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# STATEMENT OF ENVIRONMENTAL EFFECTS



**50 JIPARU DRIVE, MURRUMBATEMAN**

**Erection of a Dwelling House, Shed and Swimming  
Pool**

**27 January, 2025**

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# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared for Sunny Homes and forms part of a development application to Yass Valley Council for the erection of a dwelling house, swimming pool and shed at 50 Jiparu Drive, Murrumbateman.

The objective of this proposal is to create a highly desirable and modern dwelling with an optimal layout for future occupants.

The proposal is in accordance with the relevant zone objectives contained in the Yass Valley Local Environmental Plan 2013 (YVLEP 2013) and generally satisfies the relevant objectives and controls of the Yass Valley Development Control Plan 2024 (YVDCP 2024) where necessary.

This document is divided into 6 sections. Section 2 contains a site analysis, Section 3 contains details of the proposal, Sections 4 and 5 contain the detailed assessment of the application in accordance with Section 4.15(1) of the Environmental Planning & Assessment (EP&A) Act 1979, and Section 6 concludes the report. The following details accompany this SEE:

- Architectural Plans;
- OSSM Report; and
- BASIX Certificate.

# 2 Site Analysis

This section contains a description of the following: The Locality; Site Description; Existing Character and Context; and Surrounding Road Network.

## 2.1 The Locality

The subject site is located within the locality of Murrumbateman and is located within the Local Government Area (LGA) of Yass Valley.



**FIGURE 1: LOCATION PLAN (SIX MAPS)**

## 2.2 Site Description

The subject site is a standard lot located on the north side of Jiparu Drive within the rural lifestyle estate of Murrumbateman and is known as 50 Jiparu Drive, Murrumbateman or Lot 104 DP 270586.

The site is regular in shape, encapsulates a gentle topography and contains a total area of 1.9ha, which is typical for properties in the area.

Existing improvements on the site consist of fencing and an access.

## **2.3 Existing Character and Context**

The surrounding area is predominantly rural/residential, characterised by a mixture of single dwellings positioned on larger lifestyle lots together with larger rural properties and vineyards.

The outcome of the development is considered to be in keeping with the character of the rural/residential area in that it will have no unreasonable impacts upon the function, environmental criteria, agricultural uses or the residential amenity of the locality.

## **2.4 Surrounding Road Network**

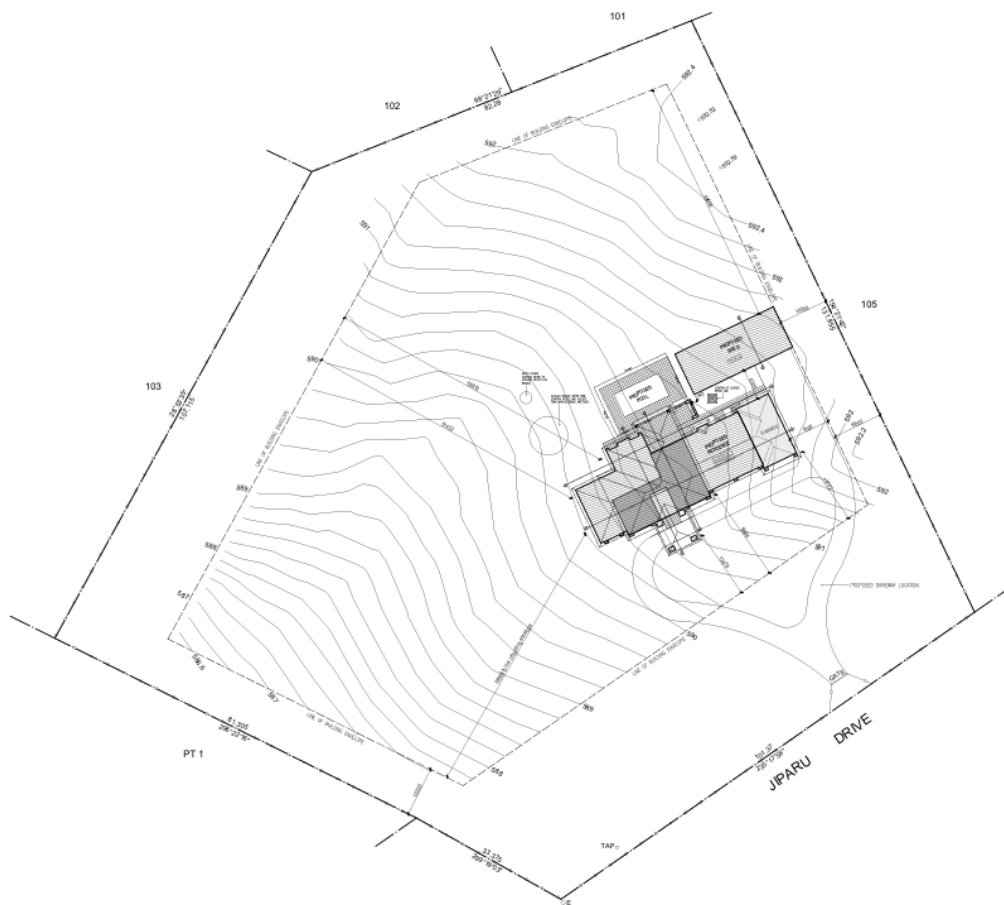
The site has frontage to Jiparu Drive with vehicular access gained via an existing driveway crossing on Jiparu Drive. Jiparu Drive is a two lane sealed road that provides a connection through the Murrumbateman Estate and to the Barton Highway to the east.

Jiparu Drive is not identified as a Classified Roads in accordance with the Roads Act 1993 with Council the designated roads authority. However, the existing access is considered sufficient in providing access to the site and no further upgrades or works within the road reserve are considered necessary.

# 3 Details of the Proposal

It is proposed to undertake the following works upon the site:

- Erection of a two storey dwelling containing 5 bedrooms, open plan living/kitchen/dining, additional living/recreational areas and a 4 car garage.
- Erection of a rear alfresco area.
- Installation of a new swimming pool.
- Erection of a detached shed.
- Earthworks to facilitate the proposal.



**FIGURE 2: LAYOUT (R INVENTIVE BUILDING DESIGN)**

The proposal will result in an optimal dwelling layout throughout the site with high quality amenities, whilst presenting to the streetscape and locality in a sensitive manner and commensurate with the qualities of the Murrumbateman area.



# 4 Planning Controls

Pursuant to section 4.15(1)(a) of the EP&A Act, this section will assess the compliance with the planning controls applicable to the site and relevant to the proposal pursuant to the relevant heads for consideration. The relevant controls include:

- Biodiversity Conservation Act 2016
- Yass Valley Local Environmental Plan 2013 (YVLEP 2013);
- State Environmental Planning Policy (Resilience & Hazards) 2021;
- State Environmental Planning Policy (Biodiversity & Conservation) 2021;
- Yass Valley Development Control Plan 2024 (YVDCP 2024).

## 4.1 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 prescribes the requirements for addressing impacts on biodiversity from development, particularly where clearing is also proposed. The Biodiversity Offsets Scheme applies to development that triggers the Biodiversity Offsets Scheme threshold, or, is likely to significantly affect threatened species based on the test of significance in section 7.3 of the Biodiversity Conservation Act 2016.

The Biodiversity Assessment Method (BAM) is the assessment protocol that details how an accredited person assesses impacts on biodiversity in connection to a development proposal. The assessor documents the results of the biodiversity assessment in a Biodiversity Development Assessment Report (BDAR). A proponent must provide the BDAR to the Council as part of their development application.

The Biodiversity Offsets Scheme Threshold is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (the BAM) to assess the impacts of a proposal. The threshold is triggered either when:

1. The amount of native vegetation being cleared exceeds a threshold area.

or,

2. When the impacts on vegetation occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment.

If clearing exceeds either of the above triggers, the Biodiversity Offset Scheme applies to the proposed development.

No part of the site is mapped on the Biodiversity Values map and the proposal does not involve the clearing of vegetation or impact upon any threatened species. Subsequently, no further consideration of this legislation is necessary.

## 4.2 Yass Valley Local Environmental Plan 2013 (YVLEP 2013)

The subject site is zoned R5 – Large Lot Residential under Council's YVLEP 2013 (see Figure 3). *Dwelling houses* are permissible with consent in the zone and the proposal is considered to satisfy the objectives of the zone.

It should be noted that the swimming pool and shed are considered ancillary structures to the proposed dwelling.

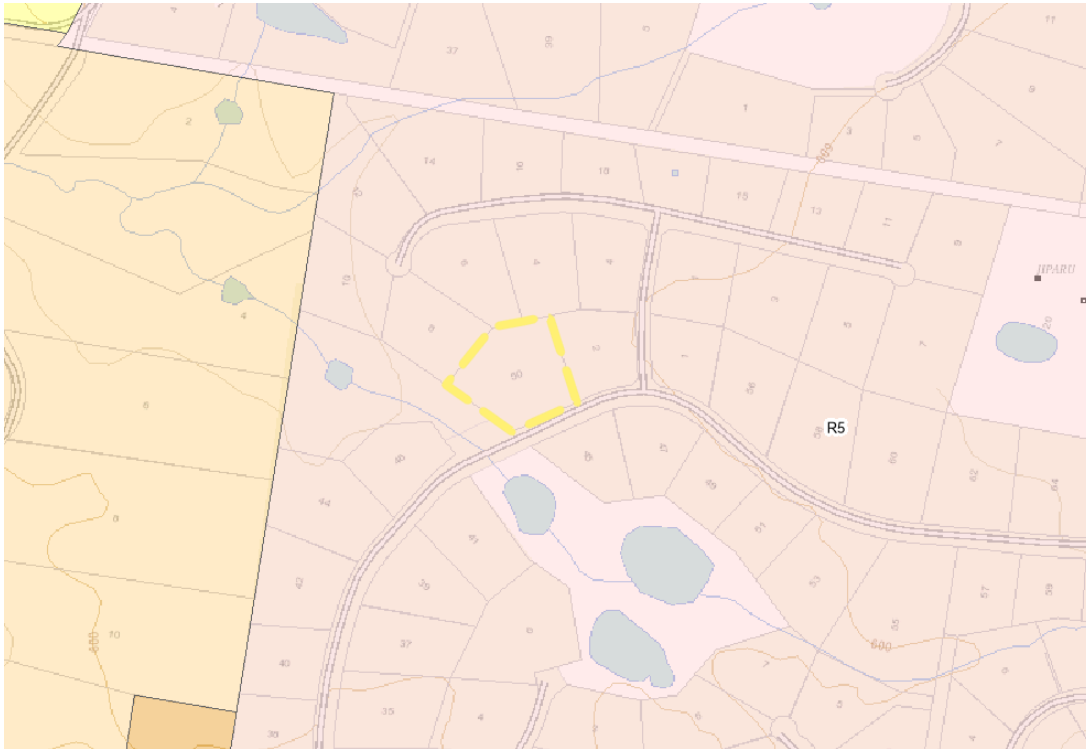


FIGURE 3: EXTRACT FROM ZONING PLAN  
(SOURCE: YASS VALLEY LEP 2013)

### 4.1.1 Zone Objectives

The relevant objectives for Zone R5 are stated:

1. *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

**Comment:** The proposed dwelling will sit comfortably within the rural/residential locality and will present to the street and surrounding area in a similar manner to other similar surrounding dwellings.



2. *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

**Comment:** The lot has already been created for the purposes of a dwelling and will not hinder the orderly development of other urban areas throughout the Yass Valley local government area.

3. *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

**Comment:** The proposal is for one new dwelling house on a site that has already been created for the purposes of a dwelling. Subsequently, no further unreasonable demand on public services and facilities will arise as a result of the proposed development.

4. *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

**Comment:** The site does not directly adjoin land in another zone. However, the proposed dwelling is not expected to create conflict with any existing or expected uses within the greater Murrumbateman area.

5. *To ensure that development is provided with an adequate water supply and the disposal of sewage.*

**Comment:** An OSSM report prepared by Soil and Water has been included with the development application under separate cover. The OSSM report concludes that an appropriate area suitable for the disposal of effluent is available. Additionally, a 90,000L rainwater tank is also proposed to ensure an adequate supply of potable water is available to the site.

In our opinion the proposal is consistent with the relevant objectives of the R5 Large Lot Residential zone as detailed above. The proposal is intended to create one additional dwelling and an optimal dwelling layout that is commensurate with the size of the property whilst continuing to provide a sympathetic rhythm to the streetscape within the immediate vicinity.

A summary of our assessment of the proposed development against the relevant LEP provisions is in the following table (see Table 1):

#### 4.1.2 Other LEP Provisions

TABLE 1: PROJECT COMPLIANCE – Yass Valley LEP 2013	
Site Area : 1.9ha	
LEP Provisions	Complies / Comments

<b>4.6 Exceptions to development standards</b>	
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<p>Noted.</p> <p>No development standards are proposed to be varied as a result of the proposed development.</p>
<p>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<p>N/A.</p> <p>As above.</p>
<p>(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—</p> <p>(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and</p> <p>(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.</p>	<p>N/A</p>
<p>(4) The consent authority must keep a record of its assessment carried out under subclause (3).</p>	<p>N/A</p>
<p>(5) (Repealed)</p>	<p>N/A</p>
<p>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—</p> <p>(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</p> <p>(b) the subdivision will result in at least one lot that is less than 90% of the minimum area</p>	<p>N/A</p>

specified for such a lot by a development standard.	
(7) (Repealed)	N/A
<p>(8) This clause does not allow development consent to be granted for development that would contravene any of the following—</p> <p>(a) a development standard for complying development,</p> <p>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,</p> <p>(c) clause 5.4,</p> <p>(caa) clause 5.5.</p>	N/A
<b>Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones</b>	
(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).	No land use conflict is expected to arise between the proposed dwelling and any surrounding properties or land uses given the appropriate setbacks put in place and lack of any unique farming activities in the surrounding area that would require additional consideration.
<p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU3 Forestry,</p> <p>(d) Zone RU4 Primary Production Small Lots,</p> <p>(e) Zone RU6 Transition,</p> <p>(f) Zone R5 Large Lot Residential,</p> <p>(g) Zone C2 Environmental Conservation,</p> <p>(h) Zone C3 Environmental Management,</p> <p>(i) Zone C4 Environmental Living.</p>	Yes. Zone R5.
(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—	Refer to subclause (4) comments below.

<p>(a) subdivision of land proposed to be used for the purposes of a dwelling,</p> <p>(b) erection of a dwelling.</p>	
<p>(4) The following matters are to be taken into account—</p> <p>(a) the existing uses and approved uses of land in the vicinity of the development,</p> <p>(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</p> <p>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</p>	<p>The immediate surrounding area consists of other rural/residential parcels used predominantly for residential uses. No impact is existing or anticipated as the proposal provides excessive setbacks.</p> <p>Proposal is for a single dwelling. Accordingly, no impact is expected beyond the existing context.</p> <p>N/A. No impacts identified.</p> <p>N/A. No impacts identified.</p>
<b>5.21 Flood planning</b>	
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</p> <p>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</p>	<p>The site is subject to flood related development controls in accordance with the Planning Certificate.</p> <p>A review of the relevant data reveals that the western fringes of the site are subject to some flooding associated with the adjacent stormwater infrastructure.</p> <p>However, the area inside the building envelope is not considered to be below the flood level and the access to Jiparu Drive does not require traversing through a flood affected area.</p> <p>Accordingly, no increased risk to occupants of the site will arise as a result of the proposed development.</p>
<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p>	<p>Refer to the comments above.</p>

<p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>	<p>The location of the proposed dwelling and structures will not be impacted by floodwaters in a detrimental fashion.</p> <p>The footprint of the dwelling will not impact on the flood behaviour through the western fringe of the site.</p> <p>The proposed dwelling will be able to be readily evacuated in the event of a flood.</p> <p>The proposal does not involve significant earthworks or cause floodwaters to behave in a way that will cause further environmental harm to the riparian area.</p> <p>Refer to the comments above.</p>
<p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>	<p>No significant impact expected.</p> <p>No special design changes considered necessary in relation to flood impacts.</p> <p>No risk to life or evacuation will result from the placement of the dwelling.</p> <p>The footprint of the dwelling is not expected to be impacted by flooding, and is not subject to coastal erosion.</p>
<p>(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</p>	<p>Noted.</p>

<b>6.8 Essential services</b>	<p>All essential services associated with a rural/residential location are already available and connected to the site.</p> <p>These are not expected to be affected by the proposal.</p>
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## 4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The object of this policy is to provide a mechanism to ensure remediation of contaminated land is undertaken within the planning framework.

Part 4 of the SEPP requires the consent authority (Mid-Western Regional Council), before determining a development application, to consider whether the land is potentially contaminated and if so whether the land is suitable in its current state for the proposed use.

Clause 4.6(1) of the SEPP prescribes the specific considerations for the consent authority as noted below:

*(1) A consent authority must not consent to the carrying out of any development on land unless—*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

**Comment:** No potentially contaminating activities are undertaken on the property or have been known to have been undertaken on the property. No further consideration of the SEPP is considered necessary.

## 4.4 State Environmental Planning Policy (Biodiversity & Conservation) 2021

The Biodiversity and Conservation SEPP 2021 applies to the site as the site is zoned R5 Large Lot Residential.



Clause 2.6 of the SEPP prescribes as follows:

**2.6 Clearing that requires permit or approval**

- (1) A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.*
- (2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.*
- (3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.*
- (4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.*
- (5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.*
- (6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.*

**Comment:** No clearing of vegetation is proposed or necessary to facilitate the erection of the dwelling, associated access or for the ancillary structures. Subsequently, no further consideration of Chapter 2 of this SEPP is necessary.

Additionally, Clause 4.9 of the SEPP prescribes as follows:

**4.9 Development assessment process—no approved koala plan of management for land**

- (1) This section applies to land to which this Chapter applies if the land—*
  - (a) has an area of at least 1 hectare (including adjoining land within the same ownership), and*
  - (b) does not have an approved koala plan of management applying to the land.*
- (2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*

*(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*

*(4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.*

*(5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—*

*(a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—*

*(i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or*

*(ii) is not core koala habitat, or*

*(b) information the council is satisfied demonstrates that the land subject of the development application—*

*(i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or*

*(ii) includes only horticultural or agricultural plantations.*

*(6) In this section—*

*koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.*

**Comment:** No clearing of vegetation is proposed or necessary to facilitate the erection of the dwelling or ancillary structures. Subsequently, no impact upon koala feed species will occur and no further consideration of Chapter 3 of this SEPP is necessary.

## **4.5 Yass Valley Development Control Plan 2024**

The Yass Valley DCP 2024 came into effect on 1 August 2024 and applies to the site and the proposed development.

Part E ‘*Rural, Large Lot and Environmental Zone Development*’ contains specific controls relating to the proposal and the relevant sections, as they relate to a dwelling, are addressed in the table below.

**TABLE 2: PROJECT COMPLIANCE – Yass Valley DCP 2024**

<b>Relevant sections applicable to this proposal.</b>	
<b>DCP Provisions</b>	<b>Complies / Comments</b>
<b>E.1 Siting of Buildings</b>	
All buildings shall be located at least 40 metres from the bank of any water course.	The dwelling is positioned a suitable distance from any watercourse.
All buildings must be located at clear of electricity transmission lines, structures or supporting ropes, wires, etc in accordance with the provisions of the energy provider such as the document “Developments near Essential Energy’s infrastructure” or successive documents.	No electricity infrastructure exists within the site or within close proximity to the dwelling footprint.
<p>All buildings shall have a setback of no less than 250 metres from the boundary of a property where the following activities exist:</p> <ul style="list-style-type: none"> <li>• forestry;</li> <li>• intensive plant agriculture (including vineyards and orchards);</li> <li>• mines and extractive industries; • railway lines.</li> <li>• A reduced setback will be permitted where measures are implemented to mitigate noise, light intrusion, dust and spray drift.</li> </ul>	The site is readily separated from any sensitive land uses that would require additional separation in order to preserve amenity and reduce land use conflicts.
The highest point of a building must be at least 5 metres below the highest ridgeline of any hill within 100 metres.	There are no hills within 100m of the dwelling that would require further consideration in order to preserve scenic ridgelines and the like.
Development on sloping sites should be designed to minimize cut and fill, allowing the building to respond to the slope of the land via use of split levels, or detached portions stepped down the slope.	Cut/fill has been minimised to an acceptable level given the gentle topography of the site.
<b>E.2 Access</b>	
Lots created upon which a dwelling is able to be situated must have legal direct frontage or right of carriageway to a public road.	The site has direct legal and practical access to Jiparu Drive by way of an existing property access.
All property access shall be constructed to a rural property access as in figure 8 below.	Access is existing and suitable for the proposed use of the site for the purposes of a dwelling.

<div><div><div>OPTION</div><div>Provide Laybys on departure side of property access to be used also as school bus stop / mail service shelter</div></div><div><div>Access to be located where Minimum Safe Sight Distance of 5 secs is available</div><div>Outside front wheel path 19.0m articulated vehicle turning path - R15</div></div><div><div>Headwalls and non-frangible roadside furniture to be located outside clear zone</div><div>Access can be sealed to 10m offset (to minimise mud on through road)</div></div><div><div>Minimum Length to store single unit truck where a gate restricts access.</div><div>A 4m grid shall be installed if access point is less than 22m from edge line and is used by Articulated Vehicles An inward opening 3.6m gate set back 15m from edge line is an alternative if access point is to be used only by single unit trucks</div></div><div><div>PREFERRED OPTION WITH INDENTED ACCESS</div><div>(showing single carriageway layout)</div></div></div>																					
Where access is from a sealed road, the entrance shall be constructed of two coat bitumen seal from the edge of the road formation to the gate.	As above.																				
Where access if from an unsealed road, the entrance shall be constructed of a minimum thickness 100mm approved compacted gravel from the edge of the road formation to the gate.	N/A. Jiparu Drive is a sealed road.																				
Reinforced minimum diameter 300mm concrete pipes and headwalls are to be installed in table drains and setback a minimum of 2 metres from the edge of the road formation and provided with permanent erosion protection.	As above.																				
Where topography does not permit the installation of pipes, a reinforced concrete dish drain may be constructed in the table drain.	As above.																				
The finished surface of any earthworks required for driveway construction shall be graded to a maximum 1:4 cut and 1:2 fill.	As above.																				
Entrances are to be located so that a Safe Intersection Sight Distance is achieved relative to the prevailing speed conditions as follows. <div><div>Table 12 - Safe Intersection Sight Distance</div><table><tr><th>Road Type/Location</th><th>Sight Distance Category</th><th>Normal Posted Speed</th><th>Sight Distance Required</th></tr><tr><td>Rural - Residential</td><td>ASD*</td><td>70km/h</td><td>92 metres</td></tr><tr><td>Local Rural Roads</td><td>ASD*</td><td>100km/h</td><td>165 metres</td></tr><tr><td>Regional Roads</td><td>SISD#</td><td>100km/h</td><td>262 metres</td></tr><tr><td>State Roads/Highways</td><td>SISD#</td><td>100/110km/h</td><td>262/300 metres or as specified by Transport for NSW</td></tr></table><div><div>* Approach Site Distance</div><div># Safe Intersection Sight Distance</div></div></div>	Road Type/Location	Sight Distance Category	Normal Posted Speed	Sight Distance Required	Rural - Residential	ASD*	70km/h	92 metres	Local Rural Roads	ASD*	100km/h	165 metres	Regional Roads	SISD#	100km/h	262 metres	State Roads/Highways	SISD#	100/110km/h	262/300 metres or as specified by Transport for NSW	As above.
Road Type/Location	Sight Distance Category	Normal Posted Speed	Sight Distance Required																		
Rural - Residential	ASD*	70km/h	92 metres																		
Local Rural Roads	ASD*	100km/h	165 metres																		
Regional Roads	SISD#	100km/h	262 metres																		
State Roads/Highways	SISD#	100/110km/h	262/300 metres or as specified by Transport for NSW																		
Consideration may be given to Approach Site Distance on difficult sites, subject to the provision of additional treatment to ensure traffic safety.	As above.																				

Accesses onto Regional Roads and State Highways may require additional treatment, subject to the requirements of Transport for NSW as specified in their concurrence documents.	N/A.																																
All property accesses must ensure the roadside water can continue to flow downstream without ponding or forcing water onto the road or into adjacent lands.	As above.																																
E1.1 Siting of dwellings and setbacks																																	
<p>Dwelling houses and ancillary structures shall have the following minimum setbacks from a road frontage, except where frontage is to Barton, Federal or Hume Highway in which case a minimum setback of 50 metres applies.</p> <p><i>Table 13 - Setbacks for Rural Areas</i></p> <table><tr><th>Zone</th><th>Lot Size</th><th>Setback from Road Frontages</th><th>Setback from Side and Rear Boundaries</th></tr><tr><td>R5 Large Lot Resident, C4 Environmental Living</td><td>0.2 – 0.49ha</td><td>10 metres</td><td>5 metres</td></tr><tr><td>R5 Large Lot Resident, C4 Environmental Living</td><td>0.5 – 1ha</td><td>20 metres</td><td>10 metres</td></tr><tr><td>R5 Large Lot Resident, C4 Environmental Living</td><td>1.1 – 2ha</td><td>30 metres</td><td>10 metres</td></tr><tr><td>R5 Large Lot Resident, C4 Environmental Living</td><td>2.1- 5 ha</td><td>30 metres</td><td>30 metres</td></tr><tr><td>R5 Large Lot Resident, C4 Environmental Living</td><td>Above 5 ha</td><td>50 metres</td><td>50 metres</td></tr><tr><td>RU4 Primary Production Small Holding</td><td>All</td><td>50 metres</td><td>50 metres</td></tr><tr><td>RU1 Primary Production, RU2 Rural Landscape, C3 Environmental Management</td><td>All</td><td>50 metres</td><td>50 metres</td></tr></table>	Zone	Lot Size	Setback from Road Frontages	Setback from Side and Rear Boundaries	R5 Large Lot Resident, C4 Environmental Living	0.2 – 0.49ha	10 metres	5 metres	R5 Large Lot Resident, C4 Environmental Living	0.5 – 1ha	20 metres	10 metres	R5 Large Lot Resident, C4 Environmental Living	1.1 – 2ha	30 metres	10 metres	R5 Large Lot Resident, C4 Environmental Living	2.1- 5 ha	30 metres	30 metres	R5 Large Lot Resident, C4 Environmental Living	Above 5 ha	50 metres	50 metres	RU4 Primary Production Small Holding	All	50 metres	50 metres	RU1 Primary Production, RU2 Rural Landscape, C3 Environmental Management	All	50 metres	50 metres	<p>The site is zoned R5 Large Lot Residential and has a site area of 1.9ha. Accordingly, a min 30m and 10m setback is prescribed for road frontages and side/rear boundaries respectively.</p> <p>The proposal complies, with a 43m setback to the Jiparu Drive frontage and 10m eastern side boundary setback to the proposed shed.</p>
Zone	Lot Size	Setback from Road Frontages	Setback from Side and Rear Boundaries																														
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RU1 Primary Production, RU2 Rural Landscape, C3 Environmental Management	All	50 metres	50 metres																														
Dwellings in zones RU1 Primary Production and RU2 Rural Landscape zones shall located at least 100m from another dwelling not in the same ownership.	N/A.																																
All areas used for the management and disposal of effluent shall be located at least 250 metres from stock and domestic bores.	The proposed OSSM system is readily setback from any stock and domestic bores.																																
E1.2 Building height																																	
<p>A maximum building height is applicable as per the table below:</p> <p><i>Table 14 - Maximum Building Height - Rural Areas</i></p> <table><tr><th>Zone</th><th>Development Type</th><th>Maximum Height above ground level (existing)</th></tr><tr><td>R5 Large Lot Residential and C4 Environmental Living</td><td>Dwelling (including alterations and additions)</td><td>8.5 metres</td></tr><tr><td>RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Holding Lots, C2 Environmental Management</td><td>Dwelling (including alterations and additions)</td><td>10 metres</td></tr><tr><td>All applicable zones</td><td>Outbuilding (not a farm building/shed) (including alterations/additions to outbuilding)</td><td>5 metres</td></tr></table>	Zone	Development Type	Maximum Height above ground level (existing)	R5 Large Lot Residential and C4 Environmental Living	Dwelling (including alterations and additions)	8.5 metres	RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Holding Lots, C2 Environmental Management	Dwelling (including alterations and additions)	10 metres	All applicable zones	Outbuilding (not a farm building/shed) (including alterations/additions to outbuilding)	5 metres	<p>A maximum building height of 8.5m for the dwelling applies.</p> <p>The dwelling is proposed with a height of 9.856m.</p> <p>Refer to comments at the end of this table.</p>																				
Zone	Development Type	Maximum Height above ground level (existing)																															
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E1.3 Character and built form																																	
Reflective material should be used sparingly.	No highly reflective materials are incorporated into the design.																																

Only non-reflective material shall be used for the construction of outbuildings.	No highly reflective materials are incorporated into the design.						
Large areas of glazing should be designed to minimise glare to nearby residents and road users.	No broad areas of glazing are proposed that would cause undue glare to adjoining properties or passing traffic.						
Outbuildings should be located so as to be visible from the principle dwelling for security reasons.	The shed is readily visible to the dwelling.						
<b>E1.4 Facilities and essential services</b>							
<p>Where reticulated potable water is not supplied, each dwelling shall have a rainwater tank installed with the minimum capacity set out below and connected to entire roof catchment area:</p> <p><i>Table 15 - Rainwater Tank Sizing - Rural Dwellings</i></p> <table border="1"> <thead> <tr> <th>Dwelling Size (roof area)</th><th>Tank Size (minimum)</th></tr> </thead> <tbody> <tr> <td>Less than or equal to 150 m<sup>2</sup></td><td>45,000 litres</td></tr> <tr> <td>Greater than 150 m<sup>2</sup></td><td>90,000 litres</td></tr> </tbody> </table>	Dwelling Size (roof area)	Tank Size (minimum)	Less than or equal to 150 m <sup>2</sup>	45,000 litres	Greater than 150 m <sup>2</sup>	90,000 litres	The roof area is proposed at >150m <sup>2</sup> in area and the proposal has included a 90,000L rainwater tank.
Dwelling Size (roof area)	Tank Size (minimum)						
Less than or equal to 150 m <sup>2</sup>	45,000 litres						
Greater than 150 m <sup>2</sup>	90,000 litres						
Additional water supply may be required to be held in reserve for firefighting purposes. Any water supply requirements under Planning for Bushfire Protection 2019 are in addition to the above requirements.	N/A. Refer to bushfire discussion in section 5 of this report.						
Rainwater tank overflow shall be piped at least 3 metres clear of any building and discharged in a manner so as not cause erosion, ponding or nuisance to adjoining landholders or a legal point of discharge where one exists.	Capable of compliance.						
On site sewage management systems in areas mapped in Yass Valley Local Environmental Plan 2013 as being impacted by vulnerable groundwater shall be accompanied by a Geotechnical report prepared by a suitably qualified wastewater consultant or geotechnical engineer which shall include an assessment of the potential impacts of the development on the groundwater system and dependent ecosystems. Legal point of discharge means a point nominated by Council for the discharge of stormwater from the property. In urban areas this is usually the street drainage system, but can also include interallotment drainage. In rural areas this may include table drains or dams.	<p>N/A. The site is not mapped as being impacted by vulnerable groundwater.</p> <p>However, an OSSM report has been prepared demonstrating the suitability of the site to accommodate a septic system with minimal impact upon groundwater systems.</p>						
<b>E2 Farm Buildings and Outbuildings</b>							
Farm buildings and sheds are not to be used for residential purposes without prior consent of Council.	Noted. Ancillary building to be used for the purposes of a storage shed.						



Farm buildings and sheds shall not exceed 7 metres in height where the site has an area of less than 10ha or 10 metres if greater than that	The proposed shed has a maximum height of 6.238m at the western extent.
Wherever possible farms building should be co located with other buildings on the land holding to minimise visual impact.	The shed is located within a cluster associated with the dwelling and garage.
Farm buildings should be provided with internal access suitable for the nature of the traffic likely to be generated by the development.	Access to the shed is appropriate for the intended storage use and storage of machinery for maintenance of a small rural/residential lot of this size and nature.
Where practicable, access to farm buildings from the public road network should be via an existing legal access point.	Access to the shed will be via already existing lawful access.
Stormwater from farm buildings must be disposed of in a manner that does not case erosion or nuisance, 3 metres clear of the building and away from adjoining properties.	Capable of compliance.
Development must not alter the drainage patterns or increase stormwater velocities, sediment or nutrient loads.	All stormwater to discharge to the 90,000L rainwater tank.
No building shall be forward of the building line set by the dwelling house.	The proposed shed is setback behind the dwelling building line.
Setbacks from side boundaries shall be no less than 5 metres for allotments less than 5ha or 50 metres for allotments with an area of greater than 5ha.	The proposed shed is setback 10m from the eastern side boundary.

All other relevant parts of the YVDCP 2024 have been addressed throughout this report in the various relevant sections as heads of consideration.

### **Height Discussion**

The proposal includes a final maximum dwelling height of 9.856m at the highest point of the ridge.

The DCP notes that a variation can be considered where there are circumstances to support the proposal and the objectives of the relevant standard are still achieved. This is discussed below and concludes that the objective and intent of the control are readily achieved and that support can be given by the consent authority.

The objective of the 'building height' standard are as follows:

- a) To ensure that dwelling do not dominate the rural landscape and have respect for rural vistas.*

**Comment:** The proposed height of 9.856m (which is a variation of 1.356m) is only for a pinch point of the roof ridge before the rest of the structure is lowered to a compliant height. The dwelling constitutes a large footprint to reflect the style and character of other dwellings within the Murrumbateman Estate and the Murrumbateman Estate itself. A higher section of pitched roof is necessary to complement the two storey presentation of the dwelling and provide a cohesive design that is proportional in footprint and height.

The larger building setbacks to the street and surrounding properties allow a larger dwelling to be incorporated into the surrounding rural landscape without any perceivable impact upon rural vistas or any other impacts associated with bulk/scale, overshadowing, privacy and the like. Subsequently, the strict application of an 8.5m height limit is unnecessary in the circumstances of the site and proposal.

There are numerous examples of other larger two storey dwellings within the immediate area including 4 Airfield Avenue, Murrumbateman, which have set the tone for the rhythm of the streetscape and further enforce the character of the Murrumbateman Estate as a neighbourhood for larger dwellings that require special consideration when it comes to various controls, particularly building height.

The dwelling will not block important rural vistas gained by other properties, particularly when compared to a dwelling in the same footprint that would be of a compliant 8.5m height.

For these reasons the marignal height limit breach is considered warranted and does not result in any significant impact upon surrounding rural landscapes or vistas, both in isolation and when considered cumulatively with the surrounding Murrumbateman Estate.

A lower ridge height would result in a compacted building design that would look out of place from an architectural point of view and when viewed from surrounding properties. The “floor to ceiling” heights proposed of 3m and 2.7m respectively are complementary to the wider span of the dwelling, appropriate for the room sizes and necessary to achieve appropriate proportions and should not be reduced.

# 5 Planning Assessment

This section will consider the following: the Assessment of Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15(1)(b),(c) and (e).

## **5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b)**

### **5.1.1 Micro Climate Impacts**

The proposed development is unlikely to result in any adverse effects to the micro-climate in the locality.

### **5.1.2 Water & Air Quality Impacts**

The proposed development is unlikely to result in any adverse effects on the locality in terms of water and air quality.

## **5.2 Assessment of Built Environment Impacts – S4.15 (1)(b)**

### **5.2.1 Impact on the Areas Character**

The surrounding built environment comprises a mix of single dwellings on small rural lifestyle blocks. The proposal will not impact this character as discussed throughout this report.

### **5.2.2 Privacy, Views & Overshadowing Impacts**

The proposed development will not impede the existing privacy or views of the subject or surrounding lots. The development will not provide overshadowing within the subject or adjoining lots given the larger lot context and appropriate setbacks of the proposal.

### **5.2.3 Aural & Visual Privacy Impacts**

The proposed development, being within a standard rural/residential area and generally compliant with the relevant planning provisions, will not result in any significant privacy concerns for adjoining properties.

## **5.2.4 Environmentally Sustainable Development**

The proposal will have minimal impact with regards to ESD subject to standard conditions imposed by the consent authority.

## **5.3 Assessment of the Site Suitability – 4.15(1)(c)**

### **5.3.1 Proximity to Service and Infrastructure**

As outlined, the site is accessible via Jiparu Drive. As the site has already been created by way of a planned subdivision, electricity, stormwater, internet and telephone are also readily available.

### **5.3.2 Traffic, Parking & Access**

The development will not increase the traffic volume for the area, as the proposal is for a single dwelling only upon a site that has already been created for the purposes of a dwelling. It is expected that the current road network is capable of continuing to support the minimal traffic movements.

### **5.3.3 Hazards**

The site is identified as bushfire prone in accordance with Council's bushfire prone mapping. The threat primarily derives from unmanaged grasslands to the west.

The document "Planning for Bushfire Protection 2019" has been considered with the proposal. Section 7.9 of the document prescribes controls relating to dwellings affected by grassland threats.

However, as the dwelling is proposed with a setback of 66m from the closest point to the western boundary adjacent to the stormwater infrastructure (and therefore able to provide an APZ of >50m) the bushfire protection measures contained within table 7.9a will not apply and the proposal is considered of no risk with regards to bushfire threat.

The proposal is not identified as a '*special fire protection purpose*' pursuant to the Rural Fires Act 1997, being a residential development. Subsequently, no concurrence in the form of a '*bushfire safety authority*' will be required to be obtained for the development pursuant to 100B of the Rural Fires Act 1997.

Subsequently, it is not considered necessary for any bushfire related conditions to be applied to the development consent.

## **5.4 The Public Interest – 4.15(1)(e)**

### **5.4.1 Social and Economic Impact**

The proposal will make a positive contribution to the Yass Valley Region by facilitating the improvement of housing stock and the creation of employment.

### **5.4.2 The Public Interest**

The proposal is in the public interest as it satisfies the objectives of the YVLEP 2013 and YVDCP 2024 and will not set any undesirable planning precedents.

## 6 Conclusion

The proposed development has been assessed in accordance with Section 4.15(1) of the EP&A Act 1979 and Council's planning instruments. The proposal is permissible in the R5 Large Lot Residential Zone under the Yass Valley LEP 2013 and in our opinion is consistent with the relevant objectives of the Zone.

As discussed throughout the SEE, the crux of the proposal is to facilitate the erection of an optimal dwelling design in a suitable location on the site in consideration of a number of critical factors including building envelopes, outlook and adjoining properties.

For the above reasons the proposal is considered to be in the public interest and is recommended for approval subject to standard conditions.