



IRF25/1293

Gateway determination report – PP-2024-1167

Amendment of Minimum Lot Size at 3047 and 3071
Barton Highway, Murrumbateman

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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
Appendix A Detail Survey of Lots 2&3 DP236491 - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix B Proposed Plan of Subdivision for Lot 3 DP236491 - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix C Proposed Plan of Subdivision for Lot 2 DP236491 - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix D Overall Proposed Plan of Subdivision Showing Constraints - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix E Proposed Plan of Subdivision in relation to Surrounding Land - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix F Civil Engineering Drawings - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix G Traffic Impact Assessment Report - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix H BDAR for Lot 3 DP236491 - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix I BDAR for Lot 2 DP236491 - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix J Land Capability Assessment - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix K Bushfire Assessment Report - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix L Preliminary Site Investigation - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix M Due Diligence Assessment for Lot 3 DP236491 - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix N Due Diligence Assessment for Lot 2 DP236491 - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167
Appendix O Certificates of Title and Deposited Plans - 3047 & 3071 Barton Highway Murrumbateman PP-2024-1167

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Yass Valley
PPA	Yass Valley Council
NAME	Amendment of Minimum Lot Size at 3047 and 3071 Barton Highway, Murrumbateman
NUMBER	PP-2024-1167
LEP TO BE AMENDED	Yass Valley LEP 2013
ADDRESS	3047 and 3071 Barton Highway, Murrumbateman
DESCRIPTION	Lots 2 and 3, DP236491
No of Additional Lots	Approximately 15 additional lots (reducing 2ha MLS to 1 ha MLS)
RECEIVED	27/05/2025
FILE NO.	IRF25/1293
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 are to amend the Yass Valley LEP 2013 to facilitate development of appropriate density in the residential area south of Murrumbateman village by lowering the minimum lot size. The change in minimum lot size would result in the potential development of 30 lots.

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

Control	Current	Proposed
Minimum lot size (R5 Zone)	2ha	1ha

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 is located on the southern side of Murrumbateman, approximately 4.5km to Murrumbateman Village, 23km to Yass and 35km to Canberra. It is located along the western side of the Barton Highway. The surrounding environment includes large lot residential dwellings to the north, west and south, and rural dwellings and agriculture to the east across the Barton Highway. Access is provided from the Barton Highway.

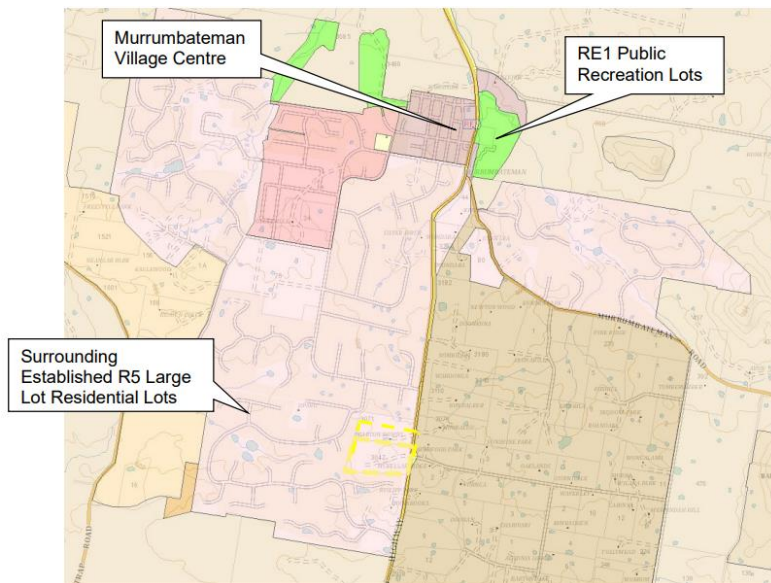


Figure 1 Local context (source: Planning Proposal)

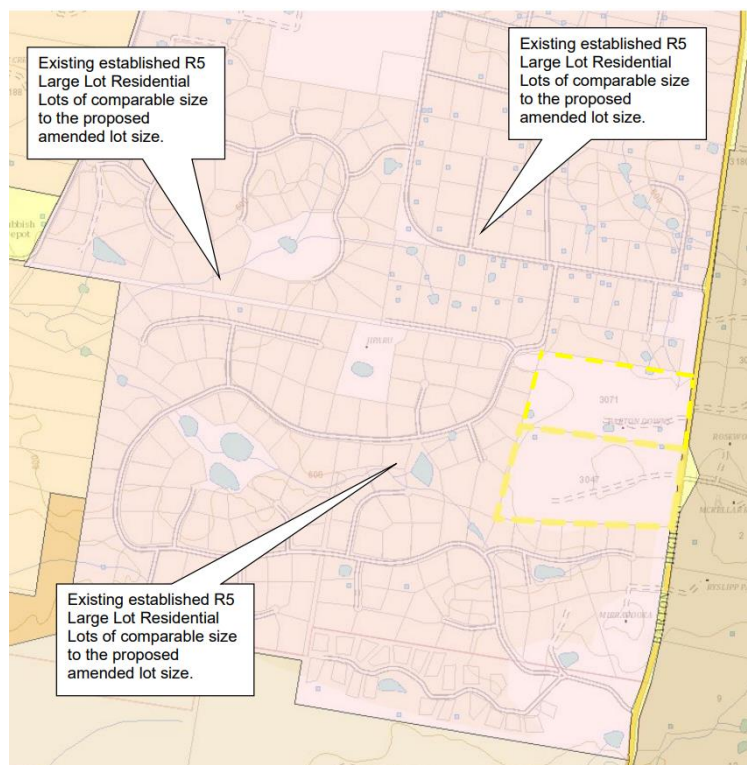


Figure 2 Site context (source: Planning Proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Minimum Lot Size maps, which are suitable for community consultation.

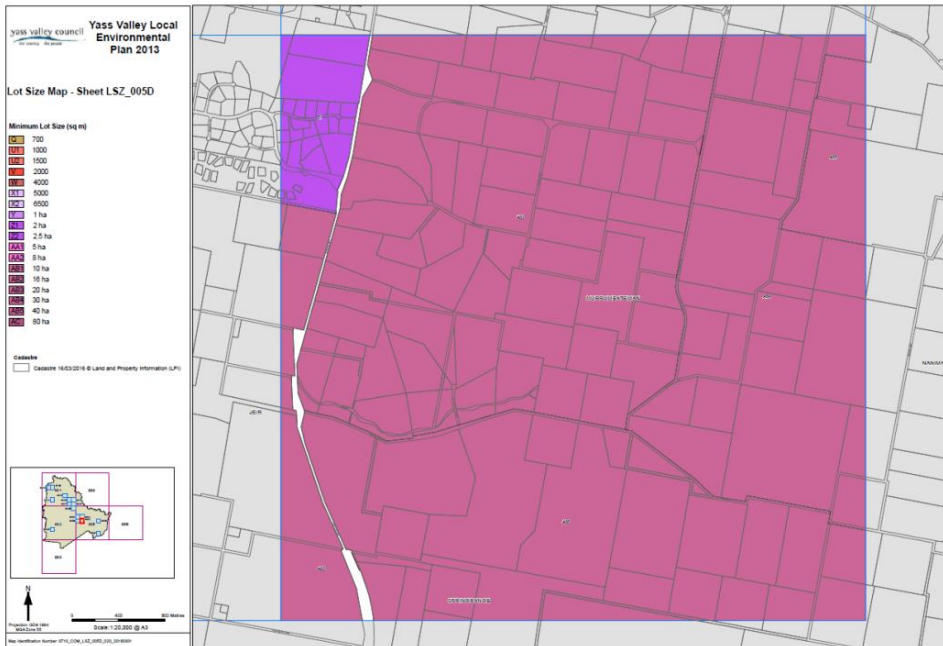


Figure 3 Current minimum lot size map

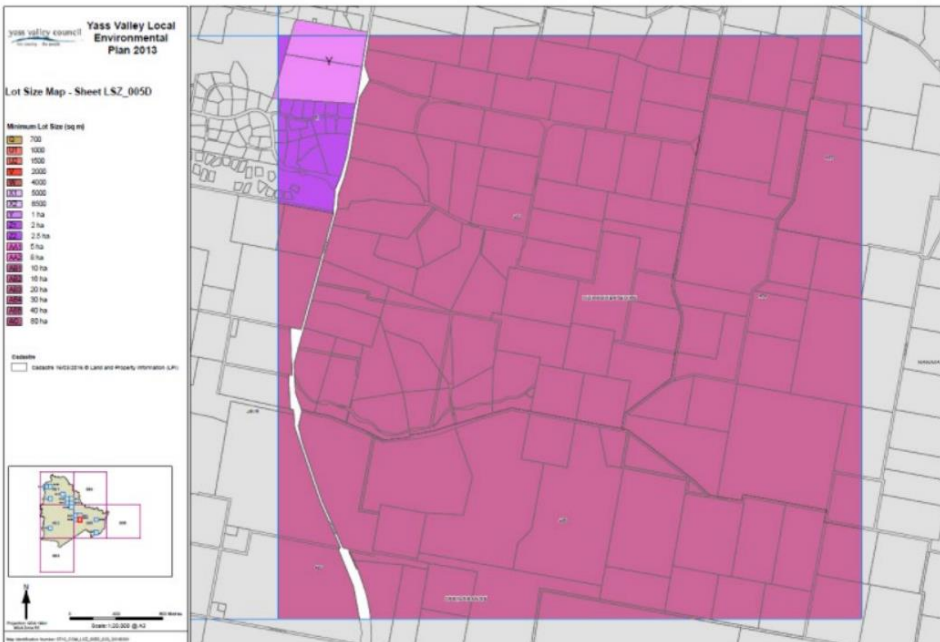


Figure 4 Proposed minimum lot size map

1.6 Background

Yass Valley Council (Council) received the Planning Proposal for the amendment of Minimum Lot Size at 3047 and 3071 Barton Highway Murrumbateman in July 2024. Council initially resolved to endorse the proposal subject to inclusion of a pedestrian connection from the site to the existing

street network, and provision of additional amenities in the form of a playground as part of the proposal.

In March 2025, the proponent requested Council review the decision in relation to the pedestrian connection and playground, due to difficulties and legal requirements causing delays. Council therefore resolved to endorse the Planning Proposal on 22 May 2025, with the condition for inclusion of a pedestrian connection and playground removed and replaced with “*the proponent is strongly encouraged to incorporate this footpath connection [...] into any future development application*”, with the understanding that the connection can be pursued at the development application stage.

2 Need for the planning proposal

The planning proposal is not a direct result of any approved local strategy, study or report. It is for land zoned rural residential and aligns with the Yass Valley Strategic Planning Strategy and Yass Valley Local Strategic Planning Statement (LSPS). The planning proposal has been initiated by a proponent with support from Yass Valley Council.

The planning proposal is needed to facilitate residential subdivision, permitting additional dwellings while remaining consistent with the neighbouring lots to the north, south and west. The changes would amend the minimum lot size of the site, potentially enabling 30 new lots.

3 Strategic assessment

3.1 Regional Plan

The proposal is consistent with the intent of the *South-East and Tablelands Regional Plan (SETRP) 2036* and the *Draft Southeast and Tablelands Regional Plan (Draft SETRP) 2041*.

The Regional Plan and Draft Regional Plan recognise the need for appropriately located housing growth. The proposal relates to Direction 24 and Direction 25 of the SETRP 2036, which aim to deliver greater housing supply and choice while focusing housing growth in locations that maximise infrastructure and services.

The following table provides an assessment of the planning proposal against relevant aspects of the *Draft Southeast and Tablelands Regional Plan 2041*.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Theme 2 Objective 9	The proposal will not result in any impact on water catchments, including no downstream impacts and/or impacts on groundwater sources, aligning with this objective.
Theme 4 Objective 17	The proposal will ensure new development takes advantage of existing infrastructure and services. It will increase housing diversity and density in a well-located area, aligning with this objective.

Regional Plan Objectives	Justification
Theme 4 Objective 20	<p>The proposal will ensure new development is positioned near an existing urban settlement (Murrumbateman). The site includes bushfire prone land (BPL) and is supported by a Bushfire Assessment Report which establishes the proposal will comply with the relevant guidelines and requirements. The site also includes flood prone land.</p> <p>Overall, it is considered that the proposal is generally consistent with this objective, specifically Strategy 20.1: <i>Ensure [the development is] not at risk from natural hazards.</i></p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies, including the *Yass Valley Settlement Strategy 2036* and *Yass Valley Local Strategic Planning Statement 2020*. It is largely consistent with the strategic principles, priorities and aims of both strategies, including:

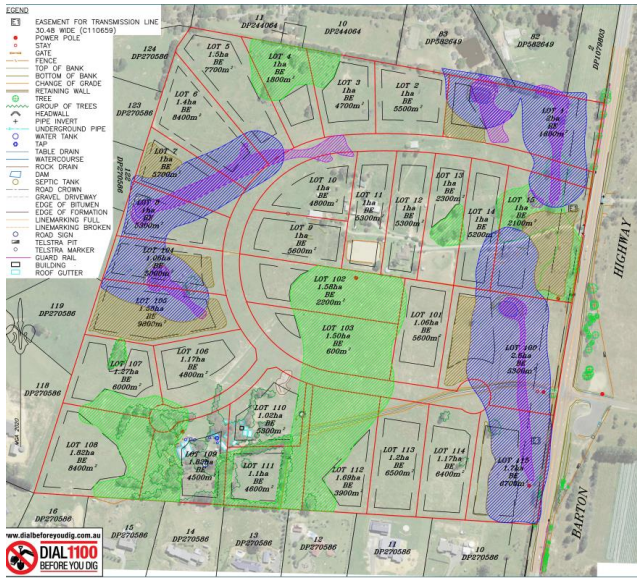
Focus growth in Yass and Murrumbateman, provide for a diversity of choice in residential land and dwelling types in a range of appropriate locations, future development should be appropriately located in relation to the ability to provide infrastructure and services, future development should complement existing settlement structure, future development should strengthen the efficient use of infrastructure, future development should be designed and located to minimise impacts on the environment.

3.3 Section 9.1 Ministerial Directions

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

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	As discussed in section 3.1 the proposal is generally consistent with the SETRP 2036 and the Draft SETRP 2041
3.1 Conservation Zones	Inconsistency justified	<p>The proposal is inconsistent with this direction as it seeks to reduce the conservation standards of the site, including land identified as "Biodiversity" on the <i>Yass Valley LEP 2013 Natural Resources Biodiversity Map</i>. However, this inconsistency is justified as two Stage 1 Biodiversity Assessment Method (BAM) reports were prepared for the site and the proposal is based on the conclusions.</p> <p>Referral to Biodiversity and Conservation will also ensure the environmental impacts of the proposal are considered.</p>
3.2 Heritage Conservation	Yes	The proposal includes two Aboriginal Cultural Heritage Due Diligence Assessments that conclude: <i>As a result of the site visit, field survey of impact areas and background research, it is considered that the project has low potential to impact on</i>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<i>unrecorded Aboriginal heritage sites or areas of PAD. No Aboriginal or historical heritage sites or areas of PAD were recorded or identified as a result of the assessment. No known heritage impacts will result from the proposal.</i>
4.1 Flooding	Inconsistency not justified and further information required	The proposal includes land identified as flood prone land in the Murrumbateman, Bowning, Bookham and Binalong Flood Study. The flood affected land is not identified in the proposal, and no flood impact assessment is provided. A requirement for a Flood Impact Risk Assessment (FIRA) is recommended to be included as a condition of the gateway determination. It is also recommended that the consultation be undertaken with DCCEEW concerning flooding.
4.3 Planning for Bushfire Protection	Unknown - consultation with the Commissioner of the NSW Rural Fire Service required	<p>The proposal is generally consistent with the Direction, having regard to Planning for Bushfire Protection (2019) and included assessment against the Direction. The proposal has also included assessment of the specific objectives of Planning for Bush Fire Protection, which would be further considered and included as requirements at any future development stage.</p> <p>However, the proposal does not meet the requirements of subsection 3 of the Direction as access and egress to the concept subdivision is one way. The report recommends the provision of a gated emergency access and egress road exiting onto the Barton Highway through the proposed Lot 100, seen in Appendix D and Figure 5 below.</p>  <p>Figure 5 subdivision plan for the site (source: Planning Proposal)</p> <p>As part of the site is mapped as bush fire prone land (see section 4.1), Council must consult with the Commissioner of the NSW Rural Fire Service following receipt of the Gateway determination</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		and prior to undertaking community consultation. This forms part of the Gateway Conditions. Until this consultation has occurred the consistency with this Direction is considered unresolved. The consultation should address the non-compliance with subsection 3 of the Direction.
4.4 Remediation of Contaminated Land	Yes	A preliminary site investigation has been provided, which determines the site does not include contaminated lands.
5.1 Integrating Land Use and Transport	Yes	A traffic impact assessment has been provided, which concludes there is no reason the development should not proceed subject to implementation of various recommendations. Council is the authority of all surrounding local roads and further details and implementation of any recommendations can be undertaken at any future development application stage.
6.1 Residential Zones	Yes	The proposal would facilitate residential houses by supporting sustainable development, utilising existing infrastructure while retaining some biodiversity. The proposal will not result in residential development without adequate servicing including water supply and sewage treatment.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity and Conservation	Consistent	<p>The proposal will enable clearing of native vegetation in non-rural areas. The land is not identified as “Allowable clearing land” in the Allowable Clearing Map. However, the proposal has minimised vegetation clearing, and tree removal will be further considered at the development application stage. A Biodiversity Development Assessment Report has been provided with the planning proposal.</p> <p>The site is identified as potential Koala habitat due to its location in the Yass Valley LGA and includes trees belonging to the koala use tree species listed in Schedule 2 for the <i>Southern Tablelands Koala Management Area</i>. A recent Koala record exists approximately 8km south-east of the subject land.</p> <p>However, the site is not identified as core koala habitat, defined within Chapter 4 of the SEPP. The BDAR states the proposal is therefore unlikely to have any impact on koalas or koala habitat</p>

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		The Department is satisfied that the proposal therefore does not impact on the operation of the SEPP.
Transport and Infrastructure	Consistent	<p>The site includes a frontage onto a classified road (Barton Highway). The SEPP requires any development to consider safe access to and operation of the classified road (s.2.119).</p> <p>The proposal is accompanied by a Traffic Impact Assessment Report which concludes the proposal will not have any adverse effect on the operation of the Barton Highway. The proposal therefore does not impact on the operation of the SEPP.</p>
Resilience and Hazards	Consistent	The proposal includes a Preliminary Site Investigation that concludes the site does not include contaminated lands and therefore does not impact on the operation of the SEPP.
Housing	Consistent	The proposal does not impact on the operation of the SEPP.

4 Site-specific assessment

4.1 Environmental

The following provides an assessment of the potential environmental impacts associated with the proposal not already addressed in this assessment

4.1.1 Biodiversity

A portion of the site is classified as Box Gum Woodland identified under the *Biodiversity Conservation Act 2016* (BC Act).

The proposal will enable clearing of 8.81 ha of native vegetation Biodiversity and Conservation Act including 8.11 ha of BC Act Box-Gum Woodland and 4 mature trees. However, 74 percent and 86 percent of the two lots that make up the subject site do not support any biodiversity values, and 16 native trees will be retained.

A BDAR is provided with the proposal, and the vegetation clearing will be assessed as part of the development application process.

It is recommended that consultation be undertaken with DCCEEW Biodiversity and Conservation on the impact of the proposal on biodiversity.

4.1.2 Flooding

The site is identified as flood prone, as detailed in section 3.3 Ministerial Directions. Additional information on flood mapping has been provided by Yass Valley Council to identify flood prone land however the proposal has not included a flood impact risk assessment study.

To identify the level of impact it is recommended that the Gateway determination include a condition requiring the preparation of Flooding Impact Risk Assessment (FIRA) prior to consultation with agencies and community consultation. **Figure 6** shows the extent of flood prone land on the site in the event of a Probable Maximum Flood (PMF).

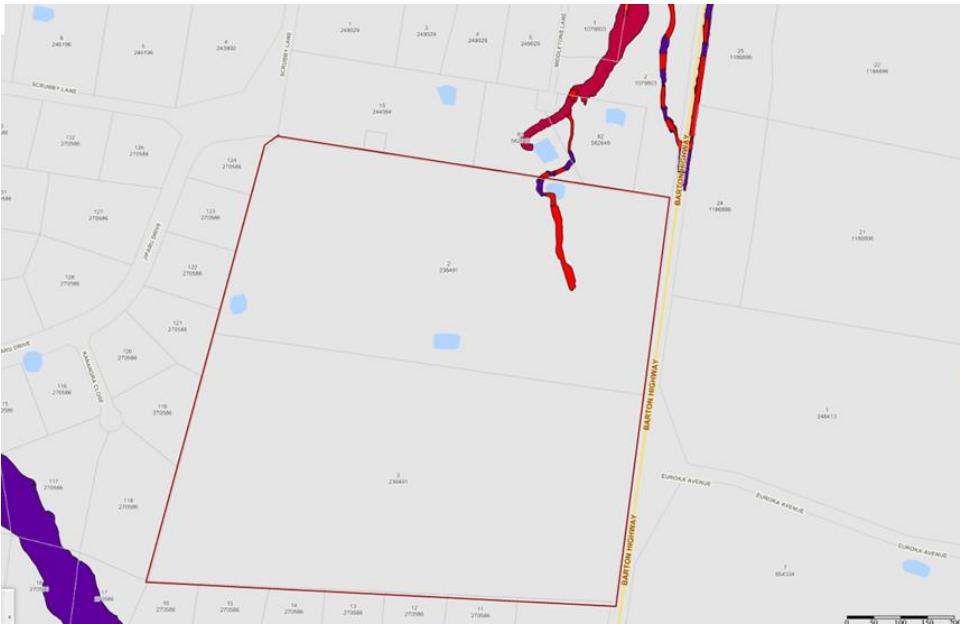


Figure 6 Floodway in the event of a PMF (source: Yass Valley Council)

4.1.3 Bushfire

The site is identified in the planning proposal as category 3 bushfire prone land.

The proposal includes a bushfire assessment report which indicates a low to moderate bushfire threat in the surrounding environment. The report further indicates future development could comply with Planning for Bushfire Protection (2019). Consultation with the NSW Rural Fire Service is required under Direction 4.3 Planning for Bushfire Protection and forms part of the Gateway conditions (see section 3.3, Ministerial Directions).

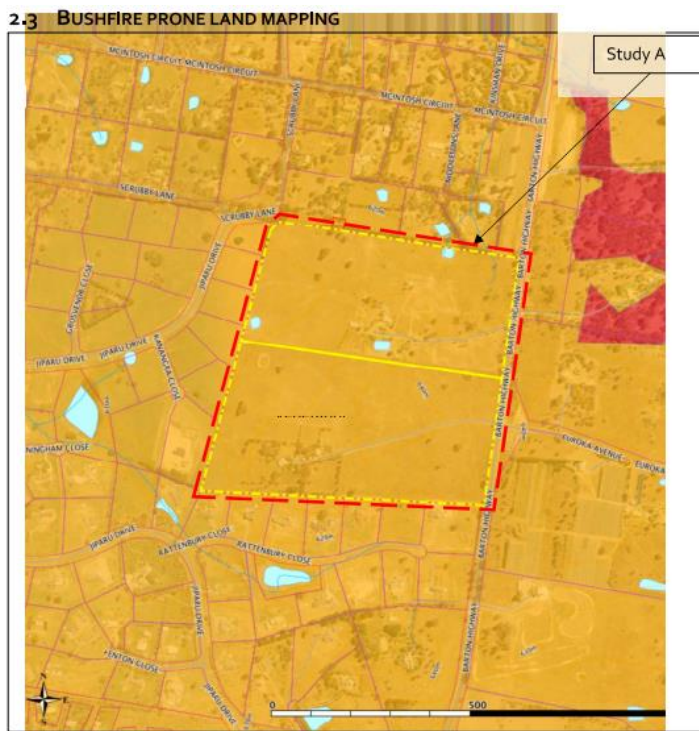


Figure 7 Bushfire prone land near the site (source: Planning Proposal)

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 7 Social and economic impact assessment

Social and Economic Impact	Assessment
Aboriginal Heritage	Aboriginal Cultural Heritage Due Diligence Assessment report is included with the planning proposal. The report concluded the proposal has low impact on Aboriginal heritage sites or areas of PAD, and there were no sites or PADs recorded or identified as a result of the assessment.
Social and economic (supply and demand)	The proposal states it is expected to have a positive social and economic effect by facilitating the development of the site for residential purposes, ultimately offering a choice of housing without adverse environmental impacts. The site can be seen as a logical expansion of the existing residential area and would likely not have a significant impact on the adjoining land.

4.3 Infrastructure

The proposal states:

“The site is currently serviced by all essential services and infrastructure. Certain infrastructure such as the extension and installation of power will be required to be upgraded to service the future development lots. This would be determined at the future development application stage in consultation with the relevant utility authorities”.

The proposal includes a Land Capability Assessment which confirms each lot can be serviced by a private water treatment system and the lots will not be serviced by or impede on Councils reticulated water and sewer networks.

High level infrastructure needs and requirements will be assessed during consultation periods following Gateway determination. A follow up development application for subdivision purposes will require detailed infrastructure design.

5 Consultation

5.1 Community

The planning proposal is categorised as standard under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

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

- DCCEWW Biodiversity, Conservation and Sciences Division
- NSW Rural Fire Service
- Transport for NSW

6 Timeframe

Council does not propose a time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 26 June 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

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 for a local level LEP amendment 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 for the following reasons:

- The site is already zoned for rural residential development.
- It continues to facilitate rural residential development and is unlikely to raise significant regional planning issues or environmental impact

As discussed in the previous sections 3.3 and 4.1, the proposal must be updated before consultation to include a Flood Impact Assessment Report prior to community consultation and consultation with agencies.

9 Recommendation

It is recommended the delegate of the Secretary:

- Form the view that the inconsistency with Direction 3.1 is justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction.
- Note that the consistency with section 9.1 Directions 4.1 Flooding and 4.3 Planning for Bushfire Protection are unknown. Consultation with relevant state agencies will determine if justification is required for any inconsistencies with Direction 4.1 or 4.3.

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

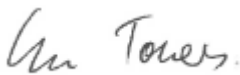
The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to include a Flood Impact Risk Assessment is required to be provided prior to community consultation and consultation with state agencies to determine the level of flood impact of the development and to confirm consistency with Ministerial Direction 4.1 Flooding.
2. Consultation is required with the NSW Rural Fire Service is required prior to community consultation.
3. Consultation is required with the following public authorities:

- DCCEEW Biodiversity, Conservation and Sciences (biodiversity and flooding)
 - Transport for NSW (Impact of Barton Highway)
 - TransGrid (electricity easements).
4. The planning proposal should be made available for community consultation for a minimum of 20 working days

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority.

The timeframe for the LEP to be completed is on or before 26 June 2026



24/6/25

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