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PLANNING PROPOSAL

Yass Valley LEP 2013 Housekeeping Amendment

August 2018



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PART 1 - OBJECTIVES/ INTENDED OUTCOMES

The purpose of this planning proposal is to amend and update the Yass Valley Local Environmental Plan (the YVLEP) 2013 to address numerous administrative, minor matters and anomalies that have become apparent since the commencement of the YVLEP 2013, by making changes to and updating the standard Instrument LEP and accompanying maps.

PART 2 - EXPLANATION OF PROVISIONS

The amendments proposed to the YVLEP 2013 to achieve the intended outcome of the planning proposal are identified below and are discussed individually in much detail. Most of these amendments are deemed to be administrative in nature as they seek to make correction to minor matters and errors to the YVLEP 2013.

Item 1: Amend Land Zoning, Lot Size, Height of Building and Floor Space Ratio Maps for 13 & 23 McKenna Avenue, Yass

Lots 77 & 78 DP 1141221 being 23 & 13 McKenna Avenue, Yass has an area of 5549 sqm & 7035 sqm respectively and are zoned RE1 Public Recreation having no MLS applicable to the land. The land use zoning and MLS boundaries of the land shown on the associated maps do not match the cadaster. It is recommended to amend the Land Zoning and Lot Size Maps for Lots 77 & 78 and the lots surround Lots 77 & 78 to make sure the land use zoning and MLS boundaries align with the cadaster.

As mentioned above, Lots 77 & 78 DP 1141221 are zoned RE1 Public Recreation and as such, height and FSR controls do not apply to these lots therefore height and FRS controls for Lot 77 & 78 should be removed from the relevant maps as identified on Image 3 and Image 4 below.

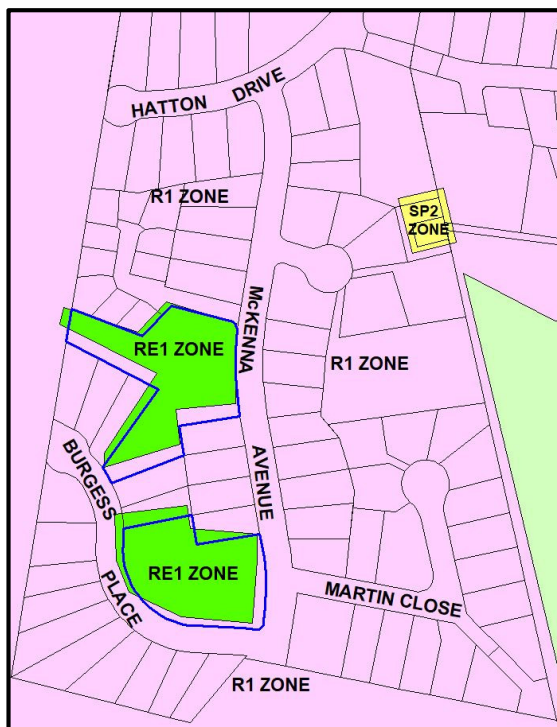


Image 1: Existing Land Zoning Map - Amend the land zoning of land outlined blue to align with the cadastre on the Land Zoning Map - Sheet LZN_001F.

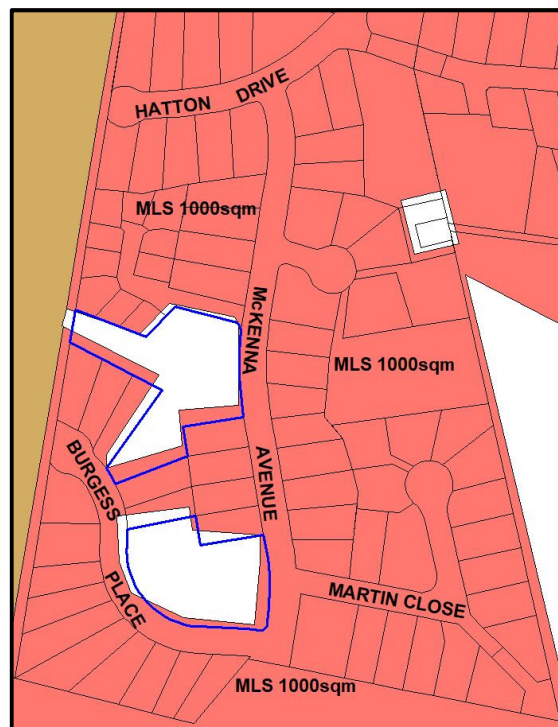


Image 2: Existing Lot Size Map - Amend the lot size of land outlined blue to align with the cadastre on the Lot Size Map - Sheet LSZ_001F.

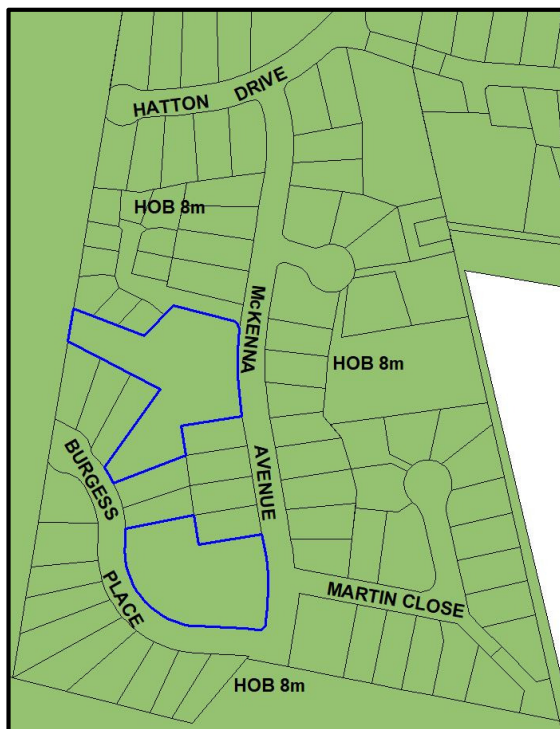


Image 3: Existing Height of Building Map - Remove the height control for land outlined blue from the Height of Building Map - Sheet HOB_001F.

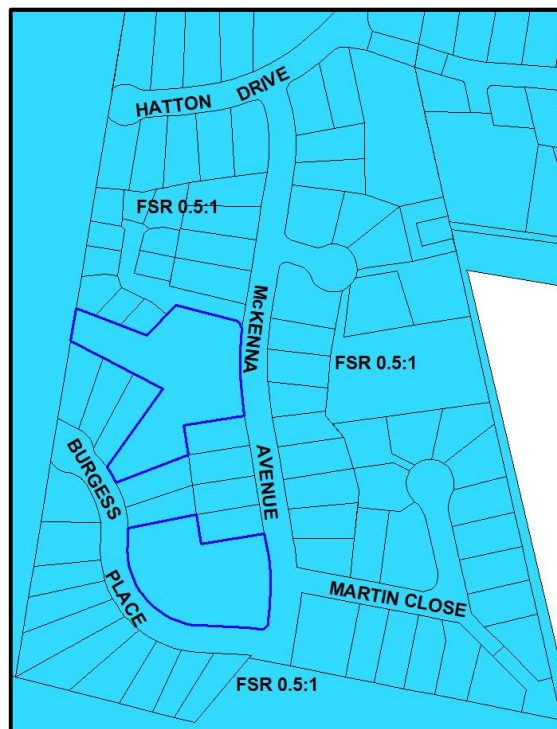


Image 4: Existing Floor Space Ratio Map - Remove the FSR control for land outlined blue from the Floor Space Ratio Map - Sheet FSR_001F.

Item 2: Amend Land Zoning, Lot Size, Height of Building and Floor Space Ratio Maps for 7-9 Meehan Street and 2-12 Guginya Place, Yass

The subject land is known as Lots 1 to 9 DP 1160355 being 7-9 Meehan Street and 2-12 Guginya Place, Yass. The land that includes Lots 1 to 8 DP 1160355 is zoned R2 Low Density Residential wherein the cumulative area of all eight lots is 1.8703 hectares. In addition, Lot 9 DP 1160355 is zoned RE1 Public Recreation and has an area of 2.389 hectares. As such, the land use zoning and MLS boundaries of the subject land shown on the Land Zoning and Lot Size Maps do not match the cadaster. It is therefore recommended to amend and update the Land Zoning and Lot Size Maps for Lots 1-9 DP 1160355 to assure that the land use zoning and MLS boundaries align with the cadastre.

Furthermore, Lot 9 DP 1160355 is zoned RE1 Public Recreation and as such, it should not have any height and FSR controls. In view of that the height and FSR controls for Lot 9 should be removed from Height of Building and Floor Space Ratio Maps as shown in Images 7 & 8 below. In addition, Lot 1 DP 1160355 has height restrictions placed on the land title which contradict the LEP's height and FSR controls and as such, these controls should not apply to Lot 1 DP 1160355. Therefore, height and FSR controls for Lot 1 should also be removed from Height of Building and Floor Space Ratio Maps as shown in Images 7 & 8 respectively.

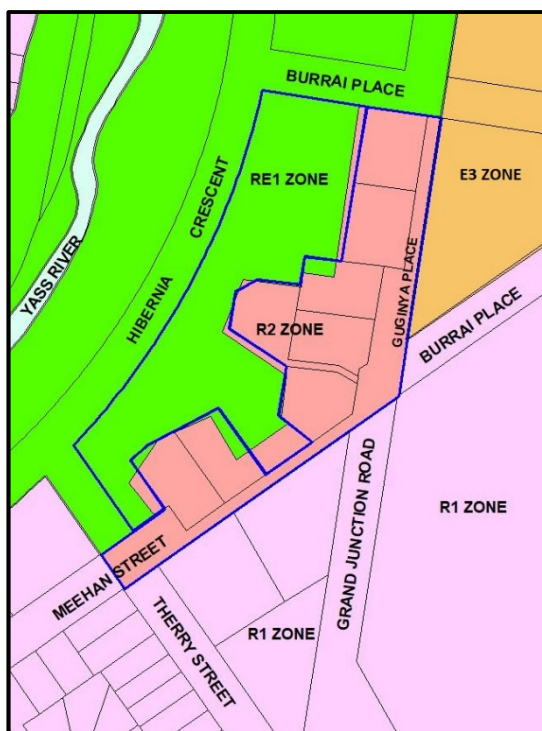


Image 5: Existing Land Zoning Map - Amend the land zoning of land outlined blue to align with the cadastre on the Land Zoning Map - Sheet LZN_001H.

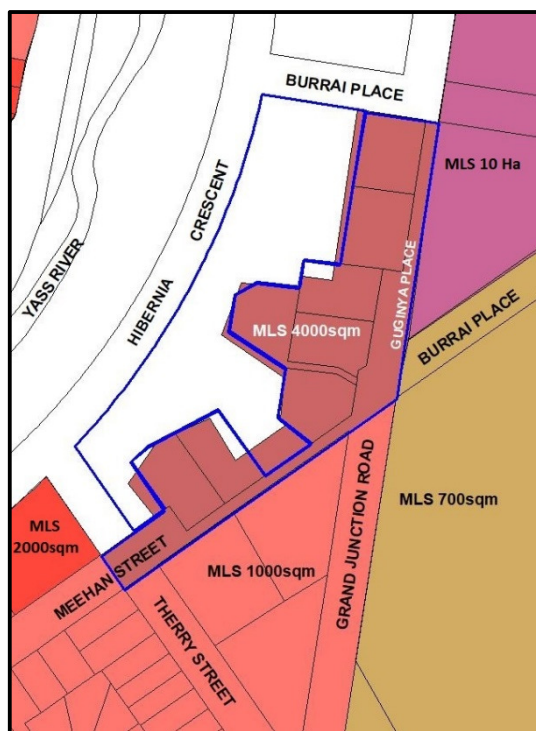


Image 6: Existing Lot Size Map - Amend the lot size of land outlined blue to align with the cadastre on the Lot Size Map - Sheet LSZ_001H.

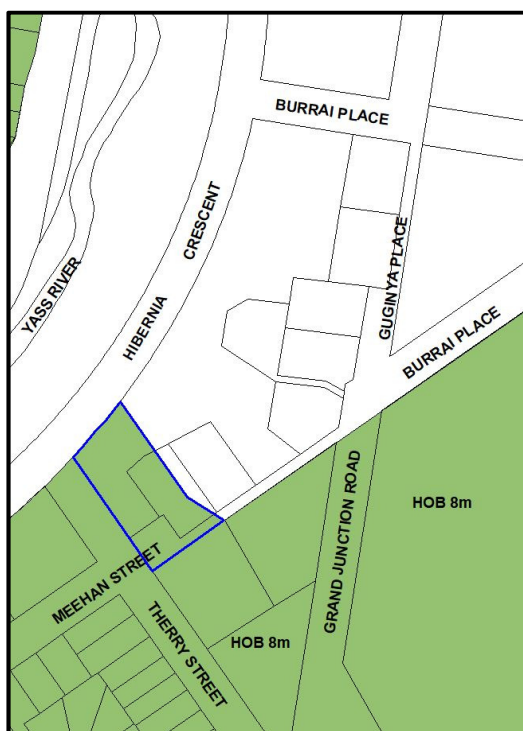


Image 7: Existing Height of Building Map - Remove the height control for land outlined blue from the Height of Building Map - Sheet HOB_001H.

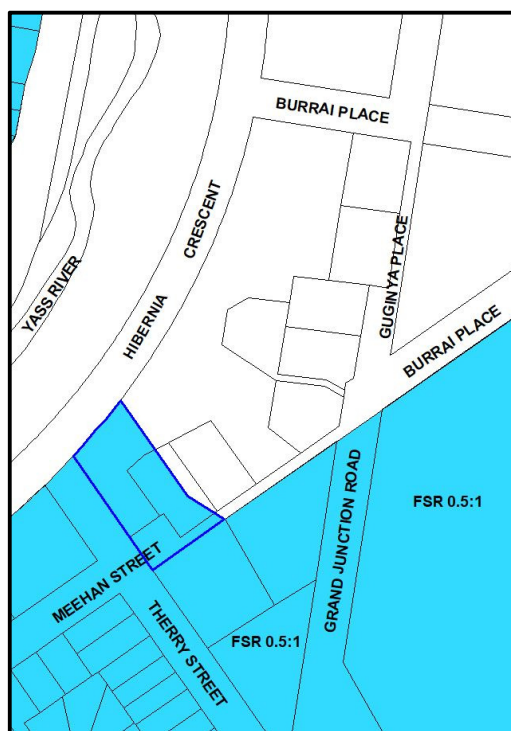


Image 8: Existing Floor Space Ratio Map - Remove the FSR control for land outlined blue from the Floor Space Ratio Map - Sheet FSR_001H.

Item 3: Amend Land Zoning and Lot Size Maps for 37 Dutton Street, Yass

The land known as SP 76448 being 37 Dutton Street, Yass is zoned R3 Medium Density Residential wherein the land area is nearly 2516 sqm. A review of Land Zoning and Lot Size Maps revealed that the land use zoning and MLS boundaries of the subject land shown on the Land Zoning and Lot Size Maps do not match the cadaster. Therefore, land zoning and lot size boundaries of SP 76448 should be amended to make sure it align with the cadaster boundaries.

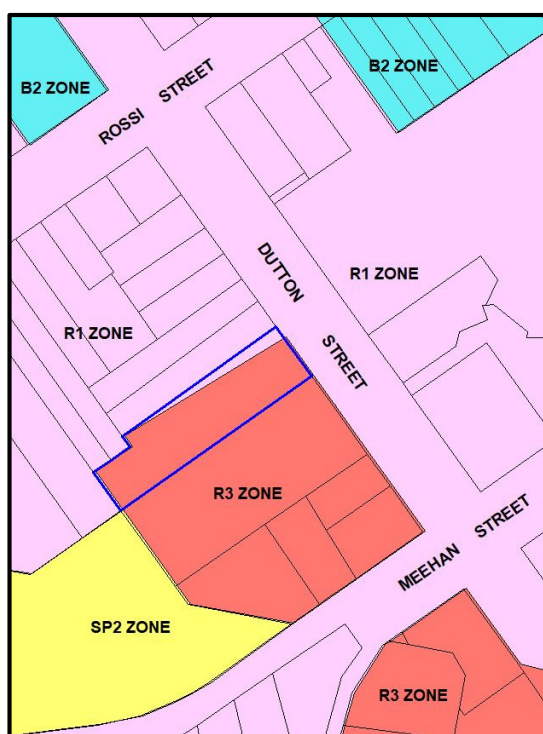


Image 9: Existing Land Zoning Map - Amend the land zoning of land outlined blue to align with the cadastre on the Land Zoning Map - Sheet LZN_001H.

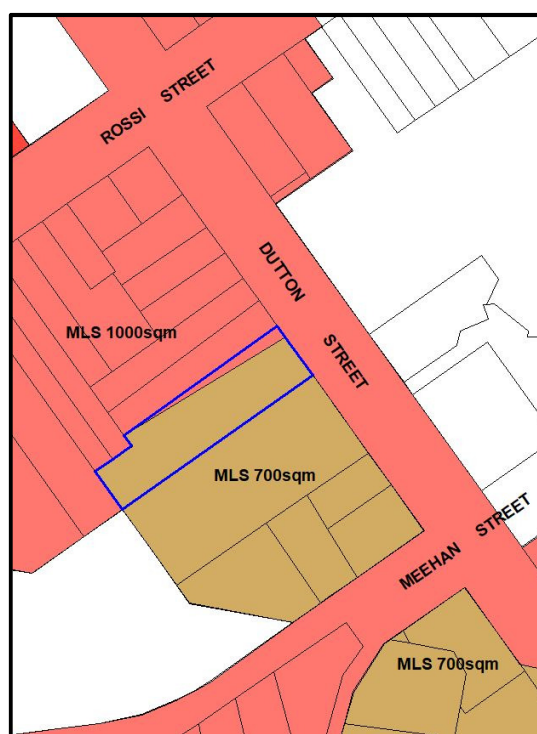


Image 10: Existing Lot Size Map - Amend the lot size of land outlined blue to align with the cadastre on the Lot Size Map - Sheet LSZ_001H.

Item 4: Amend Land Zoning, Lot Size, Height of Building and Floor Space Ratio Maps along Colls Close, Yass

The subject land includes Lots 4-6 & Lot 11 DP 1158192 being 8-12 and 3 Colls Close, Yass plus a part of Colls Close. Lot 5 DP 1158192 is zoned RE1 Public Recreation with an area of 3146 sqm whereas Lots 4, 6 & 11 DP 1158192 are zoned R1 General Residential having cumulative area of 2606.3 sqm. However, a review of land Zoning Map indicated that part of Lots 4, 6 & 11 and part of Colls Close is shown RE1 Public Recreation in error. It is important to note that Lots 4, 6 & 11 are privately owned land and not identified as public reserve rather these lots were created for housing.

It is therefore, recommended to amend and update the Land Zoning Map to show that Lots 4, 6 & 11 and part of Colls Close is entirely zoned R1 General Residential to make sure land zoning boundaries align with the cadaster. Furthermore, Lot 5 DP 1158192 is zoned RE1 Public Recreation and it should not have any lot size, height and FSR controls and as such, these controls should be removed from the relevant maps as identified on Images 12, 13 and 14 below.

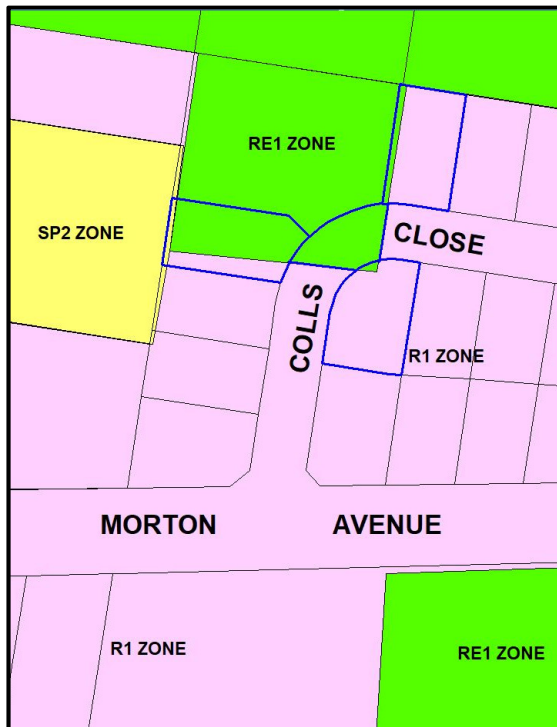


Image 11: Existing Land Zoning Map - Amend the land zoning of land outlined blue from RE1 to R1 on the Land Zoning Map - Sheet LZN_001H.

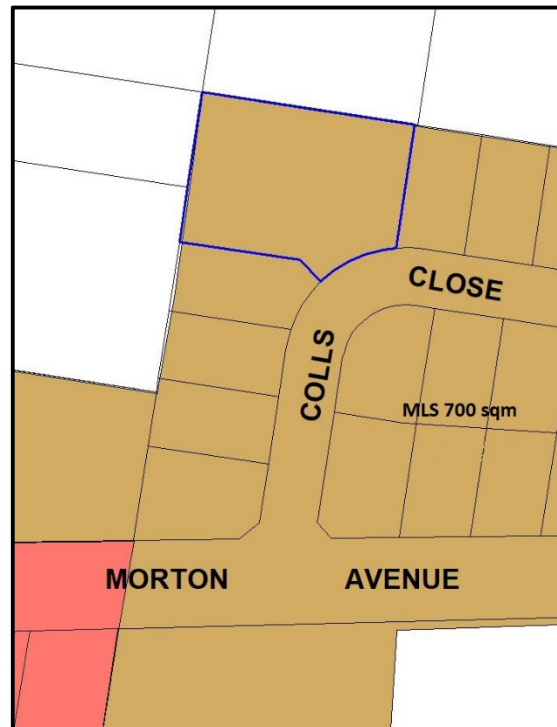


Image 12: Existing Lot Size Map - Remove the lot size control for land outlined blue on the Lot Size Map - Sheet LSZ_001H.

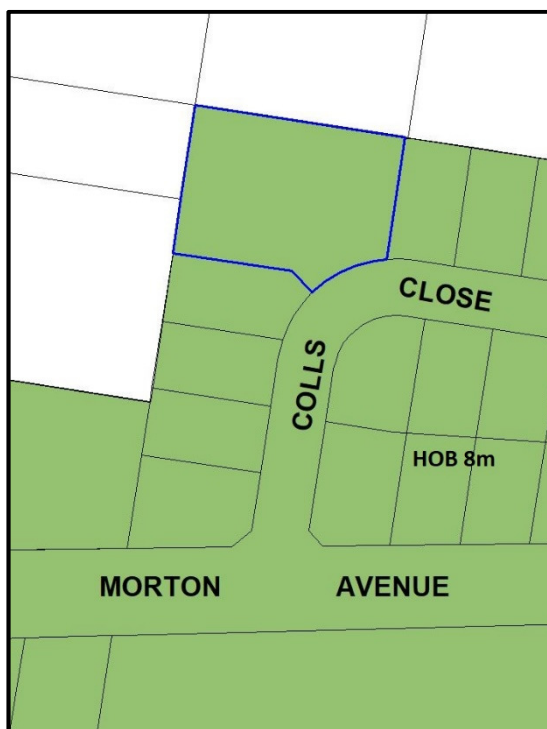


Image 13: Existing Height of Building Map - Remove the height control for land outlined blue on the Height of Building Map - Sheet HOB_001H.

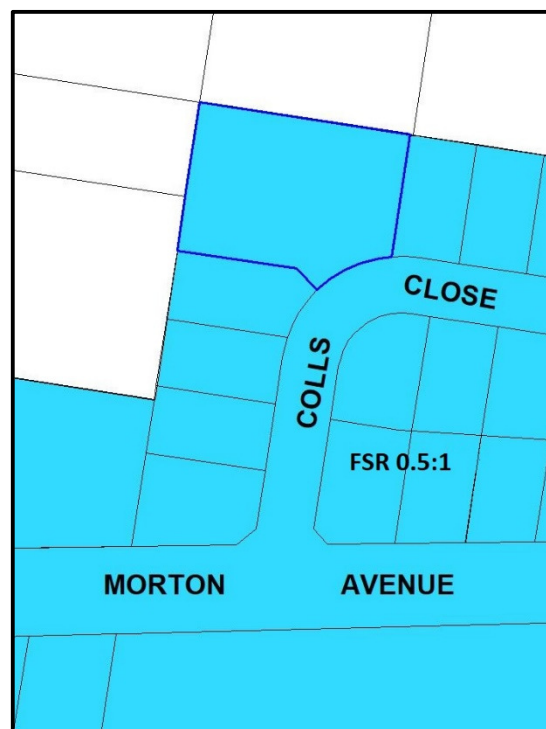


Image 14: Existing Floor Space Ratio Map - Remove the FSR control for land outlined blue on the Floor Space Ratio Map - Sheet FSR_001H.

Item 5: Amend Land Zoning and Lot Size Maps for land along Burley Griffin Way, Binalong

The land under consideration in this item includes Lot 1 DP 870894 Lots 57, 60, 61 & 65 DP 870124, Lot 102 DP 870126 and some additional land along Burley Griffin Way, Binalong. The subject land is zoned SP2 Infrastructure and have an area of nearly 12.78 hectares.

The land is mostly privately owned and is mistakenly identified SP2 Infrastructure zone with no MLS control. As such, the land does not have any road infrastructure situated on it. It is therefore, recommended to amend and update the Land Zoning and Lot Size Maps of the subject land by showing land zoning RU1 Primary Production with a minimum lot size of 40 hectares, so that it aligns and be compatible with the land use zoning and MLS of surrounding land.

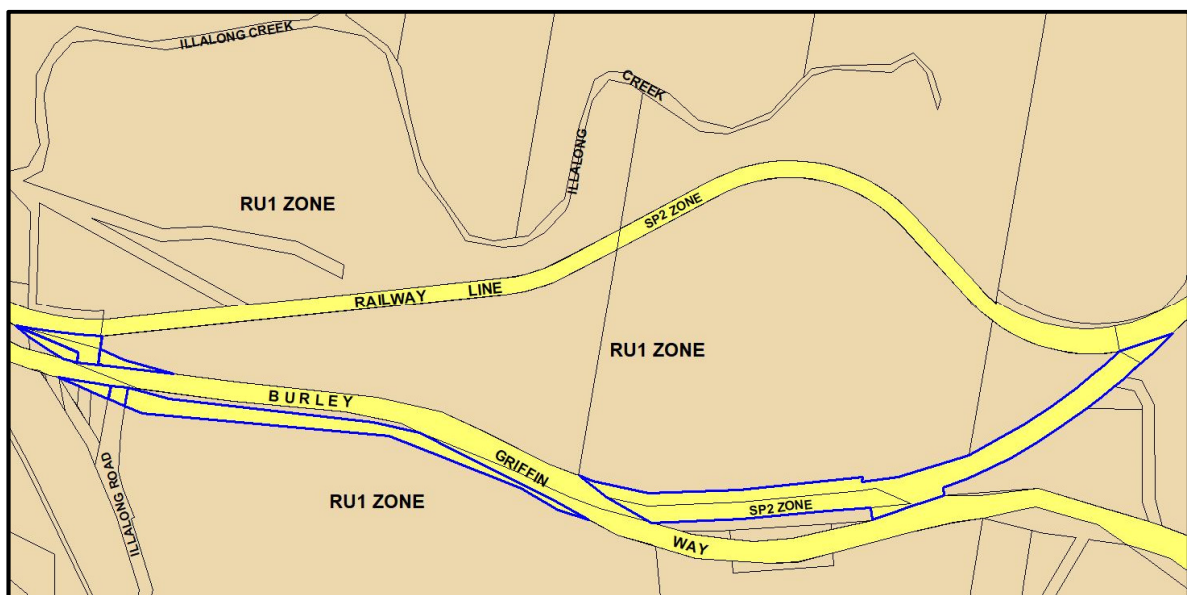


Image 15: Existing Land Zoning Map - Amend the land zoning of land outlined blue from SP2 to RU1 to correctly reflect the information on the Land Zoning Map - Sheet LZN_001.

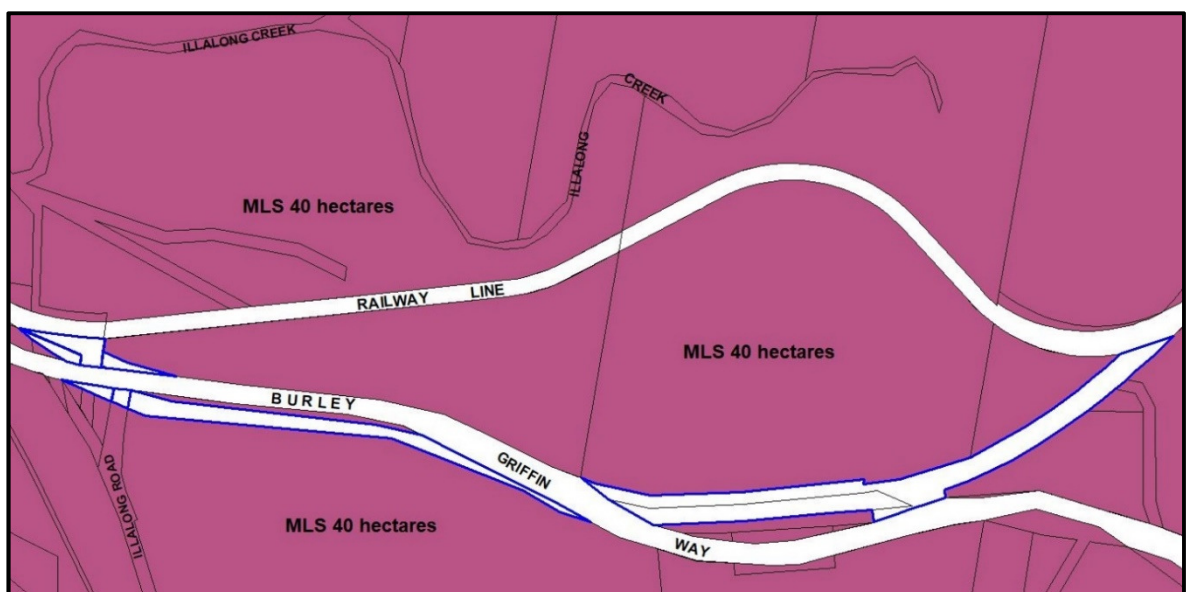


Image 16: Existing Lot Size Map - Amend the lot size of land outlined blue to show 40 hectares MLS to correctly reflect the information on the Lot Size Map - Sheet LSZ_001.

Item 6: Amend Land Zoning and Lot Size Maps for land along Lawrence Lane and Goondah Lane, Bowning

Lot C & A DP 415795; Lot 1 DP 1176970; part Lots 1 to 4 DP 1214021; Lot 1 DP 1083962 and additional land (identified on the maps below) being Lawrence Lane and Goondah Lane, Bowning are zoned SP2 Infrastructure in error. As such, there is no rail infrastructure situated on the land and therefore it should not be zoned SP2. It is recommended to amend and update the Land Zoning and Lot Size Maps for the subject land wherein the subject land should be zoned RU1 Primary Production with 40 hectares MLS to be compatible with the land use zoning and MLS of the surrounding land.

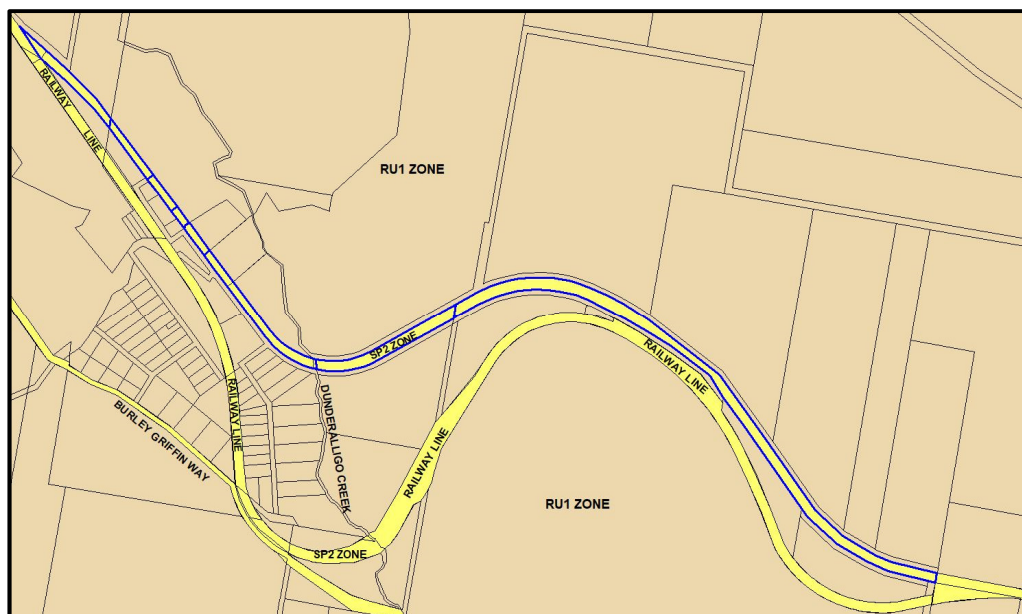


Image 17: Existing Land Zoning Map - Amend the land zoning of land outlined blue from SP2 to RU1 to correctly reflect the information on the Land Zoning Map - Sheet LZN_001.

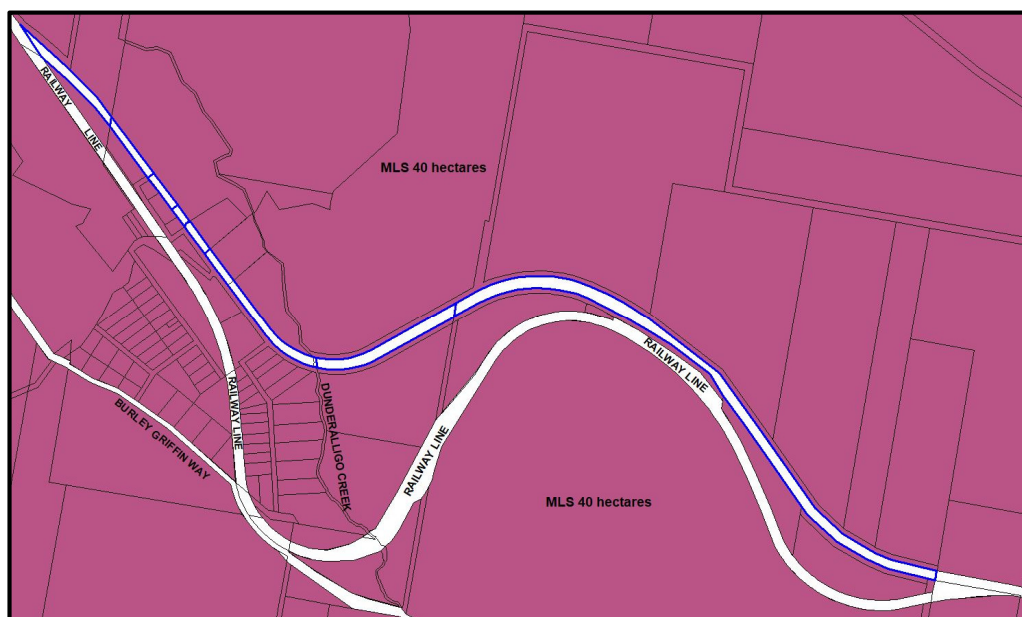


Image 18: Existing Lot Size Map - Amend the lot size of land outlined blue to reflect 40 hectares MLS to correctly reflect the information on the Lot Size Map - Sheet LSZ_001.

Item 7: Amend Land Zoning and Lot Size Maps along Coolalie Road, Bango

Lot 2 & 3 DP 210162, Lot 3 DP 1042619 and additional land (identified on the maps below) along Coolalie Road, Bango are zoned SP2 Infrastructure, however, this land is redundant and is no longer used for railway purposes. Therefore, the Land Zoning and Lot Size Maps should be amended by rezoning this land to RU1 Primary Production having 40 hectares MLS to be compatible with land use zoning and MLS of surrounding land.

In addition to the above, Lot C DP 948754 is zoned RU1 Primary Production in error, however, the land is owned by Transport NSW and has an active railway line going through it. As such, the land should be zoned SP2 Infrastructure with no MLS and accordingly, the Land Zoning and Lot Size Maps should be amended to reflect the change.

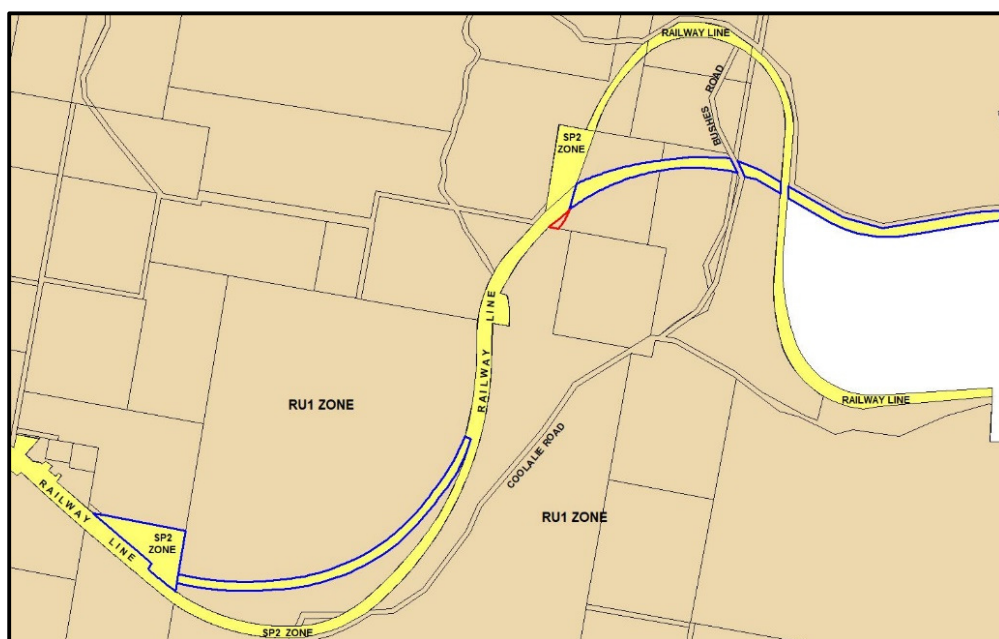


Image 19:
Existing Land Zoning Map - Amend the land zoning of land outlined blue from SP2 to RU1 and land outlined red from RU1 to SP2, to correctly reflect the information on the Land Zoning Map - Sheet LZN_004.



Image 20:
Existing Lot Size Map - Amend the lot size of land outlined blue to reflect 40 hectares MLS & remove the MLS control from the land outlined red on the Lot Size Map - Sheet LSZ_004.

Item 8: Amend Land Zoning and Lot Size Maps for land along Childowla Road, Bookham

To amend and update the Land Zoning and Lot Size Maps for Lot 7005 DP 1025931 being Childowla Road, Bookham to make sure it identifies the correct information of the subject land.

Bookham Cemetery also comprises Lot 7005 DP 1025931 which should have also been zoned SP1 Special Activities, however, this land is shown as RU1 Primary Production on the Land Zoning Map. Therefore, the land zoning for Lot 7005 DP 1025931 should be SP1 Cemetery instead of RU1 with no minimum lot size applicable to the land.

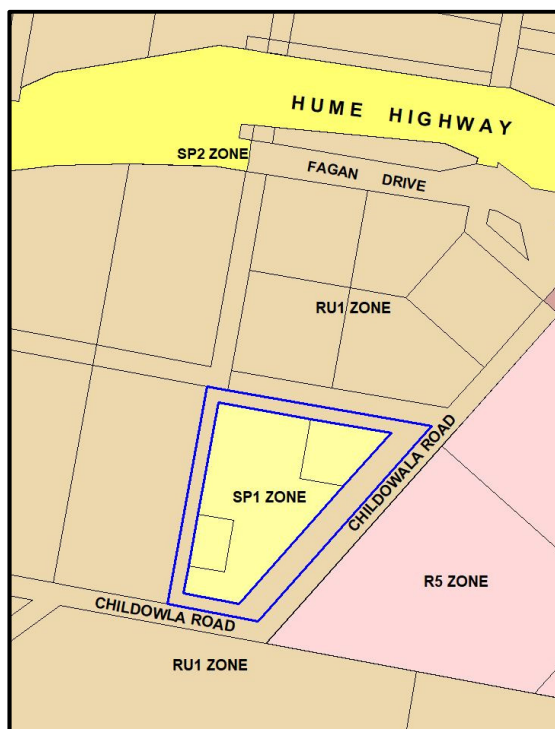


Image 21: Existing Land Zoning Map - Amend the land zoning of land outlined blue from RU1 to SP1 on the Land Zoning Map - Sheet LZN_001C.

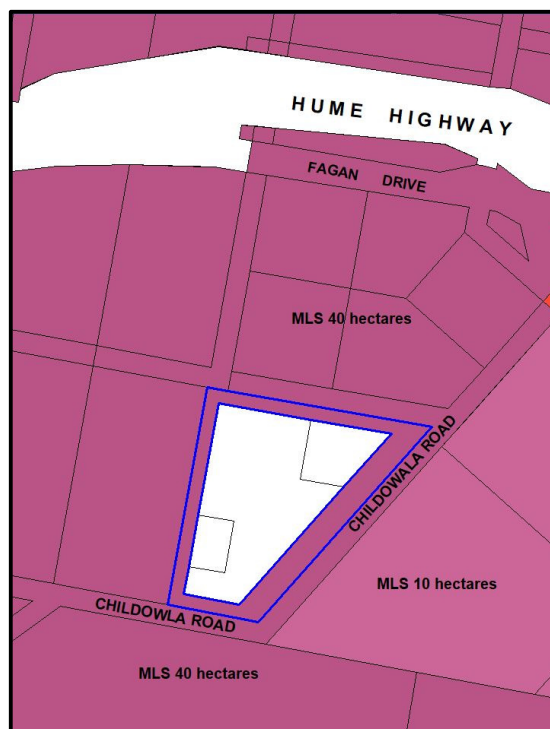


Image 22: Existing Lot Size Map - Remove the lot size control for land outlined blue on the Lot Size Map - Sheet LSZ_001C.

Item 9: Amend Land Zoning Map and land use description for 75 Cobham Street, Yass

The subject land is known as Lot 1 DP 535026 and Lot 21 DP 618108 being 75 Cobham Street, Yass with cumulative area of 1057 sqm. The subject land is owned by the Electricity Transmission Ministerial and is being used for electricity generation infrastructure. As such, both lots should have been zoned SP2 Infrastructure (Electricity Generating Works), however, the review of Land Zoning Map shows that Lot 1 DP 535026 is zoned SP2 Water Storage Facility whereas Lot 21 DP 618108 is zoned RE1 Public Recreation in error.

In view of the above, it is recommended to amend and update the Land Zoning Map for Lot 21 DP 618108 by identifying the land zoned SP2 Infrastructure (Electricity Generating Works) to correctly reflect the ownership of the land and its use for electricity generation. In addition, the description of land use zoning of Lot 1 DP 535026 should be changed to 'Electricity Generating Works' instead of 'Water Storage Facility' to correctly reflect the use and ownership of the land.

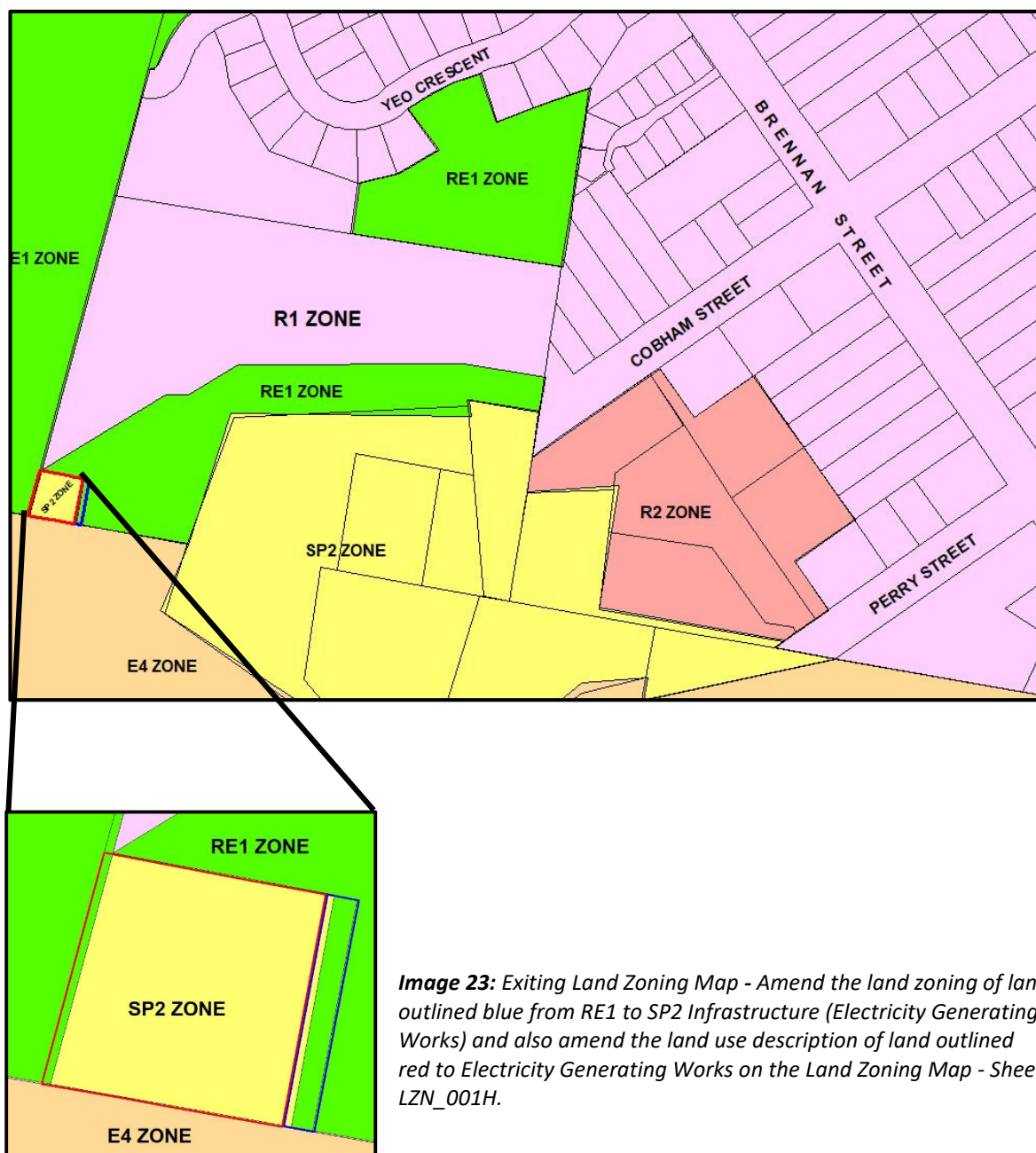


Image 23: Existing Land Zoning Map - Amend the land zoning of land outlined blue from RE1 to SP2 Infrastructure (Electricity Generating Works) and also amend the land use description of land outlined red to Electricity Generating Works on the Land Zoning Map - Sheet LZN_001H.

Item 10: Amend Land Zoning Map of land along Dairy Creek Road, Gundaroo

Lot 102 DP 754883 being Dairy Creek Road, Gundaroo abuts McLeods Creek Nature Reserve on the north and McLeods Creek on the south. The land is privately owned property and have an area of 2.833 hectares. Prior to the YVLEP 2013, Lot 102 was zoned 1(a) Rural Zone under the Gunning LEP (the GLEP) 1997. The GLEP 1997 was replaced by the YVLEP 2013 wherein any land zoned 1(a) was replaced with a standardized zones of the Standards Instrument RU1 Primary production. However, an error was made on the Land Zoning Map wherein part of Lot 102 was included in McLeods Creek Nature Reserve zoned E1 National Parks and Nature Reserves. However, the NSW National Parks and Wildlife Services records also confirm that this land is not part of McLeods Creek Nature Reserve.

It is therefore, recommended to amend and update the Land Zoning Map to show part of Lot 102 DP 754883 as RU1 Primary Production to be align with the residual lot and the surrounding private land.

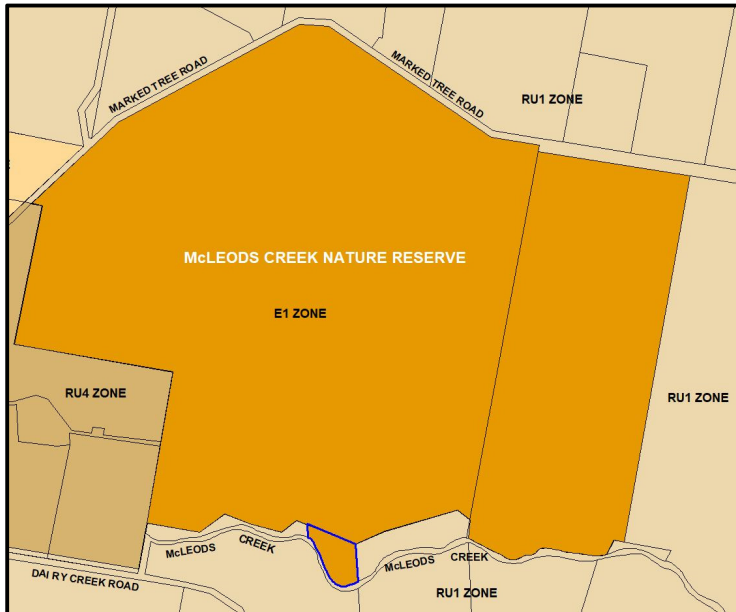


Image 24: Existing Land Zoning Map - Amend the land zoning of land outlined blue from E1 to RU1 to align with the residual lot on the Land Zoning Map - Sheet LZN_005.

Item 11: Amend Land Zoning and Lot Size Maps for 327 Nottingham Street, Wee Jasper

The subject land includes Lot 4 & 5 DP 751821 and Lot 1 DP 1137962 and is owned privately and has area of 86.606 hectares, however, it is identified RE1 Public Recreation on the Land Zoning Map in error. Prior to the YVLEP 2013, the land was zoned 1(a) Rural Agriculture Zone under the Yass LEP 1987 which was repealed after the gazettal of the YVLEP 2013 wherein a land previously zoned 1(a) was replaced with a standardized zones of the Standards Instrument RU1 Primary production.

The land is surrounded by Brindabella Nature Reserve except the eastern side of land is zoned RU1. Given, the land is privately owned and cannot be zoned RE1, however, an error was made on the land Zoning Map therefore it should be zoned RU1 as mentioned above with 40 hectares MLS to correspond with the zoning and MLS of privately owned surrounding land.

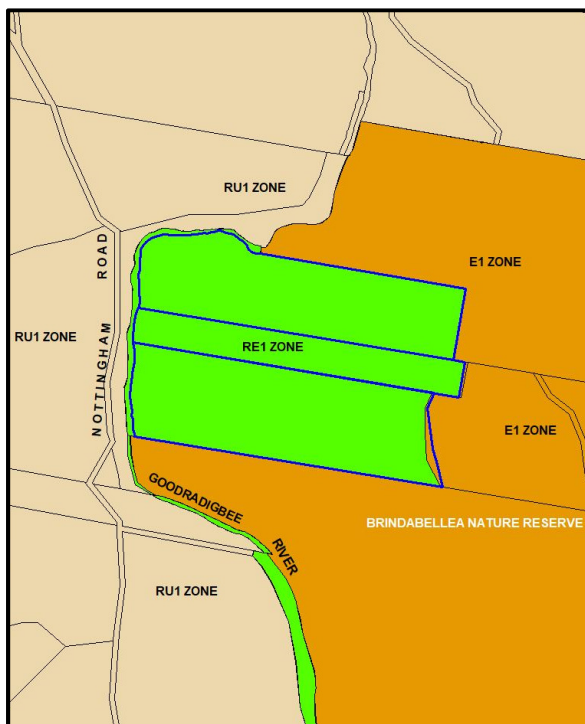


Image 25: Existing Land Zoning Map - Amend the land zoning of land outlined blue from RE1 to RU1 on the Land Zoning Map - Sheet LZN_002.

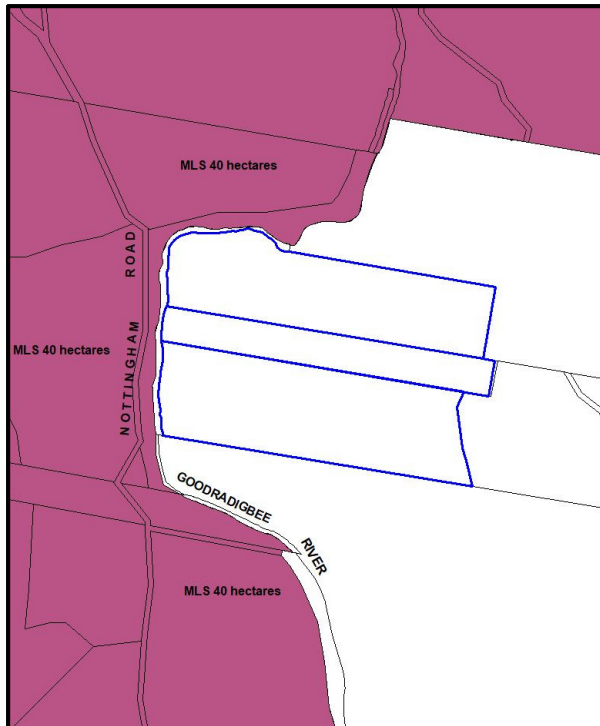


Image 26: Existing Lot Size Map - Amend the lot size of land outlined blue to reflect 40 hectares MLS on the Lot Size Map - Sheet LSZ_002.

Item 12: Amend Lot Size Map for 14 Shaw Street and 253 Comur Street, Yass

Lot 17 DP 810557 being 14 Shaw Street, Yass is mixed zoned R1 General Residential and B2 Local Centre whereas Lot 1 DP 1201523 being 253 Comur Street, Yass is zoned B2 within the YVLEP 2013. The cumulative area of both lots is 5412 sqm. In accordance with the Yass Built Form Study 2011, a land zoned B2 should have no MLS and same was adopted in the MLS provisions of the YVLEP 2013.

However, the Lot Size Map indicates that part of Lot 17 DP 810557 and Lot 1 DP 1201523 that is zoned B2 has a MLS of 1000 sqm in error. Therefore, the MLS provision for that part of Lot 17 DP 810557 and Lot 1 DP 1201523 should be removed from the Lot Size Map to be consistent with the adopted Yass Built Form Study 2011.

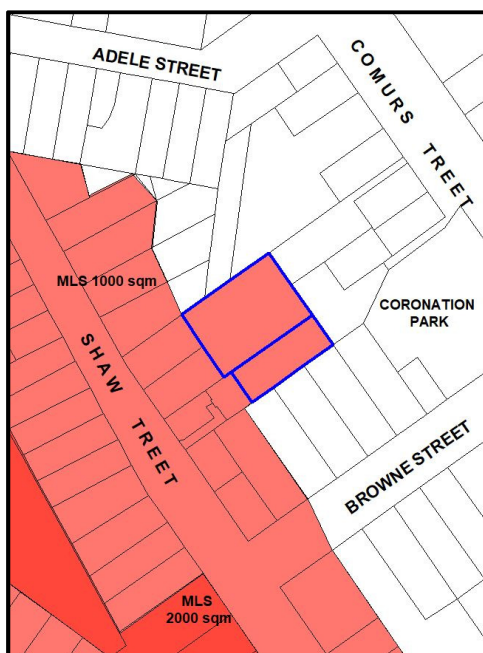


Image27: Existing Lot Size Map - Remove the lot size control for the land outlined blue on the Lot Size Map - Sheet LSZ_001H.

Item 13: Amend Lot Size Map for 40 Laidlaw Street, Yass

Lot 1 DP 779078 being 40 Laidlaw Street, Yass is zoned B6 Enterprise Corridor under the provision of the YVLEP 2013 and have an area of 1927 sqm. The Yass Built Form Study 2011 recommended that MLS should not be applicable to any land zoned B6 and same was adopted in the minimum lot size provisions of the YVLEP 2013.

In view of the above, Lot 1 DP 779078 should not have a minimum lot size control given it is zoned B6. However, the Lot Size Map indicates that subject land has a MLS of 2000 sqm in error. Therefore, MLS control for Lot 1 DP 779078 should be removed from the Lot Size Map to be consistent with the recommendation of adopted Yass Built Form Study 2011.

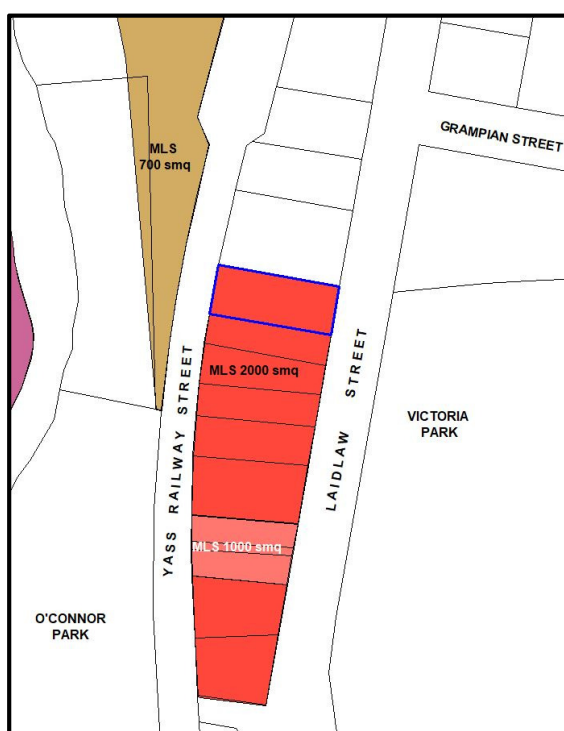


Image 28: Existing Lot Size Map - Remove the MLS control of land outlined blue on the Lot Size Map - Sheet LSZ_001H.

Item 14: Amend Height of Building and Floor Space Ratio Maps for 65 Cobham Street, Yass

Lot 104 DP 1135241 being 65 Cobham Street, Yass is mixed zoned R1 General Residential and RE1 Public Recreation within the YVLEP 2013 wherein the land has an area of 4.834 hectares. The part of Lot 104 that is zoned RE1 Public Recreation should not have height and FSR controls. However, the Height of Building and Floor Space Ratio Maps show that the subject land does have height and FSR controls applicable to it.

It is therefore recommended to remove the height and FSR controls for the land, outlined red in the Images 29 and 30 below, from the Height of Building and Floor Space Ratio Maps.



Image 29: Existing Height of Building Map - Remove the height control for land outlined red on the Height of Building Map - Sheet HOB_001H.

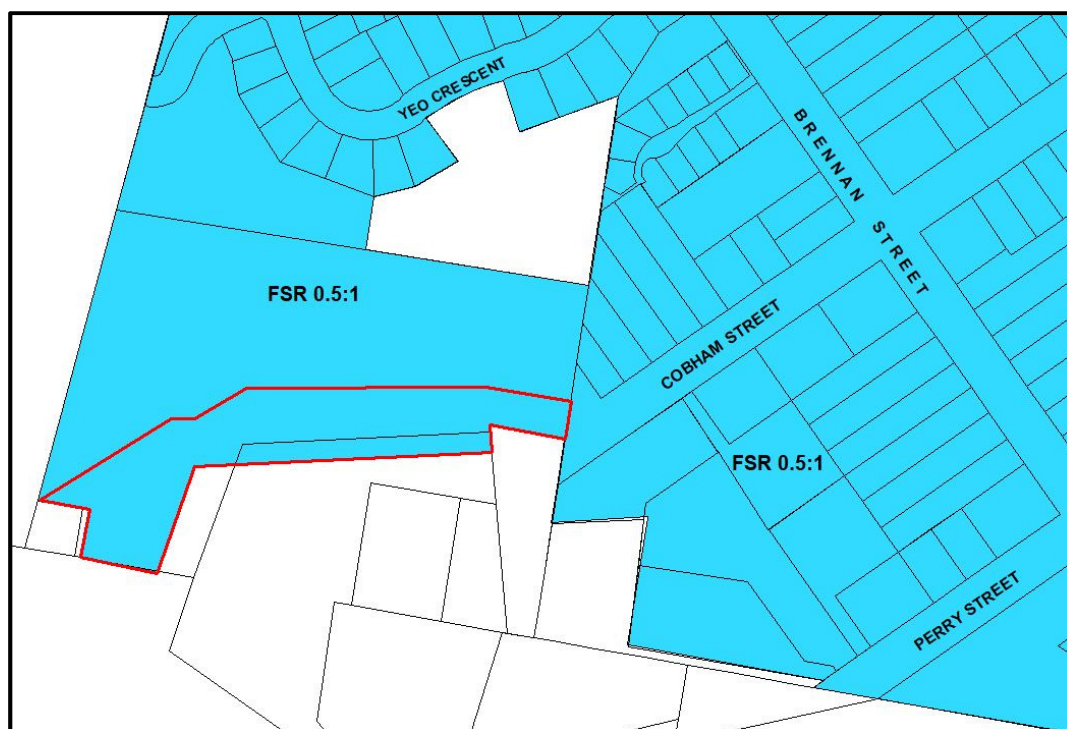


Image 30: Existing Floor Space Ratio Map - Remove the FSR control for land outlined red on the Floor Space Ratio Map - Sheet FSR_001H.

Item 15: Amend Lot Size Map Sheet LSZ_002B and LSZ_005

Following the gazettal of Amendment No 1 to the YVLEP 2013 on 12 August 2016, all land zoned RU1 Primary Production within the Yass Valley should have a MLS of 40 hectares. In addition, some of the land zoned E3 Environmental Management should retain the MLS of 80 hectares. However, soon after the gazettal of Amendment No 1 some discrepancy was identified on the Lot Size Map Sheets LSZ_002B and LSZ_005.

As such, the Lot Size Map - Sheet LSZ_002B gazetted on the NSW Legislation website identifies the land outlined blue on Image 31 (that includes part Lot 2 DP 844272, part Lot 100 DP 1137945, Lot 2 DP 601343, Lot 114 DP 1167373, 111 DP 842920, Lot 2 DP 1127112, part Lot 1 DP 1138624, Lot 1 DP 710588, Part Lot 1 & 4 and Lot 2-3 DP 1018078, part Lot 1 DP 947496 and part Lot 13 DP 1125715) as AC (80 hectares) whereas it should be referred to AB (40 hectares) following the Amendment 1 to the YVLEP 2013. Therefore, the Lot Size Map - Sheet LSZ_002B on the NSW Legislation should be amended accordingly, to reflect the correct information regarding MLS.

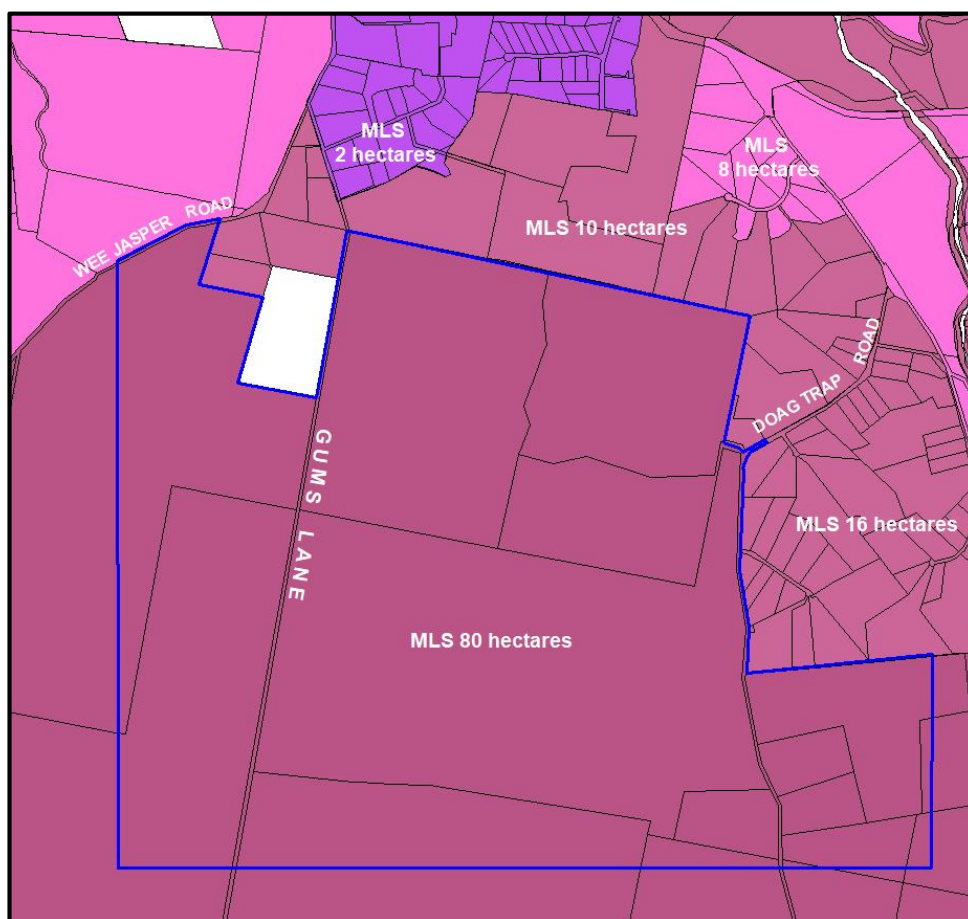


Image 31: Existing Lot Size Map - Amend the Lot Size Map - Sheet LSZ_002B on the NSW Legislation website by updating the AC notation to AB for the land outlined blue.

In addition to the above, the Lot Size Map - Sheet LSZ_005 gazetted on the NSW Legislation website identifies the land outlined blue on Images 32 (that includes part Lot 7300 DP 1154547, Lot 24 DP 754891 and Lot 65 DP 754906) and the land outlined blue on Image 33 (that includes part Lot 1, 2 & 4 and Lot 3 DP 835536, part Lot 16-18 DP 253616 and part Lot 1 & Lot 3 DP 48008) as AB (40 hectares) whereas it should be reflected as AC (80 hectares) following the Amendment 1 to the YVLEP 2013. Therefore, the Lot Size Map - Sheet LSZ_005 on the NSW Legislation should be amended

accordingly, to reflect the correct information regarding MLS.

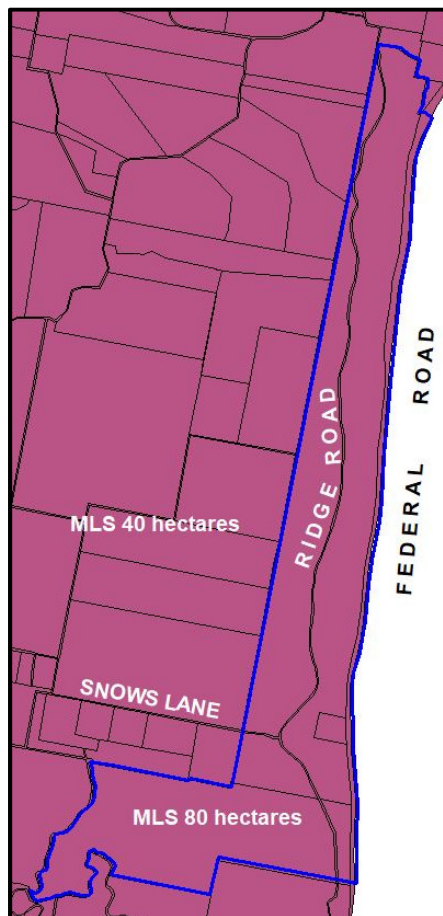


Image 32: Existing Lot Size Map - Amend the Lot Size Map - Sheet LSZ_005 on the NSW Legislation website by updating the AB notation to AC for the land outlined blue.

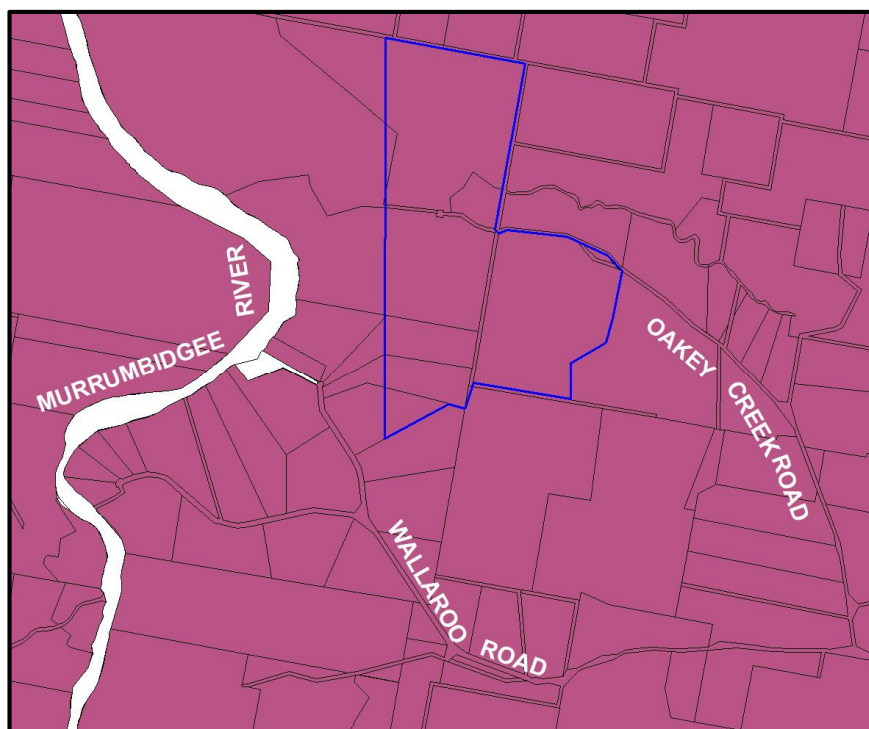


Image 33: Existing Lot Size Map - Amend the Lot Size Map - Sheet LSZ_002B on the NSW Legislation website by updating the AB notation to AC for the land outlined blue.

Item 16: Amend Land Zoning and Lot Size Maps for 186 Manton Road, Manton

The subject land includes part Lot 17 DP 1152330 and Lot 2 DP 1172616 that is zoned RU1 Primary Production and have a cumulative area of nearly 1.288 hectares.

Part of Lot 17 DP 1152330 and Lot 2 DP 1172616 was a closed road and was purchased by the owner of land formerly known as Lot 13 DP 1152324 (zoned R5 large Lot Residential). The consolidation and boundary adjustment of part of closed road and Lot 13 DP 1152324 resulted in the creation of Lot 17 DP 1152330 with mixed zoning i.e. RU1 and R5.

It is therefore recommended to amend and update the land use zoning of part Lot 17 DP 1152330 and Lot 2 DP 1172616 to R5 large Lot Residential with 10 MLS to incorporate the road and all land being in same ownership.

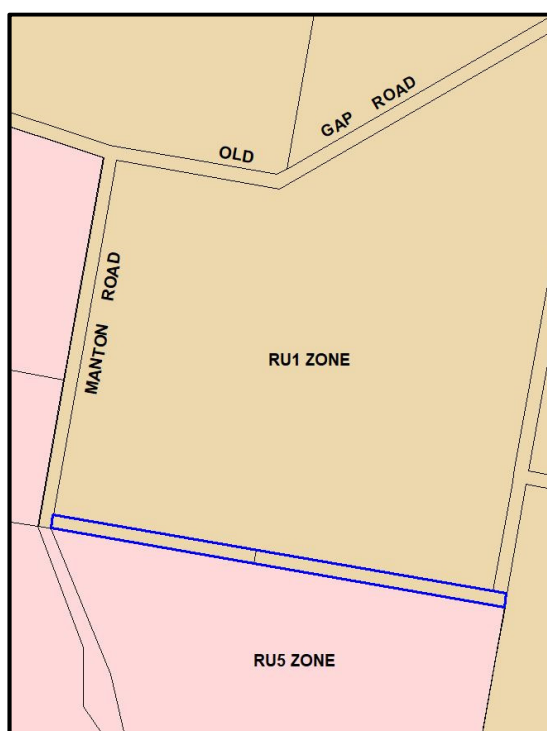


Image 34: Existing Land Zoning Map - Amend the land zoning for land outlined blue from RU1 to R5 on the Land Zoning Map - Sheet LZN_004.

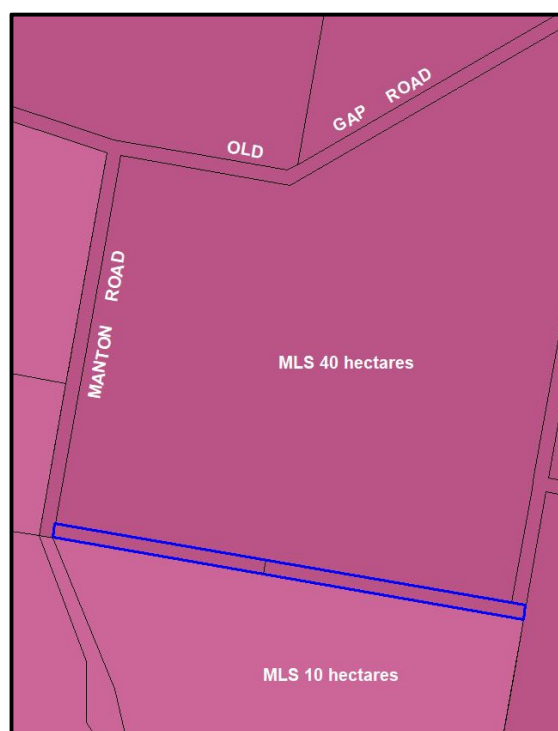


Image 35: Existing Lot Size Map - Amend the lot size of land outlined blue to reflect 10 hectares MLS on the Lot Size Map - Sheet LSZ_004.

Item 17: Amend Land Zoning and Lot Size Maps for 163 Ridge Road, Lake George

Lot 64 DP 754906 being 163 Ridge Road, Lake George is Crown land devolved to Council that has an area of 85.189 hectares. The then Department of Lands notified that the subject land is reserved for public recreation as identified in the gazettal of 25 October 1882, however, the matter was overlooked while preparing the YVLEP 2013 and as such, this land was zoned E3 Environmental Management.

In the past, the NSW Crown Lands had raised their concerns that the current zoning of subject land do not correspond to the above-mentioned gazettal wherein the land is reserved for public recreation however, a recreational facility is prohibited on a land zoned E3. It is therefore, recommended to rezone the land from E3 to RE1 Public Recreation with no minimum lot size applicable to this land to align the land zoning with the use notified in the gazette.

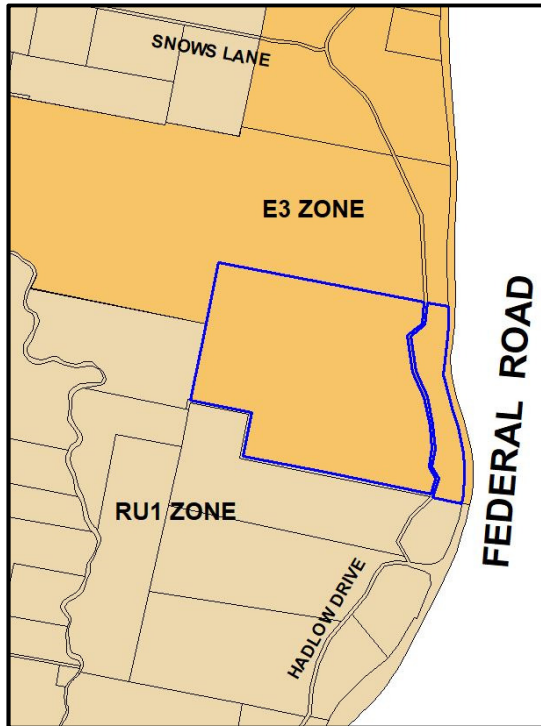


Image 36: Existing Land Zoning Map - Amend the land zoning of land outlined blue from E3 to RE1 on the Land Zoning Map - Sheet LZN_005.

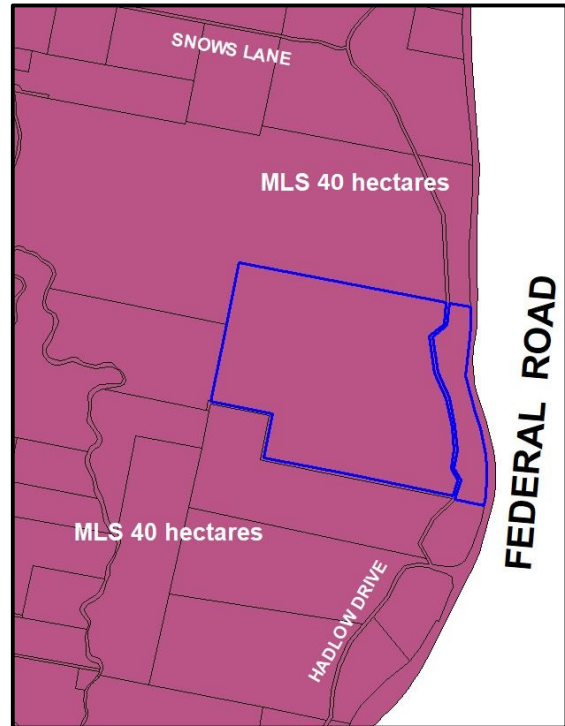


Image 37: Existing Lot Size Map - Remove the lot size control for land outlined blue on the Lot Size Map - Sheet LSZ_005.

Item 18: Amend Land Zoning and Lot Size for Wellington Street, Binalong

The subject land is known as Lot 7004 DP 1025907 along Wellington Steer, Binalong that has an area of 3076 sqm and is zoned RE1 Public Recreation with no minimum lot size applicable to it under the provision of the YVLEP 2013.

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 is granted to Onerwal Local Aboriginal Land Council. The letter is attached in the appendix of the planning proposal and can be found as Annex- I on page 47.

Pursuant to the decision this land is no longer owned by the NSW Crown Land nor can it be used for public recreation. Therefore, the land use zone of the subject land needs to be amended to RU5 Village with a minimum lot size of 2000 sq. metres to correspond to zoning and lot size of the surrounding land. Accordingly, the Land Zoning and Lot Size Maps should be amended as well.

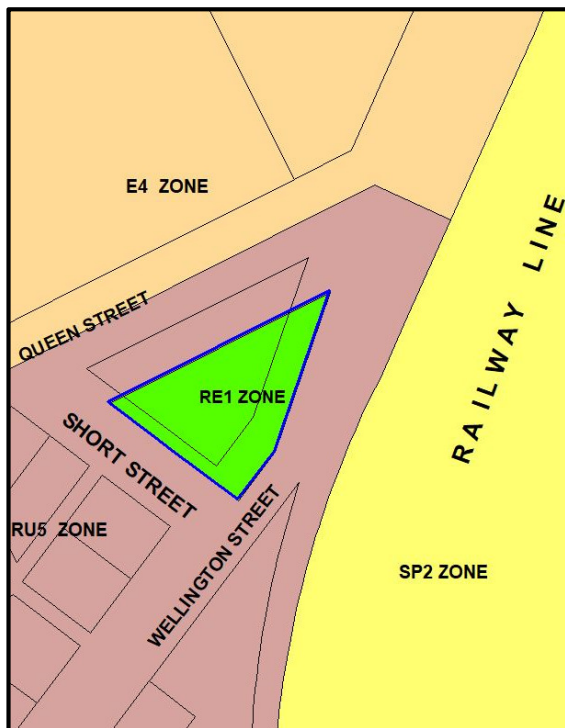


Image 38: Existing Land Zoning Map - Amend the land zoning of land outlined blue from RE1 to RU5 on the Land Zoning Map - Sheet LZN_001B.

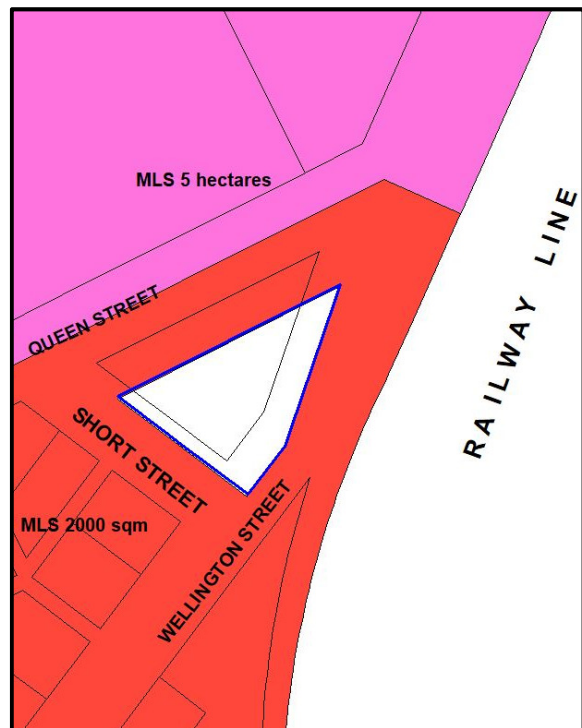


Image 39: Existing lot Size Map - Amend the lot size of land outlined blue to reflect 2000sqm MLS on the Lot Size Map - Sheet LSZ_001B.

Item 19: Amend land zoning and lot size of Burrinjuck Dam and surrounding Water NSW land

Council received a request from the Water NSW on 24 July 2018 to amend and update the land zoning of Burrinjuck Dam and surrounding Water NSW land. The letter of Water NSW can be found as Annex- II on page 49 in the appendix of the planning proposal. Council has considered Water NSW's rezoning request and has decided to support the amendment described below.

Part Lot 4 DP 1215918 and Lots 2 & 3 DP 1196430 is Water NSW land having an area of 581.62 hectares, currently zoned E3 Environmental Management. The land contains most of the critical assets of Burrinjuck Dam i.e. dam wall, built assets and access road. It is recommended to rezone part of land that contains critical assets of Burrinjuck Dam from E3 Environmental Management to SP2 Infrastructure (Water supply system) wherein rezoning will help to achieve the operational outcome.

In addition, the review of Land Zoning Map also identified that part of Lot 14 DP 753598 is shown as RU1 Primary Production (shown in Image 40) in error and it should be rezoned W1 Natural Waterways to be compatible with the residual lot and the surrounding land.

In view of the above, the Land Zoning and Lot Size Maps also need amendment accordingly as shown in Image 40 and Image 41.

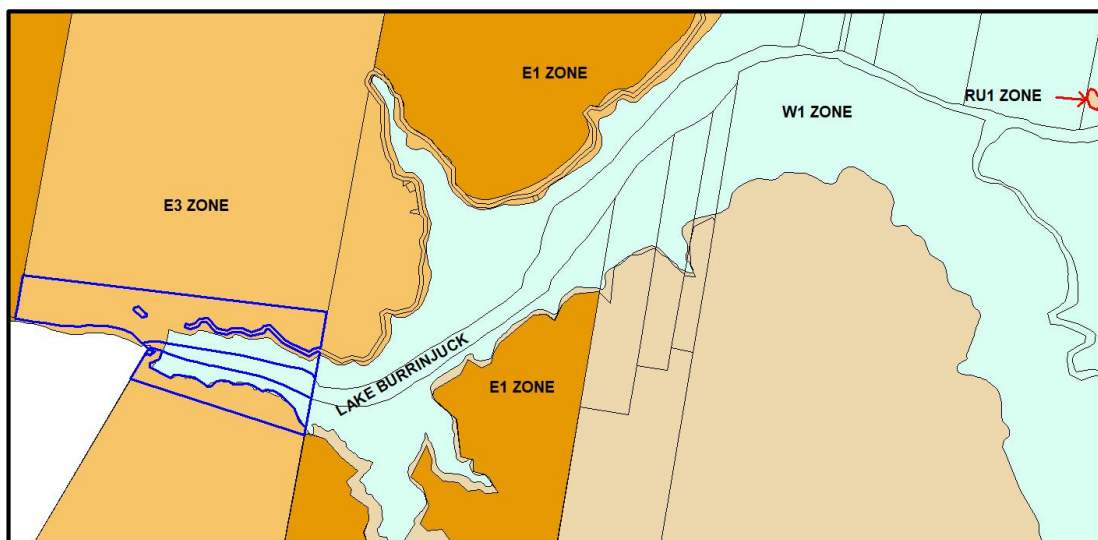


Image 40: Existing Land Zoning Map - Amend the land zoning of land outlined blue from E3 to SP2 and land outlined red from RU1 to W1 on the Land Zoning Map - Sheet LZN_002.

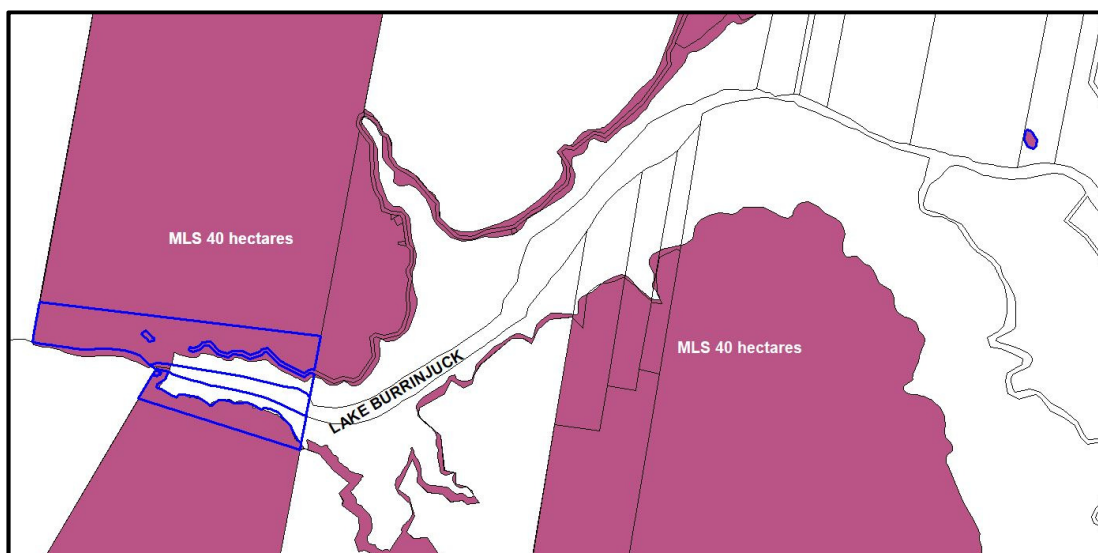


Image 41: Existing Lot Size Map - Remove the lot size control of land outlined blue on the Lot Size Map - Sheet LSZ_002.

Item 20: Amend property description and address for heritage item I002

To amend property description and address of the heritage item I002 (Kuriong) in Schedule 5 of the YVLEP 2013.

The heritage item I002 is situated on Lot 2 DP 1226619 being 71 Bendenine Road, Binalong, however, in Schedule 5 the property description and address for the heritage item I002 is referred to as Lot 2091 DP 861141 being 85 Bendenine Road, Binalong. As such, the property description and address of heritage item I002 in Schedule 5 of the YVLEP 2013 needs to be amended as mentioned above.

Item 21: Amend property description, address and Heritage Map for heritage item I293

To amend property description of heritage item I293 (Kangiara Store-former) in Schedule 5 of the YVLEP 2013 and amend the Heritage Map accordingly.

The heritage item I293 is actually situated on Lot 9 Sec 1 DP 758552 being 8 Charles Street, Kangiara whereas the property description in Schedule 5 refers it to Lot 11 Sec 1 DP 758552 - Charles Street, Kangiara. As such, the property description and address of heritage item I293 in Schedule 5 and the Heritage Map needs amendment to correspond to the correct property description.



Image 42: Existing Heritage Map - Remove the land outlined red and include the land outlined blue to the heritage map to reflect the correct location of I293 on the Heritage Map - Sheet HER_001.

Item 22: Amend property description and Heritage Map for heritage item A292

To amend the property description of the heritage item A292 (Goondah railway precinct) in Schedule 5 of the YVLEP 2013 and also amend the Heritage Map.

Schedule 5 of the YVLEP states that the heritage item A292 is situated on Lot 3 DP 184153 - Goondah Road, Bowning whereas, the Heritage Map shows parts Lots 3 & 4 DP 1214021; Lot 1 DP 1047426 and Lot 2 DP 184153 as heritage item A292. However, the item of heritage significance is situated on part Lot 3 DP 1214021 being 114 Goondah Road, Bowning. As such, the property description needs to be amended to reflect correct information in Schedule 5 of the YVLEP. Accordingly, an amendment should be made to the Heritage Map.

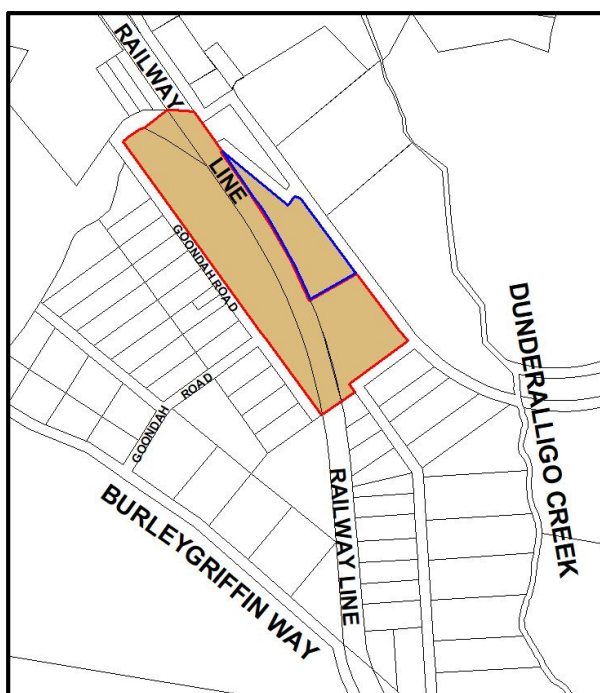


Image 43: Existing Heritage Map - Remove the land outlined red and retain the land outlined blue to the heritage map to reflect the correct location of A292 on the Heritage Map - Sheet HER_001.

Item 23: Amend property description, address and Heritage Map for heritage item I229

To amend the property description and address of heritage item I229 (Yass Cemetery-Includes Hamilton Hume's grave) in the Schedule 5 of the YVLEP 2013 and the Heritage Map.

Schedule 5 of the YVLEP 2013 identifies Lot 1 DP 795153 Irvine Drive as heritage item I229. However, the area that correctly reflects the heritage significance of I229 includes Lot 7001 & 7002 DP 94642; Lot 7301 DP 1164098; Lots 7301 & 7302 DP 1166690; Lots 1 & 2 DP 904024; Lot 1 DP 34919; Lot 1 DP 795153 and Lot 1171 DP 1135867 being 26-30 Irvine Drive, Yass. Therefore, the property description and address of heritage item I229 in Schedule 5 of the YVLEP 2013 and Heritage Map needs to be amended to reflect the correct information.

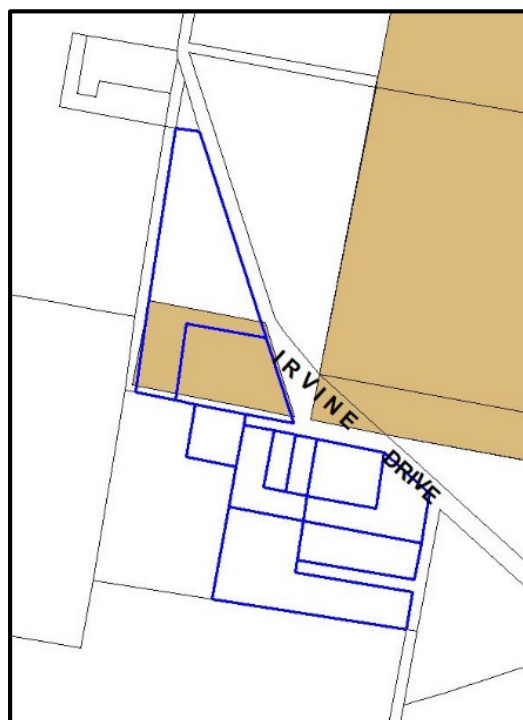


Image 44: Existing Heritage Map - Include the land outlined blue as heritage item I229 on the Heritage Map - Sheet HER_001.

Item 24: Amend Item name, property description and Heritage Map for heritage item I230

To amend the item name and property description of heritage item I230 (Cliftonwood) in Schedule 5 of the YVLEP 2013 and the Heritage Map.

Schedule 5 of the YVLEP and the Heritage Map reflects that the heritage item is situated on land that includes Lot 103 & 15 DP 754923 and Lot 2 DP 998791. However, the heritage item spreads across Lot 103 DP 754923 and Lot 2 DP 998791 and as such, the property description of Cliftonwood (I230) needs to be amended to include Lot 103 DP 754923 and Lot 2 DP 998791 only whereas Lot 15 DP 754923 should be deleted from the property description in Schedule 5. Furthermore, Lot 1 DP 1136627 should also be removed from the heritage map as shown in Image 56 below.

In addition to the above, the Cliftonwood is significant for its homestead and landscape setting it is therefore recommended to amend the item name as well to Cliftonwood - homestead and landscape.



Image 45: Existing Heritage Map - Remove the land outlined red from the heritage item I230 on the Heritage Map - Sheet HER_001 & Sheet HER_001HA.

Item 25: Amend address and Heritage Map for heritage item I234

To amend the Heritage Map for heritage item I234 (Cobblestone Drain) to show its location on the heritage map.

The heritage item I234 (Cobblestone Drain) is missing on the heritage map and as such the heritage map needs to be updated to show the item of heritage significance located within the road reserve between 67 to 95 Rossi Street, Yass on the Heritage Map as shown in Image 46 below.



Image 46: Existing Heritage Map - Include land outlined green to show Cobblestone Drain on the Heritage Map - Sheet HER_001HA & Sheet HER_001HB.

Item 26: Amend property description, address and Heritage Map for heritage item I172

To amend the street address and property description of heritage item I172 (Royal Hotel) in Schedule 5 of the YVLEP 2013 and to amend the Heritage Map.

Consolidation of Lot 1 & 2 DP 574948 and Lot 1 DP929790 has resulted in a new boundary of the heritage item I172 (Royal Hotel). As such, the heritage map, property description and Street address of the heritage item has changed and needs to be updated accordingly. The property description of the heritage item I172 needs to be changed to Lot 1 DP 1183325 and street address being 111 Comur Street Yass in Schedule 5 of the YVLEP 2013. In addition, the heritage map should be amended to reflect the new layout of the lot the heritage item is situated on.

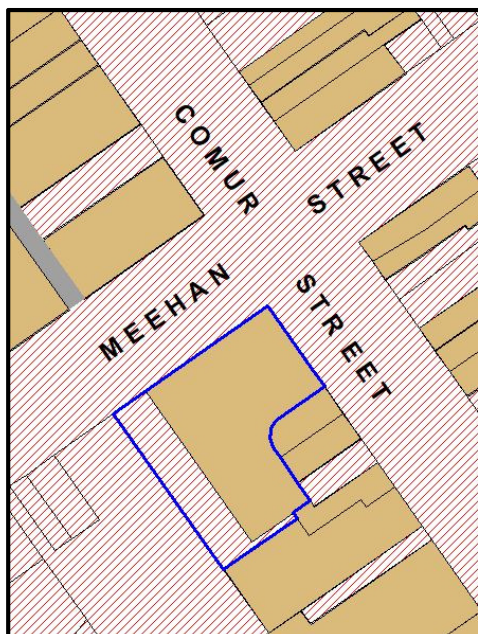


Image 47: Existing Heritage Map - Include the land outlined blue to reflect the correct location of heritage item I172 on the Heritage Map - Sheet HER_001HB.

Item 27: Amend property description and address for the heritage item I168

To amend the property description and address of the heritage item I168 (Yass Post Office and hitching posts) in Schedule 5 of the YVLEP 2013.

Schedule 5 of the YVLEP 2013 describes the property description of heritage item I168 to Lot 21 Sec 17 DP 795136 being 101 Comur Street, Yass whereas the correct property description and address of the item I168 is part Lot 8 Sec 17 DP 759136 being 95 Comur Street, Yass and same should be updated in Schedule 5 of the YVLEP 2013 accordingly.

Item 28: Amend property description and Heritage Map for heritage item A301

To amend property description of heritage item A301 (Hatton's Corner) in Schedule 5 of the YVLEP 2013 and to amend the Heritage Map.

The description and map of the archaeological/geological item needs to be amended to include Part of Yass River reserve abutting Hatton Corner Nature Reserve that is currently zoned E2 Environmental Conservation. This part of Yass River reserve has significant geological values particularly rich in fossils including tabulate and rugose corals. As such, the archaeological site A301 should be described Lot 9 DP 740221, Lot 13 DP 250146 and part of Yass River reserve. Accordingly, the heritage map also needs an amendment to reflect the whole archeological site of heritage significance.

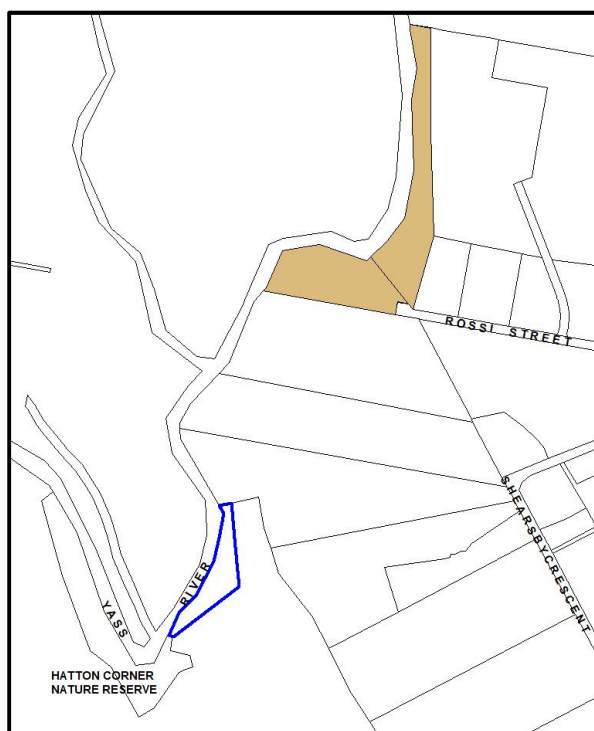


Image 48: Existing Heritage Map - Include the land outlined blue in the heritage item A301 on the Heritage Map - Sheet HER_001.

Item 29: Amend the heritage description of Heritage Item I179

To amend the item name of heritage item I179 in Schedule 5 of the YVLEP 2013.

There are couple of hitching posts of heritage significance associated to the heritage item I179 therefore the name of heritage item should be amended to 'Westpac Bank and hitching posts' in Schedule 5 of the YVLEP 2013.

Item 30: Amend property description, Item name and Heritage Map for Heritage Item I034

To amend the property description and item name of heritage item I034 (Bloomfield) in Schedule 5 of the YVLEP 2013.

Consolidation of Lot 4-6 & 8 DP 47576; Lot M DP 107732 & Lot 1 DP 1143936 has resulted in a new boundary of the heritage item I034. Accordingly, the property description of heritage item I034 needs to be updated to part Lot 1 DP 1170970 and part Lot 1 DP 449360. In addition, the heritage item I034 was included in Schedule 5 to reflect the significance of Bloomfield homestead therefore, it is also recommended to amend the item name to Bloomfield - homestead. Furthermore, the heritage map should be amended to reflect the correct location of item of heritage significance.

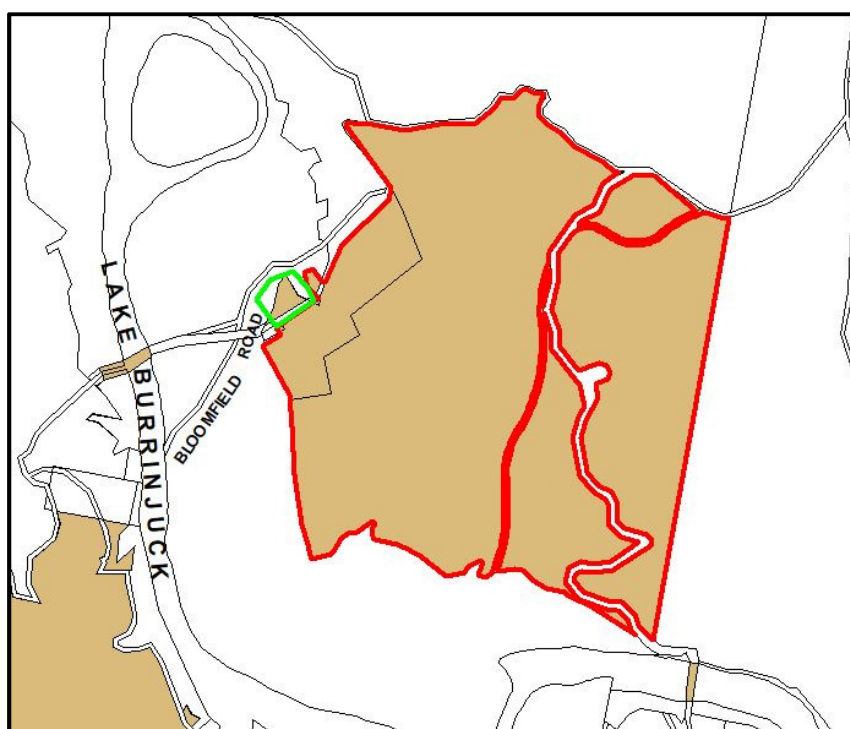


Image 49: Existing Heritage Map - Include the land outlined green and remove the land outlined red from heritage item I034 on the Heritage Map - Sheet HER_002.

Item 31: Amend property description and Heritage Map for Heritage Item I104

To amend the property description of heritage item I104 (Vale View Homestead, woolshed and building/landscape elements) in Schedule 5 of the YVLEP 2013 and also amend the Heritage Map.

The heritage item I104 is situated on part Lot 74 DP 754869 and part Lot 12 DP 1125715 whereas Schedule 5 describes the item as Lots 44, 51, 52 and 71-74 DP 754869 and Lot 12 DP 1125715. Therefore, the property description of the item should be amended to part Lot 74 DP 754869 & part Lot 12 DP 1125715. Furthermore, the heritage map should also be amended accordingly as shown in Image 50 to reflect the correct location of items of heritage significance.

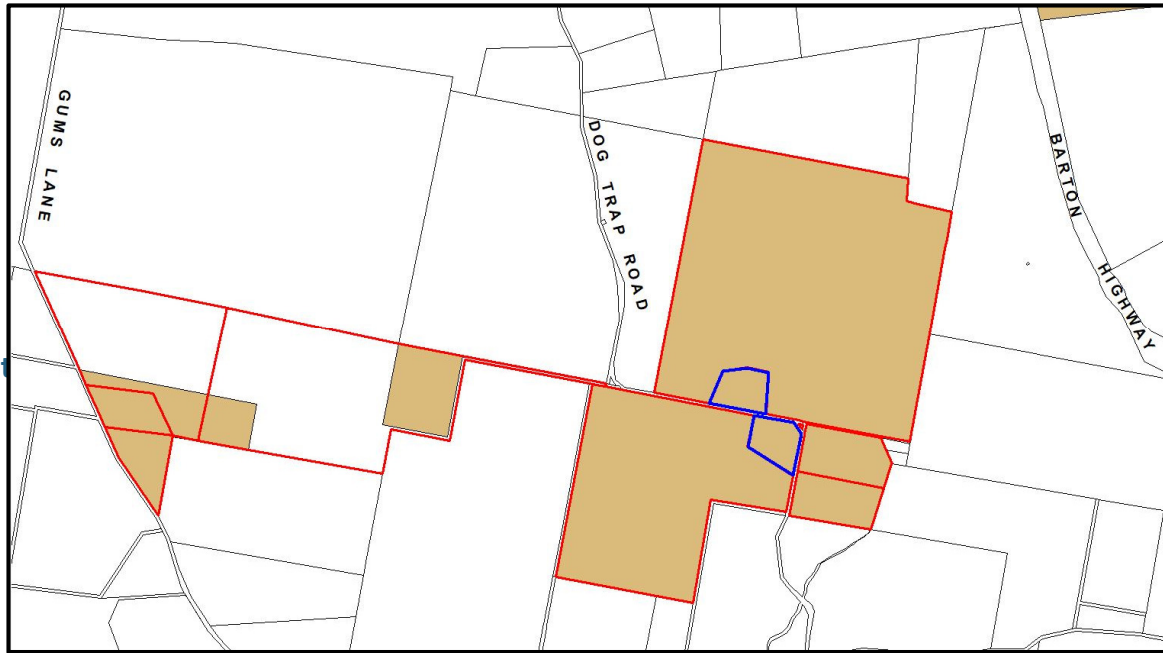


Image 50: Existing Heritage Map - Remove the land outlined red and retain the land outlined blue to the heritage item I104 on the Heritage Map - Sheet HER_002 & HER_005.

Item 32: Amend property description, address and Heritage Map for Heritage Item I112

NSW Land Registry Services (formerly NSW-LPI) had separated the land with heritage significance from the bigger holding and created separate property title for the land with new boundaries and lot description e.g. Lot 482 DP 1173489. Accordingly, the property description of the heritage item I112 needs amendment to reflect the change i.e. the property description of the item I112 (Davis Family Cemetery - Gounyan) should be Lot 482 DP 1173489 being 172 Gounyan Road, Murrumbateman. In addition, the Heritage Map should also be amended accordingly.

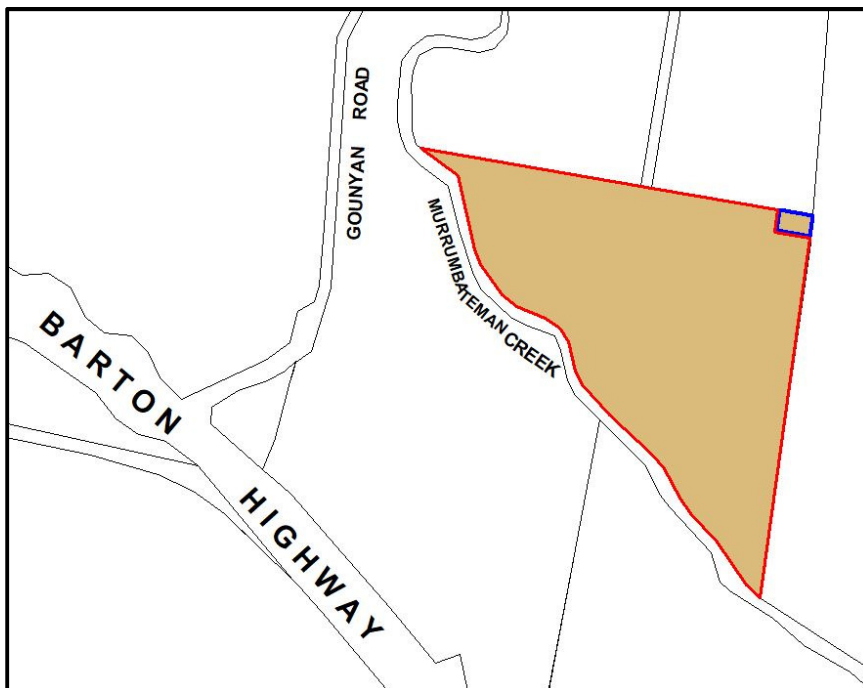


Image 51: Existing Heritage Map - Remove the land outlined red and retain the land outlined blue as the heritage item I112 on the Heritage Map - Sheet HER_005.

Item 33: Amend property description and Heritage Map for Heritage Item I119

To amend the property description of heritage item I119 (Nanima - Homestead, outbuilding and pit) in Schedule 5 of the YVLEP 2013.

As a result of subdivision of Lot 1 DP 849255, Lot 2 & 3 DP 113279 and Lot 1 DP 1152745, the heritage item I119 is now situated on Lot 1 DP 1167836. Accordingly, an amendment to Schedule 5 of the YVLEP is required to update the property description of heritage item as Lot 1 DP 1167836 and same should be reflected on the Heritage Map by amending it as shown below in Image 52.

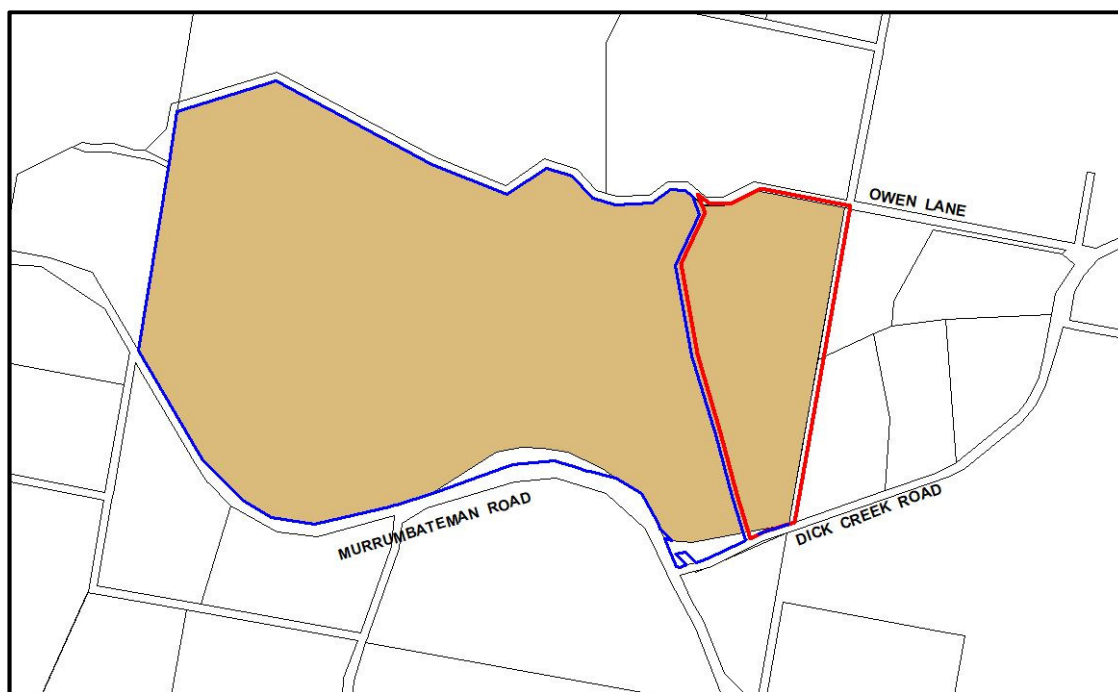


Image 52: Existing Heritage Map - Include the land outlined blue and remove the land outlined red from the heritage item I119 on the Heritage Map - Sheet HER_005.

Item 34: Amend property description and Heritage Map for Heritage Item I100

To amend property description of heritage item I100 (Hillview - Homestead and Garden) in Schedule 5 of the YVLEP 2013.

Following the subdivision of Lot 12 DP 1117103 the heritage item I100 (Hillview - Homestead and Garden) is more appropriately located on Lot 5 DP 1220039. Therefore, the property description of heritage item I100 should be amended to Lot 5 DP 1220039 and accordingly the heritage map should also be updated to reflect the actual location of the heritage item.

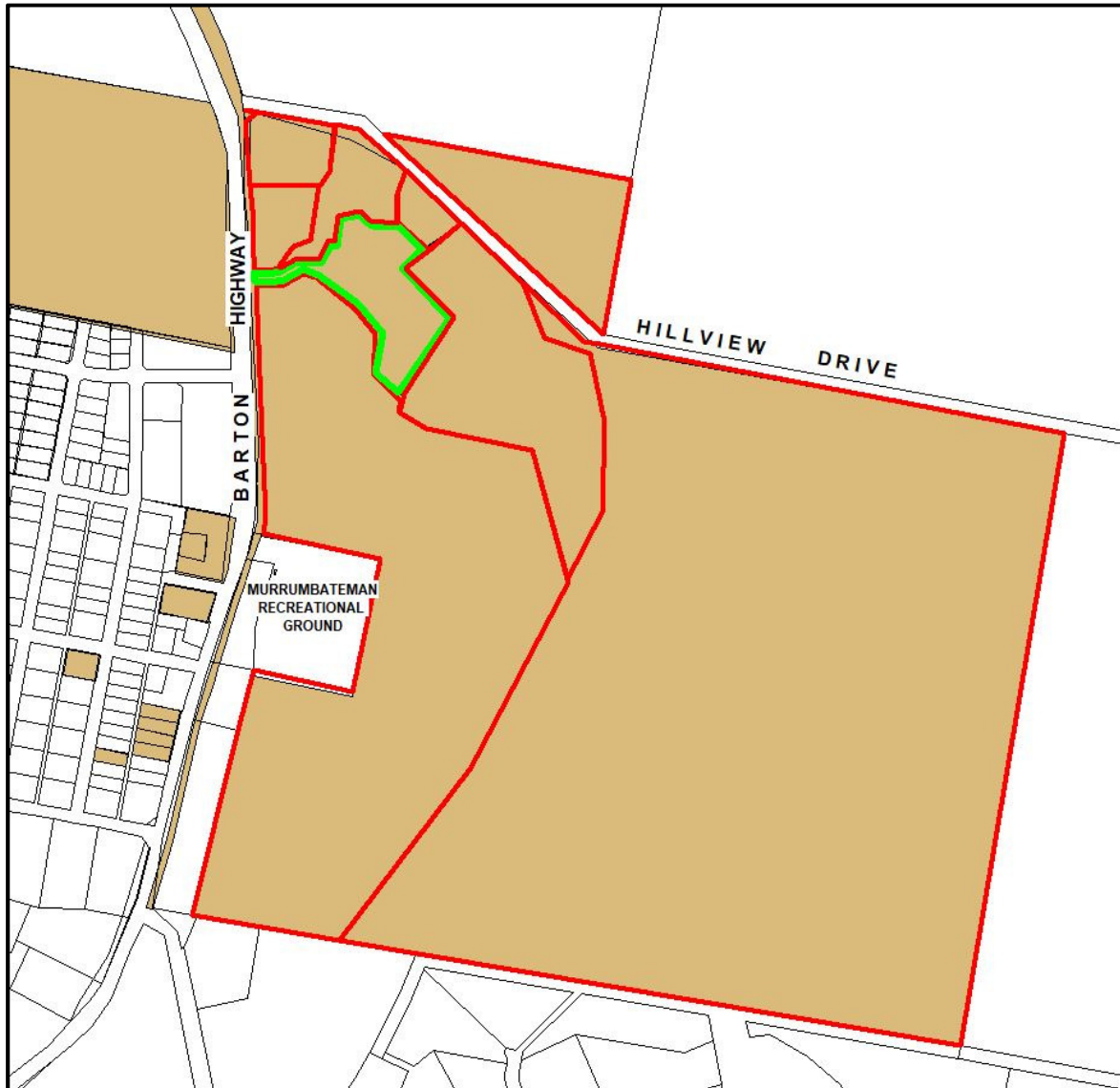


Image 53: Existing Heritage Map - Retain the land outlined green and remove the land outlined red from the heritage item I100 on the Heritage Map - Sheet HER_005C.

Item 35: Amend property description and Heritage Map for Heritage Item I084

To amend property description of heritage item I084 (Brick Cottage) in Schedule 5 of the YVLEP 2013.

The subdivision of Lot 17 & 18 Sec 26 DP 758488 has resulted in a new boundary of the heritage item I084 that is described as Lot 1 DP 1174515. Therefore, the property description of heritage item I084 should be amended in Schedule 5 of the YVLEP 2013 to reflect the correct information. The Heritage Map also needs an amendment to reflect new boundaries of heritage item.



Image 54: Existing Heritage Map - Include the land outlined blue and remove the land outlined red from the heritage item 1084 on the Heritage Map - Sheet HER_005EA.

Item 36: Amend the Heritage Map for the Heritage Conservation Area of Gundaroo Village

To amend the Heritage Map to correctly reflect the area included in the Heritage Conservation Area of Gundaroo Village.

The heritage conservation area of Gundaroo village includes an area that has no significant value and does not contribute to the overall heritage value of the village. Therefore, the heritage map needs an amendment to update the boundary of the heritage conservation area to correctly reflect the area of Gundaroo village that contributes to its heritage significance.

Accordingly, part 21 DP 1078712 & Part Lot 20 DP 1078712 should be removed from heritage conservation area of Gundaroo Village as shown in Image 55.

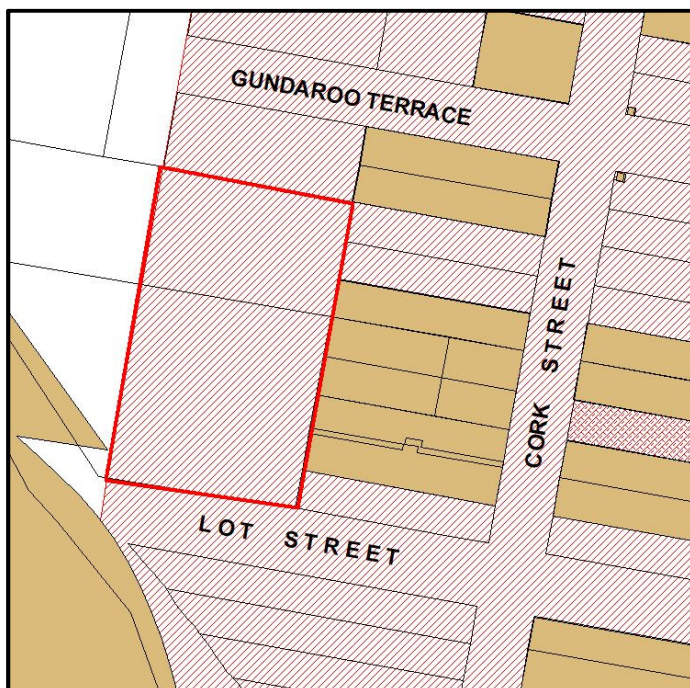


Image 55: Existing Heritage Map - Remove the land outlined red from the heritage conservation area of Gundaroo Village from the Heritage Map - Sheet HER_005EA.

Item 37: Amend the property description and Heritage Map for Heritage Item I001

To amend the property description and Heritage Map for heritage item I001 (Blackburn - homestead, garden and outbuilding).

A subdivision of Lot 102 DP 1083908; Lot 1 DP 835351 and Lot 2 DP 1105157 has resulted in a new boundary of the heritage item I001. As such, the property description of the heritage item has changed and needs to be updated to Lot 2 DP 1166883 in Schedule 5 of the YVLEP 2013. In addition, the heritage map should also be amended to reflect the new layout of the lot the heritage item is situated on as shown in Image 56 below.

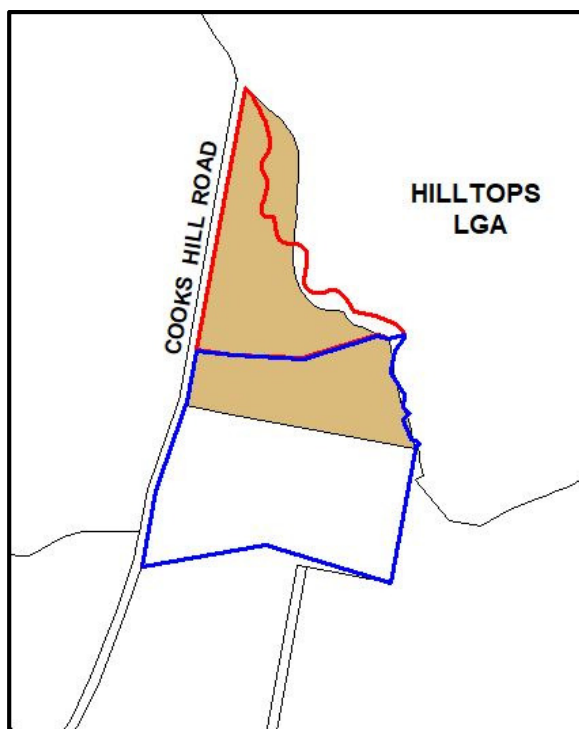


Image 56: Existing Heritage Map - Include the land outlined blue and remove the land outlined red from the heritage item I001 on the Heritage Map - Sheet HER_004.

Item 38: Amend the Heritage Map for Heritage Item I350

To amend the Heritage Map to show the location of heritage item I350 (Sutton Hall) on the map.

The Sutton Hall is identified as a heritage item I350 in Schedule 5 of the YVLEP 2013 but it is not shown on the Heritage Map. Therefore, the heritage map needs an amendment to show the location of the heritage item I350 (Sutton Hall).

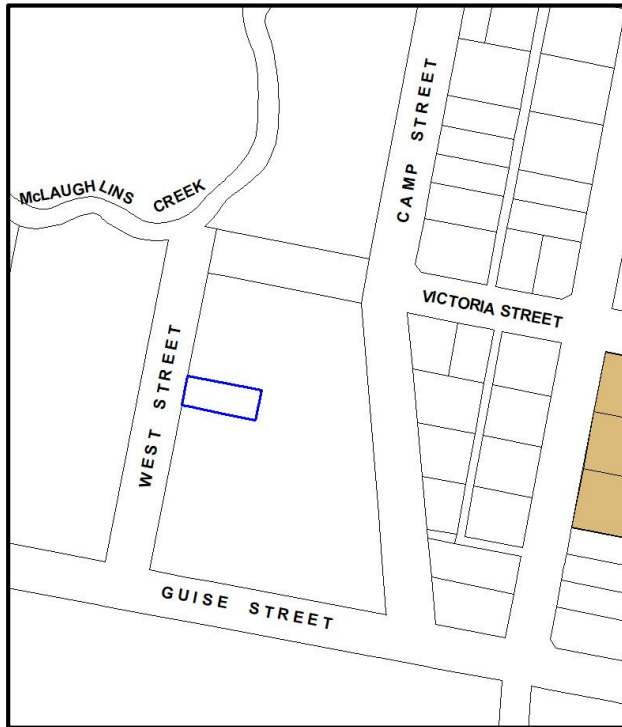


Image 57: Existing Heritage Map - Include the land outlined blue as heritage item I350 on the Heritage Map - Sheet HER_005F.

Item 39: Update the Natural Resources Biodiversity Maps of the YVLEP 2013

To amend the Natural Resources Biodiversity Maps of the YVLEP 2013 to reflect updated information provided by NSW Office of Environment & Heritage (OEH).

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 the 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. The updating of the current Natural Resources Biodiversity Map within the standard instrument will inform the development assessment process.

A letter from the NSW Office of Environment & Heritage (OEH) along with the updated Natural Resources Biodiversity Map is attached in the Appendix as Annex-III on pages 51. The updated Natural Resources Biodiversity Map of the Yass Valley is divided across six (6) sheets to be consistent with the current Natural Resources Biodiversity Maps within the YVLEP as shown on the NSW Legislation website and can be accessed by the link below for comparison

<https://www.legislation.nsw.gov.au/#/view/EPI/2013/391/maps>

PART 3 - JUSTIFICATION

The Planning Proposal relates to the housekeeping amendment to the Yass Valley Local Environmental Plan 2013 to address minor issues, errors and anomalies to ensure that LEP is up to date and operates as intended. The housekeeping amendment is administrative in nature.

Section A - Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not an outcome of any strategic study or report. As such, the planning proposal is a result of a periodic review of the YVLEP 2013. The Environmental Planning and Assessment Act 1979 (the Act) suggest Councils to regularly review their environmental planning instruments as stated in Section 3.21(1), *'The Secretary shall keep State environmental planning policies and councils shall keep their local environmental plans and development control plans under regular and periodic review for the purpose of ensuring that the objects of this Act are, having regard to such changing circumstances as may be relevant, achieved to the maximum extent possible'*.

The planning proposal seeks to make administrative amendments to the Standard Instrument LEP that came into force in 2013. The planning proposal updates the YVLEP 2013 by correcting the errors and anomalies in the standard instrument and associated maps that have become apparent over the past 5 years since the commencement of the YVLEP 2013.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal for the housekeeping amendment of the YVLEP 2013 is only way to achieve an accurate and robust instrument to correct errors and anomalies and to address administrative matters which became apparent since the gazettal of the instrument.

However, some of the housekeeping amendments may have been achieved through expedited amendments of environmental planning instruments under the provision of s3.22 of the *Environmental Planning & Assessment Act 1979* but as such no change was considered urgent and due to the volume of amendments this was considered to be the most appropriate approach.

Section B - Relationship to strategic planning framework.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal seeks to make housekeeping amendment to the Yass Valley Local Environmental Plan 2013. The amendment is intended to resolve minor administrative matters and correct the errors and anomalies that became apparent during the continuous review since it commenced in 2013.

Given, the nature and intent of the planning proposal, the objectives and actions of the South East and Tablelands Regional Plan 2036 has limited application to the planning proposal. Generally, the planning proposal for housekeeping amendment to the YVLEP 2013 is consistent with the South East and Tableland Regional Plan 2036. In particular the planning proposal is consistent with the actions identified in the South East and Tableland Regional Plan 2036 which are listed below:

- **Action 14.2:** Protect the validated high environmental value lands in local environmental plans,
- **Action 14.3:** Minimise potential impacts arising from development on areas of high environmental value, including groundwater-dependent ecosystems and aquatic habitats, and implement the 'avoid, minimize and offset' hierarchy,
- **Action 14.4:** Improve the quality of and access to information relating to land with identified high environmental values,
- **Action 23.3:** Conserve heritage assets during local strategic planning and development.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

This planning proposal only seeks to make housekeeping amendments to the Yass Valley Local Environmental Plan 2013 with an intent to address administrative minor matters and to correct the errors and anomalies that became apparent since the gazettal of YVELP 2013. The planning proposal is not intended to introduce new provisions within the LEP and in general the planning proposal is consistent with the local strategic work which underpinned the preparation of the Yass Valley Local Environmental Plan.

In addition, the planning proposal is also consistent with the Yass Valley Settlement Strategy, Gundaroo and Sutton Masterplans which have been adopted by Council. The planning proposal is also consistent with the Tablelands Community Strategic Plan 2016-2036 though it has limited application to the planning proposal.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The table below outlines the applicability and consistency of the planning proposal for housekeeping amendments to the YVELP 2013 with all State Environmental Planning Policies (SEPPs).

Active State Environmental Planning Policies	Relevance of SEPP to the Planning Proposal
SEPP 1 - Development Standards	Not applicable
SEPP 19 - Bushland in Urban Areas	Not applicable
SEPP 21 - Caravan Parks	Not applicable
SEPP 30 - Intensive Agriculture	Not applicable
SEPP 33 - Hazardous and Offensive Development	Not applicable
SEPP 36 - Manufactured Home Estates	Not applicable
SEPP 44 - Koala Habitat Protection	Not applicable
SEPP 47 - Moore Park Showground	Not applicable
SEPP 50 - Canal Estate Development	Not applicable
SEPP 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP 55- Remediation of Land	Not applicable
SEPP 62 - Sustainable Aquaculture	Not applicable
SEPP 64 - Advertising and Signage	Not applicable
SEPP 65 - Design Quality of Residential Apartment Development	Not applicable
SEPP 70 - Affordable Housing (Revised Schemes)	Not applicable
SEPP Affordable Rental Housing 2009	Not applicable
SEPP Building Sustainability Index: BASIX 2004	Not applicable
SEPP Coastal Management 2018	Not applicable
SEPP Educational Establishments and Child Care Facilities 2017	Not applicable
SEPP Exempt and Complying Development Codes 2008	Not applicable

SEPP Housing for Seniors or People with a Disability 2004	Not applicable
SEPP Infrastructure 2007	Not applicable
SEPP Integration and Repeals 2016	Not applicable
SEPP Kosciuszko National Park - Alpine Resorts 2007	Not applicable
SEPP Kurnell Peninsula 1989	Not applicable
SEPP Mining, Petroleum Production and Extractive Industries 2007	Not applicable
SEPP Miscellaneous Consent Provisions 2007	Not applicable
SEPP Penrith Lakes Scheme 1989	Not applicable
SEPP Rural Lands 2008	Not applicable
SEPP State and Regional Development 2011	Not applicable
SEPP State Significant Precincts 2005	Not applicable
SEPP Sydney Drinking Water Catchment 2011	Not applicable
SEPP Sydney Region Growth Centres 2006	Not applicable
SEPP Three Ports 2013	Not applicable
SEPP Urban Renewal 2010	Not applicable
SEPP Vegetation in Non-Rural Areas 2017	Not applicable
SEPP Western Sydney Employment Area 2009	Not applicable
SEPP Western Sydney Parklands 2009	Not applicable

The planning proposal only seeks to correct the errors and anomalies identified in the maps and a description in the YVLEP 2013. As such, the planning proposal is not proposing any substantive amendment nor it is intended to introduce any new provision therefore, there is limited application of any SEPP to the planning proposal for housekeeping amendments as documented in the table above.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

The following table documents the relevance and consistency of all Ministerial Directions issued under section 9.1 of the Environmental Planning & Assessment Act 1979.

Ministerial Directions under Section 9.1 of the EP&A Act	
1. Employment and Resources	
1.1 Business and Industrial Zones	<p>Consistent.</p> <p>This direction applies when a PP will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>The PP only affects a small portion of business zone land within the Yass Valley LGA at two different locations. The amendment (Item 12)</p>

	<p>seeks to remove the MLS control of B2 zoned land that has an area of 3436 sq. metres. Another amendment (Item 13) suggest the removal of MLS control for land zoned B6 wherein the area of land to be affected is 1939 sq. metres.</p> <p>The amendments also reflect the following as advised in the direction:</p> <ul style="list-style-type: none"> a) Give effect to the objectives of this direction, b) Retain the areas and locations of existing business, and c) Do not reduce the total potential floor space area for employment use and related public services in business zone. <p>Both of the amendments (Item 12 & 13) are of minor significance align with the objective of the direction and recommendations of adopted Yass Built Form Study 2011.</p>
<p>1.2 Rural Zones</p>	<p>Inconsistent.</p> <p>This direction applies when a PP will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>The planning proposal only affects some areas of land in a rural zone.</p> <p>A part of amendment proposed in Item 7 relates to the rezoning of RU1 zoned land to SP2. The land is owned by Transport NSW and has an area of 1868 sq. metres. Railway infrastructure is situated on the land therefore, it should be zoned SP2. Considering the land size and ownership the amendment is of minor significance as the land is currently being used for railway line instead of any agricultural use.</p> <p>The second amendment seeks to correctly reflect the use and ownership of land given land is being used and is owned by cemetery. Lot 7005 DP 1025931 is being used and owned by Bookham Cemetery however, is shown as RU1 Primary Production within the Land Zoning Map in error. Therefore, the land should be rezoned to SP1 with no minimum lot size control.</p> <p>The amendment in Item 16 seeks to correct the inconsistency of land zoning due to a boundary adjustment of land under the same ownership. Part of Lot 17 DP 1152330 was a closed road and has undergone a boundary adjustment with the land zoned R5. As such, it is rational to remove the inconsistency and rezone the land within the i.e. from RU1 to R5. In addition the land affected by this amendment is 1.28 hectares and is of minor significance.</p> <p>Part of amendment proposed in Item 19 includes rezoning of land from RU1 to W1. Part Lot 14 DP 753598 is zoned RU1 in error. As such, the lot is wholly within the Burrinjuck impoundment wherein the whole impoundment is zoned W1 except part of Lot 14 DP</p>

	<p>753598. It is therefore recommended to rezone it from RU1 to W1 so as the land use zoning is consistent with the existing use of the land. In view of the above, the amendment is of minor significance.</p>
1.5 Rural Lands	<p>Inconsistent.</p> <p>This direction applies when:</p> <p>(a) a PP will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a PP changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>The planning proposal does affect some areas of land within rural and environmental protection zone but are of minor significance given they do not change any provision with the YVLEP rather they address the mapping errors. The details of amendment is given below.</p> <p>Item 7 - Lot C DP 948754 is zoned RU1 in error although the land is owned by Transport NSW and is being used by railway lines. Considering the ownership and use of land it is proposed to rezone the land to SP2. The land is of 1868 sq. metres and as such, considering the land size and ownership the amendment is of minor significance.</p> <p>Item 8 - Lot 7005 DP 1025931 is being used and owned by Bookham Cemetery however, is shown as RU1 Primary Production within the Land Zoning Map in error. Therefore, the land should be rezoned to SP1 Cemetery with no minimum lot size control.</p> <p>Item 10 - Part Lot 102 DP 754883 is privately owned land but is zoned E1 and is included in the neighboring Nature Reserve in error. In consideration of use and ownership of the land it should be rezoned RU1.</p> <p>Item 16 - Part of Lot 17 DP 1152330 was a closed road and has undergone boundary adjustment with a land zoned R5 and Lot 2 DP 1172616 (closed road) is also purchased by the owner of land in south zoned R5. As such, it is rational to remove the inconsistency and rezone the land of closed road to the one on its south in same ownership i.e. from RU1 to R5.</p> <p>Item 17 - Council is managing crown land known as Lot 64 DP 754906 and is currently zoned E3 Environmental Management. Recreational activities are not permissible on land zoned E3 under the current provisions of YVLEP 2013 and as such, the local community is facing challenges to engage in recreational activities. Therefore, it is suggested to rezone this land from E3 to RE1.</p> <p>Item 19 - Part Lot 4 DP 1215918 and Lots 2 & 3 DP 1196430 are Water NSW owned land currently zoned E3. This land contains most of the critical assets of Burrinjuck Dam i.e. dam wall, built assets and</p>

	<p>access road. Water NSW has requested to rezone this land to SP2 infrastructure (Water Supply System) to achieve their operational outcome. The rezoning request is also consistent with the Principles in the Department of Planning and Environment's Practice Note PN 10-001- Zoning for infrastructure in LEPs and the Ministerial Directions 5.2 which suggest SP2 zoning as appropriate where there are no adjacent prescribed zones, and the land use is unlikely to change.</p>
2. Environment and Heritage	
2.1 Environment Protection Zones	<p>Inconsistent.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The PP does include land that is within the environmental protection zone, however, the amendment proposed are of a minor significance as it is not amending or updating any provisions with the YVLEP 2013 rather the PP is just removing the errors in the maps or a minor amendments which were overlooked while preparing the YVLEP 2013.</p> <p>Item 10 - Part Lot 102 DP 754883 is privately owned land that should not have included in the nature reserve that happened in error. This land will be rezoned to RU1 to be consistent with the surrounding land under same ownership and would not have any adverse effect to its environmental value.</p> <p>Item 17 - Lot 64 DP 754906 is currently zoned E3 and is managed by Council and as such, changing the zone of this land would not adversely affect its environmental value because the land would still be managed by Council, enabling recreational use.</p> <p>Item 19 - Water NSW owns land surrounding Burrinjuck Dam, including part Lot 4 DP 1215918 and Lots 2 & 3 DP 1196430 that is zoned E3. This land is managed by Water NSW and is being used for dam's operational activities only. The rezoning of this land would not affect the environmental value of land given only critical infrastructure will be built if required to support the current operational activities of Burrinjuck Dam in future.</p>
2.3 Heritage Conservation	<p>Consistent.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The planning proposal is consistent with the direction as it will update the property description of heritage items, item names and/or address of heritage items listed in Schedule 5 of the YVEP 2013 and/or amend the heritage map to identify the correct location of heritage items/conservation area boundary or to incorporate a new lot boundary layout resulting from the subdivision of land a heritage item is situated on.</p>

3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>Consistent.</p> <p>This direction applies when a PP will affect land within:</p> <ul style="list-style-type: none"> (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. <p>The planning proposal includes some amendments to land that is zoned residential. The planning proposal is consistent with the direction as the amendments do not introduce any changes to the provision of residential land, rather the changes include minor corrections to maps only. In addition the planning proposal also meets the requirements of the directions as identified in 3.1 (4) and (5). As such, the proposed changes will not have any effect on the current provision of residential land.</p>
4. Hazard and Risk	
4.3 Flood Prone Land	<p>Consistent.</p> <p>This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.</p> <p>The planning proposal is of administrative nature with an intent to correct error and anomalies in the YVLEP 2013 that have become apparent after its gazettal. Some of the amendments relates to land that is flood prone. Generally, the proposed amendments do not introduce or amend any provision that may affect the flood prone land. Furthermore, any proposed development on a flood prone land will be assessed under the provision of EP&A Act 1979 wherein relevant flood controls will be applied accordingly.</p>
5. Regional Planning	
5.10 Implementation of Regional Plans	<p>Consistent.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The planning proposal is administrative in nature and as such, South East and Tableland Regional Plan 2036 has limited application to it. In general, the planning proposal is consistent with the Regional Plan.</p>
6. Local Plan Making	
6.1 Approval and Referral Requirements	<p>Consistent.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The planning proposal does not include any provisions that will require</p>

	<p>concurrence, consultation or referral to a Minister or Public Authority.</p> <p>The planning proposal does not identify any development as designated development.</p>
6.2 Reserving Land for Public Purposes	<p>Consistent.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The planning proposal does not affect land zoned for public purposes.</p>
6.3 Site Specific Provisions	<p>Consistent.</p> <p>This direction applies when a planning proposal will allow a particular development to be carried out.</p> <p>The planning proposal does not recommend the application of any site specific provisions.</p>

Section C - Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no likelihood that Critical habitat or threatened species, population or ecological communities or their habitat will be affected as a result of any amendment proposed in the planning proposal for housekeeping amendment to the YVLEP 2013. The intent of the planning proposal is to address the minor matters, errors and anomalies identified in the YVLEP 2013.

In addition, the amendment proposed in Item 14 to reinstate the nature reserve and the proposal in Item 42 to replace the current Natural Resource Biodiversity Map with a more accurate map will help to protect the Critical habitat or threatened species, population or ecological communities or their habitat in the Yass Valley LGA.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effect as a result of any amendment proposed in the planning proposal. The amendments are administrative in nature to address the minor matters and errors identified in the YVLEP 2013.

In addition to the above, the proposed amendments in item 14 and Item 42 to reinstate the nature reserve and updating the Natural Resources Biodiversity Map will rather have a positive effect to protect and strengthen the local environment.

Q9. Has the planning proposal adequately addressed any social and economic effects?

In general, the planning proposal will have very limited social and economic effect due to the intent and outcome of the planning proposal and its administrative nature. As such, the planning proposal will have positive social and economic effect by addressing the minor matters and correcting the errors and anomalies for additional clarity and accuracy of the YVLEP 2013.

Section D - State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Not relevant to this minor administrative amendment.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has not consulted any state or commonwealth public authority regarding the planning proposal except the Water NSW and OEH who contacted Council to include their proposed amendments in the YVLEP 2013 housekeeping amendment.

Council considers that the following NSW state authorities should be included within the Gateway Determination for consultation under Section 3.34(2)(d) of the Environmental Planning and Assessment Act 1979:

- NSW Premier & Cabinet, Division of Local Government
- NSW Department of Primary Industries - Agriculture NSW
- Water NSW
- NSW Office of Environment & Heritage
- NSW Road and Maritime Services
- NSW Department of Industry - Crown Land
- NSW National Parks and Wildlife Service
- Transport for NSW or John Holland Rail
- Essential Energy/ TransGrid
- NSW Aboriginal Land Council

PART 4 - MAPPING

A number of maps need amending as a result of the planning proposal for housekeeping amendments to YVLEP 2013. A list of maps that require amendments are documents in the following table.

Yass Valley LEP Maps to be amended	
Map Type	Map Sheet (identification number)
Barton Highway Duplication Map, Water, Waste and Sewerage Buffer Map	
CL1_001A	8710_COM_CL1_001A_020_20130423
CL1_005	8710_COM_CL1_005_160_20130423
Riparian Lands and Watercourses Map, Groundwater Vulnerability Map	
CL2_001	8710_COM_CL2_001_160_20130423
CL2_002	8710_COM_CL2_002_160_20130423
CL2_003	8710_COM_CL2_003_160_20130423
CL2_004	8710_COM_CL2_004_160_20130423
C52_004	8710_COM_CL2_005_160_20130423
Floor Space Ratio Map	
FSR_001F	8710_COM_FSR_001F_020_20130423
FSR_001H	8710_COM_FSR_001H_020_20130423

Heritage Map	
HER_001	8710_COM_HER_001_160_20130514
HER_001A	8710_COM_HER_001A_160_20130514
HER_001HA	8710_COM_HER_001HA_160_20130514
HER_001HB	8710_COM_HER_001HB_160_20130514
HER_002	8710_COM_HER_002_160_20130514
HER_004	8710_COM_HER_004_160_20130514
HER_005	8710_COM_HER_005_160_20130514
HER_005C	8710_COM_HER_005C_160_20130514
HER_005EA	8710_COM_HER_005EA_160_20130514
HER_005F	8710_COM_HER_005F_160_20130514
Height of Buildings Map	
HOB_001F	8710_COM_HOB_001F_020_20130423
HOB_001H	8710_COM_HOB_001H_020_20130423
Land Application Map	
LAP_001	8710_COM_LAP_001_350_20130611
Land Reservation Acquisition Map	
LRA_001	8710_COM_LRA_001_350_20130423
Lot Size Map	
LSZ_001	8710_COM_LSZ_001_160_20160801
LSZ_001A	8710_COM_LSZ_001A_160_20160801
LSZ_001F	8710_COM_LSZ_001F_160_20160801
LSZ_001H	8710_COM_LSZ_001H_160_20160801
LSZ_002	8710_COM_LSZ_002_160_20160801
LSZ_002B	8710_COM_LSZ_002B_160_20160801
LSZ_003	8710_COM_LSZ_003_160_20160801
LSZ_004	8710_COM_LSZ_004_160_20160801
LSZ_005	8710_COM_LSZ_005_160_20160801
Land Zoning Map	
LZN_001	8710_COM_LZN_001_160_20130509
LZN_001A	8710_COM_LZN_001A_160_20130509
LZN_001B	8710_COM_LZN_001B_160_20130509
LZN_001C	8710_COM_LZN_001C_160_20130509
LZN_001F	8710_COM_LZN_001F_160_20130509
LZN_001H	8710_COM_LZN_001H_160_20130509
LZN_002	8710_COM_LZN_002_160_20130509
LZN_003	8710_COM_LZN_003_160_20130509
LZN_004	8710_COM_LZN_004_160_20130509
LZN_005	8710_COM_LZN_005_160_20130509
LZN_001F	8710_COM_LZN_001F_160_20130509
Natural Resources Biodiversity Map	
NRB_001	8710_COM_NRB_001_160_20130424
NRB_002	8710_COM_NRB_002_160_20130424

NRB_003	8710_COM_NRB_003_160_20130424
NRB_004	8710_COM_NRB_004_160_20130424
NRB_005	8710_COM_NRB_005_160_20130424
NRB_006	8710_COM_NRB_006_160_20130424

PART 5 - COMMUNITY CONSULTATION

In considering the Planning Proposal, community consultation is 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 therefore is proposed to be exhibited for a minimum of **14 days** pursuant to the Department's 'A guide to preparing local environmental plans'.

In accordance with the guidelines, the planning proposal is considered consistent with the pattern of surrounding land use zones and/or 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.

The exhibition would incorporate:

- Notice in the Council page within the Yass Tribune,
- Notification through the Yass Valley Council website, e-newsletter and Facebook page.

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 nature.

It should be noted that Council is seeking 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.

PART 6 - PROJECT TIMELINE

The following indicative timeline is provided to assist the Department in preparing the Gateway determination. It is acknowledged that it will be influenced by a range of external factors, and that is also subject to amendments by the Department through the Gateway process.

A timeline for actions to be taken to finalise the Planning Proposal is documented in the following table.

Stage	Estimated timeframe
Anticipated commencement date (date of Gateway determination)	Early October 2018 (assuming 6 weeks from submission to DP&E)
Completion of any additional required technical information	N/A
Government Agency Consultation	Concurrent - Mid November 2018
Public Exhibition (14 days)	Concurrent - Mid November 2018
Consideration of submissions by staff	End of December 2018
Public Hearing	Not required
Post Exhibition consideration of Planning Proposal by Council	February 2019 Council Meeting (only if Council receives any major submission)
Submission to Minister to make the amending LEP under section 3.36 of the Environmental Planning and Environment Act 1979	Early April 2019

APPENDIX



The Hon Paul Toole MP

Minister for Lands and Forestry
Minister for Racing

LBN18/70

Mr Roy Ah-See
Chairperson
New South Wales Aboriginal Land Council
PO Box 1125
PARRAMATTA NSW 2124

19 JUL 2018

Dear Mr Ah-See

I refer to Aboriginal Land Claim 38670 lodged with the Aboriginal Land Rights Registrar by New South Wales Aboriginal Land Council on 31 March 2015 in relation to Lot 7004 DP 1025907 in the locality of Binalong (the Claim).

As the Minister administering the *Crown Lands Act 1989* for the purposes of the *Aboriginal Land Rights Act 1983*, I have responsibility for the determination of Aboriginal land claims.

Following the investigation of the Claim, I am satisfied that when the Claim was made the land was claimable Crown land.

In the circumstances of this case, I am required to grant the Claim.

Arrangements will now be made to transfer title to the land to Onerwal Local Aboriginal Land Council, with concurrence from New South Wales Aboriginal Land Council. A Certificate of Title will be forwarded to Onerwal Local Aboriginal Land Council following completion of this action.

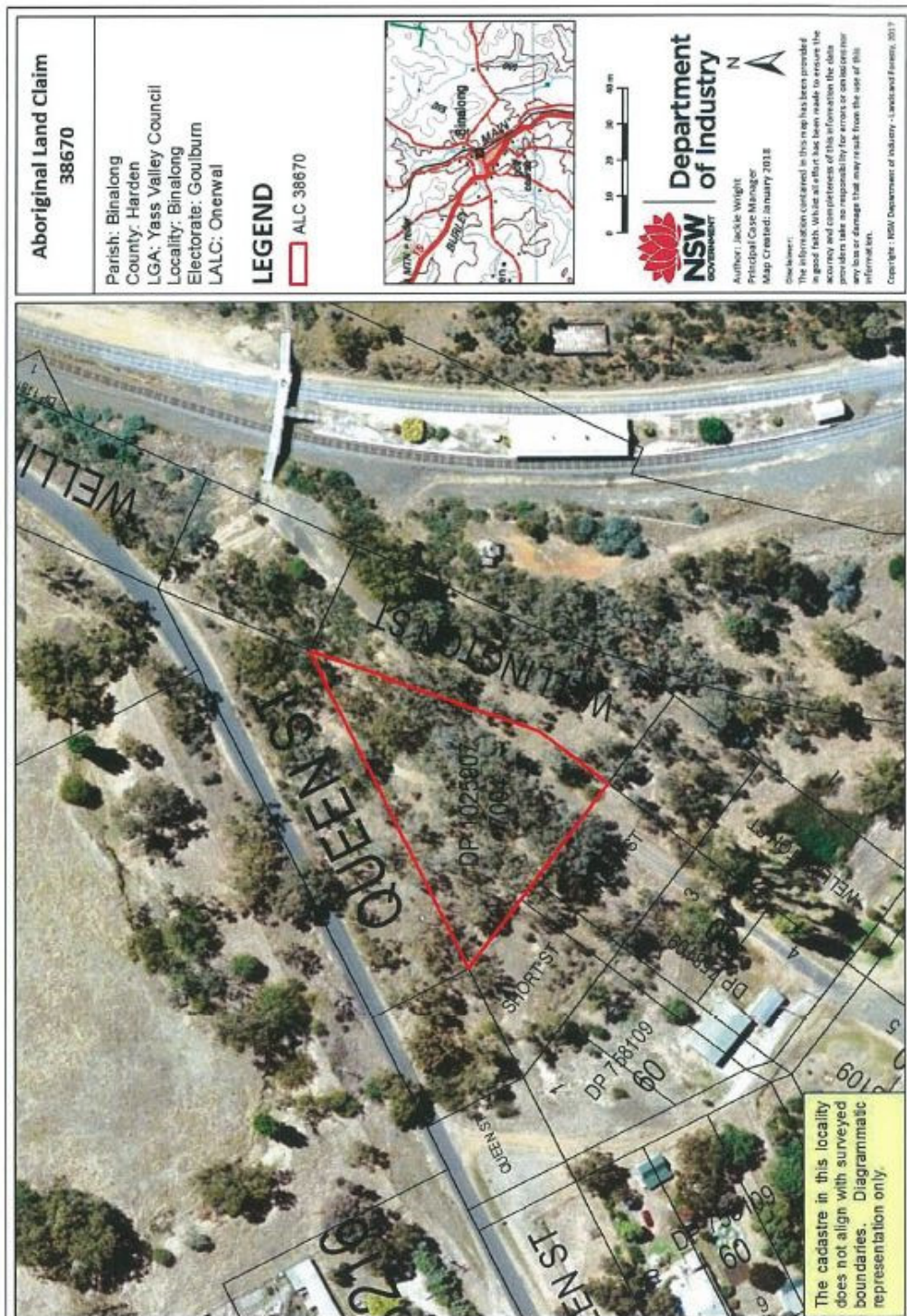
Pursuant to sections 36(9) and (9A) of the *Aboriginal Land Rights Act 1983*, the grant and transfer of the land does not affect any existing native title interest therein. It might also be noted that any proven native title interest in the land will restrict disposal in accordance with section 42 of the Act.

Yours sincerely

Paul Toole MP
Minister

GPO Box 5341, Sydney NSW 2001
Phone: (61 2) 8574 7000 Fax: (61 2) 9339 5552 Email: office@toole.minister.nsw.gov.au

ATTACHMENT A





PO Box 398, Parramatta NSW 2124
Level 14, 169 Macquarie Street
Parramatta NSW 2150
www.waternsw.com.au
ABN 21 147 934 787

24 July 2018

Contact: Alison Kniha
Telephone: 02 9865 2505
Our ref: D2018/78480

General Manager
Yass Valley Council
PO Box 6
Yass NSW 2582

CC: Liz Makin, Strategic Planning Manager

Dear Sir/Madam

Review of the Yass Valley Local Environmental Plan 2013 – Rezoning of Burrinjuck Dam

WaterNSW has recently undertaken a State-wide review of the zones applied to its land and infrastructure under council local environmental plans (LEPs) to establish their appropriateness in achieving operational outcomes.

WaterNSW owns and operates 42 dams and associated infrastructure across NSW for water supply security and reliability. Within the Yass Valley Council local government area (LGA), WaterNSW owns the Burrinjuck Dam and operational area. A variety of zones – including RU1, W1, E1, E3, RE1 and R5 – are currently applied to the Dam and surrounding WaterNSW lands, as identified in the YVLEP Maps LZN_002 and LZN_002A.

The dam wall itself, plus the WaterNSW depot and built assets are on land zoned E3. This has resulted in clause 125(2) of State Environmental Planning Policy (Infrastructure) 2007 not being applicable and WaterNSW being unable to undertake activities related to water storages, except with the consent of Yass Valley Council.

WaterNSW understands Yass Council is significantly progressed in preparing housekeeping amendments for YVLEP 2013, and will be submitting your report to Council on 10 August for consideration. WaterNSW requests the following amendments are included in the report:

- Rezone part of Lot 1 DP1196430 that contains the dam wall, access roads and other built assets from E3 Environmental Management to SP2 Infrastructure (Water Supply Systems).
- Rezone part of Lot 1 DP 81470 that contains access roads and other built assets from E3 Environmental Management to SP2 Infrastructure (Water Supply Systems).
- Rezone the impoundment from W1 Natural Waterways to SP2 Infrastructure (Water Supply Systems) (numerous lots).
- Amend the Land Use Table to permit Water Supply Systems without consent.
- Amend the Land Use Zoning Maps to reflect the above.

These amendments are consistent with the Principals in the Department of Planning and Environment's Practice Note PN 10-001 – Zoning for Infrastructure in LEPs. The Practice Note identifies SP2 zoning as appropriate where there are no adjacent prescribed zones, and the land use is unlikely to change.

Additionally, Ministerial Direction 5.2 (made under section 9.1 of the *Environmental Planning and Assessment Act 1979*) directs land in the Sydney drinking water catchment below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs,

pumping stations etc to be zoned SP2. WaterNSW considers this Direction sets a precedent for appropriate zoning to allow activities to be undertaken under the Infrastructure SEPP, and complements the Department's Practice Note.

WaterNSW looks forward to working with Council to progress the rezoning as part of the housekeeping amendments currently being undertaken.

If you have any questions regarding this letter, please contact Alison Kniha at alison.kniha@waterNSW.com.au.

Yours sincerely



MALCOLM HUGHES
Manager Catchment Protection



**Office of
Environment
& Heritage**

DOC18/613691
5 Year Housekeeping Planning Proposal

Liz Makin
Strategic Planning Manager
Yass Valley Shire Council
Liz.Makin@Yass.nsw.gov.au

Dear Ms Makin

RE: Planning Proposal for 5 Year housekeeping review


Recently we discussed Councils intent to lodge a planning proposal with the Department of Planning and Environment (DPE). The current LEP (Yass Valley Local Environmental Plan 2013) contains Clause 6.3 – Terrestrial Biodiversity and the associated map series (NRB) showing areas of high environmental value.

The Office of Environment and Heritage (OEH), strongly supports the inclusion of Clause 6.3 in the LEP. The current NRB map series is based on the best mapping that OEH had available in 2013. Since then both Council and OEH have undertaken other mapping exercises in the Yass Valley LGA which provide a more current picture of the extent and types of native vegetation.

We would recommend that the planning proposal for 5 Year housekeeping review include an update to the NRB map series to include the latest mapping available and remove those areas where developments have been approved over the last 5 years. OEH would welcome the opportunity to work with Council on this project.

If you have any further questions regarding this advice please contact Tobie Edmonds at tobie.edmonds@environment.nsw.gov.au or on 02 6229 7094

Yours sincerely


24/8/18

Allison Treweek
Senior Team Leader – Planning
Conservation and Regional Delivery

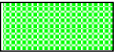
PO Box 733 Queanbeyan NSW 2620
11 Farrer Place Queanbeyan NSW 2620
Tel: (02) 6229 7188 Fax: (02) 6229 7001
ABN 30 841 387 271
www.environment.nsw.gov.au

Proposed Natural Resources Biodiversity
Map - Sheet NRB_001

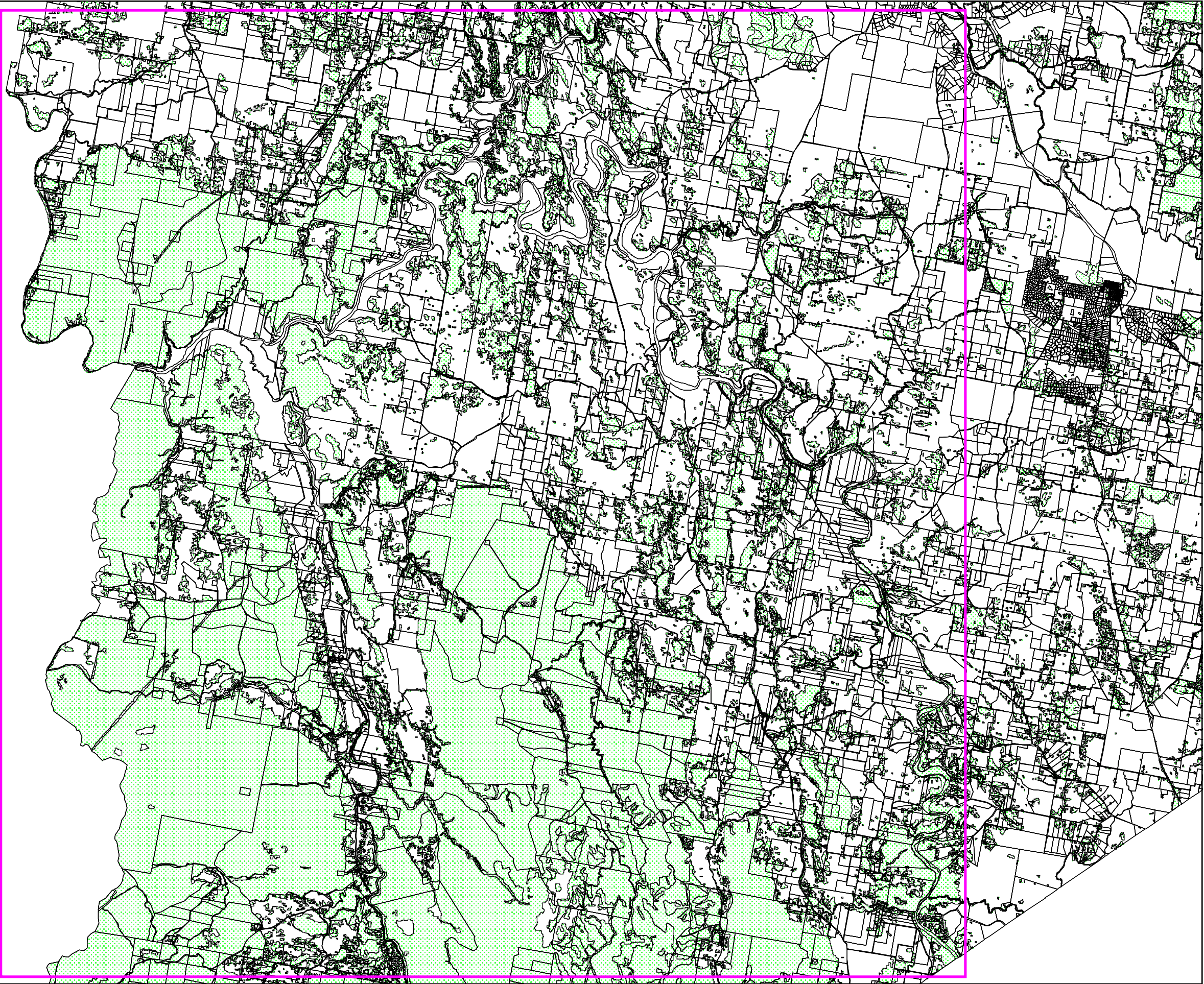
 Biodiversity



Proposed Natural Resources Biodiversity
Map - Sheet NRB_002

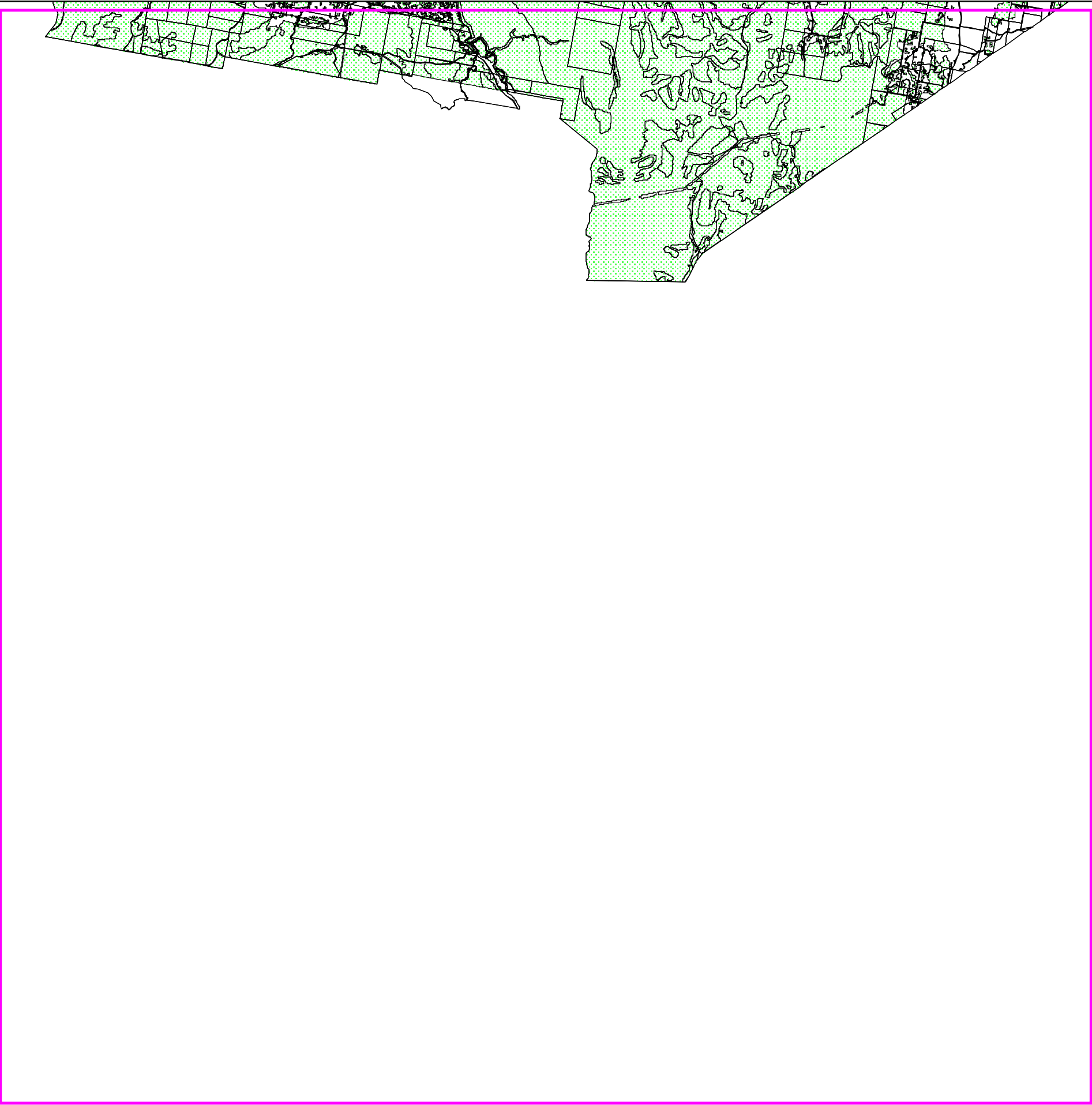


Biodiversity



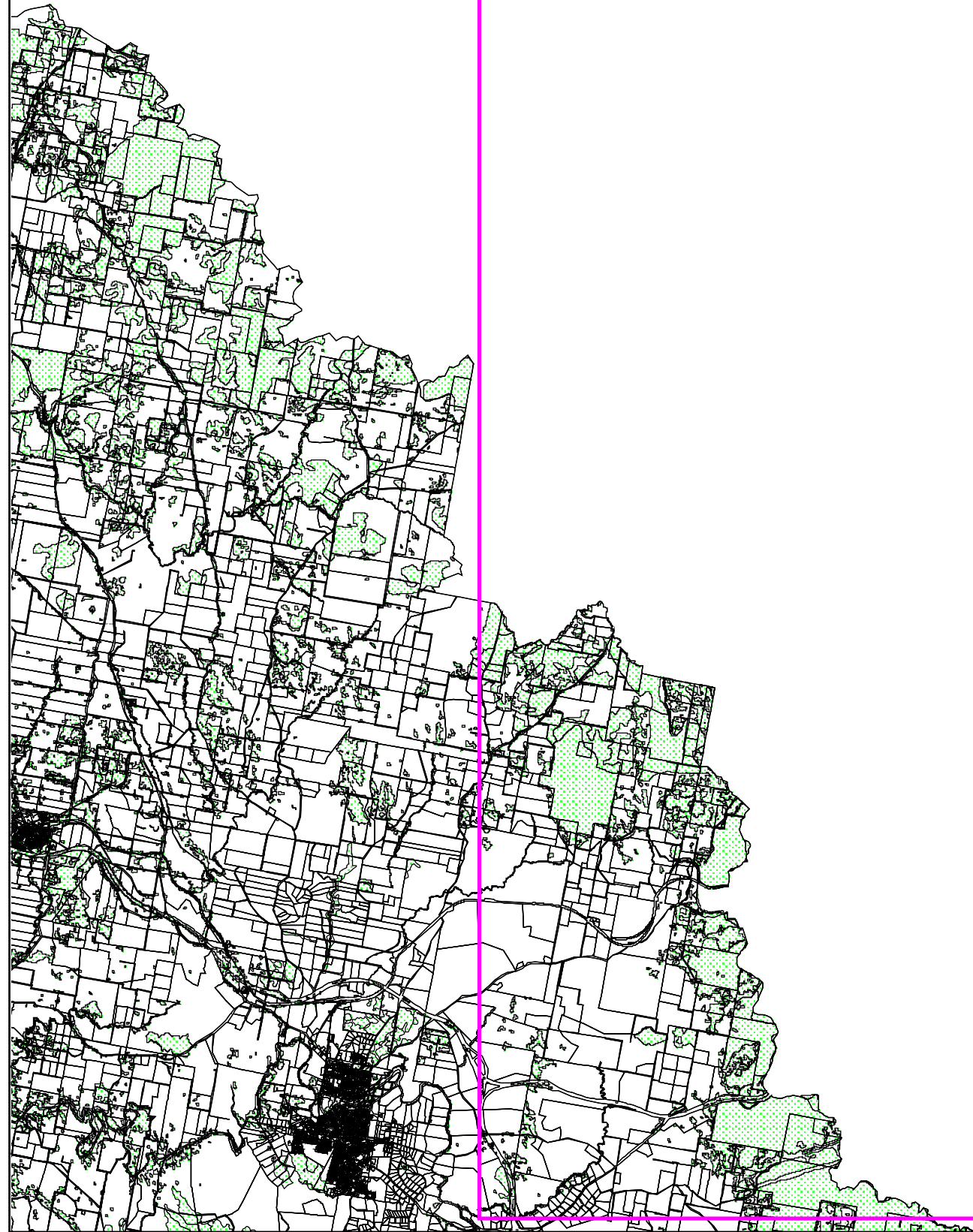
Proposed Natural Resources Biodiversity
Map - Sheet NRB_003

 Biodiversity



Proposed Natural Resources Biodiversity
Map - Sheet NRB_004

 Biodiversity



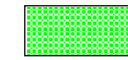


Proposed Natural Resources Biodiversity
Map - Sheet NRB_005



Biodiversity

**Proposed Natural Resources Biodiversity
Map - Sheet NRB_006**



Biodiversity

