



IRF22/4360

## Gateway determination report – PP-2022-4127

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Yass LEP Housekeeping Amendment – 17 Items

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Title: Gateway determination report – PP-2022-4127

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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.

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**Table 1 Reports and plans supporting the proposal**

### Relevant reports and plans

Council report and Minutes 23 March 2023

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

LGA	LGA name
PPA	Yass Valley
NAME	Yass Housekeeping Amendment – 17 Items
NUMBER	PP-2022-4127
LEP TO BE AMENDED	Yass Valley LEP 2013
ADDRESS	17 Items – see planning proposal
DESCRIPTION	17 Items – see planning proposal
RECEIVED	28/03/2023
FILE NO.	IRF22/4360
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 objectives of the planning proposal is to address numerous minor administrative matters and anomalies that have become apparent since the previous 2018 Housekeeping Amendment to Yass Valley LEP 2013.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Yass Valley LEP 2013 per the changes below:

**Table 3 Current and proposed controls -Item 2 to Item 15**

Control	Current	Proposed
<p><b>Item 1 – Add a new land use term of “Artisan Food and Drink Premises’ to the Land Use Tables of RU1 Primary Production Zone and RU4 Primary Production Small Lots Zone – Permissible with Consent</b></p>		
<p>Amend the Land Use Table by inserting <i>artisan food and drink premises</i> under Item 3 for the RU1 and RU4 Zones.</p>		
<p><b>Item 2 - Land North of Recreation Ground at Barton Highway, Murrumbateman – Part Lots 2,4,5,and 6 DP 1220039 – Fix map anomalies and rezone from RU1 to RU5</b></p>		
Zone	RU1 Primary Production	RU5 Village
Minimum lot size	40 ha	1500 sqm
<p><b>Item 3 – Murrumbateman Recreation Ground – Lot 1 DP 1203828 – Rezone to RE1 Zone Area 30.15 ha - Council owned land</b></p>		
Zone	RU1 Primary Production RU5 Village Zone	RE1 Public Recreation Zone
Minimum lot size	40 ha	NIL
<p><b>Item 4 – Part 21 Morton Avenue, Yass, Part Lot 1 DP 1267265 – Water Reservoir - Rezone from R1 General Residential Zone to SP2 Infrastructure – Area 5795 sqm</b></p>		
Zone	R1 General Residential Zone	SP2 Zone – Water Reservoir
Minimum lot size	700 sqm	Nil
<p><b>Item 5 – Legal Access to 253 Comur Street Yass – Rezone RE1 to B2 Zone – Public laneway and access – Area 2,200 sqm</b></p>		
Zone	RE1 Public Recreation	B2 Local Centre Zone
Minimum lot size	NIL	Nil
<p><b>Item 6 – Hovell Street Yass, Lot 149 DP 1115534 – Crown Land – Rezone SP2 Infrastructure to C3 Environmental Management Zone – 5.35 ha</b></p>		
Zone	SP2 Infrastructure	C2 Environmental Conservation
Minimum lot size	Nil	10 ha

Item 7 – Irvine Street Yass – Electricity Substation - Lot 1 DP 795893 (581 sqm) and Lot 2 DP 5177446 (569 sqm) – Rezone to SP 2 Infrastructure

Zone	SP1 Special Activities	SP2 Infrastructure
Minimum lot size	NIL	NIL

Item 8 – Church Street Yass – Lot 10 Sec 2 DP 759136 – Rezone privately owned flood prone land from RE1 Public Recreation to RE2 Private Recreation

Zone	RE1 Public Recreation	RE2 Private Recreation
Minimum lot size	NIL	NIL

Item 9 – Part 37 Rossi Street Yass – Part Lot 8 DP 38481 – privately owned flood prone land to be rezoned from R1 General Residential Zone and RE1 Public Open Space to R1 General Residential Zone and RE2 Private Recreation – RE2 Zone to reflect the flood constraints shown in Figure 15 of the planning proposal - Area 1738 sqm

Zone	R1 General Residential Zone and RE1 Public Recreation.  Note: Part of site not mapped as flood planning area to remain R1 General Residential Zone.	RE2 Private Recreation (flooding constrained area).  R1 General Residential (are not shown as flood constraint and containing existing dwelling house).
Minimum lot size	RE1 - Nil MLS and R1 - 1,000 sqm MLS	1,000 sqm MLS applied to entire lot

Lot 10 – Cooks Hill Road Yass – Lot 1 DP 1004268 – Site for Water Treatment Plant – Rezone to SP2 Infrastructure – Area 549 sqm – Owned by Council.

Zone	RE1 Public Recreation Zone	SP2 Infrastructure
Minimum lot size	NIL	NIL

Item 11 – Cemetery Road, Binalong – Lot 386 DP 753591 – Rezone from RE1 to RU1 Zone – Crown Land - Area 1.33 ha. – Reserve for Night Soil Depot/Successful Aboriginal Land Claim granted 26/3/2021.

Zone	RE1 Public Recreation Zone	RU1 Primary Production Zone
Minimum lot size	NIL	40 ha

Item 12 – Part 26 Shearsby Crescent Yass – Part Lot 1 DP 1165198 – Rezone to R5 Large Lot Residential and 10 ha MLS to be consistent with cadastre boundary – Approx. 141 sqm

Zone	R1 General Residential	R5 Large Lot Residential
Minimum lot size	1,000 sqm	10 ha

Item 13 – cul-de-sac adjacent 18 Hanley Place, Yass – Rezone RE1 Public Recreation Zone to align all of land within the cul-de-sac with R1 General Residential Zone – Area 55 sqm

Zone	RE1 Public Recreation Zone	R1 General Residential Zone
Minimum lot size	NIL	NIL

Item 14 Hanley Place Yass – Part Lots 2,4-7 DP 1193382, Part Lots 3,7,8,9 and 15 DP 1147860, Part Lot 2 DP 1169417, and Lot 32 DP 1045621 – Approximately 1.33 ha – align minimum lot size with cadastre and zone

Zone	RE1 and R1 Zone	No change proposed
Minimum lot size	Various MLS, i.e. 1,000 sqm, 2,000 sqm, 4,000 sqm and NIL	Re-align lot size boundaries consistent with cadastre and zones.

Item 15 Part 27 Grand Junction Road Yass – Part Lot 1 DP 1100033 – Yass Showground - Crown Land – Rezone from R1 to RE1 - 9.667 ha

Zone	R1 General Residential Zone	RE1 Public Recreation
Minimum lot size	1,000 sqm	NIL

Item 16 Malbec Drive, Murrumbateman Lots 136, 174, 177 DP 12668670 – Align the minimum lot size with the cadastre and R5 zone map

Minimum lot size	1,000 sqm	1 ha and 6500 sqm
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Item 17 Amend the Heritage Map - Lot 2 DP 1229389 and Lot 1 DP 128070 Murrumbateman Road - Align heritage item I115 (Kirkdale Shearing Shed) with the cadastral boundaries of Lot 1 DP 1033480 consistent with Schedule 5 by removing HI over small slivers of Lot 2 DP 1229389 and Lot 1 DP 128070

Heritage Map	Item I115 affecting Lot 2 DP 1229389 and Lot 1 DP 128070	Align Item I115 entirely within Lot 1 DP 1033480
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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

**Table 4 Site Description and Surrounding Area -Item 2 to Item 15**

Site Description and Surrounding Area
<p><a href="#">Item 2- Land North of Recreation Ground at Barton Highway, Murrumbateman – Part Lots 2,4,5,and 6 DP 1220039 – Fix map anomalies and rezone from RU1 to RU5</a></p> <p>Note that there are discrepancies between the RU5/RU1 zone boundary with the lot boundaries shown on the cadastre associated with adjoining lot 1 DP 1203828 and this is being to be dealt with under Item 3.</p>
<p><a href="#">Item 3 – Murrumbateman Recreation Ground – Lot 1 DP 1203828 – Rezone to RE1 Zone Area 30.15 ha</a></p> <p>Noted that Lot 1 is owned by Council. Lot 1 DP 1203828 is zoned RU1 Primary Production (40 ha MLS) with slivers of land zoned RU5 Village (1,500 sqm MLS) on the northern edge of Lot 1.</p>
<p><a href="#">Item 4 – 21 Morton Avenue Yass, Part Lot 1 DP 1267265 – Water Reservoir - Rezone SP2 – Area 5795 sqm</a></p> <p>Noted that the Lot 1 is owned by Council and currently contains a water reservoir.</p>
<p><a href="#">Item 5 – Legal Access to 253 Comur Street Yass – Rezone RE1 to B2 Zone – Public laneway and access – Area 2,200 sqm</a></p> <p>Noted that site is a public laneway and does not form part of adjoining Coronation Park.</p>
<p><a href="#">Item 6 – Hovell Street Yass, Lot 149 DP 1115534 – Crown Land – Rezone to C3 Environmental Management Zone – 5.35 ha</a></p> <p>Note the site is adjacent to Yass Dam Wall and Yass River and the site has never been used for infrastructure. 10 ha MLS will not enable subdivision of the site.</p>
<p><a href="#">Item 7 – Irvine Street Yass – Electricity Substation - Lot 1 DP 795893 (581 sqm) and Lot 2 DP 5177446 (569 sqm) – Rezone to SP 2 Infrastructure</a></p> <p>Note SP1 Zone consistent with current use of site as an electricity substation.</p>
<p><a href="#">Item 8 – Church Street Yass – Lot 10 Sec 2 DP 759136 – Rezone privately owned flood prone land from RE1 Public Recreation to RE2 Private Recreation – 2,023 sqm</a></p> <p>The PP indicates the property is unsuitable for residential development because of flood constraints. There is no dwelling on the site and dwellings are not permitted in the current RE1 Zone or proposed RE2 Zone.</p>
<p><a href="#">Item 9 – Part 37 Rossi Street Yass – Part Lot 8 DP 38481 – privately owned flood prone land to be rezoned from R1 General Residential Zone and RE1 Public Open Space to R1 General Residential RE2 Private Recreation – Area 1738 sqm</a></p> <p>The lot currently has a dwelling house fronting Rossie Street on land currently zoned R1 and not mapped as flood constrained. The proposed RE2 Zone over the flood planning area and a 1,000</p>



sqm MLS over the site will ensure a dwelling cannot be erected on flood prone land and avoid a split MLS applying to the site and subdivision of the site.

[Lot 10 – Cooks Hill Road Yass – Lot 1 DP 1004268 – Site for Water Treatment Plant – rezone to SP2 Infrastructure – Area 549 sqm](#)

Proposed SP2 Zone reflects use of land for water treatment plant.

[Item 11 – Cemetery Road, Binalong – Lot 386 DP 753591 – Rezone from RE1 to RU1 Zone – Area 1.33 ha.](#)

Noted that Aboriginal Land Claim has been successful over Crown Land. Site is not used for recreation and proposed zone and minimum lot size is consistent with zone and minimum lot size on to adjoining land to the north west.

[Item 12 – Part 26 Shearsby Crescent Yass – Part Lot 1 DP 1165198 – Rezone to R5 Large Lot Residential and 10 ha MLS to be consistent with cadastre boundary – Approx. 141 sqm](#)

Majority of Lot 1 is zoned R5 zone with 10 ha MLS and DPE Spatial viewer also identifies a very small section of Lot 12 zoned R1 and 1,000 sqm MLS. Rezoning and change in MLS will ensure consistency with the majority of Lot 1.

[Item 13 – Cul-de-sac adjacent 18 Hanley Place, Yass – Rezone RE1 Public Recreation Zone to align boundary of cul-de-sac with R1 General Residential Zone – Area 55 sqm](#)

The PP seeks to rezone part of the head of the cul-de-sac from RE1 Public Recreation to R1 General Residential Zone consistent with the boundary between Lot 16 DP 1147860 and the cul-de-sac.

[Item 14 Hanley Place Yass – Part Lots 2,4-7 DP 1193382, Part Lots 3,7,8,9 and 15 DP 1147860, Part Lot 2 DP 1169417, and Lot 32 DP 1045621 – Approximately 1.33 ha – align minimum lot size with cadastre and zone](#)

PP seeks to correctly realign the minimum lot sizes with the cadastre and zones.

[Item 15 Part 27 Grand Junction Road Yass – Part Lot 1 DP 1100033 – Yass Showground Crown Land – 9.667 ha](#)

Noted that part of Yass Showground is incorrectly zoned R1 General Residential. Rezoning to RE1 with NIL MLS will correct this error.

[Item 16 Malbec Drive, Murrumbateman Lots 136, 174, 177 DP 12668670 – Align the minimum lot size with the cadastre and R5 zone map](#)

PP will correct minor mapping errors between the Lot Size Map, cadastre and zones.

[Item 17 Amend the Heritage Map - Lot 2 DP 1229389 and Lot 1 DP 128070 Murrumbateman Road - Align heritage item I115 \(Kirkdale Shearing Shed\) with the cadastral boundaries of Lot 1 DP 1033480 consistent with Schedule 5 by removing HI over small slivers of Lot 2 DP 1229389 and Lot 1 DP 128070](#)

PP will rectify minor mapping error on the Heritage Map effecting Item I115.

## 1.5 Mapping

The planning proposal includes information showing the proposed changes to the Land Zoning, Lot Size and Heritage maps, which are suitable for community consultation.

## 2 Need for the planning proposal

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?

The planning proposal is not a result of any strategic plan but seeks to undertake minor housekeeping amendments to the LEP. Of the 17 items, all but one seeks to correct mapping anomalies/issues with the Land Zoning Map, Lot Size Map or Heritage Map.

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

The planning proposal is the only means to amend the Yass Valley LEP 2013 to implement these 17 housekeeping amendments.

## 3 Strategic assessment

### 3.1 Regional Plan and Local Plan

The housekeeping planning proposal does not raise any issues with any regional and local planning strategy.

### 3.2 Section 9.1 Ministerial Directions

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

**Table 5 Section 9.1 Ministerial Directions**

Control	Current	Proposed
Item 1 – Add a new land use term of “Artisan Food and Drink Premises’ to the Land Use Tables of RU1 Primary Production Zone and RU4 Primary Production Small Lot Zone – Permissible with Consent		
Comment: No inconsistencies with s9.1 Directions		
Item 2 Land North of Recreation Ground at Barton Highway, Murrumbateman – Part Lots 2,4,5,and 6 DP 1220039 – Fix map anomalies and rezone from RU1 to RU5		
Comment: The minor changes to the RU1 Primary Production zone is consistent with Direction 9.2 Rural Lands.		
Item 3 – Murrumbateman Recreation Ground – Lot 1 DP 1203828 – Rezone to RE1 Zone Area 30.15 ha		

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Comment: The inconsistency with Direction 5.2 Reserving Land for Public Purposes has been justified and is of minor significance.

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Item 4 – 21 Morton Avenue Yass, Part Lot 1 DP 1267265 – Water Reservoir – R1 General Residential to Rezone SP2 – Area 5795 sqm

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Comment: The proposal is consistent with Direction 6.1 Residential Zones.

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Item 5 – Legal Access to 253 Comur Street Yass – Rezone RE1 Public Recreation to B2 Local Centre Zone – Public laneway and access – Area 2,200 sqm

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Comment: The inconsistency with Direction 5.2 Reserving Land for Public Purposes has been justified and is of minor significance.

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Item 6 – Hovell Street Yass, Lot 149 DP 1115534 – Crown Land – Rezone to C3 Environmental Management Zone – 5.35 ha

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Comment: The proposal is consistent with Direction 3.1 Conservation Zones

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Item 7 – Irvine Street Yass – Electricity Substation - Lot 1 DP 795893 (581 sqm) and Lot 2 DP 5177446 (569 sqm) – Rezone to SP1 to SP 2 Infrastructure Zone

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Comment: No inconsistencies with 9.1 Directions

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Item 8 – Church Street Yass – Lot 10 Sec 2 DP 759136 – Rezone privately owned flood prone land from RE1 Public Recreation to RE2 Private Recreation - 2,023 sqm

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Comment: Any inconsistency with 4.1 Flooding and Direction 5.2 Reserving Land for Public Purposes has been justified and is of minor significance.

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Item 9 – 37 Rossi Street Yass – Lot 8 DP 38481 - private land to be rezoned from RE1 Public Recreation Zone and R1 to R1 General Residential and RE2 Private Recreation Zone – Area 1738 sqm

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Comment: Any inconsistency with Direction 4.1 Flooding and 5.2 Reserving Land for Public Purposes has been justified and is considered to be of minor significance.

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Lot 10 – Cooks Hill Road Yass – Lot 1 DP 1004268 – Site for Water Treatment Plant – rezone RE1 Public Recreation Zone to SP2 Infrastructure – Area 549 sqm

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Comment: The inconsistency with Direction 5.2 Reserving Land for Public Purposes has been justified and is of minor significance.

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Item 11 – Cemetery Road, Binalong – Lot 386 DP 753591 – Rezone from RE1 Public Recreation to RU1 Primary Production Zone – Area 1.33 ha.

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Comment: The inconsistency with Direction 5.2 Reserving Land for Public Purposes has been justified and is of minor significance.

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Item 12 – Part 26 Shearsby Crescent Yass – Part Lot 1 DP 1165198 –R1 General Residential Zone to R5 Large Lot Residential and 10 ha MLS to be consistent with cadastre boundary – Approx. 141 sqm

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Comment: No inconsistencies with Section 9.1 Directions

---

Item 13 – Cul-de-sac adjacent 18 Hanley Place, Yass – Rezone RE1 Public Recreation Zone to align boundary of cul-de-sac with R1 General Residential Zone – Area 55 sqm

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Comment: The inconsistency with Direction 5.2 Reserving Land for Public Purposes has been justified and is of minor significance.

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Item 14 Hanley Place Yass – Part Lots 2,4-7 DP 1193382, Part Lots 3,7,8,9 and 15 DP 1147860, Part Lot 2 DP 1169417, and Lot 32 DP 1045621 – Approximately 1.33 ha – align minimum lot size with cadastre and zone

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Comment: No inconsistencies with section 9.1 Directions.

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Item 15 Part 27 Grand Junction Road Yass – Part Lot 1 DP 1100033 – Yass Showground Crown Land – Rezone to RE1 Public Recreation Zone - 9.667 ha

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Comment: The inconsistency with Direction 5.2 Reserving Land for Public Purposes has been justified and is of minor significance.

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Item 16 Malbec Drive, Murrumbateman Lots 136, 174, 177 DP 12668670 – Align the minimum lot size with the cadastre and R5 zone map

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Comment: No inconsistencies with Section 9.1 Directions

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Item 17 Amend the Heritage Map - Lot 2 DP 1229389 and Lot 1 DP 128070 Murrumbateman Road - Align heritage item I115 (Kirkdale Shearing Shed) with the cadastral boundaries of Lot 1 DP 1033480 consistent with Schedule 5 by removing HI over small slivers of Lot 2 DP 1229389 and Lot 1 DP 128070

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Comment: No inconsistencies with Section 9.1 Directions.

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### 3.3 State environmental planning policies (SEPPs)

The housekeeping planning proposal is consistent with all relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The housekeeping amendments seek to rectify anomalies or make minor changes to the LEP maps and are not anticipated to have significant environmental impacts.

### 4.2 Social and economic

The housekeeping amendments seek to rectify anomalies or make minor changes to the LEP maps and are not anticipated to have significant social or economic impacts.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 10 working days and has acknowledged that consultation is required with the Local Aboriginal Lands Council (see Item 11).

Council has also indicated that where items relate to specific sites the landowners will be notified directly.

Some sites are also Crown Land and therefore the proposal should be referred to Crown Lands.

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

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Crown Lands
- Onerwal Local Aboriginal Land Council

## 6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

No additional comment required.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is seeking to undertake minor housekeeping amendments the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions because the changes proposed by the housekeeping planning proposal do not raise any significant state or regional planning issues and the amendments have been justified. The changes will result in improvements to the LEP.

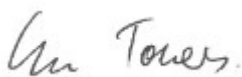
## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 5.2 Reserving Land for Public Purposes are minor or justified.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation is required with the following public authorities:
  - NSW Crown Lands
  - Onerwal Local Aboriginal Lands Council
2. The planning proposal should be made available for community consultation for a minimum of 10 working days.
3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



4/4/23

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