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STATEMENT OF ENVIRONMENTAL EFFECTS

PREPARED BY:

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PROJECT:	Development Application for the approval of the construction of a Shed for Cellar Door Use (Agritourism) at Lots 212 & 229 DP754868 1207 Nanima Road, NANIMA pursuant to the provisions within the <i>Yass Valley Local Environmental Plan 2013 (YVLEP2013)</i> and the draft <i>Yass Valley Development Control Plan 2024 (YVDCP2024)</i> .
APPLICANT:	BRETT AND LEONIE WALDOCK VINEYARD 1207
OUR REFERENCE:	5080_SEE1
DATE:	MAY 2024
AUTHOR:	RACHEL DOBERER SENIOR TOWN PLANNER
SIGNATURE:	



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1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared for *Brett and Leonie Waldock* (the **Applicant**) by DPS YASS Pty Ltd. This Statement is to accompany a development application to Yass Valley Council for the approval of a Shed for Use as a Cellar Door within Vineyard 1207 at Lots 212 & 229 DP754868 1207 Nanima Road, NANIMA.

Vineyard 1207 aims to establish a cellar door within the Murrumbateman Cool Climate region, offering a unique experience for wine enthusiasts to explore and indulge in premium wines produced by our boutique winery. With a focus on quality, hospitality, and sustainability, Vineyard 1207 seeks to create a memorable destination where visitors can engage with the brand, learn about winemaking, and relax and enjoy the picturesque surroundings of the vineyard.

The proposed cellar door will be located in a prime position overlooking the vines, in the heart of the Murrumbateman Cool Climate region. The region is renowned for its exceptional cool-climate wines, making it an ideal location to showcase the premium offerings that Vineyard 1207 has to offer. The cellar door will serve as the primary point of sale for the Vineyards wines, offering tastings, tours and sales to visitors.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. This report aims to assess the potential impacts and environmental effects of the proposed development of the subject site under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).

This SEE includes a comprehensive assessment of environmental impacts of the proposal. Where potential impacts and constraints are identified, measures are proposed to mitigate any harm to the natural environment as well as the amenity of existing and future development throughout the locality.

This site is zoned RU1 Primary Production pursuant to the *Yass Valley Local Environmental Plan 2013* (YVLEP2013). The proposed development is permissible with development consent within the RU1 Primary Production zone. The proposed development formulates contextual elements derived from the existing residential character with respect to the immediate vicinity and is consistent with the objectives and provisions within the YVLEP2013.

The proposal is classified as local development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and therefore will be determined by Council.

This assessment concludes that the proposal is of an appropriate scale and mass and is consistent with the character of the area. It will have no unacceptable amenity impacts upon surrounding properties nor any adverse impacts upon the natural environment. The proposal will have numerous positive social and economic impacts, and is considered in the public interest, accordingly DPS YASS Pty Ltd is supportive of the development proposal.



1.1 PURPOSE OF THIS REPORT

This SEE has been prepared in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)* for the purposes of demonstrating:

- The proposal is consistent with the controls in the YVLEP2013.
- The supporting technical studies which accompany the DA establish that the environmental impacts of the proposed concept are generally positive and where appropriate, make recommendations for the detailed design phase of the project which will provide certainty and clarity to guide the development.
- The proposed development is in the public interest and will have a range of positive social and economic benefits, namely:
 - Facilitates ecologically sustainable development of rural land for a Farm Gate Premises (Cellar Door). This is explained in more detail later in this Statement.
 - The subject site is located within the RU1 Primary Production zone of Nanima. The vision for the expansion of Yass LGA is to create high quality and ecologically sustainable environment integrated with good accessibility and open space. This DA meets the intent of this by providing a high-quality development which will support the other uses of the area.
 - Facilitates a form of Agritourism (Cellar Door Experience) that connects people to agricultural products, people and places by showcasing the exceptional cool-climate wines which this region is renowned for.
 - The site is zoned for development purposes, and the proposed development provides for a development (Agritourism) including a Shed for Cellar Door purposes that is consistent with the objectives and controls contained in the YVLEP2013 and draft YVDCP2024.
- Demonstrating that the environmental impacts of the development have been considered; and
- Outlining the steps to be undertaken to protect the environment or to mitigate against any potential harm, if necessary

This SEE describes the proposal and its environment, including a detailed description of the site and its surrounds and an assessment of the proposal against the relevant planning controls.

The SEE demonstrates that the proposed development is acceptable under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and concludes that the proposed development should be granted approval subject to conditions.



1.2 TYPE OF DEVELOPMENT APPLICATION

Section 1.5 of the EP&A Act defines what constitutes 'development'.

Development is defined as the following:

- a) The use of land*
- b) The subdivision of land*
- c) The erection of a building*
- d) The carrying out of work*
- e) The demolition of a building or work*
- f) Any other act, matter or thing that may be controlled by an environmental planning instrument.*

The scope of the proposal is considered to be 'development' in accordance with Section 1.5 of the EP&A Act. Therefore, pursuant to Section 4.5 of the EP&A Act development consent is sought from Yass Valley Council.



1.3 OWNER AND APPLICANT DETAILS

The Applicant

Brett and Leonie Waldock
c/- DPS Pty Ltd
PO Box 5
YASS NSW 2582

Contact: Rachel Doberer
Phone: (02) 6226 3322
Mobile: 0409 880 034
Email: rachel@dpsyass.com.au

The Owner(s)

Brett Craig Norman Waldock
Leonie Joy Waldock

c/- DPS Pty Ltd
PO Box 5
YASS NSW 2582

Contact: Rachel Doberer
Phone: (02) 6226 3322
Mobile: 0409 880 034
Email: rachel@dpsyass.com.au

Site Address

The subject site(s) for this application are legally identified as Lots 212 & 229 DP754868 1207 Nanima Road, NANIMA and shown in Figure 1.1 (Location Map) of this Statement.



1.4 SITE AND LOCATION

Site Description

The subject site is located in Nanima, approximately 30km to Yass CBD, roughly 15km to Murrumbateman Village and approximately 30km to Canberra CBD. The subject site is located on Nanima Road and connects to Yass, Murrumbateman, Canberra and Goulburn via the Barton Highway, the Hume Highway and the Federal Highway, which are some of the main connecting road corridors in the area.

The subject site is made up of two lots and is zoned RU1 Primary Production in the Yass Valley LEP 2013 (YVLEP2013). It is bounded by other similar rural residential lots to the North, East, South and West.

The lot is accessible off Nanima Road, with an existing access that will require upgrading in order to meet Council's specifications/ requirements. The site is a regular shaped parcel of land with an area of 32.37ha (refer **Figure 1.1**). The land is currently utilised for rural purposes, following the construction of the shed, the use is intended to remain the same.



Figure 1.1: Location Map (Source: Google Earth Aerial Imagery, May 2024)

Existing Easements, Restrictions on the Use of Land and Positive Covenants

- Right of Carriageway Affecting the Land shown so burdened in DP596698 (DP596698).
- Right of Carriageway Appurtenant to the land above described affecting the part of portion 212 shown in DP596698 (DP596698).

Proposed Easements, Restrictions on the Use of Land and Positive Covenants

- No Easements, Restrictions on the Use of Land or Positive Covenants are proposed to be created as part of this development.



1.5 PROPOSED DEVELOPMENT

This report has been prepared by DPS to accompany the Development Application submission and is lodged under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* for the construction of a Shed for Cellar Door purposes (Agritourism) that is permissible with Council consent.

This SEE is to be read in conjunction with the following Plans and Specialist Reports included in the Appendix's.

- Proposed Shed Plans prepared by Stratco Sheds reference SQ297157 dated 16 January 2024 (refer **Figure 1.3 & Appendix A**).
- Proposed Floor Plan demonstrating Cellar Door Layout prepared by DPS YASS P/L dated May 2024 (refer **Appendix B**).
- Preliminary Advice for On-site Effluent Disposal prepared by Land Capability Services dated November 2021. (refer **Appendix C**).
- Bushfire Management Plan prepared by DPS YASS P/L dated May 2024 (refer **Appendix D**).
- Detail Survey Plan demonstrating Cellar Door Location prepared by DPS YASS P/L dated 29 March 2021 and marked-up Google Earth Image with proposed Cellar Door Location prepared by the Applicant (refer **Appendix E**).
- Double Toilet Plans and Specifications issued by My Little House dated September 2023 (refer **Appendix F**).
- Disabled Toilet Plans and Specifications issued by My Little House dated February 2022 (refer **Appendix G**).
- Certificate of Compliance and Specifications for a Taylex Concrete ABS 5000 (refer **Appendix H**).
- Cellar Door Business Plan (commercial in confidence, not for public notification) for Vineyard 1207 prepared by the Applicant dated May 2024 (refer **Appendix I**).
- Certificates of Title and Deposited Plans for Lots 212 & 229 DP754868 (refer **Appendix J**).

The purpose of this report is to consider the site characteristics and the anticipated impacts of the proposed development providing an assessment in accordance with the matters for consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Specifically, the SEE includes the following information:

- Description of the site in its local context
- Identifies any proposed works
- Identifies and addresses relevant policies
- Assessment against relevant Council plans and policies
- Assess of potential environmental impacts and identification of mitigation measures

The subject site has a total area of 32.37ha of land with an existing dwelling, ancillary structures and the established vineyard. The proposed development application has been prepared to take into consideration the future use of the site and aims to improve the functionality of the site.

Vineyard 1207 is proposing to establish a cellar door to further enhance the existing established commercial vineyard. Vineyard 1207 is a boutique winery nestled on a sheltered slope in the heart of Murrumbateman Cool Climate country (refer **Figure 1.2**).



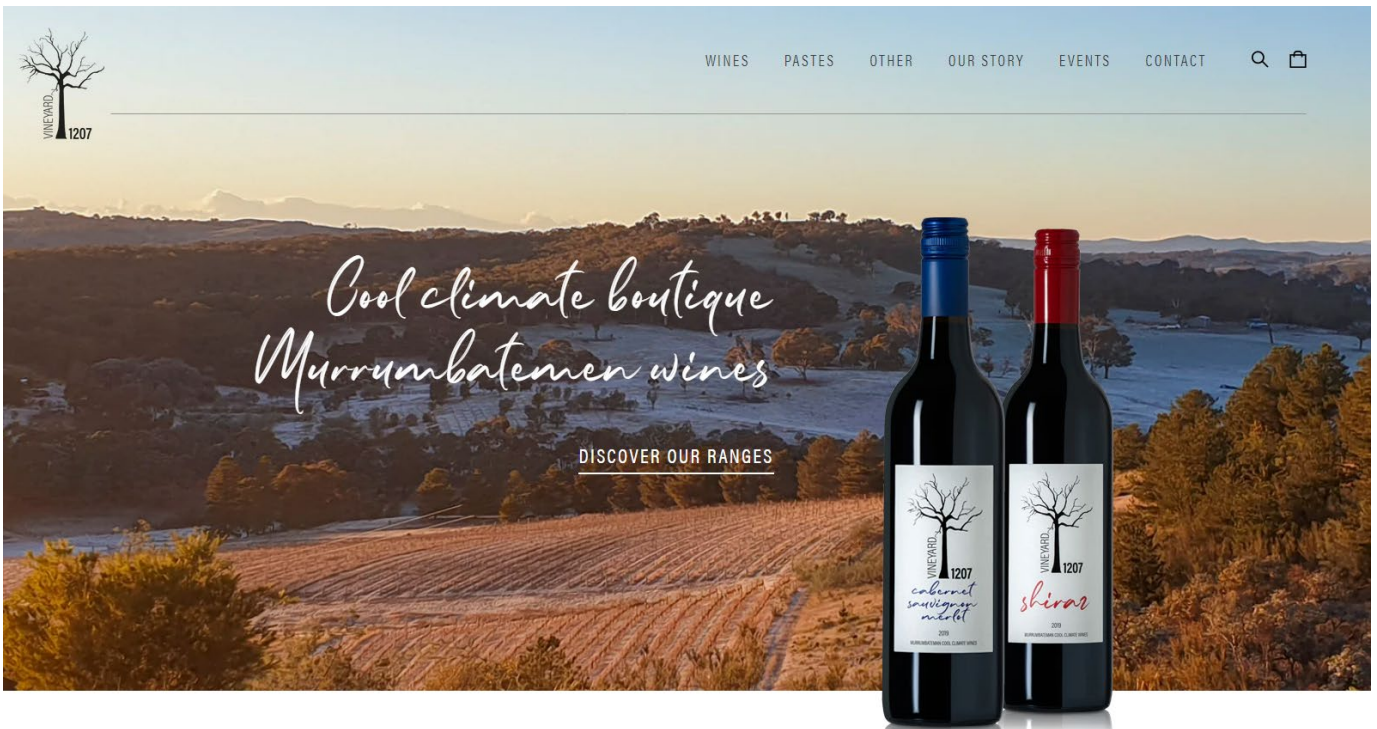


Figure 1.2: Vineyard 1207 (Source: Vineyard 1207 Website, May 2024)

The initial plan for the operation of the cellar door is to be open weekends and selected public holidays. Depending on perceived demand, operating days may be extended to a Thursday and Friday as well. Operating hours will be from 10:30am to 5:00pm AEST. During summer and taking into consideration daylight saving, it is proposed to extend the closing time to 6:00pm.

The cellar door will be staffed by RSA qualified, knowledgeable, and passionate individuals who are eager to share their expertise with visitors. On offer will be guided tastings, winery tours, and educational talks to provide an immersive experience for our customers. In addition to wine sales, we will also offer select merchandise and gourmet products to complement our wine offerings.

The offerings will include tastings, closed bottle sales to take away, open bottle and by the glass for consumption on site. Simple food offerings of cheese platters with crackers can be offered to ensure there is a food option available when there is the consumption of alcohol.

The proposed development consists of the construction of a shed for Cellar Door purposes (Agritourism). There will be minimal effect to the visual amenity of the surrounding properties as there is an existing access in place and the proposed development is set back from Nanima Road and surrounding properties. It is expected that any associated construction works for the proposed development will have potentially a minor impact on the location whilst under construction.

However, it is understood as part of the development assessment process that correspondence with neighbours regarding the proposed development along with any potential impact on their visual amenity may be undertaken to Councils discretion.

This DA is not considered 'Integrated Development' pursuant to Section 4.46 of the EP&A Act. It is noted however the proposed development is situated on land mapped as bushfire prone land (**BFPL**).

Nevertheless, as the proposed development is an ancillary class10a structure that is more than 6 metres from a dwelling and the development is for the purposes of a licensed premises that will not provide overnight accommodation, it is determined pursuant to Clause 46(a & m) of the *Rural Fires Regulation*

2022 that a bushfire threat assessment report and subsequent referral to the NSW Rural Fire Service (NSW RFS) is not required.

Specifically, Clause 46 of the *NSW Rural Fires Regulation 2022* states:

Development excluded from requirements for bush fire safety authority – the Act, s 100B

1. For the purposes of the Act, section 100B(5)(a1), the following development is excluded from the operation of the Act, section 100B -
 - a) **Development for the purposes of licensed premises that do not provide overnight accommodation, other than for the owner or manager of the premises and the owner's of manager's family.**
 - b) Strata subdivision of a building, but only if development consent for the erection of the building was granted in accordance with the Environmental Planning and Assessment Act 1979, section 4.14,
 - c) Strata subdivision of a class 2 building erected before 1 August 2002, but only if the building complies with the requirements of Level 1 construction under AS 3959-1999, Construction of buildings in bushfire-prone areas,
 - d) Subdivision of land for the purpose of converting an existing dwelling to a dual occupancy, but only if development consent for the dwelling was granted in accordance with the Environmental Planning and Assessment Act 1979, section 4.14,
 - e) Subdivision of, or a boundary adjustment in relation to, land that is leased under a Western lands lease, within the meaning of the Crown Land Management Act 2016, Schedule 3,
 - f) Subdivision for the purposes of consolidations of lots, or boundary adjustments on land where the number of lots is reduced, but only if an existing dwelling on the land complies with the requirements of Planning for Bush Fire Protection,
 - g) Development for the purposes of bed and breakfast accommodation using an existing building, but only if the building is more than 30 metres from land that is not managed land within the meaning of Planning for Bush Fire Protection,
 - h) Subdivision of land used or proposed to be used for industrial purposes on which the erection of a dwelling related to the industrial use of the land, for example, a manager's residence, is permitted,
 - i) Subdivision of land for a residential purpose in a Western New South Wales district, but only if –
 - (i) Each lot created by the subdivision is greater than 10 hectares, and
 - (ii) The bush fire prone land that is Category 1 or 2 vegetation is less than 10% of the lot, and
 - (iii) Each lot has direct access to an existing public road,
 - j) Construction of installation of a flagpole, aerial, antenna or satellite dish,
 - k) Construction or installation of a driveway, pathway or other paved area,
 - l) The carrying out of earthworks or drainage works,
 - m) **Construction of a class 10a building that is at least 6 metres from a dwelling.**
 - n) Minor external non-structural building alterations carried out in accordance with Planning for Bush Fire Protection,
 - o) Development of a minor nature that relates to an existing building that is for a special fire protection purpose.



It is noted however, as the proposed development is recognised as 'Other non-residential development' within the PBP2019, specifically as an outdoor event in a bushfire prone area A Bushfire Protection Assessment has been prepared by DPS YASS P/L pursuant to the considerations outlined in Part 8.3.8 of PBP2019 (refer **Appendix D**).

Further discussion regarding Integrated Development matters is provided later in this Statement.

This development application (DA) is not considered as 'Designated Development', 'Regionally Significant Development' or 'State Significant Development' pursuant to the EP&A Act or EP&A Regulation.

The subject site is mapped on the:

- Lot Size Map within the YVLEP2013
- Land Zoning Map within the YVLEP2013
- Natural Resource – Groundwater Vulnerability Map within the YVLEP2013
- Terrestrial Biodiversity Map within the YVLEP2013
- Bushfire Prone Land (Non-EPI) Map within the YVLEP2013

However, as a result of this investigation it has been determined that any minor environmental impacts associated with the future operation of the subject site can be mitigated. It is concluded that the proposed development of the site is appropriate and permissible with development consent. Further discussion regarding this mapping is provided later in this Statement.

The proposed development has been designed to take into consideration the specific site characteristics, the existing access and existing vegetation, The proposal retains the character of the existing and surrounding properties, in turn maximising the potential use of the site whilst also being mindful of any existing constraints.

This report concludes that the proposed development indicates a positive contribution to the Nanima locality, is consistent with the strategic planning for the area and the relevant planning legislation and policies. It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated. As a result of this investigation, it is concluded that the proposed development of the site is permissible with conditional consent.



1.6 PROPOSED WORKS

This DA seeks to facilitate the development of the subject site for the purpose of domestic residential use, specifically the application seeks development consent for the construction of a shed for cellar door purposes (refer **Figure 1.3 & Appendix A**).

During construction and on-going use of the site, the appropriate sediment and erosion control measures will be implemented and maintained by the applicant's contractors. The proposed works will generally consist of site re-grading to establish the desired levels for the proposed civil works.

In detail, this development application seeks approval for:

- The construction of a shed,
- Installation of a double toilet and disabled toilet structures,
- Installation of an Aerated Wastewater Treatment System
- Carpark Marking

on Lots 212 & 229 DP754868 as per the Proposed Shed Plans and Supporting documentation. Each of these components of the proposed development is described in more detail below.

The proposed development has been designed to tie in with adjoining existing and future land uses, existing lot boundary and visual amenity. It is considered to be an appropriate use of the subject land in relation to the location and zoning, makes good use of the land and will have minimal adverse environmental effects on the subject/ surrounding land, or any adjoining development where managed with the appropriate conditions.

Civil Works

During construction and ongoing use of the site, the appropriate sediment and erosion control measures will be implemented and maintained by the applicant's awarded contractors. These measures are intended to be a minimum treatment only as the contractor will be required to modify and stage the erosion and sediment control measures to suit the construction program, sequencing and techniques/ These measures are detailed further in this Statement.

The proposed works will generally consist of the preparation of the footings for the shed, car park area, internal paths and the preparation of the pads for the installation of the toilet structures.

The delivery of stormwater drainage infrastructure will be contained to the subject site. The proposed shed has been prepared to meet the specific criteria that allow the development to be classified as Ecologically Sustainable Development, this is explained in more detail below.



Shed – Cellar Door

This DA seeks approval for the construction of a shed as per the proposed Plans and Supporting Documentation listed earlier in this Statement and attached in the Appendix's. The proposed development has been designed to tie in with the existing vineyard, the existing lot boundaries and any mapped constraints.

The proposed location of the shed/ cellar door will be within the existing boutique winery estate, overlooking the existing vines and in the heart of the Murrumbateman Cool Climate region. The proposed cellar door will serve as the primary point of sale for the Vinyard 1207 wines, offering tastings, tours and sales to visitors.

The proposed cellar door will be a semi-outdoor, but covered facility providing spectacular views and a relaxed atmosphere focused on attracting both domestic and international visitors seeking a unique wine experience.

The proposed shed has been designed so it can be constructed to meet the deemed to satisfy provisions of the BCA (refer **Appendix A**) or shall otherwise be engineered as determined post DA approval. Considerations of structure, amenity, health and energy are all considerations of the design and future detail and construction as required for the future Construction Certificate approval.

The building externally has been designed to present a quality appearance that matches the rural amenity to which it relates. Classic durable materials, a variety of finished and articulated finishes are all proposed to present an aesthetically pleasing external presentation.



Ecological Sustainable Development

The original concept of sustainable development articulated in *Our Common Future* is of ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’.

In Australia, the adjective ‘sustainable’ is qualified by the word ‘ecologically’ to emphasise the necessary integration of economy and environment.

Ecologically Sustainable Development (ESD) involves a cluster of elements or principles. The following six (6) are worth highlighting:

1. Principle of sustainable use
2. Principle of integration
3. Precautionary principle
4. Inter-generational and inter-generational equity
5. Conservation of biodiversity diversity and ecological integrity
6. Internalisation of external environmental costs.

The concept of sustainability applies not merely to development but to the environment.

The Australian National Strategy for Ecologically Sustainable Development defines ESD as ‘development that improves the total quality of life both now and in the future, in a way that maintains the ecological processes on which life depends’.

ESD requires the effective integration of economic and environmental considerations in the decision-making process.

The principle of integration ensures mutual respect and reciprocity between the economic and environmental considerations. Specifically, the following points need to be taken into consideration when assessing a development application:

- Environmental considerations are to be integrated into economic and other development plans, programs and projects, and
- Development needs are to be taken into account when applying environmental objectives.

ESD mandates that the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making including in the formulation, adoption and implementation of any economic and other development plan, program or project.

Although it could be argued ESD lacks a precise accepted definition, it is generally recognised as an important concept as it ensures environmental factors and future generations are considered in assessing current development applications.

The proposed development for a shed for the purpose of a cellar door can be categorized as an ESD as depicted in this Statement as it a development that meets the needs of the present generation whilst not compromising the ability of future generations to also meet their needs.





All illustrative elevations are referenced from outside of frame (including parties and girts). Dimensions shown are for illustrative purposes only and should not be used for assembly. Please refer to the relevant installation guides or installed drawings provided for site preparation, panel frame layout and slab dimensions.



Elevations

Job Reference: Mr Jason Talby
 Sales Person: Mr Jason Talby
 Client Name: Kiro Construction
 Site Address: 1207 Nanima Road Murrumbateman
 Design Number: S0297157
 Date: 16/01/2024
 Customer Signature

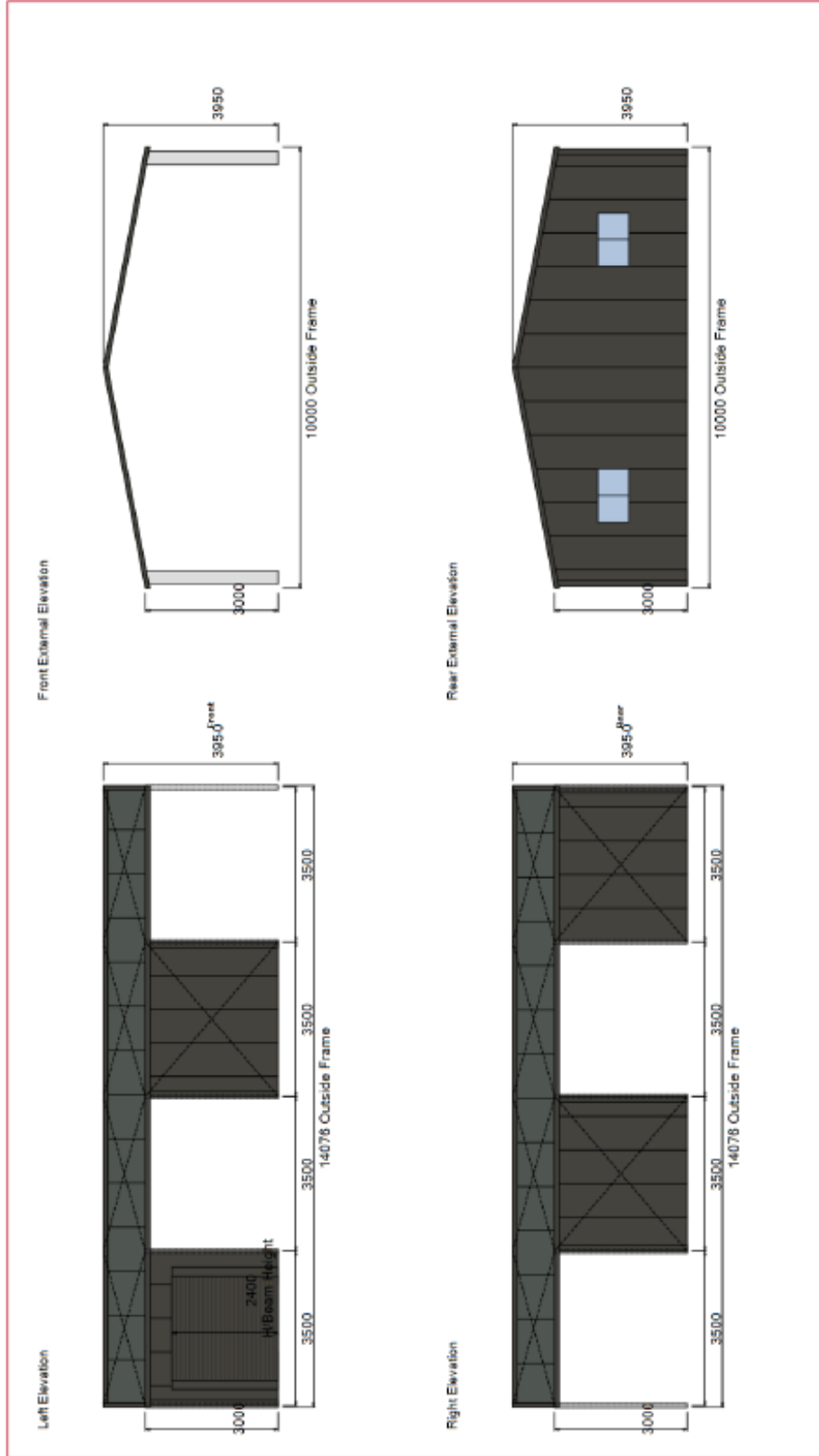


Figure 1.3: Proposed Shed Plan (Source: Stratco Sheds, May 2024)



2. ASSESSMENT

The statutory process under the Environmental Planning and Assess Act 1979 requires an evaluation in accordance with the provisions of Section 4.15. The matters for consideration include:

The provisions of:

- ❖ Any environmental planning instrument,
- ❖ Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),
- ❖ Any development control plan,
- ❖ Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,
- ❖ The regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,
- ❖ The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality,
- ❖ The suitability of the site for the development,
- ❖ Any submission made in accordance with this Act or the regulations; and
- ❖ The public interest

This section of the SEE assesses the proposed development against the planning framework and planning controls applicable to the site and the development, including:

- Threatened Species and Biodiversity Impacts (Section 1.7 of the EP&A Act)
- Integrated Development Matters (Section 4.46 of the EP& A Act)
- Bushfire Prone Land (Section 4.14 of the EP&A Act), and
- Matters for consideration relating to Development Applications (Section 4.15 of the EP&A Act)



2.1 ENVIRONMENTAL PLANNING INSTRUMENTS

Yass Valley Local Environmental Plan 2013

The Yass Valley Local Environmental Plan 2013 (YVLEP2013) is the statutory framework regulating land uses within the Yass Valley LGA and the development of the site. The site is zoned RU1 Primary Production (refer **Figure 2.2**).

This development involves the construction of a shed for cellar door purposes that is permissible with conditional consent pursuant to clause 2.1 of the YVLEP2013 within the RU1 Primary Production zone. An assessment against the relevant Planning Legislation is tabulated below.

TABLE 1 - AIMS OF THE YVLEP 2013

AIMS OF THE YVLEP 2013	COMPLIANCE
<i>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i>	Not applicable. The proposed development is for the construction of a shed for cellar door purposes (agritourism).
<i>(a) to establish planning controls that promote sustainable development,</i>	<p>Consistent. The proposed development has been prepared in accordance with the relevant legislation and has consciously been prepared to promote ecological sustainable development, as indicated earlier in this Statement.</p> <p>The proposed development is actively utilising the principles behind ESD as it is a development that meets the needs of the present generation whilst not compromising the ability of future generations to also meet their needs.</p>
<i>(b) to protect high quality agricultural land and encourage emerging agricultural industries,</i>	Not applicable. The subject site is not classified as high-quality agricultural land.
<i>(c) to encourage housing diversity,</i>	Not applicable. The proposed development is for a shed for cellar door purposes (agritourism).
<i>(d) to promote employment-generating tourism,</i>	Consistent. The proposed shed for cellar door purposes will promote employment generating tourism. The target market for the proposed agritourism development includes wine enthusiasts, tourists, and locals who appreciate premium wines and are interested in learning about winemaking. Vineyard 1207 aims to attract both experienced wine connoisseurs and novices who are eager to explore the diverse range of wines produced in the region.



<i>(e) to provide for commercial and industrial development,</i>	Not applicable. The proposed development is for a farm gate premises (cellar door/ agritourism) as defined in the YVLEP2013.
<i>(f) to encourage the establishment of retail and professional services in urban locations,</i>	Not applicable. The proposed development is for the construction of a shed for cellar door purposes (agritourism) only.
<i>(g) to protect and enhance the character of each of the villages in Yass Valley,</i>	Not applicable. The proposed development is not located within one of the villages within Yass Valley LGA.
<i>(h) to enhance service provision in each of the villages in Yass Valley,</i>	Not applicable. The proposed development is not located within one of the villages within Yass Valley LGA.
<i>(i) to protect and conserve the cultural heritage and history of Yass Valley,</i>	<p>Consistent. The land is not identified as a heritage item in the YVLEP2013 to which this land relates. Within the LEP, a review of the heritage items reveals that adjoining allotments are not classed as items of heritage value.</p> <p>Therefore, it is considered that the proposal will not impact on any adjoining heritage items.</p> <p>According to the Office of Environment and Heritage website, there is no identified aboriginal relics or aboriginal heritage items located on the property.</p> <p>If any items are found during construction, construction works shall cease, and the Department shall be notified.</p> <p>As the development is not listed as a heritage item, no specific heritage study is required to be submitted as part of this development application.</p>
<i>(j) to protect and enhance the environmental and biodiversity values of Yass Valley,</i>	<p>Consistent. As indicated on Council's LEP Terrestrial Biodiversity Map there are areas within the subject site that have been identified/ mapped as having biodiversity concerns.</p> <p>The proposed shed for cellar door purposes will occupy a cleared section of the subject site which is relatively void of significant vegetation (refer Figure 2.1).</p> <p>The proposal is expected to have a minimum impact in terms of the natural environment, this extends to the management of the biodiversity and environmental values of the land.</p>





Figure 2.1: Current Aerial Imagery (Source: Google Earth, May 2024)

The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function, and composition of the land.

It is expected the proposed development will encourage the introduction of further vegetation to assist with privacy screening and to create a more appealing visual amenity.

Further to that and during the construction phase of the proposed development, to ensure there are no adverse environmental impacts, the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property.

It is noted there is no potential clearing of remnant trees within the areas listed above, therefore demonstrating the proposed development is actively protecting and enhancing the environmental and biodiversity values of Yass Valley.

This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.

(k) to minimise land use conflicts.

Consistent. The zoning of the proposed development is consistent with surrounding land uses, which in turn minimises the potential for land use conflicts.



The subject site is located within the Murrumbateman Cool Climate region, this region has experienced significant growth in wine tourism in recent years attracting both domestic and international visitors seeking unique wine experiences. With its proximity to Canberra and its reputation for producing high-quality cool-climate wines, the region presents ample opportunities for growth through our cellar door market.

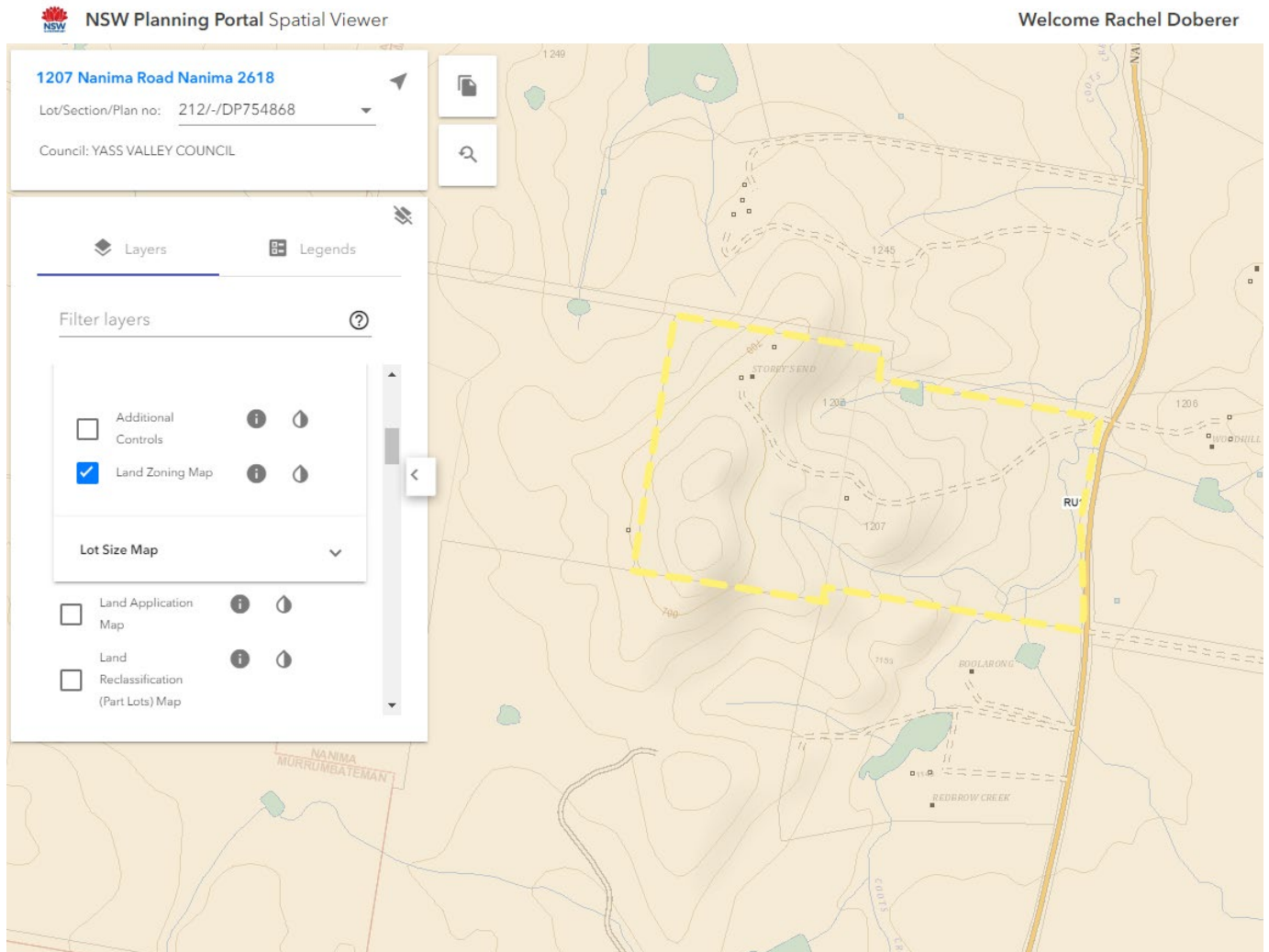


Figure 2.2: Land Zoning Map (Source: NSW Government Planning Portal Spatial Viewer, May 2024)



TABLE 2 - OBJECTIVES OF THE RU1 PRIMARY PRODUCTION ZONE

The subject site is zoned RU1 Primary Production (refer **Figure 2.2**). The following table demonstrates that the proposed Shed for Cellar Door purposes is consistent with the objectives of the zone.

OBJECTIVES OF RU1 PRIMARY PRODUCTION ZONE – YVLEP2013	COMPLIANCE
<p><i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i></p>	<p>Consistent. The proposed cellar door/ farm gate premises is found to be consistent with the RU1 Primary Production land use objectives and is permitted within the zone with conditional consent. 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 Councils support.</p> <p>The proposed development provides an appropriate planning outcome for the subject land that takes into consideration the ecological impacts, aesthetic value of the land and the surrounding land uses. The proposed development is situated on land free of any major constraints, other than being mapped as Bushfire Prone Land (BFPL), this is discussed in more detail later in this statement.</p> <p>The proposed development is permissible within this zoning with Council’s consent. 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-specific conditions.</p> <p>This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council’s LEP, has minor environmental impacts that are manageable and compatible with the existing and desired local area character.</p>
<p><i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i></p>	<p>Consistent. The proposed shed for the use as a cellar door is encouraging diversity in primary industry that is appropriate to the area.</p> <p>The venture to establish a cellar door at Vineyard 1207 in the Murrumbateman Cool Climate region, represents an exciting opportunity for the landowners to showcase their premium wines and engage with customers in a meaningful way.</p>
<p><i>To minimise the fragmentation and alienation of resource lands.</i></p>	<p>Consistent. The zoning of the proposed development is consistent with surrounding development, which in turn minimises the fragmentation and alienation of resource lands.</p>



<p><i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></p>	<p>Consistent. The surrounding lots are also zoned RU1 Primary Production and are therefore surrounded by similar primary industry enterprise which in turn minimises conflict between land uses within this zone and adjoining zones.</p>
<p><i>To protect and enhance the biodiversity of Yass Valley.</i></p>	<p>Consistent. The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function and composition of the land.</p> <p>Further to that and during the construction phase of the proposed development to ensure there are no adverse environmental impacts, including the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property.</p> <p>The proposal is expected to have a minimum impact in terms of the natural environment, this extends to the management of the biodiversity and environmental values of the land.</p> <p>This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.</p>
<p><i>To protect the geologically significant areas of Yass Valley.</i></p>	<p>Not applicable. The subject land is not listed as a geographically significant area of Yass Valley.</p>
<p><i>To maintain the rural character of Yass Valley.</i></p>	<p>Consistent. The proposed development has been prepared to ensure the design and proposed use reflects and reinforces the primary industry enterprises, maintaining and preserving the character of Yass Valley.</p> <p>The proposal has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the land and the surrounding environment, in turn maintaining the character of Yass Valley.</p>
<p><i>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.</i></p>	<p>Consistent. The proposed shed for the use as a cellar door is encouraging diversity in primary industry that is appropriate to the area.</p> <p>The venture to establish a cellar door at Vineyard 1207 in the Murrumbateman Cool Climate region.</p>



	<p>It represents an exciting opportunity for the landowners to showcase their premium wines and engage with customers in a meaningful way.</p>
<p><i>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.</i></p>	<p>Consistent. The proposed development has taken into consideration the location, type and intensity of development, whilst also having regard to the characteristics of the land and the rural environment.</p> <p>The proposed outcome (cellar) creates a Farm Gate Experience (agritourism) that is expected to lay the foundation for more efficient utilisation of the land and is expected to contribute in varying degrees to the local economy.</p>
<p><i>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.</i></p>	<p>Not applicable. The proposed development for a shed to be utilised as a Cellar Door is not related to a subdivision.</p>



TABLE 3 – RELEVANT PLANNING CONTROLS

The following table demonstrates the proposed subdivision is compliant with the relevant planning considerations within the YVLEP2013.

PLANNING CONTROLS	COMPLIANCE
<i>Clause 2.1 Land Use zones</i>	Complies. The subject site is zoned RU1 Primary Production. The establishment of a Cellar Door at Vineyard 1207 in the Murrumbateman Cool Climate region represents an exciting opportunity to showcase the product from a Primary Production use.
<i>Clause 2.6 Subdivision – consent requirements</i>	Not applicable. The proposed development for a Shed to be utilised as a Cellar Door is not related to a subdivision.
<i>Clause 4.1 Minimum Subdivision Lot Size</i>	Not applicable. The proposed development for a Shed to be utilised as a Cellar Door is not related to a subdivision.
<i>Clause 4.1C Additional requirements for subdivision in certain rural zones</i>	Not applicable. The proposed development for a shed to be utilised as a Cellar Door is not related to a Subdivision.
<i>Clause 4.3 Height of buildings</i>	Not applicable. The subject site is not identified on the Height of Buildings Map within the YVLEP2013.
<i>Clause 4.4 Floor space ratio</i>	Not applicable. The subject site is not identified on the Floor Space Ratio Map within the YVLEP2013.
<i>Clause 4.6 Exceptions to development standards</i>	Not applicable. The proposed development is not proposing a variation to the YVLEP2013.
<i>Clause 5.10 Heritage conservation</i>	<p>Not Applicable. The subject site is not identified as a heritage item in the YVLEP2013 to which this land relates. Within the LEP, a review of the heritage items reveals that adjoining allotments are not classed as items of heritage value.</p> <p>Therefore, it is considered that the proposal will not impact on any adjoining heritage items.</p> <p>According to the Office of Environment and Heritage website, there is no identified aboriginal relics or aboriginal heritage items located on the property.</p>



	<p>If any items are found during construction, construction works shall cease, and the Department shall be notified.</p> <p>As the development is not listed as a heritage item, no specific heritage study is required to be submitted as part of this development application.</p>
<i>Clause 5.21 Flood planning</i>	Not applicable. The subject site is not identified on the Flood Planning Map within the YVLEP2013.
<i>Clause 6.1 Earthworks</i>	<p>Complies. As part of the delivery of the proposed development, it is proposed to construct a Shed to establish as a Cellar Door at Vinyard 1207 as indicated on the supporting plans and documentation included in the Appendix's.</p> <p>The extent of bulk earthworks on the subject site has been minimised as much as practicable through careful design of the vertical and horizontal geometry of the lot.</p> <p>It is anticipated that given the purpose, nature and extent of excavation, that conventional methods of ancillary earthworks are able to be employed and that subject to the design of the works there will be minimal adverse impacts to the drainage, flooding or to adjoining properties.</p> <p>The proposed works will involve the installation of a number of sediment and erosion control measures to address any potential impacts associated with the development. These measures will be in place for the duration of the construction phase to avoid, minimise and mitigate any impacts that could potentially occur.</p> <p>These measures may include:</p> <ul style="list-style-type: none"> • A temporary site security/ safety fence to be constructed around the site; • Sediment fencing provided downstream of disturbed areas, including any topsoil stockpiles; • Dust control measures including covering stockpiles, installing fence hessian and watering exposed areas; • Placement of hay bales or mesh and gravel inlet filters around and along proposed catch drains and around stormwater inlet pits.
<i>Clause 6.3 Terrestrial biodiversity</i>	Complies. As indicated on Council's LEP Terrestrial Biodiversity Map there are areas within the subject site that have been identified/ mapped as having biodiversity concerns (refer Figure 2.3).



The proposed development will occupy a cleared section of the subject site which is relatively void of significant vegetation (refer **Figure 2.1**).

The proposal is expected to have a minimum impact in terms of the natural environment, this extends to the management of the biodiversity and environmental values of the land.

The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function, and composition of the land.

Further to that and during the construction phase of the proposed development to ensure there are no adverse environmental impacts, the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property.

This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.

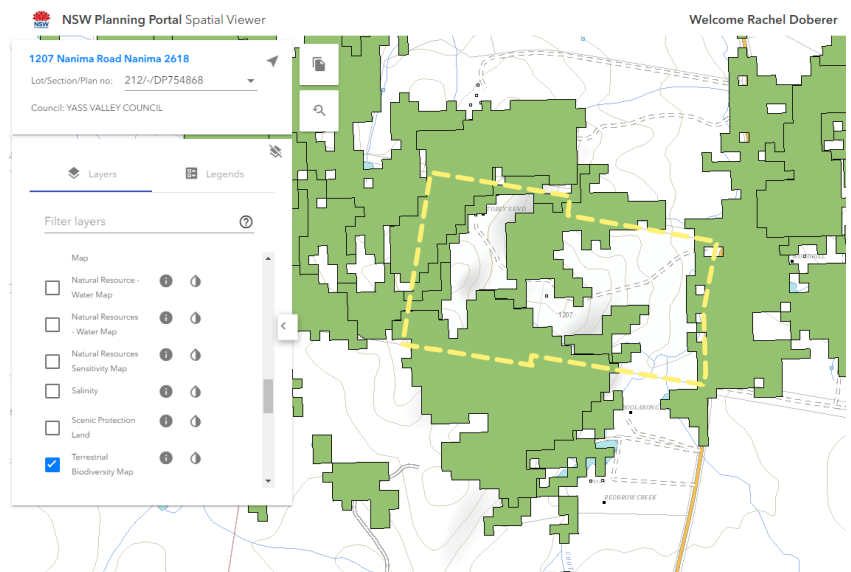


Figure 2.3: Terrestrial Biodiversity Map (Source: NSW Government Planning Portal Spatial Viewer, May 2024)

Clause 6.4 Groundwater vulnerability

Complies. As indicated on Council's LEP Groundwater Vulnerability Map (refer **Figure 2.4**), the subject land has been highlighted as having groundwater vulnerability.

The proposed key management measures to minimise the potential for any adverse groundwater impacts include the implementation of erosion and sediment control measures and stabilization of all drainage lines.

However, as we are proposing to install toilet facilities as part of the proposed development, a Preliminary Land Capability Assessment for Onsite Effluent Disposal has been prepared by Land Capability Services dated November 2021 (refer **Appendix C**) confirming there is adequate available space for effluent disposal on the subject lot.

The recommendations within the report are:

This report provides preliminary advice for on-site effluent disposal at the applicant's proposed cellar door development. Later developments may include an experience centre and commercial kitchen. Waste streams from the winery mainly from bottle washing should also be considered.

Site constraints include shallow clay soils, slopes of between 6-10 degrees and proximity to dams, drainage lines, a permanent creek and groundwater bore. The site lies within an area of groundwater vulnerability.

Wastewater streams will require secondary treatment, or possibly tertiary depending on the method of application to the receiving soil and health considerations around tourism and labour operations within the vineyard.

The land most suitable for effluent application (sufficient depth of soil, gentle/ moderate slopes) is that which is also largely occupied by grape vines, and it is recommended that options for recycling wastewater for reuse on vine crops are explored.

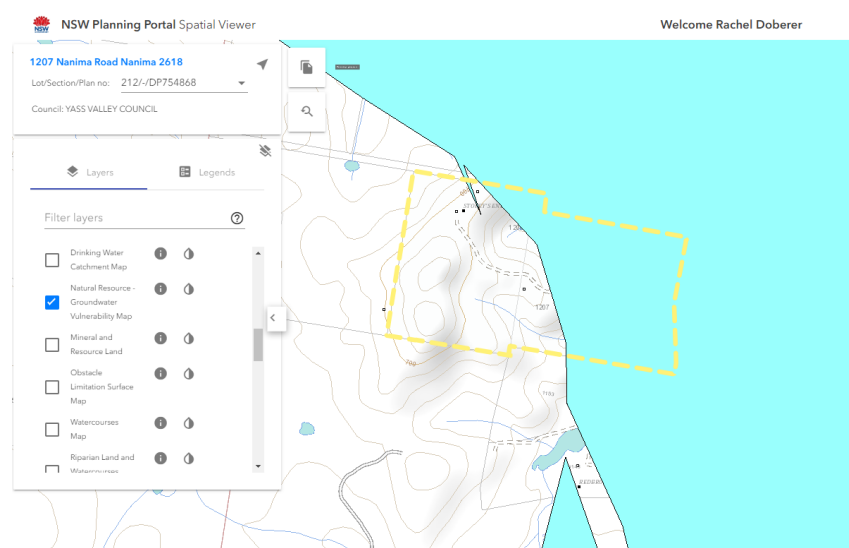



Figure 2.4: Groundwater Vulnerability Map (Source: NSW Government Planning Portal Spatial Viewer, May 2024)

<p><i>Clause 6.5 Riparian land and watercourses</i></p>	<p>Not applicable. The proposed development is not identified on the Riparian Land and Watercourses Map within the YVLEP2013.</p>
<p><i>Clause 6.6 Salinity</i></p>	<p>Not applicable. The proposed development is not identified on the Salinity Map with the YVLEP2013.</p>
<p><i>Clause 6.7 Highly erodible soils</i></p>	<p>Not applicable. The proposed development is not identified on the Highly erodible soils Map within the YVLEP2013.</p>
<p><i>Clause 6.8 Essential services</i></p>	<p style="text-align: center;"><i>(a) the supply of water,</i></p> <p>The proposed development will be installing rainwater tanks to service both the shed (Cellar Door) and the toilets as per the attached Site Plans (refer Appendix E).</p> <p style="text-align: center;"><i>(a) the supply of electricity,</i></p> <p>There is underground and overhead power infrastructure running through the site.</p> <p>It is expected the proposed Cellar Door and associated infrastructure will be connected to this via the design and installation of the qualified professionals.</p> <p style="text-align: center;"><i>(b) the disposal and management of sewage,</i></p> <p>The proposed cellar door will be installing a double and disabled prefabricated toilet structures that will be connected to the proposed Taylex Concrete ABS 5000 (refer Appendix's F to H).</p> <p style="text-align: center;"><i>(c) stormwater drainage or on-site conservation,</i></p> <p>The proposed development will have minimal effect on the existing natural overland flow path for stormwater runoff.</p> <p>All appropriate stormwater drainage techniques are existing and intend to remain in place.</p> <p style="text-align: center;"><i>(d) suitable vehicular access,</i></p> <p>The subject site has an existing access off Nanima Road that is in good condition and requires no further upgrade works to satisfy Councils requirements/ specifications (refer Figure 2.5).</p> <p style="text-align: center;"><i>(f) connection to a communications network with voice or data capability (or both).</i></p> <p>The subject lot has an existing NBN satellite connection to the existing house. It is expected this infrastructure will be utilised for the proposed shed/ Cellar Door venture.</p>



	 <p>Figure 2.5: Existing Access off Nanima Road (Source: Google Earth Street View, May 2024)</p>
<p><i>Clause 6.9 Development within a designated buffer area</i></p>	<p>Not applicable. The subject is not identified on the Water, Waste and Sewage Buffer Map within the YVLEP2013.</p>
<p><i>Clause 6.10 Development on land intended to be acquired for Barton Highway Duplication</i></p>	<p>Not applicable. The subject site is not identified on the Barton Highway Duplication Map within the YVLEP2013.</p>



2.3 DEVELOPMENT CONTROL PLAN

The following section discusses the relevant planning control under the draft YVDCP2024.

Draft Yass Valley Development Control Plan 2024

The draft DCP provides the non-statutory planning, design and environmental objectives and controls to ensure orderly, efficient and sensitive development within the LGA is achieved. The relevant sections of the DCP considered to apply to the proposed development include:

- Part B - Principles for all Development
- Part E – Rural, Large Lot and Environmental Zone Development
- Part F – Industrial and Commercial Development
- Part H – Development in Hazard Affected Areas
- Part I – Carparking and Access
- Part K – Natural Resources

TABLE 4 – COMPLIANCE WITH THE DRAFT YVDCP2024

PART B – PRINCIPLES FOR ALL DEVELOPMENT	
CONTROLS	COMPLIANCE
<i>B1 Site Suitability</i>	<p>Complies. The proposed development represents a coordinated approach to agritourism development, through the efficient use of the subject land which supports high levels of amenity and accessibility.</p> <p>The site is considered to be well positioned to cater for a mixed demographic of groups likely to be attracted to regional rural living.</p> <p>The proposed building envelopes have been positioned to be clear of any constraints primarily bushfire, drainage and effluent disposal.</p> <p>The suitability of the site for the proposed development is considered to be found consistent with Councils standards for infill development of primary production zoned land, specifically being respectful to the topography and neighbourhood to which the proposed development relates.</p>



B2 Site Analysis Plan	<p>Complies. The Detail Survey Plan and Cellar Door Location Plan (refer Appendix E) demonstrates the location of the proposed Cellar Door takes into consideration any of the constraints listed in B1 above.</p> <p>The scale of the development has been derived from planning controls and desires a high degree of amenity for future residents.</p>
B3 Crime Prevention and Safety	<p>Complies. The proposed Cellar Door venture will be open in daylight/ early evening hours only. The location of the proposed toilet facilities are within close proximity to the main structure and are integrated with footpaths that join to the Cellar Door structure.</p>
B4 Neighbourhood Character	<p>Complies. The proposed Cellar Door development contributes positively to the neighbourhood character to which the subject land relates whilst maintaining and enhancing the character and amenity of the subject and surrounding land.</p> <p>The subtle colours, location and scale of development compliment the proposed agritourism development, as well as contributing to the positive exposure to the local Wine tourist experience.</p>

PART E – RURAL, LARGE LOT AND ENVIRONMENTAL ZONE DEVELOPMENT

CONTROLS	COMPLIANCE
E1 Siting of Buildings	<p>Complies. Whilst this DA is not for the construction of a dwelling house, the proposed Shed/ Cellar Door has been positioned accordingly to take into consideration all constraints.</p>
E2 Access	<p>Complies. The subject lot and proposed development has an existing access of Nanima Road that is in good repair. It will be at Councils discretion as to whether any upgrades will be required.</p>
E1 Dwellings	<p>Not applicable. This DA is for the construction of a shed and associated amenities and infrastructure for Cellar Door use only.</p>
E2 Farm Buildings and Outbuildings	<p>Complies. The proposed shed/ Cellar Door will be used for Agritourism purposes only.</p>
E3 Rural Based Activities E3.2 Cellar doors	<p>Complies. The proposed Cellar Door facility will be located on a lawfully established commercial vineyard. Specifically, a response to the recommended non-statutory controls are:</p>



- a. The subject land is located on bushfire prone land (**BFPL**). However, all rural land within the Yass LGA is mapped bushfire prone. This is a control that no proposed cellar door would be able to comply with. It is noted a Bushfire Management Plan has been prepared by DPS YASS P/L dated May 2024 pursuant to the guidelines listed in PBP2019 (refer **Appendix D**).
- b. The proposed Cellar Door is positioned in an ideal location, that takes advantage of the picturesque views and utilises the location of the existing vines, whilst demonstrating good separation to adjoining land uses.
- c. The proposed Cellar Door premises is located in an ideal position. Whilst not co-located with existing buildings, it will have the supporting ancillary infrastructure located in close proximity.
- d. The existing access is in good condition, can be classified as all weather and is off a primary road, being Nanima Road.
- e. The proposal demonstrates compliance with fire safety, building design, access to premises, food safety and public health legislation reflecting the size of the proposed development.
- f. Rainwater tanks will service the proposed development and amenities structures as indicated on the detail survey and Cellar Door location plan in **Appendix E** of this Statement.
- g. There is existing signage internal of the site directing members of the public to the correct locations, this signage will be updated to include the Cellar Door and ancillary infrastructure upon completion of construction.
- h. The proposed Cellar Door venture includes the installation of a double and disabled pre-fabricated structures that will be connected to the new Taylex Concrete ABS 5000.
- i. Any external lighting on the Shed/ Cellar Door will not spill onto an adjoining roadway or properties nor will it impact residential amenity or road users.
- j. Carparking will 'be provided in accordance with Part H of the DCP and is demonstrated on the detail survey and Cellar Door location plan in **Appendix E** of this statement.
- k. There will be minimal waste from the proposed Cellar Door use, any wine bottles used will be cleaned and re-used, any waste on top of that will be stored on site and disposed of at the relevant and nearby waste transfer station.
- l. The proposed Shed/ Cellar Door will be setback from the property boundaries, building and features as per the prescribed setbacks listed in Table 18.



E3.5 Agritourism

The proposed development for a Shed for Cellar Door purposes is classified as development for agritourism land uses including a farm gate premises.

The proposal will be ancillary to the agriculture currently being undertaken on the subject lot (farm). Specifically, a response to the recommended non-statutory controls are:

- a. The subject land is located on bushfire prone land (**BFPL**). However, all rural land within the Yass LGA is mapped bushfire prone. This is a control that no proposed cellar door would be able to comply with. It is noted a Bushfire Management Plan has been prepared by DPS YASS P/L dated May 2024 pursuant to the guidelines listed in PBP2019 (refer **Appendix D**).
- b. The gross floor area of the proposed Shed/ Cellar Door will be 140.7m², therefore complying with the prescriptive controls.
- c. The proposed Shed/ Cellar Door is the only building being used as a Farm Gate Experience on the subject land, therefore complying with the prescriptive controls listed.
- d. A Preliminary Land Capability Report prepared by Land Capability Services dated November 2021 concludes the proposed development is located on sufficient land area to accommodate a farm gate premises (refer **Appendix C**).
- e. A portion of the subject land is mapped as Groundwater Vulnerability (refer **Figure 2.4**), however the Preliminary Land Capability report prepared by Land Capability Services dated November 2021 concludes the installation of an on-site management system will not impact on the groundwater system and dependent ecosystems.
- f. Rainwater tanks will service the proposed development and amenities structures as indicated on the detail survey and Cellar Door location plan in **Appendix E** of this Statement.
- g. Carparking will 'be provided in accordance with Part H of the DCP and is demonstrated on the detail survey and Cellar Door location plan in **Appendix E** of this statement.
- h. The hours of operation for the Farm Gate Experience are as per the hours noted in the Vineyard 1207 Business Plan (refer **Appendix I**) and listed below:
'The initial plan is to open for weekends and selected public holidays. Depending on perceived demand, operating days may be extended to a Thursday and Friday as well.
Operating hours will be from 10:30am to 5:00pm AEST. During summer with daylight saving, extending the closing time to 6:00pm may be an option'.



	<p>It is noted the proposed hours of operation are in line with the controls listed in the draft DCP, with the exception of extending the closing hour to 6:00pm in daylight savings time. It is requested Council review this request as a variation to Councils controls and allow the variation specifically during daylight savings time only.</p> <p>Considering the isolated location of the proposed Cellar Door, the extension of hours during this period only will not have an effect on any neighbouring properties.</p> <ul style="list-style-type: none"> i. Not applicable. The proposed development is classified as a Farm Gate Experience. j. The expected number of visitors per day the Cellar Door is open does not exceed the number listed in Councils control. The Vineyard 1207 Business Plan states: <i>'We are expecting an average of 20-25 groups per day with an average size of 3....We would expect to grow both the number of visitors and the average size of their transactions year by year.'</i> k. Not applicable. The proposed development is classified as a Farm Gate Premises. l. Not applicable. The proposed development is classified as a Farm Gate Premises. m. Adequate toilet and disabled toilet facilities will be provided for (refer Appendix's F & G). n. Amplified noise for the Farm Gate Premises will not exceed a maximum of 35dB(A) at the property boundary of the closest residential dwelling.
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PART H – DEVELOPMENT IN HAZARD AFFECTED AREAS

CONTROLS	COMPLIANCE
H1 Flooding	Not applicable. The subject site is not affected/ mapped as Flood Affected Land.
H2 Bushfire Prone	<p>Complies. The Bushfire Management Plan prepared by DPS YASS P/L dated May 2024 (refer Appendix D) confirms the proposed development meets the requirements of PBP 2019.</p> <p>This is detailed throughout this Statement and more specifically within Table 7 – Integrated Development. And Appendix D of this Statement.</p>



H3 Contaminated Land	<p>Complies. The subject land is not situated on land classified as 'Contaminated Land'.</p> <p>Contaminated Land' means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.</p> <p>Taking into consideration the historic use of the site Council can be satisfied that the land is not contaminated and is not land specified in subsection (4) of clause 4.6 of the SEPP (such that there is no requirement for a preliminary site investigation report).</p>
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PART I – CARPARKING AND ACCESS

CONTROLS	COMPLIANCE
11 Carpark Design	Complies. The proposed development provides for the required number of carparking and disabled carparking spaces including a proposed overflow carpark as indicated on the detail survey and Cellar Door location plan in Appendix E of this Statement.
12 Loading Docks	Not applicable. This DA is for the construction of a Shed for Cellar Door purposes, there is no loading dock to be constructed.
13 Carpark Construction	Complies. The proposed carpark construction material will consist of a finished level of 100mm of gravel. Also proposed is an 'overflow' parking if required.
14 Carparking Credits and Contributions	Not applicable. The development of this land is within a rural zone.
15 Carparking Ratios	Complies. The proposed car parking meets the minimum Car Parking Requirement for the Land Type Use to which this proposed development relates, Agritourism.
16 Residential Carparking	Not applicable. The proposed development is for the construction of a shed for Cellar Door purposes only, no residential use is included in this proposal.



<i>I7 Property Access Crossings</i>	Complies. The subject site has an existing access off Nanima Road that is in good condition and requires no further upgrade works to satisfy Councils requirements/ specifications (refer Figure 2.5).
PART K – NATURAL RESOURCES	
<i>K1 Vulnerable Land</i>	Not applicable. The subject lot is not mapped with existing salinity or erodible soils problems.
<i>K2 Terrestrial Biodiversity</i>	Complies. Refer to response to <i>Clause 6.3 Terrestrial Biodiversity</i> of the YVLEP2013 in Table 3 of this Statement.
<i>K3 Groundwater Vulnerability</i>	Complies. Refer to response to <i>Clause 6.4 Groundwater Vulnerability</i> of the YVLEP2013 in Table 3 of this Statement.



2.4 INTEGRATED DEVELOPMENT

Sections 4.46 and 4.47 of the EP&A Act requires a review of whether the proposed development on the subject site would trigger an approval under other environmental or related legislation. Such development is categorised as 'Integrated Development'.

The following provides brief commentary on whether any aspect of the development triggers a need for the consent authority to obtain General Terms of Approval from the relevant approval bodies.

TABLE 5 – INTEGRATED DEVELOPMENT

ACT	COMMENT
<i>Coal Mine Subsidence Compensation Act 2017</i>	The site is not located within a mine subsidence district.
<i>Fisheries Management Act 1994</i>	The site does not contain any permanent water bodies, nor is it located within Key Fish Habitat. It is considered the proposed development will not harm marine vegetation, nor will it require dredging of the bed and land reclamation of a Key Fish Habitat Creek.
<i>Heritage Act 1977</i>	No works are proposed that are referred to pursuant to section 57 of <i>Heritage Act 1977</i> .
<i>Mining Act 1992</i>	No mining lease is being sought as part of this DA, noting this DA is for the construction of a shed for Cellar Door purposes only.
<i>National Parks and Wildlife Act 1974</i>	The subject site has not been identified as containing any archaeological sites and is primarily of 'low' archaeological potential.
<i>Petroleum (Onshore Act) 1991</i>	No production lease is being sought as a part of this DA, noting this DA is for the construction of a shed for Cellar Door purposes only.
<i>Protection of the Environment Operations Act 1997</i>	The implementation of appropriate environmental protection works will ensure that no licence will be required.



<p><i>Roads Act 1993</i></p>	<p>No works are required on or to connect the Site to a classified road. There are no works proposed within Nanima Road where Council is the managing authority for this road.</p> <p>Section 4.46(3) of the EP&A Act operates to the effect that proposed development seeks consent and subsequent approval to the <i>Roads Act 1993</i> from Council.</p> <p>Under this legislation, the proposed development, therefore, does not trigger the application as requiring integrated approval.</p>
<p><i>Rural Fires Act 1997</i></p>	<p>The subject land is identified as being bushfire prone land (BFPL) pursuant to the mapping within the YVLEP2013.</p> <p>The proposed development includes the construction of a Shed for Cellar Door purposes that has established the necessary bushfire protection measures including access to services and relevant access considerations.</p> <p>The proposed development is classified as 'Other non-residential Development' pursuant to the PBP 2019. Specifically, the proposed development is classed under 8.3.8 <i>Outdoor events in bush fire prone areas</i> in PBP 2019.</p> <p>PBP 2019 states '<i>Outdoor events often cater for large numbers of people in isolated locations, can continue over a number of days and may include site accommodation. They include music festivals, cultural festivals, sporting events, and regional shows. Events that involve overnight camping, multiple days or attract large numbers of people in high risk or isolated bushfire prone areas during the bush fire danger period require careful consideration. Such events create a number of logistical and operational issues if evacuation is required due to a bush fire.</i></p> <p><i>Crowd control and operational access at the venue during bush fire events can prove to be challenging especially if they are held in remote locations.</i></p> <p><i>Other considerations for outdoor events on BFPL are outlined below:</i></p> <ul style="list-style-type: none"> ❖ <i>Holding events outside the gazetted bush fire danger period for the area;</i> ❖ <i>Areas of accommodation should be strategically located to ensure maximum time to warn and evacuate people who may be sleeping and slow to respond. This also ensures that highly flammable and combustible materials, such as tent fabric, vehicle fuel and gas cookers are in areas that will not facilitate the spread of fire;</i>



- ❖ *A Bush Fire Management and Evacuation Plan must be prepared that is acceptable to relevant stakeholders, including crowd management and security. It should be consistent with the NSW RFS document. A guide to developing a bush fire emergency management and evacuation plan;*
- ❖ *Access and egress routes for emergency services and patrons in the event that evacuation is required.*
- ❖ *A refuge building of suitable capacity to contain all participants and staff that complies with the NSW RFS Neighbourhood Safer Place Guidelines (see www.rfs.nsw.gov.au);*
- ❖ *An open area bush fire emergency assemble area capable of accommodating all participants and staff that complies with the NSW RFS Neighbourhood Safer Place Guidelines (see www.rfs.nsw.gov.au);*
- ❖ *A suitable method of staging evacuation, ensuring that evacuation flow is directed through different stages/ areas of the site, moving from areas of higher risk to lower risk;*
- ❖ *Expected evacuation timeframes;*
- ❖ *On severe or higher fire danger rating days the event will not proceed;*
- ❖ *Advance warning to patrons identifying that the event is located on BFPL and giving advice on any fire restrictions;*
- ❖ *Ability to cease and override P.A and audio systems throughout the site to announce emergency warnings, alerts or safety information, which can be clearly heard from all areas of the site;*
- ❖ *A prescribed ratio of trained fire wardens to participants.*

A suitable package of other protection measures should be proposed based on individual event characteristics which considers the following:

- ❖ *Bulk water supplies on site that are specifically allocated to firefighting purposes;*
- ❖ *Unobstructed APZs of suitable width surrounding the site along the boundaries adjacent to the bush fire threat. Slashing of grassed areas needs to occur in the lead-up to the event and maintained throughout its duration;*
- ❖ *Emergency management planning during the event organisation stage to be undertaken in consultation with the NSW RFS and all other relevant stakeholders; and*
- ❖ *Fires for cooking and heating in approved fire places only and addressed by a Fire Management Plan.*



	<p>Taking the above points into consideration, a Bushfire Management Plan has been prepared by DPS YASS P/L dated May 2024 (refer Appendix D).</p> <p>Based on this plan and the recommendations contained in the plan, the proposed development is deemed to comply with the specific and broad objectives of PBP (2019), the requirements of the Rural Fire regulations (2013) and, therefore, considers the proposed development meets the relevant bush fire management controls.</p>
<p><i>Water Management Act 2000</i></p>	<p>There are no watercourses that traverse the site or nearby. As such the proposed development does not warrant approval pursuant to section 91(2) of the <i>Water Management Act 2000</i> for a Controlled Activity Approval</p>



Bushfire Prone Land

Section 4.14 of the EP&A Act provides for the general consideration of bushfire hazard on land mapped as bushfire prone as shown in **Figure 2.6**. The proposed development includes the construction of a Shed for Cellar Door purposes that has established the necessary bushfire protection measures including access to services and relevant access considerations.

The proposed development is classified as 'Other non-residential Development' pursuant to the PBP 2019. Specifically, the proposed development is classed under 8.3.8 *Outdoor events in bush fire prone areas* in PBP 2019.

To support the proposed development, a Bushfire Management Plan has been prepared by DPS YASS P/L dated May 2024 (refer **Appendix D**) and concludes the recommendations within demonstrate an acceptable performance-based solution that is consistent with the NSW RFS PBP 2019.

Based on the bushfire assessment and the recommendations contained in this report, the proposed development is deemed to comply with the specific and broad objectives of PBP (2019), the requirements of the Rural Fire regulations (2013) and, therefore, suitable for submission to the NSW RFS for the issuing of a bush fire safety authority.

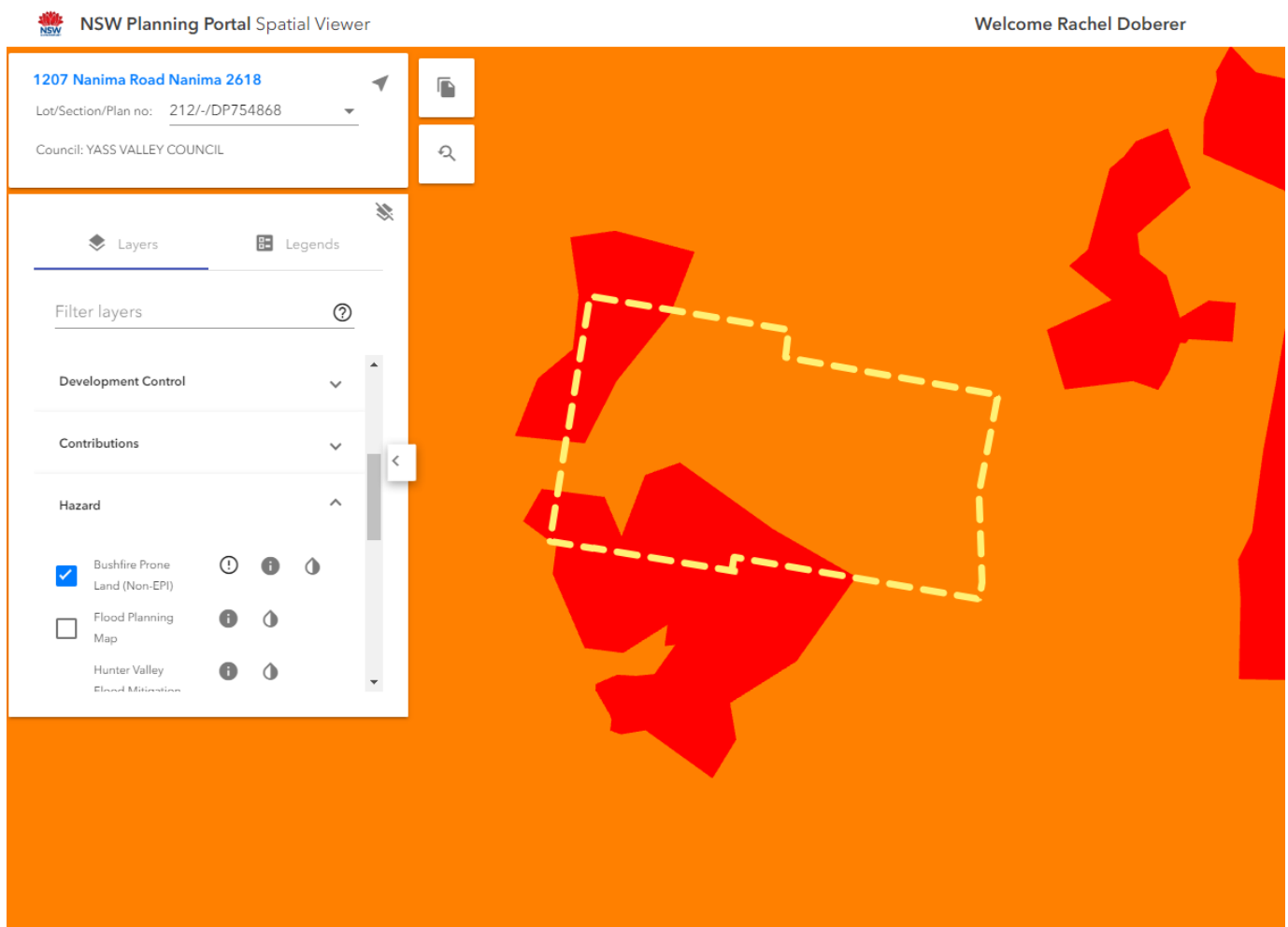


Figure 2.6: Bushfire Prone Land Mapping (Source: NSW Government Planning Portal Spatial Viewer, May 2024)

2.5 STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policies (SEPPs) are environmental planning instruments that deal with matters of State or Regional environmental planning significance.

The following provides a brief commentary on whether the key SEPPs are relevant to this proposal.

TABLE 6 – SEPPS

SEPP	COMMENT
<i>SEPP (Biodiversity and Conservation) 2021</i>	<p>This SEPP contains planning rules and controls for preserving, conserving, and managing NSW’s natural environment and heritage.</p> <p>The provisions within this SEPP do not apply to the subject land. It is noted there will be no effect on the existing biodiversity of the site to complete the proposed development.</p>
<i>SEPP (Transport and Infrastructure) 2021</i>	<p>This SEPP contains planning provisions to provide well-designed and located transport and infrastructure integrated with land use/</p> <p>The proposed development for the construction of a shed for Cellar Door purposes, does not relate to any of the items listed above and as such this SEPP is not applicable to this development application.</p>
<i>SEPP (Primary Production)2021</i>	<p>This SEPP contains planning provisions to protect and support agricultural lands and opportunities for Primary Production.</p> <p>The proposed development for the construction of a shed for Cellar Door purposes does not relate to any of the items listed above and as such this SEPP is not applicable to this development application.</p>
<i>SEPP (Resilience and Hazards) 2021</i>	<p>This SEPP contains provisions to manage risks and build resilience in the face of hazards.</p> <p>It is noted the proposed development is not located on ‘Contaminated Land’.</p> <p>‘Contaminated Land’ means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any</p>



	<p>other aspect of the environment.</p> <p>Taking into consideration the historic use of the site Council can be satisfied that the land is not contaminated and is not land specified in subsection (4) of clause 4.6 of the SEPP (such that there is no requirement for a preliminary site investigation report).</p>
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	<p>The proposed development is for the construction of a shed for Cellar Door purposes which does not require a BASIX Certificate.</p> <p>As such this SEPP is not applicable to the assessment of this application.</p>
<i>SEPP (Exempt and Complying Codes) 2008</i>	<p>The proposed shed for Cellar Door purposes does not qualify to be assessed against this code.</p> <p>As such this SEPP is not applicable to the assessment of this application.</p>
<i>SEPP (Planning Systems) 2021</i>	<p>This SEPP contains planning rules that allow for a strategic and inclusive planning system for the community and the environment for State Significant Development.</p> <p>The proposed development is not classified as State Significant Development and therefore this SEPP is not applicable to this development application.</p>
<i>SEPP (Resources and Energy) 2021</i>	<p>This SEPP contains planning rules that promote the sustainable use of NSW's resources and transitioning to renewable energy. Specifically for the assessment and development of mining, petroleum production and extractive material resource proposals.</p> <p>The proposed development does not relate to the developments listed above and as such this SEPP is not applicable to this development application.</p>
<i>SEPP (Housing) 2021</i>	<p>This SEPP contains planning rules that allow for the delivery and sufficient supply of safe, diverse and affordable housing.</p> <p>The proposed development does not relate to the delivery of boarding houses or affordable housing. As such this SEPP is not applicable to this development application.</p>



<p><i>SEPP (Industry and Employment) 2021</i></p>	<p>This SEPP contains planning rules that applies to employment land in western Sydney and for advertising and signage in NSW.</p> <p>The proposed development does not relate to any of the items listed above and as such this SEPP is not applicable to this development application.</p>
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2.6 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the subject application as per Clause 4.15 of the EP&A Act

The following table summarises the key findings in the context of Section 4.15 of the Act under which the application must be assessed.

TABLE 7 – SECTION 4.15 OF THE EP&A ACT

OBJECT	COMMENT
<p>(a) <i>the provisions of—</i></p> <ul style="list-style-type: none"> (i) <i>any environmental planning instrument, and</i> (ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i> (iii) <i>any development control plan, and</i> (iiia) <i>any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i> (iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> (v) <i>(Repealed)</i> <p><i>that apply to the land to which the development application relates,</i></p>	<p>The proposed development has been prepared taking into consideration any potential socioeconomic and environmental concerns.</p> <p>It has been determined the proposed development will not raise any matters of significance to inhibit the approval of the development application.</p> <p>The proposal has been assessed against the relevant provision of the Environmental Planning and Assessment Act 1979, the relevant Local Environmental Plan specifically the YVLEP2013 and the Draft Yass Valley Development Control Plan 2024 (YVDCP2024).</p> <p>The proposal is permissible with Councils consent within the zone and meets the relevant objectives of the RU1 Primary Production zone confirming the proposed development meets the relevant objectives.</p> <p>Careful consideration has been given to the design of the proposed development to ensure that a high-quality outcome is achieved whilst also attaining an environmentally sustainable development that is compatible with and sympathetic to surrounding and neighbouring properties.</p>
<p>(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i></p>	<p>The proposed development has been prepared to facilitate an ecologically sustainable development that represents rational, orderly, economic and sustainable use of the land.</p> <p>The proposed Cellar Door premises (agritourism) , has been designed to take into consideration the subject site and surrounds. The proposed development has been prepared by integrating the relevant economic, environmental and social</p>



	<p>considerations to result in an achievable planning outcome.</p> <p>It has been determined that any minor impacts of the development will have little to no effect on the surrounding environment. The proposed development of the subject lot is expected to lay the foundation for more efficient utilization of the land, and it is expected to contribute in varying degrees to the local economy.</p>
<p>(c) <i>the suitability of the site for the development,</i></p>	<p>The proposed Shed/ Cellar Door premises is consistent with and compatible with the surrounding land uses of Nanima/ Murrumbateman. The proposal fits in with the existing and new land uses and will be maintained with this development.</p> <p>The proposed development has been designed to have regard for the existing land uses and will not adversely affect the amenity of the surrounding area, environment, or adjoining neighbours, maintaining the opportunity for sustainable residential development. Therefore, the site is considered suitable for the proposed development.</p>
<p>(d) <i>any submissions made in accordance with this Act or the regulations,</i></p>	<p>Council is required to take into consideration any submission made in accordance with Council's notification policy and the notification provisions of the EP&A Act.</p>
<p>(e) <i>the public interest.</i></p>	<p>This development application seeks approval for the construction of a Shed and Ancillary Structures for the use as a Cellar Door premises The proposal is considered in the public interest for the following reasons:</p> <ul style="list-style-type: none"> • The site is located within the RU1 Primary Production zone of Nanima. The vision for the expansion of Yass LGA is to create a high quality and ecologically sustainable environment integrated with good accessibility and open space. This DA meets the intent of this by providing a high-quality development which will support the other uses of the area. • The site is zoned for development purposes, and the proposed development provides for a use (Cellar Door) that is consistent with the objectives and controls contained in the YVLEP2013. • The proposal actively promotes visitors to the Murrumbateman Cool Climate region to showcase the region's premium wines with a focus on quality, hospitality and sustainability. • It is expected the construction works associated with the proposed development will contribute in varying degrees to the local economy and Yass Valley more generally.



3. CONCLUSION

This application seeks approval for the construction of a Shed for Cellar Door purposes. It is concluded, the approval of the Development Application on Lots 212 & 229 DP754868 is an appropriate, orderly and compatible form of development when assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The environmental assessment of the proposed development has demonstrated that it will have minimal adverse environmental impacts. The proposal is permissible with Council's consent within the zone and meets the relevant objectives of the RU1 Primary Production zone.

Careful consideration has been given to the design of the proposed development to ensure that a high-quality outcome is achieved whilst also achieving an environmentally sustainable development that is compatible with and sympathetic to surrounding properties.

The proposal has been prepared with respect to create an appealing agritourism development within the Murrumbateman Cool Climate Wine Region. The application is supported by the appropriate documents that satisfy Council's requirements and demonstrate that the site is suitable for the proposed development.

It has been considered that the proposal will not have a detrimental effect to the environment, and the proposal represents rational, orderly, economic and sustainable use of the land. It complies with all relevant legislation, will result in a good planning outcome, and it is recommended that conditional development consent for the proposed development on Lots 212 & 229 DP754868 1207 Nanima Road, NANIMA be granted by Council.

