

Ordinary Meeting of Council

**Wednesday 22 April 2020
4.00pm
Council Chambers
209 Comur Street, Yass**

PRAYER:

All Stand:

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

All say together:

Almighty God, we ask your blessing upon this Council.

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

FUTURE MEETINGS

May 2020

Wednesday 27th

4.00 pm

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

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13. Confidential Matters

Nil

Close of Meeting Time

Chris Berry
GENERAL MANAGER



Minutes of the Ordinary Meeting of Council

Wednesday 25 March 2020

4.00pm

Council Chambers

209 Comur Street, Yass

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Open Forum

CITIZENSHIP CEREMONY

- Mr Jin Kim
- Mrs Thi Kim Lyall

Presentations to Council – Items on the Meeting Agenda

SPEAKERS

- 6.5 – Development Application No DA190211 – Importation of Material and Internal Access Roads – 33 Hillview Drive

Noel McCann – conference phone

Natalia Weglarz – conference phone

- 6.6 – Development Application No DA190213 – Distillery, 6494 Wee Jasper Road, Wee Jasper

Terry Ryan – conference phone

Rod Smith – conference phone

Antony Cathles – video

Adrian King – conference phone

Anthony Roberts – conference phone

Council Meeting - The Mayor declared the meeting open at 4.50pm.

Present

Councillors Rowena Abbey, Mayor, in the chair, Geoff Frost, Nathan Furry, Allison Harker, Jasmin Jones, and Mike Reid.

Also present were the General Manager – Chris Berry, Acting Director of Planning & Environment – Liz Makin, Director of Infrastructure & Assets – Stan Robb, Director of Corporate & Community – Mark Eady and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

1. Prayer

2. Apologies

RESOLVED that apologies be received from Councillors Cecil Burgess, Michael McManus and Kim Turner and leave of absence be granted.

(Furry/Harker) 26

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

AGAINST: Nil

3. Declaration of Interest/Disclosures

Councillor Jones declared a non-significant, non-pecuniary conflict of interest in Item No 9.2 – Offer to Purchase – Restored Stationery Engine and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Jones declared an interest as her husband's family ancestor was an engineer who would have worked on the engine – Joseph Fielding.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 26 February 2020, resolution numbers 1-25 inclusive, be taken as read and confirmed.

(Furry/Reid) 27

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

AGAINST: Nil

5. Mayoral Minute

Nil

6. Director of Planning & Environment Reports

6.1 'WOODSIDE' DRAFT PLANNING PROPOSAL ADVICE

SUMMARY

The landowners of 'Woodside' 3489 Barton Highway, Murrumbateman have put forward a draft Planning Proposal for preliminary advice over part of the subject site. The way in which this site is developed has significant bearing on the next stage of development in Murrumbateman, including linkages with Council's own land holding at 'Hawthorn'.

RESOLVED that the advice from the landowners of 'Woodside' 3489 Barton Highway, Murrumbateman withdrawing the rezoning request be noted.

(Furry/Reid) 28

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

AGAINST: Nil

6.2 FILLING ON RURAL PROPERTIES

SUMMARY

Presenting a draft policy relating to filling on rural properties.

RESOLVED that the draft Filling on Rural Properties Policy be placed on public exhibition and adopted if no significant matters are raised.

(Jones/Reid) 29

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

AGAINST: Nil

6.3 DEVELOPMENT CONSENT NO DA175300 - RURAL SUBDIVISION, 196 BROOKLANDS ROAD, WALLAROO

SUMMARY

An application has been received to modify Development Consent No DA175300 for three lot subdivision of 196 Brooklands Road, Wallaroo. The application seeks to modify lot sizes based on the final survey of new lot boundaries. The proposal is reported to Council as it involves a variation to the maximum lot size development standard under the averaging provisions in the *Yass Valley Local Environmental Plan 2013*.

RESOLVED that the application to modify Development Consent No DA175300 for a rural subdivision of 196 Brooklands Road, Wallaroo be approved.

(Reid/Furry) 30

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

AGAINST: Nil

6.4 DEVELOPMENT APPLICATION NO. DA200011 - BUILDING ENVELOPE AMENDMENT, 26 JIPARU DRIVE, MURRUMBATAMAN

SUMMARY

To present the assessment of Development Application DA200011 for the proposed amendment to the building envelope at 26 Jiparu Drive, Murrumbateman. The application is referred to Council due to the number of submissions received.

RESOLVED that Conditional Development Consent be issued for an amendment to the building envelope of Lot 83 DP 270586, 26 Jiparu Drive, Murrumbateman upon receipt of a plan which makes the following changes to the building envelope amendment:

- ***Area of extended building envelope to be reduced to more accurately reflect the size necessary for the approved shed and excluding the trees.***
- ***Reduction in the size of the existing building envelope so that the overall percentage of the lot occupied by the building envelope remains equal to the existing envelope.***

(Furry/Reid) 31

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

AGAINST: Nil

6.5 DEVELOPMENT APPLICATION NO. DA190211 - IMPORTATION OF MATERIAL AND INTERNAL ACCESS ROADS - 33 HILLVIEW DRIVE

SUMMARY

To present the assessment of Development Application No. DA190211 for the importation of 65,000m³ of material at 'Hillview', 33 Hillview Drive, Murrumbateman. The proposal is referred to Council as it attracted nine submissions. Refusal is recommended as the proposal is insufficiently clear in detail to enable a full assessment and the volume has not been demonstrated as necessary.

RESOLVED that consideration of Development Application No DA190211 be deferred.

(Harker/Reid) 32

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

AGAINST: Nil

6.6 DEVELOPMENT APPLICATION NO. DA190213 - DISTILLERY, 6494 WEE JASPER ROAD, WEE JASPER

SUMMARY

To present the assessment of Development Application DA190213 for a distillery and retail cellar door at 6494 Wee Jasper Road, Wee Jasper. The application is referred to Council due to the number of submissions received. The Applicant has made a number of revisions to the proposal in response to the submissions.

RESOLVED that Conditional Development Consent be issued for a distillery and retail cellar door at 6494 Wee Jasper Road, Wee Jasper following receipt of a satisfactory waste water management report.

(Frost/Reid) 33

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

AGAINST: Nil

7. Director of Infrastructure & Assets Reports

7.1 TENDER VARIATION - VICTORIA PARK AMENITIES UPGRADE STAGE 2

SUMMARY

Following the formation of a women's team at the Yass Rams Rugby Union Club a variation to the contract to upgrade the amenities at Victoria Park is required to amend the showering area of the change rooms at the facilities from that originally designed and allow the facility to be co-used by both men's and women's teams. This variation is greater than 10% of the value of the original contract.

RESOLVED that this item of the Director Infrastructure and Asset's report be classified as confidential in accordance with s10A(2)(c) Local Government Act 1993 as it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

(Reid/Furry) 34

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

AGAINST: Nil

7.2 STRONGER COUNTRY COMMUNITIES FUND ROUND 3 - MURRUMBATEMAN RECREATION GROUND AMENITIES

SUMMARY

Council has received an offer under Round Three of the Stronger Country Communities Fund to assist in the construction a new amenities building at the Murrumbateman Recreation Ground. The offer does not meet the required funding to construct a suitable multi-purpose and inclusive amenities building and significant additional funding will be required to construct this facility.

RESOLVED that :

- 1. The funding allocation of \$275,045 under the 'Stronger Country Communities Fund Round 3' be accepted noting the difference between the funds required and the offer from the NSW Government.**
- 2. The General Manager be authorised to sign the funding deed.**
- 3. The additional funding required to undertake this project be considered in the 2020/21 budget deliberations.**

(Furry/Jones) 35

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

AGAINST: Nil

7.3 PARTIAL CLOSURE OF ROAD RESERVE - REDDALL STREET, YASS

SUMMARY

To obtain approval to commence the process for the closure of a portion of the Reddall Street Road reserve adjacent 75 Laidlaw Street, Yass.

RESOLVED that :

- 1. The portion of the Reddall Street road reserve adjacent 75 Laidlaw Street, Yass is identified as being surplus to Council requirements and serves no physical purpose in being retained as road reserve**
- 2. The road closure process and public notification be commenced in accordance with the Roads Act 1993**
- 3. Subject to there being no objections received in respect of this proposal, and that the owner of 75 Laidlaw Street agrees to the purchase of the portion road reserve in accordance with the formal valuation of the land and payment of all associated fees and charges, that:**
 - a. The closure of the portion of road reserve of Reddall Street be approved**
 - b. The said closed portion of road reserve be dedicated as Operational Land**
 - c. The said closed portion of road reserve be offered to the adjacent property owner**
 - d. The General Manager and Mayor be authorise to use to the Council seal, as required, on all associated documentation.**

(Frost/Jones) 36

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

AGAINST: Nil

7.4 FOOD AND ORGANICS WASTE RECYCLING

SUMMARY

This report is to present options in regards to the possible kerbside collection of green waste or food and organics waste within the current domestic collection service areas.

RESOLVED that the report on food and organic waste recycling be deferred for consideration within the next 12 months and following a Councillor Workshop.

(Jones/Frost) 37

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

AGAINST: Nil

7.5 WATER SUPPLY RESTRICTIONS POLICY

SUMMARY

In November 2019 Council determined to place a draft *Water Restrictions Policy* on public exhibition and adopted if no significant submissions were made. Three submissions have been received.

RESOLVED that the revised draft Water Supply Restriction Policy be adopted.

(Furry/Frost) 38

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

AGAINST: Nil

8. Director of Corporate & Community Reports

8.1 INVESTMENT AND BORROWINGS REPORT

SUMMARY

In accordance with Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 29 February 2020. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

RESOLVED that Investment Report as at 29 February 2020 be received and it be noted that the summary has been prepared in accordance with the Act, the Regulations and Council's Investment Policy.

(Furry/Harker) 39

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

AGAINST: Nil

9. General Manager Reports

9.1 COMMUNITY SERVICES REVIEW UPDATE AND LEASING OF COUNCIL BUILDING

SUMMARY

To provide an update on the progress with the transfer of Council's community service activities and to consider a request for the leasing of a Council owned building.

RESOLVED that this item of the General Manager's report be classified as confidential in accordance with s10A(2)(c) Local Government Act 1993 as the information would confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business.

(Furry/Reid) 40

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

AGAINST: Nil

9.2 OFFER TO PURCHASE - RESTORED STATIONARY ENGINE

SUMMARY

Presenting a report on an offer for Council to purchase a restored stationary engine. It is recommended that the offer be declined at this stage.

RESOLVED that :

- 1. The offer to purchase the 1901 restored stationary engine be declined at this stage.***
- 2. The custodianship of Council's 1904 engine be reviewed.***

(Furry/Reid) 41

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

AGAINST: Nil

10. Notice of Motion

Nil

11. Questions with Notice

11.1 QUESTIONS WITH NOTICE - CR GEOFF FROST

The following Questions on Notice were received from Councillor Frost:

1. What has been the impact of the drought and the recent rains on Council roads?
2. What has been the Council response to the changed conditions?
3. When can we expect to return to normal maintenance routines?

RESOLVED that the responses to the Questions With Notice be noted.

(Frost/Furry) 42

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

AGAINST: Nil

12. Minutes and Recommendations of Council Committees

12.1 MINUTES OF THE BANGO WIND FARM COMMUNITY CONSULTATIVE COMMITTEE HELD ON 18 FEBRUARY 2020

RESOLVED that the minutes of the Bango Wind Farm Community Consultative Committee meeting held on 18 February 2020 be noted.

(Frost/Furry) 43

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

AGAINST: Nil

12.2 MINUTES OF THE COUNTRY MAYORS ASSOCIATION HELD ON 6 MARCH 2020

RESOLVED that the Minutes of the Country Mayors Association General Meeting held on 6 March 2020 be noted.

(Reid/Furry) 44

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

AGAINST: Nil

12.3 MINUTES OF THE CANBERRA REGION JOINT ORGANISATION BOARD MEETINGS HELD ON 27 FEBRUARY 2020

RESOLVED that the Minutes of the Meeting of the CRJO Board held on 27 February 2020 be noted.

(Furry/Reid) 45

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

AGAINST: Nil

12.4 MINUTES OF THE ABORIGINAL CONSULTATIVE COMMITTEE HELD ON 11 FEBRUARY 2020

RESOLVED that the minutes of the Aboriginal Consultative Committee meeting held on 11 February 2020 be noted.

(Reid/Furry) 46

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

AGAINST: Nil

13. Confidential Matters

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

13.1 Tender Variation - Victoria Park Amenities Upgrade Stage 2

Item 13.1 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.2 Community Services Review Update and Lease of Council Building

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.

(Harker/Furry) 47

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

AGAINST: Nil

Closed Council commenced at 5.19 pm.

13.1 TENDER VARIATION - VICTORIA PARK AMENITIES UPGRADE STAGE 2

SUMMARY

Following the formation of a women's team at the Yass Rams Rugby Union Club a variation to the contract to upgrade the amenities at Victoria Park is required to amend the showering area of the change rooms at the facilities from that originally designed and allow the facility to be co-used by both men's and women's teams. This variation is greater than 10% of the value of the original contract.

RESOLVED that a variation be approved of \$21,987.90 (ex GST) for Monarch Building Solutions under contract YVC.PG.04.2019 to facilitate the use the amenities by both men's and women's sports teams.

(Furry/Frost) 48

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

AGAINST: Nil

13.2 COMMUNITY SERVICES REVIEW UPDATE AND LEASE OF COUNCIL BUILDING

SUMMARY

To provide an update on the progress with the transfer of Council's community service activities and to consider a request for the leasing of a Council owned building.

RESOLVED that the Goodradigbee Centre be leased for two years to Valmar to assist with the transfer of community service activities and the rental amount be determined.

(Jones/Furry) 49

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

AGAINST: Nil

RESOLVED that the meeting move into Open Council.

(Jones/Reid) 50

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

AGAINST: Nil

Open Council resumed at 6.02 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Furry/Reid) 51

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

AGAINST: Nil

The meeting closed at 6.03 pm.

6.1 PLANNING PROPOSAL - MINIMUM LOT SIZE FOR LOW RISE MEDIUM DENSITY HOUSING

SUMMARY

To present the outcomes of the public exhibition of the Planning Proposal seeking an amendment to the *Yass Valley LEP 2013* by including minimum lot size provisions for dual occupancies and multi-dwelling houses in certain land use zones.

It is recommended that the Planning Proposal be adopted and the Department of Planning, Industry & Environment (DPIE) be requested to make the amendment to the *Yass Valley LEP 2013*.

RECOMMENDATION

That:

1. *The Planning Proposal (PP.2018.05) to include minimum lot sizes provisions for low rise medium density housing be adopted*
2. *The Department is requested to make the amendment to the Yass Valley LEP 2013*

FINANCIAL IMPLICATIONS

Nil - This Planning Proposal has been prepared 'in house' by staff.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *South East and Tablelands Regional Plan 2036*
- *Yass Valley Settlement Strategy 2036*
- *Yass Valley Local Environmental Plan 2013 (YVLEP)*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *Low Rise Medium Density Housing Code*
- *Low Rise Medium Density Design Guide*

REPORT

1. Background

DPIE has introduced *Low Rise Medium Density Housing Code* and the *Low Rise Medium Density Design Guide*. The Code would enable one and two storey dual occupancies, manor houses and multi-dwelling houses (terraces) on R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village zones as Complying Development, only where medium density development is currently permitted within the YVLEP.

At present, the *Yass Valley LEP 2013* does not contain any development standard specifying the minimum lot size for dual occupancies or medium density development. As such, the new Code would allow for dual occupancies (only where both new dwellings have road frontage) on 400m² lots. Manor houses and Medium Density Terraces development would be permitted on lots down to 600m².

The current absence of a minimum lot size within the *Yass Valley LEP 2013* for medium density housing may result in higher density development. To limit the potential risk to character, density and demand on infrastructure of Yass and Murrumbateman Council prepared a planning proposal to introduce minimum lot size for low rise medium density housing.

2. Planning Proposal

Council prepared a Planning Proposal (refer **Attachment A**) to introduce minimum lot sizes in response to the *Low Rise Medium Density Housing Code*. The Planning Proposal introduced minimum lot sizes for dual occupancy, manor house and multi-dwelling houses in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village zones.

A minimum lot size provision is also proposed for dual occupancies on land currently zoned RU5 Village within the Yass Valley if the land is not connected to a reticulated sewerage system.

The Planning Proposal was adopted by Council at its meeting on 26 June 2019 and DPIE was requested to issue a Gateway determination. The Planning Proposal was reviewed by DPIE's Codes Team and they confirmed that the Code does not apply to areas not connected to a reticulated sewerage system. It was also advised that Council cannot introduce a minimum lot size for manor houses in the LEP until 1 July 2020 when the Code would apply to the LGA (if no further exemption to the Code is sought).

In response to DPIE's advice the Planning Proposal was amended, however further subsequent revision was required in accordance with the conditions of the Gateway Determination (refer **Attachment B**).

3. Gateway Determination

DPIE issued a Gateway determination on 17 January 2020, authorising Council to proceed with the Planning Proposal subject to

was required to revise The Planning Proposal was required to be revised by including the information on the number and location of low rise medium density housing developments that have been approved by Council over the last 5 years and the likely impact of the proposed changes on the supply and demand for low rise medium density housing in the Yass LGA. A savings and transition clause was also required to be added to the Proposal.

Pursuant to the conditions of Gateway Determination, consultation with the community and the NSW Rural Fire Services was required.

3.1 Public Exhibition

The Planning Proposal was placed on public exhibition from 24 February to 23 March 2020 for community consultation. The community was notified through Council's website, e-newsletter, Facebook page and Council's notice page within the Yass Tribune.

Council did not receive any submission or objection to the Planning Proposal.

3.2 NSW Rural Fire Services

The Rural Fire Services (RFS) was consulted in accordance with the condition of Gateway determination. The RFS advised (refer **Attachment C**) they have no concerns in relation to bush fire.

4. Conclusion

In regard to the Planning Proposal at this stage in the planning process, Council can:

- **Reject** the proposal
- **Modify** the proposal
- **Adopt** the proposal as exhibited.

As no objections have been received it is recommended that the Planning Proposal be adopted and DPIE requested to make the amendment to the LEP.

STRATEGIC DIRECTION

Key Pillar 1. Our Environment

CSP Strategy EN4 - Maintain a balance between growth, development and environmental protection through sensible planning

Delivery Program Action EN4.1 - Ensure Council's statutory planning instruments are up to date and reflective of the community needs

Operational Plan Activity EN4.1.1 – Undertake ongoing strategic land use planning and reviews of existing instruments

ATTACHMENTS:

- A. Planning Proposal - Minimum Lot Size for Low Rise Medium Density Housing [!\[\]\(00454fbbe8db418db0de5eebfa916a08_img.jpg\)](#) 
- B. Gateway determination [!\[\]\(e0cf2596b7f15139c12c58233ba748a6_img.jpg\)](#) 
- C. NSW Rural Fire Service Response [!\[\]\(32dc4fd1d8720a74b95d374e8ccedb9f_img.jpg\)](#) 



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PLANNING PROPOSAL

Yass Valley LEP 2013
Minimum Lot Size
for
Low Rise Medium Density Housing

February 2020



Images taken from NSW's Low Rise Medium Density - Design Guide for Complying Development

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PART 1 - OBJECTIVES / INTENDED OUTCOMES

The planning proposal seeks to amend the Yass Valley Local Environmental Plan (YVLEP) 2013 by introducing minimum lot size provisions for dual occupancies and multi dwelling houses in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village zones.

The planning proposal is also intended to introduce minimum lot size provisions for dual occupancies on land currently zoned RU5 Village within the Yass Valley if the land is not connected to a reticulated sewerage system.

PART 2 - EXPLANATION OF PROVISIONS

The proposed amendments to the YVLEP 2013 and their intended outcome are identified below.

Item 1: Introduction of minimum lot size for low rise medium density housing

NSW Department of Planning, Industry & Environment (Department) has introduced a Low Rise Medium Density Housing Code (Code) and a Low Rise Medium Density Design Guide (Design Guide) to address NSW's ageing and growing population by providing greater housing choice, increased housing supply and affordable housing. The Code will allow the construction of one and two storey dual occupancies, manor houses and multi dwelling houses (terraces) in R1, R2, R3 and RU5 zones under the complying development approval pathway. The Code will be applicable throughout NSW, and therefore, many Councils are proposing local provisions in their Local Environmental Plans to limit any adverse impact to their local character.

Yass Valley has a unique local character, with streetscapes and built form having embedded historical values. The development standards which specify the size and scale of development and a minimum lot size of land for low rise medium density housing are critical in protecting this character. Low rise medium density houses will only be allowed as complying development in R1, R2, R3 and RU5 zones where they are permitted under the YVLEP 2013. Any proposal for low rise medium density housing to be assessed as complying development must comply with the development standards in the Code and the design criteria of the Design Guide.

The two storey height restriction for low rise medium density housing as complying development under the Code is consistent with the current maximum building height of 8 metres over the residential areas within Yass under the YVLEP 2013. However, the absence of minimum lot size provisions within the YVLEP 2013 for low rise medium density housing will result in higher density development under the Code which is inconsistent with the existing local character and will place pressure on existing amenities and infrastructure.

Under the Code, a minimum lot size of 400sqm has been specified for dual occupancies whereas for manor houses and multi dwelling houses (terraces) the minimum lot size would be 600sqm.

Council considers that the above 'default' minimum lot sizes specified by the Code would result in development that would be out of the character of the Yass Valley. As such, low rise medium density housing should only be allowed as complying development in the Yass Valley after the proposed minimum lot size provisions within the YVLEP 2013 for low rise medium density housing are adopted.

The Yass Built Form Study 2011 recommended that for multi dwelling housing, a minimum lot size of 400sqm per dwelling should be applied to maintain the local character of Yass. The study considered that an area of 300sqm per dwelling or less in established areas of Yass would be difficult to achieve due to topography and the historical pattern of development. The capacity of ageing water and sewer

infrastructure to cope with a significant increase in development is also unknown at this stage.

Council wishes to seek a varied minimum lot size for the construction of dual occupancies, manor houses and multi dwelling houses under the Code in R1, R2, R3 and RU5 zones. However, the application of the Code is temporarily deferred to the Yass Valley LGA until 1 July 2020. Therefore, Council cannot make changes to the YVLEP 2013 in regards to the manor houses including changing the minimum lot size till the deferral period ceases. Furthermore, it is also noted that should Council introduce a minimum lot size for manor houses in the YVLEP 2013 that would only apply to manor houses lodged as development applications. As such, the minimum lot size for manor houses under the Code will continue to be 600sqm, given, this development standard of the Code does not defer to Council's Local Environmental Plan.

In view of the above, Council only seeks to introduce minimum lot sizes for dual occupancies and multi dwelling houses in R1, R2, R3 and RU5 zones. As such, the minimum lot size proposed in Table 1 would only apply to land connected to reticulated sewerage and water supply system. The smallest minimum lot size for subdivision in the Yass Valley is currently 700sqm. Accordingly, Council is seeking a minimum lot size for dual occupancies and multi dwelling houses in Yass Valley as proposed below:

Zone	Location	Current Minimum Lot Size under the YVLEP 2013 for Subdivision	Proposed Minimum Lot Sizes for (Land connected to reticulated sewerage and water supply system)	
			Dual Occupancies (Detached / Attached)	Multi Dwelling Houses
R1 General Residential	Yass	700sqm 1,000sqm 2,000sqm 5,000sqm 2 hectares	400sqm per dwelling	400sqm per dwelling
R2 Low Density Residential	Yass	4,000sqm 2 hectares	2,000sqm per dwelling	Not applicable
R3 Medium Density Residential	Yass	700sqm (Note: Settlement Strategy proposed 300sqm)	150sqm per dwelling	150sqm per dwelling
RU5 Village	Murrumbateman	1,500sqm	750sqm per dwelling	Not applicable

Table 1: Proposed minimum lot size for dual occupancies and multi dwelling houses on land connected to a reticulated sewerage system

There are only very limited pockets of land currently zoned R3 Medium Density Residential in Yass, which are either already developed or subject to some constraints. The minimum lot size proposed above for medium density housing reflects Council's consideration through the Yass Valley Settlement Strategy 2036 of the potential to apply the R3 zone in other locations with a minimum lot size of 300sqm to provide for a diversity of housing particularly for residents who are ageing or have a disability. These areas will be dealt with through a separate planning proposal process.

It is also important to note that for dual occupancy and multi dwelling house, the development proposal must meet all of the development standards in the Code and the design criteria of the Design Guide for complying development. Therefore, the Code will not apply to the areas of Yass Valley LGA not connected to reticulated water supply and sewerage system.

Although, under the current provisions of YVLEP 2013, Yass and Murrumbateman have a potential for low rise medium density housing development. However, the development applications data suggests that Yass Valley residents are more inclined to stand-alone single dwelling houses compare to low rise medium density housing as shown in Table 2 below. It is important to note that dual occupancies are approved across the towns and villages of Yass Valley LGA whereas multi dwelling houses are only constructed in Yass, given, under the provision of YVLEP 2013 multi dwelling houses are permissible in R3 Medium Density Residential only.

Number of development applications for low rise medium density housing			
Year	Dual Occupancies	Multi Dwelling Houses	Single Dwelling Houses
2013-14	4	2	94
2014-15	5	1	117
2015-16	8	0	95
2016-17	6	2	83
2017-18	6	0	84
Total	29	5	473

Table 2: Development applications lodged with Yass Valley Council for low rise medium density housing
Source: NSW Local Development Performance Monitoring (accessed February 2020)

The impact of proposed changes on the development potential of low rise medium density housing in the Yass Valley could be understood by comparing the expected lot yield under the Code with the potential lot yield under the proposed changes.

Comparison of lot yield under the Code & the Planning Proposal (PP)					
Zone		Dual Occupancies		Multi Dwelling Houses	
		Under the Code	Under the PP	Under the Code	Under the PP
R1 General Residential	Minimum lot size	200sqm per dwelling	400sqm per dwelling	600sqm (3 or more dwellings)	400sqm per dwelling
	Number of lots available for CDC	approx. 1650	approx. 1100	approx. 1400	approx. 450
Difference in lot yield (R1)		-550		-950	

R2 Low Density Residential	Minimum lot size	200sqm per dwelling	2000sqm per dwelling	N/A	N/A
	No of lots for CDC	approx. 29	approx. 18	N/A	N/A
Difference in lot yield (R2)		-11		N/A	
R3 Medium Density Residential	Minimum lot size	200sqm per dwelling	150sqm per dwelling	600sqm (3 or more dwellings)	150sqm per dwelling
	No of lots for CDC	approx. 9	approx. 9	approx. 5	approx. 5
Difference in lot yield (R3)		0		0	
RUS Village	Minimum lot size	200sqm per dwelling	750sqm per dwelling	N/A	N/A
	No of lots for CDC	approx. 222	approx. 75	N/A	N/A
Difference in lot yield (RU5)		-147		N/A	
Total Tentative lots yield		1910	1202	1405	455
Difference in lots yield		-708 lots		-950 lots	

Table 3: Comparison of expected lot yield for low rise medium density housing
Source: NSW-DPIE (August 2019) and Yass Valley Council (February 2020)

It appears from the data in Table 3 that there would be some loss in lot yield by proposed changes. The data suggests that there may be loss of 550 lots, 11 lots and 147 lots in R1, R2 and RU5 respectively for dual occupancy. The loss of lot yield in R2 is very minimum that can be overcome considering there is potential for further subdivision of land currently zoned R2. As such, the expected loss of 550 lots and 147 lots for dual occupancies in R1 and RU5 respectively and the expected loss of 950 lots for multi dwelling houses in R1 by proposed changes appear to be high.

Notwithstanding that the number of DA's lodged with Council in the last 5 years for dual occupancies and multi dwelling houses shown in Table 2 suggest that it is highly unlikely that there will be high demand for low rise medium density in Yass Valley especially under the Code. As such, Council proposed a higher minimum lot size compare to what would be applied under the Code, to strengthen the unique character of Yass Valley.

In addition to the above, to meet the housing demand and to support housing diversity, the Yass Valley Settlement Strategy 2036 has recommended rezoning of land from R1 zone to R3 zone for infill development. This will create more than 50 lots for multi dwelling houses. Furthermore, various greenfield sites have been identified in the Strategy to make land available for divers housing needs of ageing and growing population.

Item 2: Introduction of minimum lot size for dual occupancies on land currently zoned RU5 and not connected to a reticulated sewerage system

Most of the land currently zoned RU5 (see Images 1 to 7) in the villages of Yass Valley is not connected to a reticulated sewerage system with the exception of most of Murrumbateman. In these villages, for

the purpose of subdivision, the minimum lot size for RU5 zone varies between 1500sqm and 2000sqm. However, the actual size of some of the lots in these villages is as small as 650sqm on which a dual occupancy is currently permissible under the provision of the YVLEP 2013.

The Amendment No 2 to the YVLEP 2013 gazetted on 2 March 2018 resulted in rezoning land from RU1 Primary Production to R2 Low Density Residential to the north and south of the existing Gundaroo village. The land is not connected to a reticulated sewerage system. In consideration of the concerns of the Department and the NSW Natural Resources Access Regulators (formerly known as NSW DPI-Water), special provisions were introduced under the clause 6.12 of the YVLEP 2013 which require a minimum lot size of 5,000sqm for a dwelling house and a minimum lot size of 10,000sqm (1 hectare) for a dual occupancy when the land is not connected to a reticulated sewerage system. This decision was made to reduce any adverse impact of future development and village expansion, primarily on groundwater quality.

Following the introduction of the abovementioned provisions for land recently zoned R2 in Gundaroo, similar provisions are proposed in planning proposals (under consideration) in Sutton relating to the proposed rezoning of rural land to R2 and RU5. Council consider it is prudent to include a similar provision in the YVLEP 2013 to strengthen the requirement in relation to the reticulated sewerage system. Therefore, it is recommended that a minimum area of 4,000sqm should be required to lodge a development application for dual occupancy on land currently zoned RU5 that is not connected to a reticulated sewerage system.

This provision will mainly apply to land currently zoned RU5 in the Yass Valley LGA. As such, increasing the area required for dual occupancy on land currently zoned RU5 that is not serviced by a reticulated sewerage system will also address the issue of higher density and any adverse impact on the character of the villages. The land to which the provision will apply to is shown in below Images.

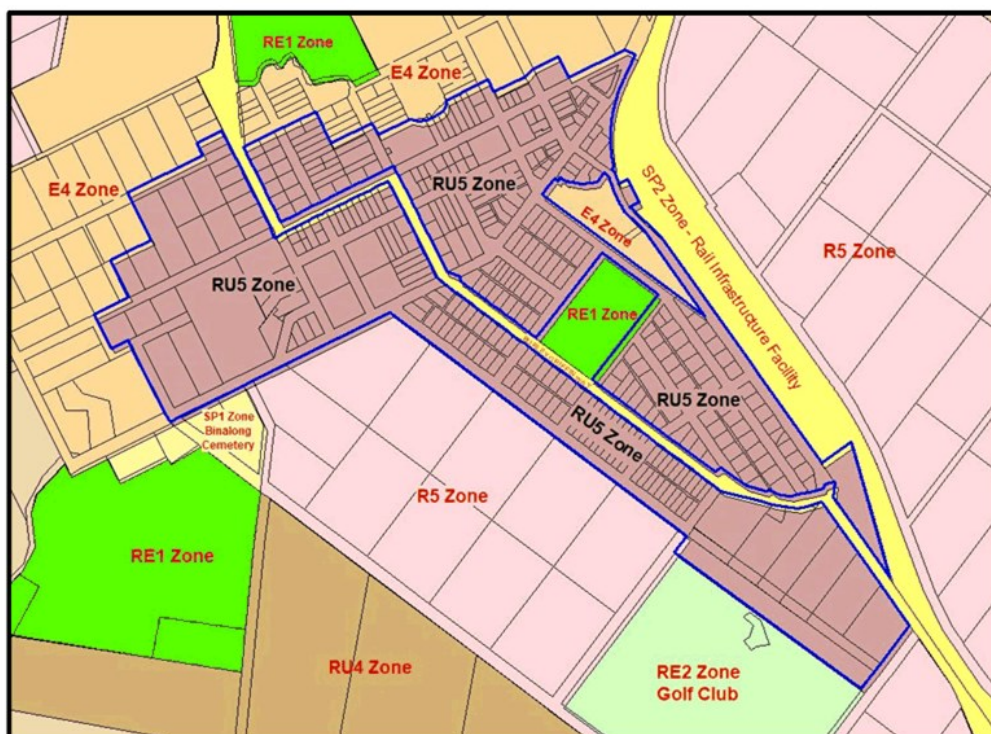


Image 1: Existing Land Zoning Binalong - the proposed provision will apply to RU5 zoned land outlined blue

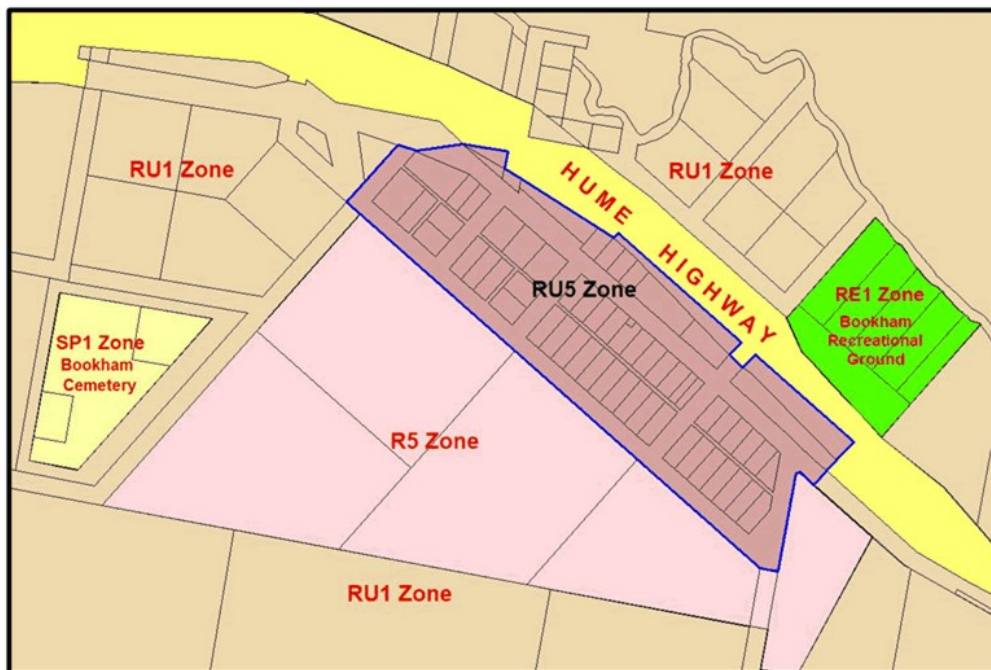


Image 2: Existing Land Zoning Bookham - the proposed provision will apply to RU5 zoned land outlined blue

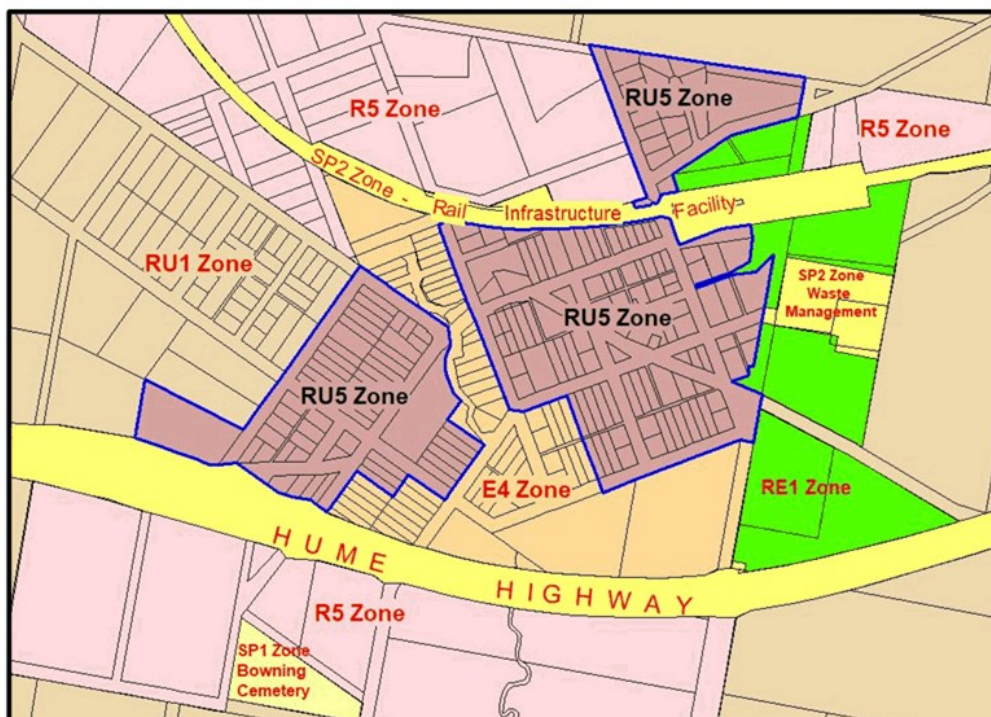


Image 3: Existing Land Zoning Bowning - the proposed provision will apply to RU5 zoned land outlined blue

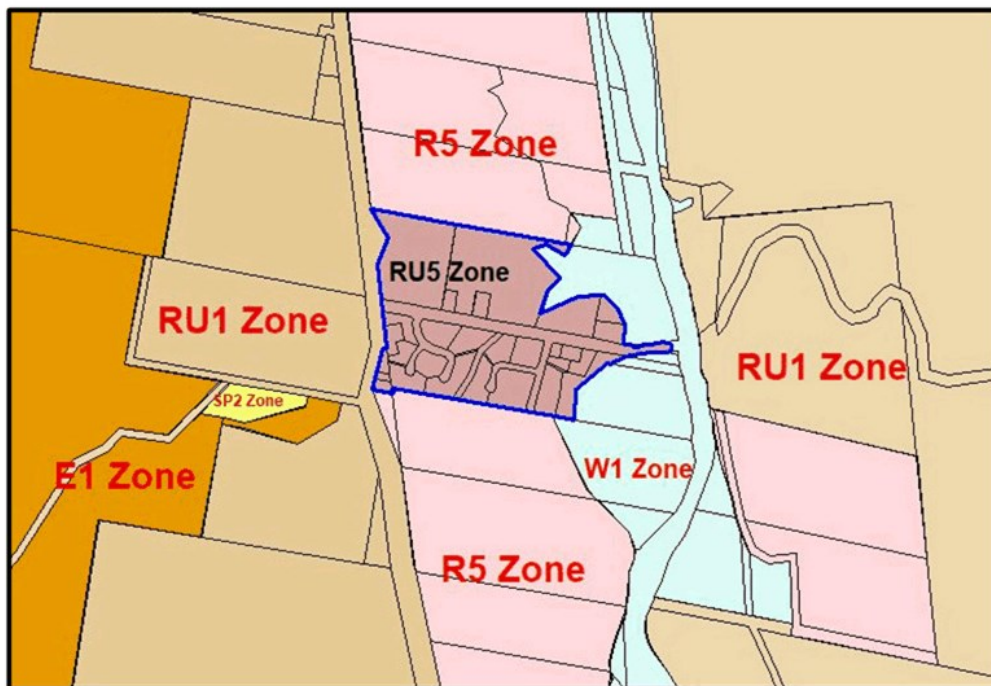


Image 4: Existing Land Zoning Wee Jasper - the proposed provision will apply to RU5 zoned land outlined blue

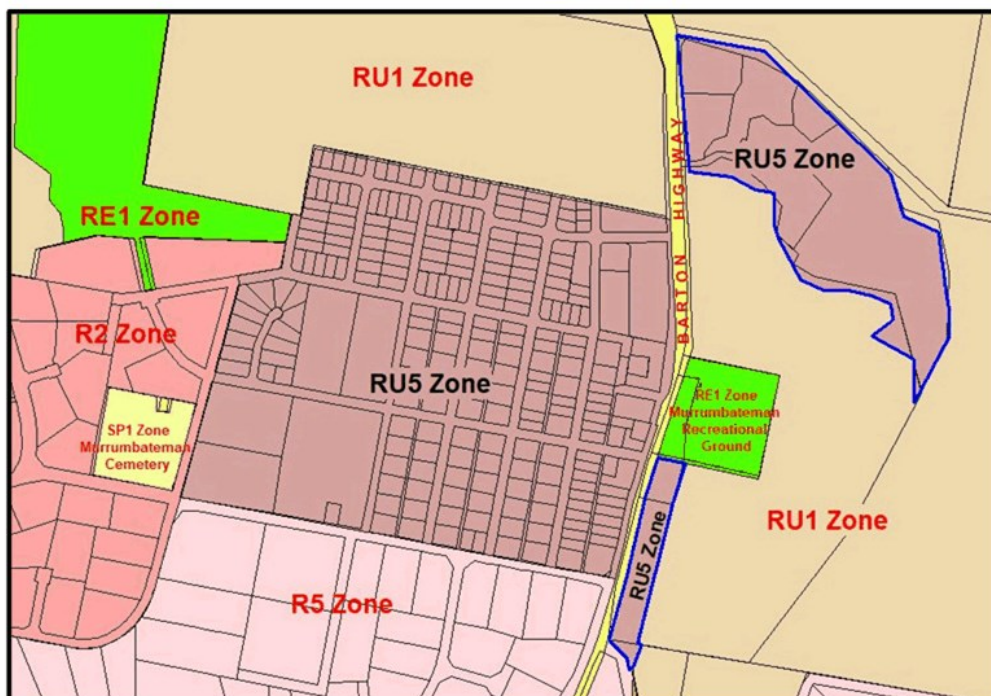


Image 5: Existing Land Zoning Murrumbateman - the proposed provision will apply to RU5 zoned land outlined blue

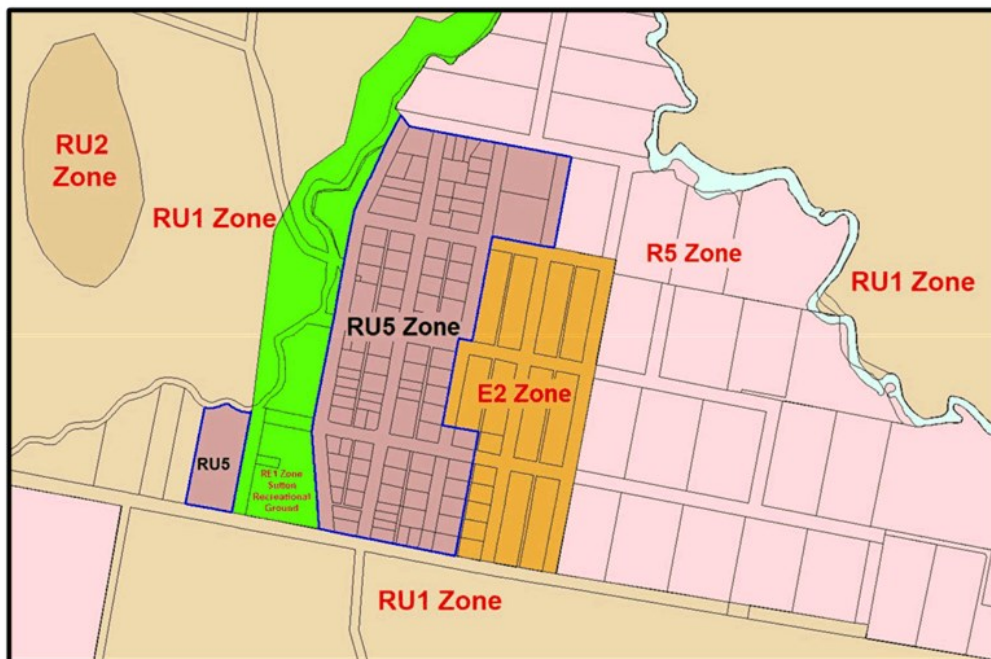


Image 6: Existing Land Zoning Sutton - the proposed provision will apply to RU5 zoned land outlined blue

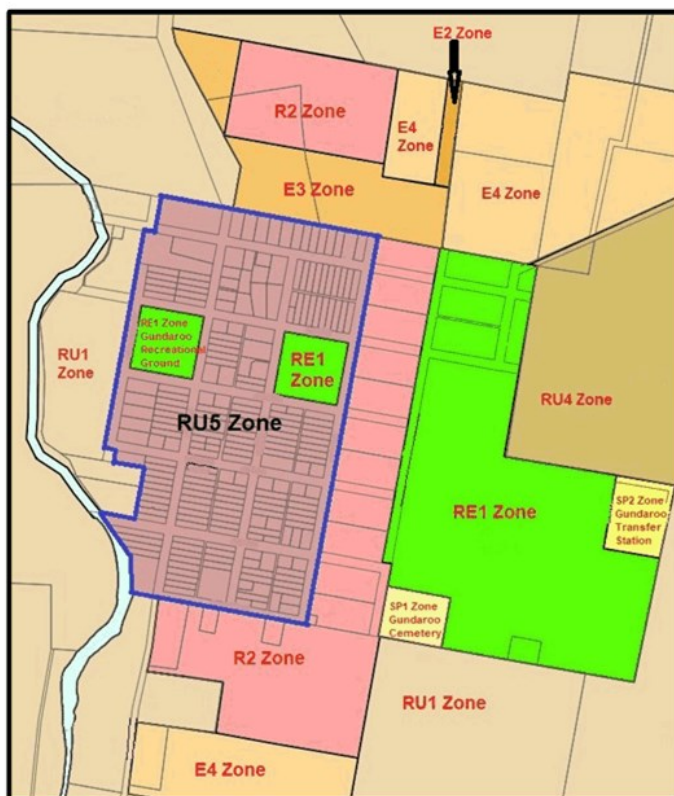


Image 7: Existing Land Zoning Gundaroo - the proposed provision will apply to RU5 zoned land outlined blue

Item 3: Inclusion of a new savings and transition clause

The NSW Department of Planning, Industry and Environment has issued a Gateway determination on 17 January 2020. The Gateway has conditioned Council to include a saving and transition clause for this planning proposal.

The intent of saving and transition clause is to ensure any development applications lodged prior to the YVLEP amendment coming into effect are not adversely impacted by the proposed changes to minimum lot sizes to dual occupancies and multi-dwelling houses.

PART 3 - JUSTIFICATION

The planning proposal seeks to amend the YVLEP 2013 by introducing minimum lot sizes for dual occupancies and multi dwelling houses in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village zones. The aim is to specify the minimum lot size required for dual occupancies and multi dwelling houses to be constructed in Yass Valley as complying development where it meets all of the required development standards of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the design criteria in the Design Guide.

The planning proposal is also intended to introduce a provision for the construction of a dual occupancy through a DA on land currently zoned RU5 in Yass Valley that is not connected to a reticulated sewerage system.

Section A - Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes, the planning proposal incorporates recommendations of the Yass Built Form Study 2011, and the Yass Valley Settlement Strategy 2036 those were adopted by the Council on November 2011 and August 2017 respectively. Item 2 of the planning proposal has been included in regard to the provisions introduced by Amendment No 2 to the YVLEP relating to land in Gundaroo that is not connected to a reticulated sewerage system. Moreover, this planning proposal is in response to the introduction of the Low Rise Medium Density Housing Code and the Design Guide across NSW to ensure its application is appropriate within the Yass Valley.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is the best and the only means to achieve the objectives and the intended outcome.

Section B - Relationship to strategic planning framework.

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with the objectives and actions of the South East and Tablelands Regional Plan (SE&TR Plan) 2036. The SE&TR Plan forecasts 70% of the region's population growth by 2036 occurring in the areas that abut the ACT.

The ultimate objective of this planning proposal is to allow opportunities for housing diversity and

increased housing stock where appropriate within the Yass Valley. Medium density development undertaken as complying development will need to be located to take account of the character, environmental qualities and capacity of the land. As such, the planning proposal is consistent with the SE&TR Plan 2036.

In particular, the planning proposal is consistent with the actions identified in the SE&TR Plan 2036, that are listed below:

- **Action 24.3:** Promote increased housing choices, including townhouses, villas and apartments in strategic centres and locations close to existing services and jobs.
- **Action 24.4:** Promote opportunities for retirement villages, nursing homes and similar housing for seniors in local housing strategies.
- **Action 25.1:** Focus future settlement to locations that:
 - maximise existing infrastructure and services and minimise the needs for new services; and
 - prioritise increased densities within existing urban areas.
- **Action 27.1:** Deliver greater housing affordability by incorporating policies and tools into local housing strategies and local planning controls that will enable a greater variety of housing types and incentivise private investment in affordable housing.
- **Action 27.2:** Facilitate greater housing diversity, including studio and one-and-two-bedroom dwellings, to match forecast changes in household sizes.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The proposed amendment to the YVLEP 2013 is consistent with the local strategic work which underpinned the preparation of the Yass Valley Local Environmental Plan. The planning proposal is consistent with the Yass Valley Settlement Strategy 2036, the Yass Built Form Study 2011 and the Southeast Tablelands Regional Community Strategic Plan 2016-2036.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The table below outlines the applicability and consistency of the proposed amendments to the YVLEP 2013 with all the NSW State Environmental Planning Policies (SEPPs).

Active State Environmental Planning Policies	Relevance of SEPP to the Planning Proposal
SEPP 1 - Development Standards	Not applicable
SEPP 19 - Bushland in Urban Areas	Not applicable
SEPP 21 - Caravan Parks	Not applicable
SEPP 33 - Hazardous and Offensive Development	Not applicable
SEPP 36 - Manufactured Home Estates	Not applicable
SEPP 44 - Koala Habitat Protection	Not applicable
SEPP 47 - Moore Park Showground	Not applicable
SEPP 50 - Canal Estate Development	Not applicable
SEPP 55- Remediation of Land	Not applicable
SEPP 64 - Advertising and Signage	Not applicable

SEPP 65 - Design Quality of Residential Apartment Development	Not applicable
SEPP 70 - Affordable Housing (Revised Schemes)	The planning proposal would create opportunities for affordable housing by increased housing stock and better housing choices.
SEPP Aboriginal Land 2019	Not applicable
SEPP Affordable Rental Housing 2009	Not applicable
SEPP Building Sustainability Index: BASIX 2004	The planning proposal does not contain any provision that would be inconsistent with or hinder the application of the SEPP.
SEPP Coastal Management 2018	Not applicable
SEPP Concurrences 2018	The planning proposal does not contain any provision that would be inconsistent with or hinder the application of the SEPP.
SEPP Educational Establishments and Child Care Facilities 2017	Not applicable
SEPP Exempt and Complying Development Codes 2008	The planning proposal does not contain provisions that would be inconsistent with or hinder the application of the SEPP. This planning proposal will facilitate the development of dual occupancies and multi dwelling houses in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village zones as complying development when land is connected to reticulated sewerage while maintaining the local character and built form of the neighbourhoods.
SEPP Gosford City Centre 2018	Not applicable
SEPP Housing for Seniors or People with a Disability 2004	The planning proposal does not contain any provision that would be inconsistent with or hinder the application of the SEPP.
SEPP Infrastructure 2007	Not applicable
SEPP Kosciuszko National Park - Alpine Resorts 2007	Not applicable
SEPP Kurnell Peninsula 1989	Not applicable
SEPP Mining, Petroleum Production and Extractive Industries 2007	Not applicable
SEPP Miscellaneous Consent Provisions 2007	Not applicable
SEPP Penrith Lakes Scheme 1989	Not applicable

SEPP Primary Production and Rural Development 2019	Not applicable
SEPP State and Regional Development 2011	Not applicable
SEPP State Significant Precincts 2005	Not applicable
SEPP Sydney Drinking Water Catchment 2011	Not applicable
SEPP Sydney Region Growth Centres 2006	Not applicable
SEPP Three Ports 2013	Not applicable
SEPP Urban Renewal 2010	Not applicable
SEPP Vegetation in Non-Rural Areas 2017	The planning proposal does not contain provisions that would be inconsistent with or hinder the application of the SEPP.
SEPP Western Sydney Employment Area 2009	Not applicable
SEPP Western Sydney Parklands 2009	Not applicable

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following table documents the relevance and consistency of all Ministerial Directions issued under section 9.1 of the *Environmental Planning & Assessment Act 1979*.

Ministerial Directions under Section 9.1 of the EP&A Act	
2. Environment and Heritage	
2.1 Environment Protection Zones	<p>Consistent</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The planning proposal is not intended to rezone any land within an environmental protection zone, nor would it affect any land identified for environment protection purposes in the YVLEP 2013.</p> <p>As such, a few parcels of land within the Yass Valley LGA are identified in the Natural Resources Biodiversity Map associated with the YVLEP 2013. However, due consideration will be given at the time of development assessment under the provisions of the <i>Biodiversity Conservation Act 2016</i> to protect and conserve any environmentally sensitive areas.</p>
2.3 Heritage Conservation	<p>Consistent</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The Code prohibits the development of low rise medium density housing as complying development when land is identified as a heritage item or is within the heritage conservation area on the</p>

	<p>Heritage Map within the YVLEP 2013.</p> <p>In the above scenario, low rise medium density housing will only be permissible with Council's consent. The consent will be issued upon the assessment of a development application wherein due consideration will be given to protect the heritage significance of an item or a heritage conservation area within the Yass Valley LGA.</p>
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>Consistent</p> <p>This direction applies when a planning proposal will affect land within:</p> <ul style="list-style-type: none"> (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. <p>The planning proposal does include provisions that would encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> • contain a requirement that residential development is not permitted until the land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and • not contain provisions which will reduce the permissible residential density of land.
3.3 Home Occupations	<p>Consistent</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The planning proposal will not affect the permissibility of home occupations to be carried out in dwelling houses without the need for development consent. As such, under the provisions of the YVLEP 2013 home occupations are permissible without consent in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village zones.</p> <p>The planning proposal does not include any amendment to the abovementioned provisions.</p>

4. Hazard and Risk	
4.3 Flood Prone Land	<p>Consistent</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>Council has adopted the Sutton & Gundaroo Floodplain Risk Management Study and Plans. Council is also preparing the Floodplain Risk Management Study and Plans for Yass, Bowning, Bookham, Binalong and Murrumbateman that will be adopted in the near future.</p> <p>As such, low rise medium density housing will not be permitted as complying development on flood prone land, however, appropriate measures would be taken to mitigate flood impact as recommended in the Floodplain Risk Management Studies and Plans for any development that may have any flood impact or the development may impact the flood behaviour at the development assessment stage.</p>
4.4 Planning for Bushfire Protection	<p>Consistent</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect or is in proximity to land mapped as bushfire prone land.</p> <p>In a bushfire prone area, low rise medium density housing will not be allowed as complying development under the provision of the Code. A development application will be required to seek permission for low rise medium density development that will have regard to the guidelines set out in the Planning for Bushfire Protection 2018.</p>
5. Regional Planning	
5.10 Implementation of Regional Plans	<p>Consistent</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The planning proposal is consistent with the vision, land use strategy, goals, directions and actions contained in the South East and Tableland Regional Plan 2036 - in particular the actions below:</p> <ul style="list-style-type: none"> • Action 24.3: Promote increased housing choices, including townhouses, villas and apartments in strategic centres and locations close to existing services and jobs. • Action 24.4: Promote opportunities for retirement villages, nursing homes and similar housing for seniors in local housing strategies. • Action 25.1: Focus future settlement to locations that:

	<ul style="list-style-type: none"> • maximise existing infrastructure and services and minimise the needs for new services; and • prioritise increased densities within existing urban areas. • Action 27.1: Deliver greater housing affordability by incorporating policies and tools into local housing strategies and local planning controls that will enable a greater variety of housing types and incentivise private investment in affordable housing. • Action 27.2: Facilitate greater housing diversity, including studio and one-and-two-bedroom dwellings, to match forecast changes in household sizes.
6. Local Plan Making	
6.1 Approval and Referral Requirements	<p>Consistent</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The planning proposal does not include any provisions that will require concurrence, consultation or referral to a Minister or Public Authority. The proposal does not identify any development as designated development either.</p>

Section C - Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal relates to the introduction of minimum lot size for low rise medium density housing and to facilitate the construction of dual occupancies and multi dwelling houses (terraces) as complying development under the Code. However, it is important to note that under the Code dual occupancies, manor houses and multi dwelling houses (terraces) will not be permissible on land not connected to a reticulated sewerage system.

In addition, the construction of dual occupancies, manor houses and multi dwelling houses (terraces) will not be allowed on environmentally sensitive land under the Code. However, should a development application be lodged with Council for dual occupancies and multi dwelling houses on land that has significant environmental value, every consideration will be made as required by the NSW Biodiversity Conservation Act 2016 and other relevant act, regulation and policies to protect the critical habitat, threatened species and ecological communities.

Furthermore, the proposal does not include rezoning of any land in particular to any environmental protection zone land. Therefore, it is unlikely that critical habitat or threatened species, population or ecological communities or their habitat will be affected as a result of the proposed amendments to the YVLEP 2013.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed amendments are intended to facilitate the development of low rise medium density

housing as complying development under the Code while having regard to the local character and non-availability of critical infrastructure. The planning proposal is not intended to propose an amendment to the areas of environmental significance and therefore, it is very unlikely that the amendments would have an adverse effect on the environment.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The amendments to the YVLEP 2013 included in the planning proposal are made to capitalise the social and economic benefit of low rise medium density housing in the Yass Valley. The proposal will benefit the Yass Valley residents by increased housing stock, more housing choices with better design and affordable housing.

The planning proposal will create an opportunity to develop more housing, which means more employment opportunities to residents - in particular, the skilled labour and by accommodating increased population within close proximity to the local businesses.

Section D - State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The planning proposal does not trigger any requirement for additional infrastructure at this time. The planning proposal seeks to ensure that this type of development is located where appropriate infrastructure is available.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has not consulted any state or commonwealth public authority regarding the planning proposal. It is, however, envisaged that the Gateway determination would nominate relevant Government agencies that need to be consulted during the public exhibition period.

PART 4 - MAPPING

The planning proposal is intended to amend minimum lot size of dual occupancies and multi dwelling houses on land zoned R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village zones only by the inclusion of an additional clause in the YVLEP 2013. The planning proposal may require an amendment to the Lot Size Maps associated with the YVLEP 2013 to indicate where the clause for dual occupancies on RU5 land (not connected to a reticulated sewerage system) will apply.

The maps that require amendment in the Planning Proposal are listed in the table below.

Yass Valley LEP Maps to be amended	
Map Type	Map Sheet (identification number)
Lot Size Map	
LSZ_001A	8710_COM_LSZ_001A_020_20160801
LSZ_001B	8710_COM_LSZ_001B_020_20190319
LSZ_001C	8710_COM_LSZ_001C_020_20190319
LSZ_001D	8710_COM_LSZ_001D_020_20160801
LSZ_002A	8710_COM_LSZ_002A_020_20160801
LSZ_005C	8710_COM_LSZ_005C_160_20160801

LSZ_005E	8710_COM_LSZ_005E_020_20170914
LSZ_005F	8710_COM_LSZ_005F_020_20160801

PART 5 - COMMUNITY CONSULTATION

In considering a planning proposal, community consultation is required under section 3.34(2)(c) of the *Environmental Planning and Assessment Act 1979*. It is envisaged that the planning proposal would be exhibited for a minimum period of **28 days** under the Department's guidelines entitled '*A guide to preparing local environmental plans*'.

Consultation would incorporate:

- Notice in the Council page within the Yass Tribune,
- Notification through the Yass Valley Council website, e-newsletter and Facebook page.

It is anticipated that a Public Hearing would not be required as no land is proposed to be reclassified, and also the matters included in the planning proposal are of minor nature.

It should be noted that Council is seeking authorisation to exercise its delegation of local plan-making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979*, as this planning proposal is considered to be a routine, minor matter.

PART 6 - PROJECT TIMELINE

The following timeline is indicative and is provided to assist the Department in preparing the Gateway determination. It is acknowledged that the timeline will be influenced by a range of external factors, and is also subject to amendments by the Department through the Gateway process.

A timeline for actions required to finalise the planning proposal is documented in the following table.

Stage	Estimated timeframe
Anticipated commencement date (date of Gateway determination)	January 2020 (assuming six weeks from submission to DPI&E)
Completion of any additional required technical information	N/A
Government Agency Consultation	Concurrent - February/March 2020
Public Exhibition (28 days)	Concurrent – February/March 2020
Consideration of submissions by staff	March/April 2020
Public Hearing	Not required
Post Exhibition consideration of planning proposal by Council	April/May Council Meeting 2020 (only if Council receives any major submission)
Submission to Minister to make the amending LEP under section 3.36 of the <i>Environmental Planning and Environment Act 1979</i>	June/July 2020



Planning,
Industry &
Environment

PP_2019_YASSV_001_00/(IRF19/7187)

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

Attention: Ms Liz Makin

Dear Mr Berry

Planning proposal PP_2019_YASSV_001_00 to amend Yass Valley Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 18 November 2019 in respect of the planning proposal to apply a minimum lot size for dual occupancies and multi-dwelling housing in the Yass Valley residential zones.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I understand Council has partly prepared this planning proposal in response to the Low Rise Medium Density Housing Code, which the Minister agreed would be deferred from commencement in the Yass Shire until 1 July 2020.

I acknowledge Council's need for the planning proposal, which is based on the desire to ensure that dual occupancy and multi-dwelling housing developments are in keeping with community expectations, consistent with the existing and desired future character of the area and do not overload local infrastructure.

The inconsistency with section 9.1 Direction 3.1 Residential Zones remains unresolved until additional work is completed to analyse the impact of the proposed controls on future housing diversity and supply prior to public exhibition. To satisfy this requirement the planning proposal should be updated to include information on the number and location of low rise medium density housing developments that have been approved by Council over the last 5 years and the likely impact of the proposed changes on the supply and demand for low rise medium density housing in the Yass LGA. The revised planning proposal is to be submitted to the Department for endorsement prior to community consultation.

This requirement is consistent with the Department's endorsement of the Yass Valley Settlement Strategy in 2018 that encouraged Council to establish a housing monitor to assist in the ongoing implementation of the Strategy for managing growth and strategic direction for Yass Valley.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 9.1 Direction 4.4 Planning for Bushfire Protection will be justified in accordance with the terms of the Direction upon consultation with the NSW Rural Fire Service in accordance with the Direction. No further approval is required in relation to this Direction.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority because of the implications this planning proposal has on the Low Rise Medium Density Housing Code.

Please note the Gateway determination also requires the planning proposal to be amended prior to public exhibition to include a savings and transition clause. The clause will ensure any development applications lodged prior to the local environmental plan (LEP) amendment coming into effect are not adversely impacted by the proposed changes to minimum lot sizes to dual occupancy and multi-dwelling housing developments.

The amending LEP is to be finalised within six months of the date of the Gateway determination. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Graham Judge to assist you. Mr Judge can be contacted on 6229 7906.

Yours sincerely

17/1/2020
Monica Gibson
Executive Director, Local and Regional Planning
Planning and Assessment

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2019_YASSV_001_00): to apply a minimum lot size for dual occupancy and multi-dwelling housing developments in residential zones.

I, the Executive Director, Local and Regional Planning at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Yass Valley Local Environmental Plan (LEP) 2013 to apply a minimum lot size for dual occupancy and multi-dwelling housing developments in residential zones should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to community consultation to:
 - (a) provide quantitative analysis and assess the impacts of the planning proposal on future housing supply and diversity, and
 - (b) include a new savings and transition clause to ensure the proposed amendments do not affect any development applications lodged and not determined or appeal processes.
2. The updated planning proposal required under condition 1 is to be submitted to the Director, Southern Region for endorsement prior to undertaking community consultation.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The time frame for completing the LEP is to be by **30 June 2020**.

Dated 17th day of January 2020.

**Monica Gibson
Executive Director
Local and Regional Planning
Department of Planning, Industry and
Environment**

**Delegate of the Minister for Planning
and Public Spaces**

PP_2019_YASSV_001_00 (IRF19/7187)



NSW RURAL FIRE SERVICE

Yass Valley Council
Locked Bag 6
YASS NSW 2582

Your reference: PP.2019.01
Our reference: SPI20200229000028

ATTENTION: Arif Cholhan

Date: Thursday 19 March 2020

Dear Sir/Madam,

**Strategic Planning Instrument
LEP Amendment**

Amend Yass Valley Local Environmental Plan (YVLEP) 2013 by introducing minimum lot size provisions for dual occupancies and multi dwelling houses in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village zones

I refer to your correspondence dated 24/02/2020 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and subsequently raise no concerns or issues in relation to bush fire.

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.

Yours sincerely,

Martha Dotter
**Team Leader, Dev. Assessment & Planning
Planning and Environment Services**

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

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6.2 PLANNING PROPOSAL - HIGHWAY SERVICE CENTRE, MURRUMBATEMAN

SUMMARY

To present a report on a draft Planning Proposal seeking an amendment to the *Yass Valley Local Environmental Plan (LEP) 2013* for a Highway Service Centre at Barton Highway, Murrumbateman. It is recommended that the Planning Proposal be submitted for a Gateway determination.

RECOMMENDATION

That:

1. *Planning Proposal PP.2020.01 for a Highway Service Centre, Barton Highway, Murrumbateman be endorsed subject to the preparation of a Traffic Impact Assessment report and forwarded to the Minister for Planning to request a Gateway determination pursuant to s3.34 Environmental Planning & Assessment Act 1979.*
2. *Planning Proposal PP.2020.01 be adopted if no significant objections are received after the public exhibition of the planning proposal pursuant to the conditions of Gateway determination in accordance with s3.34(2)(c) Environmental Planning & Assessment Act 1979.*

FINANCIAL IMPLICATIONS

Nil - Resources for the assessment of Planning Proposals are provided for in the current Operational Plan.

POLICY & LEGISLATION

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

REPORT

1. Draft Planning Proposal

A draft planning proposal has been received seeking an amendment to the *Yass Valley LEP 2013* to permit a Highway Service Centre on the western side of Barton Highway, approximately 4.5km north of Murrumbateman, at the intersection of Barton Highway and Longrail Gully Road.

Longrail Gully Road bisects the site into two portions. The northern portion has an area of 3.5ha whereas the southern portion is 6.7ha. The Highway Service Centre is proposed on 2ha within the northern portion of the site as shown on **Figure 1**. The south west boundary of the site abuts the former Barton Highway road reserve.

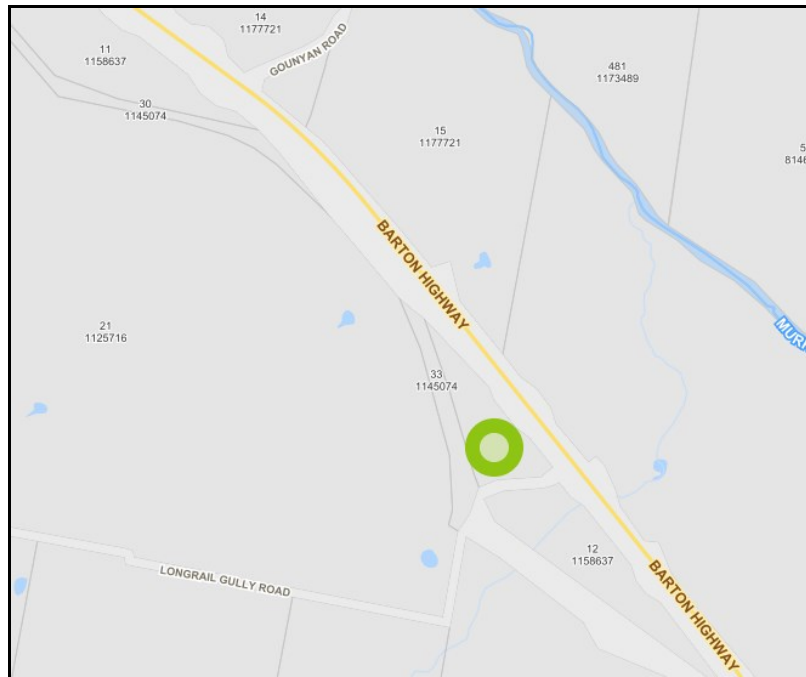


Figure 1: Location of proposed Highway Service Centre

The exact site area required is subject to detailed design being undertaken and advice from State agencies if the draft Planning Proposal is supported.

The subject site is zoned RU1 Primary Production within the *Yass Valley LEP 2013* and a Highway Service Centre is not permitted within this zone. The draft Planning Proposal seeks to add Highway Service Centre as an additional permitted use for the subject site. This approach is considered acceptable, and consistent with the *Yass Valley LEP 2013* amendment for the Bowning Highway Centre. The draft Planning Proposal and supporting reports are provided as a Separate Enclosure.

2. Planning Proposal

2.1 Strategic Analysis

The *Yass Valley LEP 2013* defines a Highway Service Centre as:

a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) A restaurant or café,*
- (b) Take away food and drink premises,*
- (c) Service stations and facilities for emergency vehicle towing and repairs,*
- (d) Parking for vehicles,*
- (e) Rest areas and public amenities*

Highway Service Centres should be located strategically at reasonable intervals along highways to serve the travelling public and to ensure the safety, comfort and convenience of drivers travelling on highways. The number and type of Highway Service Centres along highways need to be rationalised to avoid unnecessary proliferation which may:

- Compromise highway traffic operation and safety due to the frequency of highway service centres entry and exit points
- Affect the commercial viability of each Highway Service Centre
- Over-serve the needs of the travelling public
- Affect the local economic interests and the community dynamics of nearby towns

At present, there is no Highway Service Centre along the Barton Highway. The existing Yass Highway Service Centre is located 23km from the subject site, whereas to the south the Caltex Highway Service Centre at Watson in the ACT is located 49km from the subject site. The existing Murrumbateman

village service station offers fuel and groceries, with no driver rest facilities. Post duplication of the highway, including construction of the Murrumbateman bypass, this service station would predominantly serve the local population.

The State Government has no policy or guideline regarding Highway Service Centre locations along the Barton Highway. However, the State Government's Policy for *Highway Service Centres along the Pacific Highway 2014*, the Western Australian Government's *Freeway Service Centres and Roadhouses Policy 2016* and Victorian *Freeway Service Centres Design 1997* provide guidance in assessing the suitability of a location.

The NSW Pacific Highway Policy recommends Highway Service Centres be a minimum of 24km apart and ideally 80km to 110km apart. The Western Australian Policy recommends a minimum of 40km separation from a similar existing facility, whereas Victorian State Governments recommend spacing at minimum intervals of 50km. Regardless of the distance specified in each policy, all advise that locations should be market-driven, located only where it has been demonstrated that existing highway service centres and towns do not already provide this service for highway users. The crucial separation distance for this Highway Service Centre is to the ACT given the significant commuter traffic and freight movement.

Although Murrumbateman is not yet bypassed, there is a principle in *Highway Service Centres along the Pacific Highway* that they should be located as close as reasonably practicable to the bypassed town, preferably near the intersection of the highway/bypass to facilitate provision of local employment and connections to utility services. As the proposed site is located approximately 2km north of the planned Murrumbateman bypass, and 49km to the nearest Highway Service Centre in the ACT, this location is considered to have strategic merit.

2.2 Site Analysis

The assessment of the site in terms of biodiversity value, Aboriginal cultural heritage and bushfire are discussed below in detail.

2.2.1 Biodiversity Value

The site was created as a result of Barton Highway realignment. The realignment resulted in disconnectivity from the neighbouring agricultural land on the east. A small portion at the northern edge of the site is identified on the Natural Resources Biodiversity Map in the LEP (refer **Figure 2**).

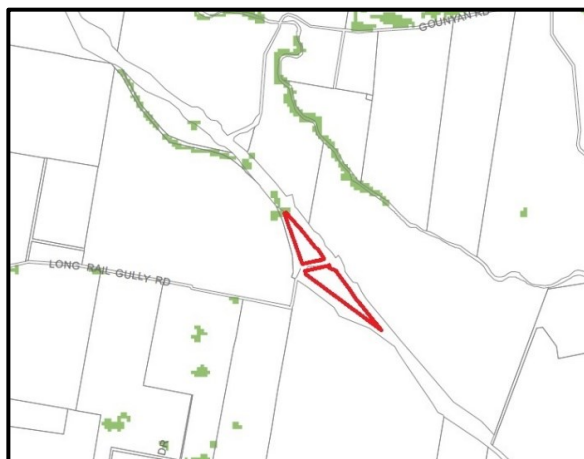


Figure 2: Natural Resources Biodiversity Map

An Ecological Assessment Report submitted with the proposal indicates the site is mainly comprised of cleared and managed non-native grassland consisting of mostly exotic herbs and grass with marginal native groundcover and no shrub layer due to intensive sheep and cattle grazing and history of interspersed cropping. Only one *Eucalyptus melliodora* is recorded on the site.

The assessment indicates that the site could provide limited potential habitat for some threatened fauna species, however, none were recorded on the site during recent fieldwork except a record of one bird species was recorded.

The Biodiversity Value Map in the LEP indicates that the site is not mapped as Biodiversity Value land as defined by the *Biodiversity Conservation Regulation 2017*. The proposal does not trigger the requirement for the Biodiversity Development Assessment Report.

2.2.2 Aboriginal Cultural Heritage

An Aboriginal Heritage Due Diligence assessment of the proposed site indicates that:

- The visual inspection did not reveal any Aboriginal heritage sites
- The field survey found that much of the land had either been modified through historical land-use practices or had eroded to the point where little topsoil remained
- No archaeological deposits were located

The site has low archaeological potential and works may proceed with caution. This will be confirmed after consulting with State agencies post Gateway.

2.2.3 Dryland Salinity

The site is identified on the Natural Resources Land Map in the LEP as having potential dryland salinity (refer **Figure 3**). The dryland salinity is identified on the southern portion of the land and is not included in the proposed site for the Highway Service Centre.

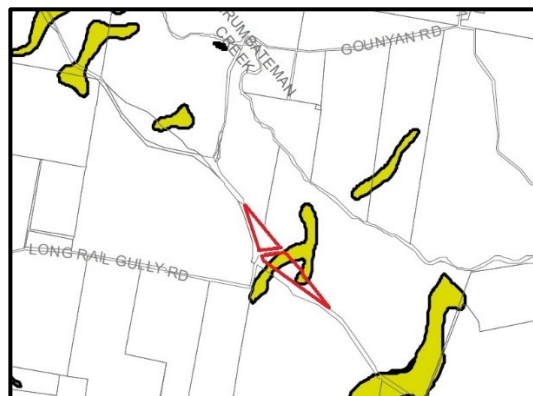


Figure 3: Natural Resources Land Map

2.2.4 Bush Fire Prone Land

The site land is not identified on the current Bush Fire Prone Land Map.

2.2.5 Traffic Impact Assessment

The draft Planning Proposal is supported by a traffic scoping report. This report which considers the current road environment, including intersection treatments and traffic volumes. However, in the absence of any detailed design of the Highway Service Centre, the issues of the internal circulation, traffic generated by the development and its impact on the Barton Highway including access have not been discussed in the report.

The matter relating to the impact of the proposed development on traffic and access to Barton Highway has been discussed with Transport for NSW (TfNSW). TfNSW has advised that they would require a detailed design of the Highway Service Centre and a comprehensive Traffic Impact Assessment report to assess the impact of the proposal.


3. Conclusion

Taking into consideration the general principles within the State Governments guidelines for the location and separation of Highway Service Centres the proposal is considered to have sufficient merit to allow it to progress through the Gateway process to allow further consideration.

In the interim, the proponent will be required to undertake a detailed design of the Highway Service Centre and supporting Traffic Impact Assessment report to further assess the Planning Proposal.

STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN4 - Maintain a balance between growth, development and environmental protection through sensible planning
Delivery Program Action	EN4.1 - Ensure Council's statutory planning instruments are up to date and reflective of the community needs
Operational Plan Activity	EN4.1.1 – Undertake ongoing strategic land use planning and reviews of existing instruments

ATTACHMENTS: A. Planning Proposal and Supporting Studies (*Under Separate Cover*) 

6.3 PLANNING PROPOSAL - OPENING BUSINESS AND INDUSTRIAL ZONES

SUMMARY

To present the outcomes of the public exhibition of the Planning Proposal seeking an amendment to the *Yass Valley Local Environmental Plan (LEP) 2013* by amending the land use table structure for the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial zones, from 'closed' to 'open' zones.

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

RECOMMENDATION

That:

1. *The Planning Proposal - Business and Industrial Zones: Closed to Open (PP.2019.03) be adopted and the amendment to the Yass Valley LEP 2013 be made by Council as a local plan-making authority under s3.36 Environmental Planning & Assessment Act 1979*
2. *The amendment to the Yass Valley LEP 2013 be forwarded to the Parliamentary Counsel's Office to request formal legal opinion that the amendment can be made*

FINANCIAL IMPLICATIONS

Nil - This Planning Proposal was prepared 'in house' by staff.

POLICY & LEGISLATION

- *Yass Valley Local Environmental Plan 2013*
- NSW Practice Note PN 11-002 'Preparing LEPs using the Standard Instrument'
- Tablelands Regional Community Strategic Plan.

REPORT

1. Background

The land use table of all zones under the *Yass Valley LEP 2013* are structured as 'closed' zones. The 'closed' zones provide certainty to planning staff and the community, however, they do not provide scope to consider uses which were not anticipated at the time the LEP was prepared or uses which do not sit neatly within the LEP definitions.

The 'open' zones allow greater flexibility and avoid the need to undertake unnecessary LEP amendments to permit additional uses that were not anticipated during the preparation of the LEP.

The inflexibility and limitations of establishing some commercial uses because of the current 'closed' zone structure was identified as an issue in the past. All zone tables in the LEP will be reviewed progressively as resources permit, however business and industrial zones are considered highest priority.

2. Planning Proposal

A Planning Proposal (refer **Attachment A**) was prepared to amend the LEP by amending the land use table structure for the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial zones, from 'closed' to 'open' zones.

The proposed amendment requires rearranging the land use table by including some uses as:

- 'Permitted without consent' under item 2 which are currently prohibited or permitted with consent
- 'Permitted with consent' under item 3 which are prohibited at present, as well as inserting the words 'Any development not specified in item 2 or item 4'
- 'Prohibited' under item 4

The Planning Proposal was endorsed in November 2019. The Department of Planning, Industry & Environment (DPIE) was subsequently requested to issue a Gateway determination.

3. Gateway Determination

DPIE issued a Gateway determination (refer [Attachment B](#)) on 17 January 2020, authorising Council to proceed with the proposal subject to conditions. Council was required to consult with the community, however, no consultation was required with public agencies.

4. Public Consultation

The Planning Proposal was placed on public exhibition from 29 January to 28 February 2020. The notification of public consultation was placed on Council's website, e-newsletter, Facebook page and Council's notice page within the Yass Tribune.



No submissions or objections have been received to the Planning Proposal.

5. Conclusion

The proposed amendment will ensure the flexibility and responsiveness of the LEP to meet rapidly evolving business needs. Considering no submissions were received, the amendment to the LEP can be made by Council as the delegated local plan-making authority.

STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN4 - Maintain a balance between growth, development and environmental protection through sensible planning
Delivery Program Action	EN4.1 - Ensure Council's statutory planning instruments are up to date and reflective of the community needs
Operational Plan Activity	EN4.1.1 – Undertake ongoing strategic land use planning and reviews of existing instruments

- ATTACHMENTS:**
- A. Planning Proposal - Business & Industrial Zones (Closed to Open) [↓](#) 
 - B. Gateway Determination [↓](#) 

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PLANNING PROPOSAL

Yass Valley LEP 2013
Business & Industrial Zones:
Closed to Open

November 2019



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PART 1 - OBJECTIVES / INTENDED OUTCOMES

To convert the following zones within the Yass Valley Local Environmental Plan (YVLEP) 2013 from closed to open:

- B1 Neighbourhood Centre
- B2 Local Centre
- B5 Business Development
- B6 Enterprise Corridor
- IN1 General Industrial
- IN2 Light Industrial

And

Add uses which were omitted through error or anomalies where existing uses or similar uses were originally specifically prohibited.

PART 2 - EXPLANATION OF PROVISIONS

The outcome will be achieved by:

1. Opening the land use table for the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial. Opening the land use table will ensure that innominate uses (uses not defined in the Standard Instrument Dictionary) become permitted with the consent of the consent authority. This requires re-arranging the land use table to list all of the currently prohibited development under 'Item 4 Prohibited development' and inserting the words "Any development not specified in item 2 or 4" under 'Item 3 Permitted with consent'.
2. Including the following uses as 'permitted without consent' under item 2 of the land use table

Environmental protection works (currently prohibited) within the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development and B6 Enterprise Corridor zones.

Home-based child care (currently prohibited), Home businesses (currently permitted with consent), Home occupations (currently permitted with consent) within the B6 Enterprise Corridor zone.

3. **To include the following uses (currently prohibited) as permitted with consent under item 3 of the land use table.**

Flood mitigation works within the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial.

Water storage facilities within the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development and B6 Enterprise Corridor zones.

Amusement centres, Artisan Food and drink industries, Health consulting rooms and Information and education facilities in the B1 Neighbourhood Centre zone.

Artisan Food and drink industries, Environmental facilities, Health consulting rooms and Residential accommodation in the B2 Local centre.

Commercial premises, Community Facilities, Educational establishments, Emergency services facilities, Hotel and motel accommodation, Serviced apartments and Public administration buildings in the B5 Business Development zone.

Bed & Breakfast accommodation, Centre-based child care facilities, Function centres and Health services facilities in the B6 Enterprise Corridor.

Crematoria, Mortuaries, Electricity generating works, Emergency services facilities, Rural supplies, Sewerage systems, Storage premises, Vehicle sales or hire premises, Waste or resource management facilities within the IN1 General Industrial zone.

Electricity generating works, Landscaping material supplies and Timber yards within the IN2 Light Industrial zone.

For full details of the proposed amendments to the land use tables, refer to [Appendix 1](#).

PART 3 - JUSTIFICATION

The planning proposal seeks to amend the YVLEP by converting the business zones from 'closed' to 'open' to increase flexibility for the establishment of new commercial development.

The approach taken during the original drafting of the YVLEP was to adopt a closed zone structure which specifies development that is permitted with, and without consent. Any other development which is not specified is therefore prohibited in this approach. While closed zones provide certainty to planning staff and the community, they do not provide scope to consider uses which were not anticipated at the time the YVLEP was prepared or uses which do not sit within the LEP definitions. The commercial sector is also rapidly evolving due to technology and changes in people's lifestyles. As such business zones need to be agile to accommodate new and unanticipated uses. Council will progressively review other zones within the LEP as resourcing permits, however business and industrial zones were considered the highest priority.

The practice note issued by the Department of Planning, Industry and Environment (DPIE) for *Preparing LEP's using the Standard Instrument: standard zones (PN 11-002)* encourages the open approach within business zones to achieve flexibility.

It is also proposed to address land use omissions/anomalies within these zones, with the full list of land uses existing and proposed included in [Appendix 1](#).

The following are to be included as permitted without consent:

Environmental protection works within the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development and B6 Enterprise Corridor zones to enable environmental rehabilitation works that may not be connected to another development to be undertaken.

Home-based child care, Home businesses, Home occupations within the B6 Enterprise Corridor zone to reflect the substantial number of existing dwellings in the zone that continue to be used for residential purposes.

It is also proposed to address the following omissions/anomalies by including the following uses as

permitted with consent:

Flood mitigation works within the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial.

Water storage facilities within the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development and B6 Enterprise Corridor zones to enable consideration of water reservoirs in these zones if required.

Amusement centres, Artisan Food and drink industries, Health consulting rooms and Information and education facilities in the B1 Neighbourhood Centre zone, all of which are compatible uses with the existing neighbourhood centre and small number of surrounding dwellings.

Artisan Food and drink industries, Environmental facilities, and Health consulting rooms. and Residential accommodation in the B2 Local centre, to enable development associated with Chinaman's Creek and use and redevelopment of existing dwellings within the zone. It also enables businesses such as artisan bakeries be considered.

Commercial premises, Community Facilities, Educational establishments, Emergency services facilities, Hotel and motel accommodation, Serviced apartments and Public administration buildings in the B5 Business Development zone, all of which are compatible uses within a zone that covers three areas of Yass. The Hotel and motel accommodation and serviced apartments reflect the existing Colonial Lodge Motor Inn and Hi-way Motor Inn and allows them to expand onto adjacent land.

Bed & Breakfast accommodation, Centre-based child care facilities, Function centres and Health services facilities in the B6 Enterprise Corridor to reflect the significant number of dwellings in this zone and allow adaptive uses to be considered.

Crematoria, Mortuaries, Electricity generating works, Emergency services facilities, Rural supplies, Sewerage systems, Storage premises, Vehicle sales or hire premises, Waste or resource management facilities within the IN1 General Industrial zone, all of which are compatible land uses within an industrial area.

Electricity generating works, Landscaping material supplies and Timber yards within the IN2 Light Industrial zone which are compatible uses in this zone.

Section A - Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

No, it only relates to the current zone structure and application of the YVLEP instrument.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the only way the zone structure and uses can be amended is through a planning proposal.

Section B - Relationship to strategic planning framework.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with Direction 12 to 'Promote business activities in urban centres' and will support the delivery of the following actions:

12.1- Use flexible planning controls to facilitate knowledge-intensive industries and the development of small work hubs.

12.2- Encourage mixed use developments that cater for commercial, retail, residential and tourism uses through local planning controls.

12.3- Reinforce the role and function of centres as the primary places for commerce, retail, social activity and regional services through local strategies and local environmental plans.

12.4- Focus future commercial and retail activity in existing commercial centres, unless there is a demonstrated need and positive social and economic benefits to locate this activity elsewhere.

As the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development, B6 Enterprise Corridor IN1 General Industrial and IN2 Light Industrial zones only apply to Yass town, enabling greater flexibility for business owners will provide opportunities to reinforce the commercial and service role of Yass within the Local Government Area and the broader Canberra region.

Enabling existing tourist and visitor accommodation businesses to expand is also consistent with Direction 9 'Grow tourism in the region'.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The proposed amendment to the YVLEP 2013 is referenced within the draft Yass Valley Local Strategic Planning Statement as an action to ensure local planning controls are flexible and responsive.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The table below outlines the applicability and consistency of the planning proposal to the YVLEP 2013 with all State Environmental Planning Policies (SEPPs).

State Environmental Planning Policies	Relevance of SEPP to the Planning Proposal
SEPP 1 - Development Standards	Not applicable
SEPP 19 - Bushland in Urban Areas	Not applicable
SEPP 21 - Caravan Parks	Not applicable
SEPP 33 - Hazardous and Offensive Development	Not applicable
SEPP 36 - Manufactured Home Estates	Not applicable
SEPP 44 - Koala Habitat Protection	Not applicable
SEPP 47 - Moore Park Showground	Not applicable
SEPP 50 - Canal Estate Development	Not applicable
SEPP 55- Remediation of Land	Not applicable
SEPP 64 - Advertising and Signage	Not applicable

SEPP 65 - Design Quality of Residential Apartment Development	Not applicable
SEPP 70 - Affordable Housing (Revised Schemes)	Not Applicable
SEPP (Aboriginal Land) 2019	Not Applicable
SEPP Affordable Rental Housing 2009	Not applicable
SEPP Building Sustainability Index: BASIX 2004	Not Applicable
SEPP Coastal Management 2018	Not applicable
SEPP Concurrences 2018	Not Applicable
SEPP Educational Establishments and Child Care Facilities 2017	Not applicable
SEPP Exempt and Complying Development Codes 2008	Not Applicable
SEPP Gosford City Centre 2018	Not Applicable
SEPP Housing for Seniors or People with a Disability 2004	Not applicable
SEPP Infrastructure 2007	Not applicable
SEPP Integration and Repeals 2016	Not applicable
SEPP Kosciuszko National Park - Alpine Resorts 2007	Not applicable
SEPP Kurnell Peninsula 1989	Not applicable
SEPP Mining, Petroleum Production and Extractive Industries 2007	Not applicable
SEPP Miscellaneous Consent Provisions 2007	Not applicable
SEPP Penrith Lakes Scheme 1989	Not applicable
SEPP Primary Production and Rural Development 2019	Not applicable
SEPP State and Regional Development 2011	Not applicable
SEPP State Significant Precincts 2005	Not applicable
SEPP Sydney Drinking Water Catchment 2011	Not applicable
SEPP Sydney Region Growth Centres 2006	Not applicable
SEPP Three Ports 2013	Not applicable
SEPP Urban Renewal 2010	Not applicable
SEPP Vegetation in Non-Rural Areas 2017	Not applicable

SEPP Western Sydney Employment Area 2009	Not applicable
SEPP Western Sydney Parklands 2009	Not applicable

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following table documents the relevance and consistency of all Ministerial Directions issued under section 9.1 of the Environmental Planning & Assessment Act 1979.

Ministerial Directions under Section 9.1 of the EP&A Act	
1. Employment and Resources	
1.1 Business and Industrial Zones	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within a business or industrial zone.</p> <p>The planning proposal is consistent with this Direction as it gives effect to the objectives to</p> <ul style="list-style-type: none"> encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres. <p>The planning proposal does not have any impact on the areas or potential floor areas of land zoned for business.</p> <p>Consistent</p>

Section C - Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal does not propose any increase in the extent of business or industrial zones, therefore there are no implications for critical habitat or threatened species, populations or ecological communities, or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal does not propose any increase in the extent of business or industrial zones, therefore it is unlikely that there will be any environmental effects.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will benefit the Yass Valley economically by supporting existing businesses to expand or evolve, and a greater range of new businesses to establish. This will have positive social

impacts through the creation of employment opportunities and range of services available to residents.

Section D - State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The planning proposal does not trigger any requirement for additional public infrastructure as the extent of business and industrial zones are not being altered.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has not consulted any state or commonwealth public authority regarding the planning proposal, and as this is correcting the application of a local planning instrument, there is no need to do so.

PART 4 - MAPPING

The planning proposal only requires an amendment to the YVLEP instrument, not the maps.

PART 5 - COMMUNITY CONSULTATION

In considering a planning proposal, community consultation is required under section 3.34(2)(c) of the *Environmental Planning and Assessment Act 1979*. It is envisaged that the planning proposal would be exhibited for a minimum period of **28 days** under the Department's guidelines entitled '*A guide to preparing local environmental plans*'.

In accordance with the guidelines, the planning proposal is considered consistent with surrounding land use zones and land uses as well as the strategic planning framework. It presents no issues with regard to infrastructure servicing, is not a principal LEP and does not reclassify public land.

The exhibition would incorporate:

- Notice in the Council page within the Yass Tribune,
- Notification through the Yass Valley Council website, e-newsletter and Facebook page.

It is anticipated that a Public Hearing would not be required as no land is proposed to be reclassified, and the matters included within the planning proposal are of minor nature.

It should be noted that Council is seeking authorisation to exercise its delegation of local plan-making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979*, as this planning proposal is considered to be a routine, minor matter.

PART 6 - PROJECT TIMELINE

The following timeline is indicative and is provided to assist the Department in preparing the Gateway determination. It is acknowledged that the timeline will be influenced by a range of external factors, and is also subject to amendments by the Department through the Gateway process.

A timeline for actions required to finalise the planning proposal is documented in the following table.

Stage	Estimated timeframe
Anticipated commencement date (date of Gateway determination)	December 2019
Completion of any additional required technical information	N/A
Government Agency Consultation	N/A
Public Exhibition (14 days)	January 2020
Consideration of submissions by staff	February 2020
Public Hearing	Not required
Post Exhibition consideration of planning proposal by Council	(only required if Council receives any major submission)
Submission to Minister to make the amending LEP under section 3.36 of the <i>Environmental Planning and Environment Act 1979</i>	February 2020

APPENDIX 1

(Note: Green text is the proposed zone tables indicates changes to the current YVLEP)

Existing

Zone B1 Neighbourhood Centre

1 Objectives of zone

2 Permitted without consent

Home-based child care; Home businesses; Home occupations

3 Permitted with consent

Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Office premises; Oyster aquaculture; Respite day care centres; Retail premises; Roads; Service stations; Shop top housing; Signage; Specialised retail premises; Tank-based aquaculture; Water reticulation systems

4 Prohibited

Cellar door premises; Pond-based aquaculture; Roadside stalls; Timber yards; Vehicle sales or hire premises; Any other development not specified in item 2 or 3



B1 Neighbourhood Centre- Irvine Square, Yass

Proposed

Zone B1 Neighbourhood Centre

1 Objectives of zone

2 Permitted without consent

Environmental protection works; Home-based child care; Home businesses; Home occupations

3 Permitted with consent

Amusement centres; Artisan Food and drink industries; Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Flood mitigation works; Health consulting rooms; Information and education facilities; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Office premises; Oyster aquaculture; Respite day care centres; Retail premises; Roads; Service stations; Shop top housing; Signage; Specialised retail premises; Tank-based aquaculture; Water reticulation systems; Water storage facilities; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal Boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping Grounds; Caravan parks; Cellar door premises; Cemeteries; Charter & tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes;

Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupation (sex services); Hospitals; Hostels; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Pond-based aquaculture; Port facilities; Public Administration building; Recreation areas; Recreation facilities (indoor, major, outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural Industries; Sewerage systems; Sex services premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

Existing

Zone B2 Local Centre

1 Objectives of zone

2 Permitted without consent

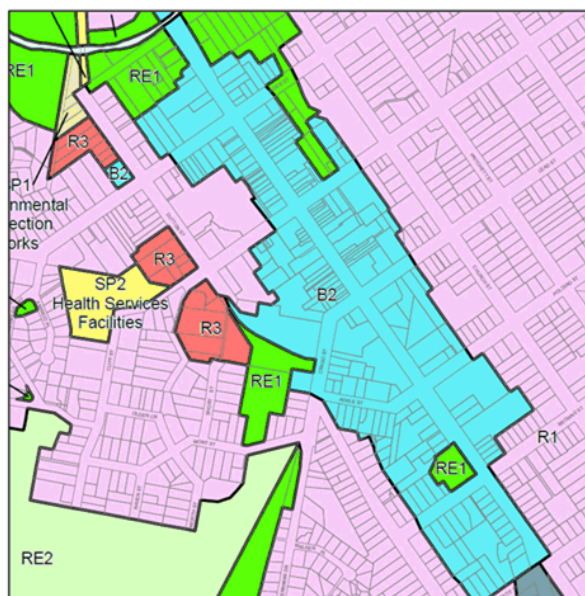
Home-based child care; Home businesses; Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Flood mitigation works; Function centres; Group homes; Home industries; Hostels; Information and education facilities; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Water reticulation systems

4 Prohibited

Pond-based aquaculture; Any development not specified in item 2 or 3



B2 Local Centre – Comur Street/CBD, Yass (Yass River to Petit Street)

Proposed

Zone B2 Local Centre

1 Objectives of zone

2 Permitted without consent

Environmental protection works; Home-based child care; Home businesses; Home occupations

3 Permitted with consent

Amusement centres; Artisan food and drink industry; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Group homes; Health consulting rooms; Home industries; Hostels; Information and education facilities; Medical centres; Multi-dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Registered clubs; Residential accommodation; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Service stations; Shop-top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Water reticulation systems; Water storage facilities; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal Boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping Grounds; Caravan parks; Cellar door premises; Cemeteries; Charter & tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipad; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Landscaping material supplies; Marinas; Mooring; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major and outdoor); Research stations; Rural industries; Rural workers' dwellings; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

Existing

Zone B5 Business Development

1 Objectives of zone

2 Permitted without consent

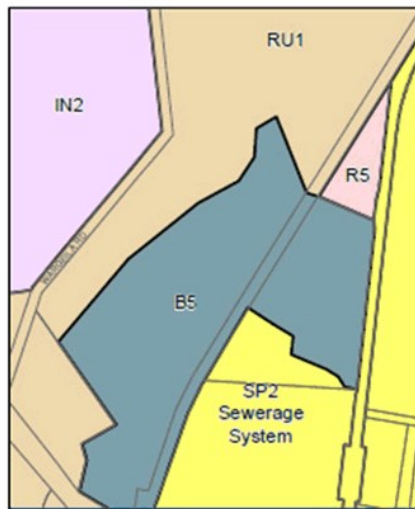
Nil

3 Permitted with consent

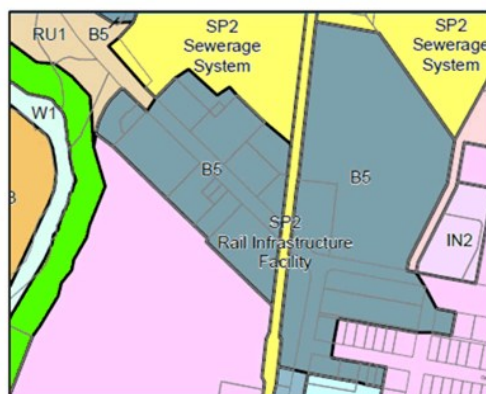
Boat building and repair facilities; Car parks; Centre-based child care facilities; Crematoria; Depots; Electricity generating works; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Rural supplies; Service stations; Signage; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water reticulation systems; Wholesale supplies

4 Prohibited

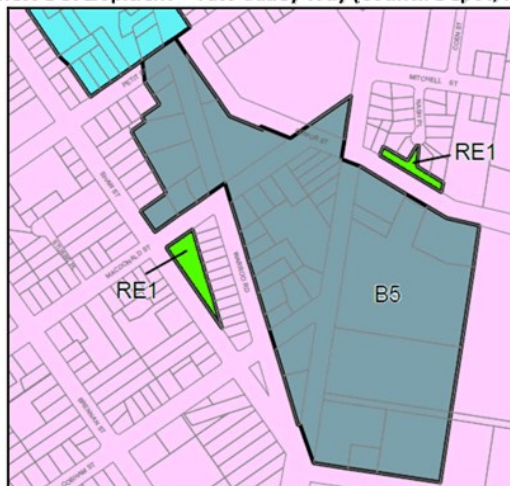
Pond-based aquaculture; Any development not specified in item 2 or 3



B5 Business Development – Faulder Avenue



B5 Business Development – Yass Valley Way (Council Depot, MA Steel)



B5 Business Development – Warroo Road (Tootsie to Gordon Litchfield)

Proposed

Zone B5 Business Development

1 Objectives of zone

2 Permitted without consent

Nil-Environmental protection works

3 Permitted with consent

Boat building and repair facilities; Car parks; Centre-based child care facilities; Commercial premises; Community Facilities; Crematoria; Depots; Electricity generating works; Educational establishments; Emergency services facilities; Environmental facilities; Flood mitigation works; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Public administration building; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Rural supplies; Service stations; Signage; Specialised retail premises; Storage premises; Take-away food and drink premises; Tank-based aquaculture; Hotel and motel accommodation; Serviced apartments; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water reticulation systems; Water storage facilities; Wholesale supplies; Any development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Backpacker's accommodation; Bed & breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter & tourism boating facilities; Correctional centres; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; General industries; Health services facilities; Heavy industries; Heavy industrial storage establishments; Helipad; Home-based child care; Home businesses; Home industries; Highway service centres; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Pond-based aquaculture; Port facilities; Recreation areas; Recreation facilities (major and outdoor); Registered clubs; Residential accommodation; Research stations; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Water treatment facilities; Waste or resource management facilities; Water recreation facilities; Wharf or boating facilities;

Existing

Zone B6 Enterprise Corridor

1 Objectives of zone

2 Permitted without consent

Nil

3 Permitted with consent

Boat building and repair facilities; Business premises; Car parks; Community facilities; Depots; Dwelling houses; Garden centres; Hardware and building supplies; Home businesses; Home occupations; Hotel or motel accommodation; Industrial retail outlets; Kiosks; Landscaping material supplies; Light industries; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation facilities (indoor); Restaurants or cafes; Roads; Service stations; Serviced apartments; Shop top housing; Signage; Take away food and drink premises; Tank-based aquaculture; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water reticulation systems

4 Prohibited

Pond-based aquaculture; Any development not specified in item 2 or 3



Laidlaw Street- From Yass Motel north to Irvine Square

Proposed

Zone B6 Enterprise Corridor

1 Objectives of zone

2 Permitted without consent

Nil-Environmental protection works; Home-based child care; Home businesses; Home occupations;

3 Permitted with consent

Bed & Breakfast accommodation; Boat building and repair facilities; Business premises; Car parks; Centre-based child care facilities; Community facilities; Depots; Dwelling houses; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Health services facilities; Home businesses; Home occupations; Hotel or motel accommodation; Information and education facilities; Industrial retail outlets; Kiosks; Landscaping material supplies; Light industries; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation facilities (indoor); Restaurants or cafes; Roads; Service stations; Serviced apartments; Shop top housing; Signage; Take away food and drink premises; Tank-based aquaculture; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water reticulation systems; Water storage facilities; Any development not specified in item 2 or 4;

4 Prohibited

Agriculture; Air transport facilities; Airstrip; Animal boarding or training establishments; Amusement Centres; Attached dwelling; Backpackers' accommodation; Boarding houses; Camping grounds; Caravan parks; Cemeteries; Crematorium; Correctional centres; Dual occupancies; Eco-tourist facilities; Electricity generating works; Entertainment Facilities; Exhibition homes; Exhibition villages;

Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Group homes; Heavy industries; Heavy industrial storage establishments; Helipad; Highway service centres; Home occupation (sex services); Hostels; Industrial training facilities; Markets; Mortuaries; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Port facilities; Public administration building; Pubs; Registered clubs; Research stations; Residential flat buildings; Respite day care centres; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural worker's dwellings; Secondary dwellings; Semi detached dwellings; Seniors housing; Sewerage systems; Sex services premises; Shops; Storage premises; Timber yards; Transport depots; Vehicle sales or hire premises; Waste or resource transfer stations; Wharf or boating facilities; Wholesale supplies;

Existing

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

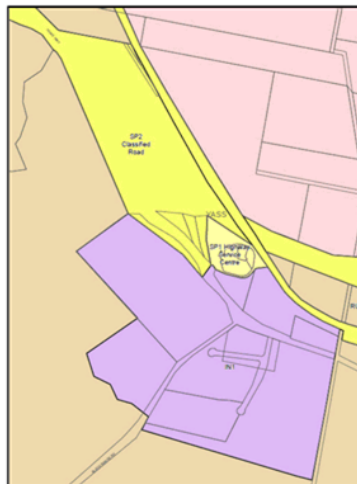
Environmental protection works

3 Permitted with consent

Agricultural produce industries; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Highway service centres; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Restaurants or cafes; Restricted premises; Roads; Rural industries; Schools; Service stations; Sewage treatment plants; Sex services premises; Signage; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water recycling facilities; Water supply systems; Wholesale supplies

4 Prohibited

Pond-based aquaculture; Any development not specified in item 2 or 3



IN1 General Industrial – Black Range Road/ Yass Valley Way

Proposed

Zone IN1 General Industrial

1 Objectives of zone

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Agricultural produce industries; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Crematoria; Depots; Electricity generating works; Emergency services facilities; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Highway service centres; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Mortuaries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Restaurants or cafes; Restricted premises; Roads; Rural industries; Rural supplies; Schools; Service stations; Sewage treatment plants; Sewerage systems; Sex services premises; Signage; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities; Water supply systems; Wholesale supplies Any development not specified in item 2 or 4;

4 Prohibited

Agriculture; Air transport facilities; Airstrip; Amusement centres; Animal boarding or training establishments; Backpackers accommodation; Bed & breakfast accommodation; Boat launching ramps; Boat sheds; Bulky goods premises; Business premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care centres; Charter & tourism boating facilities; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm stay accommodation; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industries; Heavy industrial storage establishments; Helipad; Home-based child care; Home business; Home occupations; Jetties; Office premises; Open cut mining; Markets; Marinas; Mooring; Mooring pens; Plant nurseries; Pond-based aquaculture; Public Administration building; Pubs; Recreation areas; Recreation facilities (indoor, major, outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Roadside stalls; Serviced apartments; Shops; Veterinary hospitals; Wharf or boating facilities;

Existing

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Environmental protection works

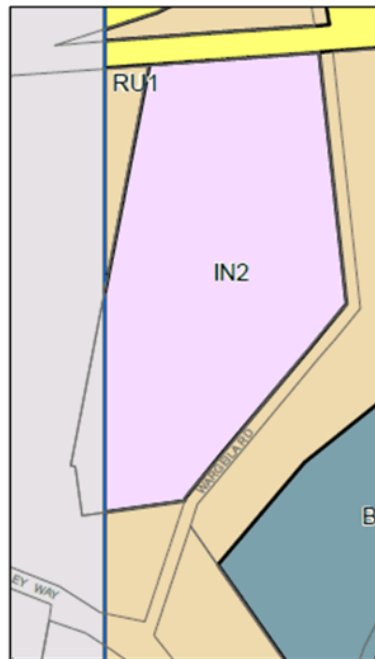
3 Permitted with consent

Agricultural produce industries; Boat building and repair facilities; Car parks; Depots; Freight transport facilities; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Resource recovery facilities; Restricted premises; Roads; Service stations; Sex services premises; Signage; Storage premises; Take away food and drink premises; Tank-based

aquaculture; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Water recycling facilities; Water supply systems; Wholesale supplies

4 Prohibited

Pond-based aquaculture; Any development not specified in item 2 or 3



IN2 Light Industrial – Wargeila Road (Vacant)

Proposed

Zone IN2 Light Industrial

1 Objectives of zone

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Agricultural produce industries; Boat building and repair facilities; Car parks; Depots; Electricity generating works; Flood mitigation works; Freight transport facilities; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Resource recovery facilities; Restricted premises; Roads; Service stations; Sex services premises; Signage; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Water recycling facilities; Water supply systems; Wholesale supplies; Any development not specified in item 2 or 4;

4 Prohibited

Agriculture; Airstrip; Air transport facilities; Amusement centres; Animal boarding and training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Business premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter & tourism boating facilities; Community facilities;

Correctional centres; Crematorium; Eco-tourist facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; General industries; Health services facilities; Heavy industries; Heavy Industrial storage establishments; Helipad; Highway service centres; Home-based child care; Home business; Home occupations; Home occupation (sex services); Information and education facilities; Jetties; Markets; Marinas; Mortuaries; Mooring; Mooring pens; Office premises; Open cut mining; Passenger transport facilities; Plant nurseries; Pond-based aquaculture; Port facilities; Public administration building; Pubs; Recreation areas; Recreation facilities (indoor, major and outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restaurants or cafes; Rural industries; Rural supplies; Sewage Treatment plants; sewage reticulation systems; Shops; Tourist and visitor accommodation; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Wharf or boating facilities;



Planning,
Industry &
Environment

PP_2019_YASSV_003_00/IRF20/119

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

Attention: Liz Makin

Dear Chris

Planning proposal PP_2019_YASSV_003_00 to amend Yass Valley Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 19 December 2019 in respect of the planning proposal to amend the land use tables of the Business and Industrial Zones.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Graham Judge to assist you. Mr Judge can be contacted on 6229 7906.

Yours sincerely

17 January 2020

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template



Gateway Determination

Planning proposal (Department Ref: PP_2019_YASSV_003_00): to amend the land use tables applying to the Business and Industrial Zones.

I, the Director, Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Yass Valley Local Environmental Plan (LEP) 2013 to amend the land use tables applying to the Business and Industrial Zones should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act
2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
3. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
4. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 17th day of January 2020.

Sarah Lees
Director, Southern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP_2019_YASSV_003_00 (IRF20/119)

6.4 DEVELOPMENT APPLICATION NO DA190179 - HORSE ARENA COVER, MCINTOSH CIRCUIT, MURRUMBATEMAN

SUMMARY

To present a request for a review of determination in relation to Development Application No DA190179 for a horse arena cover at McIntosh Circuit, Murrumbateman. The request seeks a review of Council's decision to refuse the Development Application and has included a revision to the proposal with a smaller horse arena cover. It is recommended that Conditional Development Consent be issued for the smaller revised proposal.

RECOMMENDATION

That in consideration of the request for review of determination a Conditional Development Consent be issued for the revised proposal of a 1,440m² horse arena cover at Lot 3 DP 1257138, McIntosh Circuit, Murrumbateman

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
- Application Assessment and Decision Making Policy
- Building Line – Rural and Rural Residential Land Policy

REPORT

1. Application Details

Date DA Received	- 25 October 2019
Date of Determination	26 February 2020
Date Review Received	26 March 2020
Land	- Lot 3 DP 1257138, McIntosh Circuit, Murrumbateman
Area	- 1.48ha (or 4ha including 410 DP 1130392)
Zoning	- R2 Low Density Residential

2. Site Description and Locality

The site is located on McIntosh Circuit and is held in family ownership with the adjoining Lot 410 DP1130392, 1 McIntosh Circuit on which there is a dwelling house and the applicant resides. A locality plan is included as **Attachment A**.

The locality is characterised as a low-density rural residential area. The land to the south and southwest is part of the Shaw Vineyard holding, however is zoned for low-density residential development. An application has now been lodged for a 106 lot subdivision of the Shaw Vineyard site.

In 2016 Development Consent was granted for the construction of an uncovered horse arena on the subject site. The un-covered horse arena is established, along with other ancillary development such as sheds and horse stables.

3. Background and Proposal

In February 2020 Council determined to refuse Development Application No DA190179 for a proposed horse arena cover (refer **Attachment B**). The proposed cover was 80m long by 36m wide and 7.2m high with a total area of 2,880m². The reasons for refusal were the scale of the development is inconsistent with that of the locality and the low density residential zoning of the land.

The Applicant has since lodged a review request and now proposes a smaller sized horse arena cover. A copy of the Applicant's request and the revised plans are included **Attachment C**.

4. Public Exhibition

Public exhibition of the original application included notice to six nearby and adjoining property owners. No submissions were received.

5. Assessment

A review of the original assessment and determination has been undertaken in light of the Applicant's proposal to reduce the size of the structure.

The revised proposal is 1,440m² (i.e. 40m x 36m x 6.7m), being half the original length and a reduction in height by 0.5m. The horse arena cover will still be enclosed on one side.

The assessment report presented in February 2020 suggested that even at the reduced size of 1,400m² the horse area cover would still be significantly larger than a small dressage arena which is 800m² and still significantly larger than the surrounding development.

In consideration of the original Development Application in February 2020, Council generally indicated that an amended proposal of smaller scale may be more acceptable. In the absence of development controls which prescriptively restrict or detail the size of acceptable horse arena covers, the revised proposal is a more reasonable proposition. Whilst still significantly larger than the surrounding development it is not necessarily considered to have a detrimental impact on the context and setting and character of the locality. Accordingly the revised proposal is considered to be generally acceptable.









3. Conclusion

From consideration of the review request and of the amended proposal, it is concluded that the revised proposal, whilst still significantly larger than the surrounding development, is more appropriate and not considered to have a detrimental impact on the context and setting and character of the locality. The issue of a conditional Consent is recommended. Draft conditions are included as **Attachment D**.

STRATEGIC DIRECTION

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

ATTACHMENTS:

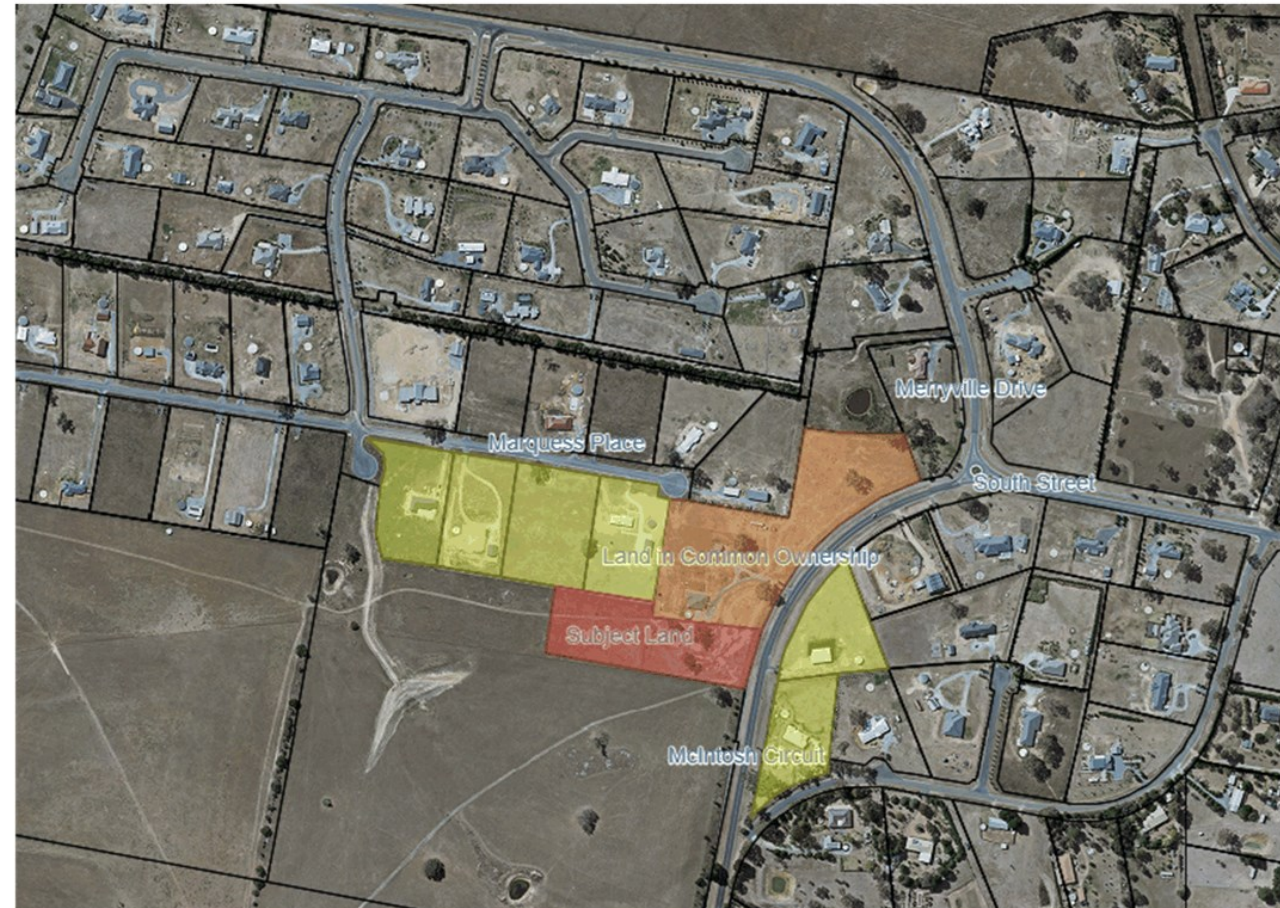
- A. Locality Plan  
- B. Original Proposal Plans  
- C. Review Request and Amended Proposal Plans  
- D. Draft conditions  

yass valley council
the country the people
20-January-2020

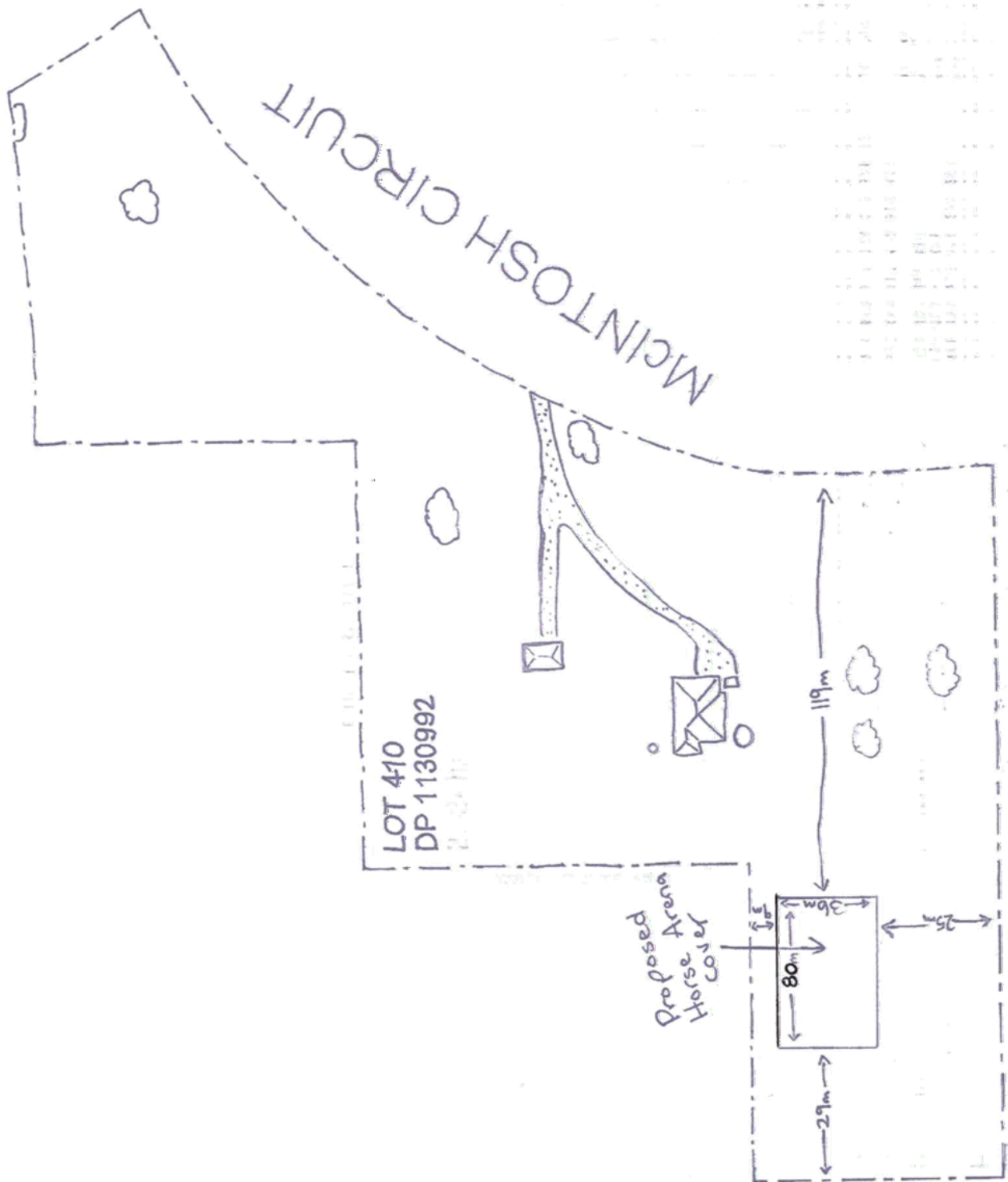
McIntosh Cirt, Murrumbateman

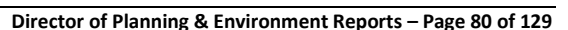
Legend:

- Subject Property
- ★ Neighbouring Properties Notified



DISCLAIMER: The details provided in this diagram reflect information contained in Yass Valley Council's records. No warranty of accuracy is given and no responsibility is accepted by Council if the information is inaccurate.





5. Reason for Requesting Review

Our reason for requesting a review is mainly because it was recommended by council that we submit a review request with a reduction of size and height of the proposed arena cover.

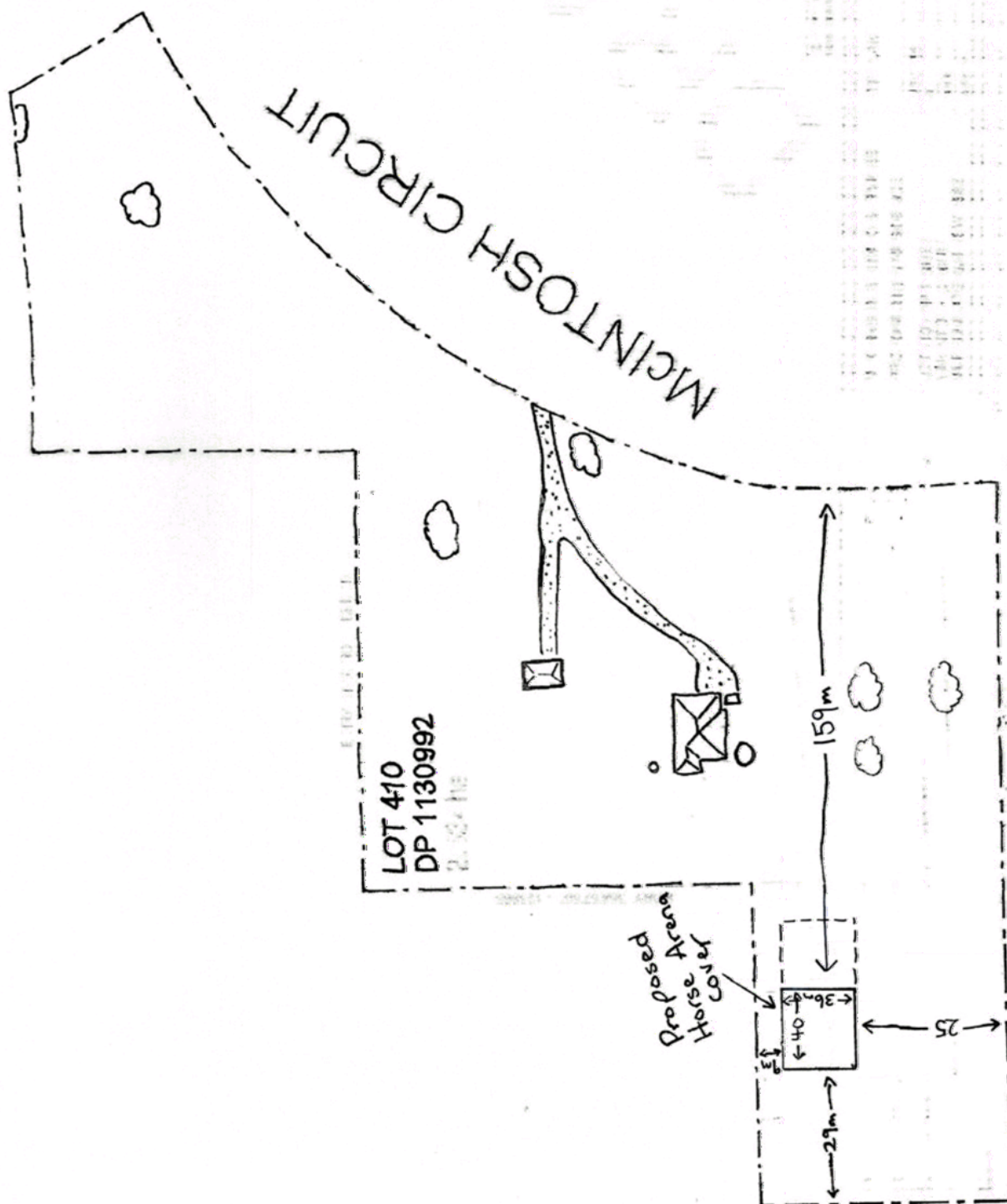
We have reduced the arena cover to a size of 36m wide by 40m long. This is exactly half the size of the original proposal. It is also now around the same square metre size as the majority of the other private arena covers in the Murrumbateman/Yass area.

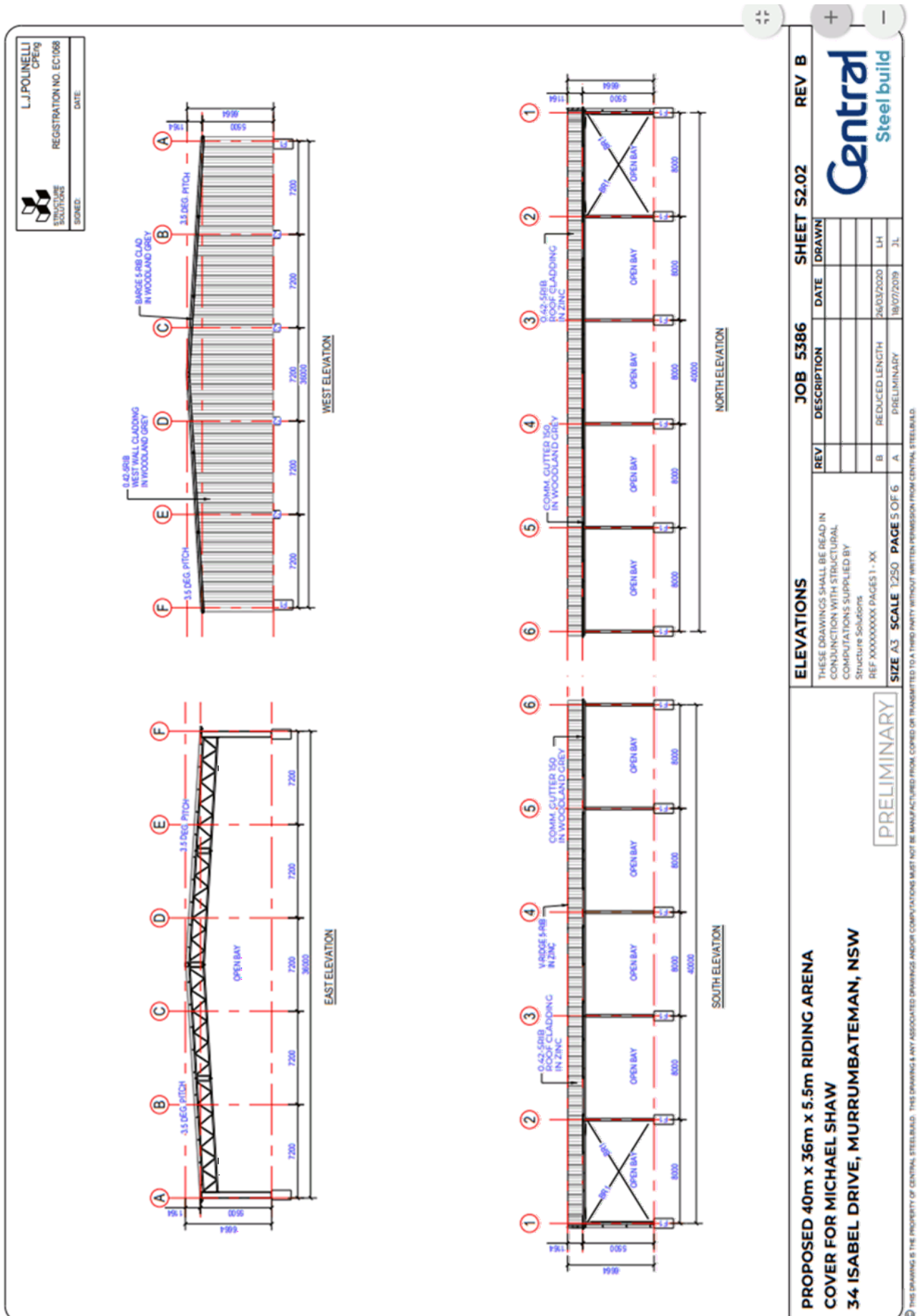
We have reduced the eave height from 6m to 5.5m. We have been advised by several experts that to go any lower than this would be extremely dangerous for horse riding activities so we have done the most we can in this area so that the arena can still serve its purpose. Please note that the arena is also situated on the side of a hill and as the arena is cut into the landscape the actual height will be greatly absorbed into the landscape and visually appear lower than the actual height of the structure.

As none of our neighbours had any objections to the original proposal, we believe that we have gone above and beyond in sacrificing what was required in reducing the arena to half the size. The structure will still be able to serve the purpose but at a reduced capacity.

We have studied the guidelines for R2 zoning and believe we are well within the recommendations and allowances for this zoning. We understand why council rejected our original application but believe that the reasons used were not fully justified.

The environmental impact will not change given there is already an existing arena on the site. The new cover will allow water collection which will be in turn used for dust reduction and watering of plants and trees surrounding the arena and on the property. This in itself improves the impact as the neighbours and my washing will greatly appreciate the reduction in dust and the growth of new plants and trees.





DA190179 – Draft Conditions – McIntosh Circuit

PART A - GENERAL CONDITIONS

- (1) Consent is granted generally in accordance with the plan(s) and details submitted to Council with the Development Application. The plan(s) and details have been stamped and attached to this consent. The development shall be carried out in accordance with the stamped plans or as modified by these conditions.
- (2) Work on any building shall not commence until a Construction Certificate, complying in all respects with the provisions of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and the Building Code of Australia, has been issued.

Note: A Construction Certificate Application has not been lodged with Council

- (3) This approval relates only to the development referred to in the development application and specifically does not amount to an approval or acceptance by the Council of any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior development or building approval.
- (4) The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to the satisfaction of Council as shall any techniques to suppress dust and the tracking of sediment onto existing sealed roads.
- (5) All adjustments to existing utility services whether caused directly or indirectly by this proposed development are to be undertaken at the developer's expense.
- (6) The approved horse arena shall not at any time be occupied, inhabited or used for residential living, commercial or industrial activities without the separate development consent of Council;
- (7) The colours and external materials used are to be compatible with those of existing development in the locality.

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

- (8) Any Archaeology object discovered during excavation having interest due to its age or association with the past is uncovered during the course of the work:
 - (a) all work must stop immediately in that area, and
 - (b) the Office of Environment and Heritage must be advised of the discovery.

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

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

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

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

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

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (1) Prior to a Construction certificate being issued, the applicant shall submit to the Principal Certifier, a copy of an Owner Builder Permit or a Certificate of Insurance under the Home Building Compensation Fund for the proposed development as applicable under the provisions of the *Home Building Act 1989*.
- (2) A copy of a quote or invoice of the total cost of labour and materials involved in the proposed development prepared by a suitably qualified builder or quantity surveyor shall be submitted to Council.

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

- (2) Structural drawings prepared by a suitably qualified and experienced Structural Engineer being submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. The plans shall detail:
 - a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas where applicable);
 - b) Footings of the proposed structure;
 - c) Structural steel wall frames, roof framing members, beams, columns, bearers, joists and wall/roof bracing (as applicable to the development).

PART C - PRIOR TO COMMENCEMENT OF WORKS

- (1) Council shall be informed of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence, no later than two days prior to such commencement;
- (2) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (3) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

- (4) Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - (c) preventing the tracking of sediment by vehicles onto roads, and
 - (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- (5) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.
- This sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (6) A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:
- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (b) could cause damage to adjoining lands by falling objects, or
 - (c) involve the enclosure of a public place or part of a public place.
- Note:** Clauses 2.67 and 2.68 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.
- (7) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet provided must be:
- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.
- (8) The building(s) shall be set out by a registered surveyor to verify the correct position of each structure in relation to the property boundaries prior to the commencement of works.

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

PART D - EARTHWORKS, INTERNAL DRIVEWAYS & IMPORTATION OF ASSOCIATED MATERIAL

- (1) Unless otherwise approved by a condition of consent or the stamped approved plans earthworks, retaining walls and structural support, internal driveways and the importation of associated material is restricted to that which can be undertaken as exempt development under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*;
- (2) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) 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
 - (c) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (d) Shall that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.
- (3) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

PART E – INSPECTIONS

- (1) Critical stage inspections as required by Clause 162A of the *Environmental Planning and Assessment Regulation 2000* must be carried out by the Principal Certifying Authority.

Where Council is nominated as the Principal Certifying Authority Inspections will be required at the following stages of construction:

Inspection		Hold Point
(a)	After excavation of footings	Prior to pouring concrete, after placement of erosion and sediment control measures, on-site toilet and signage.
(b)	Floor slab	Prior to pouring concrete.
(c)	Frame/Pre-sheet	Prior to placing internal sheeting, after all internal services including water plumbing

- | | |
|----------------|--|
| | and electrical are installed and external cladding has been fixed. |
| (d) 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. |
- (2) Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the principal certifying authority subject to the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
- (a) Sediment control measures.
 - (b) Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - (c) Maintenance of the public place free from any unauthorised materials, waste containers or other obstructions.

PART F – CONSTRUCTION

- (1) Works must be carried out in accordance with the plans and specifications to which the consent relates.
- (2) All building work shall be carried out in accordance with the provisions of the National Construction Code/Building Code of Australia (as amended) and all relevant Australian Standards;
- (3) Hours for construction - Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.
- (4) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (5) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
Note: Copies of receipts relating to the disposal of waste at a licensed waste management facility (or facilities) must be submitted to the Yass Valley Council upon request.
- (6) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (7) During construction:

- (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (8) At the completion of the works, the work site must be left clear of waste and debris.

PART G – STORMWATER DRAINAGE

- (1) If the work is the erection of, or an alteration or addition to, a dwelling house, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- (2) Stormwater drainage work shall comply with *AS/NZS 3500.3, 2003 - Stormwater drainage*;
- (3) Stormwater collected from the development shall not cause nuisance to adjoining landowners;
- (4) Where up-stream surface water flows through the allotment the development shall not redirect or divert this water in such a manner that would intensify flows onto adjoining properties.

PART H - PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

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

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

- Stormwater
- Electrical
- Frame (Timber or Metal)
- Insulation

6.4 Development Application No DA190179 - Horse Arena Cover, McIntosh Circuit,
Murrumbateman
Attachment D Draft conditions

As applicable to the works, a copy of the tradespersons license number, qualifications, professional memberships, insurances, name, address and the Australian Standards or standards to which the certificate relates is to be included on the Certificate.

It is important to note that this list may not cover all developments and Council may request additional certificates prior to the issue of an occupation certificate.

- (5) Prior to the issue of any occupation certificate, the developer shall restore, replace or reconstruct any damage caused to road pavements, surfaces, street furniture, roadside drainage, street lighting or underground facilities as a result of the construction of the development.
- (6) An identification survey prepared by a registered surveyor showing the location of the constructed development in relation to the property boundaries, easements and building envelope(s) shall be submitted to the Principal Certifier prior to the issue of an occupation certificate.

ADVISORY NOTES ACCOMPANYING DEVELOPMENT CONSENT DA190179

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

- (1) This consent has been granted under Clause 2.3 of the Yass Valley Local Environmental Plan 2013;
- (2) All fees and charges associated with this consent shall be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region;
- (3) Any additional Council inspection, beyond the scope of any Compliance Certificate package and needed to verify the compliance of any work, shall be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule;
- (4) This development consent does not guarantee compliance with land specific agreements, by-laws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the land owner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved.
- (5) The applicant shall ensure all sub-contractors are licensed by the NSW Department of Fair Trading;
- (6) Steel framing shall be in strict accordance with *ASS/NZS 4600 Cold Formed Steel Structures*;
- (7) A properly constructed drain shall be placed in such a position as to divert all surface water runoff clear of the building area and all footings;
- (8) 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

6.4 Development Application No DA190179 - Horse Arena Cover, McIntosh Circuit,
Murrumbateman
Attachment D Draft conditions

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.

- (9) To arrange a building or plumbing inspection please use Councils on-line book system. Access to the booking system and information about Inspections is available on Council's website - <https://www.yassvalley.nsw.gov.au/our-services/planning-and-building/certification-and-inspections/inspections/>

Your development is in the **Murrumbateman area** for the purpose of booking these inspections.

7.1 MEEHAN STREET, YASS - FOOTPATH REPLACEMENT

SUMMARY

Two sections of footpath in Meehan Street, Yass has been identified as requiring urgent rehabilitation works. The sections of footpath, between the intersection of Comur Street and Rossi has been badly effected by roots from the adjacent trees, lifting sections of the concrete footpath and creating trip step hazards for pedestrians, mobility impaired persons and others.

RECOMMENDATION

That funding of \$45,000 for the replacement of the two sections of footpath identified in this report on the 'eastern' side of Meehan Street, Yass and the associated removal of existing unsuitable street trees and their replacement, be referred to the March 2020 budget review process.

FINANCIAL IMPLICATIONS

No funds have been allocated in 2019/20 for the replacement of footpaths within the Council area and a review of the Pedestrian Access and Mobility Plan (PAMP) is planned for 2020/21 to guide future allocations of funding for footpaths and active transport routes. It is estimated that \$45,000 will be required to replace the proposed sections footpath on the 'eastern' side of Meehan Street between Dutton Street and Comur Street, Yass.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

Following comments from local residents and shop owners, two sections of concrete footpath were identified as requiring remediation works to address several trip hazards along on the 'eastern' side of Meehan Street between Dutton Street and Comur Street, Yass (refer **Attachment A**). It was noted during the inspection carried out that a number of raised areas of concrete had been previously marked with yellow spray paint. As this practice that has not conducted by Council for several years it is assumed that this identification had been undertaken by others.

Generally Council would undertake some minor remedial works (grinding or cold-mix) to address trip step hazards to this nature, but given the extent of these repairs replacement of larger sections of footpath are warranted.

There are two areas of footpath that require attention i.e.

- **Area 1**

This are is approximately 20m long and is located between the southwest corner of the Yass Hotel drive-through access and the Salvation Army Shop (refer **Attachment A**).

The footpath in this area has sections of raised concrete due to roots from the adjacent tree; a *Platanus x hybrida* (London Plane Tree). This species is generally not considered suitable for planting in confined areas such as footpaths as it generally tends to have large shallow roots.

It is proposed to replace this section of footpath and remove the adjacent tree and replaced with a more suitable species; a *Pyrus calleryana* 'Bradford' (Bradford Pear) which are thematic of the Yass CBD streetscape.

The estimate cost of this work is anticipated to be \$20,000, assuming no underground services have been impacted by the tree and the tree is able to be removed without further complications or damage.

- **Area 2**

This area is approximately 25m long and is located between the Comur Street intersection and the Yass Hotel drive-through access (refer **Attachment A**).

The footpath in this area has sections of raised concrete due to roots from the adjacent trees; *Platanus x hybrida* (London Plane Tree). This species is generally not considered suitable for planting in confined areas such as footpaths as it generally tends to have large shallow roots.

It is proposed to replace this section of footpath and remove the two adjacent trees and replaced with a more suitable species; a *Pyrus calleryana* 'Bradford' (Bradford Pear) which are thematic of the Yass CBD streetscape.

The estimate cost of this work is anticipated to be \$25,000, assuming no underground services have been impacted by the tree and the tree is able to be removed without further complications or damage.

As the works identified are outside normal maintenance parameters and the works would require capitalisation, funds (\$45,000) are required to be allocated to capital projects to undertake this works.

It is proposed to allocated funds of \$45,000 in the March 2020 Budget Review process to undertake the replacement of sections of the existing concrete footpaths in Meehan Street, Yass to address raised trip hazard concerns and the replacement of existing adjacent street trees with more suitable tree species.

As noted previously a review of the PAMP is being undertaken in 2020/21 to guide Council's deliberations in regards to footpaths and active transport programs and possible future projects. While generally replacement of existing footpaths is dealt with through ongoing maintenance budgets a number of existing footpaths are showing signs of damage that may require more extensive treatment (i.e. replacement) than simple maintenance of ad-hoc sections of footpath. It is intended that during the review of the PAMP additional information regarding possible replacement programs will be brought to bear to provide Council with a greater understanding of the future needs of this asset group.

STRATEGIC DIRECTION

Key Pillar 4. Our Infrastructure

CSP Strategy IN3 - Maintain and improve road infrastructure and connectivity

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

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

ATTACHMENTS: A. Locality Plan and Photographs  



Figure 1 – Location of sections of raised footpath



Figure 3- Area 1 footpath damage looking south



Figure 2 - Area 2 footpath damage looking south

7.2 FIXING COUNTRY ROADS - SHINGLE HILL WAY REALIGNMENT AND REPLACEMENT OF LOW LEVEL CROSSING

SUMMARY

Advice has been received of a successful grant for \$3,600,053 under the NSW Fixing Country Roads Grant Program 2019 Tranche 1 for the realignment and replacement of a low level crossing on Shingle Hill Way. This project will provide an upgrade to a sub-standard section of the significant east-west link across the region.

RECOMMENDATION

That:

1. *The grant for \$3,600,053 under the NSW Fixing Country Road Grant Program 2019 Tranche 1 be accepted for the realignment and replacement of a low level crossing on Shingle Hill Way, Sutton*
2. *A \$400,000 Council contribution be allocated from the Development Contributions Reserve as required by the grant approval*
3. *The project be included in the draft 2020/21 Operational Plan*
4. *At the completion of the project the current 10 tonne load limit on Shingle Hill Way is removed and the route be made available for HML vehicles*

FINANCIAL IMPLICATIONS

Council's Development Contribution Reserve balance is current \$5.9M. A contribution of \$400,000 to this project would reduce this Reserve to \$5.5M.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Background

Shingle Hill Way is a significant connector road between the Gundaroo/Sutton Road (a classified Regional Road) and the Federal Highway (a classified National Highway).

Currently this road has a 10 tonne load limit as a result of the poor road geometry associated with Shingle Hill Road crossing approaches at the Yass River. In addition, during rain events Shingle Hill Way may closed due to flooding of the low level crossing located at the crossing point of Yass River (refer **Attachment A**). These restrictions impact in transport links through the Council area resulting in significant diversions of traffic and additional freight and transport costs to road users.

An application was submitted to the NSW Fixing Country Roads Program 2019 Tranche 1 for \$3,600,053 to allow these works to realign the approaches to the Yass River Crossing and construct a new dual lane concrete bridge at that location (refer **Attachment B**). As part of the 2019/20 forward works program designs for the project were completed in preparation for funding opportunities to reduce the financial impact on Council.

The reconstruction of this section of Shingle Hill Way will significantly improve east-west transport routes, including freight and tourism, and remove a significant impediment to freight movements across Council. Approval of this project and acceptance of the grant funding will enable the next stage

of the planning for this project to commence with the view to completing the project by June 2022 in line with the expected delivery timetable noted in application.

2. Proposal

The estimated cost of these works is \$4,000,053, with \$3,600,053 coming from the Grant and \$400,000 to be funded by Council. It is proposed to fund Council's contribution from the Development Contribution Reserve as the project benefits a wider Council area and those from the greater region.

STRATEGIC DIRECTION

Key Pillar 4. Our Infrastructure

CSP Strategy IN3 - Maintain and improve road infrastructure and connectivity

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

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

ATTACHMENTS:

A. Locality Plan [!\[\]\(870f5d5e9c0d57485634be3ecf52f3ca_img.jpg\) !\[\]\(66b14d8ba452f6f18b47935355b6120a_img.jpg\)](#)

B. Road Realignment and Crossing Replacement Concept Plan [!\[\]\(4fe57c3593bf1b21d272ae7ac8dfaf77_img.jpg\) !\[\]\(67b4b7a7e28d2fb85c0437cda45ea068_img.jpg\)](#)

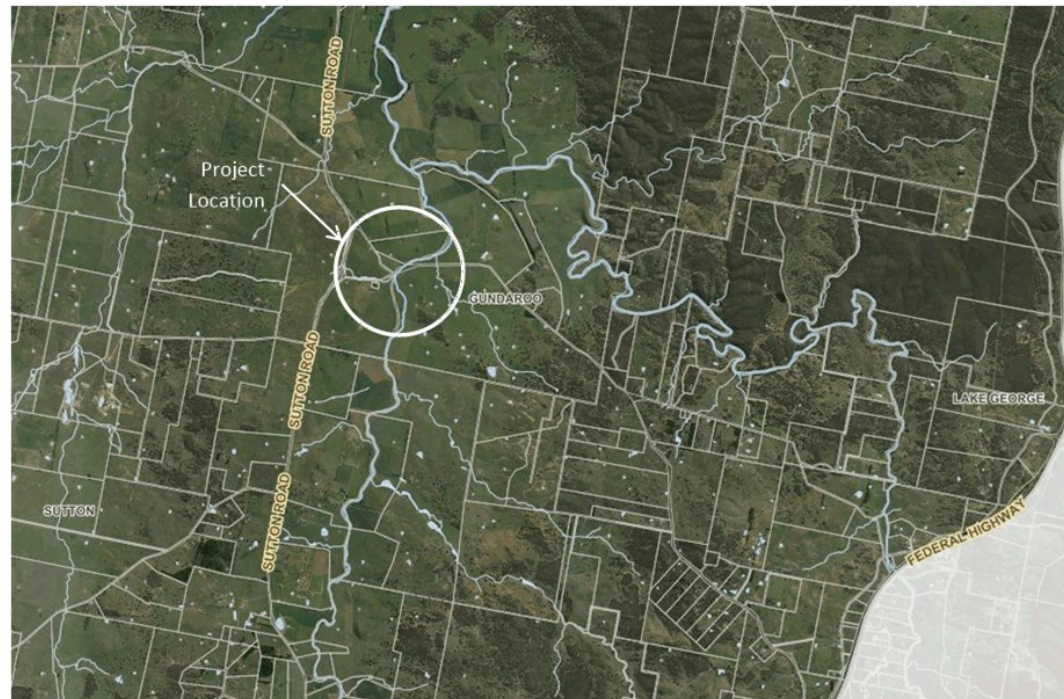
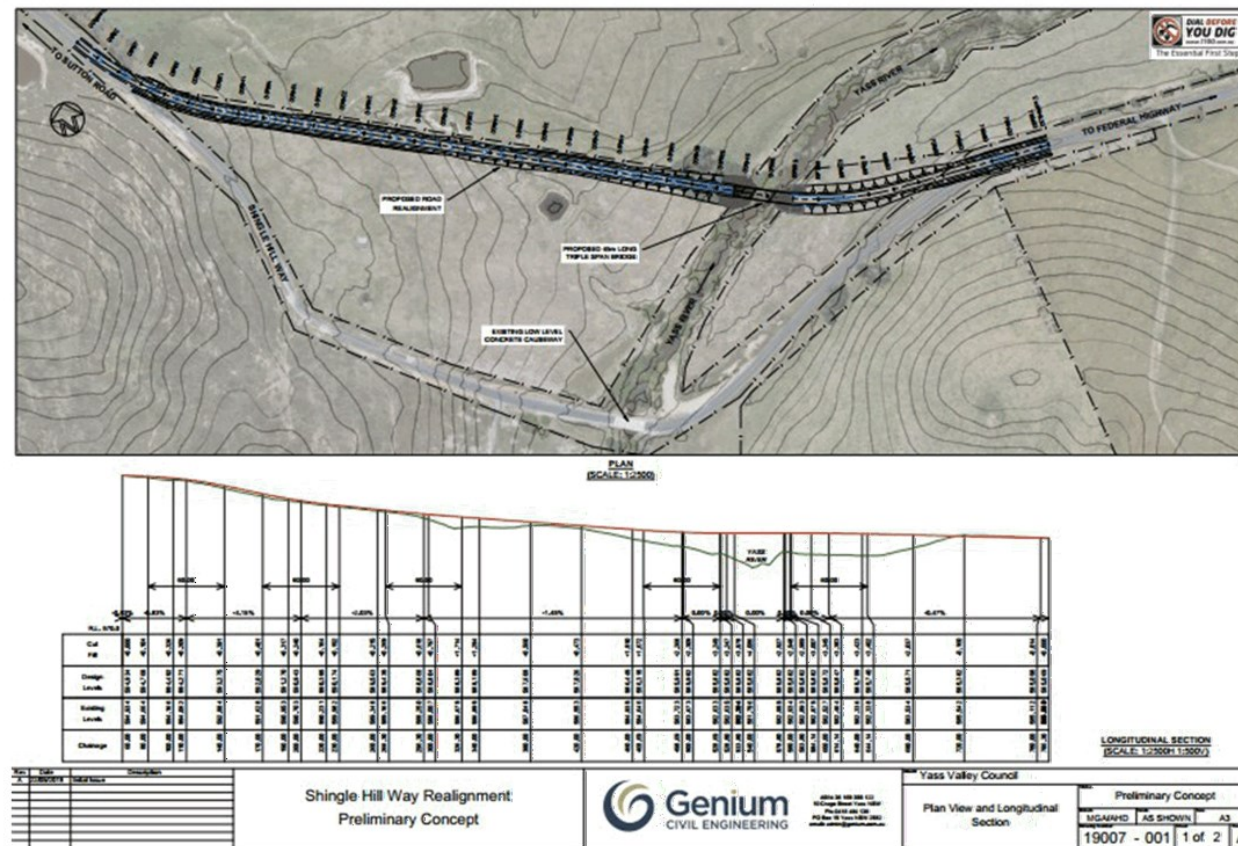


Figure 1 - Shingle Hill Way crossing Yass River

7.2 Fixing Country Roads - Shingle Hill Way Realignment and Replacement of Low Level Crossing
Attachment B Road Realignment and Crossing Replacement Concept Plan



7.3 WALKER PARK- FACILITIES UPGRADE PROJECT

SUMMARY

Council secured funding under the Community Sport Infrastructure Grant to undertake improvements at Walker Park. Part of the improvements is constructing a covered grandstand. The allocated portion of the grant does not meet the required funding to construct a grandstand that will comply with *Building Code of Australia* (BCA) requirements and advice from Yass Rugby League (YRL) in respect to covered seating capacity requirements for them to host games at this venue. Significant additional funding are required to construct this facility to meet these requirements.

RECOMMENDATION

That \$400,000 be allocated from the Development Contributions Reserve to construct the revised Grandstand, a new mobility impaired amenities building and associated access to this building.

FINANCIAL IMPLICATIONS

Council secured \$500,000 under the Community Sports Infrastructure Grant for improvements to Walker Park with an additional Council's contribution of \$50,000 in the 2019/20 operational budget and a further \$18,000 being contributed from sporting user groups of the facility; giving a total \$568,000.

Project costs to date are:

Projects Completed	Project Budget \$568,000
Works completed to date	
LED Lighting Upgrade - Level two playing Field	\$139,529.08
Officials Room - Level one existing amenities building	\$113,590.00
Carpark, Footpath and Pedestrian Safety Improvements	\$91,178.10
TOTAL	\$344,297.18
Funding allocation (Total)	\$568,000.00
Funds remaining	\$223,702.82

Any construction of a new grandstand at Walker Park will require the construction of a new mobility impaired amenities building and associated access to this building. While these works could be accommodated within the current funding available Council would not be in a position to construct a grandstand. Further the costed estimate to construct a revised (smaller) grandstand indicate that even this revised scope could not be achieved with the current funds available.

Additional funds could be allocated from Council's Development Contributions Reserve or through a low cost loan. The balance of this Reserve is currently \$5.9M. Allocation of \$400,000 from this Reserve would reduce this Reserve to \$5.5M.

If Council were to consider loan funding the predicted shortfall in this and other recreational projects (likely to be in the order of \$1.2M) based on current grants proposed and/or received (including Murrumbateman Recreation Grounds amenities (refer Item 7.2 March 2020 Council Meeting) and Gundaroo Recreation Grounds Amenities Building (refer Separate Report in this Agenda), this would equate to repayments of approximately \$160,000 per annum over a 10 year period assuming an interest rate of 2.5%.

POLICY & LEGISLATION

- Local Government Act 1993
- Procurement Policy

REPORT

1. Background

In 2019 Council secured funding under the Community Sport Infrastructure Grant for the following improvements to the Walker Park Sporting Complex:

- Lighting upgrade (Level 2) – projected cost \$176,500
- Construction of officials room (Level 1) – project cost \$74,950
- Construction of carpark and pedestrian improvements – projected cost \$95,500
- Installation of covered spectator seating (Level 1) – project cost \$176,500

Additionally \$56,000 was also allocated to project management and contingencies.

Council completed the construction of the new carpark and pedestrian improvements in November 2019 and awarded the contracts for the construction of the officials room and level two lighting upgrade with works planned to be completed May 2020.

2. Remaining Works 2019/20

As part of the original grant application Council proposed a covered grandstand structure that could potentially accommodate approximately 300-400 patrons in line with the National Rugby League (NRL) and Country & Regional Rugby League (CRRL) guidelines for a regional complex as the governing bodies of Yass Rugby League (YRL).

A design was undertaken with feedback from YRL for a covered grandstand inclusive of a commentator's box (to replace the existing structure removed by YRL from the centre of the two playing fields on level one).

To ensure compliance with the BCA additional works are required i.e.

- Access for people with a disability to **all areas** of the stand, including the broadcasting box, is required (except the film platform)
- Toilet facilities for **disabled patrons** are to be provided or provided a compliant path of travel to an existing facilities
- Wheelchair seating spaces are to be provided in accordance with BCA

A re-design of the grandstand was undertaken by Council's design consultants (refer **Attachment A**) and the project re-costed by Council's contractor involved with building work with Council.

Indicative costs of these additional works are:

Remaining Projects	Estimated Cost
New Grandstand Seating - Level one playing field	\$500,000
Inclusive and accessible toilet facilities – Level 1	\$100,000
Access ramp/pathway – grandstand to accessible toilet	\$25,000
TOTAL	\$625,000

This indicates a prospective shortfall in current funding of some \$401,297.18 between remaining and forecasted expected costs (\$625,000 - \$223,702.82). Investigations are continuing into other possible sources of funding particularly those aimed at local regional (non-urban) sporting facilities and youth. To date these investigations have not been forthcoming in funds.

It should be noted that the construction of the inclusive and accessible toilet facilities and associated access ramp/pathway where not envisaged in this construction project. However as these items are considered to be a requirement under the BCA and as a direct result of the installation of a new grandstand, these costs are unexpected. It is also noted that there are no Inclusive and accessible toilet facilities directly off levels 1 or 2 of Walker Park and the only like facilities are in the new building between level 2 and 3. This results in the level 1 playing fields not meeting BCA requirements should new facilities (like the grandstand being constructed).

Investigations were carried out to incorporate the toilet facilities in the grandstand but this is not considered feasible due to the location of (or lack thereof) associated services

3. Revised Project Scope

Any construction of a new grandstand at Walker Park will require the construction of a new mobility impaired amenities building and associated access to this building. Current costed estimates for these facilities is \$125,000 (combined), leaving some \$98,702.82 (\$223,702.82-\$125,000) for the construction of the grandstand itself.

Therefore Council could construct a new mobility impaired amenities building and provide access to that building from the proposed location of the grandstand it would not be in a position to construct a grandstand within the current funds available.

In order to determine if a grandstand could be constructed within the available funding (but prior to the advice being received from Council's planning and building section costs estimates were sought on a possible revised (smaller) grandstand development that would allow for future additions to the structure to be incorporated without detriment to the structure itself.

This proposal, while keeping the commentary box and adjacent seating bays removed the outer seating bays on each end; reducing the seating capacity to 180.

The cost estimate for this revised scope was \$330,000; still some \$231,300 over the available funding when taking into account the need to construct the mobility impaired amenities and access.

This option was discussed with senior representatives of Yass Rugby League who indicated their opposition to such as proposal and reiterated their desire for the full grandstand to be constructed.

4. Project (Grandstand) not proceeding

Without the allocation of additional funding the construction of the proposed grandstand cannot proceed. Should this be the case then further discussions will need to be held with the funding providers of the Community Sport Infrastructure Grant (to expend the funds on the construction of the amenities building and access) and defer construction of a grandstand until further external funds become available.

It is understood that this decision may impact on the YRL's ability to host some games (mainly finals) but not regular season games.

5. Proposed Course of Action

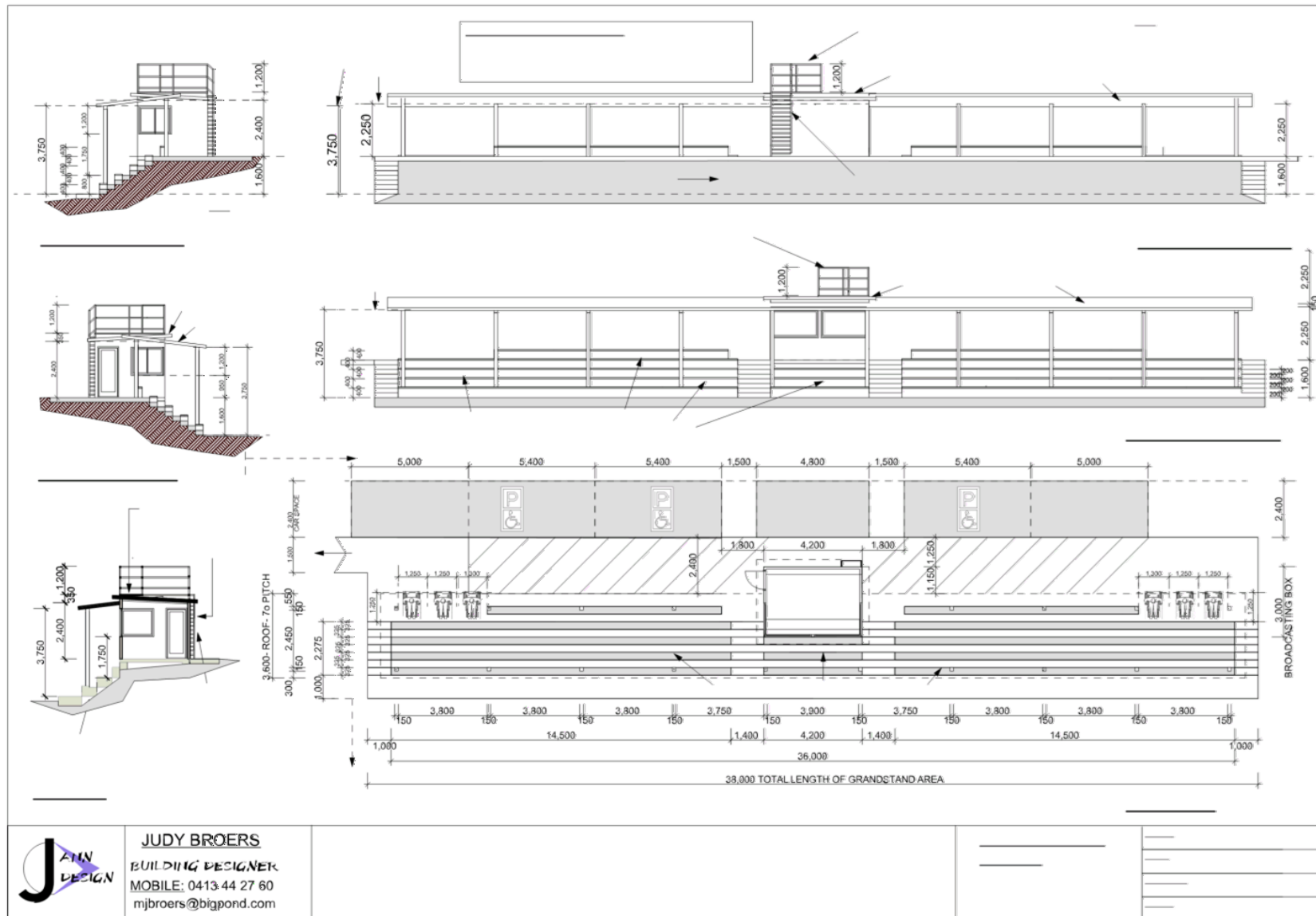
The shortfall on this project has highlighted a greater need for a greater emphasis on future planning of projects to be undertaken prior to submissions being made to external funding streams. While access to such funds may appear attractive, financial and timing implications will continue to be an issue without substantive prior planning and design having been undertaken.

It is proposed to allocate the additional funds of \$400,000 from the Development Contributions Reserve to construct the revised Grandstand, a new mobility impaired amenities building and associated access to this building. This would reduce current balance of Council's Development Contributions Reserve from \$5.9M to \$5.5M and allow Council to utilise the low cost loan option to explore other more strategic long term projects.

STRATEGIC DIRECTION

Key Pillar	4. Our Infrastructure
CSP Strategy	IN4 - Maintain and update existing community facilities, and support the development of new community infrastructure as needed
Delivery Program Action	IN4.1 - Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner
Operational Plan Activity	IN4.1.1 - Develop and maintain sports grounds and associated facilities to standard that enables use by a variety of users

ATTACHMENTS: A. Amended Walker Park Grandstand Design  



7.4 TENDER EVALUATION - GUNDAROO AMENITIES BUILDING

SUMMARY

This report provides advice on the submission of tenders for the construction of a proposed new amenities building at Gundaroo Recreation Ground under the Stronger Country Communities Fund Round One funding allocation.

RECOMMENDATION

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

FINANCIAL IMPLICATIONS

Council has secured the amount of \$1,656,258 under the Stronger Country Communities Fund Round One funding allocation for the construction of three amenities buildings at Binalong, Gundaroo and Sutton.

To date Council has expended or committed to \$1,257,744 on the construction of similar amenities at Binalong and Sutton, including associated earthworks and required upgrades to on-site wastewater systems and electrical supply upgrades (Sutton) which were not accounted for in the original grant submissions, but did include the design for the construction of a similar building at Gundaroo.

This provide \$398,514.00 for the construction of a new facility at Gundaroo if Council is to stay within the current grant allocations and not make a contribution from Council funds.

POLICY & LEGISLATION

- Local Government Act 1993
- Purchasing Policy

REPORT

1. Background

This tender relates only to the construction of the amenities building at Gundaroo. Council engaged an architect to replicate the standard building design Council has used at Walker Park and Joe O'Connor Park. The design includes change rooms, toilets, referees room, canteen, storage room and disabled amenities. This design was presented to community and sporting user groups.

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

Council continues to work with the Land Manager of the Gundaroo Recreational Grounds as any constructed facility would, by title, vest with the Land Manager. As Council also has obligations to manage and maintain the building for a period of five years following construction but would have no ownership responsibilities an Agreement is being explored in conjunction with Crown Lands as the funding provider to ensure that the obligations of all parties can be met. Any agreement to proceed would be subject to such an agreement being finalised. To date discussions have proceeded well and there is nothing to indicate that a suitable agreement cannot be brokered.

2. Tendering Period

The tender was advertised via Council's e-tendering portal 'Tenderlink', the Sydney Morning Herald, Yass Tribune, Council's Website and Facebook page on 3 March 2020. A total of 22 sets of documents were downloaded.

A mandatory site inspection was held on 13 March 2020 for this tender, with seven tenderers present.

3. Tender Submissions

Tenders were opened on 2 April 2020. Tenders were received as follows:

Tendering Organisation
Adaptive Interiors
Cumnock Constructions Sustainability Pty Ltd
Gundagai Constructions Services

All tenders were considered conforming and compliant with the conditions of tender.

It is expected that this project could, if accepted by Council and agreement reached with the Land Manager, commence in May 2020 and completed in September 2020 subject to current COVID-19 guidelines. However it is likely that due to the requirements for additional funding the commencement date for this project is likely to be delayed until July 2020.

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

STRATEGIC DIRECTION

Key Pillar	4. Our Infrastructure
CSP Strategy	IN4 - Maintain and update existing community facilities, and support the development of new community infrastructure as needed
Delivery Program Action	IN4.1 - Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner
Operational Plan Activity	IN4.1.1 - Develop and maintain sports grounds and associated facilities to standard that enables use by a variety of users

ATTACHMENTS: Nil

7.5 YASS RIVER ROAD - FUTURE WORKS TOPOGRAPHICAL SURVEY

SUMMARY

This project is undertake a topographical survey of the full length of Yass River Road between Yass Valley Way and Gundaroo Road to assist in the identification of potential future projects and upgrades associated with the road structure in preparation for possible future State and Federal 'shovel ready' funding opportunities .

RECOMMENDATION

That funding of \$250,000 from the Development Contribution Reserve for a topographic survey of the entire length Yass River Road from Yass Valley Way to the Gundaroo Road be considered with the 2020/21 Budget.

FINANCIAL IMPLICATIONS

Council's Development Contribution Reserve balance is currently \$5.9M. This allocation would reduce this Reserve to \$5.65M.

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

1. Background

Yass River Road has been the subject of numerous construction upgrades and other activities in the past, leading to a mismatch of different road construction standards being applied over time. Additionally the road is one of the heaviest used roads in the Council and provides a vital connective route between Yass to the west and the Gundaroo Road to the east.

Over time there have also been a number of calls for Council to upgrade the unsealed sections of the road (approximately 19.3km over two sections) to seal and address perceived safety concerns.

While this debate still exists from an asset management and affordability perspective, the key underlying question of the associated costs to do so remains unclear as no one consistent concept design has been conducted along the entire 37.4km length of the road to determine what is needed to manage the road and the community's expectations in regards to upgrades and their associated costs.

2. Proposal

It is proposed that the first stage in facilitating the debate over Yass River Road is to understand what Council has, and where it is located, by conducting a topographic survey of the road reserve that can be used to inform further concept and strategic design decisions and potential future projects to deliver a consistent driver experience along the road entirety.

Given the amount of major development or changes to the road system (or lack thereof) it is envisaged that a topographic survey will serve Council's concept design purposes for some time to come and only minor survey works required to validate this information as and when required.

The survey will also assist in identifying where land acquisition is needed to improve horizontal and vertical alignments well in advance and aid in the discussion with relevant local land owners to acquire land so identified. This would be especially useful in regards to potential land acquisitions for crossings of the Yass River.

Such a survey would also assist in identifying where minor works may have longer term benefits, such as drainage upgrades or installations, roadside signs, intersection treatments. Timeframes to develop

and implement such works will be dependent on the extents of the works required, available budgets and annual financial planning constraints, while still expending funds and resources equitably across the Council area under sustainable asset management principles.

3. Project Outcomes

Identification of future projects allows Council to take advantage of State and Federal funding opportunities associated with 'shovel ready' projects in a coordinated and structured way while at the same time understanding the implications of the same on Council's overall operational and financial position.

It should be noted that this cost does not include any design work that may be required to develop projects further nor undertake land acquisition and transfer surveys should these be identified as being required. Such projects would be developed independently on an as-needs basis and presented to Council through relevant budget deliberation processes.

4. Outcomes if project does not proceed

Without this survey project, forward estimates and timeframes will continue to be based on the best information available at the time but will still engender a high degree of risk associated with 'unknown unknowns' and a largely uncoordinated approach to works. While not providing specific timeframes, the project will also allow Council to determine a priority of works based on funding availability.

5. Proposed Costs

Based on recent quotations for undertaking similar work along Nanima Road and Yass Valley Way, a topographic survey of Yass River Road is expected to be in the area of \$250,000 for the entire 37.4km.

It is proposed that this project be referred to the 2020/21 budget with funding to be allocated from the Development Contributions Reserve.

This would reduce current balance of Council's Development Contributions Reserve from \$5.9M to \$5.65M and allow Council to utilise the low cost loan option to explore other more strategic long term projects.

STRATEGIC DIRECTION

Key Pillar	4. Our Infrastructure
CSP Strategy	IN3 - Maintain and improve road infrastructure and connectivity
Delivery Program Action	IN3.1 - Deliver transport asset infrastructure, maintenance, renewal and enhancement programs for urban, rural and regional roads to maintain or improve overall condition
Operational Plan Activity	IN3.1.3 - Implement sound asset management practices in accordance with industry standards

ATTACHMENTS: Nil

8.1 RATES ARREARS

SUMMARY

To provide an update on rate arrears to the end of the third quarter of the 2019/20 financial year.

Rate arrears totalled \$1,289,675.96 as at 30 June 2019 and this has now been reduced to \$329,868.14 as of 31 March 2020. This represents an improvement of \$959,807.82 or 74.42%.

RECOMMENDATION

That the report on rate arrears be noted.

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

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

REPORT

Table 1 – Arrears as of 31 March 2020

	Rates and Charges Levied (includes interest)	Paid 1 July to 31 March	Balance Outstanding	% Paid 1 July to 31 March
Arrears to 30/6/2019	\$1,289,675.96	\$959,807.82	\$329,868.14	74.42
Current Years Rates, Charges and Interest billed since 1/7/19	\$17,768,043.01	\$13,298,450.37	\$4,469,592.64	74.84
TOTALS	\$19,057,718.97	\$14,258,258.19	\$4,799,460.78	74.82

Table 2 – Summary of Prior Year's Outstanding Balance as of 31 March 2020

Year	No of Assessments	Amount	Details
2004/2005	1	\$201.52	Proposed Private Cemetery in Middle of Crown Land – Never Developed – No Burials (1)
2005/2006	1	\$309.09	As Above
2006/2007	1	\$342.02	As Above
2007/2008	1	\$437.26	As Above
2008/2009	5	\$2,373.52	As Above / Private Cemetery (2) / Pt Bendenine Rd (1) / Pt Riverbank Park (1) / Vacant Block Kangiara Village (1)
2009/2010	5	\$3,497.44	As Above
2010/2011	5	\$3,408.90	As Above
2011/2012	5	\$3,923.27	As Above
2012/2013	5	\$4,277.60	As Above
2013/2014	5	\$4,628.24	As Above

Year	No of Assessments	Amount	Details
2014/2015	8	\$10,843.65	As Above / 2 Properties Subject of Ongoing Debt Recovery action – Owner Declared Bankrupt / 1 Additional Property With Payment Arrangement
2015/2016	10	\$13,821.31	As Above / Additional Properties With Payment Arrangement
2016/2017	16	\$19,780.15	As Above / 4 Additional Properties With Payment Arrangements / 2 Additional Properties Subject of Ongoing Debt Recovery Action
2017/2018	53	\$62,885.91	As Above / All Additional Properties With Either Payment Arrangements or Subject of Ongoing Debt Recovery Action
2018/2019	186	\$199,138.26	As Above
	TOTAL	\$329,868.14	

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

Many long term debts have now been either satisfied or have payment arrangements in place. It is proposed to sell all eligible properties without payments agreements for overdue rates in 2020 under s713 *Local Government Act 1993*.

Table 3 – Rates and Charges Levied and Payments Made 1 July to 31 March

	Rates and Charges Levied (includes interest)	Paid 1 July to 31 March	Balance Outstanding	% Paid 1 July to 31 March
1/7/16 – 31/3/17	\$14,215,953.14	\$10,770,481.39	\$3,445,471.75	75.76%
1/7/17 – 31/3/18	\$15,340,492.26	\$11,530,058.84	\$3,810,433.42	75.16%
1/7/18 – 31/3/19	\$16,595,896.76	\$12,047,605.46	\$4,548,291.30	72.59%
1/7/19 – 31/3/20	\$17,768,043.01	\$13,298,450.37	\$4,469,592.64	74.84%

Note: Special rate variation in place 2016/17 to 2019/20

The rate arrears as of 30 June 2019 showed an outstanding balance of \$1,289,675.96 which has now been reduced to \$329,868.14 as shown in **Table 1**. The yearly breakup of these arrears is shown in **Table 2**.

The rates and charges levied and the payments made up until the end of the financial year is shown in **Table 3**. Also included are comparative figures for the previous three financial years. It can be seen that the percentage of rates and charges paid has increased from 12 months prior and is now comparable to the introduction of the Special Rate Variation in 2016/17.

STRATEGIC DIRECTION

Key Pillar 5. Our Civic Leadership

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

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

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

ATTACHMENTS: Nil

8.2 INVESTMENT AND BORROWINGS REPORT

SUMMARY

In accordance with the Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 31 March 2020. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

RECOMMENDATION

The Investment Report as at 31 March 2020 be received and it be noted that the summary has been prepared in accordance with the Act, the Regulations and Council's Investment Policy.

FINANCIAL IMPLICATIONS

Council's investment portfolio provides funding for some projects identified in the Operational Plan.

POLICY & LEGISLATION

- *Local Government Act (1993)*
- *Local Government General Regulation 2005*
- Investment Policy

REPORT

1. Comments on Economic Climate

Interest rates were reduced to 0.25% at an extraordinary RBA meeting in response to the COVID-19 crisis. Market developments are occurring against a backdrop of uncertainty regarding policy response to COVID-19. The coronavirus remains first and foremost a very major public health issue, but it is also having very significant effects on economies and financial systems around the world. Many countries are expected to experience large economic contractions as a consequence of the public health response. Large increases in unemployment are also expected. Once the virus is contained, a recovery in the global economy is expected, with the recovery supported by both the large fiscal packages and the significant easing in monetary policy that has taken place. There is considerable uncertainty about the near-term outlook for the Australian economy. Much will depend on the success of the efforts to contain the virus and how long the social distancing measures need to remain in place. A very large economic contraction is, however, expected to be recorded in the June quarter and the unemployment rate is expected to increase to its highest level for many years.

2. Council Investments

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

Details of investment compliance with Council's *Investment Policy* are provided in the tables below. Excess funds held in the NAB working account have been transferred to Council's investment account with TCorp during March 2020.

Table 1 – Exposure by Credit Rating Type as at 31 March 2020

S&P Rating (or equivalent)	Exposure	Maximum % Invested per Policy
A1+/AAA	Nil	100%
A1/AA	56.59%	100%
A2/A	Nil	60%
A3/BBB	6.29%	30%
N/A	37.12%	Note 1

Note 1 – The TCorp Strategic Cash Facility is an allowable investment under the Ministerial Order.

Table 2 – Exposure to Single Institutions at 31 March 2020

Institution	S&P Rating (or equiv)	Exposure	Max Exposure per Policy
NAB	A1/AA	26.47%	50%
IMB	A3	6.29%	30%
CBA	A1/AA	30.12%	50%
TCorp	N/A	37.12%	<i>Note 1 above</i>

3. Council Loans

Council has four loans with an estimated 31 March 2020 value of \$17.206m. It should be noted that there may be small balance variations as current balances are based on indicative payment schedules. The table below provides loan details at 31 March 2020. Indicative repayments for 2019/20 are shown for both principal and interest for all current loans. Balances will not change on a monthly basis as the most frequent repayment cycle is quarterly. The NSW Treasury interest free loan sourced for the raising of the dam wall has been completed with the final payment of \$750k having been made in December 2019.

	Current Balance	Interest rate	Comment	Principal 2019/20	Interest 2019/20
General Loan	\$672,208	5.91% fixed	To be fully repaid in 2020/21	\$ 645,058	\$ 53,967
Sewer - CBA Loan for Sewer Infrastructure	\$3,997,201	4.82% fixed	Payable over 20 years, fully repaid in 2035/36	\$ 168,053	\$ 195,684
Water – NSW Treasury Loan for Dam wall	\$0	Interest free	FULLY REPAID December 2019	\$ 750,000	\$ -
Water – NAB Dam wall	\$9,036,057	6.96% fixed	Total loan over 30 years. Fixed rate period of 10 years to 2022, to be renegotiated at that time.	\$ 250,019	\$ 649,390
Water - Yass to Murrumbateman water supply (Tcorp)	\$2,263,730	2.55% fixed	Payable over 10 years.	\$ 215,714	\$ 59,786
Water main and pump station upgrades (Tcorp)	\$1,236,883	2.55% fixed	Payable over 10 years.	\$ 117,864	\$ 32,666
TOTAL LOANS	\$17,206,079.00			\$ 2,146,708	\$ 991,493

STRATEGIC DIRECTION

Key Pillar 5. Our Civic Leadership

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

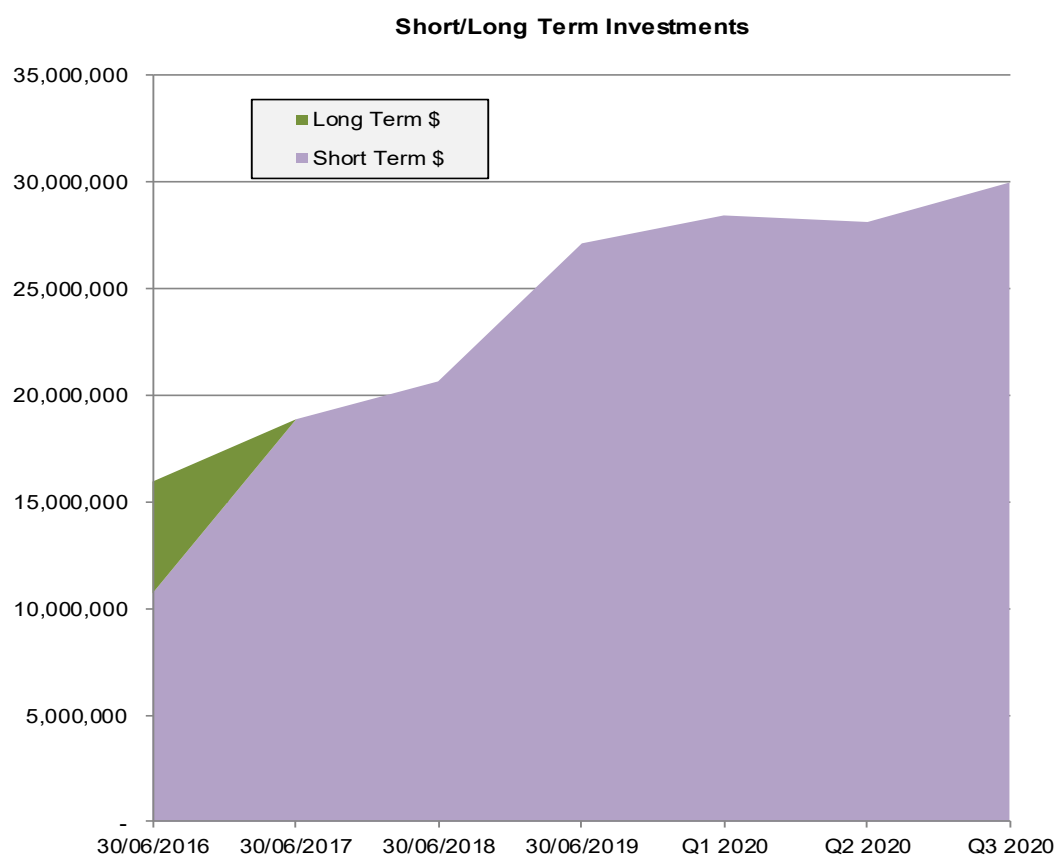
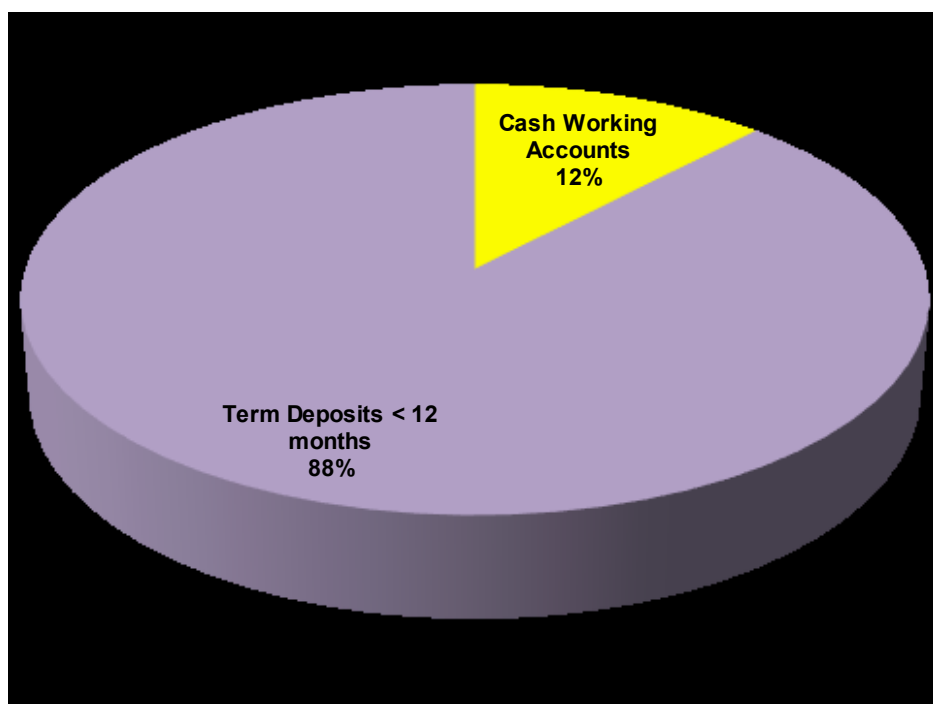
Delivery Program Action CL1.6 - Maximise Council's ability to generate income

Operational Plan Activity CL1.6.3 - Review commercial activities to ensure Council is maximising returns

ATTACHMENTS: A. Investment Valuations  

Short Term Investments (Cash Accounting) as at 31 March 2020

Investment Type	Par Value \$	Market Value \$	Maturity	Rate	Interest \$ July 19 to June 20
Cash Working Accounts					
NAB Working Account	3,634,414.46	3,634,414.46	n/a	0.25%	42,611.68
	3,634,414.46	3,634,414.46			42,611.68
Term Deposits < 12 Months					
IMB 29876	1,762,743.00	1,762,743.00	1/05/2020	1.55%	33,201.34
IMB - Youth Bequest	125,107.13	125,107.13	1/05/2020	1.55%	2,686.05
NAB Term Deposit	2,701,071.98	2,701,071.98	29/06/2020	1.28%	44,359.30
NAB Term Deposit	1,603,541.42	1,603,541.42	29/06/2020	1.28%	35,294.64
CBA	2,092,428.86	2,092,428.86	2/06/2020	1.41%	46,571.78
CBA	1,179,588.48	1,179,588.48	7/09/2020	1.15%	14,116.25
CBA	2,125,139.03	2,125,139.03	2/06/2020	1.41%	29,761.34
CBA	1,577,474.88	1,577,474.88	28/05/2020	1.43%	11,908.83
CBA	2,059,087.20	2,059,087.20	11/06/2020	2.21%	25,389.40
Tcorp Strategic Cash Facility	11,136,245.58	11,136,245.58	at call	n/a	- 28,778.04
Interest Recalled Funds *					-
	26,362,427.56	26,362,427.56			214,510.89
Total Short Term	29,996,842.02	29,996,842.02			257,122.57
Investment Property					
Hawthorn - Current Fair Value		4,350,000.00	Revalued March 2020		
* Refers to interest received in the current financial year for investments no longer held by council					



8.3 2020/21 DRAFT OPERATIONAL PLAN

SUMMARY

Council has used the Regional Community Strategic Plan (CSP) and the 2017/18 – 2020/21 Delivery Program to prepare its 2020/2021 Operational Plan. This plan encompasses the 4th year of the 4 year Delivery Program which clarifies the point where Council takes ownership of the Community Strategic Plan strategies that are within its area of responsibility.

Council's Draft Operational Plan 2020/21 supports the Delivery Program and details the individual projects and activities that will be undertaken for 2020/21 to achieve the commitments made in the Delivery Program.

Council's approval is sought to place the Draft Operational Plan 2020/21 on public exhibition.

RECOMMENDATION

That the Draft Operational Plan 2020/2021 be placed on public exhibition

FINANCIAL IMPLICATIONS

The Operational Plan establishes Council's annual operational and budget priorities and the financial impacts are contained within this document.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Local Government General Regulations 2005*
- *Local Government Amendment (Governance & Planning) Act 2016*
- Integrated Planning and Reporting Framework

REPORT

1. Integrated Planning and Reporting Framework

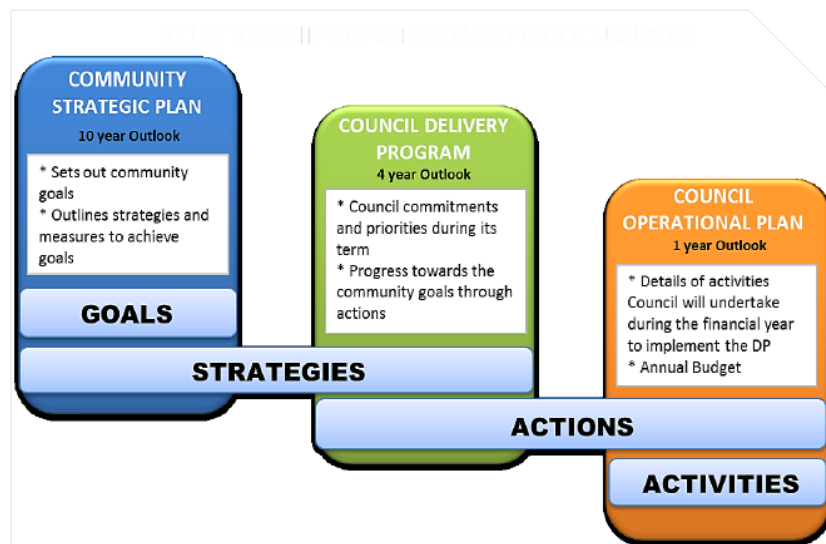
The Integrated Planning and Reporting (IR&R) Framework came into practice in 2009 and established the way in which Councils plan, document and report on their plans for the future. The framework is summarised in the following diagram:



The frameworks provides for:

- The **Community Strategic Plan** which outlines the community aspirations for the next 10-20 years. This is a whole of community document and is reviewed following each Local Government election.
- The **Delivery Program** details Council's key activities to undertake over its four year term of office
- Supporting the Delivery Program is the **Resourcing Strategy** comprising of the Long Term Financial Plan, Workforce Management Plan and Asset Management Planning.
- An annual **Operating Plan** detailing Councils work activities forward achieving the Delivery Program.
- A six monthly **Performance Report** and the **Annual Report** detail Council's progress in its achievements under the IP&R Framework

The interrelationship between the Community Strategic Plan, Delivery Program and Operational Plan is outlined in the following diagram:



While the Community Strategic Plan, Delivery Program and Operational Plan are interrelated they are presented as individual documents. For a complete picture it is important that the suite of documents are read as a package and not in isolation.

2. Draft Operational Plan 2020/21

The Operational Plan (refer **Attachment A**) supports the 2017/18 – 2020/21 Delivery Program and sets out Council's planned activities for 2020/21. The Operational Plan identifies the individual projects and activities that will be undertaken within the next financial year to achieve the actions made in the Delivery Program. The Operational Plan allocates responsibilities for each activity and identifies how their effectiveness will be measured.

The Operational Plan includes Council's statement of revenue policy (including the proposed rating structure), draft 2020/21 fees and charges, the detailed annual budget (including identified projects) and the updated long term financial plan.

3. Assumptions

In preparing the draft Operational Plan the following assumptions have been made:

- 2.5% wage increase
- 2.6% rate pegging increase
- Interest rates at 7.5%
- CPI of 1.8%
- Federal Assistance Grants of \$2.8M

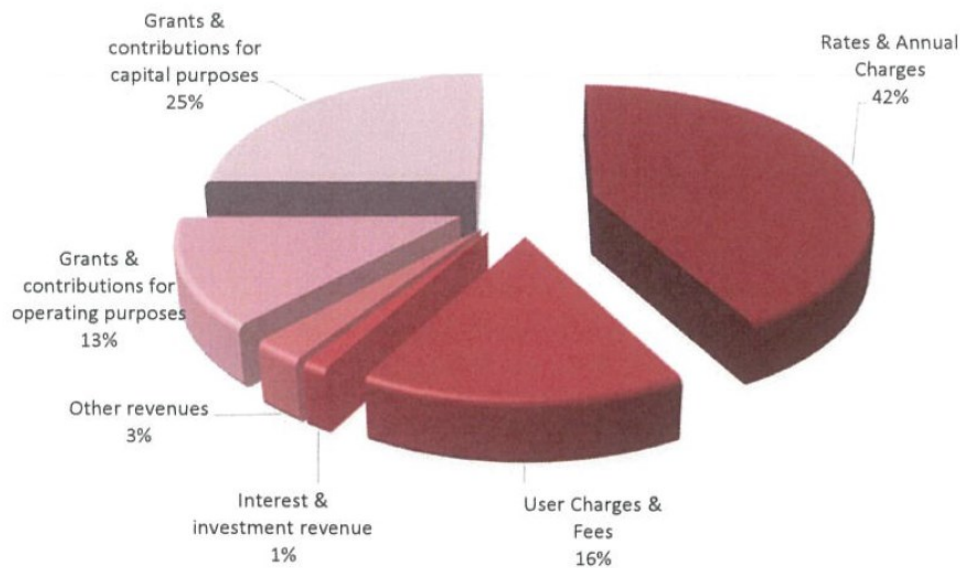
4. Key Points of the Draft Budget 2020/21

All financial ratios are within benchmarks with the exception of the Real Operating Expenditure Ratio and the Asset Maintenance Ratio which are both forecast to meet the benchmark by 2024. This is in line with Council's proposal for Fit for the Future.

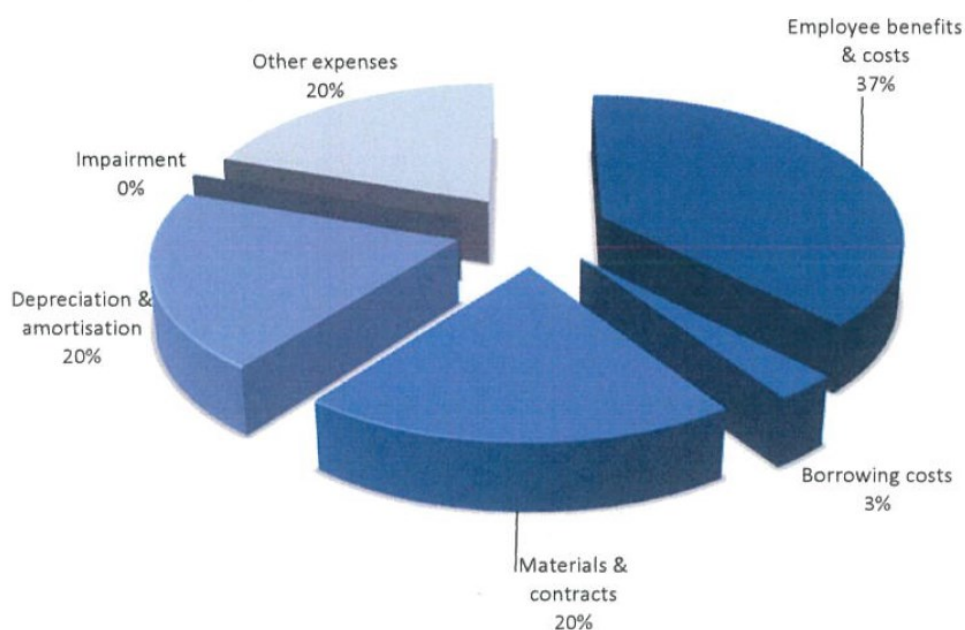
The Net Operating Result before Capital Grants is a surplus of \$570k. A small surplus is expected to be maintained in future years as detailed in Council's Long Term Financial Plan.

This budget is the result of the implementation of the Fit for the Future proposal which identified savings and efficiencies.

SOURCES OF REVENUE



EXPENDITURE BY TYPE



5. Priority Infrastructure

In February 2020 Council identified several key infrastructure projects and priorities for the upcoming financial year. The objective of these priorities is to commence the planning process to ensure that the projects are 'shovel ready' should:

- Grant funding opportunities arise
- Council's existing loans mature freeing up funds to service new loans
- Other funding becomes available through surplus land sales

The priority projects identified include:

- Council Administration Complex, library and commercial space
- Yass War Memorial Swimming Pool redevelopments
- Murrumbateman Community Hall
- Amenities at the Yass Pool/Skate Park, Murrumbateman and Yass CBDs
- New Companion Animals Facility
- Parks and playgrounds upgrades
- Bike park, Adventure Playground and Yass River activation
- Memorial Hall
- Murrumbateman Dog Park

To facilitate the development of these projects:

- \$250,000 to prepare plans for the Council Administration Complex, Yass Swimming Pool upgrade and Murrumbateman Community Hall has been incorporated into the draft Operational Plan funded from the Land and Asset Reserve
- Capital Works Program includes toilet amenities at Murrumbateman and the Yass Swimming Pool/Skate park and a new dog park at Murrumbateman
- Strategic planning work will be undertaken by staff for leisure infrastructure across the whole of Yass Valley including an adventure playground, bike park and parks and playground facilities.
- Investigations will be undertaken by staff into the use of Crown Land in Murrumbateman and near the Yass Dam for parklands

6. OLG Benchmarks

The following table indicates the trends in the benchmark indicators

Ratio	2019	2020	2021	2022	2023	2024
Operating Performance	0.79%	7.67%	1.77%	0.81%	1.04%	1.32%
Own Source Operating Revenue (incl FAGS)	71.8%	67.2%	68.9%	69.0%	69.3%	69.7%
Own Source Operating Revenue (excl FAGS)	64.3%	60.2%	62.3%	62.4%	62.9%	63.4%
Building & Asset Renewal	100%	100%	100%	100%	100%	100%
Infrastructure Backlog	1%	0%	0%	0%	0%	0%
Asset Maintenance	98%	98%	98%	98%	100%	102%
Debt Service	8%	11%	7%	7%	4%	4%
Real Operating Expenditure	\$1.9	\$1.6	\$1.8	\$1.8	\$1.8	\$1.8
Cash Expense Cover (months)	9.1	8.5	8.9	10.0	11.9	13.5

The only two indicators that remain a concern are the Asset Maintenance Ratio and the Real Operating Expense Ratio. However these are trending in the right direction for Council to achieve the benchmark results expected by the Office of Local Government by 2026.

7. Fees & Charges

Fees and charges for 2020/21 have been based on the relevant revenue policy. Broadly these fall into three categories i.e.

- Regulatory fees
- Contestable fees
- Other fees

Regulated fees are directly linked to the relevant State legislation and only change if the legislations changes.

Contestable fees are based on the principles of competitive neutrality and include direct costs, a portion of corporate overheads and a profit margin. These fees cannot be cross subsidised. Any changes are based on the estimated staff time involved in providing the service.

Other fees and charges have been increased in line with the movement of wage costs (i.e. 2.5%). As the charges are related to Council staff providing a service, wages are the key driver of any change. These fees have been raised in line with the projected 2.5% wage growth.

The COVID-19 pandemic has impacted on the local economy through the closure of businesses, loss of employment, banning of events and gatherings. This is likely to continue for the foreseeable future. The *Hardship Policy* has been reviewed (refer Separate Report) and has taken into account these factors.

8. Community Engagement

The 2020/21 Operational Plan is to be placed on exhibition and community engagement undertaken in line with a Plan developed in accordance with the *Community Engagement Strategy*.

In previous years this engagement process included 'roadshow' style presentations to a number of groups and the general community to explain the content of the plan and inform community members regarding the opportunities to make submissions.

Unfortunately the COVID-19 pandemic and the ensuing Public Health Orders will prevent to 'roadshow' meetings as facilitated in previous years. An alternate delivery of the presentation via a pre-recorded presentation that can be distributed on line is being planned.


Direct notification of the public exhibition will also be sent to each community association.

9. Next Steps

Any submissions received will be considered and changes made to the draft document where required. A report is scheduled to be prepared for the 24 June 2020 Council meeting to consider the final adoption of the 2020/21 Operational Plan.

STRATEGIC DIRECTION

Key Pillar	5. Our Civic Leadership
CSP Strategy	CL1 - Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.4 - Be compliant, more efficient and effective
Operational Plan Activity	CL1.4.2 - All regulated compliance is adhered to

ATTACHMENTS: A. Draft 2020-2021 Operational Plan (*Under Separate Cover*) 

8.4 DRAFT FINANCIAL HARDSHIP POLICY

SUMMARY

This draft Council Policy is an update of a current Policy to ensure timely responses to a range of requests for assistance due to financial hardship including widespread disruptive community events. The current Policy and its related application form had been developed primarily for rates relief for pensioners and other in receipt of government benefits.

RECOMMENDATION

That the draft Financial Hardship Policy be placed on public exhibition and adopted if no significant submissions that impact on the operation of the Policy are received.

FINANCIAL IMPLICATIONS

Council's current financial projections within the Long Term Financial Plan contemplate rate and annual charge income being recovered in the long term in accordance with payment arrangements and recovery action. A spike in applications due to the current Pandemic may require adjustments to cash flow management reflected in projections for the next few years.

POLICY & LEGISLATION

The *Local Government Act* 1993, allows Council to provide some financial assistance to members of the community through deferring rates, payment arrangements and waiving interest on overdue rates and annual charges.

REPORT

1. Background/Context

Council levies rates and 'annual charges' (s501 *Local Government Act* 1993) to fund public assets and services to people and organisations that live and/or operate in Yass Valley. Council sets annual charges for water and waste water services that is set aside in a separate fund to land rates. Rates and annual charges are similar to a tax collected by other tiers of government such as income tax. It is only these rates and annual charges that this policy relates to in providing relief for financial hardship.

2. Policy Purpose and Scope

To provide a framework for decisions about providing assistance to individuals and organisations in our community experiencing financial hardship. This policy applies to applications for financial relief through changes to payment arrangements for Council Rates and Annual Charges.

Community assistance through waiving, discounting or reducing Council service related Fees and Charges are dealt with in the Revenue Policy in the Operational Plan.

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. Draft Financial Hardship Policy [↓](#) 

Financial Hardship Policy

Purpose

To provide a framework for decisions about providing assistance to individuals and organisations in our community experiencing financial hardship.

Scope

This policy applies to applications for financial relief through changes to payment arrangements for Council Rates and Annual Charges.

Community assistance through waiving, discounting or reducing Council service related Fees and Charges are dealt with in the Revenue Policy in the Operational Plan.

Context

Council levies rates and 'annual charges' (s501 *Local Government Act* 1993) to fund public assets and services to people and organisations that live and/or operate in the Yass Valley Local Government Area. Council sets annual charges for water and waste water services that is set aside in a separate fund to land rates. Rates and annual charges are similar to a tax collected by other tiers of government such as income tax. It is only these rates and annual charges that this policy relates to.

Separate to the above, Council also charges fees and charges for discretionary services that are incurred if a service is accessed (for example disposing of waste at a transfer station or hiring a hall) in accordance with s608 of the *Local Government Act* 1993. Each year Council will decide which of these fees and charges will be applied at full cost recovery (the default position) and those that should be discounted or free of charge. These reductions are often made to incentivise a desired outcome, or to recognise an unreasonable financial burden on a particular cohort within the community.

Definitions

The following definitions are provided to promote understanding of this policy:

Term	Meaning
Rates	Are of the nature of a property tax that is levied on the property owner to provide public goods and services for the local area
Annual Charges	An annual charge is applied to rateable land where that service is able to be provided – Waste, Water and Sewer
Fees and Charges	A fee for a service provided by Council under s 608 LG Act
Interest	Interest charged by Council on overdue rates and annual charges

Policy Principles

Eligibility

A person or other legal entity is eligible for assistance if it can be demonstrated that the person(s) or organisation is suffering financial hardship in that they cannot meet their obligations in the short to medium term.

Financial hardship may arise as a result of a sudden loss of income by a property owner/facility user/service user or family member upon whom a property owner relies on for financial support due to:

- a. Loss of employment; or
- b. Family breakdown; or
- c. Chronic illness or incapacity; or
- d. Death; or
- e. A widespread disruptive event.

Application and Assessment

Applications must be submitted to the General Manager using the Financial Hardship Relief Application Form (190) with all relevant supporting documentation attached. The General Manager will assess each application on its merits taking into account the responses provided in the Financial Hardship Relief Application Form (190).

Determination

Council will make a determination in respect of each application upon consideration of a recommendation made by the General Manager.

The applicant will be informed of Council's decision in writing. Applicants can make one request to Council to reconsider its decision and at that time provide additional information and supporting documentation.

The successful applicant must enter into a written agreement to pay any outstanding amounts or rates and annual charges or upcoming rates and annual charges that have been deferred. Only rates and annual charges due in the current and following year can be deferred by Council for future payment. Council may separately or concurrently agree to waive interest charged on overdue or deferred rates and annual charges.

Failure to adhere to written agreements will in most cases result in debt recovery action by Council.

Withdrawal of Assistance

Financial hardship assistance may be withdrawn by Council at the discretion of the General Manager for any of the following reasons:

- a. The ratepayer no longer owns the land; or
- b. The ratepayer advises Council that hardship no longer applies; or
- c. The ratepayer defaults on the payment agreement; or
- d. Council receives new information that proves the hardship no longer exists.

Responsibilities

Chief Financial Officer will:

- Provide all necessary administrative support for the operation of this policy
- Develop and document any procedures and forms for the effective implementation of this policy
- Keep sufficient records to enable monitoring of compliance with this policy and provide information required for reporting purposes and internal organisational performance measurement.



References

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

Legislation	Local Government Act 1993 (s564, s567, s582, s585, 601)
Policies and procedures	FS-POL-3 Debt Recovery
	FM-POL-5 Pensioner Rebates

Approval

The Council approved this policy at an Ordinary Council Meeting on DATE.

Approval history

Stage	Date	Comment	MagiQ Reference

Ownership and approval

Responsibility	Role
Author	
Owner	
Endorser	
Approver	Council

12.1 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 31 MARCH 2020

REPORT

The minutes of the Meeting of the Audit Risk and Improvement Committee held on 31 March 2020 are included in **Attachment A**.

From these minutes there are no items which cover matters that:

- Requires expenditure not provided for in the current Operational Plan
- Involves a variation to a Council policy
- Is contrary to a previous decision or position of Council
- Relates to a matter which requires Council to form a view or adopt a position
- Deals with a matter of specific interest

RECOMMENDATION

That the Minutes of the Meeting of the Audit Risk and Improvement Committee held on 31 March 2020 be noted.

ATTACHMENTS: A. Audit Risk & Improvement Committee Minutes 31 March 2020  



Minutes of the Audit, Risk and Improvement Committee Meeting

Tuesday 31 March 2020

5.30pm

Council Chambers

209 Comur Street, Yass

Minutes of the Audit, Risk and Improvement Committee Meeting held on 31 March 2020

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Minutes of the Audit, Risk and Improvement Committee Meeting held on 31 March 2020

Present

Via Zoom

Andrew Hannan- Chair, Mitchell Fleming, Councillors Rowena Abbey and Allison Harker

Also present: Jovan Pejic – Manager Risk, Audit and Improvement, Chris Berry – General Manager, Mark Eady - Director Corporate & Community, Sarah Donnelly – Acting Chief Financial Officer, Mark Livermore – Environmental Services Coordinator, Shirree Garland – Corporate Planning & Executive Support Officer

Sanket Raje – Deloitte, Dominka Ryan – NSW Audit Office

1. Introduction

1.1 Formal Opening and Welcome

Chair Andrew Hannan welcomed all to the meeting, acknowledging the difficult start to the year with fires, floods and the current pandemic. The passing of Sharon Hutch was also acknowledged.

1.2 Acknowledgement of Country

Chair Andrew Hannan made a statement acknowledging the traditional owners

1.3 Apologies

Apologies were received from Bruce Papps, Natasha Bourke

1.4 Declaration of Conflict of Interest

Nil

2. Committee Matters

2.1 Confirmation of Minutes

COMMITTEE DECISION

That the minutes of the Audit, Risk and Improvement Committee Meeting held on 8 October 2019 be taken as read and confirmed.

(R Abbey/M Fleming)

2.2 Matters Arising

Nil

3. EXTERNAL AUDIT

SUMMARY

The Audit Office of NSW has completed the Financial Statement Audit for the financial year ended 30 June 2019 and has issued a Final Management Letter to Council for consideration of the Audit, Risk and Improvement Committee.

Minutes of the Audit, Risk and Improvement Committee Meeting held on 31 March 2020

COMMITTEE DECISION

That:

1. *The Final Management Letter issued by the NSW Audit Office on the Financial Statement audit completed for the financial year ended 30 June 2019 be noted*
2. *The management responses addressing the audit matters identified in the Final Management Letter issued by the NSW Audit Office be endorsed*

(Harker/Fleming)

Sanket Raje and Dominika Ryan left the meeting at 5.53pm.

4. GENERAL MANAGER'S REPORT

SUMMARY

This report serves to inform the Audit, Risk and Improvement Committee of key ongoing Council matters for the quarter ending 31 March 2020.

The General Manager provided oral reports in relation to:

- the current Corona Virus pandemic, Business Continuity Plan and Business Action Plans
- Engineering Realignment
- Transition of Home Living Support Service

COMMITTEE DECISION

That the verbal update from the General Manager be noted

(Abbey/Harker)

5. RISK MANAGEMENT

SUMMARY

This report serves to inform the Audit, Risk and Improvement Committee of Risk Management activities and developments for the quarter ending 31 March 2020. This includes:

- General risk management update
- Business Unit Risk Register presentations
- New Position Description: Coordinator Risk Management

COMMITTEE DECISION

That:

1. *The Risk Management Update be noted*
2. *The "Critical Risks" and "High Risks" identified for the Finance and E&H Business Units be noted*
3. *The proposed Coordinator Risk Management position be noted*

(Abbey/Harker)

Minutes of the Audit, Risk and Improvement Committee Meeting held on 31 March 2020

6. FINANCIAL MANAGEMENT

SUMMARY

This report serves to inform the Audit, Risk and Improvement Committee of the Financial Management matters for the quarter ending 31 March 2020 including:

- Council Loans
- Council Investments
- Proposed Budget FY20/21

COMMITTEE DECISION

That:

1. *The status of Council Loans as at 29 February 2020 be noted*
2. *The position of Council Investment as at 29 February 2020 be noted*
3. *The Proposed Budget for Financial Year 2020/2021 be noted*

(Fleming/Abbey)

7. INTERNAL AUDIT

SUMMARY

This report serves to inform the Audit, Risk and Improvement Committee of Internal Audit activities for the quarter ending 31 March 2020 including:

- the number of internal audits completed during that quarter, including providing copies of the audit reports including details of findings and recommendations
- Internal audit recommendation tracking and status updates
- progress in implementing the strategic internal audit plan
- any concerns the Manager Audit, Risk and Improvement may have.

COMMITTEE DECISION

That:

1. *The Internal Audit Report on Rates Levied for FY19/20 be noted*
2. *The status of Internal Audit Recommendations be noted*
3. *The status update on the progress in implementing the strategic internal audit plan be noted.*

(Harker/Abbey)

Minutes of the Audit, Risk and Improvement Committee Meeting held on 31 March 2020

8. ARIC ACTIONS TRACKING

SUMMARY

This report serves to inform the Audit, Risk and Improvement Committee on the status of outstanding ARIC Actions as resolved by the Committee.

COMMITTEE DECISION

That the report on ARIC Actions Tracking be noted

(Abbey/Harker)

9. ARIC GOVERNANCE FRAMEWORK

SUMMARY

This report presents updated governing documents aligned with best practice and the New Risk Management and Internal Audit Framework for Local Council in NSW to be adopted by March 2021. The governing documents presented include:

- ARIC Charter
- Internal Audit Charter
- ARIC Workplan, Responsibility Plan and Calendar
- ARIC Standard Agenda
- ARIC Code of Conduct Guidelines for Independent Chair and Members

COMMITTEE DECISION

That:

1. *The updated Internal Audit Charter for adoption by March 2021 be endorsed*
2. *The updated Audit, Risk and Improvement Committee Charter for adoption by March 2021 be endorsed*
3. *The proposed ARIC Workplan Responsibility Plan and Calendar for adoption by March 2021 be endorsed*
4. *The proposed ARIC Standard Agenda for adoption by March 2021 be endorsed*
5. *The proposed Code of Conduct Guidelines for Independent ARIC Chair and Members for adoption by March 2021 be endorsed*

(Fleming/Abbey)

Minutes of the Audit, Risk and Improvement Committee Meeting held on 31 March 2020

10. ARIC IMPLICATIONS REPORT

SUMMARY

This report presents a summary of key implications on the Audit Risk and Improvement Committee from the introduction of the New Risk Management and Internal Audit Framework for Local Council in NSW to be adopted by March 2021. These include:

- New independence requirements for ARIC Chair and Members in line with the NSW Government's Prequalification Scheme
- Opportunity to establish a Shared Audit Risk and Improvement Committee with partner Councils of Goulburn Mulwaree and Upper Lachlan Shire.

COMMITTEE DECISION

That:

1. *The Discussion Paper on A New Risk Management and Internal Audit Framework for Local Council in NSW be noted*
2. *The Independence requirements of Audit, Risk and Improvement Committee Chair and Members under Core Requirement 1(c) of the New Risk Management and Internal Audit Framework for Local Council in NSW and the NSW Government's Prequalification Scheme: Audit and Risk Committee Independent Chairs and Members be noted*
3. *A decision to move to a Shared Audit Risk and Improvement Committee with partner Councils of Goulburn Mulwaree and Upper Lachlan Shire be deferred until further information is available*

(Fleming/Abbey)

The meeting closed at 7.22 pm.