at the following stages of construction:

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

32. Upon inspection of each stage of construction, the Principal Certifier is required to ensure that adequate provisions are made for the following measures (as applicable):

- (a) Run-off and erosion control
- (b) Provision of perimeter fence, hoarding or temporary construction site fence for public safety and restricted access to building sites
- (c) Maintenance of the public place free from any unauthorised materials, waste containers or other obstructions.

Construction

33. Work must be carried out in accordance with the plans and specifications to which the consent relates.

34. All building work must be carried out in accordance with the provisions of the NCC/BCA and all relevant Australian Standards.
35. Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday. No construction is to be carried out at any time on a Sunday or a public holiday.
36. All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
37. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and disposed of at a waste management facility.
- Copies of receipts relating to the disposal of waste at a licensed waste management facility must be submitted to Council upon request.
38. Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
39. During construction:
- (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
40. At the completion of the works, the work site must be left clear of waste and debris.

Solid Fuel Heater

41. The solid fuel heater must be installed by a suitably licensed and/or experienced tradesman.
42. The solid fuel heater must be installed in strict accordance with the manufacturer's specifications, including safety clearances and flue installation as required by *AS 2918:2018 Domestic Solid Fuel Burning Appliances – Installation*.
43. The solid fuel heater must be installed on a non-combustible hearth in accordance with the NCC/BCA, or as specified by the manufacturer.
44. Consideration must be given to the proximity of window coverings. These must be restrained while the heater is in use to ensure minimum clearances are achieved.

Plumbing and Drainage

45. All plumbing and drainage work must comply with the provisions of the following:
- *Plumbing and Drainage Act 2011*
 - *Plumbing and Drainage Regulation 2012*
 - Plumbing Code of Australia
 - *AS/NZS 3500:2018 Plumbing and Drainage*
46. The *Plumbing and Drainage Act 2011* requires each plumber and drainer that works on the development to submit the following information to Council:
- Notice of Work (NoW)

- Sewer Service Diagram (SSD)
- Certificate of Compliance (CoC).

Stormwater Drainage

47. Stormwater drainage work must comply with *AS/NZS 3500.3:2018 Plumbing and Drainage - Stormwater Drainage*.
48. Stormwater collected from the development must not cause nuisance to adjoining landowners.
49. Where up-stream surface water flows through the lot the development must not redirect or divert this water in such a manner that would intensify flows onto adjoining properties.

On-Site Sewage Management Facility - Aerated Waste Treatment System

50. The Aerated Wastewater Treatment System (AWTS) and effluent irrigation area/s must be installed and maintained in strict accordance with the following:
- On-Site Effluent Disposal report prepared by Franklin Consulting Australia Pty Limited – 04 February 2020
 - NSW Health Certificate of Accreditation
51. The system must be located in accordance with the following minimum distances:
- 3 metres from any building
 - 3 metres from any property boundary
 - 10 metres downstream from any in-ground rainwater storage tank
 - 3 metres downstream from any above-ground rainwater storage tank
52. Effluent irrigation area/s must be located in accordance with the approved on-site effluent disposal report.
53. There must be no irrigation water runoff from the site to adjoining properties.
54. The first land application line outlet must be a minimum of 15 metres from any building or rainwater storage tank.
55. All irrigation pipe work and fittings must comply with *AS 2698 Plastic pipes and fittings for irrigation and rural applications*. Standard household hose fittings must not be used and the irrigation system must not be capable of connection to the mains water supply.
56. Main irrigation lines must be 100mm below ground and mulched. Feeder lines can be above ground.
57. Spray irrigation must only use low pressure, low volume spray heads which are not capable of producing aerosols. The spray must have a plume height of less than 400mm and a plume radius of not more than 2 metres.
58. The AWTS and effluent irrigation area/s must be protected from vehicle and stock damage.
59. Two warning signs must be erected within the effluent irrigation area which contain the words: *Reclaimed Effluent, Not for Drinking, Avoid Contact*, on a green background.

60. The owner/occupier must enter into an annual service contract with an appropriately qualified service technician, requiring quarterly servicing of the AWTs. A report must be submitted to Council detailing results of each service.
61. Pipes, taps and valves used for the distribution of reclaimed or recycled water must comply with the following:
- (a) Pipes must be permanently and clearly marked with six longitudinal stripes, not less than 2mm in width and equally spaced around the periphery. The stripes must be P23 lilac in accordance with AS 2700 *Colour standards for general purposes*.

Alternatively, the whole external surface of the pipe and/or fitting must be permanently coloured P23 lilac. The colour may be integral or achieved by sleeving or coating at the time of installation.
 - (b) Pipes must be clearly marked, at intervals not exceeding 1m, with contrasting coloured wording, which states: *RECLAIMED/RECYCLED WATER – CAUTION. NOT FOR DRINKING*.
 - (c) All underground and aboveground water valves and hose taps must be P23 lilac in colour and clearly marked with a metallic sign which states: *WATER NOT SUITABLE FOR DRINKING*.

Manufactured Home

62. The proposed manufactured home must be designed, constructed and installed in accordance with the requirements of Division 4 (clauses 133–136 excepted) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Part D Before the occupation or use of the manufactured home

63. Prior to the issue of a Final Letter of Occupation, an application for a Final Letter of Occupation must be lodged with Yass Valley Council.
64. Certificates of Compliance for contractor's work must be submitted to Council.
- Where Council is nominated as the Principal Certifier, certificates are required for the following work, as applicable to the development:
- Air conditioning
 - Electrical
 - Framing (timber or metal)
 - Gas fitting
 - Glazing (windows, doors, shower screens)
 - Insulation
 - Photovoltaic electricity generating system
 - Plumbing/drainage
 - Refrigeration systems
 - Smoke alarms
 - Solid fuel heater
 - Stormwater
 - Structural adequacy

- Swimming pool, pump and filtration system
- Termite protection system
- Waterproofing
- Other work as relevant to the development.

Certificates must contain the following information:

- (a) name, address, licence/registration number, qualifications, professional memberships and insurance details of the individual issuing the certificate
- (b) development consent number to which the work relates
- (c) address of the land on which the development is being carried out
- (d) date of issue of the certificate
- (e) date and time of inspection of work
- (f) description of the inspection of work
- (g) Australian Standards or codes to which the certificate relates.

65. Any damage caused to Council owned infrastructure or property must be repaired or replaced at no cost to Council.
66. An identification survey, prepared by a registered surveyor must be submitted indicating the location of the constructed development in relation to property boundaries, easements and building envelopes.
67. Compliance plates as specified in clause 159 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 must be attached to an accessible part of the manufactured home.
68. Written notice of the installation of the manufactured home shall be submitted to Council within 7 days of completion of the installation.

The notice must:

- (a) Indicate the address of the allotment on which the manufactured home has been installed and the development consent number;
 - (b) Include the particulars contained on each compliance plate relating to the manufactured home;
 - (c) Be accompanied by a copy of the engineer's certificate for the manufactured home or associated structure;
69. A commissioning/installation certificate must be submitted to Council verifying that the installed Onsite Sewage Management System has been installed in accordance with the manufacturer's specifications and the relevant approved On-Site Effluent Disposal report.
70. Potable water supply storage must be provided on site to the following minimum standard:
- 45,000 litres for houses less than 150m²
 - 90,000 litres for houses in excess of 150m².

Above ground tanks must provide for the refilling of fire tankers by the installation of a "Storz" fitting with a gate valve, at the base of the tank. The house service may branch off this outlet.

Underground tanks must include an access hole at least 150mm diameter.

71. The property vehicular access from the road to the property boundary must be constructed in accordance with Council's Road Standards Policy RD-POL-09.

Advisory Notes Accompanying Development Consent DA210162

1. This consent has been granted under Clause 2.3 of *Yass Valley Local Environmental Plan 2013*.
2. All fees and charges associated with this consent will be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region.
3. This development consent does not guarantee compliance with land specific agreements, by-laws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the land owner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved.
4. The applicant must ensure all sub-contractors are licensed by the NSW Department of Fair Trading.
5. All persons undertaking work in connection with this consent must ensure all required risk control measures and procedures are complied with.

The *Work Health and Safety Act 2011*, the *Work Health and Safety Regulation 2011* and various Australian Standards provide a comprehensive set of risk control measures and procedures for development sites. This legislation is administered by WorkCover New South Wales which has produced a variety of guidelines and other supporting documents for the information of developers.

DA210168 – DRAFT CONDITIONS (STORAGE SHED) – 30 MONTEM STREET

Part A	General Conditions
72.	Consent is granted generally in accordance with the plans and details submitted to Yass Valley Council (Council) with the Development Application. The plans and details have been stamped and attached to this consent. The development must be carried out in accordance with the stamped plans or as modified by these conditions.
73.	<p>Work must not commence until a Construction Certificate has been issued.</p> <p>The conditions in Part B of this consent must be satisfied before a Construction Certificate can be issued.</p> <p>If Council is the Principal Certifier the Construction Certificate application must be lodged on the NSW Planning Portal.</p> <p>The Construction Certificate certifies that work completed in accordance with approved plans, specifications and/or standards will comply with the relevant requirements of the following:</p> <ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i> • <i>Environmental Planning and Regulation 2000 (EP&A Regulation)</i> • National Construction Code/Building Code of Australia (NCC/BCA) • Council policies
74.	This approval relates only to the development referred to in the Development Application and does not approve or accept any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior approval.
75.	The capacity and effectiveness of runoff and erosion control measures, including techniques to suppress dust and the tracking of sediment onto existing sealed roads, must be maintained at all times to the satisfaction of Council.
76.	All adjustments to existing utility services, whether caused directly or indirectly by the approved development, must be undertaken at no cost to Council.
77.	The shed must not at any time be used for residential, commercial or industrial purposes, unless a separate development consent is obtained from Council.
78.	<p>Colours and external materials must be compatible with those of existing development in the locality.</p> <p>Zincalume is not permitted to be used for roof or wall panels.</p>
79.	<p>All engineering design and construction work must be undertaken in accordance with the following, current at the time:</p> <ul style="list-style-type: none"> • Council's Road Standards Policy RD-POL-09 • Council's Design and Construction Specification – AUS-SPEC #1 • Australian Standards.

Part B Before the issue of a Construction Certificate

80. An Application for a Construction Certificate must be lodged with the Principal Certifier.

If Council is the Principal Certifier the application must be lodged on the NSW Planning Portal.

81. In accordance with s.7.12 EP&A Act and the Yass Valley Development Contributions Plan 2018, a monetary contribution must be paid to Council if the proposed cost of carrying out the development exceeds \$100,000.

The cost of carrying out development is to be determined by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following (as applicable to the development):

- Materials and labour required for the erection of building/s
- Materials and labour for the internal fit out of all buildings
- Demolition works
- Excavation and site preparation including earthworks for access construction
- Driveway construction/upgrade
- Water, sewer and stormwater infrastructure

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

Proposed cost of carrying out the development	Contribution Rate
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5% of that cost
More than \$200,000	1% of that cost

The contribution plan may be viewed on Council's website or at the Council Office, located at 209 Cornur Street, Yass.

82. A quote or invoice, prepared by a suitably qualified builder or quantity surveyor, detailing the total cost of labour and materials involved in the approved development must be submitted to Council.

The cost of carrying out development is to be determined by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following (as applicable to the development):

- Materials and labour required for the erection of building/s
- Materials and labour for the internal fit out of all buildings
- Demolition works
- Excavation and site preparation including earthworks for access construction
- Driveway construction/upgrade
- Water, sewer and stormwater infrastructure

If the total cost of works exceeds the amount specified in the Development Application, additional fees must be paid to Council.

83. The following information is required to be submitted to the Principal Certifier:

Cost of works	Required information
Up to and including \$10,000	Licensed contractor's details or Owner builder declaration
More than \$10,000	Licensed contractor's details or Owner builder permit
More than \$20,000	Certificate of Insurance under the Home Building Compensation Fund (organised with licensed contractor) or Owner Builder Permit

Part C Before the commencement of building works

84. Council must be informed of the following, no later than two days prior to works commencing:

- Name and details of the Principal Certifier ([Form 214](#) to be submitted if Council is the Principal Certifier) and
- Date construction work is proposed to commence ([Form 131](#) to be submitted).

If Council is the Principal Certifier the above forms must be lodged with your Construction Certificate application on the NSW Planning Portal.

85. A garbage receptacle must be provided at the work site before works commence and must be maintained until the works are completed.

The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

86. Run-off and erosion control measures must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land by:

- (e) diverting uncontaminated run-off around cleared or disturbed areas and
- (f) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties and
- (g) preventing the tracking of sediment by vehicles onto roads and
- (h) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

87. A sign must be erected in a prominent position on the site which indicates:

- (d) the name, address and telephone number of the Principal Certifier for the work, and
- (e) the name and after-hours contact phone number of the principal contractor (if any) for any building work, and
- (f) unauthorised entry to the site is prohibited.

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

88. Hoarding or temporary construction site fence must be erected between the site and adjoining properties, if the works:

- (d) could cause a danger, obstruction or inconvenience to the public, pedestrian and/or vehicular traffic, or
- (e) could cause damage to adjoining lands by falling objects, or
- (f) involve the enclosure of a public place or part of a public place.

The hoarding or temporary construction site fence must be erected before works commence and be removed immediately after the work in relation to which it was erected has finished, if no safety issue will arise from its removal.

89. Toilet facilities must be available or provided at the work site before works commence and must be maintained until the works are completed.

The toilets must be provided in accordance with the following:

- (e) at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site and
- (f) be a standard flushing toilet connected to a public sewer or
- (g) be connected to an on-site effluent disposal system approved under the *Local Government Act 1993* or
- (h) be a temporary chemical closet approved under the *Local Government Act 1993*.

90. The building/s must be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries.

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

91. Any contractor undertaking works in an existing Council road reserve must submit the following details to Council, no later than three days prior to work commencing:

- A current public liability certificate with a minimum cover of \$20 million
- Current plant / vehicle insurances
- A certified traffic control plan for the proposed works

92. In accordance with the *Plumbing and Drainage Act 2011*, each plumber and drainer that works on the development must submit to Council a Notice of Work (Form 11) notifying Council of their intention to carry out works.

The minimum amount of notice under this Act is two business days.

Part D While building works are being carried out

Environmental Heritage

93. If an Archaeology object is discovered during the course of work:

- (c) All work must stop immediately and
- (d) The *Department of Planning, Industry and Environment* must be advised of the discovery.

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

94. If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of work:

- (c) All must stop immediately and
- (d) The *Department of Planning, Industry and Environment* must be advised of the discovery in accordance with s.89A *National Parks and Wildlife Act 1974*.

Depending on the nature of the discovery, an Aboriginal Heritage Impact Permit issued under the *National Parks and Wildlife Act 1974*, may be required before work can continue.

Earthworks, Internal Driveways and Importation of Material

95. Earthworks, internal driveways and the importation of associated material is restricted to that which can be undertaken as exempt development under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, unless otherwise approved by a condition of this consent or the stamped approved plans.

96. Any earthworks, including any structural support or other related structure for the purposes of the development:

- (e) must not cause danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot and
- (f) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property and
- (g) that is fill brought to the site - must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997* and
- (h) that is excavated soil to be removed from the site - must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

97. Any excavation must be carried out in accordance with Safe Work Australia's *Excavation Work: Code of Practice*, published 26 October 2018.

Inspections

To arrange a building or plumbing inspection with Council please use the on-line booking system on Council's website: yassvalley.nsw.gov.au > [Our Services](#) > [Planning and Building](#) > [Certification and Inspections](#) > [Inspections](#).

98. Critical stage inspections must be carried out by the Principal Certifier, as required by s.162A of the EP&A Regulation.

If Council is nominated as the Principal Certifier, inspections must be undertaken at the following stages of construction (as applicable to the development):

Inspection	Hold Point
------------	------------

(a) After excavation of footings	Prior to pouring concrete, after placement of erosion and sediment control measures, on-site toilet and signage
(b) Floor slab	Prior to pouring concrete
(c) Frame/Pre-sheet	Prior to placing internal sheeting, after all internal services including water plumbing and electrical are installed and external cladding has been fixed
(d) Stormwater	Prior to backfilling or covering pipes and connections to services
(e) Final	All works relating to the proposed development are complete and all conditions of development consent are complied with.

99. As the local road authority Council must undertake inspections at the following stages of construction:

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

100. Upon inspection of each stage of construction, the Principal Certifier is required to ensure that adequate provisions are made for the following measures (as applicable):

- (d) Run-off and erosion control
- (e) Provision of perimeter fence, hoarding or temporary construction site fence for public safety and restricted access to building sites
- (f) Maintenance of the public place free from any unauthorised materials, waste containers or other obstructions.

101. Roof truss and wall bracing details are to be supplied to the Principal Certifier prior to frame inspection.

Construction

102. Work must be carried out in accordance with the plans and specifications to which the consent relates.
103. All building work must be carried out in accordance with the provisions of the NCC/BCA and all relevant Australian Standards.
104. Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday. No construction is to be carried out at any time on a Sunday or a public holiday.
105. All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
106. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and disposed of at a waste management facility.

Copies of receipts relating to the disposal of waste at a licensed waste management facility must be submitted to Council upon request.

107. Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
108. During construction:
- (c) all vehicles entering or leaving the site must have their loads covered, and
 - (d) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
109. At the completion of the works, the work site must be left clear of waste and debris.

Plumbing and Drainage

110. All plumbing and drainage work must comply with the provisions of the following:
- *Plumbing and Drainage Act 2011*
 - *Plumbing and Drainage Regulation 2012*
 - Plumbing Code of Australia
 - AS/NZS 3500:2018 Plumbing and Drainage
111. The *Plumbing and Drainage Act 2011* requires each plumber and drainer that works on the development to submit the following information to Council:
- Notice of Work (NoW)
 - Sewer Service Diagram (SSD)
 - Certificate of Compliance (CoC).

Stormwater Drainage

112. Stormwater drainage work must comply with *AS/NZS 3500.3:2018 Plumbing and Drainage - Stormwater Drainage*.
113. Stormwater collected from the development must not cause nuisance to adjoining landowners.
114. Where up-stream surface water flows through the lot the development must not redirect or divert this water in such a manner that would intensify flows onto adjoining properties.

Part E Before the issue of an Occupation Certificate

115. An Application for an Occupation Certificate must be lodged with the Principal Certifier.
- If Council is the Principal Certifier the application must be lodged on the NSW Planning Portal.
116. The relevant parts of [s. 6.10](#) of the EP&A Act must be satisfied, including:
- (a) a Construction Certificate has been issued for this development
 - (b) all conditions in this part of the consent have been complied with

- (c) the completed building is suitable for occupation or use in accordance with its classification under the NCC/BCA.

117. In accordance with [s.154](#) of the EP&A Regulation, an Occupation Certificate authorising a person to commence occupation or use of part of a building, must not be issued unless the building will not constitute a hazard to the health or safety of the occupants of the building.

118. Certificates of Compliance for contractor's work must be submitted to the Principal Certifier.

Where Council is nominated as the Principal Certifier, certificates are required for the following work, as applicable to the development:

- Air conditioning
- Electrical
- Framing (timber or metal)
- Gas fitting
- Glazing (windows, doors, shower screens)
- Insulation
- Photovoltaic electricity generating system
- Plumbing/drainage
- Refrigeration systems
- Smoke alarms
- Solid fuel heater
- Stormwater
- Structural adequacy
- Swimming pool, pump and filtration system
- Termite protection system
- Waterproofing
- Other work as relevant to the development.

Certificates must contain the following information:

- (h) name, address, licence/registration number, qualifications, professional memberships and insurance details of the individual issuing the certificate
 - (i) development consent number to which the work relates
 - (j) address of the land on which the development is being carried out
 - (k) date of issue of the certificate
 - (l) date and time of inspection of work
 - (m) description of the inspection of work
 - (n) Australian Standards or codes to which the certificate relates.
119. Any damage caused to Council owned infrastructure or property must be repaired or replaced at no cost to Council.
120. The property vehicular access from the road to the property boundary must be constructed in accordance with Council's [Road Standards Policy RD-POL-09](#).

Advisory Notes Accompanying Development Consent DA210168

6. This consent has been granted under Clause 2.3 of *Yass Valley Local Environmental Plan 2013*.

7. All fees and charges associated with this consent will be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region.
8. This development consent does not guarantee compliance with land specific agreements, by-laws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the land owner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved.
9. The applicant must ensure all sub-contractors are licensed by the NSW Department of Fair Trading.
10. All persons undertaking work in connection with this consent must ensure all required risk control measures and procedures are complied with.

The *Work Health and Safety Act 2011*, the *Work Health and Safety Regulation 2011* and various Australian Standards provide a comprehensive set of risk control measures and procedures for development sites. This legislation is administered by WorkCover New South Wales which has produced a variety of guidelines and other supporting documents for the information of developers.

6.4 RE-ESTABLISHMENT OF ALCOHOL FREE ZONE

SUMMARY

The *Local Government Act 1993* permits Council to establish an Alcohol Free Zone (AFZ). The last AFZ was established in March 2016 and expired in March 2020. It is recommended the AFZ be re-established in the Yass mainstreet.

RECOMMENDATION

That:

1. *The proposed Yass Alcohol Free Zone be placed on public exhibition in accordance with the Local Government Act 1993 and Ministerial Guidelines on Alcohol Free Zones;*
2. *If no significant objections to the proposal are received, the Yass Alcohol Free Zone be established for a four year period as per the map in Attachment A.*

FINANCIAL IMPLICATIONS

Cost of 20 new signs (approximately \$1,000).

POLICY & LEGISLATION

- *Local Government Act 1993*
- Ministerial Guidelines on Alcohol Free Zones (February 2009)
- Community Engagement Strategy

REPORT

Section 644(1) *Local Government Act 1993* allows Council to prepare a proposal for an Alcohol Free Zone (AFZ) and public consultation must occur in accordance with the Act and Ministerial Guidelines.

The last AFZ was re-established in March 2016 and expired on 9 March 2020. It is proposed that the AFZ be re-established on the same basis as the previous one for a maximum of 4 years under the Act. **Attachment A** shows the location of the proposed AFZ. Originally the AFZ establishment was instigated through community concerns over anti-social and irresponsible behaviour from the consumption of alcohol in the mainstreet.

The AFZ prohibits the drinking of alcohol on public roads, footpath and in identified car parking areas and allows the NSW Police to confiscate and dispose of alcohol being consumed in the area. NSW Police feedback has been supportive of the zone which assists them in maintaining safety and an appropriate behaviour in the area.

The *Local Government Act 1993* also includes provision for the suspension or cancellation of the operation of an AFZ.

An AFZ must be placed on public exhibition and notice given to all licenced premises in the mainstreet area, Onewal Local Aboriginal Land Council, State Aboriginal Land Council and the NSW Police along with a public notice.

It is recommended that the re-establishment of the AFZ be placed on public exhibition and adopted if there are no significant objections received.

STRATEGIC DIRECTION

Key Pillar	3.	Our Community
CSP Strategy	CO3 -	Foster and encourage positive social behaviours to maintain our safe, healthy, and connected community
Delivery Program Action	CO3.4 -	Develop a Crime Prevention Plan
Operational Plan Activity	CO3.4.1 -	

ATTACHMENTS: A. Proposed Yass AFZ [↓](#)

6.4 Re-Establishment of Alcohol Free Zone Attachment A Proposed Yass AFZ



yass valley council
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 SS 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 damages) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.
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Drawn By: Julie Rogers

Projection: GDA94 / MGA zone 55

Date: 6/08/2021 2:51 PM

Map Scale: 1:5608 at A4

7.1 RIVERBANK PARK ADVENTURE PLAYGROUND - CONCEPT PLANS

SUMMARY

The purpose of this report is to seek approval for the public exhibition the two concept designs for the Riverbank Park adventure playground.

RECOMMENDATION

That the draft concept designs be placed on public exhibition, evaluated for preferred option and reported back to Council for adoption

FINANCIAL IMPLICATIONS

Funding has been provided under the NSW Public Spaces Legacy Program to develop a design for the new adventure playground at Riverbank Park and included in the FY2021/22 Operational Plan and identified for inclusion in the FY2022/23 Operational Plan.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Background

Council has secured funding of \$1,784,700 under the NSW Public Spaces Legacy Program to redevelopment the current playground site at Riverbank Park. The NSW Public Spaces Legacy Program is a State Government initiative that will fund new and improved high-quality public open spaces to ensure a legacy well beyond the COVID-19 economic recovery period by contributing to the health, wellbeing and economic growth of our community.

Stage One of the project involves Council developing concept plans to release to the community for feedback on a preferred option. The draft designs will incorporate the following:

- Adventure Playground (including a flying fox)
- Amenities Block (Toilets)
- Passive open space area
- BBQ facilities (to remain in existing location)
- Fitness Station (can be relocated)
- Internal access roads, pedestrian paths,
- Fencing, seating, waste receptacles
- Lighting
- Irrigation
- Signs (identification, directional)

2. Concept Plans

GroupGSA Pty Ltd was engaged to develop the concept designs for the Riverbank Park Playspace. An onsite meeting between Council staff and the consultants gave a clear understanding of the history of the location, the opportunities and constraints of the area and also feedback from previous community consultation of desired equipment.

Both concepts include a thematic approach (refer **Attachments A** and **B**) and incorporate all physical areas of the Riverbank Park playspace while offering a variety of activities to engage a broad age group.

The conceptual designs are suitable to be placed on public exhibition for the community to review and advise their preferred option. Additional commentary on the preferred design will be encouraged from the community as part of this process.

STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN4 -	Maintain and update existing community facilities, and support the development of new community infrastructure as needed
Delivery Program Action	IN4.1 -	Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner
Operational Plan Activity	IN4.1.1 -	Maintenance of sporting fields and playgrounds in accordance with user group needs

ATTACHMENTS:

- A. Concept Plan One - Where the Wild Things Are [↓](#)
- B. Concept Plan Two - A River Runs Through It [↓](#)

7.1 Riverbank Park Adventure Playground - Concept Plans
Attachment A Concept Plan One - Where the Wild Things Are



7.1 Riverbank Park Adventure Playground - Concept Plans
Attachment B Concept Plan Two - A River Runs Through It



7.2 TESLA ELECTRIC VEHICLE CHARGING STATION LOCATION

SUMMARY

This report provided a follow up to the 28 July 2021 Council Report seeking a location on Council land for the provision of a Tesla Supercharger Electric Vehicle charging station.

RECOMMENDATION

That:

1. *The Tesla Supercharger proposal for 6 carparks in the Yass Park and Ride (Option 3) be supported*
2. *The General Manager be approved to execute the licence agreements*

FINANCIAL IMPLICATIONS

This proposal requires no upfront capital or investment from Council for the charger infrastructure or installation at the proposed sites.

The proposal is drafted as such that the cost of electricity for charging are born by the provider and not Council.

Negotiations for the licence will seek to include profit or revenue sharing options after an initial 5 year free period as Council's contribution to the establishment of electric vehicle charging infrastructure in the region.

POLICY & LEGISLATION

- *Local Government Act 1993*
- Leasing of Council Property
- Environmental Sustainability Policy

REPORT

1. Previous resolution

In July 2021, Council considered options from Tesla and Evie to install high speed electric vehicle charging points in the Yass Valley. Council requested alternate options for the locations proposed for both companies. Evie has made no further representations to Council since being advised of the requirement to find an additional location. Tesla remains committed to finding a suitable location in Yass for their Supercharger network and has worked with Council staff to identify alternate locations that may be suitable for both parties.

2. Alternate locations

Due to limitations on carparks, both on street and off street, and the availability of private land close to amenities, playgrounds and shops, the options for Supercharger site in Yass are limited. The three options presented all rely on the installation of a new transformer on Lead Street to enable sufficient power for the Tesla Superchargers. The following options are available on Lead Street:

- **Option 1**
On Street parking at front of Park & Ride on Lead Street (6 bays plus space for the cabinets and switchboard usually an additional 5-6m²), this would also require a change to the parking to reverse angle parking
- **Option 2**
Lead Street Parking, near the Atherfield Medical Clinic (6 bays plus space for supporting cabinets) in the central area of the carpark

- **Option 3**
Parking inside Park & Ride (6 bays plus space for the supporting cabinets) in the current identified parking area to the east of the site near the disabled parking bays

3. Licence Arrangements

Tesla are seeking 5 plus 5 licence arrangements for the installation of their infrastructure. As Council is committed to developing sustainable services, the provision of a 5 year free allocation followed by an agreed commercial arrangement based on profit or revenue sharing will support this development. The licence will provide use of the Council parking areas which will be signed posted for electric vehicles only for the duration of the licence period.

STRATEGIC DIRECTION

Key Pillar	2.	Our Economy
CSP Strategy	EC1 -	Capitalise on the region's close proximity to Canberra and its position as a convenient location to attract industry and investment
Delivery Program Action	EC1.2 -	Enhance and promote the Yass Valley brand to drive positive economic activity
Operational Plan Activity	EC1.2.1	-Work with the Department of Regional NSW to identify potential business for relocation or presence in the Yass Valley LGA

ATTACHMENTS: Nil

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

SUMMARY

The Yass Water Treatment Plant Upgrade Project is an important and challenging project for the Yass Valley Council. Council requested bimonthly update reports be provided on the project. This report is the fourth update.

RECOMMENDATION

That the update report and work completed on the Water Treatment Plant Upgrade Project be noted

FINANCIAL IMPLICATIONS

Final approval of the Stage 1 Grant for \$2.543m is still outstanding. Long lead time items have been tendered to reduce the timeframe for procurement once the funding deed is agreed.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Background

The upgrade of the Yass Water Treatment Plant is being progressed in three stages:

1. Early Works package including: installation of bubble plume aeration at Yass Dam, upgrade of Raw Water Pump Station, and urgent works at Yass Water Treatment Plant
2. Major treatment plant upgrades
3. Rehabilitation of selected existing treatment plant process units

2. Progress to date

2.1 Stage 1 Design and Business Case Preparation

- Risk assessments, review of information, objective setting, investigations and design basis confirmation were completed for the three packages – Plume Aeration, Variable Speed Raw Water Pump Controller and Urgent upgrades to the existing WTP. Scope statements were prepared for each package including preliminary cost estimates and were shared with DPIE (Water) for comments. Discussions were held on 14 April 2021 on the technical details of the plume aeration. Design basis for the three packages were finalised.
- Quotation documents for long lead-time items namely main switchboard at Raw Water Pump Station, chemical dosing equipment, water quality monitoring equipment and compressor for dam aeration were completed. Quotations were sourced from specialised suppliers and are under evaluation. There are emerging pandemic related risks to supply chain of specialised equipment from overseas.
- Tender documents for the civil works and electrical/mechanical works will be completed by the end of September 2021.

2.2 Peer Review

City Water Technology (CWT) was engaged by Council to undertake a peer review. The Peer Review process is now complete and was reported in July 2021 Council Report.

2.3 Consultation with DPIE (Water)

- Updates have been regularly provided to DPIE (Water) technical team. Feedback was received on the 'Peer Review Scope' and has been provide to Peer Reviewer.
- Scope statements for each of the packages to be delivered as part of Stage 1 have been sent to DPIE (Water) for comment and included in the development of the packages.
- DPIE (Water) technical team provided support to the discussion with HAF.
- Council provided the draft Peer Review Report for Stage 2 to DPIE (Water) and other stakeholders for their comments on 14 May 2021. Comments from DPIE (Water) were received on 18 June 2021. There is still a significant departure between the recommendations of Hunter H2O and CWT (Peer Reviewer) and the position of DPIE (Water).
- The Business Case for Stage 1 was reviewed by HAF/DPIE and below is an excerpt of the comments by DPIE:

It is recommended that Council allow the Stage 1 works sufficient duration to demonstrate the expected improvements in removal of turbidity and manganese. Understanding the impact of the Stage 1 works may offer the opportunity to Council to further optimise Stage 2 with a view to reducing costs.

The Stage 1 works Business Case acknowledges that Stage 1 addresses key issues and will help to inform the medium-term Stage 2 and 3 works to provide a more robust treatment plant, suitable for longer-term operation and compliance with ADWG requirements. DPIE looks forward to working with Council and the design team as the Stage 2 design continues.

- Preparation of Detailed Design and Business Case for Stages 2 and 3 will progress based on Peer Review recommendation and in consultation with DPIE and NSW Health.
- The Mayor and GM met with the Minister for Water, Property and Housing to highlight concerns with the position taken by DPIE (Water) on 15 Sep 2021.

2.4 Funding Deed with Housing Acceleration Fund (HAF)

- a) Detailed Design and Business Case \$1.2M

The milestones for the Deed was amended as follows.

- Milestone 1 Stage 1 Business Case - June 2021 (Complete)
- Milestone 2 Peer Review Report - May 2021 (Complete)
- Milestone 3 Stage 2 & 3 Business Case - February 2022

- b) Stage 1 Construction (\$2.543M)

Business Case for grant funding of \$2.543M was accepted by Housing Acceleration Fund (HAF). Infrastructure NSW (INSW) is in the process of preparing funding deed.

2.5 Stage 2 – New Water Treatment Facilities

Design and business case development for Stage 2 works based on the recommendations of the Peer Reviewer will progress. The Stage 2 design will now consider the following processes:

- Contact tanks for oxidation and organic absorption
- Coagulation
- Clarification via Lamella Plate Clarifiers
- High rate dual media filters
- Side stream nanofiltration for softening
- Fluoridation

- Disinfection via UV treatment and Chlorine Gas

Evaluation of quantity and quality of reject water from proposed membrane softening and negotiations for land required for WTP extension are in progress.

2.6 Stage 3 – Rehabilitation of Existing Treatment Process Units

The Stage 3 design and business case tasks have not yet commenced and will recommence based on the recommendations of the Peer Reviewer.

3. Next Steps

- Complete the civil and electrical/mechanical tender packages for Stage 1 Construction
- Complete orders for long lead-time items for Stage 1 Construction
- Liaise with Infrastructure NSW to enter into a funding Deed of \$2.543M for Stage 1 Construction
- Progress with Stage 2 & 3 Concept Design, Detailed Design and Business Case

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	IN5.1.4 -	Carry-Out 'urgent' works at Yass Water Treatment Plant (WTP) to reduce the risks to water quality and supply (Stage 1)

ATTACHMENTS: Nil

8.1 INVESTMENT AND BORROWINGS REPORT - AUGUST 2021

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 August 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 August 2021 Investment Report be noted

FINANCIAL IMPLICATIONS

The investment portfolio assists with Council's cash flow and funding of 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 continues to hold the cash rate at 0.10%.

Global economic data showed solid recovery, indicating that activity is rebounding alongside restrictions and higher vaccination rates in major global economies. Industrial production data was solid and the underlying picture for consumer spending is sound, despite weaker reads on consumer confidence. However, Chinese activity is weakening, with investment, production, and retail sales data consistent with a declining pace of growth. Still, signs that China is gaining control of the recent COVID-19 Delta outbreak and the potential for more policy support, should contain the recent weakness.

Australian economic data provided initial evidence of the impact of the lockdowns in Greater Sydney, and other Australian cities and regions. Business and consumer confidence, and depressed readings on mobility, suggest that economic activity in the September quarter will fall sharply. The RBA is staying the course and expects the Australian economy to bounce back in the December quarter as restrictions are removed, although the potential for lockdowns to remain in place for much of 2021 suggest the risks to this forecast are skewed to the downside.

Source: TCorp Economic commentary – August 2021

Summary of Movements in Council Investments for the Month of August 2021

Opening Balance 1 August 2021		\$23,200,000
Less Investments redeemed:		\$6,000,000
NAB	\$2,000,000	
AMP	\$2,000,000	
CBA	\$2,000,000	
Plus Investments placed:		\$6,000,000
NAB	\$2,000,000	
AMP	\$2,000,000	
CBA	\$2,000,000	
Closing Balance 31 August 2021		\$23,200,000

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

Council Loans

Council has four loans with balance owing as of 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 monthly, 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
TOTAL LOANS	\$ 15,463,373	\$ 14,592,195			\$ 871,177	\$ 861,278

STRATEGIC DIRECTION

- Key Pillar 5. Our Civic Leadership
- CSP Strategy CL1 - Effect resourceful and respectful leadership and attentive representation of the community
- Delivery Program Action CL1.6 - Maximise Council's ability to generate income
- Operational Plan Activity CL1.6.3 - Review commercial activities to ensure Council is maximising returns

ATTACHMENTS: A. August 2021 - Investment Report [📄](#)

8.1 Investment and Borrowings Report - August 2021

Attachment A August 2021 - Investment Report

a) Council Investments as at 31 August, 2021

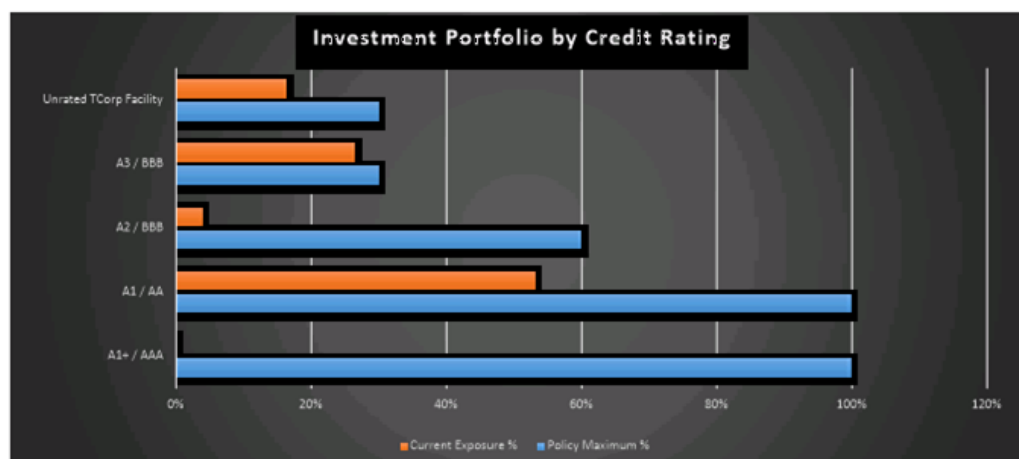
Investment Type	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
Cash Working Accounts						
NAB Working Account ¹	6,743,568.32	A1/AA	n/a	n/a	at call	0.25%
Tcorp Strategic Cash Facility ²	5,875,041.39	unrated	n/a	n/a	at call	0.65%
	12,618,609.71					
Term Deposits < 12 Months						
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	30/08/21	29/11/21	91	0.25%
BOQ	1,400,000.00	A2/BBB	03/12/20	30/09/21	301	0.50%
AMP	2,000,000.00	BBB+	05/08/21	05/07/22	334	0.75%
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	10/08/21	07/02/22	181	0.30%
	23,200,000.00					
Total Short Term	35,818,609.71					
Investment Property						
Hawthorn - Current Fair Value	4,350,000.00	Revalued March 2020				

1. The NAB account balance shown above includes deposits at month end not processed to Council's financial system and excludes cheques that have not been presented.

2. Tcorp Strategic Cash Facility is an allowable investment under the Ministerial Order.

b) Investment Exposure by Credit Rating Type

S&P Rating (or equivalent)	Policy Maximum %	Current Exposure %	Current Investment \$
A1+ / AAA	100%	0.00%	-
A1 / AA	100%	53.17%	19,043,568.32
A2 / BBB	60%	3.91%	1,400,000.00
A3 / BBB	30%	26.52%	9,500,000.00
Unrated TCorp Facility	30%	16.40%	5,875,041.39



c) Exposure to a Single Institution

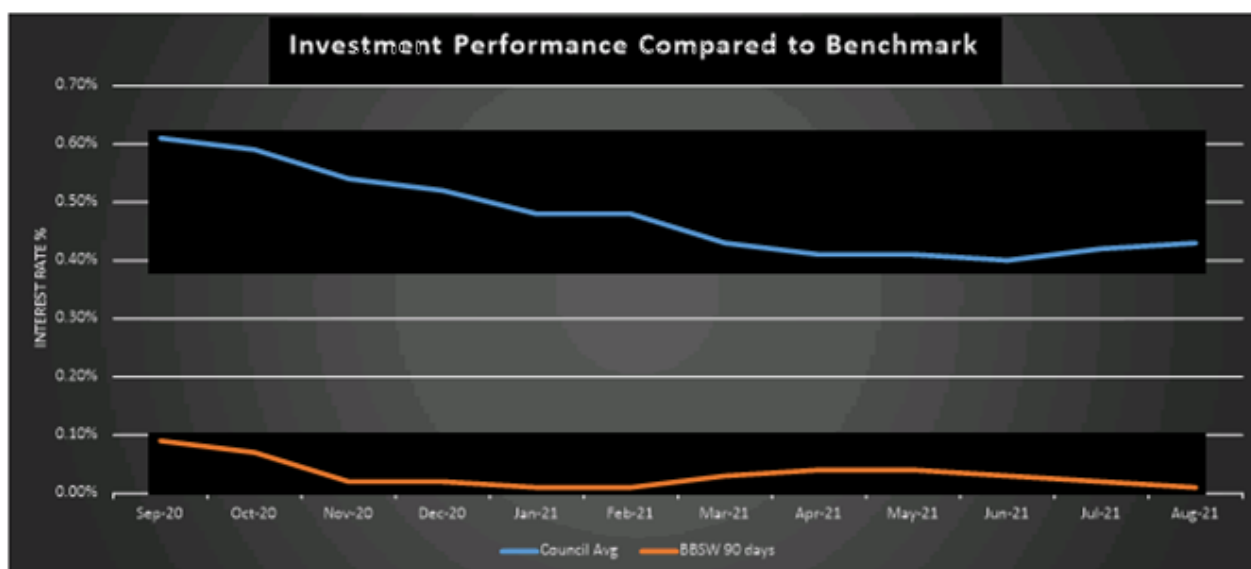
Institution	S&P Rating	Policy Maximum %	Current Exposure %	Current Investment \$
NAB	A1/AA	100%	31.95%	11,443,568.32
AMP	BBB	60%	13.96%	5,000,000.00
IMB	A3	30%	0.00%	-
CBA	A1/AA	100%	21.22%	7,600,000.00
BOQ	A2/BBB	60%	3.91%	1,400,000.00
Macquarie	BBB	60%	2.79%	1,000,000.00
ME	BBB	60%	5.58%	2,000,000.00
Bendigo	BBB	60%	4.19%	1,500,000.00
TCorp	unrated	30%	16.40%	5,875,041.39

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	0.43%	0.01%
3 month average	0.42%	0.02%
6 month average	0.42%	0.03%
12 month average	0.48%	0.03%



8.2 ENVIRONMENTAL UPGRADE FINANCE TRIAL

SUMMARY

The purpose of this report is for Council to consider a proposal to offer Environmental Upgrade Agreements (EUA) to business and building owners within the Yass Valley area, under a two-year trial period through Better Building Finance, since offering Environmental Upgrade Finance comes at no financial cost, risk or liability to Council.

RECOMMENDATION

That:

1. *The Environmental Upgrade Agreements within the Yass Valley local government area be supported*
2. *Better Building Finance be appointed to deliver streamlined Environmental Upgrade Agreements for a trial period of two years*
3. *The integration of Environmental Upgrade Agreements within Council's finance system be supported*
4. *Officers prepare a report to Council at the end of the two-year trial period on the performance of the Environmental Upgrade Agreements*

FINANCIAL IMPLICATIONS

Council is not a lender for any of the upgrade works and therefore will have no capital expenditure.

Better Building Finance will provide an accurate schedule of payments when an EUA is set up, to allow the Council's rates and finance team to program the charge notices for the lifetime of the loan.

REPORT

Introduction

Environmental Upgrade Finance is a type of loan, provided by a third-party lender such as Bank Australia or Credit Suisse, to fund environmental upgrades to a private property. At this time the finance mechanism is most commonly applied to commercial properties, but discussions are under way with the NSW Government to expand it to residential properties.

The loan is secured against the property by an Environmental Upgrade Charge raised against the land by Council and quarterly repayments are collected, just like Council rates, until the full amount has been paid off. Due to the security provided by the charge raised on the land, businesses can access finance and longer loan terms which may have otherwise been difficult to attain. The details of this loan are documented by an Environmental Upgrade Agreement (EUA).

This finance mechanism is specifically used to pay for works that improve the energy, water or environmental efficiency and overall sustainability of commercial and other buildings; a loan that is then repaid by the building owner alongside council rates over an agreed time.

The finance can be used for a range of projects such as installation of renewable energy systems, new equipment, or initiatives to improve energy and water efficiency, or projects that minimise waste, maximise resilience or improve resource efficiency; there just needs to be a measurable sustainability improvement over time, and councils do not pay anything for the service.

It is not envisaged that EUAs may assist businesses which have wanted to perform sustainable upgrades but have found the work cost-prohibitive, such as winery and agricultural holdings, hotel and accommodation stock, aged care, childcare or retail and tourism facilities.

Better Building Finance is a program of the Sustainable Australia Fund. Better Building Finance engages and supports councils across NSW, SA and VIC with their Environmental Upgrade Finance programs. Sustainable Australia Fund engages and support projects across those three states, working with building owners,

installers, experts, and finance providers to arrange Environmental Upgrade Agreements in line with Responsible Lending principles.

The two work together to provide a uniform service for councils and building owners but are separate entities so as to remove any real or perceived conflicts of interest.

Better Building Finance received funding from the Department of Industry, Innovation & Science as part of the Energy Efficiency Information Grants Program, and from the Australian Renewable Energy Agency (ARENA) under their 'Advancing Renewables' initiative, as our work is focused on raising awareness and improving engagement and support for councils, rather than for building owners.

Benefits

An Environmental Upgrade Finance program has the potential to deliver advantages through implementing any combination of the following within commercial, retail, agricultural, industrial, healthcare, child-care, aged-care, or other types of property (currently excluding residential):

- Solar installation with potential battery connection and/or EV charging points
- Lighting or HVAC upgrade
- Machinery or plant retrofit
- Water or waste efficiency upgrade
- Insulation or cladding improvements
- Broader sustainability upgrades.

Benefits to the Council area are many, as Building Upgrade Finance can:

- Assist local businesses to address increasing utility and other operational costs
- Unlock private sector finance so businesses of every size can invest in growth
- Maintain competitive edge by providing opportunities for many types of local businesses that are available in other Council areas
- Incentivise local business to stay within or move into the Yass Valley area
- Stimulate local economic activity and help improve business profitability in the region
- Help engage ratepayers to achieve Council's economic and sustainability objectives

Business and building owners around the Yass Valley area stand to benefit through:

- Reduced utility bills with energy, water, and waste efficiencies
- Cashflow positive from day one, with savings exceeding repayments in most cases
- Becoming more self-sustainable and resilient, reducing costly economic impacts and stress on local infrastructure through electricity, water, and waste demands
- Improved asset value and measurable sustainability gains
- Increased comfort, indoor environmental quality, or tenant attraction
- Long-term fixed-interest loans that enable better long-term budgeting and forecasting

There are already over 115 examples of projects that have benefitted from Environmental Upgrade Finance around Australia, ranging from just under \$15,000 to over \$4,000,000; these projects have been retail shops, dental clinics, agricultural production facilities, distilleries, offices, warehouses and distribution centres, and many other types.

Measurable Environmental Benefits

It is anticipated that, in line with other NSW and VIC projects, Environmental Upgrade Finance would principally be used to help install solar, energy efficiency, lighting, battery and insulation upgrades across small, medium, and large projects around the Yass Valley area. It is projected that, during the two-year trial period proposed, two smaller projects (i.e. below \$50,000), two medium projects (i.e. below \$100,000) and one large project (i.e. above \$500,000) be targeted with the help of Better Building Finance, economic development, community groups, installers and sustainability channel partners. This will allow for a proper calculation of the sustainability benefits achieved, in terms of CO₂e / kWh / MW, kilolitres of water saved, or tonnes of waste avoided, and will help to inform the next steps.

Review of Potential Options

Although the finance mechanism has been seen before in NSW, the administration offered by Better Building Finance is different and has learnt from previous versions. It is suggested that the Council works closely with

Better Building Finance to measure the success of the trial period, communicate the case studies around the community, and report back to Council towards the end of the trial period.

NSW Councils that have enabled Environmental Upgrade Finance and are taking advantage of third-party administration services through Better Building Finance includes Forbes Shire Council, Orange City Council, Kyogle Council, Lane Cove Municipal Council, Waverley Council, and Lake Macquarie City Council.

To promote the uptake of the model and make sure there are no conflicts of interest, Better Building Finance only gets paid a processing and administration fee from the building owner, and only when it facilitates a project funded through Environmental Upgrade Finance. Council does not pay any money to Better Building Finance or the lender at any time.

Key Elements

Features of Environmental Upgrade Finance include:

- A simple fixed-interest loan repaid with council rates
- Works must have a measurable environmental benefit
- Quarterly repayments are made after an Environmental Upgrade Charge notice is raised and sent out alongside (but separate to) the quarterly rates charge notice
- Whilst interest rates may be different to banks or other lenders variable rates, the long-term nature of the loans allow lenders to offer extended, more consistent terms that others can't, that fit with longer term budgeting, reducing the size of quarterly payments
- Provides 100% project finance for private (rateable) building owners' environmental upgrades – now predominantly smaller and medium size – for many types of property
- Long-term loan repayment terms (4-20 years) can enable cash-flow positive projects
- The loan is tied to the building, not the owner, and can be passed from vendor to purchaser when the property is sold
- Tenants (building occupiers) can also benefit from EUF with significantly reduced utility costs or building performance, with the option to pass repayments through to tenants where their benefits can be quantified and measured
- Councils do not take on any risk or liability for the loan, do not pay for the Environmental Upgrade Finance mechanism, and do not incur any financial costs associated with it
- Organisations such as Better Building Finance are supported by ARENA, Bank Australia, and Credit Suisse to encourage uptake of sustainability initiatives

Risk Implications

Council has no financial stake in the projects and only acts to facilitate the loan between the property owner and lender. Loans are secured against the property and Council is not obligated to meet repayments in the event that the property owner default or misses a payment; this remains the responsibility of the owner. Although Council will need to ensure that any projects carry an acceptable level of risk, this will be assessed on a case-by-case basis and a detailed report provided by Better Building Finance.

Conclusion

Environmental Upgrade Agreements offer a potential funding pathway for local businesses to reduce their carbon footprint and operating costs, with little or no capital outlay. This report is aligned with the *Yass Valley Community Strategic Plan - 2016-2036*, *Tablelands Destination Action Plan* and *Tablelands Destination Development Plan*.

STRATEGIC DIRECTION

Key Pillar	2.	Our Economy
CSP Strategy	EC3 -	Support and foster conditions that enable local and small/home-based businesses to grow
Delivery Program Action	EC3.1 -	Identify and participate in initiatives that assist small business
Operational Plan Activity	EC3.1.1 -	Develop a Value In Kind (VIK) retail space for small start-up businesses in Yass

ATTACHMENTS: Nil

8.3 RATES & CHARGES DONATIONS POLICY

SUMMARY

To seek a direction on the continuation of the existing rates and charges donations for 2021/22 financial year.

RECOMMENDATION

That:

1. *A 50% donation to assist with 2021/22 rates and charges provided to those community organisations currently receiving donations*
2. *The Rates & Charges Donations Policy be reviewed by Council following the December 2021 Local Government Elections*

FINANCIAL IMPLICATIONS

Provision is included in the 2021/22 Operational Plan for donations to community organisations as a contribution to their Council rates and charges.

POLICY & LEGISLATION

- Rates & Charges Donation Policy

REPORT

In October 2019 Council adopted a *Rates & Charges Donations Policy*. This policy identifies the donations provided to community organisations are to assist in meeting their Council rates and charges obligations. The organisations included in the policy were identified via an expression of interest process. Some organisations received the full amount of their rates and charges, while others were limited to a fixed amount.

Under the policy the donations apply for the duration of each term of Council (i.e. 4 years). This was to give the organisations the opportunity to explore alternative funding sources, so they did not become dependent upon the funding. It also allowed new organisations, or existing organisations who did not apply, an opportunity to seek assistance for Council fees and charges in a future term of Council.

With the deferral of the Local Government Elections in 2020 for 12 months, the existing donations were extended until 30 June 2021. The organisations were informed of this and that the new Council would consider any continuation of the donation arrangements following the election.

With the Local Government Elections being deferred for a second time until December 2021 (i.e. six months into the new financial year) the policy is now scheduled for review in the new year.

Representations have been received from the Vine Church, Yass Lawn Tennis Club, and the Gundaroo Soldiers Memorial Hall for a continuation of the donations (refer **Attachment A**).

There is no indication that the organisations have canvassed their members over the past five years on alternative funding options, in the event that a donation is not granted. The State Government has provided financial assistance to businesses and community organisations impacted by COVID-19 restrictions. Council has also assisted sporting organisations by waiving the sportsground charges where competitions have been cancelled. There are also emerging funding sources available to community organisations from major infrastructure projects.

The cost of running a community organisation is the responsibilities of their members. Association fees, insurance costs, utility charges, and Council rates are all costs associated with running an organisation for the benefit of members. It should not be the responsibility of the wider community to support a member-based organisation's operational costs or debts.

Under the current association rules, a community organisation has the responsibility to ensure their member fees are sufficient to cover their operational expenses. Securing alternative income via fund raising, sponsorship and grants can be used to offset their operational expenses to build up their reserve funds or to offer discounts on membership fees. There is no evidence from any of the community organisations receiving donations that alternative funding has been explored.

There are several options to deal with this matter i.e.

- Do not provide any donation on the basis they have had five years to investigate alternative sources of income to avoid becoming dependent on the donations
- Provide a maximum 50% donation toward their 2021/22 rates and charges (to reflect the six months of the current financial year)
- Extend the donations for a further 12 months

Taking into account the second deferral of the Local Government Elections, it is considered that a 50% donation toward their 2021/22 rates and charges is a reasonable balance, in giving some certainty for the community organisations receiving donations while providing the new Council the opportunity to review the policy.

STRATEGIC DIRECTION

Key Pillar	3.	Our Community
CSP Strategy	CO2 -	Encourage and facilitate active and creative participation in community life
Delivery Program Action	CO2.5 -	Support the growth of a diverse range of community events
Operational Plan Activity	CO2.5.1 -	Administer the community grants program

ATTACHMENTS: A. Submissions [↓](#)

Sent: Monday, 6 September 2021 1:09 PM

To: Chris Berry [REDACTED]

Subject: VINE CHURCH RATES

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

Hi Chris,

I hope you are surviving all these restrictions etc. [REDACTED]
[REDACTED]

I am emailing you concerning the recent letter we received regarding the rates for Vine Church. I was quite surprised to receive it actually, as I was under the assumption (I thought it was in the original decision) that our rates would continue to be donated back to us until such time as the purpose of Vine Church and our activities changed. Nothing has changed in that regard, indeed, we are doing more in the community now as we are helping many people both through our church, and also through our Foodcare arm.

I would appreciate it if this matter is raised with the Council so we can move on with some certainty.

We have really appreciated the support, both of the Council and the staff of Yass Valley and we are hoping that the contributions that Vine Church continues to make to our amazing community will be taken into account as they were in the initial decision.

Appreciate your time and consideration on this matter and I look forward to hearing from you.

Many thanks

Best Wishes
Gary
Rev Gary Brown
Snr Pastor,
Yass Vine Church
[REDACTED]

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YASS LAWN TENNIS CLUB INCORPORATED

4 Fifield Lane,
P.O. Box 180,
YASS. N.S.W. 2582

12th July 2021

Chris Berry
General Manager
Yass Valley Council
PO Box 6
YASS, NSW 2582

Dear Sir

The Committee of the Yass Lawn Tennis Club thank you for your letter (Doc ID 448192) re Council's Rates and Charges Donations Policy. We are concerned that our current donation arrangement ended on 30th June 2021. As the Local Government Elections won't be held until September 2021, a new Council will not have any opportunity to discuss this Policy until after this date.

We would ask that this current Donation Arrangement be extended to the beginning of the new Council term, at least. YLTC is a very small Club with very limited finances. We are very active in the Community providing a much needed outlet for our Members to participate in a healthy activity. We are currently working with The Vine Church to provide an outlet for underprivileged and young people in town. We would not like to see this new program jeopardised.

COVID-19 has caused the delay in electing a new Council, and we have also been heavily impacted by this Pandemic, as well as the very wet weather that the Yass Valley has experienced this year. Given our limited ability to generate funds, if we are required to pay the full increased Rates, our Club finances will be stretched.

The Committee appreciates your reference to an on-line Grant Portal. We have been working very hard at applying for Grants over the last 2 years, and will continue to do so. This takes up an enormous amount of time for our volunteers.

YLTC would appreciate your assistance with this matter, as it could seriously impact on our 122 year old Club.

Yours sincerely

Greg Martin
President

Paul Twohill
Past President

Kerry England
Secretary

YVC Rates letter 21.doc

35 Morning St
Gundaroo NSW 2620
12 August 2021

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

Dear Sir

I am the Treasurer of the Management Committee of the Gundaroo Soldiers Memorial Hall, and I write about the Annual Rates and Charges Notice just received. The notice is for \$1,220.90 for the year 1 July 2021 to 30 June 2022, with quarterly instalments of \$305 and arrears of \$9.83. This letter is to ask that you waive the rates charges.

Over many years this dedicated Gundaroo Soldiers Memorial Hall Management Committee has systematically been restoring the Hall to its former glory, starting from a building that was almost falling down. In just the two years that I have been Treasurer we have replaced the roofing, refitted the lights in the main Hall, and installed fans. Our program ahead includes more plans to systematically continue improving the building.

Our Hall is the major building in Gundaroo providing space for gatherings, meetings and parties, and we raise funds through community events such as a Curry Night, film nights sometimes including meals, a school Trivia Night etc. We also provide alternative space for weddings in the event of wet weather. None of these come under the definition of 'commerce' as set out in your invoice (where we are invoiced as a 'business').

In the year 2019-2020, our Committee had a surplus of \$11,000. In contrast, at our AGM last night, I reported to the Committee that our position for 2020-2021 was a loss of \$10,000.

You will understand that COVID-19 has impacted us hard. Very few events went ahead; e.g. our Gundaroo Film Society had only three film nights of the eleven advertised. We have had no Curry Night, no School Trivia Night, and we had many cancellations of our regular hire for parties and wedding back-up.

We will be working on ways to raise funds to stay afloat while watching our reserves in the bank carefully as we proceed through the pandemic, but you will appreciate there are some charges that we must pay, such as insurance (more than \$4,000), electricity and gas. We ask you to grant us relief from the rates.

I have spoken to Councillor Cecil Burgess, and we have his support in our request to have our fees waived. You can contact me on 0427 368 309 should you need more information.

Yours sincerely


Sylvia Gleeson

YASS VALLEY
19 AUG 2021
COUNCIL

8.4 FRAUD & CORRUPTION CONTROL POLICY REVIEW

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 Fraud & 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
- Statement of Business Ethics Policy
- Internal Reporting Policy
- Complaints Policy
- 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 & 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.

2.4 Councillor Workshop

In August 2012 Council determined to defer consideration until further discussion on the revised policy had occurred at a Councillor Workshop.

The workshop was conducted on 13 September 2021. A minor amendment was made to the revised policy following the workshop.

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 [↓](#)
B. Fraud & Corruption Control Policy [↓](#)

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

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

Document No: GOV-POL:22	Created/Revised:29/8/2018	Review date:10/2020
Version No.1	Filed to:MagiQ	Author: Financial Accountant
File Name: Fraud Control	Approved By: Council Meeting 26/9/2018	Doc Type:30

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. ¹
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. ²
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.

Council recognises the need for proper open and transparent democratic processes. This policy is intended to be consistent with the requirements of the *Model Code of Conduct for Local Councils in NSW 2020* in achieving that need.

¹ Australian Standard 8001:2008 Fraud and Corruption Control

² Australian Standard 8001:2008 Fraud and Corruption Control

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.’³
- 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’⁴.

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

³ Local Government Act 2009 s439

⁴ Independent Commission Against Corruption Act 1988 s11(2)

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.

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

Legislation	<i>Local Government Act 1993</i>
Policies and procedures	<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

8.5 FLYING OF FLAGS POLICY REVIEW

SUMMARY

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

RECOMMENDATION

That the Flying of Flags Policy be rescinded

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

The current *Flying of Flags Policy* (refer **Attachment A**) has been reviewed and determined for the most part to be unnecessary in its current format as a Council Policy. The content of the policy is simply a restatement of arrangements published by the Department of Prime Minister & Cabinet (i.e. www.pmc.gov.au/resource-centre/government/australian-flags-booklet/part-2). Rescission of the policy is recommended.

STRATEGIC DIRECTION

Key Pillar	5.	Our Civic Leadership
CSP Strategy	CL2 -	Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other government agencies
Delivery Program Action	CL2.1 -	Make doing business with Council easier
Operational Plan Activity	CL2.1.1	-Continued development of Council's online presence that improves customer experiences

ATTACHMENTS: A. Flying of Flags Policy [↓](#)

Title: FLYING OF FLAGS

GOV-POL-17

Service: GOVERNANCE

Responsible Officer: CUSTOMER SERVICE OFFICER

1. OBJECTIVE

To ensure that the Australian Flag is treated with respect and dignity and is flown in prominent locations in the appropriate manner.

2. FLYING THE AUSTRALIAN FLAG – GENERAL

The Australian National Flag will be flown from the following locations:

Council Chambers	- All of the time
Depot	- All working days
Memorial Hall	- All of the time
Yass Visitor Information Centre	- Every day except Christmas Day

3. SPECIAL DAYS FOR FLYING THE AUSTRALIAN AND OTHER FLAGS

The following list shows days of commemoration on which the flying of the Australian Flag and, where appropriate, other flags, is encouraged:

Date	Reason	Special Instructions
1 January	Anniversary of Federation	
26 January	Australia	
21 March	Harmony Day - celebrates Australia's success as a diverse society united as one family by a common set of values.	
25 April	Anzac Day	Flags flown at half mast until noon, then at the peak for the remainder of the day
27 May – 3 June	National Reconciliation Week	
Second Monday in June	Queen's Birthday	
July – nominated week	NAIDOC Week	
17 September	Citizenship Day	

4.	24 October	United Nations Day	The United Nations Flag should be flown all day, even if the flagpole is ordinarily reserved for the Australian flag
	Date	Reason	Special Instructions
	11 November	Remembrance Day	Flags flown at peak from 8.00am, at half-mast from 10.30am to 11.02 am, then at peak for the remainder of the day

FLYING THE FLAG ON OTHER DAYS OF NATIONAL SIGNIFICANCE

Council is registered with It's An Honours Australia for notification of days of National Significance such as the death of an international or national person of significance, National Days of Mourning or special occasions when the flag should be flown at half-mast.

5. DAYS OF LOCAL SIGNIFICANCE

At the General Manager's discretion, in consultation with the Mayor, it may be appropriate to fly the flag at half mast to honour the passing of a local person of community significance.

6. REFERENCE DOCUMENTS/LEGISLATION

Department of the Prime Minister and Cabinet – Part 2 of the booklet Australian Flags: The protocols for the appropriate use and the flying of the flag
Australian Government – It's An Honour website: www.itsanhonour.gov.au

HISTORY

<i>Minute No.</i>	<i>Date of Issue</i>	<i>Action</i>	<i>Author</i>	<i>Checked By</i>
	10 August 2005	Draft	Cathy Cooke	Neil Hausfeld
	13 December 2007	Reviewed		EMT
54	13 February 2008	Adopted		PP&R Meeting
	10 December 2009	Reviewed	Cathy Cooke	EMT
170	12 May 2010	Amended		Special Planning Committee Meeting

9.1 TENDER EVALUATION – FIXING LOCAL ROADS REHABILITATION STAGE 2 YVC.IA.32.2021

SUMMARY

This report provides advice and recommendations on the submission of tenders for the road rehabilitation of four local roads in the LGA funded under Stage 2 of the Fixing Local Road (FLR) Round 1 grant – Yass River Road Segment 5B & 6, Walls Junction Road Segment 3, Faulder Avenue Segment 2 and Good Hope Road Segment 9 under contract YVC.IA.32.2021.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

The current estimated cost for delivering the FLR Round 1 grant program is \$5,371,000 which is funded by a combination of grants, Council Revenue and transfers from the Contribution Reserve.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Background

Council manages an extensive road network of over 1,200km throughout the Local Government Area (LGA). Council has received funding under the NSW Governments Fixing Local Roads (FLR) grant funding program, and intends to rehabilitate 8 segments local roads to provide an improved road surface, improve the serviceability of the roads, and improve safety.

The program to delivery of these works has been broken into Stage 1– currently underway and Stage 2 which is the subject of this report. The following four roads are the remainder of rehabilitations for the program:

Project	Road Segment	Location	Length
Yass River Road	Segments 5B & 6	4.68km to 6.0km from Yass Valley Way	1.32km
Walls Junction Road	Segment 3	3.0km to 4.0km east of Montem Street Bowning	1.0km
Faulder Avenue	Segment 2	Stage 1 - 1.54km to 2.26km from Yass Valley Way	0.72km
		Stage 2 – 1.0 to 1.42km from Yass Valley Way	0.42km

Good Hope Road	Segment 9	Stage 1 - 7.61km to 8.25km from Wee Jasper Road	0.64km
		Stage 2 – 8.25km to 9.0km from Wee Jasper Road	0.75km

These nominated sections of road are generally in poor condition and have reached the end of their useful lives.

2. Tender

Tenders were called on 13 August 2021 and closed on 6 September 2021. The tender was based on 6 separable lump sum portions. Six tenders were received from the following organisations:

Organisation	Address
Bost Civil Pty Ltd	32 Bayldon Road, Queanbeyan NSW 2620
Buildsmore Pty Ltd	PO Box 21, Lanecove NSW 1595
Denrith Pty Ltd	17090 Hume Highway, Goulburn NSW 2580
Downer Edi Works Pty Ltd	50 Eastern Creek Dr, Eastern Creek NSW 2766
Hewatt Civil Pty Ltd	PO BOX 94, Hall, ACT 2618
Lentro Earthworks	342 Wallaroo Road, NSW 2618

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

STRATEGIC DIRECTION

- Key Pillar 4. Our Infrastructure
- CSP Strategy IN3 - Maintain and improve road infrastructure and connectivity
- Delivery Program Action IN3.1 - Deliver transport asset infrastructure, maintenance, renewal and enhancement programs for urban, rural and regional roads to maintain or improve overall condition
- Operational Plan Activity IN3.1.1 - Deliver annual program for urban, rural and regional road renewal and construction, including bridges and stormwater

ATTACHMENTS: Nil

9.2 TENDER EVALUATION - ROADSIDE SLASHING YVC.IA-34-2021

SUMMARY

Providing detailed information relating to tenders submitted for roadside slashing within the Yass Valley Local Government Area (LGA) for the period from October 2021 – June 2024 (three year panel contract) - Tender YVC.IA-34-2021.

RECOMMENDATION

This item be classified 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 REASON that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or purposes to conduct) business

FINANCIAL IMPLICATIONS

The 'Roadside Slashing' tender is funded annually from within the Local Roads and Transport operational budget for roadside landscaping.

POLICY & LEGISLATION

Nil.

REPORT

1. Background

As part of its ongoing maintenance programs Council undertakes slashing works to manage vegetation growth and improve road safety. To assist in this Council recently advertised for tenders in relation to roadside slashing for the following locations:

- Yass
- Murrumbateman
- Bookham
- Bowning
- Binalong
- Sutton
- Gundaroo

2. Tender

Tenders were called on 20 August 2021 and closed on 13 September 2021. Tenders were received from the following organisations:

Organisation	Address
Burhor	10/1 Beaconsfield Street, Fyshwick, ACT
Triniem	3 Helena Road, Minto Height, NSW

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

STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN3 -	Maintain and improve road infrastructure and connectivity
Delivery Program Action	IN3.1 -	Deliver transport asset infrastructure, maintenance, renewal and enhancement programs for urban, rural and regional roads to maintain or improve overall condition
Operational Plan Activity	IN3.1.2 -	Deliver annual maintenance program for urban, rural and regional roads based on priority and in accordance with allocated budgets

ATTACHMENTS: Nil

9.3 HUME LINK COMMUNITY CONSULTATIVE COMMITTEE - REQUEST FOR COUNCIL REPRESENTATIVE

SUMMARY

To present a request from TransGrid seeking a Council representative for the HumeLink Community Consultative Committee (Yass Valley and Upper Lachlan).

RECOMMENDATION

That a Councillor be nominated for the HumeLink Community Consultative Committee (Yass Valley and Upper Lachlan) with the Director Planning & Environment being the alternate delegate

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*

REPORT

HumeLink is a new 500kV transmission line which will carry electricity to customers from new generation sources, including the expanded Snowy Hydro scheme. It will connect Wagga Wagga, Bannaby and Maragle and passes through Yass Valley. The project is being undertaken by TransGrid.

The project is setting up three independent Community Consultative Groups to feedback into the planning process and Transgrid's engagement approach. The three CCGs represent the communities of:

1. Yass Valley and Upper Lachlan Shire Councils
2. Wagga Wagga City Council and Cootamundra Gundagai Shire Council
3. Snowy Valleys Council

TransGrid are seeking a Council nomination to represent Council and the community on the CCG. The Terms of Reference are included in **Attachment A**.

It is recommended that a Councillor nomination be made for the CCG. With the upcoming Local Government Elections in December 2021 it is also recommended that a staff member to act as an alternate.

STRATEGIC DIRECTION

Key Pillar	1.	Our Environment
CSP Strategy	EN4 -	Maintain a balance between growth, development and environmental protection through sensible planning
Delivery Program Action	EN4.2 -	Ensure development application assessment is thorough and efficient
Operational Plan Activity	EN4.2.1 -	Determine applications for development for local activities

ATTACHMENTS: A. HumeLink Community Consultative Committee Terms of Reference [↓](#)

HumeLink Community Consultative Group

Terms of Reference and Code of Conduct

TERMS OF REFERENCE

Background and purpose

TransGrid has committed to reset our community and stakeholder engagement approach and adopt all twenty recommendations from the Landowner Advocate Report. The establishment of Community Consultative Groups (CCGs) for the HumeLink project is one of these recommendations. The groups will initially run through the planning stages of the project.

Three groups are proposed to cover the following local government areas:

- Upper Lachlan and Yass
- Cootamundra Gundagai, Wagga Wagga
- Snowy Valleys

The CCGs purpose are to:

- Bring together TransGrid, local community groups, landowners and councils, to provide an opportunity for two-way communication about the HumeLink project
- Provide a forum for TransGrid to keep the community informed about the project, seek community views and respond to matters raised by the community
- Provide a forum for community members, stakeholders and local councils to seek information from TransGrid and provide input to inform Corridor refinement and the subsequent Environmental Assessment process
- Suggest ideas for community benefits/ project legacy contributions along the corridor
- To provide feedback and guidance to TransGrid about their community engagement approach.

The CCGs will be one of many means by which TransGrid will engage with communities and stakeholders along the study corridor. The CCGs will be a forum for consultation rather than a decision-making body. Where possible, specific recommendations or actions arising from discussions will be agreed through consensus. Where this is not possible, different views and opinions will be noted.

TransGrid has engaged Brian Elton as the inaugural independent chair of the CCGs with secretariat services to be provided by WSP.

Membership of the CCG

Each group will have a maximum 15 members comprising:

- 3 proponent representatives
- 1 member from each council
- 1 member from each land council
- 1 representative from each of the established landowner groups within the CCG area
- Remainder drawn from recognised community groups (first preference), then individuals who have nominated.

Participants must be:

- A member or representative of the local community
- Willing to commit to attending meetings regularly (alternative attendees are permitted if the CCG Chair/secretariat is advised prior to the meeting). The use of alternative attendees should be kept to a minimum. The Chair may request the replacement of any member who fails to attend three consecutive CCG meetings
- Willing to gather input from the community/stakeholder group represented and bring forward any queries or concerns raised in relation to the project
- Able to disseminate information received during the meetings back to the property owners/neighbours/community/stakeholder group
- Able to demonstrate why they have an interest in this project and their key areas of interest.

Selection criteria

- The CCGs should comprise an equitable mix of gender and preferably age groups
- The group should provide for coverage of locations along the corridor
- Members of recognised groups may be given preference over self-nominated individuals, this includes landowner groups
- While landowners are key stakeholders the CCGs should not solely be a forum for directly impacted landowners
- Other groups to be invited to nominate include:
 - Chambers of Commerce
 - Progress or Resident Associations
 - Indigenous groups
 - Local Environmental Groups
 - Landcare / Bushcare
 - Tourism Associations
 - Industry associations such as Forestry Groups, NSW Farmers
- Particular expertise or skills sets
- Breadth of local organisations represented.

Assessment of applications and selection of members will be undertaken by the independent chair of the CCGs and the independent landowner advocate.

Meeting minutes and presentations will be published on TransGrid's website, along with the list of CCG members.

CCG Chair

The independent chairperson must be:

- A convenor, facilitator, mediator and advisor for the CCGs
- Independent and impartial
- The key contact (with assistance from support secretariat) between the CCGs and TransGrid.

The Chair will oversee the preparation and publication of the minutes of the CCG meetings and the Chair's standard fees (and secretariat support) will be paid by TransGrid.

Meeting frequency

The CCGs will meet once every 3 - 6 weeks for the first 3 months. This timing is to maximise the two-way sharing of information during the initial refinement of the corridor and in advance of more detailed planning commencing. Meeting frequency will be reviewed in early 2022.

CODE OF CONDUCT

Working together

The principles underpinning the CCGs that all members and project team representatives must agree to are to:

- Work collaboratively in an open and honest fashion
- Be respectful of all members and their opinions
- Refrain from any form of conduct that may cause a reasonable person unwarranted offence or embarrassment
- Undertake to fairly present the information provided at the CCGs, to their local communities
- Not misrepresent the views of other members of the group outside meetings.

Code of conduct

All members, including the independent chairperson and alternative members, must agree and sign the following code of conduct at the first meeting. Breaches of this code of conduct can be reported to the independent facilitator, who will raise the issue with the member. This may take the form of:

- A verbal warning before or during the meeting (which will be formally recorded in the meeting)
- A written warning after the meeting.

Following three warnings, the independent chairperson may ask the member to leave the group. This position will then be replaced by the independent chairperson.

Members of the CCGs will be expected to:

- Attend meetings, at dates and times agreed by the group
- Advise the independent chairperson in advance if they are unable to attend and who their alternative member will be
- Respectfully engage with other members of the CCGs
- Contribute to an atmosphere of open and constructive participation
- Openly communicate relevant concerns, interests and ideas and make reasons for any disagreement clear in a constructive and thoughtful manner
- Put forward views but also remain committed to open and shared dialogue
- Actively work with the members of the group to try and resolve any issues that may arise during the CCGs work

- Ensure they do not discuss or share information about matters that are identified as confidential during meetings
- Not interrupt when another member is speaking
- Not speak publicly, for example to the media, on behalf of the CCGs
- Not misrepresent the views of other members of the CCGs
- Immediately advise the independent chairperson during meetings of any potential or actual conflict of interest relating to matters under discussion
- Abide by the reasonable directions of the independent facilitator as to the conduct of the meetings.

Operating protocols

The following operating protocols will govern the CCGs:

- Meetings will be held approximately every 3 - 6 weeks for the first three months and then every 2-3 months thereafter
- Conduct of meetings will be informed by social distancing guidelines and health advice
- The meetings may be held in various convenient locations within a CCG area to ensure any travel load is shared equitably amongst members. In the event of COVID restrictions meetings may be held online.
- Meetings will generally run up to 2 hours
- To ensure safe travel meetings will occur during the day and early evenings, suitable times for meetings will be established with members
- A call for agenda items will be issued by the chair two weeks before a meeting, with the agenda then being determined by the chair and distributed one week prior to the meetings
- Technical advisors or specialists will attend as required
- All information provided should be accurate and timely
- Any pecuniary/conflict of interest should be declared by members
- Notes of the meeting will be provided electronically to CCG members within five working days of the meeting, with any comments to be provided within five working days of that time. In the event of any disagreement about the minutes the independent chair will have final say. A final set of minutes will be uploaded to the HumeLink website within 3 weeks of the meeting date
- Recording of the meetings by an electronic device is not permitted without prior agreement of the independent chair and all CCG members
- TransGrid may choose to reimburse reasonable travel expenses incurred by members.

Members may ask the independent chairperson to invite non-CCG members to attend meetings, either as observers or to provide advice to the committee. This may include:

- Representatives of government agencies
- Technical experts or consultants
- Members of the general public.

The independent chairperson is to consult with the other members of the group before issuing the invitation. If there is any disagreement between the members about the invitation, the independent chairperson will

have the final say on the matter. Non-CCG members cannot participate in the business of a meeting unless they are invited to do so by the independent chairperson.

Media/social media protocols

To encourage open discussion at the meetings, we require members of the CCGs to adhere to the following media/social media protocols:

- Members of the CCGs are not authorised to provide written or verbal statements to the media/social media purporting to represent the views of the CCG
- The minutes are the authoritative record of the meeting
- CCG members are entitled to utilise media/social media on project matters in a personal capacity, and in doing so must ensure that their views are understood to be personal views and not the views of other CCG members or the project team.

9.4 PETITION - DA210063 - RESIDENTIAL SUBDIVISION, 3 BURRAI PLACE, YASS

SUMMARY

Tabling a petition lodged in relation to Development Application for DA210063 – Residential Subdivision, 3 Burrai Place, Yass opposing the proposed development.

RECOMMENDATION

That the tabled petition on the DA210063 – Residential Subdivision, 3 Burrai Place, Yass be noted.

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Petitions Policy*

REPORT

1. Background

In March 2021 Development Application No DA210063 for a residential subdivision at 3 Burrai Place, Yass was lodged.

The proposal as placed on public exhibition and 15 submissions and a petition with 89 signatures has been received.

The petition requests Council to reject the current application and seek amendments to improve sustainability, safety, amenity and liveability.

The petition is attached under Separate Cover.

2. Comments

The petition is generally consistent with Council's *Petition Policy*. The issues raised in the petition have been considered in a separate report on this Development Application.

STRATEGIC DIRECTION

Key Pillar	5.	Our Civic Leadership
CSP Strategy	CL2 -	Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other government agencies
Delivery Program Action	CL2.2 -	Inform and engage with the community on all actions of Council
Operational Plan Activity	CL2.2.3 -	Implement Council's Community Engagement Strategy

ATTACHMENTS: Nil