

6.1 AMENDED HOUSEKEEPING PLANNING PROPOSAL

SUMMARY

A Planning Proposal to amend the *Yass Local Environmental Plan 2013* was presented to the November 2022 Council meeting where Council determined to proceed with the proposal. A gateway determination was requested but the Department of Planning and Environment requested Council amendments to the planning proposal. Since the proposal was presented to Council additional mapping anomalies have been identified and these have been included in the amended Planning Proposal

RECOMMENDATION

That the amended Planning Proposal (PP-2022-03) for administrative/housekeeping amendments be endorsed and forwarded to the Minister for Planning for a gateway determination

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- South East and Tablelands Regional Plan 2036
- Draft South East and Tablelands Regional Plan 2041
- Yass Valley Local Environmental Plan 2013.

REPORT

1. Introduction

At its meeting on 24 November 2022 Council resolved to endorse a Planning Proposal (PP-2022-03) for administrative/housekeeping amendments to the *Yass Valley Local Environmental Plan 2013* and it be forwarded to the Minister for Planning to request a Gateway Determination pursuant to s3.34 *Environmental Planning & Assessment Act 1979* (EP&A Act 1979).

The Planning Proposal has been submitted to the Department of Planning & Environment (DPE) for a gateway determination. DPE have requested amendments to the Planning Proposal prior to issuing a gateway determination. This report details these amendments and some additional amendments identified by Council.

2. Amendments to the Planning Proposal

The Department has requested amendments to Items 8 and 9 of the Planning Proposal. Items 8 and 9 deal with land that is currently zoned RE1 – Public Recreation located at Lot 10 Sec 2 DP759136, Church Street, Yass and Lot 8 DP38481, 37 Rossi Street, Yass. It was proposed to zone this land to C3 Environmental Management as the site would be unsuitable for residential development due to being heavily constrained by flooding. Nonetheless a zoning of land for a public purpose does submit Council to the provisions of s3.15 *EP&A Act 1979*. This section states that land reserved exclusively for a public purpose (as described in s3.14(1)(c) *EP&A Act 1979*) is subject to owner-initiated acquisition provisions. Council does not require the land, and proposes to amend the rezoning as follows:

- Church Street – RE2 – Private Recreation
- Rossi Street – Part R1 – General Residential and Part RE2 – Private Recreation

In addition to the amendments to Items 8 and 9 a number of further mapping anomalies have been identified and these have now been included in the amended planning proposal. These include:

- Item 3 (Murrumbateman Recreation Ground) has wording amendments to clearly articulate that the rectification of cadastre/zone boundary applies to both RU1 - Primary Production and RU5 - Village zones and that no minimum lot size is to be applied to the RE1 – Public Recreation areas

- Item 13 (land adjacent 18 Hanley Place, Yass) is being amended to reflect the application of R1 General Residential Zone rectified by the realignment of the cadastre/zone boundary
- Item 14 has been expanded to include Lots 9 and 3 DP1147860 and Lot 32 DP1045621 (Hanley Place, Yass) where additional mapping anomalies were identified. The realignment of the cadastre/zone boundary is to rectify those anomalies and provide a minimum lot size consistent with the applicable zone
- Item 16 includes Lots 174, 177 and 136 DP1268670 (Malbec Drive, Murrumbateman) which have been identified having mapping anomalies in relation to the applicable lot sizes. The lots are provided with the correct zoning, however the minimum lot size map contains a misalignment with the cadastre boundary. The realignment of the cadastre boundary is to rectify the identified anomalies and provide a minimum lot size consistent with the applicable zone
- Item 17 refers to Lot 2 DP1229389 and Lot 1 DP128070 (683 and 687 Murrumbateman Road, Nanima) which a misalignment of the cadastre boundary has incorrectly identified these lots as containing an item of environmental heritage.

There are a total of 17 items for amendment within the draft Planning Proposal (refer **Attachment A**). As all the amendments are administrative in nature, no supporting studies are required. In this instance, it is appropriate that Council seek authorisation to exercise its delegation to make the amending LEP under s3.36 *EP&A Act 1979* as this Planning Proposal is within the 'Basic' category.

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Strategies	EN3.1 - Develop sustainably, integrates environmental, social and economic factors which are in the best interests of the community and the region
Delivery Program Action	Complete a planning proposal to insert planning controls from the Yass Floodplain Risk Management Study and Plan into the Yass Valley Local Environmental Plan 2013

ATTACHMENTS: A. Planning Proposal (Amended)