



IRF22/2751

Gateway determination report – PP-2022-2793

Reclassify Lot 63 DP 1079585 Discovery Drive, Yass
to Operational Land

September 22



Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

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Subtitle: Reclassify Lot 63 DP 1079585 Discovery Drive, Yass to Operational Land

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

| | | |
|----------|---|----------|
| 1 | Planning proposal..... | 1 |
| 1.1 | Overview..... | 1 |
| 1.2 | Objectives of planning proposal | 1 |
| 1.3 | Explanation of provisions | 1 |
| 1.4 | Site description and surrounding area..... | 1 |
| 1.5 | Mapping..... | 2 |
| 2 | Strategic assessment | 3 |
| 2.1 | Regional Plan and Local Plan | 3 |
| 2.2 | Section 9.1 Ministerial Directions | 3 |
| 2.3 | State environmental planning policies (SEPPs) | 3 |
| 3 | Site-specific assessment | 4 |
| 3.1 | Environmental, social, and economic impacts..... | 4 |
| 3.2 | Infrastructure | 4 |
| 4 | Consultation..... | 5 |
| 4.1 | Community | 5 |
| 4.2 | Agencies..... | 5 |
| 5 | Timeframe | 5 |
| 6 | Local plan-making authority | 5 |
| 7 | Assessment summary | 5 |
| 8 | Recommendation..... | 5 |

Table 1 Reports and plans supporting the proposal

| Relevant reports and plans |
|---|
| Planning Proposal – Reclassification of Land Lot 63 DP 1079585 Discovery Drive Yass July 2022 |
| Title Search Lot 63 DP 1079585 |
| Council Report and Council Minutes |

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

| | |
|---------------------------------|--|
| LGA | Yass Valley |
| PPA | Yass Valley Council |
| NAME | Reclassify Lot 63 DP 1079585 Discovery Drive to Operational Land |
| NUMBER | PP-2022-2793 |
| LEP TO BE AMENDED | Yass Valley LEP 2013 |
| ADDRESS | Discovery Drive Yass |
| DESCRIPTION | Lot 63 DP 1079585 |
| RECEIVED | 4/08/2022 |
| FILE NO. | IRF22/2751 |
| POLITICAL DONATIONS | There are no donations or gifts to disclose and a political donation disclosure is not required |
| LOBBYIST CODE OF CONDUCT | There have been no meetings or communications with registered lobbyists with respect to this proposal |

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to reclassify Lot 63 DP 1079585 to operational land and Council confirmed that no interests over the land are to be changed.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend Part 1 of Schedule 4 under Yass Valley LEP 2013 to reclassify Lot 63 DP 1079585 to operational land.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site has an area of 8,428 sqm and is cleared flat land surrounded by urban development.

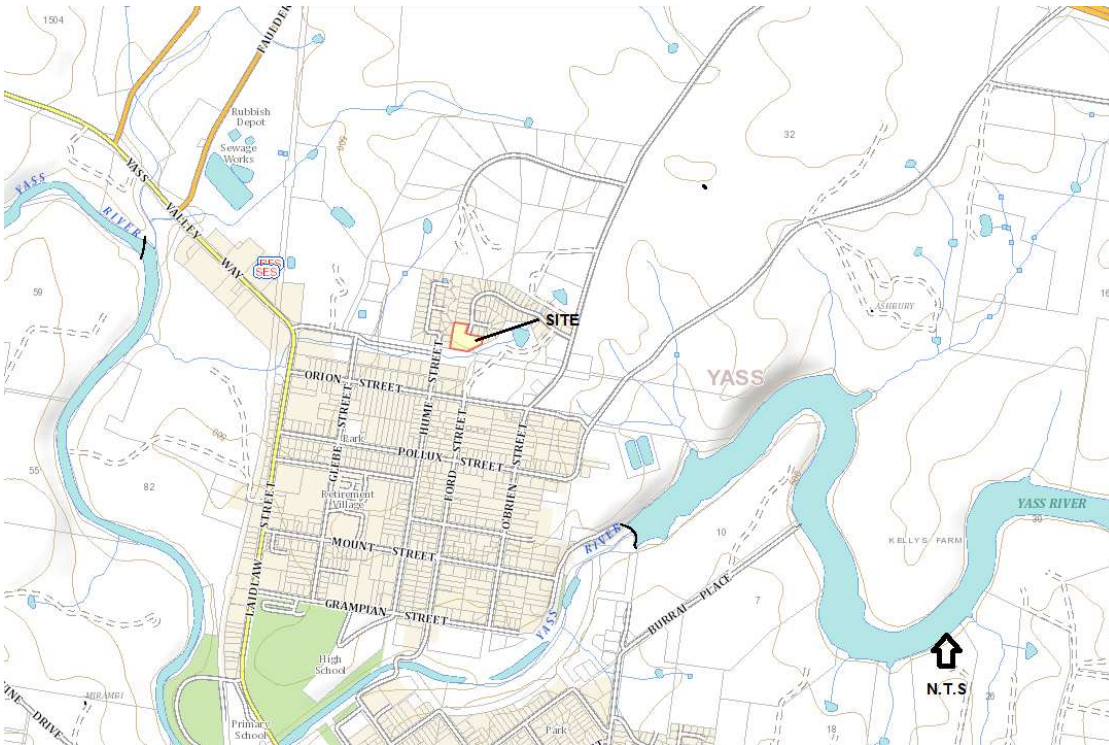


Figure 1 Subject site (source: NSW SixMap)

1.5 Mapping

The planning proposal includes a map showing the location of the site to be reclassified and is suitable for community consultation. The land is currently zoned R1 General Residential Zone.

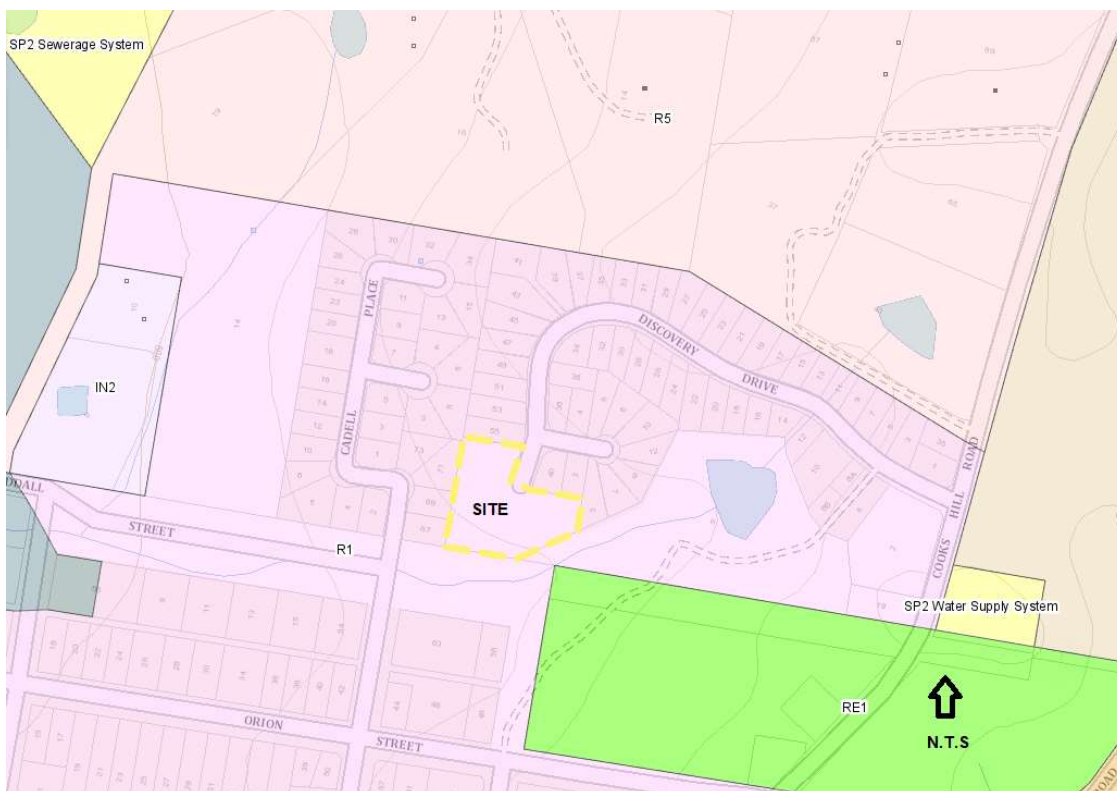


Figure 2 Current zoning map

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

No. The land was purchased by Council in 2014 but was inadvertently classified as community land by default. There was never any intent by Council to set this land aside as a public reserve. The site was always intended for urban development and has a valid consent for the subdivision of the site into 7 residential lots.

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

Yes. There is no other option for reclassifying the site from community land to operational land.

2 Strategic assessment

2.1 Regional Plan and Local Plan

The planning proposal is not inconsistent with the South East and Tablelands Regional Plan, the Yass Valley Settlement Strategy, or the Yass Valley Local Strategic Planning Statement. The proposal simply seeks to reclassify land zoned R1 General Residential from community land to operational land to facilitate residential subdivision and housing in Yass.

2.2 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

| Directions | Consistent | Reasons for Consistency or Inconsistency |
|--|------------|--|
| 5.2 Reserving Land for Public Purposes | No | The planning proposal is inconsistent with the Direction because it seeks to alter/reduce an existing reservation of land for public purposes (community land). The inconsistency is justified in that it was never the intention of Council to classify the site as community land. The site was always intended to be used for housing. The inconsistency is therefore considered to be of minor significance. |
| | | |

2.3 State environmental planning policies (SEPPs)

The planning proposal to reclassify land to operational land is not inconsistent with any SEPPs.

3 Site-specific assessment

3.1 Environmental, social, and economic impacts

The site was never intended to be classified as community land. It was always intended to be used for housing and to provide a supply of housing to meet the housing demand in Yass. The site is already zoned R1 General Residential Zone, and it is unlikely that the reclassification will generate any adverse environmental, social, or economic impacts.

3.2 Infrastructure

The site is zoned R1 General Residential Zone and is located within the urban area of Yass. Infrastructure and services are available to the site.

The title search provided by Council indicates that Lot 63 is affected by two service easements 3.5m and 2.5 m wide benefitting Yass Valley Council (Figure 3). Council has confirmed that it does not intend to change any interests as part of the reclassification to operational land.

(Sheet 1 of 1 sheets)

DP1079585

Subdivision covered by Council Clerk Certificate No. *455*
of Yass Valley Council dated *17-3-2022* being
Lot 26 in Deposited Plan 1071431

Full name and address of the owner of the land: Bluebush Holdings Pty Limited ACN 102 026 111 of 75
Lead Street Yass NSW 2582

Part 1 (Creation)

| Number of item shown in the intention panel on the plan | Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan | Burdened lot(s) or parcel(s) | Benefited lot(s), road(s), bodies or Prescribed Authorities |
|---|--|--|---|
| 1 | Easement for services 2.5 wide | Lots 45, 46, 49, 50, 51, 52, 57, 58, 59, 60, 61, 62 & 63 | Yass Valley Council |
| 2 | Easement for services 3.5 wide | Lots 35, 36, 37, 38, 39, 40, 41, 42, 43 & 63 | Yass Valley Council |
| 3 | Easement for Multi Purpose Electrical Installation 4.5 wide | Lot 27 | Country Energy ABN 37 428 185 226 |
| 4 | Easement for Overhead Power Lines 13 wide | Lots 29, 30, 31, 32, 33, 34, 35 & 36 | Country Energy ABN 37 428 185 226 |
| 5 | Restrictions on use of land | Lots 37, 54, 55, 56, 57, 58, 59, 60, 61 & 62 | Each other Lot |
| 6 | Restrictions on use of land | Lots 27 to 62 inclusive | Lots 5 to 25 inclusive in DP 1071431 and Lots 27 to 63 in this plan |

Part 2 (Terms)

3 Terms of easement for Multi purpose Electrical Installation

Figure 3 Service Easements over Lot 63 (Source; Title Search - Yass Valley Council)

4 Consultation

4.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate and forms to the conditions of the Gateway determination.

4.2 Agencies

The proposal does not specifically raise which agencies will be consulted. The service easements (Figure 3) are in favour of Yass Valley Council therefore no consultation is required with state agencies or authorities for the reclassification of the site to operational land.

5 Timeframe

Council proposes a 4 month time frame to complete the LEP.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times and there is adequate time for Council to undertake a public hearing (Local Government Act) and to complete the plan as the local plan making authority.

A condition to the above effect is recommended in the Gateway determination.

6 Local plan-making authority

Council has not requested delegation to be the Local Plan-Making authority.

As the planning proposal is to reclassify land to operational land (no change of interest) and is considered to be of minor significance the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

7 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- Community consultation is required for reclassification of community land to operational land

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 5.2 Reserving Land for Public Purposes are minor.
 - The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
 - It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:
1. The planning proposal should be made available for community consultation for a minimum of 20 working days.

2. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



6/9/22

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