

## YASS VALLEY COUNCIL DCP ASSESSMENT

<b>Recommendation</b>	Deferred Commencement Development Consent	
<b>Assessing Officer</b>	Jeremy Knox – Development Planner	15 July 2025
<b>Consent Authority</b>	Southern Regional Planning Panel	

<b>Development Application No.</b>	DA240159
<b>Type of Development</b>	Regionally Significant Development
<b>Development Site</b>	Lot 23 DP 248413, 3 Turton Place, Murrumbateman
<b>Applicant</b>	ACEnergy
<b>Description of Development</b>	<p>The proposal seeks consent for ‘electricity generating works’, specifically the installation of a 5 megawatt (MW) distribution battery energy storage system (BESS), including:</p> <ul style="list-style-type: none"> <li>• 10 battery storage containers. Each battery storage container is approximately 6m in length and 2.4m in width. The maximum height is approximately 2.65m above natural ground level.</li> <li>• Inverter or medium voltage power station (MVPS) unit</li> <li>• Construction of an acoustic barrier (approximately maximum 3m high and 25m x 37m in length), security fencing, and landscaping around the development complex</li> </ul>

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|  | <ul style="list-style-type: none"><li>• Underground electrical sub transmission lines</li><li>• New vehicle access from Turton Place and internal access road</li><li>• Removal of two (2) native trees</li><li>• Associated earthworks</li><li>• Demolition/removal of existing shed</li><li>• Establishment of asset protection zones</li></ul> |
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Table 1 - Table of Amendments

Description	Date of Council Resolution	Effective Date
Adoption of DCP	149 of 25 July 2024	1 August 2024

## A.12 Land Use Matrix

- A INTRODUCTION
- B PRINCIPLES FOR ALL DEVELOPMENT
- C SUBDIVISION CONTROLS
- D RESIDENTIAL DEVELOPMENT CONTROLS
- E RURAL, LARGE LOT AND ENVIRONMENTAL ZONE DEVELOPMENT
- F INDUSTRIAL AND COMMERCIAL DEVELOPMENT
- G AREA SPECIFIC CONTROLS
- H DEVELOPMENT IN HAZARD AFFECTED AREAS
- I CAR PARKING AND ACCESS
- J HERITAGE
- K NATURAL RESOURCES
- L MISCELLANEOUS LAND USES

### KEY:

- relevant part for consideration
- consider part if necessary

Land Use	Relevant Part											
	A	B	C	D	E	F	H	I	J	K	L	
advertisement	•	•				•						
affordable housing	•	•		•	○		○	•				
aquaculture	•	•			•		○	•				
agricultural produce industry	•	•			•		○	•				
agriculture	•	•			•		○	•				
air transport facility	•	•						•				
airstrip	•	•					○	•				
amusement centre	•	•			•		○	•				
intensive agriculture	•	•			•		○	•				
animal boarding and training establishment	•	•			•	•	○	•				
artisan food and drink industry	•	•			•		○	•				
attached dwelling	•	•		•	○		○	•				
backpackers accommodation	•	•			○	○	○	•				
bed and breakfast accommodation	•	•			○	○	○	•				
bee keeping	•	•			•		○	•				
bio solids treatment facility	•	•						○	•			
boarding house	•	•		•	○	○	○	•				
boat building and repair facility	•	•					○	•				

A A

Land Use	Relevant Part											
	A	B	C	D	E	F	H	I	J	K	L	
boat shed	•	•					○				○	○
brothel	•	•				•	○	•			○	○
building identification sign	•	•				•	○				○	○
business identification sign	•	•				•	○				○	○
business premises	•	•				•	○	•			○	○
camping ground	•	•			○	•	○	•			○	○
canal estate development	•	•		○	○		○	•			○	○
car park	•	•				•	○	•			○	○
caravan park	•	•		○	○		○	•			○	○
cellar door premises	•	•				•	○	•			○	○
centre-based child care facility	•	•			○	•	○	•			○	○
charter and tourism boating facility	•	•				•	○	•			○	○
commercial premises	•	•				•	○	•			○	○
community facility	•	•			○	○	○	•			○	○
correctional centre	•	•			○	•	○	•			○	○
crematorium	•	•			○	•	○	•			○	○
dairy (pasture-based)	•	•			•		○	•			○	○
dairy (restricted)	•	•			•		○	•			○	○
depot	•	•						○	•		○	○
dual occupancy	•	•		•	○			○	•		○	○
dual occupancy (attached)	•	•		•	○			○	•		○	○
dual occupancy (detached)	•	•		•	○			○	•		○	○
dwelling	•	•		•	○			○	•		○	○
early education and care facility	•	•			○	•	○	•			○	○
eco-tourist facility	•	•				•	○	•			○	○
educational establishment	•	•					○	•			○	○
electricity generating works	•	•						○	•		○	○
emergency services facility	•	•				•	○	•			○	○
entertainment facility	•	•					•	○	•		○	○
exhibition home	•	•		•	○			○	•		○	○
exhibition village	•	•		•	○			○	•		○	○
extractive industry	•	•					○	•			○	○
farm building	•	•			•		○	•			○	○
farm stay accommodation	•	•			•		○	•			○	○
feedlot	•	•						○	•		○	○
food and drink premises	•	•				•	○	•			○	○
freight transport facility	•	•						○	•		○	○

## PART A – INTRODUCTION

Yes

REFERENCE	COMPONENT	COMPLIANCE	COMMENT
A.7 Variation to Controls	There may be situations where strict adherence to the controls of this Plan is not achievable. Should such a situation arise the non-compliance with the standard contained within this Plan must be justified in writing and submitted to Council with a development application. The justification must address: the standard or control being varied; <i>See <a href="#">A.7 Variation to Controls</a> (pg 11 &amp; 12) for more information</i>		
	the extent of the variation and the circumstances why the variation is being sought	Yes	Although there is uncertainty in relation to the applicability of the applicability of Part E of the DCP to the proposed development due to the land use matrix at A.12, the applicant has considered they are seeking a variation to Part E: E.1(c) - Siting of Buildings relating to the development being within 250m of a boundary to a property used for viticulture.  The objective of the control is considered to be met, noting the control itself has a 'built in' exception pathway. Refer to discussion in assessment report.
	why strict compliance is unachievable, unreasonable or unnecessary in this unique instance	Yes	
	how the objectives of the control are met or an acceptable solution achieved by the variation	Yes	
	there will be no adverse impacts as a result of the variation.	Yes	
A.10 The Development Process	<b>What is a DA?</b> A development Application (DA) is an application made to Council for permission to carry out various types of work such as:		

	Building a new building or structure;	Yes	The proposal seeks consent for 'electricity generating works', specifically the installation of a 5 megawatt (MW) distribution battery energy storage system (BESS)
	Alterations or additions to an existing building or structure;	No	
	Subdividing land or a building;	No	
	Changing the use of land or a building.	Yes	There is no subdivision proposed.
<b>Notifying a DA</b> DAs and applications to modify (other than for Complying Development Certificates, Designated Development, State Significant Development or Council Related Development) will be made available for a minimum of 14 days. Notification will be by notification letter to those likely to be impacted by the proposed development. Other DAs and applications to modify, as listed above (other than Complying Development Certificates) will be made available for a minimum of 28 days with notice placed on Council's website and social media pages.  Notification may not be required for DAs and modifications where the proposal is:			
	Consistent with the principal land uses permitted by the zoning;	No	There have been three periods of public exhibition, including an initial period and then two following receipt of additional information. There was a total of 48 submissions across the three periods.
	Comply with the requirements of the Yass Valley Local Environmental Plan 2013;	No	
	Comply with the requirements meet the objectives of any applicable DCP;	No	
	Unlikely to have a significant impact on adjoining or opposite properties.	No	Refer to discussion under community consultation in assessment report.
A Council related DA is one for which Council is the consent authority, that is:			

	Made by or on behalf of Council; or	N/A	Not Council-related development and Council is also not the consent authority.
	For development on land: <ul style="list-style-type: none"><li>• Of which the Council is an owner, lessee or a licensee, or</li><li>• Otherwise invested in or under the control of Council</li></ul>	N/A	
	<b>Submissions</b> If written submissions are made, they must be forwarded to Council during the period of notice relative to the DA. Before determining the matter notified, Council must consider all submissions. If a DA receives 10 or more submissions, a Planning Forum will be held with the applicant and submitters. The Forum provides the opportunity for submitters to address Councillors and provide a better understanding of the issues prior to a decision being made.		
	Submissions received during the period of notice	N/A	The proposal is regionally significant development (RSD) in accordance with Clause 5, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as it involves private infrastructure with an estimated development cost of greater than \$5 million (although the application had initially been lodged as local development) and is therefore presented to the Southern Regional Planning Panel (SRPP) as the consent authority.
	DA receives 10 or more submissions, a Planning Forum will be held with the applicant and submitters	N/A	
	<b>DA Assessment and Decisions Making</b> Council has delegated the assessment and determination of DAs, and other forms of approval, under s377 of the Local Government Act, 1993 to staff. However, there are some DAs that are referred to Council for determination, including:		
Proposals involving a significant environment, economic or social impact on the local community	N/A	-	

	Proposal listed as Regionally Significant Development in Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 or the Environmental Planning and Assessment Act, 1979 or the Environmental Planning and Assessment Regulation 2021	Yes	The Southern Regional Planning Panel is the consent authority. Reported to Council for noting receipt of the application at meeting 24 November 2024.
	Applications to be determined by the Joint Regional Planning Panel	Yes	
	Applications involving more than three reasonable and unresolved objections	Yes	
	Proposals involving a variation to the Yass Valley Local Environmental Plan 2013 or Development Contributions Plan	Yes	-
	A DA that seeks a review by Council of a determination made under delegated authority	N/A	-
	An application “called in” by Councillors	N/A	-
	<b>Council Related Development</b> A Council related development means development for which the Council is the applicant developer (whether lodged by or on behalf of Council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.  In accordance with the “Council-related Development Application Conflict of Interest Guidelines” (Department of Planning and Environment), Council related development applications are to be referred to the Chief Executive Officer (or a delegate) for a conflict-of-interest risk assessment. The Chief Executive Officer is to:		
	a. Assess whether the application is one in which a potential conflict of interest exists	N/A	Not Council-related development.
	b. Identify the phase(s) of the development process at which the identified conflict of interest arises	N/A	

	c. Assess the level of risk involved at each phase of the development process	N/A	
	d. Determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in this Plan and the outcomes of the Chief Executive Officer’s assessment of the level of risk involved as set out in this Plan  <b>Note:</b> The Chief Executive Officer could determine that no management controls are necessary in the circumstances	N/A	
	e. Document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.	N/A	
	Appropriate management controls may include any of the following:  <b>Assessment and Determination</b>		
	The assessment and/or determination of an application are to be undertaken by Council under delegation – this might be appropriate if the proposal is considered a low-level risk or non-controversial	N/A	Not Council-related development.
	The application could also be referred for external assessment and/or determination to either another Council, a Regional Planning Panel, a consultant or a contractor – this might be appropriate for development where Council has a commercial interest in the land, or the development is seen to be a priority for the community	N/A	
	<b>Regulation and Enforcement</b>		



	Engagement of a private certifier or contractor	N/A	Not Council-related development.
	Peer review by a neighbouring Council and/or entering into a shared services arrangement with a neighbouring Council	N/A	
	The management strategy for the following kinds of development is that no management controls need to be applied to:		
	Commercial fit outs and minor changes to the building façade	N/A	Not Council-related development.
	Internal alterations or additions to buildings that are not a heritage item	N/A	
	Advertising signage	N/A	
	Minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services)	N/A	
	Development where the Council might receive a small fee for the use of their land	N/A	
	<b>Refund of DA Fees</b> Council will refund DA fees when an application is withdrawn as follows:		
	Application is withdrawn after it is registered but prior to being processed by the Planning Department – up to 70%	N/A	-
	Application is withdrawn after being registered and processed but before determination – up to 50%	N/A	-

	Application is determined - Nil refund	N/A	-
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## PART B – PRINCIPLES FOR ALL DEVELOPMENT

Yes

REFERENCE	COMPONENT	COMPLIANCE	COMMENT
<b>B1 Sustainability</b>	Sustainability considers social, environmental and economic connections, civic leadership, environmental health and economic prosperity to be maintained in the interest of meeting current and future needs (Yass Valley Council Sustainability Policy, 2023). It is important that our community are able to adapt to changing climatic conditions, make efficient use of materials, minimise waste protection and resource consumption. Sustainability principles for development are most effective when considered at project design stage. In designing for sustainability the following principles, as outlined in Council's Sustainability Policy, are to be considered:		
	a. The precautionary principle, wherein if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by: i. Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment ii. An assessment of the risk-weighted consequences of various options	Yes	Principles of ecologically sustainable development considered and discussed under objects of the Act in section 3.7.1 of assessment report. Principles of ecologically sustainable development considered and discussed under objects of the Act in section 3.7.1 of assessment report.
	b. Intergenerational equity, – namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.	Yes	

	c. Conservation of biological diversity and ecological integrity, where conservation of biological diversity and ecological integrity should be a fundamental consideration.	Yes	
	d. Improved valuation, pricing and incentive mechanisms, environmental factors should be included in the valuation of assets and services, such as: i. Polluter pays – that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, ii. The users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste. iii. Environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.	Yes	
<b>B2 Site Suitability</b>	In determining whether a site is suitable for the proposed development the following need to be considered:		
	a. Physical constraints such as topography, flooding, heritage, bushfire and biodiversity	Yes	The physical constraints have been considered in proposal and assessment and are considered and it determined that the proposal is compatible with these constraints.
	b. Adjoining land uses, this is particularly important for intensive agricultural and industrial uses which may require physical separation from residential areas and existing dwellings	Yes	The adjoining land uses have been considered. The surrounding land uses are primarily rural lifestyle, small scale agricultural (e.g. viticulture, truffle farm), and agritourism (cellar door premises).

			This is considered in detailed throughout the assessment report, including under suitability of the site in section 3.9.
	c. The availability and location of all-weather access, electricity, reticulated water and sewer or other means of obtaining water and disposing of sewage	Yes	All available services are available or can be made available.
	d. Zoning restrictions, easements and covenants	Yes	The proposal is prohibited in the RU4 Primary Production Small Lots zone by the LEP, however permissibility is enabled by NSW State Environmental Planning Policy (Transport and Infrastructure) 2021. The zone objectives have been discussed under LEP in the assessment report.
	e. Site aspect, lot configuration to enable setbacks and restrict overshadowing	Yes	There are no issues identified in relation to site aspect, lot configuration, or overshadowing.
<b>B3 Site Analysis Plan</b>	All applications must be accompanied by a site analysis plan. A site analysis plan shall display, where relevant:		
	a. Site topography	Yes	Sufficient detail has been provided in the supporting application to enable consideration of site attributes and to enable assessment.
	b. Bushfire hazard of the site, including across roads, waterways, etc	Yes	
	c. Existing vegetation and mature trees, including hollow bearing trees	Yes	It is also noted that a site inspection was conducted with the SRPP members

	d. Heritage items in the vicinity	Yes	which includes views from vantage points in the public domain.
	e. Views to and from the site	Yes	
	f. Impact of vegetation and buildings on adjoining land including privacy, shading, lighting and visual amenity	Yes	
	g. Location of access points relative to pedestrian facilities and roadway structures	Yes	
	h. Solar access and predominant breeze	Yes	
	i. Flooding, including overland, riverine and on-site drainage	Yes	
	j. Proximity to community and social facilities	Yes	

#### B4 – Crime Prevention and Safety

Yes

Good design optimises safety in development which can lead to a reduction in crime and improve overall safety and livability. The principles of crime prevention through design seek to minimise preventable crime by considering crime opportunities in the development design phase. Design that encourages effective surveillance, controls access and maintains a high standard in the public realm has positive cumulative effect in crime prevention and reduction.

**Objective:** To ensure that development considers the principles of crime prevention and safety in the design phase and opportunities for crime occurrences are not increased by the development but opportunities for passive surveillance are improved

<b>B4.1 Passive surveillance</b>	People generally feel safer when they can see and be seen by other users of the space. Criminal activity is also less likely to occur when an offender knows they are being watched, and if it does occur, is more likely to be intervened or reported.
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	a. Windows should be located to allow surveillance of internal driveway and carparking areas for commercial, industrial and multi dwelling development	N/A	The site compound area proposes to include a wire mesh security fence around it. The site is well setback from roads and public spaces and therefore unlikely to result in any impacts or issues associated with safety, security and crime prevention.
	b. Sensor or solar lighting should be provided adjacent to entries for commercial, industrial and multi dwelling development	N/A	
	c. Windows, balconies, fencing and the like should be designed and constructed to allow views and passive surveillance of any adjacent public reserve; or recreational area. Where necessary, fencing may be required to be transparent, rather than of solid construction	N/A	
	d. Security fittings, shutters and doors, where fitted should be at least 50% transparent at street level to allow passive surveillance in commercial, industrial and multi dwelling development	N/A	
	e. Mature heights and widths of vegetation plantings should be considered so as not to visually obscure entries/exits signage, lighting or present a security risk	N/A	
	f. Pedestrian areas should be visible from nearby dwellings, buildings, parking areas or the street, and sufficiently lit to facilitate safe pedestrian movement if used after dark	N/A	
	g. For commercial and industrial development toilets should be integrated into a development with their entries highly visible and well lit, and not be in an isolated location	N/A	
	h. Landscaping should minimise spaces where intruders can hide	N/A	
	i. Security lighting is to be provided to public accessways and parking areas and conform to AS1158.1 'Vehicular Traffic Lighting' in commercial and industrial developments	N/A	
<b>B4.2 Access and space management</b>	Confusion between public and private spaces makes it easy for criminals to make excuses for trespassing onto private property. By making the distinction between public and private clearer, it increases the perception of risk and effort for offenders to commit a crime.		

	a. Buildings should provide clear and direct lines of sight between the street and building entrances	N/A	The site compound area proposes to include a wire mesh security fence around it. The site is well setback from roads and public spaces. There are no issues associated with access and space management.
	b. Pedestrian laneways should have more than one entrance to avoid “dead-ends” and entrapment spots	N/A	
	c. The main entry and building number should be clearly visible from the street for pedestrians, motorists and emergency services	N/A	
	d. In commercial and industrial development staff and customer entries should be identified appropriately by signage and lighting	N/A	
	e. The building and site layout should ensure there are no entrapment spots - small, confined areas that may be used for hiding or to trap potential victims	N/A	
	f. Where buildings are set back from the street, the area should be designed to minimise hiding and entrapment spots	N/A	
	g. For uses which will operate after dark, clear sightlines should be provided from the building entrance to parking areas and/or public streets	N/A	
	h. Sharp corners or deep recesses in the length of walls or fences that reduce visibility should be avoided	N/A	
	i. Machinery and plant, down pipes, bin storage, balconies and fences should be located in such a way that they prevent access to windows	N/A	
	j. Landscaping (e.g. creepers, low hedges) should be incorporated to limit the opportunity for graffiti on solid fences and walls which face parks, streets or laneways	N/A	
	k. Building materials and finishes which have abuttal to parks, streets or laneways, should reduce opportunities for graffiti and vandalism and allow for ease of cleaning	N/A	

## B5 – Neighbourhood Character

Yes

Each neighbourhood is unique and its characteristics assist people in finding their way and contribute to a sense of community and belonging. It is important that development is respectful of, and responsive to, the individual character of each neighbourhood.

**Objective:** To encourage development which responds to and contributes positively to the character and topography of the existing streetscape. Ensure that new subdivisions establish a high quality of neighbourhood character and amenity

B5 Neighbourhood Character	a. Development should respect the scale, patterns and predominant building characteristics within a streetscape.	Yes	This control is intended to relate more significantly to urban built form. However, broadly the development is considered to respect the scale and built characteristics, although there is some concern that the proposal may present as too industrial or utilitarian in nature. This can be addressed through proposed landscaping and careful attention to colours, finishes and material.  This is discussed in detail with the assessment report.
	b. The design should consider how the building/s will respond to the predominant characteristics of the neighbourhood such as dominant land uses, construction types and materials, roof pitch, setbacks, location and proportion of windows and doors, verandahs, vehicle parking/garaging, landscaping of public and private areas.	Yes	As above.
	c. New development should not dominate the streetscape.	Yes	The new development is not considered to 'dominate' the streetscape, however it will be present within the landscape, which requires careful attention.



	d. Building materials and finishes should reinforce or complement the dominant pattern within the streetscape.	Yes	This control is intended to relate more significantly to urban built form. Building materials and finishes are unlikely to have significant impact on the <i>streetscape</i> . However, in context of the <i>landscape</i> , White is not considered appropriate as it will still have presence in the landscape (especially whilst landscaping establishes) and the high need to preserve visual rural character due to the agritourism values of the area. The applicant remains non-committed, indicating they will be proposed as compatible with the surrounding environment “where possible” subject to final designs and product selection. Refer to discussion and recommendation in assessment report.
	e. Buildings, driveways, fencing and landscaping should be designed to respond to the topography of the site by following contours or stepping down steeper sites	Yes	The location of development generally responds to the site contours.
	f. Trees should be retained, both in the road reserve and private allotments.	Yes	Trees are retained, with the exception of two non-hollowing bearing which are proposed for removal at location of new access driveway.
	g. Facades should incorporate building elements that assist with thermal comfort controls and the use of sustainable building materials.	N/A	-

## PART C – SUBDIVISION CONTROLS

N/A

## PART D – RESIDENTIAL DEVELOPMENT CONTROLS

N/A

## PART E – RURAL, LARGE LOT AND ENVIRONMENTAL ZONE DEVELOPMENT

N/A

**Note:** The proposal for 'electricity generating works' is included in the land use matrix provided upfront in Part A (A.12) of the DCP for the purposes of determining the parts/controls that are applicable. However, it has been identified that the proposal as a BESS does not clearly align with all controls under the applicable parts and has presented difficulty for assessment including for the applicant in their Statement of Environmental Effects and the comments in community submissions received. This centres on two issues:

- Part E of the DCP is for Rural, Large Lot and Environmental Zone Development. However, the land use matrix in A.12 indicates that this part is not applicable to 'electricity generating works'. This is likely due to the DCPs drafting corresponding with LEP land use table for determining which parts of the DCP are applicable – i.e. the permissibility for 'electricity generating works' in rural zones is only enabled by the SEPP, so therefore in drafting the land use matrix in the DCP, 'electricity generating works' has not been cross-referenced as applicable to the rural zones. The applicant has provided assessment against Part E.
- Part L of the DCP is for miscellaneous land uses. The land use matrix in A.12 indicates that it applicable to 'electricity generating works', however, Part L6 is then in relation to 'renewable energy development projects', which the proposal is not. It is noted the controls appear to have been written for particularly wind and solar generating projects. The applicant has not provided assessment against Part L stating that their proposal is not for a renewable energy project.

REFERENCE	COMPONENT	COMPLIANCE	COMMENT
This part applies to development within the R5 Large Lot Residential, RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C3 Environmental Management, C4 Environmental Living.			
This part seeks to ensure that:			

- the siting of new development in the following zones maintain the low density, dispersed character, rural amenity and vistas of the Yass Valley;
- ridgelines and scenic vistas are protected where buildings respect topography, use neutral non reflective materials and do not dominate the landscape;
- separation distances are to be provided to ensure rural amenity and right to farm is maintained by limiting the potential for land use conflict. The right to farm, as described by NSW Department of Primary Industries, means a desire by farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users.

<b>E.1 Siting of Buildings</b>	<b>Objective:</b> To ensure that developments are sited in a manner to not dominant the rural landscape and minimise landuse conflict potential		
	a. All buildings shall be located at least 40metres from the bank of any water course;	Yes	Complies.
	b. 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;	Yes	Complies as the development is outside of the easement area. The application was referred to Essential Energy who responded on 1 November 2024. Essential Energy raised no objections, subject to standard requirements.
	c. All buildings shall have a setback of no less than 250 metres from the boundary of a property where the following activities exist: <ul style="list-style-type: none"> <li>• forestry;</li> <li>• intensive plant agriculture (including vineyards and orchards);</li> <li>• mines and extractive industries;</li> <li>• 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>	Numerical – No  Objectives - Yes	The setback distance to ‘intensive plant agriculture’ on adjoining land which is approximately 140m instead of minimum 250m. Applicant has provided details suggesting that the development still achieves the objectives of the controls. It is noted that the proposal has a ‘built in’ exception pathway in the last point. In this instance, the nature of the proposal as a BESS is not a sensitive land use. It is unlikely that there are incompatible issues by way of noise, light intrusion and spray drift that

			<p>would adversely affect the BESS. Conversely, it is unlikely that the nature of the BESS would have any adverse impact on the viticulture operations at the proposed setback of 140m to the property boundary instead of 250m. The exception to this is in relation to the potential for smoke in a major fire incident, however, again the difference between the proposed 140m and required 250m is unlikely to make any significance difference (smoke is discussed further in this assessment under key issues in Section 5 of the assessment report).</p> <p>Refer to more detailed discussion under DCP in assessment report.</p>
	d. The highest point of a building must be at least 5 metres below the highest ridgeline of any hill within 100 metres;	Yes	Complies.
	e. Development on sloping sites should be designed to minimise 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.	Yes	Complies. It is note the site is relatively flat and minimum cut and fill is required. BESS infrastructure is proposed to be on footings to meeting FFL requirements rather than raising the site through fill.
	See <a href="#">Figure 17 – Dwelling Located 5m Below Ridgeline</a> (pg 66)		

<b>E.2 Access</b>	<b>Objective:</b> To ensure that all developments are provided with safe and legal access that does not impede traffic movement		
	a. Lots created upon which a dwelling is able to be situated must have legal direct frontage or right of carriageway to a public road;	N/A	No new lots created. Legal and physical access is available from Turton Place.
	b. All property access shall be constructed to a rural property access as in figure 8 below;	Yes	Can comply – appropriate standard conditions required.
	c. 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;	Yes	
	d. 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; <i>See <a href="#">Figure 18 – Access Treatment</a> (pg 66)</i>	Yes	
	e. 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;	Yes	
	f. Where topography does not permit the installation of pipes, a reinforced concrete dish drain may be constructed in the table drain;	Yes	
	g. The finished surface of any earthworks required for driveway construction shall be graded to a maximum 1:4 cut and 1:2 fill;	Yes	
	h. Entrances are to be located so that a Safe Intersection Sight Distance is achieved relative to the prevailing speed conditions as shown in <a href="#">Table 12 – Safe Intersection Sight Distance</a> (pg 67)	Yes	
	i. Consideration may be given to Approach Site Distance on difficult sites, subject to the provision of additional treatment to ensure traffic safety.	Yes	
	j. 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	

	k. 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.	Yes	
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**E1 – Dwellings**

**N/A**

**E2 – Farm Buildings and Outbuildings**

**N/A**

**E3 – Rural Based Activities**

**N/A**

**Note:** This section applies to common rural based activities likely to occur in the applicable zones and provides on acceptable development design, siting and operation. Noting the control objective of ensuring agricultural activities limit off site nuisance, the proposal is not a rural industry or the like, nor it is an agricultural industry. This part has however been considered.

<b>E3.1 Intensive agriculture and rural industry</b>	<b>Objective:</b> To ensure that agricultural activities limit off site nuisance as much as practicable		
	a. All potential stationary noise, odour, dust or spray drift sources are to be sited as far away as possible from common property boundaries and sensitive uses such as dwellings (not in the same ownership) and having regard to prevailing winds;	No	<p>The proposal as a BESS does not generate any significant odour, dust or spray drift issues, nor are these issues which are generated by neighbouring properties likely to impact the BESS.</p> <p>The BESS does have a noise impact on nearby sensitive receivers and is located close to the boundary. However, locating it further from the boundary may also increase noise impacts to sensitive receivers in the other direction based on the acoustic report modelling.</p>

			Noise is discussed in detail under key issues in Section 5 of the assessment report.
	b. Development applications should detail what noise attenuation or abatement measures are proposed to ensure that constant noise does not exceed 5dB(A) above background noise levels when measured at the boundary with any adjoining property or public road;	No	<p>The proposal would not comply as the BESS will produce noise level greater than 5dB(A) above background noise levels when measured at the boundary with any adjoining property.</p> <p>The acoustic report submitted with eh application was prepared under NSW Noise Policy for Industry (NPfI). Further advice was sought from Council's peer review noise consultant who indicated that in his experience, most development controls follow NPfI by requiring residential criteria to be met within 30m of a dwelling and that the explicit advice of NPfI is likely to carry the significant weight compared to the DCP if considered by the courts.</p> <p>Noise is discussed in detail under key issues in Section 5 of the assessment report.</p>
	c. All outdoor lighting fixtures should be designed, installed, located and maintained to avoid light spill or glare on to adjacent properties;	Yes	Can comply – appropriate conditions required.

	d. Wastewater will be required to be managed or treated on-site to ensure that there is no runoff into natural waterways or adjacent properties;	Yes	Can comply – appropriate conditions required. Refer to discussion under key issues in Section 5 of the assessment report in relation to firefighting water.
	e. Details should be provided in relation to weed management, vermin control; biosecurity issues, crop residues, unsaleable produce, mass mortality incidents or used growing media as relevant;	N/A	There are no biosecurity issues other than during construction and within any ongoing visitors to the site. This can be managed through regular property biosecurity arrangements and measures.
	f. Consideration should be given to transport to and from the site including the conditions and function of roads and load bearing bridges or whether access is via a residential area;	Yes	No issues identified. Appropriate conditions required for dilapidation report for Turton Place and Patemans Lane to be prepared as part of the Construction Environmental Management Plan.
	g. Consideration should be given to surrounding uses, particularly whether other rural uses generate similar impacts and any possible cumulative effects;	Yes	Consideration has been given to the surrounding land uses in this assessment. Refer to the assessment report generally.
	h. Proposals should be landscaped and visually screened to all public roads and adjacent sensitive uses;	Yes	Landscaping is proposed to assist with visual screening from public domain. Refer to discussion under key issues in assessment report.
	i. Land uses which pose a fire hazard may not be supported if the land is mapped as Bushfire Prone. This includes Depots with any bulk fuel storage, Sawmills, or other Rural Industries which involve the bulk manufacture or storage of flammable goods;	Yes	The site is identified as bushfire prone land (as is the majority of land in these zones in the Yass Valley). The application was accompanied by a bush



			fire management and emergency response plan (BMERP) prepared by an accredited bush fire practitioner detailing compliance with Planning for Bushfire Protection 2019. The application does not require a bush fire safety authority for the purposes of s100B of the <i>Rural Fires Act 1997</i> , however was referred to the NSW Rural Fire Services for advice under s4.14 of the EP&A Act 1979 who provided recommendations which have been addressed. The impacts of the proposal are considered to have been suitably addressed and the bush fire risks can be appropriately managed, consistent with the requirements and principles of Planning for Bushfire Protection 2019. This is discussed in detail under key issues in Section 5 of the assessment report.
	j. Carparking is to be provided in accordance with the provisions of Part I;	Yes	There is ample area for parking on site during operation and construction.
	k. Minimum separation distances from dwellings for building, structure or operational area associated with a rural industry shall provide the separation distances as shown in <a href="#">Table 16 – Minimum Separation Distances</a> (pg 70)	N/A	The proposal is not a land use specified for the purposes of Table 16.
	<b>Note:</b> Council may require the preparation of an Acoustic Report or Odour Modelling Report by a suitably qualified consultant, if additional supporting information or measures are deemed required.		

	A reduced setback may be considered where mitigation measures to limit noise, dust, odour, light spill and spray drift are implemented		
<b>E3.2 Agritourism</b>	<p>Development for agritourism land uses including farm experience premises and farm gate premises can only be undertaken on a farm and must be ancillary (secondary) to the agriculture being undertaken on the farm. These requirements are important to ensure agricultural land is retained in NSW. The NSW Agritourism Planning reform objectives aim to make agritourism in appropriate areas easier with some forms able to undertaken as exempt development. The controls within this Plan reflect those contained in the NSW Agritourism Planning reforms.</p> <p>Any development application for these land uses should contain supporting information to demonstrate that the proposal is ancillary to the farm and will not adversely affect the existing farm operations on the landholding. Agritourism may be undertaken as exempt development on land within Zones RU1 Primary Production, RU2 Rural Landscape or RU4 Primary Production Small Lots.</p> <p><b>Objective:</b> To ensure agritourism land uses are ancillary to the agricultural land use and enhance and protect amenity and environmental features in the area</p>		
	a. Agritourism land uses should not be located on land that is subject to flooding, bushfire attack levels of BAL-40 or Flame Zone, or contaminated land;	N/A	The proposal is not for agritourism.
	b. The gross floor area of a building (or part of a building) for farm gate premises or farm experience premises is: <ul style="list-style-type: none"> <li>• not to be more than 220 square metres where the landholding is no more than 10ha, or</li> <li>• not to be more than 300 square metres where the landholding is greater than 10ha;</li> </ul>	N/A	
	c. The total footprint of all buildings used for farm gate premises and farm experience premises on the landholding is: <ul style="list-style-type: none"> <li>• not to exceed 550 square metres where the landholding is no more than 10ha, or</li> <li>• not to exceed 650 square metres where the landholding is greater than 10ha;</li> </ul>	N/A	
	d. Where Council reticulated sewer services are unavailable, a geotechnical report prepared by a geotechnical engineer or suitable qualified wastewater consultant is to be provided. The report must	N/A	

	demonstrate that the proposed agritourism use is located on sufficient land area to accommodate a farm gate premises or farm experience premises and an on site sewage management system that complies with the necessary buffer requirements;		
	e. Where on site sewage management system is proposed and the site is mapped in Yass Valley Local Environmental Plan 2013 as being impacted by vulnerable groundwater, the Geotechnical report shall include an assessment of the potential impacts of the development on the groundwater system and dependent ecosystems;	N/A	
	f. Where the site is not connected to reticulated water, a water supply and management plan is to demonstrate sufficient potable water supply, both quality and quantity, is available. This water supply is to be in addition to water required for firefighting purposes;	N/A	
	g. Carparking is to be provided in accordance with the provisions of Part I	N/A	
	h. The hours of operation for farm gate premises are: • 8am – 5pm Sunday to Friday and public holidays, and • 8am – 5pm on Saturday;	N/A	
	i. The hours of operation for farm experience premises are: • 8am – 5pm Sunday to Thursdays and public holidays, • 8am – 10pm Friday, and • 8am – midnight on Saturday;	N/A	
	j. The maximum number of visitors to farm gate premises is not to exceed 120 on a landholding at any one time;	N/A	
	k. The maximum number of visitors to farm experience premises is not to exceed 150 on a landholding at any one time.;	N/A	
	l. Farm experience premises are limited to 55 events per year, including a maximum of 5 events per year after 6pm that have amplified noise;	N/A	

	m. Adequate toilet facilities are to be provided. At least one toilet must be a unisex accessible toilet; Amplified noise for farm gate premises and farm experience premises must not exceed a maximum of 35dB(A) at the property boundary of the closest residential dwelling. Amplified noise shall not extended past midnight Friday and Saturday nights or 10pm any other night	N/A	
<b>E3.3 Cellar doors</b>	A cellar door facility is only permissible on land on which there is a commercial vineyard. Cellar door premises are a type of farm gate premises as defined in Yass Valley Local Environmental Plan, 2013. Farmgate premises may be undertaken as exempt development on land within Zone RU1 Primary Production, RU2 Rural Living or RU4 Primary Production Small Lots,  <b>Objective:</b> To provide guidance on cellar door developments		
	a. Cellar door facilities should not be located on land that is subject to flooding or land impacted bushfire levels of BAL-40 or Flame Zone;	N/A	The proposal is not for a cellar door.
	b. Consideration should be given to the separation of cellar premises from activities, rural industries, intensive agriculture and other land uses that may give rise to odour, noise or light impacts;	N/A	
	c. To limit visual impact in a rural landscape, cellar door premises should be co-located with existing buildings;	N/A	
	d. Existing access from a primary road via an all-weather constructed internal road shall be used to access cellar premises;	N/A	
	e. Proposals must demonstrate compliance with fire safety, building design, access to premises, food safety and public health legislation;	N/A	
	f. Where a private drinking water supply is required (ie not connected to Council reticulated supply) demonstrated compliance with NSW Public Health Act and Private Water Supplies Guidelines is required;	N/A	
	g. A maximum of 2 identification signs affixed to the building, front fence of the property on which the cellar door is located. Sign are to be of a size that is reasonable to provide the details necessary to identify the establishment, proprietor and contact details;	N/A	

	h. The premises is to be provided with appropriate effluent disposal. Where the establishment is not able to be connected to Council's reticulated sewer system an on site sewage management plan prepared by a suitably qualified wastewater consultant or geotechnical expert is to be provided with the development application;	N/A	
	i. No lighting shall spill onto adjoining roadway or properties, nor impact residential amenity or road users;	N/A	
	j. Carparking is to be provided in accordance with Part I;	N/A	
	k. A waste management plan is to be submitted with the development application demonstrating the type and volume of waste generated and the disposal methods of the waste;	N/A	
	l. Cellar door shall be setback from property boundaries, building and features as shown in <a href="#">Table 17 – Setbacks for Cellar Door Premises</a> (pg 72 & 73)	N/A	
	<b>Note:</b> Setbacks do not apply where the cellar door is proposed in an existing building, such proposals are assessed on merit.		
<b>E3.4 Roadside stalls</b>	Roadside stalls are to be used exclusively for the sale of primary produce that has been grown on the property on which the roadside stall is located. They provide an opportunity for the sale of produce and hand crafted goods produced on the property to be sold directly to the public. Roadside stalls may be undertaken as exempt development on land in Zones RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots		
	<b>Objective:</b> To ensure that roadside stalls are appropriately located and operated so as not to cause road safety or environmental degradation.		
	a. Any building associated with a roadside stall shall be located wholly within the property and not encroach onto the road reserve or public land;	N/A	The proposal is not for a roadside stall.
b. The location of any building associated with a roadside stall shall comply with the requirements of the National Construction Code;	N/A		

	c. Any building associated with a roadside stall shall be constructed of non-reflective material. Where metal is to be used it shall be factory pre coloured neutral tones;	N/A	
	d. No lighting is to be installed in association with a roadside stall;	N/A	
	e. Any signage associated with the roadside shall be static and attached to the stall, not protruding above the roof line of the building;	N/A	
	f. The roadside stall is to be connected to the public road network with carparking provided in accordance with the requirements contained in Part I;	N/A	
	g. Internal access and carparking must ensure that vehicles enter and leave the site in a forward direction;	N/A	
	h. Stormwater must be disposed of at least 3 metres clear of any building in a manner that does not result in erosion or nuisance.	N/A	
<b>E3.5 Tourist and visitor accommodation</b>	Using an existing dwelling as a bed and breakfast or farm stay accommodation will result in a change of building class under the National Construction Code. There will be new fire safety and access requirements. The class of building will determine the building standards, and may require buildings to be upgraded to comply with current standards. Bed and breakfast accommodation is permissible when associated with a lawfully erected dwelling. Farm stay accommodation is permissible where the proposal is associated with a working farm that is used for a primary production purpose. Farm stay accommodation may be carried out as exempt development on land in Zones RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots		
	<b>Objective:</b> To provide guidance for tourist and visitor accommodation development		
	a. Tourist and visitor accommodation should not be located on land that is subject to flooding or land impacted by bushfire levels of BAL-40 or Flame Zone;	N/A	The proposal is not for tourist and visitor accommodation.
b. Consideration should be given to the separation of tourist and visitor accommodation from offensive and hazardous activities, rural industries, intensive agriculture and other land uses that may give rise to odour, noise or light impacts;	N/A		

	c. Where practicable tourist and visitor accommodation shall be co-located with existing buildings;	N/A	
	d. Existing access from a primary road via an all-weather constructed internal road shall be used to access the tourist and visitor accommodation;	N/A	
	e. Proposals must demonstrate compliance with fire safety, building design, access to premises, food safety and public health legislation;	N/A	
	f. Where a private drinking water supply is required (ie not connected to Council reticulated supply) demonstrated compliance with NSW Public Health Act and Private Water Supplies Guidelines is required;	N/A	
	g. A maximum of 2 identification signs affixed to the building, front fence of the property on which the accommodation is located. Sign are to be of a size that is reasonable to provide the details necessary to identify the accommodation, proprietor and contact details;	N/A	
	h. Carparking is to be provided in accordance with the requirements of Part I;	N/A	
	i. Tourist and visitor accommodation shall be setback from property boundaries, building and features as shown in <a href="#">Table 18 – Setbacks for Tourist and Visitor Accommodation Premises</a> (pg 74)	N/A	
	<b>Note:</b> Setbacks do not apply where the accommodation is proposed in an existing building, such proposals are assessed on merit.		

## PART F – INDUSTRIAL AND COMMERCIAL DEVELOPMENT

N/A

**Note:** This part applies to non-residential development within the E1 Local Centre, E4 Productivity Support, E4 General Industrial, and RU5 Village.

## PART G – AREA SPECIFIC CONTROL

N/A

**Note:** This part applies to town centre entrances only.

## PART H – DEVELOPMENT IN HAZARD AFFECTED AREAS

Yes

REFERENCE	COMPONENT	COMPLIANCE	COMMENT
	<p>The objectives of this Part are to:</p> <ul style="list-style-type: none"> <li>a. Require developments with high sensitivity to flood risk to be designed so that they are subject to minimal risk;</li> <li>b. Allow development with a lower sensitivity to the flood hazard to be located within the floodplain, provided the risk of harm and damage to property is minimized;</li> <li>c. Minimise the intensification of the high flood risk areas, and if possible, allow for their conversion to natural waterway corridors;</li> <li>d. Ensure design and siting controls required to address the flood hazard do not result in unreasonable social, economic or environmental impacts;</li> <li>e. Minimise the risk to life by ensuring the provision of reliable access from areas affected by flooding;</li> <li>f. Ensure that the subdivision of land on which a dwelling is able to be erected is suitable for such development;</li> <li>g. Minimise the damage to property arising from flooding;</li> <li>h. Ensure the proposed development does not expose existing development to increased risks associated with flooding;</li> <li>i. Ensure that fencing does not result in the undesirable obstruction of free flow of floodwater;</li> <li>j. Ensure that fencing does not become unsafe during floods so as to threaten the integrity of structures or the safety of people;</li> <li>k. Ensure that fencing is constructed in a manner which does not significantly increase flood damage or risk on surrounding land;</li> <li>l. Protect life and property in the event of an emergency;</li> <li>m. Ensure that buildings are suitable designed and located for the hazard applicable to the site;</li> <li>n. Ensure that any potentially contaminated land is suitably remediated for its intended purpose.</li> </ul>		



<b>H1 Flooding</b>	<p>Flooding and the natural watercycle processes can at times detrimentally affect property, livestock and human health and safety, especially within areas subject to periodic inundation by flood waters. The NSW Government issued a flood-prone land policy and The Flood Risk Management Manual that is applicable to New South Wales. It is important to acknowledge that a changing climate is likely to increase the frequency and severity of flooding.</p> <p><b>Objective:</b> To ensure that development is appropriately located and constructed having account of the risk of flood impact Controls are contained within Tables 21-24.</p> <p>The Flood Risk Management Manual provides guidelines for the implementation of the NSW Government’s flood-prone land policy by providing advice on the preparation of flood studies and floodplain risk management studies and plans. The primary objective of the policy is: “to reduce the impact of flooding and flood liability on individual owners and occupiers of flood-prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.”</p> <p>The Flood Risk Management Manual describes floodplain risk modification measures in three categories as shown in <a href="#">Table 20 – Typical Floodplain Risk Management Measures</a> (pg 90)</p> <p>Prevention of flood risk, through property and response modification measures is the option most feasible with the least impact on natural flood flows and is reliant on land use planning and development controls for implementation. Flood modification measures are the least preferred option, being costly, prone to failure and most likely to adversely affect the natural environment.</p> <p>In response to the NSW Government’s objective, Yass Council has undertaken a number of flood studies and floodplain risk management studies to distinguish the extent of flooding and identify mitigation measures for flood risks. These studies facilitate the management of development and other activities within the floodplain and are listed below:</p> <ul style="list-style-type: none"> <li>• Yass Flood Study</li> <li>• Yass Floodplain Risk Management Study and Plan</li> <li>• Gundaroo Floodplain Risk Management Study and Plan</li> <li>• Sutton Floodplain Risk Management Study and Plan</li> <li>• Murrumbateman, Bowning, Bookham and Binalong Flood Study</li> </ul> <p>The planning framework in this chapter reflects the NSW Government’s flood-prone land policy and The Flood Risk Management Manual while also being representative of local circumstances as identified through the applicable flood studies and floodplain risk management studies and plans. This chapter of the Plan applies to all flood-prone land within Yass Valley Council.</p>
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Council's Flood Planning Map illustrates which land is flood prone in Yass and the six villages (i.e. Murrumbateman, Bowning, Bookham, Binalong, Gundaroo and Sutton).

The Yass Valley council area is subject to two types of flooding, which can be identified using the Flood Planning Map and are listed below:

1. **Main Stream Flooding** – this occurs when floodwater surcharges the inbank area of the existing river and creek systems. Main Stream flooding is typically characterised by relatively deep and fast flowing floodwater, but may be shallower and slower moving in flood fringe areas.
2. **Major Overland Flow** – this occurs during storms resulting in the surcharge of the existing piped drainage system. It is also present in the upper reaches of the study catchments.

In addition, each floodplain in the local government area has primarily been divided into the following four categories, which can be identified using the Flood Planning Constraint Category Map:

1. **Flood Planning Constraint Category 1 (FPCC 1)** – Comprises areas where factors such as the depth and velocity of flow, time of rise, and evacuation problems mean that the land is unsuitable for most types of development. The majority of new development types are excluded from this zone due to its potential impact on flood behaviour and the hazardous nature of flooding.
2. **Flood Planning Constraint Category 2 (FPCC 2)** – Comprises areas which lie below the Flood Planning Level where the existing flood risk warrants careful consideration and the application of significant flood related controls on future development.
3. **Flood Planning Constraint Category 3 (FPCC 3)** – Comprises areas which lie below the Flood Planning Level but outside areas designated FPCC1 and FPCC2. Areas designated FPCC3 are more suitable for new development and expansion of existing development provided it is carried out in accordance with the controls set out in this document.
4. **Flood Planning Constraint Category 4 (FPCC 4)** – Comprises the area which lies above the Flood Planning Level but within the extent of the Probable Maximum Flood. Flood related controls in areas designated FPCC 4 are typically limited to flood evacuation and emergency response, although additional controls apply to 'critical uses and facilities' which are critical for response and recovery.

A **Special Flood Consideration Zone** also applies to land in the local government area and relates to areas where the flood risk is considered to be high enough to require additional controls to be applied to future development that is located on land lying between the Main Stream Flooding FPA and the Probable Maximum Flood.

	<p>This Plan uses a matrix to determine the relevant flood controls for specific development. The matrix combines flooding information in order to determine relevant controls for any given proposal as per Council's adopted flood studies. The four matrices are:</p> <ol style="list-style-type: none"> <li>1. Table 21: Yass Floodplain – Main Stream Flooding – Controls</li> <li>2. Table 22: Yass Floodplain – Major Overland Flow – Controls</li> <li>3. Table 23: Six Village Floodplain – Main Stream Flooding – Controls</li> <li>4. Table 24: Six Village Floodplain – Major Overland Flow – Controls</li> </ol> <p>The references in each matrix relate to the associated index of prescriptive controls set out in Table 26.</p> <p><i>Note in circumstances where both Main Stream and Major Overland Flow affect the land, the more onerous controls apply</i></p> <ul style="list-style-type: none"> <li>• Appendices 1,2 and 3 contains instructions on how to use the matrices and associated controls that apply to a development, as follows:</li> <li>• Appendix 1: Flooding assessment and documentation for a development application</li> <li>• Appendix 2: Land use categories</li> <li>• Appendix 3: Guide to general building matters and flood compatible materials</li> </ul>		
	<a href="#">Table 21 – Yass Floodplain – Main Stream Flooding – Controls</a> (pg 92)	N/A	-
	<a href="#">Table 22 – Yass Floodplain – Major Overland Flow – Controls</a> (pg 93)	N/A	-
	<a href="#">Table 23 – Six Village Floodplain – Main Stream Flooding – Controls</a> (pg 94)	N/A	-
	<a href="#">Table 24 – Six Villages Floodplain/s – Major Overland Flow – Controls</a> (pg 95)	Yes	<p>Flood Planning Constraint Category 2, 3 and 4 are applicable to the land.</p> <p>The site is within the flood planning area of the 1% AEP event. A flood assessment report has been submitted with the application and concludes that the maximum depth of the 1% AEP</p>

			event is 80mm with shallow sheet flow and ponding around the dam area. It recommends that the components of the development have a finished level of +150mm above the flood level and can be achieved through the footing design. Suitable vehicle and pedestrian egress is available to Turton Place away from the flood risk due to the shallow depth and low velocity. The proposal is compatible with the flood risk and the requirements of the flood controls are satisfied.
	See <a href="#">Table 25 – Index of Prescriptive Controls</a> (pg 96, 97 & 98)		
<b>H1.1 Specific fencing controls</b>	The following controls apply to any fencing on land designated “Flood Planning Constraint Categories 1, 2 and/or 3		
	<b>Objective:</b> To provide specific guidance for fencing on flood impacted land		
	An applicant will need to demonstrate that the fence (new or replacement fence) would create no impediment to the flow of floodwater. Appropriate fences must satisfy the following: <ul style="list-style-type: none"> <li>• An open collapsible hinged fence structure or pool type fence, or louvre fencing;</li> <li>• Must be constructed of non-permeable materials; or</li> <li>• Must allow floodwaters to equalized on both sides and minimum entrapment of flood debris.</li> </ul>	Yes	Required in draft recommendation conditions in relation to the acoustic wall. The hydraulic model will need to be run again for the development as proposed to be constructed. Due to the low depth and velocity and the large site, considered that the proposal with the acoustic wall is unlikely to have any significant influence on flood behaviour or impact on adjoining properties.

	<b>Note:</b> Fencing may need to be certified by an engineer specializing in hydraulic engineering, that the proposed fencing is adequately constructed so as to withstand the force of floodwater, or collapse in a controlled manner to prevent the undesirable impediment of floodwater.		
<b>H1.2 Controls for subdivision</b>	<b>Objective:</b> To ensure that all lots have unencumbered flood access in a 1% AEP		
	Subdivision of land which could enable the erection of a dwelling may not be supported if the land is identified below the 1% AEP level or is low lying and poorly drained - unless a site specific flood study is provided demonstrating a building envelope and access can be achieved above the 1% AEP flood level.	N/A	-

## H2 – Bushfire Prone

Yes

All information provided should be read in conjunction with the Yass Valley Local Environmental Plan 2013, Planning for Bushfire Protection 2019, and Australian Standard AS 3959.

The objectives of this part are to:

- a. Prevent the loss of life and property by providing development that is compatible with the identified bushfire hazard;
- b. Ensure that the risks associated with bushfire are appropriately and effectively managed;

Ensure that bushfire risk is managed in conjunction with the ecological values of the site and neighbouring lands.

<b>H2.1 Water storage facilities</b>	<b>Objective:</b> To ensure that adequate firefighting water is available in an accessible manner to emergency services		
	a. In addition to any water requirements of BASIX a minimum 15,000 litre tanked water storage, or an amount required in accordance with the NSW Rural Fire Service document 'Planning for Bushfire Protection, 2019', whichever is the greater, should be dedicated for firefighting purposes;	N/A	20,000L is proposed and was supported by NSW RFS.
	b. The water storage for bushfire fighting purposes shall be i. Easily identifiable from the street frontage appropriately directing emergency services to the storage facility; and	Yes	Proposal can comply.

	ii. Located with a hard stand area which allow easy access for fighting vehicles. To this end consideration must be given to turning areas, building locations and storz fitting access.		
	<b>Note:</b> Where the storage facility is underground it should have a 200mm access hole. Where the facility is via above ground tanks, they should be metal or concrete and have any stands protected. Bores and creeks should not be used for substitute firefighting water storage facilities.		
<b>H2.2 Location of buildings</b>	<b>Objective:</b> To ensure that buildings are located in areas on site less susceptible to a running bushfire		
	a. Buildings on Bushfire Prone Land should be located away from ridge tops and steep slopes- particularly up slopes, avoiding saddles and narrow ridge crests;	Yes	The site does not contain steep slopes or ridges.
	b. Outbuildings are to be located at least 6 metres away from the existing dwelling. Where outbuildings are within 6 metres of an existing building the must comply with the provisions of the National Construction Code for bushfire prone areas.	N/A	-
<b>H2.3 Landscaping for Bushfire</b>	The type, quantity and condition of fuel loads has a significant impact on bushfire behaviour and building survivability. A defendable space around a building from which to fight a fire greatly assist essential services personnel to save buildings. Additionally regularly cleaning gutters, removing dead leaves and vegetation and keeping canopies away from dwellings also assists in the survivability of a dwelling.		
	<b>Objective:</b> To guidance on residential vegetation to assist in bushfire management		
	a. Creepers over structures adjacent to a house add fuel and should be avoided;	N/A	The proposal is not for a dwelling.
	b. Low fuel areas, such as lawn, should be provided between the dwelling and the bushfire hazard.	N/A	
c. Trees with loose, stringy or ribbon bark should not be located near houses.	N/A		
<b>H2.4 Bushfire report</b>	<b>Objective:</b> To ensure that development on bushfire prone land is designed and supported by the appropriate reports having regard to the hazard posed		

	A Bushfire Risk Assessment Report is to be lodged with the Statement of Environmental Effects in support of the Development Application. The Bushfire Risk Assessment Report is to address the proposed development's consistency with Planning for Bushfire Protection 2019.	Yes	A bush fire management and emergency response plan prepared by an accredited bush fire practitioner was submitted with the application.
<b>H2.5 Asset protection areas</b>	<b>Objective:</b> To ensure that development on bushfire prone land has adequate asset protection areas provided and measures in place to manage these areas		
	a. Measures to control the placement of combustible materials in Inner Protection Areas are to be included as part of the development application;	Yes	Refer to bush fire management and emergency response plan.
	b. Asset Protection Areas are to be contained wholly within the property boundary and must not rely on adjacent land as part of the APZ, apart from roadways and road reserves.	Yes	APZs are contained wholly within the subject lot boundaries.

### H3 – Contaminated Land

Yes

<b>H3 Contaminated Land</b>	<b>Objective:</b> To ensure that potentially contaminated land is suitable for the proposed development		
	a. A landowner should undertake a search of the existing property file held by Council to assist in determining whether a potentially contaminating use has ever been approved or undertaken on the subject land;	Yes	The site is not identified on Council's contaminated land register and there are no known former uses of the land which would suggest a contamination risk.
	b. Applicants should refer to Council's adopted Contaminated Land Management Policy;	N/A	
	c. Land which was formerly used or suspected of being used for any of the following uses shown in Table 27 below, should be investigated for potential contamination. It may require remediation in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 and the Contaminated Land Management Act 1997.	N/A	

See [Table 26 – Potentially Contaminating Activities](#) (pg 100)

**Note:** It is not sufficient to rely solely on the contents of this Table to determine whether a site is likely to be contaminated or not. The Table is a guide only. A conclusive status can only be determined after a review of the site history and, if necessary, a Preliminary Site Investigation and/or Detailed Site Investigation, sampling and analysis

## PART I – CARPARKING AND ACCESS

Yes

Legal and physical access exists from Turton Place. A new vehicle access crossing is proposed to Turton Place and will require approval. It has the potential to comply with Council's required standards. There is adequate space within the site to accommodate required parking during both construction and ongoing operation.

## PART J – HERITAGE

N/A

The site does not contain a heritage item, is not within a heritage conservation area, and there are no heritage items in the vicinity for the purposes of clause 5.10 of the LEP. There are no registered Aboriginal places or sites of significance identified near the site. There are no site features which would indicate an increased likelihood of the presence of Aboriginal objects or sites of significance. The proposal is not considered to have an adverse impact on the built and cultural heritage of the Yass Valley.

## PART K – NATURAL RESOURCES

Yes

REFERENCE	COMPONENT	COMPLIANCE	COMMENT
	This Part applies to development on land that is mapped as being subject to 'Dryland Salinity', 'High Soil Erodibility', 'Biodiversity', 'Watercourse' and 'Groundwater Vulnerability' on the Natural Resource Maps of the Yass Valley Local Environmental Plan 2013. It may also apply if, after a site inspection, land is identified as having any of these attributes. If works are proposed within an affected area, justification will be required to demonstrate that there is no other areas on the property that are more suitable for the proposed development. The proposal must detail all measures to avoid, minimize or mitigate likely impacts on the land.		



The information that informed the mapping was provided by NSW State Agencies at various scales and as such the actual physical location of these attributes should always be checked on site.

The objectives of this part are to:

- a. Minimise acceleration or exacerbation on salinity, sedimentation and erosion;
- b. Avoid salt damage to buildings, infrastructure, vegetation and land capability;
- c. Minimize the disturbance of natural landforms to reduce erosion and runoff;
- d. Maintain and improve the biological diversity within the landscape;
- e. Encourage the conservation and recovery of threatened species, communities and their habitats;
- f. Prescribe the vegetation to which Section 9, Chapter 2, Vegetation in Non Rural Areas of State Environmental Planning (Biodiversity and Conservation) 2021 applies;
- g. Maintain and improve the vegetation and urban canopy cover;
- h. Protect and conserve vegetation and minimize unnecessary removal of trees or vegetation;
- i. Minimize potential for the contamination and depletion of vulnerable aquifers;
- j. Protect groundwater sources which supply towns or villages;
- k. Protect the quality and supply of water for downstream users;
- l. Protect waterways that have habitat values for fish, waterbirds, aquatic fauna and flora and encourage the recovery of any threatened species.

## K2 – Terrestrial Biodiversity

Yes

Biodiversity is the variety and variability of all life forms on earth. It encompasses multiple levels of classification, including genes, species, and ecosystems. Due in part to millions of years of geographic isolation, the biodiversity of Australia is unique, and many species of plant and animals are found only in Australia and nowhere else in the world. Despite this rich and unique biodiversity, since European colonisation Australia has experienced the largest documented decline in biodiversity of any continent.

The biodiversity maps contain attributes that represent the high conservation values of Yass Valley, including:

- significant native vegetation (including vegetation which has been cleared from >70% of its former range, or is located in a landscape that has been >70% cleared);
- under reserved vegetation (vegetation community is considered under-represented where less than 15% occur in conservation reserves);
- habitat for threatened species, and endangered ecological communities, both listed under the NSW Biodiversity Conservation Act, 2016 and Commonwealth Environment Protection and Biodiversity Conservation Act 1999;

- habitat for species under Migratory Agreements (e.g. JAMBA, CAMBA, Bonn);
- wetlands (Ramsar, Wetlands of National Significance, or State significant wetlands);
- wildlife corridors, including roadsides and stock routes of High Conservation Value.

<b>K2.1 Mapped biodiversity</b>	Areas of high biodiversity can function as connective corridors for foraging and migration as well enhance the rural scenic values of the Yass Valley, protection of these areas is important. All proposed developments should apply AS 4970-2009 (Protection of trees on development sites) in order to protect the biodiversity values of trees on land subject to development. An area may be mapped on the maps under Yass Valley Local Environmental Plan 2013 or the Biodiversity Values Map. Land mapped under the Biodiversity Values Map may be subject to the Biodiversity Offset Scheme and these provisions need to be considered in addition to those contained with this Plan.		
	<b>Objective:</b> To ensure that any development does not negatively impact upon the biodiversity of the site or the regional overall		
	a. Development should avoid impacting on the biodiversity attributes of the site, including those attributes that contribute to local and regional connectivity;	Yes	A flora and fauna assessment was submitted with the application. The site area is dominated by exotic grasses/pastures as a result of historical clearing and agricultural use. There are two native eucalyptus trees (young and non-hollow bearing) proposed to be removed at the southern boundary where the new access is proposed from Turton Place. The proposed development is not considered to have any significant impact on terrestrial biodiversity.
	b. If the removal of native vegetation (or other impacts to biodiversity) cannot be avoided, the amount of vegetation removal is to be minimised through careful consideration in planning processes and expert input to project design or management;	Yes	
	c. Applications must include evidence that their proposed development does not trigger the Biodiversity Offset Scheme.	Yes	The proposal does not trigger entry into the Biodiversity Offset Scheme and therefore a Biodiversity Development Assessment Report (BDAR) is not required as:

			<ul style="list-style-type: none"> <li>The proposal does not involve clearing on land identified on the Biodiversity Values Map</li> <li>The proposal does not involve clearing of native vegetation in excess of the area threshold of 0.5ha</li> <li>The proposal is unlikely to have an impact which exceeds the test of significance on species listed under the BC Act</li> </ul>
<b>K2.2 Tree preservation</b>	<p>This part applies to any application to ringbark, cut down, top, lop, remove, injure, or wilfully destroy a tree or native vegetation (including native groundcover) on any lot in the Yass Valley Local Government Area. State Environmental Planning Policy (Biodiversity and Conservation) 2021 outlines additional provisions in relation to tree removal.</p> <p><b>Objective:</b> To ensure that tree cover is maintained and enhanced within the Yass Valley Local Government Area</p>		
<b>K2.2.1 When is a permit for removal required</b>	A permit or development consent is required to ringbark, cut down, top, lop, prune, remove, injure, or wilfully destroy vegetation in non-rural areas that:		
	Is a tree that has a height of 4 metres or more; or	Yes	Approval for tree removal has been sought as part of the development application.
	Is a tree that has a Diameter at Breast Height (DBH) of 300mm or more; or	Yes	
	Is a tree that has a crown of over 5 metres; and	Yes	
	Is a tree that is included in a Significant Tree Register; or	N/A	-
	Is a tree which forms part of a heritage item, Aboriginal object, or a tree within the Yass, Bowning, Binalong or Gundaroo heritage conservation areas, or	N/A	-

	Is native vegetation (including groundcover) identified on the Terrestrial Biodiversity Map in the Yass Valley Local Environmental Plan 2013, or	N/A	The two trees proposed for removal are outside of the area mapped 'terrestrial biodiversity'.
	Is vegetation within 50 metres of the Yass or Murrumbidgee Rivers or other named watercourses.	N/A	-
	A permit is not required for the following exemptions:		
	Clearing vegetation, where Council is satisfied, that it is, <ul style="list-style-type: none"> <li>• an imminent risk to human life or property (see Exempt and Dangerous Trees below); or</li> <li>• dying or dead and is not required as the habitat of native animals (see Exempt and Dangerous Trees below); or</li> <li>• for traditional Aboriginal cultural activity, other than a commercial activity;</li> </ul>	N/A	-
	Tree pruning that does not exceed 10% of the canopy every three years and in accordance with the Australian Standard – Pruning of Amenity Trees (AS 4373-2007);	N/A	-
	Clearing of non-native fruit or nut producing trees, except for those within heritage conservation areas or associated with heritage items (refer to Part J);	N/A	-
	Mowing or slashing native grass for maintenance only, provided that the grass is: <ul style="list-style-type: none"> <li>• located within a landscaped area associated with a dwelling; and</li> <li>• maintained at a height of at least 10 centimetres above ground level;</li> <li>• clearing of vegetation authorised under other legislation, for example:  <ul style="list-style-type: none"> <li>• allowable activities for agricultural uses permitted with consent on land in zones R5, C2, C3, and C4 under Schedule 5A or in rural areas Part 5A of the Local Land Services Act 2013; Land Management</li> </ul> </li> </ul>	N/A	A flora and fauna assessment was submitted with the application. The site area is dominated by exotic grasses/pastures as a result of historical clearing and agricultural use.

	Native Vegetation Code 2018; 10/50 clearing Rural Fires Act 1997; Electricity Supply Act 1995.		
	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• Prior to clearing under the above provisions confirmation from Council is required to verify that proposed clearing meets the above exemption</li> <li>• Owner's consent or an order under the Trees (Disputes Between Neighbours) Act 2006 must be obtained to clear vegetation on an adjoining property.</li> <li>• Encroachments outside of the Structural Root Zone (SRZ) that are less than 10% of the Tree Protection Zone (TPZ) are generally considered minor. Encroachments into the TPZ require approval and decisions will be made in accordance with Australian Standard 4970 – Protection of trees on development sites.</li> </ul> <p>To maintain tree cover, shade, and aesthetic appeal, when a permit to remove a tree is granted, the applicant may be required to replace the vegetation with an advanced approved species which is to be maintained until maturity. Where there is insufficient space on site for vegetation replacement, Council may consider offset planting on public land.</p>		
<b>K2.2.2 Planning for tree retention</b>	<p>It is important when designing a development that the retention of trees is given due consideration, avoiding damage to tree roots is vital to tree survival as well as minimising damage to the canopy and structure of the tree. In considering potential damage to existing trees the following should be considered:</p> <ul style="list-style-type: none"> <li>• provide adequate root space to sustain tree health, aesthetics and stability;</li> <li>• minimise physical damage and loss to the tree's root system, crown and trunk;</li> <li>• avoid soil compaction from pedestrian and machinery;</li> <li>• avoid open trenching or changes in site levels;</li> <li>• prevent building materials, debris or soil being stockpiled within the Root Zone.</li> </ul> <p><b>Objective:</b> To ensure that any tree cover is maintained and enhanced within the Yass Valley Local Government Area</p>		
	<p>a. Any construction works should not encroach within the Tree Protection Zone (TPZ) of an existing tree to be retained on the lot or adjoining lot, as calculated by AS4970-2009 – 'Protection of Trees on Development Sites'. Protective fencing should be erected around the TPZ prior to construction commencing;</p> <p>See <a href="#">Figure 39 – Tree Protection Zone (TPZ) (Australian Standard – AS4970-2009)</a> (pg 140)</p>	Yes	Standard conditions can be applied.

	b. Construction should consider use of suspended walls, using pier and beam construction; hand digging footings for piers or use of cantilevered slabs to minimise disturbance. AS4970-2009 can provide alternatives where it is not possible to avoid encroachment into the TPZ.	N/A	-
	c. Where removal of hollow bearing trees is unavoidable, the tree hollow is to be salvaged and relocated elsewhere on site.	N/A	The two trees proposed for removal are not hollow-bearing.
<b>K.2.2.3 Relationship to 10/50 Vegetation Clearing Code of Practice</b>	The 10/50 Vegetation Clearing Scheme allows people to clear certain vegetation near their homes to improve protection from bush fires.		
	The 10/50 Code permits landowners in the 10/50 Vegetation Clearing Entitlement Area to clear, on their own land, vegetation that is adjacent to an external wall of a building:		
	a. Containing habitable rooms that comprises or is part of residential accommodation or a high risk facility;	N/A	The proposal is not for residential accommodation.
	b. That comprises or is part of a farm shed.	N/A	The proposal is not for a farm shed.
	To determine whether a property is located within a Vegetation Clearing Entitlement Area, reference should be made to the online assessment tool available on the NSW RFS website. Vegetation clearing that is carried out in accordance with the 10/50 Code is considered to be authorised clearing under NSW Legislation.		
	For the purposes of determining whether development exceeds the Biodiversity Offsets Scheme threshold, the 10/50 clearing entitlement should not and will not be excluded from the calculation of the development footprint.		

## PART L – MISCELLANEOUS LAND USES

N/A

**Note:** The proposal for 'electricity generating works' is included in the land use matrix provided upfront in Part A (A.12) of the DCP for the purposes of determining the parts/controls that are applicable. However, it has been identified that the proposal as a BESS does not clearly align with all controls under the applicable parts and has presented difficulty for assessment including for the applicant in their Statement of Environmental Effects and the comments in community submissions received. This centres on two issues:

- Part E of the DCP is for Rural, Large Lot and Environmental Zone Development. However, the land use matrix in A.12 indicates that this part is not applicable to 'electricity generating works'. This is likely due to the DCPs drafting corresponding with LEP land use table for determining which parts of the DCP are applicable – i.e. the permissibility for 'electricity generating works' in rural zones is only enabled by the SEPP, so therefore in drafting the land use matrix in the DCP, 'electricity generating works' has not been cross-referenced as applicable to the rural zones. The applicant has provided assessment against Part E.
- Part L of the DCP is for miscellaneous land uses. The land use matrix in A.12 indicates that it applicable to 'electricity generating works', however, Part L6 is then in relation to 'renewable energy development projects', which the proposal is not. It is noted the controls appear to have been written for particularly wind and solar generating projects. The applicant has not provided assessment against Part L stating that their proposal is not for a renewable energy project.

REFERENCE	COMPONENT	COMPLIANCE	COMMENT
<p>This part applies to development not covered elsewhere in this document that has the potential, if not provided with adequate guidelines and controls, to negatively impact upon the scenic, environmental and/or social values of the Yass Valley Local Government Area.</p> <p>The objectives of this part are to:</p> <ol style="list-style-type: none"> <li>Ensure that development does not detract from the visual amenity of the surrounding environment;</li> <li>To ensure that the reuse of items and structures do not present any safety risk or structural hazard;</li> <li>Minimize landuse conflicts.</li> </ol>			
<b>L6 Renewable Energy Development Projects</b>	<p>It is recognised that renewable energy is an important sustainability measure to address the negative impacts of climate change and reduce reliance on fossil fuel energy generation. Renewable energy projects do consume large portions of land and Council considers that the maximum number of industrial turbines within the Yass Valley Local Government Area has been reached. However, additional renewable energy projects will be considered on individual merits.</p> <p><b>Objective:</b> To provide guidance to developers of renewable energy projects on the local matters to be taken into consideration in addition to those in any state or national guidelines</p>		
	a. The location of any renewable energy development project shall be consistent with the Yass Valley Settlement Strategy (or subsequent document);	No	The proposal is generally not directly consistent with the Settlement Strategy noting this area is identified as

			'winery precinct'. However, it is not considered to have a significant impact in the realisation of the aims of the Settlement Strategy. Refer to discussion under Settlement Strategy in section 3.6 of this Assessment Report.
	b. The 5km buffer area along the NSW/ACT border identified in the Yass Valley Settlement Strategy is designed to protect and retain the existing environmental values and rural character of the area and is not suitable for renewable energy infrastructure;	N/A	The site is not within the 5km buffer area of the NSW/ACT border.
	c. The infrastructure (e.g. turbines, panels, substations) not being within view lines of villages and towns or clusters of rural dwellings;	No	The proposal is not located in area where it is visible by town and villages, however, is considered to be visible by a number of rural dwellings nearby. Refer to discussion in relation to visual impacts under key issues in section 5 of the assessment report.
	d. The infrastructure not having an adverse impact on the amenity of any dwellings;	No	The proposal is considered to have some adverse impact on the amenity of nearby dwellings in by way of noise, however the controls are contradictory in that it is then consistent with (g) having been demonstrated that the noise impacts are within acceptable standards determined by NPfl. Refer to discussion under key issues in assessment report.
	e. The impact of infrastructure (e.g. turbines, panels) on the rural landscape and tourism values of the Yass Valley is to be minimised;	No	The impact of infrastructure ("e.g. turbines, panels") on the rural



			landscape and tourism values of the Yass Valley is to be minimised. There is considered to be some impact on the rural landscape, noting it is partially visible from public domain and from neighbouring properties, although this can be reduced through the use of appropriate screening landscaping and colours and finishes. Thoughtful implementation of these measures could significantly reduce any tourism-related concerns. It is also noted that the BESS proposal is not the same scale or nature as a solar or wind renewable energy project. Refer to discussion under key issues and economic impact in assessment report.
	f. A sharing the benefits scheme(s) with the host landowners, immediate neighbours and a Community Enhancement Fund (as per Council policy) shall be identified in any development application;	No	The proponent has not proposed a 'sharing the benefits scheme' or 'community enhancement fund, however a s7.12 development contribution will be collected. Refer to further discussion under economic impacts in this assessment report.
	g. Noise impacts at adjoining dwellings is to not exceed with the applicable standards;	Yes	Control (g) contradicts with control (d). proposal can comply with acceptable standards determined by NPfI. Refer to discussion under key issues in assessment report.

	h. The project to commence within 5 years of a Consent being issued and completed within 5 years of commencement;	Yes	Noted.
	i. The proposal and associated infrastructure (e.g. panels, turbines) shall not have a negative impact on the heritage values of the site and Yass Valley;	Yes	The proposed infrastructure is not considered to have negative impact on heritage values.
	j. The economic and social impacts on local communities and Yass Valley shall be clearly articulated in the proposal;	Yes	Refer to discussion under economic impacts in assessment report.
	k. Any community and Rural Fire Service concerns in relation to the bushfire risks and any impediments to firefighting operations shall be examined, minimized and achievable mitigation measures clearly explained;	Yes	The site is identified as bushfire prone land (as is the majority of land in these zones in the Yass Valley). The application was accompanied by a bush fire management and emergency response plan (BMERP) prepared by an accredited bush fire practitioner detailing compliance with Planning for Bushfire Protection 2019. The application does not require a bush fire safety authority for the purposes of s100B of the Rural Fires Act 1997, however was referred to the NSW Rural Fire Services for advice under s4.14 of the EP&A Act 1979 who provided recommendations which have been addressed. The impacts of the proposal are considered to have been suitably addressed and the bush fire risks can be appropriately managed, consistent with the requirements and principles of Planning for Bushfire Protection 2019. This is discussed in detail under key

			issues in section 5 of the assessment report.
	l. An assessment is to be included of any impacts in regards to potential land contamination as a consequence of a grass or bushfire and appropriate mitigation and rehabilitation measures outlines;	Yes	<p>The application was accompanied by a bush fire management and emergency response plan (BMERP) prepared by an accredited bush fire practitioner detailing compliance with Planning for Bushfire Protection 2019. Details of potential contamination have been provided, including with consideration of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>.</p> <p>The draft conditions include for a consolidated and detailed operational and incident management plan, including for fire and emergency response, and bush fire (i.e. per the BFERP submitted with the application).</p> <p>Refer to discussion under key issues in section 5 of the assessment report.</p>
	m. The project to include the development of housing solutions for their workforce.	Yes	The small scale of the project and for short duration is not likely to present any issues associated with accommodating the workforce for construction.