



Yass Valley Council
PO Box 6
Yass NSW 2582

council@yass.nsw.gov.au

Attention: Arif Chohan

12 October 2020

Our ref: DOC20/832159

Your ref: PP.2020.02

Dear Arif


Subject: Planning Proposal (PP.2020.02) – 80 Murrumbateman Road, Murrumbateman

Thank you for referring this planning proposal to Biodiversity, Conservation and Science (BCS) for our review and comments.

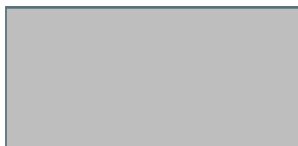
We have reviewed the available information and are satisfied with the application of the Biodiversity Assessment Method (BAM) and the conclusions reached in the Biodiversity Development Assessment Report (BDAR).

We note that the biodiversity assessment identified one Plant Community Type (PCT) consistent with the threatened ecological community; PCT1330 – Yellow Box – Blakely's Red Gum grassy woodland on the tablelands, South Eastern Bioregion as occurring in the subject area. This PCT is associated with the recently upgraded Critically Endangered Ecological Community under the *Biodiversity Conservation Act 2016*; White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions. The BDAR concludes that the small area of native vegetation identified within the study area does not meet the definition of this or any other threatened ecological community or provide habitat of significance to any threatened species. As such, the subdivision and future development of small lots in the subject area is unlikely to have an unacceptable impacts on the biodiversity values of the study area.

In addition, we have sought specialist input from the Flood, Coast and Estuaries team. No additional comments provided.

If you wish to discuss the contents of this letter, please contact Nat O'Rourke on .

Yours sincerely,



Angela Jenkins
Acting Senior Team Leader – Planning
South East, Biodiversity, Conservation and Science



5 November 2020

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

Attention: Arif Chohan

PP.2020.02 – PLANNING PROPOSAL TO AMEND LAND USE ZONE AND MINIMUM LOT SIZE (RU4 16HA TO R5 2HA) & DA200053 (CNR 12858) – PROPOSED 9 LOT RURAL RESIDENTIAL SUBDIVISION, LOT 10 DP 1218866, MURRUMBATEMAN ROAD, MURRUMBATEMAN

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

From the information provided it is understood that the proposal is for the rezoning of the subject site and a development application for the subdivision of the existing allotment to create a nine (9) residential allotments. The subject site is located with frontage to the Murrumbateman Road within a 70km/h zone. The subject site is also located in close proximity to the Barton Highway, which is a classified 'state' road.

The subject site is adjoining land to the north-west which has been identified as a potential future bypass of Murrumbateman. This bypass route is identified with the Maps associated with the Yass Valley LEP 2013 and is marked on the Map of Murrumbateman Settlement and Future Growth, which is figure 23 in the Yass Settlement Strategy. Given the proximity of the proposed Lot 1 to the future bypass and intersection works with Murrumbateman Road the access driveway to proposed Lot 1 shall be located at the south eastern most corner as shown on the submitted plans. Additional access points to proposed Lot 1 from Murrumbateman Road are to be denied.

The subject site currently provides a Right of Carriageway for legal access to an adjoining land parcel (Lot 11 DP 1218866). TfNSW notes that the submitted plans include a reference to the extinguishment of the existing access arrangement through proposed Lots 1 & 3 to this adjoining land. The extinguishment of this legal access is not supported.

Please note that Murrumbateman Road (RR7609) is not a Classified Road under the provisions of the Roads Act. In this case vehicular access to the proposed allotments should be provided in accordance with Councils standards. Council should also consider appropriate provision for school buses to service the proposed subdivision in both directions along Murrumbateman Road.

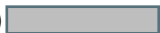
Transport for NSW has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved):-

1. The existing access easement to Lot 11 DP121866 over proposed Lot 1 & 3 (as marked AE on the submitted plan) shall not be extinguished.
2. The access driveway to proposed Lot 1 from Murrumbateman Road shall be located at the south eastern most corner of that allotment, as shown on the submitted plan. Additional access points to proposed Lot 1 from Murrumbateman Road are to be denied. A covenant shall be created, with the Council empowered to uplift, to enforce this condition.

Further to the above suggested conditions the Council should also give consideration to the following requirements for future development of the created allotments.

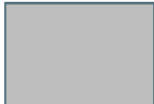
1. The future development on the proposed allotments should be designed such that road traffic noise from Classified roads is mitigated by durable materials, in accordance with the Environmental Protection Authority criteria 'The Environmental Criteria for Road Traffic Noise'. Where the EPA external noise criteria would not practically or reasonably be met, Transport for NSW recommends that Council applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the BCA:
 - All sleeping rooms: 35 dB(A) Leq(9hr)
 - All other habitable rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9hr).

Please be advised that under the provisions of the Environmental Planning & Assessment Act it is the responsibility of the Consent Authority to assess the environmental implications, and notify potentially affected persons, of any development including conditions.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use, TfNSW (South West Region), Maurice Morgan, phone (02) .

Please forward a copy of the Notice of Determination for this Development Application to the Land Use -TfNSW at the same time as advising the applicant.

Yours faithfully

Per: 
Jonathan Tasker
Acting Director South West



Contact Tim Baker

Phone

Email

Arif Chohan
Yass Valley Council
Locked Bag 6
YASS NSW 2582

Our ref V15/2812-5#27

23 November 2020

Dear Arif

RE: Planning Proposal to rezone 80 Murrumbateman Rd to R5 – Large Lot Residential Zone

The Natural Resources Access Regulator (NRAR) has reviewed documents for the Planning Proposal relating to Lot 1218866, otherwise known as 80 Murrumbateman Road, Murrumbateman, in accordance with water legislation and related policy.

NRAR understands that the proposal is seeking to amend zoning from RU4 (Primary Production) to R5 (Large Lot Residential) with a resulting change in the minimum lot size (MLS) from 16ha to 2ha.

The proposal is to rely on rainwater, potentially bore water and on-site sewage management (OSSM). It is understood that a 2ha MLS with onsite water supply and OSSM has been implemented on the lands to the west and east of the site. Despite this existing approach the following advice is provided:


- It is recommended that confirmation regarding the potable and non-potable demands for the proposed land use and access to a viable water supply be provided. A factsheet titled *"How much water do I need for my rural property"* provides information on determining water requirements and can be accessed at the following link: https://www.waternsw.com.au/_data/assets/pdf_file/0008/136619/How-much-water-do-I-need.pdf
- This factsheet indicates an annual demand of 264,000L to maintain a 0.1ha house garden and house equipped with OSSM in the Southern Tablelands. Further information is recommended to confirm the water demands and the ability of potential water sources to meet these demands.
- If groundwater is to be used as a water source this may require the installation of a bore and a pump test to confirm the potential yield and water quality of the water source. Adequate buffers will need to be implemented to maintain this yield and water quality for it to be used as a long-term water source.
- Should groundwater be proposed as a water source, an approval under the *Water Management Act 2000* will need to be obtained from WaterNSW. The relevant buffer distances from contamination sources (i.e OSSM) and construction requirements as specified in the Water Sharing Plan for the Murray Darling Basin Fractured Rock

Groundwater Sources will need to be addressed. Please note that as buffer distances prescribed in the plan may result in the alternation of the lot layout, it is recommended this be confirmed prior to the determination of the Planning Proposal.

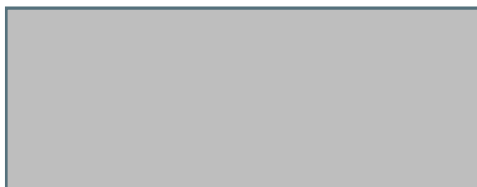
NRAR has also identified the following considerations relating to future Development Applications at the site:

- The existing dam is to be partially filled for the future development of the site. The size of the dam will need to be consistent with the maximum harvestable right dam capacity (MHRDC) of the resulting lot size.
- Six (6) of the proposed nine (9) dwelling envelopes are within 40 meters of a first order water course / existing dams. There is potentially the requirement of a watercourse crossing on some proposed lots. Based on aerial imagery of the first order watercourse, it does not exhibit characteristics of a river so a Controlled Activity Approval (CAA) may not be required. This will be subject to confirmation at the Development Application (DA) stage.
- Maintenance of the flows through the site are required to ensure there is no increase in the flow velocity from pre to post development.

Should the Planning Proposal be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then the Natural Resources Access Regulator (NRAR) should be notified.

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

Yours sincerely



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



Department of Primary Industries

OUT20/13457

4 November 2020

Mr Chris Berry
General Manager
Yass Valley Council

By email: council@yass.nsw.gov.au

cc. 


Dear Mr Berry

Planning Proposal – 80 Murrumbateman Rd Murrumbateman Lot 10, DP 1218866

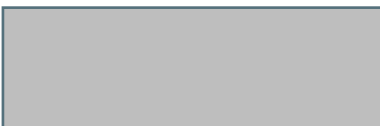
Thank you for the opportunity to provide comment for the above proposal as per your request of 23 October 2020. The NSW Department of Primary Industries (NSW DPI) Agriculture provides advice to consent authorities about the protection and growth of agricultural industries and the resources upon which these industries depend to provide economic growth.

NSW DPI does not have any objections to the rezoning of land from RU4 Primary Production Small Lots to R5 Large Lot Residential as it is consistent with the regional plans, the Murrumbateman Master Plan 2031, the Yass Valley Settlement Strategy 2036 and the Regional Community Strategic Plan 2016-2036.

It is noted in particular that the Yass Valley Settlement Strategy identifies land between the Barton Highway Duplication Corridor and Murrumbateman Road as being suitable to support rural residential living on a minimum lot size of 2 hectares with a total of 9 lots. The subject site is located within the nominated area. The proposal is therefore consistent with the adopted strategic and statutory planning policies.

Should you require clarification on any of the information contained in this response please contact Agricultural Land Use Planner Wendy Goodburn on .

Yours sincerely



4/11/20

Tamara Prentice
Manager Agricultural Land Use Planning



DOC20/890187
30 October 2020

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

Attention: Arif Chohan

Dear Mr Chohan

Re: NSW Government concurrence and referral request CNR-12858 (YASS VALLEY COUNCIL)

I refer to the request for the NSW Environment Protection Authority's (EPA) consideration of a development application (DA200053) for a residential subdivision at 80 Murrumbateman Road, Murrumbateman.

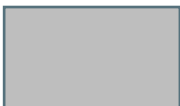
The EPA has reviewed the documentation provided and notes that the planning proposal is not integrated development under the *Environmental Planning and Assessment Act 1979* and the proposed subdivision does not trigger the requirement for an environment protection licence from the EPA under the *Protection of the Environment Operations Act 1997*. As the development is considered Local Development the consent authority for the proposal is Yass Valley Council, and the EPA does not have a formal role in the planning process.

The EPA notes that there is an underground petroleum storage system (UPSS) located on the proposed development site. Under the Protection of Environment Operations (Underground Petroleum Storage System) Regulation 2019 most sites with UPSS in NSW are now regulated by local councils. Although Yass Valley Council is now the Appropriate Regulatory Authority for UPSS matters, the EPA suggests that the DA include a condition which requires the UPSS to be decommissioned, removed and the area remediated.

The EPA does not have any further comments to make on the proposal and does not require further consultation on DA200053.

I trust this information is of assistance. If you have any questions or wish to discuss this matter further, please contact Meg Edmonds on (02)

Yours sincerely



Janine Goodwin
Unit Head - Regulatory Operations
Regional South

Phone 131 555
Phone 02 6229 7002

TTY 133 677
ABN 43 692 285 758

PO Box 622
QUEANBEYAN
NSW 2620

Level 3, 11 Farrer Place
QUEANBEYAN NSW
2620 Australia

Info@epa.nsw.gov.au
www.epa.nsw.gov.au




28 October 2020


Yass Valley Council
209 Comur Street
YASS NSW 2582

Attention: Mr Arif Chohan, Strategic Planner

Dear Sir,

**RE: Planning Proposal PP.2020.02 and Development Application
DA200053-80 Murrumbateman Road MURRUMBATEMAN**



 The previous owners established a tree line of 'radiata pines' along these boundaries some forty plus years ago.

We are most concerned that these trees have or are reaching their end-of-life and as such pose a threat to our safety, our property and the property and safety of potential purchasers. We have a battle-axe entry to our Lot and should a tree fall it will block our ability to access or exit our home. They also threaten our cattle yards. In recent years, the previous owners have removed two dead pines from along the entry and a third from the northern boundary. The current owners have trimmed encroaching trees on the northern boundary.

There are at least eight dead or dying pines along our boundary with others looking the worse for wear and likely to be dying. If something is not done about them now, we are concerned that future residents of the sub-division may not have the resources to safely rectify this problem, which will only increase as the trees continue to age and die.

As real estate agents working in the Murrumbateman area for the last forty years, we are only too aware how tight money is for most potential purchasers and home builders. They may not have the financial resources to safely remove these dead and dying trees. Most of these trees are located on proposed Lot 9 and to a lesser extent Lot 8.

We would like to suggest that Council impose a requirement on the developer to remove the radiata pines from the trees lines and if they wish, replace them with more suitable vegetation types. We believe the developer has the capacity to amortise the likely costs across the development. In our view, this is the common-sense solution to the problem. It would be unfair for the new owners of the tree

lines, be they individuals or a 'Community Title' body structured to administer neighbourhood property, to suddenly find out they are required to remove their dangerous dead and dying trees.

We wish to have cordial relations with our future neighbours, but this problem could have serious repercussions if they cannot, or will not, fix the problems caused by their trees.

The problem will not go away, it will only get worse!

We would be happy to show Council the problem.

Yours faithfully,



Attachments:

1. Photos



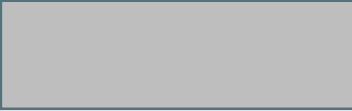


Arif Chohan

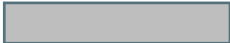
From: 
Sent: Sunday, 1 November 2020 8:46 PM
To: YVC Customer Service Team
Subject: Public consultation submission

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

PP2020.02
DA 200053



I am writing with regard to the proposed rezoning and subdivision of 80 Murrumbateman Rd.
I would like to register my concern for the possible light pollution this may create and ask that any development here does not have street lighting as this would destroy our rural night darkness which we value highly.
I hope you will consider my request and am happy to discuss it further if necessary.
Thankyou.
Regards,



Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>


[Report this message as spam](#)

To: Yass Valley Council

From:



**Re. Planning Proposal PP.2020.02, DA200053 – 80 Murrumbateman Rd,
Murrumbateman**

 I am opposed to rezoning land currently zoned RU4 (16 ha) to R5 (2 ha) within the area bordered by the Barton Highway, Murrumbateman Road, Bush's Lane and Gooda Creek Rd.

This area contains some of the finest viticultural land in Australia and must be protected as such. Encroaching urbanisation represents a major threat to the Yass region's flagship wine industry, an agricultural, manufacturing and tourism industry that already brings in many millions of dollars in annual revenue to the Yass region.

I would welcome the opportunity to discuss this matter further with the Yass Valley Council.

Sincerely,

