

Ordinary Meeting of Council

Thursday 24 August 2023 4.00pm Council Chambers 209 Comur Street, Yass

ATTACHMENTS TO REPORTS

Ordinary Meeting of Council

Attachments to Reports

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Policy: RENEWABLE ENERGY SP-POL-7

Division: Planning

Responsible Officer: Director Planning

1. INTRODUCTION

For several years Council has wrestled with the impacts of large scale electricity generating works on the rural landscape and communities throughout Yass Valley.

On 13 June 2018 Council held a Planning Forum on windfarms with speakers for and against the land use.

On 18 June 2018 a Councillor Workshop was held regarding Council's approach to wind farms and other renewable energy projects.

From the Planning Forum and Workshop, Council has developed its policy position on renewable energy projects.

2. POLICY OBJECTIVE

To outline Council's position in relation to renewable energy projects proposed in Yass Valley.

To act as a guide on the likely impacts and concerns of the local community that Council expects to be addressed in any planning documentation.

3. POLICY SCOPE

This policy applies to all renewable energy projects proposed in Yass Valley.

4 POLICY PROVISIONS

The following policy statement has been determined by Council:

Having considered the social, environmental, economic and strategic planning impacts on the Yass Valley communities and the cumulative impacts of the four approved wind farm sites Council is of the view that it has reached the maximum number of industrial turbines for the local government area.

While supportive of renewable energy in general, Council opposes in principle, further large scale wind turbine sites in Yass Valley.

Despite Council's position on wind farms it will consider any further proposed renewable energy projects submitted for assessment on its individual merits with the following matters (in addition to the Department of Planning & Environment's Wind Energy Guide or the like) to be taken into account:

- a) The location being consistent with the Yass Valley Settlement Strategy
- b) The infrastructure (e.g. turbines, panels, substations) not being within view lines of villages and towns or areas of closer settlement
- c) The infrastructure not having an adverse impact on the amenity of other dwellings
- d) The impact of infrastructure (e.g. turbines, panels) on the rural landscape and tourism values of the Yass Valley
- e) Roads being used by any heavy vehicles being upgraded to the appropriate standard in Council's Roads Standards Policy prior to commencement of works on site
- f) A sharing the benefits scheme(s) with the host landowners, immediate neighbours and a Community Enhancement Fund (as per Council policy)
 - i. Noise impacts at adjoining dwellings being consistent with the applicable standards

Policy No SP-POL-07



- ii. The project to commence within 5 years of a Consent being issued and completed within 5 years of commencement
- iii. The impacts of the infrastructure (e.g. panels, turbines) on the heritage values of the site and Yass Valley
- iv. The economic and social impacts on local communities and Yass Valley
- Any community and Rural Fire Service concerns in relation to the bushfire risks and any impediments to firefighting operations

5. REVIEW

This policy will be reviewed once each term of Council or as needed in response to any change of circumstance including changes in legislation.

6. LEGISLATIVE & LEGAL FRAMEWORK

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

- Local Government Act1993
- Environmental Planning & Assessment Act 1979

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Renewable Energy *Policy*. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

7. **DEFINITIONS**

Under the Yass Valley Local Environmental Plan 2013:

electricity generating works means a building or place used for the purpose of making or generating electricity

8. RESPONSIBILITIES

The following Council Officers are responsible for the implementation and adherence to this policy:

- Director Planning
- Manager Development Control
- Manager Strategic Planning
- Planning Staff

Development assessment staff are required to take into account the provisions of this policy in relation to any Development Applications.

9. HISTORY

EMT Review Date	Report to	Minute	Exhibition	Adoption	Rescission
	Council	No.	Period		Date
9/2018	24/10/2018	290	11/2018	19/12/2018	
11/09/2019	23/10/2019	245	N/A	23/10/2019	

Document No: SP-POL 07		Created/Revised: 11/09/2019	Review date: 2023
Version No: 2		Author: Director Planning	Doc Type: 30
File Name: Renewable Fnergy		Approved By: Council Meeting 23/10/2019	



Policy: RENEWABLE ENERGY SP-POL-7

Division: Planning

Responsible Officer: Director Planning & Environment

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While supportive of renewable energy in general, Council opposes in principle, further large scale wind turbine sites in Yass Valley.

Despite Council's position on wind farms it will consider any further proposed renewable energy projects submitted for assessment on its individual merits with the following matters (in addition to the Department of Planning & Environment's Wind Energy Guide and Large Scale Solar Energy Guidelines 2022 or the like) to be taken into account:

- a) The location being consistent with the Yass Valley Settlement Strategy
- The 5km buffer area along the NSW/ACT border identified in the Yass Valley Settlement Strategy has been identified as an area to protect and retain the existing environmental values and rural character of the area and is not suitable for renewable energy infrastructure
- c) The infrastructure (e.g. turbines, panels, substations) not being within view lines of villages and towns or clusters of rural dwellings
- d) The infrastructure not having an adverse impact on the amenity of other dwellings
- e) The impact of infrastructure (e.g. turbines, panels) on the rural landscape and tourism values of the Yass Valley
- f) Roads being used by any heavy vehicles being upgraded to the appropriate standard in Council's Roads Standards Policy prior to commencement of works on site

Policy No SP-POL-07



- g) A sharing the benefits scheme(s) with the host landowners, immediate neighbours and a Community Enhancement Fund (as per Council policy)
- h) Noise impacts at adjoining dwellings being consistent with the applicable standards
- The project to commence within 5 years of a Consent being issued and completed within 5 years of commencement
- j) The impacts of the infrastructure (e.g. panels, turbines) on the heritage values of the site and Yass Valley
- k) The economic and social impacts on local communities and Yass Valley
- Any community and Rural Fire Service concerns in relation to the bushfire risks and any impediments to firefighting operations
- m) Any impacts with land contamination as a consequence of a grass or bushfire and appropriate mitigation and rehabilitation measures
- n) The project to include the development of housing solutions for their workforce

5. REVIEW

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11/09/2019	23/10/2019	245	N/A	23/10/2019	
8/8/2023	24/8/2023		N/A	24/8/2023	

Document No: SP-POL 07	Created/Revised: 11/09/2019	Review date: 2023
Version No: 2	Author: Director Planning	Doc Type: 30
File Name: Renewable Energy	Approved By: Council Meeting 23/10/2019	



SP-POL-06

Sustainability Policy

Purpose

Council has established a vision in the Yass Valley Community Strategic Plan 2042 to "build and maintain sustainable communities while recognising and respecting the environment and First Nations people of this country".

Scope

This policy applies to all Councillors and Staff and is intended to integrate sustainable practice into Council's decision making and operations to satisfy the vision articulated in the *Community Strategic Plan 2042* and ensure proper utilisation of the skills and expertise of Council's Sustainability Advisory Committee.

Definitions

For the purposes of this revised Policy, the definition of sustainability as detailed in the *Community Strategic Plan 2042* is adopted by Council. Namely, that sustainability considers *social*, *environmental* and economic connections, civic leadership, environmental health and economic prosperity to be maintained in the interests of meeting current and future needs.

Consistent with NSW legislation and the previous *Environmental Sustainability Policy*, Council's consideration of sustainability is also guided by:

- a. The precautionary principle namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:
 - Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment
 - ii. An assessment of the risk-weighted consequences of various options
- b. Inter-generational equity namely, that the present generation should ensure that the health, aiversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- c. Conservation of biological diversity and ecological integrity namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.
- d. Improved valuation, pricing and incentive mechanisms namely, that environmental factors should be included in the valuation of assets and services, such as:
 - Polluter pays that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - ii. The users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste.

SP-POL-06 Sustainability Policy
Approved: 25 May 2023 — Council Res 105



iii. Environmental goals, having been established, should be pursued in the most cost ejfective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

In addition, Council and the Sustainability Advisory Committee will undertake improved community engagement in developing shared outcomes.

Policy Objectives

This policy seeks to:

- 1. Establish short and medium term work priorities for the Sustainability Advisory Committee to improve the sustainability of Yass Valley consistent with a 'framework assessment' approach.
- 2. Formalise policy development and service design practices within Council to ensure the proper early consideration of sustainability and climate change mitigation and adaptation in all decision making.
- 3. Establish a longer-term research and engagement agenda for improving the sustainability of Yass Valley.

Policy Provision

Council's Sustainability Advisory Committee has developed a *Sustainability Assessment Framework* against which it has assessed the current sustainability of the Yass Valley and Council to the extent that this is possible given available data. In following this approach, the *Sustainability Assessment Framework* has allowed the Committee to ascertain the areas where the gap in Council's current efforts to support the sustainability of Yass Valley and be sustainable itself are most evident. It has also helped in the identification of where Council can best focus its attention in closing that gap, taking into account Council's potential to act and its ability to influence outcomes.

Four priority areas for action have been established based upon this analysis and the Committee's Terms of Reference. They are:

PRIORITY AREAS FOR ACTION				
Food and Garden Organics Service (FOGO)	All NSW Councils are required by 2030 to establish a food and organics collection service. There are issues of design upon which the Sustainability Advisory Committee will provide advice and the Committee will also assist in identifying possible grant funding and in engaging and educating the community about the new service.			
Electric Vehicles	EN2.1 of Council's <i>Delivery Program</i> states that Council will investigate and implement the use of electric and low emission powered vehicles as part of its commercial and operational fleet. Council subsequently considered a policy on Electric Vehicles in June 2022 identifying the opportunities and obstacles in moving towards the procurement of a share of electric vehicles in its fleet and plant.			
	The Sustainability Advisory Committee will provide advice on how to overcome these obstacles and in the calculation of potential financial and emission savings through an accelerated shift to EVs and appropriate configuration of the EV fleet.			



Engagement with other Advisory Committees and Bodies	The Terms of Reference of the Sustainability Advisory Committee include that it work to embed sustainability in Council policies, practices and services. The Terms also state that the Committee should engage and take advice from others to identify new and innovative ways of building sustainable practice across Yass Valley and within Council. Accordingly, the Committee will commence a formal program of active engagement with Council's other Advisory Committees and relevant Council staff to ensure they understand the role and direction of the Committee and the intent of this policy.
Design of an approach to engaging the community on a possible future climate change action plan	Further to engaging with Council's Advisory Committees and other bodies, the Sustainability Advisory Committee will design a process to develop a community-led (Council-supported) Climate Change Action Plan and, subject to approval, commence those engagement activities.

Consistent with the Sustainability Advisory Committee's Terms of Reference, and the objective of formalising the proper consideration of sustainability in policy development practices, the Committee will continue to develop and refine the benchmarks and measures within the *Sustainability Assessment Framework* and provide an updated assessment of the sustainability of Yass Valley and Council every 12 months.

Council will also use the *Sustainability Assessment Framework* in their policy development and service design work and give proper consideration to the impact of their decisions upon the particular measures and benchmarks contained within the framework document.

Council will also adopt the practice of early engagement of the Sustainability Advisory Committee in all relevant strategic discussions, policy development and service design work in order that sustainability is given consideration upfront in the design of all Council's policies, plans and services. This will facilitate the embedding of financial, environmental, social and cultural sustainability into Council's operation, ie through up-front and early engagement, as opposed to the end of the policy development process.

Finally, while progressing the above identified priority areas for action and taking an active role in policy, formulation, the Sustainability Advisory Committee will focus its longer-term research and engagement efforts, with a view to further reporting to Council on the potential value of particular initiatives and, where appropriate, integrating action upon them into Council's planning processes.

Review

This policy will be revised following each general election of Council. The associated *Sustainability*Assessment Framework will be updated by the Sustainability Advisory Committee on an annual basis.

Responsibilities

Council and all staff undertaking decision making on behalf of Council are required to take into account the provisions of this policy.

This includes use of the *Sustainability Assessment Framework* in policy development and service design work and consideration of the impact of decisions upon the measures and benchmarks within the *Framework*. Also, that staff engage the Sustainability Advisory Committee early in all relevant strategic discussions, policy development and service design work in order that sustainability is given consideration upfront in the design of all Council's policies, plans and services.



egislation	s8 Local Government Act 1993
olicies and	s1.3 Biodiversity Conservation Act 2016
procedures	s22 Biosecurity Act 2015
	s1.3 Environmental Planning & Assessment Act 1979
	Protection of the Environment Operations Act 1997
	Water Management Act 2000
	Waste Avoidance & Resource Recovery Act 2001
	Environmental Protection & Biodiversity Conservation Act 1999 (Cwlth)
	Integrated Planning and Reporting Framework
	Yass Valley Community Strategic Plan 2042

Approval History

Stage	Date	Comment	MagiQ Reference
Original/Review		Approved by	
Report to Council	12/6/2014	Res 122 & 131	
Report to Council	23/10/2019	Res 245	
Sustainability Advisory Committee Review	7/10/22		
Report to Council	23/02/23	Res 26	
Report to Council	25/05/2023	Res 105	596731
Report to Council	24/08/2023		

Ownership and Approval

Responsibility	Role	
Author		
Owner		
Endorser		
Approver	Council	



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

Mr Berry

Submission on the Draft Sustainability Policy

In response to Council's call for submissions on Yass Valley Council's *Draft Sustainability Policy* (the Policy), I offer the following comments for consideration.

 The Policy appears to rely heavily on a related document that is frequently referred to as a Sustainability Assessment Framework. This document reads as if it is the main mechanism to deliver on the intent of the Policy.

That Sustainability Assessment Framework was not put out for public consideration. When I questioned the availability of that document with Council to enable a better consideration of the Policy, I was advised it would not be available as Council had resolved to only seek comment on the Draft Sustainability Policy.

This seems to be an entirely unreasonable position to take, given the prominence of that document in the Policy. It weakens the ability of the community to fully understand and comment on the Policy, while diminishing the work of Council's own Sustainability Advisory Committee.

2. The Policy provides no mechanism for reporting on its implementation or effectiveness. While the Policy appears to require sustainability to be embedded into all Council's activities and decision-making, there is no clear reporting mechanism for the public to understand how this is being carried out. Without an understanding of the Sustainability Assessment Framework that Council and Council staff are to use in their operations, there is no means for the community to understand how the Policy will be, or has been, implemented.

A reasonable approach on reporting on the implementation of the Policy could be:

- to include a clear statement in all relevant reports to Council, details of consultation with the Sustainability Advisory Committee, along with the Committee's response;
 and
- for the Sustainability Advisory Committee to regularly report on the consultations
 Council staff have had with the it on broader policy and strategic matters.
- The Policy appears to rely strongly on the ongoing work of the Sustainability Advisory
 Committee. It sets a forward program for that Committee to work on but provides little to
 no detail on how Council and Council staff will work towards achieving the Policy objectives.

Again, I suspect the provision of the *Sustainability Assessment Framework* document may be of assistance in understanding how Council staff will implement the Policy. It is regrettable – and less than transparent – that the community cannot understand how Council staff will be acting to ensure sustainability is embedded into Council functions, as it appears the Policy is aiming to achieve.

Thank you for the opportunity to comment.

Yours faithfully

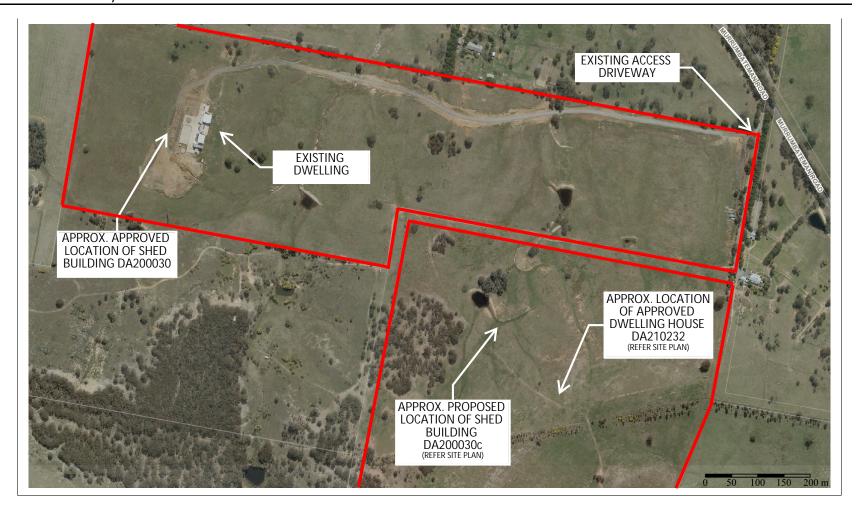






6.4 Modification Development Consents DA200030 (Shed), DA210228 (Subdivision), DA210232 (Dwelling House/Dual Occupancy) - 838 Murrumbateman Road, Nanima

Attachment B Modification Locality Plan





Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

This information has been prepared for Cound's Internal purposes and for no other purpose. It is statement is made about the accuracy or substitility of the information for use for any purpo (whether the purpose has been notified to Council or not). While every one is taken to ensure it can be caused by the data, neither the Vasa Valley Council not the SS makes any representations of the council of the counc



Projection: GDA94 / MGA zone 55

Date: 14/08/202

Orawn By: Jeremy Kn

Modification Locality Plan

Map Scale: 1:5665 at A4



Diverse Project Solutions
7 Adele Street
Yass NSW 2582
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SECTION 4.55 PLANNING STATEMENT

PREPARED BY:

DPS YASS PTY LTD 7 ADELE STREET YASS NSW 2582

PO BOX 5 YASS NSW 2582

PROJECT:	Modification of Determination of DA200030 for the Approval of the Construction of a Machinery Shed, including Part Private Indoor Recreation Space and Internal Amenities under the provisions of S4.55(2) of the Environmental Planning and Assessment Act 1979 (as amended).
CLIENT:	Ace Popovich TP Dynamincs Pty Ltd ACN 150 644 723
ADDRESS	Lot 1 DP1213153 838 Murrumbateman Road NANIMA NSW 2582
OUR REFERENCE:	4044_MOD2
DATE:	December 2022
AUTHOR:	Rachel Doberer SENIOR TOWN PLANNER
SIGNATURE:	



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1. INTRODUCTION

This submission has been prepared as supporting documentation to accompany an application made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify the consent for **Development Application No 200030** approved by Yass Valley Council on 28 April 2020. The approval relates to the approval of the *construction of a machinery shed, including part private indoor recreation space and internal amenities.*

The application seeks approval to have condition 1 reviewed and ultimately modified in the development consent. Having considered the reasons and additional information, and relevant provisions of the Environmental Planning & Assessment Act 1979 (EP&A Act), namely S4.15, the revised S4.55 proposal is deemed to be acceptable and in the public interest. An assessment of the proposed modification confirms that the revised proposal has an acceptable visual fit and environmental impact and responds appropriately to the site's opportunities and constraints.

Under Division 4.9 Post-consent provisions (S4.55) the applicant is able to request a modification of the consent following the determination of a consent authority under Part 4 of the EP&A Act.

This Statement has been prepared pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979. The Statement provides an assessment of the amended proposal having regard to the relevant legislative context, social economic and environmental impacts, potential amenity impacts of the development on the surrounding locality and the measures proposed within the application to mitigate such impacts.

The Statement details the proposed development's compliance against the applicable environmental planning instruments including but not limited to:

Yass Local Environmental Plan 2013 (YLEP2013)

In support of this application, we enclose the following:

- 1. Development Consent DA200030 dated 28 April 2020 (refer Appendix A)
- 2. Approved Floor Plans reference DA200030 dated 28 April 2020 (refer Appendix B)
- 3. Approved Site Plan reference DA200030 dated 28 April 2020 (refer **Appendix C**)
- 4. Approved Elevation Drawings reference DA200030 dated 28 April 2020 (refer Appendix D)
- Approved On-site Sewage Management Report & System Assessment reference DA200030 dated 28 April 2020 (refer **Appendix E**)
- Modified Architectural Plans including a Landscaping Plan prepared by Design Studio dated 19
 September 2022 (refer Appendix F)
- 7. On-site Sewage Management Report prepared by Franklin Consulting Australia Pty Limited dated 06 September 2022 (refer **Appendix G**)
- 8. The Client is aware of the Yass Valley Council's S4.55 Modification Application fees, upon receiving an invoice this will be forwarded to the client for payment.

Having regard to the applicable legislative framework, the proposed amendments to the approved development are such that the development retains the same fundamental characteristics and is therefore substantially the same development. The amended development remains consistent with the aims and objectives of the relevant environmental planning instruments whilst remaining compatible with the character of the locality.

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT

REF: 4044 MOD2 - MACHINERY SHED AND INDOOR RECREATION FACILITIES, NANIMA

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As a result of this assessment, it is concluded that the proposed modification in the manner proposed is considered to be acceptable and worthy of Council's support.

2. DIVISION 4.9 POST-CONSENT PROVISIONS

In accordance with S4.55(2) of the EP&A Act 1979 an applicant is entitled to request a modification of Councils determination. The intent is to allow the applicant a chance to modify the consent if the proposed modification is 'substantially the same development'. Specifically, S4.55(2) states:

4.55 Modification of consents—generally

- (2) **Other modifications** 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—
 - (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
 - (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
 - (c) it has notified the application in accordance with—
 - (i) the regulations, if the regulations so require, or
 - (ii) 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
 - (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

In accordance with the above legislation/ provisions the request for a modification of the determination has been made pursuant to the reasons listed in item 3 below. The amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development.

Conceptionally the proposal remains the approval of the construction of the construction of a Machinery Shed, including Part Private Indoor Recreation Space and Internal Amenities.

The amended proposal also retains an essentially identical envelope to the approved development. To the casual observer, the amended proposal would appear generally the same as the approved development albeit in a different location on the subject lot.

It is to be noted the amended location is the most desirable choice due to the close proximity to the approved dual occupancy (DA210232). Careful deliberation in relation to the placement of the machinery shed has been taken into consideration due to the potential impact on the neighboring properties visual amenity. It is to be noted that a proposed landscaping plan included in the modified Architectural Plans (refer **Appendix F**) demonstrates the extent of landscaping proposed to create an attractive visual amenity and balance with the surrounding natural environment.

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT

REF: 4044_MOD2 - MACHINERY SHED AND INDOOR RECREATION FACILITIES, NANIMA

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We rely on Council to have the appropriate officer(s) review and determine the application in accordance with the statutory requirements and internal Council delegations.

The proposed amendments do 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 amended proposal could nor reasonably be considered a substantially different development.

As the proposed amendment does not alter the fundamental characteristics of the original approval, the proposal is appropriately categorised as being 'substantially the same' as required by Section 4.55(2) of the EP&A Act.

It is considered the proposed development is consistent with the aims and objectives of the relevant planning instruments, is compatible with and responds positively to the site conditions. The proposed development is sympathetic with the surrounding amenity of the area, considers the opportunities and constraints of the site including all relevant legislation and is therefore considered worthy of Council's support.

3. MODIFICATION OF CONDITIONS AND RESPONSE

Following approval of the proposed development the proposed architectural plans have been reviewed and slightly amended. Following that the consent conditions have been reviewed and it appears there are a couple of conditions that now require modifying so the development consent correctly reflects the preferred layout.

Accordingly, the proposal seeks approval Condition 1 to be modified in the development consent. Further justification relating to this request is listed below.

CONDITION 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.

It is proposed to amend the approved Architectural Plans to reflect the following:

 Amend the location of the proposed development to reflect the proposed Site Plan prepared by Design Studio dated 19 September 2022 (refer **Appendix F**).

It is to be noted the amended location is the most desirable choice due to the close proximity to the approved dual occupancy (DA210232). Careful deliberation in relation to the placement of the machinery shed has been taken into consideration due to the potential impact on the neighboring properties visual amenity. It is to be noted that a proposed landscaping plan included in the modified Architectural Plans (refer **Appendix F**) demonstrates the extent of landscaping proposed to create an attractive visual amenity and balance with the surrounding natural environment.

Taking the above comments into consideration it is requested the abovementioned condition be modified in the conditional consent to reflect the amended plans and supporting documentation.

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DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044 MOD2 – MACHINERY SHED AND INDOOR RECREATION FACILITIES, NANIMA

4. CONCLUSION

This application seeks to amend Development Application DA200030 for the approval the 'Construction of a Machinery Shed, including Part Private Indoor Recreation Space and Internal Amenities)' at Lot 1 DP1213153 838 Murrumbateman Road, NANIMA.

The application seeks approval for the modification of Condition 1 to facilitate the actual intent and interpretation of the proposal.

The amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development. The amended proposal also retains an essentially identical envelope to the approved development.

The proposed modification will not introduce any new environmental impacts that have not previously been considered. The proposed modification does not alter the existing operation of the consent other than to modify conditions to reflect the intent of the proposal.

The proposed modification retains the essential components of the approved subdivision and spatial characteristics of the development. As detailed in this submission the proposed modification may be made by the consent authority in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979 the proposed amendments/ modification 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.

The proposed modification is considered minor in nature and is consistent with the relevant planning legislation and policies within the YVLEP2013. Accordingly, it is recommended that the conditional consent be modified for the proposal at Lot 1 DP1213153 838 Murrumbateman Road, NANIMA reflecting the recommendations listed earlier in this Statement.







PERSPECTIVES

MURRUMBATEMAN WORKSHOP

LOT 1 DP 1213153, MURRUMBATEMAN, NSW, 2582

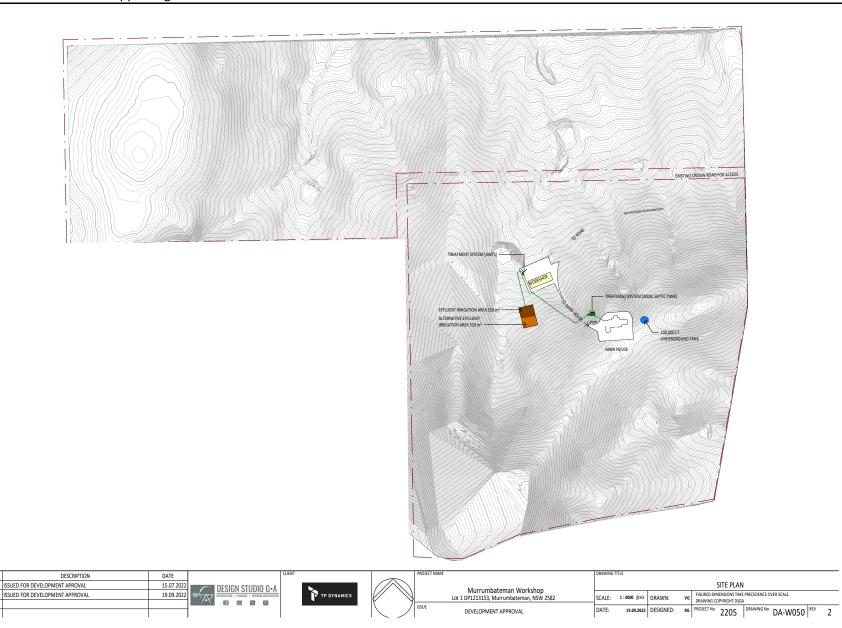
DEVELOPMENT AREAS:

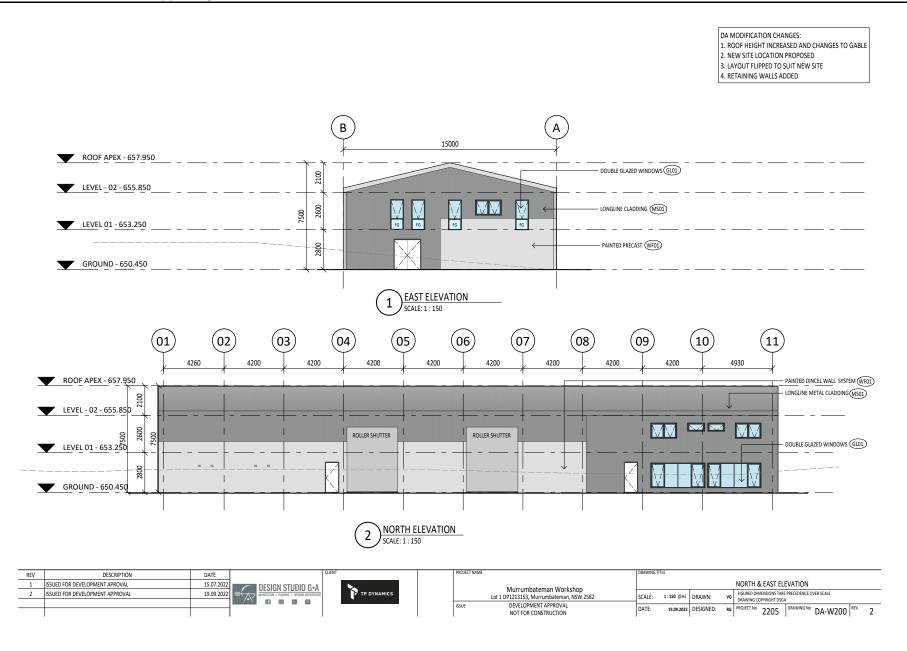
GROUND AREA: 611.944 m² MEZZANINE AREA:125.443 m² OVERALL AREA: 737.387 m²

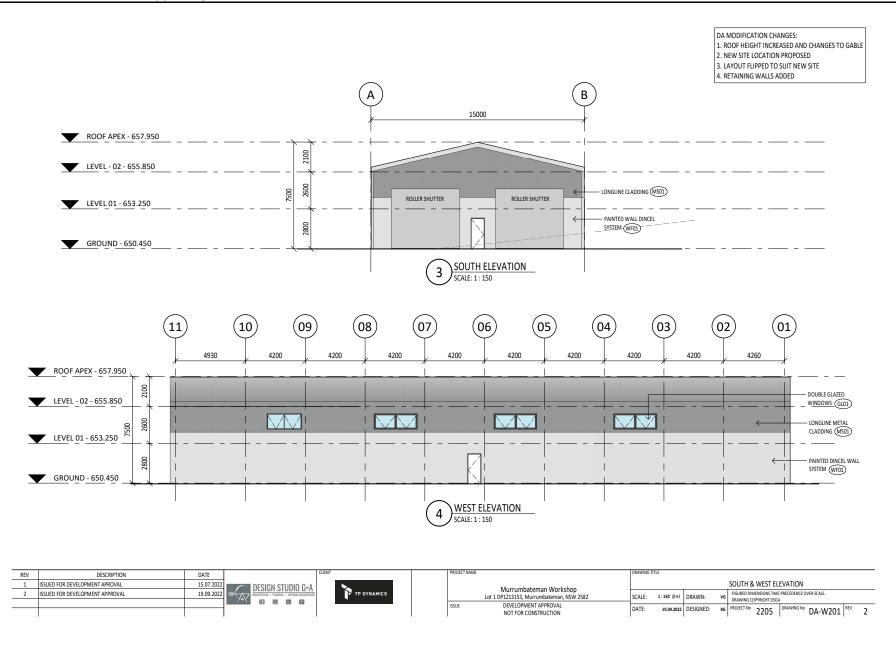


VICINITY MAP

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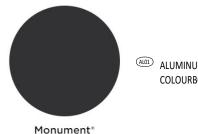








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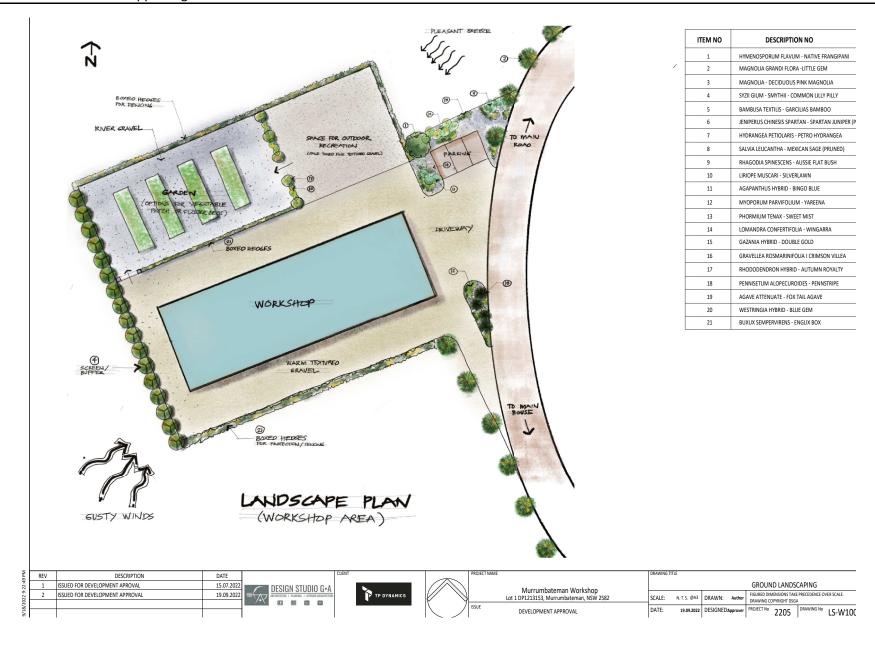


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TP DYNAMICS

	PROJECT NAME	DRAWING TITLE				
	Murrumbateman Workshop Lot 1 DP1213153, Murrumbateman, NSW 2582				MATERIALS AND	FINISHES
			@A3	DRAWN: Author	FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALE. DRAWING COPYRIGHT DSGA	
	ISSUE DEVELOPMENT APPROVAL NOT FOR CONSTRUCTION	DATE: 1	9.09.2022	DESIGNEDApprover	PROJECT No 2205	DRAWING No DA-W400 REV 1





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SECTION 4.55 PLANNING STATEMENT

PREPARED BY:

DPS YASS PTY LTD 7 ADELE STREET YASS NSW 2582

PO BOX 5 YASS NSW 2582

PROJECT:	Modification of Determination of DA210228 for the Approval of a Two (2) Lot Rural Subdivision under the provisions of S4.55(2) of the Environmental Planning and Assessment Act 1979 (as amended).
CLIENT:	Ace Popovich TP Dynamincs Pty Ltd ACN 150 644 723
ADDRESS	Lot 1 DP1213153 838 Murrumbateman Road NANIMA NSW 2582
OUR REFERENCE:	4044_MOD3
DATE:	December 2022
AUTHOR:	Rachel Doberer SENIOR TOWN PLANNER
SIGNATURE:	



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1. INTRODUCTION

This submission has been prepared as supporting documentation to accompany an application made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify the consent for **Development Application No 210228** approved by Yass Valley Council on 24 March 2022. The approval relates to the approval of *a Two (2) Lot Rural Subdivision*.

The application seeks approval to have conditions 1, 11, 13, 29 and 30 reviewed and ultimately modified in the development consent. Having considered the reasons and additional information, and relevant provisions of the Environmental Planning & Assessment Act 1979 (EP&A Act), namely S4.15, the revised S4.55 proposal is deemed to be acceptable and in the public interest. An assessment of the proposed modification confirms that the revised proposal has an acceptable visual fit and environmental impact and responds appropriately to the site's opportunities and constraints.

Under Division 4.9 Post-consent provisions (S4.55) the applicant is able to request a modification of the consent following the determination of a consent authority under Part 4 of the EP&A Act.

This Statement has been prepared pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979. The Statement provides an assessment of the amended proposal having regard to the relevant legislative context, social economic and environmental impacts, potential amenity impacts of the development on the surrounding locality and the measures proposed within the application to mitigate such impacts.

The Statement details the proposed development's compliance against the applicable environmental planning instruments including but not limited to:

Yass Local Environmental Plan 2013 (YLEP2013)

In support of this application, we enclose the following:

- Development Consent DA210228 dated 24 March 2022 (refer Appendix A)
- 2. Approved Plan of Subdivision reference DA210228 dated 24 March 2022 (refer Appendix B)
- 3. Proposed Plan of Subdivision prepared by DPS dated December 2022 (refer Appendix C)
- New Internal Access Road Project Management Plan prepared by TP Dynamics dated December 2022 (refer Appendix D)
- 5. Property Access Comments in response to BAR/ BAL Intersection Requirements prepared by Genium Civil Engineering dated 21 December 2022 (refer **Appendix E**)
- 6. Flora and Fauna Assessment prepared by SMEC dated 25 October 2018 (refer Appendix F)
- 7. The Client is aware of the Yass Valley Council's S4.55 Modification Application fees, upon receiving an invoice this will be forwarded to the client for payment.

Having regard to the applicable legislative framework, the proposed amendments to the approved development are such that the development retains the same fundamental characteristics and is therefore substantially the same development. The amended development remains consistent with the aims and objectives of the relevant environmental planning instruments whilst remaining compatible with the character of the locality.

As a result of this assessment, it is concluded that the proposed modification in the manner proposed is considered to be acceptable and worthy of Council's support.

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044 MOD3 – TWO LOT SUBDIVISION, NANIMA

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2. DIVISION 4.9 POST-CONSENT PROVISIONS

In accordance with S4.55(2) of the EP&A Act 1979 an applicant is entitled to request a modification of Councils determination. The intent is to allow the applicant a chance to modify the consent if the proposed modification is 'substantially the same development'. Specifically, S4.55(2) states:

4.55 Modification of consents—generally

- (2) **Other modifications** 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—
 - (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
 - (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
 - (c) it has notified the application in accordance with—
 - (i) the regulations, if the regulations so require, or
 - (ii) 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
 - (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

In accordance with the above legislation/ provisions the request for a modification of the determination has been made pursuant to the reasons listed in item 3 below. The amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development.

Conceptionally the proposal remains the approval of a Two (2) Lot Rural Subdivision. The amended proposal also retains an essentially identical lot layout to the approved development. To the casual observer, the amended proposal would appear generally the same as the approved development albeit with the proposed access way in a different location.

The proposed access way has been re-evaluated and following the Conditions of Consent requesting the Crown Road upgrade and the impact on the adjoining neighbor it has been determined that we are proposing to refer back to the original proposal that provided access to proposed Lot 2 via a Right of Carriageway 20 Wide.

This will require the importation of 6738m³ of VENM/ ENM (refer **Table 1.1**) fill and subsequent heavy haulage contributions for the proposed truck movements per day. As indicated in the New Internal Access Road Project Management plan (refer **Appendix D**) it is proposed to have a maximum of sixteen (16) truck movements per day with an average of ten (10) truck movements per day over the lifespan of the project.

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044 MOD3 – TWO LOT SUBDIVISION, NANIMA

Total Volume - [uncompacted material]	5,615
Compaction Factor – [20%]	1,123
Total Volume of Fill Material (m3) V/ENM	6,738

Table 1.1: Fill Calculations (Source: TP Dynamics, December 2022)

It is expected the abovementioned introduction of the importation of fill could require the addition of additional conditions to the development consent.

We rely on Council to have the appropriate officer(s) review and determine the application in accordance with the statutory requirements and internal Council delegations.

The proposed amendments do 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 amended proposal could nor reasonably be considered a substantially different development.

As the proposed amendment does not alter the fundamental characteristics of the original approval, the proposal is appropriately categorised as being 'substantially the same' as required by Section 4.55(2) of the EP&A Act.

It is considered the proposed development is consistent with the aims and objectives of the relevant planning instruments, is compatible with and responds positively to the site conditions. The proposed development is sympathetic with the surrounding amenity of the area, considers the opportunities and constraints of the site including all relevant legislation and is therefore considered worthy of Council's support.

3. MODIFICATION OF CONDITIONS AND RESPONSE

Following approval of the proposed development the Conditional Consent and Plan of Subdivision have been reviewed and slightly amended. Following that the consent conditions have been reviewed and it appears there are a couple of conditions that now require modifying so the development consent correctly reflects the preferred layout.

Accordingly, the proposal seeks approval for Conditions 1, 11, 13, 29 and 30 to be modified in the development consent. Further justification relating to this request is listed below.

CONDITION 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.

It is proposed to amend the approved Proposed Plan of Subdivision to reflect the following:

Amend the location of the proposed access way to be a 'Right of Carriageway 20 Wide' to reflect
the proposed Plan of Subdivision prepared by DPS dated December 2022 (refer Appendix C).

The proposed access way has been re-evaluated and following the Conditions of Consent requesting the Crown Road upgrade and the impact on the adjoining neighbor it has been determined that we are

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044 MOD3 – TWO LOT SUBDIVISION, NANIMA

proposing to refer back to the original proposal that provided access to proposed Lot 2 via a Right of Carriageway 20 Wide.

This will require the importation of 6738m³ of imported VENM/ ENM fill and subsequent heavy haulage contributions for the proposed truck movements per day. As indicated in the New Internal Access Road Project Management plan (refer **Appendix D**) it is proposed to have a maximum of sixteen (16) truck movements per day with an average of ten (10) truck movements per day over the lifespan of the project.

It is expected the abovementioned introduction of the importation of fill could require the addition of additional conditions to the development consent.

Taking the above comments into consideration it is requested the abovementioned condition be modified in the conditional consent to reflect the amended plan and supporting documentation.

CONDITION 11

Engineering drawings for the upgrade of the Crown roads to be used for property access shall be submitted to Councils Infrastructure & Assets Department for approval in accordance with:

- Councils Roads Standards Policy RD-POL-09 and
- Councils 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 bas
- 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) 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.

CONDITION 30

A BAR and BAL to be constructed on Murrumbateman Road in accordance with the designs/drawings approved with the Construction Certificate.

Upon receipt of the subject development consent, Genium Civil Engineering have been engaged to provide comments in relation to the abovementioned Condition requiring the BAR and BAL Intersection treatment to be installed on Murrumbateman Road. Following a site analysis by Genium Civil Engineering (refer **Appendix E**) it has been determined that:

- For the BAR Treatment At present there is only a 6m verge width available. As such, it is our opinion that it is not possible to construct a BAR turning treatment in this location and have roadside embankments contained to the road reserve.
- For the BAL Treatment At present there is only a 7m verge width available. As such, it is our
 opinion that it is likely not possible to construct a BAL turning treatment in this location and have
 roadside embankments contained to the road reserve.

It is requested the scope of works be reduced to the following as suggested in the proposal from Genium Civil Engineering dated 21 December 2022 (refer **Appendix E**):

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044 MOD3 – TWO LOT SUBDIVISION, NANIMA

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- Whilst a BAR/ BAL intersection is not feasible, there is sufficient space for the intersection to be upgraded to an 'Austroads Rural Type Property Access' (as provided in Councils Road Policy – RD-POL-9). This type of intersection would incorporate widening in the southern side of the road, which would improve the safety for vehicles using the intersection.
- Due to the approach angle of the Crown Road onto Murrumbateman Road, it is likely that the eastern side of the intersection would need to be widened beyond its standard dimensions to cater for a large vehicle (such as a 12.5m rigid truck).
- The construction of a Rural Type Property Access would require modification to the southern roadside embankment and removal of the two large gum trees on the western edge of the existing property access (as shown in Attachment 2, refer **Appendix E**). This would significantly improve sight distance to the west.
- To improve sight distance to the east, the small stands of gum tree, existing property signage and the pine tree closest to Murrumbateman Road on the eastern side of the existing intersection could be removed (as shown in Attachment 3, refer **Appendix E**).
- In lieu of construction BAR widening it would be prudent to install advanced warning signage on the western approach to the intersection using 'Caution Driveway' (W2-207B_N) or 'Concealed Driveway' (w5-55-1b) signage at a distance of 200m from the intersection. In our opinion the majority of vehicle movements are likely to be to and from the Canberra direction via Nanima Road, meaning right turn movements into the access would be limited.
- To ensure that an appropriate intersection be constructed within the confines of the existing road reserve, Council is requested to consider modifying Conditions such that a modified 'Austroads Rural Type Property Access', Capable of catering for the swept path of a 12.5m rigid truck, be constructed in lieu of a BAR/ BAL intersection.

Taking the above comments into consideration it is requested the abovementioned conditions be modified in the conditional consent to reflect the comments above.

CONDITION 13

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.

CONDITION 29

The Crown roads being used as access to be upgraded in accordance with the designs/ drawings approved with the Construction Certificate.

The abovementioned Conditions refers to the upgrade of the Crown Road and potential tree removal. As indicated in the modification for DA210228 the use of the Crown Road for access to proposed Lot 2 and the dual occupancy (DA210232) is now proposed to go back to original proposal which had a road being built over proposed Lot 1 giving access to proposed Lot 2 via a Right of Carriageway 20 Wide.

This will require the importation of a large amount of fill and subsequent heavy haulage contributions for the proposed truck movements per day. It is to be noted this will be covered under separate cover via the modification for DA210228. It is also noted that the adjoining neighbor that this was directly affecting (Lot 2 DP849255) is aware of the proposed amendment and prefers this option as opposed to the use of the Crown Road that directly abuts his entrance.

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044 MOD3 – TWO LOT SUBDIVISION, NANIMA

Further to that we are of the impression that the upgrade of a Crown Road is not achievable without transferring the Road to Council, this is not desired option by either party.

A Flora and Fauna Report (refer **Appendix F**) prepared by SMEC dated 25 October 2018 was submitted with the first DA that was lodged for the dwelling house that is now existing on the subject lot. Whilst it was submitted for this DA, it did do an assessment of the entire subject lot and would seem relevant to this application as well as the associated dual occupation DA210232.

4. CONCLUSION

This application seeks to amend Development Application DA210228 for the approval of a 'Two Lot Subdivision' at Lot 1 DP1213153 838 Murrumbateman Road, NANIMA.

The application seeks approval for the modification of Conditions 1, 11, 13, 29 and 30 to facilitate the actual intent and interpretation of the proposal.

The amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development. The amended proposal also retains an essentially identical envelope to the approved development.

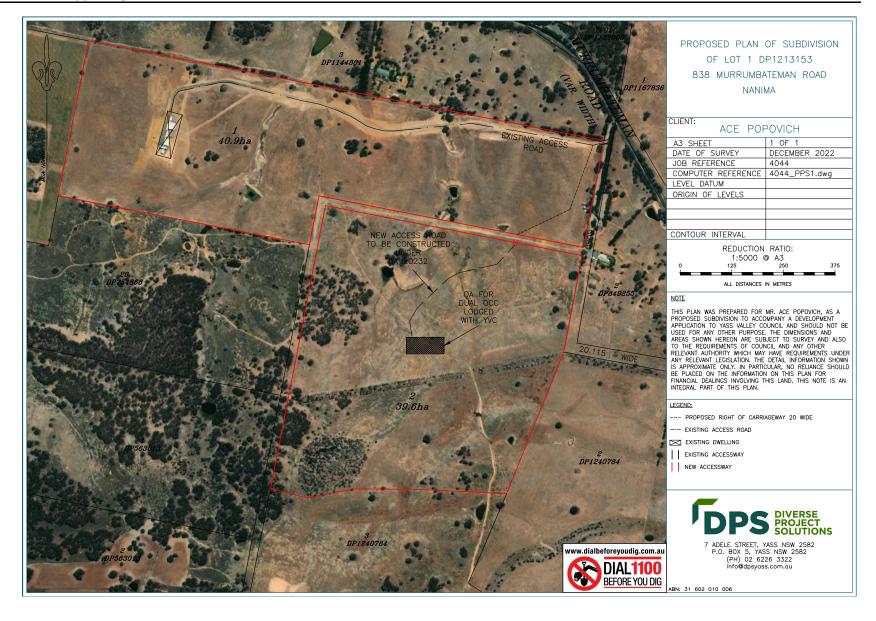
The proposed modification will not introduce any new environmental impacts that have not previously been considered. The proposed modification does not alter the existing operation of the consent other than to modify conditions to reflect the intent of the proposal.

The proposed modification retains the essential components of the approved subdivision and spatial characteristics of the development. As detailed in this submission the proposed modification may be made by the consent authority in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979 the proposed amendments/ modification 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.

The proposed modification is considered minor in nature and is consistent with the relevant planning legislation and policies within the YVLEP2013. Accordingly, it is recommended that the conditional consent be modified for the proposal at Lot 1 DP1213153 838 Murrumbateman Road, NANIMA reflecting the recommendations listed earlier in this Statement.

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DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044 MOD3 – TWO LOT SUBDIVISION, NANIMA 6.4 Modification Development Consents DA200030 (Shed), DA210228 (Subdivision), DA210232 (Dwelling House/Dual Occupancy) - 838 Murrumbateman Road, Nanima







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SECTION 4.55 PLANNING STATEMENT

PREPARED BY:

DPS YASS PTY LTD 7 ADELE STREET YASS NSW 2582

PO BOX 5 YASS NSW 2582

PROJECT:	Modification of Determination of DA210232 for the Approval of the Construction of a dual occupancy dwelling house with solid fuel heater and installation of onsite sewage management system (AWTS) under the provisions of S4.55(2) of the Environmental Planning and Assessment Act 1979 (as amended).
CLIENT:	Ace Popovich TP Dynamincs Pty Ltd ACN 150 644 723
ADDRESS	Lot 1 DP1213153 838 Murrumbateman Road NANIMA NSW 2582
OUR REFERENCE:	4044_MOD1
DATE:	December 2022
AUTHOR:	Rachel Doberer SENIOR TOWN PLANNER
SIGNATURE:	



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DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044_MOD1 – DUAL OCCUPANCY. MURRUMBATEMAN



1. INTRODUCTION

This submission has been prepared as supporting documentation to accompany an application made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify the consent for **Development Application No 210232** approved by Yass Valley Council on 24 March 2022. The approval relates to the approval of the construction of a dual occupancy dwelling house with solid fuel heater and installation of onsite sewage management system (AWTS).

The application seeks approval to have conditions 1, 6, 23, 25, 89 and 90 reviewed and ultimately modified in the development consent. Having considered the reasons and additional information, and relevant provisions of the Environmental Planning & Assessment Act 1979 (EP&A Act), namely S4.15, the revised S4.55 proposal is deemed to be acceptable and in the public interest. An assessment of the proposed modification confirms that the revised proposal has an acceptable visual fit and environmental impact and responds appropriately to the site's opportunities and constraints.

Under Division 4.9 Post-consent provisions (S4.55) the applicant is able to request a modification of the consent following the determination of a consent authority under Part 4 of the EP&A Act.

This Statement has been prepared pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979. The Statement provides an assessment of the amended proposal having regard to the relevant legislative context, social economic and environmental impacts, potential amenity impacts of the development on the surrounding locality and the measures proposed within the application to mitigate such impacts.

The Statement details the proposed development's compliance against the applicable environmental planning instruments including but not limited to:

Yass Local Environmental Plan 2013 (YLEP2013)

In support of this application, we enclose the following:

- 1. Development Consent DA210232 dated 24 March 2022 (refer Appendix A)
- 2. Approved Architectural Plans reference DA210232 dated 24 March 2022 (refer Appendix B)
- 3. Approved BASIX reference DA210232 dated 24 March 2022 (refer Appendix C)
- 4. Approved Nathers Certificate reference DA210232 dated 24 March 2022 (refer Appendix D)
- 5. Approved Site Plan reference DA210232 dated 24 March 2022 (refer Appendix E)
- Modified Architectural Plans prepared by Design Studio dated 05 October 2022 (refer **Appendix** F)
- Modified BASIX Certificate prepared by Territory Building Consultancy dated 18 October 2022 (refer Appendix G)
- 8. Proposed Pool, Spa, Pool Fencing & Pump Details (refer **Appendix H**)
- Modified NATHERS Certificate and Stamped Plans prepared by Territory Building Consultancy dated 18 October 2022 (refer Appendix I)
- Proposed Landscaping Plan prepared by Design Studio dated 18 September 2022 (refer Appendix J)
- 11. On-site Sewage Management Report prepared by Franklin Consulting Australia Pty Limited dated 06 September 2022 (refer **Appendix K**)

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044 MOD1 – DUAL OCCUPANCY, MURRUMBATEMAN

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- 12. Property Access Comments in response to BAR/ BAL Intersection Requirements prepared by Genium Civil Engineering dated 21 December 2022 (refer **Appendix L**)
- 13. Flora and Fauna Assessment prepared by SMEC dated 25 October 2018 (refer Appendix M)
- 14. The Client is aware of the Yass Valley Council's S4.55 Modification Application fees, upon receiving an invoice this will be forwarded to the client for payment.

Having regard to the applicable legislative framework, the proposed amendments to the approved development are such that the development retains the same fundamental characteristics and is therefore substantially the same development. The amended development remains consistent with the aims and objectives of the relevant environmental planning instruments and development control plan whilst remaining compatible with the character of the locality.

As a result of this assessment, it is concluded that the proposed modification in the manner proposed is considered to be acceptable and worthy of Council's support.

2. DIVISION 4.9 POST-CONSENT PROVISIONS

In accordance with S4.55(2) of the EP&A Act 1979 an applicant is entitled to request a modification of Councils determination. The intent is to allow the applicant a chance to modify the consent if the proposed modification is 'substantially the same development'. Specifically, S4.55(2) states:

4.55 Modification of consents—generally

- (2) **Other modifications** 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—
 - (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
 - (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
 - (c) it has notified the application in accordance with-
 - (i) the regulations, if the regulations so require, or
 - (ii) 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
 - (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

In accordance with the above legislation/ provisions the request for a modification of the determination has been made pursuant to the reasons listed in item 3 below. The amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development.

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044 MOD1 – DUAL OCCUPANCY. MURRUMBATEMAN 4

Conceptionally the proposal remains the approval of the construction of a dual occupancy dwelling house with solid fuel heater and installation of onsite sewage management system (AWTS).

The amended proposal also retains an essentially identical envelope to the approved development. To the casual observer, the amended proposal would appear generally the same as the approved development.

We rely on Council to have the appropriate officer(s) review and determine the application in accordance with the statutory requirements and internal Council delegations.

The proposed amendments do 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 amended proposal could nor reasonably be considered a substantially different development.

As the proposed amendment does not alter the fundamental characteristics of the original approval, the proposal is appropriately categorised as being 'substantially the same' as required by Section 4.55(2) of the EP&A Act.

It is considered the proposed development is consistent with the aims and objectives of the relevant planning instruments, is compatible with and responds positively to the site conditions. The proposed development is sympathetic with the surrounding amenity of the area, considers the opportunities and constraints of the site including all relevant legislation and is therefore considered worthy of Council's support.

3. MODIFICATION OF CONDITIONS AND RESPONSE

Following approval of the proposed development the proposed architectural plans have been reviewed and slightly amended. Following that the consent conditions have been reviewed and it appears there are a couple of conditions that now require modifying so the development consent correctly reflects the preferred layout.

Accordingly, the proposal seeks approval for the following conditions 1, 6, 23, 25, 89 and 90 to be modified/ removed from the development consent. Further justification relating to this request is listed below.

CONDITION 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.

It is proposed to amend the approved Architectural Plans to reflect the following:

- Switch Beds 1 & 2 from the Western side of the dwelling house to the Eastern side
- Switch Beds 3 to 6 from the Eastern side of the dwelling house to the Western side
- · Switch the Garage from the Western side of the dwelling house to the Eastern side
- The addition of an Inground Pool, Spa, Atrium and Sun Room
- The change of the internal layout in relation to the Kitchen Area, Home Theatre Area, Living and Family Spaces, Rumpus Roo and Laundry
- The addition of a Butlers Pantry/ Family Kitchen in the Eastern Wing

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044 MOD1 – DUAL OCCUPANCY. MURRUMBATEMAN Whilst it is noted there are some definite changes to the internal layout, the overall proposal retains the fundamental components of the approved layout albeit the addition of 280.348m² of overall area to the proposed dwelling house. Amended Architectural Plans, BASIX, NATHERS, Landscape Plan and an Onsite Wastewater Report are included with this application as supporting information.

Taking the above comments into consideration it is requested the abovementioned condition be modified in the conditional consent to reflect the amended plans and supporting documentation.

CONDITION 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.

The above condition is contradictory to what the original approval was intended. This application for a proposed dwelling house was intended to be utilised for dual occupancy use which is permissible with Council consent.

It is to be noted the associated approved development consent lists the proposed development as 'Construction of a dual occupancy house with solid fuel heater and installation of onsite sewage management system (AWTS)'.

Taking the above comments into consideration it is requested the abovementioned condition be removed from the conditional consent.

CONDITION 23

Engineering drawings for the upgrade of the Crown roads to be used for property access shall be submitted to Councils Infrastructure & Assets Department for approval in accordance with:

- Councils Roads Standards Policy RD-POL-09 and
- Councils 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 bas
- 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) 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.

CONDITION 90

A BAR and BAL to be constructed on Murrumbateman Road in accordance with the designs/drawings approved with the Construction Certificate.

Upon receipt of the subject development consent, Genium Civil Engineering have been engaged to provide comments in relation to the abovementioned Condition requiring the BAR and BAL Intersection treatment to be installed on Murrumbateman Road. Following a site analysis by Genium Civil Engineering (refer **Appendix L**) it has been determined that:

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044_MOD1 – DUAL OCCUPANCY. MURRUMBATEMAN 6

- For the BAR Treatment At present there is only a 6m verge width available. As such, it is our opinion that it is not possible to construct a BAR turning treatment in this location and have roadside embankments contained to the road reserve.
- For the BAL Treatment At present there is only a 7m verge width available. As such, it is our opinion that it is likely not possible to construct a BAL turning treatment in this location and have roadside embankments contained to the road reserve.

It is requested the scope of works be reduced to the following as suggested in the proposal from Genium Civil Engineering dated 21 December 2022 (refer **Appendix L**):

- Whilst a BAR/ BAL intersection is not feasible, there is sufficient space for the intersection to be
 upgraded to an 'Austroads Rural Type Property Access' (as provided in Councils Road Policy –
 RD-POL-9). This type of intersection would incorporate widening in the southern side of the road,
 which would improve the safety for vehicles using the intersection.
- Due to the approach angle of the Crown Road onto Murrumbateman Road, it is likely that the eastern side of the intersection would need to be widened beyond its standard dimensions to cater for a large vehicle (such as a 12.5m rigid truck).
- The construction of a Rural Type Property Access would require modification to the southern roadside embankment and removal of the two large gum trees on the western edge of the existing property access (as shown in Attachment 2, refer **Appendix L**). This would significantly improve sight distance to the west.
- To improve sight distance to the east, the small stands of gum tree, existing property signage and the pine tree closest to Murrumbateman Road on the eastern side of the existing intersection could be removed (as shown in Attachment 3, refer **Appendix L**).
- In lieu of construction BAR widening it would be prudent to install advanced warning signage on the western approach to the intersection using 'Caution Driveway' (W2-207B_N) or 'Concealed Driveway' (w5-55-1b) signage at a distance of 200m from the intersection. In our opinion the majority of vehicle movements are likely to be to and from the Canberra direction via Nanima Road, meaning right turn movements into the access would be limited.
- To ensure that an appropriate intersection be constructed within the confines of the existing road reserve, Council is requested to consider modifying Conditions such that a modified 'Austroads Rural Type Property Access', Capable of catering for the swept path of a 12.5m rigid truck, be constructed in lieu of a BAR/ BAL intersection.

Taking the above comments into consideration it is requested the abovementioned conditions be modified in the conditional consent to reflect the comments above.

CONDITION 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.

CONDITION 89

The Crown roads being used as access to be upgraded in accordance with the designs/ drawings approved with the Construction Certificate.

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044 MOD1 – DUAL OCCUPANCY, MURRUMBATEMAN 7

The abovementioned Conditions refers to the upgrade of the Crown Road and potential tree removal. As indicated in the modification for DA210228 the use of the Crown Road for access to proposed Lot 2 and the dual occupancy (DA210232) is now proposed to go back to original proposal which had a road being built over proposed Lot 1 giving access to proposed Lot 2 via a Right of Carriageway 20 Wide.

This will require the importation of a large amount of fill and subsequent heavy haulage contributions for the proposed truck movements per day. It is to be noted this will be covered under separate cover via the modification for DA210228. It is also noted that the adjoining neighbor that this was directly affecting (Lot 2 DP849255) is aware of the proposed amendment and prefers this option as opposed to the use of the Crown Road that directly abuts his entrance.

Further to that we are of the impression that the upgrade of a Crown Road is not achievable without transferring the Road to Council, this is not desired option by either party.

A Flora and Fauna Report (refer **Appendix M**) prepared by SMEC dated 25 October 2018 was submitted with the first DA that was lodged for the dwelling house that is now existing on the subject lot. Whilst it was submitted for this DA, it did do an assessment of the entire subject lot and would seem relevant to this application as well as the associated subdivision DA210228.

4. CONCLUSION

This application seeks to amend Development Application DA210232 for the approval the 'Construction of a dual occupancy dwelling house with solid fuel heater and installation of onsite sewage management system (AWTS)' at Lot 1 DP1213153 838 Murrumbateman Road, NANIMA.

The application seeks approval for the modification/ removal of Conditions 1, 6 and 23 to facilitate the actual intent and interpretation of the proposal. The amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development. The amended proposal also retains an essentially identical envelope to the approved development.

The proposed modification will not introduce any new environmental impacts that have not previously been considered. The proposed modification does not alter the existing operation of the consent other than to modify conditions to reflect the intent of the proposal.

The proposed modification retains the essential components of the approved subdivision and spatial characteristics of the development. As detailed in this submission the proposed modification may be made by the consent authority in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979 the proposed amendments/ modification 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.

The proposed modification is considered minor in nature and is consistent with the relevant planning legislation and policies within the YVLEP2013. Accordingly, it is recommended that the conditional consent be modified for the proposal at Lot 1 DP1213153 838 Murrumbateman Road, NANIMA reflecting the recommendations listed earlier in this Statement.

DPS YASS Pty Ltd SECTION 4.55 PLANNING STATEMENT REF: 4044 MOD1 – DUAL OCCUPANCY. MURRUMBATEMAN









PERSPECTIVES

MURRUMBATEMAN RESIDENCE

SINGLE OCCUPANCY RESIDENCE LOT 1 DP 1213153, MURRUMBATEMAN, NSW, 2582

DEVELOPMENT AREAS:

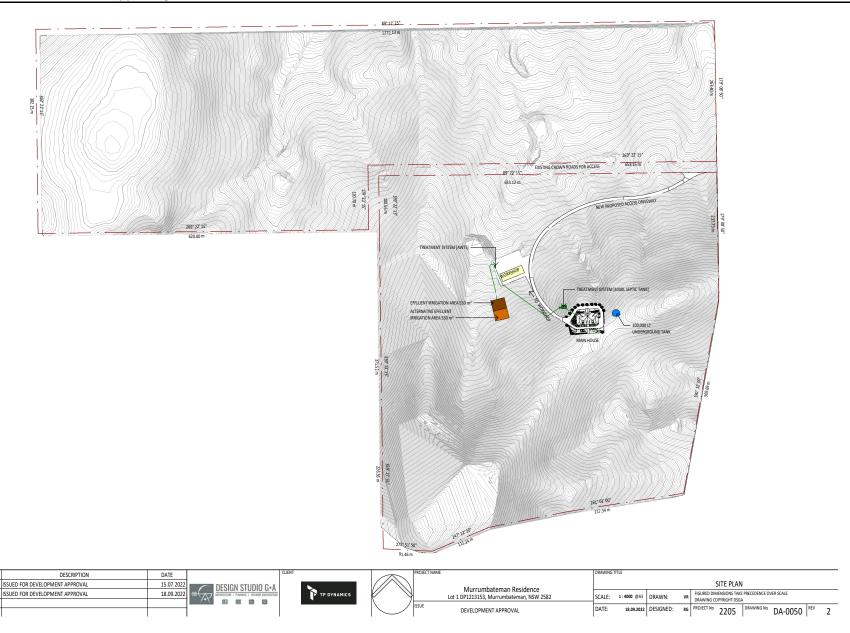
GROUND LIVING: 471.516 m² GARAGE:71.964 m² ALFRESCO: 182.475 m² POOL AREA: 161. 293 m² OVERALL AREA: 1,624.635 m²



VICINITY MAP

REV	DESCRIPTION	DATE		CLIENT		PROJECT NAME	DRAWING TITLE					
1	ISSUED FOR DEVELOPMENT APPROVAL	15.07.2022	DESIGN STUDIO G•A	b .		Murrumbateman Residence				COVER SHE	ET	
2	ISSUED FOR DEVELOPMENT APPROVAL	18.09.2022	ARCHITECTURE PLANNISC INTERIOR ARCHITECTURE	TP DYNAMICS			SCALE:	@A3 D	RAWN: v	R FIGURED DIMENSIONS TAK		
3	ISSUED FOR DEVELOPMENT APPROVAL	05.10.2022	/*\	`	1 /	ISSUE				B PROJECT NO 330F	and the same of th	
						DEVELOPMENT APPROVAL	DATE:	05.10.2022 D	ESIGNED: R	g PROJECT No 2205	DA-0000	3

Attachment C Plans and Supporting Documents



DESCRIPTION

15.07.2022

18.09.2022

05.10.2022

ISSUED FOR DEVELOPMENT APPROVAL

ISSUED FOR DEVELOPMENT APPROVAL

ISSUED FOR DEVELOPMENT APPROVAL



ISSUE

Murrumbateman Residence

Lot 1 DP1213153, Murrumbateman, NSW 2582

DEVELOPMENT APPROVAL

TP DYNAMICS

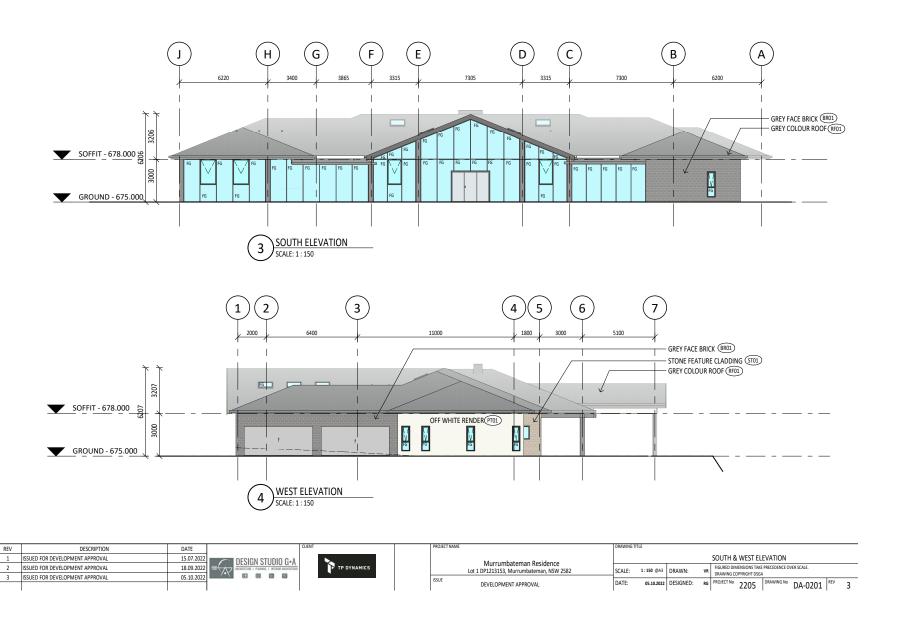
PROJECT No 2205 DRAWING NO DA-0200 REV 3

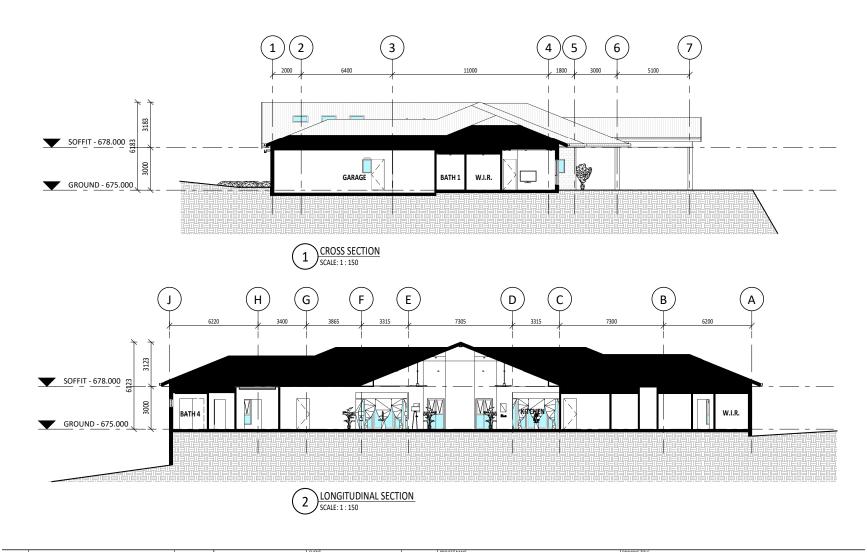
NORTH & EAST ELEVATION

SCALE: 1:150 @A3 DRAWN:

05.10.2022 DESIGNED:

Attachment C Plans and Supporting Documents





1 ISSUED FOR DEVELOPMENT APPROVAL 15.07.2022 DESIGN STUDIO G-A Murrumbateman Residence	SECTION A
2 ISSUED FOR DEVELOPMENT APPROVAL 18.09.2022 AMERICAN I REMOR ADDRICAN STATE OF THE BYNAMICS Lot 1 DP1213153. Murrumbateman. NSW 2582 SI	SCALE: 1:150 @A3 DRAWN: VR FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALE.
	DRAWING COPTRIGHT DSGA
SSUE DEVELOPMENT APPROVAL D	DATE: 18.09.2022 DESIGNED: RG PROJECT NO 2205 DRAWING NO DA-0300 REV 2



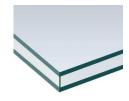
GREY FACE BRICK



ALUMINUM POWDERCOATED FRAME COLOURBOND MONUMENT FINISH



ROOF SURFMIST FINISH



GLEAR DOUBLE GLAZED WINDOW PANELS



PTO1 DULUX NATURAL WHITE



STONE FEATURE CLADDING

REV	DESCRIPTION	DATE						CLIE
1	ISSUED FOR DEVELOPMENT APPROVAL	18.09.2022		DESIG	12 M	HIDI	U C•V	
2	ISSUED FOR DEVELOPMENT APPROVAL	05.10.2022	≅(∧ >	ARCHITECTURE	PLANNES	I INTERIO	OR ANCHITECTURE	
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PROJECT NAME	DRAWING TITLE				
Murrumbateman Residence					MATERIALS AND FINISHES
	SCALE:	@A3	DRAWN:	ATTI	FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALE. DRAWING COPYRIGHT DSGA
DEVELOPMENT APPROVAL	DATE:	05.10.2022	DESIGNED:	RG	PROJECT No 2205 DRAWING No DA-0601 REV 2





21 December 2022

General Manager Yass Valley Council Po Box 6 YASS NSW 2582

ATTN: Jeremy Knox - Development Planner

DA210228 - 838 Murrumbateman Road - Property Access Requirements

I refer to the abovementioned development Consent issued by Council on the 31st March 2022.

We have been engaged by Mr A Popovich to review the feasibility of constructing a BAR/BAL intersection at Murrumbateman Road, as required by Conditions 11(b), 30 and 34 of the Consent.

A site inspection was undertaken on the 20th December 2022. The formation of Murrumbateman Road in the proposed intersection location is shown in Attachment 1 and consists of:

- A 7m bitumen sealed road pavement with shallow table drains that extend to steep cut
 embankments that are 1.6m from the edge of seal the northern side of the road and 2.2m on
 the southern side.
- Cut embankments are approximately 1.5m in height with a slope of approximately 1H:1.5V.
- Road reserve fencing located approximately 6m from the edge of seal on the northern side of the road and 7.4m on the southern side.

A minimum verge width of approximately 8.6m would be required to construct a BAR turning treatment on the northern side of Murrumbateman Road, (being road widening of at least 3m + a table drain approximately 2.6m wide + a cut embankment approximately 3m wide). At present there is only a 6m verge width available. As such, it is our opinion that is it not possible to construct a BAR turning treatment in this location and have roadside embankments contained to the road reserve.

A minimum verge width of approximately 8.1m would be required to construct a BAL turning treatment on the southern side of Murrumbateman Road, (being road widening of at least 2.5m + a table drain approximately 2.6m wide + a cut embankment approximately 3m wide). At present there is only a 7m verge width available. As such, it is our opinion that it is likely not possible to construct a BAL turning treatment in this location and have roadside embankments contained to the road reserve.

It is our understanding that previous subdivisions have been approved for access at this location, without requiring an upgrade to the intersection to a BAR/BAL standard. This likely due to the limited opportunity to construct such an intersection. It is noted that DA210228 only seeks to increase the demand on the access by one additional lot.

Whilst a BAR/BAL intersection is not feasible, there is sufficient space for the intersection to be upgraded to an 'Austroads Rural Type Property Access' (as provided in Councils Roads Policy – RD-POL-9). This type of intersection would incorporate widening on the southern side of the road, which would improve the safety for vehicles using the intersection.

Due to the approach angle of the Crown Road onto Murrumbateman Road, it is likely that the eastern side of the intersection would need to be widened beyond its standard dimensions to cater for a large design vehicle (such as a 12.5m rigid truck).

The construction of a Rural Type Property Access would require modification to the southern roadside embankment and removal of the two large gum trees on the western edge of the existing property access (as shown in Attachment 2). This would significantly improve sight distance to the west.

Genium Civil Engineering Pty Ltd
ABN 36 169 355 122
10 Crago Street Yass NSW 2582
M 0418 484 138 Eadmin@genium.com.au

To improve sight distance to the east, the small stands of gum trees, existing property signage and the pine tree closest to Murrumbateman Road on the eastern side of the existing intersection could be removed (as shown in Attachment 3).

In lieu of construction BAR widening it would be prudent to install advanced warning signage on the western approach to the intersection, using 'Caution Driveway' (W2-207B_N) or 'Concealed Driveway' (W5-55-1b) signage at a distance of 200m from the intersection. In our opinion the majority of vehicle movements are likely to be to and from the Canberra direction via Nanima Road, meaning right turn movements into the access would be limited.

To ensure that an appropriate intersection be constructed within the confines of the existing road reserve, Council is requested to consider modifying Conditions 11(b) and 30 the Consent such that a modified 'Austroads Rural Type Property Access', capable of catering for the swept path of a 12.5m rigid truck, be constructed in lieu of a BAR/BAL intersection.

I can be contacted on 0418 484 138 should you wish to discuss further.

Yours Sincerely



Simon Cassidy CPEng, NER

Attachment 1

Existing Murrumbateman Road formation at proposed intersection location (looking east). Side road of intersection shown by red cross.



Attachment 2

Southern roadside embankment that could be modified (shown in red) and the two large gum trees on the western edge of the existing property access that could be removed (shown in yellow) to improve sight distance to the west.



Attachment 3

Small stands of gum trees (shown in yellow), existing property signage (shown in red) and the pine tree closest to Murrumbateman Road (shown in orange) on the eastern side of the existing intersection that could be removed to improve sight distance to the east.



ACE POPOVICH 838 MURRUMBATEMAN ROAD ACCESS ROAD

Genium Project No. 22054





DRAWING LIST

22054-010 - Cover Sheet, Drawing List, and Locality Plan 22054-020 - Sheet Overview and General Notes 22054-100 - General Arrangement - Sheet 1 of 3 22054-101 - General Arrangement - Sheet 2 of 3 22054-102 - General Arrangement - Sheet 3 of 3 22054-200 - Road Cross Sections - Sheet 1 of 4 22054-201 - Road Cross Sections - Sheet 2 of 4 22054-202 - Road Cross Sections - Sheet 3 of 4 22054-203 - Road Cross Sections - Sheet 4 of 4

22054-350 - Culvert Headwalls

22054-300 - Culvert Longitudinal Sections



₹ev	Date	Description
A	01/08/2023	Inital Issue
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838 Murrumbateman Road
Access Road



ABN: 36 169 355 122 7 Adele Street Yass NSV Ph: 0418 484 138 PO Box 15 Yass NSW 25 email: admin@genium.com

Ace Popovich		
Cover Sheet, Drawing List and	Status	For Approval
Locality Plan	ASSUMED	AS SHOWN
	22054	-010 1 0

Attachment D Updated Internal Access Road RoW and Project Management Plan

GENERAL NOTES

- G1. All works shall be undertaken in accordance with the drawings and specifications and completed in a sound, efficient, and workmanlike manner in accordance with sound engineering practice.
- G2. Where details are not shown in the drawings, works are to be completed to meet the requirements of relevant Australian Standards, AusSpec, Austroads, WSA Codes, and Council Policies and conditions.
- G3.Locations of existing services shown on the drawings are approximate only. The Contractor is to check the location of existing services prior to commencing works including potholing to verify both location and depth. The Contractor is solely responsible for any damage caused to utility services as a result of the construction works.
- G4. The Contractor shall at all times comply with the requirements of the Work Health and Safety Act 2011 and relevant Workcover codes of practice and at all times exercise appropriate care and control of the works to ensure the safety of workers and others in the vicinity of the site.
- G5. All works are to be set out by a competent surveyor and recovery pegs provided to ensure the setout location and levels of the works are available throughout the project.
- G6. The Contractor shall not disturb any survey control marks. Should any survey control marks be inadvertantly disturbed or removed the Contractor shall advise the Superintendent immediately. The Contractor shall replace any damaged or removed survey marks at their expense.

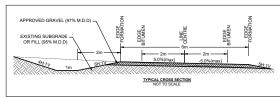
R1. Unless otherwise specified, all disturbed areas and roadside embankments are to be prepared with 100mm of topsoil and stabilised using Hydromulch in accordance with the NSW RMS Guideline for Batter Surface Stabilisation using vegetation.

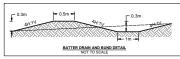
CULVERT HEADWALLS

C1. As a preference, headwalls are to be pre-cast. Where pre-cast headwalls are not available or suitable, cast in-situ headwalls are to be constructed in accordance with drawing 22054-400.

EROSION & SEDIMENT CONTROL

- ES1. The Contractor is to prepare a detailed Erosion and Sediment Control plan (ESCP) to the satisfaction of the Superintendent/Council prior to commencing works.
- ES2. The Contractor is to provide erosion and sediment control measures in accordance with the NSW Department of Housing managing Uthan Stormwater, Soils and Construction ("Blue Book") and any Countil requirements. Control measures will be implemented to suit the Contractors staging and work methods and are to be maintained for the duration of the works or until disturbed areas are reregistated.
- ES4. The Contractor shall be responsible for implementation, operation, and maintenanc required erosion and sediment control measures. All control features are to be regularly inspected to ensure they are working satisfactorily.
- ES5. Appropriate protection shall be provided to all trees and other vegetation which are not required to be removed as part of the works. Protection is to be provided prior to commencing works to the satisfication of the Superintendent/Council.





INDICATIVE EARTHWORKS QUANTITIES

- All quantities are in-situ (i.e no bulking factors have been applied).

- TOPSOIL STRIP (ASSUMED 150mm DEEP) = 1,950m3
 PAVEMENT VOLUME (ASSUMED 200mm DEEP*) = 1,085m3
 CUT TO FILL = 1,565m3
 ADDITIONAL FILL REQUIRED TO ACHEIVE DESIGN LEVELS = 1,015m3

*Pavement design to be undertaken by others



838 Murrumbateman Road Access Road

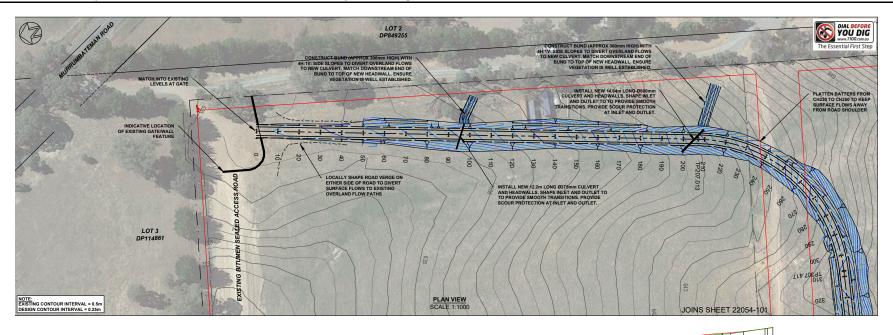


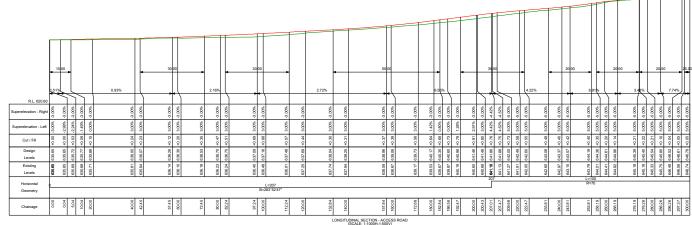
Sheet Overview and General Notes

ASSUMED Scale AS SHOWN AS 22054 -020 2 of 11 A

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Attachment D Updated Internal Access Road RoW and Project Management Plan





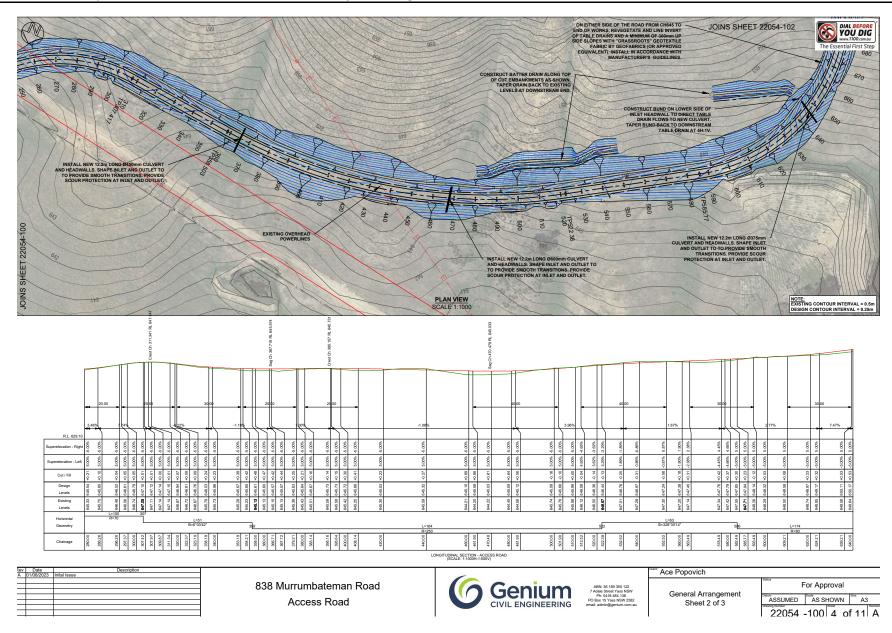
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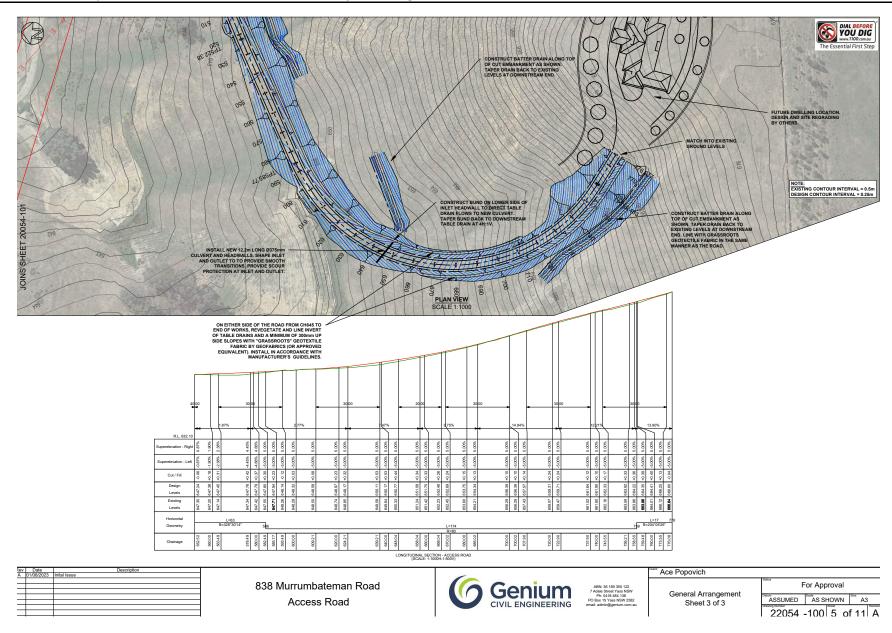
838 Murrumbateman Road Access Road

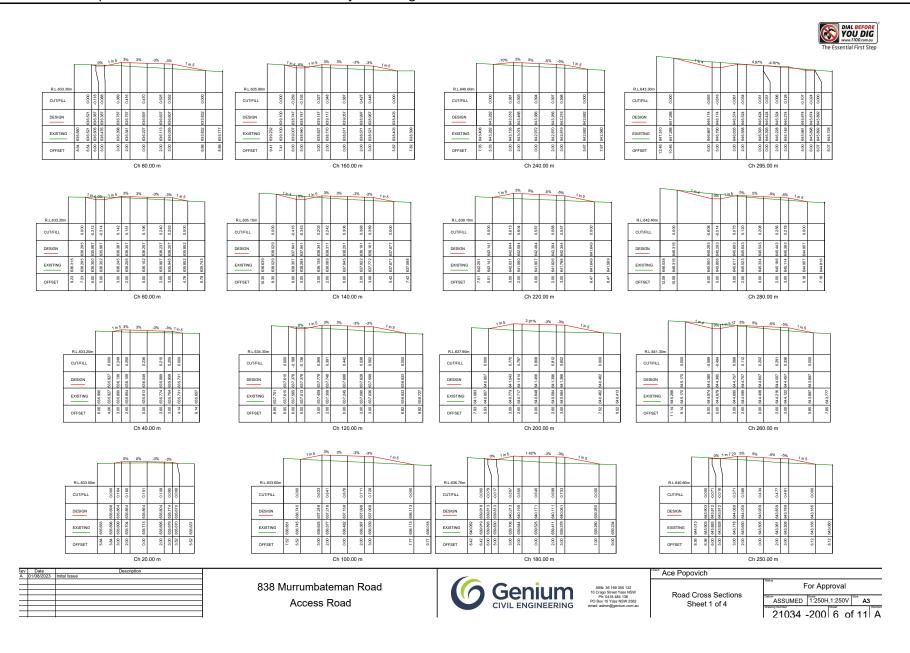


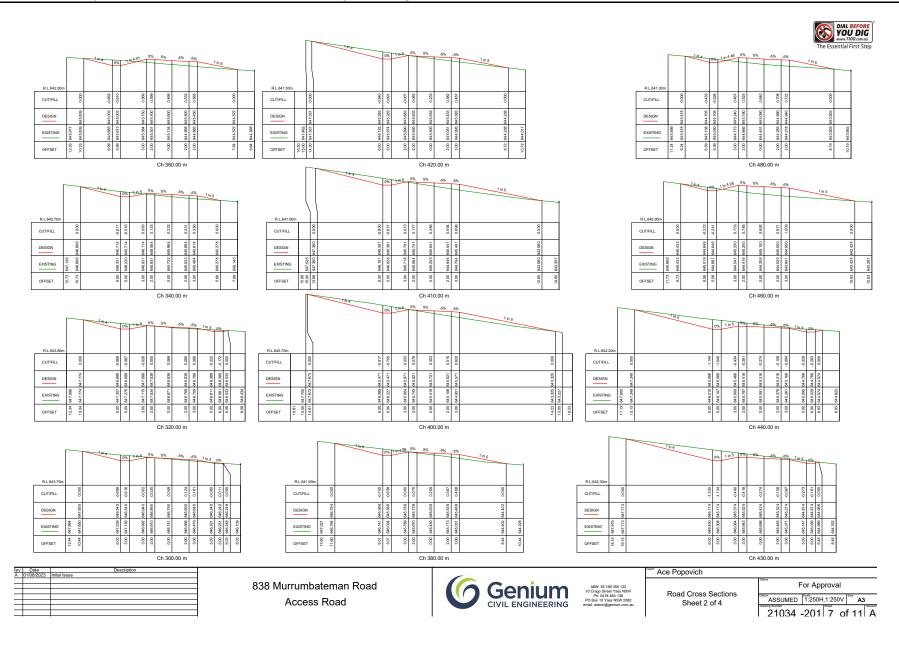
ABN: 36 169 355 122 7 Adele Street Yass NSW Ph: 0418 484 138 PO Box 15 Yass NSW 2582 mail: admin@genium.com.a General Arrangement Sheet 1 of 3

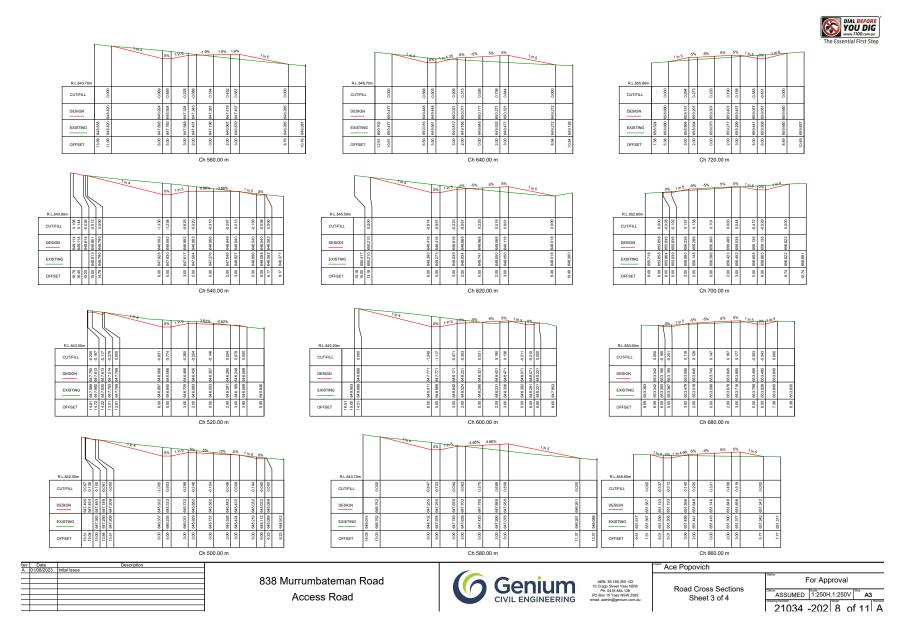
General Arrangement Sheet 2 0 5 4 -100 3 of 11 A





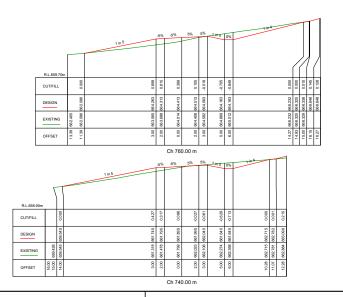






Attachment D Updated Internal Access Road RoW and Project Management Plan



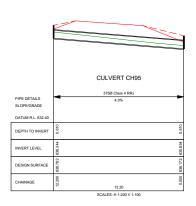


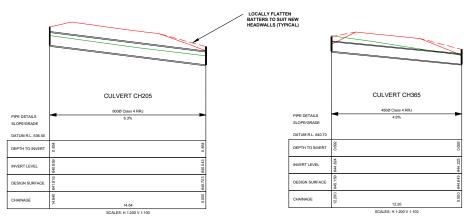
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Lescription

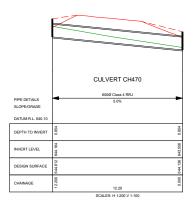
838 Murrumbateman Road Access Road

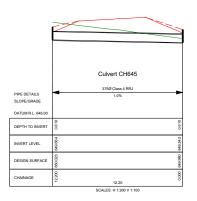


ABN: 36 169 355 122 10 Crago Street Yass NSV Ph: 0418 484 138 PO Box 15 Yass NSW 258 email: admin@genium.com. 









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838 Murrumbateman Road
Access Road



ABN: 36 169 355 122 7 Adele Street Yass NSV Ph: 0418 484 138 PO Box 15 Yass NSW 25 email: admin@genium.com

Ace Popovich			
	Status	For Approval	
Culvert Longitudinal Sections	ASSUMED	AS SHOWN	A3
	22054	-600 10 o	f 11 A

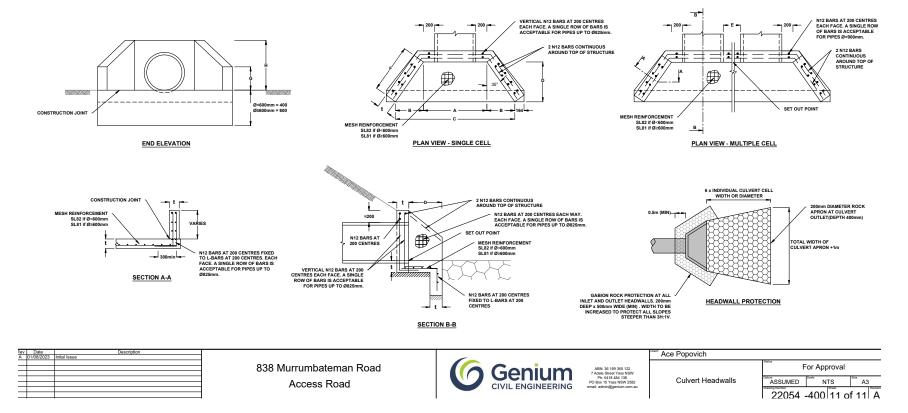
Attachment D Updated Internal Access Road RoW and Project Management Plan

	YOU DIG
The Ess	ential First Ste

NOMINAL	EXTERNAL PIPE					DI	MENSIO	NS					
PIPE DIAMETER	DIAMETER (APPROX)	DIAMETER	DIAMETER	MESH TYPE	А	н	В	С	D	E*	F	G	t
300	362	SL82	762	531	297	1357	425	300	519	400	200		
375	445	SL82	845	610	342	1528	488	300	596	400	200		
450	534	SL82	934	692	388	1709	554	300	676	400	200		
525	616	SL82	1016	775	434	1884	620	300	757	400	200		
600	698	SL81	1098	854	478	2055	683	300	834	430	200		
675	781	SL81	1181	933	523	2226	746	340	911	470	200		
750	864	SL81	1264	1013	567	2399	810	375	989	510	200		
825	946	SL81	1346	1092	612	2569	874	410	1066	530	200		
900	1029	SL81	1429	1172	657	2742	938	450	1145	550	200		
1050	1194	SL81	1594	1330	838	3270	1197	525	1461	650	200		
1200	1359	SL81	1759	1489	938	3636	1340	600	1636	700	200		
1350	1524	SL81	1924	1648	1039	4001	1483	675	1811	800	200		
1500	1676	SL81	2076	1800	1134	4345	1620	750	1978	900	200		
1650	1842	SL81	2242	1959	1235	4711	1763	825	2152	950	200		
1800	2006	SL81	2406	2117	1334	5074	1905	900	2326	1050	250		
1950	2198	SL81	2598	2296	1447	5492	2066	900	2523	1100	250		
2100	2388	SL81	2788	2474	1559	5906	2227	900	2718	1170	250		

NOTES

- As a preference, headwalls are to be pre-cast. Where pre-cast headwalls are not available or suitable, cast in-situ headwalls are to be constructed in accordance with this drawing.
- Reinforcement mesh shall be SI.82 for culverts with a pipe diameter of less than 600mm and SI.81 for culverts with a pipe diameter equal to or greater than 600mm. Reinforcement bars shall be 12mm Grade D500N.
 Clear cover to steel to be 50mm. Minimum lap length for reinforcement bars shall be 435mm.
- Where a single row of vertical bars are provided, they are to be installed with 50mm cover to the rear face of the wall.
- 4. Minimum 28 days compressive strength of concrete to be 32MPa.
- 5. Exposed edges shall have 20 x 20 chamfers.
- The embankments around all headwalls are to be protected with a 200mm deep layer of gabion rock that extends a minimum distance of 500mm around the top and sides of the headwalls. The width of the gabior rock protection shall be increased such that all areas with a slope exceeding 3H:1/1 ware protected. See detail below.
- 7. The outlet at headwalls are to be protected by a rock apron. The rock apron is to be constructed using Dia = 200mm diameter rock as shown below and be placed on geotextile fabric. The rock apron is to be keyed in such that the finished surface of the rock is flush with the surrounding ground at the downstream end of the apron.



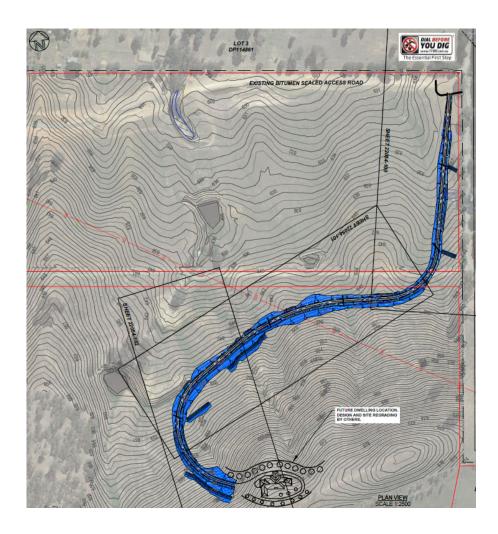
Importation of fill for proposed new internal access road Project Management Plan 838 Murrumbateman Road Nanima, NSW



Canberra Earthworks P/L- On behalf of TP Dynamics

August 2023 Rev 2





SITE PLAN OF NEW ACCESS ROAD

The new location of the road has been moved within the property rather than relying on the existing Crown road for access as per the previous DA approval. The new location of the internal road will benefit the immediate neighbouring property in the long run and provide better amenity with less disruption during construction works to the second dwelling. The new internal road will require the importation of fill. This project management plan relates to works required for the full extent of the road from the entrance to the proposed second dwelling. It is to be read in conjunction with engineering plans sections and details produced by Genium Civil engineering drawing sheets 1 to 11.

6.4

PROJECT MANAGEMENT

The project, operation and site will be strictly managed to ensure desired outcomes are delivered with no perverse impacts on the environment or neighbouring properties. The management mechanisms to be used are detailed in the following sections.

Roles and Responsibilities

The project will be implemented and managed by a single contractor Canberra Earthworks P/L. The contractor will supply all plant and equipment including the trucks delivering VENM/ENM material to the site. All staff operating at the site will be employees of the contractor. The contractor will be responsible for delivering the project in accordance with the Proposed plan for the new internal access road and any conditions imposed by Council and/or the regulator.

Material Quality

All material to be transported to the site will be certified VENM/ENM. Certification will be checked by the project manager. All staff including drivers and earth moving operators will be inducted onsite which will include specifying that all material to be delivered onsite is to be certified VENM/ENM

Material Volume

Truck movements and volumes of material received will be managed through daily truck run sheets. These will specify the number and timing of truck movements as required in Council consent and detailed in a later section of this report. The truck run sheets will be retained and managed by the project manager.

Site Access and Security

The site will be secured by a locked access gate to ensure no unauthorised access to the site. During the hours of operation, the project manager will be present to check deliveries against the truck run sheet, the certification and quality of material entering the site and driver behaviour.

Haulage Route

The designated haulage route for the importation and exportation of fill will be via :-

Canberra to Barton Highway; Barton Highway to Murrumbateman Road. Nanima Road is NOT to be used as it has a 10 Tonne load limit.

Signage

Truck Entering (W5-22C) signs will be installed at all times when trucks are entering and exiting the site.

Driver Behaviour

6.4

All drivers delivering material to the site will be inducted into the project which will include the behaviour of all operators. An incident reporting number will be provided to Council so that incidents of poor behaviour reported to Council can be forwarded to the project manager. A disciplinary process will be established which includes a single warning and counselling followed by dismissal from the site and the project should there be a second report of poor behaviour. NSW road rules will apply to all public roads and any breaches reported to the project manager will be forwarded to the relevant authorities for action.

Monitoring and Dust Mitigation

A protocol for managing dust will be developed prior to the commencement of the project which will include monitoring weather forecasts for periods of strong winds and wet weather and adjusting onsite operations to mitigate impacts from dust. A water cart or pump and hose will be available on the site and an arrangement to source water from upslope dam has been negotiated with the landholder. The reporting process developed for driver behaviour will also apply to other areas of the operation including the reporting of dust or other impacts on neighbouring properties. Any reports will be forwarded to the project manager who will be responsible for addressing any issues related to the operation. Each loaded vehicle entering and leaving the site is to be covered.

Record Keeping

Records will be maintained by the project manager and will include :-

- VENM/ENM Certification
- Truck Run Sheets
- Safe Work Method Statements
- Induction Processes
- Incident Reporting
- Progress Reporting to Council and Regulators (as required)
- Complaints Management

Council and other regulatory authorities will be provided with contact details for the project manager to which all complaints can be referred. The project manager will be available to respond to all complaints or enquiries and will be responsible for shutting down or modifying operations in accordance with any direction received by Council and or regulatory authorities. All complaints or enquiries received will be logged in a complaint register which will be kept by the project managers. All actions taken in response to complaints will also be recorded in this register. Fill Delivery Records can be submitted to council upon request within 7 working days.

Neighbour Relations

6.4

A register of neighbouring property holders will be established including contact details. The project manager will inform all neighbours on any issues which may impact their properties and are outside the normal operating procedures as approved by Council. The project manager will contact neighbouring properties at the inception of the project and provide a direct contact number for them to report any issues impacting their properties to the project manager.

Operating Hours

The proposed hours of operation of the site (including truck movements) will be between 9:00am and 4pm on weekdays only. This will minimise noise impacts on neighbours and limit traffic during peak vehicle movement times associated with school buses and commuter traffic. NSW and ACT public holidays will also be excluded from operating days.

DESIGN AND CONSTRUCTION PRINCIPLES

The following design and construction principles are intended to minimise potential adverse environmental impacts and optimise the effectiveness of the new road construction:

- The road construction activities will be sequenced to minimise erosion risk by installing sediment control measures downstream of proposed works before filling commences;
- Runoff will be directed away from the works by sediment and erosion control
 measures which will be maintained until the works are completed and revegetation has
 established an adequate groundcover;
- Fill material will be certified ENM;
- All areas of disturbance will be topsoiled, fertilised and seeded on completion.

CONSTRUCTION PLAN

The Construction Plan includes the following sequence of works which should only be varied in consultation with the Land Owner and the Project Manager.

INSTALL PERIMETER SILT FENCING

Install temporary silt fencing for erosion control. The fencing is to be installed down hill on the lower parts of the new construction areas. The silt fencing is to be installed to direct any potential rainwater runoff away and capture any sediment from the work zone. Refer to Site Plan of new access road.

WORK HEALTH SAFETY & ENVIRONMENTAL SITE MANAGEMENT

It is the contractors responsibility to ensure that work is undertaken in accordance with the relevant Acts, Regulations and Codes of Practice and their own TP Dynamics WHS and Env Site Management Plan.

PROPOSED PLANT AND EQUIPMENT

Suitably sized and WHS compliant

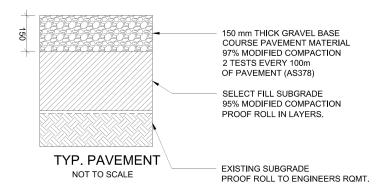
- Grader
- Excavator
- Water truck
- Pad foot roller
- Dozer
- Delivery trucks

CONSTRUCTION WORKS METHODOLOGY

- Prior to commencement ensure all the relevant Authority approvals have been granted.
- Contractor to undertake Dial before you Dig to ensure there are no underground services affected by the works.
- Surveyor to mark out the location of the proposed road.
- Contractor to install the erosion and control measures as per the approved plan, prior to the commencement of work on site.
- Prior to the commencement of earthworks the topsoil is to be stripped within the limits of the
 earthworks to the underside of the grassroots zone and stockpiled in a suitable location. The
 downhill side of the topsoil stockpile to be protected using appropriate erosion and sediment
 control silt fence.
- Upon completion of the stripping, the surface to be inspected for unsuitable subgrade containing deleterious or organic matter.
- Should unsuitable material be found, then the material shall be removed and replaced using approved Virgin Excavated Natural Material VENM. The replacement material shall be compacted as per the proposed sound mound earthworks.
- Upon achieving a suitable subgrade, commence the placement of the earthworks using approved imported material.
- Place and compact filling in uniform layers appropriate to the nature of the material and the compaction equipment being used.
- Layers are to extend for the full width of the road and surrounds and shall be placed so that they are parallel to the existing surface.
- Layers shall be spread in a maximum layer thickness not exceeding 300mm then compacted to 95% standard compaction using suitable plant and equipment.
- Ensure the VENM material being used in the road is suitably moist (close to the optimum moisture content) else maintain moisture content of the fill to achieve an approximately optimum moisture content.
- Water spraying equipment such as a water truck shall be capable of distributing water uniformly in controlled quantities across the areas being compacted.
- Should any builders rubbish or other unapproved material be discovered during the earthworks
 process then they shall be removed from the earthworks and suitably disposed.
- Spread the site topsoil over the prepared surface and cultivate so that the surface soil can be worked freely to a minimum depth of 150mm loose.

The road should be built up with fill that is certified VENM/ENM material to create a flat to gentle East/West gradient. Filling should progress from the upslope to downslope end of the road. The imported material should be spread in even layers and compacted by track rolling with a bulldozer and/or using a sheep's foot or vibrating drum roller to achieve levels close to field compaction.

Minimum 150mm to 200mm thick gravel base to be imported as per Typical pavement detail below.



TYPICAL PAVEMENT DETAIL

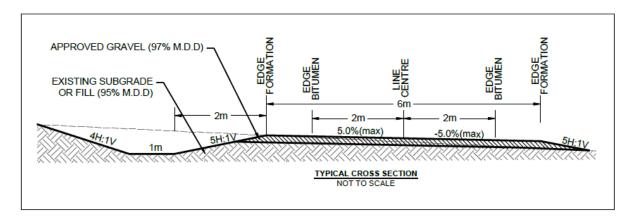
The following construction notes are to be followed throughout the construction works.

CONSTRUCTION NOTES

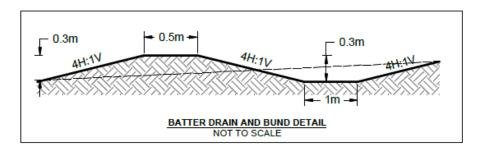
- 1) ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE WITH:
- * YVC, ROAD STANDARDS POLICY NO. RD-POL-9
- * AUS-SPEC DEVELOPMENT CONSTRUCTION SPECIFICATION:
- C211 CONTROL OF EROSION AND SEDIMENTATION
- C221 PIPE DRAINAGE
- C223 DRAINAGE STRUCTURES
- C273 LANDSCAPING
- 2) CONTRACTOR TO REINSTATE ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES.
- 3) GRAVEL ROADBASE
- NOMINAL SIZE 20MM (USE OF A GREATER SIZE UP TO 40MM SUBJECT TO APPROVAL).
- GRADING SHALL COMPLY WITH THE CRUSHED ROCK OR NATURAL GRAVEL REQUIREMENT IN THE GRADING TABLE BELOW.

GRADING (% PASSING BY MASS)		
SIEVE SIZE (mm)	CRUSHED ROCK	NATURAL GRAVEL
19	93 - 100	93 -100
9.5000	64 - 85	71 - 87
4.7500	44 - 64	47 - 70
2.3600	32 - 47	35 - 56
0.4250	13 - 22	14 - 32
0.0750	3 - 11	6 - 12

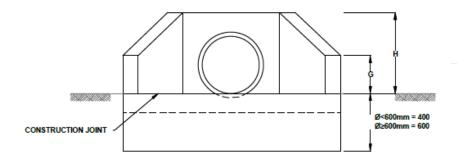
Typical cross section of the new access road



Batter Drain and Bund Detail



PIPE DRAINAGE WITH HEAD WALLS TO BE PROVIDED



END ELEVATION

TOPSOIL AND REVEGETATE

The finished area surrounding the new road should be topsoiled with 150-200mm of suitable loam to clay loam material. The existing topsoil from the site clearance works will be stored on site and reused as this layer. The topsoiled area should then be seeded with a suitable pasture seed mix and fertilised with a Starter type fertiliser. Whilst the vegetation is establishing it is recommended that stock be removed from the area or access restricted with temporary stock fencing.

IMPORTED FILL MATERIAL – QUALITY AND VOLUMES

The fill material to be used in the build up of the new access road will be restricted to certified VENM/ENM. This material will be sourced from Canberra Construction sites being managed by the contractor. Records of the VENM/ENM certification of all material to be used on site will be maintained by the contractor and provided to Council as required. The material will be conveyed to the site in the contractor's rigid truck and dog trailer and managed onsite by the contractor's plant and equipment. The volume of VENM/ENM material required has been estimated by calculating the areas of the new road with an average depth applied.

INDICATIVE EARTHWORKS QUANTITIES

- All quantities are in-situ (i.e no bulking factors have been applied).
- TOPSOIL STRIP (ASSUMED 150mm DEEP) = 1,950m3
- PAVEMENT VOLUME (ASSUMED 200mm DEEP*) = 1,085m3
- CUT TO FILL = 1,565m3
- ADDITIONAL FILL REQUIRED TO ACHEIVE DESIGN LEVELS = 1,015m3

AREA CALCULATIONS FOR THE TOTAL AMOUNT OF FILL TO BE IMPORTED

MATERIAL VOLUME

The calculations for the volume of fill material required are set out below.

Imported fill calculations	
	total (m3)
Total Area of Road & Surrounds	1,015
Total Volume - [uncompacted material]	1,015
Bulking Factor – [20%]	203
Total Volume of Fill Material (m3) V/ENM	1,218
Total Weight of Fill Material (tonnes)	1,827

^{*}Pavement design to be undertaken by others

TRUCK AND PLANT MOVEMENTS

Truck and plant movements have been estimated based on the fill volumes detailed in the previous section and tabled below.

Total Volume of V/ENM to be Imported	1,218	m3	
Total Weight of V/ENM to be imported	1,827	Tonnes	1.5 tonnes per m₃
Average Truckload	22.5	Tonnes	15m₃
Truckloads Required	82		
Average Truck Movements Per Day	10		
Maximum Truck Movement Per Day	16		
Project Lifespan [Estimated Weeks] (@ 50 trucks/week)	4	Weeks	
With Allowance for Wet Weather Lifespan	8	Weeks	

SUMMARY

The new location of the road has been intentionally moved within the property rather than relying on the existing Crown Road for access. Given the extent of the area involved in this new access road and the need to elevate and fill to a height that avoids any future erosion issues, the amount of fill required is not considered too excessive for this scope of works.

DA200030C DA220228B DA220232B - Submission #1

Jeremy Knox

From:
Sent: Thursday, 2 March 2023 11:18 AM

To: Jeremy Knox; YVC Customer Service Team

Subject: Modification Applications - 838 Murrumbateman Road

Follow Up Flag: Follow up Flag Status: Completed

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

Thank you for your advice below re variations being sought to previously approved DAs for 838 Murrumbateman Rd:

DA200030C - Shed

DA220228B - Subdivision

DA220232B - Dual Occupancy/Subdivision

I wish to lodge objections to some aspects of the variations being sought.

My examination of these DA amendments has been hampered a little due to a couple of the files from the YVC website, Development Application notification page, not able to be downloaded. Regardless I think I have been able to glean the crux of what the proposed changes are.

Given the extent of public consultation undertaken in the lead up to the approval of the original DAs, subject to conditions, I am a little surprised that these DAs are back on the table again.

The main element I am objecting to are:

- 1. Changes to the road access requirements removing BAL/BAR conditions.
- 2. The importation of fill from Canberra to build internal access roads.

BAL/BAR Condition

I believe the conditions attached to the DAs re the access and departure via Murrumbateman Rd were included to ensure compliance with Australian Standards. Community safety is at the heart of these standards. While I appreciate there have been exceptions made to these standards in the past, I think this has always been in low risk situations with low traffic counts for both the principle road and the farm premises.

I'd remind council that in previous public consultation Mr Popovich has indicated that his existing dwelling at 838 Murrumbateman Rd is advertised as an Airbnb property and looking at the new dwelling proposed, suspect this will also be similar. Mr Popovich had previously made it clear what he does with his property is a matter for him – I agree as long as the property use is consistent with the objectives of zone RU1 being:

- $\bullet \ \ \text{To encourage sustainable primary production by maintaining and enhancing the natural resource base } \\$
- 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.

Existing property use as observed as a close neighbour, is not consistent with that of other properties in the in the immediate area. Objectives of the zone appear more of irritation to 838 Murrumbateman Rd than something to be guided by. As such it would be hard to typify the property as typical farm for the area. Traffic flows to and from the property will be at higher levels than other properties in the area, given high accommodation load of the existing and proposed premises. Observation also tells me that a high proportion of traffic flow has been heavy vehicles, both rigid and truck and trailer combinations.

It is hard to accept the consultants contention that 838 Murrumbateman Road should be treated as other rural properties in the area, given their atypical profile that has emerged over the past five years. Also it is hard to accept the contention that the majority of traffic will arrive and leave via Nanima Rd given heavy vehicles are banned from Nanima Rd and as the Barton Highway duplication advances in the next few years the majority of traffic will be via the dual carriage way. Heavy vehicle movements to the property have been ongoing since the current ownership commenced and show no sign of abating.

I believe the BAR/BAL conditions provide for increased community safety in this instance and as far as possible the conditions should be maintained. I would prefer to see other options explored, for instance is it possible for Mr Popovich to cede a small strip of land to council to enable the BAL/BAR to be accommodated.

Importation of fill From Canberra

As with many local residents in Yass Valley, the constant dumping of building spoil from Canberra is a matter of great concern. It is a major source these days of weed migration from the poorly managed ACT into our rural landscape. The instance of Chilean Needle Grass in Canberra is such that it is mowed on many nature strips to reflect a managed grass. As someone who has been working to overcome riverine invasion of Needle Grass along the Murrumbateman Creek for the past 8 years, I cannot argue strongly enough that ACT soil should be banned from the Council environs.

The importation of soil is clearly inconsistent with a number of the objectives of zone RU1 as mentioned above. Importation will harm sustainable primary production, be detrimental to biodiversity of Yass Valley, and detrimental to protection of prime crop and pasture land.

That should be sufficient reason to preclude the importation of Canberra spoils, however the quantity requested is beyond belief. A quality rural access road could be built with less that one tenth of that volume. The proposal reeks of cheap disposal of building spoils from the consortiums building project sites in Canberra.

I would argue that any fill required should be sourced locally either from within the property, which is a normal occurrence on the area, or from one of the two local quarries within 3 km of the property.

I would appreciate being kept informed of the outcome of this process.



From: Jeremy Knox

Sent: Thursday, 16 February 2023 9:53

Subject: Notification - Modification Applications - 838 Murrumbateman Road

Good morning,

Thank you for your previous interest in relation to Development Applications at 838 Murrumbateman Road.

Council is now in receipt of three modification applications:

- DA200030C Shed
- DA220228B Subdivision
- DA220232B Dual Occupancy/Subdivision

Please find attached the formal notification letters. A hard copy of the letter has also been posted to immediate surrounding neighbours.

A copy of the plans and supporting documents are now available on Council's website here:

https://www.yassvalley.nsw.gov.au/our-council/public-consultation/development-applications/

Please let me know if any questions.

Kind regards,

Jeremy

Jeremy Knox | Development Planner | Yass Valley Council

P: +61 (0)2 6226 1477

E: JKnox@yass.nsw.gov.au | W: www.yassvalley.nsw.gov.au

Working Together for our Community







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DA200030C DA220228B DA220232B - Submission #2

Jeremy Knox

From:
Sent: Thursday, 2 March 2023 8:06 PM

To: Jeremy Knox; YVC Customer Service Team

Cc:

Subject: Development Applications DA 2xxxxxxx

Follow Up Flag: Follow up Flag Status: Completed

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

To Yass Valley Council

I wish to object to the following DAs for 838 Murrumbateman Rd:

DA200030C - Shed

DA220228B - Subdivision

DA220232B - Dual Occupancy/Subdivision

I wish object to the latest amendments to the original dwelling which is now listed as an Airbnb. We are already experiencing an increased & unreasonable level of heavy duty vehicles due to the úpgrade. The level of increased traffic, especially the heavy vehicles and machinery are increasing the level of damage to the already treacherous roads, as well as the possibility of an accident on some of the quite narrow and difficult areas between canberra, murrumbateman and nanima roads.

We have not yet contacted Yass Police regarding the noise violations that regularly occur from the original Airbnb residence, but the noise and usage of the property is very much at odds with the rural zone.

We have experienced shooting at all times of the day, including during parties where it is questionable that all the shooters are licensed. We have also experienced shooting extremely close to our premises in the middle of the night, where we have three small children. The blocks between the properties are long and narrow, and we have seen night time shooting where the required distance between shooter and other roads, property and persons is at an illegally small level.

As a rural block, we have also put up with loud music, lights and screaming until very late at night. This is tolerable every now and again if a neighbor has a party, but not when the rural property is being used as a hotel-style function centre over every weekend.

We have also witnessed reckless driving and hooning right at our back yard. This includes utes speeding dangerously with children unprotected in the back tray of a ute, and adults and children riding motorcycles without appropriate protective clothing along the road that is far too close to our residence.

An additional residence will increase the level of antisocial behavior - both on the property and also on the public roads linking it to the town.

While this is an annoyance for my family and our right to peace, it also has an economic impact on my finances from the stress to our livestock that are disrupted and stressed with this non-farming activity in the vicinity.

Approving another road like the original road that infests my boundary on the adjacent property that is located right at our back fence carries extreme risk and ignores the adverse effects and damage that the current road has created.

The applications propose to move 400 trucks worth of additional fill from areas in Canberra that is redeveloping sites known to be contaminated from various sources over many years. The risk of contaminating Yass valley waterways and ecosystems is unacceptably high without the inclusion of an independent mechanism to verify that this introduced fill is uncontaminated or has been appropriately sanitised.

We have already experienced a level of contamination after a significant rain event from the present road, with all the contaminated fill washing into our property, contaminating our main dams, and waterways. Fences have been washed away due to new watercourses, and our improved paddocks have been filled with rocky debris. This can be seen in aerial photography and the evidence is obvious on our property - we are very willing to facilitate a tour of the damage if the council is interested.

Of note, we are absolutely not adverse to development in the area. It is good for the district, and is positive for the value of our property. However, any development must be planned and transparent, and the area is balancing many different interests, businesses, and views.

As stated in previous objections, there is a lack of transparency and understanding of what the end picture will look like, and the implications for the other adjacent rural properties and the supporting roads, landscape, waterways, environment and infrastructure - which has been shown to be extremely fragile in the last few months with murrumbateman road completely cut off for an extended time.

As far as I know, the only environmental impact study has been conducted by the applicant. There has been no independent impact assessment conducted to ensure due diligence and a balanced, safe and reasonable vision for the area, taking into consideration all these priorities.

Without consideration of the long term safety, environmental and social impacts of development applications like these in a predominately rural area, the risk of harm is unacceptably high to neighbours, stakeholders and travellers.

Yours faithfully

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DA200030C DA220228B DA220232B - Submission #3

Jeremy Knox	
From: Sent: To: Subject:	Friday, 3 March 2023 4:44 PM YVC Customer Service Team Modification Application - 838 Murrumbateman Road
[EXTERNAL] Please	xercise caution when clicking on links or attachments from external sources.
Attention Mr Jeremy Kr Re; DA200030C DA220228B DA220232B I wish it to be on record their respective emails I agree with the objectifrom the ACT into NSW	hat I agree with
Also Safety at the entra	ce to my property No is of great concern. [BAL/BAR]
	ur attention the fact that no specifics have been shown yet again of the impact on the oposed new road will cross?!
Kind regards,	
Message protected by https://www.mailguan	MailGuard: e-mail anti-virus, anti-spam and content filtering. .com.au/mg
Report this message a	<u>spam</u>

DA200030C DA220228B DA220232B - Submission #4

Jeremy Knox

From:
Sent: Friday, 3 March 2023 4:37 PM

To: Jeremy Knox; YVC Customer Service Team; Jeremy Knox

Cc:

Subject: Notification - Modification to DA for 838 Murrumbateman Road

Follow Up Flag: Follow up Flag Status: Follow up

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

Thank you for your advice below re variations being sought to previously approved DAs for 838 Murrumbateman Rd:

DA200030C - Shed

DA220228B - Subdivision

DA220232B - Dual Occupancy/Subdivision

We wish to lodge an objection to some variations being sought.

The use of this property, which is adjacent to our vineyard, is not consistent with any of the following objectives of zone RU1:

- To encourage sustainable primary 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.

Council does not seem to have the courage to ensure compliance with these objectives and ensuring the rural character of the district.

Importation of soil

We are concerned with contaminated soil being imported to a site so close to our vineyard and with possible effects on the Murrumbateman Creek.

There is no regular testing of soil brought on site with only random testing (if any) being made. We strongly object to Murrumbateman being used as a dumping ground for fill from development sites.

Impact on habitat.

The Flora and Fauna Report is extremely limited and does not include endangered birds which we have observed adjacent to the property. A number of trees have already been illegally removed from this property and there appears to be no regard for habitat. We are participating in a national survey of Birds on Farms and expect to have a number of threatened species identified. The all night use of external lights and shooting activities including Christmas Day are impacting on our wildlife and our personal lifestyle.

Road Safety

There have been several road deaths near this property on the Murrumbateman Road. The road, when open, is used by heavy transport night and day and is a major route to the South Coast We believe the conditions attached to the DAs re the access and departure via Murrumbateman Rd were included to ensure compliance with Australian Standards and these Standards should apply.

Finally, we also agree with the submissions made by

Thank you for the opportunity to comment.

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DA220228B - Submission #5

Submission on Modification Application DA210228B - 838 Murrumbateman Road, NANIMA

Subdivision of land at 838 Murrumbateman Road, NANIMA

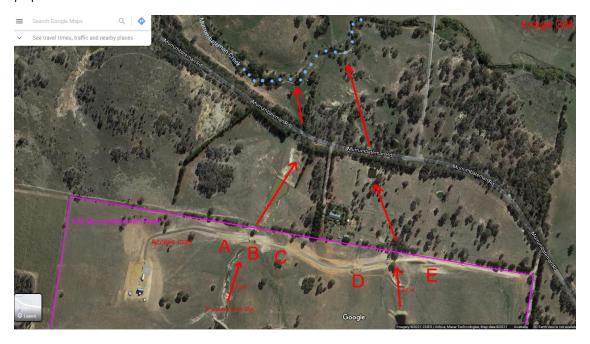


I note that in "Appendix D – New Internal Access Road Project Management Plan" of this development application approval is sought for the importation of 6,738 cubic metres of fill (last page; document lacks page numbers) for road construction.

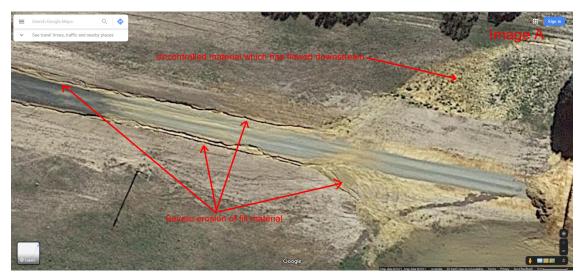
Over the course of construction of prior developments on the lot subject to the development application (DA), I have witnessed a significant volume of trucks delivering fill material to the site.

During a rain event in February 2019 caused by a single thunderstorm, fill material was observed washing out of the applicants property, through neighbouring Lot 3 DP1144861, across Murrumbateman Road, and into our property. Council may have a record of the road cleanup.

Image "GM" is a Google Maps aerial view of the proposed development site showing its proximity to Murrumbateman Creek. This image also shows an access road which was constructed from imported fill material. The image captures the aftermath of the February 2019 rain event. Severe erosion of the access road can be observed. Constructed tranverse to the hill slope, the elevated access road effectively created a large dam blocking water from flowing downhill. Overflow points then created concentrated water flow and increased water velocity resulting in significant quantities of material moving downstream onto neighbouring properties and into Murrumbateman Creek.



More detailed Google Maps imagery of locations A, B, C, D and E is provided below:











Based on these prior events I have no confidence whatsoever that the applicant is capable of utilising importing fill material without substantial quantities of this material flowing downstream onto neighbouring properties and related watercourses including Murrumbateman Creek.

The past 12 months have established the high frequency of severe rainfall events which may occur at any time. Any repeat of recent events will overwhelm any erosion control mechanisms such as "temporary silt fencing". I have recently repaired numerous full height rural boundary fences across drainage paths originating from the lot in question which have been completely flattened by the volume of water flowing. Water flows in these significant rain events see ordinary drainage paths transformed into riverine flows. The wash away of Murrumbateman Road at the Broken Dam Creek crossing necessitating a full road closure and reconstruction is a testament to this.

The applicant states the fill to be used will be "V/ENM" material . No breakdown is given as to the proportion of each. An approval on this basis would therefore potentially allow 100% ENM material to be used.

According to the NSW EPA *The excavated natural material order 2014* ENM (excavated natural material) is fill material which "does not meet the definition of Virgin Excavated Natural Material" (VENM) (clause 1.1(c)). It may contain up to 2% non-natural material by weight (clause 1.1(b)). Assuming an equivalent density of natural and non-natural material, this means the 6,738 cubic metres of imported fill may consist of 6,738 x 2% = 135 cubic metres of non-natural material. This is a significant quantity.

The DA does not specify exactly where the imported fill will come from short of "Canberra Construction sites".

This definition is so broad it could be anywhere in the ACT. Why can't Canberra dispose of its own waste material? Why is the Yass Valley a continuous dumping ground for material excavated out of the ACT? Our area has rural land which should be utilised for rural lifestyles and agricultural production, not Canberra's dumping ground for the fiscal advantage of ACT property developers.

The DA does not set out any procedures or protocols for testing that imported fill complies with the standards set by the NSW EPA for VENM or ENM. I have concerns that in practice, there is no effective mechanism to regulate the source, safety or quantity of imported material. Who will perform any "certification" and what accreditation do they have to perform this task?

The ACT is home to numerous noxious weed species at endemic levels, such as Chilean needle grass and St. John's wort. The importation of large quantities of fill, particularly into a catchment, carries with it the biosecurity risk of weed or other organism spread. Fill generating development sites may also be proximate to known or unknown contamination sources, such as fuel service stations, industrial sites where chemical leaching has occurred, old livestock dip sites or asbestos contamination.

The proposed road fill site is located ~650 m away from Murrumbateman Creek. Material eroded from the access road will flow into this waterway. Ultimately, overflow will end up in the Yass River, part of the Yass drinking water supply.

The proposed development falls within land identified as having "Groundwater vulnerability" on the Groundwater Vulnerability Map. Importation of 6,738 cubic metres of ENM fill with up to 2% non-natural material carries the risk of groundwater contamination.

An estimated 449 truck movements will be required to bring in the specified amount of fill. This has the potential to cause significant damage to Murrumbateman Road and other surrounding roads. Most roads in the region, including Murrumbateman Road, are already in an extremely poor condition because of the extended wet period with numerous areas of complete bitumen degradation and dangerous pot holes.

This quantity of movements also has road safety implications with large combination heavy vehicles turning onto and off Murrumbateman Road via a rural access driveway with poor visibility in a 100 km/h speed zone.

Concerns relating to the importation of fill material can be addressed by requiring the access road to be constructed from in situ material or imported local quarry crushed rock road base which is readily available nearby from Boral and Schmidt quarries.

Construction in this manner invites the question: is the purpose of the development modification to utilise fill and avoid incurring significant waste disposal charges for the material in the ACT? I have lived and farmed in this location for in excess of 40 years and until the acquisition of properties such as this by entities with connections to the construction industry nobody would utilise **449 truckloads** of material to construct a rural property access road. This is a ridiculous quantity of material.

To put it in perspective, after going through the wettest 12 month period I have ever observed, we utilised only *two* truck/trailer combinations of Murrumbateman sourced quarry road base to repair our 700m long access road.

For the reasons given above I strongly object to the modified development.

DA220228B - Submission #6



Submission in relation to the application for the modification of DA 210228B–838 Murrumbateman Road, NANIMA

We wish to make a submission in relation to the request to modify DA2102288B, and its requests for variations to conditions contained in the original approval. The following is submitted:

We oppose the removal of the following sections in condition 23 of the original consent DA210228B:

- (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.

We oppose the removal of condition 90 of the original consent for DA210228B We oppose the removal of condition 1 of the original consent for DA210228B

The option to oppose the removal of these clauses is supported by the points below and the fact that Murrumbateman Road is a 100kph road which carries in excess of 1000 vehicles a day and the entrance is less than 100metres from a blind curve in the road.

- Removal of trees either side of the access will not mitigate the main risk to road users. The most significant risk is the risk associated with attempting to enter the property when travelling from the west along Murrumbateman Road. The risk occurs when the west bound vehicle stops to give way to oncoming traffic and the vehicles travelling behind the stationary vehicle suddenly come across a vehicle that is stationary whilst attempting to turn right into the driveway they have nowhere to go. The risk of this type of collision is escalated due to the proximity of the blind bends before the property access and the large embankment on the left-hand side of the west bound carriageway. We have observed (and been party to) many near misses like this at the entry to 838/840/842 Murrumbateman Road, and we believe that it is now only a matter of time before a serious accident occurs.
- On multiple occasions we have observed vehicles travelling along Murrumbateman Road attempt to overtake vehicles turning right into the access for 838/840/842 Murrumbateman Road. As vehicles travelling west along Murrumbateman Road depart from the curves prior to the access to 838/840/842 Murrumbateman Road, the solid white line transitions to a broken white line. Drivers regularly do not notice the hidden driveway sign and use the opportunity of the broken white lines to overtake the vehicle in front, not realising that it is turning into the access road. It is only a matter of time before a collision occurs. This risk has been further exacerbated due to the number of vehicles that enter 838 that are unfamiliar with the road as

they are air B and B guests hiring the premises short term who suddenly attempt to turn into the access having only noticed it at the last minute. Widening the access will not mitigate this risk.

- Removal of the trees and widening of the access will also not mitigate the risk when turning left onto Murrumbateman Road from the access to 838/840/842. On many occasions when attempting to turn left, the current residents (and visitors), have been confronted by a vehicle on the wrong side of the road as it overtakes another vehicle travelling from a westerly direction. This situation will remain, and will inevitably end in a serious head on collision as traffic numbers continue to increase on Murrumbateman Road as further development is completed in Yass and Murrumbateman grow and their populations increase.
- Currently there is "concealed driveway" signage in place on the approach to the access to 838/840/842 Murrumbateman Road. This has not reduced or prevented any of the above situations occurring regularly.
- The access to the properties at 838/840/842 is less than 100m from the blind corners to the west and east of the access, the speed limit is 100kph, there are more than 1000 vehicles using this road each day. As such it is our understanding that the requirements under current road design rules for the design of an entry and exit area on a road of this type are as per the council conditions on the original consent conditions.
- There have been two fatal road accidents within a few hundred meters of the property access in the past two years. This section of road is clearly already dangerous and any changes to it should be carefully considered and fully planned to ensure safety. This was the intent behind the original conditions.
- There have been three serious accidents within a few hundred metres of the property access in the past 5 years. Again, this section of road is clearly already dangerous and any changes to it should be carefully considered and fully planned to ensure safety. This was the intent behind the original conditions.
- Based on what we have seen over the past two years, the majority of people who attend this property are using the Air B and B, and arrive at the property from Murrumbateman (West) as this is where all web- based Maps provide directions to the property. This is the riskiest approach to the property. With a potential two-fold increase in the number of visitors (due to the construction of a second air B and B premises, will further increase the likelihood of a collision if the access point is not improved to the original standard.

- Most weekends when the property has these tenants attending the property, we also hear vehicle horns and screeching of brakes due to the tenants driving either very slowly, or braking at the last minute when the they see the entrance. This will continue to increase as more clients arrive due to the doubling of the rental capacity of the property.
- This section of road is clearly already dangerous and any changes to it should be carefully considered and fully planned to ensure safety. This was the intent behind the original conditions that were imposed by council after significant review of the location, assessment of applicable design rules and legislation, as well as public consultation.
- The original planned upgrade of the intersection should be completed prior to any works on the internal road proposed within the DA (as per original council decision). This is necessary to mitigate the increase in risk to road users relating to trucks entering and leaving the site during construction of the internal road. The current proposed plan states that 10-16 trucks a day will enter the site to deliver fill over a 3 to 6-month period. This plan means that there will be a truck entering the site every 30- 45 minutes during operational hours. This activity will increase the likelihood of a vehicle accident significantly during this time, on what is already a dangerous roadway

We wish to oppose the removal of condition 6 of the original consent for DA210228B.

Throughout the previous approval process for the original application there was no mention of dual occupancy of the premises. The current dwelling on the property is used primarily as an air B and B and function centre. If dual occupancy was granted for the new dwelling there should be the appropriate consultation with neighbours, and assessment of impact on access and egress to the property by a potential further increase in traffic entering and leaving the property. On several occasions in the past there have been functions held at the existing premises that catered for in excess of 100 attendees. If a dual occupancy dwelling was allowed then this could potentially see a further increase of vehicles to potentially in excess of 35 to 40 vehicles entering and leaving the premises on the busier days.

We wish to oppose the removal of condition 25 of the original consent for DA210228B

We request condition 25 remains. Our opposition to this request is due to the fact that the report on flora and fauna that was included in the supporting submissions/information for DA210232B was only conducted on the area within Lot 1 in DP1213153 boundaries. It does not provide any assessment of the heritage value of the large native tree at the entrance way. We have previously been advised by a former owner of 838 Murrumbateman Road that permission to remove the large tree on the western side of the entrance to the property has previously been denied by Council as the tree was of heritage value. This information would support the continued inclusion of condition 25.

We oppose the removal of condition 29 of the original consent for DA210228B

We would like to oppose the removal of condition 29 a sign to be erected that includes the following information:

- (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
- (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 is due to the fact that we have had on occasion needed to contact someone responsible for the construction site and have been unable to obtain a response. On occasion this has been due to emergencies such as small fires, garbage blowing out of hoppers, or vehicles needing assistance. It would be beneficial for all concerned to have an up-to-date sign with contact details available for use in the case of such incidents occurring again.

Section 4.15 Evaluation – Section 4.55 Modification

Summary of Application

Recommendation	Modified Conditional Approval
Modification Application No.	DA210232B
Type of Development	Local
Development Site	1/-/DP1213153 838 Murrumbateman Road, Nanima
Owner / Applicant	Mr A Popovich
Type of Modification	4.55(1A) Modification Involving Minimal Environmental Impact
Description of Approved Development	Construction of a dual occupancy dwelling house with solid fuel heater and installation of onsite sewage management system (AWTS)
Description of Modification	Change the required intersection upgrade treatment from a BAR/BAL to a modified Austroads 'Rural Type Property Access'.
	Change the access arrangement to use of an unsealed/gravel internal access road/right of carriageway.
	Importation of 1,015m³ of fill material (VENM/ENM)
	Amendments to associated conditions of Development Consent
	Architectural design changes to the dwelling house
	The inclusion of an inground swimming pool
	Changes to the onsite sewage management arrangements and system

Consideration Under s4.55(1A)

4.55(1A) of the Environmental Planning and Assessment Act 1979 states:

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:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

The proposed modification is minimal environmental impact for the reasons detailed in this assessment and Council report.

(b) 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 The proposed development as modified remains substantially the same as that for which the original Development Consent was granted.

(c) it has notified the application in accordance with:

require, or

- (i) the regulations, if the regulations so
- (ii) 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

The modification application was notified in accordance with Council's Community Engagement Strategy concurrently with DA200030C and DA210228B. Six submissions have been received across the three applications.

(d) 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.

Consideration Under s4.55(3)

4.55(3) of the Environmental Planning and Assessment Act 1979 states:

"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."

All relevant matters in section 4.15 have been considered as presented in this assessment.

Section 4.15 - Evaluation

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:

Any environmental planning instrument

Integrated Development

Legislation	Yes	N/A
Coal Mine Subsidence Compensation Act 2017		✓
s 22		•
Fisheries Management Act 1994		√
s 144, S201 S205. S219,		•
Heritage Act 1977		√
s 58		•
Mining Act 1992		✓
ss 63, 64		•
National Parks and Wildlife Act 1974		✓
s 90		·
Petroleum (Onshore) Act 1991		✓
s 16		•
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		•
Roads Act 1993		✓
s 138	Ш	,
Rural Fires Act 1997		✓
s 100B		,
Water Management Act 2000		✓
ss 89, 90, 91		•

Comments

The development and modification application are not integrated development.

<u>Section 4.15 – Matters for Consideration</u>

Provisions of any environmental planning instrument

State Environmental Planning Policy (SEPP)

Where a SEPP is applicable to the proposed development, is the development:

- Consistent with the aims and objectives of the instrument
- Complies with development standards contained in the instrument
- Satisfies the requirements of the instrument
- Meets the relevant concurrence, consultation and/or referral requirements.

Comment

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A revised BASIX Certificate has been submitted with the modification application.

No other changes from the original/previous assessment.

Local Environmental Plan (LEP)

In considering the provisions of the Yass Valley Local Environmental Plan 2013 (YVLEP), is the proposed development:

- Consistent with the aims and objectives of the plan
- Consistent with the aims and objectives of the land use zone
- Permissible in the land use zone
- Consistent with all relevant clauses within the LEP
- Complies with development standards in the LEP.

Comment

Clause 2.3 Zone and zone objectives	The land is zoned RU1 Primary Production and is generally consistent with the objectives of the zone. No changes from the original/previous assessment.
Clause 2.3 Land Use Table	No changes from the original/previous assessment. The proposed development remains permissible with Development Consent in the RU1 Primary Production zone.
Clause 2.6 Subdivision consent requirements	N/A
Clause 2.8 Temporary use of land	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	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 conservation zones	No changes from the original/previous assessment.
Clause 5.21 Flood planning	N/A
Clause 6.1 Earthworks	The proposed development as modified involves earthworks and the importation of fill material associated with the construction of the internal access road/RoW. All matters in clause 6.1(3) have been considered. • The proposal is not considered to have a significant impact on
	drainage in the area. The internal access road/RoW has been designed by a qualified civil engineer and reviewed by Council and is considered suitable.
	Subject to the internal access road/RoW being constructed in accordance with the design drawings and relevant conditions of Development Consent proposed, the earthworks are not considered to have any significant adverse effects on the likely future use or redevelopment of the land.
	The quality of the fill is proposed to be VENM or ENM and can be managed through conditions of consent and in accordance the requirements of the <i>Protection of the Environment Operations Act 1997</i> .

Clause 6.6	N/A. The location of the proposed development is outside of the area mapped as 'salinity'.	
Clause 6.5 Riparian land and watercourses	N/A	
Clause 6.4 Groundwater vulnerability	Negligible impact is anticipated as a result of the proposed development as modified, subject to ensuring that the quality of fill material imported for the internal access road/RoW construction meets VENM/ENM quality requirements. A revised site and soil assessment has been submitted which demonstrates that there is suitable opportunity for onsite sewage management.	
Clause 6.3 Terrestrial biodiversity	The development as modified unlikely to have a significant impact on critical habitats, threatened species, ecological communities or their habitats. It had been identified in the original assessment that some vegetation removal within the road reserve will be required to accommodate the BAR/BAL intersection treatment which was required as a condition of Development Consent. The revised intersection treatment will now result in a reduced amount of vegetation removal compared to that which was previously approved. Conditions of a modified Development Consent will still require 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. In this regard, the proposed development satisfies the objectives of clause 6.3 of the YV LEP 2013. No other changes from the original/previous assessment.	
Clause 6.2 (repealed)	N/A	
	 amenity of the area has been considered and detailed elsewhere in this assessment. The primary amenity impact relates to the movements of heavy vehicles delivering material, including by way of traffic generation, dust and noise. The fill source is understood to generally be developments primarily in Canberra. It must be certified as VENM or ENM before being used on the site and in accordance with the NSW definitions (rather than the ACT definitions). It is unlikely that any relics will be disturbed; however, in the event that relics are found, the relevant cultural heritage legislation still apply so therefore protection will be ensured. A condition can be included in any consent that may be issued which requires the Heritage NSW to be contacted should any relic be unearthed. No other changes from the original/previous assessment. 	
	• The effect of the development on nearby development and the	

Clause 6.7 Highly erodible soils	N/A
Clause 6.8 Essential services	All essential services can be provided to the proposed development as modified.
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
Clause 6.12 Development on certain land in Gundaroo and Sutton in R2 Low Density Residential	N/A
Other relevant clause	N/A

Proposed environmental planning instrument that is or has been subject of public consultation and has been notified to the consent authority

Primary Matters	Specific Consideration
Draft Environmental Planning Instrument	 Where a draft environmental planning instrument is applicable to the proposed development, is the development: Consistent with the aims and objectives of the draft instrument Complies with development standards contained in the draft instrument Satisfies the requirements of the draft instrument Meets the relevant concurrence, consultation or referral requirements to address the provisions of the draft instrument
Comment	
N/A	

Any development control plan

Primary Matters	Specific Consideration
Development Control Plan (DCP)	 Where a DCP is applicable to the proposed development, is the development: Consistent with the aims and objectives of the plan Satisfies the requirements of the DCP
Comment	

Nil applicable to the proposal. No changes from the original/previous assessment.	
Contributions Plans	Are contributions under the Yass Valley Developer Contribution Plan 2018 and/or the Yass Valley Heavy Haulage Contribution Plan 2021 applicable to the proposed development?

Comment

A heavy haulage development contribution will be payable in relation *Yass Valley Heavy Haulage Development Contribution Plan 2021* as detailed in the accompanying Council report.

No other changes from the original/previous assessment.

Planning agreement entered into or a developer has offered to enter into under s7.4 of the Act

Primary Matters	Specific Consideration
Planning Agreement or Draft Planning Agreement	Details of Agreement
Comment Nil No changes from the original/previous assessment	

Prescribed Matters – Environmental Planning and Assessment Regulation

Primary Matters	Specific Consideration
	The following matters under the <i>Environmental Planning and Assessment Regulation 2021</i> have been considered:
Environmental Planning and Assessment Regulation 2021	 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.

Comment

A revised BASIX Certificate has been submitted with the modification application.

No other changes from the original/previous assessment.

Likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Primary Matters	Specific Consideration
	Context Convertibility of the algorithms to the second with
Context and setting	 Compatibility of the development with: 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
	Setting Impact of the development on adjacent properties in terms of:
	 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

Comment

No additional matters for discussion outside of those detailed elsewhere in this assessment and the accompanying Council report.

Consideration of access, transport and traffic and the proposed development: 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 an 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

Comment

The key issue with modification applications DA220228B and DA220232 relate to access arrangements, including the Crown road and internal access road, along with the intersection of the Crown road with Murrumbateman road. This is discussed in detailed in the accompanying Council report.

Utilities	Consideration of utilities and the proposed development: 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 onsite effluent disposal
Comment	

No changes from	the original/previous assessment.		
	Impact of the proposed development on heritage significance of the site, adjacent properties and/or a heritage conservation area:		
Heritage	 Consideration of impact on items, landscapes, areas, places, relics and practices Consideration of the historic, scientific, social, aesthetic, cultural, archaeological (both Aboriginal and non-Aboriginal) values of the site 		
Comment			
No changes from	the original/previous assessment.		
	Impact of the proposed development on conservation of water:		
Water	 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	No changes from the original/previous assessment.		
Soils	 Impact of the development on soils: 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 additional matters for discussion outside of those detailed elsewhere in this assessment and the accompanying Council report.			
Air and Microclimate	Impact of the development on air quality and microclimatic conditions in terms of emissions of dust, particulates, odours, fumes, gases and pollutants.		
Comment			
Air impacts associated with the development are considered to primarily to be by way of dust during the construction of the internal access road/RoW. It is considered that appropriate dust suppression measures can be put in place to manage this impact in accordance proposed with the proposed Project Management Plan and conditions of Development Consent.			
	Impact of the proposed development on:		
Flora and Fauna	 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

Outcomes of an assessment under the *Biodiversity Conservation Act 201*6 considers:

- whether the development will result in serious and irreversible impacts
- whether a BDAR is required
- where a BDAR is required, whether it is considered satisfactory

Comment

The development as modified unlikely to have a significant impact on critical habitats, threatened species, ecological communities or their habitats.

It had been identified in the original assessment that some vegetation removal within the road reserve will be required to accommodate the BAR/BAL intersection treatment which was required as a condition of Development Consent. The revised intersection treatment will now result in a reduced amount of vegetation removal compared to that which was previously approved. Conditions of a modified Development Consent will still require 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 proposed development within the subject land as modified does not trigger the Biodiversity Offset Scheme under the *Biodiversity Conservation Act 2016* as:

- It does not involve the clearing of 1ha or more of native vegetation
- It does not involve clearing on land identified on the Biodiversity Values Map
- Will not have an impact on threatened species or communities which exceeds the test of significance.

Impact of the proposed development on waste: solid, liquid and gaseous wastes and litter the generation, collection, storage and disposal of waste

Comment

No additional matters for discussion outside of those detailed elsewhere in this assessment and the accompanying Council report.

Impact of the proposed development on energy: • 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 Where relevant the development also complies with the Building Sustainability Index	 the overall energy needs of the development the measures employed to save energy - passive design, solar lighting and heating,
	 the use of renewable and non-polluting energy sources? energy needs in producing building/structural materials? energy use by-products and waste

Comment

A revised BASIX Certificate has been submitted with the modification application.

No other changes from the original/previous assessment.

Noise and Vibration	Whether the development has potential to generate noise pollution or vibration including during construction and potential impacts.
Comment	

Noise impacts associated with the development are considered to primarily to be during the construction of the internal access road/RoW. It is considered that appropriate measures can be put in place to manage this impact in accordance proposed with the proposed Project Management Plan and conditions of Development Consent.

Natural Hazards -Geological

Risks to people, property and the physical environment as a result of geologic/soil instability - subsidence, slip, mass movement has been considered.

Comment

No changes from the original/previous assessment.

Natural Hazards -Flooding

Where the development is located on land identified as flood affected:

- 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.

Comment

No changes from the original/previous assessment.

Natural Hazards -Bushfire

Where the development is located on land identified as bushfire prone:

- Compliance with Planning for Bushfire Protection 2019 (however in accordance with s.8.3.2 of *Planning for Bushfire Protection 2019* there are no bushfire protection requirements for <u>class 10a buildings located more than 6 metres from a dwelling</u> in bushfire prone areas); or
- If it is integrated development it has been referred to the RFS in accordance with s100B Rural Fires Act 1997.

Comment

The subject land is now identified as bushfire prone, however, it was not at the time the original Development Application was lodged and assessed. The proposed modification does result in any substantial changes to the associated bushfire risks to the dwelling house compared to the development that is already approved.

Does the development present risks from:

- industrial and technological hazards
- land contamination and remediation

Technological Hazards

Where potential land contamination has been identified an assessment must be provided determining whether the:

- The contamination is likely to be low and does not warrant remediation as the proposed land use is not sensitive, or
- The land is not contaminated, or
- The land is contaminated and remediation is proposed prior to the proposed use

Comment

No changes from the original/previous assessment.

Safety, Security and Crime Prevention

The assessment must determine whether adequate measures are included to address the potential for accident / injury and criminal activity.

Comment

No changes from the original/previous assessment.

Social impact in the locality

Whether the development is likely to have social benefits in the locality in terms of:

- 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

Whether the development is likely to have economic benefits in terms of:

- employment generation
- economic income
- generating benefits for existing and future businesses

Comment

No changes from the original/previous assessment.

Site and

internal design

The development is generally sensitive to environmental conditions and site attributes including:

- 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:

- 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

Comment

No changes from the original/previous assessment.

Construction

- 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 additional matters for discussion outside of those detailed elsewhere in this assessment and the accompanying Council report.

The suitability of the site for the development

Primary Matters	Specific Consideration	
Compatibility with existing development in the locality	 The proposal is compatible with existing development in the locality as: 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 The proposed development as modified remains compatible with the existing development in the locality.		
Site conduciveness to the development	 The subject site is conducive with the proposed development as: 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 	

Comment

The site is conducive to the proposed development as modified for the reasons detailed in this assessment and accompanying Council report.

Any submissions made in accordance with this Act of the regulations

Primary Matters	Specific Consideration
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Public Submissions	Community consultation was undertaken in accordance with Council's Community Engagement Strategy. Where submissions have been received, the issues raised have been considered and are summarised in the comments below.
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Comment

The modification application was subject to public exhibition currently with modification DA200030C and DA210228B and included notice to seven adjoining and nearby landowners, as well as to any other persons who had previously made a submission on the original Development Applications. As the modification applications were subject to public exhibition concurrently, the submissions received were generally interrelated to all applications. Six submissions have been received. The issues raised in the submissions across the three applications are discussed in the accompanying report to Council.

Submissions	Where relevant submissions received from Government or Public Authorities have been
from Public Authorities	considered with any issues raised being resolved, addressed by conditions of consent/general terms of approval or are considered not relevant to the development

Comment

There were no submissions sought or received from public authorities.

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: 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 changes from the original/previous assessment.

Consideration of the applicable Council policies is included below.

	Policy	Code	Applicable
Council Policies	Building Line – Rural and Residential Land	DA-POL-8	Yes
	Building Line – Urban	DA-POL-4	No

Building Over Sewer Mains	SEW-POL-1	No
Development Assessment and Decision Making	DA-POL-18	Yes
Filling Policy	DA-CP-22	Yes
Holiday Cabins – Micalong Creek Subdivision	DA-POL-3	No
Kerb and Gutter Construction	ENG-POL-4	No
Non-Urban Fencing	DA-POL-12	No
Off-Street Car Parking	ENG-POL-8	No
Provision of Electricity Supply and Telecommunications Service for Subdivisions	DA-POL-17	No
Road Naming	RD-POL-6	No
Road Standards	RD-POL-9	Yes
Temporary Accommodation	DA-POL-2	No
Truck and Transport Depots in Rural Areas	DA-POL-11	No
Water Supply in Rural Areas and Villages	WS-POL-2	Yes

Comment

Development Assessment and Decision Making DA-POL-18

The modification application is presented to Council for determination as there were six submissions received across the three modification applications that were publically exhibited concurrently. There is difficulty in separating the submissions to each of the separate applications. In this regard, all three applications are presented to Council for determination together.

Filling Policy DA-CP-22

Assessment has been undertaken of the proposed internal access road and importation of fill material in accordance with Council's *Filling Policy*. The proposed internal access road/right of way construction is generally consistent with the provisions of the policy, noting that the design has changed to reduce the volume of material and more appropriately follow the lay of the land. The design and fill volume calculations have also been prepared by a qualified civil engineer. Conditions of any Development Consent can be applied in accordance with the requirements of the policy.

Road Standards Policy RD-POL-9

The proposed changes to the access arrangements constitute legal and physical access for the purposes of the policy requirements. The right of way will be constructed to a standard in accordance with the policy.

No other changes from the original/previous assessment.

Section 4.15 Evaluation – Section 4.55 Modification

Summary of Application

Recommendation	Modified Conditional Approval		
Modification Application No.	DA210228B		
Type of Development	Local		
Development Site	1/-/DP1213153 838 Murrumbateman Road, Nanima		
Owner / Applicant	Mr A Popovich		
Type of Modification	4.55(1A) Modification Involving Minimal Environmental Impact		
Description of Approved Development	Two (2) lot rural subdivision		
Description of Modification	Change the required intersection upgrade treatment from a BAR/BAL to a modified Austroads 'Rural Type Property Access'.		
	Change the access arrangement to use of an unsealed/gravel internal access road/right of carriageway.		
	Importation of 1,015m³ of fill material (VENM/ENM)		
	Amendments to associated conditions of Development Consent		

Consideration Under s4.55(1A)

4.55(1A) of the Environmental Planning and Assessment Act 1979 states:

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:

(b) 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

(a) it is satisfied that the proposed modification is

of minimal environmental impact, and

and Council report.

The proposed development as modified remains substantially the same as that for which the original

Development Consent was granted.

The proposed modification is minimal environmental impact for the reasons detailed in this assessment

(c) it has notified the application in accordance with:

modified (if at all), and

- (i) the regulations, if the regulations so require, or
- (ii) 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,

The modification application was notified in accordance with Council's Community Engagement Strategy concurrently with DA200030C and DA210232B. Six submissions have been received across the three applications.

(d) 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.

Consideration Under s4.55(3)

and

4.55(3) of the Environmental Planning and Assessment Act 1979 states:

"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."

All relevant matters in section 4.15 have been considered as presented in this assessment.

Section 4.15 - Evaluation

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:

Any environmental planning instrument

Integrated Development

Legislation	Yes	N/A
Coal Mine Subsidence Compensation Act 2017 s 22		√
Fisheries Management Act 1994 s 144, S201 S205. S219,		√
Heritage Act 1977 s 58		√
Mining Act 1992 ss 63, 64		✓
National Parks and Wildlife Act 1974 s 90		✓
Petroleum (Onshore) Act 1991 s 16		✓
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		√
Roads Act 1993 s 138		√
Rural Fires Act 1997 s 100B		√
Water Management Act 2000 ss 89, 90, 91		√

Comments

The development and modification application are not integrated development.

The subject land is now identified as bushfire prone, however, it was not at the time the original Development Application was lodged and assessed. The proposed modification does result in any substantial changes to the associated bushfire risks. In this regard, the requirement for concurrence from the NSW Rural Fire Service under s100B of the *Rural Fires Act 1997* is not triggered.

Section 4.15 - Matters for Consideration

Provisions of any environmental planning instrument

State
Environmental
Planning Policy
(SEPP)

Where a SEPP is applicable to the proposed development, is the development:

- Consistent with the aims and objectives of the instrument
- Complies with development standards contained in the instrument
- Satisfies the requirements of the instrument
- Meets the relevant concurrence, consultation and/or referral requirements.

Comment

No changes from the original/previous assessment.

Local Environmental Plan (LEP)

In considering the provisions of the Yass Valley Local Environmental Plan 2013 (YVLEP), is the proposed development:

- Consistent with the aims and objectives of the plan
- Consistent with the aims and objectives of the land use zone
- Permissible in the land use zone
- Consistent with all relevant clauses within the LEP
- Complies with development standards in the LEP.

Comment

Clause 2.3 Zone and zone objectives	The land is zoned RU1 Primary Production and is generally consistent with the objectives of the zone. No changes from the original/previous assessment.
Clause 2.3 Land Use Table	N/A.
Clause 2.6 Subdivision consent requirements	No changes from the original/previous assessment.
Clause 2.8 Temporary use of land	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	No changes from the original/previous assessment.

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 conservation zones	No changes from the original/previous assessment.
Clause 5.21 Flood planning	N/A
Clause 6.1 Earthworks	 The proposed development as modified involves earthworks and the importation of fill material associated with the construction of the internal access road/RoW. All matters in clause 6.1(3) have been considered. The proposal is not considered to have a significant impact on drainage in the area. The internal access road/RoW has been designed by a qualified civil engineer and reviewed by Council and is considered suitable. Subject to the internal access road/RoW being constructed strictly in accordance with the design drawings and relevant conditions of Development Consent proposed, the earthworks are not considered to have any significant adverse effects on the likely future use or redevelopment of the land.

	The quality of the fill is proposed to be VENM or ENM and can be managed through conditions of consent and in accordance
	the requirements of the <i>Protection of the Environment Operations Act 1997</i> .
	The effect of the development on nearby development and the amenity of the area has been considered and detailed elsewhere in this assessment. The primary amenity impact relates to the movements of heavy vehicles delivering material, including by way of traffic generation, dust and noise.
	 The fill source is understood to generally be developments primarily in Canberra. It must be certified as VENM or ENM before being used on the site and in accordance with the NSW definitions (rather than the ACT definitions).
	 It is unlikely that any relics will be disturbed; however, in the event that relics are found, the relevant cultural heritage legislation still apply so therefore protection will be ensured. A condition can be included in any consent that may be issued which requires the Heritage NSW to be contacted should any relic be unearthed.
	No other changes from the original/previous assessment.
Clause 6.2	N/A
(repealed)	.4/.
	The development as modified unlikely to have a significant impact on critical habitats, threatened species, ecological communities or their habitats.
Clause 6.3 Terrestrial biodiversity	It had been identified in the original assessment that some vegetation removal within the road reserve will be required to accommodate the BAR/BAL intersection treatment which was required as a condition of Development Consent. The revised intersection treatment will now result in a reduced amount of vegetation removal compared to that which was previously approved. Conditions of a modified Development Consent will still require 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.
	In this regard, the proposed development satisfies the objectives of clause 6.3 of the YV LEP 2013.
	No other changes from the original/previous assessment.
Clause 6.4 Groundwater vulnerability	Negligible impact is anticipated as a result of the proposed development as modified, subject to ensuring that the quality of fill material imported for the internal access road/RoW construction meets VENM/ENM quality requirements.
Clause 6.5 Riparian land and watercourses	N/A

Clause 6.6 Salinity	N/A. The location of the proposed development is outside of the area mapped as 'salinity'.
Clause 6.7 Highly erodible soils	N/A
Clause 6.8 Essential services	All essential services can be provided to the proposed development as modified.
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
Clause 6.12 Development on certain land in Gundaroo and Sutton in R2 Low Density Residential	N/A
Other relevant clause	N/A

Proposed environmental planning instrument that is or has been subject of public consultation and has been notified to the consent authority

Primary Matters	Specific Consideration
	Where a draft environmental planning instrument is applicable to the proposed development, is the development:
Draft	Consistent with the aims and objectives of the draft instrument
Environmental Planning	Complies with development standards contained in the draft instrument
Instrument	Satisfies the requirements of the draft instrument
	Meets the relevant concurrence, consultation or referral requirements to address the provisions of the draft instrument
Comment	
N/A	

Any development control plan

Primary Matters	Specific Consideration

Development Control Plan (DCP)	Where a DCP is applicable to the proposed development, is the development: Consistent with the aims and objectives of the plan Satisfies the requirements of the DCP
Comment Nil applicable to the	e proposal. No changes from the original/previous assessment.
Contributions Plans	Are contributions under the Yass Valley Developer Contribution Plan 2018 and/or the Yass Valley Heavy Haulage Contribution Plan 2021 applicable to the proposed development?
Comment	

A heavy haulage development contribution will be payable in relation Yass Valley Heavy Haulage

Planning agreement entered into or a developer has offered to enter into under s7.4 of the Act

Development Contribution Plan 2021 as detailed in the accompanying Council report.

No other changes from the original/previous assessment.

Primary Matters	Specific Consideration
Planning Agreement or Draft Planning Agreement	Details of Agreement
Comment Nil. No changes f	rom the original/previous assessment.

Prescribed Matters – Environmental Planning and Assessment Regulation

Primary Matters	Specific Consideration
Environmental Planning and Assessment Regulation 2021	 The following matters under the Environmental Planning and Assessment Regulation 2021 have been considered: 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.
Comment	

No changes from the original/previous assessment.

Likely impacts of the 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	Context Compatibility of the development with: 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 Setting Impact of the development on adjacent properties in terms of: 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

Comment

No additional matters for discussion outside of those detailed elsewhere in this assessment and the accompanying Council report.

The key issue with modification applications DA220228B and DA220232 relate to access arrangements, including the Crown road and internal access road, along with the intersection of the Crown road with

Murrumbateman road. This is discussed in detail in the accompanying Council report.

Utilities

Consideration of utilities and the proposed development:

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-

Utilities are either existing and capable of supporting the proposed development or

Comment

No changes from the original/previous assessment.

site effluent disposal

Heritage

Impact of the proposed development on heritage significance of the site, adjacent properties and/or a heritage conservation area:

- Consideration of impact on items, landscapes, areas, places, relics and practices
- Consideration of the historic, scientific, social, aesthetic, cultural, archaeological (both Aboriginal and non-Aboriginal) values of the site

Comment

No changes from the original/previous assessment.

Water

Impact of the proposed development on conservation of water:

- 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

Impact of the development on soils:

- 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 additional matters for discussion outside of those detailed elsewhere in this assessment and the accompanying Council report.

Air and Microclimate

Impact of the development on air quality and microclimatic conditions in terms of emissions of dust, particulates, odours, fumes, gases and pollutants.

Comment

Air impacts associated with the development are considered to primarily to be by way of dust during the construction of the internal access road/RoW. It is considered that appropriate dust suppression measures can be put in place to manage this impact in accordance proposed with the proposed Project Management Plan and conditions of Development Consent.

Impact of the proposed development on:

- wilderness areas and national parks
- wildlife corridors and remnant vegetation
- the relationship of vegetation to soil erosion/stability and the water cycle

Flora and Fauna

• weeds, feral animal activity, vermin and disease

Outcomes of an assessment under the *Biodiversity Conservation Act 2016* considers:

- whether the development will result in serious and irreversible impacts
- whether a BDAR is required
- where a BDAR is required, whether it is considered satisfactory

Comment

The development as modified unlikely to have a significant impact on critical habitats, threatened species, ecological communities or their habitats.

It had been identified in the original assessment that some vegetation removal within the road reserve will be required to accommodate the BAR/BAL intersection treatment which was required as a condition of Development Consent. The revised intersection treatment will now result in a reduced amount of vegetation removal compared to that which was previously approved. Conditions of a modified Development Consent will still require 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 proposed development within the subject land as modified does not trigger the Biodiversity Offset Scheme under the *Biodiversity Conservation Act 2016* as:

- It does not involve the clearing of 1ha or more of native vegetation
- It does not involve clearing on land identified on the Biodiversity Values Map
- Will not have an impact on threatened species or communities which exceeds the test of significance.

Waste

Impact of the proposed development on waste:

- solid, liquid and gaseous wastes and litter
- the generation, collection, storage and disposal of waste

Comment

No additional matters for discussion outside of those detailed elsewhere in this assessment and the accompanying Council report.

	Impact of the proposed development on energy:	
	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 	
Energy	the use of renewable and non-polluting energy sources?	
	energy needs in producing building/structural materials?	
	energy use by-products and waste	
	Where relevant the development also complies with the Building Sustainability Index (BASIX).	
Comment		
No changes from	the original/previous assessment.	
Noise and Vibration	during as a state of a state of the state of	
Comment Noise impacts associated with the development are considered to primarily to be during the construction of the internal access road/RoW. It is considered that appropriate measures can be put in place to manage this impact in accordance proposed with the proposed Project Management Plan and conditions of Development Consent.		
Natural Hazards - Geological	instability - subsidence, slip, mass movement has been considered.	
Comment		
No changes from the original/previous assessment.		
	Where the development is located on land identified as flood affected:	
Natural Hazards -	Compliance with the relevant Flood Risk Management Plan in accordance with the information submitted with the application or	
Flooding	The addition of conditions which require compliance with the relevant Flood Risk Management Plan or the Building Code of Australia.	
Comment		
No changes from the original/previous assessment.		
	Where the development is located on land identified as bushfire prone:	
Natural Hazards - Bushfire	• Compliance with Planning for Bushfire Protection 2019 (however in accordance with s.8.3.2 of <i>Planning for Bushfire Protection 2019</i> there are no bushfire protection requirements for class 10a buildings located more than 6 metres from a dwelling in bushfire prone areas); or	
	• If it is integrated development it has been referred to the RFS in accordance with s100B Rural Fires Act 1997.	

Comment

The subject land is now identified as bushfire prone, however, it was not at the time the original Development Application was lodged and assessed. The proposed modification does result in any substantial changes to the associated bushfire risks. In this regard, the requirement for concurrence from the NSW Rural Fire Service under s100B of the *Rural Fires Act 1997* is not triggered.

The proposed modifications to the subdivision are however not inconsistent with the requirements of *Planning for Bushfire Protection 2019*.

Technological

Does the development present risks from:

- industrial and technological hazards
- land contamination and remediation

Where potential land contamination has been identified an assessment must be provided determining whether the:

- The contamination is likely to be low and does not warrant remediation as the proposed land use is not sensitive, or
- The land is not contaminated, or
- The land is contaminated and remediation is proposed prior to the proposed use

Comment

Hazards

No changes from the original/previous assessment.

Safety, Security and Crime Prevention

The assessment must determine whether adequate measures are included to address the potential for accident / injury and criminal activity.

Comment

No changes from the original/previous assessment.

Social impact in the locality

Whether the development is likely to have social benefits in the locality in terms of:

- 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

Whether the development is likely to have economic benefits in terms of:

- employment generation
- economic income
- generating benefits for existing and future businesses

Comment

No changes from the original/previous assessment.

	The development is generally sensitive to environmental conditions and site attributes including:
	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
Site and	the amount, location, design, use and management of private and communal open space
internal design	landscaping
	The development is unlikely to affect the health and safety of the occupants in terms of:
	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
Comment	

No changes from the original/previous assessment.

	Construction	 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.
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Comment

No additional matters for discussion outside of those detailed elsewhere in this assessment and the accompanying Council report.

The suitability of the site for the development

Primary Matters	Specific Consideration
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The proposal is compatible with existing development in the locality as: 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 Compatibility The locality contains adequate recreational opportunities and public spaces to meet with existing the needs of the development development in The air quality and microclimate are appropriate for the development the locality 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 The proposed development as modified remains compatible with the existing development in the locality. The subject site is conducive with the proposed development as: The site is suitable for the proposed development

Site conduciveness to the 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

Comment

The site is conducive to the proposed development as modified for the reasons detailed in this assessment and accompanying Council report.

Any submissions made in accordance with this Act of the regulations

Primary Matters	Specific Consideration
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Public Submissions	Community consultation was undertaken in accordance with Council's Community Engagement Strategy. Where submissions have been received, the issues raised have been considered and are summarised in the comments below.
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Comment

The modification application was subject to public exhibition concurrently with modification DA200030C and DA210232B and included notice to seven adjoining and nearby landowners, as well as to any other persons who had previously made a submission on the original Development Applications. As the modification applications were subject to public exhibition concurrently, the submissions received were generally interrelated to all applications. Six submissions have been received. The issues raised in the submissions across the three applications are discussed in the accompanying report to Council.

Submissions	Where relevant submissions received from Government or Public Authorities have been			
from Public	considered with any issues raised being resolved, addressed by conditions of			
Authorities	consent/general terms of approval or are considered not relevant to the development			

Comment

There were no submissions sought or received from public authorities.

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: 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 changes from the original/previous assessment.

Consideration of the applicable Council policies is included below.

Council Policies	Policy	Code	Applicable
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Building Line – Rural and Residential Land	DA-POL-8	No
Building Line – Urban	DA-POL-4	No
Building Over Sewer Mains	SEW-POL-1	No
Development Assessment and Decision Making	DA-POL-18	Yes
Filling Policy	DA-CP-22	Yes
Holiday Cabins – Micalong Creek Subdivision	DA-POL-3	No
Kerb and Gutter Construction	ENG-POL-4	No
Non-Urban Fencing	DA-POL-12	Yes
Off-Street Car Parking	ENG-POL-8	No
Provision of Electricity Supply and Telecommunications Service for Subdivisions	DA-POL-17	Yes
Road Naming	RD-POL-6	No
Road Standards	RD-POL-9	Yes
Temporary Accommodation	DA-POL-2	No
Truck and Transport Depots in Rural Areas	DA-POL-11	No
Water Supply in Rural Areas and Villages	WS-POL-2	Yes

Comment

Development Assessment and Decision Making DA-POL-18

The modification application is presented to Council for determination as there were six submissions received across the three modification applications that were publically exhibited concurrently. There is difficulty in separating the submissions to each of the separate applications. In this regard, all three applications are presented to Council for determination together.

Filling Policy DA-CP-22

Assessment has been undertaken of the proposed internal access road and importation of fill material in accordance with Council's *Filling Policy*. The proposed internal access road/right of way construction is generally consistent with the provisions of the policy, noting that the design has changed to reduce the volume of material and more appropriately follow the lay of the land. The design and fill volume calculations have also been prepared by a qualified civil engineer. Conditions of any Development Consent can be applied in accordance with the requirements of the policy.

Road Standards Policy RD-POL-9

The proposed changes to the access arrangements constitute legal and physical access for the purposes of the policy requirements. The right of way will be constructed to a standard in accordance with the policy.

No other changes from the original/previous assessment.

Section 4.15 Evaluation – Section 4.55 Modification

Summary of Application

Recommendation	Modified Conditional Approval	
Modification Application No.	DA200030C	
Type of Development	Local	
Development Site	1/-/DP1213153 838 Murrumbateman Road, Nanima	
Owner / Applicant	Mr A Popovic	
Type of Modification	4.55(1A) Modification Involving Minimal Environmental Impact	
Description of Approved Development	Construction of machinery shed, including part private indoor recreation space and internal amenities	
Description of Modification	Moving the location of the approved building onto from Proposed Lot 1 to Proposed Lot 2 in the subdivision approved by DA210228 to be in proximity to the dwelling house approved by DA210228.	
	Connection to the onsite sewage management system associated with DA210232 instead of installing a separate system.	

Consideration Under s4.55(1A)

4.55(1A) of the Environmental Planning and Assessment Act 1979 states:

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:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

The proposed modification is minimal environmental impact for the reasons detailed in this assessment and Council report.

(b) 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 The proposed development as modified remains substantially the same as that for which the original Development Consent was granted.

- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) 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
- The modification application was notified in accordance with Council's Community Engagement Strategy concurrently with DA210228B and DA210232B. Six submissions have been received across the three applications.

(d) 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.

Consideration Under s4.55(3)

4.55(3) of the Environmental Planning and Assessment Act 1979 states:

"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."

All relevant matters in section 4.15 have been considered as presented in this assessment.

Section 4.15 - Evaluation

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:

Any environmental planning instrument

Integrated Development

Legislation	Yes	N/A
Coal Mine Subsidence Compensation Act 2017		✓
s 22		ř
Fisheries Management Act 1994		√
s 144, S201 S205. S219,		•
Heritage Act 1977		4
s 58		*
Mining Act 1992		✓
ss 63, 64		*
National Parks and Wildlife Act 1974]	4
s 90		•
Petroleum (Onshore) Act 1991		✓
s 16		*
Protection of the Environment Operations Act 1997		<u> </u>
ss 43(a), 47 and 55, ss 43(b), 48 and 55, ss 43(d), 55 and 122		*
Roads Act 1993		1
s 138		*
Rural Fires Act 1997		✓
s 100B		Ť
Water Management Act 2000		_
ss 89, 90, 91		V

Comments

The development and modification application are not integrated development.

<u>Section 4.15 – Matters for Consideration</u>

Provisions of any environmental planning instrument

State Environmental Planning Policy (SEPP)

Where a SEPP is applicable to the proposed development, is the development:

- Consistent with the aims and objectives of the instrument
- Complies with development standards contained in the instrument
- Satisfies the requirements of the instrument
- Meets the relevant concurrence, consultation and/or referral requirements.

Comment

State Environmental Planning Policy (Hazards and Resilience) 2021

There are no known contamination issues at the new location of the proposed development and the site is considered suitable for the proposed development.

No other changes from the original/previous assessment.

Local Environmental Plan (LEP)

In considering the provisions of the Yass Valley Local Environmental Plan 2013 (YVLEP), is the proposed development:

- Consistent with the aims and objectives of the plan
- Consistent with the aims and objectives of the land use zone
- Permissible in the land use zone
- Consistent with all relevant clauses within the LEP
- Complies with development standards in the LEP.

Comment

The building contains both machinery/storage and garage space, as well an area intended to be used for private indoor recreation. The Applicant is in part relying to the development being ancillary to the future dwelling house to be permissible for the purposes of the *Yass Valley Local Environment 2013*. In this regard, conditions of any modified Development Consent must require an Occupation Certificate to have been issued for the dwelling house before such time as a Construction Certificate can be issued for the building.

Clause 2.3 Zone and zone objectives	The land is zoned RU1 Primary Production and is generally consistent with the objectives of the zone. No changes from the original/previous assessment.
Clause 2.3 Land Use Table	The proposed development as modified remains permitted with consent in the zone.
Clause 2.6 Subdivision consent requirements	N/A
Clause 2.8 Temporary use of land	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	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 conservation zones	N/A
Clause 5.21 Flood planning	N/A
Clause 6.1 Earthworks	Earthworks are required to create a suitable building site. Compliance with conditions of consent will ensure the earthworks have minimal impact on surrounding land.
Clause 6.2 (repealed)	N/A
Clause 6.3 Terrestrial biodiversity	Negligible impact as a result of the proposed development.
Clause 6.4 Groundwater vulnerability	Negligible impact is anticipated as a result of the proposed development. A site and soil assessment has been submitted which demonstrates that there is suitable opportunity for onsite sewage management at the new location of the proposed development.

Clause 6.5 Riparian land and watercourses	N/A
Clause 6.6 Salinity	N/A. The location of the proposed development is outside of the area mapped as 'salinity'.
Clause 6.7 Highly erodible soils	N/A
	All essential services can be provided to the proposed development as modified.
Clause 6.8 Essential services	There is suitable opportunity for onsite sewage management at the new location of the proposed development. This will be a shared system with the dwelling house approved by Development Consent DA210232 (as modified).
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
Clause 6.12 Development on certain land in Gundaroo and Sutton in R2 Low Density Residential	N/A
Other relevant clause	N/A

Proposed environmental planning instrument that is or has been subject of public consultation and has been notified to the consent authority

Primary Matters	Specific Consideration
Draft Environmental Planning Instrument	Where a draft environmental planning instrument is applicable to the proposed development, is the development: Consistent with the aims and objectives of the draft instrument Complies with development standards contained in the draft instrument Satisfies the requirements of the draft instrument Meets the relevant concurrence, consultation or referral requirements to address the provisions of the draft instrument
Comment N/A	

Any development control plan

Primary Matters	Specific Consideration
Development Control Plan (DCP)	 Where a DCP is applicable to the proposed development, is the development: Consistent with the aims and objectives of the plan Satisfies the requirements of the DCP
Comment Nil applicable to the	e proposal. No changes from the original/previous assessment.
Contributions Plans	Are contributions under the Yass Valley Developer Contribution Plan 2018 and/or the Yass Valley Heavy Haulage Contribution Plan 2021 applicable to the proposed development?
Comment No changes from the	ne original/previous assessment.

Planning agreement entered into or a developer has offered to enter into under s7.4 of the Act

Primary Matters	Specific Consideration
Planning Agreement or Draft Planning Agreement	Details of Agreement
Comment Nil. No changes fr	rom the original/previous assessment.

Prescribed Matters – Environmental Planning and Assessment Regulation

Primary Matters	Specific Consideration
	The following matters under the <i>Environmental Planning and Assessment Regulation 2021</i> have been considered:
Environmental Planning and Assessment Regulation 2021	 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.
Comment	

Nil outside of the matters discussed in this report.

No changes from the original/previous assessment.

Likely impacts of the 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	Context Compatibility of the development with: 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 Setting Impact of the development on adjacent properties in terms of: 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

Comment

The building is significant in size at $15m(W) \times 42m(L)$ and 7.5m(H - to ridge), however is the same size as already approved at the site of the existing dwelling house. The new proposed location is below the ridgeline and landscaping works are proposed. In this regard, the new location of the proposed development is not considered to have a significant impact by way of context and setting.

No other changes from the original/previous assessment.

	Consideration of access, transport and traffic and the proposed development: • The existing road network is capable of supporting the proposed development
Access, transport and traffic	 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 an 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

Comment

No changes from the original/previous assessment.

Utilities	 Consideration of utilities and the proposed development: 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 onsite effluent disposal
development. Th DA210232 (as mo	·
No other changes	s from the original/previous assessment.
Heritage	Impact of the proposed development on heritage significance of the site, adjacent properties and/or a heritage conservation area: Consideration of impact on items, landscapes, areas, places, relics and practices
	Consideration of the historic, scientific, social, aesthetic, cultural, archaeological (both Aboriginal and non-Aboriginal) values of the site
Comment No changes from	the original/previous assessment.
	Impact of the prepared development on concentration of water
Water	 Impact of the proposed development on conservation of water: 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	
	the original/previous assessment.
Soils	 Impact of the development on soils: 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	Impact of the development 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.

Impact of the proposed development on:

- 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

Outcomes of an assessment under the Biodiversity Conservation Act 2016 considers:

- whether the development will result in serious and irreversible impacts
- whether a BDAR is required
- where a BDAR is required, whether it is considered satisfactory

Comment

Flora and Fauna

Negligible impact as a result of the proposed development.

The proposed development as modified does not trigger the Biodiversity Offset Scheme under the *Biodiversity Conservation Act 2016* as:

- It does not involve the clearing of 1ha or more of native vegetation
- It does not involve clearing on land identified on the Biodiversity Values Map
- Will not have an impact on threatened species or communities which exceeds the test of significance.

Waste

Impact of the proposed development on waste:

- solid, liquid and gaseous wastes and litter
- the generation, collection, storage and disposal of waste

Comment

No changes from the original/previous assessment.

Energy

Impact of the proposed development on energy:

- 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

Where relevant the development also complies with the Building Sustainability Index (BASIX).

Comment

No changes from the original/previous assessment.

Noise and Vibration

Whether the development has potential to generate noise pollution or vibration including during construction and potential impacts.

Comment

No changes from the original/previous assessment.

Natural	
Hazards -	
Geological	

Risks to people, property and the physical environment as a result of geologic/soil instability - subsidence, slip, mass movement has been considered.

Comment

No changes from the original/previous assessment.

Natural Hazards -Flooding

Where the development is located on land identified as flood affected:

- 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.

Comment

No changes from the original/previous assessment.

Natural Hazards -Bushfire

Where the development is located on land identified as bushfire prone:

- Compliance with Planning for Bushfire Protection 2019 (however in accordance with s.8.3.2 of *Planning for Bushfire Protection 2019* there are no bushfire protection requirements for <u>class 10a buildings located more than 6 metres from a dwelling</u> in bushfire prone areas); or
- If it is integrated development it has been referred to the RFS in accordance with s100B Rural Fires Act 1997.

Comment

The subject land is now identified as bushfire prone. In accordance with s.8.3.2 of *Planning for Bushfire Protection 2019* "there is no bush fire protection requirements for Class 10a buildings located more than 6m from a dwelling in bush fire prone areas".

Technological

Hazards

Does the development present risks from:

- industrial and technological hazards
- land contamination and remediation

Where potential land contamination has been identified an assessment must be provided determining whether the:

- The contamination is likely to be low and does not warrant remediation as the proposed land use is not sensitive, or
- The land is not contaminated, or
- The land is contaminated and remediation is proposed prior to the proposed use

Comment

No changes from the original/previous assessment.

Safety, Security and Crime Prevention

The assessment must determine whether adequate measures are included to address the potential for accident / injury and criminal activity.

Comment

No changes from the original/previous assessment.

Social impact in the locality

Whether the development is likely to have social benefits in the locality in terms of:

- 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

Whether the development is likely to have economic benefits in terms of:

- employment generation
- economic income
- generating benefits for existing and future businesses

Comment

No changes from the original/previous assessment.

The development is generally sensitive to environmental conditions and site attributes including:

- 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

Site and internal design

- 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:

- 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

Comment

The site design of the proposed development as modified is generally considered to be suitable and will not result in any significant adverse impacts. Whilst this is a large building, it is located below the ridgeline and landscaping works are proposed.

No changes from the original/previous assessment.

Construction

- 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.

The suitability of the site for the development

Primary Matters	Specific Consideration		
The proposal is compatible with existing development in the locality as: 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 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			
The proposed development as modified remains compatible with the existing development in the locality.			
	The subject site is conducive with the proposed development as :		

	The subject site is conducive with the proposed development as :
Site conduciveness to the development	 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

Comment

The site is conducive to the proposed development as modified for the reasons detailed in this report.

Any submissions made in accordance with this Act of the regulations

Primary Matters	Specific Consideration	
Public Submissions	Community consultation was undertaken in accordance with Council's Community Engagement Strategy. Where submissions have been received, the issues raised have been considered and are summarised in the comments below.	

Comment

The modification application was subject to public exhibition currently with modification DA210228B and DA210232 and included notice to seven adjoining and nearby landowners, as well as to any other persons who had previously made a submission on the original Development Applications. As the modification applications were subject to public exhibition concurrently, the submissions received were generally interrelated to all applications. Six submissions have been received. The issues raised in the submissions across the three applications are discussed in the accompanying report to Council.

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 are considered not relevant to the development

Comment

There were no submissions sought or received from public authorities.

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: 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 	

Comment

No changes from the original/previous assessment.

Consideration of the applicable Council policies is included below.

Council Policies	Policy	Code	Applicable
	Building Line – Rural and Residential Land	DA-POL-8	Yes
	Building Line – Urban	DA-POL-4	No
	Building Over Sewer Mains	SEW-POL-1	No
	Development Assessment and Decision Making	DA-POL-18	Yes

	Filling Policy	DA-CP-22	No
	Holiday Cabins – Micalong Creek Subdivision	DA-POL-3	No
	Kerb and Gutter Construction	ENG-POL-4	No
	Non-Urban Fencing	DA-POL-12	No
	Off-Street Car Parking	ENG-POL-8	No
	Provision of Electricity Supply and Telecommunications Service for Subdivisions	DA-POL-17	No
	Road Naming	RD-POL-6	No
	Road Standards	RD-POL-9	Yes
	Temporary Accommodation	DA-POL-2	No
	Truck and Transport Depots in Rural Areas	DA-POL-11	No
	Water Supply in Rural Areas and Villages	WS-POL-2	No

Comment

Building Line – Rural and Residential Land DA-POL-8

The location of the proposed development as modified is located at least 50m from all property boundaries in accordance with the requirements of the policy.

Development Assessment and Decision Making DA-POL-18

The modification application is presented to Council for determination as there were six submissions received across the three modification applications that were publicly exhibited concurrently. There is difficulty in separating the submissions to each of the separate applications. In this regard, all three applications are presented to Council for determination together.

No other changes from the original/previous assessment.

DA200030C - Draft Conditions - 838 Murrumbateman Road

PART A - GENERAL CONDITIONS

- (1) Consent is granted generally in accordance with the plans and details submitted to 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 on any building shall not commence until a Construction Certificate, complying in all respects with the provisions of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and the Building Code of Australia, has been issued.

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

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

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

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

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

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

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

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

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

(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

(2) A revised site plan shall be submitted to Council that clearly identifies the location of the proposed Septic Tank and Absorption Area area noting the distances from the dwellings, driveways, property boundaries and any water storage tanks, or other sensitive area's such as waterways or Bores.

Note: The Septic Tank and Absorption Area must be located to achieve adequate drainage fall in compliance with Australian Standard 3500 from the dwelling.

<u>Note:</u> The Septic Tank and Absorption Area must be located a minimum of:

- 100m to any permanent waterways;
- 40m to other waterways and drainage channels;
- 10 metres from any in-ground rainwater storage tank;
- 3 metres from any above-ground rainwater storage tank;
- 3 metres down-gradient and 6 metres up-gradient from any dwelling or building;
- 3 metres down-gradient and 6 metres up-gradient from any property boundary;

Deleted.

(Condition Deleted August 2023)

(3) Details (NSW Health accreditation and specifications) of the proposed Septic Tank and Absorption Area are to be provided to Council.

Deleted.

(Condition Deleted August 2023)

(4) Prior to a Construction certificate being issued, the applicant shall submit to the Principal Certifier, a copy of an Owner Builder Permit or a Certificate of Insurance under the Home

- Building Compensation Fund for the proposed development as applicable under the provisions of the *Home Building Act 1989*.
- (5) A report from a suitably qualified professional stating the soil classification of the site as required by AS 2870 - Residential Slabs & Footings shall be submitted to the Principal Certifier.
- (6) Structural drawings prepared by a suitably qualified and experienced Structural Engineer must be submitted to and approved by the Principal Certifier prior to the issue of a Construction Certificate. The plans shall detail:
 - (a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas where applicable);
 - (b) Footings of the proposed structure;
 - (c) Structural steel wall frames, roof framing members, beams, columns, bearers, joists and wall/roof bracing (as applicable to the development).
- (7) A Construction Certificate must not be issued until such time as an Occupation Certificate has been issued in relation to the dwelling house in Development Consent DA210232 (as modified). Evidence of the Occupation Certificate must be submitted to the Principal Certifier.

(Condition Added August 2023)

PART C - PRIOR TO COMMENCEMENT OF WORKS

- (1) Council shall be informed of the name and details of the Principal Certifier and the date construction work is proposed to commence, no later than two days prior to such commencement;
- (2) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (3) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- (4) Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
 - (a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - (c) preventing the tracking of sediment by vehicles onto roads, and
 - (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- (5) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the Principal Certifier for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours,
- stating that unauthorised entry to the site is prohibited. (c)

This sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed

- (6) A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:
 - (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic,
 - could cause damage to adjoining lands by falling objects, or (b)
 - (c) involve the enclosure of a public place or part of a public place.

Note: Clauses 2.67 and 2.68 of State Environmental Planning Policy (Exempt and Complying <u>Development Codes) 2008</u> specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

- (7) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet provided must be:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - be a temporary chemical closet approved under the Local Government Act 1993. (c)
- (8) The building(s) shall be set out by a registered surveyor to verify the correct position of each structure in relation to the property boundaries prior to the commencement of works.
 - Evidence that the building(s) were set-out and have been located in accordance with the approved plans shall be submitted to the Principal Certifier or Council upon request.
- (9)Each Plumber and Drainer that works on the development must notify the Yass Valley Council of their intention to carry out works as outlined in the Plumbing and Drainage Act 2011. Such notification is to come in the form of the standard Notice of Work (NoW) form prepared by the Office of Fair Trading.

Note: The <u>minimum</u> amount of notice under this Act is two business days.

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

(1) Unless otherwise approved by a condition of consent or the stamped approved plans 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;

This Development Consent does not approve, permit or authorise the importation of any fill material.

(Condition Updated August 2023)

- (2) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - must not cause a danger to life or property or damage to any adjoining building or (a) 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.
- (3) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

PART E - INSPECTIONS

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

Where Council is nominated as the Principal Certifier, inspections will be required at the following stages of construction:

Inspection		Hold Point	
(a)	After excavation of footings	Prior to pouring concrete, after placement of erosion and sediment control measures, onsite toilet and signage.	
(b)	Bearers and Joists	Prior to placement of floor sheeting.	
(c)	Floor slab	Prior to pouring concrete.	
(d)	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.	
(e)	Waterproofing of wet areas	Prior to the placement of tiling and/or covering.	
(f)	Stormwater	Prior to backfilling or covering pipes and connections to services.	

(g)	Final	All works relating	to	the	proposed
		development are com	olete	and all	conditions
		of development conse	nt are	comp	lied with.

(2) As the local plumbing and drainage regulator Yass Valley Council must undertake inspections at the following stages of construction:

	Inspection	Hold Point
(a)	All internal and external sanitary drainage.	Prior to backfill;
(b)	All internal hot and cold plumbing works.	Prior to the installation of insulation and internal linings.
(c)	Effluent disposal area prior to backfill or covering.	Prior to backfill or covering.
(d)	Inspection prior to use of the system.	At point of commissioning of the system.
(e)	Subsurface land application area and/or surface drip line.	Prior to backfill or covering.
(f)	At the completion of all plumbing and drainage works.	Prior to the occupation of the dwelling.
	Inspection	Hold Point
(a)	All internal and external sanitary drainage.	Prior to backfill;
(b)	All internal hot and cold plumbing works.	Prior to the installation of insulation and internal linings.
(c)	At the completion of all plumbing and drainage works.	Prior to the occupation.

(Condition Updated August 2023)

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

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

PART F - CONSTRUCTION

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

PART G - PLUMBING AND DRAINAGE

- (1) All Plumbing and Drainage work shall comply with the provisions of the Plumbing Code of Australia.
- (2) Plumbing and Drainage shall comply with the provisions of the *Plumbing and Drainage Act* 2011 and *Plumbing and Drainage Regulation 2012*.

Note: The *Plumbing and Drainage Act 2011* requires each Plumber and Drainer that works on the development to submit the following information to the Yass Valley Council:

- Notice of Work (NoW);
- Sewer Service Diagram (SSD);

Certificate of Compliance (CoC).

PART H – STORMWATER DRAINAGE

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

PART I – ONSITE SEWAGE MANAGEMENT FACILITY

(1) The Septic Tank shall be located no closer than 3 metres from any building, 10 metres from any in-ground water tank, and 3 metres from any above-ground water tank;

Deleted. (Condition Deleted August 2023)

(2) The Septic Tank and related effluent disposal area shall be protected from damage by vehicular traffic and stock;

Deleted. (Condition Deleted August 2023)

(3) All stormwater and seepage from higher levels shall be diverted from the disposal area by a suitable drain;

Deleted. (Condition Deleted August 2023)

(4) The Septic Tank and absorption trench shall be installed in strict accordance with the Onsite Sewage Management Report prepared by John Franklin of Franklin Consulting Australia PTY LTD – 10 March 2020;

Deleted. (Condition Deleted August 2023)

(5) All plumbing and drainage work shall be in strict accordance with Australian Standard 3500;

Deleted. (Condition Deleted August 2023)

(6) Land application systems for effluent disposal must be greater than 40 metres from any dam, 70 metres from any non-potable bore, 250 metres from any potable bore, 100 metres from any watercourse;

Deleted. (Condition Deleted August 2023)

(7) The Septic Tank shall be installed and maintained in strict accordance with NSW Health Certificate of Accreditation.

Deleted. (Condition Deleted August 2023)

(8) The development must be connected to the existing onsite sewage management system approved by Development Consent DA210232 (as modified).

(Condition Added August 2023)

PART J - PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

- (1) Prior to the issue of any Occupation Certificate, An application for an occupation certificate must be lodged with the Principal Certifier.
- (2) Prior to the issue of any occupation certificate, all applicable Clauses under Section 6.10 of the *Environmental Planning and Assessment Act 1979* shall be complied with.
- (3) An occupation certificate authorising a person:
 - (a) to commence occupation or use of a partially completed new building, or
 - (b) to commence a new use of a part of an existing building,

must not be issued unless the building will not constitute a hazard to the health or safety of the occupants of the building.

(4) Certification must be submitted to Council, verifying the septic tank and land application system for effluent disposal, has been installed in accordance with the manufacturer's specifications and the Onsite Sewage Management Report prepared by John Franklin of Franklin Consulting Australia PTY LTD — 10 March 2020.

<u>Note:</u> A copy of the tradespersons license number, name, address and the Australian Standards to which the certificate relates is to be included on any Certificate submitted to Yass Valley Council.

Deleted. (Condition Deleted August 2023)

(5) Prior to the issue of any occupation certificate, certificates of compliance/installation for contractor's works as applicable to the development shall be submitted to the Principal Certifier.

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

- Air-conditioning
- Electrical
- Frame (Timber or Metal)
- Gas fitting
- Glazing (windows, glazed doors and shower screens)
- Installation Certificate for the swimming pool, pump and filtration system
- Installation or maintenance of refrigeration systems

- Insulation
- Photovoltaic electricity generating system
- Plumbing/drainage
- Smoke Alarms
- Solid Fuel Heater
- Stormwater
- Structural Adequacy
- Termite Protection Systems
- Waterproofing

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

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

- (6) Prior to the issue of any occupation certificate, the developer shall restore, replace or reconstruct any damage caused to road pavements, surfaces, street furniture, roadside drainage, street lighting or underground facilities as a result of the construction of the development.
- (7) Landscaping must be completed in accordance with the plans and details approved with the Development Consent.

(Condition Added August 2023)

ADVISORY NOTES ACCOMPANYING DEVELOPMENT CONSENT DA200030B

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

- (1) This consent has been granted under Clause 2.3 of the Yass Valley Local Environmental Plan 2013;
- (2) All fees and charges associated with this consent shall be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region;
- (3) Any additional Council inspection, beyond the scope of any Compliance Certificate package and needed to verify the compliance of any work, shall be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule;
- (4) This development consent does not guarantee compliance with land specific agreements, bylaws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the land owner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved.

- (5) The applicant shall ensure all sub-contractors are licensed by the NSW Department of Fair Trading;
- (6) 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) To arrange a building or plumbing inspection please use Councils on-line booking system. Access to the booking system and information about Inspections is available on Council's website https://www.yassvalley.nsw.gov.au/our-services/planning-and-building/certification-and-inspections/

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

DA210228B - Draft Modified Conditions - 838 Murrumbateman Road

Part A General Conditions

- 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.
- 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.
- 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*.
- **9.** 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

Part B Prior to Issue of Subdivision Works Certificate

- **10.** Engineering drawings for the provision of <u>access</u> 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.
- 11. Engineering drawings for the upgrade of the Crown roads Crown road and Murrumbateman Road intersection 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.
 - (a) The minimum standard for the intersection of Crown road and Murrumbateman Road is to be modified Austroads 'Rural Type Property Access' in accordance with the Property Access Requirements letter prepared by Genium Civil Engineering dated 21 December 2022.
 - (b) The engineering drawings must show the location of additional 'Caution Driveway' (W2-207B_N) or 'Concealed Driveway' (w5-55-1b) signage at a distance of 200m from the intersection.

(Condition Updated August 2023)

12. 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.

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

- 14. 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.
- 15. 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

Any contractor prior to undertake works in an existing Council Road reserve shall obtain an approval under Section 138 *Roads Act 1993* by submitting details that include but not limited to:

- A current work Licence.
- A current public liability certificate with a minimum cover of \$20 million
- Current Plant / vehicle insurances
- A certified traffic guidance scheme and traffic control plan for proposed works

(Condition Updated August 2023)

- **16.** No construction, upgrade or maintenance works are to occur on the Crown road to provide access to proposed without authorisation of NSW Crown Lands.
- **17.** 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.
- **18.** 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.
- 19. 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.

- **20.** 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
 - (a) Completion of vehicular access
 - (b) Completion of boundary fencing of each lot created.

(Condition Updated August 2023)

21. 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 Objects

- 22. 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.
- 23. 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.
- 24. 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".
- 25. 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 Earthworks, Internal Driveways and Importation of Material (Part Added August 2023)

26. Material imported to the site must be suitable for the proposed application and be:

(b) VENM or ENM as defined in the Protection of the Environment Operations Act 1997.

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

(Condition Added August 2023)

27. The Applicant must limit the total volume of virgin excavated natural material (VENM) or excavated natural material (ENM) imported onto the site as fill to a maximum of 1,050m³.

A modification of consent is required to be lodged with Council if the total volume of virgin excavated natural material (VENM) or excavated natural material (ENM) imported onto the site exceeds 1,050m³.

(Condition Added August 2023)

- **28.** Heavy vehicle movements associated with the delivery of material to the site on the local road network are restricted as follows:
 - (a) A maximum of 20 movements per day (1 movement = in and out of the site);
 - (b) No movements on Saturday and Sundays or NSW/ACT public holidays;
 - (c) Movements must occur between 9:00am and 4:00pm Monday to Friday

(Condition Added August 2023)

29. 'Truck Entering' (W5-22C) signs must be installed, at all times whilst trucks are entering and exiting the site, on the approaches to the development site warning motorists along Murrumbateman of heavy vehicles.

(Condition Added August 2023)

- **30.** A 'Fill Delivery Record' must be established and must record:
 - The source address of the fill;
 - Whether the fill has been certified as VENM or ENM;
 - The volume of material delivered;
 - The name, contact details, and organisation or affiliation of the person delivering the material;
 - Vehicle registration;
 - The date of delivery.
- A copy of the 'Fill Delivery Record' must be submitted to Council upon request within seven (7) days, including a copy of all record sheets and a spreadsheet in a Microsoft Excel (.xls) format with all record lines entered and tabulated.

(Condition Added August 2023)

Part G Before the issue of a Subdivision Certificate

32. In accordance with <u>s.7.12 EP&A Act</u> and the <u>Yass Valley Development Contributions Plan</u> <u>2018</u>, 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 <u>website</u> or at the Council Office, located at 209 Comur Street, Yass.

- 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;
- The property vehicular access from the road to the property boundary must be constructed in accordance with Council's <u>Road Standards Policy RD-POL-09</u> and the designs/drawings approved with the Construction Certificate.
- 35. The Crown roads being used as access to be upgraded in accordance with the designs/drawings approved with the Construction Certificate.

(Condition Deleted August 2023)

36. A BAR and BAL to be constructed on Murrumbateman Road in accordance with the designs/drawings approved with the Sub-division Works Certificate.

The Murrumbateman Road/Crown road intersection is to be constructed in accordance with the designs/drawings approved with the Construction Certificate and s138 *Roads Act 1993* approval.

(Condition Updated August 2023)

37. 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.

- 38. 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.
- 39. 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.
- **40.** 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.

- 41. 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.
- **42.** 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.

6.4

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

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.

- 44. 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.
- **45.** 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.
- (I) The relevant fee payment at the date of application for the subdivision certificate.
- **46.** 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*.
- **47.** A final project report associated with the importation of fill material must be submitted to Council and must include as a minimum:
 - (a) The dates between which filling activity was commenced and completed.
 - (b) Evidence classifying the material used as being virgin excavated natural material (VNEM) or excavated natural material (ENM).
 - (c) A copy of the 'Fill Delivery Record', including a copy of all record sheets and a spreadsheet in a Microsoft Excel (.xls) format with all record lines entered and tabulated.
 - (d) Evidence or a statement from civil engineer or registered surveyor which verifies that the internal access road including importation of fill material have been undertaken in accordance with the approved plans.

(Condition Updated August 2023)

48. In accordance with section 7.11 Environmental Planning and Assessment Act 1979 and the Yass Valley Heavy Haulage Development Contribution Plan 2021, a monetary contribution must be paid to Council in relation to the heavy haulage that has occurred.

(Condition Updated August 2023)

Advisory Notes Accompanying Development Consent DA210228B

- 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, bylaws, 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.

DA220232B - Draft Modified Conditions - 838 Murrumbateman Road

Part A General Conditions

- 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.
- 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.

The dwelling house must only be used as a single residential dwelling and must not be used or adapted for separate use or occupation as more than a single dwelling without the prior consent of Council.

(Condition Amended August 2023)

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 <u>Application for a Construction Certificate</u> 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 <u>s.7.12 EP&A Act</u> and the <u>Yass Valley Development Contributions Plan</u> <u>2018</u>, 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 <u>website</u> 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	luding 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 waster 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 <u>access</u> 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.
- Engineering drawings for the upgrade of the Crown roads Crown road and Murrumbateman Road intersection 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.
 - (a) The minimum standard for the intersection of Crown road and Murrumbateman Road is to be modified Austroads 'Rural Type Property Access' in accordance with the Property Access Requirements letter prepared by Genium Civil Engineering dated 21 December 2022.
 - (b) The engineering drawings must show the location of additional 'Caution Driveway' (W2-207B_N) or 'Concealed Driveway' (w5-55-1b) signage at a distance of 200m from the intersection.

(Condition Updated August 2023)

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.

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 (<u>Form 214</u> to be submitted if Council is the Principal Certifier) and
 - Date construction work is proposed to commence (<u>Form 131</u> 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.

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.

- 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

Any contractor prior to undertake works in an existing Council Road reserve shall obtain an approval under Section 138 *Roads Act 1993* by submitting details that include but not limited to:

- A current work Licence.
- A current public liability certificate with a minimum cover of \$20 million
- Current Plant / vehicle insurances
- A certified traffic guidance scheme and traffic control plan for proposed works

(Condition Updated August 2023)

34. No construction, upgrade or maintenance works are to occur on the Crown road to provide access to proposed without authorisation of NSW Crown Lands.

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

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

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;

(Condition Added August 2023)

Tree Protection Measures

- **37.** 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.
- **38.** 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.
- **39.** 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.

- **40.** 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.
- 41. 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

- **42.** 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.

- **43.** 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

- 44. 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.
- **45.** 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 <u>Part 3 of Schedule 1</u> 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.*

- **46.** Any excavation must be carried out in accordance with Safe Work Australia's *Excavation Work: Code of Practice*, published 26 October 2018.
- 47. 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 or ENM as defined in the Protection of the Environment Operations Act 1997.

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

(Condition Added August 2023)

48. The Applicant must limit the total volume of virgin excavated natural material (VENM) or excavated natural material (ENM) imported onto the site as fill to a maximum of 1,050m³.

A modification of consent is required to be lodged with Council if the total volume of virgin excavated natural material (VENM) or excavated natural material (ENM) imported onto the site exceeds 1,050m³.

(Condition Added August 2023)

- **49.** Heavy vehicle movements associated with the delivery of material to the site on the local road network are restricted as follows:
 - (a) A maximum of 20 movements per day (1 movement = in and out of the site);
 - (b) No movements on Saturday and Sundays or NSW/ACT public holidays;
 - (c) Movements must occur between 9:00am and 4:00pm Monday to Friday

(Condition Added August 2023)

50. 'Truck Entering' (W5-22C) signs must be installed, at all times whilst trucks are entering and exiting the site, on the approaches to the development site warning motorists along Murrumbateman of heavy vehicles.

(Condition Added August 2023)

- **51.** A 'Fill Delivery Record' must be established and must record:
 - The source address of the fill;
 - Whether the fill has been certified as VENM or ENM;
 - The volume of material delivered;
 - The name, contact details, and organisation or affiliation of the person delivering the material;
 - Vehicle registration;
 - The date of delivery.
- A copy of the 'Fill Delivery Record' must be submitted to Council upon request within seven (7) days, including a copy of all record sheets and a spreadsheet in a Microsoft Excel (.xls) format with all record lines entered and tabulated.

(Condition Added August 2023)

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.

53. 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 <u>must</u> 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.

54. 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 Proof roll layer the BAR and BAL located on Murrumbateman Road

(d) Completion of two coat bitumen seal of the BAR and BAL located on Murrumbateman Road visual only

(e) Completion of the crown road upgrade Upon completion including sealing – visual only

Condition Updated August 2023

- **55.** 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.
- **56.** Roof truss and wall bracing details are to be supplied to the Principal Certifier prior to frame inspection.

Construction

- **57.** Work must be carried out in accordance with the plans and specifications to which the consent relates.
- **58.** All building work must be carried out in accordance with the provisions of the NCC/BCA and all relevant Australian Standards.
- 59. 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.
- **60.** All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- 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.
- 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.
- **63.** 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.
- **64.** At the completion of the works, the work site must be left clear of waste and debris.

Solid Fuel Heater

- **65.** The solid fuel heater must be installed by a suitably licensed and/or experienced tradesman.
- 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 Sold Fuel Burning Appliances Installation.
- The solid fuel heater must be installed on a non-combustible hearth in accordance with the NCC/BCA, or as specified by the manufacturer.
- **68.** 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

- 69. 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
- **70.** 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

- **71.** Stormwater drainage work must comply with AS/NZS 3500.3:2018 Plumbing and Drainage Stormwater Drainage.
- **72.** Stormwater collected from the development must not cause nuisance to adjoining landowners.
- **73.** 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

- **74.** 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
- **75.** The <u>system</u> must be located in accordance with the following <u>minimum</u> 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
- **76.** Effluent irrigation area/s must be located in accordance with the approved on-site effluent disposal report.
- 77. There must be no irrigation water runoff from the site to adjoining properties.
- 78. The first land application line outlet must be a minimum of 15 metres from any building or rainwater storage tank.
- **79.** 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.
- **80.** Main irrigation lines must be 100mm below ground and mulched. Feeder lines can be above ground.
- 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.
- **82.** The AWTS and effluent irrigation area/s must be protected from vehicle and stock damage.
- **83.** 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.
- 84. 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.
- **85.** 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.

Swimming Pool

(Swimming Pool Conditions Added August 2023)

- **86.** A sign compliant with the requirements of <u>Part 3 "Warning Notices"</u> of the *Swimming Pools Regulation 2018* must be located in a prominent position in the immediate vicinity of the swimming pool.
- **87.** Temporary fencing in accordance with *AS 1926-2012 Swimming Pool Safety* must be provided until such time as the proposed pool fencing is installed.
- **88.** Pool fences, gates and window/door openings must comply with the following:
 - Swimming Pools Act 1992
 - Swimming Pools Regulation 2018 and
 - AS 1926-2012 Swimming Pool Safety
- **89.** The meter, filter, pump and all sound producing equipment or fittings associated with or forming part of the pool filtering system must be sound insulated or isolated so as to not create a noise nuisance.
- 90. Swimming pool/spa backwash water must be discharged to a suitably vegetated area wholly located within the development site in a manner that does not affect any effluent application area associated with the On-Site Sewage Management System or adjoining properties.
 - Swimming pool/spa backwash water must not be discharged into an On-Site Sewage Management System.
- **91.** The pool, filter system or the disposal of pool backwash water must not interfere with any effluent application area associated with the On-Site Sewage Management System.
- **92.** Swimming pool/spa backwash water must be discharged to:
 - (a) Council's sewer in accordance with AS/NZS 3500.2:2018 Plumbing and Drainage Sanitary Plumbing and Drainage or
 - (b) a suitably vegetated area wholly located within the development site in a manner that does not affect adjoining properties.

Part E Before the issue of an Occupation Certificate

93. 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

- **94.** The relevant parts of <u>s. 6.10</u> 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.
- 95. In accordance with <u>s.154</u> of the EP&A Regulation, an Occupation Certificate authorising a person to commence occupation or use of <u>part</u> 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.
- **96.** 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.
- **97.** Any damage caused to Council owned infrastructure or property must be repaired or replaced at no cost to Council.
- **98.** 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.
- **99.** 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
- 100. 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.
- **101.** 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.

- The property vehicular access from the road to the property boundary must be constructed in accordance with Council's <u>Road Standards Policy RD-POL-09</u> and the designs/drawings approved with the Construction Certificate.
- 103. The Crown roads being used as access to be upgraded in accordance with the designs/drawings approved with the Construction Certificate.

(Condition Deleted August 2023)

104. A BAR and BAL to be constructed on Murrumbateman Road in accordance with the designs/drawings approved with the Construction Certificate.

The Murrumbateman Road/Crown road intersection is to be constructed in accordance with the designs/drawings approved with the Construction Certificate and s138 *Roads Act 1993* approval.

(Condition Updated August 2023)

- A final project report associated with the importation of fill material must be submitted to Council and must include as a minimum:
 - (a) The dates between which filling activity was commenced and completed.
 - (b) Evidence classifying the material used as being virgin excavated natural material (VNEM) or excavated natural material (ENM).
 - (c) A copy of the 'Fill Delivery Record', including a copy of all record sheets and a spreadsheet in a Microsoft Excel (.xls) format with all record lines entered and tabulated.
 - (d) Evidence or a statement from civil engineer or registered surveyor which verifies that the internal access road including importation of fill material have been undertaken in accordance with the approved plans.

(Condition Updated August 2023)

6.4

106. In accordance with section 7.11 Environmental Planning and Assessment Act 1979 and the Yass Valley Heavy Haulage Development Contribution Plan 2021, a monetary contribution must be paid to Council in relation to the heavy haulage that has occurred.

(Condition Updated August 2023)

107. A copy of the swimming pool/spa Certificate of Registration must be submitted to Council, certifying that the swimming pool/spa has been registered on the NSW Government Swimming Pool Register.

(Condition Updated August 2023)

Advisory Notes Accompanying Development Consent DA210232B

- 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, bylaws, 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.

Chris Berry

From:

Sent: Wednesday, 2 August 2023 4:22 PM

Sean Egan

To: Chris Berry

Subject: Fwd: Gundaroo Park Cricket Pitch

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

Hi Chris

Peter Harvey suggested I contact you regarding the potential for YVC to contribute in some way towards the replacement of the cricket pitch at Gundaroo Oval. By way of introduction I'm both a committee person on the Park Land Manager Board as well as the President of Gundaroo Cricket Club. We've recently been awarded a 50/50 grant from NSW Cricket to replace our pitch - the main reasoning behind the application was to widen it so it is suitable for junior cricket as we are entering our first ever U12 side into competition this season. The remainder of the funding is coming from internally raised revenue from the cricket club. I understand that council has approval process and timings around budget or grant allocation, however I was hoping we could seek in-kind funding outside this process to provide exemption for tipping fees for disposal of the old wicket (concrete and synthetic). Calculations are that it is around 9 cubic metres - based on disposal fees it would be a contribution of around \$1500.

Although the park is a Crown Land reserve, the space is available for use by the entire community and providing upgraded facilities such as these will help us get more kids active and playing sport and will bring more visitors to the region when they travel to play our junior sides - providing a boost for local business.

Appreciate you considering this request. I'm happy to provide further information or have a talk about it when you have some time.

Thanks Sean Egan Gundaroo CC



Access to Information in NSW Public Libraries: Library Council Guideline



Introduction

This guideline is framed with reference to the *Library Act 1939* and the principles expressed in the Australian Library and Information Association Statements on Free Access to Information and Online Content Regulation, and the International Federation of Library Associations and Institutions Statement on Libraries and Intellectual Freedom.

Policy statement

The State Library of New South Wales and the statewide network of public libraries provide free and equitable access to information for the people of New South Wales.

Collections

Public libraries develop, maintain and provide access to collections of resources to meet the information needs and interests of their communities. Libraries have collection development policies and guidelines to assist in the selection of library material.

The continuous review of library collections is necessary as a means of maintaining a current and useful collection. This procedure should not be used as a means of removing materials believed to be controversial, contentious or disapproved of by sections of the community.

- A public library has a role as an unbiased source of information and ideas, including online content. It must accept responsibility for providing free access to materials and information presenting, as far as possible, all points of view on contemporary and historical issues, including controversial issues.
- 2. Libraries should endeavour to provide access to comprehensive and balanced collections that meet the needs of their communities as far as budget, space and availability of materials allow.
- 3. Library materials that have not been subject to federal and state restriction or prohibition should not be excluded from a public library on moral, political, racial, religious, sexist, language, or other grounds. Nor should library materials be included on these grounds alone, whatever pressure may be brought to bear by individuals or groups.
- 4. The arrangement of the collection should facilitate access. Restricting access to certain titles or classes of materials, for example by holding them in special collections or available on request, can be an indirect form of censorship. No library materials, should be held in closed access

- physically or digitally except for the express purpose of protecting them from damage, theft or due to Australian Classification restrictions¹.
- 5. Collections should not be limited because of the possibility that children may access those collections. Monitoring the reading of children is the responsibility of their parents or guardians.

Library Use

- 6. Everyone has the right to use a public library in person, via the internet and by other means, whatever their age, sex, race, religion, cultural identity, language, disability, socioeconomic status, individual lifestyle, political allegiance or social views.
- 7. Libraries should protect each user's rights in regard to confidentiality and privacy.
- 8. Library clients must be sensitive to the values and beliefs of others when displaying potentially controversial information or images on computer screens located in public areas (see Explanatory note). Where a client is found to be using computers to access pornographic, offensive or objectionable material, or for any unlawful purpose, the library reserves the right to direct the client to leave the library, to direct that the client not re-enter the library for a specified period and to report unlawful conduct to the relevant authorities.
- 9. The Library Council does not support the use of censoring software as it inhibits free access to information (see 3) and it does not provide adequate protection for children from all material that may be harmful on the internet. Individual local councils may decide on the use of filtering software, and it is acknowledged that firewalls, anti-virus and ad blocking software are standard. However, if filtering censors certain sites, the library must ensure that people are not restricted from accessing lawful information.
- 10. The Library Council supports the right and responsibility of parents and guardians to direct the use of the internet by their children. Parents and quardians who wish to limit or restrict access by their children should personally oversee their use of the internet and other forms of digital information.

Role of Public Library staff

11. Librarians and other public library staff should not exercise censorship in the selection of materials by rejecting, solely on the grounds mentioned in (3), material which is otherwise relevant and which meets the standards of the library concerned.

¹ www.classification.gov.au/Pages/Home.aspx

- 12. Notwithstanding their opposition to censorship, librarians and other public library staff must strictly observe laws, which may ban or restrict access to certain material.
- 13. Librarians and other public library staff have a role in educating clients in the safe and informed use of the internet, guided by acceptable use policies.

Explanatory note

The Library Regulation 2018, Section 17(1)(b) states that library users may be directed to leave if the person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.

This may include displaying images or information that may reasonably be considered to offend. Examples may include displaying adult content or displaying images of deceased persons which can cause offence to Aboriginal and Torres Strait Islander people.

Alternatively, there may be legitimate reasons for accessing such material requiring special arrangements to be made with the library staff.

Legislative and Policy Framework

Relevant legislation

- Classification (Publications, Films and Computer Games) 1995 (Cth)
- Classification (Publications, Films and Computer Games) Enforcement Act 1995 (NSW)
- Crimes Act 1900 (NSW)
- Library Act 1939 (NSW)
- Library Regulation 2018 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)

Related Library Council, industry and government policies

- Australian Library and Information Association Free Access to Information Statement (reviewed 2018)
- Australian Library and Information Association Online Content Regulation (amended 2002)
- International Federation of Library Associations and Institutions
 Statement on Libraries and Intellectual Freedom updated January 2015)
- Library Council of NSW Children's Policy Guidelines for NSW Public Libraries (updated 2018)
- Library Council of NSW Privacy Guidelines for NSW Public Libraries (updated 2018)

Procedures

It is recommended that public libraries implement procedures to address certain situations or offences that may occur. These include:

• Under the Classification (Publications, Films and Computer Games) Enforcement Act 1995 (NSW) persons are taken to have publicly exhibited a film or computer game where they have "superintendence or management" of the public place where the exhibition or demonstration takes place. It is advisable that the library develop appropriate procedures to be observed where clients are found to be accessing material on library premises which would otherwise be restricted under this Act.

The suggested procedure is for staff to instruct the client to stop accessing the material. In some circumstances it may be appropriate for staff to contact the relevant authorities. In other circumstances it may be appropriate to suggest that the client accesses the material in a part of the library not accessible to the general public.

It is possible that the library may, as a result of a client's unlawful internet
use, inadvertently come to possess child pornography (if downloaded to a
computer drive), *Crimes Act 1900* (NSW), s.91H Production,
dissemination or possession of child abuse material. Section 91HA
contains defences to this section. It is advisable that the library develop a
policy to address circumstances where clients are found to have accessed
child pornography.

Such procedures would involve reporting the incident to the NSW Police, ensuring that the material is not able to be accessed by other clients using the computer(s), and once advised by the authorities that is appropriate to do so, deleting the material from the library's system.

Document History and Version Control

Version	Date approved	Approved by	Brief description
Version 1.0	1984	Library Council of NSW	Freedom of Collection and Access for Local Government Libraries
Version 2.0	Endorsed 24 April 2006, updated 2007, 2019 in line with changes in legislation.	Library Council of NSW	Access to Information in New South Wales Public Libraries: Library Council Guideline

The Library Council of NSW issues guidelines for local authorities operating NSW public libraries under section 10(5) of the Library Act 1939.



Freedom to Collect and Read

NSW public libraries

Context - Law and Policy

NSW public libraries are operated and managed by councils under the Library Act 1939. All councils have adopted the Act and receive NSW Government funding in support of library operations.

Library Act 1939

The Library Council of NSW is established under the Act as the State Library's statutory board. The Library Council's objects include advising the Minister and local authorities (councils) on public library matters.

Section 10 of the Library Act 1939 sets out that council public libraries must provide:

- Free membership
- Free loans
- Free access to materials
- Free basic reference services

Section 10(5) sets out that the Library Council of NSW may issue guidelines to local authorities for the purposes of this section.

Library Council Guideline

The Library Council Guideline <u>Access to Information in NSW public libraries</u> has been issued under s10(5) of the Act and is the foundation document for NSW public library collection development.

If the Guideline is not cited in your library's Collection Development Policy then the State Library recommends that you amend your policy to include the Guideline as soon as possible.

Some excerpts from the Guideline follow:

Collections

Public libraries develop, maintain and provide access to collections of resources to meet the information needs and interests of their communities. Libraries have collection development policies and guidelines to assist in the selection of library material.

The continuous review of library collections is necessary as a means of maintaining a current and useful collection. This procedure should not be used as a means of removing materials believed to be controversial, contentious or disapproved of by sections of the community.



- 1. A public library has a role as an unbiased source of information and ideas, including online content. It must accept responsibility for providing free access to materials and information presenting, as far as possible, all points of view on contemporary and historical issues, including controversial issues. ¹
- 2. Libraries should endeavour to provide access to comprehensive and balanced collections that meet the needs of their communities as far as budget, space and availability of materials allow.
- 3. Library materials that have not been subject to federal and state restriction or prohibition should not be excluded from a public library on moral, political, racial, religious, sexist, language, or other grounds. Nor should library materials be included on these grounds alone, whatever pressure may be brought to bear by individuals or groups.
- 4. The arrangement of the collection should facilitate access. Restricting access to certain titles or classes of materials, for example by holding them in special collections or available on request, can be an indirect form of censorship. No library materials, should be held in closed access physically or digitally except for the express purpose of protecting them from damage, theft or due to Australian Classification restrictions.
- 5. Collections should not be limited because of the possibility that children may access those collections. Monitoring the reading of children is the responsibility of their parents or guardians.
- 6. Everyone has the right to use a public library in person, via the internet and by other means, whatever their age, sex, race, religion, cultural identity, language, disability, socioeconomic status, individual lifestyle, political allegiance or social views.

Library Regulation 2018

The Library Regulation enables local authorities to make rules to regulate use of their libraries and is the instrument to manage certain behaviours on public library premises. See Part (6) below.

Classification

In Australia, publications are classified by the Commonwealth Classification Board. State Governments and local councils have no role in classification.

Publications that are not classified as restricted are freely available and there are no requirements for public libraries regarding display or availability.

Publications that are classified as for 18+ may be held by public libraries, however libraries must endeavour to ensure that they are not borrowed by minors, consistent with the *Classification*

¹ note that points 1 and 3 of the Guideline do not mean that libraries are obliged to include material in collections that is inaccurate, misleading or outdated.



(Publications, Films and Computer Games) Enforcement Act 1995 (NSW), s53 Exemptions for public libraries.

For items that are classified as not recommended for persons under 15, libraries may wish to shelve the item in the adult section.

Responding to a book challenge

1. Recommended Procedure

Check - has the book been classified by the Commonwealth as restricted? No/Yes

If no. No action required by the library.

Explain policy framework, for example cite the Library Council Guideline / your library's Collection Development Policy.

If the person has concerns about the classification of a publication, you may suggest they contact the Classification Board.

Notwithstanding the above, it is recommended that libraries have procedures for the reconsideration of collection items. From time-to-time there may be reasonable grounds to reconsider whether a collection item ought to be withdrawn from a public library's collection, for example if publications are found to contain inaccurate, misleading, or outdated information. A process for readers to bring these items to the attention of library staff should be part of your Collection Development Policy.

<u>If yes.</u> Explain that the library observes the requirements regarding classification. Any item restricted to 18+ may not be borrowed by minors. Any item that requires a classification marking label should have one on the cover.

Monitoring the reading of children is the responsibility of their parents or guardians. It is not the role of the library staff to observe or enforce individual family rules.

Cite the Library Council Guideline / your library's Collection Development Policy.

2. Responding to incidents on library premises

Some NSW public libraries have noted incidents where individuals or groups have targeted particular books or collections on the library premises.

In the first instance such incidents should be managed under the Library Regulation 2018.

More serious incidents, for example threatening or violent behaviour, or more extensive collection damage or theft should be referred to the Police.



Examples

A person is photographing or filming certain library collections.

Response

Unless the person has permission from council or library management, this is a breach of Clauses 9 and 14 of the Library Regulation 2018 and the person may be asked to leave under Clause 17. The Clauses are quoted below. Fines may apply.

9 Certain things must not be taken into a reading room

A person entering a library with any umbrella, bag, case or package, or any photographic or other equipment, must not take it beyond any vestibule of the library except with the consent of the governing body for the library.

Maximum penalty: 2 penalty units.

14 Proper use of a library

A person must not, without the consent of the governing body for the library, use a library for a purpose other than reading, consulting or borrowing the library material of the library or for any other library service or information service.

Maximum penalty: 2 penalty units.

17 Library users may be directed to leave

- (1) A library staff member may direct a person to leave the library and not re-enter the library for such period as the staff member directs, if the staff member is of the opinion that:
- (a) the person has contravened any provision of this Part, or
- (b) the person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.
- (2) A person to whom such a direction is given must comply with the direction.

Maximum penalty: 2 penalty units.



A person or persons are on the premises protesting / demonstrating against a collection or library service.

Response

If this is on the library premises, this is a breach of Clause 14 of the Regulation (above) and may be a breach of Clauses 13 and 17(1)(b) if they are noisy and disruptive. The person(s) may be directed to leave under Clause 17, and fines may apply. If the activity is outside the library premises and potentially disruptive to passers-by, council rangers or police may be the appropriate authority.

13 Noise

A person must not, by speech or otherwise, make any more noise in a library than is reasonably necessary for the use of the library.

Maximum penalty: 2 penalty units.

17 Library users may be directed to leave

- (1) A library staff member may direct a person to leave the library and not re-enter the library for such period as the staff member directs, if the staff member is of the opinion that:
- (a) the person has contravened any provision of this Part, or
- (b) the person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.
- (2) A person to whom such a direction is given must comply with the direction.

Maximum penalty: 2 penalty units.

• Hiding or damaging books

Response

Damaging library books or library equipment is a breach of Clause 11.

Hiding library books is a breach of Clause 12.

Fines may apply and the person(s) may be directed to leave under Clause 17.



11 Damaging library material or equipment

(1) A person must not damage, deface or improperly interfere with any library material of a library or any equipment provided by a library for the purposes of accessing library material.

Maximum penalty: 2 penalty units.

(2) For the avoidance of doubt, turning down the page of a book or otherwise causing any printed matter or the like to become creased is damaging library material.

12 Deliberate misplacing or hiding of library material

A person must not wilfully misplace or hide any library material, or any record of the library material, of any library.

Maximum penalty: 2 penalty units.

More serious collection damage / removal or theft

Response

The Crimes Act 1900 has a provision (s525) relating to the theft or damage of library materials.

For situations where it appears that systematic damage has occurred, or multiple items are stolen by a person from the library, it is recommended that councils contact the Police and mention s525 of the Crimes Act 1900. Imprisonment and more significant fines may apply.

Other general vandalism or theft provisions of the Crimes Act 1900 may also apply.

525 Stealing or damaging books and other things in public library and other places

Whosoever steals, or removes, secretes, or damages with intent to steal, any book, print, manuscript, or other article, or any part thereof, kept for the purposes of reference, or exhibition, or of art, science, or literature, in any public library, or in any building belonging to the Queen, or to any university or college, or a council (within the meaning of the Local Government Act 1993), shall, on conviction by the Local Court, be liable to imprisonment for one year, and to pay a fine of 10 penalty units in addition to a fine equal to four times the value of the article stolen, or intended to have been stolen.





Notes of the Youth Council Meeting

Monday 10 July 2023 6.00pm

Yass Valley Council 209 Comur Street, Yass

Minutes of the Youth Council Meeting held on 10 July 2023

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This is page 1 of 4 of the minutes of a meeting of Yass Valley Youth Council held on the above date

Minutes of the Youth Council Meeting held on 10 July 2023

Present

Maddy, Erin Ballenger

Also Present

Georgia Patmore, Manager Community & Economic Development; Melinda Cooke, Senior Project Officer Rec Assets; and Robyn Zwar, Events Coordinator

1. Apologies

Blake Hollingsworth, Imogen Bradley, Jyelee Bogan, Phoebe Cooke, Hunter Hass, Mitch Blundell, Jasmine, Riley,

NOTE: As there was no quorum these are notes only.

2. Career Presentation

2.1 BEN WYLIE

SUMMARY

Ben came and presented to the meeting which was extremely informative.

The Youth Council like to have Ben back again when there are more Youth in attendance.

3. Reports

3.1 SPEAKING 4 THE PLANT COMPETITION

SUMMARY

Councils around Australia are invited to support high schools and high-school-aged youth in their local government areas to participate in the 2023 **Speaking 4 the Planet** competition.

Members present would like to proceed with competition – to be discussed at next meeting (with a quorum).

3.2 YOUTH COUNCIL JUNE BI-MONTHLY BBQ

Minutes of the Youth Council Meeting held on 10 July 2023

SUMMARY

The first bi-monthly BBQ went well on 17 June, with a total of \$450 raised, after expenses. This funding was be donated to *Feel the Magic* charity, as suggested by the Youth Council members.

Next BBQ to be held at Murrumbateman Markets on 2^h August. A roster will be discussed at the next Youth Council Meeting.

3.3 RIVERBANK PARK OPENING

SUMMARY

Youth Council members assisted in the set up for the opening, as well as dressed up in native animal costumes at the opening of the Riverbank Park Adventure Play Space on 1 July.

That the participation of the Youth Council at the Official Opening of the Riverbank Park Adventure Play Space be noted.

3.4 SKATEPARK

SUMMARY

Youth Council members were asked to vote on what type of equipment was to be used for the renovated Park.

Due to only have two Youths at the meeting , it was suggested that we now put this on the Agenda for the next meeting.

4. Next Meeting

Monday 7 August 2023, at 6.00pm in Murrumbateman School

The meeting closed at 07:00 pm.





Minutes of the Sustainability Advisory Committee

Tuesday 1 August 2023 6.00pm Council Chambers 209 Comur Street, Yass

Minutes of the Sustainability Advisory Committee held on 1 August 2023

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This is page 1 of 5 of the minutes of a meeting of Yass Valley Sustainability Advisory Committee held on the above date

Minutes of the Sustainability Advisory Committee held on 1 August 2023

Present

Cr Adrian Cameron (Chair), S Ecker, N Elliott (online), A Elvin, L McAlary (on line from 6.40pm), C Nelson (online from 6.24pm), A Tewes, A Wardale

1. Apologies

John Connelly, Peter Davidson

3. Declarations of Interest

Nil

4. Confirmation of Minutes

COMMITTEE DECISION

That the minutes of the Sustainability Advisory Committee held on 30 May 2023 be taken as read and confirmed.

(Tewes/Ecker)

4. Staff Reports

4.1 SUSTAINABILITY POLICY - COMMUNITY FEEDBACK AND IMPLEMENTATION

SUMMARY

At is meeting on 25 May Council endorsed the recommendation of the Committee that the revised Sustainability Policy and the Sustainability Assessment Framework, as circulated to members offline, be endorsed. It further determined that the Policy be placed on public exhibition for a period of 28 days and adopted if no significant objections were received.

The Policy was duly placed on exhibition to 29 June.

It is appropriate that the Committee (i) consider any submissions received and (ii) discuss how it can assist Council in the implementation of those Policy elements not being addressed by other means.

COMMITTEE DECISION

That the submission on the Sustainability Policy be noted and reported to Council for consideration.

(Elvin/Elliott)

Minutes of the Sustainability Advisory Committee held on 1 August 2023

5. Committee Member Reports

5.1 COMMUNITY BATTERIES RESEARCH PAPER

SUMMARY

The Committee has previously identified the options for renewable energy hubs in Yass Valley – most probably in the form of community batteries and solar PV - as one of its research priorities.

At its meeting on 20 April the Committee considered an approach to Council from Infra Pty Ltd proposing Yass Valley join a project called "Town Power". Infra Pty Ltd is a private for-profit business that is looking to establish arrangements with up to 80 local councils to provide some 2 gigawatts of embedded generation capacity and 4 gigawatts of storage.

Upon consideration of the approach, it was decided by the Committee that it would be best if it first familiarised itself with the various models and ownership arrangements for distributed energy generation and storage and the 'pros' and 'cons' associated with each model.

COMMITTEE DECISION

That:

- 1. The contents of the research report on community battery models be noted.
- 2. Contact be made with the ANU, ACT government and other smaller regional communities to gain further insights on community batteries.

(Elvin/McAlary)

5.2 ACTIVE TRANSPORT - YASS SPUR RAIL TRAIL

SUMMARY

As part of its research and engagement agenda the Committee noted that Council is seeking to use the Yass Spur Line as an active transport corridor and noted that additional options for further active transport corridors are being considered in the *Open Space Strategy*.

At is meeting on 29 June, Council considered a Strategic Assessment of the Yass Rail Trail (<u>Attachment A</u>) and determined that opportunities to fund the detailed design, community consultation and construction of the Yass Rail Trail should be pursued.

It is timely for the Committee to consider where its efforts might best be directed either in support of the Yass Rail Trail or the furtherance of active transport options across the rest of the LGA.

COMMITTEE DECISION

That the Yass Spur Trail needs to have an emphasis on social and community benefits rather than just the economic perspective.

(Wardle/Tewes)

This is page 3 of 5 of the minutes of a meeting of Yass Valley Sustainability Advisory Committee held on the above date

Minutes of the Sustainability Advisory Committee held on 1 August 2023

6. Next Meeting

Thursday 21 September 2023, at 6.00pm in Council Chambers 209 Comur Street, Yass

Action:

Business papers for the September 2023 meeting to include:

- FOGO report
- Policy Review report
- Presentation by Director Corporate & Community and Communications & Media Manager to discuss promotion of sustainability within the community etc.

It was noted that a review of waste operations to be undertaken following the recruitment of a Manager Waste

The meeting closed at 7.08pm



Chairperson: Cr Jamie Chaffey Gunnedah Shire Council, PO Box 63, Gunnedah NSW 2380 Contact: (02) 6740 2100 Email: jamiechaffey@infogunnedah.com.au

Minutes

General Meeting

FRIDAY, 4 August 2023 Theatrette, Parliament House, Sydney

The meeting opened at 8.30am

1. Chairmans Welcome.

2. Acknowledgement to Country

We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past and present and emerging. We are committed to providing communities in which Aboriginal and Torres Strait Islander people are included socially, culturally and economically.

3. Acknowledgement of Parliamentarians

The Chairman acknowledged the attendance of several Shadow Ministers and members of Parliament as observers.

4. Attendance:

Armidale Regional Council, Mayor, Cr Sam Coupland, Mayor

Ballina Shire Council, Cr Sharon Cadwallader, Mayor Bathurst Regional Council, Cr Robert Taylor, Mayor

Bathurst Regional Council, Mr David Sherley, General Manager

Bega Valley Shire Council, Cr Russell Fitzpatrick, Mayor

Bellingen Shire Council, Cr Steve Allan, Mayor

Bellingen Shire Council, Mr Mark Griffioen, General Manager

Berrigan Shire Council, Cr Matthew Hannan, Mayor

Bland Shire Council, Cr Brian Monaghan, Mayor

Bland Shire Council, Mr Grant Baker General Manager

Blayney Shire Council, Cr Scott Ferguson, Mayor

Bourke Shire Council, Cr Barry Hollman, Mayor

Bourke Shire Council, Ms Leone Brown, General Manager

Broken Hill City Council, Cr Jim Hickey, Deputy Mayor

Broken Hill City Council, Mr Jay Nankivell, General Manager

Byron Shire Council, Cr Michael Lyon, Mayor

Byron Shire Council, Mr Mark Arnold, General Manager

Cabonne Shire Council, Cr Kevin Beatty, Mayor

Cabonne Shire Council, Ms Heather Nicholls, Acting General Manager

Cessnock City Council, Cr Jay Suvaal, Mayor

City of Newcastle, Cr Nuatali Nelmes, Lord Mayor

Cobar Shire Council, Cr peter Abbott, Mayor

Cobar Shire Council, Mr Peter Vlatko, General Manager

Cootamundra-Gundagai Regional Council, Cr Leigh Bowden, Deputy Mayor

Cootamundra-Gundagai Regional Council, Mr Steve McGrath, General Manager

Dubbo Regional Council, Cr Mathew Dickerson. Mayor

Dubbo Regional Council, Mr Murray Wood, CEO

Eurobodalla Shire Council, Cr Mat Hatcher, Mayor

Federation Council, Cr Patrick Bourke, Mayor

Federation Council, Ms Jo Shannon, Director Corporate and Community Services

Forbes Shire Council, Cr Phyllis Miller, Mayor

Forbes Shire Council, Mr Steve Loane, General Manager

Gilgandra Shire Council, Cr Doug Batten, Mayor

Gilgandra Shire Council, Mr David Neeves, General Manager

Glen Innes Shire Council, Cr Rob Banham, Mayor

Glen Innes Shire Council, Mr Bernard Smith General Manager

Goulburn Mulwaree Council, Cr Peter Walker, Mayor

Greater Hume Council, Cr Tony Quinn, Mayor

Greater Hume Council, Ms Evelyn Arnold, General Manager

Griffith City Council, Cr Glen Andreazza, Deputy Mayor

Griffith City Council, Mr Brett Stonestreet, General Manager

Gunnedah Shire Council, Cr Jamie Chaffey, Mayor

Gunnedah Shire Council, Mr Eric Growth, General Manager

Gwydir Shire Council, Cr Catherine Egan, Deputy Mayor

Hay Shire Council, Cr Carol Oataway, Mayor

Hay Shire Council, Mr David Webb, General Manager

Inverell Shire Council, Cr Paul Harmon, Mayor

Inverell Shire Council, Mr Paul Henry, General Manager

Kempsey Shire Council, Cr Leo Hauville, Mayor

Kempsey Shire Council, Mr Craig Milburn, General Manager

Kiama Municipal Council, Cr Neil Reilly, Mayor

Kiama Municipal Council, Ms Jane Stroud, CEO

Lachlan Shire Council, Cr Paul Phillips, Deputy Mayor

Lachlan Shire Council, Mr Greg Tory, General Manager

Leeton Shire Council, Cr Tony Reneker, Mayor

Lismore City Council, Cr Steve Krieg, Mayor

Lismore City Council, Mr Jon Gibbons, General Manager

Liverpool Plains Shire Council, Cr Doug Hawkins, Mayor

Liverpool Plains Shire Council, Mr Gary Murphy, General Manager

Lockhart Shire Council, Cr Ian Marston

Lockhart Shire Council, Mr Peter Veneris, General Manager

MidCoast Council, Cr Claire Pontin, Mayor

MidCoast Council, Mr Adrian Panuccio, General Manager

Moree Plains Shire Council, Cr Mark Johnson, Mayor

Murray River Council, Mr Terry Dodds, General Manager

Muswellbrook Shire Council, Cr Steve Reynolds, Mayor

Narrabri Shire Council, Cr Ron Campbell, Mayor

Narrabri Shire Council, Mr Robert Williams, General Manager

Narrandera Shire Council, Cr Neville Kschenka, Mayor

Narrandera Shire Council, Mr George Cowan, General Manager

Narromine Shire Council, Cr Craig Davies, Mayor

Narromine Shire Council, Ms Jane Redden, General Manager

Oberon Council, Cr Lauren Trembath

Oberon Council, Mr Gary Wallace, General Manager

Orange City Council, Cr Jason Hamling, Mayor

Orange City Council, Mr David Waddell, CEO

Parkes Shire Council, Cr Ken Keith, Mayor

Port Stephens Council, Cr Ryan Palmer, Mayor

Queanbeyan-Palerang Regional Council, Cr Kenrick Winchester, Mayor

Queanbeyan-Palerang Regional Council, Ms Rebecca Ryan, CEO

Richmond Valley Council, Cr Robert Mustow, Mayor

Shellharbour City Council, Cr Chris Homer, Mayor

Singleton Council, Cr Sue Moore, Mayor

Singleton Council, Mr Jason Linnane, General Manager

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

Temora Shire Council, Ms Melissa Boxall, General Manager

Tenterfield Shire Council, Cr Bronwyn Petrie, Mayor

Upper Lachlan Shire Council, Cr Pam Kensit, Mayor

Uralla Shire Council, Cr Robert Bell, Mayor

Wagga Wagga City Council, Cr Dallas Tout, Mayor

Walcha Council, Cr Eric Noakes, Mayor

Walcha Council, Mr Phillip Hood, Acting General Manager

Warren Shire Council, Cr Milton Quigley, Mayor

Warren Shire Council, Mr Gary Woodman, General Manager

Warrumbungle Shire Council, Cr Ambrose Doolan, Mayor

Weddin Shire Council, Cr Craig Bembrick, Mayor

Weddin Shire Council, Mr Brendan Hayes, Director Environmental Services

Wingecarribee Shire Council, Mr Viv May, Interim Administrator

Wingecarribee Shire Council, Ms Lisa Miscamble, General Manager

Wollondilly Shire Council, Cr Matt Gould, Mayor

LGNSW, Cr Darriea Turley, President

LGNSW, Ms Susy Cenedese, Acting Director Advocacy

LGNSW Ms Bronwen Regan, Director Strategy and Governance

OLG Brett Whitworth, Deputy Secretary

OLG Ms Melissa Gibbs, Director Policy and Sector Development

OLG Ms Tina Baldock, Principal Projects Officer

Parliamentarian Attendance

The Hon Mark Speakman MP, Leader of the opposition

The Hon Dugald Saunders MP, Leader of the Nationals, Shadow Minister for Regional NSW, Shadow Minister for Agriculture and Natural Resources

The Hon Bronnie Taylor MLC, Shadow Minister for Regional Health, Shadow Minister for Trade, Shadow Minister for Seniors

The Hon Sarah Mitchell MLC, Deputy Leader of the Opposition in the Legislative Council, Shadow Minister for Education and Early Learning, Shadow Minister for Western NSW

The Hon Sam Farraway MLC, Shadow Minister for Regional Transport and Roads

The Hon Leslie Williams MP, Shadow Minister for Women, Shadow Minister for Prevention of Domestic Violence and Sexual Assault

The Hon Kevin Anderson MP, Shadow Minister for Gaming and Racing, Shadow Minister for the Arts and Heritage

The Hon Steph Cooke MP, Shadow Minister for Water, Shadow Minister for Crown Lands

The Hon Wes Fang MLC, Deputy Opposition Whip in the Legislative Council and Shadow Assistant Minister for Police and Emergency Services

Mr Gurmesh Singh MP, Shadow Minister for Tourism, Shadow Minister for Emergency Services, Shadow Minister for the North Coast

Mr Michael Kemp MP, Member for Oxley Ms Tanya Thompson MP, Member for Myall Lakes Mr Richie Williams MP, Member for Clarence

Apologies:

As submitted

Special Guests:

The Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage

The Hon Tara Moriarty MLC, Minister for Agriculture, Minister for Regional NSW, Minister for Western NSW

Mr Simon Draper, CEO, NSW Reconstruction Authority

The Hon Dugald Saunders MP, Leader of the Nationals, Shadow Minister for Regional NSW, Shadow Minister for Agriculture and Natural Resources The Hon Wendy Tuckerman MP, Shadow Minister for Local Government, Shadow Minister for Small Business

5. The Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage

The Minister wants to work together and harness our energies. NSW has been affected by natural disasters that need to be addressed. The Government is committed to climate change and legislation is to be introduced later this year to reduce emissions to net zero by 2050. The Net Zero Commission, an independent body is to report to parliament and will be the architect on how the government is progressing. There will be a transition from coal to other energy sources over the next 5 to 10 years. This will attract investment. There will be many planning and coordination challenges and there is a need to work closely with local government. The Government has concerns on how the Biodiversity Offsets Scheme has operated over the past 5 years and the Minister will table a report by the end of August together with a Land Services Review which will be considered together. The Government is preparing for El Nino and is working on water sharing plans where local government needs to work with the government.

6. The Hon Tara Moriarty MLC, Minister for Agriculture, Minister for Regional NSW, Minister for Western NSW

The Minister acknowledged the work being undertaken by local government. The Government is committed to supporting local government and is seeking thriving regions and in accordance with the communities expectations. The Minister wants to hear directly from councils on their concerns. Regional Roads is a significant issue and funds have and will continue to be committed. People are the Governments number one priority with stamp duty concessions being introduced, speed cameras being not now hidden, access to employment and services are being improved, housing supply and affordability is being focused on, the lot of young people is being improved, people are being encouraged to stay in the regions and businesses are being supported to create local jobs. Bio science is protecting the economy from Bio-Diversity threats. There are 36% of homes in

the State that do not have mobile coverage and 16500klm of roads have no or marginal coverage and fixing this is a priority.

7. Mr Simon Draper, CEO, NSW Reconstruction Authority

The NSW Reconstruction Authority is a new agency having been created over the last 4 years. Issues are changing and local and historical knowledge is being challenged. The job is to be with communities before and after disasters and when they occur they have to react quickly. The Authority works under two Ministers Planning and Emergency Services. The organisations functions are still being established. There are four functions – Prevention – State and local mitigation plans are needed to be rebuilt in a serviceable way – Preparedness – making sure community leaders are well set up – Recovery – people need to know they will be supported and – Funding – the huge task of adaptation and its expenditure. Everyone likes a bossy co-ordinator. The Authority needs to push programs but local co-ordination is essential as the resulting assets reverts to them

8. Adoption of Minutes of Previous Meeting:

RESOLVED that the minutes of the General Meeting held on 26 May 2023 be accepted as a true and accurate record.

Moved Singleton Council Mayor Councillor Sue Moore Seconded Narrabri Shire Council Mayor Councillor Ron Campbell

9. Matters Arising from the Minutes

Nil

10. ALGA Update Report

Cr Linda Scott, President, reported on the 2023 National General Assembly and Regional Forum which included more than 450 local government leaders from across the country, the return of the Australian Council of Local Government, the early payment of Financial Assistance Grants with the 2023-24 allocation bought forward to councils in 2022-23, the fast tracking of disaster funding, the establishment of the Community Energy Upgrades Fund for local governments, Growing Regions Grants, regional bank closure protocols and advised that registrations are now open for the National Local Roads, Transport and Infrastructure congress to be held in Canberra from 6-7 September

RESOLVED That the report be noted

Moved Temora Shire Council Mayor Councillor Rick Firman Seconded Parkes Shire Council Mayor Councillor Ken Keith

11.LGNSW Update Report

Cr Darriea Turley, President, congratulated the winners of the Local Government Awards, advised of the launch of the Parliamentary Friendship Group for Local Government, announced that David Reynolds CEO Hills Shire has been appointed CEO of LGNSW, advised that the MOU with CMA was being reviewed in accordance with the agreement and congratulated Shadow Minister Wendy Tuckerman on the Review of the Rate Pegging Methodology. The written report included information on LGNSW Annual conference which will be held from 12-14 November 2023 with motions to be submitted by 15 September 2023 and reported on the IPART Review of rate pegging methodology, the Emergency Services Levy burden in 2023/24, the Red Fleet and OLG's requirement that it be supplied with strategies to ensure RFS mobile assets are not assets of the RFS, the Select Committee to examine the recommendations of the Upper House Inquiry into Rural and Regional Health, the single employer model for GP's and emergency department doctors in rural and regional NSW, the LGNSW Water Management Conference in Parkes, the advanced payment of Financial Assistance Grants, Planning Cadetships and more support for community recovery post disaster.

RESOLVED That the report be noted

Moved Forbes Shire Council Mayor Councillor Phyllis Miller Seconded Bega Shire Council Mayor

12. Membership

RESOLVED that Cessnock City Council and Wollondilly Shire Council be admitted as members of the Association and that the City of Newcastle and Riverina Eastern Regional Organisation of Councils be admitted as Associate members of the Association.

Moved Forbes Shire Council Mayor Councillor Phyllis Miller Seconded Blayney Shire Council Mayor Councillor Scott Ferguson

13. Correspondence Outward

The Hon Ron Hoenig MP, Minister for	Requesting that the Emergency Services		
Local Government,	Levy subsidy be restored to Local		
The Hon Daniel Mookhey MLC,	Government throughout MSW and that		
Treasurer,	CMA be granted a position in a newly formed advisory panel		
The Hon Jihad Dib MP, Minister for	Torried advisory parier		
Emergency Services, and			
The Hon Jenny Aitchison MP, Minister			
for Regional Transport and Roads			
The Hon Steph Cooke MP, Shadow	Thanking them for attending and		
Minister for Water and Shadow Minister	participating in the 26 May meeting and		
for Crown Lands,			

The Hon Sam Farraway MLC, Shadow Minister for Regional Transport and Roads The Hon Dugald Saunders, Leader of the Nationals, Shadow Minister for Regional NSW, Shadow Minister for Agriculture and Natural Resources	extending an open invitation to attend future meetings
Dr Michael Holland MP, Parliamentary Secretary for Health and Parliamentary Secretary for Regional Health The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads The Hon Rose Jackson MLC, Minister for Water, Housing, Homelessness, Mental Health and Youth	Thanking them for attending and participating in the 26 May meeting and advising that CMA looks forward to working with them as a consultative partner in the future
Ms Carmel Donnelly Chair Independent Pricing and Regulatory Tribunal	Thanking her for presenting at the 26 May meeting and inviting her to present her findings at a future CMA meeting after adoption of the report
The Hon Tim Crakanthorp MP, Minister for Skills, TAFE and Tertiary Education and Minister for the Hunter The Hon Duncan Saunders MP, Leader of the Nationals, Shadow Minister for Regional NSW, Shadow Minister for Agriculture and Natural Resources The Hoin Wendy Tuckerman MP, Shadow Minister for Local Government and Shadow Minister for Small Business	Inviting tham to be presenters at the 4 August meeting
The Hon Michael Daley MP, Attorney General	Requesting a reduction in hours for daylight saving
The Hon Ron Hoenig MP, Minister for Local Government	Requesting that RFS assets not be recognized as Local Government assets and be treated in accordance with the Local Government Code of Accounting Practice
The Hon Ron Hoenig MP, Minister for Local Government	Requesting an increase in the Pensioner Rebate Subsidy
The Public Accounts Committee of NSW The Hon Chris Minns MP, Premier	Requesting immediate investigation into the basis behind Councils qualified financial statements for the YE 21/22 due to the accounting for RFS assets
Department of FairTrading NSW	Application for changes to the Constitution as per resolution 26 May 2023
Mr Ashley Albury, A/Deputy Secretary, Local Government, Office of Local Government	Forwarding Country Mayors response to the qualified audit opinion issued by the NSW Audit Office regarding RFS Assets

Inward

The Hon Ron Hoenig MP, Minister for	Regarding 1	the	NSW	Gove	ernments
Local Government	discontinuatio	n	of	the	2023/24
	Emergency Services levy contributions				

Local Government NSW	Annual Conference motion – real estate agents
Dr Amanda Cohen MLC Greens	Address to Legislative Council on Council issues
The Hon Sam Farraway MLC Shadow Minister for Regional Transport and Roads	Congratulating the Association on a successful 26 May meeting and forwarding a copy of a Notice of Motion to Parliament regarding attendance by parliamentarians at the meeting
Director Planning and Environmental Health Division, Ballina Shire Council	Forwarding copy of letter to Minister for the Environment requesting a Review of NSW Littering Fines (Copy Attached)
Cr Darriea Turley AM, President, LGNSW	Forwarding copy of letter to Auditor General regarding Audit costs for Local Government
The Hon Rose Jackson MLC, Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, Minister for the North Coast	Accepting her invitation and providing a response on the draft terms of reference to the Joint Committee into Protecting Regional Water Utilities from Privatisation and thanking her for the opportunity

Media Releases

Don't Touch our Water
Is there a future for Local Government in NSW?
Country Mayors Investing in our Youth

Network Meetings

The Hon Steph Cooke MP, Shadow	Do we need Constitutional Protection	
minister for Water, Shadow Minister for	from Privatisation for our Local Water	
Crown Lands	utilities	
The Hon Rose Jackson MLC, Minister for	Do we need Constitutional Protection	
Water, Minister for Housing, Minister for	from Privatisation for our Local Water	
Homelessness, Minister for Mental	utilities	
Health, Minister for Youth, Minister for the		
North Coast		
Commonwealth Regional Education	Addressing the Australian Universities	
Commissioner The Hon Fiona Nash	Accord Interim Report and seeking	
	members feedback	

RESOLVED That the information be noted

Moved Bourke Shire Council Mayor Councillor Barry Hollman Seconded Parkes Shire Council Mayor Councillor Ken Keith

14. Financial Report

RESOLVED That the financial reports for the last quarter were tabled and accepted

Moved Bega Valley Shire Council Mayor Councillor Russell Fitzpatrick Seconded Forbes Shire Council Mayor Councillor Phyllis Miller

15. Acknowledgement of Outgoing Mayors

Cr Rick Firman Deputy Chairman CMA thanked Mayors Peter Abbott, Cobar Shire Council, Cr Neil Smith, Junee Shire Council and Cr Ron Campbell Narrabri Shire Council for their commitment to Local Government during their years of service and those present were presented with a Country Mayors Association pen.

16. The Hon Dugald Saunders MP, Leader of the Nationals, Shadow Minister for Regional NSW, Shadow Minister for Agriculture and Natural Resources

The previous Government was responsible for the Regional Growth Fund and the Snowy Hydro Fund which allocated funds to NSW Statewide. The Opposition do not want programs commissioned by them to be cannibalised. Strategic Country Communities funding is under review, there are questions being raised regarding Resources for Regions and the Department of Regional NSW and the Department Regional Health are under review. Housing solutions such as modular housing need to be found and profit share power benefit schemes need to be introduced. Pot hole funs of \$50million are available and some councils have not taken up the opportunity to participate. Seniors and apprentice travel cards have been suspended and a petition against their suspension is being organised.

17. The Hon Wendy Tuckerman MP, Shadow Minister for Local Government, Shadow Minister for Small Business

The Review into Rate Pegging Methodology out. The security of local government funding in the September budget is in doubt. The Code of Conduct recommendations were supported by the previous government but there has been no word on what the government is doing. The Emergency Services Levy changes are extremely important and could be taken to the next election.

18. The Hon Mark Speakman MP, Leader of the Opposition

Regional NSW is very important to the Oppositiona and that is why 13 Shadow Ministers out 26 are from regional and rural areas. Regional people are doing it tough due to natural disasters. The Opposition is putting rural NSW front and centre and they are holding the Government to account on cost of living. Councils need to advocate with them. Infrastructure projects are being axed or held back. The Opposition will ensure that the government keeps its election promises.

19. Hosting Non-Metropolitan Meetings of CMA

RESOLVED that the information be noted

Moved Narromine Shire Council Mayor Councillor Craig Davies Seconded Tamworth Regional Council Mayor Councillor Russell Webb

20. Memorandum of Understanding with NSW Rural Doctors Network

RESOLVED That the proposal to enter into a Memorandum of Understanding with NSW Rural Doctors Network be endorsed.

Moved Muswellbrook Shire Council Mayor Councillor Steve Reynolds Seconded Tamworth Regional Council Mayor Councillor Russell Webb

21. Update Health Forum Wagga Wagga 14/15 September 2023

Cr Rick Firman Deputy CMA outlined the events for the Health Forum which is being held in conjunction with Murrumbidgee Local Health District. There will be a Civic Reception hosted by Wagga Wagga City Council on Thursday 14 September between 6.00pm – 7.30pm and the Forum on the 15 September at the upgraded Wagga Base Hospital. There is a strong agenda with Ministers and Shadow Ministers invited although Health Minister Park is unable to attend but will be represented by his Parliamentary Secretary. Dr Joe McGirr, Richard Colbran and Professor Ruth Stewart, National Rural Health Commissioner will be presenters.

22. Land Banking

A MOTION was moved That the Country Mayors Association support Murray River Councils lot yield scheme including public land to resolve the longstanding issue that will benefit every regional council to meet the NSW Governments Housing 2042 agenda.

Moved Murray River Shire Council General Manager Mr Terry Dodds Seconded Byron Shire Council Mayor Councillor Michael Lyon

An AMENDMENT was moved That the NSW Government be requested to investigate the issue of Land Banking

Moved Bland Shire Council Mayor Councillor Brian Monaghan Seconded Shellharbour City Council Mayor Councillor Chris Homer

The AMENDMENT WAS PUT AND WAS LOST

An AMENDMENT was moved That the lot yield scheme be referred to the Executive Committee for consideration with a motion to be submitted to the 24 November 2023 meeting of the Association.

Moved Tamworth Regional Council Mayor Councillor Russell Webb Seconded Parkes Shire Council Mayor Councillor Ken Keith

The AMENDMENT WAS PUT AND WAS CARRIED

23. CMA State Priorities Document

The Chairman has undertaken advocacy with Ministers and Shadow Ministers so that they are aware of the issues and concerns of Regional and Rural NSW that needs to be addressed in the September State Budget

24. Parliamentarian Friendship Group for Local Government

The President LGNSW, Cr Darriea Turley, made mention of the launch of this group in her address. The group comprises members of parliament and former members of parliament that can be used to get local government priorities to the attention of the Government and Shadow Government.

There being no further business the meeting closed at 12.40pm

Cr Jamie Chaffey Chairman Country Mayor's Association of NSW

www.nswcountrymayors.com.au



Minutes of the Local Traffic Management Committee Meeting

Wednesday 2 August 2023 10.30am Council Chambers

209 Comur Street, Yass

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Minutes of the Local Traffic Management Committee Meeting held on 2 August 2023

Acknowledgement of Country

Yass Valley Council recognises the Ngunnawal people, the Traditional Custodians of the land, water, and sky. We pay our respect to their Elders past, present and future emerging leaders. We extend our respect to other Aboriginal and Torres Strait Islander people who live in the Yass Valley Local Government Area.

1. Present

Cr Adrian Cameron (Chairperson), Terry Cooper (Manger Engineering Services – YVC), Kim Schultz (TfNSW), Mark Burgess (Rep. Hon Wendy Tuckerman MP), Stephen Pidgeon (NSW Police), Meryl Hinge (RSO Officer – YVC) & Trish Reynolds (YVC Officer - Minutes)

Apologies

Nil

3. Declarations of Interest:

Nil

4. Public Participation:

Nil

5. Confirmation of Minutes

RECOMMENDATION

That the minutes of the Local Traffic Management Committee Meeting held on 03 May 2023 taken as read and confirmed.

Follow Up Items from the Minutes of 3 May 2023

- 7.2 request for stop or give-way intersections Mulligans Flat Road referred to Councils Road Delivery Department to schedule works to install sign and line marking. Follow up with Council's I&A Director of expected timeframe for works.
- 7.4 safety improvements intersection of Fifield Lane and Meehan Street Yass Local resident have been consulted. Installation of the convex mirrors has been referred to Councils Road Delivery Department to schedule woks.
- 8.3 TfNSW Update on Speed Reviews TFNSW to provide update at the November 2023 Traffic Management Committee meeting.
- 8.4 Load Limit Fitzroy Street Binalong follow up with Council's I&A Director.
- 8.5 Safety Concerns Marked Tree Road gravel re-sheeting has been carried out on the road.

6.0 ITEMS DELEGATED TO COUNCIL

6.1 SAFETY CONCERNS NEW PLAYGROUND RIVERBANK PARK YASS

PURPOSE OF REPORT:

To consider safety concerns raised in relation to the new playground constructed in Riverbank Park Yass. The concerns primarily relate to children interfacing traffic as they enter and exit the playground.

COMMITTEE RECOMMENDATION:

That the Committee gives in principle support to :-

- Council to make a formal application to TfNSW for the playground carpark area to be reviewed as a shared zone area:
- 2. Council to collect data on traffic and pedestrian numbers in this area & refer this TfNSW to review the road area for a high pedestrian zone, around & underbridge access road;
- Signage in the area for the bus zone and no stopping to be inspected and modified to ensure compliant for enforcement.

6.2 SAFETY CONCERNS INTERSECTION POLLUX AND HUME STREETS YASS

SUMMARY:

To consider safety concerns raised by a resident about the intersection of Pollux and Hume Streets Yass. The concerns primarily relate to vehicles not slowing down prior to going through the give way signs at the intersection. The resident have requested that the current give way signs be replaced by stop signs.

COMMITTEE DECISION:

That the Committee does not support the change of the give way sign to stop sign due to the sight distance not meeting the Australian standards of less than 30 metres.

6.3 SAFETY CONCERNS LAIDLAW STREET YASS

PURPOSE OF REPORT:

To consider safety concerns in Laidlaw Street raised by a resident. The concerns primarily relate to the on street parking, down the crest in the road (Yass Valley Automotive Car Service), blocking safe vison for vehicles exiting their driveway.

COMMITTEE RECOMMENDATION:

That the Committee gives in principle support to install a 'NO STOPPING ZONE' as indicated in the report.

This is page 3 of 7 of the minutes of a meeting of Yass Valley Local Traffic Management Committee held on the above date

6.4 LATE ITEM – SAFETY CONCERNS INTERSECTION WEST AND SOUTH STREETS

PURPOSE OF REPORT:

To consider safety concerns raised by a resident about the intersection of West & South Street Murrumbateman. The primary concern raised by the resident, are vehicles leaving West Street do not slow down nor give way to traffic in South Street.

COMMITTEE DECISION:

That the committee not support the replacement of the give way signage with a stop sign due to the sight distance not meeting the Australian standards of less than 30 metres.

6.5 LATE ITEM - MURRUMBATEMAN FIELD DAYS 2023

PURPOSE OF REPORT

To consider the traffic requirements for the Murrumbateman Field Days 2023

COMMITTEE DECISION:

That the 2023 Murrumbateman Field Day event and its associated management plans, procedures, plans etc be approved subject to the following conditions:

- The event organiser shall supply Council with a copy of their public risk insurance for at least \$20m which notes Yass Valley Council, NSW Police Force and Transport for NSW (TfNSW) as interested parties;
- The event organiser shall implement the Temporary Traffic Management Plan (TTMP) prepared by Territory Traffic Engineering dated 4/7/2023;
- Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation;
- Event organisers, event marshals, parking marshals, event participants etc. shall ensure vehicles entering the site are parked asap to minimise any vehicle back logs and queuing on Murrumbateman Road;
- All entrances/exits to the site are to be clearly and prominently marked;
- Event marshals and/or parking marshals shall ensure vehicles entering the site have priority over vehicles exiting the site to minimise queuing;
- The event organiser is to arrange for a TfNSW Road Occupancy Licence and Speed Zone Authorisation for the Barton Highway;
- The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TTMP. All personnel involved must be appropriate accredited;
- That the event organiser is responsible for public notification of the road closure;
- Event organisers, event marshals, volunteers, event participants etc. are to take all possible
 actions to minimise the effect of the event on the non-event community, throughout the
 event;

This is page 4 of 7 of the minutes of a meeting of Yass Valley Local Traffic Management Committee held on the above date

- The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted by the TTMP;
- The event organiser must comply with any COVID-19 restrictions current at the time of the event including compliance with Restrictions on Gathering and Movement Public Health Orders, which may require developing and complying with a COVID-19 safety Plan;
- Event organisers shall comply with the above conditions and the undertakings in its submission. Failure to comply will immediately void this approval.

7.0 MATTERS FOR INFORMSATION AND ADVISE

NIL

8.0 MATTERS CONSIDERED BETWEEN MEETINGS

NIL

9.0 COMMITTEE MEMBER UPDATES

PURPOSE OF REPORT

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.

REPORT

The following updates be provided as provided from:

- NSW Police;
 - Current additional resources have been brought in to undertake a focus on heavy vehicle enforcement.
 - Sutton road anti-social behaviour (eg burnouts and 'dough nuts)'is becoming
 increasingly concerning particularly as some groups are large (eg in excess of 60
 participants and over 100 spectators), are very well organised including 'spotters', and
 last minute changes and arrangements via social media and sites spread over many
 areas in ACT and surrounding council areas.

TfNSW;

 to speak to TfNSW area asset manager if road works might be scheduled in the area, to look at different road material to deter the anti-social behaviour occurring on Sutton Road.

Council;

- new financial year, working through the programs for this year.
- Grant funding has been received for designs of a range of share paths and cycleways.
- Grant funding received to install two new bus shelters and upgrade 2 existing bus shelters.
- Council has received approval for it annual active transport program (eg Plan B, Helping Learner Drivers etc)

This is page 5 of 7 of the minutes of a meeting of Yass Valley Local Traffic Management Committee held on the above date

- Office of Local Member;
 - Locals from Sutton want to address the Council meeting on the 24th August 2023 in relation to possible actions to deter the anti-social behaviour occurring on Sutton Road.
- Committee Chairperson

Cr Adrian Cameron noted that the following traffic issues have been recently raised with him:

- Burley Griffin Way Binalong's main traffic road surface is deteriorating, patching is not working anymore TfNSW to enquire and report back at next meeting.
- Burley Griffin Way Between Binalong to Harden has no overtaking lanes TfNSW to enquire and report back at next meeting.
- Mont/Weemilah Streets area Local Area Traffic Management Scheme (LATM) would be suitable for this, funding for this is needed.
- Rose & North Street Murrumbateman pedestrian (school children) safety concerns –
 YVC noted one on the designs, noted above as recently grant funded, includes this intersection for pedestrian safety.

Next Meeting

Wednesday 1 November 2023, at 10.30am in Council Chambers - Foyer Room 209 Comur Street, Yass

The meeting closed at 12:04p.m.



Minutes of the Rescue Committee

Thursday 10 August 2023

9.30am Yass Valley Council Chambers 209 Comur Street, Yass

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Present

Amanda Watts – Deputy LEOCON (NSW Police), Chris Inglis (Fire Rescue NSW), Paul Vasey (VRA Rescue NSW Limited Binalong Rescue), George Shepherd (Rural Fire Service)

Also Present

Tony - Yass Valley Council

1. Apologies

Dave Cowell - LEOCON (NSW Police), Paul Box (NSW Ambulance)

2. Confirmation of Minutes

RECOMMENDATION

That the minutes of the Rescue Committee held on 11 May 2023 be taken as read and confirmed.

3. Delegates Reports

Police

Search and Rescue event Yass River Road. Amanda Watts thanked all responding agencies involved in the search. No outcome at this stage.

Upcoming Dragon Dreaming Festival to be held at Wee Jasper – Discussions regarding the event being held 28 September – 3 October 2023 took place.

Concerns were raised regarding the possible attendance numbers and the remoteness of the location, Police and other rescue services resources required are all concerns for consideration. Further discussion will be undertaken with the LEMC for consideration and recommendation.

Fire Rescue NSW

Business as usual

Stock crate roll over on Burley griffin Way. Whilst there were other agencies involved there it is timely that an "After Action Review" be undertaken of the event.

(Referred to LEMC for further determination).

Rural Fire Service

Business as usual.

Assisted police with search and rescue event on Yass River Road.

On a state level the prediction is for dry period over summer, therefore predicting longer fire season this year resulting in more grass fires.

See Attachment for full report.

VRA Rescue NSW

One new registered operator for unit.

Three new members

Paul advised that he attended conference at Corowa of the weekend of 5-6 August 2023.

This is page 2 of 5 of the minutes of a meeting of Yass Valley Rescue Committee held on the above date

Assistance provided the police in the search and rescue event on Yass River Rd.

Experiencing minor hiccups with been called out to assist, it appears the new system is addressing some of the previous problem relating to VRA unit callouts relating to VGA assistance.

4. Next Meeting

Thursday 9 November 2023, at 9.30am in Yass Valley Council Chambers, 209 Comur Street, Yass

The meeting closed at 10.00am

This is page 3 of 5 of the minutes of a meeting of Yass Valley Rescue Committee held on the above date



REPORT TO

Yass Valley Local Emergency Management Committee



Report Period: 12th May - 10th August 2023

ACTIVITY

LGA	Fire/Explosion	MVA	Hazardous Condition	Service Call	Good Intent	False Alarm	Other	Not Classified	Total
Yass Valley Shire	23	20	1	4	1	1	0	4	54
Goulburn Mulwaree	50	26	2	2	4	3	0	4	91
Upper Lachlan Shire	14	15	1	6	0	0	0	1	37

**There has been a number of out of area calls and they have not been included in this report

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CAPABILITY

- Operationally business as usual.
- Nearly full staffing at Southern Tablelands still waiting for a replacement of Andrew Price, that placement is due in the coming days

PLANNING

- NextGen Bush Fire Risk Management Plan is ongoing.
- Zone fleet servicing is well under way.
- > State Pre-Season briefing has been conducted
- > New State-wide Fire Permits will be introduced this year
- > Increase in bush/grass fire hazard complaints continue and are processed as they arrive.

TRAINING

> ST District Training continues as per our zone calendar.

OTHER Nil

ACTION Nil

Report submitted by: George Shepherd

Date: 10/08/2023

NSW RURAL FIRE SERVICE - LEMC REPORT

1 of 1



Minutes of the Local Emergency Management Committee

Thursday 10 August 2023 10.00am

Council Chambers 209 Comur Street, Yass

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Present

A Watt (Deputy LEOCON), Alexandra Smith (Welfare Dept Community Justice), Paul Cortese (Disaster Welfare), Chris Inglis (FRNSW), George Shepherd (RFS), Rachel Elliot (LLS), Paul Vasey (VRA Rescue NSW). Tony Stevens (LEMO).

1. Apologies

Inspector David Cowell (LEOCON/Police), Nathan Cooke (YVC), Paul Box (Ambulance), Fiona Leech (LLS), Sarah Little, Peter Leach, Katrina Gray (SNSWLHD)

2. Confirmation of Minutes

COMMITTEE RECOMMENDATION

That the minutes of the Local Emergency Management Committee held on 11 May be taken as read and confirmed.

3. Correspondence

Nil

4. Staff Reports

4.1 FUTURE PLANNING FOR ACCOMMODATION REQUIREMENTS FOR RESCUE AGENCY IN THE YASS LGA

SUMMARY

To discuss suitable accommodation to support an SES facility in Murrumbateman.

Tony Stevens spoke to the report and requested that each agency represented by the Yass Local Emergency Management Committee need to discuss accommodation requirements with their local headquarters in the first instance. Funding arrangements need to be considered in any additional or co-location arrangements.

Unit heads need to consider requirement and discuss planning for future requirements with council.

COMMITTEE RECOMMENDATION

That the report be noted, and agency superintendents are invited to contact Council to discuss additional accommodation requirements for future Council planning consideration, dependent on source funding.

4.2 DRAGON DREAMING DANCE FESTIVAL - LEMC OBJECTION

SUMMARY

The 2023 Dragon Dreaming Festival is scheduled to be held 28 September – 2 October 2023 in Wee Jasper. Recommending a letter of objection be sent on behalf of the LEMC.

Deputy LEOCON Amanda Watts spoke to the report and highlighted the potential high resourcing requirement, not only on Police but on other Rescue Agencies that are required to be present or available to respond to incidences associated with this event.

Other factors such as remote location, increased traffic volumes on a single road access to and from the event.

COMMITTEE RECOMMENDATION

That:

- 1. A letter of objection be submitted to Liquor and Gaming and the Dragon Dreaming Festival organisers objecting to the running of the Dragon Dreaming Festival due to public safety.
- Two weeks prior to the event the organisers are to arrange a Risk Assessment meeting and present to the LEMC members their Event Management & Risk Mitigation Plan for this event.

Action: Meeting to be organised two weeks prior to the event for an update on the organisers and Event Management and Risk Mitigation Plan.

4.3 REVIEW OF CONSEQUENCE MANAGEMENT GUIDES

SUMMARY

A Stockcrate roll over involving cattle previously reported to the Rescue Committee prompted the need for a urgent review and update of details for the Transport Accidents Involving Animals CMG.

The committee agreed to distribute the 3 CMG's in the first instance;

- 1. Transport Accidents Involving Animals
- 2. Transport Accident
- 3. Bushfire

Agencies are asked to review/update contact details in each CRM document (Use Track

Changes)

Response within two weeks for review of the three CRM's

Further review on the following CRM on completion of above.

- 1. Pandemic
- 2. Storm

COMMITTEE RECOMMENDATION

That:

- 1. Review of Consequence Management Guides (CMG) be undertaken and the updated draft documents be distributed to LEMC members by early September 2023:
 - Transport Accidents Involving Animals
 - Transport Accident
 - Bushfire
- 2. Further review of CMG be undertaken and the updated draft documents be distributed to LEMC members by end of September 2023:
 - Pandemic
 - Storm
- 3. The reviewed Draft CMG documents be adopted at the November 2023 LEMC meeting.

Action:

LEMC to discuss best way for distribution of information and location for storage of CRM's so each agency has direct access to information.

FRNSW to advise if After Action Review is required once CRM for Transport Accident Involving Animals is required after review update of the CRM.

5. Delegates Reports

Police

Search and Rescue event Yass River Road. Amanda Watts thanked all responding agencies involved in the search. No outcome at this stage.

Upcoming Dragon Dreaming Festival to be held at Wee Jasper – Discussions regarding the event being held 28 September – 3 October 2023 took place.

Concerns were raised regarding the possible attendance numbers and the remoteness of the location, Police and other rescue services resources required are all concerns for consideration. Further discussion will be undertaken with the LEMC for consideration and recommendation.

Fire Rescue NSW

Business as usual

Stock crate roll over on Burley griffin Way. Whilst there were other agencies involved there it is timely that an "After Action Review" be undertaken of the event.

(Referred to LEMC for further determination).

Health

Nil

SES

Nil

Local Land Services

Operation Stand Still exercise undertaken at Yass. (high level exercise based on SELEX) 40 attendees, very beneficial and good outcomes

Burley Griffin Way Stock Crate rollover containing cattle. LLS attended to cattle welfare. Noted contact numbers required update on CRM.

DCJ – Welfare Functional Services – Southern District

- New Regional Team fulltime to cover state.
- Ramp up with training
- Review of State plans and operational documentation.
- Welfac role is add on to normal duties and will be involved operationally
- Regional Disaster Officer to attend each LEMC meeting and attend to day to day issues.
- No change to operations same phone numbers for contact

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Nil

Transport for NSW

Nil

Council

Business as usual

This is page 5 of 8 of the minutes of a meeting of Yass Valley LEMC held on the above date

VRA Rescue NSW Limited – Binalong Rescue

One new registered operator for unit.

Three new members

Paul advised that he attended conference at Corowa of the weekend of 5-6 August 2023.

Assistance provided the police in the search and rescue event on Yass River Rd.

Experiencing minor hiccups with been called out to assist, it appears the new system is addressing some of the previous problem relating to VRA unit callouts relating to VGA assistance.

Rural Fire Service

Report attached.

Next Meeting

Thursday 9 November 2023, at 10.00am in Council Chambers, 209 Comur Street, Yass

The meeting closed at 10.55am.



REPORT TO

Yass Valley Local Emergency Management Committee



Report Period: 12th May - 10th August 2023

ACTIVITY

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Upper Lachlan Shire	14	15	1	6	0	0	0	1	37

TOTAL LOCALLY 182

CAPABILITY

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PLANNING

- NextGen Bush Fire Risk Management Plan is ongoing.
- Zone fleet servicing is well under way.
- State Pre-Season briefing has been conducted
- > New State-wide Fire Permits will be introduced this year
- Increase in bush/grass fire hazard complaints continue and are processed as they arrive.

TRAINING

> ST District Training continues as per our zone calendar.

OTHER N

ACTION Nil

Report submitted by: George Shepherd Date: 10/08/2023

NSW RURAL FIRE SERVICE - LEMC REPORT

1 of 1

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