
6.3 PLANNING PROPOSAL - ADMINISTRATIVE/HOUSEKEEPING AMENDMENT TO THE YASS VALLEY LEP 2013

SUMMARY

To present a report for a draft Planning Proposal to make administrative amendments to the Yass Valley LEP 2013. It is recommended that the proposal be submitted for a Gateway Determination.

RECOMMENDATION

1. *That the Planning Proposal (PP-2018-01) for administrative/housekeeping amendments be endorsed and forwarded to the Minister for Planning to request a Gateway Determination pursuant to s3.34 of the Environmental Planning & Assessment Act 1979.*
2. *That the Planning Proposal be adopted if no significant objections are received after the public exhibition of the Planning Proposal pursuant to the conditions of a Gateway Determination in accordance with s.3.34(2)(c) of the Environmental Planning & Assessment Act 1979.*

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- South East and Tablelands Regional Plan 2036
- *Yass Valley Local Environmental Plan 2013*
- Infrastructure SEPP 2007 (State Environmental Planning Policy)

REPORT

1. Introduction

The Yass Valley LEP came into force on 19 July 2013. Since this time, there have been a number of changes to property descriptions, boundaries as well as identification of errors and anomalies. The *Environmental Planning and Assessment Act 1979* (the Act) requires Councils regularly review their environmental planning instruments under Section 3.21(1). Best practice is suggested to be every five years.

As such, the Yass Valley LEP 2013 has been reviewed by Council staff, which has identified some minor administrative matters, errors and anomalies that need to be addressed by amending the Yass valley LEP 2013. Accordingly, Council has prepared a draft Planning Proposal - Administrative/Housekeeping Amendments to the Yass Valley LEP 2013. Because of the nature of the Planning Proposal, any matters which were considered to be of a contentious nature or required substantial resources to address have not been included.

2. The Planning Proposal

Council has prepared a draft Planning Proposal that seeks to make administrative amendments to the Yass Valley LEP for the first time since gazettal in 2013. The objective is to an accurate and up to date version of the Yass Valley LEP 2013 for the community.

The matters to be amended within the Yass Valley Local Environmental Plan 2013 are outlined below:

2.1 Amendment to the LGA boundary

Four lots located in the north-west of the Yass Valley LGA were transferred to the former Harden Shire (now Hilltops) on request of the owner. Accordingly, Council was advised of the decision by

Premier & Cabinet, Division of Local Government in March 2012, however as the draft LEP maps had already been prepared at that time, they did not reflect the change.

As such, the Yass Valley LGA boundary needs to be updated on all relevant maps, and the amendment is detailed as Item 1 in the Planning Proposal.

It is important to note that Hilltops will require a concurrent amendment to Harden LEP 2011 to update their LGA boundary, and will be advised accordingly.

2.2 Miscellaneous amendments: Zoning, Lot Size, Height of Building, Floor Space Ratio Maps

During the YVLEP 2013 review it became apparent that land zoning, lot size, height of building and floor space ratio controls applicable to some properties are not clearly or correctly reflected in the associated maps in the YVLEP.

In some instances the map boundaries do not align with the cadastre (official) boundary of that lot due to a drafting error. These amendments are documented in Items 2 to 5 in the Planning Proposal.

Where errors have been identified that vary from the relevant Council adopted position for that land e.g. Yass Commercial Precinct Study, Yass Built Form Study, Rural Lands Planning Proposal these are sought to be corrected.

In addition to the above, minimum lot size, height of building and floor space ratio standards should not be applicable to certain zoned land e.g. RE1 Public Recreation; E1 National Parks and Nature Reserve, SP1 Special Activities, SP2 infrastructure.

The amendments to correct such errors are discussed in the Planning Proposal in Item 6 to Item 18.

2.3 Operational zone amendments

The draft Planning Proposal includes some amendments to the land use zoning to accommodate existing operational purposes as follows:

2.3.1 186 Manton Road, Manton

Part of Lot 17 DP 1152330 & Lot 2 DP 1172616 (closed road which has been sold) are zoned RU1 Primary Production. R5 Large Lot Residential should be applied due to a recent boundary adjustment to incorporate the road and all land being in the same ownership as shown in Item 19 of the Planning Proposal.

2.3.2 Ridge Road, Lake George

Lot 64 DP 754906 being 163 Ridge Road, Lake George is Crown land under Council control. It is currently zoned E3 Environmental Management consistent with the zoning of surround land. It is proposed to rezone this land from E3 to RE1 Public Recreation with no minimum lot size applicable to it to reflect the purpose of the Crown Reserve as detailed in Item 20 of the Planning Proposal. This will allow for the reserve to be used as originally intended when the reserve was set aside.

2.3.3 Wellington Street, Binalong

Lot 7004 DP 1025907 is currently zoned RE1 Public Recreation with no minimum lot size applicable to it. In response to the Aboriginal Land Claim 38670, the Minister for Lands and Forestry has advised Council via letter reference No LBN 18/70 dated 19 July 2018 that the claim was granted to Onerwal Local Aboriginal Land Council so it is no longer owned by the Crown. Pursuant to the decision this land is no longer able to be used for public recreation, and the zone of the subject land needs to be amended to RU5 Village with a minimum lot size of 2000 sq. metres, consistent with surrounding land outlined in Item 21 of the Planning Proposal.

2.3.4 Burrinjuck Dam

Council received a request from WaterNSW to amend the zone for Burrinjuck Dam and surrounding WaterNSW land.

The details of their request is as follows:

- Amend Lot 4 DP 1215918 that contains the dam wall, access roads and other built assets from E3 Environmental Management to SP2 Infrastructure (Water Supply System).
- Amend part of Lot 1 DP 81470 that contains access roads and other built assets from E3 Environmental Management to SP2 Infrastructure (Water Supply System).
- Rezone the water impoundment (include numerous lots) from W1 Natural Waterways to SP2 Infrastructure (Water Supply System).
- Amend the Land Use Table to permit Water Supply Systems without consent.

This request from WaterNSW has been considered, and the zone amendment for lot 4 (or part thereof) containing the dam wall is supported from E3 to SP2 to improve their operational requirements as shown in Item 22 of the Planning Proposal. Water supply and any development ancillary to that purpose will then be permitted without consent under the Infrastructure SEPP.

The use and ownership of Burrinjuck Dam including the foreshores and impoundment which is not only for water supply, but also fulfils a range of recreational purposes. Changing the zone to SP2 over any of these areas will effectively prohibit the potential for the establishment of new recreational uses. E3 should be retained over those areas adjacent to the foreshore to allow for sustainable economic growth and effective management of land. All existing water supply infrastructure can continue to be used as in the past.

The other complicating factor for Burrinjuck Dam is that a large portion (almost half) of the water reservoir/ impoundment area is privately owned land and should not be zoned SP2 Infrastructure. The current W1 Natural Waterways zone already in place over the impoundment provides for a *water supply system* as permissible with consent under the existing provisions of the Yass Valley LEP 2013.

2.4 Heritage items and Heritage Maps

Since the commencement of Yass Valley LEP 2013, a number of properties with heritage items situated on them have undergone subdivision or boundary adjustments that has resulted in new lot boundaries and property descriptions for those properties. Accordingly, Schedule 5 'Environmental Heritage' and the relevant maps need to be amended to reflect the changes to correctly identify the heritage items.

The amendments related to property description and maps of heritage items are included in Items 23 to 41 of the Planning Proposal.

2.5 Natural Resources: Biodiversity Map

The NSW Office of Environment & Heritage (OEH) has provided Yass Valley Council with an updated Natural Resources Biodiversity map that is a refined version of the current Natural Resources Biodiversity Map. OEH has ground truthed the data to be more accurate with an aim to identify areas of High Conservation Value (HCV) vegetation within the Yass Valley. OEH has recommended the replacement of the current Natural Resources Biodiversity Map with the updated version, which is more refined and accurate than the current map which relied heavily on modelling. The update to the current Natural Resources Biodiversity Map within the Yass Valley LEP will allow for more informed development assessment, particularly in rural areas.

3. Gateway Determination

The Planning Proposal is of administrative nature to address minor issues and correct errors and anomalies which have been identified in the current Yass Valley LEP and does not require any background supporting studies.

The Minister for Planning has previously delegated power for the making of Local Environmental Plans (LEP). In this instance, it is appropriate that Council seek authorisation to exercise its delegation to make the amending LEP under section 3.36 of the Environmental Planning and Assessment Act 1979, as this Planning Proposal is considered to be a routine, minor matter.

Once Council receives the DP&E's Gateway Determination to further progress the Planning Proposal, community consultation will be required under section 3.34(2)(c) of the Environmental Planning and Assessment Act 1979. Council considers this Planning Proposal to be 'low impact', and anticipates the Planning Proposal will be exhibited for a minimum of 14 days pursuant to DP&E's 'Guide to preparing local environmental plans'.

In accordance with the guidelines, the planning proposal is considered consistent with the pattern of surrounding land uses and the strategic planning framework. It presents no issues with regard to infrastructure servicing, is not a principal LEP and does not reclassify public land.

It is not anticipated that a Public Hearing will be required as no land is proposed to be reclassified and the matters included within the planning proposal are of a minor, administrative nature.

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

Attachments: A. Draft Planning Proposal - YVLEP 2013 Housekeeping Amendment 2018 (*Under Separate Cover*) ➡