

1st stage of consultation
State agencies & authorities

Arif Chohan
Strategic Planner
Yass Valley Council
PO BOX 6
Yass NSW 2582

11 December 2020

Dear Mr Chohan

Subject: Planning Proposal 2020/03 – LEP Amendment to reduce minimum lot size from 10 ha to 1 ha to 2 ha - 7 Iceton Place, Yass

The Department of Planning, Industry and Environment (the Department) has undertaken a review of the Planning proposal submitted. Please note that our Aboriginal Cultural Heritage Team is now separate to our Department and we will therefore only be commenting on biodiversity and flooding.

The Department objects to this Planning Proposal in its current form. We do not consider that the direct and indirect impacts to threatened species habitat has been mitigated and avoided. The Department also does not consider that the planning proposal is consistent with the South East and Tablelands Regional Plans, section s14.2, nor in line with the Ministerial Directions s2.1.

Biodiversity

We consider that the planning proposal in its current form does not demonstrate adequate ongoing protection measures to the threatened species present on site. The Golden Sun Moth (GSM), is a Serious and irreversible impact species (SAIL), the planning proposal in its current form does not demonstrate adequate avoidance and ongoing protection of this species and its habitat. Striped legless lizards were recorded onsite, and it is estimated that more than 40% of their habitat will be impacted. Further avoidance of the habitat for this species should be demonstrated in the Planning proposal. The Department does not consider that ongoing protection measures were adequately outlined, and no long-term conservation outcomes were proposed. Please see more detailed comments in **Attachment 1**.

Flooding

The planning proposal does not adequately assess or consider the implications of increased development and encroachment on flooding; allow for appropriate flood and riparian buffers; assess climate change nor address risk to life in extreme flood events (PMF). It is recommended that the approval authority consider the more detailed floodplain risk management comments in **Attachment 2** to resolve these matters.

If it will be helpful we would to arrange a site inspection early next year with Council following these comments.

If you would like to discuss this matter further, please contact Nicola Hargraves, Senior Conservation Planner on [REDACTED] or at [REDACTED].

Yours sincerely



ALLISON TREWEEK
Senior Team Leader – South East
Biodiversity and Conservation Division

Attachment 1 – Biodiversity Comments

The Department does not consider that the planning proposal in its current form is consistent with the South East and Tablelands Regional Plan requirement to *protect and validate high environmental lands in the LEPs s14.2*. Nor does it demonstrate how it is consistent with the Ministerial Directions, in particular 2.1 Environment Protection Zones (4) *A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas*.

The Department acknowledges the Draft Biodiversity Development Assessment Report (BDAR). The high biodiversity values present on site have not been adequately protected and avoided, therefore without appropriate protection measures the Department will not be able to support the reduction in LEP minimum lot size at this stage.

Avoidance of threatened species

Of particular concern is that the site is habitat to the Golden Sun moth, which is a potential Serious and irreversible impact species. The Draft BDAR (page 3 Threatened ecological communities) claims that the proposed development will impact 24.6% of the GSM habitat that occurs in the subject land. This exceeds the 10% clearing thresholds outlined in the Threatened Biodiversity Data Collection (TBDC). This may be considered a Serious and Irreversible Impact and Council may be required to refuse the development at the DA stage.

The land also supports Striped legless lizard habitat and will be impacting 6.9 ha (40.3%) of that habitat, with 10.2 ha proposed for protection. At this stage we consider that further avoidance measures for this species needs to be demonstrated.

We do not consider that the direct and indirect impacts have been adequately addressed in the proposed lot layout and conservation areas. Lot 63 (Large lot conservation area to the South West) has a large building envelop in the middle, directly impacting the threatened species habitat. The other two large lot conservation areas to the North of the subject area (Lots 29, 28 and 43) appear to have little to no buffer between the development and avoided areas. No significant detail was given to the 'avoid, protected and managed' claims made within the Draft BDAR and it is unclear as to why more of the striped legless lizard habitat to the east (estimate lots 27, 26 & 25) of the site cannot be avoided. . It is not sufficient protection to leave these area in larger lots which still have the potential to be further sub divided once the Planning proposal has been approved.

Ongoing both direct and indirect impacts of the reduction in lot size have not been adequately addressed. As a result of the reduction in lot size there will be an increase in the amount development on the land, this will result in long term ongoing impacts. Including increase in ground disturbance the introduction and intensification of hard hooved grazing animals, increase potential for further clearing of habitat, rock removal and the introduction of dogs and cats

Long-term protection measures

No long-term conservation outcomes were outlined within the Draft BDAR. Sufficient ongoing protection measures need to be identified upfront to guarantee ongoing persistence of the threatened species on this site. Ongoing protection measure for areas of habitat of Serious and irreversible impact species is a consideration in the assessment of these impacts and therefore these measure should be described and achievable onsite to ensure the long term survival of the species.

There are a variety of options that can be investigated into that will protect the high biodiversity value of this land in perpetuity. Biodiversity certification, a voluntary planning agreement, community title with attached vegetation management plans, building exclusion zones, large lot stewardships and re-zoning to an E3, or a combination of this options could be used to ensure the long term viability of the species

The Department is open to further discussions to assist Council with this process.

Attachment 2: Floodplain Risk Management Comments

As the proposed development area is affected by flooding, it will need to be considered in accordance with the NSW Government's Flood Prone Land Policy as set out in the NSW Floodplain Development Manual, 2005 (FDM 2005) and Councils Yass Valley LEP 2013. As the planning proposal is altering the zoning of flood prone land section 9.1 direction 4.3 also applies.

In order to be consistent with FDM2005, the implications of the full range of floods, including events greater than the design flood, up to the Probable Maximum Flood (PMF) should be considered by the approval authority, including:

- The impact of flooding on the proposed development
- The impact of the proposed development on flood behaviour (particularly flood impacts as a result of land use and landform changes; bridge, culvert and waterway encroachment);
- The impact of flooding on the safety of people for the full range of floods including issues linked with isolation and accessibility for emergency services;
- the implications of climate change (particularly increased rainfall intensity) and cumulative development impacts on flooding and estimated flood planning levels;

Based on the information provided, adequate consideration has not been given to all these matters in their entirety, particularly:

- Consideration of cumulative development impacts (post development scenario), flood hazard and categorisation, freeboard, the implications of climate change and extreme floods (PMF);
- Appropriate buffers to accommodate flood and riparian constraints; and
- Potential isolation, appropriate measures to manage risk to life and accessibility for emergency services during floods.

It is recommended that modelling of post-development flood behaviour with consideration of increased impervious areas, riparian planting within the community title lot (lot 73), bridge and culvert crossing encroachment be undertaken for the 5%, 1% and PMF flood design events. This will include flood depth, velocity, hazard and hydraulic categorisation. Further, the modelling of increased rainfall intensity associated with climate change and its implications on estimated flood planning levels will better enable the approval authority to satisfy itself of consistency with the NSW Governments Flood Prone Land Policy, Yass Valley LEP and Section 9.1 direction 4.3. This also includes a more appropriate and considered width and zoning (e.g: W1, RE2, or E2) of the community title lot (lot 73) and thus schematisation of adjoining property boundaries to facilitate flood management and riparian outcomes.

The recommended additional flood behaviour modelling will also assist at the Subdivision DA stage, to ensure appropriate drainage easements; culvert, bridge and road design; and development controls are achieved to manage the impacts of flooding.

Should the approval authority require any further advice on flood risk management matters, it should not hesitate to contact the SE Water, Flood and Coast team.



15 December 2020

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

Attention: Arif Chohan

PLANNING PROPOSAL PP.2020.03 – PROPOSED AMENDMENT TO YASS VALLEY COUNCIL LEP 2013, LOT 2 DP1243702, LOTS 13 & 14 DP786575, ICETON PLACE, YASS

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

From review of the information provided it is understood that the planning proposal represents an amendment to the current Yass Valley LEP to change the minimum lot size for the subject site from 10 ha to 1 and 2 ha minimum lot size. This will allow the site to be subdivided into approximately 72 rural residential allotments (subject to development consent). The Planning Proposal is supported by a report by Hugh Dennett Pty Ltd dated 23 July 2020 and a Traffic Impact Assessment (TIA) by Genium Civil Engineering dated 25 June 2020.

The subject land is located on the south eastern side of the township of Yass, to the east of Wee Jasper Road which is a classified “Regional” road and to the south of Yass Valley Way which is an unclassified “Regional” road. The subject site has frontage and proposed access to the Yass Valley Way and to Icton Place. TfNSW notes that access is not proposed directly to Wee Jasper Road however a proportion of the traffic will access Yass via the intersection of Gums Lane with Wee Jasper Road.

The TIA identifies the potential traffic generation due to the subdivision with the majority of these vehicle movements expected to access the existing road network via Yass Valley Way. A secondary access will be provided via Icton Place which currently carries relatively low volumes of traffic. This will provide access to Yass via the intersection of Gums Lane with Wee Jasper Road. The TIA recommends upgrades for existing roads and proposed intersections but fails to address the intersection of Gums Lane and Wee Jasper Road. This intersection should be upgraded to comply with the Austroads Guide to Road Design.

A major focus of Transport for NSW is the safety and efficiency of the classified road network and the level of service provided by these roads and their associated infrastructure. The rezoning of this precinct as proposed will generate additional traffic volumes along Yass Valley Way and Wee Jasper Road. The development of the precinct needs to acknowledge and fund measures to address the impacts due to the increased development potential and resultant traffic. Such measures and their funding should be addressed as part of the rezoning process through a contribution plan. Any works associated with the proposed development of the subject site shall be at no cost to Transport for NSW

TfNSW has reviewed the documentation provided and advises that it would not object to the rezoning of the subject site as defined subject to the abovementioned issues and funding for any works being addressed as part of the planning proposal and addressed in any associated documentation.

TfNSW notes that the documentation and plans submitted for the planning proposal provide a preliminary concept for the development and that a Development Application will be submitted to Council for merit assessment of the development prior to any works for the development being undertaken on the subject site.

Transport for NSW would be pleased to discuss the contents of this letter with the relevant council officers. Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Transport for NSW (South West Region), Maurice Morgan, phone [REDACTED].

Yours faithfully

[REDACTED]
Per: [REDACTED]

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#40

22 December 2020

Dear Arif

RE: Planning Proposal to reduce the Minimum Lot Size of 7 Iceton Place, Yass

The Natural Resources Access Regulator (NRAR) has reviewed documents for the Planning Proposal relating to 7 Iceton Plan, Yass (Lot 2 in DP 1243702, Lot 13 and 14 in DP 786575), in accordance with water legislation and related policy. Relevant comments and recommendations are provided below for Councils consideration.

Comments

NRAR understands the proposal is seeking to reduce the lot size from 10ha down to a combination of 1ha and 2ha which is to enable approximately 72 rural residential lots from the current 173.3ha site.

A search of the Department's databases identified a water supply work approval (40CA407540) held by Yass Valley Council for two town water supply bores on lands adjacent to the proposed site near the western boundary of Lot 14 in DP786575. This approval has a Water Access Licence attached for 70 units of water entitlement. The role of these bores to supply water for town water supply and the potential impact due to water demands of the proposed lot size on the future water availability and water quality from these bores needs to be considered by Council.

A fourth order watercourse (O'Brien's Creek) traverses the subject land in a northerly direction. A number of minor watercourses are also present in addition to two dams.

The proposal is to rely on rainwater for potable water and on-site sewage management (OSSM). Groundwater is stated as not being required however no provisions have been proposed to prevent the installation of bores, or an adequate assessment of the potable and non-potable requirements of this landuse and the availability of sources to meet this. The proposal states it is not proposed to provide a non-potable water supply to the development. The Department has significant concerns with the adequacy of the water assessment and proposed arrangements to adequately service the site in terms of water supply and sewage management.

Reference is made in the Planning Proposal to the use of a 40m wide riparian zone for O'Brien's Creek. Whilst the recognition of a need to protect the riparian zone is supported, the Department advises that waterfront land measures 40m from the high bank either side of the creek, resulting in waterfront land being 80m plus the channel width. Further to this the proposed riparian buffer and watercourse buffer as mapped in Figure 10 extends into proposed lots. The value of a buffer is significantly compromised where there is the potential for conflicting land management and

infrastructure such as fencing. As detailed in the Guidelines for Controlled Activities on Waterfront Land, a 4th order watercourse such as O'Briens Creek has a recommended riparian corridor width of 80m plus channel width. The ability to vary this may be possible based on a merit assessment and/or the use of offsets elsewhere with the need to maintain a minimum 50% of the recommended width.

Recommendations

- It is recommended reticulated water and sewer be provided to ensure adequate water availability and to mitigate potential impacts to surface water and groundwater sources due to the project.
- 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. It is not considered adequate to rely on rainwater tanks and to not consider non-potable requirements with no analysis of the demands and availability. NRAR wishes to ensure adequate planning is completed at this stage to avoid future adhoc applications for water bores or other on-site water infrastructure which may result in conflict for water availability within the subject land, impacts to users on adjacent lands, poor landuse outcomes and potential reliance on water supplies via trucking from external sources. 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 an 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.
- Where there are existing town water supply bores it is recommended the role of these in supplying the town be confirmed and adequate assessments be completed to address potential impacts due to water demands and sewage management due to this proposal. It is recommended adequate buffers be implemented between potential bore sites and on-site sewage management systems to ensure the required yield and water quality can be maintained and the bores be used as a long term water source. The most effective method to achieve this is by the use of an adequate lot size and/or designated buffer areas. Please note applications under the *Water Management Act 2000* for a Basic Landholders Right (BLR) bore are generally not subject to a development application and this type of bore is not subject to distance restrictions to minimise interference impacts on other bores eg. Town Water Supply Bores or other BLR bores. Hence the lot size is critical in governing future impacts on the groundwater source and its users where groundwater is a likely water source.
- It is recommended that where there is the potential for groundwater supplies to be accessed that consideration be also given to the need for adequate buffers between bores and contamination sources such as on-site sewage management systems. The Department advises that if an approval is required for a bore under the *Water Management Act 2000* the relevant buffer distances from contamination sources 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 alteration of the lot layout, it is recommended this be confirmed prior to the determination of the Planning Proposal.
- It is recommended the buffer to O'Brien's Creek have management outcomes to ensure

its continued riparian functioning and relevant restrictions on infrastructure development. The preferred option to achieve this is by maintaining the entirety of the buffer within a single land parcel as an environmental management unit.

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

- The existing dams on the site will need to be sized consistent with the maximum harvestable right dam capacity (MHRDC) of the resulting lot size. This may require their modification following a subdivision determination.
- The lot layout proposes a road crossing of O'Brien's Creek. This would require a Controlled Activity Approval (CAA) under the *Water Management Act 2000* and would need to be designed and constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land (NRAR 2018). Crossings of minor watercourses may also require a CAA and will need to be further considered at the 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 you have any further queries in relation to this submission please do not hesitate to contact Tim Baker [REDACTED].

Yours sincerely

[REDACTED]

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



Our ref: DOC20/965831

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

Attention: Mr Arif Chohan, Strategic Planner
[REDACTED]

Planning Proposal – 7 Iceton Place, Yass

Dear Mr Berry

Thank you for the opportunity to comment on the planning proposal to amend the planning controls for 7 Iceton Place, Yass under *Yass Valley Local Environmental Plan 2013* (LEP), to reduce the minimum lot size to:

- 2ha over a 141.8ha portion of the site, and
- 1ha over a 31.5ha portion of the site.

Heritage NSW, as delegate of the Heritage Council of NSW, has reviewed the Planning Proposal and the Heritage Assessment prepared by Past Traces Heritage Consultants, and notes the following advice in relation to considerations under the *Heritage Act 1977* (the Act).

State Heritage

The subject site is directly south of the State Heritage Register (SHR) item 'Cooma Cottage' (SHR 01496) at 756 Yass Valley Way, Marchmont, which is also listed as Item I283 under the Heritage Schedule of Council's LEP. The Statement of Significance for this item describes the Cottage as follows:

Cooma Cottage was the home of the famous Australian explorer, Hamilton Hume. The house demonstrates a form, which has grown from a bungalow through a series of additions - idiosyncratic, apparently haphazard, or sophisticated - to be fully united in Palladian form. The variety and juxtaposition of building techniques and materials is exceptional. The house remains within its original unspoilt historic curtilage and retains visual links, and is integral with the adjacent landscape and early properties.

The Assessment of Significance further states that:

The relative intactness of the farm complex, being buildings, garden elements, farm paddocks, relationship of elements to each other and to their wider landscape setting, views and visual links is equally rare.

Given that part of Cooma Cottage's identified heritage significance is related to its landscape setting, views and visual links, it is recommended that Council undertake a visual impact analysis to assess and identify the impact of proposed smaller lots and subsequent development on views to and from 'Cooma Cottage'. Such an assessment will be essential to inform any future development applications for the subject site.

Historical Archaeology

It is noted that the Heritage Assessment considered that the subject site has low potential for archaeological remains. As the subject area was used over a long period for grazing and pastoral regimes, including ploughing, this is a reasonable conclusion.

The use of an Unexpected Heritage Finds Procedure for works associated with any future development application for the subject site is supported.

Aboriginal Cultural Heritage

Heritage NSW's Aboriginal Cultural Heritage Regulation team may provide separate advice on the planning proposal in relation to Aboriginal heritage considerations under the *National Parks and Wildlife Act 1974*.

Prior to finalisation of the planning proposal, Council should be satisfied that all necessary due diligence, assessments and notifications have been undertaken.

If you have any questions please contact James Sellwood, Senior Heritage Programs Officer, Strategic Planning and Relationships at Heritage NSW by phone on [REDACTED] or by email at [REDACTED].

Yours sincerely

[REDACTED]

Alice Brandjes
Senior Team Leader, Strategic Planning and Relationships
Heritage Act Programs
Heritage NSW

As delegate of the Heritage Council of NSW

16 December 2020

25 November 2020

Arif Chohan
Strategic Planner
Yass Valley Council
PO Box 6
YASS NSW 2582

Contact: *Stuart Little*
Telephone: [REDACTED]
Our ref: *D2020/125336*

Dear Mr Chohan

PLANNING PROPOSAL – (PP.2020.03) – 7 ICETON PLACE, YASS

I refer to your email and letter of 20 November 2020 concerning a Planning Proposal for 7 Icton Place, Yass. The Planning Proposal involves privately owned land which is currently zoned R5 Large Lot Residential. It is proposed to reduce the minimum lot size of the land from 10 ha to 1 ha and 2 ha which will give rise to a later development application for subdivision. We understand that referral of the Proposal to WaterNSW has been required by the Gateway Determination.

Within the Yass Valley Local Government Area (LGA), WaterNSW owns and manages Burrinjuck Dam. The Planning Proposal concerns land south of Yass and implicates O'Brien's Creek, a tributary of the Yass River which flows into Lake Burrinjuck. The site itself lies about 11.5 km north-east of Lake Burrinjuck and 35 km north-east of Burrinjuck Dam.

As WaterNSW assets are not affected by Proposal, nor lie in proximity to the site, WaterNSW has no comment to make on the Proposal.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at [REDACTED].

Yours sincerely

A black rectangular box used to redact the signature of Alison Kniha.

ALISON KNIHA
Catchment Protection Planning Manager

Arif Yasin Chohan

From: Paul Garnett
Sent: Thursday, 24 December 2020 8:52 AM
To: Arif Chohan
Cc: Wendy Goodburn
Subject: Doc 411847 RE: REMINDER - Referral - DPI Agriculture - Planning Proposal - 7 Icton Place, Yass

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

G'day Arif,
I apologise for the delay in responding to your letter.

I have had a look at the planning proposal. I note the land is already zoned R5 Large Lot Residential and is subject to a minimum lot size (MLS) of 10 hectares. The proposal seeks to reduce the MLS applying to the land to 1 and 2 hectares. The land is bounded by R5 Large Lot Residential zoned land to the north, east, and west. The land to the north and west is also subject to an MLS of 2 hectares.

DPI Agriculture has no concerns with reducing the MLS of existing R5 zoned land in order to maximise its lot yield and avoid the need to rezone other rural zoned land to R5 to meet demand. Therefore DPI Agriculture has no objection to the planning proposal.

However the proposed concept subdivision layout in the planning proposal has the potential to increase land use conflict with the adjoining rural zoned land to the south. The planning proposal (page 18) states:

The southern boundary of the site adjoins a significant area of land zoned RU1 – Primary Production that is being used for agriculture. Re-zoning the site to permit urban residential development would result in a high potential for land use conflicts to arise with the adjoining agricultural land.

Rural residential development can have similar potential to urban development for land use conflict with agricultural land uses. The concept subdivision plan shows eleven (11) proposed rural residential lots adjoining the rural land to the south with what appears to be building envelopes extending nearly all the way to the southern boundary on nine (9) of those lots.

DPI Agriculture strongly suggests that Council request the proponent to:

- provide a land use conflict risk assessment to address the potential for conflict between future dwelling houses and agricultural land uses;
- reconsider the proposed concept subdivision layout to:
 - reduce the number of lots adjoining the rural land to the south;
 - increase the size of lots adjoining the agricultural land to the south to enable a suitable buffer area to be achieved within the R5 zone between the rural property to the south and future dwellings on the R5 zoned lots.

It is acknowledged that the above matters can be addressed either with this planning proposal or when the development application for the subdivision is submitted.

Council may also consider retaining a larger MLS (I note 8 and 10 hectares MLS are used in the Yass LEP) along the interface with the rural zoned land to the south.

Should you wish to discuss any of the above matters further, please don't hesitate to contact me on the phone number below.

Yours sincerely

Paul Garnett

Acting Manager Agricultural Land Use Planning

Department of Primary Industries

PMB 2 GRAFTON 2460 | Trenayr Road JUNCTION HILL 2460

Stronger Primary
Industries



Department of
Primary Industries



Our Ref: C20/739

1 December 2020

Yass Valley Council
209 Comur Street
YASS NSW 2582
c/o: council@yass.nsw.gov.au

Attn: Arif Chohan

Dear Mr Chohan,

Re: Referral – Planning Proposal (PP.2020.03) – 7 Iceton Place, Yass

Thank you for your referral of 20 November 2020 seeking comment on the above planning proposal from DPI Fisheries, a division of NSW Department of Primary Industries.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. DPI Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

DPI Fisheries has noted that the planning proposal is an amendment to reduce lot size from 10ha to 1ha and 2ha.

O'Briens Creek is a mapped key fish habitat. It is important that future development of this location includes the following measures to protect and improve the key fish habitat values of this waterway:

- Protection of riparian buffer zone requirements from development.
- Waterway crossings over O'Briens Creek are to be constructed in accordance with the following document: [Microsoft Word - Why do fish need to cross the road booklet.doc \(nsw.gov.au\)](#). These crossings must not block the passage of fish.
- The use of erosion and sediment control measures during construction.
- Consideration of water sensitive urban design principles.
- Best practice waste-water treatment, including appropriate servicing of any on-site sewage systems.

DPI Fisheries has reviewed this planning proposal in light of those provisions under the FM Act and has no objections.

If you require any further information, please contact me on [REDACTED].

Yours sincerely,



Carla Ganassin

Senior Fisheries Manager, Coastal Systems

Arif Yasin Chohan

From: Easements&Development
Sent: Monday, 30 November 2020 3:05 PM
To: Arif Chohan
Subject: FW: 2020 -551 - PP.2020.03 Referral - TransGrid - Planning Proposal - 7 Iceton Place, Yass
Attachments: All Constraints_Map.pdf; PP.2020.03 Planning Proposal - Referral - TransGrid.pdf; Planning Proposal - 7 Iceton.pdf

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

Good Afternoon,

TransGrid Reference No: 2020-551

Location: 7 Iceton Place, Yass (Lot 14 in DP 786575, Lot 2 in DP 1243702, Lot 13 in DP 786575)

Proposal: PP.2020.03 Referral - TransGrid - Planning Proposal

Amend Yass Valley Local Environment Plan 2013 by reducing lot size of land from 10ha to 1ha and 2ha. This may create an opportunity for 73 lots subdivision of the land when a development application will be lodged in the future.

TransGrid: Proximity to – Yass – Dapto No 1 330KV TL (Feeder 4, Structure Span 7 -11A)

TransGrid have reviewed the attached documents, particularly the *All Constraints Map* that identifies the position of TransGrid transmission line easements

The proposed Lot 63 that accommodates TransGrid transmission line easement is acceptably large (effectively a Super Lot)

It is notably larger than all the other smaller proposed allotments and appears so in order to accommodate the transmission line easement in the one lot.

As the current issue is the proposed revision of the LEP to permit smaller lots (of 1ha or 2ha); TransGrid request a minimum allotment size of 9 hectares for land that is subject to our transmission line easements

In this way, TransGrid advocates for Super Lots where the land accommodates our transmission line easement and therein wants to prevent smaller lots from crowding out TransGrid's easements and infrastructure.

Regards

Michael

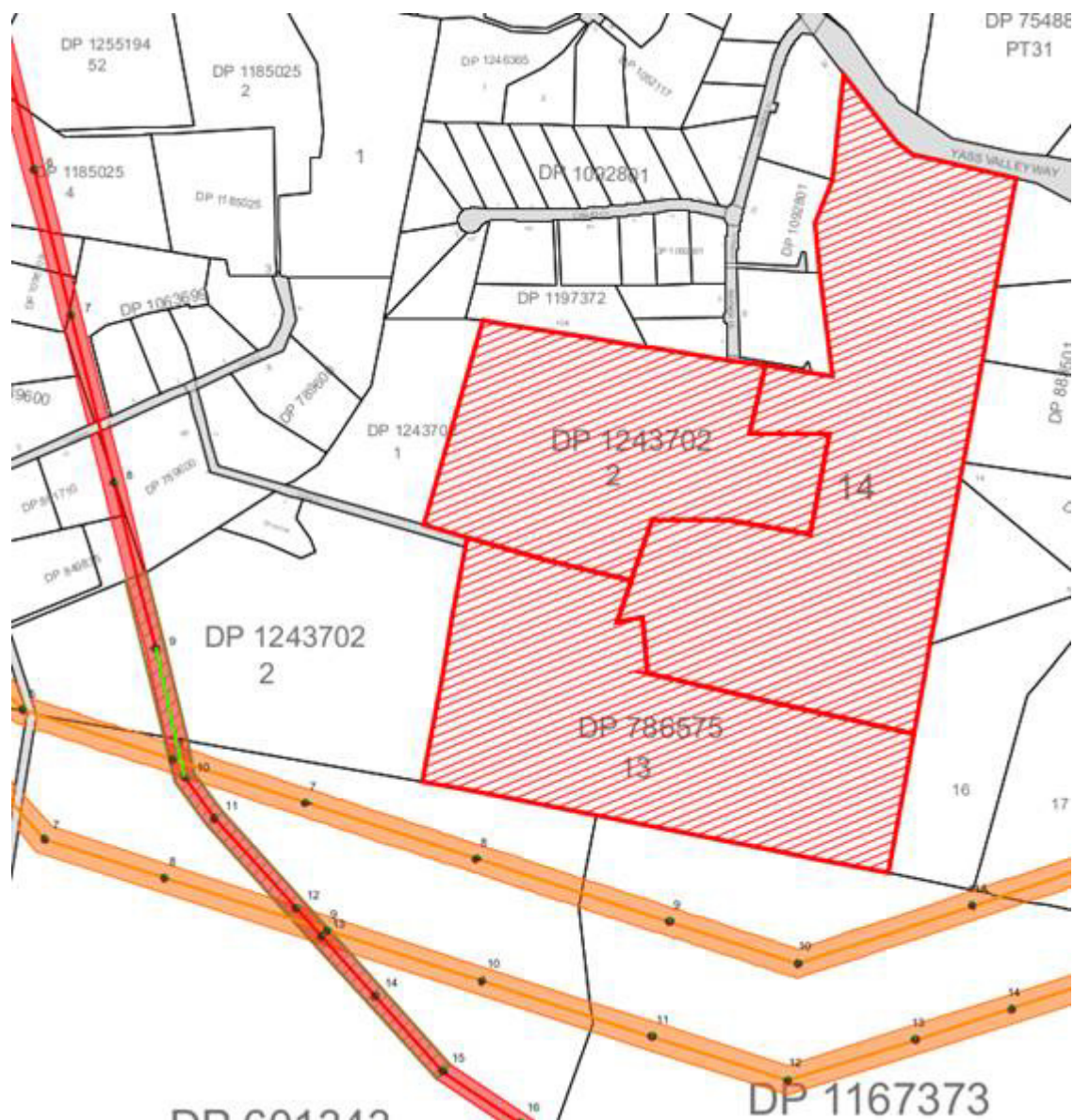
Michael Platt

Development Assessment and Control Officer | Network Planning and Operations

TransGrid | 200 Old Wallgrove Road, Wallgrove, NSW, 2766

T: [REDACTED]

E: [REDACTED] W: www.transgrid.com.au



Arif Yasin Chohan

From: ! dev4national
Sent: Wednesday, 13 January 2021 7:06 PM
To: Arif Yasin Chohan; YVC Customer Service Team
Subject: FW: REMINDER - Referral - Telstra - Planning Proposal - 7 Iceton Place, Yass
Attachments: PP.20202.03 Planning Proposal - Referral - Telstra.pdf

Importance: High

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

Hello Arif,

As **nbn co** are the Statutory Infrastructure Provider (SIP), I recommend you engage **nbn co** to make comment on the proposed development.

The area in which the new development will be situated is in an area where **nbn co** now own the existing infrastructure closest to the development.

Thanks

Kind regards

Anna Williams on behalf of the **dev4national** mailbox



Telstra New Developments
Access Network Planning
Telstra Operations

E [REDACTED]

This email may contain confidential information.
If I've sent it to you by accident, please delete it immediately

Arif Yasin Chohan

From: Emmanuel Chalacas
Sent: Wednesday, 20 April 2022 12:15 PM
To: Arif Yasin Chohan; Kristine Lam
Cc: Mehmet Kadioglu; Scott Edwards
Subject: RE: Planning Proposal - 7 Iceton Place, Yass

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

Hi Arif

I had a closer look at the site and can confirm the assets shown on your diagram are not **nbn** and would belong to another carrier

Nbn does not show any assets traversing the proposed subdivision

Kind Regards,

Emmanuel Chalacas
New Developments and Relocation Works Projects

81 Greenhill Road, Wayville SA



nbn acknowledges and pays respects to the traditional custodians of all the lands upon which we work.

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PLEASE CONSIDER OUR ENVIRONMENT BEFORE PRINTING

From: Arif Yasin Chohan
Sent: Thursday, 14 April 2022 11:25 AM
To: Emmanuel Chalacas; Kristine Lam
Cc: Mehmet Kadioglu; Scott Edwards
Subject: [External] RE: Planning Proposal - 7 Iceton Place, Yass
Importance: High

EXTERNAL SENDER – Be cautious opening Links and Attachments

Hi Emmanuel,

Thank you for your email, my Dial Before Dig search resulted in a telecommunication asset traversing through the property. The tentative location of that asset is identified in the attached map.

Arif Yasin Chohan

From: ConveyancingTeam
Sent: Wednesday, 2 December 2020 9:35 AM
To: Arif Chohan
Cc: Network Planning
Subject: RE: Referral - Essential Energy - Planning Proposal - 7 Icton Place, Yass (Lot 2 DP1243702, Lots 13 & 14 DP7876575) - Proposed large lot residential subdivision
Attachments: PP.20202.03 Planning Proposal - Referral - Essential Energy.pdf; PP.2020.03 Proposed Lot Layout.docx

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

Dear Sir/Madam,

We refer to the above matter and to your correspondence dated 23 November 2020 seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. As part of the subdivision, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Essential Energy has existing overhead powerlines located on the properties. The Proposed Lot Layout provided indicates that proposed residential lots will be in the location of these existing powerlines. It is Essential Energy's preference that its electrical infrastructure is located in road reserves or public reserves (with easements) and not within residential lots. Refer to Essential Energy's Contestable Works team for requirements via email [REDACTED].
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.

7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Should you require any clarification, please do not hesitate to contact us.

Regards

Fiona Duncan
Conveyancing Officer
Legal & Conveyancing
Governance & Corporate Services



PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au
General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

Follow us



Arif Yasin Chohan

From: Tony Trajcevski
Sent: Friday, 4 December 2020 9:23 AM
To: Arif Chohan
Cc: Glen Gordon; Epi Kinivuwai
Subject: Doc 408055 RE: YVC seeking clarification Re referral - Optus - Planning Proposal - 7 Iceton Place, Yass

Importance: High

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

Hi Arif,

The Optus cable(s) are legally installed and as such Optus in principle don't have any objections to the development going ahead, but please note at a point closer to actual work commencing such as civil/construction activities the developer will need to adhere to the DBYD process (no work is to commence in the vicinity of the Optus assets and the DBYD process and adhered to as highlighted below by Chris), as a minimum electronic location of the Optus assets will be required and depending on the results, the assets may also require to be physically located via non-destructive digging method (potholing).

Please note that this cable provides connection between Sydney and Melbourne and is of national significance as it carries international as well as national data and voice traffic.

Regards

Tony Trajcevski
Manager, Fibre Projects | National Field Operations

6 Columbia Way, Castle Hill NSW 2153 Australia

OPTUS



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[External email] Please be cautious when clicking on any links or attachments.

Hi Chris,

Thank you for your detailed response.

In addition to your response, Council wishes to confirm that Optus does not have any issue not does it objects the proposed development.

To clarify the exact location of the optical fibre cable, Council would seek further clarification from proponent/developer as they might have to engage the services of Optus Accredited Locator.

Kind regards,
Arif

Arif Chohan | Strategic Planner | **Yass Valley Council**

P: +61 (0)2 6226 1477

E: [REDACTED] | W: www.yassvalley.nsw.gov.au

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From: Chris Willis

Sent: Thursday, 3 December 2020 2:11 PM

To: Arif Chohan; Epi Kinivuwai

Cc: DART NSW

Subject: RE: YVC seeking clarification Re referral - Optus - Planning Proposal - 7 Icton Place, Yass

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

Hi

As discussed, the Optus assets in the vicinity of the proposed subdivision consist of an Optical fibre cable and associated conduit.

Based on the supplied drawings the assets appear to be located along the boundary of Gums Lane and Lot 63 within the proposed development. It is likely that the assets are located within the road reserve. Please note however that asset location drawings provided by Optus are reference diagrams and are provided as a guide only. The completeness of the information in these drawings cannot be guaranteed. Exact ground cover and alignments cannot be provided with any certainty as these may have altered over time. Depths of telecommunications assets vary considerably as do alignments.

There should be a number of Optus rural marker posts in the vicinity which may be able to provide more guidance to the general location however on site electronic location of the assets is recommended should the developer wish to more accurately determine the general location of the assets and whether they may be within the road reserve or within the boundary of the proposed Lot 63.

The developer must engage the services of one of the Optus Asset Accredited Locators to carry out asset location (refer list of Accredited Locators at the end of this DYBD response). Unless otherwise agreed with Optus, where an on-site asset location is required, the requestor is responsible for all costs associated with the locating service.

Please note that this cable provides connection between Sydney and Melbourne and is of national significance as it carries international as well as national data and voice traffic.

Happy to assist with further information should you have further queries.

Regards

Chris Willis

Network Construction & Regulatory Adviser | Network Deployment | Optus

1 Lyonpark Road, Macquarie Park NSW 2113

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2nd stage of consultation
State agencies & authorities

Arif Chohan
Strategic Planner
Yass Valley Council
PO BOX 6
Yass NSW 2582

17 June 2021

Dear Mr Chohan

Subject: Planning Proposal 2020/03 – LEP Amendment to reduce minimum lot size from 10 ha to 1 ha to 2 ha - 7 Iceton Place, Yass

Biodiversity and Conservation Division (BCD) have reviewed the updated information provided to us on the 7 May 2021. The supporting information and amended Biodiversity Development Assessment Report (BDAR) have addressed most of our previous concerns, however there are still some outstanding matters to be addressed before we can remove our objection.

BCD supports the proposal to the Community Title Scheme to create a Lot to protect and manage the areas of Golden Sun Moth and Striped Legless Lizard habitat within the riparian area. However, the Planning Proposal does not show this proposed lot layout, nor does it reflect the proposed in perpetuity conservation agreements mentioned in the BDAR. In addition, BCD recommend the minimum lot size (MLS) of 10 ha remain on the large lot (referred to as Lot 62) to limit intensification of development to ensure ongoing protection of the known Golden sun moth habitat.

In order to remove our objection, the Planning proposal should be revised as follows.

- The area for the community title scheme should be reflected on the supporting maps.
- The community title scheme lot is mapped in the appropriate E2 zoning as per the mapping in the BDAR.
- The Planning Proposal needs to include the developers commitment to a Voluntary Planning Agreement (VPA) between Council and the landholder to enter into an in perpetuity conservation agreement over land referred to as Lot 62.

BCD consider that a VPA is the most suitable approach to ensuring that a conservation agreement is entered into. Alternatively, Council may consider requiring the conservation agreement as a Deferred Commencement Condition of Consent at the subdivision stage.

The Biodiversity Conservation Trust have a specific set of guidelines for proponents and consent authorities when development consent conditions require the use of conservation agreements to establish biodiversity offsets. These can be found at https://www.bct.nsw.gov.au/sites/default/files/2020-07/Guidelines%20for%20offset%20conservation%20agreements_July%202020.pdf

The comments on the flooding issues will be coming in a separate response.
If you would like to discuss this matter further, please contact Nicola Hargraves, Senior Conservation Planner on [REDACTED] or at [REDACTED].

Yours sincerely

[REDACTED]

ALLISON TREWEEK
Senior Team Leader – South East
Biodiversity and Conservation Division

Arif Yasin Chohan

From: Allison Treweek
Sent: Wednesday, 7 July 2021 1:48 PM
To: Arif Yasin Chohan
Subject: FW: BCD Flood advise - PP 7 Iceton Place, Yass

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

Hello Arif, sorry for the delay in getting this you. I chased the flooding team before I went on leave and they got back to me on Friday. Below is the response. Please give me a call if you need anything else.
Once again I sincerely apologise for the lateness of this response.
Thanks Allison

Allison Treweek
Senior Team Leader Planning

Biodiversity and Conservation | Department of Planning, Industry and Environment

Level 3, Farrer Place, Queanbeyan NSW 2620

www.dpie.nsw.gov.au

In order to ensure a high level of customer service and monitor work flow, South East Planning Team has an email address: [REDACTED]. Please address all further email correspondence in relation to Planning and Aboriginal cultural heritage regulation matters to this address. If appropriate, emails can be marked to the attention of your usual contact in the team.



The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Raymond Laine
Sent: Friday, 2 July 2021 4:36 PM
To: Mallory Barnes
Cc: Allison Treweek
Subject: RE: BCD Flood advise - PP 7 Iceton Place, Yass

Hi Mallory

Apologies for the delay in response.

I have reviewed the updated planning proposal. Please find below for consideration in your response to Council (wasn't sure how you might want to respond?):

Floodplain management:

From the information provided it remains unclear if issues linked with isolation and accessibility for emergency services have been addressed for the full range of floods. The planning proposal identifies '14 lots have building envelopes situated within the high hazard (H3 – H6) areas of the Yass River PMF flood extent'. It is unclear at what design event(s), internal and external site access is lost to these high hazard and other subdivision lots, and the duration of isolation. As these issues are linked to isolation, evacuation and rescue during times of flood, we recommend Council discuss emergency service requirements with relevant emergency service agencies (e.g. SES, Ambulance, Fire, Police).

In addition we recommend Council adequately consider the post development scenario, climate change and associated freeboard provisions when defining the flood planning area. This will enable the approval authority to satisfy itself of consistency with the NSW Governments Flood Prone Land Policy and Yass Valley LEP. Of particularly note, it is evident major overland flow paths (with adequate freeboard) have not been incorporated into the proposed flood planning area.

Should you require any further advice on flood risk management, please don't hesitate to contact the SE Water, Flood and Coast team.

Best regards
Ray

Dr Raymond Laine
Senior Flood, Coast and Estuaries Officer – South East

Biodiversity and Conservation | Department of Planning, Industry and Environment

Block D, Level 3, 84 Crown Street, Wollongong NSW 2500

www.dpie.nsw.gov.au



**Planning,
Industry &
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Our Vision: Together, we create thriving environments, communities and economies.

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.



26 May 2021

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

Attention: Arif Chohan

PLANNING PROPOSAL PP.2020.03 – PROPOSED AMENDMENT TO YASS VALLEY COUNCIL LEP 2013, LOT 2 DP1243702, LOTS 13 & 14 DP786575, ICETON PLACE, YASS

I refer to your correspondence regarding the subject Planning Proposal which has again been referred to the Transport for NSW (TfNSW) for assessment and comment following a 1st round of consultation. The Planning Proposal has been amended following the submissions received.

It is understood that the planning proposal represents an amendment to the current Yass Valley LEP to change the minimum lot size for the subject site from 10 ha to 1 and 2 ha minimum lot size. The modified Planning Proposal provides for the site to be subdivided into 71 rural residential allotments (subject to development consent) instead of 72 allotments.

The subject land is located on the south eastern side of the township of Yass, to the east of Wee Jasper Road (MR278) which is a classified "Regional" road and to the south of Yass Valley Way (RR7610) which is an unclassified "Regional" road;

TfNSW has completed an assessment of the modified application, based on the information provided and focussing on the impact to the state road network. TfNSW notes:

- That access is not proposed directly to Wee Jasper Road however a proportion of the traffic will rely on access via the intersection of Gums Lane with Wee Jasper Road.
- The previous submission from TfNSW dated 15 December 2020 indicated that TfNSW would not object to the rezoning of the subject site as defined subject to issues identified in that response being addressed. This included the need for the intersection of Gums Lane with Wee Jasper Road to comply with the Austroads Guide to Road Design. The revised documentation does not appear to address the issues outlined in this previous response.

The response from Transport for NSW remains as per its submission dated 15 December 2020.

Any enquiries regarding this correspondence may be referred to Cam O'Kane, TfNSW (South Region), phone [REDACTED].

Yours faithfully

Maurice Morgan
Team Leader, Development Services South

3rd stage of consultation

State agencies & authorities

Arif Chohan
Strategic Planner
Yass Valley Council
PO BOX 6
Yass NSW 2582

21 February 2022

Dear Mr Chohan

Subject: Planning Proposal 2020/03 – LEP Amendment to reduce minimum lot size

The Department of Planning and Environment (the Department) has undertaken a review of the Planning proposal submitted. Please note that our Aboriginal Cultural Heritage Team is now separate to our Department and we will therefore only be commenting on biodiversity and flooding.

Biodiversity

BCD note the increased avoidance of the Golden Sun Moth (GSM) population present on site as well as the Striped Legless Lizard (STL) through an amended layout and added protection measures address our previous concerns. The added environmental protection measures through an Environmental zoning throughout the Community title lot is supported, however we would suggest increasing the minimum lot size to the size of the lot to prevent any further subdivision occurring.

We also support the use of a biodiversity management plan being incorporated into the community management statement as detailed within the proposal.

BCD support the proposed voluntary planning agreement (VPA) for lot 62 to provide added environmental protection measures for the GSM habitat present within that location.

We are pleased to see that long-term protection measures have been included within this amendment. Furthermore, ensuring the ongoing protection of the threatened species present through adequate mitigation measures within the VPA should also be followed up on.

Flooding

From the information provided it remains unclear if Council has discussed emergency service requirements with relevant emergency service agencies (e.g. SES, Ambulance, Fire, Police). The updated planning proposal and accompanying flood assessment (GRC hydro, Sep 21) once again highlight significant increases in dwelling density on land that presents isolation and accessibility issues for emergency services during extreme events. The updated planning proposal identifies that '12 lots have building envelopes situated within the high hazard (H3 – H6) areas of the Yass River PMF flood extent', with depths exceeding 6 meters at some building envelopes with no accessibility for emergency services. As a result and consistent with 'Considering flooding in land use planning-Guideline' NSW Government July 2021, NSW Floodplain Development Manual 2005, NSW Planning

circular 21-006, Council should satisfy itself that risk to life can appropriately managed for the full range of floods including safe occupation and evacuation.

Further, we again note that major overland flow paths (with adequate freeboard) have not been incorporated into the proposed flood planning area, and in reviewing the updated planning proposal that these flow paths with freeboard have not been included in the land capability assessment for on-site effluent management. It is recommended that Council consider developing adequate controls to guide sound flood related development decision making including the location of septic systems in high flood risk locations.

If you would like to discuss this matter further, please contact Nicola Hargraves, Senior Conservation Planner on [REDACTED] or at [REDACTED].

Yours sincerely

[REDACTED]

ALLISON TREWEEK
Senior Team Leader – South East
Biodiversity and Conservation Division



Our ref: SWT20/00151
Contact: Cam O'Kane

8 February 2022

Yass Valley Council
BY EMAIL: council@yass.nsw.gov.au

Attention: Arif Chohan

**PLANNING PROPOSAL PP.2020.03 – PROPOSED AMENDMENT TO YASS VALLEY COUNCIL
LEP 2013, LOT 2 DP1243702, LOTS 13 & 14 DP786575, ICETON PLACE, YASS**

I refer to your correspondence regarding the subject Planning Proposal which has again been referred to the Transport for NSW (TfNSW) for assessment and comment following a 1st and 2nd round of consultation. The Planning Proposal has been amended following the submissions received.

It is understood that the planning proposal represents an amendment to the current Yass Valley LEP to change the minimum lot size for the subject site from 10 ha to a combination of 1 and 2 ha minimum lot size. The modified Planning Proposal provides for the site to be subdivided into 71 rural residential allotments (subject to development consent) instead of 72 allotments.

The subject land is located on the south eastern side of the township of Yass, to the east of Wee Jasper Road (MR278) which is a classified "Regional" road and to the south of Yass Valley Way (RR7610) which is an unclassified "Regional" road;

TfNSW has completed an assessment of the modified application, based on the information provided and focussing on the impact to the state road network. TfNSW notes:

- That access is not proposed directly to Wee Jasper Road, however a proportion of the traffic will rely on access via the intersection of Gums Lane with Wee Jasper Road;
- The previous submission from TfNSW dated 15 December 2020 indicated that TfNSW would not object to the rezoning of the subject site as defined subject to issues identified in that response being addressed. This included the need for the intersection of Gums Lane with Wee Jasper Road to comply with the Austroads Guide to Road Design. The revised documentation does not appear to address the issues outlined in this previous response.

The response from Transport for NSW still remains as per its submission dated 15 December 2020.

Any enquiries regarding this correspondence may be referred to the writer, TfNSW (South Region), phone [REDACTED].

Yours faithfully

Cam O'Kane
Case Officer, Development Services South



Contact Tim Baker

Phone

Email

Arif Chohan
Yass Valley Council
Locked Bag 6
YASS NSW 2582

Our ref V15/2812-5#40

17 February 2022

Dear Arif

**RE: Updated and Amended Planning Proposal to reduce the Minimum Lot Size of
7 Iceton Place, Yass**

The Natural Resources Access Regulator (NRAR) has reviewed the updated and amended documents for the Planning Proposal relating to 7 Iceton Place, Yass (Lot 2 in DP 1243702, Lot 13 and 14 in DP 786575). This review has been completed in consideration of NRAR's comments dated 22 December 2020 on the initial planning proposal documents. Relevant comments and recommendations are provided below for Councils consideration.

Comments

- The revised layout to incorporate a riparian buffer from the high bank of O'Brien's Creek and to maintain this buffer predominantly within a Community Title lot is supported. It is understood the buffer width has been developed consistent with the averaging rule of the Guidelines for Controlled Activities on Waterfront Land (NRAR 2018).
- The consideration of buffers between minor mapped watercourses on the site and dwelling locations is also supported. As the minor watercourses are generally within the proposed lots, future subdivision applications will need to consider the requirement for a Controlled Activity Approval (CAA) for roads and other infrastructure, and how they meet the requirements of the CAA Guidelines. Any proposed swale construction within waterfront land would also need to be considered for a CAA, and levees may require a Flood Work Approval. It is recommended the proponent review the proposed site for the requirement for a CAA by using the Waterfront land e-tool at the following link: <https://www.nrar.nsw.gov.au/how-to-apply/controlled-activities/tools> to confirm future approval and guideline requirements.
- The proposal to supplement non-potable demands with a reticulated supply from a communal bore is supported. Based on the initial hydrogeological assessment the pumping test has provided positive results. To confirm this as a viable option it is recommended an application for a water supply works approval be submitted to WaterNSW to enable the relevant impact assessments and approval processes to be completed. This process will need to consider the applicability of relevant rules for water supply work approvals in the Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Source 2020. This includes distance rules from existing bores, property boundaries and contamination sources. It is noted the rule that relates to town water supply bores requires a 500m buffer unless consent is provided in writing from the local water utility.
- It is also understood water taken from the bore will need to be accounted for by holding sufficient entitlement in a Water Access Licence, and that separate access licences

would be required for domestic and stock requirements. WaterNSW can provide further advice on the approval and licensing requirements.

- It is noted the water supply information refers to a non-potable demand of 8-10ML and reliance on rainwater for household use. Based on the document titled, "*How much water do I need for my rural property*" approximately 0.2ML is required for each lot for 0.1ha of garden. This would equate to 14.2ML/yr for the 71 lots. The household requirement with a septic would be approximately 0.25ML/yr for a four person household. It is recommended these figures and this document be considered in confirming water requirements and availability for this landuse. The document is available at the following link: https://www.waternsw.com.au/_data/assets/pdf_file/0005/128354/1.-How-much-water-do-I-need.pdf

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

Yours sincerely

A large black rectangular redaction box covering the signature area.

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