



Ordinary Meeting of Council

Wednesday 27 May 2020

4.00pm

Council Chambers

209 Comur Street, Yass

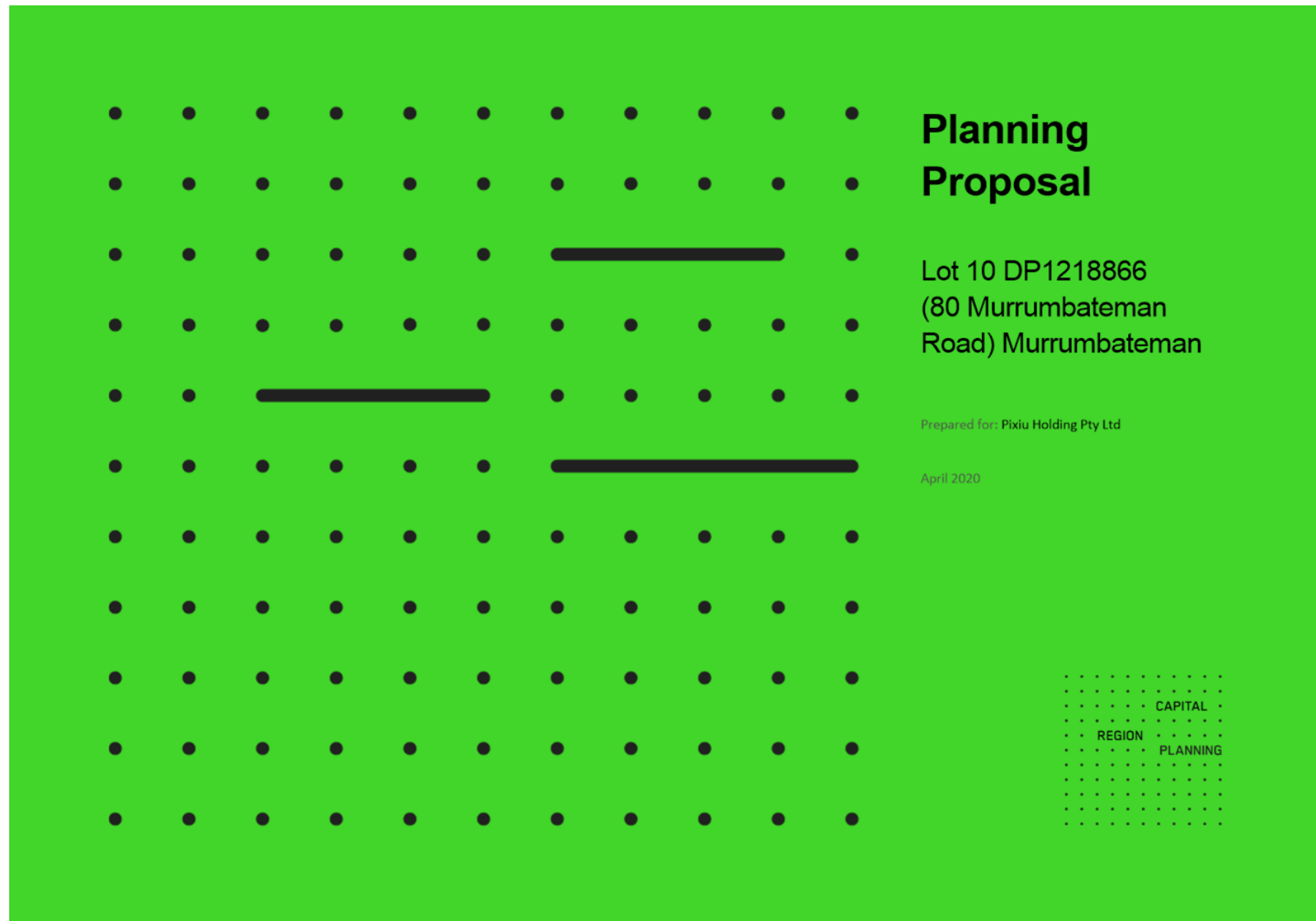
**ATTACHMENTS TO REPORTS
ITEMS UNDER SEPARATE COVER**

Ordinary Meeting of Council

Attachments to Reports
Items Under Separate Cover

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| <p> </p> | <p>Prepared by: Capital Region Planning</p> |
| <p> </p> | <p> </p> |
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1

Introduction

1.1 Commission

This Planning Proposal has been prepared by Capital Region Planning on behalf of Pixiu Holdings Pty Ltd (also referred to as **the Proponent**) relating to Lot 10 DP 1218866 Murrumbateman Road, Murrumbateman (**the subject site**).

It is submitted to the Yass Valley Council (**Council**) to accompany a request to amend the Yass Valley Local Environmental Plan 2013 (**YVLEP 2013**) in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

This Planning Proposal includes the following:

- A statement of the objectives and intended outcomes of the proposed instrument.
- An explanation of the provisions that are to be included in the proposed instrument.
- The justification for those objectives, outcomes and the process for their implementation.
- Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies.

This Planning Proposal has been prepared having regard to discussions with Council and 'A Guide to Preparing Planning Proposals' and 'A Guide to Preparing Local Environmental Plans' published by the DPE dated August 2016. This Planning Proposal also references the following documents:

- Relevant State Environmental Planning Policies and Section 9.1 Directions.
- Yass Valley Local Environmental Plan 2013.
- Regional Community Strategic Plan 2011 - 2030
- Yass Valley Settlement Strategy September 2017.
- South East and Tablelands Regional Plan 2017.

This Report concludes that the Planning Proposal should be supported and recommended to the DPE for Gateway Determination.

1.2 Planning Proposal Reports and Documents

This Planning Proposal is accompanied by the following drawings, studies and reports:

- Planning Proposal Application Form (Completed, signed by applicant and all fees paid);
- Detailed Survey for Lot 10 DP 1218866;
- Preliminary Site Investigation of Lot 10 DP 1218866, prepared by Murrang Earth Sciences;
- Aboriginal Due Diligence Assessment – Lot 10 DP 1218866, prepared by Ecological Australia;
- Biodiversity Development Assessment Report – Lot 10 DP 1218866, prepared by Capital Ecology;
- Bushfire Assessment Report – Lot 10 DP 1218866, prepared by Ember Bushfire Consulting;
- Land Capability Assessment Soil and Water – Lot 10 DP 1218866, prepared by Franklin Consulting Australia Pty Ltd;
- Traffic Impact Assessment – Lot 10 DP 1218866, prepared by OnTolt;
- Baseline Heritage Assessment – Lot 10 DP 1218866, prepared by Ecological Australia; and
- Subdivision Site Plan – Lot 10 DP 1218866.

2

Site Analysis

This Section of the Report describes the physical characteristics of the subject site, the adjoining development and character of the locality.

2.1 Regional Site Location

The land the subject of this Planning Proposal is situated to the east of Murrumbateman Township within the Yass Valley Local Government Area (**LGA**). Murrumbateman is a town in the Southern Tablelands of New South Wales. It is located on the Barton Highway, approximately 30 kilometres north west of Canberra. As at the 2016 Census, the Town had a population of 3,804 people.

The Town has a traditional rural base, which in more recent years been enhanced by viticulture, the establishment of boutique wineries and growing tourism industry. The Town is well serviced offering an array of services and community facilities to both local residents and visitors alike. Land use pattern on the periphery of the Town has experienced some rural residential growth of more recent times. The regional site location is depicted in **Figure 1** below.

2.2 Site Description and Context

The site is legally described as Lot 10 DP 1218866 Murrumbateman Road, Murrumbateman and is located approximately 1 kilometre south east of the Murrumbateman commercial centre. It is an undulating, irregular shaped parcel of land that has an area of approximately 18.4 hectares. The site has a sole road frontage to Murrumbateman Road, which is a sealed (2 lanes) Council maintained Road.

The subject site is used for grazing purposes and supports and existing dwelling, a number of farm buildings and structures and farm dams. Mature shelter belt plantings internal to the site and along sections of common boundaries are evident together with major plantings within the curtilage of the dwelling.

With the exception of the existing main driveway entrance and secondary farm entry, the entire property frontage is characterised by noteworthy major plantings, which significantly contribute to streetscape character.

Land opposite and to the east of Murrumbateman Road has been subject to past 'broad acre' rural residential release and is characterised in the main by well-established and maintained dwellings and surrounds. Lands to the north, south and west are generally characterised by agricultural activities. Dwellings on these lands and their surrounds are generally well maintained. The land adjoins a corridor of land (lot 11 DP 1218866), which has been dedicated in subdivision for road purposes associated with the Barton Highway Duplication Corridor.

Figure 2 shows the site in its local context.

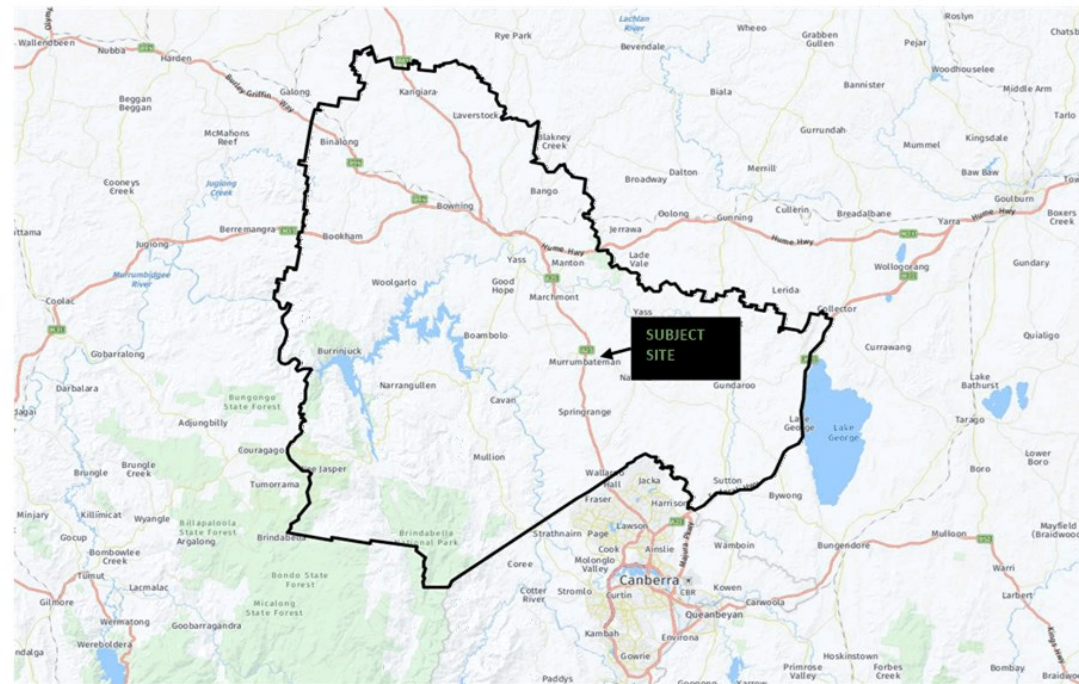


Figure 1: Regional Site Context (<https://profile.id.com.au/yass-valley/about/>, March 2020)



Figure 2: Local Site Context (SIX Maps, March 2020)

3

Current Planning Controls

3.1 Yass Valley Local Environmental Plan 2013

The principal planning instrument applying to the subject site is the Yass Valley Local Environmental Plan 2013 (**YVLEP 2013**). This is the statutory planning instrument that establishes the form of development and land use activities on all land within the Yass Valley Local Government Area (**LGA**). The YVLEP 2013 was gazetted on 19 July 2013.

The land subject to this Planning proposal is currently zoned RU4 – Primary Production Small Lots and immediately adjoins the Barton Highway Duplication Corridor to the east. See **Figures 3 and 4** below.

The key YVLEP 2013 planning controls that apply to the subject site are detailed within **Table 1** below and apply to both the current and proposed land use zones and activities provided for as part of this Planning Proposal.

Table 1: Relevant YVLEP 2013 Planning Controls

| Clause | Matter | Requirement |
|--------|--------------------------------------|--|
| 2.2 | Zoning of land to which Plan applies | The zoning of the subject site is shown on the Land Zoning Map (Figure 3). The Land Zoning Map indicates that the subject site is located within the RU4 Primary Production Small Lot Zone. |
| 2.3 | Zone Objectives and Land Use Table | Zone RU4 Primary Production Small Lot Zone 1. Objectives of zone <ul style="list-style-type: none">To enable sustainable primary industry and other compatible land uses.To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.To minimise conflict between land uses within this zone and land uses within adjoining zones.To enable residential development if it supports viable primary production on the land.To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including ground and surface water.To prevent premature and sporadic subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of these areas in the future. 2. Permitted without consent |

| Clause | Matter | Requirement |
|--------|--|--|
| | | <p>Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Horticulture; Viticulture; Water storage facilities</p> <p>3. Permitted with consent</p> <p>Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Dual occupancies; Dwelling houses; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; High technology industries; Home industries; Industrial retail outlets; Intensive plant agriculture; Markets; Plant nurseries; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Signage; Truck depots; Veterinary hospitals; Water supply systems</p> <p>4. Prohibited</p> <p>Any development not specified in item 2 or 3</p> |
| 2.3 | Zone Objectives and Land Use Table | <p>Zone R5 Large Lot Residential</p> <p>1. Objectives of zone</p> <ul style="list-style-type: none"> To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. To minimise conflict between land uses within this zone and land uses within adjoining zones. To ensure that development is provided with an adequate water supply and the disposal of sewage. <p>2. Permitted without consent</p> <p>Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations</p> <p>3. Permitted with consent</p> <p>Animal boarding or training establishments; Bed and breakfast accommodation; Bee keeping; Camping grounds; Caravan parks; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Exhibition homes; Farm buildings; Group homes (transitional); High technology industries; Home industries; Information and education facilities; Recreation areas; Respite day care centres; Roads; Signage; Truck depots; Veterinary hospitals</p> <p>4. Prohibited</p> <p>Any development not specified in item 2 or 3</p> |
| 2.6 | Subdivision – consent requirements | Land to which this Plan applies may be subdivided, but only with development consent. |
| 4.1 | Minimum subdivision lot size | The size of any lot resulting from a subdivision of land is not to be less than the minimum size shown on the Lot Size Map. The Minimum Lot Size Map indicates a minimum lot size of 40 hectares for the subject site. |
| 4.1AA | Minimum subdivision lot size for community title schemes | The size of any lot resulting from a subdivision of land is not to be less than the minimum size shown on the Lot Size Map. Notwithstanding, development consent may be granted for the subdivision of land resulting in lots that are less than the minimum size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that: |

| Clause | Matter | Requirement |
|--------|---|---|
| | | <ul style="list-style-type: none"> a) the use of the land after subdivision will be for the purpose of an eco-tourist facility permitted under an existing development consent for the land, and b) the development is complementary to the rural and environmental attributes of the land and its surrounds, and c) there is or will be appropriate vehicular access servicing the lots, and d) if there is or will be a reticulated sewerage scheme for the land being subdivided — all of the lots created will have an area of at least 2,000 square metres, and e) if on-site sewage management is proposed to dispose of sewage on each individual lot — all of the lots created will have an area of at least 4,000 square metres. |
| 4.1A | Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental protection zones | The size of any lot resulting from a subdivision of land for a strata plan scheme (other than any lot comprising common property within the meaning of the <i>Strata Schemes (Freehold Development) Act 1973</i> or <i>Strata Schemes (Leasehold Development) Act 1986</i> is not to be less than the minimum size shown on the Lot Size Map. |
| 4.1C | Additional requirements for subdivision in certain rural zones | <p>Development consent must not be granted for the subdivision of land unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> a) the pattern of lots created by the subdivision and the location of any future buildings on the land are not likely to have a detrimental impact on any riparian land, watercourses or biodiversity values, or exacerbate existing erosion or salinity processes, and b) the subdivision layout has regard to protecting areas of remnant vegetation and will minimise the need for clearing vegetation for any future buildings, accessways, fences and any associated asset protection zones, and c) the pattern of lots will not significantly increase access to a watercourse for stock and domestic purposes, and d) the subdivision will not adversely affect the use of the land and surrounding land for agriculture. |
| 4.2 | Rural subdivision | <p>Land may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map.</p> <p>However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot. A dwelling cannot be erected on such a lot.</p> |
| 4.2A | Exceptions to minimum lot sizes for certain rural subdivisions | <p>Land may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than a dwelling house or a dual occupancy) permitted under an existing development consent for the land.</p> <p>Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and b) the subdivision is necessary for the ongoing operation of the permissible use, and c) the subdivision will not increase rural land use conflict in the locality, and d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land |
| 4.2B | Erection of dwelling houses and dual occupancies on land in certain rural and environmental protection zones | <p>3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land unless the land:</p> <ul style="list-style-type: none"> a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or b) is a lot created before this Plan commenced and on which the erection of a dwelling house or a dual occupancy was permissible immediately before that commencement, or |

| Clause | Matter | Requirement |
|--------|------------|---|
| | | <p>c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or</p> <p>d) is a lot resulting from a subdivision under Clause 4.1 or Clause 4.1B, or</p> <p>e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by:</p> <ol style="list-style-type: none"> a minor realignment of its boundaries that did not create an additional lot, or a subdivision creating or widening a public road or public reserve or for another public purpose, or a consolidation with an adjoining public road or public reserve or for another public purpose. <p>Note. A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.</p> <p>4) Development consent must not be granted for the erection of a dwelling house unless:</p> <ol style="list-style-type: none"> no dwelling house has been erected on the land, and if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed. <p>5) Development consent must not be granted for the erection of a dual occupancy unless:</p> <ol style="list-style-type: none"> no dual occupancy has been erected on the land, and if a development application has been made for development for the purpose of a dual occupancy on the land—the application has been refused or it was withdrawn before it was determined, and if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed. <p>6) Development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or a dual occupancy on the land and the dwelling house or the dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.</p> <p>7) Despite the above, development consent may be granted for the erection of a dwelling house to create a dual occupancy on the land if there is a lawfully erected dwelling house on the land.</p> |
| 6.1 | Earthworks | <p>1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>2) Development consent is required for earthworks unless:</p> <ol style="list-style-type: none"> the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given. <p>3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ol style="list-style-type: none"> the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, |

| Clause | Matter | Requirement |
|--------|--|--|
| | | <ul style="list-style-type: none"> b) the effect of the development on the likely future use or redevelopment of the land, c) the quality of the fill or the soil to be excavated, or both, d) the effect of the development on the existing and likely amenity of adjoining properties, e) the source of any fill material and the destination of any excavated material, f) the likelihood of disturbing relics, g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. |
| 6.8 | Essential Services | <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> a) the supply of water, b) the supply of electricity, c) the disposal and management of sewage, d) stormwater drainage or on-site conservation, e) suitable vehicular access, f) connection to a communications network with voice or data capability (or both). |
| 6.10 | Development on land intended to be acquired for Barton Highway duplication | <ul style="list-style-type: none"> 1) The objective of this clause is to limit development on land intended to be acquired for the construction of the Barton Highway duplication. 2) This clause applies to land identified as "Barton Highway Corridor" on the Barton Highway Duplication Map. 3) Development consent must not be granted for any development of a permanent nature (for example, a building) on land to which this clause applies unless the development is consistent with the purpose for which the land is intended to be acquired. 4) A condition of a development consent granted under subsection (3) may require the demolition or removal of the work for which consent is granted before the land is acquired for the purpose of the Barton Highway duplication. |

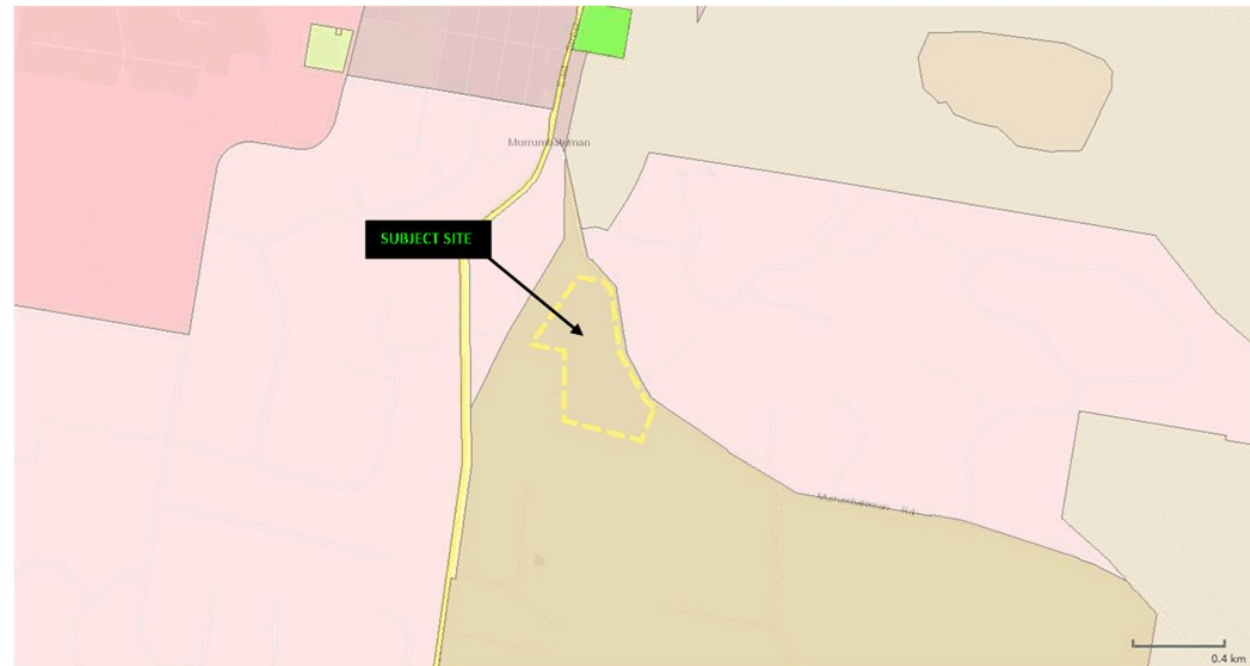


Figure 3: Current Zoning under YVLEP 2013 (NSW Planning Portal, March 2020)



Figure 4: Barton Highway Duplication Map YVLEP 2013 (March 2020)

4

Planning Proposal

4.1 Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to re-zone privately owned land from RU4 Primary Production Small Lots to R5 Large Lot Residential having a corresponding minimum lot size of 2 hectares.

4.2 Part 2 – Explanation of Provisions

This Planning Proposal is seeking amendment to the YVLEP 2013 to permit future subdivision and residential/rural residential development on Lot 10 DP1218866. This will be achieved by:

- Amending Map Sheet LZN_005C by replacing the existing RU4 Primary Production Small Lot Zone with R5 Large Lot Residential with area specific minimum lot size requirements.
- Amending Map Sheet LSZ_005C by replacing the existing (AB2) 16 hectare minimum lot size with the (Z1) 2 hectare minimum lot size.
- With the exception of the amendments documented above, retain the existing land use tables and the controls governing subdivision, the erection of dwellings and environmental integrity as prescribed by the provisions of the YVLEP 2013.

The current Planning Proposal is a product of ensuring consistency in the future application of the minimum lot size requirements as relevant to the specific zone in the future subdivision and the development of the land.

4.3 Part 3 – Justification

4.3.1 Section A – Need for the Planning Proposal

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

Yes. This Planning Proposal responds to the strategic direction detailed in the following and Settlement Strategy as detailed below.

Yass Valley Settlement Strategy 2036

The Yass Valley Settlement Strategy was adopted by Council in October 2017 and followed Council's earlier strategic direction outlined in the Murrumbateman Master Plan 2031. The Strategy was subsequently endorsed by the Department of Planning and Environment on 20 September 2018.

The purpose of the Settlement Strategy being to provide clear direction for the long-term growth and development within Council's local government area. The Strategy's primary focus being to identify sustainable growth potential and opportunity over the short and medium term (to 2036) within existing settlements with the aspiration of strengthening the role of Yass within the region and its growth into a regional centre.

The Strategy acknowledges that Murrumbateman will grow into a major town through staged development of greenfield sites contiguous with the existing settlement. However, sustainable growth would be reliant on a secure water supply being sourced.

The Strategy identifies a triangular area of land between the Barton Highway Duplication Corridor and Murrumbateman Road as being suitable to support rural residential living on a minimum lot size of 2 hectares. The subject site is located within the nominated area. See **Figure 5**.

The Strategy also acknowledges that large lot rural dwellings typically capture their own rainwater and in some cases source ground water by way of bores.

On review, the current Planning Proposal would not be inconsistent with the directions and ultimate goals of the Strategy as it would facilitate the sustainable and progressive subdivision and release of land for rural residential living whilst ensuring the visual character of the Township and the preservation of the environmental and biodiversity values of the land and that of adjoining and adjacent lands.

The current Planning Proposal is supported by a detailed development application effectively demonstrating that the subject land has development potential for the purpose of residential living (refer to **Figure 6** below), which was generally reflective of the design concepts detailed in the Settlement Strategy.

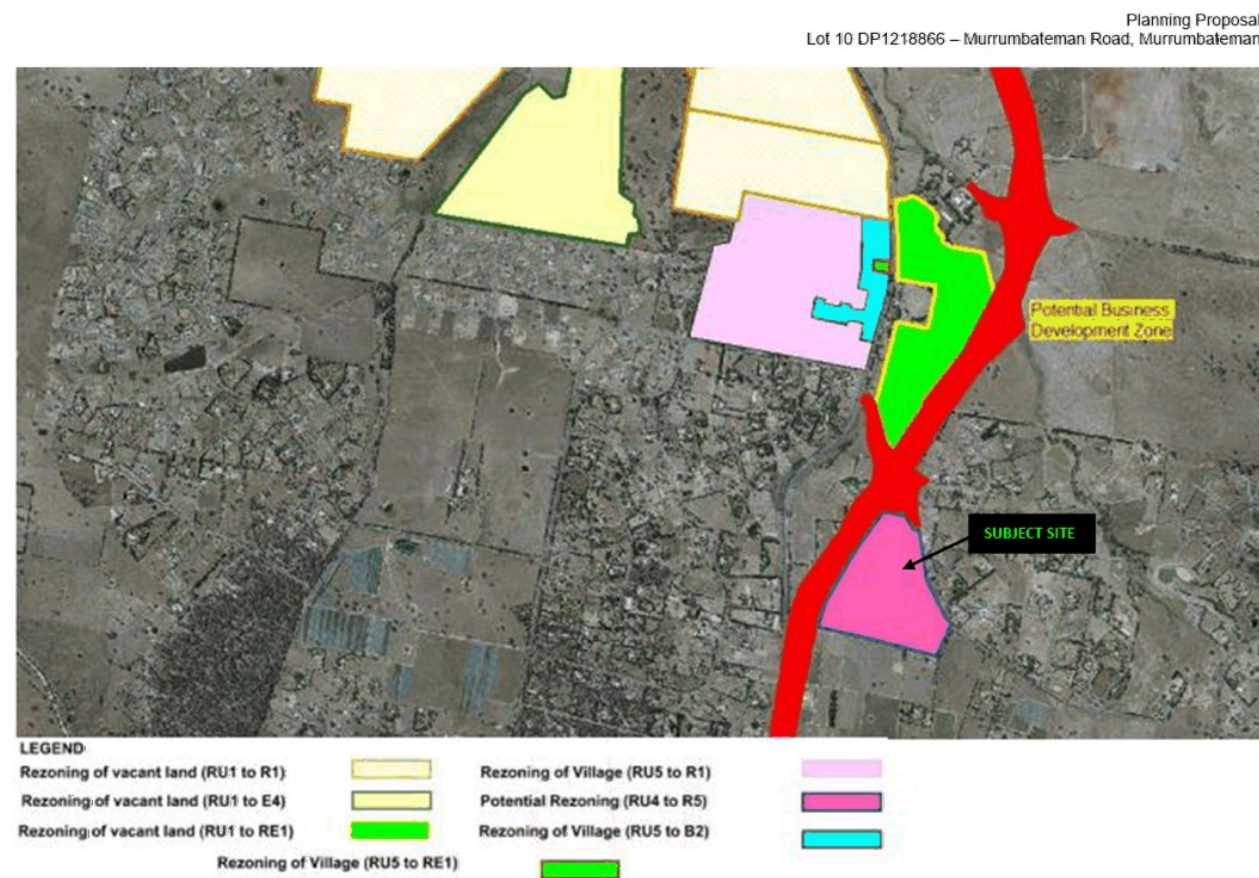


Figure 5: Map extract Yass Valley Settlement Strategy 2036 (March 2020)

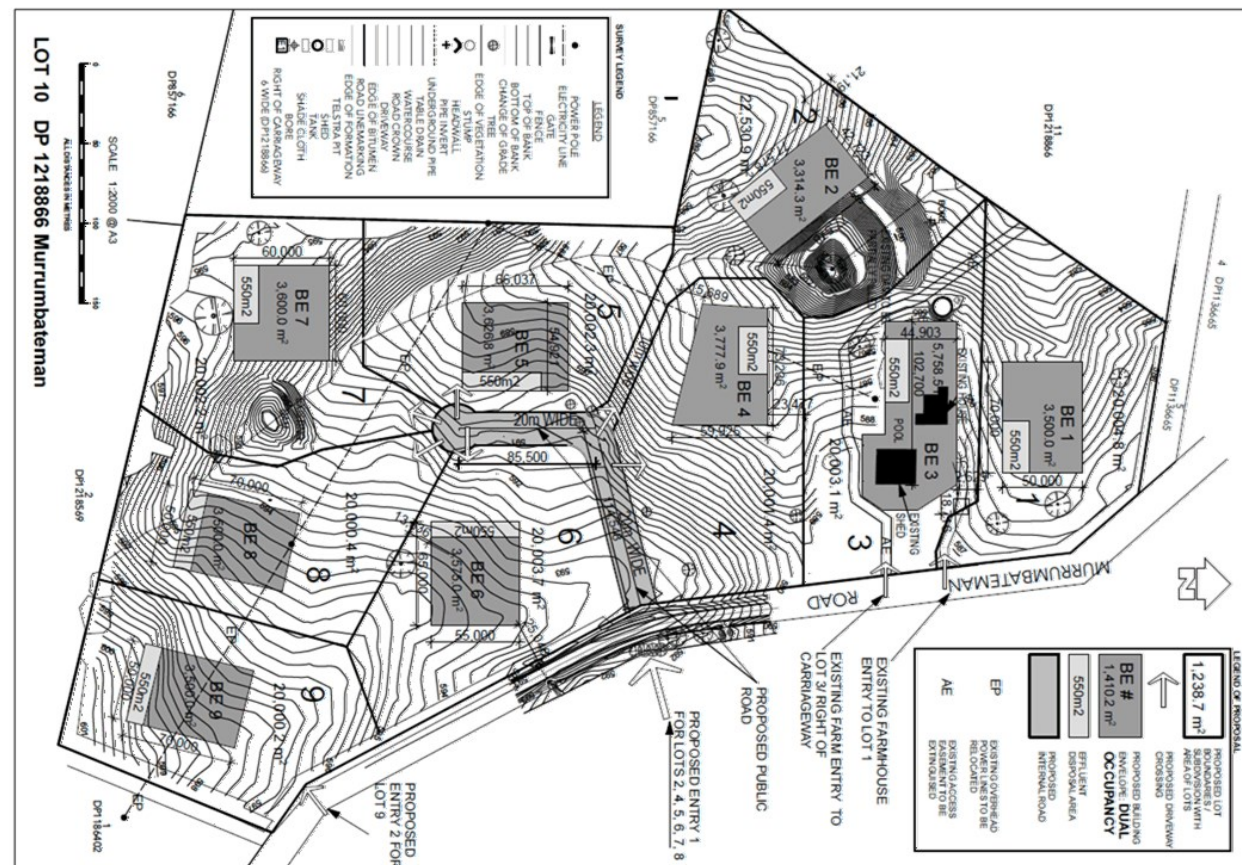


Figure 6: Proposed Subdivision Plan dated October 2019 Revision 6.

4.3.1.2 Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. This Planning Proposal is an appropriate mechanism to formalise the zoning and built form controls for the subject land, which are required to facilitate the future residential development of the subject site. The following points are made in support of this view:

- The current zoning of the subject land and associated minimum lot size requirements for the erection of dwellings as prescribed by the provisions of the YVLEP 2013 would effectively preclude residential release.
- There is adopted strategic land use planning policy in place, which provides clear direction for long term sustainable residential growth and development within the Yass Valley (Murrumbateman) in context with environmental character and community expectations.
- The current Planning Proposal would not be inconsistent with the Objectives and adopted Design Standards of the strategic planning policy as relevant.
- The provisions of the YVLEP 2013 and any future comprehensive development control plan (as adopted by Council) would ultimately control and regulate the orderly and proper future development of the subject land for residential living.

4.3.2 Section B – Relationship to Strategic Planning Framework

4.3.2.1 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)?

Yes. This Planning Proposal is consistent with the applicable regional plan as detailed below.

South East and Tablelands Regional Plan 2036

The primary purpose of the South East and Tablelands Regional Plan 2036 is to ensure that adequate land is available and appropriately located to sustainably accommodate projected housing and employment needs for the Region for the next 25 years. The relevant matters for consideration under the Plan are as follows:

Direction 8: Protect Important Agricultural Land

The Plan outlines an action framework designed to open an awareness and acknowledgment of the importance of protecting significant agricultural lands in the interests of sustained productivity, employment opportunity and food security.

The subject land and that of adjoining and adjacent lands have a long history of agricultural use over successive years of pasture improvement and livestock grazing and of more recent times, viticulture and the establishment of boutique wineries.

The current Planning Proposal facilitates the orderly and proper release of existing agricultural lands for residential purposes in accordance with adopted strategic and statutory planning policy. The release of the land for residential purposes would have no significant impact on agricultural worth in the region and any potential land use conflict at the interface with existing agricultural lands, can be managed through sustainable subdivision design reflective of the existing land use activities and the natural environment.

Direction 14: Protect Important Environmental Assets

The Plan acknowledges the presence of lands within the Region as having high environmental values, which must be preserved and protected against the impacts of urban development and other forms of non-compatible land use activities.

On review, it would appear that the subject land has not been identified as having a ‘High Environmental Value’ or being located within a ‘State or Regional Biodiversity Corridor’ as nominated by the Plan.

Nonetheless, the current Planning Proposal acknowledges the biodiversity values of the subject land and the importance of preserving those values through the strategic and statutory planning process.

This Planning Proposal and the accompanying Development Application is supported by a detailed Biodiversity Report prepared by Ecological dated 5 May 2019. The Report concludes that future subdivision of the land will effectively create 9 lots suitable for the erection of dwellings.

Direction 15: Enhance Biodiversity Connections

Refer to Direction 14 immediately above.

Direction 18: Secure Water Resources

The Plan recognises that future growth and development, coupled with uncertainties of drought and climate change places an importance on long term integrated and strategic planning and management of the Region’s water sources. The Plan acknowledges that the provision of potable water must be reliable, affordable and of a quality that meets relevant health standards and that new development must be designed, constructed and managed to minimise potential impacts on water catchments.

As previously documented, sustainable growth within Murrumbateman will be reliant on a secure water supply being sourced and that dwellings on rural residential type lots generally stand alone to any reticulated town water supply by typically capturing their own rainwater.

This Planning Proposal and the accompanying Development Application is supported by a detailed land capability assessment prepared by Franklin Consulting Australia Pty Ltd Soil and Water dated 7 October 2019. The Report concludes that future subdivision of the land will effectively create 9 lots suitable for the erection of dwellings.

Direction 23: Protect the Region’s Heritage

The Plan acknowledges the importance of preserving indigenous and non-indigenous heritage and culture in the Region to the benefit of present and future generations. The Plan recommends that early and appropriate consideration be given to heritage values as part of the strategic planning process for the purpose of providing greater certainty for stakeholders during the development assessment process.

This Planning Proposal and the accompanying Development Application is supported by a Baseline Historical Heritage Assessment prepared by Ecological Australia dated 6 August 2019. The Report concludes that the neither the site or adjacent study areas contain historic heritage items and therefore a Heritage Impact Statement is not warranted as the proposal will not impact on the regions heritage.

Direction 24: Deliver Greater Housing Supply and Choice

The Plan acknowledges that having a ready supply of appropriately located residential land has the potential to place downward pressure on property values and existing infrastructure whilst ensuring the integrity of environmentally sensitive areas. The Plan places an importance on the adoption of Regional and localised flexible housing strategies, which promote sustainable growth in existing centres (rather than isolated land releases) and which meet community aspirations in relation to housing and lifestyle choice.

The current Planning Proposal is consistent with adopted land use strategies, which have identified the subject land as being suitable for sustainable residential release. Furthermore, the current Planning Proposal does not seek to remove housing choice as currently provided by the provisions of the YVLEP 2013. The likes of dwellings and dual occupancies would continue to be permissible forms of land use with Council consent.

Also, it is to be noted that under the proposed zonings and minimum lot size requirements as nominated in the current Planning Proposal, the size and shape of individual lots would more than cater for the siting and design of future residential development without adverse impact on existing and future amenity, biodiversity and agricultural worth of adjoining and adjacent lands. The proposed subdivision plan illustrates building envelopes have been designed and located within each lot to afford considerable separation, amenity and privacy for neighbouring residents and the other lots within the subdivision.

Direction 25: Focus Housing Growth in Locations that Maximise Infrastructure and Services

The Plan acknowledges that the market demand for low density and semi-rural housing in the Yass Valley Local Government Area is placing undue pressure on the delivery of cross boarder (NSW/ACT) housing and infrastructure strategies.

The Plan promotes the position that future settlements should be located:

- to maximise the availability of existing infrastructure and services whilst minimising the need for new services;
- prioritise increased densities within existing urban areas; and
- prioritise new release areas that are an extension of existing strategic and local centres.

The current Planning Proposal is reflective of adopted localised land use strategies. The future development of the subject land for residential purposes would involve a logical extension to the Murrumbateman township and would effectively and efficiently utilise existing road transport corridors and available utility services.

The delivery of service infrastructure would be at the cost of the developer and in accordance with the requirements of Council and/or service provider.

Direction 27: Deliver More Opportunity for Affordable Housing

The Plan acknowledges the need to promote and provide greater delivery of affordable housing options across the Region.

The current Planning Proposal would not limit or remove affordable housing options available under the provisions of the YVLEP 2013 or State Environmental Planning Policy (Affordable Rental Housing) 2009.

Direction 28: Manage Rural Lifestyles

The Plan acknowledges that rural residential development can conflict with environmental and agricultural lands and have a negative impact on water catchments.

The Plan also draws attention to the potential loss of vegetation communities as a result of land clearing operations associated with the provision of roads and utility infrastructure and for the purpose of mitigating the risk of bushfire attack.

The Plan outlines essential parameters for the design of rural residential development for the purpose of ensuring agricultural worth, environmental quality and the preservation of items of cultural and heritage significance. In doing so, it places importance on the need for the preparation and adoption of local housing strategies, the selective location of new rural residential areas and the management of land use conflict resulting from cumulative impacts of successive development decisions.

The current Planning Proposal involves land that has been identified in an adopted land use strategy in a location, which would form a logical expansion of the Murrumbateman township without placing undue pressure on existing infrastructure and/or major infrastructure augmentation. The proposed residential subdivision will provide for a total of 9 lots, construction of roads, drainage and associated services. The proposed internal traffic networks has been designed to connect all lots with Murrumbateman Road and OnToIt has prepared a detailed Traffic Impact Statement which supports the development having regards to traffic, transport and parking impacts. Accordingly, the proposed development is acceptable having regard to traffic, parking and vehicular access for further detail refer to the Traffic Impact Assessment.

Also, it is to be noted that under the proposed zonings and minimum lot size requirements as nominated in the current Planning Proposal, the size and shape of individual lots would more than cater for the siting and design of future residential development and its associated bush fire mitigation requirements without adverse impact on existing and/or future amenity, biodiversity and agricultural worth of adjoining and adjacent lands.

Local Government Narratives: Yass Valley

The Plan highlights the long and short term opportunities and attractiveness of the Yass Valley Local Government Area and the need to promote and facilitate sustainable regional growth without compromising the very attributes, which local communities and visitors seek out and enjoy on a day to day basis such as, but not limited to, the proximity to Canberra and its urban personality, environmental quality, participation in and/or exposure to local agricultural and tourism industries, employment and recreational opportunities and the availability of service infrastructure.

The current Planning Proposal would be in keeping with those aspirations and would ultimately contribute to the regional housing market by providing some surety in land and housing availability and affordable choice in a much sought after rural/rural residential setting whilst realising and enjoying the urban benefits offered by Canberra and surrounding districts. The proposed subdivision indicates that a number of the lots can contain future dual occupancies, this type of residential development will increase housing diversity within the locality and broader Murrumbateman area, providing much needed housing which is close to services and infrastructure.

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

Yes. This Planning Proposal is consistent with Council's local strategy and relevant strategic plans as detailed below.

Regional Community Strategic Plan 2016 – 2030

Yass Valley Council, in conjunction with Goulburn-Mulwaree and Upper Lachlan Shire Councils, prepared a Regional Community Strategic plan (**CSP**), which was adopted on 22 February 2017.

Entitled ‘The Tablelands Regional Community Strategic Plan 2016-2036’ it articulates the community’s and the participating Council’s shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities.

Specifically, the CSP aims to:

- Inform Council’s priority setting and decision making;
- Inform the decision making of other agencies and organisations, including the State and Federal Governments;
- Provide a rationale for any organisation pursuing grants and other resources for specific projects that can be shown to fit within a particular strategic priority outlined in the Plan;
- Inform stakeholders of the community’s long-term vision for the region; and
- Guide local and regional planning documents and initiatives.

The current Planning Proposal is considered to be consistent with the aims and strategic direction of the CSP in that:

- It responds to identified regional growth patterns and requirements.
- It would have no adverse impact on the Region’s social, cultural and economic diversity.
- It addresses community expectations relating to sustainable growth whilst preserving environmental quality and land use diversity.
- It is not inconsistent with regional and local strategic land use and infrastructure policy as relevant.
- It maintains a balance between sustainable growth, development and environmental protection through governance and sensible planning.

Barton Highway Improvement Strategy

The Barton Highway Improvement Strategy prepared by Roads and Maritime Services (RMS) identifies objectives specific to the Barton Highway that support the NSW Long Term Transport Master Plan and Regional Transport Plans such as the Southern Regional Transport Plan.

Some of the proposed short-term priorities include:

- Improving access and safety for cyclists, pedestrians, and horse riders within Murrumbateman village;
- More overtaking lanes along the southern section, upgrading the road surface, and carrying out safety improvements at various intersections;
- Safety works including better road delineation, and widening clear zones in high crash areas;
- The roll-out of Intelligent Transport Systems technology to inform and help road users with travel decisions while improving incident management;
- Continued planning for future staged duplication, including a review of the strategic design; and

- Monitoring the performance of the corridor every three years.

The land subject to this Planning Proposal immediately adjoins a section (approximately 350m in length) of the designated Barton Highway Duplication Corridor to the east. The corridor has been dedicated in subdivision as public road (Lot 11 DP1218866). An easement was created over the site as part of the acquisition of Lot 11 which was acquired as part of the Barton Highway expansion. The property owners solicitor is presently in discussions with the RMS to extinguish the easement noting that it will not be required as part of the Barton Highway expansion.

The siting and design of future dwellings within the proposed large lot subdivision has considered the potential impact of road traffic noise on residential amenity. The existing tree plantings along the site boundary to the north and east will provide considerable visual screening from the Barton Highway expansion and also assist with mitigating potential acoustic impacts.

4.3.2.3 Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

There are a number of State Environmental Planning Policies which are considered relevant in the development of the subject land in accordance with both the existing provisions of the YVLEP 2013 or as promoted by the current Planning Proposal. Notwithstanding, there are specific SEPPs which are considered to have a higher order of importance in assessing the appropriateness of the objectives of the Planning Proposal. They are detailed and reviewed below.

For a complete checklist of SEPPs, refer to **Appendix 2**.

State Environmental Planning Policy No. 55 – Remediation of Land

The Policy applies to the State with the aim of facilitating the remediation of contaminated land.

The subject land's long standing agricultural history prompts consideration of the possibility that the land may have been exposed to contaminants associated with human occupation and routine farm management and agricultural activities. The Planning Proposal is accompanied by a Preliminary Site Investigation Report prepared by Murrang Earth Sciences. The purpose of the Report being to assess the contamination status of the site by:

- Identify potential sources of contamination and determine potential contaminants of concern
- Identify areas of potential contamination
- Identify potential human and ecological receptors
- Identify potentially affected media (soil, sediment, groundwater, surface water, indoor and/or ambient air).

The Report concludes that the scope of the investigations and reporting, has found no indications of potential contaminants of concern within proposed lots within the exception of proposed Lot 3.

Proposed Lot 3 contains a 15,000 litre underground diesel storage system immediately adjacent the existing long standing dwelling. The Report indicates that the tank poses an environmental risk due to its:

- location in a UPSS sensitive area, where is located within the vicinity of both a drinking water
- catchment and groundwater wells used to source drinking water;
- the tanks age;
- the lack of independent monitoring of the tank and surrounds for indications of leaks; and

- the tank containing diesel, which contains contaminants including phenols, polycyclic aromatic
- hydrocarbons, and total recoverable hydrocarbons known to be a hazard to human health and the environment.

The PSI recommends that the tank be decanted (approximately 1000 litres) and removed unless the extraction process compromises the structural integrity of the immediately adjacent dwelling. The current application provides for the removal of the tank as recommended in the PSI. The PIS recommends that the UPSS be removed and the area remediated. Removal would appear to be the simplest option and generally is generally the property owners preference. However, retention of the UPSS may be acceptable provided it can be demonstrated that the site is acceptable for the proposed use. Accordingly, it is requested that Council include a DA condition which requires compliance with the recommendations in the PSI.

Current Guidelines¹ state that once contamination concern is raised in an initial investigation a pathway for remedial of that land needs to be planned within that DA.

The options are:

- if the remediation requires consent under SEPP 55 (category 1 work) - prepare the Remediation Action Plan (RAP) as part of the DA; or
- if the remediation may be carried out without consent under SEPP 55 (category 2 work) remediation can be dealt with via a condition or deferred commencement matter.

Category 1 remediation works relate to development outlined in clause 9 of the SEPP and do not relate to the proposal.

Category 2 remediation works relate to development outlined in clause 14 of the SEPP and encompasses the remediation works needed in this instance.

The Proponent accepts that a suitable deferred commencement matter or condition will be imposed on any consent granted, which will require the development to be carried out in accordance with the recommendations of the PSI. Accordingly, the consent authority can be satisfied that the land will be suitable for the re-development and therefore the proposed residential subdivision DA submission is consistent with the provisions of SEPP 55.

This assessment and the expert PSI provided satisfy Section 7(2) of SEPP 55 and further detailed investigation is not warranted. Accordingly, the site is considered suitable for residential use.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The Policy applies to the State and aims to provide a consistent planning regime and development standards for the provision of affordable rentable housing.

The current Planning Proposal is not inconsistent with the provisions or application of the SEPP. Any future development of the subject land for this purpose would involve a detailed evaluation and determination based on the merits of the case under the provisions of the SEPP.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The SEPP applies to the State except as provided for in the SEPP. It aims to provide streamlined assessment processes for development that complies with specified development standards.

¹ Department of Urban Affairs and Planning • Environment Protection Authority 1998 Managing Land Contamination Planning Guidelines SEPP 55—Remediation of Land

The current Planning Proposal is not inconsistent with the provisions or application of the SEPP. Any future development of the subject land for the purposes specified in the SEPP would involve a detailed evaluation and determination under the provisions of the SEPP.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

In part, the Policy aims to facilitate through the adoption and implementation of rural planning and subdivision principles, the orderly and economic use and development of rural lands for rural and related purposes.

The current Planning Proposal would not be inconsistent with the provisions or application of the Policy. In support of this position, the following observations are made. The Planning Proposal would:

- Respond to the needs and changing nature of agriculture in the Region, more specifically, the Yass Valley given its proximity to Canberra and its potential influence over the continuance of viable traditional forms of agricultural land use in favour of new rural industries, an emerging regional tourism industry and demands for affordable residential/rural residential living.
- Be consistent with adopted regional strategic land use policy thus insuring against indiscriminate fragmentation of rural land whilst facilitating measured residential and rural residential subdivision reflective of environmental character.
- Have no significant impact on the Region's agricultural worth – strategic location, land availability, and productivity.
- Make a positive contribution towards the Region's social and economic diversity.
- Address established community expectations relating to sustainable residential growth whilst preserving environmental quality and land use diversity.
- Maintain a balance between sustainable growth, development and environmental protection through governance and sensible planning.
- The proposed rezoning will allow for a variety of large lot residential developments including single dwellings, dual occupancies and secondary dwellings. This outcomes is consistent with the residential use envisaged for the site in the Yass Settlement Strategy and will provide greater diversity in housing throughout Murrumbateman.

4.3.2.4 Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 9.1 Directions)?

The Section 9.1 Directions that are relevant to this Planning Proposal have been detailed and reviewed below. For a complete checklist of Section 9.1 Directions, refer to **Appendix 3**.

1 Employment and Resources

1.2 Rural Zones

The Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

The purpose of this Direction is to protect the agricultural production value of rural land.

The current Planning Proposal is inconsistent with the Direction in that it would facilitate the rezoning of rural land for residential purposes. However, the extent of the inconsistency is considered reasonable and justified on the basis that the current Planning Proposal would:

- Not be inconsistent with adopted regional and local strategic land use policy thus insuring against the indiscriminate fragmentation of rural land whilst also facilitating measured residential subdivision, which is reflective of biodiversity values and land use diversity in the locality and the greater regional area.
- Not create an undesirable precedent in the future application of the Direction.
- The site has not been used for agricultural grazing or farming purposes for many years. The previous owner used the property as a family home and home business for horse stables and veterinarian services. Accordingly, the proposal will not result in a loss of rural zoned land which are used for agricultural purposes.

1.5 Rural Lands

The Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environmental protection zone or changes the existing minimum lot size on land within a rural or environmental protection zone.

The Direction aims to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.

The current Planning Proposal facilitates the rezoning of land and its subsequent subdivision for residential purposes and in doing so, adopts a minimum lot size requirement contrary to that prescribed under the current YVLEP 2013. However, the inconsistency is considered reasonable and justified on the basis that:

- The proposed zonings and corresponding proposed minimum lot size requirements would not be inconsistent with the Rural Planning and Rural Subdivision Principles prescribed by State Environmental Planning Policy (Rural Lands) 2008.
- The proposed minimum lot size requirements are reflective of community expectations in preserving the existing character of Murrumbateman and its surrounding environments.
- Not create an undesirable precedent in the future application of the Direction.

2 Environment and Heritage

2.1 Environment Protection Zones

The Direction applies when a relevant planning authority prepares a Planning Proposal.

The Direction aims to protect and conserve environmentally sensitive areas. It stipulates that a Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive lands.

The Planning Proposal is accompanied by a Biodiversity Development Assessment Report (BDAR), prepared by Capital Ecology. The BDAR has been completed in accordance with the NSW Biodiversity Assessment Method (BAM) to assess the significance of the impacts of the proposed development on biota listed threatened under the NSW Biodiversity Conservation Act 2016. The BDAR also includes assessment of the potential impacts of the proposed development on Matters of National Environmental Significance (MNES) listed pursuant to the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The BDAR includes results from five ecological surveys and vegetation and potential flora/fauna habitat were surveyed and mapped in accordance with the BAM.

The BDAR concludes that the subject land does not support vegetation with a vegetation integrity score high enough for its clearance to generate ecosystem credits. Accordingly, the proposed development does not generate an ecosystem credit obligation. The subject land does not support habitat of potential significance to any species credit species. Accordingly, the proposed development does not generate a species credit obligation.

In summary the BDAR has concluded that the site is acceptable for the proposed rezoning and subsequent subdivision and development will not result in any other direct impacts on native vegetation or habitat. Furthermore, the proposed development is unlikely to result in biodiversity impacts that are unforeseen or uncertain. Accordingly, the proposed rezoning and subsequent development is considered acceptable on biodiversity and environmental protection grounds.

2.3 Heritage Conservation.

The Direction applies when a relevant planning authority prepares a Planning Proposal.

The Direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The Direction effectively acknowledges the importance of preserving indigenous and non-indigenous heritage and culture to the benefit of present and future generations whilst ensuring a strategic and statutory planning process designed to provide greater certainty for stakeholders.

The current Planning Proposal would not be inconsistent with the Direction as there is no intent to remove existing statutory land use controls and obligations to consider potential impact of development on indigenous and non-indigenous heritage and culture.

This Planning Proposal and the accompanying Development Application is supported by a Baseline Historical Heritage Assessment prepared by Ecological Australia dated 6 August 2019. The Report concludes that the neither the site or adjacent study areas contain historic heritage items nor therefore a Heritage Impact Statement is not warranted as the proposal will not impact on the regions heritage. Furthermore a detailed Aboriginal Cultural Heritage Assessment (ACHA) prepared and submitted with this Planning Proposal investigates and examines the presence, extent and nature of any Aboriginal heritage sites within the site. The ACHA recommends no further aboriginal heritage investigations and recommends conditions of consent for compliance with during construction of the subdivision and associated works.

3 Housing, Infrastructure and Urban Development

3.1 Residential Zones

The Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

The Direction aims to encourage variety and choice in housing types and the efficient use of infrastructure and services whilst minimising potential impact on the environmental and resource lands.

The current Planning Policy would not be inconsistent with the Direction given the fact that it would be in accordance with adopted local and regional strategic land use policy, and that there is no intent to remove existing statutory controls and obligations to consider the appropriateness of all forms of residential development and its potential impacts. The proposed rezoning will facilitate a number of residential land uses the proposed subdivision will seek to provide dual occupancy housing which will improve housing diversity in the immediate locality.

3.4 Integrating Land Use and Transport

The Direction applies when a relevant planning authority prepares a Planning Proposal, which will create, alter or remove a zone or a provision relating to urban land (as defined).

The Direction aims to ensure that the characteristics of urban form achieve specific objectives being:

- Improved access to housing, jobs and services through various means such as, walking, cycling and public transport.
- Increased choice in available transport and a reduction in car dependence.
- Reduction in travel demand - number of trips generated and distance travelled, especially by car.
- Supporting the efficient and viable operation of public transport.
- Provide for the efficient movement of freight.

It is considered that the planning proposal is consistent with the direction because the proposed large lot residential development Urban Release Area has a public bus service. The Planning Proposal is accompanied by a Traffic Impact Assessment prepared by OnTolt. This TIA has reviewed the existing and future transport conditions as part of considering the proposed rezoning and subdivision of the site. The summary and recommendations of the TIA state that scale of the proposed development would only result in an additional maximum of 18 vehicular trips on the network in peak periods which is unlikely to cause any observable impacts on traffic flow or traffic operations in the area. The TIA states that the proposed development will have a negligible impact on the subject site and the small number of residents that will inhabit the area and generate traffic in the future. It is considered that the transport network in the area has enough capacity to support the projected increase in local traffic. The TIA recommends a number of design requirements which can be readily accommodated within the site.

4 Hazard and Risk

4.4 Planning for Bushfire Protection

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.

The Planning Proposal is accompanied by a Bushfire Assessment Report (BAR), prepared by Ember Bushfire Consulting. The BAR adopts the methodology provided under the requirements of Section 100B of the Rural Fires Act and the Rural Fire Regulations 2013 to assess the adequacy for bushfire protection of the subdivision as planned. The BAR establishes the level of bushfire threat to the development and examines bushfire protection for the existing residence and the proposed building envelope with future residents in mind. These measures include asset protection zones, landscaping, access, service and construction requirements.

The BAR adopts the pre-release version of Planning for Bushfire Protection (2019) as the basis for assessment, which is accepted by the NSW RFS as an acceptable “performance based” document through which the aims and objectives of the PBP 2006 can be achieved. The BAR concludes that given the low threat grassland setting, the close proximity to surrounding managed land, the relatively flat topography and ample opportunity to provide setbacks for future residents, the overall threat potential of the site can be described as low. The low bushfire threat can also be further moderated by using the standard suit of protection measures offered by PBP 2019 and for which the proposed development can comply. Access throughout the development will comply with the acceptable solutions set out in the PBP.

Based on the assessment and recommendations in the BAR, the proposed development is deemed capable of complying with the specific and broad objectives of the PBP, the requirements of the Rural Fire regulations 2013 and therefore suitable for submission to the NSW RFS for the issuing of a bush fire safety authority.

In the preparation of a draft LEP a Council shall consult with the Commissioner of the NSW Rural Fire Service under section 3.34 of the EP&A Act, and take into account any comments so made. The Planning Proposal is consistent with this direction as appropriate consultation can be undertaken with NSW Rural Fire Service as part of the LEP preparation process.

5 Regional Planning

5.1 Implementation of Regional Strategies

This Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning.

As detailed at **Section 4.3.2.1**, this Planning Proposal is consistent with the vision, land use strategy, policies, outcomes and actions defined by the applicable regional, sub-regional or district plan or strategies.

5.10 Implementation of Regional Plans

This Direction requires Planning Proposals to be consistent with a Regional Plan released by the Minister for Planning.

As detailed at **Section 4.3.2.1**, this Planning Proposal is consistent with the vision, land use strategy, policies, outcomes and actions defined by the applicable regional, sub-regional or district plan or strategies.

6 Local Plan Making

6.1 Approval and Referral Requirements

This Direction aims to minimise the inclusion of provisions that require the concurrence, consultation or referral of development to a Minister or public authority.

This Planning Proposal does not propose to include additional forms of land use and/or land use controls, which require the adoption of a concurrence, consultation or referral process beyond that prescribed by the current YVLEP 2013. Therefore, the current Planning Proposal is consistent with this Direction.

6.3 Site Specific Provisions

This Direction relates to the use of site specific planning controls.

This Planning Proposal does not seek to include additional uses beyond what is permitted within the land use table. It is noted that the R5 Large Lot Residential Zone will permit the type of development that is envisaged for the site in the future.

Additionally, and with the exception of the LEP amendments documented in the current Planning Proposal, there is no intent to remove the existing controls governing subdivision, the erection of dwellings and environmental integrity as prescribed by the provisions of the YVLEP 2013.

Accordingly, the current Planning Proposal is consistent with this Direction.

4.3.3 Section C – Environmental, Social and Economic Impact

4.3.3.1 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 is accompanied by a Biodiversity Development Assessment Report (BDAR), prepared by Capital Ecology. The BDAR has been completed in accordance with the NSW Biodiversity Assessment Method (BAM) to assess the significance of the impacts of the proposed development on biota listed threatened under the NSW Biodiversity Conservation Act 2016. The BDAR also includes assessment of the potential impacts of the proposed development on Matters of National Environmental Significance (MNES) listed pursuant to the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The BDAR includes results from five ecological surveys and vegetation and potential flora/fauna habitat were surveyed and mapped in accordance with the BAM.

The BDAR concludes that the subject land does not support vegetation with a vegetation integrity score high enough for its clearance to generate ecosystem credits. Accordingly, the proposed development does not generate an ecosystem credit obligation. The subject land does not support habitat of potential significance to any species credit species. Accordingly, the proposed development does not generate a species credit obligation.

In summary the BDAR has concluded that the site is acceptable for the proposed rezoning and subsequent subdivision and development will not result in any other direct impacts on native vegetation or habitat. Furthermore, the proposed development is unlikely to result in biodiversity impacts that are unforeseen or uncertain. Accordingly, the proposed rezoning and subsequent development is considered acceptable on biodiversity and environmental protection grounds.

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

No. The current Planning Proposal would have no additional environmental effects to those identified and discussed in this Report.

4.3.3.3 Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The current Planning Proposal would have a positive social and economic effect in that it would facilitate the orderly and proper development of the subject land for residential purposes, which offer choice in housing type, lifestyle opportunity and affordability without adverse environmental consequence and/or impact on existing service infrastructure.

In addition, it is likely that developer contributions would be levied on the Proponent of any future subdivision in accordance with Council adopted and applied policy for the provision/maintenance of open space and/or community facilities. The contribution(s) would normally be in the form of a 'one off' payment, the monetary value of which would be determined at the time of payment and following the favourable determination of any subsequent development application lodged with Council for the subdivision of the land. The proposed rezoning will stimulate economic development and activity in the region. The property owner is looking to utilise local goods and services where possible to deliver the development, this will generate jobs and local investment. Following the completion of the rezoning and subdivision development further residents will be situated on the site contributing to local economic growth and activity.

4.3.4 Section D – State and Commonwealth Interests

4.3.4.1 Q10. Is there adequate public infrastructure for the Planning Proposal?

Yes. Adequate, but limited public infrastructure would be available to the land.

Murrumbateman is serviced by local/regional bus/taxi services. These services would be available to the subject land.

The subject land is serviced by existing Local and National road infrastructure having sufficient operational function and capacity to cater for the future subdivision of the land as promoted by the current Planning Proposal.

The land is also serviced by reticulated electricity and telecommunication networks, which may or may not have spare capacity to cater for the future subdivision of the land for residential/rural residential purposes. New service infrastructure would need to be constructed and commissioned as part of the subdivision process. Existing services would need to be upgraded as warranted to cater for the additional demand generated by the subdivision.

The cost of these works would be borne by the developer and in accordance with the requirements of the individual supply authority.

The land is not serviced by reticulated town water or sewerage infrastructure. Any future development of the subject land for residential/rural residential purposes would be reliant of rain water catchment, storage and reuse and possibly bore water. Sustainable on-site sewage management practice would also need to be adopted and managed in the development of land. The proposed subdivision lot size is more than adequate to house and facilitate rain water catchment and acceptable tow stage on site sewerage purification practices. For full details refer to the Land Capabilities Assessment Soil and Water report.

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

As part of preparing this Planning Proposal engagements have been undertake with the NSW DOPE and RMS.

The applicant and project team has engaged extensively with Council representatives and other agencies over the last 12 months, both on the Planning Proposal and proposed residential subdivision and associated works. Below is an overview of the proponent and project teams engagements with Council representative on a variety of matters pertaining to the design development of the residential subdivision:

Pre-DA with Yass Valley Council Staff – Summary of Meeting email issued by Council 11 November 2019

A Pre-DA meeting was held with Council staff in November 2019. At this meeting Council staff provided a variety of advice pertaining to the Planning Proposal and submission of a subdivision DA. Key points raised during the meeting and included in summary of meeting email are listed below.

- Agreement by Council to accept a concurrent lodgement of a Planning Proposal to rezone the site and DA for residential subdivision.
- Review by Council of the specialist studies and documents prepared as of late 2019.
- List of required further studies and information to accompany the Planning and Proposal and DA submission.
- Overview of steps involved in the assessment of rezoning and DA, including engagements and referrals to external agencies.
- List of additional requirements for submission of the Planning Proposal and DA, along with other key considerations noting the site characteristics location and context.

Engineering Acceptance Yass Valley Council – Email by Engineering Services Manager dated 9 May 2019

On 9 May 2019 email advice was received from Councils Engineering Services Manager stating that the proposed plan, specifically the vehicular access points and design generally satisfies Council requirements.

NSW Government – Roads and Maritime Services – Email advice 10 January 2019

This email advice from the RMS Manager Land Use outlined a range of considerations and comments having regard to the sites proximity to the future Barton Highway bypass. Furthermore the advice confirmed that Murrumbateman Road is an unclassified regional road which is under the control and maintenance of the Council and any future road within the site and connecting to Murrumbateman Road should be to the satisfaction of Council.

4.3.5 Part 4 – Mapping

Changes to the proposed map sheets will be undertaken by Council in a suitable format for public exhibition once the Gateway Determination is issued. This Planning Proposal will result in changes to the following YVLEP 2013 maps:

LZN_005C

Amend map sheet LZN_005C by:

- Deleting the RU4 Primary Production Small Lot Zone from all of Lot 10 DP 1218866
- Applying an R5 Large Lot Residential Zone to all of Lot 10 DP 1218866.

LSZ_005C

Amend map sheet LSZ_005C by:

- Deleting the AB2 16 hectare minimum lot size from all of Lot 10 DP 1218866
- Applying the Z1 minimum lot size of 2 hectares to all of Lot 10 DP1218866.



Figure 5: Existing Zoning under YVLEP 2013 (NSW Planning Portal, January 2020)



Figure 6: Existing Zoning under YVLEP 2013 (NSW Planning Portal, January 2010)

4.3.6 Part 5 – Community Consultation

The Gateway Determination will confirm community consultation requirements. It is likely that the Planning Proposal will be exhibited for a period of not less than 28 Days.

Public exhibition of the Planning Proposal will include notification on the Yass Valley Council website, newspapers that circulate widely in the area and in writing to affected adjoining and adjacent landowners.

Information relating to the Planning Proposal will also be on display at Yass Valley Council's Administration Office – 209 Comur Street Yass.

4.3.7 Part 6 – Project Timeline

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to the Yass Valley Local Environmental Plan 2013 will be completed by March 2019.

| Key Stages | Estimated Timeframe |
|---|---------------------|
| STAGE 1 – Submit Planning Proposal to Council | March 2020 |
| STAGE 2 – Council resolves to support the Planning Proposal | September 2020 |
| STAGE 3 – Council submits the Planning Proposal to the Department of Planning and Environment | October 2020 |
| STAGE 4 – Receive Gateway Determination | December 2020 |
| STAGE 5 – Preparation of documentation for Public Exhibition | January 2021 |
| STAGE 6 – Public Exhibition of the Planning Proposal | January 2021 |
| STAGE 7 – Review/consideration of submissions received | February 2021 |
| STAGE 8 – Council Report | May 2021 |
| STAGE 9 – Meetings | May 2021 |
| STAGE 10 – Forward Planning Proposal to the Department of Planning and Environment with request that the amendment is made | June 2021 |
| STAGE 11 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel | June 2021 |

5

Summary and Recommendations

The submitted Planning Proposal seeks an amendment to the YVLEP 2013 to re-zone privately owned land, being Lot 10 DP1218866, Murrumbateman Road, Murrumbateman from RU4 Primary Production Small Lot to R5 Large Lot Residential. The Planning Proposal also seeks to adopt appropriate planning controls that will assist in facilitating a future subdivision for residential purposes.

This will be achieved by amending the YVLEP 2013 as follows:

- Amending Map Sheet LZN_005C by replacing the existing RU4 Primary Production Small Lot Zone with R5 Large Lot Residential with area specific minimum lot size requirements.
- Amending Map Sheet LSZ_005C by replacing the existing (AB2) 16 hectare minimum lot size with the (Z1) 2 hectare minimum lot size.
- With the exception of the amendments documented above, retain the existing land use tables and the controls governing subdivision, the erection of dwellings and environmental integrity as prescribed by the provisions of the YVLEP 2013.

The Planning Proposal accords with the objectives of the South East and Tablelands Regional Plan, applicable SEPPs and Section 9.1 Directions as well as local strategic directions and plans adopted by the Yass Valley Council. There would be no significant adverse environmental, social or economic impacts arising as a result of the Planning Proposal.

It is therefore requested that Council resolve to forward this Planning Proposal to the Department of Planning and Environment for LEP Gateway Determination in accordance with the *Environmental Planning and Assessment Act 1979*.

Appendix 1 – Illustrative Concept Plan

Appendix 2 – State Environmental Planning Policies

6.2 Planning Proposal - 80 Murrumbateman Road, Murrumbateman
Attachment B Draft Planning Proposal

Planning Proposal
Lot 10 DP1218866 – Murrumbateman Road, Murrumbateman

| State Environmental Planning Policy | Relevance | Consistency |
|---|--------------|------------------|
| State Environmental Planning Policy No. 1 – Development Standards | Yes | Not inconsistent |
| State Environmental Planning Policy No. 19 – Bushland in Urban Areas | Not relevant | N/A |
| State Environmental Planning Policy No. 21 – Caravan Parks | Yes | Not inconsistent |
| State Environmental Planning Policy No. 33 – Hazardous and Offensive Development | Not relevant | N/A |
| State Environmental Planning Policy No. 36 – Manufactured Homes Estates | Yes | Not inconsistent |
| State Environmental Planning Policy No. 44 – Koala Habitat Protection | Yes | Not inconsistent |
| State Environmental Planning Policy No. 47 – Moore Park Showground | Not relevant | N/A |
| State Environmental Planning Policy No. 50 – Canal Estate Development | Not relevant | N/A |
| State Environmental Planning Policy No. 55 – Remediation of Land | Yes | Not inconsistent |
| State Environmental Planning Policy No. 64 – Advertising and Signage | Not relevant | N/A |
| State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development | Not relevant | N/A |
| State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes) | Not relevant | N/A |
| State Environmental Planning Policy (Aboriginal Land) 2019 | Not relevant | N/A |
| State Environmental Planning Policy (Affordable Rental Housing) 2009 | Yes | Not inconsistent |
| State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 | Yes | Not inconsistent |
| State Environmental Planning Policy (Coastal Management) 2018 | Not relevant | N/A |
| State Environmental Planning Policy (Concurrences) 2018 | Not relevant | N/A |
| State Environmental Planning Policy (Educational Establishments and Child care Facilities) 2017 | Yes | Not inconsistent |
| State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 | Yes | Not inconsistent |
| State Environmental Planning Policy (Gosford City Centre) 2018 | Not relevant | N/A |
| State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 | Yes | Not inconsistent |
| State Environmental Planning Policy (Infrastructure) 2007 | Yes | Not inconsistent |
| State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 | Not relevant | N/A |
| State Environmental Planning Policy (Kurnell Peninsula) 1989 | Not relevant | N/A |
| State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 | Yes | Not inconsistent |
| State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 | Yes | Not inconsistent |
| State Environmental Planning Policy (Penrith Lakes Scheme) 1989 | Not relevant | N/A |
| State Environmental Planning Policy (Primary Production and Rural Development) 2019 | Yes | Not inconsistent |

Planning Proposal
Lot 10 DP1218866 – Murrumbateman Road, Murrumbateman

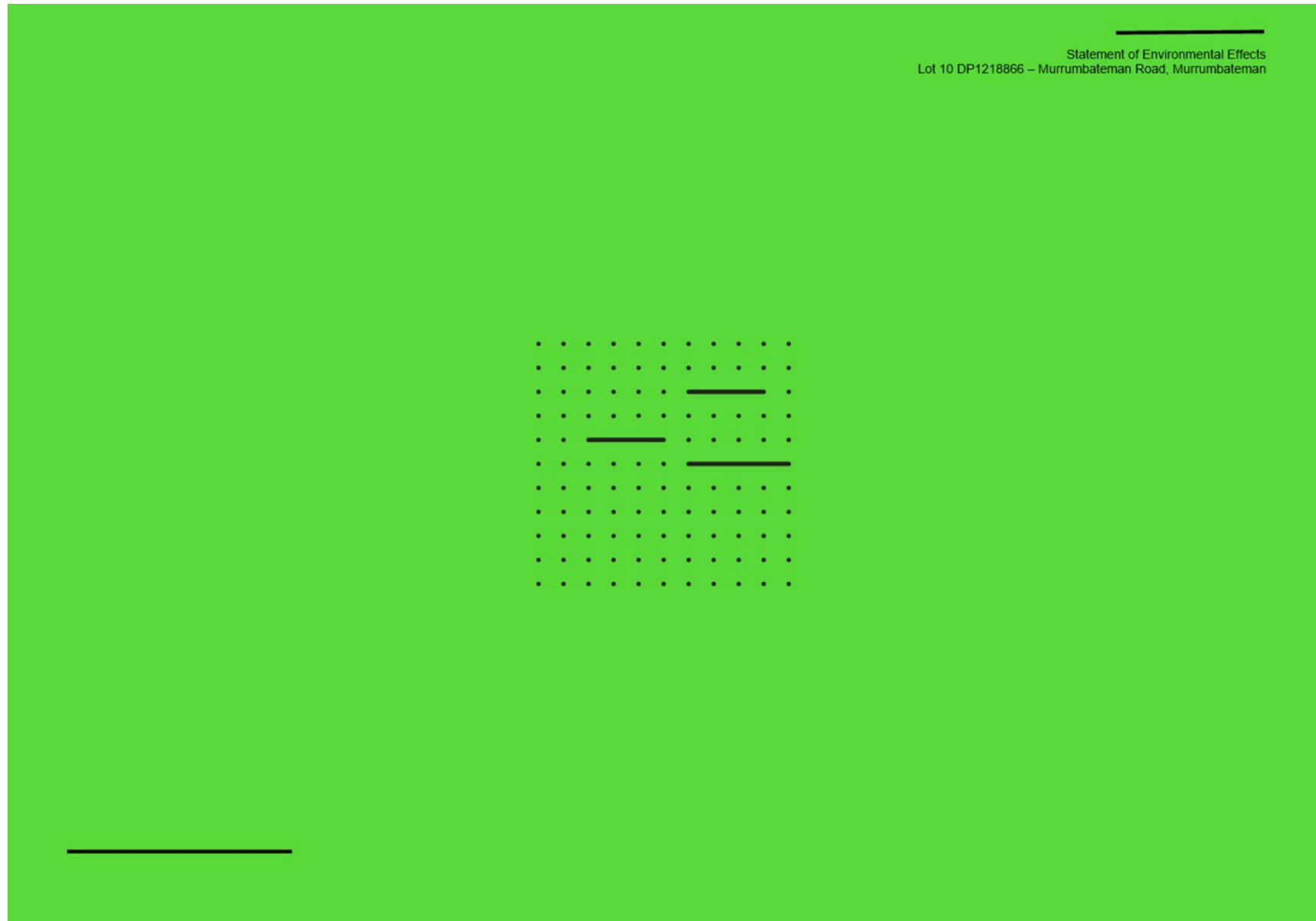
| State Environmental Planning Policy | Relevance | Consistency |
|--|--------------|------------------|
| State Environmental Planning Policy (State and Regional Development) 2011 | Yes | Not inconsistent |
| State Environmental Planning Policy (State Significant Precincts) 2005 | Not relevant | N/A |
| State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 | Not relevant | N/A |
| State Environmental Planning Policy (Sydney Region Growth Centres) 2006 | Not relevant | N/A |
| State Environmental Planning Policy (Three Ports) 2013 | Not relevant | N/A |
| State Environmental Planning Policy (Urban Renewal) 2010 | Not relevant | N/A |
| State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 | Yes | Not inconsistent |
| State Environmental Planning Policy (Western Sydney Employment Area) 2009 | Not relevant | N/A |
| State Environmental Planning Policy (Western Sydney Parklands) 2009 | Not relevant | N/A |

Appendix 3 – Section 9.1 Directions

| Section 117 Ministerial Directions | Relevance | Consistency |
|---|--------------|--|
| 1. Employment and Resources | | |
| 1.1 Business and Industrial Zones | Not relevant | N/A |
| 1.2 Rural Zones | Relevant | Inconsistent, but reasonable and justified |
| 1.3 Mining, Petroleum Production and Extractive Industries | Not relevant | N/A |
| 1.4 Oyster Aquaculture | Not relevant | N/A |
| 1.5 Rural Lands | Relevant | Inconsistent, but reasonable and justified |
| 2. Environment and Heritage | | |
| 2.1 Environment Protection Zones | Not relevant | N/A |
| 2.2 Coastal Management | Not relevant | N/A |
| 2.3 Heritage Conservation | Relevant | Not inconsistent |
| 2.4 Recreation Vehicle Areas | Not relevant | N/A |
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in far North Coast LEPs | Not relevant | N/A |
| 3. Housing, Infrastructure and Urban Development | | |
| 3.1 Residential Zones | Relevant | Not inconsistent |
| 3.2 Caravan Parks and Manufactured Home Estates | Not relevant | N/A |
| 3.3 Home Occupations | Not relevant | N/A |
| 3.4 Integrating Land Use and transport | Relevant | Not inconsistent |
| 3.5 Development Near Licensed Aerodromes | Not relevant | N/A |
| 3.6 Shooting Ranges | Not relevant | N/A |
| 3.7 Reduction in non-hosted short term rental accommodation period | Not relevant | N/A |
| 4. Hazard and Risk | | |
| 4.1 Acid Sulfate Soils | Not relevant | N/A |
| 4.2 Mine Subsidence and Unstable Land | Not relevant | N/A |
| 4.3 Flood Prone Land | Not relevant | N/A |
| 4.4 Planning for Bushfire Protection | Relevant | Not inconsistent |
| 5. Regional Planning | | |
| 5.1 Implementation of Regional Strategies | Relevant | Not inconsistent |

| Section 117 Ministerial Directions | Relevance | Consistency |
|---|--------------|------------------|
| 5.2 Sydney Drinking Water Catchments | Not relevant | N/A |
| 5.3 farmland of State and Regional Significance on the NSW Far North Coast | Not relevant | N/A |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Not relevant | N/A |
| 5.9 North West Rail Link Corridor Strategy | Not relevant | N/A |
| 5.10 Implementation of Regional Plans | Relevant | Not inconsistent |
| 5.11 Development of Aboriginal Land Council Land | Not relevant | N/A |
| 6. Local Plan Making | | |
| 6.1 Approval and Referral Requirements | Relevant | Not inconsistent |
| 6.2 Reserving Land for Public Purposes | Not relevant | N/A |
| 6.3 Site Specific Provisions | Relevant | Not inconsistent |
| 7. Metropolitan Planning | | |
| 7.1 Implementation of A Plan for Growing Sydney | Not relevant | N/A |
| 7.2 Implementation of Greater Macarthur Land Release Investigation | Not relevant | N/A |
| 7.3 Parramatta Road Corridor Urban Transformation Strategy | Not relevant | N/A |
| 7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | Not relevant | N/A |
| 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not relevant | N/A |
| 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not relevant | N/A |
| 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor | Not relevant | N/A |
| 7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan | Not relevant | N/A |
| 7.9 Implementation of Bayside West Precincts 2036 Plan | Not relevant | N/A |
| 7.10 Implementation of Planning principals for the Cooks Cove Precinct | Not relevant | N/A |

Appendix 4 – Site Specific Technical Reports



**Hillview Acreage Pty Limited
as trustee for Hillview Unit Trust**

Level 4, 21 Terminal Avenue, Plaza Offices West, Canberra Airport ACT 2609
Tel 02 6275 2222 Fax 02 6275 2244

Statement of Environmental Effects for Hillview Acreage - Amended April 2020

Address:

33 Hillview Drive, Murrumbateman, New South Wales 2582

Prepared by:

Natalia Weglarz. B.Sc, M.Sc, MPIA

Development:

This amendment for DA190211- Reduces the proposed use and storage from 65,000 m³ to a maximum of 55,000m³ of sediment, including rock and soil. Further onsite stockpiles have been reduced to two only and limited to 5,000 m³ each, a total maximum on site storage of 10,000 m³. These stockpiles will be used in construction and replenished in response to a works program yet to be drafted.

Within the site, the use of the product remains to build roads and shed/dip/building bases which will allow for efficient access to the fields and site preparations for future development of farm infrastructure.

The roads will be of a practical size to allow trucks and farm vehicles (4.5m wide) to be accommodated on the internal road network of 28.5km up from the previous draft plan of 18.93 km.



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| Transportation of sediment | 28 |
| Site Suitability | 30 |
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Introduction

Amended Application Details

Following deferral by Council of the initial DA190211 on the 26th March 2020, Hillview Acreage Pty Limited has amended its application in response to the public consultation feedback and Council's request for addition information.

This development application is for the transportation of sediment to Hillview. The use of the sediment on site is to construct all-weather access roads throughout the Hillview Property to a length of 28.5km. To build these roads, 51,300m³ of sediment/rock would be required, at 1,800 cubic metres per Kilometre. The initial DA to transfer 65,000 m³ to Hillview has been reduced to 55,000m³ to build the roads and the balance, 3,700m³, will be dedicated for bases to existing haysheds and machinery sheds and future sheds/dips/buildings/sheep and cattle yards on site. This sediment isn't enough for all the building bases. Future applications will ask for more sediment including to facilitate crossings of the Murrumbateman Creek. The amount of sediment/rock/soil is in the order of 55,000 cubic metres bulked. All soil trucked to Hillview will comply with NSW EPA requirements for transferring and re-use and will be classified as ENM (excavated natural material).

The all-weather road network will complement pasture and soil fertility works, started already, in the re-development of Hillview farm and will allow for the site to be re-developed back into a high production rural grazing farm.

The aim for the land in the immediate time horizon (3 years) is for a high production rural farm with both sheep and cattle. The target is to gradually build up the average carrying capacity to 20,000 Dry Sheep Equivalents (DSE) in response to the future land and infrastructure development. This livestock carrying capacity will require dips, additional and renovated cattle and sheep yards, replacement woolshed, access roads to a suitable all-weather standard to facilitate ease of access new and upgraded stock water infrastructure and new fencing. Currently there are over 1000 cattle on the site with 83 Tonne of Gypsum, 350 tonne of Lime and 800 Tonne of Turkey manure applied to increase soil porosity, biological activity and fertility to the year 2020 pasture development areas of about 850 ha, 350 ha recently completed. This DA will start the process of providing material on site to facilitate improved internal access roads and new bases for future buildings, yards and sheds as well as improving building bases for current sheds within the site.

Consultation

There are a several properties and businesses operating within Barton Highway and Hillview Drive adjacent to the Hillview property. Please refer to the response to Public Submissions and Council comments provided with this application for more details. In addition to this history of consultation, the Murrumbateman Progress Association were contacted via the president, Greg Weekes. An overview of the

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traffic impact of the previous application was provided to Mr Weekes for sharing as required.

This collection of amended documents will be supplied via e-mail to the neighbours.

Site and Location

Hillview is located north of the village of Murrumbateman in NSW, just north of the ACT. The site is accessed from Hillview drive off the Barton Highway.

The sediment and rock brought to site will be used directly in the roads works and building bases requiring upgrade. Stockpiling at two sites up to 5,000 m³ each will only be temporary as works progress. The two locations on the plan attached with this amended application are indicative to illustrate storage locations are nearby to the work sites for ease of transfer to the work sites and for ongoing progressive replenishment to facilitate orderly and timely construction of the farm roads.

The storage location is detailed in the plan provided with this amended application. Two stockpiles, each of up to 5,000m³ capacity are positioned in the heart of Hillview and will be silt fenced to manage and mitigate environmental impact. These fields are flat in contour, easy to access by truck and the location in practical terms is at a distance to not interfere with water ways.

In response to community feedback it is important to note that the 55,000m³ will be transferred progressively in response to the farm road construction program, once finalised and will not be brought to the site in 1 convoy.

The development of Hillview will require more sediment as time goes on. This application is for the first stage of development, albeit significant.

Since the initial application in November 2019, a draft master planning process has been ongoing. This has provided the detail support for the 28.5km of roads throughout Hillview. Approximately 51,300m³ of sediment will be required. More sediment will be needed to level out current shed bases, re-inforce turning circles and use in future shed/yard/dip bases/stock water and bridging the Murrumbateman Creek.

To clarify, no creek improvements are being sought and therefore are not included in this first DA. A future DA for bridges and/or creek crossings will be provided.

To manage the creek crossings, sediment will be moved from the stockpiles in smaller trucks across the current creeks as not to affect the biodiverse land. The current creek crossings are suitable for smaller trucks to traverse for sediment movement.

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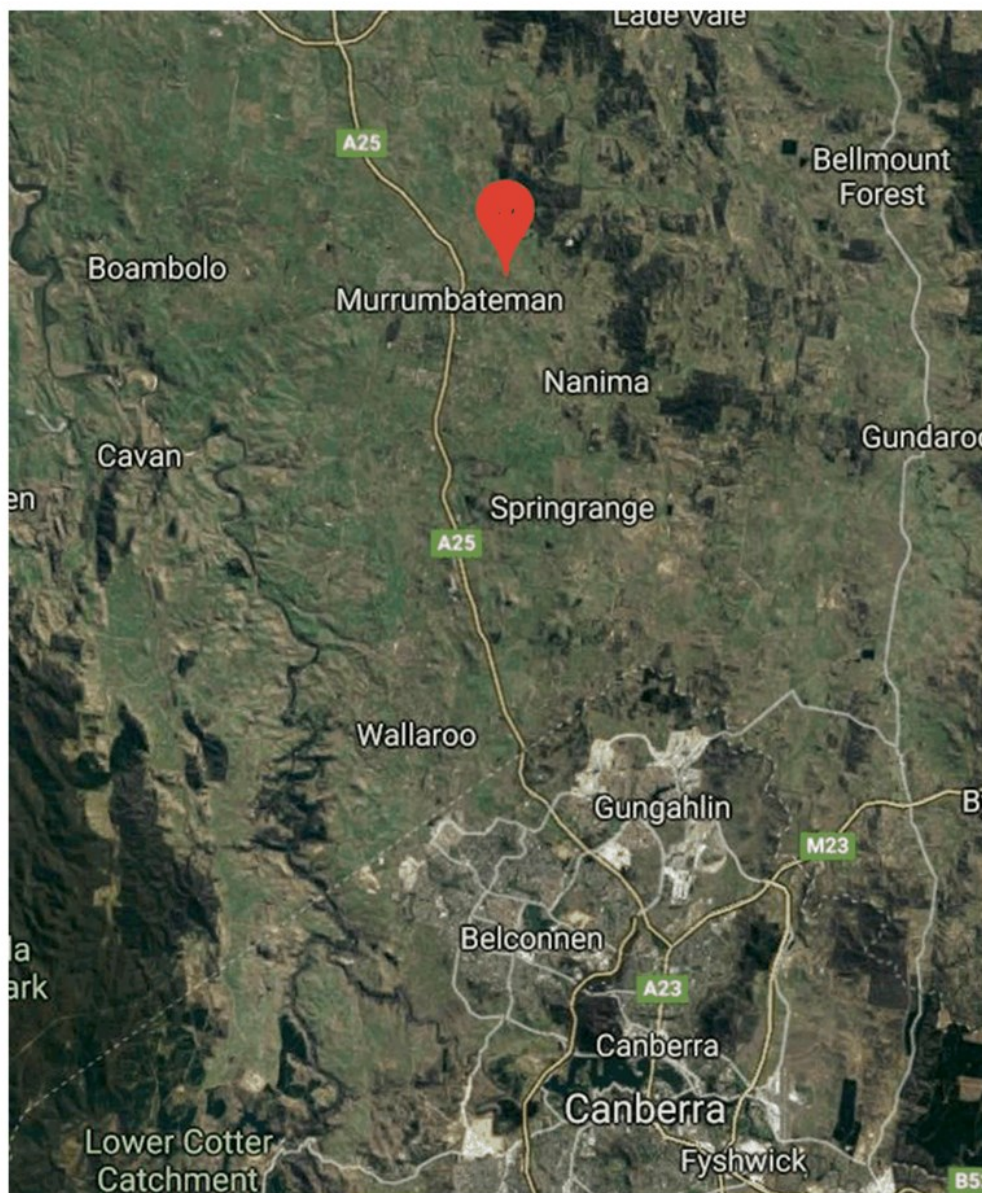


Figure 1 View of site in the regional NSW/ACT Context [Source: Google Maps]

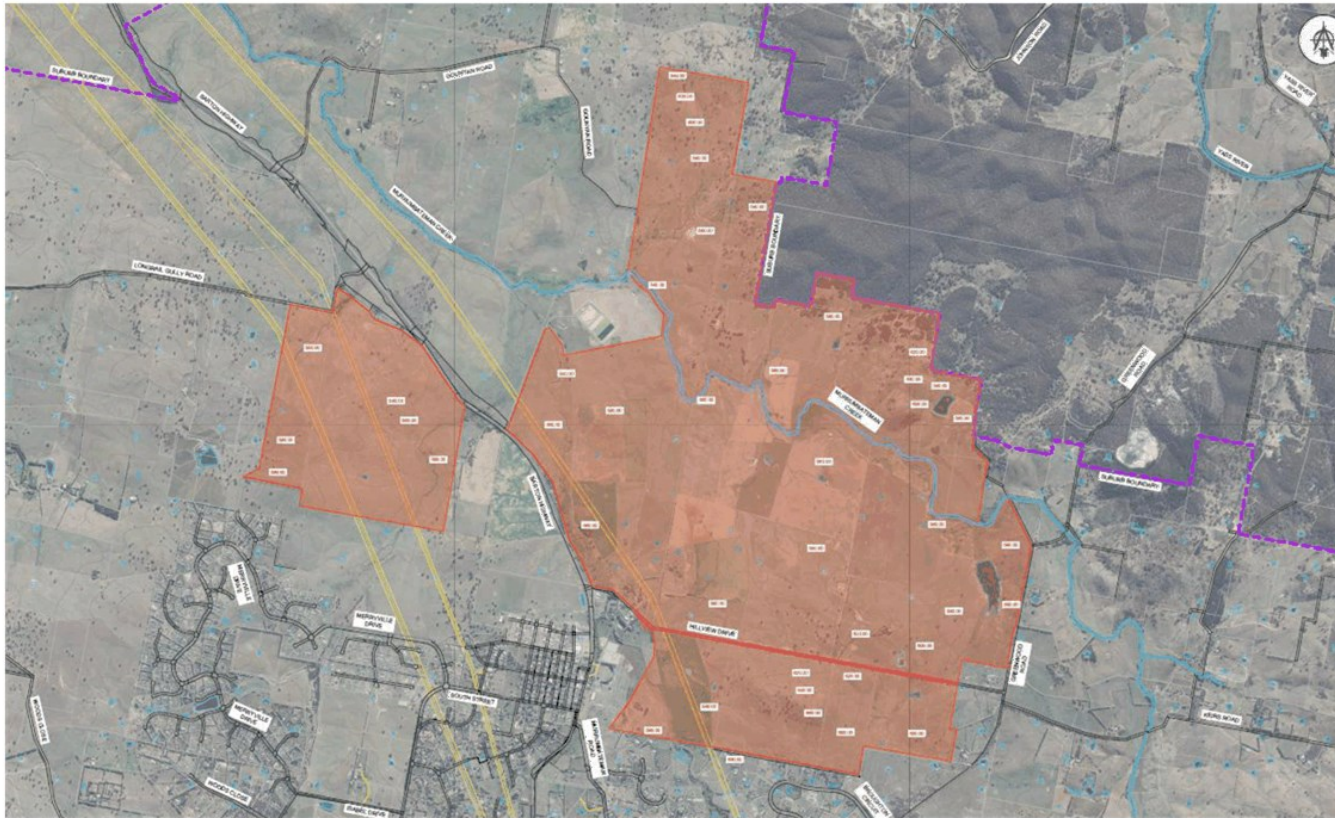


Figure 2 Site Map [Source: Capital Airport Group]

Site Photos



Figure 3 Looking to the site from the Barton Highway looking east [Source: Own Photography 2019]



Figure 4 Site from Barton Highway looking east and start of Hillview Drive Intersection [Source: Own Photography 2019]

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Figure 5 Aerial Photography of the Barton Highway and Hillview Drive Intersection [Source: Google Maps 2019]



Figure 6- Right hand lane depicted in centre of photography [Source: Own Photo]

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Other Matters

There are no access easements or restrictions through the site. There are powerline and water line easements through the western paddocks, and the western portion of the Hillview land. There is also no Development Control Plan in effect within Yass Valley Council which will be affected by this development or this location. There are also no SEPP's which refer to this type of development. Therefore, the Yass Local Environmental Control will be the main planning controls this application refers to.

Development Summary

Hillview was purchased by the Snow Family (Terry and Ginette Snow) in 2016. The Snow Family has owned, developed and operated Canberra Airport since 1998, as well as properties in NSW, such as Willinga Park- a world class Equestrian Park and cattle property, and QLD cattle properties.

Hillview until February 2020 had been leased to a tenant who was undertaking rural activities on site; this lease has expired, and the Snow Family now undertake the rural development, farming and management of the land with an onsite manager, other staff and contractors.

The area of Hillview is just over 1,900 hectares. There have been several plans and inspections of the site in order to review the opportunities for the development of Hillview as a major rural holding in the area. This will move it back to Hillview's previous stature in the region as a prestigious sheep and cattle farm when managed by Sir Walter Merriman.

The future of Hillview development will include farm road upgrades, new farm roads, fencing, stock and domestic facilities, pasture improvements including rebuilding soil fertility, potential irrigation and farm buildings. Currently Hillview has limited building and stock management infrastructure insufficient to manage a well-developed cattle and sheep grazing property enterprise as proposed. Therefore, an upgrade is required.

It is accepted that the ongoing development of Hillview will require subsequent development applications for the rural improvements as and when they occur over the next three (3) years.

This development application will allow for the movement of 55,000m³ to the Hillview site to facilitate the short-term repair and upgrade to existing farm roads and tracks.

The sediment and rock will be used to create roads on site as detailed in the plan provided with this application, sediment and rock will come to the site progressively in useable portions. The overall roads of 28.5km will use 51,300m³ of material. Upgrades to roads, sheds and turning areas will be prioritised to support the immediate development of Hillview. With winter fast approaching, it is important to focus on the main access routes into and within the property to ensure timely access to paddocks.

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The internal access roads will be connected to existing gated access points from Hillview Drive into the site and waterway crossings. New access routes and waterway crossings will be created when future development requires.

The increase in trucks moving the sediment onto site will not adversely affect the current movement of traffic down the Barton Highway. We anticipate the trucks would move off the highway onto the existing dedicated right-hand turn lane before entering Hillview Road. This would ensure traffic could flow more easily and allow for the trucks to manoeuvre safely and slowly into the site.

The access roads would be built first to allow access to the site and to existing sheds. The proposed on-farm access roads will be built to the appropriate engineering standards for a good quality rural farm road. This will typically consist of a 4.5m wide gravel carriageway with table drains and crossflow stormwater culverts as required. The road pavement would consist of approximately 300mm/400mm of compacted gravel, with an option to chip seal surface parts if required in areas of high movement of large stock vehicles and machinery. Any gravel used would be compliant with Austroads/Yass Council engineering standards and specifications. The constructed roads would need to support heavy machinery, without the potential in adverse weather of being bogged.

28.5km of roads will need to be upgraded and created to enable the farm to be efficiently useable. Please refer to the plan provided (figure 1) with this application which provides details of these roads. This map does include the locations for the farm buildings/sheds and further roads as overall development proceeds. This application is only for sediment to be used as road bases and building bases on site.

At 4.5m wide, and 400mm depth, roughly 51,300m³ of sediment will be required for the roads only.

Any access roads will be appropriately graded and maintained to ensure they are trafficable by all vehicles intended to use the roads.

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Yass Valley

Yass Valley's economy has been one of the strongest in regional NSW, with an unemployment rate of 2.1% well below the NSW average of 6.3% (ABS 2019). Sheep farming accounts for 3% of the industry of employment for the residents and is the second highest after Central Government Administration (Census 2016).

The re-development of Hillview is ensuring that the strong cattle and sheep farming community is alive and well in Yass Valley. The village of Murrumbateman has a long and rich history of sheep farming, and Hillview is a part of that history.

The ongoing re-investment into the property to strengthen its position in this industry will be a boost for the locality in both industry terms, local employment and tourism. The ongoing pasture improvement is likely to include cover crops for animal consumption.

This rural farming in a prime location will allow Yass Valley to achieve their vision.

Biodiversity Offset scheme

| The Scheme applies to: | Response |
|---|--|
| Local development (assessed under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i>) that is likely to significantly affect threatened species or triggers the Biodiversity Offsets Scheme threshold . | <p>Not Applicable.</p> <p>This application does not have a significant effect on threatened species. There are no known threatened species on the land.</p> <p>No native vegetation will be cleared in the building of these roads. Therefore, the threshold isn't triggered. There is a biodiverse land on the creek through the land. No development will occur within this biodiverse land, the road will stop at the delineation of the biodiverse land and then start again when the biodiverse land ends. A future application will cover any creek crossings. The creeks can be crossed with small trucks moving rock/sediment for the roads to the north of the creek.</p> |
| State significant development and state significant infrastructure projects, unless the Secretary of the Department of Planning, Industry and Environment and the Environment Agency Head determine that the project is not likely to have a significant impact | <p>Not Applicable.</p> <p>This application isn't a state significant development.</p> |

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| | |
|---|--|
| Biodiversity certification proposals | Not Applicable. This application isn't a biodiversity certification proposal |
| Clearing of native vegetation in urban areas and areas zoned for environmental conservation that exceeds the Biodiversity Offsets Scheme threshold and does not require development consent | Not Applicable. This application isn't in an urban area or an area zoned for environmental conservation |
| Clearing of native vegetation that requires approval by the Native Vegetation Panel under the Local Land Services Act 2016 | Not Applicable. No native vegetation clearing that required the approval is proposed. |
| Activities assessed and determined under Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> (generally, proposals by government entities), if proponents choose to 'opt in' to the Scheme. | Not Applicable. This is not a government entity nor is the proponent opting in. |

The biodiversity offset scheme provides a threshold for clearing; the Yass LEP states that the minimum lot size trigger is 40 hectares therefore, the threshold is 1 hectare.

This amended DA is about providing soils, rock and gravel for road and building platform construction.

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South-east and tableland regional plan 2017- NSW Government Plan

The NSW government released their regional plan in 2017, this a 'blueprint' plan of what the region will look like and how to achieve the vision. There are goals, directions and actions that this development at Hillview can be used to show progress towards.

Goal 1

A connected and prosperous economy

The regional plan details that tourism and agriculture will be priority growth sectors in the region.

Direction 5:

Promote agricultural innovation, sustainability and value add opportunities

Action 5.2

Encourage value-add agricultural opportunities through flexible planning provisions in local strategies and local environmental plans.

The future improvement of Hillview Farm will allow increased agricultural production on site and diversifying the current offering will provide a strong anchor for rural production in the Tablelands region including in particular Murrumbateman. Ensuring that land which was historically used for agricultural production is re-invigorated and reinstated provides for a good level of sustainability as the land is proven to work.

Direction 8:

Protect important agricultural land

The NSW Government's 2014 Biophysical Strategic Agricultural Land mapping identifies agricultural land of significance to the State. The Hillview development is consistent with the direction and maintains its agricultural uses on site.

Goal 3:

Healthy and connected communities

Direction 23:

Protect the region's heritage

Cultural and historic heritage provides tangible connections to the past and attracts tourists. Hillview has a strong connection to its history as a sheep and cattle farm as well as with the Merriman farm connection. This will ensure that the history of sheep and cattle farming in Yass Valley and Murrumbateman is maintained and strengthened. Ensuring that a vast majority of the northern area of Murrumbateman will maintain views to the trees and ridgeline will ensure tourists and locals alike can benefit from the rural lifestyle and setting.

The Tablelands 2016-2036 Regional Community Strategic Plan

Yass Valley Council, in conjunction with Goulburn Mulwaree and Upper Lachlan councils, prepared a Regional Community Strategic Plan for the period of 2016-2036. The Tablelands Regional Community Strategic Plan (CSP), outlines the long-term aspirations of the community for at least the next 20 years.

This document has been used to better inform the future development at Hillview.

| Strategy | Response |
|---|---|
| <p>EN1 Protect and enhance the existing natural environment, including flora and fauna native to the region Highlight Maintain our rural landscapes</p> | <p>The future re-development of Hillview will allow for the farming practices to be improved on site, and to allow for the rural landscape to be maintained and enhanced.</p> |
| <p>EN4 Maintain a balance between growth, development and environmental protection through sensible planning Highlight</p> <ul style="list-style-type: none"> - To ensure local planning strategies protect and enhance the natural environment - Retention of the villages and rural character has to be balanced with ensuring the economic viability of the area - Recognition of the appropriate locations for different types of development in conjunction with community member feedback | <p>The initial three-year program to increase soil fertility and minimum tillage improvement of pastures for grazing will set up Hillview for ongoing Carbon farming into the future as soils are enriched with minor or no tillage. This outcome is a significant environmental benefit to Hillview and the region.</p> <ul style="list-style-type: none"> - Allowing development at Hillview to improve the environment to thrive and improve the current rural offering. - The retention and improvement of Hillview as a high-production farm will ensure the rural character is strengthened on the land surrounding Murrumbateman - Historical activity on site with cattle and sheep farming makes Hillview a highly appropriate location for development. Improving the woolsheds and future farming infrastructure and practices on site will strengthen the link to the village to the land and the history. |

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| Strategy | Response |
|---|--|
| <p>EC2 Jointly develop appropriate tourism opportunities and promote the region as a destination</p> <p>Highlight</p> <ul style="list-style-type: none"> - To foster and retain the regions unique rural character, natural environment, heritage and culture - Retention of the region's unique rural lifestyle and character is central to attracting visitors | <p>The initial three-year program to increase soil fertility and minimum tillage improvement of pastures for grazing will set up Hillview for ongoing Carbon farming into the future as soils are enriched with minor or no tillage. This outcome is a significant environmental benefit to Hillview and the region.</p> <ul style="list-style-type: none"> - This future development of Hillview will ensure Murrumbateman maintains its rural character to the north of the village. - The unique history of the site will allow for the retention of the regions rural lifestyle and character. Ensuring that farmland is located close to the village will strengthen the draw for tourists wanting that rural getaway in Murrumbateman. |
| <p>EC4 Foster and develop a diverse, adaptive and innovative agricultural industry</p> <p>Highlight</p> <ul style="list-style-type: none"> - To promote sustainable agricultural practises - Accommodate diversification of existing agricultural practices and methods - A thriving agricultural industry is key to the region's unique rural character and is a significant tourism driver. | <ul style="list-style-type: none"> - Ensuring that Hillview does not fall further into disrepair will help in promoting sustainable agricultural practices within the region - A number of agricultural practises and methods, both modern and traditional will be undertaken onsite to improve the agricultural offering. - Allowing Hillview to continue its development will enable the region to capitalise on the unique agricultural land to the north of the village. |
| <p>C05 Maintain our rural lifestyle</p> <p>Highlight</p> | |

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| Strategy | Response |
|--|---|
| <ul style="list-style-type: none">- To implement planning and development decisions that ensure the protection of our rural and village lifestyles while planning for population growth and community sustainability- The rural lifestyle is built on strong, resilient, and connected communities that work together and support each other. | <ul style="list-style-type: none">- Restoring Hillview to a high producing rural farm will ensure the rural lifestyle in Murrumbateman is maintained- Having a high producing rural farm re-instated in north Murrumbateman will provide jobs for the local community and provide clarity as to the future development of the village. |

Assessment

Yass Valley Local Environmental Plan 2013

| LEP Section | Response |
|--|--|
| 2.3 Zone Objectives and Land Use Table Zone RU1 Objectives of zone To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones. To protect and enhance the biodiversity of Yass Valley. To protect the geologically significant areas of Yass Valley. To maintain the rural character of Yass Valley. To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location. To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land. To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas. | The development is in direct alignment with the zone objectives as it reinvigorates Hillview farm as a high production rural farm. The this SEE provides development discussions which align well with the zone objectives. This can be found on page 3 and 9-14 above |
| 5.10 Heritage Conservation | No Heritage Items are detailed in the LEP Schedule 5 on the land subject to this DA. |
| 6.1 Earthworks (1) The objective of this clause is to | The sediment brought into the site will not have a detrimental impact on the |

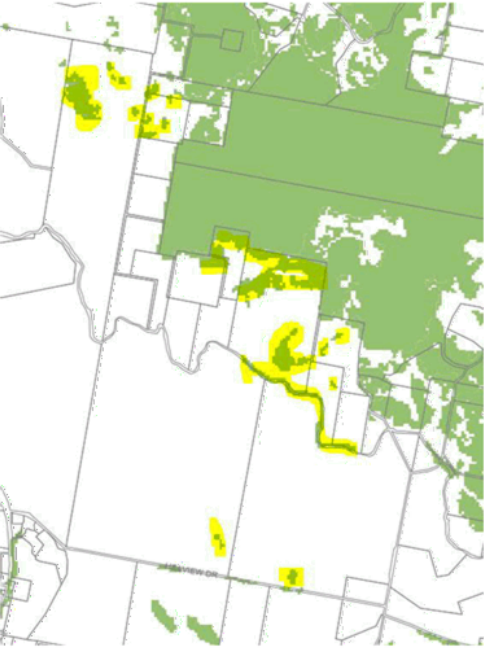
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| LEP Section | Response |
|--|--|
| ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. | environmental functions of the surrounding land. It is classified as ENM and will be utilised to improve the roads within Hillview. If impacts occur, these will be mitigated where appropriate. |
| (2) Development consent is required for earthworks unless: (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or | Not Applicable. Development Consent is required. |
| (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given. | Not Applicable. Development Consent is required. |
| (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters: | - |
| (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, | Importing the soil will have no detrimental effect on drainage patterns or soil stability. The ENM will be stored on site in a suitable manner adjusted as required to suite the general undulation and geographical features. The stockpiles will not be located near bodies of water or catchment areas on site, and therefore will not affect overland flow patterns where reasonably practicable and avoidable. |
| (b) the effect of the development on the likely future use or redevelopment of the land, | The development will enable future development of the site for future roads, building platforms and stabilisation of development on the site therefore this is a positive development for the lot. |
| (c) the quality of the fill or the soil to be excavated, or both, | The fill will be classified as ENM and is of a high quality for the site. |
| (d) the effect of the development on | There will be no effect on the |

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| LEP Section | Response |
|---|--|
| the existing and likely amenity of adjoining properties, | development of adjoining properties from the stockpiles. A traffic management plan will be created which will detail the truck movements to the site. Any potential effect will be mitigated if and when they arise. |
| (e) the source of any fill material and the destination of any excavated material, | Material may be sourced from the Canberra Airport precinct and/or from local quarries. One possibility is from the quarry at the eastern end of Hillview Drive, further reducing the trucks on the Barton Highway. This fill will be classified as ENM and will be checked for its geo-tech quality for development before delivery to Hillview. |
| (f) the likelihood of disturbing relics, | There are no known relics within this area. If any relics are found the appropriate steps will be taken to ensure the site is contained and excavated to the relevant laws. |
| (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, | The fill will not be located near waterways and will be stored in a manner which will not seep into the water catchment areas within the local catchment. |
| (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. Note. The <i>National Parks and Wildlife Act 1974</i> , particularly section 86, deals with harming Aboriginal objects. | The impacts of this development on site will be minor, and all appropriate measures to mitigate any impacts will be undertaken. These measures include moving material during business hours to minimise noise impact of trucks; ensuring that fill is stored as required and kept environmentally secure on site. The site has been used for intensive farming for over 100 years. Any objects would probably have been found by now. Under the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW the property falls under Clause 80B Defence of carrying out certain low impact activities: section 87 (4). The use of farming is detailed within this clause and therefore is not requirement to go through |

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| LEP Section | Response |
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| | <p>the due diligence process. If Aboriginal objects are later found when works are being carried out, the proponent will stop work, notify DECCW and apply for an AHIP if they intend to harm those known objects as per this code of practice. Although there are no known aboriginal objects on site.</p> |
| <p>6.3 Terrestrial biodiversity (1) The objective of this clause is to maintain terrestrial biodiversity by— (a) protecting native fauna and flora, and (b) protecting the ecological processes necessary for their continued existence, and (c) encouraging the conservation and recovery of native fauna and flora and their habitats. (2) This clause applies to land identified as “Biodiversity” on the Natural Resources Biodiversity Map. (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider— (a) whether the development is likely to have— (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and (iv) any adverse impact on the habitat elements providing connectivity on the land, and (b) any appropriate measures</p> | <p>According to Map Natural Resources Biodiversity Map- Sheet NRB_005. There are a few minor pieces of ‘biodiverse land’ located in Hillview. These pieces of land are not going to be affected by this application. Most of these are on land which is unsuitable for roads due to undulation and contours or within tree covered areas.</p>  <p>The areas proposed for new roads do not</p> |

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| <p>proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> | <p>affect the land highlighted above and will not have any adverse impact on fauna and flora.</p> <p>i) The land is subject to farming practices and has been for over 100 years. The road development will not have an adverse effect on the importance of habitat for fauna. There are no known fauna habitats on the land</p> <p>ii) This development will not further fragment, disturb or diminish the biodiversity structure, function and composition of the land</p> <p>iii) The roads will not diminish any connectivity of the land. Although there are no known habitat connections through the site</p> <p>3b) The developed roads will be engineered to allow surface run off and cross flow drainage All measures will be taken to reduce impacts where appropriate.</p> <p>4)</p> <p>a. The roads will not cause environmental impact, they're gravel roads through 1,900 Ha of rural farmland. There are informal truck and farm machine eroded tracks which these roads will upgrade.</p> <p>b. Not applicable.</p> <p>c. Not applicable.</p> |
| <p>6.4 Groundwater vulnerability</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to maintain the hydrological functions of key groundwater systems,</p> <p>(b) to protect vulnerable groundwater resources from depletion and contamination</p> | <p>The development will not affect the ground water vulnerability of the locality through the road design. The roads will provide adequate cross drainage to allow any water to keep running through the natural courses on the land. There will be no contaminants within the material and therefore will not pollute the land or water on site.</p> <p>The future development of Hillview is subject to what the land can handle-</p> |

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| LEP Section | Response |
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| <p>as a result of development.</p> <p>(2) This clause applies to land identified as “Groundwater vulnerability” on the Groundwater Vulnerability Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</p> <p>(b) any adverse impacts the development may have on groundwater dependent ecosystems,</p> <p>(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),</p> <p>(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> | <p>water is the key driver of rural production. The proponent is aware of modern and leading farming practices and will not exceed the carrying capacity yield of the land.</p> |
| <p>6.5 Riparian land and watercourses</p> <p>(1) The objective of this clause is to</p> | <p>The site has watercourse swales and creeks through the property. The roads</p> |

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| LEP Section | Response |
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| <p>protect and maintain the following—(a) water quality within watercourses, (b) the stability of the bed and banks of watercourses, (c) aquatic and riparian habitats, (d) ecological processes within watercourses and riparian areas. (2) This clause applies to all of the following— (a) land identified as “Watercourse” on the Riparian Lands and Watercourses Map, (b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map. (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider— (a) whether or not the development is likely to have any adverse impact on the following— (i) the water quality and flows within the watercourse, (ii) aquatic and riparian species, habitats and ecosystems of the watercourse, (iii) the stability of the bed and banks of the watercourse, (iv) the free passage of fish and other aquatic organisms within or along the watercourse, (v) any future rehabilitation of the watercourse and riparian areas, and (b) whether or not the development is likely to increase water extraction from the watercourse, and (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> | <p>proposed will not affect the creeks or watercourses. There are no upgrades proposed for the existing water crossings in this DA.</p> |

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| <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact,</p> <p>or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> | |
| <p>6.6 Salinity</p> <p>(1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.</p> <p>(2) This clause applies to land identified as “Dryland Salinity” on the Natural Resources Land Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) whether the development is likely to have any adverse impact on salinity processes on the land,</p> <p>(b) whether salinity is likely to have an impact on the development,</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the</p> | <p>This DA will not add to any salinity of the land. The roadways will be constructed of natural material which will not provide any salinity to the earth. The pasture and soil fertility improvement program underway will mitigate any salinity found.</p> |

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| <p>development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> | |
| <p>6.7 Highly erodible soils</p> <p>(1) The objective of this clause is to provide for the appropriate management of land that has highly erodible soils or has the potential to be affected by the process of soil erosion.</p> <p>(2) This clause applies to land identified as “High Soil Erodibility” on the Natural Resources Land Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) whether the development is likely to have any adverse impact on soil erosion processes on the land,</p> <p>(b) whether soil erosion is likely to have an impact on the development,</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> | <p>The Hillview property has 2 small pockets of ‘Highly erodible soils’ to the north of the property. These are not affected by this road development.</p> |

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| LEP Section | Response |
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| <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> | |
| <p>6.9 Development within a designated buffer area</p> <p>(1) The objective of this clause is to protect the operational environment of sewage treatment plants, waste disposal facilities and water treatment facilities, and to limit the impact of these facilities on proposed sensitive land uses.</p> <p>(2) This clause applies to land identified as “Water, Waste and Sewerage Buffers” on the Water, Waste and Sewerage Buffer Map.</p> <p>(3) Before granting development consent for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) the impact that any noise, odour or other emissions associated with the existing facility would have on the development,</p> <p>(b) any measures incorporated into the development that would limit the impact of noise, odour and other emissions associated with the existing facility,</p> <p>(c) any opportunity to relocate the development outside land to which this clause applies,</p> <p>(d) whether the development would</p> | <p>The sewerage treatment facility to the north east of the property is well established.</p> <p>The Hillview farming use will not be affected by the sewage plant. This development will provide for roads within the farming land, only one road will come into the buffer zone.</p> <p>a) Roads are not affected by noise, odour or emissions and no residential buildings are proposed in this precinct.</p> <p>b) None required</p> <p>c) None required</p> <p>d) None</p> |

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| LEP Section | Response |
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| adversely affect the operational environment of the existing facility on land to which this clause applies. | |
| <p>6.10 Development on land intended to be acquired for Barton Highway duplication</p> <p>(1) The objective of this clause is to limit development on land intended to be acquired for the construction of the Barton Highway duplication.</p> <p>(2) This clause applies to land identified as "Barton Highway Corridor" on the Barton Highway Duplication Map.</p> <p>(3) Development consent must not be granted for any development of a permanent nature (for example, a building) on land to which this clause applies unless the development is consistent with the purpose for which the land is intended to be acquired.</p> <p>(4) A condition of a development consent granted under subsection (3) may require the demolition or removal of the work for which consent is granted before the land is acquired for the purpose of the Barton Highway duplication.</p> | <p>The Barton Highway duplication is currently happening between the ACT border up to Kavneys Road, according to RMS. The timing for the Hillview Drive/Barton Highway bypass of Murrumbateman development hasn't been planned or funded and is unlikely for roughly 5-10 years. Therefore, it isn't viable to leave land alone for 10 years because the road may occur.</p> <p>A small number of the proposed farm roads may be affected by the Barton Highway road corridor. The road may have a bridge bypass to enable connection within and from Hillview into Murrumbateman or local access roads through the area. This will be dealt with the NSW Government at a suitable time.</p> <p>1) No response required 2) Part of the site is identified on the map as within the Barton Highway Corridor 3) The development is consistent for the rural purpose of the land. 4) Subject to future negotiations with the NSW Government about land acquisition or use of the land for the building of the new Highway will be dealt with in the future and should not be conditioned in this application.</p> |

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Transportation of sediment

Records of the material to be used on site will be maintained by the Snow Family and provided as required.

Estimation of sediment movement

Truck and Trailer-sediment carrying size- Combined 22m³

55,000m³ bulked weight would have ~5,000 truck movements in total to and from the site.

55,000m³ / 22m³ = 2,500 movements into the site- one way

The earth moving would happen within normal business hours and would be monitored to ensure the trucks minimise any possible disturbance.

The route the trucks would take would also minimise the disruption to the road systems and residents. The route is highlighted within figure 1 below if the Sediment comes from the airport or Kavenys Road. The route is designed to stick to main roads where possible, to not use residential secondary roads, and to increase traffic temporarily on roads that can take the extra movements through their capacity. All truck loads will be suitably covered or dampened at source to mitigate dust/small sediment particles.

Management

- Material Volume: Material will be quantifiable by the trucks and dogs bringing the soil to Hillview. These will enable the farm manager and project manager to know how much soil and sediment has been brought into the site and keep a record, in accordance with NSW EPA guidelines.
- Site Access: Site access will be provided through the farm gates from Hillview Drive to the subject property
- Security: The site is monitored by the Farm Manager who lives on site, and through gates with locks.
- Driver Behaviour: Qualified drivers will be used to transport the material.
- Dust Impact: Material will be covered at source, clean-up will be periodical on Hillview Drive against any potential dust while trucks turn into the property. Once the soil and sediment is on the property, soil environmental management practices will provide for covering the soil and appropriate sediment control for the location.
- Record Keeping: As required by NSW EPA, a log of all material will be kept by the Farm Manager. If any material is bought from local quarries, it will also be logged by the quarry/source site.
- Complaints/enquiries: If and when enquiries or concerns are raised, the proponent has a team of employees which will respond and deal with the enquiry.

This DA details the management of the project. A traffic management plan will be in place to minimise impacts. The farm manager will be on site at all times as a point of contact.

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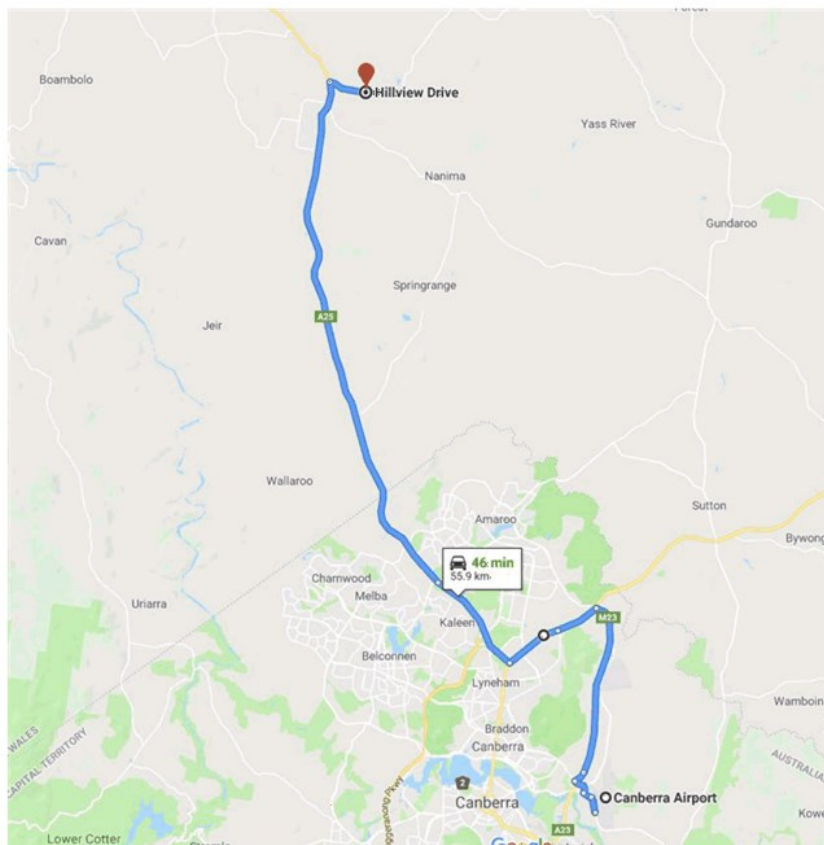


Figure 6 Route of trucks from Canberra Airport to Hillview if the material comes from the airport.
[Source: Google maps 2019]

Dust Suppression

The site has a number of onsite dams and reticulated water to stock water troughs throughout the property. The Snow family are conscious farmers and will only use what is required. There are a number of methods of dust suppression that can be used.

'All loads will be suitably covered to mitigate dust...' this is in relation to the movement of the sediment from the source and is in accordance to the Protection of Environmental Operations (Waste) Regulation 2014 Section 70 (1) (b) states 'any waste that is likely to be blow, or otherwise escape from the vehicle or plant if uncovered during its transportation is covered during its transportation' As part of the roadway into Hillview farm, a cleaning schedule will be created to clean Hillview Drive as per standard construction protocol, as required.

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Site Suitability

Hillview is a large rural property, over 1,900 hectares, which is well placed to become a high production farm again. The sheds and internal access roads have become worn over the years. The increase in rural activities on the site will allow the site to be re-vitalised into the future.

To re-establish the property, this development application will start to improve the site. It will improve and create roads and building platforms/sheds throughout the site and the storage of ENM available for ongoing improvement to the land. The site is suitable for the development due to its historic use. This application and future applications are provided to ensure that this farming legacy continues.

On the attached plan, titled Hillview Master Plan, two areas highlighted in yellow have been provided. These could each hold up to 5,000m³ of material at half a metre high (0.5m). These areas have been chosen through GIS site suitability methods and confirmed on site by the farm manager. These piles would not affect the water course or the land. These are only provided as possible places that could hold up to 5,000m³ each. This does not mean that they will hold material long term. This area on the plan shows the capability of the site to hold material on site with no detrimental effect to the site. It would also not cause issues to locals in relation to eye sores as these piles cannot be seen from Hillview Drive or the Barton Highway.

Conclusion

The development on site consisting of transporting material onto the Hillview Property, potentially from Canberra Airport and local quarries, will allow for future development to occur on site. This will ensure that the Hillview Property will once again become a high functioning rural property with Cattle and Sheep on site.

The 55,000m³ of sediment will be used as roads on site and for re-leveling building bases throughout the site. This is the start of ensuring the site is viable for years to come, and the continuation of a significant investment for the rural farming community.

Signature

Natalia Weglarz B.Sc M.Sc MPIA

Hillview Acreage Pty Limited ACN 128 918 589
Hillview Unit Trust ABN 63 203 381 992

Jeremy Knox

From: [REDACTED]
Sent: Thursday, 23 April 2020 1:18 PM
To: Jeremy Knox
Cc: John Mannweiler; n.weglarz@canberraairport.com.au
Subject: FW: Hillview Amendment Application
Attachments: Hillview - Draft Master Plan.pdf; 20200421- SEE Hillview Amendment Final.pdf; Response to Public Submissions and Council comments.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hello Jeremy

I refer to my conversation with you this morning regarding this amended DA application from the Snow Family representatives.

And in particular the 770 metres of green line on the 1st attachment which had appeared to me to be an applicant upgrade of that part of Hillview Drive.

Since then the applicant's Natalia Weglarz has phoned me and said that the line is meant to display within the Hillview property and parallel to Hillview Drive.

I asked her had they contemplated offering to upgrade the first 800 metres which is definitely a safety issue relative to 5000 truck and dog movements - and in four aspects to my mind.

Firstly the road itself is on the narrow side, and then I see three danger points. The vet's entrance is a frequent in and out site for many first time users who are potentially in a distressed state at the time - and it is quite close to the main highway intersection.

Secondly the creek corner is both narrow and blind.

And thirdly the proposed truck turn off point will predictably see laden trucks veering right to better facilitate the left hand turn into Hillview property - and just ahead on Hillview Drive is the next blind corner for oncoming traffic.

Natalia responded by saying that the applicant had not contemplated the offer of upgrade at this time.

I have said to you and to the Snow Family representatives that I personally believe their family's involvement in the Murrumbateman village and general area ultimately is an absolute positive for the community. My view is based on historical evidence of their community input in whatever project they have chosen to be involved.

Nevertheless my family involvement in part of Hillview ownership leads me to recommend that the safety upgrade of this section of Hilldrive Drive is the utmost concern for this proposed DA.

Given the enormous savings to be made by the material transport to the Hillview site (rather than paying tip fees elsewhere), and the disclosed property infrastructure benefit, I suggest that is not unreasonable that Council initiate discussions with the proponent regarding the proposal of upgrade as outlined herein.

Kind Regards

[REDACTED]

Mobile: [REDACTED]

From: Natalia Weglarz [mailto:N.Weglarz@canberraairport.com.au]
Sent: Wednesday, 22 April 2020 4:01 PM
To: [REDACTED]

Cc: Noel McCann

Subject: Hillview Amendment Application

Hello [REDACTED],

Late last year, Noel McCann contacted you to inform you of a DA Lodged with Yass council for the further development of Hillview.

Attached is the amended DA application provided to Yass Valley Council yesterday for the farm at Hillview. We have taken due regard to all the comments provided by the submissions received and the comments from Yass Valley Council.

The application went to a Yass Council Meeting on the 25 March 2020 and this amendment has reduced the total amount of sediment from 65,000m³ to 55,000m³ for the initial stage 1.

If you have any questions, please do not hesitate to contact either Noel or myself.

Thank you,
Natalia

Natalia Weglarz

Town Planner | Canberra Airport

Level 4, 21 Terminal Avenue | Plaza Offices – West | Canberra Airport ACT 2609

T 02 6275 2240



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Jeremy Knox

From: Liz Makin
Sent: Monday, 27 April 2020 9:48 AM
To: Jeremy Knox
Subject: FW: DA.190211 . 33 Hillview Drive, Murrumbateman.

FYI

Liz Makin | Acting Director Planning & Environment
[REDACTED] |



From: [REDACTED]
Sent: Sunday, 26 April 2020 11:11 AM
To: Liz Makin
Subject: DA.190211 . 33 Hillview Drive, Murrumbateman.

Liz Makin
Director of Planning .

Dear Liz,

I write in regard to the above DA for Farm Upgrade works at 33 Hillview Drive, Murrumbateman. I am aware that an amendment has been provided together with responses to questions from Council and the community.

I certainly give my support to this DA as it will bring a level of farm management to the area that will be of wider benefit to all .

There has been a strong level of residential development in Murrumbateman for quite a while and as council is aware there is a significant additional amount planned for future development.

In this area its unusual to see a farm based development proposed , usually you will just see farm roads etc constructed on an add hoc basis mostly following what has been in place for years, to see a farm properly planned to provide sustainable intensive farming is something to be applauded.

A development of this style and quality will support and reinforce Murrumbateman's Rural Heritage and make the area more attractive to prospective newcomers to the area.

Regards [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Jeremy Knox

From: Yass Valley Council <no-reply@wufoo.com>
Sent: Tuesday, 7 January 2020 5:13 PM
To: YVC Customer Service Team
Subject: Public Consultation online submission [#115]

Name *

Address *



Email *

Phone Number *

What item are you making a submission on? Hillview Murrumbateman
*

Submission * YVC needs to acquire 30 hectares of land north of Hillview drive for the Field Days after the Bypass is complete and adjacent to the interchange.

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Submission in relation to proposed DA 190211 Hillview Acreage Pty Ltd Lot 3 DP 601345 Hillview

Drive Murrumbateman

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Description of Proposal: Importation of 65,000m³ of sediment for road creation and sediment storage and creation of farm roads and future bases for a high production rural farm

We **strongly oppose this proposal until the following points are satisfactorily addressed in writing and made available to the public for re assessment.**

* "sediment/soil standards are 'Excavated Natural Material' tested" and "sourced from the Canberra Airport precinct" and "geo technically checked for development" The soils must be asbestos and building rubble free; **an independent Yass Council report free from the developer's influences, on this needs to be made freely available to the public stating results and a map exactly from where this sediment will come.** Importing of Soil from the Canberra Airport Precinct. Prior to any soil being relocated from the airport precinct, **could council please ensure that all shipments of soil are tested for PFOS AND PFOA. PFOS and PFOA are man-made chemicals belonging to the group known as PER- and poly-fluoroalkyl substances.** Whilst they may be stable, they can take 100 years to break down. These chemicals have for many years been used in fire- fighting foam at airfields around Australia, particularly airfields owned/operated/utilised by the Australian Defence Force which Canberra is and has been for many years. Over the decades that these chemicals were in use they have found their way into the soil and groundwater, contaminating not only the airfields but the land surrounding them. Further information on this contamination is available in a report 'Williamtown RAAF Base contamination' and also Oakey QLD has contaminated soil and contaminated groundwater surrounding the RAAF Base and into neighbouring farms. Whilst there currently is no consistent evidence that exposure to PFOS and PFOA causes adverse human health effects, based on the evidence from animal studies potential adverse health effects cannot be excluded. Studies in laboratory animals suggest that PFOS and PFOA may promote some cancers in those animals, but it is not clear if these results have any implications for human health. **Any soil imported from the Canberra Airport precinct has the potential to be contaminated with PFOS and PFOA. There would also be a risk of leaching through the soil into the groundwater which would then find its way, over time, to communities, including Yass; that are located downstream from the Hillview site. Murrumbateman also is not a dumping ground of sediment taken from the genesis of a large new commercial development.**

* "future bases on site" need to be defined more specifically...woolsheds, dips and yards are mentioned. **Considering the zoning is RU1, which aims to ensure that development does not unreasonably increase the demand for public services or public facilities, what are the other intended buildings. ...are they farm buildings, a high density housing subdivision, workers' housing, businesses? We hold grave concerns for the type of future development, considering the intended number and placement of such intensive new road systems.**

* "will comply with NSW EPA requirements for transferring and re use of sediment" and "all loads will be suitably covered or dampened to mitigate dust/small sediment particles"-**where will water come from (during water shortage and drought) in order to settle dust during transportation whilst on the site? Murrumbateman is already on water restrictions and the ground water is at an all time low.**

Page 2 of 3

Continued Submission by

in Relation to proposed DA 190211 Hillview

Acreage Pty Ltd Lot 3 DP 601345 Hillview Drive Murrumbateman

* "all appropriate measures to mitigate any impacts will be undertaken" and "it is imperative that the increase in trucks moving the sediment on site does not affect the current movement of traffic down the Barton Highway" and "a future traffic management plan will be created which will detail the truck movements to the site" **How will transportation causing dust and noise (other than taking place in business hours) be minimised so as not to affect immediate neighbours? How will the truck movement be managed to soften the impact on Murrumbateman town ship such as noise, congestion and damage to road? How will the traffic congestion at the intersection of Barton Highway and Hillview drive be managed? Details of this to be made available to the public for perusal.**

* "The storage locations of soil are not substantially seen from the road network" and "the impacts of this development on site will be minor" **How will this be managed and where, on a map, made available to the public? We have a problem with the words 'not substantially' seen from the road, so what parts will be seen from the road?**

* "that fill will be stored as required and kept securely on site" **By what specific security mechanism will this be done?**

* "That fill will not be located near waterways and will be stored in a manner which will not seep into the water catchment areas" **Where on a map, made available to the public, will these be situated?**

* Protect and enhance the existing natural environment, including flora and fauna native to the region. **How will roads and stockpiles protect and enhance these? Provide survey of flora and fauna that might be endangered.**

* "Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters: (a) the likely disruption of; or any detrimental effect on, drainage patterns and soil stability in the locality of the development- Importing the soil will have no detrimental effect on drainage patterns or soil stability." And "At 4.5m wide, and 400mm depth, roughly 34,074m³ of sediment will be required for the roads only" **The new road profiles will be higher than current ground level and this will affect water runoff. Also there will be 30,926m³ of sediment over burden that isn't used for roads and will be stockpiled. Why bring this sediment all the way to Yass Council and not get rid of it within the ACT? Is it only because it is a cheaper way out for the developer? Millions for dumping in the ACT as opposed to a few hundred for a DA at Yass Council.**

* "prior to construction, engineering drawings will be provided for sign off by Yass Council". **These drawings be made available to the public, especially those who make submissions, within a reasonable time frame to allow for feedback and comments to be made.**

* "the sediment will be located in lower contoured land" - **there are concerns with blockage of the natural watercourses and run off here. This fill will redirect water into other areas. Request a map for this placement. Fill will subside.**

* "there will be no effect on the development of adjoining properties from the stockpiles" **How can this generalised statement be made? Neighbours' land values will plummet with eyesores of**

Page 3 of 3

Continued Submission by _____ in Relation to proposed DA 190211 Hillview
Acreage Pty Ltd Lot 3 DP 601345 Hillview Drive Murrumbateman

stock piles within view unless they are completely out of sight of neighbours and with such a large scale noisy big business farm as a neighbour. Request a map of where these stock piles will be situated.

* "Point 7 Type of Development _ 'Earthworks' box ticked and 'other(specify)' box filled in with road creation and sediment storage" but box not ticked for erection of any other building or structure. This contradicts "point 8 – Summary of proposed development –use and storage of 65000m3 of sediment. Creation of 18.93 kms of 4.5 wide farm roads and future bases on site"

* "the development will enable future development of the site for future roads, building platforms and stabilisation of development". What /where specifically will these future roads and buildings be? Need engineer's report before structures erected. And what is meant by stabilisation of development?

*"Protect important agricultural land.... protect the region's heritage...if any aboriginal or relics found appropriate steps be taken" A dichotomy prevails here by in-roading in to the very heart of agricultural land and carving it up, possibly interfering with original heritage listed outbuildings and structures. Construct and make available a map of heritage structures currently on the property. Have a survey done for Aboriginal heritage sites and/or relics and provide for public display.

In conclusion, unless the above points are not satisfactorily addressed in writing, and made available to the public, within a reasonable time period for feedback and comment, then we strongly disapprove of this DA.

Murrumbateman email:

Phone

Murrumbateman email:

phone

Jeremy Knox

From: Yass Valley Council <no-reply@wufoo.com>
Sent: Wednesday, 15 January 2020 3:46 PM
To: YVC Customer Service Team
Subject: Public Consultation online submission [#116]

Name *

Address * 

Australia

Email *

Phone

Number *

What item DA 190211 Hillview Drive
are you
making a
submission
on? *

Submission *

I wish to register the concern of myself and the members of the Murrumbateman Progress Assn on the Development Application to transport 65,000 cubic metres of soil to a property off Hillview Drive. This proposal will result in over 12,000 heavy vehicle movements to and from this property, along the Barton Highway and through the village of Murrumbateman. Residents have expressed their concerns to me over the inordinate number of truck and trailer movements that will no doubt have significant impact on the road surfaces and traffic flow. There is also concern that the only two entrances to this property to and from Hillview Drive are in areas of double white lines. This will undoubtedly pose unsafe traffic conditions. Other concerns of members is whether this is going to be an actual development or just another form of dumping in our Shire to escape ACT costs.

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Submission Relating to DA 190211 by Hillview Acreage P/L

While we applaud the stated objective of this DA, "in the immediate time horizon (3-5 years) is for a high production rural farm with both sheep and cattle", we have significant concerns about this DA which need to be properly addressed before Council considers giving it approval.

Our main concern is the **adverse effect this will have on the clean image of Yass Valley**. If this DA is approved as is, we could become seen as a dumping ground for waste from the ACT. This development could create a precedent which other developers will follow.

The DA's origins seem to stem from the need to get rid of 65,000m³ of sediment from around Canberra airport. What alternatives have been considered by the developer to send this sediment elsewhere and why have they chosen Hillview? Is it because this is the cheapest option and they have no genuine intention of developing Hillview in the manner described? We are aware that other DAs proposing residential development on this site have been rejected and a new one is being considered by another developer. What guarantees can Hillview acreage P/L give that the purpose of the site will remain "sheep and cattle"?

To allay our concerns in this regard, we require the developer to be more specific about his commitment to develop Hillview as a "high functioning rural property with sheep and cattle on site", including specifying a timeline for such development, specifications of how many sheds, yards, etc will be built and how the excess sediment stored on site (around 31,000m³) will be used for this purpose.

If the developer cannot specify **and commit to** how the excess sediment will be used in the next 3-5 years, then this excess should remain in Canberra or sent elsewhere.

Our second concern is in regards to **testing of the sediment to be transferred**. Before this DA is approved, we require Council to arrange and publish independent testing of the soil at its source, including standard ENM tests, detailed mapping of the source, and tests for noxious chemicals used in firefighting at airports.

Our third concern is in regards to the **effects of Murrumbateman's ground and surface water supplies**. The DA points out that vast amounts of water will be used to dampen loads and avoid dust being spread around the district. During the extended drought we are all currently experiencing, many of our dams and ground water sources have run dry. Where does the developer propose to get the vast amount of water needed to satisfy these commitments? If they intend to truck this in, then this detail should be included in the transportation impacts (ie how many trucks per day).

DA 190211 33 Hillview Drive – Hillview Acreage Pty Limited

Thank you for the opportunity to comment on the above DA.

As a regular user of Hillview Drive my major concern is the extra 12,000 truck & trailer movements which this development will impose, both in accessing and exiting the property and turning off the Barton Highway onto Hillview Drive. The applicant has not advised how many movements per day and, over what period, they envisage the movement of this 65,000 cubic metres of material will be required. Being waste material from their Canberra Airport Site development one would presume that they will desire this to be done as quickly as possible.

The nominated existing gated access points from Hillview Drive into the site present a potential hazard to road users. Both have very short site distances to the east and require trucks & trailers to turn over double lines when exiting the site. See Figures 1 & 2. However, this had obviously been recognised by the applicant who states “No new access routes will be cut into fences unless development requires”.

Although as stated “the increase in trucks moving the sediment on site does not affect the current movement of traffic down the Barton Highway”, it will effect the entrance to the Veterinary Surgery and also those exiting Hillview Drive and turning right towards Yass where there are no turning/slip lanes.



Figure 1 – Proposed Hillview Cattle yard Entrance



Figure 2 – Proposed Sunningdale Entry

Submission in relation to:

DA190211 Hillview Drive, Murrumbateman

From:

Murrumbateman

Whilst the proposed future use of the land is not opposed by us, and in fact is more acceptable than high density housing estates in that it enhances the rural nature of the area, there are a number of concerns in the DA which lack transparency and which we feel need to be addressed to the satisfaction of the Murrumbateman community.

These concerns are outlined as under.

- It is understood that some 65,000m³ of sediment is to be imported from the ACT for internal road enhancement and stockpiling for future use. The amount to be imported appears to be excessive given that the Sutton quarry used 70000m³ to infill the quarry. The future usage of the Hillview quantity remaining after roads are completed needs to be better explained, given that the internal roads only appear to be an enhancement of existing tracks.
- It is noted that dampening of the loads will take place at the load point. Will further dampening be carried out at the Hillview site during unloading and for the remaining stockpiled material until used? If so where will the water be supplied from and how much would be required. This is a question that must be fully explained, given the current water shortage which will no doubt extend into the future.
- Given the origin of the material, documentation should be shown which confirms the absence of contaminants and which has been ratified by an acceptable Agency in NSW. Self- certification should not be acceptable.

- Will the stockpiles be located such that they do not impede water run off which would normally flow into water courses. What will be the size of each stockpile.
- There is insufficient transparency as to future development approvals. There is reference to sheds, farm buildings etc but no specific descriptions.

Addressing regional plans.

- According to Goal 2 of the South East and Tableland Regional Plan 2017, which the submission overlooks, and which states a “diverse environment interconnected by biodiversity corridors”. This development needs address this goal by enhancing the existing native environment within and adjacent to the site. How will this be achieved.
- The Regional Community Strategic Plan is mentioned but not how its strategies will be achieved by this development. The responses do not address the KPIs of the strategies which is how Council monitors their implementation. The responses do not address natural environment protection.

Other

- Proposed Murrumbateman by- pass for the Barton Highway duplication. It appears from the plan that the by- pass would pass through some of the development and therefore the earthworks on some of the internal road will be defunct. How is this to be allowed for.
- We propose that these and other questions would be best answered at a public meeting by a representative of the developer giving a full explanation of the planned development and the future proposals in order to provide clarity to the community prior to Council’s consideration of the application and the commencement of the work.

Thank you for the opportunity to comment.

23rd January, 2020

Jeremy Knox

From:
Sent: Monday, 27 January 2020 12:12 PM
To: YVC Customer Service Team
Subject: Submission on Development Application DA 190211

Submission from

CONFIDENTIAL

DA 19011 Applicant Name: Hillview Acreage Pty Limited

Property Description: Lot 3, DP 601345, Hillview Drive, Murrumbateman

Description of Proposal: Importation of 65,000m³ for the construction of internal access roads and future building pads

I have a number of concerns in the lack of transparency of Development Application 190211 and the wider plans of the proponent which need to be addressed and further consulted upon with the community. I hope that these concerns and comment will assist in a better outcome for balancing planning, environment and community issues. Concerns and possible actions are listed below:

1. DA does not contain:
 - 1.1. a step by step project plan with associated timelines
 - 1.2. plan of the site that identifies all areas for the earthworks described
 - 1.3. duration of the project
 - 1.4. Council should require the additional information to be provided and further consulted with the community.
2. The SOEE states that this DA is the start of redevelopment of Hillview farm. The community has not been consulted therefore has no transparency on the extent of this redevelopment to a high production rural farm.
 - 2.1. Is there a 'masterplan' for the whole redevelopment?
 - 2.2. If this DA is approved then it is virtually given that approval for future DAs will happen without. The community needs to know now about the future infrastructure, crop irrigation, erosion impacts, where irrigation and domestic water supplies will be sourced etc.
 - 2.3. Noted that the SOEE states "average carrying capacity of 20,000 Dry Sheep Equivalents (DSE)" but no capacity detail for cattle
 - 2.4. Council should require further information on the whole redevelopment for the farm prior to the start of DA processes. Proponent should make the 'masterplan' available to the community.
3. 65,000 m3 of sediment
 - 3.1. Sediment amount appears to be far more than what is needed for the upgrade of road/tracks and pads for future infrastructure
 - 3.1.1. estimation of 34,074 m3 just for road/track base (18.93 kilometres, 4.5m wide and 300/400mm compacted gravel) seems to be an over-estimation
 - 3.2. This DA to YVC provides a cheap solution for dumping of sediment from the Canberra Airport expansion. Such activity has been criticised in the press with comparisons of costs of dumping in ACT or NSW showing a large financial benefit to proponents.
 - 3.3. Council should seek justification/clarification for a more accurate sediment calculation for the proposed uses on the site to be provided by the proponent.
 - 3.4. Council should ensure that appropriate costs associated with a DA for sediment dumping transfer to the Shire are appropriate and may be beneficial for use in a community project.
4. Plan of the site only shows the road/tracks to be upgraded. Information is required on the location of the short-term stockpiles and the size of each
 - 4.1. Wider community is impacted by unsightly stockpiles, not only adjacent properties, for example Village Fairley Estate dwellings have views across to Hillview farm

4.2. Barton Highway bypass land set aside/reserved is not shown on the site plan. This will mean that some roads/tracks within the site will not be used, therefore, they should not be upgraded

4.3. Council should require and updated plan of the site plan.

5. 6000 truck movements

5.1. SOEE does not address air emissions generated by the 6000 truck movements. Information is needed on the extent of emissions from this number of truck movements

5.2. Council should impose abatement or offsetting measures for this atmospheric pollution (greenhouse gases and other)

5.3. Timing for truck movements is not clear so that it does not affect the movement of traffic. Statement only addresses the turn off from Barton onto Hillview Drive. There is no traffic management plan. Has the RMS been consulted?

5.4. Concerns about the slow turning of loaded trucks at Barton/Hillview will impede traffic flow with potential risks. Suggest that speed reduction section (70k) in and out of the northern side of Murrumbateman village that joins onto the 50k limits. Additional warning signs for truck movements should be installed for the duration of the activity

5.5. Community need to know the exact time period that the 6000 truck movements will occur - is it for a period of 2 weeks, 2 months, 6 months? The only time indication is for the a 2-3 year target for the high production rural farm development

5.6. The Barton Highway traffic (commuters/school buses) should not be impeded at peak commuting times by these additional truck movements.

5.7. Council to require further information on emissions and abatement, a traffic management plan, arrange for RMS consultation to implement safety measures during the truck movement activity, and the exact time period of the sediment transfer activity

5.8. Council should restrict the movement of trucks to only operate during 0900 to 1600 Monday to Friday only.

6. Road Construction will occur as part of this DA and yet there are no specifics about this activity that can only occur after the sediment has been transferred and dumped on the site

6.1. Council should require the specifics about the upgraded road construction and what it entails.

7. Noise Truck movements and road construction activities create noise and this has not be addressed.

7.1. Ongoing road construction activity creates constant background noise that impacts the whole community of Murrumbateman as noise travels and ambience is lost. Mental health of some members of the community may be severely affected. Construction activity for the road upgrades on the farm should have a reduced operational time period.

7.2. Council should consider restricting road construction activity on the site to 0900 to 1600 Monday to Friday only. No road construction activity should be undertaken on the weekends

8. Natural native resources and biodiversity have not been addressed.

8.1. The Hillview farm is within the area of habitat for the listed threatened species (vulnerable, endangered, critically endangered) Superb Parrot (*Polytelis swainsonii*) and the Golden Sun Moth (*Synemon plana*). The Superb Parrot is well known in area and specifically on the Hillview farm and Hillview Drive during Spring when large numbers of parrots and fledglings feed within the farm and alongside Hillview Drive. The Golden Sun Moth is prolific in adjacent areas to Hillview farm. While agricultural activity means that habitat for the moth may not be present, there has been no assessment.

8.2. The farm is also adjacent to a major forest of Box-Gum Woodland an endangered ecological community (NSW) and critically endangered (Clth). The farm contains remnants and scattered trees of Box-Gum Woodland and it is important to retain and enhance these natural resources.

8.3. There are no assessment or measures to ensure that threatened fauna and flora species will not be impacted by this proposal and the wider redevelopment as a high production rural farm.

8.4. Proponent needs to address natural native resources and biodiversity impacts of the whole redevelopment plan for the farm and provide information on the measures they will undertake to restore and rehabilitate the land to negate any impacts.

8.5. Council should impose a seasonal restriction on truck movements and construction activities to protect threatened species on the site.

9. SOEE has not addressed all relevant goals of the Plans for the Yass Valley

9.1. South East and tableland regional plan 2017 – vision *“A borderless region in Australia’s most geographically diverse natural environment with the nation’s capital at its heart”*

9.1.1. Goal 2 *A diverse environment interconnected by biodiversity corridors* is not mentioned at all. This is a major oversight. Is this addressed in the Hillview farm ‘masterplan’? See point 7 above and also general comments below.

9.2. Tablelands 2016-2036 Regional Community Strategic Plan – vision *“To build and maintain sustainable communities while retaining the regions natural beauty”*

9.2.1. Does not effectively address the EN pillar *“We appreciate our range of rural landscapes and habitats, and act as custodians of the natural environment for future generations”*

9.2.2. EN1 is wider than just rural landscape. There is no response dealing with the enhancement of the natural native environment. EN2, EN3 and EN5 also need to be specifically addressed.

9.2.3. Appreciated that rural landscape will continue rather than large scale housing or other commercial developments.

9.3. Yass Valley Local Environment Plan

9.3.1. The DA has only addressed the earthworks section of the YV LEP

9.3.2. This DA and the redevelopment to a high production rural farm need to fully address the impact on the natural resources (within and adjacent to the land)

9.3.3. Salinity, Groundwater vulnerability and Natural resource biodiversity. Note the maps attached to the LEP

Council should require further information of the proponent to address all relevant plans that apply.

10. General: Environment and biodiversity

Historically, farming of Hillview was established by large scale clearing of the natural vegetation. Such clearing has major environmental impacts and today this would not be permitted or be highly restricted. While this land is zoned primary production, the current owners need to recognise this impact and put in place measures to rehabilitate and enhance native vegetation that was pre-existing prior to European settlement.

The proposed future redevelopment of Hillview farm will benefit from any measure to improve the native vegetation as will the natural environment. Essentially, there has been no restoration of native vegetation on Hillview farm.

There are important scattered Box-gum native trees on the farm and a substantial native forest is adjacent on the north east boundary. What is seriously lacking is green corridors to provide linkages of native vegetation and habitats for birds and wildlife across this farm and landscape. Native vegetation corridors provide valuable food and shelter for different types of fauna, improve water quality and they also assist in stabilising site soils to minimise erosion to benefit agricultural pursuits.

Biodiversity is irreplaceable and the proponent has a moral and social obligation to undertake rehabilitation and enhancement of the current environment by providing green corridors.

Proponent should provide information on what they are committed to do to enhance and rehabilitate the natural environment.

Comment on Development Application by Hillview Acreage Pty Ltd at Murrumbateman

Summary

Throughout this Application there are inconsistencies, contradictions and omissions. In its current form this Application is a thinly disguised attempt to dump some 65,000m³ of excavated material from Canberra Airport and possibly elsewhere on the Hillview site at Murrumbateman.

Excavated Material

Throughout this Application the excavated material (EM) is referred to as sediment, there is only one reference to 65,000m³ of sediment including rock and soil this implies sediment is the principal component of the EM. Sediment consists of silt, sludge and alluvium, it requires stabilisation for use in roads, bases and similar situations. Suitability of the EM for its intended purpose is not provided, it must be prior to approving the Application, failure to do so can result in unsightly permanent EM stockpiles.

The EM is referred to as ENM throughout the Application, no evidence is provided to support this assertion. Also, there is no reference to fully independent ongoing testing and monitoring to ensure ENM criteria are met throughout the operation. Essentially a 40m x 40m x 40m cube of EM is being transported from Canberra Airport to Hillview, there is ample scope for quality variations in this amount of EM.

How the EM will be stockpiled on site varies throughout the Application, pits, stockpiles and spread out across the site. This implies an ad hoc approach rather than a managed plan for disposing of the EM on site.

Roads

Roads are referred to as all weather roads with some 34,074m³ of EM being required. This figure equates to 18.93 km of road construction 4.5m wide and 400mm deep. If such roadwork is raised above the adjacent ground level the impact on flow lines has to be addressed, it is not. If such roadwork is at adjacent ground level then what happens to the material removed to accommodate the imported material.

The Application states that access roads will be built first, these are described as 4.5m wide gravel 300/400mm deep, implying that some 34,074m³ of gravel will be imported. This equates to some 3,000 truck extra journeys. Importing this amount of gravel will result in about half of the EM from the Airport being unused.

The contradictions in the road component imply a lack of proper planning and management for what is a very large earth moving operation.

Risk Management

Anything in the Application that may be construed as risk management is essentially ad hoc and post the event.

The environmental impact of such a large volume of EM and surface disturbance caused by equipment poses a potentially significant risk of material entering adjacent waterways during a storm. How this risk will be managed is not addressed.

Managing dust risk for adjoining properties from the site during the earthmoving operation and afterwards is not addressed. This risk is exacerbated when there is a shortage of water to lay the dust.

Conclusion

In its present form the Hillview Application should not be supported by the Council.

27th January 2020

Development Planner
Yass Valley Council
PO Box 6
YASS NSW 2582
Attention: Jeremy Knox - council@yass.nsw.gov.au

Dear Jeremy

RE : DA190211 - Hillview Drive, Murrumbateman
Importation of 65,000m³ for the construction of internal access roads and future building pads

My family and I have been fortunate enough to reside within the Murrumbateman area for some 18 years and more recently have purchased our own home . I have seen firsthand the progression and development as this area has grown, bringing many families and considerable development.

We are pleased to see the Snow Family (Terry and Ginette Snow) through Hillview Acreage Pty Ltd opportunities for the development of "Hillview" as a major rural holding in the area and their desire to restore "Hillview" to its previous stature, when managed by Sir Walter Merriman, as a prestigious sheep and cattle farm. We do however have some concerns about the numerous trucks that will be using Hillview Drive to bring fill onto site – approximately 6,000 trucks in total. Hillview Drive currently is only just wide enough for two cars let alone numerous large trucks.

Two of the proposed entries points (one directly opposite our entry and the second only metres from our entry) are located on a blind spot/bend with a crest in the road which will present numerous concerns for residents and any other traffic as truck will be required to veer out into oncoming traffic to turn in, we have witnessed numerous farming vehicles on numerous occasions veering across both lanes to gain entry into existing yards and adjacent sheds and silos. Currently Hillview Drive from the Barton Highway there are no sign posted speed limits and we believe provisions to reduce the speed limit and provide a designated turning lane for the numerous trucks would be beneficial for all.

As a resident impacted by the proposed entries we have concerns about the safety of our family and the numerous children, residents and individuals in the area. Other concerns if the development was to go ahead relate to current road, Hillview Drive and the impact from the increase in traffic.

We are not opposed to the development – but believe provisions should be made within the Development Application to improve Hillview Drive to accommodate the increased traffic loads, thought should be given to implementing turn in lanes for the trucks and the introduction of reduced speeds limits.

Thank you for allowing us to submit our concerns.

Yours Sincerely



Jeremy Knox

From:
Sent: Monday, 27 January 2020 5:30 PM
To: YVC Customer Service Team
Subject: FW: Hillview DA 190211 Concerns
Attachments: Hillview Development Application Concerns.doc

Dear General Manager

Yass Valley Council

As owner of recommendations of 'Murrumbateman I advise that I fully support the sentiments, opinions and as expressed in their submission attached to this email.

Kind Regards

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<http://www.mailguard.com.au/mg>

[Report this message as spam](#)

* Attachment.

27th January 2020

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Yass Valley Council
PO Box 6
YASS NSW 2582
Attention: Jeremy Knox - council@yass.nsw.gov.au

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