



Ordinary Meeting of Council

Thursday 24 March 2022

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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PLANNING PROPOSAL (Updated and Amended) 7 ICETON PLACE, YASS

23 July 2020

Amended – 17 December 2021

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Date: 23 July 2020

Amended – 17 December 2021

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EXECUTIVE SUMMARY

This Planning Proposal report has been prepared by Hugh Dennett Pty Ltd on behalf of Iceton Investments Pty Ltd (the proponent) in support of a proposed amendment to the Yass Valley Local Environmental Plan (LEP) 2013 relating to land at 7 Iceton Place, Yass (the site).

The site is currently zoned R5 – Large Lot Residential. It is proposed to amend the LEP to reduce the applicable minimum lot size for the majority of the site from 10ha to a combination of 1ha and 2ha. This will facilitate a future development application for a rural residential subdivision of the site into 71 residential lots. It is also proposed to amend the LEP to apply an C2 – Environmental Conservation zone to environmentally sensitive land within Lot 72.

The Planning Proposal was originally considered by Yass Valley Council at its meeting held on 23 September 2020, whereupon Council determined to forward the proposed LEP amendment to the Department of Planning, Industry and Environment (DPIE) for a gateway determination.

The DPIE issued a Gateway Determination on 18 November 2020, requiring the Planning Proposal to be placed on public exhibition and sent to several public authorities for consultation.

This updated and amended Planning Proposal has been prepared in response to issues raised during the consultation process. Key changes are:

- A reduction in the amount of residential lots from 72 to 71;
- The expansion of the Community Title lot along O'Briens Creek (Lot 72) from 9.1ha to 24.91ha. This lot now incorporates a much larger area of habitat for threatened species;
- Changing the zone of Lot 72 from R5 to C2 – Environmental Conservation;
- Alterations to the configuration of some lots and building envelopes;
- Retaining a minimum lot size of 10ha for the land within Lot 62 and Lot 72;
- A proposed Voluntary Planning Agreement (VPA) between the developer and Council to ensure the creation of an in perpetuity conservation agreement over Lot 62; and
- The provision of a reticulated non-potable bore water supply to all residential lots and the creation of an additional Community Title lot (Lot 73) to contain reservoir tanks.

In addition to the above, further detailed flood investigations and additional traffic modelling have been carried out.

There have been no changes to the proposed road layout or access points into the subdivision.

1. INTRODUCTION

This Planning Proposal seeks to amend the Yass Valley Local Environmental Plan (LEP) 2013 to reduce the minimum lot size applicable to 7 Iceton Place, Yass from 10ha to a combination of 1ha and 2ha (with the exception of the land within Lot 62 and 72 which are now proposed to retain a 10ha minimum lot size). It is also proposed to amend the LEP to apply an C2 – Environmental Conservation zone to environmentally sensitive land within Lot 72.

If approved, the Planning Proposal will allow the site to be subdivided into approximately 71 large lot residential allotments and two community title lots (subject to development consent).

This Planning Proposal was originally considered by Yass Valley Council at its meeting held on 23 September 2020, whereupon Council determined to forward the proposed LEP amendment to the Department of Planning, Industry and Environment (DPIE) for a gateway determination.

The Department of Planning, Industry and Environment (DPIE) issued a Gateway Determination on 18 November 2020, requiring the Planning Proposal to be placed on public exhibition and sent to several public authorities for consultation. An alteration to the Gateway Determination was issued on 10 November 2021. It extended the time frame for completing the LEP amendment to 18 May 2022.

This updated and amended Planning Proposal has been prepared in response to issues raised during the consultation process. Appendix 1 contains the amended Proposed Plan of Subdivision of the site (17037_PPS7-100: Rev F). It shows 71 residential lots ranging from 1ha to 9.3ha and two community title lots of 24.91ha and 2,380m².

The proponent intends to submit a Development Application for the subdivision of the site shortly after the submission of this amended Planning Proposal.

1.1 PLANS AND SPECIALIST INVESTIGATIONS

The amended subdivision plan has been prepared with reference to the site's constraints and attributes and with reference to the issues raised during the consultation process and the additional investigations carried out to address them.

The reports and plans prepared in support of this Planning Proposal are provided as appendices under separate cover, and listed in Table 1 below. Amended or new information is labelled as such.

Table 1 – Plans and Reports

Plan / Report	Prepared By	Reference	Date
Proposed Plan of Subdivision – <i>Amended</i>	Genium Civil Engineering	17037_PPS7-100 (Rev F)	27/10/2021
Proposed Plan of Subdivision (Land Zoning Map) – <i>New</i>	Genium Civil Engineering	17037_PPS7-120 (Rev F)	27/10/2021
Proposed Plan of Subdivision (Minimum Lot Size Map) – <i>New</i>	Genium Civil Engineering	17037_PPS7-150 (Rev F)	27/10/2021
Existing Utility Services – <i>Amended</i>	Genium Civil Engineering	17037_PPS7-200 (Rev F)	27/10/2021
Flood Mapping – <i>Amended</i>	Genium Civil Engineering	17037_PPS7-300 (Rev F)	27/10/2021
Land Capability Constraints – <i>Amended</i>	Genium Civil Engineering	17037_PPS7-400 (Rev F)	27/10/2021
Ecology Mapping – <i>Amended</i>	Genium Civil Engineering	17037_PPS7-500 (Rev F)	27/10/2021
Existing and Proposed Riparian Zones – <i>Amended</i>	Genium Civil Engineering	17037_PPS7-600 (Rev F)	27/10/2021
Site Constraints Map – <i>Amended</i>	Genium Civil Engineering	17037_PPS7-700 (Rev F)	27/10/2021
Biodiversity Development Assessment Report (Draft) – <i>Amended</i>	Capital Ecology	Project no. 2909 Draft version 04	23/04/2021

Bushfire Strategic Study	Ember Consultants Bushfire	RM.08.20	03/06/2020
Annexure to Bushfire Strategic Study – <i>New</i>	Ember Consultants Bushfire	RM.69.21 (Version 1.0)	29/04/2021
Preliminary Site Investigation for Contamination	Douglas Partners	94291.00 – R.001.Rev0	04/10/2019
Aboriginal Cultural Heritage Assessment Report	Past Traces Pty Ltd	CHA.V2	05/11/2019
Icton Place Flood Study	GRC Hydro	190032	06/09/2019
Icton Place Flood Assessment – Planning Proposal 2020/03 – <i>New</i>	GRC Hydro	190032 (Version 3)	27/09/2021
Land Capability Assessment – <i>Amended</i>	Soil and Water	Version 2	23/11/2021
Traffic Impact Assessment	Genium Civil Engineering	17037	25/06/2020
SIDRA Modelling of the proposed Yass Valley Way / New Subdivision Road intersection, in Yass, NSW – <i>New</i>	Genium Civil Engineering	Nil	March 2021
Non-Potable Water Supply Concept Plans – <i>New</i>	OCRE	2117	28/10/2021
Aquifer Test Results – <i>New</i>	Hydroilex Geological Consultants	Hydroilex Report HG21.9.2CA_final	25/10/2021

1.2 AGENCY SUBMISSIONS

During the consultation process agency submissions were made by:

- Natural Resources Access Regulator (NRAR);
- Department of Primary Industries – Fisheries (DPI Fisheries);
- Essential Energy;
- Heritage NSW;
- Optus;
- Transport for NSW (TfNSW);
- TransGrid;
- WaterNSW; and
- Department of Planning, Industry and Environment – Biodiversity and Conservation Division (DPIE).

In addition, Yass Valley Council advised that they recommend consideration be given to an additional road access from Rayner Place be provided to the site to balance the traffic volume on the Yass Valley Way.

Optus, DPI Fisheries, WaterNSW and TfNSW raised no objections to the proposal.

The issues raised by the other agencies and Council have been addressed and are discussed in detail below with reference to the amended subdivision plan and additional information submitted with this amended Planning Proposal.

1.2.1 Natural Resource Access Regulator (NRAR)

The NRAR's recommendations and comments relate to:

1. The provision of reticulated town water and sewer to the development;
2. Confirmation regarding the potable and non-potable demands for the proposed land use and access to a viable water supply be provided;
3. Impacts to town water bores; and
4. Management and configuration of buffer to O'Briens Creek.

1.2.1.1 Response

Potable Water

The provision of a reticulated town potable water supply to the site is not feasible. Council's water supply area is defined in Council Policy WS-POL-1 - Water Supply. Clause 2.4 of this policy states the following:

"Supply area shall be limited to urban areas or existing areas of supply, please refer to attached maps of Yass, Bowning, Binalong & Murrumbateman."

The map provided within the policy shows that the site is not within the current water supply area, meaning that demand created by any development of the site has not been factored into the ultimate capacity of the Yass Dam. Moreover, major upgrades to some 2.5km of water main would be required even if water was available from the Yass Dam.

Subsequent to receiving the NRAR's comments the proponent consulted with Council about the potential for providing town water supply to the part of the site proposed to have a minimum lot size of 1ha (currently 24 lots). However, it was found that it is not possible to obtain adequate pressure to the lots from the Council water supply without the need for significant infrastructure upgrades. Therefore, the proposal remains unchanged in regards to potable water supply to all residential lots being through the independent capture and storage of roof water in potable water tanks – noting that it is a standard requirement of Council's in the region to require new dwellings not connected to town water to be provided with a minimum 90,000 litres or more of water tank storage. It is anticipated that Council will require any future dwellings to be provided with sufficient capacity for the storage of potable water.

Non-Potable Water

In response to the NRAR's recommendation, the Planning Proposal now includes the provision of a reticulated non-potable water to all of the residential lots from a community bore located on Lot 72. The bore has been located with reference to aquifer test results, of which key findings are:

- The positive head and extremely rapid recovery rate reflect a positive head and likely connection to an extensive aquifer system; the geological target in which the bore is located is an extensive fracture linear N-S zone along the axis of the adjacent watercourse;
- The bore has the ideal advantage of a high head and deep aquifer system which facilitates optimum pumping conditions;
- The results confirm that the bore far exceeds the project requirement of 8-10ML per annum, where testing has revealed a capacity of 43-57ML subject to discharge rate; and
- At the test rate, the bore may be pumped continuously for up to 7 days to fill tanks and domestic storages for the proposed development.

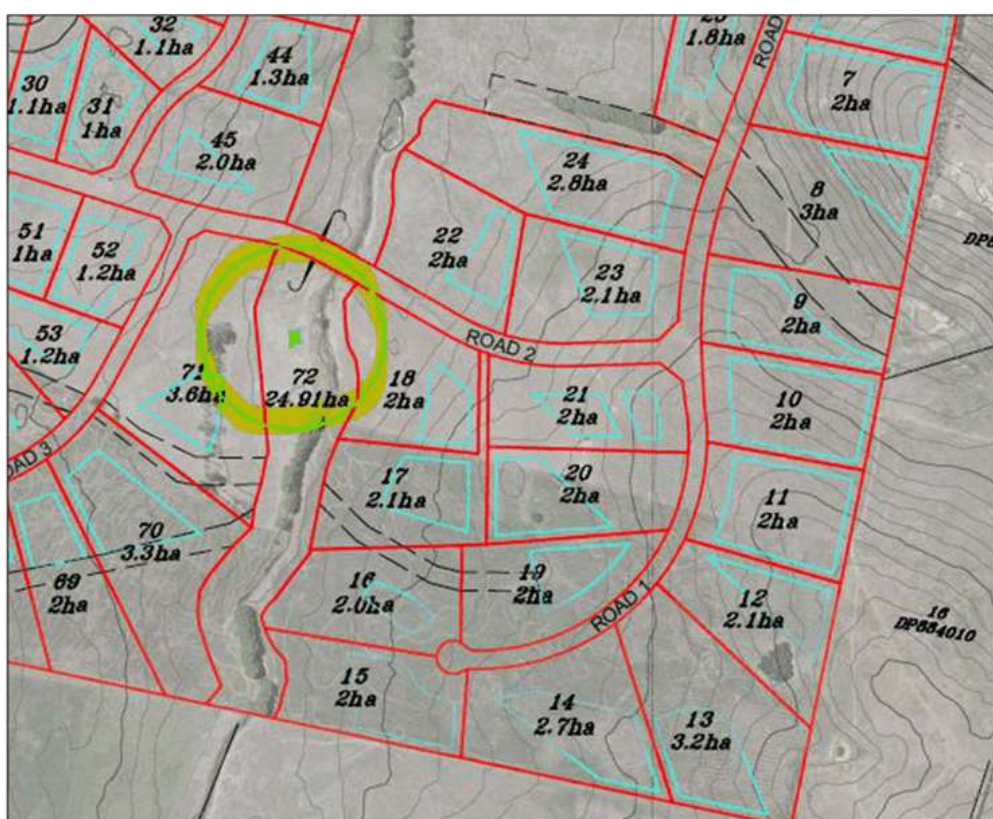
Refer to the detailed Aquifer Test Results by Hydroilex Geological Consultants submitted with this amended Planning Proposal for further information about the proposed community bore.

A detailed Water Supply Plan has also been prepared and is submitted with this amended Proposal. Water from the bore will be pumped to reservoir tanks located on community lot 73 and piped to dedicated non-potable water tanks within each residential lot.

An approval for the non-potable water supply will be required to be obtained as part of any future Development Application.

Figure 1 below shows the location of the proposed bore (south of the new bridge over O'Briens Creek).

Figure 1 – Proposed Location of New Bore



The provision of a reticulated non-potable water supply to each lot will negate the need for future owners to seek to install individual bores in the future. However, should the NRAR still have concerns about this a restriction on the title of each lot can be imposed prohibiting the construction of any additional bores.

Effluent Disposal and Connection to Town Sewer Network

Provision of sewerage services to the site would require the provision of significant infrastructure. The existing sewage pumping station (SPS) at the intersection of Yass Valley Way and Rayner Place is already at capacity. Whilst there is no land reserved for this purpose, a new significantly larger SPS would need to be constructed along with a new rising main to transport sewage up the hill to connect to the existing gravity reticulation system in Yass.

Whilst the construction of the required sewerage infrastructure to service the site would not be insurmountable, it would be cost prohibitive and also place additional demand on existing Council infrastructure such as trunk mains, Riverbank SPS and the treatment plant which have not been factored into Council's infrastructure planning or development servicing plan (s.64 plan). Also, it is understood that Council is not supportive of reticulated sewer being provided to the site.

In regards to the suitability of on-site effluent disposal, the amended Land Capability Assessment demonstrates that each proposed lot is suitable for on-site disposal, taking into account the various constraints to effluent disposal. Twelve of the proposed lots will be required to have secondary treatment measures applied for the protection of groundwater.

Please refer to the amended Land Capability Assessment for further details.

Potential Impacts to Town Water Bores

The Land Capability Assessment submitted with the original Planning Proposal discussed in some detail the two town water supply bores located in the vicinity of the site and proposed suitable buffers and other measures to ensure there is minimal risk of contamination. The amended Land Capability Assessment includes consideration of the proposed new bore for non-potable supply. Key findings and recommendations from the Land Capability Assessment regarding the town water bores are provided below.

Two town water supply bores are approximately 100m west of the site's boundary and are 110-120m deep. Bores generally require a 250m buffer distance from the nearest effluent disposal areas to ensure there is minimal risk of contamination. However, the Land Capability Assessment demonstrates that it is safe and practical to adopt a 150m buffer in this instance as applying a 250m buffer would greatly limit the opportunities for onsite effluent disposal.

A 150m buffer to the two town bores is considered to be appropriate by the Land Capability consultant due to the following mitigating factors:

- The bores are located on the opposite side of a central drainage depression which will form a hydrological barrier to any potential contamination resulting from run-off from effluent irrigation areas;
- The bores are used infrequently, particularly since the upgrade of the Yass Water Supply Weir;

- The proposed lots that would intersect a 250m buffer are limited in number (12). Effluent management practices on these lots will include special measures such as Advanced Secondary Treatment Systems with disinfection, and with effluent dispersal via subsurface drip irrigation – thereby ensuring the highest quality treated effluent with minimal chance of contamination;
- The depth to the main water bearing zones in the area exceeds 20 metres therefore there is a vertical separation between effluent dispersal areas and water bearing zones of >20m and minimum horizontal separation of >150m to town water supply bore;
- Low application rate of minimum secondary treated and disinfected effluent, to the surface or near surface; and
- Low transmissivity of fractured rock groundwater aquifers that underlay the area.

Buffer to O'Briens Creek and Management of Riparian Land

The banks of O'Briens Creek have been surveyed and the revised lot layout is based on measurement of the riparian zone from the creek bank rather than the centreline of the creek.

In order to incorporate the majority of the striped legless lizard habitat west of the creek into the Community Title lot, the averaging provisions of the NRAR guidelines have been applied to widen the riparian zone on the western side and reduce it to the minimum of 20m wide on the eastern side where the habitat is less prominent. A riparian area based on the standard 40m wide buffer each side measured from the creek bank would be 12.33ha. The proposed riparian area using the averaging is 12.46ha.

The vast majority of the riparian zone is within the Community Title lot which will be subject to binding conservation and management. All indicative building envelopes have suitable buffers from the riparian zone.

1.2.2 Essential Energy

Essential Energy commented that the proposed lot layout indicates that their existing overhead powerlines and associated easements will be located within future residential lots. It is Essential Energy's preference that electrical infrastructure is located in road reserves or public reserves.

1.2.2.1 Response

The site is burdened by four separate power easements which contain major overhead power distribution lines, two of which are the responsibility of Essential Energy. These two easements run across the site from west to east and do not at all correspond to the configuration of the existing road network, adjoining subdivisions or any public reserves (refer to the Existing Utility Services plan). Therefore, it is not possible to include these easements into the proposed subdivision's road network as a logical extension of existing development.

All indicative building envelopes are located clear of Essential Energy's easements.

1.2.3 TransGrid

TransGrid's comments relate to their electricity infrastructure that is located within easements in the south-western corner of the site (within proposed Lot 62, previously labelled as Lot 63). TransGrid request that the affected lot have a minimum lot size of 9ha applied so as to prevent further subdivision that could 'crowd out' TransGrid's easements and infrastructure.

1.2.3.1 Response

This amended Planning Proposal includes the retention of a 10ha minimum lot size for the affected lot (Lot 62), thus preventing any further subdivision.

1.2.4 Heritage NSW

Heritage NSW recommended that Council undertake a visual impact analysis to assess and identify the impact of proposed smaller lots and subsequent development on views to and from the 'Cooma Cottage' heritage item located to the north of the subject site at 756 Yass Valley Way.

1.2.4.1 Response

Any impacts on views to and from 'Cooma Cottage' heritage item will be negligible. 'Cooma Cottage' is located within a large lot on the other side of a rise down towards the Yass River. It is not visible from its entry off Yass Valley Way, from the Yass Valley Way frontage, or from any point within the subject site.

The topography of the locality means that any views to 'Cooma Cottage' and its landscape from within the subject site (and from the cottage to the site) are from a great distance, noting that the subdivision which directly adjoins the eastern boundary of the subject site (accessed from Dog Trap Road) blocks views between the 'Cooma Cottage' lot and the northern part of subject site.

1.2.5 Department of Planning, Industry and Environment (DPIE) – Flood Risk

The DPIE requested detailed consideration be given to numerous issues relating to flood risk to ensure that the implications of the full range of floods, including events greater than the design flood, up to the Probable Maximum Flood (PMF), are properly considered.

1.2.5.1 Response

GRC Hydro Pty Ltd was engaged to carry out an additional flood assessment in accordance with the DPIE's submission, including modelling of extreme events and potential future conditions due to increased urbanisation and climate change impacts. The flood assessment also includes a discussion of the relevant planning policies. As part of this additional work, consultants from GRC Hydro also had follow up discussions with DPIE staff to clarify their requirements.

GRC Hydro's assessment demonstrates that:

- All lots have building envelopes that are situated outside of the mainstream 1% AEP event extent;
- All building envelopes have room for development outside of the 1% AEP overland flow extent;
- Flows within proposed building envelopes are low hazard (H1 to H2) during the 1% AEP event;
- All building envelopes have sufficient space for development outside of the high hazard areas of O'Briens Creek and overland flow PMF flooding;
- For the Yass River PMF extent, 12 lots have building envelopes situated within the high hazard (H3 – H6) areas, however, all of these lots have rising road access to land above the PMF;
- There are no off-site flood impacts in the 1% AEP event and PMF flood impacts are negligible;
- Potential Future Conditions, which considered increased urbanisation and increases in rainfall associated with climate change, are expected to result in an increase in 1% AEP flood level of less than 0.2 m, which is within the freeboard of the Flood Planning Level (0.5 m);
- All building envelopes have room for development outside of the Flood Planning Area;
- No building envelopes are situated within the 1% AEP event Flow Conveyance areas; and
- Internal and external site access is available for events exceeding the 1% AEP event. There are expected to be limited isolation potential and emergency services access issues.

No significant bulk earth works are required to manage flood risk for the site. Some limited diversion works and landform changes are recommended in the flood assessment to reduce flood hazard at proposed building envelope locations during extreme events as well as improve driveway access. Three swales 5m, 10m and 15m wide respectively, and two areas of fill are proposed, affecting a total of seven lots – refer to Figure 2 below. The blue markings indicate the swales, the red indicate the areas of fill.

Figure 2 – Proposed Earthworks



GRC Hydro advise that the fill could be obtained from the cut for the channels, with additional fill obtained from within the site if required to result in a neutral cut/fill ratio to minimise loss of flood storage. Also, the proposed works do not result in any additional biodiversity impacts.

It is anticipated that the two levees and three channels will be subject to an s.88B Instrument under the Conveyancing Act 1919 to create easements and ensure that their functionality is maintained over time. Maintenance is anticipated to only consist of an occasional removal of sediment build up within the channels.

The following issues are required to be address at the DA stage to ensure that the development adequately manages flood risk:

- Development of the site is to achieve, at a minimum, the flooding outcomes described above.

- Bulk earthworks should result in a neutral cut/fill ratio within the FPA to minimise loss of flood storage. However, it is not expected that significant bulk earth works are required to manage flood risk for the site.
- Internal roads and driveways are to be designed to allow for flood free access in the 1% AEP event and to minimise hazard for extreme events.
- Drainage easements are required for all significant flow paths to ensure that development does not occur in these areas.

GRC Hydro state that provided the above measures are adopted, the Planning Proposal for is consistent with the Ministerial Direction 4.3 – Flood Prone Land.

1.2.6 Traffic

Yass Valley Council recommended the proponent consider providing an additional road access from Rayner Place to balance the traffic volume on the Yass Valley Way.

1.2.6.1 Response

Refer to the Additional Traffic Modelling Data submitted with this amended Planning Proposal. This demonstrates that the proposed single access point to Yass Valley Way will have sufficient capacity to cater for the development.

The proponent is not in favour of a third access being provided via a connection to the end of the existing Rayner Place road reserve for a number of reasons.

- A great deal of effort has been made to avoid and minimise impacts on biodiversity values across the site. The proposed access to Rayner Place would go directly through the main area of golden sun moth habitat and as such would have a negative impact on biodiversity at the site.
- A connection to Rayner Place is likely to divert a significant amount of the traffic from the western portion of the proposed development which will use this access as the most direct route to Yass Valley Way. This has the potential to create a significant increase in traffic using Rayner Place particularly as it is currently a no through road.
- The existing intersection of Rayner Place and Yass Valley Way is substandard and was raised in a number of the public submissions received by Council. Directing additional traffic along Rayner Place to this intersection will only exacerbate existing safety issues at this intersection and will create community opposition to the development.
- The existing intersection of Rayner Place and Yass Valley Way is located in close proximity to both the Glover Drive intersection and also O'Briens Creek bridge. Upgrade of this intersection to meet current standards would necessitate significant works including widening of the existing bridge which would be extremely costly and provide no benefit to the proposed development.

- The proposed access points included in the planning proposal application comply with both bushfire and flood planning requirements and as such an additional access is not considered to be warranted from an emergency management perspective.
- Additional traffic counts and traffic modelling have been undertaken to provide a more detailed assessment of potential impacts of the proposed Yass Valley Way intersection. The results of the modelling have been provided under separate cover and show that the proposed single access to Yass Valley Way will have sufficient capacity to operate at a satisfactory level of service without significant delays to vehicles travelling on Yass Valley Way or those entering and exiting the development. As such there is no traffic related justification for the proposed additional access point via Rayner Place.

1.2.7 DPIE – Biodiversity and Conservation Division

In their initial submission the BCD did not support the Proposal for the following summarised reasons;

1. The biodiversity values present on site have not been adequately avoided and protected. Further avoidance measures are required to reduce impacts to threatened species, namely the Golden Sun Moth (GSM) and Striped Legless Lizard (SSL);
2. Satisfactory on-going protection measures for GSM and SSL habitat have not been identified;
3. Lot 63 – Placement of building envelope and impacts to GSM habitat; and
4. Impacts to GSM and SSL habitat within proposed Lots 25-29 and 43 have not been adequately avoided or protected.

1.2.7.1 Response

Subsequent to the above comments being received, several discussions were held between the proponent's ecologist, officers from the BCD and Council in order to develop an amended Proposal that the BCD could support. As a result, the proposed development has been redesigned and now provides much greater protection of biodiversity – as detailed in the amended draft Biodiversity Development Assessment Report (BDAR) and summarised below.

Two threatened fauna species have been detected within the site – the Golden Sun Moth (GSM) and the Striped Legless Lizard (SSL). The proposed subdivision layout submitted with the original Planning Proposal would have avoided and protected 75% of GSM habitat, 60% of SSL habitat and 62% of native vegetation. In the amended subdivision layout **GSM and SSL habitat avoidance/protection has increased to 89% and 75% respectively** – refer to Figure 3 below.

Figure 3 – Ecology Mapping



The increased protection has been achieved mainly by the enlargement of the Community Title lot alongside O'Briens Creek (Lot 72). Some building envelopes have also been moved and reduced in size.

Community Title Lot 72

The enlargement of Lot 72 will provide a contiguous corridor of native vegetation and GSM and SSL habitat that also contains the O'Briens Creek riparian corridor. Further protection of this land is proposed by applying an C2 – Environmental Conservation zone.

The habitat and vegetation within Lot 72 will be protected and managed in-perpetuity via the implementation of a Biodiversity Management Plan (BMP) to be incorporated into the Community Management Statement. The BMP will need to be endorsed by Council and the DPIE.

Conservation Area – Residential Lot 62

Previously, three private Conservation Areas (CA) were proposed to be created within three separate residential lots. Two of these have now been incorporated into Lot 72, leaving only

one CA within Lot 62. This will contain an area of GSM habitat that is remote from the other habitat areas.

At 9.3ha, Lot 62 is much larger than any other residential lots within the subdivision. It is now proposed for this lot to retain a minimum lot size of 10ha to ensure the GSM habitat is not fragmented by any further subdivision. Note: As part of the anticipated future Development Application, Council has agreed to consider a variation to the minimum lot size permitted under Clause 4.6 of the Yass Valley LEP 2013 for Lot 62.

Voluntary Planning Agreement for Conservation Area

The Conservation Area (CA) for Lot 62 will be established under the Biodiversity Conservation Act 2016 to ensure the GSM habitat is protected and managed in-perpetuity. To ensure that the CA will be created it is proposed, (on the advice of the DPIE and Council), that the developer and Council enter into a Voluntary Planning Agreement (VPA). It is anticipated that, with Council's agreement, the VPA will form part of the conditions of consent for the future subdivision DA (if granted).

BCD Comments on Amended Subdivision Design

The BCD have reviewed the amended subdivision design and amended BDAR. The BCD state in comments dated 21 June 2021 that they will remove their objection provided that the Planning Proposal is revised as follows:

- *The area for the community title scheme should be reflected on the supporting maps;*
- *The community title scheme lot is mapped in the appropriate C2 zoning as per the mapping in the BDAR; and*
- *The Planning Proposal needs to include the developers commitment to a Voluntary Planning Agreement (VPA) between Council and the landholder to enter into an in perpetuity conservation agreement over land referred to as Lot 62.*

This amended Planning Proposal addresses all of the above matters.

1.3 AMENDED SUBDIVISION PROPOSAL

The major changes made to the proposed subdivision since the Gateway Determination was issued are:

- A reduction in the amount of residential lots from 72 to 71;
- The expansion of the Community Title lot along O'Briens Creek (Lot 72) from 9.1ha to 24.91ha. This lot now incorporates a much larger area of habitat for threatened species;
- Changing the zone of Lot 72 from R5 to C2 – Environmental Conservation;
- Alterations to the configuration of some lots and building envelopes;
- Retaining a minimum lot size of 10ha for land within Lot 62;
- A proposed Voluntary Planning Agreement (VPA) between the developer and Council to ensure the creation of an in perpetuity conservation agreement over Lot 62; and
- The provision of a reticulated non-potable bore water supply to all residential lots and the creation of an additional Community Title lot (Lot 73) to contain reservoir tanks.

The proponent intends to submit a Development Application for the subdivision of the site shortly after the submission of this amended Planning Proposal.

It should be noted that in order to provide increased biodiversity protection the draft subdivision design now includes three lots (Lot 25, 26 and 62) that are slightly less <10% than the proposed minimum lot size. As part of the anticipated future Development Application Council has agreed to consider a variation to the minimum lot size as permitted under Clause 4.6 of the Yass Valley LEP 2013.

2 SITE OVERVIEW

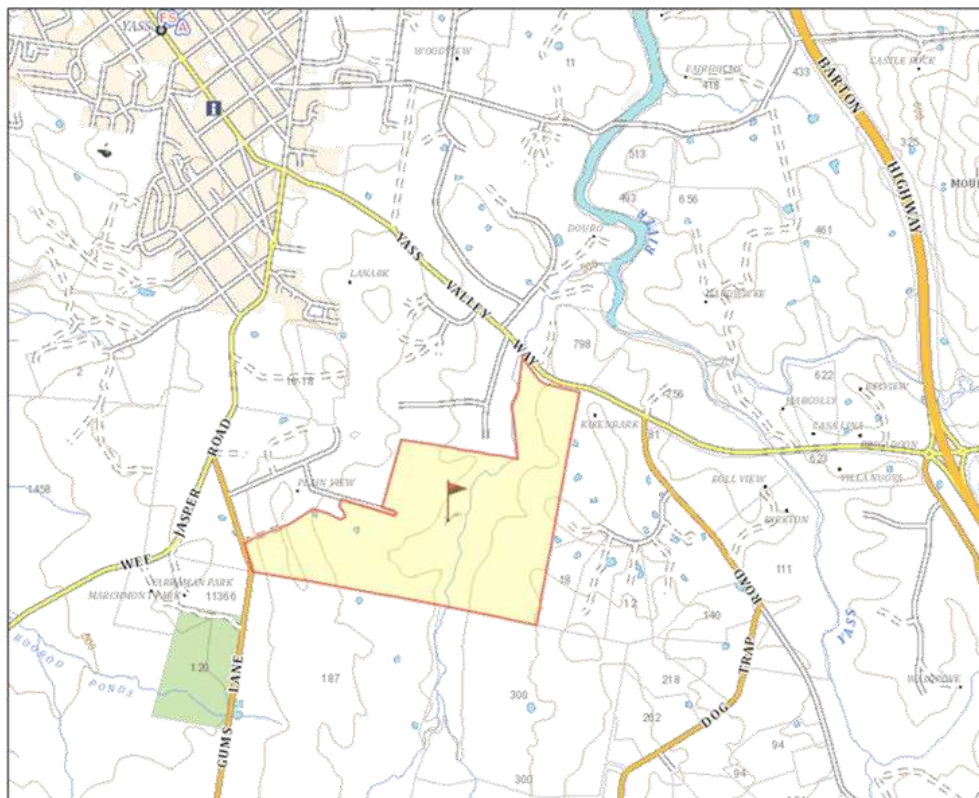
2.1 SITE DESCRIPTION AND LOCATION

The site is 7 Iceton Place, Yass. It is located within the Yass Valley Local Government Area, approximately 3km from the Yass town centre. Canberra is approximately 40kms to the south-east of the site, and Goulburn approximately 70kms to the east.

Figure 4 – Regional Context



Figure 5 – Locality Map



The site has a total area of 173.3ha, and comprises the following lots:

- Lot 2 DP 1243702 (72.95ha);
- Lot 13 DP 786575 (42.27ha); and
- Lot 14 DP 786575 (58.08ha).

Figure 6 – The Site



2.2 SURROUNDING LAND USES

The site adjoins established rural residential subdivisions to the north, east and west, while the southern boundary adjoins a significant area of cleared agricultural (grazing) land that is zoned RU1 – Primary Production. A portion of the site's northern boundary is to Yass Valley Way. Across this road is an area of land zoned E3 – Environmental Management.

The Yass Racecourse is located close to the south-western corner of the site.

The vegetation within the surrounding properties is similar to that present in the site (i.e. substantially modified and largely dominated by exotic species).

Note: No part of the site directly adjoins any urban residential areas of Yass, or any land zoned for that purpose.

2.3 SITE ATTRIBUTES

2.3.1 Land Use

Historically, the site has been used for agricultural purposes including grazing and pasture improvement. All structures on the site are associated with this use and include a barn, livestock pens, grain silos and water tanks, and a small pump shed.

2.3.2 Topography, Watercourses and Vegetation

The land within the site is generally undulating, displaying a range of slope gradients, with some steep areas.

O'Brien's Creek splits the site, flowing in a northerly direction to join the Yass River. There are four minor streams that drain into this creek. The site also contains two small dams and a bore.

The site is extensively cleared. Approximately 92% of the site has been pasture improved with exotic pasture species, with some scattered patches of native dominant pasture. There are some plantings of exotic trees, however, no naturally occurring trees exist on the site.

2.3.3 Accessibility

The main access to the site currently is from Iceton Place. The site also has road frontage to Yass Valley Way, Gums Lane, and Rayner Place.

2.3.4 Infrastructure

The site is burdened by existing bulk infrastructure consisting of:

- Four separate overhead powerlines;
- The Yass to Murrumbateman water supply pipeline; and
- The Sydney to Melbourne optic fibre cable.

The Existing Utility Services plan (17037_PPS7-200:Rev F) shows the location of the above infrastructure and their easements within the site.

The site itself is not connected to town reticulated water and sewer services, nor has any provision been made for servicing the site with water or sewerage in Council's Developer Servicing Plans (Section 64 Plans). Major infrastructure upgrades would be required to provide these services.

Electricity and telecommunications are available within proximity to the boundaries of the site. This infrastructure will be extended along new public roads to service each of the lots in the proposed future subdivision.

2.3.5 Current Zoning and Minimum Lot Size

The site is zoned R5 – Large Lot Residential under the Yass Valley LEP 2013 (Land Zoning Map - Sheet LZN_002B and LZN_001H), and has a minimum subdivision lot size of 10ha (Lot Size Map - Sheet LSZ_002B and LSZ_001H).

3 PLANNING PROPOSAL

This Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the NSW Department of Planning, Industry and Environment (DPIE) guidelines, “A Guide to Preparing Local Environmental Plans” and “A Guide to Preparing Planning Proposals”.

As required by section 3.33(2) of the EP&A Act, this Planning Proposal includes the following components.

- Part 1 – Objectives and intended outcomes.
- Part 2 – Explanation of provisions.
- Part 3 – Justification.
- Part 4 – Mapping.
- Part 5 – Community consultation.
- Part 6 – Project timeline.

3.1 PART 1 – OBJECTIVES AND INTENDED OUTCOMES

3.1.1 Objective

The objective of the Planning Proposal is to amend the Yass Valley Local Environmental Plan (LEP) 2013 to enable the development of 7 Iceton Place, Yass for a rural residential subdivision creating lots that are a minimum of 1ha and 2ha (with proposed Lots 62 and 72 retaining a minimum lot size of 10ha), while also providing greater protection to environmentally sensitive land within Lot 72 by applying an C2 – Environmental Conservation zone.

3.1.2 Intended Outcomes

The intended outcomes of the Planning Proposal are to:

- Assist in accommodating the projected population growth for the Yass Valley local government area within Yass and surrounds;
- Retain the existing large lot rural residential character of the band of development that surrounds Yass; and
- Protect environmentally sensitive land within the site.

3.2 PART 2 – EXPLANATION OF PROVISIONS

The proposed outcomes will be achieved by amending the Yass Valley LEP 2013 Lot Size Map (LSZ_002B) and (Land Zoning Map - Sheet LZN_002B) for 7 Iceton Place, Yass.

It was originally proposed that the majority of the site would have a minimum lot size of 2ha, with a smaller section having a minimum lot size of 1ha. As previously discussed, it is now proposed to retain the 10ha minimum lot size for the land within Lot 62 to ensure it cannot be further subdivided. In regards to Community Lot 72, it is now proposed to have an C2 – Environmental Conservation zoning applied, under which only very limited development is permitted. For the purposes of this amended Planning Proposal it is assumed that this land will retain the 10ha minimum lot size, however, the proponent has no objections to this being increased if deemed necessary.

Figure 7 below shows the proposed minimum lot size map.

Figure 7 – Proposed Minimum Lot Size Map for 7 Iceton Place

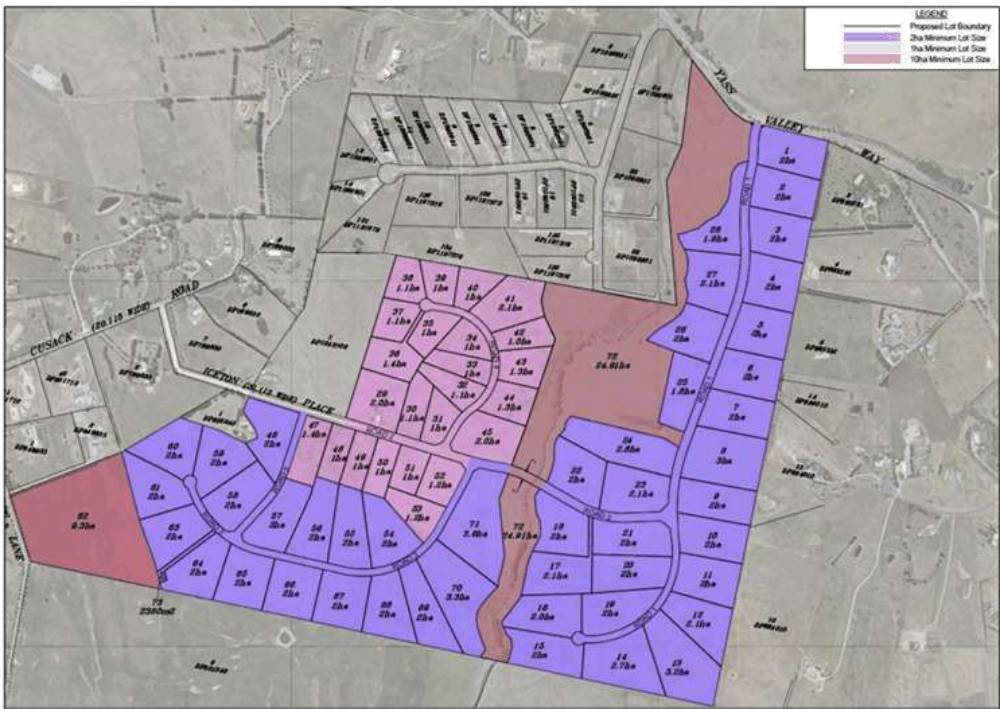
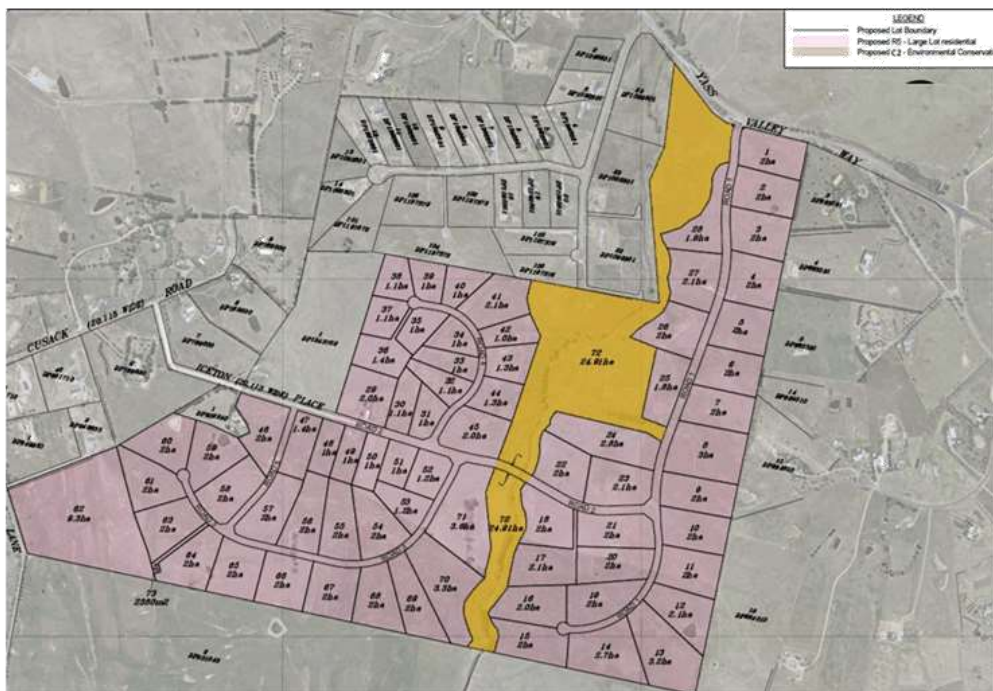


Figure 8 below shows the proposed zoning map.

Figure 8 – Proposed Zoning Map for 7 Iceton Place



3.3 PART 3 – JUSTIFICATION

This part sets out the case for making the proposed amendment to the Yass Valley LEP 2013 Lot Size Map and Land Zoning Map as it applies to the site.

Specifically, this part responds to the 11 questions listed at *Clause 2.3.1 – Questions to consider when demonstrating the justification*, in “A Guide to Preparing Planning Proposals”. The Guide separates the questions into following sections.

- Section A – Need for the planning proposal.
- Section B – Relationship to strategic planning framework.
- Section C – Environmental, social and economic impact.
- Section D – State and Commonwealth interests.

3.3.1 Section A – Need for the Planning Proposal

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

The Planning Proposal is a direct result of the Yass Valley Settlement Strategy 2036 given the site is identified as potential future residential expansion area. The Strategy suggested that the site could be rezoned R1 – General Residential from R5 – Large Lot Residential and with a minimum lot size of 1,000m². However, further investigation of the site demonstrates that it is more suitable for rural residential development, considering the site constraints and the existing rural and rural residential character surrounding the site. Land to the north, east and west of the site has a strong rural residential character being zoned R5 and with minimum lot size ranging between 2ha and 5ha.

The relationship of the Planning Proposal to the applicable regional and local strategic plans/statements is discussed in detail later under Section B – Relationship to Strategic Planning Framework.

The following reports have been prepared to support the Planning Proposal:

- Biodiversity Development Assessment Report (Draft);
- Land Capability Assessment;
- Non-Potable Water Supply Concept Plans;
- Aquifer Test Results;
- Flood Study and Flood Assessment;
- Bushfire Strategic Study (and Annexure);
- Aboriginal Cultural Heritage Assessment;
- Preliminary Contamination Investigation; and
- Traffic Impact Assessment and SIDRA Modelling.

The results of these reports are discussed in detail later under Section C – Environmental, Social and Economic Impact.

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

Yes, the Planning Proposal is the best and most efficient means of achieving the objective and intended outcomes.

Based on the currently applicable minimum lot size of 10ha, the site has the potential to yield up to a maximum of 17 new lots. Reducing the minimum lot size over the majority of the site to 1-2ha as applied to the draft subdivision design will yield up to 71 new residential lots.

The proposal will not require any new connections into town water and sewer services. Future dwellings will be supplied with potable water from on-site rainwater tanks, as is standard with

rural residential subdivisions. A reticulated non-potable water supply is also proposed for each residential lot.

The proposed development of the site can be achieved without any significant impacts to the environment, transport infrastructure, agricultural land, or the existing settlement character of Yass.

3.3.1.1 Alternative Approaches

Changing the zoning of the site from rural residential to small lot urban residential is an alternative approach to accommodating the majority of projected population growth within Yass and surrounds. Urban residential land within the town has typical minimum lot sizes of 700-1,000m² (0.07-0.1ha) whereas rural residential zoned land surrounding Yass has minimum lot sizes ranging from 1-16 ha.

The Yass Valley Settlement Strategy 2036 focusses on how Council can meet projected population growth and also identify potential greenfield land for potential future development. The Settlement Strategy identifies that part of the site west of O'Briens Creek, and a separate area of land to the north, may have the potential to be re-zoned to an urban residential zone, such as R1 – General Residential. Figure 9 below identifies this land.

Figure 9 – Settlement Strategy – Land for Potential Re-zoning



The section of land identified above that is not part of the subject site is currently zoned R5 and has a minimum lot size of 2ha. Its northern boundary adjoins the urban residential edge of Yass (land zoned R1 – General Residential). The Settlement Strategy discusses the potential of this land to be integrated with the adjoining urban residential development as a logical extension of the R1 zone and town services. In contrast, the Settlement Strategy provides no specific reasoning why the subject site could be considered suitable for rezoning, and does not include any acknowledgement of the site's significant constraints to urban residential development.

The existing site constraints, and the detailed investigations carried out for this Planning Proposal, clearly show that re-zoning the site to an urban residential zone would not be the best, most efficient or time effective approach to delivering additional residential lots in Yass. Furthermore, urban residential development of the site would have greater environmental impacts, would likely introduce conflicts with the adjoining agricultural land, and would not reflect the existing settlement character of Yass.

The constraints to urban residential development of the site are discussed in detail below.

3.3.1.2 Site Constraints to Urban Residential Development

Potable Water

Council's water supply area is defined in Council Policy WS-POL-1 - Water Supply. Clause 2.4 of this policy states the following:

"Supply area shall be limited to urban areas or existing areas of supply, please refer to attached maps of Yass, Bowning, Binalong & Murrumbateman."

The map provided within the policy shows that the site is not within the current water supply area, meaning that demand created by any development of the site has not been factored into the ultimate capacity of the Yass Dam. In addition, existing water mains adjacent to the site would not have sufficient capacity, and major upgrades to some 2.5km of water main would be required even if water was available from the Yass Dam.

The recently constructed Yass-Murrumbateman water pipeline does pass through the site, but it has not been designed to service individual properties along its route.

The provision of reticulated water to the site would be dependent on the conceptual Canberra to Murrumbateman water supply pipeline. At this stage the Canberra to Murrumbateman pipeline is a long term project which has had little or no investigation and there is no agreement in place with the ACT government to indicate it will ever go ahead. There is significant work to be done before this project could even be considered and it is likely that it will not eventuate for at least a 20-30 year timeframe.

Sewer

Provision of sewerage services to the site would also require the provision of significant infrastructure. The existing sewage pumping station (SPS) at the intersection of Yass Valley Way and Rayner Place is already at capacity. Whilst there is no land reserved for this purpose, a new significantly larger SPS would need to be constructed along with a new rising main to transport sewage up the hill to connect to the existing gravity reticulation system in Yass.

Whilst the construction of the required sewerage infrastructure to service the site would not be insurmountable, it would be cost prohibitive and also place additional demand on existing Council infrastructure such as trunk mains, Riverbank SPS and the treatment plant which have not been factored into Council's infrastructure planning or development servicing plan (s.64 plan). Also, it is understood that Council is not supportive of reticulated sewer being provided to the site.

Powerlines

The site is burdened by four separate power easements which contain major overhead power distribution lines. The size and major distribution nature of these power lines means relocation and/or reconstruction underground would be very cost prohibitive, assuming that TransGrid would even approve this.

In addition to the above, the relocation of the powerlines to locations that would suit any future urban residential development (i.e. meandering along residential streets) is unlikely to meet TransGrid's expectations to minimise the length of their assets and provide free and uninterrupted access to the power lines for maintenance.

In contrast, rural residential style developments provide significantly more design flexibility in the lot layout to allow existing powerline locations and easements to remain and traverse through individual lots (with any built form kept clear of the easements). The draft subdivision plan demonstrates that the site is able to be developed for lots of well under 10ha without impacting TransGrid's infrastructure or easements.

Yass to Murrumbateman Water Supply Pipeline

The site forms part of the route for the Yass to Murrumbateman water pipeline, which was constructed in 2019. Any relocation of the pipeline to facilitate urban residential development would be extremely difficult and costly. It is also very undesirable from an asset owner's point of view to have a major trunk main located through numerous small lot residential properties where access to yards for maintenance can be difficult.

The draft subdivision plan demonstrates that the site is able to be developed for lots of well under 10ha without impacting this pipeline.

Ideally, if the site is a priority for Council to one day be developed as an urban residential subdivision, an alternate route for the pipeline would also have been a priority.

Sydney to Melbourne Optic Fibre Cable

The Telstra Sydney to Melbourne Optic Fibre cable runs diagonally across the site. For the site to be developed as urban residential land, the cable would need to be relocated to coincide with road and/or open space locations rather than being within numerous individual residential properties.

The draft subdivision plan demonstrates that the site is able to be developed for lots of well under 10ha without impacting this cable or its easement.

O'Briens Creek

O'Briens Creek splits the site from south to north and is a major watercourse – categorised as a “fourth order and above” stream in accordance with the NSW Natural Resource Access Regulator (NRAR) classification system. As a result, the riparian zone for the creek takes up a substantial amount of land – refer to 17037_PPS7-600 (Rev F).

Riparian zones are environmentally sensitive. Impacts to riparian zones are significantly less with a rural residential type subdivision. The draft subdivision plan incorporates the vast majority of the O'Briens Creek riparian zone within a Community Title lot which will be managed to ensure the protection and enhancement of its environmental and amenity values.

In an urban residential development the riparian corridor would almost certainly be dedicated to Council as public land, who would be burdened with the ongoing maintenance and management of the area.

Importantly, the flood impacts of the creek are more easily managed in a rural residential development scenario due to the larger lot sizes.

Topography

The site is generally undulating but there are some parts of the site which are quite steep and not well suited to urban residential subdivision.

In urban residential subdivision, steeper blocks generally require significant retaining walls which are undesirable as they add cost to construction, require ongoing maintenance, can become a safety issue, and can create overshadowing when very high.

As a general principle grades over 12% are considered steep and not well suited to the small lots created in urban residential subdivisions. This equates to 2.4 – 4.8m fall across each lot for a standard 700m² lot. Figure 10 below indicates the areas of the site which are above 12% grade.

Figure 10 – Grades Above 12%



In contrast, a rural residential development with lot sizes 1ha and above allows for subdivision design such that every lot can be provided with a relatively flat building envelope. Indeed, slope grades of up to 15% are generally considered to be suitable for building envelopes. Furthermore, the additional space on each lot allows for battering rather than retaining where cuts and fills are required.

Traffic Impact

The Traffic Impact Assessment and additional SIDRA modelling prepared for this amended Planning Proposal demonstrates that a subdivision of the site applying the proposed minimum lot sizes will not result in the creation of any significant traffic impacts.

A small lot urban residential subdivision of the site with a minimum lot size of 700m² would potentially yield 880 lots and generate significantly more traffic than the proposed development.

Typical traffic generation rates based on Transport for NSW Standards are 7.4 vehicle movements per dwelling per day, with peak traffic volumes of 0.78 vehicles per dwelling in the peak weekday hour.

Table 2 below provides a comparison of projected traffic generation for various development densities.

Table 2 – Traffic Estimation

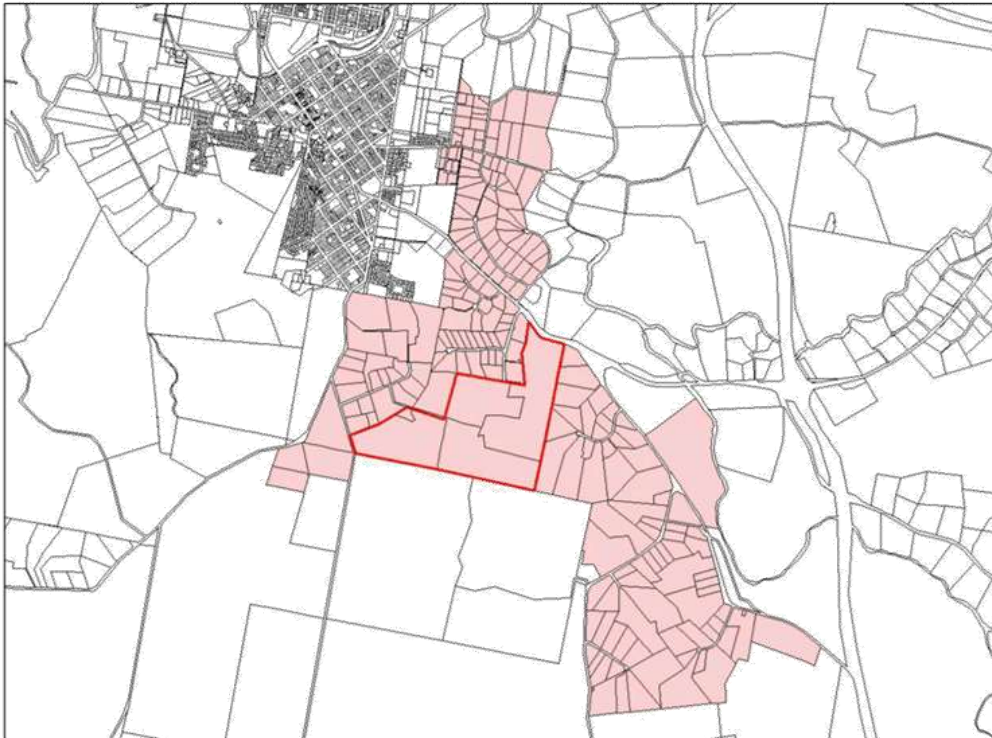
Zoning	Min. Lot Size	Lot Yield	Daily Traffic Generation	Peak Hour Traffic Gen.
R5	10ha	16	189	13
R5	1-2ha	72	533	56
R1	700m ²	880	6512	687

The above table shows that there is a significant difference in traffic generation between the various development densities and volumes. It is likely that an urban residential development would have a significant impact both on existing residences in adjoining subdivisions on Icton Place and Rayner Place, as well as affecting traffic flows on Yass Valley Way which currently carries some 4,551 vehicles per day and approximately 455 in the peak hour. In contrast, a rural residential subdivision as proposed by this Planning Proposal will allow for orderly growth without significant impacts to existing road infrastructure or existing residents on Icton place and Rayner Place.

Connection to Urban Land

The site does not directly adjoin any urban residential zoned land, nor does it adjoin any land identified in the Settlement Strategy as having potential for future re-zoning to urban residential. Therefore, if the site was re-zoned to permit urban residential development, it would not be contiguous with Yass's existing (and potentially any future) urban development. Furthermore, the contiguous band of large lot rural residential development that extends to the south-east of Yass would be broken up. Figure 11 below shows the site within the band of R5 zoned land, and the existing subdivision pattern.

Figure 11 – R5 Zoned Land



Interface with Agricultural Land

The southern boundary of the site adjoins a significant area of land zoned RU1 – Primary Production that is being used for agriculture. Re-zoning the site to permit urban residential development would result in a high potential for land use conflicts to arise with the adjoining agricultural land.

3.3.2 Section B – Relationship to Strategic Planning Framework

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

3.3.2.1 South East and Tablelands Regional Plan 2036

The South East and Tablelands Regional Plan 2036 is applicable to the Yass Valley local government area. The Plan sets regional planning priorities and provides a framework of goals, directions and actions to guide regional and local planning decisions.

This Planning Proposal will give effect to the relevant parts of the South East and Tablelands Regional Plan 2036. Refer to Table 3 below for discussion.

Table 3 – South East and Tablelands Regional Plan 2036

Goal	Relevant Direction	Comment
2. A diverse environment interconnected by biodiversity corridors.	18. Secure water resources.	Yass's water security issues are acknowledged in this Direction. The site is not within the Council's current water supply area, meaning that demand created by any development of the site has not been factored into the ultimate capacity of the Yass Dam. The proposed reduction in minimum lot size would not require the provision of reticulated potable water from the town supply or from a new bore. Any new lots will be able to be supplied with potable water from on-site rainwater tanks, as is standard with rural residential subdivision. A non-potable water supply is proposed from a new bore as part of the Community Title infrastructure.
3. Healthy and connected communities.	23. Protect the region's heritage.	A comprehensive investigation into the site's Aboriginal and European history has been carried out. The site contains no known Aboriginal or historical sites, objects, or features, and no potential heritage sites or archaeological deposits.

Goal	Relevant Direction	Comment
4. Environmentally sustainable housing choices.	28. Manage rural lifestyles.	<p>This Direction emphasises that rural residential development should:</p> <ul style="list-style-type: none"> • not conflict with environmental and agricultural lands; • be located close to existing urban settlements; • be on land free from natural hazards; • not exacerbate land clearing; and • not increase pressure on infrastructure and services. <p>The site is already zoned for rural residential development and is located in proximity to Yass township.</p> <p>The specialist studies carried out for this Planning Proposal support the development of the site for rural residential subdivision with minimum lot sizes of 1-2ha, demonstrating that:</p> <ul style="list-style-type: none"> • development will not conflict with environmental or agricultural lands either within the site, or adjoining; • the site is free of any significant natural hazards; • development will not increase pressure on infrastructure and services; and • will not exacerbate land clearing.

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

3.3.2.2 Yass Valley Settlement Strategy 2036

The Yass Valley Settlement Strategy 2036 was adopted by Council in 2017 endorsed by the DPIE in May 2019. It focusses on how Council can meet the projected demand for population growth, while acknowledging the constraints to growth.

The current population of Yass and district is estimated to be 7,587 (Source: profile.id). The Settlement Strategy states that the Yass Valley LGA is forecasted to grow to a population exceeding 25,000 people by 2036. It recommends that the majority of the growth be concentrated in Yass, and to a lesser extent Murrumbateman, – which would see Yass accommodating 20,000 people.

The Settlement Strategy recognises that growth in Yass is highly constrained, mainly due to issues with the supply of reticulated potable water, and may have difficulty reaching the 20,000 population target. It states:

The resolution of a secure water supply is the greatest constraint to development and growth in the LGA. It is only through the resolution of a secure water supply that the projected growth highlighted in this strategy can be accommodated.

The Yass Dam supplies water to Yass, the villages of Binalong and Bowning and some residents of Murrumbateman.

Even with the recent raising of the Yass Dam wall and construction of a pipeline to Murrumbateman, once the population of the centres reliant on Yass Dam increases above 15,500 an alternative source of potable water will be required.

The Settlement Strategy recommends three main ways to facilitate population growth within Yass:

- Developing existing residential zoned Greenfield sites;
- Encouraging urban renewal of some existing housing reaching the end of its useful life; and
- That Council reconsider applying smaller lot sizes on some of the existing Greenfield sites.

A strong focus of the Settlement Strategy is to avoid the proliferation of 'leapfrog' satellite settlements remote from the existing township.

Key Principles of the Settlement Strategy

The Settlement Strategy is guided by key principles and settlement specific recommendations for the future character and growth of the existing towns, villages and the peri-urban areas in the Yass Valley LGA.

Of the 16 key principles, 11 are applicable to the Planning Proposal to varying degrees. Table 4 below details the Planning Proposal's consistency with these principles.

Table 4 – Settlement Strategy Key Principles

Relevant Principle	Comment
Provide for a diversity of choice in residential land and dwelling types in a range of appropriate locations.	<p>The site is an appropriate location for a rural residential subdivision with minimum lot sizes of 1-2ha.</p> <p>The site is in the middle of a band of R5 – Large Lot Residential zoned land concentrated to the south and east of the Yass urban area. This band has a range of minimum lot sizes under the Yass Valley LEP 2013 of 1-16ha.</p>
Encourage development that responds to emerging demographic trends and associated lifestyle requirements.	Rural residential estates in proximity to towns are acknowledged in the Settlement Strategy as being a popular form of lifestyle housing.
Future development, particularly at the residential/agricultural interfaces should be planned for and managed to minimise potential conflict between adjacent land uses.	<p>It is appropriate that the site retain its rural residential zoning to provide a buffer to agricultural land and to minimise potential conflicts.</p> <p>The southern boundary of the site adjoins a significant area of land zoned RU1 – Primary Production that is being used for agriculture.</p> <p>The R5 zoned land to the north of the site extends to the urban interface of Yass. The majority of this land has already been developed for rural residential subdivision for lots with a variety of sizes, mostly 1-3ha.</p> <p>Reducing the minimum lot size of the site as proposed under this Planning Proposal would be a logical extension of the existing lot sizes between the</p>

Relevant Principle	Comment
	northern boundary of the site and the urban interface of Yass, while still providing a buffer to the agricultural land. Note that this Planning Proposal includes a minimum lot size for the part of the site which adjoins the primary production zoned land of 2ha.
Future development should be appropriately located in relation to: its scale, nature or type of development; the ability to provide infrastructure and services; the need for access and to ensure effective traffic management.	<p>The site is appropriately located for a rural residential subdivision with minimum lot sizes of 1-2ha.</p> <p>The supporting studies and draft subdivision design submitted with the Planning Proposal demonstrate that the proposed future development of the site can be satisfactorily serviced, and provided with suitable access without creating significant traffic impacts.</p>
Future developments should complement existing settlement structure, character and uses and allow for the creation of legible and integrated growth.	The Planning Proposal will allow for the legible and integrated growth of rural residential development above what the current minimum lot size permits for the site, while fitting into the existing settlement structure, character and uses of the rural residential band of development that surrounds Yass.
Long term land identified as potentially appropriate for urban purposes shall be safeguarded from inappropriate interim land uses and fragmentation that may compromise and conflict with the layout, orderly staging and mix of long term urban uses.	<p>The use of the site for urban residential lots connected to town reticulated water and sewer services is not appropriate.</p> <p>It is acknowledged that a portion of the site (west of O'Briens Creek) is briefly mentioned in the Settlement Strategy as a potential future residential expansion area which may have potential to be re-zoned to R1 – General Residential. However, importantly, the Settlement Strategy provides no specific reasoning why the land could possibly be considered suitable for rezoning to R1, and does not include any acknowledgement of the significant constraints to urban residential development of the site.</p> <p>The existing site constraints, and the detailed investigations of the site carried out for this Planning Proposal, show that the site is not suitable for urban</p>

Relevant Principle	Comment
	residential development.
Future development should strengthen the efficient use of infrastructure, services and transport networks and not overburden existing services elsewhere.	A future development of the site as outlined in the Planning Proposal will not overburden infrastructure, services or transport networks as it will not require connection into Council's water and sewer infrastructure and will not have any significant traffic impacts.
<p>Future development should avoid areas of environmental significance, significant natural and/or economic resources, potential hazards, high landscape or cultural heritage value, or potential increased risk associated with impacts of climate change.</p> <p>Future development adjoining land with these values should incorporate buffers as necessary to help protect those values and to avoid future land use conflict.</p>	<p>The supporting studies submitted with the Planning Proposal demonstrate that the site does not contain areas of significant natural or economic resources, nor any areas with high landscape or cultural heritage value.</p> <p>Potential areas of contamination identified are typical for a site used for grazing. Should the more detailed investigation discover actual contamination there is no reason why this will not be able to be satisfactorily remediated, to enable the site to be subdivided for rural residential development.</p> <p>Areas of the site containing high environmental values are substantially avoided in the draft subdivision design.</p> <p>Lastly, land adjoining the site consists mostly of developed rural residential subdivisions, with a large belt of cleared agricultural land (grazing) stretching from the southern boundary of the site towards Murrumbateman. This grazing land is not considered to constitute significant natural or economic, or to have high landscape or cultural heritage value.</p>
Future development areas or settlements should recognise, protect and complement any unique topographic, natural or built cultural features essential to the visual	The site does not contain any unique topographical, natural or built cultural features.

Relevant Principle	Comment
setting, character, identity, or heritage significance.	
Future development should be designed and located to maximise total water cycle management and minimise impacts on the environment.	<p>The supporting studies and draft subdivision design submitted with the Planning Proposal demonstrate that the proposed future development of the site can be achieved whilst minimising environmental impacts.</p> <p>In regards to total water cycle management, it is proposed to develop the site without the need for burdening the limited town water supply of Yass.</p> <p>The overall low proposed density of development will mean that increases in stormwater flows will be insignificant in comparison to existing flows in the creek. Stormwater from dwellings on the proposed lots will be discharged to drinking water tanks with overflows allowed to follow the natural topography of the land.</p>

Recommendations for Yass

Following on from the key principles are settlement specific recommendations for Yass, one of which is specifically relevant to the site.

Table 5 – Settlement Strategy Recommendations (Yass)

Relevant Recommendation	Comment
Land immediately to the south of Cusack Place/Craig Close, east of Gum's Lane and west of O'Briens Creek (approximately 100 ha) be considered as a Potential Future Residential Expansion Area following the completion of the Yass Built Form Study review. Consideration of this area would be subject to further assessment including land	<p>Refer to previous Figure 9, which identifies the part of the subject site that this recommendation relates to.</p> <p>This is the only mention of the subject site within the Settlement Strategy.</p> <p>The proponent has carried out the necessary detailed investigations of the site to determine whether it is feasible to develop it for urban residential uses. Indeed, it would be in the commercial interests of the proponent for the site to be suitable for re-zoning to R1 – General Residential. However, this is not the case, and any review of the Yass Built Form Study will not alter the site's unsuitability and</p>

Relevant Recommendation	Comment
capability, servicing feasibility, cultural heritage and flora and fauna assessment.	constraints to urban residential development. The reasons why the site is not suitable for an expansion of urban residential development have been set out in detail previously in this report under section 3.1.1 – Alternative Approaches.

3.3.2.3 Yass Valley Local Strategic Planning Statement 2020

The Yass Valley Local Strategic Planning Statement (LSPS) provides a link between the Yass Valley LEP 2013 and the South East and Tablelands Regional Plan 2036. It was adopted by Council in 2020.

The Yass Valley Settlement Strategy 2036 forms the basis of the LSPS. There are seven broad Planning Priorities in the LSPS, all of which are consistent with the principles and recommendations of the Settlement Strategy.

Four of the seven Planning Priorities are relevant to this Planning Proposal.

Table 6 – Local Strategic Planning Statement Priorities

Relevant Planning Priority	Comment
Secure an additional water supply for Yass and Murrumbateman.	The provision of reticulated potable water to the site is entirely dependent on the securing of an alternative water source for Yass at some point in the future. There is no certainty as to when or if this new water source will become available. The site is suitable for a rural residential development creating approximately 71 lots without the need for a reticulated supply of potable water.
Focus growth in Yass and Murrumbateman.	The future development of the site as proposed under this Planning Proposal will accommodate some of the projected population growth less than 5km from the centre of Yass.
Protect and conserve the natural environment, built and Aboriginal cultural heritage of Yass Valley.	The supporting studies and draft subdivision design submitted with the Planning Proposal demonstrate that the proposed future development of the site can be done without having any significant effects on the natural and built environment, or on Aboriginal cultural heritage.

Relevant Planning Priority	Comment
Increase Yass Valley's Resilience to Climate and Natural Hazards.	Investigations into the site's flood and bushfire hazard have been carried out and the draft subdivision design has taken these constraints into account.

Q5: Is the Planning Proposal consistent with applicable state environmental planning policies?

3.3.2.4 State Environmental Planning Policies

Table 7 – State Environmental Planning Policies

State Environmental Planning Policy	Consistency
No. 19 – Bushland in Urban Areas	Not Relevant.
No. 21 – Caravan Parks	Not Relevant.
No. 33 – Hazardous and Offensive Development	Not Relevant.
No. 36 – Manufactured Home Estates	Not Relevant.
No. 47 – Moore Park Showground	Not Relevant.
No. 50 – Canal Estate Development	Not Relevant.
No. 55 – Remediation of Land	<p>Not Inconsistent.</p> <ul style="list-style-type: none"> A Stage 1 Preliminary Site Investigation (PSI) has been carried out for the site. It concludes that the site could be rendered suitable for residential development, subject to subsurface investigations. <p>The Stage 2 Investigation is being carried out for submission with the future DA for the subdivision of the site.</p>

State Environmental Planning Policy	Consistency
No. 64 – Advertising and Signage	Not Relevant.
No. 65 – Design Quality of Residential Apartment Development	Not Relevant.
No. 70 – Affordable Housing (Revised Schemes)	Not Relevant.
Aboriginal Land 2019	Not Relevant.
Activation Precincts 2020	Not Relevant.
Affordable Rental Housing 2009	Not Inconsistent. <ul style="list-style-type: none"> The proposed amendments to the YLEP 2013 contained in this Planning Proposal will not obstruct the application of this SEPP to the site.
Building Sustainability Index: BASIX 2004	Not Inconsistent. <ul style="list-style-type: none"> The proposed amendments to the YLEP 2013 contained in this Planning Proposal will not obstruct the application of this SEPP to the site.
Coastal Management 2018	Not Relevant.
Concurrences and Consents 2018	Not Inconsistent. <ul style="list-style-type: none"> The proposed amendments to the YLEP 2013 contained in this Planning Proposal will not obstruct the application of this SEPP to the site.
Educational Establishments and Child Care Facilities 2017	Not Relevant.
Exempt and Complying Development Codes 2008	Not Inconsistent.
Gosford City Centre 2018	Not Relevant.

State Environmental Planning Policy	Consistency
Housing for Seniors or People with a Disability 2004	<p>Not Inconsistent.</p> <ul style="list-style-type: none"> The proposed amendments to the YLEP 2013 contained in this Planning Proposal will not obstruct the application of this SEPP to the site.
Infrastructure 2007	<p>Not Inconsistent.</p> <ul style="list-style-type: none"> Overhead transmission lines traverse the site within existing easements. The draft subdivision plan demonstrates that the location of this infrastructure does not preclude the creation of 1-2ha size lots. <p>Any Development Application for subdivision will be referred to the electricity authority for comment.</p> <ul style="list-style-type: none"> The site has frontage to Yass Valley Way, which is a Regional Road. It is proposed to provide access to this road from the proposed subdivision. <p>The Traffic Impact Assessment states that acceptable Levels of Service for Yass Valley Way will be maintained.</p> <p>Any Development Application for subdivision will be referred to the electricity authority for comment.</p>
Koala Habitat Protection 2020	Not Relevant.
Koala Habitat Protection 2021	<p>Not Inconsistent.</p> <ul style="list-style-type: none"> There is no approved koala plan of management applying to the land. The site is comprised entirely of naturally

State Environmental Planning Policy	Consistency
	<p>occurring grassland and does not support any naturally occurring native trees, therefore, it does not support 'potential koala habitat'.</p> <ul style="list-style-type: none"> There are no recent records of Koalas in the locality and the species is generally not known to occur in the lowland agricultural lands of the Yass Valley Council LGA. The closest Koala record is approximately 7 km to the north-east of the site. <p>The Biodiversity Development Assessment Report states that the site is considered unlikely to constitute important or occupied Koala habitat now or in the future.</p>
Kosciuszko National Park—Alpine Reports 2007	Not Relevant.
Kurnell Peninsula 1989	Not Relevant.
Major Infrastructure Corridors 2020	Not Relevant.
Mining, Petroleum Production and Extractive Industries 2007	Not Relevant.
Penrith Lakes Scheme 1989	Not Relevant.
Primary Production and Rural Development 2019	<p>Not Inconsistent.</p> <ul style="list-style-type: none"> The site is not identified as being state significant agricultural land. The proposed amendments to the YLEP 2013 contained in this Planning Proposal will not obstruct the application of this SEPP to the site.
State and Regional Development 2011	Not Relevant.

State Environmental Planning Policy	Consistency
State Significant Precincts 2005	Not Relevant.
Sydney Drinking Water Catchment 2011	Not Relevant.
Sydney Region Growth Centres 2006	Not Relevant.
Three Ports 2013	Not Relevant.
Urban Renewal 2010	Not Relevant.
Vegetation in Non-Rural Areas 2017	<p>Not Inconsistent.</p> <ul style="list-style-type: none"> The site does not contain any vegetation declared by a development control plan to be vegetation to which Part 3 of this SEPP applies. <p>Refer to the Biodiversity Development Assessment Report for detailed assessment of impacts to native vegetation.</p>
Western Sydney Aerotropolis 2020	Not Relevant.
Western Sydney Employment Area 2009	Not Relevant.
Western Sydney Parklands 2009	Not Relevant.

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

3.3.2.5 Ministerial Directions

Table 8 – Ministerial Directions

Direction	Relevant Objectives and/or Requirements	Applicability / Comment
Employment and Resources		
1.1 Business and Industrial Zones	—	Not Applicable.
1.2 Rural Zones	—	Not Applicable. This direction only applies to planning proposals that will affect land within rural zones.
1.3 Mining, Petroleum Production and Extractive Industries	—	Not Applicable. The site, and adjoining lands do not contain state or regionally significant resource reserves.
1.4 Oyster Aquaculture	—	Not Applicable.
1.5 Rural Lands	—	Not Applicable. This direction only applies to planning proposals that will affect land within rural zones or environmental zones.
Environment and Heritage		
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	The site is not zoned for environment protection and is not otherwise identified for environment protection purposes in an LEP. Nonetheless, the more sensitive areas of the site, including

Direction	Relevant Objectives and/or Requirements	Applicability / Comment
		O'Briens Creek and the vast majority of areas with high biodiversity values, are proposed to be protected as part of a future subdivision of the site.
2.2 Coastal Management	—	Not Applicable.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	A detailed investigation of the site has shown that it does not contain any items, areas, objects or places of Aboriginal or historical heritage significance.
2.4 Recreational Vehicle Areas	—	Not Applicable.
2.5 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	—	Not Applicable.
2.6 Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	A Stage 1 Preliminary Site Investigation into potential contamination of the site has been carried out for the site. It concludes that the site can be rendered suitable for residential development, subject to subsurface investigations being carried out as part of a Stage 2 Detailed Contamination Investigation.
Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Under the terms of this Direction a planning proposal must include	This Planning Proposal is consistent with the terms of this

Direction	Relevant Objectives and/or Requirements	Applicability / Comment
	<p>provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>Further, a planning proposal must:</p> <p>a) contain a requirement that residential development is not permitted until land is adequately serviced; and</p> <p>b) not contain provisions which will reduce the permissible residential density of land.</p>	<p>Direction. Specifically, the proposed subdivision of the site:</p> <ul style="list-style-type: none"> • will make efficient use of existing infrastructure and services; and • will not increase urban development of land on the urban fringe of Yass. <p>The site is able to be adequately serviced for a rural residential development.</p> <p>This Planning Proposal will increase the permissible residential density of the site.</p>
3.2 Caravan Parks and Manufactured Home Estates	—	Not Applicable.
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	Home occupations are currently permitted without development consent on R5 zoned land. This Planning Proposal will not alter this.
3.4 Integrating Land Use and Transport	—	Not Applicable. Although the site is zoned for residential purposes, it is not connected to town water

Direction	Relevant Objectives and/or Requirements	Applicability / Comment
		and sewer services. Furthermore, the current and proposed minimum lot size is consistent with rural residential style development, not urban residential as referred to in this Direction.
3.5 Development Near Regulated Airports and Defence Airfields	—	Not Applicable. There are no relevant facilities located near the site.
3.6 Shooting Ranges	—	Not Applicable.
3.7 Reduction in non-hosted short term rental accommodation period	—	Not Applicable.
Hazard and Risk		
4.1 Acid Sulphate Soils	—	Not Applicable. The site is not identified on the Acid Sulfate Soils Planning Maps.
4.2 Mine Subsidence and Unstable Land	—	Not Applicable. The site is not within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, nor has it been identified as unstable land.
4.3 Flood Prone Land	A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas,	This Planning Proposal is consistent with the terms of this Direction. A Flood Study and Assessment of O'Briens Creek and its tributaries in the vicinity of the site has been

Direction	Relevant Objectives and/or Requirements	Applicability / Comment
	<p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p>	<p>carried out, as well as modelling of extreme events and potential future conditions due to increased urbanisation and climate change impacts.</p> <p>The design of the proposed draft subdivision was done with reference to the results of Flood Study and Flood Assessment, with development within flood prone parts of the site avoided.</p> <p>Refer to the detailed assessment of the proposal against this Direction in the Flood Assessment submitted with this amended Planning Proposal.</p>
4.4 Planning for Bushfire Protection	—	<p>Not Applicable. The site has not been mapped or declared bushfire prone by the Yass Valley Council. However, it is subject to bushfire risk from grasslands. A Bush Fire Strategic Study (BFSS) has been prepared for the site.</p> <p>The results of the BFSS demonstrate that the site's bushfire risk will not be an impediment to a future subdivision.</p>
Regional Planning		
5.1 – 5.9	—	Directions 5.1, 5.5, 5.6, 5.7 and

Direction	Relevant Objectives and/or Requirements	Applicability / Comment
		5.8 revoked. Directions 5.2, 5.3, 5.4 and 5.9 not applicable.
5.10 Implementation of Regional Plans	Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	This Planning Proposal is consistent with the relevant parts of the South East and Tablelands Regional Plan 2036.
5.11 Development of Aboriginal Land Council land	—	Not Applicable.
Local Plan Making		
6.1 Approval and Referral Requirements	<p>Planning proposals must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</p> <p>prior to undertaking community</p>	<p>This Planning Proposal does not include provisions that will require the concurrence, consultation or referral of development applications to a Minister or public authority.</p> <p>This Planning Proposal will be referred to the relevant State agencies seeking their comments prior to the public exhibition period.</p> <p>This Planning Proposal does not identify development as designated development.</p>

Direction	Relevant Objectives and/or Requirements	Applicability / Comment
	<p>consultation in satisfaction of section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p>	
6.2 Reserving Land for Public Purposes	—	Not Applicable.
6.3 Site Specific Provisions	—	Not Applicable. The Planning Proposal does not propose to allow a particular development to be carried out that is not already permissible on the site.
Metropolitan Planning		
7.1 – 7.13	—	Not Applicable. All Directions relate to land in Sydney.

3.3.3 Section C – Environmental, Social and Economic Impact

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

3.3.3.1 Biodiversity

Ecological Assessment

An ecological assessment has been undertaken by Capital Ecology to identify the biodiversity values of the site and constraints to development. Capital Ecology's detailed site surveys informed the design of the draft subdivision plan.

Capital Ecology have prepared a draft Biodiversity Development Assessment Report (BDAR) based on the draft subdivision design – refer to Appendix 2. The BDAR includes an assessment of the proposed subdivision against the NSW *Biodiversity Conservation Act 2016* (BC Act) and the Commonwealth *Environment Protection and Biodiversity Act 1999* (EPBC Act).

Ecological Values of the Site

The site is extensively cleared and been subject to pasture improvement over many years. The ecological surveys found that the majority of the site (141.59ha or 82%) does not support any significant biodiversity values.

Specifically in relation to the riparian zone along O'Briens Creek, vegetation is largely characterised by exotic pasture grasses and the only woody riparian vegetation is restricted to a few small patches of Willow and Elm. The lack of reliable water flows, standing pools, and native riparian vegetation indicates that O'Briens Creek and its tributaries are unlikely to provide habitat of significance to aquatic/riparian flora or fauna.

31.74ha of the site does support significant biodiversity values, these being scattered patches of habitat for two threatened species – Golden Sun Moth *Synemon plana* and Striped Legless Lizard *Delma impar*. The mapped habitat for these two species are shown on the Ecology Mapping (17037-500:Rev F).

Impacts to Biodiversity

The draft subdivision plan has been designed to avoid, protect, and manage 77% (24.34ha) of the 31.74 ha of the site that does support significant biodiversity values. It includes a number of measures to achieve this, including incorporating the two of the three main patches of Golden Sun Moth (GSM) habitat and the vast majority of the Striped Legless Lizard (SLL) habitat into a Community Title Lot (Lot 72). Another large area of GSM habitat is protected within a large (9.3ha) residential lot (Lot 62) that is remote from the other habitat areas.

The enlargement of Lot 72 included in this amended Planning Proposal will provide a contiguous corridor of native vegetation and GSM and SSL habitat that also contains the O'Briens Creek riparian corridor. Further protection of this land is proposed by applying an C2 – Environmental Conservation zone.

The habitat and vegetation within Lot 72 will be protected and managed in-perpetuity via the implementation of a Biodiversity Management Plan (BMP) to be incorporated into the Community Management Statement. The BMP will need to be endorsed by Council and the DPIE.

A Conservation Area (CA) for Lot 62 will be established under the *Biodiversity Conservation Act 2016* to ensure the GSM habitat is protected and managed in-perpetuity. To ensure that the CA will be created it is proposed, (on the advice of the DPIE and Council), that the developer and Council enter into a Voluntary Planning Agreement (VPA). It is anticipated that, with Council's agreement, the VPA will form part of the conditions of consent for the future subdivision DA (if granted).

The relatively small areas of habitat that will be impacted by the proposed development will require offsetting for impacts on species credits. Based on Capital Ecology's experience with similar projects and Significant Impact Criteria (SIC) assessments, once the proposed avoidance, minimisation, and mitigation measures are taken into account, the residual impacts to 2.88 ha of Golden Sun Moth habitat and 1.81ha of Striped Legless Lizard habitat are unlikely to constitute a significant impact on either species. Nevertheless, for legal certainty, referral of the future proposed action to the Commonwealth Minister for Agriculture, Water and the Environment is recommended.

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

3.3.3.2 Traffic Impact

A Traffic Impact Assessment and Intersection Modelling has been prepared by Genium Civil Engineering Pty Ltd (Appendix 3). The assessment identifies:

- Existing traffic conditions around the site;
- Assesses the likely traffic generation of the proposed future development of the site as shown in the draft subdivision plan;
- Assesses the impact of this traffic generation on existing road service levels and safety; and
- Recommends any works or mitigation measures that should be implemented.

The proposed future development of the site for 71 rural residential lots is expected to generate a total of 533 additional daily vehicle movements. The majority of these (409) are

expected to access the existing road network at Yass Valley Way. Secondary access will be provided via Iceton Place and subsequently Cusack Place, Gums Lane, and Wee Jasper Road which all currently carry relatively low volumes of traffic.

The report recommends the following works to ensure the mitigation of any traffic impacts as a result of the proposed development of the site:

- *All internal roads and traffic facilities be designed and constructed in accordance with Yass Valley Council design and construction standards;*
- *To cater for existing traffic volumes on Yass Valley Way and projected traffic from the proposed development, the intersection of the new subdivision road and Yass Valley Way should be designed and constructed as a minimum to the standard of a CHR/AUL(S) intersection.*
- *That Iceton Place be upgraded to the standard of: "Local Minor" in accordance with Yass Valley Council Road Standards Policy RD-POL-9.*

The conclusions of the Traffic Impact Assessment are:

- *Yass Valley Way has been shown to have sufficient additional capacity to cater for the increased demand of the proposed development, and a suitable intersection is able to be provided to manage access and egress to and from the development site.*
 - *Iceton Place, Cusack Place, Gums Lane, and Wee Jasper Road all have significant additional capacity and as a result impacts to these roads will have an insignificant impact on road capacity.*
 - *Subject to implementation of the proposed mitigation measures, the proposed development is not expected to have a significant impact on safety or road network efficiency.*
- ➔ The Traffic Impact Assessment demonstrates that a subdivision of the site applying the reduced minimum lot sizes proposed by this Planning Proposal will not result in the creation of any significant traffic impacts, subject to the implementation of the recommended mitigation measures.
- ➔ The Intersection Modelling demonstrates that the proposed single access point to Yass Valley Way will have sufficient capacity to cater for the development.

3.3.3.3 Heritage (Aboriginal and European)

Investigations into the Aboriginal and European heritage of the site were undertaken by Past Traces Heritage Consultants and an Aboriginal Cultural Heritage Assessment Report (ACHAR) completed (Appendix 4).

European (Historical) Heritage

The investigation into European heritage is contained within the ACHAR. The findings are summarised below:

- The site was once a part of a large agricultural estate that was sold in the 1890s and subdivided over the intervening years. No historical dwellings or structures were constructed within the site area and impacts have continued to be confined to pastoral activities;
- There are no known historical heritage sites, features or items previously recorded within the site; and
- No areas of potential heritage sites have been identified within the site.

Aboriginal Heritage

Preparation of the ACHAR involved both desktop and field survey investigations. The result of the archaeological investigations are listed below:

- No registered Aboriginal heritage sites are located within the site;
 - No areas of potential archaeological deposits or heritage sites have been identified within the site and the potential for Aboriginal heritage objects to be present within has been assessed as low; and
 - A subdivision of the site for rural residential purposes can proceed without further investigation or heritage assessment.
- ➔ The investigations into the Aboriginal and European heritage of the site and the resulting Aboriginal Cultural Heritage Assessment Report demonstrates that a subdivision of the site applying the reduced minimum lot sizes proposed by this Planning Proposal will not result in the creation of any significant heritage impacts.

3.3.3.4 Contamination

A Stage 1 Preliminary Site Investigation (PSI) into potential contamination of the site has been carried out for the site by Douglas Partners (Appendix 5). It identifies four potential areas of environmental concern from imported fill, the use of agricultural chemicals, fuel storage, and zinc leaching from galvanized corrugated roof sheeting on site sheds.

The preliminary investigation concludes that the site could be rendered suitable for residential development, subject to subsurface investigations being carried out as part of a Stage 2 Detailed Contamination Investigation.

The Stage 2 investigation will be undertaken as part of the Development Application process to specifically identify any contamination and required remediation to be carried out to enable the future subdivision of the site for residential purposes.

- The Stage 1 investigation demonstrates that any site contamination and required remediation will not be an impediment to a future subdivision that applies the reduced minimum lot sizes proposed by this Planning Proposal.

3.3.3.5 Flooding

O'Briens Creek splits the site, flowing south to north to join the Yass River.

It is noted that the Yass Valley LEP 2013 does not contain a Flood Planning Map. Also, the site is not part of the study area covered by Council's Yass Flood Study 2016

A Flood Study of O'Briens Creek and its tributaries in the vicinity of the site was carried out by GRC Hydro (Appendix 6).

During the consultation process the DPIE requested detailed consideration be given to numerous additional issues relating to flood risk to ensure that the implications of the full range of floods, including events greater than the design flood, up to the Probable Maximum Flood (PMF), are properly considered. As a result, GRC Hydro were engaged to carry out an additional flood assessment (Appendix 6), including modelling of extreme events and potential future conditions due to increased urbanisation and climate change impacts. Refer to the amended Flood Mapping – 17037_PPS7-300 (Rev F).

GRC Hydro's assessment demonstrates that:

- All lots have building envelopes that are situated outside of the mainstream 1% AEP event extent;
- All building envelopes have room for development outside of the 1% AEP overland flow extent;
- Flows within proposed building envelopes are low hazard (H1 to H2) during the 1% AEP event;
- All building envelopes have sufficient space for development outside of the high hazard areas of O'Briens Creek and overland flow PMF flooding;
- For the Yass River PMF extent, 12 lots have building envelopes situated within the high hazard (H3 – H6) areas, however, all of these lots have rising road access to land above the PMF;
- There are no off-site flood impacts in the 1% AEP event and PMF flood impacts are negligible;
- Potential Future Conditions, which considered increased urbanisation and increases in rainfall associated with climate change, are expected to result in an increase in 1% AEP flood level of less than 0.2 m, which is within the freeboard of the Flood Planning Level (0.5 m);
- All building envelopes have room for development outside of the Flood Planning Area;

- No building envelopes are situated within the 1% AEP event Flow Conveyance areas; and
- Internal and external site access is available for events exceeding the 1% AEP event. There are expected to be limited isolation potential and emergency services access issues.

No significant bulk earth works are required to manage flood risk for the site. Some limited diversion works and landform changes are recommended in the flood assessment to reduce flood hazard at proposed building envelope locations during extreme events as well as improve driveway access. Three swales 5m, 10m and 15m wide respectively, and two areas of fill are proposed, affecting a total of seven lots. GRC Hydro advise that the fill could be obtained from the cut for the channels, with additional fill obtained from within the site if required to result in a neutral cut/fill ratio to minimise loss of flood storage. Also, the proposed works do not result in any additional biodiversity impacts.

It is anticipated that the above earthworks will be subject to an s.88B Instrument under the *Conveyancing Act 1919* to create easements and ensure that their functionality is maintained over time. Maintenance is anticipated to only consist of an occasional removal of sediment build up within the channels.

The following issues are required to be address at the DA stage to ensure that the development adequately manages flood risk:

- Development of the site is to achieve, at a minimum, the flooding outcomes described above.
- Bulk earthworks should result in a neutral cut/fill ratio within the FPA to minimise loss of flood storage. However, it is not expected that significant bulk earth works are required to manage flood risk for the site.
- Internal roads and driveways are to be designed to allow for flood free access in the 1% AEP event and to minimise hazard for extreme events.
- Drainage easements are required for all significant flow paths to ensure that development does not occur in these areas.

The design of the draft subdivision design was done with reference to the results of Flood Assessment.

- ➔ The results of the Flood Assessment demonstrate that the site's flood hazard will not be an impediment to a future subdivision that applies the reduced minimum lot sizes proposed by this Planning Proposal.

3.3.3.6 Land Capability Assessment

A Land Capability Assessment of the site has been carried out by a certified environmental practitioner from Soil and Water – Franklin Consulting Australia Pty Limited (Appendix 7). An amended version has been prepared for this amended Planning Proposal.

The Land Capability Assessment was done to determine the suitability of the site:

- To sustainably manage on-site effluent on-site as per Australian Standards and authority requirements; and
- Provide unconstrained building sites for the construction of future dwellings.

The site is not connected to the Yass town reticulated sewer system. On-site effluent disposal will be proposed as part of a future subdivision of the site for rural residential development. Constraints to effluent dispersal and dwelling construction on the site are identified in the Land Capability Assessment as being:

- Riparian corridors;
- Effluent disposal buffers to bores, watercourses, drainage depressions and dams;
- Shallow soils and rock outcrops;
- Steep slopes (>15%);
- Seasonal waterlogging; and
- Salinity.

The above constraints have been mapped on the Land Capability Constraints plan (17037_PPS7-400 (Rev F) with and an overlay of the draft subdivision plan applied. An extract of this map is provided below in Figure 12 below.

Figure 12 – Land Capability Constraints



The results of the amended Land Capability Assessment demonstrate that the site's constraints will not be an impediment to a future subdivision that applies the reduced minimum lot sizes proposed by this Planning Proposal. The draft subdivision design shows indicative building envelopes located sufficiently clear of the identified areas of constraint, which are discussed further below.

Riparian Land

The Land Capability Assessment identifies riparian buffers required to protect sensitive land (as per the requirements of the NSW water authority).

O'Brien's Creek splits the site, flowing in a northerly direction to join the Yass River. There are four minor streams as well as drainage depressions that drain into this Creek. The watercourses within the site *are not* identified on the Yass Valley LEP 2013 – Riparian Lands and Watercourses Groundwater Vulnerability Map.

O'Briens Creek requires a 40m wide (on average) riparian buffer, and a 10m wide buffer to the four minor streams. The draft subdivision design has incorporated these, with all indicative building envelopes located clear of all riparian buffers.

The major buffer along O'Briens Creek is largely located within a single lot (Lot 72), which is a Community Title lot. The riparian buffer extends slightly into proposed Lots 15-18, 22 and 24, but is well clear of building envelopes, access et cetera.

Community lot 72 will serve two functions, – to protect riparian land and to protect habitat for the Striped Legless Lizard. This results in the width of the community lot being variable along its length, providing “averaging” of the riparian buffer in accordance with NRAR guidelines.

It is expected that measures relating to the on-going management and protection of the riparian land within the community lot will be incorporated in the Community Management Statement for the subdivision (should development consent be granted in the future).

Drainage Buffers

A 100m wide buffer is required from O'Briens Creek to areas of future on-site effluent disposal (building envelopes), with a 40m wide buffer to the four minor streams, dams and other drainage depressions.

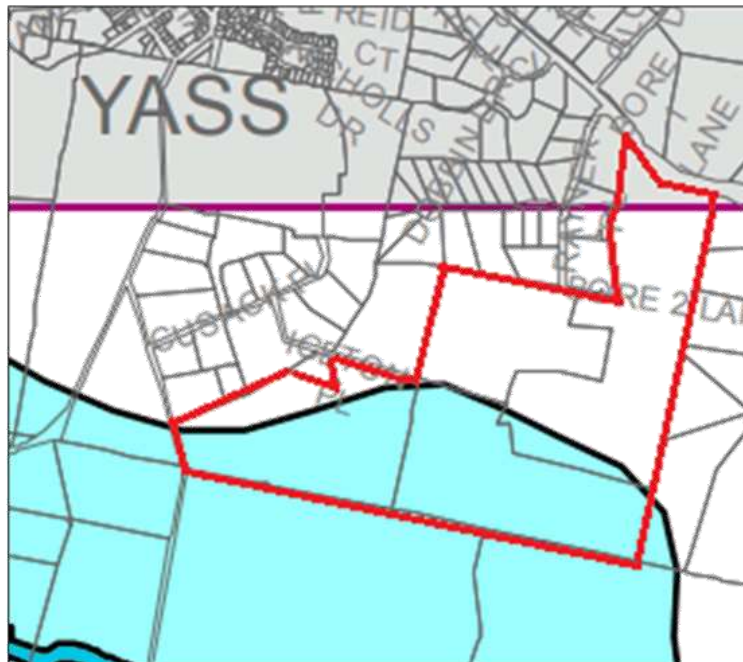
All indicative building envelopes are located clear of the drainage buffers, with the exception of Lots 16, 24, 59 and 60 which have minor encroachments. However, the Land Capability Assessment states that there is still adequate area (min 1,300m²) of unconstrained land available within the building envelopes for the onsite disposal of effluent.

Groundwater and Bore Buffers

The site is mapped as having moderate groundwater vulnerability on the Department of Land and Water Conservation (2001) Groundwater Map of the Murrumbidgee Catchment.

The southern part of the site is mapped as groundwater vulnerable on the Yass Valley LEP 2013 – Riparian Lands and Watercourses Groundwater Vulnerability Map (Sheet CL2_002). Figure 13 below is an extract from this map.

Figure 13 – Groundwater Vulnerability Map



Any future application to develop the site will be subject to *Clause 6.4 – Groundwater vulnerability* of the Yass Valley LEP 2013, meaning that the consent authority will need to be satisfied as to the development avoiding, minimising and mitigating any significant adverse environmental impact.

The amended Land Capability Assessment demonstrates that each proposed lot is suitable for on-site effluent disposal, taking into account the various constraints to effluent disposal. It states as follows:

The site and soil constraints assessment has determined that the building envelopes on all lots are generally unconstrained to effluent dispersal and have an adequate area (1,300m²) of land suited to effluent dispersal with adequate remaining area available for the construction of a dwelling.

The lot with the smallest Building Envelope, (Lot 47 with a BE of 1,844m²), has adequate area available for effluent disposal (1,300m²) with adequate area of 544m² available for dwelling construction. The 1,844m² BE can also be expanded when considering the area available and suitable for effluent irrigation within the powerline easement which is currently not include within the BE.

Twelve of the proposed lots will be required to have secondary treatment measures applied for the protection of groundwater.

Bores

There are 11 bores registered within 500m of the boundaries of the site, and one bore located within the site. Two town water supply bores are approximately 100m west of the site's boundary and are 110-120m deep.

The existing bore within the site will be permanently decommissioned as part of the proposed future subdivision, thus removing the need for any buffer.

The Land Capability Assessment states that bores generally require a 250m buffer distance from the nearest effluent disposal areas to ensure there is minimal risk of contamination. However, applying a 250m buffer from the two town water supply bores and new non-potable bore would greatly limit the opportunities for onsite effluent disposal. Instead, the Assessment supports the adoption of a 150m buffer to the two town bores and a 100m buffer to the new non-potable bore. These have been applied to the draft subdivision design.

The 150m and 100m buffers are considered to be appropriate by the Land Capability consultant due to several mitigating factors:

- The bores are located on the opposite side of a central drainage depression which will form a hydrological barrier to any potential contamination resulting from run-off from effluent irrigation areas;
- The bores are used infrequently, particularly since the upgrade of the Yass Water Supply Weir;
- The proposed lots that would intersect a 250m buffer are limited in number (12). Effluent management practices on these lots will include special measures such as Advanced Secondary Treatment Systems with disinfection, and with effluent dispersal via subsurface drip irrigation – thereby ensuring the highest quality treated effluent with minimal chance of contamination;
- The new reticulated water supply bore on Lot 72 will only be used for non-potable water supply;
- The casing of the new bore will include cement grout to reduce the risk of ingress of potentially contaminated surface water down the casing to the water bearing zone;
- The depth to the main water bearing zones in the area exceeds 20 metres therefore there is a vertical separation between effluent dispersal areas and water bearing zones of >20m and minimum horizontal separation of >150m to town water supply bore;

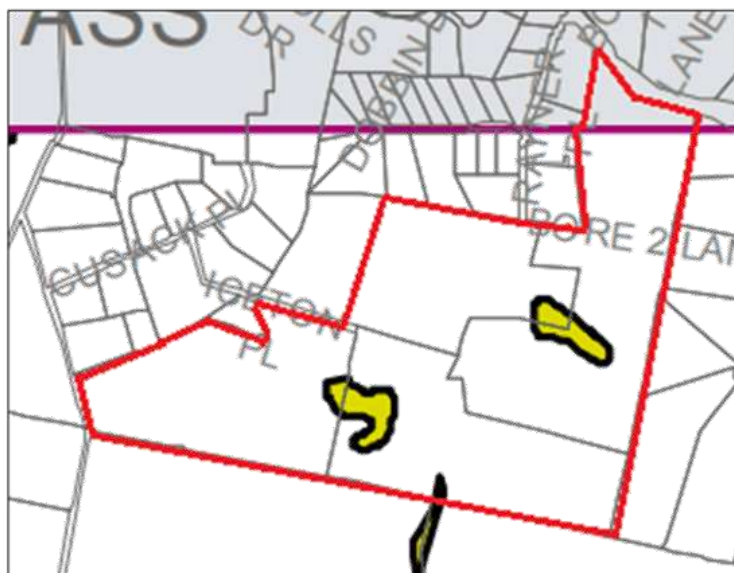
- Low application rate of minimum secondary treated and disinfected effluent, to the surface or near surface; and
- Low transmissivity of fractured rock groundwater aquifers that underlay the area.

In summary, the Land Capability Assessment has identified the site's groundwater constraints and recommended appropriate measures to avoid, mitigate and minimise the risk of any groundwater contamination from a future subdivision of the site. These have been applied to the draft subdivision design.

Salinity

There are three areas of the site that are mapped as Dryland Salinity on the Yass Valley LEP 2013 – Natural Resources Land Map (Sheet NRL_002). Figure 14 below is an extract from this map.

Figure 14 – Dryland Salinity



Any future application to develop the site will be subject to *Clause 6.6 – Salinity* of the YLEP 2013, meaning that the consent authority will need to be satisfied as to the development avoiding, minimising and mitigating any significant adverse environmental impact.

In regards to salinity, the Land Capability Assessment states:

The areas mapped as salt effected are associated with drainage depressions and there is no evidence of saline scalding, no impact to pasture growth or species composition in adjacent paddocks, and no salt crusting.

These areas are stable and not eroding but do present a limitation to effluent disposal and dwelling construction. These areas are already included in the buffer areas associated with the drainage depressions.

It is considered that the development will not have a significant adverse impact, or be adversely impacted by salinity, given that land clearing has essentially already occurred, areas of mapped salinity are stable and not severely salt effected, and these areas are identified as unsuited to the construction of dwellings or disposal of effluent.

Rocky Outcrops / Shallow Soils

All indicative building envelopes are located clear of the identified areas of rocky outcrops / shallow soils, with the exception of Lot 62 that has a portion of the building envelope affected. However, the Land Capability Assessment states that there is still adequate area (min 1,300m²) of unconstrained land available within the building envelope for the on-site disposal of effluent.

3.3.3.7 Stormwater Management

O'Briens Creek runs through the middle of the site. Apart from a very small area in the south-eastern corner of the land, the site naturally drains to O'Briens Creek which has a catchment area of some 2,925ha.

The low proposed density of development will mean that increases in stormwater flows from the development will be insignificant in comparison to existing flows in the creek. Stormwater from dwellings on the proposed lots will be discharged to drinking water tanks with overflows allowed to follow the natural topography of the land to O'Briens Creek.

Roadside drainage will be designed to cater for the predicted flows from the site with culverts constructed as necessary to convey stormwater flows under new roads. A bridge is proposed to be constructed over O'Briens Creek and this will be designed to convey the 1% AEP flood.

3.3.3.8 Bushfire Risk

The site has not been mapped or declared bushfire prone by the Yass Valley Council. However, it is subject to bushfire risk from grasslands. A Bush Fire Strategic Study (BFSS) has been prepared for the site and draft subdivision by Ember Bushfire Consulting (Appendix 8). An annexure to the BFSS was prepared to reflect the amended subdivision design and is also provided in Appendix 8.

Note: A Bushfire Assessment Report under s.100b of the *Rural Fires Act 1993* will be prepared for the Development Application for subdivision of the site.

In accordance with the guidelines and recommendations in Planning for Bushfire Protection (PBP) 2019, Chapter 4 Strategic Planning, the BFSS contains an assessment of:

- The bushfire landscape;
- Land use;

- Access and egress;
- Emergency services;
- Infrastructure; and
- Adjoining land.

The BFSS supports the adoption of a minimum lot size on the site of 1-2ha and concludes that the site is "...deemed to meet the broad objectives of Chapter 4 *Strategic Planning PBP* (2019) and is capable of meeting the acceptable solutions of Chapter 5 *Residential and Rural Residential Subdivisions PBP* (2019)".

→ The results of the Bush Fire Strategic Study and Annexure demonstrate that the site's bushfire risk will not be an impediment to a future subdivision that applies the reduced minimum lot sizes proposed by this Planning Proposal.

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

3.3.3.9 Social and Economic Effects

Reducing the minimum lot size applicable to the site to facilitate a higher density form of rural residential subdivision will have two main positive social and economic effects, being:

- Providing a range of lot sizes within a rural residential estate in proximity to the commercial and public services available in Yass; and
- Increasing the supply of residential land within proximity to Yass without burdening town water and sewer infrastructure.

3.3.4 Section D – State and Commonwealth Interest

Q10: Is there adequate public infrastructure for the Planning Proposal?

The Guide to Preparing Planning Proposals states that typically, this question applies to planning proposals that:

- result in residential subdivisions in excess of 150 lots;
- substantial urban renewal;
- infill development; or
- development that will result in additional demand on infrastructure (such as public transport, roads, utilities, waste management and recycling services, essential services such as health, education and emergency services).

This Planning Proposal will result in some additional demand on public roads, Council's waste management services and other essential public services from the increased number of lots that a reduced minimum lot size will facilitate.

It has been demonstrated in the Traffic Impact Assessment and Intersection Modelling that a subdivision of the site applying the reduced minimum lot sizes proposed by this Planning Proposal will not create any significant traffic impacts and that acceptable levels of service for Yass Valley Way (regional road) will be maintained.

In the overall context of the projected population growth for Yass over the next 20 years or so, the additional demand created by this Planning Proposal for other essential public services is not expected to be significant or result in any shortage of service provision, with potential lot yield increasing from approximately 17 lots to 71.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Department of Planning, Industry and Environment (DPIE) issued a Gateway Determination on 18 November 2020, requiring the Planning Proposal to be placed on public exhibition and sent to several public authorities for consultation.

During the consultation process agency submissions were made by:

- Natural Resources Access Regulator (NRAR);
- Department of Primary Industries – Fisheries (DPI Fisheries);
- Essential Energy;
- Heritage NSW;
- Optus;
- Transport for NSW (TfNSW);
- TransGrid;
- WaterNSW; and
- Department of Planning, Industry and Environment – Biodiversity and Conservation Division (DPIE).

Refer to previous detailed discussion of the agency submissions and response in Section 1.2 of this document.

3.4 PART 4 – MAPPING

The following Lot Size Maps would be amended as a result of this Planning proposal:

- Lot Size Map - Sheet LSZ_002B;
- Lot Size Map - Sheet LSZ_001H;
- Land Zoning Map – Sheet LZN_002B; and
- Land Zoning Map – Sheet LZN_001H.

Please refer to previous Figures 7 and 8. They indicate the location and extent of the proposed amendments to the Yass Valley Local Environmental Plan 2013 Lot Size Map and Land Zoning Map.

3.5 PART 5 – COMMUNITY CONSULTATION

Section 3.34 and Schedule 1 of the *Environmental Planning and Assessment Act 1979* contains the community consultation requirement for planning proposals. Consultation will also be undertaken in accordance with the DPIE's "A Guide to Preparing Local Environmental Plans".

A total of eight submissions were made by members of the public during the community consultation process in December 2020. Table 9 below summarises the issues and includes a response to each.

Note: Some of the submissions raise quite specific issues relating to such things as boundary fencing, tree planting et cetera. Such detailed matters are more appropriately dealt with at the Development Application stage (should this Planning Proposal be approved).

Table 9 – Community Submissions and Response

Community Submissions – December 2020	
Issue	Response
1. Requesting shared path within Willow Creek Estate to link to new development.	This relates to an existing development and is not relevant to this Planning Proposal
2. Concerns about through road from Icton development to Yass Valley Way.	Access to Yass Valley Way is considered necessary from a general access and emergency management viewpoint. It also provides a practical and efficient solution to get traffic directly to an arterial road without impacts to other low standard local roads. These issues are considered to be addressed by the Traffic Impact Assessment and additional intersection modelling.
3. Various concerns on safety of Yass Valley Way eg. school bus stops, increased traffic, and suggestion the speed limit on Yass Valley Way should be reduced.	Speed limits are the domain of RMS and Council is encouraged to consult with RMS regarding the appropriate speed limit for Yass Valley Way. The proponents support a reduction to 80km/h if this is considered appropriate. Safety and capacity issues have been dealt

	with in the Traffic Impact Assessment and subsequent additional intersection modelling that has been provided to Council since the initial community consultation period.
4. Requesting tree line planted along boundary between Iceton and Willow Creek estate.	This matter is not relevant to the Planning Proposal and should be dealt with as part of any future Development Application.
5. Requesting inclusion of community areas within proposed development including shared paths.	<p>Approximately 14% of the site has been set aside for community use. In addition, the low density of development is considered to provide ample open space and opportunity for recreation within each lot.</p> <p>There is no intention to install shared paths. There are no shared paths within adjoining developments or any links from the site back to town and provision of internal tracks seems superfluous and will provide little benefit unless they link to existing networks.</p> <p>In any case this is an issue that should be dealt with during the DA stage.</p>
6. Concern regarding single access onto Yass Valley Way.	This is an incorrect statement. There is a second access proposed via Iceton Place. Emergency access has been considered in both the flood analysis and strategic bushfires study and are considered to be adequately addressed.
7. Concern regarding impacts on town water supply.	It is not proposed to connect to the town water supply.
8. Suggest provision of water source/s eg. ponds/dam for firefighting.	Water for firefighting will be considered as part of the detailed bushfire analysis undertaken as part of the DA process.
9. General comment about town infrastructure needing improvement eg. theatre, recreation facilities.	This is a general comment for consideration by Council and is not directly relevant to the Planning Proposal.
10. Concerns on the location of the access to Yass Valley Way and current speed limit of Yass Valley Way.	Speed limits are the domain of RMS and Council is encouraged to consult with RMS regarding the appropriate speed limit for Yass

	<p>Valley Way. The proponents support a reduction to 80km/h is this is considered appropriate.</p> <p>Safety and capacity issues have been dealt with in the Traffic Impact Assessment and subsequent additional intersection modelling that has been provided to Council since the initial community consultation period.</p>
11. Suggest requirement for tree planting as part of any new build on the new blocks.	This matter is not relevant to the Planning Proposal and should be dealt with as part of any future Development Application.
12. Development and improvement of O'Briens Creek area.	This matter will be dealt with in detail as part of the future Development Application. Also refer to comments below.
13. Concerns on future management of the community lot along the Creek.	This matter will be dealt with in detail as part of the future Development Application. The future Community Association will be responsible for the management of the land within the Community Lot alongside O'Briens Creek, with a Management Plan to be prepared and approved by Council as part of the DA process.
14. Concerns on standards of boundary fencing and potential for roaming dogs.	This matter is not relevant to the Planning Proposal and should be dealt with as part of any future Development Application.
15. Suggestion of covenants to stop trees being planted along boundaries.	This matter is not relevant to the Planning Proposal and should be dealt with as part of any future Development Application.
16. Standard of Iceton Place and requirement for sealing this road.	The proposal is to upgrade and seal Iceton Place. This matter should be dealt with as part of any future Development Application.
17. General comment about Council strategic planning and conflicts between planning objectives and the proposed development.	Justification and alignment with Council and NSW government strategic planning objectives has been provided within the Planning Proposal.
18. Blocks located in flood zone.	A very detailed flood study and assessment has been prepared and the amended

	subdivision has been designed taking the findings of the flood investigations into account to minimise flood risk.
19. Potential ground water contamination and lack of reticulated water and sewerage systems.	These issues are addressed with the Land Capability Assessment included with the Planning Proposal.
20. Suggestion of inaccurate traffic data and general safety issues with Yass Valley Way.	Safety and capacity issues have been dealt with in the Traffic Impact Assessment and subsequent additional intersection modelling that has been provided to Council since the initial community consultation period.
21. Biodiversity concerns particularly with the proposed reduction of lot size east of O'Briens Creek.	The biodiversity assessment is provided with the Planning Proposal and detailed consultation has been held with the NSW Biodiversity Conservation Division. These issues are considered to be adequately addressed as detailed in the Planning Proposal.

3.6 PART 6 – PROJECT TIMELINE

The estimated project timeline indicated below in Table 10 has been updated to reflect the fact that a Gateway Determination has been issued and the initial period of consultation with agencies and the community has been completed.

Table 10 – Project Timeline

Project Timeline	
Action	Dates
Submission of amended Planning Proposal to Council.	Dec 2021
Council assessment.	Dec 2021
Government agency consultation	Jan - Feb 2022

Project Timeline	
Public exhibition of amended Planning Proposal.	March 2022
Submission to the DPIE to finalise the LEP.	March 2022
LEP drafted.	April 2022
LEP gazetted.	May 2022

4 APPENDICES

Provided Under Separate Cover

1. Proposed Subdivision Plan and Constraints Maps.
2. Biodiversity Development Assessment Report (Draft).
3. Traffic Impact Assessment and SIDRA Modelling.
4. Aboriginal Cultural Heritage Assessment Report.
5. Preliminary Site Investigation for Contamination.
6. Flood Study and Flood Assessment.
7. Amended Land Capability Assessment.
8. Bushfire Strategic Study and Annexure.
9. Aquifer Test Results.
10. Non-Potable Water Supply Concept Plans.



Planning,
Industry &
Environment

PP_2020_YASSV_005_00/IRF20/5252

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

Dear Chris

Planning proposal PP_2020_YASSV_005_00 to amend Yass Valley Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the minimum lot size from 10ha to 1-2ha at 7 Iceton Place, Yass.

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

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.3 Flood Prone Land and 5.10 Implementation of Regional Plans. Council should ensure this occurs prior to the plan being made.

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

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

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

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

Yours sincerely



18 November 2020

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template



Gateway Determination

Planning proposal (Department Ref: PP_2020_YASSV_005_00): to amend the minimum lot size from 10ha to 1-2ha at 7 Iceton Place, Yass.

I, the Director Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Yass Valley Local Environmental Plan (LEP) 2013 to amend the minimum lot size from 10ha to 1-2 ha at 7 Iceton Place, Yass should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
2. Consultation is required with the following public authorities/organisations **prior to community consultation** under section 3.34(2)(d) of the Act:
 - TransGrid
 - Telstra
 - DPIE Biodiversity and Conservation
 - Heritage NSW
 - Natural Resource Access Regulator
 - WaterNSW
 - DPIE Agriculture
 - Transport for NSW
 - NSW Fisheries

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from

any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination expiring on 18 November 2021.

Dated 18th day of November 2020.



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

Delegate of the Minister for Planning
and Public Spaces



**Planning,
Industry &
Environment**

PP_2020_YASSV_005_01/(IRF21/4482)

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

Dear Chris

**Planning proposal PP_2020_YASSV_005_01 – Alteration of Gateway
Determination**

I refer to Council's letter seeking an extension of time to complete planning proposal PP_2020_YASSV_005_00 to amend the minimum lot size from 10 ha to 1-2 ha at 7 Iceton Place, Yass

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 18 November 2020 for PP_2020_YASSV_005_00. Please note that a six-month extension only has been granted which is considered sufficient time to allow Council to finalise the plan. The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Graham Judge to assist you. Mr Judge can be contacted on [REDACTED].

Yours sincerely



10 November 2021

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Alteration of Gateway Determination



**Planning,
Industry &
Environment**

Alteration of Gateway Determination

Planning proposal (Department Ref: IRF21/4482) PP_2020_YASSV_005_01

I, the Director, Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 18 November 2020 for the proposed amendment to the Yass Valley Local Environmental Plan 2013 as follows:

1. Delete:

"condition 5."

and replace with:

a new condition 5. "The time frame for completing the LEP is by 18 May 2022"

Dated 10th day of November 2021.



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

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

PP_2020_YASSV_005_01 (IRF21/4482)



Department of Planning and Environment

Our ref: PP_2020_YASSV_005_02/IRF22/276

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

Dear Mr Berry

Planning proposal PP_2020_YASSV_005_01 – Alteration of Gateway Determination

I refer to Council's request for a Gateway alteration for a revised planning proposal for planning proposal PP_2020_YASSV_005_01 for 7 Iceton Place, Yass.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 18 November 2020 for PP_2020_YASSV_005_01 (since altered). The Alteration of Gateway determination is enclosed.

I note community consultation has already been undertaken for the original planning proposal. I have therefore not or approved an extension of time to complete the plan or required that Council undertake further community consultation on the revised planning proposal. I consider that the changes to the planning proposal by Council and the proponent are in response to issues raised by community and state agencies, do not intensify proposed development compared to the original proposal and are of minor significance.

I have also concluded that the three months until 18 May 2022 should be sufficient time to complete the plan. If necessary, Council and the Department can review the need for an extension of time at a later date.

If you have any questions in relation to this matter, I have arranged for Mr Graham Judge to assist you. Mr Judge can be contacted on [REDACTED].

Yours sincerely

[REDACTED] 8/2/22

Graham Towers
Acting Director Southern Region
Local and Regional Planning

Encl: Alteration of Gateway Determination



Department of Planning and Environment

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2020_YASSV_005_02)

I, A/Director Southern Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 18 November 2020 (since altered) for the proposed amendment to the Yass Valley Local Environmental Plan 2013 as follows:

1. Change the description of the planning proposal

from "to amend the minimum lot size from 10ha to 1-2 ha at 7 Iceton Place, Yass"

to "rezone part of 7 Iceton Place, Yass to C2 Environmental Conservation Zone and amend the minimum lot size for part of 7 Iceton Place, Yass to 1-2 ha."

Dated 8th day of February 2022.



Graham Towers
Acting Director Southern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes

PP 2020 YASSV 005 02/IRE22/276

PubSub - 1

From: Yass Valley Council <no-reply@wufoo.com>
Sent: Thursday, 26 November 2020 8:16 AM
To: YVC Customer Service Team
Subject: Public Consultation online submission [#222]

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

Name *

Address *



Australia

Email *

Phone

Number *

What item 7 Iceton Place Yass
are you
making a
submission
on? *

Submission *

Looking at the current submission for 7 Iceton place that will surround our estate in Willow Creek Estate.

We believe a path for mountain bikes, walkers and horse riders from our estate into this new one would be a great asset and somewhere safe for all members to safely walk. Currently there is nothing in our estate even for our children to walk around, no paths etc.

We have concerns that there will be a through road from Iceton to Yass Valley which will see major traffic flow (I propose that there is a culdesac and not a through road.

The Yass Valley Road needs to be 80km and not 100km out to the highway. We have buses that come into all our estates between Dog Trap Road and Yass and it's an accident waiting to happen (voiced by many bus drivers included). Let's not even discuss the slip lane from either direction into our estate (Willow Creek) it's not big enough now let alone for the school buses. This has been brought to the attention of councillors who met with a lot

of us in our Estate a few years ago and nothing has still been done.

A tree line needs to be included in the boundary lines surrounding our Estate just like we have on the other side when our Estate was built.

From: Yass Valley Council <no-reply@wufoo.com>
Sent: Thursday, 26 November 2020 2:09 PM
To: YVC Customer Service Team
Subject: Public Consultation online submission [#223]

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

Name *

Address *



Australia

Email *

Phone

Number *

What item Planning Proposal 2020.03 – 7 Iceton Place, Yass Lot 12 DP 1243702 and Lot 13–14 DP 786575
are you
making a
submission
on? *

Submission *

Dear Sir/Madam,

As a homeowner in the adjoining estate, of Willow Creek, I would like to submit the following feedback on the planning proposal 2020.03 – 7 Iceton Place Yass.

1) I would like to see the planning proposal include community areas such as parks, bridlepath/recreation pathway for horse riders, cyclists and pedestrians to share (no access for trailbikes, cars etc.). There is a dirt road that was created when the pipeline was laid behind the old sale yards and our estate. This could be made into such bridleway/walking/cycling track and extended.

2) I am concerned about point of egress to the new development. As a rural firefighter, it concerns me that there is only one way into the new community area and that it is on to Yass Valley Way, which (in the event of an emergency like bush fire) would be heavily used to evacuate the community and for emergency services.

3) Will the new development have access to town water? If it does, it will significantly increase pressure on the already inadequate town water supply. If it doesn't and they are all on tank water, then there should be water sources available (ponds/dams) for firefighting and could be integrated as community areas similar to what they have in Dundoos Estate in Murrumbateman or many of the suburbs of Canberra.

4) The infrastructure of the town needs to be improved to support the growth in population. Is there a plan for this? A cinema, recreation activity areas for the youth (teenagers), bicycle path from the community estates into Yass (perhaps from Dog Trap Road).

5) The proposed road access from Yass Valley Way is on a blind corner the crest of a hill where the speed limit is currently 100km/hr. The speed needs to be lowered to perhaps 50 km/hr from the Yass River and a decent slip lane into the new development.

6) It should be a requirement to plant trees as part of the build on the new blocks.

7) O'Brien's Creek needs to be cleaned up and cleared to make is safer and to cope with the pressure the new community. The creek could be developed much like the riverbank in town.

Thank you for your consideration. I hope that our concerns and suggestions are taken seriously and that we see our recommendations implemented where appropriate.

Regards,



Yass resident.

PubSub - 3

From: Yass Valley Council <no-reply@wufoo.com>
Sent: Thursday, 26 November 2020 6:19 PM
To: YVC Customer Service Team
Subject: Public Consultation online submission [#224]

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

Name *

Address *



Australia

Email *

Phone

Number *

What item 7 Iceton Place
are you
making a
submission
on? *

Submission *

Reducing the block size to 1–2 hectare means that there will be a substantial increase in traffic on Yass Valley way and a significant increase in residents travelling and using the town's resources. However it will also mean an increase of rates going into the region's coffers. Thus I am not opposed to the reduction in block size but I think the development and traffic issues need more thought.

A couple of concerns/suggestions:

1. I am concerned about what the developers will be required to do with the river block. In my community the river block is a cause of contention between residents as well as between residents and non-residents. It is difficult to maintain the land for any use due to poor access in many parts. And the areas that are accessible have attracted people wanting free access to land for animal agistment. It have been difficult and expensive to remove them. I can only guess that a larger community is only going to find it even more difficult to get agreement to any solutions. More thought needs to be put into whether the river block needs to be maintained by residents and if it does then how it can be developed before handover to allow easier maintenance (eg access for slashing, paths, some means

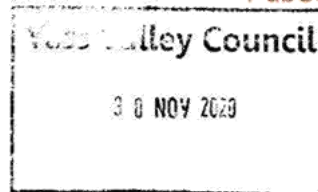
to make it inaccessible to freeloaders).

2.As it is currently shown, there is a lack of community use land (aside from the river) or even some small commercial use options. I would like to suggest it is time to require developers to build some community use areas (e.g a playground or a park, etc) as part of any future developments including this one. Council could insist that this initially be maintained by the developer (for example the developer could be required to maintain the community use area for 12 months after the last block is sold). Eventually the maintenance would need to revert to the council. But by that stage council will be collecting additional rates.

Likewise a small commercial area for small businesses such as a cafe, a corner store, a takeaway or a farm shop near the entrance to the development would be likely to be used not just by this development but by many residents in surrounding developments.(I am wondering if that is the purpose of block 29).

3. The traffic flow onto Yass Valley Way (YVW) also concerns me. Even if you drop the speed limit on YVW to 80km, it is still going to be difficult to enter and exit this development and the heavier traffic will increase the danger at all the intersections on to YVW. I would suggest that it is time to consider another roundabout. Potentially it may even be worthwhile funnelling traffic from the other nearby developments onto this roundabout as well (i.e. allow through traffic from Rayner Place as well as Iceton Place).

PubSub - 4



Yass Valley Council
Planning Proposal P.P.2020.03
7 Iceton Place, YASS

From :



30 November 2020

The following submissions are in relation to Planning Proposal P.P. 2020.03

First I would make it quite clear to the decision makers involved with this development proposal that I have been in the farming industry all my life.

My submissions are based on the experiences of being a very efficient farmer by doing the job properly in the first place.

Firstly the boundary fences are very important, comprising all steel materials.

I strongly favour the fence posts be 10 to 11 feet apart. The top wire must be barbed wire 1.8mm in size.

The next plain wire below the barb should be 5 inches below. The bottom plain wire should be 4 inches above ground level, then there should be 2 more plain wires spaced equally between the top and bottom plain wires.

The plain wire must be medium tensile in strength. Netting should be 3 foot 7 and half inches or 110cms high.

With 4 cm mesh (rabbit netting) netting must be stapled or firmly fixed to the plain wires using staples or tie wire.

Gates for the property entrances are very important. Gate width must be at least 14ft wide and clad in netting or can be purchased with closely spaced mesh. Steel galvanised strainer posts and stays and galvanised caps for strainer posts, these are all very important.

Hopefully this section has been clear enough to understand if not please contact me.

Fences that are constructed like I have outlined do the job very well. Horses and cattle can wreck a fence in a very short time, I have seen it happen. Dogs that are not kept secure can do a lot of damage to grazing sheep, so you can see how important good quality fencing is.

Another submission I would like to make is about trees and shrubs.

I would like covenants put in place to stop occupiers from planting trees along boundary fences.

I have seen many fences wrecked by trees. I can show you many cases where this has happened.

Radiata Pines and various species of pines should not be planted. This type tree always ends up an untidy mess and create an enormous fire danger and threat. Wattle trees have a very short lifespan and should be outlawed as well as Poplars, which sucker very quickly and cause a lot of trouble later.

Big trees should be planted a minimum of 20 ft away from boundary fences and small shrubs should be kept a minimum of 6 ft from boundary fences.

[REDACTED] there is noticeably a lot more traffic using Iceton Place and in the dry weather we have a lot of dust from the extra traffic, it would be appreciated if the sealing of Iceton Place could become top priority before work starts on the subdivision as the dust will be a problem.

[REDACTED]
[REDACTED] subdivided the property which encompassed over 1000 acres at that time. [REDACTED]

[REDACTED] I have seen all the mistakes made and having seen that, hopefully can prevent them happening again.

I am very familiar with this area and if the decision makers think I might be able to assist them with any issues I would be very willing to help.

It would be great to get the job done right for the people that will be affected. This development will have a big impact on our lives so please liaise with us over any issues which could be a problem.

[REDACTED]

PubSub - 5

From: Yass Valley Council <no-reply@wufoo.com>
Sent: Wednesday, 9 December 2020 9:50 AM
To: YVC Customer Service Team
Subject: Public Consultation online submission [#227]

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

Name *

Address *



Australia

Email *

Phone

Number *

What item are you making a submission on? *

Submission *

9th December 2020

Dear Council,

I am writing this letter of objection to the proposed R5 zone change outlined for the Icton Place subdivision. While I personally disagree with the ease of re-zoning regulations there is a number of major safety and statistical considerations outside of my personal viewpoint that remain un-resolved in this proposed subdivision.

I will firstly remind the council of their own strategic planning statement (May 2020) and the planning vision goals that were outlined in this document. Three out of four goals outlined by council in this statement are in conflict with the Icton Place subdivision. The following goals are ambitious and in line with the documented community consultation comments of the future of our beautiful Yass Valley. Let me remind you of these:

- A diverse environment interconnected by biodiversity corridors.
- Healthy and connected communities

- Environmentally sustainable housing choices.

The proposed Iceton Place development fails to take into consideration these goals. There is no evidence of green space, biodiversity corridors, pedestrian access such as bike or walking paths or school bus drop off and pick up zones. Considering the Yass Valley recently was awarded a community grant for a 'learn to ride' circuit thanks to the hard work of a volunteer community group it is disappointing that council does not have the foresight to ensure bike and pedestrian paths are included in new developments. As a local resident and rate payer it seems that the council is happy for bike paths to be developed in other towns like Murrumbateman but not within Yass itself. In addition to the lack of biodiversity corridors and the lack of infrastructure to encourage the community to actively seek alternatives to cars there is no evidence to encourage future houses to have sustainability in mind. The current NSW planning BASIX system has been sighted by many NSW councils as their answer to improving green credibility in new housing however it has many faults and when a council such as Yass Valley openly claims to be encouraging sustainability it is disappointing that the council does not have its own cohesive plan of how the community and council can work together to bring about change in this area.

The Yass Valley's Councils own growth principles also highlights another fundamental conflict with the Iceton Place development. 'Future development should be appropriately located in relation to; it's scale, nature or type of development; the ability to provide infrastructure and services, the need for access to ensure effective traffic management' (Priorities 2 and 5). It is true that the Rayner Place subdivision has been sighted as the standard of block sizes for Iceton Place and a push to change the R5 zoning is based on the precedent of this subdivision. However, there are a number of fundamental differences between the two subdivisions. Iceton Place has a proposal for at least 19 of the proposed lots being in a flood zone, the proposal indicates that all lots will be providing their own septic/waste management system and not connected to town water. The council has recent dealings with ground water contamination, and it is unbelievable that the Iceton Place subdivision Rezoning would be approved when the risk of ground water contamination is so high. I remind Council of their statement to Gundaroo residents: 'Many on-site sewer management systems exist in Gundaroo, and it is well known that some systems have difficulty performing effectively during periods of wet weather, of which long term residents would be well aware. E.coli was also identified in the groundwater during recent testing' (Council resolution December 2017)

It is a major health and safety concern that groundwater could be contaminated, thereby affecting O'Brien's creek and ultimately the Yass River and water supply. Need I remind council of their responsibility to its residents 'Council has ultimate responsibility for drinking water quality, especially water quality of the Yass River, which provides a water supply for Yass, Bowning, Binalong and soon Murrumbateman. (December 2017). Why would you be willing to take on this risk particularly when you are branding the council as an environmentally conscious organisation and the risk to resident's health and the Yass Valley river ecosystem is so high. By Keeping the current zoning size restrictions in place the risk of groundwater contamination is decreased. As waste systems can be placed away from flood prone land. It would be physically impossible to achieve a place for a waste management system that did not touch on flooding zones in some of the proposed blocks in the rezoned Iceton Place map. Rayner place and Craig

Close are on Town water, sewer and power which eliminates any risk of the above.

One of the most important documents submitted with the Iceton Place subdivision was the Traffic Impact document. However, this document contains inaccurate figures and most concerningly the lack of real traffic data. Large amounts of this document are based on assumed figures because as the report states figures and data were 'not available' or 'not documented' from Yass Valley council. I would like to highlight some of the many safety concerns that lay within this assessment.

Yass Valley Way has a high number of traffic accidents. Highlighted in the report figures show 8 accidents in the past 5 years. The proposed road off Yass Valley Way into the Iceton subdivision is in a high-risk area, between two accident point clusters, is on a steep slope, is on a bend in the road and I believe contrary to the traffic impact report will be used as the main access point for residents in the proposed Iceton subdivision. I come to this conclusion as the percentage road use split in the report of 60% heading towards Canberra and 40% heading into Yass is unrealistic, these figures as the report states are assumed as no traffic data was available from council to base this impact on real figures. I believe most of the proposed Iceton Place blocks will be brought by Canberra workers (due to the price of comparable acres of land in and around Yass) who need access to Yass Valley Way to travel to work. They will not drive into Yass via Gums Lane to get onto Yass Valley Way, as this will mean a longer commute of at least 10 minutes. More users on the road will likely reduce the speed limit on Yass Valley Way as reflected in recent changes on the other side of town and Dogtrap Road. But it fails to account for increased risks of traffic accidents and Pedestrian accidents. As several buses currently drop off and pick up school students along this stretch of road and I have witnessed a number of students in 'near' accidents due to the high amounts of traffic and unsuitable stopping areas that buses and parents have to pull up in. I also object to the current rating of Yass Valley Way as been assessed in 'Fair/good' condition and would like more information on this scaled rating system made available to the public. As a regular user of this road I believe that this rating is too high.

My aim of writing this letter is not to lay blame or to raise objection to every new development but to remind council of the planning goals and the importance of getting the right balance.

Yours Sincerely, concerned local resident 

PubSub - 6

From: [REDACTED]
Sent: Monday, 14 December 2020 8:12 PM
To: YVC Customer Service Team
Subject: RE: Planning Proposal PP.2020.03 – 7 Iceton Place, Yass

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

ATTN:

Mr Arif Chohan

Strategic Planner

RE: Planning Proposal PP.2020.03 – 7 Iceton Place, Yass

Dear Mr Chohan,

I have yet to decide about making a submission to the planning proposal but wanted to make an enquiry in the first instance.

My wife and I own the property [REDACTED], which is adjacent to the proposed development.

My main question at this stage concerns fencing. There is a good fence between our property and the proposed development that is dog-proof.

However our neighbour [REDACTED] agists stock on our property and his and our properties are in open communication. The fence between his property and the proposed development is not dog-proof and this would be a problem for stock on our land. This situation is likely to remain for the foreseeable future.

My question is: can the Council stipulate that adequate dog-proof fencing is provided by the developer between the proposed development and affected neighbouring properties?

I would be grateful if you could explain to me the legal responsibility of the developer in this situation.

Yours sincerely,

[REDACTED]

PubSub - 7

From: Yass Valley Council <no-reply@wufoo.com>
Sent: Monday, 21 December 2020 11:59 PM
To: YVC Customer Service Team
Subject: Public Consultation online submission [#231]

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

Name *

Address *



Australia

Email *

Phone

Number *

What item are you making a submission on? *

Submission *

The development proposes block sizes too small to meet the requirements of the Yass Valley LEP, particularly in relation to the over 40% of the proposed development area which lies to the east of O'Brien's creek and which is outside the area identified in earlier Council planning considerations for possible residential expansion of Yass. Minimum Block sizes of 5–6ha on that land would more appropriately meet the requirements in the Yass Valley LEP clause 4.1(1) (a), (b) and (c) on minimum block size, given the considerations of protection of native biodiversity, maintaining the actual characteristics of the rural environment and the preserving some reasonable amenity for a landholders to the east who are on much larger blocks. Yass Valley LEP para 4.1 cites minimising the likely impact on amenity of neighbouring properties as the first consideration in relation to setting minimum block size. The proposed development would be surrounded to the east west and north by developments which are either much larger block sizes (especially to the east) or blocks which are of equivalent or larger size but also connected to gas and town services. The development documents incorrectly address protection of native species and the riparian area to the east of O'Briens creek by comparison to hypothetical residential town block development. This is irrelevant for the large parcel of land to the east of O'Brien's creek. Reducing the block size from 10ha to 2 ha on

the east of O'Brien's creek can only severely comprise and complicate conservation of the necessary habitat for the species identified in the planning documents – many small holders will supposedly be responsible, but none would truly be accountable for their preservation. Also landholders on larger blocks to the east of the proposed development will need to deal with larger number of neighbours on fencing, dog incursion and weed and pest control if block sizes are reduced to 2 ha in the area to the east of O'Brien's creek No consideration is given in the planning documents to the risk of roaming dogs predating on on livestock in adjoining areas. What requirements will be put in place for strong dog proof perimeter fencing especially to the south and east of the proposed development?

From: Yass Valley Council <no-reply@wufoo.com>
Sent: Monday, 21 December 2020 3:17 PM
To: YVC Customer Service Team
Subject: Public Consultation online submission [#230]

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

Name *

Address *



Australia

Email *

Phone

Number *

What item are you making a submission on? *

Planning Proposal – 7 Icton Place – Planning Proposal (PP.2020.03)

Submission *

Thanks for the opportunity to comment against the proposed subdivision of 7 Icton Place. (pp.2020.03)

I believe this proposal is largely inconstant with all of the R5 Zone objectives.

I understand redevelopment is something that must happen however there needs to be a sensible approach. The site is zoned R5 Large Lot Residential under the Yass Valley LEP 2013 (Land Zoning Map – Sheet LZN_002B), and has a minimum subdivision lot size of 10ha (Lot Size Map – Sheet LSZ_002B) which should provide an approximately 17 lots and nowhere near the proposed 72 lots.

A development proposal for subdivision of this size that proposes 72 lots and reduces the minimum lot size significantly should not be considered and is significant over development. Further the proposal relies on potable/ rainwater tanks and no sewerage a zone objective requirement. Allowing such a contravene to these objectives will not only impact the rural character but provide a precedence for surrounding R5 Zoning and future

redevelopments. This will have a detrimental effect on adjoining residences and environmental

The council and proposal need to consider a range of lot sizes other than 1 and 2 hectare lot sizes. By providing larger lot sizes along ridgelines and views from nearby estates and Yass Valley Way. This will protect the rural character and its linked biodiversity including the Legless Lizard and Golden Sun Moth instead of secluding these protected species to a smaller confined built up areas. The ability for these protected species to thrive and move will be dramatically decreased, the conservation of rural land is a major issue facing planning in Australia today.

Rural land can best be described as land that is used for any land use that is not urban. However, the term rural does not define the use of the land, it defines the character – one of rolling hills interspersed with native and exotic vegetation and animals. The main feature of rural land is that it has an unplanned, non-uniform, natural look and can be described as "chaotic". This describes rural land the most accurately – it is a mixture of uses where no one use is the dominant one. The location setting will destroy the visual amenity of open paddocks, dense creek line vegetation and unimpeded distant views that is predominant in rural character settings. A more sensible approach would be to consider larger lot sizes that interact with Yass Valley Way and its adjoining smaller R5 estates, which also relates to a key zone objective..

The current intersections along Yass Valley Way such as Rayner Place and Glover Drive are dangerous. Adding another intersection between Dog Trap Road and Rayner Place on a hill within a bend is not a suitable outcome and should be revisited prior to the consideration of any approval. Larger lot sizes would decrease the amount of traffic, alternatively a better outcome for all traffic should divert back through toward Iceton Place to Grand Junction Road where the speed limit is more suitable for access to Yass Valley Way and may handle the significant traffic increase. No access to Yass Valley Way should be provided, in doing providing an access way through to Yass valley Way will also invite traffic from the south including Wee Jasper Road and Gums Lane. A decrease in the current speed limit on Yass Valley Way from 100km/h to 80km/h would not even resolve such issue.

The Planning proposal includes an area along O'Briens Creek as 'public land' and seeks to burden council with its ongoing maintenance. This creek reaches its banks frequently even in small rain events. I own a 4 hectare property in a smaller lot size subdivision noting that it is larger than the proposed also backs onto this creek. I can provide evidence of the fast flowing creek and the burden council will need to 'maintain'. Further it is disrespectful to provide such a poor quality area as public space, an area that can be fully enjoyed would be more appropriate. An area such as a small park, benches or a place to walk and sit is deemed a public space not a left over area along a creek.

Regards



1st stage of consultation
State agencies & authorities



Planning,
Industry &
Environment

DOC20/978477-11

Arif Chohan
Strategic Planner
Yass Valley Council
PO BOX 6
Yass NSW 2582

11 December 2020

Dear Mr Chohan

Subject: Planning Proposal 2020/03 – LEP Amendment to reduce minimum lot size from 10 ha to 1 ha to 2 ha - 7 Iceton Place, Yass

The Department of Planning, Industry and Environment (the Department) has undertaken a review of the Planning proposal submitted. Please note that our Aboriginal Cultural Heritage Team is now separate to our Department and we will therefore only be commenting on biodiversity and flooding.

The Department objects to this Planning Proposal in its current form. We do not consider that the direct and indirect impacts to threatened species habitat has been mitigated and avoided. The Department also does not consider that the planning proposal is consistent with the South East and Tablelands Regional Plans, section s14.2, nor in line with the Ministerial Directions s2.1.

Biodiversity

We consider that the planning proposal in its current form does not demonstrate adequate ongoing protection measures to the threatened species present on site. The Golden Sun Moth (GSM), is a Serious and irreversible impact species (SAIL), the planning proposal in its current form does not demonstrate adequate avoidance and ongoing protection of this species and its habitat. Striped legless lizards were recorded onsite, and it is estimated that more than 40% of their habitat will be impacted. Further avoidance of the habitat for this species should be demonstrated in the Planning proposal. The Department does not consider that ongoing protection measures were adequately outlined, and no long-term conservation outcomes were proposed. Please see more detailed comments in **Attachment 1**.

Flooding

The planning proposal does not adequately assess or consider the implications of increased development and encroachment on flooding; allow for appropriate flood and riparian buffers; assess climate change nor address risk to life in extreme flood events (PMF). It is recommended that the approval authority consider the more detailed floodplain risk management comments in **Attachment 2** to resolve these matters.

If it will be helpful we would to arrange a site inspection early next year with Council following these comments.

If you would like to discuss this matter further, please contact Nicola Hargraves, Senior Conservation Planner on [REDACTED] or at [REDACTED].

Yours sincerely

[REDACTED]

ALLISON TREWEEK
Senior Team Leader – South East
Biodiversity and Conservation Division

Attachment 1 – Biodiversity Comments

The Department does not consider that the planning proposal in its current form is consistent with the South East and Tablelands Regional Plan requirement to *protect and validate high environmental lands in the LEPs s14.2*. Nor does it demonstrate how it is consistent with the Ministerial Directions, in particular 2.1 Environment Protection Zones (4) *A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas*.

The Department acknowledges the Draft Biodiversity Development Assessment Report (BDAR). The high biodiversity values present on site have not been adequately protected and avoided, therefore without appropriate protection measures the Department will not be able to support the reduction in LEP minimum lot size at this stage.

Avoidance of threatened species

Of particular concern is that the site is habitat to the Golden Sun moth, which is a potential Serious and irreversible impact species. The Draft BDAR (page 3 Threatened ecological communities) claims that the proposed development will impact 24.6% of the GSM habitat that occurs in the subject land. This exceeds the 10% clearing thresholds outlined in the Threatened Biodiversity Data Collection (TBDC). This may be considered a Serious and Irreversible Impact and Council may be required to refuse the development at the DA stage.

The land also supports Striped legless lizard habitat and will be impacting 6.9 ha (40.3%) of that habitat, with 10.2 ha proposed for protection. At this stage we consider that further avoidance measures for this species needs to be demonstrated.

We do not consider that the direct and indirect impacts have been adequately addressed in the proposed lot layout and conservation areas. Lot 63 (Large lot conservation area to the South West) has a large building envelop in the middle, directly impacting the threatened species habitat. The other two large lot conservation areas to the North of the subject area (Lots 29, 28 and 43) appear to have little to no buffer between the development and avoided areas. No significant detail was given to the 'avoid, protected and managed' claims made within the Draft BDAR and it is unclear as to why more of the striped legless lizard habitat to the east (estimate lots 27, 26 & 25) of the site cannot be avoided. . It is not sufficient protection to leave these area in larger lots which still have the potential to be further sub divided once the Planning proposal has been approved.

Ongoing both direct and indirect impacts of the reduction in lot size have not been adequately addressed. As a result of the reduction in lot size there will be an increase in the amount development on the land, this will result in long term ongoing impacts. Including increase in ground disturbance the introduction and intensification of hard hooved grazing animals, increase potential for further clearing of habitat, rock removal and the introduction of dogs and cats

Long-term protection measures

No long-term conservation outcomes were outlined within the Draft BDAR. Sufficient ongoing protection measures need to be identified upfront to guarantee ongoing persistence of the threatened species on this site. Ongoing protection measure for areas of habitat of Serious and irreversible impact species is a consideration in the assessment of these impacts and therefore these measure should be described and achievable onsite to ensure the long term survival of the species.

There are a variety of options that can be investigated into that will protect the high biodiversity value of this land in perpetuity. Biodiversity certification, a voluntary planning agreement, community title with attached vegetation management plans, building exclusion zones, large lot stewardships and re-zoning to an E3, or a combination of this options could be used to ensure the long term viability of the species

The Department is open to further discussions to assist Council with this process.

Attachment 2: Floodplain Risk Management Comments

As the proposed development area is affected by flooding, it will need to be considered in accordance with the NSW Government's Flood Prone Land Policy as set out in the NSW Floodplain Development Manual, 2005 (FDM 2005) and Councils Yass Valley LEP 2013. As the planning proposal is altering the zoning of flood prone land section 9.1 direction 4.3 also applies.

In order to be consistent with FDM2005, the implications of the full range of floods, including events greater than the design flood, up to the Probable Maximum Flood (PMF) should be considered by the approval authority, including:

- The impact of flooding on the proposed development
- The impact of the proposed development on flood behaviour (particularly flood impacts as a result of land use and landform changes; bridge, culvert and waterway encroachment);
- The impact of flooding on the safety of people for the full range of floods including issues linked with isolation and accessibility for emergency services;
- the implications of climate change (particularly increased rainfall intensity) and cumulative development impacts on flooding and estimated flood planning levels;

Based on the information provided, adequate consideration has not been given to all these matters in their entirety, particularly:

- Consideration of cumulative development impacts (post development scenario), flood hazard and categorisation, freeboard, the implications of climate change and extreme floods (PMF);
- Appropriate buffers to accommodate flood and riparian constraints; and
- Potential isolation, appropriate measures to manage risk to life and accessibility for emergency services during floods.

It is recommended that modelling of post-development flood behaviour with consideration of increased impervious areas, riparian planting within the community title lot (lot 73), bridge and culvert crossing encroachment be undertaken for the 5%, 1% and PMF flood design events. This will include flood depth, velocity, hazard and hydraulic categorisation. Further, the modelling of increased rainfall intensity associated with climate change and its implications on estimated flood planning levels will better enable the approval authority to satisfy itself of consistency with the NSW Governments Flood Prone Land Policy, Yass Valley LEP and Section 9.1 direction 4.3. This also includes a more appropriate and considered width and zoning (e.g: W1, RE2, or E2) of the community title lot (lot 73) and thus schematisation of adjoining property boundaries to facilitate flood management and riparian outcomes.

The recommended additional flood behaviour modelling will also assist at the Subdivision DA stage, to ensure appropriate drainage easements; culvert, bridge and road design; and development controls are achieved to manage the impacts of flooding.

Should the approval authority require any further advice on flood risk management matters, it should not hesitate to contact the SE Water, Flood and Coast team.



Transport
for NSW

SWT20/00151
SF2020/219895
CO

15 December 2020

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

Attention: Arif Chohan

PLANNING PROPOSAL PP.2020.03 – PROPOSED AMENDMENT TO YASS VALLEY COUNCIL LEP 2013, LOT 2 DP1243702, LOTS 13 & 14 DP786575, ICETON PLACE, YASS

I refer to your correspondence regarding the subject Planning Proposal which was referred to the Transport for NSW (TfNSW) for assessment and comment.

From review of the information provided it is understood that the planning proposal represents an amendment to the current Yass Valley LEP to change the minimum lot size for the subject site from 10 ha to 1 and 2 ha minimum lot size. This will allow the site to be subdivided into approximately 72 rural residential allotments (subject to development consent). The Planning Proposal is supported by a report by Hugh Dennett Pty Ltd dated 23 July 2020 and a Traffic Impact Assessment (TIA) by Genium Civil Engineering dated 25 June 2020.

The subject land is located on the south eastern side of the township of Yass, to the east of Wee Jasper Road which is a classified "Regional" road and to the south of Yass Valley Way which is an unclassified "Regional" road. The subject site has frontage and proposed access to the Yass Valley Way and to Iceton Place. TfNSW notes that access is not proposed directly to Wee Jasper Road however a proportion of the traffic will access Yass via the intersection of Gums Lane with Wee Jasper Road.

The TIA identifies the potential traffic generation due to the subdivision with the majority of these vehicle movements expected to access the existing road network via Yass Valley Way. A secondary access will be provided via Iceton Place which currently carries relatively low volumes of traffic. This will provide access to Yass via the intersection of Gums Lane with Wee Jasper Road. The TIA recommends upgrades for existing roads and proposed intersections but fails to address the intersection of Gums Lane and Wee Jasper Road. This intersection should be upgraded to comply with the Austroads Guide to Road Design.

A major focus of Transport for NSW is the safety and efficiency of the classified road network and the level of service provided by these roads and their associated infrastructure. The rezoning of this precinct as proposed will generate additional traffic volumes along Yass Valley Way and Wee Jasper Road. The development of the precinct needs to acknowledge and fund measures to address the impacts due to the increased development potential and resultant traffic. Such measures and their funding should be addressed as part of the rezoning process through a contribution plan. Any works associated with the proposed development of the subject site shall be at no cost to Transport for NSW

Transport for NSW

193-195 Morgan Street Wagga Wagga NSW 2650 | PO Box 484, Wagga Wagga NSW 2650
W transport.nsw.gov.au | ABN 18 804 239 602

TfNSW has reviewed the documentation provided and advises that it would not object to the rezoning of the subject site as defined subject to the abovementioned issues and funding for any works being addressed as part of the planning proposal and addressed in any associated documentation.

TfNSW notes that the documentation and plans submitted for the planning proposal provide a preliminary concept for the development and that a Development Application will be submitted to Council for merit assessment of the development prior to any works for the development being undertaken on the subject site.

Transport for NSW would be pleased to discuss the contents of this letter with the relevant council officers. Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Transport for NSW (South West Region), Maurice Morgan, phone [REDACTED].

Yours faithfully

[REDACTED]

Per:
Jonathan Tasker
Acting Director South West



Natural Resources
Access Regulator

Contact Tim Baker

Phone

Email



Arif Chohan
Yass Valley Council
Locked Bag 6
YASS NSW 2582

Our ref V15/2812-5#40

22 December 2020

Dear Arif

RE: Planning Proposal to reduce the Minimum Lot Size of 7 Iceton Place, Yass

The Natural Resources Access Regulator (NRAR) has reviewed documents for the Planning Proposal relating to 7 Iceton Place, Yass (Lot 2 in DP 1243702, Lot 13 and 14 in DP 786575), in accordance with water legislation and related policy. Relevant comments and recommendations are provided below for Councils consideration.

Comments

NRAR understands the proposal is seeking to reduce the lot size from 10ha down to a combination of 1ha and 2ha which is to enable approximately 72 rural residential lots from the current 173.3ha site.

A search of the Department's databases identified a water supply work approval (40CA407540) held by Yass Valley Council for two town water supply bores on lands adjacent to the proposed site near the western boundary of Lot 14 in DP786575. This approval has a Water Access Licence attached for 70 units of water entitlement. The role of these bores to supply water for town water supply and the potential impact due to water demands of the proposed lot size on the future water availability and water quality from these bores needs to be considered by Council.

A fourth order watercourse (O'Brien's Creek) traverses the subject land in a northerly direction. A number of minor watercourses are also present in addition to two dams.

The proposal is to rely on rainwater for potable water and on-site sewage management (OSSM). Groundwater is stated as not being required however no provisions have been proposed to prevent the installation of bores, or an adequate assessment of the potable and non-potable requirements of this land use and the availability of sources to meet this. The proposal states it is not proposed to provide a non-potable water supply to the development. The Department has significant concerns with the adequacy of the water assessment and proposed arrangements to adequately service the site in terms of water supply and sewage management.

Reference is made in the Planning Proposal to the use of a 40m wide riparian zone for O'Brien's Creek. Whilst the recognition of a need to protect the riparian zone is supported, the Department advises that waterfront land measures 40m from the high bank either side of the creek, resulting in waterfront land being 80m plus the channel width. Further to this the proposed riparian buffer and watercourse buffer as mapped in Figure 10 extends into proposed lots. The value of a buffer is significantly compromised where there is the potential for conflicting land management and

www.industry.nsw.gov.au | e nrar.servicedesk@industry.nsw.gov.au

infrastructure such as fencing. As detailed in the Guidelines for Controlled Activities on Waterfront Land, a 4th order watercourse such as O'Briens Creek has a recommended riparian corridor width of 80m plus channel width. The ability to vary this may be possible based on a merit assessment and/or the use of offsets elsewhere with the need to maintain a minimum 50% of the recommended width.

Recommendations

- It is recommended reticulated water and sewer be provided to ensure adequate water availability and to mitigate potential impacts to surface water and groundwater sources due to the project.
- It is recommended that confirmation regarding the potable and non-potable demands for the proposed land use and access to a viable water supply be provided. It is not considered adequate to rely on rainwater tanks and to not consider non-potable requirements with no analysis of the demands and availability. NRAR wishes to ensure adequate planning is completed at this stage to avoid future adhoc applications for water bores or other on-site water infrastructure which may result in conflict for water availability within the subject land, impacts to users on adjacent lands, poor landuse outcomes and potential reliance on water supplies via trucking from external sources. A factsheet titled "*How much water do I need for my rural property*" provides information on determining water requirements and can be accessed at the following link: https://www.waternsw.com.au/data/assets/pdf_file/0008/136619/How-much-water-do-i-need.pdf This factsheet indicates an annual demand of 264,000L to maintain a 0.1ha house garden and house equipped with an OSSM in the Southern Tablelands. Further information is recommended to confirm the water demands and the ability of potential water sources to meet these demands.
- Where there are existing town water supply bores it is recommended the role of these in supplying the town be confirmed and adequate assessments be completed to address potential impacts due to water demands and sewage management due to this proposal. It is recommended adequate buffers be implemented between potential bore sites and on-site sewage management systems to ensure the required yield and water quality can be maintained and the bores be used as a long term water source. The most effective method to achieve this is by the use of an adequate lot size and/or designated buffer areas. Please note applications under the *Water Management Act 2000* for a Basic Landholders Right (BLR) bore are generally not subject to a development application and this type of bore is not subject to distance restrictions to minimise interference impacts on other bores eg. Town Water Supply Bores or other BLR bores. Hence the lot size is critical in governing future impacts on the groundwater source and its users where groundwater is a likely water source.
- It is recommended that where there is the potential for groundwater supplies to be accessed that consideration be also given to the need for adequate buffers between bores and contamination sources such as on-site sewage management systems. The Department advises that if an approval is required for a bore under the *Water Management Act 2000* the relevant buffer distances from contamination sources and construction requirements as specified in the Water Sharing Plan for the Murray Darling Basin Fractured Rock Groundwater Sources will need to be addressed. Please note that as buffer distances prescribed in the plan may result in the alteration of the lot layout, it is recommended this be confirmed prior to the determination of the Planning Proposal.
- It is recommended the buffer to O'Brien's Creek have management outcomes to ensure

its continued riparian functioning and relevant restrictions on infrastructure development. The preferred option to achieve this is by maintaining the entirety of the buffer within a single land parcel as an environmental management unit.

NRAR has also identified the following considerations relating to future Development Applications at the site:

- The existing dams on the site will need to be sized consistent with the maximum harvestable right dam capacity (MHRDC) of the resulting lot size. This may require their modification following a subdivision determination.
- The lot layout proposes a road crossing of O'Brien's Creek. This would require a Controlled Activity Approval (CAA) under the *Water Management Act 2000* and would need to be designed and constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land (NRAR 2018). Crossings of minor watercourses may also require a CAA and will need to be further considered at the DA stage.
- Maintenance of the flows through the site are required to ensure there is no increase in the flow velocity from pre to post development.

Should you have any further queries in relation to this submission please do not hesitate to contact Tim Baker [REDACTED].

Yours sincerely

[REDACTED]

Tim Baker
Senior Water Regulation Officer
Natural Resources Access Regulator
Department of Planning, Industry and Environment



Our ref: DOC20/965831

Mr Chris Berry
General Manager
Yass Valley Council
council@yass.nsw.gov.au

Attention: Mr Arif Chohan, Strategic Planner
[REDACTED]

Planning Proposal – 7 Iceton Place, Yass

Dear Mr Berry

Thank you for the opportunity to comment on the planning proposal to amend the planning controls for 7 Iceton Place, Yass under *Yass Valley Local Environmental Plan 2013* (LEP), to reduce the minimum lot size to:

- 2ha over a 141.8ha portion of the site, and
- 1ha over a 31.5ha portion of the site.

Heritage NSW, as delegate of the Heritage Council of NSW, has reviewed the Planning Proposal and the Heritage Assessment prepared by Past Traces Heritage Consultants, and notes the following advice in relation to considerations under the *Heritage Act 1977* (the Act).

State Heritage

The subject site is directly south of the State Heritage Register (SHR) item 'Cooma Cottage' (SHR 01496) at 756 Yass Valley Way, Marchmont, which is also listed as Item I283 under the Heritage Schedule of Council's LEP. The Statement of Significance for this item describes the Cottage as follows:

Cooma Cottage was the home of the famous Australian explorer, Hamilton Hume. The house demonstrates a form, which has grown from a bungalow through a series of additions - idiosyncratic, apparently haphazard, or sophisticated - to be fully united in Palladian form. The variety and juxtaposition of building techniques and materials is exceptional. The house remains within its original unspoilt historic curtilage and retains visual links, and is integral with the adjacent landscape and early properties.

The Assessment of Significance further states that:

The relative intactness of the farm complex, being buildings, garden elements, farm paddocks, relationship of elements to each other and to their wider landscape setting, views and visual links is equally rare.

Given that part of Cooma Cottage's identified heritage significance is related to its landscape setting, views and visual links, it is recommended that Council undertake a visual impact analysis to assess and identify the impact of proposed smaller lots and subsequent development on views to and from 'Cooma Cottage'. Such an assessment will be essential to inform any future development applications for the subject site.

Historical Archaeology

It is noted that the Heritage Assessment considered that the subject site has low potential for archaeological remains. As the subject area was used over a long period for grazing and pastoral regimes, including ploughing, this is a reasonable conclusion.

The use of an Unexpected Heritage Finds Procedure for works associated with any future development application for the subject site is supported.

Aboriginal Cultural Heritage

Heritage NSW's Aboriginal Cultural Heritage Regulation team may provide separate advice on the planning proposal in relation to Aboriginal heritage considerations under the *National Parks and Wildlife Act 1974*.

Prior to finalisation of the planning proposal, Council should be satisfied that all necessary due diligence, assessments and notifications have been undertaken.

If you have any questions please contact James Sellwood, Senior Heritage Programs Officer, Strategic Planning and Relationships at Heritage NSW by phone on [REDACTED] or by email at [REDACTED].

Yours sincerely

[REDACTED]

Alice Brandjes
Senior Team Leader, Strategic Planning and Relationships
Heritage Act Programs
Heritage NSW
As delegate of the Heritage Council of NSW

16 December 2020



PO Box 398, Parramatta NSW 2124
Level 14, 169 Macquarie Street
Parramatta NSW 2150
www.waternsw.com.au
ABN 21 147 934 787

25 November 2020

Arif Chohan
Strategic Planner
Yass Valley Council
PO Box 6
YASS NSW 2582

Contact: *Stuart Little*
Telephone: [REDACTED]
Our ref: *D2020/125336*

Dear Mr Chohan

PLANNING PROPOSAL – (PP.2020.03) – 7 ICETON PLACE, YASS

I refer to your email and letter of 20 November 2020 concerning a Planning Proposal for 7 Iceton Place, Yass. The Planning Proposal involves privately owned land which is currently zoned R5 Large Lot Residential. It is proposed to reduce the minimum lot size of the land from 10 ha to 1 ha and 2 ha which will give rise to a later development application for subdivision. We understand that referral of the Proposal to WaterNSW has been required by the Gateway Determination.

Within the Yass Valley Local Government Area (LGA), WaterNSW owns and manages Burrinjuck Dam. The Planning Proposal concerns land south of Yass and implicates O'Brien's Creek, a tributary of the Yass River which flows into Lake Burrinjuck. The site itself lies about 11.5 km north-east of Lake Burrinjuck and 35 km north-east of Burrinjuck Dam.

As WaterNSW assets are not affected by Proposal, nor lie in proximity to the site, WaterNSW has no comment to make on the Proposal.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at [REDACTED].

Yours sincerely



ALISON KNIHA
Catchment Protection Planning Manager

Arif Yasin Chohan

From: Paul Garnett
Sent: Thursday, 24 December 2020 8:52 AM
To: Arif Chohan
Cc: Wendy Goodburn
Subject: Doc 411847 RE: REMINDER - Referral - DPI Agriculture - Planning Proposal - 7 Iceton Place, Yass

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

G'day Arif,
I apologise for the delay in responding to your letter.

I have had a look at the planning proposal. I note the land is already zoned R5 Large Lot Residential and is subject to a minimum lot size (MLS) of 10 hectares. The proposal seeks to reduce the MLS applying to the land to 1 and 2 hectares. The land is bounded by R5 Large Lot Residential zoned land to the north, east, and west. The land to the north and west is also subject to an MLS of 2 hectares.

DPI Agriculture has no concerns with reducing the MLS of existing R5 zoned land in order to maximise its lot yield and avoid the need to rezone other rural zoned land to R5 to meet demand. Therefore DPI Agriculture has no objection to the planning proposal.

However the proposed concept subdivision layout in the planning proposal has the potential to increase land use conflict with the adjoining rural zoned land to the south. The planning proposal (page 18) states:

The southern boundary of the site adjoins a significant area of land zoned RU1 – Primary Production that is being used for agriculture. Re-zoning the site to permit urban residential development would result in a high potential for land use conflicts to arise with the adjoining agricultural land.

Rural residential development can have similar potential to urban development for land use conflict with agricultural land uses. The concept subdivision plan shows eleven (11) proposed rural residential lots adjoining the rural land to the south with what appears to be building envelopes extending nearly all the way to the southern boundary on nine (9) of those lots.

DPI Agriculture strongly suggests that Council request the proponent to:

- provide a land use conflict risk assessment to address the potential for conflict between future dwelling houses and agricultural land uses;
- reconsider the proposed concept subdivision layout to:
 - reduce the number of lots adjoining the rural land to the south;
 - increase the size of lots adjoining the agricultural land to the south to enable a suitable buffer area to be achieved within the R5 zone between the rural property to the south and future dwellings on the R5 zoned lots.

It is acknowledged that the above matters can be addressed either with this planning proposal or when the development application for the subdivision is submitted.

Council may also consider retaining a larger MLS (I note 8 and 10 hectares MLS are used in the Yass LEP) along the interface with the rural zoned land to the south.

Should you wish to discuss any of the above matters further, please don't hesitate to contact me on the phone number below.

Yours sincerely

Paul Garnett

Acting Manager Agricultural Land Use Planning

Department of Primary Industries

PMB 2 GRAFTON 2460 | Trenayr Road JUNCTION HILL 2460

[Redacted contact information]

Stronger Primary
Industries



Department of
Primary Industries





Department of Primary Industries

Our Ref: C20/739

1 December 2020

Yass Valley Council
209 Comur Street
YASS NSW 2582
c/o: council@yass.nsw.gov.au

Attn: Arif Chohan

Dear Mr Chohan,

Re: Referral – Planning Proposal (PP.2020.03) – 7 Iceton Place, Yass

Thank you for your referral of 20 November 2020 seeking comment on the above planning proposal from DPI Fisheries, a division of NSW Department of Primary Industries.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. DPI Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

DPI Fisheries has noted that the planning proposal is an amendment to reduce lot size from 10ha to 1ha and 2ha.

O'Briens Creek is a mapped key fish habitat. It is important that future development of this location includes the following measures to protect and improve the key fish habitat values of this waterway:

- Protection of riparian buffer zone requirements from development.
- Waterway crossings over O'Briens Creek are to be constructed in accordance with the following document: [Microsoft Word - Why do fish need to cross the road booklet.doc \(nsw.gov.au\)](#). These crossings must not block the passage of fish.
- The use of erosion and sediment control measures during construction.
- Consideration of water sensitive urban design principles.
- Best practice waste-water treatment, including appropriate servicing of any on-site sewage systems.

DPI Fisheries has reviewed this planning proposal in light of those provisions under the FM Act and has no objections.

If you require any further information, please contact me on [REDACTED].

Yours sincerely,

A black rectangular box redacting the signature of Carla Ganassin.

Carla Ganassin

Senior Fisheries Manager, Coastal Systems

C20/739

DPI Fisheries
Email: ahp.central@dpi.nsw.gov.au

Page 1 of 1

Arif Yasin Chohan

From: Easements&Development
Sent: Monday, 30 November 2020 3:05 PM
To: Arif Chohan
Subject: FW: 2020 -551 - PP.2020.03 Referral - TransGrid - Planning Proposal - 7 Iceton Place, Yass
Attachments: All Constraints_Map.pdf; PP.2020.03 Planning Proposal - Referral - TransGrid.pdf; Planning Proposal - 7 Iceton.pdf

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

Good Afternoon,

TransGrid Reference No: 2020-551

Location: 7 Iceton Place, Yass (Lot 14 in DP 786575, Lot 2 in DP 1243702, Lot 13 in DP 786575)

Proposal: PP.2020.03 Referral - TransGrid - Planning Proposal

Amend Yass Valley Local Environment Plan 2013 by reducing lot size of land from 10ha to 1ha and 2ha. This may create an opportunity for 73 lots subdivision of the land when a development application will be lodged in the future.

TransGrid: Proximity to – Yass – Dapto No 1 330KV TL (Feeder 4, Structure Span 7 -11A

TransGrid have reviewed the attached documents, particularly the *All Constraints Map* that identifies the position of TransGrid transmission line easements

The proposed Lot 63 that accommodates TransGrid transmission line easement is acceptably large (effectively a Super Lot)

It is notably larger than all the other smaller proposed allotments and appears so in order to accommodate the transmission line easement in the one lot.

As the current issue is the proposed revision of the LEP to permit smaller lots (of 1ha or 2ha); TransGrid request a minimum allotment size of 9 hectares for land that is subject to our transmission line easements

In this way, TransGrid advocates for Super Lots where the land accommodates our transmission line easement and therein wants to prevent smaller lots from crowding out TransGrid's easements and infrastructure.

Regards

Michael

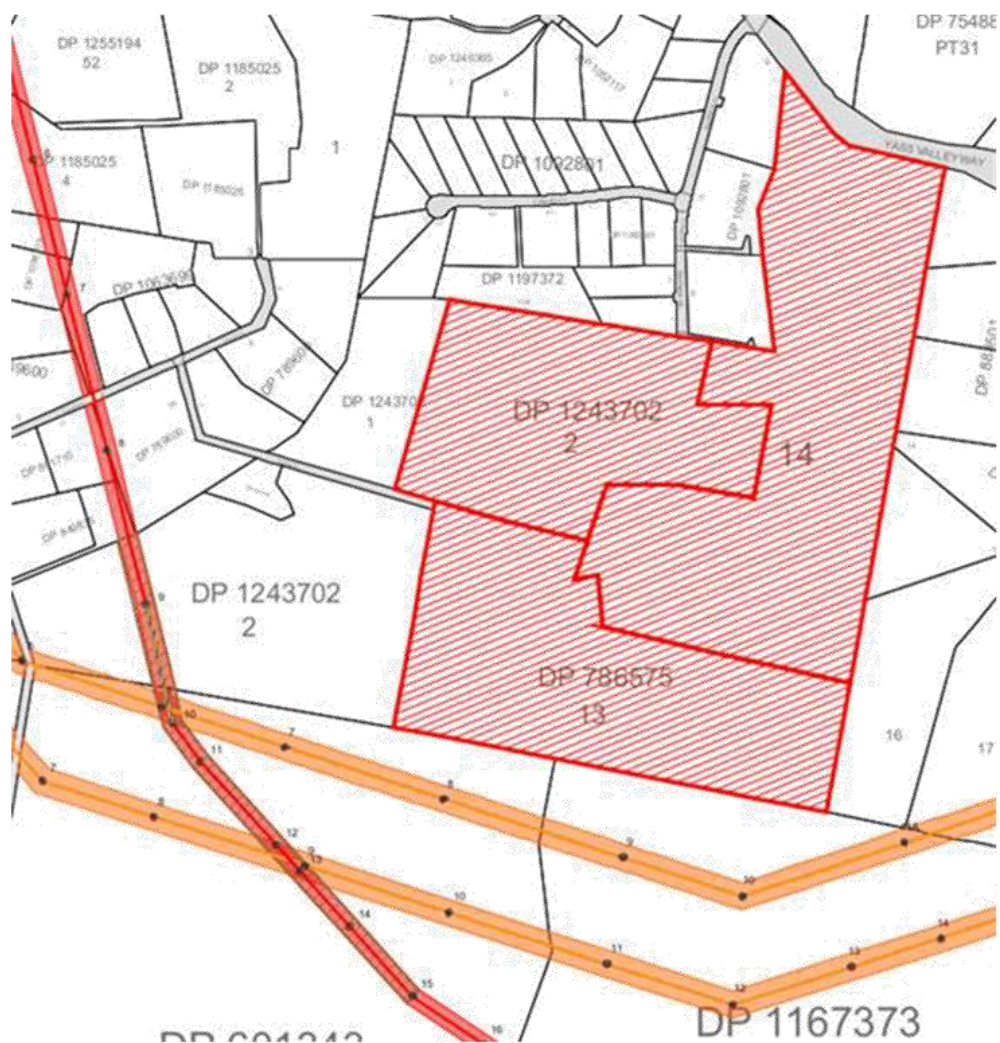
Michael Platt

Development Assessment and Control Officer | Network Planning and Operations

TransGrid | 200 Old Wallgrove Road, Wallgrove, NSW, 2766

T: [REDACTED]

E: [REDACTED] W: www.transgrid.com.au



Arif Yasin Chohan

From: ! dev4national
Sent: Wednesday, 13 January 2021 7:06 PM
To: Arif Yasin Chohan; YVC Customer Service Team
Subject: FW: REMINDER - Referral - Telstra - Planning Proposal - 7 Iceton Place, Yass
Attachments: PP.20202.03 Planning Proposal - Referral - Telstra.pdf

Importance: High

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

Hello Arif,

As **nbn co** are the Statutory Infrastructure Provider (SIP), I recommend you engage **nbn co** to make comment on the proposed development.

The area in which the new development will be situated is in an area where **nbn co** now own the existing infrastructure closest to the development.

Thanks

Kind regards

Anna Williams on behalf of the **dev4national** mailbox



Telstra New Developments
Access Network Planning
Telstra Operations

E [REDACTED]

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If I've sent it to you by accident, please delete it immediately

Arif Yasin Chohan

From: ConveyancingTeam
Sent: Wednesday, 2 December 2020 9:35 AM
To: Arif Chohan
Cc: Network Planning
Subject: RE: Referral - Essential Energy - Planning Proposal - 7 Iceton Place, Yass (Lot 2 DP1243702, Lots 13 & 14 DP7876575) - Proposed large lot residential subdivision
Attachments: PP.20202.03 Planning Proposal - Referral - Essential Energy.pdf; PP.2020.03 Proposed Lot Layout.docx

[EXTERNAL]

Dear Sir/Madam,

We refer to the above matter and to your correspondence dated 23 November 2020 seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. As part of the subdivision, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Essential Energy has existing overhead powerlines located on the properties. The Proposed Lot Layout provided indicates that proposed residential lots will be in the location of these existing powerlines. It is Essential Energy's preference that its electrical infrastructure is located in road reserves or public reserves (with easements) and not within residential lots. Refer to Essential Energy's Contestable Works team for requirements via email [REDACTED].
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.

7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Should you require any clarification, please do not hesitate to contact us.

Regards

Fiona Duncan
Conveyancing Officer
Legal & Conveyancing
Governance & Corporate Services



PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au
General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

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Arif Yasin Chohan

From: Tony Trajcevski
Sent: Friday, 4 December 2020 9:23 AM
To: Arif Chohan
Cc: Glen Gordon; Epi Kinivuwai
Subject: Doc 408055 RE: YVC seeking clarification Re referral - Optus - Planning Proposal - 7 Iceton Place, Yass

Importance: High

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

Hi Arif,

The Optus cable(s) are legally installed and as such Optus in principle don't have any objections to the development going ahead, but please note at a point closer to actual work commencing such as civil/construction activities the developer will need to adhere to the DBYD process (no work is to commence in the vicinity of the Optus assets and the DBYD process and adhered to as highlighted below by Chris), as a minimum electronic location of the Optus assets will be required and depending on the results, the assets may also require to be physically located via non-destructive digging method (potholing).

Please note that this cable provides connection between Sydney and Melbourne and is of national significance as it carries international as well as national data and voice traffic.

Regards

Tony Trajcevski
Manager, Fibre Projects | National Field Operations
[REDACTED]
6 Columbia Way, Castle Hill NSW 2153 Australia
[REDACTED]

OPTUS



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Hi Chris,

Thank you for your detailed response.

In addition to your response, Council wishes to confirm that Optus does not have any issue not does it objects the proposed development.

To clarify the exact location of the optical fibre cable, Council would seek further clarification from proponent/developer as they might have to engage the services of Optus Accredited Locator.

Kind regards,
Arif

Arif Chohan | Strategic Planner | **Yass Valley Council**

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E: [REDACTED] W: www.yassvalley.nsw.gov.au

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From: Chris Willis

Sent: Thursday, 3 December 2020 2:11 PM

To: Arif Chohan; Epi Kinivuwai

Cc: DART NSW

Subject: RE: YVC seeking clarification Re referral - Optus - Planning Proposal - 7 Iceton Place, Yass

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

Hi

As discussed, the Optus assets in the vicinity of the proposed subdivision consist of an Optical fibre cable and associated conduit.

Based on the supplied drawings the assets appear to be located along the boundary of Gums Lane and Lot 63 within the proposed development. It is likely that the assets are located within the road reserve. Please note however that asset location drawings provided by Optus are reference diagrams and are provided as a guide only. The completeness of the information in these drawings cannot be guaranteed. Exact ground cover and alignments cannot be provided with any certainty as these may have altered over time. Depths of telecommunications assets vary considerably as do alignments.

There should be a number of Optus rural marker posts in the vicinity which may be able to provide more guidance to the general location however on site electronic location of the assets is recommended should the developer wish to more accurately determine the general location of the assets and whether they may be within the road reserve or within the boundary of the proposed Lot 63.

The developer must engage the services of one of the Optus Asset Accredited Locators to carry out asset location (refer list of Accredited Locators at the end of this DYBD response). Unless otherwise agreed with Optus, where an on-site asset location is required, the requestor is responsible for all costs associated with the locating service.

Please note that this cable provides connection between Sydney and Melbourne and is of national significance as it carries international as well as national data and voice traffic.

Happy to assist with further information should you have further queries.

Regards

Chris Willis

Network Construction & Regulatory Adviser | Network Deployment | Optus

1 Lyonpark Road, Macquarie Park NSW 2113

[Redacted signature]

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2nd stage of consultation

State agencies & authorities



Planning,
Industry &
Environment

DOC20/978477-11

Arif Chohan
Strategic Planner
Yass Valley Council
PO BOX 6
Yass NSW 2582

17 June 2021

Dear Mr Chohan

Subject: Planning Proposal 2020/03 – LEP Amendment to reduce minimum lot size from 10 ha to 1 ha to 2 ha - 7 Iceton Place, Yass

Biodiversity and Conservation Division (BCD) have reviewed the updated information provided to us on the 7 May 2021. The supporting information and amended Biodiversity Development Assessment Report (BDAR) have addressed most of our previous concerns, however there are still some outstanding matters to be addressed before we can remove our objection.

BCD supports the proposal to the Community Title Scheme to create a Lot to protect and manage the areas of Golden Sun Moth and Striped Legless Lizard habitat within the riparian area. However, the Planning Proposal does not show this proposed lot layout, nor does it reflect the proposed in perpetuity conservation agreements mentioned in the BDAR. In addition, BCD recommend the minimum lot size (MLS) of 10 ha remain on the large lot (referred to as Lot 62) to limit intensification of development to ensure ongoing protection of the known Golden sun moth habitat.

In order to remove our objection, the Planning proposal should be revised as follows.

- The area for the community title scheme should be reflected on the supporting maps.
- The community title scheme lot is mapped in the appropriate E2 zoning as per the mapping in the BDAR.
- The Planning Proposal needs to include the developers commitment to a Voluntary Planning Agreement (VPA) between Council and the landholder to enter into an in perpetuity conservation agreement over land referred to as Lot 62.

BCD consider that a VPA is the most suitable approach to ensuring that a conservation agreement is entered into. Alternatively, Council may consider requiring the conservation agreement as a Deferred Commencement Condition of Consent at the subdivision stage.

The Biodiversity Conservation Trust have a specific set of guidelines for proponents and consent authorities when development consent conditions require the use of conservation agreements to establish biodiversity offsets. These can be found at https://www.bct.nsw.gov.au/sites/default/files/2020-07/Guidelines%20for%20offset%20conservation%20agreements_July%202020.pdf

The comments on the flooding issues will be coming in a separate response.
If you would like to discuss this matter further, please contact Nicola Hargraves, Senior Conservation Planner on [REDACTED] or at [REDACTED].

Yours sincerely

[REDACTED]

ALLISON TREWEEK
Senior Team Leader – South East
Biodiversity and Conservation Division

Arif Yasin Chohan

From: Allison Treweek
Sent: Wednesday, 7 July 2021 1:48 PM
To: Arif Yasin Chohan
Subject: FW: BCD Flood advise - PP 7 Iceton Place, Yass

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

Hello Arif, sorry for the delay in getting this you. I chased the flooding team before I went on leave and they got back to me on Friday. Below is the response. Please give me a call if you need anything else.
Once again I sincerely apologise for the lateness of this response.
Thanks Allison

Allison Treweek
Senior Team Leader Planning

Biodiversity and Conservation | Department of Planning, Industry and Environment

Level 3, Farrer Place, Queanbeyan NSW 2620

www.dpie.nsw.gov.au

In order to ensure a high level of customer service and monitor work flow, South East Planning Team has an email address: [REDACTED]. Please address all further email correspondence in relation to Planning and Aboriginal cultural heritage regulation matters to this address. If appropriate, emails can be marked to the attention of your usual contact in the team.



The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Raymond Laine
Sent: Friday, 2 July 2021 4:36 PM
To: Mallory Barnes
Cc: Allison Treweek
Subject: RE: BCD Flood advise - PP 7 Iceton Place, Yass

Hi Mallory

Apologies for the delay in response.

I have reviewed the updated planning proposal. Please find below for consideration in your response to Council (wasn't sure how you might want to respond?):

Floodplain management:

From the information provided it remains unclear if issues linked with isolation and accessibility for emergency services have been addressed for the full range of floods. The planning proposal identifies '14 lots have building envelopes situated within the high hazard (H3 – H6) areas of the Yass River PMF flood extent'. It is unclear at what design event(s), internal and external site access is lost to these high hazard and other subdivision lots, and the duration of isolation. As these issues are linked to isolation, evacuation and rescue during times of flood, we recommend Council discuss emergency service requirements with relevant emergency service agencies (e.g. SES, Ambulance, Fire, Police).

In addition we recommend Council adequately consider the post development scenario, climate change and associated freeboard provisions when defining the flood planning area. This will enable the approval authority to satisfy itself of consistency with the NSW Governments Flood Prone Land Policy and Yass Valley LEP. Of particularly note, it is evident major overland flow paths (with adequate freeboard) have not been incorporated into the proposed flood planning area.

Should you require any further advice on flood risk management, please don't hesitate to contact the SE Water, Flood and Coast team.

Best regards
Ray

Dr Raymond Laine
Senior Flood, Coast and Estuaries Officer – South East

Biodiversity and Conservation | Department of Planning, Industry and Environment

Block D, Level 3, 84 Crown Street, Wollongong NSW 2500

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Our Vision: Together, we create thriving environments, communities and economies.

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.



Transport
for NSW

SWT20/00151
SF2020/219895
CO

26 May 2021

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

Attention: Arif Chohan

PLANNING PROPOSAL PP.2020.03 – PROPOSED AMENDMENT TO YASS VALLEY COUNCIL LEP 2013, LOT 2 DP1243702, LOTS 13 & 14 DP786575, ICETON PLACE, YASS

I refer to your correspondence regarding the subject Planning Proposal which has again been referred to the Transport for NSW (TfNSW) for assessment and comment following a 1st round of consultation. The Planning Proposal has been amended following the submissions received.

It is understood that the planning proposal represents an amendment to the current Yass Valley LEP to change the minimum lot size for the subject site from 10 ha to 1 and 2 ha minimum lot size. The modified Planning Proposal provides for the site to be subdivided into 71 rural residential allotments (subject to development consent) instead of 72 allotments.

The subject land is located on the south eastern side of the township of Yass, to the east of Wee Jasper Road (MR278) which is a classified "Regional" road and to the south of Yass Valley Way (RR7610) which is an unclassified "Regional" road;

TfNSW has completed an assessment of the modified application, based on the information provided and focussing on the impact to the state road network. TfNSW notes:

- That access is not proposed directly to Wee Jasper Road however a proportion of the traffic will rely on access via the intersection of Gums Lane with Wee Jasper Road.
- The previous submission from TfNSW dated 15 December 2020 indicated that TfNSW would not object to the rezoning of the subject site as defined subject to issues identified in that response being addressed. This included the need for the intersection of Gums Lane with Wee Jasper Road to comply with the Austroads Guide to Road Design. The revised documentation does not appear to address the issues outlined in this previous response.

The response from Transport for NSW remains as per its submission dated 15 December 2020.

Any enquiries regarding this correspondence may be referred to Cam O'Kane, TfNSW (South Region), phone [REDACTED].

Yours faithfully

Maurice Morgan
Team Leader, Development Services South

Transport for NSW

193-195 Morgan Street Wagga Wagga NSW 2650 | PO Box 484, Wagga Wagga NSW 2650
W transport.nsw.gov.au | ABN 18 804 239 602

3rd stage of consultation

State agencies & authorities



Department of Planning and Environment
DOC22/25789-5

Arif Chohan
Strategic Planner
Yass Valley Council
PO BOX 6
Yass NSW 2582

21 February 2022

Dear Mr Chohan

Subject: Planning Proposal 2020/03 – LEP Amendment to reduce minimum lot size

The Department of Planning and Environment (the Department) has undertaken a review of the Planning proposal submitted. Please note that our Aboriginal Cultural Heritage Team is now separate to our Department and we will therefore only be commenting on biodiversity and flooding.

Biodiversity

BCD note the increased avoidance of the Golden Sun Moth (GSM) population present on site as well as the Striped Legless Lizard (STL) through an amended layout and added protection measures address our previous concerns. The added environmental protection measures through an Environmental zoning throughout the Community title lot is supported, however we would suggest increasing the minimum lot size to the size of the lot to prevent any further subdivision occurring. We also support the use of a biodiversity management plan being incorporated into the community management statement as detailed within the proposal.

BCD support the proposed voluntary planning agreement (VPA) for lot 62 to provide added environmental protection measures for the GSM habitat present within that location.

We are pleased to see that long-term protection measures have been included within this amendment. Furthermore, ensuring the ongoing protection of the threatened species present through adequate mitigation measures within the VPA should also be followed up on.

Flooding

From the information provided it remains unclear if Council has discussed emergency service requirements with relevant emergency service agencies (e.g. SES, Ambulance, Fire, Police). The updated planning proposal and accompanying flood assessment (GRC hydro, Sep 21) once again highlight significant increases in dwelling density on land that presents isolation and accessibility issues for emergency services during extreme events. The updated planning proposal identifies that '12 lots have building envelopes situated within the high hazard (H3 – H6) areas of the Yass River PMF flood extent', with depths exceeding 6 meters at some building envelopes with no accessibility for emergency services. As a result and consistent with 'Considering flooding in land use planning-Guideline' NSW Government July 2021, NSW Floodplain Development Manual 2005, NSW Planning

circular 21-006, Council should satisfy itself that risk to life can appropriately managed for the full range of floods including safe occupation and evacuation.

Further, we again note that major overland flow paths (with adequate freeboard) have not been incorporated into the proposed flood planning area, and in reviewing the updated planning proposal that these flow paths with freeboard have not been included in the land capability assessment for on-site effluent management. It is recommended that Council consider developing adequate controls to guide sound flood related development decision making including the location of septic systems in high flood risk locations.

If you would like to discuss this matter further, please contact Nicola Hargraves, Senior Conservation Planner on [REDACTED] or at [REDACTED].

Yours sincerely

[REDACTED]

ALLISON TREWEEK
Senior Team Leader – South East
Biodiversity and Conservation Division



Our ref: SWT20/00151
Contact: Cam O'Kane

8 February 2022

Yass Valley Council
BY EMAIL: council@yass.nsw.gov.au

Attention: Arif Chohan

**PLANNING PROPOSAL PP.2020.03 – PROPOSED AMENDMENT TO YASS VALLEY COUNCIL
LEP 2013, LOT 2 DP1243702, LOTS 13 & 14 DP786575, ICETON PLACE, YASS**

I refer to your correspondence regarding the subject Planning Proposal which has again been referred to the Transport for NSW (TfNSW) for assessment and comment following a 1st and 2nd round of consultation. The Planning Proposal has been amended following the submissions received.

It is understood that the planning proposal represents an amendment to the current Yass Valley LEP to change the minimum lot size for the subject site from 10 ha to a combination of 1 and 2 ha minimum lot size. The modified Planning Proposal provides for the site to be subdivided into 71 rural residential allotments (subject to development consent) instead of 72 allotments.

The subject land is located on the south eastern side of the township of Yass, to the east of Wee Jasper Road (MR278) which is a classified "Regional" road and to the south of Yass Valley Way (RR7610) which is an unclassified "Regional" road;

TfNSW has completed an assessment of the modified application, based on the information provided and focussing on the impact to the state road network. TfNSW notes:

- That access is not proposed directly to Wee Jasper Road, however a proportion of the traffic will rely on access via the intersection of Gums Lane with Wee Jasper Road;
- The previous submission from TfNSW dated 15 December 2020 indicated that TfNSW would not object to the rezoning of the subject site as defined subject to issues identified in that response being addressed. This included the need for the intersection of Gums Lane with Wee Jasper Road to comply with the Austroads Guide to Road Design. The revised documentation does not appear to address the issues outlined in this previous response.

The response from Transport for NSW still remains as per its submission dated 15 December 2020.

Any enquiries regarding this correspondence may be referred to the writer, TfNSW (South Region), phone [REDACTED].

Yours faithfully

A black rectangular box redacting the signature of Cam O'Kane.

Cam O'Kane
Case Officer, Development Services South



Natural Resources
Access Regulator

Contact Tim Baker

Phone

Email

Arif Chohan
Yass Valley Council
Locked Bag 6
YASS NSW 2582

Our ref V15/2812-5#40

17 February 2022

Dear Arif

**RE: Updated and Amended Planning Proposal to reduce the Minimum Lot Size of
7 Iceton Place, Yass**

The Natural Resources Access Regulator (NRAR) has reviewed the updated and amended documents for the Planning Proposal relating to 7 Iceton Place, Yass (Lot 2 in DP 1243702, Lot 13 and 14 in DP 786575). This review has been completed in consideration of NRAR's comments dated 22 December 2020 on the initial planning proposal documents. Relevant comments and recommendations are provided below for Councils consideration.

Comments

- The revised layout to incorporate a riparian buffer from the high bank of O'Brien's Creek and to maintain this buffer predominantly within a Community Title lot is supported. It is understood the buffer width has been developed consistent with the averaging rule of the Guidelines for Controlled Activities on Waterfront Land (NRAR 2018).
- The consideration of buffers between minor mapped watercourses on the site and dwelling locations is also supported. As the minor watercourses are generally within the proposed lots, future subdivision applications will need to consider the requirement for a Controlled Activity Approval (CAA) for roads and other infrastructure, and how they meet the requirements of the CAA Guidelines. Any proposed swale construction within waterfront land would also need to be considered for a CAA, and levees may require a Flood Work Approval. It is recommended the proponent review the proposed site for the requirement for a CAA by using the Waterfront land e-tool at the following link: <https://www.nrar.nsw.gov.au/how-to-apply/controlled-activities/tools> to confirm future approval and guideline requirements.
- The proposal to supplement non-potable demands with a reticulated supply from a communal bore is supported. Based on the initial hydrogeological assessment the pumping test has provided positive results. To confirm this as a viable option it is recommended an application for a water supply works approval be submitted to WaterNSW to enable the relevant impact assessments and approval processes to be completed. This process will need to consider the applicability of relevant rules for water supply work approvals in the Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Source 2020. This includes distance rules from existing bores, property boundaries and contamination sources. It is noted the rule that relates to town water supply bores requires a 500m buffer unless consent is provided in writing from the local water utility.
- It is also understood water taken from the bore will need to be accounted for by holding sufficient entitlement in a Water Access Licence, and that separate access licences

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would be required for domestic and stock requirements. WaterNSW can provide further advice on the approval and licensing requirements.

- It is noted the water supply information refers to a non-potable demand of 8-10ML and reliance on rainwater for household use. Based on the document titled, "*How much water do I need for my rural property*" approximately 0.2ML is required for each lot for 0.1ha of garden. This would equate to 14.2ML/yr for the 71 lots. The household requirement with a septic would be approximately 0.25ML/yr for a four person household. It is recommended these figures and this document be considered in confirming water requirements and availability for this landuse. The document is available at the following link: https://www.watarnsw.com.au/_data/assets/pdf_file/0005/128354/1.-How-much-water-do-i-need.pdf

Should you have any further queries in relation to this submission please do not hesitate to contact Tim Baker [REDACTED].

Yours sincerely

[REDACTED]

Tim Baker
Senior Water Regulation Officer
Natural Resources Access Regulator
Department of Planning, Industry and Environment

ICETON PLACE FLOOD ASSESSMENT – PLANNING PROPOSAL 2020/03

REVISED REPORT



September 2021





ICETON PLACE FLOOD ASSESSMENT – PLANNING PROPOSAL 2020/03

Project Number: 190032
Client: Genium Civil Engineering
Client Contact: Simon Cassidy
Report Author: Beth Marson / Zac Richards
Date: 27 September 2021
Verified By: Zac Richards

Date	Version	Description
09 April 2021	1	Icton Place Flood Assessment – Planning Proposal - DRAFT
18 April 2021	2	Icton Place Flood Assessment – Planning Proposal - FINAL
27 September 2021	3	Icton Place Flood Assessment – Planning Proposal - REVISED

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GRC Hydro

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Attachments

Attachment A: DPIE submission for 'Planning Proposal 2020/03 (December 2020)

Attachment B: Indicative lot configuration (Genium Civil Engineering, April 2020)

Attachment C: Iceton Place Development – Flood Study (GRC Hydro, September 2019).

Attachment D: Yass River Catchment Hydrology Report (GRC Hydro, September 2019).

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EXECUTIVE SUMMARY

This report has been prepared by GRC Hydro Pty Ltd on behalf of Genium Civil Engineering in response to the Department of Planning, Industry & Environment (DPIE) submission for Planning Proposal 2020/03. The Planning Proposal seeks to reduce minimum lot sizes from 10 ha to 1 ha to 2 ha for 7 Iceton Place, Yass.

Flood modelling has been undertaken using the 'Iceton Place Development – Flood Study' (GRC Hydro, 2019) flood models which have been updated to assess indicative post development conditions for the site. Extreme events and potential future conditions due to increased urbanisation and climate change impacts have been assessed.

An indicative lot layout has been produced by Genium Civil Engineering and considered against flood characteristics for the development site. Key findings of the assessment include:

- All lots have building envelopes that are situated outside of the mainstream 1% AEP event extent;
- All lots have room for development outside of the 1% AEP overland flow extent;
- Flows within proposed building envelopes are low hazard (H1 to H2) during the 1% AEP event;
- All building envelopes have sufficient space for development outside of the high hazard areas of O'Briens Creek and overland flow PMF flooding;
- 12 lots have building envelopes situated within the high hazard (H3 – H6) areas of the Yass River PMF flood extent. All of these lots have rising road access to land above the PMF.
- There are no off-site flood impacts in the 1% AEP event and PMF flood impacts are negligible;
- Potential Future Conditions, which considered increased urbanisation and increases in rainfall associated with climate change, are expected to result in an increase in 1% AEP flood level of less than 0.2 m, which is within the freeboard of the Flood Planning Level (0.5 m).
- All building envelopes have room for development outside of the Flood Planning Area.
- No building envelopes are situated within the 1% AEP event Flow Conveyance areas.
- Internal and external site access is available for events exceeding the 1% AEP event. There are expected to be limited isolation potential and emergency services access issues.

The following issues are required to be address at the DA stage to ensure that the development adequately manages flood risk:

- Development of the site is to achieve, at a minimum, the flooding outcomes described above.
- Bulk earthworks should result in a neutral cut/fill ratio within the FPA to minimise loss of flood storage. However, it is not expected that significant bulk earth works are required to manage flood risk for the site.
- Internal roads and driveways are to be designed to allow for flood free access in the 1% AEP event and to minimise hazard for extreme events.
- Drainage easements are required for all significant flow paths to ensure that development does not occur in these areas.

Provided these measures are adopted, the Planning Proposal for development of 7 Iceton Place, Yass is consistent with the Section 9.1 Direction 4.3 Flood Prone Land directives.

1. INTRODUCTION

This report has been prepared by GRC Hydro Pty Ltd on behalf of Genium Civil Engineering in response to the Department of Planning, Industry & Environment (DPIE) submission for 'Planning Proposal 2020/03 – LEP Amendment to reduce minimum lot size from 10 ha to 1 ha to 2 ha - 7 Iceton Place, Yass' (11 December 2020). The DPIE letter is presented in Attachment A.

Existing Conditions design flood characteristics for the 1% AEP event for the site were assessed in the 'Iceton Place Development – Flood Study' (GRC Hydro, 6 September 2019). The Flood Study (2019) is presented in Attachment C. The Flood Study has been updated to assess Post Development Conditions, the 0.5%, 0.2% AEP and Probable Maximum Flood¹ (PMF) events and Future Conditions associated with potential future development and climate change.

1.1 Study Area

The planning proposal is for 7 Iceton Place, Yass (the site) which is situated approximately 5 km south-east of Yass, in southern NSW. O'Briens Creek flows through the site in a northerly direction towards the Yass River (see Image 1). Catchment elevations range from ~638 to 498 mAHD. Various overland flow paths pass through the site on their way O'Briens Creek from the east and west

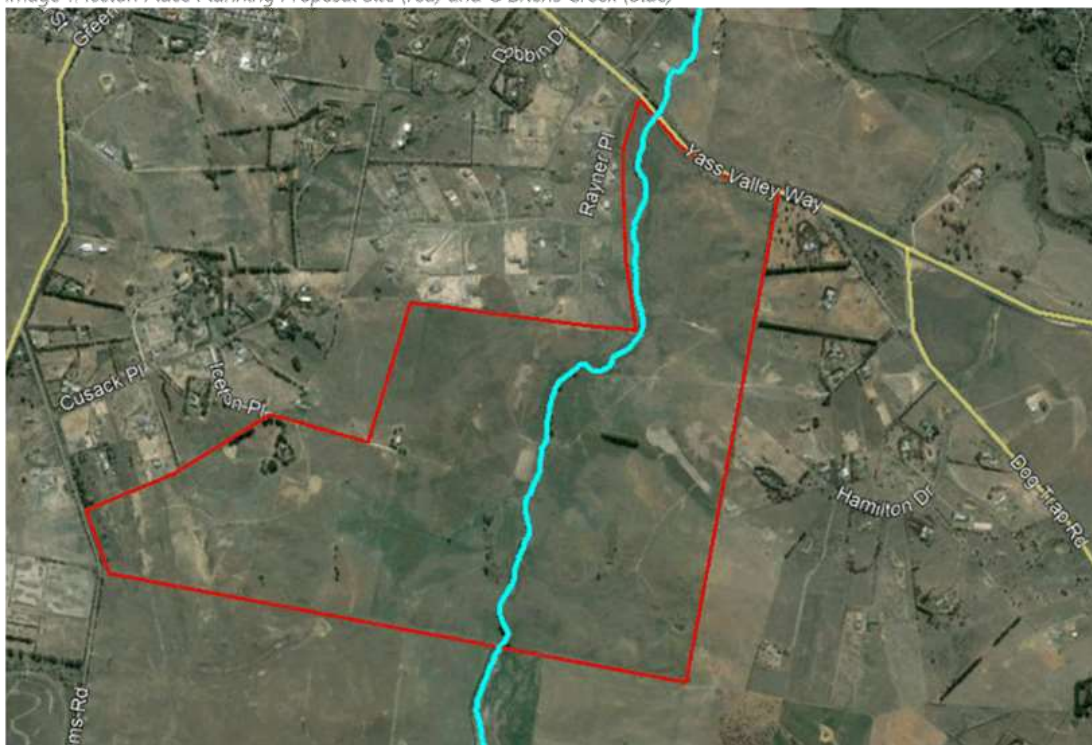
O'Briens Creek is a tributary of the Yass River, which at the confluence of the two watercourses has a catchment area of 29 km². The Yass River catchment area at this location is ~1,200 km². The region is predominantly rural in nature with few roads and houses and Yass Valley Highway to the north of the site.

1.2 Planning Proposal

The intent of the Planning Proposal (2020/03) is to allow for reduced minimum lot sizes from 10 ha to 1 - 2 ha for 7 Iceton Place, Yass. An indicative lot configuration which considers the site constraints has been developed by Genium Civil Engineering and is presented in Attachment B.

¹ The PMF is the largest flood that could conceivably occur at a particular location. The expected probability of such an event for O'Briens Creek is in the order of one in 10,000,000 (Generalised Short Duration Method, Bureau of Meteorology, 2003).

Image 1: Iceton Place Planning Proposal Site (red) and O'Briens Creek (blue)



1.3 Objectives

This report addresses the DPIE submission for 'Planning Proposal 2020/03 – LEP Amendment to reduce minimum lot size from 10 ha to 1 ha to 2 ha - 7 Iceton Place, Yass' (Attachment A). In response to the DPIE submission the following analysis has been undertaken:

- Development of a Post Development scenario which incorporates an O'Briens Creek bridge crossing, landform changes and assumed increased runoff characteristics associated with urban development;
- Modelling of the 1%, 0.5% and 0.2% AEP and PMF events for Existing and Post Development conditions;
- Modelling of potential future catchment conditions associated with urbanisation and climate change;
- Assessment of flood impacts due to the development;
- Provision of flood hazard, hydraulic categorisation, and flood planning area mapping; and
- Consideration of potential isolation, accessibility and risk to life.

1.4 Previous Studies

The 'Iceton Place Development – Flood Study' (GRC Hydro, 6 September 2019) has been used as the basis of flood modelling analysis presented herein. The Flood Study (2019) is presented in Attachment C.

Hydrology for the Flood Study used WBNM to determine mainstream flows and the direct rainfall (TUFLOW) approach for overland flows. Australian Rainfall and Runoff (ARR) 2019 methods and techniques were applied using calibrated model parameters from regional Council flood studies with the results validated to Flood Frequency Analysis (FFA) for three gauges within the Yass River catchment.

A TUFLOW hydraulic model was developed for the Flood Study to model Existing Conditions (pre-development) for the site. TUFLOW is 2D numerical modelling package which is suitable for creeks and floodplains such as Yass River, O'Briens Creek and its tributaries at the site.

The Flood Study (2019) models have been used as the basis of the modelling analysis undertaken herein. Additional modelling has been undertaken to address the objectives detailed in Section 1.3.

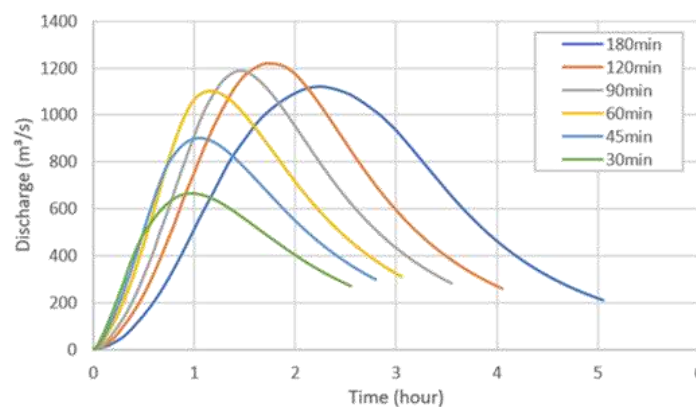
2. FLOOD MODELLING

2.1 Model Updates

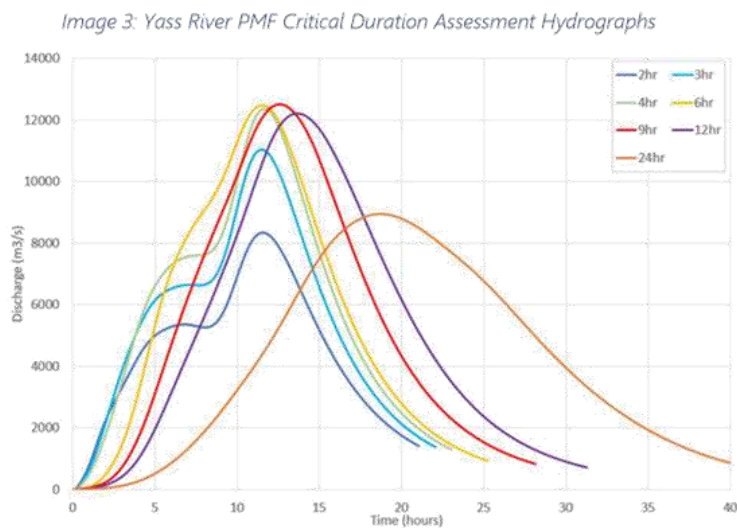
The following updates to the Flood Study (see Attachment C) hydrologic and hydraulic models were made:

- The TUFLOW model was extended from upstream of O'Briens Creek to downstream of the Yass River dam so that Yass River PMF flooding could be assessed for the site. When assessing the Yass River PMF, the grid size was increased from 5 to 10 m to improve model stability due to significant flood depths relative to cell size.
- PMF event was modelled in WBNM for O'Briens Creek and its tributaries. The Generalised Short Duration Method (GSDM) was implemented due to the catchment area of the Creek being less than 1,000 km². Initial and Continuing Losses of 0 mm and 1 mm/hr were applied. A critical duration assessment was undertaken (see Image 2) with the 120 minute duration found to be critical. The O'Briens Creek PMF flow at the site is estimated to be ~1,200 m³/s.

Image 2: O'Briens Creek PMF Critical Duration Assessment Hydrographs

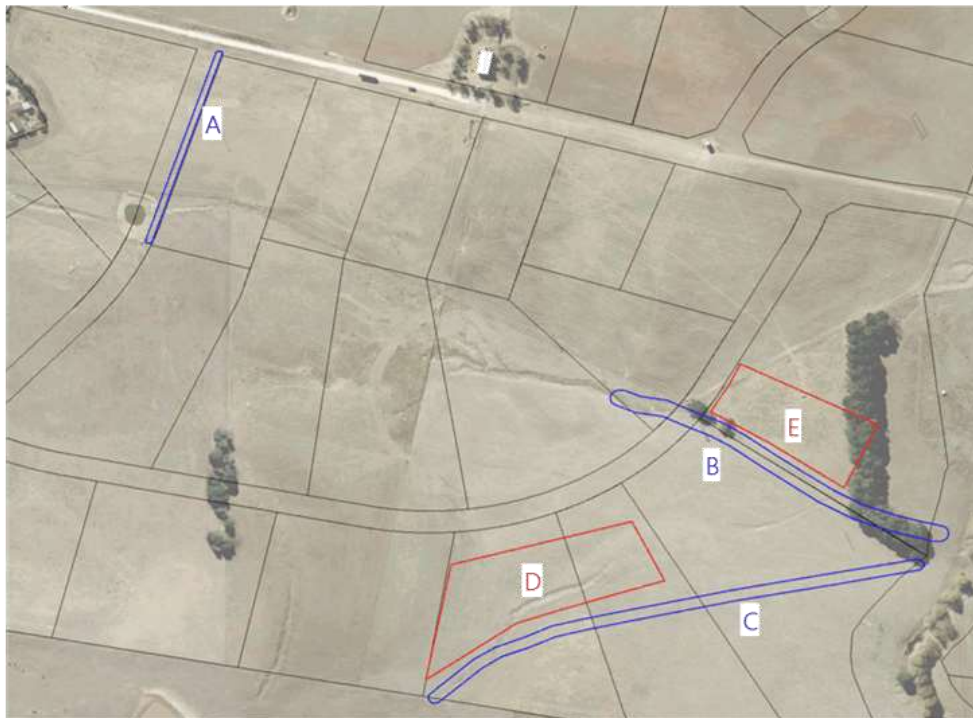


- A Yass River PMF design flow of 12,500 m³/s was calculated using the hydrologic model developed in the "Yass River Catchment Hydrology Report" (GRC Hydro 2019) presented in Attachment D. The GSDM and Generalised South-east Australia Methods were implemented. A critical duration assessment was undertaken (see Image 3) with the 9 hour duration found to be critical. This flow is noted to be comparable to the PMF flow at Yass of 12,100 m³/s, derived in the Draft Yass River Floodplain Risk Management Study (Lyall, 2021). The flow was applied to the TUFLOW model to determine the Yass River PMF flood characteristics.



- The Existing Conditions TUFLOW model was amended to develop a Post Development scenario. The following model amendment were made to simulate indicative site changes associated with development:
 - Concept design for a bridge crossing of O'Briens Creek was provided by Genium Civil Engineering. This included bridge approaches and assumed deck thickness. The bridge was modelled in TUFLOW using a layered flow constriction in 2d.
 - Channel diversion and landform changes. Indicative swale concepts were modelled at three locations as presented in Image 4. Swales A, B and C have been modelled as 5, 15 and 10 m wide respectively and aim to reduce flood hazard at proposed building envelope locations during extreme events as well as improve driveway access to potential building envelopes. The concept included fill at locations D and E to assist in diverting overland flow paths away from indicative building envelopes. The fill could be obtained from cut from the above mention channels with additional fill obtain from within the site if required to result in a neutral cut/fill ratio to minimise loss of flood storage. Significant bulk earth works are not required to manage flood risk for the site.

Image 4: Concept swale and fill areas



- The % impervious of all road easements within the development are assumed to be 100% impervious.
 - The fraction impervious of each block was increased from 0% to 10% to account for potential future development. This allows for 1,000 to 2,000 m² of impervious development per lot which is a conservative assumption.
 - Overland flow road and driveway crossings have not been modelled. These structures can be designed at the DA stage of development to minimise flood impacts and ensure safety for vehicles.
 - It is proposed that drainage easements are implemented at the DA stage for significant flow paths to ensure that development does not occur in these areas.
- A potential Future Conditions model scenario was developed by implementing the following assumptions:
 - The O'Briens Creek catchment is assumed to be developed as large lot subdivisions with a similar lot size as the current planning proposal. As such, the account for potential urbanisation of the upstream catchment, the fraction impervious was increased to 10% imperviousness.
 - The 1% AEP rainfall intensity was increased by 12% to account for potential increases in rainfall intensity associated with climate change. The procedures outlined in Book 1, Chapter 6 of ARR2019 were applied with the following parameters/assumptions; Murray Basin Cluster, medium consequence risk rating, RCP4.5, 2090 planning horizon.

2.2 Analysis of Flood Model Results

2.2.1 Flood hazard

Flood hazard mapping has been developed through application of ARR2019 and Australian Emergency Management Institute (AEMI) flood hazard guidelines. The guidelines consider the threat to people, vehicles and buildings based on flood depth and velocity at a specific location. The AEMI flood hazard mapping can be used to assess the flood hazard for site occupants and proposed site usage, as well as for the community surrounding the site.

Chart 1 and Table 1 present the relationship between the velocity and depth of floodwaters and the corresponding classification.

Chart 1: Flood Hazard Curves (Australian Emergency Management Handbook 7)

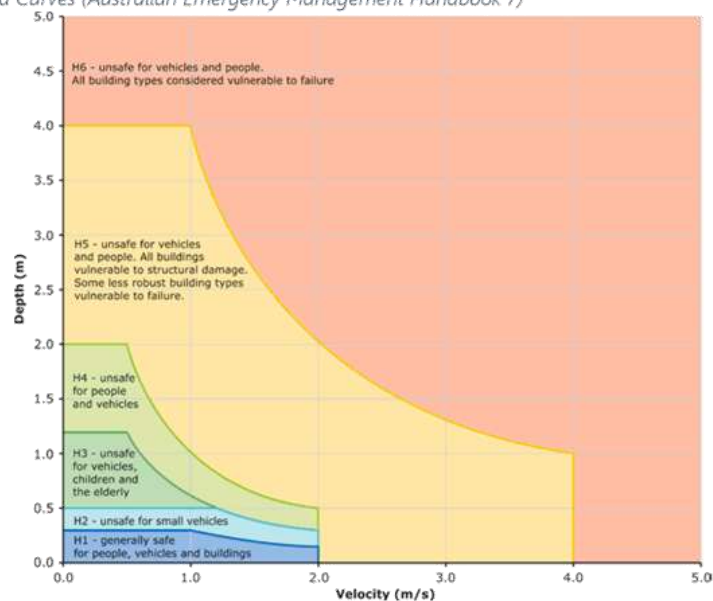


Table 1: Flood Hazard – Vulnerability Thresholds

Hazard Classification	Description
H1	Generally safe for vehicles, people and buildings.
H2	Unsafe for small vehicles.
H3	Unsafe for vehicles, children and the elderly.
H4	Unsafe for vehicles and people.
H5	Unsafe for vehicles and people. All buildings vulnerable to structural damage. Some less robust buildings subject to failure.
H6	Unsafe for vehicles and people. All building types considered vulnerable to failure.

2.2.2 Hydraulic Categories

Hydraulic Categories (also known as Flood Function) refers to the classification of floodwaters into three categories; flow conveyance (previously known as the floodway), flood storage and flood fringe. These categories help to describe the nature of flooding across the floodplain and aid

planning when assessing developable areas. According to the Australian Emergency Management Handbook 7, these three categories can be defined as:

- Flow Conveyance – the areas where a significant proportion of the floodwaters flow and typically align with defined channels. If these areas are blocked or developed, there will be significant redistribution of flow and increased flood levels across the floodplain. Generally, the flow conveyance are areas of deep and/or fast-moving floodwaters;
- Flood Storage – areas where, during a flood, a significant proportion of floodwaters extend into, water is stored and then recedes after a flood. Filling or development in these areas may increase flood levels nearby.
- Flood Fringe – areas that make up the remainder of the flood extent. Development in these areas are unlikely to alter flood behaviour in the surrounding area.

There is no prescribed methodology for deriving each category and as such categorisation has been based on the methodology presented in the Gundaroo Flood Study (WMAwater, 2016). The Gundaroo Flood Study applies the criteria proposed by Howells et. al. (2003) as reproduced in Image 5.

Image 5: Gundaroo Hydraulic Categorisation (WMAwater, 2016)

Floodway:	Velocity x Depth > 0.25 m²/s AND Velocity > 0.25m/s
	OR Velocity > 1m/s AND Depth > 0.15m
Flood Storage:	Land outside the floodway where Depth > 0.5m
Flood Fringe	Land outside the floodway where Depth < 0.5m

The applied criteria overestimates Flow Conveyance for mainstream flooding and extreme events and is thus conservative in its application.

2.2.3 Flood Planning Area

The Flood Planning Area (FPA) has been defined for the concept Proposed Conditions scenario. The FPA has been derived using the following methods:

- Mainstream flooding – The mainstream FPA has been set as the extent of land below the Flood Planning Level which has been defined as the 1% AEP event plus 0.5 m freeboard. A freeboard of 0.5 m is consistent with the Yass FRMSP (Lyall, 2021) which adopted a freeboard of 0.5 m for tributaries of the Yass River.
- Overland flows – The overland flow FPA has been determined using the methodology outlined in the Yass FRMSP (Lyall, 2021) which defined the FPA as ‘the extent of areas which act as a floodway, as well as areas where depths of inundation exceed 0.1 m in a 1% AEP event’.

2.3 Hydraulic Model Results

This section presents the hydraulic model results for the 1%, 0.5%, 0.2% AEP and PMF events. The following flood maps are provided:

- Figure 1: Existing and Post Development Conditions - 1% AEP Event Flood Depths
- Figure 2: Existing and Post Development Conditions - 1% AEP Event Flood Hazard

- Figure 3: Existing and Post Development Conditions - PMF Event Flood Depths
- Figure 4: Existing and Post Development Conditions - PMF Event Flood Hazard
- Figure 5: Flood Level Impact Maps – 1% AEP and PMF Events
- Figure 6: Mainstream Flood Planning Area & Future Conditions Flood Level Increase
- Figure 7: Post Development Conditions Hydraulic Categories - 1% AEP and PMF Events
- Figure 8: Existing and Post Development Conditions – 0.5% AEP Event Flood Depths
- Figure 9: Existing and Post Development Conditions – 0.5% AEP Event Flood Hazard
- Figure 10: Existing and Post Development Conditions – 0.2% AEP Event Flood Depths
- Figure 11: Existing and Post Development Conditions – 0.2% AEP Event Flood Hazard

The Yass River PMF event inundates a large portion of the site due to backwater. The flood depths are significant and generally described as high hazard flood storage due to the low velocities associated with backwater conditions. The flood risk profile associated with Yass River PMF flooding for the site, whilst significant, differs from O'Briens Creek flooding due to the comparatively low velocities and slower rate of rise. Accordingly, the Yass River PMF extent only is shown on Figure 3, with low (H1 to H2) and high (H3 to H6) hazard areas indicated on Figure 4. Areas of O'Briens Creek affected by Yass River PMF flooding are considered storage areas due to the backwater characteristics. Table 2 presents the peak flood depth, velocity and duration of inundation for flood affected building envelopes in the PMF Yass River event.

Table 2: Yass River PMF* flood affected building envelopes

Building Envelope ID#	Peak Depth (m)	Peak Velocity (m/s)	Duration of Inundation (hours)
15	0.40	0.02	2.95
16	1.22	0.04	5.01
17	1.60	0.03	5.54
18	3.23	0.05	7.96
22	6.93	0.08	12.72
24	4.29	0.05	9.36
25	1.83	0.03	5.92
26	2.98	0.05	7.60
28	6.38	0.06	12.01
27	6.99	0.04	12.81
44	2.56	0.04	7.00
69	0.38	0.03	2.89
70	2.99	0.25	7.57
71	4.53	0.08	9.70

* No proposed building envelopes are affected by O'Briens Creek or Yass River for events up to an including the 0.2% AEP event.

Key findings from comparison of the indicative lot layout (see Section 1.2) and flood mapping results include:

- All lots have building envelopes that are situated outside of the mainstream 1% AEP event extent;

- All building envelopes have room outside of the 1% AEP overland flow extent for development. It is proposed that drainage easements are implemented at the DA stage for significant flow paths to ensure that development does not occur in these areas;
- Flows within the proposed building envelopes are low hazard (H1 to H2) during the 1% AEP event;
- All building envelopes have sufficient space for development outside of the high hazard areas of O'Briens Creek and overland flow PMF flooding;
- There are 12 lots which have building envelopes situated within the high hazard (H3 – H6) areas of the Yass River PMF flood extent. The Yass River PMF event is an area of backwater and thus velocities are typically low and flood hazard is due to significant water depths. Due to the large catchment size of the Yass River (~1,200 km² at the site), the rate of rise is slower than that associated with O'Briens Creek PMF flooding.
- There are no off-site flood impacts in the 1% AEP event and PMF flood impacts are negligible;
- The increase in fraction impervious due to development does not significantly increase peak flood levels;
- Potential Future Conditions, which considered increased urbanisation and increases in rainfall associated with climate change, are expected to result in an increase in 1% AEP flood level of less than 0.2 m, which is within the freeboard of the Flood Planning Level (0.5 m).
- All building envelopes have room for development outside of the Flood Planning Area.
- No building envelopes are situated within the 1% AEP event Flow Conveyance areas. Localised areas of overland flow Flow Conveyance impact some building envelopes during the PMF, however all buildings envelopes are situated outside of the PMF mainstream Flow Conveyance area.

2.4 Flood Access

2.4.1 External Flood Access

Consideration of isolation potential and access issues for emergency services during flood is discussed below. The proposed development site has two external access points:

- Access Point #1 - Yass Valley Way to the east of O'Briens Creek; and
- Access Point #2 - Iceton Place to the western side of the development site.

The external access point locations are presented in Image 6.

The Yass Valley Way access point (#1) provides flood free access to Yass and the Barton Highway for events up to and including the 1% AEP event. The Yass Valley Way crossing of O'Briens Creek is noted not to be flooded in this event as presented in Figure 1, with the 1% AEP flood level estimated to be approximately 0.5 m below the level of the road. Review of flood extent mapping presented in 'Yass Dam Upstream Tailwater Investigation' (NSW Public Works, 2012) also shows that the Yass Valley Way crossing of the Yass River is also not overtopped with the road level estimated to be approximately 2 m above the 1% AEP event.

The Iceton Place access point (#2) provides flood access to Yass via Cusack Place, Gums Road and Wee Jasper Road. The access route is unlikely to be significantly flooded during any event up to and

including the PMF. The maximum catchment size upstream of the road is ~3 ha and any flows overtopping the road would be shallow and short in duration.

With two access routes available to the site from Yass and one from the Barton Highway, all of which experience limited flood liability, flood access to the site is good. The access availability reduces isolation potential and improves access to the site for emergency services.

Image 6: Access Points to External Roads

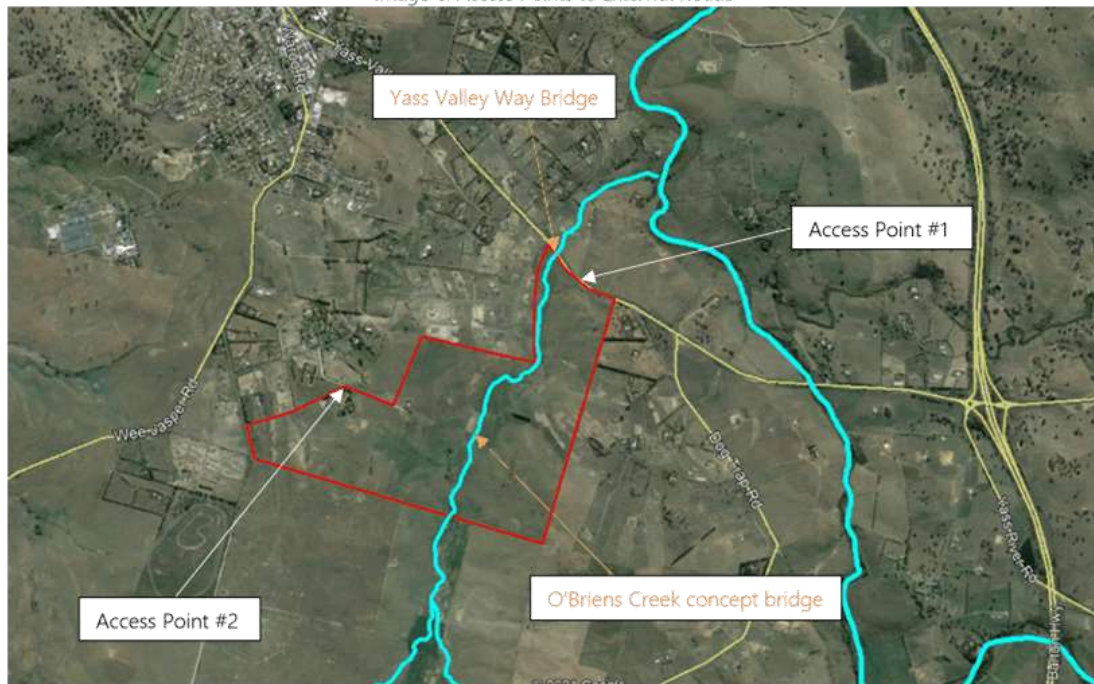


Table 3 presents the Yass River flood affectation of key flood access routes at the Yass Valley Way bridge and O'Briens Creek concept bridge (shown in Image 6). Flooding of these routes affects the flood access for properties on the eastern side of O'Briens Creek (Building envelope ID #1 – 28). Table 3 indicates that while these properties will have flood access via the O'Briens Creek concept bridge in the 0.5% and 0.2% AEP events, these properties will be isolated in the Yass River PMF event for approximately 15 hours.

Table 3: Yass River flood affectation of key access routes

Location	Flood Event	Peak Depth (m)	Peak Velocity (m/s)	Duration of Inundation (hours)
Yass Valley Way Bridge	0.5% AEP	0.67	0.14	5.5
	0.2% AEP	1.78	0.26	8.5
	PMF	12.95	0.81	20.8
O'Briens Creek concept bridge	0.5% AEP	Not flooded		
	0.2% AEP	Not flooded		
	PMF	12.86	0.29	15.4

2.4.2 Internal Site Access

Internal site access is key for evacuation if required. Review of the Post Development flood hazard categories presented in Figure 2 indicates that:

- Internal roads are expected to be generally flood free or subject to, at worst, H1 flood hazard conditions in the 1% AEP event. Road design at the later stages of development is required to ensure this outcome.
- Overland flow path road crossing locations experience localised areas of higher hazard. Road raising and construction of culverts can be developed at the DA stage to provide flood free access in the 1% AEP event and low hazard access in extreme events.
- The concept bridge crossing provides flood free access in the 1% AEP event with the road level approximately 1.2 m above the 1% AEP flood level.

Road PMF flood hazard (Figure 4) due to overland flows is predominantly H1 with localised areas of H2 affecting internal site access roads. The O'Briens Creek concept bridge crossing is overtopped during the PMF and numerous roads are cut during a Yass River PMF event. Properties on the eastern side of O'Briens Creek are likely to have access to Yass during a PMF and all properties have rising road access to areas above the PMF level for both O'Briens Creek and the Yass River flooding.

3. PLANNING POLICY DISCUSSION

3.1 Overview of Relevant Planning Policy

The Section 9.1 Direction 4.3 *'applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land'*. The Direction aims to ensure that *'the development of flood prone land is consistent with NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005'* (FDM, 2005), including the principles of Planning Circular PS 07-003, *'Guideline on development controls on low risk flood areas'*.

The FDM (2005) *'promotes the use of a merit approach which balances social, economic, environmental and flood risk parameters to determine whether particular development or use of the floodplain is appropriate and sustainable'* and aims to *'avoid the unnecessary sterilisation of flood prone land'*.

Direction 4.3 states that *'a planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General'* and that a *'planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005'*.

Direction 4.3 states that, *'a planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that, 'the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005'.*

Planning Circular PS 07-003, *'Guideline on development controls on low risk flood areas'* outlines a set of guidelines for *'flood-related development controls on residential development on land above the 1-in-100 year flood and up to the Probable Maximum Flood (PMF)'*. The Guideline confirms that:

- *'unless there are exceptional circumstances, councils should adopt the 100-year flood as the FPL for residential development; and*
- *'unless there are exceptional circumstances, councils should not impose flood related development controls on residential development on land above the residential FPL.'*

Council has not developed a flood risk management plan for the site. The Yass River Floodplain Risk Management Study and Plan (FRMSP) is currently being prepared but has not yet been adopted by Council. However, the Gundaroo and Sutton FRMSP (WMAwater, 2016) were reviewed and found to have a recommendation for applying for exceptional circumstances. The recommendation was to implement a Flood Risk Management clause into the LEP so that controls for sensitive and critical uses can be applied for areas above the FPL up to the PMF. The FRMSP do not suggest that additional exceptional circumstances are applied for residential development and as such the proposal is consistent with the recommendations presented in Council's floodplain risk management study.

Further to this, Section 6.2 'Flood Planning', of the Yass Valley Local Environmental Plan 2013 (YVLEP), *'applies to land at or below the flood planning level' with 'the flood planning level' classified as the '1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard'.*

Accordingly, assessment of the Iceton Place Planning Proposal must necessarily have consideration for the nominated flood planning level of the *'1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard'* as per Council's LEP and the requirements of the Section 9.1 of Direction 4.3.

3.2 Recent Policy Updates

In June 2020, the Department of Planning, Infrastructure & Environment (DPIE) exhibited a draft Flood Prone Land Package which includes a draft Local Planning Direction and a draft Planning Guideline for the consideration of flooding in land use.

The draft Local Planning Direction prescribes, inter alia, that land should not be rezoned to permit development in a floodway, or development that will result in significant flood impacts to other properties or which permits a significant increase in the dwelling density in a high hazard areas. Further, the Direction requires that a council's Flood Planning Level(s) must be consistent with the Floodplain Development Manual 2005 (or its update) or as otherwise determined by an adopted Floodplain Risk Management Study.

It is noted that in the subject case the Iceton Place Planning proposal does not seek to rezone the land to permit development – it merely seeks to decrease minimum lot sizes that applies to development on the land. Further, the site experiences limited flood liability in the 1% AEP and development is not proposed within a floodway or high hazard area during Council's nominated design flood event.

The draft Planning Guideline reinforces the purpose and usefulness of a flood risk management (FRM) process to understand the implication of flood events, up to and including the PMF, in considering the development of flood-prone land. The Guideline nominates the 1% AEP flood event (plus freeboard) as the appropriate flood planning level and the area of land beneath this level as the Flood Planning Area (FPA), where the majority of flood-related development controls apply. The Guideline allows Councils to set a different FPL where the merit of such an approach is demonstrated and documented.

The Guideline also identifies other categories of flood management – a Regional Evacuation Consideration Area (RECA) and a Special Flood Considerations (SFC) category – these allow for areas of land to be identified for special evacuation consideration and/or for specific controls to be developed for flood events between the FPL and the PMF. These typically relate to the identification and prohibition of sensitive, vulnerable or critical land uses. The Guideline suggests that circumstances defined through an FRM process where development controls might be needed to address risk to life may include areas where development is isolated by floodwaters and terrain for an extended period, areas where development may have evacuation capacity limitations and areas impacted by either high hazard or/and H3 to H6 hazard vulnerability thresholds in the PMF and are unable to safely evacuate.

In the subject case Council's FPL remains at the 1% AEP + 500mm freeboard level and no action has been taken thus far, or suggested to be taken, to nominate the Iceton Place site as a Regional Evacuation Consideration Area (RECA). Similarly, there is no policy direction from Council that requires special consideration of events rarer than the FPA.

Notwithstanding, for the subject site and for the purpose of advancing agency consideration of the Iceton Place Planning Proposal, additional consideration of flood risk due to flood events exceeding the flood planning level is prudent given the magnitude of Yass River and O'Briens Creek flooding for areas of the site during extreme events.

3.3 Consideration of Section 9.1 Direction 4.3

The pertinent aspects of Section 9.1 Direction 4.3 are reproduced below and addressed in [blue](#).

The direction requires that:

- *A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*

Response:

Consideration of a range of flood events up to the PMF, including flood hazard and flood function classification, has been undertaken. Further, site access and the potential for isolation and emergency vehicle access issues are considered. The analysis and findings are consistent with the objectives of the Floodplain Development Manual 2005.

- *A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*

Response:

The Planning Proposed does not rezone land. It seeks to amend the minimum lot size for the site.

- *A planning proposal must not contain provisions that apply to the flood planning areas which:*
 - i. *permit development in floodway areas,*
 - ii. *permit development that will result in significant flood impacts to other properties,*
 - iii. *permit a significant increase in the development of that land,*
 - iv. *are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*
 - v. *permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*

Response:

The indicative lot layout produced by Genium Civil Engineering show that all lots have sufficient space outside of floodway areas for development (Figure 7). Flood impact analysis shows that the development will not result in significant flood impacts to other properties (Figure 5). All developable land is situated outside of the flood planning area (Figure 6). Limited flood liability of developable areas will mean that flood mitigation works will not be required to manage flood risk. Further, available flood access reduces

isolation potential and access issues for emergency services, meaning that road upgrades to existing roads would not be required to address evacuation issues.

- *A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*
- *For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

Response:

The Iceton Place Planning Proposal has consideration for the nominated flood planning level of the '1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard' as per Council's LEP. Land below this level is not proposed to be developed. This flood planning level is consistent with the FDM (2005).

4. CONCLUSIONS

This report has been prepared by GRC Hydro Pty Ltd on behalf of Genium Civil Engineering in response to the Department of Planning, Industry & Environment (DPIE) submission for Planning Proposal 2020/03. The Planning Proposal seeks to reduce minimum lot sizes from 10 ha to 1 ha to 2 ha for 7 Iceton Place, Yass.

Flood modelling has been undertaken using the 'Iceton Place Development – Flood Study' (GRC Hydro, 2019) flood models which have been updated to assess indicative post development conditions for the site. Extreme events and potential future conditions due to increased urbanisation and climate change impacts have been assessed.

An indicative lot layout has been produced by Genium Civil Engineering and considered against flood characteristics for the development site. Key findings of the assessment include:

- All lots have building envelopes that are situated outside of the mainstream 1% AEP event extent;
- All lots have room for development outside of the 1% AEP overland flow extent;
- Flows within proposed building envelopes are low hazard (H1 to H2) during the 1% AEP event;
- All building envelopes have sufficient space for development outside of the high hazard areas of O'Briens Creek and overland flow PMF flooding;
- 14 lots have building envelopes situated within the high hazard (H3 – H6) areas of the Yass River PMF flood extent. All of these lots have rising road access to land above the PMF.
- There are no off-site flood impacts in the 1% AEP event and PMF flood impacts are negligible;
- Potential Future Conditions, which considered increased urbanisation and increases in rainfall associated with climate change, are expected to result in an increase in 1% AEP flood level of less than 0.2 m, which is within the freeboard of the Flood Planning Level (0.5 m).
- All building envelopes are situated outside of the Flood Planning Area.
- No building envelopes are situated within the 1% AEP event Flow Conveyance areas.
- Internal and external site access is available for events exceeding the 1% AEP event. There are expected to be limited isolation potential and emergency services access issues.

The following issues are required to be address at the DA stage to ensure that the development adequately manages flood risk:

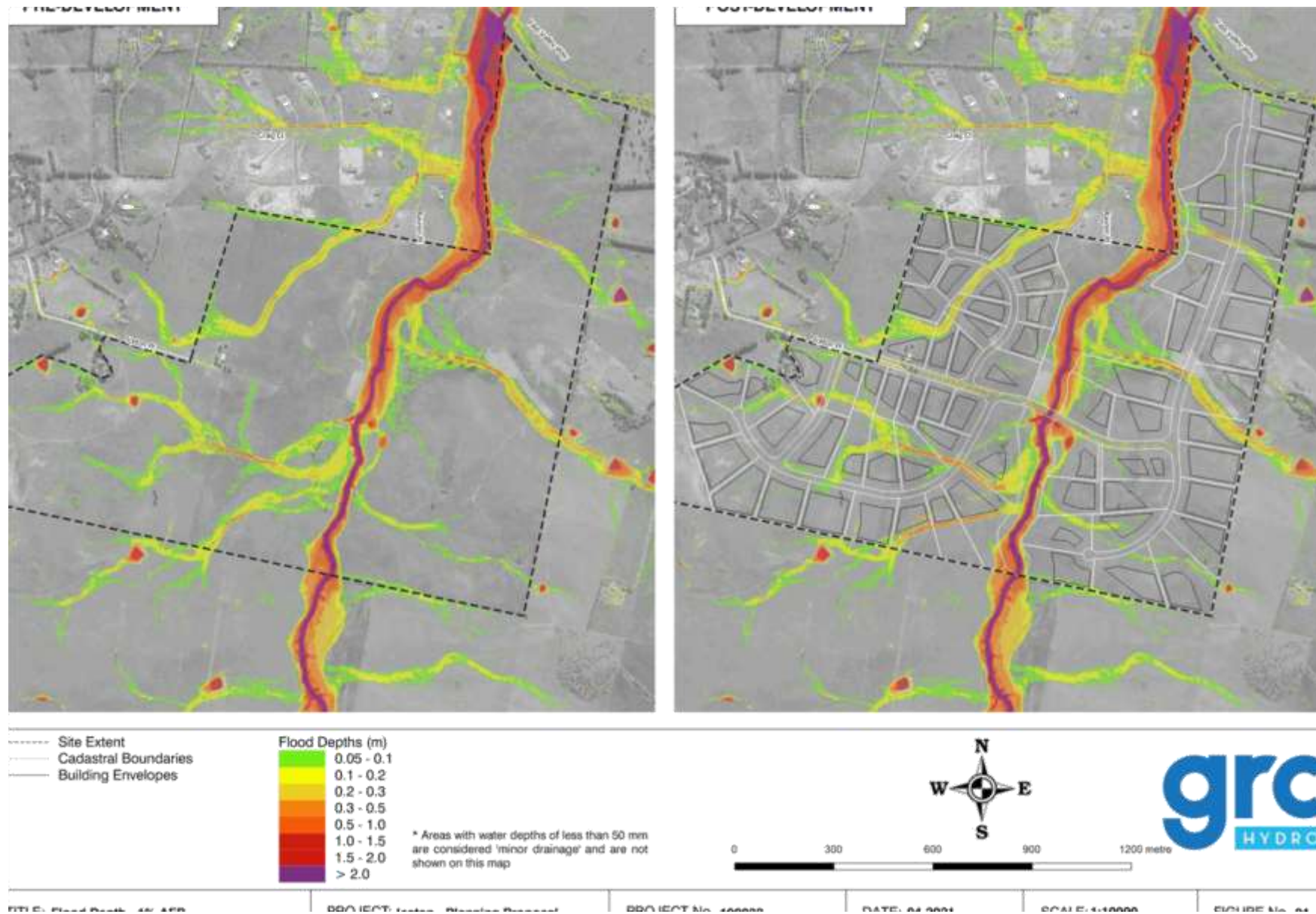
- Development of the site is to achieve, at a minimum, the flooding outcomes described above.
- Bulk earthworks should result in a neutral cut/fill ratio within the FPA to minimise loss of flood storage. However, it is not expected that significant bulk earth works are required to manage flood risk for the site.
- Internal roads and driveways are to be designed to allow for flood free access in the 1% AEP event and to minimise hazard for extreme events.
- It is proposed that drainage easements are implemented at the DA stage for significant flow paths to ensure that development does not occur in these areas.

Provided these measures are adopted, the Planning Proposal for development of 7 Iceton Place, Yass is consistent with the Section 9.1 Direction 4.3 Flood Prone Land directives.

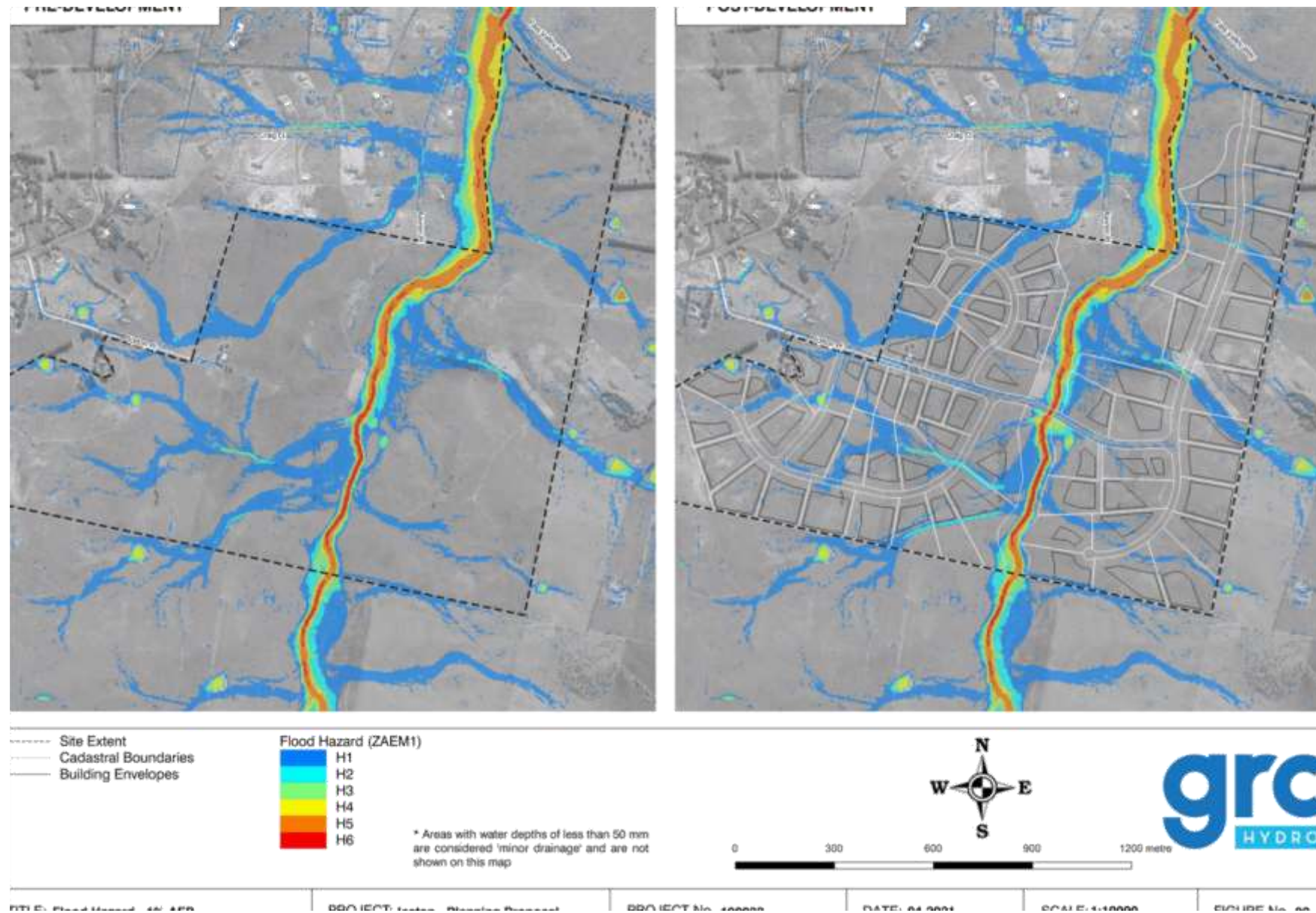
5. REFERENCES

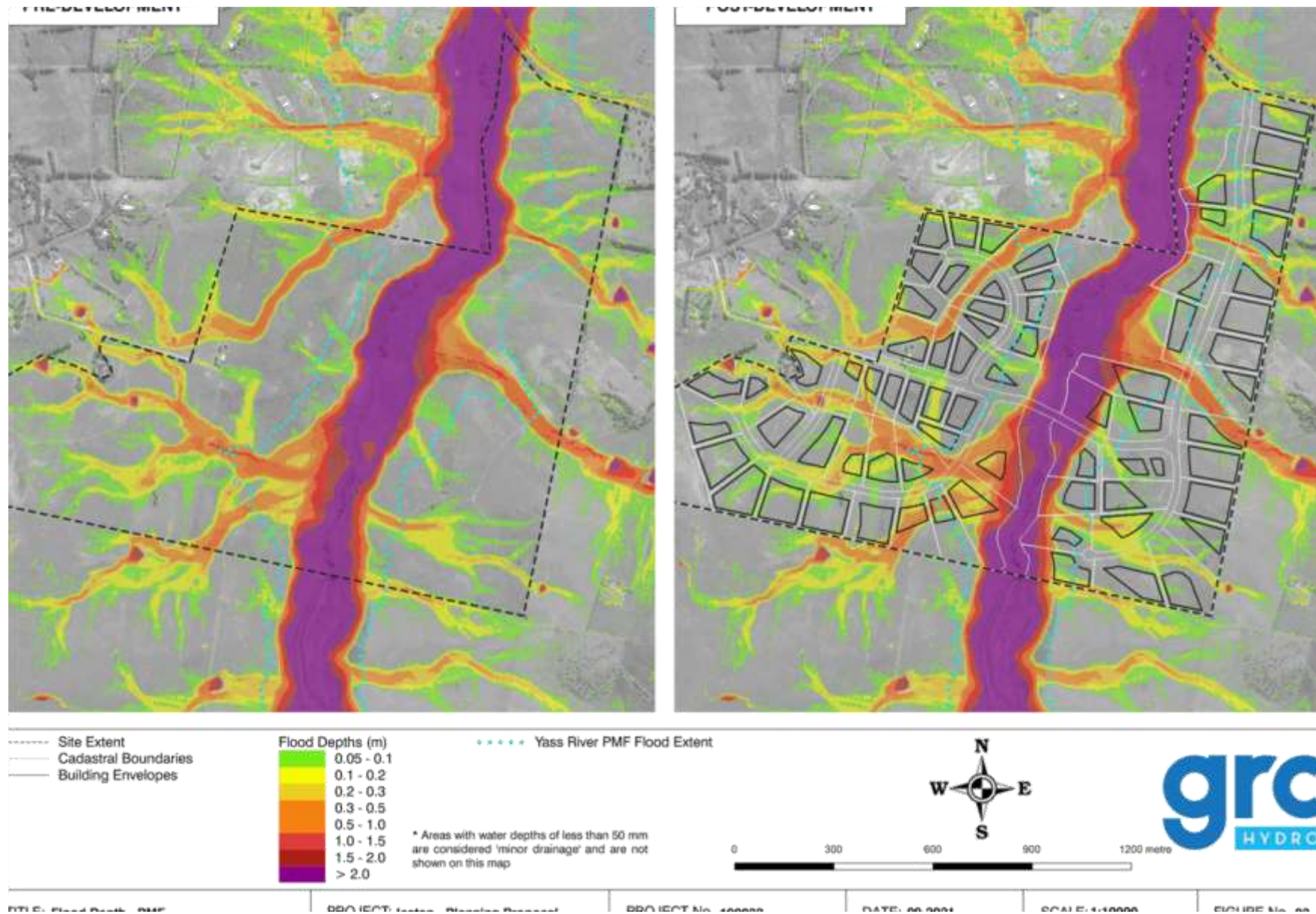
1. Ball J, Babister M, Nathan R, Weeks W, Weinmann E, Retallick M, Testoni I
Australian Rainfall and Runoff (ARR2016)
Commonwealth of Australia, 2016
2. Yass Valley Council
Yass Flood Study
WMAwater, 2016
3. Yass Valley Council
Gundaroo Flood Study
WMAwater, 2016
4. Yass Valley Council
Sutton Flood Study
WMAwater, 2016
5. Yass Valley Council
Sutton Floodplain Risk Management Study and Plan
WMAwater, 2016
6. Yass Valley Council
Gundaroo Floodplain Risk Management Study and Plan
WMAwater, 2016
7. NSW Office of Environment and Heritage
Floodplain Risk Management Guide, Incorporating 2016 Australian Rainfall and Runoff in Studies
NSW Government, 2019
8. BMT WBM
TUFLOW User Manual - Build 2016-03-AA
TUFLOW, 2016
9. Australian Government
The Estimation of Probable Maximum Precipitation in Australia: Generalised Short-Duration Method
Bureau of Meteorology, 2006
10. Australian Government
AEM Handbook 7, Technical flood risk management guideline – Flood Hazard
Australian Emergency Management Institute, 2014

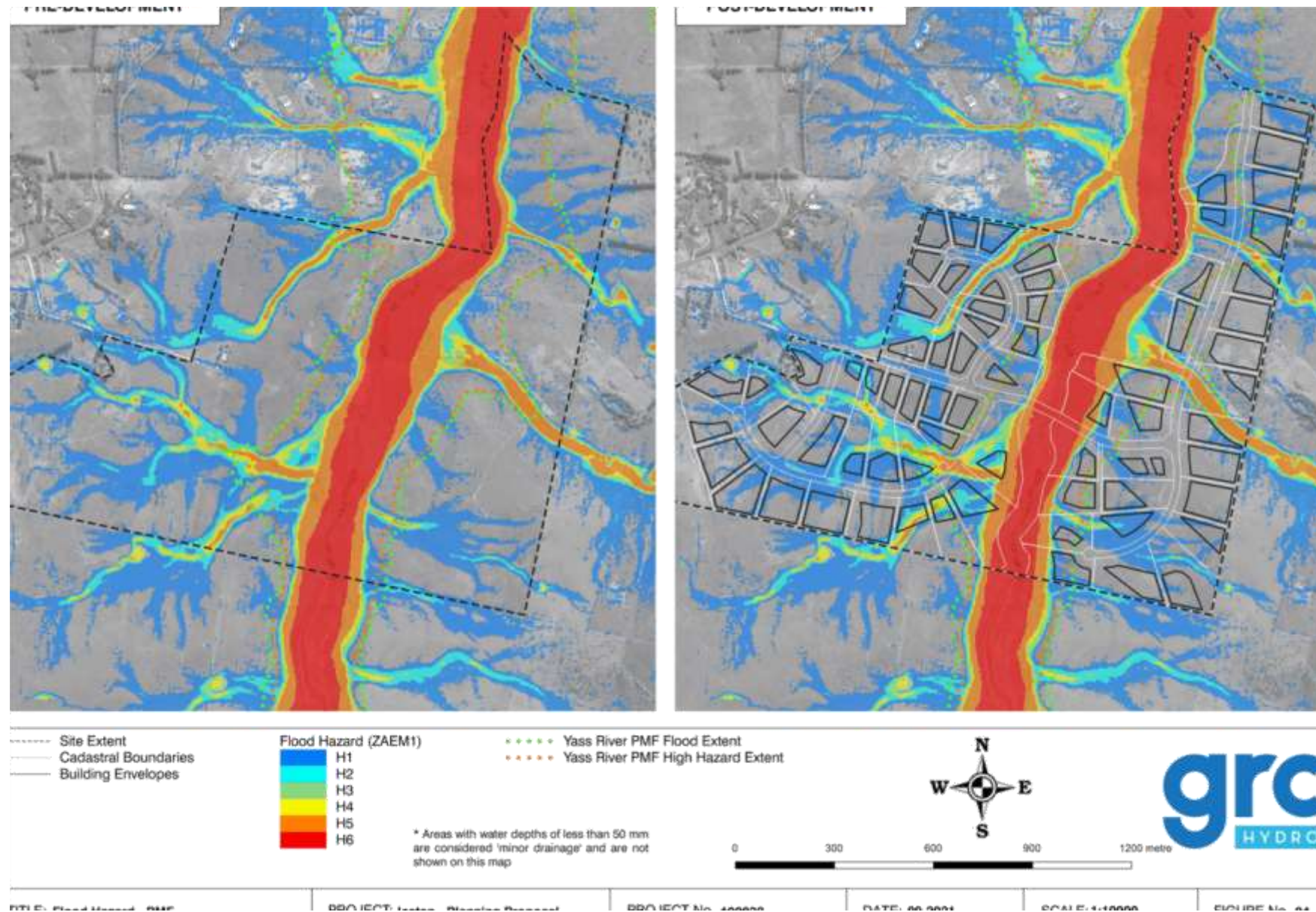
Figures



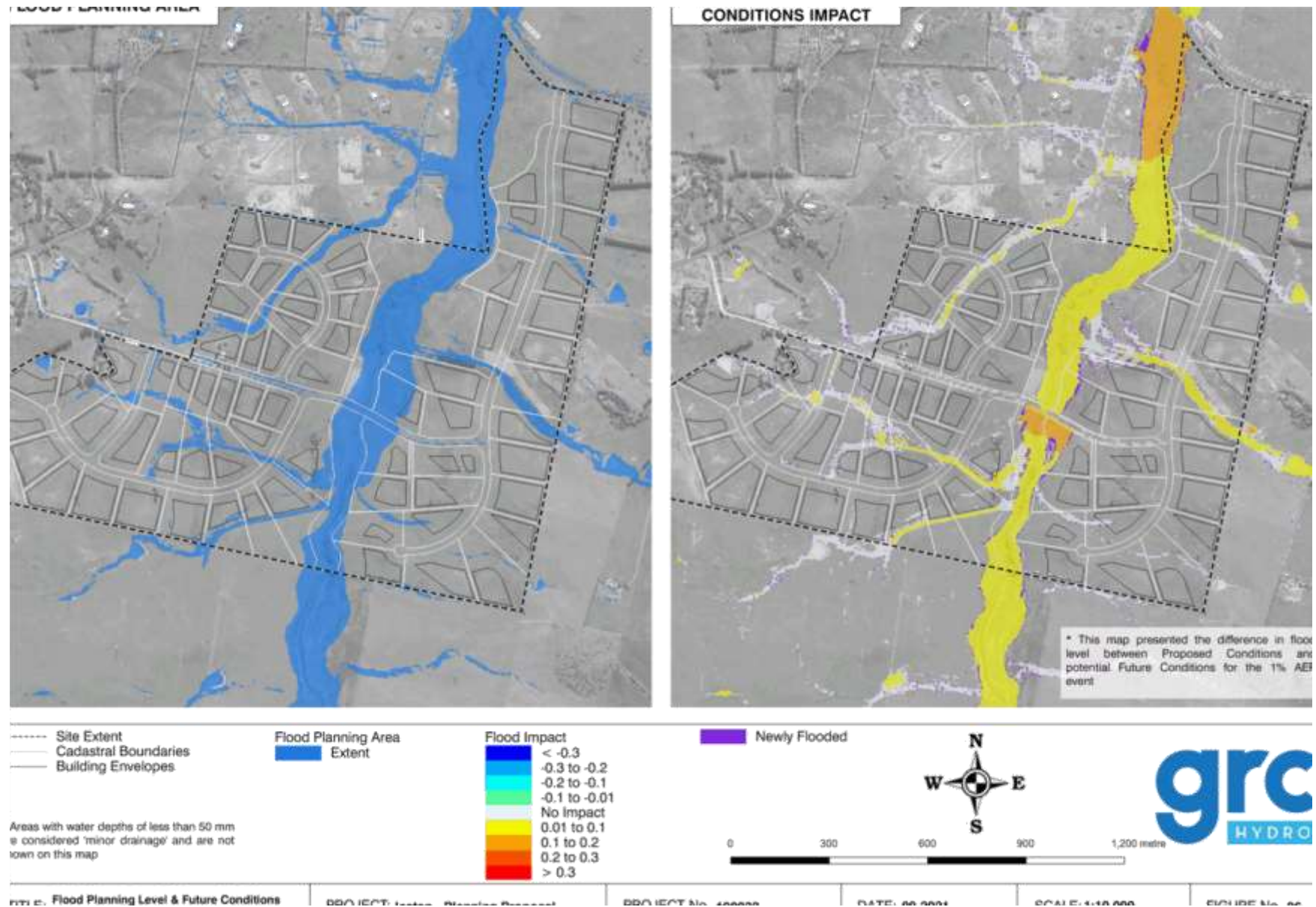
6.1 Planning Proposal - 7 Iceton Place, Yass



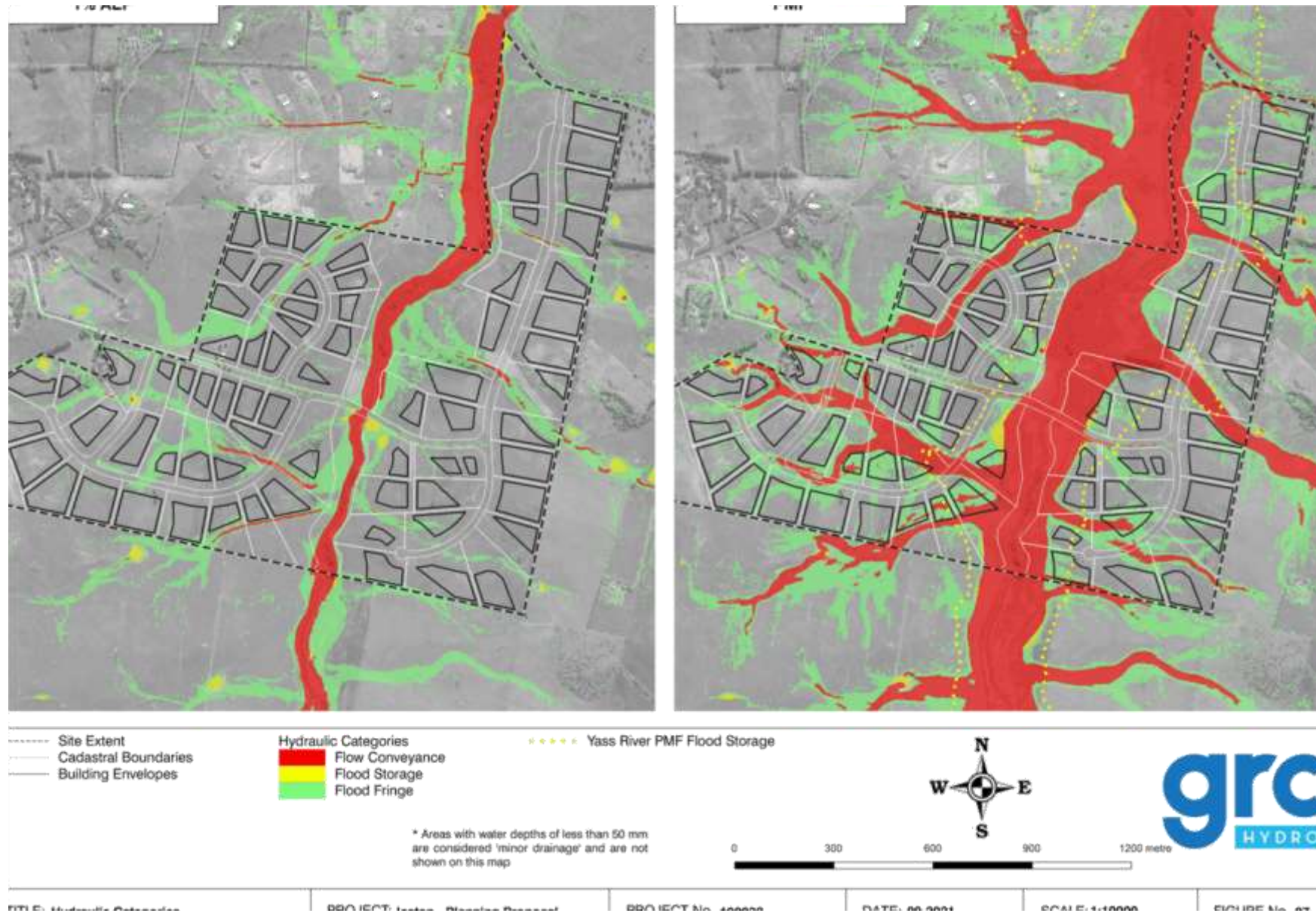


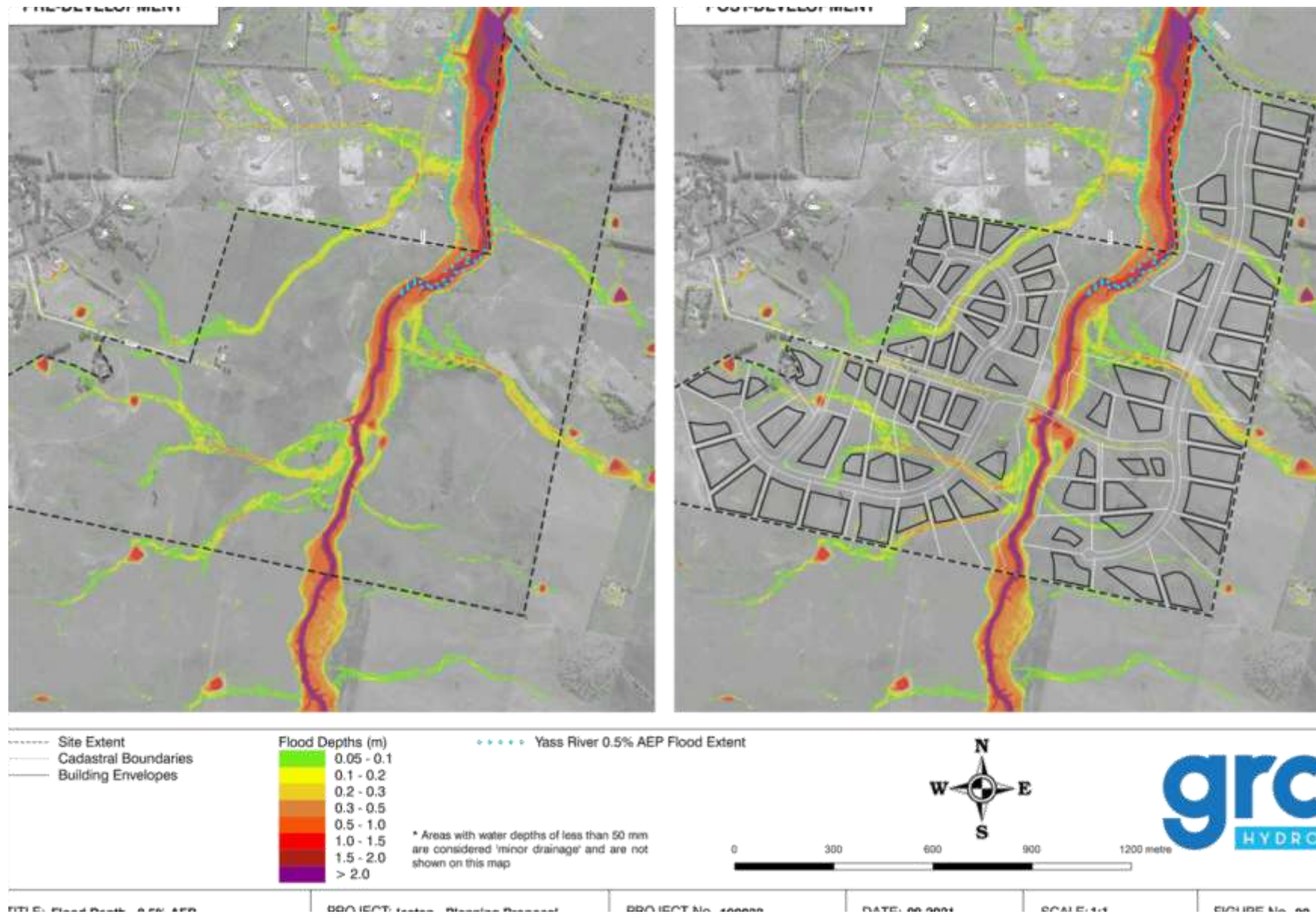


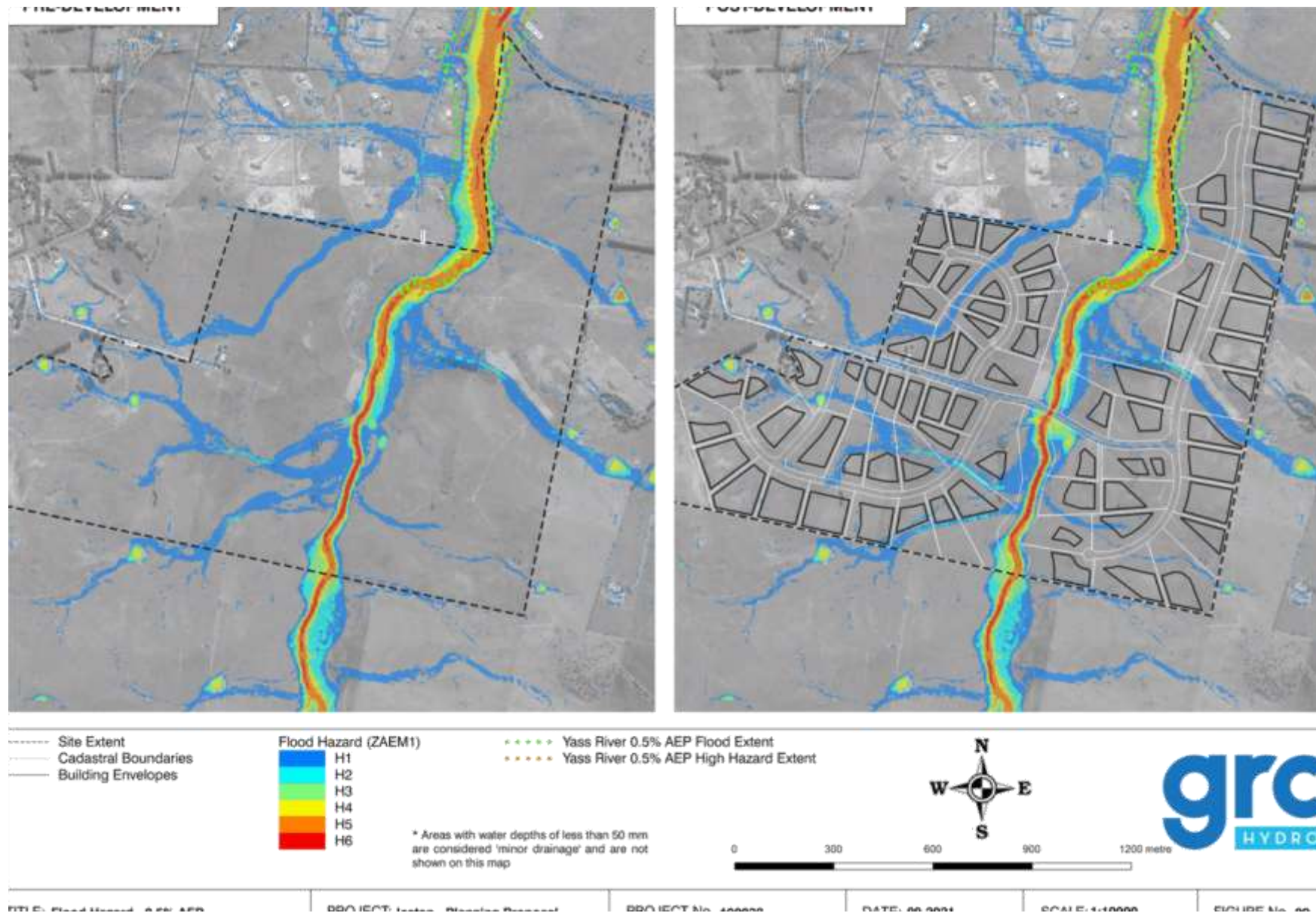
6.1 Planning Proposal - 7 Icton Place, Yass
Attachment E Flood Assessment



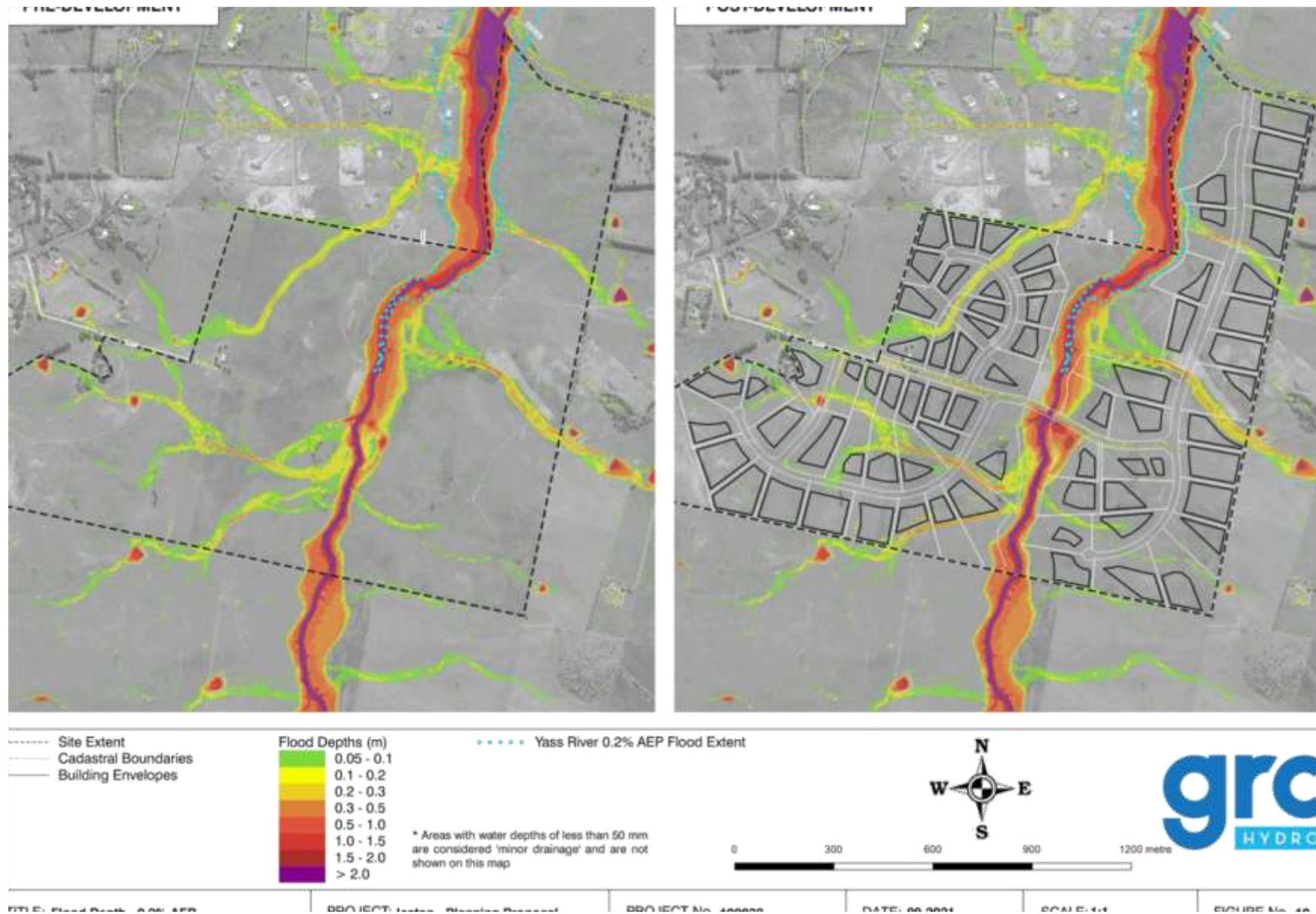
6.1 Planning Proposal - 7 Icton Place, Yass
Attachment E Flood Assessment

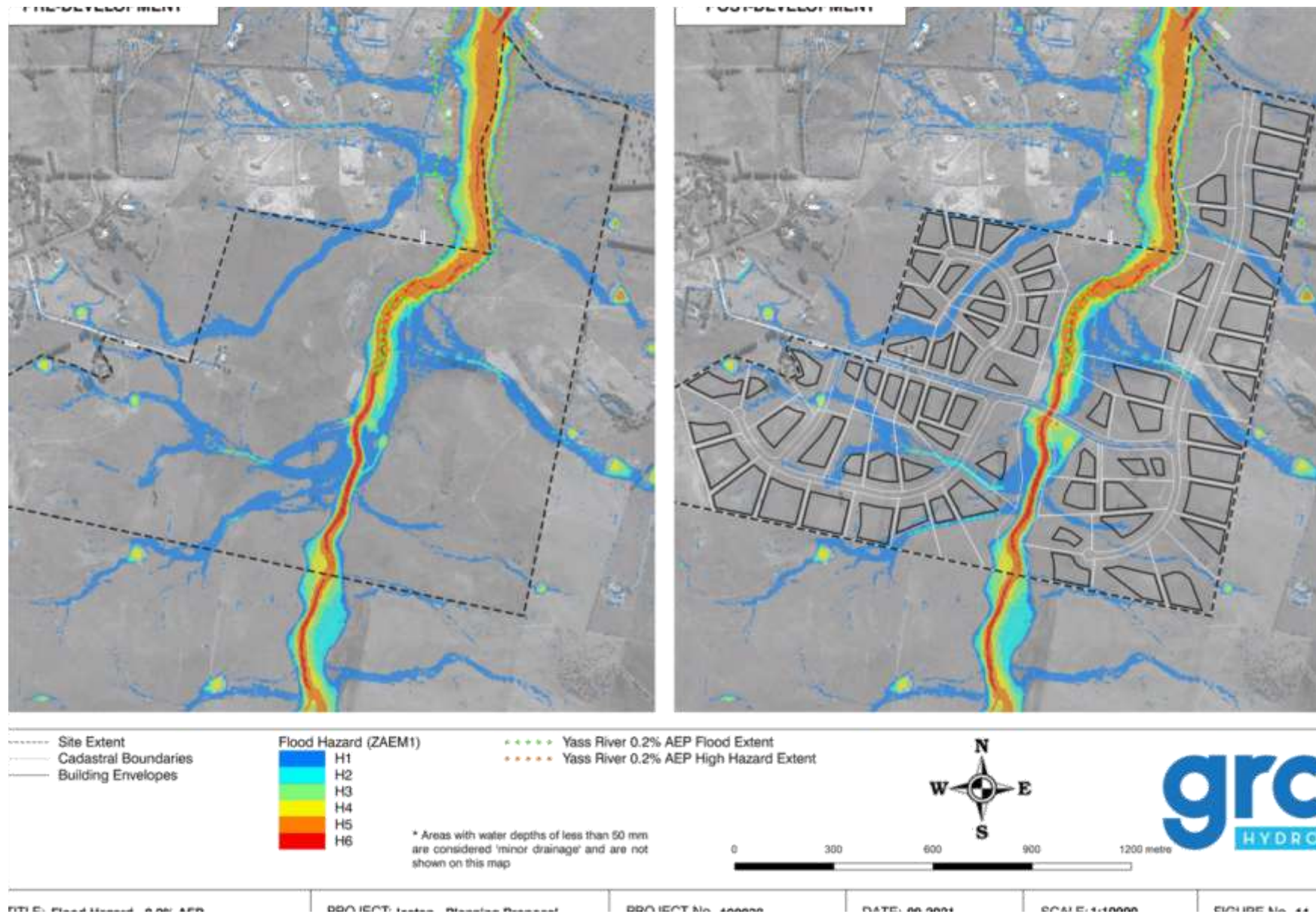






6.1 Planning Proposal - 7 Icton Place, Yass
Attachment E Flood Assessment





Attachment A



Planning,
Industry &
Environment

DOC20/978477-11

Arif Chohan
Strategic Planner
Yass Valley Council
PO BOX 6
Yass NSW 2582

11 December 2020

Dear Mr Chohan

Subject: Planning Proposal 2020/03 – LEP Amendment to reduce minimum lot size from 10 ha to 1 ha to 2 ha - 7 Iceton Place, Yass

The Department of Planning, Industry and Environment (the Department) has undertaken a review of the Planning proposal submitted. Please note that our Aboriginal Cultural Heritage Team is now separate to our Department and we will therefore only be commenting on biodiversity and flooding.

The Department objects to this Planning Proposal in its current form. We do not consider that the direct and indirect impacts to threatened species habitat has been mitigated and avoided. The Department also does not consider that the planning proposal is consistent with the South East and Tablelands Regional Plans, section s14.2, nor in line with the Ministerial Directions s2.1.

Biodiversity

We consider that the planning proposal in its current form does not demonstrate adequate ongoing protection measures to the threatened species present on site. The Golden Sun Moth (GSM), is a Serious and irreversible impact species (SAIL), the planning proposal in its current form does not demonstrate adequate avoidance and ongoing protection of this species and its habitat. Striped legless lizards were recorded onsite, and it is estimated that more than 40% of their habitat will be impacted. Further avoidance of the habitat for this species should be demonstrated in the Planning proposal. The Department does not consider that ongoing protection measures were adequately outlined, and no long-term conservation outcomes were proposed. Please see more detailed comments in **Attachment 1**.

Flooding

The planning proposal does not adequately assess or consider the implications of increased development and encroachment on flooding; allow for appropriate flood and riparian buffers; assess climate change nor address risk to life in extreme flood events (PMF). It is recommended that the approval authority consider the more detailed floodplain risk management comments in **Attachment 2** to resolve these matters.

If it will be helpful we would to arrange a site inspection early next year with Council following these comments.

If you would like to discuss this matter further, please contact Nicola Hargraves, Senior Conservation Planner on 02 6229 7195 or at rog.southeast@environment.nsw.gov.au.

Yours sincerely



ALLISON TREWEEK
Senior Team Leader – South East
Biodiversity and Conservation Division

Attachment 1 – Biodiversity Comments

The Department does not consider that the planning proposal in its current form is consistent with the South East and Tablelands Regional Plan requirement to *protect and validate high environmental lands in the LEPs s14.2*. Nor does it demonstrate how it is consistent with the Ministerial Directions, in particular 2.1 Environment Protection Zones (4) *A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas*.

The Department acknowledges the Draft Biodiversity Development Assessment Report (BDAR). The high biodiversity values present on site have not been adequately protected and avoided, therefore without appropriate protection measures the Department will not be able to support the reduction in LEP minimum lot size at this stage.

Avoidance of threatened species

Of particular concern is that the site is habitat to the Golden Sun moth, which is a potential Serious and irreversible impact species. The Draft BDAR (page 3 Threatened ecological communities) claims that the proposed development will impact 24.6% of the GSM habitat that occurs in the subject land. This exceeds the 10% clearing thresholds outlined in the Threatened Biodiversity Data Collection (TBDC). This may be considered a Serious and Irreversible Impact and Council may be required to refuse the development at the DA stage.

The land also supports Striped legless lizard habitat and will be impacting 6.9 ha (40.3%) of that habitat, with 10.2 ha proposed for protection. At this stage we consider that further avoidance measures for this species needs to be demonstrated.

We do not consider that the direct and indirect impacts have been adequately addressed in the proposed lot layout and conservation areas. Lot 63 (Large lot conservation area to the South West) has a large building envelop in the middle, directly impacting the threatened species habitat. The other two large lot conservation areas to the North of the subject area (Lots 29, 28 and 43) appear to have little to no buffer between the development and avoided areas. No significant detail was given to the 'avoid, protected and managed' claims made within the Draft BDAR and it is unclear as to why more of the striped legless lizard habitat to the east (estimate lots 27, 26 & 25) of the site cannot be avoided. . It is not sufficient protection to leave these area in larger lots which still have the potential to be further sub divided once the Planning proposal has been approved.

Ongoing both direct and indirect impacts of the reduction in lot size have not been adequately addressed. As a result of the reduction in lot size there will be an increase in the amount development on the land, this will result in long term ongoing impacts. Including increase in ground disturbance the introduction and intensification of hard hooved grazing animals, increase potential for further clearing of habitat, rock removal and the introduction of dogs and cats

Long-term protection measures

No long-term conservation outcomes were outlined within the Draft BDAR. Sufficient ongoing protection measures need to be identified upfront to guarantee ongoing persistence of the threatened species on this site. Ongoing protection measure for areas of habitat of Serious and irreversible impact species is a consideration in the assessment of these impacts and therefore these measure should be described and achievable onsite to ensure the long term survival of the species.

There are a variety of options that can be investigated into that will protect the high biodiversity value of this land in perpetuity. Biodiversity certification, a voluntary planning agreement, community title with attached vegetation management plans, building exclusion zones, large lot stewardships and re-zoning to an E3, or a combination of this options could be used to ensure the long term viability of the species

The Department is open to further discussions to assist Council with this process.

Attachment 2: Floodplain Risk Management Comments

As the proposed development area is affected by flooding, it will need to be considered in accordance with the NSW Government's Flood Prone Land Policy as set out in the NSW Floodplain Development Manual, 2005 (FDM 2005) and Councils Yass Valley LEP 2013. As the planning proposal is altering the zoning of flood prone land section 9.1 direction 4.3 also applies.

In order to be consistent with FDM2005, the implications of the full range of floods, including events greater than the design flood, up to the Probable Maximum Flood (PMF) should be considered by the approval authority, including:

- The impact of flooding on the proposed development
- The impact of the proposed development on flood behaviour (particularly flood impacts as a result of land use and landform changes; bridge, culvert and waterway encroachment);
- The impact of flooding on the safety of people for the full range of floods including issues linked with isolation and accessibility for emergency services;
- the implications of climate change (particularly increased rainfall intensity) and cumulative development impacts on flooding and estimated flood planning levels;

Based on the information provided, adequate consideration has not been given to all these matters in their entirety, particularly:

- Consideration of cumulative development impacts (post development scenario), flood hazard and categorisation, freeboard, the implications of climate change and extreme floods (PMF);
- Appropriate buffers to accommodate flood and riparian constraints; and
- Potential isolation, appropriate measures to manage risk to life and accessibility for emergency services during floods.

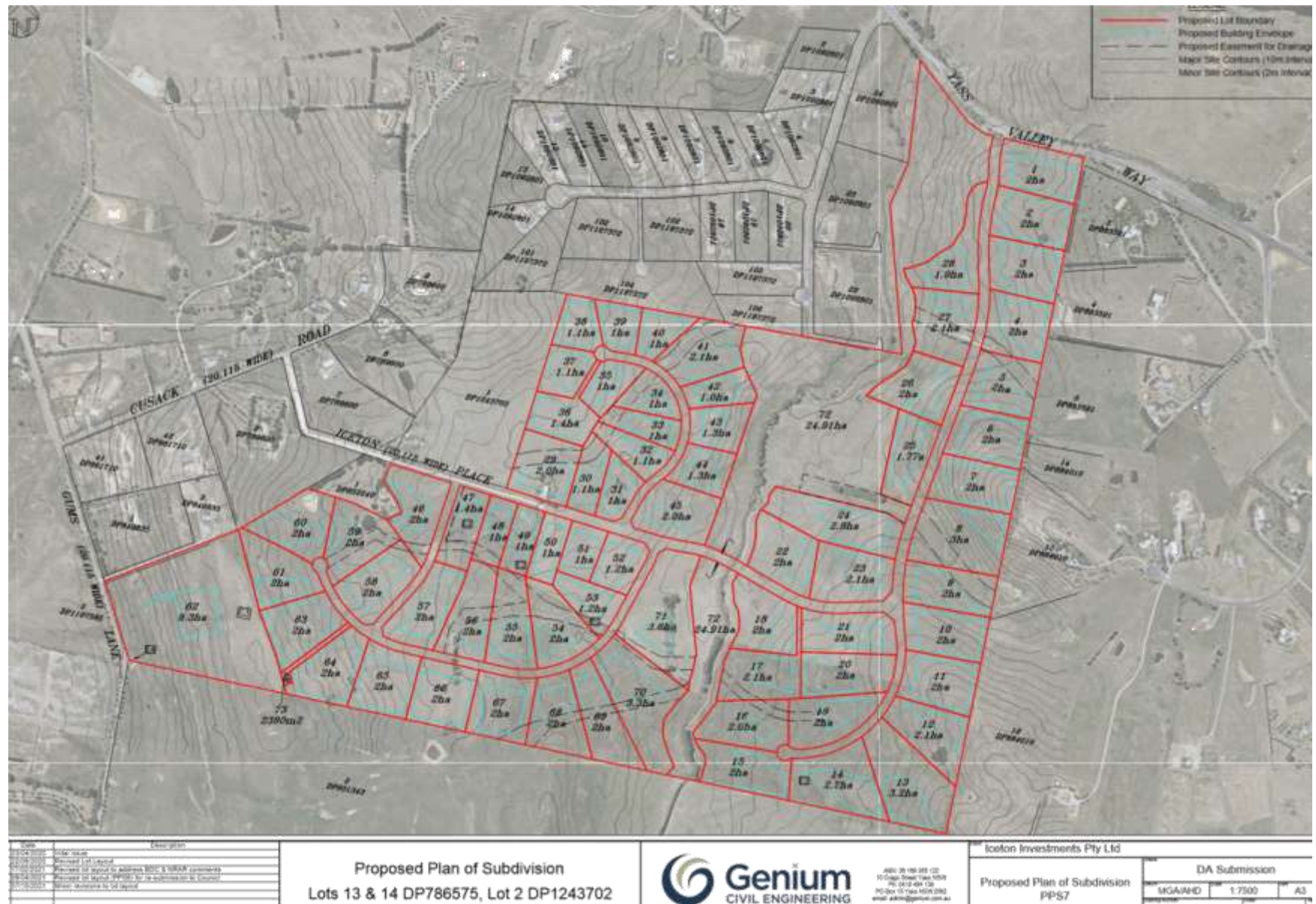
It is recommended that modelling of post-development flood behaviour with consideration of increased impervious areas, riparian planting within the community title lot (lot 73), bridge and culvert crossing encroachment be undertaken for the 5%, 1% and PMF flood design events. This will include flood depth, velocity, hazard and hydraulic categorisation. Further, the modelling of increased rainfall intensity associated with climate change and its implications on estimated flood planning levels will better enable the approval authority to satisfy itself of consistency with the NSW Governments Flood Prone Land Policy, Yass Valley LEP and Section 9.1 direction 4.3. This also includes a more appropriate and considered width and zoning (e.g. W1, RE2, or E2) of the community title lot (lot 73) and thus schematisation of adjoining property boundaries to facilitate flood management and riparian outcomes.

The recommended additional flood behaviour modelling will also assist at the Subdivision DA stage, to ensure appropriate drainage easements; culvert, bridge and road design; and development controls are achieved to manage the impacts of flooding.

Should the approval authority require any further advice on flood risk management matters, it should not hesitate to contact the SE Water, Flood and Coast team.

Attachment B

6.1 Planning Proposal - 7 Iceton Place, Yass



Attachment C



Job Number: 190032
Date: 6 September 2019

Simon Cassidy
Genium Civil Engineering
10 Crago Street
YASS NSW 2582

GRC Hydro
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Sydney NSW 2000

Tel: +61 413 631 447
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Dear Simon,

Re: Iceton Place Development – Flood Study

Introduction

GRC Hydro has been appointed by Genium Civil Engineering to undertake a flood study for O'Briens Creek and its tributaries in the vicinity of Iceton Place (the site). The results of this flood study will inform a planning proposal for the rezoning of land to reduce the minimum lot size from 10ha to 2ha. The site is situated approximately 5 km south of Yass, in southern NSW. The location of the site, along with a preliminary subdivision plan, is presented in Image 1.

Image 1: Site Location and Preliminary Subdivision Plan





Objectives

The key objectives of this study are to:

- Define 1% AEP flood behaviour for the site due to O'Briens Creek and its tributaries in terms of flows, extents, levels and depths; and
- Provide 1% AEP and 0.05% AEP flood flow rates and velocities at a proposed bridge crossing of O'Briens Creek (see Image 1).

Previous Studies

No existing flood study is available for the site. The Yass Flood Study (WMAwater, 2016) was undertaken on behalf of Yass Valley Council for the township of Yass, however the site is situated outside of the Council model extent.

Due to a lack of existing flood information, hydrologic and hydraulic analysis has been undertaken to define design flood behaviour.

Hydrology

O'Briens Creek is a tributary of the Yass River, which at the confluence of the two watercourses has a catchment area of 2,925 ha. The Creek flows from south to north with catchment elevations ranging from 638 to 498 mAHD (see Figure 1). The catchment shape is elongated (catchment shape factor= 0.97). The region is predominantly rural in nature with few roads and houses and Yass Valley Highway to the north of the site.

The hydrologic analysis is based on the WBNM model detailed in the 'Yass River Catchment Hydrology Report' (GRC Hydro, 2019) presented in Attachment A. The WBNM model applied calibrated model parameters determined by the Gundaroo and Sutton Flood Studies (WMAwater, 2016) and a model validation process was undertaken by comparing design flow estimates to FFA. A good match was noted when comparing WBNM design flows to FFA for the Yass and Gundaroo stream gauges, thus providing confidence in model results.

The GRC Hydro (2019) model was used to model design flows for O'Briens Creek at the site. Image 1 presents the WBNM model layout and the location of the site, inclusive of the O'Briens Creek catchment.

Modification of the GRC Hydro (2019) model was required to accurately model design flows for the site. The modification was limited to changing applied temporal patterns methodology from areal to point temporal patterns and adjusting the Areal Reduction Factor (ARF) to suit the catchment area upstream of the site. These changes were made to align with the methods and techniques outlined in ARR2019. ARR2019 ensemble results for the site for the 1% AEP and 0.05% AEP events are presented in Image 2.

Design flows for the 1% and 0.05% AEP events at the site are presented in Table 1 along with the critical duration and critical storm number.

Table 1: O'Briens Creek Design Flow Estimates at the Site

AEP %	Average Ensemble Flow (m ³ /s)	Critical Duration (hours)	Critical Storm #
1	88	6	7
0.05	160	6	7



Image 2: ARR2019 Ensemble Results for the 1% and 0.05% AEP Events

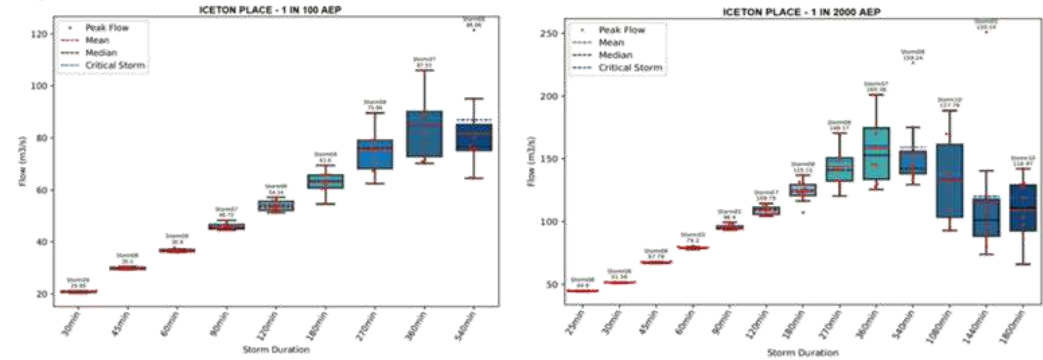
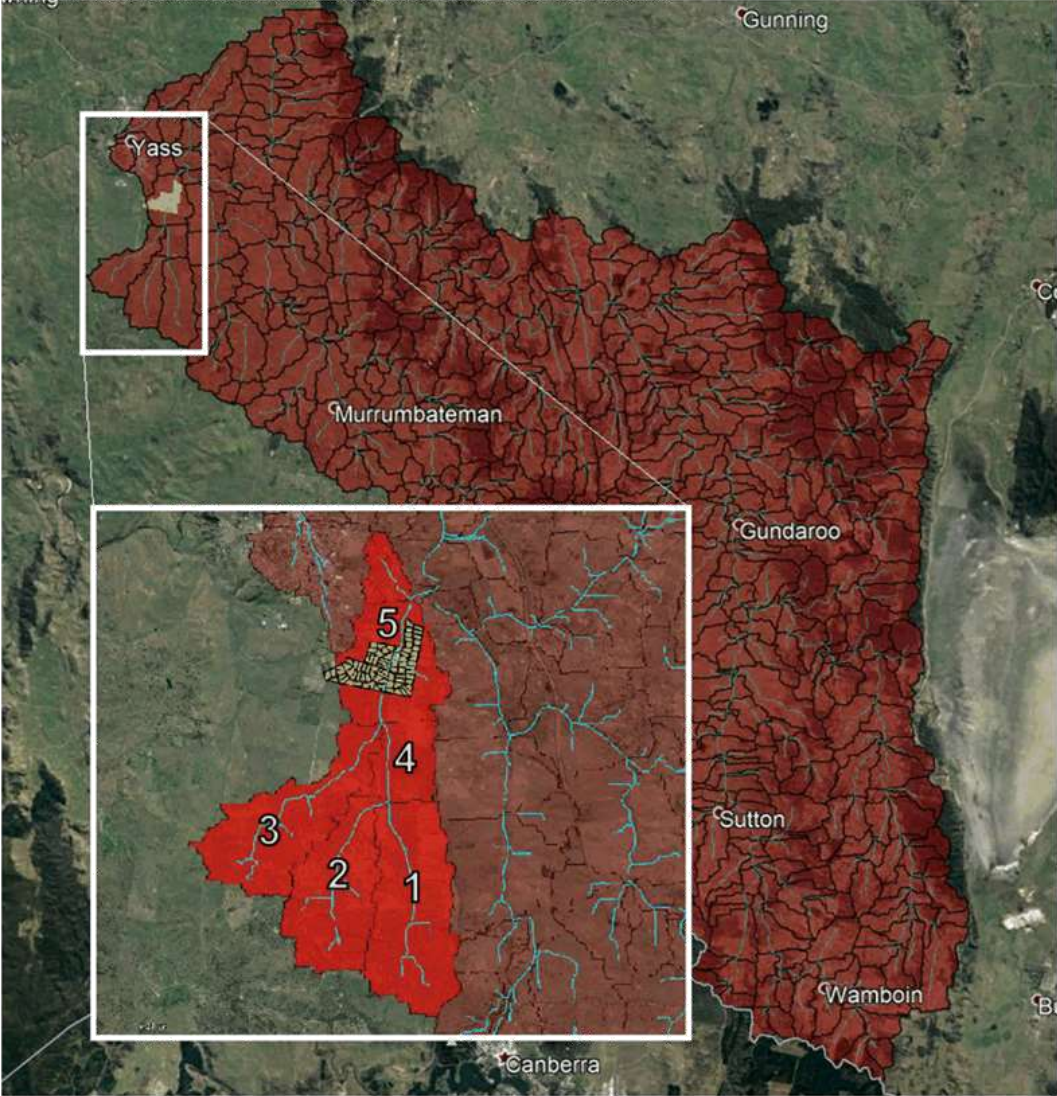


Image 3: GRC Hydro (2019) Hydrologic Model Layout and Site Location





Hydrologic analysis for the overland flow and tributaries of O'Briens Creek was undertaken using a direct rainfall approach in TUFLOW with the results of this analysis discussed in the 'Hydraulics' section of this report.

Hydraulics

A TUFLOW hydraulic model was constructed to model baseline (pre-development conditions) for the site. TUFLOW is 2D numerical modelling package which is suitable for creeks and floodplains such as O'Briens Creek and its tributaries at the site. The 2D hydraulic model layout for the site is presented in Figure 2.

Various data and parameters implemented in the TUFLOW model are discussed below:

- Model Domain and Grid Size – The hydraulic model domain covers an area of 690 ha and is represented by the area defined as sub-catchment # 5 in Image 3. A 5m-grid has been implemented which allows adequate representation of key hydraulic features whilst keeping the simulations run times within acceptable limits. The model was noted to be insensitive to selected grid size with comparison to a 2m-grid simulation resulting in negligible differences in peak flood level;
- Digital Elevation Model (DEM) – The 1 m DEM obtained from NSW Spatial Services ELVIS website has been used to inform the topography of the 2D hydraulic model;
- Mannings Roughness – Manning's values were selected based on inspection of aerial imagery. A global Manning value of 0.055 has been applied to all rural areas, Manning of 0.05 was applied to the creek in-banks areas and 0.09 where dense vegetation is identified. Roads were assigned a Manning value of 0.02. The selected Manning's values are consistent with previous studies conducted by others (Yass Flood Study) and ARR2016 guidelines;
- Upstream Boundary Conditions – WBNM critical flow hydrographs downstream of Sub-Catchment 3 and 4 (see Image 3) were input as an upstream boundary condition. Flow hydrographs for durations ranging from 30 minutes to 6 hours were modelled;
- Internal Boundary Conditions – Direct rainfall was applied to the 2d-model domain as the TUFLOW model's internal boundary condition. This approach modelled mainstream (O'Briens Creek) and overland flow flooding simultaneously. The critical storm was selected based on local catchment flow results for catchment #5 from the GRC Hydro (2019) WBNM model, such that the critical duration for the smaller local catchments could be better assessed. The approach applied the critical storm noted to provide the highest peak water level, rather than the mean as recommended by ARR2019, to provide slightly conservative results for the overland flow paths. A peak flood enveloped was developed for the site based on the assessed durations;
- Downstream Boundary Conditions – The downstream model boundary was applied as a static tailwater level equal to 505.2 mAHD. This is the 100 year ARI dam level at the O'Briens Creek/ Yass River confluence based on the "Yass Dam Upstream Tailwater Investigation" (Public Works -2012)";
- Breaklines – Road embankments, farm dams, open drains and levees are hydraulic features that can have a significant impact on flood behaviour. Such features have been represented in the model by breaklines with crest and invert heights determined by analysis of the DEM;
- Hydraulic Structures – the Yass Valley Way bridge was modelled as a "Layered Flow Constriction" in TUFLOW. Structure blockage was determined using ARR2016 Blockage Guidelines. Blockage of the existing bridge has been set to 50% to consider the effect of debris, sediments and vegetation which may be transported by the water during the rarer flooding



events. Form loss coefficients were calculated according to technical literature ("Hydraulics of Bridge Waterways – U.S. Department of Commerce – Bureau of Public Roads").

It should be noted that the proposed conditions (post-development) have not been modelled. This includes the proposed bridge crossing of O'Briens Creek.

Model Results

1% AEP event peak flood depths and levels are presented in Figure 3 to Figure 8 for baseline conditions.

The peak flow and velocity for the 1% AEP and 0.05% AEP events at the location of the proposed bridge crossing are presented in Table 2.

Table 2: Flow and velocity at the location of the proposed O'Briens Creek bridge

AEP %	Flow (m ³ /s)	Average Velocity (m/s)*	Maximum Velocity (m/s)
1	88	0.9	2.3
0.05	160	1.2	2.7

* Average velocity across the width of the floodplain.

It should be noted that introduction of the proposed bridge could significantly increase velocities as flows pass through the constriction.

Conclusions

A flood study for has been undertaken for O'Briens Creek and its tributaries in the vicinity of Iceton Place (the site). The results of this flood study will inform a planning proposal for the rezoning of land to reduce the minimum lot size.

Hydrologic analysis was based on the WBNM model detailed in the 'Yass River Catchment Hydrology Report' (GRC Hydro, 2019) presented in Attachment A. The WBNM model applied calibrated model parameters determined by the Gundaroo and Sutton Flood Studies and a model validation process was undertaken by comparing design flow estimates to FFA. A good match was noted when comparing WBNM design flows to FFA for the Yass and Gundaroo stream gauges, thus providing confidence in model results.

Hydraulic analysis was undertaken using TUFLOW with baseline (pre-development conditions) assessed for the site. 1% AEP event peak flood depths and levels are presented in Figure 3 to Figure 8 for baseline conditions. Peak flow and velocity for the 1% AEP and 0.05% AEP events at the location of the proposed bridge crossing are presented herein.

Yours Sincerely

Zac Richards
Director

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GRC Hydro

References

- Ball J, Babister M, Nathan R, Weeks W, Weinmann E, Retallick M, Testoni I (Editors)*
1. **Australian Rainfall and Runoff – A Guide to Flood Estimation**
Commonwealth of Australia (Geoscience Australia), 2019.

 - Yass Valley Council*
 1. **Yass Flood Study**
WMAwater, 2016.

 - Yass Valley Council*
 2. **Gundaroo Flood Study**
WMAwater, 2016.

 - Yass Valley Council*
 3. **Sutton Flood Study**
WMAwater, 2016.

 - Public Works*
 4. **Yass Dam Upstream Tailwater Investigation**
2012

 - U.S. department of Commerce- Bureau of Public Roads*
 5. **Hydraulic of Bridge Waterways**
1960

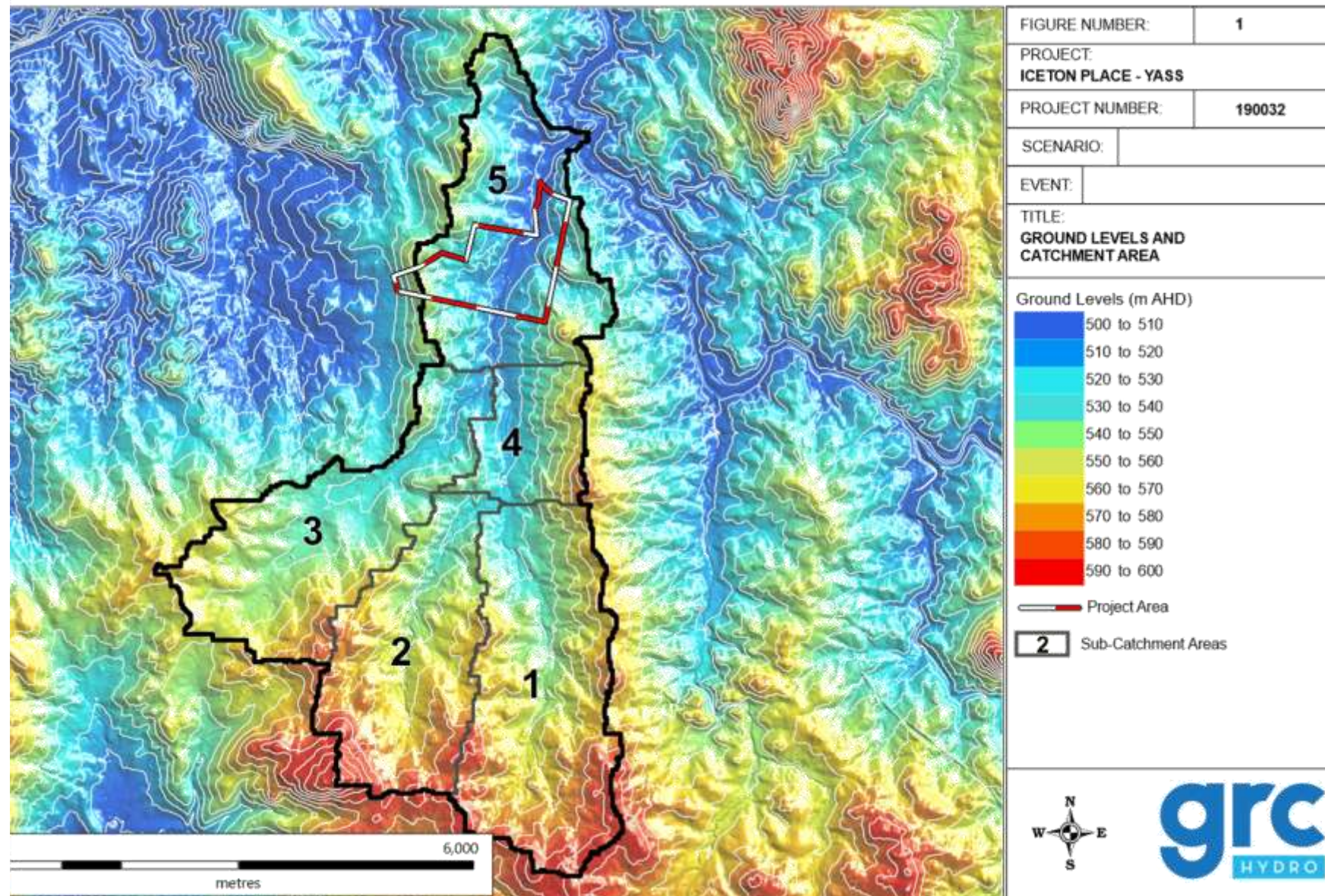
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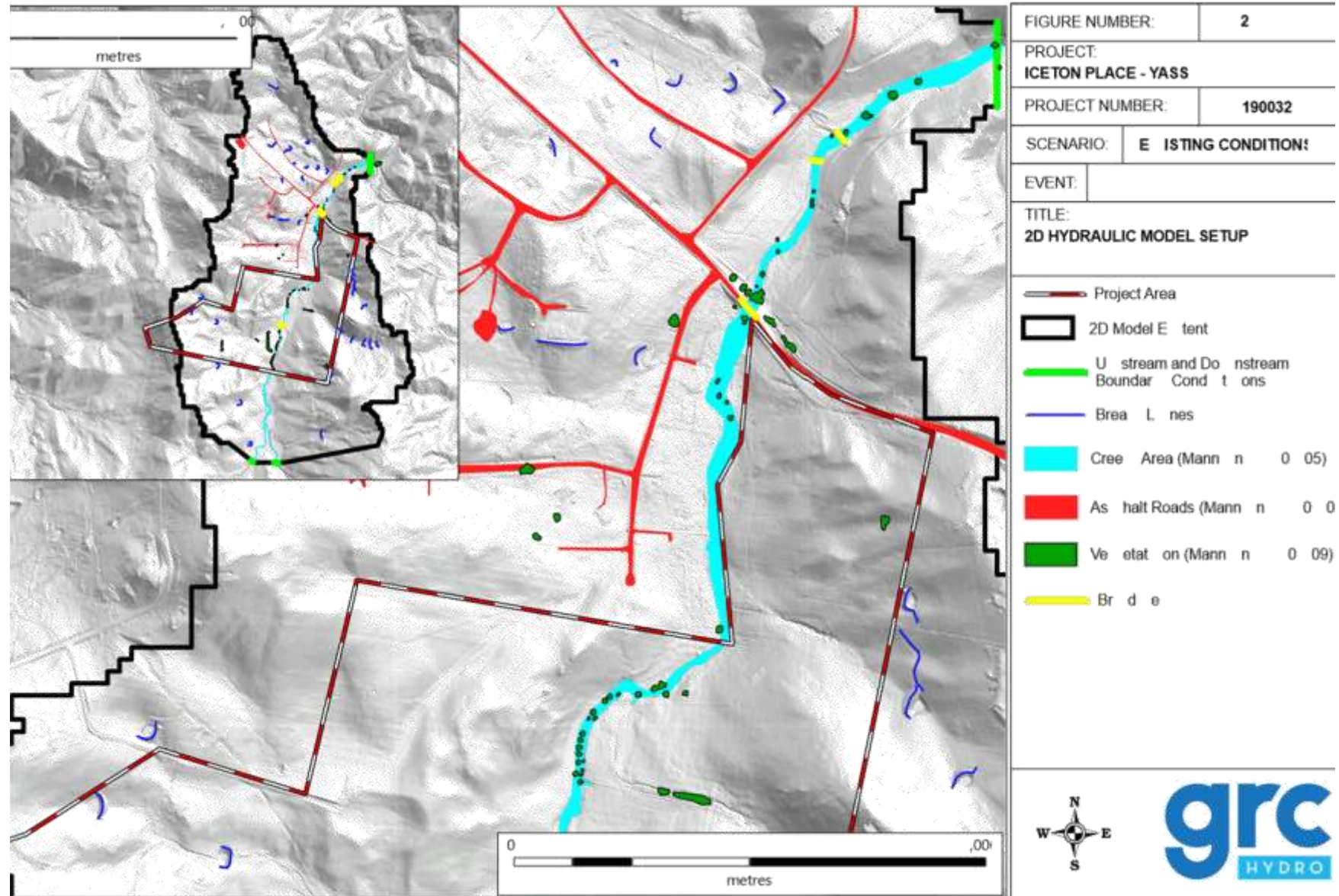
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Figure 7: 1% AEP peak flood depths and levels (5 of 6)
Figure 8: 1% AEP peak flood depths and levels (6 of 6)

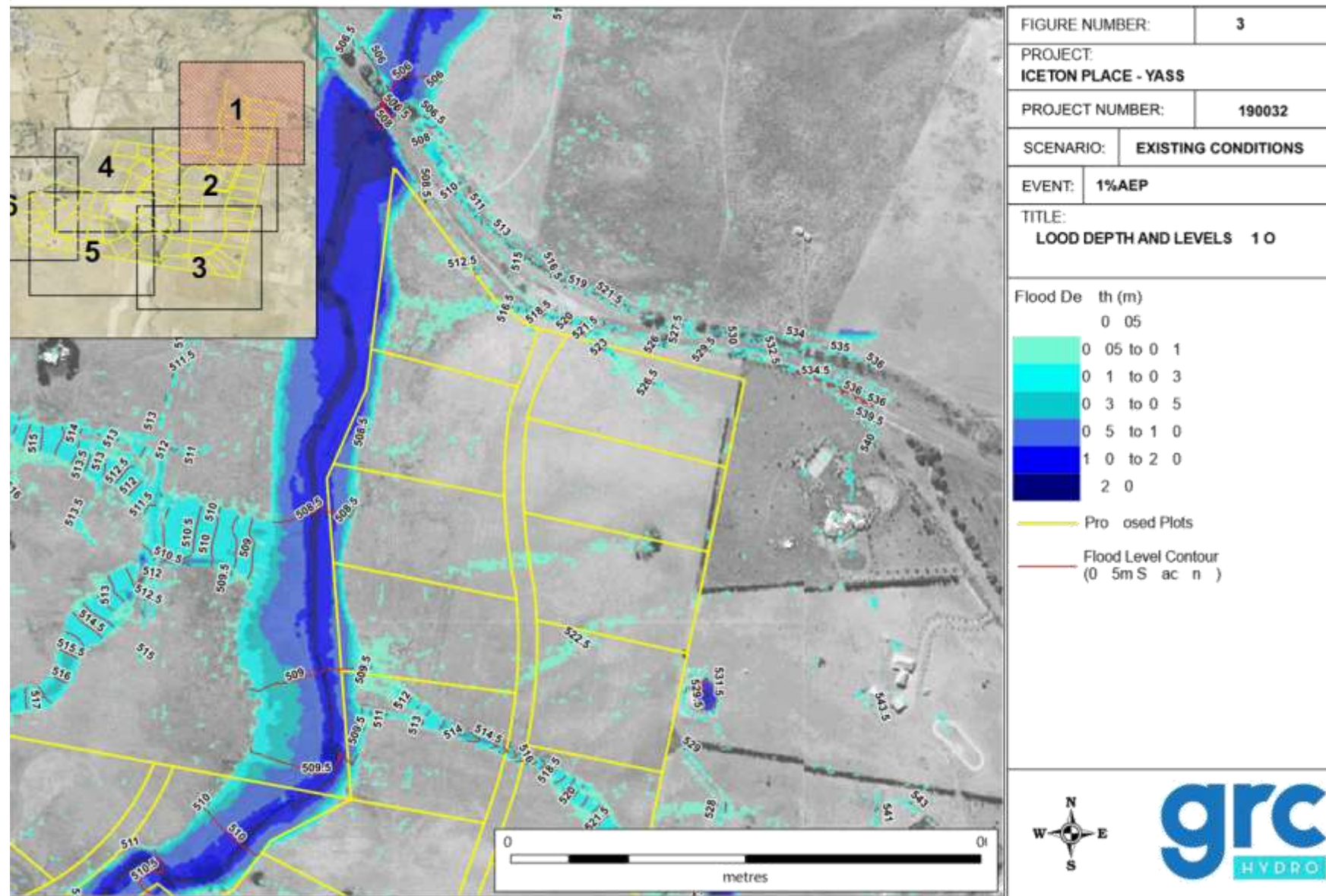


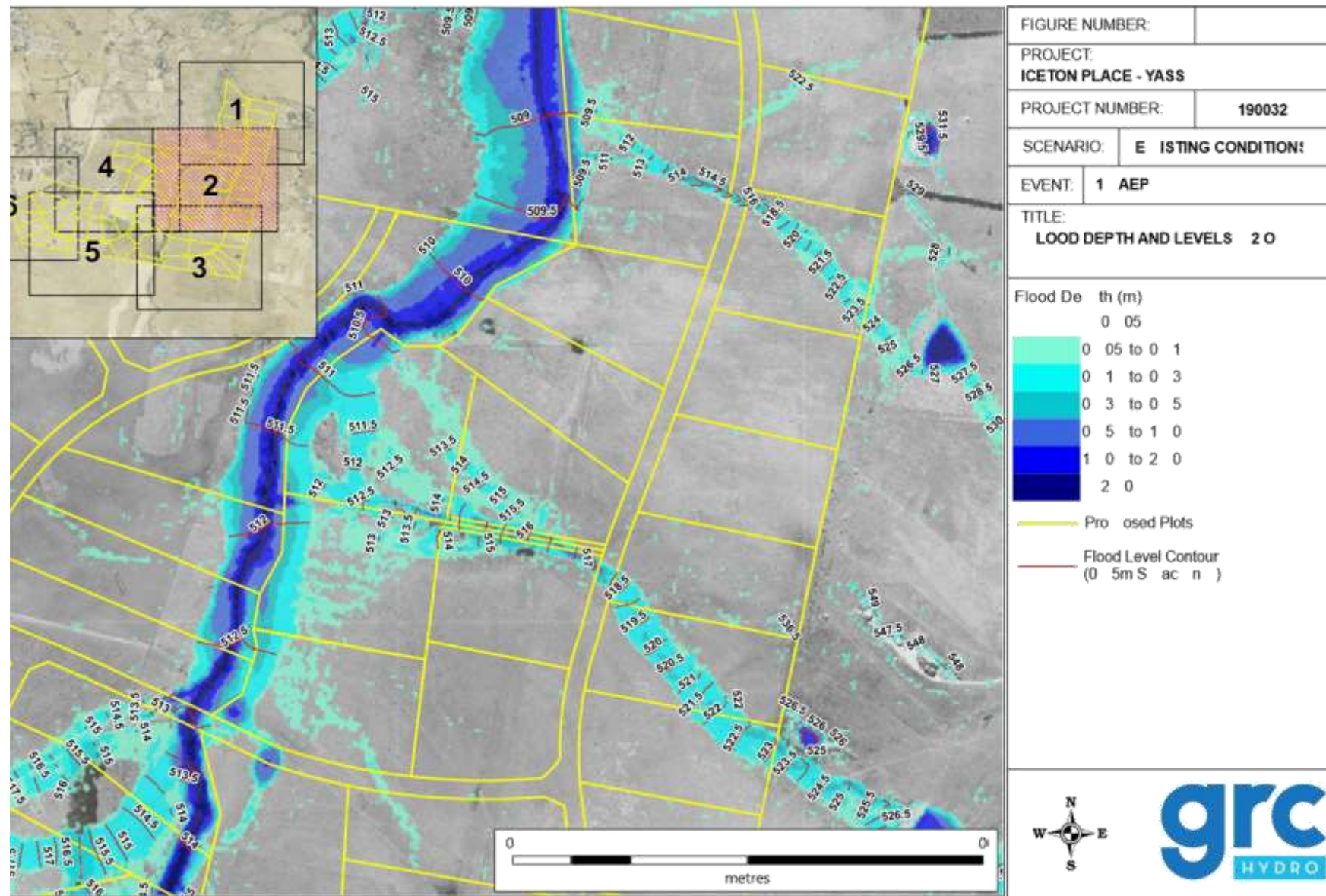
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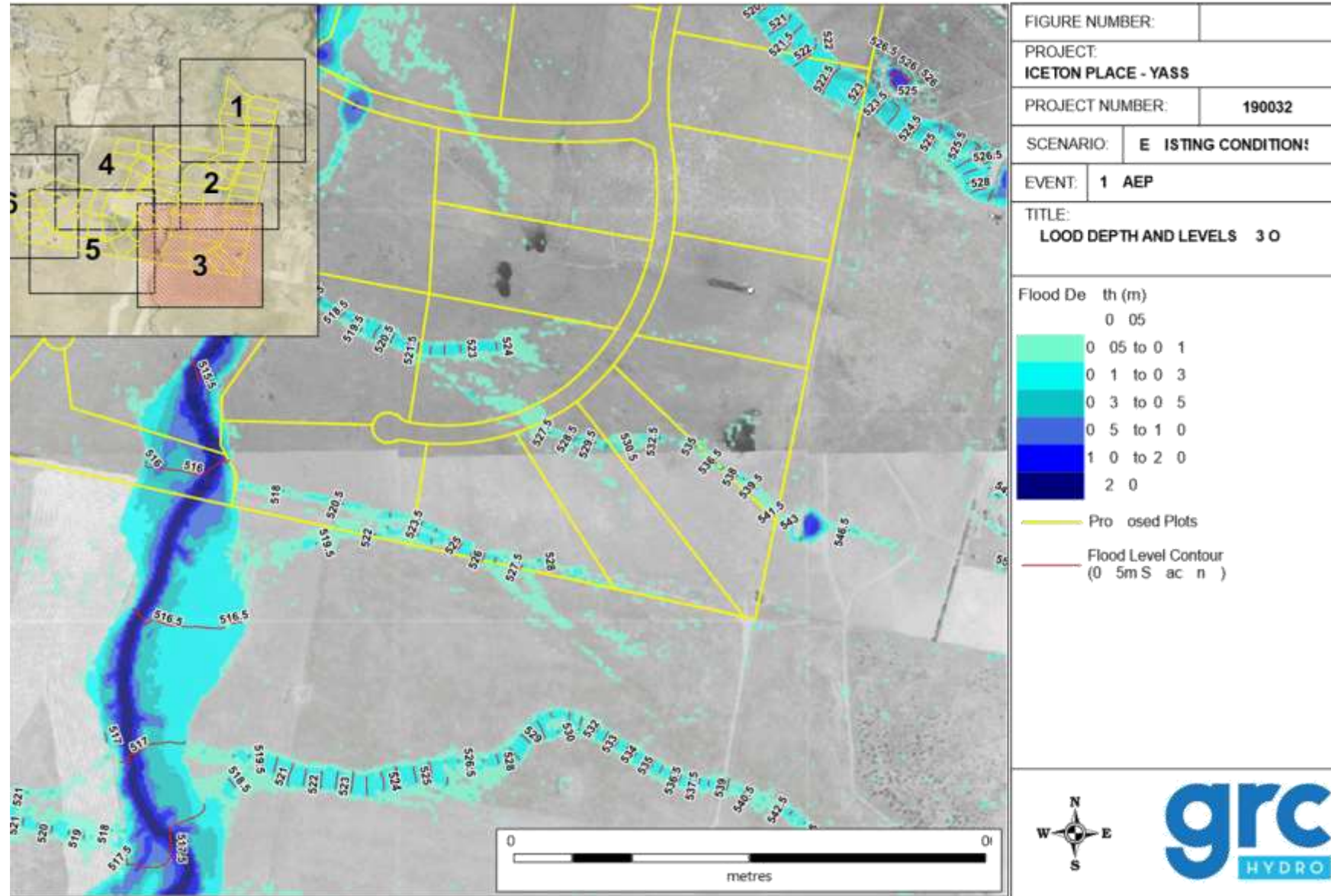
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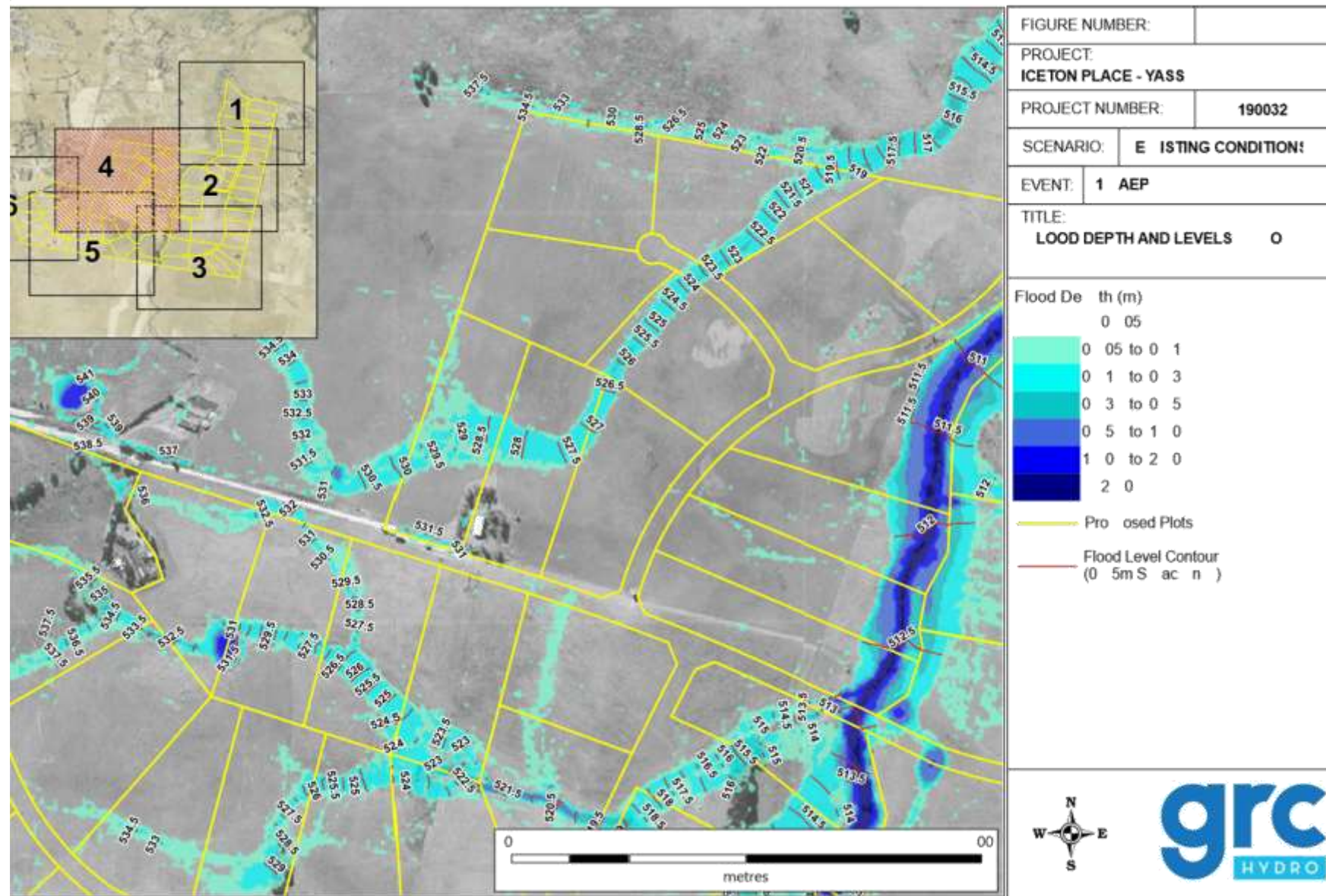


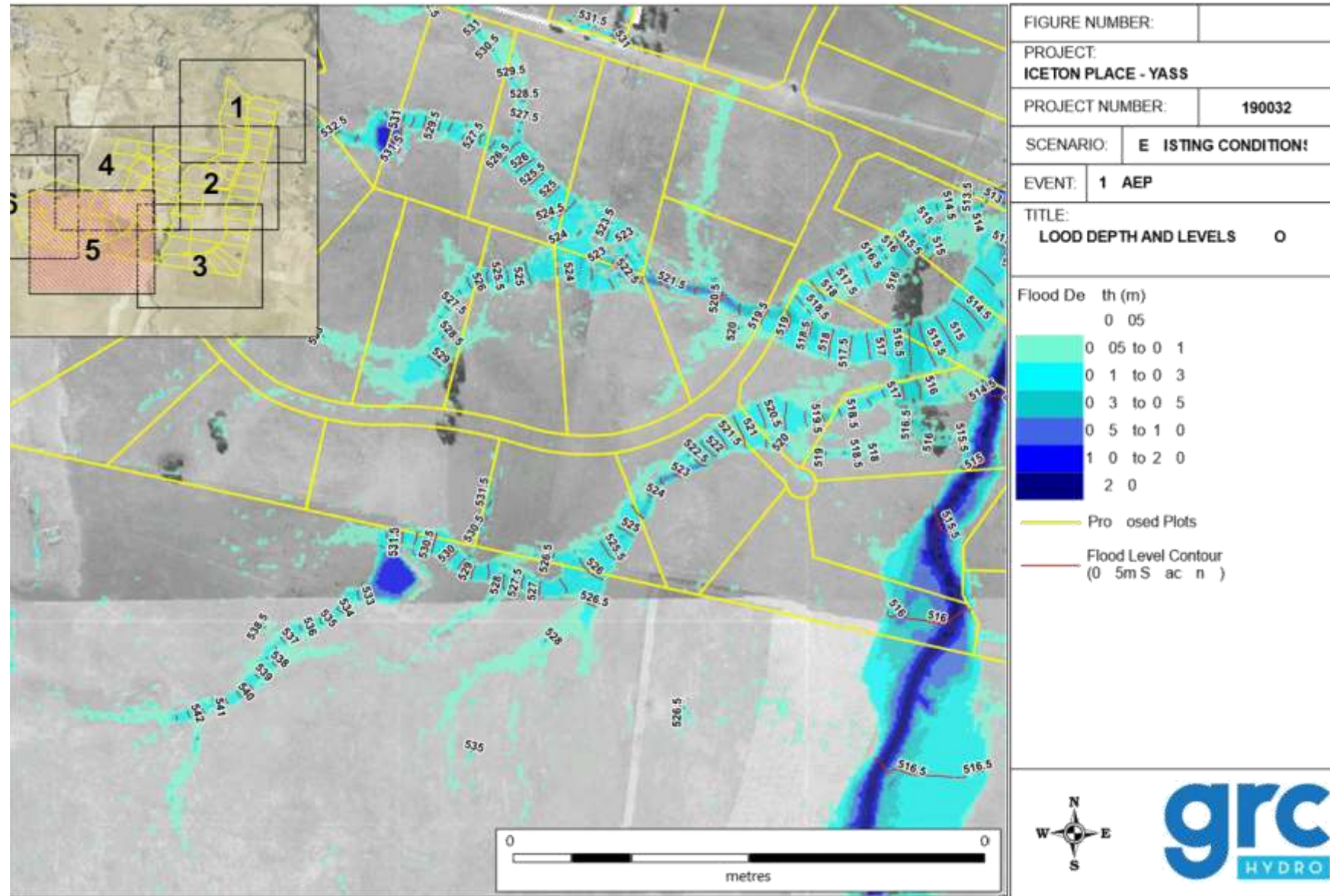


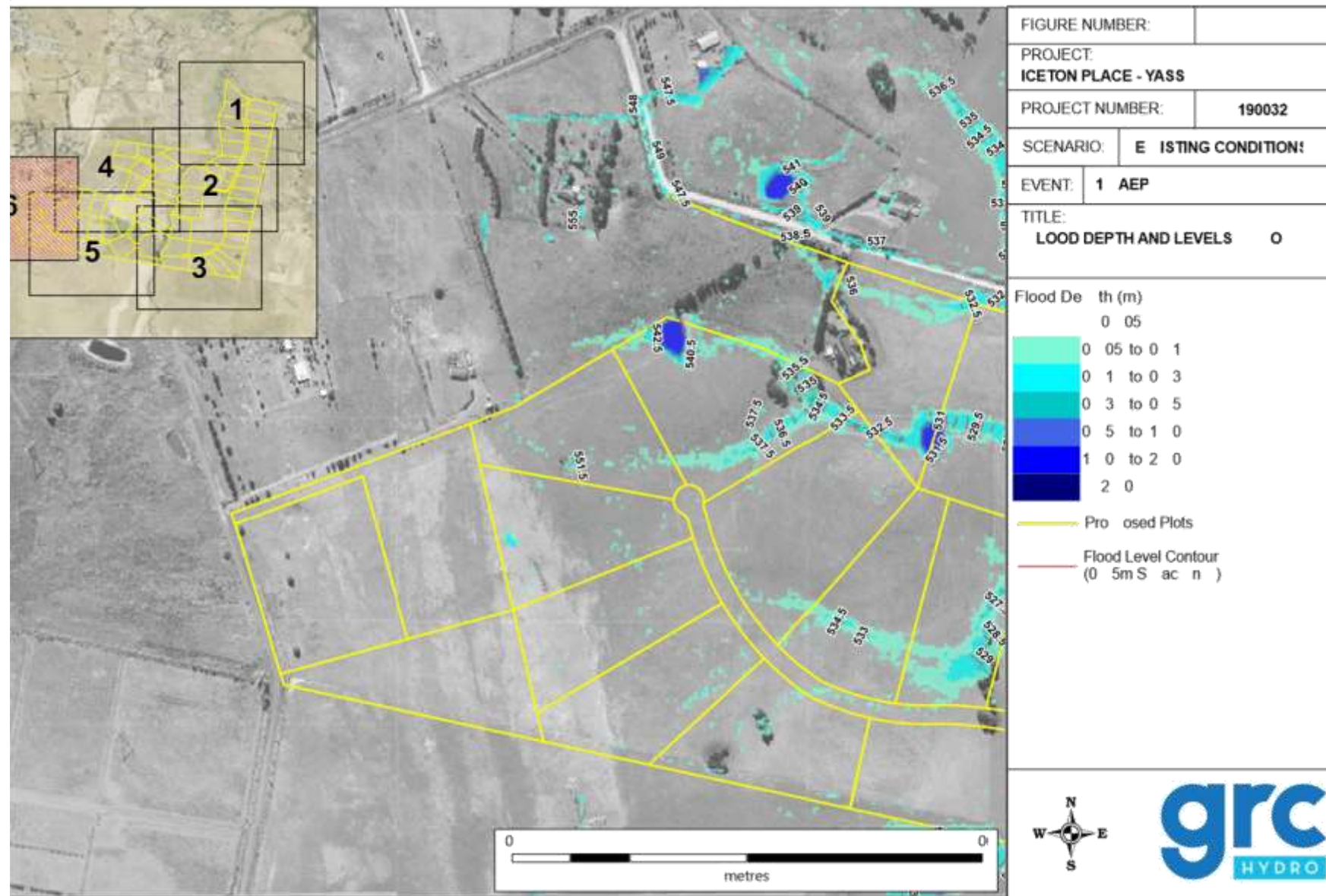














ATTACHMENT A

GRC Hydro

YASS RIVER CATCHMENT HYDROLOGY REPORT



SEPTEMBER 2019





Yass River Catchment – Hydrology Report

Project Number: 190032
Report Author: Nicola De Paolis, Zac Richards
Date: 4 September 2019
Verified By: Zac Richards

Date	Version	Description
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YASS RIVER CATCHMENT HYDROLOGY REPORT

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EXECUTIVE SUMMARY

A high resolution WBNM hydrologic model has been developed for the Yass River catchment. ARR2019 modelling methods and techniques have been applied. The model used calibrated model parameters determined in the Gundaroo and Sutton flood studies and then validated design flow estimates to Flood Frequency Analysis (FFA) undertaken for three stream gauges. The validation process found a good match to FFA undertaken at the Yass and Gundaroo stream gauges providing confidence in the model results.

The WBNM model was developed with the intent of extracting design flow estimates for the Yass River and its tributaries across the catchment upstream of Yass. The analysis presented herein shows that the model is suitable for use for this purpose.

It should be noted that this report details the model build and validation efforts only. Additional modelling, including modification of parameters such as temporal patterns and Areal Reduction Factors, will need to be undertaken when assessing specific sites within the model domain. These will be detailed in accompanying documentation provided for site specific investigations.

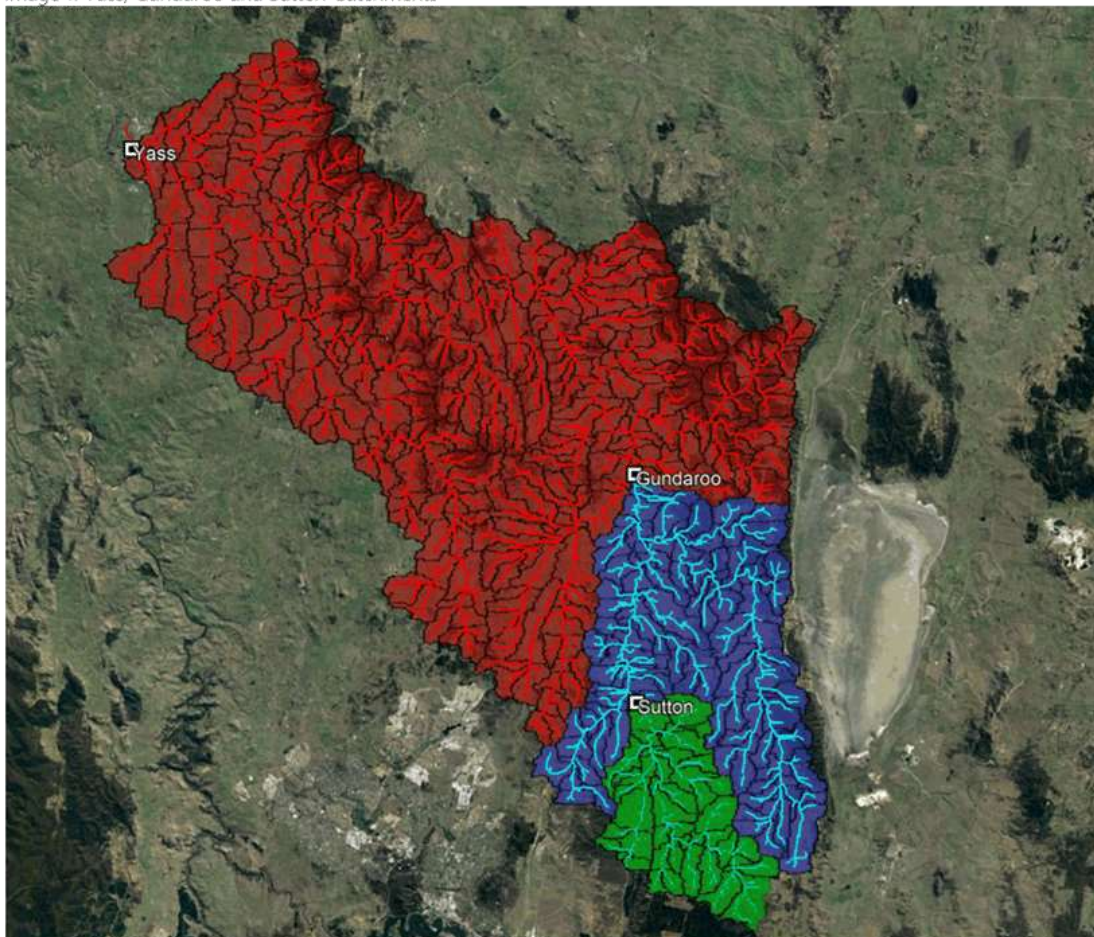
1. INTRODUCTION

This report presents hydrologic analysis for the Yass River catchment. A WBNM hydrologic model applying ARR2019 methods has been developed with design flows validated to Flood Frequency Analysis (FFA) undertaken for local stream gauges. The WBNM model was developed with the intent of extracting design flow estimates for the Yass River and its tributaries across the catchment upstream of Yass.

1.1 Study Area

The Yass River catchment is situated in south-east New South Wales (NSW) to the north of the Australian Capital Territory (ACT). The catchment contains the townships of Yass, Gundaroo and Sutton. The Yass River flows in a north-west direction and is a tributary of the Murrumbidgee River. The catchment is bounded by the Murrumbidgee River, Lake George and Mulwaree River catchments to the west, east and north. Image 1 presents the Yass River catchment, with demarcation of catchments upstream of Yass, Gundaroo and Sutton.

Image 1: Yass, Gundaroo and Sutton Catchments



1.2 Objectives

The key objective of this study was the development of a hydrologic model using ARR2019 methods, suitable for extracting design flow estimates throughout the Yass River catchment.

To satisfy the key objective, the following analysis has been undertaken:

- Review of local flood studies undertaken within the catchment at the townships of Yass, Gundaroo and Sutton to glean useful information for model build and calibration;
- Development of FFA for gauges within the catchment based on work undertaken in the above-mentioned flood studies;
- Development of a high resolution WBNM hydrologic model suitable for extracting flows for all areas of the catchment;
- Modelling of design rainfall events using ARR2019 methods and techniques; and
- Validation of the design flow estimates to FFA.

It should be noted that this report details the model build and validation efforts only. Additional modelling, including modification of parameters such as temporal patterns and Areal Reduction Factors, will need to be undertaken when assessing specific sites within the model domain. These will be detailed in accompanying documentation provided for site specific investigations.

2. YASS RIVER CATCHMENT FLOOD STUDIES

Three flood studies have been undertaken within the catchment for the townships of Yass, Gundaroo and Sutton. Information from these studies has been used to inform WBNM model parameters and FFA.

2.1 Yass River Flood Study

The Yass Flood Study (WMAwater, 2016) was prepared on behalf of the Yass Valley Council. The objective of the study was to define the flood behaviour at Yass due to flooding from Yass River, Chinaman's Creek, Bango's Creek and major overland flow.

The hydrological analysis for the Yass River comprised FFA incorporating data from the Yass Stream Gauge (410026) and Railway Gauge (410046) at Yass. The FFA significantly increased the record period using anecdotal information prior to the official period of record. The analysis used 180 years of data for the period 1835 to 2014 and follows the method prescribed by Australian Rainfall and Runoff (ARR87). The analysis applied a Log Pearson III distribution to the annual series.

The Yass Flood Study FFA has been reproduced for use in model validation for the current study.

Hydrology for local catchments surrounding Yass was undertaken using a DRAINS hydrologic model, the parameters of which have limited use for input into the current study.

2.2 Gundaroo Flood Study

The Gundaroo Flood Study (WMAwater, 2016) was prepared on behalf of the Yass Valley Council. The objective of this study is to define flood behaviour at Gundaroo due to flooding from Yass River,

Back Creek, McLeod's Creek and major overland flows. The following pertinent analysis was undertaken as highlighted in the Gundaroo Flood Study Executive Summary:

- *Investigation of the accuracy of the Gundaroo Stream Gauge (410090) rating and liaison with NOW hydrographers;*
- *Yass River Flood Frequency Analysis (FFA) at the Gundaroo Stream Gauge for use in hydrologic model calibration. The FFA was performed to determine design flows for more frequent events (5% AEP and smaller) due to the limited record period;*
- *A hydrologic/hydraulic modelling system was developed:*
 - *The hydrologic model was calibrated to the FFA and verified to three historic flood events at Gundaroo;*
 - *The hydraulic model was calibrated/verified to two recent flood events; and*
 - *Design floods were then run in the calibrated/verified modelling system.*

The calibration process determined a WBNM Lag Parameter of $C = 1.3$ and a continuing loss of 2 mm/hr are appropriate for the catchment. Calibrated hydrologic model parameters determined via the calibration/validation process outlined in the Gundaroo Flood Study have been used to inform the current study WBNM model.

2.3 Sutton Flood Study

The Sutton Flood Study (WMAwater, 2016) was prepared on behalf of the Yass Valley Council. The objective of this study is to define flood behaviour at Gundaroo due to flooding from River, McLaughlin's Creek and major overland flows.

The following pertinent analysis was undertaken as highlighted in the Sutton Flood Study Executive Summary:

- *Investigation of the accuracy of the Sutton Stream Gauge (410851) rating and liaison with NOW hydrographers;*
- *Yass River Flood Frequency Analysis (FFA) at the Sutton Stream Gauge for use in hydrologic model calibration. The FFA was performed to determine design flows for more frequent events (5% AEP and smaller) due to the limited record period;*
- *A hydrologic/hydraulic modelling system was developed:*
 - *The hydrologic model was calibrated to the FFA and verified to three historic flood events at Sutton;*
 - *The hydraulic model was calibrated/verified to two recent flood events; and*
 - *Design floods were then run in the calibrated/verified modelling system.*

The calibration process determined a WBNM Lag Parameter of $C = 1.3$ and a continuing loss of 2 mm/hr are appropriate for the catchment. Calibrated hydrologic model parameters determined via the calibration/validation process outlined in the Sutton Flood Study have been used to inform the current study WBNM model.

3. HYDROLOGY

3.1 Introduction

The key purpose of this study is to develop a hydrologic model suitable for defining design flows for the Yass River catchment. The hydrologic model aims to simulate the hydrologic response to flood-producing rainfall events within the catchment.

A WBNM hydrologic model was developed with calibrated model parameters determined in the Gundaroo and Sutton Flood Studies applied. Design event modelling was undertaken using ARR2019 techniques. Validation of the hydrologic model was undertaken by comparing design flows to FFA undertaken at gauges near Yass, Gundaroo and Sutton. The FFA was undertaken using the same methodology as applied in the flood studies for these towns.

3.2 Flood Frequency Analysis

FFA is a technique used by hydrologists to estimate flows corresponding to specific exceedance probabilities. The analysis requires that stream gauge information of a suitable quality and length is available.

FFA has been undertaken by applying the same methods as outlined in the Yass, Gundaroo and Sutton Flood Studies (WMAwater, 2016). The results of this analysis are presented in Table 1 to Table 3, with frequency curves presented in Section 3.5.

Table 1: Yass Stream Gauge (410026) FFA Flows

AEP Event	LPIII Parameter Fit Probability Flow (m ³ /s)	90% Confidence Limits Flow (m ³ /s)	
20%	292	235	363
10%	487	386	618
5%	732	569	957
2%	1,141	855	1,575
1%	1,522	1,100	2,191

Table 2: Gundaroo Stream Gauge (410090) FFA Flows

AEP Event	LPIII Parameter Fit Probability Flow (m ³ /s)	90% Confidence Limits Flow (m ³ /s)	
20%	142	88	214
10%	222	152	293
5%	290	224	384
2%	361	290	520
1%	401	317	630

Table 3: Sutton Stream Gauge (410851) FFA Flows

AEP Event	LPIII Parameter Fit Probability Flow (m ³ /s)	90% Confidence Limits Flow (m ³ /s)	
20%	43	27	71
10%	66	42	115
5%	90	85	175
2%	121	76	277
1%	142	86	378

3.3 Hydrologic Model Build

The hydrologic model was developed using the WBNM software (Watershed Bounded Network Model), whereby the catchment subdivided into a series of subcatchments, and a rainfall runoff routing approach was applied. The output hydrographs can then be used to inform future hydraulic models which can be used to define design flood behaviour such as extents, depths, levels and velocities.

3.3.1 Model Schematisation

The hydrologic model covered the Yass River catchment to Yass, with a total catchment area of 1,240km². The catchment areas to Gundaroo and Sutton are 353 and 101 km² respectively. The model divided the catchment into 444 sub-catchments with average size of ~ 279 ha. A summary of the model sub-catchments is presented in Table 4, with the sub-catchment delineation presented in Image 1.

Table 4: WBNM sub-catchment details

Catchment	Number of catchments	Total Area (km ²)	Average Area (ha)	Minimum Area (ha)	Maximum Area (ha)
Sutton	35	101	288	69	787
Gundaroo	106	353	324	58	1,073
Yass	444	1,239	280	11	1,073

3.3.2 Applied Model Parameters

The current study has applied WBNM model parameters consistent with the calibrated model parameters developed in the Gundaroo and Sutton Flood Studies. Details of the applied WBNM parameters are presented below:

- The nonlinearity parameter 'm' has been set as default (0.77) which is in agreement with ARR guidelines.
- The routing parameter 'C' was set to be 1.3 based on model calibration undertaken as part of the flood studies; and
- A continuing loss of 2.0 mm/hr was applied, again determined via model calibration in the flood studies.

Updates to the following model parameters/inputs have been made to apply ARR2019 techniques:

- Design rainfalls applied as per ARR2019 and obtained from the Bureau of Meteorology (BoM);
- Rainfall temporal patterns applied using the ensemble approach outlined in ARR2019 and obtained from the datahub;
- Initial losses have been applied as per the methods outlined in '*OEI Floodplain Risk Management Guide (2019)*'; and
- Areal Reduction Factors (ARF) have been applied as per the methods outlined in ARR2019.

Details of the updated model parameters are presented in the following sections.

3.3.2.1 Design Rainfall

ARR2019 design rainfall data was obtained from the BoM as Intensity Frequency Duration (IFD) data. IFD data describes the rainfall intensity (mm/hour) for a range of annual exceedance probabilities (AEP) and for a range of durations (1 minute to 168 hours), for any location in Australia. The data is provided online on the BoM website. The IFD data in the form of rainfall grids (with latitude/longitude length of 0.025°) was obtained so that the spatial variation in design rainfall across a catchment could be applied.

3.3.2.2 Temporal Patterns

ARR2019 design temporal patterns were obtained from the ARR2019 data hub. Rainfall temporal patterns are used to describe how rainfall is distributed as a function of time. The recommended ARR2019 ensemble approach to applying temporal patterns has been utilised in the current study. The ensemble approach to flood modelling applies a suite of 10 different temporal patterns for each duration. Areal Temporal Patterns have been implemented for analysis of the Yass, Gundaroo and Sutton catchments as catchment areas exceed 75 km². The temporal patterns were obtained from ARR2019 for the 'Murray Basin' region for theoretical catchment areas ranging from 100 to 2,000 km² depending on the catchment being investigated. Ensemble modelling techniques aim to overcome issues associated with the application of a single temporal pattern as per the methods used in ARR87.

3.3.2.3 Initial Losses

Rainfall losses are defined as the amount of precipitation in a rainfall event that does not appear as direct surface runoff at the catchment outlet. The Initial and Continuous Loss (IL / CL) model is the most commonly adopted conceptual loss model in Australia and has been used in the current study.

An IL / CL model was implemented with initial losses obtained from the ARR2019 datahub. The Probability Neutral Burst initial loss was implemented based on recommendations in the '*OEI Floodplain Risk Management Guide (2019)*' as presented in Table 2. A continuing loss of 2 mm/hr was applied as determined via model calibration in the Gundaroo and Sutton flood studies.

Table 5: Probability Neutral Burst Initial Losses
Probability Neutral Burst Initial Loss

min (h)\AEP(%)	50	20	10	5	2	1
60 (1.0)	16.9	14.2	11.8	11.7	11.6	11.0
90 (1.5)	19.4	14.7	12.9	12.8	12.7	11.9
120 (2.0)	21.3	14.2	12.6	12.8	12.3	11.8
180 (3.0)	23.5	13.9	13.0	14.0	14.3	13.5
360 (6.0)	25.2	16.8	15.3	16.0	13.6	9.9
720 (12.0)	25.9	18.4	16.8	17.1	14.3	7.9
1080 (18.0)	26.9	20.8	19.7	20.9	16.2	9.8
1440 (24.0)	28.5	22.8	22.5	23.7	19.9	12.8
2160 (36.0)	30.0	24.7	25.4	27.2	24.8	16.5
2880 (48.0)	31.2	26.0	26.3	28.3	25.3	16.8
4320 (72.0)	31.9	26.7	28.6	30.2	26.9	22.6

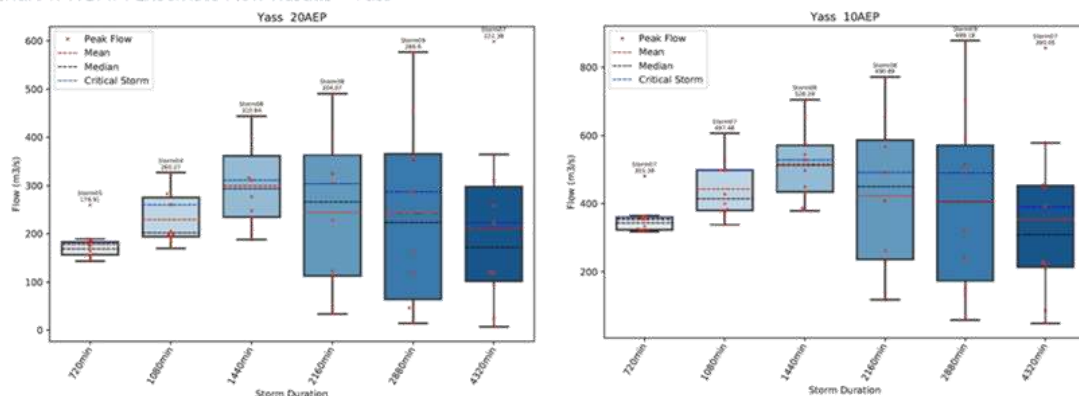
3.3.2.4 Areal Reduction Factor

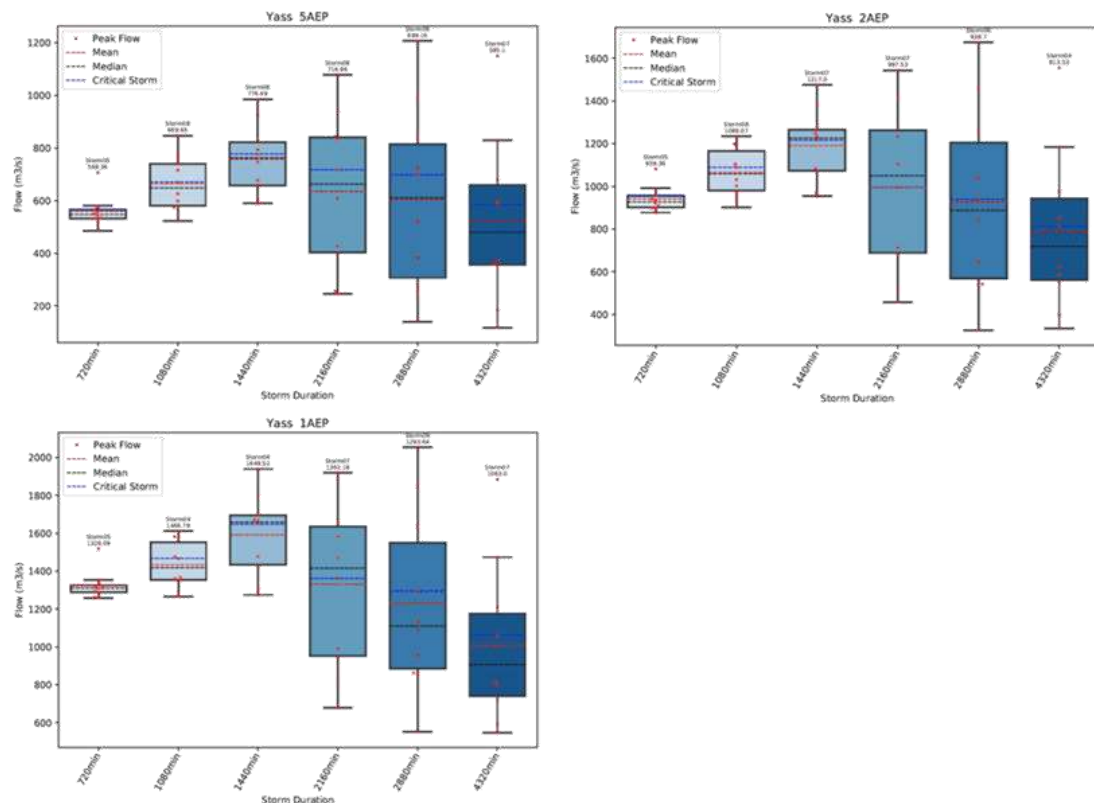
Areal Reduction Factors (ARF) were applied to design rainfall depths to adjust for a catchment's areal average rainfall intensity. The ARFs were determined following the methods outlined in ARR2019 for the 'South-East Coast' temporal region. Calculated ARFs were based on each of the study area's catchments, event duration and probability.

3.4 Hydrologic Model Results

A critical duration assessment was undertaken by implementing the ARR2019 ensemble approach. The results of this analysis for the Yass Stream Gauge (410026) are presented in Chart 1. A critical duration of 24 hours is noted for the catchment to Yass. The critical durations for Gundaroo and Sutton were found to be 12 hours.

Chart 1: WBNM Ensemble Flow Results - Yass





Design flow estimates for Yass, Gundaroo and Sutton are presented in Table 6.

Table 6: WBNM Design Flow Estimates

Catchment	Sutton Flow (m³/s)	Gundaroo Flow (m³/s)	Yass Flow (m³/s)
20%	74	159	311
10%	113	242	528
5%	145	342	776
2%	201	491	1,217
1%	256	626	1,650

3.5 Hydrologic Model Validation

Validation of the WBNM model was undertaken by comparing model derived flows to FFA with the results of this analysis presented in Chart 2 to Chart 4 for the Yass, Gundaroo and Sutton stream gauges respectively.

The validation process found that the WBNM model is producing a very good match to the Yass Stream Gauge FFA, with slightly higher flows produced by the model, thus providing slightly conservative results. This provides robustness in design flow estimates produced by the model.

The Gundaroo Stream Gauge (410090) comparison notes a good match for more frequent events (20% and 10% AEP), however, hydrologic model and FFA flow begins to diverge for rarer events. This is not unexpected due to the relative short record period used in the Gundaroo FFA, which reduces confidence in rare event estimates. Notwithstanding, the comparison improves confidence in hydrologic model design flow estimates.

The Sutton Stream Gauge (410851) comparison does not exhibit a good match between the FFA and WBNM model flows, with the WBNM flow being higher than FFA estimates. Due to the short record period available for the Sutton Stream Gauge (19 years), limited confidence is had in design flow estimates derived by FFA. As the WBNM flows are higher than the FFA flows, and the match to the Yass and Gundaroo Gauges is good, the results of this analysis do not reduce confidence in the WBNM model's ability to derive design flow estimates. It is also important to note that calibrated model parameters determined in the Sutton Flood Study have been applied which further improves confidence in the hydrologic model flow estimates.

Chart 2: Yass Stream Gauge (410026) – Comparison of FFA and WBNM Flows

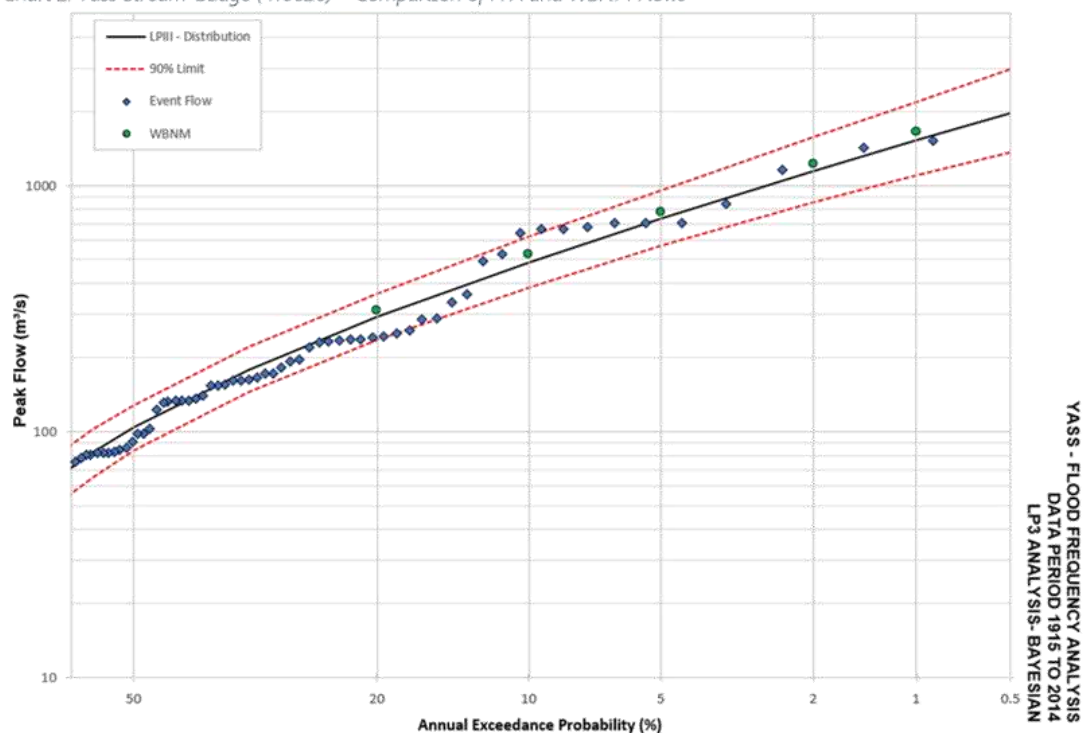


Chart 3: Gundaroo Stream Gauge (410090) – Comparison of FFA and WBNM Flows

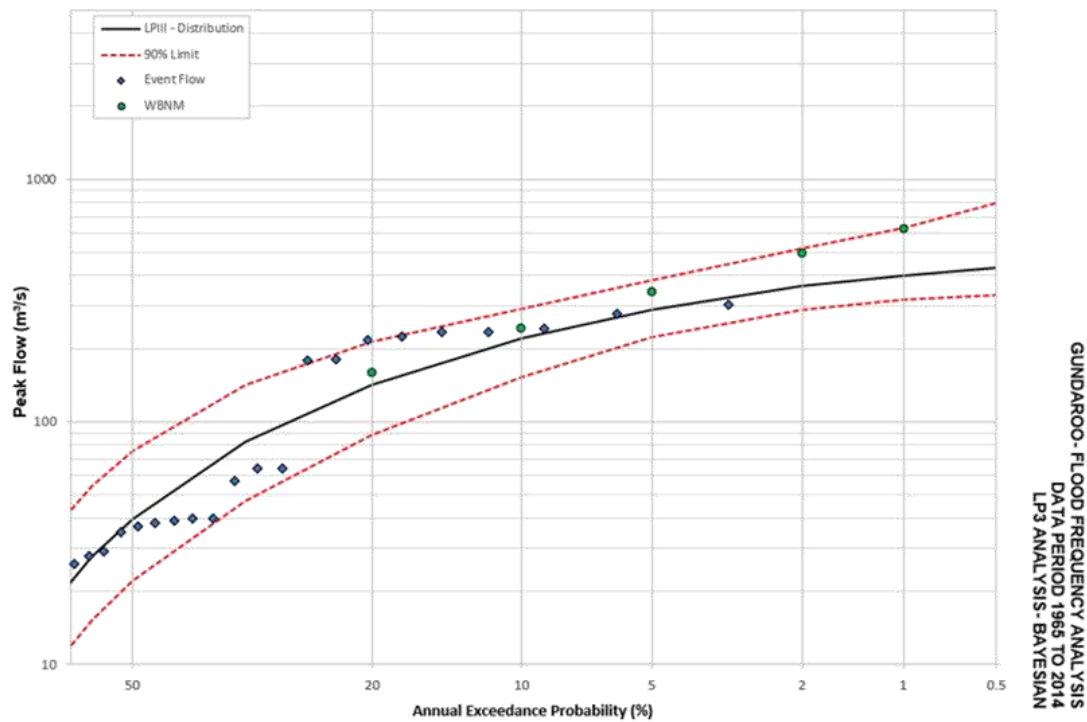
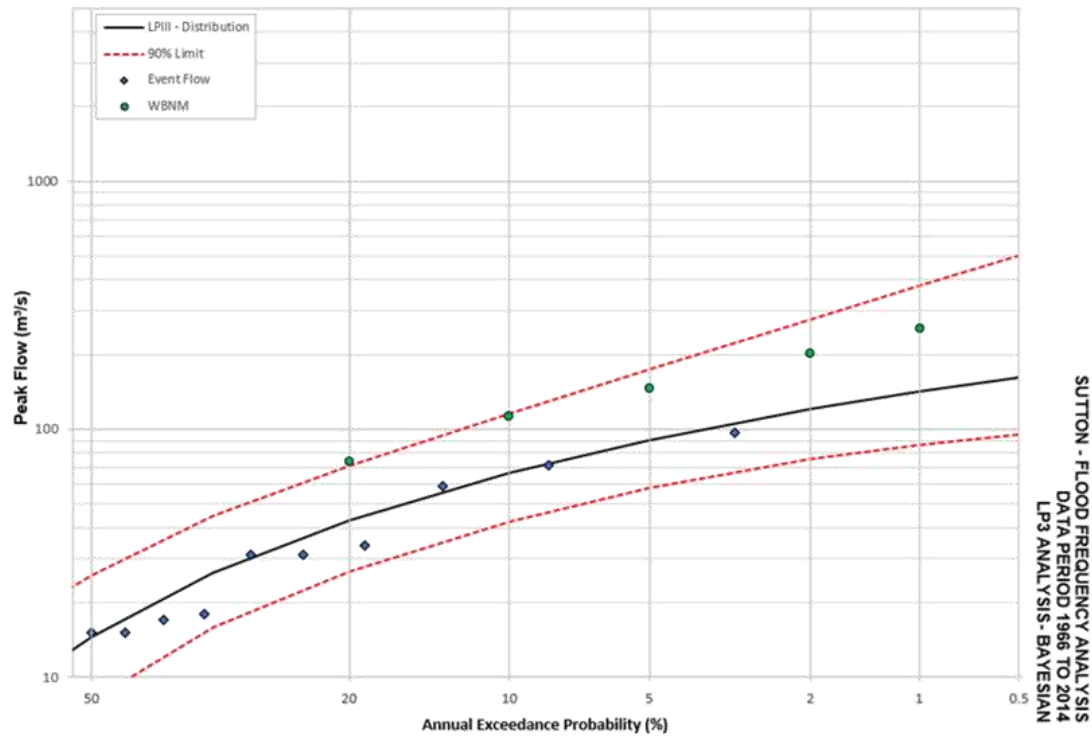


Chart 4: Sutton Stream Gauge (410851) – Comparison of FFA and WBNM Flows



4. CONCLUSIONS

A high resolution WBNM hydrologic model has been developed for the Yass River catchment. ARR2019 modelling methods and techniques have been applied. The model used calibrated model parameters determined in the Gundaroo and Sutton flood studies and validated design flow estimates to Flood Frequency Analysis (FFA) undertaken for three stream gauges. The validation process found a good match to FFA undertaken at the Yass and Gundaroo stream gauges providing confidence in the model results.

The WBNM model was developed with the intent of extracting design flow estimates for the Yass River and its tributaries across the catchment upstream of Yass. The analysis presented herein shows that the model is suitable for use for this purpose.

It should be noted that this report details the model build and validation efforts only. Additional modelling, including modification of parameters such as temporal patterns and Areal Reduction Factors, will need to be undertaken when assessing specific sites within the model domain. These will be detailed in accompanying documentation provided for site specific investigations.

5. REFERENCES

1. Ball J, Babister M, Nathan R, Weeks W, Weinmann E, Retallick M, Testoni I
Australian Rainfall and Runoff (ARR2019)
Commonwealth of Australia, 2019
2. Yass Valley Council
Yass Flood Study
WMAwater, 2016
3. Yass Valley Council
Gundaroo Flood Study
WMAwater, 2016
4. Yass Valley Council
Sutton Flood Study
WMAwater, 2016
5. NSW Office of Environment and Heritage
Floodplain Risk Management Guide, Incorporating 2016 Australian Rainfall and Runoff in
Studies
NSW Government, 2019

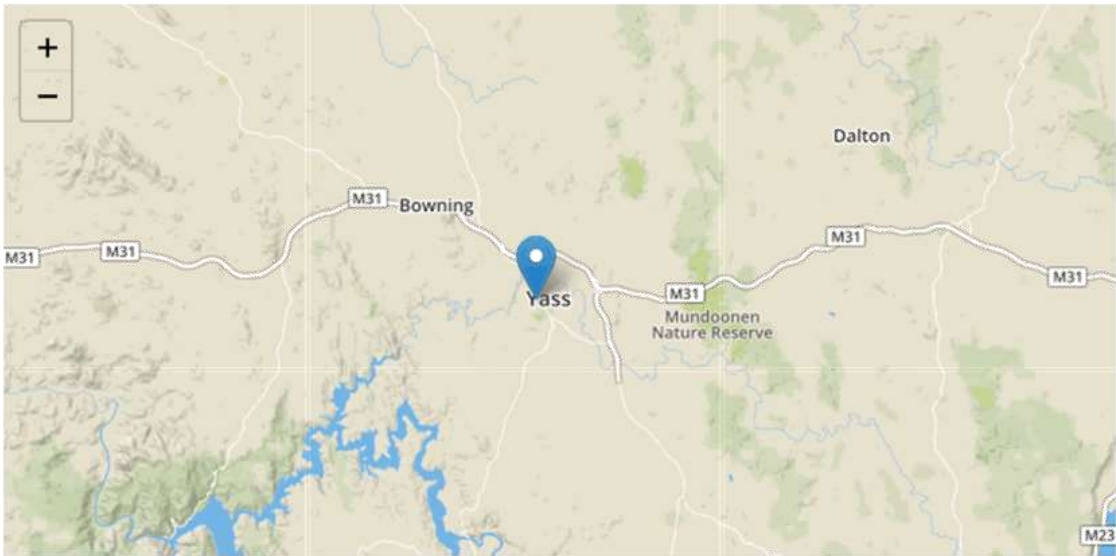
Appendix A: Datahub

ATTENTION: This site was updated recently, changing some of the functionality. Please see the changelog ([./changelog](#)) for further information

Australian Rainfall & Runoff Data Hub - Results

Input Data

Longitude	148.905
Latitude	-34.838
Selected Regions (clear)	
River Region	show
ARF Parameters	show
Storm Losses	show
Temporal Patterns	show
Areal Temporal Patterns	show
BOM IFDs	show
Median Preburst Depths and Ratios	show
10% Preburst Depths	show
25% Preburst Depths	show
75% Preburst Depths	show
90% Preburst Depths	show
Interim Climate Change Factors	show
Probability Neutral Burst Initial Loss (.nsw_specific)	show





Data

River Region

Division	Murray-Darling Basin
River Number	12
River Name	Murrumbidgee River

Layer Info

Time Accessed	23 July 2019 11:10AM
Version	2016_v1

ARF Parameters

$$ARF = Min \left\{ 1, \left[1 - a \left(Area^b - c \log_{10} Duration \right) Duration^{-d} + e Area^f Duration^g (0.3 + \log_{10} AEP) + h 10^{i Area \frac{Duration}{1440}} (0.3 + \log_{10} AEP) \right] \right\}$$

Zone	a	b	c	d	e	f	g	h	i
SE Coast	0.06	0.361	0.0	0.317	8.11e-05	0.651	0.0	0.0	0.0

Short Duration ARF

$$ARF = Min \left[1, 1 - 0.287 \left(Area^{0.265} - 0.439 \log_{10} (Duration) \right) \cdot Duration^{-0.36} + 2.26 \times 10^{-3} \times Area^{0.226} \cdot Duration^{0.125} (0.3 + \log_{10} (AEP)) + 0.0141 \times Area^{0.213} \times 10^{-0.021 \frac{(Duration-180)^2}{1440}} (0.3 + \log_{10} (AEP)) \right]$$

Layer Info

Time Accessed	23 July 2019 11:10AM
Version	2016_v1

Storm Losses

Note: Burst Loss = Storm Loss - Preburst

Note: These losses are only for rural use and are **NOT FOR DIRECT USE** in urban areas

Note: As this point is in NSW the advice provided on losses and pre-burst on the NSW Specific Tab of the ARR Data Hub (/nsw_specific) is to be considered. In NSW losses are derived considering a hierarchy of approaches depending on the available loss information. The continuing storm loss information from the ARR Datahub provided below should only be used where relevant under the loss hierarchy (level 5) and where used is to be multiplied by the factor of 0.4.

ID	13889.0
Storm Initial Losses (mm)	31.0
Storm Continuing Losses (mm/h)	4.1

Layer Info

Time Accessed	23 July 2019 11:10AM
Version	2016_v1

Temporal Patterns | Download (.zip) (static/temporal_patterns/TP/MB.zip)

code	MB
Label	Murray Basin

Layer Info

Time Accessed	23 July 2019 11:10AM
Version	2016_v2

Areal Temporal Patterns | Download (.zip) (/static/temporal_patterns/Areal/Areal_MB.zip)

code	MB
arealabel	Murray Basin

Layer Info

Time Accessed	23 July 2019 11:10AM
Version	2016_v2

BOM IFDs

Click here (http://www.bom.gov.au/water/designRainfalls/revised-ifd/?year=2016&coordinate_type=dd&latitude=-34.838&longitude=148.905&sadmin=true&sdir=true&sday=true&user_label=) to obtain the IFD depths for catchment centroid from the BoM website

Layer Info

Time Accessed	23 July 2019 11:10AM
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Median Preburst Depths and Ratios

Values are of the format depth (ratio) with depth in mm

min (h)\AEP(%)	50	20	10	5	2	1
60 (1.0)	0.4 (0.025)	0.2 (0.011)	0.1 (0.004)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
90 (1.5)	0.7 (0.035)	0.4 (0.015)	0.2 (0.006)	0.0 (0.000)	0.2 (0.005)	0.3 (0.007)
120 (2.0)	0.4 (0.021)	0.3 (0.010)	0.2 (0.005)	0.0 (0.001)	0.2 (0.005)	0.4 (0.007)
180 (3.0)	2.2 (0.092)	1.7 (0.052)	1.3 (0.035)	1.0 (0.022)	0.5 (0.009)	0.1 (0.001)
360 (6.0)	0.9 (0.030)	0.9 (0.021)	0.8 (0.017)	0.8 (0.014)	0.8 (0.011)	0.7 (0.009)
720 (12.0)	0.1 (0.002)	1.2 (0.023)	2.0 (0.031)	2.7 (0.036)	6.3 (0.068)	8.9 (0.084)
1080 (18.0)	0.0 (0.000)	0.8 (0.013)	1.3 (0.018)	1.9 (0.021)	6.7 (0.063)	10.4 (0.084)
1440 (24.0)	0.0 (0.000)	0.3 (0.004)	0.4 (0.005)	0.6 (0.006)	2.8 (0.023)	4.4 (0.032)
2160 (36.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.4 (0.003)	0.6 (0.004)
2880 (48.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
4320 (72.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)

Layer Info

Time Accessed	23 July 2019 11:10AM
Version	2018_v1
Note	Preburst interpolation methods for catchment wide preburst has been slightly altered. Point values remain unchanged.

10% Preburst Depths

Values are of the format depth (ratio) with depth in mm

min (h)\AEP(%)	50	20	10	5	2	1
60 (1.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
90 (1.5)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
120 (2.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
180 (3.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
360 (6.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
720 (12.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
1080 (18.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
1440 (24.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
2160 (36.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
2880 (48.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
4320 (72.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)

Layer Info

Time Accessed	23 July 2019 11:10AM
Version	2018_v1
Note	Prebust interpolation methods for catchment wide preburst has been slightly altered. Point values remain unchanged.

25% Preburst Depths

Values are of the format depth (ratio) with depth in mm

min (h)\AEP(%)	50	20	10	5	2	1
60 (1.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
90 (1.5)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
120 (2.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
180 (3.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
360 (6.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
720 (12.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
1080 (18.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
1440 (24.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
2160 (36.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
2880 (48.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)
4320 (72.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)

Layer Info

Time Accessed	23 July 2019 11:10AM
Version	2018_v1
Note	Prebust interpolation methods for catchment wide preburst has been slightly altered. Point values remain unchanged.

75% Preburst Depths

Values are of the format depth (ratio) with depth in mm

min (h)\AEP(%)	50	20	10	5	2	1
60 (1.0)	9.0 (0.543)	8.1 (0.369)	7.6 (0.292)	7.0 (0.236)	8.0 (0.227)	8.6 (0.221)
90 (1.5)	9.3 (0.494)	8.7 (0.346)	8.4 (0.281)	8.0 (0.234)	10.5 (0.259)	12.4 (0.273)
120 (2.0)	12.0 (0.577)	10.7 (0.385)	9.8 (0.300)	9.0 (0.239)	10.9 (0.242)	12.2 (0.242)
180 (3.0)	13.1 (0.552)	12.9 (0.404)	12.8 (0.337)	12.6 (0.288)	10.8 (0.207)	9.5 (0.160)
360 (6.0)	8.5 (0.282)	11.1 (0.271)	12.8 (0.262)	14.5 (0.252)	20.4 (0.293)	24.8 (0.312)
720 (12.0)	4.9 (0.125)	10.0 (0.188)	13.4 (0.210)	16.7 (0.220)	29.4 (0.319)	39.0 (0.368)
1080 (18.0)	2.5 (0.054)	6.9 (0.112)	9.9 (0.132)	12.7 (0.143)	24.3 (0.227)	33.1 (0.269)
1440 (24.0)	0.8 (0.015)	4.0 (0.059)	6.2 (0.075)	8.3 (0.085)	13.5 (0.115)	17.5 (0.129)
2160 (36.0)	0.1 (0.001)	1.8 (0.022)	2.9 (0.031)	3.9 (0.036)	7.8 (0.059)	10.8 (0.072)
2880 (48.0)	0.0 (0.000)	0.8 (0.009)	1.3 (0.013)	1.8 (0.015)	5.1 (0.036)	7.6 (0.047)
4320 (72.0)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.0 (0.000)	0.2 (0.001)	0.3 (0.002)

Layer Info

Time Accessed	23 July 2019 11:10AM
Version	2018_v1
Note	Prebust interpolation methods for catchment wide preburst has been slightly altered. Point values remain unchanged.

90% Preburst Depths

Values are of the format depth (ratio) with depth in mm

min (h)\AEP(%)	50	20	10	5	2	1
60 (1.0)	20.6 (1.246)	21.2 (0.959)	21.5 (0.830)	21.8 (0.734)	23.5 (0.671)	24.8 (0.632)
90 (1.5)	20.3 (1.073)	21.1 (0.838)	21.7 (0.732)	22.3 (0.652)	23.5 (0.580)	24.3 (0.536)
120 (2.0)	24.8 (1.197)	25.5 (0.918)	26.0 (0.792)	26.4 (0.698)	28.1 (0.625)	29.3 (0.580)
180 (3.0)	28.0 (1.182)	26.8 (0.840)	26.0 (0.687)	25.2 (0.575)	24.2 (0.462)	23.5 (0.396)
360 (6.0)	18.8 (0.619)	26.2 (0.639)	31.1 (0.635)	35.9 (0.624)	51.2 (0.737)	62.8 (0.790)
720 (12.0)	18.0 (0.460)	30.7 (0.575)	39.0 (0.609)	47.1 (0.621)	66.7 (0.723)	81.4 (0.768)
1080 (18.0)	15.1 (0.332)	21.7 (0.351)	26.1 (0.350)	30.3 (0.343)	52.5 (0.489)	69.1 (0.561)
1440 (24.0)	9.2 (0.183)	17.5 (0.256)	23.0 (0.279)	28.3 (0.290)	34.7 (0.294)	39.5 (0.293)
2160 (36.0)	6.2 (0.108)	11.3 (0.145)	14.7 (0.157)	18.0 (0.163)	23.2 (0.175)	27.0 (0.180)
2880 (48.0)	1.4 (0.023)	8.1 (0.096)	12.5 (0.124)	16.8 (0.141)	22.6 (0.160)	27.0 (0.169)
4320 (72.0)	1.5 (0.021)	5.4 (0.059)	8.1 (0.073)	10.6 (0.082)	10.6 (0.070)	10.6 (0.062)

Layer Info

Time Accessed	23 July 2019 11:10AM
Version	2018_v1
Note	Prebust interpolation methods for catchment wide preburst has been slightly altered. Point values remain unchanged.

Interim Climate Change Factors

	RCP 4.5	RCP6	RCP 8.5
2030	0.816 (4.1%)	0.726 (3.6%)	0.934 (4.7%)
2040	1.046 (5.2%)	1.015 (5.1%)	1.305 (6.6%)
2050	1.260 (6.3%)	1.277 (6.4%)	1.737 (8.8%)
2060	1.450 (7.3%)	1.520 (7.7%)	2.214 (11.4%)
2070	1.609 (8.2%)	1.753 (8.9%)	2.722 (14.2%)
2080	1.728 (8.8%)	1.985 (10.2%)	3.246 (17.2%)
2090	1.798 (9.2%)	2.226 (11.5%)	3.772 (20.2%)

Layer Info

Time Accessed	23 July 2019 11:10AM
Version	2019_v1
Note	ARR recommends the use of RCP4.5 and RCP 8.5 values. These have been updated to the values that can be found on the climate change in Australia website.

Probability Neutral Burst Initial Loss

min (h)\AEP(%)	50	20	10	5	2	1
60 (1.0)	16.9	14.2	11.8	11.7	11.6	11.0
90 (1.5)	19.4	14.7	12.9	12.8	12.7	11.9
120 (2.0)	21.3	14.2	12.6	12.8	12.3	11.8
180 (3.0)	23.5	13.9	13.0	14.0	14.3	13.5
360 (6.0)	25.2	16.8	15.3	16.0	13.6	9.9
720 (12.0)	25.9	18.4	16.8	17.1	14.3	7.9
1080 (18.0)	26.9	20.8	19.7	20.9	16.2	9.8
1440 (24.0)	28.5	22.8	22.5	23.7	19.9	12.8
2160 (36.0)	30.0	24.7	25.4	27.2	24.8	16.5
2880 (48.0)	31.2	26.0	26.3	28.3	25.3	16.8
4320 (72.0)	31.9	26.7	28.6	30.2	26.9	22.6

Layer Info

Time Accessed	23 July 2019 11:10AM
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Version	2018_v1
Note	As this point is in NSW the advice provided on losses and pre-burst on the NSW Specific Tab of the ARR Data Hub (.nsw_specific) is to be considered. In NSW losses are derived considering a hierarchy of approaches depending on the available loss information. Probability neutral burst initial loss values for NSW are to be used in place of the standard initial loss and pre-burst as per the losses hierarchy.
<div>Download TXT (downloads/5a2cea66-5f4f-4570-9e1b-b28d8a7bd75d.txt)</div> <div>Download JSON (downloads/ff6b43fb-b1a3-420c-ab7c-56424bb4e697.json)</div> <div>Generating PDF... (downloads/dc695ba0-f118-4f75-ad31-c1d8e9c361c7.pdf)</div>	



yass valley council
the country the people

Yass Valley Council
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YASS NSW 2582
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Drawn By: Jeremy Knox
Projection: GDA84 / MGA zone 55
Date: 15/03/2022 3:48 PM

Locality Plan
Map Scale: 1:4514 at A4





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09 December 2021

Our Ref: 3510_YVC4

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

Attention: Julie Rogers

REVIEW OF DETERMINATION FOR DA210063

**Lot 1 DP1185454
3 Burrai Place, YASS**

Dear Julie,

On behalf of our client CVC Projects, we would like to lodge a review of determination of the abovementioned development consent at Lot 1 DP1185454 3 Burrai Place, YASS.

The review of determination of the abovementioned development consent includes the following:

Proposed Development:

Fifty Seven (57) Lot Subdivision (including an Open Space Lot and a Future Development Lot), Widening and Upgrading of Grand Junction Road & Burrai Place, Construction of new Roads and associated Utilities/ Services.

To be Amended to read:

Proposed Development:

Fifty Eight (58) Lot Subdivision (including an Open Space Lot and a Future Development Lot), Widening and Upgrading of Grand Junction Road & Burrai Place, Construction of new Roads and associated Utilities/ Services.

Part B Before the Issue of a Subdivision Works Certificate

Condition 8(e) – Prior to the issue of any Subdivision Works Certificate the Applicant shall enter into a Voluntary Planning Agreement (VPA) with Council. The VPA shall outline the terms of the offer made by the Applicant and accepted by Council in connection with the subject Development Application. The terms of the offer shall generally include:

- e) The maintenance responsibility period for the Applicant shall be five (5) years from the date of the issue of a Subdivision Certificate.***



As discussed, and agreed upon in the meeting at Council on Monday 07 December 2021 it is proposed the 'maintenance responsibility period' for the new park (open space) be reduced to 12 months, keeping in line with the standard maintenance period of new Council assets. This will be reflected within the VPA.

Part D While Subdivision Works are being Carried Out

Condition 44(a) – Heavy vehicle movements associated with the delivery of material to the site are restricted as follows

- a) A maximum of 6 movements per day (1 movement = in and out of the site)**

As discussed, and agreed upon in the meeting held at Council on Monday 07 December 2021, it is proposed the abovementioned condition be amended to reflect the following:

Condition 44(a) – Heavy vehicle movements associated with the delivery of material to the site are restricted as follows

- a) An average of 15 movements per day for the duration of the construction phase (1 movement = in and out of the site)

This has been proposed to take into consideration the amount of material that will be required to be delivered to site in order to deliver this subdivision. It is noted that the number of truck movements will vary at different stages within the construction phase hence the reason we are requesting they be calculated as an average over the entire project as opposed to being counted on a daily basis.

The proposed review does not result in any change to the fundamental characteristics of the development which will retain the essential character and elements of the approved development such that the proposal could not reasonably be considered a substantially different development.

The proposed review will not introduce any environmental impacts that have not previously been considered. The proposed review does not alter the existing operation of the consent other than to amend the proposed development description, review the maintenance period for the new park (open space) and the heavy vehicle truck movements.

The proposal retains the essential components of the approved subdivision and spatial characteristics of the development. The proposed amendments/ review do not radically transform the approved development or alter the fundamental characteristics of the original proposal, as such the proposed review of determination is appropriately categorised as being 'substantially the same' as the approved development.

In support of this application, we enclose the following:

1. Signed eLodgement Owners Consent Form
2. Development Consent DA210063
3. The Client is aware of the Yass Valley Council's Review of Determination Application fees, upon receiving an invoice this will be forwarded to the client for payment.

The proposed review of determination is minor in nature and consistent with the relevant planning legislation and policies within the YLEP 2010. Accordingly, it is recommended that the conditional consent be reviewed reflecting the recommendations listed earlier in this application.

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

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

Yours Faithfully
DPS YASS Pty Ltd



Rachel Braithwaite
Senior Town Planner



REVIEW SUBMISSIONS #1

8/3/2022

Yass Valley Council
209 Comur St
Yass NSW 2582
By email: Council@yass.nsw.gov.au

RE: DA210063B - 3 Burrai Place Yass

The council should reject the following proposed variations:

Condition 44(a)

- **The heavy vehicle movements associated with the delivery of material to the site be restricted to average of 15 movements per day instead of 6.**

The developer's request to have the movement calculated as "An average of 15 movements per day for the duration of the construction phase" is unreasonable and totally unacceptable as the adoption of an average calculation is virtually impossible to measure and likely to lead to unlimited activity on a regular basis which would have significant adverse impact on existing residents.

The existing condition – "A maximum of 6 movements per day (1 movement = in and out of the site) "- as approved by council should be retained.

The developer's request to vary this condition reinforces the strong concerns previously expressed formally by the community to council that the DA lacked full details, forethought and adequate planning in relation to traffic management (and other aspects of the development). We strongly urge the council to now undertake a full traffic management/impact assessment with public consultation prior to commencement of any development activity.

Condition 8(e)

- **The maintenance responsibility period for developer for the new park (open space) be reduced to 12 months from 5 years in line with the standard maintenance period of new Council assets.**

The existing condition – "The maintenance responsibility period for the Applicant shall be five (5) years from the date of the issue of a Subdivision Certificate" - as approved by council should be retained.

The developer's responsibility for the 5-year maintenance period as approved by council is fair and reasonable for a project of this size. Local rate payers should not be required to meet this expense.

It is disappointing to see the developer seek these variations as it once again highlights the developer's lack of empathy to affected residents, the negative impact on the environment and avoidance of any meaningful community engagement that could have resulted in a much better outcome for the community.



Review Submissions #2

The Yass Valley Council
209 Comur Street
Yass NSW 2582
By email: Council@yass.nsw.gov.au

RE: DA 210063B – 3 Burrai Place Yass

I urge the Council to reject the Review of determination for DA210063B, Lot 1 DP 1185454 -3 Burrai Place Yass.

I accept there is an error relating to the number of lots which should be – based on the map provided, 58 lots, not 57. The lot dedicated as a park and zoned for community use, should be identified on the plan and numbered accordingly prior to amending the number of blocks for residential development.

I raise the following issues with respect to Part B – Condition 8e, -the Voluntary Planning Agreement (VPA) with Council. The VPA should not be amended to allow the developer to reduce the maintenance responsibility of the park.

The greatest cost of new greenspace is incurred in its first five years and CVC should bear this cost rather than the existing residents of Yass. The park is the only community green space for approximately 100 new houses in the area, all developed by CVC. If CVC maintain the park for the period five year period they will be required to pay for the cost of any damage from construction work from builders who are working in and around the site when surveillance from residents is at its lowest. This will save the Council and residents of Yass money.

Experience from jurisdictions across Australia confirms damage from construction activity is common in new developments and includes wear to grass from parked cars, removal and breakage of young trees, damage to equipment and litter picking. If CVC's existing development is a measure of the future issues, then frequent litter picking will be required to collect builders waste –plastics and wrapping material left to blow around the site and takeaway wrapping items which are thrown from tradespeople's vehicles entering and existing the site.

CVC is the main financial beneficiary from this and the adjacent development, its reasonable for the community, and Council, to expect them to pay for it for the period of time when the risk from damage and thus replacement costs are at their highest and most needed.

Furthermore from a governance perspective DPS's letter of 10 February, '*As discussed, and agreed upon in the meeting at Council on Monday 07 December...*' is highly concerning. Council staff don't hold the power to make decision's relating to the DA and should not give the developers the sense that their views are binding. This should be of significant concern to the newly elected Council from a governance perspective as demonstrates that the lines of responsibility are blurred.

Part D While Subdivision Works are being Carried Out

Condition 44(a) – Heavy vehicles movements associated with the delivery of material to the site are restricted as follows

a) A maximum of 6 movements per day (1 movement = in and out of the site). The proponent seeks to increase the number of movements to 15 – almost three times the original number.

Again, I draw your attention to Council staff, making agreements to developers when they don't have the delegation to do so.

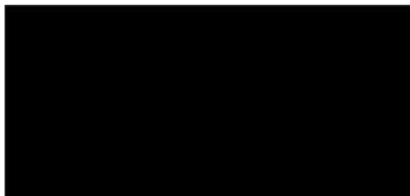
The increase in volume of heavy vehicles raises significant safety and noise issues as the proponent seeks to almost triple the number of heavy vehicle movements and change the calculation from a flat per day figure to an average figure. Without some form of measurement technology eg cameras or on road traffic volume calculators, this essentially gives the developer open slather as the figures could be easily manipulated to allow for excessive movements creating more concern to the existing residents.

I strongly urge the Council to reject this amendment until a traffic impact study for the whole area is completed. The traffic impact study should cumulatively assess the effect of the increase of the heavy vehicles in conjunction with the increase in traffic from the development at Wellington Road and the construction traffic on Grand Junction Road from the new sewage treatment plant.

The proposed additional 15 heavy vehicle movements along with the increased traffic from builders and residents moving into the Wellington Road will significantly impact the safety of area for children walking to and from school. The school bus doesn't travel into the area and thus the majority of children in the area walk along the road to the bus stop.

As expressed in earlier representation to Council, the initial DA lacked the level of detail required for a development of this scale. To ensure good outcomes for the new and existing residents I urge you to reject the proposed amendments to allow time for improved planning.

Yours sincerely



DA210063B – Draft Reviewed Conditions – 3 Burrai Place

Part A General Conditions

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

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

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

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

Part B Before the issue of a Subdivision Works Certificate

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

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

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

The maintenance responsibility period the Applicant shall be 12 months for the date of the issue of a Subdivision Certificate.

(Condition Amended on Review March 2022)

- 9. Engineering drawings for the provision of **access** to each lot must be submitted to Council's Infrastructure and Assets Division for approval in accordance with:
 - Council's Road Standards Policy RD-POL-09 and
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards
 - AustRoads
- 10. All proposed accesses within the subdivision shall meet requirements for Safe Intersection Sight Distance requirements for the prevailing speed.
- 11. Engineering drawings associated with the construction of **roads within the subdivision** with upright kerb and guttering on all sides of the roads shall be submitted to Council's Infrastructure & Assets Division for approval in accordance with Council's Roads Standards Policy RD-POL-09 and Council's Design and Construction Specification – Ausspec#1
The required works are to be undertaken at no cost to Council.
Council is committed to the sustainable management of the environment which includes minimising the impact of road upgrades. Clause 9.5 of Council's Road Standards Policy RD-POL-9 should be considered in the preparation of engineering designs. In this regard, Council may require a *Review of Environmental Factors* (REF) to accompany the engineering drawings for consideration and approval prior to the issue of an Engineering Construction Certificate.
- 12. Engineering drawings associated with the **widening and upgrade of Grand Junction Road** to "local" standard with upright kerb and guttering (on eastern side of the Grand Junction Road) shall be submitted to Council's Infrastructure & Assets Division for approval in

accordance with Austroads, Council's Roads Standards Policy RD-POL-09 and Council's Design and Construction Specification – Ausspec#1.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 16.** Engineering drawings associated with the supply of **water** shall be submitted to Council's Engineering Department for approval in accordance with the Water Code of Australia.
- Water reticulation mains shall be designed and laid in accordance with the Water Supply Code of Australia.
 - Location of water service shall be designed and installed to allow minimum of 500mm clearance to the water meter from the driveway. Location of driveway/building envelope must be shown in the plans.
 - All reticulation mains shall be of MPVC, **PN 12, S2** except at road crossings. Road crossings shall be DICL pipe class **PN 35. Minimum diameter shall be 100 mm.**
 - All water mains in cul-de-sac locations shall be looped, unless otherwise instructed by Council.
 - All valves shall be anti-clockwise closing and shall conform to Council standards.
 - All mains shall be tested in accordance with Council requirements.
 - All property services shall be with copper pipes as per plumbing standards. Long services shall be with 25mm and short services shall be with 20mm.
 - All meter cocks of each property service shall be installed at 200mm – 300mm below finished ground level and shall be covered with meter boxes. Meter boxes will be supplied by Council.
 - Tapping saddle, main cock and meter cock shall meet Council requirements.
 - Connection shall be made to the existing 200mm water main at Grand Junction Road and at Birrie Close by Council at the Developer's cost.
- 17.** Engineering drawings associated with the drainage of **sewer** shall be submitted to Council's Engineering Department for approval in accordance with the Sewerage Code of Australia.
- Sewer reticulation shall be designed and laid to satisfy hydraulic requirements in accordance with Sewerage Code of Australia.
 - Sewer ties (connection points) for future development of LOT E DP38504 and LOT1 DP1174532 shall be designed and installed considering the topography and existing/proposed development layout.
 - All sewer reticulation mains shall be with **PVC, RRJ, Class SN8** with a minimum diameter of 150 mm.
 - Trench stops / concrete bulkheads shall be installed for mains designed for grades 5% and above as per the Gravity Sewerage Code of Australia.
 - **Sewer** mains shall be air pressure tested as per approved methods and **sewer** manholes shall be vacuum tested as per approved methods.
 - Sewer connections to existing sewer manholes or existing main shall be carried out by a licensed plumber in accordance with Council requirements.
 - Sewer ties are to be raised with a boundary riser and capped if the tie depth is more than two metres.
 - Marker peg system or marker tape system shall be installed to each sewer tie as per the Sewerage Code of Australia.

- The sewer system for this subdivision shall be designed to be discharged to a sewer tie in Grand Junction Road off Manhole WMH1/2.

18. A list of three street names, for each new street shall be submitted to Council for consideration and approval in accordance with Council's Naming of Roads Policy RD-POL-6. For each proposed street name information must be supplied for the reason for the names and any historical significance.

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

19. A detailed landscaping plan shall be submitted to Council's Infrastructure & Assets Division for Approval. Details of the proposed landscaping species (use species endemic to the area). and installation including cultivar, common and botanical names, height and spread at maturity shall be submitted along with this plan. Approved advanced street trees shall be planted in the road reserve at a rate of 1 every 20 metres and shall be adequately protected. Installed street trees must be appropriately maintained (including watered) to ensure they survive and will be checked as part of any defect liability period. Any missing or dead trees must be replaced before issuing the final defect liability period compliance certificate.

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

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

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

A Construction Environmental Management Plan (CEMP) to address construction activity impacts is to be prepared to including details for minimising impacts on neighbouring properties, traffic management, and a dam dewatering plan.

The traffic management part of the CEMP must specifically address:

- The measures to be put in place for the management of heavy vehicles associated with this development in order to minimise for the potential for disruption to local traffic including school bus movements.
- Measures to address restrictions on heavy vehicles during periods of low visibility e.g., heavy rain periods or fog etc.
- Measures to ensure heavy vehicles accessing the subject site do not cause nuisance or hazard to traffic on the public road network.

- Measures to ensure that all loaded vehicles entering or leaving the site are covered.
- Expected driver behaviour and speed limits.
- Points of potential conflict, including driveways on the transport route.
- Details of procedures for receiving and addressing complaints from the community.
- Minimising the use of airbrakes.
- Measures to ensure that the provisions of the Traffic Management Plan and Traffic Control Plan are implemented and complied with.
- Heavy vehicle movements must occur only within the approved construction hours of the Development Consent.
- Ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from Council's road reserve.
- The installation of appropriate signage and fencing is to be installed and maintained to effect this requirement.

(Condition Amended on Review March 2022)

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

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

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

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

24. The applicant shall demonstrate how the proposed development will comply with all the relevant controls prescribed in Schedule 2A of Appendix E of the *Yass Floodplain Risk Management Study and Plan* for Flood Planning Constraint Category 1, 3 and 4 of main stream flooding for subdivision.

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

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

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

Part C Before the commencement of subdivision works

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

Part D While subdivision works are being carried out

Environmental Heritage

33. If an Archaeology object is discovered during the course of work:
- (a) All work must stop immediately and
 - (b) The *Heritage NSW* must be advised of the discovery.
- Depending on the significance of the object, an archaeological assessment and excavation permit issued under the *Heritage Act 1997*, may be required before work can continue.
34. If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of work:
- (a) All work must stop immediately and

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

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

Construction

35. The capacity and effectiveness of runoff and erosion control measures must be maintained at all times to the satisfaction of Council, including any techniques to suppress dust and the tracking of sediment onto existing sealed roads.
36. ~~In accordance with the *Environmental Planning and Assessment (COVID-19 Development - Construction Work Days) Order (No 3) 2021*, hours of work must be undertaken in accordance with the following:~~

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

The Applicant must adhere to the following days and hours of subdivision works, construction, and associated heavy vehicle movements.

- 7.00am to 6.00pm Monday to Saturday
- 8.00am to 1.00pm Saturday
- No work on Sundays or Public Holidays

Unless otherwise specified in an *Environmental Planning and Assessment (COVID 19 Development - Construction Work Days) Order* issued by the NSW Government.

(Condition Amended on Review March 2022)

37. Public access to the site and construction works, materials and equipment on the site is to be restricted, when construction work is not in progress or the site is unoccupied.
38. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to the satisfaction of Council as shall any techniques to suppress dust and the tracking of sediment onto existing sealed roads.

Earthworks and Importation of Material

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

40. Dust, noise and odour emissions from works associated with the proposed development must comply with the provisions of the *Protection of the Environment Operations Act 1997*.
41. Appropriate soil erosion and sediment control measures must be installed.
42. Measures must be applied, to the satisfaction of Council, to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development.
43. Material imported to the site must be suitable for the proposed application and be:
- (a) Sourced from a suitably licensed facility (i.e. landscaping supplies or quarry operation) or
 - (b) VENM as defined in the *Protection of the Environment Operations Act 1997* or
 - (c) ENM as defined in the *Protection of the Environment Operations (Waste) Regulation 2014 – Excavated Natural Material Resource Recovery Exemption 2014*.

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

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

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

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

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

Inspections

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

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

Roads

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

- (f) **Completion of kerb and guttering**
- (g) **Completion of footpaths**

Stormwater

- (a) **Completion of stormwater drainage line – prior to backfilling**
- (b) **Completion of stormwater detention infrastructure**
- (c) **Completion of stormwater quality improvement infrastructure**

Water

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

Sewer

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

Other

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

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

Part E Before the issue of a Subdivision Certificate

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

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

It should be noted that:

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

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

It should be noted that:

- The total fee is based on a 57 lot increase in demand calculated on a base rate of **\$6,798 per lot**.

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

60. An over land flow path to accommodate the discharge from a 1 in 100 year storm event shall be provided;
61. Concrete **vehicle crossings** shall be constructed ensuring each allotment within the subdivision has its own vehicle access.
62. Each lot within the subdivision is required to have its own stormwater drainage connection to a Council approved stormwater system.
63. One complete set of “**Work as Executed**” (WAE) drawings, indicating all details of new engineering works constructed, shall be submitted to Council.
- The WAE Drawings shall be supplied to Council in the following format:
- AutoCAD LT 2011 on MGA 94 Zone 55 coordinates; and
 - AutoCAD R12/LT2 DXF; and
 - PDF; and
 - A1 Hard Copy; and
- Shall include separate details of for the following (if applicable to development):
- (a) Water – Location, Depth, Size, Material, Easement;
 - (b) Sewer – Location, Depth, Size, Material, Easement, Invert Level, Grades, Pit Details and tie details;
 - (c) Stormwater - Location, Depth, Size, Material, Easement, Invert Level, Grades, Pit Details and tie details;
 - (d) Transport Infrastructure – roads plan, cross sections, long sections, pavement details, K&G details, Footpath and Cycleway Details, Bus Stop Details, Street Light Locations;
 - (e) Details of property accesses including a cross section from the centre of the road to at least 3 metres into the adjacent property. Cross section to show all change in grades
 - (f) Landscaping Details;
 - (g) Other Utilities – Gas, Telstra, Electricity, Fibre Optic Cable locations, Depths, Easements and heights in comparison to the roads centre line.
 - (h) Survey Mark Details – Marker Numbers and AHD.
- Note:** Tie details must include depth, distance into the property and distance from a specified property boundary.
64. For each lot created a separate Lot Plan (A4) shall be submitted to Council which shows the location (distance away from nearest side boundary and distance into the lot), level, depth and diameter of tie details for water, sewer and stormwater and as well easement details.
65. A bank guarantee, or cash bond, equivalent to 5% of the value of the whole of the engineering works shall be lodge with Council as a performance bond.
- Note:** This bond must be unconditional with no time limit and must be in the name of the developer (i.e. bonds in the name of the construction contractor will not be accepted)
- Note:** This bond shall be held for a period of the defects liability period (at least 12 months), which will commence from the later of linen plan release from Council or the practical completion of the engineering works (as evidence by the associated engineering compliance certificate).

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

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

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

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

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

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

Roads

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

Stormwater Drainage

- (i) Pipe type, length and cost;
- (ii) Pit type, number and cost;
- (iii) Headwalls, number and cost;
- (iv) Rockwork area and cost;

- (v) Stormwater quality improvement features, type, number and component costs.

Sewerage Infrastructure

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

Water Supply Infrastructure

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

Other Assets

- (i) Description, dimensions and cost.

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

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

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

The application is to be accompanied by the following:

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

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

NOTES ACCOMPANYING DEVELOPMENT CONSENT DA210063B

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

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

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

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

Location	Driveway Standard			
	Gravel	Concrete	Bitumen Seal	Decomposed Granite
Villages - All	Yes	Yes	Yes	Yes
Yass Township – New Developments	No	Yes	No	No
Yass Township – with k&g	No	Yes	No	No
Yass Township – with no k&g	Yes	Yes	Yes	Yes
Murrumbateman - New	No	Yes	No	No
Murrumbateman - with k&g	No	Yes	No	No
Murrumbateman - without k&g	Yes	Yes	Yes	Yes

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

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

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

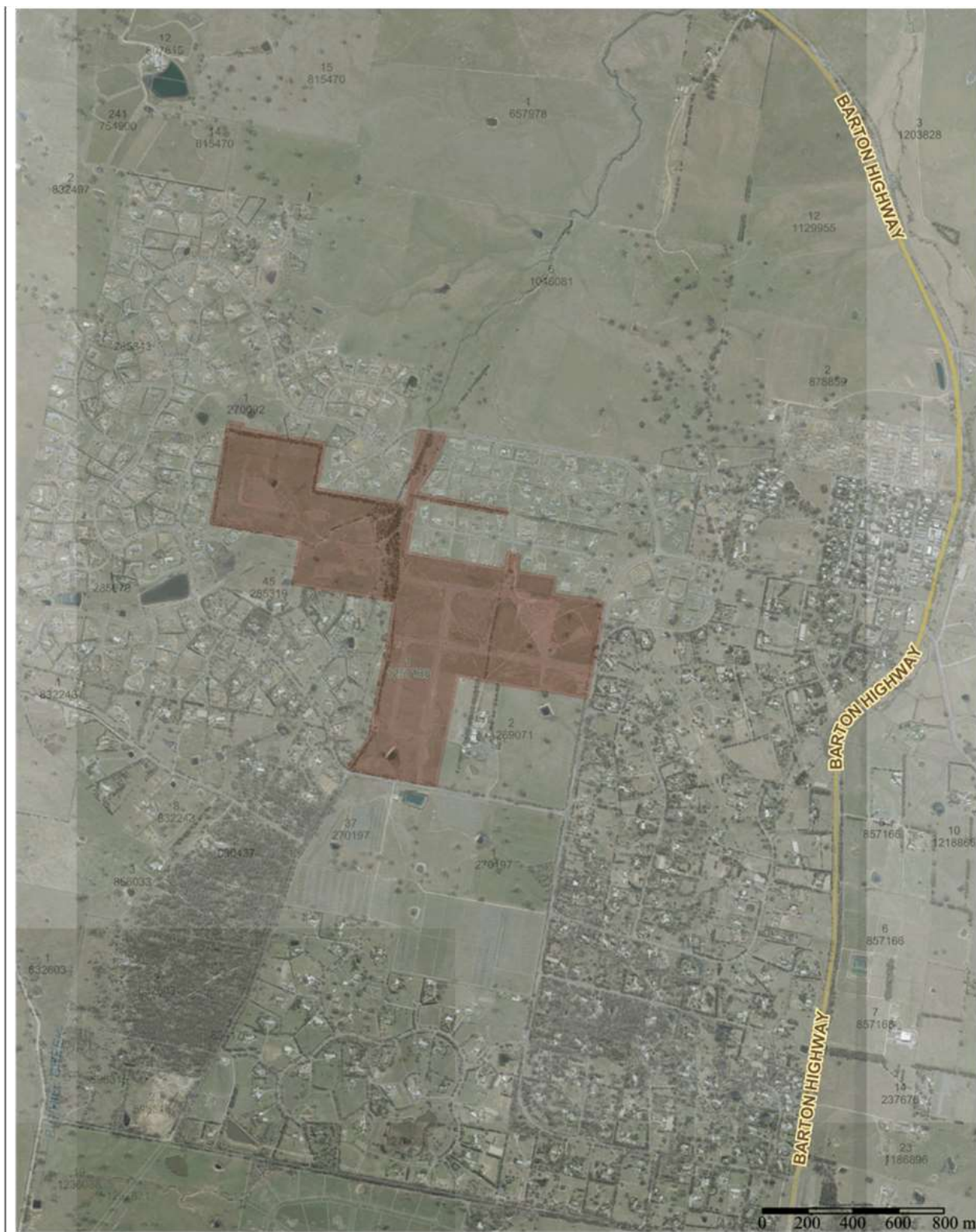
(f) Driveways are to be constructed at least 6m from the tangent point of the kerb at any intersection.

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

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

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

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



yass valley council
the country the people

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Important Notice!

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Drawn By: Jeremy Knox

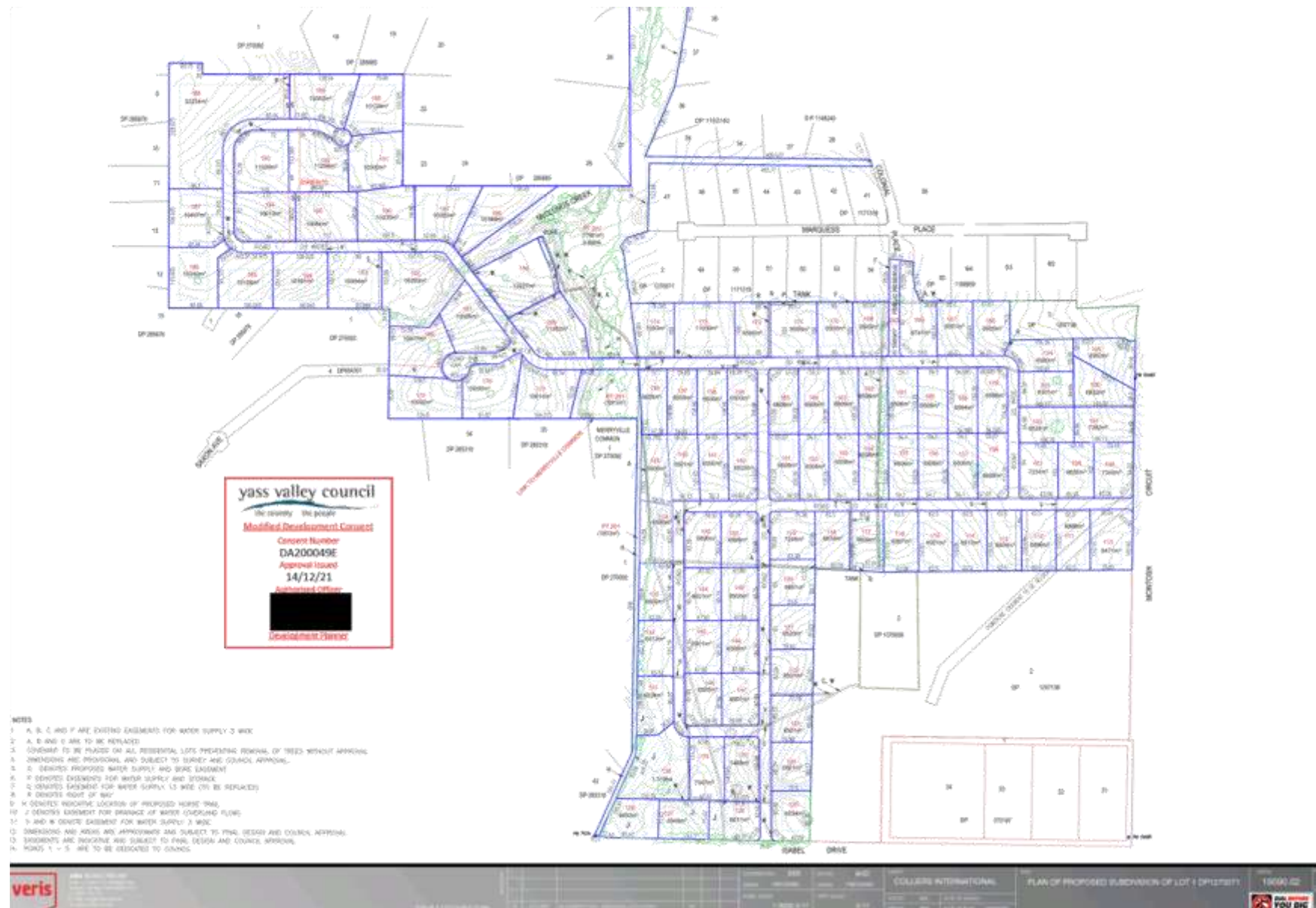
Projection: GDA94 / MGA zone 55

Date: 31/11/2021 4:51 PM

Locality Plan

Map Scale: 1:22521 at A4

6.4 Development Consent No DA200049E - Residential Subdivision, Isabel Drive, Murrumbateman
Attachment B Approved Plan of Subdivision





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the country the people

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Projection: GDA84 / MGA zone 55
Date: 9/10/2022 11:33 AM

Map Scale: 1:9000 at A4

Revised 10/2014 and last revised 1/2016 - last major changes were introduced in 2014

Section 4.15 Evaluation – Section 4.55 Modification

Summary of Application

Recommendation	Conditional approval	
Assessing Officer	Jeremy Knox	11 March 2022
Approval Officer		

Modification Application No.	DA200049F
Type of Development	Integrated Development
Development Site	Lot 1 DP 1257138 Isabel Drive MURRUMBATEMAN NSW 2582
Owner / Applicant	Next Level Eighteen Pty Ltd / Mrs L Densley
Type of Modification	4.55(1A) Modification Involving Minimal Environmental Impact
Description of Approved Development	101 lot subdivision, including: <ul style="list-style-type: none"> • One (1) public open space lot • Construction of new roads • Construction of shared horse/bike/pedestrian trail • Site preparation works and associated vegetation removal • Civil works • Landscaping
Description of Modification	Development Consent DA200049E is proposed to be modified in order to move the location of the required roundabout location to the intersection of Isabel Drive and McIntosh Circuit.

<p align="center">Consideration Under s4.55(1A)</p> <p>4.55(1A) of the Environmental Planning and Assessment Act 1979 states:</p> <p><i>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:</i></p>	
<p>(a) <i>it is satisfied that the proposed modification is of minimal environmental impact, and</i></p>	<p>The proposed modification is of minimal environmental impact.</p>
<p>(b) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and</i></p>	<p>The development remains substantially the same as that which the consent was originally granted.</p>
<p>(c) <i>it has notified the application in accordance with:</i></p> <p>(i) <i>the regulations, if the regulations so require, or</i></p> <p>(ii) <i>a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i></p>	<p>Public exhibition was not required due to the previous public exhibition that also already occurred, including the last modification application in 2021 which had flagged the intention of the roundabout location to be reconsidered. The roundabout location had been raised in these pervious submissions.</p>
<p>(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i></p>	<p>The previous submissions which relate to the location of the roundabout have been taken into consideration during the assessment.</p>
<p align="center">Consideration Under s4.55(3)</p> <p>4.55(3) of the Environmental Planning and Assessment Act 1979 states:</p> <p><i>"In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application."</i></p>	
<p>All relevant matters in section 4.15 have been considered. The proposed modification will result in substantially the same development as the development for which the Development Consent was originally granted.</p> <p>From the assessment of the proposal and consideration of issues raised in previous submissions, it is recommended that the required roundabout location be moved to the intersection of Isabel Drive and McIntosh Circuit and that a modified Development Consent be issued.</p>	

Integrated Development

The application has been referred to the relevant government agency for concurrence and General Terms of Approval have been included in the development consent.

Legislation	Yes	No	N/A
Coal Mine Subsidence Compensation Act 2017 s 22	<input type="checkbox"/>	<input type="checkbox"/>	✓
Fisheries Management Act 1994 s 144, S201 S205, S219,	<input type="checkbox"/>	<input type="checkbox"/>	✓
Heritage Act 1977 s 58	<input type="checkbox"/>	<input type="checkbox"/>	✓
Mining Act 1992 ss 63, 64	<input type="checkbox"/>	<input type="checkbox"/>	✓
National Parks and Wildlife Act 1974 s 90	<input type="checkbox"/>	<input type="checkbox"/>	✓
Petroleum (Onshore) Act 1991 s 16	<input type="checkbox"/>	<input type="checkbox"/>	✓
Protection of the Environment Operations Act 1997 ss 43(a), 47 and 55, ss 43(b), 48 and 55, ss 43(d), 55 and 122	<input type="checkbox"/>	<input type="checkbox"/>	✓
Roads Act 1993 s 138	✓	<input type="checkbox"/>	<input type="checkbox"/>
Rural Fires Act 1997 s 100B	<input type="checkbox"/>	<input type="checkbox"/>	✓
Water Management Act 2000 ss 89, 90, 91	✓	<input type="checkbox"/>	<input type="checkbox"/>
<u>Comment</u> No changes from the original/previous assessment.			

Section 4.15 – Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument

Primary Matters	Specific Consideration	Achieves Compliance		
		Yes	No	N/A
State Environmental Planning Policy (SEPP)	<p>Where a SEPP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the policy • generally complies with development standards contained in the policy • generally satisfies the requirements of the policy • meets the relevant concurrence, consultation and/or referral requirements. 	✓	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>Comment</u></p> <p>No changes from the original/previous assessment.</p>				
Regional Environmental Plans (REP)	<p>Where an REP applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • generally complies with development standards contained in the plan • generally satisfies the requirements of the plan • meets the relevant concurrence, consultation and/or referral requirements to address the provisions of the plan. 	<input type="checkbox"/>	<input type="checkbox"/>	✓
<p><u>Comment</u></p> <p>No changes from the original/previous assessment.</p>				

Local Environmental Plan (LEP)	<p>An assessment against the relevant provisions of the <i>Yass Valley Local Environmental Plan 2013</i> has found that the proposed development:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • is consistent with the aims and objectives of the land use zone • is permissible in the land use zone • generally complies with all relevant clauses within the LEP. Where explanation is required it has been included in the assessment notes below. • complies with development standards in the LEP • where a variation to a development standard is proposed it was accompanied by a written request from the applicant which has adequately addressed the matters required to be addressed by Clause 4.6 	✓	□	□
<p>Comment</p> <p>Below is an assessment of the application pursuant to the relevant clauses of the <i>Yass Valley Local Environmental Plan 2013</i>.</p> <p>No changes from the original/previous assessment.</p>				
Clause 2.3 Zone & zone objectives	The land is zoned R2 Low Density Residential and R5 Large Lot Residential. The development as modified remains consistent with the objectives of the zone. No changes from the original/previous assessment.			
Clause 2.3 Land Use Table	N/A			
Clause 4.1 Minimum subdivision lot size	No changes from the original/previous assessment.			
Clause 4.1B Subdivision using average lot sizes	N/A			
Clause 4.1C Additional requirements for subdivision in certain rural zones	N/A			
Clause 4.1D Minimum site areas for dual occupancies and multi dwelling housing in Zones R1, R2, R3 and RU5	N/A			
Clause 4.2B Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones	N/A			
Clause 4.3 Height of buildings	N/A			

Clause 4.4 Floor space ratio	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones Conservation	N/A
Clause 6.1 Earthworks	No changes from the original/previous assessment. Earthworks are required for roundabout construction. Compliance with conditions of consent will ensure the earthworks have minimal impact on surrounding land.
Clause 6.2 Flood planning (Repealed)	No changes from the original/previous assessment.
Clause 6.3 Terrestrial biodiversity	No changes from the original/previous assessment. Negligible impact is anticipated as a result of the proposed modification.
Clause 6.4 Groundwater vulnerability	N/A
Clause 6.5 Riparian land and watercourses	N/A
Clause 6.6 Salinity	No changes from the original/previous assessment.
Clause 6.7 Highly erodible soils	N/A
Clause 6.8 Essential services	No changes from the original/previous assessment.
Clause 6.9 Development within a designated buffer area	N/A
Clause 6.10 Development on land intended to be acquired for Barton Highway duplication	N/A
Other relevant clause	N/A

- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

Primary Matters	Specific Consideration	Achieves compliance		
		Yes	No	N/A
Draft State Environmental Planning Policy	<p>Where a draft SEPP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> is consistent with the aims and objectives of the draft policy complies with development standards contained in the draft policy general satisfies the requirements of the draft policy generally meets the relevant concurrence, consultation or referral requirements to address the provisions of the draft policy. 	<input type="checkbox"/>	<input type="checkbox"/>	✓
<p>Comment</p> <p>No changes from the original/previous assessment.</p>				
Draft Regional Environmental Plan	<p>Where a draft REP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> is consistent with the aims and objectives of the draft plan complies with development standards contained in the draft plan satisfies the requirements of the draft plan meets the relevant concurrence, consultation and/or referral requirements to address the provisions of the draft plan. 	<input type="checkbox"/>	<input type="checkbox"/>	✓
<p>Comment</p> <p>No changes from the original/previous assessment.</p>				
Draft Local Environmental Plan	<p>Where a draft LEP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> is the proposal consistent with the aims and objectives of the draft plan is consistent with the aims and objectives of the land use zone is permissible in the land use zone generally complies with all relevant clauses within the draft LEP complies with development standards in the draft LEP Where a 4.6 variation is proposed it has been supported in the draft LEP – Details are included in the comments below. 	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comment

No changes from the original/previous assessment.

(iii) any development control plan

Primary Matters	Specific Consideration	Achieves compliance		
		Yes	No	N/A
Development Control Plan (DCP)	Where a DCP is applicable to the development it: <ul style="list-style-type: none"> is consistent with the aims and objectives of the plan satisfies the requirements of the DCP complies with development standards in the DCP meets all relevant concurrence, consultation, referral requirements in the DCP. 	<input type="checkbox"/>	<input type="checkbox"/>	✓
Comment No changes from the original/previous assessment.				
Contributions Plans	The Yass Valley Developer Contribution Plan 2018 (s7.12) has been considered and where applicable a developer contribution has been applied to the development.	✓	<input type="checkbox"/>	<input type="checkbox"/>
	The Yass Valley Heavy Haulage Contribution Plan 2006 (s.7.11) has been considered and where applicable a developer contribution has been applied to the development.	<input type="checkbox"/>	<input type="checkbox"/>	✓
Comment No changes from the original/previous assessment.				

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

Primary Matters	Specific Consideration	Achieves compliance		
		Yes	No	N/A
Planning Agreement	Under s.7.4 EP&A Act, no planning agreement is applicable to the development.	<input type="checkbox"/>	<input type="checkbox"/>	✓
Comment No changes from the original/previous assessment.				

Draft Planning Agreement	Under s. 7.4 EP&A Act, no draft planning agreement applicable to the development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment No changes from the original/previous assessment. Does not change anything for the purposes of the Draft Voluntary Planning Agreement.				

(iv) the regulations

Primary Matters	Specific Consideration	Achieves compliance		
		Yes	No	N/A
Environmental Planning and Assessment Regulation 2000	The <i>Environmental Planning and Assessment Regulation 2000</i> has been considered and where relevant it: <ul style="list-style-type: none"> • complies with AS 2601 when demolition is involved • complies with the Category 1 fire safety provisions if a change of building use is involved • has provision for compliance with the Building Code of Australia as amended if an building upgrade required • has been accompanied by a compliant BASIX certificate where the development is BASIX affected. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment No changes from the original/previous assessment.				

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

Primary Matters	Specific Consideration	Achieves compliance		
		Yes	No	N/A

Context and setting	<p><u>Context</u> The development is compatible with the:</p> <ul style="list-style-type: none"> • scenic qualities and features of the landscape • character and amenity of the locality and streetscape • scale (bulk, height, mass) form, character, density and design of development in the locality • previous existing land uses and activities in the locality <p><u>Setting</u> The development is unlikely to have a significant impact on adjacent properties in terms of:</p> <ul style="list-style-type: none"> • the relationship and compatibility of adjacent land uses • sunlight access (overshadowing) • visual and acoustic privacy • views and vistas • edge conditions such as boundary treatments and fencing 	✓	□	□
<p><u>Comment</u></p> <p>No changes from the original/previous assessment.</p>				
Access, transport and traffic	<p>An assessment of access, transport and traffic impacts found (as relevant to the development):</p> <ul style="list-style-type: none"> • The existing road network is capable of supporting the proposed development • The proposed development complies with Council's Roads Standards Policy • The volume of traffic generated as a result of the proposed development is unlikely to exceed the capacity of the local and arterial road network • Public transport is available • A traffic management study was either not required to support the proposed development or was submitted and was considered satisfactory • An adequate number of vehicle parking spaces have been provided • On site car parking has provisions for compliance with relevant standards • The proposed or existing location of vehicular access to the site is considered satisfactory <p>Suitable conditions of consent have been included in the consent as required.</p>	✓	□	□
<p><u>Comment</u></p>				

The roundabout location has been considered holistically alongside Development Application DA210271 and it has been determined that the intersection of Isabel Drive and McIntosh Circuit would be the most appropriate and beneficial location. This intersection will have the greater traffic volume as it also is subject to traffic of Isabel Drive coming from Merryville Estate, Shaws cellar door, and the Murrumbateman Transfer Station etc.

Within previous submissions it had been suggested that a roundabout should be constructed at both intersections. This is considered unnecessary as it would result in two roundabouts being located in close proximity. Traffic within the subdivision will follow its own preferred route based on the intersection arrangements and conditions, and shifting the roundabout location would mean that the dominant route out of the subdivision becomes to the south onto Isabel Drive and then McIntosh Circuit – i.e. with a right turn being made at that roundabout.

The arrangements with accepting a bond for the roundabout construction is proposed to remain per the December 2021 resolution. This will allow the Subdivision Certificate to be issued and the roundabout will need to be constructed within 12 months of that date. It is understood that the Applicant is proposing to commence the roundabout construction works as soon as practical following any necessary approvals from Council.

It is recommended that the required roundabout location be moved to the intersection of Isabel Drive

No other changes from the original/previous assessment.

Utilities	<p>The demands of the development are unlikely to have an adverse impact on utility supply as:</p> <ul style="list-style-type: none"> adequate utilities are either existing and capable of supporting the proposed development or capable of being extended to service the site where onsite sewage management is proposed it has been accompanied by a report prepared by an appropriate consultant demonstrating the suitability of the site for on-site effluent disposal 	✓	□	□
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Comment

No changes from the original/previous assessment.

Heritage	<p>The development is unlikely to have an adverse impact on the heritage significance of the site or adjacent properties in terms of:</p> <ul style="list-style-type: none"> its impact on items, landscapes, areas, places, relics and practices the historic, scientific, social, aesthetic, cultural, archaeological (both Aboriginal and non-Aboriginal) values of the site <p>As required a statement of design intent, heritage study, conservation management plan or statement of heritage impact has been submitted in support of the application.</p> <p>A due diligence assessment has been undertaken to establish the likelihood of aboriginal objects and areas of cultural heritage. Where required additional assessment</p>	✓	□	□
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	has been undertaken by a person suitably experienced in identifying objects and areas of significance. Subsequent outcomes have been treated appropriately and suitable conditions been included in the development consent.			
Comment No changes from the original/previous assessment.				
Water	<p>The development is unlikely to have an adverse impact on the conservation of water resources and the water cycle in terms of:</p> <ul style="list-style-type: none"> • water supply sources • treatment, reuse and disposal of waste water and runoff • drainage, flow regimes, flooding on-site, up and downstream and in the catchment flood plain • groundwater tables 	✓	□	□
Comment No changes from the original/previous assessment.				
Soils	<p>The development is unlikely to have an adverse impact on soil conservation in terms of:</p> <ul style="list-style-type: none"> • soil qualities - erodibility, permeability, expansion/contraction, fertility/productivity, salinity, sodicity, acidity, contaminants • instability - subsidence, slip, mass movement • the movement, formation, use and management of soils • soil erosion and degradation • remediation of contaminated soils 	✓	□	□
Comment No changes from the original/previous assessment.				
Air and Microclimate	The development is unlikely to have an adverse impact on air quality and microclimatic conditions in terms of emissions of dust, particulates, odours, fumes, gases and pollutants.	✓	□	□
Comment No changes from the original/previous assessment.				

Flora and Fauna	<p>The development is unlikely to have a significant impact on:</p> <ul style="list-style-type: none"> critical habitats; threatened species, pollutions, ecological communities or their habitats; and other protected species wilderness areas and national parks wildlife corridors and remnant vegetation the relationship of vegetation to soil erosion/stability and the water cycle weeds, feral animal activity, vermin and disease <p>An assessment under the provisions of the <i>Biodiversity Conservation Act 2016</i> has revealed proposed development:</p> <ul style="list-style-type: none"> will not result in serious and irreversible impacts did not trigger the submission of a BDAR or where a BDAR was required it has been assessed and is considered satisfactory with suitable condition being added to the development consent. 	✓	□	□
<p>Comment</p> <p>No changes from the original/previous assessment.</p>				
Waste	<p>As relevant, the development will provide waste facilities and controls for:</p> <ul style="list-style-type: none"> solid, liquid and gaseous wastes and litter the generation, collection, storage and disposal of waste 	✓	□	□
<p>Comment</p> <p>No changes from the original/previous assessment.</p>				
Energy	<p>The proposed development has provision to incorporate responsible energy efficiency measures in terms of:</p> <ul style="list-style-type: none"> the overall energy needs of the development the measures employed to save energy - passive design, solar lighting and heating, natural ventilation, shading elements, insulation, high thermal mass building materials, energy efficient appliances and machinery the use of renewable and non-polluting energy sources? energy needs in producing building/structural materials? energy use by-products and waste <p>Where relevant the development also complies with the Building Sustainability Index (BASIX).</p>	✓	□	□

<u>Comment</u>				
No changes from the original/previous assessment.				
Noise and Vibration	<p>The proposed development is has potential to generate offensive noise pollution or vibration in terms of noise and vibration generated from the development during its construction.</p> <p>The developer is to employ suitable controls to manage such impacts on adjoining and surrounding properties. Conditions of consent have been included to address this concern.</p>	✓	□	□
<u>Comment</u>				
No changes from the original/previous assessment.				
Natural Hazards - Geologic	<p>Risks to people, property and the physical environment as a result of geologic/soil instability - subsidence, slip, mass movement has been considered and addressed through the submission of specialist reports and physical design features.</p>	✓	□	□
<u>Comment</u>				
No changes from the original/previous assessment.				
Natural Hazards - Flooding	<p>Risks to people, property and the physical environment as a result of flooding has been considered and was addressed though:</p> <ul style="list-style-type: none"> • Compliance with the relevant Flood Risk Management Plan in accordance with the information submitted with the application or • The addition of conditions which require compliance with the relevant Flood Risk Management Plan or the Building Code of Australia. 	✓	□	□
<u>Comment</u>				
No changes from the original/previous assessment.				
Natural Hazards - Bushfire	The development is not located on identified as being bushfire prone.	□	□	✓
	The development site is bushfire prone and the development was assessed for compliance with <i>Planning for Bushfire Protection 2019</i> . The development is compatible with the bushfire risk and appropriate conditions have been included in the consent.	□	□	✓

	The development site is bushfire prone, however in accordance with s.8.3.2 of <i>Planning for Bushfire Protection 2019</i> there are no bushfire protection requirements for <u>class 10a buildings located more than 6 metres from a dwelling</u> in bushfire prone areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	The development is located on bushfire prone land and is Integrated Development in accordance with s.4.46 EP&A Act.			
	The development application was referred to the NSW Rural Service (RFS) in accordance with s.100B <i>Rural Fires Act 1997</i> . A Bush Fire Safety Authority was issued by the RFS and the general terms of approval are included in the consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment The subject land was not identified as bushfire prone when the original Development Application was lodged. On 22 September 2021 the NSW Rural Fire Service (RFS) Commissioner declared a new bushfire prone may for the Yass Valley and the subject land is now identified as bushfire prone. However, the nature of proposed modification does not increase any bushfire risks and does not require further assessment under <i>Planning for Bushfire Protection 2019</i> as it only relates to the change in roundabout location.				
Technological Hazards	<p>The development is unlikely to present risks to people, property and the physical environment from:</p> <ul style="list-style-type: none"> • industrial and technological hazards • land contamination and remediation <p>Where potential land contamination has been identified an assessment has determined that:</p> <ul style="list-style-type: none"> • The contamination is likely to be low and does not warrant remediation as the proposed land use is not sensitive or • Specialist reports have found that the land is not contaminated or • Specialist reports have found the land to be contaminated and remediation is proposed prior to the proposed use <p>Where necessary suitable conditions have been included in the development consent.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment No changes from the original/previous assessment.				
Safety, Security and Crime Prevention	<p>The development includes adequate measures to address the potential for accident / injury and criminal activity.</p> <p>The proposed development is considered to be low risk</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Where necessary the application has been referred to the local police and or liquor licensing officer for comments which have been incorporated into the development consent.			
Comment				
No changes from the original/previous assessment.				
Social impact in the locality	<p>The development is likely to have social benefits in the locality in terms of:</p> <ul style="list-style-type: none"> community facilities and links the interaction between the new development and the community 	✓	□	□
Comment				
No changes from the original/previous assessment.				
Economic impact in the locality	<p>The development is likely to have economic benefits in terms of:</p> <ul style="list-style-type: none"> employment generation economic income generating benefits for existing and future businesses 	✓	□	□
Comment				
No changes from the original/previous assessment.				
Site and internal design	<p>The development is generally sensitive to environmental conditions and site attributes including:</p> <ul style="list-style-type: none"> the size, shape and design of allotments, easements and roads the proportion of the site covered by buildings the positioning of buildings the size (bulk, height, mass), form, appearance and design of buildings the amount, location, design, use and management of private and communal open space landscaping <p>The development is unlikely to affect the health and safety of the occupants in terms of:</p> <ul style="list-style-type: none"> inadequate lighting, ventilation and insulation inadequate building fire risk prevention and suppression inappropriate building materials and finishes 	✓	□	□

	<ul style="list-style-type: none"> • inappropriate common wall structure and design • lack of access and facilities for the disabled 			
Comment No changes from the original/previous assessment.				
Construction	<ul style="list-style-type: none"> • The proposed development has provision for compliance with the Building Code of Australia (as amended) and relevant Australian standards • The impacts of construction activities can be managed and suitable conditions have been included in the development consent. 	✓	□	□
Comment No changes from the original/previous assessment.				

(c) the suitability of the site for the development

Primary Matters	Specific Consideration	Achieves compliance		
		Yes	No	N/A
Compatibility with existing development in the locality	<p>The proposal is generally considered to be compatible with existing development in the locality as:</p> <ul style="list-style-type: none"> • Utilities and services available to the site are adequate for the development • The development will not lead to unmanageable transport demands • Transport facilities are adequate in the area • The locality contains adequate recreational opportunities and public spaces to meet the needs of the development • The air quality and microclimate are appropriate for the development • No hazardous land uses or activities nearby • Ambient noise levels are suitable for the development • The site is not critical to the water cycle in the catchment • The proposal is compatible with the existing built environment 	✓	□	□
Comment No changes from the original/previous assessment.				

Site conduciveness to the development	<p>The subject site is generally considered conducive with the proposed development as :</p> <ul style="list-style-type: none"> • The site is suitable for the proposed development • The site is either not subject to natural hazards including flooding, tidal inundation, subsidence, slip, mass movement, and bushfires or where it is these risks have been adequately managed • The slope of the land is suitable for the proposed development • The proposal is compatible with conserving the heritage significance of the site • The soil characteristics on the site is appropriate for development (Saline / Sodic / Acidic) • The development is compatible with protecting any critical habitats or threatened species, populations, ecological communities on the site • The site is not prime agricultural land and the development will not unduly prejudice future agricultural production • The development will not unduly prejudice the future use of the site • Cut and fill is a suitable development option for the site 	✓	□	□
<p>Comment</p> <p>No changes from the original/previous assessment.</p>				

(d) Any submissions made in accordance with this Act of the regulations

Primary Matters	Specific Consideration	Achieves compliance		
		Yes	No	N/A
Public Submissions	<p>An assessment of the proposed development under Council's Community Engagement Strategy has found it to be:</p> <ul style="list-style-type: none"> • consistent with the primary land use of the zoning • compliant with the requirements of the Yass Local Environmental Plan • compliant with the requirements of or meet the objectives of any applicable Development Control Plan or planning policy • unlikely to have a significant impact on adjoining or opposite properties <p>As such community consultation was <u>not</u> required.</p>	✓	□	□

	<p>An assessment of the proposed development under Council's Community Engagement Strategy revealed that community consultation was required.</p> <p>Surrounding landowners and other interested parties were <u>notified</u> of the development with submitted plans and supporting information made publically available for 14 days.</p> <p>Where submissions were received the issues raised have been considered as summarised in the comments below and where appropriate have been addressed through conditions of consent.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comment</p> <p>Public exhibition was not required due to the previous public exhibition that also already occurred, including the last modification application in 2021 which had flagged the intention of the roundabout location to be reconsidered. The roundabout location had been raised in these previous submissions and the location is discussed under access, transport and traffic in this assessment.</p>				
Submissions from Public Authorities	Where relevant submissions received from Government or Public Authorities have been considered with any issues raised being resolved, addressed by conditions of consent/general terms of approval or considered not relevant to the development	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comment</p> <p>There were no submissions sought or received from a public authority in relation to the modification.</p>				

(e) the public interest

Primary Matters	Specific Consideration	Achieves compliance		
		Yes	No	N/A
Government (Federal, State and Local) and Community Interests	<p>Government and community interests have been considered and are satisfied as:</p> <ul style="list-style-type: none"> The proposed development complies with the Council Policies identified as applicable in the <u>schedule below</u>. Where a variation to this policy has been supported details have been included in the comments. The proposed development is generally consistent with any relevant planning studies and strategies Covenants not imposed by council have been set aside for the purpose of this assessment The proposal generally complies with all other covenants, easements, restrictions and agreements that have an bearing on the proposal 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<ul style="list-style-type: none"> Issues raised in public meetings and inquiries have been considered. Where relevant more detail has been provided under the heading public submissions. It is unlikely that the development will have a detrimental effect on the health and safety of the public 			
Comment No changes from the original/previous assessment.				
Council Policies	Policy	Code	Applicable	N/A
	Building Line – Rural and Residential Land	DA-POL-8	✓	<input type="checkbox"/>
	Building Line - Urban	DA-POL-4	<input type="checkbox"/>	✓
	Building Over Sewer Mains	SEW-POL-1	<input type="checkbox"/>	✓
	Development Assessment and Decision Making	DA-POL-18	✓	<input type="checkbox"/>
	Holiday Cabins – Micalong Creek Subdivision	DA-POL-3	<input type="checkbox"/>	✓
	Kerb and Gutter Construction	ENG-POL-4	<input type="checkbox"/>	✓
	Non-Urban Fencing	DA-POL-12	✓	<input type="checkbox"/>
	Off-Street Car Parking	ENG-POL-8	<input type="checkbox"/>	✓
	Provision of Electricity Supply and Telecommunications Service for Subdivisions	DA-POL-17	✓	<input type="checkbox"/>
	Road Naming	RD-POL-6	✓	<input type="checkbox"/>
	Road Standards	RD-POL-9	✓	<input type="checkbox"/>
	Temporary Accommodation	DA-POL-2	<input type="checkbox"/>	✓
	Truck and Transport Depots in Rural Areas	DA-POL-11	<input type="checkbox"/>	✓
	Water Supply in Rural Areas and Villages	WS-POL-2	✓	<input type="checkbox"/>
Comment <p>The roundabout needs to be constructed in accordance with <i>Road Standards Policy RD-POL-9</i> requirements.</p> <p>The modification application is to be reported to a meeting of Council for determination in accordance with <i>Application Assessment and Decision Making Policy DA-POL-18</i> due to the number of previous submissions received relating to this subdivision application.</p> <p>There are no other changes from the original/previous assessment.</p>				

Deposited Plans and 88B Instruments	<u>Comment</u> No changes from the original/previous assessment.
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DA200049F – Draft Modified Conditions – Isabel Drive

The following amendments have been made to the conditions of Development Consent DA200049E:

- Amended Condition (1) in Part C
- Amend Condition (2) in Part J

PART A - GENERAL CONDITIONS (ALL STAGES)

- (1) Consent is granted generally in accordance with the plans and details submitted to Council with the Development Application. The plans of subdivision has been stamped and attached to this consent. The development shall be carried out in accordance with the stamped plan or as modified by these conditions.
- (2) This approval relates only to the development referred to in the development application and specifically does not amount to an approval or acceptance by the Council of any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior development or building approval.
- (3) A Subdivision Works Certificate, as defined by the *Environmental Planning and Assessment Act 1979*, shall be obtained for all engineering works prior to any works commencing on site. Council's fee for providing a Construction Certificate is levied in accordance with Council's Management Plan relevant at the time of payment.
- (4) All engineering design and construction work shall be undertaken in accordance with the following, current at the time of the Engineering Construction Certificate being issued:
 - Council's Road Standards Policy RD-POL-09
 - Specific Requirements of Transport for NSW
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards and
 - AustRoads
- (5) The developer at no cost to Council or Transport for NSW, shall make any necessary alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision.
- (6) Public access to the site and construction works, materials and equipment on the site is to be restricted, when construction work is not in progress or the site is unoccupied.
- (7) The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to the satisfaction of Council as shall any techniques to suppress dust and the tracking of sediment onto existing sealed roads;
- (8) The applicant must adhere to the following days and hours of operation for subdivision works associated with the development unless otherwise approved by Council in writing:
 - 7.00 am to 6.00 pm Monday to Friday
 - 8.00 am to 1.00 pm Saturday

- No work on Sundays or Public Holidays

- (9) Noise, dust and odour generated as a result of the development must comply with the provisions of the *Protection of the Environment Operations Act 1997*.

PART B1 - PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE (EARLY WORKS AND ALL STAGES)
(Part Inserted 14 December 2020)

- (1) Deleted. (25 November 2020)
- (2) Deleted. (25 November 2020)
- (3) Prior to the issue of any Subdivision Works Certificate for Stage 1 the Applicant shall submit a draft Voluntary Planning Agreement (VPA) to Council for consideration.

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

- (a) A Landscape Plan, Vegetation Management Plan and Riparian Restoration Plan and detail the work to be undertaken in as part of the open space embellishment and rehabilitation.
- (b) Facilities to be provided within the open space are to be consistent with a Category 3 Park in accordance with Council's Park & Playground Strategy 2017.
- (c) That all work shall be completed to the satisfaction of Council prior to the issue of the Subdivision Certificate for the proposed Open Space lot.
- (d) Prior to the issue of Subdivision Certificate the Applicant must register the VPA on the title of the land to which the VPA applies.
- (e) The maintenance responsibility period for the Applicant shall be five (5) years from the date of the issue of a Subdivision Certificate.
- (f) A Memorandum of Understanding (MoU) in relation to the provision of easements and ongoing access and responsibilities for the private non-potable bore water supply infrastructure proposed to be located and cross the open space lot dedicated to Council.

(Condition Amended 25 November 2020)

- (4) A Construction Environmental Management Plan to address construction activity is to be prepared and submitted to Council. The Construction Environmental Management plan shall include:
- Details for waste management
 - Details for minimising impacts on neighbouring properties
 - Details for minimising impacts on the road network
 - The discouragement of construction traffic through Carrington Park estate
 - The Biodiversity Management Plan

- The dam dewatering plan.

- (5) The class and number of **ecosystem credits** in Table 1 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Note: Prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

Table 1 Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset impacts from the development
PCT 1330 – Yellow Box Blakelys Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion	10	Murrumbateman, Bondo, Crookwell, Inland Slopes, Monaro, Murrumbateman and Snowy Mountains. Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Southern Tableland Grassy Woodlands >=90%. This includes PCTs: 303, 312, 654, 680, 705, 1330, 1334, 1501

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to Council prior to issue of a Subdivision Works Certificate.

Evidence must be provided in accordance with the following:

- Retirement of credits: A credit retirement report issued by OEH confirming credit transactions.
- Payment to the Biodiversity Conservation Fund: A section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund issued by the Biodiversity Conservation Trust.

(Condition Amended 14 December 2020 and 15 December 2020)

- (6) The class and number of **species credits** in Table 2 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Note: Prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

Table 2 Species credits required to be retired – like for like

Impacted species credit	Number of species credits	IBRA sub-region
Polytelis swainsonii / Superb Parrot	1	Murrumbateman, Bondo, Crookwell, Inland Slopes, Monaro, Murrumbateman and Snowy Mountains. Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 requirements must be provided to Council prior to the issue of a Subdivision Works Certificate.

Evidence must be provided in accordance with the following:

- (a) Retirement of credits: A credit retirement report issued by OEH confirming credit transactions.
 - (b) Payment to the Biodiversity Conservation Fund: A section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund issued by the Biodiversity Conservation Trust.
- (7) A Biodiversity Management Plan must be submitted to and approved by Council. The Biodiversity Management Plan may form part of a Construction Environmental Management Plan.

The Biodiversity Management Plan must:

- Identify the development site as per the Biodiversity Development Assessment Report (BDAR) and approved plans
- Identify areas of land that are to be retained as outlined in the Biodiversity Development Assessment Report
- Include a Statement of Commitments which identifies all measures proposed in the Biodiversity Development Assessment Report to mitigate and manage impacts on

biodiversity. The statement must indicate what the measure is, when and how often it is to be applied and who is responsible for undertaking the measure.

- State that construction impacts will be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the Biodiversity Development Assessment Report.
- (8) A Design Certification Report relating to the detailed engineering design work shall be submitted to Council as per Council's Design Specification - AusSpec #1, Annexure DQS-A.

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

(Condition Moved 14 December 2020)

PART B2 - PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE (ALL STAGES)

(Part Renamed 14 December 2020)

- (1) Engineering drawings for the provision of access to each lot shall be submitted to Council's Engineering Department for approval in accordance with:

- Council's Roads Standards Policy RD-POL-09 and
- Council's Design and Construction Specification – AUS-SPEC #1.

- (2) Engineering drawings for the construction of all roads shall be submitted to Council's Engineering Department for approval in accordance with:

- Council's Roads Standards Policy RD-POL-09 and
- Council's Design and Construction Specification – AUS-SPEC #1.

Note: All roads must be constructed in accordance with Local or Cul-De-Sac standards as specified for Yass and Murrumbateman Township Roads within the Council's Road Standards Policy.

Note: Roadside drainage shall be constructed along the frontage of the subject land adjacent to all roads. Where kerb & gutter or flush kerb (if approved by the Director of Infrastructure & Assets) standards are to be in accordance with Council's Roads Policy RD-POL-09.

- (3) The Engineering Drawings for the construction of roads shall provide for the provision of larger vehicles such as public transport service and construction vehicles (e.g. garbage trucks, delivery trucks).
- (4) All cul-de-sacs shall have a 12m turning radius and provided with an asphaltic concrete wearing surface. Minimum standard 40mm thick AC14. In accordance with Council's Road Standards Policy RD-POL-9. The road reserve will need to be increased at cul-de-sac ends to cater for the turning radius and road verge.

- (5) The Engineering Drawings for the construction of roads shall provide for alternative means of travel to the motor vehicle. Facilities are required to be extended to and provided through the subdivision for the safe and effective movement of pedestrians and cyclists to nearby facilities:
- (a) A shared pathway 2.5m wide, 100mm thick, reinforced concrete or asphalt on 50mm compacted road base shall be provided on new roads #1, #2 and #4 on the eastern portion of the development (east of the open space lot and horse trail path).
 - (b) A horse trail path is to be provided from Isabel Drive to Merryville Drive as shown on the approved plan of subdivision. Details are to be provided on the engineering drawings. The horse trail path is to be minimum 2.5m wide, 50mm decomposed granite on minimum 50mm compacted road base.

(Condition Amended 25 November 2020)

- (6) Engineering drawings associated with the design of creek crossings and waterways are to be provided to Council for approval. The design shall be undertaken by a suitable qualified engineer and designed in accordance with Council policies, Council's Design and Construction Specification – AusSpec#1, and relevant standards.

As part of the design, calculations of the catchment, flow velocities and volumes will need to be submitted to Council as well as a suitable proposal for upstream and downstream erosion protection. Details of road approaches to the crossing are to be supplied as part of these drawings.

- (7) Bus stop facilities are to be provided in consultation with Council and local bus service providers within the development and/or surrounding roads. Bus shelters are to be of a construction consistent with shelters recently installed by Council. Show bus stop locations on the drawings. *(Condition Amended 25 November 2020)*
- (8) Engineering drawings associated with the drainage of stormwater shall be submitted to Council's Engineering Department for approval in accordance with Council's Stormwater Policies and Design and Construction Specification – Ausspec#1.
- (9) Engineering drawings must include details of the discharge of stormwater off the site (including quantities for various storm event and is to include stormwater that falls on the site or enters the site from upstream), what is proposed to manage the discharge (including details of any infrastructure etc.), the potential downstream effects of such discharges and actions proposed to ameliorate such effects and what is proposed to ameliorate any effects on the site from stormwater from upstream of the site.
- (10) An overland flow path to accommodate the discharge from a 1 in 100 year storm event shall be provided, including the provision of an easement where this flow path traverses private property. Details of any stormwater retention or water quality basins are to be provided.
- (11) A list of three street names, for each new street shall be submitted to Council for consideration and approval in accordance with Council's Naming of Roads Policy RD-POL-6.

- (12) Engineering drawings associated with the drainage of stormwater shall be submitted to Council's Engineering Department for approval in accordance with Council's Stormwater Policies and Design and Construction Specification – Ausspec#1;

- For the new proposed lots 187, 129, 175, 159, 176 include details of the discharge of stormwater off the lots (including quantities for various storm event and is to include stormwater that falls on the site or enters the site from upstream), what is proposed to manage the discharge (including details of any infrastructure etc.), the potential downstream effects of such discharges and actions proposed to ameliorate such effects and what is proposed to ameliorate any effects on the site from stormwater from upstream of the site.
- If any devices (e.g. detention basins, OSDs etc.) are required to satisfy this condition, they are to be fully located on private land or community land, unless otherwise agreed to by Council.
- Stormwater collected from the development shall not cause nuisance to adjoining landowners.

(Condition Added 14 December 2021)

PART C - PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE (STAGE 1 ONLY)

- (1) ~~Engineering drawings for the design and construction of a roundabout at the intersection of the new subdivision road and McIntosh Circuit are to be submitted to Council's Infrastructure & Assets Division. As a minimum, the pavement of the roundabout is to be asphaltic concrete.~~

~~**Note:** The centre of the roundabout shall be concrete or asphalt.~~

Engineering drawings for the design and construction of a roundabout at the intersection of Isabel Drive and McIntosh Circuit are to be submitted to Council's Infrastructure & Assets Division. As a minimum, the pavement of the roundabout is to be asphaltic concrete.

Note: The centre of the roundabout shall be concrete or asphalt.

(Condition Amended March 2022)

- (2) The Engineering Drawings for the construction of roads shall provide for the provision of alternative access in the initial stage should an incident occurs at or near the proposed intersection to Isabel Drive for accessibility for households and emergency purposes.
- (3) Engineering drawings associated with the construction of shared pathway shall be submitted to Council's Infrastructure & Assets Division for approval in accordance with Council's Roads Standards Policy RD-POL-09 and Council's Design and Construction Specification – Ausspec#1
- The shared pathway shall connect to the proposed Road 4 and the Colonial Place.
 - The shared pathway shall be constructed to the same finish and material as the connecting pathway of Road 4.

(Condition Added 14 December 2021)

PART D - PRIOR TO SUBDIVISION WORKS COMMENCING (ALL STAGES)

- (1) Subdivision work shall not be commenced until the person having the benefit of this Development Consent provides at least two days' notice to Council of their intention to commence subdivision work.
- (2) Any contractor undertaking works in an existing Council road reserve shall also submit the following details:
 - A current public liability certificate with a minimum cover of \$20 million
 - Current Plant / vehicle insurances
 - A certified traffic control plan for the proposed works
- (3) A Soil and Water Management Plan shall be submitted to Council's Infrastructure & Assets Division for approval in accordance with Council's Design and Construction Specification – Ausspec#1. The plan shall include construction techniques to minimise site disturbance and the potential for soil erosion by wind or water, erosion control on any watercourse on the property, revegetation of disturbed areas and any other matters that are deemed necessary by Council.

Note: An indicative plan may be prepared to complement the design plans, however, the final plan for approval shall be prepared in consultation with the construction contractor;

- (4) Prior to works commencing, Council is to be provided with all appropriate approvals to construct the creek crossings. Approvals may include Fisheries Permit, Controlled Activity Permit from Natural Resources Access Regulator, etc.
- (5) A sign must be displayed in a prominent position on the site while subdivision work is being undertaken.

The sign must list the following details:

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

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

- (6) Toilet facilities must be provided at the work site. Each toilet provided must be:
 - (a) a flushing portable toilet maintained under a service agreement with an accredited service provider; or
 - (b) a standard flushing toilet connected to a public sewer; or
 - (c) a standard flushing toilet connected to an accredited on-site sewage management facility approved by Council.

PART E – NATURAL RESOURCES ACCESS REGULATOR (NRAR GENERAL TERMS OF APPROVAL) (ALL STAGES)

- (1) The development must be undertaken in accordance with the General Terms of Approval issued by the Natural Resources Access Regulator (NRAR) under the *Water Management Act 2000* dated 10 September 2020 and attached as *Appendix A*.

PART F - TREE REMOVAL AND MANAGEMENT (ALL STAGES)

- (1) All trees that are proposed to be retained must be protected prior to any site works or civil works commencing on the site in accordance with *AS 4970-2009 - Protection of Trees on Development Sites*.
- (2) The removal of trees from the site is restricted to those in accordance with the plans and details submitted to Council with the Development Application, stamped and attached to this consent.
- (3) The applicant shall nominate a suitably qualified and experienced person who will be responsible for overseeing the tree removal and tree management.
- (4) Public access to the site is to be restricted when tree removal work is in progress or the site is unoccupied. All public safety provisions must be in place prior to the commencement of any works and must be maintained throughout tree removal work.
- (5) A suitably qualified and/or experienced tree arborist is required to carry out all tree removal.
- (6) All tree pruning must be undertaken in accordance with *AS 4373-2007* and by a suitably qualified and/or experienced tree arborist.
- (7) The one (1) hollow bearing paddock tree to be removed (living or dead) will need to be inspected by an ecologist for nesting wildlife present in the hollows prior to removal and any wildlife relocated by a fauna spotter catcher.

PART G – DAM DEWATERING (ALL STAGES)

- (1) A dam dewatering plan prepared by a suitably qualified and experienced person shall be submitted to Council and shall be implemented for any dams to be filled. Long neck turtles are present in some of the farms dams that are proposed to be drained. These turtles are protected fauna and will need to be captured and relocated when the dams are dewatered prior to being filled. An ecologist will be required to be present to capture and relocate turtles or other native fauna within the dams during the dam dewatering process.

PART H – ABORIGINAL SITES AND OBJECTS (ALL STAGES)

- (1) All impacts to identified Aboriginal sites and objects should be avoided. If this not possible then an Aboriginal Heritage Impact Permit (AHIP) is required.
- (2) The identified Aboriginal site and objects are to be fenced during all ground distributing works including during revegetation works. The fences are to be put in place by a qualified archaeologist and members of the Onerwal LALC.

- (3) Should any additional Aboriginal sites, objects or suspected human remains be unearthed during works associated with the subdivision, all work must cease and the NSW Government Environment Line (131 555) is to be contacted immediately. No works is to recommence at the location unless authorised by Heritage NSW in writing.
- (4) Should any additional potential archaeological relics are discovered during works associated with the subdivision, all work must cease and NSW Government Environment Line (131 555) is to be contacted immediately. No works is to recommence at the location unless authorised by Heritage NSW in writing.
- (5) If impacts to Aboriginal heritage sites or objects are found to be a possibility from the proposed development then consultation should be undertaken to discuss management and mitigation options in accordance with the *"Aboriginal Cultural Heritage Consultation Requirements for Proponents"*.
- (6) All Aboriginal objects and places are protected in NSW under *National Parks & Wildlife Act 1974*. It is an offence to harm an Aboriginal object or place without an approval issued by the Heritage NSW.

PART I – INSPECTIONS (ALL STAGES)

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

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

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

- (1) A compliance certificate must be obtained from Council's Infrastructure & Assets Division at the following stages of construction:

Roads

- (a) Completion of sub-grade pavement layer (proof roll);
- (b) Completion of stormwater drainage lines – prior to backfilling;
- (c) Completion of stormwater detention infrastructure;
- (d) Completion of stormwater quality improvement infrastructure;
- (e) Completion of base course pavement layer (proof roll);
- (f) Completion of kerb and guttering;
- (g) Completion of round-a-bout subgrade;
- (h) Completion of round-a bout pavement;
- (i) Completion of two-coat bitumen seal;
- (j) Completion of property access. This inspection is for access dimensions and to ensure there are no 'trip-fall' hazards. Compliance with change in longitudinal grade will only be undertaken where it can be confirmed via WAE drawings;
- (k) Completion of shared pathway;
- (l) Completion of horse trail;

Other

- (m) Completion of streetscape works and other public landscaping;

- (n) Completion of boundary fencing of each lot created;
- (o) Practical completion;
- (p) Final inspection.
- (q) Refund of bond.

PART J - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (STAGE 1 ONLY)

- (1) The terms of the Voluntary Planning Agreement (VPA) associated with the open space (Lot 201 and Lot 202) must be satisfied. *(Condition Amended 14 December 2021)*
- (2) ~~Construction of a the roundabout at the intersection of the new subdivision road and McIntosh Circuit is to be completed in accordance with the designs/drawings approved with the Subdivision Works Certificate, unless otherwise agreed to by Council. *(Condition Amended 14 December 2021)*~~

Construction of a the roundabout at the intersection of Isabel Drive and McIntosh Circuit is to be completed in accordance with the designs/drawings approved with the Subdivision Works Certificate, unless otherwise agreed to by Council.

(Condition Amended 14 December 2021 and March 2022)

- (3) Prior to the issue of Subdivision Certificate the Applicant must register the VPA on the title of the land to which the VPA applies. *(Condition Added 25 November 2020)*

PART K - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (ALL STAGES)

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

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

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

Note: The cost of carrying out development is cumulative across stages.

- (2) A levy under the Building and Construction Industry Long Service Payments Act 1986, equivalent to 0.35% of the value of the works, shall be paid to Council, where the value of such works is greater than \$25,000.00;
- (3) Roads and associated infrastructure is constructed/upgraded in accordance with either Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
- (4) The property vehicular accesses from the road to the property boundary must be constructed in accordance with Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.

- (5) Street name signs shall be installed at the entrance to each new road. The street sign shall be in accordance with Council's standard urban street sign design. Where the road is no-through a "no-through road" sign is to be installed
- (6) Stock proof fencing must be provided to all boundaries of the proposed lots in accordance with Council's Non-Urban Fencing Policy DA-POL-12.

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

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

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

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

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

- (7) In accordance with the Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17, evidence must be submitted to Council demonstrating that a satisfactory standard of electricity supply is available to each lot within the subdivision.
- (8) In accordance with the Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17, evidence must be submitted to Council demonstrating that a satisfactory standard of telecommunications service is available to each lot within the subdivision.
- (9) The applicant must confirm by survey that the formation and associated batters and drainage structures of McIntosh Circuit and Isabel along the frontage of the subject property, are within the road reserve.

Where the existing road is within the subject land, the applicant must ensure that the legal and physical attributes coincide by adjustment of the road reserve. The Applicant's request for a Subdivision Certificate must include specific reference to the review and whether or not adjustment of the road reserve is necessary.

- (10) Easements must be created on the final plan of subdivision centred on any existing or new power lines/cables passing through private property and must be in accordance with the service provider's requirements.

- (11) Building envelopes must be designated on the final plan of subdivision over each proposed lot in accordance with the approved plan of subdivision.

The accompanying Section 88E instrument must state that no permanent or temporary dwellings and/or outbuildings and associated infrastructure are permitted to be erected outside of the identified building envelope shown on the plan of subdivision.

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

- (12) A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on all lots (excluding Lots 201 and 202) created requiring potable water storage (rainwater tanks) to the following minimum standard:

- 45,000 litres for houses less than 150 m²
- 110,000 litres for houses in excess of 150 m².

Above ground tanks shall provide for the refilling of fire tankers by the installation of a "Storz" fitting at the base of the tank with a gate valve. The house service may branch off this outlet. Underground tanks shall include an access hole at least 150mm diameter;

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

(Condition Amended 14 December 2020 and 14 December 2021)

- (13) A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on all lots created prohibiting the use of the following onsite effluent disposal systems:

- (a) Primary treatment septic tank and absorption trench.
- (b) Subsoil irrigation beds for effluent dispersal of wet composting closet treatment systems (e.g. worm farms).

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

- (14) A restriction to user under Section 88B of the *Conveyancing Act 1919* requiring the installation of only advanced wastewater treatment systems with nutrient reduction linked to subsurface irrigation must be placed on the following lots (inclusive):

Lots 101-102, 107-113, 124-131, 133-137, 142, 146-147, 173-177, 179-186 and 196-201.

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

- (15) A restriction to user must be created under section 88 of the *Conveyancing Act 1919* over all proposed lots stating:

An on-site effluent disposal system must not be installed without the consideration of the "Land Capability Assessment" prepared by John Franklin of Franklin Consulting (Version 2 – 29 September 2020), submitted in support of the subdivision.

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

- (16) A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on all lots created (excluding Lot 201 and 202) prohibiting the removal of trees and vegetation unless otherwise approved by Yass Valley Council.

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

(Condition Amended 14 December 2021)

- (17) The Applicant is to provide evidence from WaterNSW that the existing Water Supply Works approval and Water Access Licence (WAL) has been amended and approved, including:

- The change in purpose of the current approval to reflect the current and future proposed use; and
- Correctly identifying the land the approval is to supply.

Note: A copy of the letter from WaterNSW is attached for your consideration.

- (18) A Communal Water Management Statement (CWMS), prepared in association with the proposed 'tenancy in common' arrangements for the supply of non-potable water to each allotment, shall be submitted to Council. The CWMS shall form part of a restrictive covenant under section 88E of the *Conveyancing Act 1919*, to which each joint tenant is a beneficiary. The CWMS shall:

- Limit the total annual use of non-potable water from the reticulated community supply scheme to that which may be licenced by WaterNSW.
- Prescribe the arrangements on-going management and maintenance of all communal areas and community infrastructure including the non-potable water supply system.
- Provide for the equitable distribution of water including metering of non-potable water supply to each allotment.
- Provide for the ability to introduce water supply restrictions during extended dry periods.

- (19) A non-potable water service main (connection) shall be installed from the communal bore to a point inside the front boundary of each allotment created within the subdivision.

- (20) The proposed reticulated non-potable bore and the existing bore GW 401758 shall be sealed and bunded (earthen mound or similar) immediately upslope of the bore to prevent access of overland stormwater flow to the bore.

- (21) The existing diesel bore pump located on Lot 199 shall be upgraded to an electric pump.

- (22) One complete set of "Work as Executed" (WAE) drawings, indicating all details of new engineering works constructed, shall be submitted to Council.

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

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

Shall include separate details of for the following:

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

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

- (23) For each lot created, a separate Lot Plan (A4) shall be submitted to Council which shows the location (distance away from nearest side boundary and distance into the lot), level, depth and diameter of tie details for water, sewer and stormwater and as well easement details.
- (24) Constructed Asset Information shall be supplied for all assets dedicated to Council. The required information shall include:

Roads

- Length, width, gravel depth;
- Earthworks cost;
- Pavement cost;
- Seal cost;
- Guidepost numbers and cost;
- Raised pavement markers numbers and cost;
- Guardrail type, size in metres and cost;
- Signposts cost;
- Kerb and gutter length and cost
- Footpath cycleway length, width and cost;
- Open drainage works length and cost;

Stormwater Drainage

- Pipe type, length and cost;
- Pit type, number and cost;
- Headwalls, number and cost;
- Rockwork area and cost;
- Stormwater quality improvement features, type, number and component costs.

Sewerage Infrastructure

- Pipe type, length and cost;
- Pit type, number and cost;
- Pump well type and cost;
- Electrical and Control equipment type and cost;
- Backup generator type and cost;
- Monitoring equipment type and cost.

Water Supply Infrastructure

- Pipe type, length and cost;
- Valve type, number and cost;
- Hydrant type, number and cost;

Other Assets

- Description, dimensions and cost e.g. Horse bridle path

- (25) A bank guarantee, or cash bond, equivalent to 5% of the value of the whole of the engineering works shall be lodged with Council as a performance bond.

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

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

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

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

- (26) The identified Aboriginal sites must be registered on Aboriginal Heritage Information Management System (AHIMS) register. Evidence of registration shall be provided to Council.

- (27) A Subdivision Certificate Application (Form 206) must be submitted to Council.

The application is to be accompanied by the following:

- (a) A plan of subdivision (linen plan) acceptable for registration by the NSW Land and Property Information Office.
 - (b) An Administration Sheet which incorporates a subdivision certificate acceptable for registration by the NSW Land and Property Information Office.
 - (c) Where easements, rights of carriageway or restrictions on the use of land are proposed or required to be created under Section 88 of the *Conveyancing Act 1919*, a copy of the relevant instrument.
 - (d) The relevant documents required by the NSW Land and Property Information Office for the registration of a Community scheme or a Strata scheme, if applicable.
 - (e) The applicant must create, where applicable, 20 metre wide easements over the final plan of subdivision in favour of Essential Energy, centred on all existing power lines which cross the subdivision.
 - (f) A copy of relevant development consent or complying development certificate.
 - (g) A copy of any relevant construction certificate.
 - (h) A copy of any relevant compliance certificates, letters from authorities and receipts for payment of any fees/contributions.
 - (i) A copy of detailed subdivision engineering plans, where relevant.
 - (j) Evidence that the applicant has complied with all conditions of consent that it is required to comply with before a subdivision certificate can be issued.
 - (k) For subdivision involving subdivision work, evidence that the work has been completed, or:
 - Agreement has been reached with the relevant consent authority as to payment of the cost of work and as to the time for carrying out the work, or
 - Agreement has been reached with the relevant consent authority as to security to be given to the consent authority with respect to the completion of the work.
 - (l) The relevant fee payment at the date of application for the subdivision certificate.
- (28) The subdivision certificate will not be issued until all conditions of this consent have been complied with in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

NOTES ACCOMPANYING DEVELOPMENT CONSENT DA200049F

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

- (1) This consent has been granted under clause 4.1 and clause 4.6 of the *Yass Valley Local Environmental Plan 2013*.
- (2) This approval is for subdivision only. Further development consent is required for any proposed dwelling house or other permissible use, as prescribed in the relevant Environmental Planning Instruments of Council.
- (3) All fees and charges associated with this consent must be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region.
- (4) Any additional Council inspection, beyond the scope of any Compliance Certificate package and needed to verify the compliance of any work, must be charged at the individual inspection rate nominated in Council's Fees and Charges.
- (5) The applicant must ensure all sub-contractors are licensed by the NSW Department of Fair Trading.
- (6) The *Work Health and Safety Act 2011*, the *Work Health and Safety Regulation 2011* and various Australian Standards provide a comprehensive set of risk control measures and procedures for development sites which cover all types of risk. This legislation is administered by WorkCover New South Wales which has produced a variety of guidelines and other supporting documents for the information of developers.

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

- (7) All Development Applications relating to the lots created by this subdivision will be assessed under the provisions of the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulation 2017*. If the development triggers the Biodiversity Offsets Scheme, the Development Application must be accompanied by a Biodiversity Development Assessment Report (BDAR).

Appendix A – Natural Resources Access Regulator General Terms of Approval



**Natural Resources
Access Regulator**

Natural Resources Access Regulator
Locked Bag 5123,
Parramatta NSW 2124
T 1800 633 362
www.industry.nsw.gov.au/nrar

Contact: Charity Nichols
Phone: 0409 976 120
Email: charity.nichols@nrar.nsw.gov.au

General Manager
Yass Valley Council

Our ref: IDAS1124900
CNR: CNR-6899, A-8280
Your ref: DA-200049

Attention: Jeremy Knox

Uploaded to the eplanning portal

10 September 2020

Dear Mr Knox

Re: Integrated Development Referral – General Terms of Approvals
Development Reference: DA-200049
Description: 106 Torrens title lots for residential purposes and 2 lots of public open space and associated civil works including two road crossings
Location: Lot 1 DP 1257138; Isabel Drive MURRUMBATEMAN NSW

I refer to your letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's (NRAR) General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR request these GTA's be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- If any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, or lake or estuary; (ii) on the banks of any river, lake or estuary; (iii) on land within 40 metres of the highest bank of a river, lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

2

- If Council receives an application under s4.55 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- Of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

<https://www.industry.nsw.gov.au> > [Water](#) > [Licensing & Trade](#) > [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 4.47 (6) of the EPA Act.

Yours sincerely



For
Vickie Chatfield
Manager Licensing and Approvals (West)
Natural Resources Access Regulator
Department of Planning, Industry & Environment



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1124900
Issue date of GTA: 10 September 2020
Type of Approval: Controlled Activity
Description: 106 Torrens title lots for residential purposes and 2 lots of public open space and associated civil works including two road crossings
Location of work/activity: Isabel Drive Murrumbateman 2582
DA Number: DA-200049
LGA: Yass Valley Council
Water Sharing Plan Area: Murrumbidgee Unregulated River Water Sources 2012

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
Plans, standards and guidelines	
GT0002-00857	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 200049 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0004-00003	A. A security deposit must be provided, if required by Natural Resources Access Regulator. B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.
GT0005-00382	A. The application for a controlled activity approval must include the following plan(s): - Detailed culvert design, Detailed subdivision design including civil and earthworks for works on waterfront land, Preparation of a VMP clearly showing 20m riparian corridor for the 2nd order tributary and 30m riparian corridor for the 3rd order tributary measured from top of bank and rehabilitation and any offsets proposed in accordance with the guidelines, Detailed and itemised VMP and drainage costings, and Detailed erosion and sediment control plan. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities/guide .
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

209 Cobra Street, Dubbo, NSW 2830 | PO BOX 717, Dubbo, NSW 2830
nrar.enquiries@nrar.nsw.gov.au | <http://www.industry.nsw.gov.au/nrar>

Template Ref: WLS 004A, Version 1.0 – May 2016

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SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA-200049 as provided by Council:

- Statement of Environmental Effects Isabel Drive Subdivision, prepared by Elton Consulting and dated 30 March 2020,
- Plan of Proposed Subdivision Lot 1 DP1257138, Issue A, prepared by Veris and dated 07/09/2020,
- Updated Engineering Plan Set, prepared by SMEC and dated 07/09/2020, Drawing Numbers 3002724-0000, 00002, 00003, 00005-00005, 0010-0012, 0030, 0031-0032, 0040, 0050-0052. Revision B



yass valley council
the country the people

Yass Valley Council
PO Box 6
209 Gannan Street
YASS NSW 2582
Telephone: 02 6326 1477
Email: info@yass-valley.nsw.gov.au

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Drawn By: Jorrity Knox
Projection: GDA84 / MGA zone 55
Date: 15/03/2022 4:12 PM

Map Scale: 1:8079 at A4



Surveyor: MICHAEL ROY STAPLETON Date of Survey: 30/09/2021 Surveyor's Ref: 19090_3	PLAN OF SUBDIVISION OF LOT 2 DP 1269071 AND LOT 1 DP 1273254 DP 1273254 IS NOT REGISTERED. LOT 1 FORMERLY PART LOT 1 AND LOTS 31 TO 42 DP 7988071	Locality: YASS VALLEY MURRUMBATEMAN Subdivision No:	Registered	DP
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Submission #1

Jeremy Knox

From: [REDACTED]
Sent: Monday, 20 December 2021 5:00 PM
To: YVC Customer Service Team
Subject: Opposing DA210271

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

I am writing to oppose the planning approval of DA210271.

Reasons are

The roads cannot sustain anymore abuse from construction vehicles. Or maybe the landowner should pay for mackintosh circuit to be fixed.

More traffic from residents will be accessing/exiting onto the Barton highway.

No infrastructure is being built in to the village to sustain more households.

Regards

[REDACTED]

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Submission #2

Jeremy Knox

From: Yass Valley Council <no-reply@wufoo.com>
Sent: Monday, 20 December 2021 5:11 PM
To: YVC Customer Service Team
Subject: Public Consultation online submission [#327]

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

Name *

Address *



Email *

Phone

Number *

What item Isabel Drive Murrumbateman Sub-division Planning Applicaton
are you
making a
submission
on? *

Submission *

Development in Murrumbateman is inevitable and desirable but it must be done in a way that enhances rather than destroys the current community way of life. This means having recreation facilities and services that support the population growth and attract and retain new residents.

The current proposed development at Isabel Drive needs to be considered as part of the broader development of Murrumbateman. The cumulative outcome of the developments at the The Fields, Summer Rise, The Meadows and the Isabel Drive sub-division is 96 new homes., conceivably 200 plus children and 100 plus dogs.

These four plans have been progressed as individual developments without integrated planning or allowances for appropriate recreation facilities that will be suitable for this growing population.

Where are the recreational common areas – the walking tracks, play grounds, bridle paths, bike tracks integrated

access to the existing central facilities in the Village? Currently that requires crossing the busy Barton Highway to get to existing recreation services. The new development at Isabel Drive centres around a cul de sac where without other options children will inevitably play. This is hardly a safe or acceptable option.

The emphasis on carbon neutral activities and appreciation of climate change impacts calls for walking and bike access around the village and within walking distances capable by young children. While new paths are being constructed down McIntosh Circuit these do not lead to playgrounds or game areas within suitable walking distance. The option is for parents to drive their children into play grounds and sporting facilities in the ACT. This makes Murrumbateman a less attract option for families and a high vehicle emission option.

Look at models in Merryville Estates and Merryville Park and in developments in the ACT where well being indicators assess social, economic, environmental and community impact of development. The stated public interest benefits of Isabel Drive are "rural residential in close proximity to Canberra". It is not rural residential it is low density residential and without appropriate local recreation facilities it will force residents to seek these in Canberra.

Commercial development will always follow suburban development. Where there is a profit to be made services will be offered. However, there is no profit in communal or recreation areas. These can not be retrofitted. They must be considered as part of the overall integrated planning. The submission and consideration of separate applications for these sub-divisions is counter intuitive to integration.

I ask Council to consider the setting aside of spaces for recreation facilities within Murrumbateman and requiring developers to make allowances in their plans for such spaces within and between sub-divisions.

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Submission #3

Jeremy Knox

From: [REDACTED]
Sent: Thursday, 9 December 2021 10:20 AM
To: YVC Customer Service Team
Subject: DA210271 concerns

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

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

9 December 2021 [REDACTED]

Ref: DA 210271

Dear Yass Valley Council,

I have lived in Murrumbateman since 1987 and over the past few years I have become extremely concerned about the type of development that has been allowed to occur here. I am referring to small cheek to jowl blocks like the ones proposed in this DA. My concerns include:

1. The extreme pressure excessive traffic is putting on McIntosh Circuit. The road seems to be the only major arterial road out of the area. This indicates very poor planning on behalf of the council as it appears there need to be further alternatives to exit or enter. The road is poorly maintained at the best of times and with further traffic and a good number of large trucks it is in constant disrepair. This is becoming dangerous as vehicles are constantly swerving to miss potholes.
2. The main traffic appears to flow along McIntosh southwards towards Canberra. It is difficult for existing residents to exit their driveways safely given the consistency and speed of peak hour traffic. School buses also use this road and increasing traffic flow and speed puts children at increasing risk. The speed should be decreased that vehicles are allowed to travel to deter speeding and increase safety.
3. The intersection where McIntosh joins the Barton highway at Murrumbateman Winery is becoming increasingly busy due to increases of traffic and accidents are frequently occurring.
4. Poorly designed and maintained speed humps on South street deter motorists using this as an alternative to access the Barton Highway.
5. Subdivisions seem not to be required to provide green space as an essential part of their plan. Extensive use of hard surfaces on small blocks provides little respite or resources for indigenous birds and animals. Or self reliant water management and storage. It should not be assumed that the paddock or block next door provides this. It should be an integral part of the plan to maintain and nurture the environment and self sufficient land management.
6. I note a fire plan for the proposed subdivision. I am unconvinced that McIntosh Circuit could cope with a full evacuation if a fire like the Canberra fires were to occur.

In conclusion I am not against progress, although I feel the Yass Council is not considering the quality of the environment for existing or future residents and the precious natural environment as well as adding more pressure on existing infrastructure and resources which has greatly increased risks to residents and wildlife. Infrastructure needs to be upgraded before it is over stressed with new development. Our collective environment and quality of life is being impacted so a very few can get richer.

Yours Sincerely

[REDACTED]



21 January 2022

Mr Jeremy Knox
Yass Valley Council
209 Comur Street
Yass NSW 2582

Via email JKnox@yass.nsw.gov.au

Dear Jeremy

Re: DA 210271 Response to Submissions

Thank you for the opportunity to respond to the matters raised in the submissions received in relation to DA210271, Subdivision of land at Isabel Drive Murrumbateman. Three submissions have been received and the relevant issues raised are addressed below.

Impact on Road Infrastructure - The DA was accompanied by a *Civil, Stormwater and Traffic Report* that addresses the potential for the road network, including the proposed roundabout at the intersection of McIntosh Circuit and Isabel Drive to accommodate traffic to 2041. The level of service 'A' would be maintained at the Isabel Drive and McIntosh Circuit intersection with the roundabout.

The report confirms the local road infrastructure is sufficient in design to accommodate the volumes of traffic both existing and proposed. The upgrades proposed, including the roundabout and associated drainage will improve the existing road infrastructure. The responsibility for the maintenance of the surrounding local road infrastructure falls on council and is managed under the annual works program.

McIntosh Circuit - One submitter raises a number of concerns with both the state of repair, speed and volume of traffic travelling along McIntosh Circuit. The development application is for only 28 additional lots and while this development will contribute to the overall number of vehicles moving through the area, it represents only a small percentage of the total.

The state of McIntosh Circuit has been exacerbated by the recent wet weather and the use of the route by heavy vehicles delivering gravel for the council upgrade of Dog Trap Creek Road. Before we commenced development of the Fields the developer photographed and completed a dilapidation report of the southern section of McIntosh Ct, as it was deteriorating prior to construction commencing. The poor condition of the road is likely due to the following factors. Poor drainage/table drains allow for water to enter the subsurface and pavement creating failure of the pavement. Poor shoulder maintenance also allows water to pool on the edges of the pavement contributing to the water ingress. The road also has been in place for a substantial period of time and is likely reaching the

end of it's design life with the increase in traffic loading. This is evidenced by the fact that there is no deterioration in the newer constructed section between the Isabel Drive intersection and the South Street roundabout.

Construction traffic – The subdivision, if approved will generate construction traffic for a short period during the delivery of the subdivision works. The intent of the design is to ensure no cut or fill material will leave the site to minimise impact of the surrounding road network. The only imported material will be the gravel for the road pavement. On all our projects a dilapidation report is undertaken and is a measure that Council would typically use to determine the damage during this phase of the development delivery to ensure that any damage is rectified ahead of the release of a Subdivision Certificate.

Lot size – One submitter makes a reference to the size of lots as "small cheek to jowl". The MLS is 6,500sqm (not 650sqm) which by a typical measure of urban development and residential density, is large and as per the current zoning requirements.

Local Infrastructure – The developer has entered into a Planning Agreement with Yass Valley Council under an earlier development consent (The Fields Stages 1 and 2) to deliver additional public open space and pedestrian connectivity. A significant area of McClungs Creek will be restored, rehabilitated and fitted with playground equipment under this agreement. This facility will supplement the private space afforded by the significant size of the residential lots.

Unlike small lots in more densely populated areas, rural residential lots are typically able to satisfy the need for private open space without relying on pocket parks for this purpose. However, the local park is being provided under a planning agreement (as noted above) and a shared pathway will connect the proposed cul de sac into the existing network through to the new park and the village.

Council has a Local Contribution Plan in place that includes a schedule of works that are proposed to be funded through developer contributions. It remains open to Council to further consider additional facilities within the Murrumbateman village to support formal recreation under the Contributions Plan and if this were the case developers would be obligated to make these contributions. At this stage, Council remains bound by the plan in place.

Bush fire – The development is considered low risk, however, a Bushfire Assessment has been undertaken to support the application under the Planning for Bushfire Protection Guidelines 2019 published by the Rural Fire Service. The proposal is consistent with the requirements of the Rural Fire Service.

I trust that this assists with your assessment of the proposal in response to the issues raised. Please let me know if you require further information.

Yours sincerely



Liz Densley
DIRECTOR



Section 4.15 Evaluation

Summary of Application

Recommendation	Deferred Commencement Development Consent	
Assessing Officer	Jeremy Knox	11 March 2022
Approval Officer		

Development Application No.	DA210271
Type of Development	Local
Development Site	Lot 2 DP 1269071 Lots 1 & 31-34 DP 270197 34 Isabel Drive MURRUMBATEMAN NSW 2582
Owner / Applicant	Murrumbateman Land Projects Pty Limited / Mrs L Densley – 8 Mile Planning
Description of Development	<p>The submitted application involves:</p> <ul style="list-style-type: none"> • A 27 lot Torrens title subdivision, including 26 development lots and a residue lot which accommodates the existing cellar door etc. • Construction of a new road • Construction of a roundabout at the intersection of Isabel Drive and McIntosh Circuit • Site preparation and earthworks • Dedication of land to Council as road reserve where the existing shared path of McIntosh Circuit has been found to be located within the subject land.

Integrated Development

The application has been referred to the relevant government agency for concurrence and General Terms of Approval have been included in the development consent.

Legislation	Yes	No	N/A
<i>Coal Mine Subsidence Compensation Act 2017</i> s 22	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Fisheries Management Act 1994</i> s 144, S201 S205. S219,	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Heritage Act 1977</i> s 58	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Mining Act 1992</i> ss 63, 64	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>National Parks and Wildlife Act 1974</i> s 90	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Petroleum (Onshore) Act 1991</i> s 16	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Protection of the Environment Operations Act 1997</i> ss 43(a), 47 and 55, ss 43(b), 48 and 55, ss 43(d), 55 and 122	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Roads Act 1993</i> s 138	✓	<input type="checkbox"/>	<input type="checkbox"/>
<i>Rural Fires Act 1997</i> s 100B	✓	<input type="checkbox"/>	<input type="checkbox"/>
<i>Water Management Act 2000</i> ss 89, 90, 91	<input type="checkbox"/>	<input type="checkbox"/>	✓
<u>Comment</u> <p>The development is located on bushfire prone land and is Integrated Development in accordance with s.4.46 EP&A Act. The development application was referred to the NSW Rural Service (RFS) in accordance with s.100B <i>Rural Fires Act 1997</i>. A Bush Fire Safety Authority was issued by the RFS and the general terms of approval are included in the consent.</p> <p>Council is the roads authority for the purposes of s138 of the <i>Roads Act 1997</i>.</p>			

Section 4.15 – Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument

Primary Matters	Specific Consideration
State Environmental Planning Policy (SEPP)	<p>Where a SEPP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the policy • generally complies with development standards contained in the policy • generally satisfies the requirements of the policy • meets the relevant concurrence, consultation and/or referral requirements.
<p><u>Comment</u></p> <p>State Environmental Planning Policy (Koala Protection) 2019 The SEPP is applicable to the Yass Valley. The previous Biodiversity Development Assessment Report (BDAR) for the adjoining subdivision DA200049 assessed that site to determine whether it was consistent with koala habitat. The conclusion of that assessment found that the site is not suitable for foraging or mating, nor did the large eucalyptus trees have any evidence of koala presence. The site features of this land are very similar to the adjoining area assessed with limited paddock trees only and it is therefore concluded that it is also not koala habitat.</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land The former uses of the site have primarily been for pasture paddock and grazing. Although the land was formerly held as part of the Shaw Vineyard Estate, it has not been used for viticulture purposes and there is no known risks of contamination. The land is not picked up on Council's contaminated land database or layers. As such the proposed development for residential purposes is considered to be suitable.</p> <p>State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007 The site is identified as a future residential growth area and therefore is not subject to protections under the SEPP. The proposed development for residential development is consistent with the SEPP.</p>	

Regional Environmental Plans (REP)	<p>Where an REP applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • generally complies with development standards contained in the plan • generally satisfies the requirements of the plan • meets the relevant concurrence, consultation and/or referral requirements to address the provisions of the plan.
Comment	
Local Environmental Plan (LEP)	<p>An assessment against the relevant provisions of the <i>Yass Valley Local Environmental Plan 2013</i> has found that the proposed development:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • is consistent with the aims and objectives of the land use zone • is permissible in the land use zone • generally complies with all relevant clauses within the LEP. Where explanation is required it has been included in the assessment notes below. • complies with development standards in the LEP • where a variation to a development standard is proposed it was accompanied by a written request from the applicant which has adequately addressed the matters required to be addressed by Clause 4.6
Comment	
Below is an assessment of the application pursuant to the relevant clauses of the <i>Yass Valley Local Environmental Plan 2013</i> .	
Clause 2.3 Zone & zone objectives	<p>The land is zoned R2 Low Density Residential and is generally consistent with the objectives of the zone.</p> <ul style="list-style-type: none"> • Subdivision facilitates lots to provide for the housing needs of the community within a low density residential environment. • There is opportunity for other land uses which are permitted under the YV LEP 2013 to be undertaken on these lots to provide facilities and services to meet the day to day needs of residents. • Adequate water will be provided by rainwater tanks. • There is adequate opportunity for the disposal of sewage on site.
Clause 2.3 Land Use Table	N/A
Clause 2.6 Subdivision consent requirements	The applicant has sought consent for the proposed subdivision.
Clause 4.1 Minimum subdivision lot size	The proposed subdivision is required to meet the provisions of this clause. In this case the land has a minimum lot size of 6,500m ² .

	Clause 4.1(3) stipulates that the size of any lot resulting from a subdivision must not be less than the minimum lot size. All lots are greater than 6,500m ² in size and therefore the proposal complies with this clause.
Clause 4.1B Subdivision using average lot sizes	N/A
Clause 4.1C Additional requirements for subdivision in certain rural zones	N/A
Clause 4.1D Minimum site areas for dual occupancies and multi dwelling housing in Zones R1, R2, R3 and RU5	N/A
Clause 4.2B Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones	N/A
Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor space ratio	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones Conservation	N/A
Clause 5.21 Flood Planning	A small part of the site is identified as flood affected around the existing dam. The dam is proposed to be filled in and it is considered that there is then adequate opportunity for dwellings to be located outside of a 1% AEP flood event. Full engineering design details will need to be provided as part of the Subdivision Works Certificate application. To this end, it is considered that the proposed development is compatible with the flood risk of the land.
Clause 6.1 Earthworks	Applies to the proposed subdivision and prescribes matters that must be considered by the consent authority before granting consent for earthworks. Earthworks will be required for civil works, including the construction of the new roads. It is considered unlikely that the earthworks required will have a significant impact upon drainage patterns and soil stability as this can be appropriately addressed through the engineering design for stormwater drainage, nor will it reduce the future use of the land. The earthworks proposed will not significantly impact upon neighbouring properties or waterways.

	<p>Erosion and soil movement can be managed through sediment control measures and a sediment and erosion control plan can be requested prior to works commencing through conditions of Consent.</p> <p>The earthworks associated with the proposed development are necessary as part of the proposed subdivision and as such the development is considered to satisfy the objective of clause 6.1 of the YV LEP 2013.</p>
<p>Clause 6.3 Terrestrial biodiversity</p>	<p>The development is unlikely to have a significant impact on critical habitats, threatened species, ecological communities or their habitats. The development has been designed to minimise the impacts on terrestrial biodiversity and retains all paddocks trees through the careful selection of building envelope locations.</p> <p>The terrestrial biodiversity map primarily picks up the area around the existing dam. The dam is proposed to be removed and a dam dewatering plan will need to be provided before that to occur as it is noted that long necked turtles will often use farm dams as habitat.</p> <p>The Applicant will have need to do further assessment to demonstrate that the proposed development does not trigger the Biodiversity Offset Scheme (BOS) under the <i>Biodiversity Conservation Act 2016</i> which is discussed further below.</p>
<p>Clause 6.4 Groundwater vulnerability</p>	N/A
<p>Clause 6.5 Riparian land and watercourses</p>	N/A
<p>Clause 6.6 Salinity</p>	N/A
<p>Clause 6.7 Highly erodible soils</p>	N/A
<p>Clause 6.8 Essential services</p>	<p>The consent authority must be satisfied that services which are essential for the development are available or that adequate arrangements have been made to make them available when required.</p> <ol style="list-style-type: none"> The supply of water. Minimum 110,000L rainwater tanks for dwellings with floor area greater than 150m². Electricity. The subject land will be connected to grid electricity supply. The disposal and management of sewage. An onsite effluent capability assessment has demonstrated that each lot can suitably accommodate an onsite effluent disposal system. Stormwater drainage can be managed and will be subject to civil design as part of the Subdivision Works Certificate application process.

	<p>e. Suitable vehicular access. All new lots will have corresponding legal and physical access to the public road network. Accesses are to be constructed in accordance with Council's <i>Road Standards Policy RD-POL-9</i> and this can be ensured through appropriate conditions of Development Consent.</p> <p>f. Telecommunications. Fibre-ready facilities will be provided.</p> <p>The use of appropriate conditions of Development Consent can ensure that all essential services will be made available to service the development.</p>
Clause 6.9 Development within a designated buffer area	N/A
Clause 6.10 Development on land intended to be acquired for Barton Highway duplication	N/A
Other relevant clause	N/A

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

Primary Matters	Specific Consideration
Draft State Environmental Planning Policy	<p>Where a draft SEPP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the draft policy • complies with development standards contained in the draft policy • generally satisfies the requirements of the draft policy • generally meets the relevant concurrence, consultation or referral requirements to address the provisions of the draft policy. •
<u>Comment</u>	
Draft Regional Environmental Plan	<p>Where a draft REP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the draft plan • complies with development standards contained in the draft plan • satisfies the requirements of the draft plan • meets the relevant concurrence, consultation and/or referral requirements to address the provisions of the draft plan.
<u>Comment</u>	

Draft Local Environmental Plan	<p>Where a draft LEP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is the proposal consistent with the aims and objectives of the draft plan • is consistent with the aims and objectives of the land use zone • is permissible in the land use zone • generally complies with all relevant clauses within the draft LEP • complies with development standards in the draft LEP • Where a 4.6 variation is proposed it has been supported in the draft LEP – Details are included in the comments below.
<u>Comment</u>	

(iii) any development control plan

Primary Matters	Specific Consideration
Development Control Plan (DCP)	<p>Where a DCP is applicable to the development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • satisfies the requirements of the DCP • complies with development standards in the DCP • meets all relevant concurrence, consultation, referral requirements in the DCP.
<u>Comment</u>	
Contributions Plans	The Yass Valley Developer Contribution Plan 2018 (s7.12) has been considered and where applicable a developer contribution has been applied to the development.
	The Yass Valley Heavy Haulage Contribution Plan 2006 (s.7.11) has been considered and where applicable a developer contribution has been applied to the development.
<u>Comment</u>	
Anticipated cost of undertaking the development exceeds \$100,000 so therefore a s7.12 development contribution will be payable prior to the issue of a Subdivision Certificate. Appropriate conditions of consent can be included.	

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

Primary Matters	Specific Consideration
Planning Agreement	Under s.7.4 EP&A Act, no planning agreement is applicable to the development.
<u>Comment</u>	

N/A	
Draft Planning Agreement	Under s. 7.4 EP&A Act, no draft planning agreement applicable to the development.
<u>Comment</u>	
N/A	

(iv) the regulations

Primary Matters	Specific Consideration
Environmental Planning and Assessment Regulation 2000	<p>The <i>Environmental Planning and Assessment Regulation 2000</i> has been considered and where relevant it:</p> <ul style="list-style-type: none"> • complies with AS 2601 when demolition is involved • complies with the Category 1 fire safety provisions if a change of building use is involved • has provision for compliance with the Building Code of Australia as amended if an building upgrade required • has been accompanied by a compliant BASIX certificate where the development is BASIX affected.
<u>Comment</u>	
No building works are proposed.	

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

Primary Matters	Specific Consideration
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<p>Context and setting</p>	<p><u>Context</u> The development is compatible with the:</p> <ul style="list-style-type: none"> • scenic qualities and features of the landscape • character and amenity of the locality and streetscape • scale (bulk, height, mass) form, character, density and design of development in the locality • previous existing land uses and activities in the locality <p><u>Setting</u> The development is unlikely to have a significant impact on adjacent properties in terms of:</p> <ul style="list-style-type: none"> • the relationship and compatibility of adjacent land uses • sunlight access (overshadowing) • visual and acoustic privacy • views and vistas • edge conditions such as boundary treatments and fencing
<p><u>Comment</u></p> <p>The proposed development will create additional low density residential lots. The land use associated with the future use of these lots are likely to be primarily residential. The proposed lot sizes and future use of the lots are consistent and compatible with the existing development in the locality.</p> <p>The proposed development is not considered to have a significant adverse impact on the quality and features of the landscape. Development on each lot will be subject to future applications, however generally there is opportunity for this to be of a form which is compatible with the locality and the nearby existing development. The subdivision is not considered to have a significant impact on adjacent development by way of views.</p> <p>The large lot sizes provides adequate opportunity for development on each lot to achieve appropriate solar access and orientation. Separation from development on adjoining lots ensures that there will be no overshadowing impacts.</p>	

<p>Access, transport and traffic</p>	<p>An assessment of access, transport and traffic impacts found (as relevant to the development):</p> <ul style="list-style-type: none"> • The existing road network is capable of supporting the proposed development • The proposed development complies with Council's Roads Standards Policy • The volume of traffic generated as a result of the proposed development is unlikely to exceed the capacity of the local and arterial road network • Public transport is available • A traffic management study was either not required to support the proposed development or was submitted and was considered satisfactory • An adequate number of vehicle parking spaces have been provided • On site car parking has provisions for compliance with relevant standards • The proposed or existing location of vehicular access to the site is considered satisfactory <p>Suitable conditions of consent have been included in the consent as required.</p>
<p><u>Comment</u></p> <p>Issues associated with access, transport and traffic has been discussed in the accompanying report for Council, including the location of a new roundabout.</p> <p>Council's Road Standards Policy RD-POL-9 applies for the construction of roads and property accesses. Preliminary assessment by Council engineers has indicated that the proposed subdivision has the potential to comply with the requirements of the policy, with full detailed engineering design drawings needing to be provided for approval prior to the issue of a Subdivision Works Certificate.</p>	
<p>Utilities</p>	<p>The demands of the development are unlikely to have an adverse impact on utility supply as:</p> <ul style="list-style-type: none"> • adequate utilities are either existing and capable of supporting the proposed development or capable of being extended to service the site • where onsite sewage management is proposed it has been accompanied by a report prepared by an appropriate consultant demonstrating the suitability of the site for on-site effluent disposal
<p><u>Comment</u></p>	
<p>Heritage</p>	<p>The development is unlikely to have an adverse impact on the heritage significance of the site or adjacent properties in terms of:</p> <ul style="list-style-type: none"> • its impact on items, landscapes, areas, places, relics and practices • the historic, scientific, social, aesthetic, cultural, archaeological (both Aboriginal and non-Aboriginal) values of the site

	<p>As required a statement of design intent, heritage study, conservation management plan or statement of heritage impact has been submitted in support of the application.</p> <p>A due diligence assessment has been undertaken to establish the likelihood of aboriginal objects and areas of cultural heritage. Where required additional assessment has been undertaken by a person suitably experienced in identifying objects and areas of significance. Subsequent outcomes have been treated appropriately and suitable conditions been included in the development consent.</p>
<p><u>Comment</u></p> <p>The subject land is not identified as being a heritage item or in a heritage conservation area under the <i>Yass Valley Local Environmental Plan 2013</i>. The proposed development is not considered to have any impact on European heritage.</p> <p>The Applicant has undertaken a search of the Aboriginal Heritage Information Management System (AHIMS) and there are no recorded Aboriginal sites or places on the site or within 1km. There are also no site features such as water courses or ridges that would lead to an increased likelihood for the presence of Aboriginal objects.</p> <p>Appropriate conditions of Development Consent can ensure that in the unlikely event that Aboriginal objects are found, works are to immediately cease and Heritage NSW contacted for further guidance.</p>	
Water	<p>The development is unlikely to have an adverse impact on the conservation of water resources and the water cycle in terms of:</p> <ul style="list-style-type: none"> • water supply sources • treatment, reuse and disposal of waste water and runoff • drainage, flow regimes, flooding on-site, up and downstream and in the catchment flood plain • groundwater tables
<p><u>Comment</u></p> <ul style="list-style-type: none"> • Rainwater tanks are to be the source of water supply for each lots. These will be a minimum 110,000L rainwater tanks for dwellings with floor area greater than 150m². • An onsite effluent capability assessment has demonstrated that each lot can suitably accommodate an onsite effluent disposal system. • Stormwater drainage can be managed and will be subject to civil design as part of the Subdivision Works Certificate application process. 	

Soils	<p>The development is unlikely to have an adverse impact on soil conservation in terms of:</p> <ul style="list-style-type: none"> • soil qualities - erodibility, permeability, expansion/contraction, fertility/productivity, salinity, sodicity, acidity, contaminants • instability - subsidence, slip, mass movement • the movement, formation, use and management of soils • soil erosion and degradation • remediation of contaminated soils
<p><u>Comment</u></p> <p>Earthworks will be required for civil works, including the construction of the new roads. It is considered unlikely that the earthworks required will have a significant impact upon drainage patterns and soil stability as this is being appropriately addressed through the engineering design for stormwater drainage, nor will it reduce the future use of the land.</p> <p>Erosion and soil movement can be managed through sediment control measures and a sediment and erosion control plan can be requested prior to works commencing through conditions of Consent.</p> <p>There is no contaminated soils that requires remediation.</p>	
Air and Microclimate	<p>The development is unlikely to have an adverse impact on air quality and microclimatic conditions in terms of emissions of dust, particulates, odours, fumes, gases and pollutants.</p>
<p><u>Comment</u></p> <p>Any emissions of dust, particulates, odours, fumes, gasses and pollutants will be primarily during construction works. These impacts can be managed through appropriate conditions of Development Consent and compliance with all other relevant legislation.</p>	
Flora and Fauna	<p>The development is unlikely to have a significant impact on:</p> <ul style="list-style-type: none"> • critical habitats; threatened species, pollutions, ecological communities or their habitats; and other protected species • wilderness areas and national parks • wildlife corridors and remnant vegetation • the relationship of vegetation to soil erosion/stability and the water cycle • weeds, feral animal activity, vermin and disease <p>An assessment under the provisions of the <i>Biodiversity Conservation Act 2016</i> has revealed proposed development:</p> <ul style="list-style-type: none"> • will not result in serious and irreversible impacts • did not trigger the submission of a BDAR or • where a BDAR was required it has been assessed and is considered satisfactory with suitable condition being added to the development consent.
<p><u>Comment</u></p> <p>The provisions of the <i>Biodiversity Conservation Act 2016</i> and the Biodiversity Offset Scheme (BOS) apply to the proposed development. The Applicant has not provided sufficient information to demonstrate that the proposed development has not triggered the BOS. The supporting documentation assumes that the</p>	

vegetation is similar to that assessed in adjoining subdivision DA200049 based on the historic land use practices – i.e. dominated by exotic pasture. Whilst this is likely to be the case, the Applicant needs to clearly demonstrate that the proposal does not involve the clearing of 0.25ha or more of native vegetation (including native grasses) and does not have an impact on threatened species or communities which exceeds a 'test of significance'. The subject site is not identified on the Biodiversity Values Map (BVM).

It is suggested that the Development Consent be issued under a deferred commencement which requires the Applicant to demonstrate with suitable evidence that the BOS has been triggered as claimed in their supporting documentation. In the event that the BOS is triggered, the Applicant would need to modify the Development Consent and submit a Biodiversity Development Assessment Report (BDAR) and offset credits where necessary may be payable.

It is noted that building envelopes have been located to avoid all existing paddock trees.

Waste	<p>As relevant, the development will provide waste facilities and controls for:</p> <ul style="list-style-type: none"> • solid, liquid and gaseous wastes and litter • the generation, collection, storage and disposal of waste
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Comment

Individual lots will be in the area serviced by Council waste collection. There is adequate area on each lot for the storage of bins.

Waste during construction can be suitably managed and reinforced through appropriate conditions of Development Consent.

Energy	<p>The proposed development has provision to incorporate responsible energy efficiency measures in terms of:</p> <ul style="list-style-type: none"> • the overall energy needs of the development • the measures employed to save energy - passive design, solar lighting and heating, natural ventilation, shading elements, insulation, high thermal mass building materials, energy efficient appliances and machinery • the use of renewable and non-polluting energy sources? • energy needs in producing building/structural materials? • energy use by-products and waste <p>Where relevant the development also complies with the Building Sustainability Index (BASIX).</p>
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Comment

Whilst this is a subdivision only, the nature of the large lots mean that there is opportunity for dwellings to be located in a manner which achieves northern solar access. Future dwelling houses will need to satisfy the Building Sustainability Index (BASIX) minimum requirements.

Noise and Vibration	<p>The proposed development is has potential to generate offensive noise pollution or vibration in terms of noise and vibration generated from the development during its construction.</p> <p>The developer is to employ suitable controls to manage such impacts on adjoining and surrounding properties. Conditions of consent have been included to address this concern.</p>
<p><u>Comment</u></p> <p>The proposed subdivision is creating additional lots, however the noise associated with residential development on each will be consistent with the existing background levels of the surrounding land uses.</p> <p>Any noise and vibration impacts will be associated with the subdivision construction works and then future dwelling constructions works. Although this impact cannot be mitigated due to the proximity of nearby sensitive land uses (dwellings), standard conditions of Development Consent restricting hours of subdivision works can be used to appropriately manage the impact. Similar conditions will be imposed on any approvals for new dwellings.</p> <p>Furthermore, sitting above any conditions imposed on a Development Consent, the <i>Protection of the Environment Operations 1997</i> applies in relation to noise.</p>	
Natural Hazards - Geologic	<p>Risks to people, property and the physical environment as a result of geologic/soil instability - subsidence, slip, mass movement has been considered and addressed through the submission of specialist reports and physical design features.</p>
<p><u>Comment</u></p>	
Natural Hazards - Flooding	<p>Risks to people, property and the physical environment as a result of flooding has been considered and was addressed though:</p> <ul style="list-style-type: none"> • Compliance with the relevant Flood Risk Management Plan in accordance with the information submitted with the application or • The addition of conditions which require compliance with the relevant Flood Risk Management Plan or the Building Code of Australia.
<p><u>Comment</u></p> <p>A small part of the site is identified as flood affected around the existing dam. The dam is proposed to be filled in and it is considered that there is then adequate opportunity for dwellings to be located outside of a 1% AEP flood event. Full engineering design details will need to be provided as part of the Subdivision Works Certificate application. To this end, it is considered that the proposed development is compatible with the flood risk of the land.</p>	
Natural Hazards - Bushfire	<p>The development is not located on identified as being bushfire prone.</p>
	<p>The development site is bushfire prone and the development was assessed for compliance with <i>Planning for Bushfire Protection 2019</i>. The development is compatible with the bushfire risk and appropriate conditions have been included in the consent.</p>

	<p>The development site is bushfire prone, however in accordance with s.8.3.2 of <i>Planning for Bushfire Protection 2019</i> there are no bushfire protection requirements for <u>class 10a buildings located more than 6 metres from a dwelling in bushfire prone areas.</u></p>
	<p>The development is located on bushfire prone land and is Integrated Development in accordance with s.4.46 EP&A Act.</p> <p>The development application was referred to the NSW Rural Service (RFS) in accordance with s.100B <i>Rural Fires Act 1997</i>. A Bush Fire Safety Authority was issued by the RFS and the general terms of approval are included in the consent.</p>
<p>Comment</p> <p>The issue of the Bushfire Safety Authority by the RFS indicates that the proposed development is suitable for the purposes of <i>Planning for Bushfire Protection 2019</i>.</p>	
Technological Hazards	<p>The development is unlikely to present risks to people, property and the physical environment from:</p> <ul style="list-style-type: none"> • industrial and technological hazards • land contamination and remediation <p>Where potential land contamination has been identified an assessment has determined that:</p> <ul style="list-style-type: none"> • The contamination is likely to be low and does not warrant remediation as the proposed land use is not sensitive or • Specialist reports have found that the land is not contaminated or • Specialist reports have found the land to be contaminated and remediation is proposed prior to the proposed use <p>Where necessary suitable conditions have been included in the development consent.</p>
<p>Comment</p> <p>The former uses of the site have primarily been for pasture paddock and grazing. Although the land was formerly held as part of the Shaw Vineyard Estate, it has not been used for viticulture purposes and there is no known risks of contamination. The land is not picked up on Council's contaminated land database or layers. As such the proposed development for residential purposes is considered to be suitable.</p>	
Safety, Security and Crime Prevention	<p>The development includes adequate measures to address the potential for accident / injury and criminal activity.</p> <p>The proposed development is considered to be low risk</p> <p>Where necessary the application has been referred to the local police and or liquor licensing officer for comments which have been incorporated into the development consent.</p>
<p>Comment</p> <p>No additional comments.</p>	

Social impact in the locality	<p>The development is likely to have social benefits in the locality in terms of:</p> <ul style="list-style-type: none"> • community facilities and links • the interaction between the new development and the community
<p><u>Comment</u></p> <p>Proposed subdivision is consistent with the surrounding development. The subdivision supports the provision of housing needs in a low density residential setting.</p>	
Economic impact in the locality	<p>The development is likely to have economic benefits in terms of:</p> <ul style="list-style-type: none"> • employment generation • economic income • generating benefits for existing and future businesses
<p><u>Comment</u></p> <p>Economic benefit during subdivision works and construction/development of each lot.</p>	
Site and internal design	<p>The development is generally sensitive to environmental conditions and site attributes including:</p> <ul style="list-style-type: none"> • the size, shape and design of allotments, easements and roads • the proportion of the site covered by buildings • the positioning of buildings • the size (bulk, height, mass), form, appearance and design of buildings • the amount, location, design, use and management of private and communal open space • landscaping <p>The development is unlikely to affect the health and safety of the occupants in terms of:</p> <ul style="list-style-type: none"> • inadequate lighting, ventilation and insulation • inadequate building fire risk prevention and suppression • inappropriate building materials and finishes • inappropriate common wall structure and design • lack of access and facilities for the disabled
<p><u>Comment</u></p> <p>The subdivision layout is generally considered to be sensitive to the environmental conditions of the site. Building envelopes are strategically located within each lot to ensure adequate separate between development and avoid the removal of vegetation. Lots within the subdivision are primarily regular in shape and provide adequate opportunity for construction of dwellings with solar access</p> <p>The road proposed is a cul-de-sacs which limits through connectivity, however is considered to be suitable in this instance noting the location and the development constraints of the site.</p>	

Construction	<ul style="list-style-type: none"> The proposed development has provision for compliance with the Building Code of Australia (as amended) and relevant Australian standards The impacts of construction activities can be managed and suitable conditions have been included in the development consent.
<p><u>Comment</u></p> <p>The proposed development does not involve the construction of any buildings for the purposes of the National Construction Code NCC/Building Codes of Australia BCA. Standard conditions of Development Consent can be included to manage impacts of civil construction activities and are discussed elsewhere in this determination assessment (e.g. noise and vibration, waste).</p>	

(c) the suitability of the site for the development

Primary Matters	Specific Consideration
Compatibility with existing development in the locality	<p>The proposal is generally considered to be compatible with existing development in the locality as:</p> <ul style="list-style-type: none"> Utilities and services available to the site are adequate for the development The development will not lead to unmanageable transport demands Transport facilities are adequate in the area The locality contains adequate recreational opportunities and public spaces to meet the needs of the development The air quality and microclimate are appropriate for the development No hazardous land uses or activities nearby Ambient noise levels are suitable for the development The site is not critical to the water cycle in the catchment The proposal is compatible with the existing built environment
<p><u>Comment</u></p> <p>The proposed development will create additional low density residential. The land use associated with the future use of these lots are likely to be primarily residential. The proposed lot sizes and future use of the lots are consistent and compatible with the existing development in the locality.</p> <p>The additional lots are not considered to result in an unmanageable demand for transport. Adequate road transport links are available and have been discussed in the accompanying report for Council.</p> <p>The provision of open space and paths/cycleways are also discussed in the accompanying report for Council.</p>	
Site conduciveness	<p>The subject site is generally considered conducive with the proposed development as :</p> <ul style="list-style-type: none"> The site is suitable for the proposed development

to the development	<ul style="list-style-type: none"> • The site is either not subject to natural hazards including flooding, tidal inundation, subsidence, slip, mass movement, and bushfires or where it is these risks have been adequately managed • The slope of the land is suitable for the proposed development • The proposal is compatible with conserving the heritage significance of the site • The soil characteristics on the site is appropriate for development (Saline / Sodic / Acidic) • The development is compatible with protecting any critical habitats or threatened species, populations, ecological communities on the site • The site is not prime agricultural land and the development will not unduly prejudice future agricultural production • The development will not unduly prejudice the future use of the site • Cut and fill is a suitable development option for the site
<u>Comment</u>	<ul style="list-style-type: none"> • There is opportunity for dwelling houses to be constructed on each of the lots without requiring significant or unsuitable earthworks. • The site is identified as bushfire prone and a Bushfire Safety Authorities has been issued by the NSW Rural Fire Service – refer to discussion elsewhere in this assessment. • A small part of the site is identified as flood affected around the existing dam. The dam is proposed to be filled in and it is considered that there is then adequate opportunity for dwellings to be located outside of a 1% AEP flood event. Full engineering design details will need to be provided as part of the Subdivision Works Certificate application. To this end, it is considered that the proposed development is compatible with the flood risk of the land. • Building envelopes have been strategically located within each lot to ensure adequate separate between development and avoid the removal of vegetation. Lots within the subdivision are primarily regular in shape and provide adequate opportunity for construction of dwellings with solar access

(d) Any submissions made in accordance with this Act of the regulations

Primary Matters	Specific Consideration
Public Submissions	<p>An assessment of the proposed development under Council's Community Engagement Strategy has found it to be:</p> <ul style="list-style-type: none"> • consistent with the primary land use of the zoning • compliant with the requirements of the Yass Local Environmental Plan • compliant with the requirements of or meet the objectives of any applicable Development Control Plan or planning policy • unlikely to have a significant impact on adjoining or opposite properties <p>As such community consultation was <u>not</u> required.</p>

	<p>An assessment of the proposed development under Council's Community Engagement Strategy revealed that community consultation was required.</p> <p>Surrounding landowners and other interested parties were notified of the development with submitted plans and supporting information made publically available for 14 days.</p> <p>Where submissions were received the issues raised have been considered as summarised in the comments below and where appropriate have been addressed through conditions of consent.</p>
<p>Comment</p> <p>Public exhibition included notice to 15 adjoining and nearby landowners, notice to the Murrumbateman Progress Association, and an email notification to approximately 65 people who had previously made a submission on the adjoining subdivision DA200049 over the last two years. Three submissions have been received.</p> <p>The key issues raised in submissions relate to:</p> <ul style="list-style-type: none"> • Access and the road network • Services, facilities and infrastructure within Murrumbateman • Green and open space • Paths and cycleways 	
Issue	Assessment Comment
Submission #1	
The roads cannot sustain anymore abuse from construction vehicles. Or maybe the landowner should pay for [McIntosh] circuit to be fixed. More traffic from residents will be accessing/exiting onto the Barton highway.	Discussed in accompanying Council report under Access and Road Network.
No infrastructure is being built in to the village to sustain more households	Discussed in accompanying Council report under Murrumbateman Services, Facilities and Infrastructure.
Submission #2	
Development in Murrumbateman is inevitable and desirable but it must be done in a way that enhances rather than destroys the current community way of life. This means having recreation facilities and services that support the population growth and attract and retain new residents.	Noted.
The current proposed development at Isabel Drive needs to be considered as part of the broader development of Murrumbateman. The cumulative outcome of the developments at the The Fields, Summer Rise, The Meadows and the Isabel Drive sub-division is 96 new homes., conceivably 200 plus children and 100 plus dogs. These four plans have been progressed as individual developments without integrated planning or allowances for appropriate recreation facilities that will be suitable for this growing population. Where are the recreational common areas - the walking tracks, play grounds, bridle paths, bike tracks integrated access to the existing central facilities in the Village? Currently that requires crossing the busy Barton Highway to get to existing recreation services. The new development at Isabel Drive centres around a cul de sac where without other options children will inevitably play. This is hardly a safe or acceptable option.	Noted. Discussed generally in the accompanying Council report, including under Green and Open Spaces and Paths and Cycleways.

<p>The emphasis on carbon neutral activities and appreciation of climate change impacts calls for walking and bike access around the village and within walking distances capable by young children. While new paths are being constructed down McIntosh Circuit these do not lead to playgrounds or game areas within suitable walking distance. The option is for parents to drive their children into play grounds and sporting facilities in the ACT. This makes Murrumbateman a less attract option for families and a high vehicle emission option.</p> <p>Look at models in Merryville Estates and Merryville Park and in developments in the ACT where well being indicators assess social, economic, environmental and community impact of development. The stated public interest benefits of Isabel Drive are "rural residential in close proximity to Canberra". It is not rural residential it is low density residential and without appropriate local recreation facilities it will force residents to seek these in Canberra.</p>	
<p>Commercial development will always follow suburban development. Where there is a profit to be made services will be offered. However, there is no profit in communal or recreation areas. These can not be retrofitted. They must be considered as part of the overall integrated planning. The submission and consideration of separate applications for these sub-divisions is counter intuitive to integration.</p>	<p>Noted. Discussed generally in the accompanying Council report, including under Murrumbateman Services, Facilities and Infrastructure.</p>
<p>I ask Council to consider the setting aside of spaces for recreation facilities within Murrumbateman and requiring developers to make allowances in their plans for such spaces within and between sub-divisions.</p>	<p>Discussed in accompanying Council report under Green and Open Spaces.</p>
Submission #3	
<p>The extreme pressure excessive traffic is putting on McIntosh Circuit. The road seems to be the only major arterial road out of the area. This indicates very poor planning on behalf of the council as it appears there need to be further alternatives to exit or enter. The road is poorly maintained at the best of times and with further traffic and a good number of large trucks it is in constant disrepair. This is becoming dangerous as vehicles are constantly swerving to miss potholes.</p>	<p>Discussed in accompanying Council report under Access and Road Network.</p>
<p>The main traffic appears to flow along McIntosh southwards towards Canberra. It is difficult for existing residents to exit their driveways safely given the consistency and speed of peak hour traffic. School buses also use this road and increasing traffic flow and speed puts children at increasing risk. The speed should be decreased that vehicles are allowed to travel to deter speeding and increase safety.</p>	<p>Discussed in accompanying Council report under Access and Road Network.</p>
<p>The intersection where McIntosh joins the Barton highway at Murrumbateman Winery is becoming increasingly busy due to increases of traffic and accidents are frequently occurring.</p>	<p>Discussed in accompanying Council report under Access and Road Network.</p>
<p>Poorly designed and maintained speed humps on South street deter motorists using this as an alternative to access the Barton Highway.</p>	<p>Discussed in accompanying Council report under Access and Road Network.</p>
<p>Subdivisions seem not to be required to provide green space as an essential part of their plan. Extensive use of hard surfaces on small blocks provides little respite or resources for indigenous birds and animals. Or self reliant water management and storage. It should not be assumed that the paddock or block next door provides this. It should be an integral part of the plan to maintain and nurture the environment and self sufficient land management.</p>	<p>Discussed in accompanying Council report under Green and Open Spaces.</p>

<p>I note a fire plan for the proposed subdivision. I am unconvinced that McIntosh Circuit could cope with a full evacuation if a fire like the Canberra fires were to occur.</p>	<p>Discussed in accompanying Council report under Bushfire – Egress.</p>
<p>Submissions from Public Authorities</p>	<p>Where relevant submissions received from Government or Public Authorities have been considered with any issues raised being resolved, addressed by conditions of consent/general terms of approval or considered not relevant to the development</p>
<p>Comment</p> <p>The development is located on bushfire prone land and is Integrated Development in accordance with s.4.46 EP&A Act. The development application was referred to the NSW Rural Service (RFS) in accordance with s.100B <i>Rural Fires Act 1997</i>. A Bush Fire Safety Authority was issued by the RFS and the general terms of approval are included in the consent.</p> <p>There were no other submissions sought or received from public authorities.</p>	

(e) the public interest

Primary Matters	Specific Consideration				
Government (Federal, State and Local) and Community Interests	Government and community interests have been considered and are satisfied as:				
	<ul style="list-style-type: none">• The proposed development complies with the Council Policies identified as applicable in the <u>schedule below</u>. Where a variation to this policy has been supported details have been included in the comments.• The proposed development is generally consistent with any relevant planning studies and strategies• Covenants not imposed by council have been set aside for the purpose of this assessment• The proposal generally complies with all other covenants, easements, restrictions and agreements that have an bearing on the proposal• Issues raised in public meetings and inquiries have been considered. Where relevant more detail has been provided under the heading public submissions.• It is unlikely that the development will have a detrimental effect on the health and safety of the public				
	<u>Comment</u>				
	Council Policies	Policy	Code	Applicable	N/A
		Building Line – Rural and Residential Land	DA-POL-8	✓	<input type="checkbox"/>
		Building Line - Urban	DA-POL-4	<input type="checkbox"/>	✓
Building Over Sewer Mains		SEW-POL-1	<input type="checkbox"/>	✓	

	Development Assessment and Decision Making	DA-POL-18	✓	<input type="checkbox"/>
	Holiday Cabins – Micalong Creek Subdivision	DA-POL-3	<input type="checkbox"/>	✓
	Kerb and Gutter Construction	ENG-POL-4	<input type="checkbox"/>	✓
	Non-Urban Fencing	DA-POL-12	✓	<input type="checkbox"/>
	Off-Street Car Parking	ENG-POL-8	<input type="checkbox"/>	✓
	Provision of Electricity Supply and Telecommunications Service for Subdivisions	DA-POL-17	✓	<input type="checkbox"/>
	Road Naming	RD-POL-6	✓	<input type="checkbox"/>
	Road Standards	RD-POL-9	✓	<input type="checkbox"/>
	Temporary Accommodation	DA-POL-2	<input type="checkbox"/>	<input type="checkbox"/>
	Truck and Transport Depots in Rural Areas	DA-POL-11	<input type="checkbox"/>	✓
	Water Supply in Rural Areas and Villages	WS-POL-2	✓	<input type="checkbox"/>

Comment

Building Line – Rural and Rural Residential Land DA-POL-8

The setbacks of new building envelopes in the subdivision are generally consistent with the minimum setback requirements of the policy. This is to ensure adequate separation between development on existing lots and between new lots.

Development Assessment and Decision Making DA-POL-18

The Application is reported to a meeting of Council for determination as it involves issues relating to a roundabout location which has been previously considered by Council as part of DA200049 which had attracted a large number of submissions.

Non-Urban Fencing DA-POL-12

Standard conditions of Development Consent can require fencing in accordance with the policy.

Provision of Electricity Supply and Telecommunications Services for Subdivision DA-POL-17

Standard conditions of Development Consent can require Notice of Arrangement (NOA) for electricity and certificate of practical completion for fibre ready telecommunication infrastructure to be provided prior to the issue of a Subdivision Certificate.

Road Naming RD-POL-6

The naming of any new roads should be in accordance with the policy and also the NSW Address Policy and User Manual. Standard conditions of Development Consent can require road names to be submitted for approval.

Road Standards Policy RD-POL-9

The policy applies for the construction of roads and property accesses. Preliminary assessment by Council engineers has indicated that the proposed subdivision has the potential to comply with the requirements of the policy, with full detailed engineering design drawings needing to be provided for approval prior to the issue of a Subdivision Works Certificate.

Water Supply in Rural Areas and Villages WS-POL-2

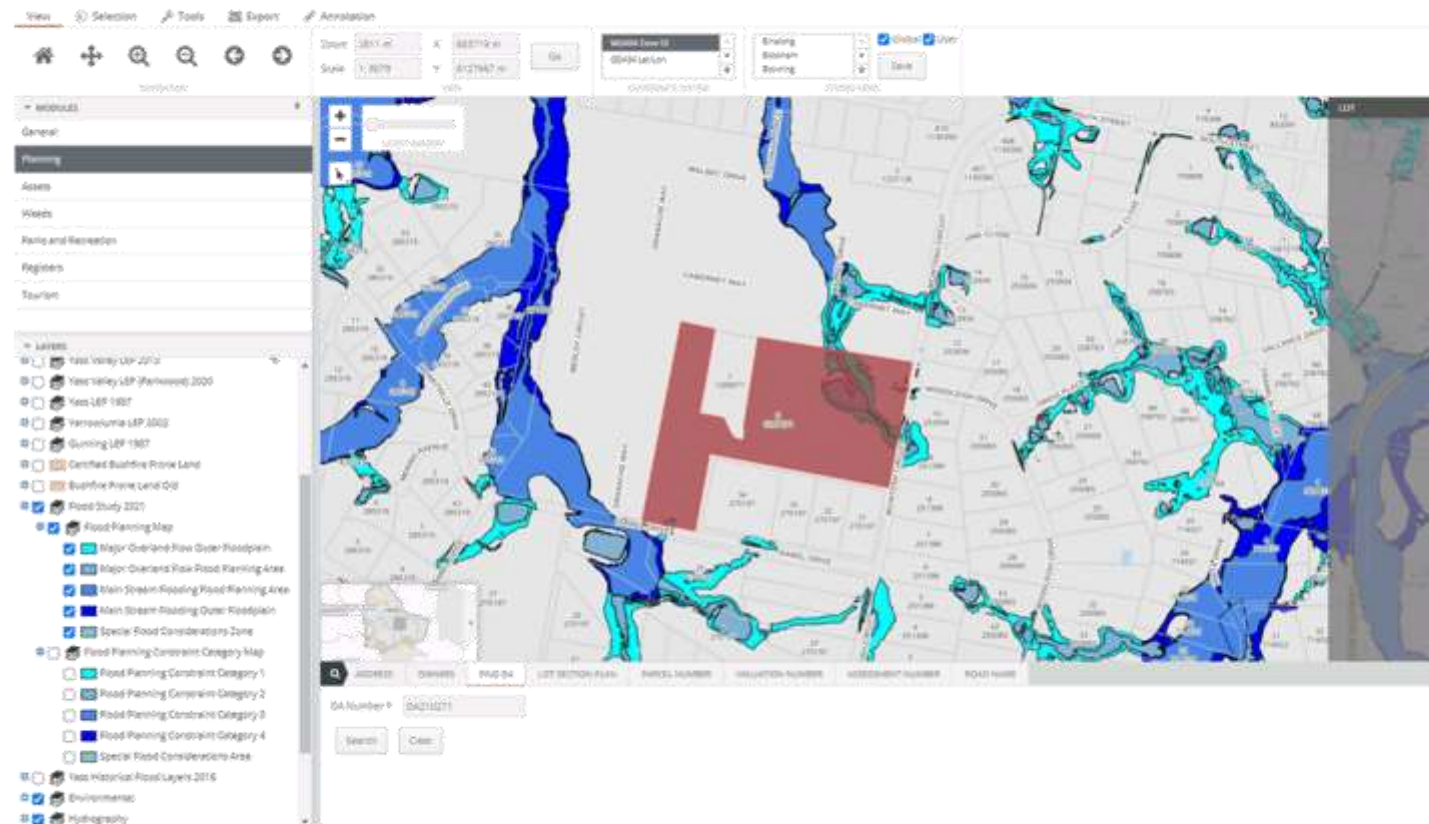
The subject land is not within an area serviced by potable reticulated water supply. The Applicant has proposed the use of 110,000L rainwater tanks connected to each dwelling. This is in excess of the minimum requirements of the policy.

**Deposited
Plans and 88B
Instruments**

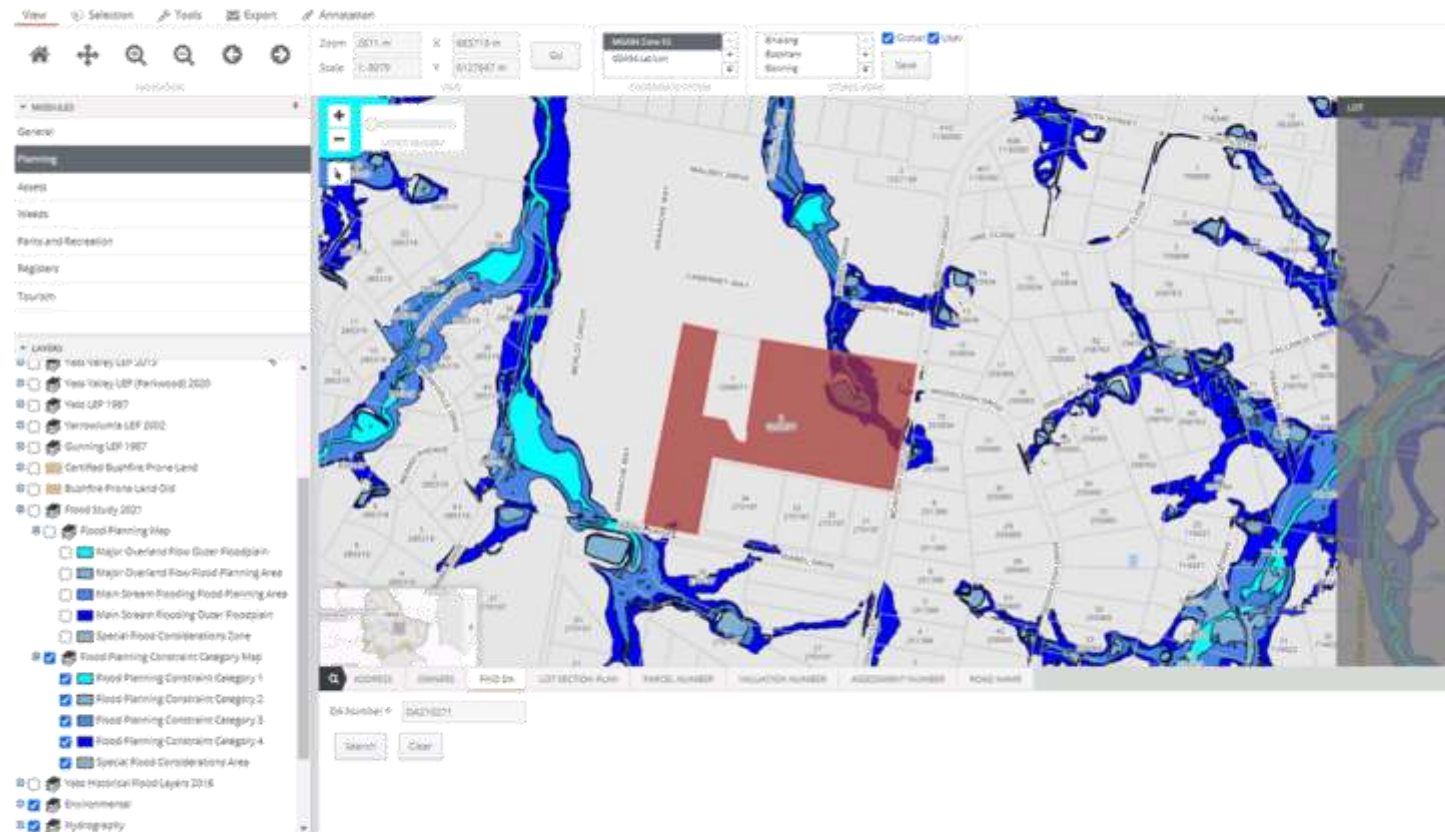
Comment

The proposed development is not contrary to any existing 88B restrictions or easements.

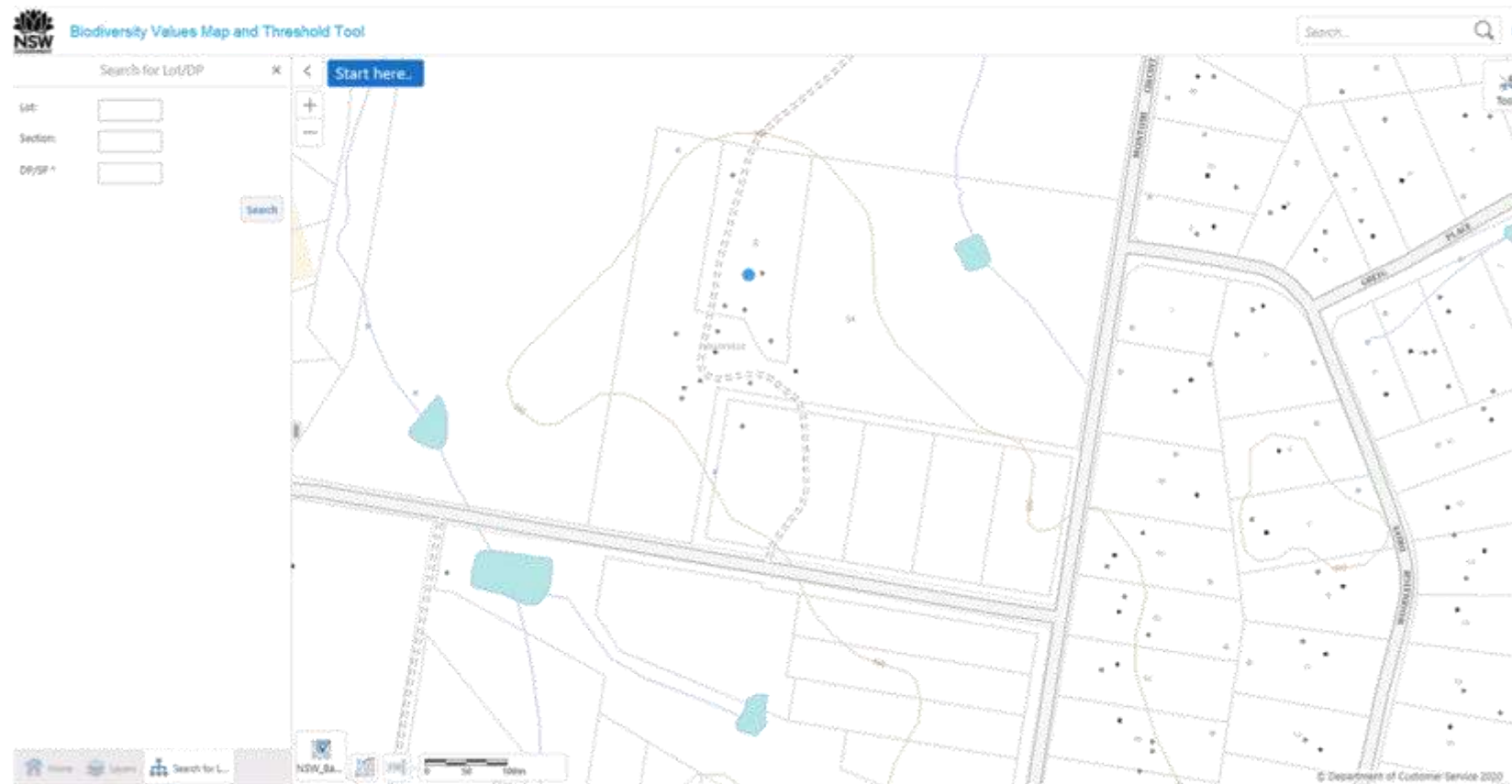
Flood Planning Map



Flood Planning Constraint Category Map



Biodiversity Values Map



DA210271 – Draft Conditions – 34 Isabel Drive

Part A Deferred Commencement Conditions

1. This consent does not operate until Council is satisfied as to the matters relating to Condition (2) in Part A and no use of the site or work is to physically commence in respect of the development until such time as Council has notified the applicant in writing that these conditions have been satisfied and the date from which this consent operates.
2. The Applicant must demonstrate with supporting evidence that the proposed development does not trigger entry into the Biodiversity Offset Scheme (BOS) under the *Biodiversity Conservation Act 2016* as stated in the accompanying Statement of Environmental Effects (SEE).
3. The period within which the applicant is to produce evidence to the Council sufficient enough to enable it to be satisfied as to the submission and approval of the information required by Condition 2 in Part A is five (5) years from the date of determination of the development application to which this consent relates. If the required information is not provided within this period the consent will lapse.

Part B General Conditions

4. Consent is granted generally in accordance with the plans and details submitted to Yass Valley Council (Council) with the Development Application. The plans and details have been stamped and attached to this consent. The development must be carried out in accordance with the stamped plans or as modified by these conditions.
5. This approval relates only to the development referred to in the Development Application and does not approve or accept any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior approval.
6. A Subdivision Works Certificate, as defined by the *Environmental Planning and Assessment Act 1979*, shall be obtained for all engineering works prior to any works commencing on site. Council's fee for providing a Construction Certificate is levied in accordance with Council's Management Plan relevant at the time of payment.
7. All engineering design and construction work shall be undertaken in accordance with the following, current at the time of the Subdivision Works Certificate being issued:
 - Council's Road Standards Policy RD-POL-09
 - Specific Requirements of Transport for NSW
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards and
 - AustRoads
8. All adjustments to existing utility services, whether caused directly or indirectly by the approved development, must be undertaken at no cost to Council.
9. Public access to the site and construction works, materials and equipment on the site is to be restricted, when construction work is not in progress or the site is unoccupied.

10. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to the satisfaction of Council as shall any techniques to suppress dust and the tracking of sediment onto existing sealed roads.
11. Noise, dust and odour generated as a result of the development must comply with the provisions of the *Protection of the Environment Operations Act 1997*.

Part C Prior to Issue of Subdivision Works Certificate

12. Engineering drawings for the provision of access to each lot shall be submitted to Council's Infrastructure & Assets Directorate for approval in accordance with:
- Council's Roads Standards Policy RD-POL-09 and
 - Council's Design and Construction Specification – AUS-SPEC #1.
13. Engineering drawings for the construction of roads with the sub-division shall be submitted to Council's Infrastructure & Assets Department for approval in accordance with:
- Council's Roads Standards Policy RD-POL-09 and
 - Council's Design and Construction Specification – AUS-SPEC #1.

All cul-de-sacs shall have a 12m turning radius and provided with an asphaltic concrete wearing surface. Minimum standard 40mm thick AC14. In accordance with Council's Road Standards Policy RD-POL-9. The road reserve will need to be increased at cul-de-sac ends to cater for the turning radius and road verge.

New upgrade road works shall also include the following ancillaries items:

- The installation of culverts to allow the passage of stormwater under the road, as required.
 - creek crossings, as required, and any associated approval/permits/licences.
 - where adequate clear zones cannot be achieved alternate safety measures (eg safety barriers) are to be installed.
 - Lines and signs in accordance with TfNSW standards, as required, plus any required advisory signs.
14. Engineering drawings for the design and construction of a roundabout at the intersection of Isabel Drive and McIntosh Circuit are to be submitted to Council's Infrastructure & Assets Division. As a minimum, the pavement of the roundabout is to be asphaltic concrete.
- The centre of the roundabout shall be concrete or asphalt.
 - Turning templates shall be provided showing that the maximum vehicle can pass through the roundabout
15. Engineering drawings for the design and construction of shared path connections into the existing network at the following locations are to be submitted to Council's Infrastructure & Assets Division:
- From the intersection of the new road and Isabel Drive (i.e. connection into the network on Isabel Drive or McIntosh Circuit).
 - From the termination of the existing shared path of Isabel Drive into the horse trail under construction per Development Consent DA200049 near the intersection of Isabel Drive and Merryville Drive.

The shared path connection should generally be 2.5m wide, 100mm thick, reinforced concrete or asphalt on 50mm thick, reinforced concrete or asphalt on 50mm compacted road base, unless approved by the Council's Director Infrastructure & Assets.

16. Engineering drawings associated with the drainage of stormwater shall be submitted to Council's Infrastructure & Assets Directorate for approval in accordance with:

- Council's Road Standards Policy RD-POL-09; and
 - Council's Stormwater Policies and
 - Council's Design and Construction Specification – AUS-SPEC #1.
- (a) These documents will include details of the discharge of stormwater off the site (including quantities for various storm event and is to include stormwater that falls on the site or enters the site from upstream), what is proposed to manage the discharge (including details of any infrastructure etc), the potential downstream effects of such discharges and actions proposed to ameliorate such effects and what is proposed to ameliorate any effects on the site from stormwater from upstream of the site.
- (b) These documents will include details of how overland flows from lots to lots within the development is proposed to be managed so as not to adversely impact the downstream lots.
- (c) The stormwater system shall be designed to ensure that discharge from the site post development is not exceed when compared to pre development flows for a 1 in 5 and 1 in 100 year ARI.
- (d) An overland flow path to accommodate the discharge from a 1 in 100 year storm event shall be identified on the drawings in order to ensure no adjoining property is being affected by the stormwater runoff as a result of the proposed development.
- (e) Stormwater mains are to be designed to cater for the entire developed catchment to allow for future development of adjoining land.
- (f) Stormwater ties are to be provided for each individual lot.
- (g) Where the 1 in 100 year flow path is not located within an easement over private land or the road reserve then the land it is located on is to be community land managed by a community association.
- (h) If any devices (e.g. detention basins, OSD etc.) are required to satisfy this condition they are to be fully located on private land or community land.
- (i) A review is to be undertake to determine the any potential upstream dams/structures will required dam breach assessments. If review indicates these are required they must be provided to satisfy this condition.
- (j) The applicant must not fill any dam located on the property without the specific approval of Council. Any filling within 1%A EP flood is normally unacceptable unless compensatory excavation if provided to ensure there is no net loss of floodplain storage volume below 1% AEP.

17. Design Certification Report relating to the detailed engineering design work shall be submitted to Council as per Council's Design Specification - AusSpec #1, Annexure DQS-A.
- This Design Report shall provide evidence that suitably qualified designers have designed each component of the engineering works for the development.
18. A Construction Environmental Management Plan (CEMP) to address construction activity is to be prepared and submitted to Council. The Construction Environmental Management plan shall include:
- Details for waste management
 - Details for minimising impacts on neighbouring properties
 - Details for minimising impacts on the road network
 - Suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from Council's road reserve.
 - Appropriate signage and fencing is to be installed and maintained.
 - The proposed construction site's entrance is to be clearly shown.
 - The dam dewatering plan.
19. A list of three street names, for each new street shall be submitted to Council for consideration and approval in accordance with Council's Naming of Roads Policy RD-POL-6. For each proposed street name information must be supplied for the reason for the names and any historical significance.

If a proposed street name has Aboriginal significance or root then written approval from the appropriate Aboriginal Land Council is to be supplied.

Part D Prior to Subdivision Works Commencing

20. The person having the benefit of this Development Consent must provide at least two days' notice to Council of their intention to commence subdivision work. This will require Form 131 to be submitted to Council.
21. Any contractor undertaking works in an existing Council road reserve must submit the following details to Council:
- A current public liability certificate with a minimum cover of \$20 million
 - Current plant / vehicle insurances
 - A certified traffic control plan for the proposed works
22. A sign must be displayed and maintained in a prominent position on the site while subdivision work is being undertaken and removed upon completion.
- The sign must list the following details:
- The name, address and telephone number of the Principal Certifying Authority
 - The name or the Principal Contractor and an after-hours telephone number and
 - That unauthorised entry to the site is prohibited.
23. Toilet facilities must be provided at the work site. Each toilet provided must be:

- (a) a flushing portable toilet maintained under a service agreement with an accredited service provider; or
- (b) a standard flushing toilet connected to a public sewer; or
- (c) a standard flushing toilet connected to an accredited on-site sewage management facility approved by Council.

24. A Soil and Water Management Plan shall be submitted to Council's Infrastructure & Assets Directorate for approval in accordance with Council's Design and Construction Specification – Ausspec#1. The plan shall include construction techniques to minimise site disturbance and the potential for soil erosion by wind or water, erosion control on any watercourse on the property, revegetation of disturbed areas and any other matters that are deemed necessary by Council.

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

Part E Inspections

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

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

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

25. A compliance certificate must be obtained from Council's Infrastructure & Assets Division at the following stages of construction:

Roads

- (a) **Completion of property access.** This inspection is for access dimensions and to ensure there are no 'trip-fall' hazards. Compliance with change in longitudinal grade will only be undertaken where it can be confirmed via WAE drawings
- (b) **Completion of sub-grade pavement layer including roundabout**– proof roll
- (c) **Completion of base course pavement layer including roundabout**– proof roll
- (d) **Completion of two coat bitumen seal** – visual only
- (e) **Completion of asphalt cul-de-sacs and roundabout**– visual only
- (f) **Completion of boundary fencing** of each lot created.
- (g) **Completion of roadside drainage and associated kerbing**
- (h) **Completion of kerb and guttering, where required**
- (i) **Completion of path connections or pathways**

Stormwater

- (j) **Completion of stormwater drainage line** – prior to backfilling
- (k) **Completion of stormwater detention infrastructure** – if any
- (l) **Completion of stormwater quality improvement infrastructure** – if any

Other

- (m) **Completion of streetscaping and other public landscaping**
- (n) **Practical Completion**

26. An inspection must be undertaken by the Local Control Authority to determine the status of weeds on each proposed lot.

Part F Tree Management

27. All trees that are proposed to be retained must be protected prior to any site works or civil works commencing on the site in accordance with *AS 4970-2009 - Protection of Trees on Development Sites*.
28. The removal of trees from the site is restricted to those in accordance with the plans and details submitted to Council with the Development Application, stamped and attached to this consent.
29. The applicant shall nominate a suitably qualified and experienced person who will be responsible for overseeing the tree removal and tree management.
30. (Public access to the site is to be restricted when tree removal work is in progress or the site is unoccupied. All public safety provisions must be in place prior to the commencement of any works and must be maintained throughout tree removal work.
31. A suitably qualified and/or experienced tree arborist is required to carry out all tree removal.
32. All tree pruning must be undertaken in accordance with *AS 4373-2007* and by a suitably qualified and/or experienced tree arborist.

Part G Dam Dewatering

33. A dam dewatering plan prepared by a suitably qualified and experienced person shall be submitted to Council and shall be implemented for any dams to be filled. Long neck turtles are present in some of the farms dams that are proposed to be drained. These turtles are protected fauna and will need to be captured and relocated when the dams are dewatered prior to being filled. An ecologist will be required to be present to capture and relocate turtles or other native fauna within the dams during the dam dewatering process.

Part H Aboriginal Sites and Objections

34. Should any additional Aboriginal sites, objects or suspected human remains be unearthed during works associated with the subdivision, all work must cease and the NSW Government Environment Line (131 555) is to be contacted immediately. No works is to recommence at the location unless authorised by Heritage NSW in writing.
35. Should any additional potential archaeological relics are discovered during works associated with the subdivision, all work must cease and NSW Government Environment Line (131 555) is to be contacted immediately. No works is to recommence at the location unless authorised by Heritage NSW in writing.
36. If impacts to Aboriginal heritage sites or objects are found to be a possibility from the proposed development then consultation should be undertaken to discuss management and mitigation options in accordance with the *"Aboriginal Cultural Heritage Consultation Requirements for Proponents"*.
37. All Aboriginal objects and places are protected in NSW under *National Parks & Wildlife Act 1974*. It is an offence to harm an Aboriginal object or place without an approval issued by the Heritage NSW.

Part I Before the issue of a Subdivision Certificate

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

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

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

The contribution rate is determined in accordance with the table below

- 39.** A levy under the Building and Construction Industry Long Service Payments Act 1986, equivalent to 0.35% of the value of the works, shall be paid to Council, where the value of such works is greater than \$25,000.00;
- 40.** Roads and associated infrastructure is constructed/upgraded in accordance with either Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
- 41.** The property vehicular accesses from the road to the property boundary must be constructed in accordance with Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
- 42.** Street name signs shall be installed at the entrance to each new road. The street sign shall be in accordance with Council's standard urban street sign design. Where the road is no-through a "no-through road" sign is to be installed
- 43.** Stock proof fencing must be provided to all boundaries of the proposed lots in accordance with Council's Non-Urban Fencing Policy DA-POL-12.

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

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

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

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

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

44. In accordance with the Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17, evidence must be submitted to Council demonstrating that a satisfactory standard of electricity supply is available to each lot within the subdivision.
45. In accordance with the Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17, evidence must be submitted to Council demonstrating that a satisfactory standard of telecommunications service is available to each lot within the subdivision.
46. The applicant must confirm by survey that the formation and associated batters and drainage structures of McIntosh Circuit and Isabel along the frontage of the subject property, are within the road reserve.

Where the existing road is within the subject land, the applicant must ensure that the legal and physical attributes coincide by adjustment of the road reserve. The Applicant's request for a Subdivision Certificate must include specific reference to the review and whether or not adjustment of the road reserve is necessary.

47. Easements must be created on the final plan of subdivision centred on any existing or new power lines/cables passing through private property and must be in accordance with the service provider's requirements.
48. Building envelopes must be designated on the final plan of subdivision over each proposed lot in accordance with the approved plan of subdivision.

The accompanying Section 88E instrument must state that no permanent or temporary dwellings and/or outbuildings and associated infrastructure are permitted to be erected outside of the identified building envelope shown on the plan of subdivision.

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

49. A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on all lots created requiring potable water storage (rainwater tanks) to the following minimum standard:

- 45,000 litres for houses less than 150 m²
- 110,000 litres for houses in excess of 150 m².

Above ground tanks shall provide for the refilling of fire tankers by the installation of a "Storz" fitting at the base of the tank with a gate valve. The house service may branch off this outlet. Underground tanks shall include an access hole at least 150mm diameter;

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

- 50.** A restriction to user under Section 88B of the Conveyancing Act 1919 must be placed on all lots created prohibiting the use of the following onsite effluent disposal systems:

- (a) Primary treatment septic tank and absorption trench.
- (b) Subsoil irrigation beds for effluent dispersal of wet composting closet treatment systems (e.g. worm farms).

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

- 51.** A restriction to user under Section 88B of the Conveyancing Act 1919 requiring the installation of only advanced wastewater treatment systems with nutrient reduction linked to subsurface irrigation must be placed on the following lots (inclusive): Lots 1,3,4,11,17,18,19, and 24.

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

- 52.** A restriction to user must be created under section 88 of the Conveyancing Act 1919 over all proposed lots stating:

An on-site effluent disposal system must not be installed without the consideration of the Land Capability Assessment Stage 3 – 13 August 2021 (V01) prepared by John Franklin of Franklin Consulting, submitted in support of the subdivision.

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

- 53.** One complete set of “Work as Executed” (WAE) drawings, indicating all details of new engineering works constructed, shall be submitted to Council.

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

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

Shall include separate details of for the following:

- (a) Stormwater (including detention structures) - Location, Depth, Size, Material, Easement, Invert Level, Grades, Pit Details and tie details;
- (b) Transport Infrastructure – roads plan, cross sections, long sections, pavement details, K&G details, Footpath and Cycleway Details, Bus Stop Details, Street Light Locations;
- (c) Details of property accesses including a cross section from the centre of the road to at least 3 metres into the adjacent property. Cross section to show all change in grades
- (d) Landscaping Details;

(e) Other Utilities – Gas, Telstra, Electricity, Fibre Optic Cable locations, Depths, Easements and heights in comparison to the roads centre line;

(f) Survey Mark Details – Marker Numbers and AHD.

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

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

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

Roads

- Length, width, gravel depth;
- Earthworks cost;
- Pavement cost;
- Seal cost;
- Guidepost numbers and cost;
- Raised pavement markers numbers and cost;
- Guardrail type, size in metres and cost;
- Signposts cost;
- Kerb and gutter length and cost
- Footpath cycleway length, width and cost;
- Open drainage works length and cost;

Stormwater Drainage

- Pipe type, length and cost;
- Pit type, number and cost;
- Headwalls, number and cost;
- Rockwork area and cost;
- Stormwater quality improvement features, type, number and component costs.

Sewerage Infrastructure

- Pipe type, length and cost;
- Pit type, number and cost;
- Pump well type and cost;
- Electrical and Control equipment type and cost;
- Backup generator type and cost;
- Monitoring equipment type and cost.

Water Supply Infrastructure

- Pipe type, length and cost;
- Valve type, number and cost;
- Hydrant type, number and cost;

Other Assets

- Description, dimensions and cost e.g. Horse bridle path

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

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

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

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

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

- 57.** A Subdivision Certificate Application (Form 206) must be submitted to Council.

The application is to be accompanied by the following:

- (a) A plan of subdivision (linen plan) acceptable for registration by the NSW Land and Property Information Office.
- (b) An Administration Sheet which incorporates a subdivision certificate acceptable for registration by the NSW Land and Property Information Office.
- (c) Where easements, rights of carriageway or restrictions on the use of land are proposed or required to be created under Section 88 of the *Conveyancing Act 1919*, a copy of the relevant instrument.
- (d) The relevant documents required by the NSW Land and Property Information Office for the registration of a Community scheme or a Strata scheme, if applicable.
- (e) The applicant must create, where applicable, 20 metre wide easements over the final plan of subdivision in favour of Essential Energy, centred on all existing power lines which cross the subdivision.
- (f) A copy of relevant development consent or complying development certificate.
- (g) A copy of any relevant construction certificate.
- (h) A copy of any relevant compliance certificates, letters from authorities and receipts for payment of any fees/contributions.

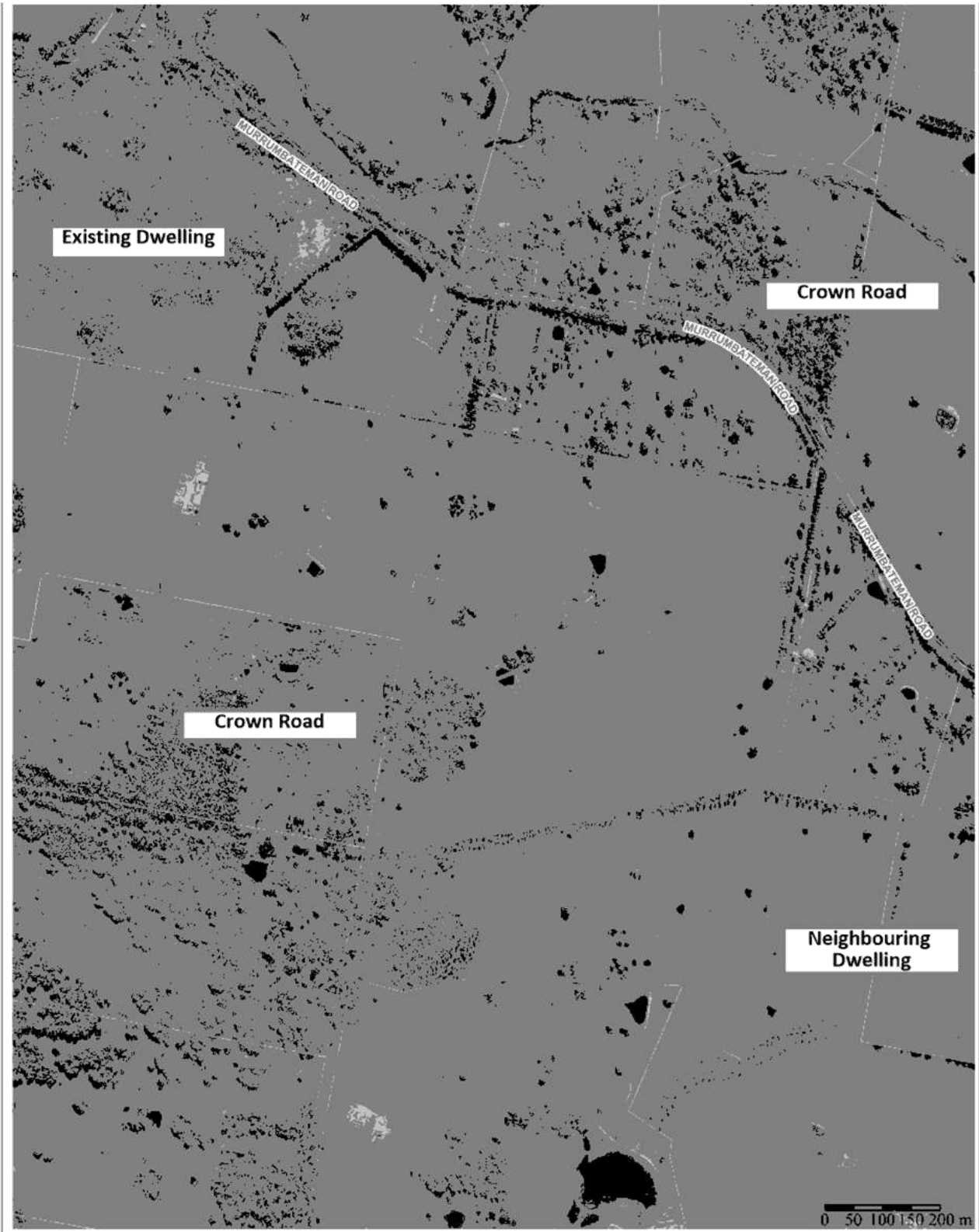
- (i) A copy of detailed subdivision engineering plans, where relevant.
 - (j) Evidence that the applicant has complied with all conditions of consent that it is required to comply with before a subdivision certificate can be issued.
 - (k) For subdivision involving subdivision work, evidence that the work has been completed, or:
 - Agreement has been reached with the relevant consent authority as to payment of the cost of work and as to the time for carrying out the work, or
 - Agreement has been reached with the relevant consent authority as to security to be given to the consent authority with respect to the completion of the work.
 - (l) The relevant fee payment at the date of application for the subdivision certificate.
58. The subdivision certificate will not be issued until all conditions of this consent have been complied with in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

Advisory Notes Accompanying Development Consent DA210271

1. This consent has been granted under Clause 4.1 of *Yass Valley Local Environmental Plan 2013*.
2. All fees and charges associated with this consent will be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region.
3. This development consent does not guarantee compliance with land specific agreements, by-laws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the land owner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved.
4. The applicant must ensure all sub-contractors are licensed by the NSW Department of Fair Trading.
5. All persons undertaking work in connection with this consent must ensure all required risk control measures and procedures are complied with.

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

6.6 Development Applications No. DA210228 & DA210232 - Dwelling House (Dual Occupancy) and Subdivision, 838 Murrumbateman Road, Nanima
Attachment A Locality Plan



yass valley council
the country the people

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Telephone: 02 6326 1477
Email: general@yass-valley.nsw.gov.au

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made as to the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, Yass Valley Council nor the NSW Natural Resources Commission or its related entities, including its subsidiaries, accept any responsibility for any particular purpose and disclaims all responsibility and liability (including indirect liability, failure to negligent) for all expenses, losses, damages (including indirect or consequential damages) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reliance.

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Locality Plan

Map Scale: 1:8882 at A4

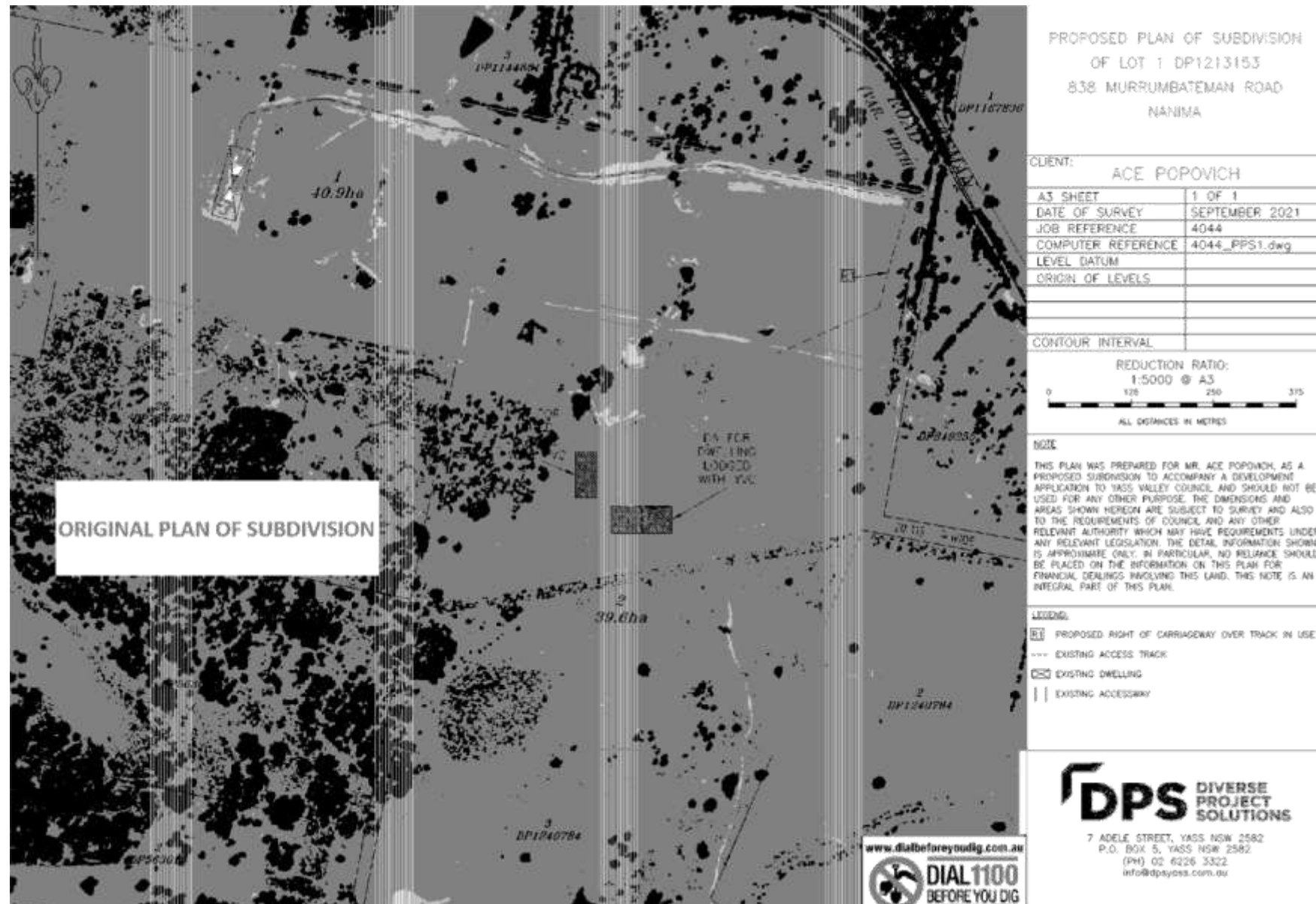
Drawn By: Jeremy Knox

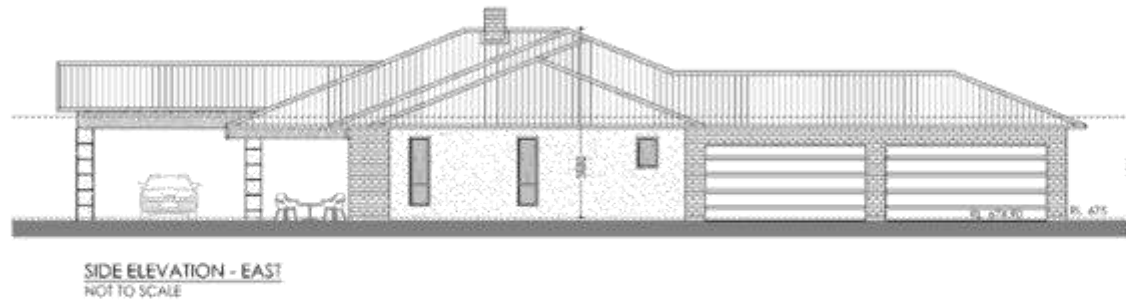
Projection: GDA94 / MGA zone 55

Date: 15/01/2022 2:10 PM

6.6 Development Applications No. DA210228 & DA210232 - Dwelling House (Dual Occupancy) and Subdivision, 838 Murrumbateman Road, Nanima
Attachment B Plans of Subdivision







TP DYNAMICS

17 SUMMIT ST
MURUMBATEMAN NSW 2617
TEL: 02 4282 7100

TP DYNAMICS

PROPOSED SECOND DWELLING
LOT 1
DP1213153
MURUMBATEMAN NSW

ELEVATIONS SHEET 1

NTS
1:1
A03

JUL '21



REAR ELEVATION - SOUTH
NOT TO SCALE



SIDE ELEVATION - WEST
NOT TO SCALE

TP DYNAMICS

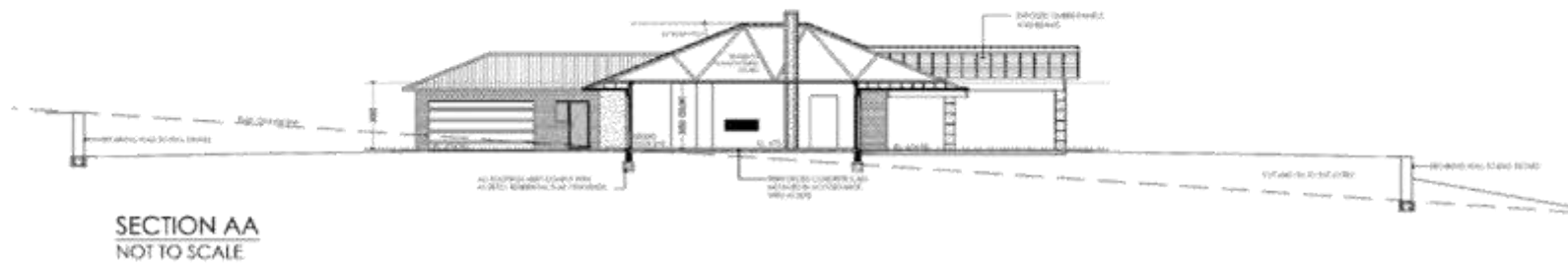
17 BUNNIE ST
MARRICKVILLE NSW 2127
TEL: 02 4282 7400

TP DYNAMICS

PROPOSED SECOND DWELLING
LOT 1
DP1213453
MURRUMBATEMAN NSW

ELEVATIONS SHEET 2

NTS
1:1
A04



GENERAL SPECIFICATIONS

Builder to prepare the site in accordance
BCA part 3.1.2

A soil classification is to be provided in
accordance with AS 2870.1 Appendix D
and a certificate from a practicing
engineer.

All steel lintels are to be in accordance with
BCA figure 3.3.3.4 & 5 and timber lintels to
AS 1684.2 and supplement N1 / N2

Timber Hazard Level H2 & Durability Class 3 for
inside and above ground to be provided.
Timber Hazard Level H3 & Durability Class 2 for
outside above ground to be provided.
Timber Hazard Level H4 & Durability Class 2 for
outside in ground to be provided.

Flashings to BCA fig 3.3.4.4 & 5
Vapor barrier, DPC, and vents / weep holes to
BCA fig 3.3.4.1 & sub floor venting to BCA
fig 3.4.1

Smoke alarms to be hard wired to BCA fig 3.7.2.3

LINTELS FOR BRICK OPENINGS

MAXIMUM SPANS	SIZE
Standard openings up to max. stud opening 900mm	90 x 10 plate
Max. stud opening 1800mm	100 x 100 x 10 angle
Max. stud opening 2700mm	150 x 100 x 10 angle

TP DYNAMICS

17 SUMMIT ST
MURRUMBATEMAN NSW
2517
TEL: 02 4282 7100

TP DYNAMICS

PROPOSED SECOND DWELLING
LOT 1
DP1213453
MURRUMBATEMAN NSW

SECTION & CONSTRUCTION NOTES

A05

JUL 21

Submission # 1

Jeremy Knox

From: [REDACTED]
Sent: Monday, 8 November 2021 7:58 PM
To: Jeremy Knox
Subject: DA 210228 and 210232

Follow Up Flag: Follow up
Flag Status: Completed

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

Dear Mr Knox

Please find attached our amended comments on the above proposed developments

We have the following comments in relation to the above proposed subdivision and dual occupancy.

DA 210228

We support and agree with the objections raised by [REDACTED]

We have reviewed the objectives of Zone RU1 and note that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

In our view, the proposed subdivision does not meet any of the objectives specified for the Zone.

The proposal does not maintain or enhance the natural resource base, does not encourage primary industry suitable for the area, does not minimise fragmentation, conflict of land use, does not protect biodiversity, does not maintain our rural character, does not protect pasture land and is a subdivision and use that is more suited to the fringe of urban areas.

The land is not being used for primary industry and our concerns are that it is being developed for commercial purposes. Our adjacent primary industry activities eg sheep, cattle and grapes could be significantly impacted by commercial development.

DA210209 will require further amendment due to the change in Harvestable Rights Calculation. We would be concerned if ground water were required to support non-agricultural activities.

The reduction of block size does not enhance the rural character of our area. In fact, the existing building is located in a very prominent position and incongruent with the surrounding area. The activity in and around the building detract from the rural atmosphere especially late at night.

Presumably, if the subdivision is approved, there could be a development application for dual occupancy on each block, thus four "residences"?

The Applicant has a poor track record of compliance with Local Government regulations and has aroused community concerns with their activities.

We believe an overall development plan for the property is required to enable a proper assessment of all their current and possible future development proposals.

DA210232

We support and agree with the objections raised by [REDACTED]

We are particularly concerned that the nature of the dual occupancy is not residential but another "luxury retreat" to be used for commercial purposes.

The size of the current residence and proposed dual occupancy residence are of concern in respect of sewerage and power. The original proposals for this site were entitled "solar farm" and this is another reason that a fully developed plan be available for consideration.

Regards

[REDACTED]
[REDACTED]
[REDACTED]

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

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Submission #2

Jeremy Knox

From: [REDACTED]
Sent: Wednesday, 27 October 2021 4:56 PM
To: YVC Customer Service Team
Subject: query re: DA210228 - 838 Murrumbateman Road, Nanima

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

Development Planner
Mr Jeremy Knox,

Re: Da 210228

Dear Jeremy Knox,

This email is with reference to my phone call regarding details in the above application.

1. Site Plan 1 the distance to the boundary from the spray effluent areal on the western side of shed Is not disclosed.
I was questioning the measurements.
I still have questions relating to my access along the unmaintained council road from Murrumbateman road To my property No. [REDACTED]. Which is my only legal access.

I will send a submission in relation to this matter.

Thank you,

[REDACTED]
[REDACTED]
[REDACTED]

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

[Report this message as spam](#)

Submission #3

Jeremy Knox

From: [REDACTED]
Sent: Monday, 18 October 2021 12:04 PM
To: YVC Customer Service Team
Subject: DA210228 - 2 Lot Subdivision - 838 Murrumbateman Road, Nanima

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

I wish to lodge objections on behalf of my wife and I, to Development Application DA210228 submitted by Wunderland Estate Pty Ltd for development on Lot 1 DP121353, 838 Murrumbateman Rd.

Our contact details are:

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

Objections are as follows.

Objection 1

The Statement of Environmental Effects notes there are three development applications currently lodged over this parcel of land for the following:

- Modification of an Approved Shed (DA200030B)
- Construction of a Dam (DA210209)
- Approval for a Single Story Dwelling as a Dual Occupancy (DA210232)

Objections lodged in relation to those DAs should be taken to apply to this DA also.

Objection 2

The Statement of Environmental Effects includes the statement "... It is expected the use of the land for additional domestic residences ..", presenting this subdivision in part as being for domestic residential purposes. As raised in objections to other DAs for this property, the developers own website (<https://www.tpdynamics.com.au/nanima>) cast existing developments on this land as being a luxury retreat rather than a domestic residence. This is more in tune with a commercial enterprise than domestic residential/rural residential/Primary Production. As such any Development Application should be lodged seeking consent as a commercial enterprise, undergoing the level of scrutiny appropriate for a commercial enterprise.

Objection 3

The Statement of Environmental Effects includes a statement "It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated." The inclusion of this statement without articulation or mitigation of these impacts is a matter of concern for the local community. It also fuels the perception that the combined Development Applications for this site are for purposes other than domestic residential/rural residential/Primary Production.

Objection 4

It is noted from the Statement of Environmental Effects that the access track is considered to be existing, "the access track to Lot 2 will be constructed with DA200030B and the calculation of native vegetation removal has been included with this DA. ". The application for DA200030B makes no mention of work on an access track or the importation of soil for doing so. The Statement of Environmental Effects for that DA did make reference to importation of soil without any substantive explanation of its purpose. Building an access track to this new structure could not be supported without full details of what is proposed and disclosure of soil importation requirements. At best this amount development by stealth, verging on deceit.

Objection 5

Assuming the likely outcome of this and other DAs relating to this property is commercial, other than Primary Production, the access to this property from Murrumbateman Rd is a matter of concern to the local community. A commercial enterprise is likely to result in significantly higher traffic loads leaving and entering Murrumbateman Rd, than would be expected from a rural residential property. The turn into 838 Murrumbateman Rd has restricted vision in both directions, due to curves in the road which may result in a road safety issue for the community and transient travellers who are not familiar with the road. Murrumbateman Rd is also a School Bus Route.

Objection 6

This proposal for subdivision has an direct impact on DA210209 – Construction of a Dam. DA210209 included a Harvestable Rights Calculation based on a property of 80.49Ha. With this subdivision that harvestable Rights Calculation will no longer be relevant and that DA should be rejected.



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

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Submission #4

Jeremy Knox

From: [REDACTED]
Sent: Wednesday, 27 October 2021 4:35 PM
To: Jeremy Knox; YVC Customer Service Team
Subject: Submission on 838 Murrumbateman Road Nanima (DA 210209, DA 200030 MOD-B, DA 210228 & DA 210232)

Follow Up Flag: Follow up
Flag Status: Flagged

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

Please find the submission below for this site. Please remove my personal details from any publication or sharing of this submission. [REDACTED]

Comments in my previous submission needs to be addressed with all the applications associated for the site at 838 Murrumbateman Road Nanima (DA 210209, DA 200030 MOD-B, DA 210228 & DA 210232)

The development applications appear to not comply with some requirements to benefit the development to the detriment of environmental protection and water allowances.

In particular: the current site area is 80.49 hectares that has a harvestable right dam capacity calculated to be a maximum of 5.6343 megalitres and this proposed new farm dam is intended to be utilised for agricultural use (as stated in DA 210209). DA 210228 creates two lots on the site: Lot 1 previously 80.49ha becomes Lot 1 40.9 ha (if approved) and will still be the Lot with the dam therefore the harvestable right needs to be calculated for 40.9 ha. A corresponding modification to the DA for a smaller dam and less imported fill etc will need to occur as appropriate.

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

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Submission #5

I am writing to lodge several objections to Development Application DA210232 - Dual Occupancy, submitted by Wunderland Estate Pty Ltd for development on Lot 1 DP121353, 838 Murrumbateman Rd.

These objections are on behalf of myself, my husband, and our small farm, [REDACTED]
[REDACTED]

DA210228 – Subdivision

Summary

Either by accident or through a more disingenuous approach, the holistic plan and end game in the multiple, complex development proposals is obfuscated. This is particularly risky for the council due to the environmental risks of the significant size and scale of these developments, and devastating to the neighbours who bought their properties in good faith as rural / primary production.

Objection 1: Holistic detrimental effects obscured by multiple applications

The Statement of Environmental Effects notes there are three development applications currently lodged over this parcel of land for the following:

- (DA200030B)
- (DA210209)
- and Approval for a Single Story Dwelling as a Dual Occupancy

Several objections have been raised by neighbours and stakeholders and these DAs should be substantively addressed prior to consideration of this DA.

Objection 2: Harvestable Rights

This proposal for subdivision has a direct impact on DA210209 – Construction of a Dam. DA210209 included a Harvestable Rights Calculation based on a property of 80.49Ha. With this subdivision that harvestable Rights Calculation will no longer be relevant.

Objection 3 – Intended use

The Statement of Environmental Effects includes the statement "... It is expected the use of the land for additional domestic residences ..", presenting this subdivision in part as being for domestic residential purposes. As raised in objections to other DAs for this property, the developers own website (<https://www.tpdynamics.com.au/nanima>) cast existing developments on this land as being a luxury retreat rather than a domestic residence. This is more in tune with a commercial enterprise than domestic residential/rural residential/Primary Production.

As such any Development Application should be lodged seeking consent as a commercial enterprise, undergoing the level of scrutiny appropriate for a commercial enterprise.

Objection 4 – Future Purpose

The Statement of Environmental Effects includes a statement "It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated."

What are these future operations? What are the impacts? What is the intention for the site above and beyond domestic residential/rural residential/Primary Production?

Objection 5 – Lack of clarity on extant access, and probable additional dumping of Canberra fill

It is noted from the Statement of Environmental Effects that the access track is considered to be existing, "the access track to Lot 2 will be constructed with DA200030B and the calculation of native vegetation removal has been included with this DA. "

The application for DA200030B makes no mention of work on an access track or the importation of soil for doing so. The Statement of Environmental Effects for that DA did refer to importation of soil without any substantive explanation of its purpose. Building an access track to this new structure could not be supported without full details of what is proposed and disclosure of soil importation requirements. At best this amount development by stealth, verging on deceit.

Objection 5: Road Safety

Assuming the likely outcome of this and other DAs relating to this property is commercial other than Primary Production, the access to this property from Murrumbateman Rd is a matter of concern to the local community. A commercial enterprise is likely to result in significantly higher traffic loads leaving and entering Murrumbateman Rd, than would be expected from a rural residential property. The turn into 838 Murrumbateman Rd has restricted vision in both directions, due to curves in the road which may result in a road safety issue for the community and transient travellers who are not familiar with the road.

Submission #6

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

Submission opposing Development Application DA210228– 838 Murrumbateman Road Nanima

To whom it may concern,

We wish to submit the following information in support of our opposition to the current Development Application DA210228.

Effect on land use

The development application stated that *'the land is currently being farmed and it is intended that the land use will remain the same after the subdivision. Subdividing the land into two holdings will not limit the land with respect to its current agricultural potential.'* This statement is false as currently the land is used exclusively as an air BNB (with the view to developing it further into a resort), and has not been used for agricultural purposes since ownership passed to the current owner. The land is over grown with weeds and has an infestation with pests that are also encroaching onto neighbouring properties. The fences are mostly in disrepair and rely on neighbouring electric fencing to ensure enclosure in several places.

The application also references existing access tracks. There are no 'tracks' on the property. One track does not yet exist, there is an access road across one of the lots to an adjoining property and an existing full roadway that was cut through the landscape to reach the existing house. This roadway required many thousands of tonnes of fill to build and took in excess of 9 months. The building of the road initially caused flooding to Murrumbateman Rd and rendered our horse facilities unusable during work hours due to noise and dust pollution.

Effect on road safety

The sub division of this lot will see an increase in general traffic into and out of the property. The entry way to 838 Murrumbateman road is a shared access point for 838, 840 and 842 Murrumbateman Road. This entrance is located between two curves in the road and is in a 100k kilometre per hour speed zone. The traffic on Murrumbateman Road has been steadily increasing and as a result it is now quite a busy roadway. Road users continually use the straight stretch in front of the entry way to these properties to over -take other vehicles, oblivious to vehicles entering and leaving the driveway. Increasing use of this driveway will increase the likelihood of a serious accident occurring due to vehicles entering and leaving the road from one of the dwellings. There is no consideration made in this development application or any of the other associated development applications in relation to improvements to the driveway in order to improve safety.

In addition to the above road safety issue, the increased amounts of vehicles entering and leaving Murrumbateman Road will further degrade the road surface in front of the property which is currently littered with pot holes.

Environmental effects to neighbours.

.
Since the beginning of the development of the block at 838 Murrumbateman Rd, there has been approximately 6-8 trucks per day on an average day (although there has at times been upwards of 90 in a day), coming and going from the property. During the building of this commercial sized dwelling these numbers will increase as will the noise. This makes it impossible for me to safely ride my horses in my riding arena without risk of injury to either myself or my horses.

Having already built such a large access road into the property at 838 the question is why would you not use it to at least partially access the new lot? Rather than build another extremely wide and long road requiring significant road base and fill to form? The development of a road of this size will further impact neighbouring properties.

Regards

██████████

Submission #7

Submission on Development Application DA210228 – 838 Murrumbateman Road, NANIMA

2 Lot Subdivision at Lot 1 DP1213153, 838 Murrumbateman Road, NANIMA



I have the following objections in relation to the proposed development.

Water harvestable calculation

The applicant has applied to construct a 5.2 ML dam (DA210209) on the lot for which subdivision is sought. This is based on the permissible harvestable water amount for the original lot of 80.49 ha. After subdivision the lot containing the proposed dam will be reduced in size to 40.9 ha (Lot 1). Approval of this subdivision could result in twice the amount of water as normally permitted based on the lot size being harvested on Lot 1. It will also allow a further ~2.6 ML of water to be potentially harvested on the newly created subdivision Lot 2. It is submitted that approval of this subdivision may result in water being harvested in excess of the amount normally permitted over an area of 80.49 ha.

Access to Murrumbateman Road

It is noted that the existing entry to Murrumbateman Road is via an unsealed track (Statement of Environmental Effects; page 12) onto an intersection with a 100 km/hr speed limit and poor visibility. The applicant has not addressed the issue of additional traffic due to subdivision utilising this right of way. It is submitted that this form of access cannot safely accommodate additional vehicle flow.

Submission #8 (Second Exhibition Period - Revised Access Arrangements)



Submission opposing Development Application– 838 Murrumbateman Road Nanima

To whom it may concern,

We wish to submit the following information in relation to the current Development Application DA210228 and DA210232

Effect on land use

The development application stated that *'the land is currently being farmed and it is intended that the land use will remain the same after the subdivision. Subdividing the land into two holdings will not limit the land with respect to its current agricultural potential.'* This statement is false as currently the land is used exclusively as an air BNB (with the view to developing it further into a resort), and has not been used for agricultural purposes since ownership passed to the current owner. The land is over grown with weeds and has an infestation with pests that are also encroaching onto neighbouring properties. The fences are mostly in disrepair and rely on neighbouring electric fencing to ensure enclosure in several places. This situation has not changed since our initial opposition to the proposal.

Effect on road safety

The sub division of this lot will see an increase in general traffic into and out of the property The entry way to 838 Murrumbateman Road is a shared access point for 838, 840 and 842 Murrumbateman Road. This entrance is located between two curves in the road and is in a 100 kilometre per hour speed zone. There is less than 165 metres visibility to a blind curve and visibility in the other direction is limited to only a few metres due to the placement of a sign. The road carries in excess of 1000 vehicles per day. There have been no plans provided to us in relation to the improvement of Murrumbateman Road to include a safe means to enter and exit the driveway from Murrumbateman Road. It is clear that there is a requirement to do so under the Austroads design principals 3.2.1 Approach Sight Distance (ASD) requirements for intersections, and as a result significant work would need to be undertaken to Murrumbateman Road in order to ensure driver safety.

Currently when turning right into 838,840,842, you are often required to stop and wait for traffic coming in the other direction. Once stopped there is nowhere for vehicles to pass on the left-hand side due to a large embankment. In addition, when you start to indicate to turn, many drivers believe that you are indicating to them to overtake in the 100klm zone and begin overtaking you whilst you turn right.

Over the past several months, and in particular during open for inspections and whilst being used by patrons for the air BandB located at 838 Murrumbateman Road, there have been several near misses at this location due to the road deficiencies, the amount of traffic, and impatient drivers.

Environmental effects to neighbours.

Submission - 838 Murrumbateman Road Nanima.

1

During the initial development of the block at 838 Murrumbateman Rd, there was approximately 6-8 trucks per day on an average day (although there has at times been upwards of 90 in a day), coming and going from the property. During the building of the proposed commercial sized dwelling as part of this application the number of trucks will increase as will the noise. This makes it impossible ride a horse in our riding arena without risk of injury to either humans or horses as the proposed access is now directly adjacent to my riding arena.

The new amendment to the proposal would see the use of the existing driveway into 840 Murrumbateman Road. This driveway has been built on crown land which we currently lease for grazing purposes and have applied to purchase from Crown Lands. This application was made approximately 5 years ago, however; there is a significant backlog in relation to the completion of the required processes.

As we currently lease this land for grazing any use of it as a driveway would require building of stock proof fences. In addition, the surface would require upgrading (including raising and drainage) in order for it to be fit for purpose and compliant with council requirements when subdivision occurs.

In the most recent submission, the applicant has stated that the use of the existing driveway would reduce the amount of material required to construct internal roads. This statement is incorrect as the existing driveway would require considerable material to upgrade it for use as an access way for a subdivision. In addition to this there would be a need to upgrade the drainage on the driveway to ensure surface stability as there is a considerable amount of water that runs directly off the hill during rain events.

This proposal and its amendments clearly inhibit our ability to use our property for the purpose that it is intended for and at the same time increases the risk of a serious motor vehicle accident occurring on Murrumbateman Road.

Having already built such a large access road into the property at 838 the question is why would you not use it to at least partially access the new lot?

General Environmental Impacts

There are currently at least 2 trees that have significant heritage value for the region at the entrance to the property and the newly proposed access driveway within the crown land. One tree located at the entrance to the driveway from Murrumbateman Rd has previously been discussed with council due to a previous owner's application to remove it to enlarge the entrance way. This request was denied. Any attempts to provide safer access and egress from this property would require removal of this tree.

In addition, there is another heritage tree on the crown land where the new proposed access road is planned to be developed. This tree would either require significant pruning (potentially causing its death) or complete removal to ensure truck access to the proposed subdivision. This would be a tragedy for such a beautiful and ancient tree (photo attached).



General Comments

Although we have written supporting an opposition to the sub division of 838 Murrumbateman Rd, we would like to point out that it is the industrial nature and size of the proposals that are our major concern. We have been severely impacted (as have other neighbours) by the industrial size of the development to date of the now existing road and house. During the building of the new road and house the developer showed a disregard for the adverse effects to both our livestock and the environment. We have been submitted to considerable noise and dust pollution for several years during this development and we (humans and animals) continue to suffer the effects of the continued dis-regard by the developer to comply with previous council directions in relation to these impacts.

Regards

██████████

Submission - 838 Murrumbateman Road Nanima.

3

Submission #1

Jeremy Knox

From: [REDACTED]
Sent: Monday, 8 November 2021 7:58 PM
To: Jeremy Knox
Subject: DA 210228 and 210232

Follow Up Flag: Follow up
Flag Status: Completed

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

Dear Mr Knox

Please find attached our amended comments on the above proposed developments

We have the following comments in relation to the above proposed subdivision and dual occupancy.

DA 210228

We support and agree with the objections raised by [REDACTED]

We have reviewed the objectives of Zone RU1 and note that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

In our view, the proposed subdivision does not meet any of the objectives specified for the Zone.

The proposal does not maintain or enhance the natural resource base, does not encourage primary industry suitable for the area, does not minimise fragmentation, conflict of land use, does not protect biodiversity, does not maintain our rural character, does not protect pasture land and is a subdivision and use that is more suited to the fringe of urban areas.

The land is not being used for primary industry and our concerns are that it is being developed for commercial purposes. Our adjacent primary industry activities eg sheep, cattle and grapes could be significantly impacted by commercial development.

DA210209 will require further amendment due to the change in Harvestable Rights Calculation. We would be concerned if ground water were required to support non-agricultural activities.

The reduction of block size does not enhance the rural character of our area. In fact, the existing building is located in a very prominent position and incongruent with the surrounding area. The activity in and around the building detract from the rural atmosphere especially late at night.

Presumably, if the subdivision is approved, there could be a development application for dual occupancy on each block, thus four "residences"?

The Applicant has a poor track record of compliance with Local Government regulations and has aroused community concerns with their activities.

We believe an overall development plan for the property is required to enable a proper assessment of all their current and possible future development proposals.

DA210232

We support and agree with the objections raised by [REDACTED]

We are particularly concerned that the nature of the dual occupancy is not residential but another "luxury retreat" to be used for commercial purposes.

The size of the current residence and proposed dual occupancy residence are of concern in respect of sewerage and power. The original proposals for this site were entitled "solar farm" and this is another reason that a fully developed plan be available for consideration.

Regards

[REDACTED]
[REDACTED]
[REDACTED]

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SUBMISSION #2

Jeremy Knox

From: [REDACTED] >
Sent: Wednesday, 27 October 2021 4:35 PM
To: Jeremy Knox; YVC Customer Service Team
Subject: Submission on 838 Murrumbateman Road Nanima (DA 210209, DA 200030 MOD-B, DA 210228 & DA 210232)

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

Please find the submission below for this site. Please remove my personal details from any publication or sharing of this submission. [REDACTED]

Comments in my previous submission needs to be addressed with all the applications associated for the site at 838 Murrumbateman Road Nanima (DA 210209, DA 200030 MOD-B, DA 210228 & DA 210232)

The development applications appear to not comply with some requirements to benefit the development to the detriment of environmental protection and water allowances.

In particular: the current site area is 80.49 hectares that has a harvestable right dam capacity calculated to be a maximum of 5.6343 megalitres and this proposed new farm dam is intended to be utilised for agricultural use (as stated in DA 210209). DA 210228 creates two lots on the site: Lot 1 previously 80.49ha becomes Lot 1 40.9 ha (if approved) and will still be the Lot with the dam therefore the harvestable right needs to be calculated for 40.9 ha. A corresponding modification to the DA for a smaller dam and less imported fill etc will need to occur as appropriate.

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Submission #3

Jeremy Knox

From: [REDACTED]
Sent: Wednesday, 27 October 2021 5:12 PM
To: YVC Customer Service Team
Subject: RE: DA210228

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

Submission re DA210228 and DA210232

Development Planner
Jeremy Knox

Dear Jeremy,

I have read the submission by [REDACTED] and wish to agree with the content.

Also on the site Plan for this DA It is stated "proposed APPROX future line of subdivision boundary"
In relation to the UCR my access road, this is not reassuring. [DA210228]

DA210232 The proposal to cross existing UCR[my access road], with right of way, has not been explained as to how it is intended to be constructed.

Or how it will inconvenience access to No. [REDACTED] property.

Kind Regards,

[REDACTED]
[REDACTED]
[REDACTED]

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Submission #4

Jeremy Knox

From: [REDACTED]
Sent: Monday, 18 October 2021 12:05 PM
To: YVC Customer Service Team
Subject: DA210232 - Dual Occupancy - 838 Murrumbateman Road, Nanima

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

I wish to lodge objections on behalf of my wife and I, to Development Application DA210232 submitted by Wunderland Estate Pty Ltd for development on Lot 1 DP121353, 838 Murrumbateman Rd.

Our contact details are:

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

Objections are as follows.

Objection 1

The proposed dual occupancy is cited as being for residential purpose. This is a very large/grand residential home at 606m², more akin to a commercial premises – which the DA makes no mention of. It is interesting that the other dwelling on the property was also built as a residential dwelling, however, it is referred to on the TP Dynamics website (<https://www.tpdynamics.com.au/nanima>) as “Six bedrooms, each with its own bathroom, and multiple living and breakout spaces make this **an expansive luxury retreat** like no other.” In the absence of a holistic development plan for the property, this application looks to be Commercial in its intent and should not be considered for residential purposes.

Objection 2

The Statement of Environmental Effects makes reference to the development being “... in line with the future development of the subject site as indicated earlier in this Statement.” I cannot see any reference in this statement to a holistic plan for this site – maybe if the community was privy to these plans, some of the community concerns may be allayed.

Objection 3

The land is zone RU1 Primary Production. There has been little evidence over the past years of any primary production land use being pursued or intended. Creation of another mega house on this block seems at odds with the objectives of this zone given the lack of apparent primary production.

Objection 4

It is noted from the Statement of Environmental Effects that the access track is considered to be existing, “... as it will be constructed as part of the associated works with the development application for the shed (DA200030B). The application for DA200030B makes no mention of work on an access track or the importation of soil for doing so. The

Statement of Environmental Effects for that DA did make reference to importation of soil without any substantive explanation of its purpose. Building an access track to this new structure could not be supported without full details of what is proposed and disclosure of soil importation requirements. At best this amount development by stealth, verging on deceit.

Objection 5

The on site sewerage management for the house makes reference to it being suitable for a four bedroom house. Given the house being proposed includes 6 bedrooms and the system is also meant to cover the shed, the report seems to understate the total daily loading. If indeed the shed is being assessed as equivalent to a 4 bedroom house as per the report, the sizing of the system should be taking into account a total load of 10 bedrooms @150l/day (total 1500l/day). The assessment seems to be grossly understated.

Objection 6

The Statement of Environmental Effects alludes to the new dwelling utilising solar to power the house and there being no requirement extend the existing electrical network. The report also suggests solar power will be used to heat the slab in the cooler months. Given an average house of less than 200m² will use in excess 20kWh of power a day, it would seem the PV solar requirements of this dwelling would be far in excess of what can be achieved from roof top solar and a Tesla battery. The DA does not include any specification of what is proposed in this regard and should not proceed without further detail being provided, with an opportunity for the community to make comment.

[REDACTED]

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Submission #5

I am writing to lodge several objections to Development Application DA210228 - Dual Occupancy, submitted by Wunderland Estate Pty Ltd for development on Lot 1 DP121353, 838 Murrumbateman Rd.

These objections are on behalf of myself, my husband, and our small farm, [REDACTED]
[REDACTED]

DA210232 – Dual Occupancy

Summary

Either by accident or through a more disingenuous approach, the holistic plan and end game in the multiple, complex development proposals is obfuscated. This is particularly risky for the council due to the environmental risks of the significant size and scale of these developments and devastating to the neighbours who bought their properties in good faith as rural / primary production.

Objection 1 Zoning and Purpose

The development being proposed is listed as being for residential purposes. The proposed dwelling is over 600m², which is larger than many of the largest mansions on the Gold Coast.

The overall design, when considered IN ASSOCIATION with the numerous other proposals indicates an intention that is more commercial than residential. It should also be noted that the DA for the other residence in this holding was approved as a residential development, when the owners own website <https://www.tpdynamics.com.au/nanima>) describes this as “Six bedrooms, each with its own bathroom, and multiple living and breakout spaces make this an expansive luxury retreat like no other.”

This also aligns with empirical evidence (massive proposals for lakes, event sheds, tarred roads, entry signs) along with anecdotal evidence from neighbours detailing large gatherings/events.

The surrounding properties, roads, natural environment is incompatible with a commercial venture – at least not without significant infrastructure planning and alleviation associated with such a venture – something that will be omitted if approved as a residential development.

The land is zone RU1 Primary Production. The large mansions, the construction of lakes, sheds and tarred roads are at odds with this zone. It conflicts with the intention and purpose of surrounding properties, and the owners’ rights to peace and quiet.

Objection Two: Environmental Effects-Soil importation

Conflicting statements. In the statement of Environmental Effects it states that the access track is considered to be existing, “... as it will be constructed as part of the associated works with the development application for the shed (DA200030B).

However, the application for DA200030B makes no mention of work on an access track or the importation of soil for doing so. The Statement of Environmental Effects

for that DA did make reference to importation of soil without any substantive explanation of its purpose.

Objection Three: Environmental Effects-Sewerage Contamination

The proposed sewerage management is specified as being suitable for a four-bedroom house. The house detailed in the proposal includes 6 bedrooms and the system is also meant to cover the shed. If indeed the shed is being assessed as equivalent to a 4 bedroom house as per the report, the sizing of the system should be taking into account a total load of 10 bedrooms @150l/day (total 1500l/day).

The assessment seems to be grossly understated, with environmental and pollution risks being levied on the properties of the downhill residents, as well as the catchments that feed Murrumbateman waterways.

Submission #6

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

Submission opposing Development Application DA210232– 838 Murrumbateman Road Nanima

To whom it may concern,

We wish to submit the following information in support of our opposition to the current Development Application DA210232.

Effect on surrounding properties:

The Development Application states that the proposed new development has been designed to complement the adjoining properties and surrounding residences. The design and placement of the proposed new dwelling has been prepared taking into consideration the specific site characteristics, the shape of the lot, the location of services and topography of the site maximising the potential living area.

This statement is incorrect. The proposed building is very large and clearly will be used in the same manner as the other building on the original lot. This building will be used for commercial purposes, as will the shed. The intent of building a dwelling of this size on the block is to use it as part of the resort development that is taking place much the same as the original dwelling which is currently rented out at \$1700 per night. The size, location, and usage of the proposed dwelling will not compliment the adjoining properties which are all being used for rural purposes, not as a commercial resort.

Effect on the topography and environment by the building footprint

The development application states that the proposed new development has been designed to complement the topography and shape of the lot, and surrounding properties and that the proposed new dwelling will have an overall footprint of 606.9m².

The proposal places the dwelling on a steep hill, however; there is no mention of any fill requirements that would be required to create the pad for the dwelling. There is mention of no need to clear the land, but no indication of the need to fill to create the pad. The location that is proposed for the dwelling will require either significant cutting into the hill and/or fill to create an area of the size quoted in the application. If the previous build on the block is any indication this will see the entry of 80 to 90 trucks per day dropping off fill to the site over a period of many months.

In the Statement of Environmental Effects states that the access track is considered to be existing, "... as it will be constructed as part of the associated works with the development application for the shed (DA200030B)". The application for DA200030B makes no mention of quantities of soil that will need to be imported into the property to build this currently non-existent road and this will increase the number of trucks entering and leaving the property significantly.

Effect on road safety

The building of this dwelling will see an increase in both heavy vehicles and general traffic into and out of the property for many months, and continuing after the building is completed as customers rent and stay in the property. The entry way to 838 Murrumbateman road is a shared access point for 838, 840 and 842 Murrumbateman Road. This entrance is located between two curves in the road and is in a 100k kilometre per hour speed zone. The traffic on Murrumbateman Road has been steadily increasing and is now quite a busy roadway. Road users continually use the straight stretch in front of the entry way to over -take other vehicles, oblivious to vehicles entering and leaving the driveway. Increasing use of this driveway will increase the likelihood of a serious accident occurring due to vehicles entering and leaving the road from one of the dwellings. There is no consideration made in this development application or any of the other associated development applications in relation to improvements to the driveway in order to improve safety.

In addition to the above safety issue, the amount of trucks entering and leaving Murrumbateman Road will further degrade the road surface in front of the property which is currently littered with pot holes.

Environmental effects to neighbours.

There is an environmental impact due to the close proximity of our - riding arena and stables to the entry to 838 and the proposed access track to the new dwelling. Since the beginning of the development of the block at 838 Murrumbateman Rd, there has been approximately 6-8 trucks per day on an average day (although there has at times been upwards of 90 in a day), coming and going from the property. During the building of this commercial sized dwelling these numbers will increase as will the noise. This makes it impossible for me to safely ride my horses in my riding arena without risk of injury to either myself or my horses.

During the development of the property at 838 there has been no dust suppression applied and as a result, our premises a [REDACTED] has been continuously shrouded in plumes of dust. This has resulted in respiratory conditions being diagnosed for both human and animal inhabitants of the property. This proposal describes the need for a significant amount of trucks accessing the property. This has the potential to increase dust pollution to [REDACTED] [REDACTED] even further.

Regards

[REDACTED]

Submission #7

Submission on Development Application DA210232 – 838 Murrumbateman Road, NANIMA

Dual occupancy dwelling at Lot 1 DP1213153, 838 Murrumbateman Road, NANIMA

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

I have the following objections in relation to the proposed development.

Wastewater

The proposed wastewater treatment system for the proposed building is the same system proposed in related application DA200030B (shed). According to the applicants On-site Sewerage Management Report ("OSMR") the "effluent management system design for the shed has been based on an equivalent 4-bedroom dwelling with non-reticulated water supply, which will generate a design wastewater load of 600L/day". This application is for a six bedroom building of considerable size. It is unclear how a system scoped for a single four bedroom dwelling can accommodate the load of a substantial (642 sqm) shed and six bedroom building.

The system is also located within an area mapped on the Riparian Lands and Watercourses and Groundwater Vulnerability Mapping (Statement of Environmental Effects ("SEE"); page 14). It is nestled between and proximate to two 40m dam/drainage buffers (OSMR; page 14). Discharge from this system could flow into farm dams on neighbouring lots or Murrumbateman Creek.

Power supply

It is not proposed to connect the building to the electrical distribution network (SEE; page 13). Instead power is to be generated by "solar". The TP Dynamics website (<http://www.tpdynamics.com.au/nanima>) refers to the existing primary dwelling as being "part of a wider, staged master plan that will include a solar farm". As the development proposes to use electricity for all HVAC requirements the quantity of solar panels required may be significant. The proposal does not state either the quantity or position of the solar infrastructure which will be required.

Related proposed subdivision

The location of the building is within an area proposed for subdivision (DA210232 - Subdivision). It is submitted that the proposed subdivision application should be determined prior to any building works being approved on the proposed new parcel. This may allow a building envelope to be defined which minimises any potential development impacts on groundwater vulnerability areas or dam/watercourse buffer areas.



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17 February 2022

Our Ref: 4044_YVC9

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

Attention: Jeremy Knox

Dear Sir,

RESPONSE TO SUBMISSIONS RECEIVED – DA210228 and DA210232
PROJECT: Proposed Two (2) Lot Subdivision and Dual Occupancy
Lot 1 DP1213153 838 Murrumbateman Road, MURRUMBATEMAN

In response to your letter email dated 20 December 2021 please see in the spreadsheet below our comments addressing the submissions received for the above-mentioned development application:

SUBMISSION	ISSUE	RESPONSE
DA210228		
1.		
1.1	<p><i>We support and agree with the objections raised by</i></p> <p><i>We have reviewed the objectives of Zone RU1 and note that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i></p> <p><i>In our view, the proposed subdivision does not meet any of the objectives specified for the Zone.</i></p> <p><i>The proposal does not maintain or enhance the natural resource base, does not encourage primary industry suitable for the area, does not minimise fragmentation, conflict of land use, does not protect biodiversity, does not maintain our rural character, does not protect pasture land and is a subdivision and use that is more suited to the fringe of urban areas.</i></p> <p><i>The land is not being used for primary industry and our concerns are that it is being developed for commercial purposes. Our adjacent primary industry activities eg sheep, cattle and grapes could be significantly impacted by commercial development.</i></p>	<p>The proposed subdivision is permissible within the RU1 Primary Production Zone. It has been prepared to take into consideration the existing infrastructure/ topography and characteristics of the land.</p> <p>The proposed access has been modified to utilise the crown road on the eastern boundary of the site minimising the amount of construction works.</p> <p>There is no intention for the site to be utilised for commercial purposes. The purpose of the additional dwelling and subsequent subdivision was to provide housing for family members.</p>
1.2	<p><i>DA210209 will require further amendment due to the change in Harvestable Rights Calculation. We would be concerned if ground water were required to support non-agricultural activities.</i></p>	<p>DA210209 has since been withdrawn on 03 February 2022.</p>
1.3	<p><i>The reduction of block size does not enhance the rural character of our area. In fact, the existing building is located in a very prominent position and incongruent with</i></p>	<p>The reduction of block size/ subdivision is permissible within</p>

	<i>the surrounding area. The activity in and around the building detract from the rural atmosphere especially late at night.</i>	the RU1 zoned land. The position of the existing building is not relevant to this assessment and complies with the relevant setbacks.
1.4	<i>Presumably, if the subdivision is approved, there could be a development application for dual occupancy on each block, thus four "residences"?</i>	Yes this could potentially be the case noting <i>Dual Occupancies</i> are permissible within the RU1 Primary Production zone.
1.5	<i>The Applicant has a poor track record of compliance with Local Government regulations and has aroused community concerns with their activities. We believe an overall development plan for the property is required to enable a proper assessment of all their current and possible future development proposals.</i>	An overall development plan was provided with the four (4) DA's that were lodged. This has since been modified to remove the proposed modification to the shed specifically the location and the proposed new dam. The intention of the site now is for the approval of the new dwelling (dual occupancy) and the two (2) lot subdivision.
2.		
2.1	<i>This is email is with reference to my phone call regarding details in the above application. 1. Site Plan 1 the distance to the boundary from the spray effluent areal on the western side of shed is not disclosed. I was questioning the measurements. I still have questions relating to my access along the unmaintained council road from Murrumbateman road To my property No.- Which is my only legal access. I will send a submission in relation to this matter.</i>	The modification to the shed DA has since been withdrawn on 15 February 2022.
3.		
3.1	<i>The Statement of Environmental Effects includes the statement "... It is expected the use of the land for additional domestic residences", presenting this subdivision in part as being for domestic residential purposes. As raised in objections to other Das for this property, the developers own website (https://www.tpdynamics.com.au/nanima) cast existing developments on this land as being a luxury retreat rather than a domestic residence. This is more in tune with a commercial enterprise than domestic residential/rural residential/Primary Production. As such any Development Application should be lodged seeking consent as a commercial enterprise, undergoing the level of scrutiny appropriate for a commercial enterprise.</i>	The intention is to provide residential premises to both proposed lots, there is no intention of utilising the site as a commercial facility. Regardless of the size of the dwellings, they are still a residential house not a commercial enterprise.
3.2	<i>The Statement of Environmental Effects includes a statement "It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated." The inclusion of this statement without articulation or mitigation of these impacts is a matter of concern for the local community. It also fuels the perception that the combined Development Applications for this site are for purposes other than domestic residential/rural residential/Primary Production. It is noted from the Statement of Environmental Effects that the access track is considered to be existing, "the access track to Lot 2 will be constructed with DA200030B and the calculation of native vegetation removal has been included with this DA.". The application for DA200030B makes no</i>	Since the submission was received, the number of development applications over the subject property has been reduced to two. The two being the dual occupancy and the two lot subdivision. The intent of the new access track to proposed Lot 2 will be constructed utilising material on site, there will be no importation

	<i>mention of work on an access track or the importation of soil for doing so. The Statement of Environmental Effects for that DA did make reference to importation of soil without any substantive explanation of its purpose. Building an access track to this new structure could not be supported without full details of what is proposed and disclosure of soil importation requirements. At best this amount development by stealth, verging on deceit.</i>	of fill.
3.3	<i>Assuming the likely outcome of this and other DAs relating to this property is commercial, other than Primary Production, the access to this property from Murrumbateman Rd is a matter of concern to the local community. A commercial enterprise is likely to result in significantly higher traffic loads leaving and entering Murrumbateman Rd, than would be expected from a rural residential property. The turn into 838 Murrumbateman Rd has restricted vision in both directions, due to curves in the road which may result in a road safety issue for the community and transient travellers who are not familiar with the road. Murrumbateman Rd is also a School Bus Route.</i>	There has never been any intention to commercialise the lot, the remainder of the DA's being the dual occ and the subdivision have only ever been proposed for residential purposes.
3.3	<i>This proposal for subdivision has a direct impact on DA210209 - Construction of a Dam. DA210209 included a Harvestable Rights Calculation based on a property of 80.49Ha. With this subdivision that harvestable Rights Calculation will no longer be relevant and that DA should be rejected.</i>	This application has since been formally withdrawn on 03 February 2022.
4.		
4.1	<i>The development applications appear to not comply with some requirements to benefit the development to the detriment of environmental protection and water allowances.</i> <i>In particular: the current site area is 80.49 hectares that has a harvestable right dam capacity calculated to be a maximum of 5.6343 megalitres and this proposed new farm dam is intended to be utilised for agricultural use (as stated in DA 210209). DA 210228 creates two lots on the site: Lot 1 previously 80.49ha becomes Lot 1 40.9 ha (if approved) and will still be the Lot with the dam therefore the harvestable right needs to be calculated for 40.9 ha. A corresponding modification to the DA for a smaller dam and less imported fill etc will need to occur as appropriate.</i>	This application has since been formally withdrawn on 03 February 2022.
5.		
5.1	<i>This proposal for subdivision has a direct impact on DA210209 Construction of a Dam. DA210209 included a Harvestable Rights Calculation based on a property of 80.49Ha. With this subdivision that harvestable Rights Calculation will no longer be relevant.</i>	This application has since been formally withdrawn on 03 February 2022.
5.2	<i>The Statement of Environmental Effects includes the statement 'It is expected the use of the land for additional domestic residences...' presenting this subdivision in part as being for domestic residential purposes. As raised in objections to other DA's for this property, the developers own website (https://www.tpdynamics.com.au/nanima) cast existing developments on this land as being a luxury retreat rather than a domestic residence. This is more in tune with a commercial enterprise than domestic residential/ rural residential/ Primary Production.</i> <i>As such any Development Application should be lodged seeking consent as a commercial enterprise, undergoing the level of scrutiny appropriate for a commercial enterprise.</i>	As discussed earlier in this table the proposals were submitted being transparent and with the intention of residential use only not a commercial enterprise.

5.3	<p><i>The Statement of Environmental Effects includes a statement 'It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated'.</i></p> <p><i>What are these future operations? What are the impacts? What is the intention for the site above and beyond domestic residential/ rural residential/ Primary Production?</i></p>	<p>Future operations can mean many different things whether that be farming, recreational, etc. This would be at the discretion of the owner, so long as it falls within what is permissible on the RU1 Primary Production zoned land.</p>
5.4	<p><i>It is noted from the Statement of Environmental Effects that the access track is considered to be existing, 'the access track to Lot 2 will be constructed with DA200030B and the calculation of native vegetation removal has been included with this DA.'</i></p> <p><i>The application for DA200030B makes no mention of work on an access track or the importation of soil for doing so. The Statement of Environmental Effects for that DA did refer to importation of soil without any substantive explanation of its purpose. Building an access track to this new structure could not be supported without full details of what is proposed and disclosure of soil importation requirements. At best this amount development by stealth, verging on deceit.</i></p>	<p>As DA200030B has since been withdrawn, the following applies in relation to the access track to proposed Lot 2.</p> <p>Access will be via the crown road to the east of the site and a new accessway constructed as per the proposed plan of subdivision.</p>
5.5	<p><i>Assuming the likely outcome of this and other DA's relating to this property is commercial other than Primary Production, the access to this property from Murrumbateman Rd is a matter of concern to the local community. A commercial enterprise is likely to result in significantly higher traffic loads leaving and entering Murrumbateman Rd, than would be expected from a rural residential property. The turn into 838 Murrumbateman Rd has restricted vision in both directions, due to curves in the road which may result in a road safety issue for the community and transient travellers who are not familiar with the road.</i></p>	<p>See comment 3.3</p>
6.		
6.1	<p><i>The development application stated that the land is currently being farmed and it is intended that the land use will remain the same after the subdivision. Subdividing the land into two holdings will not limit the land with respect to its current agricultural potential. This statement is false as currently the land is used exclusively as an air BNB (with the view to developing it further into a resort), and has not been used for agricultural purposes since ownership passed to the current owner. The land is over grown with weeds and has an infestation with pests that are also encroaching onto neighbouring properties. The fences are mostly in disrepair and rely on neighbouring electric fencing to ensure enclosure in several places.</i></p> <p><i>The application also references existing access tracks. There are no tracks on the property. One track does not yet exist, there is an access road across one of the lots to an adjoining property and an existing full roadway that was cut through the landscape to reach the existing house. This roadway required many thousands of tonnes of fill to build and took in excess of 9 months. The building of the road initially caused flooding to Murrumbateman Rd and rendered our horse facilities unusable during work hours due to noise and dust pollution.</i></p>	<p>There is no intention of utilising the lot for commercial purposes, the intention of these two DA's is for the purpose of residential use only.</p> <p>It is noted the subject lot will be subject to a weed inspection by Council's biosecurity officer prior to the release of the subdivision certificate as well as a fence and access inspection by Council's Development Engineer.</p> <p>It is also noted as mentioned earlier the new access track will not require the importation of any fill material. All material will be cut and used on site.</p>
6.2	<p><i>The sub division of this lot will see an increase in general traffic into and out of the property. The entry way to 838 Murrumbateman road is a shared access point for 838, 840 and 842 Murrumbateman Road. This entrance is located between two curves in the road and is in a 100k kilometre</i></p>	<p>The proposed subdivision is permissible with Council consent within the relevant zone.</p>

	<p>per hour speed zone. The traffic on Murrumbateman Road has been steadily increasing and as a result it is now quite a busy roadway. Road users continually use the straight stretch in front of the entry way to these properties to over - take other vehicles, oblivious to vehicles entering and leaving the driveway. Increasing use of this driveway will increase the likelihood of a serious accident occurring due to vehicles entering and leaving the road from one of the dwellings. There is no consideration made in this development application or any of the other associated development applications in relation to improvements to the driveway in order to improve safety.</p> <p>In addition to the above road safety issue, the increased amounts of vehicles entering and leaving Murrumbateman Road will further degrade the road surface in front of the property which is currently littered with pot holes.</p>	<p>Any upgrade to the current access will be subject to Council's specifications and subsequent conditions of consent.</p>
6.3	<p>Since the beginning of the development of the block at 838 Murrumbateman Rd, there has been approximately 6-8 trucks per day on an average day (although there has at times been upwards of 90 in a day), coming and going from the property. During the building of this commercial sized dwelling these numbers will increase as will the noise. This makes it impossible for me to safely ride my horses in my riding arena without risk of injury to either myself or my horses.</p> <p>Having already built such a large access road into the property at 838 the question is why would you not use it to at least partially access the new lot? Rather than build another extremely wide and long road requiring significant road base and fill to form? The development of a road of this size will further impact neighbouring properties.</p>	<p>As discussed earlier in this document there will now be no importation of fill.</p> <p>It is noted the new location for the access road to proposed Lot 2 will utilise the formed crown road reserve to the east as illustrated on the proposed plan of subdivision.</p> <p>The access road to the new dwelling (dual occ) will be constructed utilising material on site.</p>
7.		
7.1	<p>The applicant has applied to construct a 5.2 ML dam (DA210209) on the lot for which subdivision is sought. This is based on the permissible harvestable water amount for the original lot of 80.49 ha. After subdivision the lot containing the proposed dam will be reduced in size to 40.9 ha (Lot 1).</p> <p>Approval of this subdivision could result in twice the amount of water as normally permitted based on the lot size being harvested on Lot 1. It will also allow a further - 2.6 ML of water to be potentially harvested on the newly created subdivision Lot 2. It is submitted that approval of this subdivision may result in water being harvested in excess of the amount normally permitted over an area of 80.49 ha.</p>	<p>This application has since been formally withdrawn on 03 February 2022.</p>
7.2	<p>It is noted that the existing entry to Murrumbateman Road is via an unsealed track (Statement of Environmental Effects; page 12) onto an intersection with a 100 km/hr speed limit and poor visibility. The applicant has not addressed the issue of additional traffic due to subdivision utilising this right of way. It is submitted that this form of access cannot safely accommodate additional vehicle flow.</p>	<p>Any further upgrade of the existing access will be subject to Council assessment and subsequent conditions of consent.</p>

DA210232		
8.		
8.1	<p><i>We support and agree with the objections raised by</i></p> <p><i>We are particularly concerned that the nature of the dual occupancy is not residential but another "luxury retreat" to be used for commercial purposes.</i></p> <p><i>The size of the current residence and proposed dual occupancy residence are of concern in respect of sewerage and power. The original proposals for this site were entitled "solar farm" and this is another reason that a fully developed plan be available for consideration.</i></p>	<p>The proposed dual occupancy has been submitted with the intention of being utilised for residential use.</p> <p>The size of the current residence irrelevant and the size of the dual occ is permissible with Council consent. The mention of a solar farm is irrelevant, it is noted at this stage two (2) of the DA's lodged have been withdrawn and the only plans in place with the current applications are for the dual occupancy and the two lot subdivision.</p>
9.		
9.1	<p><i>The Statement of Environmental Effects notes there are three development applications currently lodged over this parcel of land for the following:</i></p> <p><i>(DA200030B)</i> <i>(DA210209)</i></p> <p><i>And Approval for a Single Story Dwelling as a Dual Occupancy</i></p> <p><i>Several objections have been raised by neighbours and stakeholders and these DAs should be substantively addressed prior to consideration of this DA.</i></p>	<p>Noted, the DA's quoted have since been withdrawn on 03 February 2022 and 15 February 2022 respectively.</p>
10.		
10.1	<p><i>DA210232 The proposal to cross existing UCR [my access road], with right of way, has not been explained as to how it is intended to be constructed.</i></p> <p><i>Or how it will inconvenience access to No. property.</i></p>	<p>Access to the dual occ (Proposed Lot 2) has been amended to utilise the crown road to the east of the site and enter the boundary of proposed lot two in the north-eastern boundary. See amended proposed plan of subdivision.</p>
11.		
11.1	<p><i>The proposed dual occupancy is cited as being for residential purpose. This is a very large/grand residential home at 606m², more akin to a commercial premises – which the DA makes no mention of. It is interesting that the other dwelling on the property was also built as a residential dwelling, however, it is referred to on the TP Dynamics website (https://www.tpdynamics.com.au/nanima) as "Six bedrooms, each with its own bathroom, and multiple living and breakout spaces make this an expansive luxury retreat like no other." In the absence of a holistic development plan for the property, this application looks to be Commercial in its intent and should not be considered for residential purposes.</i></p>	<p>The intended use for the dual occupancy is for residential use, no where in the DA documentation has there been an indication that a commercial use was intended.</p> <p>It is to be noted, prior to the pandemic the intention was to provide housing for family members, this could still potentially be the case.</p>

11.2	<i>The Statement of Environmental Effects makes reference to the development being "... in line with the future development of the subject site as indicated earlier in this Statement." I cannot see any reference in this statement to a holistic plan for this site – maybe if the community was privy to these plans, some of the community concerns may be allayed.</i>	There are no grand plans for the site. The intention is to subdivide the lot and have a residential dwelling located on each lot.
11.3	<i>The land is zone RU1 Primary Production. There has been little evidence over the past years of any primary production land use being pursued or intended. Creation of another mega house on this block seems at odds with the objectives of this zone given the lack of apparent primary production.</i>	Not every RU1 Primary Production lot will be farmed, this however does not mean the proposed development does not meet the objectives of the zone. To quote a 'mega house' seems a little excessive, whilst the homes are large this is generally the intent when building on acreage noting it is more achievable on this land than a house block in a town or village.
11.4	<i>It is noted from the Statement of Environmental Effects that the access track is considered to be existing, "... as it will be constructed as part of the associated works with the development application for the shed (DA200030B). The application for DA200030B makes no mention of work on an access track or the importation of soil for doing so. The Statement of Environmental Effects for that DA did make reference to importation of soil without any substantive explanation of its purpose. Building an access track to this new structure could not be supported without full details of what is proposed and disclosure of soil importation requirements. At best this amount development by stealth, verging on deceit.</i>	The access track will not require any importation of fill, as indicated on the proposed plan of subdivision the amended access will utilise the formed crown road to the east of the site, with a new access way to be constructed in the north-eastern corner of proposed Lot 2.
11.5	<i>The on site sewerage management for the house makes reference to it being suitable for a four bedroom house. Given the house being proposed includes 6 bedrooms and the system is also meant to cover the shed, the report seems to understate the total daily loading. If indeed the shed is being assessed as equivalent to a 4 bedroom house as per the report, the sizing of the system should be taking into account a total load of 10 bedrooms @150l/day (total 1500l/day). The assessment seems to be grossly understated.</i>	DA200030B has since been withdrawn on 15 February 2022, noting the onsite wastewater system will be servicing the new dwelling only.
11.6	<i>The Statement of Environmental Effects alludes to the new dwelling utilising solar to power the house and there being no requirement extend the existing electrical network. The report also suggests solar power will be used to heat the slab in the cooler months. Given an average house of less than 200m² will use in excess 20kWh of power a day, it would seem the PV solar requirements of this dwelling would be far in excess of what can be achieved from roof top solar and a Tesla battery. The DA does not include any specification of what is proposed in this regard and should not proceed without further detail being provided, with an opportunity for the community to make comment.</i>	The installation of solar does not require DA approval. The type/ size of a system should one be installed does not need to be notified to adjoining owners.
12.		
12.1	<i>The Development Application states that the proposed new development has been designed to complement the adjoining properties and surrounding residences. The design and placement of the proposed new dwelling has been prepared taking into consideration the specific site characteristics, the shape of the lot, the location of services</i>	The statement within the SEE is not incorrect, the applicant has designed and placed the new dwelling taking this into consideration with the intention

	<p>and topography of the site maximising the potential living area.</p> <p><i>This statement is incorrect. The proposed building is very large and clearly will be used in the same manner as the other building on the original lot. This building will be used for commercial purposes, as will the shed. The intent of building a dwelling of this size on the block is to use it as part of the resort development that is taking place much the same as the original dwelling which is currently rented out at \$1700 per night. The size, location, and usage of the proposed dwelling will not compliment the adjoining properties which are all being used for rural purposes, not as a commercial resort.</i></p>	<p>of dwelling to be utilised for residential use.</p> <p>To classify the property as an intended commercial resort is elaborate and untrue.</p>
12.2	<p><i>The development application states that the proposed new development has been designed to complement the topography and shape of the lot, and surrounding properties and that the proposed new dwelling will have an overall footprint of 606.9m².</i></p> <p><i>The proposal places the dwelling on a steep hill, however, there is no mention of any fill requirements that would be required to create the pad for the dwelling. There is mention of no need to clear the land, but no indication of the need to fill to create the pad. The location that is proposed for the dwelling will require either significant cutting into the hill and/or fill to create an area of the size quoted in the application. If the previous build on the block is any indication this will see the entry of 80 to 90 trucks per day dropping off fill to the site over a period of many months.</i></p> <p><i>In the Statement of Environmental Effects states that the access track is considered to be existing, "... as it will be constructed as part of the associated works with the development application for the shed (DA200030B)". The application for DA200030B makes no mention of quantities of soil that will need to be imported into the property to build this currently non-existent road and this will increase the number of trucks entering and leaving the property significantly.</i></p>	See comment 4.1 and 6.3
12.3	<p><i>The building of this dwelling will see an increase in both heavy vehicles and general traffic into and out of the property for many months, and continuing after the building is completed as customers rent and stay in the property. The entry way to 838 Murrumbateman road is a shared access point for 838, 840 and 842 Murrumbateman Road. This entrance is located between two curves in the road and is in a 100k kilometre per hour speed zone. The traffic on Murrumbateman Road has been steadily increasing and is now quite a busy roadway. Road users continually use the straight stretch in front of the entry way to over -take other vehicles, oblivious to vehicles entering and leaving the driveway. Increasing use of this driveway will increase the likelihood of a serious accident occurring due to vehicles entering and leaving the road from one of the dwellings. There is no consideration made in this development application or any of the other associated development applications in relation to improvements to the driveway in order to improve safety.</i></p> <p><i>In addition to the above safety issue, the amount of trucks entering and leaving Murrumbateman Road will further degrade the road surface in front of the property which is currently in littered with pot holes.</i></p>	See Comment 6.2 and 6.3

12.4	<p>There is an environmental impact due to the close proximity of our - riding arena and stables to the entry to 838 and the proposed access track to the new dwelling. Since the beginning of the development of the block at 838 Murrumbateman Rd, there has been approximately 6-8 trucks per day on an average day (although there has at times been upwards of 90 in a day), coming and going from the property. During the building of this commercial sized dwelling these numbers will increase as will the noise. This makes it impossible for me to safely ride my horses in my riding arena without risk of injury to either myself or my horses.</p> <p>During the development of the property at 838 there has been no dust suppression applied and as a result, our premises a has been continuously shrouded in plumes of dust. This has resulted in respiratory conditions being diagnosed for both human and animal inhabitants of the property. This proposal describes the need for a significant amount of trucks accessing the property. This has the potential to increase dust pollution to even further.</p>	See Comment 6.2 and 6.3
13.		
13.1	<p>Wastewater</p> <p>The proposed wastewater treatment system for the proposed building is the same system proposed in related application DA200030B (shed). According to the applicants On-site Sewerage Management Report ("OSMR") the "effluent management system design for the shed has been based on an equivalent 4-bedroom dwelling with non-reticulated water supply, which will generate a design wastewater load of 600L/day". This application is for a six bedroom building of considerable size. It is unclear how a system scoped for a single four bedroom dwelling can accommodate the load of a substantial (642 sqm) shed and six bedroom building.</p> <p>The system is also located within an area mapped on the Riparian Lands and Watercourses and Groundwater Vulnerability Mapping (Statement of Environmental Effects ("SEE"; page 14). It is nestled between and proximate to two 40m dam/drainage buffers (OSMR; page 14). Discharge from this system could flow into farm dams on neighbouring lots or Murrumbateman Creek.</p>	See comment 4.5
13.2	<p>Power supply</p> <p>It is not proposed to connect the building to the electrical distribution network (SEE; page 13). Instead power is to be generated by "solar". The TP Dynamics website (http://www.tpdynamics.com.au/nanima) refers to the existing primary dwelling as being "part of a wider, staged master plan that will include a solar farm". As the development proposes to use electricity for all HVAC requirements the quantity of solar panels required may be significant. The proposal does not state either the quantity or position of the solar infrastructure which will be required.</p>	See Comment 4.6
13.3	<p>Related proposed subdivision</p> <p>The location of the building is within an area proposed for subdivision (DA210232 - Subdivision). It is submitted that the proposed subdivision application should be determined prior to any building works being approved on the proposed new parcel. This may allow a building envelope to be defined which minimises any potential development impacts on groundwater vulnerability areas or dam/watercourse buffer areas.</p>	Please advise if Council would prefer a building envelope to be shown on the proposed plan of subdivision or if the siting of the dual occ is sufficient.

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

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

Yours Faithfully
DPS YASS PTY LTD



Rachel Braithwaite
Senior Town Planner
rachel@dpsyass.com.au

Department of Planning and Environment



CM9 Ref:08/10531#34

General Manager
Yass Valley Council
PO Box 6 YASS NSW 2582
Email: council@yass.nsw.gov.au

Attention: Jeremy Knox

Dear Jeremy

Proposed Development: DA210228 Revised Plan of Subdivision

Applicant: Ace Popovich
Location: Lot 1 DP 1213153
838 Murrumbateman Rd, NANIMA

I refer to Council's email dated 7 March 2022 requesting comments for the above development proposal.

The Department of Planning & Environment - Crown Lands (the department), as adjoining landowner has reviewed the development application in accordance with the principles of Crown land management (s.1.4 *Crown Lands Management Act 2016*), and offers no objections to the proposed development on the condition:

1. No construction, upgrade or maintenance works are to occur on the Crown road to provide access to proposed Lot 2 without authorisation. This is in accordance with our current *'Administration of Crown Roads Policy – IND-O-250 Section 3.1'*.
2. Applications to undertake authorised road works on a Crown road will be considered where the Crown road does not satisfy the criteria for road transfer. Road work proposals considered by the department generally relate to routine maintenance to conserve pre-existing access conditions, or to determine road works to establish access along a Crown road over the natural terrain.
3. Should Council determine that the Crown road or access within the Crown road reserve is to be constructed, upgraded or maintained to meet Council road standards or the standards of another roads Authority, then in accordance with our current *'Administration of Crown Roads Policy – IND-O-250'* a transfer of the Road to Council will be necessary.

Council is advised that the owner of Lot 2 DP 849255 holds an Enclosure Permit for a section of the Crown Road which authorises them to use the road for grazing stock and to avoid having to fence the road out of their property. The Enclosure Permit does not give them ownership of the road or allow them to restrict public access along the Crown road.

Should the development be modified in any manner that impacts the adjoining Crown land, e.g. by amendment to the development proposal or draft conditions of consent, the department requests an opportunity to further review the application prior to determination.

Should you require any further information, please do not hesitate to contact me at the Goulburn Crown Lands Office by phone on 4824 3762 or email sue.shallis@crownland.nsw.gov.au

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Shallis'.

Sue Shallis
Property Services Officer
Department of Planning & Environment - Crown Lands

Date: 8 March 2022

Section 4.15 Evaluation

Summary of Application

Recommendation	Approval subject to conditions	
Assessing Officer	Jeremy Knox	15 March 2022
Approval Officer		

Development Application No.	DA210232
Type of Development	Local
Development Site	Lot 1 DP 1213153 838 Murrumbateman Road, NANIMA
Owner / Applicant	Wunderland Estate Pty Ltd / Mr A Popovich
Description of Development	Construction of a dwelling house (to create a dual occupancy), solid fuel heater, and the installation of an onsite sewage management facility (AWTS)

Integrated Development

The application has been referred to the relevant government agency for concurrence and General Terms of Approval have been included in the development consent.

Legislation	Yes	No	N/A
<i>Coal Mine Subsidence Compensation Act 2017</i> s 22	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Fisheries Management Act 1994</i> s 144, S201 S205, S219,	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Heritage Act 1977</i> s 58	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Mining Act 1992</i> ss 63, 64	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>National Parks and Wildlife Act 1974</i> s 90	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Petroleum (Onshore) Act 1991</i> s 16	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Protection of the Environment Operations Act 1997</i> ss 43(a), 47 and 55, ss 43(b), 48 and 55, ss 43(d), 55 and 122	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Roads Act 1993</i> s 138	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Rural Fires Act 1997</i> s 100B	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Water Management Act 2000</i> ss 89, 90, 91	<input type="checkbox"/>	<input type="checkbox"/>	✓
<u>Comment</u>			
The Development Application is not integrated development.			

Section 4.15 – Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument

Primary Matters	Specific Consideration
State Environmental Planning Policy (SEPP)	<p>Where a SEPP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the policy • generally complies with development standards contained in the policy • generally satisfies the requirements of the policy • meets the relevant concurrence, consultation and/or referral requirements.
<p><u>Comment</u></p> <p>State Environmental Planning Policy (Koala Protection) 2019 The SEPP is applicable to the Yass Valley. The site is not mapped as being of core koala habitat. The proposed development is not considered to have any significant adverse impact on koala habitat.</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land There are no known risks of contamination. The land is not picked up on Council’s contaminated land database or layers. As such the proposed development is considered to be suitable.</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Clause 5 of the SEPP (BASIX) 2004 stipulates that this policy applies to the whole of New South Wales. BASIX affected development includes the erection of a dwelling with a cost of more than \$50,000. In this regard, the SEPP (BASIX) 2004 is applicable to this proposal.</p> <p>A BASIX Certificate has been supplied as part of this development application. The proposed dwelling satisfy the project score for water, thermal comfort, and energy.</p> <p>The BASIX Commitments are not all shown on the plan set. Updated plans showing the BASIX Commitments are to be provided prior to the issue of a Construction Certificate.</p>	

Regional Environmental Plans (REP)	<p>Where an REP applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • generally complies with development standards contained in the plan • generally satisfies the requirements of the plan • meets the relevant concurrence, consultation and/or referral requirements to address the provisions of the plan.
<p><u>Comment</u></p> <p>N/A</p>	
Local Environmental Plan (LEP)	<p>An assessment against the relevant provisions of the <i>Yass Valley Local Environmental Plan 2013</i> has found that the proposed development:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • is consistent with the aims and objectives of the land use zone • is permissible in the land use zone • generally complies with all relevant clauses within the LEP. Where explanation is required it has been included in the assessment notes below. • complies with development standards in the LEP • where a variation to a development standard is proposed it was accompanied by a written request from the applicant which has adequately addressed the matters required to be addressed by Clause 4.6
<p><u>Comment</u></p> <p>Below is an assessment of the application pursuant to the relevant clauses of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
<p>Clause 2.3 Zone & zone objectives</p>	<p>The land is zoned RU1 Primary Production. The proposed development is not inconsistent with the objectives of the zone.</p> <ul style="list-style-type: none"> • The proposed development is proposed to create one additional dwelling house to create a dual occupancy on the land. • The proposed development is not considered to result in a significant fragmentation of resource lands. • The proposed development is not considered to result in a conflict between land uses zones or within the land use zone. • The proposed subdivision is considered to have been designed in such manner that does not have any significant adverse impacts on the biodiversity values of the site. • The proposed development does not adversely impact a significant geological area.

	<ul style="list-style-type: none"> The proposed development does not adversely impact on the rural character of the Yass Valley. The intensity of the development is appropriate having regard to the characteristics of the land, the rural environment, the need to protect significant natural resources, and the land uses that are permitted in the zone. The subject land is not on a fringe of the urban area.
Clause 2.3 Land Use Table	<p>The relevant land used definitions contained in the YV LEP 2013 for a dual occupancy and dwelling are as follows:</p> <p><i>“dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.”</i></p> <p><i>“dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.”</i></p> <p>The proposal has been put forward as a dual occupancy and the building also meets the definition of a dwelling.</p> <p>The proposed dwelling can certainly be described as large but architecturally it is nothing unusual and the floor plan presents as a single dwelling house. There are no development controls which dictate a maximum size for dwellings in rural zones and there are similarly large examples elsewhere in the Yass Valley.</p> <p>The proposal is currently permitted with Development Consent as a dual occupancy. If the subdivision DA210228 was approved, each lot would separately enjoy the opportunity for a dual occupancy under the LEP.</p>
Clause 2.6 Subdivision consent requirements	N/A
Clause 4.1 Minimum subdivision lot size	N/A
Clause 4.1B Subdivision using average lot sizes	N/A
Clause 4.1C Additional requirements for subdivision in certain rural zones	N/A
Clause 4.1D Minimum site areas for dual occupancies and multi dwelling housing in Zones R1, R2, R3 and RU5	N/A
Clause 4.2B Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones	<p>The subject land enjoys the benefit of a dwelling/dual occupancy entitlement as the subject land is greater in area than the minimum lot size of 40ha and there is already a lawful dwelling erected upon the land.</p>
Clause 4.3 Height of buildings	N/A

Clause 4.4 Floor space ratio	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.10 Heritage conservation	
Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones Conservation	<p>The proposed development is not considered to result in a land use conflict.</p> <ul style="list-style-type: none"> • The existing land uses in the locality are rural and rural lifestyle, including both dwelling houses and genuine agricultural activity such as a vineyard to the west. • There is adequate separate distance between location of development on adjoining lots. • The proposed development does not have a significant impact on the land uses that a preferred or predominant in the area. Residential use for a dwelling house or a dual occupancy are common and acceptable uses in area.
Clause 5.21 Flood Planning	N/A
Clause 6.1 Earthworks	<p>Applies to the proposed development and prescribes matters that must be considered by the consent authority before granting consent for earthworks.</p> <p>Earthworks will be required for dwelling construction and for the civil works associated with the upgrade of the Crown road. It is considered unlikely that the earthworks required will have a significant impact upon drainage patterns and soil stability as this can be appropriately addressed through the engineering design, nor will it reduce the future use of the land.</p> <p>The earthworks proposed will not significantly impact upon neighbouring properties or waterways. Erosion and soil movement can be managed through sediment control measures and a sediment and erosion control plan can be requested prior to works commencing through conditions of Consent.</p> <p>The dwelling house construction is proposed to be cut and fill neutral and does not proposed the importation of fill material.</p>
Clause 6.3 Terrestrial biodiversity	<p>The development is unlikely to have a significant impact on critical habitats, threatened species, ecological communities or their habitats. The development has been designed to minimise the impacts on terrestrial biodiversity.</p> <p>It has been identified that some vegetation removal within the road reserve will be required to accommodate the BAR/BAL intersection</p>

	<p>treatment which is being required as a condition of Development Consent. The Applicant would need to prepare an engineering design for this upgrade as part of the engineering construction approval. This would need to be accompanied by a 'test of significance' under the <i>Biodiversity Conservation Act 2016</i> to demonstrate that any tree removal does not have a significant impact on threatened species or community.</p> <p>In this regard, the proposed development satisfies the objectives of clause 6.3 of the YV LEP 2013.</p>
<p>Clause 6.4 Groundwater vulnerability</p>	<p>The site is identified as being subject to potential groundwater vulnerability. The submitted onsite effluent disposal report has been based on a four bedroom dwelling whilst the proposed dwelling is six bedrooms. It is considered that there will be opportunity for onsite effluent disposal for a six bedroom dwelling, however a revised effluent disposal report will need to be submitted for approval prior to the issue of a Construction Certificate for the dual occupancy/dwelling house. The proposed development will not have any significant impact on groundwater or groundwater dependent ecosystems.</p>
<p>Clause 6.5 Riparian land and watercourses</p>	<p>N/A</p>
<p>Clause 6.6 Salinity</p>	<p>An effluent disposal assessment has been provided which indicates that there is adequate opportunity for effluent disposal on the site and outside of areas which may be affected by salinity processes.</p> <p>The proposed development is located outside of the areas which may be affected by salinity.</p>
<p>Clause 6.7 Highly erodible soils</p>	<p>N/A</p>
<p>Clause 6.8 Essential services</p>	<p>The consent authority must be satisfied that services which are essential for the development are available or that adequate arrangements have been made to make them available when required.</p> <ol style="list-style-type: none"> The dwelling will be serviced by rainwater tanks. Electricity. Dwelling is proposed to be off grid. standard conditions of approval require a system generation/consumption assessment and details of the system to be submitted for approval prior to the issue of a Construction Certificate. If the system is outside of that which is 'exempt development' under <i>State Environmental Planning Policy (Infrastructure) 2007</i> then further or modified Development Consent may be required.

	<p>c. The disposal and management of sewage. The submitted onsite effluent disposal report has been based on a four bedroom dwelling whilst the proposed dwelling is six bedrooms. It is considered that there will be opportunity for onsite effluent disposal for a six bedroom dwelling, however a revised effluent disposal report will need to be submitted for approval prior to the issue of a Construction Certificate for the dual occupancy/dwelling house.</p> <p>d. Stormwater drainage can be managed on site due to the large lot sizes.</p> <p>e. Suitable vehicular access. Legal and physical access to each lot is via a Crown road from Murrumbateman Road. This will require upgrade however. Refer to detailed discussion on access in accompanying Council report.</p> <p>f. Telecommunications. The dwelling can be serviced by telecommunications.</p> <p>The use of appropriate conditions of Development Consent can ensure that all essential services will be made available to service the development.</p>
Clause 6.9 Development within a designated buffer area	N/A
Clause 6.10 Development on land intended to be acquired for Barton Highway duplication	N/A
Other relevant clause	N/A

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

Primary Matters	Specific Consideration
Draft State Environmental Planning Policy	<p>Where a draft SEPP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the draft policy • complies with development standards contained in the draft policy • general satisfies the requirements of the draft policy • generally meets the relevant concurrence, consultation or referral requirements to address the provisions of the draft policy. •
Comment	

Draft Regional Environmental Plan	<p>Where a draft REP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the draft plan • complies with development standards contained in the draft plan • satisfies the requirements of the draft plan • meets the relevant concurrence, consultation and/or referral requirements to address the provisions of the draft plan.
<p>Comment</p> <p>N/A</p>	
Draft Local Environmental Plan	<p>Where a draft LEP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is the proposal consistent with the aims and objectives of the draft plan • is consistent with the aims and objectives of the land use zone • is permissible in the land use zone • generally complies with all relevant clauses within the draft LEP • complies with development standards in the draft LEP • Where a 4.6 variation is proposed it has been supported in the draft LEP – Details are included in the comments below.
<p>Comment</p> <p>N/A</p>	

(iii) any development control plan

Primary Matters	Specific Consideration
Development Control Plan (DCP)	<p>Where a DCP is applicable to the development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • satisfies the requirements of the DCP • complies with development standards in the DCP • meets all relevant concurrence, consultation, referral requirements in the DCP.
<p>Comment</p> <p>N/A</p>	
Contributions Plans	<p>The Yass Valley Developer Contribution Plan 2018 (s7.12) has been considered and where applicable a developer contribution has been applied to the development.</p> <p>The Yass Valley Heavy Haulage Contribution Plan 2006 (s.7.11) has been considered and where applicable a developer contribution has been applied to the development.</p>
<p>Comment</p>	

If the cost of undertaking the development exceeds \$100,000 a s7.12 development contribution will be payable prior to the issue of a Construction Certificate. Appropriate conditions of consent can be included.

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

Primary Matters	Specific Consideration
Planning Agreement	Under s.7.4 EP&A Act, no planning agreement is applicable to the development.
<u>Comment</u> N/A	
Draft Planning Agreement	Under s. 7.4 EP&A Act, no draft planning agreement applicable to the development.
<u>Comment</u> N/A	

(iv) the regulations

Primary Matters	Specific Consideration
Environmental Planning and Assessment Regulation 2000	<p>The <i>Environmental Planning and Assessment Regulation 2000</i> has been considered and where relevant it:</p> <ul style="list-style-type: none"> • complies with AS 2601 when demolition is involved • complies with the Category 1 fire safety provisions if a change of building use is involved • has provision for compliance with the Building Code of Australia as amended if an building upgrade required • has been accompanied by a compliant BASIX certificate where the development is BASIX affected.
<u>Comment</u> <p>The proposal can comply with the National Construction Code/Building Code of Australia.</p> <p>A compliant BASIX Certificate has been submitted.</p>	

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

Primary Matters	Specific Consideration
Context and setting	<p>Context The development is compatible with the:</p> <ul style="list-style-type: none"> • scenic qualities and features of the landscape • character and amenity of the locality and streetscape • scale (bulk, height, mass) form, character, density and design of development in the locality • previous existing land uses and activities in the locality <p>Setting The development is unlikely to have a significant impact on adjacent properties in terms of:</p> <ul style="list-style-type: none"> • the relationship and compatibility of adjacent land uses • sunlight access (overshadowing) • visual and acoustic privacy • views and vistas • edge conditions such as boundary treatments and fencing
<p>Comment</p> <p>The dwelling is in a prominent position on elevated land, however Council has no development controls which prohibit development on elevated land having repealed a previous policy. Furthermore, Council has supported other examples of dwellings on elevated land.</p> <p>The proposed dwelling is not considered to have any significant or detrimental impact on the landscape as a result of the elevated location. Although it is a large dwelling, it is not incompatible with the context and setting.</p>	

<p>Access, transport and traffic</p>	<p>An assessment of access, transport and traffic impacts found (as relevant to the development):</p> <ul style="list-style-type: none"> • The existing road network is capable of supporting the proposed development • The proposed development complies with Council's Roads Standards Policy • The volume of traffic generated as a result of the proposed development is unlikely to exceed the capacity of the local and arterial road network • Public transport is available • A traffic management study was either not required to support the proposed development or was submitted and was considered satisfactory • An adequate number of vehicle parking spaces have been provided • On site car parking has provisions for compliance with relevant standards • The proposed or existing location of vehicular access to the site is considered satisfactory <p>Suitable conditions of consent have been included in the consent as required.</p>
<p><u>Comment</u></p> <p>Legal and physical access to each lot is via a Crown road from Murrumbateman Road. This will require upgrade however. Refer to detailed discussion on access in accompanying Council report.</p>	
<p>Utilities</p>	<p>The demands of the development are unlikely to have an adverse impact on utility supply as:</p> <ul style="list-style-type: none"> • adequate utilities are either existing and capable of supporting the proposed development or capable of being extended to service the site • where onsite sewage management is proposed it has been accompanied by a report prepared by an appropriate consultant demonstrating the suitability of the site for on-site effluent disposal
<p><u>Comment</u></p> <ul style="list-style-type: none"> • The dwelling will be serviced by rainwater tanks. • Electricity. Dwelling is proposed to be off grid. standard conditions of approval require a system generation/consumption assessment and details of the system to be submitted for approval prior to the issue of a Construction Certificate. If the system is outside of that which is 'exempt development' under <i>State Environmental Planning Policy (Infrastructure) 2007</i> then further or modified Development Consent may be required. <p>The disposal and management of sewage. The submitted onsite effluent disposal report has been based on a four bedroom dwelling whilst the proposed dwelling is six bedrooms. It is considered that there will be opportunity for onsite effluent disposal for a six bedroom dwelling, however a revised effluent disposal report will need to be submitted for approval prior to the issue of a Construction Certificate for the dual occupancy/dwelling house.</p> <ul style="list-style-type: none"> • Stormwater drainage can be managed on site due to the large lot sizes. 	

<ul style="list-style-type: none"> • Suitable vehicular access. Legal and physical access to each lot is via a Crown road from Murrumbateman Road. This will require upgrade however. Refer to detailed discussion on access in accompanying Council report. • Telecommunications. The dwelling can be serviced by telecommunications. <p>The use of appropriate conditions of Development Consent can ensure that all essential services will be made available to service the development. The proposed development is not considered to have any significant impact on the provision of these services in the locality.</p>	
Heritage	<p>The development is unlikely to have an adverse impact on the heritage significance of the site or adjacent properties in terms of:</p> <ul style="list-style-type: none"> • its impact on items, landscapes, areas, places, relics and practices • the historic, scientific, social, aesthetic, cultural, archaeological (both Aboriginal and non-Aboriginal) values of the site <p>As required a statement of design intent, heritage study, conservation management plan or statement of heritage impact has been submitted in support of the application.</p> <p>A due diligence assessment has been undertaken to establish the likelihood of aboriginal objects and areas of cultural heritage. Where required additional assessment has been undertaken by a person suitably experienced in identifying objects and areas of significance. Subsequent outcomes have been treated appropriately and suitable conditions been included in the development consent.</p>
<p><u>Comment</u></p> <p>The site is not within a heritage conservation area and does not contain a heritage listed item.</p> <p>The applicant has undertaken appropriate due diligence through an AHIMS database and identified that the site does not contain features which would indicate an increased likelihood for the presence of Aboriginal objects.</p> <p>In this regard, the proposed development is not considered to adversely impact on any Aboriginal objects or the broader heritage values of the Yass Valley (both Aboriginal and European). Standard conditions of consent can be applied which require the applicant to cease works immediately and contact Heritage NSW should any Aboriginal objects be uncovered.</p>	
Water	<p>The development is unlikely to have an adverse impact on the conservation of water resources and the water cycle in terms of:</p> <ul style="list-style-type: none"> • water supply sources • treatment, reuse and disposal of waste water and runoff • drainage, flow regimes, flooding on-site, up and downstream and in the catchment flood plain • groundwater tables
<p><u>Comment</u></p>	

The proposed development is not considered to have a significant impact on the water cycle. There are no major watercourses traversing the site.

The submitted onsite effluent disposal report has been based on a four bedroom dwelling whilst the proposed dwelling is six bedrooms. It is considered that there will be opportunity for onsite effluent disposal for a six bedroom dwelling, however a revised effluent disposal report will need to be submitted for approval prior to the issue of a Construction Certificate for the dual occupancy/dwelling house. The proposed development will not have any significant impact on groundwater or groundwater dependent ecosystems.

Erosion and soil movement can be managed through sediment control measures and a sediment and erosion control plan can be requested prior to works commencing through conditions of Consent.

Soils	<p>The development is unlikely to have an adverse impact on soil conservation in terms of:</p> <ul style="list-style-type: none"> • soil qualities - erodibility, permeability, expansion/contraction, fertility/productivity, salinity, sodicity, acidity, contaminants • instability - subsidence, slip, mass movement • the movement, formation, use and management of soils • soil erosion and degradation • remediation of contaminated soils
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<p><u>Comment</u></p> <p>The site is not identified as “high soil erodibility” in accordance with clause 6.7 of the YV LEP 2013.</p> <p>The subject land is identified as having “dry land salinity” in accordance with clause 6.6 of the YV LEP 2013. An effluent disposal assessment has been provided which indicates that there is adequate opportunity for effluent disposal on the site and outside of areas which may be affected by salinity processes. The development is located outside of the areas which may be affected by salinity.</p> <p>Erosion and soil movement can be managed through sediment control measures and a sediment and erosion control plan can be requested prior to works commencing through conditions of</p>	
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Air and Microclimate	<p>The development is unlikely to have an adverse impact on air quality and microclimatic conditions in terms of emissions of dust, particulates, odours, fumes, gases and pollutants.</p>
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<p><u>Comment</u></p> <p>Any emissions of dust, particulates, odours, fumes, gasses and pollutants will be primarily during construction and civil works. These impacts can be managed through appropriate conditions of Development Consent and compliance with all other relevant legislation.</p>	
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Flora and Fauna	<p>The development is unlikely to have a significant impact on:</p> <ul style="list-style-type: none"> • critical habitats; threatened species, pollutions, ecological communities or their habitats; and other protected species • wilderness areas and national parks • wildlife corridors and remnant vegetation • the relationship of vegetation to soil erosion/stability and the water cycle • weeds, feral animal activity, vermin and disease
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	<p>An assessment under the provisions of the <i>Biodiversity Conservation Act 2016</i> has revealed proposed development:</p> <ul style="list-style-type: none"> • will not result in serious and irreversible impacts • did not trigger the submission of a BDAR or • where a BDAR was required it has been assessed and is considered satisfactory with suitable condition being added to the development consent.
<p><u>Comment</u></p> <p>The development is unlikely to have a significant impact on flora and fauna, critical habitats, threatened species, ecological communities or their habitats. The development has been designed to minimise the impacts on terrestrial biodiversity.</p> <p>It has been identified that some vegetation removal within the road reserve will be required to accommodate the BAR/BAL intersection treatment which is being required as a condition of Development Consent. The Applicant would need to prepare an engineering design for this upgrade as part of the engineering construction approval. This would need to be accompanied by a 'test of significance' under the <i>Biodiversity Conservation Act 2016</i> to demonstrate that any tree removal does not have a significant impact on threatened species or community.</p> <p>The subdivision development is not considered to trigger entry into the Biodiversity Offset Scheme as:</p> <ul style="list-style-type: none"> • It does not involve clearing of more than 1ha of native vegetation (the area threshold). • It does not involve clearing on land which is identified on the Biodiversity Values Map. • The impact of the development works is unlikely to exceed the test of significance. However, a test of significance will need to be provided to demonstrate that any tree removal associated with the upgrade of the Crown road (required by conditions) does not exceed the test of significance. 	
<p>Waste</p>	<p>As relevant, the development will provide waste facilities and controls for:</p> <ul style="list-style-type: none"> • solid, liquid and gaseous wastes and litter • the generation, collection, storage and disposal of waste
<p><u>Comment</u></p> <p>Waste during construction works can be suitably managed and reinforced through appropriate conditions of Development Consent.</p> <p>There is adequate area for the storage of bins near the proposed dwelling.</p>	

Energy	<p>The proposed development has provision to incorporate responsible energy efficiency measures in terms of:</p> <ul style="list-style-type: none"> • the overall energy needs of the development • the measures employed to save energy - passive design, solar lighting and heating, natural ventilation, shading elements, insulation, high thermal mass building materials, energy efficient appliances and machinery • the use of renewable and non-polluting energy sources? • energy needs in producing building/structural materials? • energy use by-products and waste <p>Where relevant the development also complies with the Building Sustainability Index (BASIX).</p>
<p><u>Comment</u></p> <p>A BASIX Certificate has been supplied as part of this development application. The proposed dwelling satisfy the project score for water, thermal comfort, and energy.</p>	
Noise and Vibration	<p>The proposed development is has potential to generate offensive noise pollution or vibration in terms of noise and vibration generated from the development during its construction.</p> <p>The developer is to employ suitable controls to manage such impacts on adjoining and surrounding properties. Conditions of consent have been included to address this concern.</p>
<p><u>Comment</u></p> <p>Any noise and vibration impacts will be associated with the construction works. This includes the upgrade of the Crown road. Although this impact cannot be mitigated due to the proximity of nearby sensitive land uses (i.e. dwelling at 840 Murrumbateman Road), standard conditions of Development Consent restricting hours of subdivision works can be used to appropriately manage the impact.</p> <p>Furthermore, sitting above any conditions imposed on a Development Consent, the <i>Protection of the Environment Operations 1997</i> applies in relation to noise.</p>	
Natural Hazards - Geologic	<p>Risks to people, property and the physical environment as a result of geologic/soil instability - subsidence, slip, mass movement has been considered and addressed through the submission of specialist reports and physical design features.</p>
<p><u>Comment</u></p> <p>There are no matters that require discussion.</p>	
Natural Hazards - Flooding	<p>Risks to people, property and the physical environment as a result of flooding has been considered and was addressed though:</p> <ul style="list-style-type: none"> • Compliance with the relevant Flood Risk Management Plan in accordance with the information submitted with the application or

	<ul style="list-style-type: none"> The addition of conditions which require compliance with the relevant Flood Risk Management Plan or the Building Code of Australia.
<p>Comment</p> <p>The site is not identified as being flood affected.</p>	
Natural Hazards - Bushfire	The development is not located on identified as being bushfire prone.
	The development site is bushfire prone and the development was assessed for compliance with <i>Planning for Bushfire Protection 2019</i> . The development is compatible with the bushfire risk and appropriate conditions have been included in the consent.
	The development site is bushfire prone, however in accordance with s.8.3.2 of <i>Planning for Bushfire Protection 2019</i> there are no bushfire protection requirements for <u>class 10a buildings</u> located more than 6 metres from a dwelling in bushfire prone areas.
	<p>The development is located on bushfire prone land and is Integrated Development in accordance with s.4.46 EP&A Act.</p> <p>The development application was referred to the NSW Rural Service (RFS) in accordance with s.100B <i>Rural Fires Act 1997</i>. A Bush Fire Safety Authority was issued by the RFS and the general terms of approval are included in the consent.</p>
<p>Comment</p> <p>On 22 September 2021 the NSW Rural Fire Service (RFS) Commissioner adopted a new bushfire prone land map for the Yass Valley. However, the Development Application was lodged prior to 22 September 2021 and was not identified as bushfire prone on the previous map. In this regard, the Development Application is assessed under the previous map (applicable at time of lodgement) and there are no requires under Planning for Bushfire Protection 2019.</p>	
Technological Hazards	<p>The development is unlikely to present risks to people, property and the physical environment from:</p> <ul style="list-style-type: none"> industrial and technological hazards land contamination and remediation <p>Where potential land contamination has been identified an assessment has determined that:</p> <ul style="list-style-type: none"> The contamination is likely to be low and does not warrant remediation as the proposed land use is not sensitive or Specialist reports have found that the land is not contaminated or Specialist reports have found the land to be contaminated and remediation is proposed prior to the proposed use <p>Where necessary suitable conditions have been included in the development consent.</p>
<p>Comment</p> <p>There are no matters that require discussion.</p>	

Safety, Security and Crime Prevention	<p>The development includes adequate measures to address the potential for accident / injury and criminal activity.</p> <p>The proposed development is considered to be low risk</p> <p>Where necessary the application has been referred to the local police and or liquor licensing officer for comments which have been incorporated into the development consent.</p>
<p>Comment</p> <p>There are no matters that require discussion.</p>	
Social impact in the locality	<p>The development is likely to have social benefits in the locality in terms of:</p> <ul style="list-style-type: none"> • community facilities and links • the interaction between the new development and the community
<p>Comment</p> <p>There are no matters that require discussion.</p>	
Economic impact in the locality	<p>The development is likely to have economic benefits in terms of:</p> <ul style="list-style-type: none"> • employment generation • economic income • generating benefits for existing and future businesses
<p>Comment</p> <p>Positive economic impact through the generation of economic activity during construction works.</p>	
Site and internal design	<p>The development is generally sensitive to environmental conditions and site attributes including:</p> <ul style="list-style-type: none"> • the size, shape and design of allotments, easements and roads • the proportion of the site covered by buildings • the positioning of buildings • the size (bulk, height, mass), form, appearance and design of buildings • the amount, location, design, use and management of private and communal open space • landscaping <p>The development is unlikely to affect the health and safety of the occupants in terms of:</p> <ul style="list-style-type: none"> • inadequate lighting, ventilation and insulation • inadequate building fire risk prevention and suppression • inappropriate building materials and finishes • inappropriate common wall structure and design • lack of access and facilities for the disabled
<p>Comment</p>	

<p>The design of the propose development generally responds the attributes of the site.</p> <ul style="list-style-type: none"> • The location of the dwelling ensures separation between development on adjoining lots. • The proposed earthworks are cut and fill neutral and do not require the importation of fil material. 	
Construction	<ul style="list-style-type: none"> • The proposed development has provision for compliance with the Building Code of Australia (as amended) and relevant Australian standards • The impacts of construction activities can be managed and suitable conditions have been included in the development consent.
<p><u>Comment</u></p> <p>No additional comments.</p>	

(c) the suitability of the site for the development

Primary Matters	Specific Consideration
Compatibility with existing development in the locality	<p>The proposal is generally considered to be compatible with existing development in the locality as:</p> <ul style="list-style-type: none"> • Utilities and services available to the site are adequate for the development • The development will not lead to unmanageable transport demands • Transport facilities are adequate in the area • The locality contains adequate recreational opportunities and public spaces to meet the needs of the development • The air quality and microclimate are appropriate for the development • No hazardous land uses or activities nearby • Ambient noise levels are suitable for the development • The site is not critical to the water cycle in the catchment • The proposal is compatible with the existing built environment
<p><u>Comment</u></p> <p>The proposed development is compatible with the existing rural and rural lifestyle development in the locality.</p>	
Site conduciveness to the development	<p>The subject site is generally considered conducive with the proposed development as :</p> <ul style="list-style-type: none"> • The site is suitable for the proposed development

	<ul style="list-style-type: none"> • The site is either not subject to natural hazards including flooding, tidal inundation, subsidence, slip, mass movement, and bushfires or where it is these risks have been adequately managed • The slope of the land is suitable for the proposed development • The proposal is compatible with conserving the heritage significance of the site • The soil characteristics on the site is appropriate for development (Saline / Sodic / Acidic) • The development is compatible with protecting any critical habitats or threatened species, populations, ecological communities on the site • The site is not prime agricultural land and the development will not unduly prejudice future agricultural production • The development will not unduly prejudice the future use of the site • Cut and fill is a suitable development option for the site
<p><u>Comment</u></p> <p>The site is generally conducive to the development.</p> <ul style="list-style-type: none"> • The location of the dwelling ensures separation between development on adjoining lots. • The proposed earthworks are cut and fill neutral and do not require the importation of fill material. 	

(d) Any submissions made in accordance with this Act of the regulations

Primary Matters	Specific Consideration
Public Submissions	<p>An assessment of the proposed development under Council's Community Engagement Strategy has found it to be:</p> <ul style="list-style-type: none"> • consistent with the primary land use of the zoning • compliant with the requirements of the Yass Local Environmental Plan • compliant with the requirements of or meet the objectives of any applicable Development Control Plan or planning policy • unlikely to have a significant impact on adjoining or opposite properties
	<p>As such community consultation was <u>not</u> required.</p>
	<p>An assessment of the proposed development under Council's Community Engagement Strategy revealed that community consultation was required.</p> <p>Surrounding landowners and other interested parties were <u>notified</u> of the development with submitted plans and supporting information made publically available for 14 days.</p> <p>Where submissions were received the issues raised have been considered as summarised in the comments below and where appropriate have been addressed through conditions of consent.</p>
<p><u>Comment</u></p>	

Public exhibition included notice to 11 nearby and adjoining and nearby landowners and those who had previously made submissions in relation to the withdrawn applications. During the public exhibition period there were seven submissions received in relation to the dwelling.

A submission also received in relation to subdivision DA210228 also raised issues in relating to the Crown road which are relevant to this assessment.

A planning forum was held on 2 March 2022 as opportunity for persons who had made submissions and the Applicant to make representations to Councillors. Two neighbouring property owners made representations along with the Applicant.

The key issues raised in submissions relate to:

- access arrangements
- objectives of the zone
- dual occupancy characterisation and use of existing dwelling
- concept plan for future development and use of site
- location of dwelling – elevated land
- off-grid electricity
- sale of the property
- historical site and compliance issues

An assessment response to the submissions is included in the table at the end of this assessment.

Submissions from Public Authorities	Where relevant submissions received from Government or Public Authorities have been considered with any issues raised being resolved, addressed by conditions of consent/general terms of approval or considered not relevant to the development
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Comment

There were no submissions sought or received from public authorities in relation to this Development Application. However, a submission was received from NSW Crown Lands in relation to subdivision DA210228 which raises relevant issues relating to the access via the Crown road.

The Crown Lands submissions was in relation to the proposed access arrangements utilising the Crown Road. Submissions received from neighbouring landowners had suggested that part of this Crown Road may be subject to both an enclosure permit and a road closure application. Crownlands advised

1. The owners of 840 Murrumbateman Road hold an enclosure permit for the section of the Crown Road adjacent to their property for grazing stock, but this does not give them ownership or the road or allow them to restrict public access.
2. The construction, upgrade or maintenance of the Crown road is not permitted without authorisation of Crown Lands.
3. That should Council determine that the Crown road requires upgrade, their administrative policy is that this road will be transferred to Council.

The first two points above are noted and relevant conditions can be included in any Development Consent that may be issued. However, Council has previously reminded Crown Lands on several occasions (including in 2014 and 2017) that they (i.e. the Minister) are a roads authority under the *Roads Act 1993* and Council does not accept their administrative policy position of transferring Crown roads to Council without appropriate financial resources for ongoing maintenance. Council's own policy position is that the transfer of Crown roads will only be considered where traffic volumes exceed 50 vehicles per day.

(e) the public interest

Primary Matters	Specific Consideration			
Government (Federal, State and Local) and Community Interests	<p>Government and community interests have been considered and are satisfied as:</p> <ul style="list-style-type: none">• The proposed development complies with the Council Policies identified as applicable in the <u>schedule below</u>. Where a variation to this policy has been supported details have been included in the comments.• The proposed development is generally consistent with any relevant planning studies and strategies• Covenants not imposed by council have been set aside for the purpose of this assessment• The proposal generally complies with all other covenants, easements, restrictions and agreements that have an bearing on the proposal• Issues raised in public meetings and inquiries have been considered. Where relevant more detail has been provided under the heading public submissions.• It is unlikely that the development will have a detrimental effect on the health and safety of the public			
<u>Comment</u>				
Refer to submissions from public authorities. There are no other matters that require discussions.				
Council Policies	Policy	Code	Applicable	N/A
	Building Line – Rural and Residential Land	DA-POL-8	✓	<input type="checkbox"/>
	Building Line - Urban	DA-POL-4	<input type="checkbox"/>	✓
	Building Over Sewer Mains	SEW-POL-1	<input type="checkbox"/>	✓
	Development Assessment and Decision Making	DA-POL-18	✓	<input type="checkbox"/>
	Holiday Cabins – Micalong Creek Subdivision	DA-POL-3	<input type="checkbox"/>	✓
	Kerb and Gutter Construction	ENG-POL-4	<input type="checkbox"/>	✓
	Non-Urban Fencing	DA-POL-12	✓	<input type="checkbox"/>
	Off-Street Car Parking	ENG-POL-8	<input type="checkbox"/>	✓
	Provision of Electricity Supply and Telecommunications Service for Subdivisions	DA-POL-17	✓	<input type="checkbox"/>
	Road Naming	RD-POL-6	<input type="checkbox"/>	✓
	Road Standards	RD-POL-9	✓	<input type="checkbox"/>
	Temporary Accommodation	DA-POL-2	<input type="checkbox"/>	✓
	Truck and Transport Depots in Rural Areas	DA-POL-11	<input type="checkbox"/>	✓

	Water Supply in Rural Areas and Villages	WS-POL-2	✓	<input type="checkbox"/>
<p><u>Comment</u></p> <p>Building Line – Rural and Rural-Residential Land DA-POL-8</p> <p>Council's <i>Building Line – Rural and Rural Residential Land Policy DA-POL-8</i> requires that dwelling houses are setback at least 50m from all property boundaries on land greater than 5ha in size. The setback of the of development complies with the development standards and objectives of the policy.</p> <p>Application Assessment and Decision Making DA-POL-8</p> <p>The applicant must be reported to a meeting of Council for determination in accordance with Council Policy Application Assessment and Decision Making DA-POL-18 due to the number of submissions received.</p> <p>Road Standards Policy RD-POL-9</p> <p>Standard conditions in relation to property vehicular access and the upgrade of the Crown road pursuant to Council's Roads Standard Policy (RD-POL-09).</p> <p>Water Supply in Rural Areas and Villages WS-POL-2</p> <p>The proposed development is to be supplied by rainwater tanks in accordance with the policy. Appropriate condition can be applied to ensure compliance.</p>				
Deposited Plans and 88B Instruments	<p><u>Comment</u></p> <p>The proposed development is not contrary to any existing restrictions.</p>			

6.6 Development Applications No. DA210228 & DA210232 - Dwelling House (Dual Occupancy) and Subdivision, 838 Murrumbateman Road, Nanima
Attachment H Assessment Report

Issue	Assessment Comment
Submission #1	
We support and agree with the objections raised by [...] We are particularly concerned that the nature of the dual occupancy is not residential but another "luxury retreat" to be used for commercial purposes.	Submissions received from author in relation to the other DAs generally raised similar issues. Generally discussed under Dual Occupancy Use of Existing Dwelling in accompanying Council report.
The size of the current residence and proposed dual occupancy residence are of concern in respect of sewerage and power. The original proposals for this site were entitled "solar farm" and this is another reason that a fully developed plan be available for consideration.	Discussed under On-site Sewage Management System and Off-Grid Electricity in accompanying Council report.
Submission #2	
The development applications appear to not comply with some requirements to benefit the development to the detriment of environmental protection and water allowances. In particular: the current site area is 80.49 hectares that has a harvestable right dam capacity calculated to be a maximum of 5.6343 megalitres and this proposed new farm dam is intended to be utilised for agricultural use (as stated in DA 210209). DA 210228 creates two lots on the site: Lot 1 previously 80.49ha becomes Lot 1 40.9 ha (if approved) and will still be the Lot with the dam therefore the harvestable right needs to be calculated for 40.9 ha. A corresponding modification to the DA for a smaller dam and less imported fill etc will need to occur as appropriate.	DA210209 for the dam has now been withdrawn. Standard subdivision conditions of Development Consent require Applicant to demonstrate existing dams meeting MHRDC requirements prior to the issue of a Subdivision Certificate.
Submission #3	
The proposal to cross existing UCR[my access road], with right of way, has not been explained as to how it is intended to be constructed. Or how it will inconvenience access to No [...]	The proposed subdivision will not inhibit any existing access arrangements. Refer to further discussion under Access Arrangements in accompanying Council.
Submission #4	
The proposed dual occupancy is cited as being for residential purpose. This is a very large/grand residential home at 606m ² , more akin to a commercial premises – which the	Generally discussed under Dual Occupancy Use of Existing Dwelling in accompanying Council report.

DA makes no mention of. It is interesting that the other dwelling on the property was also built as a residential dwelling, however, it is referred to on the TP Dynamics website (https://www.tpdynamics.com.au/nanima) as "Six bedrooms, each with its own bathroom, and multiple living and breakout spaces make this an expansive luxury retreat like no other." In the absence of a holistic development plan for the property, this application looks to be Commercial in its intent and should not be considered for residential purposes.	
The Statement of Environmental Effects makes reference to the development being "... in line with the future development of the subject site as indicated earlier in this Statement." I cannot see any reference in this statement to a holistic plan for this site – maybe if the community was privy to these plans, some of the community concerns may be allayed.	Discussed under Concept Plan for Future Development and Use of Site in accompanying Council report. Any future development applications will be assessed in accordance with requirements of s4.15 of the <i>Environmental Planning and Assessment Act 1979</i>
The land is zone RU1 Primary Production. There has been little evidence over the past years of any primary production land use being pursued or intended. Creation of another mega house on this block seems at odds with the objectives of this zone given the lack of apparent primary production	Generally discussed under YV LEP 2013 in this assessment and under Zone Objectives in the accompanying Council report.
It is noted from the Statement of Environmental Effects that the access track is considered to be existing, "... as it will be constructed as part of the associated works with the development application for the shed (DA200030B). The application for DA200030B makes no mention of work on an access track or the importation of soil for doing so. The Statement of Environmental Effects for that DA did make reference to importation of soil without any substantive explanation of its purpose. Building an access track to this new structure could not be supported without full details of what is proposed and disclosure of soil importation requirements. At best this amount development by stealth, verging on deceit.	The importation of fill material is no longer proposed. The section of the SEE being referred to relates to the area threshold triggers for the purposes of the Biodiversity Offset Scheme. Refer to discussion under Internal Access Road – Importation of Fill in accompanying Council report.
The on site sewerage management for the house makes reference to it being suitable for a four bedroom house. Given the house being proposed includes 6 bedrooms and the system is also meant to cover the shed, the report seems to understate the total daily loading. If indeed the shed is being assessed as equivalent to a 4 bedroom house as per the report, the sizing of the system should be taking into account a total load of 10 bedrooms @150l/day (total 1500l/day). The assessment seems to be grossly understated	Discussed under Onsite Sewage Management System in accompanying Council Report.

<p>The Statement of Environmental Effects alludes to the new dwelling utilising solar to power the house and there being no requirement extend the existing electrical network. The report also suggests solar power will be used to heat the slab in the cooler months. Given an average house of less than 200m² will use in excess 20kWh of power a day, it would seem the PV solar requirements of this dwelling would be far in excess of what can be achieved from roof top solar and a Tesla battery. The DA does not include any specification of what is proposed in this regard and should not proceed without further detail being provided, with an opportunity for the community to make comment.</p>	<p>Discussed under Off-Grid Electricity in accompanying Council Report.</p>
<p>Submission #5</p>	
<p>Either by accident or through a more disingenuous approach, the holistic plan and end game in the multiple, complex development proposals is obfuscated. This is particularly risky for the council due to the environmental risks of the significant size and scale of these developments, and devastating to the neighbours who bought their properties in good faith as rural / primary production.</p>	<p>Noted. Two of the Development Applications have since been withdrawn. Impacts generally have been discussed in assessment and accompanying Council report.</p>
<p>The development being proposed is listed as being for residential purposes. The proposed dwelling is over 600m², which is larger than many of the largest mansions on the Gold Coast.</p> <p>The overall design, when considered IN ASSOCIATION with the numerous other proposals indicates an intention that is more commercial than residential. It should also be noted that the DA for the other residence in this holding was approved as a residential development, when the owners own website https://www.tpdynamics.com.au/nanima describes this as "Six bedrooms, each with its own bathroom, and multiple living and breakout spaces make this an expansive luxury retreat like no other."</p> <p>This also aligns with empirical evidence (massive proposals for lakes, event sheds, tarred roads, entry signs) along with anecdotal evidence from neighbours detailing large gatherings/events.</p>	<p>Generally discussed under Dual Occupancy Use of Existing Dwelling and Concept Plan for Future Development and Use of Site in accompanying Council report.</p> <p>Any future development applications will be assessed in accordance with requirements of s4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p>The surrounding properties, roads, natural environment is incompatible with a commercial venture ~ at least not without significant infrastructure planning and</p>	<p>Generally discussed under impacts in this assessment and in the accompanying Council report.</p>

alleviation associated with such a venture – something that will be omitted if approved as a residential development.	
The land is zone RU1 Primary Production. The large mansions, the construction of lakes, sheds and tarred roads are at odds with this zone. It conflicts with the intention and purpose of surrounding properties, and the owners' rights to peace and quiet.	Generally discussed under zone objectives and impacts in this assessment and in the accompanying Council report.
<p>Environmental Effects-Soil Importation. Conflicting statements. In the statement of Environmental Effects it states that the access track is considered to be existing, "... as it will be constructed as part of the associated works with the development application for the shed (DA200030B).</p> <p>However, the application for DA200030B makes no mention of work on an access track or the importation of soil for doing so. The Statement of Environmental Effects for that DA did make reference to importation of soil without any substantive explanation of its purpose.</p>	The importation of fill material is no longer proposed. The section of the SEE being referred to relates to the area threshold triggers for the purposes of the Biodiversity Offset Scheme. Refer to discussion under Internal Access Road – Importation of Fill in accompanying Council report.
<p>Environmental Effects-Sewerage Contamination. The proposed sewerage management is specified as being suitable for a four- bedroom house. The house detailed in the proposal includes 6 bedrooms and the system is also meant to cover the shed.If indeed the shed is being assessed as equivalent to a 4 bedroom house as per the report, the sizing of the system should be taking into account a total load of 10 bedrooms @150l/day (total 1500l/day).</p> <p>The assessment seems to be grossly understated, with environmental and pollution risks being levied on the properties of the downhill residents, as well as the catchments that feed Murrumbateman waterways.</p>	Discussed under Onsite Sewage Management System in accompanying Council Report.
Submission #6	
The Development Application states that the proposed new development has been designed to complement the adjoining properties and surrounding residences. The design and placement of the proposed new dwelling has been prepared taking into consideration the specific site characteristics, the shape of the lot, the location of services and topography of the site maximising the potential living area.	Discussed under Dual Occupancy Use of Existing Dwelling in accompanying Council report.

<p>This statement is incorrect. The proposed building is very large and clearly will be used in the same manner as the other building on the original lot. This building will be used for commercial purposes, as will the shed. The intent of building a dwelling of this size on the block is to use it as part of the resort development that is taking place much the same as the original dwelling which is currently rented out at \$1700 per night. The size, location, and usage of the proposed dwelling will not compliment the adjoining properties which are all being used for rural purposes, not as a commercial resort.</p>	
<p>The development application states that the proposed new development has been designed to complement the topography and shape of the lot, and surrounding properties and that the proposed new dwelling will have an overall footprint of 606.9m².</p> <p>The proposal places the dwelling on a steep hill, however; there is no mention of any fill requirements that would be required to create the pad for the dwelling. There is mention of no need to clear the land, but no indication of the need to fill to create the pad. The location that is proposed for the dwelling will require either significant cutting into the hill and/or fill to create an area of the size quoted in the application. If the previous build on the block is any indication this will see the entry of 80 to 90 trucks per day dropping off fill to the site over a period of many months.</p>	<p>Development is proposed to be cut and fill neutral and there is no importation of fill material proposed.</p>
<p>In the Statement of Environmental Effects states that the access track is considered to be existing, "... as it will be constructed as part of the associated works with the development application for the shed (DA200030B)". The application for DA200030B makes no mention of quantities of soil that will need to be imported into the property to build this currently non- existent road and this will increase the number of trucks entering and leaving the property significantly.</p>	<p>Discussed under Access Arrangements in accompanying Council report. Importation of fill material is not proposed for the construction of internal access roads.</p>
<p>Effect on road safety. The sub division of this lot will see an increase in general traffic into and out of the property The entry way to 838 Murrumbateman road is a shared access point for 838, 840 and 842 Murrumbateman Road. This entrance is located between two curves in the road and is in a 100k kilometre per hour speed zone. The traffic on Murrumbateman Road has been steadily increasing and as a result it is now quite a busy roadway. Road users continually use the straight stretch in front of the entry way to these properties to over -take other vehicles, oblivious to vehicles entering and leaving the driveway. Increasing use of this driveway will increase the likelihood of a serious accident occurring due to vehicles entering and leaving the road from one of the dwellings. There is no consideration made in this development application or any of the other associated development applications in relation to improvements to the driveway in order to improve</p>	<p>Refer to further discussion under Access Arrangements in accompanying Council.</p>

safety. In addition to the above road safety issue, the increased amounts of vehicles entering and leaving Murrumbateman Road will further degrade the road surface in front of the property which is currently littered with pot holes.	
Environmental effects to neighbours. There is an environmental impact due to the close proximity of our - riding arena and stables to the entry to 838 and the proposed access track to the new dwelling. Since the beginning of the development of the block at 838 Murrumbateman Rd, there has been approximately 6-8 trucks per day on an average day (although there has at times been upwards of 90 in a day), coming and going from the property. During the building of this commercial sized dwelling these numbers will increase as will the noise. This makes it impossible for me to safely ride my horses in my riding arena without risk of injury to either myself or my horses.	Generally discussed in this assessment and in the accompanying Council report. Proposed development does not require importation of fill material. Civil works are however required to upgrade the existing Crown road. This will be subject to standard conditions of Development Consent relating to hours of those construction works
Environmental effects to neighbours. Since the beginning of the development of the block at 838 Murrumbateman Rd, there has been approximately 6-8 trucks per day on an average day (although there has at times been upwards of 90 in a day), coming and going from the property. During the building of this commercial sized dwelling these numbers will increase as will the noise. This makes it impossible for me to safely ride my horses in my riding arena without risk of injury to either myself or my horses.	Generally discussed in this assessment and in the accompanying Council report. Proposed subdivisions does not require importation of fill material. Civil works are however required to upgrade the existing Crown road. This will be subject to standard conditions of Development Consent relating to hours of those construction works.
During the development of the property at 838 there has been no dust suppression applied and as a result, our premises has been continuously shrouded in plumes of dust. This has resulted in respiratory conditions being diagnosed for both human and animal inhabitants of the property. This proposal describes the need for a significant amount of trucks accessing the property. This has the potential to increase dust pollution to [our property] even further.	Generally discussed in this assessment and in the accompanying Council report. Proposed subdivisions does not require importation of fill material. Civil works are however required to upgrade the existing Crown road. This will be subject to standard conditions of Development Consent relating to hours of those construction works and dust management. It should be noted that proposed conditions of development consent are requiring the Crown road to be bitumen sealed to reduce ongoing dust impacts associated with traffic generation.
Submission #7	
Wastewater. The proposed wastewater treatment system for the proposed building is the same system proposed in related application DA2000308 (shed). According to the applicants On-site Sewerage Management Report ("OSMR") the "effluent management system design for the shed has been based on an equivalent 4-bedroom dwelling with non-	Discussed under Onsite Sewage Management System in accompanying Council Report.

reticulated water supply, which will generate a design wastewater load of 600L/day". This application is for a six bedroom building of considerable size. It is unclear how a system scoped for a single four bedroom dwelling can accommodate the load of a substantial (642 sqm) shed and six bedroom building.	
The system is also located within an area mapped on the Riparian Lands and Watercourses and Groundwater Vulnerability Mapping (Statement of Environmental Effects ("SEE"); page 14). It is nestled between and proximate to two 40m dam/drainage buffers (OSMR; page 14). Discharge from this system could flow into farm dams on neighbouring lots or Murrumbateman Creek.	Onsite sewage management system not considered to any significant impact on groundwater or watercourses, subject to the system design being revised to ensure it matches the number of bedrooms – refer to discussion under Onsite Sewage Management System in accompanying Council Report.
It is not proposed to connect the building to the electrical distribution network (SEE; page 13). Instead power is to be generated by "solar". The TP Dynamics website (http://www.tpdynamics.com.au/nanima) refers to the existing primary dwelling as being "part of a wider, staged master plan that will include a solar farm". As the development proposes to use electricity for all HVAC requirements the quantity of solar panels required may be significant. The proposal does not state either the quantity or position of the solar infrastructure which will be required.	Discussed under Off-Grid Electricity in accompanying Council Report.
Related proposed subdivision. The location of the building is within an area proposed for subdivision (DA210232 - Subdivision). It is submitted that the proposed subdivision application should be determined prior to any building works being approved on the proposed new parcel. This may allow a building envelope to be defined which minimises any potential development impacts on groundwater vulnerability areas or dam/watercourse buffer areas.	Draft conditions for the subdivision require the building envelope to be defined – i.e. around the location of the dwelling proposed with this Development Application. This will ensure the location of development is restriction to that location, regardless of whether the subdivision or dual occupancy/dwelling proceeds first.
DA210228 Submission #8 (Second Exhibition Period - Revised Access Arrangements) – Issues also related to DA210232 in relation to eh Crown road.	
The development application stated that 'the land is currently being farmed and it is intended that the land use will remain the same after the subdivision. Subdividing the land into two holdings will not limit the land with respect to its current agricultural potential.' This statement is false as currently the land is used exclusively as an air BNB (with the view to developing it further into a resort), and has not been use or agricultural purposes since ownership passed to the current owner.	Noted. Generally discussed in this assessment and in the accompanying Council report.

The land is over grown with weeds and has an infestation with pests that are also encroaching onto neighbouring properties.	Refer to further discussion under Weeds in accompanying Council
The fences are mostly in disrepair and rely on neighbouring electric fencing to ensure enclosure in several places.	Refer to further discussion under Stock-proof fencing in accompanying Council
<p>The sub division of this lot will see an increase in general traffic into and out of the property. The entry way to 838 Murrumbateman Road is a shared access point for 838, 840 and 842 Murrumbateman Road. This entrance is located between two curves in the road and is in a 100 kilometre per hour speed zone. There is less than 165 metres visibility to a blind curve and visibility in the other direction is limited to only a few metres due to the placement of a sign. The road carries in excess of 1000 vehicles per day. There have been no plans provided to us in relation to the improvement of Murrumbateman Road to include a safe means to enter and exit the driveway from Murrumbateman Road. It is clear that there is a requirement to do so under the Austroads design principals 3.2.1 Approach Sight Distance (ASD) requirements for intersections, and as a result significant work would need to be undertaken to Murrumbateman Road in order to ensure driver safety.</p> <p>Currently when turning right into 838,840,842, you are often required to stop and wait for traffic coming in the other direction. Once stopped there is nowhere for vehicles to pass on the left-hand side due to a large embankment. In addition, when you start to indicate to turn, many drivers believe that you are indicating to them to overtake in the 100klm zone and begin overtaking you whilst you turn right.</p> <p>Over the past several months, and in particular during open for inspections and whilst being used by patrons for the air BandB located at 838 Murrumbateman Road, there have been several near misses at this location due to the road deficiencies, the amount of traffic, and impatient drivers.</p>	Refer to discussion under Access Arrangements in accompanying Council.
During the initial development of the block at 838 Murrumbateman Rd, there was approximately 6-8 trucks per day on an average day (although there has at times been upwards of 90 in a day), coming and going from the property. During the building of the proposed commercial sized dwelling as part of this application the number of trucks will increase as will the noise. This makes it impossible ride a horse in our riding arena without risk of injury to either humans or horses as the proposed access is now directly adjacent to my riding arena	<p>Generally discussed in this assessment and in the accompanying Council report.</p> <p>Proposed developments do not require importation of fill material. Civil works are however required to upgrade the existing Crown road. This will be subject to standard conditions of Development Consent relating to hours of those construction works.</p>

6.6 Development Applications No. DA210228 & DA210232 - Dwelling House (Dual Occupancy) and Subdivision, 838 Murrumbateman Road, Nanima
Attachment H Assessment Report

The new amendment to the proposal would see the use of the existing driveway into 840 Murrumbateman Road. This driveway has been built on crown land which we currently lease for grazing purposes and have applied to purchase from Crown Lands. This application was made approximately 5 years ago, however; there is a significant backlog in relation to the completion of the required processes.	Refer to discussion under Access Arrangements in accompanying Council.
As we currently lease this land for grazing any use of it as a driveway would require building of stock proof fences. In addition, the surface would require upgrading (including raising and drainage) in order for it to be fit for purpose and compliant with council requirements when sub-division occurs.	Refer to discussion under Access Arrangements in accompanying Council.
In the most recent submission, the applicant has stated that the use of the existing driveway would reduce the amount of material required to construct internal roads. This statement is incorrect as the existing driveway would require considerable material to upgrade it for use as an access way for a subdivision. In addition to this there would be a need to upgrade the drainage on the driveway to ensure surface stability as there is a considerable amount of water that runs directly off the hill during rain events.	Refer to discussion under Access Arrangements in accompanying Council.
This proposal and its amendments clearly inhibit our ability to use our property for the purpose that it is intended for and at the same time increases the risk of a serious motor vehicle accident occurring on Murrumbateman Road	Proposed development is not considered to have a significant impact on the ability of use of property. Refer generally to discussion in this assessment and accompanying Council report. Impacts associated with access in close proximity to existing dwelling are acknowledged and discussed under Access Arrangements in accompanying Council.
Having already built such a large access road into the property at 838 the question is why would you not use it to at least partially access the new lot?	Refer to discussion under Access Arrangements in accompanying Council.
There are currently at least 2 trees that have significant heritage value for the region at the entrance to the property and the newly proposed access driveway within the crown land. One tree located at the entrance to the driveway from Murrumbateman Rd has previously been discussed with council due to a previous owner's application to remove it to enlarge the entrance way. This request was denied. Any attempts to provide safer access and egress from this property would require removal of this tree.	This tree is not proposed or intended to be removed. Localised narrowing of Crown road pavement to be supported. Refer to discussion under Access Arrangements in accompanying Council.
Although we have written supporting an opposition to the sub division of 838 Murrumbateman Rd, we would like to point out that it is the industrial nature and size of	Noted. Generally discussed in this assessment and in the accompanying Council report.

<p>the proposals that are our major concern. We have been severely impacted (as have other neighbours) by the industrial size of the development to date of the now existing road and house. During the building of the new road and house the developer showed a disregard for the adverse effects to both our livestock and the environment. We have been submitted to considerable noise and dust pollution for several years during this development and we (humans and animals) continue to suffer the effects of the continued dis-regard by the developer to comply with previous council directions in relation to these impacts.</p>	
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Section 4.15 Evaluation

Summary of Application

Recommendation	Approval subject to conditions	
Assessing Officer	Jeremy Knox	15 March 2022
Approval Officer		

Development Application No.	DA210228
Type of Development	Local
Development Site	Lot 1 DP 1213153 838 Murrumbateman Road, NANIMA
Owner / Applicant	Wunderland Estate Pty Ltd / Mr A Popovich
Description of Development	The submitted application involves a two lot rural subdivision lodged under clause 4.1B of the YV LEP 2013.

Integrated Development

The application has been referred to the relevant government agency for concurrence and General Terms of Approval have been included in the development consent.

Legislation	Yes	No	N/A
<i>Coal Mine Subsidence Compensation Act 2017</i> s 22	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Fisheries Management Act 1994</i> s 144, S201 S205, S219,	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Heritage Act 1977</i> s 58	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Mining Act 1992</i> ss 63, 64	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>National Parks and Wildlife Act 1974</i> s 90	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Petroleum (Onshore) Act 1991</i> s 16	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Protection of the Environment Operations Act 1997</i> ss 43(a), 47 and 55, ss 43(b), 48 and 55, ss 43(d), 55 and 122	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Roads Act 1993</i> s 138	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Rural Fires Act 1997</i> s 100B	<input type="checkbox"/>	<input type="checkbox"/>	✓
<i>Water Management Act 2000</i> ss 89, 90, 91	<input type="checkbox"/>	<input type="checkbox"/>	✓
<u>Comment</u>			
The Development Application is not integrated development.			

Section 4.15 – Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument

Primary Matters	Specific Consideration
State Environmental Planning Policy (SEPP)	<p>Where a SEPP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the policy • generally complies with development standards contained in the policy • generally satisfies the requirements of the policy • meets the relevant concurrence, consultation and/or referral requirements.
<p><u>Comment</u></p> <p>State Environmental Planning Policy (Koala Protection) 2019 The SEPP is applicable to the Yass Valley. The site is not mapped as being of core koala habitat. The proposed development is not considered to have any significant adverse impact on koala habitat.</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land There are no known risks of contamination. The land is not picked up on Council's contaminated land database or layers. As such the proposed development is considered to be suitable.</p>	
Regional Environmental Plans (REP)	<p>Where an REP applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • generally complies with development standards contained in the plan • generally satisfies the requirements of the plan • meets the relevant concurrence, consultation and/or referral requirements to address the provisions of the plan.
<p><u>Comment</u></p> <p>N/A</p>	

Local Environmental Plan (LEP)	<p>An assessment against the relevant provisions of the <i>Yass Valley Local Environmental Plan 2013</i> has found that the proposed development:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • is consistent with the aims and objectives of the land use zone • is permissible in the land use zone • generally complies with all relevant clauses within the LEP. Where explanation is required it has been included in the assessment notes below. • complies with development standards in the LEP • where a variation to a development standard is proposed it was accompanied by a written request from the applicant which has adequately addressed the matters required to be addressed by Clause 4.6
<p>Comment</p> <p>Below is an assessment of the application pursuant to the relevant clauses of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
<p>Clause 2.3 Zone & zone objectives</p>	<p>The land is zoned RU1 Primary Production. The proposed development is not inconsistent with the objectives of the zone.</p> <ul style="list-style-type: none"> • The proposed development is proposed to create one additional lot which is conducive to allowing land uses that are permitted in the zone and which meet the zone objectives. • The proposed development is not considered to result in a significant fragmentation of resource lands, particularly noting that the subdivision is consistent with the prescribed minimum lot size and surrounding lots sizes in the locality, and is permitted by the development standards in the LEP. • The proposed development is not considered to result in a conflict between land uses zones or within the land use zone. • The proposed subdivision is considered to have been designed in such manner that does not have any significant adverse impacts on the biodiversity values of the site. • The proposed development does not adversely impact a significant geological area. • The proposed development does not adversely impact on the rural character of the Yass Valley. • The intensity of the subdivision is appropriate having regard to the characteristics of the land, the rural environment, the need to protect significant natural resources, and the prescribed minimum lot size in the area. • The subject land is not on a fringe of the urban area.
<p>Clause 2.3 Land Use Table</p>	<p>N/A</p>

Clause 2.6 Subdivision consent requirements	The applicant has sought consent for the proposed subdivision.
Clause 4.1 Minimum subdivision lot size	The proposed development does not satisfy the minimum lot size of 40ha as one of the lots are slightly less.
Clause 4.1B Subdivision using average lot sizes	The minimum lot size in this area is 40ha, however the applicant proposes to utilise the provisions for subdivision using average lot sizes contained within 4.1B of the YV LEP 2013. The proposal satisfies the minimum average lot size requirement of 40ha and neither lot are below 20ha or above 70ha.
Clause 4.1C Additional requirements for subdivision in certain rural zones	<p><i>(3) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:</i></p> <p><i>(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</i></p> <ul style="list-style-type: none"> • The proposed subdivision is not considered to have a detrimental impact on any riparian land or watercourses. There are no significant watercourse traversing the site. • A effluent disposal assessment has been provided which indicates that there is adequate opportunity for effluent disposal on the site and outside of areas which may be affected by salinity processes. • The subdivision has been designed to minimise the impact on biodiversity values. <p><i>(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</i></p> <p>It is considered that there is adequate opportunity for future buildings and access ways without the need for clearing or damaging any remnant vegetation. The subdivision adopts logical boundary lines along the existing Crown road.</p> <p><i>(c) the pattern of lots will not significantly increase access to a watercourse for stock and domestic purposes, and</i></p> <p>The proposed subdivision layout does not result in a significant increase for access as there are no major watercourses identified on the site.</p> <p><i>(d) the subdivision will not adversely affect the use of the land and surrounding land for agriculture.</i></p> <p>The proposed subdivision is not considered to have any significant effect on the agricultural use of the land in the locality. A dwelling house on Proposed Lot 1 is adequately separated from neighbouring lots which are subject to agricultural land use – e.g. the vineyard to the west.</p>

Clause 4.1D Minimum site areas for dual occupancies and multi dwelling housing in Zones R1, R2, R3 and RU5	N/A
Clause 4.2B Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones	N/A
Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor space ratio	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones Conservation	<p>The proposed development is not considered to result in a land use conflict.</p> <ul style="list-style-type: none"> • The existing land uses in the locality are rural and rural lifestyle, including both dwelling houses and genuine agricultural activity such as a vineyard to the west. • There is adequate separate distance between location of development on adjoining lots. • The proposed development does not have a significant impact on the land uses that a preferred or predominant in the area. The proposed development is proposed to create one additional lot which is conducive to allowing land uses that are permitted in the zone and which meet the zone objectives.
Clause 5.21 Flood Planning	N/A
Clause 6.1 Earthworks	<p>Applies to the proposed subdivision and prescribes matters that must be considered by the consent authority before granting consent for earthworks.</p> <p>Earthworks will be required for civil works, including the upgrade of the Crown road. It is considered unlikely that the earthworks required will have a significant impact upon drainage patterns and soil stability as this can be appropriately addressed through the engineering design, nor will it reduce the future use of the land. The earthworks proposed will not significantly impact upon neighbouring properties or waterways. Erosion and soil movement can be managed through sediment control measures and a sediment and erosion control plan can be requested prior to works commencing through conditions of Consent.</p>

	The earthworks associated with the proposed development are necessary as part of the proposed subdivision and as such the development is considered to satisfy the objective of clause 6.1 of the YV LEP 2013.
Clause 6.3 Terrestrial biodiversity	<p>The development is unlikely to have a significant impact on critical habitats, threatened species, ecological communities or their habitats. The development has been designed to minimise the impacts on terrestrial biodiversity.</p> <p>It has been identified that some vegetation removal within the road reserve will be required to accommodate the BAR/BAL intersection treatment which is being required as a condition of Development Consent. The Applicant would need to prepare an engineering design for this upgrade as part of the engineering construction approval. This would need to be accompanied by a 'test of significance' under the <i>Biodiversity Conservation Act 2016</i> to demonstrate that any tree removal does not have a significant impact on threatened species or community.</p> <p>In this regard, the proposed development satisfies the objectives of clause 6.3 of the YV LEP 2013.</p>
Clause 6.4 Groundwater vulnerability	The site is identified as being subject to potential groundwater vulnerability. A effluent disposal assessment has been provided which indicates that there is adequate opportunity for effluent disposal on the site and that this will not have any significant impact on groundwater or groundwater dependent ecosystems.
Clause 6.5 Riparian land and watercourses	N/A
Clause 6.6 Salinity	<p>An effluent disposal assessment has been provided which indicates that there is adequate opportunity for effluent disposal on the site and outside of areas which may be affected by salinity processes.</p> <p>Future development on Proposed Lot 2 can be located outside of the areas which may be affected by salinity.</p>
Clause 6.7 Highly erodible soils	N/A
Clause 6.8 Essential services	<p>The consent authority must be satisfied that services which are essential for the development are available or that adequate arrangements have been made to make them available when required.</p> <ol style="list-style-type: none"> The supply of water for each new lot will be by rainwater tanks. Electricity. The subject land can be connected to grid electricity supply or could be off-grid in accordance with Council policy for subdivision in rural area.

	<p>c. The disposal and management of sewage. An onsite effluent capability assessment has demonstrated that each lot can suitably accommodate an onsite effluent disposal system.</p> <p>d. Stormwater drainage can be managed on site due to the large lot sizes.</p> <p>e. Suitable vehicular access. Legal and physical access to each lot is via a Crown road from Murrumbateman Road. This will require upgrade however. Refer to detailed discussion on access in accompanying Council report.</p> <p>f. Telecommunications. Evidence indicating that suitable arrangements are available for the provision of telecommunication services will also be required prior to the release of a subdivision certificate.</p> <p>The use of appropriate conditions of Development Consent can ensure that all essential services will be made available to service the development.</p>
Clause 6.9 Development within a designated buffer area	N/A
Clause 6.10 Development on land intended to be acquired for Barton Highway duplication	N/A

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

Primary Matters	Specific Consideration
Draft State Environmental Planning Policy	<p>Where a draft SEPP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the draft policy • complies with development standards contained in the draft policy • general satisfies the requirements of the draft policy • generally meets the relevant concurrence, consultation or referral requirements to address the provisions of the draft policy. •
<u>Comment</u>	
N/A	
Draft Regional Environmental Plan	<p>Where a draft REP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the draft plan

	<ul style="list-style-type: none"> • complies with development standards contained in the draft plan • satisfies the requirements of the draft plan • meets the relevant concurrence, consultation and/or referral requirements to address the provisions of the draft plan.
Comment N/A	
Draft Local Environmental Plan	Where a draft LEP is applicable to the proposed development it: <ul style="list-style-type: none"> • is the proposal consistent with the aims and objectives of the draft plan • is consistent with the aims and objectives of the land use zone • is permissible in the land use zone • generally complies with all relevant clauses within the draft LEP • complies with development standards in the draft LEP • Where a 4.6 variation is proposed it has been supported in the draft LEP – Details are included in the comments below.
Comment N/A	

(iii) any development control plan

Primary Matters	Specific Consideration
Development Control Plan (DCP)	Where a DCP is applicable to the development it: <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • satisfies the requirements of the DCP • complies with development standards in the DCP • meets all relevant concurrence, consultation, referral requirements in the DCP.
Comment N/A	
Contributions Plans	The Yass Valley Developer Contribution Plan 2018 (s7.12) has been considered and where applicable a developer contribution has been applied to the development. The Yass Valley Heavy Haulage Contribution Plan 2006 (s.7.11) has been considered and where applicable a developer contribution has been applied to the development.
Comment If the cost of undertaking the development exceeds \$100,000 a s7.12 development contribution will be payable prior to the issue of a Subdivision Certificate. Appropriate conditions of consent can be included.	

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

Primary Matters	Specific Consideration
Planning Agreement	Under s.7.4 EP&A Act, no planning agreement is applicable to the development.
<u>Comment</u> N/A	
Draft Planning Agreement	Under s. 7.4 EP&A Act, no draft planning agreement applicable to the development.
<u>Comment</u> N/A	

(iv) the regulations

Primary Matters	Specific Consideration
Environmental Planning and Assessment Regulation 2000	<p>The <i>Environmental Planning and Assessment Regulation 2000</i> has been considered and where relevant it:</p> <ul style="list-style-type: none"> • complies with AS 2601 when demolition is involved • complies with the Category 1 fire safety provisions if a change of building use is involved • has provision for compliance with the Building Code of Australia as amended if an building upgrade required • has been accompanied by a compliant BASIX certificate where the development is BASIX affected.
<u>Comment</u> No building works are proposed with the subdivision.	

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

Primary Matters	Specific Consideration
Context and setting	<p>Context The development is compatible with the:</p> <ul style="list-style-type: none"> • scenic qualities and features of the landscape • character and amenity of the locality and streetscape • scale (bulk, height, mass) form, character, density and design of development in the locality • previous existing land uses and activities in the locality <p>Setting The development is unlikely to have a significant impact on adjacent properties in terms of:</p> <ul style="list-style-type: none"> • the relationship and compatibility of adjacent land uses • sunlight access (overshadowing) • visual and acoustic privacy • views and vistas • edge conditions such as boundary treatments and fencing
<p>Comment</p> <p>The proposed development will create one additional lot. The proposed lot sizes and likely future use of the lots are consistent and compatible with the existing development in the locality.</p>	
Access, transport and traffic	<p>An assessment of access, transport and traffic impacts found (as relevant to the development):</p> <ul style="list-style-type: none"> • The existing road network is capable of supporting the proposed development • The proposed development complies with Council's Roads Standards Policy • The volume of traffic generated as a result of the proposed development is unlikely to exceed the capacity of the local and arterial road network • Public transport is available • A traffic management study was either not required to support the proposed development or was submitted and was considered satisfactory • An adequate number of vehicle parking spaces have been provided • On site car parking has provisions for compliance with relevant standards • The proposed or existing location of vehicular access to the site is considered satisfactory <p>Suitable conditions of consent have been included in the consent as required.</p>
<p>Comment</p> <p>Legal and physical access to each lot is via a Crown road from Murrumbateman Road. This will require upgrade however. Refer to detailed discussion on access in accompanying Council report.</p>	

Utilities	<p>The demands of the development are unlikely to have an adverse impact on utility supply as:</p> <ul style="list-style-type: none"> adequate utilities are either existing and capable of supporting the proposed development or capable of being extended to service the site where onsite sewage management is proposed it has been accompanied by a report prepared by an appropriate consultant demonstrating the suitability of the site for on-site effluent disposal
<p><u>Comment</u></p> <ul style="list-style-type: none"> The supply of water for each new lot will be by rainwater tanks. Electricity. The subject land can be connected to grid electricity supply or could be off-grid in accordance with Council policy for subdivision in rural area. The disposal and management of sewage. An onsite effluent capability assessment has demonstrated that each lot can suitably accommodate an onsite effluent disposal system. Stormwater drainage can be managed on site due to the large lot sizes. Telecommunications. Evidence indicating that suitable arrangements are available for the provision of telecommunication services will also be required prior to the release of a subdivision certificate. <p>The use of appropriate conditions of Development Consent can ensure that all essential services will be made available to service the development. The proposed development is not considered to have any significant impact on the provision of these services in the locality.</p>	
Heritage	<p>The development is unlikely to have an adverse impact on the heritage significance of the site or adjacent properties in terms of:</p> <ul style="list-style-type: none"> its impact on items, landscapes, areas, places, relics and practices the historic, scientific, social, aesthetic, cultural, archaeological (both Aboriginal and non-Aboriginal) values of the site <p>As required a statement of design intent, heritage study, conservation management plan or statement of heritage impact has been submitted in support of the application.</p> <p>A due diligence assessment has been undertaken to establish the likelihood of aboriginal objects and areas of cultural heritage. Where required additional assessment has been undertaken by a person suitably experienced in identifying objects and areas of significance. Subsequent outcomes have been treated appropriately and suitable conditions been included in the development consent.</p>
<p><u>Comment</u></p> <p>The site is not within a heritage conservation area and does not contain a heritage listed item.</p> <p>The applicant has undertaken appropriate due diligence through an AHIMS database and identified that the site does not contain features which would indicate an increased likelihood for the presence of Aboriginal objects.</p>	

In this regard, the proposed development is not considered to adversely impact on any Aboriginal objects or the broader heritage values of the Yass Valley (both Aboriginal and European). Standard conditions of consent can be applied which require the applicant to cease works immediately and contact Heritage NSW should any Aboriginal objects be uncovered.

Water	<p>The development is unlikely to have an adverse impact on the conservation of water resources and the water cycle in terms of:</p> <ul style="list-style-type: none"> • water supply sources • treatment, reuse and disposal of waste water and runoff • drainage, flow regimes, flooding on-site, up and downstream and in the catchment flood plain • groundwater tables
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Comment

The proposed development is not considered to have a significant impact on the water cycle. There is adequate opportunity for onsite effluent disposal and there are no major watercourses traversing the site.

Erosion and soil movement can be managed through sediment control measures and a sediment and erosion control plan can be requested prior to works commencing through conditions of Consent.

Soils	<p>The development is unlikely to have an adverse impact on soil conservation in terms of:</p> <ul style="list-style-type: none"> • soil qualities - erodibility, permeability, expansion/contraction, fertility/productivity, salinity, sodicity, acidity, contaminants • instability - subsidence, slip, mass movement • the movement, formation, use and management of soils • soil erosion and degradation • remediation of contaminated soils
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Comment

The site is not identified as "high soil erodibility" in accordance with clause 6.7 of the YV LEP 2013.

The site is identified as having "dry land salinity" in accordance with clause 6.6 of the YV LEP 2013. An effluent disposal assessment has been provided which indicates that there is adequate opportunity for effluent disposal on the site and outside of areas which may be affected by salinity processes. Future development on Proposed Lot 2 can be located outside of the areas which may be affected by salinity.

Erosion and soil movement can be managed through sediment control measures and a sediment and erosion control plan can be requested prior to works commencing through conditions of Consent.

Air and Microclimate	<p>The development is unlikely to have an adverse impact on air quality and microclimatic conditions in terms of emissions of dust, particulates, odours, fumes, gases and pollutants.</p>
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Comment

Any emissions of dust, particulates, odours, fumes, gasses and pollutants will be primarily during subdivision works. These impacts can be managed through appropriate conditions of Development Consent and compliance with all other relevant legislation.

Flora and Fauna	<p>The development is unlikely to have a significant impact on:</p> <ul style="list-style-type: none"> critical habitats; threatened species, pollutions, ecological communities or their habitats; and other protected species wilderness areas and national parks wildlife corridors and remnant vegetation the relationship of vegetation to soil erosion/stability and the water cycle weeds, feral animal activity, vermin and disease <p>An assessment under the provisions of the <i>Biodiversity Conservation Act 2016</i> has revealed proposed development:</p> <ul style="list-style-type: none"> will not result in serious and irreversible impacts did not trigger the submission of a BDAR or where a BDAR was required it has been assessed and is considered satisfactory with suitable condition being added to the development consent.
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Comment

The development is unlikely to have a significant impact on flora and fauna, critical habitats, threatened species, ecological communities or their habitats. The development has been designed to minimise the impacts on terrestrial biodiversity.

It has been identified that some vegetation removal within the road reserve will be required to accommodate the BAR/BAL intersection treatment which is being required as a condition of Development Consent. The Applicant would need to prepare an engineering design for this upgrade as part of the engineering construction approval. This would need to be accompanied by a 'test of significance' under the *Biodiversity Conservation Act 2016* to demonstrate that any tree removal does not have a significant impact on threatened species or community.

The subdivision development is not considered to trigger entry into the Biodiversity Offset Scheme as:

- It does not involve clearing of more than 1ha of native vegetation (the area threshold).
- It does not involve clearing on land which is identified on the Biodiversity Values Map.
- The impact of the subdivision works is unlikely to exceed the test of significance. However, a test of significance will need to be provided to demonstrate that any tree removal associated with the upgrade of the Crown road (required by conditions) does not exceed the test of significance.

Waste	<p>As relevant, the development will provide waste facilities and controls for:</p> <ul style="list-style-type: none"> solid, liquid and gaseous wastes and litter the generation, collection, storage and disposal of waste
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Comment

Waste during subdivisions works can be suitably managed and reinforced through appropriate conditions of Development Consent.

There is adequate area on each lot for the storage of bins.

Energy	<p>The proposed development has provision to incorporate responsible energy efficiency measures in terms of:</p> <ul style="list-style-type: none"> • the overall energy needs of the development • the measures employed to save energy - passive design, solar lighting and heating, natural ventilation, shading elements, insulation, high thermal mass building materials, energy efficient appliances and machinery • the use of renewable and non-polluting energy sources? • energy needs in producing building/structural materials? • energy use by-products and waste <p>Where relevant the development also complies with the Building Sustainability Index (BASIX).</p>
<p>Comment</p> <p>Whilst this is a subdivision only, the nature of the large lots mean that there is opportunity for dwellings to be located in a manner which achieves northern solar access. Future dwelling house will need to satisfy the Building Sustainability Index (BASIX) minimum requirements.</p>	
Noise and Vibration	<p>The proposed development is has potential to generate offensive noise pollution or vibration in terms of noise and vibration generated from the development during its construction.</p> <p>The developer is to employ suitable controls to manage such impacts on adjoining and surrounding properties. Conditions of consent have been included to address this concern.</p>
<p>Comment</p> <p>Any noise and vibration impacts will be associated with the subdivision works and then future dwelling constructions works. This includes the upgrade of the Crown road. Although this impact cannot be mitigated due to the proximity of nearby sensitive land uses (i.e. dwelling at 840 Murrumbateman Road), standard conditions of Development Consent restricting hours of subdivision works can be used to appropriately manage the impact.</p> <p>Furthermore, sitting above any conditions imposed on a Development Consent, the <i>Protection of the Environment Operations 1997</i> applies in relation to noise.</p>	
Natural Hazards - Geologic	<p>Risks to people, property and the physical environment as a result of geologic/soil instability - subsidence, slip, mass movement has been considered and addressed through the submission of specialist reports and physical design features.</p>
<p>Comment</p> <p>There are no matters that require discussion.</p>	

Natural Hazards - Flooding	<p>Risks to people, property and the physical environment as a result of flooding has been considered and was addressed though:</p> <ul style="list-style-type: none"> • Compliance with the relevant Flood Risk Management Plan in accordance with the information submitted with the application or • The addition of conditions which require compliance with the relevant Flood Risk Management Plan or the Building Code of Australia.
<p>Comment</p> <p>The site is not identified as being flood affected.</p>	
Natural Hazards - Bushfire	<p>The development is not located on identified as being bushfire prone.</p>
	<p>The development site is bushfire prone and the development was assessed for compliance with <i>Planning for Bushfire Protection 2019</i>. The development is compatible with the bushfire risk and appropriate conditions have been included in the consent.</p>
	<p>The development site is bushfire prone, however in accordance with s.8.3.2 of <i>Planning for Bushfire Protection 2019</i> there are no bushfire protection requirements for <u>class 10a buildings located more than 6 metres from a dwelling in bushfire prone areas</u>.</p>
	<p>The development is located on bushfire prone land and is Integrated Development in accordance with s.4.46 EP&A Act.</p> <p>The development application was referred to the NSW Rural Service (RFS) in accordance with s.100B <i>Rural Fires Act 1997</i>. A Bush Fire Safety Authority was issued by the RFS and the general terms of approval are included in the consent.</p>
<p>Comment</p> <p>On 22 September 2021 the NSW Rural Fire Service (RFS) Commissioner adopted a new bushfire prone land map for the Yass Valley. However, the Development Application was lodged prior to 22 September 2021 and was not identified as bushfire prone on the previous map. In this regard, the Development Application is assessed under the previous map (applicable at time of lodgement) and there are no requires under Planning for Bushfire Protection 2019. Furthermore, the subdivision does not require the concurrence of the RFS under s100B of the <i>Rural Fires Act 1997</i>.</p>	
Technological Hazards	<p>The development is unlikely to present risks to people, property and the physical environment from:</p> <ul style="list-style-type: none"> • industrial and technological hazards • land contamination and remediation <p>Where potential land contamination has been identified an assessment has determined that:</p> <ul style="list-style-type: none"> • The contamination is likely to be low and does not warrant remediation as the proposed land use is not sensitive or • Specialist reports have found that the land is not contaminated or • Specialist reports have found the land to be contaminated and remediation is proposed prior to the proposed use <p>Where necessary suitable conditions have been included in the development consent.</p>

<u>Comment</u>	
There are no matters that require discussion.	
Safety, Security and Crime Prevention	The development includes adequate measures to address the potential for accident / injury and criminal activity.
	The proposed development is considered to be low risk
	Where necessary the application has been referred to the local police and or liquor licensing officer for comments which have been incorporated into the development consent.
<u>Comment</u>	
There are no matters that require discussion.	
Social impact in the locality	The development is likely to have social benefits in the locality in terms of:
	<ul style="list-style-type: none"> • community facilities and links • the interaction between the new development and the community
<u>Comment</u>	
There are no matters that require discussion.	
Economic impact in the locality	The development is likely to have economic benefits in terms of:
	<ul style="list-style-type: none"> • employment generation • economic income • generating benefits for existing and future businesses
<u>Comment</u>	
Positive economic impact through the generation of economic activity during subdivision works and facilitating growth and development through the creation of additional lots with a dwelling entitlement.	
Site and internal design	The development is generally sensitive to environmental conditions and site attributes including:
	<ul style="list-style-type: none"> • the size, shape and design of allotments, easements and roads • the proportion of the site covered by buildings • the positioning of buildings • the size (bulk, height, mass), form, appearance and design of buildings • the amount, location, design, use and management of private and communal open space • landscaping
	The development is unlikely to affect the health and safety of the occupants in terms of:

	<ul style="list-style-type: none"> • inadequate lighting, ventilation and insulation • inadequate building fire risk prevention and suppression • inappropriate building materials and finishes • inappropriate common wall structure and design • lack of access and facilities for the disabled
<p>Comment</p> <p>The design of the proposed subdivision generally responds to the attributes of the site. The boundaries are logical and adopt the existing Crown Road. The subdivision layout allows for adequate separation between dwellings on each lot and with neighbouring lots and minimise adverse environmental impacts.</p> <p>Also refer to discussion under Access Arrangements in the accompanying Council report.</p>	
Construction	<ul style="list-style-type: none"> • The proposed development has provision for compliance with the Building Code of Australia (as amended) and relevant Australian standards • The impacts of construction activities can be managed and suitable conditions have been included in the development consent.
<p>Comment</p> <p>The proposed development does not involve the construction of any buildings for the purposes of the National Construction Code NCC/Building Codes of Australia BCA. Standard conditions of Development Consent can be included to manage impacts of civil construction activities and are discussed elsewhere in this determination assessment (e.g. noise and vibration, waste).</p>	

(c) the suitability of the site for the development

Primary Matters	Specific Consideration
Compatibility with existing development in the locality	<p>The proposal is generally considered to be compatible with existing development in the locality as:</p> <ul style="list-style-type: none"> • Utilities and services available to the site are adequate for the development • The development will not lead to unmanageable transport demands • Transport facilities are adequate in the area • The locality contains adequate recreational opportunities and public spaces to meet the needs of the development • The air quality and microclimate are appropriate for the development • No hazardous land uses or activities nearby • Ambient noise levels are suitable for the development • The site is not critical to the water cycle in the catchment • The proposal is compatible with the existing built environment

<u>Comment</u>	
The proposed subdivision is compatible with the existing rural and rural lifestyle development of the locality and is consistent with the prescribed minimum lot size.	
Site conduciveness to the development	<p>The subject site is generally considered conducive with the proposed development as :</p> <ul style="list-style-type: none"> • The site is suitable for the proposed development • The site is either not subject to natural hazards including flooding, tidal inundation, subsidence, slip, mass movement, and bushfires or where it is these risks have been adequately managed • The slope of the land is suitable for the proposed development • The proposal is compatible with conserving the heritage significance of the site • The soil characteristics on the site is appropriate for development (Saline / Sodic / Acidic) • The development is compatible with protecting any critical habitats or threatened species, populations, ecological communities on the site • The site is not prime agricultural land and the development will not unduly prejudice future agricultural production • The development will not unduly prejudice the future use of the site • Cut and fill is a suitable development option for the site
<u>Comment</u>	
<p>The design of the proposed subdivision generally responds to the attributes of the site. The boundaries are logical and adopt the existing Crown Road. The subdivision layout allows for adequate separation between dwellings on each lot and with neighbouring lots and minimise adverse environmental impacts.</p> <p>Also refer to discussion under Access Arrangements in the accompanying Council report.</p> <p>The site is conducive to the proposed development.</p>	

(d) Any submissions made in accordance with this Act of the regulations

Primary Matters	Specific Consideration
Public Submissions	<p>An assessment of the proposed development under Council's Community Engagement Strategy has found it to be:</p> <ul style="list-style-type: none"> • consistent with the primary land use of the zoning • compliant with the requirements of the Yass Local Environmental Plan • compliant with the requirements of or meet the objectives of any applicable Development Control Plan or planning policy • unlikely to have a significant impact on adjoining or opposite properties <p>As such community consultation was <u>not</u> required.</p>

	<p>An assessment of the proposed development under Council's Community Engagement Strategy revealed that community consultation was required.</p> <p>Surrounding landowners and other interested parties were <u>notified</u> of the development with submitted plans and supporting information made publically available for 14 days.</p> <p>Where submissions were received the issues raised have been considered as summarised in the comments below and where appropriate have been addressed through conditions of consent.</p>
<p><u>Comment</u></p>	<p>Public exhibition included notice to 11 nearby and adjoining and nearby landowners and those who had previously made submissions in relation to the withdrawn applications. During the public exhibition period there were eight submissions received in relation to the subdivision. The subdivision application was renotified to those who made submissions due to the Applicant changing the proposed access arrangements during the course of the assessment.</p> <p>A planning forum was held on 2 March 2022 as opportunity for persons who had made submissions and the Applicant to make representations to Councillors. Two neighbouring property owners made representations along with the Applicant.</p> <p>The key issues raised in submissions relate to:</p> <ul style="list-style-type: none"> • access arrangements • objectives of the zone • concept plan for future development and use of site • stock-proof fencing • weeds • onsite sewage management system • sale of the property • historical site and compliance issues <p>An assessment response to the submissions is included in the table at the end of this assessment.</p>
<p>Submissions from Public Authorities</p>	<p>Where relevant submissions received from Government or Public Authorities have been considered with any issues raised being resolved, addressed by conditions of consent/general terms of approval or considered not relevant to the development</p>
<p><u>Comment</u></p>	<p>The subdivision application was referred to Water NSW and NSW Crown Lands. There were no referrals required for the dual occupancy/dwelling house application.</p> <p>The Water NSW referral had been in relation to the proposed dam and how this may affect the maximum harvestable rights requirements under the <i>Water Management Act 2000</i> following a subdivision. As the dam application has since been withdrawn there are no further issues relating to the Water NSW referral.</p> <p>The Crown Lands submission was in relation to the proposed access arrangements utilising the Crown Road. Submissions received from neighbouring landowners had suggested that part of this Crown Road may be subject to both an enclosure permit and a road closure application. Crownlands advised</p> <ol style="list-style-type: none"> 1. The owners of 840 Murrumbateman Road hold an enclosure permit for the section of the Crown Road adjacent to their property for grazing stock, but this does not give them ownership of the road or allow them to restrict public access.

2. The construction, upgrade or maintenance of the Crown road is not permitted without authorisation of Crown Lands.
3. That should Council determine that the Crown road requires upgrade, their administrative policy is that this road will be transferred to Council.

The first two points above are noted and relevant conditions can be included in any Development Consent that may be issued. However, Council has previously reminded Crown Lands on several occasions (including in 2014 and 2017) that they (i.e. the Minister) are a roads authority under the *Roads Act 1993* and Council does not accept their administrative policy position of transferring Crown roads to Council without appropriate financial resources for ongoing maintenance. Council's own policy position is that the transfer of Crown roads will only be considered where traffic volumes exceed 50 vehicles per day.

(e) the public interest

Primary Matters	Specific Consideration			
Government (Federal, State and Local) and Community Interests	Government and community interests have been considered and are satisfied as:			
	<ul style="list-style-type: none">• The proposed development complies with the Council Policies identified as applicable in the <u>schedule below</u>. Where a variation to this policy has been supported details have been included in the comments.			
	<ul style="list-style-type: none">• The proposed development is generally consistent with any relevant planning studies and strategies			
	<ul style="list-style-type: none">• Covenants not imposed by council have been set aside for the purpose of this assessment			
	<ul style="list-style-type: none">• The proposal generally complies with all other covenants, easements, restrictions and agreements that have an bearing on the proposal			
	<ul style="list-style-type: none">• Issues raised in public meetings and inquiries have been considered. Where relevant more detail has been provided under the heading public submissions.			
	<ul style="list-style-type: none">• It is unlikely that the development will have a detrimental effect on the health and safety of the public			
<u>Comment</u>				
Refer to submissions from public authorities. There are no other matters that require discussions.				
Council Policies	Policy	Code	Applicable	N/A
	Building Line – Rural and Residential Land	DA-POL-8	✓	<input type="checkbox"/>
	Building Line - Urban	DA-POL-4	<input type="checkbox"/>	✓
	Building Over Sewer Mains	SEW-POL-1	<input type="checkbox"/>	✓
	Development Assessment and Decision Making	DA-POL-18	✓	<input type="checkbox"/>
	Holiday Cabins – Micalong Creek Subdivision	DA-POL-3	<input type="checkbox"/>	✓
	Kerb and Gutter Construction	ENG-POL-4	<input type="checkbox"/>	✓
	Non-Urban Fencing	DA-POL-12	✓	<input type="checkbox"/>
	Off-Street Car Parking	ENG-POL-8	<input type="checkbox"/>	✓

	Provision of Electricity Supply and Telecommunications Service for Subdivisions	DA-POL-17	✓	<input type="checkbox"/>
	Road Naming	RD-POL-6	<input type="checkbox"/>	✓
	Road Standards	RD-POL-9	✓	<input type="checkbox"/>
	Temporary Accommodation	DA-POL-2	<input type="checkbox"/>	✓
	Truck and Transport Depots in Rural Areas	DA-POL-11	<input type="checkbox"/>	✓
	Water Supply in Rural Areas and Villages	WS-POL-2	✓	<input type="checkbox"/>
<p><u>Comment</u></p> <p>Standard conditions have been applied where necessary to ensure compliance with the following policies:</p> <ul style="list-style-type: none"> • Non-Urban Fencing DA-POL-12 • Provision of Electricity Supply & Telecommunications Service for Subdivision DA-POL-17 • Road Standards Policy RD-POL-9 <p>Building Line – Rural and Rural-Residential Land DA-POL-8</p> <p>Council's <i>Building Line – Rural and Rural Residential Land Policy DA-POL-8</i> requires that dwelling houses are setback at least 50m from all property boundaries on land greater than 5ha in size. The setback of the of future buildings can comply with the development standards and objectives of the policy.</p> <p>Application Assessment and Decision Making DA-POL-8</p> <p>The applicant must be reported to a meeting of Council for determination in accordance with Council Policy Application Assessment and Decision Making DA-POL-18 due to the number of submissions received.</p> <p>Road Standards Policy RD-POL-9</p> <p>Standard conditions in relation to property vehicular access and the upgrade of the Crown road pursuant to Council's Roads Standard Policy (RD-POL-09).</p>				
Deposited Plans and 88B Instruments	<p><u>Comment</u></p> <p>The proposed development is not contrary to any existing restrictions.</p>			

6.6 Development Applications No. DA210228 & DA210232 - Dwelling House (Dual Occupancy) and Subdivision, 838 Murrumbateman Road, Nanima
Attachment H Assessment Report

Issue	Assessment Comment
Submission #1	
<p>We have reviewed the objectives of Zone RU1 and note that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>In our view, the proposed subdivision does not meet any of the objectives specified for the Zone.</p> <p>The proposal does not maintain or enhance the natural resource base, does not encourage primary industry suitable for the area, does not minimise fragmentation, conflict of land use, does not protect biodiversity, does not maintain our rural character, does not protect pasture land and is a subdivision and use that is more suited to the fringe of urban areas.</p> <p>The land is not being used for primary industry and our concerns are that it is being developed for commercial purposes. Our adjacent primary industry activities eg sheep, cattle and grapes could be significantly impacted by commercial development.</p>	Refer to discussion under Zone Objectives in accompanying Council report and under YV LEP 2013 above.
Submission #2	
Site Plan 1 the distance to the boundary from the spray effluent areal on the western side of shed. Is not disclosed.	An effluent disposal system is not proposed with the subdivision Development Application.
I still have questions relating to my access along the unmaintained council road from Murrumbateman road To my property No. . Which is my only legal access.	The proposed subdivision will not inhibit any existing access arrangements. Refer to further discussion under Access Arrangements in accompanying Council.
Submission #3	
<p>Objection 1</p> <p>The Statement of Environmental Effects notes there are three development applications currently lodged over this parcel of land for the following:</p> <ul style="list-style-type: none"> • Modification of an Approved Shed (DA2000308) • Construction of a Dam (DA210209) • Approval for a Single Story Dwelling as a Dual Occupancy (DA210232) <p>Objections lodged in relation to those DAs should be taken to apply to this DA also.</p>	Submissions received from author in relation to the other DAs generally raised similar issues.
Objection 2	Generally discussed under Dual Occupancy Use of Existing Dwelling in accompanying Council report.

<p>The Statement of Environmental Effects includes the statement "... It is expected the use of the land for additional domestic residences ..", presenting this subdivision in part as being for domestic residential purposes. As raised in objections to other Das for this property, the developers own website (https://www.tpdynamics.com.au/nanima) cast existing developments on this land as being a luxury retreat rather than a domestic residence. This is more in tune with a commercial enterprise than domestic residential/rural residential/Primary Production. As such any Development Application should be lodged seeking consent as a commercial enterprise, undergoing the level of scrutiny appropriate for a commercial enterprise.</p>	
<p>Objection 3</p> <p>The Statement of Environmental Effects includes a statement "It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated." The inclusion of this statement without articulation or mitigation of these impacts is a matter of concern for the local community. It also fuels the perception that the combined Development Applications for this site are for purposes other than domestic residential/rural residential/Primary Production.</p>	<p>Generally discussed under impacts in this assessment and in the accompanying Council report.</p> <p>Statement in the SEE is a generalisation as cannot conclusively ensure the future use of the proposed lots. Any future development applications will be assessed in accordance with requirements of s4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p>Objection 4</p> <p>It is noted from the Statement of Environmental Effects that the access track is considered to be existing, "the access track to Lot 2 will be constructed with DA200030B and the calculation of native vegetation removal has been included with this DA. ". The application for DA200030B makes no mention of work on an access track or the importation of soil for doing so. The Statement of Environmental Effects for that DA did make reference to importation of soil without any substantive explanation of its purpose. Building an access track to this new structure could not be supported without full details of what is proposed and disclosure of soil importation requirements. At best this amount development by stealth, verging on deceit.</p>	<p>The importation of fill material is no longer proposed. The section of the SEE being referred to relates to the area threshold triggers for the purposes of the Biodiversity Offset Scheme. Refer to discussion under Internal Access Road – Importation of Fill in accompanying Council report.</p>
<p>Objection 5</p>	<p>Refer to further discussion under Access Arrangements in accompanying Council.</p>

Assuming the likely outcome of this and other DAs relating to this property is commercial, other than Primary Production, the access to this property from Murrumbateman Rd is a matter of concern to the local community. A commercial enterprise is likely to result in significantly higher traffic loads leaving and entering Murrumbateman Rd, than would be expected from a rural residential property. The turn into 838 Murrumbateman Rd has restricted vision in both directions, due to curves in the road which may result in a road safety issue for the community and transient travellers who are not familiar with the road. Murrumbateman Rd is also a School Bus Route.	Proposed use of the land is not commercial - discussed under Dual Occupancy Use of Existing Dwelling in accompanying Council report.
<p>Objection 6</p> <p>This proposal for subdivision has an direct impact on DA210209 – Construction of a Dam. DA210209 included a Harvestable Rights Calculation based on a property of 80.49Ha. With this subdivision that harvestable Rights Calculation will no longer be relevant and that DA should be rejected.</p>	DA210209 for the dam has now been withdrawn. Standard subdivision conditions of Development Consent require Applicant to demonstrate existing dams meeting MHRDC requirements prior to the issue of a Subdivision Certificate.
Submission #4	
<p>The development applications appear to not comply with some requirements to benefit the development to the detriment of environmental protection and water allowances.</p> <p>In particular: the current site area is 80.49 hectares that has a harvestable right dam capacity calculated to be a maximum of 5.6343 megalitres and this proposed new farm dam is intended to be utilised for agricultural use (as stated in DA 210209). DA 210228 creates two lots on the site: Lot 1 previously 80.49ha becomes Lot 1 40.9 ha (if approved) and will still be the Lot with the dam therefore the harvestable right needs to be calculated for 40.9 ha. A corresponding modification to the DA for a smaller dam and less imported fill etc will need to occur as appropriate.</p>	DA210209 for the dam has now been withdrawn. Standard subdivision conditions of Development Consent require Applicant to demonstrate existing dams meeting MHRDC requirements prior to the issue of a Subdivision Certificate.
Submission #5	
Either by accident or through a more disingenuous approach, the holistic plan and end game in the multiple, complex development proposals is obfuscated. This is particularly risky for the council due to the environmental risks of the significant size and scale of these	Noted. Two of the Development Applications have since been withdrawn. Impacts generally have been discussed in assessment and accompanying Council report.

developments, and devastating to the neighbours who bought their properties in good faith as rural / primary production.	
<p>Holistic detrimental effects obscured by multiple applications. The Statement of Environmental Effects notes there are three development applications currently lodged over this parcel of land for the following:</p> <ul style="list-style-type: none"> • (DA2000308) • (DA210209) • and Approval for a Single Story Dwelling as a Dual Occupancy <p>Several objections have been raised by neighbours and stakeholders and these DAs should be substantively addressed prior to consideration of this DA.</p>	Two of the Development Applications have since been withdrawn. Impacts generally have been discussed in assessment and accompanying Council report. Other submissions referred to have been taken into consideration during the assessment.
Harvestable Rights. This proposal for subdivision has a direct impact on DA210209 – Construction of a Dam. DA210209 included a Harvestable Rights Calculation based on a property of 80.49Ha. With this subdivision that harvestable Rights Calculation will no longer be relevant.	DA210209 for the dam has now been withdrawn. Standard subdivision conditions of Development Consent require Applicant to demonstrate existing dams meeting MHRDC requirements prior to the issue of a Subdivision Certificate.
<p>Intended use.</p> <p>The Statement of Environmental Effects includes the statement “It is expected the use of the land for additional domestic residences”, presenting this subdivision in part as being for domestic residential purposes. As raised in objections to other DAs for this property, the developers own website show developments on this land as being a luxury retreat rather than a domestic residence. This is more in tune with a commercial enterprise than domestic residential/rural residential/Primary Production.</p> <p>As such any Development Application should be lodged seeking consent as a commercial enterprise, undergoing the level of scrutiny appropriate for a commercial enterprise</p>	Generally discussed under Dual Occupancy Use of Existing Dwelling in accompanying Council report.
<p>Future purpose.</p> <p>The Statement of Environmental Effects includes a statement “It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated.” What are these future operations? What are the impacts? What is the</p>	<p>Generally discussed under impacts in this assessment and in the accompanying Council report.</p> <p>Statement in the SEE is a generalisation as cannot conclusively ensure the future use of the proposed lots. Any future development applications will be assessed in accordance with requirements of s4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>

intention for the site above and beyond domestic residential/rural residential/Primary Production?	
<p>Lack of clarity on extant access, and probable additional dumping of Canberra fill</p> <p>It is noted from the Statement of Environmental Effects that the access track is considered to be existing, "the access track to Lot 2 will be constructed with DA200030B and the calculation of native vegetation removal has been included with this DA. "</p> <p>The application for DA200030B makes no mention of work on an access track or the importation of soil for doing so. The Statement of Environmental Effects for that DA did refer to importation of soil without any substantive explanation of its purpose. Building an access track to this new structure could not be supported without full details of what is proposed and disclosure of soil importation requirements. At best this amount development by stealth, verging on deceit</p>	<p>The importation of fill material is no longer proposed. The section of the SEE being referred to relates to the area threshold triggers for the purposes of the Biodiversity Offset Scheme. Refer to discussion under Internal Access Road – Importation of Fill in accompanying Council report.</p>
<p>Road safety. Assuming the likely outcome of this and other DAs relating to this property is commercial other than Primary Production, the access to this property from Murrumbateman Rd is a matter of concern to the local community. A commercial enterprise is likely to result in significantly higher traffic loads leaving and entering Murrumbateman Rd, than would be expected from a rural residential property. The turn into 838 Murrumbateman Rd has restricted vision in both directions, due to curves in the road which may result in a road safety issue for the community and transient travellers who are not familiar with the road.</p>	<p>Refer to further discussion under Access Arrangements in accompanying Council.</p> <p>Proposed use of the land is not commercial - discussed under Dual Occupancy Use of Existing Dwelling in accompanying Council report.</p>
Submission #6	
<p>The development application stated that 'the land is currently being farmed and it is intended that the land use will remain the same after the subdivision. Subdividing the land into two holdings will not limit the land with respect to its current agricultural potential.' This statement is false as currently the land is used exclusively as an air BNB (with the view to developing it further into a resort), and has not been use or agricultural purposes since ownership passed to the current owner.</p>	<p>Noted. Generally discussed in this assessment and in the accompanying Council report.</p>
<p>The land is over grown with weeds and has an infestation with pests that are also encroaching onto neighbouring properties.</p>	<p>Refer to further discussion under Weeds in accompanying Council</p>

The fences are mostly in disrepair and rely on neighbouring electric fencing to ensure enclosure in several places.	Refer to further discussion under Stock-proof fencing in accompanying Council
The application also references existing access tracks. There are no 'tracks' on the property. One track does not yet exist, there is an access road across one of the lots to an adjoining property and an existing full roadway that was cut through the landscape to reach the existing house. This roadway required many thousands of tonnes of fill to build and took in excess of 9 months. The building of the road initially caused flooding to Murrumbateman Rd and rendered our horse facilities unusable during work hours due to noise and dust pollution.	Noted. Refer to further discussion under Access Arrangements and Historical Site and Compliance Issues in accompanying Council.
Effect on road safety. The sub division of this lot will see an increase in general traffic into and out of the property. The entry way to 838 Murrumbateman road is a shared access point for 838, 840 and 842 Murrumbateman Road. This entrance is located between two curves in the road and is in a 100k kilometre per hour speed zone. The traffic on Murrumbateman Road has been steadily increasing and as a result it is now quite a busy roadway. Road users continually use the straight stretch in front of the entry way to these properties to over -take other vehicles, oblivious to vehicles entering and leaving the driveway. Increasing use of this driveway will increase the likelihood of a serious accident occurring due to vehicles entering and leaving the road from one of the dwellings. There is no consideration made in this development application or any of the other associated development applications in relation to improvements to the driveway in order to improve safety. In addition to the above road safety issue, the increased amounts of vehicles entering and leaving Murrumbateman Road will further degrade the road surface in front of the property which is currently littered with pot holes.	Refer to further discussion under Access Arrangements in accompanying Council.
Environmental effects to neighbours. Since the beginning of the development of the block at 838 Murrumbateman Rd, there has been approximately 6-8 trucks per day on an average day (although there has at times been upwards of 90 in a day), coming and going from the property. During the building of this commercial sized dwelling these numbers will increase as will the noise. This makes it impossible for me to safely ride my horses in my riding arena without risk of injury to either myself or my horses.	Generally discussed in this assessment and in the accompanying Council report. Proposed subdivisions does not require importation of fill material. Civil works are however required to upgrade the existing Crown road. This will be subject to standard conditions of Development Consent relating to hours of those construction works.
Having already built such a large access road into the property at 838 the question is why would you not use it to at least partially access the new lot? Rather than build another	Refer to further discussion under Access Arrangements in accompanying Council.

extremely wide and long road requiring significant road base and fill to form? The development of a road of this size will further impact neighbouring properties.	
Submission #7	
Water harvestable calculation. The applicant has applied to construct a 5.2 ML dam (DA210209) on the lot for which subdivision is sought. This is based on the permissible harvestable water amount for the original lot of 80.49 ha. After subdivision the lot containing the proposed dam will be reduced in size to 40.9 ha (Lot 1). Approval of this subdivision could result in twice the amount of water as normally permitted based on the lot size being harvested on Lot 1. It will also allow a further ~2.6 ML of water to be potentially harvested on the newly created subdivision Lot 2. It is submitted that approval of this subdivision may result in water being harvested in excess of the amount normally permitted over an area of 80.49 ha.	DA210209 for the dam has now been withdrawn. Standard subdivision conditions of Development Consent require Applicant to demonstrate existing dams meeting MHRDC requirements prior to the issue of a Subdivision Certificate.
Access to Murrumbateman Road. It is noted that the existing entry to Murrumbateman Road is via an unsealed track (Statement of Environmental Effects; page 12) onto an intersection with a 100 km/hr speed limit and poor visibility. The applicant has not addressed the issue of additional traffic due to subdivision utilising this right of way. It is submitted that this form of access cannot safely accommodate additional vehicle flow.	Refer to further discussion under Access Arrangements in accompanying Council.
Submission #8 (Second Exhibition Period - Revised Access Arrangements). Supplementary to Submission #6	
The development application stated that 'the land is currently being farmed and it is intended that the land use will remain the same after the subdivision. Subdividing the land into two holdings will not limit the land with respect to its current agricultural potential.' This statement is false as currently the land is used exclusively as an air BNB (with the view to developing it further into a resort), and has not been use or agricultural purposes since ownership passed to the current owner.	Noted. Generally discussed in this assessment and in the accompanying Council report.
The land is over grown with weeds and has an infestation with pests that are also encroaching onto neighbouring properties.	Refer to further discussion under Weeds in accompanying Council
The fences are mostly in disrepair and rely on neighbouring electric fencing to ensure enclosure in several places.	Refer to further discussion under Stock-proof fencing in accompanying Council

<p>The sub division of this lot will see an increase in general traffic into and out of the property. The entry way to 838 Murrumbateman Road is a shared access point for 838, 840 and 842 Murrumbateman Road. This entrance is located between two curves in the road and is in a 100 kilometre per hour speed zone. There is less than 165 metres visibility to a blind curve and visibility in the other direction is limited to only a few metres due to the placement of a sign. The road carries in excess of 1000 vehicles per day. There have been no plans provided to us in relation to the improvement of Murrumbateman Road to include a safe means to enter and exit the driveway from Murrumbateman Road. It is clear that there is a requirement to do so under the Austroads design principals 3.2.1 Approach Sight Distance (ASD) requirements for intersections, and as a result significant work would need to be undertaken to Murrumbateman Road in order to ensure driver safety.</p> <p>Currently when turning right into 838,840,842, you are often required to stop and wait for traffic coming in the other direction. Once stopped there is nowhere for vehicles to pass on the left-hand side due to a large embankment. In addition, when you start to indicate to turn, many drivers believe that you are indicating to them to overtake in the 100km zone and begin overtaking you whilst you turn right.</p> <p>Over the past several months, and in particular during open for inspections and whilst being used by patrons for the air Band8 located at 838 Murrumbateman Road, there have been several near misses at this location due to the road deficiencies, the amount of traffic, and impatient drivers.</p>	<p>Refer to discussion under Access Arrangements in accompanying Council.</p>
<p>During the initial development of the block at 838 Murrumbateman Rd, there was approximately 6-8 trucks per day on an average day (although there has at times been upwards of 90 in a day), coming and going from the property. During the building of the proposed commercial sized dwelling as part of this application the number of trucks will increase as will the noise. This makes it impossible ride a horse in our riding arena without risk of injury to either humans or horses as the proposed access is now directly adjacent to my riding arena</p>	<p>Generally discussed in this assessment and in the accompanying Council report.</p> <p>Proposed subdivisions does not require importation of fill material. Civil works are however required to upgrade the existing Crown road. This will be subject to standard conditions of Development Consent relating to hours of those construction works.</p>
<p>The new amendment to the proposal would see the use of the existing driveway into 840 Murrumbateman Road. This driveway has been built on crown land which we currently lease for grazing purposes and have applied to purchase from Crown Lands. This application was made approximately 5 years ago, however; there is a significant backlog in relation to the completion of the required processes.</p>	<p>Refer to discussion under Access Arrangements in accompanying Council.</p>

As we currently lease this land for grazing any use of it as a driveway would require building of stock proof fences. In addition, the surface would require upgrading (including raising and drainage) in order for it to be fit for purpose and compliant with council requirements when sub- division occurs.	Refer to discussion under Access Arrangements in accompanying Council.
In the most recent submission, the applicant has stated that the use of the existing driveway would reduce the amount of material required to construct internal roads. This statement is incorrect as the existing driveway would require considerable material to upgrade it for use as an access way for a subdivision. In addition to this there would be a need to upgrade the drainage on the driveway to ensure surface stability as there is a considerable amount of water that runs directly off the hill during rain events.	Refer to discussion under Access Arrangements in accompanying Council.
This proposal and its amendments clearly inhibit our ability to use our property for the purpose that it is intended for and at the same time increases the risk of a serious motor vehicle accident occurring on Murrumbateman Road	Proposed development is not considered to have a significant impact on the ability of use of property. Refer generally to discussion in this assessment and accompanying Council report. Impacts associated with access in close proximity to existing dwelling are acknowledged and discussed under Access Arrangements in accompanying Council.
Having already built such a large access road into the property at 838 the question is why would you not use it to at least partially access the new lot?	Refer to discussion under Access Arrangements in accompanying Council.
There are currently at least 2 trees that have significant heritage value for the region at the entrance to the property and the newly proposed access driveway within the crown land. One tree located at the entrance to the driveway from Murrumbateman Rd has previously been discussed with council due to a previous owner's application to remove it to enlarge the entrance way. This request was denied. Any attempts to provide safer access and egress from this property would require removal of this tree.	This tree is not proposed or intended to be removed. Localised narrowing of Crown road pavement to be supported. Refer to discussion under Access Arrangements in accompanying Council.
Although we have written supporting an opposition to the sub division of 838 Murrumbateman Rd, we would like to point out that it is the industrial nature and size of the proposals that are our major concern. We have been severely impacted (as have other neighbours) by the industrial size of the development to date of the now existing road and house. During the building of the new road and house the developer showed a disregard for the adverse effects to both our livestock and the environment. We have been submitted to considerable noise and dust pollution for several years during this development and we (humans and animals) continue to suffer the effects of the continued	Noted. Generally discussed in this assessment and in the accompanying Council report.

dis-regard by the developer to comply with previous council directions in relation to these impacts.	
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**DA210228 – Subdivision Draft Conditions – 838 Murrumbateman Road,
Murrumbateman**

Part A General Conditions

1. Consent is granted generally in accordance with the plans and details submitted to Yass Valley Council (Council) with the Development Application. The plans and details have been stamped and attached to this consent. The development must be carried out in accordance with the stamped plans or as modified by these conditions.
2. This approval relates only to the development referred to in the Development Application and does not approve or accept any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior approval.
3. A Subdivision Works Certificate, as defined by the *Environmental Planning and Assessment Act 1979*, shall be obtained for all engineering works prior to any works commencing on site. Council's fee for providing a Construction Certificate is levied in accordance with Council's Management Plan relevant at the time of payment.
4. All engineering design and construction work shall be undertaken in accordance with the following, current at the time of the Subdivision Works Certificate being issued:
 - Council's Road Standards Policy RD-POL-09
 - Specific Requirements of Transport for NSW
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards and
 - AustRoads
5. All adjustments to existing utility services, whether caused directly or indirectly by the approved development, must be undertaken at no cost to Council.
6. Public access to the site and construction works, materials and equipment on the site is to be restricted, when construction work is not in progress or the site is unoccupied.
7. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to the satisfaction of Council as shall any techniques to suppress dust and the tracking of sediment onto existing sealed roads.
8. Noise, dust and odour generated as a result of the development must comply with the provisions of the *Protection of the Environment Operations Act 1997*.

Part B Prior to Issue of Subdivision Works Certificate

9. Engineering drawings for the provision of access to each lot shall be submitted to Council's Infrastructure & Assets Directorate for approval in accordance with:
 - Council's Roads Standards Policy RD-POL-09 and
 - Council's Design and Construction Specification – AUS-SPEC #1.
10. Engineering drawings for the upgrade of the Crown roads to be used for property access shall be submitted to Council's Infrastructure & Assets Department for approval in accordance with:

- Council's Roads Standards Policy RD-POL-09 and
 - Council's Design and Construction Specification – AUS-SPEC #1.
- (a) The minimum standard of the crown road upgrade shall be 4.5m wide with 100mm of approved road base
- (b) A Basic Right Turn (BAR) and a Basic Left Turn (BAL) is to be installed on Murrumbateman Road at the intersection with the crown road.
- (c) A The crown road is to be sealed with a full width two coat (7/14) bitumen seal from the end of seal near the intersection with Murrumbateman Road to 10 metres past the proposed access.

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

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

12. A 'test of significance' prepared by the suitably qualified person for the purposes of the *Biodiversity Conservation Act 2016* must be submitted to Council for approval. The test of significance must demonstrate that any tree removal associated with the upgrade of the Crown road and intersection with Murrumbateman Road does not have a significant impact on threatened species or communities.

Part C Prior to Subdivision Works Commencing

13. The person having the benefit of this Development Consent must provide at least two days' notice to Council of their intention to commence subdivision work. This will require Form 131 to be submitted to Council.
14. Any contractor undertaking works in an existing Council road reserve must submit the following details to Council:
- A current public liability certificate with a minimum cover of \$20 million
 - Current plant / vehicle insurances
 - A certified traffic control plan for the proposed works
15. A sign must be displayed and maintained in a prominent position on the site while subdivision work is being undertaken and removed upon completion.

The sign must list the following details:

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

16. Toilet facilities must be provided at the work site. Each toilet provided must be:
- (a) a flushing portable toilet maintained under a service agreement with an accredited service provider; or
- (b) a standard flushing toilet connected to a public sewer; or

- (c) a standard flushing toilet connected to an accredited on-site sewage management facility approved by Council.

17. A Soil and Water Management Plan shall be submitted to Council's Infrastructure & Assets Directorate for approval in accordance with Council's Design and Construction Specification – Ausspec#1. The plan shall include construction techniques to minimise site disturbance and the potential for soil erosion by wind or water, erosion control on any watercourse on the property, revegetation of disturbed areas and any other matters that re deemed necessary by Council.

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

Part D Inspections

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

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

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

18. A compliance certificate must be obtained from Council's Infrastructure & Assets Division at the following stages of construction:
- (a) **Completion of property access.** This inspection is for access dimensions and to ensure there are no 'trip-fall' hazards. Compliance with change in longitudinal grade will only be undertaken where it can be confirmed via WAE drawings.
 - (b) **Completion of sub-grade pavement layer of the BAR and BAL located on Murrumbateman Road – proof roll**
 - (c) **Completion of base course pavement layer the BAR and BAL located on Murrumbateman Road – proof roll**
 - (d) **Completion of two coat bitumen seal of the BAR and BAL located on Murrumbateman - visual only**
 - (e) **Completion of the crown road upgrade including sealing - visual only**
 - (f) **Completion of boundary fencing** of each lot created.
 - (g) **Completion of roadside drainage – visual only**
19. An inspection must be undertaken by the Local Control Authority to determine the status of weeds on each proposed lot.

Part E Aboriginal Sites and Objections

20. Should any additional Aboriginal sites, objects or suspected human remains be unearthed during works associated with the subdivision, all work must cease and the NSW Government Environment Line (131 555) is to be contacted immediately. No works is to recommence at the location unless authorised by Heritage NSW in writing.
21. Should any additional potential archaeological relics are discovered during works associated with the subdivision, all work must cease and NSW Government Environment Line (131 555) is to be contacted immediately. No works is to recommence at the location unless authorised by Heritage NSW in writing.

22. If impacts to Aboriginal heritage sites or objects are found to be a possibility from the proposed development then consultation should be undertaken to discuss management and mitigation options in accordance with the *"Aboriginal Cultural Heritage Consultation Requirements for Proponents"*.
23. All Aboriginal objects and places are protected in NSW under *National Parks & Wildlife Act 1974*. It is an offence to harm an Aboriginal object or place without an approval issued by the Heritage NSW.

Part F Before the issue of a Subdivision Certificate

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

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

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

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

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

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

25. A levy under the Building and Construction Industry Long Service Payments Act 1986, equivalent to 0.35% of the value of the works, shall be paid to Council, where the value of such works is greater than \$25,000.00;
26. The property vehicular access from the road to the property boundary must be constructed in accordance with Council's [Road Standards Policy RD-POL-09](#) and the designs/drawings approved with the Construction Certificate.
27. The Crown roads being used as access to be upgraded in accordance with the designs/drawings approved with the Construction Certificate.
28. A BAR and BAL to be constructed on Murrumbateman Road in accordance with the designs/drawings approved with the Sub-division Works Certificate.

- 29.** Stock proof fencing must be provided to all boundaries of the proposed lots in accordance with Council's Non-Urban Fencing Policy DA-POL-12.

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

- A fence height of no less than 1,200 mm
- Strainers – spacing 100 m to 200 m depending on terrain
- Steel Star Pickets at 4 m centres
- Two 1.57 mm high tensile barbed wires (or 2.5 mm. high tensile plain wires) on top
- Three 2.8 mm high tensile carry wires
- "Hinged Joint or Ringlock"
- Netting floodgates as required
- All gates must be set back a minimum of 15 metres from the edge of road formation.

New fences must be located so as to minimise the need for tree removal.

All "Hinge Joint or Ringlock" fencing must be set no higher than 50 mm above the surface of the ground.

The existing boundary fence where dilapidated, must be repaired to the above standard. Existing fence in good order but of varying standards may be permitted if such standard is deemed by Council as 'stock proof'.

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

- 30.** In accordance with the Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17, evidence must be submitted to Council demonstrating that a satisfactory standard of electricity supply is available to each lot within the subdivision.

- 31.** In accordance with the Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17, evidence must be submitted to Council demonstrating that a satisfactory standard of telecommunications service is available to each lot within the subdivision.

- 32.** The applicant must confirm by survey that the formation and associated batters and drainage structures of Murrumbateman Road and the Crown road on the frontage of the subject property, are within the road reserve.

Where the existing road is within the subject land, the applicant must ensure that the legal and physical attributes coincide by adjustment of the road reserve. The Applicant's request for a Subdivision Certificate must include specific reference to the review and whether or not adjustment of the road reserve is necessary.

- 33.** Easements must be created on the final plan of subdivision centred on any existing or new power lines/cables passing through private property and must be in accordance with the service provider's requirements.

- 34.** Building envelopes must be designated on the final plan of subdivision over each proposed lot in accordance with the approved plan of subdivision.

The accompanying Section 88E instrument must state that no permanent or temporary dwellings and/or outbuildings and associated infrastructure are permitted to be erected outside of the identified building envelope shown on the plan of subdivision.

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

- 35.** The Applicant must provide an inspection notice, from within the last three months, of the status of weeds on the property pursuant to the Applicant's General Biosecurity Duty under the *Biosecurity Act 2015*.

The applicant must carry out such works as determined by the Local Control Authority for the satisfactory control of weeds prior to the issue of a Subdivision Certificate. The Local Control Authority is to provide written documentation confirming that these works have been carried out and completed in a satisfactory manner.

Where a plan of management is required by the Local Control Authority for the satisfactory control of weeds:

- (a) The applicant must submit to Council a copy of the plan of management
- (b) The applicant must submit to Council written documentation from the Local Control Authority confirming that the plan of management is satisfactory

The plan of management must be registered as a restriction to user under Section 88 of the *Conveyancing Act 1919*. The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council and will only be released at such time as an inspection notice from the Local Control Authority is submitted to Council confirming that the area is free of weeds.

- 36.** Evidence must be provided indicating that the dams located on each of the proposed lots do not exceed the maximum harvestable rights in accordance with the maximum harvestable right dam capacity provisions of the NSW Farm Dams Policy 1999.

- 37.** A Subdivision Certificate Application (Form 206) must be submitted to Council.

The application is to be accompanied by the following:

- (a) A plan of subdivision (linen plan) acceptable for registration by the NSW Land and Property Information Office.
- (b) An Administration Sheet which incorporates a subdivision certificate acceptable for registration by the NSW Land and Property Information Office.
- (c) Where easements, rights of carriageway or restrictions on the use of land are proposed or required to be created under Section 88 of the *Conveyancing Act 1919*, a copy of the relevant instrument.
- (d) The relevant documents required by the NSW Land and Property Information Office for the registration of a Community scheme or a Strata scheme, if applicable.

- (e) The applicant must create, where applicable, 20 metre wide easements over the final plan of subdivision in favour of Essential Energy, centred on all existing power lines which cross the subdivision.
 - (f) A copy of relevant development consent or complying development certificate.
 - (g) A copy of any relevant construction certificate.
 - (h) A copy of any relevant compliance certificates, letters from authorities and receipts for payment of any fees/contributions.
 - (i) A copy of detailed subdivision engineering plans, where relevant.
 - (j) Evidence that the applicant has complied with all conditions of consent that it is required to comply with before a subdivision certificate can be issued.
 - (k) For subdivision involving subdivision work, evidence that the work has been completed, or:
 - Agreement has been reached with the relevant consent authority as to payment of the cost of work and as to the time for carrying out the work, or
 - Agreement has been reached with the relevant consent authority as to security to be given to the consent authority with respect to the completion of the work.
 - (l) The relevant fee payment at the date of application for the subdivision certificate.
38. The subdivision certificate will not be issued until all conditions of this consent have been complied with in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

Advisory Notes Accompanying Development Consent DA210228

1. This consent has been granted under Clause 4.1B of *Yass Valley Local Environmental Plan 2013*.
2. All fees and charges associated with this consent will be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region.
3. This development consent does not guarantee compliance with land specific agreements, by-laws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the land owner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved.
4. The applicant must ensure all sub-contractors are licensed by the NSW Department of Fair Trading.

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

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

DA210232 – Dual Occupancy/Dwelling House Draft Conditions – 838 Murrumbateman Road, Murrumbateman

Part A General Conditions

1. Consent is granted generally in accordance with the plans and details submitted to Yass Valley Council (Council) with the Development Application. The plans and details have been stamped and attached to this consent. The development must be carried out in accordance with the stamped plans or as modified by these conditions.
2. **Work must not commence until a Construction Certificate has been issued.**

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

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

The Construction Certificate certifies that work completed in accordance with approved plans, specifications and/or standards will comply with the relevant requirements of the following:
 - *Environmental Planning and Assessment Act 1979* (EP&A Act)
 - *Environmental Planning and Regulation 2000* (EP&A Regulation)
 - National Construction Code/Building Code of Australia (NCC/BCA)
 - Council policies
3. This approval relates only to the development referred to in the Development Application and does not approve or accept any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior approval.
4. The capacity and effectiveness of runoff and erosion control measures, including techniques to suppress dust and the tracking of sediment onto existing sealed roads, must be maintained at all times to the satisfaction of Council.
5. All adjustments to existing utility services, whether caused directly or indirectly by the approved development, must be undertaken at no cost to Council.

6. The premises must only be used as a single residential dwelling and must not be used or adapted for separate use or occupation as a dual occupancy without the prior consent of Council.

7. Colours and external materials must be compatible with those of existing development in the locality.

Zincalume is not permitted to be used for roof or wall panels.

Part B Before the issue of a Construction Certificate

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

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

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

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

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

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

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

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

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

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

- Materials and labour required for the erection of building/s
- Materials and labour for the internal fit out of all buildings

- Demolition works
- Excavation and site preparation including earthworks for access construction
- Driveway construction/upgrade
- Water, sewer and stormwater infrastructure

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

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

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

12. A report prepared by a suitably qualified professional, stating the soil classification of the site as required by *AS 2870 Residential Slabs and Footings* must be submitted to the Principal Certifier.

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

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

- (a) All reinforced concrete floor slabs and/or beams or raft slab, having regard to the possible differential settlement of the cut and fill areas
- (b) Footings of the proposed structure/s
- (c) Structural steel wall frames, roof framing members, beams, columns, bearers, joists and wall/roof bracing and
- (d) Retaining walls greater than 600mm in height
- (e) If footings are located adjacent to an existing sewer main

14. Plans which include all BASIX commitments must be submitted to the Principal Certifier.

15. A revised effluent report must be submitted to Council for approval which is calculated for the waste water disposal of a six (6) bedroom dwelling.

16. A revised site plan must be submitted to Council that indicates minimum buffer distances from the On Site Sewage Management Facility are achieved, in accordance with the following:

- (a) **System** – refer condition in 'On Site Sewage Management Facility' section of this consent.

- (b) **Disposal Area** – refer approved on-site effluent disposal report.
17. The NSW Health Certificate of Accreditation for the On Site Sewage Management Facility must be submitted to Council.
18. Manufacturer's specifications of the On Site Sewage Management Facility to be installed must be submitted to Council.
19. Plans and details demonstrating compliance with the NCC/BCA must be submitted to the Principal Certifier.
20. Details of the off-grid power supply system must be submitted to the Principal Certifier, including:
- (a) System type and size
 - (b) Production and consumption assessment demonstrating the system can adequately service the development
 - (c) Location and extent of system infrastructure
 - (d) Elevations (as applicable)
21. The following solid fuel heater details must be submitted to the Principal Certifier and Council:
- (a) Make and model of the solid fuel heater including an installation guide.
 - (b) Evidence that the solid fuel heater complies with *AS 2918:2001 Domestic solid fuel burning appliances - Installation*.
 - (c) Evidence that the solid fuel heater complies with *AS 4013:2014 Domestic Solid Fuel Burning Appliances - Method for Determination of Flue Gas Emission*.
22. Engineering drawings for the provision of access shall be submitted to Council's Infrastructure & Assets Directorate for approval in accordance with:
- Council's Roads Standards Policy RD-POL-09 and
 - Council's Design and Construction Specification – AUS-SPEC #1.
23. Engineering drawings for the upgrade of the Crown roads to be used for property access shall be submitted to Council's Infrastructure & Assets Department for approval in accordance with:
- Council's Roads Standards Policy RD-POL-09 and
 - Council's Design and Construction Specification – AUS-SPEC #1.
- (a) The minimum standard of the crown road upgrade shall be 4.5m wide with 100mm of approved road base
 - (b) A Basic Right Turn (BAR) and a Basic Left Turn (BAL) is to be installed on Murrumbateman Road at the intersection with the crown road.
 - (c) A The crown road is to be sealed with a full width two coat (7/14) bitumen seal from the end of seal near the intersection with Murrumbateman Road to 10 metres past the proposed access.

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

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

25. A 'test of significance' prepared by the suitably qualified person for the purposes of the *Biodiversity Conservation Act 2016* must be submitted to Council for approval. The test of significance must demonstrate that any tree removal associated with the upgrade of the Crown road and intersection with Murrumbateman Road does not have a significant impact on threatened species or communities.

Part C Before the commencement of building works

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The toilets must be provided in accordance with the following:

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

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

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

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

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

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

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

Tree Protection Measures

35. The trunk of each of the following trees must be provided with a tree guard, as detailed below:

- (a) each tree that is within 6m of a dwelling house or any ancillary development that is to be constructed and
- (b) each protected tree that is within 10m of a dwelling house or any ancillary development that is to be constructed.

Tree guards must be constructed of hardwood timber panels that are:

- (a) minimum length of 2m
- (b) minimum width of 75mm
- (c) minimum thickness of 25mm
- (d) secured (not permanently fixed or nailed) to the tree
- (e) spaced a maximum of 80mm apart.

36. Each protected tree that is within 6m of a dwelling house, outbuilding or swimming pool must have a fence or barrier that is erected:

- (a) around its tree protection zone, as defined by section 3.2 of *AS 4970:2009 Protection of trees on development sites*, and
- (b) in accordance with section 4 of *AS 4970:2009 Protection of trees on development sites*.

37. The applicant must ensure that:

- (a) the activities listed in s.4.2 of *AS 4970:2009 Protection of trees on development sites* do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining lot, and
- (b) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the lot during construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of *AS 4970:2009 Protection of trees on development sites*.

38. The tree protection measures specified in this consent must:

- (a) be in place before work commences on the lot
- (b) be maintained in good condition during the construction period and
- (c) remain in place for the duration of the construction works.

39. A separate permit or development consent may be required if the branches or roots of a protected tree on the lot or on an adjoining lot are required to be pruned or removed.

Part D While building works are being carried out

Environmental Heritage

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

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

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

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

- (a) All must stop immediately and

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

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

Earthworks, Internal Driveways and Importation of Material

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

Note: The Applicant's response to submissions clearly states that there will be no importation of material associated with the construction of the internal access road.

43. Any earthworks, including any structural support or other related structure for the purposes of the development:
- (a) must not cause danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property and
 - (c) that is fill brought to the site - must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997* and
 - (d) that is excavated soil to be removed from the site - must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

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

Inspections

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

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

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

Inspection	Hold Point
(a) After excavation of footings	Prior to pouring concrete, after placement of erosion and sediment control measures, on-site toilet and signage
(b) Floor slab	Prior to pouring concrete

- | | |
|---------------------------------------|--|
| (c) Frame/Pre-sheet | Prior to placing internal sheeting, after all internal services including water plumbing and electrical are installed and external cladding has been fixed |
| (d) Waterproofing of wet areas | Prior to the placement of tiling and/or covering |
| (e) Stormwater | Prior to backfilling or covering pipes and connections to services |
| (f) Final | All works relating to the proposed development are complete and all conditions of development consent are complied with. |

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

Inspection	Hold Point
(a) Vehicular access	Upon completion of the vehicular access and prior to the occupation or use of the development.
(b) Completion of sub-grade pavement layer of the BAR and BAL located on Murrumbateman Road	Proof roll
(c) Completion of base course pavement layer the BAR and BAL located on Murrumbateman Road	Proof roll
(d) Completion of two coat bitumen seal of the BAR and BAL located on Murrumbateman Road – visual only	Upon completion
(e) Completion of the crown road upgrade including sealing – visual only	Upon completion

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

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

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

Construction

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

Solid Fuel Heater

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

Plumbing and Drainage

61. All plumbing and drainage work must comply with the provisions of the following:
- *Plumbing and Drainage Act 2011*

- *Plumbing and Drainage Regulation 2012*
- Plumbing Code of Australia
- AS/NZS 3500:2018 Plumbing and Drainage

62. The *Plumbing and Drainage Act 2011* requires each plumber and drainer that works on the development to submit the following information to Council:

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

Stormwater Drainage

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

On-Site Sewage Management Facility - Aerated Waste Treatment System

66. The Aerated Wastewater Treatment System (AWTS) and effluent irrigation area/s must be installed and maintained in strict accordance with the following:
- Amended On-Site Effluent Disposal report
 - NSW Health Certificate of Accreditation
67. The system must be located in accordance with the following minimum distances:
- 3 metres from any building
 - 3 metres from any property boundary
 - 10 metres downstream from any in-ground rainwater storage tank
 - 3 metres downstream from any above-ground rainwater storage tank
68. Effluent irrigation area/s must be located in accordance with the approved on-site effluent disposal report.
69. There must be no irrigation water runoff from the site to adjoining properties.
70. The first land application line outlet must be a minimum of 15 metres from any building or rainwater storage tank.
71. All irrigation pipe work and fittings must comply with *AS 2698 Plastic pipes and fittings for irrigation and rural applications*. Standard household hose fittings must not be used and the irrigation system must not be capable of connection to the mains water supply.
72. Main irrigation lines must be 100mm below ground and mulched. Feeder lines can be above ground.

73. Spray irrigation must only use low pressure, low volume spray heads which are not capable of producing aerosols. The spray must have a plume height of less than 400mm and a plume radius of not more than 2 metres.
74. The AWTs and effluent irrigation area/s must be protected from vehicle and stock damage.
75. Two warning signs must be erected within the effluent irrigation area which contain the words: *Reclaimed Effluent, Not for Drinking, Avoid Contact*, on a green background.
76. The owner/occupier must enter into an annual service contract with an appropriately qualified service technician, requiring quarterly servicing of the AWTs. A report must be submitted to Council detailing results of each service.
77. Pipes, taps and valves used for the distribution of reclaimed or recycled water must comply with the following:
- (a) Pipes must be permanently and clearly marked with six longitudinal stripes, not less than 2mm in width and equally spaced around the periphery. The stripes must be P23 lilac in accordance with *AS 2700 Colour standards for general purposes*.

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

Part E Before the issue of an Occupation Certificate

78. An Application for an Occupation Certificate must be lodged with the Principal Certifier.

If Council is the Principal Certifier the application must be lodged on the NSW Planning Portal.
79. The relevant parts of s. 6.10 of the EP&A Act must be satisfied, including:
- (a) a Construction Certificate has been issued for this development
 - (b) all conditions in this part of the consent have been complied with
 - (c) the completed building is suitable for occupation or use in accordance with its classification under the NCC/BCA.
80. In accordance with s.154 of the EP&A Regulation, an Occupation Certificate authorising a person to commence occupation or use of part of a building, must not be issued unless the building will not constitute a hazard to the health or safety of the occupants of the building.
81. Certificates of Compliance for contractor's work must be submitted to the Principal Certifier.

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

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

Certificates must contain the following information:

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

- 82.** Any damage caused to Council owned infrastructure or property must be repaired or replaced at no cost to Council.
- 83.** An identification survey, prepared by a registered surveyor must be submitted to the Principal Certifier indicating the location of the constructed development in relation to property boundaries, easements and building envelopes.
- 84.** The applicant must certify that the development has been constructed in accordance with all commitments of the relevant BASIX certificate.

The certification must make reference the following:

- (a) Address of the development site
 - (b) Development consent number
 - (c) BASIX certificate number
- 85.** A commissioning/installation certificate must be submitted to the Principal Certifier verifying that the installed Onsite Sewage Management System has been installed in accordance with the manufacturer's specifications and the relevant approved On-Site Effluent Disposal report.

86. Potable water supply storage must be provided on site to the following minimum standard:

- 45,000 litres for houses less than 150m²
- 90,000 litres for houses in excess of 150m².

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

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

87. The property vehicular access from the road to the property boundary must be constructed in accordance with Council's Road Standards Policy RD-POL-09 and the designs/drawings approved with the Construction Certificate.

88. The Crown roads being used as access to be upgraded in accordance with the designs/drawings approved with the Construction Certificate.

89. A BAR and BAL to be constructed on Murrumbateman Road in accordance with the designs/drawings approved with the Sub-division Works Certificate.

Advisory Notes Accompanying Development Consent DA210232

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

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



yass valley council
the country the people

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Locality Plan

Map Scale: 1:18331 at A4

Drawn By: Jennifer Knox

Projection: GDA84 / MGA zone 55

Date: 12/03/2022 12:48 PM



PROPOSED PLAN OF SUBDIVISION OF
LOTS 1 & 2 DP1262963 AND
LOT 2 DP1261924
1023 TALLAGANDRA LANE
SUTTON

CLIENT:	ROB BELMONTE
A3 SHEET	1 OF 1
DATE OF SURVEY	DEC 2019
COMPUTER REFERENCE	3583_PPS1.dwg
LEVEL DATUM	
ORIGIN	
CONTOUR INTERVAL	

DPS DIVERSE
PROJECT
SOLUTIONS

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

ABN: 31 602 010 006

FW: N/A D: NA

My concerns with this DA are in relation to multiple environmental risks

the parcels of land proposed for subdivision they were acquired they were bundled with lot 24dp754908, which was subsequently sold so it seems one 'subdivision' has been allowed at below the minimum size.

The proposal notes that the pasture is now essentially introduced species. However, when the property was acquired it had a mixture native grass species and other flora, supporting some native fauna.

It seems incongruent for a subdivision DA to claim a future environmental benefit after the scale of native destruction on that land.

It also seems odd for the proposal to seek to get a 25% discount on size limits as a reward gift from council for that damage.

The access is not clear to me. It appears that an access is being built just off the crown road leading off Tallagandra Lane. The scale of damage to remnant vegetation and habitat is a concern, as this work appears to be happening along a marked semi permanent water course. It would be good for council to guarantee itself that this water course is not further impacted by approving this DA.

Finally, thousands of truckloads of material have been dumped on these properties. It would seem reasonable for council to satisfy itself of the safety of these properties for habitation before approving subdivision for that purpose.

Section 4.15 Evaluation

Summary of Application

Recommendation	That Development Application No for DA200211 at 1023 Tallagandra Lane, Gundaroo be refused on the following grounds: <ul style="list-style-type: none">• The proposal does not comply with the average minimum lot size requirements contained in clause 4.1B Yass Valley Local Environmental Plan 2013.• The variation to the average minimum lot size development standard cannot be varied using clause 4.6 of the Yass Valley Local Environmental Plan 2013.	
Assessing Officer	Jeremy Knox	11 March 2022
Approval Officer		

Development Application No.	DA200211
Type of Development	Local
Development Site	Lot 1 & 2 DP 1262963 and Lot 2 DP 1261924, 1023 Tallagandra Lane, Gundaroo
Owner / Applicant	Flynn Constructions (Queensland) Pty Ltd / Mr R Belmonte C/- DPS Yass Pty Ltd
Description of Development	The submitted application involves a two lot rural subdivision lodged under clause 4.1B of the YV LEP 2013 and proposing to utilise a clause 4.6 variation to vary the average minimum lot size.

Integrated Development

The application has been referred to the relevant government agency for concurrence and General Terms of Approval have been included in the development consent.

Legislation	Yes	No	N/A
Coal Mine Subsidence Compensation Act 2017 s 22	<input type="checkbox"/>	<input type="checkbox"/>	✓
Fisheries Management Act 1994 s 144, S201 S205. S219,	<input type="checkbox"/>	<input type="checkbox"/>	✓
Heritage Act 1977 s 58	<input type="checkbox"/>	<input type="checkbox"/>	✓
Mining Act 1992 ss 63, 64	<input type="checkbox"/>	<input type="checkbox"/>	✓
National Parks and Wildlife Act 1974 s 90	<input type="checkbox"/>	<input type="checkbox"/>	✓
Petroleum (Onshore) Act 1991 s 16	<input type="checkbox"/>	<input type="checkbox"/>	✓
Protection of the Environment Operations Act 1997 ss 43(a), 47 and 55, ss 43(b), 48 and 55, ss 43(d), 55 and 122	<input type="checkbox"/>	<input type="checkbox"/>	✓
Roads Act 1993 s 138	<input type="checkbox"/>	<input type="checkbox"/>	✓
Rural Fires Act 1997 s 100B	<input type="checkbox"/>	<input type="checkbox"/>	✓
Water Management Act 2000 ss 89, 90, 91	<input type="checkbox"/>	<input type="checkbox"/>	✓
<u>Comment</u>			

Section 4.15 – Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument

Primary Matters	Specific Consideration
State Environmental Planning Policy (SEPP)	<p>Where a SEPP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the policy • generally complies with development standards contained in the policy • generally satisfies the requirements of the policy • meets the relevant concurrence, consultation and/or referral requirements.
<p><u>Comment</u></p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
Regional Environmental Plans (REP)	<p>Where an REP applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • generally complies with development standards contained in the plan • generally satisfies the requirements of the plan • meets the relevant concurrence, consultation and/or referral requirements to address the provisions of the plan.
<p><u>Comment</u></p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	

Local Environmental Plan (LEP)	<p>An assessment against the relevant provisions of the <i>Yass Valley Local Environmental Plan 2013</i> has found that the proposed development:</p> <ul style="list-style-type: none"> is consistent with the aims and objectives of the plan is consistent with the aims and objectives of the land use zone is permissible in the land use zone generally complies with all relevant clauses within the LEP. Where explanation is required it has been included in the assessment notes below. complies with development standards in the LEP where a variation to a development standard is proposed it was accompanied by a written request from the applicant which has adequately addressed the matters required to be addressed by Clause 4.6
<p>Comment</p> <p>The minimum lot size in this area specified by the Yass Valley Local Environmental Plan 2013 is 40ha, however both lots are proposed to be 36ha in size. The LEP contains provisions for subdivision using an average minimum lot size. This is subject to the subdivision having an average lot size of 40ha, and each lot being no greater than 70ha and no less than 20ha in size.</p> <p>The Applicant has proposed a variation to the average lot size development standard contained in clause 4.1B of the LEP, using clause 4.6 which provides opportunity for variations in certain circumstances.</p> <p>In 2020/21 an objector brought proceedings to the Land and Environment Court to challenge the validity of a Development Consent issued by Council for a subdivision which had been approved with a variation to the average minimum lot size requirement using a clause 4.6 variation. The Land and Environment Court found the Development Consent to be invalid on the basis that the average lot size development standard could not be varied using clause 4.6.</p> <p>The proposal does not comply with the average development standard in the LEP and the Land and Environment Court decision has provided a clear direction on these circumstances.</p> <p>The Applicant has indicated there may be historical factors relating with the property relating to the widening of Tallagandra Lane and that they would like to be considered in the assessment. However, no details of these historical factors have been provided at this time nor has the Applicant indicated how they would allow Development Consent to be granted. Noting the above, it is not envisaged that any historical factors would change the circumstances and Development Consent simply could not be granted under clause 4.1B using a clause 4.6 variation.</p> <p>In this regard, the Development Application cannot be approved and should be refused.</p> <p>No further assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements.</p>	

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

Primary Matters	Specific Consideration
Draft State Environmental Planning Policy	<p>Where a draft SEPP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> is consistent with the aims and objectives of the draft policy complies with development standards contained in the draft policy

	<ul style="list-style-type: none"> general satisfies the requirements of the draft policy generally meets the relevant concurrence, consultation or referral requirements to address the provisions of the draft policy.
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
Draft Regional Environmental Plan	<p>Where a draft REP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> is consistent with the aims and objectives of the draft plan complies with development standards contained in the draft plan satisfies the requirements of the draft plan meets the relevant concurrence, consultation and/or referral requirements to address the provisions of the draft plan.
<p>Comment</p> <p>N/A</p>	
Draft Local Environmental Plan	<p>Where a draft LEP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> is the proposal consistent with the aims and objectives of the draft plan is consistent with the aims and objectives of the land use zone is permissible in the land use zone generally complies with all relevant clauses within the draft LEP complies with development standards in the draft LEP Where a 4.6 variation is proposed it has been supported in the draft LEP – Details are included in the comments below.
<p>Comment</p> <p>N/A</p>	

(iii) any development control plan

Primary Matters	Specific Consideration
Development Control Plan (DCP)	<p>Where a DCP is applicable to the development it:</p> <ul style="list-style-type: none"> is consistent with the aims and objectives of the plan satisfies the requirements of the DCP complies with development standards in the DCP meets all relevant concurrence, consultation, referral requirements in the DCP.
<p>Comment</p>	

No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i> .	
Contributions Plans	The Yass Valley Developer Contribution Plan 2018 (s7.12) has been considered and where applicable a developer contribution has been applied to the development.
	The Yass Valley Heavy Haulage Contribution Plan 2006 (s.7.11) has been considered and where applicable a developer contribution has been applied to the development.
<u>Comment</u>	
No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i> .	

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

Primary Matters	Specific Consideration
Planning Agreement	Under s.7.4 EP&A Act, no planning agreement is applicable to the development.
<u>Comment</u>	
NA	
Draft Planning Agreement	Under s. 7.4 EP&A Act, no draft planning agreement applicable to the development.
<u>Comment</u>	
N/A	

(iv) the regulations

Primary Matters	Specific Consideration
Environmental Planning and Assessment Regulation 2000	<p>The <i>Environmental Planning and Assessment Regulation 2000</i> has been considered and where relevant it:</p> <ul style="list-style-type: none"> • complies with AS 2601 when demolition is involved • complies with the Category 1 fire safety provisions if a change of building use is involved • has provision for compliance with the Building Code of Australia as amended if an building upgrade required

	<ul style="list-style-type: none"> has been accompanied by a compliant BASIX certificate where the development is BASIX affected.
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	

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

Primary Matters	Specific Consideration
Context and setting	<p>Context The development is compatible with the:</p> <ul style="list-style-type: none"> scenic qualities and features of the landscape character and amenity of the locality and streetscape scale (bulk, height, mass) form, character, density and design of development in the locality previous existing land uses and activities in the locality <p>Setting The development is unlikely to have a significant impact on adjacent properties in terms of:</p> <ul style="list-style-type: none"> the relationship and compatibility of adjacent land uses sunlight access (overshadowing) visual and acoustic privacy views and vistas edge conditions such as boundary treatments and fencing
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	

<p>Access, transport and traffic</p>	<p>An assessment of access, transport and traffic impacts found (as relevant to the development):</p> <ul style="list-style-type: none"> • The existing road network is capable of supporting the proposed development • The proposed development complies with Council's Roads Standards Policy • The volume of traffic generated as a result of the proposed development is unlikely to exceed the capacity of the local and arterial road network • Public transport is available • A traffic management study was either not required to support the proposed development or was submitted and was considered satisfactory • An adequate number of vehicle parking spaces have been provided • On-site car parking has provisions for compliance with relevant standards • The proposed or existing location of vehicular access to the site is considered satisfactory <p>Suitable conditions of consent have been included in the consent as required.</p>
<p><u>Comment</u></p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
<p>Utilities</p>	<p>The demands of the development are unlikely to have an adverse impact on utility supply as:</p> <ul style="list-style-type: none"> • adequate utilities are either existing and capable of supporting the proposed development or capable of being extended to service the site • where onsite sewage management is proposed it has been accompanied by a report prepared by an appropriate consultant demonstrating the suitability of the site for on-site effluent disposal
<p><u>Comment</u></p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
<p>Heritage</p>	<p>The development is unlikely to have an adverse impact on the heritage significance of the site or adjacent properties in terms of:</p> <ul style="list-style-type: none"> • its impact on items, landscapes, areas, places, relics and practices • the historic, scientific, social, aesthetic, cultural, archaeological (both Aboriginal and non-Aboriginal) values of the site <p>As required a statement of design intent, heritage study, conservation management plan or statement of heritage impact has been submitted in support of the application.</p> <p>A due diligence assessment has been undertaken to establish the likelihood of aboriginal objects and areas of cultural heritage. Where required additional assessment has been undertaken by a person suitably experienced in identifying objects and areas of</p>

	significance. Subsequent outcomes have been treated appropriately and suitable conditions been included in the development consent.
<u>Comment</u> No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i> .	
Water	The development is unlikely to have an adverse impact on the conservation of water resources and the water cycle in terms of: <ul style="list-style-type: none"> • water supply sources • treatment, reuse and disposal of waste water and runoff • drainage, flow regimes, flooding on-site, up and downstream and in the catchment flood plain • groundwater tables
<u>Comment</u> No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i> .	
Soils	The development is unlikely to have an adverse impact on soil conservation in terms of: <ul style="list-style-type: none"> • soil qualities – erodibility, permeability, expansion/contraction, fertility/productivity, salinity, sodicity, acidity, contaminants • instability – subsidence, slip, mass movement • the movement, formation, use and management of soils • soil erosion and degradation • remediation of contaminated soils
<u>Comment</u> No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i> .	
Air and Microclimate	The development is unlikely to have an adverse impact on air quality and microclimatic conditions in terms of emissions of dust, particulates, odours, fumes, gases and pollutants.
<u>Comment</u>	

No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i> .	
Flora and Fauna	<p>The development is unlikely to have a significant impact on:</p> <ul style="list-style-type: none"> critical habitats; threatened species, pollutions, ecological communities or their habitats; and other protected species wilderness areas and national parks wildlife corridors and remnant vegetation the relationship of vegetation to soil erosion/stability and the water cycle weeds, feral animal activity, vermin and disease <p>An assessment under the provisions of the <i>Biodiversity Conservation Act 2016</i> has revealed proposed development:</p> <ul style="list-style-type: none"> will not result in serious and irreversible impacts did not trigger the submission of a BDAR or where a BDAR was required it has been assessed and is considered satisfactory with suitable condition being added to the development consent.
<p><u>Comment</u></p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
Waste	<p>As relevant, the development will provide waste facilities and controls for:</p> <ul style="list-style-type: none"> solid, liquid and gaseous wastes and litter the generation, collection, storage and disposal of waste
<p><u>Comment</u></p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	

Energy	<p>The proposed development has provision to incorporate responsible energy efficiency measures in terms of:</p> <ul style="list-style-type: none"> the overall energy needs of the development the measures employed to save energy – passive design, solar lighting and heating, natural ventilation, shading elements, insulation, high thermal mass building materials, energy efficient appliances and machinery the use of renewable and non-polluting energy sources? energy needs in producing building/structural materials? energy use by products and waste <p>Where relevant the development also complies with the Building Sustainability Index (BASIX).</p>
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
Noise and Vibration	<p>The proposed development is has potential to generate offensive noise pollution or vibration in terms of noise and vibration generated from the development during its construction.</p> <p>The developer is to employ suitable controls to manage such impacts on adjoining and surrounding properties. Conditions of consent have been included to address this concern.</p>
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
Natural Hazards - Geologic	<p>Risks to people, property and the physical environment as a result of geologic/soil instability – subsidence, slip, mass movement has been considered and addressed through the submission of specialist reports and physical design features.</p>
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
Natural Hazards - Flooding	<p>Risks to people, property and the physical environment as a result of flooding has been considered and was addressed though:</p> <ul style="list-style-type: none"> Compliance with the relevant Flood Risk Management Plan in accordance with the information submitted with the application or

	<ul style="list-style-type: none"> The addition of conditions which require compliance with the relevant Flood Risk Management Plan or the Building Code of Australia.
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
Natural Hazards - Bushfire	The development is not located on identified as being bushfire prone.
	The development site is bushfire prone and the development was assessed for compliance with <i>Planning for Bushfire Protection 2019</i> . The development is compatible with the bushfire risk and appropriate conditions have been included in the consent.
	The development site is bushfire prone, however in accordance with s.8.3.2 of <i>Planning for Bushfire Protection 2019</i> there are no bushfire protection requirements for <u>class 10a buildings located more than 6 metres from a dwelling in bushfire prone areas</u> .
	<p>The development is located on bushfire prone land and is Integrated Development in accordance with s.4.46 EP&A Act.</p> <p>The development application was referred to the NSW Rural Service (RFS) in accordance with s.100B <i>Rural Fires Act 1997</i>. A Bush Fire Safety Authority was issued by the RFS and the general terms of approval are included in the consent.</p>
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
Technological Hazards	<p>The development is unlikely to present risks to people, property and the physical environment from:</p> <ul style="list-style-type: none"> industrial and technological hazards land contamination and remediation <p>Where potential land contamination has been identified an assessment has determined that:</p> <ul style="list-style-type: none"> The contamination is likely to be low and does not warrant remediation as the proposed land use is not sensitive or Specialist reports have found that the land is not contaminated or Specialist reports have found the land to be contaminated and remediation is proposed prior to the proposed use <p>Where necessary suitable conditions have been included in the development consent.</p>
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	

Safety, Security and Crime Prevention	<p>The development includes adequate measures to address the potential for accident / injury and criminal activity.</p> <p>The proposed development is considered to be low risk</p> <p>Where necessary the application has been referred to the local police and or liquor licensing officer for comments which have been incorporated into the development consent.</p>
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
Social impact in the locality	<p>The development is likely to have social benefits in the locality in terms of:</p> <ul style="list-style-type: none"> • community facilities and links • the interaction between the new development and the community
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
Economic impact in the locality	<p>The development is likely to have economic benefits in terms of:</p> <ul style="list-style-type: none"> • employment generation • economic income • generating benefits for existing and future businesses
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
Site and internal design	<p>The development is generally sensitive to environmental conditions and site attributes including:</p> <ul style="list-style-type: none"> • the size, shape and design of allotments, easements and roads • the proportion of the site covered by buildings • the positioning of buildings • the size (bulk, height, mass), form, appearance and design of buildings • the amount, location, design, use and management of private and communal open space • landscaping <p>The development is unlikely to affect the health and safety of the occupants in terms of:</p>

	<ul style="list-style-type: none"> • inadequate lighting, ventilation and insulation • inadequate building fire risk prevention and suppression • inappropriate building materials and finishes • inappropriate common wall structure and design • lack of access and facilities for the disabled
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	
Construction	<ul style="list-style-type: none"> • The proposed development has provision for compliance with the Building Code of Australia (as amended) and relevant Australian standards • The impacts of construction activities can be managed and suitable conditions have been included in the development consent.
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	

(c) the suitability of the site for the development

Primary Matters	Specific Consideration
Compatibility with existing development in the locality	<p>The proposal is generally considered to be compatible with existing development in the locality as:</p> <ul style="list-style-type: none"> • Utilities and services available to the site are adequate for the development • The development will not lead to unmanageable transport demands • Transport facilities are adequate in the area • The locality contains adequate recreational opportunities and public spaces to meet the needs of the development • The air quality and microclimate are appropriate for the development • No hazardous land uses or activities nearby • Ambient noise levels are suitable for the development • The site is not critical to the water cycle in the catchment • The proposal is compatible with the existing built environment
<p>Comment</p>	

No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i> .	
Site conduciveness to the development	<p>The subject site is generally considered conducive with the proposed development as:-</p> <ul style="list-style-type: none"> • The site is suitable for the proposed development • The site is either not subject to natural hazards including flooding, tidal inundation, subsidence, slip, mass movement, and bushfires or where it is these risks have been adequately managed • The slope of the land is suitable for the proposed development • The proposal is compatible with conserving the heritage significance of the site • The soil characteristics on the site is appropriate for development (Saline / Sodic / Acidic) • The development is compatible with protecting any critical habitats or threatened species, populations, ecological communities on the site • The site is not prime agricultural land and the development will not unduly prejudice future agricultural production • The development will not unduly prejudice the future use of the site • Cut and fill is a suitable development option for the site
<p>Comment</p> <p>No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>	

(d) Any submissions made in accordance with this Act of the regulations

Primary Matters	Specific Consideration
Public Submissions	<p>An assessment of the proposed development under Council's Community Engagement Strategy has found it to be:</p> <ul style="list-style-type: none"> • consistent with the primary land use of the zoning • compliant with the requirements of the Yass Local Environmental Plan • compliant with the requirements of or meet the objectives of any applicable Development Control Plan or planning policy • unlikely to have a significant impact on adjoining or opposite properties <p>As such community consultation was <u>not</u> required.</p>
	<p>An assessment of the proposed development under Council's Community Engagement Strategy revealed that community consultation was required.</p>
	<p>Surrounding landowners and other interested parties were notified of the development with submitted plans and supporting information made publically available for 14 days.</p>

	Where submissions were received the issued raised have been considered as summarised in the comments below and where appropriate have been addressed through conditions of consent.
Comment Public exhibition included notice to nine adjoining and nearby landowners and one submission has been received. The submission received raised concerns in relation to other activities that have occurred at the property including vegetation removal, construction of internal access road, and importation of material. These matters have been subject to separate compliance and enforcement action separate to the Development Application, including in conjunction with the relevant State agencies.	
Submissions from Public Authorities	Where relevant submissions received from Government or Public Authorities have been considered with any issues raised being resolved, addressed by conditions of consent/general terms of approval or considered not relevant to the development
Comment There were no submissions sought or received from public authorities.	

(e) the public interest

Primary Matters	Specific Consideration			
Government (Federal, State and Local) and Community Interests	Government and community interests have been considered and are satisfied as: <ul style="list-style-type: none"> The proposed development complies with the Council Policies identified as applicable in the schedule below. Where a variation to this policy has been supported details have been included in the comments. The proposed development is generally consistent with any relevant planning studies and strategies Covenants not imposed by council have been set aside for the purpose of this assessment The proposal generally complies with all other covenants, easements, restrictions and agreements that have an bearing on the proposal Issues raised in public meetings and inquiries have been considered. Where relevant more detail has been provided under the heading public submissions. It is unlikely that the development will have a detrimental effect on the health and safety of the public 			
	Comment No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i> .			
Council Policies	Policy	Code	Applicable	N/A
	Building Line – Rural and Residential Land	DA-POL-8	✓	<input type="checkbox"/>

	Building Line - Urban	DA-POL-4	<input type="checkbox"/>	✓
	Building Over Sewer Mains	SEW-POL-1	<input type="checkbox"/>	✓
	Development Assessment and Decision Making	DA-POL-18	✓	<input type="checkbox"/>
	Holiday Cabins – Micalong Creek Subdivision	DA-POL-3	<input type="checkbox"/>	✓
	Kerb and Gutter Construction	ENG-POL-4	<input type="checkbox"/>	✓
	Non-Urban Fencing	DA-POL-12	✓	<input type="checkbox"/>
	Off-Street Car Parking	ENG-POL-8	<input type="checkbox"/>	✓
	Provision of Electricity Supply and Telecommunications Service for Subdivisions	DA-POL-17	✓	<input type="checkbox"/>
	Road Naming	RD-POL-6	<input type="checkbox"/>	✓
	Road Standards	RD-POL-9	✓	<input type="checkbox"/>
	Temporary Accommodation	DA-POL-2	<input type="checkbox"/>	<input type="checkbox"/>
	Truck and Transport Depots in Rural Areas	DA-POL-11	<input type="checkbox"/>	✓
	Water Supply in Rural Areas and Villages	WS-POL-2	✓	<input type="checkbox"/>
<u>Comment</u>				
<p>The Application is reported to a meeting of Council in accordance with <i>Application Assessment and Decision Making DA-POL-18</i> for determination as it involves a major policy variation.</p> <p>No further assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i>.</p>				
Deposited Plans and 88B Instruments	<u>Comment</u>			
	No assessment has been undertaken as the Development Application cannot be approved as the proposed development does not meet the minimum lot size requirements of the <i>Yass Valley Local Environmental Plan 2013</i> .			



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15 October 2020

Our Ref: 3583_4.6 Variation

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

Attention: Mr Chris Berry

Dear Sir,

APPLICATION TO VARY A DEVELOPMENT STANDARD

**PROJECT: Subdivision of Lots 1 & 2 DP1262963 and Lot 2 DP1261924
1023 Tallagandra Lane, GUNDAROO**

PLANNING INSTRUMENT

Yass Valley Local Environment Plan 2013

LAND ZONING

RU1 Primary Production

ZONE OBJECTIVES

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- To minimise the fragmentation and alienation of resource lands.*
- To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- To protect and enhance the biodiversity of Yass Valley.*
- To protect the geologically significant areas of Yass Valley.*
- To maintain the rural character of Yass Valley.*





- *To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.*
- *To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land.*
- *To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.*

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

As demonstrated in the Statement of Environmental Effects (SEE) this subdivision has given significant consideration when designing the location of the new boundaries and building envelopes to maintain the rural character of the site and to protect/ enhance the biodiversity of Yass Valley LGA.

The proposal has been prepared in accordance with the current planning legislation and has been proposed with due respect to result in an achievable planning outcome. The lot sizes and layout are consistent and complementary to the surrounding area. It is of the expectation that the proposed lot layout will encourage enhanced land care management and conservation values for the area.

The subdivision is expected to lay the foundation for more efficient utilisation of the land in the future. It is expected the use of the land for additional domestic residences will contribute to varying degrees the local economy.



DEVELOPMENT STANDARD TO VARY

4.1B Subdivision using average lot sizes

- (1) *The objectives of this clause are to facilitate alternative subdivision controls that—*
 - (a) *maintain the rural character of the Yass Valley, and*
 - (b) *facilitate a subdivision design that takes into consideration the environmental and agricultural values of the land and best protects those values.*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone E4 Environmental Living.*
- (3) *Despite clause 4.1, development consent may be granted to subdivide land in Zone RU1 Primary Production or Zone RU2 Rural Landscape if—*
 - (a) *the average area of all the lots created will be at least 40 hectares, and*
 - (b) *none of the lots created will have an area of less than 20 hectares, and*
 - (c) *none of the lots created will have an area greater than 70 hectares.*

Note. Under clause 4.1, a subdivision can create a lot with an area greater than 70 hectares.

- (4) *Despite clause 4.1AA, development consent may be granted to subdivide land in Zone E4 Environmental Living, under the [Community Land Development Act 1989](#), if—*
 - (a) *the average size of all the lots created will be at least the minimum size shown on the [Lot Size Map](#) in relation to that land, and*
 - (b) *if there is a reticulated sewerage scheme—each lot created will have an area of at least 2,000 square metres, and*
 - (c) *if on-site sewage management is proposed to dispose effluent on each individual lot—each lot created will have an area of at least 4,000 square metres, and*
 - (d) *the subdivision can be serviced without placing unreasonable financial burdens on the community, particularly in relation to road upgrading, and*
 - (e) *the lots proposed for residential purposes are located to minimise impacts on the natural environment, and*
 - (f) *sufficient curtilage is provided around items of European or Aboriginal heritage to provide for ongoing protection.*

It is proposed to create two (2) Lots as a result of this subdivision. The minimum lot size for the subject land is 40ha however, utilising Clause 4.1B the minimum lot size becomes 20ha with an average of all the lots created to be 40ha. It is proposed to create two (2) lots of 36ha and 36.009ha with an average of 36.0045ha resulting in 3.9955ha less than the required average of 40ha, however meeting the minimum lot size required by Clause 4.1B(3)(b). Conversely this equates to a variation to Clause 4.1B(3)(a) of 9.98%.



EXTENT OF VARIATION

The minimum lot size for the subject land is 40ha however, utilising Clause 4.1B the minimum lot size becomes 20ha with an average of all the lots created to be 40ha. It is proposed to create two (2) lots of 36ha and 36.009ha and associated building envelopes/ dwelling entitlements. This results in an average of 36.0045ha which calculates an area of 3.9955ha less than the required average of 40ha, however meeting the minimum lot size required by Clause 4.1B(3)(b). Conversely this equates to a variation to Clause 4.1B(3)(a) of 9.98%.

As a result, a request for a variation is required utilising Clause 4.6, it is anticipated that this variation will have minimal impact on the surrounding landscape of the subject site. The variation to lot size is considered minor in numerical terms and offers an achievable outcome for the proposed subdivision. The proposed subdivision has been prepared with respect to maintaining the rural character of the Lot and to protect/ enhance the biodiversity of Yass Valley LGA.

The proposal has been prepared in accordance with the current planning legislation and has been proposed with due respect to result in a positive planning outcome. The proposal generally complies with the relevant planning controls, policies and guidelines with the exception to the average lot size provision in the YVLEP. In this instance due to the site-specific nature of this request we believe that compliance with the development policy is unnecessary and there are enough environmental planning grounds to support the variation and result in a suitable planning outcome.

In addition, the following comments further justify the variation:

- The variation is considered minor in numerical terms as it is only a 9.98% deviation from the development standard
- The YVLEP allows for minor variations such as that which is proposed
- The YVLEP also allows for lots which vary in size, including lots which are less than 40ha

The proposed accesses for Lots 1 and 2 are existing therefore requiring no additional vegetation removal. The Pasture Assessment Report (Appendix C of the SEE) states '*the pasture species composition of the property is dominated by introduced pasture species with a background of introduced annual grasses such as silver grass, barley grass and annual ryegrass*', which provides the confirmation required that there is no native vegetation present on site. In varying the development standard, the subsequent subdivision offers an appropriate planning decision that follows design principles that restrict compliance with the LEP requirements.

4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows—*

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

The proposed development is unlikely to generate any adverse impacts on nearby properties or the amenity of the area. It is consistent with the zoning of the land and considered to be an appropriate development in the context of the well-established land use pattern. The exception to Clause 4.1B(3)(a) sought is consistent with the exercise of 'an appropriate degree of flexibility' in applying the development standard.



- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The proposed development has been prepared in accordance with the current planning legislation. The development standard 4.1B(3)(a) of the Yass Valley LEP 2013 is not 'expressly excluded' from the operation of Clause 4.6.

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

It is considered that the absence of native vegetation as supported in Appendix C 'Pasture Species Assessment' and the anticipation of minimal environmental impact on the surrounding landscape is considered 'sufficient environmental planning grounds' to justify a request to vary the development standard. The proposed development offers an alternative means of achieving the objective strict compliance with the standard and it is deemed 'unreasonable and unnecessary' to prevent the subdivision from obtaining consent.

- (4) Development consent must not be granted for development that contravenes a development standard unless—*
- (a) the consent authority is satisfied that—*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Secretary has been obtained.*

The proposed development does not impact upon the achievement of the zone objectives and is considered to be 'consistent with the objectives for development within the zone in which the development is proposed to be carried out'.

- (5) In deciding whether to grant concurrence, the Secretary must consider—*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*



By varying the development standard, we are not contravening the rural and environmental aspects of the subject land, rather the development is expected to lay the foundation for more efficient utilisation of the land in the future. It is expected the use of the land for additional domestic residences will contribute in varying degrees to the local economy.

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

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

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

Note. When this Plan was made it did not include all of these zones.

The proposed development has been assessed against Clause 4.1B of the YVLEP2013 and is proposed to create two (2) rural lots of 36.009ha and 36ha respectively, meeting the minimum lot required by Clause 4.1B(3)(b). The average lot size being 36.0045ha resulting in a numerical variation of 9.98% to the average lot size specified in Clause 4.1B(3)(a), meeting both requirements of Clause 4.6(6)(a) & (b).

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clause 6.12.

THE FIVE PART WEHBE TEST

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard.**
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.**
- 3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.**



4. *The development standard has been virtually abandoned by the Council's own actions in granting consents departing from the standard hence compliance with the standard is unnecessary and unreasonable.*
5. *The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is the particular parcel of land should not have been included in the zone.*

Having regard to all of the above, it is of our opinion that compliance with Clause 4.1B(3)(a) is unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives to which the subject land applies.

Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of Clause 4.6 are satisfied, and Council are enabled to grant the proposed average lot size variation.

The following outlines the proposal against Clause 4.1B using average lot sizes:

4.1B Subdivision using average lot sizes

- (1) *The objectives of this clause are to facilitate alternative subdivision controls that:*
 - (a) *maintain the rural character of the Yass Valley, and*
 - (b) *facilitate a subdivision design that takes into consideration the environmental and agricultural values of the land and best protects those values.*

The intention of this subdivision will maintain the rural character of the Yass Valley, the design has taken into consideration the environmental and agricultural values of the land by utilising the existing accesses and fencing. The proposed subdivision has located the building envelopes on cleared land free of large constraints to ensure minimal impact and to maintain the rural character of the land for a future lot owner. The environmental and agricultural values will not be impeded, and the land will be better managed/ enhanced.

- (2) *This clause applies to land in the following zones:*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone E4 Environmental Living.*

The subject land is zoned RU1 Primary Production as per the Yass Valley LEP 2013.

- (3) *Despite clause 4.1, development consent may be granted to subdivide land in Zone RU1 Primary Production or Zone RU2 Rural Landscape if:*
 - (a) *the average area of all the lots created will be at least 40 hectares, and*
 - (b) *none of the lots created will have an area of less than 20 hectares, and*
 - (c) *none of the lots created will have an area greater than 70 hectares.*

Note. Under clause 4.1, a subdivision can create a lot with an area greater than 70 hectares.



The existing site has an area of 72.009ha, the proposal is to create two lots of 36.009ha and 36ha respectively meeting the requirements of Clause 4.1B(3)(b)(c). Conversely this results in an average of 36.0045ha which equates to a numerical variation to Clause 4.1B(3)(a) of 9.98%.

By varying the standard, we are not contravening the rural and environmental attributes of the land, rather it is enhancing the environmental aspects of the subject land and provides a potential purchaser the choice of a rural lifestyle. The surrounding land in all directions is large lot rural land that is utilised for the purpose of primary production. As such the proposal has been prepared with respect to maintaining the rural character of the Lot and surrounds and to protect/ enhance the biodiversity of Yass Valley LGA to ensure minimal environmental impact is felt to the surrounding landowners.

- (4) *Despite clause 4.1AA, development consent may be granted to subdivide land in Zone E4 Environmental Living, under the Community Land Development Act 1989, if:*
- (a) the average size of all the lots created will be at least the minimum size shown on the Lot Size Map in relation to that land, and*
 - (b) if there is a reticulated sewerage scheme—each lot created will have an area of at least 2,000 square metres, and*
 - (c) if on-site sewage management is proposed to dispose effluent on each individual lot—each lot created will have an area of at least 4,000 square metres, and*
 - (d) the subdivision can be serviced without placing unreasonable financial burdens on the community, particularly in relation to road upgrading, and*
 - (e) the lots proposed for residential purposes are located to minimise impacts on the natural environment, and*
 - (f) sufficient curtilage is provided around items of European or Aboriginal heritage to provide for ongoing protection.*

The above does not apply to land zoned RU1 Primary Production which the subject land is situated.

CONCLUSION

As demonstrated in this request and the SEE, the proposal has been prepared in accordance with the current planning legislation and has been proposed with due respect to result in a feasible planning outcome. The proposal is permissible with Council's consent within the zone and meets the relevant objectives of the Yass Valley LEP 2013. The non-compliance in relation to Clause 4.1B(3)(a) has been identified and justified.

In varying the development standard, the subsequent subdivision offers an appropriate planning proposal that has been prepared with due respect to maintaining the rural character and biodiversity of Yass Valley LGA.

Accordingly, in the circumstances of the case, the proposal is considered to be in the public interest and worthy of Council's support.



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

Yours Faithfully
DPS YASS Pty Ltd



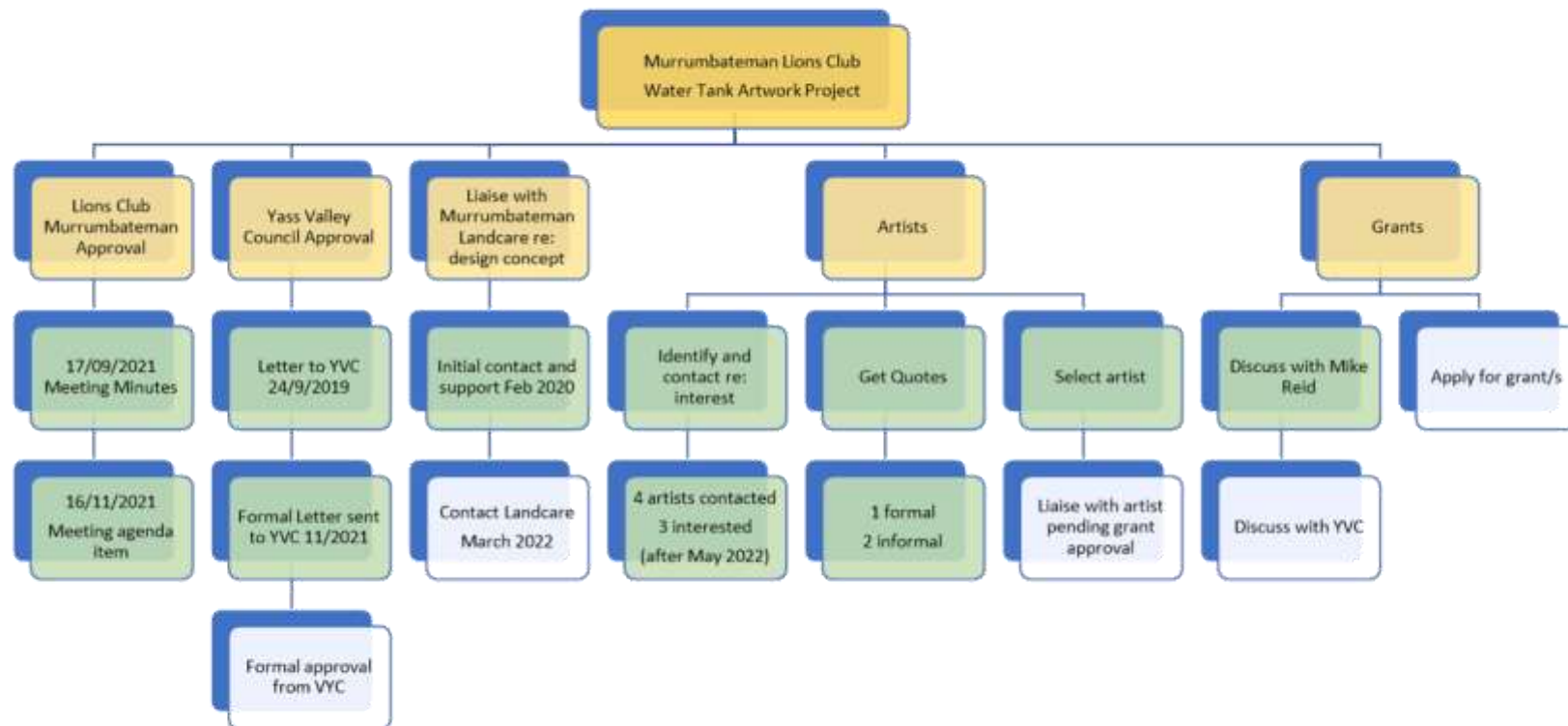
Jamie Bush
Project Surveyor

Murrumbateman Lions Club Inc - Murrumbateman Water Tank Artwork Project

Project Officers:
Lion Lion
Description:
Facilitate placement of artwork on new concrete water tank in Murrumbateman Bush Cemetery precinct.
Rationale:
Adds to the local community's amenity, particularly given location near the historic Bush Cemetery, and provides a tourism interest for travellers passing through Murrumbateman.
Required Personnel:
Australian artist experienced in large rural artworks and use of relevant equipment including a boom / scissor lift Yass Valley Council - Councillor Mike Reid Murrumbateman Landcare Group
Funding:
Yass Valley Council/Regional/NSW Grants
Approximate Cost:
\$45,000
Consultation:
Yass Valley Council Murrumbateman Landcare Group
Research:
Corresponded with Yass Valley Council regarding proposal Contacted artists and identified approximate cost for project Contacted Murrumbateman Landcare Group re proposal. Further contact to identify concept theme for artwork Identify appropriate grant opportunities
Time Frame:
12- 24 months – dependant on grant availability

4/3/2022

Project Plan / Progress



4/3/2022

Artist information

Artist Name	
Jimmi Buscombe	
Heesco	
Simon White	
Jimmy Dvat	

Preferred Artist

Jimmi Buscombe

- Specialises in realistic wildlife artworks
- Formal quote supplied
- Formal CV and portfolio supplied
- Fully insured for public works (including high risk work) – holds High Risk Work Licence for operating elevated work platforms, boom lifts and scissor lifts.

Concept Options

Murrumbateman Lions Club will formalise concept through liaison with the Murrumbateman Landcare Group.
Current ideas identified from Landcare signage in designated area

Native Plants

White box, Yellow Box, Blakeleys Red Gum (Box Gum) Grassy Woodland – critically endangered ecological communities
Chocolate Lily, Small Vanilla Lily, Bulbine Lily, Milk Maids, Golden Moth Orchid, Blue Devil, Sun Orchid, Yam Daisy, Wallaby Grass, Fringe Lily, Wattle Mat-Rush, Kangaroo Grass

Wildlife

Eastern Blue Tongue Lizard
Dainty Swallowtail
Golden Sun Moth - endangered
Superb Parrot – endangered

4/3/2022

Mock-up Concept Ideas ONLY

Box Gum Grassy Woodland, Superb Parrot and Golden Sun Moth



4/3/2022

Jimmi Buscombe

B 25.11.1972 Melbourne Australia.
+61 430 444 054
jimmiuscombe@gmail.com
75 Otway Road, Warrnambool. 3280



statement of practice

Jimmi Buscombe is a professional artist based in Warrnambool, on the Great Ocean Road in Victoria, Australia. He specialises in photo realistic wildlife art, public art, mural & street art, integrating a range of methods and mediums including paint, ink and pastel to create stunningly life-like representations of his subjects.

Jimmi has been commissioned by community groups, councils, private clients and organisations both locally and internationally to create street art and public art of native flora and fauna as well as private portrait and wildlife commissions. Every piece of artwork is treated with much care and consideration.

Jimmi is passionate about visual and public arts and the important role they play within a healthy, well-functioning community. He sees every public art project as an opportunity to engage locally and encourage discussions and the promotion of visual arts. In Southwest Victoria, Jimmi is active in supporting, developing and up-skilling a new generation of visual artists, where he currently mentors two young emerging artists, meeting with them regularly and getting them involved with projects both locally and afar.

For the past eighteen months, Jimmi has been an artist in residence at Lyndoch Living, an aged care facility in Warrnambool, Victoria where he is commissioned to create realistic murals of native Australian plants and animals, essentially bringing nature inside to the residents of Lyndoch. The works hold much more meaning and value than the end product of a beautiful mural. Seats and couches are set up around where Jimmi is painting and the residents and visitors are encouraged to sit and talk with Jimmi as he creates his works of art. The interaction with the residents is where the real gold of this project occurs, with many residents spending hours a day offering conversation and gentle words of advice.

Jimmi has also worked on many public art projects around the country, including in 2021 the Avoca Silo Art Project for The Avoca Arts and Gardens Committee, in 2020 the Lismore Water Tower project for Corangamite Shire Council, in 2019 two murals for Werribee Open Range Zoo, and in 2019/2020 the State Government of Victoria's Pick My Project scheme with a project titled #WildVsWarrnambool.

exhibitions/awards

FINALIST IN THE DOUG MORAN NATIONAL PORTRAIT PRIZE 2019

for his portrait *DANDROGYNY*, of Warrnambool born dancer and performer Daniel Newell. *DANDROGYNY* is currently on tour around Australia as part of the DMNPP exhibition.

FINALIST IN THE KENNEDY ART PRIZE, SA - KENNEDY ARTS FOUNDATION

for his portrait *DANDROGYNY*, of Warrnambool born dancer and performer Daniel Newell.

WINNER - PEOPLE'S CHOICE AWARD - WDEA WARRNIBALD WARRAMBOOL PORTRAIT PRIZE 2018

for his portrait *MANHOOD*, of Warrnambool born dancer and performer Daniel Newell as *DANDROGYNY*. *MANHOOD* was acquired by the Warrnambool Art Gallery as part of their permanent collection.

WINNER - WDEA WARRNIBALD WARRAMBOOL PORTRAIT PRIZE - 2017

for his portrait titled *Jennifer and Rosie* of local legend Jennifer Chambers and her chook Rosie the hen.

BEERS AND IDEAS - OCTOBER 2017, OZONE LANE MURAL PROJECT.

Jimmi won funding through the first Warrnambool place-making meeting, *Beers and Ideas* meeting in October 2017 for his mural for Ozone Walk in Warrnambool of the stunning Yellow Tailed Black Cockatoos.

public art works

THE AVOCA SILO PUBLIC ART PROJECT

In January 2021, Jimmi began work on the Avoca Silo Art Project. At 20m tall, the project depicts a local native Australian Barking Owl perched in a local gum. Beneath the owl is a landscape of the local Pyrenees Ranges. This mural has a night time interactive feature. A glow in the dark starburst sky is painted behind the owl, which is not visible during the daytime. In the evening, visitors to the site can press a button near the silo which sets off two timed 30 second floodlights, which in turn charge the special glow in the dark paint. When the lights go off after 30 seconds, the starburst sky glows for several minutes behind the owl. This mural is the first of it's kind for the Australian Silo Art Trail

CORANGAMITE SHIRE COUNCIL LISMORE WATER TOWER PROJECT

In February 2020, Jimmi created a major piece on the Lismore (Vic) Water Tower for Corangamite Shire. The mural, at 16m tall, depicts two dancing brolgas and some sheep standing amongst native wildflowers in an early morning misty field. Once the main artwork was completed, it then evolved over several more months to include a brolga nest, then some eggs, then cracks in the eggs, and finally the hatching chicks. Jimmi was the selected from a group of over 30 artists nationally. The Lismore Water Tower has already been made part of the official Australian Silo art trail.

BUTTERFLY UNIVERSE - YARRAM INTERNATIONAL CHALK ART FESTIVAL

In January 2021, Jimmi was invited to the Yarram International Chalk Art Festival and won second prize with his piece "Portal to the Butterfly Universe".

#WILDVSWARRNAMBOOL FOR THE PICK MY PROJECT SCHEME - STATE GOVERNMENT OF VICTORIA

In 2020, Jimmi completed 4 large scale murals in his home town of Warrnambool as part of the public voted Pick My Project placemaking scheme set up by the Victorian Government. Jimmi's project, titled #WildVsWarrnambool, received the most votes of any project outside the Melbourne metropolitan area. #WildVsWarrnambool depicts nature clawing back territory from man made structures. These murals were designed to evolve and develop over several months, in almost a slow animation of sorts, with changing landscapes and stories developing over time, encouraging the public to visit the murals multiple times.

THE ACCIDENTAL WOMBAT MURAL IN WARRNAMBOOL

The now famous Warrnambool Wombat Mural became part of a viral video by ABC Warrnambool titled the Accidental Wombat Mural in Warrnambool (see link above). Originally created as a practice piece for a future work (commissioned by Warrnambool City Council) the mural depicts a wombat breaking through the concrete wall of a rail overpass in Otway Rd, Warrnambool. The video has currently had in excess of 58 million views across the world and has become a local Warrnambool icon.

WERRIBEE OPEN RANGE ZOO MURALS

Two trompe l'oeil murals at Werribee Open Range Zoo in Victoria. One depicting Kulinda the Cheetah, standing in a broken wall and the other depicting four Serval cats leaping around trees, shrubs and logs. Both murals are designed to be photographed with the viewer placed in situ, creating the illusion they are posing with the animals.

GATEWAY TO WARRNAMBOOL - MACKILLOP FAMILY SERVICES

3D trompe l'oeil depiction of a young girl entering through a hole in the wall at MacKillop Family Services, finding the beauty of Warrnambool on the other side.

THE ANIMAL CLASSROOM - ARTIST IN RESIDENCE AT ST PATRICK'S PRIMARY SCHOOL, CAMPERDOWN, VICTORIA.

3D trompe l'oeil depiction of a hole through the classroom brick wall, showing a room full of native animals at the desks and an emu teacher.

ANIMAL ATTACK - ARTIST IN RESIDENCE AT ST THOMAS PRIMARY SCHOOL, TERANG, VICTORIA.

3D trompe l'oeil depiction of a host of Australian native animals breaking into students' bags and pigeon holes.

TERANG WATERING HOLE

3D trompe l'oeil pavement mural in The Avenue (Princes Highway) Terang, showing a hole in the concrete filled with water and surrounded by native Australian birds.

LIEBIG STREET KOOKABURRAS

3D trompe l'oeil depiction of two kookaburras sitting on a drinking fountain in Liebig Street, Warrnambool. Commissioned by Warrnambool City Council as part of the Liebig street and Warrnambool CBD redevelopment.

IN SPIRIT - YELLOW TAILED BLACK COCKATOOS

The Warrnambool Ozone Walk street art piece, In Spirit, depicts Seventeen Yellow Tailed Black Cockatoos on a blue sky. Funding for In Spirit was won at the inaugural Beers and Ideas place-making event, a public voted event which supports local place-making in the Warrnambool City.

MIDDLE ISLAND FOX AND PENGUINS

Depicts a stalking fox approaching a clutch of defenceless penguins. This piece is painted flat on the ground and is designed as an interactive 3D trompe l'oeil piece where visitors can position themselves in front of the fox to defend the penguins from attack, essentially becoming the Maremma "Oddball" from the movie of the same name. Commissioned by Warrnambool City Council as part of the Liebig street and Warrnambool CBD redevelopment.

press / social media

SOCIAL MEDIA

Jimmi has a very engaged and growing social media audience of almost 30,000 people across Facebook and Instagram from all around the world. Jimmi often garners huge engagement on social media, with over 60 million views on the ABC Warrnambool Wombat video, 175,000 views for his Port Fairy "Quoll and the Toilet Roll" trompe l'oeil piece, over 80,000 views on his ABC video for the the Lismore Water Tower, almost 70,000 views on a video about his work at aged care facility Lyndoch Living, and tens of thousands of views for many other videos.

SOCIAL MEDIA AND WEBSITE LINKS

Website: www.jimmibuscombe.com

Facebook: www.facebook.com/jimmibuscombeartist

Instagram: www.instagram.com/jimmi_buscombe_artist

VIDEO LINKS

The Warrnambool Wombat - ABC Southwest Victoria Facebook
<https://www.facebook.com/watch/?v=2137681266448199>

Quoll and the Toilet Roll - ABC Southwest Victoria Facebook
<https://www.facebook.com/abcsouthwestvic/videos/300356804273895/>

Artist in Residence at Lyndoch Living - ABC Southwest Victoria Facebook
<https://www.facebook.com/abcsouthwestvic/videos/387599641828517>

Pick My Project murals - Channel 9 News
<https://www.facebook.com/9NewsWesternVictoria/videos/2215130995458328>

ARTICLE LINKS

Article - Finalist for Doug Moran National Portrait Prize - The Warrnambool Standard
<https://www.standard.net.au/story/6443369/everything-he-touches-turns-to-gold-and-fluro/?fbclid=IwAR3IIQC7-hLv59Xv2zUcTSD5wDt6MKGohE-ZPKszkBlZql4kYq1CQKvqS3g>

Article - Seven Endangered Virtues project - The Warrnambool Standard
<https://www.standard.net.au/story/6886104/endangered-virtues-and-species-highlighted-by-jimmi-buscombe/?fbclid=IwAR2oP4W4fND4xZt2v84YmRRRhvGGQQ0gc3qaXFMzZbl63soY9s78Eyx2hPA>

Article - Pick My Project #WildVsWarrnambool - The Warrnambool Standard
https://www.standard.net.au/story/6419916/artist-begins-work-on-picked-project/?fbclid=IwAR0ozUQ-vQAKVSiGcQ039lfs57gZ0bePX-pLih_f-oMoOTsdJT38miRrOHg

JIMMI BUSCOMBE

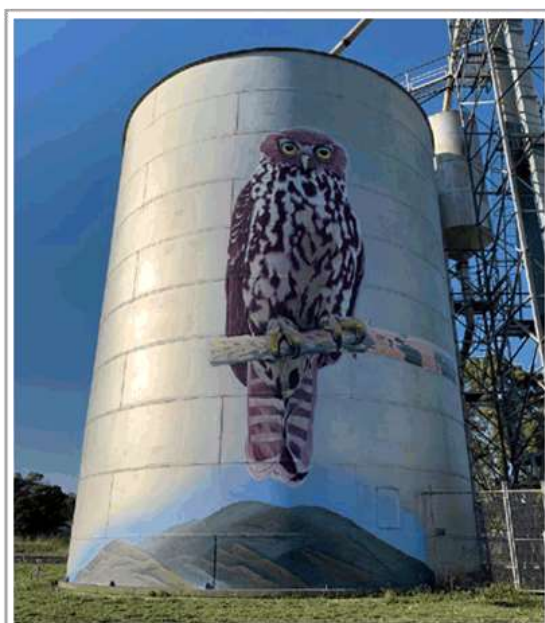
ARTS PORTFOLIO

Jimmi Buscombe is a professional artist based in Warrnambool, on the Great Ocean Road in Victoria, Australia. He specialises in photo realistic wildlife art, murals, portraiture and pet portraiture, integrating a range of methods to create stunningly lifelike representations of his subjects.

PUBLIC ART

australian barking owl - avoca grain silo

Part of the Australian Silo Art Trail, the Avoca Silo Art Project is currently a work in progress. It depicts an Australian Barking Owl perched on a gum tree, both native to the local Pyrenees Ranges. This mural has a glow-in-the-dark starburst sky which is illuminated at night by way of a timed LED light.



wylan - the yellow tailed black cockatoo

Part of the WRAD Public Art Project, Warrnambool Victoria. Three murals painted by three artists from Warrnambool. Bottom right photo shows artworks by Ricky Schembri (left), Gunditjmara artist Fiona Clarke (centre) and Jimmi Buscombe (right).



lismore water tower, victoria

For Corangamite Shire Council - 17m tall



#Wildvswarrnambool

Four murals for the State Government of Victoria's Pick My Project.

#WildVsWarrnambool - Flight of a Thousand Birds



#WildVsWarrnambool - Waiting for the Bus



#WildVsWarrnambool - The Pollen Path Bridge



#WildVsWarrnambool - Emu Dad and his Chicks



Gateway to Warrnambool, MacKillop Family Services

MacKillop Family Foster Care Services, Lava st Warrnambool.



Portal to the Butterfly Universe

2nd Prize at the Yarram International Chalk Art Festival

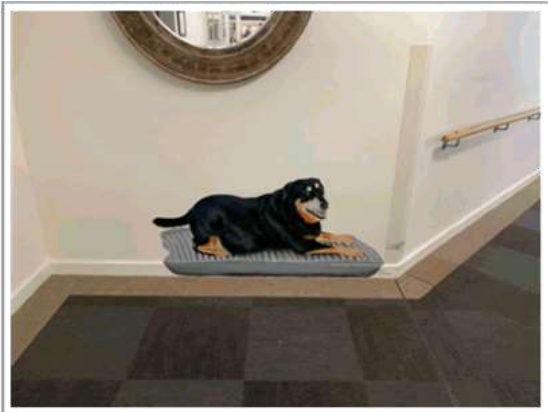


ARTIST IN RESIDENCE

Lyndoch Living Artist in Residence

At Lyndoch Living Aged Care, Warrnambool. 2018 - present. This is an ongoing project where Jimmi paints murals inside aged-care facility Lyndoch Living in Warrnambool. The sometimes quirky and humorous but always beautiful artworks are designed to bring a sense of wonder and joy to the walls of Lyndoch Living.





Werribee Open Range Zoo

African Cats - Serval cats and Cheetah



The Accidental Wombat of Warrnambool

Drawn in chalk as a "practice" for a commission for Warrnambool City Council this piece was part of a story captured on video by Emily Bissland at ABC Southwest Victoria. The now viral video which has in excess of 60 million views worldwide. Can be viewed at <https://www.facebook.com/abcsouthwestvic/videos/2137681266448199/>



Trompe L'oeil 'Trick of the Eye' and 3D Art





YASS UNITED RUGBY LEAGUE FOOTBALL CLUB INC

PO BOX 215, YASS NSW 2582

ABN 45 642 543 694

Yass Valley Council

07 MAR 2022

7 March 2022

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

Dear Chris,

On behalf of the Yass Magpies, I would like to submit two names for consideration in the naming of the new Walker Park grandstand.

Ideally, we would like to have both names included (one on either side of the stand)

- Colin 'Yic' York – Rugby League International from the 1920's
- W K 'Kenny' Bell – Life member of a number of sporting organisations and indigenous elder

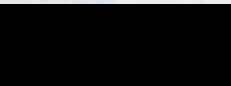
We are aware that Kenny does not fully comply with Council's Naming of Public Assets Policy whereby living persons not be considered and we do seek an exemption for him. It is no secret that Kenny is not in the best of health and we would like him to be able to celebrate his achievements whilst he is still physically able to.

Both sets of families have been consulted and letters of support from them are included with this submission. Also, the other main users of the top level of Walker Park (Minor Rugby League & Touch) have also been consulted and letters of support from them also form part of the submission.

Attached are summaries of the two gentleman's achievements and if you do require any additional information, please don't hesitate to contact myself.

If required I would also be willing to speak on behalf of the nominations at the appropriate meeting.

Regards



Tim Clayton
PRESIDENT Y.U.R.L.F.C.

Colin 'Yic' York

Colin 'Yic' York is very much a forgotten hero of Yass, being the first ever international sportsman to hail from the town.

Colin was born in Yass in 1904 and attended the local Primary School. His upbringing would have been difficult with his father deserting his mother and six older siblings when Colin was still a baby.

It was at sport, especially Rugby League that Colin excelled, making his first grade debut for the Yass team at 17 years of age. He soon became one of the first selected every week and quickly became one of the stars in the local competition. After spending 1927 at Queanbeyan, Colin returned to Yass in 1928 and had what only could be described as an astonishing year.

In April 1928, Colin was packing down in the front row for Yass at Victoria Park in front of a few hundred spectators a complete unknown. Two short months later Colin was packing down in the front row for Australia in front of 48,000 people at the packed Brisbane Exhibition Grounds in the first test against England.

His path there included representative games for Southern Districts (a Monaro and Riverina combined side), Combined Country against Sydney and New South Wales. He also played the second test at the Sydney Cricket Ground and was selected for the third but had to withdraw due to illness.

Colin was very unlucky not to play for Australia again, injuring his leg in 1929 just before the Australian side to tour New Zealand was announced. He did however, continue representing Country and NSW over the coming seasons. Lucrative offers to move elsewhere came thick and fast but apart from 1932 when he went to Newcastle, he knocked them back, preferring to stay and play for Yass.

Colin retired from the game at the end of 1936, moving from Yass to Bega the following year for work. He did make a brief comeback in 1938 for Nowra but later moved to Sydney and became involved in the Canterbury Bankstown Club as a committeeman and first grade selector.

Colin died in 1973 at the age of 69.

A summary of Colin's Rugby League Achievements are -

- Australia – 2 Tests
- Rest of Australia – 1 game
- NSW v England - 3 games
- NSW v Queensland – 6 games
- NSW v Others – 4 Games
- Combined Country v City – 4 games
- Southern Districts – 6 games
- Group 8 – 3 games
- Newcastle v England – 1 game
- Yass 1921-26, 1928-31, 1933-36
- Queanbeyan 1927
- Morpeth (Newcastle) 1932
- Nowra 1938

William Kenneth 'Kenny' Bell

A proud indigenous native of Yass, Ken was born on 10/10/1946. He overcame many obstacles during his early life to become not only a role model for the local indigenous community but also as a highly respected citizen of the town.

Ken began working for the then Yass Municipal Council in 1968 and 45 years later, retired in 2013 from the Yass Valley Council. He was respected by his fellow work mates and all who came in contact with him having the ability to talk and treat everybody equally no matter what their social standing may be.

Over the years, Ken has given his time to many community and sporting organisations and has been recognised on numerous occasions for his selfless attitude and commitment to them.

A summary of his sporting life is –

- From the mid 1960's, played and coached Junior and Senior Rugby League in Yass
- 1975 to 1987 - President of the Yass Boys Club (now Yass Minor Rugby League)
- 1979 to 1992 – Canberra & District Rugby League Referee
- 1985 – Awarded Life Membership of the Yass Boys Club
- 1984-1998 – Yass Touch Referee
- 1995 – Awarded Life Membership of the Yass Touch Referees Association
- 2001 – Awarded Australian Sports Medal for Services to Rugby League
- 2006 – Commonwealth Games Queens Baton Relay Bearer
- 2009 – Awarded Life Membership of the Yass Senior Rugby League Club
- 2009 – Inducted into Yass's Sporting Hall of Fame as a Local Legend

When Ken became the President of the Boys Club, it was a time when racial tensions were still running very high. For a young indigenous man like Ken to take on the role in the first place was brave. For him to stay in the job for 12 years, overseeing the growth of the club was amazing and a testament to the man himself.

More recently, as a Ngunnawal elder, Ken has been involved in local indigenous matters. Whether it be as a member of the Yass Indigenous Consultative Committee or as a sounding board for the local indigenous community, Ken has had a positive impact and greatly touched many people's lives.

Ken may be an unsung hero of this town and recognition such as the naming of a grandstand after him, would be a just and proper reward for him.



Yass Touch Association
PO Box 313, YASS, NSW 2582

3rd March 2022

Mr Tim Clayton
President
Yass United Rugby League Football Club

Dear Tim,
Yass Touch Association are happy to endorse the naming of the Grandstand with Mr Kenneth Bell and Mr Colin York that have been put forward by yourselves.

We feel that they are both worthy recipients.

Thanking you,

Melissa Beck
Secretary
Yass Touch Association

President
Secretary

Will Collins 0418 978 657
Melissa Beck 0439 337 987



Yass Minor Rugby League Club Incorporated
PO Box 168, YASS NSW 2582
ABN 43 411926873

Yass Valley Council
PO Box 6
YASS NSW 2582

1st March 2022

To whom it may concern,

WALKER PARK GRANDSTAND NAMING

Yass Minor Rugby League would like to express our support in the suggested naming being put forth by Yass Magpies Senior Rugby League Club of the Walker Park grandstand. The two names we are offering support to are as follows:

Ken Bell; and
Vic Yorke.

This matter was discussed at our 21st February, 2022 General Committee meeting where it was unanimously supported.

If you have any questions please do not hesitate to contact me.

Yours faithfully

Tabitha Holliday
Secretary
Yass Minor Rugby League Incorporated

President: Mike Inkster
Mobile 0438 269 671

Secretary: Tabitha Holliday
Mobile 0431 080 668

Mr. Tim Clayton,
President
Yass United Rugby League Football Club

1st March 2022

Dear Tim,

It is with great pride, honour and pleasure that I am writing this letter to you on behalf of my father William Kenneth Bell and the entire Bell family, to acknowledge the offer of being the nomination of dad, William Kenneth "Kenny" Bell to be consider as a potential candidate for the newly erected Jim Beck Oval grand stand and facilities. We are deeply honoured to know that dad as a life member of YURLFC, was in consideration and deemed worthy of such an important privilege and recognition within the Yass community.

In accepting the honour, we understand that it is not a foregone conclusion and all due consideration and processes will be required to be followed. Dad's service to support of rugby league and indeed most other sports involving the Yass community are well recognised and would be acknowledge by various other sporting associations, Yass Touch Committee, Yass Touch referees committee, Yass Minor Rugby League (formerly Yass Boys Club) ACT and District Rugby league Association to name just a few.

Dad would be consider a "local identity" as a Ngunnawal Elder and long standing advocate for the Yass community he has touched many lives and generations providing support in many roles from coach, manager, administration and most recently Walker Park Ground manager/Sin Bin time keeper. His service to the Yass community would be over 50 years and still going. This service has been recognised previously with a place in the Yass Sporting Hall of Fame, Comur Street leg of the 2000 Sydney Olympic Torch relay, and life membership to four local sporting organisations. We hope the nomination is successful and look forward to the next steps.

Sincerely, on behalf of the Bell Family

Mr. Michael Bell

To The Yass Magpie's Rugby League committee,

On behalf of the York family it is our honour to have our grandfather Colin "Yic" York nominated to have the new Yass football grand stand named after him.

This honour means a great deal to our family and especially our late father, Peter York who we wish would have been here to see this happen.

Regards,

The York Family

6.11 Investment and Borrowings Report - February 2022

Attachment A February 2022 Investment Report

a) Council Investments as at 28 February, 2022

Investment Type	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
Cash Working Accounts						
NAB Working Account ¹	4,062,851.30	A1/AA	n/a	n/a	at call	0.25%
Tcorp Strategic Cash Facility ²	5,869,067.06	unrated	n/a	n/a	at call	0.02%
	9,931,918.36					
Term Deposits < 12 Months						
NAB Term Deposit	2,700,000.00	A1/AA	27/09/21	25/04/22	210	0.28%
NAB Term Deposit	2,000,000.00	A1/AA	29/11/21	28/04/22	150	0.36%
BOQ	1,400,000.00	A2/BBB	30/09/21	31/03/22	182	0.33%
AMP	2,000,000.00	BBB+	05/08/21	05/07/22	334	0.75%
AMP	2,000,000.00	BBB+	01/12/21	31/10/22	334	1.00%
AMP	1,000,000.00	BBB+	11/01/22	12/12/22	335	1.10%
AMP	1,000,000.00	BBB+	28/01/22	29/07/22	182	1.00%
JUDO Bank	1,000,000.00	A3/BBB-	23/09/21	22/03/22	180	0.53%
JUDO Bank	1,500,000.00	A3/BBB-	06/09/21	06/09/22	365	0.80%
Bendigo Bank	1,500,000.00	BBB+	06/09/21	08/03/22	183	0.20%
Macquarie	1,000,000.00	A1/A+	03/11/21	03/11/22	365	0.50%
Macquarie	1,000,000.00	A1/A+	06/09/21	08/03/22	183	0.40%
CBA	2,100,000.00	A1/AA	25/10/21	26/04/22	183	0.31%
CBA	2,000,000.00	A1/AA	26/11/21	25/05/22	180	0.40%
CBA	2,000,000.00	A1/AA	07/02/22	07/02/23	365	0.76%
CBA	1,000,000.00	A1/AA	07/02/22	05/10/22	240	0.50%
Illawarra Credit Union	1,500,000.00	unrated	09/12/21	10/03/22	91	1.00%
	26,700,000.00					
Total Short Term	36,631,918.36					
Investment Property						
Hawthorn - Current Fair Value	4,350,000.00	Revalued March 2020				

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

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

b) Investment Exposure by Credit Rating Type

S&P Rating (or equivalent)	Policy Maximum %	Current Exposure %	Current Investment \$
A1+ / AAA	100%	0.00%	-
A1 / AA	100%	48.76%	17,862,851.30
A2 / BBB	60%	3.82%	1,400,000.00
A3 / BBB	30%	27.30%	10,000,000.00
Unrated / TCorp Facility	30%	20.12%	7,369,067.06



c) Exposure to a Single Institution

Institution	S&P Rating	Policy Maximum %	Current Exposure %	Current Investment \$
NAB	A1/AA	100%	23.92%	8,762,851.30
AMP	BBB	60%	16.38%	6,000,000.00
IMB	A3	30%	0.00%	-
CBA	A1/AA	100%	19.38%	7,100,000.00
BOQ	A2/BBB	60%	3.82%	1,400,000.00
Macquarie	BBB	60%	5.46%	2,000,000.00
Judo Bank	A3/BBB-	30%	6.82%	2,500,000.00
ME	BBB	60%	0.00%	-
Bendigo	BBB	60%	4.09%	1,500,000.00
Illawarra Credit Union	unrated	30%	4.09%	1,500,000.00
TCorp	unrated	30%	16.02%	5,869,067.06

d) Investment Portfolio Performance

UBS 90 day bank bill index

Investment Performance vs Benchmark

	Investment Portfolio return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month average	0.55%	0.07%
3 month average	0.51%	0.07%
6 month average	0.47%	0.05%
12 month average	0.44%	0.04%



Councillor Expenses & Facilities

1. Purpose

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this Policy.

The Policy has been prepared in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005*, and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The Policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this Policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
Maximum Expense Limit for travel, accommodation, meals, registration costs and other expenses	\$3,000 per Councillor \$5,000 for the Deputy Mayor \$10,000 for the Mayor where Council vehicle provided \$20,000 for the Mayor where private vehicle used	Per year
Interstate, overseas and long distance intrastate travel expenses	On request and approved by Council	Per year
Accommodation and meals*	As per the <i>NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009</i> , adjusted annually	Per meal/night
Professional development	As required	Per year
ICT expenses	Council issued devices	Per year
Carer expenses	\$3,250 per Councillor	Per year
Access to facilities in a Councillor common room	Provided to all Councillors	Not relevant
Council vehicle and fuel card	\$10,000 for the Mayor	Per year
Use of suitable private vehicle	\$20,000 where the Mayor has elected to use a suitable private vehicle, and is reimbursed at the award kilometre rate	Per year
Furnished office	Provided to the Mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors	Provided to the Mayor and Councillors	Not relevant

For Accommodation in a capital city when the cost is greater than the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 then a cost comparison of three hotels within 1km proximity of the meeting venue must be undertaken.

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting in the Annual Report and published on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

2. Policy Objective

The objectives of this policy are to:

- Enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
- Enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
- Ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
- Ensure facilities and expenses provided to Councillors meet community expectations
- Support a diversity of representation
- Fulfil the Council's statutory responsibilities

3. Scope

This policy applies to Councillors.

Definitions

Term	Meaning
Accompanying Person	means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
Appropriate Refreshments	means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	means <i>the Local Government Act 1993</i>
Clause	unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Incidental personal use	means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
Official Business	means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area.
Regulation	means <i>the Local Government (General) Regulation 2005</i>

4. Policy Principles

4.1 Fees and Superannuation Contributions

4.1.1 Mayoral Fees

Council will determine annually the fee to be paid to the Mayor in accordance with s249 *LG Act 1993*. This fee, which is in addition to the Councillors' fee, will be paid to the Mayor monthly in arrears.

4.1.2 Deputy Mayoral Fees

Council may determine that a fee is to be paid to the Deputy Mayor in accordance with s249(5) *LG Act 1993*. Such a fee shall be deducted from the Mayoral fee and is in addition to the Councillors fee. This fee will be paid to the Deputy Mayor monthly in arrears at a rate of \$1,500 per annum.

4.1.3 Councillor Fees

Council will determine annually the fee to be paid to Councillors in accordance with s248 *LG Act 1993*. This fee will be paid to Councillors monthly in arrears as provided by s250 *LG Act 1993* in accordance with the determination of the Local Government Remuneration Tribunal.

4.1.4 Superannuation contributions for Councillors

Council resolved at the March 2022 meeting to make payments as contributions to a Councillor's superannuation account commencing 1 July 2022.

Council will make superannuation contribution payments as provided by s254B of the *LG Act 1993*.

4.2 Private or Political Benefit

Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.

Such incidental private use does not require a compensatory payment back to Council.

Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.

Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:

- Production of election material
- Use of Council resources and equipment for campaigning
- Use of official Council letterhead, publications, websites or services for political benefit
- Fundraising activities of political parties or individuals, including political fundraising events

4.3 Expenses

4.3.1 General Expenses

All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

Expenses not explicitly addressed in this policy will not be paid or reimbursed.

4.3.2 General Travel Arrangements and Expenses

All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.

Reimbursement will not be paid for any expense incurred through attending to the needs of constituents except as provided by this Policy.

Each Councillor may be reimbursed for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW or the ACT. This includes reimbursement:

- For public transport fares
- For the use of a private vehicle or hire car
- For parking costs for Council and other meetings
- For tolls
- By Cab charge card or equivalent
- For documented ride-share programs, such as Uber, where tax invoices can be issued

Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the *Local Government (State) Award 2017*. This provision is subject to the Councillor attending to

Council business which requires travel exceeding 10 kilometres from their normal place of residence.

Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

4.3.3 Interstate, Overseas and Long Distance Intrastate Travel Expenses

Given Council's location, travel to ACT will be considered as general travel.

The value and need for Councillors to undertake overseas travel will be determined by Council.

Total interstate, overseas and long distance intrastate travel expenses for all Councillors will be determined by Council as requested.

Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.

Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, Council at a meeting prior to travel.

The case should include:

- Objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties
- Who is to take part in the travel
- Duration and itinerary of travel
- A detailed budget including a statement of any amounts expected to be reimbursed by the participant/s

For interstate and long distance intrastate journeys by air the class of air travel is to be economy class.

For international travel, arrangements are to be in accordance with ED-POL-04 International Relationships.

Bookings for approved air travel are to be made through the General Manager's office.

For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Spouses/partners that accompany Councillors on business trips must pay for themselves.

4.3.4 Travel Expenses not Paid by Council

Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

4.3.5 Accommodation and Meals

In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.

Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside Yass Valley Local Government Area.

The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B *Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*, as adjusted annually.

For Accommodation in a capital city when the cost is greater than the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 then a cost comparison of three hotels within 1km proximity of the meeting venue must be undertaken.

The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager.

Councillors will not be reimbursed for alcoholic beverages.

4.3.6 Professional Development

Council will provide funds to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.

In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

Approval for professional development activities is subject to a prior written request to the General Manager outlining the:

- Details of the proposed professional development
- Relevance to Council priorities and business
- Relevance to the exercise of the Councillor's civic duties

In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out above, as well as the cost of the professional development in relation to the Councillor's remaining budget.

4.3.7 Conferences and Seminars

Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and Local Government in NSW.

Approval to attend a conference or seminar is subject to authorisation by the Council, or under the authority of the Mayor or delegated authority of the General Manager. The following factors must be considered:

- Relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
- Cost of the conference or seminar in relation to the total remaining budget

Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees.

4.3.8 Information and Communications Technology (ICT) Expenses

Council will provide Councillors with appropriate ICT devices to assist them in carrying out their civic functions. This may include mobile phones, laptops and tablets.

Council will meet the reasonable cost of repairing or replacing a device that has been damaged through fair wear and tear. Councillors will contribute 50% of the reasonable cost of repairs or replacement of ICT devices that have been damaged other than through fair wear and tear.

Councillors who have been issued with a Council device are not entitled to claim reimbursement for use of personal telecommunications devices.

Any private use of Council telecommunications and/or computer equipment will be at the Councillor's own expense and the associated costs will be reimbursed to Council.

Communication with Councillors is only to be made through the official Council email address issued to Councillors – for example: councillors@yass.nsw.gov.au.

4.3.9 Special Requirement and Carer Expenses

Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.

Transportation provisions outlined in this Policy will also assist Councillors who may be unable to drive a vehicle.

In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.

Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses for attendance at official business, plus reasonable travel from the principal place of residence.

In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

4.4 Insurances

In accordance with s382 *LG Act 1993* Council is insured against public liability and professional indemnity claims. Councillors are included as a named insurer on this Policy.

Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.

Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

Appropriate travel insurances will be provided for any Councillors travelling on approved overseas travel on Council business.

4.5 Legal Assistance

Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- A Councillor defending an action arising from the performance in good faith of a function under the *LG Act 1993* provided that the outcome of the legal proceedings is favourable to the Councillor
- A Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
- A Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor

In the case of a Code of Conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.

Council will not meet the legal costs:

- Of legal proceedings initiated by a Councillor under any circumstances

- Of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- For legal proceedings that do not involve a Councillor performing their role as a Councillor
- Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred

4.6 General Facilities for all Councillors

4.6.1 Facilities

Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:

- Personal protective equipment for use during site visits
- A name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor

4.6.2 Administrative Support

Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the General Manager's office or by a member of Council's administrative staff as arranged by the General Manager or their delegate.

4.6.3 Council Information

Councillor requests for copies of documents or information are to be made to the General Manager and or appropriate Director.

Councillor requests for in-depth information, research or reports to Council shall be initiated by way of Council resolution or by authorisation from the General Manager and Mayor.

4.7 Additional Facilities for the Mayor

Council may provide the Mayor a vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.

Where the Mayor elects to use a suitable private vehicle reimbursement can be claimed up to \$20,000 per year.

The Mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to Council on a monthly basis.

The Mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the *Local Government (State) Award 2017*.

Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.

In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.

Council will provide to the Mayor at its cost a purchasing card to facilitate payment of incidental expenses such as attendance, parking and entertainment in conjunction with the discharging of the functions of the Mayor's office.

- The purchasing card will have a limit of \$10,000
- The account is to be in the name of Yass Valley Council
- The purchasing card is not to be used for personal expenses
- The credit card is to be reconciled with receipts on a monthly basis

4.8 Use of Private Motor Vehicles

Council will meet the reasonable costs of Councillors using their own motor vehicle for travelling to meetings of Council or any Committee of the Council where the Councillor is a member or where a Councillor has been elected as the Council's delegate to an organisation.

Council will also meet the reasonable costs of Councillors using their own motor vehicle for travelling to any meeting, conference or function on behalf of the Council or the Mayor when such attendance is authorised.

Reimbursement for the costs of Councillors using private motor vehicles will only be considered from the Councillor's normal place of residence or work within the Yass Valley LGA.

In the event that a Councillor's normal place of residence is outside the Yass Valley LGA or a Councillor travels to a meeting from a location outside the LGA due to non Council commitments elsewhere, Council will reimburse the costs of travel incurred from the boundary of the LGA or an amount equivalent to travel incurred from their normal place of residence, whichever is the greater.

4.9 Processes

4.9.1 Approval, Payment and Reimbursement Arrangements

Expenses should only be incurred by Councillors in accordance with the provisions of this policy.

Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:

- local travel relating to the conduct of official business
- carer costs

Final approval for payments made under this policy will be granted by the General Manager or their delegate.

4.9.2 Direct Payment

Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

4.9.3 Reimbursement

All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the General Manager.

4.9.4 Notification

If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.

If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

4.9.5 Reimbursement to Council

If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- Council will invoice the Councillor for the expense
- the Councillor will reimburse Council for that expense within 14 days of the invoice date

If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

4.9.6 Timeframe for Reimbursement

Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved

4.10 Disputes

If a Councillor disputes a determination under this Policy, the Councillor should discuss the matter with the General Manager.

If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

4.11 Return or Retention of Facilities

All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.

Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.

The prices for all equipment purchased by Councillors will be recorded in Council's annual report.

4.12 Reporting

Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting in the Annual Report and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

4.13 Auditing

The operation of this policy, including claims made under the Policy, will be included in Council's audit program and an audit undertaken at least every two years.

4.14 Breaches

Suspected breaches of this Policy are to be reported to the General Manager.

Alleged breaches of this Policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

5. Responsibilities & Review

The General Manager will be:

- Responsible for the reporting of the requirements of this policy to Council
- Ensure compliance with this Policy
- Review this policy within 12 months of a new term of Council. The next review date is January 2022.

Councillors:

- Comply with the provisions of this Policy
- Submit claims and other documents as required by this policy and associated documents

References

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

Legislation	<i>Local Government Act 1993</i> (sections 252 and 253)
	<i>Local Government (General) Regulation 2005</i> (clauses 217 and 403)
	<i>Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW 2009</i>
	Local Government Circular 09-36 <i>Guidelines for Payment of Expenses and Facilities</i>
	Local Government Circular 05-08 <i>Legal Assistance for Councillors and Council Employees</i>
Policies and procedures	ED-POL-4 International Relationships

Approval History

Stage	Date	Comment	MagiQ Reference
Review	23/09/2015	Approved at Council Meeting	Min 249
Review	28/09/2016	Approved at Council Meeting	Min 236
Review	27/11/2019	Approved at Council Meeting Adopted 02/01/2020	Min 273

Review	27/01/2021	Approved at EMT (Minor amendment)	
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Review	01/12/2021	Approved at Council Meeting	Min 273 Doc ID 351399

Ownership and Approval

Responsibility	Role
Author	General Manager
Owner	General Manager
Endorser	EMT
Approver	Council

Model Code of Conduct

for Local Councils
in NSW

2020



Adopted Yass Valley Council 26 August 2020
Resolution 132/2020

MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

2020

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Part 1:

Introduction

This *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

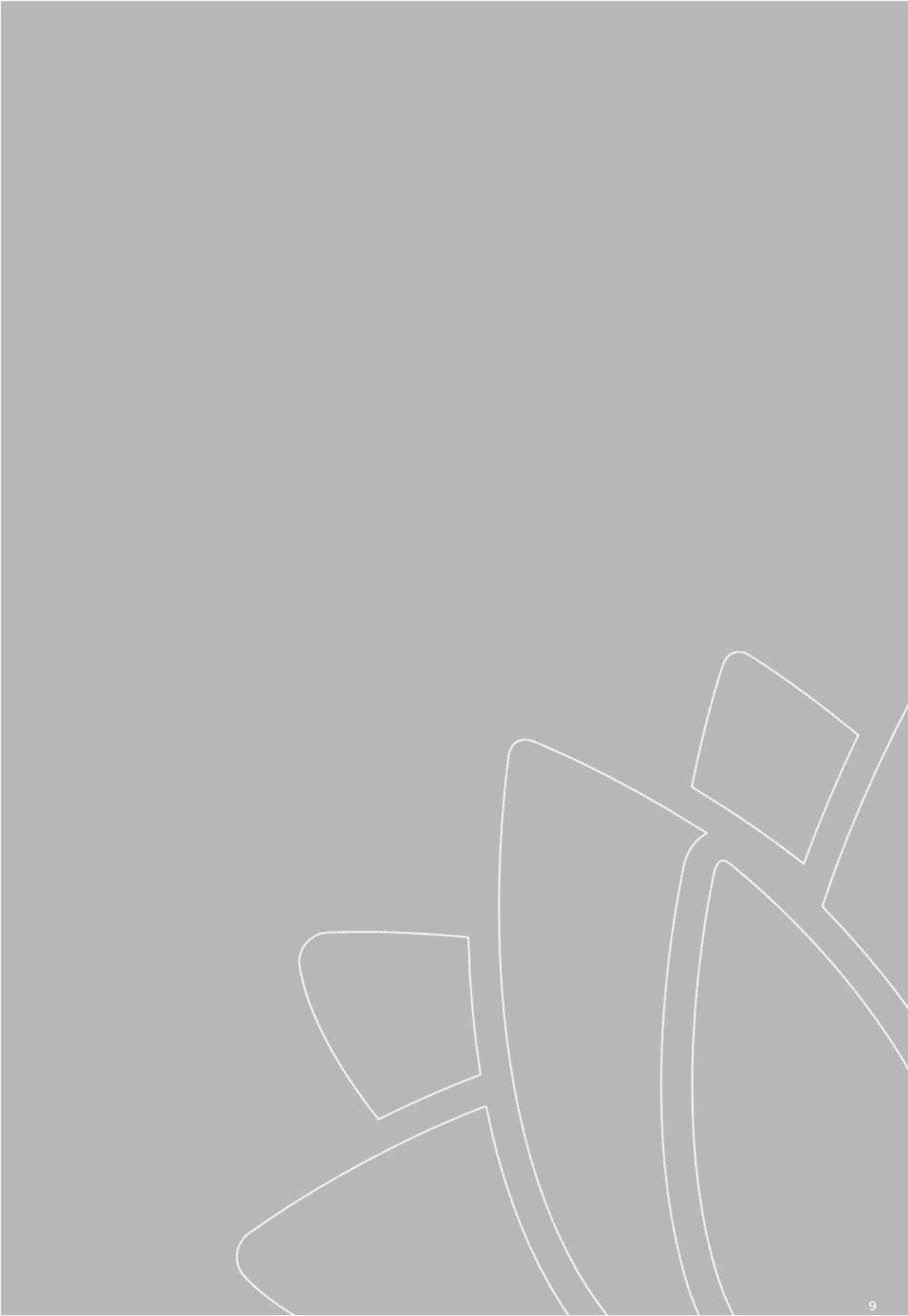
Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Part 2: Definitions

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation

members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to





Part 3:

General Conduct Obligations

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments

- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

Part 4:

Pecuniary Interests

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
 - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
 - (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

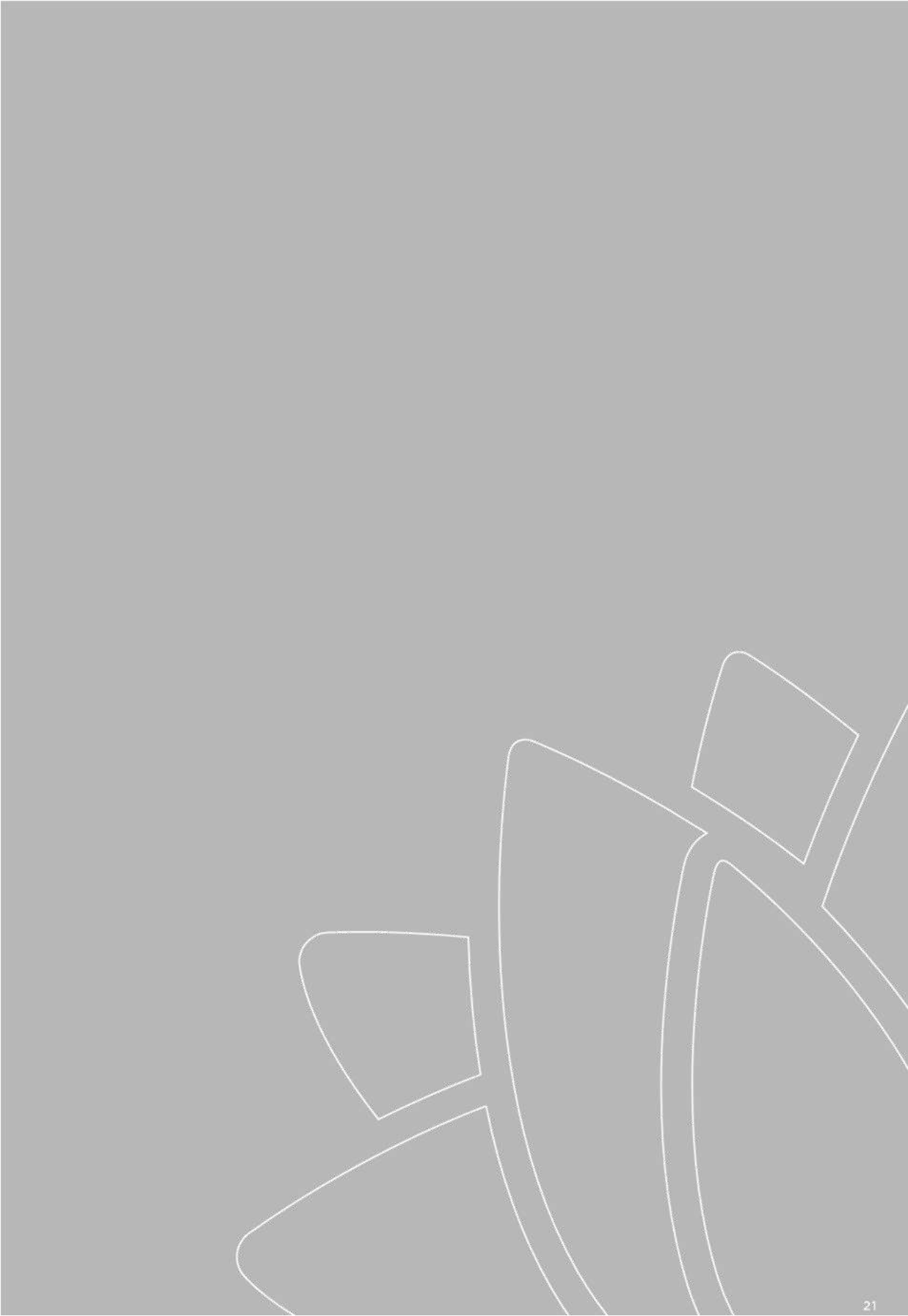
- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.

- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.
- (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



Part 5:

Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.

- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

- a) conflict with their official duties
- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted

- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

Part 6:

Personal Benefit

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the *Electoral Funding Act 2018*
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the council to an employee or councillor
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
- b) gifts of alcohol that do not exceed a value of \$100
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

Part 7:

Relationships Between Council Officials

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.



Part 8:

Access to Information and Council Resources

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used

- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.



Part 9:

Maintaining the Integrity of this Code

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

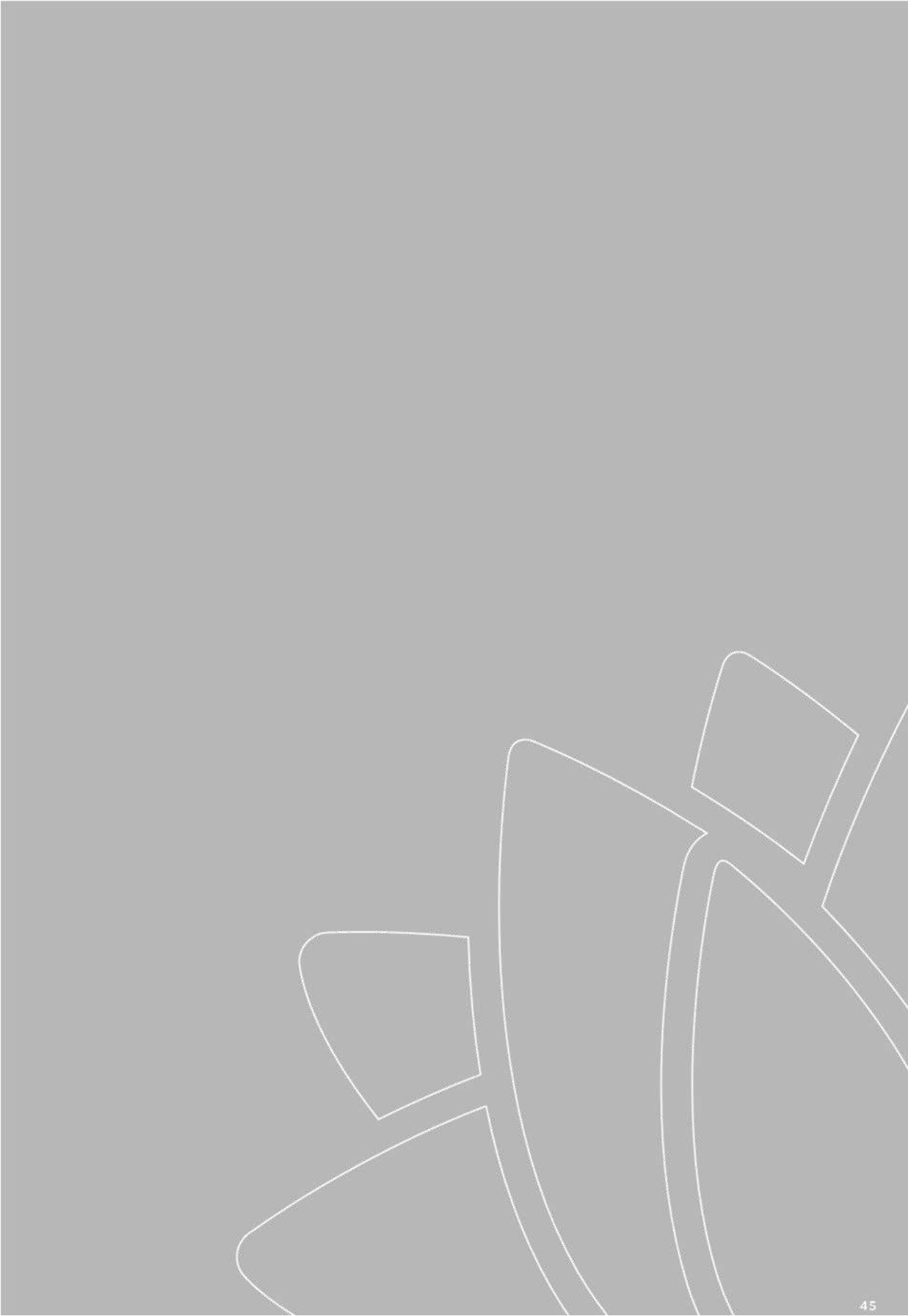
- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.


Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.





Schedule 1:

Disclosures of Interest and Other Matters in Written Returns Submitted Under Clause 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. *Interests etc. outside New South Wales:*
A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. *References to interests in real property:*
A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
- 4. *Gifts, loans etc. from related corporations:*
For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and

- b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:
- close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
- property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

- 28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
- 29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
- 30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

- (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2:

Form of Written Return of Interests Submitted Under Clause 4.21

‘Disclosures by councillors and designated persons’ return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word “NIL” is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

[councillor's or designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the Nature of interest
return date/at any time since 30 June

B. Sources of Income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing
on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
---------------------------	--	---

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the
first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
-----------------------------	-----------------------------

3 Sources of other income I reasonably expect to receive in the period commencing on the first
day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

*[Include description sufficient to identify the person from whom, or the circumstances in which,
that income was received]*

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
--	---------------------------

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	-----------------------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
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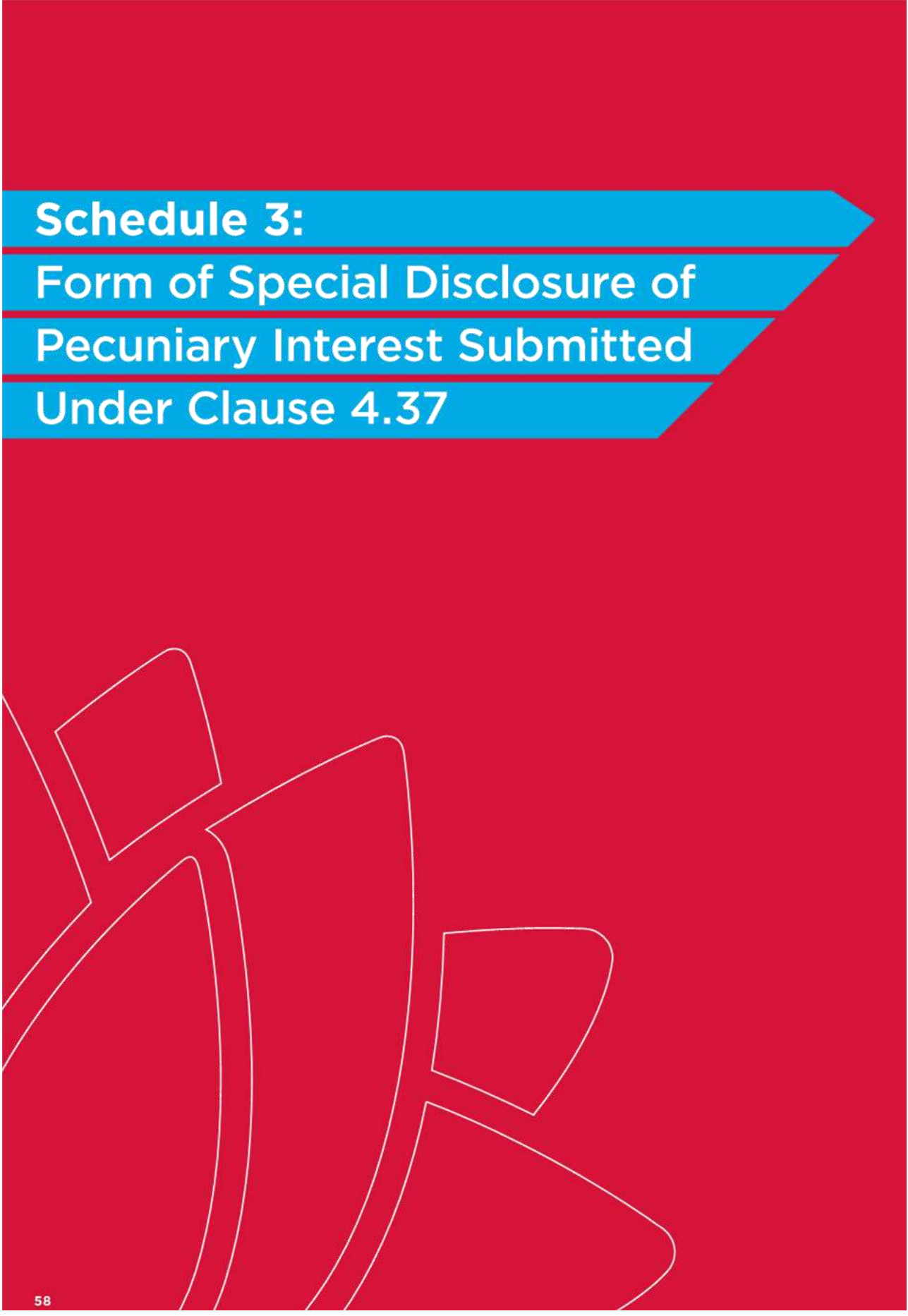
H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

- Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
- Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures



Schedule 3:

Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because

you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the
[name of council or council committee (as the case requires)]

to be held on the day of 20 .

Pecuniary interest

Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)

Relationship of identified land to councillor

[Tick or cross one box.]

- ☐ The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
- ☐ An associated person of the councillor has an interest in the land.
- ☐ An associated company or body of the councillor has an interest in the land.

Matter giving rise to pecuniary interest¹

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)²

[Tick or cross one box]

- ☐ The identified land.
- ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]

1 Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control

*[Insert name of proposed LEP and identify
proposed change of zone/planning control
applying to the subject land]*

Effect of proposed change of zone/planning
control on councillor or associated person

*[Insert one of the following: "Appreciable
financial gain" or "Appreciable financial loss"]*

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each
additional interest.]*

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of
the meeting]





CODE OF MEETING PRACTICE For YASS VALLEY COUNCIL

Adopted 24 April 2019 – Res 87/19
Amended 24 July 2019 – Res 167/19
Amended 1 December 2021 – Res 275/21
Amended X May 2022 – Res XXX/22

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1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in **blue font**.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions:
- 3.1.1 Ordinary meetings of Council will be held on the 4th Thursday of each month with the exception of December and January. The Ordinary meeting held in December will be on the 3rd Thursday of the month and there will be no Ordinary meeting in January
 - 3.1.2 Open Forum will commence at 4pm prior to the commencement of a formal Council Meeting
 - 3.1.3 The formal Council Meeting will commence immediately following the conclusion of the Open Forum
 - 3.1.4 The day and time of Ordinary Meetings of Council may be changed by resolution of Council

Extraordinary meetings

- 3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 5pm 10 days prior to each Ordinary Meeting of Council.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the General Manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.
- 3.17 If a response is provided, orally, a summary of the response is to be included as a supplementary report to the agenda

Agenda and business papers for ordinary meetings

- 3.18 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.19 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.20 Nothing in clause 3.19 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.21 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.22 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.

- 3.23 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

- 3.24 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of

office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

- 3.254 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

- 3.26 Clause 3.25 does not apply to the business papers for items of business that the general manager has identified under clause 3.23 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

- 3.27 For the purposes of clause 3.26, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.26 reflects section 9(3) of the Act.

- 3.28 A copy of an agenda, or of an associated business paper made available under clause 3.25, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.29 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

- 3.30 Despite clause 3.29, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 3.31 A motion moved under clause 3.30(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.32 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.31(a) can speak to the motion before it is put.

- 3.33 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.31(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.43 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.54 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.36 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.37 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.38 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.39 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4 PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 4pm the day before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on no more than three items of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than four speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.

- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than the Monday before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed 3 minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to 1 minutes.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors, or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to 3 minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate

comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.

4.23 Where a speaker engages in conduct of the type referred to in clause 4.21, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.

4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.

5 COMING TOGETHER

Attendance by councillors at meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

5.3 [Removed Section 5.3 of the Model Code relevant only to Joint Organisations.](#)

5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.

- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the councillors present, or
- (c) failing that, by the general manager.

- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- (a) the meetings the resolution applies to, and
 - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

- 5.31 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.
- Note: Clause 5.31 reflects section 10(1) of the Act.**
- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.33 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

- 5.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.34 – 5.38 reflect section 236 of the Regulation.

- 5.39 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.34–5.39. Joint organisations that choose not to webcast meetings may omit clauses 5.34–5.39.

Attendance of the general manager and other staff at meetings

- 5.40 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.40 reflects section 376(1) of the Act.

- 5.41 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.41 reflects section 376(2) of the Act.

- 5.42 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.42 reflects section 376(3) of the Act.

- 5.43 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

- 5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

6 THE CHAIRPERSON

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw

one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 Removed – Clause 8.2 satisfies the Model Code of Meeting Practice
- 8.2 The general order of business for an ordinary meeting of the council shall be:
- 01 Opening meeting
 - 02 Acknowledgement of country *Note: first meeting of Council following an election to include a Welcome to Country*
 - 03 Prayer
 - 04 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors
 - 05 Confirmation of minutes
 - 06 Disclosures of interests
 - 07 Mayoral minute(s)
 - 08 Staff Reports
 - 09 Notices of motions
 - 10 Questions with notice
 - 11 Confidential matters
 - 12 Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

- 8.3 The order of business as fixed under clause 8.2 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows council to deal with items of business by exception.

- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For

the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Participation by non-voting representatives in joint organisation board meetings

10.31 Removed – Relevant to Joint Organisations only.

11 VOTING

Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

11.4 Removed – Relevant to Joint Organisations only.

Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.6 Removed – Clause 11.11 satisfies the Model Code of Meeting Practice.
- 11.7 Removed – Clause 11.11 satisfies the Model Code of Meeting Practice.
- 11.8 Removed – Clause 11.11 satisfies the Model Code of Meeting Practice.
- 11.9 Removed – Clause 11.11 satisfies the Model Code of Meeting Practice.
- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.

Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 Removed – Clause 11.11 satisfies the Model Code of Meeting Practice.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

- 12.1 The council may resolve itself into a committee to consider any matter before the council.
- Note: Clause 12.1 reflects section 373 of the Act.**
- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or

- (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to

- councillors or to employees of the council, or
- (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 4pm on the Monday before the meeting at which the matter is to be considered.

- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

- 14.13 No more than four speakers are to be permitted to make representations under clause 14.9.

- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause

14.9, the general manager or their delegate is to determine who will make representations to the council.

- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than four speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed 3 minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

- (a) contravenes the Act, the Regulation or this code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), or (e), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.15 Removed – Clause 15.14 satisfies the Model Code of Meeting Practice.

Note: Councils may use either clause 15.14 or clause 15.15.

15.16 Clause 15.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The

expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.17 reflects section 233(2) of the Regulation.

- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 15.21 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.22 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.23 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.26 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All

declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17 DECISIONS OF THE COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within

three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 10am on the day after the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–

10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 TIME LIMITS ON COUNCIL MEETINGS

18.1 Meetings of the council and committees of the council are to conclude no later than 3 hours after the commencement of the meeting.

18.2 If the business of the meeting is unfinished within 3 hours of commencement, the council or the committee may, by resolution, extend the time of the meeting.

18.3 If the business of the meeting is unfinished at **[council to specify the time]**, and the council does not resolve to extend the meeting, the chairperson must either:

- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
- (b) adjourn the meeting to a time, date and place fixed by the chairperson.

18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:

- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
- (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 AFTER THE MEETING

Minutes of meetings

19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 COUNCIL COMMITTEES

Application of this Part

20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

20.2 The council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

20.4 The quorum for a meeting of a committee of the council is to be:

- (a) such number of members as the council decides, or
- (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 [Removed – Relevant to Joint Organisations only.](#)
- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is

webcast.

Disorder in committee meetings

- 20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21 IRREGULARITIES

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time

year	means the period beginning 1 July and ending the following 30 June
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Public Art Policy

Purpose

The purpose of this policy is to:

- Recognise Council's strategic directions to be able to work in a collaborative and integrated approach across Council, the arts, and wider community
- Guide place making initiatives and how they have been achieved through public art
- Guide the wider community and key stakeholders on managing and funding public art programs, including acquisition and decommissioning processes
- Guide the curation and management of Council's public art collection
- Identify the ways in which public art will be implemented in the public realm, as part of community infrastructure developments and as part of any development contributions plan
- Compliment and build on the unique qualities of the various streetscapes and town/village centres
- Guide the wider community and key stakeholders managing public art programs in the public domain

Scope

This policy applies to Council programs that are concerned with the built and natural environment, including capital works, urban design, and infrastructure development. The policy applies to public artworks that are located in:

- Site-specific curated projects, including exhibitions and projects involving lighting, landmarks memorials and/or the natural environment
- Community cultural development projects
- Urban design, landscape design, or streetscape improvement projects
- Developments on public land or on private areas that are visible from the public domain (e.g. commercial centres, public facilities, community centres, libraries, bridges and open space)
- Private development, as part of development contributions or voluntary planning agreements
- Temporary installations (e.g. events and festivals)

Definitions

Term	Meaning
Public Art	Is art in public spaces that is visible and impacts on, and forms part of, the public domain.
Characteristics	<p>Public Art is creative and artistic work that is part of the public experience of the built and natural environment. It takes in a wide range of art forms and practices including, but not limited to, sculpture, environmental art, architectural design elements, installations, lighting effects, outdoor performances, monuments, memorials, artist designed street furniture, decorative paving, and mural works.</p> <p>It always involves an artist and can be the result of artists' commissions, artists working as part of architectural design teams, community arts and community cultural development processes, competitions, temporary exhibitions, events, or installations. It can also include donation or purchase of existing artistic works.</p>

	It often reflects an area's history, environment, cultural context, local stories, and unique identity; and may include permanent or ephemeral artworks, functional design, large and small scale initiatives, as well as high profile or low-key approaches.
Decommissioning	Is the process by which public artwork is removed from its site. It includes the documentation of removal and de-registration as a Council asset.

Policy Principles

Arts, culture, and history play a significant role in social and cultural life and contribute to providing a sense of well-being in our community.

Public art can enhance public places, express civic pride, activate public spaces, express local identity, celebrate local creativity, tell local stories and create discussion.

Public art also provides an opportunity to create a distinctive character, enhance amenity, contribute to place making and can be an attraction in its own right.

This policy aims to facilitate the development and record of a high quality collection of distinctive public artworks that contribute towards creating a sense of place and celebration for communities in Yass Valley.

This policy provides a framework for planning and decision making in relation to public art. These processes include commissioning and acquisition, and the associated processes of design, development, documentation management, community engagement, de-acquisition, and maintenance.

The framework is needed to ensure that artworks are of high quality and are selected in a consistent, equitable, and transparent manner.

Public Art will be encouraged and supported according to the following principles:

- **Recognition** - of the Ngunnawal people as the original custodians of Yass Valley
- **Transparency and Accountability** - the selection and evaluation process for public art will be transparent and accountable
- **Assessment Criteria** – the assessment of public artworks will be carried out using criteria that takes into account quality, aesthetics, and artist's reputation including demonstrated ability, skills and experience, value for money, community relevance, safety, maintenance and sustainability
- **Community Involvement** –the Public Art Focus Group will play a pivotal role in assisting Council in the acquisition of public artworks. Depending on the commission process, there will be opportunities for community involvement in the process of proposing, selecting, and evaluating artworks, and in the identification of themes and locations for public artworks. Some commissions will provide opportunities for the community to work with artists in the development and making of works. All the communities of Yass Valley have equal opportunity to enjoy the benefits of public art
- **Local and Regional Employment Opportunities** – Opportunities for local and regional artists and related industries to be involved in the design, development, and manufacture of works, will be encouraged and promoted
- **Cultural Tourism** – Public artworks that reflect local character, identity and culture, and showcase our local artists, Yass Valley will be promoted as an attractive arts destination

Responsibilities & Review

The review of this policy will take account of relevant legislation and State Government policies, best practice guidelines and Council plans and priorities.

This policy will be reviewed following each General Election of Council and the Directors of Planning & Environment and Corporate & Community are responsible for arranging the completion of the review.

References

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

Legislation	<i>Local Government Act 1993</i>
Policies and procedures	The Tablelands 2016-2036 Regional Community Strategic Plan
	Yass Valley Council 2017-2021 Delivery Program
	Yass Valley Council Operational Plan
	Assets of Sale Policy
	Gifts and Benefits Policy
	Public Art Guidelines
	Procurement Policy
	<i>Copyright (Moral Rights) Amendment Act 2000</i>
	<i>Environmental Planning & Assessment Act 1979</i>

Approval History

Stage	Date	Comment	MagiQ Reference
Original	11 July 2012	Adopted by Council	Min 299
Review	23 October 2019	Adopted by Council	Min 245
Review	24 March 2022	Adopted by Council	Min

Ownership and Approval

Responsibility	Role
Author	Director Planning & Environment
Owner	Director Planning & Environment
Endorser	EMT
Approver	Council

Policy:	OUTDOOR EATING & SIGNAGE	PH-POL-4
Service:	Development Assessment & Building Certification	
Responsible Officer:	Development Assessment & Building Certification Manager	

1. OBJECTIVES

To promote local business by providing guidelines for and encouraging the establishment of outdoor eating and sales/display areas in the north and south Yass Commercial precincts.

To promote local business by providing guidelines for the display of sandwich board advertising in the north and south Yass Commercial precincts.

To ensure that adjoining premises are not adversely affected by any outdoor eating areas.

To ensure that pedestrian traffic is not unduly impeded by the occupation of the footpath of an outdoor eating area; and

To ensure that the leased area is kept in a clean manner and maintained on a regular basis.

2. DEFINITIONS

Advertisement - means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Advertising Structure - means a structure used or to be used principally for the display of an advertisement.

Business Premises - means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

Outdoor eating area - means the outdoor area adjacent to a restaurant, shop or take away food and drink premises which is situated on a Council owned footpath, road reserve or public place and is used for alfresco dining.

Restaurant - means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises, whether or not takeaway meals and beverages or entertainment are also provided.

Retail Premises - means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

Sales/Display area - means the outdoor area adjacent to business premises, retail premises, or shops which is situated on a Council owned footpath, road reserve or public place and is used for the sale and display of retail items.

Sandwich Board Sign - means a free standing, portable advertising structure that is either hinged or unhinged and is placed on a footpath, road reserve or public place.

Shop - means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

Take Away Food and Drink Premises - means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) for immediate consumption away from the premises.

3. AREA OF APPLICATION OF THIS POLICY

This policy applies to the areas bordered in red in the north and south Yass Commercial precincts which are depicted in figures 1 and 2 of this policy.

4. THE IMPORTANCE OF FOOTPATHS

The footpath outside shops and business forms part of the overall commercial street character incorporating the buildings, footpaths, shop fronts and street furniture.

If treated well, footpaths add to the vibrant nature of a commercial street. If treated poorly the use of footpaths can result in unnecessary clutter, obstructions for shoppers and a poor presentation to passers by.

5. POLICY

5.1 Outdoor eating/seating areas

Outdoor eating and seating areas may be provided in a variety of ways. They may include:

- (a) umbrellas or some other form of shade structure;
- (b) a temporary barrier to clearly define the outdoor eating area where barriers could include ropes or flower boxes.

5.2 Design Guidelines and Standards for Outdoor Eating and Sales/Display areas

Outdoor eating furniture, advertising signage and sales displays must:

- (a) not unduly obstruct the free passage of pedestrians;
- (b) be located to maintain a clear pedestrian travel path of 2.0 metres;
- (c) be located to adjoin an approved retail or commercial use;
- (d) be carried out from a safe structure if a structure is used;
- (e) not be located in front of driveways or entrances to properties unless the permission of the property owner has been obtained;
- (f) comply with Council's standards concerning food premises should outdoor eating be involved;
- (g) be of a high standard in design and construction, which reflects the high exposure of the main street and the importance of a good first impression.

5.3 Sandwich board advertising

Permission to use sandwich board signs on footpaths may be granted for commercial premises in the north and south Yass commercial precincts subject to the following:

- (a) signs shall be located to ensure a clear pedestrian travel zone of 2.0 metres in width;
- (b) an area of 600 mm in width from the top of the kerb shall be kept clear;
- (c) the size of the signs shall be restricted to a maximum of 1.2 metres vertical and 1.0 metres horizontal;
- (d) signs shall be limited to a maximum of two per shop front;
- (e) the signs at all times is to be professionally presented;
- (f) Council is satisfied that the signs do not restrict or endanger the public use of or obstruct the footway or interfere with public convenience;
- (g) the signs because of their construction, size, colour or material do not endanger the public using the Council footways.

6. LICENSING & INSURANCE

6.1 Licensing

- (a) an annual licence is to be obtained from Council to permit the:



- i. Placement of sandwich board signs;
- ii. Establishment of outdoor eating areas and sales / displays areas.

- (b) if at any time the policy is contravened and an obstruction occurs, the licence may be revoked by Council;
- (c) a security bond to the value of \$200.00 must be paid with any application lodged for the licencing of an outdoor eating area;
- (d) the bond shall be forfeited to Yass Valley Council if the cleanliness of the footpath in and around outdoor eating area is of an unsatisfactory standard in which case Council will clean the footpath.

Note: Council reserves the right to apply any part or all of the security bond to complete any necessary works as outlined above

6.2 Insurance

- (a) the licensee shall obtain a public liability insurance policy to the minimum value of 10 million dollars;
- (b) the public liability insurance policy must list Yass Valley Council as an interested party;
- (c) the public liability insurance policy should include the insured's business or profession.

7. STREET VENDING

Street vending involves the selling of articles either directly or from a stall on public roads and public places.

The Local Government Act 1993 (NSW) requires anyone engaged in street vending activity to obtain prior approval from Council. DA-POL-11 Use of Yass Central Business District Footpaths – Non Business addresses street vending.

OTHER RELEVANT POLICIES/PROCEDURES

Previously known as Policy F.10, DA-POL-9 and PHE-POL-4
DA-POL-11 Use of Yass Central Business District Footpaths – Non Business

HISTORY

<i>Minute No</i>	<i>Date of Issue</i>	<i>Action</i>	<i>Author</i>	<i>Checked By</i>
	16 December 2009	Amended		Council Meeting
		Reviewed	Paul De Szell	
326	25 July 2012	Exhibition		Council Meeting
443	24 October 2012	Amended	Tabitha Holliday	Council Meeting

Document No: PH-POL-4	Created/Revised: 24 October 2012	Review date: October 2016
Version No: 2	Author: Mgr Development & Environmental Services	Doc Type 30
File Name: Outdoor Eating & Signage	Approved By: Council Meeting 24/10/2012	



Figure 1 – South Yass Business Precinct



Figure 2 – North Yass Business Precinct

yass valley council

the country the people

Your Reference:
Our Reference: 5.2016.258.1
File No: RD.000530
Contact: Mr Chris Berry/svl
Phone: (02) 6226 9234

Address all correspondence to:
General Manager
Yass Valley Council
PO Box 6
YASS NSW 2582

28 November 2016

Sean Haylan
Yass Valley Council
PO Box 6
YASS NSW 2582

Dear Sean,

Development Consent No. 5.2016.258.1

Location: Comur Street, Yass

Proposal: Footpath Activity

I refer to your application to establish footpath activities on the mainstreet of Yass.

I have considered the application and determined to issue a conditional Consent.

Enclosed for your information is a copy of the Consent.

Should you have any further enquiries or wish to discuss the matter, please feel free to contact Council's Planning & Environmental Services Division on 6226 9234.

Yours faithfully



Chris Berry
Director Planning

Encl: consent

COUNCIL CHAMBERS
209 COMUR STREET
YASS NSW 2582

Administration (02) 6226 1477
Facsimile (02) 6226 2598
Email council@yass.nsw.gov.au
Web: www.yassvalley.nsw.gov.au



<p>NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION Issued under the Environmental Planning and Assessment Act 1979 Section 81(1)(a)</p>

DEVELOPMENT CONSENT 5.2016.258.1

Applicant name:	Sean Haylan, Yass Valley Council
Applicant address:	PO Box 6 YASS NSW 2582
Land to be developed:	Comur Street road reserve (between Petit and Rossi Streets) YASS NSW 2582
Proposed development:	Establishment of footpath activities including: <ul style="list-style-type: none">• Outdoor dining• Advertising signs• Goods for sale displays• Pop-up market stalls
Proposed use:	Footpath activities
Integrated Approvals:	s125 (footway restaurant) and s138 (structures) <i>Roads Act 1993</i> s68 (display of articles) <i>Local Government Act 1993</i>

Determination

Made on:	28 November 2016
Determination:	pursuant to the Act(s), notice is hereby given that the above application has been determined by granting Consent, subject to conditions
Consent to operate from:	28 November 2016.
Consent to lapse on:	28 November 2021

Note: Such Consent will not lapse once the proposed development is physically commenced, except where a specific condition of Consent limits the duration of Consent.

Details of and Reasons for Conditions

PART A - GENERAL CONDITIONS

- (1) Consent is granted generally in accordance with the plan(s) and details submitted to Council with the Development Application. The plan and details have been stamped and attached to this Consent. The development shall be carried out in accordance with the stamped plans or as modified by these conditions. Whichever activity is undertaken the conditions relevant to that activity are applicable.
- (2) This approval relates only to the development referred to in the Development Application and specifically does not amount to an approval or acceptance by the Council of any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior development or building approval.

PART B – OUTDOOR DINING

- (1) The outdoor dining area is to be set out generally as per the stamped plans.
- (2) To provide for the safe movement of pedestrians a clear passage area along the footpath is to be maintained at all times. Any furniture along the building line may need to be removed or relocated should it create issues for people with disabilities.
- (3) To minimise the potential for conflict between pedestrians, wait staff and diners, all tables and chairs are to be located within the area adjacent to the business premises responsible for their operation.
- (4) The outdoor dining area is to operate in conjunction with an existing business premises and its operating hours.
- (5) The business is to maintain public liability insurance (minimum sum insured against - \$20 million) for the footpath area being occupied.
- (6) The consumption of alcohol is prohibited unless a variation to the Alcohol Free Zone is obtained and the appropriate Liquor Licence is in place.

Note: *To obtain approval for an outdoor service area involving the service of alcohol it will be necessary to modify an existing Development Consent or obtain a separate Development Consent along with varying the Alcohol Free Zone*
- (7) The outdoor dining area is to operate in accordance with the requirements of the *Food Act 2003* and associated Regulation to maintain appropriate health and safety standards.
- (8) All tables, chairs and surrounds to be kept clean and free of food scraps and litter.
- (9) The furniture is to be suitable for outdoor use.
- (10) All outdoor furniture is to be stored within the business premises when the outdoor dining area is not in operation.
- (11) Furniture to be maintained in a physically sound condition.

PART C – ADVERTISING SIGNS

- (1) The A frame sign is to be located generally as per the stamped plans.
- (2) Only one A frame sign per business premises is permitted.
- (3) To provide for the safe movement of pedestrians a clear passage area along the footpath is to be maintained at all times. Any sign along the building line may need to be removed or relocated should it create issues for people with disabilities.
- (4) To minimise the potential for conflict with pedestrians, the A frame sign is to be located within the area adjacent to the business premises responsible for the sign.
- (5) The A frame sign is only to be placed on the footpath area in conjunction with an existing business premises and its operating hours.
- (6) The A frame sign is to be appropriately secured to prevent being blown over in windy conditions.
- (7) The business is to maintain public liability insurance (minimum sum insured against - \$20 million) for the footpath area being occupied.
- (8) The A Frame sign is to be stored within the business premises when the business is not in operation.
- (9) The A frame sign is to be maintained in a physically sound and stable condition.

PART D – GOODS FOR SALE DISPLAYS

- (1) The display stand/bin area is to be set out generally as per the stamped plans.
- (2) The display stand/bin area is not to extend beyond the width of the premises.
- (3) To provide for the safe movement of pedestrians a clear passage area along the footpath is to be maintained at all times. Any display stand/bin area along the building line may need to be removed or relocated should it create issues for people with disabilities.
- (4) To minimise the potential for conflict with pedestrians, the display stand/bin area is to be located with the area adjacent to the business premises responsible for the sign.
- (5) The display stand/bin area is only to be placed on the footpath area in conjunction with an existing business premises and its operating hours.
- (6) The business is to maintain public liability insurance (minimum sum insured against - \$20 million).
- (7) The display stand(s)/bin(s) are to be stored within the business premises when the business is not in operation.
- (8) The display stand(s)/bin(s) are to be maintained in a physically sound and stable condition.

PART E- POP-UP MARKET STALLS

- (1) The pop-up shop/market stall must be generally as per the stamped plans.
- (2) To provide for the safe movement of pedestrians a clear passage area along the footpath is to be maintained at all times. Any furniture along the building line may need to be removed or relocated should it create issues for people with disabilities.
- (3) To minimise the potential for conflict between pedestrians and stall operators all tables, chairs and displays are to be located within the area adjacent to the business premises (identified as non-active space such as empty shopfronts, public space or by agreement with the adjoining business owner)
- (4) The display area is only to be placed on the footpath area during the time of the promotion as coordinated by the Yass Valley Business Chamber or similar organisation.
- (5) The operator is to maintain public liability insurance (minimum sum insured against - \$20 million).
- (6) The display area is to be maintained in a physically sound and stable condition.
- (7) Items for sale that are required by law to have appropriate licences/permits must meet the requirements and be displayed appropriately (e.g. food products)

Reasons for Conditions:	The reason for the imposition of these conditions is to ensure that the development is carried out in such a manner to ensure that the environmental, social and economic assets of Yass Valley are protected.
Right of review:	<p>If you are dissatisfied with this decision, s82A <i>Environmental Planning & Assessment Act 1979</i> gives you the right to have Council review the determination within 6 months after the date on which you receive this notice, if no appeal is made under s97 <i>Environmental Planning & Assessment Act 1979</i>.</p> <p>* s82A <i>Environmental Planning & Assessment Act 1979</i> does not apply to the determination of a <i>Complying Development Certificate</i> or a <i>Development Application for Designated Development, Integrated Development</i> or a determination made by the Council under Division 4 in respect of an application by the Crown.</p>
Right of Appeal:	<p>If you are dissatisfied with this decision, s97 <i>Environmental Planning & Assessment Act 1979</i> gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.</p> <p>* s97 <i>Environmental Planning & Assessment Act, 1979</i> does not apply to the determination of a <i>Development Application for State Significant Development</i> or <i>Local Designated Development</i> that has been the subject of a <i>Commission of Inquiry</i>.</p>

Signed on behalf of Consent Authority

Signed:



Chris Berry
Director Planning

Date: 28 November 2016

NOTES ACCOMPANYING DEVELOPMENT CONSENT 5.2016.258.1

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

- (1) The *Work Health & Safety Act 2011*, the *Work Health & Safety Regulation 2011* and various Australian Standards provide a comprehensive set of risk control measures and procedures for development sites which cover all types of risk. This legislation is administered by WorkCover New South Wales which has produced a variety of guidelines and other supporting documents for the information of developers
- (2) All persons undertaking work in connection with this Consent should ensure that all required risk control measures and procedures are complied with.



Yass Valley Council Asbestos Guidelines

Adapted from the Office of Local Government
Asbestos Policy November 2015

Disclaimer

These guidelines were formulated to be consistent with Council's legislative obligations and within the scope of Council's powers. These guidelines should be read in conjunction with relevant legislation, other guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail.

These guidelines are based upon the *Model Asbestos Policy for NSW Councils* developed by the Heads of Asbestos Coordination Authorities to promote a consistent Local Government approach to asbestos management across NSW.

These guidelines do not constitute legal advice. Legal advice should be sought in relation to circumstances and liability will not be accepted for losses incurred as a result of reliance on these guidelines.

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1. Introduction

Yass Valley Council (YVC) acknowledges the serious health hazard of exposure to asbestos.

In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos. Within the YVC LGA there may be several homes, sheds and buildings throughout which contain asbestos. The Geological Survey of NSW (2015) identified a very small (19km²) area within the Yass Valley LGA as having low potential for naturally occurring asbestos (NOA) to occur within about approximately 10m of the surface. If asbestiform and/or indicator minerals and/or textures are encountered, specialist geological advice should be sought. Material containing asbestos is in a non-friable form (that is, cannot be crushed by hand into a powder), undisturbed and painted or otherwise sealed, it may remain safely in place. However, where asbestos containing material is broken, damaged, disturbed or mishandled, fibres can become loose and airborne posing a risk to health. Breathing in dust containing asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions. Further information about asbestos and the health impacts of asbestos can be found in Appendix A and website links to additional information are provided in Appendix B.

Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- Residents and the public within the Local Government Area (LGA)
- Workers (employees and other persons) in Council workplaces

Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- As a responsible employer
- Contaminated land management
- Council land, building and asset management
- Emergency response
- Land use planning (including development approvals and demolition)
- Management of naturally occurring asbestos
- Regulation of activities (non-work sites)
- Waste management and regulation.

1.1 Purpose

These guidelines aim to outline the role of Council and other organisations in managing asbestos

- Council's relevant regulatory powers
- Council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents
- General advice for residents on renovating homes that may contain asbestos
- Council's development approval process for developments that may involve asbestos and conditions of consent
- Waste management and regulation procedures for asbestos waste in the LGA
- Council's approach to managing asbestos containing materials in Council workplaces
- Sources of further information

1.2 Scope

These guidelines apply to all the Yass Valley Council LGA within Council's jurisdiction.

The Guidelines provides information for Council workers, the local community and wider public. Part 1 of the guidelines includes the sections that are likely to be of most interest to the local community and wider public. Part 2 is information that applies to workers associated with Council including employees, contractors, consultants, and volunteers (as defined by the NSW Work Health and Safety Regulation 2017). Definitions for key terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.

The guidelines apply to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the LGA.

The guidelines outline council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact Council or the appropriate organisation (contact details are listed in Appendix E).

The guidelines does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- Additional guidance material listed in Appendix B
- Detailed information on Council's procedures and plans may be found in other documents, which are referenced in part 2 under section 18.1

2. Definitions

Definitions are provided in Appendix C.

3. Roles and responsibilities of council

3.1 Educating residents

Council shall assist residents to access appropriate information and advice on the:

- Prohibition on the use and re-use of asbestos containing materials
- Requirements in relation to development, land management and waste management
- Risks of exposure to asbestos
- Safe management of asbestos containing materials
- Safe removal and disposal of minor quantities of asbestos containing materials.

Educational information and website links for educational materials can be found in Appendices A and B.

3.2 Managing land

Council is responsible for managing public land. This may include land with naturally occurring asbestos as described in section 5 and land contaminated with asbestos as outlined in section 6.

3.3 Managing waste

Where Council is the appropriate regulatory authority, Council is responsible for:

- Issuing clean up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the *Protection of the Environment Operations Act 1997*).
- Issuing prevention or clean up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the *Protection of the Environment Operations Act 1997*).
- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on Planning Certificates (section 10.7 Planning Certificates) where on-site disposal is permitted. Waste facilities that are licensed to accept asbestos waste are listed in Appendix F.

3.4 Regulatory responsibilities

Council has regulatory responsibilities under the following legislation, policies and standards in situations where Council is the appropriate regulatory authority or planning authority:

- *Contaminated Land Management Act 1997 (NSW)*
- *Environmental Planning & Assessment Act 1979 (NSW)*
- *Environmental Planning & Assessment Regulation 2000 (NSW)*
- *Local Government Act 1993 (NSW)*
- *Protection of the Environment Operations Act 1997 (NSW)*
- *Protection of the Environment Operations (General) Regulation 2009 (NSW)*
- *Protection of the Environment Operations (Waste) Regulation 2014 (NSW)*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *Demolition work code of practice 2015 (catalogue no. WC03841)*

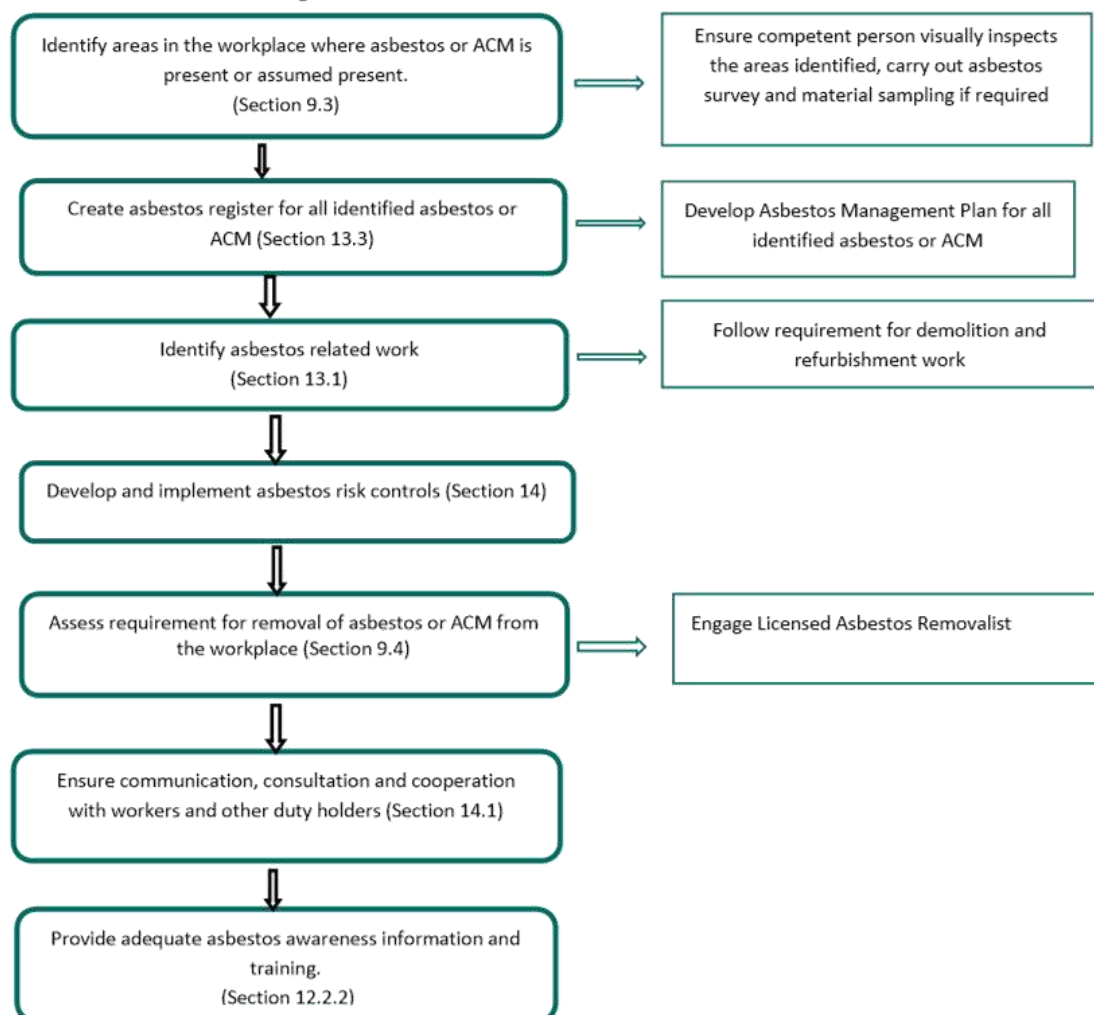
Additional legislation, policies and standards relating to the safe management of asbestos are listed in Appendix G.

The situations in which Council has a regulatory role in the safe management of asbestos are listed in Table 1.

Table 1: Situations in which council has a regulatory role in managing asbestos Issue	Council's role	Section of policy
Contaminated land	<ul style="list-style-type: none"> Record known asbestos site contamination on section 10.7 Planning Certificates where practicable and for council workplaces, record on council's asbestos register. Notify stakeholders of land use planning policy requirements relating to contamination. Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> (excluding oversight of removal or remediation work which is the role of SafeWork NSW). 	Section 6
Development assessment	<ul style="list-style-type: none"> Assess Development Applications for approval under the <i>Environmental Planning & Assessment Act 1979</i>. Set conditions of Consent for renovations, alterations, additions, demolitions or other developments requiring Consent and which may involve disturbance of asbestos containing materials. Ensure compliance with development conditions. Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9. 	Section 9
Demolition	<ul style="list-style-type: none"> Approve demolition under the <i>Environmental Planning & Assessment Act 1979</i>. Council certifiers approve development as Complying Development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. 	Section 9
Emergencies and incidents	<ul style="list-style-type: none"> Regulate the clean-up of asbestos waste following emergencies where sites are handed over to the Council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of SafeWork NSW). Council may consider the need to issue a clean-up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i>. 	Section 7
Naturally occurring asbestos	<ul style="list-style-type: none"> Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos. Prepare an asbestos management plan for Council workplaces or road works which occur on land containing naturally occurring asbestos. 	Section 5

Residential premises	<ul style="list-style-type: none"> Respond to any public health risks (risks to Council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW). Respond to public health risks posed by derelict properties or asbestos materials in residential settings. 	Section 9
Waste	<ul style="list-style-type: none"> Manage waste facilities in accordance with environmental protection legislation. Respond to illegal storage, illegal dumping and orphan waste. Regulate non-complying transport of asbestos containing materials. 	Section 10

Overview of Asbestos Management Process Flowchart



3.5 Responsibilities to workers

Council is committed to fulfilling its responsibilities to workers under the *NSW Work Health & Safety Act 2011* and *NSW Work Health & Safety Regulation 2017* and maintaining a safe work environment through council's:

- General responsibilities
- Education, training and information for workers
- Health monitoring for workers
- Procedures for identifying and managing asbestos containing materials in Council premises

These responsibilities are outlined in part 2.

4. Other stakeholders involved in managing asbestos

Council is committed to working collaboratively with other government agencies and where appropriate, other stakeholders as needed to respond to asbestos issues.

Appendix E notes useful contacts and Appendix H notes agencies involved in managing asbestos. Various asbestos scenarios requiring stakeholders to work together are outlined in Appendix I.

Part 1 – Asbestos in the Local Government Area: Information for the community

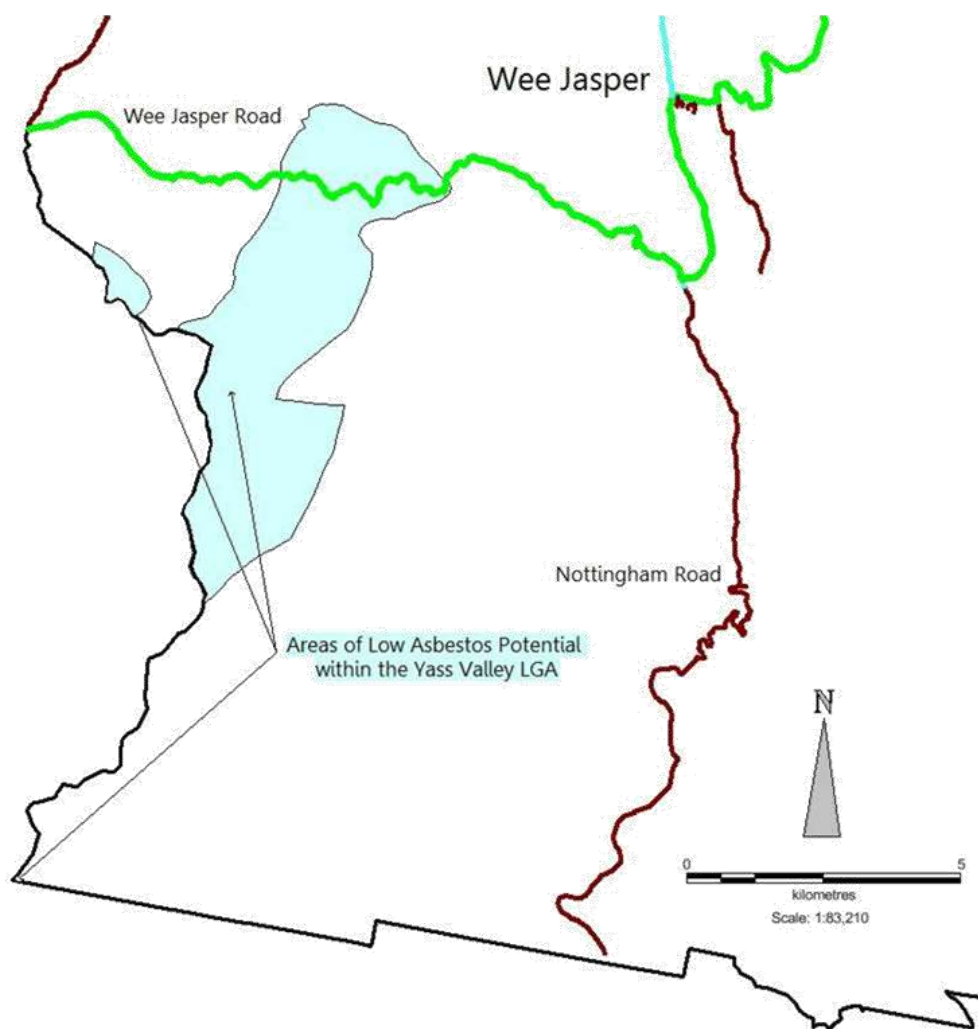
5. Naturally occurring asbestos

There is the potential for asbestos to be found as a naturally occurring mineral in the following locations in YVC Valley LGA (as detailed in the attached map) and may occur elsewhere in the LGA. Council is not aware of any naturally occurring asbestos in the LGA.

Naturally occurring asbestos only poses a health risk when elevated levels of fibres are released into the air, either by human activities or by natural weathering and these fibres are breathed in by people. Information on naturally occurring asbestos, work processes that have the potential to release naturally occurring asbestos fibres into the air and known locations of naturally occurring asbestos in NSW is provided in Appendix A under section

2.1. This information is indicative, and not a complete picture of all naturally occurring asbestos in NSW.

The Geological Survey of NSW (2015) has assessed a very small (19km²) area within Yass Valley LGA as having low potential for naturally occurring asbestos (NOA) to occur within about approximately 10m of the surface. As a result, the advice is that all should be aware of the possibility of NOA. If asbestiform and/or indicator minerals and/or textures are encountered, specialist geological advice should be sought.



5.1 Responsibilities for naturally occurring asbestos

For naturally occurring asbestos that will remain undisturbed by any work practice, Council is the lead regulator.

Where development applications propose activities that may disturb areas of naturally occurring asbestos (such as excavation), any consent or approval should contain conditions requiring testing to determine if asbestos is present, and the development of an asbestos management plan if the testing reveals naturally occurring asbestos is present. Council will verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW will coordinate enforcement where non-compliance is suspected.

Where naturally occurring asbestos will be disturbed due to a work process, including roadwork, excavation, and remediation work, SafeWork NSW is the lead regulator. Requirements for workplaces are summarised in the *naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW. Where naturally occurring, asbestos is part of a mineral extraction process, the NSW Department of Industry is the lead regulator.

5.2 Managing naturally occurring asbestos

Where naturally occurring asbestos is encountered or suspected, the risk from disturbance of the naturally occurring asbestos should be assessed by an occupational hygienist.

The management of naturally occurring asbestos that stays in its natural state is not prohibited if managed in accordance with an asbestos management plan. Requirements for risk management, asbestos management plans and provisions for workers are outlined in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

5.2.1 Management of naturally occurring asbestos by council

Council will aim to prevent the exposure of workers and the public to any naturally occurring asbestos that is known or discovered in the Council workplace.

If naturally occurring asbestos is discovered in YVC LGA, Council will develop risk controls, an Asbestos Management Plan in relation to the naturally occurring asbestos in the Council workplace and provide guidance materials where necessary.

6. Contamination of land with asbestos

Background information on contamination of land with asbestos and potential disturbance of asbestos contaminated sites can be found in Appendix A under sections 2 and 3. The nature of asbestos contamination of land can vary significantly and there can be several different mechanisms available to address this contamination depending upon its source and extent.

6.1 Responsibilities for contaminated land

Responsibility for cleaning up contaminated land lies with the person responsible for contaminating the land or the relevant landowner.

Council may issue a clean-up notice to the occupier of premises at or from which Council reasonably suspects that a pollution incident has occurred, or is occurring, requiring asbestos waste to be removed (under Part 4.2 *Protection of the Environment Operations Act 1997*).

Council may also issue prevention notices (under Part 4.3 *Protection of the Environment Operations Act 1997*) to ensure good environmental practice. If a person does not comply with a prevention notice given to the person, Council employees, agents or contractors may take action to cause compliance with the notice.

Any reasonable costs incurred by Council in monitoring or enforcing Clean Up and Prevention Notices may be recovered through a Compliance Cost Notice (under Part 4.5 *Protection of the Environment Operations Act 1997*). Council shall keep records of tasks undertaken; the hours Council employees have spent undertaking those tasks; and expenses incurred.

During site redevelopment Council will consider contamination with asbestos containing materials in the same way as other forms of contamination as stipulated by the *Environmental Planning & Assessment Act 1979*. That is, Council will apply the general requirements of *State Environmental*

Planning Policy (SEPP) No. 55 – Remediation of Land and the Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land.

Council provides information about land contamination on Planning Certificates (issued under s149 *Environmental Planning & Assessment Act 1979*) as outlined in section 6.2.

For sites that are 'significantly contaminated' and require a major remediation program independent of any rezoning or development applications, the EPA and SafeWork NSW are the lead regulatory authorities as outlined in Appendix A under section 2.4.2.

The management of Council workplaces contaminated with asbestos is outlined in section 14.4.

6.2 Finding out if land is contaminated

A person may request from Council a Planning Certificate containing advice on matters including whether Council has a policy to restrict the use of land due to risks from contamination. Certificates are issued under s149(2) *Environmental Planning & Assessment Act 1979*.

Information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. When Council receives a request for a certificate under s149(2), it may also inform applicants of any further information available under s149(5) of the Act. Council may also use s149(5) Certificates to record other information, particularly anything else of a factual nature about contamination which Council deems appropriate (such as details of land history, assessment, testing and remediation).

Council records can only indicate known contaminated sites. Any site may potentially be contaminated.

Council may issue notices to landowners or occupiers requiring information about land it has reason to believe may be contaminated by asbestos using s192 and s193 of the *Protection of the Environment Operations Act 1997*.

6.3 Duty to report contaminated land

A person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the EPA when they become aware of the contamination (under s60 *Contaminated Land Management Act 1997*). Situations where this is required are explained in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

The EPA will inform Council of contaminated land matters relating to the LGA as required under s59 *Contaminated Land Management Act 1997*.

6.4 Derelict buildings

Concerns regarding potential health risks from derelict properties may be directed to council. Derelict properties include abandoned buildings, fire damaged buildings and otherwise dilapidated buildings. Where derelict properties contain friable asbestos and asbestos is exposed, either from human activities or weathering, this poses a potential risk to public health.

Council may respond to derelict properties that pose a demonstrable public health risk using a range of regulatory tools according to the circumstances.

Council may issue a clean-up notice or prevention notice and compliance cost notice as noted in section 6.1.

Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood (under s121B 2(c) *Environmental Planning & Assessment Act 1979*). An Order may require immediate compliance with its terms in circumstances which the person who gives the order believes constitute a serious risk to health or safety or an emergency (under s121M *Environmental Planning & Assessment Act 1979*). If a person fails to comply with the terms of an order, Council may act under s121J *Environmental Planning & Assessment Act 1979* to give effect to the terms of the Order, including the carrying out of any work required by the Order.

If the derelict building is on a site that is a workplace, then SafeWork NSW is the lead agency responsible for ensuring that asbestos is removed by appropriately licensed removalists.

7. Responding to emergencies and incidents

Emergencies and incidents such as major collapses, cyclones, explosions, fires, storms, or vandalism can cause damage to buildings or land that contain asbestos. This may include working with State agencies in accordance with the *NSW Asbestos Emergency Plan and the Disaster Assistance Guidelines*. This can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

7.1 Responsibilities in the clean up after an emergency or incident

Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency.

Council may issue a clean-up, prevention, cost compliance or penalty infringement notice as outlined in section 3.3 and section 6.1.

Alternatively, Council may act under the *Environmental Planning & Assessment Act 1979* as outlined in section 6.4 of these guidelines.

Council will determine an appropriate response depending on the nature of the situation.

This may include to:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required
- Liaise with or consult the appropriate agencies
- Inform emergency personnel of any hazards known to Council as soon as practicable
- Follow the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- Ensure that any Council workers attending the site have appropriate training and are wearing appropriate personal protective equipment
- Exclude the public from the site
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response
- Minimise the risks posed by any remaining structures (see section 6.4)
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean-up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal
- Ensure that the site is kept damp, always or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water)
- Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation

7.2 Advice to the public regarding clean up after an emergency or incident

During a clean up after an emergency or incident, the possibility of neighbours being exposed to asbestos fibres may be very low if precautions are taken to minimise the release and inhalation of asbestos dust and fibres.

As a precautionary measure, where Council is involved in a clean-up, Council may consider advising those in neighbouring properties to:

- Avoid unnecessary outdoor activity and do not put any laundry outside during the clean up
- Close all external doors and windows and stay indoors during the clean up

- Consider avoiding using air conditioners that introduce air from outside into the home during the clean up
- Dispose of any laundry that may have been contaminated with asbestos as asbestos waste after the clean-up (advice on disposing of asbestos waste is provided in section 10)
- Use a low-pressure hose on a spray configuration to remove visible dust from pathways after the clean up
- Wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean-up (advice on disposing of asbestos waste is provided in section 10)
- Any other measures recommended by an occupational hygienist following assessment of the situation

8. Council's process for changing land use

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has previously been used as a landfill or for on-site burial of asbestos waste).

State Environmental Planning Policy No. 55 – Remediation of Land states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Managing sites contaminated with asbestos material is addressed in section 6.

9. Council's process for assessing development

This section applies to Development Applications assessed under the *Environmental Planning & Assessment Act 1979* and Complying Development Applications assessed under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or Council's Complying Codes (see section 9.5.2). This includes alterations and additions to residential development, which may include internal work as well as extensions to the existing main structure, or changes to outbuildings, sheds, or garages.

This section also covers renovations that do not require Development Consent or a Complying Development Certificate. Development Consent is not required to maintain an existing structure. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos but is categorised as Exempt Development under the *Environmental Planning & Assessment Act 1979* and does not require Development Consent. In these instances, Council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

9.1 Responsibilities for approving development

Council is the Consent Authority for most Development Applications in the LGA. The Southern Regional Planning Panel (RPP) is also Consent Authority for certain local or regional development. Council has representation on the RPP.

Council or the RPP may impose conditions of Consent and a waste disposal policy to a Development Consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Either Council or a Private Certifier may assess a Complying Development Certificate. Where a Private Certifier is engaged to assess a Complying Development Certificate, the Private Certifier is responsible for ensuring that the proposed development activities include adequate plans for the safe removal and disposal of asbestos.

This also applies to the demolition of buildings. Certifiers can issue a Complying Development Certificate under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Further information on demolition is provided in section 9.4.

When a Private Certifier issues a Complying Development Certificate and is appointed as the Principal Certifying Authority for the development it is the Certifier's responsibility to follow up to ensure that works including asbestos handling, removal, and disposal if present, are carried out appropriately in accordance with the *Environmental Planning & Assessment Regulation 2000* (s136E). Compliance is covered in section 9.7.

9.2 Providing advice to homeowners, renovators, and developers

Council is committed to providing information to minimise the risks from asbestos in the LGA. Information is provided below and in Appendix A. Appendix B lists additional sources of information on how to deal safely with the risks of asbestos and Appendix J lists asbestos containing products that may be found around the home.

The key points are:

- Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified (refer to section 9.3)
- Where a material cannot be identified or it is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions
- If asbestos containing materials can be maintained in good condition it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment
- If asbestos materials cannot be safely contained, they should be removed as outlined in section 9.4
- For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing

Anyone who is undertaking renovations themselves without a contractor is encouraged to refer to Appendices A and B for more information and contact Council where they require further advice or clarification. Anyone engaging an asbestos removal contractor may contact SafeWork NSW with any queries as SafeWork NSW regulates asbestos removal by workers (as explained in section 9.4). Contact details for Council and SafeWork NSW are provided in Appendix E.

9.3 Identifying asbestos

Information on common places where asbestos is likely to be found in residential, commercial, and industrial premises with materials from prior to 2004 on the premises is provided in Appendix A.

A person may apply to Council for a Planning Certificate (called a s10.7 Planning Certificate) for the relevant land. Council may provide information on a Planning Certificate including whether Council has a policy to restrict the use of land due to risks from asbestos contamination, as outlined in section 6.2.

Council aims to ensure that records are, as far as possible, accurate. In some instances, Council may not have up-to-date information about asbestos for a property. Council may be able to provide general advice on the likelihood of asbestos being present on the land based on the age of the buildings or structures on the land. A general guide to the likelihood of asbestos presence based on building age is provided in Appendix A under section 2.2.

The most accurate way to find out if a building or structure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos, such as an occupational hygienist (a competent person is defined by the NSW *Work Health and Safety Regulation 2017*). This is highly advisable before undertaking major renovations to buildings constructed or containing materials from prior to 2004.

Property owners and agents are encouraged to inform any tenants or occupiers of the presence of asbestos and to address any potential asbestos hazards where appropriate.

Property owners who let their properties out are required to identify any asbestos within those properties before any work is carried out (this includes residential properties).

The *Work Health & Safety Regulation 2017* states that the person conducting a business or undertaking in any building constructed before 31 December 2003 must identify if there is any asbestos in the building.

All commercial properties that contain asbestos must have and maintain a current asbestos register and asbestos management plan.

9.4 Removing asbestos, refurbishments and demolitions

9.4.1 Removing asbestos at domestic premises

If development is undertaken by contractors, as is the case with a lot of home renovations, then the work is at a workplace and is regulated by SafeWork NSW under the *NSW Work Health & Safety Regulation 2017*. This requires that a person conducting a business or undertaking who is to carry out refurbishment or demolition of residential premises must ensure that all asbestos that is likely to be disturbed by the refurbishment or demolition is identified and, so far as reasonably practicable, is removed before the refurbishment or demolition is commenced.

Depending on the nature and quantity of asbestos to be removed, a licence may be required to remove the asbestos. The requirements for licenses are outlined below and summarised in the table in Appendix K. SafeWork NSW is responsible for issuing asbestos licences.

Friable asbestos must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence. Except in the case of the removal of:

- Asbestos containing dust associated with the removal of non-friable asbestos, or
- Asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination (which is when the asbestos contamination is incidental and can be cleaned up in less than one hour)

The removal of more than 10m² of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist.

The removal of asbestos containing dust associated with the removal of more than 10m² of non-friable asbestos or asbestos containing material requires a non-friable (Class B) asbestos removal licence or a friable (Class A) asbestos removal licence.

Removal of 10 m² or less of non-friable asbestos may be undertaken without a licence. However, given the risks involved, Council encourages residents to consider engaging a licensed asbestos removal contractor. The cost of asbestos removal by a licensed professional is comparable in price to most licensed tradespeople including electricians, plumbers and tilers.

All asbestos removal should be undertaken in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

If a residential premise is a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:

- The person who commissioned the work
- A person conducting a business or undertaking at the workplace
- The owner and occupier of the residential premises
- Anyone occupying premises in the immediate vicinity of the workplace (as described in s467 *NSW Work Health & Safety Regulation 2017*).

In certain circumstances, a premise may be used for both residential and commercial purposes and is therefore classified as a workplace.

All licensed asbestos removal must be:

- Supervised by a supervisor named to SafeWork NSW
- Notified to SafeWork NSW at least five days prior to the work commencing.

Requirements for the transport and disposal of asbestos waste are covered in section 10.

9.4.2 Removing asbestos at workplaces

The *NSW Work Health & Safety Regulation 2017* specifies requirements for demolition and refurbishment at a workplace with structures or plants constructed or installed before 31 December 2003. SafeWork NSW is the lead agency for regulating the safe management of asbestos at workplaces.

9.4.3 Obtaining approval for demolition

Demolition work is classified as high-risk construction work in the NSW *Work Health & Safety Regulation 2017* and demolition licenses are required for some demolition work. The *Demolition work code of practice 2015* provides practical guidance on how to manage the risks associated with the demolition of buildings and structures. In most circumstances demolition of a structure requires Development Consent or a Complying Development Certificate. Applicants need to enquire to Council as to whether and what type of approval is required. Where a Development Application is required Council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for Development Consent are referred to in section 9.6.

A wide range of development, including residential, industrial and commercial development, can be approved for demolition as Complying Development under the *Demolition Code of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the *Environmental Planning & Assessment Regulation 2000* provides mandatory conditions for Complying Development Certificate applications.

Demolition of development that would be exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is also Exempt Development and does not require Consent. This includes minor structures such as carports, fences, sheds and the like.

9.5 Exempt or Complying Development

9.5.1 Exempt Development

Exempt Development does not require any planning or construction approval if it meets the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

This means that there is no ability for Council or a Private Certifier to impose safeguards for the handling of asbestos through conditions of Development Consent. However, Council advises that all asbestos removal work should be carried out in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

9.5.2 Complying Development

The *Environmental Planning & Assessment Regulation 2000* (s136E) outlines conditions under which a Complying Development Certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.

Applications for Complying Development Certificates must include details of the estimated area (if any) in square metres of friable and/or non-friable asbestos material that will be disturbed, repaired or removed in carrying out the development (under Schedule 1 Part 2 *Environmental Planning & Assessment Regulation 2000*).

Where more than 10m² of non-friable asbestos is to be removed, a contract evidencing the engagement of a licensed asbestos removal contractor is to be provided to the principal certifying authority. The contract must specify the landfill site lawfully able to accept asbestos to which the removed asbestos will be delivered.

If the contract indicates that asbestos will be removed to a specified landfill site, the person having the benefit of the Complying Development Certificate must give the Principal Certifying Authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

If the work involves less than 10 m² of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561). In instances where asbestos removal is less than 10 m² of non-friable asbestos and not from a place of work, then SafeWork NSW would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to Council as outlined in section 11.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* outlines the requirements for the applicant to notify their neighbours that works may include asbestos removal.

Further requirements to inform other persons of licensed asbestos removal are described in s467 of the *NSW Work Health & Safety Regulation 2017* as noted in section 9.4.1 of these guidelines.

9.6 Development Applications

If a proposed building does not meet the requirements of Exempt or Complying Development, then the alternative planning approval pathway is a Development Application (DA). A DA can only be approved by a local Council, the RPP or, for very large, State Significant Development proposals, the State Government. A Development Application needs to be prepared and it will be assessed in accordance with the requirements of relevant Environmental Planning Instruments and the development standards established by Council. Council may undertake a site inspection as part of the DA assessment.

9.6.1 Pre-Development Application advice regarding asbestos

Council's pre-DA service enables proponents to discuss asbestos-related issues with Council prior to lodging a DA, if the issue is raised. Council may inform applicants of these guidelines, fact sheets or websites. Generally this may be most relevant to structures erected or modified before the 1980s and any other structure that could be reasonably suspected to contain asbestos including those with building materials from prior to 2004.

9.6.2 Conditions of Consent

PART F – DEMOLITION

- All demolition work is to be carried out in accordance with the provisions of Australian Standard *AS 2601-1991: The Demolition of Structures*.
- All utility services are to be disconnected to the requirements of the relevant authorities; Asbestos waste, if present in the building proposed to be demolished, is to be removed, handled, transported and disposed of in accordance with *NSW SafeWork* requirements and the provisions of both the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*.

Note: There is no waste facility licensed to receive asbestos within the Yass Valley Local Government Area. The nearest suitably licensed waste management facilities are in Jugiong, Canberra and Goulburn. All waste is to be disposed of at a suitably licenced waste management facility. Copies of receipts relating to the disposal of waste must be submitted to Council upon request.

- The deliberate burning of demolition materials shall not be permitted.
All demolition work must be carried out totally within the allotment boundaries and must not extend onto public footpath, public roadway or adjoining properties.
- Vehicles transporting demolition material off site shall have loads secured against any loss during transit.
- Development Consent is to be read in conjunction with
<https://wastelocate.epa.nsw.gov.au/9.7Compliance and enforcement>

9.7.1 Responsibilities for compliance and enforcement

The controls rely on information being provided and checked by the Principal Certifying Authority which may be either the local Council or a Private Certifier. A Private Certifier has powers under the *Environmental Planning & Assessment Act 1979* to issue Construction Certificates, Compliance Certificates, Complying Development Certificates, Occupation Certificates and to carry out mandatory inspections. Councils will not always be the Principal Certifying Authority. When a Council is not nominated as the Principal Certifying Authority for a Complying Development Certificate or Development Application, the Council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and/or enforcement actions between the Council and the Private Certifier will be required.

- Council may act on any development for which Council has issued the Development Consent, even when not appointed as the Principal Certifying Authority to ensure enforcement. Where Council receives a complaint about a development for which Council is not the Principal Certifying Authority, Council should consider whether Council is the appropriate authority to resolve the matter. Complaints that warrant action by Councils because of their greater enforcement powers include:
 - Urgent matters, for example, a danger to the public or a significant breach of the Development Consent or legislation
 - Matters that are not preconditions to the issue of the Occupation/Subdivision Certificate
 - In relation to naturally occurring asbestos, Council is to verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW is to coordinate enforcement where non-compliance is suspected

9.7.2 Compliance strategies

Illegal works include:

- Works that are undertaken without a required Development Consent or Complying Development Certificate
- Works that are undertaken that do not comply with the conditions of the Development Consent or Complying Development Certificate
- Where Council becomes aware of illegal work involving asbestos or asbestos containing materials, Council will notify SafeWork NSW if the site is a workplace
- The *Environmental Planning & Assessment Act 1979* empowers Council to issue Orders to direct specific work be undertaken to comply with a Development Consent
- Council may need to issue an Order under the *Local Government Act 1993* (s124) to direct a person to do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition
- Council may also issue a Clean-Up Notice or Prevention Notice under the *Protection of the Environment Operations Act 1997* as outlined in section 6.1 of these guidelines
- Council may audit asbestos-related demolition works which Council has recently approved by using a legal notice under s192 *Protection of the Environment Operations Act 1997* to require developers to provide information and records regarding disposal of their asbestos waste

10. Managing asbestos as a waste

It is illegal to dispose of asbestos waste in domestic garbage bins or to recycle, reuse, bury or illegally dump asbestos waste. Asbestos must not be placed in general waste skip bins, yet there have been instances where asbestos has been illegally placed in skip bins by third parties. Members of the public need to be aware of this hazard and may need to secure their skip bins to prevent a third party from illegally disposing of asbestos in the skip bin.

Asbestos waste (in any form) must only be disposed of at a landfill site that may lawfully receive asbestos waste.

10.1 Responsibilities for asbestos waste management

Council's responsibilities for asbestos waste management are outlined in section 3.3.

The handling and, where appropriate, temporary storage of asbestos waste at worksites is regulated by SafeWork NSW.

The EPA regulates premises that have or require an environment protection licence in accordance with the *Protection of the Environment Operations Act 1997*. A licence is required where more than 5 tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local Councils.

10.2 Handling asbestos waste for disposal

The *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in section 4.8 of the Code).

10.3 Transporting asbestos waste

The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under s78 *Protection of the Environment Operations (Waste) Regulation 2014*:

- (a) Any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation, and
- (b) If the waste consists of bonded asbestos material-it is securely packaged during the transportation, and
- (c) If the waste consists of friable asbestos material-it is kept in a sealed container during transportation, and
- (d) If the waste consists of asbestos-contaminated soils-it is wetted down

Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*. The transport of asbestos waste in NSW must be recorded from the place of generation to its destination. The waste tracking system is administered by the EPA. Operators that use the EPA's Waste Locate system will follow these requirements. Information about EPA's Waste Locate system can be found at:

www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.htm

An Environment Protection Licence issued by the EPA is required to transport asbestos waste interstate where any load contains more than 200kg of asbestos waste.

It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under s143 *Protection of the Environment Operations Act 1997*). Penalty notices may be issued for \$7,500 (to individuals) and \$15,000 (to corporations). NSW courts may impose penalties up to \$250,000 (for individuals) and \$1,000,000 (for corporations) found guilty of committing this offence.

10.4 Disposing of asbestos waste at waste facilities

There are no facilities in Yass Council LGA which accept asbestos waste. As at the writing of this document, the closest facilities are:

Bald Hill, Jugiong

Mugga Lane, Symonston, ACT

Goulburn Mulwaree Council Tip

Persons delivering waste to a landfill site must comply with the following requirements:

A person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste

When unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust

Non-compliance with these requirements is an offence under the *Protection of the Environment Operations (Waste) Regulation 2014* and these offences attract strong penalties.

10.4.1 Situations in which asbestos waste may be rejected from waste facilities

Asbestos waste may be rejected from a waste facility if the waste is:

- Not correctly packaged for delivery and disposal (as per sections 10.2 and 10.3)
- Not disclosed by the transporter as being asbestos or asbestos containing materials, or
- Taken to a waste facility that does not accept asbestos waste

Where waste is rejected, the waste facility must inform the transporter of the waste of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can

be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*).

Individuals may be fined \$7,500 and corporations may be fined \$15,000 under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Waste) Regulation 2014* for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

10.5 Illegal dumping of asbestos waste

Illegal dumping is the unlawful deposit of waste onto land. That is waste materials dumped, tipped or otherwise deposited onto private or public land where no licence or approval exists to accept such waste. Illegal landfilling, which is waste used as fill material, with or without the consent of the owner or occupier of the land and without the necessary Council or EPA approvals, is also considered to be illegal dumping and pollution of land.

Illegal dumping of asbestos waste in public places such as parks, streets or nature strips can attract regulatory action including:

- On the spot fines of up to \$15,000
- Prosecution for pollution of land of up to \$1 million for a corporation and \$120,000 for each day the offence continues (under s142A *Protection of the Environment Operations Act 1997*), or
- Up to \$1 million-, or seven-years imprisonment, or both for an individual (under s119 *Protection of the Environment Operations Act 1997*)

The responsibility for cleaning up illegally dumped waste lies with the person or company that deposited the waste. If they cannot be identified the relevant occupier or landowner becomes the responsible party.

Local Councils are the appropriate regulatory authority for illegal dumping unless:

- The activity was part of the carrying on of an activity listed in Schedule 1 of the *Protection of the Environment Operations Act 1997*
- The activity was carried out by a public authority or the state, or
- The site is regulated by a different authority such as the Minister for Planning.

A handbook to assist Aboriginal communities to prevent and arrange the clean-up of illegal dumping (published by the EPA) is noted in Appendix B.

10.6 Asbestos remaining on-site

The disposal of asbestos on site is not encouraged as it requires an effective ongoing system of long-term management to ensure the material does not pose unacceptable risks to future site activities and occupants. For on-site burial of asbestos waste, Council will seek advice from the EPA. Council will confirm if on-site disposal is permitted under planning controls whether Consent is required and will require recording of on-site disposal on the Planning Certificate (s10.7)

11. Complaints and investigations

Complaints and inquiries may be directed to Council about incidents in public places and private properties. Complaints and inquiries regarding a workplace should be directed to SafeWork NSW. Complaints and inquiries regarding licensed premises under the *Protection of the Environment Operations Act 1997* should be directed to the EPA.

Council will respond to complaints and inquiries regarding:

- Council's requirements in relation to development, land management and waste management
- Derelict properties
- General asbestos safety issues
- Illegal dumping
- Safe removal and disposal of minor quantities of asbestos materials
- Unsafe work at a residential property conducted by a homeowner or tenant

Complaints about Council in relation to asbestos may be directed to the NSW Ombudsman.

Part 2 – Management of asbestos risks within Council

12. Rights and responsibilities of workers at the Council workplace

12.1 Duties of Council workers at the Council workplace

12.1.1 The General Manager

The General Manager has a duty to exercise due diligence to ensure that Council complies with the *NSW Work Health & Safety Act 2011* and the *NSW Work Health & Safety Regulation 2017*. This includes taking reasonable steps to ensure that Council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

12.1.2 Workers

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Accordingly workers:

- Must comply with these guidelines and any reasonable instruction or procedure relating to health and safety at the workplace
- Must use any personal protective equipment provided, in accordance with information, training and reasonable instruction provided so far as the worker is reasonably able
- May cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose them, or other persons, to a serious health or safety risk, emanating from an immediate or imminent exposure to a hazard
- Should ensure they are using the latest version of all relevant procedures, plans, guidelines and legislation (refer to Appendix G).

Managers are responsible for ensuring workers who report to them have access to these guidelines and appropriate information, documentation and training.

12.1.3 Prohibited work activities

Council will not permit the use of the following on asbestos or asbestos containing material:

- High pressured water spray (unless for firefighting or fire protection purposes), or
- Compressed air

Council will not permit the following equipment to be used on asbestos or asbestos containing material unless the use of the equipment is controlled in accordance with the *NSW Work Health & Safety Regulation 2017*:

- Power tools
- Brooms (note brooms are allowed for use on vinyl floor tiles), or
- Any other implements that cause the release of airborne asbestos into the atmosphere

12.2 Responsibilities of Council -to Council workers

12.2.1 Council's general responsibilities

Council has general responsibilities under the *NSW Work Health & Safety Act 2011* and the *NSW Work Health & Safety Regulation 2017*. Accordingly Council will:

- Not use any asbestos containing materials (unless in accordance with Part 8.1 (419) *NSW Work Health & Safety Regulation 2017*) and will not cause or permit asbestos waste in any form to be reused or recycled
- Ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable
- Ensure that the exposure standard for asbestos (defined in Appendix C) is not exceeded in the workplace
- Notify SafeWork NSW immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.02 fibres/ml of air

- Ensure that any contractors engaged to undertake the removal of asbestos for Council are appropriately licensed
- Consult with workers as required by the *Work Health & Safety Act 2011*.

Council will not import asbestos or asbestos containing material into Australia as prohibited under the *Customs (Prohibited Imports) Regulations 1956*. If plant or other materials are imported from countries where asbestos is not yet prohibited, Council shall ensure the plant or materials do not contain asbestos prior to supply or use in the workplace.

12.2.2 Education, training and information for workers

As required by the *NSW Work Health & Safety Act 2011* and *NSW Work Health & Safety Regulation 2017*, Council will:

Provide any information, training, instruction or supervision that is necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of Council business

Ensure workers who Council reasonably believes may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material

Any workers who are involved in any activity listed in Appendix A under section 3 on behalf of, or for, Council shall be provided with access to a copy of these guidelines and information and training suitable to their role and the activity.

Workers will be required to sign a statement to the effect that they acknowledge they have received, read and understood a copy of Council's *Asbestos Policy* and any relevant procedures, or alternatively workers may note this in council's electronic record keeping system.

Council will also provide information and training to Council employees who may need to respond to asbestos issues related to renovations and developments as outlined in section 9

Topics training may cover are outlined in the *Code of Practice on How to Safely Remove Asbestos* (catalogue no. WC03561)

Training will include training in the hazards and risks associated with naturally occurring asbestos for workers who carry out work where naturally occurring asbestos is likely to be found.

Education and training will only be provided by appropriately accredited individuals.

Education and training will include in induction and ongoing reinforcement on a regular basis. Council will provide education and training this will be delivered and reinforced at toolbox meetings, general in-house training.

A record of asbestos training undertaken by each worker will be kept until five years after the day the worker ceases to work for council.

A list of workers who have received the appropriate training who can respond to asbestos hazards is available for internal use.]

12.2.3 Health monitoring for workers

Council will ensure health monitoring is provided to a worker if they are carrying out licensed asbestos removal work, other ongoing asbestos removal work or asbestos-related work at the workplace for Council and are at risk of exposure to asbestos when carrying out the work.

The health monitoring will be consistent with the *Code of Practice on How to Safely Remove Asbestos* (catalogue no. WC03561) and meet the requirements of the *NSW Work Health & Safety Regulation 2017* (Part 8.5 Division 1).

Health counselling may be appropriate where a heightened sense of concern exists for individuals possibly exposed to elevated levels of airborne asbestos fibres.

Employees who were exposed to asbestos in the past and if there is a risk to the health of the employee because of that exposure, are covered by the *NSW Work Health & Safety Regulation*

2017 (s435-444). Council will ensure these employees are kept on the health monitoring program.

13. Identifying and recording asbestos hazards in the Council workplace

This section outlines how Council will identify and record asbestos hazards in the workplace. This section does not cover naturally occurring asbestos which is addressed in section 5 or illegal dumping which is addressed in section 10.5.

13.1 Identifying asbestos

Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by a competent person (as defined by the *NSW Work Health & Safety Regulation 2017*). If a material cannot be identified or accessed, it will be assumed to be asbestos. This does not apply if Council has reasonable grounds to believe that asbestos or asbestos containing material is not present.

13.1.1 Material sampling

Council may choose to identify asbestos or asbestos containing material by arranging for a sample to be analysed. Where Council arranges sampling of asbestos containing material, this will be undertaken by an appropriately trained and competent Council worker, or a competent person will be contracted to undertake this task. Analysis of the sample must only be carried out by a National Association of Testing Authorities (NATA) accredited laboratory (refer to Appendix E), or a laboratory approved or operated by the regulator.

13.2 Indicating the presence and location of asbestos

Council will clearly indicate the presence and location of any asbestos or asbestos containing material identified or assumed at the workplace. Where it is reasonably practicable to do so, Council will indicate the presence and location of the asbestos or asbestos containing material by a label.

13.3 Asbestos register

Council has an Asbestos Register which can be found in Magiq

Council's Asbestos Register will be maintained to ensure the register lists all identified (or assumed) asbestos in the workplace and information in the register is up to date. The Asbestos Register will be accessible, reviewed, revised and otherwise managed as mandated by the *NSW Work Health & Safety Regulation 2017* (s425 – 428).

Council will ensure that any worker carrying out or intending to carry out work at a Council workplace that involves a risk of exposure to airborne asbestos, is given a copy of the asbestos register.

13.4 Suspected asbestos

If a worker suspect there is asbestos in a Council workplace, they should inform their manager or supervisor. A competent worker should check the asbestos register for existing asbestos locations and control measures and may need to arrange for an inspection and sampling of the material (refer to section 13.1.1). If it is likely that asbestos or suspected asbestos is present, the Asbestos Register will be updated and workers will be notified of any newly identified asbestos locations.

Council may need to manage the suspected asbestos as outlined in section 14. If the suspected asbestos has been disturbed and has, or could, become airborne, Council may need to respond immediately as outlined in section 15.

14. Managing asbestos-related risks in the Council workplace

14.1 Asbestos management plan

Council will ensure an Asbestos Management Plan is developed, implemented and maintained in accordance with the *Work Health & Safety Regulation 2017* and *Code of Practice for the Management and control of Asbestos in Workplaces* and available for all staff and contractors. The

Manager Facility & Waste Assets will ensure that all Council workplaces that have identified or assumed asbestos will have a written Asbestos Management Plan.

The Asbestos Management Plan will detail how Council will manage identified asbestos or ACM in any of its workplaces. The Asbestos Management Plan must include the following information:

- Roles and responsibilities for asbestos management
- The location of all identified asbestos or ACM
- Air monitoring procedures
- The location of any signs or labels indicating asbestos or ACM in YVC's workplace
- Details of any safe work method statements (SWMS) that are required as part of YVC's safe management of asbestos in the workplace
- Procedure for detailing accidents, incidents or emergencies relating to asbestos at the workplace
- Details of training requirements
- Consultation, communication and information for workers during implementation of control measures
- Risk control measures
- Health monitoring requirements
- Details of any NOA identified at Council's workplaces (Refer to Section 3.6 -Naturally Occurring Asbestos)

The Coordinator Risk Management will assist the relevant Business Services Manager to prepare, maintain and review the asbestos management plan in accordance with this procedure.

14.1.1 Review of Asbestos Management Plan

To ensure the asbestos management plan is kept accurate and up to date, Council will review and revise the asbestos management plan at the following times:

- Ensure the asbestos management plan is kept accurate and up to date, Council will review and revise the asbestos management plan at the following times:
- When any new asbestos or ACM is identified at the workplace
- If any identified asbestos or ACM at the workplace is disturbed
- The removal of any identified asbestos or ACM from the workplace
- If it is deemed the asbestos management plan is no longer adequate to manage the asbestos or ACM in Council workplace
- A it is deemed the asbestos management plan is no longer adequate to manage the asbestos or ACM in Council workplace
- If a HSR requests a review because they reasonably believe that the asbestos management plan was not adequately reviewed and any of the matters listed in the above points affects or may affect the health and safety of a member of their work group.

Council will ensure that the asbestos management plan is kept at the workplace and readily accessible to:

- Any worker who carries out or intends to carry out work at a Council workplace
- The Health & Safety Representative (HSR) for the workers who carry out or intend to carry out work at a Council workplace
- Any other duty holder who carries out, intends to carry out, or requires to be carried out, work at a Council workplace

The Asbestos Management Plan will be accessible, reviewed, revised and otherwise managed as mandated by s429 NSW *Work Health & Safety Regulation 2017*.

14.2 Asbestos Management Plan for naturally occurring asbestos

Council is not aware of any naturally occurring asbestos in the workplace. If naturally occurring asbestos is discovered, Council will prepare an Asbestos Management Plan in relation to the naturally occurring asbestos in accordance with the *NSW Work Health & Safety Regulation 2017* Part 8.4 (Management of naturally occurring asbestos).

14.3 Management options for asbestos-related risks in the Council workplace

Council's Asbestos Management Plan includes decisions and reasons for decisions about the management of asbestos at the workplace.

Options for managing asbestos-related risks include:

- Removal of asbestos or asbestos containing materials (preferred wherever reasonably practicable)
- Interim control measures: enclosure (only for non-friable asbestos), encapsulation (when the original asbestos bond is still intact) or sealing (where the sealed material is unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person
- Leaving asbestos containing material in situ (deferring action)

Council may undertake an asbestos risk assessment, in consultation with workers and/or their representatives, to inform decision-making. Only competent persons will perform risk assessments or any subsequent reviews or revisions of risk assessments.

For all asbestos work or asbestos-related work, safe work practices will be in place and suitable personal protective equipment will be used.

14.4 Sites contaminated with asbestos that are Council workplaces

Where asbestos is identified as contaminating a workplace, the site will be included in Council's Asbestos Register and Asbestos Management Plan.

Council may need to ensure that an exposure assessment is undertaken and that appropriate risk management options are determined and implemented.

For asbestos in soil or aggregate, a suitably qualified occupational hygienist must carry out an assessment if the material in the soil and aggregate is unknown or classified as friable.

Council should engage specialists, who may include asbestos removalists, for all cases except in the case of minor, non-friable contaminations.

Further details on managing land contaminated with asbestos may be found in section 6.

14.5 Demolition or refurbishment of Council buildings and assets

Council will ensure that before any demolition or refurbishment of a Council structure or plant constructed or installed before 31 December 2003 is undertaken, the Asbestos Register is reviewed and a copy provided to the business undertaking the demolition or refurbishment. Council will ensure that any asbestos that is likely to be disturbed is identified and so far as is reasonably practicable removed.

14.6 Removal of asbestos in the Council workplace

Removal of asbestos or asbestos containing materials in the Council workplace will be undertaken in accordance with the:

- *NSW Work Health & Safety Act 2011*
- *NSW Work Health & Safety Regulation 2017*.

Council may also refer to the *Code of Practice on How to Safely Remove Asbestos* (catalogue no. WC03561).

For licensed asbestos removal work, a licensed asbestos removalist must meet the requirements of the *NSW Work Health & Safety Regulation 2017* including the requirements to:

- Notifies SafeWork NSW at least five days prior to the asbestos removal work commencing. However, in the case of emergency work, such as burst pipes, fires and illegally dumped asbestos, Council may request to SafeWork NSW to waive the five-day period
- Prepares supplies and keeps an Asbestos Removal Control Plan
- Obtains a copy of the Asbestos Register for the workplace before carrying out asbestos removal work at the workplace (this does not apply if the asbestos removal work is to be carried out at residential premises, for example cleaning up asbestos that has been illegally dumped at a residential premises)
- Inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace
- Erect signs and barricades
- Limit access to the asbestos removal area
- Properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment
- Arrange a clearance inspection and clearance certificate.

Where Council is informed that asbestos removal work is to be carried out at the workplace, Council will inform workers and those in the immediate vicinity of the workplace and limit access to the asbestos removal area as per the *NSW Work Health & Safety Regulation 2017*.

14.6.1 Removal by Council employees

Council is not licenced and does not have trained employees for asbestos removal.

14.6.2 Removal by contractors

Where Council commissions the removal of asbestos at the workplace, Council will ensure asbestos removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work, unless specified in the *NSW Work Health & Safety Regulation 2017* that a licence is not required.

Where Council requires the services of asbestos removalists, Council will require the licence details of asbestos removalists prior to engaging their services and will verify the licence details with SafeWork NSW's Certification Unit prior to entering a contract or agreement with the licensed asbestos removalists.

Council is required to ensure that the work is carried out by a competent person who has been trained in the identification and safe handling of, and suitable control measures for, asbestos and asbestos containing material. Council will therefore require a statement in a written contract or agreement with the licensed asbestos removalist that the licensed asbestos removalist who will undertake the work has been adequately trained and is provided with appropriate health monitoring by their employer.

The licensed asbestos removalist is to provide the following documentation prior to carrying out asbestos removal work:

- Asbestos removal control plan
- Public liability certificate of currency
- Workers' Compensation certificate of currency
- SafeWork NSW confirmation details to carry out the removal work

Council will provide a copy of the asbestos register to the licensed asbestos removalist.

Where Council becomes aware of any breaches by licensed asbestos removalists, Council will report this to SafeWork NSW.

14.6.3 Clearance inspections and certificates

Where Council commissions any licensed asbestos removal work, Council will ensure that once the licensed asbestos removal work has been completed, a clearance inspection is carried out and a clearance certificate is issued by an independent licensed asbestos assessor (for Class A asbestos removal work) or an independent competent person (in any other case) before the asbestos removal area is re-occupied.

The Friable Asbestos Clearance Certificate will require visual inspection as well as air monitoring of the asbestos removal site. Air monitoring is mandatory for all friable asbestos removal. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor.

The Friable Asbestos Clearance Certificate is to state that there was no visible asbestos residue in the area or vicinity of the area where the work was carried out and that the airborne asbestos fibre level was less than 0.01 asbestos fibres/ml.

15. Accidental disturbance of asbestos by workers

In situations where asbestos is accidentally disturbed by Council work and has, or could become airborne, Council will act to minimise exposure of workers and the wider public to airborne asbestos. The process will be:

- Stop works in the vicinity of the asbestos immediately
- Informs the site supervisor immediately, informs necessary workers and records the incident
- Evacuates the area
- Provides personal protective equipment and briefings to appropriately trained workers who will respond to the incident
- Restricts access to the area and ensure only appropriately trained and equipped Council workers attend the site
- Excludes the public from the site and provides information to the public if in a public area
- Wet surfaces to reduce the dust levels
- Prevents the spread of contamination by using wash down facilities
- Provides information, training and supervision to all workers of the potentially at risk
- Contacts SafeWork NSW to report the disturbance. SafeWork NSW must be immediately notified if persons are likely to be effected by asbestos fibres or if an air monitoring process records a level above 0.02 fibres/ml of air
- Implements an air monitoring program to assess asbestos exposure levels and specific risk control measures.
- Liaises with or consult the appropriate agencies
- Seeks advice from an occupational hygienist
- Follows the *Code of Practice on how to safely remove Asbestos* (catalogue no. WC03561)
- Ensures that asbestos materials are disposed of at a facility licensed to accept asbestos materials, and where contractors have been engaged to dispose of asbestos waste, sight proof of appropriate disposal through weighbridge dockets or similar documentation
- Updates the Asbestos Register and notifies workers of any newly identified asbestos locations

16. Council's role in the disposal of asbestos waste

16.1 Responding to illegal dumping

Council will engage contractors to removal of illegally dumped asbestos material or suspected asbestos material, Council will ensure this is undertaken in accordance with section 14.6.2.

Where Council becomes aware of illegally dumped asbestos material outside of Council's jurisdiction, Council will promptly notify the relevant authority.

16.2 Transporting and disposing of asbestos waste Council will ensure contractors transport and dispose of waste in accordance with the legislation and as outlined in section 10.

16.3 Operating council's waste facility licensed to accept asbestos waste

Council transfer stations are not licensed to accept asbestos waste.

Should asbestos waste be taken to a Council transfer station the asbestos will not accept asbestos, Council will reject the waste. Where waste is rejected, Council will complete a rejected loads register (a template is available from SafeWork NSW). Council will also inform the transporter of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*). If Council suspects that there is a risk of illegal dumping of the rejected waste, Council will inform Environmental Services (Compliance Ranger). Suitable disposal for loads that are refused entry will remain the responsibility of the transporter and later the transporter will need to demonstrate to Council that the waste has been appropriately disposed.

Where asbestos waste is illegally dumped at an unstaffed waste station, management options for Council include to:

- Undertake surveillance via video cameras to issue fines or deter dumping
- Provide targeted education to neighbouring landholders to ensure that they do not allow access to the waste station

16.4 Recycling facilities

Council will screen and inspect incoming loads at recycling facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

To prevent contamination of recycled products and to manage situations where contamination has occurred, Council will adhere to the guide: *Management of Asbestos in Recycled Construction and Demolition Waste*.

16.5 Re-excavation of landfill sites

The re-excavation of a Council landfill site where significant quantities of asbestos waste are deposited is not encouraged and should only be considered with reference to any available records on the nature, distribution and quantities of asbestos waste required under the relevant legislation, and consultation with the Environment Protection Authority (as the appropriate Regulatory Authority under the *Protection of the Environment Operations Act 1997*).

17. Advice to tenants and prospective buyers of Council owned property

Council may provide advisory notes to tenants and prospective buyers of Council owned property that is likely to contain asbestos.

Council may request that tenants in Council property:

- Advise Council of any hazards relating to asbestos
- Minimise damage to asbestos containing material
- Co-operate with Council in facilitating any risk management work arranged by Council
- Act on advice from Council to minimise risks from asbestos.

18. Implementing council's asbestos policy

18.1 Supporting documents

The implementation of these guidelines is supported by Council's conditions of Consent – Within this document or consultation with Planning Section

Guidelines for disposing of asbestos waste - Within this document or consult with Planning Section. Council also has several internal documents that support these guidelines.

- Asbestos Management Plan
- Asbestos Register
- Incident Report Form

- Maintenance and inspection for Council owned assets
- Safe Work Method Statements/procedure for asbestos handling and removal for Council employees
- Conditions of Content

Council may also wish to note any documents which Council intends to prepare to support these guidelines, for example:

- Asbestos inquiries and complaints response flowchart/process and checklist
- Asbestos Management Plan

18.2 Communicating the policy

This is a publicly available policy. The guidelines is to be made available via Council's:

- Principal office – 209 Comur Street, Yass, NSW2582
- Website <https://www.yassvalley.nsw.gov.au/>
- Electronic record keeping system Magiq.

All employees shall receive information about the guidelines at induction from the Coordinator Risk Management

Any workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public) who are involved in any activity or activities listed in Appendix A under section 3 on behalf of, or for, Council shall be provided with access to a copy of these guidelines and relevant supporting documents. This includes any workers involved in commencing, arranging, undertaking, regulating, inspecting or supervising a potentially hazardous activity or activities. Managers are responsible for ensuring workers who report to them have access to the policy and appropriate information, documentation and training in asbestos awareness (as per the *NSW Work Health & Safety Regulation 2017*) prior to planning the activity or activities. Further information about training is noted in section 12.2.2 of these guidelines.

Council shall incorporate a statement regarding compliance with these guidelines in all relevant contracts and agreements with workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public).

In the case of any substantive revisions to the policy, the revisions will be approved by the General Manager, the General Manager will notify all persons who may have cause to undertake, arrange or supervise any activities listed in Appendix A under section 3 on behalf of, or for, Council.

18.3 Non-compliance with the policy

Failure by workers to adhere to the guidelines and failure by managers to adequately inform relevant workers of these guidelines shall be considered non-compliance with these guidelines.

Workers should approach their supervisor or manager if they are experiencing difficulties in understanding or implementing the guidelines or if they are concerned that other workers are not complying with the guidelines.

19. Variations to these guidelines

Council reserves the right to review, vary or revoke these guidelines. The General Manager may allow variations to the policy for minor issues in individual cases.

Appendices

Appendix A – General information and guidance

1. What is asbestos?

Asbestos is the generic term for a number of naturally occurring, fibrous silicate materials. If asbestos is disturbed it can release dangerous fine particles of dust containing asbestos fibres. Breathing in dust containing elevated levels of asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

There are two major groups of asbestos:

- The serpentine group contains chrysotile, commonly known as white asbestos
- The amphibole group contains amosite (brown asbestos) and crocidolite (blue asbestos) as well as some other less common types (such as tremolite, actinolite and anthophyllite)

Further information about the different types of asbestos can be found in: Environmental Health Standing Committee (enHealth), *Asbestos: A guide for householders and the general public*, Australian Health Protection Principal Committee, Canberra, 2013 (available at:

<https://www1.health.gov.au/internet/main/publishing.nsf/Content/ohp-enhealth-asbestos-faqs-htm>

In Australia, in the past asbestos was mined and widely used in the manufacture of a variety of materials. Asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited in Australia since 31 December 2003.

Asbestos legacy materials still exist in many homes, buildings and other assets. It is estimated that 1 in 3 Australian homes contains building materials with asbestos. Where the material containing asbestos is in a non-friable form (or bonded), undisturbed, and painted or otherwise sealed, it may remain safely in place. However, where the asbestos containing material is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos unsafely can create a health hazard.

It is often difficult to identify the presence of asbestos by sight. If you are in doubt, it is best to assume that you are dealing with asbestos and take every precaution. The most accurate way to find out whether a material contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos such as an occupational hygienist. It can be unsafe for an unqualified person to take a sample of asbestos. Licensed asbestos removalists can be found by using the telephone directory. Council encourages residents to ask the contractor for a copy of their licence prior to engaging them. Residents can then check with SafeWork NSW (phone 13 10 50) to confirm the contractor has the appropriate class of licence for the asbestos removal job.

2. Where is asbestos found?

Asbestos can be found where it occurs naturally and in a variety of materials (from prior to 2004) in residential, commercial and industrial premises and on public and private land.

2.1 Naturally occurring asbestos

Naturally occurring asbestos refers to the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. [The map provided in Appendix L](#) gives an indication of areas in NSW known to have naturally occurring asbestos.

Work processes that have the potential to inadvertently release naturally occurring asbestos into the air include:

- Agriculture
- Forestry
- Landscaping
- Other excavation or construction activities
- Pipe works and telecommunications works

- Road construction and road works

Further information can be found in these guidelines under section 5 and in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW, which provides a photograph of naturally occurring asbestos. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

2.2 Residential premises

As a general rule, a house built:

- Before the mid-1980s – is highly likely to contain asbestos containing products
- Between the mid-1980s and 1990 – is likely to contain asbestos containing products
- After 1990 – is unlikely to contain asbestos containing products. However, some houses built in the 1990s and early 2000s may have still used asbestos cement materials until the total ban on any activity involving asbestos products became effective from December 2003

Pipelines installed prior to 1992, particularly black surface coated and grey surface pipes, may contain asbestos.

It is important to note, the most accurate way to find out whether a material contains asbestos is by engaging a licensed asbestos removalist or occupational hygienist to inspect and arrange testing where necessary.

Fibre cement sheeting, commonly known as 'fibro', 'asbestos sheeting' or 'AC sheeting' (asbestos containing sheeting) is the most commonly found legacy asbestos material in residential premises. Other asbestos containing materials were used in 'fibro' houses but also found in brick and timber housing stock from that period. Asbestos materials were sold under a range of commercial names. Some asbestos containing materials found in New South Wales domestic settings are listed in Appendix J.

Common places where asbestos is likely to be found in and around homes include:

1. Outside
 - Backyard garden sheds, carports, garages and dog kennels
 - Electrical meter boards
 - Imitation brick cladding
 - Lining under eaves
 - Wall and roof materials (flat, patterned or corrugated asbestos sheeting)
2. Inside
 - Insulation materials in heaters and stoves
 - Interior walls and sheeting
 - Sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors)
 - Vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles including kitchen splashback

Asbestos can also be found in:

- Angle mouldings (internal and external)
- Board around windows and fireplaces
- Brake pads and clutch pads to vehicles
- Buried and dumped waste materials
- Carpet underlay
- Ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity and may have moved to wall cavities, cornices and sub-floor areas)
- Cement flooring
- External toilets

- Fencing
- Guttering, downpipes and vent pipes
- Inside appliances e.g. irons, whitegoods
- Gable ends
- Outbuildings
- Ridge capping
- Swimming pools – reinforcing marble swimming pools
- Ventilators – internal and external.

Other places asbestos can be found are listed in Appendix J.

2.3 Commercial and industrial premises

In commercial and industrial premises, asbestos may be found in the abovementioned places and also:

- Asbestos rope or fabric in expansion joints (for example exhaust flues) and insulation
- Bituminous waterproof membrane on flat roofs
- Brake disc pads and brake linings
- Cloth, tapes, ropes and gaskets for packing
- Electrical switchboards and duct heater units
- Fillers and filters
- Fire doors
- Lagging on pipes such as heater flues
- Lift motor rooms
- Pipes, casing for water and electrical/ telecommunication services
- Rubber, plastics, thermosetting resins, adhesives, paints, coatings, caulking compounds and sealants for thermal, electrical and insulation applications
- Structural beams of buildings
- Yarns and textiles e.g. fire blankets

Other places asbestos can be found are listed in Appendix J.

2.4 Sites contaminated with asbestos

Contamination of soils from asbestos or asbestos containing materials can present a risk in urban and rural environments if the asbestos can give rise to elevated levels of airborne fibres that people can breathe. Whilst buried material may not give rise to airborne asbestos fibres if securely contained, inappropriate disturbance of this waste could give rise to harmful levels of asbestos fibres in air. Activities such as those listed in section 3 of this Appendix have the potential to encounter and disturb asbestos waste or contamination, particularly where the contamination is not known to be present at the site or has not been appropriately considered.

2.4.1 Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

- Industrial land, e.g., asbestos-cement manufacturing facilities, former power stations, and rail and shipyards, especially workshops and depots
- Waste disposal or dumping sites, including sites of illegal dumping e.g., building waste
- Sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes
- Buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004)

- Land with fill or foundation material of unknown composition
- Sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, e.g., asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite
- Sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004)
- Disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

2.4.2 Significantly contaminated land

For sites that are significantly contaminated, the EPA and SafeWork NSW are the lead regulatory authorities. The *Contaminated Land Management Act 1997* applies to significantly contaminated land. In general, significant contamination is usually associated with former asbestos processing facilities or where large quantities of buried friable asbestos waste has been uncovered and is giving rise to measurable levels of asbestos fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: www.epa.nsw.gov.au/clm/publiclist.htm

If land is contaminated but not determined to be 'significant enough to warrant regulation' then the *Contaminated Land Management Act 1997* does not apply. In such cases the provisions within the planning legislation and/or the *Protection of the Environment Operations Act 1997* may be the appropriate mechanism for management of such contamination.

Guidance on assessing land can be found in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

3. Potentially hazardous activities

A number of activities could cause asbestos to be inadvertently disturbed and consequently create a health risk.

Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or certain precautions may be required, or an appropriately licensed person may be required to undertake the activity.

Members of the public could inadvertently disturb asbestos through activities including:

- Renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials
- Sealing, painting, brushing and cleaning asbestos cement products
- Demolitions of homes or other structures (dismantling or destruction)
- Relocating a house, building or structure
- Using compressed air on asbestos containing materials
- Water blasting asbestos containing materials
- Cleaning gutters on asbestos cement roofs
- Handling asbestos cement conduits or boxes
- Maintenance work such as plumbing and electrical work on or adjacent to asbestos containing materials such as working on electrical mounting boards
- Maintenance or servicing of materials from vehicles, plant or equipment
- Checking, removing or replacing ceiling insulation which contains asbestos

Council could inadvertently disturb asbestos through activities such as:

- Abovementioned activities
- Asset and building maintenance

- Certifying inspections of sites and premises
- Transport and disposal of illegally dumped materials
- Collection, transport and disposal of incorrectly disposed of materials

Naturally occurring asbestos and contaminated sites could be inadvertently disturbed during:

- Road building
- Site and construction work
- Other excavation activities
- Vehicle movements

Natural processes can create a risk of exposure to asbestos including:

- Extensive fire or storm damage to asbestos cement roofs or building materials
- Extensive weathering and etching of unsealed asbestos cement roofs

In addition, work that intentionally disturbs asbestos, such as sampling or removal, should be conducted by a competent person and in accordance with the relevant codes of practice and legislation.

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- Relocating a house, building or structure
- Using compressed air on asbestos containing materials
- Water blasting asbestos containing materials
- Cleaning gutters on asbestos cement roofs
- Handling asbestos cement conduits or boxes
- Maintenance work such as plumbing and electrical work on or adjacent to asbestos containing materials such as working on electrical mounting boards
- Maintenance or servicing of materials from vehicles, plant or equipment
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4. Health hazards

Asbestos fibres can pose a risk to health if airborne, as inhalation is the main way that asbestos enters the body. The World Health Organisation has stated that concentrations of asbestos in drinking water from asbestos cement pipes do not present a hazard to human health.

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma. The risk of contracting these diseases increases with the number of fibres inhaled and the risk of lung cancer from inhaling asbestos fibres is greatly increased if you smoke. Small fibres are the most dangerous and they are invisible to the naked eye. People who are at most risk are those who have been exposed to high levels of asbestos for a long time. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

Asbestosis is the irreversible scarring of lung tissue that can result from the inhalation of substantial amounts of asbestos over a period of years. It results in breathlessness that may lead to disability and, in some case, death.

Lung cancer can be caused by asbestos. Lung cancer is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

Mesothelioma is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure, and most cases occur over 30 years after first exposure. Accordingly, the rates of malignant mesothelioma (an incurable cancer) are expected to rise from the year 2012 to 2020 and are expected to peak in this time.

If asbestos fibres are in a stable material, for example bonded in asbestos-cement sheeting (such as fibro), and these materials are in good condition they pose little health risk. However, where fibro or other non-friable asbestos sheeting is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos containing materials unsafely can create a hazard.

The occupational standard for asbestos is 0.1fibre/ml of air and the environmental standard is 0.01fibre/ml in air.

When someone has potentially been exposed to asbestos or receives or expects they may receive a diagnosis of an asbestos-related disease, they may experience psychological distress, including anxiety and may be in need of support. Their family and those around them may also be vulnerable to psychological distress.

Appendix B – Further information

Aboriginal communities

Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA)
<https://www.epa.nsw.gov.au/illegaldumping/resources.htm>

Asbestos contractors

Choosing an asbestos consultant fact sheet (catalogue no. WC04547) (SafeWork NSW)
<https://www.safework.nsw.gov.au/asbestos-and-demolition-licence-holders>

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages www.yellowpages.com.au or by contacting the Asbestos Removal Contractors Association NSW (ARCA) www.arcansw.asn.au or by emailing: email@arcansw.asn.au. An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW's Certification Unit on 13 10 50.

Asbestos waste

Advice about safely disposing of household asbestos waste can be found at:
www.epa.nsw.gov.au/managewaste/house-asbestos.htm

Asbestos waste disposal facility search function on the Asbestos Safety and Eradication Agency website:
www.asbestossafety.gov.au/search-disposal-facilities

Crackdown on Illegal Dumping: A Handbook for Local Government, 2007 (EPA)
www.epa.nsw.gov.au/illegaldumping/resources.htm

Illegally Dumped Asbestos Clean Up Program (IDACUP): Council may become involved in clean-up activities of illegally dumped asbestos waste. Where the responsible party is unknown, unavailable, unwilling (despite a legal obligation to do so) or unable to pay for clean up within the timeframe required to avoid or at least minimise harm to the environment or public health, Council may apply for funding under the IDACUP. Information about the IDACUP is available at www.environment.nsw.gov.au/grants/IDACUP.htm

Regional Illegal Dumping (RID) Squads are regionally based teams that specialise in dealing with illegal dumping. The squads are funded by the EPA and the member local councils who opt to work together and pool resources to tackle illegal dumping.

RID online is a Statewide illegal dumping database and reporting tool to assist councils and the EPA develop a comprehensive picture of the extent of illegal dumping in NSW. Members of the community can assist by reporting illegal dumping online through the RID Online App.

For more information on illegal dumping and safely disposing of asbestos waste visit the EPA website:
www.epa.nsw.gov.au

Management of asbestos in recycled construction and demolition waste, 2010 (SafeWork NSW)
https://www.safework.nsw.gov.au/_data/assets/pdf_file/0016/51730/SW08774-Management-of-asbestos-in-recycled-construction-and-demolition-waste-guide.pdf

Contaminated land

Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2015 (EPA).
www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf

Managing land contamination: Planning guidelines SEPP 55 – Remediation of land, 1998 (Department of Planning and Environment and EPA) www.epa.nsw.gov.au/resources/clm/gu_contam.pdf

Emergency management

Guidance Material: Asbestos and Fire-damaged Buildings, 2015 (EPA) <https://www.epa.nsw.gov.au/>

NSW Asbestos Emergency Plan: The NSW Asbestos Emergency sub plan details the specific arrangements for the coordinated funding and management of asbestos debris during and following a larger scale emergency, being an event that requires a significant and coordinated response, where the presence of asbestos containing material in the community poses a significant risk to public health and safety.
www.emergency.nsw.gov.au/publications/plans/sub-plans/asbestos.html

Environmental risk assessment

Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia)

Available via email by contacting the enHealth Secretariat

Health

Asbestos and health risks fact sheet, 2007 (NSW Health)

www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx

Further advice concerning the health risks of asbestos can be obtained from your local public health unit.

Renovation and development

Asbestos: A guide for householders and the general public, Environmental Health Standing Committee (enHealth), Australian Health Protection Principal Committee, Canberra, 2013).

Asbestos Awareness website (Asbestos Education Committee)

www.asbestosawareness.com.au

Choosing and working with a principal certifying authority: A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board)

www.bpb.nsw.gov.au/sites/default/files/public/Finalbuildingappbroch.pdf

Practical guidance

Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW

Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW

Tenants

Tenants' rights Fact sheet 26 Asbestos and lead, 2010 (Tenants NSW) www.tenants.org.au/publish/factsheet-26-asbestos-lead/index.php

Tenants – Housing NSW tenants

Asbestos fact sheet, 2010 (Housing NSW)

Appendix C – Definitions

The terms used in the policy are defined as below, consistent with the definitions in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008*
- *Protection of the Environment Operations Act 1997*
- *Waste classification guideline's part 1 classifying waste 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2017*

accredited certifier in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the *Building Professionals Act 2005* in relation to those matters.

airborne asbestos means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.

asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:

- a. Actinolite asbestos
- b. Grunerite (or amosite) asbestos (brown)
- c. Anthophyllite asbestos
- d. Chrysotile asbestos (white)
- e. Crocidolite asbestos (blue)
- f. Tremolite asbestos
- g. A mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f)

asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos.

asbestos-contaminated dust or debris (ACD) means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

asbestos-related work means work involving asbestos that is permitted under the *Work Health and Safety Regulation 2017*, other than asbestos removal work.

asbestos removal licence means a Class A asbestos removal licence or a Class B asbestos removal licence.

asbestos removal work means:

- a. work involving the removal of asbestos or asbestos containing material, or
- b. Class A asbestos removal work or Class B asbestos removal work.

asbestos removalist means a person conducting a business or undertaking who carries out asbestos removal work.

asbestos waste means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.

certifying authority means a person who is authorised by or under section 85A of the *Environmental Planning & Assessment Act 1979* to issue complying development certificates or is authorised by or under s109D *Environmental Planning & Assessment Act 1979* to issue Part 4A certificates.

Class A asbestos removal licence means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.

Class A asbestos removal work means the removal of friable asbestos which must be licensed under clause 485 of the *Work Health & Safety Regulation 2017*. This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

Class B asbestos removal licence means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.

Class B asbestos removal work means the removal of more than 10 square metres of non-friable asbestos or asbestos containing material work that is required to be licensed under clause 487 but does not include Class A asbestos removal work.

competent person means a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

- a. A certification in relation to the specified VET course for asbestos assessor work, or
- b. A tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

complying development is a fast track, 10-day approval process where a building meets all of the predetermined standards established in either a state or local Council planning document. A complying development certificate can be issued by either a local Council or an accredited certifier.

complying development certificate means < >

contaminant means any substance that may be harmful to health or safety.

contamination of land means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment

control measure, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.

demolition work means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include:

- a. The dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work, or
- b. The removal of power, light or telecommunication poles

development means:

- a. The use of land
- b. The subdivision of land
- c. The erection of a building
- d. The carrying out of a work
- e. The demolition of a building or work
- f. Any other act, matter or thing referred to in s26 *Environmental Planning & Assessment Act 1979* that is controlled by an environmental planning instrument.

development application means an application for consent under Part 4 *Environmental Planning & Assessment Act 1979* to carry out development but does not include an application for a complying development certificate.

emergency service organisation includes any of the following:

- a. The Ambulance Service of NSW
- b. Fire and Rescue NSW
- c. The NSW Rural Fire Service
- d. The NSW Police Force
- e. The State Emergency Service
- f. The NSW Volunteer Rescue Association Inc
- g. The NSW Mines Rescue Brigade established under the *Coal Industry Act 2001*
- h. An accredited rescue unit within the meaning of the *State Emergency & Rescue Management Act 1989*

exempt development means minor development that does not require any planning or construction approval because it is exempt from planning approval.

exposure standard for asbestos is a respirable fibre level of 0.1 fibres/ml of air measured in a person's breathing zone and expressed as a time weighted average fibre concentration calculated over an eight-hour working day

and measured over a minimum period of four hours in accordance with the Membrane Filter Method or a method determined by the relevant regulator.

friable asbestos means material that:

- a. Is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- b. Contains asbestos.

health means physical and psychological health.

health monitoring, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

independent, in relation to clearance inspections and air monitoring means:

- a. Not involved in the removal of the asbestos
- b. Not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted

in situ asbestos means asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.

licence holder means in the case of an asbestos assessor licence – the person who is licensed:

- a. To carry out air monitoring during Class A asbestos removal work
- b. To carry out clearance inspections of Class A asbestos removal work
- c. To issue clearance certificates in relation to Class A asbestos removal work, or
 - In the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted, or
 - In the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred

licensed asbestos assessor means a person who holds an asbestos assessor licence.

licensed asbestos removalist means a person conducting a business or undertaking who is licensed under the *Work Health & Safety Regulation 2017* to carry out Class A asbestos removal work or Class B asbestos removal work.

licensed asbestos removal work means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.

NATA means the National Association of Testing Authorities, Australia.

NATA-accredited laboratory means a testing laboratory accredited by NATA or recognised by NATA either solely or with someone else.

naturally occurring asbestos means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

non-friable asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

Note. Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).

occupational hygienist means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).

occupier includes a tenant or other lawful occupant of premises, not being the owner.

officer means an officer as defined in the *NSW Work Health and Safety Act 2011*.

orphan waste means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.

person conducting a business or undertaking is a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.

personal protective equipment means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.

respirable asbestos fibre means an asbestos fibre that:

- a. Are less than three micrometres wide
- b. More than five micrometres long
- c. Has a length to width ratio of more than 3:1.

specified VET course means:

- a. In relation to Class A asbestos removal work – the following VET courses:
 - Remove non-friable asbestos
 - Remove friable asbestos, or
- b. In relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
- c. In relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or
- d. In relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal

structure means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- a. Buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- b. Any component of a structure
- c. Part of a structure
- d. Volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

waste includes:

- Any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- Any discarded, rejected, unwanted, surplus or abandoned substance, or
- Any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- Any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- Any substance prescribed by the regulations made under the *Protection of the Environment Operations Act 1997* to be waste

waste facility means any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).

worker means a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- a. An employee, or
- b. A contractor or subcontractor, or
- c. An employee of a contractor or subcontractor, or
- d. An employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- e. An outworker, or
- f. An apprentice or trainee, or
- g. A student gaining work experience, or
- h. A volunteer, or
- i. A person of a prescribed class

workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.

Appendix D – Acronyms

ACD	Asbestos Containing Dust (an acronym used in the legislation)
ACM	Asbestos Containing Material (an acronym used in the legislation)
ARA	Appropriate Regulatory Authority (an acronym used in the legislation)
DA	Development Application
EPA	Environment Protection Authority
JRPP	Joint Regional Planning Panel
LGA	Local Government Area
NATA	National Association of Testing Authorities
NSW	New South Wales
SEPP	State Environmental Planning Policy
VET	Vocational Education and Training

Appendix E – Relevant contacts

- Council's contact for advice on development assessment is in the Planning and Environment Division (02 62261477)
- Local licensed removalists (particularly useful in the event of an emergency) local contractors near Yass link - <https://www.yellowpages.com.au/find/asbestos-removal/yass-nsw-2582>
- Local Public Health Unit www.snswhd.health.nsw.gov.au
Waste facilities which accept asbestos are:
 - Bald Hill, Jugiong (contact Cootamundra - Gundagai Regional Council first on (02) 6227 7817 or 1300 459 689 and they require 24 hours' notice)
 - Mugga a Lane Waste Facility, Mugga Lane, Symonston, Canberra 13 22 81
 - Goulburn Mulwaree Council Tip – 100 Mitchell Street, Goulburn. (02) 48 23 4839

Asbestos-related disease organisations (non-exhaustive)

Asbestos Diseases Foundation Australia Inc

Phone: (02) 9637 8759

Helpline: 1800 006 196

Email: info@adfa.org.au

Website: www.adfa.org.au

Asbestos Diseases Research Institute

Phone: (02) 9767 9800

Email: info@adri.org.au

Website: www.adri.org.au

Australian Institute of Occupational Hygienists Inc.

Phone: (03) 9338 1635

Email: admin@aioh.org.au

Website: www.aioh.org.au

Dust Diseases Authority

Phone: (02) 8223 6600

Toll Free: 1800 550 027

Email: DDAenquiries@icare.nsw.gov.au

Website: www.icare.nsw.gov.au

Environment Protection Authority (EPA)

Phone: (02) 9995 5000

Environment line: 13 15 55

Email: info@epa.nsw.gov.au

Website: www.epa.nsw.gov.au/epa

Licensed Asbestos Contractors

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages website: www.yellowpages.com.au or contact:

Asbestos Removal Contractors Association NSW

Email: email@arcansw.asn.au

Website: www.arcansw.asn.au

Verification of an asbestos removal contractor's licence can be checked by contacting SafeWork NSW's Certification Unit Phone: 13 10 50

Civil Contractors Federation (CCF)

Phone: (02) 9009 4000

Email: ccfnsw@ccfnsw.com

Website: www.ccfnsw.com/

Local Government NSW

Phone: (02) 9242 4000

Email: lgnsw@lgnsw.org.au

Website: www.lgnsw.org.au/

NSW Ombudsman

Phone: (02) 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Email: nswombo@ombo.nsw.gov.au

Website: www.ombo.nsw.gov.au

Training providers (non-exhaustive)

TAFE NSW

Phone: 131 601

Website: www.tafensw.edu.au

Housing Industry Association (HIA)

Phone: (02) 9978 3333

Website: www.hia.com.au/

Local Government Training Institute

Phone: (02) 4922 2333

Website: www.lgti.com.au

Comet Training

Phone: (02) 9649 5000

Website: www.comet-training.com.au/site

Master Builders Association (MBA)

Phone: (02) 8586 3521

Website: www.masterbuilders.com.au

SafeWork NSW

SafeWork NSW Information Centre Phone: 13 10 50

SafeWork NSW – Asbestos/Demolition Hotline Phone: (02) 8260 5885

Website: www.safework.nsw.gov.au

Appendix F – Waste management facilities that accept asbestos wastes

Waste management facilities that can accept asbestos waste may be operated by Council, the State Government or private enterprise. The fees charged by the facility operators for waste received are determined by the facility.

Not all waste management centres accept asbestos waste from the public. Management of asbestos waste requires special precautions such as a separate disposal location away from other general waste and controls to prevent the liberation of asbestos fibres, such as the immediate covering of such waste.

Waste management facilities in other areas that accept asbestos wastes

A list of licensed landfills that may accept household asbestos waste from the public is available on the EPA website at: <https://www.epa.nsw.gov.au/your-environment/household-building-and-renovation/dealing-with-household-asbestos/facilities-accept-household-asbestos>.

Information about licensed landfills that may accept business and industry asbestos waste is at the following link page: <https://www.epa.nsw.gov.au/your-environment/waste/industrial-waste/asbestos-waste>.

Some of the landfills may accept non-friable asbestos waste but not friable asbestos waste. Some landfills may not accept large quantities of asbestos waste.

Always contact the landfill before taking asbestos waste to a landfill to find out whether asbestos is accepted and any requirements for delivering asbestos to the landfill. EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.

Appendix G – Asbestos-related legislation, policies and standards

- *Contaminated Land Management Act 1997*
- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Demolition work code of practice 2015*
- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *NSW Work Health & Safety Act 2011*
- *NSW Work Health & Safety Regulation 2017*
- *Workers' Compensation (Dust Diseases) Act 1942.*

Appendix H – Agencies roles and responsibilities

NSW organisations

Department of Planning and Environment (DPE)

DPE's primary role in the management of asbestos relates to administration of State Environmental Planning Policies, and the *Environmental Planning & Assessment Act 1979* (and associated Regulation).

Whilst DPE does not have an operational role in the management of asbestos, it has a regulatory function and provides policy support relating to asbestos and development. In assessing proposals for development under the *Environmental Planning & Assessment Act 1979*, consent authorities are required to consider the suitability of the subject land for the proposed development. This includes consideration of the presence of asbestos and its environmental impact.

Where asbestos represents contamination of the land (i.e. it is present in excess of naturally occurring levels), *State Environmental Planning Policy No. 55 – Remediation of Land* imposes obligations on developers and consent authorities in relation to remediation of the land and the assessment and monitoring of its effectiveness.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* enables exempt and complying development across the state. While this includes demolition and the removal of asbestos, the *Environmental Planning & Assessment Regulation 2000* specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Dust Diseases Authority (DDA)

The Dust Diseases Authority provides a system of no-fault compensation to people who have developed a dust disease from occupational exposure to dust as a worker in New South Wales and to their dependants. The DDA's statutory function is to administer the *Workers' Compensation (Dust Diseases) Act 1942*. Services include:

- Payment of compensation benefits to eligible workers and dependants
- Co-ordination and payment of medical and related health care expenses of affected
- Medical examination of workers exposed to dust in the workplace
- Information and education

Environment Protection Authority (EPA)

EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*. Sections 77 - 81 *Protection of the Environment Operations (Waste) Regulation 2014* set out the special requirements relating to the transportation and disposal of asbestos waste.

EPA is the appropriate regulatory authority for activities that require an Environment Protection Licence or are carried out by public authorities such as local Councils, Transport for NSW and Sydney Water. Local Councils are the appropriate regulatory authority for activities that are not regulated by the EPA, which typically include building demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

EPA is responsible for assisting Councils in fulfilling their regulatory responsibilities. EPA has developed resources to assist Local Government to regulate asbestos waste incidents and prevent illegal dumping. Website links to these resources are provided in Appendix B.

The EPA maintains the regulatory framework for the remediation of contaminated land (the *Contaminated Land Management Act 1997*) and actively regulates land that is declared to be 'significantly contaminated' under the *Contaminated Land Management Act 1997*.

Heads of Asbestos Coordination Authorities (HACA)

The HACA is chaired by SafeWork NSW with senior officials from:

- Department of Industry
- Department of Planning and Environment
- Dust Diseases Authority
- Environment Protection Authority
- Local Government NSW
- Ministry of Health
- Office of Emergency Management
- Office of Local Government

The HACA group will improve the management, monitoring and response to asbestos issues in NSW by developing coordinated prevention programs. These programs include a comprehensive public awareness

campaign to promote the safe handling of asbestos and help prevent the risk of exposure to asbestos-related diseases in the NSW community. Further information about the HACA can be found on the SafeWork NSW website: www.safework.nsw.gov.au.

Local Government NSW (LGNSW)

Local Government NSW (LGNSW) is the peak body for Councils in NSW. LGNSW represents all NSW general-purpose Councils, the special-purpose County Councils and the NSW Aboriginal Land Council.

LGNSW is a credible, professional organisation facilitating the development of an effective community-based system of Local Government in NSW. LGNSW represents the views of Councils to NSW and Australian Governments; provides industrial relations and specialist services to Councils; and promotes NSW Councils to the community.

In 2012, LGNSW commenced a project funded by SafeWork NSW to assist councils to adopt and implement a model asbestos policy. The project is outlined at: www.lgnsw.org.au

NSW Department of Industry

The NSW Department of Industry, Skills & Regional Development (known as Regulation NSW) leads the state government's contribution to making NSW:

- A fertile place to invest and to produce goods and services, and thereby
- Create jobs and opportunities for our citizens

The NSW Department of Industry also has responsibilities for:

- Skill formation and development to match industry demand
- Partnering with stakeholders in stewardship and sustainable use of the state's natural resources; and
- Supporting economic growth in the regions.

Within the Division of Resources & Energy in the Department, the Geological Survey of NSW teams of field geologists, geophysicists, mineral geoscientists and palaeontologists and geospatial specialists produce a range of maps. Geological mapping records the distribution of rock types and location of structures at or near the Earth's surface. The maps have applications to land use assessment, engineering construction, environmental management and natural hazard risk assessment.

The Geological Survey of NSW prepared the state-wide mapping of naturally occurring asbestos (NOA) in NSW for the Heads of Asbestos Coordination Authorities.

Ministry of Health

The NSW Ministry of Health does not have express statutory responsibilities for managing asbestos-related risks and incidents in NSW. The Ministry provides an expert advisory service to other governmental agencies on public health issues. This service may include technical information or assistance to prepare public health information bulletins.

NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog body. The NSW Ombudsman is responsible for ensuring that public and private sector agencies and employees within its jurisdiction fulfil their functions appropriately. The NSW Ombudsman assists those agencies and their employees to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best administrative practice.

Office of Fair Trading and the Building Professionals Board (BPB)

NSW Fair Trading safeguards the rights of all consumers and advises business and traders on fair and ethical practice. NSW Fair Trading provides services directly to individuals and businesses to create a fair, safe and equitable marketplace.

NSW Fair Trading is establishing a Loose-Fill Asbestos Implementation Taskforce responsible for overseeing and implementing the NSW Government Voluntary Purchase and Demolition Program for properties containing loose-fill asbestos insulation. The Loose-Fill Asbestos Implementation Taskforce will be in place until work is completed on the purchase and demolition of all properties that choose to participate in the Program.

The Building Professionals Board (BPB) is now part of Fair Trading and oversees building and subdivision certification. The BPB's role involves providing practice advice and educational programs to assist certifying

authorities (private and council) in carrying out their role. The BPB certifies and audits both private and Council certifiers. Further information about the BPB may be found at: www.bpb.nsw.gov.au

Office of Local Government

The Office of Local Government is responsible for Local Government across NSW. The Office's organisational purpose is to 'Strengthen Local Government' and its organisational outcome is 'Fit for the future Councils leading strong communities'.

The Office has a policy, legislative, investigative and program focus in matters ranging from Local Government finance, infrastructure, governance, performance, collaboration and community engagement. The Office strives to work collaboratively with the Local Government sector and is the key adviser to the NSW Government on Local Government matters.

SafeWork NSW

SafeWork NSW is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. SafeWork NSW works with the employers, workers and community of NSW to achieve safer and more productive workplaces, and effective recovery, return to work and security for injured workers.

SafeWork NSW administers work health and safety, injury management, return to work and workers compensation laws, and manage the workers compensation system. SafeWork NSW's activities include health and safety, injuries and claims, licensing for some types of plant operators, registration of some types of plant and factories, training and assessment, medical and healthcare, law and policy.

The SafeWork NSW website provides a wide range of asbestos resources, support networks and links at: www.SafeWorkNSW.nsw.gov.au/newlegislation2012/health-and-safety-topics/asbestos/Pages/default.aspx

National organisations

Asbestos Safety and Eradication Agency

The Asbestos Safety and Eradication Agency was established in 2013 to provide a national focus on asbestos issues which go beyond workplace safety to encompass environmental and public health issues. The agency's objective is to eliminate asbestos-related disease in Australia.

The agency has broad functions under its legislation, including:

- Reporting on the implementation of the National Strategic Plan on Asbestos Awareness and Management (NSP); reviewing and amending the NSP as required and promoting the NSP
- Providing advice to the Minister about asbestos safety
- Liaising with all levels of government, agencies or bodies about the implementation of the NSP; as well as asbestos safety in general; and
- Commissioning, monitoring and promoting research about asbestos safety

The agency administers the National Asbestos Exposure Register which was created to record the details of members of the community who may have been exposed to asbestos. Registration forms are online at <https://www.asbestossafety.gov.au/national-asbestos-exposure-register>.

The agency also maintains a national database for asbestos disposal facilities, which members of the public can search to identify their nearest facility that accepts asbestos waste, available online at <https://www.asbestossafety.gov.au/search-disposal-facilities>

Councils interested in finding out more about the agency, updating information listed on the disposal database, or receiving information, flyers or brochures for distribution within the LGA should contact the agency at enquiries@asbestossafety.gov.au.

National Association of Testing Authorities (NATA)

This body has the role of providing accreditation to firms licensed to remove asbestos.

NSW (Head Office) and ACT

Phone: (02) 9736 8222

National Toll Free: 1800 621 666

Website: www.nata.asn.au

Environmental Health Committee (enHealth)

The Environmental Health Committee (enHealth) is a subcommittee of the Australian Health Protection Committee (AHPC). enHealth provides health policy advice, implementation of the National Environmental Health Strategy 2007-2012, consultation with key players, and the development and coordination of research, information and practical resources on environmental health matters at a national level.

Website: www.health.gov.au/internet/main/publishing.nsf/content/ohp-environ-enhealth-committee.htm

Safe Work Australia

Safe Work Australia is an Australian Government statutory agency established in 2009, with the primary responsibility of improving work health and safety and workers' compensation arrangements across Australia.

Phone: (02) 6121 5317

Email: info@swa.gov.au

Website: www.safeworkaustralia.gov.au

Appendix I – Scenarios illustrating which agencies lead a response in NSW

The tables show which agencies are responsible for regulating the following scenarios in NSW:

- Emergency management
- Naturally occurring asbestos
- Residential settings
- Site contamination
- Waste
- Workplaces

Emergency management

Scenario	Lead organisation	Other regulators
Emergency response	Emergency services	Fire and Rescue (Hazmat) SafeWork NSW
Handover to Local council, owner of property or NSW Police – crime scene following a minor incident	Local council NSW Police	
Handover to State Emergency Recovery Controller	State Emergency Recovery Controller	Recovery Committee Local Council EPA SafeWork NSW
Handover to Recovery Committee following a significant incident	Recovery Committee (formed by State Emergency Recovery Controller)	Local Council EPA SafeWork NSW
Remediation not requiring a licensed removalist	Local council	Principal Certifying Authority SafeWork NSW (workers)
Remediation requiring licensed removal work	SafeWork NSW	Local Council Principal Certifying Authority
Clearance Certificate issued by an Asbestos Assessor	SafeWork NSW	Principal Certifying Authority

Naturally occurring asbestos

Scenario	Lead organisation	Other regulators
Naturally occurring but will be disturbed due to a work process including remediation work	SafeWork NSW	Local Council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring asbestos part of a mineral extraction process	NSW Department of Industry	Local Council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities) SafeWork NSW (workers)
Soil contaminated with asbestos waste and going to be disturbed by a work practice	SafeWork NSW	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites)
Soil contaminated with asbestos waste but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites) SafeWork NSW (workers on site)
Potential for exposure on public land	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local Council SafeWork NSW (workers on site)
Soil contaminated with asbestos waste but at a mine site	NSW Department of Industry EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local Council

Residential settings

Scenario	Lead organisation	Other regulators
Safe Management of asbestos including: <ul style="list-style-type: none"> • Identification • In situ management • Removal requirements • Disposal requirements 	Local Council Private Certifiers	SafeWork NSW EPA
Site contaminated due to past uses	Local Council	SafeWork NSW EPA
Licensed removal work required	SafeWork NSW	Local Council Private Certifiers
Removal does not require a licensed removalist	Local Council Private Certifiers	SafeWork NSW (workers)
Transport or waste disposal issues	Local Council	EPA

Derelict property with fibro debris	Local Council or Multi-agency	Multi-agency
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Site contamination

Scenario	Lead organisation	Other regulators
Asbestos illegally dumped	Local Council	EPA SafeWork NSW
Site contamination at commercial premises	See Workplaces	
Site contamination at residential premises	See Residential settings	

Waste

Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site	SafeWork NSW (worksites) EPA and Local Council (non-worksites)	
Waste transported by vehicle	EPA	SafeWork NSW
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid Council Development Consent	Local Council (Consent required to dispose onsite) (s149 Planning Certificate and development assessment process)
Waste going to landfill site	EPA (advice)	Local Council (if managing licensed landfill)
Waste to be transported interstate	EPA	
Waste for export	Department of Immigration and Border Protection	SafeWork NSW Department of Employment

Workplaces

Scenario	Lead organisation	Other regulators
Asbestos installed/supplied after 2003 (illegally)	SafeWork NSW	
Risks to the health of workers	SafeWork NSW	
Asbestos management and asbestos going to be removed	SafeWork NSW NSW Department of Industry (mine sites)	
Risks to the health of the public from worksites	SafeWork NSW (Risks to workers) Local Council (Risks to the wider public) Department of Planning & Environment (Part 3A approvals) EPA (<i>Protection of the Environment Operations Act 1997</i> licensed sites)	
Waste stored temporarily on-site at worksites	SafeWork NSW	
Transport or waste disposal issues	EPA	SafeWork NSW Local council
Asbestos contaminated clothing going to a laundry	SafeWork NSW	EPA Local Council
Contaminated land not declared under the <i>Contaminated Land Management Act 1997</i>	Local council	EPA
'Significantly contaminated' land declared under the <i>Contaminated Land Management Act 1997</i>	EPA	Local Council

Appendix J – Asbestos containing materials

Some asbestos containing materials found in New South Wales domestic settings (non-exhaustive list)

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957

'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbled decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	During the 1960s and 1970s, pure loose-fill asbestos was sold as ceiling insulation for residential and commercial premises. A Canberra based company known as 'Mr Fluffy' installed insulation in at least 1,000 homes in the ACT and is also understood to have installed insulation into homes in NSW.
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

Sources:

NSW Government, 2011, *Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government*.

NSW Taskforce Report: *Loose-Fill Asbestos Insulation in NSW Homes* (2015)
www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed October, 2015).

Asbestos containing materials that may be found in various settings (non-exhaustive list)

A

Air conditioning duct, in the exterior or interior acoustic and thermal insulation

Arc shields in lift motor rooms or large electrical cabinets

Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats

Asbestos ceiling tiles

Asbestos cement conduit

Asbestos cement electrical fuse boards

Asbestos cement external roofs and walls

Asbestos cement in the use of form work for pouring concrete
Asbestos cement internal flues and downpipes
Asbestos cement moulded products such as gutters, ridge capping, gas meter covers, cable troughs and covers
Asbestos cement pieces for packing spaces between floor joists and piers
Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc
Asbestos cement render, plaster, mortar and coursework
Asbestos cement sheet
Asbestos cement sheet behind ceramic tiles
Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards
Asbestos cement sheet internal walls and ceilings
Asbestos cement sheet underlay for vinyl
Asbestos cement storm drainpipes
Asbestos cement water pipes (usually underground)
Asbestos containing laminates, (such as Formica) used where heat resistance is required
Asbestos containing pegboard
Asbestos felts
Asbestos marine board, e.g. marinate
Asbestos mattresses used for covering hot equipment in power stations
Asbestos paper used variously for insulation, filtering and production of fire-resistant laminates
Asbestos roof tiles
Asbestos textiles
Asbestos textile gussets in air conditioning ducting systems
Asbestos yarn
Autoclave/steriliser insulation

B

Bitumen-based water proofing such as malthoid (roofs and floors, also in brickwork)

Bituminous adhesives and sealants

Boiler gaskets

Boiler insulation, slabs and wet mix

Brake disc pads

Brake linings

C

Cable penetration insulation bags (typically Telecom)

Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant and adhesives

Ceiling insulation (which may have moved into wall cavities, cornices and sub-floor areas)

Cement render

Chrysotile wicks in kerosene heaters

Clutch faces

Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings

Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

D

Door seals on ovens

E

Electric heat banks – block insulation

Electric hot water services (normally no asbestos, but some millboard could be present)

Electric light fittings, high wattage, insulation around fitting (and bituminised)

Electrical switchboards see Pitch-based

Exhausts on vehicles

F

Filler in acetylene gas cylinders

Filters: beverage wine filtration

Fire blankets

Fire curtains

Fire door insulation

Fire-rated wall rendering containing asbestos with mortar

Fire-resistant plaster board, typically on ships

Fire-retardant material on steel work supporting reactors on columns in refineries in the chemical industry

Flexible hoses

Floor vinyl sheets

Floor vinyl tiles

Fuse blankets and ceramic fuses in switchboards

G

Galbestos™ roofing materials (decorative coating on metal roof for sound proofing)

Gaskets: chemicals, refineries

Gaskets: general

Gauze mats in laboratories/chemical refineries

Gloves: asbestos

H

Hairdryers: insulation around heating elements

Header (manifold) insulation

I

Insulation blocks

Insulation in ceilings, which may have spread to wall cavities, cornices and sub-floor areas

Insulation in electric reheat units for air conditioner systems

L

Laboratory bench tops

Laboratory fume cupboard panels

Laboratory ovens: wall insulation

Lagged exhaust pipes on emergency power generators

Lagging in penetrations in fireproof walls

Lift shafts: asbestos cement panels lining the shaft at the opening of each floor and asbestos packing around penetrations

Limpet asbestos spray insulation

Locomotives: steam, lagging on boilers, steam lines, steam dome and gaskets

M

Mastik

Millboard between heating unit and wall

Millboard lining of switchboxes

Mortar

P

Packing materials for gauges, valves, etc can be square packing, rope or loose fibre

Packing material on window anchorage points in high-rise buildings

Paint, typically industrial epoxy paints

Penetrations through concrete slabs in high rise buildings

Pipe insulation including moulded sections, water-mix type, rope braid and sheet

Plaster and plaster cornice adhesives

Pipe insulation: moulded sections, water-mix type, rope braid and sheet

Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

R

Refractory linings

Refractory tiles

Rubber articles: extent of usage unknown

S

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts

Sealant or mastik on windows

Sealants and mastik in air conditioning ducting joints

Spackle or plasterboard wall jointing compounds

Sprayed insulation: acoustic wall and ceiling

Sprayed insulation: beams and ceiling slabs

Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels

Stoves: old domestic type, wall insulation

T

Tape and rope: lagging and jointing

Tapered ends of pipe lagging, where lagging is not necessarily asbestos

Tilux sheeting in place of ceramic tiles in bathrooms

Trailing cable under lift cabins

Trains: country – guards vans – millboard between heater and wall

Trains – Harris cars – sprayed asbestos between steel shell and laminex

V

Valve and pump insulation

W

Welding rods

Woven asbestos cable sheath

Sources:

Environmental health notes number 2 guidelines for local government on asbestos, 2005 (Victorian Department of Human Services). www.health.vic.gov.au/environment/downloads/hs523_notes2_web.pdf

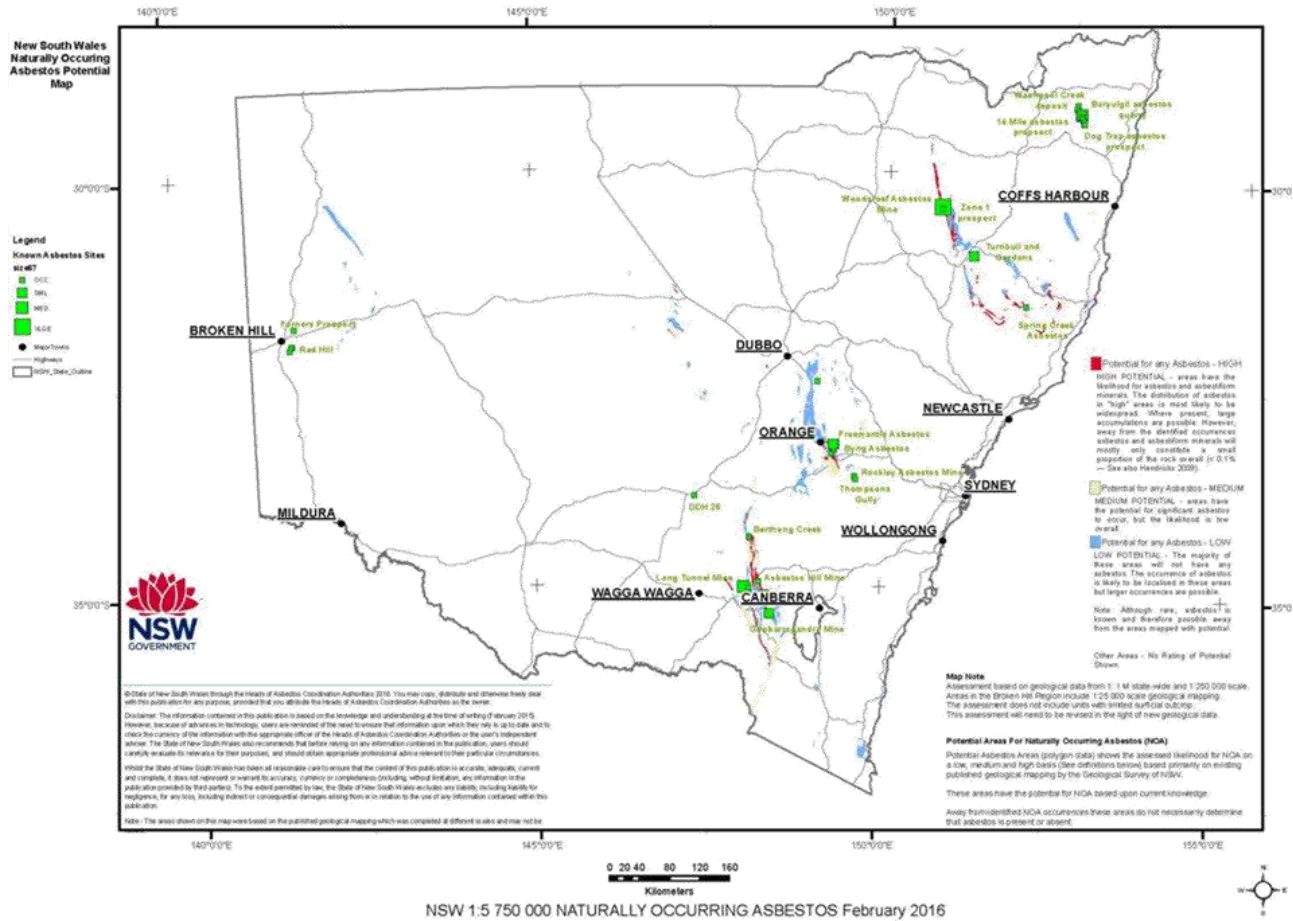
NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015)
www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed October, 2015).

Appendix K – Asbestos licences

Type of licence	What asbestos can be removed?
Class A	<p>Can remove any amount or quantity of asbestos or asbestos containing material, including:</p> <ul style="list-style-type: none"> Any amount of friable asbestos or asbestos containing material Any amount of asbestos containing dust Any amount of non-friable asbestos or asbestos containing material
Class B	<p>Can remove:</p> <ul style="list-style-type: none"> Any amount of non-friable asbestos or asbestos containing material Note: A Class B licence is required for removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m² of non-friable asbestos or asbestos containing material. Asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.
No licence required	<p>Can remove:</p> <ul style="list-style-type: none"> Up to 10m² of non-friable asbestos or asbestos containing material Asbestos containing dust that is: Associated with the removal of less than 10m² of non-friable asbestos or asbestos containing material Not associated with the removal of friable or non-friable asbestos and is only a minor contamination

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on 13 10 50.

Appendix L – Map Naturally occurring asbestos (February 2016)





Terms of Reference
Yass Valley Environmental Sustainability Advisory Committee

1	Name of Committee	Yass Valley Environmental Sustainability Committee
2	Terms of Reference	<ul style="list-style-type: none"> To review Council's Environmental Sustainability Policy to establish a decision-making framework for Council consistent with the CSP To make recommendations to Council on Actions and Activities in relation to Environmental Sustainability within the Delivery Program and Operational Plan To present options for Council to incorporate best practice, environmentally sustainable outcomes into projects and services
3	Policies and legislation the committee is required to comply with in addition to those set out in clause 5.3 of the standard constitution	<p><i>Local Government Act 1993</i></p> <p>The Tablelands Regional Community Strategic Plan</p> <p>NSW Renewable Energy Action Plan</p> <p>Enabling Adaptation in the South East</p> <p>CRJO Regional Waste and Sustainable Materials Strategy</p>
4	Maximum number and make-up of Committee members	<p>2 Councillors</p> <p>Up to 7 community members</p> <p>Nominations are to demonstrate:</p> <ul style="list-style-type: none"> Strong links to the Yass Valley community or relevant community based experience Demonstrated experience or strong interest in environmental sustainability
5	Council employees	<ul style="list-style-type: none"> Natural Resource and Sustainability Officer Other staff members as relevant dependent on issue to be discussed.
6	Area assigned to committee and/or map	Yass Valley LGA
7	Additional clauses or amendments to Standard Constitution or Schedule. To be listed in full – body of constitution not to be altered	N/A
8	Minimum number of meetings per annum	Minimum 4 meetings (more frequently if required during the policy review period)

version 0.1



Minutes of the Local Emergency Management Committee

Tuesday 22 February 2022

9.30am

Council Chambers

209 Comur Street, Yass

Minutes of the Local Emergency Management Committee held on 22 February 2022

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Minutes of the Local Emergency Management Committee held on 22 February 2022

Present

James Dugdell - Chair, Tony Stevens – LEMO (Yass Valley Council), Dave Cowell – LEOCON (NSW Police), Ben Bowles (NSW Police), Paul Vasey (VRA Rescue NSW - Binalong), Dean Campbell, Nicholas Whiting, (Fire Rescue NSW), Matthew Price, Dianne Gordon NSW SES) and Paul Lloyd (REMO – NSW Police), Peter Alley (RFS) (via Zoom)

1. Apologies

Apologies were received from Chris Harris and Fiona Leech (LLS), Superintendent Paul Condon (Hume Police District Commander) and Ben Hutchinson (NSW Ambulance)

2. Declaration of Conflict of Interest

Nil

3. Confirmation of Minutes

COMMITTEE DECISION

That the minutes of the Local Emergency Management Committee held on 30 November 2021, be taken as read and confirmed.

4. Correspondence

Commissioner Resilience NSW – advising Resilience NSW is now a member of REMCs (copy attached)
Correspondence regarding burn offs around Murrumbateman Wineries (numerous).

- James Dugdell advised that he has asked wineries to provide him with dates that they would prefer burn offs not to occur.
- Peter Alley advised that the RFS has contact with the wine industry, they are aware of the need for hazard reductions to occur. Permits are issued based on fire danger. Issue is between the landowners and the winery owners.

5. Delegate Reports

Police

Dave Cowell advised that the workflow had been consistent, including responses to storms, flooding, MVA on the highway etc. Due to an increase in motorcycle accidents there will be a campaign to promote awareness. Two new staff members have commenced, position has also been filled at Jugiong.

Fire Rescue NSW

Nick Whiting reported that it had been fairly quiet, nine MVAs had been attended. Dean Campbell advised that a new Regional Training Officer commenced on Monday.

Rural Fire Service

Peter Alley advised that it had been a quiet season so far, with only a few small fires. It is now mandatory for all volunteers to be COVID vaccinated. A number of brigades have indicated that a number of resignations are expected.

Minutes of the Local Emergency Management Committee held on 22 February 2022

State Emergency Service

Matthew Price welcomed and introduced Dianne Gordon as the new Yass-Hilltops Local Commander. SES. SES have attended 186 storm jobs during the last quarter. Thanks were extended to Water NSW regarding the managed releases from Burrinjuck Dam.

Matthew advised that SES were not responsible agency for large animal rescues.

VRA Rescue NSW - Binalong

Paul Vasey spoke to the attached report.

6. Region Emergency Management Officer Report

Paul Lloyd advised that the REMC meeting where now being held fortnightly. Matt Shifley has been appointed as the new REMO for the region. Face to face emergency management training is on hold until April, due to COVID, online courses are still available.

Council

James advised that the Water Treatment Plant upgrade is underway. There will be two separate weeks when Council will be operating on one pump. If there are any problems with this pump we may need to go onto emergency water restrictions.

There is a nation wide shortage on alum, DPIE is currently managing at a state level, a delivery is expected this week (it will be rationed fairly heavily).

7. General Business

Fortem Australian Presentation

Presentation by Fortem Australia to be arranged for a future LEMC meeting.

Dragon Dreaming

Dave Cowell and Ben Bowles raised the following concerns in relation to the upcoming Dragon Dreaming Festival (1-4 April 2022):

- 4,500 possible attendees (could lead to a super spreader event)
- One road in and out, narrow track
- Current road condition is not good
- Communication problems within the area
- High drug detection rate at previous festivals (2015 fatal)
- Current pressure on Yass Hospital
- Access for emergency services vehicles if there is a major accident – timeframes, road closures
- Negotiations continuing re DA condition on 'user pays' with Police.
- No multi-agency meetings have been held
- Safety Plan currently being reviewed by Liquor and Gaming

Dave advised that the Police have submitted an objection to the holding of this event.

COMMITTEE RECOMMENDATION

It was resolved that a submission be made to Liquor and Gaming and the Dragon Dreaming Festival organisers objecting to the running of the Dragon Dreaming Festival due to the risk to public safety and the lack of consultation with appropriate agencies.

(D Cowell/P Vasey)

Minutes of the Local Emergency Management Committee held on 22 February 2022

TEAMS meeting to be arranged early next week to discuss.

COVID Meetings

Discussion was held regarding the effectiveness of the weekly COVID meetings that were held. It was agreed that fortnightly meetings may have worked better, due to the fact that we did not have too many COVID cases. It was also noted that the combat agency were unable to attend some meetings due to the amount of work, lack of resources etc. Regular contact was however made by phone by both the LEOCON and Chair.

Access to Transgrid

Tony Stevens advised that Council currently did not have access to Transgrid. Tony is currently following up to get an updated access card.

Supply of PPE

Tony Stevens advised Council have a large supply of masks and hand sanitiser, these are being distributed as required.

Funding

James Dugdell advised that Council received \$90,000 to support community organisations recovering from COVID.

Entry to Burrinjuck

Paul Vasey asked whether there was an Agreement in place with Burrinjuck Dam for emergency services to enter free of charge when undertaking training. Paul Lloyd to discuss with management at Burrinjuck. -

Exercises

Paul Lloyd advised that he was commencing discussions regarding holding exercises now that COVID is starting to settle down. Vertical Rescue training exercise at the wind farms has unfortunately had to be cancelled a number of times due to COVID restrictions.

8. Next Meeting

Tuesday 10 May 2022 , at 10.30am in Yass Valley Council Chambers.

The meeting closed at 12.04 p.m.

Minutes of the Local Emergency Management Committee held on 22 February 2022



**VRA RESCUE NSW Limited
Binalong Rescue**

Email: binalong_secretary@vrarescue.org
Phone: 0499 030 252

17.02.2022

NSW VRA Binalong Rescue LRC & LEMC Report

New equipment continues to arrive and placed onto Rescue 1 squad's response vehicles
Our 4x4 broke down just before Christmas and a loaned vehicle was supplied by Wagga Wagga. This loaned vehicle has since been returned and our 4x4 is back on the road

VRA members have been training in inland waterways at Burrinjuck Dam

4 members from Binalong have been training in Swift Water at Gundagai over the last few months they are almost certified (will most probably be completed over the weekend 19th & 20th Feb 2022)

VRA Binalong continue to train once a week with 4 trainee members going through their mandatory training starting with ROM and progressing to GLR operators' status – they are all progressing quite very well

VRA Binalong continue assisting Warby Motor sports trials at Tumut a trial run is scheduled for May 2022 (unless COVID delays again)

VRA Rescue NSW Binalong were involved in a call out for 2 persons stuck in the middle of the Murrumbidgee at Jugiong recently and attended with their boat and happily worked alongside of SES Gundagai & Harden

Cross training for 2022 with other emergency services is currently being organised, members are looking forward to this and meeting other services members

VRA Rescue NSW Binalong members responded to a Truck rollover near Jugiong on the 14.02.2022 – they almost made it but were called off and returned to base

VRA Rescue NSW Binalong do not being called out and then called off if they are not required, this is what members train for – to assist those in need

VRA Binalong welcomes anyone that would like to visit us, just give us a call to arrange

As we move forward squad members look forward to working and assisting all emergency services

If we are called out by a member of the public to an accident we will respond accordingly

Binalong have not been setting up Driver Reviver at Bookham it will be opening over the Easter Weekend with COVID procedures in place

Appropriate COVID 19 protection is available to all members and is allocated to each operator and is available in each response vehicle

*The Community Based Volunteer Emergency Service
PROUDLY SERVING THE COMMUNITY PROUDLY SERVING YOU*

Minutes of the Local Emergency Management Committee held on 22 February 2022

A few items to note and discuss:

Again, we have not been responded to MVA's that we are the closest and most appropriate to attend: This has now been handed to VRA Rescue NSW Ltd to follow up. We seem to be the only squad that is not being responded alongside of other emergency services at the same time.
Incidents not responded too (that we have been told about):

- 09.10.2021 – Called out 12:22am called off 12:42am – we were called out some 20 minutes after this was reported?
- 22.12.2021 – MVA Burrinjuck Road person with leg injuries in attendance RFS, FRNSW & NSW Ambulance – NSW Ambulance required assistance with patient handling – did not respond VRA Binalong as apparently FRNSW were already there (Why & how as VRA Binalong is the nearest to that location and not advised) Members were listening to this take place on the RFS radio in our vehicle as they were at Bookham at the time.
- 25.12.2021 – MVA person trapped on Graces Flat Road, VRA are the nearest most appropriate unit and was not responded? – in attendance was RFS, FRNSW & NSW Ambulance. A local could not understand why VRA Rescue NSW - Binalong was not there
- 07.01.2022 – MVA Rollover at Bowning Hill Hume Highway
- 08.01.2022 – MVA Jugiong Hume Highway – 2 vehicles 0950am 1 person was transported out by helicopter the other by road.
- 09.01.2022 – MVA Car and Caravan 0500pm

There have been others MVA's but the list is getting to long to do

We understand that persons may not be trapped in all of these accidents, however we can offer reassurance, first aid etc. whilst the other services are on route if we are the first on scene.

This seems to happen in most places but not here??

This is not a complaint we just would like this to be noted that this is being looked into by VRA Rescue NSW Ltd.

Of course, if anything can change so all emergency services can be working together that would be wonderful after all we are all there for the same thing to help those in need.

Thank you
Paul Vasey
VRA Rescue NSW - Binalong

The Community Based Volunteer Emergency Service
PROUDLY SERVING THE COMMUNITY PROUDLY SERVING YOU

Minutes of the Local Emergency Management Committee held on 22 February 2022



Resilience
NSW

Reference: D22/213.02

A/Deputy Commissioner Joe Cassar APM
Deputy State Emergency Operations Controller
cass1jos@police.nsw.gov.au

Dear Deputy Commissioner Cassar,

I write to advise you of the addition of Resilience NSW as a member of Regional Emergency Management Committees in New South Wales. At its meeting on 02 December 2021, the State Emergency Management Committee resolved to seek approval from the Minister, Emergency Services and Resilience to expand the membership of Regional Emergency Management Committees to include Resilience NSW.

As per S22(d)(ii) of the *State Emergency and Rescue Management Act (1989)* the Minister has approved inclusion of Resilience NSW as a member of Regional Emergency Management Committees throughout NSW on 15 January 2022.

The regional representatives from Resilience NSW will be the Regional Directors, Local Coordination and Service Delivery who will identify a suitable alternate representative to act on their behalf when required. As members of the Regional Emergency Management Committees, Regional Directors will be responsible for supporting the implementation of Resilience NSW initiatives and emergency management policy coordination at the regional level. They will provide assistance to the Regional Emergency Operations Controllers by leading the development of Regional Recovery Plans and providing leadership, guidance and advice during recovery operations.

Regional Directors may also be appointed to undertake the role of Regional Recovery Coordinator when required. In addition, as members of the Regional Emergency Management Committees, Resilience NSW will provide guidance on recovery planning for local emergency management committees within the regions.

If you have any queries please contact Dominic Lane, Executive Director Operational Management & Partnerships at dominic.lane@resilience.nsw.gov.au or 0428 636 457. We look forward to any opportunities to work closely with the NSW Police Force to continue to improve public safety and community outcomes during significant emergencies.

Yours sincerely,

Shane Fitzsimmons AO AFSM
Commissioner Resilience NSW
State Emergency Recovery Controller
16/02/2022

GPO Box 5454, Sydney NSW 2001 • T: (02) 9212 9200 • www.resilience.nsw.gov.au



Minutes of the Rescue Committee

Tuesday 22 February 2022

9.30am

Yass Valley Council Chambers,
209 Comur Street, Yass

Minutes of the Rescue Committee held on 22 February 2022

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Minutes of the Rescue Committee held on 22 February 2022

Present

Dave Cowell – LEOCON (NSW Police), Ben Bowles (NSW Police), Paul Vasey (VRA Rescue NSW - Binalong), Dean Campbell, Nicholas Whiting, (Fire Rescue NSW), Matthew Price, Dianne Gordon NSW SES) and Paul Lloyd (REMO – NSW Police)

Also Present

Shirree Garland (Yass Valley Council)

1. Apologies

Apologies were received from Ben Hutchinson (NSW Ambulance), Peter Alley (RFS), Superintendent Paul Condon (Hume Police District Commander)

2. Declaration of Conflict of Interest

Nil

3. Confirmation of Minutes

COMMITTEE DECISION

That the minutes of the Rescue Committee held on 30 November 2021 be confirmed.

(D Campbell/P Vasey)

4. Correspondence

5. Delegate Reports

State Emergency Service

Matthew Price introduced Dianne Gordon, Yass-Hilltops Local Commander, to the Committee. SES have attended 186 storm jobs during the last quarter. Thanks were extended to Water NSW regarding the managed releases from Burrinjuck Dam.

Fire Rescue NSW

Nick Whiting reported that it had been fairly quiet, nine MVAs had been attended. Dean Campbell advised that a new Regional Training Officer commenced on Monday.

VRA Rescue NSW - Binalong

Paul Vasey spoke to the attached report.

Police

Dave Cowell advised that the workflow had been consistent, including responses to storms, flooding, MVA on the highway etc. Due to an increase in motorcycle accidents there will be a campaign to promote awareness.

Minutes of the Rescue Committee held on 22 February 2022

6. Region Emergency Management Officer Report

Paul Lloyd advised that the REMC meeting where now being held fortnightly. Matt Shifley has been appointed as the new REMO for the region.

7. Next Meeting

Tuesday 10 May 2022, at 10.30am, Yass Valley Council Chambers.

The meeting closed at 10:10 am.

Minutes of the Rescue Committee held on 22 February 2022



VRA RESCUE NSW Limited
Binalong Rescue
Email: binalong.secretary@vrarescue.org
Phone: 0499 030 252

17.02.2022

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Minutes of the Rescue Committee held on 22 February 2022

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Of course, if anything can change so all emergency services can be working together that would be wonderful after all we are all there for the same thing to help those in need.

Thank you
Paul Vasey
VRA Rescue NSW - Binalong

*The Community Based Volunteer Emergency Service
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Coppabella Wind Farm Community Consultation Committee

Meeting No 12 – Café on Queen, Binalong

6pm Thursday 2nd November 2021

Present:

CCC Members: Nic Carmody (Independent Chair), John McGrath, Brenden McKay, Doug Painting, Noeleen Hazell.

Proponent: Tom Nielsen, Allison Deale,

Observers: Barbara Folkard, Bruce Hazell.

Invited Guests: nil

The Meeting opened at 6:08 pm

1. Welcome/Apologies

Apologies were received from Cr Rita O'Connor (Hilltops), Medard Boutry.

2. Declaration of pecuniary or other interests

Nil.

3. Confirmation of minutes or previous Minutes

The minutes of Meeting No 11 held on 29 April 2021 were confirmed. All outstanding items on action sheet have been completed.

4. Correspondence

Response from TransGrid received and circulated.

Tom Nielsen circulated an update to CCC members in September.

Correspondence from Noeleen Haze about inviting guests to CCC Meetings – Angus Taylor and Steph Cook.

5. Project Update – Tom Nielsen

Presentation given – see attached.

Allison Deale: Haven't had a lot due to lockdown. Managed to get sponsorship for Binalong Swim Club for Halloween night. Shopfront will be open again from 16 December.

Tom Nielsen: Not much of an update. Project is essentially shovel ready pending Grid connection. Incorporation of the Statcom into the grid models has taken longer than expended. Grid connection agreement – the legal and commercial agreement is finalised, just waiting for technical agreement with an Offer to Connect.

April – AMO advised a Statcom required. This was following a lengthy process. This kicked off a new process whereby we now have clarity on how we connect.

Completed Statcom feasibility, sizing studies, civil design developed, tuning between turbines and Statcom. Confident we now achieve compliance with National Electricity Rules. Technical solution now with TransGrid and AMO as of November. Now looking at early to mid-2022 – April/May.

Successfully awarded 100ML per year groundwater. Still need to acquire a temporary allocation – market-based process

Secondary Management Plans – new biodiversity offset plan. Deadline prior to construction.

Whitefield's Road access. TfNSW who originally proposed to do the highway intersection upgrade themselves now requesting that we organise a TfNSW approved contractor to do it according to their guidelines and design. It will go to Tender once we know start date. Cannot begin works on site until this is done – minimal only works.

Project Update Questions:

Nic Carmody: Is the water potable.

Tom Nielsen: Still awaiting feedback from the civil contractor as to whether it is suitable for concrete. Concrete for wind turbine foundations typically accounts for only 10-15% of the water use during construction. The groundwater is slightly saline.

John McGrath: Just want clarity on what you have submitted to TransGrid and AEMO.

Tom Nielsen: we have submitted a final technical note with our proposed solution to TransGrid and AEMO before we submit our application

John McGrath: 2% reactive current when required. So, you are looking at your generators being online 24/7.

Tom Nielsen: What AEMO do is look at how our Windfarm impacts to contingency events and requires the wind farm produce a certain amount of reactive current at the point of connection during these events. There is also a rule change proposed to AEMO that would eliminate the need for a Statcom if accepted.

John McGrath: If you are in a wind lull then you can't inject anything.

Tom Nielsen: If we aren't producing any power then we don't have reactive current requirements.

Noeleen Hazell: With TfNSW no longer wanting to do the intersection why wouldn't you look at moving the entry?

Tom Nielsen: The planning approval process is lengthy we have approval for the entrance and to re-do that would be a long and extensive process.

6. General Business – without notice

Questions John McGrath:

1. *Can you explain why the Australian Energy Market Operator (AEMO) has requested a high voltage reactor at the Yass 330/132KV Substation in association with the 2 new switch bays and associated step-up 132/330KV transformer TransGrid has requested installed please?*

John McGrath: I know why they have requested it, but can we get AEMO to a meeting to explain it to us?

Tom Nielsen: The reason we can't deliver the required 2% reactive current during a network fault is due to the reactive capability of the wind farm being absorbed on the 47km transmission line. Our view was that the rules are not specific in where the measurement for reactive capability is to be taken AEMO are firm in their view that it has to be the point of connection.

2. *2.(Therefore) Can we the Coppabella CCC invite a representative from the Australian Energy Market Operator (AEMO) to attend the next Coppabella CCC to explain their need to instruct Goldwind to install the High Voltage Reactor stance on further connecting unnecessary generation to the Southeast Grid please?*

Response provided above.

3. *Hume Highway M31 Whitefield's Road merging lanes.*
- a. *Who is responsible for this work?*
Tom Nielsen – TfNSW approved contractors
 - b. *If Goldwind who has to do that work i.e., what contractors are Goldwind allowed to use?*
As above
 - c. *What is the estimated cost of this work?*
Tom Nielsen: we need to go to Tender so cannot disclose
 - d. *Does Goldwind have finance to cover this work?*
Tom Nielsen: Goldwind have the balance sheet to do so if required. If we do the intersection upgrade early, we take risk, but it has its advantages for the build.
 - e. *What is the timeframe for the completion of this work?*
Tom Nielsen: TfNSW had it scheduled as 6-8 weeks.
 - f. *Where will the water for this work be sourced?*
Tom Nielsen: That will be up to the contractor.

4. *In Goldwind's 9th November 2020 report Goldwind state that they have signed a commercial agreement with TransGrid "for the connection and construction of connection assets for Coppabella Wind Farm" etc. At what stage is this up to please?*

Tom Nielsen: The connection agreement with TransGrid is signed and executed by both parties. But the long-term agreement doesn't come into play until the grid connection technical approval comes through

5. *Tom your name is on this document therefore as Coppabella Development Manager can you explain to members of the Coppabella CCC where the construction process for that project is standing as of today's date, that is notwithstanding the considerable wealth of factual opposing submissions submitted against this project by the community please?*

Tom Nielsen: We don't have any active role in that TransGrid process. It is a TransGrid internal process. Goldwind will fund the build through the connection agreement.

6. *In Goldwind's 9th November 2020 report Goldwind claim there will be positions for 15 permanent staff on the Coppabella project. Your name is on this document therefore as Coppabella Development Manager can you tell me what those 15 full time employees will be tasked with?*

Tom Nielsen: 69 turbines – White Rock is 70. So, the fifteen numbers have come from looking at other Goldwind projects in NSW. Goldwind Australia will be the operations contractor – this will include a site manager, site admin, 10 maybe 12 service techs – electrical, trade, mechanical and likely two apprentices. The owner of the project will also likely employ the Local Asset Manager – deal with Community fund and community locally. Non-permanent roles – Cleaners, civil contractors to service roads, electrical contractors to service substation on site, etc.

7. *The Coppabella generators generate in 3 phase, correct?*

Tom Nielsen: Yes

8. *Who is responsible for phase synchronisation of the 75 different Goldwind generators approved for the Coppabella project before delivering power to the Coppabella TransGrid 132KV Substation?*

Tom Nielsen: Both Goldwind as the TSI contractor, and the EBOP contractor have responsibilities for phase synchronisation within the wind farm. Automated SCADA (Supervisory Control and Data Acquisition) systems will monitor and manage this.

9. *Goldwind are still intending to use the Goldwind 3.4MW Permanent Magnet Direct Drive (PMDD) generators?*

Tom Nielsen: 4.2MW but it will be the permanent drive.

Doug Painting: On the apprentices what will they be?

Tom Nielsen: A mix of electrical and mechanical tradespeople. We want to employ the service techs locally as with the apprentices.

Noeleen Hazell: I was just wondering how much has been allocated to conduct Civil Works?

Tom Nielsen: I will review and advise outside of the meeting.

Noeleen Hazell: I would like to invite a representative from AEMO. John has a reference number.
Local Members – Hon Michael McCormack MP, Wendy Tuckerman, Steph Cooke MP, Hon Angus Taylor MP

CCC Members were in agreeance that invitations be sent to the two State Members – Wendy Tuckerman MP and Steph Cooke MP to start with.

Nic Carmody: I will contact the two new Councils and ask them to appoint two new representatives. I will do this in early February, so it doesn't get lost in the changeover.

7. Next Meeting

Next meeting date Thursday 31st March 2022, venue to be advised.

Meeting closed at 6:55 pm



Country Mayors Association of NEW SOUTH WALES

Chairperson: Cr Ken Keith
PO Box 337 Parkes NSW 2870
02 6861 2333
ABN 92 803 490 533

ADJOURNED AGM MINUTES

ANNUAL GENERAL MEETING

FRIDAY, 11 MARCH 2022, YORK AND BASS SUITES, 95-99 YORK STREET, CLUB YORK
SYDNEY

The meeting opened at 9.15 a.m.

1. ATTENDANCE:

Armidale Regional Council, Mayor, Cr Sam Coupland, Mayor
Armidale Regional Council, Mr James Roncon, General Manager
Bathurst Regional Council, Cr Robert Taylor, Mayor
Bega Valley Shire Council, Cr Russell Fitzpatrick, Mayor
Bellingen Shire Council, Cr Steve Allan, Mayor
Bellingen Shire Council, Ms Liz Jeremy, General Manager
Blayney Shire Council, Cr Scott Ferguson, Mayor
Blayney Shire Council, Ms Rebecca Ryan, General Manager
Cabonne Shire Council, Cr Kevin Beatty, Mayor
Cabonne Shire Council, Mr Brad Burns, General Manager
Coolamon Shire Council, Cr David McCann, Mayor
Coolamon Shire Council, Mr Tony Donoghue, General Manager
Cowra Shire Council, Cr Bill West, Mayor
Cowra Shire Council, Mr Paul Devery, General Manager
Dubbo Regional Council, Cr Mathew Dickerson, Mayor
Eurobodalla Shire Council, Cr Mat Hatcher, Mayor
Forbes Shire Council, Cr Phyllis Miller, Mayor
Forbes Shire Council, Mr Steve Loane, General Manager
Griffith City Council, Cr John Doug Curran, Mayor
Griffith City Council, Mr Brett Stonestreet, General Manager
Gunnedah Shire Council, Cr Jamie Chaffey, Mayor
Hilltops Council, Cr Margaret Roles, Mayor
Inverell Shire Council, Cr Paul Harmon, Mayor
Kiama Municipal Council, Cr Neil Reilly, Mayor
Kiama Municipal Council, Ms Jane Stroud, General Manager
Kyogle Council, Cr Kylie Thomas, Mayor
Lachlan Shire Council, Cr John Medcalf, Mayor
Lachlan Shire Council, Mr John Shillito, Acting General Manager
Leeton Shire Council, Cr Tony Reneker, Mayor
Leeton Shire Council, Ms Jackie Kruger, General Manager
Liverpool Plains Shire Council, Cr Doug Hawkins, Mayor

Page 2

Lockhart Shire Council, Cr Greg Verdon, Mayor
Lockhart Shire Council, Mr Peter Veneris, General Manager
Mid-Western/Mudgee Regional Council, Cr Des Kennedy, Mayor
Moree Plains Shire Council, Cr Mark Johnson, Mayor
Murray River Council, Cr Christopher Bilkey, Mayor
Murray River Council, Mr Terry Dodds, General Manager
Narrabri Shire Council, Cr Ron Campbell, Mayor
Narrabri Shire Council, Mr Stewart Todd, General Manager
Narromine Shire Council, Cr Craig Davies, Mayor
Oberon Council, Cr Mark Kellam, Mayor
Parkes Shire Council, Cr Ken Keith, Mayor
Snowy Monaro Regional Council, Cr Narelle Davis, Mayor
Tamworth Regional Council, Cr Russell Webb, Mayor
Tamworth Regional Council, Mr Paul Bennett, General Manager
Temora Shire Council, Cr Rick Firman, Mayor
Tenterfield Shire Council, Cr Bronwyn Petrie, Mayor
Wagga Wagga City Council, Cr Dallas Tout, Mayor
Walcha Council, Cr Eric Noakes, Mayor
Warrumbungle Shire Council, Cr Ambrose Doolan, Mayor
Warrumbungle Shire Council, Mr Roger Bailey, General Manager
Wingecarribee Shire Council, Mr Viv May, Interim Administrator
LGNSW, Cr Darriea Turley, President
LGNSW, Mr Scott Phillips, CEO
OLG, Ms Ally Dench, Executive Director

APOLOGIES:

As read

2. ADOPTION OF MINUTES OF PREVIOUS MEETING:

RESOLVED that the minutes of the Annual General Meeting held on 5 November 2021 be accepted as a true and accurate record (Forbes Shire Council /Lachlan Shire Council).

3. Returning Officer

RESOLVED That the Returning Officer for the conduct of the elections be Mr Allan Burgess (Forbes Shire Council / Gunnedah Shire Council)

The Chairperson Cr Ken Keith vacated the chair

7. Election of Office Bearers

7.1 Chairperson

The Returning Officer advised that he had received one nomination in writing for Cr Ken Keith, Parkes Shire Council, who was nominated by Gunnedah Shire Council and Forbes Shire Council. The Returning Officer called for any further nominations for the position of Chairperson. No other nominations were received. As there was only one nomination the Returning Officer declared Cr Ken Keith elected Chairman for the 2022 year

Page 3

7.2 Vice Chairperson

The Returning Officer advised that he had received one nomination in writing. for Cr Jamie Chaffey, Mayor, Gunnedah Shire Council who was nominated by Temora Shire Council and Forbes Shire Council. The Returning Officer called for any further nominations for the position of Vice Chairperson. No other nominations were received. As there was only one nomination the Returning Officer declared Cr Jamie Chaffey elected as Deputy Chairperson for the 2022 year

7.3 Secretary/Public Officer

RESOLVED That Mr Kent Boyd General Manager Parkes Shire Council, be appointed Secretary/Public Officer (Parkes Shire Council / Temora Shire Council)

7.4 Executive

Nominations for the up to eight positions on the Executive were called for. Nominations were received for Craig Davies Narromine Shire Council nominated by Gunnedah Shire Council and Narromine Shire Council, Cr Rick Firman Temora Shire Council nominated by Cootamundra-Gundagai Regional Council and Coolamon Shire Council, Cr Russel Fitzpatrick Bega Valley Shire Council nominated by Temora Shire Council and Bega Valley Shire Council, Cr John Medcalf Lachlan Shire Council nominated by Cabonne Shire Council and Parkes Shire Council, Cr Phyllis Miller Forbes Shire Council nominated by Gunnedah Shire Council and Forbes Shire Council, Cr Sue Moore Singleton Council nominated by Gunnedah Shire Council and Singleton Shire Council, Cr Kylie Thomas Kyogle Council nominated by Ballina Shire Council and Kyogle Council and Cr Russell Webb Tamworth Regional Council nominated by Gunnedah Shire Council and Walcha Council. The Returning Officer called for any further nominations for the position of Executive member. No other nominations were received. As there was only eight nominations the Returning Officer declared Cr Craig Davies, Cr Rick Firman, Cr Russel Fitzpatrick, Cr John Medcalf, Cr Phyllis Miller, Cr Sue Moore, Cr Kylie Thomas and Cr Russell Webb elected as Executive members for the 2022 year

The Chairperson Cr Ken Keith resumed the Chair

There being no further business the meeting closed at 9.27 am.

Cr Ken Keith OAM
Chairman Country Mayor's Association of NSW



Country Mayors Association of NEW SOUTH WALES

Chairperson: Cr Ken Keith OAM
PO Box 337 Parkes NSW 2870
02 6861 2333
ABN 92 803 490 533

MINUTES

GENERAL MEETING

FRIDAY, 11 MARCH 2022 YORK AND BASS SUITES, CLUB YORK, SYDNEY

The meeting opened at 8.31 a.m.

1. ATTENDANCE:

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Leeton Shire Council, Ms Jackie Kruger, General Manager
Liverpool Plains Shire Council, Cr Doug Hawkins, Mayor
Lockhart Shire Council, Cr Greg Verdon, Mayor
Lockhart Shire Council, Mr Peter Veneris, General Manager
Mid-Western/Mudgee Regional Council, Cr Des Kennedy, Mayor
Moree Plains Shire Council, Cr Mark Johnson, Mayor
Murray River Council, Cr Christopher Bilkey, Mayor
Murray River Council, Mr Terry Dodds, General Manager
Narrabri Shire Council, Cr Ron Campbell, Mayor
Narrabri Shire Council, Mr Stewart Todd, General Manager
Narromine Shire Council, Cr Craig Davies, Mayor
Oberon Council, Cr Mark Kellam, Mayor
Parkes Shire Council, Cr Ken Keith, Mayor
Snowy Monaro Regional Council, Cr Narelle Davis, Mayor
Tamworth Regional Council, Cr Russell Webb, Mayor
Tamworth Regional Council, Mr Paul Bennett, General Manager
Temora Shire Council, Cr Rick Firman, Mayor
Tenterfield Shire Council, Cr Bronwyn Petrie, Mayor
Wagga Wagga City Council, Cr Dallas Tout, Mayor
Walcha Council, Cr Eric Noakes, Mayor
Warrumbungle Shire Council, Cr Ambrose Doolan, Mayor
Warrumbungle Shire Council, Mr Roger Bailey, General Manager
Wingecarribee Shire Council, Mr Viv May, Interim Administrator
LGNSW, Cr Darriea Turley, President
LGNSW, Mr Scott Phillips, CEO
OLG, Ms Ally Dench, Executive Director

Apologies:

As submitted

Special Guests:

Cr Darriea Turley, President, LGNSW
Mr Scott Phillips, CEO, LGNSW
Ms Ally Dench, Executive Director, OLG
CR Linda Scott, President, ALGA
The Hon Sam Farraway MP, Minister for Regional Transport and Roads
Mr Simon Hunter, Director Strategy and Innovation, NSW Department of Planning
and Environment

2. Adoption of Minutes of Previous Meeting:

RESOLVED that the minutes of the General Meeting held on 5 November 2021 be accepted as a true and accurate record (Forbes Shire Council / Gunnedah Shire Council).

3. Matters Arising from the Minutes

Nil

4. Introduction of New Mayors

New Mayors recently elected following the December 2021 Local Government elections were given the opportunity to introduce themselves

6. Cr Darriea Turley, President, LGNSW

Cr Turley said LGNSW has been working on the rate pegging determination and the Minister is to review on how it is assessed. Cr Turley provided a report on the work of LGNSW since the last meeting and on opportunities for collaboration including the MOU with Country Mayors, 2022-23 Rate Peg Submission, the Pre Budget Submission, Local Government Assets, Child Safe Standards, and collaboration on Domestic Waste Management Charges, Planning Skills Shortages, Water Funding Program, Crown Reserve Improvements, Regional Health Initiative Funding, Right to Repair, Incentives for Electrical Vehicle Fleets, Plastic Reduction, Remote Roads Upgrades, Remote Attendance at Meetings and Regional Housing Fund

7. Mr Scott Phillips, CEO, LGNSW

Councils are shocked by the decision of IPART to cap rate increases at 0.7% for the 2022/23 year. There has been a combined effort by LGNSW, JO's and professional organisations to have this reviewed. The Minister and the Office of Local Government have listened and acted. There is now an opportunity for Councils to apply to IPART to allow each council to apply for an increase in rates up to the amount of rate cap that you went to your community with in your long term financial plan.

8. Ms Ally Dench, Executive Director OLG

She is excited to be in the role at OLG which is the first port of call for emergencies and other matters affecting local government areas. There have been recent challenges caused by the floods in NSW and \$45million in payments have been made by Resilience NSW in the past week. OLG is looking at what skills and resources are needed and councils are able to connect with OLG if they think they can help. The main call at the moment is customer service staff.

The IPART decision is devastating and a shock to OLG. The Minister has heard the concerns and is looking at the methodology. Applications in accordance with IPNR closes on the 29 April and will need a resolution of Council. In respect of the Emergency Services Levy the OLG is working with Treasury, the RFS and the Department of Planning and news is expected shortly.

The meeting was adjourned at 9.15am for the adjourned Annual General Meeting
RESOLVED (Temora Shire Council / Inverell Shire Council)

The meeting resumed at 9.27am

9. Correspondence

Outward

- (a) Registry and Accreditation forwarding changes to the CMA Constitution
- (b) Cr Mark Liebich, Mayor, Weddin Shire Council, advising Weddins application for membership was successful
- (c) Cr Ian Woodcock, Mayor, Walgett Shire Council, advising that Walgetts application for membership was successful
- (d) Mr Viv May, Interim Administrator, Wingecarribee Shire Council, advising that Wingecarribees application for membership was successful

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- (e) Cr Peter Abbott, Mayor, Cobar Shire Council, advising that Cobars application for membership was successful
- (f) Mr Grant Barnes, Chief Regulatory Officer, Natural Resources Access Regulator, Department of Planning, Industry and Environment, thanking him for his presentation to the 5 November 2021 meeting
- (g) Mr Joseph Rahme, Senior Manager, Stakeholder Engagement, NSW Telco, thanking him for his presentation to the 5 November 2021 meeting
- (h) Cr Linda Scott, President, LGNSW, thanking her and her team for providing meeting facilities for the 5 November 2021 meeting
- (i) The Hon Matt Kean MP, Treasurer and Minister for Energy and Environment, regarding the disposal of metropolitan waste at country locations close to metropolitan areas
- (j) The Hon Rob Stokes MP, Minister for Planning and Public Spaces and Minister for Transport and Roads, regarding the disposal of metropolitan waste at country locations close to metropolitan areas
- (k) The Hon Rob Stokes MP, Minister for Planning and Public Spaces and Minister for Transport and Roads, opposing the Proposed Employment Zones Framework applying to regional areas
- (l) Ms Jo Haylen MP, Shadow Minister for Roads, seeking support for better consultation with local government in local traffic matters particularly with NSW Speed Zoning Guidelines
- (m) Hon Paul Toole MP, Deputy Premier, Minister for Regional NSW and Minister for Regional Transport and Roads, seeking support for better consultation with local government in local traffic matters particularly with NSW Speed Zoning Guidelines
- (n) The Hon Matt Kean MP, Treasurer and Minister for Energy and Environment, requesting an urgent review into cost shifting from the State to Local Government
- (o) The Hon Barnaby Joyce MP, Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development, requesting a fairer grant system for small rural councils rather than having to contribute 50% co contributions for projects
- (p) The Hon Paul Toole MP, Deputy Premier, Minister for Regional NSW and Minister for Regional Transport and Roads, requesting a fairer grant system for small rural councils rather than having to contribute 50% co contributions for projects
- (q) The Hon Dominic Perrottet MP, Premier, asking for a bi partisan approach to bring mayoral and councilor allowances in rural NSW to reflect a midpoint between Queensland and Victorian mayoral and councilor allowances
- (r) Mr Chris Minns MP, Leader of the Opposition, asking for a bi partisan approach to bring mayoral and councilor allowances in rural NSW to reflect a midpoint between Queensland and Victorian mayoral and councilor allowances
- (s) Mr Robert Borsak MLC, asking for a bi partisan approach to bring mayoral and councilor allowances in rural NSW to reflect a midpoint between Queensland and Victorian mayoral and councilor allowances
- (t) Mr David Shoebridge MLC, asking for a bi partisan approach to bring mayoral and councilor allowances in rural NSW to reflect a midpoint between Queensland and Victorian mayoral and councilor allowances

- (u) Mr Mark Latham MLC, asking for a bi partisan approach to bring mayoral and councilor allowances in rural NSW to reflect a midpoint between Queensland and Victorian mayoral and councilor allowances
- (v) The Hon Shelley Hancock MP, Minister for Local Government, requesting that the State Government introduces the Rural Council Model as proposed under the Fit for the Future process
- (w) General Manager, Leeton Shire Council, regarding RFS Assets resolution
- (x) To the newly elected Mayors congratulating them on their election as Mayor
- (y) To the re elected Mayors congratulating them on their re election as Mayor

Incoming

- (a) The Hon Paul Toole MP, Deputy Premier, Minister for Regional NSW, regarding co contribution requirements for small rural councils participation in grant programs
- (b) The Hon Michael McCormack MP, forwarding letter from the Prime Minister regarding CMA initiatives
- (c) The Hon Matt Kean MP, treasurer, Minister for Energy and the Environment, regarding the NSW Energy from Waste Infrastructure Plan
- (d) The Hon Shelley Hancock MP, Minister for Local Government. regarding the term of office of Mayors elected by Councilors
- (e) Mr Brett Whitworf, Group Deputy Secretary, Planning, Delivery and Local Government, NSW Planning and Environment, regarding remuneration of mayors and councilors
- (f) The Hon Barnaby Joyce MP, Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development, regarding co contributions by councils for grants

NOTED

10. FINANCIAL REPORT

RESOLVED That the financial reports for the last quarter were tabled and accepted (Kyogle Council / Liverpool Plains Shire Council)

11. Councillor Linda Scott, President, ALGA

Cr Scott gave an overview of the past 50 years of the ALGA organisation, the current structure of the association, how it has been recalibrated to underpin successful advocacy, the challenges such as reliance on grants, recurrent funding and productivity commission, the priorities of the federal election campaign and the development of materials that councils can use, and what ALGA will do, and requesting case studies from councils that ALGA can use

12. Project Funding

This item was dealt with at the November 2021 meeting.

13. Bio Diversity Offset Scheme

RESOLVED That the Country Mayors Association express sincere concerns to the State Government on the impact on rural NSW and development opportunities for growth caused by the Bio Diversity Offset Scheme and the Minister for Environment and Heritage James Griffin be invited to attend a future meeting (Narromine Shire Council / Forbes Shire Council)

14. Treatment of RFS Assets

RESOLVED That the Country Mayors Association writes to the NSW OLG to request a copy of any opinion (legal or accounting or other) in relation to the accounting treatment of RFS assets by NSW Councils, respectfully requesting such opinion/s be furnished by 31 March 2022 (Leeton Shire Council / Bellingen Shire Council)

15. The Hon Sam Faraway, MLC, Minister for Regional Transport and Roads

The Minister has been touring northern NSW for the past week where a national disaster has been declared. As Minister for Regional Roads it was important to be there and assess needs. Response teams are in the area now. The regional and rural transport network is imperative and there has been a substantial investment by the NSW government. The Safer Roads Program and the Regional Roads Programs are very important. Work on the Raymond Terrace section of the M1 are due to start this year and the Coffs Harbour bypass will follow. The Great Western highway will open up the central west with \$4.5billion committed to the project. Mount Victoria will be bypassed. Railway maintenance is to move from Parramatta to Dubbo. The Country Bridges Program is replacing timber bridges in many council areas. The road reclassification program will take back 15,000Km of roads from councils. The second round of submissions was extended to the end of February due to COVID. The panel is to now review submissions and report to the Minister midyear

16. Mr Simon Hunter, Director Strategy and Innovation, NSW Department of Planning and Environment

Smart places has six pillars Skills and Jobs, Safety and Security, Environmental Quality, Equity Accessibility and Inclusion, Health and Well Being, and collaboration and Connection. It develops outcomes for citizens and businesses by applying consistency and a place based approach. Foundations are policy standards and governance. Building good foundations demonstrates a commitment and is a process to help. The State Governments \$45million investment was launched in December 2020. Examples of projects are Envisioning in 3D, Smart Irrigation Management, Openair, Smart Regional Space and Asset A1. The next stage is to accelerate uses of technology and data and they would like to assist regional NSW

17. Regional Road Transfer and Road Classification

Item was withdrawn as it was covered by the Minister

18. Health Forum

RESOLVED that the CMA make representation to the Minister for Rural Health The Hon Bronnie Taylor requesting that a health forum be conducted after the release of the Upper House Enquiry, to help to develop policies and outcomes and that an invitation be extended to the Shadow Minister for Health to attend and participate (Gunnedah Shire Council / Forbes Shire Council)

19. Declaration of Interests

Wingecarribee Shire Council requested that future agendas have Declaration of Interests item following the minutes which was agreed to

There being no further business the meeting closed at 12 noon.
Cr Ken Keith OAM
Chairman Country Mayor's Association of NSW



Minutes of the Traffic Facilities Committee Meeting

Wednesday 16 March 2022

10.30am

Foyer Room

Yass Valley Council

209 Comur Street, Yass

Minutes of the Traffic Facilities Committee Meeting held on 16 March 2022

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Minutes of the Traffic Facilities Committee Meeting held on 16 March 2022

1. Present

Cr Adrian Cameron (Chairperson), Terry Cooper (Manger Engineering Services – YVC), Mel Lausz (TfNSW), Daniel Condon (NSW Police), Maret (Rep. Hon Wendy Tuckerman MP), Meryl Hinge (RSO Officer – YVS) & Trish Reynolds (YVC – minutes)

2. Apologies

Nil

3. Declarations of Interest

Nil

4. Public Participation

Nil

5. Confirmation of Minutes

RECOMMENDATION

That the minutes of the Traffic Facilities Committee Meeting held on 03 November 2021 confirmed.

6. Business Arising

Nil

7. Matters Arising from Minutes

Nil

8. Matters Considered between Meetings

8.1 2022 TOUR DE CURE SIGNATURE TOUR ON ROAD - CHARITY BICYCLE RIDE

SUMMARY

Council has received a request from the organizer of the Tour de Cure Signature Tour on road charity bicycle ride to approve the events' use of roads within Yass Valley LGA via Sutton/Gundaroo Road before leaving the Yass Valley LGA at the Federal Highway.

RECOMMENDATION

That the information be noted.

Minutes of the Traffic Facilities Committee Meeting held on 16 March 2022

9. ITEMS DELEGATED TO COUNCIL

9.1 SAFETY CONCERNS 40 BROWNE STREET - YASS

SUMMARY

Council has received a request from the owner of 40 Browne Street, adjacent to Luff Motors, for assistance to address a safety concerns.

DECISION:

YVC RSO to undertake further discussions with the resident on trimming or removal of vegetation on the road reserve & vehicle movement in and out of the driveway.

3.4 REMOVAL OF TRAFFIC CALMING DEVICES IN SOUTH STREET MURRUMBATEMAN

SUMMARY

To consider a request to remove the traffic calming devices in South Street Murrumbateman.

DECISION:

That the Committee give in principle support to remove the traffic calming devices in South Street Murrumbateman subject to public feedback.

3.5 ROAD CLOSURES ANZAC DAY 2022 - YASS

SUMMARY

To approve road closures associated with Anzac Day 2022 in Yass.

RECOMMENDATION

- 1. That the Yass 2022 Anzac Day Road closures and associated traffic management be support;*
- 2. That Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue.*

3.6 ROAD CLOSURES ANZAC DAY 2022 - BINALONG

SUMMARY

To approve road closures associated with Anzac Day 2022 in Binalong.

RECOMMENDATION

- 1. That the Binalong 2022 Anzac Day Road closures and associated traffic management be support;*
- 2. That Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue.*

Minutes of the Traffic Facilities Committee Meeting held on 16 March 2022

3.7 ROAD CLOSURES ANZAC DAY 2022 - SUTTON

SUMMARY

To approve road closures associated with Anzac Day 2022 in Sutton.

RECOMMENDATION

1. *That the Sutton 2022 Anzac Day Road closures and associated traffic management be support;*
2. *That Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue.*

3.8 ROAD CLOSURES ANZAC DAY 2022 - GUNDAROO

SUMMARY

To approve road closures associated with Anzac Day 2022 in Gundaroo.

RECOMMENDATION

1. *That the Gundaroo 2022 Anzac Day Road closures and associated traffic management be support;*
2. *That Council arrange public notification of the road closures and write advice the NSW Ambulance Services and NSW Fire and Rescue*

3.9 DRAGON DREAM EVENT 2022

SUMMARY

To consider information supplied by the event organisers for Dragon Dreaming 2022.

DECISION:

The Committee notes the information supplied by 2022 Dragon Dreaming Festival

3.10 2022 SUTTON PUBLIC SCHOOL – CROSS COUNTRY

SUMMARY

To provide the Committee details of the proposed 2022 Sutton Public School – Cross Country event to be held on either Thursday 1 April or Friday 2nd April 2022, with Council providing support through the provision of traffic management.

RECOMMENDATION

That the 2022 Sutton Public School Cross Country event be supported.

Minutes of the Traffic Facilities Committee Meeting held on 16 March 2022

3.11 COMMITTEE MEMBER UPDATES

SUMMARY

To provide each Committee member an opportunity to provide the Committee with an update on traffic matters as it relates to their area of responsibility.

NSW Police -

- As usual over the Easter break and Anzac Day long weekend there will be an increase of police presence on the roads.

TfNSW -

- Seatbelts have now been installed in every dedicated school bus in rural and regional NSW, under the NSW Rural and Regional Bus Seatbelt Program.

- Outstanding speed review's update will be sent to YVC RSO.

Council-

- Yass Valley Council has been successful obtaining grant funding for pedestrian safety upgrades for Gundaroo Public School, Mt Carmel School, Yass Public School and two for Berinba Public School.

Cr Adrian Cameron -

- had been approached by a resident in regard to the fading line marking at Give Ways, Stop signs, in front of the police station and at the traffic lights in Yass. Recommended for an inspection on line marking in the Yass area to be carried out, this will be passed onto the Director Infrastructure & Assets.

Office of Local Member –

- Hon. Wendy Tuckerman MP, has received concerns from constituents regarding the deterioration of the local roads in the YVC area.

RECOMMENDATION

That the information be noted.

7. Next Meeting

Wednesday 4 May 2022, at 10.30am in Foyer Room
Yass Valley Council
209 Comur Street, Yass

The meeting closed at 11:21am