

21 December 2023

Elizabeth Densley  
8 Mile Planning  
PO Box 1088  
MUDGEE NSW 2850

Dear Elizabeth,

**Development Application DA230374 – 75 Isabel Drive, Murrumbateman**

Thank you for lodging your Development Application.

Enclosed is your deferred commencement consent which has been granted subject to conditions under Section 4.16(3) *Environmental Planning and Assessment Act 1979*.

Please note that the attached deferred commencement consent does not operate until the conditions in Part A have been complied with to the satisfaction of Council.

The period within which you must produce evidence to Council, sufficient enough to enable Council to be satisfied that the conditions in Part A have been satisfied, is three (3) years from the date of determination of your development application to which the attached consent relates. If the required information is not provided within this time period, the consent will lapse.

Please read your approval to ensure that all requirements are met and if you have any questions feel free to contact me.

Yours faithfully,



Kate Baker  
**Manager Development Control**

## DEVELOPMENT APPLICATION

### NOTICE OF DETERMINATION – APPROVAL

*Issued under Section 4.18(1)(a) Environmental Planning and Assessment Act 1979*

<b>Development Consent:</b>	DA230374
<b>Applicant:</b>	Elizabeth Densley 8 Mile Planning
<b>Applicant Address:</b>	PO Box 1088 MUDGEES NSW 2850
<b>Development Site:</b>	Lot 2 DP 1273254 75 Isabel Drive MURRUMBATEMAN NSW 2582
<b>Proposed Development:</b>	34 lot rural residential subdivision, including: <ul style="list-style-type: none"><li>• 34 lot rural residential subdivision</li><li>• Construction of two roads with access onto Isabel Drive at the north of the site</li><li>• Construction of paths</li><li>• Dedication of open space</li><li>• Associated earthworks and drainage works</li><li>• Tree and vegetation removal, including two mature Eucalyptus Blakely's Red Gums</li><li>• Demolition of existing structures and decommissioning of existing septic system</li><li>• Landscaping and proposed feature entry</li></ul>
<b>Proposed Use:</b>	N/A – Subdivision Only
<b>Determination:</b>	The application is approved by meeting of Council subject to deferred commencement and the attached conditions of consent.
<b>Other Approvals:</b>	General terms of approval issued by the following state agencies have been included in this consent: <ul style="list-style-type: none"><li>• NSW Rural Fire Service</li></ul>
<b>Date of Determination:</b>	20 December 2023
<b>Operation Date:</b>	<b>This consent does not operate until Council is satisfied as to the matters in PART A – DEFERRED COMMENCEMENT CONDITIONS</b>
<b>Lapse Date:</b>	This Consent does not operate until Council satisfied as to the matters relating to PART A – DEFERRED COMMENCEMENT CONDITIONS.

# yass valley council

the country the people

*In accordance with [s.4.53\(4\)](#) of Environmental Planning and Assessment Act 1979 , this consent will not lapse if work relating to the building is physically commenced before the lapse date.*

**Reasons for Conditions:**

The imposition of the attached conditions is to ensure that the development is carried out in such a manner to ensure that the environmental, social and economic assets of the Yass Valley are protected.

## CONDITIONS OF CONSENT

### Part A Deferred Commencement

1. This consent does not operate until Yass Valley Council (Council) is satisfied as to the matters in Conditions 3-4 in Part A.

No use of the site or work is to physically commence in respect of the development until such time as Council has notified the applicant in writing that these conditions have been satisfied and the date from which this consent operates.

2. The period within which the applicant is to produce evidence to the Council sufficient enough to enable it to be satisfied as to the submission and approval of the information required by Condition 2 in Part A is three years from the date of determination of the development application to which this consent relates. If the required information is not provided within this period the consent will lapse.

3. In accordance with the Preliminary Site Investigation by Prensa Pty Ltd July 2023, a detailed or Targeted Site Investigation (TSI) shall be provided to Council. The TSI shall include a systematic and targeted assessment targeting the following AEC's:

- Soils at the maintenance shed including the fuel AST area.
- The stockpiled soils.
- Soils at "Lay Down" area including the soil berm.
- Soils and surface waters within all the dams.
- Soils around the septic tank associated disposal area.
- Soils within the vineyards.

If contamination is identified, this report shall also make recommendations as to any further investigations of the soil or groundwater or any remediation that may be necessary.

### Part B General Conditions

4. Consent is granted generally in accordance with the plans and details submitted to Yass Valley Council (Council) with the Development Application. The plans and details have been stamped and attached to this consent. The development must be carried out in accordance with the stamped plans or as modified by these conditions.
5. This approval relates only to the development referred to in the Development Application and does not approve or accept any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior approval.
6. A Subdivision Works Certificate, as defined by the *Environmental Planning and Assessment Act 1979*, shall be obtained for all engineering works prior to any works commencing on site. Council's fee for providing a Construction Certificate is levied in accordance with Council's Management Plan relevant at the time of payment.
7. All engineering design and construction work shall be undertaken in accordance with the following, current at the time of the Subdivision Works Certificate being issued:
  - Council's Road Standards Policy RD-POL-09
  - Council's Design and Construction Specification – AUS-SPEC #1
  - Australian Standards and
  - AustRoads

8. All adjustments to existing utility services, whether caused directly or indirectly by the approved development, must be undertaken at no cost to Council.
9. Public access to the site and construction works, materials and equipment on the site is to be restricted, when construction work is not in progress or the site is unoccupied.
10. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to the satisfaction of Council as shall any techniques to suppress dust and the tracking of sediment onto existing sealed roads.
11. Noise, dust and odour generated as a result of the development must comply with the provisions of the *Protection of the Environment Operations Act 1997*.

## Part C Prior to Issue of Subdivision Works Certificate

12. Construction engineering drawings based on design plans with Drawing No. (220562-DA-SK), Rev (3) prepared by Coleman Engineering Services and CBR CONSULTING and dated 30/11/2021 for the construction of roads and associated stormwater with the subdivision shall be submitted for approval in accordance with:

- Council's Roads Standards Policy RD-POL-09 and
- Council's Design and Construction Specification – AUS-SPEC #1.

Internal roads including bridges/crossings and driveways are to be designed to allow for flood free access in the 1% AEP storm event to minimise hazard for extreme events.

All cul-de-sac heads shall have a minimum 12m turning radius and provided with an asphaltic concrete wearing surface. Minimum standard 40mm thick AC14. In accordance with Council's Road Standards Policy RD-POL-9. The road reserve will need to be increased at cul-de-sac ends to cater for the turning radius and road verge.

Estate entry features or signs are not to be located in Council's Road Reserve.

13. Construction engineering drawings associated with the construction of 2 metre wide footpath on one side of proposed Road (01) reserve and the link between proposed Road (01) and cul de sac of Grevillea Close shall be submitted for approval in accordance with:

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

14. Construction engineering drawings associated with the construction of a minimum of 3 metre wide shared footpath connection from the cul de sac of proposed road (01) to McIntosh Circuit within proposed 10 metre wide pathway shall be submitted for approval in accordance with:

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

Barriers are to be installed at each end of the pathway to prevent vehicular access. The remainder of the pathway corridor is to be regraded and grassed.

15. Construction engineering drawings associated with the construction of 2.5 metre wide footpath on the land to be dedicated to Council adjoining proposed lot 34 shall be submitted for approval in accordance with:

- Council’s Roads Standards Policy RD-POL-09 and
- Council’s Design and Construction Specification – AUS-SPEC #1

**16.** Construction engineering drawings associated with the drainage of stormwater shall be submitted for approval in accordance with:

- Council’s Road Standards Policy RD-POL-09; and
- Council’s Stormwater Policies and
- Council’s Design and Construction Specification – AUS-SPEC #1.

These documents will include details of adequate stormwater drainage infrastructure for the conveyance of stormwater sourced from the subdivision and passing through the site from upstream and. What is proposed to manage the potential downstream effects of such discharges and actions proposed to ameliorate such effects and what is proposed to ameliorate any stormwater effects from upstream of the site.

These documents will include details of how overland flows from lots to lots within the development is proposed to be managed so as not to adversely impact the downstream lots.

The stormwater system shall be designed to ensure that discharge from the site post development is not exceed when compared to predevelopment flows for the 20% and 1% AEP storm events.

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

Easements to drain water are required for proposed Floodways to ensure that developments do not occur in these areas.

The applicant must not fill any dam located on the property without the specific approval of Council. Any filling within 1% AEP flood area is normally unacceptable unless compensatory excavation is provided to ensure there is no net loss of floodplain storage volume below 1% AEP.

**17.** A Design Certification Report relating to the detailed engineering design work shall be submitted as per Council’s Design Specification – AUS-SPEC #1, Annexure DQS-A.

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

**18.** A detailed landscaping plan shall be submitted to Council’s Infrastructure & Assets Directorate for approval. Details of the proposed landscaping species and installation including cultivar, common and botanical names, height and spread at maturity shall be submitted along with this plan. Approved advanced street trees shall be planted in the road reserve at a rate of 1 every 20 metres and shall be adequately protected.

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

**19.** A list of three street names, for each new street shall be submitted to Council for consideration and approval in accordance with Council’s Naming of Roads Policy RD-POL-6. For each proposed street name information must be supplied for the reason for the names and any historical significance.

If a proposed street name has aboriginal significance or root, then written approval from the appropriate Aboriginal Land Council is to be supplied.

In addition, the preferred name for each road is to be placed on a plan that is equivalent to that used for the sub-division certificate and provided to Council so this can be submitted to the Geographic Names Board for consideration.

- 20.** The class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

**Note:** Prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

**Table 1: Ecosystem credits required to be retired – like for like**

Impacted Plant Community	Number of species credits	IBRA sub-region
3376 – Southern Tableland Grassy Box Woodland	20	Murrumbateman, Bondo, Crookwell, Inland Slopes, Monaro, Murrumbateman and Snowy Mountains.
		Or
		Any IBRA subregion that is within 100kilometers of the outer edge of the impacted site.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to Council prior to the issue of a Subdivision Works Certificate.

Evidence must be provided in accordance with the following:

- (a) Retirement of credits: A credit retirement report confirming credit transactions.
- (b) Payment to the Biodiversity Conservation Fund: A section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund issued by the Biodiversity Conservation Trust.

- 21.** All trees that are proposed to be retained must be protected in accordance with *AS 4970-2009 - Protection of Trees on Development Sites*. Plans and details demonstrating how compliance with the Australian Standard will be achieved, including for the establishment of tree protection zones, must be submitted. The plans and details may be prepared in conjunction with the Biodiversity Management Plan (BMP) and Construction Environmental Management Plan (CEMP).
- 22.** A site plan clearly showing the buildings and structures that are subject to demolition.
- 23.** Structural drawings, prepared by a suitably qualified and experienced structural engineer, for the estate entry signage 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

## Part D Prior to Subdivision Works Commencing

24. Subdivision works shall not commence until the person having the benefit of this Development Consent has obtained a Subdivision Works Certificate pursuant to Section 6.13 of the *Environmental Planning and Assessment Act 1979*.
25. Subdivision work shall not commence until the person having the benefit of this Development Consent provides at least two days' notice to Council of their intention to commence subdivision work.
26. Any contractor, prior to undertaking works in an existing Council road reserve, shall obtain an approval from Council as the Roads Authority and/or as required under section 138 *Roads Act 1993* and submit 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 plan for proposed works

27. 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.

28. 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.

29. A Construction Environmental Management Plan (CEMP) to address construction activity is to be prepared and submitted to Council. The Construction Environmental Management plan shall include:

- Details for waste management
- Details for minimising impacts on neighbouring properties
- Details for minimising impacts on the road network
- Suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from Council's road reserve.



- Appropriate signage and fencing is to be installed and maintained.
- The proposed construction site's entrance is to be clearly shown.
- The dam dewatering plan.

Appropriate signage and fencing are to be installed and maintained to effect this requirement. The proposed construction site's entrance is to be clearly shown.

- 30.** A Biodiversity Management Plan must be submitted to and approved by Council. The Biodiversity Management Plan may form part of a Construction Environmental Management Plan.

The Biodiversity Management Plan must:

- Identify the development site as per the Biodiversity Development Assessment Report and approved plans.
- Identify areas of land that are to be retained as outlined in the Biodiversity Development Assessment Report.
- Include a Statement of Commitments which identifies all measures proposed in the Biodiversity Development Assessment Report to mitigate and manage impacts on biodiversity.
- State that construction impacts will be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the Biodiversity Development Assessment Report.

- 31.** 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 – AUS-SPEC #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 E While subdivision works are being carried out

### Environmental Heritage

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

- 33.** 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.

### Tree Management

34. All trees that are proposed to be retained must be protected prior to any site works or civil works commencing on the site in accordance with *AS 4970-2009 - Protection of Trees on Development Sites*.
35. The removal of trees from the site is restricted to those in accordance with the plans and details submitted to Council with the Development Application, stamped and attached to this consent.
36. The applicant shall nominate a suitably qualified and experienced person who will be responsible for overseeing the tree removal and tree management.
37. Public access to the site is to be restricted when tree removal work is in progress or the site is unoccupied. All public safety provisions must be in place prior to the commencement of any works and must be maintained throughout tree removal work.
38. A suitably qualified and/or experienced tree arborist is required to carry out all tree removal.
39. All tree pruning must be undertaken in accordance with *AS 4373-2007* and by a suitably qualified and/or experienced tree arborist.
40. Prior to removal of the Blakely's Red Gum it must be inspected for native fauna (functional hollow bearing tree). If native fauna is detected, they must be removed by a suitably qualified ecologist when practical and safe to do so.

Any hollow sections of the tree must be removed and lowered to the ground with care to be inspected by the qualified ecologist.

Any native fauna found must be appropriately relocated under supervision of the qualified ecologist.

The hollow bearing trunk/sections must be re-established within the open space of the subdivision in order to continue to provide habitat value. The re-establishment shall occur with advice from a suitably qualified and/or experienced tree arborist and the qualified ecologist.

### Dam Dewatering

41. A dam dewatering plan prepared by a suitably qualified and experienced person shall be submitted to Council and shall be implemented for any dams to be filled. Long neck turtles are present in some of the farms dams that are proposed to be drained. These turtles are protected fauna and will need to be captured and relocated when the dams are dewatered prior to being filled. An ecologist will be required to be present to capture and relocate turtles or other native fauna within the dams during the dam dewatering process.

### Earthworks and Importation of Material

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

43. Material imported to the site must be suitable for the proposed application and be:
- (a) Sourced from a suitably licensed facility (i.e. landscaping supplies or quarry operation) or
  - (b) VENM as defined in the *Protection of the Environment Operations Act 1997*.

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

## Inspections

To arrange an inspection with Council please use the on-line booking system:

[yassvalley.nsw.gov.au](http://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.

44. A compliance certificate must be obtained from Council's Infrastructure & Assets Division at the following stages of construction:

### Roads

- (a) **Completion of sub-grade pavement layer** – proof roll
- (b) **Completion of Subbase pavement layer** – proof roll
- (c) **Completion of base course pavement layer**– proof roll
- (d) **Completion of two coat bitumen seal** - visual only
- (e) **Completion of asphalt cul-de-sacs** – visual only
- (f) **Completion of footpath and share path connections** - at formwork
- (g) **Completion of roadside drainage**

### Other

- (h) **Completion of boundary fencing of each lot created**
- (i) **Completion of streetscaping and other public landscaping**
- (j) **Practical Completion**

45. An inspection is to be undertaken by Council's Planning and Environment Division or an accredited bushfire consultant at the completion of bushfire protection works as required by the NSW Rural Fire Service.

46. An inspection must be undertaken by the Local Control Authority to determine the status of weeds on each proposed lot.

## Demolition

47. All demolition work must be carried out in accordance with the provisions of *AS 2601:1991 The Demolition of Structures*.

48. All utility services must be disconnected to the requirements of the relevant authorities.

49. Asbestos waste, if present in the building proposed to be demolished, is to be removed, handled, transported and disposed of in accordance with the following:

- *NSW WorkCover* requirements and

- *Protection of the Environment Operations Act 1997 and*
- *Protection of the Environment Operations (Waste) Regulation 2014.*

The transportation of asbestos waste, may require to it to be reported to the NSW Environment Protection Authority (EPA) using *WasteLocate*. Please refer the [WasteLocate website](#) for more information.

There is no waste facility licensed to receive asbestos within the Yass Valley Local Government Area. The nearest suitably licensed waste management facilities are located in Jugiong and Canberra.

50. All waste is to be disposed of at a suitably licensed waste management facility. Copies of receipts relating to the disposal of waste must be submitted to Council upon request.
51. The deliberate burning of demolition materials is not permitted.
52. All demolition work must be carried out wholly within the lot boundaries and must not extend onto the public footpath, public roadway or adjoining properties.
53. Vehicles transporting demolition material off site must have loads secured against any loss during transit.

#### **Decommissioning of Existing Septic tank**

54. The existing septic tank shall be decommissioned as follows:
  - (a) The contents of the existing onsite sewage management tank shall be pumped out by an appropriately licensed contractor and disposed of at an approved facility. A copy of the disposal receipt shall be submitted to Council.
  - (b) The sides, lid, baffle (if fitted), square junctions and any internal components of the existing onsite sewage management tank shall be hosed down as the waste is being removed
  - (c) The existing onsite sewage management tank is to be disinfected by spreading hydrated lime over the exposed surfaces
  - (d) Several holes shall be punched into the base of the onsite sewage management tank.
  - (e) The lid and those parts of the walls, baffle and square junctions above the ground should be demolished and collapsed into the onsite sewage management tank and filled with clean fill and finished with a layer of topsoil
  - (f) A photo is to be taken and submitted to Council showing that each of these steps have been completed.

#### **Part F General Terms of Approval – NSW Rural Fire Service**

55. Refer to [Appendix A](#).

#### **Part G Before the issue of a Subdivision Certificate**

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

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

- Materials and labour required for the erection of building/s

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

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

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

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

57. A levy under the Building and Construction Industry Long Service Payments Act 1986, equivalent to 0.25% of the value of the works, shall be paid, where the value of such works is greater than \$250,000.
58. The property vehicular accesses from the road to the property boundary must be constructed in accordance with Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
59. Roads and associated infrastructure is constructed/ upgraded in accordance with either Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
60. A 2 metre wide footpath on one side of proposed Road (01) reserve and the link between proposed Road (01) and cul de sac of Grevillea Close is to be constructed in accordance with either Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
61. A 3 metre wide shared footpath connection from the cul de sac of proposed road (01) to McIntosh Circuit within proposed 10 metre wide pathway are to be constructed in accordance with either Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
- Barriers are to be installed at each end of the pathway to prevent vehicular access. The remainder of the pathway corridor is to be regraded and grassed.
62. A 2.5 metre wide footpath on the land to be dedicated to Council adjoining proposed Lot 34 is to be constructed in accordance with either Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
63. Stormwater drainage and any quality/quantity devices to be constructed in accordance with either Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
64. Where required, over land flow paths to accommodate the discharge from a 1% AEP year storm event shall be provided.

65. Where required, easements to drain water are to be created for the 1% AEP storm flow path that runs through the property.
66. Where any part of any allotment created is within the 1% AEP flood, an appropriate Restriction as to User shall be created on the title of that lot. The works as executed plans and title documents shall state the 1% AEP flood level and the minimum finished floor level for that allotment. The finished floor level is to be a minimum of 500mm above the 1% AEP flood level.
67. Street name signs shall be installed at the entrance to each new road. The street sign shall be in accordance with Council's standard urban street sign design. Where the road is no-through a "no-through road" sign is to be installed.
68. Stock proof fencing must be provided to all boundaries of the proposed lots in accordance with Council's Non-Urban Fencing Policy DA-POL-12.

The minimum acceptable standard for new fencing work for rural residential lots is as follows:

- A fence height of no less than 1200 mm.
- Strainers – spacing 100 metres to 200 metres depending on terrain.
- Steel Star Pickets at 4 metre centres.
- Two 1.57 mm high tensile plain wires on top.
- Three 2.8 mm high tensile carry wires.
- "Wire Netting" - must be set no higher than 50 mm above the surface of the ground.
- Netting floodgates as required.
- All gates must be set back a minimum of 15 metres from the edge of road formation

The existing boundary fence where dilapidated, must be repaired to the above standard.

Existing fence in good order but of varying standards may be permitted if such standard is deemed by Council as 'stock proof'.

Where the boundary fence does not coincide with the property boundary for proposed subdivision, the applicant must provide a note on the linen plan that fence may not be constructed on the boundary of particular lot.

69. 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.
70. 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.
71. The applicant must confirm by survey that the formation and associated batters and drainage structures of McIntosh Circuit and Isabel Drive along the frontage of the subject property, are within the road reserve.

Where the existing road is within the subject land, the applicant must ensure that the legal and physical attributes coincide by adjustment of the road reserve. The Applicant's request for a Subdivision Certificate must include specific reference to the review and whether or not adjustment of the road reserve is necessary.

72. 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.

73. Building envelopes must be designated on the final plan of subdivision over each proposed lot in accordance with the approved plan of subdivision.

The accompanying Section 88E instrument must state that no permanent or temporary dwellings and/or outbuildings and associated infrastructure are permitted to be erected outside of the identified building envelope shown on the plan of subdivision.

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

74. One complete set of "Works as Executed" (WAE) drawings based on the approved construction plans indicating all as built details shall be submitted to Council for all new assets that will be gifted to Council. Each sheet of the drawings shall be signed by a registered surveyor.

The WAE drawings shall be submitted in the following format:

- Auto CAD LT 2011 on MGA 94 Zone 55 Coordinates
- Auto CAD R12/LT2 DXF
- PDF
- 2 (A1) Hard copies
- 2 (A3) Hard

Detailed summary of the assets shall be submitted to Council. The details shall be provided in Tabular Forms (copies to be provided).

The assets to be identified include:

- Roads and Transport
- Stormwater
- Landscape

Construction cost for assets to be gifted to Council shall be provided as follows:

- Road's components (i.e., pavement, kerb & gutter, footpaths, cycle paths, line marking and signage, etc)
- Transport components including traffic control devices, etc)
- Stormwater components (i.e., pipes, pits and structures, etc)

Works As Executed Plans for any subdivision which occurred within land identified as inundated by the 1% AEP flood event, shall show the 1% AEP Hydraulic Grade Line Levels in the overland flow paths and pipe network. Additionally, details of constructed stormwater facilities (i.e., flow paths, culverts, etc.,) shall be provided to assist Council in seeking an update to existing flood study should the development alters existing flood conditions. The developer shall finance Council's appointed consultant (or as otherwise agreed to with Council) to run the existing flood model under the proposed development conditions

Survey Mark Details - Marker Numbers and AHD shall be provided.

- 75.** The developer shall at their own expense maintain all civil works constructed by them with respect to the development for a defect liability period of twelve months after the date of the issuing of the Subdivision Certificate. Prior to the issue of the Subdivision Certificate, the developer shall lodge with Council a bank guarantee, equivalent to 5% of the value of the whole of the engineering works of the gifted assets as a maintenance bond with a minimum bond value of \$1,000.

The bond must be in the name of the developer. Bonds in the name of contractors will not be accepted.

The bond shall be assessed by Council for release after the twelve (12) month period on request by the developer. Assessment will include inspection of the following areas:

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

- 76.** The development must comply with the General Terms of Approval issued by the NSW Rural Fire Service (refer [Appendix A](#)).

- 77.** All six existing bores are to be permanently decommissioned in accordance with the Land Capability Assessment – Franklin Consulting Australia -21 June 2023.

Photos and certificate of decommissioning shall be submitted to Council.

- 78.** All waste tyres shall be removed from the site as Special Waste to an approved NSW Waste Management facility in accordance with Preliminary Site Investigation by Prensa Pty Ltd July 2023. Evidence that the waste tyres have been taken to an approved facility must be submitted.

- 79.** A restriction to user must be created under section 88B of the *Conveyancing Act 1919* over all proposed lots stating:

An on-site effluent disposal system must not be installed without the consideration of the Land Capability Assessment prepared by John Franklin of Franklin Consulting, June 2023 and submitted in support of the subdivision.

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

- 80.** A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on all lots created prohibiting the use of the following onsite effluent disposal systems:

- (a) Primary treatment septic tank and absorption trench.
- (b) Subsoil irrigation beds for effluent dispersal of wet composting closet treatment systems (e.g. worm farms).

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



- 81.** A restriction to user under Section 88B of the *Conveyancing Act 1919* requiring the installation of only advanced wastewater treatment systems with nutrient reduction linked to subsurface irrigation must be placed on Lots 1, 2, 5, and 28.

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

- 82.** A restriction to user under Section 88B of the *Conveyancing Act 1919* must be placed on all lots created prohibiting the removal of trees and vegetation unless otherwise approved by Yass Valley Council.

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

- 83.** A Communal Water Management Statement (CWMS), prepared in association with the proposed 'tenancy in common' arrangements for the supply of non-potable water to each allotment, shall be submitted to Council. The CWMS shall form part of a restrictive covenant under section 88E of the *Conveyancing Act 1919*, to which each joint tenant is a beneficiary.

The CWMS shall:

- Limit the total annual use of non-potable water from the reticulated community supply scheme to that which may be licenced by WaterNSW.
- Prescribe the arrangements on-going management and maintenance of all communal areas and community infrastructure including the non-potable water supply system.
- Provide for the equitable distribution of water including metering of non-potable water supply to each allotment.
- Provide for the ability to introduce water supply restrictions during extended dry periods.

- 84.** A non-potable water service main (connection) shall be installed from the communal bore to a point inside the front boundary of each allotment created within the subdivision.

- 85.** Estate entry signage must be constructed in accordance with the plans and details approved with the Subdivision Works Certificate.

- 86.** Certification from an appropriately certified person that the conditions are satisfied shall be submitted.

- 87.** A Subdivision Certificate Application 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 Registry Service.
- (b) An Administration Sheet which incorporates a subdivision certificate acceptable for registration by the NSW Land Registry Service.
- (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 Registry Service for the registration of a Community scheme or a Strata scheme, if applicable.
- (e) The applicant must create, where applicable, 20 metre wide easements over the final plan of subdivision in favour of Essential Energy, centred on all existing power lines which cross the subdivision.

- (f) A copy of relevant development consent or complying development certificate.
- (g) A copy of any relevant construction certificate.
- (h) A copy of any relevant compliance certificates, letters from authorities and receipts for payment of any fees/contributions.
- (i) A copy of detailed subdivision engineering plans, where relevant.
- (j) Evidence that the applicant has complied with all conditions of consent that it is required to comply with before a subdivision certificate can be issued.
- (k) For subdivision involving subdivision work, evidence that the work has been completed, or:
  - Agreement has been reached with the relevant consent authority as to payment of the cost of work and as to the time for carrying out the work, or
  - Agreement has been reached with the relevant consent authority as to security to be given to the consent authority with respect to the completion of the work.
- (l) The relevant fee payment at the date of application for the subdivision certificate.

**88.** 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 2021*.

**Right of Review by Applicant:** [Division 8.2 EP&A Act](#) gives an applicant the right to have Council [review](#) the determination within 6 months after the date on which the notice of determination is received, if no appeal is made under s.8.7 EP&A Act.

**Right of Appeal by Applicant:** [S.8.7 EP&A Act](#) gives an applicant the right to appeal against the determination to the Land and Environment Court within 6 months after the date on which the notice of determination is received.

**Right of Appeal by Objector:** The EP&A Act makes no provision for an objector to appeal against the determination.

[s.9.45 EP&A Act](#) gives an objector the right to bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the EP&A Act, within 3 months after the date on which public notice of the granting of a consent is given.

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**Signed on behalf of consent authority**



Kate Baker  
**Manager Development Control**

21 December 2023

## Advisory Notes

1. This consent has been granted under Clause 4.1 and Clause 4.6 of *Yass Valley Local Environmental Plan 2013*.
2. All fees and charges associated with this consent will be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region.
3. This development consent does not guarantee compliance with land specific agreements, by-laws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the land owner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved.
4. The applicant must ensure all sub-contractors are licensed by the NSW Department of Fair Trading.
5. All persons undertaking work in connection with this consent must ensure all required risk control measures and procedures are complied with.

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

## Appendix A



## NSW RURAL FIRE SERVICE

Yass Valley Council  
Locked Bag 6  
YASS NSW 2582

Your reference: (CNR-59139) DA230374  
Our reference: DA20230822003698-Original-1

**ATTENTION:** Jeremy Knox

Date: Tuesday 12 September 2023

Dear Sir/Madam,

**Integrated Development Application**  
**s100B – Subdivision – Rural Subdivision**  
**75 Isabel Drive Murrumbateman NSW 2582, 2//DP1273254**

I refer to your correspondence dated 25/08/2023 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

### General Conditions

1. The development proposal is to generally comply with the following plans/documents except where amended by the conditions of the Bush Fire Safety Authority.

- THE FIELDS STAGE 4 - MURRUMBATEMAN RESIDENTIAL SUBDIVISION ISABEL DRIVE, MURRUMBATEMAN - prepared by Coleman Engineering Services P/L (dated: 05/06/2023, ref: 220562-DA, revision: 2).
- Bushfire Protection Assessment - prepared by Eco Logical Australia (dated: 11/05/2023, ref: 22HNC3900, revision: 1).

### Asset Protection Zones

**The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact. To achieve this, the following conditions apply:**

2. At the issue of a subdivision certificate and in perpetuity, the entire site must be managed as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;

1

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

3. At the issue of subdivision certificate, a suitably worded instrument pursuant to section 88B under the *Conveyancing Act 1919* is to be created. The easement is to restrict the construction of any habitable building/s within 12 metres of the southern boundaries of proposed Lots 5, 8, 9, 10, 11 & 34, the eastern boundary of proposed Lot 8, and the western boundary of proposed Lot 11. The easement is for the purpose of an Asset Protection Zone (APZ). The instrument may be lifted upon commencement of any future proposed development on the adjoining land, but only if the bush fire hazard is removed as part of the proposal. The name of the authority empowered to release, vary, or modify the instrument must be Yass Valley Council.

#### **Access – Public Roads**

***The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions apply:***

4. Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- subdivisions of three or more allotments have more than one access in and out of the development;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- dead end roads are not recommended, but if unavoidable, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - *Fire hydrant installations System design, installation and commissioning*; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

5. Non-perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and



- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

#### **Water and Utility Services**

**The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions apply:**

6. Any installation of water, electricity and gas services proposed by this application must comply with Table 5.3c of *Planning for Bush Fire Protection 2019*.

#### **Landscaping Assessment**

**The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact. To achieve this, the following conditions apply:**

7. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

#### **General Advice - Consent Authority to Note**

- This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the *National Construction Code* must be subject to separate application under section 4.14 of the *Environmental Planning and Assessment Act 1979* and address the requirements of *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Kathryn Murphy on 1300 NSW RFS.

Yours sincerely,

Martha Dotter  
**Manager Planning & Environment Services**  
**Built & Natural Environment**





NSW RURAL FIRE SERVICE

# BUSH FIRE SAFETY AUTHORITY

Subdivision – Rural Subdivision  
75 Isabel Drive Murrumbateman NSW 2582, 2//DP1273254  
RFS Reference: DA20230822003698-Original-1  
Your Reference: (CNR-59139) DA230374

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

**Martha Dotter**

Manager Planning & Environment Services  
Built & Natural Environment

Tuesday 12 September 2023