

## 6.2 PLANNING PROPOSAL - 80 MURRUMBATEMAN ROAD, MURRUMBATEMAN

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### SUMMARY

To present a report on a draft Planning Proposal seeking an amendment to *Yass Valley LEP 2013* for 80 Murrumbateman Road, Murrumbateman. The draft Planning Proposal is lodged in conjunction with a Development Application for subdivision of the subject land however this will only be determined if the Planning Proposal is successful.

### RECOMMENDATION

*That:*

- 1. Planning Proposal for 80 Murrumbateman Road (PP.2020.02) be endorsed and forwarded to the Minister for Planning and Public Spaces to request a Gateway determination pursuant to s3.34 Environmental Planning & Assessment Act 1979*
- 2. Planning Proposal (PP.2020.02) be adopted if no significant objections are received after the public exhibition of the Planning Proposal pursuant to the conditions of Gateway determination in accordance with s3.34(2)(c) Environmental Planning & Assessment Act 1979*

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### FINANCIAL IMPLICATIONS

Resources for assessment of planning proposals are provided for in the current Operational Plan.

### POLICY & LEGISLATION

- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Settlement Strategy 2036*

### REPORT

#### 1. Introduction

The *Yass Valley Settlement Strategy 2036* was adopted in August 2017. The Strategy sets a direction and a framework for the consideration of future development within the Yass Valley particularly Yass and Murrumbateman. It is estimated that the population of Murrumbateman will increase 7,186 people by 2036 with an ultimate population of 10,000 people.

The land identified in the Strategy for future growth in Murrumbateman is shown in **Attachment A**.

#### 2. Planning Proposal

A draft Planning Proposal has been received (refer **Separate Enclosure**) seeking to amend the zoning and minimum lot size for land at 80 Murrumbateman Road, Murrumbateman.

The subject land is located east of Murrumbateman village, nearly 650 metres to the south-west of the Murrumbateman Road and Barton Highway intersection. The subject land has an area of 18.4ha and fronts Murrumbateman Road. The proposed Murrumbateman bypass abuts the subject land. The locality of the site is shown in the following diagram.



**Site Location and Proposed Barton Highway Bypass**

The site is currently used for grazing purposes with an existing dwelling, farm buildings and dams. A mature shelter belt planting surrounds the site and there is planting within the curtilage of the existing dwelling.

The land to the north east of the subject site is characterised as rural residential while the land to the west and south is agricultural. Land to the immediate west of the bypass has been acquired by TfNSW.

The subject land is zoned RU4 Primary Production Small Lots with a minimum lot size of 16 ha under *Yass Valley LEP 2013*. The draft Planning Proposal is intended to amend the LEP by:

- Rezoning the land from RU4 Primary Production Small Lots to R5 Large Lot Residential
- Changing the minimum lot size from 16 ha to 2ha

The draft Planning Proposal would enable the creation of nine rural residential lots. A Development Application for the subdivision of the site (refer **Attachment C**) has been lodged with the draft Planning Proposal and will only be determined if the Planning Proposal is successful.

## **2.1 Site Analysis**

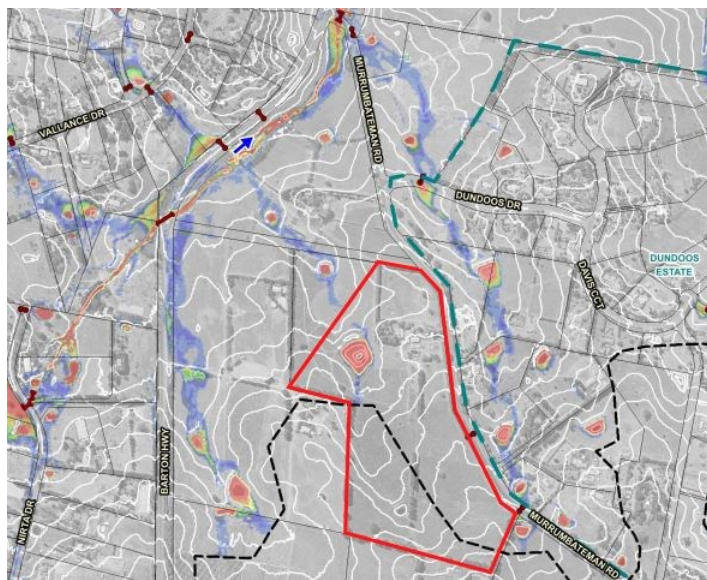
### Ecological Value

A Biodiversity Development Assessment Report submitted with the proposal indicates:

- The continuous use for grazing and cropping have substantially modified the vegetation cover and have degraded the habitat value for native flora and fauna, including threatened species. The remainder of the woody vegetation is a mix of planted native and exotic species wherein only four mature remnant trees were identified on the subject land.
- The survey results have not shown any evidence of the presence of any significant flora and fauna habitat or threatened species listed under the *NSW Biodiversity Conservation Act 2016* and the *Commonwealth Environment Protection & Biodiversity Conservation Act 1999*. The proposed development would not have any significant impact on the biodiversity value of the site.

### Flood Prone Land

A small portion of land located north-west of the subject land is identified as flood prone land as indicated in the following diagram.



Map showing portion of site affected by flood

The area of land affected by a flood will not have any major impact on the proposed development nor will it have any major impact on the flood behaviour in the adjacent and adjoining land. To ensure dwellings are flood free appropriate measures can be determined as part of the subdivision design and future dwelling assessments.

#### Bush Fire Prone Land

A Bushfire Assessment Report indicates that:

Given the low threat grassland setting, the close proximity to surrounding managed land, the relatively flat topography and ample opportunity to provide setbacks for future residents, the overall threat potential of the site can be described as low.

The proposed development is deemed capable of complying with the specific and broad objectives of the *Planning for Bushfire Protection (2019)* and the requirements of the *Rural Fire Regulations 2013*.

#### Land Contamination

A Preliminary Site Investigation Report has been prepared which concludes that there is no indication of potential contamination within the subject site with the exception of a 15,000 litre underground diesel storage system immediately adjacent to the existing dwelling. The tanks age, lack of independent monitoring and the proximity to the dwelling, catchment and groundwater wells poses an environmental risk.

The report recommends that the UPSS be decanted and removed and the area remediated. This can be required as part of any subdivision approval that may issue should the Planning Proposal be successful.

#### Heritage

A Heritage Assessment concludes that neither the subject site nor adjacent land contain any items of historical significance.

A detailed Aboriginal Cultural Heritage Assessment Report indicates no further Aboriginal heritage investigations are required.

### **3. Strategic Planning Assessment**

The proposed amendment is consistent with the recommendation of the *South East & Tablelands Regional Plan 2036* and the *Yass Valley Settlement Strategy 2036*.

The draft Planning Proposal is consistent with the following directions set in the Regional Plan:

- *Direction 25: Focus Housing Growth in Locations that Maximise Infrastructure and Services*  
The proposal would create an opportunity for housing in proximity to Murrumbateman village with existing infrastructure, services and community facilities.
- *Direction 24: Deliver Greater Housing Supply and Choice*  
The proposal will add to the diversity of residential lots in Murrumbateman. Dwellings and dual occupancies would be permissible on the proposed lots if the Planning Proposal is approved adding to housing choice and diversity.
- *Direction 8: Protect Important Agricultural Land*  
The release of the subject land for residential purposes would have no significant impact on agricultural land. Any potential land use conflict at the interface with existing agricultural lands, can be managed through subdivision design.

The draft Planning Proposal is consistent with the *Settlement Strategy* that sets the future direction of growth for Yass Valley. The Strategy has identified the site for rezoning from RU4 Primary Production Small Lots to R5 Large Lot Residential with a reduced minimum lot size of 2ha from the existing 16ha.

#### 4. Conclusion

The proposal is consistent with the regional and local strategic planning directions for future growth and the proposal is considered to have sufficient merit to progress through the Gateway process to allow further consideration.

It is recommended that the draft Planning Proposal be endorsed and is forwarded to the Minister for Planning and Public Spaces to request a Gateway determination. The Minister's Delegation to make the amendment as local plan-making authority should also be sought.

#### STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN4 - Maintain a balance between growth, development and environmental protection through sensible planning
Delivery Program Action	EN4.1 - Ensure Council's statutory planning instruments are up to date and reflective of the community needs
Operational Plan Activity	EN4.1.1 – Undertake ongoing strategic land use planning and reviews of existing instruments

<b>ATTACHMENTS:</b>	A. Future Growth for Murrumbateman
	B. Draft Planning Proposal ( <i>Under Separate Cover</i> )
	C. Proposed Subdivision